

# NEW ZEALAND ADVERTISER,

AND  
Bay of Islands Gazette.

No. XVII.] KORORARIKA, THURSDAY, OCTOBER 6, 1840.

## THE GAZETTE.

IN THE SUPREME COURT  
OF NEW SOUTH WALES

### Ecclesiastical Jurisdiction.

In the Goods of—  
Salmon, David, of Moutonra,  
Grey, Alexander, of Kororanka,  
Peat, Captain George.

**P**URSUANT to the Rule of this Hon-  
orable Court, the Creditors of the  
above named deceased persons who reside  
in New Zealand, are, on or before Satur-  
day, the 31st day of October next, to com-  
e in and prove the same before me at my  
Office in Russell, or in default thereof they  
will be peremptorily excluded from all  
benefit arising from the said Estates.

GEO. COOPER,  
Agent and Receiver of  
Intestate's Est-  
ates.

Russell, 24th Sept., 1840.

### Sales by Auction.

#### THE ROYAL HOTEL.

**W**M. WILSON, will offer at Auc-  
tion, on the premises, the corner  
of Hobson & VICTORIA Streets,  
ON MONDAY, the 10th OCTOBER,  
At 12 o'clock precisely,

THAT well-known and highly desir-  
able PROPERTY, situate at the corner of  
Hobson and Victoria streets, known as the

#### ROYAL HOTEL.

The HOUSE contains on the ground  
floor—four large and convenient Rooms;  
also, a large Room now occasionally oc-  
cupied as the

#### POLICE OFFICE;

And on the upper floor are four bed rooms,  
not quite finished.

#### LOT II.

Consists of a neat COTTAGE, contain-  
ing two rooms, now occupied by H. Meyer.

#### LOT III.

Is also a weather boarded COTTAGE,  
in the occupation of H. Thompson, Esq.

#### ALSO,

Several delightfully situated ALLOT-  
MENTS OF LAND, in Hobson and  
Victoria streets, the whole having an abun-  
dant supply of Water.

#### AFTER WHICH,

A quantity of valuable

#### HOUSEHOLD FURNITURE,

Consisting of Tables, Chiffoniers, Sofas,  
Couches, Sideboards, Chairs, Mirrors,  
Pictures, Carpets, &c. &c.

Terms made known at time of sale.

#### FOR SALE BY AUCTION,

By W. M. Wilson,

At his Rooms, on Friday, the 10th Oc-  
tober, 1840, at 11 o'clock,

**R**ICE  
Rum  
Gin  
Tobacco  
Cigars  
Tea  
Sugar  
Blankets  
Navy blue prints,

And a great variety of other GOODS.

#### ALSO,

The schooner "NYMPH," with masts,  
sails, anchors, cables, boat, &c.

Terms at sale.

#### FOR SALE BY AUCTION,

By W. M. Wilson,

At his Rooms, on Saturday the 10th Octo-  
ber, at 11 o'clock,

**B**OTTLED wine, ale and porter  
Blankets  
Navy blue prints  
Tea  
Tobacco  
Rum  
Arrack  
Rice

Gin in cases and half cases  
Loaf sugar  
Striped shirts, cheese, and  
A four-oared GIG.

Terms at sale.

To be sold by Auction,

By Simmons, Weston & Co.,

At their New Stores, South end of the  
Beach, Kororarika, ON MONDAY, 12th instant, at 11 o'clock  
precisely,

THE FOLLOWING

#### EXTENSIVE CONSIGNMENTS

Ex VICTORIA,

comprising,

**B**HDs. fine flavored Rum  
100 bags rice  
Rolls tobacco  
5 tierces Negrohead do  
3 do do do  
9 kegs do do  
7 cases cigars  
Butter fine flour  
Ditto arcoids do  
41 bags biscuit  
2 kegs butter  
4 bales Navy blue prints  
1 case large bowl pipes  
1 case, containing trousers, coats,  
s' a'ls, dresses, table cloths, &c.  
1 case anadrops  
2 hills, assorted crockeryware  
1 crate do do  
8 Hds. Taylor's porter  
4 ditto paint oil  
1 ton white lead  
6 tuns black paint  
1 bale canvas  
1 ditto quack  
30-cases brockles

After which,

Cases claret  
Cases brandy  
Cases bottled Port and sherry  
Loaf sugar  
Case gin  
Case rum  
Salt  
Hosiery  
White shirting  
Grey calico  
Fancy prints  
Worsted shawls  
White sheeting  
Table oil-cloth  
Monkey and pea jackets  
Drab, olive, and blue great coats  
Flushing trousers  
Handkerchiefs  
Cassinets  
Paint brushes  
Moleskin trousers  
Black beaver hats  
Gentlemen's dress coats, &c. &c. &c.

