

April 13th 1889 Tahora No. 2 Survey costs

Saturday April 13th 1889 Court opened at 10 O'clock a.m.

- Present the same -

Judge

said under the Act the Assessor Had no voice in the decision as to matter of award for Survey costs.

Underparts 3.6 and 9 of Act of 1886. The Assessor has authority in part 6, in part 3 also, in part 9 he has authorised, in all other respects authority shall use in a Judge.

Wi Pere

I quite understand the position of the Court under the Act as to award for Survey costs. I submit the amount charged per acre is too much - considering also that the Land has been made inalienable I don't see how a mortgage can be made on it.

Court

said it is prepared to hear evidence.

Ngaiti

We see you have to comply with the law, but us think that the proposal of Wi Pere to reduce the amount to £800 might be acted upon

Court

We cannot act on a suggestion but we are prepared to hear evidence on both sides.

April 13th 1889 Tahora No. 2 Survey costs.

Tamaikoha

I object entirely to this award for Survey costs until we find out who this Act of appression emanated from.

I speak also in reference to Oamaru block only on which an amount for Survey costs has been cleared, that I decline to pay one penny.

I shall leave this confiscation of the land to be decided by some other authority as to whether it is right or wrong.

Wi Peri - In reference to amount of Survey being in excess to what it ought to be.

As regards Waipao block, Mr Baker didn't cut this line - on any of the surrounding blocks. The confiscated line was already done. And the only portion he claimed was from the Oamaru boundary up Waioeka river to confiscated line.

And he only took the bearings of the Western boundary - as far as Te Wana.

Yesterday I said I objected in total because I understood that the Court wouldn't go into the matter of nature of Survey.

I merely show this matter as no matter what award the Court made, we object to the Survey.

_____ - We understood the Court to say it could not alter the certificate as to amount.

Court - said it was in the power of the Court to go into matter and take evidence as to the Survey

April 13th 1889 Tahora No. 2 Surveys

- Ngaiti continued** We object to the charge for Survey all together.
- Court** said it would be glad if the parties would apply for re-hearing of this matter as to Survey costs.
- Paora Te Pakihi** said I object entirely to cost of Survey. We shall apply for a re-hearing of the matter of Survey not the land.
- Wi Pere** No matter if we produced experts and went into how Survey had been conducted we object to any order and no matter how much claim might be reduced we object intirely to claim as we intend to apply for a rehearing of Survey costs.

Court proceeded to Orders

O R D E R S

20/-pd

Court ordered that the sum of £1887-7-11 certified by the Assistant Surveyor General as owing to Mr C. A. Baker licensed Surveyor for survey and plan of Tahora No. 2 be charged on the said block.

Court ordered that the sum of £1887-7-11 certified as owing to Mr Baker by the Assisstant Surveyor General for Survey and plan of Tahora No.2. and charged thereon shall be apportioned. According to acreage on the divisions thereof named below, when the respective acreage of said parcels of Land shall have been ascertained that the Native Owners of the said parcels of land shall pay to him their propotionate part of such costs of survey and plan when so ascertained

April 13th 1889 Oamaru No. 7.

- Paora Nikora** said No. 7 of Oamaru was awarded to Ngati Rakautahi and Ngati Rua and I wish this portion divided between these two hapus.
- Court** said it can only make a decision on own application being put in for same and gazelled for hearing.
- Tamaikoha** said in regard to piece cut off from my block in Oamaru I make the same objections to this as I have done in Tahora No. 2. I was no party to this cutting off for the Crown and I should like no matter to stand over until I have communicated with Government. I took upon the survey as a murder and I look up -on the result of the proceedings of this Court in the same light.
- Paora te Pakihi** I agreed to matter of cutting off land for Crown for Oamaru No. 2A I consented if Government allowed us at the rate of 2/6 per acre. I was not here when matter was done and I don't agree.
- Court** said nothing could be done, they must apply for a rehearing.
- Tawhito** said in reference to No. 5 portion. I protest against the arrangement made and acreage cut off for Government to defray the cost of survey. I protest also in reference to arrangement as to No. 6 portion

April 13th 1889

**Court proceeded to dismiss cases not disposed of in Gazette
viz:**

Cases No.1-2-3-4-5-6-7 pages 1-2 dismissed

Cases No.1 and 2 page 3 dismissed

Cases No. 1 Te Karaka No. 2 Hiwarau page 4 dismissed

No. 3 Hokianga dismissed

No 4 Opape No 1 dismissed

Monday April 15th 1889

Court adjourned

- sine die -

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April 13th 1889. - Jahonah's 2 Survey costs -
Saturday April 13th 1889 Court opened at 10 o'clock am

- Present the same -

was said under the Act the Appraiser had no voice
in the decision as to matter of award for
Survey costs -

Under parts ~~3 & 9~~ 3, 6 and 9 of Act of 1886.
The Appraiser has authority in part 6,
in part 3. also, in part 9 he has authority,
in all other respects authority shall rest
in a Judge.

