

signed; final instructions; further instructions.] In pursuance of Ngaitahu deed, I made reserves after this instruction, Moeraki, Waikouaiti, and Purakaunui. I did not completely satisfy the clause. Since then an addition was made by Sir G. Grey to the Waikouaiti Reserve. I believe also that a reserve has since been given to the Natives here at Waimatamate; also on west coast. I never attempted to get a release from the Natives from that clause. I consulted their wishes as to an arrangement as to locality. In quantity, I contended with them. I was instructed to abandon outstanding cultivations, and consolidate them. Natives have been constantly writing to Government, and soliciting performance. Up to 1861 the letters were marked 'Southern Island File.' After that the result was the same, but their letters were answered. They were never referred to the Supreme Court as a petition of right, because it would have been inconvenient as a precedent. I wish to explain these later answers. Strict legality has not been aimed at. The Government wished to settle these claims, and get them 'huddled out of the way.' I do not think it arose from deliberate villany on the part of the Government, though it might bear that aspect."

I should like also to refer to page 11. There further evidence was given before the Court as follows:—

"I came here, to the southern district of the Province of New Munster, in 1848. I was sent by the Government under instructions to complete an incomplete transaction of Mr. Kemp (the Ngaitahu deed). Those were my original instructions. I have seen this deed. This was given to me by the Government as the instrument by which Kemp's purchase was effected. When I came, the money had not all been paid. I was brought into contact with these signers, and with others of greater importance who had not signed. It was always recognized by the Natives. The remaining instalments have all been paid. Question: In either of your capacities did you set apart land under that deed?—Answer: As Commissioner for extinguishing Native claims I set out several reserves: I set out reserves at Purakaunui under my instructions. I set them out in December, 1848. I recognize my handwriting on the map dated December 9, 1848. It is the map handed by me to the Natives, signed by me 'for the people belonging to Ngaitahu Tribe.' The people for whom it was intended are written in my census. [Names read.] I found a certain number of Natives resident at Purakaunui, and then fixed the reserve at the smallest number I could induce the Natives to accept. There were forty-five Natives, men, women and children—just 6 acres a head. I came on to Otakou. I do not consider this a liberal allowance. I thought it ought to be at least 10 acres, not to exceed 10 acres if I could help it. I know this country. I recognize the land on this tracing: I think the land is absolutely worthless. The piece in the middle was excepted, I have no doubt, to reduce the amount. As Crown Commissioner I subsequently made this piece a reserve. I hope my evidence has not led the Court to believe that I was dealing liberally. If I had followed my theoretical rule, the quantity would have been 450 acres. In other districts I allowed more than my theoretical rule. *Examined by the Court.*—The map was attached to the deed when I got it. Lieutenant Bull's seal and signature were there then. He was lieutenant in the 'Fly,' in which I was taken to Akaroa. When I paid the instalments I got as many additional signatures as I could to the receipts. These receipts I handed to the Government; one is on the deed [Read in English and Maori] dated February 27, 1849, 'Mantell, Commissioner for extinguishing Native Title.' Question: Under which clause was this reserve made?—Ans.: I should like to refer to my instructions, which will explain better than I can. [Instructions read: 1. 2nd August, 1848, signed 'J. D. Ormond, for Private Sec.' 2. 4th October, 1848, signed 'Eyre, Lieut.-Governor.'] This reserve would comprise more than the actual amount of their cultivations at the time at this place—I am speaking of land under crop, principally potatoes. The land under crop would be one-third, probably nearly one-sixth, of the land under cultivation. There were other places cultivated or deserted besides Purakaunui. I scarcely know how to answer these questions. What I did was to get the Natives to agree to as small amount as I could. The reserve at Purakaunui was sufficient for their immediate wants; I left their future wants to be provided for. I was not then able to make an estimate, and I took McCleverty's opinion."

McCleverty was a Commissioner in the very early days, who thought that 14 acres per head was the amount that ought always to be allowed when making reserves for Natives.

"He said 10 acres, and I gladly embraced that standard. The reserve was made not so much as fulfilling either clause of the deed, as the smallest quantity I could get the Natives to agree to. I believe half of the people there when I went are dead. *Examined by Mr. Macassey.*—I was authorized to make a promise—and I told them that the Government would make schools, build hospitals, and appoint officers to communicate between them and the Government. I found these promises of great weight in inducing the Natives to come in—but these promises have not yet been fulfilled. [Clause of instructions read: 'Thirdly, you are only to mark out reserves around and including pas, residences, or cultivations to the extent that may be necessary for the resident Natives; but you may inform them that the Crown will hereafter mark out for them such additional reserves as may be considered necessary for their future wants.] I was not engaged to carry out the terms of Kemp's deed, but was preparing for the execution of a new deed. Question: Did you make this promise?—Ans.: I took refuge under this promise with the Natives. The reserve may be looked upon as the result of a struggle, in which I got the land reduced as much as possible. I used to tell the people that if they were dissatisfied they must appeal to the Governor, and in one case (Waikouaiti) this was done, and they got an immediate increase. Ques.: Did the Natives believe in your promise, and come to terms upon the strength of it?—Ans.: Certainly. Ques.: How