



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 12, 1862.

[No 168.

(From the New Zealand Gazette, Jan. 2, 1862.)

Colonial Secretary's Office,
Auckland, 3rd Jan., 1862.

HIS Excellency the Governor has been pleased to appoint

JOHN PATON

to be a Pilot at the Port of Otago.

HENRY SEWELL,
In the absence of Mr. Fox.

(From the New Zealand Gazette, Jan. 8, 1862.)

ORDER IN COUNCIL

Delegating to Superintendent of Otago certain Powers under "Gold Fields Act."

By His Excellency SIR GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over the Colony of New Zealand, &c., &c., &c., with the advice and consent of the Executive Council of the said Colony.

WHEREAS by the Fifteenth Section of the Gold Fields Act, 1858, it was enacted that it should be lawful for the Governor by Order in Council, from time to time to constitute for any Gold Field, or for any part thereof, Wardens' Courts for the administration of justice therein, and to appoint Wardens as Judges of such Courts, with power to act alone, or with Assessors or

Juries, and in such manner and to exercise all or any of the powers in the said Act mentioned, as the Governor should think fit to direct. And by the Forty-first Section of the same Act it was further enacted that it should be lawful for the Governor in Council under his hand and the Public Seal of the Colony, from time to time to delegate to the Superintendent of any Province, or to such other person as the Governor should deem fit, all or any of the powers vested in the Governor or the Governor in Council by the said Act, except as in the said Act is excepted, but not excepting the powers vested in him by the said Fifteenth section, subject or not to any limitations or restrictions as he might think fit: And by the Twenty-seventh section of the same Act it was enacted that it should be lawful for the Governor in Council from time to time to make, alter, and revoke Rules regulating the Procedure and Practice in the Courts to be established under the said Act, and in cases of appeal therefrom, and also to fix the fees to be taken in respect of proceedings therein;

Now His Excellency the Governor doth by this Instrument under his hand and under the Public Seal of the Colony, and with the advice and consent of his Executive Council, delegate to John Larkins Cheese Richardson, Esquire, Superintendent of the Province of Otago, so long as he shall continue Superintendent of such Province, but no longer, the powers contained in the said Fifteenth section of the said recited Act, subject to the Regulations first hereunder written.

And His Excellency the Governor doth by this Order in Council make the Regulations secondly hereunder written for the Practice and Procedure of Wardens Courts of Gold-fields heretofore and hereafter to be established under the said Act.

Regulations Firstly before referred to.

All acts and appointments done and made by the said Superintendent under the foregoing delegation shall be provisional until the same shall have been confirmed and allowed by the Governor, and the Governor shall have power to disallow the same.

The Superintendent shall report without delay to the Governor all such acts and appointments.

The Superintendent shall lay before the Provincial Council of the said Province every such act and appointment at the Session of the said Council next following.

The Provincial Council of the said Province may through their Speaker transmit to the Governor any Resolution respecting any such act or appointment.

Regulations Secondly before referred to.

The Practice, Procedure, and Fees of the said Wardens' Courts and in cases of appeal from such Courts shall be as nearly as may be the same as the Practice, Procedure, and Fees, in the Resident Magistrates' Courts, in the Colony of New Zealand, and in cases of appeals from such Courts.

Given under my hand, at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this eighth day of January, in the year of Our Lord One thousand eight hundred and sixty-two.

G. GREY.

By the advice and consent of the Executive Council.

WILLIAM FOX.
HENRY SEWELL.

(From the New Zealand Gazette, Jan. 14, 1862.)

Colonial Secretary's Office,
Auckland, 13th January, 1862.

THE following Bills passed by the Provincial Council of the Province of Otago, intituled

"The Dunedin Roads and Streets Ordinance, 1861,"

"The Appropriation Ordinance, 1861,"

having been laid before the Governor, His Excellency has been pleased to leave the same to their operation.

WILLIAM FOX.

Colonial Secretary's Office,
Auckland, 13th January, 1862.

