

*Draft Declaration marked C.*

I JAMES DE HIRSCH of Shortland in the Province of Auckland & Col. of N.Z. Settler do solemnly and sincerely declare,

1. That I am the lessee mentd. in a certain deed of Lease dated the 30th day of June 1868 & made btwn. Wiremu Kingi Auaru te Peroa and Teretui Kingi all of the District of Hauraki in the Prov. of Auckland afsd. *aboriginal Natives* of the one part and myself the sd. James De Hirsch of the other part Whereby the sd. lessors demised & leased to me a certain block of land ~~known as x~~ *x purporting to be the whole of allot Kauaeranga lot No. 24 Kauaeranga.*

2. The order of the Native Lands Court whereby the above named lessors were adjudged entitled to the ~~land~~ sd block of land was made on the 23rd day of June 1868.

3. That the Solicitors whom I employed to ~~obtain~~ *pre* get from the sd aboriginal Natives & prepare the sd lease are Frederick Alexander Whitaker and John Edwin Macdonald of Shortland afsd who are practising there together in partnership under the style of Macdonald & Whitaker.

4. That ~~on the 1st of October 1868~~ in consequence of the sd lease not having comprised the whole of the sd allotment lot No. 24 Kauaeranga the sd Frederick Macdonald & Whitaker did prepare a further lease bearing date the 15th day of Feby. 1869 by wh. the sd. aboriginal Natives demised & leased to me the whole of the said lot which lease was signed by me in the presence of the sd. F. A. Whitaker.

5. That ~~in consequence of~~ by an error of the said Native Lands Court the certificate of title for the sd. block instead of being issued *in accordance with the practice of the sd Court* as if the 23rd day of June 1868 which was the date of the order of issue (~~in accordance with the practice of the sd Court~~) was dated the day of 1869.

6. That in consequence of the date of the certificate of title being subsequent to that of my *last* lease *one of my legal advisers* namely the sd. Frek. Alexr. Whitaker in conjunction with one London did on the 23rd day of April 1869 obtain from the said Natives a lease ~~in their~~ *per* to themselves the sd. F. A. Whitaker & London of the same lot which had formerly been leased to myself.

7. That the sd. firm of Whitaker & Macdonald have ~~always~~ *always* been my legal advisers at Shortland not only with regard to the sd. lease but also in respect of all other business transacted by me in wh I have needed legal assistance.

8. That owing to the error of the sd. Court and the action of my legal adviser the sd. F. Alex. Whitaker my title to the sd lot has been jeopardized and I have been put to a great loss of time trouble and expense.

And I make this declon &c. &c.

*Declaration as Corrected and Signed.*

I, JAMES DE HIRSCH, of Shortland, in the Province of Auckland, and Colony of New Zealand, settler, do solemnly and sincerely declare—

1. That I am the lessee mentioned in a certain Deed of Lease, dated the thirtieth day of June, one thousand eight hundred and sixty eight, and made between Wirimu Kingi, Anaru te Piroa, and Teretui Kingi, all of the District of Hauraki, in the Province of Auckland, aforesaid aboriginal Natives, of the one part, and myself the said James De Hirsch, of the other part. Whereby the said lessors demised and leased to me a certain block of lsnd purporting te be the whole of lot number twenty-four (24), Kauaeranga.

2. The order of the Native Lands Court whereby the above named lessors were adjudged entitled to the said block of land, was made on the twenty-third day of June, one thousand eight hundred and sixty-eight.

3. That the Solicitors whom I employed to get from the said aboriginal Natives, and prepare the said lease were Frederick Alexander Whitaker, and John Edwin Macdonald, of Shortland, aforesaid, who were practising there together in partnership, under the style of "Macdonald and Whitaker."

4. That in consequence of the said lease not having comprised the whole of the said lot, number twenty-four, Kauaeranga, the said Macdonald and Whitaker did prepare a further lease, bearing date the fifteenth day of February, one thousand eight hndred and sixty-nine, by which the said aboriginal Natives demised and leased to me the remainder of the said lot, which lease was signed by them in the presence of the said Frederick Alexander Whitaker.

5. That, by an error of the said Native Lands Court, the certificate of title for the said block, instead of being issued in accordance with the practice of the said Court, as of the twenty-third day of June, one thousand eight hundred and sixty-eight, which was the date of the order of issue, was dated the thirteenth day of October, one thousand eight hundred and sixty-eight.

6. That in consequence of the date of the certificate of title being subsequent to the date of my first lease, one of my legal advisers, namely the said Alexander Whitaker, in conjunction with one John London, did on the 23rd day of April, 1869, obtain from the said Natives a lease to themselves, the said Frederick Alexander Whitaker and John London, of the same lot which had been formerly leased to myself.

7. That the said firm of Whitaker and Macdonald have always been my legal advisers at Shortland, not only with regard to the said lease, but also in respect of all other business transacted by me, in which I have needed legal assistance.

8. That, owing to the error of the said Court, and the action of my Legal Adviser the said Frederick Alexander Whitaker, my title to the said lot has been jeopardised, and I have been put to great loss of time, trouble, and expense.

And I make this solemn declaration conscientiously, believing the same to be true, and by virtue of the Statutes in that case made and provided.

JAMES DE HIRSCH.

Declared at Wellington, in the Province of Wellington, this twenty-sixth day of August, one thousand eight hundred and sixty-nine, before me,

W. H. QUICK,  
Solicitor of the Supreme Court, Wellington.