



# OTAGO PROVINCIAL GOVERNMENT GAZETTE.

PUBLISHED BY AUTHORITY.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.

JOHN L. C. RICHARDSON, Superintendent.

Vol. IV.]

WEDNESDAY, MARCH 5, 1862.

[No 167.

## PROCLAMATION,

WHEREAS by Warrant under the hand of Thomas Gore Browne, Governor and mander-in-Chief in and over Her Majesty's Colony of New Zealand, dated at Auckland the eighth day of June, in the year of our Lord one thousand eight hundred and sixty-one, and issued under the Seal of the said Colony, by and with the advice and consent of the Executive Council thereof, and in exercise of the power and authority for that purpose in him vested, did thereby delegate absolutely and without restriction unto me,

JOHN LARKINS CHEESE RICHARDSON, as Superintendent of the Province of Otago, all the powers vested in him under or by virtue of the "Goldfields Act, 1858," except the powers contained in sections 7, 8, 15, 27 and 40 of the said Act, to have, hold, and exercise the powers within the Province of Otago thereby given.

And whereas by Clause XII. of the said Act it is enacted that upon petition of not less than one hundred persons holding Miners' Rights or Leases under the said Act, at any Goldfield, and having held such Rights or Leases for not less than three calendar months, it shall be lawful for the Governor in Council by Proclamation to declare such Goldfield, or any part thereof containing not less than one hundred persons holding Miners' Rights or Leases, to be a district for the purpose of forming a Mining Board, with the powers and authority thereinafter described; and to declare the name of such district, and define the limits thereof; and after the publication of any such Proclamation the locality so described shall be and become a Mining District for the purposes aforesaid.

And whereas by clause XIII of the said Act it is enacted that the Governor, by order in Council, shall from time to time prescribe what shall be the number of members of each such Mining Board, what qualification shall be required to render them eligible; who shall act as returning officer; when, where, and in what manner the elections of such members shall be conducted; in what manner erroneous returns shall be corrected; for what period such member shall be elected; when, and in what manner, vacancies in any Mining Board shall be created, and how the same shall be filled up; and generally shall make provision for ensuring the orderly, effective, and impartial conduct of the electors of members of such Mining Board.

And whereas more that one hundred persons holding miners' rights under the said Act, at the Tuapeka gold-field, in the Province of Otago, and having held such miners' rights for not less than three calendar months, have preferred their petition to me, praying that I would issue the necessary instructions for the information of a Board of Miners.

Now, therefore, I, John Larkins Cheese Richardson, by virtue of the powers so delegated to me as aforesaid, do hereby proclaim and declare that Wetherston's and Gabriel's Gullies, and the lands adjacent thereto, shall be a district of the said gold-field for the purpose of forming a Mining Board, with the powers and authority in the said Act described. And I, hereby further declare the name of such district to be Gabriel's District, and I define the limits of the said district to be the following, viz:—Towards the west and north the boundary of the Tuapeka gold-field, towards the north-east the Waipori river and the boundary

of run numbered 57 on the map of the north-eastern Pastoral Districts of the Province, and towards the south-east, the Watershed between the Tuapeka and Waitahuna rivers.

And I do hereby prescribe as follows:—

1st. Seven shall be the number of the members of the said Mining Board.

2nd. No person shall be qualified to be a Member of the said Board unless he shall be of the full age of twenty-one years, holding a miner's right or lease, and being a natural born or naturalized subject of the Queen, and resident within the said District.

3rd. Edward Croker, Esq., shall act as Returning Officer for the said District.

4th. The Chairman of such Board shall be elected by and from the Members thereof, and every Member of such Board shall continue in office until his successor shall be elected as hereinafter mentioned. But notwithstanding anything hereinbefore contained, it shall be lawful for any Member of the Mining Board, by writing under his hand, addressed to the returning officer, to resign his seat in such Board, and the same shall thereupon become vacant from the time of the receipt of such writing by the said returning officer.

5th. The first general election of Members in the said District shall take place on Thursday, the 24th day of April next, and on the last Thursday in the month of April. In every subsequent year, seven other Members shall be elected to serve on such Board, in lieu of those previously elected, and whenever any seat in any Board shall become vacant in the interval, between two General Elections, by death, resignation, or want of such qualification as aforesaid, a Member shall be elected to fill such vacancy.

6th. Every male person of the full age of twenty-one years, holding a Miner's Right, or Lease, and being a natural born or naturalized subject of the Queen, and resident within the said District, shall be entitled to vote at every Election for as many members as are then to be returned for the said District.

7th. One month, at least, before the said first, or any subsequent Election, the returning officer shall give public notice of such Election, requiring the names of all candidates, and of their proposers, to be forwarded to him within such time not less than fourteen days from the time of giving such notice as shall be named in such notice. And any person desirous of nominating a candidate for the said District, shall within the time named in such notice, forward to the returning officer in writing the Christian and surname of such candidate, and such nomination shall be signed by not less than five persons qualified to vote at such election. And no person shall be capable of being elected at any such election unless he shall have been proposed in manner above mentioned. And his name as a candidate shall have been published fourteen days before such election in some newspaper circulated in the said district.

