

# THE NEW ZEALAND ADVERTISER,

AND

*T. M. Hooken.*

*A. Williams*

Bay of Islands Gazette.

No. VIII.]

KORORARIKA, THURSDAY, JULY 30, 1840.

[Vol. I.]

## THE GAZETTE.

### GOVERNMENT NOTICE.

*Colonial Secretary's Office, Russell,  
22nd July, 1840.*

### SALE OF TOWN ALLOTMENTS.

AT Noon, of MONDAY, the 12th day of OCTOBER next, the COLONIAL TREASURER will put up to Auction, at the Colonial Office, Russell, the undermentioned Town Allotments, on the Terms authorized by the Government.

Further information respecting these Allotments may be obtained from the SURVEYOR GENERAL,—and, respecting the Conditions of Sale from the COLONIAL TREASURER.

RUSSELL—Section 1—Allotments No. 1 to No. 23 inclusive—each containing Half-an-Acre, more or less

SECTION 2—Allotments No. 1 to No. 14 inclusive—each containing Half-an-Acre, more or less.

Full particulars of the above Allotments will be published on an early day.

Notice is hereby also given, that the Allotments in Section 3, 4, 5 and 6 are open for selection, and may be applied for in the usual way, when they will be put up to Auction after having been measured and advertised according to the Government Regulations.

A Plan of the Town of Russell may be inspected, and every information obtained, on application to the SURVEYOR GENERAL.

By His Excellency's Command,  
(For the Colonial Secretary.)  
JAS. STUART FREEMAN.

### Sales by Auction.

FOR SALE BY AUCTION.

By Messrs. Spicer & Meadell,  
AT THE VICTORIA HOTEL.

On Tuesday, 4th August, at 11 o'clock,  
**12** ALLOTMENTS of Land situate between Tapika and Waihi, containing about one-and-a-half acres each.

Two Allotments situate at the Watering Place, Kororarika.

Eight Allotments situate in the Township of Kororarika, on the road to Onarua Beach, containing upwards of half an acre each, well adapted for Buildings, Gardens, &c.

Three Allotments adjoining the Victoria Hotel, with several other valuable Properties.

Terms at sale.

### LAND SALE.

On Saturday next, August 1st, 1840, at 11 o'clock,

By Messrs. Spicer & Meadell,  
AT THE VICTORIA HOTEL.

IN consequence of the inclemency of the weather, the Land advertised to be sold on Monday and Tuesday last, has been postponed until Saturday next, the 1st August, when Messrs. S. & W. will offer for Public Competition, some desirable Properties from 200 to 500 acres; a number of Building Allotments in the Township of Kororarika; an excellent House and Store, &c., particulars of which will be given at sale.

Terms at sale.

SALE BY AUCTION.

**WILLIAM WILSON**, has the honor to inform the Heads of Families, Hotel Keepers and others, that he has received instructions from Mr. HARRINGTON to bring to the hammer,

At his Rooms, on Wednesday, 5th August, at 11 o'clock,

NINE Couches  
Nine ditto with mattresses  
One French polished superior dining table

Six ditto ditto  
Three round tables  
Eighteen cedar chairs  
One child's ditto  
Six cedar sashes  
300 Feet cedar  
Chests of drawers  
A quantity of pickles  
Watches, &c. &c.

Just landing from the *Giraffe*, and may be seen at the Rooms two days prior to the day of sale.

Terms at time of sale.

FOR SALE BY PUBLIC AUCTION,

By **W. M. Wilson**.

On THURSDAY, 18th AUGUST,

At his Rooms, at 11 o'clock,  
SEVERAL

**ALLOTMENTS** in the Township of NEW BRISTOL, on the Hukiang River. The Plan to be seen at Mr. W.'s Auction Rooms.

TITLE GUARANTEED.

Terms at time of sale.

N. B.—Applications for other Allotments situate in the above Township, to be made to C. B. BREWER, Esq., or to **W. M. WILSON**.

TO BE SOLD BY PUBLIC AUCTION,

By **W. M. Wilson**,

At his Rooms, Kororarika, on Friday, July 31st, 1840,

(If not previously disposed of by Private Contract.)

