



The New Zealand Gazette.

Published by Authority.

WEDNESDAY, NOVEMBER 3, 1858.

PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c.

WHEREAS by the Ordinance for establishing a Supreme Court, Session 3, No. 1, it is provided that there shall be holden Circuit Courts for the despatch of civil and criminal business of the Court, before one of the Judges thereof, at such places and at such times as the Governor shall, with the advice of the Executive Council, by Proclamation from time to time appoint.

Now, therefore, I, the Governor, with the advice of the Executive Council, do hereby proclaim and appoint that a Circuit Court shall be holden before

His Honour GEORGE ALFRED ARNEY,
Chief Justice of the said Court,

at the Town of New Plymouth, on the seventh day of December next, or so soon after the said day as conveniently may be.

Given under my hand, and issued under the Public Seal of the Colony of New Zealand, at Government House, at Auckland, this first day of November, in the year of Our

Lord, One thousand eight-hundred and fifty-eight.

THOMAS GORE BROWNE.

By His Excellency's command,

E. W. STAFFORD.

GOD SAVE THE QUEEN!

AT THE GOVERNMENT HOUSE AT AUCKLAND,
THE 1ST DAY OF NOVEMBER, 1858.

Present:—

His Excellency the Governor,
Mr. Stafford, Mr. Richmond,
Mr. Whitaker, A. G., Mr. Tancred.

WHEREAS, by an Act of the General Assembly of New Zealand, intituled the "New Provinces Act, 1858," it is enacted that whenever not less than three-fifths of the registered electors entitled to vote in the election of Members of the House of Representatives, resident within any district whereof the area shall not be less than 500,000 acres, shall petition the Governor in Council to establish a new Province, comprising such district, the Governor, in Council, by order published in the "New Zealand Government Gazette," shall with all convenient speed establish such Province accordingly, subject nevertheless to the fulfilment of certain conditions therein specified. And whereas, a petition has been duly presented, praying for the establishment of a new Province at Hawke's Bay, in the Province of Wellington, and the several requirements and conditions of the said Act have been duly complied with and fulfilled.

Now therefore His Excellency the Governor, by and with the advice and consent of the Executive Council, and in exercise of the powers in this behalf vested in him by the said recited Act, doth by this present order establish a new Province to be called and known by the name of Hawke's Bay, and doth define the limits of the said Province to be as follows, that is to say,—All that district, being heretofore parcel of the Province of Wellington which lies or is within the limits following, that is to say,—a line commencing at a stream called Waimata, near Cape Turnagain, running along the Northern boundary of Puke-toi to Puke-toi range, thence in a straight line to where Te-rua-mea falls into Manawatu River, near Awa Purua, thence along the Manawatu River, to the gorge in the Ruahine Mountains, thence along the summit of the said mountains to latitude $39^{\circ} 30'$ South, thence in a right line to a point in latitude 39° South, longitude $176^{\circ} 30'$ East, thence in an Easterly direction along the 39th parallel of South latitude to the sea coast and thence Southwards along the coast line including the islands adjacent thereto, to the Waimata Stream.

And the Governor, with the advice and consent aforesaid, doth hereby in further pursuance of the said Act, constitute the Town of Napier to be the capital of the said Province of Hawke's Bay.

And doth declare that this order shall take effect on this first day of November, 1858.

F. G. STEWARD,
Clerk of the Executive Council.

PROVINCE OF HAWKE'S BAY.

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

Alexander Alexander, Esq.
Edward Spencer Curling, Esq.
Donald Gollan, Esq.
John Chilton Lambton Carter, Esq.
John Curling, Esq.
Henry Russell, Esq.
James Anderson, Esq.
John Valentine Smith, Esq.
Alfred George Newman, Esq.
Walter Ogilvie, Esq.
James Burne Ferguson, Esq.

GREETING :

KNOW YE that we have assigned you jointly and severally, and every of you our Justices to keep our Peace in the Province of Hawke's Bay, in our Colony of New Zealand, and to keep and cause to be kept all ordinances and statutes for the good of the Peace, and for preservation of the same and for the quiet rule and government of our people, made, in all and singular their articles, in the said Province according to the force form and effect of the same; and to chastise and punish all persons that offend against the form

of those ordinances, or statutes, or any one of them, in the aforesaid Province as it ought to be done according to the form of those ordinances and statutes; and to cause to come before you, or any of you, all those who to any one or more of our people, concerning their bodies, or the firing of their houses, 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 prisons, until they shall find such security, to cause to be safely kept. We have also assigned you, and every two or more of you our Justices to enquire the truth more fully by the oath of good and lawful men of the aforesaid Province by whom the truth of the matter shall be better known of all and all manner of felonies, misdemeanors, and trespasses whatsoever, and of all and singular other crimes and offences of which the Justices of our Peace may or ought lawfully to enquire, by whomsoever and after what manner soever in the said Province done or perpetrated, or which shall happen to be there done or attempted.

