



DEPARTMENT OF JUSTICE

Land and Deeds Registry Office

Private Bag, GISBORNE,

16 JUN 1969

13 June 19 69.

The Registrar,
Maori Land Court,
ROTORUA.

re Allotments 391 and 393 Parish of Waiotahi and
Certificates of Title 2C/249 and 2C/250.

I would like to draw your attention to a title discrepancy emanating from subdivisions of the above allotments which discrepancy has been caused by double registration as to part and no registration as to another part between the common traverse of allotments 391 and 393 and the Otakoi Stream.

(i) The original Crown Grant for allotment 391 was issued 20th December 1879 and the eastern and southern boundaries follow the Otakoi Stream.

(ii) The subdivisional plan of allotment 393 (M.L.2768) respected the original Crown Grant of allotment 391 and made the northern boundary the Otakoi Stream. The Judge signed the plan and diagrams were endorsed in 1907. A subsequent Land Transfer title (now) 2C/249 was issued for 393A which adjoins allotment 391.

(iii) On the 25th November 1920 the Judge signed the partition of Allotment 391 shown on M.L.2776 which followed the traverse line or the southern boundary. Subsequent to M.L.2776 allotment 391 was subdivided into A. B and C. on M.L.2780 which also followed the traverse line and a Land Transfer title (now) 2C/250 has been issued for 391B.

*AO. 4/10
J.H.S.*

From the enclosed diagram it can be seen that there is consequently double registration in some places and one place where there is no registration.

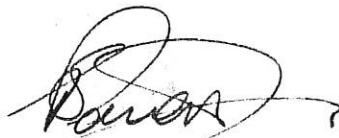
Further on investigation with the aerial photographs it appears that allotments 391 and 393 are both farmed up to the Otakoi Stream and not the traverse line.

Waiotahi
Comes to
me please
I would be obliged if you would consider this matter in the light of the Maori ownerships involved and advise me which definition of the boundary between subdivisions of allotments 391 and 393 of Waiotahi Parish could best be adopted.

me please
Ph
After your decision on the above question the erroneous allotment definition will have to have a compiled plan prepared. The Lands and Survey Department have advised me that

they /

they will prepare and meet the costs of the compiled plan and diagrams therefrom. As this mistake appears to have gone unnoticed by all our departments and upon receiving your decision, I am prepared to invoke Section 80 of the Land Transfer Act 1952 to amend the titles in question if necessary.



(S.C. Pavett)

415

Waiotahi C.C.

HPM:KJR

19 June 1969

Chief Surveyor,
Department of Lands & Survey,
P.O. Box 589,
GISBORNE.

ALLOTMENTS 391 & 393 PARISH OF WAIOTAHU

Please send me Court copies of ML. Plans 2776 and 2780
and any other plans showing these lands or their
subdivisions.

(H. P. Martin)
Deputy Registrar

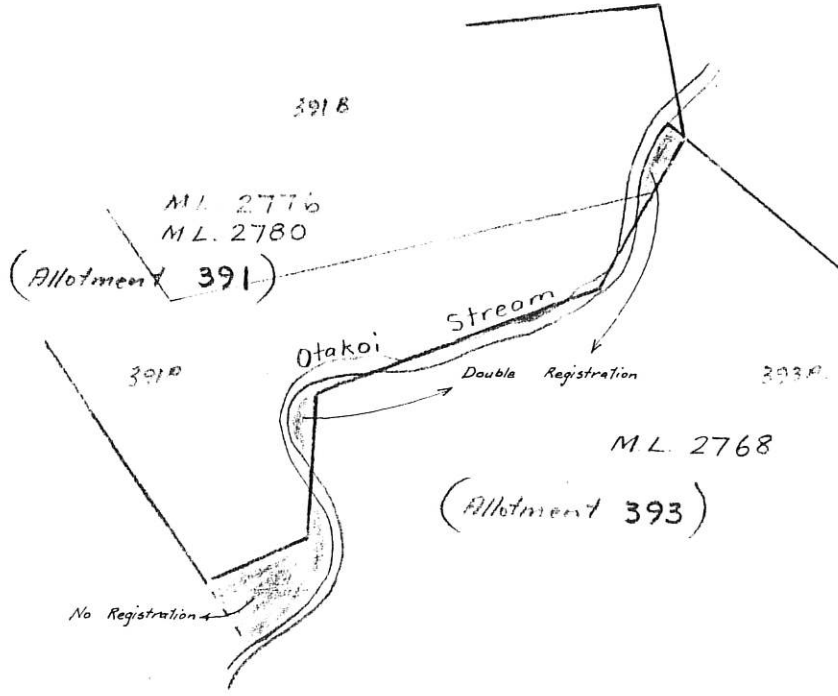
W Keenan

Recorded yet?

*has yet
elected in Registrar
of Strangman 9/7*

[Signature]

412





Department of Lands & Survey

TELEGRAPHIC ADDRESS: 'LANDS'

TELEPHONE No. 85122

OUR REFERENCE: 20/321.

