

Our Ref. Court Section.  
Your Ref. 3072

HR:DN

MAORI  
XXXXXX

Private Bag,

ROTORUA. 6th February, 1951.

MEMORANDUM for:-

The District Engineer,  
P.O. Box 500,  
HAMILTON.

Re:- Road to be legalised - Block XI, Orotiki S.D.  
Your Memo of 26/1/51.

The land affected by the above road was used for the purposes of a road before Lot 337 Parish of Wairoa was partitioned by the Court on 31st August, 1909. The land has since been partitioned into numerous subdivisions, owned by a large number of Maori Owners.

On partition the Court made allowance for the road and the area was not taken out of any particular subdivision.

To supply you with a list of all the owners in the various subdivisions of Lot 337 would be a task of great magnitude with the limited staff we have.

I suggest an application under Section 484 of the Maori Land Act, 1931, be lodged with the Court by the Chief Surveyor.

This would simplify the matter of having the road declared a public road. Your sketch plan returned herewith.

J. J. Dillon,  
REGISTRAR.

MAORI LAND COURT  
WAIARIKI DISTRICT

12 MAR 1951

ROTORUA

TELEGRAPHIC ADDRESS:  
"LANDS."



1093

[Lands—F. 2.]

*In your reply please*

Series

Sub-No. 7

*quote these numbers.*

JR.  
8932

DEPARTMENT OF LANDS AND SURVEY,

District Office, GISEBORNE,

28th February, 1951.

9th March 1951

*Application by Chief Surveyor under  
Sections 484 and 489*

Memorandum for:

The Registrar,  
Waiariki Maori Land Court,  
ROTORUA.

*Dismissed  
30/5/51  
4/10/51/277*

re: Road Legalisation - M.L. 4614.

8932

As you are probably aware the Education Department is acquiring land adjoining the Wairoeka School Site, Lot 3 37A Waiariki Parish, for addition thereto, and a survey of the area M.L.4614 has been recently completed by a Staff Surveyor.

The examination of this plan revealed that a road deviation which fronts part of the area being taken although formed and metalled and in use as a Public Road since 1916, had never been legalised as such. Steps were immediately taken to have this deviation declared a Public road under Section 110D of the Public Works Act, 1928. The necessary declarations were obtained from the Opotiki County Council and the matter was then referred to the Works Department for the issue of a proclamation.

That Department, however, apparently consulted your office and was advised that it would be simpler to proceed under Section 484 of the Maori Land Act, 1931. Having gone so far under Section 110D, I cannot see that anything will be simpler by now changing the procedure as suggested by you. I presume there is some difficulty, perhaps possibly compensation payments of which I am not aware, and I would like your advice as to what is to be gained by the change over, for future guidance.

In the meantime, in order to speed the desired legalisation, I hereby make formal application to the Judge of the Waiariki Maori Land Court, for an Order, under Section 484, declaring the deviation to be a Public road.

Court Order diagrams are enclosed and declarations by Opotiki County Council is forwarded for the information of the Court.

*of Wairoeka  
Urban*  
(C.L. COX).  
Chief Surveyor.

337 *Psch*  
*Re-advise  
Court. for Opotiki  
Parish for  
4/3/1952*

*Wdy*  
32/12/51

OPOTIKI

77 JUN 1952

~~29 MAY 1951~~

~~4 MAR 1952~~

313-22 APR 1952

HR:RC

Ref: Court Section

MAORI  
XXXXXX  
Private Bag,  
ROTORUA. 13th March, 1951

MEMORANDUM FOR:

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

RE: ROAD LEGISLATION M.L. 4614

Referring to your memorandum of the 9th instant,  
I enclose copy of my memorandum dated 6/2/51 to the District  
Engineer, Ministry of Works, Hamilton, which speaks for itself.  
You will, no doubt, agree with me, as the area for the road was  
provided for before Lot 337 Parish of Waioeka was partitioned  
by the Court and to supply the Works Department with the list  
of all the owners having interests therein and their addresses  
for proclamation purposes, would be a big job. For this reason  
I suggested you lodge an application under Section 484.

J. J. DILLON  
REGISTRAR

L.A.S. F.2c

Telegraph Address:  
"L.A.S."



JR.

IN YOUR REPLY

20/116.

PLEASE QUOTE

DEPARTMENT OF LANDS AND SURVEY

District Office, P.O. Box 219,

GISBORNE.

1st. May, 1951.

