



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 HYDE HARRIS, Superintendent.

Vol. VI.]

WEDNESDAY, MAY 6, 1863.

[No. 241

FRESH TENDERS will be received at the office of his Honor the Superintendent until 12 o'clock noon of Tuesday, the 19th instant, for the supply of about 500 cubic yards of road metal at Hawksbury, in consequence of no eligible tenders having been lodged.

Specifications may be seen, and forms of tender obtained, at the office of the Road Engineer, Dunedin, and at the Police Station, Hawksbury.

By order,

JOHN LOGAN,
Clerk to Superintendent.

5th May, 1863.

FERRIES.

HIS HONOR THE SUPERINTENDENT directs it to be notified, that Public Ferries will be forthwith established at the several places undermentioned, at which, charges will be levied according to the annexed Schedule.

TENDERS will be received at the office of the Provincial Secretary, Dunedin, and at the offices of the Wardens, Dunstan, Manuherikia, Teviot, and Frankton; up to the

1st day of June next, from persons desirous of Leasing any of the said Ferries.

The tenderers to provide their own boats or punts as may be required, such boats and punts to be subject to the approval of the Government.

SITES OF FERRIES.

1. Clutha River—at the Teviot Junction.
2. Clutha River—at the Lower Dunstan Township.
3. Manuherikia River—at the Lower Dunstan Township.
4. Clutha River—at Upper Dunstan Township.
5. Clutha River—at the Kawarau Junction.
6. Kawarau River—at the Clutha Junction.
7. Clutha River—at a point south of the Lindis Stream.
8. Shotover River—on the line of road from Arrowtown to Frankton.
9. Kawarau River—below the Falls at Frankton.

Schedule of Charges from sunrise till one hour after sunset:—

For each person	1s
„ „ horse, mule, or ass, not drawing any carriage	2s.
„ „ head of great cattle	1s.
„ „ sheep, goat, and hog, when under 20	4d.
„ „ sheep, goat, and hog, when 20 and upwards	2d.
„ „ cart, dray, waggon, and carriage of what kind soever, exclusive of goods and passengers	2s.
„ „ horse, mule, ass, and bullock, drawing any cart, dray, waggon, or other carriage	1s.
„ „ bale of wool	1s.

Other goods at the rate of 4d. per 100 lbs.

From one hour after sunset till sunrise the above fares and freight and one-half more shall be charged.

The Mail, and persons exhibiting a certificate under the hand of the Superintendent, that they are on duty under the employ of the Government, are exempt from the payment of the said fares and freights.

ALEX. JAMES WILLIS,
Acting Provincial Secretary.

Provincial Secretary's Office,
Dunedin, 2nd May, 1863.

CROWN GRANTS.

CROWN Grants in favor of the persons whose names appear in the annexed Schedule, are ready for issue.

Crown Grant Department,
Waste Land Board Office,
Dunedin, 4th May, 1863.

CHARLES LOGIE,
Receiver of Land Revenue.

SCHEDULE.

Name.	No. of Grants.	Name.	No. of Grants.
Aldrich, G. M.	1	Hassell, J.	17
Allen, James	1	Lean, R.	1
Andrews, S. H.	1	M'Neil, A.	1
Bax, M.	1	Mathieson, A.	1
Brunton, D.	1	Mansford, T. A.	1
Burke, W. M.	2	Richardson, F. H.	2
Calcutt, T.	1	Rochford, W.	1
Chaplin, J.	1	Reynolds, W. H.	1
Gillies, T. B.	1		

NOTICE is hereby given, that the partnership hitherto existing between the undersigned, GEORGE DUNCAN and THOMAS BIRCH, as Livery Stable Keepers, Dunedin, has been this day dissolved by mutual consent.

All debts due to and by the late firm will be paid by Mr. Duncan.

Dated this twenty-fifth day of April, one thousand eight hundred and sixty-three.

THOMAS BIRCH.
GEORGE DUNCAN.

Witnesses—

Malcolm Graham,
Solicitor, Dunedin.
W. M. Hodgkins,
Clerk to Mr. Graham.

SUBSCRIPTION LIST TO ALBERT MEMORIAL.

THE following sums, amounting to £20 6s. 9d., have been received by the Provincial Treasurer.

Collected by Mr. Chalmers.

	£	s.	d.
G. A. Chalmers, Moa Flat Station	1	0	0
W. M'Kenzie, Greenvale Station	0	10	0
H. Howles, do	0	2	6
J. Campbell, do	0	2	6
A. Sutherland, do	0	2	6
Jas. Hodgson, Waikaka Station	0	10	0
Alex. M'Intyre, do	0	2	6
Jas. Crawford, do	0	2	6
Jas. Knowles, do	0	5	0
Andrew Potts, Pomahaka	0	2	0
James Roger, do	0	2	6
Samuel Wark, do	0	2	6
James Stevens, Moa Flat Station	0	5	0
John Elder, do	0	5	0
Donald Kennedy, do	0	2	6
William Paterson, do	0	5	0
George Hendry, do	0	2	6
James Little, do	0	2	6
W. Williams, do	0	2	6
S. Banks, do	0	2	6
W. Parker, do	0	2	6
Pat. Feeney, do	0	2	6

£4 17 0

Collected by Mr. A. Todd.

Andrew Todd	0	5	0
George Shand	0	5	0
Thomas G. Shand	0	1	0
Mary Shand	0	1	0
Jane Shand	0	1	0
Elizabeth Milne	0	1	0
William Aitken	0	1	0
Christina Aitken	0	1	0
Thomas Aitken	0	1	0
Mrs. W. Shand	0	1	0
Jane Finnie	0	1	0
Alexander Todd	0	1	0
Cornelius Todd	0	1	0
Mr. Blackie	0	2	6
Margaret Henderson	0	1	0
Elizabeth Henderson	0	1	0
James Todd	0	2	6
Mrs. James Todd	0	1	0
Mrs. Paul	0	1	0
Mrs. Charles Todd	0	1	0
Robert Todd	0	1	0
Charles Todd	0	2	6
A. Prain	0	1	0
William A. Todd	0	2	6
Mrs. A. Todd	0	5	0
John Smart	0	2	0
James Wardrop	0	1	0
James Todd	0	2	6
Mrs. James Todd	0	2	6

£2 11 0

Collected by Mr. George Lloyd.

