



NEW ZEALAND
GOVERNMENT GAZETTE.
PROVINCE OF NEW ULSTER.
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.
By His Excellency's Command,
ANDREW SINCLAIR, Colonial Secretary.

VOL. V. AUCKLAND, FRIDAY, FEB. 27, 1852. No. 6.

Colonial Secretary's Office,
Auckland, 25th February, 1852.

IN compliance with instructions from His Excellency the GOVERNOR-IN-CHIEF, the following copies of a Despatch and Order of the Queen in Council are published for general information.

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

(Copy.) (No. 65.)
Downing-street, 30th July, 1851.

SIR,—With reference to previous correspondence on the same subject, I transmit to you for your information and guidance an Order of the Queen in Council, bearing date the 25th ultimo, directing that the judgment of the Supreme Court of New Zealand in the case of *The Queen versus George Clarke* be reversed, and that judgment on the *scire facias* be entered for Her Majesty's Crown.

As, notwithstanding the non-appearance of the respondent, the case was heard and decided on the merits by the Committee, this may be taken as a decision on the point at issue.

I have, &c.,
(Signed) GREY.
Governor Sir George Grey,
&c. &c. &c.

At the Court at Buckingham Palace, the 25th day of June, 1851,

Present:

The QUEEN'S Most Excellent Majesty,
His Royal Highness Prince Albert,
Lord President, Earl Grey,
Lord Privy Seal, Viscount Palmerston,
Duke of Norfolk, Lord Broughton,
Lord Steward, Mr. Labouchere,
Lord Chamberlain, Sir George Grey, Bart.
Marquis of Abercorn, Sir Francis Baring, Bart.
Marquis of Clanricarde,

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council, dated the 15th of May, 1851, in the words following, viz. :—

"Your MAJESTY having been pleased by your General Order in Council of the 1st November, 1848, to refer unto this Committee the humble Petition and Appeal of William Swainson, Esquire, Her Majesty's Attorney-General for the Colony of New Zealand, setting forth, that, under and by virtue of a warrant under the hand of George Grey, Esq., Governor and Commander-in-Chief of the Islands of New Zealand, and issued under the Public Seal of the said Islands, at Government House at Auckland, in the Province of New Ulster, on the twenty-ninth day of December, in the year of Our Lord 1847, directed to the Appellant as Attorney-General for the Colony of New Zealand, the Appellant did, on the seventh day of January, in the year of Our Lord, 1848, direct that a writ of *scire facias* should be sued out of the Supreme Court at Auckland aforesaid, in the name of the Crown, to shew cause why certain Deeds of Crown Grant, bearing date the sixteenth day of May, 1844, and purporting to have been issued pursuant to the provisions of

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the Land Claims Ordinance, whereby certain portions or parcels of land in the said deeds of grant particularly described were conveyed to George Clarke the respondent hereto, his heirs and assigns, should not be declared void or annulled: the said writ of *scire facias* was sued out accordingly, bearing teste the thirteenth day of January, 1848, and directed to the Sheriff of the Northern Division of the said Colony of New Zealand, whereby, after reciting that by certain deeds of grant, bearing date the eighteenth* day of May, 1844, and signed by Robert Fitz Roy, Esquire, then Governor of the said Colony of New Zealand, and sealed with the Public Seal of the said Colony, were granted certain portions or parcels of land in the said deeds more particularly described, amounting in the whole to five thousand five hundred acres, unto the said George Clarke (therein described as George Clarke of Waimate), his heirs and assigns; and also reciting that Her Majesty had been given to understand that the said grants so made to the said George Clarke were issued unlawfully and contrary to the provisions of a certain Ordinance, Session one, number two, and that the same ought to be declared void and annulled: the said Sheriff was by the said writ commanded that by good and lawful men of his bailiwick he should make known to the said George Clarke that he should be before the said Supreme Court, at the place and time therein mentioned, to show if he had or knew anything to say for himself why the said deeds of grant so made to him ought not to be declared void and be annulled, &c. On the twenty-first day of February, 1848, the Appellant declared in *scire facias* against the said George Clarke alleging that the said grant of the sixteenth of May, 1844, purported to convey to the said George Clarke, his heirs and assigns, all that allotment or parcel of land said to contain four thousand acres, more or less, situate between Waimate and Hokianga, and the boundaries whereof were more particularly set forth in the said grant: that the four thousand acres comprised in and purported to be granted by the said grant were claimed by the defendant the said George Clarke, as having been purchased by him from certain of the natives of that country before the proclamation of the Queen's sovereignty over the said islands: that the said claim of the defendant the said George Clarke was duly referred for investigation, pursuant to the provisions of the Land Claims Ordinance, Session one, number two, to two Commissioners, Edward Lee Godfrey and Matthew Richmond, who duly heard and examined the same, and on the thirtieth day of May, one thousand eight hundred and forty-three, reported upon the same for the information and guidance of the Officer for the time being administering the Government of the Colony: that the said Commissioners were not authorized by the Governor in Council to recommend a grant of land to the said defendant exceeding two thousand five hundred and sixty acres: that the said Commissioners, by a Report dated 30th day of May, 1843, under their hands, recommended that a portion only of the land claimed, namely, two thousand five hundred and sixty acres, should be granted to the defendant: that the said Report was confirmed by the Officer administering the Government, for whose information and guidance the said Report was made, and that the confirmation of the said Report was published in the *New Zealand Government Gazette* of the 21st day of June, 1843: that subsequently, namely, on the

