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**NEW ZEALAND  
GOVERNMENT GAZETTE**

FOR THE  
**PROVINCE OF NEW PLYMOUTH.**

Published by Authority.

Vol. II.] NEW PLYMOUTH, SATURDAY, OCTOBER 14, 1854. [No. 20.

**PROVINCIAL COUNCIL.**

MONDAY, 2ND OCTOBER, 1854.

**T**HE Superintendent opened the Second Session of the Provincial Council at 11 o'clock a.m., when his Honor delivered the following

**ADDRESS.**

MR. SPEAKER AND GENTLEMEN—

I have called the Council thus early after the close of the period over which the Appropriation Ordinance extends, that you may appoint a Committee to Audit the accounts for last quarter, confirm or disallow the steps I have taken the responsibility of initiating, in furtherance of the public convenience, with reference to the Town Pasturage, and determine the period when you will again meet to take into consideration

Drafts of Ordinance on the following subjects—

- Appropriation
- Provincial Revenues
- Census
- Interpretation
- Ferries
- Public Works

And some other Ordinances that depend on the recent legislation of the General Assembly.

I regret to state that I am unable to give a financial estimate of the Revenue and Expenditure of the Province for the financial year we have entered upon. The quarterly accounts that His Excellency Sir G. Grey stated the Treasurer of New Zealand would make, and which were to determine whether any, and what further sum

was due to each Province, I have not yet heard anything of; it is therefore impossible for me to state whether the Treasury of the Province is in debt to the Treasury of the Colony, or is entitled to any further funds. The only principle that seems to rule in the division of the Revenues of the Colony is, that each Province shall retain and spend all it can lay hold of, and that the General Government may take Provincial funds in transitu and spend them, the Province losing the amount though holding the vouchers of the Collector of Customs that such are Provincial funds—this, as the Council is aware, is the case in this Province to the amount of nearly a quarter's revenue, and as a settlement of the accounts of the colony seems as remote as ever, there is little hope of present redress.

Supposing existing arrangements to continue, and that the Province obtains the two thirds of the net Customs Revenue shewn by the vouchers of the Collector of Customs, I am of opinion that there will be a larger sum to devote to roads and public works than has yet been spent in the Province for that purpose; still, as I consider that the amount applicable to the repairs of roads will be insufficient for the purpose, a Bill will be submitted for your consideration to authorise the division of the settled portions of the Province into districts, with power to the inhabitants to impose rates on land for the purpose of making and repairing roads; this measure, with such assistance as can be afforded from the Revenues of the Province, will, I anticipate, be the means of placing the means of communication in such a state of repair, that a small yearly sum will soon be sufficient to maintain them in good order.

The recent native affray continues to unsettle the native population. As it is a question exclusively under the authorised control of the General Government, I have not considered it advisable to appear at any discussion of the question by the natives; such a course might have devolved on the Province a portion of the responsibility which best rests, where it lies—with the General Government. Mr. Commissioner McLean, the best qualified Officer in the colony to investigate this internal quarrel of a tribe, has been deputed by His Excellency, and I have no doubt but that every thing that can

be done, will be done by that gentleman, at whose disposal in carrying out the intentions of the General Government I have placed the co-operation and assistance of the Provincial Government. I have every reliance on the good feeling that has always subsisted between the two races, continuing to prevent the European population from interfering in this native quarrel; as some evidence of the good feeling of the Native race to the European, I may mention that, while one party applied for military aid, the chief of the other stated that if afforded by the Government he should not consider the settlers as involved by it.

The recent legislation by the General Assembly has not reached me; how far the suggestions of his Honor the Superintendent of the Province of Auckland as the Officer administering the Government of New Zealand have been carried out, as stated in His Excellency's last opening Address to the General Assembly, I am unable to inform you; but I can state, that if his Excellency's views are carried out by alterations in the Constitution Act, and by the legislation of the General Assembly, the General Government will be stripped of almost every power and authority, and the Provincial Governments, not constituted for the exercise of such powers, will become six jarring and despotic democracies. Already have the unity and General Government of the colony suffered sufficiently from the Provincial Governments having been called into existence before the summoning of the General Assembly, without being totally destroyed by the policy proposed.

I shall have better hopes of the future and prosperity of New Zealand when Superintendents are precluded from exercising Executive functions over the whole Colony, and when the General Government has been strengthened and placed in the position it ought to occupy—a position in which I trust the Assembly will immediately place it on the introduction of complete Ministerial Responsibility. The proper limitation and control of the Provincial Governments by the General Assembly will follow, and finally we must anticipate that Provincial Legislatures will be absorbed in the Representative institutions of the whole colony, and Superintendents and Provincial Councils pass away with the development of larger gene-

ral interests and improved means of communication in the colony.