**TERMS**—For all purchases under £50,  
Cash; above that sum, approved endor-  
sed Bills at 3 months' date from the day of  
Sale.

#### For Sydney,

To sail in fourteen days,

**T**HE splendid, first-class brig  
VICTORIA,

Register 184 tons, P. C. Crew, Com-  
mander.

This vessel has splendid accommodation  
for Cabin and Steerage Passengers.  
For Freight or passage, apply to the Com-  
mander, on board, or to

E. M'LENNAN,  
Kororarika.

N. B.—Any persons holding Bills of  
Lading are requested to apply for their  
Goods immediately.

Kororarika.  
Sept. 29th, 1840.

#### FOR SALE OR CHARTER,

THE

**F**AST sailing, carver built schooner  
NYMPH,  
Measuring 48 tons, with a quantity of  
stores, boat, &c. &c.

For further particulars, enquire of  
Mr. J. EVANS,  
Commercial Hotel,  
Kororarika.

#### EX EMIGRANT FROM WARREN.

**J**UST arrived, and on Sale at WILSON'S  
Rooms, direct from America,  
Cheese in kegs  
Crackers  
Soap  
Sperm candles  
8-day Clocks, warranted to run 16  
days without winding or stopping,  
and to give 2 quarts of milk per day.  
These Clocks would be found unval-  
uable if they could be induced to  
churn their own milk, and stop tick-  
ing during Family Prayer.

#### TIMBER.

To Builders, &c. &c.

**G**ENTLEMEN engaged in Building  
will save 50 per cent by giving timely  
orders, and stating the lengths and dimen-  
sions to suit their Buildings, to the un-  
designed, who can supply timber to any  
extent.

BLACK & GREEN,  
Opposite Russell.

Sept. 2nd, 1840.

#### TO SAWYERS,

Brick makers, and Wood-cutters.

**C**ONSTANT employment and liberal  
encouragement will be given to one  
or two pairs of such, if steady men. Apply  
to

BLACK & GREEN,  
Opposite Russell.

Sept. 2nd, 1840.

#### THE UNDERSIGNED,

**A**RE prepared to purchase to any ex-  
tent, Black Oil, Sperm Oil, and  
Whalebone, either British or Foreign.

HENRY THOMPSON & CO.  
July 25.

**W**ANTED,—a Farming Man, who  
understands the management of  
Cattle. Wages liberal. Apply to  
G. MAIR,  
Whyspu.

**MONEY.**

**WANTED**, the sum of £200 and £100 on good Freehold security in the Bay of Islands. Apply to Mr. LITTLEWOOD, Solicitor, Bank Square.

**TO BE LET OR SOLD,**  
**THAT** desirable House adjoining Wood's Hotel, together with the unexpired Lease of the Land.  
 Apply to **WM. WILSON,**  
 23rd Sept.

**FOR SALE,**  
**THAT** desirable Allotment adjoining Mr. Smith's, fronting the Beach.  
 Apply to **WM. WILSON,**  
 Sept. 23rd.

**A CARD.**

**J. E. BRIGHT,**  
 Member of the Royal College of Surgeons,  
 AND  
**Licentiate Apothecaries Company**  
 Formerly Surgeon to the Adelaide Lying-in Institution, London.

**AT HOME** every morning at ten o'clock, at Tawkainga, opposite Russell Town.

**FOR SALE,**

**BY** the Undersigned, on board the store ship *Tuscan*, off Russell:—  
 Rum in barrels of 25 gallons  
 Tobacco in tierces and kegs  
 Port wine in hhd's, and qr. casks  
 Pages' bottled Port wine  
 Wardell's sherry wine  
 Champagne cyder  
 Bloom muscatel raisins  
 Bottled ale and porter in casks of 3 dozen  
 Half-pint tumblers, wine and liqueur glasses  
 9½ and 10½ heavy blankets, full size  
 Black and drab beaver and palm leaf hats.

