



**NEW ZEALAND
GOVERNMENT GAZETTE**

FOR THE
PROVINCE OF NEW PLYMOUTH.

Published by Authority.

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

CHARLES BROWN, Superintendent.

Vol. III. NEW PLYMOUTH, SATURDAY, JANUARY 6, 1855. [No. 1.]

Superintendent's Office,
1st January, 1855.

ALL persons who have encroached upon any road or reserve for a road within the limits of the Town of New Plymouth and Town Belt previously to the 30th day of September last are hereby required to quit possession of the land taken in by such encroachments on or before the 1st day of April 1855.

Any person failing to comply with this Notice will be proceeded against for the penalties imposed by Law.

CHARLES BROWN,
Superintendent.

Crown Lands' Office,
New Plymouth, 1st January, 1855.
NOTICE is hereby given that all persons unlawfully occupying or taking possession of any Crown Land within the Province of New Plymouth after the expiration of three months from the date hereof will be proceeded against by the Commissioner of Crown Lands under the Crown Lands Ordinance, Session X, No. 1.

W. HALSE,
Commissioner of Crown Lands.

Superintendent's Office,
5th January, 1855.

TENDERS will be received till the 15th instant for repairing the present, or erecting a new Bridge over the River Mangatuku in Brougham-street. The sum available for the purpose is Thirty Pounds, and that Tender will be accepted which proposes the most beneficial use of this amount.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
4th January, 1855.

NOTICE—I have appointed HENRY HALSE, Esq., Sub-Inspector, to be Inspector of the Armed Police Force of the Province. The appointment to date from the 1st October, 1854.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
4th January, 1855.

NOTICE—I have appointed RICHARD CHILMAN, Esq., Treasurer of the Province, to be likewise

Immigration Officer for the Province. The appointment to date from the 1st October 1854.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
4th January, 1855.

NOTICE—I have appointed
Mr. C. T. BATKIN
to be Clerk in the Superintendent's Office,
also to be Storekeeper for the Province.
The appointments to date from the 1st of
October 1854.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
4th January, 1855.

THIS Office will be open every Wednes-
day till further notice, for personal
applications to the Storekeeper's Depart-
ment.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
4th January, 1855.

HEADS of Provincial Departments are
requested to send in statements to the
Storekeeper's Office of the stores respective-
ly held by them on the 1st instant. In
any case where a survey did not take place
on the transfer of any Department from the
General Government to the Provincial, a
statement is required of the stores or other
property then held.

CHARLES BROWN,
Superintendent.

Superintendent's Office,
January 4, 1855.

THE following Schedules from the Appropriation Ordinance for the period com-
mencing the 1st of October 1854 and ending the 31st December 1855 are pub-
lished for general information.

CHARLES BROWN,
Superintendent.

	YEARLY RATE.
Superintendent's Department	£520 0 0
Provincial Council	300 0 0
Attorney of the Province	150 0 0
Treasurer of the Province and Immigration Officer	150 0 0
Clerk to the Bench (also assistant clerk of Council)	100 0 0
Harbour Department	2400 0 0
Armed Police Force	800 0 0
Gaol Department	120 0 0
Coroner's Fees in European cases	12 0 0
Inspector of Sheep	10 0 0
Printing, Stationery, Stores, Firewood, &c. ..	300 0 0
Rent of Offices	40 0 0
Contingencies	400 0 0
	£5302 0 0

Storekeeper's Office,
4th January, 1855.

VOLUME III of the *Government Ga-
zette* of the Province will be supplied
as published, from this Office, on the pre-
payment of One Pound.

C. T. BATKIN,
Storekeeper.

A SPECIAL MEETING of the Justices
of the Peace for the Town and Pro-
vince of New Plymouth will be holden at
the Resident Magistrate's Court at New
Plymouth on Tuesday the 6th day of Feb-
ruary next at twelve o'clock noon for the
purpose of forming a Jury List for the en-
suing year.

JOSIAH FLIGHT,
Resident Magistrate.

Resident Magistrate's Court,
New Plymouth, January 5, 1855.

Superintendent's Office,
6th January, 1855.

TENDERS will be received at this Office
till noon on Saturday the 13th, for
supplying the requisite Medical and Surgi-
cal attendance for destitute persons to the
end of this year.

CHARLES BROWN,
Superintendent.

PUBLIC WORKS.

