

# R E P O R T S

OF

THE PUBLIC PETITIONS COMMITTEE.

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ORDERED BY THE HOUSE OF REPRESENTATIVES TO BE PRINTED.

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WELLINGTON.

1872.



# REPORTS OF THE PUBLIC PETITIONS COMMITTEE

ORDERED TO BE PRINTED.

On the Petition of—

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## 1.

*On Petition of J. B. Russell, Solicitor.*

PETITIONER complains of the conduct of Thomas Beckham, Esq., Resident Magistrate, towards him in the Resident Magistrate's Court, while acting in his professional capacity, and prays that the case be inquired into, that he may obtain relief.

I am directed to report, that the Committee, having carefully considered the evidence offered on the subject, consider that the petitioner has established a case for inquiry; and they are of opinion that it is essential to the proper conduct of business in the Resident Magistrate's Court, that some officer or ex-officer of the Supreme Court be instructed to inquire into and report as to the truth of the allegations contained in the petition.

7th August, 1872.

## 2.

*On Petition of William Burr.*

THE petitioner states that in the year 1871 he was a public carrier between Turakina and Wanganui, and that on Saturday, 23rd December, of the same year, while waiting at Turakina, one Joseph Jessop, also a carrier, put a kit on petitioner's dray containing a dead turkey. That from various causes petitioner's dray was unable to proceed to its destination—Wanganui, and finding no address on the kit, he caused the turkey to be sold by public auction, for benefit of whom it might concern, and tendered the proceeds subsequently to Jessop. The said Joseph Jessop refused to receive the money, but laid a criminal information against him, and the case was tried before William Jarvis Willis, R.M., Geo. Yates Lethbridge, and William Thomas Owen, Justices of the Peace, by whom he was sentenced to one month's imprisonment with hard labour. The petitioner prays that, being innocent of the crime of which he was convicted, the House will afford him relief.

I am directed to report that, having read the depositions in the petitioner's case, the Committee are of opinion that the judgment of the Bench of Magistrates was arbitrary and unjustifiable; and although they sympathize with the petitioner in respect to the injustice he has suffered, they see no way of affording him redress, but would submit to the consideration of the Government, whether Justices who give such decisions, thereby subjecting innocent persons to the risk of unjust imprisonment, are qualified to hold the responsible office of Magistrates.

21st August, 1872.

## 3.

*On Petition of Seventy-seven Landowners in the Patea and Waitotara Districts.*

THE petitioners alleged that they have not received any benefit from either the Provincial Government of Wellington or Taranaki, and that little or none of the provincial revenue derived from capitation grants, licensing fees, &c., has been expended within their district.

They pray that their district be withdrawn from provincial administration, and administered by the Colonial Government, until some Act be passed by the Legislature providing for administration of local affairs in outlying districts.

The Committee examined Mr. Carrington, the Superintendent of Taranaki, and Mr. Bunny, Provincial Secretary of the Province of Wellington: and it appears that with regard to the allegations contained in the petition, "that little or no revenue derived from the district has been spent by the Provinces," the petitioners appear to be misinformed; as from the evidence of Mr. Carrington, Superintendent of Taranaki, it is shown that for the last two years all the revenue derived from the district by the Province has been expended for public purposes, and that, in addition thereto, large sums have been expended by the General Government on the construction of roads and bridges.

That no taxation in the shape of road rates or education rates has as yet been imposed on the district by the Province of Taranaki, although road and education rates are imposed by the Province of Wellington.

I am directed to report that the Committee do not consider it within their province to offer any opinion to the House with respect to the policy of creating the petitioner's district a new political division of the Colony.

21st August, 1872.

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4.

*On Petition of William Wallis, Alexander Crawford, and Henry Worthington, of Wairoa, Auckland.*

THE petitioners, as Trustees of the Wairoa Highway Board, took action to open up a disputed right of road, by breaking down a fence made across the road by one Duncan McNicol, the owner of the land. An action for trespass was brought by McNicol against them in the Supreme Court, which resulted in a verdict in his favour,

The petitioners state that they were led to believe, by the action of the Colonial Government, that a right-of-way had been acquired, and that their action was the result of legal advice, and they pray that relief be given to them on account of the cost of defending the action, amounting to £208 9s.

I am directed to report that the Committee, having examined witnesses and carefully considered the case, are of opinion that the petitioners have not shown sufficient cause to justify the Committee in recommending the Colonial Government to reimburse them their law costs incurred as defendants in the action referred to in the petition.

