connection with the forty days which, by the 5th section of "The Frauds Prevention Act, 1888," must expire before lands can be dealt with. Under the Native Land Court Act it is provided that the order of the Court shall take effect from the date when the hearing was held. The Frauds Prevention Act of 1888 says that there shall be no dealing until forty days after the issue of the title. Now, an order cannot be signed until the plan is indorsed. Consequently this happens: A *bonâ fide* purchaser or lessee of the land may be waiting for the issue of the title, which I take it should not be complete until it is signed by the Judge. The survey may take a long time to do, and as a matter of fact the order may not be signed until, say, a year after the hearing. Anybody wishing to deal with the land is kept perpetually waiting on the Native Land Court to ascertain when the signature of the Judge will be attached to the order. Very well: another person, perhaps quite innocently, may go to the Native Land Court and uplift this order after it is signed, not knowing when it was signed by the Judge. He takes it to the Land Transfer Office and gets the title through, and that office, knowing nothing as to the date on which the Judge issued the title, antevests the certificate to the date of the hearing. The consequence is that the person who has wished to keep within the four corners of the Act is shut out, and the other person, perhaps innocently or perhaps not, gets the title through in front of him. Now, if it is intended to restrict dealings in Native land until forty days after the issue of the title, all parties should clearly understand that the forty days count from the date of the signature of the Judge; or let it be understood that as soon as the order is signed it shall date back from the date of hearing. Considerable complications may occur, and it is simply impossible to say whether the purchaser is liable or not to the very severe penalties which are provided for cases in which there is dealing for land within forty days of the issue of the order. There should be no ambiguity.

2132. Everybody should know what is the law, and should keep it?—Yes; but it is impossible to know when a title is issued, because as soon as it is signed it bears the date of hearing, not the date of signing.

2133. Like a Supreme Court order, although in contradiction of the Act under which it is issued?—In entire contradiction.

2134. I suppose there are other difficulties of construction in the Native Land Acts besides that one which you have mentioned?—There are very many. Under the Maori Real Estate Management Act a trustee can only lease for twenty-one years. Now, you may have a contract with Natives to lease for thirty years. This is not an unreasonable term in the case of rough and heavy bush-land. You may have got nine out of ten signatures required, and that tenth man may die before you have obtained his signature. Trustees are appointed for the minors who succeed. You then go to the Supreme Court, and the Court will only grant a lease of the minors' land for twenty-one years, under the Act. Then, the minors that may be appointed may not have other land, and that is a further bar. There should be, I think, in all these cases a provision enabling the person who has entered into a contract of that sort to transfer to the trustees for the minors other land.

2135. In exchange?—Well, if the person having the contract wishes to complete his title it would afford him the opportunity of doing so. As it is, he is completely barred. Then, another provision that causes great loss of time and annoyance is the dual process there is for the issue of titles, after partition, to Native land which is under the Land Transfer Act, and land which is held under Native Land Court title. The Native Land Court, in subdividing, and in some cases in issuing an original title to Native land, sends the partition order to the Governor for the issue of a Land Transfer title. The order has to go through several departments—the Native Land Office, the Crown Lands Department, and the Governor himself—and by the time it comes back a long period has elapsed, and you never know where it is. It seems to me that there is no reason why a different process should be followed in this case from that pursued in cases where the land is already Crown title. In case of a Land Transfer title the Court makes a subdivision order, and any person having authority from the Native owner can uplift that order, take it to the Land Transfer Office, and get the title issued. Now, I cannot understand why the Governor should issue his warrant for the title in the one case and not in the other. It would certainly save a lot of trouble to assimilate the procedure, because it would cut out the necessity for references to various departments, and the title would be issued very much more quickly, and at less expense. Of course I take it that the expense that the dealer is put to in some way reduces the price paid to the Maori vendor.

2136. It must do so?—With reference to the Supreme Court passing alienation by trustees, that is another cause of expense and delay. The Native Land Court has power to issue letters of administration to the Natives, and surely it could be trusted with the necessary power also in respect of alienation by trustees. Surely the Trust Commissioner could pass the deed for the alienation by the trustee as well as by adult Natives.

2137. There is the difficulty of both the Supreme Court and the Native Land Court having power to issue probates?—There was that difficulty, but it has been provided for under recent Acts. There was a Native who was appointed devisee under a will of which the Supreme Court had issued probate, and application was made to register transmission in the Land Transfer Office. The Registrar said he would not recognise the will; he must have a succession order in the Native Land Court. Thereupon the Native went to the Native Land Court to apply for succession. The Judge of the Native Land Court said probate had been issued by the Supreme Court, and he would have nothing to do with it. So the Native went back to the Registrar, and said that was the answer given him by the Native Land Court; whereupon he was informed that, any way, that transmission certainly could not be registered. That necessitated an amendment being brought into the Act, and it was done.

2138. Can you say that that illustrates the uncertainty pervading all these matters, although the case you have mentioned relates to the law of administration?—Yes. While on the subject of the complications arising under the Acts, I should like to suggest, if the Commission has not already done so, that Mr. Judge Mackay's evidence should be heard on the subject of the removal of restrictions.