

395
3/814

The Chief Surveyor,
Lands & Survey Department,
GISBORNE.

LANDS AND SURVEY
RECEIVED
22 MAR 1957
GISBORNE

COUNCIL CHAMBERS,
CHURCH STREET, OPOTIKI,
BAY OF PLENTY, N.Z.

21st March, 1957.

Dear Sir,

M.H.
Chief Surveyor
W.D.
Chief of Districts
Please investigate

Enclosed is a sketch plan of Pt. 388C which shows a strip of land along the bank of the Waiotahi River. Could you please advise just what this is.

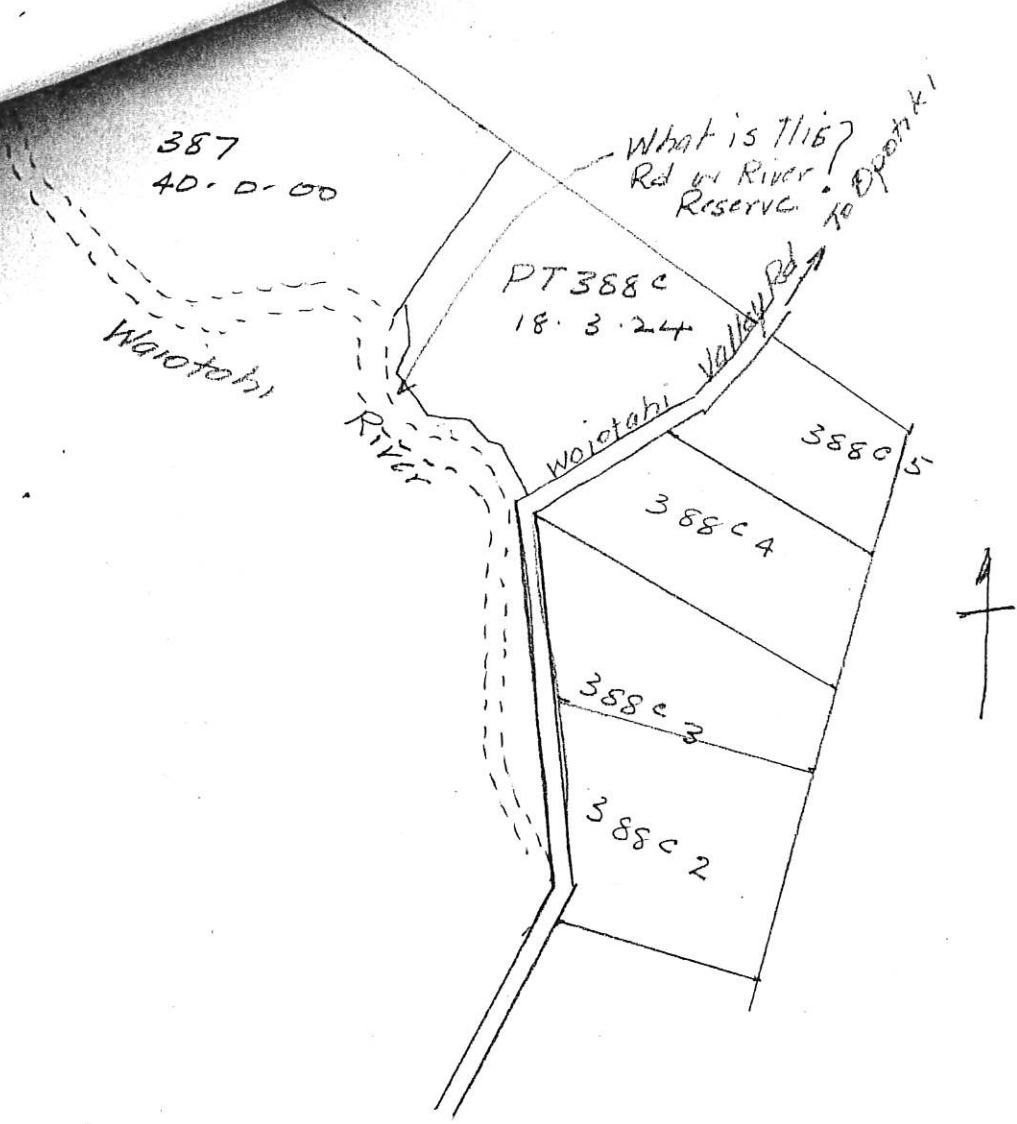
- (a) Is it a legal road line?
- (b) Is it a river reserve, or what?