13th September, 1872.

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5.

*On Petition of John Logan Campbell.*

THE petitioner is the representative of one Thomas Henry, who obtained certificates of pre-emption from the Crown in the purchase of certain lands from the Natives, and that, having bought 1,400 acres from the Natives under four certificates of pre-emption, he was only awarded 695 acres, for which he received Crown grants, and of the balance of 505 acres not granted to him, 145 acres are still in the hands of the Crown, and he prays that such portion thereof as is not required for public purposes be conveyed to him.

This is an old land claim which has been several times before the House. It arose out of the Fitzroy Proclamation, by which individuals were allowed to purchase land direct from the Natives on certain conditions. It appears that Henry obtained four certificates of pre-emption:—

Pre-emption Certificate, No. 22, 200 acres.

Pre-emption Certificate, No. 61, 100 acres.

Pre-emption Certificate, No. 112, 300 acres.

Pre-emption Certificate, No. 113, 800 acres.

That, with respect to these purchases, an inquiry was held by Major Matson, a Commissioner appointed under the Land Claims Act, 1846, and he reported in favour of the three first claims, but in the case of No. 113 awarded £147 compensation.

The Government appear to have granted the land bought under Certificate No. 22, namely, 195 acres, five acres being deducted for roads; and in July, 1848, granted 500 acres in full compensation for lands purchased under Certificates Nos. 61, 112, 113, namely, 1,200 acres.

Henry accepted this under protest; though he had previously offered, by letter dated 16th October, 1847, to accept the 500 acres according to sketch enclosed, surrendering all right claimed under certificates of pre-emption.

The 500 acres seem to have been granted in the terms of his application as regards the definition of the boundaries.

In 1859, Henry applies for grants for 400 acres, being purchases made under Certificates 61 and 112. To this the Attorney-General replies, that as Henry had chosen the last of three courses offered by the Governor, and had received the full amount to which that course entitled him, that accordingly he had no claim for any further grant of land under the Proclamation.

I am directed to report, that it appears to the Committee that Henry obtained all the land to which he was entitled under the terms of Fitzroy's Proclamation, as interpreted by Governor Grey's minute of 7th July, 1847; and as Henry offered to accept 500 acres of land subsequently granted to him, and surrender his claims under certificates of pre-emption to about 800 acres in addition to the 500, the Committee cannot recommend that any further compensation be made.

13th September, 1872.

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6.

*On Petition of Thomas Goodison.*

THE petitioner states that in March, 1869, certain Natives of Otaki seized live stock and other property, to the value of £900, as payment for cattle said by the Natives to have been taken by petitioner's sons.

The Committee have made strict inquiry into this case, and it appears that the petitioner and his

sons were living on land at Otaki, being tribal property of the Natives, and that, in the first instance, seizure was made on account of rent owing, which the Natives had no legal means of recovering. That subsequently the Natives missed a considerable number of cattle, and it appeared that the cattle were driven into Wanganui by two of petitioner's sons and a man named Hunter, and sold and shipped to Hokitika. This circumstance seems to have irritated the Natives, and they seized Goodison's property, to what value does not clearly appear, except on his own statement, which is of doubtful value.

I am directed to report that the Committee are of opinion that, taking into consideration the circumstances under which the Otaki Natives seized the property alleged to belong to the petitioner, he has not established a claim on the Colony for compensation.

13th September, 1872.

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7.

*On Petition of J. J. Breeze, Hokitika.*

THE petitioner made certain charges reflecting on the character of the Resident Magistrate, Hokitika, and the Government issued a Commission to Judge Ward to hold an inquiry. The inquiry took place at Hokitika, in November, 1871, but owing to injuries received, the petitioner states that he was unable to attend to prove the truth of the charges made by him, and prays for a further inquiry.

It appears from the evidence taken in the inquiry before Judge Ward, that the petitioner was able to attend on the 1st November, 1871, but did not avail himself of the opportunity then afforded him, but that he did attend on the 5th of November, and asked for further adjournment, which was not granted.

I am directed to report that, having taken evidence on the subject, the Committee are of opinion that the petitioner has not substantiated the allegations made in his petition, and see no sufficient reason to justify any further inquiry into the matter, unless the petitioner undertakes to guarantee the payment of the cost of such inquiry.