16th day of May, 1844, the grant thereinbefore mentioned was made by Robert Fitz Roy, Esquire, the then Governor of the said Colony of New Zealand, to the defendant the said George Clarke: and the Appellant thereby further said that the said grant of the 16th May, 1844, ought to be declared void, annulled and set aside, for the reasons following (that is to say), First, because the said grant was made contrary to the said Commissioners' Report so made and confirmed as aforesaid; Secondly, because no greater quantity than two thousand five hundred and sixty acres of land could or can be granted to any claimant under the provisions of the said Land Claims Ordinance, except upon the recommendation of the Commissioners who heard and examined the claim in manner prescribed by the said Ordinance, being specially authorized thereto by the Governor, with the advice of the Executive Council. On the 4th day of March, 1848, the said defendant George Clarke appeared to the said declaration, and pleaded thereto, That subsequently to the said reference to and report of the said Commissioners Edward Lee Godfrey and Matthew Richmond, and on or about the 1st day of May, 1844, the said Robert Fitz Roy, Esquire, the then Governor of New Zealand, referred the said claim of the said defendant to Robert Appleyard Fitzgerald, a Commissioner duly appointed under an Ordinance, Session three, number three, intituled Land Claims Amendment Ordinance, who, on or about the second day of the said month of May, sent in to the said Robert Fitz Roy, Esquire, a Report in writing, whereby the said Robert Appleyard Fitzgerald recommended that the said defendant should be allowed Crown Grants for five thousand five hundred acres, less exceptions. And the said defendant further said that the said four thousand acres comprised in the said deed of grant were part of the five thousand five hundred acres in the said Report mentioned, and that the said deed of grant was made and issued in pursuance of the said Report of the said last named Commissioner. The Appellant thereupon filed a demurrer to the said plea, and thereby said that the said plea was insufficient in law, for the reasons following (that is to say), First, that the said Commissioner Robert Appleyard Fitzgerald was not nor was any single Commissioner authorized by the provisions of the said Land Claims Amendment Ordinance, Session three, number three, to re-hear claims or to reverse Reports already duly heard, investigated, and reported upon by two Commissioners pursuant to the provisions of the Land Claims Ordinance, Session one, number two, which he had not heard and examined in manner prescribed by the said Ordinance; Secondly, that the single Commissioner Robert Appleyard Fitzgerald was not nor was any single Commissioner authorized to report upon claims to land under the said Land Claims Ordinance, Session one, number two, which he had not heard and examined in manner prescribed by the said Ordinance; Thirdly, that it was not alleged in the said plea that the said Commissioner Robert Appleyard Fitzgerald was specially authorized by the Governor in Council to recommend a greater quantity than two thousand five hundred and sixty acres of land to be granted to the said defendant. It was admitted between the parties in the said suit that the said Report and recommendation of the said Commissioner Robert Appleyard Fitzgerald were not preceded by or made in pursuance of any special authority given for that purpose by the Governor with the advice of the Executive Council, as required by the

* Sic. in original.—(Signed) A. DOMETT.