Public Works—General	£350 0 0
SPECIAL:—	
Harbour Department (Extraordinary expenditure)	500 0 0
Opening new lines of Road	500 0 0
Connecting Omata Road with Devon Road ..	100 0 0
Completing Grey Inland Road left branch to Ma- ngorei—Completing Tapuae Inland Road by Patterson's Mill—Omata, Ngakara, and Paopao- haoanui	200 0 0
Deviation in Road to Tataraimaka to avoid Hill at Oakura	25 0 0
Bridge on Herekawe, Omata	15 10 0
Bridges on Mangatuku, Queen-st. and Brougham-st.	50 0 0
Town Pound	50 0 0
Surveys	100 0 0
	£1890 10 0

IMMIGRATION.

Granted by Ordinance Session II, No. 2, for Im- migration from Victoria	500 0 0
Immigration from England	1000 0 0
Buildings for Immigrants	250 0 0
	1750 0 0
	£3640 10 0

Superintendent's Office,
4th January, 1855.

THE following Estimate of the probable Revenue of the Province from the 1st of
October 1854 to the 31st December 1855, as submitted to the Provincial Coun-
cil with the Appropriation Ordinance, is now published for general information.

CHARLES BROWN,
Superintendent.

Balance in the Treasury 30th September, 1854	£1120 9 11
Customs Revenue from 30th Sept. to 31st Dec. 1854	500 0 0
“ “ for year 1855	2000 0 0
Land Revenue to 31st December 1854	1000 0 0
“ “ * for year 1855	2000 0 0
Share of surplus Revenue from 1st July 1854	1000 0 0
Harbor Department for 15 months	1875 0 0
Police, conveyance of mail 15 months	105 0 0
from Native Fund	221 5 0
Licenses, Auctioneers	120 0 0
“ Publicans	90 0 0
Fees, Fines, and Penalties	100 0 0
Under Town Pasturage Ordinance	400 0 0
	£10,531 14 11

* This amount is contingent on the requisite expenditure to effect the Surveys, receiving the
sanction of the General Government.

- valid, another Meeting may be convened.
20. List of Ratepayers to be posted up and objections heard and determined by Commissioners.
 21. Mode of assessment in town district.
 22. Rates to be paid by occupier, or if none, by owner, and to be recoverable by distress.
 23. Rates left in arrear for two months to be sued for.
 24. Superintendent empowered to sell lands for rates six months in arrear.
 25. Boards of Commissioners may rate encroachments.
 26. Superintendent to publish lists of defaulters twice a year.
 27. Powers of Boards of Commissioners.
 28. Commissioners prohibited from contracting with Board.
 29. Allowance to Commissioners for attendance.
 30. Application of rates.
 31. Expenditure by Boards to be subject to approval of Superintendent.
 32. Provincial Grants for roads to be divided amongst the several districts in proportion to rates levied therein during the preceding year.
 33. The Expenditure of Grants for specific works may be intrusted to Boards.
 34. Commissioners may construct works for drainage upon adjoining lands.
 35. Penalty for obstructing Roads, &c.
 36. Occupiers to remove trees falling on roads.
 37. Number of Commissioners to Act as a Board.

AN ORDINANCE to provide for the maintenance of Public Works within the Province of New Plymouth.

Whereas it is expedient that an Ordinance enacted by the Governor of New Zealand and the Legislative Council thereof, in the fifth Session of the said Council, intituled "An Ordinance to empower Owners and occupiers of Land within certain districts to repair and maintain Highways and Public Works within the same, and to make and levy rates for defraying the expenses thereof"—be repealed so far as regards the Province of New Plymouth, and that other provision be made for the maintenance of Roads, Streets, and other Public Works within the said Province.

Be it therefore enacted by the Superintendent of the Province of New Plymouth, with the Advice and Consent of the Provincial Council thereof, as follows:—

1. The recited Ordinance shall be and the same is hereby repealed so far as regards the Province of New Plymouth.
2. It shall be lawful for the Superinten-

38. Regulation of Board Meetings.
39. Accounts.
40. Balance Sheet to be published.
41. Balances due from retiring Commissioners to be paid to their Successors.
42. Superintendent empowered to modify provisions of the Ordinance in certain respects.
43. Crown Lands, Public Reserves, and Native Lands, exempt from rates.
44. Penalties to be recoverable in a summary way.
45. Embezzlement of moneys.
46. Commissioners not to be personally liable on their contracts and to be indemnified against expenses.
47. In proceedings by and against Boards, Chairman or Clerk, as nominal Plaintiff or Defendant, may represent the Board.
48. Execution on judgment against nominal Plaintiff or Defendant in any such proceeding to be levied on money at disposal of the Board.
49. Chairman or Clerk representing the Board in any such proceeding to be indemnified against costs.
50. Criminal proceedings by Board to be instituted in the name of Chairman or Clerk.
51. Service of Process, &c., on Board.
52. Authentication of Documents by Board.
53. Formal errors in proceedings not to invalidate the same.
54. Saving of the rights of the Crown.
55. Restriction on actions against persons acting in execution of the Powers of the Ordinance.