And also, of all those who in the aforesaid Province, 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 one of them therefor made or in force for the common benefit of the said Province, and our people thereof, have offended, or attempted, or hereafter shall presume in the said Province to offend or attempt. And also, of 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 the aforesaid Province. 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 the aforesaid Province done or perpetrated, or which hereafter shall there happen to be done or attempted in what manner soever. And to inspect all indictments whatsoever so before you or any of you, taken or to be taken, or before others late our Justices of the Peace in the aforesaid Province 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 indicted, until they can be taken, surrender themselves, or be outlawed. And to hear and determine all and singular the felonies, misdemeanors and trespasses, unlawful assemblies, indictments aforesaid, and all and singular other the premises according to the laws and

statutes of the said Province as in the like case it has been accustomed or ought to be done. And the same offenders and every of them for their offences by fines, ransoms, amerciaments, forfeitures, and other means as according to the laws and customs of the said Province and form of the ordinances and statutes aforesaid, it has been accustomed or ought to be done to chastise and punish. Provided always, that if a case of difficulty upon the determination of any of the premises before you, or any two or more of you shall happen to arise, then let judgment in no wise be given thereon before you, or any two or more of you, unless in the presence of one of our Justices of the Supreme Court of our said Colony.

And therefore, We command you, and every of you, that to keeping the Peace, ordinances, statutes, and all and singular other the premises, you diligently apply yourselves, and that at certain days and places which you, or any such two or more of you as is aforesaid, shall appoint 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 the said Province, saving to us the amerciaments and other things to us therefrom belonging. And we command by the tenor of these presents, our Sheriffs in the said Province severally, that at certain days and places which you, or any such two or more of you as is aforesaid, shall make known to them respectively, they cause to come before you, or such two or more of you as aforesaid so many and such good and lawful men of their respective Bailiwicks by whom the truth of the matter in the premises shall be the better known and enquired into.

In witness 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
Colonel THOMAS GORE BROWNE,
Companion of the Most Honourable
Order of the Bath, Governor
and Commander-in-Chief in and
over the Colony of New Zealand,
at Government House, at Auckland,
this first day of November,
in the twenty-second year of our
Reign, in the year of our Lord one
thousand eight hundred and fifty-eight.

THOMAS GORE BROWNE,
Governor.

By His Excellency's command,
E. W. STAFFORD.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

The Honble. H. J. TANCRED
to be Postmaster-General of New Zealand.
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.
HIS Excellency the Governor directs it to be notified that
Colonel WYNYARD, C. B.,
has resigned his seat in the Legislative Council of New Zealand, and that His Excellency has been pleased to accept such resignation.
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.
HIS Excellency the Governor has been pleased to appoint
HENRY STOKES TIFFEN, Esq.,
to be a Commissioner of Crown Lands under the "Crown Lands Ordinance," Session 10, No. 1.
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.
HIS Excellency the Governor has been pleased to appoint
EDWARD JAMES LEE, 15th November, 1858,
STEPHEN LUNN MULLER, 1st December, 1858, and
JOSEPH ASHE DAY, 2nd November, 1858.
to be Registrars under the "Marriage Act, 1858" and "The Registration Act, 1858," for the Districts of Amuri, Wairau, and Kaiapoi respectively, from the dates set opposite their names.
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.
HIS Excellency the Governor has been pleased to appoint
The Resident Magistrate, Wanganui
The Resident Magistrate, Napier
The Resident Magistrate, Russell
The Resident Magistrate, Mongonui
The Resident Magistrate, Raglan
The Resident Magistrate, Chatham Islands
H. C. BALNEAVIS, Esq.
I. R. COOPER, Esq.
G. W. D. HAY, Esq.
J. PREECE, Esq.
The Rev. J. F. WOHLERS, and
Mr. R. LUCAS
to be Enumerators under the "Census Act, 1858."
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.
HIS Excellency the Governor has been pleased to appoint
THOMAS MURRAY
to be Pilot for the Port of Napier.
E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

JAMES DAVIES and
WILLIAM LESLIE

to be Pilots for the Port of Wellington.

E. W. STAFFORD.

Colonial Secretary's Office,
Auckland, 3rd November, 1858.

NOTICE is hereby given that private persons who may be desirous of obtaining the *Government Gazette* will be supplied with the same on application to the respective Sub-Treasurers and payment to those officers of the sum of two pounds two shillings per annum.

W. GIBBORNE,
Under Secretary.

Attorney-General's Office,
Auckland, 3rd November, 1858.

IN pursuance of a Warrant from Her Majesty the Queen, his Excellency the Governor has been pleased to appoint

ALEXANDER JAMES JOHNSTON, Esq.,

to be a Puisne Judge of the Supreme Court of New Zealand.

FRED. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to depute and surrogate in his place

ALEXANDER JAMES JOHNSTON, Esq.,

to be his deputy as Vice-Admiral Commissary and Deputy in the office of Vice-Admiral in the Colony of New Zealand.

FRED. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

JOHN E. SMITH, Esq.,

to be Registrar of the Supreme Court at Wellington, during the temporary absence of Robert R. Strang, Esq.

FRED. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

ALFRED BENSON GRIFFITHS, Esq.,

to be a Justice of the Peace for the Province of Auckland.

FRED. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

ALFRED BENSON GRIFFITHS, Esq., J. P.,

to be a Resident Magistrate.

FRED. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

IT is hereby notified that the name of CHARLES JOHNSTON PHARAZYN has been removed from the Commission of the Peace.

FREDK. WHITAKER.

Attorney-General's Office,
Auckland, 3rd November, 1858.

THE following correspondence and inclosures are published for general information.

FREDK. WHITAKER.

Judge's Chambers,
Wellington, 4 October, 1858.

SIR,—I have the honor to forward herewith, for the perusal of His Excellency the Governor, the accompanying copies of affidavits, certain of which were made Nos. 1 & 2. as ground for an application to remove into the Supreme Court, by a Writ of Certiorari, certain proceedings held before sixteen Justices of the Peace sitting at Wellington on the 3rd and 6th September last, upon the hearing of a charge made by one George William Schroder of Nelson against the Rev. Arthur Baker of Wellington, of an assault upon the daughter of the said George William Schroder, of which said charge the said Arthur Baker was convicted by the said Justices and fined five pounds (£5) together with one pound fourteen shillings costs.

