

1875.

NEW ZEALAND.

DETENTION OF A DOCUMENT BELONGING TO MR. W.
SWANSON IN THE STAMP DEPARTMENT,

(CORRESPONDENCE, ETC., RESPECTING).

Return to an Order of the House of Representatives, dated 15th September, 1875,

"That the report presented to the House by the Committee on Public Petitions last session on the petition of William Swanson, together with the evidence, and copy of all correspondence of Mr. Bathgate and Mr. Batkin with Mr. Swanson and any other person relative to the detention of the document referred to in the petition, be laid on the table."—(Mr. Brandon.)

No. 1.

Mr. E. BRANDON to the DEPUTY COMMISSIONER of STAMP DUTIES, Auckland.
Stamp Office, Wellington, 29th November, 1870.
SIR,— I have the honor to forward to you, enclosed, a memorandum of agreement—Cary with Swanson—for delivery to Mr. Wm. Swanson, on satisfying yourself that he was the person by whom it was transmitted hither.

I have, &c.,
E. BRANDON,
(pro Deputy Commissioner).

The Deputy Commissioner of Stamp Duties, Auckland.

Enclosure in No. 1.

(E.) No. of Requisition , Folio .
(New Zealand.—1/11/69.—U.)

ABSTRACT of Instrument requiring to be Stamped after Execution.

Date of Instrument.	Nature of Instrument.	Names of Parties.		Considera- tion Money.	Duty.	Fines.	Stamps Issued.
				£ s. d.	£ s. d.	£ s. d.	
7th Oct., 1869 (1316)	... Agreement	Cary ... Swanson ...			0 1 0		

Date of application : 26th October, 1869.
Signature of applicant : WM. SWANSON.

Amount of Duty payable, £0 1 0
Amount of Fine payable, £ : :

Deputy Commissioner.

(Auckland, N.Z.—26/10/69.—N.)
Correct.—C.H., 1/11/69. Stamp.—C. T. Batkin, 2/11/69.
Stamped.—2/11/69.—C. E. Howe.

No. 2.

MEMORANDUM by Mr. BATKIN.

MR. SWANSON, M.H.R., has made a personal complaint on the following subject:—

It appears that an agreement was presented by him at the Stamp Office, Auckland, on the 26th October, 1869, to be stamped after execution. As such an instrument cannot be stamped by the Commissioner with an adhesive stamp, it was forwarded to this office to be impressed with the proper stamp, accompanied with a requisition in the usual form, copy attached. It was received at this office on the 1st November, 1869, and was stamped on the following day.

The receiving clerk, into whose charge all stamped documents pass for delivery, states that, as it was not accompanied by any letter, he did not know from whence it had come or to whom to deliver it; but the requisition which accompanied the document had on its face the date stamp of the Auckland office, and the agreement itself was indorsed (in pencil) with the name and address of Mr. Swanson.

It was the duty of the receiving clerk, and no less of the chief clerk (after having been appealed to as to what was to be done with the document), to have applied to me for instructions, and both officers very much neglected their duty in not doing so.

Mr. Swanson states that several applications were made to the Stamp Office at Auckland for the document, when he was informed that it had been sent to Wellington; but no inquiries were made with reference to it at this office by the Deputy Commissioner, Auckland, and I think the Deputy Commissioner should be required to explain his neglect on this point.

Mr. Swanson states that his inability to obtain possession of the document has occasioned him the loss of a very large sum of money, besides legal expenses; and it is in compliance with his request that the matter is now laid before the Hon. the Commissioner.

Stamp Office, Wellington, 24th August, 1871.

C. T. BATKIN,
Secretary for Stamps.

No. 3.

Mr. BATKIN to Mr. SWANSON.

(No. 321.)

Office of the Commissioner of Stamps, Wellington,
29th August, 1871.

SIR,—

Referring to your personal representation on the subject of a document presented at the Auckland office to be stamped in the month of October, 1869, but of which you did not recover possession until December, 1870, in consequence of its detention in this office, I am directed by the Hon. the Commissioners of Stamps to express their regret for the occurrence, and especially that the delay should have occasioned you inconvenience or loss.

The Commissioners are unable to justify the neglect to return the document to Auckland after it had been stamped at the chief office, or to understand how it happened that no inquiries with respect to it were made by the Deputy Commissioner at Auckland, with whom it was originally deposited.

The Commissioners will cause inquiries to be made on this point, and will severely reprimand the officers concerned for the neglect of duty to which you have called attention.

I have, &c.,

C. T. BATKIN,
Secretary for Stamps, Wellington.

W. Swanson, Esq., M.H.R., Wellington.

No. 4.

Mr. SWANSON to Mr. BATKIN.

SIR,—

Wellington, 31st August, 1871.

I have the honor to acknowledge the receipt of your letter No. 321, of date 29th August, referring to my personal representation on the subject of a document presented at the Auckland Stamp Office, to be stamped, in the month of October, 1869, but of which I did not recover possession until December, 1870, in consequence of its detention in the office of the Commissioner of Stamps at Wellington, and expressing the regret of the Commissioners for the occurrence, and especially that the delay should have occasioned me inconvenience or loss.

You also state that the Commissioners are unable to justify the neglect to return the document to Auckland after it had been stamped at the chief office, or to understand that no inquiries with respect to it were made by the Deputy Commissioner at Auckland, with whom it was originally deposited.

You also state that the Commissioners will cause inquiries to be made on this point, and will severely reprimand the officers for the neglect of duty to which I have called attention.

In reply, I beg to state that the course intended to be taken by the Commissioners will not be satisfactory to me. Owing to an admitted neglect of duty in the office of the Commissioners of Stamps, I have been a heavy loser, and I consider that I have a just claim for compensation to the extent of that loss. I am prepared to place all the documents before the Commissioners to satisfy them on this point.

I have, therefore, to request that you will be good enough to furnish me with the name of the officer whose neglect of duty occasioned me this loss, that I may take legal proceedings to recover the money from him. Should the Commissioners decline to furnish me with this information, and still continue the officer in the employment of the Government, I respectfully submit that it is their duty to investigate the case, and, on satisfying themselves of the extent of my loss, to take such steps as may be necessary to reimburse me in full.

C. T. Batkin, Esq., Secretary for Stamps, Wellington.

I have, &c.,

WM. SWANSON.

No. 5.

Mr. BATKIN to the DEPUTY COMMISSIONER of STAMPS, Auckland.

(No. 324.)

Office of the Commissioner of Stamps, Wellington,

SIR,—

1st September, 1871.

Referring to personal representation made by W. Swanson, Esq., M.H.R., relative to an agreement presented at your office on the 26th October, 1869, and thence transmitted to this office to be stamped with an impressed stamp, but not returned to you till November, 1870, I have the honor to inform you that Mr. Swanson states that, notwithstanding repeated inquiries made at your office during the interval, he was unable to obtain any satisfactory information respecting the document, and that he has suffered great pecuniary loss through his inability to recover possession of it.