Yours faithfully,

See / 406

W.J. Johnston
W. J. Johnston,
County Engineer.

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BIK V Opotiki S.D.

LANDS AND SURVEY
DESPATCHED
13 JUL 1957
GISBORNE

219,

GISBORNE.

12 June 1957

The County Clerk,
Opotiki County Council,
OPOTIKI.

Dear Sir,

ALLOTMENT 3380 WAIOTAHU PARISH
ATTENTION COUNTY ENGINEER.

Please refer to your letter dated 21 March last which unfortunately was overlooked on file causing an undue delay for which I apologise.

I am of the opinion that the land to which you refer is a Legal Road.

Certainly should your Council at any time have spent money in formation, the matter could be put beyond my doubt by having the council certify, under seal to that effect and request the District Land Registrar to note his titles.

Yours faithfully,

J.A. Henderson
(J.A. Henderson)
Chief Surveyor.
J.A.H.

COUNTY COUNCIL

3/814

LANDS AND SURVEY
RECEIVED
17 JUN 1957
GISBORNE

COUNCIL CHAMBERS,
CHURCH STREET, OPOTIKI,
BAY OF PLENTY, N.Z.

407

14th June 1957

The Chief Surveyor,
Dept. of Lands & Survey,
GISBORNE.

Chief Draughtsman

Dear Sir,

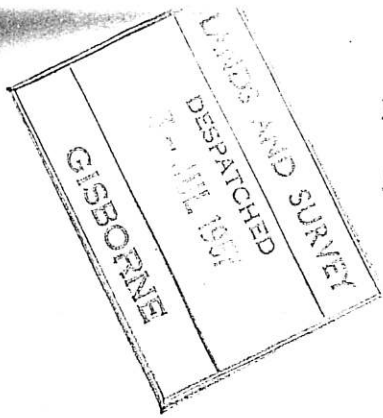
Allot. 3880 Waiotahi Parish, Block V Opotiki S.D.
Your reference 3/814.

This presumed road line is not formed and my Council have not expended any moneys on it.

Could more definite information regarding its legality be given, please. Has it been proclaimed as road?

Yours faithfully,

h. stone
County Clerk.



P. O. BOX 219,

GISBORNE.

2 July 1957.

The County Clerk,
Opotiki County Council,
OPOTIKI.

Dear Sir,

Allotment 388C Waiotahi Parish, Block V, Opotiki S.D.

Please refer to your letter dated 14 June last.

I still can give you only my opinion and that is that the land is a legal road which would come under the jurisdiction of your County.

It has never been proclaimed as road but is coloured as road on the original survey of 1875. Also the original Maori survey in 1875 (M.L. 2772) shows it as road. Again M.L. 3593 of 1929 shows it as road.

As the two latter plans have been approved by the Maori Land Court, which has jurisdiction over Allotment 388, that in my opinion amounts to a dedication within the meaning of Section 110B of the Public Works Act.

Also I think that a complete search would reveal that Allotment 388, at the time of the original subdivision, was Crown Land. I base this opinion on the fact that in Gazette 1910, page 3673, certain lands, including Allotment 388, were placed under the jurisdiction of the Maori Land Court. The Order in Council, in part, reads "and whereas certain lands were set apart for Natives in the Parishes of Waioeka, Matata, Waimana, Waiotahi, etc."

From the term "set apart" the presumption is that the land was Crown Land. If that is correct then the land must have been Crown land at the time of the original survey in 1875.

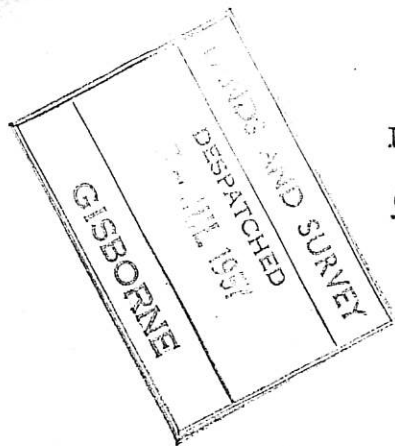
Therefore the land in question would be legal road within the meaning of Section 110(a) of the Public Works Act.

I trust that the above evidence will be satisfactory to you.

Yours faithfully,

J. A. Henderson
(J. A. Henderson)
Chief Surveyor.
J.A.H.

5/814



P.O. BOX 219,

GISBORNE.

2 July 1957.

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Opotiki County Council,
OPOTIKI.

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