

REPORT OF THE PUBLIC PETITIONS COMMITTEE ON THE PETITION OF THOMAS CRAIG.

PETITIONER states that in 1861 he, with the permission of Mr. Mantell, the then Native Minister, entered into negotiations with certain Natives for the purchase of timber on Native land at Opitonui, in the Province of Auckland, and in the following year concluded the agreements.

That on the faith of these agreements he expended £10,000 in the erection of mills, booms, dams, felling timber, &c., and for many years was in peaceable occupation.

That in January 1870, the Native Land Court issued certificates of title for the Opitonui Block, but through the influence of a European the Natives repudiated the agreements originally entered into with Petitioner, and leased the land to one C. A. Harris, there being on the land at the time about 3,000 logs cut and felled by Petitioner, worth £6,000.

That a Native named Mohi, claimed the logs and brought an action against Petitioner in the Supreme Court to recover them, and for damages for felling them, which action resulted in a verdict for the plaintiff, with 3s. damages, and full costs.

That the logs were subsequently taken possession of by Mohi, and converted to his own use; and that through the loss of these logs, and of his rights to the timber, and by reason of the expense of litigation, Petitioner has been ruined.

Petitioner submits that "The Native Land Act, 1865," never was intended to affect agreements with Natives for the sale of timber that had been honestly and fairly made with the sanction of the Government, and prays the House to take his case into consideration, and to grant such relief as the justice of the case may require.

I am directed to report that, from the partial evidence they have been able to obtain, the Committee have come to the following conclusions:—

(1.) That the Petitioner entered into an equitable agreement with the Natives Riria Poau, and others, for the timber and use of the land at Opitonui, and remained in peaceable possession until 1868.

(2.) That the land in question was passed through the Native Land Court in 1870, and the title vested in Mohi, the son of Riria Poau.

(3.) That at the time the said Mohi obtained legal possession of the land, a large number of logs had been prepared by Craig's workmen ready to be driven to his mill. The value of the logs is stated at £6,000.

(4.) That though equitably entitled to the logs he could not obtain them, because he had no legal right to go on the land on which they were lying.

(5.) That in consequence of want of time to pursue the inquiry, the Committee are unable to make any definite recommendation, but are of opinion that the Government should inquire into the matter, with the view of ascertaining if some relief could not be given to the Petitioner, being informed that if the Petitioner had the right given to him to drive his logs from his dam along the Waitekuri Creek, it would in some measure compensate him for his loss.

THOMAS KELLY,
Chairman.