

Mr. WILLIAMSON appeared in support of the petitioner's claim, and suggested to the Committee that the matter be referred *de novo* to a new tribunal to be appointed by the General Government.

*Mr. Swanson.*] Do you not think that if the General Government appointed an arbitrator, it would not also be fair that the Province, who will be called on to pay, should appoint one also?—I think the tribunal should be entirely independent of both Governments, inasmuch as the judgment by which Mr. Kelly was deprived of his land was one of the Supreme Court. The Commissioner, whoever he might be, when appointed, would have it in his power to take evidence, and he might call Mr. Beckham before him to show cause why he made his award, and also any officer of the Provincial Government, to take care of the interests of the Province.

J. WILLIAMSON.

24th July, 1873.

Mr. J. WILLIAMSON to the CHAIRMAN, Public Petitions Committee.

SIR,—

Wellington, 1st August, 1873.

With reference to statements made before your Committee, that two letters had been written by the Auckland Provincial Government—one to Mr. Kelly, and one to his solicitor, Mr. Whitaker—offering to come to some terms of arrangement, but to which no reply has been received, and also that the Provincial Government were willing to make a settlement, I beg to inform you that I telegraphed immediately to Mr. Whitaker, to know the reason why reply was not made to the letters from the Government, referred to. I now have to submit to you Mr. Whitaker's replies to my telegram, and beg to request that you will have the goodness to place the same before the Committee for consideration, prior to their decision upon the petition now before them. ;

I have, &c.,

J. WILLIAMSON.

Mr. F. WHITAKER to Mr. J. WILLIAMSON.

(Telegram.)

Auckland.

IN reply to Lusk's letter, Kelly saw him, and in reply to mine I saw Lusk twice. Particulars posted to-day.

FREDK. WHITAKER.

Mr. F. WHITAKER to Mr. J. WILLIAMSON.

(Telegram.)

Auckland, 29th July, 1873.

SINCE my letter I have seen Lusk. He recollects interviews with Kelly and me. Says he does not recollect stating to Kelly "We have no money," but may have, as none appropriated. I read my account of what transpired between him and me, and he says it is correct.

FREDK. WHITAKER.

SIR,—

Superintendent's Office, Auckland, 31st December, 1872.

In reference to your claim for compensation, I have the honor to request you to inform the Provincial Government upon what terms you are prepared to effect an amicable settlement. Provincial Government are willing to meet you fairly, provided the amount claimed is reasonable.

I shall be glad to have an interview with you on the subject.

I have, &c.,

HUGH H. LUSK,  
Provincial Secretary.

SIR,—

Auckland, 27th July, 1873.

I am much obliged to you for the telegram in Kelly's case.

The facts are these:—On the 31st December last, Mr. Lusk wrote the letter of which the enclosed No. 1 is a copy. As therein requested, Mr. Kelly had an interview with him. Some discussion, I am informed by Kelly, took place on the subject, and Mr. Kelly asked, if an arrangement was come to would the money be paid? Mr. Lusk replied, "No; we have no money." Mr. Kelly then requested Mr. Lusk to see me on the subject. On the 30th January I received a letter (copy No. 2). In answer I saw Mr. Lusk twice, and made certain propositions. I first said, There has been an inquiry by the Government by one of its own officers, who has reported that the loss sustained amounts to a given sum. If you object to the amount, will you state what you will pay? If you object to this, or if we cannot agree on an amount, I am willing, on Mr. Kelly's part, to submit the matter to a regular arbitration, by which both parties shall be bound, or I am ready to have the matter determined by the Supreme Court, for which purpose I will bring an action in the usual form, if you will consent to fight the matter on its merits and waive technical objections. Let the matter be settled as though a question had arisen between one private individual and another. Mr. Lusk promised to have the matter considered, and let me know the result. I have not yet received any further communication from him on the subject.

It appears to me that the views as to the amount of compensation are so very different that it is useless to expect an agreement on that point. Mr. Kelly is willing for the matter to be determined by arbitration, or by a judge and jury in the Supreme Court; and it does appear to me that no reasonable objection can be made to this mode of settlement.

The claim must be settled by compensation sooner or later, and the longer it is delayed the more will be expected, and probably obtained. The best course would be to authorize, by a short Act, either arbitration or a Supreme Court suit. I say an Act, because both parties may be bound in that way, and cannot back out if they do not like the issue of the proceedings.