

SIR,—

*Re Owhaoko* : As the Chief Judge has been good enough to ask my opinion as to the proper date for the order confirming the original Owhaoko judgment, I would suggest that the safest date will be the 30th October, 1880.

The order for rehearing (as published in the *New Zealand Gazette* of 1880, page 168) directs that such rehearing shall take place within three years from the 31st day of October, 1877. Consequently, the 30th October, 1880 (the 31st being a Sunday) was the latest date on which such rehearing could take place within the terms of the order. On that day the Clerk of the Court attended and adjourned the case till Monday to allow time for Mr. Fenton's arrival.

A. J. Dickey, Esq., Native Land Court.

I have, &c.,

W. L. BULLER.

This letter is incorrect : the Court was not adjourned on the 30th, but on the 29th. See Hawke's Bay paper, 30th October, 1880 :—

Judge Fenton, accompanied by Mr. Gray, Clerk of the Court, and Hikairo, Native Assessor, is on board the "Tararua," which will arrive on Sunday, and the Native Land Court will sit on Monday. The Court was formally opened and adjourned yesterday by Mr. Hamlin.

Nor was there any hint even that the case was ever adjourned.

The fact was that the Chief Judge assumed that his entry of the withdrawal on the 29th ended the case. And I have already submitted that, when the rehearing was ordered, if there were any Natives who had an interest in the block who wished to attend the Court to have their claims investigated, the Judge was bound to hear them. Nowhere in the Act can I find that a rehearing is to be confined to the question whether the Natives who had previously been adjudicated owners or the Natives who obtained the rehearing were to be deemed to be the owners. On the contrary, the whole policy of the law was that the Native Land Court, on a rehearing, was to have as full powers in deciding who were the true owners as it had when the case was originally before it. I therefore think the Chief Judge did wrong in excluding some claimants who had not asked for the hearing from being heard ; and, in any event, this fact ought, in all fairness, to have been stated to the Supreme Court in the special case.

The next that is heard of the Owhaoko appears in a telegram sent from Dr. Buller to Mr. Studholme on the 11th January, 1882 :—

OWHAOKO gazetted for hearing. Get Fenton wire Heale judgment affirmed. Knew nothing till I showed him copy Richmond's order.

This telegram is dated the 11th January, 1882, and was addressed to Mr. Studholme, Northern Club, Auckland. It may be here noticed that no order had up to this time been made by the Native Land Court dealing with Owhaoko. On the receipt of this telegram Mr. Studholme sent the following letter :—

Northern Club, Auckland, 12th January, 1882.

MY DEAR FENTON,—

I have just received the enclosed telegram from Dr. Buller. Judge Heale is apparently unacquainted with the facts of the case. Will you kindly advise him ? It would be very annoying if there was any further difficulty *re* title. I leave for Napier, per "Te Anau," at noon.

Yours, &c.,

JOHN STUDHOLME.

And on that Judge Fenton wires to Dr. Buller as follows :—

Dr. Buller, Napier.

12th January, 1882.

OWHAOKO seems to be a new claim. I think you should ask for costs.

F. D. FENTON.

While the Judge wires as follows :—

Judge Heale, Napier.

12th January, 1882.

OWHAOKO has been heard and is finished. This claim should be dismissed with costs.

F. D. FENTON.

And I have no doubt the Chief Judge's opinion was obeyed.

The appearance of this claim being set down for hearing may be thus accounted for : The Natives called Owhaoko "Ngaruroro ;" and