	£	s.	d.
Geo. Lloyd	0	10	0
James Runciman	0	3	6
John Runciman	0	3	6
Richard Runciman	0	3	6
James M'Coll	0	5	0
John Campbell	0	5	0
Robert Neil, jun.	0	2	6
Alex. Kirkland	0	2	6
Wm. Kirkland	0	2	6
James Kirkland	0	2	6
David Mason	0	2	6
David Andrew	0	5	0
John Mills	0	5	0
H. A. Forster	0	5	0
Henry Doig	0	2	6
Mrs. Shand	0	5	0
John Muir	0	2	6
Wm. Brown	0	2	6

£3 10 6

Collected by Mr. A. J. Burns.

	£	s.	d.
A. J. Burns	1	10	0
Mrs. Burns	0	10	0
Wm. Butley	0	1	0
— Butler	0	1	0
Alex. Fairbairn	0	1	0
Mrs. Fairbairn	0	1	0
James Dickson	0	2	0
Mrs. Dickson	0	1	0
Henry Clark	0	0	6
Mrs. Clark	0	0	6
D. J. Marshall	0	2	6
Robt. Marshall	0	2	6
George Couper	0	1	6
Mrs. Couper	0	1	0
Alex. Smith	0	1	6
Mrs. Smith	0	1	0
John Andrew	0	2	6
Mrs. Andrew	0	2	6
John Fleming	0	2	6
Mrs. Fleming	0	2	6
John Renton	0	1	0
Mrs. Renton	0	1	0
Wm. Aitken	0	1	6
Mrs. Aitken	0	1	0
Wm. Will	0	10	0
Mrs. Will	0	10	0
Mrs. Stevenson	0	2	0
George Matheson	0	1	0
John Allan	0	5	6
M. J. Allan	0	2	6
A. Oliver	0	2	6
Mrs. Allan	0	1	0
Mrs. Oliver	0	1	0
William Oliver	0	1	0
William Allan	0	2	6
Geo. Currans	0	1	0
Mrs. Janet Currans	0	1	0
Daniel Roxburgh	0	1	0
Mrs. Chas Roxburgh	0	1	0
Mrs. E. Oliver	0	1	0
Robert Cramond, sen.	0	2	6
Robert Cramond, jun.	0	1	0
Charles Todd	0	5	0
James Callander	0	2	6

	£	s.	d.
Robert Boyd	0	0	6
Mary Fourd	0	0	6
John Callander	0	1	0
Adam Callander	0	0	6
Betsy Boyd	0	0	6
Alexander Callander	0	2	6
George Callander	0	0	6
John Hunter	0	1	0
Janet Hunter	0	1	0
Henry Hunter	0	1	0
Margaret Hunter	0	1	0
John Jones	0	1	0
Daniel Jones	0	0	6
Donald Bruse	0	0	6
Mrs. Bruse	0	0	6
Mary Bruse	0	0	6
Alexander Bruse	0	0	3
William Bruse	0	0	3
John Bruse	0	0	6
Mrs. Bruse	0	0	6
James Bruse	0	0	3
Charlotte Bruse	0	0	3
John W. Martin	0	0	6
Mrs. W. Martin	0	0	6
Thomas Cuddie	0	0	6
Mrs. Cuddie	0	0	6
Thomas Cuddie	0	0	3
Jane Cuddie	0	0	3
James Cuddie	0	0	3
Isabella Cuddie	0	0	3
Richard Cuddie	0	0	3
Margaret Cuddie	0	0	3
Agnes Cuddie	0	0	3
Alexander Gibbie	0	0	6
Mrs. Gibbie	0	0	6
Mr. James Christie	0	1	0
Mrs. James Christie	0	1	0
Mr. William Christie	0	1	6
Mr. David Christie	0	1	0
Robert Christie	0	0	6
Elizabeth Christie	0	0	6
Georgina Christie	0	0	6
Henry Christie	0	0	6
Eliza Christie	6	0	6
James Christie, jun.	0	1	0
Mrs. James Christie	0	1	0
Jane L. Christie	0	0	6
William H. L. Christie	0	0	6
David Finnie	0	0	6
John Moreson	0	0	6
Mrs. Moreson	0	0	6
James M'Neur	0	0	6
N. Catherwood	0	0	6
William Jaffary	0	2	6
Mrs. Jaffary	0	1	0
Margaret Jaffary	0	1	0
Alexander Jaffary	0	1	0
Williamina Jaffary	0	1	0
William Jaffary	0	0	6
James Q. Ross Jaffary	0	0	6
Christina Stuart Jaffary	0	0	6
Elizabeth Hunter Jaffary	0	0	6

8 8 3

Subscription by T. W. Parker,
Esq., R.M., Oamaru 1 0 0

THE following communication is published for general information :—

Colonial Secretary's Office,
Auckland, 21st April, 1863.

SIR,—I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, (No. 370-29, 26th March, 1863,) enclosing a Provincial *Gazette*, containing a Proclamation exempting from mining operations the Township of Lawrence, Tuapeka, and, in reply, I have to convey to your Honor the approval of His Excellency the Governor of such exemption.

I have the honor to be,

Sir,

Your most obedient humble servant,

READER WOOD,

In the absence of Mr. Domett.

His Honor the Superintendent,
Dunedin.

REPORTED SLAVE TRADING ON
THE WEST COAST OF SOUTH
AMERICA.

His Honor the Superintendent directs the publication of the following correspondence for general information :—

Dunedin, 30th April, 1863.

SIR—I have the honor to forward copy of a letter, with enclosure, received from the Chilean Consul at Melbourne, respecting a rumor of Chilean vessels being engaged in the Slave Trade; and, as therein desired by the Consul, beg to request your Honor to make known the despatch of the Chilean Government by publishing the same in the local *Government Gazette*.

I have the honor to be,

Sir,

Your most obedient Servant,

E. QUICK,

Acting Consul for Chili.

