

land at Patea, in the District of Wellington, containing one hundred and thirty-four thousand six hundred and fifty (134,650) acres, and known by the name of Owhaoko, be inscribed on a separate folium of the Court Rolls.

“Witness the hand of J. Rogan, Esquire, and the seal of the Court, the thirty-first day of October, one thousand eight hundred and seventy-seven.

“J. ROGAN, Judge.”

Subsequently an application was made to the Government at Wellington, by Topia Turoa and others, for a rehearing of this case; and on the 4th February, 1880, an Order in Council was made directing that a rehearing should take place.

On the 1st November the Court sat at Napier to rehear the case. At such sitting documents were put before the Court showing the absolute withdrawal of the appellants from the further prosecution of their appeal; and they did not appear. Thereupon Dr. Buller, on behalf of the persons who had obtained the order for rehearing, applied to the Court to make an order confirming the original order of the Court. The Court ruled that, as the case had been withdrawn by the appellants, there were no parties or case before the Court, and that the Court had therefore no power to make such order as was prayed by Dr. Buller, or any other. The Court ordered, under section 103 of the Act of 1873, that the following question be sent to the Supreme Court for decision: In cases of rehearing, where persons who have successfully applied for a rehearing subsequently withdraw and abandon the prosecution of their appeal, can the Native Land Court make any order?

Auckland, 9th July, 1881.

J. FENTON, Chief Judge.

It is not perhaps necessary that I should set forth the telegrams that passed before the statement of the case was finally settled. Mr. Studholme, the lessee, sent the following telegram to the Chief Judge:—

HAVE you done anything *re* amendments? Anxious. Relying on you.—
JNO. STUDHOLME, 1/6/81.

To which the following reply was sent:—

HAVE delayed case until last moment, for obvious reasons. Buller is now settling it. Better that judgment of Supreme Court should be during session.—F. D. FENTON, 1/6/81.

I gather from this that, if the Supreme Court decision was adverse to the affirming of the previous decision of the Court, an application would have been made to Parliament for some Act to make Renata's and his friends' title complete. Mr. Cornford appears to have looked over the case, but whether he was acting for the Natives or for Dr. Buller's clients does not appear. It would appear from the telegrams that he was acting in the interests of Dr. Buller's clients.

The judgment of the Supreme Court was that, under section 50 of “The Native Land Court Act, 1873,” if the original decision was neither reversed nor amended, it stood. The order certified as follows:—

It is certified and adjudged in cases of rehearing under section 58 of the above Act, where an order has been made for the rehearing, and the applicants subsequently abandon their application, the Native Land Court has power to affirm the original decision.

The Court does not deal with the facts of this case, but only gives a general opinion. It is, I think, to be regretted that the whole facts had not been stated in the case by the Chief Judge to the Supreme Court. He knew that persons who had applied for the rehearing had not abandoned the prosecution of their appeal, for the case was not settled until the month of July, 1881, and in 1880 he had forwarded to him the telegram which had been sent to the Hon. the Native Minister. He had also received the letter from Heperi Pikirangi and others before set forth. And the Hon. Mr. Bryce had received the letter of Kahia, as before stated. I may further remark that, if the the Native Land Court assumed that Dr. Buller was acting for Topia Turoa and Hohepa Tamamutu, then they knew a barrister or solicitor was appearing for what was practically both plaintiff and defendant. I do not know whether this practice, condemned in all Courts in all civilized countries, has been usual in the Native Land Court. Further,