

them, of sending in a new claim for the same piece of land under a different name. It caused us a great deal of trouble in the office. We entered it on the books, and in one case they got an order before we found out from the Survey Office that the land was the same as a piece which had already gone through the Court in a different name. Here they sent in a claim for the Owhaoko Block, calling it Ngariroro, repeating this trick. And I had often asked the Judges to give costs; but they said, "It is of no use; we cannot get them paid." I asked Judge Heale to do it in this case, to try and make an example; but he did not do it. I could not get the Judges to put costs on in any case.

193. Look at the previous telegram: "Dr. Buller, Napier.—Owhaoko seems to be a new claim. I think you should ask for costs.—F. D. FENTON." Why did you tell him to ask for costs? Was it to put money either into Dr. Buller's or Mr. Studholme's pocket?—No; it was to get brought forcibly before the Court the necessity of taking steps to stop this trick, which had become almost a habit with the Natives. I remember very often I have had conversations with Judges about these costs; and this was a practice which I wanted to stop. I was very much annoyed at it, as it gave so much trouble in the office, bringing Natives to defend the title which they had already obtained, often from a great distance, and putting them to great expense. In one case of my own—in which, however, it was not this trick, but a second trial—I gave costs, and they were paid.

194. You were aware that the Owhaoko had been practically determined by the Judge of the Supreme Court, and that you had power to affirm the original order. Supposing you knew that application for that block was being brought before one of the Judges under another name, would it not be your duty to inform the Judge that he ought to impose costs?—Certainly. If the trick succeeded they would get an order.

195. Now, you give an explanation. I will put it to you this way: The explanation you have given was the only motive that induced you to send those telegrams as to costs?—Certainly. There could be no other motive, could there.

Mr. Stewart: There should be none, at any rate.

Mr. Holmes: That is another way of putting it.

196. *Mr. Bell.*] Was anything as to costs suggested to you by either Dr. Buller or Mr. Studholme?—No, certainly not. I have done this very often, not only by paper, but personally with the Judges.

197. Your impression is that Mr. Heale did not obey your opinion. He did not give costs?—No; I could never get them to do it. They said it was perfectly useless.

198. *Mr. Holmes.*] Did not I understand you to say they were your superiors when sitting as Judges; therefore you would not expect them to obey you?—No, I suppose not.

SATURDAY, 3RD JULY, 1886.

The following telegrams were put in by the Chairman, and it was resolved that they be printed as evidence:—

The Chairman to Mr. Cornford, Napier.—Please state (1) on whose behalf you perused draft case for Supreme Court re Owhaoko Block, in July, 1881; (2) were you paid fees for such perusal, and, if so, when and by whom; (3) when did you begin to act in the matter for Studholme and Renata?

Mr. Cornford to the Chairman.—At request of G. P. Donnelly, I perused a case submitted to me by Judge Fenton in July, 1881. Was never paid any fees for so doing. Began to act for Mr. Studholme in March, 1884. Have never acted for Studholme and Renata, or for Renata.

Mr. FENTON's examination resumed.

199. *Mr. Bell.*] You were asked a question, What were your duties as an executive officer? Do you wish to make any statement in reference to that?—I would very much like to do so, because the honourable member who asked me the question did not seem to understand why I should be corresponding at all. If you will permit me, I will read from notes. They are as follows: Under the Act of 1865: To recommend assessors; make rules for guidance of all officers and surveyors, regulations for juries; receive and enter in proper books claims; corresponding with Survey Department to ascertain where the land claimed was situate; issue preliminary notices of sitting; to issue final notices; to forward maps and papers to the Court, and numerous other preparations; to prepare all certificates under orders of the Court, with proper plans; to examine and execute; to keep records of decisions, and enter in the books accordingly; memoranda of interlocutory judgments; append recommendation of restrictions; make the necessary entries and copies; forward originals to the Governor. Similar proceedings with reference to appointment of successors of deceased owners, called "testamentary orders;" similar proceedings with reference to claims when the Natives did not desire Crown grants; similar proceedings with respect to succession to Native land; similar proceedings with respect to subdivision of Crown-grant land. Decide as to duties payable to Treasury on conveyances in case of objection to assessment of Registrars of Deeds; keep accounts of all fees for Treasury; communicate with Judges and surveyors about surveys and maps; furnish copies of orders to proper applicants; secure to Government repayment of advances to Natives for surveys; consider applications for rehearings on reference from Governor. Keep all record-books, local register-books, order-books, claim-books, certificate-books, testamentary-order books, subdivision-books, survey-books, Judge's books, fee-books, &c.; supply Government officers with forms, and Natives, on application; print all notices of Court in Auckland, and supply copy for the *Gazette*, also for *Kahiti*; distribute the same to all Resident Magistrates (twenty copies), Native Assessors, public officers, and Natives concerned. (I remember that on counting it up we ascertained that the writing in the addresses of notices for one Court amounted to fifteen hundred folios of writing.) Postponing Courts when necessary; examining and approving (if necessary) alterations in maps ordered by Courts; examine each Judge's fee-book, and the general fee-book; examine maps as received from the chief provincial surveyor; deposit same for public inspection; set down