



NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF WELLINGTON.)

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature hereunto annexed, are to be considered as Official Communications made to those persons to whom they relate, and are to be obeyed accordingly.

WILLIAM FITZHERBERT, Provincial Secretary.

VOL. 11.]

THURSDAY, JULY 9, 1857.

[No. 14.]

PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the Most Honourable Order of the Bath, Governor of the Colony of New Zealand, &c., &c.,

WHEREAS by an Act of the General Assembly of New Zealand, intituled "the Waste Lands Act, 1856," it is enacted that no land acquired from the Aboriginal Inhabitants after the passing thereof shall be open for sale or disposal until the Governor shall have notified by Proclamation in the New Zealand Government Gazette that the Native Title has been extinguished over such land.

Now, therefore, I, the Governor, do hereby proclaim and notify that the Native Title has been extinguished over the two several blocks of land, the boundaries whereof are mentioned or described in the Schedule hereunto annexed.

Given under my hand and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland this twenty-ninth day of May, in the year of our Lord One thousand eight hundred and fifty-seven.

THOMAS GORE BROWNE,
Governor.

By his Excellency's command,
C. W. RICHMOND.
GOD SAVE THE QUEEN!

SCHEDULE.

Boundaries of the Otaranga Block
(Ahuriri.)

PROVINCE OF WELLINGTON.

Estimated to contain 50,000 Acres.

The boundary of the land commences at the mouth of the Oaro stream, thence

along the said stream and on to Rau-tapapa, thence on to Omawhai, thence on to Poporenga, thence along the Poporenga and on to Te Upoko-o-koko, thence on to Waitangi, thence on to Tuwharemanuka, thence on to the mouth of the Kaubangapiro stream thence along the Kaubangapiro and on to Otamaararo, thence on to Te Puo te pikitanga, thence turning it runs on to Reureuwhiuwhiu, thence to the Otaratahi, thence on to Oturoa, thence on to Te Auaroa, thence on to Pohatukaha, thence turning Easterly right along the ridge of the Ruahine on to Ohawai, thence on to Oruurea, thence on to Tamahine o te Urungatapu, thence on to Wairangi, thence on to te Rakautonga, thence on to Tikorangi, thence turning and on to Waitataki, thence right on to the Ngaruroro, thence right on along the said stream and on to Poanou, and so on until it joins at the mouth of the Oaro stream, there it ends.

PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the Most Honourable Order of the Bath, Governor of the Colony of New Zealand, &c. &c. &c.

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Resident Magistrates' Courts Extension of Jurisdiction Act, 1856," it is enacted that it shall be lawful for the Governor, upon the request of the Superintendent of any Province, by proclamation in the Government Gazette, to bring the said Act into operation in respect to any Resident Magistrate's Court having jurisdiction within such Province, from and after a certain day to be named in such proclamation, and to define the Districts within which cases may be heard in such Court under the provisions of the said Act.

Now, therefore, I, the Governor of New Zealand, upon the request of the Superintendent of the Province of Wellington, do hereby proclaim and declare, that the said recited Act shall come into operation in respect of the Courts of the several Resident Magistrates of Wellington, Hawke's Bay, and Wanganui, in the said Province of Wellington, from and after the first day of July in the year 1857.

And I do hereby define the Districts, within which cases may be heard, in the said Resident Magistrates' Courts, under

the provisions of the said Act, as follows, viz:—

Within the Districts of Wellington, and of Manawatu, in the Court of the Resident Magistrate of Wellington;

Within the District of Hawke's Bay, and of Wairarapa, in the Court of the Resident Magistrate of Hawke's Bay;

Within the District of Wanganui-Rangitikei, in the Court of the Resident Magistrate of Wanganui;

the boundaries of which said several Districts are respectively set forth and described in the Schedule, and are delineated by the maps or plans hereunto annexed.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland, this second day of June, in the year of our Lord One thousand eight hundred and fifty seven.

