

NATIVE LAND COURT SITTING - OPOTIKI

TAHORA No.2. SURVEY COSTS CONTINUED

OAMARU SURVEY COSTS

Native Land Court Sitting At Opotiki Friday April 12th 1883

Present

L. G. Brien 6 squire Judge

Nikonina Poutotara Afsefsor

H. T. Kemp: Esquire Interpreter

Arthur H. H. Lyon: Clerk

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Tahora No.2. Survey costs continued -

Mr C. A. Baker continued -

I never had an Inspector to inspect my work. I think all the inspections were discharged at a reduction.

I never took any the Ngaitai from here to Auckland. I work some boys who had left School in Auckland down with me to Gisborne. Wi Kingi asking that they might go with me to get an insight into Surveying.

This map was made for Hautakuru and Tauha and was made on lines given in application - that is Boundaries.

This is all I have to say in reference to matter.

I continued Tauha and Hautakuru had a perfect right to have the land Surveyed as regards Rakuraku and Te Urewera they all were determined to oppose any and every Survey being followers of Te Kooti.

Wi Pere - The maps I admit was made for Tauha and Hautakuru and he should call upon those people to pay for it.

Think unjust because Rakuraku is a Te Kooti-ite that that should be used as

April 12th 1889 - Tahora No.2. Survey costs

A reason for surveying his land against his wish.

We have'nt raised the question of price - had it been an open Survey it could have been done in less time.

If Oamaru block was only survey being made I could understand his going to Waimana to get into Oamru block. But Tahora was being surveyed at that time.

I know an Inspector was always sent to inspect blocks - and I can't believe they have been done away with.

Court

said it had listened to the parties and it was evidently a sore point with the people but we have only one course to pursue, we can't go behind the certificate if a wrong has been done, it has not been done by us, and they must seek their remedy elsewhere. We can only confine ourselves to our own duties only. If a Surveyed plan is produced the law requires us to proceed with case and give decision outside that, we should go outside our province to comment upon, another thing we must award Surveyor costs of Survey on such survey and plan being duly approved - but the amout is another thing if parties are prepared to dispute the amount claimed we are prepared to take then evidence but it will be very strong evidence that will cause

April 12th 1889 - Tahora No.2. Survey costs

Court continued -

us to act in contravention of Assistant Surveyors certificate, his special duty is to tax and others these costs -

Wi Peri - If the remarks had been made before list of names were handed in, I should have not handed in my list of names . The only course for Mr Baker to pursue is to have recourse to the law to obtain his money requires not pay a single penny.

We object on principal to the whole Survey.

Wi Peri and Tamaikoha - said they object to the principle under which this Court makes a decision.

Court - said it was open to them to apply for a rehearing as to these proceedings of the Survey costs.

Ngaiti - said if this Court proceeded to make awards under the Act of Course that was the Courts only course but I on the part of all the people distinctly state that we will not pay the costs of this Survey.

Sefsor

- said in my opinion the matter of Survey should be left to Mr Baker and the Natives, and that the Court don't make award now.

Mr Baker - said he objected to this, I claim the award he made under Section: 81 of Native Land Court Act

Fsefsor - I form my opinion that this Survey was undertaken without reference to Native committee. I also take into consideration that the Government decided matters should be referred to the Native committee.

April 12th 1889 - Oamaru Survey costs

Mr Baker - said he was informed in Native Office that the Surveys were referred to Native committee as mere by a matter of form - and I contend Survey has been done in accordance with all the regulations in force.

Tahora No.2. Survey costs adjourned until 10 O'clock a.m.
Saturday 13th Inst:

Oamaru No's. 1, 2, 3, 4, 5, 6, and 7. Survey charges

Mr Bush I ask for seven orders in favor of the Crown for cost of survey of this block, and ask that an area out of each parcel of or block consisting of **96.920** acres in agregate a proportionate share to be taken out of each portion - as under -

Oamaru No. 1	1815 acres
Oamaru No. 2	7235 acres
Oamaru No. 3	1118 acres
Oamaru No. 4	4130 acres
Oamaru No. 5	5935 acres
Oamaru No. 6	900 acres
Oamaru No. 7	1592 acres

Rewita Niwa - We don't dispute what we have to pay but object to the charges for Surveying. At what rate per acre is charge for Survey and I want to know how subdivisinal, 130 lines will cost less than the outside boundary when work is greater.