With reference to the Waste Lands, His Excellency observes that "In the meanwhile regulations will be issued, as soon as possible, for the purpose of setting apart, in every district of each Province, a considerable proportion, but not less than one third, of the Waste lands, in such manner as to afford the greatest encouragement and facilities to *bona fide* occupying settlers." I would remark that a vote of a large majority of the House of Representatives had previously been recorded adverse to such an arrangement. The arrangement may, indeed, appear necessary in the Province of Auckland, where breaches of the Land Regulations proclaimed by Sir G. Grey have occurred since his departure from the colony, and the most valuable portions of the Waste Lands have fallen into the hands of speculators (including high Military and Civil Officers of the colony) to the exclusion of "occupying settlers"—as a scanty measure of protection (of little avail seeing the extent of mischief already done,) it may be advisable to define that the speculators, after taking the best of the land, shall not have more than two thirds of what is left, and that the remaining third shall be offered on such terms as may be an inducement to working settlers to occupy it. But the necessity for such lines of demarcation and class legislation has not arisen here. A very slight modification of Sir G. Grey's Land Regulations will place the best land in any district that may be thrown open, equally within the reach of all classes, and I can truly say that in this Province all classes include the occupying working settlers.

I shall be happy to receive any suggestions from Members of Council, individually, or collectively, for the introduction of Bills on any subject within our legislation, and for the alteration of existing laws of

the colony to meet the requirements and interests of the Province; the information in my office, and my views on the subject, will be at their disposal—such a course will, I think, tend to diminish minor points of difference between us; general principles, I think, we nearly agree upon.

As some further security to the Council and the Province of the principle of Responsibility under which I consider I hold office, I beg to state that when I cease to retain the confidence of a majority of the Council, I shall be prepared to resign, on the Speaker informing me of the grounds on which my resignation is required, the names of the members forming the majority, and that they will be prepared to resign in the event of my re-election.

CHARLES BROWN,

Superintendent.

New Plymouth, Oct. 2, 1854.

#### NOTICE.

Harbour Master's Department,  
4th October, 1854.

THE following scale of charges will be in force from and after this date, until further notice.

Hire of large or small boats			
depend on destination and			
expense incurred.			
Passenger in cargo boat (one way)	0	1	0
Cargo, landing or shipping per ton—			
Outer anchorage.....	1	0	0
Near do .....	0	15	0
Horses, per head .....	0	10	0
Neat Cattle ditto .....	0	8	0
Sheep and Pigs ditto.....	0	0	8

J. WATSON,

Harbour Master.

NEW ZEALAND, PROVINCE OF NEW PLYMOUTH.

A RETURN of the SALE of CROWN LANDS in New Plymouth, being Town Lands, from the 1st to the 31st of August, 1854, inclusive.

TOWN LANDS.

Section.	Lot.	Con- tents.	Upset Price	Sold at per Lot.	When offered by Auction.	Purchaser.	Amount.
87	1	A. R. P.	£12 10	£13	1854, July 1:	Thomas Candish balance	£11 14
88	2	1	12 10	15	do	same do	13 10
149	151	3 1 1 24	40	41	do	Phillip Moon do	36 18
150							
157							
196i							
196k							
181	11	1	12 10	12 10	do	William Henwood do	11 5
182	12	1	12 10	12 10	do	same do	11 5
183	13	1	12 10	12 10	do	same do	11 5
184	14	1	12 10	12 10	do	same do	11 5
185	15	1	12 10	12 10	do	same do	11 5
186	16	1	12 10	12 10	do	same do	11 5
192	17	1	12 10	12 10	do	Frederic Norris do	11 5
193	18	1	12 10	12 10	do	same do	11 5
620	19	1	15	15 10	do	John Crocker do	13 19
621	20	1	15	15 10	do	same do	13 19
964	23	1	10	10	do	William Halse do	9
1517	29	1	10	10	do	Peter Imlay do	9
1518	30	1	10	10	do	same do	9
1519	31	1	10	10	do	same do	9
1520	32	1	10	10	do	John Dunn do	9
1521	33	1	10	10	do	Richard Brown do	9
1522	34	1	10	10	do	same do	9
2078	48	1	15	15	do	Frederic Norris do	13 10
2082	51	1	15	15	do	same do	13 10
1999	35	1	15	15	do	Silas McKenzie purchase	15
2001	36	1	12 10	12 10	do	same do	12 10
2015	41	1	20	20	do	same do	20
2016	42	1	20	20	do	same do	20
2017	43	1	17 10	17 10	do	same do	17 10

Total....£355 0

I certify that the above is a true Return of the sale of Crown Lands in New Plymouth, being Town Lands, during the month of August, 1854.

