



S O U T H L A N D
P R O V I N C I A L G O V E R N M E N T
G A Z E T T E .

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[Vol. 1.]

THURSDAY, JUNE 4, 1863.

[No. 46.]

PROCLAMATION

By JAMES A. R. MENZIES, Esquire, Superintendent of the Province of Southland:

IN pursuance of the powers vested in me in that behalf, I, the said Superintendent, do hereby proclaim and declare that the bells numbered one and two in the Lock-up at Riverton, in the said Province, shall be used as a Public Gaol until further provision is otherwise made in that behalf.

Given under my hand, and issued under the Public Seal of the Province of Southland, this third day of June, One thousand eight hundred and sixty-three.

J. A. R. MENZIES,
Superintendent.

Superintendent's Office,
Southland, 3rd June, 1863.

THE following appointments are hereby notified:—

Police-Sergeant M. O'KEEFE,
to be Gaoler at Campbelltown; and
Police-Sergeant ROBERT FORSTER,
to be Gaoler at Riverton.

J. A. R. MENZIES,
Superintendent.

Superintendent's Office,
Southland, 26th May, 1863.

THE Inspectors of Slaughter-houses in the Invercargill and Riverton Districts are hereby directed to transmit in the first week of every month to the Registrar of Brands a correct list of all cattle, and their marks or brands, slaughtered within their respective districts at any licensed or public slaughter-houses therein.

J. A. R. MENZIES,
Superintendent.

Superintendent's Office,
Southland, 4th June, 1863.

IT is hereby notified that I have granted exemption from pilotage charges, at the outer anchorage at Bluff Harbour, under the conditions of clauses 10 and 12 of the Harbour Regulations, as published in the *New Zealand Gazette* of 22nd February, 1861, to the steamers "City of Hobart" and "Gothenburgh," so long as the said steam vessels continue respectively under the command of Captain ALFRED DARBY, and Captain H. MACKIE.

J. A. R. MENZIES,
Superintendent.

[Republished from the *New Zealand Gazette*,
May 4, 1863.]

COURT OF APPEAL.
NEW ZEALAND.

BY virtue of the powers vested in the Judges of the Court of Appeal by "The Court of Appeal Act, 1862," it is ordered that the following rule of practice shall come into operation forthwith, and remain in operation until a further rule shall be made on the subject.

The Registrar of the Supreme Court of New Zealand at Christchurch, Canterbury, shall have, in respect of the Court of Appeal, all such powers and duties as he now hath in respect of the Supreme Court.

GEO. ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge,
(L.S.) H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.
Christchurch, 9th February, 1863.

IN THE SUPREME COURT OF
NEW ZEALAND.

In the matter of an Ordinance of the Governor and the Legislative Council of New Zealand, Session II, No 9, entitled an Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property, passed 28th December, 1841, section 44.

WE, the Judges of the Supreme Court of New Zealand, pursuant to the authority of the above Ordinance, having considered the Scale of Fees specified in the Schedule B annexed to the said Ordinance, and the present circumstances of the Colony, order that, in lieu of the said Fees, every Registrar of Deeds and Instruments under the said Ordinance shall be entitled, on and after the first day of July, A.D. 1863, to demand in advance, and to receive as such Registrar, the Fees specified in the Schedule hereunto annexed, and no others.

SCHEDULE.	s.	d.
For the Registration of any Instrument	10	0
For every section, or part of a section, allotment, or part of an allotment, contained in any map or plan delineated on any instrument presented for Registration (charged as 2 folios).....	1	0
For the recording and comparing thereof—for every folio of 72 words	0	6
For a copy or extract from any recorded Instrument or deposited Memorial—for every folio of 72 words.....	0	6
For every copy of, or extract from, the General Index—for every line	0	6

For every search or inspection of s. d. Indices, or recorded Instruments, or deposited Memorials 1 0
GEORGE ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge.
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

Christchurch, Canterbury,
7th March, 1863.

GENERAL RULES OF THE COURT OF
APPEAL OF NEW ZEALAND.

MARCH 9TH, 1863.

BY virtue of the powers vested in us by "The Court of Appeal Act, 1862," We, the Judges of the Court of Appeal, do hereby Order That the following Rules for the practice and procedure of the Court shall be in force on and after the 7th day of June, A.D. 1863:—

Affidavits.

1. Affidavits made in matters pending in the Supreme Court may be used in the Court of Appeal.
2. Affidavits made in the matter of an appeal after notice of appeal given or leave to appeal granted, shall be intitled "In the Court of Appeal of New Zealand."
3. Affidavits made "In the Court of Appeal" must be filed with the Registrar of the Court for the time being; and a copy of every such affidavit must be transmitted by the Appellant to each Judge of the Court along with the special case.

Stating and Transmitting Cases.

4. Whenever a case is stated by parties under the 28th section of the Act, the parties shall forthwith submit the same for approval to a Judge at Chambers, who shall give directions for the amendment of the same, if he shall be of opinion that the same is in any way defective.
5. In all cases, unless a Judge at Chambers shall otherwise order, there shall be transmitted to the Registrar of the Court of Appeal, along with, and as part of, the special case, a copy of the record and a copy of the Judge's notes of the trial and of the finding of the Jury, where a trial has taken place, and a copy of all affidavits and documentary evidence used in the Court below.

6. A copy of the special case and of the documents in the last rule mentioned shall be forwarded by the Appellant to each of the Judges of the Court of Appeal within a certain period to be specified by the Judge who approves of the case, at the time of such approval.

Costs.

