



OTAGO PROVINCIAL GOVERNMENT GAZETTE.

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[WITH SUPPLEMENT.]

OAMARU TOWN BOARD NOTICE.

IN pursuance of the powers vested in me in this behalf, I, Thomas Dick, Superintendent of the Province of Otago, do hereby appoint Monday, the eighteenth day of September next, at twelve o'clock noon, as the day and time for the holding an Election of one person to be Member of the Town Board of Oamaru, in place of

THOMAS JOHN TUDOR WILLIAMS, deceased.

And I do appoint the Court House at Oamaru, as the place for the holding of the said Election: And I do appoint the said time and place for the assembling of the persons entitled to vote at the said Election: And I do appoint Tuesday, the nineteenth day of the said month of September, as the day upon which the Poll shall be taken at such Election, if a Poll be demanded, and that the said Poll shall be taken at the said Court House; and I do hereby appoint

JOHN YOUNG WARD, Esquire,

Clerk to the said Town Board of Oamaru, to preside at the Meeting for the said Election.

THOMAS DICK,

Superintendent of the Province of Otago.

Superintendent's Office,

Dunedin, 30th August, 1865.

ESCORT.

Provincial Secretary's Office,

Dunedin, 29th August, 1865.

HIS Honor the Superintendent directs it to be notified that the following Clause (which has never been enforced) of the Regulations, dated 26th September, 1864, referring to the transmission of Gold, &c. by Escort, and published in *Gazette*, dated 28th September, 1864, numbered 324, page 75, has been cancelled, viz.:-

"6. A uniform charge of three pence per ounce will be made for Gold forwarded to Dunedin under these arrangements; and for Specie and Bank Notes conveyed in any direction or for any distance, a charge of one half per cent will be made."

FREDERICK WALKER,

Provincial Secretary.

Provincial Secretary's Office,

Dunedin, 28th August, 1865.

HIS Honor the Superintendent directs it to be notified, that he has appointed the following persons, namely—

JAMES BORRIE, Senr.,

JAMES FULTON, R.M.,

ROBERT SINCLAIR GARDNER.,

WILLIAM McDERMID.,

JAMES SHAND.,

to be managers of the Reserve set aside for the purpose of a Public Cemetery by the "Cemetery Reserves Ordinance, 1864," in Section No. 16, Irregular Block, West Taieri District, in the Province of Otago, under the "Cemetery Reserves Management Ordinance 1864."

FREDERICK WALKER,

Provincial Secretary.

In the Supreme Court of New Zealand, }
Otago and Southland District. }

In the matter of the Petition of JAMES LONNIE and EDWARD BURNIE GARVIN, trading in co-partnership as "Lonnie and Co.," of Dunedin, in the Province of Otago, Contractors, Debtors; and in the matter of the "Debtors and Creditors Act, 1862."

UPON reading the Petition of the said James Lonnie and Edward Burnie Garvin, and the affidavits thereunto annexed, and upon hearing Mr. Barton, of Counsel for the said Petitioner, it is ordered that within the space of seven days from the date of this order, or within such extended time as this Court shall hereafter order or direct for that purpose, the Registrar of this honorable Court for and on behalf of the said Petitioners, do convey, assign, and make over all their real and personal estate and effects unto George Murray, of Dunedin, merchant, and Robert Paterson, of same place, merchant, upon trust for the collection and conversion into money of the said estate and effects, and the distribution of the net proceeds *pro rata*, and subject to existing legal priorities (if any) amongst such of the creditors of the said Petitioner as shall duly prove their respective debts by affidavit filed in the

office of the Registrar, at Dunedin, within the space of three calendar months after the date of the registration of the said deed in this Court.

Dated the third day of July, one thousand eight hundred and sixty-five.

By the Court,
ROBERT CHAPMAN,
Registrar.

17s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of SAMUEL SOLOMON LAZARUS, of Dunedin, in the Province of Otago, Merchant, a Debtor, and in the matter of the "Debtors and Creditors Act, 1862."

Tuesday, the 15th day of August, 1865.

