



NEW ZEALAND
GOVERNMENT GAZETTE
(PROVINCE OF NELSON).

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 are to be obeyed accordingly.

By His Honour's command,
ALFRED DOMETT, Provincial Secretary.

VOL. VII.

NELSON, TUESDAY, JUNE 14, 1859.

No. 11.

Provincial Secretary's Office, Nelson,
June 14, 1859.

HIS Honour the Superintendent directs it to be notified, for general information, that a Writ for the election of a Member of the Provincial Council for the undermentioned district in the Province of Nelson having been issued, in accordance with the provisions of "An Act to grant a Representative Constitution to the Colony of New Zealand," the Returning Officer of the said district has returned the said Writ, with a certificate to the effect that the undermentioned gentleman has been duly elected to serve as a Member of the said Provincial Council for the said district:—

For the Amuri district—

JOHN TINLINE, Nelson, freeholder.

ALFRED DOMETT,
Provincial Secretary.

Provincial Secretary's Office, Nelson,
June 14, 1859.

HIS Honour the Superintendent directs it to be notified, for general information, that the ORDERS of the Justices of the Peace, dated the 28th day of April, 1859, for the ALTERATION of a ROAD in SUBURBAN NORTH, as defined in the notice of B. O. Hodgson, Land Agent, dated the 8th March, 1859, have been CONFIRMED by the Superintendent and Executive Council.

ALFRED DOMETT,
Provincial Secretary.

Provincial Secretary's Office, Nelson,
June 10, 1859.

HIS Honour the Superintendent directs it to be notified, that the undermentioned TENDERS have been ACCEPTED, viz.:—

TEMPORARY LUNATIC ASYLUM.

David Burns	£153
Additions	92

NEW GOVERNMENT BUILDINGS.

Carpenters' and Joiners' Work.

Henry and Scott	£2,749
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Plumbing.

T. H. Stringer	450
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Painting and Glazing.

T. B. Louisson	600
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Iron Work.

John Norton	7d. per lb.
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Stone Work, &c.

Brown and Simpson—

Excavations and Foundations of East Wing and Strong Room	£485
Extra Stone Work	80

PELORUS ROAD.

John O'Sullivan—

From Wairau River to Junction of Heringa and Pelorus	£2,800
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ALFRED DOMETT,
Provincial Secretary.

MINERAL LEASES.

Provincial Secretary's Office,
Nelson, June 10th, 1859.

HIS Honour the Superintendent directs
the publication of the following Correspond-
ence for general information.

ALFRED DOMETT,
Provincial Secretary.

Crown Land Office,
Nelson, 17th May, 1859.

SIR—I have the honour to apply for instructions
from Government under the following circumstances.

You are probably aware that much excitement ex-
ists in the Province on the subject of the issue of
Leases of Auriferous Lands at Massacre or (as it is
proposed to call it)—Golden Bay. Mr. Gibbs's ap-
plications, for two square miles of land for himself,
and two for "The Metallurgic Company," have been
received by the General Government, and a promise
given that the leases should be granted. Another
application from certain residents at Aorere was re-
plied to, to the effect that "no power existed" to
grant such leases, and that it should be entertained
when the Act conferring such power on the General
Government had received the Royal assent.

The Provincial Council of Nelson have passed a
resolution to the effect that "it is highly expedient
that the Government should grant leases of auriferous
lands, under the Regulations of 1856, till the Gold-
Fields Act is assented to and in operation, or other
provisions in operation for the leasing of auriferous
land, provided that the lessee will undertake not to
require the land leased to be put up to auction, as
is provided for in the 45th clause of the Regulations."

The majority who carried this resolution main-
tained, of course, that there is power in the Provincial
Government to issue such leases under the existing
Land Regulations, and that the expressions in your
letter in reply to the last above-mentioned application
referred only to the power of the General Govern-
ment in the matter.

