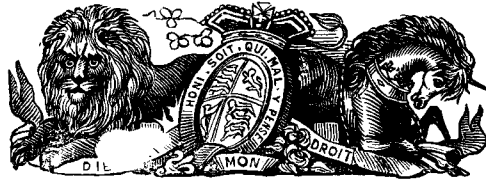


NEW ZEALAND



OTAGO

PROVINCIAL GOVERNMENT

GAZETTE.

Published by Authority

Vol. XI.

DUNEDIN, WEDNESDAY, OCTOBER 23, 1867.

No. 505.

[WITH SUPPLEMENT.]

NOTICE TO APPLICANTS for UNSURVEYED LAND, under "Otago Waste Land Act, 1866."—It is hereby notified to the applicants whose names appear in the subjoined Schedule, that the Waste Land Board has declared them to be the purchasers of the sections set opposite to their names in the Schedule, and that the purchase money of these sections must be paid to the Receiver of Land Revenue in Dunedin, on or before Thursday, the 7th day of November, 1867, otherwise the applications will be deemed withdrawn, cancelled and void, and the deposit made at the time of lodging the application will be forfeited.

SCHEDULE.

Applic- ation.	Applicant.	Section	Block.	District.
43D	Webster and Aitken	21	5	Awamoko.
45D	George Murray Webster	22	5	do
83D	John Woods	10	2	Wyndham.
98D	Angus M'Kay	12	2	do
83D	John Woods	11	4	do
57D	William Jones	13	11	Hawkesbury.

W. H. CUTTEN,
Chief Commissioner.

Waste Land Board Office,
Dunedin, October 24, 1867.

In the matter of the Petition of **ROBERT OSBORNE CARRICK**, of Dunedin, in the Province of Otago, Journalist, a debtor, and in the matter of the Debtors and Creditors Act and Amendment Acts.

NOTICE IS HEREBY GIVEN that the above Petition has been presented to, and accepted by, His Honor Mr. **JUSTICE CHAPMAN**, who has appointed the eleventh day of November, 1867, at 10 o'clock in forenoon, at the Supreme Court House, Dunedin, for the hearing of said petition.

Dated this 22nd day of September, 1867.

R. O. CARRICK,
Petitioner.

7/6

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

In the matter of the Petition of **PETER SHERWIN**, Senr., of Dunedin, Coach-builder, and in the matter of the Debtors Creditors Acts, 1862, 1865, and 1866.

NOTICE IS HEREBY GIVEN that His Honor Mr. **JUSTICE CHAPMAN**, has appointed the eleventh day of November next, at the Supreme Court House, Dunedin, for the hearing of the said Petition.

Dated this 19th day of October, 1867.

PETER SHERWIN, SENR.,
Petitioner.

7/

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

In the matter of the Petition of **Matthias Calvert** and **George Hyde Campbell**, of Dunedin, in the Province of Otago, trading there in co-partnership under the style of **Calvert and Campbell**, china and earthenware merchants, praying for the Sequestration and cession of the estate of **Joshua Lazarus**, of Dunedin, in the Province of Otago, Fancy Goods Dealer.

Monday, the thirtieth day of September, in the year of our Lord, one thousand eight hundred and sixty seven.

THE matter of this petition coming on this day for the first hearing thereof, upon reading the order for sequestration and vesting of the estate of the Bankrupt made in this matter, and dated the thirtieth day of August last, and upon hearing Mr. **Dempsey**, the Petitioners' Council, it is ordered that **George Brodie**, of Dunedin, in the Province of Otago, Inspector in Bankruptcy, and interim sequestrator of the said Estate, be, and he is hereby appointed sole trustee of the estate and effects of the bankrupt. And it is further ordered that all real and personal estate of the bankrupt which shall vest in the said **George Brodie** by virtue of his said appointment, shall be held by him, his heirs, executors and administrators respectively (except the

wearing apparel of the bankrupt, his wife and children, which shall be retained by them) upon and for the following trusts and purposes, namely:—

1. To sell, collect, and get in such real and personal estate, and receive the monies arising therefrom, and to execute all necessary conveyances and assurances thereof.

2. To retain and pay all expenses properly incurred of, and attending such sale, collection and getting in.

3. To pay the poundage and fees payable under the several Debtors and Creditors Acts.

4. To pay all costs and expenses in this matter which have been or shall be ordered by the Court or by any Judge thereof, to be paid out of the estate of the bankrupt.

