



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.

VOL. V.] AUCKLAND, MONDAY, MARCH 3, 1845. [No. 5.

*Colonial Secretary's Office,
Auckland, 3rd March, 1845.*

HIS Excellency the Governor has been pleased to direct that the following Commission, appointing Justices of the Peace for this Colony, and the List of names thereunto annexed, be published for general information.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To Our Trusty and Loving Subjects whose names are hereunto annexed, Greeting. *Know Ye*, that We have assigned you, and each and every of you, jointly and severally, to be our Justices to keep our Peace in our Colony of New Zealand and its Dependencies, and to keep and cause to be kept all Ordinances and Statutes for the preservation of the Peace, and for the quiet rule and Government of our people made in all and singular their Articles in our said Colony and its Dependencies, according to the form and effect of the same, and to punish all persons offending against the said Ordinance and Statutes, or any of them, in the said Colony and its Dependencies; and to cause to come before you, or any one or more of you, all those within our said Colony and its Dependencies, who to any one or more of our people concerning their bodies, or the firing of their houses, shall have used threats, to find sufficient security for the

Peace, or their good behaviour towards us and our people; and if they shall refuse to find such security then them in our prison, until they shall find such security to cause to be safely kept. We have also assigned you, or either of you, with any one or more of such Justices as are hereby, or shall hereafter be duly commissioned by us in that behalf, to enquire the truth more fully by all lawful means by which the truth of the matter shall be better known, of all and all manner of Felonies, Poisoning, Trespasses, or Extortions whatsoever, and of all and singular other Crimes and Offences of which the Justices of our Peace may or ought lawfully to enquire by whomesoever and after what manner soever in the said Colony and its Dependencies, done or perpetrated, or which shall happen to be done or attempted. And, also of all those who in the aforesaid Colony or its Dependencies, in companies against our peace, in disturbance of our people with armed force, have gone or rode, or hereafter shall presume to go or ride, and also of all those who have there lain in wait, or hereafter shall presume to lie in wait, to maim, or cut, or kill our people. And, also of all Victuallers, and all and singular other persons, who in the abuse of weights or measures, or in selling victuals, against the form of the Ordinances and Statutes, or any of them therefore made for the common benefit of our said Colony and its Dependencies, and our people thereof, have offended, or attempted, or hereafter shall presume in the said Colony or its Dependencies to offend or attempt. And, also all Sheriffs, Constables, Keepers of Gaols, and other officers, who in the execution of their offices about

the premises, or any of them, have unduly behaved themselves, or hereafter shall presume to behave themselves unduly, or have been or shall happen hereafter to be careless, remiss, or negligent in our aforesaid Colony or its Dependencies. And of all and singular articles and circumstances, and all other things whatsoever that concern the premises or any of them, by whomsoever, and after what manner soever, in our aforesaid Colony, done or perpetrated, or which hereafter shall happen to be done or attempted in what manner soever. And to inspect all Indictments whatsoever so before you, or any of you, with such Justice or Justices as aforesaid, taken or to be taken, or before others late our Justices of the Peace in the aforesaid Colony or its Dependencies, made or taken, and not yet determined; and to make and continue Processes thereupon against all and singular the persons so indicted, or who before you hereafter shall happen to be so indicted, until they can be taken, surrender themselves, or be outlawed. Provided always, that if a case of difficulty upon the determination of any of the premises before you, or any one or more of you shall happen to arise, then let judgment in no wise be given thereon before you, or any of you, unless in the presence of one of our Justices of the Supreme Court of the said Colony.

And, therefore, We Command you, and each of you, and every of you, that to keep the Peace or Ordinances and Statutes, and all and singular other the Premises, you diligently apply yourselves, and that at certain days and places duly appointed, or to be appointed for these purposes into the premises, ye make enquiries, and all and singular the premises hear, and determine, and perform, and fulfil them in the aforesaid form, doing therein what to Justice appertains, according to the Law and Custom of England, saving to us the americiaments and other things to Us therefrom belonging. And We Command Our Sheriff of the said Colony, at certain days and places duly appointed, or to be appointed as aforesaid, to be aiding by all lawful means in the performance and due execution of the premises.

In Testimony Whereof, We have caused these our Letters to be made Patent, and the Great Seal of our said Colony to be hereunto affixed.

Witness, Our Trusty and Well-beloved Robert Fitzroy, Esquire, Captain in Our Royal Navy, Our Governor and Commander-in-Chief of Our said Colony of New Zealand and its Dependencies, at Government House, Auckland, in Our said Colony, this first day of March, in the seventh year of Our Reign, and in the year of Our Lord One thousand eight hundred and forty-five.