7. The Costs to be allowed on taxation as between party and party shall be on the same scale as in the Supreme Court, except as hereinafter mentioned.
8. The fees to be allowed to Counsel shall be on a more liberal scale than in the Supreme Court:—In each case, fees for two Counsel, at least, shall be allowed; and to one of the

Counsel, if usually resident at any place other than that where the Court of Appeal shall sit, a liberal brief fee and refreshers shall be allowed besides reasonable cost of maintenance and travelling expenses for each day during which he shall be necessarily absent from his usual place of abode for the purpose of attending the Court of Appeal.

If the same Counsel, not resident at the place where the Court is held, appear in several cases, his allowance for maintenance and travelling expenses shall be equally divided, and the proper proportion allowed in respect of each case.

GEORGE ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge,
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

[Republished from the *New Zealand Gazette*,
6th May, 1863.]

PROCLAMATION

Bringing into operation "The Debtors and Creditors Act, 1862."

By his Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS it is provided by "The Debtors and Creditors Act, 1862," that the said Act shall not come into operation until a day to be fixed by the Governor by Proclamation, to be published in the *Government Gazette*, and it is expedient that the said Act shall come into operation as hereinafter mentioned: Now, therefore, I, Sir George Grey, the Governor as aforesaid of the said Colony, do hereby proclaim and declare that the said "Debtors and Creditors Act, 1862," shall be in operation in the said Colony from and after the first day of June next ensuing.

Given under my hand, at New Plymouth, in the Province of Taranaki, and issued under the Public Seal of the said Colony, this second day of May, One thousand eight hundred and sixty-three.

G. GREY.

By his Excellency's command.
ALFRED DOMETT.

GOD SAVE THE QUEEN!

ORDER IN COUNCIL.

At a Council held at New Plymouth on the 2nd day of May, 1863.

G. GREY.

Present:

His Excellency the Governor in Council.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Militia Act, 1858," it is enacted that it shall be lawful for the Governor in Council

from time to time to make, vary, and abolish Regulations under which the Services of Volunteers shall be accepted in any Militia District: Now, therefore, His Excellency the Governor, with the advice and consent of the Executive Council of the Colony, and in exercise of the powers in this behalf vested in him by the said recited Act, doth hereby make and ordain the following regulations under which the services of Volunteers shall be henceforth accepted in any Militia District within the Province of Auckland.

1. Nothing contained in these Regulations shall affect any Volunteer whose services have been accepted under the regulations made on the Sixteenth day of January, One thousand eight hundred and sixty-two, unless and until his services shall be offered and accepted under these regulations.

2. Any person desirous of becoming a Volunteer shall be proposed at a parade or meeting of the Company which he desires to join, and shall, subject to the approval of the Governor, be admitted a Volunteer on the vote of the majority then present of the Company.

3. There shall be no limit to the term of service of any Volunteer: Provided that any Volunteer shall be entitled to be discharged at the expiration of Three months' notice in writing given by him to the Officer Commanding the body of Volunteers to which he may belong, of his own desire to be so discharged; and, in case such Officer Commanding shall be satisfied that urgent necessity exists for the discharge of any such Volunteer before the expiration of the said notice, he may discharge him accordingly.

4. Each company of foot shall consist of not more than eighty non-commissioned officers and men, and each troop of horse of not more than fifty.

5. A suitable uniform will be issued by Government to each Rifle Volunteer free of cost; but the property in such uniform shall remain in the Government.

6. The financial affairs of a Battalion shall be managed by a committee composed of an officer, non-commissioned officer and private, elected by and from each company: the Treasurer and Secretary to be appointed by such committee from themselves: the Commanding Officer to be *ex officio* the President, and the Adjutant a member *ex officio* of such Committee.

7. Every Volunteer shall attend to be trained and exercised at such times and places as shall be appointed by notice in any Gazette or Newspaper issued by or by the authority of the Officer Commanding the body of Volunteers to which he may belong; or by verbal order issued immediately to any Volunteer, or at any parade by or by the authority of such Officer Commanding.

8. No Volunteer shall be absent during any part of any time appointed for training and exercise; and every Volunteer who shall offend against this regulation shall for such offence forfeit and pay any such sum, not exceeding one pound, as shall be fixed by the Officer Commanding.

9. No Volunteer who shall, previous to the issue of a summons to levy a fine under the foregoing Regulations, produce to such Officer Commanding as aforesaid a Certificate signed by a duly qualified Medical Practitioner, that such absence was unavoidably caused by illness, or satisfy the Commanding Officer of his illness; and no volunteer who shall be absent, having duly obtained leave of absence from such Officer Commanding as aforesaid, shall be liable to the penalty set forth in the foregoing Regulation.

10. If any Volunteer's Arms, Uniform, or Accoutrements, shall, in the opinion of the Officer Commanding as aforesaid, be in a defective or dirty state, he shall forfeit and pay any sum not exceeding two shillings and sixpence, to be fixed in manner as aforesaid.

11. If any Arms, Uniform, Accoutrements, or other Government property, shall be lost, destroyed, or injured in any way other than on service, a fine not exceeding the value of the Arms, Uniform, Accoutrements, or other Government property shall be paid by the Volunteer in whose charge they were. Such fine shall be fixed by a Board of Officers appointed for that purpose by the Officer Commanding, as aforesaid, upon consideration of the circumstances, and if not paid to them on demand, may be recovered in manner hereafter mentioned.

12. If any Volunteer shall not deliver to the Officer Commanding as aforesaid, the Arms, Uniform, Accoutrements, and other Government property entrusted to him as a Volunteer, within three days after an order to that effect shall have been given to him, written or verbal, by or by the authority of the Officer Commanding as aforesaid, he shall be liable to a penalty of Twenty Pounds.