The affidavits of Margaret Langley and Caroline Matthews contain charges of conduct on the part of Charles Johnson Pharazyn, Esquire (and his own affidavit No. 4 admits proceedings) of such a nature that I deem it right to bring the case under the notice of His Excellency.

Upon reading the affidavit of Margaret Langley and Caroline Matthews, I called the attention of Mr. Pharazyn's Counsel (Mr. Brandon) to the statements in it, and gave time for an answering affidavit, upon seeing which I pointed out its defects, and gave leave to Mr. Pharazyn to file a supplemental affidavit in answer to Margaret Langley's first and second affidavits.

I stated at the same time that in a case so seriously affecting the purity of the administration of Justice, I should deem it to be my

duty to have all the affidavits laid before His Excellency the Governor.

I have the honor to be, Sir,

Your most obedient servant,

H. B. GRESSON.

The Honorable
the Colonial Secretary,
Auckland.

*In the Supreme Court of
New Zealand for the
Southern District.*

I, Arthur Baker, of Wellington in the Province of Wellington and Colony of New Zealand, Clerk in Holy Orders, make oath and say:—

1st. That on or about the 31st day of August last I was served with a summons issued out of the Resident Magistrate's Court at Wellington, to attend such Court on Friday the 3rd day of September, instant, to answer the complaint of George William Schroder, of Wellington aforesaid, Grazier, for having on the 1st day of June, then and now last at Wellington aforesaid, unlawfully assaulted Mary Schroder, infant daughter of the said George William Schroder.

2nd. That I duly attended such summons with my solicitor Mr. John King on the 3rd day of September, instant, before Henry St. Hill, Esquire, the Resident Magistrate at Wellington aforesaid, when the hearing of the complaint was adjourned until the afternoon of that day, in order that there might be a full bench of Magistrates to hear such complaint. I having on a previous occasion consulted with the said Henry St. Hill on the matter. That I did with my said solicitor attend such adjourned meeting before Henry St. Hill Esq., and fifteen other magistrates when the witnesses examined on the part of the prosecutor were the said Mary Schroder and Elizabeth Burbridge, and such hearing was further adjourned until the 6th instant, when the examination of the said Elizabeth Burbridge was completed, and Alexander Johnson of Wellington, Surgeon, was examined on behalf of the complainant which closed the complainant's case, and my said solicitor thereupon submitted to the Bench that the case should be dismissed, as the evidence was of a conflicting and contradictory character, but the Bench decided that I should be put upon my defence.

3rd. That evidence was adduced on my behalf to shew that the said Mary Schroder had not been at all times truthful; and it appears from the evidence of the said Mary Schroder, given on the hearing of the said complaint against me, that such evidence was inconsistent and contradictory in material facts and points, and her evidence was also contradicted in material facts and points by the evidence of the said Elizabeth Burbridge and Margaret Langley, who was subpoenaed as a witness by and on behalf of the complainant, but who declined to call her, the

said Margaret Langley, but who was examined on my behalf.

4th. That on the said 6th day of September instant, the said Henry St. Hill, as such Resident Magistrate as aforesaid, did, after the complaint had been considered by the said Bench of Magistrates, pronounce judgment to the effect that I was guilty of the said complaint, and I was fined in the penalty of five pounds and costs.

5th. That the said Bench of Magistrates, sixteen in number, retired to consider their judgment about 12 o'clock at night and returned after more than one hour's deliberation; and I have been informed and believe the same to be true, that the judgment of the said Magistrates was not unanimous, but that seven dissented from the judgment and conviction.

6th. That one Charles Dudley Robert Ward, Esquire, Acting Solicitor and Barrister of the Supreme Court of New Zealand, was one of such Magistrates by whom the said complaint was heard, and, as I have been informed and believe to be true, was one of the Magistrates who was in favor of a conviction; and that the said Charles Dudley Robert Ward, as I am advised and believe to be true, was not by law permitted to act as a Justice of the Peace and ought not to have sat on the hearing of the said complaint.

7th. That I conscientiously believe that I had not a fair and impartial hearing of the said complaint against me, by reason of at least seven of the said Magistrates, including William Fox, Chief Commissioner of Crown Lands at Wellington, William Fitzherbert, Provincial Secretary, Charles Johnson Pharaszyn, Provincial Auditor, the said Charles Dudley, Robert Ward and William Lyon being violently opposed to me upon political, religious, and other grounds, all of whom, I have been informed and believe the same to be true, were in favor of the aforesaid conviction against me.

8th. That the said prosecutor George William Schroder did, on or about the 13th day of August last, violently assault and horse-whip me for the alleged assault by me upon his said daughter, the said Mary Schroder, on the said 1st day of June last; and I did on the 14th day of August last, being the day following such assault upon me, commence proceedings in the Supreme Court of New Zealand against the said George William Schroder for the sum of five hundred pounds as damages for such assault; that my said Solicitor, previous to the investigation and hearing of the said complaint against me for the said alleged assault upon the said Mary Schroder, objected to such investigation and hearing upon the following grounds amongst amongst others, that the information for such alleged assault by me was laid for the purpose of prejudicing my said action against the said George William Schroder, and that he the said George William Schroder had allowed several weeks to elapse after full knowledge of the circumstances of the said alleged assault by me,

without taking any notice or otherwise interfering therein, so far as I was personally concerned, until the said 13th day of August, when he committed the said assault upon me, although a full investigation of the charge against me had been for some several days previously offered to the said George William Schroder which he declined.