(Signed) W. HALSE,  
Commissioner of Crown Lands.

NEW ZEALAND, PROVINCE OF NEW PLYMOUTH.

A RETURN of the sale of CROWN LANDS in New Plymouth, being Rural Lands from the 1st to the 31st of August, 1854, inclusive.

RURAL LANDS.

No. of Appl	Locality. District.	Contents A. R. P.	Fixed price per acre.	Purchaser.	Amount in cash received.
64	Omata	100 0 0	10	Frederick Burchell	£ s. d. 50 0 0
65	Omata	100 0 0	10	Francis Ullathorn & Gledhill	50 0 0
66	Grey	60 0 0	10	Matthew and John Carrick	30 0 0
67	Omata	50 0 0	10	Abraham Kescel	25 0 0
68	Omata	200 0 0	10	Charles Davy	100 0 0
69	Omata	300 0 0	10	James Cragg Sharland	150 0 0
70	Omata	50 0 0	10	George Honnor	25 0 0
71	Omata	200 0 0	10	Thomas Oxenham	100 0 0
72	Omata	50 0 0	10	Cort Henry Schnackenberg	25 0 0

Total....£555 0 0

I certify that the above is a true Return of the Sale of Crown Lands in New Plymouth, being Rural Lands, during the month of August, 1854.

(Signed) W. HALSE,  
Commissioner of Crown Lands

PORT OF NEW PLYMOUTH.  
A RETURN of all VESSELS entered INWARDS during the Quarter ended the 30th September 1854.

Date of Entry.	Vessel.	No of Tons.	Master.	No. of Men.	Whence.	Cargo.
July 10.	Nelson.	215	E. Martin.	15	Auckland	General.
" 13.	Camilla.	201	W. F. Plant	9	Eden, N. S. W.	1100 Sheep.
" 17.	Mountain Maid.	192	J. J. Peacock.	10	Nelson	General.
August 2.	Velox.	141	J. H. Holford.	9	Sydney, N. S. W.	Ditto
" 2.	Governor Grey.	26	D. Bell.	3	Petre	10,000 feet Timber and 74 Bushels Wheat.
" 7.	Cashmere	640	G. Pearson.	30	London	General
" 7.	Cheetah.	130	D. Joyce.	8	Wellington	Ditto
" 15.	Governor Grey.	26	D. Bell.	3	Petre	10,500 feet Timber and 26 Bushels Wheat.
" 17.	Nelson.	215	F. Martin.	15	Auckland	General.
September 10	Do.	215	Do.	15	Nelson	Ditto
" 13.	Titan.	121	H. Davidson.	8	Melbourne	Ditto
" 17.	Ann.	22	W. Liddell.	2	Kawhia	Ballast.
" 18.	Eclipse.	393	H. Laing.	14	Auckland	General.

H. M. Customs, New Plymouth,  
30th September, 1854.

W. LEECH,  
Collector of Customs.

NEW ZEALAND, PROVINCE OF NEW PLYMOUTH.

A RETURN of the SALE of CROWN LANDS in New Plymouth, being Town Lands, from the 1st to the 30th of September, 1854, inclusive.

TOWN LANDS.

Section.	Lot.	Con- tents.	Upset Price	Sold at per Lot.	When offered by Auction.	Purchaser.	Amount.
		A R. P.			1854, May 13	Frederic Norris	£15
1399	39	1	£15	£15	July 1.	Henry Hanson Turton	15
2005	37	1	15	15	do	same	15
2006	38	1	15	15	do	same	15
2007	39	1	15	15	do	same	15
2020	44	1	20	20	do	same	20
2021	45	1	20	20	do	same	20
2022	46	1	20	20	do	same	20
2023	47	1	20	20	do	same	20
Total....							£140

I certify that the above is a true Return of the sale of Crown Lands in New Plymouth, being Town Lands, during the month of September, 1854.

(Signed) W. HALSE,  
Commissioner of Crown Lands,

NEW ZEALAND, PROVINCE OF NEW PLYMOUTH.

A RETURN of the sale of CROWN LANDS in New Plymouth, being Rural Lands, from the 1st to the 30th of September, 1854, inclusive.

RURAL LANDS.