UPON reading the Petition of the said Samuel Solomon Lazarus, and the affidavits thereunto annexed, and the affidavit of Alfred S. Lazarus, sworn in this matter on the 1st day of August, instant, and upon hearing Mr. Barton of Counsel for the said Petitioner, it is ordered that the Registrar of this Honorable Court, in the name and on behalf of the said Petitioner, do forthwith convey, assign, and make over, all the real and personal estate and effects of him, the said Petitioner, unto James Alexander Walcot and George Turnbull, both of Dunedin, Merchants, upon trust for the collection and conversion into money of the said estate and effects, and the distribution of the net proceeds *pro rata*, and subject to existing legal priorities (if any) amongst such of the Creditors of the said Petitioner as shall duly prove their respective debts by affidavit filed in the office of the Registrar, at Dunedin, within the space of calendar months after the date of the execution of the said Deed.

By the Court,
ROBERT CHAPMAN,
Registrar.

17s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of RICHARD HENRY LEARY, of Dunedin, in the Province of Otago, Merchant, a Debtor; and in the matter of the "Debtors and Creditors Act, 1862."

NOTICE is hereby given that His Honor the Judge has appointed Monday, the 2nd day of October, 1865, at 10 o'clock in the forenoon, at the Court House, Dunedin, for hearing the Petition of the above-named Debtor.

Dated at Dunedin, the nineteenth day of August, eighteen hundred and sixty-five.

HOWORTH, BARTON & HOWORTH,
Solicitors for the Petitioner.

7s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of JOHN M'CLEAN, of Dunedin, in the Province of Otago, Merchant, a debtor, and in the matter of the "Debtors and Creditors Act, 1862."

NOTICE is hereby given that His Honor the Judge has appointed Monday, the 2nd day of October, 1865, at 10 o'clock in the forenoon, at the Court House, Dunedin, for the hearing of the Petition of the above-named Debtor.

Dated at Dunedin, the twenty-eighth day of August, one thousand eight hundred and sixty-five.

HOWORTH, BARTON & HOWORTH,
Solicitors for the Petitioner.

8s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of FREDERICK JOHN WILSON, of Otakia, in the Province of Otago, Settler and Storekeeper, a Debtor, and in the matter of the "Debtors and Creditors Act, 1862."

NOTICE is hereby given, that His Honor Mr. Justice Chapman, has appointed Monday, the

2nd day of October, 1865, at 10 o'clock in the forenoon, at the Court House, Dunedin, for hearing the Petition of the above named Debtor.

Dated at Dunedin, the 25th day of August, 1865.

HOWORTH, BARTON & HOWORTH,
Solicitors for the Petitioner.

8s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of ALFRED JOHN TALBOT, of Dunedin, in the Province of Otago, Accountant, a Debtor; and in the matter of the Petition of Robert Murray, of Dunedin, in the Province of Otago aforesaid, Gentleman, a Creditor of the said Alfred John Talbot to the extent of not less than fifty pounds; and in the matter of the "Debtors and Creditors Act, 1862."

NOTICE is hereby given, that his Honor Mr. Justice Chapman has appointed Monday, the second day of October next, at the hour of ten o'clock in the forenoon, at the Supreme Court House, Dunedin, for the hearing of the matters of the above-mentioned Petition.

Dated this 18th day of August, 1865.

B. C. HAGGITT,
Solicitor for the said Petitioner.

10s.

In the Supreme Court of New Zealand, }
Otago and Southland District. }
In the matter of the Petition of HORACE BASTINGS and EDGAR BASTINGS, of Dunedin, in the Province of Otago, Hotel and Storekeepers, Debtors; and in the matter of the "Debtors and Creditors Act, 1862."

NOTICE is hereby given, that the Judge has appointed Tuesday, the 19th day of September, 1865, at the hour of ten in the forenoon, at the Supreme Court House, Dunedin, for hearing the said Petition.

Dated the 30th August, 1865.

WILSON, KIDSTON, and STAMPER,
Solicitors for the Petitioning Debtors.

