



NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF WELLINGTON.)

Published by Authority.

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

WILLIAM FITZHERBERT, *Provincial Secretary.*

VOL. IV.]

WEDNESDAY, MAY 20, 1857.

No. 9.

Provincial Secretary's Office,
Wellington, 14th May, 1857.

HIS HONOR the Superintendent has directed the publication of the following letter with its enclosures for general information.

WILLIAM FITZHERBERT,
Provincial Secretary.

Chief Land Commissioner's Office,
Wellington, 12th May, 1857.

SIR,—I have the honor to call your attention to a "Notice to Applicants for Runs" on lands in which the Native Title had not yet been extinguished, published in the *Provincial Gazette* of the 20th February last, and by which I required all parties "who had made or might thereafter make" Applications for Runs on such lands to pay a Deposit, as in the case of Runs on purchased lands.

The circumstances under which the above Notice was issued were these:

I found on taking charge of this Department, that during the earlier part of Mr. Bell's tenure of the office of Land Commissioner, he had received

and registered applications for Runs on Lands not purchased from the Natives, without payment of a Deposit; but that subsequently he had declined altogether to register such applications either with or without deposit. In the Hawke's Bay District it appeared that Mr. Domett had always registered such applications, and as I believed without payment of Deposits. I have since learned however that after the issue of the Pasture Regulations of 1855, he, in some instances at least, required a Deposit, and as appears from a written statement made by Mr. Collins of which I enclose a copy, he admitted applications accompanied by Deposits, for the same Runs for which he had before received applications without Deposits; and this he did without giving any notice, public or otherwise, to the parties making the earlier applications.

My intention in issuing the Notice above referred to was, to treat all applications made without deposit as null and void; not being aware that Mr. Domett had taken Deposits in some cases, nor that he had given such pledges in others

as it appears from Mr. Collins' statement he has done.

Under these circumstances I think that the strict enforcement of the Notice given by me would be attended with much injustice to parties situated as Mr. Collins is, who, having acted on the faith of statements made to them by the late Commissioner at Hawke's Bay, would now in consequence of his subsequent receipt of Deposits from later applicants for the same Runs, and the terms of my Notice issued in ignorance of the course pursued by him, find themselves postponed in favour of the later applicants.

The only course by which the injustice referred to can be obviated will be to withdraw the Notice already given by me, and issue one in the enclosed form, which, if your Honor approves of the course suggested, may be inserted in the next *Gazette*.

Your Honor will observe that I have limited the terms of the present Notice to the Hawke's Bay District; the few applications registered by Mr. Bell being all on the West Coast, and being unaccompanied by Deposit—nearly all of them without boundaries—and no occupation under them having taken place—no inconvenience or injustice will arise from my previous Notice, which in cases not complicated like those in the Hawke's Bay District, is, I think, still applicable and expedient.

I have the honor to be,

1 Sir,

Your very obedient Servant,

WILLIAM FOX,

Chief Land Commissioner.

His Honor the Superintendent
of the Province of Wellington.

STATEMENT FOR THE CONSIDERATION OF THE COMMISSIONER OF CROWN LANDS.

That in July 1854, I applied for a Run in the Porangahau Block.

That my application was received by the Commissioner of Crown Lands at Ahuriri, and acknowledged by him to be the first application for the Run in question.

That I was promised the Run by him on its purchase from the Natives.

That in 1855, a notice was published in the *Gazette*, which made it imperative on all first applicants for Runs to pay deposits on the same, before they could be received by the Commissioner.

That in the latter part of 1855, I called

at the office of the Commissioner of Crown Lands at Ahuriri, and was by him informed that the Notice above mentioned, referred to all *future* applications, not to applications such as mine, which had been made before the said notice was published.

That my claim was again allowed by the Commissioner to be the first to the Run in question, and that I was again promised the Run on its purchase from the Natives.

That the established practice at Ahuriri has been that the first applicant for a Run should have the prior claim to it, and that this practice has been acted upon in almost every case in which a Run has been granted in the Ahuriri District.

That in 1856, (two years after the date of my application) applications were received at the Commissioner's Office at Ahuriri for the same Run, and deposits were made on the same.

That the Commissioner (Mr. Domett) himself filled up the forms of application for the said applicants, (as can be now seen at the Land Office at Ahuriri,) and further, that the Commissioner transferred my name on the map, (it is usual at the Ahuriri Land Office to write the name of the prior applicant for a run on that portion of the map of the country for which he has applied) to another portion of the Block, for which I was not an applicant, and for which there was also a prior application.

