

1856.

HOUSE OF REPRESENTATIVES.

REPORT OF THE SELECT COMMITTEE
ON THE
PETITION OF LAZARUS BERLOWITZ.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF
REPRESENTATIVES.

VOTES, No. 5, MONDAY, APRIL 28, 1856.

12. Petition of Lazarus Berlowitz:—Mr. Fitzherbert, pursuant to amended notice, moved, That the Petition of Lazarus Berlowitz be printed, and referred to a Select Committee, to consist of Mr. Wells, Mr. Brodie, Mr. Macandrew, Mr. Richmond, Mr. Cargill, Mr. Domett, and the mover; and, with a view to the information of such Committee, that copies of all correspondence between the General Government and the Collector of Customs at Nelson, and copies of the information and evidence upon which the Resident Magistrate and other Justices at Nelson acted in this case, be laid upon the table of this House; and that the Report be not brought up until such correspondence and evidence be obtained, unless the latter should not be received on the return of the “Zingari.”

Question put and passed.

VOTES, No. 16, TUESDAY, MAY 13, 1856.

4. Papers:—The Colonial Secretary laid upon the table the correspondence, also the informations and evidence, in the case of Lazarus Berlowitz, as called for in Resolution of the House No 12, of the 28th April, 1856.
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VOTES, No. 30, TUESDAY, JUNE 3, 1856.

6. Lazarus Berlowitz, Petition of:—Mr. Fitzherbert, Chairman of the Committee to whom the Petition had been referred, brought up the Report of the Committee, which was read, and ordered to be printed.

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed April 28, 1856, to whom was referred the Petition of Lazarus Berlowitz, report as follows :—

Your Committee have searched through a mass of documents connected with the Petition referred to them, and have examined the Petitioner himself, and Mr. Moffatt, of this city, a purchaser of goods at the Custom-house sale at Nelson.

Although by no means satisfied that they have succeeded in tracing out all the intricacies of this unsatisfactory case, yet they have succeeded in establishing some leading points, and have unanimously agreed upon the recommendation at the conclusion of this Report.

A suspicion that the seized goods were stolen property appears not only to have caused the seizure to be made in the first instance, but also to have continued to exercise an unfavourable influence on the ulterior proceedings; although your Committee are bound to state, that the effect of the correspondence between the Governments of New Zealand and Victoria, is to exonerate the Petitioner from any such suspicion.

They find that the Petitioner's goods were seized by the Customs, at the port of Nelson, in January, 1855; that an appeal was made to the General Government by the Petitioner, which resulted in an order to retain the goods pending the result of a correspondence with the Government of Victoria; that the correspondence appearing to the General Government to be favourable to the Petitioner, it directed, on May 17, the Collector of Customs at Nelson to restore the goods; that, notwithstanding, nine weeks after the date of the order of May 17, viz., on the 30th July, that officer proceeded to sell the goods by public auction, alleging afterwards, in explanation, that the order to restore the goods did not reach him till the 2nd August, *i.e.*, three days after the sale.

Your Committee forbear to enlarge on this unfortunate circumstance, considering it not within the scope of the matter referred to them; but they are clearly of opinion that the Petitioner ought not to be made to suffer for the laches.

The above facts have brought your Committee to the conclusion that the Petitioner, who has been thus kept 18 months out of his goods, contrary to the intention of the Government of the country, ought to be placed, as far as possible, in the same position as he would have been had the subordinate officer of Government carried out its instructions of May 17, viz., to restore the goods. And although the Petitioner claims a very much larger sum, your Committee have unanimously agreed to recommend that, in addition to the sum of £277 already restored to him on account of nett proceeds of sale, by direction of his Excellency, your Honorable House should sanction the payment to the Petitioner of the sum of three hundred and fifty pounds sterling (£350).

WILLIAM FITZHERBERT, *Chairman.*

Committee Room, House of Representatives,

June 2, 1856.