As the fact of the instrument being an agreement to be stamped after execution should have indicated that it had been transmitted hither, and the like information should have been obtainable from your office records, I have to request you will report fully as to the number and dates of the several applications made to you for the document, accompanied by an explanation of your neglect to make inquiries at this office, whither it must have been apparent the instrument had been sent.

I have, &c.,

C. T. BATKIN,

Secretary for Stamps.

The Deputy Commissioner of Stamp Duties, Auckland.

No. 6.

The DEPUTY COMMISSIONER of STAMPS, Auckland, to the Hon. the COMMISSIONER of STAMPS, Wellington.

(No. 39.)

SIR,—

Wellington, 8th September, 1871.

Referring to your letter No. 324, of the 1st instant, I have the honor to inform you that I can find no record in the office of the agreement, "Cary with Swanson," having been lodged in this office for transmission to Wellington. That it was transmitted, however, is sufficiently apparent by the date stamp it bears of November, 1869. The first intimation I received in the matter came from the Stamp Office, Wellington, by letter No. 473, of the 29th November, 1870, in which the agreement was enclosed: no delay occurred in handing it to Mr. Swanson.

Mr. King (the late stamp clerk) informs me that he remembers Mr. Swanson calling on several occasions to make inquiries for the missing document, but that no record was kept either of the dates or the number of times he made application.

There can be no question but that there was an omission in not keeping an office record of the fact of the document having been sent to Wellington to be stamped; at the same time I respectfully submit that the chief neglect rests with the Wellington office, for not returning it when stamped.

I have, &c.,

F. NELSON GEORGE,

Deputy Commissioner.

The Hon. the Commissioner of Stamp Duties, Wellington.

No. 7.

Mr. BATKIN to Mr. SWANSON.

(No. 338.)

Office of the Commissioner of Stamps, Wellington,

SIR,—

12th September, 1871.

In reply to your letter of the 31st ultimo, relative to the delay which occurred in returning to you an instrument stamped in this office in October, 1869, I have the honor to inform you that, in fulfilment of the intention expressed in my letter of the 28th ultimo, the Deputy Commissioner of Stamps at Auckland has been requested to report on the subject, and, on receipt of a communication from that officer, the Commissioners will be in a position to determine as to the steps to be taken in this matter.

I have, &c.,

C. T. BATKIN,

Secretary for Stamps.

W. Swanson, Esq., M.H.R., Wellington.

No. 8.

Mr. SWANSON to Mr. BATKIN.

SIR,—

Wellington, 16th September, 1871.

I have the honor to acknowledge the receipt of your letter No. 338, of date 12th September, in reply to my letter of the 31st ultimo, in which you inform me that, in fulfilment of the intention expressed in your letter of the 28th ultimo, the Deputy Commissioner of Stamps at Auckland has been requested to report on the subject, and that on the receipt of a communication from that officer the Commissioners will be in a position to determine as to the steps to be taken in this.

I beg to state that the proposed inquiry cannot possibly prevent the Commissioners replying to my previous letter, inasmuch as I requested to be informed of the name of the officer by whom the instrument in question was detained in the office of the Commissioner of Stamps at Wellington for the period mentioned in that letter, that I might take legal proceedings against him for the recovery of the amount of loss I have sustained through his neglect. I have not complained of what took place in the Auckland Stamp Office, and the documents prove that there was no neglect there.

I have, therefore, again to request the Commissioners of Stamps at their very earliest convenience to inform me of their decision on the various points urged by me in my letter of the 31st August. The Commissioners are fully advised of my intentions. I consider my request so reasonable in itself, and one with which the Commissioners can at once comply, that I cannot well understand why there should be a single day's delay.

C. T. Batkin, Esq., Secretary for Stamps, Wellington.

I have, &c.,
WM. SWANSON.

No. 9.

MR. BATKIN to the DEPUTY COMMISSIONER of STAMPS, Auckland.

(No. 367.)

Office of the Commissioner of Stamps, Wellington,
2nd October, 1871.

SIR,—

I have the honor, by direction of the Commissioner of Stamp Duties, to call your attention to my letter No. 324, of the 1st ultimo, to which your letter No. 39, of the 8th, purports to reply, and to repeat my request that you will explain why it was that the repeated applications alleged to have been made at your office relative to the document, "Cary to Swanson," were not transmitted to this office, so that the ownership of that document then lying in this office might have been traced.

I have, &c.,

C. T. BATKIN,
Secretary for Stamps.

The Deputy Commissioner of Stamp Duties, Auckland.

No. 10.

THE DEPUTY COMMISSIONER of STAMPS, Auckland, to the Hon. the COMMISSIONER of STAMPS, Wellington.

(No. 58.)

SIR,—

Stamp Office, Auckland, 14th October, 1871.

Referring to your letter No. 367, of the 2nd instant, in which you repeat your request to be furnished with an explanation why Mr. Swanson's repeated applications for the agreement, "Cary with Swanson," were not transmitted to Wellington,—

In reply, I beg to inform you that I was not in charge of this office when any of the applications were made. I must reiterate my former statement that there was no office record of the document having been in the office prior to your letter before referred to (No. 473, of the 29th November, 1870), which accompanied the document itself.

I have again consulted with Mr. King on the subject, and he informs me that he searched for a record (on Mr. Swanson's application), but, being unable to find one, concluded that the agreement had not passed through the office.

It may be idle to suggest what may have been the case, but both Mr. King and Mr. Mulholland are under the impression that Mr. Crawford, in person, handed the document into the Stamp Office at Wellington during a visit there. Whether this was the case or not could, I presume, be ascertained by referring to the abstract which accompanied the document. Whatever the result may be, I am perfectly powerless to give any further information.

I have, &c.,

F. NELSON GEORGE,
Deputy Commissioner.

The Hon. the Commissioner of Stamp Duties,
Wellington.

No. 11.

MR. BATKIN to MR. SWANSON.

(No. 418.)

Office of the Commissioner of Stamps, Wellington,
3rd November, 1871.

SIR,—

With reference to your application of the 24th August, relative to an instrument presented by you at the Stamp Office, Auckland, in October, 1869, to be stamped, which instrument was not returned to you till November, 1870, I have the honor, by direction of the Commissioner of Stamp Duties, to inform you of the result of the inquiries which have been made in respect to this matter. It appears that the document in question, with the customary requisition attached, was forwarded from Auckland to this office, and was received here on the 1st September, 1869. The Commissioners have been unable to ascertain with any certainty by what means it came to this office; but it is stated by Mr. A. H. King, the officer who at the time of presentation of the instrument was stamp clerk at Auckland, that he is under the impression that it was brought down to Wellington by the late Deputy Commissioner of Stamps, Mr. Crawford, on the occasion of his visit to this place. This statement is supported by the present stamp clerk, Mr. Mulholland, who at the time referred to held the appointment of junior clerk in the Auckland office, and the impression appears to be confirmed by the fact that no record can be found of the letter which would, in ordinary cases, have accompanied the reception of such a document into this office.