9th. I positively deny that I committed any such assault as alleged upon the said Mary Schroder on the the said 1st day of June last, or at any other time whatsoever; and I swear that the evidence of the said Mary Schroder in respect of such assault, and that such assault was committed by me, is wholly untrue.

10th. And lastly, I am advised and believe the same to be true that the aforesaid judgment and conviction of the said Magistrates against me is bad in law: for that such Magistrates have exceeded their jurisdiction, and that the evidence was not sufficient to support such judgment and conviction.

(Signed) ARTHUR BAKER.

Sworn at Wellington, in the Province of Wellington and Colony of New Zealand, this 20th day of September, 1858,

Before me,

(Signed) ROBT R. STRANG,
Registrar.

Re-sworn by the Deponent, at Wellington, this 24th day of September, 1858,

Before me,

(Signed) R. R. STRANG,
Registrar.

(Signed) ARTHUR BAKER.

*In the Supreme Court
of New Zealand for
the Southern District.*

We, Margaret Langley of Wellington in the Province of Wellington and Colony of New Zealand, housekeeper to Arthur Baker of Wellington aforesaid, clerk; and Caroline Mathews of Wellington aforesaid, domestic servant in the employ of the said Arthur Baker severally make oath and say: and this deponent Margaret Langley on her oath says:

1. On Saturday the fourth day of September instant, Charles Johnson Pharazyn of Wellington aforesaid, esquire, called at the house of the said Arthur Baker and said to me that I was subpoenaed by Mr. Schroder and that he, the said Charles Johnson Pharazyn came to put me on my guard and told me "to take warning, whatever I did not to give evidence in favour of Mr. Baker, and that if I did I should have awkward questions put to me about Master Alzdorf," the said Charles Johnson Pharazyn also told me he was one of the Magistrates sitting to hear the complaint of Mr. Schroder against Mr. Baker.

2. And these deponents, Margaret Langley and Caroline Mathews, severally make oath and say that on the said fourth day of Septem-

ber instant, the said Charles Johnson Pharazyn in the presence of both these deponents said, "Mr. Baker is sure to be convicted, he should not have meddled with politics; if he had been on our side we would have got him through even if we had thought him guilty."

(Signed) MARGARET LANGLEY.

(Signed) CAROLINE MATHEWS.

Sworn by the above named deponents, Margaret Langley and Caroline Mathews, at Wellington, this 24th day of September, 1858,

Before me,

(Signed) R. R. STRANG,
Registrar.

*In the Supreme Court
of New Zealand,
Southern District.*

I, Charles Johnson Pharazyn, of the Town of Wellington in the Province of Wellington, Esquire, one of Her Majesty's Justices of the Peace for the said Province of Wellington make oath and swear:—

1. That I have read the affidavit of Margaret Langley and Caroline Mathews filed in this Court in the matter of the application of Arthur Baker to remove into this Court a certain record of conviction made by certain Magistrates on the sixth September, 1858, against him upon the complaint of one George William Schroder.

2. That the said Margaret Langley was the wife of Johnson Buckland who was brother of my wife, and my wife and I have taken charge of and adopted as our daughter Francis Margaret Buckland the only surviving child of the said Margaret Langley by the said Johnson Buckland.

3. That previous to the fourth day of September, 1858, the day mentioned in the affidavit of the said Margaret Langley and Caroline Mathews (the day on which I went to see the said Margaret Langley at the residence of the said Arthur Baker) in a conversation I had had with the said Margaret Langley in which the conduct of the said Arthur Baker had been alluded to, she the said Margaret Langley had declared to me that she knew nothing at all of the matter and did not believe the report current relative to him and Mary Schroder.

That subsequently to such conversation and previous to the said fourth day of September, I heard reports to the effect that the said Margaret Langley did know something of the matter in question between the said Arthur Baker and Mary Schroder.

That I was one of the Bench of Justices who sat to hear the case of Schroder against Arthur Baker on the 3rd day of September, 1858.

That finding that the said Margaret Langley had been subpoenaed by the said George William Schroder as a witness to give evidence in the said cause I went on the following morning, the said fourth day of September, to see the

said Margaret Langley, being interested not only on her account as being connected with my wife's family in manner before mentioned but also on account of my wife's niece the said Francis Margaret Buckland that the said Margaret Langley should not compromise herself.

That at the interview with the said Margaret Langley on the said fourth day of September, I stated to her that I had seen that she was subpoenaed as a witness in the said cause of Schroder and Baker, that it was her duty to answer all questions put to her, that she replied "she would not answer and that the Magistrates might send her to prison if they liked," whereupon I remonstrated with her and advised her to speak the truth, that otherwise she might subject herself to a severe cross-examination—that I had heard her spoken of slightly with regard to one Walter Alzdorf, and that although I did not believe the reports about her with reference to him, yet they tended to affect her character and reflect on her daughter, and that on account of both of them I was anxious she should not make herself an object of public scandal, and she the said Margaret Langley expressed herself annoyed that none of her friends had been to see her.

That before I left the said Margaret Langley the said Caroline Mathews who had previously been absent at my interview with the said Margaret Langley, returned and after her return both the said Margaret Langley and Caroline Mathews put several questions to me relative to the case of the said Arthur Baker then pending.

