

# THE NEW ZEALAND ADVERTISER,

AND  
Bay of Islands Gazette. *J. M. Hocken*

No. XXII.]

KORORAREKA, THURSDAY, NOVEMBER 5, 1840.

[Vol. I.]

## THE GAZETTE.

### NEW ZEALAND.

Colonial Secretary's Office,  
Russell, 24th Sept. 1840.

**NOTICE** is hereby given, that all Parties to whom Certificates for Licenses as Auctioneers have been granted are directed to attend at the Colonial Treasurer's Office, on or before Monday, the 16th instant, in order that they may receive their Licenses.

By Command of His Excellency  
The Lieutenant Governor,  
**WILLOUGHBY SHORTLAND,**  
COLONIAL SECRETARY.

### 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 herein be duly entered Outwards, in compliance with the 48th Section of the Act before-mentioned.

**GEO. COOPER,**  
COLLECTOR.

Custom House, Russell,  
12th October, 1840.

#### NO ICE 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 Montoroa,  
Grey, Alexander, of Kororareka,  
Peat, Captain George.

**P**URSUANT 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 promply 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 Co partnership carried on for some time past at Tawkainga, 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 parties indebted thereto, are requested to pay the amount of their debts forthwith to Mr. B. ASK, Tawkainga.

#### Sales by Auction.

##### GREAT SALE

### MERCHANDIZE.

W. Wilson,

Is instructed to offer for Sale

BY AUCTION,

AT THE STORES OF

MESSRS. HENRY THOMPSON & Co.

Kororareka, Bay of Islands,

On MONDAY, the 16th November, 1840.

At 11 o'clock,

Twelve Thousand Pounds worth

### MERCHANDIZE,

CONSISTING OF

**60** 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 Ditto Sherry do. in do. and do.
- 5 Quarter casks Red Wine
- 350 Dozen English bottled Ale
- 200 Ditto ditto ditto Porter
- 2 Mahogany 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 Cigars
- 2 Hhds. Linseed Oil
- 5 Tons first quality Loaf Sugar
- 2 Ditto second do. do.
- 5 Tons first quality Flour
- 2 Ditto second do. do.
- 6 Ditto Biscuit
- 5 Kegs and 5 Torcos Square Fig Tobacco

- 500 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 Pickins Irish Butter
- 4 Tons English Soap
- 15 Boxes Mould and Sperma 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, Batten, Flooring & Weather boarding Nails
- 4 Boxes New Zealand Pipes, large bowls
- 16 Double-barrelled Sint-Jack Guns
- A large assortment of Pickles
- 2 Boxes Boots and Shoes
- 30 Dozen Calf Skins and Bazils
- 250 Pieces Dack Ground and Navy Blue Prints
- 3 Boxes superfine Clothing, containing Coats, Frock Coats, fancy Vests and Trowsers
- 8½ Dozen Men's water twist Shirts superfine breasts and collars
- 2 Bales Regatta Shirts
- 4 Ditto Striped Cotton ditto
- 25 Pieces Cotton Shirting
- 1 Bale Cloths

#### An assortment of Britannia Metal Ware,

- 113 Light and dark Tartan Shawls
- 10 Chests Hyson Skin Tea
- 5 Ditto Black Tea
- 10, 11 and 12 quarter Blankets
- 13 Pieces Woolen Cloths, Cassimeres and Buckskins
- 20 Pieces Gingham
- 20 Ditto Valencia Checks
- 30 Ditto 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
- 8 Dozen Silk and Satin Stocks
- 1 Bag Trifolium Seed
- 3 Tons Sheet Lead
- 1 Bale Monkey Jackets
- 1 Ditto 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 Ditto Bleached ditto
- 1 Piece Linen Sheetting, 2½ yards wide
- 30 Yorkshire Hams
- 2 Boxes 12 x 14 Glass
- 260 Iron Pots, assorted sizes
- 1 Plough and Iron
- 25 Great Coats
- 10 Superior Great Coats
- 24 Drab Hats
- 3 Tents and Poles, complete.