13. All Commissioned Officers shall be appointed by the Governor, and names for that purpose shall, except as respects Staff and Field officers, be submitted to him (through the Officer commanding as aforesaid) for his approval by the Troop or Company to which they are proposed to be appointed. No Commissions will be issued (unless to officers who have held Commissions in the regular service) until the candidates are found fit after examination.

14. All Non-Commissioned Officers shall be nominated by the Captain of the Troop or Company to which they are to be appointed, and shall be examined by the senior officer of such Troop or Company, and if passed as competent shall be appointed by the Officer Commanding as aforesaid.

15. All Volunteers shall be subject to the provisions contained in the following sections of the "Militia Act, 1858," viz:—1, 3, 5, 6, 7, 9, 10, 19, 20, 22, and 24, and in the following sections of the "Militia Act Amendment Act, 1860," viz:—10, 11, 13, 14, and 16, and in the 6th, 7th, and 8th sections of the "Militia Acts Amendment Act, 1862."

16. General parades of all the Volunteers in each District shall be held on a day in each quarter to be fixed by the Governor.

17. Each Volunteer, after four years service as such, shall be at all times thereafter exempt from attendance for training and exercise in the Militia. The period of service of Volunteers under any former regulations

shall be allowed to reckon: Provided that such former Volunteer shall again volunteer and be enrolled before the first day of July next.

18. Every Volunteer shall take the following oath to be administered to him by the Commanding Officer of the body of Volunteers in which he intends to serve, or by the Adjutant of Militia or Volunteers:—

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the until I shall be lawfully discharged.

19. The Officer Commanding may at any time dismiss any Volunteer by order in writing or parol, and from the time of such order such person shall cease to be a Volunteer.

20. No Volunteer shall be entitled to receive any Government prize who shall not have been a Volunteer at least three months before, and up to the first day fixed for the firing for such prize.

21. In the construction of these regulations the phrase "Officer Commanding" or "Commanding Officer" shall, in the case of his absence from the District or incapacity to act by reason of illness or any other cause, which absence need not be proved in any judicial proceeding, mean the officer of the same body of Volunteers next in seniority.

22. All fines and penalties imposed by these regulations or any parts of Acts incorporated therewith, or fixed by any person or body under authority of these regulations, shall be recoverable in a summary way before any Justice of the Peace, on behalf of the Government, by any officer of the body of Volunteers to which the person offending may belong: Provided that in any case where a fine shall have been fixed as aforesaid, such fine with the costs shall be levied and collected by the Justice without further evidence in relation thereto than that such fine was fixed and imposed upon the person summoned by the Officer Commanding or other person or body authorized by these regulations.

F. D. FENTON,
Acting Clerk of the Executive Council.

CLAUSES OF ACTS EMBODIED IN THE REGULATIONS.

MILITIA ACT, 1858.

Power to Governor to call together Militia.

I. It shall be lawful for the Governor to call together, arm, and array as a militia such persons as are hereinafter mentioned, and subject to the provisions hereinafter contained, to cause them to be trained and exercised accordingly, at such times and places as shall seem meet.

And Appoint Officers.

III. It shall also be lawful for the Governor to appoint a proper number of officers to train, discipline, and command every regiment, battalion, or other body according to the regulations to be from time to time made in that behalf.

And to Regulate the Formation of Regiments, &c.

V. It shall also be lawful for the Governor to cause the Militia of every district to be formed and

regulated as to regiments, battalions, corps, and companies, in such manner as to His Excellency shall seem meet.

And to make Regulations for Training, &c.

VI. It shall also be lawful for the Governor from time to time to make such regulations respecting the training and exercise, arms and accoutrements, clothing and equipment, pay, rations, and lodging of such militia, or any part thereof, and respecting all other matters connected therewith which may be required for promoting the efficiency of such militia as a military force: Provided always, that the regulations so to be made shall not in any wise be repugnant to the provisions of this Act.

And to call Militia or any part thereof into Actual Service.

VII. In all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, or upon any imminent danger to the safety of any part of the colony, it shall be lawful for the Governor or such person as he shall from time to time by warrant under his hand appoint as his deputy for that purpose, to direct the officer commanding the militia of any district with all convenient speed to draw out for actual service such militia force or such part or number thereof as the Governor or such deputy shall judge necessary, and in such manner as shall to him seem best adapted to the circumstances of the danger, and to lead the said forces into any part of the district in which such militia shall have been raised, and such militia shall continue on actual service so long as, in the opinion of the Governor, the danger shall render their services necessary: Provided always, that neither the whole nor any part of the militia to be raised in any district, shall on any account be carried or ordered to go beyond the boundaries of such district, except only such as shall volunteer for service out of the same.

Militiamen if seriously wounded, entitled to Pension.

IX. Every militiaman who shall be so seriously wounded or otherwise injured, when on actual service, as to afterwards impede his obtaining a livelihood, shall be entitled to a pension so long as he shall be so disabled, according to such regulations as the Governor, in Council, shall from time to time make in that behalf, as nearly as the circumstances will admit in accordance with the regulations in force in respect of the Queen's regular troops, and of a similar amount.

Notice to be given to Militiamen when called into Actual Service.

XVIII. When the whole or any part of such militia shall be ordered out into actual service as aforesaid, the person to whom such order shall be directed shall forthwith cause notice in writing to be given to the several militiamen, or left at their usual places of abode, to attend at the time and place mentioned in such order.