No. of Appl	Locality. District.	Contents A. R. P.	Fixed price per acre.	Purchaser.	Amount in cash received.
			s.		£ s. d.
73	Omata	50 0 0	10	Thomas Hewitt	25 0 0
4	Omata	50 0 0	10	Arthur Remington	25 0 0
Total....					£50 0 0

I certify that the above is a true Return of the Sale of Crown Lands in New Plymouth, being Rural Lands, during the month of September, 1854.

(Signed) W. HALSE,  
Commissioner of Crown Lands.

A RETURN of all VESSELS entered OUTWARDS during the Quarter ended the 30th September 1854.

PORT OF NEW PLYMOUTH.

Date of Entry.	Vessel.	No. of Tons.	Master.	No. of Men.	Whence.	Cargo.
July 10.	Nelson.	215	E. Martin.	15	Nelson	Remainder of original cargo from Auckland.
" 18.	Mountain Maid.	192	J. J. Pascock.	10	Sydney, N.S.W.	Remainder of original cargo and 300 bushels Oats and 2 tons Potatoes shipped at this Port.
" 22.	Camilla.	201	W. F. Plant	9	Melbourne	150 tons Potatoes, 3½ tons Butter, and 2½ tons Pork and Hams.
August 3.	Governor Grey.	26	D. Bell.	3	Petre	General.
" 9.	Cashmere	640	G. Pearson.	30	Auckland	Remainder of original cargo from London.
" 16.	Cheetah.	130	D. Joyce.	8	Sydney, N.S.W.	Remainder of original cargo and 505 Bags Oats, 37 kegs Butter and 52 bags Wheat, shipped at this Port.
" 17.	Nelson.	215	F. Martin.	15	Nelson	Remainder of original cargo from Auckland.
" 21.	Governor Grey.	26	D. Bell.	3	Petre	General.
" 25.	Velox.	141	J. H. Holford.	9	Sydney, N.S.W.	310 bags Oats, 224 bags Maize, 795 sacks Wheat, 21 sacks Bran, and 9 casks Butter.
September 10.	Nelson.	215	E. Martin.	15	Manukau.	Remainder of original cargo and ½ ton Bacon shipped at this Port.

H. M. Customs, New Plymouth,  
30th September, 1854.

W. LEECH,  
Collector of Customs.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION II., No. 1.

**AN ORDINANCE**

TO APPROPRIATE MONEY TO THE PROMOTION OF IMMIGRATION  
INTO THE PROVINCE OF NEW PLYMOUTH.

**Analysis.**

Title.	Immigration into the Province of New Plymouth.
Preamble.	2. Superintendent may contract with Agents for Expenditure of Grant.
1. A certain sum to be applied to the promotion of	
<i>AN ORDINANCE to appropriate money to the promotion of Immigration into the Province of New Plymouth.</i>	into the said Province there may be issued and applied out of the General Revenue of the said Province the sum of Five Hundred Pounds.
<i>Whereas it is expedient to make provision for the promotion of Immigration into the Province of New Plymouth,</i>	2. For the purposes of this Ordinance the Superintendent may contract with any person undertaking to introduce Immigrants for the payment, out of the said sum of Five Hundred Pounds, of a stipulated sum for every Immigrant landed in the Province pursuant to such contract.
<i>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:—</i>	
1. For the promotion of Immigration	
Passed the Provincial Council the eleventh day of October, one thousand eight hundred and fifty four.	I. NEWTON WATT, Speaker.
Assented to on behalf of the Governor the twelfth day of October one thousand eight hundred and fifty four.	CHARLES BROWN, Superintendent.

IN exercise of the Power for this purpose in me vested by an Ordinance of the Superintendent and Provincial Council of New Plymouth, passed in the first Session of the said Council, intituled "An Ordinance to regulate the expenditure of money applicable to the promotion of Immigration" I notify that the subjoined Regulations having been submitted to and approved of by the said Provincial Council, are and shall be in force for the purposes of the said Ordinance.

Given under my hand, at New Plymouth, this twelfth day of October, one thousand eight hundred and fifty-four.  
CHARLES BROWN,  
Superintendent.

*REGULATIONS for the expenditure of money applicable to Immigration from Melbourne in the Colony of Victoria.*

1. The Superintendent shall appoint an

Agent to select the Immigrants, and it shall be an instruction to the Agent that he shall not offer a passage to any person known to be under any engagement to the Colonial Government or Private Individuals in Victoria.