TERMS of SALE—Sums of £30 and under Cash; above that sum approved endorsed 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.

**H. C. COOK and Co.,**  
HAVE on SALE at their Store, 18 York street, Kororareka, an assortment of Ironmongery, and a large quantity of IRON POTS, from 2 gals. to 4, suitable for Native Trade.

**FOR SALE BY AUCTION,**  
by **J. H. Harrison.**

On Friday the 6th November, at 11 o'clock precisely, at the Stores of W. MAYHEW, Esq., ex *Empire*.

- W**HITE lead.  
Bright varnish  
Spirits of turpentine  
Shot  
Thick shoes  
Thin do.  
Thick boots  
Nails, wrought and cut  
Ruckers  
Nests of Boxes  
Coffee  
Flour  
Gardines  
Tea kettles  
Iron pots  
Ironmongery  
Tobacco in small kegs  
Crate crockeryware  
Looking glasses  
Percussion caps  
Champaigne  
Butter crackers  
Lemon syrup  
Sperm candles  
Molasses  
Butter  
Cheese  
Powder.

*Ex Tybee.*

Rum in hhds. and pipes.  
**TERMS.**—Under £30 Cash; above that sum approved Bills at 3 months.

A BOAT will leave Kororareka at half-past ten o'clock, to convey intending Purchasers to the Sale.

**FOR SALE BY AUCTION,**  
by **J. H. Harrison.**

On Friday the 6th November, at 12 o'clock, at the Stores of W. Mayhew, Esq.

**P**ART of the Cargo of the brig *Theresa*, from Talcahuano, consisting of First quality FLOUR, in barrels.

Terms at sale.

In the mean time the Owner of the *Theresa* will be happy to treat with purchasers either for the whole or part of the Cargo.

**FOR SALE BY AUCTION,**  
by **J. H. Harrison.**

At his Rooms, on Saturday, the 7th November, at 11 o'clock.

- A** BOX one hundred Volumes of Medical and other Works  
Gin in cases and half cases  
Brandy from Bordeaux  
Rum  
Port and sherry wine  
Soap, cheese, lard, hams  
Tea  
Loaf sugar, Champaigne  
Salt  
Biscuit, split peas  
Shirts  
Cyder  
Prints  
Ironmongery  
Britannia metal ware  
Tobacco  
Bottled ale and porter  
Cutlery  
Plate, &c.  
Handkerchiefs  
Kitchen utensils  
Terms at sale.

**FOR SALE BY AUCTION,**  
by **J. H. Harrison.**

At his Rooms, on Wednesday the 11th November, at 11 o'clock.

- A** GREAT variety of **MERCHANT DIZE**, to close Consignments, consisting of—  
Rum, brandy and gin in casks  
Gin in cases  
Bottled ale  
Cheese  
Hams

- Lard  
Ironmongery  
Prints  
Calicoes  
Blankets  
Tobacco  
Nails  
Chest of Drawers  
Lucifers, &c.

Terms at sale.

**FOR SEWARD,**

**T**HE fine, fast sailing Barque *ANNA WATSON*, 314. burthen: 400 Tons; coppered and copper-fastened, STEWART, Commander. This Vessel has accommodations of a very superior description for Cabin Passengers, and will have immediate dispatch.  
For Freight or Passage, apply to the Commander on board, or to  
**MR. D. NATHAN.**  
Nov. 4th, 1846.

**MEDICAL HALL,**  
**KORORAREKA.**

**D**R. DAVIES, SURGEON, takes leave to acquaint his Friends and the Public in general, that he has Removed his Establishment from the House he formerly inhabited to the late Residence of Mr. Benj. Turner, next door to the New Zealand Bank, and trusts, that constant attention to the duties of his Profession may merit a continuance of that support he has hitherto experienced.  
Dr. D. would be glad to treat with Parents and Guardians for an Articled PUPIL. A respectable well-educated Youth could be accommodated in the House.  
4th Nov. 1846.

