

Gate claim was pegged off by Mr. Eicke and others, in December. The same parties did not peg it off, because I was one of the parties, and I did not peg it off. I had no original share in it, neither did I hold any of the ground under miners' right by pegging off, at the time Mr. de Hirsch obtained that deed. I bought for a specific sum of money, as can be seen by examining the Registration Office in Shortland, two quarter-shares, many months after the Golden Gate had been pegged off, I think in April last, by parties employed by Eicke and by Haase. That is how I became possessed of the 300 shares, and not by reason of being a party to taking up the claim under miner's right. This person referred to is Frederick Whitaker of Auckland, and is gazetted for 300 shares, and these 300 shares he bought from me a very short time ago, just before he was in Wellington the last time, for the sum of £300. Therefore, I beg the Committee will take notice, in regard to the insinuation in this clause, that the whole thing goes on the assumption that he, Mr. de Hirsch, was first advised by Frederick Whitaker, of Auckland, to take it up by lease from the Natives, and that it was afterwards pegged off. He says:—

"The same parties having, under colour of miner's rights, taken up the ground included in the said leases to me were, by a perpetual injunction issued by the Supreme Court, Auckland, restrained from working on the said lands. Such injunction was granted against the proprietors of the Golden Gate claim, in which the said Frederick Whitaker, of Auckland, is gazetted as a shareholder holding three hundred shares of five pounds each."

Of course the insinuation is perfectly clear. He means to imply that Mr. Frederick Whitaker having first advised Mr. de Hirsch to ground his claim upon the lease from the Natives, afterwards, pegged, or assisted, or directed to be pegged off the Golden Gate claim, under miner's right; to support which he makes the statement, "that the said Frederick Whitaker holds 300 shares of £5 each." I would not be justified in saying anything hard before the Committee; but when persons make statements concerning a gentleman of known character like Mr. Whitaker, which are absolutely false (and which can be seen by a reference to the Registry Office to be false, as the transactions are registered), I hope the Committee will take some strong notice of them, as it is most unfair for persons to try to take away the characters of men who bear generally the name of being honest and upright, sane and must stick,* and the Committee will be only doing justice to an honorable man's character if they express their indignation at the insinuation contained in the 12th clause.

61. *Mr. Richmond.*] What the Committee are to understand is, that neither you or your father were shareholders in the Golden Gate until long after the dealings of Mr. de Hirsch, and that you became shareholders by purchasing in the open market, and not as original claimants of the ground?—I had been solicitor for a long time for the Golden Gate, and I did not recollect ever to have seen Mr. de Hirsch in the office, as he was not a regular client of ours, and I never did anything for him at all. I believe he was a client of Mr. Macdonald's, but the deeds were never prepared in our office. I was the regular solicitor for the Golden Gate. He says that he came in February and saw me, but I do not recollect it; and if he did see me, I am certain that I never gave him any advice as stated in the affidavit, as I was solicitor for the Golden Gate long before I saw him. I had taken great pains and trouble about managing the Golden Gate, and these two principal shareholders Eicke and Haase, let me have them cheaper than the ordinary public, but it cost me about £150, which was a third below the market price, but a fair price. My father bought from me before he came to Wellington, six weeks ago. I should like to have had Mr. de Hirsch here to ask him questions about his sworn statement. It was a matter of perfect notoriety on the Thames Gold Fields, and I was aware of the fact of the Proclamations, and I never heard that any one was not. Mr. de Hirsch makes an affidavit to this effect:—

"This Proclamation was, I verily believe, issued in order to give the Government the right to construct roads, but the Natives had not cancelled the right to mine." The matter was well known, and it seems to me that it was a matter of common sense to suppose that the Proclamation was not made for making roads, but for mining purposes. The question was not the effect or contents of the Proclamations, but the validity of them; and I never heard it stated before that the second Gold Fields Proclamation was for the express purpose of constructing roads, as the Natives are expressly required to dedicate the roads to the public, and I should think that Mr. de Hirsch, being a resident sharebroker at the Thames, should have known that very well. I should like to ask whether it has appeared in any of Mr. de Hirsch's evidence what the facts of the case were, if he laid them before Mr. Frederick Whitaker?—I am certain if he did so that three parts of the facts must have been kept back. It is impossible for me to say what Mr. Frederick Whitaker did; but I am sure it would be absolutely unprecedented for a gentleman of his professional standing to examine all the documents on the small question of Mr. de Hirsch's, as to the effect of this or that, and I cannot believe that it was so; but I cannot contradict it, as my father would be the only person who could give any statement on the subject. I should have liked to have made a fuller statement on Mr. de Hirsch's evidence, if I had had time to go through it. I shall read through parts of his evidence and comment upon them.

"Subsequently on the 15th February, 1869, you state that you obtained a second lease from the Natives, demising to you the right of mining for gold beneath the surface of the same piece of land?—When I leased the land on the 30th June, I was under the impression that the first lease would secure the right of mining. As I was not sure, I called upon my solicitors about the middle of February, 1869, who then advised me to see Mr. Whitaker of Auckland. My solicitors were Messrs. Whitaker and Macdonald, of Shortland."

I am not in a position to contradict that, or say whether or not it is true. He may have called, but I can state, positively, he did not see me. He may have seen Mr. Macdonald in my absence, but I never heard of it. The report of the evidence continues:—

"You state in your affidavit that the lands on the flat at Waiotahi were not included in the original Gold Fields Proclamation, but that subsequently they were included by Proclamation of 16th April, 1868," and that according to your belief this Proclamation was issued to give the Government

**Sic* in the original.