

863. And did you or your father object to the division at the time?—Yes; it can be seen by the records of the Court—that is, if you have them here in your possession.

864. You agreed that Renata should have some share, but not that he should have such a big share?—Do you mean Owhaoko or all the three?

865. Owhaoko?—We never said anything to him about the matter whether he should be admitted as a claimant or not to Owhaoko; but the Court said he should have a right to it.

866. Do you consent that he shall have a claim in the Kaimanawa Oruamatua?—No; that is the reason we asked for a rehearing, and we objected to his having an interest in these two blocks.

867. Did you ever consent to withdraw these blocks from rehearing?—Dr. Buller carried out some deceitful transactions with some of these people at Taupo in asking them to withdraw their application.

868. But you never consented to the withdrawal?—No.

WEDNESDAY, 14TH JULY, 1886.

Mr. FENTON further examined.

869. *Hon. Sir R. Stout.*] I want, Mr. Fenton, to understand the action of the Native Land Court—not specially referring to any action of yours—to understand the action of the Judges, and ascertain from you the views of the Court in administering the Native Land Acts as to investigation of title, the views of the various Judges—that is, not specially referring to this case, but generally?—I do not think I quite understand you.

870. I want to know, generally, the duties of the Court, as you understood them, and as I apprehend the Judges generally agreed with you in the general matter of the administering of Native land laws. As far as you know, there was no serious difference between you and the other Judges during the time you were Chief Judge?—No, I think not. On the question of law, do you mean?

871. Yes?—I think not. We had two or three opportunities at different times of discussing questions; but they always ended, I think, in unanimity.

872. As I understand, it was the duty of the Native Land Court to find out who were the owners of the land—the Native owners of the land?—Yes.

873. That was its only function, was it not?—No.

874. What other function had it?—Under the Act of 1865, recommending restrictions.

875. Yes, on the owners?—On their powers of dealing with the land, not only over their own interests, but over the interests of the public. For instance, a place, I remember, on the Thames country turned out to be required for a wharf; and when we met a case of that sort we always put a restriction on, so that it would not fall into the hands of private owners.

876. But the first thing was to ascertain who were the owners, and the second thing to find out, or to recommend, how the land was to be dealt with by the owners?—Yes.

877. The Native Land Act of 1865 and the Native Land Act of 1873 were read together, were they not? One Act did not repeal the other, did it?

*Mr. Bell:* The Act of 1873 repealed the Act of 1865?

*Mr. Fenton:* Yes, that is so.

878. *Hon. Sir R. Stout.*] Then we will deal with the Act of 1873, and leave the Act of 1865. The Act of 1865 had nothing to do with this case?—No.

879. Now, after the passing of the Act of 1873 were any instructions issued from the Native Minister—from the Native Office—regarding the way in which you were to carry out the Act of 1873?—No.

880. As I understand it, before you investigated the title to land there had been a claim laid to the land by some one?—Yes.

881. That was the first step?—Yes. When you say “you” you mean the Court in future, I suppose.

882. Yes. I do not mean you personally. I want to get first, before I deal with this Kaimanawa-Owhaoko affair—I want to get the general practice of the Court; so that we may understand how the thing proceeded. The first step was to get a claimant?—Yes.

883. The next step was to give notice, was it not?—No, I think not. Of the Court, you mean?

884. We will take it like this, then: The first step is to lodge a claim, is it not?—Yes.

885. Under section 34 of the Act?—Yes.

886. And the application, according to section 34, had to set out the boundaries—I suppose not very particularly, so long as it was known where the land was, and the names of the persons interested in it?—Yes.

887. The next step, was it not, was to serve notices of the application under section 35?—No.

888. What was the next step?—That is section 35: I presume you will come to that afterwards. The next step was to refer it to the District Officer.

889. Well, then, after it was referred to him, what next happened?—If he wrote “No objection,” then, if the Chief Judge felt that the peace of the country might not be disturbed, or there was no cause for anxiety, he instituted, or caused to be instituted, preliminary inquiries under the 38th section.

890. I see. Well, if all these things were gone through, the next thing would be the fixing of the sitting of the Court?—Yes.

891. And giving the notice to the applicants as well as to every person that was supposed to