

No. 1.

PETITION OF JOHN LUNDON AND FREDERICK A. WHITAKER.

To the Honorable the House of Representatives in Parliament Assembled.

The Petition of the Undersigned, John Landon and Frederick Alexander Whitaker, of Auckland, in the Colony of New Zealand,

HUMBLY SHEWETH,—

1. That in the month of January, in the year 1868, your petitioner, John Landon, was resident in the District of Mongonui, in the Province of Auckland.

2. That your said petitioner then became aware that a gold field had been discovered, and was being worked at the Thames, and that certain Natives, with whom your said petitioner was well acquainted, were entitled to certain land at or near the said gold field which they were willing to sell or lease.

3. That in consequence thereof, your said petitioner left Mongonui, taking with him forty Natives from that district, for the purpose of mining for gold, and with the intention of purchasing or leasing land at or near the gold field.

4. That shortly after your said petitioner arrived at the Thames he entered into negotiations for the purchasing and leasing of certain lands from the owners thereof.

5. That your said petitioner was deterred from completing his negotiations in consequence of certain notices published by the Government Commissioner, and warnings given by the said Commissioner to your said petitioner that dealings with the Natives for their land would not be recognised by the Government.

6. That shortly afterwards notice was given by the Native Lands Court that the claims of certain Natives to some of the lands which your said petitioner was desirous of acquiring would be heard in the month of June, 1868.

7. That after the said Court was held your said petitioner from time to time made enquiries whether certificates of title had been issued, in order that he might carry out his intention of acquiring certain lands situate at Kauaeranga, then adjoining but not included in the Thames gold field.

8. That your said petitioner about the month of January, 1869, requiring some assistance to carry out his objects, made a proposal to your other petitioner, Frederick Alexander Whitaker, to purchase or lease certain land on their joint account, and it was agreed that your petitioner, John Landon, should make purchases or obtain leases from the Natives at the joint expense and on the joint account of your petitioners.

9. That in the month of May, 1869, your petitioner, John Landon, was informed in reply to enquiries made by him that certificates of title had been issued for some of the blocks of land which your said petitioner had previously desired to acquire.

10. That your petitioner then immediately renewed negotiations with the Native owners, when he found that certain persons had, prior to the issue of certificates of title by the Native Lands Court, obtained from the Natives leases of the said lands.

11. That your said petitioner, knowing that such leases had been obtained in defiance of the notices and warnings of the Government Commissioner, and believing such leases to be invalid, took professional advice on the subject, and was advised that all dealings with the Natives for their lands prior to the issue of certificates of title were void under the seventy-fifth section of "The Native Lands Act, 1865"; that consequently the leases already obtained by other persons of the lands your petitioners were desirous of acquiring were not binding on either party; and that the Natives had power notwithstanding to lease or sell such lands.

12. That your said petitioner, John Landon, informed the Native owners of the position in which they stood, and that he was willing to deal with them for the purchase or lease of certain lands.

13. That the result of further negotiations was that leases were obtained in the names of your petitioners from the Native owners of several allotments of land, for which certificates of title had been issued, and your petitioners paid by way of rent, in advance, considerable sums of money.

14. That during the Session of the General Assembly held in 1869 a petition was presented to your Honorable House by Mr. Robert Graham, one of the persons who had dealt with the Natives prior to the issue of certificates, praying that his title, alleged to be invalid under the seventy-fifth section of "The Native Lands Act, 1865," might be made good by an enactment of the General Assembly.

15. That such petition was referred to the Committee on Public Petitions, who reported that, as it appeared that the petitioner had commenced proceedings in the Supreme Court for the purpose of substantiating his alleged invalid title, and that such proceedings were still pending, the Committee could not recommend any interference with the functions of the Supreme Court, which appeared to be the proper tribunal for the adjudication of the matter in dispute.

16. That subsequently thereto a Bill was brought into the General Assembly for the purpose of amending the Native Lands Acts.

17. That Mr. Daniel Joseph O'Keeffe, and Mr. James De Hirsch, and others, then exerted themselves to obtain the introduction of a certain clause in the said Bill, for the purpose of validating the titles to Native land acquired by them prior to the issue of certificates of title by the Native Lands Court.

18. That the said Bill was referred to a Select Committee of your Honorable House, who examined Mr. O'Keeffe and Mr. De Hirsch, and other witnesses, in support of the said clause.

19. That on such examination evidence was given which was wholly untrue, and in order further to