

# THE NEW ZEALAND ADVERTISER,

AND  
Bay of Islands Gazette. *T. M. Hooken*

No. XXIII.]

KORORAREKA, THURSDAY, NOVEMBER 12., 1840.

[Vol. I.]

## THE GAZETTE.

New Zealand.  
Colonial Secretary's Office,  
Russell, 11th Nov., 1840.

**THE LIEUTENANT GOVERNOR** directs it to be notified, that the Site of a Town has been laid out on the Southern Bank of the Wai to Mata River, in the central District of the Northern Island, which His Excellency has ordered to be named "AUCKLAND."

By His Excellency's Command,  
**WILLOUGHBY SHORTLAND,**  
COLONIAL SECRETARY

New Zealand.  
Colonial Secretary's Office,  
Russell, 9th Nov. 1840.

**POST OFFICE.** The Post Master having brought under notice, the practice which is understood to prevail, of Bags or Mails of Letters being made up by Merchants and others for despatch by vessels sailing for Great Britain or elsewhere, His Excellency the Lieutenant Governor directs it to be notified, that under the provisions of the Act of the Governor and Council of New South Wales, 5th William IV., Section 22, any person sending Letters or Packets chargeable with postage, otherwise than by Post, is liable to a penalty of not less than Two Pounds, nor more than Twenty Pounds, for every such Letter or Packet so sent, and that orders have been given for strictly enforcing the penalty in future.

His Excellency at the same time directs it to be notified, that Masters of Vessels render themselves liable to the same penalty, by receiving any Letter or Packet on board except through the Post Office, but that they will be entitled to receive one penny for each Letter or Packet sent to them by the Post-Master of the place from which they may be about to depart.

By His Excellency's Command,  
**WILLOUGHBY SHORTLAND,**  
COLONIAL SECRETARY.

### 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 Moutonoa,  
Grey, Alexander, of Kororareka,  
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 peremptorily excluded from all benefit arising from the said Estates.

GEO. COOPER,  
Agent and Receiver of  
Intestate Estates  
Russell, 24th Sept., 1840.

### Sales by Auction.

GREAT SALE

## MERCHANDIZE.

221. 221/100.

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  
OF  
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)  
55,000 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 Kees and 5 Tierces 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 Bins Irish Butter  
4 Tons English Soap  
15 Boxes Mould and Sperm 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  
10 Double-barrelled Flint-lock Guns  
A large assortment of Hatches  
2 Boxes Boots 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  
8 1/2 Dozen Men's water twist Shirts! superfine, breasts and collars  
2 Bales Regatta Shirts  
4 Ditto Sewed Cotton ditto  
25 Pieces Cotton Shirting  
1 Bale Cloths

- An assortment of  
**Britannia Metal Ware,**  
113 Eight and dark Tartan Shawls  
10 Chests Hyson Skin Tea  
5 Ditto Black Tea  
8 10, 11 and 12 quarter Blankets  
15 Pieces Woolen Cloths, Cassimeres and Buckskins  
25 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 Sais 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 Cases containing four complete Table Services of Cut Glass  
10 Dozen Cotton Shawls  
40 Pieces Cream-colored Duck  
115 Ditto Bleached, ditto  
1 Piece Linen 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  
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.

C. J. COCK and Co.

HAVE on SALE at their Store, 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,**  
(Without Reserve, *to close Accounts,*)  
**By Spicer and Weavell,**

At their Auction Rooms, on Saturday  
next, 14th Nov., 1840.

**A GREAT variety of GOODS,** consisting of:—  
Tobacco  
Rum  
Arrack  
Mustard  
Pickles  
Glasses  
Earthenware  
Clocks  
Ironmongery  
Slip clothing  
Calicoes  
Paper  
Prints  
Fowling pieces  
Tarpaulines  
Iron try pots, &c., &c., &c.

TERMS—£90 and under, Cash; above that sum approved negotiable Bills at 3 months.

**CONTINUATION OF SALE.**

*The Sale by Auction,*  
AT THE STORES

**Of G. T. Clayton and Co.,**  
Will be continued This Day and to-morrow, at 11 o'clock each day.

**COMPRISING** every variety of Merchandise, with a large quantity of Silver Plate.

**SPICER & WEAVELL,**  
Auctioneers.

Kororareka,  
12th Nov., 1840.

**NOTICE.**

**THE** Partnership of the Undersigned is this day dissolved by mutual consent, in consequence of Mr. WEAVELL'S intended return to Sydney, and to whom all claims are requested to be sent in immediately.

**THOMAS SPICER**  
**JOHN WEAVELL.**

Kororareka,  
Nov. 11, 1840.