13th September, 1872.

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8.

*On Petition of Hemi Marupu and other Natives, referred back by order of the House to the Public Petitions Committee.*

THE Committee having taken further evidence with respect to the allegations contained in the petition, direct me to report that the issue of a license to sell spirits under the authority of "The Distillation Act, 1863," within a district proclaimed under "The Sale of Spirits in Outlying Districts Act, 1870," is of doubtful legality, and they are of opinion that such licenses should be revoked under the authority of the clause 7 of the said Act; and if it is desirable that the sale of spirits should continue in the district, that a license be granted under the provisions of the Act of 1870.

13th September, 1872.

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9.

*On the Standing Orders having reference to Public Petitions.*

I AM directed to call the attention of the House to the numerous violations of the Standing Orders which take place with respect to public petitions. During last Session the Committee directed me to report to the House any violation of the Standing Orders committed by any petitioner, but as no action was taken by the House either by way of instruction to the Committee to reject petitions which did not comply with the Standing Orders, or to modify those Standing Orders, which if rigidly adhered to would exclude numerous petitions from consideration, the Committee did not think it desirable to make such reports this Session on individual petitions, but resolved to call the attention of the House to the matter, with a view of providing some remedy.

Standing Order 259 directs that no interlineation or erasure be made, and that no printed or lithographed petition be received. This is being constantly violated as regards interlineation or erasure.

Standing Order 261 directs that every petition be signed by at least one person on the skin or sheet on which the petition is written. This is frequently violated by the several parts of the body of the petition being pasted together.

Standing Order 264 directs that the signatures are to be written on the petition itself, and not pasted thereon or otherwise transferred thereto. This is always violated when the number of signatures are considerable.

Standing Order 270, which directs the Member presenting the petition to affix his name at the beginning thereof, is frequently violated.

With regard to the Standing Order against printed petitions being received, the Committee are of opinion that there is no reason why this should be adhered to, as the great object in view is that the House should have some reasonable guarantee that the names attached to petitions are genuine, and that they were given with an intelligent knowledge of the nature of the petition which they supported, and this is more likely to be the case if printed copies of the petition are widely distributed.

That with regard to Standing Order 264, which directs that the signatures are to be written on the petition itself, and not pasted thereon, if this implies that sheets of paper having signatures thereon are not to be pasted to the paper on which the petition is written, it is manifestly impossible that this rule can in all cases be complied with, as frequent instances occur where several hundred signatures are attached to petitions.

That with regard to Standing Order 260, which directs that every petition should contain a prayer, much difficulty is occasioned as to the meaning of this ancient formula, and the Committee cannot decide whether it means that the petitioner is to pray for the attainment of the object which he has in view, or whether it is insisted on by the House that the petitioner is to pray for the welfare of the Legislature.

The Committee therefore respectfully suggest that a revision of the Standing Orders be made in order that every facility be given to the people of the Colony to petition this House, and at the same time afford the House some reasonable guarantee that the signatures to the petitions presented have been given with some knowledge of the nature of the petition to which they are attached.

20th September, 1872.

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10.

*On Petition of James Herbert Horne and Henry Mahon Jervis, Justices of the Peace.*

THE petitioners state that in their capacity of Justices of the Peace, they convicted and awarded one month's imprisonment with hard labour to Robert McIntosh and others for refusing to fulfil their agreement by working for the Bay of Islands Coal Company, Limited. That this conviction was subsequently quashed by an order of the Supreme Court, and thereupon an action was brought in the said Court by Robert McIntosh for false imprisonment, when a verdict was given for plaintiff, and £28 damages awarded. That, in consequence of the said verdict, the petitioners were compelled to pay costs and settle claims amounting to £299 17s. 6d., and they pray that they be reimbursed these costs, as they acted in good faith, and were induced to convict the men of the charge brought against them by the assurance of the counsel for the prosecution that the law offered them no alternative.

From the evidence before the Committee, it appears that neither the warrant nor conviction on which McIntosh and others were imprisoned stated any offence known to the law, and as the conviction was quashed, therefore the 18th section of "The Justices Protection Act, 1866," did not apply.

I am directed to report that the petitioners have not shown sufficient cause to justify the Committee to recommend the House to reimburse them their legal expenses.

1st October, 1872.

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11.

