

# THE NEW ZEALAND ADVERTISER,

AND  
Bay of Islands Gazette.

*T. M. Hocken*

No. XXI.]

KORORARIKA, THURSDAY, OCTOBER 29, 1840.

[Vol. I.]

## THE GAZETTE.

### Port of Russell.

NOTICE IS HEREBY GIVEN,

THAT all Vessels which may arrive in the Harbour of the Bay of Islands, on and after the first day of November 1840, must be reported by the Master, in conformity with the 15th Section of the Act of the Governor and Council of New South Wales, 3rd Victoria No. 3, and the Goods duly entered as required by the 17th Section of the said Act. All Vessels outward bound must be provided with proper Clearances, and the Goods laden therein be duly entered Outwards, in compliance with the 48th Section of the Act before-mentioned.

GEO. COOPER,  
COLLECTOR.

Custom House, Russell, }  
12th October, 1840. }

NOTICE IS HEREBY GIVEN,

THAT all Vessels built in New Zealand prior to the 21st of May, 1840, will be licensed to Trade Coastwise and with the Australian Colonies, until further Notice, on the production of the necessary Certificates, from the Surveying Officer.

Vessels built in New Zealand subsequent to the 21st May last, will be entitled to Registry as British.

Any Vessel trading without Registry or License, will be liable to forfeiture under the 4th Section of the Act 3 & 4 Wm. 4, cap. 55, after the expiration of one month from the date hereof.

GEO. COOPER,  
COLLECTOR.

Custom House, Russell, }  
20th Oct. 1840. }

IN THE SUPREME COURT  
OF NEW SOUTH WALES. }

### Ecclesiastical Jurisdiction.

In the Goods of—

Salmon, David, of Montezuma;  
Grey, Alexander, of Kororarika;  
Peat, Captain George.

PURSUANT to the Rule of this Honorable Court, the Creditors of the above-named deceased persons who reside in New Zealand, are, on or before Saturday, the 30th day of Nov. next, to come in and prove the same before me at my Office in Russell, or in default thereof they will be summarily excluded from all benefit arising from the said Estates.

GEO. COOPER,  
Agent and Receiver of  
Intestate Estates.

Russell, 24th Sept., 1840.

NOTICE is hereby Given, that the Partnership carried on for some time past at Tawakunga, in the Bay of Islands, by Thomas Black, William Green and John Stuart, under the Firm of "Black, Green and Co.," was this day dissolved by mutual consent.—Dated, this 26th day of October, 1840.

It is requested that all Claims on the late Firm be forwarded immediately, and prices indicated thereon, are requested to pay the amount of their debts forthwith to Mr. BLACK, Tawakunga.

## Sales by Auction.

GREAT SALE

or

## MERCHANDIZE.

W. Watson,

Is instructed to offer for Sale

BY AUCTION,

AT THE STORES OF

Messrs. HENRY THOMPSON & Co.

Kororarika, Bay of Islands,

On MONDAY, the 16th November, 1840.

At 11 o'clock,

Twelve Thousand Pounds worth

OF

## MERCHANDIZE;

CONSISTING OF

### 6000 HHDs. prime RUM

- 1,000 Cases and half cases Gin
- 130 Hhds. Arrack, of good quality
- 40 Hhds. Gin
- 250 Dozen Port Wine, in cases and casks
- 250 Dito Sherry do. in do. and do.
- 5 Quarter casks Red Wine
- 350 Dozen English bottled Ale
- 200 Dito ditto ditto Porter
- 2 Mangany Spirit or Beer Engines complete, with lead and brass fittings
- 1 Box Cutlery and Jewellery
- 1 Box Jackets and Trowsers
- 3 Four roomed Houses, in frame, with cedar Doors, Window-frames Window-sashes, Glass, Locks, Keys, and Hinges complete
- 3 Two-roomed Houses (same as above)
- 2 Four-roomed Houses, complete in all respects, (made by Manning in London)

