


NEW ZEALAND
GOVERNMENT GAZETTE.
PROVINCE OF CANTERBURY.

Published by Authority.

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

By His Honor's Command,
THOMAS WILLIAM MAUDE,
Provincial Secretary.

VOL. X.]

THURSDAY, MAY 28, 1863.

[No. VII.]

Provincial Secretary's Office,
Christchurch, 27th April, 1863.

HIS Honor the Superintendent directs it to be notified that he has appointed FORTUNATUS EVELYN WRIGHT, Esq. to be an Immigration Commissioner, in the room of Wm. Reeves, Esq., resigned.

THOS. WM. MAUDE,
Provincial Secretary.

Provincial Secretary's Office,
Christchurch, 19th May, 1863.

HIS Honor the Superintendent directs it to be notified that he has made the following appointment in the Telegraph department:—

MR. WILLIAM TUCKER
to be Second Telegraphist.

THOS. WM. MAUDE,
Provincial Secretary.

Provincial Treasury,
Christchurch, 18th May, 1863.

PURSUANT to the provisions of "The Auctioneers' Ordinance, Session III., No. 3," I hereby give notice that the undermentioned person has taken out an Auctioneer's License for the term ending 30th June, 1863:—

HENRY FLETCHER, of Christchurch, Clerk to Messrs. Matson and Torlesse, Commission Agents.

CHAS. C. BOWEN,
Provincial Treasurer.

SHIP "SEBASTOPOL."

Lyttelton, 21st May, 1863.

THE Commissioners are satisfied with all the arrangements of the ship. The Immigrants are in good health. The ship in cleanly condition. The stores of good quality.

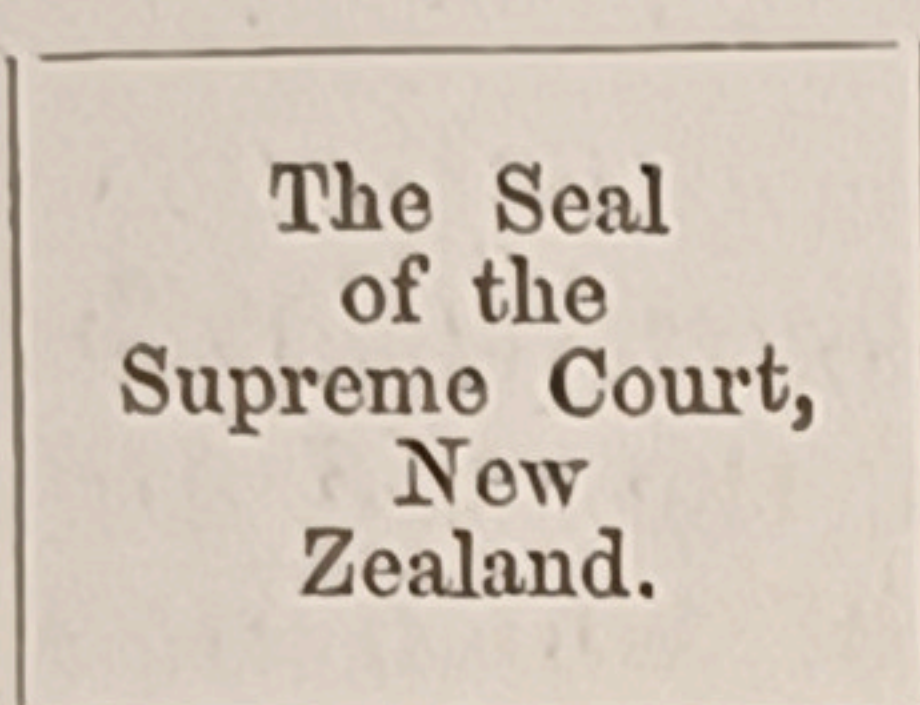
The Immigrants express themselves well satisfied with the treatment they have received from the Captain, Surgeons, and Officers of the ship.

(Signed) WM. DONALD,
H. S. McKELLAR,
JOHN T. ROUSE,
F. E. WRIGHT.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, to JOHN BUSH, of Kaiapoi, in the Canterbury District of the Colony of New Zealand, Carter, and EDWARD COPPELL, of Kaiapoi aforesaid, Station Manager. Whereas an action is now pending in our Supreme Court of New Zealand, in the Canterbury district, between Joseph Felton, of Kaiapoi, in the said district, Ferryman, plaintiff, and Henry Bowra, late of Christchurch, in the said district, Carter, now out of the said colony, defendant, and in order that the Plaintiff may proceed in the said action, we command you that you do retain and keep all and singular the moneys and chattels, bills, bonds, and other property, of whatsoever nature, in the custody or under

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the control of you or either of you, at the time of the service of this writ, belonging to the above-named Henry Bowra, or to or in which such Defendant shall at that time be legally or equitably entitled or otherwise beneficially interested, and all debts of every kind then due by you to such Defendant, although the same or part thereof may be payable only at a future day. And we further command you that you in your own proper person be and appear before our said Court, or a Judge thereof, sitting at Chambers, at Christchurch aforesaid, on the Twenty-ninth day of May next, at eleven o'clock in the forenoon, then and there to be examined touching the premises, and to do and receive what shall then and there be considered of you in that behalf, and this you shall in no wise omit.



R.A.

Witness HENRY BARNES GRESSON, Esquire, Judge at Christchurch, of our Supreme Court of New Zealand, this Sixteenth day of May, one thousand eight hundred and sixty-three.

This Writ was issued by EDWARD FRENCH BUTTEMER HARSTON, of Cathedral Square, in the City of Christchurch, in the Canterbury district, Solicitor for Plaintiff.