**SIXTEEN** beautiful alivial and Kaori timbered Farms of 120 Acres each, situated on the magnificent and navigable River Waiau, on the West coast of this, the Northern Island. Four of these Farms have a frontage to the above-named River, whilst the remainder are situated in their immediate rear. The soil has been pronounced by recent Tourists in New Zealand, of the richest agricultural description, being of a deep rich alluvial deposit. These Farms, on this river, have the double advantage of two Ports for shipment; one where the *Mongakhia* disembogues itself into the ocean on the West coast, the other at the Port of Wangaree on the east coast, equidistant between the Thames and Bay of Islands, with a level portage of twelve miles, between the head of Navigation of the Waitea and the newly discovered port aforesaid of Wangaree, a port in every way suited for vessels of any draught of water.

**TITLE UNEXCEPTIONABLE.**—For further particulars and a sight of the Plan, apply to C. B. BREWER, Esq., Kororarika.

In consequence of the state of the weather this week, the above sale is postponed to Saturday, August 5th.

CAUTION.

**T**HE Undersigned deems it incumbent on him to Caution the Public against purchasing 16 Allotments of Land advertised to be Sold at Public Auction, by Mr. WILSON, on Friday, 31st July, situated on the Waitea River, the said Land having been purchased by the Undersigned of Mr. Powell,—who has received £24 on account of the said Land.

MANHEIM BROWN.

Kororarika, July 24, 1840.

CAUTION.

THE UNDERSIGNED,

**CAUTIONS** the public against giving credit to the Crew of the Bark *Alexander Henry*, as he will not hold himself responsible for the payment of the same.

JOHN EVANS,

COMMANDER.

Kororarika, July 21.

**CAPTAIN BROWN**, of the *Pough Boy*, cautions the Public against giving Credit to any of his sailors.  
July 29.

ON SALE,

**BY** the Undersigned, on board the store ship *Tuscan*, off Russell, ex *Giraffe*—

240 Half cases gin  
77 Hhls. rum  
18 Tierces tobacco  
41 Bales of do.

ANDERSON, SCOTT & Co.

July, 29.

ON SALE.

**BY** the undersigned, ex *Giraffe*, off Russell, on board the store ship *Tuscan*, off Russell—

Brazil tobacco, in baskets  
Negrohead ditto in kegs  
Port wine, in hhdls. and qr. casks  
London bottled ale and porter  
Port-wine in 1 and 2 dozen cases  
Sherry do. in 3 dozen cases  
Bloom Muscatel raisins  
Champaigne Cider, in 1 dozen cases  
Lard great conis  
RUM in barrels.

JOHN J. MONTEPIORE.

July 22.

**J**UST Opened, and on SALE at **WILSON'S** Auction Rooms, Musical boxes, seals, watch keys, chains, bracelets, studs, buckles, coral and jet earrings, broaches, snags, habit hooks, tassels, agate boxes, Scotch snuff boxes, powder flasks, pistol flasks, oil bottles, pepper castors, shaving boxes, block seals, fancy combs, tea spoons, razors,

**BRITANNIA METAL WARE,**

CONSISTING OF

Tea pots  
Coffee pots  
Cream-pipers  
Lamps, cups, &c.

July 29, 1840.

**DENNIS MCARTHY** begs to inform the Public, that he has a Boat regularly going to Paluba every day at 7 o'clock in the morning, and from 5 to 6 in the evening.

Kororarika, July 29.

**ON SALE,**

**BY** the Undersigned, on board the store ship *Tasman*, oil Russell, crown stout, ale and strong ales. Real Jamaica rum, 500 P. in barrels from 12 hnds. 20 P. Square fig tobacco in tierces, 18 to the lb. Sugar, rice, flour, bread. Preserved meats, pickles. Ladies', gentlemen's and racing saddles. Large bowl pipes. New Zealand cured pork. Double barrel guns. Tents, lined and unlined.

ANDERSON, SCOTT & Co.

July 1, 1840.