### 56,000 Good Clams

- 2 Hhds. Linsseed Oil
- 5 Tons first quality Loaf Sugar
- 2 Dito second do. do.
- 5 Tons first quality Flour
- 2 Dito second do. do
- 6 Dito Biscuit
- 5 Kegs and 5 Tierces Square Fig Tobacco
- 600 Cheeses, in cases of 50 each
- 100 Cheeses, English, in tins
- 11 Tons Liverpool salt
- 5 Bags Split Peas
- 20 Kegs white, black, green and blue Paint
- 25 Tubbs Irish Butter
- 4 Tons English Soap
- 15 Boxes Mould and Sperin Candles
- 5 Tons brown Sugar

A large assortment of every description of Ironmongery and tinware

All sorts of Carpenter's tools—

- 23 Crates assorted Earthenware
- 18 Kegs Shingle, Batton, Flooring & Weather boarding Nails
- 4 Boxes New Zealand Pipes, large bowls
- 16 Double barrelled Shot-locks Guns
- A large assortment of Pickles
- 2 Boxes B. O's and Shoes
- 30 Dozen Calf Skins and Bazils

- 250 Pieces Dark Ground and Navy Blue Prints
- 3 Boxes superfine Clothing, containing Coats, Frock Coats, fancy Vests and Trowsers
- 63 Dozen Men's water twist Shirts superfine breasts and collars
- 2 Bales Regatta Shirts
- 4 Dito Striped Cotton ditto
- 25 Pieces Cotton Shirting
- 1 Bale Cloaks

An assortment of

### Britannia Ariel Ware.

- 113 Light and dark Tartan Shawls
- 10 Chests Hyson Skin Tea
- 6 Dito Black Tea
- 9 10, 11 and 12 quarter Blankets
- 13 Pieces Woollen Cloths, Cassimeres and Buckskins
- 29 Pieces Ginghams
- 20 Dito Valencin Checks
- 30 Dito Plain & 10 pieces Printed Drills
- 20 Bolts Canvas
- 12 Dozen Worsted and Cotton Stockings
- 5 Dozen Flannel Drawers
- 20 Complete Sets Ivory Handle Knives and Forks
- 20 Pieces Silk Handkerchiefs
- 20 Muslin Dresses
- 6 Doz n Silk and Satin Stocks
- 1 Bag Trifolium Seed
- 3 Tons Sheet Lead
- 1 Bale Monkey Jackets
- 1 Dito 3 bushel Bags
- 3 Cases Oil Cloth and Table Covers
- 2 Casks containing four complete Table Services of Cut Glass
- 10 Dozen Cotton Shawls
- 40 Pieces Cream-colored Duck
- 115 Dito Bleached ditto
- 1 Piece Linnen Sheeting, 2 1/2 yards wide
- 30 Yorkshire Hams
- 2 Boxes 12 x 14 Glass
- 200 Iron Pots, assorted sizes
- 1 Plough and Iron
- 25 Great Coats
- 10 Superior Great Coats
- 21 Drab Hats
- 3 Tents and Poles, complete.

TERMS OF SALE—Sums of £30 and under Cash; above that sum approved endors. ad Bills at 3 month's date.

Parties resident on the Coast, and Country Store-Keepers, will find it their interest to attend the above Sale, which, for variety and extent, has never been approached in New Zealand.

C. J. COOK and Co.

HAVE on SALE at their Store, York street, Kororarika, an assortment of IRON POTTS, and a large quantity of IRON POTTS, from 2 gals. to 1, suitable for Native Trade.

FOR SALE,

THE half S. are of a handsome little BOAT. Also, an IRON BEDSTEAD.

Apply to MR. PONCET, opposite the Royal Hotel.

WANTED, a pair of Sawyers and Brick-makers for the Thames. Apply to W. V. Brewer, Esq. Oct. 21, 1840.

