

NEWS FROM NEW ZEALAND.

(From the Port Phillip Patriot.)
 April 30th.—There was at the Bay of Islands an American Consulate stationed at Waiapu, at which the American ships always brought up and refitted. There was an ostensibly American store there under the firm of Smith and Waitford; Smith is away, and Waitford (an Englishman) is managing. There has been strong reasons for believing that the plan of the outrages at the Bay was formed and all the proceedings fomented by Waitford. He has a schooner named the I Don't Know, which arrived a week or two since from Sydney, and so strong were the apprehensions of the Government that she would bring down powder and ammunition for the natives, that when it was known that, by a vessel that arrived previously, there were letters for Smith and Waitford in the post-office, the Governor and Council issued an order, and the letters were opened. In due course the schooner arrived at the Bay, but the captain of [the St. Louis, U.S.], then lying there, (who had been communicated with by the Governor) immediately boarded her, and finding about twenty casks of powder, took possession of them. The schooner then came on here, discharged her cargo for this place, and then set sail for the Bay again, it being generally understood she went for the purpose of removing Waitford's property, and taking him away. To-day however the schooner has come back a prize to H.M.S. Hazard, with Waitford on board a prisoner. The Governor and a number of magistrates have held an investigation of some hours, and the result is that Waitford has been brought ashore a prisoner. 10 o'clock, P.M.—The Hazard has just come in, and will merely take her prize crew in and be off again. No news of the proceedings at the Bay is allowed to transpire. The North Star is however there, which is one comfort.

May 1st.—The examination of Waitford at the police-office has lasted all day, and ended in his committal for having stolen property on board. The schooner has been anchored under the guns of the barrack fort and dismantled.

May 2nd.—The schooner has been entirely discharged of her cargo, and every part of her being pulled down to search. I have now attempted to put you in possession of facts as they arise. Hundreds of rumours are being hourly propagated with which I have not troubled you. The vessel by which I send this sails within the hour.

MELBOURNE POLICE COURT.

CHARGE OF EMBEZZLEMENT.

Mr William Vine M'Vitie, lately chief clerk in the Treasury appeared by his attorney, Mr Duerdin, to answer a charge of embezzlement on the oath of Captain Lonsdale, Sub Treasurer for Port Phillip. Mr Gurner, Crown Solicitor, appeared for the Crown.

George Turnbull sworn and examined by Mr Gurner.—I paid a cheque for £40 to Mr M'Vitie, as clerk in the Treasury on the 17th of January last. The cheque was paid by Turnbull Orr and Company, into the Treasury on behalf of their constituents, who were Mr Curtis, two sums of £6 16s and £10 license. I can't swear to the other one; I think it was the license of Mr Cunningham £10, making altogether £33 13s; this amount I paid with this cheque for £40, receiving the difference from Mr M'Vitie; I think it was paid in notes; I did not obtain the licences at this time; I received the receipts about the 20th of April last; I think Mr Reeves wrote the receipts out and Captain Lonsdale signed them; they were sent down to Gipps Land; I paid that money on behalf of H. M. Government, and to Mr M'Vitie in his capacity as clerk in the Treasury; that cheque has been charged to my account at the bank.

By Mr Gurner—I paid that cheque to Mr M'Vitie on account of Messrs Turnbull Orr and Co., of Port Albert, on account of the assessments of their constituents; I believe that Mr M'Vitie was then acting as clerk in the Treasury.