The irregular manner in which the document came into this office appears indeed to have been the initial cause of the delay which subsequently took place, inasmuch as the document, after being stamped, was deposited in the office safe with the ordinary stamped documents presented "over the counter," to remain till called for. Here it remained for twelve months, and though, as stated by you,

several applications for it were made at the Auckland office, those inquiries were not transmitted to this office, notwithstanding that it must have been apparent to the Deputy Commissioner of Stamps at Auckland that, if presented there, it must (as an agreement to be stamped after execution) have been sent hither. Finding, after the lapse of twelve months, that no application was made for the document, the receiving clerk, Mr. Hickson, in whose charge it was, appealed to the chief clerk, Mr. Brandon, as to the course to be adopted; and the officer last named, having ascertained, either by an examination of the requisition, or in some way which he is unable now to recall, that the document had come from Auckland, transmitted it on the 29th November, 1870, to the Stamp Office at that place, for delivery to yourself, on the Deputy-Commissioner being satisfied that it had been presented by you.

You have stated that you were informed at the Auckland office that the document had been forwarded to Wellington. The Commissioners regret that, under those circumstances, you did not address your inquiries on the subject to this office direct, since the adoption of that course would at once have placed the document in your possession.

I have, &c.,

C. T. BATKIN,

Secretary for Stamps.

W. Swanson, Esq., M.G.A., Wellington.

No. 12.

MR. BATKIN to the Hon. the COMMISSIONER of STAMP DUTIES.

Stamp Office, 8th November, 1871.

MR. SWANSON, M.H.R., has made a pressing application this morning for an answer to his letter of the 16th September.

I have informed Mr. Swanson that the subject is under consideration, and that I will represent to you his urgent wish that some steps may be taken in the matter prior to his leaving Wellington.

C. T. BATKIN,

Secretary.

The Hon. the Commissioner of Stamp Duties.

No. 13.

MR. SWANSON to MR. BATKIN.

SIR,—

Wellington, 21st October, 1872.

I have the honor to acknowledge the receipt of your letter (No. 593) of date 11th November, 1871, in reply to a letter of mine dated 24th August, 1871, relative to an instrument presented by me to be stamped in the Auckland Stamp Office in October, 1869, but which instrument was not returned to me until December, 1870.

Before referring further to the substance of this correspondence, I desire to explain why I did not reply to your communication at an earlier date. The entire correspondence with you in this matter, verbal and written, having taken place during the session of 1871, I intended to resume it this year on my arrival at Wellington in preference to writing by post. But, as I found that parties in the Assembly were so equally balanced in the beginning of the session, I refrained from taking any action in the matter until now, lest it might be supposed that I, as a member of the House of Representatives, wished to bring pressure on any Government for the settlement of my claim.

With reference to your letter of date above noted, I have to remind you that you have not in any particular complied with the requests contained in my letter of 24th August, 1871. You neither tell me who the person is through whose negligence I have sustained the loss complained of, nor have you intimated that you will dismiss him from the Government service, as I asked you to do on satisfying yourself of his negligence. You therefore accept the alternative stated in my letter of 24th August, 1871, of responsibility for the loss. You admit the receipt of the instrument at the Wellington Stamp Office on the 1st November, 1869, with the customary requisition attached. You admit that it was detained in the Wellington Office till the 29th November, 1870, on which date you say it was transmitted to the Deputy Commissioner at Auckland for delivery to me. That is admitting everything which I allege has entailed heavy pecuniary loss upon me. I have therefore to request the Commissioners of Stamps to make good that loss, proof of which I am prepared to give.

The irregularities in the Stamp Office do not concern me further than so far as I am personally interested in this matter, but I may be permitted to say that you appear to proceed altogether upon assumption when evidence of fact should be in your possession. You should have a record in the Stamp Office at Wellington showing whether Mr. Crawford brought the instrument with him to Wellington and personally deposited it in the Stamp Office there. If you have such a record, a reference to it would settle the point, although it has no bearing whatever upon my claim. But I affirm—and you have the means of refuting me if I am wrong—that the instrument was received in Wellington and stamped some months before Mr. Crawford left Auckland for the South; nor can there be any excuse for not forthwith transmitting it to Auckland for delivery to me, as the body of the instrument shows where it was made, and furthermore it has indorsed upon it in pencil writing my name and address, which indorsement was written by Mr. Crawford in my presence on the occasion of my presenting it to be stamped. I may add that I had several interviews with Mr. Crawford in Auckland about this instrument, subsequent to the date at which it was stamped in Wellington, and that he assured me that it must arrive by the next mail: I therefore fail to see that any imputation of neglect can attach to me, as your letter implies, for not writing to Wellington when I was unsuccessful in my applications at Auckland.

Under all these circumstances, I have therefore to request that the Commissioners of Stamps will at once take my claim into their consideration, with a view to immediate settlement. I have lost

a large sum of money through negligence in the Stamp Office, and I require that that loss be made good to me. As I leave Wellington in the course of a few days for Auckland, I request that you will bring this matter before the Commissioners of Stamps without delay, so that I may be informed of their decision, to guide me in any further proceedings I may see fit to take.

C. T. Batkin, Esq., Secretary for Stamps, Wellington.

I have, &c.,
WM. SWANSON.

No. 14.

MR. BATKIN to MR. SWANSON.

(No. 1211.)

Office of the Commissioner of Stamps, Wellington,
12th December, 1872.

SIR,—

I have the honor, by direction of the Commissioner of Stamp Duties, to acknowledge the receipt of your letter of the 21st October, relative to the delay which occurred in returning to you an agreement presented for stamping at the Stamp Office, Auckland, in October, 1869, and to inform you that, after careful consideration of the whole matter, the Commissioner finds it difficult to affix positive blame on any one person.

The Deputy Commissioner at Auckland (the late J. H. Crawford, Esq.) was neglectful in transmitting the document to this office without the customary covering letter, and thus failing to preserve in his own office a record of its disposal. He was further remiss in neglecting to transmit to the head office the inquiries for the document made by yourself at Auckland.

The stamp clerk in this office, Mr. Hickson, was guilty of neglect in not making earlier inquiry as to the ownership of the instrument, with a view to returning it.

There is also force in the circumstance that no inquiry was made by yourself at the head office, whither, as you have stated, you were informed it had been sent; and the Commissioner believes you will recognize that, in neglecting so obvious a step, you were in some respect contributing to the delay. The result of the inquiries made in this matter was fully reported to you in my letter of the 2nd October, 1871, with the names of the several officers through whose hands the agreement is assumed to have passed.

