

NLA 89/326

Oamaru survey charges  
re-hearing applications

The facts in this matter are as follows. Mr C.A. Baker surveyed this block. His costs £1306 were paid by the Crown who took over his claim. The only application re these costs to the court was that on 12 April last when Mr Bush for the Native minister applied for land in payment of the claim.

On the original hearing of the block, the court awarded it in 7 lots - these divisions have not been surveyed; but the survey department estimated their respective areas & proportions of survey costs as follows

No.1	7660 acres	at	95.15.0
2	28.940 "	"	361.15.0
3	4.450 "	"	55.12.6
4	16.520 "	"	206.10.0
5	35.740 "	"	446.15.0
6	3.600 "	"	45.0.0
7	7.570 "	"	94.12.6
			<u>£1306.0.0</u>

On behalf of the Crown Mr Bush proposed to take land in payment at 1/- per acre, & he proposed also that the Crown would for a stated additional charge survey these divisions -

A discussion ensued -

Eru Tamakohu for No.1 said "I decline to pay anything - The survey was only authorised by the native committees for a small piece, not for this block; & it was not until I found my own land was being drifted away to the sea that I came to the rescue. I admit the claim is fair, but I am not prepared to pay my share. The same objection raised in Tahora applies here"

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Sen Tamakoha then left the Court.

Mr Bush submitted that the Court could not enter into the question as to the origin or sufficiency of survey. The plan and survey were certified & approved by the proper authorities -

Rewita Kiwa for No. 4 (whose name appears at foot of petition) said "We don't dispute a liability, but we ask the Court to reduce it. . . . We think that the land should be valued at  $\frac{2}{3}$  per acre".

Paora Pakihi for No. 2 - said, I have nothing to add. I agree for both surveys (block & divisional) at that rate - that land be taken by Government -

Heremia Hoera for no. 7 - "I concur with the others"

Hautakuru for no. 3 concurs

Paora Pakihi on behalf of estate Ngakore no 5 agrees

Te Awani Apotunga for no. 6 said "I concur"

Mr Bush said "I am instructed to stand out for  $\frac{1}{3}$  per acre - I am prepared to call Mr Baker who surveyed it, as to its value -

A discussion ensued - during it Paora Pakihi left the Court - Mr Bush after discussion said he would (subject to Govt. approval) raise his offer to  $\frac{1}{3}$  per acre - Those present stated they would not ask Government to survey their divisions - that the block survey only be arranged for now. Awani for no. 6, Heremia for no. 7, Te Hau Tamakoa & Hautakuru for no 3 agree to give land at  $\frac{1}{3}$  per acre - From my minute & that made by the clerk, it would appear that Rewita Kiwa had returned & ~~he~~ was a party to this arrangement -

Orders were then made in all the 7 cases for the Crown for the respective amounts calculated

22/5/54 JNY

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