7s.

NOTICE.

THE Partnership formerly existing between the undersigned, in the business of Barristers and Solicitors in Dunedin, and carried on under the style or firm of "Haggitt and Stamper," has been dissolved by mutual consent, as and from the thirty-first day of March last. Mr. Haggitt will receive all debts owing to, and pay all debts owing by, the late Partnership, in the regular course of business.

Dated this eighth day of August, one thousand eight hundred and sixty-five.

B. C. HAGGITT,
JOHN STAMPER.

Witness—WM. DOWNIE STEWART, of Dunedin,
Articled Clerk.

7s.

IN THE TRUST ESTATE OF C. R. GOULDING.

ALL Claims on this Estate are required to be sent in to the office of Messrs. Dalgety, Rattray and Co., in Bond street, before the 5th September next.

J. RATTRAY, } Trustees.
R. WILSON, }

4s.

(From the *New Zealand Gazette*, August 9, No. 30.)

Appointment of Registrar of Marriages, &c.

Colonial Secretary's Office,
Wellington, 27th July, 1865.

HIS Excellency the Governor has been pleased to appoint

LOWTHER BROAD, Esq.,
to be Registrar of Marriages, and of Births, Deaths, and Marriages, for the District of the Arrow, as the same is defined in a Proclamation bearing date the 30th April, 1864, and published in *Gazette* of 6th May, 1864.

J. C. RICHMOND.

Appointment of Registrar of Marriages, &c.

Colonial Secretary's Office,
Wellington, 27th July, 1865.

HIS Excellency the Governor has been pleased to appoint

THOMAS WINDLE PARKER, Esq.,
to be Registrar of Marriages, and of Births, Deaths, and Marriages, for the District of Oamaru, as the same is defined in a Proclamation bearing date the 16th day of July, 1863, and published in *Gazette* of 22nd July, 1863.

J. C. RICHMOND.

Appointment of Deputy-Registrar of Marriages.

Colonial Secretary's Office,
Wellington, 27th July, 1865.

HIS Excellency the Governor has been pleased to appoint

JAMES ASHCROFT, Esq.,
to be Deputy-Registrar of Marriages, and of Births, Deaths, and Marriages, for the District of Oamaru, as the same is defined in a Proclamation bearing date the 16th day of July, 1863, and published in *Gazette* of 22nd July, 1863.

J. C. RICHMOND.

Customs Notice.

ALL Articles imported for the public uses of the Colony, either by the General or Provincial Governments, shall be admitted to entry at the various Custom Houses, free of duty.

(By order of the Commissioner of Customs)
S. CARKEK, Secretary.

Office of Commissioner of Customs,
Wellington, 31st July, 1865.

(From the *New Zealand Gazette*, August 17, 1865, No. 32.)

A PROCLAMATION

Revoking portions of Proclamations delegating to Superintendents certain powers under the "Gold Fields Act, 1862."

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 Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the General Assembly of New Zealand, intituled the "Gold Fields Act, 1862," it is provided that it shall 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 may deem fit, all or any of the powers vested in the Governor or the Governor in Council by the said Act, except the powers conferred by sections nineteen, thirty-one, thirty-two, thirty-three, and sixty-one thereof, subject or not to any limitations or restrictions as he may think fit, and in like manner to alter or revoke any such powers;

And whereas by certain Proclamations, bearing date respectively the 15th day of September, 1863, the 15th day of September, 1863, the 16th day of June, 1864, and the 29th day of December, 1864, the Governor did, in pursuance of the above recited powers, delegate to the Superintendents of Otago, Nelson, Marlborough, and Auckland, all the powers vested in him under the said in part recited Act, except the powers contained in sections Nos. nineteen, thirty-one, thirty-two, thirty-three, and sixty-one of the said Act; to have, hold, and exercise the same within the aforesaid Provinces of Otago, Nelson, Marlborough, and Auckland respectively;

And whereas it is expedient to revoke so much of the said Proclamations as delegate the powers under sections forty-two and forty-three of the said Act to the Superintendents of the aforesaid Provinces:

Now therefore I, Sir George Grey, the Governor aforesaid, with the advice and consent of the Executive Council, and in exercise of the power and authority for that purpose in me vested, do hereby revoke so much of the aforesaid Proclamations of the 15th day of September, 1863, the 15th day of September, 1863, the 16th day of June, 1864, and the 29th day of December, 1864, as delegates to the said Superintendents the powers set forth in sections Nos. forty-two and forty-three of the "Gold Fields Act 1862."