Witness,  
**R. SCOTT BUCKHAM.**

**REMOVAL.**

**KORORAREKA WAREHOUSE—AUCTION AND COMMISSION ROOMS.**

**T. SPICER,** begs to inform the above Public, that he has opened the above House, two doors from the Stores of Messrs. G. T. Clayton & Co., and lately occupied by Mr. M. Brown, Tailor, where he has on hand every variety of Groceries, Haberdashery, Glass and Crockeryware, Wholesale and Retail.

T. S. will be glad to receive GOODS of any kind on Commission from those who may please to honour him with their commands. All Accounts will be settled with expedition.

Kororareka Beach,  
Nov. 11, 1840.

**KORORAREKA LAND COMPANY.**

**THE** Annual General Meeting of the Shareholders will be held on Monday next, at 12 o'clock.

**D. POLLEN,**  
SECRETARY

Nov. 11.

**WANTED,** a Steam or Water SAW MILL. Apply to Dr. LACOURT, at the Victoria Hotel, Kororareka, or at Hokianga.  
Nov. 11.

**For Sydney.**

**THE** fine, fast sailing Barque "ANNA WATSON," A 1, 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. 1840.

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

**D. 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., 1840.

**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., 1840.

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

**THE** 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, Burgad, claret, bucellas, Port, Sherry and Moselle, in pints and quart

Lemon and Raspberry Syrup  
Rum in barrels, Tobacco, Cyder  
Rasins, blankets, wine and liqueur glasses  
Black and drab beaver and palm leaf hats

Spanish mahogany Bagatelle Boards.

**JOHN J. MONTEFIORE.**

October, 1840.

**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.

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

**FOR SALE.**

**BY** the Undersigned, on board the store ship *Tuscan*, off Russell:—  
Brown stout, pale and strong ales  
Real Jamaica Rum, 50. P., in Barrels  
Rum in Bbls., 20. 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  
Cin in half cases  
Tents, lined and unlined  
Spades, hoes and tomahawks.

**ANDERSON, SCOTT & Co.**

Sept. 3rd.

**TIMBER.**

*To Builders, &c., &c.*

**GENTLEMEN** 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 Russell.

Sept. 2nd, 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 Linen sheeting  
6 4th Cotton do. twilled and plain  
4 & 5-4th Long cloths and shirtings  
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 bobbinet  
Quiltings, all widths  
6 4th Jacconet 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 suitouts, with & without velvet collars  
Sup fine 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  
Lining black and colored buck 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 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 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.  
 Kororarika,  
 29th, Oct., 1840.

We beg respectfully to inform all parties indebted to this Office, that as it is impossible to conduct an Establishment of this sort without heavy expences, we shall be under the absolute necessity of changing the rate of Banking discount upon all arrears not paid up before the close of our current Quarter, ending December 31st.

Let it not be forgotten that we are labouring (under all the disadvantages of the present state of things), for the general good.

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

KORORAREKA:—NOVEMBER 12, 1840.

We do not know whether we shall have any further remarks from "Observer," on the subject of his last week's Letter, but we have received one in answer to it from some unknown, we have a right to suppose, female correspondent, signed "Vixen"—a signature odd enough, truly, but not more odd than the letter itself. We cannot, of course, imagine, that it was seriously expected that we should insert it, for it could only expose the writer to ridicule. We will ourselves, however, without waiting for "Observer," give a hint or two on the subject. We will first remark, that we inadvertently read one line of "Observer's" letter incorrectly, and I must see the error till it was too late. On glancing over the MS. we perceive that it should be—"allowing the *intemperance* it was his sworn duty to check"—the Italics are our own to mark the true reading.

The writer tells us that "Observer" is the proper person to furnish His Excellency with a code of laws for the Government of this Colony. This is, of course, a jest, but we ask, *seriously*, whether she is aware, that there is *already* a Law, regulating Publicans's Licenses and Public Houses, in force in New South Wales and its Dependencies. Of course ignorance on this point cannot be presumed, as the letter was sent from the very house where the Chief Constable resides, who could give all necessary information on the subject. If the Law, then, as it is, be not applicable to this Colony, how is it that some Publicans have been called before the Bench—and, in fact, fined—for a breach of it? And if it be applicable, how is it that some things practised at the Victoria are pleaded for by this writer, which are notoriously contrary both to the letter and the spirit of the Act? If the Act be sufficiently in force to authorise the Magistrates and the Chief Constable to act in the case of other Publicans,

why should any breach of it be allowed in reference to the very house in which the Chief Constable lives?