To His Honor

John Hyde Harris, Esq.,

Superintendent of the Province of Otago.

(COPY.)

Chilian Consulate,
Melbourne, 13th April, 1863.

SIR—I beg to enclose you copy of a notice in the *Victoria Government Gazette* of the 10th instant, publishing translation of a dispatch received by me from the Government at Chili.

In order to further the desire of that Government to check the practices referred to therein, I shall feel obliged by your bringing the despatch under the notice of your Local Government, with a view to its

publication in the *Government Gazette*, and to the obtaining such information as may come to their notice.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) J. B. WERE,
Consul.

To E. Quick, Esq.,
Acting Consul for Chili,
Dunedin, N. Z.

(COPY REFERRED TO ABOVE.)

The subjoined translation of a dispatch from the Government of Chili, to the Consul for Chili at Melbourne, is published for general information.

It is requested that any persons in possession of information on the subject referred to in the dispatch will have the goodness to communicate the same to the Consul for Chili.

By His Excellency's command,

(Signed) JOHN O'SHANNASSY.

Chief Secretary's Office,
Melbourne, April 8th, 1863.

(TRANSLATION.)

Santiago, October 30th, 1862.

It has become known to Government, through the medium of the British legation, that a ship called the *David Thomas*, assumed to be a Chilean, has attracted by stratagem, about 200 savages, inhabitants of the island of Peurhyn, and from thence has conveyed them to Callao, where they have been sold as slaves. At the time, it appears the vessel hoisted on its passage the Chilean flag, changing it for another on arrival at Callao.

Through the same channel, the Government has been subsequently made aware that several vessels, among which are two Chileans named *Bella Margarita*, and *Eliza Mason*, were getting ready to proceed to the above-named island with a similar intent to the *David Thomas*, attracted no doubt by the remunerative although odious profits that are supposed to have been realized by the last-named vessel.

The Government desiring to be made acquainted with the probability of such statements, has directed me to address you, and to request that you will spare no means to ascertain the truth of such reports, and that you will communicate to me whatever information you have collected on the subject.

At the same time, you are requested to adopt all such means as are at your disposal, in the sphere of your consular agency, to

prevent the above-named vessels from attaining their object by succeeding in this traffic, which is opposed to the laws of our country and to those of humanity.

(Signed) MANEL A. FOCORUA.

Mr. J. B. Were,
Consul for Chili, at Melbourne.

Office of Registrar of Joint Stock
Companies,
Dunedin, 5th May, 1863.

I, MICHAEL CREAGH, Registrar of Joint Stock Companies, for the Provinces of Otago and Southland, do hereby notify that I have Registered a Memorandum of Association, with Articles of Association annexed, establishing a Company (with limited liability of the Shareholders therein) entitled the "Otago Steam Ship Company," (limited); the objects for which the said Company is established being "the conveyance of passengers and goods, in ships or boats, between such places as the Company may from time to time determine, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

And I hereby further notify, that in pursuance of the provisions of the "Joint Stock Companies Act, 1860," I have issued a Certificate of Incorporation of the said Company, bearing date this Fifth day of May, one thousand eight hundred and sixty-three.

MICHAEL CREAGH,
Registrar of Joint Stock Companies.

Kenyon & Maddock,
Solicitors for the Company.

(From *New Zealand Gazette*, April 21, 1863.)

Colonial Secretary's Office,
Auckland, 20th April, 1863.

THE following Despatch from H. M. Principal Secretary of State, with its Enclosure, is published for general information.

READER WOOD,
In the absence of Mr. Domett.

Downing-street,
22nd January, 1863.

SIR—I have the honor to transmit for your information, and for insertion in the public papers, the accompanying copy of an Order of Her Majesty in Council of the 9th instant, for the purpose of allowing the Distilling Apparatus of Mr. Gravely,

as well as that of Dr. Normandy, to be used on board Passenger Ships.

I have, &c.,

NEWCASTLE.

Governor Sir George Grey, K.C.B.,
&c., &c., &c.

At the Court, at Osborne House, Isle of Wight, the 9th day of January, 1863.

Present:—

The Queen's Most Excellent Majesty in Council.

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that before any passenger ship shall be cleared out, the emigration officer at the port of clearance shall satisfy himself that there is on board a sufficient quantity of pure water, carried in tanks or casks, to secure throughout the intended voyage the issue of three quarts daily to each statute adult, for the use of the passengers, exclusive of the quantity required for cooking.

And whereas it is also enacted, that it shall be lawful for Her Majesty, by any Order in Council, to prescribe such rules and regulations as to Her Majesty may seem fit, for permitting the use on board passenger ships of an apparatus for distilling water, and for defining, in such case, the quantity of fresh water to be carried in tanks or casks for the passengers, and such Order in Council from time to time to alter, amend, and revoke, as occasion may require.

And whereas Her Majesty, by Orders in Council, dated respectively the sixth day of May, one thousand eight hundred and fifty-seven, and the thirteenth day of May, one thousand eight hundred and fifty-nine, prescribed certain rules for permitting the use on board passenger ships propelled by steam engines of a certain power, and on board passenger ships propelled by sails, of a certain apparatus for distilling fresh water from salt water.

And whereas it is expedient to repeal the said Order in Council that relates to passenger ships propelled by sails, and to issue in lieu thereof the Order hereinafter contained.

Now, therefore, Her Majesty doth, by and with the advice of Her Privy Council, and in pursuance and in exercise of the authority vested in her by the said "Passengers Act, 1855," hereby repeal the said Order in Council of the thirteenth day of May, one thousand eight hundred and fifty-nine, and order as follows:

Any passenger ship propelled by sails only, or by steam engines of less power

than is sufficient, without the aid of sails, to propel the ship at the rate of five statute miles an hour, may be cleared out and proceed on her voyage, having on board, in tanks or casks, only half the quantity of pure water required by the said Act to be carried for the use of the passengers, provided the following conditions be observed, that is to say :

1. That there be on board such ship an efficient apparatus for distilling fresh water from salt water, of the description commonly known either as Normandy's Patent or Winchester and Gravely's Patent.