April 12th 1889 - Oamaru Survey charges -

Court informed Rewita Niwa that the amount charged was assessed by the Surveyor General and was certified to as being a fair and just charge.

Rewita - I am speaking on behalf of all the people and we think the land taken for Survey should be paid for at the rate of 2/6 an acre. I speak in reference to whole Survey including sub-division.

Hau Tamihana - I speak re: No. 3 - 4450 acres - I also propose and wish Government should pay us at the rate of 2/6 per acre. I also speak in reference to block survey and division survey.

Te Pakihi - I speak in reference to No. 2 portion and I ask 2/6 be given per acre including outside and divisional Survey.

Herimia Hoera - Spoke in the same way in reference to No. 7 portion.

Hautakuru I spoke in reference to No. 3 and concurs in what previous people say.

Paora Pakihi - I speak in reference to No. 5 on behalf of Ngati Ngahere, they will concur in the arrangement if 2/6 an acre is given.

Apanui Aporo - said in reference to No. 6, he concurred with the others that if 2/6 an acre is given he will agree to Government having land for payment of Survey.

Rewita Niwa said the Government gave more than 2/6 an acre for the land in Whakapaupakihi and returned them 2000 acres - which made it rather more -

April 12th 1889 Oamaru Survey charges

Natives after some discussion agreed with Mr Bush to take 1/3 per acre for Land amount of Land to be taken for payment of outside Survey only - Paora Te Pakihi and Tamaikoha absent

Oamaru No. 7 A

Mr Bush applied an Order be made for No. 7 in favor of the Crown for 2426 acres - commencing at Onukuroa trig station turning in a N.W. direction along Whitikau No. 3 boundary thence running at a bearing of 380910 till it meets the Boundaries of No. 6 and No. 7 and thence along that Boundary till it meets the Boundary of Whakapaupakihi until it meets the starting point at Onukuroa including divisional Survey block to be called No. 7A.

Oamaru Block No. 6A. - consisting of 720 acres to be cut off for Crown for Survey costs as roughly shown on plan not including divisional Survey.

Oamaru Block No. 5A.

A portion to be cut off and awarded to the Crown for payment of Survey costs consisting of 10784 acres as roughly shown upon plan - this portion includes cost of division Survey.

Oamaru No. 4A.

A portion to be cut off consisting of 5099 acres to be cut off for the Crown for Survey costs as roughly shown upon plan - this includes sub-division Survey -

April 12th 1889 Oamaru Survey ChargesOamaru No. 3A.

A portion to be cut off consisting of .1980 acres to be cut off the Crown and for Survey costs including divisional Survey

Oamaru No. 2A.

A portion to be cut off consisting of 7816 acres to be cut off for the Crown for Survey costs including divisional Survey costs.

Oamaru No. 1A.

A portion to be cut off consisting of 1532 acres as shown on the map to be cut off for the Crown to pay for cost of Survey.

No objections orders made by consent.

2A, 3A, 4A, 5A, were made in one adjoining block.

Court ordered the above mentioned blocks _____ rest in her Majesty in a state of Freehold.

O R D E R S

Court ordered Oamaru No. 1A 1532 acres, Oamaru No. 2A 7816 acres, Oamaru No. 3A 1980 acres, No 5A 10.784, Oamaru No. 4A 5099 acres, Oamaru No.6A 720 acres, Oamaru No 7A 2426 acres shall rest in her Majesty.

Court further ordered the Owners in Oamaru No. 1, No. 2, No. 3 No. 4, No. 5, No. 6, No. 7, whose names appear in lists handed in for these blocks be registered as Owners for residue of land in each block.

