

William CRANN and Erasmus ARMITAGE
Memorial for roads to be laid out to their land 30 July 1858
Archives NZ Reference ACGO 8333 IA1 194 / [7] 1858/1341

To His Excellency Colonel Thomas Gore Browne, C. B., Governor in and over the Islands of New Zealand and Vice Admiral of the same &c, &c, &c

The Memorial of William Crann and others of New Plymouth, sheweth

That your Memorialists are holders of land in the Grey Block, New Plymouth, and hold their title thereto by land orders from the New Zealand Company.

That the New Zealand Company engaged to furnish means of access to every section they sold.

That the land purchased from the New Zealand Company was laid out in square blocks, with a line purporting to be a road round every four sections, but that from the nature of the country the majority of these lines lead over hills so steep as to make them utterly impracticable for roads, and in most cases, in the blocks where the original surveys have been adhered to, the actual roads have been obtained in suitable directions through private land, without regard to the useless lines first set aside for that purpose.

That your Memorialists have held their land for several years, under the expectation of having the New Zealand Company's promise of providing them with a road, fulfilled.

That one of your Memorialists has during this time been compelled to carry on his back from the main road every article required for the consumption of his family, and to cross a river, which, when flooded as often happens in the winter is dangerous to cross with a load on the back.

That no produce grown on these sections can be carried to market at such a cost, as will enable the producer to compete with others.

That your Memorialists have been labouring under this disadvantage for a considerable time and their case is one of peculiar hardship.

They they are compelled to pay a road rate in their district towards the maintenance of roads for others, whilst they are still without any means of arriving at their own land.

That repeated applications for a road have been made to the land officers in the settlement but have hitherto proved unsuccessful.

That the Provincial Council of New Plymouth had under consideration a system by which the necessary roads to open land yet inaccessible might be obtained, but that in consequence of the disallowance of the "Waste Lands Act" the Provincial Government decline taking any further steps in the matter, alleging that they have been deprived of their means of compensating with Government Scrip the owners of the land through which these roads must pass, by the disallowance of the aforesaid Act.

That the useless and impracticable lines of road first laid out, would, if sold, raise a sum fully adequate to compensate the owners of the land through which the new roads must lead.

Your Memorialists therefore pray that your Excellency will be pleased to give their case your favourable consideration, and direct such steps to be taken as may provide them

with the means of access to their land, to which they are justly entitled by the New Zealand Company's engagement.

And your Memorialists as in duty bound will ever pray &c &c

William Crann (his mark)
Erasmus Armitage

Annotation [1] 19 Aug 1858: For the opinion of the Attorney General as to whether (assuming this Memorial to be well founded) action can be taken by the General Government or whether the Provincial Council under the "Highways & Watercourses Diversion Bill" of this Session is not the proper body to act in this matter.

New Zealander 04 Aug 1858 General Assembly of New Zealand
House of Representatives – Orders of the day - The Provincial Powers Bill was considered in Committee, and reported with amendments. The title of this Bill was changed to that of the "Highways and Watercourses Diversion Bill."

Annotation [2] 19 Aug 1858 The Provincial Council when the Act referred to comes into operation. The General Assembly might legislate but the General Government cannot do anything – Fredk Whitaker

Annotation [3] undated – It is advised that this Memorial be carried to the above effect

The Highways and Watercourses Diversion Act 1858
An Act to enable Provincial Councils to pass Laws for diverting Public Roads and Watercourses, and for disposing of the Land over which the same passed.