**FOR SALE BY AUCTION,  
By MR. WILSON,**

At his Rooms, on Friday, 30th inst., at 11 o'clock precisely, *without reserve*, ABOUT One Hundred and Fifty Volumes of valuable WORKS, of standard Authors.  
An excellent Colonial Engraving of Windsor Castle, framed and glazed  
Three Musical Boxes  
Six Hhds. Taylor's porter  
A superior Gold Repeater, with gold chain, seals, &c.  
Gin and Brandy in hhd. and quarter casks  
Dunbar's bottled cyder  
Wardell's Port Wine in 3 dozen cases  
Bryant's superior London Sherry, do.  
Very superior bottled Stout  
Tobacco  
Cigars  
English preserved Fruits, Jams and Jellies  
Dunbar's Old Tom in cases  
A quantity of Gin in cases and half cases  
Brazil Tobacco  
Split pease.  
Terms—Under £30 Cash; above that sum approved Bills at 3 months.

**T**HE Undersigned has FOR SALE, on board the store ship *Tuscan*, ex "Earl of Lonsdale" and other vessels, the following CHOICE ASSORTMENT of WINES and other Articles: Hock, Sauterne, Barzac, claret, Bucellas, Port, Sherry and Moselle, in pints and quarts  
Lemon and Raspberry Syrup  
Rum in barrels, Tobacco, Cyder  
Raisins, blankets, wine and liqueur glasses  
Black and drab beaver and palm leaf hats  
Spanish mahogany Bagatelle Boards.  
JOHN J. MONTEFIORE.  
October, 1840.

**J**UST LANDED, and on SALE at W. WILSON'S Rooms, Flour, tobacco; cigars; cheese; blankets; biscuit; butter; soap; waistcoats; dress coats; Navy blue prints; gingham; Valencia checks; tea; sugar; wax candles; bottled ale, wine and porter; gin in hhd., cases, and half case; brandy in kegs and casks; rum in hhd. barrels and pipes; Yorkshire hams; American do.; sugar tippers; table cutlery; stationery; and a variety of other Articles too numerous for insertion.

**FOR SALE,**  
**B**y the Undersigned, on board the store ship *Tuscan*, off Russell:—  
Brown stout, pale and strong ales  
Real Jamaica Rum, 50 P. P., in barrels  
Rum in hhd., 20 P. P.  
Square fig tobacco in terees  
Tobacco in terees, 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.

**TIMBER.**

To Builders, &c., &c.  
**G**ENTLEMEN engaged in Building will save 50 per cent. by giving timely orders, and stating the lengths and dimensions to suit their Buildings, to the undersigned, who can supply timber to any extent.

**BLACK & GREEN.**  
Opposite Russ II.

Sept. 2d, 1840.

**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, Junr., Esq.  
David Pollen, Esq.  
Philo B. Perry, Esq.

AGENTS IN SYDNEY,  
The Commercial Banking Company.

**NOTICE.**

**T**HE New Zealand Banking Company will commence Business on the 4th inst., and Interest will be allowed and charged at the following rates, until further Notice:—

**INTEREST ALLOWED—**

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

Discount Day—Wednesday at 12 o'clock.

Bills at ten day's 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.**

**T**HE 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. Rather 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.

**E. M'LENNAN.**

**I**N returning thanks for past favors—begs to announce to his friends and the Public generally, his recent arrival from Sydney with a very superior STOCK, the whole of which has been carefully selected by himself, and will be found admirably adapted for this Market.

The Public are earnestly invited to favor him with an inspection.