**THE** Undersigned are now Landing, and have for SALE, (by Wholesale) the principal part of the ship *Chelyda's* Cargo; also, Merchandize *ex Transfer* and *Diana*, viz: Black and green Tea, sugar, arrack, gin in cases and blids., ale and porter in bottle, Port and sherry wines, in bottle, 1st and 2nd quality Flour, brown and fine biscuits, square fig Negrohead tobacco, sheet lead, 9, 10 and 11 quarter blankets, back-kings, cloths, gingham, drills, ducks, canvas, Valencia checks, hats, coarse and fine clothing, boots and shoes, glass, paints, oils, glassware, earthenware, iron pots, carpenter's tools, 1-4th motion and 1-5th motion bar or spirit engine, complete, in mahogany cases, nails, cutlery, butter, great coats, striped cotton shirts, oilcloths for flooring, fine oil cloth tub covers, tin ware, metal ware, ivory handled knives and forks, in sets of 50 pieces, Lucifer matches, worsted and cotton stockings and socks, silk Bandanas, carpeting, muslin dresses, trifolium seeds, stocks, 3-bushel bags, cheese, hams, fine salt, ironmongery, canvas tents, lined.

Two four-roomed screw houses, 18 feet by 18 feet, made in England, boarding and every thing complete; Six four-roomed houses in frame, 30 feet by 24 feet, made in New South Wales, with shingles, glass, cedar doors, cedar window frames and sashes, locks, keys and hinges; six two-room houses in frame, 20 feet by 16 feet, made in New South Wales, with shingles, &c, same as above.

HENRY THOMPSON & Co.

**New Zealand Banking Company**

**A** GENERAL MEETING of the Shareholders will be held at the Banking House, on Saturday next, August 1st, to receive the Report of the Provisional Committee on the Deed of Settlement.

DAN. POLLEN, HON. SEC.

July 29.

**ACCOMMODATION**

**F**OR respectable Persons may be obtained at the RUSSELL FAMILY HOTEL, Wai Keri Pu. 15th July, 1840.

RUSSELL HOTEL, NEAR RUSSELL.

**T**HE undersigned respectfully informs his Friends and the Public, that comfortable Accommodation for Private Families, may be obtained at the above Hotel, on reasonable terms.

W. H. TIBBEY.

July 29.

**MONEY.**

**W**ANTED, the sum of £200 or £250 on good Freehold security in the Bay of Islands. For particulars, apply to Mr. H. LITTLEWOOD, Solicitor, Bank Square, Kororarika.

July 29.

**J**UST received *ex Giraffe*, and on sale at the Stores of the undersigned, a great variety of STATIONERY, consisting of Account Books, Bill books, paper, and blotting ditto, and a few miscellaneous Works, consisting of Johnson's Dictionaries, *La c de Nelson*, Ditto Hannah Moore, Ditto Pitt, Burn's Weeks, &c, &c.

W. WILSON.

July 22.

**To the Land Purchasers and Habitants of Kororarika.**

**G**ENTLEMEN.—Hind-bills having been published by Mr. Brown, cautioning persons against purchasing my Farms situate on the Watoto River, advertised for sale by Mr. Wilson (on the grounds of his having previously purchased the same,) I beg leave to state that he, Mr. Brown, has no claim whatever to the said Farms, he having neglected to comply with the terms of his agreement with me for the purchase thereof; in fact, although repeatedly requested so to do, has refused to complete the said agreement, thereby making null and void the same, and forfeiting all claim to the said Land according to such agreement, of which he, Mr. Brown, had due notice previous to the Farms being offered for sale. I also beg leave to state, that I have not received the sum of £95 as part payment of the purchase money as stated in such Hind-bills.

I am, Gentlemen,

Your obedt servt,

(Signed) E. POWELL.

Kororarika, July 29, 1840.

**N**OTICE.—Divine Service will be performed next Sunday in the large room at the back of Mr. Jones's, when Mr. Quaife will preach in the morning at eleven, and in the evening at half past six.

**THE UNDERSIGNED,**

**A**RE prepared to purchase to any extent, Black Oil, Sperm Oil, and Whalbone, either British or Foreign. HENRY THOMPSON & CO. July 29.

