

21-5-90

REHEARING CASES

Wednesday 21st May 1890
place Theatre Royal Gisborne
Present

His Honor George Elliot Barton presiding Judge
His Honor Spencer Von Sturmer Judge
Tuta Tamati Assessor
Fred Jones - Interpreter
H. C. Jackson - Clerk

The Court opened at 10 a.m.

Case No. 15 on panui Oamaru Survey Charges

R. S. Bush. I appear on behalf of the Crown.

N. G. Day
Solicitor for
for applicants
for rehearing
£1.0.0

I appear for the applicants for rehearing: who have not reach-
-ed Gisborne from Opotiki owing to the bad weather.
The Oamaru plan was put into the survey Office at Auckland on
2 August 1887 and in July 1887 the Surveyor General sent a no-
tice of lien for £625 and on 15th October 1888 the Surveyor
General sent a letter to the Native office putting down the
charges at £1306.
I do not contest the Natives liability for each of survey but
I say the charge is too high

21-5-90

O A M A R U R E H E A R I N G C A S E

V. G. Day Solicitor according to the regulations for surveys when a block exceeds
for Natives 25,000 an agreement must be made between the Natives and the
Surveyor: no such agreement is with the papers: and such an
agreement is required by the regulations.

I contend that an arrangement must be made either the price of
land ought to be raised or else the survey charges must be re-
duced. I say that the regulations have not all been complied
with but I should only make use of these discrepancies to press
for a fair settlement of the cash.

Judge Barton Here suggested that the parties should meet and try and effect
a settlement between themselves.

Memo Here ensued a long discussion Mr Bush explaining to the Court
the action taken by the Natives before the previous Courts.

V. G. Day To stop all discussion for my clients, it would be prepared to
accept the Survey charge, if the land is priced at 1/6 per acre

Continued

21-5-90

Mr Bush If time is allowed I will communicate with the Government.

The Court adjourned at 10.45 a.m. until 10 a.m. tomorrow.

Thursday 22nd May 1890

present place the same

The Court opened at 10 a.m.

O A M A R U C A S E R E S U M E D

(No arrangement arrived at)

S. Bush The block was surveyed as one block, but when the block was heard, the Court divided it into 7 divisions.
A rehearing of the block was applied for and refused by the Chief Judge.
About 1 month after that **dismissed**

Rōbert Smith Bush (sworn) I was directed by the Government to apply to the Court
Agent for Crown at Opotiki to have land awarded to the Crown in each division
2/- in proportion to area, and to offer for the Crown to undertake
the subdivision survey, if land at 1/- per acre was then awarded
to the Crown for each of such subdivision surveys -

In April 1886 I

21/5/90

(13)

Rehearing cases

Wednesday 21st May 1890

place Theatre Royal. Gisborne

present

Hon. George Elliott Barton, presiding judge

" " Spencer Van Sturmer "

Luta Lamati assessor

W. Jones interpreter

H. B. Jackson clerk

The court opened at 10 am

Case 1615 in panna, Camaru survey charges.

R. S. Bush. I appear on behalf of the Crown.

H. G. Day.

Solicitor
for applicants
to rehearing.
S. O. P.

I appear for the applicants for rehearing: who have not reached Gisborne from Opitiki owing to the bad weather.

The Camaru plan was put into the Survey office at Auckland on the 2 August 1887, and in July 1887 the Surveyor General sends a notice of lien for £625. and on 15th Oct 1888 the Surveyor General sends a letter to the Native office putting down the charges

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V. G. Day
Solicitor for
Natives.

21/5/90.

(14)

Oamaru Rehearing case
according to the regulations for
surveys when a block exceeds
25,000 an agreement must be
made between the natives and
the surveyor: no such agreement
is with the papers: and such
an agreement is required by
the regulations.

I contend that an
arrangement must be made, either
the price of bands ought to be
raised, or else the survey charges
must be reduced: It says
that the regulations have not all
been complied with, but I
should only make use of these
discrepancies to press for a
fair settlement of the case.

ag Barton

It is suggested that the parties
should, meet and try and effect
a settlement between themselves.

Memo

There ensued a long discussion: Mr
Bush explaining to the Court the
action taken by the natives before
the previous tribunals: -

V. G. Day

To Stop all discussion for now

21/5/90

(15)

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Continued

Bush. If time is allowed, I will communicate with the Government.

The court adjourned at 10.45 am until 10 am tomorrow.

Thursday 22nd May 1890

The court opened at 10 am Oamaru case resumed.

S. Bush

(No arrangement arrived at)
The block was surveyed as one block; but when the block was heard the court divided it into 4 divisions. A rehearing of the block was applied for and refused by the chief judge; about 1 month after that dismissal.

for brown
y.

Smith Bush (sworn) I was directed by the Gov. to apply to the court at Opatiki to have land awarded to the brown in each division in proportion to area; and to offer for the brown to undertake the subdivision survey. If land at 1/- per acre was then awarded to