

would be well-nigh impossible to believe that a state of such disorder could exist. Among the members of the legal profession who have thus testified to the Commission are Messrs. Whitaker and Russell, Hesketh and Richmond, Theo. Cooper, E. T. Dufaur, C. A. DeLautour, H. D. Bell, M. Chapman, Ernest Bell, Wilson and Cotteril, Carlile and McLean, Sainsbury and Logan, Heathcote Williams, Oliver Samuel, H. Howarth, and Sir Robert Stout.

Complaints by Natives were universal, especially upon the following points in regard to the Native Land Courts :—

- (a.) Delay.
- (b.) Expenses, fees, and duties.
- (c.) Enforced attendance of claimants at distant places, inducing poverty, demoralisation, concerted perjury, injustice, false claims, uncertainty, and ruinous loss.
- (d.) Rehearings, and applications for prohibition to Supreme Court.
- (e.) Political, Government, and other interested influence, which is brought to bear upon decisions and proceedings.
- (f.) The itinerant nature and non-local residence of the Judges.
- (g.) Excessive cost of surveys, especially for subdivisions.
- (h.) Insecurity of title after adjudication.

CONSEQUENCES OF LEGISLATION.

It is impossible, within reasonable limits, to follow the windings and intricacies of those laws by which the Legislature from the outset has been vainly attempting to continue an unsatisfactory system. Every year has seen some attempt to amend the existing confusion. During some sessions half a dozen Bills have been introduced, and three or four have become law. The pages of *Hansard* are filled with discussions upon Native lands. The Natives have been surrounded with innumerable safeguards and restrictions, all of which have been unavailing to protect them, but which have been signally effectual in providing pitfalls for the honest but unwary purchaser of Native lands. Courts with costly procedure have been created; the sanctity of oaths and affirmations has been invoked; examinations by Judges and Commissioners into the *bona fides* of every transaction have been compulsory. The results are to-day partially known. In numerous instances frauds have been perpetrated successfully both upon Natives and Europeans; the most honest and straightforward dealing has not been sufficient to protect purchasers from loss and injury, while the Courts have been imposed upon and the true owners defrauded by conspiracy and perjury. So heavy have the burdens become which the successive laws have placed upon the ascertainment of Native title that before the individual interests of Natives can become vested in them by order of the Court the whole value of the land is often expended. When the title is ascertained, and Natives and Europeans commence to bargain for sale and purchase, then, in addition to the array of purchase-money, costs, and fees and duties which the purchaser has to meet, in addition to the examinations and certificates which he has to undergo or obtain, he is met by the absolute uncertainty of the title thus laboriously secured. Evidence has been given by lawyers of repute that, owing to the many conflicting provisions of the statutes, and to the decisions of the Supreme Court and Court of Appeal, not only is a large number of titles destroyed, but it is doubtful whether a single title resting upon the Native Land Act of 1873 and its many amendments can be upheld. Hundreds of these titles rest upon grants from the Crown. Great numbers are registered under the Land Transfer Act. Enormous sums of money are invested or secured upon lands which have thus passed from Natives to Europeans. Yet so unstable is the foundation upon which they rest, so mistaken the principle which legislation has compelled the people to submit to, that the most sacred rights of property are jeopardized, and the welfare and means of subsistence of large numbers of the community endangered. It is no consolation to find that the same laws which thus injure the innocent and unfortunate in too many instances protect the wrong-doer.

Many of the intricacies and contradictions of Native-land legislation arise from the occasions which have called that legislation into existence. Persons wishing to deal with Natives have found certain legal restrictions existing which effectually barred their progress. Determined to acquire a title, they have proceeded, trusting to the power of political parties in Parliament to alter the law so as to validate their illegal bargains. They have then gone to the Assembly, and laws have been passed which met, or partly met, their particular cases. In doing this, other cases and other circumstances have been involved. Thus a network of in-