

NEW ZEALAND:



OTAGO

PROVINCIAL GOVERNMENT

GAZETTE.

Published by Authority.

VOL. XV.

DUNEDIN, WEDNESDAY, JANUARY 25, 1871.

No. 711.

PROCLAMATION.

Cancellation of License to Depasture Stock on certain Crown Lands in the Province of Otago.

By His Honor James Macandrew, Superintendent of the Province of Otago, in Council.

WHEREAS by the 16th section of the "Gold Fields Act 1866," it is enacted that when any Gold Mine or Gold Field shall be discovered and proclaimed upon any Crown Lands, which at the date of the passing of the said Act shall have been held under license or lease for depasturing purposes, it should be lawful for the Governor, at his discretion, to cancel the license or lease under which such land shall have been held in occupation, as regards the whole or any part of the lands so held under such license or lease, or with the concurrence of the licensee or lessee, to suspend such lease or license, as regards the whole or any part of such lands: And whereas Thomas Dick, Esquire, then Superintendent of the Province of Otago, by virtue and in exercise of the powers delegated to and vested in him in that behalf, did, by Proclamation in the Government Gazette of the said Province, bearing date twenty-ninth day of January, one thousand eight hundred and sixty-seven, constitute and appoint all the territory therein described, including amongst other lands the lands hereinafter described to be a Gold Field under the provisions of the "Gold Fields Act 1866," to be called "Otago Gold Field:" And whereas by the "Gold Fields Act Amendment Act 1867," it is enacted that within any Province in which by any Act or Ordinance it is provided that the Superintendent shall, in the administration of the Government thereof, act by and with the advice and consent of an Executive Council, it shall be lawful for the Governor in Council, under his hand, and under the public seal of the Colony

from time to time, as occasion may require, to delegate to the Executive Government for the time being of such Province, subject or not to any restrictions or limitations as he may think fit, all or any of such powers vested in the Governor, or the Governor in Council, by the "Goldfields Act, 1866," as under or by virtue of the one hundred and ninth Section of the said Act may be delegated by the Governor in Council, and in like manner to revoke any such delegation: And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Otago, intituled the "Executive Council Ordinance, 1861," it is provided that the Superintendent of the said Province shall, in the administration of the Government thereof, act by and with the advice and consent of an Executive Council: And whereas the Governor hath, with the advice and consent of the Executive Council of New Zealand, and in pursuance of the power and authority for that purpose vested in him by the "Gold Fields Act 1866," and subject to its provisions, delegated unto the Executive Government for the time being of the Province of Otago all such powers vested in the Governor, or the Governor in Council, by the said last-mentioned Act, as under or by virtue of the one hundred and ninth section of the said last-mentioned Act may be delegated by the Governor in Council, to have, hold, and exercise the said powers within the said Province of Otago: And whereas the said lands hereinafter described are Crown lands, subject to be dealt with under the provisions of the said sixteenth section of the "Gold Fields Act 1866," and the said lands are now, or lately were, held in occupation by Messrs White Brothers and Messrs McKellar Brothers, under a license for Depasturing purposes: And whereas the Executive Government of the Province of Otago have determined to cancel the said license as to so much and such part of the lands

held under the same as are comprised within the area hereinafter described :

Now therefore I, James Macandrew, Superintendent of the Province of Otago, by and with the advice and consent of the Executive Council of the said Province, and by virtue and in exercise of the powers delegated to the Executive Government of the said Province in this behalf by His Excellency the Governor of New Zealand in Council, under the authority of the "Gold Fields Act Amendment Act 1867," and of any and every other power in anywise enabling me in this behalf, do hereby cancel the said license, in so far as the lands comprised within the area hereinafter described are affected by the said license, but no further or otherwise (that is to say)—

All that area situated in Run 324, containing 3,650 acres, more or less, and comprised by the following boundary lines—viz., commencing at the mouth of the Afton Burn; thence easterly along the shore of Lake Wakatip to the base of the hills at Beach Bay; thence westerly along the foot of the hills to the Afton Burn; thence north-easterly along the Afton Burn to the commencing point.

Given under my hand and issued under the Public Seal of the Province of Otago, in presence of George Duncan and John Lillie Gillies, Esquires, two of the Members of the Executive Council of the said Province, being also Members of the Provincial Council thereof, this seventeenth day of January, one thousand eight hundred and seventy-one.

(L.S.) J. MACANDREW,
Superintendent.

GEO. DUNCAN,
JOHN LILLIE GILLIES,

Members of the Executive Council of the Province of Otago, and of the Provincial Council thereof.

[Republished from last week's Gazette, in consequence of several mistakes which then appeared.]

James Macandrew,
Superintendent
of the Province of Otago. }

ORDER IN COUNCIL,

At the Provincial Government Buildings, Dunedin, the seventeenth day of January, one thousand eight hundred and seventy-one.

Present:

HIS HONOR THE SUPERINTENDENT,
GEORGE DUNCAN, and
JOHN LILLIE GILLIES, Esquires,

Members of the Executive Council of the Province of Otago, being also Members of the Provincial Council of the said Province.

WHEREAS Thomas Dick Esquire then Superintendent of the Province of Otago by virtue and in exercise of the powers delegated to and vested in him in that behalf did by Proclamation in the Government Gazette of the said Province bearing date the twenty-ninth day of January one thousand eight hundred and sixty-seven constitute and appoint all the territory therein described (including amongst other lands the lands described in the Schedule hereto) and comprising certain sections in blocks 52, 47 and 46, Tokomairiro Survey District, to be a Gold Field, under the provisions of the "Gold Fields Act 1866" to be called the "Otago Gold Field:" And whereas by the "Gold Fields Act Amendment Act 1867" it is enacted that within any Province in which by any Act or Ordinance it is provided that the Superintendent