Penalty for not Joining.

XIX. If any militiaman so directed to be drawn out (not labouring under any infirmity incapacitating him to serve as a militiaman), shall not appear and march in pursuance of such direction, every such militiaman shall be liable to be apprehended and punished as a deserter according to the provisions of any Act then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the articles of war made in pursuance of the same.

Penalty for Concealing Militiamen.

XX. If any person knowingly shall harbour or conceal any militia man, when directed so to be drawn out, he shall for every such offence forfeit and pay a sum not exceeding twenty pounds, to be recovered in a summary way.

Penalty for selling or receiving Arms, &c.

XXII. If any Militiaman shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, or neglect or refuse to return the same in good order to his captain, or to the person appointed to receive the same: Or if any person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive any militia arms, clothes, accoutrements, or ammunition whatever, every such offender shall forfeit and pay for every such offence any sum not exceeding £10, to be recovered in a summary way.

Volunteers may be enrolled.

XXIV. And whereas it is expedient to encourage the enrolment of volunteers for military or naval service in the colony: Be it therefore further enacted that it shall be lawful for the Governor in Council from time to time to make, vary, and abolish regulations under which the service of volunteers shall be accepted in any militia district, and whenever any volunteers shall be enrolled under such regulations they shall be subject to such of the provisions of this Act as shall be specified in such regulations, and to none other of such provisions, and all such regulations shall have the same force and effect as though they had been embodied in and formed part of this Act: Provided always that whenever the whole of the militia of any district is drawn out for actual service, the volunteers in such district shall always be liable to serve, either as a body, or such of them as are on the militia roll as part of the regular militia; and that whenever a part or certain number only of the militia of any district is chosen by ballot for actual service, any volunteers being on the militia roll shall be liable to such ballot, and if chosen, to serve accordingly, unless they shall be or shall consent to go off required on actual service as volunteers.

MILITIA ACT AMENDMENT ACT, 1860.

Section 23 of Militia Act, 1858, repealed.

X. Section 23 of the said Act is hereby repealed, and in lieu thereof be it enacted that—

Mutiny Act and Articles of War in force on Actual Service.

During the time that any such Militia shall be on actual service, all things contained in any Act of Parliament, which shall then be in force for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters, and in the articles of war made in pursuance of such Act shall be in force with respect to such Militia, and to all the Officers, non-commissioned, Officers, Drummers, and Privates of the same in all cases whatsoever.

Offences while on training and exercise.

XI. Every commissioned Officer, non-commissioned Officer, or Man, who shall commit any one of the offences following shall, on being convicted thereof, pay a penalty not exceeding £5, viz:—

- (1.) Who, while being trained and exercised, shall refuse or neglect to obey any lawful order of his superior Officer.
- (2.) Who shall be guilty of any insolent or disorderly behaviour towards such Officer, when the latter shall be in the execution of his duty.
- (3.) Who shall fail to keep any arms or accoutrements intrusted to him in proper order.

Volunteers not liable to serve on juries.

XIII. And be further enacted that every Volunteer enrolled under this Act, or the Militia Act, 1858, or any regulations made in pursuance thereof, shall, during such time as he shall be liable to serve as such Volunteer, be exempt from serving on

Juries; if he shall plead such exemption either in Court or at the time of receiving a Summons to attend on a Jury.

Companies of Volunteers may recommend Officers.

XIV. It shall be lawful for the majority of any Company of Volunteers from time to time to recommend to the Governor persons to be appointed Officers in such Company.

Militia District Limited.

XVI. No Militia district hereafter to be declared shall exceed 30 miles in its greatest diameter.

MILITIA ACT AMENDMENT ACT, 1862.

Pension for wounds.

VI. Every Officer of Militia and Militiaman who shall be so seriously wounded or otherwise injured when on actual service as to afterwards impede his obtaining a livelihood shall be entitled to a pension so long as he shall be so disabled according to such Regulations as the Governor in Council shall from time to time make in that behalf as nearly as the circumstances will admit in accordance with the Regulations in force in respect of the Queen's Regular Forces and of a similar amount.

Pension to Widows, &c,

VII. In the event of any Militia Officer being killed on service his family shall be entitled to such pension as they would have been entitled to had he been an Officer of the same rank in Her Majesty's Regular Service, and in the event of a non-commissioned Officer or Private being killed in service his Family shall be entitled to such pension as they would have been entitled to had he been an Ensign in Her Majesty's service.

Rank of Officers of Volunteers and Militia.

VIII. Officers of Volunteers enrolled under the provisions of the Militia Act, 1858, shall rank with Officers of Militia according to the dates of their respective Commissions.

Act assented to, Southland.

Colonial Secretary's Office,
Auckland, 5th May, 1863.

THE following Bill passed by the Provincial Council of the Province of Southland, intituled,—

“The Interpretation Ordinance, 1862,
Amendment Ordinance, 1863,”

which Bill was reserved for the signification of the Governor's pleasure thereon, having been laid before the Governor, His Excellency has been pleased to assent to the same.

READER WOOD,

In the absence of Mr. Domett.

Returning Officers appointed.

Colonial Secretary's Office,
Auckland, 5th May, 1863.

HIS Excellency the Governor has been pleased to appoint the following persons to be Returning Officers for the Election of Members of the Provincial Council of the Province of Southland for the Electoral Districts set opposite their names:—

ROBERT MITCHELL, Esq., Mataura, Oreti.
ISAAC NEWTON WATT, Esq., Campbelltown.
A. J. ELLES, Esq., Waihopal.
MATTHEW PRICE, Esq., Invercargill.
JAMES SURMAN, Esq., Aparima, Wallacetown.

