

11. By the said deed of the twenty-third day of April, one thousand eight hundred and sixty-nine, the said Frederick Alexander Whitaker and John Lundoon invaded the surface right demised under the said lease to myself on the thirtieth of June, one thousand eight hundred and sixty-eight.

12. The same parties having, under colour of miners' 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.

13. The holders of the Criterion claim, in which the said John Lundoon is a shareholder, also working on the ground claimed by myself, were restrained by an *ad interim* injunction of the said Court, which said last injunction is still in full force and effect.

14. From the aforesaid facts, I the said petitioner, James de Hirsch, most respectfully submit that "The Auckland Gold Fields Proclamation Act, 1869," will prejudice and affect my just rights, and practically inhibits me from taking the advantage and benefit that accrued to me by reason of my said arrangements and leases.

JAMES DE HIRSCH.

Sworn at Wellington, the 31st day of August, one thousand
eight hundred and sixty-nine, before me,

E. Stafford,
Solicitor of the Supreme Court of New Zealand.