Court adjourned until 10 O'clock a.m.

Saturday April 13th 1889

Native Land Court sitting at Opoitiki Tūday Ap. 17th 1880

Present

L. G. Brien Esq. Judge

Hikoria Poukara Apsor

H. J. Kemp Esq. Interpreter

Arthur H. Lyon Esq.

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Tahora's Survey costs contd -

Mr. L. A. Baker contd -

I never had an Inspector to inspect my work. I think all the inspections were discharge at a reduction -

I never took any the Ngatai from here to Auckland. I took some boys who had left school in Auckland down with me to Gisborne. Wikingi asking they might go with me to get an indig into Surveying -

This map was made for Hauta and Tauha and was made on lines of application - that is boundaries -

This is all I have to say in reference to matter -

I contend Tauha and Hauta have perfect right to have the Land Survey as they are Rakuraku + Te Aheua they were determined to oppose any and every Survey being followed of Te

Wi Pū - the map I said was made for Paul Baker + Hauta + Tauha they should call upon the

April 12th 1889. - Tahora h^o 2 Survey costs -

our cont^g -

us to act in contravention of Ass. Surveyors certificate, his special duty is to tax the
these costs -

i Peri

If these remarks had been made before list of names were handed in, I should have not handed in my list of names -

The only course for Mr Baker to pursue is to have recourse to the law to obtain his money we will not pay a single penny -

object on principle to the whole survey -

i Peri & Tamaitoha said they objected to the principle under which this court makes a decision -

and said it was open to them to apply for a rehearing as to these proceedings of the Survey costs -

gaili said if there is court proceed to make award under the Act of course that was the court's only course but on the part of all the people - distinctly state that we will not pay the cost of this survey -

sefson said in my opinion the matter of survey should be left to Mr Baker & the ~~the~~ natives - and that the court don't make award now -

Mr Baker said he objected ^{eg} to this ~~to~~ to claim the award ^{he made} under Sec. 81 of Native Land Court Act

sefson I form my opinion that this survey was undertaken without reference to Native committee - I also take into consideration that the Gov: decided matters should be referred to the Native committee.

9 April 19th 1889 - Tahorah: 2 Survey costs

reason for surveying his land against his wish.

We haven't raised the question of price - had it been an open survey it could have been done in less time -

If Gamau Block was only survey being made I could understand his going to Wainana to get into Gamau Block. but Tahora was being surveyed at that time.

I know and Inspector was always sent to inspect Blocks - and I can't believe they have been done away with -

Govt said it had listened to the parties and it was evidently a compromise with the people but we have only one course to pursue, we can't go behind the certificate if a wrong has been done it has not been done by us, and they must seek their remedy elsewhere. we can only confine ourselves to our own duties only - if a survey plan is produced the law requires us to proceed with ease and give decision outside that we should go outside our province to comment upon, another thing we must award Surveyor costs of survey on such survey and plan being duly approved - but the amount is another

April 12th 1889. - Camaguey survey costs -
 Mr Baker said he was informed in Native Office that
 the survey was referred to Native committee
 as merely a matter of form - and I
 contend survey has been done in accordance
 with all the regulations in force -

Jahona n^o 2 Survey costs as until 10th of am.
 Saturday 13th Inst.

Camaguey n^{os} 1, 2, 3, 4, 5, 6, 7. Survey charges -

Mr Bush I ask for seven Orders in favor of the
 Crown for the cost of survey of this
 Block, and ask that an area out of each
 parcel of Block, consisting of 96,920 acres in aggregate
 a proportional share to be taken out of
 each portion. as under -

Camaguey n ^o 1.	95,1815	acres
" n ^o 2	7,135	acres
" n ^o 3	11,18	acres
" n ^o 4	14,130	acres
" n ^o 5	59,35	acres
" n ^o 6	900	acres
" n ^o 7	18,92	acres

Pewita Niwa We dont dispute what we have to pay
 but we object to the charges for surveying -
 at what rate per acre is charge for survey -
 and I want to know how our divisional
 Boundary will be set than the outside
 Boundary, when work is greater -