That on the 17th of April 1857, another notice was published in the *Gazette*, stating, that no applications whether already made, or hereafter to be made, will be treated as conferring a priority *unless deposits*, at the rate prescribed by the Regulations of February 1855, be paid upon the same.

That as soon as possible, after this notice came to my knowledge, I tendered my deposit, through an Agent, to the Commissioner at Ahuriri.

That my agent was then informed by the Commissioner (Mr. Tiffen) that the applicants of 1856, (who had been obliged by the Regulations of 1855, to pay deposits before their applications could be received) had, through having paid these deposits, become prior applicants to myself who had applied two years before them and whose prior right to the run had been acknowledged on two different occasions by the Commissioner of Crown Lands. Or in short that the notice of 1857, as read by the Commissioner at Ahuriri, took from me the

right I had hitherto been assured to be mine, and that without giving me the option of making good that right by complying with the new regulations which I was quite prepared to do.

Believing that the Government would not willingly commit so gross an act of injustice, and believing also that by complying with the notice of February, 1857. I have justly made good my right of priority to the run I have applied for and which I have now been two years in occupation of, I beg to refer the case for your consideration.

(Signed), R. COLLINS.

NOTICE TO APPLICANTS FOR RUNS ON LANDS NOT YET PUR- CHASED FROM THE NATIVES.

WHEREAS A Notice to such Applicants as above was issued by me in the Provincial Government Gazette published on the 20th February, 1857. stating that "no such applications already made or thereafter to be made would be treated as conferring any priority when the lands in question should be purchased unless deposits be paid upon the same." AND WHEREAS, the late Commissioner in the Hawke's Bay District at one period received such Applications without Deposit but subsequently required Deposits under circumstances which would operate unfairly towards parties who had not Notice of the alteration of the practice, if the terms of the Notice issued by me as aforesaid should be strictly insisted upon, I hereby revoke the said Notice so far as relates to Applications made in the Hawke's Bay District during such time as Mr. Domett held the Office of Land Commissioner. And I hereby give Notice that parties who may have registered such Applications as above with the late Land Commissioner at Hawke's Bay without payment of Deposit shall be allowed three Months from the date hereof to pay deposits on their Applications so registered and shall on payment thereof be entitled to such priority as they would have had if deposits had been paid at the time when the Application was originally made, and after the expiration of the said three months all Applications shall be considered as null and void unless Deposits shall have been paid thereon.

WILLIAM FOX,
Chief Land Commissioner.

CHIEF LAND COMMISSIONER'S OFFICE.

At a Court held at the Survey office, Napier, on the 27th March, 1857, the following cases were decided.

1. Disputed boundaries between Messrs. Duncan, Fannin, and Worgan.
2. Do. Messrs. Grant and Tully.
3. Do. Messrs. Guthrie and Valentine Smith.
4. Do. Messrs. Rhodes, G. Moore, and St. Hill, and licences directed to issue accordingly.
5. Mr. J. W. Snodgrass was fined £20 for illegally occupying a run awarded to Mr. Tully, and obstructing the latter in his attempt to take possession of the same.
6. Mr. Hallett was fined £10 for illegally occupying a run awarded to Messrs. Rhodes and refusing to quit the same when requested.

WILLIAM FOX,
Chief Land Commissioner,
Wellington.

CHIEF LAND COMMISSIONER'S OFFICE, WELLINGTON.

In the matter of James John Taine, a Licensed Occupier of a Pastoral Run in the East Coast District.

BEFORE THE CHIEF LAND COMMISSIONER,
AT WELLINGTON, MAY 4TH, 1857.

A LICENSE was issued to Mr. Taine by the late Land Commissioner, Mr. Bell, dated 1st April, 1856. Mr. Burton was next applicant for the same Run, and now alleges that Mr. Taine has not fulfilled the condition imposed by the 7th section of the 11th Regulation, by placing on the Run the stock required; and that he has further transgressed the 13th Regulation, by transferring his interest in the Run to Mr. Hume, without having stocked it as aforesaid.

The Regulations referred to are as follows:—

"7th.—Within twelve months after the issue of a License, the holder thereof shall be required to place on the Run at least one breeding ewe for every twenty acres, or else one cow or more for every 120 acres, and he shall be required to keep at least that number of breeding stock upon the Run during the whole period of his occupancy."

"XIII.—The beneficial interest in any Occupation License may at any time be transferred by the holder. In order to render such transfer valid, it shall be necessary,—1st., That the conditions upon which the original License was

granted shall have been complied with as to payment of rent and otherwise. 2nd. That notification shall be given to the Commissioner within one month of the transfer having been effected."

