

or any person acting for them. Notwithstanding the enormous delay they have already been put to about their rehearing, Judge Fenton adjourns the Court *sine die*, and inserts the following notice in the *Gazette*: 'Notice.—Native Land Court, Auckland, June 10th, 1880.—Notice is hereby given that the sitting of this Court advertised to be held at Napier on the 30th instant will not be so held, but is postponed to a future date.—F. D. FENTON, Chief Judge.' Did you adjourn the Court *sine die* because Dr. Buller wanted to obtain an adjournment for other persons than the applicants?—That is not my recollection. My recollection is simply that I adjourned it because I could not go. It was my practice to take rehearsings myself whenever I could. I am not certain about what I am going to say now, but I think that this is the year that I tried arranging the Courts for a whole year beforehand, so that everybody might know when the Courts were sitting all through the different districts. I think this was the year. The scheme utterly broke down, however, and I found it quite impracticable. My recollection is that this was adjourned *sine die* because I did not know when I should be at liberty, and for no other reason at all. I do not see that because Dr. Buller writes a letter to me it is to be taken for granted that I go upon that. That is not the character I have held. Even when a Minister wrote to me I have been believed to be rather a troublesome than a facile man.

34. As I understand it, you were here, and you adjourned the Court because you could not leave Wellington?—That is so.

Mr. Fenton (addressing the Chairman) said: I only read this memorandum of Sir R. Stout's once. It gave me so much distress that I only read it once. It pained me so much. But I talked to Mr. Dickey about it. He said that there were several things which are not clear to him, but which might be cleared up by the Native Land Court file and papers. I have not seen them.

Mr. Bell: This is a point at which I should like to break off my examination.

THURSDAY, 1ST JULY, 1886.

MR. FENTON further examined.

Mr. Fenton: May I mention something that I did not know yesterday—in fact, I do not put much importance to it, though, as it concerns Mr. Dickey, who is not here, I deem it right to mention it. It is mentioned on page 9 of the memorandum that the notices of sitting were wrong in the date recited and in the place mentioned—viz., Porangahau. I think it right to state that this notice of his, naming the 31st October, 1877, is simply taken from the Order in Council; and, if there is any error there, it is in the Order in Council. I saw the original order last night. In 1867, or somewhere about then, I used to prepare these Orders in Council for the Government; but I made some mistake—I forget what it was now, but it was something similar to the one now pointed out to the Committee—and I wrote to the Government and said that I had done my best, and, as they were going to put the responsibility on me, I would not do them any longer.

35. Mr. Bell.] Can you remember whether that would be before or after 1880?—Long before.

36. But before that you assisted to draft the Orders in Council?—Yes. I think I began in 1867 or 1868. It was when Sir Donald McLean was Native Minister that I discontinued.

37. Hon. Sir R. Stout.] It appears in my memorandum that this Order in Council was prepared two days later by the Clerk?—It does not concern me, but Mr. Dickey; and, as he is not here, I think it right to make the explanation. Dr. Buller's letter of the 8th June, asking me to adjourn the Court, judging from the *précis*, I could not possibly have seen, because I was away. I simply adjourned the Court because I could not go. If I remember right, at a subsequent date I told Mr. Dickey to fix the date as late as possible, because I did not know how long the Government were going to keep me.

38. Mr. Bell.] We have got down to the bottom of page 9. What I want to know from you now is about the suggestion in the following paragraph: "At this time Judge Fenton was in Wellington, and the people who suggested to him that the case had been reheard must have been residents in or visitors to Wellington. Clearly it was not the Taupo Natives, and one can only infer who suggested it by the other surroundings of this case." Can you remember at all who suggested it to you?—No, I have no idea.

39. If you were informed of the fact would you consult your officers at Auckland?—I presume if it was of sufficient importance I should wire down to the officers at Auckland.

40. However, you have no recollection?—None whatever. I do not see that it matters at all, if I forgot that there was to be a rehearing.

41. You cannot infer who suggested it?—Not at all.

42. Go on to Dr. Buller's letter of the 26th July, which is as follows: "Wellington, 26th July, 1880.—*Re* Owhaoko: Please inform me by telegram of the names of the applicants for rehearing. The case has been adjourned *sine die*, and Mr. Fenton has advised Studholme to make terms with a view to withdrawal.—W. L. BULLER.—A. Dickey, Esq., Native Land Court, Auckland." I call your attention to the last words—that is, "Mr. Fenton" to the end. I ask you what you say to that?—I say this: that this is almost the only part—I will not say altogether, but it is the feature in this paper which I have a distinct recollection of. I remember it for this reason: that I saw this telegram some months afterwards in Auckland, when looking over the files for some other purpose, and I was very much annoyed at this—not so much that I should have minded making a suggestion to Mr. Studholme or any one else if I could fix up a quarrel, but because in this case I had not done so, and I thought it was an impertinence on the part of Dr. Buller, and I think so still.

43. I understand that you did not assume the new function which the Premier's memorandum infers by the comments—because that would appear to be a new function for a Judge to assume?—I did not; and I was not a Judge, but an administrative officer. I do not think the Attorney-General quite understands my position. Till I gave up office, and this section which gave me these powers