

Here again let me note another blunder. In Mr. Dickey's notice of the 20th May, 1880, the hearing had taken place at Porangahau, on the 31st October, 1877. Now, it took place according to Mr. Dickey on the 20th December, 1876.

For the sitting of the Native Land Court at Napier on the 29th October the notice appears only in the *Gazette* of the 16th October. How the Natives at Taupo were to become acquainted with the notice is not stated. There is nothing to show they were personally served with it. Several people seem to have been interested in this block. Mr. Donnelly wished to know the names of the applicants on the 11th October, 1880; but Mr. Dickey questioned whether it would be right to tell him who were the applicants, and in this Mr. Fenton concurred, for all the information Mr. Donnelly received was "that Renata was not the applicant."

On the 25th October, 1880, a memorandum from Mr. Dickey to Mr. Fenton was written. It is as follows:—

MR. FENTON,—You desired me to ask Mr. Hamlin, the Interpreter to the Court, to open the Court advertised to sit at Napier on the 29th instant, and adjourn to the 1st proximo. I have delayed doing so until I have further instructions, as there is a rehearing, which must be called on or before the 31st instant—practically the 30th, as the 31st is Sunday. Can Mr. Hamlin call the case over, adjourn it as well as the Court?—A. J. DICKEY, 25/10/80.

On the 26th October there was a telegram to Mr. Hamlin, the Interpreter, from Mr. Dickey, as follows:—

PLEASE formally open the sitting of this Court at Napier on the 29th instant, and adjourn until Monday, the 1st proximo, at 2 p.m.

No notice seems to have been taken of Mr. Dickey's pointed reference to the possibility of the rehearing being shut out by the adjournment of the Court.

There is an undated memorandum in Judge Fenton's writing as follows:—

Ask Mr. Hamlin to open the Court and adjourn till Monday at two.

On the 26th October, 1880, Dr. Buller wires as follows to Napier:—

Tokaanu, Monday evening.

Re Owhaoko: Withdrawal of application for rehearing fully signed, and forwarded to you to-day by post. Am hurrying back. But in event of detention will ask you to take succession claims first, as usual hitherto. Am retained by Renata Kawepo in all the other cases except Tareha's. Fixing of Tapuacharuru Court gives great satisfaction.

W. L. BULLER, 26/10/80.

His Honour Judge Fenton, or the presiding Judge,
Native Land Court, Criterion Hotel, Napier.

On the 27th October, 1880, Dr. Buller wires from Taupo as follows:—

Re Owhaoko: Withdrawal of application for rehearing fully signed, and forwarded to your address Napier.

W. L. BULLER, 27/10/80.

His Honour Judge Fenton, Native Land Court,
Auckland.

On receipt of which, Judge Fenton writes on the same piece of paper as Mr. Dickey's memorandum about the adjournment of the Court the following words:—

THE application for rehearing is withdrawn.—F. FENTON, 27th October.

I wish here to remark that there was at this time no evidence whatever before Judge Fenton that the application for rehearing had been withdrawn. I assume that no Court would consider a telegram from the solicitor of the parties objecting to the rehearing to be evidence of the withdrawal of claims by those who had applied for a rehearing. The "withdrawal" referred to in Dr. Buller's telegram was forwarded to Judge Fenton, and was as follows:—