

been larger. I have come to this conclusion because the Natives' sources of food are lessened—seals, mutton-fish, quails, whales, &c.

128. Can you give estimate of extent of reserve that should now be made—say, Arowhenua, eighty-six people, 600 acres?—I do not think it is sufficient.

129. They use more land?—Not only that, but their other means of living diminished; besides, I am more capable of judging now than I was then.

130. Give us an idea of what should be the increase?—I can only give an opinion. I should think the quantity should be doubled.

131. What was understood about the eel-weirs—were they to be secured as well?—Certainly not. I said they would be removed when public convenience required it. [I objected to this, as governed by the contract in writing or deed, which Mr. Mantell's subsequent proceedings could not vary.]

132. Did your reserves come under the "kainga" clause or the "whakarite" clause?—Both the clauses; but I acted under my instructions, (Instructions read.)

133. *By the Court.*] What do you mean by "sufficient"?—At that time my estimate was Colonel McCleverty's, whom I consulted. The idea was enough to furnish a bare subsistence by their own labour.

134. When a man became old and could not work?—I am not prepared to justify McCleverty's estimate or defend it.

135. On what ground do you think the reserve made by you sufficient (under second clause) to satisfy the honour of the Crown?—I have not said that I thought the reserve sufficient to satisfy the honour of the Crown, but, according to McCleverty's opinion, sufficient to live upon. Colonel McCleverty held a high official position.

ALEXANDER MACKAY SWORN.

136. I am Commissioner. For Arowhenua the acres reserved by Mantell is 600. For Waimatamate none by Mantell, but 40 by the coast, increased subsequently by the Government purchasing 150 acres. Waitaki—Mr. Mantell reserved 13 acres; 10 acres have been added since. On the south bank of Waitaki, 376 acres given by Mantell.

137. That is per head?—This will average barely 7 acres per head. All Waitaki people live at Waimatamate. The cultivations are limited in extent; the land is quite worn out. Until Waimatamate was increased the people were living in a state of severe privation; since the land has been occupied all round by the white man they have become hedged in. The increase at Waimatamate has made them better off. They complain that their means of food are cut off; the wild birds and animals are not to be obtained. The population at Waimatamate is 76; including the land at Waitaki they have 9 acres per head, including the 300 acres recently added. I do not think the existing reserves, with the eel-weirs, are or will be sufficient. The land about these eel-weirs is bad, little good for cultivation. I should think, in addition to what they have got at Waimatamate, they should have 5 acres added per head. I do not think the land at the eel-weirs anything. This would bring it up to 14 acres per head. To carry the same average for Arowhenua, it will require an addition of 7 acres per head. Waitaki is included in Waimatamate.

KAIAPOI.

ALEXANDER MACKAY examined.

Tairutu, near Kaiapoi, 5 acres eels; Kaowai, south of Leithfield, 10 acres eels; Saltwater Creek, 10 acres eels; Kowai, near Waipara, 10 acres sea-beach; Otutapatu, near Tairutu, 10 acres eels; River Avon, mouth, 10 acres fishing reserve. The population of Kaiapoi is 176. The average acreage owned now per head, including the 600 acres recently given, is 12 acres per head. The land is worthless, given with the eel-pas. The Kaiapoi people are better off than the others, but their land should be slightly increased.

WAIREMU NAIHIRA SWORN.

138. I represent the Kaiapoi people, Ngati-Tuahuriri. I have authority to represent them all. I am appointed. In addition to the pas and the land we have got, there are other places we want: Kuratawhiti, a place for wood-hens, a forest, 50 acres; Waihio, at Waihora, near the sea, eels, 25 acres; and 5,000 acres of land inland.

ALEXANDER MACKAY SWORN.

139. I think the land is barely sufficient. Let all have the average. In my judgment they should all have 14 acres per head. As to Kuratawhiti, I think the land had better be concentrated. Waihio is not to be had; it is gone, sold. The addition (if any) might be added to the 600 acres to be given in the peninsula.

WALTER BALDOCK DURANT MANTELL SWORN.

140. I think my evidence given before will apply to the Kaiapoi people.
William Rolleston.] I am aware that there will be no difficulty in obtaining the land required for the eel-weirs. I have been with the Natives to the Survey Office, and we have examined the maps. The Court gave its opinion that "*mahinga kai*" does not include *weka* preserves or any hunting rights, but local and fixed works or operations. Under the reservation clause of the contract, we are prepared to make orders for the prices of land and easements which have been agreed to by the Crown. As to the clause promising that the Government would cause to be marked out other land for the sellers, the Court feels altogether bound by the evidence of the Crown witnesses. Whatever may be the demands of the Natives under this head, we think that in interpreting the contract we are bound under the terms of it by the Crown witnesses, and the discretion rests purely in the Crown, and accordingly we entirely follow them. At the same time we ought to express our opinion that the concessions of land proposed to be made according to the testimony go as far as a just and liberal view of the clause would require. We take the quantity to be provided including what has already been set apart at 14 acres per head, and are prepared to make orders accordingly.