satisfaction of the Land Registrar. The Maori Real Estate Management Act and the Frauds Prevention Acts would require to be continued.

I have, &c.,
EDWIN BAMFORD, District Land Registrar.

The Chairman of the Native-land Laws Commission,
Government Buildings, Wellington.

No. 7.

Ex Chief Judge FENTON to the NATIVE-LAND LAWS COMMISSIONERS.

SIR,— Crosland, Kaipara, 6th April, 1891.

In accordance with my promise, I now forward a print of the private Bill prepared by me as solicitor for the Ngatiwhakaue Tribe, of Rotorua. After the proper deposits had been made I had to abandon the Bill, because a great proportion of the tribe sent up a petition to Parliament against it. The ground of their objection to the measure was, as I understood, that the first Committee were nominated in the Bill instead of being elected subsequently. As the names were fixed at a meeting of the tribe, there was no force in the objection; but the proceeding shows how great caution is required in dealings with the Maoris.

In reading over the Bill I am struck with the similarity of its general scheme to the ideas which were occasionally shadowed forth by the Commissioners during my examination—that is, if I understood correctly the occasional remarks made by them, and the general tone of the questions.

I regret that I cannot find the dictum of the Native Land Court which I promised to send. If the Commissioners are impressed with the extreme importance of the Judges being guided by the decision of previous Courts, instead of setting up new law *pro re natâ*, the loss will be of no moment.

I referred during my examination to the Waitara Block, purchased by Governor Browne from Te Teira, and explained the necessity which the Compensation Court were under of discovering the members of the tribes in rebellion, so as to trace each individual at the time of sitting. I enclose for the perusal of the Commissioners some pedigrees which I made out at the time. In that of Ngatiuenuku will be found the co-heiresses Tarikura and Parekaitu, from whom are descended Te Teira and Wiremu Kingi te Rangitaake respectively. I beg that these may be returned to me, as I have no other copy.

I have, &c.,
F. D. FENTON.

The Commissioners, Native-land Transactions.

DEAR SIR,— Kaipara, 26th April, 1891.

My reply to your letter of the 17th instant, inquiring how the custom of the Native Land Court to insert ten persons in its certificate when there were more owners, must be held to apply only to ancestral land—*i.e.*, to land held by the tribe or family for generations back.

I think the practice originated in this way: At the period of the early Courts there was a great demand for land, and most frequently land was purchased by a European before it came into Court, the European paying the cost of the survey. The clause limiting the number of owners in the certificate to ten compelled the Court to refuse titles until the estates were reduced by division to ten. By arrangement out of Court ten names were selected, and described to the Court as the owners, the object being to avoid the expense of divisional surveys. I presume that the purchase-money was paid at once, and divided amongst all interested, but I have no official knowledge of this. Whether the persons left out got their share of the money or not cannot be proved now, I should think.

The Natives fell rapidly into this system. I remember a Court where the land passed without opposition. Ten names were admitted by all. I explained at length what the effect would be, and asked several Natives, one after the other, who I thought were interested whether they were so or not. They all disclaimed any interest, asserting the sole title of the seven or ten. Many of the persons who have subsequently claimed were, at the sitting of the Courts when title was ordered, in rebellion—"in the bush," as was said. When Tawhiao and his mob sent to Cambridge to stop the Court on this ground, the Court refused (very properly) to listen to such an argument, explaining that the people were in no danger, and must come in and look after their interests. Very few did so at that time, but they gradually came in. This was one of the great reasons of the break-up of the coalition.

The Act of 1873 introduced almost a greater evil in the other direction. The thousands of names appearing in later certificates as owners are for the most part not owners. The Judges got into the way, after having ascertained the tribe—deciding, in fact, the intertribal contest—of asking for a "list of names." This the Maoris made out, and the Court accepted without much inquiry. I myself never accepted (I think) such a list, but traced the people up to the ancestor who originally owned, or rather, traced down from that ancestor. As I explained, the land is the property of a hapu, or family, under the protection of the tribe. Thus, Pokopikowhititua is the ancestor of Ngatiwhatua. He had four children—Koieie (f.), Te Wairoa (m.), Tira (f.), and Ruarangi (m.)—each of whom had a division of the paternal property; and it would now be wrong to put the descendants of all four into a title. See my judgment in Orakei ("Important Judgments," p. 82, middle).

In short answer to your question, you may put it generally thus: The ten owners were arranged out of Court between the Maoris and the European purchaser, and in Court none others were disclosed.

Yours, &c.,
F. D. FENTON.