The administration of the Waste Lands in this
Province is, as you are aware, by the Land Regula-
tions now in force (those made by the Governor on
the recommendation of the Provincial Council and
Superintendent, under the Waste Lands Act of 1854,
and proclaimed to come into operation on the 1st
July, 1856), placed in the Commissioner of Crown
Lands and the Superintendent, with the advice of his
Executive Council. Now, the Commissioner of Crown
Lands is an officer of the General Government, hold-
ing a commission from his Excellency the Governor.
As such, I conceive it to be my duty to act in accord-
ance with the views of the General Government in
the administration of the Crown Lands, if possible,
and therefore apply in the present instance—as a
doubt has been raised upon the expression of your
opinion in the letter referred to—for explicit instruc-
tions in the matter.

The Superintendent and the Provincial Executive
concur in opinion with me as to the meaning of your
letter, and also as to the inapplicability of the present
Land Regulations to leases of gold lands, especially
that condition which the regulations imperatively
require to be attached to a lease, viz., that a royalty
shall be paid of one-fifteenth of the minerals raised.
But as the Provincial Council has expressed its
opinion so decidedly as to the propriety of their issue,
and as it is really most desirable that security should
be given for the uninterrupted enjoyment of the results
of the combined operations of diggers and others,
which have now been, in some instances, commenced,

and in several others would be immediately undertaken,
were such security obtainable, the Provincial Govern-
ment is anxious to give every possible guarantee in its
power that will facilitate and encourage such
operations.

I have, therefore, the honour to request that you
will be good enough to favour me with the opinion of
the Attorney-General—Whether, 1st, the Commis-
sioner and Superintendent, with the advice of the
Executive, can issue valid leases of auriferous lands
under the Nelson Land Regulations of the 1st of July,
1856? 2ndly. If they cannot issue valid leases, what
security, if any, for possession of portions of these
lands, they can give under those Regulations to parties
requiring such leases? 3rdly. Whether, if leases were
issued as required by the Provincial Council, and a
condition that the land should not be put up to
auction imposed, such condition would be of any
effect, the Land Regulations expressly giving lessees
this power after having worked the land leased three
years?

I should also be obliged by your favouring me
with instructions, whether I, as Commissioner, shall
consent to the issue of such leases, or the giving of
such security for the possession of portions of the gold
lands as the law adviser of the Crown may find it is
in the power of the officers administering the Crown
Lands, under the Regulations of 1856, to give.

Also, whether, if the Attorney-General is of opinion
that no lease or other right of immediate possession
can be given, the General Government will authorize
the authorities under the Regulations, or myself
alone, to give a promise to the first applicants for any
block of land that they shall have priority of right to
a lease for such block; the General Government of
course to issue the lease when the Gold Fields Act
comes into operation, upon terms and conditions to be
fixed by his Excellency and the Executive.

Lastly, as several parties of diggers and others are
anxiously waiting the decision of Government on these
cases, I have only to request you would favour me
with an early answer to this letter, and, if possible, by
return of post. I have, &c.,

ALFRED DOMETT,

Commissioner Crown Lands for Nelson.

To the Honourable the Secretary
for Crown Lands.

Superintendent's Office, Nelson,
21st May, 1859.

SIR—In order that his Excellency's Government may
be fully aware of the number and character of the ap-
plications the Government has received for leases of
auriferous lands in the Aorere district, I have the
honour to forward herewith copies of the same.

The Commissioner of Crown Lands informs me that
he has applied for instructions to the Secretary for
Crown Lands as to the course he should adopt as an
officer of the General Government, and in so doing
has asked for the opinion of the Law Adviser of the
Crown on the powers of the Executive and Commis-
sioner in this respect. I need not request any further
information than has been applied for by that officer;
but the accompanying applications will perhaps show
more forcibly the urgent necessity that exists for some
immediate decision being arrived at in this matter,
and the desirability of giving some sort of guarantee
to parties engaged in combined operations for the
future quiet possession of the works they have already
engaged upon, or are desirous of undertaking, as well
as the lands, to the mining of which such works are
auxiliary. It is to be feared that many diggers will
leave the diggings for want of employment, unless
they are able to procure it from individuals combin-

ing their capital to work the gold-fields by means of hired labour and improved methods of mining. I trust, therefore, I need not press upon your attention the importance of giving these parties an opportunity of proceeding with their intended operations with as little delay as possible.

I presume that if the Gold-fields Act of last session of the General Assembly has received her Majesty's assent, immediate steps will be taken by the General Government itself to deal with these applications in accordance with the provisions of that Act.