That I replied to one of the questions that as far as the evidence then went I believed Mr. Baker to be a guilty man, that I felt exceedingly sorry for him, that it was bringing great scandal on the Church, that his conduct had been anything but that of a Clergyman in mixing himself up with politics which had necessarily made him many enemies, and but for that the matter might probably have been hushed up by his friends sending him away quietly, and that it would be a lesson to him for the future, or words to that effect.

That on the Monday the sixth day of September I called for the said Margaret Langley to take her to the Resident Magistrate's Court.

That I then told her I had heard from good authority that she was cognizant of the main fact on the day of its occurrence and cautioned her to adhere strictly to the truth and not to shew a leaning either to one party or the other.

And I swear that I did not tell the said Margaret Langley on the fourth day of September or at any other time to take warning whatever she did not to give evidence in favor of Mr. Baker, and that if she did she would have awkward questions put to her about Master Alzdorf.

And I also swear that I did not on the said fourth day of September or at any other time say to or in the presence of the said Margaret

Langley and Caroline Mathews or either of them "Mr. Baker is sure to be convicted, he should not have meddled with politics, if he had been on our side we would have got him through even if we had thought him guilty."

And lastly I swear that I did not say to the said Margaret Langley and Caroline Mathews or to either of them anything from which it could possibly be inferred that the Bench would be influenced in its judgment by political feeling.

(Signed) C. J. PHARAZYN, J.P.

Sworn by the deponent
at Wellington, this
25th day of September,
1858.

Before me,

(Signed) ROBT. R. STRANG,
Registrar.

*In the Supreme Court
of New Zealand for
the Southern District.*

We, Margaret Langley of Wellington, in the Province of Wellington and Colony of New Zealand, housekeeper to Arthur Baker of Wellington, aforesaid, clerk; and Caroline Mathews of Wellington, aforesaid, domestic servant in the employment of the said Arthur Baker, severally make oath and say:

And first this deponent, Margaret Langley, on her oath says:

1. I have read the affidavit of Charles Johnson Pharazyn filed in this Court on the twenty-fifth day of September instant, in the matter of the application of the said Arthur Baker. As to that part of such affidavit which says that "she (meaning this deponent) would not answer, and that the Magistrates might send her to prison if they liked," I swear that such words referred only to what the said Charles Johnson Pharazyn said to me about Walter Alzdorf—the said Charles Johnson Pharazyn said at his interview with me on the fourth day of September instant, "if you give evidence in Mr. Baker's favour, they will ask you awkward questions; that they asked impudent questions of Mary Schroder in the cross-examination and they would do so of her (this deponent) about Walter Alzdorf," or words to the like purport and effect—this deponent then said, "If they ask impudent questions, I will not answer them, and they may send me if they like to prison; I go there to speak the truth, and I do not know whether what I can say will be favourable to Mr. Baker or the other side," or words to the like purport and effect.

2. And these deponents, Margaret Langley and Caroline Mathews severally make oath and say that on the fourth day of September instant, the said Charles Johnson Pharazyn came to the residence of the said Arthur Baker and entered at the back door into the kitchen in which these deponents were. He the said Charles Johnson Pharazyn addressed these deponents as follows, "Well! has the old parson cut his throat or hanged himself;" these depo-

nents asked "Why?" The said Charles Johnson Pharazyn replied, "He is a guilty man." These deponents said, "How can you say that when the trial is not over. The said Charles Johnson Pharazyn answered, "The evidence of the child alone is enough to condemn him. We all think him guilty. Even his friend Colonel Gold who thought him innocent, is satisfied he is guilty from the evidence of the child," or words to the like purport and effect—the said Charles Johnson Pharazyn then asked to speak to this deponent, Margaret Langley, alone; and this deponent, Caroline Mathews, then left the kitchen.

3. And this deponent, Margaret Langley, further makes oath and says, that on the said Caroline Mathews leaving the kitchen, the said Charles Johnson Pharazyn endeavoured to intimidate her, this deponent, from giving her evidence as before mentioned in the first paragraph of this affidavit.

4. And these deponents further say that on the return to the kitchen of the said Caroline Mathews the said Charles Johnson Pharazyn wished to shake hands with her the said Caroline Mathews; upon which this deponent, Margaret Langley, said to the said Charles Johnson Pharazyn, "of course she will not shake hands with you." The said Charles Johnson Pharazyn asked "Why?" The said Margaret Langley replied, "because you are an enemy of Mr. Baker." The said Charles Johnson Pharazyn answered, "I am not his enemy—except politically—he had no business to meddle with politics." The said Margaret Langley then said, "No doubt if he had been a Government man you would have got him through, even if you had seen him commit the act," or words to the like purport and effect, the said Charles Johnson Pharazyn answered, "Of course we should most certainly."

5. And this deponent, Margaret Langley, further makes oath and says, that he, the said Charles Johnson Pharazyn, told her, this deponent, that he had attended as a Magistrate to hear the case, "Schroder v. Baker," without being summoned.

6. And this deponent, Margaret Langley, further says, that on Tuesday, the seventh day of September instant, the said Charles Johnson Pharazyn again came to the residence of the said Arthur Baker and said to this deponent, "I flattered myself you would not have been called as a witness. I advised Mr. Schroder not to call you. I told him the case against Mr. Baker was strong enough without further evidence—that the girl's evidence was sufficient, and that we all thought Mr. Baker guilty. It was Mr. King who called you."

