

put forward by the petitioner that those persons were to be trustees on behalf of the tribe. We can all see for ourselves but one person there was to be trustee, and that was Apihai. He was to be trustee for the persons who were put in the Crown grant, and not those outside the Crown grant as the petitioner now contends. Then objectors were called for, and none appeared. This was the year that that was issued: "Ordered that a certificate of title issue to Apihai te Kawau, and that the names of the following persons appear in the grant as *cestuis que trust*, and that they be tenants in common and not joint tenants." I want to point out that the Court awarded those thirteen persons to be tenants in common and not joint tenants. "With the thirteen names." That the land be made inalienable in any way whatsoever, and that the grant be to the above-mentioned persons and their heirs as tenants in common, and not as joint tenants." That was stated there. This is an extract from the Native Land Court certificate of title No. 11, Auckland (Vol. xiii), dated 9th February, 1869: ". . . it is hereby certified that Apihai te Kawau, of the district aforesaid, aboriginal Native, as trustee for Apihai te Kawau, Arama Karaka te Matuku, Warena Hengia, Te Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, Reihana Terewai, Wiremu Watene, Ngawaka Tautari, Te Ratu Utakura, Te Waaka Tuaea, and Taierau, tenants in common, is the owner according to Native custom of," &c. Then there is this extract imposing restrictions under the Native Land Act, 1865: ". . . it was ordered that the presiding Judge do report the opinion of this Court . . . that it is proper to place the following restrictions and conditions on the estate to be granted in the above-named block—that is to say, that it be made inalienable in any way whatsoever, and that the grant of the said piece of land be made to Apihai te Kawau, his heirs and successors, to be appointed under the Native Land Act, 1865, chief of the Taou, Ngaoho, and Uringutu Tribes, in trust for Apihai te Kawau, Arama Karaka te Matuku (rest of names in full), and their heirs as tenants in common and not as joint tenants." I want to point out that this extract substantiates my contention, as opposed to that put forward by the petitioner, when he mentioned the name of a person as paramount chief. In 1869 this proved conclusively that the only person recognized there was Apihai te Kawau, and they were old people and men of knowledge. Crown grant dated 8th July, 1873, under the Native Lands Acts; area, 689 acres: "Grantee, Apihai te Kawau, an aboriginal Native, chief of the Taou, Ngaoho, and Uringutu Tribes, and his heirs, to hold unto the said Apihai te Kawau and his heirs upon trust for the said Apihai te Kawau, Arama Karaka te Matuku, Warena Hengia, Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, Reihana Terewai, Wiremu Watene, Ngawaka Tautari, Te Ratu Utakura, Te Waka Tuaea, and Taierau, and their heirs, as from the 10th day of February, 1869; provided that the said land shall be absolutely inalienable to any person in any manner whatsoever, and provided further that it shall be lawful for the said Apihai te Kawau or his heirs to surrender the grant for any of the purposes of the Native Lands Act, 1865, or any Act amending it." I would point out one of the persons who was included in the Crown grant was Watene Tautari. He is the only person of those put in the Crown grant who is still alive, and he thoroughly knows the whole position of those who were put in, those who were left out, and why they were left out, and so forth. I do not propose to call him to give evidence, seeing that I have been appointed as the mouthpiece on behalf of those opposing the petition. I have only brought him here so that you could see him.

4. *Dr. Te Rangihiroa.*] It is for the Government to say whether he will give evidence or not. The Committee may call him?—That rests with the Committee. In conclusion, I just desire to explain a few matters to the Committee. I desire to say when the petition of the petitioner and his companions was read out I was right from the start to its finish. This was the same petition which was thrown out by the honourable members of this Committee or the Native Affairs Committee, and the honourable members of the Government of the Dominion of New Zealand. I think that if this petition had been in any way different from that which has been already dismissed during last year—if the petition had in any way varied from that of last year—then it would have been a rational act on the part of the petitioner; but, in my opinion, this kind of proceeding is derogatory to the dignity of the honourable members of the Committee, and is trampling upon their great mana, seeing that they have already given an adverse decision on this same petition during last year. In conclusion, I desire to thank the Chairman and honourable members for having listened to what I have said.

*The Chairman:* Otene Paora, you can now question the witness.

5. *Otene Paora.*] You admit that the land was restricted land?—Yes.

6. And you knew that that was a desirable thing—to have the land so restricted?—It was the old people who placed the restriction upon it, and therefore it still obtained.

7. Therefore, you desire to see that restriction continued for the benefit of our tribe?—In regard to myself, I can say so. I have no right to speak on behalf of the other people.

8. *The Chairman.*] You have the authority?—I was empowered to oppose the petition.

9. *Hon. Sir J. Carroll.*] And the Model Suburb?—I have no authority from them to ask that there be any modification made in regard to the law in regard to the block.

10. *Otene Paora.*] The question I ask is this: do you consider that the restriction should be continued on this land in order to preserve it for our descendants for all time?—Yes, I am willing, if it can be so accomplished.

11. Why do you have any trouble in saying "if it can be so accomplished"?—I am willing that the land should be restricted for the benefit of our people for all time.

11A. Why were you so hesitating in admitting that just now?—

*The Chairman:* I take it that that authority which has been put in is evidence, and it, as an authority, sets out clearly that the opposers are against the alienation to the Auckland City Council, and that they are also opposing the claim of Otene Paora.