Memorandum for:

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

re: Road Legalisation - M.L. 4614.

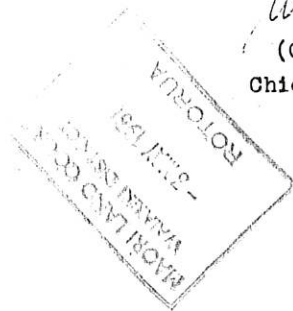
*through hat 337A. Waiariki Maori Land Court*

Will you kindly advise what progress has been made with my application of the 9th. March, for an Order under Section 484 declaring the deviation to be a Public Road.

*Whelan*

(C.L.Cox).

Chief Surveyor.



*St.*

Our reference: Court Section  
Your reference 20/116

MAORI

PRIVATE BAG  
ROTORUA 4th MAY, 1951

MEMORANDUM for:

The Chief Surveyor,  
P.O.Box 219,  
GISBORNE.

re Road Legalisation -M.L.4614  
through Lot 337A Waioeka Parish.

Referring to your memorandum of the 1st instant your application under Section 484 has been included in the panui for the sitting of the Court at Opotiki commencing Tuesday 29th May instant.

It will be necessary for you to be represented by an officer of your department to prosecute the application.

Panuis for this Court will be forwarded to you in a few days as soon as they are cyclostyled.

J. J. DILLON  
REGISTRAR.

*In your reply please*

Series	20
Sub-No.	116.

*quote these numbers.*

JR.

TELEGRAPHIC ADDRESS:  
"LANDS."

## DEPARTMENT OF LANDS AND SURVEY,

District Office, GISBORNE,  
11th. May, 1951.Memorandum for:The Registrar,  
Maori Land Court,  
Private Bag,  
ROTORUA.re: Road Legalisation through Lot 337A Waioeka Parish.  
M.L. 4614.

With reference to your memorandum of the 4th. May, advising that my application for an "Order" under Section 484 will be included in the panui, in the sitting of the Court, at Opotiki, commencing Tuesday 29th. May. I have to advise that it is not intended to have an officer of this Department present to prosecute the application, and I presume it is not essential.

Our only interest in this matter is to legalise the state of affairs that has existed on the ground since 1916. It is assumed that after such a long period of usage as a public road, without let or hindrance, dedication has become complete and that the "Order of the Court" will be simply formal recognition of this.

The only doubtful question appears to me to be as to whether compensation may be due and this is not a matter in which this Department can be concerned, it being a liability of the Local Road Board for County Council. It might be advisable on this account for representative of the Local Body to be present.

*C.I. Cox*  
(C.I. COX).  
Chief Surveyor.

Court

HR+TL

MAORI  
111111  
333333

Private Bag,  
ROTORUA.

17th. May, 1951.

MEMORANDUM for:-

The Chief Surveyor,  
Lands & Survey Department,  
GISBORNE.

re: ROAD LEGALISATION THROUGH LOT 337A  
WAIOTEKA PARISH. YOUR REF. 20/116

Referring to your memorandum of the 11th. instant, it would be advisable for you to be represented by an Officer of your Department to prosecute your application, as the question of compensation might arise. If the application is not prosecuted by you it will only be adjourned sine die and eventually struck out for non-prosecution.

J. J. DILLON  
REGISTRAR.

L. & S. - F. 2A]

TELEGRAM ADDRESS:  
"LANDS"



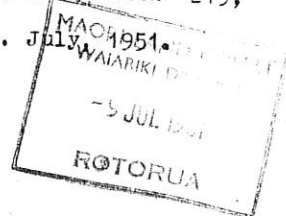
CLC:JR.

In your reply

20/116.

Please quote

Department of Lands and Survey,  
District Office, P.O. Box 219,  
GISBORNE.  
5th. July



Memorandum for:

The Registrar,  
Wairiki Maori Land Court,  
ROTORUA.

re: Road Legalisation - M.L. 4614.

Will you kindly advise the result of my application of the 9th. March, for an Order under Section 484 declaring the above deviation to be a Public road and which was to be considered at a sitting of the Court at Rotorua, on Tuesday 29th. May last.

I would remind you that this application was made on your advice, on the understanding that it would be simpler to proceed in this manner rather than continue under Section 110 (d) of the Public Works Act.

If the Court no longer requires them, will you please return the Court Order diagrams and declarations by the Opotiki County Council which were forwarded to you with my letter of the 9th. March.