7. And this deponent, Margaret Langley, further makes oath and says, that the said Charles Johnson Pharazyn has frequently previous to the fourth day of September instant spoken to her, this deponent, against the said Arthur Baker, saying that the said Arthur Baker was a Roman Catholic, and would soon be a Monk and go into the Convent.

8. And this deponent, Margaret Langley,

further says that on the evening of Monday the sixth day of September instant, she, this deponent, went to the house of Mary Anne Mason, the wife of William Mason of Wellington, aforesaid, dyer, and informed the said Mary Ann Mason of the conversation the said Charles Johnson Pharazyn had had with her, the deponent, and Caroline Mathews on the Saturday previous, and on being asked by the said Mary Ann Mason, why she, this deponent, had not stated what had passed between her, this deponent, and the said Charles Johnson Pharazyn to the Magistrates on giving her evidence in the case "Schroder v. Baker," this deponent replied she only answered the questions asked her, and that, as the said Charles Johnson Pharazyn was her brother-in-law, and as her child was living with him, she thought it would make things unpleasant if she, this deponent, had informed the Magistrates what had passed between her and the said Charles Johnson Pharazyn.

(Signed) MARGARET LANGLEY.

(Signed) CAROLINE MATHEWS.

Sworn by the deponents,

Margaret Langley and
Caroline Mathews, at
Wellington, aforesaid,
this 27th day of Sep-
tember, 1858,

Before me,

(Signed) R. R. STRANG,
Registrar.

*In the Supreme Court
of New Zealand, for
the Southern Dis-
trict.*

I, Mary Anne Mason, the wife of William Mason, of Wellington, in the Province of Wellington and Colony of New Zealand, Dyer, make oath and say:—

1. On the evening of Monday, the sixth day of September, instant, Margaret Langley who lives as Housekeeper with Arthur Baker, of Wellington, aforesaid clerk, called at my house in Wellington, and told me that she, the said Margaret Langley, had just given her evidence in the Resident Magistrate's Court in the case of "Schroder v. Baker." In the course of the conversation I then had with the said Margaret Langley, she told me that on the Saturday previous, namely, the fourth day of September, instant, Charles Johnson Pharazyn, of Wellington, aforesaid, Esquire, came to see her, the said Margaret Langley, at the residence of the said Arthur Baker, and that the said Charles Johnson Pharazyn then said to her the said Margaret Langley, in the presence of Caroline Mathews, the words following, or to the like purport and effect, "Well has the old Parson cut his throat or hanged himself; it serves him right; take my advice do not say anything in Mr. Baker's favor at the trial, for if you do they may ask you impudent questions about Walter Alzdorf; Mr. Baker is sure to be convicted; he should not have meddled

with politics; if he had been on our side we would have dragged him through guilty or not guilty." I, this deponent, then asked the said Margaret Langley if she had stated that in her evidence that day; she said "no"; I replied that she had done very wrong in not doing so; she, the said Margaret Langley, replied that she, the said Margaret Langley, was afraid to say more than answer the questions asked her, and that as the said Charles Johnson Pharazyn was her, the said Margaret Langley's, brother-in-law, and as her, the said Margaret Langley's child was living with the said Charles Johnson Pharazyn, she, the said Margaret Langley, thought if she had stated what had passed between her, the said Margaret Langley, and the said Charles Johnson Pharazyn, it would make things unpleasant for her own child.

2. On or about the ninth day of September, instant, Caroline Mathews, who lives as a domestic servant with the said Arthur Baker, called at my house, and told me that on Saturday, the fourth day of September, instant, the said Charles Johnson Pharazyn came to the residence of the said Arthur Baker, and that she, the said Caroline Mathews, then said to the said Charles Johnson Pharazyn, "if Mr. Baker had not meddled with politics this would never have happened"; the said Charles Johnson Pharazyn replied; "no, he has acted very foolishly; if he had not meddled with our politics we would have dragged him through, guilty or not guilty," or words to the like purport or effect.

(Signed) MARY ANNE MASON.
Sworn at Wellington, aforesaid,
the 27th day of September,
1858,
Before me,
(Signed) ROBERT R. STRANG,
Registrar.

*In the Supreme Court
of New Zealand for
the Southern District.*

I, Thomas Kemmis Warburton, of Wellington, in the Province of Wellington and Colony of New Zealand, Storekeeper, make oath and say:

That on Thursday the twenty-third day of September, instant, Margaret Langley, who lives as housekeeper with Arthur Baker of Wellington aforesaid Clerk called at my house and in the course of conversation she the said Margaret Langley mentioned to me that Charles Johnson Pharazyn of Wellington aforesaid Esquire had, pending the hearing of the case "Schroder v. Baker," called upon the said Margaret Langley at the residence of the said Arthur Baker and that the said Charles Johnson Pharazyn then spoke to the said Margaret Langley to the following effect, "take my warning—mind what you say in the Court, if you say anything in favour of Mr. Baker, you will have awkward questions asked you—you know what was said about you and Walter Alzdorf." I then asked the

said Margaret Langley if she had stated this to Mr. Bunny or Mr. Baker, she said "No." I then told her she ought in justice to have done so, she replied she was never asked, I then asked her if she had any objection to my mentioning her conversation, the said Margaret Langley replied "No,—that if I required she would repeat the same to any one and that she would mention it at once to Mr. Baker."

(Signed) THOS. K. WARBURTON.
Sworn at Wellington aforesaid,
the twenty-seventh day of
September, 1858,
Before me,
(Signed) ROBT. R. STRANG,
Registrar.