dent from time to time after the passing of this Ordinance by Notice published in the *Government Gazette* of the Province to constitute districts within which the provisions of this Ordinance shall be in force, and in like manner to extend, contract, or alter the boundaries of any such district, and to revoke the notice by which any such district shall have been constituted. *Provided* that no such Notice shall at any time be published without the previous approval of the Provincial Council expressed by a Resolution of the said Council.

3. *Provided* also that the Town of New Plymouth, according to its limits for the time being, shall from and after the passing of this Ordinance, constitute and remain a single and separate district under this Ordinance.

4. Within every such district the expenditure of all moneys raised or payable under this Ordinance for the maintenance or construction of Roads, Streets, and other Public Works of the kinds hereinafter specified,

shall be under the management of a Board of Commissioners elected by General Meetings of the Occupiers or Owners of Land within the district, constituted in manner hereinafter provided.

5. As respects the Rural districts, every Occupier of Lands within any such district, and also every Owner of unoccupied lands within any such district, such Occupier or Owner being a Male and having attained the age of Twenty-one years, shall be qualified to take a part in the proceedings at the General Meetings for the district, and to vote thereat according to the following scale, (that is to say) if occupying or owning lands within the district not exceeding in aggregate extent One hundred acres, such occupier or owner shall be entitled to one vote, and if occupying or owning lands within the district exceeding in aggregate extent One hundred acres, such occupier or owner shall be entitled to two votes. Persons holding land in common shall in respect thereof be entitled to votes in like manner as if the land so held were divided amongst them, equally or unequally according to their title, and each person were in sole occupation of his divided part.

6. As respects the Town district, every person whose name shall appear on the Electoral Roll for the time being in force, as entitled to vote in the election of Members of the Provincial Council for the Town of New Plymouth, shall be qualified to vote and take a part in the proceedings at the General Meetings for the said district.

7. A General Meeting of the Electors for each district shall be convened in the month of February in the year 1855, and in the month of May in every succeeding year, on such day and at such place, as for the respective districts shall be appointed by the Superintendent by Notice published in the *Government Gazette* of the Province.

8. No General Meeting shall be competent to the transaction of business unless Ten Electors are present. *Provided* that if there shall not be a Quorum within one hour of the appointed time, a majority of the Electors present shall have power to ad-

ourn the Meeting to any time to be appointed for that purpose not being more than twenty-one days after the day originally fixed. *Provided* also that Notice of such adjournment shall be forthwith given by two Notices in writing at the least signed by not less than three electors and posted in conspicuous places within the district.

9. Before proceeding to business at a General Meeting a Chairman shall be elected by the majority of the votes of the Electors present.

10. Every question at a General Meeting shall be determined by the majority of the votes of the Electors present and voting including the Chairman, who in addition to his original vote or votes shall have a casting vote in all cases where the votes shall be equal.

11. Every person claiming to vote at a General Meeting for any Rural district shall be provisionally admitted to do so, according to his claim, but the validity of any resolution, or other proceeding which may be carried or adopted in consequence of the reception of any vote or votes claimed without due qualification, shall, on that ground, be subject to be contested in manner hereinafter provided.

12. Every person who shall give any vote or votes at a General Meeting without being duly qualified in manner hereinbefore provided shall forfeit and pay by way of penalty the sum of Five Pounds, which shall be recoverable and applicable in like manner as rates levied in respect of lands within the district.

13. It shall be competent to a General Meeting to determine, in the first place, whether any rate shall be levied for the ensuing year, and in the second place, if the proposition of a Rate be carried, what shall be the amount of such rate. Within the Rural districts a uniform sum per acre on all lands within the District shall in every case be imposed. Within the Town District a uniform sum shall be imposed on every undivided Town Section, and upon every separate Tenement into which a Town Section may for the time being be divided—including as Town Sections the sub-divi-

sions of the Store House Reserve, and all parcels of Town Land hereafter sold by the Crown as separate allotments. *Provided* that it shall be competent to the General Meetings for the Town District to impose a rate to be assessed on the value of the lands rateable exclusively of all Buildings, Erections, and Improvements whatsoever—such value to be ascertained as hereinafter provided.

