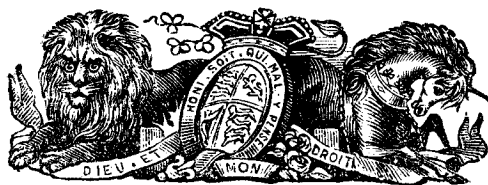


## NEW ZEALAND



# OTAGO PROVINCIAL GOVERNMENT GAZETTE.

Published by Authority.

Vol. X.

DUNEDIN, WEDNESDAY, DECEMBER 12, 1866.

No. 454.

[WITH SUPPLEMENT.]

## PROCLAMATION,

*Revoking Proclamation of the twenty-seventh day of November now last past, and adding to "V" of the Rules and Regulations of the Otago Gold Fields.*

By His Honor THOMAS DICK, Esquire, Superintendent of the Province of Otago.

WHEREAS it is expedient to revoke the Proclamation by me of the twenty-seventh day of November now last past, in regard to "Dams and Puddling Machines," and to add to "V" of the Rules and Regulations of the Otago Gold Fields in regard to the said "Dams and Puddling Machines;"—Now therefore I, Thomas Dick, Esquire, Superintendent of the Province of Otago, by virtue and in exercise of the powers delegated to and vested in me in this behalf, do hereby revoke the said Proclamation of the twenty-seventh day of November now last past, and do hereby make the following Rules relating to "Dams and Puddling Machines."

### REGULATION V.

#### 11. Construction of Dams.

In the case of any dam or reservoir hereafter to be constructed, the Warden may, at his own discretion, or shall, at the request of any claim-holders or residents holding claims or residing in the neighborhood of the proposed site of such dam, or on or near to the proposed course of the overflow of water therefrom, cause the Mining Surveyor of the District to prepare a specification, setting forth the proper mode of construction and the necessary strength and thickness of the embankment of such dam, and the width of the bye wash thereof; and the Warden shall thereupon make such orders therein from time to time as shall be necessary.

#### 12. Inspection of Dams.

The Warden may at any time direct the Mining Surveyor to inspect any dam or reservoir that heretofore has been, or hereafter may be, constructed, and to report upon the strength, security, and fitness thereof, and of any works connected therewith; and such Warden may thereupon make any such order therein as may be necessary.

#### 13. Superintendent may order inspection.

If it shall be represented to the Superintendent that any dam or reservoir is insecure, or of doubtful security, the Superintendent may, if he shall think fit, cause an inspection thereof to be made by a competent Engineer; and may, upon the Report of such Engineer, make any order in respect of such dam or reservoir which may be necessary for insuring the greater security thereof.

#### 14. Certificate or License may be Cancelled.

If the owner or owners of any dam or reservoir shall refuse or neglect to comply with any such lawful order as aforesaid, the Superintendent may, if he shall think fit, cause the certificate granted for such dam or reservoir to be cancelled, and the embankment thereof to be removed, or make such other order therein as may be requisite.

Given under my hand, and issued under the Public Seal of the Province of Otago, at (L.S.) Dunedin, this eleventh day of December, one thousand eight hundred and sixty-six.

THOMAS DICK,  
Superintendent.

By his Honor's command,

JOHN MOUAT,  
Provincial Secretary.

VACCINATION.—His Honor the Superintendent directs it to be notified that he has been pleased to appoint the gentleman undermentioned to be a Medical Officer under the "Vaccination Act, 1863," and that he will attend as aftermentioned for the performance of Vaccination; and will also attend on the eighth day thereafter to inspect the result of the operation, as required by the said Act.

JAMES M'BREARTY, Esquire,

will attend at his residence, Waitahuna, at noon on the first Monday of each month.

JOHN MOUAT,  
Provincial Secretary.

11th December, 1866.

**T**HE following Rules and Regulations have been submitted to His Honor the Superintendent and Executive Council, and are published for general information:—

### OAMARU CEMETERY RULES AND REGULATIONS.

1. That each denomination, if required, may have a portion of ground set apart for their special use, they paying all expenses of the same, and that all contemplated improvements thereon must receive the sanction of the Trustees, before being carried out.