With reference to your request that the officer in fault may be dismissed the public service, I am to observe that there is not only a difficulty in bringing home the fault of the delay to any one person, but the Government cannot shut out of view the whole circumstances of the case and the subsequent conduct of the parties implicated. Mr. Hickson, who was clerk at Wellington, has proved himself since to be a valuable officer, and the dismissal of such an officer for an unconscious and therefore unintentional neglect of duty would be a harsh proceeding, as well as very injurious to the public service.

While the Commissioner therefore regrets extremely the delay, the dismissal of an officer would not, in his opinion, remedy that matter, or repair the loss alleged to have arisen out of it, and he is satisfied that the inquiry which has taken place will prevent the recurrence of any similar inconvenience.

I have, &c.,
C. T. BATKIN,
Secretary for Stamps.

W. Swanson, Esq., M.H.R., Auckland.

No. 15.

MR. SWANSON to the Hon. the COMMISSIONER of STAMPS.

SIR,—

Wellington, 13th September, 1873.

I have the honor to acknowledge the receipt of Mr. Batkin's letter of date 12th December, 1872, No. 1211, written by your instructions, and in reply I have to state that I am not at all satisfied with the conclusion apparently arrived at by you respecting my claim.

Mr. Batkin admits that there were neglects in the Auckland and Wellington offices, which neglects caused me much personal trouble and anxiety, and the loss of a large sum of money; and he says that he is instructed to impute some measure of blame to me for not communicating with the head office at Wellington.

Now, I do not admit that there was any neglect or laxity either on my part or that of my agents. We made very frequent inquiries at the Auckland office, from which I was to receive the instrument, and surely there must be some record in the correspondence between the head office and the Auckland branch to show that such was the case. If not, this is a further proof of the negligence of which I complain, and which resulted in such heavy pecuniary loss to me. The provincial stamp offices I take to be integral parts of the Stamp Department, not independent offices, as might be inferred from Mr. Batkin's letter.

I am told that one of the officers implicated in this matter has since become a very good officer; and I have to express my satisfaction at the intimation, especially if I have been in any degree instrumental in his improvement; but I cannot see how this makes good my loss in any way: that is a point which Mr. Batkin has entirely overlooked.

I am also told that inquiry has been made into all the circumstances of the case. I am, however, ignorant of the nature of that inquiry; I have not seen a copy of the evidence taken, neither was I asked to attend the inquiry either by counsel or in person. It was not too much to expect that I should have been represented in some way at an inquiry in which I was so deeply interested; and I think it right to direct your attention to such an important omission.

I have delayed replying to Mr. Batkin's letter earlier, because I was reluctant to add to the press of business in your department during session ; but I must press my claim to redress for the very serious loss inflicted on me by the admitted negligence of public officers. I have up to this time been thwarted—I think unfairly. I do not like to petition the House or call for a copy of this correspondence, but, if I get no redress in any way, I certainly shall do so, or try and have it done by some other member.

I have, &c.,

WM. SWANSON.

The Hon. the Commissioner of Stamps, Wellington.

No. 16.

Mr. E. BRANDON to Mr. SWANSON.

(No. 289.)
SIR,—

Office of the Commissioner of Stamp Duties, Wellington,
11th October, 1873.

I have the honor, by direction of the Hon. the Commissioner of Stamp Duties, to acknowledge the receipt of your letter of the 13th ultimo, and in reply to inform you that the view taken by the Commissioner in this matter has been already very fully explained to you. If the Commissioner had been able to furnish you with the name of any individual who could be said to be wholly responsible for the alleged negligence, he would at once have communicated his name, that you might have tested the question by suing him in a Court if you had so desired: this, as you have already been informed, he is unable definitely to do. For this reason, also, he has been unable to comply with your alternative request for the dismissal of the officer. As the charge cannot be brought home to any particular individual, the Commissioner does not see what redress can be afforded to you. Had you at first, when you were inconvenienced by the delay, taken the course you have adopted latterly of applying to the head office, no loss or damage would have occurred.

I have, &c.,

E. BRANDON.

W. Swanson, Esq., Auckland.

No. 17.

Mr. SWANSON to the Hon. the COLONIAL SECRETARY.

SIR,—

Auckland, 20th January, 1875.

I have the honor to enclose copy of report of Public Petitions Committee on a petition presented by me to the House of Representatives during the last session.

The subject of my petition was the loss sustained by me caused by the detention in Wellington of a transfer of an interest in Dixon's No. 1 Gold Mining Company ; and as, according to the concluding paragraph of the report, the Government is recommended to make inquiry during the recess, to ascertain the amount of my loss, I have the honor to submit the names of some gentlemen in Auckland and neighbourhood whose position commands respect, and who, having been shareholders in the company, would be able to testify as to my loss—viz., Messrs. Benjamin Tonks, J. Howard, W. J. Taylor, A. K. Taylor, Thos. Short, E. Owen, T. Macready, and A. Dingwall ; as also the books of the company at their office here.

I have, &c.,

WM. SWANSON.

The Hon. the Colonial Secretary.

Enclosure in No. 17.

REPORT of PUBLIC PETITIONS COMMITTEE on Petition of WILLIAM SWANSON.

PETITIONER states that he took a document to be stamped at the Auckland Stamp Office in October, 1869, and was informed that the said document would have to be sent to Wellington to be stamped. That petitioner made repeated applications at the Auckland Stamp Office for the document, but did not get it until more than twelve months had elapsed, in consequence of which he had sustained great loss and annoyance. Petitioner prays the House to take his case into consideration and afford such relief as may appear right and fit.

The Committee have examined all available witnesses likely to throw light on this case, and also the documentary evidence forwarded to the Committee by the Government, and after carefully considering the matter the Committee have directed me to report as follows:—

Your Committee find that no proper register has been kept of how or when deeds have been received, or how they have been disposed of, other than by the loose registration sheets. That under such circumstances it appears to be difficult to individualize the responsibility in any case of neglect that may crop up. That in the case of the petitioner, in reference to the delay in returning an agreement after being stamped, your Committee are of opinion that gross neglect in the department has been proved, but are not prepared to confine the blame to any one officer.

They are of opinion, however, that primarily the blame rests with the chief clerk of the Stamp Office in Wellington, inasmuch as he must be held responsible for the proper conduct of the business of the office.

Your Committee are further of opinion that the petitioner has sustained loss in consequence of the agreement in question being detained in the Stamp Office, but are not in a position to state the amount. They recommend the Government to make inquiry during the recess to ascertain the loss, and take steps to arrange for a settlement of the claim with the petitioner.

THOMAS KELLY,
Chairman.