2. That the owners, charterers, or master of such ship, before clearance, lodge with such emigration officer a certificate from the engineer or surveyor of the Board of Trade, or from some other competent person to be named by such emigration officer, declaring that within seven days immediately preceding the date of such certificate, the apparatus has been examined by him and is then in good working condition, and stating the number of imperial gallons of pure fresh water which it is capable of producing in every twenty-four hours; and further, declaring that the apparatus on board is either Normandy's or Winchester and Gravely's Patent, as the case may be.

3. That in every case such emigration officer shall be satisfied that the number of gallons of pure water which the apparatus is so certified to be capable of producing, is not less than the whole number of persons about to proceed on the intended voyage of such ship—that is to say, the whole number of cabin passengers, passengers, and crew.

4. That there is rated on the ship's articles, and that there is on board the ship, some person or persons who, to the satisfaction of the said emigration officer, shall be competent for the proper management and repair of such distilling apparatus.

And, to prevent all doubts on the construction of this Order in Council, it is hereby further ordered, that the terms "passenger ship," "emigration officer," "statute adult," and "master," shall herein have the same significations as are assigned to them respectively in the said "Passengers Act, 1855."

And the most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

Colonial Secretary's Office,
Auckland, 20th April, 1863.

HIS Excellency the Governor has been pleased to appoint the following

gentlemen to be Revising Officers for the Electoral Districts specified opposite their names:—

	* * * * *
James Prendergast, Esq.	{ Dunedin and Suburbs North Dunedin and Suburbs South Hampden Bruce Wallace

READER WOOD,
In the absence of Mr. Domett.

Colonial Secretary's Office,
Auckland, 20th April, 1863.

HIS Excellency the Governor has been pleased to appoint the following gentlemen to be Emigration Officers for the Ports set opposite their names:—

Walter Harsant, Esq., Raglan.
 Stephen Lunn Müller, Esq., Wairau
 John Allen, Esq., Picton
 Thomas Windle Parker, Esq., Oamaru
 Alexander William Logie, Esq., Taieri
 James Maitland, Esq., Molyneux
 Daniel Shea Lawlor, Esq., Riverton
 Christopher Francis De Sales O'Toole, Esq., Bluff Harbour.

READER WOOD,
In the absence of Mr. Domett.

H. W. Robinson, Esq., appointed Justice of the Peace.

Colonial Secretary's Office,
Judicial Department,
Auckland, 16th April, 1863.

HIS Excellency the Governor has been pleased to appoint

HENRY WIRGMAN ROBINSON, Esq., in the Province of Otago, to be a Justice of the Peace for the Colony of New Zealand.

READER WOOD,
In the absence of Mr. Domett.

H. W. Robinson, Esq., appointed Resident Magistrate.

Colonial Secretary's Office,
Judicial Department,
Auckland, 16th April, 1863.

HIS Excellency the Governor has been pleased to appoint

HENRY WIRGMAN ROBINSON, Esq., J.P., in the Province of Otago, to be a Resident Magistrate, under the Resident Magistrates' Court Ordinance.

READER WOOD,
In the absence of Mr. Domett.

R. Beetham, Esq., J.P., appointed a Resident Magistrate.

Colonial Secretary's Office,
Judicial Department,
Auckland, 23rd March, 1863.

HIS Excellency the Governor has been pleased to appoint

RICHMOND BEETHAM, Esq., J.P.,
of Wakatipu, in the Province of Otago, to be a Resident Magistrate, under the Resident Magistrates' Court Ordinance.

READER WOOD,
In the absence of Mr. Domett.

Reprint of Notice under "Sale of Spirits Ordinance"

Colonial Secretary's Office,
Judicial Department,
Auckland, 18th April, 1863.

THE attention of Magistrates within the Colony is called to the following reprint of a Notice under the "Sale of Spirits Ordinance"

READER WOOD,
In the absence of Mr. Domett.

NOTICE.

Colonial Secretary's Office,
Auckland, 2nd May, 1855.

NOTICE is hereby given that, in order to put a stop as much as possible to the evil of drunkenness amongst the Native population, his Excellency the Officer administering the Government has been pleased to notify that the whole penalty which may be inflicted for a breach of the "Sale of Spirits Ordinance" is to be handed over to the informer.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

Colonial Secretary's Office,
Judicial Department,
Auckland, 20th April, 1863.

THE following questions proposed by His Honor the Chief Justice at the late examination of Articled Clerks are published for general information.

READER WOOD,
In the absence of Mr. Domett.

General and Constitutional Law.

1. What is the "Common Law" of England, and where is it found?

2. What Rules are they by which the validity of a "Custom" may be tested or established?

3. Give the leading Rules for construing Statutes, with reference especially to

- (1.) The law before passing the Act, the mischief, the remedy, the reason of the remedy.
- (2.) The maxim *ut res magis valeat.*
- (3.) The Statutes in *pari materia.*
- (4.) The interpretation of the language, e.g. by the letter, the whole Act, clause by clause and a reference to the subject matter.
- (4.) Words or phrases that are permissive, directory, imperative.
- (6.) The Preamble as restraining or not restraining the enacting clauses.
- (7.) Their repeal by non-user (?) by express words, by implication.

4. Give an outline of the principal provisions of Magna Carta and the Carta de Foresta, that tend directly to the benefit of the whole community, e.g., fines or forfeitures, fisheries, bridges, testamentary disposition, matters of police, provisions for encouragement of commerce, the administration of Justice (distinguishing especially the times, places, courts, and inquests,) the liberties of towns or of individuals; and

5. Transcribe the celebrated 29th chapter of Magna Carta.

6. State what you know of the provisions of—

- (1.) The Petition of Rights.
- (2.) The Habeas Corpus Acts e.g.; 16 Car 1 c 10; 31 Car 2 c 2; 56 Geo 3 c 10.
- (3.) The Bill of Rights.

The Law of New Zealand.

7. What portion of the law of England is law in New Zealand?

8. Mention some of the principal differences between the law of New Zealand and the law of England.

9. Enumerate the principal special laws of New Zealand connected with the administration of Justice.

Civil Law.

Rights, Wrongs, Remedies, Tribunals, Practice.

