

3. That such contracts were ultimately adopted by the British Government, and are expressly recognised and affirmed by various Acts of the Imperial Parliament before mentioned, and also by the direct instructions of Her Majesty, and that Sir George Grey in fact proceeded to fulfil the same accordingly.
4. That the 72nd section of the Constitution Act, under which alone the Legislature of New Zealand can deal with the lands of the Colony, carefully distinguished the lands or claims to land lately belonging to the New Zealand Company from other lands already acquired by the Crown, and those thereafter to be acquired and merely authorises the Assembly to deal with them as taken by the Crown under the 10 and 11 Vic., c. 112, viz., subject to the contracts of the Company with third parties, and Petitioner respectfully submits that if the Assembly assumed to pass the Land Order and Scrip Act, 1858, by virtue of such section, such legislation "would seem to be illegal on the face of it" as it virtually destroys the contracts or charges so imposed or sanctioned by the Imperial Act.
5. That if the Assembly dealt with the rights of Petitioner and others, as existing contracts merely of a personal or mixed character, such legislation would be equally opposed to the Imperial Acts recognizing and affirming such contracts and also as being repugnant to the law of England within the meaning of the 53rd section of the Constitution Act, inasmuch as no rights of British subjects can be taken away or dealt with on the footing of compensation, without full investigation on notice to the parties interested, and except on proof of the existence of some public exigency necessitating such direct personal legislation.
6. That upon no plea of expediency, political, financial or otherwise, could any public exigency justifying the measure be suggested to exist, until the Native title to the lands in question had been fully extinguished and that if the object were to relieve the locality of New Plymouth from a supposed liability to the burthen of extinguishing such Native title, the measure is in every sense a mere private Bill requiring judicial investigation and considering the very few claimants, ought to have been dealt with accordingly.
7. That the contracts of the New Zealand Company with those interested in the other Southern Settlements have been respected and duly carried out, and that the arbitrary character of the measure in question is still further evidenced by the unjust distinction made by the Act itself between the claimants of land at Manawatu in the Province of Wellington, and those in the Province of Taranaki, the former being declared entitled to retain the particular sections selected whenever the Native title shall be extinguished whilst the latter are deprived of that right.
8. That this distinction is the more unjust and illegal, inasmuch as the purchase of the land at Manawatu by the Company was disallowed by Her Majesty's Commissioner, whilst that of Taranaki was judicially affirmed.
9. That if the case were one calling for legislation on the footing of compensation, which Petitioner denies, the compensation awarded by the said Act is in fact wholly inadequate.

Your Petitioner therefore prays that this Honourable House will review its legislation on the subject, and that if necessary a Committee may be appointed to enquire into the matters herein alleged and that the sections of the said "Land Order and Scrip Act, 1858," which deprive Petitioner of his right to claim his said sections of land when the Native Title is hereafter extinguished may be repealed, and that in case this Honourable House shall deem it necessary to pass any measure providing for the settlement of such land claims at the option of claimants, a proper tribunal may be constituted for ascertaining the amount and nature of the compensation to be awarded to those who may elect to avail themselves of its provisions according to the circumstances of each particular case; or that your Honourable House will be pleased to adopt such other measures as shall seem to you advisable for the purpose of protecting the just rights of Petitioner.

And your Petitioner will ever pray, &c.

AUGUSTUS B. ABRAHAM.

Auckland, 28th February, 1861.