27th August, 1874.

No. 18.

MINUTES OF EVIDENCE TAKEN BY THE PUBLIC PETITIONS COMMITTEE ON THE PETITION OF
WM. SWANSON.

TUESDAY, 24TH AUGUST, 1874.

Mr. W. SWANSON, M.H.R., examined.

1. *The Chairman.*] You are the petitioner?—Yes.
2. I understand from your petition that you presented a document or agreement to be stamped at the Auckland Stamp Office in 1869?—Yes, I think it was in October, 1869.
3. What was the name of the officer who took the document from you?—Crawford.
4. What position did he hold in the Stamp Office?—I think he was at the head of the department.
5. And he took possession of it?—Yes. I handed it to him, and I expected that he would stamp it at once, so that I could take it away with me again, but he told me it would have to go to Wellington. He then wrote my name and address on it, and I asked him to send it, when stamped, to me at Stannus Jones's office. He told me that it would be returned to me, stamped, by return of mail.
6. Did you make application at the office for it?—Yes, very often.
7. When was your first application made?—About the 8th of November.
8. What reply was made to you?—That it had not arrived, and would not be there till the next mail came in.
9. Did you apply again?—Yes.
10. Was any reason assigned for its not coming?—None, except that it was delayed by the carelessness of the officers in Wellington.
11. Whom did you see?—Crawford. My own lawyers and those of the other side also applied for it, because it involved a lawsuit.
12. Did they state when you applied for the document that they had written to Wellington to ascertain the cause of delay?—I do not say they did, but my impression is that they said they would take steps to get it, but what those steps were I cannot say. I was extremely anxious to get it during the first two or three months.
13. Was it a very urgent necessity that you should get the document back again?—Of the utmost importance, because it referred to mining property, and I have in my possession now certain offers showing that if I could give a good title to the scrip I could get a certain sum of money for it.
14. What was the nature of the agreement that had to be stamped?—I gave over £1,000 for half a share (200 scrip, or one-twelfth of the entire mine) in the Dixon's Gold Mining Company No. 1, and the man from whom I bought them, Cary, commenced an action, or threatened to commence an action, against me, to get twenty-five of the shares back again. I could not give a good title to the shares, and therefore to stop proceedings (the whole costs of which I should have had to pay) I agreed to give £100 to a man named Melton to whom the shares were to be sold. Messrs. Wynn, MacCormick, Gillies, Hesketh, and other solicitors advised me to pay the £100, which I did.
15. This document, I understand, was a transfer from Cary to you of these 200 scrip?—No. It was an agreement that, provided I paid the £100, all claims would cease.
16. Whilst you were waiting for this instrument to be stamped did the value of the property decrease?—Yes: the shares went down to almost nothing, and I have the scrip yet.
17. What was the value of the shares at the time you deposited the instrument?—I should think about £12. I could have got £10 to £10 10s. for them readily.
18. And what was their value three months afterwards?—About £6 or £7, I fancy.
19. And when you got the document back what was their value?—At that time I do not think anybody would have accepted them for nothing. They might, however, have been worth £1 per scrip.
20. Have you had any communication with the Stamp Department with reference to this claim?—Yes, I wanted to have the thing gone into, and I made an offer to the Stamp Office authorities that if they would find out through whose carelessness the delay had occurred, and dismiss the offender, I would take no further action. At last I found the blame put upon a young man, who, I believe, had not much to do with it—a young man named Hickson. They said he had become a good servant, but I do not see how that mends my case. In the course of their correspondence they attempted to show that the blame was Crawford's, who is now dead; they said that he brought the paper up here in his pocket when he left Auckland, but I am able to prove that he was in Auckland for a long time after the date on which the document was stamped—namely, "2/11/69." I may tell you that the Auckland people had an idea that Crawford might have taken it home to Scotland in his pocket by mistake, and that after his death his friends had found it among his papers and sent it out here; but an inspection of the stamp showed that this could not have been.
21. Did you ascertain by your communication with the Stamp Department the name of the officer in Wellington who received the document from Auckland?—I am not sure, but I was told that the blame was with a person of the name of Mr. Brandon. The loss to me has been a very large one.
22. Then nothing has been done in the department in the direction that you wish—either to find out the officers who committed the neglect, or to make any offer of compensation?—Nothing of the sort has been communicated to me. It was simply in despair of getting any redress that I presented this petition. I may say that through the whole of the correspondence there is an attempt made to show that I was to blame for not opening a correspondence with Wellington. I cannot see that that was any part of my business; but I and my solicitors did all we could in the matter. Even if I had been lax I do not see that that is any excuse for their laxity or errors.
23. *Mr. May.*] How long were you kept out of this document?—Certainly more than a year; I think for thirteen or fourteen months. After the legal title had been made good a letter was brought to me whilst I was sitting in the Provincial Council, directing me to call for the document at the Stamp Office.
24. How did you sustain a loss?—Because I could not sell with an indisputable title.
25. And the value depreciated in the meantime?—Yes.

26. How much loss do you think you sustained?—Well, I think that might be left open. It could be easily ascertained by getting the present value of the shares. The mine is not a “bogus” one, and has always been getting gold, and I could show you an offer that was open for two months to give me £10 per share.

27. *Mr. Wales.*] I do not quite understand the nature of the agreement?—I had bought these scrip, and the person from whom I had purchased them was going to bring an action against me on the ground that the affair was only a mortgage, and that I was bound to return twenty-five shares to him. The fact was that Melton was going to prosecute Cary for something, and in order to pacify him Cary threatened to bring an action against me to recover these twenty-five shares, but he said that if I would give Melton £100 he would make no further claims.

28. What was the amount of the stamps?—1s.

29. *Mr. Bryce.*] Do you know on what date you got the document again?—I have not the Stamp Office letter which shows the date with me now, but I will produce it to-morrow.

30. How many times did you call at the Stamp Office?—At least twenty.

31. You said you had an offer of £12 10s. for the shares?—No. I had an offer of £10, and £10 10s. for fifty scrip.

32. Did you buy these shares to sell again or to keep?—I would certainly have sold them. I was trapped into taking them, and did not buy them for the purposes of trade.

33. Have you any documentary evidence as to your desire to sell them?—Yes. I have certain written offers to buy them from me.

WEDNESDAY, 25TH AUGUST, 1874.

MR. EUSTACE BRANDON examined.

34. *The Chairman.*] You are an officer in the Stamp Department?—I am chief clerk, and since 1st January, 1873, have been acting head of the department.

35. You were an officer of the department in 1869?—Yes; I was then chief clerk.

36. Do you recollect an agreement between Mr. Swanson and Mr. Cary being sent from Auckland to Wellington, to be stamped?—I do not remember its being sent, but I remember its being in the office; but I am not aware how it came there.