14. If the proposition of a rate be carried, or there shall be other money applicable during the ensuing year to the purposes of this Ordinance within the district, the meeting shall proceed to elect three Commissioners from amongst the Electors of the district, and such Commissioners shall form a Board to be styled Commissioners of Public Works for the particular district for which they may be elected.

15. The Commissioners so elected as aforesaid shall continue in office until the 30th day of June in the year next after the year of their election. *Provided* that no Commissioner going out of office shall be disqualified for immediate re-election by reason of his having held the said office during the preceding year.

16. In case any Commissioner elected as aforesaid shall die, or refuse to act, or become incapable of acting, or become or be bankrupt or insolvent, or a public defaulter, or be absent from the Province for any period exceeding two calendar months, or be convicted of Felony or any infamous offence, it shall in every such case be lawful for the other Commissioners or Commissioner to appoint any person from amongst the Electors for the District to be Commissioner in his stead, during the residue of the term of office of the existing Board.

17. The Chairman at every such Meeting shall within three days after the day of Meeting forward to the Superintendent a certificate in writing signed by the said chairman stating whether any, and if any, what amount of rate has been determined upon by such Meeting, and shall also set forth the names of the persons (if any) who may have been elected as Commissioners at such Meeting.

18. All disputes and questions which may arise touching the fact or validity of the election of any Commissioner, or of the making of any rate, or touching any other

proceeding at a Meeting purporting to be a General Meeting under this Ordinance, shall be referred to the Superintendent by the petition in writing of three or more electors of the district, presented within ten days after the day of the Meeting at which the disputed proceeding shall have taken place; and the decision thereon of the Superintendent shall be final, and the validity of the proceedings at any such Meeting shall not be otherwise called in question. All disputes and questions touching any vacancy in the office of Commissioner shall be referred to the Superintendent whose decision shall be final.

19. If all or any of the proceedings at any Meeting purporting to be a General Meeting under this Ordinance shall be declared invalid, it shall be lawful for the Superintendent by Notice published in the *Government Gazette* of the Province to convene another General Meeting for the same district with all the powers which the former meeting had, or would have had, if duly convened, nevertheless without prejudice to any valid proceedings at the former meeting.

20. As soon as conveniently may be after the holding of any General Meeting at which a Rate shall have been determined upon, the Board of Commissioners shall cause a written or printed statement to be posted at the Court House in the Town of New Plymouth setting forth the amount of Rate to be levied, together with a List of the names of the persons liable for the payment thereof with the sum payable by each of such persons. And every such statement shall, as respects the Rural districts, set forth the quantity of land in respect whereof each Ratepayer is liable. And to every such statement there shall be subjoined a Notice that all objections thereto will be heard and determined by the Board of Commissioners at a time and place to be in such Notice mentioned, such time not being less than one calendar month from the date of such Notice. And the said Board shall hear and finally determine all objections accordingly, and having revised the said statement, shall forthwith transmit the same to the Superintendent authenticated by the signature of two or more Commissioners.

21. As respects the Town district, if an

assessed Rate shall have been determined upon, the Board of Commissioners shall estimate the value of the rateable lands within the limits thereof, exclusively of all buildings, erections, and improvements whatsoever, as aforesaid, and shall in their aforesaid statement specify the value of each Town Section as estimated by them.

22. The said Rates shall be paid by the occupier for the time being of the lands rateable, or in case there shall be no occupier, then by the owner thereof, to the Treasurer of the Province, at such time or times and in such manner as shall be appointed by the Superintendent by Notice published in the *Government Gazette* of the Province, and shall be recoverable by the said Treasurer, or by any person whom he may appoint for that purpose, by summary proceeding before any Justice of the Peace having jurisdiction within the district, and shall be leviable by distress and sale upon any goods and chattels which may be found upon the lands rateable at any time within Twelve months from the time at which such Rate became due. *Provided* that Licensees under an Ordinance of the Superintendent and Provincial Council passed in this present Session of the said Council, intituled "An Ordinance to regulate the occupation of certain unenclosed lands in the Town of New Plymouth," shall not be deemed occupiers for the purposes of this Ordinance of the lands comprised in their respective Licenses.

23. At the expiration of two months from the day on which any Rate shall become payable, it shall be the duty of the Provincial Treasurer to sue for, or take other proceedings for the recovery of, any Rates which may be wholly or in part unpaid.