I have, &c.,

(Signed) J. P. ROBINSON,
Superintendent.

The Honourable the Colonial Secretary,
Auckland.

Crown Land Office, Auckland,
1st June, 1859.

SIR—In reference to your letter of the 17th ultimo, No. 43, requesting information for your guidance in questions relating to mining leases, and especially on the respective authority possessed by yourself and the Superintendent in reference to this matter, I have to inform you it appears to have been already decided that the Commissioners of Crown Lands, though holding their appointments from his Excellency the Governor, are virtually provincial officers, and as such are not liable to be guided by the opinions of the General Government in matters placed within their jurisdiction.

I have, &c.,

(Signed) HENRY JOHN TANCRED.

The Commissioner of Crown Lands.

Crown Lands Office, Auckland,
June 3, 1859.

SIR—In further reference to the subject of your letter of the 17th ultimo, on the subject of mining leases, I have to inform you that the Government is advised by the Law Officers of the Crown, that as the Land Regulations of the Province of Nelson do not appear to contemplate gold-mining, and as they are not suitable to leases for such a purpose, it seems too doubtful to justify the granting of such licenses under their provisions.

The Colonial Secretary has therefore communicated with his Honour the Superintendent accordingly.

I have, &c.,

HENRY JOHN TANCRED.

The Commissioner of Crown Lands,
&c., &c., Nelson.

Colonial Secretary's Office,
Auckland, June 3rd, 1859.

SIR—A letter, dated the 17th ultimo, addressed to the Honourable the Secretary for Crown Lands, having been received from the Commissioner of Crown Lands at Nelson, submitting certain questions in connection with the leasing of the Gold-fields under the present Nelson Regulations, and it being desirable that your Honour should be in possession of the views of the Government on the main question submitted; I have the honour to state that, as those Regulations do not appear to contemplate gold-mining, and as they are not suitable to leases for such a purpose, it seems too doubtful to justify the granting of such licenses under their provisions.

I have, &c.,

(Signed) HENRY JOHN TANCRED,
For the Colonial Secretary.

His Honour the Superintendent,
Nelson.

Provincial Secretary's Office, Nelson,
June 8th, 1859.

HIS Honour the Superintendent, in accordance with the provisions of the "Education Act, 1856," directs it to be notified, that he has appointed WEDNESDAY, the 29th day of June instant, at Twelve o'clock at noon, for the ELECTION of LOCAL COMMITTEES, and that the elections for the several districts shall be held at the following places, viz. :—

- For the district of the town of Nelson, at the Court House, Nelson;
- For the district of Suburban North, at the School-house, Thackwood;
- For the district of Suburban South, at the School-house, Stoke;
- For the district of Waimea East, at the School-house, Richmond;
- For the districts of Waimea South, at the School-house, Spring Grove, and the School-house, Wakefield;
- For the district of Waimea West, at the School-house, Waimea West;
- For the district of the Moutere, at the School-house, Lower Moutere;
- For the district of Motueka, at the School-house, Motueka;
- For the district of Riwaka, at the School-house, Riwaka;
- For the district of Motupipi, at the School-house, Motupipi;
- For the district of Collingwood, at the Court House, Collingwood;
- For the district of Wairau, at the Police Station, Wairau.

ALFRED DOMETT,
Provincial Secretary.

Wairau, 4th June, 1859.

I, THE undersigned, ALFRED FELL, late of the Town of Nelson, in the Province of Nelson, in the Colony of New Zealand, Land Agent, but now in England, HEREBY GIVE NOTICE that I intend to APPLY to two or more Justices of the Peace having jurisdiction in the said province, at a MEETING to be held on SATURDAY, the Twenty-third day of July now next, at the Court House, Wairau, for an ORDER for STOPPING UP and DIVERTING the under-mentioned ROADS. And I hereby give Notice that I will cause Survey Plans of the roads proposed to be stopped up, and of the roads proposed to be substituted for the same, together with the Books of Reference, to be deposited with the Clerk to the Magistrates, and with Mr. JOSEPH M'ARTNEY, Chief Constable for the district of the Wairau.