Land Claims Ordinance, and it was agreed that the said admission should have the same effect in all respects as if it had been made in the body of the pleadings. The said Supreme Court, on the hearing of the said demurrer, gave judgment for the said defendant George Clarke, on the ground that no sufficient legal ground had been disclosed for avoiding the said deed of grant of the 16th May, 1844. Whereupon your Petitioner, feeling himself aggrieved by the said judgment, applied to your Majesty in Council, for leave to appeal direct therefrom to your Majesty in Council, and your Majesty was graciously pleased, by your Order in Council of the eighteenth day of July, 1849, to grant such leave. The Appellant therefore humbly prays your Majesty in Council to take the said appeal into consideration, and that a day may be appointed for hearing the same, with summons as usual for the said George Clarke to appear thereon; and that the said judgment may be reversed, varied, or altered, and such order made thereon as to your Majesty may seem meet and the justice of the case may require. The Lords of the Committee, in obedience to your Majesty's said order of reference, have taken the said Petition and Appeal into consideration, and have heard your Majesty's Attorney-General on behalf of the said Appellant, no appearance having been entered on behalf of George Clarke, the respondent, and their Lordships do this day agree humbly to report to your Majesty as their opinion that the said sentence of the Supreme Court of New Zealand ought to be reversed, and that judgment on the *scire facias* ought to be entered for your Majesty's Crown."

Her Majesty having taken the said Report into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof, and to order as it is hereby ordered that the said sentence of the Supreme Court of New Zealand be and the same is hereby reversed, and that judgment on the *scire facias* be entered for Her Majesty's Crown. Whereof the Governor, Lieutenant-Governor, or Commander-in-Chief of the island* of New Zealand for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) WM. L. BATHURST.

I certify that the foregoing is a true Copy of the original Order of the Queen in Council.

(Signed) ALFRED DOMETT,
Civil Secretary.

* Sic. in original.—(Signed) A. DOMETT.

Colonial Secretary's Office,
Auckland, 26th Feb. 1852.

HIS Excellency the LIEUTENANT-GOVERNOR has been pleased to appoint

READER WOOD, Esq.,

to be Deputy Surveyor-General for the Province of New Ulster; the appointment to date from the 1st proximo.

By His Excellency's command,

ANDREW SINCLAIR,
Colonial Secretary.

NOTICE.

NOTICE is hereby given that the Annual Licensing Meeting of the Justices of the Peace, for the Town and District of Howick, will be holden at the Resident Magistrate's Court, at Howick, on TUESDAY, the twentieth day of April, 1852, at twelve o'clock, noon, for the purpose of taking into consideration applications for Licenses to sell Spirituous Liquors, Wine, Ale, or Beer.

JAMES WHITE,

Clerk to the Magistrates.

Resident Magistrate's Court,
Howick, 20th February, 1852.

IMPOUNDED in the Public Pound, Hobson's Bridge, Newmarket, a strawberry poley Cow, branded C off rump, P 1 near rump, W back of shoulder, near side, and having both ears slit, also, the appearance of a brand on off shoulder; a strawberry or red and white spotted Heifer, about 3 years old, with appearance of brands on the ribs both sides, but none legible.

If not claimed, will be sold at the Pound, at noon, on the 23rd of March, 1852.

D. G. SMALE,
Pound-keeper.

Commissioner of Crown Lands' Office,
Auckland, 24th Feb., 1852.

IN accordance with the 30th clause of the Crown Lands Ordinance (No. 1 Sess. 10), I publish the following regulations of the Wardens of the Hundred of Onehunga.

W. GISBORNE,
Commissioner of Crown Lands.

HUNDRED OF ONEHUNGA.

At a Meeting of the Wardens of the Hundred of Onehunga, on the 13th February, 1852; present:—Mr. JAMES FARMER, Mr. CHARLES MOORE, Mr. JAMES C. HILL:—

Resolved—The former Bye-Laws and Regulations for the Hundred do remain and continue in force until further notice, and that all Licensed Stockholders do forthwith make their returns to the next Warden to them.

Resolved—That all persons desirous to depasture Stock on the Hundred of Onehunga, are requested to apply for and to obtain Licenses soon as possibly convenient, otherwise instructions will issue to the Ranger for forthwith Impounding the same as unauthorized Stock.

Resolved—That Mr. JAMES C. HILL do act as Treasurer to the Hundred for the current year, and he is hereby authorized to receive all moneys for Licenses or fees on Stock due to the Hundred, and to account for and pay the same to a majority of the Wardens order.

JAMES C. HILL,
JAMES FARMER,
CHARLES MOORE

Commissioner of Crown Lands' Office,
Auckland, 25th February, 1852.

IN conformity with the 36th clause of the Crown Lands Ordinance, the following Account of the undermentioned Hundred is published for general information.