**TO LET,**

**A** COTTAGE and GARDEN well stocked with every description of Fruit Trees in full bearing. The Cottage contains four rooms.

**FOR SALE OR TO LET,**

A House at the Pa, containing eight Rooms, with an excellent Garden, let to a respectable Tenant at 16s. per week.

Apply to

**THOMAS SPICER.**  
4th Nov. 1846.

**W**ANTED, a pair of Sawyers and Brick-makers for the Thames. Apply to W. V. Brewer, Esq., Oct. 21st, 1846.

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

**T**HE Undersigned has FOR SALE, on board the store ship *Tussock*, on the "East of Lonsdale" and other vessels, the following **CHOICE ASSORTMENT** of WINES and other Articles: Hock, Sauterne, Burgas, claret, bubellas, Port, Sherry and Moscat, in pints and quart.  
Lemon and Raspberry Syrup.  
Rum in barrels, Tobacco, Cyder  
Raisins, blankets, wine and liqueur glasses  
Black and drag-beaver and palm leaf hats  
Spanish mahogany Bagatelle Boards.  
**JOHN J. MONTEFIORE.**  
October, 1846.

**TO SAWYERS,**

**C** 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, 1846.

**E. McLENNAN.**

**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 Lined sheeting
- 6 4th Cotton do. twilled and plain
- 4 & 5 4th Long cloths and sbatings
- 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 bobbinett
- Quiltings, all widths
- 6 4ths Jaconnet and cambric muslins
- Do. Checked muslin
- A great variety of Children's shoes
- Do. do. men's dress shoes and boots
- A great variety of GENTLEMEN'S CLOTHING, — comprising, Superior cloth suitsouts, with & without velvet collars
- Super fine cloth dress coats
- Buckskin and fancy trowsers, a great variety
- Silk, satin, and Valentia waistcoats and silk stocks
- Gambroon shooting coats
- Perman cloth summer coats and jackets
- Lasting black and coloured frock coats
- Blouses, rustic coats and drab hats
- A variety of cloaks, dressing gowns, &c.

**SLOPS, — viz: —**

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

- 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 barrelled guns, flint locks
- Powder and shot
- Britannia metal tea pots and coffee percolators
- Several sets of very splendid tea and coffee trays, richly painted.
- Kororareka,  
20th Oct., 1846.

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

**FOR SALE,**

**BY** the Under-signed, on board the store ship *Tuscan*, off Russell:—  
 Brown stone, pale and strong tiles  
 Real Jamaica Rum, 50 P. in barrels  
 Rum in hhds., 20 P.  
 Square fig tobacco in tierces  
 Tobacco in tierces, kegs, baskets and  
 hales  
 Sugar bracks and mats  
 Rice, preserved meats, pickles  
 Ladies' gentlemen's and racing saddles  
 Large bowl pipes  
 Double barrel guns  
 Gun in half cases  
 Teas, lined and unlined  
 Spades, axes and tomahawks.  
 ANDERSON, SCOTT & Co.  
 Sept. 3rd.

**WIMBORNE**

To Builders, &c. &c.

**G**ENTLEMEN engaged in Building will save 20 per cent. by giving timely orders, and stating the lengths and dimensions to suit their Buildings, to the under-signed, who can supply timber to any extent.

**BLACK & GREEN.**

Opposite Russell.

Sept. 2nd, 1814.

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

KORORAREKA:—NOVEMBER 5, 1810.