**JOHN J. MONTEFIORE.**

Sept. 3d.

**FOR SALE,**

**BY** the Undersigned, on board the store ship *Tuscan*, off Russell:—  
 Brown stout, pale and strong ales  
 Real Jamaica Rum, 5 o. P., in barrels  
 Rum in hhd's, 2 o. P.  
 Square fig tobacco in tierces  
 Tobacco in tierces, kegs, baskets and bales  
 Sugar in casks and mats  
 Rice, preserved meats, pickles  
 Ladies', gentlemen's and racing saddles  
 Large bowl pipes  
 Double barrel guns  
 Gin in half cases  
 Tents, lined and unlined  
 Spades, hoes and tomahawks.

**ANDERSON, SCOTT & Co.**

Sept. 3rd.

**MR. GEORGE HULL,**

**Blacksmith,**

**BEGS** respectfully to return thanks to his friends and the Public, for their kind favors for the last four years and upwards, and begs to state that he has recommenced Business at the rear of Messrs. G. T. Clayton and Co's stores, and hopes by punctuality, moderate charges, and good workmanship, to ensure a share of public patronage.

Mr. Hull begs further to state, that he has taken Mr. McDERMOTT as a Partner in his Business, and hopes from Mr. M.D.'s experience in Sydney for twelve years as a Ship Smith in general, and likewise, since he came to the Bay of Islands, that his abilities as a Blacksmith in general cannot fail to be appreciated.

Kororarika, Sept. 22.

**NEW ZEALAND BANKING COMPANY.**

CAPITAL—£100,000.  
 In 10,000 Shares of £10 each.

**DIRECTORS:—**

**PRESIDENT,**  
 James Ready Clendon, Esq., J. P.  
**VICE-PRESIDENT,**  
 Henry Thompson, Esq.

Gilbert Mair, Esq., J. P.  
 Edward Marsh Williams, Esq.  
 John Scott, Esq.  
 William Mayhew, Jun., Esq.  
 David Pollen, Esq.  
 Philo B. Perry, Esq.

**AGENTS IN SYDNEY,**  
 The Commercial Banking Company.

**NOTICE.**

**THE** New Zealand Banking Company will commence Business on the 1st inst., and Interest will be allowed and charged at the following rates, until further Notice:—

**INTEREST ALLOWED—**  
 On current Accounts on the daily balance at the rate of 4 per cent per annum.  
 On Deposit Receipts payable at ten days } 5 per cent per annum.  
**INTEREST CHARGED—**  
 On Bills not having more than sixty days at the rate of 10 per cent per annum.  
 On Bills not having more than one hundred days at the rate of 12½ per cent per annum.

Discount Day—Wednesday at 12 o'clock.

Bills at ten days' Sight are granted on the "Commercial Bank" in Sydney at one per Cent Premium.

By order of the Court of Directors,  
**A. KENNEDY,**  
 Manager.

Kororarika, 2nd Sept., 1840.

**NOTICE.**

**THE** undersigned have this day entered into Partnership as AUCTIONEERS and GENERAL COMMISSION AGENTS at the Bay of Islands, New Zealand. The Business will be conducted by Messrs. WESTON & HOBSON, under the Firm of SIMMONS, WESTON & Co.

**ISAAC SIMMONS,  
 THOMAS WESTON  
 WILLIAM HOBSON**

Sydney, 1st July, 1840.

**Messrs. Simmons, Weston & Co.,**

Beg to inform Merchants, Captains of vessels, Settlers, and all parties connected with New Zealand, that having completed their New and extensive Stores, at the South end of the Beach, Kororarika, they have commenced Business as AUCTIONEERS AND GENERAL COMMISSION AGENTS, and will be happy to receive any instructions for the Sale of Land, Merchandise, &c., with which they may be honored.

In soliciting a portion of the public patronage, S. W. & Co. better themselves, that the experience they have attained by many years practice in the profession in the first House in Sydney, will be a sufficient guarantee of their knowledge of the business, and capability of managing and effecting any Sales of Merchandise, Land, &c., with which they may be favored.

Kororarika, 7th Sept., 1840.