24. If any Rate shall be left in arrear and unpaid wholly or in part for the space of six months, and the lands rateable shall be unoccupied, or being occupied, no sufficient distress shall have been found thereupon, it shall be lawful for the Superintendent at or after the expiration of the said period (and as respects Lands of which no

Crown Grant shall have been issued, without prejudice to the rights of the Crown) to cause the Land in respect of which such rate shall be so in arrear and unpaid, or so much thereof as he shall think it necessary or desirable to sell, to be sold and disposed of by public auction by any person whom he may appoint for the purpose, (whether such person be or be not a licensed auctioneer,) and to convey and assure the fee simple of the Land so sold to the purchaser, his heirs or assigns, free from all incumbrances, and to retain out of the moneys arising by such sale the amount of the rate then due and the expenses attending the sale. And the residue of such money (if any) shall be paid on demand to the owner of such Land. *Provided* that no such sale shall take place unless previous notice thereof shall have been twice given in the *Government Gazette* of the Province, such notice being first given not less than two months before the sale, and being again given at an interval of not less than fifteen days nor exceeding one month from such first notice. *Provided* also that no purchaser at any sale purporting to be made under the authority of this Ordinance and of which due notice shall have been given, shall be affected by any irregularity therein, or be concerned to see that the hereditaments purchased by him were properly saleable. *Provided* also that no notice shall be given with a view to any sale under this present provision until the expiration of twelve months from the passing of this Ordinance, nor shall any sale taken place until the expiration of eighteen months from the passing of this Ordinance.

25. It shall be lawful for the said Boards of Commissioners year by year to impose upon any person encroaching on or occupying any road, street, or Public place, or any reserve for a road, street, or public place, within their respective districts, the payment of such sum of money by way of occupation rent for the land taken in by such encroachment, or occupied as aforesaid, as the said Boards shall think reasonable. And such occupation rents shall be paya-

ble, recoverable, and applicable in like manner as rates imposed under this Ordinance, and the imposition thereof shall be published together with the aforesaid statement or list of Ratepayers, and the payment thereof shall exempt the persons paying the same, and all claiming under them, from all penalties which might otherwise during the period for which the same shall be paid, have been incurred by reason of the encroachments in respect of which the same are paid. *Provided* that any person may relieve himself from the payment of any such occupation rent by forthwith upon publication thereof relinquishing possession of the Land in respect whereof the same is imposed.

26. The Superintendent shall twice in every year publish and cause to be posted up in some conspicuous place or places within the district to which the same shall relate, a statement of every sum in arrear for rates, and of the Land in respect of which the same shall be due.

27. The said Boards of Commissioners shall have power to construct and maintain roads, streets, causeways, bridges, landing places, jetties, sea walls, drains, culverts, sewers, and other like works within the limits of, or subservient to, their respective districts, and for that purpose to contract with and employ such persons as they think fit.

28.—It shall not be lawful for any Commissioner directly or indirectly to undertake, wholly or in part, any contract on account of the Board of which he is a member, unless such contract shall have been submitted to and approved of by the Superintendent.

29. It shall be lawful for every Board of Commissioners to allow to each member of the Board, for attendance at the Meetings of the Board, at the rate of not exceeding ten shillings for every attendance at any such Meeting—so that the total amount to be so allowed to the Commissioners of any district during their year of office do not exceed five per cent on the amount expended under their supervision.

30. The Superintendent shall from time

to time issue to the said boards of Commissioners for the several districts, his Warrants authorising the payment by the Treasurer of the Province to them or to such persons as they shall name in that behalf, out of the moneys in the hands of the said Treasurer arising from rates levied within their respective districts of such sums of money as the said Boards shall from time to time require. And the said moneys shall not be otherwise applied than in defraying the necessary expenses incurred in the exercise of the powers of such Boards of Commissioners.

31. For the purpose of ensuring the equitable application of the funds at the disposal of the Boards of Commissioners, proposals for the expenditure thereof shall be submitted to the Superintendent, and no expenditure shall take place until the same shall have received the approval of the Superintendent.

32. All moneys appropriated by any Ordinance of the Superintendent and Provincial Council to the construction or maintenance of Roads or Public Works, other than moneys specifically appropriated to particular Roads or Public Works, shall, unless the contrary be declared or implied by the Ordinance appropriating such moneys, be distributed amongst the several districts, or amongst such as shall make a rate, in proportion to the gross amount made leviable within the same districts respectively for rates by the General Meeting next following the commencement of the period for which such appropriation is made, in aid and augmentation of the rate, and shall be applicable accordingly.