5. To distribute the net residue of the said trust monies between, and amongst, and for the benefit of all the Creditors of the Bankrupt who were his creditors at the time of the presentation of the said Petition, and who shall duly prove their debts by affidavit, sworn and filed within three calendar months from the date of this order by way of *pro rata* distribution, subject to existing legal priorities (if any) but so that the said Creditors shall not receive more than twenty shillings in the pound upon their said respective debts.

6. To pay the ultimate surplus (if any) of the said trust monies to the Bankrupt.

And it is further ordered that the matter of the said Petition be further adjourned until the eleventh day of November next.

By the Court,

(L.S.)

ROBERT CHAPMAN,

Registrar,

35/

DISSOLUTION OF PARTNERSHIP.—NOTICE.

—The partnership hitherto existing between JOHN G. DOUGLAS and ALEXANDER MUIRHEAD, as Livery Stable Keepers, is this day dissolved by mutual consent.

JOHN G. DOUGLAS,

ALEXANDER MUIRHEAD.

(Witness) DANIEL BANNATYNE.

Dunedin, July 1st, 1867.

Alexander Muirhead will continue to carry on the business of the Stables, will receive and pay all debts of the late firm. 7/6

(From the *New Zealand Gazette*, October 3 (No. 49).

DEBTORS' PRISONS RULES AND REGULATIONS.

15th August, 1867.

WHEREAS by an ordinance of the Legislative Council of New Zealand (Session VII., No. 8), intituled "An Ordinance for the Regulation of Prisons," it was enacted (section 6) that it shall be lawful for the Judges of the Supreme Court from time to time, to make such rules and regulations for the management of such Gaols as then were, or thereafter might be, used for the imprisonment of Debtors, and for the control of the Debtors therein:

We, the Judges of the Supreme Court, under and by virtue of the provisions of the said Ordinance, do make the following Rules and Regulations; and do order that the same shall come into force on the 1st day of October, 1867, in, and shall be applied to, every Gaol in the Colony of New Zealand, used for the imprisonment of Debtors:—

RULES AND REGULATIONS.

1. The Debtors in every such Gaol are to be kept if possible, consistently with the resources of the Gaol, quite separate from all Felons and Misdemeanants undergoing sentences; from all persons waiting for Trial, and from Lunatics; and if such complete separation be impossible, the intercourse of such Debtors with such Convicts, persons waiting for Trial, and Lunatics, shall be prevented by the Gaoler as much as possible.

2. On the admission of every Debtor into a Gaol, it shall be the duty of the Gaoler to ascertain that he has with him no dangerous weapon or article cal-

culated to facilitate escape, or other prohibited thing but the examination for such purpose shall in no instance be conducted in the presence of any other prisoner. After such examination, the place to be occupied by the Debtor shall be assigned to him by the Gaoler.

3. Debtors may procure for themselves, and receive during visiting hours, articles of clothing and bedding, and other necessaries, except food, to a reasonable amount, to be determined by the Gaoler; and Debtors not receiving prison rations may procure for themselves, and receive during such visiting hours, any food not requiring to be cooked, to a reasonable amount, to be determined by the Gaoler; but all such articles shall be examined, in order that it may be ascertained that they are clean, and not likely to communicate infection or facilitate escape. Debtors dissatisfied with the determination of the Gaoler as to amount, may appeal to the Visiting Justices, who may make such order thereon as they may think fit.

4. Debtors unable to provide food for themselves shall receive rations equal at least in quantity and quality to the highest class of rations supplied to other prisoners within the Gaol; and the rations of such Debtors shall be fixed from time to time by the Visiting Justices, and shall be provided separately from those of other prisoners. Debtors receiving Gaol rations—provided they assist daily (personally or by substitute), to the satisfaction of the Gaoler, in keeping clean and in order the apartments which they occupy—shall have permission, by order of the Gaoler (entered in his books), to receive, through him, such additional food (not requiring to be cooked), as he shall deem reasonable, not more than three times a week, during visiting hours.

If any Debtor shall be dissatisfied with the decision of the Gaoler with reference to this rule, he may appeal to the Visiting Justices, who may make such order thereon as they may think fit.

5. Any Debtor who shall assist daily (either personally or by substitute), to the satisfaction of the Gaoler, in keeping clean and in order the apartments which he occupies, shall be permitted to procure, at the cost of himself or his friends, through the Gaoler, daily, at an hour or at hours to be fixed by the Gaoler, such moderate quantities of beer, wine, and spirits as the Medical Officer of the Gaol shall deem reasonable (regard being had to the health, condition, and previous habits of the Debtor), and shall specify by an entry in writing in a book to be kept for the purpose; and such Debtor shall consume such beer, wine, or spirits, in the presence of the Gaoler or some other officer of the Gaol, and shall not be allowed to remove the same from the place where it shall be delivered to him.