Amongst a very great variety of Articles will be found the following:—

- A great variety of fancy and Navy blue prints
- 6 4th Merinos, all colours
- Merinos and Welsh flannels, 4 & 5 4ths
- 6 4th Linnin sheeting
- 6 4th Cotton do. twilled and plain
- 4 & 5-4 h Long cloths and sherings
- Do. Grey calico
- Ladies' white and black cotton hose, a great variety
- Children's do. all sizes
- Men's cotton, lambs wool and worsted hose
- Ladies' stays
- 4, 5 & 6 4ths hobbinett
- Quiltings, all widths
- 6 4ths Jaccenet and cambric muslins
- Do. Checked muslins
- A great variety of Children's shoes
- Do. do. men's dress shoes and boots

A great variety of GENTLEMEN'S CLOTHING,—comprising, Superfine cloth suitsouts, with & without velvet collars  
Superfine cloth dress coats  
Buckskin and fancy trousers, a great variety  
Silk, satin, and Valencia waistcoats and silk stocks  
Gambroon shooting coats  
Persian cloth summer coats and jackets  
Lasting black and coloured frock coats  
Blouses, rustic coats and drab hats  
A variety of cloaks, dressing gowns, &c.

**SLIPS, — viz:—**

- Blankets, 10, 11, & 12-4ths
- An immense variety of cord and moleskin trousers
- Do. do. flushing do.
- Do. do. duck & canvas
- Do. do. pea jackets and shepherd's coats

Red and blue serge shirts  
Striped and regatta do.  
Cloth and travelling caps  
Moleskin jackets and plush waistcoats  
Serge drawers, cravats, night caps, cuffs, &c.

**A great variety of IRONMONGERY CUTLERY, &c.**

- Do. do. of earthen and glassware
- Port and sherry wines of superior quality, in cases
- A few casks of Cogniac brandy
- Do. do. Gin and rum
- Gin in half cases
- Dunbar's bottled ale and porter

**GROCERIES.**

- Black and green teas and coffee
- Raw and refined sugars
- Mustard, pickles and curry powder
- Ground pepper and Cayenne do.
- Fish sauces, fruits, spices, &c., &c.
- Starch, blue and soap
- Mould and sperm candles
- Pickled herrings, cheese, &c.

Double and single bottled genee, flint locks  
Powder and shot  
Britannia metal tea pots and coffee percolators  
Several sets of very splendid tea and coffee trays, richly painted.  
Kororarika,  
29th Oct., 1840.

**W**ANTED, a person who understands Books.  
Apply to Wm. WILSON.  
21st Oct.

TO SAWYERS,

Brick makers, and Wood cutters.

CONSTANT employment and liberal encouragement will be given to one or two pairs of each, if steady men. Apply to

BLACK & GREEN,  
Opposite Russell.

Sept 2nd, 1840.

**THE UNDERSIGNED,**

ARE prepared to purchase to any extent, Black Oil, Sperm Oil, and Whalebone, either British or Foreign.

HENRY THOMPSON & CO.

July 29.

We beg to repeat our request, that persons indebted to this establishment will discharge their bills without delay.

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

KORORARIKA : OCTOBER 29, 1840.

"To take an illustration a step home,—how coolly do we look on and behold lands held by unquestionable charter from Almighty God, in defiance of an hundred Treaties by which the faith of this country has been pledged—in violation of every acknowledged law, human and divine, wrested from a people, by whose forebearance, a century ago, our fathers were permitted to exist!"

The foregoing passage is extracted from a postulated Lecture on Education of Professor WAYLAND, of one of the American Universities. The Professor is shewing, by various examples, at the end of which he places the above, as the most striking—that Education has yet a vast work to do in removing the prejudices which blind the understandings of men to the most obvious and affecting truths. He regards it as a *prejudice*, that a civilized power, like that of the United States, ever held a right to dispossess of their lands the Aboriginal inhabitants of their country. And he speaks of it in a way which would lead us to infer, that the people with whom he was conversant, were fully aware of this natural defect in the title by which they held their estates, and were merely so habituated to apathy on the subject, that they never manifested the least concern about it.

Sir George Gipps then takes a far bolder course than the inhabitants of the United States. He not only denies the fact, that Aborigines hold their Lands "by unquestionable charter from the Almighty"—but he expresses surprise that such a sentiment should be uttered. As to common sense, and the private knowledge of natural right and justice which may influence the opinions of the mass of society—if they lead to the formation of any opinion at all, he deems it right to take no notice of it, forgetful altogether, that common sense and public opinion are things far stronger than the strongest Statute. The opinion prevalent, nay, universal, among politicians and legislators, he seems to say, is utterly opposed to the notion, that civilized Governments may not claim the property of uncivilized men.