W. GISBORNE, Commissioner of Crown Lands.

THE WARDENS FOR THE YEAR 1851 IN ACCOUNT WITH THE HUNDRED OF PANMURE.

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1851.	To Amount of License Fees received from Commissioner of Crown Lands.....	£	s. d.	1851. September. December.	By Cash paid for Stationery.. " paid to Mr. William Williams for Superintending the Hundred, there being no Ranger appointed	£	s. d.
		40	8 6		Balance....	0 3 6	
		£	40 8 6			12 0 0	
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						£	40 8 6

C. DURBRIDGE,
Sec. to Board of Wardens.

Colonial Secretary's Office,
Auckland, 26th February, 1852.

IN compliance with instructions from His Excellency the LIEUTENANT-GOVERNOR, the following Returns are published for general information.

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

A RETURN of all VESSELS entered OUTWARDS at the Port of AUCKLAND, during the month of January, 1852.

Date of Entry.	Vessel.	No. of Tons.	Master.	No. of Men.	Destination.	Cargo.
1852.						
January 2	New Zealander,	14	Mataku,	2	Tauranga,	Sundries.
3	Dove,	20	Wilcox,	2	Bay of Plenty,	Sundries.
7	Mary,	25	Huntley,	2	Waiheke,	Sundries.
7	Kororareka,	17	Reed,	2	Russell,	Sundries.
7	Mary Taylor,	14	Benson,	2	Ngunguru,	Sundries.
7	Star,	17	Hay,	3	Wangarei,	Ballast.
8	Ilio-Mama,	68	Macfarlane,	5	Sydney,	Sundries.
8	Napi,	17	Tautari,	2	Russell,	Sundries.
9	Rose Ann,	24	Ryan,	3	Barrier Island,	Sundries.
9	Phantom,	10	Phillips,	2	Mongonui,	Sundries.
10	Victoria,	17	Merrick,	1	Waiheke,	Ballast.
10	Providence,	14	Winter,	1	Waiheke,	Ballast.
10	Mary,	21	De Thierry,	2	Pakiri,	Sundries.
10	Sarah Jane,	17	Rigby,	2	Port Lyttelton,	Sundries.
10	Antelope,	35	Sturley,	4	East Coast,	Sundries.
10	Emma,	121	Brooks,	9	Russell,	Ballast.
12	John,	28	Maddocks,	2	Mahurangi,	Sundries.
13	Children,	30	Jones,	3	Russell,	Sundries.
15	Mary Ann,	20	Davies,	2	East Coast,	Sundries.
16	Hawkhead,	22	Laurie,	2	Mahurangi,	Ballast.
17	Eclair,	40	Peppercorn,	3	Coromandel,	Sundries.
19	Victoria,	17	Merrick,	1	Waiheke,	Ballast.
21	Emma,	121	Brooks,	9	Sydney,	Ballast.
21	Whim,	10	Phillips,	2	Mongonui,	Sundries.
21	Ben Lomond,	35	Campbell,	3	Wangarei,	Ballast.
21	Forager,	12	Southgate,	2	River Thames,	Sundries.
21	Providence,	14	Winter,	2	Coromandel,	Sundries.
22	Napi,	17	Tautari,	2	Russell,	Sundries.
22	Julia,	36	Bristow,	4	Port Lyttelton,	Sundries.
22	John,	28	Maddocks,	2	Barrier Island,	Sundries.
22	Meri Peka,	15	Raraty,	2	Bay of Plenty,	Sundries.
22	George,	17	Patu,	2	Tauranga,	Sundries.
22	Mary,	25	Huntley,	2	Waiheke,	Sundries.
23	Rose Ann,	24	Ryan,	3	East Coast,	Sundries.
24	Children,	30	Jones,	3	Russell,	Sundries.
30	Kawai,	20	Adams,	2	Mongonui,	Potatoes and Onions.
30	Hawkhead,	22	Laurie,	2	Wangarei,	Ballast.

H. M. Customs, Auckland,
10th February, 1852.

T. EDWARD TAYLOR,
Pro Collector.

A RETURN of all VESSELS entered INWARDS at the Port of AUCKLAND, during the Month of January, 1852.

