

5. An application was likewise made under subsection (10) of section 14 of the Native Land Court Act, 1894, in the year 1896, and is noted by the Chief Judge, "Not sufficient reason for inquiry under subsection (10); no action to be taken." The matter could, of course, not be proceeded with in the absence of the necessary Order in Council authorizing the Court to exercise the jurisdiction.

6. Before the Court on this inquiry it appears that a list of some fifty persons to come into the title had been agreed to by the representation of some of the grantees; others of the grantees, by their representations, objected to the matter being reopened. It was apparent, however, from the discussion that the ten were not the only owners of the block according to Native custom.

7. It may be questioned, seeing that former applications were apparently not dealt with on their merits, whether the petitioners have exhausted their legal remedies, inasmuch as, if so authorized under sections 103 and 107 of the Native Land Act, 1909, the Court might proceed to ascertain the equitable owners (if any), unless it is held that the effect of section 432 of the Land Titles Protection Act, 1902, bars such action.

8. If action is barred the simplest way to rectify the matter would be to authorize and direct the issue of the necessary Order in Council to enable the Court to deal with the matter, leaving the parties then to take such action as they may be advised.

9. Since the issue of the original title the block has been divided into Tutuotekaha 1A, which has been sold, and Tutuotekaha 1B, which has still been retained by Natives and divided into four parcels, 1B1, 1B2, 1B3, and 1B4 respectively. These will necessarily be disturbed in any readjustment, but it does not appear that any of them have been surveyed.

26th October, 1911.

R. N. JONES, Judge.

*Approximate Cost of Paper.*—Preparation, not given; printing (1,400 copies), £1 10s.

---

By Authority : JOHN MACKAY, Government Printer, Wellington.—1912

Price 3d.]