**ONE POUND REWARD!**

**STOLEN** from a box in a Rapoo house on the Beach, a silver Hunting WATCH (makers names, Dwyerhouse & Carter, London.) Whoever will restore the above-named watch to the owner, will receive One Pound Reward.  
**JAMES BLACK.**

**THE** Members of the Deputation appointed at the Public Meeting of the 28th September to wait upon the LIEUTENANT GOVERNOR, will be happy to meet the Inhabitants of Kororarika, at 12 o'clock, on Saturday next, in the Large Room adjoining Mr. Jones's Hotel, to report the result of their interview with His EXCELLENCY.

**MINUTES** of a PUBLIC MEETING held at THOMAS'S HOTEL, Mangonui, in Doubtless Bay, Oct. 2nd, 1840.

**CLEMENT PARTRIDGE, E. Q.,**  
 IN THE CHAIR.

1st Resolution—Moved by Mr. W. Butler, seconded by Mr. Skelton.

That the Landed Proprietors of this Harbour contemplate with feelings of surprise and regret, the iniquitous attempt made by the Governor and Council of New South Wales to deprive them of their property, in direct opposition to the solemn assurance of Her Majesty's Government, viz., "That in the event of British Authority being established in New Zealand, all bona fide Titles to Land acquired from the Natives would not be disturbed by any proceedings instituted by the Crown."  
 2d—Moved by Mr. Flove, seconded by Mr. Smyth.

That the Native Chiefs of New Zealand have been acknowledged independent by the British Government, consequently, they have an undoubted right to dispose of their Lands as they think right. The Members of this Assembly, therefore, look with surprise on the pitiful means used to subvert that right by a clause in the Act of the Legislative Council of New South Wales, that would deprive all persons from acquiring a just title from the Natives.  
 3rd—Moved by the Resd. G. Skeay, and seconded by Mr. McKisney.

That the Members of this Meeting are unanimously of opinion that a Government emanating direct from the Mother Country, is absolutely required, to meet the demands of Justice in the rising Colony of New Zealand, as they can place no confidence in the Legislators of a Penal Settlement, who can have but little sympathy or community of feeling with the free and independent Settlers of this country.  
 4th—Moved by Mr. H. Smyth, and seconded by Mr. Butler.

That the value Land has acquired in this country is entirely owing to the arrival of European Settlers; consequently, any attempt to fix a price per acre on purchases made previous to the establishment of British Authority here, would inflict the grossest injustice on the white population, for the sake of making an ostentatious show of superabundant liberality towards the Natives.

5th—Moved by Mr. Skelton, seconded by Mr. Flove.

That the Land limited by the Act of the Governor and Council of New South Wales, as the maximum quantity to be granted, is quite inadequate to maintain even a small herd of cattle or sheep in this country, where there is no grass; consequently, the progress of the dairy would be retarded, the inhabitants deprived of beef and mutton, and compelled to live on pork alone, or to purchase the sea junk that arrives from other Colonies.

6th—Moved by Mr. Butler, and seconded by the Resd. G. Skeay.

That this Meeting is firmly resolved to aid all other Associations in New Zealand and Sydney, in a cause so deeply involving the interests of the Landowners of this country, and to resist in every possible way, in a legal manner, the unjust attempt to deprive them of those rights they have richly earned by foregoing the comforts of civilization, and submitting to voluntary exile in the wilds of New Zealand.

It was finally moved, that the thanks of this Meeting be given to Mr. Partridge for his able and impartial conduct in the Chair.

**FIVE POUNDS REWARD!**

**STOLEN** from the Club-House between the hours of 8 & 10 o'clock on Sunday morning last, a Gold Curb Guard and Silver Hunting WATCH. The above Reward will be paid to any party who may give such information as may lead to the recovery of the same, on application to

**JOHN KELLY,  
WM. WILSON.**

Or to  
Oct. 7th, 1840.

**ADVERTISEMENT.**

We are glad to notice that Mr. Michael Fitz Patrick, of the "Hobson Hotel," has nearly completed a road (sufficiently wide) for vehicles to pass to and fro from Kororarika to Matavia Bay, without any exception one of the prettiest and most retired spots in the Bay of Islands. This was always a favored spot, and this Road will give to Kororarika what has been long and much wanted, namely, a sweet and pleasant promenade after the hour of business. We long for the moon-light to come in, when we anticipate many pleasant evening walks. — CORRESPONDENT.