READER WOOD,

In the absence of Mr. Domett.

SUPREME COURT.

“The Debtors and Creditors Act, 1862.”

BY virtue of the powers vested in us by the Debtors and Creditors Act, 1862, it is ordered by us, the Judges of the Supreme Court, that the following Rules shall be in force on and after the 1st day of June, 1863:—

I.—PROCEEDINGS IN THE SUPREME COURT.

Proof of Debts.

Debts and claims of creditors under the said Act shall be proved by affidavit.

Any such proof may be contested upon motion or summons made or taken out for the purpose, by or on behalf of any trustee or trustees of the debtor's estate, or by or on behalf of any two or more creditors, who shall have each proved debts or claims against the debtor's estate to the amount of £20 or upwards; and the Court or Judge, if of opinion that the debt or claim is not a just one, either wholly or in part, shall disallow the same either wholly or in part, as the case may require.

Provided, that in cases in which there shall be questions of fact in dispute between the parties or any of them, it shall be lawful for the Court or a Judge to order that such questions be raised in the form of issues, and be tried by a full jury or at minor jury sittings in the same manner as issues joined in an ordinary action; and upon such trial (unless specially ordered to the contrary) the proving creditors shall be the plaintiff, and the said trustee or trustees, or the contesting creditor or creditors, shall be the defendant or defendants.

General.

All proceedings in the Court whatsoever, taken under or by virtue of the said Act, or of these Rules, in respect of which no specific provision is made to the contrary by the said Act, shall be subject to the General Rules of the Court for the time being in force in relation to other proceedings in the Court of a like nature.

II.—MEETINGS OF CREDITORS.

1. Meetings of creditors shall be convened either by the trustees or trustee of the debtor's estate, or in pursuance of a rule or order of the Court or a Judge.

2. Any creditor may apply to the Court or a Judge for a rule or order convening a meeting.

3. At least three days' notice of the place and time (specifying the day and hour) of every such meeting shall be given by advertisement in some local newspaper.

4. The business to be transacted at any meeting convened in pursuance of a Rule or Order of the Court or a Judge may be defined by such Rule or Order, in which case no other business shall be transacted at the meeting, or at any adjournment thereof.

5. No person shall be entitled to vote or take a part in any proceeding at any such meeting unless and until he shall have duly proved a debt or claim against the estate to an amount exceeding £10.

6. No business shall be transacted at any such meeting unless there shall be there present, personally or by proxy, one-fourth in number or value of the creditors who shall have proved their debts or claims.

If within half an hour from the time appointed for the meeting there is not a quorum, the meeting shall be dissolved, unless convened in pursuance of a Rule or Order, in which case it shall stand adjourned till the following day, at the same place and hour; and if at such adjourned meeting there is no quorum within half an hour from the time of meeting, the meeting shall be adjourned *sine die*.

7. All questions shall be determined by a majority of the votes of the creditors present, personally or by proxy: Provided that no resolution shall be deemed to be adopted by the meeting, unless the same is carried by the votes of one-fourth in number or value of the creditors who shall have proved their debts or claims.

8. Proxies shall not be recognised unless appointed by some writing under the hand of the constituent creditor, which shall be inspected by the chairman and authenticated to his satisfaction.

9. The number of votes to be assigned to, and exercised by, each creditor shall be according to the following scale:—In respect of a proved debt or claim,

Exceeding £10, and not amounting to £50,	1 vote
Amounting to £50,	£100, 2 votes
„ £100,	£200, 3 votes
„ £200,	four votes,

and so on at the rate of one additional vote for every complete sum of £100 over and above the first £100: Provided that no creditor shall be entitled to more than twelve votes in the whole.

10. Only one of several joint creditors shall in respect of the joint debt or claim be entitled to vote and take a part in the proceedings at any meeting.

11. No creditor having any mortgage, lien, or other specific security upon any property of the debtor shall, in respect of the debt so secured, be entitled to vote or take a part in the proceedings at any meeting, unless he shall give up such mortgage, lien, or other security, for the general benefit of the creditors: Provided that where any such security shall have been realised, and shall have been insufficient to pay the debt in full, the creditor may, in respect of the deficiency, and on proof thereof, be entitled to vote and take a part in the proceedings at every such meeting.

12. A chairman shall be appointed, and shall preside at every meeting, and he shall have a casting vote in addition to his original vote of votes.

13. Minutes of the proceedings of every meeting shall be taken, and shall be signed by the chairman, who shall forthwith file the same in the Supreme Court.

14. Meetings may be adjourned from time to time and from place to place.

(Signed)

GEORGE ALFRED ARNEY, Ch. J.,
ALEXANDER J. JOHNSTON, Judge,
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

SUPREME COURT OF NEW ZEALAND.

“The Debtors and Creditors Act, 1862.”

BY virtue of the powers vested in us by “The Debtors and Creditors Act, 1862,” we, the Judges of the Supreme Court, do hereby settle the following Table of Fees and Scale of Allowances to Witnesses:—

Table of Fees.

Filing Petition for sequestration under the Act by Debtor or Creditor... ..£1 0 0

And for all other proceedings the same Fees as are or may be payable in respect of other proceedings in the Supreme Court of the like nature.

Scale of Allowances to Witnesses.

The like allowances as are or may be payable to witnesses in civil cases in the Supreme Court.

GEORGE ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge,
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

Approved in Council.

G. GREY.

New Plymouth, 2nd May, 1863.

COURT OF APPEAL.