2. All charges and fees must be paid when orders are given.

3. Any person making a vault, or erecting and placing a monument in the Cemetery, by and with the permission of the Trustees under these Rules, and upon the payment of the costs and charges therein mentioned, is entitled to have, maintain, and keep up such vault, monument, or tombstone, according to the terms of such permission, to and for the separate use of such person or persons, and his and their heirs and near relations for ever.

4. Applications for such permission must be made to the Secretary, or one of the Trustees. A certificate of permission, in the form set out in Schedule B, will be granted to the party applying for such permission, on payment of the charges in Schedule A.

5. The costs and charges will be remitted, on the burial of any poor person in such Cemetery, on the certificate of a minister of religion, or other evidence, proving to the satisfaction of the Trustees that such person was a pauper, or that the relations and friends of the deceased were unable to pay the same.

6. Orders for interment must be given to the Sexton six working hours prior to the hour fixed for the funeral; if not, an extra charge will be made. (Schedule A.) No free interment will be allowed without the above notice.

7. The Trustees will cause all ordinary graves to be dug, but parties wanting brick graves, or vaults, will be required to construct them under the direction of a Surveyor, appointed by the Trustees; and in case interment is to be made in any private grave or vault, the consent (in writing) of the party entitled thereto must be left with the order.

8. The name, age, late place of residence, and probable cause of death of the deceased must be stated at the time of giving the order. (See Schedule C.)

9. The time fixed for the funeral must be the time when the procession is to be at the Cemetery, and the same must be punctually observed.

10. Until otherwise ordered, the usual hours fixed for interments will be from 8 o'clock a.m. to 5 o'clock p.m., in the months of September to April inclusive; and from 8 o'clock a.m. to 4 o'clock p.m. in the other four months, except on Sundays, when the usual and only funerals will be from 2 to 5 o'clock p.m. throughout the year. No funeral will be allowed to take place between the hours of 7 o'clock p.m. and 7 o'clock a.m., except by special order.

11. All monuments, vaults, graves, and gravestones must be kept in repair and in proper condition, at the expense of the owners.

12. Every coffin in a vault or brick grave must be either of lead, or bricked in, cemented and covered by a slab of stone, slate, or iron.

13. A drawing of every stone, tomb, pedestal, and plan of every fence, monument, or tablet proposed to be erected, and a copy of every epitaph or inscription must be submitted to the Trustees for approval.

14. No servant or other person employed by, or engaged in, any duty on behalf of the Trustees will be permitted to receive any gratuity for the discharge thereof.

15. The ground will be open daily to the public from sunrise to sunset.

16. A plan of the Cemetery, showing the situation of the graves, will be kept by the Secretary, and may

be inspected at the charge set out in Schedule A, and registers of all grants will be kept by the Secretary.

17. The sexton has orders to turn out or take into custody (as the case may require) any person who shall behave indecorously, or commit any trespass, or injury to the trees, flowers, or erections, or otherwise infringe the Ordinance relating to the Cemetery, or the regulations for the protection of the same; and such person will be proceeded against according to the provisions of the "Cemetery Reserves Ordinance, 1864."

18. No funeral will be allowed to take place in the Cemetery without a certificate from a Deputy-Registrar or Coroner holding an inquest or enquiry, or a Magistrate: such certificate must be delivered to the sexton at the Cemetery before the funeral enters the gates.