William Lonsdale, Sub-Treasurer, examined by Mr Gurner.—On the 17th January, 1845, Mr M'Vitie was employed as clerk in the Treasury, and up to the 30th of April last; it was Mr M'Vitie's duty to receive all monies paid into the office; his directions were to pay the money each day into the bank; he was required to enter these monies in the cash book, which it was his duty to keep; I have the book here (produced), this is the book in which it was his duty to make such entries; on the 17th January there are fifteen entries therein; the first entry therein is a receipt from the customs of £222 11s, these monies are paid by the customs themselves, but entered in this

book; the bank brings up a receipt to me. Without this item the sum of £229 4s 8d are the rest of this days' receipts. It is Mr M'Vitie's duty to enter every payment made him separately. There is no sum received from Mr Curtis or Messrs Turnbull, Orr and Co., entered amongst these entries on the 17th January. There is no sum of £33 13s entered on that day. These monies were not accounted for by Mr M'Vitie on that day. If they had been, they would have been entered. The book has been in his keeping, he has a clerk to assist him. Mr M'Vitie is sometimes absent, and the entries must be made by somebody when he is absent, but I hold Mr M'Vitie responsible for all entries. The balance in the Treasury Book should show, that the balance corresponds with the account at the Bank. On looking through the book, I see on the 21st April those entries. The items are—John Curtis, in assessment, £6 16s 6d, for the period 1st July to 31st December, 1844. The same person (John Curtis) in assessment for a period from 1st January to 30th June, £6 16s 6d. Then there is John Curtis, a license, £10. There is no year put against the last sum. R. C. Cunningham, for assessment from 1st July to 30th June, 1845, £10. There is no other memorandum here connected with these four entries. Those entries are in the handwriting of Mr Reeves, the clerk in the Treasury, and in the office with Mr M'Vitie, whom he assisted as receiving clerk. The payments are paid in daily, and a general balance at the end of the week. The balance was made on the 25th January. The figures on the top of the page are in Mr M'Vitie's handwriting. The sum total of the balance after the 21st April was added up wrong, the item £33 13s being left out. (By the book, the Bench ruled that although the entry was made in the cash book, the sum of £33 13s was omitted in the addition. They also remarked that the addition was £26,496 8s 3d, whereas it should have been £26,530 1s 3d, making it exactly £33 13s short. By adding that amount up correctly, or £33 13s short, it makes it apparently tally with the amount received in the Bank that day. The omission of the £33 13s in the addition, made the bank book and Treasury book correspond.)

Charles Reeves, sworn and examined by Mr Gurner—I am clerk in the Treasury. My duty is to do anything that Mr M'Vitie tells me. The item John Curtis—assessment £6 16s 6d twice over, John Curtis £10 license, R. C. Cunningham £10, is in my handwriting I gave receipts for them, and I made the entries as a matter of course, because the monies passed through my hands. I made those entries because Mr M'Vitie told me to make out the licenses and entrances for that day, and those entries followed as a matter of course. I made the receipts, but was not directed to make the entries of those four items. Mr G. Turnbull brought a memorandum with him on the 21st April, saying that he wanted receipts for two assessments, and a license for John Curtis and R. C. Cunningham. I made the entries from G. Turnbull's memorandum. I made out these receipts by direction of Mr M'Vitie, the figures 26,499 8s 3d are in Mr Penn's handwriting. I altered the figures from 23,000 to 25,000. The figures before altered were in Mr M'Vitie's handwriting. If the sum £33 13s were added to the addition, it would have made the sum appear so much more than there was in the Bank. On the day these entries were made in the book, Mr M'Vitie said he had received a cheque some time previously from Mr Turnbull. He said he thought he had the cheque at home. This was last month. He also made the same remark on the 21st April. He told me he'd go to Turnbull's and get another cheque, and that he had lost or mislaid the first one.

By Mr Duerdin—It is my duty to pay money into the Bank if Mr M'Vitie desires me to do so. He desired me to do so on the 17th January into the Bank of Australasia, which it appears I did from the Bank slip (produced). I paid the sum of £229 4s 8d into the Bank on that day. Part of that amount was paid by cheque from Turnbull, Orr and Co., for the sum of £40, which is the same cheque and forms part of the amount paid into the Bank that day.

Mr Duerdin—Do your worships think it necessary for me to go on with the case any further?

Bench—Yes, we do.