I have examined Mr. Taine and Mr. Hume, (his alleged transferee,) and from their statements have arrived at the following facts:—

Mr. Taine did not, during the year following the issue of his license, nor at any other time, place on the run any sheep whatever belonging to himself. Mr. Hume placed upon it, within the requisite period, the number of ewes required. Mr. Taine had no interest in these sheep, except that he had previously advanced Mr. Hume £100, for which it was understood between them he was to have a security over the sheep, but no written security was taken by him. The terms on which Mr. Hume occupied the run were that he was to pay to the Government the annual rent accruing in respect of the Run, to pay a certain quantity of lambs and wool to Mr. Taine, *as rent to him for the use of the Run*, and to give up the Run to Mr. Taine when required, there being a sort of understanding that he would not be disturbed for seven years.

The object of the Regulations requiring "the holder" of a License to stock the Run within twelve months, and prohibiting a transfer till that condition is complied with, is to prevent trafficking in Runs, as a marketable commodity, and mere matter of speculation, by parties who having got a License issued to them without the intention of stocking the Run granted, may exact from others higher terms than those demanded by the Government, deriving a profit from the transaction.

The arrangement between Mr. Taine and Mr. Hume appears to me precisely of the character which those Regulations were intended to prevent.

I cannot allow that Mr. Taine has stocked the Run in question as the Regulation requires, and in conformity with the 7th section of Regulation XI, I declare his License to be forfeited.

Under these circumstances it is unnecessary to decide whether there was an actual transfer of Mr. Taine's interest in the Run to Mr. Hume, but if there were, it was clearly void for want of the notification to the Commissioner required by Regulation XIII.

WILLIAM FOX,
Chief Land Commissioner.

Chief Land Commissioner's
Office, Wellington,
12th May, 1857.

FORFEITURE OF PASTORAL LICENSE.

WHEREAS in pursuance of the "Regulations for the licensed occupation of the "Public Pasture Lands of the Province of Wellington," a License dated the 1st. April, 1856, was issued by FRANCIS DILLON BELL, Esq., late Land Commissioner at Wellington, to James John Taine, entitling him to depasture stock upon a certain Run, estimated to contain 14,000 acres, the boundaries of which are as follows:—

SOUTH—The Northern Boundary of Mr. Meredith's Run, from Waihora to Kahurangi rivers—thence down the Kahurangi to the confluence of the Biscuit Creek. **WEST**—The Biscuit Creek, and a line from that Creek to Poronui on the Mangapakeha river.

NORTH—A line from Poronui running South-Easterly to the head of a Creek falling into the Mangapokia river, thence down that river into the Warehama river.

EAST—the Warehama river.

AND WHEREAS, the said James John Taine, did not, as the holder of such license as aforesaid, within 12 months after the issue thereof, place on the said Run one breeding ewe for every 20 acres or one cow or more for every 120 acres, as required by the Land Regulations under which the said license was issued, whereby the said license so issued to him as aforesaid hath ceased and determined.

Now I, WILLIAM FOX, Chief Land Commissioner for the Province of Wellington, do hereby notify, that the said license so issued to the said James John Taine hath been, and is forfeited by reason of his non-compliance with the said Regulations. AND I do hereby give notice that I will on Monday the 22nd June next, at noon, at my office in Wellington, let the said Run to the highest bidder for a term of 14 years, subject to the conditions of the Regulations aforesaid.

WILLIAM FOX,

Chief Land Commissioner.

Chief Land Commissioner's

Office, Wellington,

13th May, 1857.

PROCLAMATION.

By His Honor ISAAC EARL FEATHERSTON, Esq., Superintendent of the Province of Wellington, in the Islands of New Zealand.

I, ISAAC EARL FEATHERSTON, Superintendent of the Province of Wellington aforesaid, do hereby Proclaim and Notify that the lands described in the annexed Schedule will be open for public

selection under the Regulations of the tenth day of March, one thousand eight hundred and fifty-three, and the Additional Land Regulations, at the Land Offices at Wellington and Napier, on and after the twenty-second day of June next.

Given under my hand, and issued under the Public Seal of the Province of Wellington, this thirteenth day of May, One thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE ABOVE REFERRED TO.
No. 1.