*G.L. Cox*  
(G. L. COX).  
Chief Surveyor.

*Cox*



Private bag,  
10th July

x51

MEMORANDUM FOR:

The Chief Surveyor,  
Lands & Survey Office,  
P.O. Box 219,  
GISBORNE.

ROAD LEGALISATION - M.L. 4614

Your ref. 20/116

Referring to your memorandum of the 5th instant the above application came before the Court on the 30th May last.

The Court noted in its minutes the following:

"As the land in question is not parts of any Maori land title and is shown as a road on the Maori titles adjoining, the Court has no jurisdiction and dismiss the application of the Chief Surveyor."

Application dismissed accordingly."

I return you herewith Court diagrams and declaration of the Chairman of the Opotiki County Council.

*File Waoakoa*

J. J. DILLON  
REGISTRAR.

Per:

V.C.  
2005  
JUNE 10  
WILSON  
2005

INITIAL DELIVERY

51 55800

Telegraphic Address,  
"WORKS."

Telephone No. 4161



GFM/RG

IP.W.—150C.

IN REPLYING  
P.W. 30/2  
PLEASE QUOTE THESE NUMBERS.

WAIARIKI DISTRICT

6 AUG 1951

MINISTRY OF WORKS,

P.O. BOX 500, HAMILTON

ROTORUA  
3rd August, 1951

MEMORANDUM for:-

The Registrar,  
Maori Land Court,  
ROTORUA.

Road to be Legalised : Block XI Opotiki Survey District  
Your Reference Court Section

Reference your memorandum of 6-2-51. Your suggestion was passed on to the Chief Surveyor, Gosborne, who has now replied as follows:-

"Acting on the recommended procedure stated in this memorandum application was made to the Waiariki Maori Land Court, on 9-3-51, for an Order under Section 484.

This application was made under protest as the Maori Land Court could not explain how it would be simpler than continuing under the Public Works Act, nor why the list of Maori Owners, which appeared to me to be entirely unnecessary, should be required at all.

The application was heard at the Maori Land Court Sitting at Opotiki, on the 30th May, 1951, when the Judge's comment was as follows:-

"As the land in question is not part of any Maori Land title and is shown as a road on the Maori titles adjoining, the Court has no jurisdiction and must dismiss the application of the Chief Surveyor. Application dismissed accordingly."

You can see from the foregoing, that the whole procedure under the Maori Land Court has been a complete waste of time, and I would be pleased if you would note this for future reference in dealing with these applications.

The declaration and plans have just been received back from the Maori Land Court, and are now returned to you herewith, with the request that you proceed with the issue of a notice declaring the area to be a Public Road by virtue of Section 110(d) of the Public Works Act, 1928, as was the original intention when forwarding them to you on the 9th November, 1950. The declaration required is in the form of a certificate (not a proclamation) by the Minister for Works recognising the area formally as a Public Road. There is a standard form for this purpose."

Our Departmental instructions state that the provisions of section 110 (d) of the Public Work Act, 1928, are not applicable to Maori owned land, and it would appear, therefore, that we have no option but to make a further application to the Court.

It seems to me that the Juge did not have all the facts before him when he made the above comment. Your memorandum of 6-2-51, implies that the road area was originally part of Lot 337, Parish of Waioeka, and that it is still part of that lot unaffected by the subsequent partition. It would seem, therefore, that the requirements of section 484, Maori Land Act, are satisfied, namely, that the road or way traverses Native land, and has been used by the public as if it were a public road.

I would be glad if you could, from your records, confirm my assumption that the road is still native land and give me any further information that will assist me in making representation to my Head Office.

*Plan is enclosed. Please return when replying.*

*Cat*  
*to Registrar*  
*Please return when replying*  
*G.P. Jones*  
*19*  
*6. J. Parsons*  
District Commissioner of Works  
(G.J.W. Parsons)

Telegraphic Address,  
"WORKS."

• Telephone No. 4161.



MAORI LAND COURT  
WAIKARI B  
IN REPLYING  
P.W. 30/2  
PLEASE QUOTE THESE NUMBERS.  
11 OCT 1951  
ROTORUA

[P.W.—150C.]

MINISTRY OF WORKS,  
P.O. BOX 500, HAMILTON.

28th September, 1951.

MEMORANDUM for:

The Registrar,  
Maori Land Court,  
ROTORUA.

Road to be legalised: Block X1,  
Opotiki S.D.

With reference to my memorandum of 3.8.51,  
can you give me the information asked for.