37. Do you recollect it being stamped?—I do.

38. When was it stamped?—From the stamp on the document I see on 2nd November, 1869.

39. You recognize this (handing paper) as the agreement that was stamped in the Wellington office?—Yes.

40. Who stamped it?—The stamper—an officer of the department.

41. What was his name?—Charles Howe, I think.

42. Who would hand this document to that officer?—Mr. Hickson would do so.

43. Would Mr. Hickson receive the letter covering this document from the Auckland branch office?—All letters, at that time, were opened by me.

44. I presume it came with a requisition, and that the requisition and the agreement would be sent in a letter?—I am not aware that any letter came. We were under the impression at the time that it had been left at the Wellington office by Mr. Crawford.

45. Suppose that it had not been left by him?—In that case it would have come enclosed in an envelope.

46. Then, if it came by post in that way, you must have opened the envelope and given it to Mr. Hickson?—Yes.

47. Have you any recollection of having done so?—No; but that would be the usual course.

48. Whose duty would it be to forward this document to Auckland after it was stamped?—Mr. Hickson's. After being stamped it would not come into my hands again.

49. Why was the document not sent back immediately after it was stamped?—I do not know.

50. Can you assign any reason?—I presume there had been no covering letter. If the document had come in the ordinary course with a covering letter, Mr. Hickson would have had that letter to record, and would have been able to see that it came from Auckland.

51. Was there not a requisition covering this, giving every information necessary to the department as to where it came from, and where it was to be sent to?—The requisition was stamped “Auckland.”

52. (Producing paper.) Is that a copy of the requisition that came to Wellington?—Yes, a correct copy, in my own handwriting.

53. Does not that document give sufficient information to the officer in Wellington as to where the agreement came from, and where it was to be returned to?—Yes.

54. Then can you now say why the document was not sent back?—No. I fancy it must have been an oversight.

55. After the document had been stamped did Mr. Hickson ask you what he was to do with it?—He did, but not for a long time afterwards.

56. Mr. Hickson says that he asked you what was to be done with the document, and that you said you did not know. Have you any recollection of that circumstance?—No. There was no necessity for him to ask me. It was his duty to send it back.

57. Is it usual, when any documents of that sort are transmitted from branch offices, to send covering letters with them?—Yes.

58. Mr. Hickson says that he asked you a second time what was to be done with the document?—I do not recollect even knowing anything about it till he showed it to me the date of the alleged second time.

59. Did he show it to you twice?—No; I do not think he did. He showed it to me in November or December, 1870, when he suggested sending it back.

60. Then he must have opened the envelope containing the requisition and the original documents?—No. In the ordinary course of business I should have opened the envelope and handed it to Mr. Hickson, who would, in his turn, hand it to the stamper, and after it had been stamped Mr. Hickson would get it again.

61. You admit the possibility that the envelope may have been opened by you?—Yes; I may have received it.

62. Is there any rule in the office that, when a document of this sort comes to be stamped from a branch office, a record is made of it?—The covering letter is recorded.

63. Suppose there is no covering letter, but only a requisition, is there any record made?—Only the entry in the books to certify the issue of a certain stamp.

64. Was this entered in the books?—Yes; but the records we keep would not show the nature of the document as between parties.

65. Then, is the Committee to understand that Mr. Hickson was responsible for the return of all documents to the place from which they came?—Yes.

66. *Mr. Gillies.*] After a document is stamped, it does not come back to you?—No; after a document is stamped by Mr. Howe, it is returned to Mr. Hickson, whose duty it is to send it back again to the place from whence it came.

67. *Mr. Wales.*] Is there anything on the document to show where it ought to be sent to after being stamped?—Yes; there is the Auckland stamp.

68. *Mr. Richmond.*] What is your duty from the time a deed first comes in?—I had at that time (1869) to receive the letters, and keep the cash-book and accounts of the office. The letters are all recorded. The record book was kept by Mr. Hickson, so that if there had been any covering letter with this document it would have been handed to him with the requisition, and would have been recorded.

69. Cannot you inform the Committee how the document got there?—The only way I can suggest is that it must have come without a covering letter. The officer in Auckland might have written the letter but neglected to forward it. I believe that Mr. Crawford, on his way to England, came down here, and my own impression is that he brought the document with him, and handed it in. Mr. Crawford was the Deputy Commissioner of Stamps at Auckland.

70. *The Chairman.*] Do you know the date on which he was in Wellington?—No.

71. Do you not know that it was some weeks after the document was stamped in Wellington that he arrived here?—No, I was not aware of that.

72. How long had you been in this office when these transactions took place?—I have been in the office since the 1st of January, 1867.

73. How long had Mr. Hickson been in the office when the document was stamped?—I do not know; but I should not think he had been there very long.

74. Was he in the office a week?—More than that; probably some months. I could not say.

75. He states, in a note which I have, that he had been in the office for a few days only?—I do not know.

76. Assuming that he had been in the office only a few days, would he have been sufficiently acquainted with the routine not to make this mistake?—I should assume that he would. He was, I have heard, engaged in the Stamp Office in Napier before he came to Wellington, so that Stamp Office work was not entirely new to him.

[*Note by Mr. Brandon.*—I should prefer to be able to place before the Committee the correspondence on this subject. The mere examination as above does not, I humbly suggest, place the Committee in possession of all the facts bearing on the case.—E. BRANDON, 26th September, 1864.]

Mr. C. HICKSON examined.

77. *The Chairman.*] You are an officer of the Stamp Department?—Yes.

78. When did you join the department in Wellington?—In August, 1869, I think.

79. What position did you occupy then in the department?—Counter clerk.

80. What were your duties as counter clerk?—My duties were to receive all deeds presented over the counter for stamping, and pass them into the stamp-room after the requisitions had been examined by Mr. Brandon as chief clerk, and to reissue them after they came out.

81. Suppose that any deed had been sent from any branch office in another province?—I had nothing to do with that. Mr. Brandon had to receive these letters. I believe he had authority. He was the head of the department so far as I was concerned. He was my superior officer. Letters containing documents were opened by Mr. Brandon, who then handed them to me to pass into the stamping room.

82. Was it any part of your duty to make a record of documents received in any books of the department?—No; they were not entered. The requisition was kept as a record.

83. Do you recollect receiving an agreement from Auckland in October, 1869, signed "William Cary to William Swanson"?—I recollect such a document being in the office, but I did not receive it.

84. Who gave it to the stamping officer?—I cannot tell; I dare say it came through my hands. Mr. Brandon himself would sometimes pass through deeds, and cadets would also pass them through.

85. Is the Committee to understand that the whole of these agreements or documents did not pass through your hands?—They were supposed to pass, but many did not.

86. In that case, during your absence, who would pass these documents to the stamping room?—Once or twice Mr. Withers used to take my chair in the office. He was an extra clerk. A cadet named Ewart, and one named Tully—indeed anybody who happened to be in, would take my chair if I had to leave.

87. If these documents were stamped, whose duty was it to return them?—It was commonly done by me. I do not know whose duty it was considered. Mr. Brandon used to write the letters, and I enclosed the documents.

88. Who kept the requisitions?—I kept them for a month until the accounts were sent in, and then they were handed over to Mr. Brandon.

89. What was his duty in connection with them?—They went into the Audit Office with the accounts. They were supposed to be examined by him and also by me, but not for the purpose of seeing that the documents were returned, but that they were properly stamped.

90. Whose duty was it to see that these documents were returned?—I suppose it was mine; I as a rule did it. I always passed documents handed over the counter by local applicants into the stamp room. Documents were sent away with letters signed by Mr. Brandon or Mr. Batkin.

91. Can you explain to the Committee why this document (Mr. Swanson's agreement) was not dealt with in that manner?—I had the document in my possession for some time. I did not know whom it belonged to, and I asked Mr. Brandon what I was to do with it.

92. Was not that requisition sufficient information for you?—There was an idea that Mr. Crawford had brought it down from Auckland, and several times I asked Mr. Brandon if I should send it to Auckland. He thought it had been handed over the counter.

93. That idea is exploded now, as it has been ascertained that Mr. Crawford arrived in Wellington a considerable time after the document was stamped?—I do not know when Mr. Crawford passed through.

94. Did you ever notice this address on the document itself?—No, not to my recollection. Possibly I did, but I do not remember it.

95. I understand that pencil-mark is by Mr. Crawford, of Auckland?—Possibly it might be. The document was handed to me to put on a file of documents to pass out as applied for. I noticed it lying for a long time, and I hunted up the requisition. I found the requisition must have come from Auckland, either through Mr. Crawford or direct from the office in Auckland, I cannot tell which. If there was a letter transmitting it, I never saw it.

[*Note by Mr. Hickson.*—The part marked in the margin I don't quite understand; my impression is that I said in my evidence that "the first time I asked Mr. Brandon what course to pursue with regard to the document, was about a month after it had been received in the office, but that it might have been two months; but I am still of opinion that it was within a month." The document, as well as I can recollect, was not returned to Auckland for twelve months, and then only after great persuasion on my part, when Mr. Brandon agreed to send it.]

96. Why was the document not sent back?—My instructions were to obey my senior officer, and to ask him what to do. He said, "Somebody may call." About a month after, at last I persuaded him to send it to the Deputy Commissioner in Auckland.

97. It is but fair to tell you that Mr. Brandon has been examined, and does not corroborate your statement as to your telling him.—I can easily imagine that. I would not like to be positive about a month, but it was not more than a couple of months; I think I should be safe in saying within a month.

98. You say that it was not your duty to return this document stamped to where it was sent from?—Mr. Brandon wrote the letter, and I used to see the document enclosed and send it away. My duties were not accurately laid down; I had to do what I was told.

99. *Mr. J. L. Gillies.*] Do I understand you to say that you received deeds, passed them into another department, and did not make any record of how they were received, other than a simple fly-sheet?—We kept no record book for deeds, except a cash-book, in which these were entered. We have no record of how they came into our possession. If a document was received with a letter, that was the record. I always kept a receipt of those issued over the counter.

100. Have you no book recording when these documents are received, and also when and how they have been returned?—There is no such book in the Stamp Office.

101. *Mr. Bryce.*] Suppose this document had been received over the counter, in that case you would have received 1s.?—Mr. Brandon received the money; it would have been entered in the cash-book in that case. The course was, to send either a stamp down, or a bank receipt; in a small sum like this it would be a stamp. In this case, possibly, if it came through the post, Mr. Brandon opened the letter and handed the document to me.

102. If you had referred to that document [the requisition] or the original, you would have known where to send it?—The original was in the Audit Office.

103. Then there was nothing to direct you where to send these documents?—No, unless accompanied by letter. I never saw one in this case.

104. How do you suggest it came, if not by letter?—Possibly it was enclosed in an envelope without any address. I have known such to be the case.

105. Does that document not clearly indicate it came from Auckland?—Yes.

106. Does it not indicate that the deed should be returned to Auckland?—I cannot say that. If it was brought down by Mr. Crawford, he might have left instructions that somebody was to call for it.

107. Is this a frequent occurrence?—This is the only occurrence of the kind I have ever known.

[*Note by Mr. Hickson.*—With regard to the question "Is this a frequent occurrence?" I understood it to refer to the neglect, as in the case in point, to return documents when stamped to the proper owners.]

108. *Mr. Wales.*] In taking fees over the counter, who enters the receipt of the cash over the counter?—Mr. Brandon. You are speaking of the time this occurred. People used to take the requisition into Mr. Brandon's office, and pay the money.

THURSDAY, 26TH AUGUST, 1874.

Mr. W. SWANSON, M.H.R., re-examined.

109. *The Chairman.*] Can you inform the Committee when Mr. Crawford arrived in Wellington?—I believe about the 8th March, 1870. He left Manukau on the 22nd February, went ashore at Nelson, and reached Wellington on the 8th March.

110. Are you aware whether he had been in Wellington previous to that date after you had given the document to be stamped in the Auckland office?—I am quite sure he had not; I saw him

frequently in Auckland during the interval between handing in the document to be stamped and his departure from Onehunga in February, 1870.

FRIDAY, 27TH AUGUST, 1874.

Mr. C. T. BATKIN examined.

111. *The Chairman.*] Were you the Deputy Commissioner of Stamps in 1872?—Yes.

112. Who was then in charge of the Wellington office?—Mr. Brandon was chief clerk.

113. Whose duty would it be then to open letters received from branch offices containing documents to be stamped?—At that time the chief clerk.

114. Do you recollect, in 1869, an agreement between Mr. Swanson and Mr. Cary being forwarded to Wellington to be stamped?—I remember hearing afterwards that such a document had come to the office.

115. At what time did you first hear of this document?—I am scarcely able to say further than this: I know that when it was first brought to my knowledge it had been thirteen months in the office.

116. What is the usual course when a document of that sort is received from a branch office? Is it recorded, or how is it dealt with?—The document is usually accompanied by a letter from the office at which it was originally received. It is then stamped, and transmitted to the office from whence it came.

117. Is it a rule of the department that an officer transmitting a document to be stamped at Wellington must send a letter as well as the requisition?—He should do so, but there is no written rule on the subject.

118. What are the rules of the department with regard to recording these documents when they are received?—If the document was transmitted in the regular way, with a covering letter, that letter would be recorded.

119. But in case of one that is not accompanied by a letter, but only by a requisition?—It would be very apt to be lost sight of altogether, from the simple circumstance that it was not accompanied by a letter. There was nothing to show that this was not presented over the counter.