Cross-examination continued.—This document (produced) contains items omitted, to be accounted for by Mr M'Vitie. This document was prepared by me, by Captain Lonsdale's directions, about ten days since. There is also an item of £33 13s, the total makes £78, which Mr M'Vitie has to pay to the Treasury. The sum in Captain Lonsdale's possession left a balance in the defendant's favor. The figures on the whole of this paper were written by me, in the absence of the defendant. This observation applies to the whole of the paper. The item "A cheque of Mr Blair's for £2 12s 6d" has not been presented to the Bank, although paid into the Bank. The next item is, "to give an order for £24." The next item is Auction Duty at Bear's, £25 17s 8d for the month of May; June, £17 8s 4d; July, £19 17s 11d, balance £62 13s 4d; deduct £17 18s 4d paid, leaving a balance of £45 5s, which Mr M'Vitie had to pay. The next item is £33 13s, the subject of the present charge, total £78 18s, leaving a balance in favour of Mr M'Vitie of eleven shillings. Captain Lonsdale ordered me

to get an order from Mr M'Vitie for his salary. At this time Captain Lonsdale had in his hand £54 13s 10d. There was no hesitation on the defendant's part to give the order for his salary of £21 13s 4d.

Captain Lonsdale cross-examined by Mr Duerdin.—This is a memorandum in Mr Reeves' writing; it was all written by my direction; some time ago Mr M'Vitie got into great irregularities, and I endeavoured to protect him and make him regular. The sum of £80 was placed in my hands by the defendant, who said he was aware that he had received certain monies by cheques, which he believed he had lost; the item of £33 13s, forms the subject of the present charge, it was included in this memorandum with my knowledge, to a certain extent; after it was discovered that there was this deficiency, I sent to Mr M'Vitie to explain if he had lost this money, when I should have said you "may pay that deficiency out of the money in my hands"; hearing he was about to leave this colony, I reported the matter to Government. I directed Mr Reeves to take down that item to get Mr M'Vitie to explain it. The entry of the 25th April is clearly false. The addition is brought forward from one page in a smaller amount (£33 13s less) than the addition carried forward should have been; the figures are in the handwriting of the defendant; the amount in page C, of £26,531 3s, is brought forward in page D, as £26,496 8s 3d. Mr M'Vitie left money in my hands to meet deficiencies, the sum was deposited to meet general deficiencies that might arise. The sum of £80 was lodged by Mr M'Vitie in my hands to meet any deficiencies that might ensue from his negligence.

George Reginald Penn sworn and examined.—I am auditing clerk in the Treasury; the figures, in pencil, at the bottom of page C, £26,531 3s, are in my writing; there were other figures there before I put my own; I believe the figures were Mr M'Vitie's, but I cannot positively swear.

Captain Lonsdale, by Mr Duerdin.—I do not know that a balance of £50 is due to Mr M'Vitie for over payments by him—he has said so, but I never could get him to explain the matter; with reference to the item, Jones & Thompson, £12 12s 6d, he may have pointed this and other items out to me, but I cannot now remember; I believe that he has paid monies twice over, from the fact of his carelessness.

Mr Gurner here submitted to the Court that he had made out a prima facie case against the defendant, and such as would warrant the Bench in sending the matter to a jury. In the first place he had proved that the defendant was a clerk in the Treasury, and that he had received certain monies on the 17th January, in virtue of his office, and has not accounted for the same, neither had he done so on the 21st April, the money not even then being entered in the cash book, but merely by Mr Reeves.

Mr Duerdin—This is grossly irregular; Mr Gurner should have addressed the Court before any evidence was called—he is now addressing you on my evidence.

The Bench requested Mr Gurner would confine himself to his own case, Mr Gurner said, he was willing to comply with the desire of their Worships, and would go upon another principle altogether. There was a deficiency in the accounts of the defendant, and he refused to account for them; according to Wood's Crown Cases, it was held that an indictment could be supported by a general deficiency; (cited the cases of Rex v Hall, Rex v Hobson, R & Ry 56, Rex v Taylor, id. 63, where it was laid down, that a party was guilty of embezzlement where he did not account with his master for a particular sum of money, when he had accounted for others received at the same time or afterwards.)