shall in the administration of the government thereof act by and with the advice and consent of an Executive Council it shall be lawful for the Governor in Council under his hand and under the Public Seal of the Colony from time to time as occasion may require to delegate to the Executive Government for the time being of such Province subject or not to any restrictions or limitations as he shall think fit all or any of such powers vested in the Governor or the Governor in Council by the "Gold Fields Act 1866" as under or by virtue of the one hundred and ninth section of the said Act may be delegated by the Governor in Council and in like manner to revoke any such delegation: And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled the "Executive Council Ordinance 1861" it is provided that the Superintendent of the said Province shall in the administration of the government thereof act by and with the advice and consent of an Executive Council: And whereas the Governor hath with the advice and consent of the Executive Council of New Zealand and in pursuance of the power and authority for that purpose vested in him by the "Gold Fields Act 1866" and subject to its provisions delegated unto the Executive Government for the time being of the Province of Otago all such powers vested in the Governor or the Governor in Council by the said last mentioned Act as under or by virtue of the one hundred and ninth section of the said last mentioned Act may be delegated by the Governor in Council to have hold and exercise the said powers within the said Province of Otago: And whereas by Clause forty-nine of the "Gold Fields Act 1866" it is provided that if a Depasturing Lease or License shall not at the date of the passing of the said Act have been granted or shall have been or shall be cancelled over any Crown Lands within a Gold Field it shall be lawful for the Governor from time to time by proclamation to declare such lands or any part thereof open for sale or selection in sections of such size and form as he may determine and any lands so proclaimed may thereafter be sold at a like price and subject to the like terms and conditions or as near thereto as may be as Crown Lands of the same class not within a Gold Field and it shall not be necessary to withdraw lands from the operation of the said Act for the purposes aforesaid: And whereas at the date of the passing of the "Gold Fields Act 1866," all Depasturing Licenses hitherto existing over the Crown Lands situated in blocks 52, 47 and 46, Tokomairiro Survey District, as the same are described in the Schedule hereto had been cancelled: And whereas the Executive Government of the Province of Otago have determined to open up for sale the Surveyed Crown Lands situated and being within the said blocks 52, 47 and 46, Tokomairiro Survey District, in sections of the size and form in which the same have already been surveyed and as the same are laid off and delineated in the maps of the Chief Surveyor of the Province of Otago relative thereto: Now therefore His Honor James Macandrew, Superintendent of the Province of Otago by and with the advice and consent of the Executive Council of the said Province doth hereby by virtue and in exercise of the powers delegated to the Executive Government of the said Province in this behalf by His Excellency the Governor of New Zealand in Council, under the authority of the "Gold Fields Act Amendment Act 1867" and of any and every other power in anywise enabling the said Executive Government in this behalf, proclaim and declare that from and after the date hereof all the Surveyed Crown Lands in the said blocks 52, 47 and 46, Tokomairiro Survey District, specified in the Schedule hereto shall be open for sale in sections of the size and form in which such lands respectively have already been surveyed, and as the same are laid off and delineated on the map in the office of the Chief Surveyor of the Province of Otago relative thereto.

SCHEDULE.

Half of Section 1, Block LII
 Half of Section 2, Block LII
 Half of Section 3, Block LII
 Half of Section 9, Block LII
 Half of Section 11, Block LII
 Half of Section 12, Block LII
 Section 3, Block XLVII
 Section 4, Block XLVII
 Section 1, Block XLVI
 Section 9, Block XLVI
 Section 11, Block XLVI

Tokomairiro Survey District, as delineated on the record map of the said district, deposited in the Survey Office, Dunedin.

ALEX. WILLIS,
 Clerk to the Executive Council.

PROCLAMATION

Appointing a day for the first Election of a Citizen to be Mayor of the Incorporated Town of Balclutha.

By His Honor James Macandrew, Superintendent of the Province of Otago.

WHEREAS by the "Otago Municipal Corporations Ordinance 1865 Amendment Ordinance 1870," it is amongst other things provided that it shall be lawful for the Superintendent, at any time after any Municipality shall have been proclaimed under the provisions of the Ordinance intituled "An Ordinance to amend the Otago Municipal Corporations Ordinance 1865," by Proclamation in the Government Gazette of the Province of Otago; to appoint a day for the first Election of a Citizen to be Mayor of such Municipality: And whereas the Township of Balclutha has been proclaimed a Municipality under the provisions of the said Ordinance; and it is expedient to appoint a day for the first Election of a Citizen to be Mayor of the said Municipality of Balclutha:

Now therefore, I, James Macandrew, Superintendent of the said Province of Otago, do hereby proclaim and declare that I have appointed, and do hereby appoint, Friday, the seventeenth day of February, 1871, as and to be the day for the first Election of a Citizen to be Mayor of the Municipality of Balclutha.

Given under my hand, and issued under the Public Seal of the Province of Otago at Dunedin, this twenty-third day of January, 1871.

(L.S.)

J. MACANDREW,
 Superintendent.

MUNICIPAL CORPORATION OF BALCLUTHA.

NOTICE

Of appointment of James Pillans Maitland, Esquire, to give Public Notice of, and to preside at, do, and perform at the first Elections of Mayor, Councillors, and Auditors, all the acts required or directed to be done by the Mayor of the Incorporated Town of Balclutha, under the "Otago Municipal Corporations Ordinance, 1865."

NOTICE is hereby given, that His Honor, James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him by the "Otago Municipal Corporations Ordinance, 1865," has nominated and appointed

JAMES PILLANS MAITLAND, Esquire, to be the person to give Public Notice, as by law required, of the place for the nomination of Candidates for Election to the several offices of Mayor, Councillors, and Auditors, at the first Elections of Mayor, Coun-

cillors, and Auditors, for the Incorporated Town of Balclutha, under the said "Otago Municipal Corporations Ordinance, 1865;" and to be the person to attend on the day of the nomination of Candidates for such offices at the first Elections held under the said Ordinance, and to preside, do, and perform, at such first Elections, all the acts by the said Ordinance required or directed to be done by the Mayor of the said Incorporated Town at Elections of Mayor, Councillors, or Auditors under the said Ordinance.

J. L. GILLIES,
 for the Provincial Secretary.

Provincial Secretary's Office,
 Dunedin, 23rd January, 1871.

NOTICE

Of day and place of nomination of Candidates for office of Mayor of the Incorporated Town of Balclutha.

