



NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereupon 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, MONDAY, JUNE 24, 1844. [No. 17.

*Colonial Secretary's Office,
Auckland, 19th June, 1844.*

HIS Excellency the Governor directs it to be notified, that from and after the first day of July next, until assistance is given by the Home Government—or an extensive reduction of the Colonial Establishment is effected—part only of Salaries payable by the Local Government will be paid punctually; but that the respective remainders will be paid as soon after the end of this year, as the circumstances of the Colony will allow.

Also, that Salaries or Wages not exceeding the rate of £80 per annum, will be paid in full; and that of Salaries above the said amount per annum, at the rate of £80 will be paid in full—but that of the difference between the said sum and the whole Salary, at the rate of only one-half will be paid.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

*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:—especial 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 shall 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. Bids 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 deposit 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 repre-

sent; 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.

THE GOVERNOR, do hereby advertise and proclaim that, at Eleven o'clock, on Friday, the 28th day of June, 1844, the Colonial Treasurer will put up to Auction at the Treasury, the under-mentioned Lands, 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, chap. 36, entitled "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.

Town Land, 40 acres—upset price, £100 per acre.

Suburban Land, 1,000 acres—upset price, £2 per acre.

Country Land, 28,000 acres—upset price, £1 per acre.

The Country Lands are at Wao and Papanura; and the Town and Suburban Lands on the West side of Auckland.

Given under my Hand, and issued under the Public Seal of the Colony, at Government House, Auckland, this seventh day of June, 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!

On application at the Surveyor-General's Office, further information will be given to intending purchasers.

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 speci-
fied: such land being described as accurately
as may be practicable.

2. The Governor will give, or refuse his con-
sent to waive the Crown's right of pre-emption
to a certain person, or his assignee, as His Ex-
cellency may judge best for the public welfare;
rather than for the private interest of the appli-
cant. He will fully consider the nature of the
locality; the state of the neighbouring 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 Abor-
igines 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 Auck-
land 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 Commis-
sioner 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 recom-
mended 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 ag-
gregate 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 above mentioned 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 sur-
veyor, 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;—un-
less sufficient cause should be shown 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 per-
sons who may be found to have contravened any
of these regulations;—and the Public are re-
minded 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.

(L. S.)

ROBERT FITZROY,
Governor.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

GOD SAVE THE QUEEN!

PRE-EMPTION CERTIFICATES.

Colonial Secretary's Office,
Auckland, 14th May, 1844.

HIS Excellency the Governor directs it to be notified that parties failing to apply at the Colonial Treasury for their Pre-emption Certificates, within one month from the date of the Letter from this Office apprising them of His Excellency's consent to the issue of the same, will forfeit the advantages conceded to them thereby.

Persons who have already received this indulgence, are hereby required to claim their certificates within one month from the date hereof.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

Colonial Secretary's Office,
Auckland, 8th May, 1844.

HIS Excellency the Governor directs it to be notified for general information, that as one Memorial has been held to cover all Claims for Land on account of one party or partnership, one final report will be held to cover all.

The original or principal claimant shall pay Five Pounds for the final report on the issue of a Crown Grant for his Claims, and Ten Shillings for every additional hundred acres above the first five hundred, according to the Ordinance. Secondary or derivative claimants will pay Ten Shillings per hundred acres, on the issue of Crown Grants.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

Colonial Secretary's Office,
Auckland, 9th May, 1844.

HIS Excellency the Governor directs it to be notified that, under the existing circumstances of the Colony—it is impossible for the Government to survey the boundaries of all lands awarded by the Commissioners of Land Claims to the respective claimants without causing such extreme delay as would be ruinous to the parties interested, and most detrimental to the welfare of the Colony.

Deeds of Grant—according to the following form—will be filled up by such descriptions of the lands and their boundaries as are furnished by the Commissioners in their Reports—and the Governor urges strenuously on the Claimants the absolute necessity of their having a survey made of the lands so granted to them—in conformity with the descriptions in such Grants—as soon as possible—in order to avoid future doubts and litigation.

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, and so forth:

To all to whom these Presents shall come, greeting:

Whereas, one of Our Commissioners appointed to hear, examine, and report upon Claims to Land obtained by Purchase from the Aboriginal Inhabitants of the Colony of New Zealand, has reported that (A. B.) is entitled to receive a Grant of (one thousand acres) of Land, particularly mentioned and described in Claim No. (490, z.)