6. Every facility, consistent with the circumstances and safety of the Gaol, and the convenience of its officers, shall be given to Debtors, for enabling them to work at any trade, business, or employment with which they may be conversant.

7. The Gaoler shall permit every Debtor who may wish it, to attend at the performance of any Divine Service which may take place within the Gaol, and shall assign him a place apart from convicts and criminals awaiting for trial.

8. Debtors shall rise and fold up their bedding, and their rooms shall be unlocked, at 6 a.m., from the 1st day of October to the 31st day of March inclusive, and at daylight from the 1st day of April to the 30th day of September inclusive. They shall be locked up at sunset all the year round. All lights in their rooms shall be extinguished at 9.30 p.m.

Provided always that it shall be competent for the Visiting Justices of any Gaol, with the sanction of a Judge of the Supreme Court, to substitute, for the hours and times in this rule mentioned, any other hours or times which the circumstances of the Gaol shall seem to them to render more desirable—notice of which shall be posted in the Gaol along with a copy of these Rules.

9. Debtors will be permitted to see visitors on week-days from 9 a.m. to 5 p.m., from the 1st day of October to the 31st day of March inclusive; and from 9 a.m. to 4 p.m. from the 1st day of April to the 30th day of September inclusive; or at any other hours or for any specified time, by permission, in writing, of a Visiting Justice. The visit of each visitor not to exceed one hour in one day, except by permission of a Visiting Justice, or by leave of the Gaoler for sufficient cause assigned, to be entered by him in the books of the Gaol; and more than one visitor to one debtor at one time shall not be permitted without reasonable cause assigned, if the Gaoler shall deem an addition to the number of visitors at the time inconvenient.

10. Visitors shall not be admitted on Sundays during Divine Service, or at any other time on Sundays, except by leave in writing of a Visiting Justice, specifying the hour at which such visit shall take place and the duration thereof: Provided that the Gaoler may, for any urgent cause, the particulars of which he shall enter in the books of the Gaol at the time, admit Visitors to any Debtor at times other than those appointed by the two last-mentioned rules, either on Sundays or on week-days.

11. Debtors shall have access during daylight to the airing yard, at all times consistent with the circumstances of the Prison.

12. The Gaoler shall forthwith transmit to a Judge of the Supreme Court acting in the district within which the Gaol is situated, any complaint or petition which any such Debtor may wish to present to such Judge.

13. The Judge of the district within which such Gaol is situated, may make any such special order as to all or any of the Debtors imprisoned in such Gaol consistent with the circumstances and resources thereof, and not inconsistent with these Rules, as he may think fit.

14. A Copy of these Rules shall be posted in some part of the Gaol where every Debtor in the same may be able to see them.

15. The following acts are strictly prohibited, and will be punishable either by reduction in quantity or quality of rations, or by a penalty not exceeding £10, to be recovered summarily under the provisions of the eighth section of the Prisons' Ordinance, or by confinement in a solitary cell on bread and water, under the eleventh section of the said Ordinance, hereinafter mentioned:—

- (1.) Disobedience of any of the foregoing Rules.
- (2.) Smoking elsewhere than in the airing yard of the Gaol.
- (3.) Gambling, or playing at any game of chance.
- (4.) Holding, or attempting to hold, conversation with Prisoners, or persons waiting for trial.
- (5.) Giving, or attempting to give, to any Convicts, or Prisoners waiting for trial, or Lunatics, any food, drink, tobacco, pipes, lucifer matches, newspapers, or other prohibited articles.
- (6.) Writing upon or otherwise defacing walls, doors, windows, or other parts of the Gaol.
- (7.) Making noises by shouting, singing, whistling, or otherwise, after notice given by Gaoler.
- (8.) Closing doors or windows contrary to the orders of the Gaoler.
- (9.) Using or making any insulting, violent, indecent, or threatening language, or gestures to any officer of the Gaol.

ALEXANDER J. JOHNSTON, *Acting C. J.*

HENRY BARNES GRESSON, *J.*

CHRISTOPHER W. RICHMOND, *J.*

HENRY S. CHAPMAN, *J.*

JOSEPH S. MOORE, *J.*

NOTICE.

I. By the eleventh section of "The Prisons Ordinance, 1846," the following are declared to be offences thereunder:—

- (1.) Disobedience of the Rules and Regulations of the Prison.

- (2.) Assaults by one person confined in such Gaol upon another, when no dangerous wound or bruise is given.
- (3.) Profane cursing and swearing.
- (4.) Any indecent behaviour.
- (5.) Any irreverent behaviour during Divine Service or prayers.