THE following Bill, passed by the Provincial Council of the Province of Otago, intituled

"Provincial Council Extension Ordinance, 1861,"

which Bill was reserved for the signification of the Governor's pleasure thereon, having been laid before the Governor, His Excellency has been pleased to assent to the same.

WILLIAM FOX.

Attorney General's office,
Auckland, 13th January, 1862.

HIS Excellency the Governor has been pleased to direct that the names of the undermentioned gentlemen should be added to the Commission of the Peace:—

Gorst, John Eldon, Esq., Waikato;
William Baldwin, Esq., Otago;
Charles Mellisop, Esq., Manku, Auckland;
George Elliott Bloitt, Esq., Auckland;
Henry Douglas Morpeth, Esq., Mongonui;
Matthew Scott, Esq., Southland;
Samuel Hodgkinson, Esq., Southland;
Robert Raeburn, Esq., Wanganui;
William H. Perston, Esq., Wanganui;
Duncan M'Kenzie, Esq., Waipara;
Michael Fitzgerald, Esq., Napier;
James Duff Hewett, Esq., Wanganui;
Matthew Holmes, Esq., Southland;
John Handley, Esq., Wanganui;
Walter Buller, Esq., Wellington;
Samuel A. Cusack, Esq., Nelson;
Henry Tuckey, Esq., Nelson;
John Stanley, Esq., Wangapeka;
George Manners Mitford, Esq., Russell;
Robert Wilkin, Esq., Christchurch;
John Thomas Brown, Esq., Canterbury;
Andrew Hunter Cunningham, Esq., Canterbury;
John Newton Watt, Esq., Taranaki;
Edwin Meredith, Esq., Wellington;
John Moore, Esq., Wellington;
Henry Colin Balneavis, Esq., Auckland.

HENRY SEWELL.

Attorney General's Office,
Auckland, 13th January, 1862.

HIS Excellency the Governor has been pleased to appoint

WM. BALDWIN, Esq., J.P., of Otago,
to be a Resident Magistrate.

HENRY SEWELL.

Attorney-General's Office,
Auckland, 13th January, 1862.

HIS Excellency the Governor has been pleased to appoint

EDWARD CROKER, Esq., J.P., of Otago,
to be a Resident Magistrate.

HENRY SEWELL.

Attorney-General's Office,
Auckland, 13th January, 1862.

HIS Excellency has been pleased to accept the resignation of

J. H. HARRIS, Esquire,

of his office of Judge of the District Court of Otago.

HENRY SEWELL.

Attorney-General's Office,
Auckland, 13th January, 1862.

HIS Excellency has been pleased to appoint

A. CHETHAM STRODE, Esquire,
Resident Magistrate, to be stationed at Dunedin.

HENRY SEWELL.

Attorney-General's Office,
Auckland, 13th January, 1862.

HIS EXCELLENCY has been pleased to accept the resignation of
J. H. HARRIS, Esquire,
of his office of Resident Magistrate.
HENRY SEWELL.

Office of Commissioner of Customs,
Auckland, 13th January, 1862.

HIS EXCELLENCY the Governor has been pleased to appoint
THOMAS WINDLE PARKER, Esquire,
to be Sub-Collector of Customs at the Port of Oamaru.

READER WOOD.

(From the New Zealand Gazette, Jan 20, 1862.)

AT THE GOVERNMENT HOUSE AT AUCKLAND, THE 16TH DAY OF JANUARY, 1862.

Present:—

HIS EXCELLENCY THE GOVERNOR.
THE HON. THE COLONIAL SECRETARY.
THE HON. THE ATTORNEY-GENERAL.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Militia Act, 1858," it is enacted that it shall be lawful for the Governor in Council from time to time to make, vary, and abolish Regulations under which the services of Volunteers shall be accepted in any Militia District; Now, therefore, His Excellency the Governor, with the advice and consent of the Executive Council of the Colony, and in exercise of the powers in this behalf vested in him by the said recited Act, doth hereby make and ordain the following Regulations under which the Services of Volunteers shall be accepted in any Militia District within the Colony:—

1. All such Regulations heretofore made are hereby abolished.

2. There shall be no limit to the term of service of any Volunteer. Provided that any Volunteer shall be entitled to be discharged at the expiration of One Month's notice in writing given by him to the Officer Commanding the body of Volunteers to which he may belong of his own desire to be so discharged; and, in case such Officer Commanding shall be satisfied that urgent necessity exists for the discharge of any such Volunteer before the expiration of the said Month's notice, he may give him his discharge accordingly.