ROBERT FITZROY.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

LIST OF MAGISTRATES.

Andrew Sinclair, M. D.
Alexander Shepherd
William Spain
Matthew Richmond
R. Davies Hanson
Felton Mathew
Arthur E. MacDonogh
Thomas Beckham
Henry King
Charles B. Robinson
Donald Sinclair
John Jermyn Symonds
Henry St. Hill
George Clarke
Robert A. Fitzgerald
James Coates
John Johnson
Peter D. Hogg
Samuel King
Robert S. Aubyn
James Webster
John Watson, Esquires.

NON OFFICIAL.

Frederick Whitaker
William Donnelly
Theophilus Heale
Charles Clifford
William Brown
Samuel M. D. Martin, M. D.
James R. Clendon
William F. Porter
James Busby
Henry Cutfield
William Wakefield
Thomas Bunbury
William M. Smith
Edward Chetham
Peter Wilson
John Nixon
Jeremiah Nagle
John G. Cooke
Edmund S. Halswell
George S. Evans, L. L. D.
Gilbert Mair
John Scott
David Smale
Henry C. Lawler
Lachlan McLachlan
Moses Campbell
William Guyton
William Swainson (Hutt)
William Powditch
Edward Daniell
Henry Moreing
Henry Thompson
John T. Wicksteed
Henry W. Petre
John Damforth Greenwood, M. D.
Francis Otterson
Philip Valle
George Rennie
Josiah Flight
William Halse, Esquires.

*Colonial Secretary's Office,
Auckland, 28th February, 1845.*

HIS Excellency the Governor has been pleased to appoint

JOHN WATSON, Esquire,

to be Assistant Police Magistrate at Russell.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 28th February, 1845.*

HIS Excellency the Governor directs it to be notified that the Registrar and Deputy Registrar of the Supreme Court, and the Clerk to the Magistrates at Nelson, have been appointed Clerks to the Crown.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

NOTICE.

CRIMINAL PROSECUTIONS.

*Colonial Secretary's Office,
Auckland, 28th February, 1845.*

THE Office of Crown Prosecutor having been abolished, the proceedings in Criminal Prosecutions will in future be the same as in England, as nearly as circumstances will admit.

When any person shall be committed for Trial, or held to Bail to take his Trial on any charge of Felony, or Misdemeanour, the party aggrieved will himself be bound over to prosecute and to prefer an Indictment, according to the practice in England; instead of the Case being taken up and carried on by the Crown Prosecutor as heretofore.

In all cases of Felony, and in the following cases of Misdemeanour, viz.—

Assault with intent to commit Felony.

Attempt to commit Felony.

Riot.

Misdemeanour for receiving any stolen property, knowing the same to be stolen.

Assault upon a peace-officer in the execution of his duty, or upon any person acting in aid of such officer.

Neglect or breach of duty as a peace-officer.

Assault committed in pursuance of any conspiracy to raise the rate of wages.

Knowingly and designedly obtaining any property by false pretences.

Wilful and indecent exposure of the person.

Wilful and corrupt perjury, or subornation of perjury.

The person bound over to prosecute will be allowed the Costs and Expences he shall incur in preparing the Indictment and conducting the prosecution, according to the following Scale, viz.—

COSTS TO BE ALLOWED TO PROSECUTOR.

| | £ | s. | d. |
|---|---|----|----|
| Attendance for Subpœna containing } any number of names | 0 | 3 | 0 |
| Copies thereof and services | 0 | 4 | 0 |
| Mileage, per mile (one way) | 0 | 1 | 0 |
| Instructions for Brief | 0 | 6 | 0 |
| Drawing same | 0 | 15 | 0 |
| Attorney attending Trial | 0 | 10 | 0 |
| Bill of Costs | 0 | 1 | 0 |
| Counsel's Fee (in ordinary cases) ... | 1 | 1 | 0 |
| In more important cases to be in } the discretion of the Registrar, } but never to exceed | 3 | 3 | 0 |
| If the Attorney acts as Counsel, he will be allowed a Counsel's Fee and one-half of the Attorney's Fee. | | | |

In cases of Felony, and of the Misdemeanours above-mentioned, there will be allowed to the Prosecutor and Witnesses for the Prosecution, who shall have attended the Court in obedience to any Recognizance or Subpœna, an Allowance for "loss of time" and for "travelling expences," according to the rate fixed by the Rules of the Supreme Court, and confirmed by the "Supreme Court Rules" Ordinance, Session 4, No. 1.

