



NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority

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By His Excellency's Command,

ANDREW SINCLAIR, *Colonial Secretary.*

VOL. VI. AUCKLAND, WEDNESDAY, DEC. 30, 1846. No. 23.

PROCLAMATION.

By His Excellency GEORGE GREY, Esquire, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, and Vice-Admiral of the same, &c., &c.

I, THE LIEUTENANT-GOVERNOR, do hereby advertise and proclaim, that at eleven o'clock, on Thursday, the twenty-eighth day of January, 1847, the Colonial Treasurer will put up to Auction, at the Treasury, the under-mentioned Lots, on the terms and conditions and under the provisions of An Act of Parliament passed in the fifth and sixth years of the Reign of Her Majesty Queen Victoria, cap. 36, intituled "An Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies."

Deposit on the purchase money, Ten pounds per centum.

COUNTY OF EDEN.

TOWN.—Upset price £100 per acre.

Name of Parish.	No. of Section.	No. of Lot.	Quantities.
			A. R. P.
Parish of Waitemata.	30	9	0 1 11
	30	10	0 1 2
	40	25	0 0 30
	42	17	0 1 32
	46	21	0 1 13
	46	22	0 0 36
	46	23	0 1 23
	46	24	0 2 1
	46	25	0 2 4
	46	26	0 2 6
	46	27	0 2 9
	42	11	0 1 17

SUBURBAN.—Upset price £1 1s. per acre.

Name of Parish.	No. of Lot.	Quantities.
		A. R. P.
Parish of Takapuna.	121	108 1 28
	151	62 0 0
	152	76 0 0
	153	84 0 0
	155	60 0 0
	160	59 0 0
	163	65 0 0
Parish of Waitemata.	131	20 0 0

COUNTRY.—Upset price £1 per acre.

Name of Parish.	No. of Lot.	Quantities.
		A. R. P.
Parish of Pakuranga.	1	136 1 5
	5	83 0 8
	9	94 0 0
	14	80 0 0
	18	80 0 0
	21	77 0 0
	25	80 0 0
	31	126 0 0

YEARLY LEASES.

TOWN.—Upset price £1 per annum.

Name of Parish.	No. of Section.	Lot.
Parish of Waitemata.	7	16 and part of No. 1.

YEARLY LEASES Continued.
COUNTRY.—*Upset price £10. per annum.*

Name of Parish.	No. of Lot.	Quantities.		
		A.	R.	P.
Parish of Pakuranga.	32	130	0	0
	33	130	0	0
	34	97	0	0
	37	100	0	0
	39	148	0	0
	40	158	0	0
	41	139	0	0
	44	90	0	0
	45	105	0	0
	47	141	0	0
	48	113	0	0
	49	85	0	0
	50	79	1	24
	51	97	1	5
52	204	2	17	
Parish of Manurewa.	1	63	0	0
	5	77	2	23
	6	66	0	11
	7	76	0	11
	8	15	3	12
	12	148	0	0
	16	67	0	0
	17	80	0	0
	18	133	3	38
	19	112	2	16
	20	112	1	33
	21	86	0	0
	38	160	0	0
	39	80	0	0
40	80	0	0	
41	133	0	0	
44	210	0	0	
45	97	0	0	

Given under my Hand, and issued under the Public Seal of the Colony, at Government House, (L. S.) Auckland, this fifteenth day of December, in the year of Our Lord One thousand eight hundred and forty-six.

GEORGE GREY,

Lieut.-Governor and Commander-in-Chief.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, 21st December, 1846.

HIS Excellency the Lieutenant-Governor has been pleased to give directions that the following Despatch received from the Secretary of State, in answer to a Memorial from the former Inhabitants of Russell, praying to be compensated for losses sustained by the destruction of that place, should be published for the information of the Memorialists.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

Downing Street,
10th June, 1846.

SIR,—I have received your Predecessor's Despatch, marked "Separate," of the 30th of October last, accompanied by a Memorial from above forty persons, formerly resident at Russell, in New Zealand, soliciting compensation for the losses sustained by them in consequence of the destruction of that Town by the Natives, in March of last year.

This claim raises, or involves, a general principle of great practical extent, and of very wide and general application. It is the principle that British subjects who have settled themselves in the immediate vicinity of uncivilized Tribes of men, and who may subsequently become the victims of their hostility, are entitled to throw on the British Treasury the losses consequent on any such attacks, if they can shew, either that there was not a sufficient military force at hand for their protection, or, that a sufficiently vigorous and skilful use was not made of that force, or, that the British Government or its Officers were guilty of any such error or oversight in their transactions with the Tribes in question, as may possibly have provoked or increased their hostility to the Settlers. It is alleged in the Memorial that such has been the invariable rule or practice in all such cases.