2. The Immigrants shall be landed at not exceeding the rate of Ten pounds for each adult.

3. Children shall be taken as fractions of Adults on the scale in the Passenger Act.

4. Repayment of the Passage money to be secured by Promissory note signed by the Immigrant, (or head of a family where there are Women and minors) payable on demand, and of which payment will be required by two Instalments at twelve and twenty-four months respectively after arrival in the Province, except in case of the immigrant leaving the Province, when immediate repayment will be required.

5. Subject to these regulations the Superintendent may instruct any agent appointed as aforesaid respecting the age, sex, and calling of the Immigrants to be selected, and otherwise as to the mode in which the fund is to be applied by him.



**NEW ZEALAND**  
**GOVERNMENT GAZETTE**

FOR THE

**PROVINCE OF NEW PLYMOUTH.**

Published by Authority.

VOL. II.] NEW PLYMOUTH, SATURDAY, OCTOBER 21, 1854. [No. 21.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION II., No. 2.

**AN ORDINANCE**  
TO REGULATE THE OCCUPATION OF CERTAIN UNENCLOSED LANDS  
IN THE TOWN OF NEW PLYMOUTH.

**Analysis.**

Title.	
Preamble.	
1. Superintendent empowered to let Pasturage of unenclosed private lands within the Town of New Plymouth, and Town Belt, by Auction.	10. Licensees depasturing cattle within their respective districts exempted from Penalties under the Ordinance of the Province, Session I., No. 8.
2. Notice to be given of time, place, and particulars of sale.	11. Informations under the Ordinance, Session I. No 8, against Licensees in respect of trespass of licensed cattle on Town lands, &c., beyond their districts, to be laid exclusively by the Armed Police Force, or by Licensees trespassed upon.
3. Moneys arising by sales to be recoverable by Treasurer.	12. Licensees to compensate for damage to lands in cultivation—amount to be ascertained by arbitration.
4. Time for payment by Purchasers of their purchase moneys.	13. Damage done in the daytime within a district to be presumed to have been done by cattle of Licensee.
5. If purchase moneys not punctually paid sales may be annulled.	14. Superintendent empowered to issue special Licenses to Importers of Cattle.
6. Form and effect of Licenses to be issued to Purchasers.	15. Interpretation.
7. Districts not to be subdivided.	16. Licenses issued prior to Ordinance confirmed.
8. Bulls not to be depastured.	
9. Right of Landowners to enclose, and to tether cattle on their respective lands not to be affected.	

*AN ORDINANCE to regulate the occupation of certain unenclosed Lands in the Town of New Plymouth.*

Whereas certain unenclosed Lands in the Town of New Plymouth belonging to non-resident Owners and others lie waste and uncultivated, and have been commonly used as Cattle runs by the Inhabitants of the said Town; and it is expedient to authorise and regulate the occupation of the said Lands for Pastoral purposes, without prejudice to the right of the Owners thereof to enclose the same.

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. It shall be lawful for the Superintendent from time to time at his discretion to cause the sole and exclusive right of depasturing Neat Cattle and Sheep, during the day time, on all or any unenclosed lands lying waste and uncultivated within the present limits of the Town of New Plymouth, and the adjacent Tract known as the Town Belt, or within the limits of any portion or portions of the said Town and Town Belt, exclusive of Crown Lands and Native Reserves within the aforesaid limits, for any term not exceeding one year, to be sold by Public Auction to the highest bidder, by any person (whether such person be or be not a licensed Auctioneer,) whom he may appoint for that purpose.

2. The time place and particulars of every such sale shall be notified in the Government Gazette of the Province not less than thirty days prior to the day of the sale, and by such notice the Superintendent may prescribe any conditions of Sale not repugnant to this Ordinance. And it shall be lawful from time to time to put up to sale the Pasturage of a district before the expiration of, but without prejudice to, any current license issued under this Ordinance and affecting such district, so that the day of sale be not more than 3 calendar months prior to the expiration of such Current License.

3. The money arising by such sales shall be payable to and recoverable by the Treasurer of the Province, for the Public uses of the Province.

4. Every Purchaser at such sales shall, as a condition of the sale, forthwith pay into

the hands of the Auctioneer a deposit of not less than Ten per centum of his purchase money, and shall pay the Balance thereof to the Treasurer of the Province within seven days, or by instalments payable at such time or times, during the period for which the License shall be granted, as shall by the conditions of sale be in that behalf prescribed.

5. The purchaser failing duly and punctually to pay his purchase money, it shall be lawful for the Superintendent, if he thinks fit, by notice in writing to be given to the Purchaser, or left at his usual place of abode or business, or to be published in the *Government Gazette* of the Province, to annul the sale and revoke the License (if any) issued to such Purchaser; and in such case the said deposit with all instalments (if any) paid previously to service or publication of such notice, shall be forfeited.

