

influence your Honorable House a solemn statutory declaration was made by Mr. De Hirsch, which was, in all its material allegations, false.

20. That, notwithstanding the proposed clause affected private rights of property by retrospective legislation, the same was passed into law without your petitioners having been heard against the same, and became section 8 of "The Native Lands Act, 1869."

21. That the result of the said clause has been in effect to determine in favour of one of the litigating parties' suits relating to the title to land, pending in the Supreme Court of New Zealand.

22. That your petitioners most respectfully submit to your Honorable House that such a mode of dealing with private rights of property is without precedent in the legislation of the Imperial Parliament, or in any community where the laws of England are in force.

23. That, moreover, in your petitioners' case, no provision has been made for compensation, as is a standing rule when private property is taken away by legislation.

24. That in pursuance of the provisions of the said section 8, the Native Lands Court sat and adjudicated, amongst others, on three allotments of land, called Kauaeranga 14, Kauaeranga 16, and Kauaeranga 24, in all of which your petitioners were interested.

25. That the investigation in reference to 16 and 24, the first two of the three said allotments adjudicated on, was continued for several days, when the Chief Judge delivered a lengthened judgment, deciding to issue amended certificates under the said section 8, thereby in effect destroying your petitioners' title, and transferring the property lawfully acquired by them to their opponent, Mr. James De Hirsch.

26. That the case in reference to the said allotment 14 was then heard, and a similar decision given.

27. That the principal ground, as appears by the said judgment, on which the decision of the Court was based, was that the leases to your petitioners were made before the issue of Crown Grants, although such leases were made after the issue of certificates of title by the Native Lands Court.

28. That F. D. Fenton, Esq., the Chief Judge of the Native Lands Court, who had assisted in preparing the said section 8 of "The Native Lands Act, 1869," and was mainly instrumental in procuring the passing of the said Act through the Legislative Council, presided at the hearing of the case in reference to allotments 16 and 24, and was the sole Judge who heard the case in reference to allotment 14.

29. That the judgment given in these cases is of wide-spread importance, affecting the validity of a great number of transactions between Natives and Europeans in reference to land in cases in which such transactions have taken place after the issue of certificates of title, but before the issue of Crown Grants.

30. That your petitioners were advised, and believe, that the law laid down by the Native Lands Court upon which the judgment mainly proceeded is clearly erroneous. They, therefore, desired to appeal against the same under the eighty-first section of "The Native Lands Act, 1865," and applied to the Governor for an Order in Council to enable them to do so, but such application was refused, thus leaving your petitioners without any remedy, except an appeal to the General Assembly.

31. That, at the hearing of these cases by the Native Lands Court, it was clearly established that the evidence given by Mr. De Hirsch, before the Committee of the General Assembly, and the solemn declaration and affidavit made by him, were false in the most important particulars.

32. That, amongst other things, it was made clear that the dealings by your petitioners' opponents in reference to all the said allotments in dispute were entered into, not only before certificates of title were issued, but before the orders of the Native Lands Court were made (though deeds of confirmation were afterwards executed, but before the issue of certificates), and your petitioners believe and submit that such dealings were not intended to be validated by "The Native Lands Act, 1869."

33. That while your petitioners conformed to the law and the Government notices, and therefore abstained from dealing with the Natives till after the issue of certificates of title by the Native Lands Court, your petitioners' opponents, in defiance of the law and such notices, forestalled your petitioners by dealing with the Natives, not only before the issue of the certificates, but before the orders of the Court were made directing such certificates to issue.

34. That at the hearing of the said cases it was also clearly proved that the statements made by Mr. De Hirsch before the Committee on Public Petitions, in his affidavit and declaration in reference to Mr. Whitaker, senior, were without the slightest foundation in fact.

35. Also, that the statement made by Mr. De Hirsch that your petitioner, Frederick Alexander Whitaker, in his professional capacity, prepared a deed for him, and afterwards disputed its validity, and claimed the land included in it, was entirely devoid of truth; and, moreover, that an affidavit containing this statement was promulgated by Mr. De Hirsch with the full knowledge that it was false.

36. That Mr. De Hirsch before the Native Lands Court excused his conduct in this respect by denying that he made the solemn declaration containing the false statements, and accusing Mr. O'Keeffe of concocting, getting printed, and distributing a fictitious declaration with his (Mr. De Hirsch's) name attached, but without his knowledge or consent; whereas it now appears from the original declaration, of which your petitioners have been placed in possession, that Mr. De Hirsch made the declaration in the form in which it was promulgated by Mr. O'Keeffe, containing statements which he (Mr. De Hirsch) knew to be untrue, and which in his evidence before the Lands Court he has sworn to be untrue, and that he never made them.

37. That the statement, sworn to by Mr. De Hirsch during the proceedings before the General Assembly, that your petitioner, Frederick Alexander Whitaker, acted as his solicitor in preparing a lease of certain lands, and afterwards, with others, took up the very same land under miner's right, has been proved to be destitute of a particle of truth.

38. That your petitioners are in a position conclusively to substantiate the foregoing statements, as the whole of the proceedings before the Native Lands Court were fully reported by a shorthand writer, who can testify on oath to the accuracy of the report.