*On Petition of 13 Settlers in Patea District.*

THE petitioners state that during the war in the district in 1868, it was contemplated by the Government to abandon the whole district, but that owing to the determined stand they took not to abandon the settlement, such proposed abandonment by the Government was not carried out.

That they formed themselves into a Defence Force, and patrolled for three months without either pay or rations, though repeatedly offered by the Officer Commanding. They pray that their services be recognized by a grant of land being awarded them.

I am directed to report that, while fully recognizing the tenacity with which the petitioners held to the district during a period of unusual danger, the Committee cannot recommend that a grant of land be awarded to them.

1st October, 1872.

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12.

*On Petition of the Chairman and Directors of the Hokitika and Greymouth Tramway Company, Limited.*

THE petitioners state that they have suffered loss in consequence of a road having been constructed by the County and General Governments along their tramway, and request the House to enforce the settlement of their claim for compensation against the County Government.

I am directed to report that the petitioners appear to have a claim for compensation against the County Government of Westland, but not against the Colony; and the Committee do not recommend the House to interfere in the matter.

15th October, 1872.

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13.

*On Petition of Charles C. Schaw.*

THE petitioner states that while he was absent from the Colony on twelve months' leave on half-pay, his services were dispensed with by the Colonial Secretary, in consequence of a statement, contrary to fact, made by the Chairman of the County of Westland, that the County Council had recommended that his services should be dispensed with. That he has repeatedly urged his claim for redress, but has neither received the salary due nor any other compensation, nor has he been reinstated in the service of the Colony. He prays that his case be taken into favourable consideration.

The petitioner's grievances appear to be—

1. That he has not been paid the half-salary for twelve months to which he is entitled.
2. That he was improperly deprived of his office, owing to the misrepresentations made by the County Chairman of Westland to the Colonial Secretary.
3. That his services having been dispensed with in consequence of such misrepresentation, he is entitled to compensation under the Civil Service Act, or be reinstated in office.

The first is already disposed of, as the Committee find that the half-salary to which the petitioner was entitled has been paid.

With regard to the second, the Committee find that the statement made by the County Chairman, Mr. Lahmann, in his letter to the Colonial Secretary, of the 29th October, 1871, that the County Council recommended that Mr. Schaw's services be dispensed with, is admitted by Mr. Lahmann to be not correct, and he accounts for it by stating that the letter was written by his Secretary, who is also Secretary to the County Council, and that he signed the letter without having read it.

This explanation the Committee feel bound to accept, without further inquiry, as being fairly probable.

The statement is made in an official document, and if the object of the County Chairman was to cause the dismissal of Mr. Schaw by making misrepresentations to the Colonial Secretary, it is scarcely probable he would have deliberately made them in a public document easily accessible and capable of being refuted.

Though it is a matter of regret that this error should have been made, it does not materially affect the case, as it is apparent that the same result would have followed if the recommendation had been solely made by the Chairman, who occupies in the County a position analogous to the Superintendent of a Province.

It should also be borne in mind that the County Council had previously passed a resolution that two of the Wardens should be dispensed with, and subsequently concurred in the action taken by the General Government in dispensing with the services of Mr. Schaw.

The third grievance involves a question of compensation for loss of office.

It appears, from the evidence before the Committee, that there were more Wardens in the County of Westland than were necessary for the proper conduct of the gold fields administration, as Mr. Schaw seems to have been warned, in October, 1869, that reductions would be made, the County Council having come to a resolution that the number of Wardens should be reduced from five to three, and notice was given by the Chairman to Wardens Schaw, Price, and Keogh, that two of their number would be reduced.

The County Chairman recommended to the Colonial Secretary that Warden Price be retained, and Wardens Schaw and Keogh removed. After some correspondence, the Colonial Secretary declined to carry this recommendation into effect, and Warden Keogh only was removed, Warden Schaw undertaking his duties.

In the face of this warning by the County Council, that they considered there was a Warden in excess of the requirements of the County, Warden Schaw, some twelve months after (without first consulting the local authorities), makes application to the Colonial Secretary for twelve months' leave of absence on half-pay, which being granted, he proceeded to England. That there was an excess of officers is proved by the fact that during Mr. Schaw's absence, the judicial and administrative duties of Resident Magistrates and Wardens were performed satisfactorily at a much lower rate. Finding this to be the case, the County Chairman wrote to the Colonial Secretary that it had been proved that one Warden could be dispensed with, which resulted in Mr. Schaw receiving notice that his services would be no longer required after his arrival in New Zealand. Mr. Schaw claims to be a civil servant of the Colony, and demands to be treated in accordance with the Civil Service Regulations.