THE MARAKAKAHO BLOCK;
Estimated to contain 30,000 Acres,

Commencing at the mouth of the Marakakaho River and running up stream, on the boundary of the land sold last year (the Aorangi block) to Makarama, te Aroha, te Waikoukou, whence it runs on shore on the old boundary to Kekakeka, te Puna, Rakauwharoa Farikaranga, thence it falls into Mangauonuku and runs down stream to te Waiohora, thence it follows the boundaries of the land first sold (Te Hapaku's block, boundaries of December, 1851) as far as to Ahitara o te Houkura, and still follows the said old boundary to te Ruakaka, turns then and runs to te Ahipakura, thence to te Pou a whakaaria, thence to Waitangitanga, thence to Waka, thence to te Kaitaha, thence to Waikoreke, thence to Tiritirimatanga, down which it runs into Ongaru, and then follows the stream to Pokotaringa, running parallel to the Ngaruroro which the boundary crosses running up a gully from the swamp and thence it runs down to te Urua o Makai where it falls into the Ngaruroro and runs up the stream till it joins the starting point at the Marakakaho.

No. 2.

THE MATA BLOCK;

Estimated to contain 16,000 Acres.

Commencing at te Ngakau o Hape, running thence to Taumata o te Mibiroe, thence to Rou Pungarehu, thence to Hikahika, thence to Waikaka, thence to te Wai o Hinerakei, thence to Taumata o Puku, when it turns and runs along the ridge to Papahuakina, thence to Tauroa, thence to te Motu o Hinerangi thence to the Taurua, thence to Kaiwaka and down the Takituki to te Ahi Koura, thence across the plain by a trench cut by Mr. F. FitzGerald, Waipuna, and through the middle of the swamp to Karituhenua.

The boundary of the Reserve called

"Karannua's land," begins at Karituhenua and runs in a straight line to te Hau, thence it runs along the ridge to te Kahurangi, where it turns and runs to the Mokopeke, thence to Ngakau o Hape.

Provincial Secretary's Office,
Wellington, March 16th, 1857.

HIS HONOR the Superintendent has been pleased to appoint
J. G. HOLDSWORTH, Esq.,
to be Registrar of Immigration for the Province of Wellington. The appointment to date from the 17th Inst.

By His Honor's Command,

WILLIAM FITZHERBERT,
Provincial Secretary.

Provincial Secretary's Office,
Wellington, May 13, 1857.

HIS HONOR the Superintendent has been pleased to appoint
JOHN CURLING, Esq., J. P.,
to be Acting Resident Magistrate for the Hawke's Bay District.

By His Honor's Command,

WILLIAM FITZHERBERT,
Provincial Secretary.

Provincial Secretary's Office,
Wellington, May 15th, 1857.

HIS HONOR the Superintendent has been pleased to appoint
MR. JOHN MCKINNON,
to be Pilot and Ferryman at Port Napier.

By His Honor's Command

WILLIAM FITZHERBERT,
Provincial Secretary.

Provincial Secretary's Office,
Wellington, May 15th, 1857.

HIS HONOR the Superintendent has been pleased to appoint
JOHN CURLING, Esq., J. P. AND
J. C. LAMBERTON CARTER, Esq., J. P.
to be visiting Justices of the Gaol at Napier.

By His Honor's Command

WILLIAM FITZHERBERT,
Provincial Secretary.

TO BOAT BUILDERS AND OTHERS:

Provincial Secretary's Office,
Wellington, 16th May, 1857.

TENDERS will be received at this Office until TUESDAY, 20th instant, at Noon, for the repair of the Police Boat.

All particulars may be obtained on application to Sergeant Major Styles, at the Police Office, Wellington.

WILLIAM FITZHERBERT,
Provincial Secretary.

NOTICE.

Election of One Member of the Provincial Council of Wellington.

PROVINCE OF
WELLINGTON }
TO WIT. }

WHEREAS, a Writ under the hand of His Honor ISAAC EARL FEATHERSTON, Esquire, Superintendent of the Province of Wellington—and under the Public Seal of the Province—bearing date the Fourteenth day of May, One thousand eight hundred and fifty-seven, hath been directed to me, HENRY ST. HILL, Esquire, Returning Officer for the “City of Wellington,” requiring and commanding me to cause to be elected by and from amongst the Voters duly qualified for that purpose, freely and indifferently, and in manner and form by Law prescribed, *One Person* to serve as a Member for the “City of Wellington,” in the Provincial Council of the Province of Wellington, in the place of William Lyon, late a Member for the “City of Wellington,” aforesaid, who has undertaken a Contract on account of the Public Service of the Province aforesaid. NOW THEREFORE I, the said HENRY ST. HILL, Returning Officer for the “City of Wellington,” aforesaid, do hereby, in pursuance of the said Writ, give Notice, that a Public Meeting of the Electors of the “City of Wellington,” will be holden at the Resident Magistrate’s Court at Wellington, on Wednesday, the Third (3rd) day of June next, *at noon* for the purpose of nominating *One Person* to serve as a Member for the “City of Wellington” in the said Council, in the place of the said William Lyon; and in the event of a Poll being demanded for the Candidates, or any of them, such Polling shall take place at the Resident Magistrate’s Court, at Wellington, aforesaid, on Thursday the Fourth day of June next; the voting to commence at any time after nine o’clock in the forenoon of the said day, and to close at four o’clock in the afternoon of the said day.