We could have corrected "Observer" by informing him, that the "Licensed victualler" of the Victoria, is not Benjamin Woods, but Ann Woods, but we did not think it necessary. Who is the ostensible manager of the business of that Hotel? Who is it gives orders, purchases goods, &c., &c.? Will it be affirmed that Mr. Woods has nothing whatever to do with the receipts and profits of that concern?

Some particulars of the Act of Council, now in force in New South Wales and its Dependencies, and recognized as being in force here, by the fact, that they license & fine under it, may be of service both to the people of the Victoria, and to the public at large.

Licenses must not be granted to any person holding office or employment under Government. Especially not to any Constable, Deputy, or Bailiff.

Licenses must not be granted for any premises of which a Constable is the owner, landlord, or proprietor, or wherein a constable has any share or partnership. No Justice of the Peace having any concern or connection whatever with the manufacture or sale of fermented or spirituous liquors, shall be permitted to act, or even sit, at any meeting of Justices where applications for Licenses, conviction, or appeal under this Act, shall be considered. Penalty £100.

No person holding a license of any kind, except a packet license, shall be permitted to "have or keep in or about his house, premises, or apartments, or at any place connected with the same in any way whatever, any skittle ground or ball-court, or any dice, cards, bowls, billiards, quills, or other implements used in gaming, or shall suffer any person resorting thither to use or exercise any kind of said games, or any other unlawful game or sport within his said house, premises, or apartments." Penalty 40 shillings to £20, with costs. The game of Billiards may be allowed under a ten pound special license. A second conviction—by the adjudication of the Justices at Quarter Sessions, which is final, shall entitle the offender to be fined from £10 to £100, or to the forfeiture of the recognizance, and no license shall be allowed to the same for three years.

Publicans must have their names legibly painted, in letters three inches long, in front of their house, with the words "Licensed to retail wine, beer, and fermented liquors?"—as the case may be. Even by night this must be rendered legible by a lamp.

A publican must receive or take nothing but metallic or paper money, in payment for any kind of liquor or entertainment in his house or premises. Direct penalty £5 to £20.

The hours during which, under a "general license"—or a "wine or beer license," the house shall not be open for the sale of liquor, and also during which liquor shall not be retailed within the house or premises, are from 9 in the evening to 4 in the morning from the first of October to the thirty first of March, and for the rest of the year from 9 in the evening to 6 in the morning, except on special license. Every separate sale to be considered a separate offence, and every offence punishable £2.

We leave it to such people as "Vixen" to say, how far the above provisions have been complied with at the Victoria Hotel.

It does not strike us that there is anything further demanding notice. It is easy to talk of honesty, &c. but on these points it may be presumed that "Observer" knew what he was talking about; if he did not, we do.

At Captain Mayhew's sale last week, South American Flour sold at £25 per ton.

In the *Sydney Herald* of October 20th, we find the Memorandum of Lord JOHN RUSSELL which we published in our 10th Number. It was enclosed in a letter from Mr. J. Stephen (Under Secretary,) to Mr. John Backhouse for Lord Palmerston, in answer to a letter from Mr. Somes to the latter Nobleman, claiming the Sovereignty of New Zealand for Great Britain as a matter of right. The authority, then, on which we maintain that Sir George Gipps's Act is utterly destitute of foundation, is the very highest possible, and to coincide with that Act would be to involve ourselves in a dispute, not only with all Foreign Powers, but even with the British Government. We do not believe one word about Sir George Gipps being borne out by "private instructions." The *Sydney Herald* sees as we do the incompatibility of the Governor's proceedings with the views of the Ministry. The following remark from the Editor precedes the Memorandum:—

"In a late London paper we find the following communication respecting New Zealand, from the pen of Lord John Russell. It is singular that the Noble Lord and his Deputy, the Governor of this Colony, should take, as they appear to have done, such extremely different views of the question of the independence or non-independence of New Zealand."

Lord John Russell gave notice on the 22nd June, that on the 29th he would apply for leave to bring in a Bill for the Government of New South Wales.

Couple this with the fact, that the House of Commons has been legislating in reference to the New Zealand Company, on some points of which we are ignorant, but which have, most likely, a general bearing; and it may be fairly asked, how the Act of an inferior Legislature can be carried out, while it is unknown in what way the Parliament is treating the subject? or whether that inferior Legislature is not itself within a few months of expiring?

We are continually hearing, and that from quarters the most respectable, that the Natives are expressing their determination to sell no Land to the Government, in the event of the present Act being persisted in, and of resuming, themselves, all Lands taken from European possessors, who have purchased the same from them. This is the direct consequence of the proceeding of the Sydney Legislature, and thus they have endangered the very existence of a British Colony here. How will they answer for it to the Home Government?