33. It shall also be lawful for the Superintendent if he shall think fit from time to time to commit to the Boards of Commissioners for the several districts, the expenditure of any moneys specifically appropriated to the construction and maintenance of Roads and other Public Works within their respective districts, and to pay over the same moneys to the Boards accordingly.

34. It shall be lawful for the Boards of

Commissioners for the Rural districts within the limits of their respective districts, to construct, lay, and maintain upon any land adjoining or near to a public Road any ditches, drains, water-courses, or other works for the drainage of such road, and for the purposes aforesaid, or any other purpose connected with the exercise of their powers under this Ordinance, to enter upon any such lands, and to authorise Surveyors, Workmen, or others, to enter thereupon, with or without carts or carriages. *Provided* that it shall not be lawful for any of the purposes of this Ordinance to pull down or interfere with any House or Building, or to make use of any yard, garden, or orchard without the consent of the owner, and also of the occupier, if any. *Provided* also that the owners and occupiers of any lands taken, used or entered upon for the purposes aforesaid shall be compensated for any damage sustained by them, by or in consequence of any exercise of the powers of this Ordinance. And in case of disagreement as to the amount of compensation the same shall be determined by two arbitrators, one to be chosen by the Board, and the other by the person claiming compensation, or by an Umpire to be chosen by such two arbitrators.

35. If any owner, occupier, or other person (without due authorisation) shall alter, obstruct, destroy, or in any manner interfere with any such ditches, drains, water-courses, or other works as last aforesaid, or (without due authorisation) shall alter, obstruct, or in any manner interfere with any public Road, such person shall pay to the Treasurer of the Province for the use of the Board of Commissioners for the district all expenses which may be incurred in reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding Twenty Pounds.

36. In case any tree or timber shall fall from adjacent Land so as to obstruct any public Road, it shall be lawful for the Board of Commissioners for the district, by notice in writing, to require the occupier or owner of such land to remove the same with-

in a reasonable time to be specified in such notice; and such occupier or owner failing so to do, the Board shall be at liberty to remove the same, and the expense of so doing shall be paid by such occupier or owner to the Treasurer of the Province for the use of the Board.

37. All the powers of the respective Boards of Commissioners may be exercised by any two Members of the Board.

38. The business of every Board of Commissioners shall be transacted at Meetings of the Board which shall be holden at such times and places, and shall be adjourned in such manner as the Board shall agree upon or appoint. Any two Commissioners shall have power to call a special Meeting of the Board by giving to the other Commissioner, or leaving at his place of abode, a notice or notices in writing, signed by the Commissioners calling the Meeting, and specifying the time and place thereof, which notice or notices shall be so given or left three clear days at least before the day appointed for such Meeting. No business shall be transacted unless two Commissioners be present. All questions at a Meeting of any Board of Commissioners shall be decided by the majority of the Commissioners present and voting. A minute of every Resolution adopted at any such Meeting shall be entered in a book to be kept for the purpose, and shall be signed by the Commissioners who shall have agreed thereto.

39. Every Board of Commissioners shall in a book to be kept by them for that purpose, enter true and particular accounts of all sums of money by them received and expended, which book shall, at all reasonable times, be open to the inspection of any Rate-payer. All such accounts with all Vouchers and papers relating thereto, together with a full Abstract or Balance sheet thereof, signed by two at least of the Commissioners, shall yearly at such General Meeting as aforesaid, be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such Meeting.

40. A copy of such Abstract or Balance-

sheet shall be advertized in some Newspaper published within the Province at least one week before the day of the General Meeting for the district.

41. All moneys due from the retiring Commissioners, together with all books of account, vouchers, and papers belonging to the Board, shall be forthwith paid and delivered over to the Commissioners for the ensuing year.

42. It shall be lawful for the Superintendent by notice published in the *Government Gazette* of the Province from time to time to vary the number or proportion of Electors requisite to constitute a general Meeting for any district, and the number of Commissioners to be appointed for any district, or to exercise the powers of the Board for any district, or to constitute a Quorum at a Meeting of Commissioners for any district, and also to vary the month in which General Meetings shall be held, and to make any new or additional regulations respecting the mode of conducting the business of the said General Meetings, or the business of the Meetings of the said Commissioners, and any other regulations which may appear necessary or convenient for carrying into effect the provisions of this Ordinance, and any such regulations in like manner from time to time to vary or revoke. *Provided* that no such notice shall at any time be published without the previous approval of the Provincial Council expressed by a Resolution of the said Council.

43. No Land belonging to the Crown, or held in trust for the public uses of the Province, or belonging to or occupied by any of the Aboriginal Inhabitants of the Colony as the Common Property of a Tribe or Community, shall be liable to be rated under the authority of this Ordinance.