Mr Duerdin in reply thought the learned gentleman should have read on a little further, and until he arrived at the case of the King v Smith Russell & Ryan, in which the prisoner admitted that he had charged himself monies received on account of his employer, but which he neglected to hand over, and the presiding judge ruled that the prisoner was not guilty. Mr Reeves had stated the conversation he had had with Mr M'Vitie, who desired him to enter the amount, but there was no evidence to show that he refused to account for it, or that he denied its receipt. Mr Gurner had stumbled on the case of the King v Grove, which in the same page he would find was overruled by the King v Lloyd Jones, wherein Mr Justice Vaughan ruled, that where money was received and entered, but not handed over, the party was not guilty of embezzlement. In this case the money was paid into the Treasury. If there were any embezzlement in the matter Captain Lonsdale by exhibit F (the memorandum made out by Reeves) made by his authority, was a complete condonation; it was by Captain Lonsdale's request that the order was given by the defendant to Reeves; the sum of £76 was still in Captain Lonsdale's possession, which with Blair's order would leave a balance of 11s in favor of his client; but assuming that the £33, was not paid, having a balance in his hands to meet it, he (Captain L.) had made this matter one of account.

The Bench retired for a few moments, and on their resuming their seats committed the defendant for trial, but allowed the case to be such a one as to admit of bail; the defendant in £200, with two sureties of £100 each, which was immediately tendered.

MORE ENGLISH NEWS.

(From the Sydney Herald.)

The arrival of the Amelis put us in possession of English newspapers to the 29th January.

Trade continued good in every department, remarkably so, considering the season. The wool trade was particularly buoyant, and the prices had a tendency upwards: The mutton tallow of this colony was so superior that it commanded ready sale at prices varying from 1s to 2s above the best Russian.

The Lord Primate had issued a pastoral letter to the clergy and laity of the province of Canterbury, respecting the divisions in the Church, which have lately attracted so much attention. The most important part of His Grace's letter is the following:—

"What I would most cordially recommend, for the present, is the discontinuance of any proceedings, in either direction, on the controverted questions. In churches where alterations have been introduced with general acquiescence, let things remain as they were; in those which retain the less accurate usage, let no risk of division be incurred by any attempt at change until some final arrangement can be made with the sanction of the proper authorities. In the case of churches where agitation prevails, and nothing has been definitely settled, it is not possible to lay down any general rule which may be applicable to all circumstances. But is it too much to hope that those who are zealous for the honour of God and the good of his Church, will show, by the temporary surrender of their private opinions, that they are equally zealous in the cause of peace and charity."

ORIGINAL LINES FOR THE GEELONG ADVERTISER.

AN UNHAPPY REFLECTION.

I've been, alas these two last years
 Enslav'd with worldly hopes and fears—
 With growing creature, good;
 I've had no peace, and, what is worse,
 A cipher in the universe
 I, all this time, have stood.

'Tis painful to look back and see
 Two years so badly spent by me—
 Two years for good use given:
 I have done harm instead of good—
 I have my warmest friends withstood,
 And madly fought 'gainst heaven.

I have my precious time mispent,
 And often my 'one talent' lent
 To trifling, childish fun;
 I have my many friends deceived,
 I have the Holy Spirit grieved,
 I have myself undone.

None have I, but myself, to blame;
 On me alone be all the shame—
 The shame of creature-love.
 I knew my old besetting sin,
 And, when temptation first came in,
 I should have look'd above.

Oh! if I could that time redeem,
 The largest finite price would seem
 A trifling sum to give.
 But ah! 'tis now too late, 'dye see'
 I'm hast'ning to eternity,
 And soon shall cease to live.

N. H.

Melbourne, 7th June, 1845.