Sir George, however, is wrong in supposing, that *his* notion of the matter is *universal* among politicians of the present day. There is one exception, at least, which, however it may be too undistinguished and unimportant for his magnificent comprehension to rest upon, may possibly be found to have some weight—it is that of the present Government of Her Majesty Victoria, Queen of Great Britain, whose declared sentiment is, that the *title of the Aborigines of this Country to their soil is indisputable.*

However, Sir George thinks that *precedent* ought to decide the matter, and

this is with him all-sufficient to swallow up every other consideration. Perhaps a fair view of precedent would not be quite so favourable to his view of the present case, as he has made it appear. We are, indeed, fully convinced of this. But it is not on this point we wish to insist. We have firmer ground. Independently of all precedents and usages customarily employed by civilized nations, and which can apply only to nations which are civilized, and, therefore, supposed to know and acquiesce in them, we declare most peremptorily in the name of eternal and immutable justice, that the Nation which seizes by force, and appropriates the lands held by any people, whether civilized or not, is to be held a most flagrant transgressor of the Law of universal right. Admit that all Nations have done this, and what then? Why, it only proves their guilt, and justice remains the same. The first occupiers of a country do most certainly hold it "by unquestionable charter from the Almighty"—and we be to the Nation, or the individual, public or private, who either by force or fraud deprives them of it.

As it regards the Natives of this country, they are altogether a different people from those whom Sir George conceives them to be, and we are quite sure that he will not be able to manage them by an Act of his Council.

As to precedent, if it be limited to decide cases of natural justice, there is no mischief which may not be authorised. Precedent, in consequence of the corruption of mankind, will, generally, be found on the wrong side. The people and the Rulers only require to be *educated*, and then they will see that nothing can be more foolish than to make right, which is unchanging, submit to *precedent*, which varies according to every man's humour.

If it had been the intention of the Sydney Legislature to cut up this young community by the roots, they could scarcely have adopted a more effectual means than that which they have employed. The dullness of Kororarika in comparison with its former activity, is becoming proverbial. Indeed, it is useless to disguise the fact, that there is almost nothing doing in trade, and the little that yet remains is done at prices which can only cause loss. Why has Sir George Gipps acted so cruelly? and what amount of moral responsibility rests upon his conscience, for the fearful injury he has inflicted in unsettling the mind of every Colonist in New Zealand? are questions which he, only, can answer. It is idle, however, for him to think of being borne out by the British public and the Imperial Government. We are quite persuaded it cannot be; and, moreover, we believe, that not only the character and situation of the Natives, but those of every Settler, stand as insurmountable obstacles to the actual enforcing of the Commissioner's Act. Nothing but ignorance of the subject could have produced and passed such a measure. But if, indeed, the matter be persisted in, the Act will defeat itself, by rendering it impossible to raise a revenue, and, consequently, by preventing the establishment of a Colony here at all.

Settlers in New Zealand, years ago, represented to the Government at Sydney, that their lives and property were endangered by the violence of the Natives, and requested to know if British authority might not be extended for their protection. The answer was, "No, you placed yourselves of your own accord beyond the British dominions, and you must, therefore, bear your own risks." But now that the fruits of these risks are being reaped, the Government of Sir George Gipps, in the name of Her Majesty, a though falsely so, claims a right to carry off the Harvest. Surely, every man's sense is sufficient to tell him that this is a most monstrous inconsistency.

The Memorial and Protest have been very extensively signed, though we have not yet heard from any of the more distant places. By the way, for the sake of information, we may as well say, the subjects of other Governments, being equally concerned in the matter, ought to sign the Protest, which is as much an appeal to their own Governments as to that of Great Britain. It is otherwise with regard to the Memorial, which should be signed only by British subjects.