And I declare that this Proclamation shall come into operation and take effect from the day of the date hereof.

Given under my hand, at the Government House, at Wellington, and issued under the Public Seal of the Colony of New Zealand, this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY.

By His Excellency's command,

H. SEWELL,

Approved in Council.

FORSTER GORING,
Clerk of the Executive Council.

GOD SAVE THE QUEEN!

A PROCLAMATION

Declaring the exceptions to be made and the clauses provisoes, conditions, and agreements to be implied in "Gold Mining Leases" under the "Gold Fields Act, 1862."

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 an Act of the General Assembly of New Zealand, intituled the "Gold Fields Act, 1862," it was provided that it should be lawful for the Governor in Council from time to time to make such regulations, not being contrary to the provisions of the said Act, as he should think fit, for the regulating the granting of leases for mining purposes, and the terms and conditions on which such leases shall be granted, and such regulation from time to time to alter and abolish;

And whereas by the said Act it is further provided that the Governor may by Proclamation in the *Government Gazette* of the Colony proclaim and declare the exceptions to be made from leases and licenses granted under the said Act, and also proclaim and declare the covenants, clauses, provisoes, conditions, and agreements applicable to such leases, and may in like manner from time to time rescind, alter, or vary the same;

And whereas by an Order in Council, dated at the Government House, at Wellington, the fifth day of August, 1865, I, Sir George Grey, the Governor as aforesaid, in pursuance and in exercise of the firstly hereinbefore recited power and authority, did, with the advice and consent of the Executive Council of the Colony of New Zealand, make the regulations hereunder written for regulating the granting of leases for mining purposes, and the terms and conditions on which such leases shall be granted:

Now therefore I, Sir George Grey, the Governor as aforesaid of the said Colony, in furtherance of the said recited Order in Council, and in pursuance and exercise of the power and authority in that behalf conferred on me as aforesaid, do hereby proclaim that the following exemptions, covenants, clauses, provisoes, conditions, and agreements shall be applicable

to leases for mining purposes granted under the said Act, and that in any such lease it may be expressly declared that such lease is made subject to any or all of the covenants, clauses, provisos, conditions, and agreements hereinafter mentioned, that is to say,—

Right of Ingress and Egress.

1. Her Majesty the Queen reserves to her Government of New Zealand, and all officers and servants thereof, the right of ingress, egress, and regress to, from, and across the land hereby demised, and the mines thereon or thereunder; and of granting to any person or persons, or to the public, such right of ingress, egress, and regress; and of granting to any holder of a miner's right the privilege of entering on such land for the purpose of cutting water races or tail races, and of leading head water or tail water through the same: Provided always that all such operations shall be sanctioned by the warden, and due compensation given to the said lessee or lessees, his or their heirs, executors, administrators, and assigns.

To determine Lease if Mining be discontinued four months.

2. And it is hereby declared and agreed by and between the said parties hereto, that if the said lessee or lessees, his or their executors, administrators, or assigns, shall for four months discontinue the *bona fide* mining on the said land hereby demised to him or them, it shall and may be lawful for the said lessor, or any person duly appointed by him in that behalf, to enter into and upon the land and premises hereby demised, and thereby determine the estate of the lessee or lessees therein.

Rent in arrear to distrain Machinery, Tools, &c.