10. Mention some of the "Maxims" of the Common Law and illustrate their application.

11. Define a Contract and give the broad essentials to make a valid contract.

12. Distinguish contracts by Record, by Specialty, by Parol.

13. What constitutes a Deed according to the law of New Zealand, and in what respect does it differ from a deed by the law of England?

14. What do you understand by the "consideration" for a promise in a con-

tract; state the classes of consideration, valid or invalid?

15. What are the principal provisions of the "Statute of Frauds" with regard to contracts?

16. State the general effect of the provisions of the "Mercantile Law Amendment Act, 1860," passed by the General Assembly of New Zealand, with reference to

- (1.) The title of a person to goods acquired by him before seizure thereof by an execution creditor under a *fi. fa.*
- (2.) The remedy given to a Plaintiff in an action for a breach of contract to deliver specific goods for a price in money.
- (3.) The consideration of a guarantee.
- (4.) Guarantees to or for a firm.
- (5.) The right of a surety who has discharged the debt as to securities.
- (6.) Acceptances of Bills of Exchange

17. Explain the different kinds of Bailment and the duties and liabilities of the Bailees respectively. *e.g.*

- (1.) A depositary of goods for the use of the bailor without reward.
- (2.) A mandate or gratuitous commission.
- (3.) A loan.
- (4.) A bailment of goods to be used by the bailee for hire.
- (5.) Ditto of goods to be worked upon or carried for hire.
- (6.) A pawn.

18. What is a Charter Party? What a Bill of Lading? To what extent can the master of a ship bind the owners with or without the owner's knowledge under either of these forms of contract?

19. When goods are put on board in pursuance of a Charter Party and a Bill of Lading is given for them by the master what is the import of the Charter Party and Bill of Lading respectively?

20. When is the Bill of Lading conclusive of the shipment of the goods.

- (1.) Between the shipper and master.
- (2.) Between the shipper and shipowner (*Berkely v. Watling*, 7 a and Ell, and 18 and 19 Vic. c. III.)

21. What is "Stoppage in transitu"? How far is the right thereto consistent with the property and right of possession being vested in the consignee, as evidenced by the delivery of the goods on board, and his being named as consignee in the Bill of Lading?

22. What is Demurrage? What Primage? What special or petty Average? What general Average?

23. In what cases can the agent, holder of a Bill of Lading, bind the owner of the goods mentioned therein by a contract by way of pledge, or security, made by such agent with a third person for a loan or advance on the security of such Bill of Lading? ("Advances to Agents Act, 1861.")

23. What is a Promissory Note? What a Bill of Exchange? What is the relative legal positions *inter se* of the maker, payee, and indorsee of a Note, and of the drawer, acceptor, and indorsee of a Bill?

25. Give instances of "Wrongs" to the Character, Person, or Property, whether Personal or Real.

26. State what you know of the law of Nuisance, Public or Private.

27. What is an Executor? What an Administrator?

28. To whom should general Letters of Administration be granted, and how far is the claim to administration affected by the primogeniture, sex, solvency, or being a creditor upon the estate of deceased?

29. What are administrations "cum testamento annexo," "de bonis non," and what are temporary or limited administrations?

30. If a foreigner die intestate within the British Dominions, according to what law will the right to administration be determined?

31. An intestate was domiciled in a foreign country and left assets in British dominions. Where must administration be taken out, and by what law must the distribution of the personal property be regulated? And in what country must the administration be conducted?

32. Money due on a mortgage,—On death of mortgagee, is it part of his real or of his personal estate?

33. If the mortgaged property be sold under the usual power, but after the death of the mortgagor, is the surplus produce realty or personalty? Explain the reasons of your answer.

What are the limitations to the recovery of debts; and what are the provisions of Lord Tenterden's Act, as to the saving the Statutes of Limitation?

34. Mention one or more "leading cases" on some important doctrine or doctrines of the law of contracts, stating the result of the decisions.

Real Property and Conveyancing.

35. What are "Things Real"? What are "Chattels Real"?

36. What classes of property are covered by the words "lands" "tenements" "hereditaments"?

37. What is an "Estate" in Realty; what does the word imply as to interest or ownership?
38. What is a Fee-simple, and how many kinds of this estate are noted by Blackstone?
39. What is the difference between a "base" and a "conditional" fee.
40. What are estates tail, general, and special? What words are necessary to create the "fee" what to make the "tail"? Describe a tenancy in tail after possibility of issue extinct.
41. What did Littleton mean by saying that tenant in fee tail is, by virtue of the statute of Westminster, the second?
42. What was a fine? What a common recovery? What is the process by which a tenant in tail can now bar the entail, under the Act for the abolition of fines and recoveries, 3 & 4 Will. IV., c. 74?
43. What "incidents to a life estate" does Blackstone note, as affecting the full enjoyment of his estate by a tenant for life?
44. Who is tenant by the curtesy? What four requisites must combine to create it?
45. What was the old law of dower? What great alteration has been made in that law by the 3 and 4 Will. IV., c. 105, and what Ordinances or Acts have been passed respecting dower in New Zealand?
46. What is a reversion? What a remainder? What are the usual incidents to the former? What is the necessity of the "particular estate" to the latter?
- In the New Zealand Conveyancing Ordinance the following questions are proposed:—
47. What is the provision made for the purpose of giving effect to a contingent remainder with reference to the existence and creation of the "particular estate"?
48. How many tenants in common constitute themselves joint tenants, and what is the character in which the joint estate will thenceforward be vested in them?
49. What covenants are implied in—
- (1.) Deeds for valuable consideration.
 - (2.) In mortgage by mortgagee.
 - (3.) By mortgagor.
 - (4.) What powers are implied in a mortgage on default by mortgagee?
 - (5.) What covenants are implied by a lessee?
 - (6.) What powers in the lessor?
 - (7.) What covenants and powers are implied in a marriage settlement?
50. What clauses usually employed in the appointment, change, &c., of trustees, are substantially enacted in the same Conveyancing Ordinance.
51. What provisions does that Ordinance contain affecting the power of married women to convey or assign either real or personal estate?
52. A mortgagee with power of sale on default by mortgagor wishes to become the purchaser of the mortgaged premises by auction.—What steps must he take? (Conveyancing Ordinance Amendment Act, 1860.)
53. What are the enactments for registration of deeds, &c., in New Zealand? What is the mode and what the effect of registration completed under each of them respectively?
54. Draw a form of attestation to a will.
55. A grant is made to A and his heirs, to the use of B and his heirs, to the use of C and his heirs.—Apply the statute of uses and define the estates here created?

