

Dr. Buller thought otherwise; and

The Chief Judge then proposed to postpone the case till this morning, to enable counsel to consider this point more fully.

Mr. Cornford said he hoped he would be heard before the Court came to any decision.

The Chief Judge declined to hear him unless he represented some of the applicants.

Mr. Cornford: I represent Heperi.

Dr. Buller: And he is not among the applicants.

Mr. Cornford asked to be supplied with a copy of the application for rehearing, and the Chief Judge assented. He was proceeding to address the Court, but was stopped, and the case ordered to stand postponed.

It seems very peculiar that the Chief Judge should inform Dr. Buller that he had received notice of withdrawal from the Natives, when the fact was that the "withdrawal" had been forwarded to him by Dr. Buller. Mr. Cornford, a barrister, claimed to appear for some Natives, but he was not allowed to address the Court. Next day the matter came up again, and Mr. Lascelles, according to the newspaper report, appeared for Mr. Cornford; and the following, according to the report in the *Hawke's Bay Herald* of the 3rd November, 1880, took place:—

(Before Chief Judge Fenton, Judge O'Brien, and the Native Assessor.)

OWING to the inadequacy of the accommodation in the old Council Chamber the Court removed yesterday to the Supreme Courthouse, where at 2 p.m. the Court opened its sitting.

The Owhaoko rehearing case was resumed.

Dr. Buller addressed the Court at some length to show that the provisions of "The Interpretation Act, 1878," as to repeals, did not apply to such a case as the present; that the proceedings were regulated by the various Native Land Acts as modified and controlled by the amending and consolidating Act of 1880; and that the Court had power, on the withdrawal of the opposition, to affirm the original judgment. Dr. Buller put in his retainer, in writing, to appear for the Natives who had sought the rehearing, and who now instructed him to withdraw all objections on their part to the former judgment; also a formal notice of withdrawal, signed by these Natives and addressed to the Court. He argued that it was the duty of the Court, on dismissing the application accordingly, to reinstate and affirm the old decision, using for that purpose the evidence already before the Court, as provided by section 58 of "The Native Land Act, 1880," so as to prevent the possibility of a valuable block of land, containing about 160,000 acres, being left unclothed with any title at all.

The Chief Judge said he would take further time to consider the points raised.

Mr. Lascelles applied for leave to address the Court.

Dr. Buller objected on the ground that Mr. Lascelles could not represent any of the applicants for rehearing, and had therefore no *locus standi* before the Court.

Mr. Lascelles said he appeared for fifteen Natives who were interested in the land, although their names were not in the application.

The Chief Judge: Then we do not know you; for these men are not before the Court in any way.

After some further discussion the Court agreed to hear Mr. Lascelles only as *amicus curiæ*, and allowed him to reply to the argument on the other side.

Mr. Cornford applied for leave to address the Court; but the Chief Judge refused on the ground that Mr. Lascelles had appeared for him, and had been heard by the indulgence of the Court.

After a short conference, the Court reserved its decision till the following morning.

A few more succession claims were then proceeded with, but very little progress was made owing to the unpreparedness of the claimants.

The Court finally adjourned to 10 o'clock this morning.

Next day the Court sat, and, according to the report in the *Hawke's Bay Herald* of the 4th November, 1880, the following took place:—

NATIVE LAND COURT, WEDNESDAY, 3RD NOVEMBER.

(Before Chief Judge Fenton, Judge O'Brien, and the Native Assessor.)

*Owhaoko Rehearing.*

THE Chief Judge said that the Court had promised to say something on this matter; but, in point of fact, they had nothing to say. The application