8th. If the number of candidates nominated as aforesaid for the said District shall not exceed the number to be elected, the returning officer shall, at the said first or or any subsequent election, declare such candidates to be duly elected accordingly; but if the number of such candidates shall exceed the number of members to be elected at any such election,

the returning officer shall cause voting papers to be printed with the Christian and surnames of all the candidates in full in the form in the schedule hereto, and shall give public notice that a poll will be taken for the election of members on the day appointed for that purpose. And on that day a poll shall be taken at such place within the said district as the returning officer shall direct, and the poll shall commence at nine o'clock in the forenoon, and close at four o'clock in the afternoon.

9th. The returning officer shall preside at such polling place, and shall have power and authority to maintain and enforce order, and keep the peace at such election, and without any other warrant than this proclamation, to cause to be arrested and taken before a Justice of the Peace, to be dealt with according to law, any person reasonably suspected of knowingly and wilfully making a false answer to any question touching his qualification, or of personating, or attempting to personate, any voter, or of attempting to vote more than once at the said election.

10th. Each candidate shall be entitled to appoint in writing one scrutineer to be present in the polling room, and such scrutineers and the returning officer, and any electors not exceeding six in number, shall alone be permitted at any one time to enter or remain in the polling room without the consent of the returning officer, and the returning officer shall have power to cause any person to be removed who shall obstruct the approaches to the polling room, or shall conduct himself in a disorderly manner. And all constables and peace officers shall aid and assist the returning officer in the performance of his duty.

11th. The returning officer shall provide a locked box with a cleft or opening therein capable of receiving the ballot papers, and such box shall stand on a table opposite the returning officer, who shall keep the key of such box.

12th. Every elector before voting shall produce his miner's right or lease to the returning officer who shall stamp or otherwise mark the same and shall deliver to such elector a ballot paper with such stamp or mark, and every such elector shall without leaving the room strike out the names of every candidate for whom he shall not desire to vote, and in case any elector shall be unable to read or write, the returning officer shall in view of such one of the scrutineers as such elector may desire, strike out the names of such candidates as such elector may designate, and after such names shall have been so struck out, the voting paper shall be deposited in the said box.

13th. It shall be lawful for the returning officer, or for any one candidate or scrutineer, to put to any person tendering his vote the questions following,—

1. Are you of the age of twenty-one years?
2. Are you residing in this district?
3. Are you a natural born or naturalized subject of the Queen?
4. Are you the person named in this miner's right or lease?
5. Have you already voted at this election?

And no other question shall be put to any person tendering his vote, and no person who shall refuse to answer any such questions, or who shall not answer the same to the satisfaction of the returning officer, or whose miner's

right or lease shall have thereon, when first produced as aforesaid, such stamp or mark as aforesaid shall be permitted to vote.

14th. Immediately upon the close of the poll the returning officer shall proceed in the presence of the scrutineers of the candidates to ascertain the number of votes for each candidate, and such returning officer shall as soon as conveniently can be after the day of the poll give public notice of the number of votes given to each candidate, and shall declare the candidates who have received the greatest number of votes not exceeding the number to be elected, to be duly elected. And if two or more candidates shall have received an equal number of votes, the returning officer shall have the casting vote.

15th. When the proceedings at any such elections shall be interrupted or obstructed by any riot or open violence, the returning officer shall not finally close the poll, but shall adjourn the taking of the poll to the day following, and, if necessary, the returning officer shall further adjourn such poll until such interruption or obstruction shall have ceased, when the returning officer shall again proceed with the taking of the poll.

16th. The said Mining Board shall hold its first meeting on the second Tuesday after every general election, and shall have power to adjourn from time to time, but it shall be lawful at all times for the Chairman to convene a special meeting of such Board on giving fourteen days' notice thereof by advertisement in one or more newspapers, published or circulating in the said district.

17th. At the first meeting of the said Mining Board, after any general election, whenever the office of chairman of any such board shall become vacant, the members of the said board shall proceed to the election of a chairman, and the member who shall receive the greatest number of votes shall be the Chairman, but no member shall be entitled to vote for himself; and in case any two or more members shall receive an equal number of votes, the Chairman shall be selected from such members by lot.

18th. Any five members of the Board shall form a quorum, and all questions before the Board shall be determined by the majority of votes, provided that the Chairman shall have no vote, unless in case of an equality of votes, when he shall have a casting vote; and provided also that in case a quorum shall not assemble within one half hour after the time appointed for any meeting, or having so assembled shall disperse, the Board shall stand adjourned till the next day at the same hour.

19th. In case of the absence of the Chairman it shall be lawful for the members present, being a quorum, to appoint an Acting-Chairman, who, during such absence, may exercise the powers of the Chairman.

The schedule above referred to:—

Mining District of

Candidates names.

A. B.

C. D.

&c., &c.

The voter is to strike out the name or names of the candidates for whom he does not intend to vote by drawing a line through the same with a pen or pencil.

He must be careful not to leave uncanceled the names of more than the number of candidates to be elected, otherwise his ballot paper will be invalid.

The ballot-paper so marked by or for the voter is to be dropped by him into the ballot-box.

The voter is not to be permitted to take his ballot-paper out of the polling-room.

Given under my hand and issued under the public seal of the Province of Otago, at Dunedin, this fifth day of March, in the year of our Lord one thousand eight hundred and sixty-two.

J. L. C. RICHARDSON,  
Superintendent.

By command,

JOHN H. BIRD,  
Provisional Secretary.

