Mr. Carleton.

precedent in the legislation of the Imperial Parliament, or in any community where the laws of England are in force." I understand this as a reflection upon the Committee on the Bill. There was no private property in question. The property had never been acquired by anyone; moreover, admitting the property, it is not true that there is no precedent; section 25 states:—"That the investigation in reference to 16 and 24, the first two of the said three 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." It is not true that they had a title, and the Court has decided that they never could have got a title. I refer to section 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 81st 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." Petitioners, in mentioning their desire to appeal, should have stated to what or to whom. Such appeal would have been from the Chief Judge of the Native Lands Court, possibly sitting with the Chief Justice of the Supreme Court, to certain puisne Judges of the Native Lands Court. But if compensation be sought on the ground that the judgment of the Court was wrong, let that be expressly stated, and the issue confined to that. That would be a true issue, and not the issue which is raised in this pamphlet. Section 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." I object to the peculiar use of the words "Committee of the Assembly" which obtains throughout this pamphlet, or nearly so, and which is calculated to mislead. Petitioners should say which Committe they mean. I presume that by the words "the Committee," the petitioners intend the Committee on the Bill in which the clauses complained of were drawn. Now, I say that the evidence of Mr. De Hirsch did not in any way affect the report of that Committee, and of that I will give proof. The Committee on the Bill was appointed on 13th August, 1869, and reported on the 23rd of the same month. On the 31st August, 1869, a Committee on evidence was appointed to take the evidence of Mr. F. A. Whitaker on certain allegations affecting him contained in the evidence of certain witnesses examined before the Committee on the Native Lands Bill. On the 1st September, 1869, the petition of James De Hirsch, of Shortland, was referred to the Committee on Evidence from the Public Petitions Committee. The Public Petitions Committee sat upon the 31st August and 1st September. By comparison of those dates it is impossible that the minds of the Committee on the Bill could have been swayed by the evidence given by Mr. De Hirsch before the Public Petitions Committee. Section 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 devoid of truth." * * * * * * * It is not entirely false. De Hirsch's statement, though untrue or mistaken as regards the first deed, namely, the deed of the 30th June, 1868, is not yet shown to be entirely untrue as regards the second deed of 15th February, 1869. Section 39:—"That your petitioners have been put in possession of the original declaration made by him at Wellington, from which declaration it is now manifest that Mr. De Hirsch gave false evidence before the Native Lands Court." I desire to draw attention to the fact that two petitions have been presented by petitioners to the House. In the petition presented in 1870, the following section occurs:—"That your petitioner, Frederick Alexander Whitaker, commenced a prosecution against Mr. James De Hirsch for libel, in connection with his statements as to these matters before the House and elsewhere, which Mr. De Hirsch evaded by leaving the country clandestinely." I observe that this section is omitted in the petition presented in 1871. Section 40:—"That the passing of the eighth section of 'The Native Lands Act, 1869,' by the General Assembly has resulted most injuriously to your petitioners, as they have thereby been deprived of valuable property by retroactive legislation of an unprecedented character, without any provision being made for compensating them." I say that this statement is untrue, for they were not deprived of any property by the passing of the 8th section of "The Native Lands Act, 1869." In page 9 of the pamphlet I read:—"In the year 1869, when this matter was under the consideration of the House of Assembly (*vide* "Hansard" of that year, cap. Native Lands Bill), the numerous warm supporters of Mr. Graham and Mr. De Hirsch's cause, based their strongest arguments on the supposed equity which invested it by reason of the priority of their respective rights to that of their opponents." I am at a loss to know why Mr. De Hirsch's name should be coupled with Mr. Graham's. I desire to observe, in regard to the words, "the numerous warm supporters," that the report of the Committee on Evidence was that this Committee declines to make any recommendation on the petition of James De Hirsch, of Auckland. I find, in the same page of the pamphlet, these words:—"Mr. Lundon was, of course, then anxious to take immediate steps to secure the portions of land, the purchase of which he had been negotiating by a formal document, but was informed by his legal adviser that no conveyance, lease, or other instrument made before the issue of the certificate of title would, by virtue of the 75th section of 'The Native Lands Act, 1865,' be in any way valid or binding." I say it is impossible that Mr. Lundon should have been so informed by his legal adviser, in the face of the Judge's assurance that the certificate must issue as from the date of the hearing of the case at Shortland; also, in the face of the fact that the flaw in the Crown Grant Act, which would otherwise have set up a title, was not discovered until after that period. In page 11, I see these words:—"Upon the broad face of the matter, therefore, the legal right to the land in May, 1869, was in Messrs. Lundon and Whitaker." I say it is not true that they had a legal right, the Court having decided the contrary. In page 12, I find these words:—"Native lands, which have passed through the Native Lands Court, and which, between the issue of the certificate and the execution of the Crown Grant, have been acquired by the Crown, and, therefore, become Crown Lands." It is not true that the lands in question are Crown lands. In page 14, I find these words:—"This action, then, to be tried before the Supreme Court of New Zealand, would have put an end at once to the matter in dispute between the