



# NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate.

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

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VOL. V.] AUCKLAND, WEDNESDAY, SEPT. 17, 1845. [No. 25.

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## CIRCULAR.

Colonial Secretary's Office,  
Auckland, 15th September, 1845.

(TO EACH AUTHORITY IN NEW ZEALAND.)

SIR,—I am directed by the Governor to send you the following extracts from despatches: in order that you may be acquainted with the opinions of Her Majesty's Government with respect to the application of British Law to the Aboriginal Natives of New Zealand.

In a despatch dated the 21st June, 1843—Lord Stanley remarks, that he cannot perceive a necessity that the Natives of New Zealand must be liable to all the penalties and amenable to all the tribunals of the English Law. His Lordship's words are:—"I cannot perceive the necessity; there is no apparent reason why the aborigines should not be exempted from any responsibility to English Law, or to English Courts of Justice, as far as respects their relations and their dealings with each other. The native law might be maintained, and the native customs tolerated, in all cases in which no person of European birth, or origin, had any concern or interest. An exception should indeed be made of such customs as are in conflict with the universal laws of morality, such, for example, as the customs of cannibalism, and human sacrifice. But, with this exception, I know not why the native New Zealanders might not be permitted to live among themselves according to their national laws or usages, as is the case with the aboriginal races in other British Colonies."

In a despatch dated the 10th February, 1844—Lord Stanley observes that he knows "of no theoretical or practical difficulty in the maintenance, under the same Sovereign, of various Codes of Law for the government of different races of men. In British India, in Ceylon, at the Cape of Good Hope, and in Canada, the Aboriginal and the European inhabitants live together on these terms. Native laws and native customs, when not abhorrent from the universal and permanent laws of God are respected by English Legislatures and by English Courts; and although problems of much difficulty will occasionally arise out of this state of things, they have never been such as to refuse all solution, or as to drive the Local Authorities on the far more embarrassing difficulty of extending the Law of England to persons wholly ignorant of our language, manners, and religion."

And in a Despatch dated the 13th August, 1844—Lord Stanley states, in reference to the aboriginal natives of New Zealand, that "it may be necessary to temper the strict application of the Penalties of British Law with much discretion and forbearance. Under certain circumstances indeed I am afraid it may even be inevitable to consider before interfering with native customs which are in themselves objectionable, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which, in case no resistance was to be apprehended, you would not hesitate to adopt.

"Difficult however as the task may be, I

“ trust that your endeavors to effect it will be  
“ unremitting.”

His Excellency trusts that, on all occasions,  
you will act according to the spirit of these  
passages, as far as may be possible.

I have, &c.

ANDREW SINCLAIR,  
Colonial Secretary.

To each Executive Authority  
in New Zealand.

Colonial Secretary's Office,  
Auckland, 15th September, 1845.

THE Governor directs it to be notified  
that

JOHN B. WILLIAMS, Esquire,

has arrived in New Zealand; authorised by the  
President of the United States to execute the  
duties of Consul at the Bay of Islands, and  
such other parts as shall be nearer thereto than  
to the residence of any other Consul, or Vice-  
Consul of the United States.

By Command,

ANDREW SINCLAIR,  
Colonial Secretary.

Colonial Secretary's Office,  
Auckland, 15th September, 1845.

HIS Excellency the Governor has been  
pleased to appoint

PETER DODS HOGG, Esquire,

to be Sub-Treasurer for the District of Wel-  
lington.

This appointment takes effect from the 17th  
of May, 1845.

By Command,

ANDREW SINCLAIR,  
Colonial Secretary.

Colonial Secretary's Office,  
Auckland, 12th September, 1845.

HIS Excellency the Governor has been  
pleased to appoint

MR. HENRY T. CLARKE,

to be a Protector of Aborigines, vice Mr. E.  
Shortland, resigned.

This appointment bears date the 20th August,  
1845.

By Command,

ANDREW SINCLAIR,  
Colonial Secretary.

Colonial Secretary's Office,  
Auckland, 4th September, 1845.

NOTICE is hereby given, that MR. WILLIAM  
GORDON has been appointed Keeper of  
the Public Pound erected near the Tamaki  
Church, for Cattle found trespassing, instead of  
Mr. R. K. Baber, resigned.

By Command,

ANDREW SINCLAIR,  
Colonial Secretary.

Colonial Treasury,  
Auckland, 2nd September, 1845.

NOTICE is hereby given, that a License  
has been issued to

MR. HENRY R. CRETNAV, of Auckland,

under the provisions of the “ Auctioneers’  
Amendment Ordinance,” Session 3, No. 10 :  
the said License to be in force until the 24th  
day of April, 1846.

A. SHEPHERD,

Colonial Treasurer.

DISTRICT OF WELLINGTON.

A STATEMENT of the Returns of Rates  
payable on Property and Income, that  
have been made at this Office by the Persons  
under-mentioned, in terms of the Ordinance of  
the Governor and Council of New Zealand, No.  
2, of Session IV., between the 1st and the 30th  
days of June, 1845, inclusive.