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

KORORARIKA:—OCTOBER 8, 1840.

We have objected to the Commissioner's Act, because of its undisguised hostility to the Native interests. On this ground it is utterly impossible that we should ever be reconciled to it by any circumstances whatever in its application. It is as a whole, with regard to the Aborigines, a most flagrant violation of national faith, and of the great natural principles of truth and justice, and nothing can alter its character but a new and opposite principle infused into it. The more we think of it the more it appears in our eyes irreconcilable with right. And as we are sure that his Excellency the Lieutenant Governor is not morally, so we also rather doubt whether he is legally bound to put it in force. At all events, a remonstrance from him to the Colonial Office would, without question, have its due effect, for there is no room to doubt, that the published instructions of the Home Government have been altogether contravened.

That the object of the Colonization of this country was ostensibly (and we are bound to understand men according to their ostensible meaning) the protection of Native Rights from violation is clear, from the following extracts:—

"It further appears that extensive cessions of Land have been obtained from the Natives, and that several hundred persons have recently sailed from this country to occupy and cultivate these lands. The spirit of adventure having been effectually roused, it can be no longer doubted that an extensive settlement of British subjects will be rapidly established in New Zealand, and that unless protected and restrained by necessary Laws and Institutions, they will repeat, uncheck'd, in that quarter of the Globe, the same process of war and population under which uncivilised tribes have almost immediately disappeared, as often as they have been brought into the immediate vicinity of Emigrants from the Nations of Christendom. To mitigate, if possible to avert these disasters, and to rescue the Emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effectual measures for establishing amongst them a settled form of civil Government. To accomplish this design is the principal object of your mission.

"I have already stated that we acknowledge New Zealand as a Sovereign and Independent State, so far, at least, as it is possible to make that acknowledgment in favor of a people composed of numerous dispersed and petty Tribes, who possess few political relations to each other, and are incompetent to act or even to deliberate in concert. But the admission of their rights though inevitably qualified by this consideration, is binding on the faith of the British Crown, the Queen in common with her Majesty's immediate predecessors, claimers for herself and her subjects, every pretension to seize on the Islands of New Zealand, or to govern them as a part of the Dominion of Great Britain, unless the free and intelligent consent of the Natives, expressed according to their established usages, shall be first obtained.

"All dealings with the Aborigines for their lands

must be conducted on the same principles of sincerity, justice, and good faith as must govern your transactions with them for the recognition of Her Majesty's Sovereignty in the Islands. Nor is this all; they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves. You will not for example purchase from them any territory, the possession of which by them, would be essential to the high conduct of their own commerce, safety, or subsistence. The acquisition of Land by the Crown for the future settlement of British subjects, must be confined to such districts as the Natives can alienate without distress or serious inconvenience to themselves. To secure the observance of this rule will be one of the first duties of their official protector."

The same point is corroborated by the reluctance expressed by the Ministers to re-establish a British Colony here—the interests of the Natives only being deemed of sufficient weight to counterbalance that reluctance.

"On the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1835, to enquire into the state of the Aborigines residing in the vicinity of our Colonial settlements, and have concurred with that Committee in thinking that the increase of national wealth and power promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this Kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and offensive People, whose title to the Soil and to the Sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British Government. We retain these opinions in unimpaired force, and though circumstances entirely beyond our control have at length compelled us to alter our course, I do not scruple to avow, that we depart from it with extreme reluctance."

From all this we must infer that the British Ministers never intended to deny the rights of the Natives.

With regard to another point connected with this, the Native independence, it is most unaccountably strange, that it should ever have been called in question. The same extracts are decisive as to the manner in which the Crown understands the matter. We have marked in Italics the passages to which we would direct attention. And if there had been no allusion to the matter in the Instructions, nothing can destroy the fact, that the independent Sovereignty of this country has been recognized by the British Crown. However, it may not have been so distinctly perceivable, that the Queen has not an atom of sovereignty or property here but by "the free and intelligent consent of the Natives, expressed according to their established usages." And, moreover, the Chiefs are to be induced to sell their lands to the Crown in preference to any other purchaser.