*loc*

*C.J.W. Parsons*  
District Commissioner of Works.  
(C.J.W. Parsons)

NEW ZEALAND POST OFFICE TELEGRAPHS

(If prepaid in stamps, affix in this space.)

HR:RG

Date-stamp.

3/10/51

No. \_\_\_\_\_

Code: \_\_\_\_\_ Time: \_\_\_\_\_ Words: \_\_\_\_\_

Instructions: \_\_\_\_\_ Charges:

(For conditions of acceptance see over.)

FOR OFFICE USE ONLY.

**ADDRESS** (To facilitate accurate transmission, please print in **BLOCK CAPITALS**.)

SURVEYS  
GISBORNE

Sent \_\_\_\_\_

Arm Nr.

To \_\_\_\_\_

Checked.

By \_\_\_\_\_

Ackgt. \_\_\_\_\_

PLEASE FORWARD ALL PLANS LOT 337 PARISH OF WAIOEKA

WAIARIKI

NOTE.—The name and address of the sender, if not to be telegraphed, must be written on the back of the form.

NOTICE TO THE SENDER OF THIS TELEGRAM

CONDITIONS OF ACCEPTANCE

This telegram is presented for transmission subject to the Post and Telegraph Act and Regulations.

The sender of a telegram is responsible for all charges incurred in the transmission and delivery thereof.

NEITHER His Majesty the King nor the Government of New Zealand will be responsible for errors, omissions, or delays in the transmission of any telegram, or for the non-delivery or non-transmission of any telegram.

The signature or name of the sender of this telegram must be written hereunder. If given by an agent, the latter must add his name or initials.

Name and Address of Sender:

\_\_\_\_\_  
\_\_\_\_\_

Tel. 130. 8,000,000/9/48-71951

Telephone No.—Day: \_\_\_\_\_ Night: \_\_\_\_\_

Ct. Section.

HR:FW

MAORI =====

Private Bag, ROTORUA.

8th October 1951.

MEMORANDUM for:

The District Commissioner of Works,  
P.O. Box 500,  
HAMILTON.

ROAD TO BE LEGALISED BLOCK XI, OPOTIKI S.D.

Referring to your memoranda of 3/8/51 and 28/9/51  
Judge Harvey has been absent from the district in the  
Cook Islands and only recently returned.

I have asked him to again look into the matter and  
will let you know as soon as he has given his decision.

J. J. DILLON  
REGISTRAR.

Per

*Reg.*  
It seems a pity that the D.C. of W. did not entrust the job to  
someone with a knowledge of Cook procedure and legal requirements.  
It looks as if it might be shown that this area is man land in  
which case the Court would have jurisdiction, as there an area of  
legal road which has not so been used. If so the matter should be  
cleared up under sec 884 and 889. ~~Official channel of course~~  
with Opotiki Court.  
M. 18/1/52

HR EN

Maori

Private bag,

ROTORUA. 21st January, 1952

MEMORANDUM FOR:

The District Commissioner, of Works,  
P.O. Box 500,  
HAMILTON.

ROAD TO BE LEGALISED BLOCK XI OPOTIKI S.D.

Referring to my memorandum of 8th October, 1951, Judge  
Harvey has commented:-

"It looks as if it might be shown that this area  
is Maori land in which case the Court would have  
jurisdiction.  
Is there an area of legal road which has not so  
been used? If so the matter should be cleaned  
up under Sections 484 and 489. Matter can be  
reinstated next Opotiki Court."

I would advise you to be represented at the sitting  
of the Court at Opotiki commencing Tuesday 4th March, 1952.

J. J. DILLON  
REGISTRAR.

Per:

Telegraphic Address,  
"WORKS."  
Telephone No. 4161



GFM/MC

MAORI LAND COURT  
WAIARIKI DISTRICT

4 FEB 1952

ROTORUA

[P.W.—150C.]

IN REPLYING  
P.W. 30/2  
PLEASE QUOTE THESE NUMBERS.

MEMORANDUM for:-

The Registrar,  
Maori Land Court,  
ROTORUA.

MINISTRY OF WORKS,  
P.O. BOX 500, HAMILTON,  
30th January, 1952.

Road to be Legalised,  
Block XI, Opotiki S.D.

I thank you for your memorandum of 21.1.52. I am advising the Chief Surveyor, Gisborne, and he no doubt, will arrange to be represented at the Opotiki Court.

