



NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

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By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL. VII. AUCKLAND, FRIDAY, OCTOBER 7, 1847. No. 22.

PROCLAMATION.

By His Excellency GEORGE GREY,
Esquire, Lieutenant-Governor and
Commander-in-Chief in and over Her
Majesty's Colony of New Zealand,
and its Dependencies, and Vice-Ad-
miral of the same, &c., &c., &c.

WHEREAS, the undermentioned Ordi-
nances, enacted by the Lieutenant-
Governor of New Zealand with the advice
and consent of the Legislative Council there-
of, were passed in the 10th year of the reign
of Her Majesty Queen Victoria, viz.—

No. 2. An Ordinance to provide for the es-
tablishment and maintenance of a Consta-
bulary Force. (9th October, 1846.)

No. 18. An Ordinance to regulate the re-
moval and the making and repairing of
Arms, Gunpowder, and other warlike stores
within the Colony of New Zealand. (12th
November, 1846.)

Which Ordinances having been by the Right
Honorable Earl Grey, one of Her Majesty's
Principal Secretaries of State, laid before the
Queen, Her Majesty has been pleased to con-
firm and allow the same.

Now, therefore, I, the Lieutenant-Governor,
do hereby proclaim and make known to all
whom it may concern, that Her Majesty has

been graciously pleased to confirm and allow
the before-mentioned Ordinances.

Given under my Hand, and issued
under the Public Seal of the
Colony, at Government House,
(L. S.) Auckland, this sixth day of
October, in the Year of Our
Lord One thousand eight hun-
dred and forty seven.

GEORGE GREY,
Lieutenant-Governor.

By His Excellency's command,

ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, 2nd October, 1847.

HIS Excellency the Governor has been
pleased to appoint

CYPRIAN BRIDGE, Esq., J. P.,

(A Major in H. M. 58th Regiment of Foot.)
to be Resident Magistrate, and Sub-Treasurer
for the District of Russell, *vice* Major Pa-
tience, 65th Regt., about to proceed to Wel-
lington in course of his military duty.

By his Excellency's command,

ANDREW SINCLAIR,
Colonial Secretary.

Colonial Secretary's Office,
Auckland, 2nd October, 1847.

HIS Excellency the Lieutenant-Governor has been pleased to appoint
GEORGE PONSONBY HUME, Esq.,
(A Captain in H. M. 58th Regiment of Foot,) to be a Justice of the Peace for the Territory of New Zealand.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

JOURNAL OF PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

SATURDAY, 25th SEPTEMBER, 1847.

PRESENT:—

His Excellency the Lieut.-Governor, the hon. Colonial Secretary, the hon. Colonial Treasurer, the hon. Attorney General, and Mr. Brown,—absent. Mr. Domett, and Mr. Meriman.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Colonial Treasurer presented a petition from the members of the Presbyterian Church at Auckland, praying that the 'Education Bill' now before the Council might not be allowed to pass into law.

Petition withdrawn.

The Attorney General moved the order of the day for the further consideration in committee of the 'Registration Bill.'

Council in committee, and further consideration of said bill postponed until Tuesday next.

On the motion of the Colonial Treasurer council in committee on the 'Debenture Bill.'

Bill amended, and committee adjourned until Tuesday next.

The Attorney General moved the order of the day for the 2nd reading of the 'Fencing Bill.'

Bill read a second time, and notice given for the consideration in committee of the said bill on Tuesday next.

The Colonial Secretary moved the order of the day for the second reading of the 'Education Bill.'

Bill read a second time, and notice given for the consideration in committee on Tuesday next.

The Governor laid on the table the draft of a bill entitled 'An Ordinance for the Naturalization of certain Persons in the colony of New Zealand.'

Ordered to be printed.

The Attorney General gave notice that he should move the third reading of the 'Marriage Bill' on Tuesday next.

Council adjourned at half past 4, until 2 o'clock on Tuesday, the 28th inst.

TUESDAY, 28th SEPTEMBER.

Present—His Excellency and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed. The Lieut.-Governor laid on the table a letter addressed to his Excellency, from certain Merchants and others residing in Wellington, on the subject of the 'Paper Currency Bill.'

Letter ordered to lie on the table.

The Attorney General moved the order of the day for the further consideration in committee of the 'Registration Bill.'

Bill further considered, and committee adjourned until Thursday next.

The notice of motion for further consideration in committee of the 'Debenture Bill' postponed until Thursday next.

The Attorney General moved the order of the day for consideration in committee of the 'Fencing Bill.'

Bill considered and amended, and committee adjourned until Thursday next.

The Colonial Secretary moved the order of the day for consideration in committee of the 'Education Bill.'