If these regulations are to decide the question of seniority between himself and Mr. Price, the Committee find that Mr. Price is senior, though they cannot admit that the question of seniority should absolutely guide the authorities in a case of this kind. Mr. Schaw's claim to be a civil servant has no authority in law. With the exception of Crown Lands Commissioners, no officer appointed by the Governor, whose salary is paid by the Provincial or County Governments, is recognized as a civil servant. Mr. Schaw has therefore no claim on the Colony under "The Civil Service Act, 1866," for compensation for loss of office as a matter of right.

I am directed to report that the Committee see no reason to interfere with the action of the Government and the County Council of Westland in the case of the petitioner, and therefore do not recommend his prayer to the favourable consideration of the House.

14th October, 1872.

14.

*On Petition of George Beadon.*

THE petitioner appears to have purchased land by an agent in New Zealand, in 1839, but when the claim came on for hearing before the Commissioner in 1844, the agent withdrew the claim.

Petitioner states that the so-called agent had no authority to do so, but no action was taken by petitioner to bring his claim before the Government until 1866, and subsequently, in 1869, when the petitioner was informed that the Government had no responsibility in the matter, any more than it had for the numerous errors of the Supreme Court or other tribunals.

The land claimed is still in the possession of the Natives, though it appears that the Native title has been extinguished and is legally vested in the Crown.

I am directed to report that the failure of the claimant for a period of more than twenty years to prefer his claim in any official quarter amounts, in the opinion of the Committee, to a virtual abandonment of his claim. And this, together with the difficulty of obtaining definite and reliable information respecting transactions which took place so many years ago, prevents the Committee from recommending the prayer of the petitioner to the favourable consideration of the House.

18th October, 1872.

15.

*On Petition of Merchants and Shipowners and Masters of Vessels trading out of the Port of Auckland.*

THE petitioners state that the present mode of levying light dues, pilotage, and port charges is a great injustice and hardship to New Zealand owned vessels engaged in the coasting trade.

They pray for an inquiry to be made with the view of making one uniform charge for the whole Colony.

It appears, from the evidence of Mr. Seed, that the total charges on account of pilotage, port dues, three removals, and light dues on a vessel of the size of the "Halcione" (843 tons) would be as follows in the various colonial ports, namely:—

	£	s.	d.
Auckland ... ..	52	10	2
Wellington ... ..	75	1	5
Lyttelton ... ..	75	1	5

	£	s.	d.
Dunedin ... ..	66	14	9
Melbourne ... ..	98	7	1
Sydney ... ..	49	13	0
Hobarton ... ..	102	3	0
Adelaide ... ..	45	1	6

Mr. J. Munro has given some very valuable evidence, in which he compares the marine dues levied in the Colony of Nova Scotia with those levied in New Zealand, and the contrast is certainly striking. It appears that a foreign vessel of 843 tons would only have to pay the following marine charges:—

	£	s.	d.
Light dues ... ..	21	1	6
Pilotage ... ..	3	15	0
Harbour Master ... ..	0	5	0
	<hr/>		
	£26	1	6 currency.
	<hr/>		
Equal to ... ..	£20	17	4 sterling.

This compares favourably with New Zealand. As regards coasting vessels, the contrast is still greater. The dues levied on the brigantine "Flirt," of Auckland, a vessel of 90 tons, trading to the various ports of the Colony and to the Fijis, amounted to £51 12s. 6d., while the same vessel, if trading in the Colony of Nova Scotia, would only be subjected to the annual charge of £2 15s. on account of light dues. All other charges being remitted on coasting vessels.

The revenue and expenditure for the year ending 30th June, 1872, for the various Provinces of New Zealand, on account of harbour and pilot staff, buoys, beacons, signals, and local light, is as follows:—

	Revenue.			Expenditure.		
	£	s.	d.	£	s.	d.
Auckland ... ..	2,138	19	6	5,239	3	6
Taranaki ... ..	56	0	5	458	12	2
Wellington ... ..	1,421	7	5	2,644	0	8
Hawke's Bay ... ..	561	9	7	629	16	10
Nelson ... ..	652	5	2	2,685	12	2
Marlborough ... ..	Nil.			326	10	0
Canterbury ... ..	2,176	12	11	2,336	6	7
Westland ... ..	34	17	10	1,324	8	1
Otago ... ..	3,068	3	9	4,817	18	0
	<hr/>			<hr/>		
	£10,109	16	7	£20,462	8	0

To this must be added the light dues collected by the Colonial Government, £5,904, and the expenditure on account of lighthouses, exclusive of repairs and stores of a permanent nature, £5,000.