Sir George Gipps has, in any way or other, most effectually succeeded in procuring to himself, extensively, among that portion of his fellow subjects here, whom he has been appointed to preside, a very bad opinion, either of his capacity to govern or of his attachment to the essential principles of the British Constitution. The Port Phillip papers, even when opposed to each other, unite in condemning; nay, even, in reproaching various particulars of his conduct with regard to them. The Sydney papers likewise, pretty well manage among them to "divide the whole hog"—for there is scarcely a man here of the Governor's (for in fact the Council is the Governor, and vice versa) which one or the other of the public journals does not utterly disapprove. The general feeling most certainly is, that New South Wales was never, commercially speaking, in such a state as it is at present. The *Sydney Gazette* takes the Commissioner's Act for New Zealand as one prominent, amongst the very few, which reflect honor on the Governor, passed during the last session. This one he praises in the most unqualified manner. Others, affecting the interests of Sydney, he treats with unlimited severity. Altogether, the conclusion to which we are necessarily led, is, that Sir George has not yet arrived at the art of successfully governing; that he is only a school boy in legislation, an Eltonian, and, perhaps, a clever one—clever, we mean, in making orations, but altogether destitute of that mature and practical judgment which ought to be possessed prior to the assumption of office.

The above is the most charitable judgment which can be formed of the matter. The fact is undoubted, and is admitted by all, that Sir George has admirably succeeded in undermining the various interests committed to his care. It would be well, for his own sake, to hope, that nothing, but ignorance and inexperience were the cause of his errors. But is there not strong evidence of something wrong in his intentions—that his plans have been laid to accomplish an effort adverse to the natural rights of unconquered British subjects? With all the commendations bestowed on the Commissioners Act at Sydney, we take the liberty of thinking, it would far more behoove

Administration of a Strafford aiming to establish for another Charles the First an absolute dominion, than that of a servant of the Whig Ministry of a liberal and enlightened Queen, controlled by a Reformed Parliament, in an age of the most unbounded triumph of public opinion. Instead of standing for ever as a monument of his wisdom, it will most unquestionably, if not voluntarily rescinded by him, stand over his memory to an infamy, which other acts of policy will not retrieve.

We declare our conviction—and every time we look at the Act or consider its bearings, that conviction becomes stronger—that considered as a piece of Legislation for public benefit, it is only characterized by folly—and as a decree of power, it is most cruel and wicked. We say this without any allusion to private motives; that which is public is matter of public sentiment. In a series of letters of which we have this day published one on the Act itself, particulars are pointed out; and we have already ourselves, so repeatedly referred to the subject, that it is not now so necessary. We may say, however, that we must lose our senses before we can ever be brought to approve or acquiesce in that which is so entirely repugnant to every notion that we have ever to meil of that which is right.

We do not believe that there is any fear that Sir George will induce the present race of Colonists in New Zealand to become quiescent in his message. A milder or more equivocal form of injustice would have better answered his purpose. His stroke is too bold for Englishmen in the nineteenth century to submit to. His authority might have remained unquestioned if his policy had been more moderate, and only a few passing murmurs might be heard in the breeze. But his authority is now questioned. For our own part we utterly deny that the Act is legal, or that he is legally competent to execute it.

But though, on account of some few local or more general mitigations, the Colonists in this country and the world at large should sink into a state of repose, we are pledged by the sacredness of our principles, never to rest, till the Act be rescinded, and the basis on which it rests be demolished for ever. Whether here or in England, or elsewhere, so long as we can wield a pen or utter a word, will we maintain that the rights of Native property are the same as those of the most exalted subject of the British crown, and that they are as inviolable as the decrees of eternal truth. Men may be foreigners, but they are men. They may be uncivilized but they are yet men. They may be savages, but they still are men. One nation may oppress another, but its rights it cannot destroy. The most debased savage is a man, and the natural rights of man are universally the same. Property is a natural right, and land is included in it—and that right is not diminished or altered by the particular use to which that property is devoted—no other nation can possibly have a right to touch that property without the "free and intelligent consent" of the owner.