"It is not, however, to the mere recognition of the Sovereign Authority of the Queen that your endeavours are to be confined, for your negotiations directed. It is further necessary that the Chiefs should be induced, if possible, to contract with you as representatives of Her Majesty, that henceforward no land shall be ceded, either gratuitously or otherwise, except to the Crown of Great Britain."

Which is a clear admission of their perfect right to choose their purchasers.

We are, then, compelled to say, that the Act of Council relating to the colonization of this country is as "baseless" as the "fabric of a vision," and that Sir George Gipps' arguments, eloquent and full of research as they were, failed most completely in reference to the points which were fundamental. And though we admit that Sir George was furnished with powers as large as was required to fulfil the Instructions, we are quite sure, that he had no power given him to contravert them.

Thus far the Native rights—now we must advert to those of European Settlers. The following passage is the only one which gives any colour to the proceedings and arguments of the Legislative Council:—

"You will, therefore, immediately on your arrival, announce by a Proclamation, addressed to all the Queen's subjects in New Zealand, that Her Majesty will not acknowledge as valid, any title of land which either has been, or shall hereafter be acquired in that country, which is not either derived from or confirmed by a Grant to be made in Her Majesty's name and on her behalf."

But a close attention to the terms of this instruction is sufficient to show, that her

Majesty's intention was not to upset any possession on the plea of its not having been held of the Crown. Her Majesty does not claim the lands held by Europeans by equitable purchase from the Natives. The phrase in italics in the above passage shews, that she regards as fiction the silly doctrine of all lands possessed by Englishmen being held of the Crown. The lands purchased in this country during its state of acknowledged independence, were held by Native Chiefs, who were as Sovereign as the Queen of England or the King of France, and they had an unquestionable power to give Titles. When their Sovereignty was transferred to the British crown, that power to give or confirm titles in Law was necessarily transferred with it—for it is a first principle in jurisprudence, that the Sovereign power—of whatever kind it be—is the only authority by which legal Institutions can be constituted, and legal proceedings directed and maintained. But titles already in existence need only confirmation. They do not, where they have clear evidence, require to be re-given. And it is evident that from the above passage the titles already in existence, if found to be equitable, are already acknowledged to be good, and only remain to be confirmed by the new Sovereign of the country. The caution immediately subjoined to the above extract, fully bears us out in this interpretation on.

"You will, however, at the same time take care to dispel any apprehensions which may be created in the minds of the Settlers that it is intended to dispossess the owners of any property which has been acquired on equitable conditions, and which is not upon a case which must be prejudicial to the interests of the community."

The right of Natives and that of European Settlers being, in fact, one and the same in this matter, it is impossible to consider them apart with due effect.

It was a great error of the Crown to commit Legislation on one of the most important subjects ever under its notice, to the solitary judgment of one of its servants, at the distance of half the Globe from its own immediate cognizance. Such an Act as that before us, would scarcely have remained an hour before the House of Commons.

It must not for a moment be supposed, that we would contend for such absurd claims as those of Mr. Wentworth. We do nothing of the sort. But a law might easily have been passed which would set such claims aside, without overthrowing all the rights of property in the country.

The question has been mooted in our hearing—whether the confirmation of the Commissioner's Act by the Home Government or Parliament is constitutionally required before it can take effect. We will briefly state our views on the subject.

The Crown, doubtless, possesses certain prerogatives, among which one which it claims is to hold certain Colonies under its immediate control and management without the necessity of directly consulting Parliament in reference to any of its Acts. The Colony of New Zealand is one of these. And it is by virtue of this prerogative that the Crown has of its own will constituted this Colony a dependency of New South Wales—itsself a Crown Colony—and given the Governor and Council the power of legislating or it.

But the Crown is itself responsible to Parliament for all its proceedings, inasmuch as those proceedings may affect the inalienable rights of British subjects, and entail consequences of the most serious importance to the Nation at large. The Crown being itself intended for the national benefit, can have no prerogatives simply for itself, but in reference to that benefit, and, therefore, in the exercise of its necessary and undoubted prerogative, it is liable to be called in question by the three Legislative Estates in union, or by either of them, of which itself is one.

It necessarily follows from these premises, that every British subject, so long as

the remains such, is under the protection of the Imperial Parliament, and that of the Representative part—the House of Commons, in particular. Nor can a subject be placed in any position by the Crown, in which he has not a full right to appeal to the judgment of Parliament upon his condition, and to claim its interference if that condition is found to be unjustly forced upon him.

