

grand-child the land reverts to the male line of the second generation, from the male ancestor from whom they claim. This custom holds good for the following reason, which is assigned as its origin; namely, that, were it not upheld, the inter-marriage of daughters of chiefs with members of other tribes would soon so complicate and curtail the tribal claims, that a degrading influence on the honor of the tribe would ensue, and thus an invitation would be held out to adjoining tribes (members of which are related by marriage) to attempt by conquest to despoil them of their territory. If a family war should occur in which a tribe becomes divided (which has frequently occurred), a division of the tribal lands takes place; but before I show how this division is adjusted, I will allude to the mode in which a tribe asserts and maintains its rights over a large district. It was a custom to go at certain times to the utmost limit of the land claimed, and partially clear and cultivate a portion here and there. This was called "uru uru whenua," and the duty devolved on the chiefs, a certain number only of whom went each time the ceremony recurred, so that, when a tribal division took place, that portion of the tribe which joined the chiefs who had last been engaged in the ceremony of "uru uru whenua" claimed the particular land where the ceremony had taken place, and the division line was made to come as near as possible to that part, situate in the centre of the whole tribal claim on which the fathers or grand fathers of each portion of the now divided tribe had last caught rats, as before alluded to. The lands of a tribe were portioned out according to the number of families of which it consisted, and were claimed by each family as its own,—nor did anyone meddle with or occupy the land of another family unless by express permission of the family claiming: still these portions were not the exclusive property of each family so claiming them. But this only applied to the lands originally settled by the first migrations, not to lands which have been acquired by conquest, gift, or *utu*, for curses or other injuries. Land is claimed by families,—and the object of the chiefs in portioning them out was to prevent tribal disputes, and to allow each part of the tribe to have a portion of land over which it could exercise the exclusive right of cultivation, fishing, snaring birds, catching rats, or obtaining fern root (which was one of the staple articles of food, and required a certain amount of care, though growing spontaneously, to bring it to the state required for food); moreover, this portioning out of the tribal lands caused emulation in the different families, as to the produce gained by each for the use of the tribe. The individual claim to land, therefore, did not exist amongst the New Zealanders according to our acceptation of that term.

The customs or laws relative to land taken in war are more complicated. A tribe in going to war had three objects in view—1st, to take revenge for some real or supposed injury; 2nd, to obtain as many slaves as possible; 3rd, to extend its territory. A tribe seldom became extinct in consequence of war; but, when this resulted, the conquering tribe took all their lands,—and, from the slaves taken in war, the conquerors learnt the boundaries of the land thus taken. But, if a portion of the tribe escaped, their claim held good to as great an extent of land as they had the courage to occupy. If, however, they could manage to keep within their own tribal boundary, and elude their enemy, their right to the whole of the land held good; hence the meaning of a sentence so often used by old chiefs in their land disputes:—"I ka tonu taku ahi i runga i taku whenua" (My fire has been kept burning on my land), meaning that other tribes in war had never been able to drive them entirely off their ancestral claims. The right to lands taken by conquest rests solely on the conquering party actually occupying the taken district to the utter exclusion of its original owners or other tribes: thus, in a war of the celebrated Hongi, he drove all the tribes out of the Auckland district into Waikato, and even as far as Taranaki, but though the whole district thereby became his, yet, as he did not occupy it, the conquered tribes on his return to the North came back to the own lands, and we found them in occupation when Auckland was established as an English settlement. Again, in the case of a tribe which had been conquered and had become extinct with the exception of those who had been made slaves by the conquering party, these slaves could by purchase recover the ownership of their tribal rights to land, or they could be liberated and return to their own lands on a promise of allegiance to the conquerors; rendering them any assistance if required in times of war, and supplying them for the first few years after their return with a certain amount of rats, fish, and fern-root; and eventually on presenting the conquerors with a green stone battle axe (the *Mere Pounamu*) they were again allowed to be called a tribe and claim the lands of their fathers as though they had never been conquered.

The claims in connexion with lands given to a tribe for assistance rendered in war are more complicated than any other. Although the land was given to the leader of the tribe rendering such assistance, it did not thereby become vested in that individual leader, inasmuch as the assisting tribe were seldom alone, but had brought their allies, and if these allies had lost any of their chiefs in battle, each relative of the deceased chiefs had a claim in the land thus given; and each relative of any chief who had been killed of the tribe to whose leader the land was given had also a claim. But the complication of land claims does not end even here; it was necessary that the land given should be occupied so that possession of it be retained; and as the assisted and assisting tribes became related by intermarriage, the tribal lands of the assisted tribe were claimed by the issue of these marriages according to the laws of which I have already spoken, so that after a few generations their respective claims not unfrequently became the cause of another war. An instance of this happened about four generations ago; one of the Northern tribes rendered assistance in time of war to a southern tribe, now residing not far from Auckland and a portion of land was given to the Northern tribe; shortly afterwards, the daughter of the Southern chief was taken in marriage by one of the chiefs of the Northern tribe; the two sisters of this woman were married to chiefs of the Southern tribe, and thereupon their children's claims held good; but when the time came for the offspring of the sister who had married the Northern chief to give up their land, the colonization of New Zealand had commenced, and land becoming a marketable commodity, this offspring retained their claims against all right and argument, and to this day there is a rankling feeling between the tribes con-