Now Know Ye, That We, of Our Special Grace, for Us, Our Heirs and Successors, do hereby Grant unto the said (A. B.) his Heirs and Assigns, all that Allotment, or Parcel of Land, in our said Territory, said to contain (one thousand) acres, more or less, situated (on the Wairoa River,) and of which the Boundaries are (reported to be as follows:—namely—From the north side of the mouth of a creek called Otaru—along the north bank of that creek to its head. Thence due north by compass to the summit of a ridge called Ota—thence along the said ridge eastward to a peaked hill called Tara—and thence in a straight line to the nearest bank of the river Wairoa,) with all the Rights and Appurtenances whatsoever thereto belonging; To Hold unto the said (A. B.) his Heirs and Assigns for ever.

In Testimony Whereof, We have caused this Our Grant to be sealed with the Seal of our said Territory.

Witness, Our Trusty and Well-beloved (Robert Fitzroy,) Esquire, Governor and Commander-in-Chief of Our said Territory and its Dependencies, at Government House, Auckland, in New Zealand, aforesaid, this day of _____ in the year of Our Reign; and in the year of Our Lord One thousand eight hundred and _____

ROBERT FITZROY.

By Command of His Excellency.

ANDREW SINCLAIR,
Colonial Secretary.

NOTICE.

Colonial Secretary's Office,
Auckland, 6th June, 1844.

WITH reference to the exchange of distant land for Crown land near Auckland, the Governor directs it to be notified that all Deeds, or documents of any description, shewing title to such distant land, will be required by the Government previous to the issue of a Crown Grant for other land in exchange.

By Command

ANDREW SINCLAIR,
Colonial Secretary.

NOTICE.

*Colonial Secretary's Office,
Auckland, 6th June, 1843.*

IN order to enable Land Claimants to avail themselves more easily of the existing arrangements for exchanging land—I am desired by the Governor to give notice that payment of any fee on the final report of a Commissioner of Land Claims may be deferred until the issue of a Crown Grant for any land obtained in exchange for that in respect of which the said fee may be payable.

No Grants consequent on Exchange of land will be issued after six months subsequent to the day of sale or exchange—therefore in order to obtain any such grant—the fee must be paid within six months from the day of exchange.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

CROWN GRANTS.

*Colonial Secretary's Office,
Auckland, 13th June, 1844.*

THE undermentioned Deeds of Grant are now lying at this Office, and will be delivered to the Grantees, on application, on or after Monday, the 17th instant.

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 on an approved Claim to Land.

I hereby authorize A. B. of _____ to receive the Deed of Grant in my favor, for Land Claim Case No. _____

WITNESS, (Signature of Grantee.)

Signature of a Magistrate, or of a)
Solicitor of the Supreme Court.)

BAY OF ISLANDS.

50. John Barber, Claim said to contain one hundred acres, being Case No. 41.

51. John Barber, Claim said to contain one hundred acres, being Case No. 41 (a.)

52. John Barber, Claim said to contain thirty acres, being Case No. 41 (b.)

53. John Barber, Claim said to contain one hundred acres, being Case No. 41 (c.)

54. John Barber, Claim said to contain forty acres, being Case No. 41 (d.)

55. John Byron, Claim said to contain ninety acres, being Case No. 54.

56. Charles Baker, Claim said to contain two hundred acres, being Case No. 255.

57. Charles Baker, Claim said to contain five hundred and sixty acres, being Case No. 255 (2.)

58. Charles Baker, Claim said to contain twelve acres, being Case No. 255 (3.)

59. Charles Baker, Claim said to contain one hundred acres, being Case No. 255 (4.)

60. Charles Baker, Claim said to contain one thousand three hundred and sixteen acres, being Case No. 255 (b.)

63. William Derby Brind, Claim said to contain four hundred and forty acres, being Case No. 258.

WANGAROA.

61. William Baker, Claim said to contain five hundred and fifty-seven and a half acres, being Case No. 256 (a.)

62. William Baker, Claim said to contain fifteen acres, being Case No. 256 (b.)

HOKIANGA.

64. Abraham Birch and William Birch, Claim said to contain three hundred acres, being Case No. 402.

65. Robert Angus, Claim said to contain one hundred and fifty-eight acres, being Case No. 35.

The following Deed has been issued from this Office.