Date of Entry.	Vessel.	No. of Tons.	Master.	No. of Men.	Whence.	Cargo.
1852.						
January 2	Mary,	45	Huntley,	3	Waibeke,	Firewood.
2	Antelope,	35	Sturley,	4	East Coast,	Sperm Oil, Whalebone, Wheat, Maize, &c.
3	Ilio-Mama,	68	Macfarlane,	5	Sydney,	General Cargo.
3	Falmouth,	116	Wilson,	7	Honolulu,	General Cargo.
5	Kororaraka,	17	Reed,	3	Russell,	Sperm Oil, &c.
5	Mary Taylor,	14	Benson,	2	Ngunguru,	Potatoes, Onions, and Shingles.
5	Napi,	17	Tautari,	2	Russell,	Cook's Fat.
5	Emma,	121	Brooks,	9	Sydney,	General Cargo.
5	Maukin,	106	Eames,	10	Sydney,	General Cargo.
7	Phantom,	10	Phillips,	2	Mongonui,	Wool.
9	(Children,	30	Jones,	3	Russell,	Sheep, Pigs, & Apples.
10	Victoria,	17	Merrick,	1	Waibeke,	Firewood.
12	John,	28	Maddocks,	2	Mahurangi,	Timber.
15	Rose Ann,	24	Ryan,	3	Kawau,	Ballast.
15	Hawkhead,	22	Laurie,	2	Mahurangi,	Firewood.
17	Meri Peka,	15	Raraty,	2	Bay of Plenty,	Flax, Maize, & Onions.
19	Napi,	17	Tautari,	2	Russell,	Tobacco and Fruit.
19	Emma,	121	Brooks,	9	Russell,	Ballast.
19	Victoria,	17	Merrick,	1	Waibeke,	Firewood.
19	Whim,	10	Phillips,	2	Mongonui,	Tobacco.
19	George,	17	Patu,	2	Tauranga,	Pigs, Flax, & Maize.
19	Forager,	12	Southgate,	2	Bay of Plenty,	Pigs, Maize, & Onions.
19	Sarah,	12	Savage,	4	Bay of Plenty,	Maize and Onions.
19	Hawkhead,	22	Lawrie,	2	Mahurangi,	Firewood.
21	Mary,	25	Huntley,	2	Waibeke,	Onions.
21	Anadir,	615	Swift,	36	Whaling Grounds,	Oil.
21	John Wesley,	237	Ryle,	14	London,	Missionary Stores.
22	John,	28	Maddocks,	2	Mahurangi,	Timber.
22	Children,	30	Jones,	3	Russell,	Fruit.
26	Alexander,	36	Miller,	2	River Thames,	Timber.
31	Mary Taylor,	14	Owen,	2	Ngunguru,	Timber.

H. M. Customs, Auckland,
10th February, 1852.

T. EDWARD TAYLOR,
Pro Collector.

A RETURN of all VESSELS entered INWARDS at the Port of MANUKAU, during the Month of January, 1852.

Date of Entry.	Vessel.	No. of Tons.	Master.	No. of Men.	Whence.	Cargo.
1852.						
January 16	Cicely,	60	Liddle,	4	New Plymouth via Kawhia.	Pork, Bacon, Onions, Fruit, &c.

H. M. Customs, Auckland,
10th February, 1852.

T. EDWARD TAYLOR,
Pro Collector.

A RETURN of all VESSELS entered OUTWARDS at the Port of MANUKAU, during the Month of January, 1852.

Date of Entry.	Vessel.	No. of Tons.	Master.	No. of Men.	Destination.	Cargo.
1852.						
January 6	Lucy James,	40	Joyce,	5	New Plymouth and Wellington,	Sundries.

H. M. Customs, Auckland,
10th February, 1852.

T. EDWARD TAYLOR,
Pro Collector.

RETURN OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE
FOR THE YEAR 1832

Year	County	Parish	Manor	Land	Value	Notes
1832
1831
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Total Value of Land in the County of ... for the Year 1832

RETURN OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE
FOR THE YEAR 1831

Year	County	Parish	Manor	Land	Value	Notes
1831
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Total Value of Land in the County of ... for the Year 1831

RETURN OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE
FOR THE YEAR 1830

Year	County	Parish	Manor	Land	Value	Notes
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Total Value of Land in the County of ... for the Year 1830

RETURN OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE
FOR THE YEAR 1829

Year	County	Parish	Manor	Land	Value	Notes
1829
1828
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Total Value of Land in the County of ... for the Year 1829

RETURN OF THE COMMISSIONERS OF THE GENERAL LAND OFFICE
FOR THE YEAR 1828

Year	County	Parish	Manor	Land	Value	Notes
1828
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Total Value of Land in the County of ... for the Year 1828