The British Constitution comprehends all the natural rights of every British subject. This is evident from the fact—that if such a subject offend against the Laws emanating from that Constitution, he is liable to be punished under its authority for that offence. Now, the constitutional rights of the subject must necessarily be so extensive with his liabilities. The one clearly supposes the other. Hence slavery, the last acknowledged violation of this principle, has been abolished; and every British subject has naturally an equal right of liberty and property, and in case of the real or supposed violation of these, by the assumption of power, he has an equal right to call upon that House for its judgment, which is in its very nature the guardian of the Constitution.

Now, to apply these remarks to the case before us—here is an Act of a Colonial Legislature—issued in the name of the Crown, by which a right is claimed on the part of the Crown, to interfere with certain property held by British subjects. The power claimed is absolute; so that not an acre of landed property is secure to its present possessor, whether Native or European. The parties aggrieved have a right of appeal to that power to which the Crown itself is amenable; and from this it would inevitably result, that so long as there is an appeal made in Parliament against the Act on this ground, and the answer has been neither formally nor virtually given, it will be unconstitutional to put the Act in force. The Crown has a full right to issue a Commission by which the claims of property may be tried, but in a great and national question like this, there is no judgement which must not be subject to the revision of Parliament; if an appeal be once properly made; for there is no right affected by this measure which is not the common right of all British subjects.

Can the Commissioners' Act be brought into operation in this country?—is a question which seems never to have been present to the minds of the Governor and Council of New South Wales. It would have been wise if they had spent a few months here prior to deliberation on the subject. We suspect we should have seen a very different proof of their wisdom if they had done so.

SINCE the preceding articles were set up, we have heard that it is in contemplation to call a Meeting, to adopt a Petition to the Queen, for the separation of New Zealand from the Colony of New South Wales. We have scarcely room this day to say more than that we believe the object of the meeting would be strictly that just mentioned, and no other, that we most cordially approve that object, and most earnestly hope, that on this single point the Colonists will be unanimous, and that we have good reason to feel a high degree of confidence as to the success of such a Petition.

There is but little room to doubt the propriety and necessity of the separation to be prayed for, and we suppose that there is not a person resident in New Zealand, who does not think as we do. For our own part, we look upon it as absolutely essential, to form this Country into a British Colony at all, for the destruction of the Trading interests of the community, in consequence of our dependence upon the Government of New South Wales is becoming more fearful every day.

We urge, then, that every Colonist, whether Landholder or not, should unite in adopting such a Petition. Sufficient

time may be given for the union of all persons in every part of New Zealand. There is one thing to be considered of not a little weight, that an appeal from an inferior to the highest authority in the empire, on a point comprehending all others, would have the effect of suspending particular legal proceedings, injurious to the Colony, until the answer of her Majesty be received. At least, so we believe. We may add, that if the Colonists be not prompt in adopting a measure necessary for the restoration of public confidence, but few persons at present here will find it practicable to remain. We expect that next week the advertisement will appear, calling the Meeting advertised to.

A most singular case was brought before the Court at Russell, on Monday, the particular account of which we shall be able to give in our next. In the mean time we may state just the following outline:—Captain Davis, of the *Currupey Lass*, had received a summons on Saturday to attend Court on Monday, to answer a charge of Assault. On Sunday, it appeared that Mr. Hooton, one of the owners, had ordered him out to sea, and was on the point of being obeyed. The constables went on board and took the Captain into custody, and were bringing him on shore, when he was ordered back by the owner. The constables then went for the Magistrate, who returned with them. Not, however, being able to effect their object, application was made to the Captain of the *Favorite*, who, after firing several times, twice oblige with balls, armed a boat's crew to cut off the course of the schooner in her attempt to work out against a head wind. The end was now answered, the Captain and Mr. Hooton taken into custody, and both taken to Court the next day. The offence issued in the former being committed, and the latter bound over, to be tried at Sydney for piracy. The vessel itself is in charge of the ships of war, and will, it is expected, be subject to a heavy fine, and several of the sailors are imprisoned until they can pay a fine of £5 each.