To this general assertion it is impossible to subscribe. The Memorialists have quoted no solitary instance of the kind they mention, and I am not aware of the existence of any. Neither the ancient British Settlers in North America, nor those who in recent times have settled in Western or in Southern Africa, ever received from the Government compensation for the losses they incurred by the devastation and plunder of their Settlements by the Savages in their immediate vicinity. They emigrated not in the service of their country, but with a view to advantages, real or imaginary, and included, or ought to have included, the danger of barbarous invasion as one of the most serious risks of that speculation.

In the present case the Claimants cannot even allege that their Settlement in New Zealand was encouraged, or approved, or even known by their own Government. They resorted thither before the Treaty of Waitangi, and before the Government was reluctantly compelled by the unauthorized Emigration of British subjects to that Country, to negotiate for a Sovereignty which they had deprecated as an undesirable, if not injurious acquisition. When at length that Sovereignty was assumed, the Government gave the utmost possible publicity to the fact, that, it was impossible to withdraw from the British Army a Garrison adequate to the protection and defence of the Settlers.

If errors, either Civil or Military, were subsequently committed in the administration of the Government of the Colony, I cannot admit that to those errors alone, or chiefly, are to be attributed the attacks of Heki and his followers on the Town of Russell, and, even if I could make that admission, I should not assent to the inference that the British Treasury are bound to pay both for the expense of the warfare, and for the losses of the Settlers. The Government and their local Officers, Civil and Military, were all placed in a situation in which it is scarcely probable that any degree of foresight, skill, or courage could have averted all risk of such evils. They were drawn into that situation by the precipitancy of others, not by any ill policy of their own. Besides, it is a new and startling doctrine that the Queen's subjects are indivi-

dually entitled to compensation for any losses in which the honest errors, political or military, of the Queen's Government may involve them.

For these reasons I must decline to advise Her Majesty to award any compensation to the Memorialists, however deeply Her Majesty has been concerned to receive this intelligence of their misfortunes. I abstain from tendering that advice the more carefully, because, the great stress laid in this Memorial on supposed precedents of similar grants, reminds me of the hazard, and possible inconvenience of now establishing a precedent of that kind to which reference might under any corresponding circumstances, be made hereafter.

I have the honor to be,

Sir,

Your most obedient
humble Servant,

W. E. GLADSTONE.

Lieut.-Governor Grey,
&c., &c., &c.

PROCLAMATION.

By His Excellency GEORGE GREY, Esquire, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, &c., &c., &c.

WHEREAS an Ordinance was enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 7, No. 16, intituled "An Ordinance to provide for the Establishment of Resident Magistrates' Courts, and to make special provision for the administration of Justice in certain cases." And whereas an Ordinance was in like manner enacted, Session 7, No. 15, intituled "An Ordinance to repeal the Police Magistrates' Ordinance and the Native Exemption Ordinance." And whereas it was provided by the said recited Ordinances, that they should respectively come into operation throughout the Colony on the first day of May, 1847, or on such earlier day, and either throughout the Colony, or within any district or districts thereof, as His Excellency the Lieutenant-Governor should by Proclamation direct and appoint.

Now, I, the Lieutenant-Governor, pursuant to the authority in me vested, do hereby direct and appoint that the said recited Ordinance shall this day wholly come into operation within that part of the Colony of New Zealand lying to the North of the 36th degree of South latitude, and the Islands adjacent thereto.

Given under my Hand, and issued under the Public Seal of the Colony, (L.S.) at Government House, Auckland, this sixteenth day of December, in the year of Our Lord one thousand eight hundred and forty-six.

GEORGE GREY,

Lieut.-Governor and Commander-in-Chief.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

GOD SAVE THE QUEEN!

*Colonial Secretary's Office,
Auckland, 15th December, 1846.*

HIS Excellency the Lieutenant-Governor has been pleased to appoint
Major JAMES PATIENCE,
Of H. M. 65th Regt. of Foot,
to be a Resident Magistrate.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

NOTICE.