YOUR REFERENCE

14 JUL 1969

DISTRICT OFFICE,

P.O. BOX 589,

ROTORUA

GISBORNE.

3 July, 1969.

The Registrar,
Waiariki District Maori Land Court,
Private Bag,
ROTORUA.

ALLOTS. 391 AND 393 WAIOTAHU PARISH.

Refer your memorandum of 19 June.

I am enclosing herewith the Court Copy of M.L.2780, together with photostat copies of M.L.2776 and 2768. These three plans show the boundary differences between the two allotments.

K.W. Walsh.
Chief Surveyor.

Waiotahu
comes to me,

Per: *B.H. Jones*

Encl:

Please
[Signature]

417

Waiotahi C.C.

HPM.AB

14 July 1969

Chief Surveyor,
Department of Lands & Survey,
P.O. Box 589,
GISBORNE.

ALLOTMENTS 391 & 393 PARISH OF WAIOTAHU

Referring to my memorandum of 19th June,
would you please send me the Court copies of
ML plans 2776, 2780 and any other plans showing
these lands or their subdivisions.

H
(H. P. Martin)
Deputy Registrar

420

HPM: KEW
Waiotahi Corresp

24 July 1969

District Land Registrar,
Lands and Deeds Registry Office,
Private Bag,
GISBORNE.

ALLOTMENTS 391 and 393 PARISH OF WAIOTAHU
C.T'S 2C/249 and 2C/250: Your Ref 4810

I have investigated the matters raised in your memorandum of the 13th of June and will be discussing the position with Judge Scott later this week. I will then advise you what we intend to do.

A
(H. P. Martin)
Deputy Registrar

HFM:ZA

Waiotahi Corres.

28 July 1969

Judge Scott.

PARTITIONS OF ALLOTMENTS 391 & 391 - PARISH
OF WAIOTAHU

1. Please see folios 412-414. I have searched the various Orders but because the basic titles Lots 391 and 393 were Crown grants there are no Court Orders establishing the original boundaries. It seems however, that the stream was the original boundary and that the present situation has been created by the adoption of a traverse line as being a boundary, as the District Land Registrar suggests.

2. It is certain that as a result of this error, the area coloured red on the sketch plan, folio 412 is now included in the partition orders:

Waiotahi 393A (as to the whole) and in
Waiotahi 391A2 (for a small portion) and in
Waiotahi 391B (for a slightly larger portion).

The area coloured green on the same sketch plan is included in the partition order for Waiotahi 393A and also in that for 391A2. The area coloured yellow is not included in any partition orders.

3. I think an amendment under Section 60 would be preferable to the remedy which the District Land Registrar suggests because his remedy would not alter our title records; some of the partition orders are unregistered. The District Land Registrar could, if necessary, invoke Section 80 of the Land Transfer Act 1952 to get in and amend these certificates of title, which do exist, following production of Section 60 Orders.

4. If you agree, I will ask the Chief Surveyor to provide amending diagrams. 393A does not require amendment. 391A2 requires amendment to include the area coloured yellow and to exclude the small area coloured red, that is, its southern and eastern boundaries should be the northern stream edge. 391B requires amendment to exclude the area coloured red and to show its south eastern boundary as being the northern stream edge.

SPREG
This proposal seems
workable, but please
keep in touch with Mr. Street.
Thanks,
D. S. / 7/69

H. P. Martin
(H. P. Martin)
Deputy Registrar

29 July 1969


District Land Registrar,
Lands & Deeds Registry Office,
Private Bag,
GISBORNE.

ALLOTMENTS 391 & 393 PARISH OF WAIOTAHU
C.T.'S 20/249 & 20/250

Your Ref. 4810

1. I have now discussed the position with Judge Scott who is prepared to make any Orders within his jurisdiction which we consider necessary or appropriate to remedy the error.
2. Because the remedy you suggest would not alter our records - we think it preferable to obtain Orders under section 60 of the Maori Affairs Act 1953 to amend the partition orders. When completed, these Orders would be transmitted to you for registration. If necessary, you could then invoke section 80 of the Land Transfer Act 1952. I therefore suggest that the Chief Surveyor be asked to amend the M.L. plan and to produce to me, new Court Order diagrams in duplicate. I will then obtain the necessary Orders.
3. If you foresee any difficulties in proceeding as I have suggested, please let me know. I am enclosing an additional copy of this memorandum for production to the Chief Surveyor.

...


(H. P. Martin)
Deputy Registrar

Encl.

423 L. & S.-F. 2C
Department of Lands & Survey

TELEGRAPHIC ADDRESS: LANDS

TELEPHONE NO. 85122
OR IF CALLING
ASK FOR MR



OUR REFERENCE: 20/321.

DISTRICT OFFICE,

P.O. BOX 589,

GISBORNE.

15 July, 1969.

The Registrar,
Department of Maori and Island Affairs,
Private Bag,
ROTORUA.