Name.	Calling.	Rate.
Benoit, Pierre .....	Farmer	£ 2
Bernard, Pierre .....	do	1
Bourreau, Elie .....	do	2
Buretmyer, Johannis .....	do	1
Courtner, Nicolaus .....	do	1
David, Guillaume .....	do	1
Etevenaux, Jean Pierre ..	do	1
Fleuret, George .....	do	1
Gumdon, Benjamin .....	do	1
Jendoot, Pierre .....	do	1
Lelievre, Francois .....	do	1
Libau, Joseph .....	do	2
Mackinnon, Malcolm .....	do	1
Malmanche, Francois .....	do	1
Malmanche, Emeri de .....	do	1
Michel, Alfred .....	do	1
Roussetlot, Francois .....	do	1
Veron, Jules .....	do	1
Wericherle, Jercob .....	do	1
Woods, William .....	Master Whaler	4

JOHN MACARTHY,

Collector.

Property Rate Office,  
Wellington, June 30th, 1845.

## NOTICE.

Custom House,  
Wellington, 24th June, 1845.

A BRICK-built Store, the property of Mr. William Fitzherbert, of Farish-street, Te Aro, in this Port, has been this day approved of by me for the Warehousing of Goods under Bond.

P. D. Hogg,  
Sub-Collector.

## NOTICE.

Custom House,  
Wellington, 24th June, 1845.

A BRICK-built Store, the property of the Trustees of Waitt and Tysen, of Farish-street, Te Aro, in this Port, has been this day approved of by me for the Warehousing of Goods under Bond.

P. D. Hogg,  
Sub-Collector.

THOMAS OUTHWAITE, Esquire, Registrar of the Supreme Court, in Account  
with the Estate of TOBIAS SCHEEN.

1845.	DR.	£ s. d.	1845.	CR.	£ s. d.
June 12	By balance wages due to intestate from schooner <i>I don't know</i> .....	3 16 0	June 2	Letters of Administration ..	1 10 0
	„ Nett proceeds sale of effects .....		May 22	Paid Leary, portorage .....	0 2 0
17	„ Ditto ditto .....	2 17 6		„ Chaplin, carriage to burying-ground.....	0 5 0
		1 1 0		„ Jennings, Commons, and May, bearers ..	0 6 0
			23	„ Henry Forbes, ditto ..	0 2 0
				„ Burial fees & fencing found .....	0 10 0
			24	„ Tutty, for washing, laying out body of deceased, &c.....	0 17 8
				„ Ford, surgeon, medi- cine, &c. ....	2 15 6
			11	„ Portorage of effects to Auctioneer.....	0 2 0
				„ Advertising in <i>Go- vernment Gazette</i> ..	0 3 8
				„ Walker, erecting head- board .....	0 3 0
			Aug. 26	„ Receiver's commis- sion .....	0 7 8
				„ Advertising balance sheet in <i>Government Gazette</i> .....	0 10 0
£7 14 6			£7 14 6		

I, Thomas Outhwaite, do swear that to the best of my knowledge and belief, the within is a just and true account of the receipts and disbursements on account of the Estate of the late Tobias Scheen.

THOMAS OUTHWAITE.

Sworn before me, at Auckland, this }  
eighth day of September, 1845. }

WILLIAM MARTIN, C. J.

I do hereby certify, that I have examined and allowed this account of the Official Administrator of the Estate of the late Tobias Scheen. Dated this eighth day of September, 1845.

WILLIAM MARTIN, C. J.

THOMAS OUTHWAITE, Esquire, Registrar of the Supreme Court, in Account  
with the Estate of CHARLES WALKER.

1844.	DR.	£ s. d.	1844.	CR.	£ s. d.
	Proceeds sale of sundry } wearing apparel ..... }	1 12 6	Sept. 11	Paid Russell, for coffin ....	0 11 9
	" " fishing tackle ..	0 3 0	12	" Walker, for portorage .	0 1 0
	" " watch .....	1 0 0		" Dorren, for ditto, and } for effecting sale of } wearing apparel..... }	0 2 0
	" " one debenture..	0 1 0		" Dr. Conway, surgi- } cal attendance .....	1 0 0
1845.	Jan. 30 " " sailmaker's tools	0 12 0	13	" Rev. J. F. Churton, } burial charges .....	0 10 0
Jun. 16	By cash from Capt. Stuart .	1 0 0		" White, for refresh- } ments, candles, &c. }	0 11 0
Aug. 13	" " Treasury ....	4 16 0			
			1845.	Jan. 30 " J. H. Watt, dividend .	0 12 0
			May 16	" Advertising in <i>Go- } vernment Gazette</i> .. }	0 3 8
			June 2	" Letters of Adminis- } tration .....	1 10 0
			Aug. 13	" W. B. Moores, dividend } Administrator's com- } mission .....	3 4 1½ 0 8 7½
				" Advertising balance } sheet in <i>Government } Gazette</i> .....	0 10 0
		£9 4 6			£9 4 6

I, Thomas Outhwaite, do swear that to the best of my knowledge and belief, the within is a just and true account of the receipts and disbursements on account of the Estate of the late Charles Walker.

THOMAS OUTHWAITE.

Sworn before me, at Auckland, this }  
first day of September, 1845. }

WILLIAM MARTIN, C. J.

I do hereby certify, that I have examined and allowed this account of the Official Administrator of the late Charles Walker. Dated this first day of September, 1845.

WILLIAM MARTIN, C. J.