We are assured on good authority, that the individual now going about as common informer, and through whose means several persons have been brought before the Bench, has been, &c he be not now, a prisoner of Van Diemen's Land. Much as we think it necessary that all intentional evasions of the Laws should be informed against, we are decidedly of opinion that the encouragement of such a person in his attempts to benefit himself by the faults of others, should itself be regarded as a public wrong. It is not such persons whose accusations ought to be listened to. A common informer is a common nuisance.

**Police Report.**

Information—Queen v. Potter—Retailing without a License.

On Monday the 19th instant, the case of Mr. Potter came on for trial at the Police Office, Russell, before A. E. McDonough and H. D. Smart, Esqrs., Police Magistrates. It appears that the case was dismissed in consequence of the Informer not divulging out the information according to Act of Council.

A witness in the above case, named Beck, was fined £10 for not giving his evidence when called on by the Bench.

**Shipping Intelligence.**

The *Beck* left the Harbour for the Thames on Friday last, but was obliged to return on Sunday, in consequence of the weather. On Monday she again sailed for the same Port. The schooner *Arct* left the same day for the Coast. The brig *Enigrant* yesterday for Port Nicholson, and the schooner *Harteguin*, Elliot, master, for the Thames, with the following passengers—Mr. and Mrs. Battray, Mrs. Mason and child, Messrs. Wood, Booth, Warner, Gordon, and two steerage passengers.

**Original Correspondence.**

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

SIR,—Permit me through the medium of your Paper, to offer a few remarks upon a subject which most necessarily engage the interests of all classes in this country to a certain extent, I allude to the praiseworthy efforts which are now being made in every part of New Zealand, to oppose, by legitimate and constitutional means, the New Zealand Commissioners Act of the Governor and Council of New South Wales. The Settlers of this country have been accused, and, perhaps, justly, of apathy, if not indifference, to their own interests. It must be acknowledged that there has been hitherto a great want of union, and that in making feeble attempts to secure individual property, the general good has been neglected. I am glad, however, to see, that a different spirit is now manifested, and that the Landholders of New Zealand have at length accused themselves from their seeming lethargy, and assumed something of the lion spirit of the country, which they have sprung. Patience and forbearance are the characteristics of the English name; but there is a point at which endurance ceases to be a virtue, and patience under wrongs which may be redressed, becomes an indication of folly or cowardice. Englishmen know and appreciate their rights as free-born subjects, and however far removed from the happy homes of their father-land, they feel that they have still an interest in the Island of the Free—an

inheritance bequeathed to them by their fathers, which it is their duty to preserve and maintain—an inheritance, of which it may well be said "nemo impune læcetur"—it is the existence of this right that has engendered that spirit of manliness and honest independence, which, when aroused by a sense of received insult or injury, makes the name of Britain a sound, which tyranny shall quake to hear—which has in former days been the means of hurling tyrants off their thrones, and which will, we hope, under the guidance of true and loyal feelings, and by the proper use of legal and constitutional means still triumph over all the arts and designs of those, who would so recklessly and cruelly blast the prospects of our adopted country. Founding as the Colonists do their opposition to the oppressive measures of Sir George Gipps, on the existence of their right, we cannot better prove the legality and justice of their resistance, than by quoting the following extract from an eminent writer on the Liberty of British subjects:—

"Private Liberty, according to the division of English Lawyers, consist—first, of the right of property—that is, of enjoying exclusively, the fruits of labour, and all the various fruits of one's industry. Secondly, of the right of personal security. Thirdly, of the Incommutability, taking the word in its most enlarged sense."

"Each of those rights exist, again the English Lawyers, is inherent in the person of every Englishman; they are to him as an inheritance, and he cannot be deprived of them but by virtue of a sentence passed according to the Laws of the Land; and, indeed, this right of inheritance is expressed in English by one word—*Birthright*—the same as that which expresses the King's title to the crown; it has, in cases of forfeiture, been often opposed to him as a right equal to that of his crown; and of a sanction equal to that of his crown."