All such Costs and Allowances will be paid by the Colonial Treasurer, or the District Treasurer, (as the case may be), on presentation of an account thereof duly certified.

All such accounts must be verified by the Certificate of the Clerk of the Crown, and must be countersigned by the Judge of the Court before whom the Case shall have been, or would have been, tried.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

LIST of all Men within the District of Russell, in the Colony of New Zealand, liable to serve on Juries:—

| Christian and Surname. | Residence. | Title, Quality, or Calling. |
|------------------------|----------------|-----------------------------|
| Aberline Joseph . | Russell | Cabinet Maker |
| Banks Richard .. | do | Master Mariner |
| Bateman Thomas | do | do |
| Bethel Thomas .. | do | Carpenter |
| Brown William .. | Wahapu | Boat Builder |
| Bedgegood John . | Waimate | Wheelwright |
| Black Thomas .. | Bay of Islands | Trader |
| Cook William .. | Wai Kari | Carpenter |
| Clunie William .. | Russell | Auctioneer |
| Cook John Chas. | do | Storekeeper |
| Callnan John ... | do | Shoemaker |
| Callaghan John . | do | Farmer |
| Curwood John .. | do | Tailor |
| Deveson Joseph . | Paroa | Carpenter |
| Dunn Thomas .. | Russell | Yeoman |
| Dudley Henry W. | do | Storekeeper |
| Davis James | Waimate | Farmer |
| Davis William .. | do | do |
| Edmonds John .. | Kari Keri | do |

| Christian and Surname. | Residence. | Title, Quality, or Calling. |
|------------------------|----------------|-----------------------------|
| England Joseph . | Russell | Shoemaker |
| Fitzpatrick Mich. | do | Publican |
| Flat John | Pahia | Brickmaker |
| Green William .. | Bay of Islands | Trader |
| Greenaway Geo. . | do | Brewer |
| Grenier George.. | Russell | Carpenter |
| Gardner William | Wahapu | Boat Builder |
| Gibson Andrew . | Russell | Merchant |
| Hobson William . | do | do |
| Hingston G. W. | Bay of Islands | Settler |
| Hanley Horace .. | Russell | Merchant |
| Johnson John .. | do | Publican |
| Johnson James .. | do | do |
| Johnson James .. | do | Carpenter |
| Lord William ... | do | Yeoman |
| McLiver Hugh .. | do | Carpenter |
| Makepeace John . | do | Dealer |
| McCarthy Dennis | do | Storekeeper |
| Mason David ... | Pah | Publican |
| Nicholson N. ... | Russell | Clerk |
| Oliffe William .. | do | Tailor |
| Potter Thomas .. | Tariah's River | Farmer |
| Robinson Wm... .. | Russell | Watchmaker |
| Russell George.. | do | Yeoman |
| Russell Mich. J. | do | Storekeeper |
| Stevenson Samuel | Tapeka | Gent. |
| Smith John | Russell | Baker |
| Stuart John | do | Publican |
| Stuart James ... | Pah | do |
| Speed Walter ... | Wahapu | Clerk |
| Turner Benj. E. . . | Russell | Yeoman |
| Turner William . | do | Painter |
| Whytlaw John .. | do | Storekeeper |
| Waitford Chas. B. | Wahapu | Merchant |
| Williams Edw. M. | Pararaka | Farmer |
| Williams Henry . | do | do |
| Wright John ... | Wahapu | Settler |
| Welbank Isaac .. | Wai Kari | do |
| Walsh William .. | Russell | Gent. |

Police Office,
Russell, February 12th, 1845.

We, the undersigned, Justices of the Peace for the District of Russell, do hereby declare that the foregoing list contains, to the best of our knowledge and belief, the names of all persons liable to serve as Jurors in the District of Russell for the present year.

THOMAS BECKHAM, P. M.
JAMES CLENDON, J. P.

NOTICE.

THE partnership hitherto existing between the undersigned, carrying on business at Russell, Bay of Islands, New Zealand, under the style and firm of C. J. COOK and Co., is this day dissolved by mutual consent.

All parties indebted to the said firm are requested to pay their respective accounts into the hands of C. J. Cook, without delay, to prevent legal proceedings.

C. J. COOK,
JOSEPH NORMAN.

Witnesses—Hugh McLeiver,
John Whytlaw.

Russell, Bay of Islands,
27th January, 1845.

NOTICE.

THE business hitherto carried on at Russell, Bay of Islands, under the style and firm of C. J. Cook and Co., will in future be conducted by C. J. Cook.

Russell, Bay of Islands,
27th January, 1845.