

who asked for it. The information was not filed in the Native Land Court Record Office—it was only in the Native Lands Office in Wellington; and if they wished to get information they should have applied to the Native Minister direct. I assumed that the application was made by Mr. Studholme to Judge Fenton, and that he wired through his clerk to get the information from the Native Office, in order to furnish Mr. Studholme with information to carry out what Judge Fenton had advised the Court (by Dr. Buller's statement) to do—namely, to get a withdrawal. My paragraph was based on the assumption that what is stated in this paragraph—namely, “and Mr. Fenton has advised Studholme to make terms with a view to withdrawal”—was correct.

*Mr. Bell*: I am content with that way of putting it. That being so, I think I will leave it to the Committee, and would beg that any member who has the least doubt on the point will put the question to Mr. Fenton. I cannot put the question again after the answer I have received. I myself feel that it is a most insulting one to put to a gentleman of his position.

Mr. FENTON's examination continued.

75. *Mr. Stewart*.] There is only one question. Mr. Bell suggested that there might be some business relation. The correspondence here shows some sort of personal relation. Were you and Mr. Studholme personal friends?—At that time?

76. Yes—in 1880, at the time referred to by these documents?—I was in the same relation to Mr. Studholme that I was with other ancient members of Parliament, and that is all. I have had relations with him since, but I knew no more about him then than about other old members of Parliament whom I was constantly meeting. I had never been to his house and he had never been to mine. Would you allow me to add to this honourable member that he will find hundreds of letters of this kind amongst my official papers. People who knew me frequently wrote “My dear Fenton,” or “My dear Mr. Fenton,” and I put these letters on the file, and did not trouble about being addressed in any more formal manner. The very fact that these papers were all handed over to the clerks would show that it never entered my mind that there was any understanding between us. If there had been, as an ordinary man of the world I should have destroyed them. I may say that I made it a rule, almost from the first moment I went into the office, not to open any letters myself: they were always opened by my people in the office, and they were placed on my table after being registered as office documents. I am well aware that there is no single letter of this description—“My dear Fenton,” or “My dear Mr. Fenton”—that came into my office that is not in the public records.

77. *Mr. Bell*.] Well, perhaps we had better pass from that for the present. You have read the correspondence which appears in the memorandum and the papers with reference to the rehearing, if I call your attention to them?—Yes.

78. That will be on page 11?—Yes.

79. You observe the second paragraph on page 11?—Yes. It frequently happened that Native agents came to the office and tried to get information—and before I observed the effect of it they sometimes obtained it—simply for the purpose of purchasing interests for the purpose of disturbing the claims. Thus, when honourable purchasers came in they found that some interest had been bought by these blackmailers, and the result was most disastrous to everybody. The European purchaser was asked to buy out these people at most exorbitant prices, in which the Natives had no benefit; and it was injurious to everybody, and extremely wrong, so I would not allow them to inspect the papers unless they had a right.

80. Now, this letter of the 25th October, 1880: You are referred to by Mr. Dickey, who calls your attention to the fact that the rehearing must be called on before the 31st—practically the 30th—and asks you the question, Can Mr. Hamlin call the case for adjournment, as well as the Court? Then, on the 26th, you see, there is a telegram to Mr. Hamlin, the interpreter, from Mr. Dickey, as follows: “Please formally open the sitting of this Court at Napier on the 29th instant, and adjourn until Monday, the 1st proximo, at 2 p.m.” Have you anything to say as to where you were on the 26th?—I was at home—at least, I was not at the office on the 26th.

81. So that Mr. Dickey sent this telegram on the 26th without your being at the office?—It seems so.

*Hon. Sir R. Stout*: The telegram was from Mr. Hamlin on the 26th: Mr. Dickey might have sent it before.

82. *Mr. Bell*.] Mr. Fenton was not at the office on the 26th, and so Mr. Dickey sends the telegram without Mr. Fenton's knowledge. Now I am coming to what Mr. Fenton says: When you say “at home” you were at your house?—I was not at the office. I know this, because I went to look at the books in the office at Auckland, and I found that all the letters on the 27th are mine, and on the 25th, but on the 26th all the letters are signed by Mr. Dickey.

83. So you are able to say you were not at the office on the 26th?—Yes.

84. Now, because Mr. Stout's memorandum puts them in this order, is that because the document is undated in the original? Have you seen the papers?—Yes, last night.

*Hon. Sir R. Stout*: Perhaps it would be best to look at original document. The writings are across one another, and that is the reason that I said it was undated.

[The original document was here produced and examined, it being as follows, written in red ink in Mr. Fenton's handwriting, below a memorandum from Mr. Dickey in black ink, dated the 25th October, 1880: “The application for rehearing is withdrawn.—F. D., Oct. 27.” “Ask Mr. Hamlin to open the Court and adjourn until Monday, at 2.”]

*Mr. Fenton*: That is so. I did not understand it till I saw the original, and it was then very clear.

*Mr. Bell*: This memorandum—“Ask Mr. Hamlin to open the Court and adjourn till Monday, at 2”—follows the phrase, “The application for rehearing is withdrawn.—F. D. FENTON, 27th October.”