"One of the principal offices of the King of property is, that the King can take from his subjects no part of what they possess—he must wait till they themselves give it to him; and this right, which, as we have seen before, is, by its consequences, the bulwark that protects all the others, has, moreover, the immediate effect of preventing one of the chief causes of oppression."

We are far from attaching all the blame to our own Lieutenant Governor, Captain HOBSON, for the numerous evils which have been inflicted on this Country since his arrival amongst us, though, even, he, is not altogether free from fault in being, though unwillingly, the instrument of executing the ill-advised plans of another. We believe Captain HOBSON to have erred in head and not in heart; and while we give him credit for honest and good intentions and for a wish not to injure the interests of Settlers in this Country, even under the necessity of making an effort, at whatever risk, to execute the commands of his Sovereign, or his Sovereign's Secretary, we cannot help feeling, that were we in his situation ourselves, we should have come to the field of our fame or infamy free and unshackled—we should have spurned the idea of being in any manner, whatever, under the guidance of another, more especially such a person as Sir George Gipps, or any Governor of a penal Colony. Captain HOBSON has been engaged in an arduous undertaking—that he has succeeded beyond his own or his employer's expectations, we will not deny;—we are persuaded that few in his situation would have exerted themselves so much; and that were Sir George Gipps in his place, he would have, ere this time, abandoned New Zealand, after having acquired a reputation equalled only by that which he had previously obtained in Canada. We believe that Captain HOBSON has deservedly earned for himself the good wishes of all the Settlers in New Zealand, and that had he been free from, and entirely unconnected with, the convict colony, we should not now have to record in your pages, the just and well-founded complaints of our fellow-settlers. Captain HOBSON may shield his reputation against the odium of having brought misery and ruin on a whole country, from the circumstance of his having declined the responsibility of having to settle the contending claims of Landholders; but he may not so easily

quiet his own conscience in being in this manner the means of throwing them and their fortunes into the hands of their ruthless enemies; into the hands of men, who envy their enterprise and prosperity, and who, from a narrow minded and liberal policy which cannot see beyond the present moment, fancy, that in effecting the ruin of this Country, they are advancing their own; in this respect the question of Lord BYRON to the modern Greeks applies well to Captain HOBSON, namely, "Why forget the nobler and the manlier one?" Why undertake to extend the dominions of Britain, and neglect the prosperity of British subjects? Why seek to attach New Zealand to the Crown of England, and leave its inhabitants a prey to the greedy vultures of a penal settlement? This and this only is the cause of complaint with respect to Captain HOBSON, and in forwarding a Petition to her Majesty and an appeal to the Home Government, it ought to be distinctly understood, that the Settlers have no quarrel with Captain HOBSON, excepting as stated above; they are all, to a man, most anxious for his emancipation from the trammels of the penal settlement. He has been cordially received from the first, and would continue to carry along with him to the end, the good feeling of all classes, but for his unfortunate connexion with and dependence on Sydney.

In adopting the Petition and Protest which are now in the course of Signature, by, we believe, all the residents in this Country, British as well as the subjects of Foreign Countries, they are availing themselves of the only means of impeding, if not altogether preventing, the execution of Sir George Gipps's Act of wholesale spoliation, and will manifest to the world that they are not such a contemptible or passive race, or so easily quieted, as some of your Sydney Contemporaries imagined, when they went so far as to assert, that the powerful eloquence and masterly reasoning of Sir George Gipps was so overwhelming, as to paralyze, as by an electric shock, all our efforts. In meeting this assertion of the Editors of the Penal Colony, we would merely state, that had the free Inhabitants of New South Wales shewn half the spirit which is exhibited in the Petition and Protest which you lately published in your Paper, they should not now be, as they are, ruled over by the iron rod of despotism. New Zealand is but an example not only before them, but before all the British Colonies, which they, in particular, ought to imitate. They have declared to the world that they know and value their rights as men and as subjects of civilized Governments, and that they will not tamely submit to the unjust decrees of a petty Colonial Legislature. If their properties must suffer confiscation if they and their families must be ruined and all their properties sacrificed, let it be by the decree of their Mother-Country, through her Representatives, but until such a sentence be passed, it behoves every man in New Zealand to persevere in the most strenuous but legal opposition to the measures of Sir George Gipps—let Protest follow Protest wherever injustice is threatened or done, let not only our petitions for redress reach the ear of Majesty, but let the voice of our complaint be heard over the length and breadth of the land.