KORORARIKA.

49. James Reddy Clendon, Claim said to contain about four acres, being Case No. 66 (d.)

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

*Colonial Secretary's Office,
Auckland, 20th June, 1844.*

HIS Excellency the Governor has been pleased to direct that the following Notice respecting a Beacon erected on Pencarrow Head, at the entrance to the Harbour of Port Nicholson, be published for general information.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

NOTICE TO MARINERS.

The Beacon erected on Pencarrow Head, at the eastern side of the entrance to Port Nicholson, bears, from observations taken on board H. M. Colonial Brig *Victoria*, S.E. by E. $\frac{1}{2}$ E., from the outer rock of Barrett's Reef.

The Beacon is thirty-seven feet high, painted white, and surmounted by a red flag.

THOMAS OUTHWAITE, Esquire, Receiver of Intestate Estates for the Northern District of New Zealand, in Account with the Estate of WILLIAM COOKE, of Epsom, deceased.

1843.	Dr.	£ s. d.	1843.	Cr.	£ s. d.
Mar. 29	To net proceeds sale by Messrs. Brown and Campbell, of personal Estate	59 7 6		Letters of Administration ..	3 0 0
	To Money found in the trunks of the deceased ..	74 19 7½		By Cash paid Duff, carter, removing goods from Epsom	2 0 0
			Mar. 17	„ Davies, removing goods from burial-ground	0 6 0
				„ Kitchen, Auckland } Chronicle, advertising for claims	1 1 0
				„ „ same, advertising sale of effects	0 5 6
				„ Hawke's milkman, as per receipt	0 9 0
				„ Langford & Gardiner, funeral expenses, &c. }	26 5 0
				„ Ross, attendance on deceased	3 9 0
				„ McNaughton, ditto ..	0 10 0
				„ Rev. Mr. Churton, for burial-ground	12 0 0
				„ May, carter	1 0 0
				„ Dr. Morris, medical attendance	1 8 0
				„ Parry, as per receipt ..	0 13 5
				„ Postage letter from England	0 0 6
				„ Dr. Ganmie's attendance	10 15 0
				„ Ross, for augur	0 3 0
				5 per cent. on goods sold for £59 7s. 6d., and 2½ per cent. on cash found £74 19s. 7½d.	4 16 6
				Balance due	66 5 2½
		£134 7 1½			£134 7 1½

Balance due to the Estate £66 5s. 2½d.

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 William Cooke.

THOMAS OUTHWAITE.

Sworn before me at Auckland, this }
thirty-first day of May, 1844. }

WILLIAM MARTIN, C. J.

I do hereby certify, that I have examined and allowed this account of the Official Administrator of the late William Cooke. Dated this thirty-first day of May, 1844.

WILLIAM MARTIN, C. J.

Received from Thomas Outhwaite, Esquire, the Receiver of the within Estate, the sum of sixty-six pounds, five shillings, and twopence halfpenny, being the balance certified to be due by him in account with the Estate.

A. SHEPHERD, } Acting under a Power of Attorney
W. E. CORMACK, } from Nathaniel Cooke.

In the Supreme Court of New Zealand, at Wellington, in the Southern District of New Ulster.

CHARLES WILLIAM CUTHBERT, deceased,
Intestate.

PURSUANT to the rule of this honorable Court, the Creditors of the above named deceased are, on or before the 15th day of July next, to come in and prove their Debts before Robert Rodger Strang, Esq., official administrator of Intestate Estates, at his Office in the Court House, Mulgrave-street, Wellington, or in default thereof, they will be peremptorily excluded from all benefit arising from the said Estate.

ROBERT R. STRANG,
Deputy Registrar, Southern District.

Supreme Court Office, }
Wellington, March 14, 1844. }

COUNTY COURT.

NOTICE is hereby given, that a Sitting of this Court, for the dispatch of Criminal business, will be held at the Court House, at Russell, in the Bay of Islands, at 10 o'clock in the forenoon, on Tuesday, the 16th day of July next; at which time and place, all persons bound by recognizance to appear as prosecutors, defendants, or witnesses, are required to give their attendance.

The Court will sit on the following day for the dispatch of civil business.

WILLIAM DONNELLY,
Clerk of County Court.

County Court Office,
May 29th, 1844.

Auckland—Printed and Published at the Government Press.

