



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, SATURDAY, DEC. 7, 1844. [No. 26.

NOTICE.

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

PERSONS who are desirous of having the Crown's right of Pre-emption waived over certain *limited* portions of land in New Zealand;—in accordance with the conditions specified in a Proclamation bearing date the tenth day of October, 1844;—are requested to take notice that, in order to obtain the Governor's consent, it is indispensable to comply, most scrupulously, with *all* the said conditions;—and as many applications have been rejected, in consequence of inattention to these conditions, I am desired by His Excellency to suggest the adoption of the following form;—and to give publicity to the annexed explanatory cautions.

FORM OF APPLICATION.

SIR,

I have to request that the Crown's right of Pre-emption may be waived in respect of a portion of land [here describe the situation, estimated contents in acres, boundaries, and adjoining lands, or water: giving Maori names, as well as English, as distinctly as may be practicable,] which I propose to purchase from [here mention the name or names of the chief, or chiefs, and tribe, or tribes, interested in the sale, who have a right to dispose of the said land, as accurately as may be

practicable,] who is or are willing to sell the same to me.

[Signature.]

To the Honorable
The Colonial Secretary,
Auckland.

1. The Crown's right of Pre-emption will not be waived in respect of land of which a purchase (however invalid in law) has been made previous to the consent of the Governor having been formally obtained in writing.

2. Waiving the Crown's right of Pre-emption, in respect of any land, merely suspends the right of the Crown, without conferring such right on any other body, unless so specified distinctly;—(as in the case of the New Zealand Company), and, in itself, conveys no title to any land.

3. By a *limited* portion of land, not more than a *few hundred* acres is the quantity implied.

4. A Grant of the Crown alone gives a *legal* title: and any unauthorised occupation of, or intrusion upon land set apart, or reserved, for the aboriginal Natives;—or belonging to the Crown;—whether owing to any misunderstanding, or otherwise, will be dealt with rigorously according to law.

5. The Crown's right of Pre-emption being waived over, or in respect of, any portion of land,—without distinct specification in favor of any body;—has the effect only of opening that portion of land to public competition:—there-

fore it is advisable for those who make application to the Governor, for the said right to be waived, to make their purchases as soon as may be practicable after the consent of His Excellency is obtained.

6. Lists of applications to the Governor to waive the Crown's right of Pre-emption, shewing the particulars of each, and stating the answer given by the Governor, will be published, from time to time, in the *Gazette*.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

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.

WHEREAS by a Proclamation bearing date the 26th day of March, 1844, it was notified to the Public that the Crown's right of Pre-emption would be waived over certain portions of Land in New Zealand;—and whereas the terms and conditions set forth in such Proclamation on which the right of pre-emption would be so waived, have in some cases been disregarded, either by persons making purchases of land from the Natives without first applying for, and obtaining, the Governor's consent to waive the right of pre-emption, or by much understating the quantity of land proposed to be purchased from the Natives:—and whereas, certain persons have misrepresented the objects and intentions of Government in requiring that a fee should be paid on obtaining the Governor's consent to waive the right of pre-emption—on behalf of Her Majesty—who, by the Treaty of Waitangi, undertook to protect the Natives of New Zealand—and, in order to do so, has checked the purchase of their lands while their value was insufficiently known to their owners.

And whereas, the evil consequences of misrepresenting the motives of Government, and asserting that to be a mark of oppression—even of slavery—which is in reality an effect of parental care—are already manifest;—and are certain to increase seriously if the cause be not removed.

And whereas, the Natives of New Zealand have become perfectly aware of the full value of their lands—and are quite alive to their own present interests—however indifferent at times to those of their children.

Now, therefore I, the Governor, acting on behalf of Her Majesty the Queen,—do hereby proclaim and declare, that from this day no fees will be demanded on consenting to waive the right of pre-emption:—that the fees payable on the issue of Crown Grants, under the following regulations, will be at the rate of one penny

per acre; and that—until otherwise ordered—I will consent, on behalf of Her Majesty, 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, 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 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 Aborigines before consenting, in any case, to waive the right of pre-emption.

3. No Crown title will be given for any Pah, or Natives 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 own 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, or over any land reserved for the use of the Aboriginal Natives.

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. Land so obtained is to be surveyed, at the expence 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 Colonial Secretary's office, previous to the preparation of a Crown Grant.

9 Copies of the Deed or Deeds, conveying such lands, are to be lodged at the Colonial Secretary'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.

10. No Crown Grants will be issued until, at least, twelve months after the receipt at the Colonial Secretary's office, of certified Copies of the Surveys and Deeds of Sale above-mentioned; and, on the issue of Grants—Fees, at the rate of one penny per acre, will be required by Government.

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.

(L. S.) Given under my Hand, and issued under the Public Seal of the Colony, at Government House, Auckland, this tenth day of October, 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!

NOTICE.