6. Upon payment of the said deposit the Superintendent shall issue under his hand to the Purchaser a License to the effect, and as nearly as may be in the form, set forth in the Schedule to this Ordinance, which shall entitle the person or persons to whom the same shall be granted, and his or their assigns, to the sole and exclusive use of the lands therein comprised for the purpose of depasturing thereon cattle of the kinds in such License in that behalf specified, during the term, and in the manner, specified in such License.

7. The districts comprised in any License issued under this Ordinance shall not be subdivided by the Licensee or his assigns.

8. No License issued under this Ordinance shall authorise the depasturing of any Bull above the age of six months.

9. No License issued under this Ordinance shall take away the right of the Owner of any waste and uncultivated lands, or of his Lessees or Tenants to enclose the same; nor the right, notwithstanding such his lands remain unenclosed, to depasture cattle thereupon concurrently with the Licensee; so always that the cattle of such Owner, or of his Lessees or Tenants, be securely tethered. And upon enclosure of any such lands with a sufficient fence, the same shall thenceforth be excepted from any License which may have affected the same.

10. Licensees under this Ordinance shall not, nor shall any person claiming through

them, by depasturing cattle of the kinds comprised in their respective licenses, or allowing the same to wander at large during the daytime, in any roads, streets, or public places lying within the external boundary of their respective districts, (other than and except any roads, streets, or public places expressly protected by their respective Licenses), or on unenclosed lands lying within the external boundary of their respective districts, incur any penalty imposed by an Ordinance enacted by the Superintendent and Provincial Council of the Province of New Plymouth, in the first Session of the said Council, intituled, "An Ordinance to authorise and regulate the Impounding of Cattle, and to provide for the summary recovery of compensation for damage done by Cattle trespassing"; nor shall any such cattle so depasturing, or wandering at large, belonging to or in charge of any such Licensee or his assigns, be subject to be impounded under and by virtue of the said Ordinance.

11. No information or complaint under the last mentioned Ordinance shall be lodged or made against Licensees under this Ordinance or their assigns, in respect of cattle of the kinds comprised in their respective Licenses, which may be found, during the daytime, wandering at large or depasturing in any road, street, or public place lying without the external boundary of, or excluded from, their respective districts (such road, street, or public place being within the limits of the said Town, Town Belt, and Parks adjacent)—or in respect of cattle of the said kinds turned out or depastured, during the daytime, upon unenclosed Town lands lying without the external boundary of their respective districts, except by the Officers or Private Constables of the Armed Police Force, or by some other Licensee upon whose district such cattle shall be trespassing, or his assigns; nor shall any such cattle belonging to or in charge of Licensees or their assigns, so found wandering or depasturing, or so turned out or depastured, be subject to be impounded by virtue of the said Ordinance except by the same persons.

12. In case any cattle belonging to or in charge of a Licensee under this Ordinance or his assigns shall do any damage upon cultivated lands, whether fenced or un-

fenced, within the limits of the said Town or Town Belt, he or they shall compensate the lawful occupier, if any. And in every case where it shall be alleged that damage has been so done, and the parties differ as to the right to compensation, or as to the amount thereof, the same shall be finally determined and fixed by the Award of two Arbitrators, one appointed by either party. And such Award may be made at anytime before the actual appointment of an Umpire in manner next hereinafter mentioned. But if from any cause no complete award shall be made within seven days from the time of the alleged trespass, it shall be lawful for the Superintendent, on application by or on behalf of either party, made within fourteen days from the time of the alleged trespass, to appoint an Umpire, who shall finally determine the right to compensation and the amount thereof. And the costs of the reference shall be paid according to the Award of such Arbitrators or Umpire. *Provided* that no greater sum than £5 shall be awarded for any single trespass on lands not substantially fenced, and several trespasses committed on the same enclosure or lands within a period of 24 hours shall for this purpose be deemed a single trespass. Any such compensation agreed upon between the parties or awarded by such Arbitrators or Umpire, together with any such costs as aforesaid, shall be recoverable as a debt; and no action for damages or other proceeding on account of any such trespass shall be taken otherwise than in pursuance of the provisions of this Ordinance.

13. All damage done by cattle during the daytime on lands lying within the external boundary of the district of each Licensee, shall, as against him and his assigns, be deemed to have been done by cattle belonging to or in charge of such Licensee or his assigns, unless he or they shall be able to prove to the contrary thereof.