**W**ANTED, a Man and his Wife to take charge of a Farm within one mile of Kororarika. Terms liberal. For particulars, apply to T. SPICER.

July 29

**W**ANTED, a Man and his Wife as House Servants. Apply to T. SPICER.

July 29.

**W**ANTED, a few good Brick Makers. Apply to T. SPICER.

July 29.

**W**ANTED, a few good Wood Cutters or Labourers, to whom constant employment will be given. Apply to T. SPICER.

July 29.

**W**ANTED, a pair of Brickmakers to whom constant employment will be given.—Apply to W. WALTON, A. C. Engineer. July 15, 1840.

**DIED**,—On Saturday last, at Kororarika, Bay of Islands, after a few days illness, CHARLES HURRELL, Esq, late of Foxton, near Cambridge, aged 22 years.

Captain Nagle, we are credibly informed, has no connexion with the New Zealand Land Company's Office, as we stated in a late Number.

**The New Zealand Advertiser, AND BAY OF ISLANDS GAZETTE.**

KORORARIKA: JULY 30, 1840.

It does not appear to us that the legal aspect of the Land question is the one on which any stress can be laid. In fact, the question has, properly speaking, no legal aspect at all, till it has been given to it by a specific Act of legislation. We feel quite sure that whatever may be thought at Sydney, the British Ministers have not looked upon it as unconstitutional for British subjects to acquire landed property in other lands, and under the authority of other states. There is not, to our apprehension, the slightest indication of such an idea in all their proceedings in reference to this country. Had Englishmen acted unconstitutionally in the eye of English authority, they would be liable to punishment, but they are not deemed so to be. We feel persuaded on this, and several other grounds, that whatever proceedings may be instituted *having this opinion for their basis*, will be at once foreign to the actual merits of the case, and to the instructions of her Majesty's Ministers.

No, the question is one of morality, subject, however, to such modifications as circumstances may render expedient.—Equity the most strict and impartial, and based on the common rights of men, must be the guiding principle in the settlement of this question. There are several thoughts which we beg to submit to our Readers.

1st.—There is nothing morally wrong in the mere act of acquiring land in such a country as this, during its independence by men who acknowledge themselves to be British subjects. We are aware of no law of equity which forbids it.

2d.—The fact that such persons consider themselves as British subjects implies a recognition on their part of the rights of the British Crown to take cognizance of their conduct, and to interfere with it according to the Laws of Great Britain.

3d.—There is no actual Law of England of which we are aware, that disposes English holders of landed property in a Foreign state, when that state becomes a part of the British Empire; and if those possessors are indeed amenable to the English Constitution, there must be such a Law passed in England to authorize such a measure, before either the authority of the British Ministers, or any Colonial enactment could be rendered available for such a purpose.

4th.—But though actual and indiscriminate dispossession cannot be effected in this manner, the authority of the Crown is entirely sufficient to call its subjects to account for the manner in which they have acquired or hold their property, and to compel them to submit to such regulations as, being according to the spirit of the English constitution and of the laws belonging to it, shall either force them to resign what they do not hold justly, or to hold and occupy their just possession in a manner which shall best secure the ends of universal equity.

5th.—Hence a Court of Claims founded on these principles, is a perfectly legitimate thing, its objects being, not universal dispossession, but simply suspension, till the equity of the claims can be examined, and ultimately the confirmation of such titles only, and on such conditions, as shall accord both with the unquestionable Rights of the Natives, with the principles of English law, and with the necessary establishment of British authority here.

6th.—With regard to the equity of any claim, the great dispute is between the Native and the European claimants; English or Colonial Law may suffice to decide between one European claimant and another, but a knowledge of the great principle of moral justice alone can enable a man to

judge where the disputants are either Aborigines alone, or Aborigines and Englishmen.

7th.—In the exercise of such a jurisdiction, the British Government, by means of its Colonial Representatives, is simply the umpire to settle disputes.

8th.—The "resumption" we apprehend, is, according to the intention of the Crown, simply to enable it to exercise this jurisdiction, and the resumption of all lands acquired by British subjects, is, if this be its meaning, absolutely necessary to impartiality.

