



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. IV.] AUCKLAND, SATURDAY, MARCH 26, 1844. [No. 10.

Colonial Secretary's Office,
Auckland, 26th March, 1844.

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following Letter from Lord Stanley on the subject of exchanging Land.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

Downing-street,
16th January, 1843.

SIR—With reference to your Despatch, No. 20, of March last, I have to acquaint you that Her Majesty's Government have resolved to allow to settlers generally the opportunity of exchanging their lands in the more remote positions for grants nearer to the Town of Auckland.

You are therefore authorised to allow to all Claimants, who have established their titles to land, the option of taking land in exchange for it in the unoccupied portions of the District in which Auckland is situated:—special reference being of course had to the proportionate values which have been established in the Colony for Town, Suburban, and Country allotments.

I have the honor to be,
Sir,

Your most obedient servant,
(Signed) STANLEY.

PROCLAMATION.

By His Excellency **ROBERT FITZROY**,
Esquire, Captain in Her Majesty's Royal Navy, and 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., &c.

IN order that all Claimants to Land may be—as much as possible—on an equality with respect to opportunities of making Exchanges of Land with the Government—the following Regulations are made public, and will be strictly observed.

REGULATIONS

RESPECTING THE EXCHANGE OF LAND.

1. No further exchange of Land will be made by the Government previous to the last week of next June.
2. There will be no restriction as to the quantity of Land,—whether Town, Suburban, or Country, given by the Government in exchange for an equivalent value—or as much more as may be offered—in money, or in other Land not yet Granted by the Crown, but the claim to which has been recommended to the Governor for a Grant.
3. Before a Crown Grant will be issued, the Land tendered in exchange for Crown Land must be Surveyed by Government; and, if found less in quantity than the amount stated, the party tendering will be required to make

good the deficiency, in money,—or forego his intended exchange.

4. Applications to exchange Land will be received, and registered till the fifteenth day of June next.

5. Each such application must specify the quantity of Land offered for exchange; the locality of such Land; the number and letter (if any), of the Land Claim; and the Commissioner or Commissioners by whom it was investigated.

6. No grant will be made out in favor of any person offering to exchange Land at the end of June next, whose application shall not have been received by the Government before the sixteenth day of that month.

7. A considerable portion of Surveyed Town, Suburban, and Country Land, will be put up to Auction during the last week of June next, of which due notice will be given; but a sufficient quantity will be reserved for the Sales in the months of September, and December next; in order that other claimants whose claims may be then unsettled, may have fair opportunities of open competition in exchange.

8. Books will be opened at the Treasury for Land Claimants in order that they may have credit, in land only, to the amount of the quantities contained in their respective approved claims, which they may state their readiness to dispose of at the rate of one pound sterling per acre, in exchange for an equivalent value of Government land.

9. Transferable notes will be given by the Treasury; on which it will be distinctly specified that the acceptance of such notes, by the Government, at the above-mentioned sales, in exchange for land only, will depend on the validity of the claim they are intended to represent; and on their holder making good, in money, any deficiency in the quantity of land stated.

Given under my Hand, and under the Seal of the Colony, at Government House, Auckland, this twenty-sixth day of March, in the Year of Our Lord One thousand eight hundred and forty-four

ROBERT FITZROY,
Governor.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

PROCLAMATION.

By His Excellency ROBERT FITZROY,
Esquire, Captain in Her Majesty's Royal Navy, Governor and Commander-in-Chief in and over the Colony of New Zealand, and Vice Admiral of the same, &c., &c., &c.

FROM this day—until otherwise ordered—I will consent—on behalf of Her Majesty the Queen—to waive the right of Pre-emption over certain limited portions of land in New Zealand, on the following conditions.

1. Application is to be made in writing to the Governor, through the Colonial Secretary, to waive the Crown's right of Pre-emption over a certain number of acres of land at, or immediately adjoining a place distinctly specified: such land being described as accurately as may be practicable.

2. The Governor will give, or refuse his consent to waive the Crown's right of pre-emption to a certain person, or his assignee, as His Excellency may judge best for the public welfare; rather than for the private interest of the applicant. He will fully consider the nature of the locality—the state of the neighboring and resident natives; their abundance or deficiency of land; their disposition towards Europeans, and towards Her Majesty's Government;—and he will consult with the Protector of Aborigines before consenting, in any case, to waive the right of pre-emption.

3. No Crown title will be given for any Pah, or native burying ground, or land about either; however desirous the owners may now be to part with them: and, as a general rule, the right of pre-emption will not be waived over any land required by the aborigines for their present use; although they themselves may now be desirous that it should be alienated.

4. The Crown's right of pre-emption will not be waived over any of that land near Auckland which lies between the Tamaki road and the sea to the northward.

