

follows: That the pa should be considered to be the ground that is fenced around the Native houses, including the ground in cultivation or occupation around the adjoining houses without the fence, and that the nature and meaning of the word "cultivations" were to be understood to apply to those tracts of country which were in use by the Natives for vegetable productions, or which have been so used by them since the establishment of the colony.

It would seem by a despatch dated the 25th March, 1848, from Governor Grey to Earl Grey, having reference to a visit of the former to the Middle Island, and also to the tenor of the directions given to Lieut.-Governor Eyre respecting the purchase of the territory comprised within the Ngaitahu Block, that the settlement of the Native claims was intended to be made on the following terms, viz.: That ample reserves for the present and reasonable future wants should be set apart for the claimants and their descendants, and registered as reserves for that purpose; and, after the boundaries of the reserves had been marked out, then the right of the Natives to the whole of the remainder of the block should be purchased.

Similar instructions were given to Mr. Kemp, the officer who was charged with the duty of acquiring the land, as will be seen by the following extract from the letter of instructions to him dated the 25th April, 1848: "The object of your mission is the extinguishment of any title which may, upon inquiry, be found to be vested in the Natives to the tract of country lying between the district purchased from the Ngaitahu Tribe and that purchased by the New Zealand Company at Otago. In entering upon the arrangements necessary to effect this object, it will be your duty to reserve to the Natives ample portions of land for their present and prospective wants; and then, after the boundaries of these reserves have been marked, to purchase from the Natives their right to the whole of the remainder of their claims to land in the Middle Island.

A perusal of the correspondence on the subject will show that the details of the purchase were carried out at variance with the original intentions, and that, instead of the reserves for the Natives being marked off as was contemplated, and then the remainder of the district purchased, the money was paid in the first place, and the reserves left to be determined at a future time;—a plan which placed the Natives entirely in the hands of the Government as to the quantity of land to be set apart;—a position that was taken advantage of to circumscribe the area of land allotted to them to the narrowest limits, as will be seen from extracts taken from the evidence given by the Hon. Mr. Mantell before the Native Land Court in April and May, 1868, at the investigation of the ownership of the Native reserves set apart in Kemp's Purchase.

Before quoting the extracts alluded to, it is necessary to premise that, in consequence of Mr. Kemp not defining the reserves to be set apart for the Natives, the Government were necessitated to depute Mr. Mantell to take up Mr. Kemp's unexecuted work. Mr. Mantell, after explaining his action generally to the Court in regard to the setting-apart of reserves for the Natives in the Ngaitahu Block, stated, *inter alia*, "In marking out these reserves I was obliged, in some cases, to give way in order to effect an arrangement. I yielded to the Natives as to locality, but brought them down as to the quantity of land the reserves should contain. My impression is that the Government never intended to complete the reserves in accordance with the clause in Mr. Kemp's deed. The price paid to the Natives was not to be taken as the consideration for the land; they were to consider the value of the reserves given to them, and the promise that the Government would erect schools and hospitals for the sick, and appoint officers to look after their interests. Although strenuous exertions have been made, these promises have not been carried out by preceding Governments. These promises were not in the deed. . . . I believed at the time, and reported to that effect, that the reserves were sufficient for the present and future wants of the Natives, but now I believe them to be insufficient. . . . I think now the reserves ought to have been larger. I have come to this conclusion because the Native sources of food are lessened. . . . At that time my estimate was Colonel McCleverty's, whom I consulted. The idea was to allow enough to furnish bare subsistence by their own labour. . . . I have not said that I thought the reserves sufficient to satisfy the honour of the Crown, but, according to Colonel McCleverty's opinion, sufficient to live upon. . . . My rule, in calculating what quantity of land I would give the Natives, was that I allowed ten acres to each man, woman, and child. . . . In making the allowance I tried to allow as little as the Natives would agree to take. The reserves I then made were intended for present wants. I left it to be determined at some future time what allowance should be made to them. . . . I was instructed verbally by Lieut.-Governor Eyre to make certain promises to the Natives of what the Government intended to do for them in addition to paying for the land. I made this representation, and found it had great weight in inducing the Natives to come under the deed, but these promises have not yet been fulfilled. Was also instructed in writing only to mark out reserves around and including pas, residences, or cultivations to the extent that may be necessary for the resident Natives, but to inform them that the Crown will hereafter mark out for them such additional reserves as may be considered necessary for their future wants. I took refuge under this promise with the Natives. The reserves may be looked on 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."

With regard to the reservation of all weirs and fisheries, Mr. Mantell stated before the Court that he gave the Natives to understand in 1848 that they could use their eel-weirs so long as the Government did not require them for purposes of general settlement.

Sufficient evidence has been adduced in the foregoing extracts to show that the Natives, instead of being consulted in respect of the land they desired to retain, were coerced into accepting as little as they could be induced to receive.

The following extract from a despatch from Governor Grey to Earl Grey, dated the 20th March, 1849, will show that the Natives were not consulted either relative to the purchase-money paid for their land. After adverting to the tenor of a letter addressed to Lieut.-Governor Eyre by