44. All fines and penalties imposed by this Ordinance shall be recoverable in a summary way, pursuant to the Ordinances of the Colony for the regulation of Summary proceedings before Justices of the Peace.

45. Any person who shall fraudulently dispose of, or retain in his own possession, or apply to his own use, any money with the receipt or disposal of which he shall have been entrusted under and by virtue of this Ordinance, shall be deemed and taken to have stolen the same, and shall be guilty

of Larceny.

46. No individual Commissioner shall be subject to be sued or impleaded or in any wise made liable upon or in respect of any promise, contract, or debt, duly entered into or contracted by him in his capacity of Commissioner, either solely or jointly with his fellow Commissioners, nor be in anywise liable in respect of the Contracts, debts, acts, or defaults of the Board, or of his fellow Commissioners; and the Commissioners their heirs, executors, and administrators shall out of the moneys at the disposal of their respective Boards for the purposes of this Ordinance, be reimbursed all expenses and indemnified against all losses, costs, and damages which they may incur in or about or in anywise relating to the execution of the powers vested in them by this Ordinance.

47. Actions, suits, and other proceedings on behalf of any Board of Commissioners shall be brought, instituted, and prosecuted in the name of the chairman or clerk of such Board, as the nominal Plaintiff on behalf of the Board, and all actions, suits, and other proceedings against any Board of Commissioners shall be brought, instituted, and prosecuted against the chairman or clerk of such Board, as the nominal Defendant on behalf of the Board. And the death, resignation, or removal of any such chairman or clerk shall not abate or prejudice any such action, suit or other proceeding by or against the Board, but the same may be continued and prosecuted in the name of his successor.

48. Execution upon any judgment or decree against the officer representing any Board of Commissioners in any such action, suit or proceeding shall be levied on the moneys, goods, chattels, or personal effects at the disposal of the Board, and no such judgment or decree shall in any manner extend to charge or make liable the person or proper lands or goods of any of the Commissioners, or of the officer representing the Board as aforesaid.

49. Every chairman or clerk representing any Board of Commissioners in any such action, suit, or proceeding, whether as Plaintiff or Defendant, shall out of the moneys at the disposal of such Board for the purposes of this Ordinance, be reimbursed all expenses, and indemnified against all losses, costs, and damages which he may

incur by reason of being so made Plaintiff or Defendant.

50. Indictments, informations, and prosecutions by or on behalf of any Board of Commissioners for any stealing or embezzlement of any money, or for any stealing, embezzlement or wilful or malicious injury of any other property or thing at the disposal or under the management of such Board may be preferred and carried on in the name of the chairman or clerk of such Board; and in all such indictments, informations, and prosecutions it shall be lawful and sufficient to state, that such money, property, or thing belonged to the officer in whose name the indictment, information, or prosecution is preferred or carried on, and any offender or offenders may thereupon be lawfully convicted for such crime or offence, and the death, resignation, or removal of any such officer shall not abate or prejudice any such proceeding, but the same may be continued and prosecuted in the name of his Successor.

51. All Process and Notices in any action, suit, or proceeding, instituted by or against any Board of Commissioners represented by such officer as aforesaid, and all other notices affecting the Board, shall be served upon the clerk of the Board, or in case there be no clerk, then upon any one Commissioner.

52. Every order, notice, summons, or other such document requiring authentication by any Board of Commissioners, shall (unless it be expressly provided to the contrary) be sufficiently authenticated if signed by the chairman, or by the clerk of the Commissioners, and the same may be in writing or in print, or partly in writing, and partly in print.

53. No conviction, order, warrant, or other proceeding which shall be made, or shall purport to be made, by virtue or in execution of this Ordinance, shall be quashed or deemed to be void or voidable for want of form, or be impeached or affected by reason of any mistake, defect, or omission therein. *Provided* the person or property charged or intended to be charged or affected by any such proceeding, be designated therein to common intent and understanding, and such proceedings be in substance and effect in conformity with or according to the intent and meaning of the Ordinance.

54. Nothing in this Ordinance shall be deemed to extend to or affect any Law relative to the Revenue of the Crown, or any claim of Her Majesty in right of her Crown or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty.