A correspondent informs, that he lately heard it generally said by a Magistrate on the Bench, at Kororarika, that he did not consider there was such a thing as property at present in New Zealand to be protected by Law, and that, therefore, the plaintiff in the case then pending, could expect no redress. It would be well to recommend a person, expressing such a sentiment, to the favorable notice of Sir G. Gipps, as one very suitable to put "the Act" in force.

On Monday several of the Native Chiefs of Kororarika wanted on the Lieutenant Governor, to represent to His Excellency that their rights were being violated by the erection of the Custom House upon the Tabooed ground where their friends were buried: His Excellency, consequently, came down in the afternoon to investigate the matter. The issue was, that the Custom House was ordered to be removed without delay, and the workmen immediately commenced pulling down the timber. We suppose it was owing to a suspicion that the thing would not be done according to promise, that Chief Rivers employed his own men the next morning to accomplish the business. Surely, this occurrence will convince the Government, that to have the interests of the Native population of this Island arrayed against it, will be no trifle. The Act of Sir George Gipps, if rightly understood by the Aborigines, would, we are sure, be quite sufficient to rouse the whole of them to irreconcilable hostility. We do not know any thing of the claims which may be urged with regard to the tabooed ground in question; it is enough that the Chiefs felt themselves aggrieved, and demanded and obtained redress. At the same time the readiness with which His Excellency listened to their complaints, shows that he does not wish to violate any man's rights.

We are informed that at the sale at Captain Mayhew's, on Monday, Flour was sold at £3 6s, the barrel of 193 lbs.; tobacco at 1s. 3d. to 1s. 6d.; sheep 35s. to 36s. each.

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

(CONTINUED FROM OUR LAST.)

The Governor and Council of New South Wales—out content to advance merely for the purchase or cession of land from or by the Natives, to be repaid by sales to Emigrants, are determined to pounce on such land, as, by its immediate value, will defray all expenses incurred by them, and to spare—alike reckless of the destruction of a Colony, situated some hundreds of miles from them, and of the persons who have, in fact, paved the way for the civilization of its aborigines. Our friends in New South Wales are jealous of us, and anxious to ruin our prospects, and to deter emigrants from visiting our shores; afraid that there will not be the same influx of labor in a New South Wales. Such being the case, we shall be unable to get any satisfactory answer as to what are the intentions of the Government with regard to Kororarika, or any other place in New Zealand; and in a fact, His Excellency the Lieutenant Governor is as ignorant of as any of us.—It depends entirely on the will of a single individual, who is never over communicative. In such a state of things, it is no use trifling away time by deputations sent to Captain Hobson, or remonstrating with Sir George Gipps; the only proper mode of seeking redress is by Memorializing the Home Government. I have an extract from the *London Courier*, now before me, which states, that it is absolutely the duty of the British Government to protect us from outrages by Natives and runaway convicts. Can they in seeing it necessary to do so, have contemplated the depriving or robbing us of that which even the convicts of New South Wales count on, and so make the ruin complete? Can they have contemplated protection by an Act, which at the will of a single man, can deprive every man in New Zealand of his land and habitation? Depend upon it, had the Lieutenant Governor himself contemplated such a thing, he had not been in the Office now holds. I do not mean to argue the Law as regards Sir George Gipps' proceedings, but merely to declare against the injustice of them. Let a respectful Petition be forwarded to Her Majesty, not from Kororarika alone, (let no selfish principle pervade the thing) stating the injustices done by Sir George Gipps, and the Council of New South Wales, to her subjects in this part of the world; and if such a memorial, properly addressed and numerous, and respectfully signed (as it may be) fail to receive notice from the Queen and Parliament of Great Britain, (notwithstanding the indifference with which Mr. Thompson says the thing would be treated,) it is time that the motto "God and my right" should be erased from the Royal Arms, and that of "might makes right" substituted.

I am, Sir, your obedient servant,  
AN INHABITANT OF KORORARIKA.

### Shipping Intelligence.

ARRIVED.

Oct. 2.—The brig *Emigrant*, from Warren, United States, with a general cargo.

SAILED.

Oct. 1.—The *Kate* for Sydney.

Printed and Published by G. A. EAGAN and Co., Proprietors, at the Office, Turner's Terrace, Bank Square, Kororarika, Bay of Islands, New Zealand where, and at Mr. Wm. Wilson's Rooms, all Orders, Advertisements, and Communications to the Editor are requested to be addressed.