

procedure was legal in dealing with the Owhaoko rehearing. I may add that, if he had been acting under the Act, of 1880, then the case was wrongly stated to the Supreme Court. Again, if he had been acting under the Act of 1880 that Act would still show that the procedure of the Court was wrong. That Act assumes that a rehearing is to take place. No one can contend for one moment that any rehearing did take place. Section 47 of the Act of 1880 also provides that the Court is to affirm, reverse, vary, or alter decisions or give such other judgment or make such orders as the justice of the case requires. The Court made no order whatever. The only order made was made by Mr. Fenton, without even, apparently, consulting the other members of the Court. As to the rules declaring that there may be no new parties, if they attempt to limit the powers given to the Court under the Act they are *ultra vires*; but I do not think that Rule 37 could be so construed. Again, I may point out that a rehearing means that all parties that could be heard in the original case are to be heard when the rehearing takes place, otherwise the word "rehearing" is misused. What is a rehearing? In an ordinary equity suit it means that every person that could be heard when the suit was first before the Court can be heard when it is reheard. Here again, therefore, the contention of Mr. Fenton is disposed of. I can see no difference between the words "case" and "claim." A claim once made and going before the Court is a case, and that is how the word is used in the Acts. If, however, it had been the practice of the Native Land Court, in rehearings, only to hear the parties originally before the Court by way of claimants or counter-claimants, then what was the need of Mr. Fenton wishing to rely on the Act of 1880. It seems to me that this reference to the Act of 1880 is a tacit admission that Mr. Rogan's view of the law is the correct one, and that all parties having an interest ought to have been heard on the rehearing. I need hardly repeat that, up to the writing of Mr. Fenton's letter of the 21st July, I always understood he defended his issuing of the order on the ground that he was following the decision of the Supreme Court in its interpretation of the 50th section of the Act of 1873. His letter practically abandons that position, and lands him in still greater difficulties in his attempts to defend his action. I respectfully request that this note be submitted to the Committee, as I had not seen Mr. Fenton's letter when I had written my previous note.—I have, &c., ROBERT STOUT.

Letter from Mr. J. Holmes, M.H.R., to the Chairman.

Wellington, 12th August, 1886.—The Chairman, Owhaoko-Kaimanawa Committee.—Sir,—Having read the evidence taken in connection with this inquiry, I would like, if possible, to record my views upon it. It seems to me beyond a doubt that the original inquiries made by the Native Land Court regarding the ownership of the respective blocks named Owhaoko and Kaimanawa were conducted very irregularly and incompletely; and that those blocks of land respectively were not awarded to all the true owners, or in the due proportions to which the true owners were respectively entitled. In order that anything like justice should be done to the appellants and true owners of these blocks respectively the Committee should recommend that an Act be forthwith passed to enable a rehearing of the respective claims to ownership of both blocks, with such reservations and conditions as will, as far as practicable, protect the interests of lessees and third parties without doing manifest injustice to the true owners.—Yours faithfully,
JOHN HOLMES.