3. Every Volunteer shall attend to be trained and exercised at such time and places as shall be appointed by notice in any Gazette or Newspaper, or by verbal order issued by or by the authority of the Officer Commanding the body of Volunteers to which he may belong: Provided always that no Volunteer shall be compelled to attend more than one hundred and sixty-eight hours in anyone year.

4. No Volunteer shall be absent during any part of any time appointed for training and exercise; and every Volunteer who shall offend against this Regulation shall for such offence forfeit and pay any such sum not exceeding One Pound, as shall be fixed by the Officer Commanding, as aforesaid, which sum so fixed shall be recoverable in a summary way by any Officer of the body of Volunteers to which the person so offending may belong.

5. No Volunteer who shall, previous to the issue of a Summons under the foregoing Regulations, produce to such Officer, commanding as aforesaid a Certificate signed by a

duly qualified Medical Practitioner that such absence was unavoidably caused by illness, or satisfy the Commanding Officer of his illness, and no Volunteer who shall be absent, having duly obtained leave of absence from such Officer Commanding as aforesaid, shall be liable to the penalty set forth in the foregoing Regulation.

6. If any Volunteer's Arms or Accoutrements shall, in the opinion of the Officer Commanding as aforesaid, be in a defective or dirty state, he shall forfeit and pay any sum not exceeding two shillings and sixpence, to be fixed and recoverable in manner as aforesaid.

7. If any Arms, Accoutrements, or other Government property shall be lost, destroyed, or injured in any way other than on service, a fine not exceeding the value of the Arms, Accoutrements, or other Government property shall be paid by the Volunteer in whose charge they were. Such fine shall be fixed by a Board of Officers appointed for that purpose by the Officer Commanding as aforesaid upon consideration of the circumstances, and if not paid to them on demand, may be recovered by the Officer Commanding as aforesaid, on behalf of the Government, in any Resident Magistrates' Court in the colony.

8. If any Volunteer shall not deliver to the Officer Commanding as aforesaid, the Arms, Accoutrements, and other Government property entrusted to him as a Volunteer, within three days after an order to that effect shall have been given to him by the Officer Commanding as aforesaid, he shall be liable to a penalty of Ten Pounds, to be recovered in a summary way.

9. All Commissioned Officers shall be appointed by the Governor, and names for that purpose shall be submitted to him (through the Officer Commanding as aforesaid, for his approval,) by the troop or company to which they are proposed to be appointed. No Commissions will be issued (unless to Officers who have held Commissions in the regular service) until the candidates are found fit after examination.

10. All Non-commissioned Officers shall be elected by the Volunteers of the troop or company to which they are to be appointed, and shall be examined by the Senior Officer of such troop or company, and if passed as competent, shall be appointed by the Officer Commanding as aforesaid.

11. All Volunteers shall be subject to the provisions contained in the following sections of the "Militia Act, 1858," viz.:—1, 3, 5, 6, 7, 9, 18, 19, 20, 22, and 24, and in the following sections of the "Militia Act Amendment Act, 1860," viz.:—10, 11, 13, 14, 16, and 18.

12. General Parades of all the Volunteers in each district shall be held on a day in each quarter to be fixed by the Governor.

13. Each Troop or Company which shall consist of sixty Volunteers or more, shall receive from the Government annually the sum of seventy-five pounds.

14. Each Volunteer, after four years' service as such, shall be at all times thereafter exempt from attendance for training and exercise in the Militia; half the period of service of Volunteers under former Regulations this day abolished, shall be allowed to reckon.