ALLOTS. 391 AND 393 WAIOTAHU PARISH.

In reply to your memorandum of 14 July,
I wish to advise that the Court Copy of M.L.2780
and photostat copies of M.L.2776 and 2768 were
forwarded to you early last week and should now
be in your office.

K.W. Walsh
K.W. Walsh.
Chief Surveyor.

Per:

File wv
action required

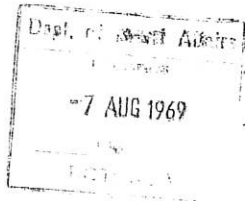
Telephone No. 4810



424

L.&D. 20

DEPARTMENT OF JUSTICE



Land and Deeds Registry Office

Private Bag, GISBORNE.

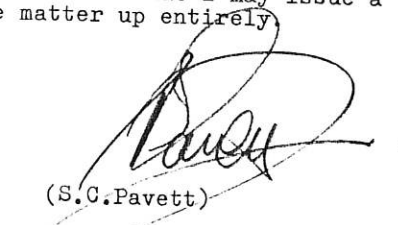
5 August 19 1969.

The Registrar,
Maori Land Court,
ROTORUA.

re ALLOTMENTS 391 and 393 PARISH OF WAIOTAHU.
Certificates of Title 20/249, 250 and 66/108.
YOUR REF: WAIOTAHU CORRESP.

Your memorandum of 29 July 1969 refers.

I have discussed the matter with the Department of Lands and Survey and have been informed that a plan will be compiled from which diagrams will be supplied for your ~~further~~ amending orders. I can foresee no difficulties at the moment. However, it appears that Waiotahi 391A Block and a cemetery or burial ground remain in the original head certificate of title (66/108) in the name of Hana Arapeta of Opotiki m.a. If possible, would you please register any subsequent Partition, Vesting or Succession Orders issued against this land in order that I may issue a balance title and thus clear the matter up entirely.


(S.C. Pavett)

District Land Registrar.

Mr. Martin.

Yes! if possible

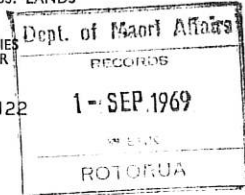
B/V 1/10/69

Department of Lands & Survey

TELEGRAPHIC ADDRESS: 'LANDS'

FOR VERBAL INQUIRIES
PLEASE ASK FOR MR

TELEPHONE No. 85122



OUR REFERENCE: 20/321.

YOUR REFERENCE:

DISTRICT OFFICE,
P.O. BOX 589,GISBORNE.

27 August, 1969.

The Registrar,
Waiariki District Maori Land Court,
Private Bag,
ROTORUA.

ALLOTMENTS 391 AND 393 WAIOTAHİ PARISH

Your Waiotahi Court Correspondence.

As recommended in your memorandum ^{to} ~~of~~ the District Land Registrar of 29 July, 1969, M.L.2780 has been amended by the compilation of a superseding plan, M.L. 5941, compatible with M.L.2768 of Allotment 393 subdivisions, and I now forward:

1. The Court Copy of M.L.5941.
2. Court Order diagrams in duplicate of Allotments 391A and 391B, Waiotahi Parish.

I have not supplied diagrams for Allotment 391C since this remains the same on both plans and the diagrams you still hold in your Court records will require only the correction of the plan reference thereon.

As you will see, the Otakoi Stream is now the common boundary between Allotments 391 and 393 to the south and this is in accordance with the original layout of these allotments. I trust the enclosed data will be sufficient to complete the contemplated Section 60 Orders and I thank you for your assurance that, when completed, these will be transmitted to the District Land Registrar for registration.

K.W. Walsh.
Chief Surveyor.

Per: *[Signature]*

Encl:

Recmts
Waiariki Combs to
me, please pt.

IN THE MATTER of section 60 of the
Maori Affairs Act,
1953

AND

IN THE MATTER of Lots 391A and 391B
Waiotahi Parish.

In the Maori Land Court }
of New Zealand, }
Waiariki District. }

APPLICATION is hereby made for orders under section 60 of
the Maori Affairs Act 1953 amending the Partition Orders
for Lots 391A and 391B Parish of Waiotahi by:

- (a) Reducing the area of 391A from 7ac: 1r: 11p to 6ac: 2r: 33p
and substituting a new diagram taken from
ML 5941.
- (b) Reducing the area of 391B from 7ac: 2r: 02p
to 7ac: 1r: 31p and substituting a new
diagram taken from ML 5941.

AND APPLICATION is further made for a consequential amend-
ment to the Partition Orders of 23.9.1930 (Opo. M.B.27/136)
constituting the titles to Lots 391A2 Parish of Waiotahi
by reducing its area from 6ac: 2r: 34p to 6ac: 0r: 17p.
UPON THE GROUNDS that due to an error on ML Plan 2780 the
Partition Orders as drawn, signed and sealed did not give
effect to the true intention of the Court.

DATED at Rotorua this day of September 1969.

Deputy Registrar