14. For the purpose of providing a temporary accommodation for imported cattle, it shall be lawful for the Superintendent to issue to the owner or person having charge of any cattle newly landed or about to be landed from any ship or other vessel, a License under this Ordinance for the depasturing of such cattle, for any term not exceeding 14 days. And such special Licenses may be issued either for a money considera-

tion payable to the Treasurer of the Province for the Public Uses of the Province, or without consideration, and may authorise the depasturing of cattle of any description, during the daytime, but in all other respects shall confer the like rights and exemptions, and impose the like duties and restrictions upon the Licensee and his assigns as other Licenses issued under the authority of this Ordinance.

15. In the construction of this Ordinance words of or importing the masculine gender shall extend to and include females, and the singular number shall include the plural also, and the plural number the singular also; except, in the said several cases, there shall be any repugnancy to such construction in the subject or context; and the term 'Cattle,' where not expressly restricted, shall include neat cattle and sheep, and also horses, mules, asses, goats, and swine; and the term 'Assigns' shall include executors and administrators; and unenclosed lands cultivated without the privity of the owners thereof, or which were not in cultivation on the 30th day of September 1854, and also unenclosed lands in grass, shall not be deemed cultivated lands, but shall be deemed to be lands lying waste and uncultivated within the meaning of this Ordinance.

16. And whereas the Superintendent has already issued four several Licenses bearing date the 30th day of September 1854, and referred to in the Schedule to this Ordinance, which Licenses purport to authorise the Licensees therein named to depasture neat cattle and sheep on the lands lying waste and uncultivated within such portions of the Town and Town Belt as are therein respectively specified until and including the 31st day of December 1854:—

*Be it further enacted*, that the said Licenses shall have the same force and effect, and be read and construed in the same manner, and the said Licensees and their assigns shall be subject to the same obligations and restrictions, and the consideration moneys payable for such Licenses shall be recoverable in the same manner, as if the said Licenses had been issued under the authority and pursuant to the provisions of this Ordinance.

Passed the Provincial Council the tenth day of October, one thousand eight hundred and fifty four.

I. NEWTON WATT,  
Speaker.

Assented to on behalf of the Governor the twelfth day of October one thousand eight hundred and fifty four.

CHARLES BROWN,  
Superintendent.

SCHEDULE.

FORM OF LICENSE.

In exercise of the powers in me vested by an Ordinance of the Superintendent and Provincial Council of the Province of New Plymouth, passed in the 2nd Session of the said Council, intituled "An Ordinance to regulate the occupation of certain unenclosed lands in the Town of New Plymouth," I hereby authorise A. B. and his assigns to depasture neat cattle and sheep [or neat cattle only, or, sheep only, as the case may require] during the daytime on all unenclosed Lands lying waste and uncultivated within such part of the Town of New Plymouth [and Town Belt] as is delineated on the Plan hereto annexed and therein colored.... [or any other other convenient description of the district may be inserted].... Exclusive of Crown Lands and Native Reserves within the said limits—[Here insert any necessary exception excluding and protecting particular Streets or Public Places]. From the day of [the day of sale, or—where the sale shall be made prior to the expiration of any current license comprising the pasturage sold—the day of the expiration of the current license] until, and including the day of 18 subject, nevertheless, to the provisions of the Ordinance above referred to.

Issued under my hand at the Town of New Plymouth, this day of 18

LIST OF LICENSES ALREADY GRANTED BY THE SUPERINTENDENT AND CONFIRMED BY THIS ORDINANCE.

DISTRICTS.	LICENSEES.
No. 1. North of the Mangatuku .....	George Yates Lethbridge, Butcher.
No. 2. South of the Mangatuku .....	William George, Publican.
No. 3. North of Devon-street .....	Samuel Vickers, Merchant.
No. 4. South of Courtenay-street.....	George St. George, Surgeon, and Edwin St. George.



NEW ZEALAND  
GOVERNMENT GAZETTE

FOR THE

PROVINCE OF NEW PLYMOUTH.

Published by Authority.

Vol. II.] NEW PLYMOUTH, SATURDAY, NOVEMBER 4, 1854. [No. 22.

NOTICE.

Superintendent's Office,  
4th November, 1854.

THE PASTURAGE of the unenclosed lands lying waste and uncultivated within the undermentioned Districts in the Town of New Plymouth and Town Belt, will be put up for sale on SATURDAY the 9th December next, at Noon, at the Office of the Provincial Treasurer in Courtenay-street, for the term of One Year, commencing 1st January, 1855. The sale is pursuant to the provisions of the Ordinance of the Province, Session II, No. 2; and to the subjoined conditions:

PARTICULARS.