Dated at the Resident Magistrate’s Court, at Wellington, this Eighteenth day of May, One thousand eight hundred and fifty-seven.

HENRY ST. HILL,
Returning Officer.

NOTICE.

Election of one Member of the Provincial Council of Wellington.

PROVINCE OF
WELLINGTON }
TO WIT. }

WHEREAS A WRIT under the hand of his Honor ISAAC EARL FEATHERSTON, ESQUIRE, Superintendent of the Province of Wellington—and under the Public Seal of the Province—bearing date the fourteenth day of May, One thousand eight hundred and fifty seven, hath been directed to me, HENRY ST. HILL, ESQUIRE, Returning Officer for the “City of Wellington” requiring and commanding me to cause to be elected by and from amongst the Voters duly qualified for that purpose, freely and indifferently, and in manner and form by Law prescribed *one person* to serve as a Member for the “City of Wellington,” in the Provincial Council of the Province of Wellington, in the place of Joseph Godfrey Holdsworth, late a Member for the City of Wellington aforesaid, who has accepted an office of enrolment under the Superintendent of the said Province. NOW THEREFORE, I, the said HENRY ST. HILL, Returning Officer for the “City of Wellington” aforesaid, do hereby, in pursuance of the said Writ, give Notice, that a Public Meeting of the Electors of the “City of Wellington” will be holden at the Resident Magistrate’s Court at Wellington, on Wednesday the third (3rd) day of June next *at noon*, for the purpose of nominating *one person* to serve as a Member for the “City of Wellington,” in the said Council, in the place of the said Joseph Godfrey Holdsworth; and in the event of a Poll being demanded for the Candidates, or any of them, such Polling shall take place at the Resident Magistrate’s Court at Wellington, aforesaid, on Thursday the Fourth day of June next; the voting to commence at any time after nine o’clock in the forenoon of the said day, and to close at four o’clock in the afternoon of the said day.

Dated at the Resident Magistrate’s Court, Wellington, this Eighteenth day of May, One thousand eight hundred and fifty-seven.

HENRY ST. HILL,
Returning Officer.

RETURN of Immigration and Emigration at the Port of Ahuriri, Hawke's Bay,
for the Quarter ended on the 31st March, 1857.

PLACES.	IMMIGRATION.				EMIGRATION.			
	Adults.		Children.	Totals.	Adults.		Children.	Totals.
	Males.	Females.			Males.	Females.		
Great Britain,	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	
New South Wales								
Victoria								
Other Ports								
Auckland	4	1	2	7	2	0	0	2
Wellington	13	12	16	41	11	4	4	19
Totals	17	13	18	48	13	4	4	21

WILLIAM SEED,
Sub Collector.

Custom House, Ahuriri,
1st April, 1857.

RETURN of Arrivals and Departures of Shipping at the Port of Ahuriri, Hawkes'
Bay, for the Quarter ended on the 31st March, 1857.

ARRIVALS FROM	Ships.	Tons.	DEPARTURES TO	Ships.	Tons.
Ports out of the Colony	Nil.	Nil.	Ports out of the Colony ...	Nil.	Nil.
Coastwise	0	0	Coastwise	0	0
Auckland	5	240	Auckland	6	230
Wellington	6	313	Wellington	7	346
Total	11	553	Total	13	576

WILLIAM SEED,
Sub Collector.

Custom House, Ahuriri,
1st April, 1857.

RETURN of Exports Coastwise of New Zealand Produce from the Port of Ahuriri,
Hawke's Bay, for the Quarter ended on the 31st March, 1857.

ARTICLES.	QUANTITY.	APPROXIMATE VALUE.		
		£	s.	d.
Maize	350 bushels	87	10	0
Sheep	190 in number.	190	0	0
Wool	136,550 lbs.	7965	8	4
Wheat	210 bushels.	63	0	0
	Total	£8,305	18	4

WILLIAM SEED,

Sub Collector.

Custom House, Ahuriri,
1st April, 1857.

