

W/O 82/526

by the survey office at 1/3 per acre.

Pava Pakihi & Tamakoha were not present at this time.

I have also to remark that Pava Pakihi when present had undertaken to represent no. 5.

On the following day ^{13 April} Tamakoha appeared & objected to any order for survey, cuts in Takora & Oamaru blocks. He said "I was no party to cutting off any part of Oamaru for the crown - I should like this matter to stand over until I have communicated with Government - I look upon this survey (meaning both Takora & Oamaru) as a murder, & I look upon the result of the proceedings of this Court in the same light"

Pava Pakihi at same time appeared & said "I agreed to cutting off land for crown out of Oamaru - I consented if Government allowed us at the rate of 2/6 an acre - I was not here when matter was done, & I don't agree"

Te Ua Tawhito at same time said "In reference to No. 5 I protest against the arrangements made, & a charge cut off for Government - to defray the cost of survey - I protest also in reference to arrangement as to No. 6 portion"

In reference to these 3 persons I would remark that for No 6 Awani a porotanga represented them & no doubt was authorized to do so - As to No 5, if Te Ua Tawhito & other Ngati ngahere chose to absent themselves (having notice of the matter) it was their own neglect - qui facit per alium facit per se - Does it ^{discuss} apply here? There is no doubt that this matter had been outside at the R. M. Court as well as in the N. L. Court

between the natives (as such of them as chose to attend)
+ the Bush during one of not two days - or portions
of them -

I think I should also remark that it was a
strong sense of ^{alleged to be} injury sustained by what was called
the surreptitious sawing of Dehorn no 2 that stimulated
the opposition in this matter - It was intensified the
day after I made the order for the Survey co.
Dehorn.

L. O'Brien

12. 6. 89