

for hearing questions arising between surveyors and their employers; and sign and seal all certificates. Under the Act of 1867: To examine and license interpreters; receive and account for money deposited in Court as security; keep record of lands proclaimed by the Governor as Native title extinguished; warn the Survey Office and Judges; register and secure advances to Natives by intending purchasers of money for purposes of getting surveys made; arrange for references from Government under the New Zealand Settlements Acts, 1863, 1864, 1865, and 1866. Under the Act of 1869: Prepare all Crown grants and copies (of which there were five hundred in arrear at the time of this duty being imposed on me), and forward to Secretary for Crown Lands. Under the Act of 1873: To preserve and record Court rolls (clauses 21 to 32 never operated); all proceedings as to Courts similar to those under the Act of 1865; receive and consider all reports of district officers; inform Judges of claims, and request preliminary inquiries as to possibility of disturbance of the peace; prepare memorials of ownership, and correspond with Survey Office about plans; prepare decisions of Court for *Gazette*; make copies of Court rolls; make certified copies of rolls for the Minister; notify to the Governor interests of infants and persons under disability; inquire into fairness of sales and due execution of deeds; payment of survey liens, duties to Government, fees and charges; examine deeds and make declarations of freehold; transmit to Governor, with recommendations of [Crown grant; similar proceedings as to leases; provide Courts for applications for separation of interests of dissentient sellers, and for subdivision; issue fresh memorials, and all other proceedings thereupon; provide for trial of claims of Government surveyor, if disputed; record the liens; notify the surveyor when paid off; register instruments of disposition, and enter on the district record; examine all mortgages before registration, to see that no power of foreclosure; witness, superintend, and record execution of instruments of disposition; similar proceedings as above when European purchaser has purchased part of land in Crown grant, and all formal records, &c.; references from Supreme Court; amend errors; provide for settlement of old land-claims on reference from Land Claims Commissioner. Under "Government Land Purchase Act, 1874:" Provide for observance of notifications of Land Purchase operations; notify to Judges the abandonment of Government operations. Under Act of 1877: Provide (as before) for Government applications for land, to be marked off, and to satisfy their payments. Under the Act of 1878: Forward to the Governor recommendation about restrictions; forward to the Governor and prepare appointment of trustees, &c., under Maori Real Estate Management Acts; and change interlocutory orders to final orders at discretion. Under the Act of 1880: To determine applications for rehearings (and sometimes hold Courts for the purpose); sign conveyances of land, assigned for payment of any advances. Besides all this there was fixing Courts, postponing them if necessary; preparation inquiry of all extraordinary orders; correspondence with the Government, Natives, purchasers, and their solicitors; seeing them when they called; providing clerks for the Courts; writing to the several Resident Magistrates for clerks when no clerks left in the office; despatching papers, &c., to the Judges to whom a Court was assigned, and the general superintendence of a large office. The letters in one year, when a statement was made to obtain greater clerical assistance, amounted, according to the office-number, to between 6,000 and 7,000. Besides this there were similar duties (Native Land Court) under special Acts—"Native Land Court Act, 1881," Mohaka and Waikare Native Reserves Acts, Native Intestate Succession Acts, Maori Real Estate Management Acts, East Coast Land-titles Investigation Acts, Rangitikei-Manawatu Crown Grants Act, Kaiapoi Native Reserves Act, Himatangi Crown Grants Act, Taonui Ahuaturanga Act; and, under "The Land Duties Act, 1873," the assessment of duties payable to Government on instruments of disposition was thrown entirely upon the Judges—mostly the Chief Judge, because he was in Auckland and had a fixed office. I will now, if you will allow me, mention one or two matters in my evidence which require altering or explaining.

200. *The Chairman.*] Perhaps before you go on with that I had better inform you of the resolution which the Committee has arrived at. Your counsel, Mr. Bell, will be allowed at the close of the evidence to address the Committee, and his address will be taken down in shorthand and made part of the proceedings; but that is on the condition that you do not also address the Committee on the facts or allegations in this memorandum, because they do not think that you should do so by your counsel and also personally. But Mr. Bell has told us that he does not intend, in his address, to argue that the decisions were right in matter of law, and therefore, if you think it desirable to address the Committee on that point, they will hear you. But I think it right to warn you that, if you go into the law question of the allegations and comments contained in Sir Robert Stout's memorandum, you will then be shutting out your counsel from being heard by the Committee, or, rather, what he may say will not be reported in that case. I believe I am expressing the views of the Committee correctly?—I understand that, Sir. I only wish to bring under the notice of the Chairman one or two slight inaccuracies in the report of my evidence which I should like made clear.

[It was agreed that the alterations thought necessary by the witness should be made, and referred to the Chairman.]

201. *Mr. Bell.*] I would like to ask you one more question, Mr. Fenton: How long have you been in the public service of the colony?—Since 1852.

202. What was your first office?—I was a clerk in the Registry of Deeds; then Resident Magistrate; then Native Secretary (there was no Responsible Government in those days); then Civil Commissioner and Resident Magistrate at Waikato—that was when the king or land-league movement was going on; then Assistant Law Officer; and then I was Under-Secretary for Defence for some time, when the establishment was formed when the war broke out; and then Chief Judge of the Compensation Court. (That was the most difficult office I have ever held, I think: it was under the New Zealand Settlement Act of 1873.) Then I was District Judge, and I was offered the office that the learned Attorney-General now holds, which I declined. That was when Sir James Prendergast was made Chief Justice.