With regard to the measures of Sir George Gipps's Administration which may have justly called forth the reprobation of particular classes of the communities of New South Wales and Australia Felix it would not be proper for us to allude to them. They are very numerous. Still it must be remarked, that those measures, taken singly, operate only partially. Some interests are injured, while, possibly, others may be promoted. But, alas for poor New Zealand!—it is no single measure affecting the welfare of a particular portion of her community of which she has to complain. We might urge that there is no department of public matters settled, and that we see not when it will be. We might find fault with the whole of the police department, with the uncertain decisions of our Magistracy,

with the undue discharge of prisoners committed for trial, with the infliction of penalties for the evasions of Licenses, when Licenses do not in fact exist, and at the instance of a common informer, while not a court yet exists competent to enforce the payment of just debts; with the utter neglect of Kororareka in the immediate delivery of Mails from the ships anchoring in her own Harbour, though she is the principal place of business, while those Mails are carried a distance of several miles to be opened. Nor less might we complain of the fact, that within the last four or five months, parties whom we know have written to Van Diemen's Land six times, and paid the postage charged, and that not one of their letters has ever reached its destination. And, finally, to speak of no more, although the instances of the neglect with which this colony has been treated, are innumerable, the unfitness of the Government itself, and its utter want of all the apparatus to carry on its operations, might be a matter of just censure. All these things have been entirely overlooked by Sir George Gipps—and, in the mean time, a Bill has been passed to comprehend every mischief within itself, and to render the benefits of other and partial measures—not contingent—but impossible. What would the good people of Port Phillip or Sydney have said if they had been treated as we have?

At Tairāia, on Friday morning, 23rd October, during the absence of Mr. G. T. Palmer, his kitchen and store was burnt to the ground, but owing to the great exertions of the Natives the fire was extinguished, or the dwelling-house must also have been levelled. The damage done is estimated at sixty pounds.

We are informed that rice (common) sold for 24s. and good for 34s. per lb. by the bag; flour £28 10s. down to £25 per ton, the other day at Weston & Co's sale.

The *Anna Watson* we understand, is sold for the sum of £6000.

**Original Correspondence.**

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

SIR,—I avail myself of the columns of your valuable Paper, to make a few remarks on the Bill relative to Grants of Land in New Zealand, passed by the Governor and Council of New South Wales, which affects so deeply the interests of Settlers, of whatever denomination, in New Zealand.

I think I cannot do better, in order to place this Bill in its proper light, than take each of its clauses *seriatim*, and thus expose to the well and deserved execration of the public, the framing of this precious piece of legislation, and the weakness and culpability of the Council of New South Wales in adopting a measure, too certainly entailing ruin and misery alike on the white and Maori community enticed to their cure.

The first thought that strikes the mind on a perusal of this Bill, is, that it must have been prepared by a person inimical to some party or person connected with New Zealand, and one is confirmed in this opinion by the party spirit that pervades it; in fact, it appears as an Act passed by the Governor and Legislative Council of New South Wales against the interests of Mr. Wentworth and one or two other individuals, thereby disregarding the main object they were called upon to Legislate for, namely, the interests of all connected with New Zealand.

In the preamble to the Bill, no notice is taken of the recognition of the Independence of New Zealand, notwithstanding Captain HOBSON was at the very time this Bill was under the consideration of the Council, sending emissaries to all parts of the Northern Island, to obtain guarantees from the Independent Chiefs to