Re-sworn by the Deponent, at
Wellington, this twenty-
eighth day of September,
1858,

Before me,
(Signed) ROBT. R. STRANG,
Registrar.

*In the Supreme Court
of New Zealand,
Southern District*

Re application of ARTHUR BAKER.

I, Charles Johnson Pharazyn, of the Town of Wellington, in the Province of Wellington: Swear, that in going to see Margaret Langley, the Housekeeper of the Reverend Arthur Baker, at the residence of Arthur Baker, I was actuated solely by kindly motives towards her on account of the connection which existed between her and my wife and her niece, Francis Margaret Buckland, alluded to in the affidavits already filed in this matter.

And I swear that I have never said anything to the said Margaret Langley or to Caroline Mathews, to influence or intimidate them or either of them nor have I ever had any interest or desire to influence or intimidate them or either of them in giving testimony in the matter lately pending before the Magistrates at Wellington, between the said Arthur Baker and Mary Schroder, in favour of or against either of the said parties.

(Signed) C. J. PHARAZYN.
Sworn by the deponent at
Wellington this thirtieth
day of September, 1858,
Before me
(Signed) ROBERT R. STRANG,
Registrar.

Wellington, 1 October, 1858.

SIR,—I have the honor to enclose herewith a letter to His Excellency Colonel Gore Browne, in the case of "Schroder v. Baker," and to request your attention to the same.

I have the honor to remain, Sir,
Your obt. hble. st.
C. J. PHARAZYN.

To the Honorable the Colonial Secretary,
Auckland.

Wellington, 1 October, 1858.

TO HIS EXCELLENCY COLONEL GORE
BROWNE, C. B.

SIR,—I have the honor to call your attention to several affidavits forwarded to your Excellency by this opportunity, by His Honor Mr. Justice Gresson, in the case of "Schroder v. Baker."

I presume that this step has been thought necessary with the view of suggesting to your Excellency the propriety of striking my name off the list of Magistrates for the Province.

However indifferent I might be as to the result, so far as regards the distinction of a J. P. attaching to my name, I am far from being so as to any question which may affect my character, and I therefore have to request that your Excellency will order a full and strict investigation of my conduct in this unfortunate affair.

I have declined answering except in general terms the second affidavit of Margaret Langley and Caroline Matthews, as most of the statements therein made are false or misrepresented. I consider it therefore better to leave it uncontradicted till the matter is investigated before a public or such other tribunal as your Excellency may appoint for the purpose.

I can assure your Excellency that I have no reason to regret the part I took in the proceedings against the Rev. A. Baker, and that so long as I hold a commission as a Magistrate, I shall endeavour to do my duty fearlessly and conscientiously.

I have the honor to remain,
Your Excellency's most obt. servt.

C. J. PHARAZYN.

Attorney-General's Office,
Auckland, 3rd November, 1858.

SIR,—It is my duty to inform you that his Excellency the Governor, with the advice of the Executive Council of the Colony, has caused your name to be removed from the Commission of the Peace for the Province of Wellington.

It is with great regret that such a step has been taken, but the affidavits in the case of Schroder v. Baker which have been forwarded by his Honor Mr. Justice Gresson for the information of the Government, fully establish that your conduct in that case has been such as to render it impossible, consistently with a due regard to the purity of the administration of justice in the Colony, that you should be permitted any longer to exercise the functions of a Justice of the Peace.

Your application for an investigation before a public or such other tribunal as his Excellency might appoint, has received careful consideration, and the conclusion clearly arrived at is, that such a proceeding would not only be useless but mischievous.

Even setting aside the evidence of the witnesses, your own admissions are fully sufficient to justify the course which has been taken by the Government, and it is impossible to admit the propriety of his Excellency the Governor, in a

case like the present, appointing a tribunal, which could neither compel the attendance of witnesses, nor examine upon oath those who might think fit to attend, to investigate a matter, which has already been judicially before the Supreme Court, where you have been afforded ample opportunity of meeting upon oath the accusations which have been made in the same manner against you.

It has been a subject of serious consideration with the Government whether it would not be proper that the Attorney-General should be instructed to file a criminal information against you, but this being the first occasion on which the Government of the Colony has felt it necessary to adopt so strong a measure as the removal of a gentleman from the Commission of the Peace, on the ground of misbehaviour in his office, it has not been considered necessary that any further proceeding on the part of the Government should be taken.

I have the honor to be, Sir,
Your obedient servant,
FREDK. WHITAKER.

C. J. PHARAZYN, Esq.,
Wellington.

NOTICE.

Treasury,
Auckland, 31st October, 1858.

PURSUANT to the terms of the Debentures issued under the provisions of the "Land Claims Ordinance, New Ulster, Session VII, No. 22," it is hereby notified that the principal moneys secured by the said Debentures, and interest thereon, will be payable on presentation of the same at the Colonial Treasury, at Auckland, on or after the 10th day of February, 1859.

It is further notified that no interest will accrue after the said 10th day of February, 1859, on the principal moneys secured by the said Debentures.

C. W. RICHMOND.

Treasury,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

Mr. JAS. G. WOON

to be Clerk in the Custom House, Wanganui
vice Mr. W. Woon, deceased.

C. W. RICHMOND.

Minister for Native Affairs Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

T. B. KENDERDINE, Esq.,

to be Medical Attendant on the Natives of Whangarei.