3. Provided also that if the rent, dues, duties, reserved in this lease, shall be in arrear and unpaid for the space of twenty-one days next after any of the days hereinbefore fixed for payment thereof, it shall and may be lawful for the said lessor, or any person duly authorised in that behalf, to enter upon the premises hereby demised, and to distrain the machinery, tools, buildings, or other property of the said lessee or lessees for the time being in, under, or upon any part of the premises hereby demised, for or in respect of any such rent, dues, or duties, which ought to have been paid to the lessor or any person duly authorised to receive the same.

Plan of Section of Mines.

4. Provided also that they, the said lessee or lessees, his or their executors, administrators, or assigns, will and shall at all times during the continuance of this demise, if required so to do by the said lessor or any person duly authorised in that behalf, prepare and keep a proper plan or section of all the workings and actual condition of the mines and premises hereby demised.

To furnish Returns, &c.

5. Provided also that he or they, the said lessee or lessees, his or their executors, administrators, or assigns, shall and will at all times during the continuance of this demise furnish true and accurate quarterly returns, and certify to the same on oath to the Warden or other officer duly authorised in that behalf, of the average number of men on or about the mines and premises hereby demised; and shall from time to time, whenever so required by the Warden, Mining Surveyor, or such other duly authorised officer, up to the period when the full sum hereby agreed to be expended in or about the said mines and premises shall have been so expended, furnish a true and accurate account, certified as aforesaid, of the amount at such date expended as aforesaid.

Not to work out of Limits.

6. Provided also that the said lessee or lessees, his or their executors, administrators, or assigns shall not,

nor will during the continuance of this demise, work the said mines out of or beyond the limits and boundaries hereinbefore mentioned.

To fence Pits if required.

7. Provided also that he or they the said lessee or lessees, his or their executors, administrators, or assigns shall and will build and keep in good repair a good sufficient and substantial wall or other fence around all the pits and shafts, which may at any time during the said term hereby granted be open in any part of the premises if required so to do by the lessor or by any person duly authorised by him in that behalf.

Breach of covenants to re-enter and determine Lease.

8. Provided lastly, and it is hereby declared and agreed by and between the said parties hereto, that in case the said lessee or lessees, his or their executors, administrators, or assigns shall fail or neglect to perform and keep all and every of the covenants, conditions, provisos, and agreements hereinbefore contained and implied by virtue of the "Gold Fields Act, 1862," or of any regulations made under the authority of the said Act referring to leases for gold mining within the Province wherein the land hereby demised is situate, and which are in force at the time of the execution hereof, it shall and may be lawful for the said lessor, or any person duly appointed in that behalf, forthwith, or at any time or times thereafter, to enter into and upon the land and premises hereby demised, and thereby determine this lease.

And I declare that this Proclamation shall come into operation and take effect from the day of the date hereof.

Given under my hand, at the Government House, at Wellington, and issued under the Public Seal of the Colony of New Zealand, this fifth day of August, in the year of our Lord one thousand eight hundred and sixty-five.

G. GREY.

By His Excellency's command,

HENRY SEWELL.

GOD SAVE THE QUEEN!

James Macandrew, Esq., elected to the House of Representatives.

Colonial Secretary's Office,
Wellington, 8th August, 1865.

IT is hereby notified that a writ issued for the election of a member of the House of Representatives, for the Electoral District of Bruce, has been returned with a certificate to the effect that

JAMES MACANDREW, Esq.,
has been duly elected.

J. C. RICHMOND.

Resignation of James Howorth, Esq., of his appointment of Crown Solicitor, Otago, accepted.

Attorney-General's Office,
Wellington, 9th August, 1865.

HIS Excellency the Governor has been pleased to accept the resignation by
JAMES HOWORTH, Esq.,
of his appointment of Crown Solicitor within the Province of Otago.

HENRY SEWELL.

Hon. James Prendergast appointed Crown Solicitor in Otago.

Attorney-General's Office,
Wellington, 10th August, 1865.

HIS Excellency the Governor has been pleased to appoint
The Hon. JAMES PRENDERGAST, M.L.C.,
of Dunedin, in the Province of Otago, to be Crown Solicitor within the said Province, for the conduct of Prosecutions under the Regulations of the 23rd day of February, 1864.

HENRY SEWELL.