Let us not despond or despair—Colonial Acts and Colonial misgovernment may perplex and harass us for a time,—we may suffer inconvenience and even loss, but our cause is good and it must ultimately prevail. Our Country is not altogether a cruel step-mother, or our Sovereign the Tyrant which Colonial Governments would make her seem to be. Simplicity may pass for wisdom, bombast for eloquence, and flippant special pleading for sound argumentative reasoning with such men as those of Botany Bay,

who are taught from infancy, to bow before an iron rod of their elusiveness; but the People of England will judge differently. Long quotations from obscure American writers will not justify in their sight the wholesale spoliation of the property of their fellow countrymen—the dust of many volumes thrown confusedly together in the shape of an oration, will not blind their eyes, or prevent them from perceiving, that our situation is very different indeed from that of the United States of America. It may be a truth, as Sir George Gipps asserts, that in America a Law exists to prevent private individuals from purchasing or acquiring land from the Aboriginal proprietors of the soil—the State exclusively reserving to itself this right,—but it must also be remembered, that this Law is made by the Representatives of all the People of the Country for their own benefit; but even such a Law could only take effect from the time of the formation of the Government in a new Country, and could not, by any means, be made like Sir George Gipps's Act, to apply retrospectively.

Were we an independent country like America, it might be advisable to imitate their example, but dependant as we are at present on New South Wales, our case is widely different; our possessions have been acquired in a foreign country, at a time, too, when its independence was unequivocally recognised by the Sovereign of the country, whose Representative would now treat us as if we were like the original Port Phillip Settlers, negotiating with the Natives for Lands, to which they knew their country had formerly preferred a claim. Sir George Gipps seems altogether to forget the position of the English Government in New Zealand, at least in the Northern Island, where, from the very circumstance of England's treaty for the cession of the Sovereignty, they have either waived the claim of original Discovery, and, consequently, both in honour and justice forfeited all title to pursue the line of policy which he has adopted. It is amusing if not ridiculous to found an Act whose object is to disannul all Titles to Land acquired by private individuals in New Zealand, on the plea that the original owners are savages, &c., &c., and, consequently, not competent to grant or sell lands to civilized men, while, at the same time, their right of exercising the higher functions—that of Governing—is acknowledged—yet more—their right of disposing of the same, and that, too, to the very country which, after pretending to have obtained from them by solemn treaty the cession of their sovereignty, would still stigmatise them as barbarous and savage tribes—in individuals are wrong in purchasing from savages their minor rights—then, undoubtedly, the Government must be doubly so in purchasing the higher. If we come amongst a people whom England is not ashamed to acknowledge and to treat as an independent Nation, we expect that England in assuming and receiving the Sovereignty of that country, will fulfil to us the promises and pledges which the people whom she now represents, had previously given to us. We have no desire to oppose the establishment of British Authority in New Zealand, nor do we avow any connexion with the "Twenty Million Acre West-wool," or any one who may have purchased tracts of country in defiance of the Queen's Proclamation; but having embarked our capital and risked our lives in New Zealand, we are determined to preserve our honestly acquired possessions to the last.

I am afraid I have extended these remarks almost too long for your Paper, and will, therefore, close the present, which I shall probably renew at a future opportunity.—I am, Sir, your obedient servant,  
 JUSTICE