If you part with any of the Defendant's property, or pay any debts due to him, you will become personally responsible to the Plaintiff.

COURT OF APPEAL, NEW ZEALAND.

Christchurch, 9th February, 1863.

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

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

GEO. ALFRED ARNEY,
Chief Justice.
ALEXANDER J. JOHNSTON,
Judge.

(L.S.) H. B. GRESSON, Judge.
C. W. RICHMOND, Judge.

G. G. Gazette, No. 15, May 4, 1863.

IN THE SUPREME COURT OF
NEW ZEALAND.

Christchurch, Canterbury,
7th March, 1863.

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

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

SCHEDULE.

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

GEORGE ALFRED ARNEY,
Chief Justice.
ALEXANDER J. JOHNSTON,
Judge.

H. B. GRESSON, Judge.
C. W. RICHMOND, Judge.

G. G. Gazette, No. 15, May 4, 1863.

GENERAL RULES OF THE COURT
OF APPEAL OF NEW ZEALAND.

9th March, 1863.

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

AFFIDAVITS.

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

STATING AND TRANSMITTING CASES.

4. Whenever a case is stated by parties under the 28th section of the Act, the

parties shall forthwith submit the same for approval to a Judge at Chambers, who shall give directions for the amendment of the same, if he shall be of opinion that the same is in any way defective.

5. In all cases, unless a Judge at Chambers shall otherwise order, there shall be transmitted to the Registrar of the Court of Appeal along with, and as part of the special case, a copy of the record and a copy of the Judge's notes of the trial and of the finding of the Jury where a trial has taken place, and a copy of all affidavits and documentary evidence used in the Court below.

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

COSTS.

7. The costs to be allowed on taxation as between party and party shall be on the same scale as in the Supreme Court, except as hereinafter mentioned.

8. The fees to be allowed to Counsel shall be on a more liberal scale than in the Supreme Court:—In each case, fees for two Counsel, at least, shall be allowed; and to *one* of the Counsel, if usually resident at any place other than that where the Court of Appeal shall sit, a liberal brief fee and refreshers shall be allowed, besides reasonable cost of maintenance and travelling expenses for each day during which he shall be necessarily absent from his usual place of abode for the purpose of attending the Court of Appeal.

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

GEORGE ALFRED ARNEY,
Chief Justice.

ALEXANDER J. JOHNSTON,
Judge.

H. B. GRESSON, Judge.

C. W. RICHMOND, Judge.

G. G. Gazette, No. 15, May 4, 1863.

SUPREME COURT.

“*The Debtors' and Creditors' Act, 1862.*”

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

I. PROCEEDINGS IN THE SUPREME COURT.

Proof of Debts.

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

Any such proof may be contested upon motion or summons made or taken out for the purpose, by or on behalf of any Trustee or Trustees of the Debtor's estate, or by or on behalf of any two or more Creditors, who

shall have each proved debts or claims against the Debtor's estate to the amount of £20 or upwards; and the Court or Judge, if of opinion that the debt or claim is not a just one, either wholly or in part, shall disallow the same either wholly or in part, as the case may require.

Provided, that in cases in which there shall be questions of fact in dispute between the parties or any of them, it shall be lawful for the Court or a Judge to order that such questions be raised in the form of issues, and be tried by a full Jury or at minor Jury sittings, in the same manner as issues joined in an ordinary action; and upon such trial (unless specially ordered to the contrary) the proving Creditors shall be the Plaintiff, and the said Trustee or Trustees, or the contesting Creditor or Creditors, shall be the Defendant or Defendants.

General.

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

II. MEETINGS OF CREDITORS.

1. Meetings of Creditors shall be convened either by the Trustees or Trustee of the Debtor's estate, or in pursuance of a rule or order of the Court or a Judge.

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

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

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

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

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

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

7. All questions shall be determined by a majority of the votes of the Creditors present, personally or by proxy: Provided that no resolution shall be deemed to be adopted by

the meeting unless the same is carried by the votes of one-fourth in number or value of the Creditors who shall have proved their debts or claims.

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

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

Exceeding £10, and not amounting to £50, 1 vote.

Amounting to £50, and not amounting to £100, 2 votes.

Amounting to £100, and not amounting to £200, 3 votes.

Amounting to £200, 4 votes.

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

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

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

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

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

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

(Signed,)

GEORGE ALFRED ARNEY,
Chief Justice.

ALEXANDER J. JOHNSTON,
Judge.

H. B. GRESSON, Judge.

C. W. RICHMOND, Judge.

G. G. Gazette, No. 16, May 6, 1863.

SUPREME COURT OF NEW ZEALAND.

“*The Debtors' and Creditors' Act, 1862.*”

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

TABLE OF FEES.

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

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

SCALE OF ALLOWANCES TO WITNESSES.

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

GEORGE ALFRED ARNEY,
Chief Justice.

ALEXANDER J. JOHNSTON,
Judge.

H. B. GRESSON, Judge.

C. W. RICHMOND, Judge.

Approved in Council.

G. GREY.

New Plymouth, 2nd May, 1863.

G. G. Gazette, No. 16, May 6, 1863.

COURT OF APPEAL.

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

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

GEORGE ALFRED ARNEY,
Chief Justice.

ALEXANDER J. JOHNSTON,
Judge.

H. B. GRESSON, Judge.

C. W. RICHMOND, Judge.

Approved in Council.

G. GREY.

New Plymouth, 2nd May, 1863.

G. G. Gazette, No. 16, May 6, 1863.