This gives a total revenue of £16,013 16s. 7d., and expenditure of £25,462 8s., showing an excess of expenditure over revenue of £9,448 11s. 5d.

I am directed to report that the Committee consider that it is desirable that the Government should, during the recess, direct the Collectors of Customs at the chief ports of the Colony to take the evidence of shipowners and others interested in the shipping trade with respect to the grievances of which the petitioners complain, and report thereon to the Government; and if it is found possible to make one uniform charge, that action be taken during the next session to give effect to it.

22nd October, 1872.

## 16.

### *On Petition of C. J. Pharazyn.*

The petitioner is acting trustee in the estate of Turnbull, Reeves, and Co., who were creditors to the amount of £900 for materials supplied to Mr. Ben Smith, contractor for building Government House. This claim, for the consideration of the Government, is based on the suggestion of the Commissioner, Mr. Tancred, who was appointed to inquire into the claim of Mr. John Martin, namely, that as a matter of grace the Government might take into favourable consideration the claims of those persons who had supplied labour and material in the construction of Government House, but who have not been paid. The amount of their unsatisfied claims is £1,454 12s. 2d.

The only ground on which these claims could be allowed would be on the supposition that the Government had not paid the contractor the price agreed on for the construction of the building.

It does not appear that such has been the case. The cost of building Government House had been arrived at by a series of agreements between the Government and the contractor; the contractor on his part undertaking to perform certain work, and the Government to pay certain sums for the performance of the work. The Government have paid to the contractor and his representatives all the money to which he is entitled under his contract.

Whether the Government has or has not received a building which exceeds in value the money paid to the contractor is not a question which the Committee think necessary to investigate, as it is evident that if the Government, through a fall in the price of building materials and labour, had received a building of less value, the contractor would not have been called upon to refund.

I am therefore directed to report that the Committee cannot recommend the Government to pay any money on account of the Government House above the sum to which the contractor is legally entitled.

24th October, 1872.



17.

*On Petition of James Dilworth.*

The petitioner states that relying on a notification in the *General Government Gazette*, 1st August, 1847, that the title deeds to 82 acres 2 roods of land claimed by George Graham were in course of preparation, he purchased the land from Graham, but that only 58 acres 2 roods were subsequently granted.

He prays that Mount Hobson, which formed a portion of the 82 acres 2 roods, be conveyed to him as the representative of the said George Graham.

It appears that Graham purchased 82 acres 2 roods of land under Governor Fitzroy's waiver of pre-emption from certain aboriginal Natives, and that Commissioner Matson investigated Graham's claim in 1847, and recommended that 59 acres 1 rood be granted to him. This award was carried out, except the reserve of a spring of water for public purposes, and the grant made in November of the same year, without any protest being made by Graham, who appeared to have accepted it in satisfaction of all his claims, and no subsequent application has been made by Graham or his representative Dilworth, on account of this claim, as far as the Committee can ascertain, until the presentation of the petition this Session.

I am directed to report that the Committee cannot recommend the prayer of the petition to the favourable consideration of the House.

24th October, 1872.

18.

*Award of Mr. Beckham on the Claim of John Kelly.*

THE claim of John Kelly for compensation was referred by the Government to Mr. Beckham to inquire into it and report thereon. Mr. Beckham reported that Kelly suffered loss to the amount of £4,824 17s., comprising the following items:—

	£	s.	d.
148 acres taken by the verdict of the Supreme Court, which includes			
87 acres 16 perches, cleared and laid down in grass at an expense of £30 per acre ... ..	2,687	0	0
Cost of defending action ... ..	351	8	6
Clearing three miles road ... ..	120	0	0
Procuring witness in action, Supreme Court ... ..	10	0	0
Surveyors' charges, and witnesses ... ..	40	3	6
Mr. Whitaker's charges for conducting case before Commissioner ... ..	26	5	0
First ten years' rent of land leased to Brissenden ... ..	1,590	0	0
	£4,824 17 0		
If the Government purpose compensating for the consequence of severance, Mr. Kelly would be entitled to a further sum of ... ..	1,834	1	6
Loss of Mr. Brissenden's outlay ... ..	4,000	0	0
	£5,834 1 6		
Making a grand total of ... ..	£10,658 18 6		