Fees to be taken under “The Court of Appeal Act, 1862.”

UNTIL further notice, the Fees to be taken by the Registrar of the Court of Appeal shall be the same as those in the Supreme Court in respect to similar proceedings.

GEORGE ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge,
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

Approved in Council.

G. GREY.

New Plymouth, 2nd May, 1863.

IN THE SUPREME COURT OF NEW ZEALAND.

REGULE GENERALES.—March, 1863.

BY virtue of the powers vested by law in the Judges of the Supreme Court, it is ordered by us, the Judges of the said Court, that the following General Rules shall come into and be in force on and after the first day of June, 1863:—

JUDGMENTS FOR DEFAULT OF PLEA, &c.

1. Applications and orders under Rule 307 of the General Rules of Procedure on default of plea or demurrer may be made at the expiration of seven days after the time limited for pleading or demurring has elapsed, instead of at the expiration of fourteen days as in the said Rule mentioned; and for the words “fourteen days” in Rules 317 and 319, the words “seven days” shall be substituted.

2. On Judgments for default of plea or demurrer execution may be issued on the expiration of seven days after such judgment has been entered up, unless a Judge shall direct that it may be issued either at an earlier or at a later time.

3. When there is no Judge of the Supreme Court actually present at any place at which there is a Registrar or Deputy Registrar of the Supreme Court, such Registrar or Deputy Registrar shall have power to grant leave to enter up Judgment on default of plea or demurrer; and the same may be entered up accordingly: Provided that execution shall not issue thereupon until the expiration of seven days after notice given to the Defendant that such judgment has been entered up pursuant to the leave granted by such Registrar or Deputy Registrar; and if the Defendant shall within such seven days find security for the amount for which execution is to be issued, to the satisfaction of the Registrar, execution shall be stayed until an application can be made by the defendant to a Judge to set aside the Judgment, provided also that in such last mentioned case the plaintiff may, after notice to the defendant, apply to the Judge for leave to issue execution.

ADMINISTRATION AND PROBATE.

4. The inventories and accounts to be filed by Executors and Administrators shall be filed within such periods as the Judge granting Administration or Probate shall direct at the time of the granting thereof, or within such further period as a Judge on application may direct: and the conditions of Administration Bonds shall be framed accordingly.

5. Those portions of the affidavits contained in the Schedule of forms annexed to the "Rules touching the Administration of Estates and effects of persons deceased, 1844," which relate to the filing of inventories and accounts, shall be henceforth omitted from such affidavits.

CONVEYANCING.

6. On taxation of the costs of conveyances or other assurances no fee for the drawing, settling, or preparation of such instruments shall be allowed unless the name and address of the Barrister or Solicitor who prepared the same shall be endorsed or shall appear upon the same.

GEORGE ALFRED ARNEY, Chief Justice,
ALEXANDER J. JOHNSTON, Judge,
H. B. GRESSON, Judge,
C. W. RICHMOND, Judge.

Colonial Secretary's Office,
Auckland, 6th May, 1863.

THE following Notice to Mariners respecting Lighthouses at Port Phillip Heads, is published for general information.

READER WOOD,
In the absence of Mr Domett.

978. NOTICE TO MARINERS.

PORT PHILLIP HEADS LIGHTHOUSES.

Navigators are hereby informed that in accordance with a Notice to Mariners dated the

27th of December, 1862, the alterations in Shortland's Bluff and Swan Spit Lights, and the exhibition for the first time of a light on Point Lonsdale, as notified on the 3rd February, 1863, were carried into effect on the respective dates mentioned in such notices.

Consequent upon these changes, the following Sailing Directions are published for the guidance of vessels navigating the entrance to Port of Philip at night:—

Vessels from the southward and eastward will see the high light (fixed white) on a N. $\frac{1}{4}$ W. bearing, and the white low light (fixed white and red) on a N. $\frac{1}{4}$ E. bearing; as they proceed to the N. W. to bring the two lights in one, the low light will change its color from white to red on a N.N.E. $\frac{1}{4}$ E. bearing.

Vessels from the southward and westward sighting the high light to the eastward of N.E. by E. should, to avoid the Barwon bight, haul out to the eastward to open the low light, which will be first seen white on a N.E. by E. bearing, and as they proceed to bring the two lights in one, the low light will change its colour from white to red on a N.E. $\frac{1}{4}$ E. bearing.

A reference to the chart will show that, as hitherto, the best and safest course between the heads is to keep the two Shortland's Bluff lights in one line on a N.E. by N. and S.W. by S. bearing; but should the wind become scant and the vessel compelled to make a tack when in the vicinity of the Corsair rock or the Point Lonsdale reef, these dangers will be avoided by vessels of light draught so long as the Shortland's Bluff low red light is kept in sight. Vessels so circumstanced must be careful to go about, or haul towards mid channel before the low light changes from red to white.

The light (fixed red and green) on Point Lonsdale has been established to warn vessels entering or departing at night of their vicinity to, and when they are clear of the Lonsdale and Ferguson rocks.

Vessels steering from sea for Port Phillip, and near the entrance, will first see the Point Lonsdale green light on a N.W. by N. $\frac{1}{4}$ N. bearing, and so long as they have it full in view they are to seaward of the Lonsdale and Ferguson rocks; when the two colours, red and green, begin to blend, it indicates vicinity to the line which passes on a N.W. by W. bearing from the light over these dangers.

When the Lonsdale red light opens out full, vessels are inside of them, and when they shut it in on a W. $\frac{1}{4}$ N. bearing they are inside of the Corsair rock.

