12. *Otene Paora.*] Why were you hesitant just now about saying that you desired the restrictions on the land to be absolutely continuant? What do you mean by saying, "Yes, if that can be done." It is for the Government to say what can be done. The Government might not have the restrictions on the land for ever. Is not the reason that you hesitate about giving a straight-out reply that you have sold and instigated others to sell?—It was not I that advised some of them to sell.

13. But it is you who have been going about with the lawyers and advising them (the Natives) to sell, and taking their signatures, and the Natives getting £50 and £100 deposit?—I am not the only person who has gone about with the lawyers; only now and again.

14. *Hon. Dr. Pomare.*] There are thirteen original owners put into the grant?—Yes.

15. You say those are the only individuals entitled to this land?—Yes.

16. Did those people who were in the original title have any brothers and sisters?—Well, I do not know.

17. Is it not a fact that they did have brothers and sisters?—I do not know. If you call upon the witness who was there he will be able to tell you. I only gather from what I got in the minutes of the Court.

18. Are we not likely to suppose that they did have brothers and sisters? There is a large number of them—thirteen of them—and it is quite possible to suppose that they did have brothers and sisters?—It may be.

19. Well, then, if there were brothers and sisters to these individuals included in the title, why were they left out?—The title was given to the three hapus, and from those three hapus they have got to be apportioned out. Only those three hapus are the owners of this land.

20. But some of the hapus are left out?—No, three were put in.

21. No; some of the members of those hapus were left out?—You have to be appointed from inside those hapus—inside the grant.

22. Every member of those hapus should participate?—Extract from judgment of Fenton, J., on investigation, Auckland Minute-book, Orakei No. 2, 22nd December, 1868: "The Court has found that there are no concurrent rights or titles which ought to diminish their estates or interests, and it therefore decides that one or more certificates of title shall issue in favour of these tribes (Te Taou, Ngaoho, and Te Uringutu), or in favour of such persons comprising them as shall be determined upon on hearing further evidence, or as shall be agreed to amongst the members of the tribes."

23. They agreed that those tribes should be represented by certain individuals for the tribes?—It says, "in favour of those tribes (Te Taou, Ngaoho, and Te Uringutu), or in favour of such persons comprising them as shall be determined upon on hearing further evidence, or as shall be agreed to amongst the members of the tribes." The thirteen were the ones agreed to by the members of the tribes.

24. *Mr. Parata.*] Where is the place called Orakei?—That is the original name.

25. You stated that the present petitioners did not make any objections in the Court?—Yes.

26. Was it not because the Court had no jurisdiction to ascertain the titles of the block that they could not bring another objection?—Oh, yes, the Court had jurisdiction. The Court called on objectors, and no names were handed in, nor any claims for any one, and no one put up. All the others were present at the time Aperahama and the others mentioned. The persons who stood up were—Kepa: "I understand the arrangement and have no objection to it." Nopera: "I know nothing of the matter." When the challenge was given no one stood up to object.

27. *Mr. Bell.*] At the time in 1869 when Judge Fenton settled this the ancestors of the present petitioners were not members of one of those three hapus?—Oh, yes, they were members.

28. Well, then, will you read again the agreement—when the representatives came and agreed that the names should be inserted. Which hapu were they members of—some of each of those three hapus?—Oh, yes.

29. Read that agreement again?—"Extract from Minute-book, 9th February, 1869: Mr. McCormick (for Apihai and others) said that Mr. Sheehan, representing Tautari and his people, and Mr. Hesketh, representing Arama Karaka and his people, had agreed to an arrangement. We have agreed that the Crown grant should be issued to Apihai to hold the land in trust for persons to be named as tenants in common, and that the land be made inalienable for any purpose whatsoever. I propose seven persons on behalf of my clients, Mr. Sheehan four, and Mr. Hesketh one. I propose that the *cestuis que trust* representing my trust be Apihai te Kawau, Warena Hengia, Te Reweti Tamahiki, Eruena Paerimu, Paora Tuhaere, Paramena Nganahi, and Reihana Terewai. Mr. Hesketh: The name of the person I propose as *cesquis que trust* is Arama Karaka te Matuku. Mr. Sheehan: The names of the persons I propose as *cestuis que trust* are Wiremu Watene, Ngakawa Tautari, Te Ratu Utakura, Te Waka Tuaea, and Taierua. Paora Tuhaere said that he wished more names to be put in the grant, and that he thought those members of his tribe whose names were not inserted would get no share of the land."

30. All that seems to go to show that this syndicate of trusts were themselves to be trustees?—Only one man was appointed to be trustee.

31. That seems to show that those who were put in were *cestuis que trusts* and not on behalf of others?—"In common and not joint tenants."

32. What effect do you put upon that—"not joint tenants"? I notice you stress that point. Why were they made tenants in common and not joint tenants. You see that is an argument?—As far as I can understand it, it is for themselves who have been named and not for another person.

33. That is what you understand the law to be?—I am no good in the law. It is only what I have been instructed in. That is how the matter stands.