To stop up a road in the district of the Wairau, between Sections numbered 46, Opawa, and 1, Omaka, commencing at the junction of the aforesaid road with a road called Grove Road on the plan of the Town of Beaver, and proceeding 20 chains 50 links in a southerly direction to Leeds Quay, on the plan of the Town of Beaver.

And to substitute in place thereof a certain other road through the aforesaid Section, numbered 1, Omaka, 75 links in width, and named Grove Road on the plan of the Town of Beaver, for a distance of 4½ chains; and also a street in the Town of Beaver, 60 links in width, called Sinclair-street, for a distance of 15 chains, and terminating at Leeds Quay.

ALFRED FELL.

By his Attorney,
JAS. SINCLAIR.

APPLICATIONS for DEPASTURAGE LICENSES, in accordance with the Land Regulations of the 1st July, 1856, received by the Commissioner of Crown Lands to the 31st March, 1859:—

C. J. G. Greenlaw	District—Awatere. Boundaries—On the north, east, by Ben More; south, by the runs held by Messrs. Clifford, jun., and Trolove; west, by a dense bush. Estimated extent—20,000 acres. Deposit paid—£30.
G. W. Schröder	District—Upper Wairau Valley. Commencing at the end of the bush, distant 17½ miles from the Top House, and ending in a south-easterly direction at the first crossing in the gorge, being distant from the Top House 22½ miles; and also for the Rainbow Valley, situated in a south-westerly direction from the Wairau River and a branch of the said river, together with a valley at the extreme end of the same, called Three River Valley. The above portions of country being of the estimated acreage of 6,000 acres. Deposit paid—£15.
Richard Mason	District—The Amuri. Being an island in the Wai-au-ua River, opposite that portion of Duppa's run known as the Island Hills. Estimated extent—2,000 acres. Deposit paid—£15.

ALFRED DOMETT,
Provincial Secretary.
Land Office, Nelson,
April 13, 1859.

APPLICATIONS for DEPASTURAGE LICENSES, in accordance with the Land Regulations of the 1st July, 1856, received by the Commissioner of Crown Lands to the 30th April, 1859:—

J. D. Tetley	District—The Clarence. Being for 10,000 acres; supposed to be partly in excess above 10,000 acres, applied for by Hugh Stafford, within certain boundaries, in May, 1858, and otherwise within boundaries given below, viz., on the east, the Ben More run; north and north-west, the boundaries of runs held by Dr. Bedborough, E. W. Stafford, Mr. Tinline, and P. M'Rae; south and south-west, rivers Dee and Wai-au-toa; south-east, Mr. Trolove's run, being a supposed
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Land Office, Nelson,
June 15, 1859.

ALFRED DOMETT,
Commissioner.

line drawn from the River Kikirangu to the Waiautoa across the Sawtooth Range.
Deposit paid—£15.

John Gibson

District—The Wairau Valley.
Bounded on the northward by the southern boundary of the run in the possession of Messrs. Renwick and Robinson, being known as the Birch Hill Range; southward, by a high snowy peak; eastward and westward, by wooded ranges.
Estimated extent—10,000 acres.
Deposit paid—£15.

H. G. Gouland

District—The Heaphy.
Bounded on the east by the summit of the range which divides the water shed of the Aorere Valley; on the north, by the northern limits of the pastoral hills and downs lying between the aforesaid summit and coast in the neighbourhood of the valley of the Heaphy or Wakapoai; on the west, by the coast line; and on the south, by the southern limit of the hills and downs aforesaid.
Estimated extent—40,000 acres.
Deposit paid—£50.

Alfred Greenfield

District of the Amuri.
Being for any land that may be found within the boundaries specified in previous applications to be in excess of the quantities already estimated in those applications.
Deposit paid—£15.

Henry Thos. Cullen

District—West Wanganui.
Bounded on the westward by the eastern boundary of Mr. Mackay's application; on the northward, by the southern boundary of Mr. Mackay's run and West Wanganui harbour; on the eastward, by a line drawn parallel with the harbour and the eastern boundary of Mr. Mackay's application, at the distance of one mile therefrom; and on the south, by a line perpendicular to the last line of boundary, and in a direction towards the mouth of the Turimawivi stream till it meets the eastern boundary of Mr. Mackay's application.
Estimated extent—Under 10,000 acres.
Deposit paid—£15.