



THE
GOVERNMENT GAZETTE
 PROVINCE OF HAWKE'S BAY.

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 relate, and are to be obeyed accordingly.

T. H. FITZGERALD,
 Superintendent.

VOL. 1.]

MONDAY, NOV. 26, 1860.

[No. 31.

Superintendent's Office,
 Napier, Nov. 22, 1860.

THE following correspondence and documents relating to the enforcement of the Native Land Purchase Ordinance, are published for general information.

T. H. FITZGERALD,
 Superintendent.

59—367.

Superintendent's Office,
 Napier, Dec. 12, 1859.

SIR,—I have the honor to request that you will bring under the notice of His Excellency the Governor the necessity that exists for strictly putting in force all the provisions of the Native Land Purchase Ordinance, which, in several cases that could be readily proved, I believe, seems to be now systematically disregarded; and

which, I have no doubt, will tend very much to throw serious obstacles in the way of further purchases from the natives in this Province, if it be not stringently enforced in future whenever a violation of the law can be shewn. The cases where transgressions of the law can be proved are principally, I think, confined to persons owning freehold adjacent to native property; and when, as they allege, to save disputes, they agree to pay them for the grass consumed by their sheep or cattle crossing the boundaries; but it must be evident, that persons so situated should take as much care to prevent their sheep or cattle straying off their own freehold or run, as they would be obliged to take if their neighbour had been a freeholder or runholder like themselves, instead of a native Chief; and by such payments they in reality do as much harm as if a stranger

from a distance came and openly rented the land from the natives, which would be neither more nor less than is now done by them.

There is not, in my opinion, nor can there be any real justification for a continued trespass on native lands, and I believe the majority of the inhabitants of this Province are agreed in the desirability of putting an immediate stop to it, whenever it can be shewn to exist. In order to effect this, I would suggest that persons should be appointed for different districts to lay informations under the Act, at the instance either of the Native Land Purchase Commissioner of the District or of the Superintendent of the Province, for the time being; as, in some cases, where a single Commissioner might, from the disagreeable nature of the duty, feel disinclined to act, no such difficulty would be felt by a Superintendent, supported by his executive and the public opinion of those who are most interested in future acquisition of the rest of the land still unpurchased from the natives.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) T. H. FITZGERALD,
Superintendent.

The Honorable
The Colonial Secretary,
Auckland.

60—89.

Superintendent's Office,
Napier, March 3, 1860.

Sir,—I had the honor to address you on the 12th December, on the subject of putting strictly in force for the future the Native Land Purchase Ordinance in this Province—the necessity of which being felt more and more every day,—I have the honor to request a reply at your earliest convenience.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) T. H. FITZGERALD,
Superintendent.

The Honorable
The Colonial Secretary,
Auckland.

No. 219.

Colonial Secretary's Office,
Auckland, May 7, 1860.

Sir,—With reference to your Honor's two letters and to Mr. Stafford's reply, of the dates noted in the margin, on the subject of strictly enforcing for the future, the Native Land Purchase Ordinance (Session '7, No. '10), in the Province of Hawke's

Bay, I have to inform you that under a Gazette Notice by Governor Grey, dated the 6th November, 1848, Officers of the Armed Police Force are authorised to lay informations in terms of the 1st Section of that Ordinance; and, to avoid any question as to this authority, I enclose a Warrant of Appointment under the hand of His Excellency the Governor, authorising all Officers of the Police Force of the Province of Hawke's Bay to lay informations under the Ordinance in question.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) HENRY JOHN TANCRED,

For the Colonial

Secretary.

His Honor
The Superintendent,
Napier.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honorable Order of the Bath, Governor and Commander-in-chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-admiral of the same, &c., &c.

In pursuance and in exercise of the power vested in me in that behalf by an Ordinance passed by the Lieutenant-Governor of New Zealand and the Legislative Council thereof, in the tenth year of the reign of Her Majesty Queen Victoria, and intituled "An Ordinance to provide for the Prevention by Summary Proceedings of Unauthorised Purchases and Leases of Land" (Session 2, No. 19,) I, Thomas Gore Browne, the Governor of New Zealand, hereby authorise and empower every Officer of the Police Force of the Province of Hawke's Bay to lay informations and complaints under the Ordinance.

Given under my hand at the Government House at Auckland, this eleventh day of May, one thousand eight hundred and sixty.

T. GORE BROWNE.

By His Excellency's command,

HENRY JOHN TANCRED.

Entered on Record in Register of Patents, No. 2, Folio 253, this eleventh day of May, 1860.

(Signed) W. GISBORNE,

For the Colonial Secretary and Registrar.

NATIVE LAND PURCHASE ORDINANCE.

NOTICE IS HEREBY GIVEN that the provisions of the above Ordinance, the principal clauses of which are

Superintendent Napier, 12th Dec, '59.
Ditto ditto, 3rd Mar. '60.
Colonial Secretary, 6th March, '60.

published below, will in every case in future be strictly enforced, without distinction, against persons found offending against the said Ordinance by depasturing Sheep or Cattle on *any Lands* not being Crown Lands, or held under a Grant from the Crown; and the members of the Police Force throughout the Province are strictly enjoined to use all possible diligence in bringing to account all transgressors of the law above named.

T. H. FITZGERALD,
Superintendent.

1. If any person shall, after the passing of this Ordinance, purchase or by writing or otherwise agree to purchase any Estate, or Interest in Land from any person of the Native Race, or shall by writing, or otherwise, agree with any such person for the purchase of the right of cutting Timber or other Trees, or of the right of mining, or of the right of pasturage, or for the use or occupation of Land.

And also if any person who shall not hold a License from the Government for that purpose shall after the passing of this Ordinance, *be found using or occupying any Land* not comprised within a Grant from the Crown, *either by depasturing any sheep or cattle thereon or by residing thereon* or by erecting any house or building thereon or by clearing, enclosing, or cultivating any part thereof, or who shall be found without such License aforesaid to have cut Timber

or other Trees thereon, or to have gotten any Mineral therefrom.

Every such person shall, upon conviction of any of the offences hereinbefore mentioned, forfeit and pay any sum not less than five pounds nor more than one hundred pounds, to be recovered in a summary way. Provided that no person shall be convicted of any of the offences aforesaid, except on the information or complaint of the Surveyor General or of some other officer duly authorised in that behalf by His Excellency the Governor.

2. If any person so convicted as aforesaid, shall for the space of one calendar month continue in possession or occupation of such Land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall, upon conviction of any such further offence, upon such information or complaint as aforesaid, forfeit and pay any sum not less than five pounds, nor more than one hundred pounds, to be recovered in a summary way.

4. In case of any conviction under the provisions of this Ordinance, where any person or persons shall appear to have been active in, or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person or persons any portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet.