

G.—MEMORANDUM OF COSTS, O'NEILL *versus* KELLY.

						£	s.	d.
October, 1869.								
Amount of Plaintiff's costs, as taxed	...	...	...	...	...	140	11	2
Amount of our defending	...	...	...	...	...	135	13	10
Paid for surveying	...	...	...	...	...	26	1	6
Surveyor Witnesses' expenses, 21s. per day	...	...	...	...	...	15	15	0
Maori witness, 9 days, Waitakere, 5s. per day	...	...	...	...	...	2	5	0
Expenses	...	...	...	...	...	1	5	0
J. H. Kelly, 9 days	...	...	...	...	...	4	10	0
Expenses	...	...	...	...	...	1	5	0
W. A. Kelly, 9 days	...	...	...	...	...	4	10	0
Expenses	...	...	...	...	...	1	5	0
John Kelly (defendant), 3 days	...	...	...	...	...	3	3	0
Hamlin, Interpreter	...	...	...	...	...	6	6	0
Account paid in costs	...	...	...	...	...	0	10	0
November 2, 1872.								
You to Provincial Government, Petition	...	...	...	...	...	2	2	0
August 15, 1871.								
Petitions to House of Representatives and Legislative Council	...	...	...	...	...	5	5	0
Re-engrossing and altering same	...	...	...	...	...	1	1	0
Frederick Whitaker, fees for conducting case before Commissioner	...	...	...	...	...	26	5	0
						£377	13	6

Thursday, 28th March, 1872.

Mr. Whitaker produced a copy of the Crown grant to Mr. O'Neill, as set out in the pleadings in the Supreme Court, in the cause of O'Neill *v.* Kelly. Also, the original Crown grant to Mr. Kelly of the land at Waitakere, dated 18th February, 1860.

(Copy handed in.)

John Kelly recalled, stated: On or about the 11th January, 1859, I purchased 336 acres of land adjoining the 2,873 acres referred to in my previous statement, the two together forming one farm of 3,209 acres. The 2,873 acres were purchased by me on the 28th March, 1859. The verdict in the action by O'Neill against me was given on the 23rd September, 1870. I claim the following amounts for losses sustained by me for being deprived of the best portion of my farm as follows, namely:—

						£	s.	d.
The value of 148 acres awarded to O'Neill by the verdict of the Supreme Court	...	...	...	...	...	74	0	0
Interest on the above from date of purchase to verdict, at 10 per cent.	...	...	...	...	...	85	2	0
Damage to the estate resulting from the severance	...	...	...	...	...	3,220	2	0
Cost of clearing and laying down in grass 87 acres 16 perches, at £30 per acre (including stumping)	...	...	...	...	...	2,613	0	0
Clearing thistles for ten years, at £10 per year	...	...	...	...	...	100	0	0
Clearing three miles of road, which has been lost by severance	...	...	...	...	...	120	0	0
Expenses of procuring Natives necessary to give evidence in the Supreme Court	...	...	...	...	...	10	0	0
Sundry expenses for self and witnesses waiting on the Superintendent and Executive by appointment	...	...	...	...	...	50	0	0
Costs of defending the action in the Supreme Court	...	...	...	...	...	351	8	6
Total						£6,623	12	6
Interest on £6,623 12s. 6d. from date of verdict to March, 1872, eighteen months, at 10 per cent.	...	...	...	...	...	993	19	10
Two years' rent under Brissenden's lease, from 14th February, 1870, to 14th February, 1872, at £159 per annum, with interest at 10 per cent.	...	...	...	...	...	353	15	6
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 for two years, from commencement of proceedings in the Supreme Court, at £150 each per annum	...	...	...	...	...	900	0	0
Loss of cattle (75 head) driven off the farm	...	...	...	...	...	562	10	0
Damages for loss of improvements to have been left by Brissenden at the expiration of lease	...	...	...	...	...	4,000	0	0
						£15,244	18	10

Expenses of the present inquiry as follows:—

Mr. Whitaker's charges for conducting case	...	...	...	...	...	26	5	0
Witnesses—John Forster, 2 days attendance, and travelling expenses 36 miles	...	...	...	...	...	3	6	0
H. N. Warner, 2 days	...	...	...	...	...	4	4	0
Messrs. Dalton's account, surveying, &c.	...	...	...	...	...	32	13	6

£15,311 7 4

Taken before me this 16th day of May, 1872,

THOMAS BECKHAM.

John Stewart Kelly, recalled, stated: The loss to my father's estate by the severance of the 148 acres is at least £3,220, as the remaining 3,061 acres are, by the severance, so diminished in value that