THOMAS GORE BROWNE,
Governor.

By his Excellency's command

E. W. STAFFORD.

GOD SAVE THE QUEEN.

SCHEDULE.

Wellington District.

The District of Wellington comprises the tract of country enclosed by the following boundary, viz: a line drawn from Cape Rewarewa, along the Remutaka Range; thence in a straight direction to the Gorge in the Ruahine Mountains; thence along the Coast to Cape Rewarewa, including Port Nicholson, as delineated on the accompanying plan.

Manawatu District.

The Manawatu District comprises the tract of country enclosed by the following boundary, viz: a line drawn from the point where the 176th parallel of longitude crosses the 40th parallel of latitude along the said 176th parallel until it meets Ruahine Range; thence along Ruahine Range to the Gorge in the Ruahine Mountains; thence down the Manawatu River to the Coast; thence along the Coast to the mouth of the

Rangitiki River, thence up the Rangitiki River, to the 40th parallel of latitude; thence along the said 40th parallel of latitude to the point where it crosses the 176th parallel of longitude, as delineated on the accompanying plan.

Wairarapa District.

The District of Wairarapa comprises the tract of country enclosed by the following boundary, viz: a line drawn from Cape Rewarewa along the Coast to Cape Turnagain; thence up the Waimata Stream along the northern boundary of Puketoi to Puketoi Range; thence in a straight line to where Teruamea falls into the Manawatu River; thence along the Manawatu River to the Gorge in the Ruahine Mountains; thence in a straight line to Remutaku Ranges; thence along Remutaku Range to Cape Rewarewa, as delineated on the accompanying plan.

Hawke's Bay District.

The Hawke's Bay District comprises the tract of country enclosed by the following boundary, viz: a line drawn from the Gorge in the Ruahine Mountains up Ruahine Range, until it meets the 176th parallel of longitude; thence along the 176th parallel to the northern boundary of the Province; thence along the said northern boundary to the East Coast; thence down the East Coast to Cape Turnagain; thence up Waimata Stream, along the northern boundary of Puketoi to Puketoi Range; thence in a straight line to where Teruamea falls into the Manawatu River; thence along the Manawatu River to the Gorge in the Ruahine Mountains, as delineated on the accompanying plan.

Wanganui-Rangitiki District.

The Wanganui-Rangitiki, District comprises the tract of country enclosed by the following boundary, viz: a line drawn from the mouth of the Rangitiki River along the Coast to the Northern boundary of the Province; thence along the said Northern boundary until it meets the 176th parallel of longitude; thence down the said 176th parallel of longitude to its junction with the 40th parallel of latitude; thence along the said 40th parallel of latitude to the Rangitiki River; thence down the Rangitiki River to the Coast as delineated on the accompanying plan.

PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honorable Order of the Bath, Governor of the Colony of New Zealand, &c., &c.

WHEREAS by an Ordinance passed by the Lieutenant Governor of New Zealand, with the advice and consent of the Legislative Council thereof, intituled "An Ordinance for establishing Courts of Sessions of the Peace," it is enacted that it shall be lawful for the Governor, by Proclamation, from time to time, to constitute and define certain districts within which there shall be holden Courts of Sessions of the Peace, at such times and places as the Governor shall by Proclamation from time to time appoint.

Now, therefore, I, the Governor, in pursuance of the powers in me vested in that behalf, do by this proclamation constitute the several Districts following to be Districts within which there shall be holden Sessions of the Peace, viz:—

1. The District of Wanganui-Rangitiki,
2. The District of Hawke's Bay,
3. The District of Wairarapa.

The boundaries of which said several Districts are respectively set forth and described in the Schedule, and are delineated on the maps or plans hereunto annexed.

And I do hereby appoint that the Sessions of the Peace for the said Districts of Wanganui-Rangitiki, shall be holden at the Town of Wanganui, on the 15th day of January, the 15th day of April, the 15th day of July, and the 15th day of October, in every year.