Bill considered and amended, and committee adjourned until Thursday next.

The Attorney General moved the order of the day for the third reading of the 'Marriage Bill.'

Bill read a third time.

Mr. Brown presented the following Protest against the said bill, which was read, and ordered to be entered on the minutes.

PROTEST AGAINST THE MARRIAGE BILL.

I protest against the passing of the Marriage Bill now before the Council, upon the following grounds:—

1. Because it violates the principle of religious toleration, by giving to a few religious sects (named in the bill) the privilege of performing marriage ceremonies, which is denied to all other sects; thus creating invidious distinctions, and arrogating a right of judgment in matters of religious belief, which does not properly fall within the province of the Legislative Council, and cannot be exercised without injury to the community.

2. Because the bill takes away from certain sects, privileges which have already been conferred upon them by a former local ordinance (sess. 2, No. 11—1842), whereby marriages are permitted to be solemnised by "any minister of any Christian denomination."

3. Because marriage—so far at least as the State is concerned—is merely a civil contract—and ought not to be interfered with, beyond the requiring of proper evidence of the existence of such a contract—and the ensuring of due deliberation and public notification before marriage is entered into—requirements which never have been, nor can be objected to by any person or class of persons;—whereas the present bill, without attaining or seeking additional security or advantages in these respects, is calculated to stir up religious animosities, without any good purpose to be served thereby.

I further protest against the passing of this bill, in so far as it prohibits all persons from marrying under 21 years of age, unless with the previous consent of parents or guardians.

1. Because the liberty of marrying, without such consent, now exists in this colony without any bad effects arising therefrom, and therefore ought not to be interfered with.

2. Because such a liberty is the recognised legal right of a large portion of this community—(Scotchmen)—it is not found productive of bad consequences in their country—and ought not therefore to be denied to them here, without some evidence of a necessity or propriety for so doing.

3. Such a restraint on marriage (if useful in Eng-

land) is altogether inadapted to the circumstances of this colony—by reason of an earlier maturity here—and power of acquiring a subsistence and independence, and by the absence of that wealth which, to a certain extent, has given rise to the law in an old country, requiring the consent of parents to the marriage of their children under the age of 21 years.

4. Such restraint leads directly to immorality, by preventing young people from obtaining a legal marriage and an honorable status in society—thereby forcing them into clandestine marriage or dishonorable connections. Beside the restraint in question has a tendency to produce ill feeling in families by giving a legal right to parents to compel that obedience which ought to rest upon natural affection and moral suasion alone.

Lastly—Because the Legislation, on the subject of marriage, ought to be based upon such broad and obvious principles of justice and impartiality to all classes, so as to prevent the necessity of amending the law at intervals, as other religious sects may spring up and acquire sufficient influence and power to press their just claims upon the government.

Independent of the obvious policy of founding all the laws of this Colony upon such general principles of justice and impartiality, there is a particular necessity for doing so in the present circumstances of the colony, in the anticipation of its being separated, very soon, into distinct provinces, possessing separate Legislatures—wherein all laws not based upon such principles of general application, will be subjected to discussion and amendment: and as the present measure is liable to the objections already pointed out, it ought not to be passed, if it is deemed a matter of any moment to preserve the same laws in the two provinces.

And I have to request that this Protest may be inserted in the Minutes of Council, and a copy thereof forwarded to the Right Honorable the Secretary of State for the Colonies, for the consideration of Her Majesty's Government.

WM. BROWN,

Member of the Legislative Council.

On the question being put, the bill passed. Council adjourned at half past 4, until 2 o'clock on Thursday, 30th inst.

THURSDAY, 30th SEPTEMBER.

Present—His Excellency, and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Attorney General moved the order of the day for the further consideration in committee of the 'Registration Bill.'

Bill further amended, and report brought up, and adopted.

The Colonial Treasurer moved the order of the day for the further consideration in committee of the 'Debenture Bill.'

Bill considered, and committee adjourned until Saturday next.

The Attorney General moved the order of the day for the consideration in committee of the 'Fencing Bill.'

Report brought up and adopted.

The Colonial Secretary moved the order of the day for the further consideration in committee of the 'Education Bill.'

Bill further amended, and committee adjourned until Saturday next.

The Attorney General gave notice that he should move the first reading of the 'Fencing Bill' on Saturday next.

The Attorney General also gave notice that he should move the first reading of the 'Naturalization Bill,' on Saturday next.

Council adjourned at 4 o'clock, until 2 o'clock on Saturday, the 2nd Oct.

SATURDAY, 2nd OCTOBER.

Present—His Excellency and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Colonial Treasurer moved the order of the day for the further consideration in committee of the 'Debenture Bill.'