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

IN consideration of the Property Rate Ordinance having been brought into operation so soon after its enactment; and of the distance at which some Rate payers are resident;—I am desired by the Governor to give notice that His Excellency will not authorise any legal proceedings to be taken, under the provisions of the said Ordinance, against any person who makes the required Return, and pays the proportion of Rate, due on the first day of November last, prior to the first day of January next, in the Northern Division of New Zealand, or the first day of February next, in the Southern Division.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

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

IN consequence of the press of other matter, the advertisement of the additional Lands for Sale on the 30th instant, is unavoidably postponed. The List referred to will, however, appear in the course of the ensuing week.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

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

REFERRING to the Notice in the Government Gazette, dated the 12th of October, last, His Excellency the Governor directs it to be notified that—the legal reasons for the withdrawal of the name of JEREMIAH NAGLE, Esq., from the Commission of the Peace for this Colony, no longer existing—Mr. Nagle has been replaced in his former position on the Commission.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

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

HIS Excellency the Governor has been pleased to appoint

JOSIAH FLIGHT, Esq.,
JAMES WEBSTER, Esq.,
and
WILLIAM HALSE, Esq.,

of New Plymouth, to be Justices of the Peace for the Colony of New Zealand and its Dependencies.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

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

HIS Excellency the Governor has been pleased to appoint

RICHARD DAVIES HANSON, Esq., of Wellington,
and
CHARLES BABINGTON BREWER, Esq., of Nelson,
to be Commissioners of Courts of Requests in the Southern District or Division of New Zealand.

The former of these appointments bears date the 1st day of October—the latter, the 5th day of December, 1844.

By Command
ANDREW SINCLAIR,
Colonial Secretary.

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

HIS Excellency the Governor has been pleased to appoint

MR. JAMES RUMSEY FORSTAD, of Wellington,
and
MR. JOHN TINLINE, (Clerk to the Magistrates
at Nelson),

to be Clerks to the Courts of Requests in the
Southern Division of New Zealand.

These appointments bear date the 1st day of
October, 1844.

By Command,
ANDREW SINCEAIR,
Colonial Secretary.

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

HIS Excellency the Governor has been pleased to appoint

JOHN BARKY, of Wellington,
and
WILLIAM SNOW, of Nelson,

to be Bailiffs to the Courts of Requests in the
Southern Division of New Zealand.

These appointments bear date the 1st day of
October, 1844.

By Command,
ANDREW SINCLAIR,
Colonial Secretary.

CROWN GRANTS.

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

THE undermentioned Deeds of Grant are
now lying at this Office, and will be de-
livered to the Grantees, on application, on or
after Monday, the 9th 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.)

235. Thomas Spicer, Claim said to contain
120 feet by 200 feet, being Case No. 214 c.

233. Thomas Spicer, Claim said to contain
one quarter of an acre, being Case No. 214 d.

237. Thomas Spicer, Claim said to contain
half an acre, being Case No. 214 e.

238. Thomas Spicer, Claim said to contain
four acres, being Case No. 214 g.

239. Thomas Spicer, Claim said to contain
half an acre, being Case No. 214 i.

240. Thomas Spicer, Claim said to contain
one acre and a half, being Case No. 214 m.

241. Edward Stillard, Claim said to contain
sixty acres, being Case No. 218.

242. James Stuart, Claim said to contain one
hundred acres, being Case No. 218.

243. James Stuart, Claim said to contain one
thousand eight hundred and fifty acres, being
Case No. 218 a.

244. James Stuart, Claim said to contain ten
acres, being Case No. 218 b.

245. William Sturley, Claim said to contain
one hundred acres, being Case No. 219.

246. Henry Taylor, Claim said to contain two
thousand five hundred acres, being Case No.
221.

247. Richard Taylor, Claim said to contain
one thousand seven hundred and four acres,
being Case No. 222.

248. William Trusted, Claim said to contain
one hundred and thirty-five acres, being Case
No. 230.

249. Benjamin Evans Turber, Claim said to
contain three roods and thirty-six perches, being
Case No. 232.

250. George William White, Claim said to
contain two hundred acres, being Case No. 302.

251. Henry Williams, Claim said to contain
one thousand acres, being Case No. 245.

252. Henry Williams, Claim said to contain
three thousand acres, being Case No. 245 a.

253. Henry Williams, Claim said to contain
five hundred acres, being Case No. 245 b.

254. Henry Williams, Claim said to contain
two thousand acres, being Case No. 245 c.

255. Henry Williams, Claim said to contain
five hundred acres, being Case No. 245 d.

256. Henry Williams, Claim said to contain
two thousand acres, being Case No. 245 e.

257. William Williams, Claim said to con-
tain four hundred acres, being Case No. 248 a.

258. William Williams, Claim said to con-
tain twenty acres, being Case No. 248 b.

259. William Williams, Claim said to con-
tain twenty acres, being Case No. 248 c.

260. William Williams, Claim said to con-
tain one hundred acres, being Case No. 248 d.

261. William Williams, Claim said to con-
tain fifty acres, being Case No. 248 e.

262. William Williams, Claim said to con-
tain three hundred acres, being Case No. 248.

263. Thomas Wing, Claim said to contain
one hundred and twenty acres, being Case No.
249.

264. Joseph Wright, Claim said to contain twenty-five acres, being Case No. 344.
265. William Young, Claim said to contain one hundred acres, being Case No. 253 b.
266. William Young, Claim said to contain one hundred acres, being Case No. 253 c.
267. William Brown, Claim said to contain one hundred and fifty acres.
268. Henry Swain, Claim said to contain three hundred acres, being Case No. 220.