And that the Sessions of the Peace for the said District of Hawke's Bay, shall be holden at the Town of Napier, on the 21st day of May, and the 21st day of November, in every year.

And that the Sessions of the Peace for the said District of Wairarapa shall be holden at Grey Town, on the 6th day of May, and the 6th day of November in every year.

Provided always that in case any one of the said days shall fall on a Sunday, then the Sessions of the Peace appointed for such day shall be holden on the day following.

Given under my hand and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland, this second day of June, in the year of Our Lord, One thousand eight hundred and fifty-seven.

THOMAS GORE BROWNE,
Governor.

By his Excellency's command,
E. W. STAFFORD.

GOD SAVE THE QUEEN!

SCHEDULE.

Wanganui-Rangitiki District

The Wanganui-Rangitiki District comprises the tract of country enclosed by the following boundary, viz: a line drawn from the mouth of the Rangitiki River along the Coast to the Northern boundary of the Province: thence along the said Northern boundary until it meets the 176th parallel of Longitude; thence down the said 176th parallel of longitude to its junction with the 40th parallel of latitude; thence along the said 40th parallel of latitude to the Rangitiki River; thence down the Rangitiki River to the Coast, as delineated in the accompanying plan.

Hawke's Bay District.

The Hawke's Bay District comprises the tract of country enclosed by the following boundary, viz., a line drawn from the Gorge in the Ruahine Mountains, up Ruahine Range, until it meets the 176th parallel of longitude, thence along the 176th parallel to the Northern boundary of the Province; thence along the said Northern boundary to the East Coast; thence down the East Coast to Cape Turnagain; thence up Waimata Stream along the Northern boundary of Puketoi to Puketoi Range; thence in a straight line to where Teruamea falls into the Manawatu River; thence along the Manawatu River to the Gorge in the Ruahine Mountains, as delineated on the accompanying plan.

Wairarapa District.

The District of Wairarapa comprises the tract of country enclosed by the following boundary, viz.: a line drawn from Cape Rewarewa along the coast to Cape Turnagain; thence up the Waimata

Stream along the Northern boundary of Puketoi to Puketoi Range; thence in a straight line to where Teruamea falls into the Manawatu River; thence along the Manawatu River to the Gorge in the Ruahine Mountains; thence in a straight line to Remutaka Range; thence along Remutaka Range to Cape Rewarewa, as delineated on the accompanying plan.

PROCLAMATION.

By His Honor ISAAC, EARL FEATHERSTON, ESQUIRE, Superintendent of the Province of Wellington, in the Islands of New Zealand.

WHEREAS by an Act of the General Assembly of New Zealand entitled "The Resident Magistrates' Courts Extension of Jurisdiction Act, 1856;" It is enacted that whenever the said Act shall have been brought into operation with respect to any Resident Magistrates' Court, the Superintendent of the Province within which such Court shall be situated, shall by Proclamation in the Government Gazette of such Province, fix the days upon which such Court shall sit to hear and determine cases under the provisions of the said Act:—

AND WHEREAS, by Proclamation in the General Government Gazette the said Act hath been brought into operation in respect of the Courts of the several Resident Magistrates of Wellington, Hawke's Bay and Wanganui, in the Province of Wellington, from and after the 1st day of July, in the year 1857:—

Now, therefore, I, ISAAC EARL FEATHERSTON, by virtue of the powers in me vested by the said Act, Do hereby Proclaim and Appoint the days on which cases may be heard in the said Resident Magistrate's Courts under the provisions of the said Act, as follow viz:—

At Wellington, in the Court of the Resident Magistrate of Wellington on the first Tuesday of each Month in every year.