19. The Trustees reserve the right to make any alterations from time to time in these charges and regulations.

#### SCHEDULE A.—PUBLIC GRAVES.

Single interments in open ground	-	£1	0	0
Do. of children under 5 years	-	0	10	0
Do. of still-born children	-	0	5	0

#### PRIVATE GRAVES.

Special land for family graves—for each block of 8 feet by 4 feet, as per plan	-	2	2	0
Sinking each grave for 6 feet	-	1	0	0
Do. for every additional foot	-	0	5	0
Do. for children under 6 years	-	0	10	0
Re-opening each grave or vault	-	1	0	0
Certificate of right of burial in all private graves	-	0	2	6

#### MISCELLANEOUS CHARGES.

For all interments that take place not in the usual hours, an extra charge of	-	0	10	6
Charge for copy of register	-	0	2	6
Charge for inspecting plan or register	-	0	1	0

#### SCHEDULE B.—FORM OF CERTIFICATE OF RIGHT OF BURIAL IN THE OAMARU CEMETERY.

On the application of \_\_\_\_\_ and upon the payment of the sum of \_\_\_\_\_ which is hereby acknowledged to have been received, the Trustees of the Oamaru Cemetery, in terms of, and as authorised by the "Cemetery Reserves Management Ordinance, 1864," have agreed to grant, and do hereby grant, unto the said \_\_\_\_\_ permission to dig or make a grave or vault on that piece of ground \_\_\_\_\_ feet long by \_\_\_\_\_ feet broad, lying within that portion of the said Cemetery appropriated for \_\_\_\_\_ burials, and marked No. \_\_\_\_\_ compartment on the plan of the said Cemetery, kept by the said Trustees, with permission to erect or place on the said piece of ground a monument or tombstone, on payment of such charges as may from time to time be established: And it is hereby declared that the said \_\_\_\_\_ shall be entitled to have, maintain, and keep such a vault, monument, or tombstone, according to the terms of this permission, to and for the sole and separate use of the said \_\_\_\_\_ and his or their heirs and near relations for ever: provided always, and it is hereby declared, that this grant is made subject to the terms and conditions following, viz:—

*First.* That the said piece of ground shall be kept and used by the said \_\_\_\_\_ his heirs and near relations, solely as a burying place, and that no other use shall be made thereof.

*Second.* That no enclosing wall, fence, building, monument, or tombstone, shall be erected or placed on the said piece of ground until a plan thereof shall have been exhibited to the said Trustees, and their authority given for the erection thereof.

*Third.* That the said grave or vault, and the said fence, wall, building, monument, or tombstone shall be maintained and kept up by the said

and his heirs and near relations in proper repair to the satisfaction of the said Trustees.

*Fourth.* That the said and heirs and near relations shall, in the use of the said piece of ground, and access thereto, be subject in every respect to such rules and regulations as the Trustees of the said Cemetery may from time to time make, and shall not be entitled to exercise the right to bury or inter therein, except on payment of such charges as shall from time to time be established by the said Trustees.

Given under our hands at Oamaru, in the Province of Otago, New Zealand, this  
day of \_\_\_\_\_, A.D. 18 .

#### SCHEDULE C.—FORM OF INSTRUCTIONS FOR GRAVES.

*Answers to be written opposite the following questions at the time of giving orders.*

1. What Denomination ?
2. Name of the deceased ?
3. Late residence of deceased ?
4. Rank of deceased ?
5. Age of deceased ?
6. Where born ?
7. Minister to officiate ?
8. Day of funeral ?
9. What hour ?
10. Number of grave on plan issued ?
11. If a public grave ?
12. If special land for private graves, what width ?
13. If a family vault or brick grave, what width ?
14. What depth ?
15. If first or second interment ?
16. Nature of disease or supposed cause of death ?

Signature of  
Representative (or undertaker).

Orders received this \_\_\_\_\_ day of  
186 , at \_\_\_\_\_ o'clock.

Signed by the said Trustees, in presence of

[Signature and description of Witness.]

**CORRECTION**—Sheep Return, in Gazette No. 452, page 242—instead of "Freehold," as applied to Calcutt and Menlove, between figures 369 and 354, read, "Hyde Home Station."

Page 243, line 47 from top of same Gazette and Return, instead of "M'Laren, John and Allan," read "M'Lean, John and Allan."

#### NOTICE.

**T**HE Partnership hitherto existing between the undersigned, trading as Runholders and Sheep Farmers, under the style of Gardner, Graham and Co., is this day Dissolved by mutual consent, as far as regards Mr. James Gardner, who retires from the firm.

