

attention from what he thought was likely to be a sea robbery, and said he had only his papers, which were with his luggage in the hold; but on being informed about the matter he at once, without hesitation, gave up his keys to Mr. Blackmore and Mr. Johnston, whom your Petitioner was afterwards informed were Custom-house officers, and thereupon they, after opening the boxes, and much admiring and fitting on some of the jewellery, took under their charge all his jewellery, papers, and goods. Your Petitioner, seeing his invoices, receipts, passports, testimonials, letters, and other private papers in his bag, taken away by them, asked Mr. Blackmore to let him have them, but Mr. Blackmore rudely answered "he be d——d," and "he'd give him seven years." He then implored of him to take him ashore in their boat, that he might not lose his goods, but see what was to be done about them, as the vessel was then about heaving anchor for Wellington; but your Petitioner, to say the best of it, was treated unkindly, and with incivility and contempt, and he could not get ashore. That several of the men were drunk, one of whom had to be put into the boat by the aid of ropes; and when the captain came on board he went into the cabin, and told Mr. Blackmore to "take the goods, as he is only a fool," Peter Doreen, and Richard Williams and others, being also present too.

That your Petitioner, and also nearly all the other passengers, many of whom could have been witnesses on your Petitioner's behalf in this matter, were thus necessarily carried away to Wellington on board the vessel.

That your Petitioner then necessarily returned from Wellington by the same vessel, being the first to Nelson, where he arrived on the 17th same February, but was not able to land until next Monday morning, when he immediately gave notice to the collector that he claimed the goods; and the next day he was summoned (on the captain's information, your Petitioner is informed) to the police office, to answer alleged charges made by the Customs against your Petitioner, for that these goods were not entered by the captain in his report, and were forfeited, as your Petitioner understood, for the benefit of Mr. Blackmore, to the extent of one moiety thereof.

That on the 26th of same February the charge, on information so grounded and supported by the captain's evidence, was heard before Mr. J. Poynter and Mr. G. White, acting as Petty Session Justices on the occasion; Mr. T. Travers, solicitor, appearing for the Customs, and Messrs. H. Adams and J. Stamper, as solicitors for your Petitioner: that eleven of the passengers, together with the mate, were summoned as witnesses, and several of them received £1 thereon on your petitioner's behalf; but the passengers sailed from Nelson the day prior to the hearing, without giving their testimony, and the captain refused to allow his mate to attend as evidence on your Petitioner's behalf. That divers groundless and perfectly false insinuations, by way of colouring, in aid of the case for the Customs, were unduly made, to your Petitioner's prejudice, that his character and those goods were suspicious—the latter as being suspected to be stolen property; and notwithstanding your Petitioner insisted he came by them honestly, from respectable merchants, as his invoices and receipts showed (to which he again begs leave to refer), when produced by the Customs, and he courted every enquiry; and notwithstanding the evidence of his having desired the captain to enter your Petitioner's goods in his manifest, and that the captain had promised to "make it all right," and notwithstanding your Petitioner and his goods had not arrived at Wellington, the port of their intended importation and landing, where only the duties were payable and to be paid, and the other circumstances hereinbefore detailed, and although your Petitioner was advised, and it was submitted to the Justices, that the alleged offence was not in accordance but in opposition to the spirit of the Ordinance, yet the Justices, in their judgment from the bench, after speaking extra-judicially upon the certain information they had received about, and their suspicion of, these goods being stolen property, thus condemned your Petitioner's goods as forfeited, for the default, too, of a person over whom your Petitioner had no control, for not having been reported by the captain, who promised and who was desired so to do—and without any intention of landing the goods before their arrival at Wellington, without any knowledge that the captain had not done his duty or performed his promise by reporting the goods, and without any fraud, or attempted fraud, whatever on your Petitioner's part.

That thereupon your Petitioner's passports and naturalization only were handed to him, and at the same time the Justices intimated that the goods should not, nor were they to be sold till further information from Melbourne, as to their being stolen property, nor should they be sold till the result of any memorial should first be heard from the Colonial Government at Auckland on the subject.

That the said Mr. J. Poynter (your Petitioner is informed) has since, in answer to the extreme hardship of your Petitioner's case, repeatedly called attention to the pretended fact that he had evidence that some part of your Petitioner's goods were stolen, as an excuse for his judgment for having forfeited the goods under the circumstances.

That although divers memorials on your Petitioner's behalf, stating these facts and courting every enquiry, were made to Government, under signatures of several hundreds of the respectable inhabitants of Nelson and neighbourhood, of which your Petitioner repeatedly informed Mr. Blackmore, and although your Petitioner informed him, even up to the time of the sale of the goods, that he was daily in expectation of an answer, but that none had been received to the memorials; and although