

1873.

## NEW ZEALAND.

# REPORT OF THE PUBLIC PETITIONS COMMITTEE

## ON PETITION OF JOHN KELLY, OF AUCKLAND.

*Report brought up 6th August, 1873, and ordered to be printed.*

THE petitioner's case has already been dealt with by the Public Petitions Committee of 1871.

On investigating the case, the Committee found that petitioner was deprived of certain land granted to him by the Crown, by a verdict of the Supreme Court, which decided that the land in dispute belonged to a Mr. O'Neill, on the ground that the land granted to petitioner was included in a grant previously made to O'Neill.

The Committee reported that the petitioner was entitled to his law costs in defending his title in the Supreme Court, and also to compensation for the loss of his land; the amount to be ascertained by some impartial person to be appointed by the General Government, and made a charge against the Land Fund of the Province of Auckland.

The House concurred in this report, and a resolution was passed to that effect, which the Government acted upon by appointing Mr. Beckham to inquire into the case, and report on it to the Government.

During the Session of 1872, the report of Mr. Beckham was, by order of the House, referred to the Public Petitions Committee, and the Committee reported that the award made by Mr. Beckham, viz. £10,658 18s. 6d. for loss of property, improvements, and severance, was excessive, and recommended that the sum of £936 be paid to the petitioner for his law costs and loss of land.

This report was forwarded to the Provincial Government of Auckland by the Colonial Secretary, who expressed a hope that the Provincial Government would be able to come to some amicable arrangement with Mr. Kelly.

It appears from the evidence before the Committee that an effort was made by the Provincial Government to do so, the Superintendent having written both to the petitioner and his solicitor, wishing to know whether he was prepared to come to a reasonable settlement. To these letters no reply was received.

The Committee have the honor to report that they see no reason to depart from the recommendation made to the House on the petitioner's case during the last Session of Parliament.

6th August, 1873.

### MINUTES OF EVIDENCE.

STATEMENT of His Honor the SUPERINTENDENT of AUCKLAND before PUBLIC PETITIONS COMMITTEE, 24th July, 1873.

ON 4th November last, the Colonial Secretary forwarded to the Provincial Government copy of the report of this Committee, and on 20th November forwarded a letter from Mr. Brissenden, requesting to be heard before any compensation was made to Mr. Kelly.

The Colonial Secretary having suggested that the Provincial Government should endeavour to come to some amicable arrangement with Mr. Kelly, he was written to on 31st December, inquiring whether he was prepared to make a reasonable settlement; and on 30th January, 1873, Mr. Whitaker, his solicitor, was written to, stating that the Provincial Government was desirous of amicably settling the claim, and were referred to him by Mr. Kelly, and that the Provincial Government would be glad to know upon what terms Mr. Kelly would settle this claim.

To these letters, as far as I know, no answer has been received.

*Mr. Swanson.*] Was the Provincial Government willing to come to an amicable arrangement with Mr. Kelly?—Yes.

THOS. B. GILLIES.