Vessels steering towards the West Channel will avoid the reef off Shortland's Bluff, and the bank between it and Swan Spit, and also clear the Royal George Sand, when in their vicinity, by not opening out the white light on Swan Spit, but keeping the red light in sight until within three cables' length of it, when they will be above the Royal George buoy, and should haul to the eastward, and open the white light, giving the lighthouse a berth of three-quarters of a cable's length in passing.

Vessels navigating the South Channel are reminded that the low light on Shortland's Bluff now shows white from sea up the South Channel to the east end of Capel Sound.

Vessels below Capel Sound White Perch buoy will be aided in their passage up or down the South Channel and avoid the north sand

by not shutting the light in, it being masked on a west by north bearing.

With the view of keeping the fairway to the West Channel clear, vessels of light draught are recommended when anchoring off Shortland's Bluff to bring up as close over towards the shore as possible on the N.W. side of the fairway, indicated at night by the Swan Spit light changing from red to white on a N.E. $\frac{1}{2}$ E. bearing, and by day the Swan Spit Lighthouse just open E. of No. 1 Black buoy.

Vessels of heavy draught should anchor on the S.E. side of the fairway, which is indicated at night by the Swan Spit light changing from red to white on a N. E. $\frac{3}{4}$ N. bearing, and by day the Swan Spit Lighthouse just open W. of No. 2 White Perch buoy.

Masters of vessels about to anchor at night off Shortland's Bluff are requested to note that the low light shuts in on a N. by W. bearing.

All bearings are magnetic.

CHARLES FERGUSON,
Chief Harbour Master.

Department of Ports and Harbours,
Williamstown, 11th March, 1863.

[Republished from the *New Zealand Gazette*,
25th March, 1863.]

WARRANT

Appointing Polling Places.

By His Excellency Sir GEORGE GREY, Knight Commander of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:—

WHEREAS by an Act of the General Assembly, intituled, "The Regulation of Elections Act, 1858," it is enacted that it shall be lawful for the Governor, by Warrant under his hand, from time to time, to appoint Polling Places for each Electoral District, within or without the limits thereof, and to appoint any one of such places to be the principal Polling Place for the District, and all or any of such Polling Places at any time to abolish, and to appoint other Polling Places in lieu thereof. And Whereas by another Act of the General Assembly, intituled "The Provincial Elections Act, 1858," it is enacted that, subject to certain provisions therein contained, every Election of the Superintendent or of a Member of the Provincial Council of a Province shall be conducted in the manner prescribed by "The Regulation of Elections Act, 1858," aforesaid, and all the provisions of the said last-mentioned Act shall apply to the Elections of Members of Provincial Councils;

Now know ye, that I, Sir George Grey, the Governor of the said Colony, in pursuance of the power and authority in me vested by the said Acts, do hereby appoint the following place to be Polling Place for the District of

Wallacetown for the Election of Members of the Provincial Council of the Province of Southland, namely,—

The House of Mr. R. GRIEVE, Branxholme Bush, New River Hundred.

And I do further appoint the Polling Place above mentioned to be the principal Polling Place for the said District.

Given under my hand, at New Plymouth, this twenty-seventh day of April, in the Year of Our Lord, One thousand eight hundred and sixty-three.

G. GREY,

By His Excellency's command,
ALFRED DOMETT.

WARRANT

Appointing Polling Places.

By His Excellency Sir GEORGE GREY, Knight Commander of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:—

WHEREAS by an Act of the General Assembly, intituled "The Regulation of Elections Act, 1858," it is enacted that it shall be lawful for the Governor, by Warrant under his hand, from time to time, to appoint Polling Places for each Electoral District, within or without the limits thereof, and to appoint any one of such places to be the principal Polling Place for the District, and all or any of such Polling Places at any time to abolish, and to appoint other Polling Places in lieu thereof. And Whereas by another Act of the General Assembly, intituled "The Provincial Elections Act, 1858," it is enacted that, subject to certain provisions therein contained, every Election of the Superintendent or of a Member of the Provincial Council of a Province shall be conducted in the manner prescribed by "The Regulation of Elections Act, 1858," aforesaid, and all the provisions of the said last-mentioned Act shall apply to the Elections of Members of Provincial Councils;

Now know ye, that I, Sir George Grey, the Governor of the said Colony, in pursuance of the power and authority in me vested by the said Acts, do hereby appoint the following place to be Polling Place for the District of Aparima for the Election of Members of the Provincial Council of the Province of Southland, namely,—

The House of Mr. Young, Gummy's Bush, Jacob's River Hundred.

And I do further appoint the Polling Place above-mentioned to be the principal Polling Place for the said District.

Given under my hand, at New Plymouth, this twenty-seventh day of April, in the year of our Lord, One thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,
ALFRED DOMETT.

WARRANT

Appointing a principal Polling Place.

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and Vice-Admiral of the same, &c., &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:—

WHEREAS by an Act of the General Assembly, intituled "The Regulation of Elections Act, 1858," it is enacted that it shall be lawful for the Governor, by Warrant under his hand, from time to time, to appoint Polling Places for each Electoral District, within or without the limits thereof, and to appoint any one of such places to be the principal Polling Place for the District, and all or any of such Polling Places at any time to abolish, and to appoint other Polling Places in lieu thereof. And Whereas by another Act of the General Assembly, intituled "The Provincial Elections Act, 1858," it is enacted that, subject to certain provisions therein contained, every Election of the Superintendent or of a Member of the Provincial Council of a Province shall be conducted in the manner prescribed by "The Regulation of Elections Act, 1858," aforesaid, and all the provisions of the said last-mentioned Act shall apply to the Elections of Members of Provincial Councils;

Now know ye, that I, Sir George Grey, the Governor of the said Colony, in pursuance of the said power and authority in me vested by the said Acts, do hereby appoint the following places to be Polling Places for the District of Oreti, for the Election of Members of the Provincial Council of the Province of Southland, namely,—

The House of Mr. C. COWAN, Run No. 146.