55. For the protection of persons acting in the execution of this Ordinance, all actions and proceedings to be commenced against any person for anything done or omitted by him in or about or in anywise relating to the execution of the powers of this Ordinance, shall be commenced within two months after the act, default, or thing in respect whereof such actions and proceedings may be brought or taken was done, committed or took place; and notice in writing of every such action, or proceeding, and of the cause thereof, shall be given to the Defendant one month at least before the commencement of such action: and in any such action the Defendant may plead the general issue, and give this Ordinance and the special matter in evidence at any trial thereupon, and a verdict shall be entered for the Defendant in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the Defendant, together with the costs incurred up to that time; and if a verdict shall pass for the Defendant, or the Plaintiff become nonsuited, or discontinued any such action on issue joined, or if upon demurrer or otherwise, judgment shall be given against the Plaintiff, the Defendant shall be entitled to his full costs as between Attorney and Client, and shall have the like remedy for recovering the same as any Defendant may have by law in other cases.

Passed the Provincial Council the fourth day of January, one thousand eight hundred and fifty five.

I. NEWTON WATT,
Speaker.

Assented to on behalf of the Governor the first day of February one thousand eight hundred and fifty five.

CHARLES BROWN,
Superintendent.

Crown Lands' Office,
New Plymouth, 3rd February, 1855.

TENDERS will be received at this Office until 2 p.m. of Saturday the 17th instant for the survey of Land in the Grey and Omata districts, including portions of the Huatoki, Henui, and Mangorei streams, at per chain for forest, bush, and fern.

Further information may be obtained at the Survey office.

W. HALSE,
Commissioner of Crown Lands.

Superintendent's Office,
2nd February, 1855.

NOTICE—I have appointed JAMES RITCHIE, Esq., to be Clerk to the Bench of Magistrates for this Province: The appointment to date from the 30th September 1854.

CHARLES BROWN,
Superintendent.

NOTICE.

SUBJECT to the approval of the Provincial Council, I have appointed JAMES RITCHIE, Esq., to be Assistant Clerk of Council. The appointment to date from the 30th September 1854.

I. N. WATT,
Speaker.

NOTICE.

Superintendent's Office,
3rd February, 1855.

IN exercise of the powers in me vested for this purpose I hereby appoint the Enclosure newly made on Section No. 21 in the Omata block, which Enclosure adjoins the Omata Inn and abuts on the public Road, to be a Public Pound. And I hereby appoint

THOMAS BARNABAS LETHBRIDGE, Publican, to be Keeper of such Pound,

CHARLES BROWN,
Superintendent.



**NEW ZEALAND
GOVERNMENT GAZETTE**

FOR THE
PROVINCE OF NEW PLYMOUTH.

Published by Authority.

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

CHARLES BROWN, Superintendent.

VOL. III. NEW PLYMOUTH, SATURDAY, FEBRUARY 10, 1855. [No. 3.]

NOTICE.

IN exercise of the power in me vested for this purpose by an Ordinance of the Superintendent and Provincial Council of New Plymouth passed in this present Session of the said Council, intituled, "An Ordinance to provide for the maintenance of Public Works within the Province of New Plymouth," I hereby constitute the following Districts for the purposes of the said Ordinance. viz —

1st District—All lands North East of the Waiwakaiho, as far as the Mangoraka.

2nd District—All Lands between the Waiwakaiho and Henui, and to seaward of the great Native Reserve on the Mangorei Road.

3rd District—All Lands lying between the Waiwakaiho and Henui, not included in the 2nd District, except such newly purchased Lands within the said limits (if any) as are hereinafter particularly specified.

4th District—All Lands lying between the Henui and Huatoki, below the junction of the Huatoki-iti, including the whole of Section No. 776, Grey Block, together with the following newly purchased lands,

No. on Plan	Quantity, exclusive of road allowance	Purchaser.
Grey	acres	
791	75	R. & J. Gilmour
779	75	A. Campbell
792	200	R. & J. Gilmour
802	200	H. H. Turton
Omata		
93	100	P. Inch
107	300	J. C. Sharland
Grey		
783	200	C. W. Richmond
784	200	H. A. Atkinson
795	200	H. R. Richmond
Omata		
100	240	C. Davy
5th District—All Lands lying between the Huatoki and the Paritutu Line to the point where the latter first crosses the Huatoki, together with Section No. 778, Grey Block, and the following newly purchased lands.		
No. on Plan	Quantity, exclusive of road allowance	Purchaser.
Omata	acres	
76	100	W. M. Burton
83	120	W. Watkin
84	100	J. Newland
85	50	ditto
87	100	H. W. Leatham
88	100	J. Dunn
90	200	T. W. Richardson
89	200	A. King
91	100	A. Kescel
94	50	ditto
95	50	G. Jordan, Junior
97	50	A. Kescel
99	60	C. Davy