At Wanganui, in the Court of the Resident Magistrate of Wanganui, on the 16th day of January, the 16th day of April, the 16th day of July, and the 16th day of October, in every year:—

At Grey Town, Wairarapa, in the Court of the Resident Magistrate of Hawke's Bay, on the 7th day of May, and the 7th day of November in every year:—

At the Town of Napier in the Court of the Resident Magistrate of Hawkes Bay, on the 22nd day of May, and the 22nd day of November, in every year:—

Provided always that in case any one of the said days shall fall on a Sunday, then the Court hereby appointed for such day, shall be holden on the day following.

Given under my hand, and issued under the Public Seal of the Province of Wellington, this sixth day of July, one thousand, eight hundred and fifty-seven.

I E. FEATHERSTON,
Superintendent.

By his Honor's command,

WILLIAM FITZHERBERT,
Provincial Secretary.

Colonial Secretary's Office,
Auckland, June 1st, 1857.

PURSUANT to the provisions of an Act of the Imperial Parliament, 15th and 16th Victoria, intituled "An Act to grant a Representative Constitution to New Zealand," His Excellency the Governor has been pleased to issue a Writ of Summons to the

Hon. JOHN CURLING, Esq.,

of Napier, calling him to the Legislative Council of New Zealand.

By His Excellency's command,
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, June 1st, 1857.

HIS Excellency the Governor has been pleased to appoint the

Honble. JOHN CURLING, Esq.,

to be a Resident Magistrate.

By his Excellency's command,
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, June 1st, 1857.

HIS Excellency the Governor has been pleased to appoint

CHARLES DUDLEY ROBERT WARD, Esq.,
Barrister-at-Law, to be Chairman of the Court of Sessions of the Peace for the Wanganui-Rangitiki, Hawke's Bay, and Wairarapa Districts.

By his Excellency's command,
E. W. STAFFORD.

Colonial Treasury

Auckland, June 1st, 1857.

HIS Excellency the Governor has been pleased to appoint

GEORGE SISSON COOPER, Esq.,

to be Commissioner for the purchase of Native Lands for the Hawke's Bay District, the boundary whereof commences at the mouth of the Whareama River, and continues thence to Te Ore Ore at the head of the Wairarapa Valley, thence along the Southern edge of the 70-mile Bush to the Tararua Mountains, thence along the Tararua and Ruahine Ranges to the Northern boundary of the Province of Wellington, thence following the said Northern boundary (the 39th parallel of latitude) to the Coast, thence along high-water mark to the mouth of the Whareama River

By his Excellency's command,

C. W. RICHMOND.

Provincial Secretary's Office,
Wellington, 4th July, 1857.

HIS Honor the Superintendent has been pleased to appoint

MR. WILLIAM WILLIAMSON,

to be Clerk and Draughtsman in the Office of the Provincial Engineer. The appointment to date from 1st day of June ultimo.

By his Honor's command,

WILLIAM FITZHERBERT,
Provincial Secretary.

Provincial Secretary's Office,
Wellington, 7th July, 1857.

HIS Honor the Superintendent has been pleased to appoint the

REV. W. WOON,

to be Registrar of Sheep & Cattle Brands for the Wanganui—Rangitiki District. The appointment to date from the 1st Instant.

By his Honor's command,

WILLIAM FITZHERBERT,
Provincial Secretary.

Provincial Secretary's Office,
Wellington 7th July, 1857.

HIS Honor the Superintendent has been pleased to appoint

MR. J. T. TYLER.

to be clerk to the Bench of Magistrates at Wanganui. The appointment to date from the 8th ultimo.

By his Honor's command,

WILLIAM FITZHERBERT,
Provincial Secretary.

*Provincial Secretary's Office,
Wellington, 9th July, 1857.*

HIS HONOR the Superintendent has been pleased to appoint

JOHN FREDERICK KNOX, Esq., M.D.,
to be Resident Medical Officer to the
Karori Asylum,

The appointment to date from the 1st
instant.

By his Honor's command,

WILLIAM FITZHERBERT,
Provincial Secretary.

