

7. It is by no means certain that the proceedings of the 22nd February, 1884, amounted to anything more than the expression of the judicial opinion as to which of the parties before the Court were entitled. If the real definite ascertainment of title was on the 1st April, 1884, when the list of names was fully settled, then the application for rehearing would be well within the time allowed by law.

8. This Court, however, assumes that as an order has been drawn up, sealed, and dated the 22nd February, 1884, and is upon the file, it must accept that as recording the judgment of the Court, notwithstanding its apparent conflict with the minutes; but it does appear as if the applicants for rehearing have been deprived of their right by a technicality.

9. To continue the history of the block: The Crown purchased $4\frac{3}{8}$ interest out of the eighty-five owners. On a basis of equal shares, which was agreed to for the purposes of that partition, but which was expressly dissented from as regards the rest of the block, a portion called Puhunga No. 1, containing 108 acres 3 roods, was cut off for the Crown. The Natives claim this portion has been returned to them. It is possible there is some record in Wellington if this has been done.

10. The remaining portion, called Puhunga No. 2, containing 2,023 acres 3 roods, was vested in the remaining owners, the shares being left undefined, and these owners were, by order dated the 9th August, 1911, incorporated for the purpose of farming the land.

11. When the inquiry was held before this present Court there seemed to be considerable dissatisfaction on account of people who ought to have been admitted being left out, and there was a general consensus of opinion that the matter should be reopened, so as to allow the admission of those so left out. Others desire it to go right back to the papatupu stage, and have the whole case reinvestigated, but this hardly seems desirable.

12. Seeing that there is this general consensus of opinion, and that at least one section has been deprived by a technicality of its legitimate right to have a rehearing, the Court is of opinion that an opportunity should be given to enable those omitted from the title to be included upon proving their right to be so included. This would apparently cover the case of those who sought a rehearing. If, however, it is decided to grant a rehearing, care will need to be taken to protect, if necessary, the subsequent dealings with the land.

The Chief Judge, Native Land Court, Wellington.

For the Court

R. N. JONES, Judge.

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