5. Of all land purchased from the aborigines in consequence of the Crown's right of pre-emption being waived,—one-tenth part, of fair average value, as to position and quality, is to be conveyed, by the purchaser, to Her Majesty, her heirs and successors, for public purposes, especially the future benefit of the aborigines.

6. All transactions with the sellers;—all risks attendant on misunderstandings: on sales made improperly; or on incomplete purchases; must be undertaken by the buyers until their respective purchases have been allowed, and confirmed by grants from the Crown.

7. As the Crown has no right of Pre-emption over Land already sold to any person not an Aboriginal Native of New Zealand;—and whose claim is or may be acknowledged by a Commissioner of Land Claims;—no grant will be issued to any other than the original claimant or his representative, whose claims have been, or may be investigated by a Commissioner, and recommended by him to the Governor for a grant from the Crown.

8. As a contribution to the Land Fund, and for the general purposes of Government—Fees will be demanded in ready money, at the rate of four shillings per acre for nine-tenths of the aggregate quantity of Land over which it may be requested that the Crown's right of Pre-emption may be waived.

These fees will be payable into the Treasury on receiving the Governor's consent to waive the right of Pre-emption.

And on the issue of a Crown Grant, after an

interval of at least twelve months from the time of paying the abovementioned fees; additional payments will be required, at the rate of six shillings per acre, in ready money, to be applied to the Land Fund, and for the general purposes of Government.

9. Land so obtained is to be surveyed, at the expense of the purchaser, by a competent surveyor, licensed or otherwise approved of by Government,—who will be required to declare to the accuracy of his work, to the best of his belief, and to deposit certified copies of the same at the Surveyor General's Office previous to the preparation of a Crown Grant.

10. Copies of the Deed or Deeds, conveying such Lands, are to be lodged at the Surveyor General's Office as soon as practicable, in order that the necessary enquiries may be made; and notice given in the Maori, as well as in the English Gazette, that a Crown Title will be issued;—unless sufficient cause should be shewn for its being withheld, for a time; or altogether refused.

11. The Government, on behalf of the Crown and the Public, will reserve the right of making and constructing roads and bridges for public purposes, through or in Lands so granted;—the owners being fairly compensated by other equivalent Land; as settled by arbitration.

12. No Crown Grants will be issued under the foregoing arrangements to any person or persons who may be found to have contravened any of these regulations;—and the Public are reminded that no title to land in this Colony, held or claimed by any person not an aboriginal native of the same, is valid in the eye of the Law, or otherwise than null and void unless confirmed by a Grant from the Crown.

Given under my Hand, and issued under the Public Seal of the Colony, at Government House, Auckland, this twenty-sixth day of March, in the year of Our Lord One thousand eight hundred and forty-four.

ROBERT FITZROY,
GOVERNOR.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

*Colonial Secretary's Office,
Auckland, 25th March, 1844.*

HIS Excellency the Governor has been pleased to appoint

PETER DODDS HOGG, Esquire,

to be a Commissioner of Audit, in succession to R. A. Fitzgerald, Esquire, who has been relieved from that duty.

ROBERT AFFLEYARD FITZGERALD, Esquire,
to be a Commissioner of Land Claims, in addition

to his present duties as Registrar of Deeds, but without additional Salary. And

Mr. CHARLES HUNTER M'INTOSH

to be Secretary to the Land Claims Commission, in addition to his present duties of Chief Clerk and Draftsman in the Department of the Surveyor General, but without additional Salary.

The foregoing appointments are to have effect from this date.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 15th March, 1844.*

HIS Excellency the Governor has been pleased to appoint

Mr. JOHN TINLINE

to be Clerk and Maori Interpreter to the Magistrates at Nelson. Date of appointment, 1st March, 1844.

Mr. T. E. TAYLOR,

to be Clerk to the Sub-Collector of Wellington.

His Excellency has been pleased to appoint, at the recommendation of the Acting Deputy Postmaster General,

Mr. J. F. HOGGARD,

to be Post-Office Clerk at Wellington.

By Command.

ANDREW SINCLAIR,
Colonial Secretary.

*Council Office,
Auckland, 15th March, 1844.*

HIS Excellency the Governor has been pleased to direct that the Meeting of the Legislative Council, adjourned to Tuesday the 9th day of April, be further postponed to Friday the 3rd of May, then to meet and proceed to the dispatch of Business.

J. COATES,

Clerk of Legislative Council.

COUNCIL—PRIVATE BILLS.

*Council Office,
Auckland, 18th March, 1844.*

HIS Excellency the Governor has been pleased to direct it to be notified for general information, that persons intending to apply for Private Ordinances during the ensuing Session of the Legislative Council, must transmit drafts of the Bills to the Clerk of Councils, on or before the 31st day of May next.

J. COATES,

Clerk of Legislative Council.

CROWN GRANT.