In putting down the above thoughts, we have considered the case in itself, without reference to the opinions of any men, whether interested or not in the question.

It seems to us that those who purchased lands of the Chiefs, and, therefore, expected to hold them in perpetuum, while there was no British Authority here, must also have considered themselves as the sovereigns of the territories they had thus acquired. Now this sovereignty is unquestionably destroyed by the existence of a Representative of her Majesty here. It is doubtful whether her Englishmen can become sovereigns in another state, and yet hold their connexion with the British Constitution unbroken; and where British authority comes in their way, it is unquestionable that they cannot. Thus far, there is illegality in their purchase. But the same rule does not apply to the mere possession of lands. Yet the sovereignty under which they are placed subjects them to such rules as may compel them to hold their property equitably, and of course implies a right to examine and decide in all cases of possession.

These great principles being recognised, and the Court of Claims established, the proper object of legislation is to institute such regulations as shall facilitate the act of judgment, with regard to titles, and point out plans which may render the colonization of the country of universal advantage.

9th.—In all cases where lands become subject to the Crown, whether by the defect in the claim of the European occupant, or by the cession of the Natives, the moral right of the Aborigines who formerly occupied it, to some provision on the part of the Government for their future support and civil advancement, is unquestionable. They must not be reduced to beggary by the superiority of European arts without a full opportunity of acquiring the character and the privileges of British subjects.

To the Editor of "The New Zealand Advertiser & Bay of Islands Gazette."

SIR,—As the Government have taken upon themselves to send us a Police force for our protection, I beg to call your attention to the few following facts:—On Saturday evening O'Donnell, upon the affidavit of a long resident and respectable inhabitant, was committed to the custody of the Police for the purpose of being brought before the Magistrates for forgery on Governor Hobson; he was placed in the Luck-up, where there were several others confined, but in the morning he was *non est inventus*, and I am credibly informed that the constable in charge was at a public-house playing cards. By these means the party alluded to is subjected to a loss of £20. On the next evening another man escaped, and returned on the following morning and gave himself up to the Police.

Are the Police cognizant of these facts before they happen, or ought the insecurity of the place to be matter of inquiry by the proper authorities?—I have the honor to be, Sir, yours, &c.

CORRESPONDENT.

Kororarika, July 29.

BIRTH.—On the 26th instant, the Lady of S. E. GRIMSTONE, Esq., of Russell, of a Daughter.

We have been requested by Commodore Lavaud, of the *Aube*, to state, that the sailors of the French frigate were not in the riot which took place the Sunday before last on the Beach. Of course we can only rely on our information in reference to the actually guilty parties, and we are glad to correct our statement under authority. A polite note has been addressed to us by Captain Bernard, stating, that on enquiry, he had found that the sailors of H. M. S. *Britomart* were equally unconcerned in the matter. The information is important, partly as it acquits the officers of both navies of negligence, and partly as it limits the application of the charge. There was a disturbance, and it is highly proper that the right parties should bear the blame.

### Shipping Intelligence.

#### ARRIVED.

July 23.—Barque *Anna Watson*, Captain Steward, from Kaipara and Sydney. She has been expected a long time.

July 26.—Ship *Helvetia*, American whaler, from the sperm fishery.

July 28.— *schooner Hope*, Captain Mann, from Port Nicholson and Chatham Islands, with pigs, potatoes, &c.

#### SAILED.

July 23.—H. M. S. *Britomart*, for Port Nicholson.

### POLICE REPORT.

MONDAY, JULY 20.

(Continued.)

Before Captain Beckham, Mr. Mair, Dr. Johnson, and at the conclusion, Mr. Murphy.

Henry Cohen, Richard Anderson, Henry Barnett, Isaac Howland and Alexander Young, were charged with insubordination, and with having wounded the second mate of the *Juan Eiza*, whaler, when Mr. Brewer appeared for the prosecution, and Mr. C. B. Brewer for the defence.