15. Every Volunteer shall take the following Oath, to be administered to him by the

Commanding Officer of the body of Volunteers in which he intends to serve. or by the Adjutant of Militia.

I, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the
until I shall be lawfully discharged."

16. In the construction of these Regulations the phrase "Officer Commanding" shall, in case of his absence from the District, or incapacity to act by reason of illness, or any other cause, mean the Officer of the same body of Volunteers next in seniority.

HAMPDEN WILLIS,
For Clerk of Executive Council.

Colonial Secretary's Office,
Auckland, 16th January, 1862.

REFERRING to the above Regulations for Volunteer Forces, the Government will propose a measure to the House of Representatives, making provision to the following effect:—

"In the case of any Volunteer Officer being killed on service, his family shall be entitled to such pension as they would have been entitled to had he been an Officer of the same rank in Her Majesty's Regular Service; and, in the case of a Non-commissioned Officer or Private being killed on service, he shall, for the purposes of such pension, be taken to have ranked with an Ensign of Her Majesty's Regular Forces."

WILLIAM FOX,
Colonial Secretary.

Colonial Secretary's Office,
Auckland, 10th January, 1862.

THE following letter to the Deputy Adjutant-General of Militia and Volunteers is published for general information.

WILLIAM FOX.

No. 10. *Militia Branch.*
Colonial Secretary's Office,
Auckland, 16th January, 1862.

Sir,—The issue of new Regulations for the enrolment of Volunteers in New Zealand necessitates the disbandment of the present Force, and I have to request you, in communicating this circumstance to the respective Commanding Officers of Volunteer Corps, to express through them to the Officers, Non-commissioned Officers and Privates of each Corps the full appreciation by His Excellency the Governor of the public spirit which led to the formation of these Corps, and to convey to them His Excellency's best thanks for the services which they have thus rendered to the colony in a time of difficulty.

In these sentiments His Excellency's Responsible Advisers cordially join.

The new Regulations have been framed with a view to the further encouragement of the Volunteer movement, and to the permanent establishment, in this Colony, of a Volunteer Force on an improved basis, and it is earnestly hoped that they will lead to the attainment of so desirable a result.

I have, &c.,
WILLIAM FOX.

Lieut.-Colonel Balneavis,
Deputy Adjutant-General.

Attorney-General's Office,
Auckland, 18th January, 1862.

HIS Excellency the Governor has been pleased to direct that the name of the undermentioned gentleman should be added to the Commission of the Peace:—

CHARLES WORTHINGTON, Esq., Dunedin.
JAMES ARMITAGE, Esq., Waikato.

HENRY SEWELL.

These appointments were omitted in the *Gazette* of the 14th inst., and are to take effect from that date.

Office of Commissioner of Customs,
Auckland, 18th January, 1862.

IT is hereby notified that the Ports of Lyttelton, Dunedin, and Invercargill, have, by special license, been constituted Ports from whence Gold may be exported from this Colony, under the provisions contained in the Proclamation of the 26th January, 1862.

READER WOOD.

(From the *New Zealand Gazette*, Jan. 28, 1862.)

PROCLAMATION.

"Execution of *Criminals Act*, 1858," to come into operation in the *Province of Otago*.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by the "Execution of *Criminals Act*, 1858," it is enacted that the said Act shall come into operation in such part of the Colony of New Zealand as the Governor shall, by Proclamation from time to time, appoint to be Districts for that purpose.

Now, I, Sir George Grey, Governor of the said Colony, in pursuance and exercise of the said power, do hereby appoint and proclaim the Province of Otago to be a District within which the said Act shall, from the date hereof, come into operation.

Given under my hand, at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this twenty-fourth day of January, in the year of Our Lord One thousand eight hundred and sixty-two.

G. GREY.

By His Excellency's command,

HENRY SEWELL.

GOD SAVE THE QUEEN.

Colonial Secretary's Office,
Auckland, 27th January, 1862.