Remedies.

56. How many kinds of actions are classed in the division of "actions" by the Rules of Procedure of the Supreme Court in New Zealand?
57. Illustrate the difference between an action on a breach of contract—
- (1.) For money liquidated.
 - (2.) For money as damages.
 - (3.) For specific performance.
58. What is recovered in an action for detaining a chattel? How is the ordinary execution supplemented by "Rule 201."
59. How is land unjustly held from the owner recovered? Give the form of the writ from the "Rules."
60. Mention any remedies other than, or supplementary to, that by an action, and explain them.
61. Under what circumstances will an *ex parte* injunction be granted?
62. What is a distress for rent; when, under what circumstances, and how, must it be made?
63. What is a distress for damage feasant, and how must it be conducted?

Tribunals.

64. What jurisdiction has the Supreme Court? what is the extent of the jurisdiction of each separate Judge of the Supreme Court? and what provisions have been made by the "Supreme Court Amendment Act, 1862," to facilitate the exercise of these jurisdictions?
65. What powers has the Supreme Court over inferior tribunals and Officers of Justice? Sketch the proceedings by which it may either keep them within their jurisdiction or make them do their duty.
66. What is the nature and jurisdiction of the District Courts?

67. What are the special Acts by which the proceedings before Justices of the Peace are regulated?

68. What is the jurisdiction in civil or criminal cases, whether between Europeans, between Natives, or between Native and European, of the Resident Magistrate's Court, and what special powers are given to that Court?

69. What right of appeal exists, viz.—

- (1.) From District Courts; from Justices, or from Resident Magistrates, to the Supreme Court. And
- (2.) From the decision of a single Judge of the Supreme Court to the Court of Appeal.

70. What cases may be tried at Minor Jury Sitings pursuant to the "Supreme Court Amendment Act, 1862."

71. State some of the "General Rules of Pleading" in the Supreme Court; also some of the "Special Rules of Pleading."

72. Sketch the proceedings in a defended action on a building contract, setting out shortly the supposed contract, and raising issues of fact.

73. Sketch the proceedings up to judgment and execution in an action in which the plea has been demurred to.

74. Sketch the proceedings in an action for specific performance of contract for the purchase of land (purchaser against vendor,) and for an injunction to restrain the vendor from felling timber on the land.

75. What are the proceedings to obtain judgment and execution for default of a plea, viz.—

- (1.) In an action for money, as a debt or liquidated demand.
- (2.) In other actions for money.
- (3.) In an action for possession of property or for personal relief.

76. What contracts are within the operation of "The Summary Procedure on Bills Act, 1862," and how are the remedies thereon facilitated by that Act?

Evidence.

77. State some things of which the Court will take judicial notice.

- (1.) In accordance with established practice.
- (2.) In accordance with statutory provisions.

78. Give the principal provisions of the "Official Documents Evidence Act, 1860."

79. State some of the leading Maxims that guide the law of evidence.

80. What is secondary Evidence? Are there different degrees of it? What steps must be taken in order to render it admissible?

81. What is the doctrine with respect to the admissibility of oral testimony to affect written instruments?

82. What is the most usual way of proving records and quasi-records? Give instances of quasi-records.

83. What is an Exemplification, and when should it be used? What is an Office Copy, and in what cases is it admissible? What is an examined Copy, and what process of examination thereof must be proved in order to render it admissible?

84. How do you prove a Deposition taken before a committing magistrate, the witness being too ill to attend?

85. How do you prove an award in the three following cases, viz. :—

- (1.) When made by an arbitrator appointed under a submission by written agreement of the parties.
- (2.) When the arbitrator has been appointed by Rule of Court, Judge's Order, or Order *nisi prius*.
- (3.) When the award is made by a public officer in the discharge of his duty.

86. What are the usual methods of proving hand-writing? and are any of these methods secondary evidence to any other of them, or do they all stand in equal degree, and carry equal weight? Give your views of the reasonableness of the doctrine.

87. Where, upon a trial, hand-writing is disputed, and you wish to prove it genuine by comparison with other hand-writing which you are instructed is genuine, how do you proceed, and what is the ultimate question for the Jury?

88. Upon what principle are "dying declarations" admissible, and in what cases? What facts must be proved respecting the declarant as a foundation for admitting them, and who is to decide whether those facts are proved?

89. Must all the attesting witnesses be called to prove, 1. A Deed, 2. A Will.

90. Is the rule which requires the production of an attesting witness inexorable? If not, state the exceptions.

91. What are the leading exceptions to the rule prohibiting the admission of hearsay evidence?

Course of Business.

92. In effecting a Mortgage of land, what do you consider to be the duties respectively of the solicitors for the mortgagor and mortgagee?

93. If an illiterate married woman sent for you and desired you to carry into effect her wish to pass her interest in land, what

course should you pursue, and what formalities should you observe in respect of the conveyance?

Criminal Law.

94. By what test would you determine whether an offence at common law amounted to Felony? To what offences is the term Misdemeanor applied? Give instances of both.

95. Who are respectively Principals, Aiders, and Abettors? Accessories before the fact? Accessories after the fact? Are there any offences in which there can be no Accessories before the fact?

96. Has any recent provision been made by Statute for the trial and conviction of Accessories before the fact?

97. What is a "Criminal Information?" in what class of offence is it resorted to, and what is the course of proceeding therewith?

98. What is an Indictment, and on what form of criminal proceeding based? Is the finding a true Bill by a Grand Jury in all cases necessary to support the proceeding by indictment? If not state the rationale of the exceptions.

98A. What is an indictment? Is it necessary that an indictment be preferred, and a bill found where a prisoner has been committed on the Coroner's inquisition?

