

TO THE HONORABLE THE HOUSE OF REPRESENTATIVES OF NEW ZEALAND,
IN PARLIAMENT ASSEMBLED.

The Humble Petition of CHARLES DAVIS, of Auckland, Merchant, FREDERICK YATES and LEOPOLD YATES, both late of Kawhia, Merchants, but at present residing in Auckland,

SHEWETH,—

1st. That in 1857 your petitioner Charles Davis, together with Louis Davis, then of Auckland, merchant, but since deceased, purchased for the sum of One Thousand Five Hundred Pounds from one Samuel Aaron Joseph (the original Grantee from the Crown thereof), all that allotment or parcel of land in the said Colony of New Zealand, containing by admeasurement thirty-four acres, more or less, situate at Kawhia, and the same was conveyed to them, their heirs and assigns for ever.

That being so seized in fee as tenants in common of the said land and the buildings thereon, your petitioner the said Charles Davis and the said Louis Davis entered into partnership with your petitioners the said Frederick Yates and Leopold Yates, to carry on the business of General Traders upon the said land; and it was agreed that the said Charles Davis and Louis Davis should receive over and above their respective shares in the profits of the said business the annual rent of Two Hundred Pounds for the use of that portion of the said premises used for the said partnership, and that they should each receive one-fourth part of any rental which might arise from any other portion thereof.

That a portion of the said premises was let to Her Majesty's Customs as and for a Custom House and occupied by the Sub-Collector.

That your petitioners and the said Louis Davis entered into business, according to the terms of their agreement, and carried the same on until the month of March 1859, when the said Louis Davis died, and that after the death of the said Louis Davis your petitioner carried on the said business upon the same terms.

That your petitioners, Frederick Yates and Leopold Yates, resided at Kawhia, and managed the said business.

That on the first day of May last Mr. H. N. Brewer, the Sub-Collector of Her Majesty's Customs at Kawhia, gave notice to your Petitioners, the said Frederick Yates and Leopold Yates, and others, that all Europeans remaining at Kawhia would be considered by the Government as Rebels, and in consequence of this notice your petitioners, Frederick Yates and Leopold Yates, proceeded to Raglan for the purpose of seeing Mr. Donald McLean upon the subject, who confirmed Mr. Brewer's act, when they returned to Kawhia, and remained there until the 14th, when your said petitioners, Frederick Yates and Leopold Yates, received a written communication from the said Donald McLean, in which he informed them that "the holding communication or trading with Natives in a state of hostility to the Government will be a serious offence liable to severe punishment."

That immediately upon the receipt of the said notice of the said Donald McLean, your petitioner Leopold Yates proceeded to Auckland, and in conjunction with your petitioner Charles Davis, entered into correspondence, both personally and by letter, with the Hon. C. W. Richmond, the Minister for Native Affairs, who stated that the notice so given to your petitioners was given in pursuance of instructions from the Government.

That your petitioners would particularly draw the attention of your Honorable House to a letter received by your petitioners from the said C. W. Richmond, informing them that he was directed by His Excellency the Governor to state that the Natives of Kawhia being in a state of rebellion, persons trading with them exposed themselves to the highest penalties of the law, and that the traffic carried on by your petitioners had thus become illegal.

That your petitioners were then compelled to close their business at Kawhia, although they believe that at the time the Natives in the neighbourhood were not in a state of rebellion.

That your petitioners are prepared to produce the whole of the correspondence which passed upon the subject, and to prove that they have been compelled by the Government to close their establishment at Kawhia aforesaid, and have been unable to save any considerable portion of their property there, although other persons not claiming title to the land occupied by them under Grants from the Crown, but being in fact offenders against the Ordinance of the then Legislative Council, Session 7, No. 19, have had liberty afforded them to continue their trade at Aotea, within five miles of your