WHEREAS His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him by the "Otago Municipal Corporations Ordinance, 1865," has, by warrant under his hand, appointed me, the undersigned James Pillans Maitland, to be the person to give Public Notice, as by law required, of the place, day, and hour for the nomination of Candidates, for Election to the office of Mayor, at the first Election of Mayor for the Incorporated Town of Balclutha, under the said Ordinance; and to attend on the day of the nomination of Candidates for such office at such first Election, and to preside, do, and perform, at such first Election, all the Acts by the said Ordinance required or directed to be done by the Mayor of the said Incorporated Town of Balclutha at the Election of Mayor:

Now therefore I, the said James Pillans Maitland, notify that Friday, the 17th day of February, 1871, at noon, at the Court House, in the said Incorporated Town of Balclutha, have been appointed as the day, hour, and place for nomination of Candidates for Election to the office of Mayor of the said Incorporated Town of Balclutha, at the ensuing Election; and I do hereby give notice that I shall attend at the said place and at the day and time hereinbefore mentioned, and shall then cause to be publicly opened and read all such nominations of Candidates for Election to the office of Mayor of the said Incorporated Town as shall be in due form, and shall have been lodged with Joseph Albert, the person appointed by his Honor the Superintendent to act as Town Clerk at such Election; at his office, before noon of the said seventeenth day of February, 1871.

Dated at Balclutha this 23rd day of Jan: 1871.

JAS. P. MAITLAND.

NOTICE

Of appointment of Mr. Joseph Albert to act as Town Clerk at first Elections of Mayor, Councillors, and Auditors, for the Incorporated Town of Balclutha.

NOTICE is hereby given that His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the power vested in him in that behalf by the "Otago Municipal Corporations Ordinance 1865," has nominated and appointed

MR. JOSEPH ALBERT

to receive nominations of Candidates, and to do and perform at the first Elections of Mayor, Councillors, and Auditors, for the said Incorporated Town, under the said Ordinance, all acts in and by the said Ordinance required to be done by the Town Clerk of the Incorporated Town Balclutha before a Mayor, Coun-

cillors, and Auditors can be elected at such first Elections, under the provisions of the said Ordinance.

J. L. GILLIES,
For the Provincial Secretary.
Provincial Secretary's Office,
Dunedin, 23rd January, 1871.

NOTICE

Of appointment of Mr. John Miller Russell to preside at polling in North Ward, at the Election of Mayor, Councillors, and Auditors, for the Incorporated Town of Balclutha.

NOTICE is hereby given, that His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him in that behalf by the "Otago Municipal Corporations Ordinance 1865," has nominated and appointed

MR. JOHN MILLER RUSSELL

to be the person before whom shall be held within the North Ward of the Incorporated Town of Balclutha, the polling at the Election under the said Ordinance, of Mayor, Councillors, and Auditors, for the said Incorporated Town, at the first Elections held under the said Ordinance for the said Incorporated Town, and to do within the said Ward, at such first Elections, all such acts as by the said Ordinance are required to be done by a Councillor or other person appointed to preside at the polling at Elections of Mayor, Councillors, and Auditors.

J. L. GILLIES,
for the Provincial Secretary.
Provincial Secretary's Office,
Dunedin, 23rd January, 1871.

NOTICE

Of appointment of Mr. George William Hutchins to preside at polling in East Ward, at the Election of Mayor, Councillors, and Auditors, for the Incorporated Town of Balclutha.

NOTICE is hereby given, that his Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him in that behalf, by the "Otago Municipal Corporations Ordinance, 1865," has nominated and appointed

MR. GEORGE WILLIAM HUTCHINS

to be the person before whom shall be held within the East Ward of the Incorporated Town of Balclutha, the polling at the Election held under the said Ordinance, of Mayor, Councillors, and Auditors for the said Incorporated Town, at the first Election held under the said Ordinance for the said Incorporated Town, and to do within the said Ward at such first Elections, all such acts as by the said Ordinance are required to be done by a Councillor or other person appointed to preside at the polling at Elections of Mayor, Councillors, and Auditors, under the said Ordinance.

J. L. GILLIES,
For the Provincial Secretary.
Provincial Secretary's Office,
Dunedin, 23rd January, 1871.

NOTICE

Of appointment of Mr. Walter Taylor, to preside at polling in West Ward, at the Election of Mayor, Councillors, and Auditors, for the Incorporated Town of Balclutha.

NOTICE is hereby given, that His Honor James Macandrew, Esquire, Superintendent of the Province of Otago, in exercise of the powers vested in him

in that behalf by the "Otago Municipal Corporations Ordinance, 1865," has nominated and appointed

MR. WALTER TAYLOR

to be the person before whom shall be held within the West Ward of the Incorporated Town of Balclutha, the polling at the Election under the said Ordinance, of Mayor, Councillors and Auditors for the said Incorporated Town, at the first Election held under the said Ordinance for the said Incorporated Town, and to do within the said Ward, at such first Election, all such acts as by the said Ordinance are required to be done by a Councillor or other person appointed to preside at the polling at Elections of Mayor, Councillors, and Auditors under the said Ordinance.

J. L. GILLIES,
for the Provincial Secretary.
Provincial Secretary's Office,
Dunedin, 23rd January, 1871.

[Re-published from *Gazette* of 4th January, 1871, in consequence of the word "Outram" being printed in the first line instead of the word "Lawrence."

NOTICE

Of certain Land in the Town of Lawrence, in the Province of Otago, having been set apart as a site for an Athenæum at Lawrence.

By His Honor James Macandrew, Superintendent of the Province of Otago.

WHEREAS the Provincial Council of Otago have, under and by virtue of Section 62 of the "Otago Waste Lands Act 1866," recommended that the lands hereinafter described should be set apart as a site for an Athenæum at Lawrence; and it is expedient that the said lands should be so reserved for that purpose: Now, therefore, I, James Macandrew, Superintendent of the Province of Otago, in pursuance and exercise of the power and authority vested in me in this behalf, do hereby publish and declare that I have made and dedicated the lands hereinafter described, a Reserve for a site for an Athenæum at Lawrence; (that is to say)—

All that area situate in the Province of Otago, containing by admeasurement one (1) rood, more or less, being Section numbered 26, Block XLIII., Town of Lawrence: bounded towards the north-west by Crown lands, one hundred and fifty-one (151) links; towards the north-east by Crown lands, one hundred and twenty-five (125) links; towards the south-east by Irvine street, two hundred and thirty-seven (237) links; towards the south-west by Ross Place, eleven (11) links; and towards the west by section 25, one hundred links; and by Crown lands, fifty-one links; as the same is delineated on the record map of the said Town, deposited in the Provincial Survey Office, Dunedin.