99. What are the five different forms of "Treason," as designated by the Statute 25, Edw. 3. c. 2? And what treasonable offences are created by the 57 Geo. 3. c. 6. and the 11 Geo. 4 and 1, W. 4, c. 66, s. 2?

100. Can mere words amount to Treason? When, and on what principle would the maxim apply to such cases—*scribere est agere*.

101. State the definition and essential ingredients in the following offences, or some of them, viz.—1. Larceny. 2. Embezzlement. 3. Obtaining money under false pretences, (shew the distinction between the two latter and Larceny). 4. Forgery. 5. Perjury. 6. Burglary.

102. State the distinction between Murder and various kinds of Manslaughter, distinguishing the different kinds of the latter.

103. Two witnesses are required to prove "Treason" or "Perjury," what must these witnesses prove upon an indictment for—1. Treason. 2, Perjury? And what is the reason for the rule in each case respectively?

104. The indictment for Burglary commonly charges in the same Count. 1. That the prisoner burglariously broke and entered with intent to commit a felony, and also (2), that he committed the felony.

How do you reconcile this with the doctrine that two offences cannot be charged in the same Count?

105. An Indictment for Burglary charged the prisoner with burglariously breaking and entering, but omitted the intent, it then proceeded to charge in the same Count, and in the usual form, that the prisoner, then in the said dwelling-house, stole the goods of the prosecutor. The evidence showed that the "breaking" occurred within the legal period of the night time, but the goods remained undisturbed until that period had elapsed, after which the goods were stolen by some one, and were shortly afterwards traced to the possession of the prisoner. What defence would you set up? And with what probability of success?

106. State what you remember of the Improvements effected in the Criminal Law by Lord Campbell's Acts.

107. Give an outline of the proceedings on some indictable offence from "Information" to "Conviction."

108. Give an outline of the proceedings in some one case of Information and "Summary Conviction" or "Complaint" and "Order."

N.B.—The question numbered 98 and 98A was propounded in one form to one candidate, and in the other form to another candidate. One of the candidates at once detected the object in form 98, and answered it fully.

Appointment of Edwin Rich, Esq., as Sub-Collector of Customs, Molyneux.

Office of Commissioner of Customs,
Auckland, 16th April, 1863.

HIS Excellency the Governor has been pleased to appoint

EDWIN RICH, Esq.,

to be Sub-Collector of Customs at the Port of Molyneux, in the Province of Otago.

READER WOOD.

(From Supplement to *New Zealand Gazette*,
April 27, 1863.)

PROCLAMATION

Dividing the Southern District of Supreme Court and fixing times and places for Circuit Courts.

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable 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 an Act of the General Assembly of New Zealand intituled the "Supreme Court Act, 1860" it is enacted that it shall be lawful for the Governor in Council from time to time to divide the Colony into Judicial Districts for the purposes of the said Act and the limits of such Districts from time to time to alter as occasion may require: And by the said Act it is further provided that the Governor in Council shall assign every such District to a Judge or Judges of the Supreme Court, who shall have within the same all the powers and jurisdiction by the said Act given to the Court: And it is further provided that there shall be held Circuit Courts for the despatch of Civil and Criminal business of the Court before one of the Judges thereof, at such times and places as the Governor in Council may from time to time appoint:

And whereas by a Proclamation dated the twenty-sixth day of February, one thousand eight hundred and sixty-one, issued under the hand of Thomas Gore Browne, Esquire, then the Governor of the said Colony, and under the Public Seal thereof, the said Colony for the purposes of the Act was divided into three Districts, called respectively the Northern District, the Middle District, and the Southern District, which Districts are particularly described in the said Proclamation: And in the said Proclamation the said Southern District was assigned unto Henry Barnes Gresson, Esquire, a Judge of the said Court, and certain times and places were appointed for holding Circuit Courts as aforesaid for the said Southern District: And whereas by a Proclamation made and issued as aforesaid, bearing date the sixth day of May, one thousand eight hundred and sixty-one, Circuit Courts were appointed to be held at Dunedin in the said Southern District, on the days therein mentioned: And whereas it is expedient that a new District under the said Act should be formed, by the division of the said Southern District into two Districts:

Now, therefore, I, Sir George Grey, the Governor of the said Colony, with the advice and consent of the Executive Council thereof, do hereby in pursuance and execution of the said Act annul the said last recited Proclamation and do revoke the said first recited Proclamation so far as concerns the said Southern District, and do hereby proclaim and declare that for

the purposes of the said Act, that portion of the Colony which is situated to the south of the boundary line separating the Province of Canterbury from the Provinces of Nelson and Marlborough shall be divided into two Districts, to be called respectively the Canterbury District and the Otago and Southland District: And that the Canterbury District shall comprise the said Province of Canterbury, and that the Otago and Southland District shall comprise all that portion of the Colony which lies to the south of the boundary line separating the said Province of Canterbury from the Province of Otago: And in further pursuance and execution of the said Act, I do hereby, with the advice and consent aforesaid, proclaim and declare that I assign the said Canterbury District unto the said Henry Barnes Gresson, and the said Otago and Southland District unto Christopher William Richmond, Esquire, a Judge of the said Court: And that Circuit Courts shall be holden for the said Canterbury District at the Town of Christchurch in the said Province of Canterbury, on the first day of March, the first day of June, the first day of September, and the first day of December, in every year: And for the said Otago and Southland District, at the Town of Dunedin in the Province of Otago, on the first day of March, the first day of June, the first day of September, and the first day of December, in every year; and at the Town of Invercargill in the Province of Southland, on the tenth day of January, and the tenth day of July, in every year, or as soon after the said days respectively as conveniently may be: And in case any one of the said days so fixed as aforesaid shall happen to be a Sunday or Holiday, then the Court appointed for such day shall be holden on the day following. And with the advice and consent aforesaid I do lastly proclaim and declare that this Proclamation shall come into operation and take effect on the first day of May next.

Given under my hand at New Plymouth, and issued under the Seal of the Colony of New Zealand this twenty-third day of April, in the year of our Lord one thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,

ALFRED DOMETT.