Any visiting Justice has power to hear and determine all complaints touching any of the above mentioned offences, and to sentence any parties convicted of any of them, to be confined in a solitary cell on bread and water, for any term not exceeding seven days.

II. By the fifteenth section of the Ordinance it is enacted—"If any person shall bring, or attempt to bring, any wine or spirituous or fermented liquor into any Gaol, it shall be lawful for the Gaoler, Turnkey, or any of their assistants to apprehend the offender, who, upon conviction, shall forfeit and pay any sum not exceeding twenty pounds, to be recovered in a summary way."

III. By the sixteenth section of the Ordinance it is enacted—"If any person shall convey, or cause to be conveyed, into any Gaol, any mask or other disguise, or any instrument or arms proper to facilitate the escape of any prisoner, and the same shall deliver, or cause to be delivered, to any prisoner in such Gaol, or to any other person therein for the use of such person, without the consent or privity of the Keeper of the Gaol; every such person shall be deemed to have delivered such mask or disguise, instrument or arms with intent to aid and assist such prisoner to escape, or attempt to escape; and if any person shall by any means whatsoever, aid and assist any prisoner to escape from any Gaol, every person so offending, whether an escape be actually made or not, shall be guilty of felony, and, being convicted thereof, shall be transported beyond the seas for any term not exceeding fourteen years,"—for which term of transportation there is now substituted, by "The Secondary Punishments Act, 1854" penal servitude not exceeding eight years.

IV. By the seventh section of the Prisons' Ordinance, it is enacted—"That all rules and regulations made under the authority thereof shall be binding upon the Officers of the Gaol, and upon the Prisoners and Debtors confined therein, as fully as if the same had been expressly enacted and set forth in the said Ordinance."

(From the *New Zealand Gazette*, October 11, No. 52.)

G. GREY, Governor.

A PROCLAMATION.

WHEREAS by "The Gold Fields Act, 1866," it is provided that it shall be lawful for the Governor at any time subsequent to the proclamation of a Gold Field, to withdraw by proclamation therefrom any Crown Lands which he may deem it necessary to withdraw.

And whereas the land herein described is required for the public purposes of the Colony:

Now therefore, I, Sir George Grey, the Governor of the Colony of New Zealand, in pursuance and exercise of the power and authority in me vested for this purpose, do hereby withdraw from the "Otago Gold Field," proclaimed on the 29th day of January, one thousand eight hundred and sixty-seven,

All that piece or parcel of land in the township of Lawrence and Province of Otago, being block XLIII of the said township, bounded on the north by Colonsay street, on the West and south-west by Peel street, on the South by Lismore street, and on the East by Lancaster street.

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, this seventh day of October, in the year of our Lord one thousand eight hundred and sixty seven.

E. W. STAFFORD.

GOD SAVE THE QUEEN!

G. GREY, Governor.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Waste Lands Act, 1858," it is provided that it shall be lawful for the Governor in Council, at any time, and from time to time, to except from sale, and either reserve to Her Majesty or dispose of in such other manner as for the public interest may seem best, such of the Waste Lands of the Crown in any of the Provinces of the Colony as may be required for the purposes of military defence, or for the construction of trunk lines of road, or as sites for public buildings for the use of the General Government, or for other purposes of public utility or convenience; and all such exceptions shall be deemed to have been made whenever the Governor, by writing, under his hand shall have notified to the Superintendent of the Province in which any land so excepted is situate, that the same is required for any of the purposes aforesaid, and such notification shall have been published in the *New Zealand Gazette*.

and authority in me vested for this purpose, I have by an Order in Council of even date herewith, excepted from sale and reserved as a site for public buildings for the use of the General Government of New Zealand,

All that piece or parcel of land in the township of Lawrence, in the Province of Otago, being Block XLIII of the said township, bounded on the North by Colonsay street, on the West and south west by Peel street, on the South by Lismore street, and on the East by Lancaster street.

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, this seventh day of October, in the year of our Lord, one thousand eight hundred and sixty-seven.

E. W. STAFFORD.

THE following persons have been duly licensed to act as Custom House Agents at the Port of Dunedin, for the year ending 30th September, 1868:

William Alexander Tolmie,
William Dalrymple, the younger,
Francis Gairn Cairns,
George Septimus Brodrick,
George Gray Russell,
Thomas Edward Fisher,
James Anderson,
John Hamann,
Colman Burke,
David Henry Miller.

THOMAS HILL,
Deputy Commissioner.

Custom House, Dunedin,
1st October, 1867.