Dated at Dunedin, this thirtieth day of December, one thousand eight hundred and seventy.

J. MACANDREW, Superintendent.

PUBLIC NOTIFICATION.

IN Conformity to the 29th Section of the "Gold Fields Act 1866," and to the Regulations made under that Act and the Gold Fields Acts Amendment Acts of 1867, 1868, and 1869, for the granting of leases for gold mining purposes within the Province of Otago, it is hereby notified that it is intended to grant a lease for gold mining purposes of Crown Lands to the applicant specified in the annexed Schedule, unless there shall be valid objections against granting such lease.

Objections to the granting of such lease, stating the grounds of objections, must be made in writing and

lodged with the Warden at Arrowtown, on or before the 6th day of February, 1871.

Copy of the application made, and plans annexed, may be seen at the Warden's Office at Arrowtown.

Given under my hand, at Dunedin, this twenty-third day of January, one thousand eight hundred and seventy-one.

J. MACANDREW, Superintendent.

SCHEDULE.

William Bremer and Joshua Graves, for six acres of Land in Brackens Gully, Arrow, above the Big Bluff, below Hill's Gully.

NOTICE.

HAWKE'S BAY AND MARLBOROUGH RIVERS ACT 1868.

WEST TAIERI RIVER DISTRICT.

ELECTION OF BOARD OF CONSERVATORS.

IN pursuance of the provisions of the seventh section of "The Hawke's Bay and Marlborough Rivers Act 1868," I hereby summon a General Meeting of the Voters within the West Taieri River District, proclaimed by Proclamation in the Otago Provincial Government Gazette, No. 705, published on the 24th day of December, 1870, for the purpose of electing from amongst the persons qualified to vote at the meeting a sufficient number of persons to be the Board of Conservators of the District, such meeting to be held in the Drill Shed at Outram, within the said West Taieri River District, on Friday, the third day of February next, at the hour of five o'clock in the afternoon.

Dated this nineteenth day of January, 1871.

J. MACANDREW, Superintendent.

HELENSBROOK TOLL.—Notice is hereby given that on after Saturday the first day of December proximo, the Tolls contained in the list appended hereto may be taken at the Helensbrook Toll Bar (that is to say) :—

- (1.) For every horse or other beast drawing any coach, chariot, landau, barouche, chaise, phaeton, curricule, car, or any such like carriage—sixpence.
- (2.) For every horse or other beast (two oxen or neat cattle to count as one horse), drawing any waggon, wain, or such like conveyance—sixpence.
- (3.) For every horse or other beast drawing any white-chapel cart or dray on two wheels—sixpence.
- (4.) For every horse, mule, or ass, laden or unladen, and not drawing—sixpence.
- (5.) For every drove of horses, mules, or asses, unladen, and not drawing—three pence for every head.
- (6.) For every drove of oxen, cows, or neat cattle—the sum of three shillings and four pence per score, and so in proportion for any greater or less number.
- (7.) For every drove of calves, swine, goats, sheep, or lambs—the sum of ten pence per score, and so in proportion for any greater or less number.

D. REID,

Secretary for Public Works.

23rd January, 1871.

Land and Works Office,

16th January, 1871.

NOTICE is hereby given that the Agricultural Occupation Certificate issued in favor of William Sowerby for Section 17, Block XIX., Shotover, has been cancelled, and the said section is now open for application under the Agricultural Lease Regulations.

D. REID,

Secretary for Land and Works.

NOTICE is hereby given that the Mining Lease prepared in favor of Messrs William Hancock, J. Webb, and John Johnston, for Section 1, Block XIV, Tuapeka East District, has been cancelled, and the said section is now open for occupation by holders of Miners' Rights.

D. REID,

Secretary for Land and Works.

Dunedin, 21st Jan., 1871.

THE undermentioned list of Licensed Auctioneers is published for general information :—

Barnett, William, Dunedin
 Driver, Henry "
 Evans, Frederick H. "
 Hepburn, William "
 Lanseigne, Jules "
 Power, Pierce "
 Spedding, Donald M. "
 Street, Charles Henry "
 Stephenson, John "
 Chappell, John Cole, Alexandra
 Fleming, Neil, Oamaru
 Maude, Arthur Hay "
 Shrimski, Samuel E. "
 Capstick, Richard W., Tokomairiro
 Hay, Matthew, Lawrence
 Fache, George, Dunstan.

ALFRED F. OSWIN, Sub-Treasurer.

Provincial Treasury, Dunedin,

January 23rd, 1871.

PRIVATE PETITIONS.—The following resolution by the Private Petitions Committee, which was afterwards adopted by the Provincial Council, is published for general information :—

"In concluding their labours, your Committee would recommend to the consideration of the Council the advisability of laying down as a rule of this House, that all Petitions should be first submitted to the Government, if possible, during the recess, before being presented to the Provincial Council; so that the Government may be prepared beforehand with any evidence they wish to procure bearing on the prayer of the Petitions; and all applications for Reserves should be made to the Government during the recess, and brought down to the Council with their opinion thereon.

"JOHN L. GILLIES, Chairman.

"Dunedin, December 5, 1870."

IMMIGRATION TO OTAGO.—Conditions :—£6 for each adult, and the half of that sum for persons between the ages of 1 and 12, must be paid in Otago before the names are sent home to the Agent in Edinburgh.

If the parties remain three years in Otago, no further payment will require to be made. If they do not remain that time, another payment of £8 10s. must be made before leaving Otago.

All Immigrants must be approved by the Agents for the Province, and may sail either from London or Glasgow.

Schedule, &c., may be had on application.—JOHN LOGAN, Immigration Agent. Dunedin, 11th October, 1870.

IMMIGRANTS' PASSAGE MONEY.—All Immigrants in arrears are requested to pay the same forthwith, otherwise expenses will be incurred. Lists containing the names of all persons in arrears have been placed in the hands of the police.—JOHN LOGAN, Immigration Agent. Dunedin, 11th October, 1870.

FLAX.—The House of Representatives having resolved that there should be an Exhibition in Wellington, during the next Session of the Assembly, of all varieties of Flax fibre prepared in the Colony,

manufacturers are invited to forward to the Flax Commissioners, through the Superintendent of their Province, samples of the fibre, rope, sacking, or any other material, prepared by them from the New Zealand Flax. The samples of fibre should not be less than 20 lbs. in weight, and 10 or 15 fathoms of each kind of rope will be sufficient. It is desirable that a statement of the processes, and estimated cost of manufacture, should accompany the samples.