It appears from the evidence before the Committee that, while the claimant appears by counsel before the Commissioner, and had numerous witnesses, no person appeared on behalf of the General or Provincial Governments, and that no notice was given to the Provincial Government that a Commission had been appointed to inquire into and report on Kelly's claim. This is the more singular as the Province of Auckland was deeply interested in the result of the inquiry, the Public Petitions Committee having reported that the compensation should be charged against the Land Fund of the Province.

Mr. Kelly gave evidence before the Commissioner, and makes a claim of £15,311 5s. 4d., the items of which are as follows:—

	£	s.	d.
Value of 148 acres of land ... ..	74	0	0
Interest on that sum from date of purchase ... ..	85	2	0
Damage to the estate resulting from severance ... ..	3,220	0	0
Cost of clearing and laying down in grass, 87 acres and 16 perches, at £30 per acre ... ..	2,613	0	0
Clearing thistles, ten years, at £10 per year ... ..	100	0	0
Clearing three miles road, which he lost by severance ... ..	120	0	0
Expense of procuring Natives necessary to give evidence in the Supreme Court ... ..	10	0	0
Sundry expenses for self and witnesses waiting on Superintendent and Executive by appointment ... ..	50	0	0
Defending action in Supreme Court ... ..	351	8	6
	£6,623 10 6		
Interest on £6,623 10s. 6d. from date of verdict to March, 1872, 18 months, at 10 per cent. ... ..	993	10	10
Two years' rent under Brissenden's lease, from 14th Febuary, 1870, to 14th February, 1872, at £159 per annum, with interest at 10 per cent. ... ..	353	15	6

	£	s.	d.
Present value of eight years' rent, from 14th February, 1872, at £159 per annum	848	0	0
Present value of eleven years' rent; from 14th February, 1880, at £318 per annum	963	10	0
Three sons out of employment, two years, at £150	900	0	0
Loss of 75 head of cattle	562	10	0
Loss of improvements to have been left by Brissenden	4,000	0	0
Mr. Whitaker's charges, conducting case	26	5	0
John Foster, two days' attendance as witness, and travelling expenses	3	6	0
H. Warner, two days' attendance as witness, and travelling expenses	4	4	0
Messrs. Dalton, surveyors' account	32	13	6
	£15,311 5 4		

When it is considered that the original value of the 148 acres of land, for being deprived of which the claim for compensation is based, is put down by the claimant at £74, it must be admitted that considerable ingenuity is shown in swelling up the consequential damages to £15,311 5s. 4d. It is worthy of remark that although Kelly's claim for loss of 148 acres of land, and clearing and laying down in grass 87 acres, is £2,687, and on improvement of Brissenden, £4,000; total, £6,687,—and which Mr. Beckham states he is entitled to,—yet O'Neill, the person to whom this land, together with these improvements, is awarded, offers to sell it to the Government for £1,480,—less than one-fourth of the amount awarded by Mr. Beckham on these two items of the claim. The amount claimed is preposterous, and the Committee cannot but express their regret that the Commissioner has to a large extent sanctioned it with his approval, especially as no counsel appeared to protect the interest of the Province or the Colony, and under these circumstances it was the duty of the Commissioner to make a searching inquiry into the matter, which does not appear to have been done.

I am directed to report that the Committee are of opinion that Mr. Kelly is entitled only to the cost of action in the Supreme Court, £344, and moderate allowance for loss of 148 acres of land, say, £592, being a total of £936.

24th October, 1872.

## 19.

### *Public Petitions Committee Final Report.*

I AM directed to report that the Committee have taken into consideration all the petitions and matters referred to it by the House, and directed the Chairman to make reports thereon.

There have been referred to the Committee during the Session 205 Petitions, and 1 Report of Mr. Commissioner Beckham on the case of John Kelly, of Auckland. Those Petitions contained 38,543 signatures, and their consideration and the examination of 69 witnesses occupied the Committee fifty days.

The cost of conducting these proceedings and making inquiries in other parts of the Colony has been trifling, involving only the payment of a few telegrams.

The Committee desire me to suggest the propriety of limiting the time during the Session within which petitions will be received.

24th October, 1872.