17th 1889 - amaru survey charges -
informed Rurita Niwa that the amount
charged was assessed by the Survey General
and was entitled to as being a fair and
just charge -

Ma Tam speaking on behalf of all the people
and we think the land taken for survey
should be paid for at the rate of 2/6 an
acre. I speak in reference to whole survey including
Ma Tamihana I speak in h^o 3 - 4450 acres -
I also propose with Gov. should pay us
at the rate of 2/6 per acre I also speak in
reference to Block Survey and Division
Survey

Ma Pakihi I speak in reference to h^o 2 portion
and I ask 2/6 only be given per acre including
outside & divisional survey -

Ma ^{Hoera} ~~Hoera~~ spoke in the same way in reference to
h^o 4 portion -

Ma ~~Hoera~~ I spoke in reference to h^o 3 & concurs -
in what previous people said -

Ma Pakihi said in reference to h^o 5 on behalf
of H. Nyahue they will concur in the
arrangement if 2/6 an acre is given -

Ma Aporo said in reference to h^o 6 he
concurs with the others that if 2/6 an
acre is given he will agree to Gov.

Ma Niwa said the Gov. gave more than
2/6 an acre for the land in Whakapau.
Pakihi returned them 2000 acres -
which made it rather more -

April 12th 1889. Bamau Survey charges
Natives after some discussion agreed with Mr.
Bush to take 1/3 per acre for land, amount
of land to be taken for payment of outside
Survey only - Rarahe Pakihi & Tamaitoha absent

Bamau n^o 4. A
Mr Bush applied an Order made for n^o 7 in favor of
the Crown for ~~1544~~²⁴²⁶ acres - commencing
at Omekuroa Trig station running in a
N.W. direction along Whittkau n^o 3 Boundary
thence running at a bearing of 380° 10' till
it meets the Boundary of n^o 6 and
n^o 7 and thence along that Boundary
till it meets the Boundary of Whakapapa
until it meets the starting point at
Omekuroa including divisional Survey -
Block to be called n^o 4. A

Bamau Block n^o 6. A consisting of 420 acres to be cut
off for Crown for survey costs as roughly
shown on plan not including divisional Survey

Bamau Block n^o 5. A
A portion to be cut off and awarded to the
Crown for payment of Survey costs
consisting of ~~4448~~⁴⁴⁸¹ acres as roughly shown
upon plan - this portion includes cost of
division Survey

Bamau n^o 4. A
A portion to be cut off consisting of 5099 acres
to be cut off for the Crown for Survey costs
as roughly shown upon plan - this includes
sub division Survey -

at 12th 1854 - amaru survey charges.

maru h^o 1^A 3^A.

A portion to be cut off consisting of 1980 acres to be cut off ~~to~~ for the Crown A for survey costs including divisional survey -

maru h^o 2^A

A portion to be cut off consisting of 7816 acres to be cut off for the Crown for survey costs including divisional survey costs -

maru h^o 1^A

A portion to be cut off consisting of 1532 acres as shown on the maps to be cut off for the Crown to pay for cost of survey.

o Objectors Orders made by consent.

2^A 3^A 4^A 5^A were made in ~~an~~ ^{one} adjoining Block -

but ordered the above mentioned Blocks

to rest in her Majesty in a state of Feehold.

- Orders -

we ordered Gamaru h^o 1^A 1532 acres, Gamaru h^o 2^A 7816 acres, Gamaru h^o 3^A 1980 acres, h^o 5^A 10,784 Gamaru h^o 4^A 5099 acres, Gamaru h^o 6^A 720 acres Gamaru h^o 7^A 2426 acres shall rest in her Majesty -

we further ordered the Owners in Gamaru h^o 1. h^o 2 h^o 3. h^o 4. h^o 5. h^o 6 + h^o 7. Leases whose names appear in lists handed in for these Blocks to be registered as Owners for residue of Land in each Block -