120. In that case, there is no record taken of the document after it arrives in Wellington?—No.

121. And if a requisition happens to get lost, there is in fact no record to show that the document is in existence, or how it has been dealt with?—No document can be stamped unless it passes through certain books. The money received for stamp duty must be entered in the stamper's books, so that it would not be altogether without record.

122. Was this document entered in the stamper's books at the time it was stamped?—I have no doubt it was.

123. What would be the nature of the entry in those books?—Merely that the stamper had affixed a stamp of a certain value on a particular document on a certain day.

124. Would the names of the parties be given?—Yes.

125. Well, it is a record of the document having been stamped?—Yes.

126. Then you say it was the duty of the chief clerk to open any letter that came containing a document to be stamped?—Yes.

127. Would he hand it direct to the stamping officer?—No. He would see that the money or stamps transmitted were sufficient to pay the duty, and, having examined it on that point, he would notify that he had so examined it, and then he would hand it to me, because no stamp was ever made without my written authority.

128. And this course was adopted in this particular instance?—I have no doubt it was.

129. Whose duty was it, after the document had been stamped, to return it to the place from whence it came?—The chief clerk's.

130. Why was not this document returned after having been stamped?—In this particular case, this document having come with a requisition, and not with a letter, it was the chief clerk's duty to have taken special care to see that when stamped it was returned.

131. Why was not this done?—I have no idea.

132. Has any inquiry been made into the matter?—Yes. It has not been ascertained in what manner the document came into the office. It was believed by the record clerk to have been handed over the counter by Mr. Crawford himself when he was in Wellington on his way to England.

133. Is that still the belief in the office?—I think it is. I do not know that anything has transpired to disturb that notion.

134. Are you aware that Mr. Crawford came down here some months after this document was stamped in Wellington? It appears in evidence that Mr. Crawford did not leave Auckland for Wellington on his way to England until some months after the document had been stamped in Wellington?—I did not know that.

135. Therefore it appears impossible that he could have brought it down?—Mr. Hickson's impression was that he did so.

136. It appears then that this omission was caused by the neglect of the chief clerk, in not seeing that it was sent back after it was stamped?—Yes, so far as the office is concerned.

137. Apart from this requisition, was there any record in the Auckland office of the document having been received at Auckland to be transmitted to Wellington?—I do not know; I presume there must have been, because I have learned that they told Mr. Swanson repeatedly that the document had been sent to Wellington.

138. Is there any recorded evidence in the Auckland office of any letter having been written to Wellington with respect to this document having been sent?—I do not know.

139. Supposing the requisition were lost, there would be absolutely no record in the Auckland office of the document having been received?—I suppose not.

140. Are you satisfied that this is a proper course, or that this system is sufficient?—I think it is.

141. Although it turns out that if the requisition is lost there would be no record in the Auckland office?—I think so, because the Stamp Department looks to the owner of a deed to see that his document is not allowed to lie in the office.

142. A man leaves a valuable document to be stamped, of which no record is taken in the books of the office, and the evidence of its having been received is simply a requisition, and if that requisition is lost all record is lost. Do you think that is a satisfactory state of things?—Well, perhaps, as you put it, I do not know that it is. When an individual leaves a deed at an office for the purpose of undergoing the process of stamping, his own interest in the document should be sufficient to keep its existence in the office alive.

143. *Mr. J. L. Gillies.*] Supposing the deed had been lost altogether, what position would they be in to individualize the responsibility?—I think the regulations of the Stamp Department in 1867, which I drew up, provided that the Stamp Department were not to be held responsible.

144. Is it a satisfactory system that a valuable document such as this may come into an office and be handed from one clerk to another, with the possibility of being lost, while no record is kept by which it can be traced from one hand to another?—It is scarcely satisfactory, I admit, but it will be extremely difficult to register the passage of a document from one hand to another, and the end to be achieved would be scarcely worth the labour.

145. Is it satisfactory that there is a possibility of deeds being lost, and at the same time an impossibility of tracing the responsibility?—No, that is not satisfactory, certainly.

146. *Mr. Wales.*] Do you know of any other case of neglect having occurred in the office with respect to documents having been detained?—No, I never heard of any other instance.

147. *Mr. Bryce.*] You say it is customary to receive covering letters with documents of this sort?—Yes.

148. What additional information to the requisition do these covering letters contain?—The existence of a letter of that kind keeps the question open, as the letter would remain unfiled before the Commissioner until all the action was completed.

149. Do the letters contain anything in addition to the information supplied in the requisition?—No.

150. *Mr. Richmond.*] Whom do you blame for the neglect in this matter?—I think the chief clerk, Mr. Brandon, was to blame in not seeing that a document so long in the office had been disposed of.

151. Was Mr. Brandon censured?—Yes. He laid the blame chiefly on the clerk beneath him, whose duty it was to receive and issue stamped documents, the impression being that the document came in over the counter. It was, in that case, the duty of the counter clerk to see that the document had been disposed of. This document was placed in the safe with deeds presented over the counter in Wellington. There are a good many of these, and they are kept until the owners call for them. It remained in the safe for a considerable time, when it was placed in my hands, and I saw in a moment that it had come from Auckland, and I wrote to the Commissioner of Stamps there, requesting him to ascertain who was the owner and return it to him.

152. What account did Mr. Brandon give of his conduct in not sending it before?—He considered the blame rested with the second clerk, because he looked on the document as having been handed in over the counter.

153. Was Mr. Brandon punished?—No. The matter was not brought under notice until long after the document was presented.

154. *Mr. Gibbs.*] I suppose, if a letter had been written, a copy of it would have been kept in Auckland?—No doubt.

155. That would have been a record?—Yes. I particularly inquired, as I think the correspondence will show, of the Commissioner whether his books contained any reference to this document, and he said there was not.

156. Is there any form of receipt given for such documents?—No.

157. Would that not be security to depositors?—Yes.

158. I think it used to be so?—Never in New Zealand.

No. 19.

Mr. SWANSON to the Hon. the COLONIAL SECRETARY.

SIR,—

Auckland, 1st February, 1875.

I have the honor to enclose statement of my actual outlay and income from Dixon's No. 1 Gold Mining shares; and I would wish to call your particular attention to the amounts I was receiving in dividends during the latter part of 1869 (and much larger amounts had been paid out previous to my connection with it), as some foundation for the prices which at that time were current for shares in this mine. Had I been in a position to have given an indisputable title to my shares in November or December, 1869, or even in January, 1870, I could have realized £2,000 for them, which sum I was repeatedly offered, and, as a matter of fact, I did sell some at more money to be delivered in January, 1870; but as I was still without my title I had to forego the bargain.

I have, &c.,

WM. SWANSON.

The Hon. the Colonial Secretary.