HIS Excellency the Governor has been pleased to appoint

Lieutenant-General DUNCAN ALEXANDER CAMERON, C.B.,

to be his Deputy in the Province of Auckland.

WILLIAM FOX.

Colonial Secretary's Office,
Auckland, 27th January, 1862.

HIS Excellency the Governor has been pleased to appoint

The Public Gaol of the Town of Dunedin, to be a place for the execution of Criminals, under the "Execution of Criminals Act, 1858."

WILLIAM FOX.

(From the New Zealand Gazette, Feb. 3, 1862.)

A PROCLAMATION.

The General Assembly of New Zealand further Prorogued.

By His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS the General Assembly of New Zealand has been and now stands prorogued to Wednesday, the Fifth day of February now next ensuing:

And whereas it is expedient further to prorogue the same:

Now, therefore, I, Sir George Grey, the Governor of New Zealand, do hereby further prorogue the said General Assembly until Monday, the Seventh day of April, One thousand eight hundred and sixty-two.

Given under my hand at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this thirty-first day of January, in the year of Our Lord, One thousand eight hundred and sixty-two.

G. GREY.

By His Excellency's command,

WILLIAM FOX.

GOD SAVE THE QUEEN.

Colonial Secretary's Office,
Auckland, 1st February, 1862.

HIS Excellency the Governor has been pleased to direct that the following arrangements be published for general information:—

The services of the following number of Troops and Companies of Volunteers in New Zealand will be accepted under the new Regulations, dated 16th January, 1862.

Auckland	.....1 Troop	.....8 Companies
Taranaki	.....	2 " "
Wellington	.....	4 " "
Wanganui	.....1 Troop	.....4 " "
Hawke's Bay	.....	1 " "
Nelson	.....	4 " "
Canterbury	.....	5 " "
Otago	.....	2 " "
Marlborough	.....	1 " "

2 Troops, 31 Companies.

WILLIAM FOX.

(From the New Zealand Gazette, Feb. 7, 1862.)

A PROCLAMATION

Disallowing Certain Ordinances of the Province of Otago.

By His Excellency Sir GEORGE GREY, Knight, Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c.

WHEREAS by an Act made and enacted in the Imperial Parliament holden in the fifteenth and sixteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is amongst other things enacted that whenever any Bill shall have been assented to by the Superintendent as in the said Act provided the Superintendent shall forthwith transmit to the Governor an authentic copy thereof, and it shall be lawful for the Governor at any time within three months after any such Bill shall have been received by him to declare by Proclamation his disallowance of such Bill and that any such disallowance shall make void and annul the same from and after the day of the date of such Proclamation, or any subsequent day to be named therein:

And whereas the Ordinances hereinafter specified have been enacted by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof, and the said Ordinances were received by the Governor on the thirty-first day of December, one thousand eight hundred and sixty-one:

And whereas it is expedient that the said Ordinances should be disallowed:

Now therefore I, the Governor of New Zealand, in pursuance of the authority vested in me in that behalf by the said recited Act of Parliament, do hereby proclaim and declare my disallowance of the following Ordinances passed by the Superintendent and Provincial Council of the Province of Otago, such disallowance to take effect on and from the 1st day of March next, viz:—

"The Port Chalmers' Municipal Estate Ordinance, 1861."

"Water Police Ordinance, 1861."

"The Criminals Ordinance, 1861."

Given under my hand, at the Government House, at Auckland, and issued under the Seal of the Colony of New Zealand, this sixth day of February in the year of our Lord One Thousand eight hundred and sixty-two.

G. GREY.

By His Excellency's command,

WILLIAM FOX.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, 6th February 1862.

THE following Bills passed by the Provincial Council of the Province of Otago, intituled,—

"An Ordinance for the Prevention of Cruelty to Animals,"

"The Licensing Ordinance 1861,"

"Vagrant Ordinance 1861,"

having been laid before the Governor, His Excellency has been pleased to leave the same to their operation.

WILLIAM FOX