JAMES HECTOR,
Chairman of Flax Commission.

ABSTRACT FROM PREVIOUS GAZETTES
of Impounding Notices:—

- 27th January, Friday noon, a filly and a gelding will be sold at Clyde Pound.
27th January, Friday noon, a bull will be sold at Tokomairiro Pound.
27th January, Friday noon, a mare will be sold at Hawksbury Pound.
3rd February, Friday noon—A mare will be sold at Clyde Pound.
3rd February, Friday noon—A bull will be sold at Oamaru Pound.
3rd February, Friday noon—Two mares and a bullock will be sold at Hawksbury Pound.

TENDERS will be received at the Office of the Secretary for Land and Works until noon of Friday, 3rd February, for
Contract No. 543—Construction of a Stone and Timber Foot Bridge at Evan's Flat.

Plans and Specifications may be seen, and forms of tender obtained at the Office of the Engineer of Roads and Works Dunedin, or at Police Station, Lawrence.

Tenders to be indorsed "Roads and Works Tender for Contract No. 543.

The Government does not undertake to accept the lowest or any tender.

TENDERS will be received at the Office of the Secretary for Land and Works until noon of Friday, 3rd February, for

Contract No. 552—Constructing of a Bridge over Winding Creek on the Road Beaumont to Switzers.

Plans and Specifications may be seen, and forms of tender obtained at the Office of the Engineer of Roads and Works, Dunedin, or at Police Station Switzers.

Tenders to be indorsed "Roads and Works Tender for Contract No. 552."

The Government does not undertake to accept the lowest or any tender.

TENDERS will be received at the Office of the Secretary for Land and Works until noon of Friday, 3rd February, for

Contract No. 544—Construction of a Foot Bridge over the Pomahaka River, on the Road Beaumont to Switzers.

Plans and Specifications may be seen, and forms of tender obtained at the Office, of the Engineer of Roads and Works, Dunedin, or at Police Station, Tapanui.

Tenders to be endorsed "Roads and Works Tender for Contract No. 544."

The Government does not undertake to accept the lowest or any tender.

TENDERS will be received at the Office of the Secretary for Land and Works until noon of Friday, 3rd February, for

Contract No. 466—Gravelling a portion of the Road "Tokomairiro to Tuapeka."

Plans and Specifications may be seen and forms of tender obtained at the Office of the Engineer of Roads and Works, Dunedin, or at Police Station, Lawrence.

Tenders to be indorsed "Roads and Works Tender for Contract No. 466."

The Government does not undertake to accept the lowest or any tender.

FLAGSTAFF ROAD DISTRICT.—To Contractors—
Tenders are wanted by the Flagstaff Road Board for the Construction of Road Works, four different Sections, at the Whare Flat.

The Drawings and Specifications to be seen at the Engineer's Office, Rattray street, where forms of tender, and schedules of quantities may be obtained.

Tenders properly endorsed and addressed to the Chairman of the Flagstaff Road Board, to be sent in by noon of Saturday, the 4th February, at 2 p.m.

The lowest or any tender may not be accepted.—By order of the Board. DONALD A. McLEOD, Civil Engineer. Rattray Street, Dunedin, 23rd January, 1871.

CLARENDON ROAD DISTRICT.—Tenders will be received by the undersigned till the evening of Saturday, 11th Feb., for 32 Chains, more or less of Side Cuttings on Main District Road.

Intending Contractors, by meeting at end of Road leading to Mr. John Sherman's, on Thursday, 9th Feb., at 10 o'clock, will be shown the Work by Mr. Neil M'Bride. Specifications can be seen at Post Office, Berwick. The lowest or any tender not necessarily accepted.

R. B. TWELFTREE,
Clerk to Board.

Lake Waipori, 14th Jan., 1870.

POLICE AND OTHER GOVERNMENT DEPARTMENT.

SEALED TENDERS will be received at the Provincial Government Offices, Dunedin, until Noon of Monday, 12th February, 1871, for the supplies stated, for the year ending 31st December, 1871:—

Stations.	Nature of Supplies.	Rate.	
		£	s. d.
Invercargill.	Forage—Oats, per bushel		
"	Hay, per ton		
"	Chaff, do		
"	Bran, per bushel		
"	Straw, per ton		
"	Fuel—Firewood, per cord		
"	Kerosene oil, per gall.		
"	Colza oil, do		
Riverton	Forage—Oats, per bushel		
"	Hay, per ton		
"	Chaff, per ton		
"	Bran, per bushel		
"	Straw, per ton		
"	Fuel—Firewood, per cord		
"	Prisoners Rations, per ration		
Winton	Forage—Oats, per bushel		
"	Hay, per ton		
"	Chaff, do		
"	Bran, per bushel		
"	Straw, per ton		
"	Fuel—Firewood, per cord		
"	Kerosene oil, per gall.		
Lowther	Forage—Oats, per bushel		
"	Hay, per ton		
"	Chaff, do		
"	Bran, per bushel		
"	Straw, per ton		
"	Fuel—Firewood, per cord		
"	Kerosene oil, per gall.		
Campbelltown	Firewood, per cord		
"	Kerosene oil, per gall.		

JOHN LOGAN,
Storekeeper.

27th January, at 1 p.m.

SALE OF LAND BY AUCTION.

Sections fronting Princes street south, Manor, Bond, and Police streets.

NOTICE is hereby given, that sections 1 and 2, and 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, block XLII, Dunedin, will be offered for sale by public auction by Mr. James Milner, on the ground, on Friday, the 27th January, 1871, at 1 p.m. Conditions at sale.

Plans can be seen at the Land Office, Dunedin, and at the office of the Auctioneer, Commercial Sale Yards, Dunedin.

Government Offices, Dunedin,
January 9th, 1871.

WASTE LAND BOARD ADVERTISEMENTS.

MONDAY, 20th FEBRUARY, AT NOON.

Ten-acre Allotments (more or less) Township of Balclutha.

NOTICE is hereby given that Sections 1 to 48, Block XVII, Balclutha, will be offered for sale by Public Auction by Mr R. W. Capstick at the Crown Hotel, Balclutha, on Monday, 20th day of February, 1871, at noon.