*Colonial Secretary's Office,
Auckland, 16th March, 1844.*

THE undermentioned Deed of Grant has this day been delivered to the Grantee, on application at this Office:

S. GEORGE AUGUSTUS SELWYN, Lord Bishop of New Zealand, one rood and twenty perches, Town of Auckland, for the site of a Church,

By Command.

ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 8th March, 1844,*

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following "Notice to Mariners," having reference to the approaches to Auckland by sea, submitted by the Harbour Master of this Port.

By Command,]

ANDREW SINCLAIR,
Colonial Secretary,

NOTICE TO MARINERS.

*Harbour Master's Office,
Auckland, 7th March, 1844.*

A BUOY painted Red, with a White Head, has been placed about a ship's length to the Northward of a Sunken Rock lying about one mile and a quarter to the Eastward of the Island "Tiri Tiri Matangi."

This Rock lies nearly in a line between the Peaks of Rangitoto and the little Barrier Island, and has about two feet water over it at low water.

A similar Buoy has also been placed over the Rock lying to the N. N. Eastward of the North Head of this Harbour.

This Rock has six feet of water over it at the lowest spring tides; and can easily be avoided by keeping towards mid-channel between the North Head and Rangitoto, or with a fair wind passing about mid-way between the Buoy and the North Head.

DAVID ROUGH,
Harbour Master,

THOMAS OUTHWAITE, Esquire, Receiver of Intestate Estates, in Account with the Estate of ABRAHAM JOHN DOMBRAIN, deceased.

1843.	Dr.	£ s. d.	1842.	Cr.	£ s. d.
Feb. 25	To Account Sales of personal Estate by Messrs. Brown & Campbell.....	5 10 0	Dec. 28	Paid Kitchen advertisement (to call in claims)	1 1 0
			1843.		
			Jan. 7	" Letters of Administration	3 0 0
			21	" Gov. Gaz. advertisement	0 9 9
			31	" Cormack for mending a watch and finding key..	0 4 0
			Feb. 3	" Auckland Chronicle advertisement.....	1 1 0
			April	" Postage Letter from London	0 0 8
					£ 5 16 5
				Per Contra	5 10 0
					Balance due Mr. Outhwaite.....£ 0 6 5

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 Abraham John Dombraïn.

(Signed) **THOMAS OUTHWAITE.**

*Sworn before me, at Auckland, this
twenty-seventh day of February, A. D. 1844. }*

(Signed) **FRED. WHITAKER, J. C. C.**

I do certify that I have examined and allowed this account of the Official Administrator of the late Abraham John Dombraïn. Dated this twenty-seventh day of February, 1844.

(Signed) **FRED. WHITAKER, J. C. C.**

NOTICE.

ANNUAL LICENSING MEETING.

A GENERAL MEETING of the Justices for the Town and District of Auckland will be held at the Police Office, Auckland, on Tuesday the 16th day of April next, at the hour of Ten o'clock, to take into consideration Applications for Licenses for the Sale of Spirituous and Fermented Liquors, for the year commencing 1st July following, in accordance with the Ordinance 5 Victoria, Session 2, No. 12.

All applications must be sent in to the Clerk of the Magistrates on or before Tuesday the 2nd of April next.

RICHARD RIDINGS,
Clerk to the Magistrates.

Police Office, Auckland,
7th March, 1844.

DISSOLUTION OF PARTNERSHIP.

NOTICE is hereby given that the Partnership hitherto existing between DAVID NATHAN and ISRAEL JOSEPH, as General Merchants, Auctioneers, and Commission Agents, at Auckland, Wellington, and Nelson, is this day dissolved by mutual consent.

All parties indebted to the late Firm at Auckland are requested to pay the same immediately to Mr. David Nathan, who is hereby authorized to give a sufficient discharge for the same.

All parties indebted to the late Firm at Wellington, or Nelson, are requested to pay the same immediately to Mr. Israel Joseph, who is hereby authorized to give a sufficient discharge for the same; and all Accounts owing by the late Firm will be liquidated by Mr. David Nathan.

Dated at Auckland, this Thirteenth day of March, One thousand eight hundred and forty-four.

DAVID NATHAN,
ISRAEL JOSEPH.

Witnesses,

JNO. I. MONTEFIORE, Merchant, Auckland.
C. MALPAS, Clerk, Auckland.

NOTICE.

ALL parties having claims against the Estate and Effects of Captain WILLIAM CORNWALLIS SYMONDS, deceased, are requested to send in an account thereof to the undersigned, accompanied by a declaration verifying the same, on or before the 30th day of June next, or they will be excluded from any share of the Dividend which is intended to be then declared.

THOMAS E. COYNEY,

Solicitor to the Trustees of said Estate.

Auckland, Prince's-street,
11th March, 1844.