a treaty purporting to be a cession of that independence to the British Crown. It is quite unnecessary for me to enter more fully into that subject, as your late numbers have most satisfactorily and ably established the fact of that independence. It is laid down in the preamble to the Act, "That whereas it is expedient and proper to put beyond doubt the invalidity of all Titles to Land within the said Islands of New Zealand, founded upon such purchases as or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other title from the said uncivilized Tribes or Aboriginal inhabitants of New Zealand."—This requires some explanation. On the introduction of the Bill into the Council it was worded differently. "And whereas neither the Chiefs nor other individuals of uncivilized people, such as inhabit the Islands of New Zealand, have or can have right to dispose of the Territory occupied by them, as to convey to individuals not forming part of their own Tribes, and not being Aboriginal inhabitants of such Territory, a permanent interest in the lands, or in any portion of the lands which are held by them in common, and for the advantage of the said Tribes or Aboriginal inhabitants."—But it being foreseen that a part of this language would be liable to severe stricture, and would place the Act itself in jeopardy, the verbal denial of the Native right to sell has been withdrawn, while the denial of their power to sell is continued, thus retaining all the essential venom of the measure, in the very act of disguising its bitterness. In fact, the language ought to have been retained, for it expresses the very thing which the Bill was intended by its framer to express, and which it does even now, on close examination, convey to the mind.—Now, if such an implication might be applied to the Aboriginal population of New South Wales, and the savages of some other countries, yet it would be the height of injustice and untruth to apply them to the Aborigines of New Zealand. To us who are daily witnesses of the industry and labour they bestow on their potatoe and kumera grounds, their inordinate desire and avidity to acquire knowledge, and the degree of civilization they have already attained, such an assertion appear rather too ridiculous, and we should be induced to attribute them to ignorance and want of proper and correct information, did we not see reason to be satisfied, that they were prepared with deeper and more sinister motives, that of giving a plausible plea to one of the most atrocious acts of wholesale robbery, that any despot has ever attempted. Good God! to what a low state have those noble feelings of Liberty and the sacredness of property fallen! Will our friends in Great Britain believe, that a body of Englishmen have listened with composure and assented without murmur, to a measure, to be equalled only by the inquisitorial policy of a Court of Spain, a measure, by which their Countrymen are ruined and beggared? But these statements carry their own condemnation, and go far to confound the whole train of brilliant but empty sophistry, displayed by Sir George Gipps in his speech to the Council. It brings to light the web of error and ignorance which he spread round the Council, the more effectually to entangle them in his toils; and we imagine that he never expected that the exposition which he intended to have been the master-piece wherewith to rest the provisions of his Bill, should be found to be a cruel and false libel on the character of the New Zealanders. We beg to inform Sir George Gipps that the Maories are not the uncivilized and wandering Tribes of an unsettled habitation and pursuits in life, which he represents, but on the contrary, each Tribe has its separate District, on which they have their permanent abode. And that, there-

fore, they do not come within the description given of them by him in the Preamble to his Bill, and that by his own argument, they are possessed of Land, according to his admission, by the very best of all Titles, that of making it subservient by their labour to their daily sustenance. Although in the preamble there is no assertion of the right of the British Crown to all Lands bought by Europeans or others in New Zealand, previous to the Proclamations issued by Captain Hobson, yet, from the whole tenor of its contents, it may be easily collected. In order to comprehend the nature of this doctrine, we must refer to its origin. We find on looking over the History of England, that it dates its existence only from the accession of William the Conqueror, and that it was unknown amongst the Saxons, at which time all Lands were held by allodium, (which all writers explain to be every man's own land, which he possesses merely in his own right, without owing any rent or service to any superior. [Blackstone, chapter 102, page 106.]) And that it was one of those refined strokes of policy, which this Norman King on pretence of defending the kingdom against the Danes, adopted, to keep his Saxon subjects in subjection. It met with a ready acquiescence, as it carried with it an appearance of being made for the public good, its object being to provide a proper and efficient force for the defence of the State. But the Crown soon abused the power thus given to it, by using it only as a means of replenishing its empty coffers, by the most cruel and vexatious proceedings. Our ancestors for centuries smarted under the burthens they had thus voluntarily imposed upon themselves; and, at last, irritated beyond control, they threw off the yoke, and reduced this doctrine to its present limited meaning. At present no real benefit accrues from it to the crown, other than that the crown for the convenience of the public, becomes the nominal source from whence all Titles to Lands are derived, and the known party to succeed to estates to which there are no real representatives, and to those excheated by the crimes of their possessors. We may, therefore, safely affirm, that the real power of the crown has been totally misunderstood or willingly misinterpreted; and it is truly pitiable, that Sir George Gipps, in a country free from the absurd trammels of feudal tenures, (no other resource or pretext to spoliation of property being found) should have recourse to a doctrine, which is neither acknowledged nor recognized in the country whence it is stated to have emanated, in any other light than as a public convenience. Having once established the fact, that the crown is only the nominal source from whence all Titles to Land are derived, it cannot by any possible argument have reference to any country which her Majesty's predecessors, as well as herself, have solemnly declared and recognized as independent of the crown; and if it is at all acted upon in New Zealand, it can only relate to such lands as may be purchased by her Majesty under the right of preemption reserved to the crown by the treaty of cession already alluded to, if, indeed, there be such a Treaty; and, further, the crown by such cession becomes *de facto*, the representative of the Independent Chiefs, and is, therefore, bound, by every tie of justice, honor and good faith, to confirm all grants and sales of land made by them, previous to such a cession, and becoming also virtually precisely what the Native Chiefs were by their former sovereignty, and by the customs of the Maories, the nominal source from which such grants and purchases are derived. And this must have been their own views, since it is, if we are not mistaken, particularly agreed to by them in the Treaty above supposed, that for the future no lands shall be sold