The business will be carried on as usual under the style of Charles C. Graham and Co.

JAMES GARDNER.  
CHAS. C. GRAHAM.  
A. G. MERSON.

WILLIAM HOOD, witness to the signatures of James Gardner, Charles C. Graham, and A. G. Merson.

Benlomond Station, Waitaki River,  
7th December, 1866.

3—27s.

(From the *New Zealand Gazette*, November 27, 1866, No. 61.

G. GREY, GOVERNOR.

#### A PROCLAMATION.

**W**HEREAS by "The Resident Magistrates' Criminal Jurisdiction Extension and Amendment Act, 1865," it is amongst other things enacted that it shall be lawful for the Governor, by proclamation in the *New Zealand Gazette*, at any time to suspend the operation of the second and third sections of "The Resident Magistrates' Jurisdiction Extension Act, 1862," with respect to any Resident Magistrate's Court, provided always that such suspension shall not be held to prevent the issuing of warrants of distress or commitment, or otherwise enforcing due satisfaction of any judgment obtained in such Resident Magistrates' Court previous to such suspension. And whereas by a proclamation bearing date the eleventh day of November, one thousand eight hundred and sixty-four, the first day of December then next ensuing was determined and declared to be the day on and from which the provisions of the said "Resident Magistrates' Jurisdiction Extension Act, 1862," and especially the powers conferred by sections two and three thereof should be exercised to the limit of jurisdiction of one hundred pounds in the Resident Magistrate's Court at Hamilton, in the Province of Otago: And whereas it is expedient to suspend the operation of the said second and third sections of the said Act with respect to the Resident Magistrate's Court at Hamilton aforesaid:

Now therefore I, Sir George Grey, the Governor of the Colony of New Zealand, in pursuance and exercise of the power and authority so vested in me as aforesaid, do hereby proclaim and declare that the operation of the said second and third sections of "The Resident Magistrates' Jurisdiction Extension Act, 1862," shall be suspended with respect to the said Resident Magistrate's Court at Hamilton from and after the first day of December, one thousand eight hundred and sixty-six, now next ensuing.

Given under the hand of 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, at the Government House at Wellington, and issued under the Seal of the said Colony, this twenty-third day of November, in the year of our Lord one thousand eight hundred and sixty-six.

E. W. STAFFORD.

GOD SAVE THE QUEEN!

G. GREY, Governor.

#### A PROCLAMATION.

**W**HEREAS by "The Resident Magistrates' Jurisdiction Extension Act, 1862," it is enacted that the limits of jurisdiction of any Resident Magistrate's Court within the Colony may be extended in manner therein set forth; and it is further enacted that the second and third sections of the said Act shall come into force in respect of any Resident Magistrate's Court, on a day to be determined by a proclamation in the *Government Gazette*, pursuant to an order of the Governor in Council:

Now therefore, I, Sir George Grey, the Governor of New Zealand, in pursuance of an Order in Council of even date herewith do hereby proclaim and declare that the first day of December next, shall be the day on and from which the second and third sections of the said Resident Magistrates' Jurisdiction Extension Act, 1862," shall come into force to the limit of

jurisdiction of one hundred pounds in respect of the Resident Magistrate's Court at Naseby, in the Province of Otago.

Given under the hand of 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, at the Government House, at Wellington, and issued under the Seal of the said Colony, this twenty-third day of November, in the year of our Lord one thousand eight hundred and sixty-six.

E. W. STAFFORD.

GOD SAVE THE QUEEN !

G. GREY, Governor.  
ORDER IN COUNCIL.

At the Government House, at Wellington, the twenty-third day of November, 1866.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Supreme Court Amendment Act, 1862," it is provided that the Judges of the Supreme Court from time to time with the approval of the Governor in Council, may revoke or alter any rules for the time being in force, touching the administration of the effects and estates of persons deceased, and with such approval as aforesaid, may make new and other rules in that behalf, and also touching the practice and procedure of the Supreme Court, in respect of any matter or thing for the time being or which shall at any time be within the jurisdiction of the Supreme Court, and such new or other rules with such approval as aforesaid may from time to time alter and revoke. And whereas their Honors the Judges of the Supreme Court of the Colony, have in pursuance of the power so vested in them as aforesaid, made the following general rules touching the practice and procedure of the said Court: Now therefore, His Excellency the Governor by and with the advice and consent of the Executive Council of the Colony, doth hereby signify his approval of the said rules.