* They thought that I should become eminent for piety and zeal; whereas my piety has suffered considerable declension, and as for my zeal it has not been "according to knowledge."

The Squatters' Advocate.

"Men who know their rights
 And, knowing, dare maintain."

THE PATRIOT AND THE SQUATTERS.

We give below the leading article of the Patriot of Saturday last, verbatim, lest he should again say that we have misrepresented him.

We must bitterly complain against the reckless manner in which our contemporary impugns our motives for advocating the cause of the squatters. Can he not discover sufficient reason for our doing so, in the momentous aspect of public events, the growing hostility of the public to the squatters; and the approach of a crisis in their fate? In our opening article on the subject of the Patriot's politics, we expressed our conviction of his perfect sincerity and honesty of purpose. He replies by a gross insinuation of venality on our part. We disdain to enter into any dispute on such a subject, and shall content ourselves with intimating to the Editor of the Patriot, that although we will overlook the discourtesy in the present instance, on the supposition that he really does not mean what he says, yet, if he is over guilty of a similar

offence in future, we shall be compelled to treat him and his insinuations with silent contempt, and to cease all communication with him as a public writer. We will never countenance that low system of abuse which has prevailed in Melbourne, and in all controversies, shall insist upon the observance of, at least, the conventional rules of politeness requisite in a civilized state of society.

Under the above protest, we shall proceed to a short notice of our contemporary's arguments on the squatting question.

We have already denied the charge brought against the squatters of entertaining a desire to enter into competition with the owners of purchased lands in the raising of grain. We have had occasion to hear the opinions of hundreds of squatters on this subject; and we never met with one who did not acknowledge the unfairness of the present system—nor one who held the sentiments attributed to them by the Patriot. Indeed, their "unjust demands—their ruinous desires," as he calls them, have no existence except in his own imagination. But even should a few individuals, and one or two, indiscreet writers, entertain ultra opinions on the squatting question, it is illogical and unjust to utter a sweeping anathema against the whole class. It is true that there is a loud cry for fixity of tenure; and surely there can be nothing unjust or ruinous in such a demand of in granting the same upon fair conditions. We do not know where the editor of the Patriot meets with those who demand a fee simple of their stations without giving an equivalent. We do not believe there is such a being in the Geelong district and it is none of the smallest. If any of the pretended friends of the squatters advance such ridiculous claims, we have no doubt the squatters as a body will resent their officiousness.

One of the principal reasons for opposing the claims of the squatters, is that they are "wealthy," "potent," and "powerful." Because they are wealthy they ought to be plundered; and because they are potent they ought to be "levelled." Wealthy! is it so soon forgotten that a few months ago, they were all on the verge of bankruptcy; that their flocks were almost valueless and unsaleable,—and that the present gleam of prosperity is the result of an accidental change in the value of their produce in the English market? It is not at all improbable that in a few months more, wool may fall, and wheat may rise, so that the landowner and the squatter may change places. Away then, with the shortsighted and narrow minded jealousy which begrudges them their present moment of relief from pecuniary suffering. As for their power and potency, it appears like mockery to apply these terms to men who are denied the commonest political rights of their fellow colonists.

In regard to the amount of money paid into the Treasury by the respective classes of land-owners and squatters; it appears to us to be absurd to compare the annual payment of the latter, with the interest on the immense sum which was so madly thrown away by the Melbourne speculators in town and suburban allotments, a few years since. We positively cannot see the object of the comparison. The following is the article which has called forth these remarks:—

THE GEELONG ADVERTISER AND SQUATTERS' ADVOCATE.

The Editor has sadly misrepresented us in a paragraph of that journal of date, (front page,) Saturday, 4th of June. (Inner page,) Wednesday, 4th June, thus. "In 1839, he condescends with the squatters as a persecuted race; and in 1845 reviles them as a grasping and selfish crew, heaping upon them individually the errors of the system to which he formerly acknowledged them to be victims