*Provincial Secretary's Office,
Wellington, July 7th, 1857.*

TENDERS will be received at this
Office on Monday, the 20th inst.,
at noon, for building a Culvert over the
Kumutoto Stream, on the Wellington
Beach. Sections and Specifications may
be seen at the Engineer's Office.

WILLIAM FITZHERBERT,
Provincial Secretary.

PROCLAMATION.

By His Honor ISAAC EARL FEATHERSTON, Esquire, Superintendent of the Province of Wellington, in the Islands of New Zealand.

WHEREAS by an Act of the Provincial Council of Wellington, Session 3, No. 9, intituled "An Act to vest in the Superintendent the control of the Main Roads in the Province." It is among other things enacted that the Superintendent, with the advice of his Executive Council, might, by Proclamation, declare that any or all of the offences and penalties for the same, mentioned in the "District Highways' Act, 1856," in respect of District Highways should be applicable to any Main or Trunk road or any part thereof. **AND WHEREAS** it is deemed expedient that all the offences and penalties for the same mentioned in the District Highways' Act, 1856, in respect of District Highways should be made applicable to the portions of the the Great North Western Road, and the Great North Eastern Road, hereinafter particularly mentioned. **NOW THEREFORE** I, ISAAC EARL FEATHERSTON, Superintendent of the said Province of Wellington, do, with the advice of my Executive Council, hereby proclaim that all the offences and penalties for the same mentioned in the "District Highways Act, 1856," in respect of District

Highways' shall be applicable to that portion of the Great North Western Main Road which commences at the Town of Wellington and ends at the Paikakariki:—And also to that portion of the Great North Eastern Road which commences at the Town of Wellington and ends at Masterton.

Given under my hand and Issued under the Public Seal of the Province of Wellington, at Wellington, this twenty sixth day of June, One thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,
Superintendent.

By His Honor's Command,

WILLIAM FITZHERBERT,
Provincial Secretary.

*Provincial Secretary's Office,
Wellington, 8th July, 1857.*

HIS HONOR THE SUPERINTENDENT has directed the publication of the following letter for general information.

WILLIAM FITZHERBERT,
Provincial Secretary.

Nelson, 9th of June, 1857.

SIR,

In the Government Gazette of the Province of Wellington dated the 20th May, 1857, I observe a letter from the Commissioner of Crown Lands (Mr. Fox) to your Honor, in which occur some remarks on my proceedings with respect to applications for Depasturage Licenses during the time I had the honor to hold the office of Commissioner for the Hawke's Bay District. As these remarks appear to lead to the inference that something irregular or improper was involved in my proceedings, I trust your Honor will excuse my troubling you with the following explanation of the circumstances of the case. May I further request your Honor will oblige me by giving the same publicity to this letter as has been given to that of the Commissioner of Crown Lands.

Mr. Fox says "In the Hawke's Bay District it appeared that Mr. Domett had always requested such applications" (for lands not purchased from the natives) and as I believe without payment of deposits. I have since learned however, that after the issue of the Pasture Regulations of 1855, he, in some instances at least required a deposit, and

as appeared from a written statement by Mr. Collins, of which I enclose a copy, he admitted applications accompanied by deposits for the same runs for which he had before received applications without deposits; and this he did without giving any notice public or otherwise to the parties making the earlier applications."

The simple fact is that applications had always been received for runs in unpurchased districts long before I went to Hawke's Bay. This was done by Sir George Grey's directions as may be seen by minutes, I believe, in his own hand writing on one at least of the earliest applications at Hawke's Bay, or in mine as Colonial Secretary.

This course was adopted for the supposed convenience of the Public. The practice was continued up to the time when the regulations now in force came into operation—and no deposits were required or taken during all this time, because none were required by Sir George Grey's Land regulations, or by any regulations previously in force.

As years elapsed before the purchase of several of these Districts, so that no decisions could be given upon applications effecting them, two or three applications for the same runs were in many cases received; it being understood that the Applicants could have claims to the runs respectively in order of priority.