*Conc.*

*G.J.W. Parsons*

District Commissioner of Works.  
(G.J.W. Parsons)



POTTS & HODGSON  
BARRISTERS, SOLICITORS, & NOTARIES

NORMAN POTTS  
NELSON VAILE HODGSON  
NOTARY PUBLIC

11056  
MAORI LAND COURT  
WAIARIKI DISTRICT  
24 MAR 1952  
ROTORUA

P.O. Box 18

*Orotiki, N.Z.*

20th. March, 1952.

The Registrar,  
Waiariki District Maori Land Board,  
Private Bag,  
ROTORUA

MAORI LAND COURT  
WAIARIKI DISTRICT  
24 MAR 1952  
ROTORUA

Dear Sir,

re Allotment 337A & B Waioeaka Parish

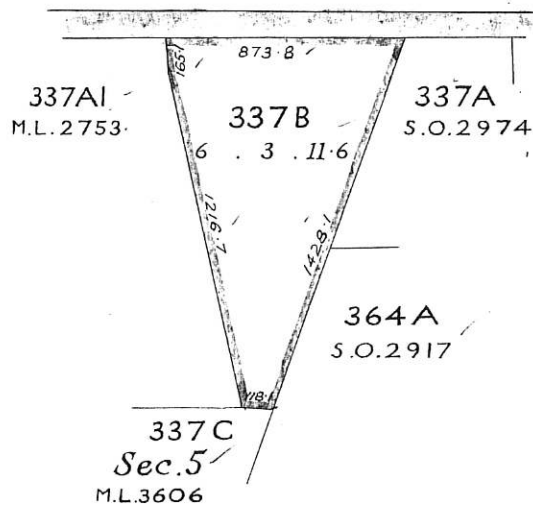
We send you herewith application under Section 484 and 489 of the Maori Land Act 1931 in relation to roads over the above land. We are obtaining a sketch plan from the Survey Department, and as soon as it is available, we will send it to you to attach to the application,

Yours faithfully,

*N. Hodgson*

NVH:HFH

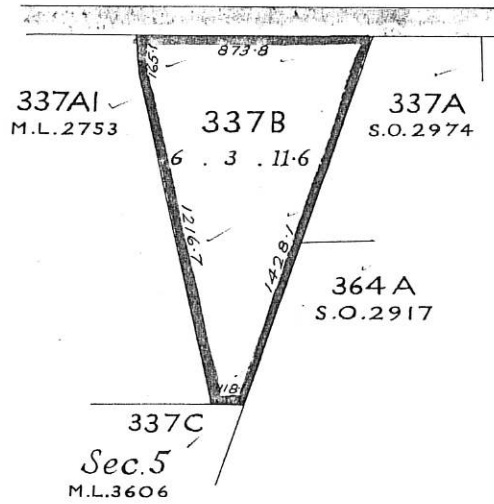
Enc.



*Allot. 337<sup>B</sup> Waioeka Parish  
Blk XI Opotiki S.D.*

*5 chains to an inch*

*M.L. 2753  
Del. MR Ed. W.S.T.*



*Allot. 337<sup>B</sup> Waioeka Parish*  
*Blk. XI Opotiki S.D.*  
*5 chains to an inch*

M.L.2753  
 Del. N.R. Exd. W.S.T.

1093

11056

IN THE MAORI LAND COURT  
WAIARIKI DISTRICT

MAORI LAND COURT  
WAIARIKI DISTRICT  
24 MAR 1952

WE HEREBY APPLY for Orders:-

- (1) Under Section 484 of the Maori Land Act 1931 .....  
 declaring a road through Allotments 337A and 337B ..  
 Parish of Waioeka to be a public road, UPON THE ..  
GROUNDS that such road has been used as if it were  
 a public road, and that it has been formed and .....  
 maintained out of our funds
- (2) Under Section 489 of the said Act declaration that ..  
 portion of a public road set apart over Allotments ..  
 337A and 337B Parish of Waioeka, be stopped, UPON ..  
THE GROUNDS that such road is no longer required ..  
 for public use and that we as the local authority ..  
 having control of such road do consent thereto



DATED the 20th. day of March, 1952.

**OPOTIKI**

17 JUN 1952. 128

OPOTIKI COUNTY COUNCIL

by its Solicitors:

*John Sedgwick*

~~308~~

*order*  
19 NOV 1952  
*32/372*  
*32/321*  
*10/2*

*another false stmt by CS.  
18/6/52*