It is rumoured that very important despatches have been received relating to the Land Question and the Government of this Colony, favourable to the wishes of the people. We know nothing of the origin of the rumour, or of its truth.

The second letter of "Civis" we have been compelled to omit till our next.

The brig "Niurod" arrived on Friday, Nov. 6th, from Sydney. On Sunday, Nov. 6th, the "John Renwick" Morga's master, from Sydney to London, put into the Bay, having sprung a leak, and having discovered and stopped it, sailed again on Tuesday.

We cannot this week continue our own remarks on the New Zealand Question, owing to the length of the following extract which we insert, in order to furnish the Public with matter for reflection:—

"I cannot presume from inability, as well as want of immediate reference to documents upon the case, in any way to pretend to regularity or just order, in discussing this question, and I look more

to your indulgence than any thing else, that you give me credit for honesty and propriety of intention, to desire the good of all, the Government and people at large, or, in other words, the Country, rather than that of radically opposing the Government in the equitable establishment of the rights of the Crown, as well as subsequent interest of future Emigrants, and the effectual and beneficial establishment of the Governing Authority. In the first place I shall boldly state, that such is the feeling excited throughout the land, upon the principles and operation of the Land Bill being carried out upon the equitably acquired possessions of the antecedent local Colonists, that every opposition short of direct rebellion, must be looked for, and every inch of ground disputed with the feelings of despair. The unqualified, expressed determination to carry out to the utmost, the measure of the Bill, we might almost say, justifies such feelings, and is raising up in every quarter, an intent of opposition to the possession of the Land by the Crown, as well from the Natives as from Europeans. There can be no doubt, notwithstanding the disgraceful attempt of Government to purchase over again from Natives, land previously sold to private occupants, setting a dreadful temptation and example to breach of faith in opposition to that conscientious justice which pervades every society possessing any religion whatever, even to Paganism. It is here confidently believed and relied upon, that notwithstanding such attempts, many bodies of Natives will be found to start up in support of those to whom they have sold their lands, forcibly to oppose the location of other persons, by the Government, without the acknowledged consent and desire of them, attached to them by old acquaintance, by mutual ties, by free access to their dwellings, and by intercourse which the earlier circumstances compelled to permit, none of which will ever be permitted with equal satisfaction to the Natives, by the new comers. Unaccustomed and disgusted with their intrusion, which, from the protection and independent right they will obtain from the Government grants, will cause them without any fear of consequences, to drive them to a distance, which, in the least consequence, will perpetrate an ill feeling, and ultimately will separate the white and black population, reducing the latter through local Acts of aggression on the whites, to a state of depression and degradation little short of slavery.

I must here introduce the comparative view of a mode of acquiring positive and equitable possession of this Country, in accordance with the Government views and primary desires of the earlier settlers, and suggest, that it would have met every desire to have permitted private purchases direct from the Natives, subject to crown grants under established fees, to exemplify which, I must enlarge on this subject.

I shall, however, premise, that it is a well-known fact, that from the independent feeling of the Native mind, no Sale of Land can or will be made, till the party has been in some way proposed and accepted as agreeable to the leading members of the Tribe, although, from the pecuniary advantages apparent, it might be presumed otherwise. Had, then, permission been granted to purchase from Natives, the Natives could effectually be protected, by making not less than a specific price per acre, to be paid to them in such goods or monies as they required; their release and payment being witnessed by the neighbouring Protector. But as in many cases Land could not be previously measured, the Protector, with others, might fix the amount to be paid to the Native's satisfaction, and upon the measurement being obtained, or a confirmation of the Grant, the residue paid over to Government in security for these Natives or their Heirs; the expense of survey