The House of Mr. FREEMAN JACKSON, Run No. 143.

And I do further appoint the Polling Place hereinafter specified to be the principal Polling Place for the said District, namely,—

The House of Mr. C. COWAN, Run No. 146.

Given under my hand, at New Plymouth, this twenty-seventh day of April, in the year of our Lord, One thousand eight hundred and sixty three.

G. GREY.

By His Excellency's command,
ALFRED DOMETT.

WARRANT

Appointing a principal Polling Place.

By His Excellency Sir GEORGE GREY, Knight Commander of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and Vice-Admiral of the same, &c., &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:—

WHEREAS by an Act of the General Assembly, intituled "The Regulation of Elections Act, 1858," it is enacted that it shall be lawful for the Governor, by Warrant under his hand, from time to time, to appoint Polling Places for each Electoral District within or without the limits thereof, and to appoint any one of such places to be the principal Polling Place for the District, and all or any of such Polling Places at any time to abolish, and to appoint other Polling Places in lieu thereof. And Whereas by another Act of the General Assembly, intituled "The Provincial Elections Act, 1858," it is enacted that, subject to certain provisions therein contained, every Election of the Superintendent, or of a Member of the Provincial Council of a Province, shall be conducted in the manner prescribed by the "Regulation of Elections Act, 1858," aforesaid, and all the provisions of the said last mentioned Act shall apply to the Elections of Members of Provincial Councils.

Now know ye, that I, Sir George Grey, the Governor of the said Colony, in pursuance of the power and authority in me vested by the said Acts, do hereby appoint the following place to be Polling Place for the District of Matura, for the Election of Members of the Provincial Council of the Province of Southland, namely,

The home station of Mr. J. McINTOSH, Masrireira, Run No. 91.

And I do further appoint the Polling Place above mentioned to be the principal Polling Place for the said District.

Given under my hand, at New Plymouth, this twenty-seventh day of April, in the year of our Lord, One thousand eight hundred and sixty-three.

G. GREY.

By His Excellency's command,
ALFRED DOMETT.

Rules and Regulations for the Office of Registrar of Brands under the Provisions of the Cattle Branding Ordinance.

THE hours for the Registration of Brands shall be from 10 to 12 A.M. on Tuesdays, Thursdays, and Saturdays.

The following Fees shall be paid to the Registrar:—

	s.	d.
Registering Brand	2	6
" Sale of Cattle, if under		
20 in number	0	6
" if over.....	0	3
Alteration of Brand or Transfer...	2	6

The Registrar shall once a month publish the returns of Cattle Brands.

The Registrar shall, on being furnished by the Inspector of Slaughter-houses with a copy of the list of all cattle slaughtered in the Districts proclaimed in the *Southland Provincial Gazette*, under the regulations of the Slaughter-house Ordinance, 1847, publish the same once a month in one of the Provincial papers.

J. A. R. MENZIES,
Superintendent.

Superintendent's Office,
Southland, 26th May, 1863.

I HEREBY certify that

JOSHUA ROWBOTTOM,
of Invercargill, in the Province of Southland, has this day, in terms of an Ordinance passed by the Legislative Council of New Munster, Session 1, No. 2, of 1849, intituled "An Ordinance to define the qualifications, and to provide for the remuneration, in certain cases of Medical Practitioners," submitted to me proof of his being a Member of the Royal College of Surgeons, England, and a Licentiate of the Society of Apothecaries, London.

Dated at the Resident Magistrate's
Court, Invercargill, this 3rd day
of June, 1863.

M. PERCE,
Resident Magistrate.

THE following List of ACCEPTED and NON-ACCEPTED Tenders is published for general information:—

WORK.	ACCEPTED.	DECLINED.
Dee-street, clearing 2 chains in width of timber, flax, &c., and burning same, commencing at intersection of Tay-street, and terminating at north line of Town Belt.	J. E. Anderson, £1 5s. per chain.	J. M'Arthur, £2 16s. per chain W. Dunlop, £1 15s. per chain Chapman and Co., £1 15s. per chain. J. R. Wright, £1 18s. per chain.
Pilot-house repairs.	Robert Loudon, £195.	Greville and Whiting, pilot and boat-house, £450.
Campbelltown Road, cutting outfall drain, at per chain, (being 58 chains in all,) size 4 ft. wide at bottom, sides to slope $\frac{1}{2}$ base to 1 rise, and depth as shewn in section.	Palethorpe and Muir, £3 10s. per chain.	None.
Great North Road, forming 295 chains or thereby of road, commencing from culvert north of the Haugh Meadow Burn Bridge, and extending to Winton Bush, excepting the approaches to bridge and culvert (amounting in all to about 40 chains) already executed.	Campbell, Robertson, and Co. Ditching, per chain, £1 2s. 6d.; forming, per do., 15s.,	Kirby and Co., ditching, £1 3s. per chain; forming, £1 per chain. Lindsay and Co., ditching, £1 5s. per chain; forming £1 per chain. J. M'Jeury and Co., ditching, £1 9s. per chain; forming, £2 2s. per chain.

By Order,

H. A. GILLER,
Clerk to the Superintendent.