FORSTER GORING,  
Clerk of the Executive Council.

REGULÆ GENERALES.

[October, 1866.]

By virtue of the powers vested in us by law, it is ordered by us, the undersigned, Judges of the said Court, that the following general rules shall come into and be in force on and after the first day of January, A.D., 1867 :—

1st.—*Pleading Provincial Ordinances.*

When any party pleading relies upon any provision contained in any Act or Ordinance of any Provincial Council, he shall insert in the margin of the pleading the title and date of such Act or Ordinance, and the number of any section thereof on which he relies; and it shall not be necessary to set out the words or state the provisions of any such section, except in such cases and in such manner as would be necessary if the same were contained in an Imperial Act, or an Act of the General Assembly.

2nd.—*Fee for Copying Documents and Office Copy.*

The fee of 6d. per folio for copying documents, and for office copies chargeable according to Schedule D. of the Regulæ Generales of May, 1861, is hereby

abolished, and instead thereof there shall be payable within each judicial district of the Colony for every folio of seventy-two words copied, such fee not exceeding 6d., and not less than 4d. per folio, as the Judge of such district shall direct by a notice to be posted in the office of the Registrars and Deputy-Registrars within such districts.

ALEXANDER J. JOHNSTON,  
*Acting Chief Justice.*  
H. B. GRESSON, J.  
C. W. RICHMOND, J.  
H. S. CHAPMAN, J.  
J. S. MOORE, J.

G. GREY, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, the twenty-third day of November, 1866.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by "The Resident Magistrates' Jurisdiction Extension Act, 1862," it is enacted that the limits of Jurisdiction of any Resident Magistrate's Court within the Colony may be extended in manner therein set forth; and it is further enacted that the second and third sections of the said Act shall come into force in respect of any Resident Magistrate's Court, on a day to be determined by a Proclamation in the Government Gazette, pursuant to an order of the Governor in Council :

Now therefore, His Excellency the Governor, by and with the advice and consent of the Executive Council of the Colony, doth hereby order and direct that the first day of December next shall be the day on and from which the second and third sections of the said "Resident Magistrates' Jurisdiction Extension Act, 1862," shall come into force, to the limit of jurisdiction of one hundred pounds, in respect of the Resident Magistrate's Court at Naseby, the in Province of Otago.

FORSTER GORING,  
Clerk of the Executive Council.

Colonial Secretary's Office,  
Wellington, 26th November, 1866.

HIS Excellency the Governor has been pleased to appoint

HENRY WIRGMAN ROBINSON, Esq.,  
to be Registrar of Marriages, and of Births, Deaths, and Marriages, for the District of Dunstan, in the Province of Otago.

E. W. STAFFORD.  
Colonial Secretary's Office,  
(Judicial Branch),

Wellington, 26th November, 1866.

HIS Excellency the Governor has been pleased to accept the resignation by

ARTHUR DAVIES HARVEY, Esq., of St. Bathans,  
BORTHWICK ROBERT BAIRD, Esq., of Mount Ida,  
EDGAR HALL CAREW, Esq., of McCrae's, and  
JOHN MACKAY, Esq., of Waitahuna,  
JAMES CHARLES THOMSON, Esq., of Alexandra,  
in the Province of Otago, and by

EDWARD HARDCASTLE, Esq., of Hokitika,  
in the Province of Canterbury, of their appointments as Justices of the Peace for the Colony of New Zealand.

E. W. STAFFORD.

General Post Office,  
Wellington, 6th November, 1866.

IT is hereby notified for public information, that in future the Post Office of Tuapeka, in the Province of Otago, will be denominated the Post Office of "Lawrence."

JOHN HALL.