Captain White being questioned as to the date of the occurrence, could not recollect; the Log-book was called for, but was rejected as general evidence, on account of not being signed either by the Captain or mate; its evidence as to the date, however, was admitted; the date was the 8th inst. Being sworn, witness deposed as follows:—Went on deck and enquired why Howland was not on duty; the watch to which he belonged came on duty at 12 o'clock, but he did not come till two; he declared he would not go on duty then; he came to the wheel about two o'clock, when he answered me in an insulting manner; I struggled with him, and found him more powerful than myself; I struck him with a belaying pin, he escaped from me and went down into the fore-castle, whether I followed and detained him; the other prisoners prevented him from coming up; I went up and armed myself with a pistol and cutlasses and went on deck; the second officer got there before me; I went forward and found the ladder taken away; underneath I saw the second mate wounded; the ladder was nearly perpendicular; I got the second mate up and went down myself; do not know who put the ladder up for me; I went down into the fore-castle, and required the prisoner to come on deck; after some time I got him down into the cabin and put irons on him; had no regular handcuffs, so we made some of IRON hoops; I called Barnett and asked him who had wounded the mate; he said he would fetch the man if I would allow him to go forward; this I could not allow, but put him in irons; I then proceeded to put them all in irons, etc. after another, and put them into the run; I kept them there till three o'clock next day; gave them

water and half a bucket of bread; about that time I heard a great noise, and on examination I found Cohen drunk; he had broached my brandy cask; he and Barnett said they were very sorry for what had happened, but could not now help it; I did not request the prisoner to go from the wheel before I pushed him from it.

Cross examined by Mr. C. B. Brewer — I never make use of bad language to my men; might have done so on some occasions, but it is unknown to me; Howland struck me first, after I pushed him from the wheel; I struck him, but did not see blood from his head; the men said they would not allow him to come up out of the fore-castle; they did not say they wished to staunch the blood first, and they gave no other reason; Cohen struck me; I did not say I would strike him with the belaying pin; none of the others struck me; I went to them armed because they said they would lose their lives before they would let the prisoner come up; the second officer had a cutlass; all were armed; I did not see the mate wounded; the fore-castle is a dark place; when I first went down all the prisoners were armed with pieces of whalebone; none struck me there but Cohen; I did not see the second mate strike; never saw blood on the head of this man; I swear positively I never observed a scar there; I helped to put the men in irons; I was never asked for anything to dress the wound; they were all put into the run; it was 21 hours before I gave them bread and water; I was astonished that they should broach the brandy cask; their conduct was generally rough before; two of them once ran away.

By the Court— I do not know whether Howland was on deck between 12 and 2; his conduct was not decidedly disorderly before; I pushed him from the wheel because of the disgusting language which he used to me; was on deck myself; it is the duty of the officers to look after the men; it was the prisoner's duty to be on deck at 12 and at the wheel at 2; I found him there after two o'clock; I happened to miss him from the deck, and it was not told me that he was not at work.

William Foreman—is first mate; was at the mast-head when the affray took place, and remained there while the scuffle was going on; observed the second mate and master together; the master called me down; he had Howland on the quarter deck when I came down; when Howland escaped from the master I was at the mast head; the second mate had charge of the watch; saw the scuffle, and afterwards saw the master and second mate go forwards; also saw the third mate go for a cutlass; observed the second mate come up in a gore of blood; was still at the mast-head; came down when the master called me, and helped to put the prisoners in irons; this was all that I saw.

Cross examined— Do not know who struck the first blow; observed 3 or 4 persons on deck; the Captain called the third mate as well as the second mate to his assistance; Howland was running away; saw no belaying pin in the hand of the master; was looking at a whale; did not see the master strike the man; the second and third mates both went for cutlasses; did not see the 3d mate go below; saw him sailing on the fore-castle; assisted to put the prisoners in irons; never saw any blood on any one but the second mate; was close to Howland of course when I put on him the hand-cuffs; did not see blood on any of the men; do not know that I did—no, positively I did not see any blood; I looked on their faces—perhaps not on every one's face; I helped to handcuff Young; took no notice of blood; heard of no other blows than that of the second mate; am quite certain; did not come from the mast-head sooner, because the master did not call me; I do obey orders.