J. T. THOMSON,
Chief Commissioner,

Waste Land Board Office,
Dunedin, 17th January, 1871.

Monday, 13th February, at noon.

NOTICE is hereby given that a sale by auction of the exclusive right to depasture stock on sections 1, 2, and 3, (being Clutha Sand Spit), Coast district, for 1871, will take place at the Auction Rooms of Mr. R. W. Capstick, Tokomairiro, on Monday the 13th day of February next at noon. Upset price of License £10.

Also, at the same time and place, Section 34, Block I, Clarendon District, will be offered for sale by auction, at the upset price of 10s. per acre.

J. T. THOMSON,
Chief Commissioner.

Waste Land Board Office,
Dunedin, 10th January, 1871.

HUNDREDS PASTURAGE.

NOTICE is hereby given that the Waste Land Board has agreed to extend the time for receiving the return of Stock desired to be depastured on the Hundreds, for the year 1871, to the 1st February, 1871; and settlers are informed that the provisions of the Act will be enforced after that date.

Clause 4 of "Otago Waste Lands Act 1866, Amendment Act 1869" enacts that the persons whose names shall be included in the published lists of those who have deposited the return above referred to, to whom licenses shall be issued, and who shall have paid the assessment for the past year, shall have the exclusive right of pasturage on the Waste Lands within the Hundreds.

Those only who may purchase Waste Lands after the 1st February next will have pasturage rights apportioned to them after that date.

Forms of Return and Licenses may be had at the Land Offices, Dunedin and Invercargill, and from the Rangers.

J. T. THOMSON,
Chief Commissioner.

Waste Land Board Office,
Dunedin, January 12, 1871.

NOTICE.

CROWN GRANTS for the Land, and in favor of the persons after-mentioned, are now ready for

delivery; and attention is directed to the following clauses of the "Crown Grants Act 1866."

Clause XXXIX.—There shall be paid upon all Grants to be hereafter issued, which may be left in the charge or custody of any Commissioner of Crown Lands, or other officer charged with the delivery of the same, a fee of sixpence for every month during which they shall be so left after the expiration of three months from the date of the notice in the *Gazette* of the Province wherein the lands are situate, that such Grants are ready for delivery.

Clause XL.—There shall be paid upon all Grants issued prior to the passing of this Act, and left as aforesaid in the custody of the officer charged with the delivery thereof, a fee of sixpence per month for every month during which they shall be so left after two months subsequent to the passing of this Act.

J. T. THOMSON,

Commissioner of Crown Lands.

Crown Lands Office,
Dunedin, 23rd January, 1871.

Calcutt, Thomas, and Menlove, Edward, sections 75, block VIII., and 64, block IX., Awomoko district.

Milne, William, section 19, block XX., East Taieri district.

Paterson, James, section 32R block V., and 33 R. block X., North Tuakitoto district.

Do. section 34R block X., do.

Do. section 35R block XXXVIII., Tokomairiro district.

Do. section 36R and 37 R., block X., North Tuakitoto district.

Reid Donald, section 42R block XV., East Taieri district.

Shand, Barbara, 102 and 103, block V., Lower Kai-korai district.

Persons in whose favor Crown Grants have been signed, can only obtain them by calling at the Crown Grant Office, or by sending an Agent with an authority in the subjoined form, signed before a Justice of the Peace, a Solicitor of the Supreme Court, a Clergyman, or Postmaster.

J. T. THOMSON,

Commissioner of Crown Lands.

Crown Lands Office,
Dunedin, 23rd January, 1871.

I, A. B., of _____ hereby authorize C. D., of _____ to receive from the Commissioner of Crown Lands the Crown Grant in my favor for section _____ block _____ District, his receipt for which shall be binding on me.

Signature of Claimant.

Signed before me this _____ }
_____ day of _____, 18 ____ . }

A Justice of the Peace for the Colony
of New Zealand.

MORNINGTON DISTRICT SCHOOL.—Wanted, a Schoolmistress for the above School. Salary, £100 per annum. Applications, with testimonials, to be sent to the undersigned, addressed to the Post Office, Mornington, on or before 31st instant.—THOMAS BAMFORD, Hon. Secretary School Committee, 23rd January, 1871.

GAZETTE.—Complaints respecting the non-receipt of the *Gazette*, if made to J. Logan, Superintendent's Office, Dunedin, will receive immediate attention. Each person will please see that the nearest Post Town is given in his address.

THE Gazette may be had gratis by applying to J. Logan, Superintendent's Office, Dunedin. Parties should give with their address the nearest post town.

NOTICE TO ADVERTISERS IN GAZETTE.—

All advertisements for insertion in *Gazette*, other than those from Road Boards, &c., which are inserted free, must from this date be accompanied by a cheque (or cash) for the full amount, including, if from a country district, 1s for exchange, otherwise they will not be inserted. The charge is 6d per line of 7 words.

January 10, 1871.

NOTICE.—Popotunoa Road Board. The precept having been issued by the General Road Board for the collection of the Highway Rate in the above district, Ratepayers are requested to pay the amount of their respective Rates to me at my house, on or before the 7th day of February, 1871. MATTHEW PATERSON, Clerk and Collector. January 12, 1871.

WAIWERA ROAD BOARD.—Those who have not paid their Road Rates are requested to do so to me on or before the 7th day of February, 1871. MATTHEW PATERSON, Clerk and Collector. January 12, 1871.

PURAKANUI ROAD BOARD.—Application by the above Road Board will be made to the General Road Board at its next meeting in February for authority to levy a general Road Rate of 6d per acre throughout the district for the year 1870-71.

The Assessment Roll lies open at the house of the undersigned, and can be inspected by all persons claiming to be affected thereby between the hours of 10 and 4 o'clock on any day not being Sunday. JOSEPH MAWSON, Clerk and Collector. Purakanui, Jan. 9th, 1871.

HAMPDEN ROAD DISTRICT.—Notice.—Ratepayers are requested to pay the amount of their respective Rates to me, at my Store, Hampden, on or before the 10th February, 1871, otherwise legal proceedings will be taken for the recovery of the same.—PETER W. YOUNG, Collector.