The regulations of 1855, recommended by your Honor and the Provincial Council, required deposits upon all applications for runs.

Of course this referred to all applications put in after these Regulations came into operation; the Law not being retrospective.

The deposits were of course required by the Regulations whether the applications were for runs previously applied for or not. I took deposits in all such cases accordingly, and this I did without giving notice to the persons who had made prior applications when no deposit was required by Law—because no such notice to them was necessary. I presumed of course that such prior applicants would not lose their right of priority simply because the subsequent applicants had, as required to do by Law, actually paid deposits. Each class of applicants did what the Law required; and if the first applications were good or valid at all, they were equally good in spite of the payment on subsequent applications.

The policy of making the prior applicants pay deposits on their original applications after the regulations of 1855 came into force, is another question. I think the policy a very good one, as tending greatly to simplify the questions arising from conflicting rights—and should most probably have recommended it when the Provincial Government acquired the entire control of the Waste Lands had I continued to hold the office of Commissioner. Nor do I think that Mr. Fox's original notice required any withdrawal. The mistake appears to me (from Mr. Collin's case) to have been in considering the payment of deposits by the prior applicants as constituting fresh applications, and so annulling their first ones and depriving them of their rights of priority. The applicants should have been made to pay and their rights have remained as before.

Thus then I took deposits where the Law required them, and I took none when the Law required none. No injustice would have been done by me to applicants prior to the regulations of 1855, who had not paid originally, because I should have respected the rights of priority. I considered and still consider their original applications conferred.

I should wish to add with respect to Mr. Collin's letter published in the same Gazette that the placing the names of applicants on the map had nothing whatever to do with their rights of priority or otherwise. These names were merely written in pencil for my own convenience or that of persons looking out for runs, that they might more easily distinguish blocks applied for from those never applied for previously. I do not remember transferring his name to a block he had never applied for. If I did so, it must either have been done in mistake—as the imperfect state of the Surveys and Plans rendered it mostly very difficult to discover what boundaries were intended or where they were situated—or possibly as a memorandum of a future arrangement to be proposed to all parties concerned, when the time for decision had arrived, in itself it could not in any way have effected any right his application gave him.

I trust your Honor will excuse the length of these remarks which may possibly be of use even in throwing light upon the relations of Government to the Applicants. But no pledge was ever given by me, as far as I am aware, to any one except to the effect that the first Applicant would have the run he applied

for, provided he fulfilled the conditions of Stocking, &c.

Although all the Applications were always to be seen by any one desiring it, and accordingly they could have decided themselves as to their rights of priority, they would often content themselves with asking me what those rights were. If in consequence I told an Applicant he was the first for any particular run, I suppose he construed it into a promise he should have that run.

This was no more than promising him he should have all he was entitled to, and such a promise Mr. Collins may have had from me; but I should add that I never gave any such promise (viz.—that the first Applicant should have the run applied for) where the run applied for appeared to be either excessive, or so selected as to give the Applicant an unfair advantage, or to lock up

or render useless any otherwise available extent of country.

I have the honor to be,

Your Honor's

Most obedient humble servant,

(Signed) ALFRED DOMETT,

Late Commissioner, Hawke's Bay District.

In the Supreme Court of New Zealand, Southern District

In the Estate of ROBERT STEPHENSON, of Ahuriri, Deceased, Intestate.

PURSUANT to the Rule of this Honourable Court, the Creditors of the above-named Intestate are on or before the 9th day of October next, to come in and prove their debts before ROBERT RODGER STRANG, ESQUIRE, Receiver of Intestate Estates, at his Office, in the Court House, Wellington, or in default thereof, they will be peremptorily excluded from any benefit arising from the said Estate.

ROBERT R. STRANG,

Registrar.

Supreme Court Office,
Wellington, 10th July, 1857.