C. W. RICHMOND.

Minister Native Affairs' Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

WILLIAM JOHN WARBURTON HAMILTON,
Esq.,

CHARLES CHRISTOPHER BOWEN, Esq.,

THOMAS CASS, Esq.,

JOHN HALL, Esq.,

to be Commissioners of Native Reserves, in the Province of Canterbury, under the "New Zealand Native Reserves Act, 1856."

C. W. RICHMOND.

General Post Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

Mr. F. E. WRIGHT

to be Postmaster at Lyttelton.

H. J. TANCRED.

General Post Office,
Auckland, 3rd November, 1858.

HIS Excellency the Governor has been pleased to appoint

Mr. JAS. G. WOON

to be Clerk in the Post Office, Wanganui, vice Mr. W. Woon, deceased.

H. J. TANCRED.

Registrar-General's Office,
Auckland, November 1st, 1858.

PURSUANT to the provisions of an Act of the General Assembly of New Zealand, entitled "The Marriage Act, 1854," the following Name of an OFFICIATING MINISTER within the meaning of the said Act, is published for general information:—

FREE CHURCH OF SCOTLAND.

The Reverend John McNicol, (Otago.)

I, John B. Bennett, Registrar-General of Births, Deaths, and Marriages in New Zealand, do hereby certify that the foregoing Name of an OFFICIATING MINISTER within the meaning of "The Marriage Act, 1854," has been sent in, to me, in addition to the Names in Lists published respectively in the "New Zealand Government Gazette" Number 2, of the 26th of January; Number 4, of the 11th of February; Number 8, of the 19th March; Number 12, of the 13th April; Number 15, of the 15th of May; No. 19, of the 30th of June; and No. 23, of the 20th of August, in the present year.

Given under my hand, at Auckland,
this first day of November,
1858.

JOHN B. BENNETT,
Registrar-General.

"MARRIAGE ACT, 1854."

OFFICIATING MINISTERS FOR 1859.

Registrar-General's Office,
Auckland, 1st November, 1858.

THE attention of the person or persons within the Colony of New Zealand, in whom is vested ecclesiastical authority over any of the Religious Bodies, enumerated in "Schedule D," annexed to an Act of the General Assembly of New Zealand, entitled "The Marriage Act, 1854," and of all other persons concerned, is requested to the following extracts from the Act aforesaid:—

"42. Any Minister of Religion, whose name shall have been sent in to the Registrar-General of Births, Deaths, and Marriages, or other Officer to be appointed by the Governor in that behalf, by the persons or person within the Colony, in whom ecclesiastical authority shall for the time being be vested, or reputed to be vested, over any of the Religious Bodies enumerated in the Schedule D, to this Act annexed, shall subject to the conditions hereinafter mentioned, be an Officiating Minister within the meaning of this Act; and the name of every such Minister of Religion shall be certified under the hand or hands of the person or persons aforesaid, and shall be entered and published as hereinafter provided: *Provided always*, that any Minister of Religion not connected with any of the Bodies enumerated in the aforesaid Schedule to this Act annexed, who shall present to any Registrar a certificate signed by twenty-four householders, resident in the District for which such Registrar shall be appointed, declaring that such Minister is their Officiating Minister, shall be entitled to have his name inserted in the list of Officiating Ministers in the meaning of this Act. *Provided always* that such certificate shall be attested by two Justices of the Peace, and such attested certificate shall be sent in to the Registrar-General or other Officer as aforesaid, anew in the month of December in every year, and no such attested certificate presented to any Registrar by any Minister as aforesaid, shall continue in force unless renewed in like manner.

"44. The several ecclesiastical authorities as aforesaid of the respective Religious Bodies, shall send in to the said Registrar-General, or other Officer as aforesaid, a correct list of such Officiating Ministers in the month of December in every year."

The following are the Religious Bodies enumerated in Schedule D above referred to:—

The United Church of England and Ireland
The Church of Scotland
The Roman Catholic Church
The Free Church of Scotland

All Presbyterian Congregations
 The Wesleyan Methodist Society
 All Congregational Independents
 Baptists
 The Primitive Methodist Society
 The Lutheran Church
 All Hebrew Congregations
 The Society of Friends.

I have therefore to request that the names of all Officiating Ministers may be sent in to me, duly certified, before the termination of the month of December next ensuing, in order that such names may be entered in the List, a copy of which will be published in the *New Zealand Government Gazette* in the month of January, 1859.

JOHN B. BENNETT,
 Registrar-General.

IN THE SUPREME COURT OF NEW
 ZEALAND.

In the Estates of Walter Murray, of Parnell, near Auckland, and James Grey Stuart, of Russell, Bay of Islands, deceased Intestates.

PURSUANT to the rule of this Honorable Court, the Creditors of the above named Intestates are, on or before the thirteenth day of

January next, to come in and prove their debts before Thomas Outhwaite, Esq., Registrar of the said Court, at his office in the Court House, Queen-street, Auckland; or in default thereof, they will be peremptorily excluded from all benefit arising from the said estates.

THOS. OUTHWAITE,
 Registrar.

Supreme Court Office,
 Auckland, 13th October, 1858.

NOTICE is hereby given that the Cellar of a Warehouse situated in Bridge-street, Nelson, and belonging to Messrs. J. Levien and Co., has been approved, under the 34th section of the Customs Ordinance, 4th Victoria, No. 3, for the reception of Goods under Bond.

D. ROUGH,
 Collector.

Custom House, Nelson,
 14th September, 1858.

ERRATUM.—In *Gazette* No. 25, of the 6th September, 1858, fol. 122, 1st column, 26th line, for "Alfred Rendall" read "Alfred W. Renall."