

it is plain that Dr. Buller was the Messrs. Studholme's solicitor as well. It was, in my opinion, the bounden duty of Judge Fenton, before he sent the case for the opinion of the Supreme Court, to have had the whole question of the signatures to the withdrawal and the telegram repudiating the withdrawal adjudicated on; and I can find no excuse for his neglect of such duty. It was entirely wrong for a Judge of the Native Land Court to certify to the Supreme Court that the Natives had abandoned their application for rehearing, when one of the Natives had repudiated such abandonment. The Chief Judge also knew that a large number of Natives claiming to be interested in the block insisted on their claims being heard; and I submit that the proper interpretation of section 50 was that, where a rehearing was ordered and proceedings begun, if the persons making claims abandoned them, then the former order could be affirmed, but persons who had claims had a right to be heard whether they were applicants for rehearing or not. The Chief Judge knew that many people claiming to be interested in the land had been deprived of making their claims in Court through the adjournments that Renata's solicitor had been allowed to obtain. The decision of the Supreme Court was given on the 27th April, 1881, and the Chief Judge, after the giving of that decision, made an order as follows:—

"Native Lands Act, 1873," and the amending Acts.

DISTRICT of Patea, in the Provincial District of Wellington.—Owhaoko Block.—At a sitting of the Native Land Court of New Zealand, held at Napier, in the Provincial District of Hawke's Bay, on the first day of November, one thousand eight hundred and eighty, before Francis Dart Fenton, Esquire, Chief Judge; Laughlin O'Brien, Esquire, Judge; and Wiremu Mita Hikaero, Assessor, in the matter of a parcel of land situate at or near to Patea, in the Provincial District of Wellington, and containing one hundred and thirty-four thousand six hundred and fifty acres, and known by the name of Owhaoko, in respect of which an order was made by this honourable Court sitting at Porangahau, in the Provincial District of Hawke's Bay, on the second day of December, one thousand eight hundred and seventy-six, for a memorial of ownership in favour of Renata Kawepo, Ihakara te Raro, Retimana te Rango, Noa Huke, Hira te Oke, and Karaitiana te Rango; and in the matter of an Order in Council made on the fourth day of February, one thousand eight hundred and eighty, directing that a rehearing should take place before the said Court: Upon such rehearing it was ordered that the original decision be affirmed, and that the former order of the Court be confirmed accordingly.

Witness the hand of Francis Dart Fenton, Esquire, Chief Judge, and the seal of the Court, this thirtieth day of October, one thousand eight hundred and eighty.
F. FENTON, Chief Judge.

This order is peculiar. The order purports to have been made in Court, in the District of Patea, in the Provincial District of Hawke's Bay, and at a sitting of the Native Land Court held on the 1st November, 1880; and it purports to have been signed in the Court and sealed on the 30th October, 1880! Now, no doubt under the order of the Supreme Court, the Native Land Court could make an order *nunc pro tunc*, but it could not make an order as on a day the Court never sat. There was no Court sitting on the 30th October, 1880, and I have stated my opinion that the Court had no jurisdiction to make any order after the 31st October unless possibly the case had been adjourned, which it was not. The insertion of the date 30th October was made because it was felt that the jurisdiction of the Court ceased after the 31st October. On its face the order is absurd, for the Chief Judge purports to sign an order on the 30th October, 1880, that was not made till the 1st November, 1880. I may add that the order was drawn up by Messrs. Buller and Gully, and the date of the signature was filled in at Dr. Buller's suggestion. What was the correct date to put in the order seems to have puzzled the Chief Judge, and he referred the matter to Dr. Buller. Dr. Buller replied as follows:—