A B C form to fill up, and, even although the purchaser may have taken part in some transaction that was not quite correct, the Natives will not have the sense to read over the questions before they sign the declaration. If they had got powder or rum by way of consideration, they would sign all the same. They think it is part of the European work for getting money. This B form is placed before the Trust Commissioner, and he takes it as a matter of course, and passes the deed. That all means money, however. You have to get a special Court, and pay fees for the purpose, and that has to be advertised ; so that it means both money and delay.

1162. *Mr. Rees* : Is there anything else, Mr. Dufaur?—I do not know anything more. I can say for my professional brethren and myself that, if any hints are required from us as to the reform of the Native-land law, when a Bill is being drafted for the purpose, we shall only be too happy to render what assistance we can, because the settlement of a vast territory in our province depends upon it, and is of immense importance to us.

1163. To the whole public of Auckland?—Yes.

1164. *Mr. Mackay.*] Of course that would rest with the Government?—Hitherto the Acts have been prepared beforehand. I do not know whether it will be in this case. I think the system of appeals and rehearings is very faulty. Of course, we have to speak as we think. I have the utmost respect for Mr. Smith, the Chief Judge; yet here is the case of a gentleman sitting on the bench, with no knowledge, or very little knowledge, of the case. The evidence comes before him, and is written down by the Clerk, not read over to the Native, and perhaps poorly interpreted in the particular interpreter's method, and through that medium the Clerk then conveys it to the paper. That is the only evidence on which the Chief Judge decides whether to grant a rehearing or not. If the Court should hold a preliminary inquiry prior to deciding upon a rehearing, it is, as a rule, of a very slight character ; and when you come to think of the vast worth of the properties concerned, in common fairness to the Natives, some other system should be adopted.

1165. *Mr. Rees.*] Do you not think that the present system, giving the absolute power to the Judges appointed at the will of the Government of the day, is rather improper?—I think they ought to be independent. If you consider that the Government is really competing as a land-purchase agent with us Europeans in getting land—for the public good, of course—and that the Judge has to carry out the instructions of his employers, he is not independent. He should have the status of a Supreme Court Judge.

1166. We are very much obliged to you, Mr. Dufaur ; and I may say that by all the profession we are being strongly supported in our investigations?—I am only too glad to be able to assist, because every practising member of the profession knows how difficult it is to work under the present laws. It is not satisfactory to themselves, to their clients, or to any one. I have seen people do things in order to complete titles that in any other case they would be ashamed to do. They were compelled to do them in self-defence.

AUCKLAND, 17TH APRIL, 1891.

THEOPHILUS COOPER, sworn and examined.

1167. *Mr. Rees.*] Your name is Theophilus Cooper, and you are a barrister and solicitor practising in Auckland?—Yes.

1168. How long have you been practising?—Since 1878.

1169. Have you had experience in the operation of the Native-land laws with regard to the titles to land?—I have—considerable experience.

1170. One of the questions that we have to report upon is as to the operation of the existing laws relating to the alienation and disposition of interests in Native lands within the colony. What has been your experience as regards the operation of the existing laws—first of all, in regard to the ease of obtaining transfers of land?—My experience has been that the existing Native-land laws have been pretty nearly unworkable ; that, when you do get a good title, the expense of obtaining that title adds to the cost of the land to a very great extent beyond its actual value.

1171. Besides the expense, is there, so far as you know, any risk attendant on such titles under the existing laws?—Yes. I should be very sorry to advise that any title was absolutely sound, even although it were held under the Land Transfer Act, if its foundation were a Maori title. In fact, we have had experience of that. Titles under the Land Transfer Act, founded on Maori dealings, have been upset by the Supreme Court.

1172. You have had experience of such cases?—Yes : although I have not been directly concerned in them, I have been indirectly.

1173. Can you state under what Native Act that title would have been obtained—under what Act it passed through the Court?—I think, in the case to which I referred it was the Act of 1873.

1174. The Act of 1873 was the first Act, was it not, which made all the individual owners, according to Native custom, participate in the absolute working of the title?—Yes.

1175. Prior to that it was the ten whose names appeared on the face of the certificate?—Yes : all the other owners were simply distinguished by some list being left in the Court.

1176. That principle established in the Act of 1873, of every owner being placed in the title, has been continued in the Acts that have subsequently been passed, has it not?—Yes ; that was the distinguishing feature of the Act of 1873, in contrast with the previous Act of 1867, and that feature has been preserved in successive Acts since then.

1177. Can you speak with any certainty—with any assurance of certainty—upon the feeling of the profession in regard to the uncertainty and contradictory nature of the Native-land laws at present?—I think so. Those who have had any practice in Native-land laws in this city are, however, confined to only a few members of the profession.

1178. What is the opinion of these in relation to what I have mentioned?—That it is almost impossible to advise with any degree of certainty upon the effect of the Native-land