Bill further amended, and committee adjourned until Tuesday next.

The Colonial Secretary moved the order of the day for the further consideration in committee of the 'Education Bill.'

Bill further amended, and committee adjourned until Tuesday next.

The Attorney General moved the order of the day for the third reading of the 'Fencing Bill.'

Bill read a third time and passed.

The Attorney General also moved the order of the day for the first reading of the 'Naturalization Bill.'

Bill read a first time, and notice given for the second reading of the said Bill on Tuesday next.

The Attorney General also gave notice that he should move the third reading of the 'Registration Bill' on Tuesday next.

Council adjourned at 4, until 2 o'clock on Tuesday, 5th instant.

TUESDAY, 5th OCTOBER.

Present—His Excellency and five members, absent, Mr. Domett.

Council met pursuant to adjournment.

Minutes of last meeting read and confirmed.

The Colonial Treasurer moved the order of the day for the further consideration in committee of the 'Debenture Bill.'

On motion of the Colonial Treasurer, schedule appended to the bill, and the said bill ordered to be reprinted with the amendments.

Committee adjourned until Thursday next.

On the motion of the Colonial Secretary, council in committee on the 'Education Bill.'

Bill further amended, and report brought up and adopted, and notice given for the third reading of the said bill on Thursday next.

The Attorney General moved the order of the day for the second reading of the 'Naturalization Bill.'

Bill read a second time.

The Attorney General moved the order of the day for the third reading of the 'Registration Bill.'

Bill read a third time and passed.

The Lieut.-Governor laid on the table a bill entitled—'An Ordinance to provide for the protection of Footpaths in the colony of New Zealand.'

The Attorney General gave notice that he should move the first reading of the 'Footpath Bill,' on Thursday next.

Council adjourned at half past 3, until 2 o'clock on Thursday, 7th instant.

GODFREY J. THOMAS,
Clerk of Council.

LEGISLATIVE COUNCIL.

RETURN MOVED FOR BY MR. BROWN, ON THE 14TH OF OCTOBER, 1847.

LAI'D ON THE TABLE 14TH OCTOBER, 1847.

A Return of all Applications for Licenses to occupy Government Lands or Native Lands, since 16th November, 1846, distinguishing whether the Lands so applied for are possessed by the Natives—whether purchased by Government or by Private Individuals; also, the name of the applicant; the result of the application, (whether acceded to or refused), with the grounds of such refusal; the sums of money (if any) paid for Licenses where granted; and the use proposed to be made of the Lands so leased.