WAIFAHUNA WEST.—Notice is hereby given, that application will be made to the General Board at its next meeting for authority to levy a Highway Rate for the current year at fourpence per acre. The Assessment Roll will lie at the residence of James Smith, Esq., Greenfield, in the said District, for the inspection of all persons interested therein, for fourteen days from this date. JOHN HARDY, Clerk to the Board, January 16th, 1871.

NOTICE.—Roslyn Road Board.—Those who have not paid their Road Rates before the 2nd of February, 1871, will be sued for recovery of the same without further notice.—WILLIAM ELLISON, Collector.

GOODWOOD ROAD DISTRICT.—Notice is hereby given, that the above-named Road Board intend to apply to the General Road Board for authority to levy a Highway Rate in February, 1871, of one shilling in the pound on all Lands and Houses in the District. The Assessment Roll is now ready, and can be inspected for 14 days from date at my house.—JOHN KEEN, Clerk and Collector, Goodwood, Jan. 13, 1871.

NOTICE TO POUNDKEEPERS.

POUNDKEEPERS who have failed to make the returns to the Provincial Treasury, as provided by the ordinance, are reminded that they are liable to penalty of £20.

HAWKESBURY POUND.—Correction.—The Brand of the Bay Mare Advertised in last *Gazette*. The brand is Diamond H on the off shoulder, and not OH as advertised.—A. VALENTINE, Pound Keeper.

IMPOUNDED on the 11th day of January, 1871, by Mr. Harvey, one red and white Cow, branded AB off rump, one red Cow & Calf, branded H near hip, for trespassing on Terrace Farm, and in default of being released; the above cattle will be sold at the Public Pound at Palmerston, on Friday the 10th day of Feb., 1871, at 12 o'clock noon.—J. H. GILLIGAN, Poundkeeper of the Palmerston Pound.

IMPOUNDED on the 18th day of January, 1871, by John Barron, Kilmog, one red and white Yearling Bull, no visible brand, owner unknown, for trespassing on his grass paddock, for which no damage is claimed, and in default of being released; the above Bull will be sold at the Public Pound, at Blueskin, on Friday, the 17th day of February, 1871, at 12 o'clock noon.—HENRY GREEN, pro JAMES GREEN, Poundkeeper of the Blueskin Pound.

IMPOUNDED on the 23rd day of January, 1871, by Robert Bain, Ranger, one Bay mare, branded EK off shoulder, like NN; SM near shoulder, and like 88 off ribs; also MH20 off hip; one Bay Horse, brand on near shoulder not legible, and one Bay Horse, no visible brand, white streak down face; also one brown Mare, branded like EH near shoulder, owners unknown, for trespassing on Town Belt; and in default of being released, the above cattle will be sold at the Public Pound at South Dunedin, on Friday the 10th day of February, 1871, at 12 o'clock noon.—JOHN BARR, Poundkeeper of the South Dunedin Pound.

IMPOUNDED on the 16th day of January, 1871, by Thomas Faulkner; 1 red Bullock, branded S off rump, owner unknown, for trespassing on Oat Paddock, for which 2s. damages claimed, and in default of being released, the above cattle will be sold at the Public Pound, at Palmerston, on Friday the 10th day of February, 1871, at 12 o'clock noon.—J. H. GILLIGAN, Poundkeeper of the Palmerston Pound.

CITY OF DUNEDIN.—Public Notice is hereby given, that the Assessment for the year 1871 of all buildings, lands, tenements, and hereditaments within the City, has been submitted to the City Council and allowed; that the same is deposited at the office of the undersigned, City Council Chambers, Princes Street, and may be daily inspected between the hours of 10 a.m. and 4 p.m. by any person interested therein.

Further, that any appeals against the Assessment may be lodged at the Council Chambers, (where blank forms may be had) on or before the 6th day of Feb., 1871; and a copy of each notice of appeal must be delivered by the appellant to the Clerk of the Resident Magistrate's Court, Dunedin, six clear days before the day of hearing.

The day of hearing will be a few days subsequent to the 6th February, and will be duly advertised.—J. M. MASSEY, Town Clerk, 24th January, 1871.

STATEMENT of the Affairs of "The Hit or Miss Water Race Company Registered," for the half-year ended December 24, 1870.

Name of Company—"Hit or Miss."

When formed, and date of Registration—August 22, 1866.

Where business is conducted, and name of legal manager—At Mount Ida, Henry Anderson.

Nominal Capital—£6020.

Amount of paid-up scrip given to shareholders—£6020.
 Number of Shares in which Capital is divided—301.
 Number of Shares taken—301.
 Amount of Calls made—None.
 Total Amount of Subscribed Capital paid up—Not on record.
 Number of Shareholders at time of Registration of Company—6.
 Amount of Cash in hand—None.
 Whether in operation or not—In operation.
 Total Amount of Dividends declared—£475 15s 6d.
 HENRY ANDERSON,
 Manager.
 January 10th, 1871. 10s.

STATEMENT of the affairs of the PHOENIX WATER RACE COMPANY, registered for the half year ending Dec. 31st, 1870, in accordance with Section 13 of the "Mining Company's Limited Liability Act Amendment Act 1869."

Name of Company—Phoenix Water Race Company Registered.
 When formed and date of registration—October 12, 1867.
 Where business is conducted—Peel street, Lawrence.
 Name of legal manager—William Goldsmith.
 Nominal capital—£1,500.
 Amount of paid up scrip given to shareholders—£1,500.
 No. of shares in which capital is divided—£1,000.
 No. of shares taken—£1,000.
 Total amount of subscribed capital paid up—£1,500.
 Number of shareholders at time of registration of Company—32.
 Amount of cash in hand—£110 17s 8d.
 Whether in operation or not—In operation.
 Total amount of dividends declared—£1,200.
 Number of shares unallotted—none.
 Signature of Manager,

WILLIAM GREENBANK.
 Lawrence, January 1, 1871. 12s.

STATEMENT of the Affairs of the "Dry Bread Water Race Company, Registered," for the year ending 31st December, 1870, in accordance with section 13 of the "Mining Companies Limited Liability Act Amendment Act 1869."