GOD SAVE THE QUEEN!

OTAGO GOVERNMENT TOWN LAND SALES.

ECTIONS IN HAWKESBURY TOWNSHIP.

At the Court-house, Hawksbury,
On **TUESDAY**, the 12th of **MAY**,
At 12 o'clock noon.

SECTION IN PALMERSTON TOWNSHIP,
At Hawksbury, immediately after the sale of the
Hawksbury sections.

SECTIONS IN HAMPDEN TOWNSHIP,

At Mr. Young's Store there,
On **THURSDAY**, the 14th of **MAY**,
At 12 o'clock noon.

SECTIONS IN OAMARU TOWNSHIP,

At the Courthouse there,
On **SATURDAY**, the 16th of **MAY**,
At 12 o'clock noon.

Superintendent's Office,
Dunedin, 29th April, 1863.

A BSTRACT OF ADVERTISEMENTS from the
"Provincial Government Gazette," of this
date:—

NATURE OF WORK, &c.	TENDERS TO BE LODGED	
	BY	TWELVE NOON
Bridge over Kaitangata Creek	12th	May
6½ Miles of Road, leading from Tuapeka towards Dunstan	"	"
115 Chains of Road, from Taieri Ferry towards Toko- mariro River	"	"

By Order,
JOHN LOGAN,
Clerk to Superintendent.

FRESH TENDERS will be received until 12 noon
of Tuesday, 12th May, for the erection of the
Middle Dunedin District School House, no eligible
tender having been received on 28th April current.

Plans and Specifications may be seen, and forms of
tender obtained, at the office of the Provincial En-
gineer, Dunedin.

By order,
JOHN LOGAN,
Clerk to Superintendent.

TAIERI FERRY.

NOTICE TO DRAYMEN.—His Honor the Su-
perintendent directs it to be notified that, to
enable some necessary repairs to be made, the large
Punt at the Lower Taieri Ferry will be off during
Thursday and Friday next. Drays will be crossed on
these days in the small Punt, provided they are
unloaded.

By order,
JOHN LOGAN,
Clerk to Superintendent.
Superintendent's Office,
5th May, 1863.

THE ship *Silistria* Laving arrived from the Clyde,
with a number of Assisted Immigrants, Fam-
ilies requiring Domestic Servants of a superior class,
for town or the country, are requested to apply to the
Matron of the Immigration Barracks, every lawful
day between 10 a.m. and 4 p.m.
21st April, 1863.

TWO Surveyors are wanted for the Road Depart-
ment; apply by letter, enclosing testimonials
at the Road Engineer's office, Dunedin.
1st May, 1863.

ELECTORAL DISTRICT OF DUNEDIN.

IN pursuance of the provisions of an Act of the
General Assembly of New Zealand, intituled
"The Regulation of Elections Act, 1858," and also
of an Act of the aforesaid General Assembly, in-
tituled "The Provincial Elections Act, 1853," I,
John Gillies, Returning Officer, for the Electoral
District of Dunedin, in the Province of Otago, do
hereby give notice that, by virtue of a writ bearing
date 23rd day of April, 1863, issued under the hand
of His Excellency the Governor of New Zealand, an
Election will be held for the return of seven qualified
persons to serve as members of the Provincial Council
of the said Province of Otago; and that the **NOMI-
NATION** of Candidates will take place at the Court
House at Dunedin, on Monday, the 18th day of May,
at 12 o'clock noon; and that the poll (if necessary)
will be taken on Friday, the 22nd day of May, 1863.
Dated this 5th day of May, 1863.

JOHN GILLIES,
Returning Officer.

The following is the polling place for the Electoral
District of Dunedin:—
The Court House, Dunedin.

**ELECTORAL DISTRICT OF GREEN ISLAND
AND CAVERSHAM.**

IN pursuance of the provisions of an Act of the
General Assembly of New Zealand, intituled
"The Regulation of Elections Act, 1858," and also of
an Act of the aforesaid General Assembly, intituled
"The Provincial Elections Act, 1853," I, John
Gillies, Returning Officer for the Electoral District
of Green Island and Caversham, in the Province of
Otago, do hereby give notice that, by virtue of a writ
bearing date the 23rd day of April, 1863, issued under
the hand of His Excellency the Governor of New
Zealand, an Election will be held for the Return of
Two qualified persons to serve as members of the
Provincial Council, of the said Province of Otago;
and that the **NOMINATION** of Candidates will take
place at Caversham, on Thursday, the 21st day of
May, 1863, at 12 o'clock noon; and that the poll (if
necessary) will be taken on Monday, the 25th day of
May, 1863.

Dated this 5th day of May, 1863.

JOHN GILLIES,
Returning Officer.

The following are the polling places for the Electoral
District of Green Island and Caversham in the
Province of Otago:—

The Schoolhouse at Caversham.
The Schoolhouse at Green Island.

MAILS TO KAWARAU JUNCTION.

SEALD TENDERS will be received at the Post
Office, Dunstan, on or before the 10th May
next, from persons willing to carry mails twice
weekly between the Post Office, Dunstan, and an
office to be established at the Kawarau Junction;
contract to be terminable at expiration of six weeks
from time of notice being given by the Government
or contractor. Days and hours to be fixed by the
Postmaster; and security will be required.

Parties tendering are requested to state how soon
they can be ready to commence the service.

ARCH. BARR,
Chief Postmaster.

Chief Post Office,
Dunedin, 21st April, 1863.

MAILS TO THE CARDRONA.

TENDERS will be received at this Office, or at
the Post Office, Dunstan, on or before the 10th
May next, from persons willing to carry mails weekly
between the Post Office, Dunstan, and an office to be
established at the Cardrona township, by way of the
Kawarau Junction, Rocky Point, and Sandy Point.

Contract to be terminable at expiration of six
weeks from time of notice being given by the Go-
vernment or the contractor. Days and hours to be
fixed by the Chief Postmaster, and security will be
required.

Parties tendering are requested to state how soon
they can be ready to commence the service.

ARCH. BARR,
Chief Postmaster.

Chief Post Office,
Dunedin, 23rd April, 1863.