By the Magistrates— I do not know the cause of the scuffle; did not see the Captain push the man from the wheel; saw

place where they were was near the companion; the captain usually employs the officers to put men in irons; I thought the master had quite assistance enough without me, which is the reason I did not come down from the mast-head before he called me; Howland was not accustomed to behave as a seaman ought.

**James Calderon**—Is second mate; was present at the beginning of the disturbance; heard a part of Howland's most insulting reply; I did not seize him; master directed me to go to the cabin and arm myself; after I had done so I went to the fore-castle; do not know who struck me; the Captain ordered me to arm myself, and furnished me with a cutlass; he desired me to bring the man up, when the rest of the prisoners refused to allow him to come up; went twice to the fore-castle—the first time not armed; did not use the cutlass; observed among the prisoners an axe, but saw nothing more before I became insensible; afterwards saw a mining knife in the hands of some one in the fore-castle; cannot give further evidence; do not know why these men in particular were selected to be put in irons.

**Cross-examined**—The master took hold of Howland by the middle; saw no betraying pin; do not know where the third mate was; he was furnished with a cutlass at the same time as myself; do not know who gave me the blow, nor whence it came.

**By the Magistrates**—I simply obeyed the Captain's orders.

**William Walker**—Am third officer of the *Janet Eliza*; the first thing I took notice of was, that Isaac Howland and the master were entangled with each other; the scuffle might continue a few seconds; the prisoners then ran forwards; saw the Captain go down into the fore-castle; Isaac was there at the time; the Captain ordered me to go to the cabin and arm myself after some conversation, which I did not hear; I did not leave the cabin at the same time with the second mate; when I went forward he was down in the fore-castle; called after him three times; looked down and saw him in a gore of blood; he was lying down; several persons were making towards him, and there was a mining knife among them; the first I distinguished was Young; did not see who had the knife, but there was one among them; my attention was fixed on the second mate; endeavoured to prevent further mischief; was not ordered to go down; was afraid of my life; I would not go down; the Captain ordered me to arm and go down, but I did not go down with the second mate because I was afraid; he went out of the cabin unknown to me, which was the reason I was not with him; did not go down at that time but remained over the scuttle, and put my cutlass down to prevent further consequences; a person can stand upright between decks; heard the Captain come forward the second time and request the men to give Howland up; did not hear the answer; helped to put the prisoners in irons; it is the duty of the men to obey the orders the mates receive from the master; there was no boats' crew watch at night; do not recollect who had charge of the watch; Howland is sometimes in my watch, sometimes not, there being two watches and three officers to take charge of them.

**Cross-examined**—I saw Howland kicking at the master, who had nothing in his hand at the moment; cannot say whether he had afterwards; was not looking on the whole time; did not go to the master till ordered; was not required; the men were not exactly peaceable, rather, indeed, the reverse towards me; did not report their behaviour to the Captain as I wished to keep peace and quietness; saw the Captain go into the fore-castle, and heard a voice, but not what was said; know the place where there was standing over the scuttle; did not think that the Captain required assistance though they went

to injure him; I did not go to assist him; I was ordered to get arms; cannot say whether, if the second mate had gone without a cutlass he would have been wounded; swear positively that he was wounded when I saw him lying down, and a few men were on him; can swear to only two of them—Isaac Howland and Alexander Young; did not observe an axe among them; can swear that I had not power to make a full blow from above; the position of the place prevented it; I endeavoured by putting my cutlass down merely to protect the second mate; saw several persons entangled and over him; he got clear of them; can only swear to one pushing—I think they rushed with a view to injure him; he was lying down when I first saw him, and had not one arm outside of the scuttle; can swear that he was leaning over, and trying to escape when I put my cutlass down; he was lying down when I arrived; will not swear I did not make a second blow; saw blood before I made a second blow; saw blood before I struck at all; saw no blood about the forehead of Howland; did not see the captain push the man from the wheel.