- District No. 1.—North of the Mangatuku, and West of Queen-street.
- District No. 2.—South of the Mangatuku, and West of Robe-street and Queen-street.
- District No. 3.—North of Courtenay-street and bounded East by Hobson-street, and West by Liardet-street.
- District No. 4.—South of Devon-street and bounded East by River Henui, and West by Carrington Road.

CONDITIONS:

- Each District shall be put up at the sum fixed by the Auctioneer; and if any dispute shall arise as to the last or highest bidder for any District, the same shall be put up again at a former bidding.
- No person shall at any bidding advance less than one pound—or retract his bidding.

vance less than one pound—or retract his bidding.

3. The purchase money will be payable as follows:—Ten per cent at the auction, and the remainder by equal instalments of ten per cent, payable on the 1st January 1855, and on the first of each subsequent month until the full amount is paid.

CHARLES BROWN,  
Superintendent.

Superintendent's Office,  
1st November, 1854.

PUBLIC NOTICE is hereby given that Agreements for the purchase or leasing of Native Reserves, being the property of tribes or communities, are illegal and void, under the New Zealand Constitution Act, 15th & 16th Victoria, c. 72. Parties entering into agreements, or pretended agreements, for such purchases or leases, are hereby warned that they cannot be protected in possession, and render themselves liable to penalties under the Native Lands Purchase Ordinance, Session 8, No. 19.

CHARLES BROWN,  
Superintendent.

ERRATA.

GOVERNMENT GAZETTE, No. 19, page 85, for Phillip Moon read Philip Moon. No. 20, page 91, for Silas McKenzie read Lilas McKinzie; for Francis Ullathorne Gledhill read Francis Ullathorn Gledhill.

*See Col. 1st  
Litho. 1/2  
4 Nov/54*

## NOTICE.

Superintendent's Office,  
4th November, 1854.

**W**HEREAS there is reason to believe that the provisions of the Law relating to the sale of Arms and Gunpowder have been violated by unlicensed sales to Natives—Notice is hereby given, for the information of persons recently arrived in

the Colony and others, that all sales of Arms, Gunpowder, and other Warlike Stores, without the License of the Resident Magistrate first obtained, are illegal, and render the Offender liable to a Penalty of not exceeding Five Hundred Pounds, whereof one half may be awarded to any person active in procuring conviction.

CHARLES BROWN,  
Superintendent.



# NEW ZEALAND GOVERNMENT GAZETTE

FOR THE  
PROVINCE OF NEW PLYMOUTH.

Published by Authority.

VOL. II.] NEW PLYMOUTH, SATURDAY, NOVEMBER 17, 1854. [No. 23.

Superintendent's Office,  
14th November, 1854.

**T**HE following notice of the Registrar-General is published for general information.

CHARLES BROWN,  
Superintendent.

## MARRIAGE ACT.

### OFFICIATING MINISTERS FOR 1855.

The attention of the persons or person within the colony of New Zealand in whom is vested Ecclesiastical authority over any of the religious bodies enumerated in Schedule D annexed to the "Marriage Act, 1854," viz:—

The United Church of England and Ireland.  
The Church of Scotland.  
The Roman Catholic Church.  
The Free Church of Scotland.  
All Presbyterian Congregations.  
The Wesleyan Methodist Society:  
All Congregational Independents.  
Baptists.

The Primitive Methodist Society.  
The Lutheran Church.  
All Hebrew Congregations.  
The Society of Friends.

Also the attention of Ministers of Religion not connected with any of these Bodies who may desire to be placed on the list of "Officiating Ministers" within the meaning of this Act, is specially called to the following extracts from the Act aforesaid:—

Any Minister of Religion whose name shall have been sent in to the Registrar-General of Births, Deaths, and Marriages, or other Officer to be appointed by the Governor in that behalf, by the persons or person within the Colony in whom Ecclesiastical authority shall for the time being be vested or reputed to be vested over any of the Religious Bodies enumerated in the Schedule D to this Act annexed, shall, subject to the conditions hereinafter mentioned, be an Officiating Minister within the meaning of this Act, and the name of every such Minister of Religion shall be certified under the hand or hands of the person or persons aforesaid, and shall be entered and published as hereinafter provided. *Provided always*, that any Minister of Religion not connected with any of the Bodies enumerated in the aforesaid schedule to this Act annexed, who shall present to any Registrar a certi-