to any private individual, but shall be reserved to be purchased by the crown. The second and third clauses refer to the appointments of the Commissioners, and the oaths they are to take. I shall beg permission to trouble you with a continuation of these remarks next week. In the mean time, I am, Sir, yours, &c. CIVIS.

**To the Editor of the New Zealand Advertiser and Bay of Islands Gazette.**  
 SIR,—I despair of seeing Police matters better conducted under the present system. Why is a man allowed to continue in the Police for a single day, who, last night, together with his wife, was in such a shameful state of intoxication, as to excite disorder sufficient to alarm the whole neighbourhood, and to be led off to the watch-house? Why should the better portion of the police be under the necessity of watching over disorders arising in their own body, as well as those of the public? Why should a man appointed to be Chief Constable, be allowed to keep a house open to the public, frequently the greater part of the night, and to have gaming, in various forms, frequently on his premises? Why, indeed, contrary to the practice in other Colonies, should he be allowed to keep a public house at all, thereby depriving the public of one-half of his services, and neutralizing the other by the necessity he may be under of allowing the interference it is his own duty to check? And why should he be permitted to involve himself in such a concern, so as to incur the possibility of contracting debts on his account, he may not always readily discharge, and thus expose himself to the disgrace of being sued in a Court of Requests, as soon as one shall be established? The system which allows such things is wrong, and must be changed.—Yours, Sir,  
 OBSERVER.

Nov. 4.  
 [We have heard that the man above alluded to, and another, have been since discharged.—ED.]

**Shipping Intelligence.**  
 ARRIVED,  
 Oct. 29.—H. M. B. *Britomast*, from the Thames.  
 30.—Brig *Teresa*, Captain Fish, from Tahaluna, South America, and Tahiti, with flour.  
 Nov. 1.—*Ranger* Revenue Cutter from the Waitemata, with His Excellency the Lieutenant Governor on board.  
 1.—Brig *Caroline*, Captain Woodin, from Hobart Town, with merchandize and passengers.  
 2.—*Anna Watson*, Captain Stewart, from the Thames.

SAILED,  
 Oct. 29.—The *Platina* for Hokianga.  
 Nov. 4.—H. M. B. *Britomart* for Sydney.  
 5.—This day, the *Ranger* Revenue cutter for Sydney.  
 The *Anna Watson* for Sydney, is expected to sail in a few days.

**Passengers per Caroline from Hobart Town.**  
 Cabin—Captain England, of her M. 12th regt., Mr. & Mrs. Day and child, Richard Radcliffe and Frederick Manning, Esqrs. Steerage—Mr. & Mrs. Grimlay, Mr. & Mrs. O'Neil, Mr. & Mrs. Makepeace, Mr. & Mrs. Cowlish and child, Mr. & Mrs. Ross, Messrs. Heath, Sawyer, Gibbs, M'Cormack & Son, Hunter, and William Stevenson; a Native Wesleyan Preacher!

By the brig *Caroline* we have received Files of "Murray's Review," the "Colonial Times" "Courier," "Hobart Town Advertiser" and "True Colonist" to the 13th instant.  
*Kororacka: Printed by G. A. Edgar & Co*