**Billy Williams**, a New Zealander, was next called, and Henry Southey was sworn as an interpreter:—I was below in my bunk when the mate was wounded, and saw what took place; Alexander had a mining knife, no other person had; he had also an axe; I did not see the second mate strike any one.

**Cross-examined**—Alexander had one in each hand; have had no conversation with the Captain since; none at any time; Alexander had an axe in the right hand and one in the left; he struck the mate with the left hand; struck him with the knife; Alexander was behind the second mate and struck him with one blow; mate was on the floor with an arm elevated and bent when Alexander struck him; the third mate was above.

This Witness was again cross-examined by Mr. Mair in his own language, and he stated that the five prisoners were all there but only one struck. The rest of his testimony was the same as before.

**Herman Meirs**, a Dutchman, was next sworn, but not understanding very well the English language, it was with difficulty he could give evidence—the substance of it was, that being below he saw Isaac come down and the master after him with a betraying pin in his hand, that the other prisoners would not suffer Howland to go on deck; that the second mate came down armed with a cutlass; the men shifted the ladder away; he stated, also, that he saw a mining knife among them but saw no axe; that the men set upon the mate as soon as he got down, and that he could not tell who cut his arm although he was standing near.

**Being cross-examined** he said that John Allen, Simpson, and Withere were at the time in the fore-castle; that there was great confusion at the spot; that he saw the man's face bloody; that the prisoners had to force the cutlass away from the second mate, and, that being frightened, he did not observe all their proceedings; he could only testify to the presence of Young and Barnett.

The next called was another New Zealander, whose name we could not distinctly hear, and whose evidence was of little worth. Here the evidence for the prosecution ceased.

For the defence, the first witness called was Charles Rockwood—He was not on deck when the affair occurred; saw Isaac come down with a deep cut in his head, and blood streaming down his face and clothes; heard the second mate declare he would have the man up or take his blood; Captain said he would have him come up or knock his head out; the other prisoners said he should not go up, unless Captain would promise he should not be flogged, and would let him first stay and wash himself from the blood;

second mate swore he would have the man's blood, and jumped down, the men having taken the ladder away to prevent him from coming; the scuttle is from 2 to 3 feet square; it was quite possible for a blow to be struck from above with a cutlass which should do serious injury; the third mate did strike such a blow; he saw the blow, and observed that it was the third mate who cut the arm of the second mate; could swear positively that the wound was received in this manner; was on deck, and could not see either knife or axe, and did not perceive any one abusing the second officer.

**Cross-examined**—Was sitting in the fore-castle when Isaac came down; went afterwards on deck; I was kneeling on the scuttle when I heard the captain use very rough language; only recognised Barnett below; cannot swear that the others were not there; to the best of my recollection Barnett was the only one below; I myself heard the Captain use that language; it was my watch; the second and third mates came at the same time, one on the star-board side the other on the lar-board; can swear that both came at the same time; the third mate was close behind the second when the latter jumped down the scuttle.

[To be concluded in our next.]

The *Susanna Ann* reached Sydney on the 2nd instant. She experienced on the passage very rough weather for four days, and carried away part of her bulwarks, but if she had not been a good sea-boat she must have sustained more damage.—*Commercial Journal*.

**HIS HONOR THE SUPERINTENDENT**.—The *Statesman* brings despatches for Mr. La Trobe, from the Right Hon. the Secretary for the Colonies, addressed to his Honor as "Lieutenant Governor of Port Phillip."—This looks ominous.—*Port Phillip Herald, June 23*.

London was most splendidly illuminated on occasion of the Royal Marriage. The new Colonial Board appointed by her Majesty to apply the Wakefield system of colonization to the Colonies generally, consists of Colonel Torrens, late Chairman of the South Australian Commissioners, and Messrs. E. Villiers and Elliott.

**HOUSE OF COMMONS**—On the motion of Mr. Denison, returns were ordered of the number and names of ships, with their tonnage, &c. which had cleared out of the Ports of London, Liverpool and Glasgow in the years 1838 and 1839 for the Colonies of Western Australia, South Australia, New Zealand, &c., and distinguishing those that touched at Sydney, and also at any ports in South Australia.—*New Zealand Journal*.

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