

REPORT OF THE COMMITTEE OF PUBLIC PETITIONS ON THE PETITION OF MR. ROBERT GRAHAM.

THAT this Committee has inquired into the subject of the Petition of Mr. Robert Graham, and heard evidence of the petitioner thereon.

That it appears from what is before the Committee that the petitioner desires the House to pass an Act to validate his title to certain land on the Thames Gold Field acquired from Native owners, the title to which, it is alleged, is invalid under the 75th section of "The Native Lands Act, 1865."

That it also appears that the petitioner has commenced proceedings in the Supreme Court for the purpose of substantiating the alleged invalid title, and that such proceedings are still pending.

That this Committee cannot recommend any interference with the functions of the Supreme Court, which appears to be the proper tribunal for the adjudication of the matter in dispute.

EVIDENCE TAKEN BEFORE THE COMMITTEE.

TUESDAY, 22ND JUNE, 1869.

Mr. F. D. Fenton was then called in and examined.

The Chairman.] Was any application made to you as alleged?—Yes, in conversation; but I do not remember that any specific application was made. Perhaps it would be better that the Committee should see the papers connected with Mr. Graham's cases.

Mr. Fenton then retired, and shortly afterwards returned and laid the papers before the Committee

Mr. John Richmond was then called and examined.

The Chairman.] What is your name, and what is your occupation?—John Richmond, solicitor in Auckland, and acting for Mr. Robert Graham, the petitioner.

Will you inform the Committee to what case that Petition refers?—The Petition applies to several sections in Kauaeranga, but the principle involved applies to all lands which have passed through the Native Lands Court. The particulars are as follows:—Mr. Munro, Judge of the Native Lands Court in the Province of Auckland, made orders relative to the Kauaeranga Section in the month of June, 1868, and, on application, he assured the applicants that the certificate of title should be issued bearing the date of the said orders. The object of this application was, to comply with the provisions of clause 75 of "The Native Lands Act, 1865," and to enable the Native owners to forthwith legally dispose of the lands to which the orders referred. Relying upon this assurance, the Native owners executed leases in favour of the petitioner, dated the 2nd July, 1868. These leases were taken before the Registrar of Deeds, and that officer, deeming the leases as the first transfer or disposal by the Native owners, calculated the amount of duty payable under section 5 of the Native Lands Act of 1865; and the duties were duly paid into the office of the Sub-Treasurer in Auckland by the petitioner. The lands forming the section thus leased have subsequently been sublet by the petitioner upon building leases, and Graham's Town now stands upon the lands. Certificates of title were subsequently issued by the Native Lands Court relative to the lands so leased to petitioner, the first being dated the 22nd July, 1868. The fact that the date of the certificates was posterior to the dates of the orders and of the leases was not discovered till about seven months afterwards. This information having been acquired by other parties, they also obtained leases, for the same sections, from the Native owners. One of the sections thus leased twice over is Parareka or Kauaeranga E., No. 1. The order of Judge Munro directing certificate of title to issue is dated 27th June, 1868. This Parareka was leased in several blocks to different parties, among whom was a Mr. Hogg. The lease of the block leased to petitioner by the Native owners bears date the 9th July, 1868. Mr. Hogg's solicitors applied to the Native Lands Court on the 21st December, 1868, that a certificate might issue in accordance with the order of the 27th June, 1868. I produce (Exhibit No. 1) a letter from the Chief Clerk of the Native Lands Court to the said solicitors, dated 19th January, 1869, to the effect that, on account of errors discovered in the plan of Kauaeranga E., No. 1, which errors Mr. Eyre, the officer who surveyed it, declines to rectify, no certificate of title can be issued; whereas, in fact, the certificate had been issued on the 15th January, 1869—in other words, four days previously to the date of the letter in question. It is a curious fact that there is one of these double leases in favour of a Mr. Power which is dated the 16th January, 1869, the day following the day on which the certificate had been issued. The Crown Grant in the Parareka case has been issued in accordance with the certificate, and bears an ante-vesting endorsement of 15th January, 1869. This Crown Grant has been signed by the Governor, but it is still in the hands of Mr. Domett, the Secretary of the Crown Lands for the Colony, pending this application to the Legislature. Since the preparation of the