and fees for confirming the Grant to be paid to the Crown in fixed proportion to the extent of land. Through this means I propose to obtain every desirable end—first, a just satisfaction to the Natives; not excluding the prejudices by Government; secondly, due protection to the prerogative of the Crown; thirdly, moderate price, and agreeable acceptance of the purchaser, which would materially facilitate and diminish the expense of first location, and render families more secure and protected during the early unavoidable absence of the Parents; fourthly, a sufficient Land Revenue, through the fees obtained by confirmation; fifthly, a more ready acquiescence in the Ruling Power, in securing the Country from either outward aggression or inward tumult, by the good understanding that would subsist between the Europeans and Natives, which latter would then more readily and effectually merge and amalgamate into the European population, and in a few years render separate measures of government unnecessary. Lands required for actual Government purposes, can never be affected by any possessions acquired subject to British Law, because the Government can always retake any required, upon paying the value to the possessor—a necessary check to arbitrary pretensions, which might be used to destroy the business or property of an obnoxious individual; and it must be observed, that every man is entitled to the full value of his exertions. The wealth of a country is the wealth of its inhabitants, and its power is derived, from its moral strength, both of which would be destroyed by forced resumptions. It is rumored that land is to be given in some such cases, but that land may not be equally available to the individual, and, in many cases, quite inequivalent to the price resumed; the immediate effect of the mere resumption, has both destroyed the value of some properties from 100 to 500 per cent., and stopped the operation of improvements advantageous to the country. As I am not actually proposing any system, I shall not urge now any other points which, otherwise, might advantageously be suggested; but, excuse this digression from the propriety of rebutting the assertion of opposing positive measures, without propounding some substitute; and I now return, though, as I observed, a little irregularly, to my subject; and next, meet the arguments of some persons in the discussions in Sydney who have stated, that the Settlers here, well knew or believed, they could not purchase Land from the Natives, without being subject to the free and entire resumption of it by the British Crown. This I believe is the meaning, though, perhaps, not the very words used. I must most positively, individually, and as far as my individual knowledge extends, after nine years residence in this country, totally deny any such belief, or supposition to exist. And I support this denial by facts, first, that the prerogative right of the Crown was a subject not understood by any residents than in this land, and that it appears to have been a question of such legal difficulty and depth, that not merely the greatest strength in the Colony was brought to combat that claim as illegal, but that a lack of knowledge and ability comprised in the New Zealand Company in London, with rank and talent at their head, was equally under legal mistake in their construction thereof, and upon this ground I will assume, that presuming, if any of the less informed Settlers had dreaded any such conclusion, it would be entirely under the impression too often existing in the minds of the lower order, that the Government being powerful would commit any arbitrary acts they chose, without caring what injury or injustice they inflicted on the poorer class of its subjects. That such fears should exist in any country against a Government, is much to be deprecated,

and is, surely, a proof of some wrong.—The blessings of the poor follow the just and merciful administration of the Law, and delegated authority must expect its share of odium and distrust, if, forgetting in the administration, it sully the nobler attribute of mercy, or by hasty measures destroy the, I should say, impolite relief, the Sovereign is thereby enabled to afford, and which, in such cases, the technicality of the Laws have neither contemplated nor can defend. But have we not an equitable argument against the legal decision, that no precedent can be brought to shake the right of preemption and ejection, assumed to exist in every previous case of other Countries, colonized under the Crown, not only under Great Britain, but all other countries? To answer this question we can only ask another,—does there exist any positive and actual fact of private property being forcibly resumed upon the assumption of Royal authority over previous chartered or unchartered Lands? If such can be produced, let us consider upon the facts of the case whether or not such might not be forfeited under some act of treason or other legal liability.

And then, again, how many such isolated cases can be produced against the usual fact of the confirmation of all private property, while no promulgated declaration has removed the doubt and possibility of error. I confess I am in firm belief that no such good precedent can be established on the part of the Crown.

But it seems almost vain to start any opinion against the array of legal information the Colony must possess. Yet, in the absence of any notice of such cases, we have a right to presume, none to exist, and, consequently, look forward as a right to have extended to us this equitable judgment, and which, not one or two isolated cases should be sufficient to overturn, but that they be brought applicable in so sufficient a number, as to remove all room for conjecture, in dispossessing the present just occupiers of the soil.

[To be continued.]

To the Editor of the New Zealand Advertiser & King of Edwards Gazette.

SIR,—It is a source of very great inconvenience to the Public generally, but more particularly to the inhabitants of Kororareka, that Mr. Conway should take all Mails arriving here to Russell, to be opened, keeping the Merchants and Traders after the vessels have anchored opposite their own doors, at least 3 hours without the Letters being delivered, however important they might be. No blame whatever can be attached to Mr. Conway, for every one is now aware that since he has been appointed Post Master of Kororareka, that he has done all in his power to oblige the Public in the speedy delivery of Letters and Papers. It is therefore to be hoped, that no doubt will exist that the Government will forthwith remove this inconvenience, by having all Mails opened at Kororareka Post Office, as being decidedly the most central.

CORRESPONDENT.

Oct. 30.

The French valet of Lord William Russell had been found guilty of the murder of that Nobleman, and was ordered for execution on the 22nd June. He fully admitted the justice of his sentence.—The trial of the man who fired at the Queen and Prince Albert, was fixed for the 22nd June.—It was reported whether His Majesty would preside in the Session which is to sit in the crown in the month of November.—The British Government had given the French permission to remove the bones of Napoleon, which they were preparing to do at their cost, 250,000 francs.