

Mr. Fenton: I should like to add, if it is permitted, that, as far as my recollection goes, the correspondence, I think, was almost entirely carried on, after Mr. McLean's arrangement, between Mr. Rogan and my office through the Chief Clerk. I think it is very likely formal letters came addressed to the Chief Judge; but I said to Mr. McLean at the time that as he was depriving me of my power, I should decline all responsibility. He said, "Yes, that's the very thing I want."

19. Mr. Bell:] So that Mr. Rogan corresponded with Mr. Dickey, the Chief Clerk at Auckland, for the assistance he wanted?—That is my recollection. Of course Mr. Rogan could not do all his work with his own people, because it meant very large correspondence. I had a correspondence with Colonel Russell, who was Native Minister—I think it was during the Waitara investigations, in 1865. He and I had a very long correspondence on this matter at that time. I was rather anxious that there should be independent establishments at Wellington, Gisborne, Napier, Taranaki, and so on, and we went into it at some length. We found that it meant this: that a local Judge established in the various places meant a survey staff, with clerks, and, in fact, that the expense of the departments proposed was such that the scheme had not the slightest chance of being agreed to, and it was abandoned. The establishment of Mr. Rogan locally was a partial step in that direction; but without any survey staff, and only two clerks, it could not be carried on without the assistance of my establishment.

20. Now, it appears that the papers relating to the application for a rehearing of the Owhaoko Block claims were referred to you. Look at page 87 of the memorandum of the Attorney-General. There it is stated that the petition of these Natives for a rehearing of the Owhaoko Block was referred to you?—Yes.

21. You observe that this is an application by Topia and others?—I observe it now you call my attention to it. I did not observe it before.

22. Now, can you recollect when you referred it to Mr. Locke—can you recollect the effect otherwise than from this memorandum?—No.

23. However, do you recollect that you recommended a rehearing of the Owhaoko Block? Do you recollect that as a fact?—I see that I did, but I have no recollection of it.

24. Therefore you have no recollection of the circumstances connected with it?—Until the editor of the *New Zealand Herald* brought me this paper I had completely forgotten even the name of Owhaoko, and now it is only that two or three things occur to my recollection as I read.

25. I dare say you observe that on the 3rd November, 1879, you pointed out that there was no real difficulty in issuing the Order in Council for the rehearing?—That seems very clear.

26. And you also observe that on the 16th October of that year you had written?—Where do you find that?

27. Below. On the 16th you had written to the Minister referring to this rehearing, and pointing out that no further action had been taken?—So it seems.

28. Well, therefore you appear to have been satisfied at that time that a rehearing ought to be given, and to have done your best to get the Order in Council issued—judging from these papers, I mean?—I was clearly of opinion at that time that a rehearing should be ordered, and, finding that time was passing away, I reminded the Government.

Mr. Bell: Now, I take you to the occasion of the rehearing of the circumstances that took place before you. I would refer you to the paragraph on page 10 of the memorandum, in which there is comment on the application for the adjournment. I want you to read that paragraph. [Paragraph read.] Now, you see it is stated that Dr. Buller applied to you for an adjournment of the sitting. I would ask the Committee if the letter before them, which is only a *précis*, should be laid before them in full.

The Chairman: The letter shall be procured in full.

Mr. Bell: There is another point I should like you to refer to. On page 115 of the papers on the table there is a telegram from Dr. Buller, of the 25th July, which concludes with a dash, as if the whole were not set out. I dare say the matter which is left out refers to other questions.

Hon. Sir R. Stout: Yes; you can have that also if you wish.

30. Mr. Bell: Now, Mr. Fenton, it appears from these papers on the table that Dr. Buller applied to you for an adjournment of the sitting—we have not his letter, so I cannot show it to you—and that Dr. Buller stated that notice of the sitting had been received late. It is also stated by Dr. Buller that the Owhaoko claimants originally resided at Taupo. Can you remember the application by Dr. Buller for the adjournment? What were you doing in Wellington at that time?—I was assisting—if that is the right word—the Government about their Bills. They were passing a new Native Land Act, and there were some three or four Acts of the same kind before the Government.

31. That is what you were doing in Wellington during the session of 1880?—Yes.

32. Why did you adjourn the Court *sine die*?—I was desired by the Government to go to Wellington. It is a place I do not like. I always go there with reluctance, and am pleased to get away. But the Government wanted me, though I do not know that they had the absolute right to keep me.

33. Now, let me read this paragraph: "Dr. Buller, who acted for Renata Kawepo, applied to the Chief Judge, Native Land Court, for an adjournment of the sitting, stating that 'notice of the sitting had been received late.' It will be observed that it appeared in the *Gazette* of the 8th June, the sitting to take place on the 30th June, and, as Renata and the people he represented lived near Napier, the time should have been ample. But if it were not ample what time had the people resident at Taupo when the case was originally heard? He also stated that the Owhaoko claimants mostly resided at Taupo. As he was not acting for them, but, on the contrary, acting for Renata Kawepo and for his lessees, the Messrs. Studholme, who ignored the claimants at Taupo, this would seem at first sight to have been very kind of Renata Kawepo's solicitor. His object appears to have been, not, however, to obtain any redress for these Taupo claimants, but to get an adjournment of the Court, and that without consulting the claimants who resided at Taupo,