

PAPERS

RELATIVE TO

REPORT OF THE PUBLIC PETITIONS COMMITTEE

ON

PETITION OF THOMAS CRAIG.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1872.

PAPERS RELATIVE TO REPORT OF THE PUBLIC PETITIONS COMMITTEE ON PETITION OF THOMAS CRAIG.

No. 1.

The Hon. D. McLEAN to Major HEAPHY.

(No. 464-1.)

SIR,— Native Office, Wellington, 12th December, 1871.

I enclose a file of records relative to the case of Thomas Craig, who last Session petitioned the House of Representatives for compensation for losses he had incurred in certain legal proceedings at the suit of a Native named Mohi Mangakahia.

Among the enclosed papers you will find a printed copy of the Report of the Public Petitions Committee on Craig's Petition.

I have to request that you will have the goodness to undertake, on behalf of the Government, the inquiry recommended by the Committee to be instituted.

You will of course understand that, as the case has been decided by the Supreme Court, your inquiries will not be as to the merits of the case, but will be confined solely to the question of the means, if any, by which relief can be given to Mr. Craig in his present position.

I have &c.,

DONALD McLEAN.

Major Heaphy, V.C.,
Trustee, Native Reserves, Wellington.

No. 2.

Major HEAPHY to the Hon. D. McLEAN.

SIR,— Auckland, April, 1872.

I have the honor to report that, in pursuance of the directions contained in your letter of 12th December, 1871, I have held an inquiry at Whangapoua to ascertain how relief could be given to Mr. Thomas Craig in enabling him to remove certain logs, his property, lying in the Waitikuri Valley.

I may premise that the ordinary manner of removing such logs is by "driving" or floating them out during an artificial freshet, caused by suddenly liberating water accumulated above a driving-dam. It appeared, however, in the present case, that the driving force is insufficient, and that the logs take the ground on the banks and in the shallows of the stream, rendering frequent access indispensable to the stream-bed and margin between the driving dam and the "booms" at the tidal flat.

But a considerable portion of this space, the Hikutawatawa Block, is held under a Crown grant, by Mr. Harris, who had objected to Mr. Craig's intrusion upon it.

Over the Hikutawatawa Block the Crown has the right to take roads to the extent of 5 per cent. of the area; and it was maintained by certain persons interested in the issue of the case, that in order to remove the logs the river bed might be declared a road. But unless the river bed offered the best site for a road (which was not the case), taking it there would have been an abuse of the power given by the Act. "The Native Land Act, 1865."

It was not, therefore, practicable to afford to Mr. Craig absolute power to remove all his logs. But that gentleman was entitled to expect to have afforded to him such facilities of access to his property as an ordinary road would give, and his agent intimated that such a road "touching the creek at various places, would be useful." See Mr. J. S. Macfarlane's letter of 16th February, 1872, appended.

The increasing traffic of the district required that a road from Coromandel towards Whangapoua should be laid out. The Provincial Government had already initiated this work on the Coromandel side; I determined, therefore, to survey a line down the Waitikuri Valley. But in order that any road, so taken in the Waitikuri and Hikutawatawa, might form part of a comprehensive and well-considered scheme of roads for the district, I carefully examined the country between Coromandel and the East Coast, and laid out a greater extent of road than the requirements of Mr. Craig indicated. This course was necessary to avoid the probability of being unduly influenced by mere local considerations.

The Provincial District Engineer had already surveyed a road from the flat at Coromandel to the head of the Karaka Valley on that side of the dividing range. See plan herewith.

With the assistance of Mr. Sub-Inspector Gundry, of the Armed Constabulary, who had been temporarily detached for this service, I examined the various passes of the dividing range, and eventually determined on taking the road over a saddle to the northward of Te Ranga, at an elevation of 1,243 feet.

The side of the range towards Whangapoua is very steep—the inclination in many places being precipitous—causing the survey of a carriage road to be both tedious and difficult. By careful management, however, Mr. Gundry, to whom this part of the work was assigned, succeeded in carrying a road down to the Waitikuri, on a gradient that will not exceed one in ten.

In the Waitekuri Valley, the road, as surveyed, follows the general direction of the old Maori path, but is shorter, and avoids four river crossings. At some points liable to inundation it keeps a higher level.

I may mention, incidentally, that in the part of the valley where Craig's logs lie, the road touches the creek nine times, and emerges on the Whangapoua tidal flat close to the "Booms." The narrow rocky character of the river bank at the driving dam renders it a fitting place for a bridge, on a branch road; and the requirements of the district indicating it, I arranged a cross road there, which will also have the effect of giving access to the driving dam.

Mr. Gundry and myself worked with separate parties; seven men were necessary to cut the lines and carry provisions. His Honor the Superintendent having kindly intimated the willingness of the Provincial Government to co-operate in the work, I obtained his sanction to the expenses of two of the labourers being borne by the Province.

Mr. Hugh Craig, and Mr. Macfarlane, who represents Mr. Thomas Craig, have intimated to me their satisfaction with the facilities which the road will give in affording access to the logs. Since I defined the the road several drives have taken place, and the jam of logs at the point where the road emerges on the tidal flat has been cleared, Mr. Craig getting to his mill a large raft of logs.

Mr. Gundry's services have been very valuable. He was untiring in exploring to find a good gradient for the descent of the mountain, and for fitting places for the road to turn at the sharper bends.

I am happy to be able to report that the work has been executed without evoking any material opposition. The Messrs. Harris rendered me valuable assistance, and the chief Mohi indicated fitting places along which to carry the road.

I forward herewith a plan of the road. I would recommend that, if approved, a copy of it be furnished to His Honor the Superintendent for the use of the District Engineer, and for purposes of publicity; and that Mr. Craig, and any other persons interested, may be permitted to take tracings of it, and have, if necessary, the road pointed out to them on the ground.*

I forward also letters as in the margin, received on the general subject.

I have, &c.,

CHARLES HEAPHY.

J. S. Macfarlane
to C. Heaphy,
16th February,
1872.
Superintendent of
Auckland to
C. Heaphy, 4th
April, 1872.

Enclosure 1 in No. 2.

MR. J. S. MACFARLANE to Major HEAPHY.

SIR,—

Auckland, 16th February, 1872.

I have consulted Mr. Richmond, solicitor, as to the probable effect of a road down the margin of the Creek, to touch the Creek at places; he thinks it will be useful, and that the cross-roads at the Booms will also answer. I have seen the Executive relative to the District Surveyor, and your application will be at once attended to, if you will be good enough to make it.

Mr. Craig is not in a state of mind to be consulted, but Mr. Macfarlane, at Wangapoua Mill, can do all that Craig could do; and Mr. Craig, junior, is expected per "Nevada" to take charge of the estate, and I hope you will meet Mr. Craig, junior, at the mill.

I have, &c.,

J. S. MACFARLANE.

Major Heaphy, V.C.

Enclosure 2 in No. 2.

HIS HONOR T. B. GILLIES to Major HEAPHY.

SIR,—

Superintendent's Office, Auckland, 4th April, 1872.

In compliance with the request expressed in your letter of the 18th ultimo, I have the honor to inform you that Mr. Aitken, the District Engineer at Coromandel, has been instructed to employ two men, at the rate of pay mentioned in your letter, to assist you in laying out a road from Coromandel towards Whangapoua.

I have, &c.,

THOMAS B. GILLIES,
Superintendent.

Major Charles Heaphy, Auckland.

*Copy of plan sent to Superintendent; Craig and Harris allowed to take tracings.—C.H.