Witness I quite understand the position of the
Court under the Act as to award for
Survey costs, I submit the amount charged
per acre is too much - considering also that
the land has been made inalienable I don't
see how a mortgage can be made on it
Court said it is prepared to hear evidence.

Again we see you have to comply with the law -
but we think that the proposal of witness
to reduce the amount to £800 might be
acted upon

Court -
We cannot act on a suggestion but we
are prepared to hear evidence on both
sides.

Waipaoa - Tamarua? 2 Survey costs -
aitkoha

I object entirely to this award for survey costs
until we find out who this act of oppression
emanated from.

I speak also in reference to Bamamu Block
only, on which an amount for survey costs
has been levied that I decline to pay one
penny.

I shall leave this confiscation of the
Land to be decided by some other authority
as to whether it is right or wrong -
in reference to amount of survey being in
excess to what it ought to be.

As regards Waipaoa Block Mr Baker did not
cut this line - the on any of the surrounding
Blocks the confiscated line was already
done, and the only portion he claimed
was from the Bamamu Boundary up
Waioeka River to confiscated line -
and he only to look the Bearings of the
western Boundary - as far as Te Wana -

Yesterday said I objected in toto
because I understood that the Court
would not go into the matter of nature of
Survey.

I merely show this matter, as no matter
what award the Court ^{made} ~~made~~ me object
to the Survey.

We understood the Court today it could not
alter the certificate as to amount -

It said it was in the power of the Court to go

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April 13 1889 - Tahora h^o 2 Survey -
Ngaiti cont^d - We object to the charge for
Survey altogether

Court said it would be glad if the parties would
apply for re-hearing of this matter as to
Survey costs -

Poorat Pakihi said I object entirely to cost of
Survey - We shall apply for a rehearing
of the matter of Survey not the Land -

Wi Pere - No matter if reproduced reports and
went into how Survey had been conducted
we object to any order and no matter
how much claim might be reduced
we object entirely to claim as we
intend to apply for a rehearing of
Survey costs -

Court proceeded to make Orders -
- Orders -

Court ordered that the sum of £1887. 7. 11 certified
of^d by the Assistant Surveyor General as owing
to Mr. A. Baker licenced Surveyor for Survey
and plan of Tahora h^o 2 be charge on
the said Block

Court ordered that the sum of £1887. 7. 11 certified as
of^d owing to Mr. Baker by the Ass^t Surveyor General
for Survey of plan of Tahora h^o 2 and charged
thereon shall be apportioned according to acreage
on the divisions thereof named below, when the

13th 1884 - Taku Gamaru h^o 4 -

Ahikora said h^o 4 of Gamaru was awarded to h^o Rakkauahi & h^o Rua and wish this portion divided between these two hapus -

ut said it can only make a division on an application being put in for same and gazetted - for hearing -

aukoha said in regard to piece cut off from my Block in Gamaru I make the same objections to this as I have done in Takona h^o 2. It was no party to this cutting off for the brown & I should like matter to stand over until I have communicated with Gov. I look upon this Survey as a murder - I look upon the result of the proceedings of this Court in the same light.

ate Pakihi - I agreed to matter of cutting off said for brown for Gamaru h^o 2 & I consented if Gov allowed us at the rate of 2/6 per acre. I was not here when matter was done & I don't agree -

I said nothing could be done They must apply for a re-hearing -

a Tawhiti said in reference to h^o 5 portion -

I protest against the arrangement made and cease cut off for Gov. to do so -

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April 13th 1889.

Court proceeded to dismiss cases not disposed of in sazaar

viz

cases N^o 1. - 2. 3. 4. 5. 6. 7 pages 1 + 2 dismissed

" N^o 1. + 2. page 3 dismissed

cases N^o 1. Tekaratta N^o 2 Stivaraw pages 4 dismissed

N^o 3. Nokianza dismissed -

N^o 4. Obape N^o 1 dismissed -

Monday April 15th 1889.

Court adjourned
- sine die -