The following Deeds have been issued from this Office.

LAND CLAIMANTS.

163. Thomas Scott, Flower Russell, and James Anderson, Claim said to contain nine hundred acres, being Case No. 348.
165. Gilbert Mair, Claim said to contain three hundred and ninety-four acres and three roods, being Case No. 155.
168. Joel Samuel Polack, Claim said to contain one hundred acres, being Case No. 288.
169. Joel Samuel Polack, Claim said to contain one hundred and fifty-two acres, being Case No. 288 b and d.
188. John Israel Montefiore, Claim said to contain forty-seven acres, being Case No. 13.

Lands obtained at the Crown Sales of the 28th February, and 28th September, 1844, in exchange for confirmed Land Claims.

TOWN OF AUCKLAND.

1. Frederick Whitaker, five acres, Section No. 11.
2. Matthew Whytlaw, thirty-nine perches, Allotment No. 4, of Section No. 18.
3. Matthew Whytlaw, one rood, Allotment No. 16, of Section No. 18.
4. Matthew Whytlaw, thirty-one perches, Allotment No. 22, of Section No. 28.
5. Matthew Whytlaw, twenty-nine perches, Allotment No. 64, of Section No. 28.
6. Matthew Whytlaw, thirty-seven perches, Allotment No. 7, of Section No. 29.
7. Matthew Whytlaw, three roods and twenty-seven perches, Allotment No. 39, of Section No. 29.
8. Matthew Whytlaw, thirty perches, Allotment No. 54, of Section No. 29.
9. Matthew Whytlaw, twenty-six perches, Allotment No. 55, of Section No. 29.
10. Gilbert Mair, thirty-seven perches, Allotment No. 8, of Section No. 29.
11. Gilbert Mair, thirty-six perches, Allotment No. 9, of Section No. 29.
12. Gilbert Mair, two roods and twenty-three perches, Allotment No. 13, of Section No. 29.
20. Matthew Whytlaw, thirty-two perches, Allotment No. 6, of Section No. 29.

SUBURBS OF AUCKLAND.

13. William Brown, sixteen acres, Allotment No. 3, of Section No. 8.
14. William Brown, nineteen acres and two roods, Allotment No. 4, of Section No. 8.
15. William Brown, eighteen acres and three roods, Allotment No. 5, of Section No. 8.

16. William Brown, seventeen acres and one rood, Allotment No. 6, of Section No. 8.
17. Matthew Whytlaw, thirty acres and two roods, Allotment No. 1, of Section No. 9.
18. Matthew Whytlaw, twenty-six acres and two roods, Allotment No. 2, of Section No. 9.
19. Matthew Whytlaw, forty-four acres, Allotment No. 5, of Section No. 9.

PARISH OF KARAKA.

21. Matthew Whytlaw, four hundred and ten acres, Country Lot No. 2.
22. Matthew Whytlaw, one hundred and sixty acres, Country Lot No. 11.

PARISH OF TITIRANGI.

23. Matthew Whytlaw, one hundred and sixty-one acres, Country Lot No. 11.
24. William Brown, fifty-seven acres and two roods, Country Lot No. 15.
25. Matthew Whytlaw, seventy-one acres and two roods, Country Lot No. 16.
26. Gilbert Mair, seventy-seven acres and two roods, Suburban Allotment No. 21.
27. Gilbert Mair, forty-five acres, Suburban Allotment No. 22.
28. Gilbert Mair, forty-four acres, Suburban Allotment No. 23.
29. Gilbert Mair, sixty-seven acres, Suburban Allotment No. 26.

FREE GRANTS.

SUBURBS OF AUCKLAND.

12. The Superintendent of the Wesleyan Mission, six acres and three roods, Lot No. 20, of Section No. 3, for the purposes of a Wesleyan Native Institution.

TOWN OF AUCKLAND.

13. Joseph Robinson, and James M'Nair, as Trustees for the Auckland Total Abstinence Society, one rood and one perch, being part of Lot No. 26, of Section No. 4, in aid of the public objects of that Society.

SELECTED ALLOTMENT.

SUBURBS OF AUCKLAND.

14. The Honorable William Swainson, six acres, two roods, and twenty-five perches, Suburban Allotment No. 1, of Section No. 2.

By Command,

ANDREW SINCLAIR,
Colonial Secretary.

NOTICE is hereby given that in pursuance of the provisions of the Imprisonment for Debt Ordinance, Session 3, No. 7, the Court will sit at Auckland, on Friday, the 10th January, 1845, for the hearing of applications for relief, and for the dispatch of all business arising under the provisions of the above Ordinance.

THOS. OUTHWAITE,
Registrar.

Supreme-Court Office, }
28th November, 1844. }