Name of Company—"Dry Bread Water Race Company, Registered."
 When formed, and date of registration—May, 1866
 Where business is conducted—Princes-st., Dunedin
 Name of Legal Manager—W. Oram Ball
 Nominal Capital—£2700
 Amount of paid-up scrip given to shareholders—£2700
 Number of shares in which capital is divided—270
 Number of shares taken—270
 Total amount of subscribed capital paid up—£2700
 Number of shareholders at time of Registration of Company—22
 Amount of cash in hand—£5 8s 8d
 Whether in operation or not—In operation
 Total amount of declared dividend—£923 15s 0d
 Number of shares unallotted—none
 Signature of Manager,

W. ORAM BALL,
 Dunedin, 24th January, 1871. 12s.

ABSTRACT Statement of the Accounts of Blue-skin Cemetery, 1870.

Dr.
 Dec. 31, 1869. To balance of cash in hand ... £4 19 6
 1870. " Amounts received for lairs sold, and registration of same ... 6 10 0

" " Received for interment fees, and registration of same ... 1 15 0
 £13 4 6
 Dec. 31, " " Balance due clerk and treasurer ... 1 18 4
 £15 2 10

Cr.
 1870. By Payment to Mr E. R. Ussher for surveying and plan of cemetery ... £5 0 0
 " " Paid Ferguson and Mitchell for registration and certificate books ... 2 17 6
 " " Carriage of books and postages ... 0 1 4
 " " Cleaning weeds from hedge ... 1 4 0
 " " Sexton for interments ... 1 0 0
 Dec. 31, " " Amount due clerk and treasurer for salary to date ... 5 0 0
 £15 2 10

We hereby declare the above statement to be correct.
 JOHN MACFARLANE, Manager.
 ALEXANDER PULLAR, do.
 WILLIAM DRYSDALE, do.
 Witness—ALEX. WILLIS, J.P.

FAIRFAX CEMETERY, Tokomairiro.—Income and Expenditure for the year ending 31st December 1870.

Dr.
 1870.
 Dec. 31. To fees for 7 adults ... £7 15 6
 " " " " 4 infants ... 3 6 0
 " " 9 allotments land sold ... 9 9 0
 " " 1 " " ... 0 10 6
 £21 1 0

Cr.
 1869.
 Dec. 31. By Balance due Treasurer ... £5 9 0
 1870.
 Dec. 31. " Gravedigger ... 6 6 6
 " " Day labor ... 4 16 0
 " " Management ... 1 7 6
 " " Timber and thorns ... 1 6 6
 " " Chain and locks ... 0 13 0
 " " Balance forward ... 1 2 6
 £21 1 0

WILLIAM BLACK,
 JAMES STRAIN,
 JAMES ELDER BROWN, } Managers.
 Declared before me at Tokomairiro, this 20th day of January, 1871.
 A. JONES,
 A Justice of the Peace for the Colony of New Zealand.

STATEMENT of Receipts and Payments connected with the Clinton Cemetery for the year ended 31st December, 1870.

Receipts.
 Nov. 1. From Mr. Pollock, half of dividing fence ... £11 5 0

„ 10. Subsidy from Government Collection ...	24 2 6
	0 16 1½
	£36 3 7½

Payments.

Nov. 10. Paid William Calder for fencing cemetery ...	£35 7 6
Dec. 28. „ Stationery and stamps ...	0 2 0
„ 30. „ Cash Book ...	0 3 0
„ 31. „ Balance in hand ...	0 11 1½
	£36 3 7½

We hereby declare that these accounts are correct.

GEO. STEEL,
JAMES ROY,
JOHN MOFFAT, } Managers.

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

No. 3805.

Between William Strachan, Plaintiff, and Hugh Fraser, Defendant.

NOTICE is hereby given, that by virtue of a writ of *feri facias*, to me directed and delivered, issued out of this Honorable Court in this cause on the seventeenth day of September last, and of "The Execution of Judgments against Real Estate Act 1867," all the estate and interest of the above-named Hugh Fraser, the execution debtor, in all that parcel of land containing by admeasurement thirty-six (36) poles, more or less, situate in the town of Havelock, in the Province of Otago, in New Zealand, being section numbered eight (8) block fifteen (15) on the Record Map of the aforesaid town of Havelock, more particularly described in the Memorial of Judgment, registered in the Office of the Registrar of Deeds, in Dunedin, in the Province aforesaid, on the twenty-third day of September last, has, at the suit of the above-named William Strachan, the execution creditor, been levied upon and taken in execution, and will be sold by auction at the Sheriff's Bailiff's Office, at the Supreme Court House, in Dunedin aforesaid, on Thursday, the sixteenth day of March next, at twelve o'clock at noon, unless the execution shall be previously satisfied.

Dated in Dunedin aforesaid, this nineteenth day of December, 1870.

I. NEWTON WATT,
Sheriff of Otago.

William Mathew Hodgkins, of Princes street, in Dunedin, is the solicitor for the execution creditor. The estate and interest of the above-named Hugh Fraser, the execution debtor, intended to be sold, is an estate in fee simple, free from all encumbrances. There is a building upon the land called the Inverness Hotel, with outbuildings, all now occupied.

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

No. 10.

Between James White, Plaintiff, and James Hunter, Defendant.

NOTICE is hereby given, that by virtue of a Writ of *Fieri Facias* to me directed and delivered, issued out of this honorable Court in this cause on the the fourteenth day of September last, and in pursuance of "The Execution of Judgments against Real Estate Act 1867," all the estate and interest of the above-named James Hunter, the execution debtor, in all that parcel of land containing by admeasurement thirty-three (33) acres, two (2) roods, and twenty (20) poles, more or less, situate in the Moeraki District, in the Province of Otago, in New Zealand, being Section numbered one of fifteen (1 of 15) Block one (I) on the Record Map of the said Moeraki District, more particularly described in the memorial of judgment registered in the office of the Registrar of Deeds in Dunedin, in the Province aforesaid, on the fourteenth day of September last, has at the suit of the above-named James White, the execution creditor, been levied upon and taken in execution, and will be sold by public auction at the Sheriff's Bailiff's Office, Supreme Court House, in Dunedin, on Thursday, the ninth day of March next, at twelve o'clock at noon, unless the execution shall be previously satisfied.

Dated at Dunedin aforesaid, the fifth day of December, 1870.

I. NEWTON WATT,
Sheriff of Otago.

John Hyde Harris, of Princes street, in Dunedin, is the Solicitor for the execution creditor; and the estate and interest in the said land of the above-named James Hunter, the execution debtor, intended to be sold, is an estate in fee simple free from all encumbrances. t.d.