

**IN THE MĀORI APPELLATE COURT OF NEW ZEALAND
TAKITIMU DISTRICT**

**A20170006930
APPEAL 2017/22**

UNDER Section 58, Te Ture Whenua Māori Act 1993

IN THE MATTER OF An appeal against a decision of the Māori Land Court made on 16 November 2017 at 72 Tairāwhiti MB 57-94 relating to the ESTATE OF FRANCIS GUTHRIE SMITH

BETWEEN BRUCE WINSTON ANDERSON SMITH
Appellant

AND MĀORI TRUSTEE
First Respondent

AND KEVIN (TIM) SMITH, DANIEL SMITH,
ULRIC SMITH AND FRANCIS GUTHRIE
SMITH (JUNIOR)
Second Respondent

Coram: Judge S Te A Milroy (Presiding)
Judge C T Coxhead
Judge M P Armstrong

Judgment: 21 February 2018

JUDGMENT OF THE COURT

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[1] Bruce Smith has filed an appeal against a decision of the Māori Land Court made on 17 November 2017 in respect to the estate of Francis Guthrie-Smith regarding the Māori freehold land known as Waipaoa 5A2 block. The appeal was set down to be heard on 21 February 2018 at Hastings.¹

[2] Counsel for the Respondent sought security for costs in respect to the appeal. On 18 January 2018 Mr Smith was notified of that application and was directed to file written submissions setting out his reasons for opposing the application by Tuesday 30 January 2018.

[3] Following that, on 19 January 2018, Mr Smith was directed to file a written submission, in relation to the substance of the appeal, by Friday 2 February 2018.²

[4] Mr Smith did not respond to the directions of the Court. As such, on 31 January 2018 we directed Mr Smith to deposit \$2,500.00 with the Court as security for costs by Friday, 16 February 2018.³ The case manager has confirmed that security for costs has not been paid. The Chief Registrar has also confirmed that no such payments were received by electronic means.

[5] Pursuant to r 8.19(1)(c) of the Māori Land Court Rules 2011, where the appellant has failed to pay security for costs by the fixed date the Court may dismiss the appeal without hearing. Mr Smith has failed to comply with the Court's directions including the payment of security for costs.

[6] The appeal is dismissed pursuant to rule 8.19(1)(c) of the Māori Land Court Rules 2011.

This judgment will be pronounced at the next sitting of the Māori Appellate Court.

S Te A Milroy (Presiding)
JUDGE

C T Coxhead
JUDGE

M P Armstrong
JUD

¹ 2017 Chief Judge's MB 452 (2017 CJ 452).

² 2018 Māori Appellate Court MB 12-13 (2018 APPEAL 12-13).

³ 2018 Māori Appellate Court MB 30-31 (2018 APPEAL 30-31).