*Colonial Secretary's Office,
Auckland, 16th December, 1846.*

PURSUANT to the authority in him for that purpose vested by the "Resident Magistrates' Court Ordinance," His Excellency the Governor has been pleased to appoint, that the acts and duties of various local Ordinances required to be done and exercised by the Police Magistrate, in the District of Russell, shall hereafter be done and exercised by Major JAMES PATIENCE, Resident Magistrate.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 15th December, 1846.*

HIS Excellency the Lieutenant-Governor has been pleased to appoint

GODFREY JOHN THOMAS, Esq.,

to be Private Secretary to His Excellency, and Clerk of Councils.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.

CROWN GRANTS.

*Colonial Secretary's Office,
Auckland, 24th December, 1846.*

THE undermentioned Deeds of Grant are now lying at this Office ready for delivery, and His Excellency the Lieutenant-Governor directs it to be notified, that a fee of twenty shillings will be charged for each Deed, according to the "Fees on Crown Grants' Ordinance," Session 7, No. 11.

In cases where it is impossible for the Grantee to attend in person to receive his Deed, it will be delivered to the bearer of an authority according to the subjoined form, certified by a Magistrate, or by a Solicitor of the Supreme Court.

Form of Authority for a Deed of Grant.

I hereby authorize A. B. of _____ to receive the Deed of Grant in my favor, for

WITNESS, (Signature of Grantee.)

Signature of a Magistrate, or of a }

Solicitor of the Supreme Court. }

PURCHASES FROM THE CROWN.

Suburban.

121. Henry Figg and Edward Other, twenty acres, two roods, and twenty-six perches, Allotment No. 1, of Section No. 1.

122. William Forsyth, three acres, two roods, and thirty-two perches, Allotment No. 81, of Section No. 1.

123. James Dilworth, two acres and sixteen perches, Allotment No. 81 (a), of Section No. 1.

Town of Auckland.

213. William Clarke, thirty-four perches, Allotment No. 10, of Section No. 14.

214. William McDonald, thirty-four perches Allotment No. 19, of Section No. 14.

EXCHANGE.

Country.

5. Patrick Walshe, seventy acres, Parish of Pakuranga, County of Eden, Country Lot, No. 17 (a).

CONTRACT FOR FIREWOOD.

*Colonial Secretary's Office,
Auckland, 24th December, 1846.*

THE Tenders for the supply of Firewood, submitted in pursuance of the Government Notice of the 10th instant, having been declined, Tenders will be received until noon on Monday, the 4th day of January, 1847, from parties wishing to contract for the supply of that article.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 24th December, 1846.*

TENDERS will be received at this Office until noon on Monday, the 11th of January, for the supply of the under-mentioned Cattle, &c., for the use of the Government.

- Cart Horses 4
- Working Bullocks 12
- Two Carts and two sets of Horse harness, complete
- Two Bullock Drays, and bows, yokes, and chains, complete

Information respecting the terms of payment and other particulars, may be had on application to the Superintendent of Public Works—from whom also Forms of Tender may be obtained.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 24th December, 1846.*

TENDERS will be received at this Office until noon on Monday, the 11th of January, for the supply of the under-mentioned Articles for the use of the Government.

- Nails, Spike, 2½, 4, 5, 6 & 10 inch, at per lb.
- Wheelbarrows 24
- Picks 90
- Shovels..... 90
- Spades 90
- Axes 50
- Bill Hooks 50
- Adzes 50
- Cross-cut Saws..... 12
- Hand Saws 24
- Augers (American) 24
- Crow Bars 12
- Grindstones 6
- Hammers 12
- Sledge Hammers 6
- Spokeshaves..... 6
- Draw Knives 6
- Switching Hooks..... 12
- Mortising Chisels 12
- Maul Rings 6 sets
- Wedges..... 6 sets
- Rope 1 coil
- Gimlets, of sizes 6 sets

The Articles supplied to be of such quality, as shall be approved by the Surveyor-General.

Information respecting the terms of payment and other particulars, may be had on application to the Superintendent of Public Works—from whom also Forms of Tender may be obtained.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 10th December, 1846.*

THE Tenders for the erection of a General Hospital in Auckland Park, submitted in pursuance of the Government Notice of 29th October, 1846, having been declined, Tenders will be received at this Office until noon on Monday, the fourth day of January, 1847, from parties willing to contract for the erection of a General Hospital, to be constructed of Timber.

Plans and Specifications of the Works required to be performed can be seen on application at the Office of the Surveyor-General.

Tenders to be sealed, and endorsed "Tenders for the erection of a General Hospital in Auckland Park."

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.