Date of Application.	Name of Applicant.	Locality of Land applied for.	Ownership of the Land.	Use proposed to be made of the Land.	Result of Application.	Fee.	Reason for Refusal.	Remarks.
1846.								
November 23	Daniel Pollen	Town Lot 16, Sec. 7	Government	For cultivation	Put up to auction	1l.		Purchased by Lieut.-Col. Wynyard
"	E. Jamieson	Okura Creek	Government purchase	For sawing timber	Granted for three months	11. 5s.		Not taken out
"	J. Hampson	Do	Do	Do	Do	11. 5s.		
"	Matthew Lawry	Auckland	N. Z. Company's reserve	For cutting firewood and burning bricks	Refused		Not at disposal of Govt.	
December 7	W. Mason	Tamaki	Native reserve	Depasturing cattle and for cultivation.	Put up to auction	10l.		Purchased by applicant
"	Ed. Waters	Papakura	Do	For depasturing cattle	Do	10l.		Do
"	W. Buckland	Do	Do	Do	Do	10l.		Not purchased
"	John Robertson	Mahurangi	Government purchase	For sawing timber	Granted	5l.		Not taken out
"	James Price	Okura Creek	Do	For splitting shingles	Do. for three months	11. 5s.		
"	D. B. Cochran	Hokianga	Government—Exchanged claim	For sawing timber	Do. for twelve months	5l.		
1847.								
January 7	George Skey	Rangitoto	Government	Fishing station	Do	5l.		Not taken out
"	W. C. Daldy	Waitemata	Do	For cutting firewood	Do	5l.		
"	Thomas Florance	Wangaroa	Government—Exchanged claim	General purposes	Do	5l.		
"	G. F. Russell	Hokianga	Do	For cutting timber	Do	5l.		
February 25	J. McGeachie	Mahurangi	Government purchase	Do	Do	5l.		
March 3	H. Figg	Takapua	Do	For depasturing cattle	Do. for three months	2l. 10s.		Put up to auction, for 12 months, 21st June, and purchased by applicant, at £10. Purchased by E. George
"	Andrew Rooney	Freeman's Bay	Government reserve	Slaughter-house	Put up to auction	3l.		
"	T. Parr and others	Near Mount Eden	Government	Residence	Granted	1s. each		
"	C. Dyer	Mahurangi	Do	For cutting timber	Do	5l.		Purchased by applicant
April 20	C. Berry	Auckland, Smale's Point	Government reserve	For burning lime	Put up to auction	11.		application was not acted on.
"	W. Smithson	Freeman's Bay	Government	For erecting a mill	As a lease could not be granted for more than one year, the application was not acted on.			In completion of agreement with the Chief Paora te Rutu for purchase of a vessel
"	Walker, Bolton and Nicholas	Coromandel	Natives	To fell 300 trees	Granted	No fee		
"	W. C. Daldy	Hellier's Creek	Do	For cutting firewood	Under consideration		Objection on part of Natives	Applied for a 2nd time, and again refused
"	W. Hart	N. side of Tamaki Road	Do	Do	Refused			
May 1	J. A. Brown	Mahurangi	Government	For sawing timber	Granted	5l.		
"	Hendersen and Macfarlane	The Wahu	Pre-emption purchase of Applicants	Do	Government will not interfere, but a	No fee	License cannot be granted	
"	E. Williams	Omopua	Natives	Do	Granted			Not purchased
"	J. C. Blackett	Cooper's Bay	Government reserve	For cultivation	Put up to auction	3l.	Disputed Claim	
"	R. Thomson	The Wahu	Pre-emption purchase of Applicant	For sawing timber	Refused		License cannot be granted	
"	J. White	Lucas Creek	Do. of S. A. Wood	For cutting firewood	Government will not interfere, but a	5l.	License cannot be granted	
"	Scullen and Edwards	Okura Creek	Government	For sawing timber	Granted			Request twice renewed, and refused each time
"	John Oakes	Lucas Creek	Pre-emption purchase of S. A. Wood	For cutting firewood	Government will not interfere, but a	5l.	License cannot be granted	
"	J. Robinson	N. side of Tamaki Road	Natives	For cutting fencing	Refused		Objection on part of Natives	
"	W. Trusted	Hokianga	Government—Exchanged claim	For depasturing cattle	Granted	5l.		
"	Stone and Langford	Lucas Creek	Pre-emption purchase of Applicants	For sawing timber	Government will not interfere		Disputed Claim	
"	Mary Faire	Paremarema	Do	Do	Refused			
"	Thomas Larkin	Okura Creek	Government	Do	Granted	5l.		
June 7	W. Lewis	Pukaki	Pre-emption purchase of Applicant	For depasturing cattle	Do	No fee		
"	Hampson and Ryan	Okura Creek	Government	For sawing timber	Do	5l.		
"	James Rillie	Do	Do	Do	Do	5l.		
"	Willson and White	Do	Pre-emption purchase of Applicants	Do	Government will not interfere			
"	C. Cowley	Paremarema	Do. of T. F. McGauran	Do	Refused		Notice of 15th Dec., 1846	
July 7	W. Hart	Muddy Creek, Manukau	Natives	Do	Government will not interfere so long as applicant is not complained of by the Natives			
"	W. Trice	Mangamangaroa	Do	Do	Under consideration			
"	R. Daere	Tamaki	Pre-emption purchase of Applicant	General uses	Refused		Govt. have no power to comply	
"	Joseph Hill	Do	Do	Cutting timber	Government will not interfere			
"	Thomas Canty	Do	Do	Do	Granted	5l.		Not taken out.
"	Isaac Merrick	Do	Do. of R. Thomson	Do	Do	5l.		
"	Day and Buckley	Waiheke	Natives	For sawing timber	Under consideration			
"	James Jackson	Manukau	Do	Do	Under consideration			
"	C. Fulton	Do	Pre-emption purchase of Applicant	Do	Government will not interfere			
"	J. J. Merrett	Do	Do	Do	Granted	No fee		
August 10	M. Whytlaw	Wangarei	Natives	For a residence	Refused		Until regulations are issued for leasing Native Lands	
"	James Boyd	Between Waitemata and Kaipara	Do	For depasturing cattle	Land shall be purchased by Government, if possible			
"	H. Scullen	Okura Creek	Government	For cutting timber	Granted	5l.		
October 7	C. McCready	Do	Do	Do	Under consideration			
"	Molony and Condon	Titirangi	Do	Do	Under consideration			

ANDREW SINCLAIR,

COLONIAL SECRETARY.

Colonial Secretary's Office,

Auckland, 14th October, 1847.

Auckland:—Printed by JOHN WILLIAMSON, for the New Zealand Government.