

THE TARANAKI QUESTION.

No. 1.

COPY OF A PAMPHLET BY SIR WILLIAM MARTIN, D.C.L.

The Natives have a proverb "Women and land are the destroyers of men;" meaning that quarrels in which men are slain arise either from women or land.

The present is a land quarrel (1). The points of it cannot be fully understood without some knowledge of the main principles of the Native tenure of land.

These then must be briefly stated in the first place:—

I.—*Native Tenure of Land* (2).

1. The land occupied by a Native Community is the property of the whole Community. Any member of the Community may cultivate any portion of the waste land of the Community. By so doing he acquires a right over that particular piece of land, and the right so acquired will pass to his children and to his descendants. If he have no descendants, the land may then be cultivated by others of the Community, as agreed upon amongst themselves.

Thus the whole Community has a right like what we should call a reversionary right over every part of the land of the Community.

The word "Community" is used here rather than the more common terms "tribe," "sub-tribe," or "family," for this reason,—Each of the original tribes (*iwi*) of the Maories has in course of time broken up into a great number of sub-tribes or families (*hapu*), which have from time to time planted themselves in separate villages on different parts of the common territory; each family retaining the name of its ancestor or founder. Such sub-tribes are exceedingly numerous. Sometimes it has happened that inter-marriages for many generations between such sub-tribes have so blended them together as to render it impossible to draw any distinction between them for any practical purpose.

Owing to this process of fusion and intermixture, there may be a difficulty sometimes in determining the exact limits of the Community. It may be the whole tribe (3), it may be less than the whole tribe, yet larger than any one sub-tribe or family.

However that may be, every Cultivator is a member of some Community or Society (4), and not free to deal with his land independently of that Community or Society.

2. The Chief naturally represents and defends the rights of his people. He has his own personal interest like the rest. He is also especially charged with the protection of their honour and interests; and would lose all his influence if he did not assert their rights manfully.

It is a common thing for the head man in a Community to have but little claim upon a spot belonging to the Community, and yet to claim great powers (5) in the disposal of it. In these matters the tribe generally support what he says. Still, as a general rule, he makes it his business to confer with the lesser Chiefs and the whole tribe, and does not venture to act without them.

In some very rare instances, a Chief has disposed of a piece of the land on his own authority without first consulting the people, and his act has been subsequently recognised. In cases of this kind, much depends on the respect in which the Chief is held by his people, and on a variety of circumstances affecting the internal politics of the Community.

To make a sale thoroughly regular and valid, both Chief and people should consent (6).

In some cases the Chiefship is divided: where, for example, a younger brother has by superior ability or bravery raised himself to the level of the elder or even above him. So that in each particular purchase, there is a necessity for carefully ascertaining what is the Community, and who the Chief or Chiefs, whose consent is needed to make the Sale thoroughly valid and unquestionable.

3. In old times land was sometimes ceded by one Tribe to another as a payment for assistance rendered in war. Also, land was occasionally transferred as payment for losses in war. Where a Chief of superior rank had been slain on one side, land was yielded up by the other, in order to end the war on fair terms.

This was the case at Kororareka in the year 1837, when the *Ngapuhi*, from Whangaroa, Matauri, and the Bay of Islands, made an attack on Kawiti and Pomare at Kororareka. Hongi, a superior Chief, fell; and though the assailants were repulsed, Kororareka, together with a large portion of land as far as Cape Brett was ceded to them.

Even in our times, lands have changed owners on account of a murder or life otherwise lost.

4. The holdings of individual cultivators are their own as against other individuals of the Community. No other individual, not even the Chief, can lawfully occupy or use any part of such holding without the permission of the owner. But they are not their own as against the Community. If it is said of a piece of land "the land belongs to Paora," these words are not understood by a Maori to mean that the person named is the absolute owner, exclusive of the general right of the Society of which he is a member.

So entirely does a Maori identify himself with his Tribe, that he speaks of their doings in past times as his own individually. We speak of *our* victories of Blenheim and Waterloo. A Maori, pointing to the spot where his Tribe gained some great victory, long ago, will say triumphantly "*Naku i patu*," "it was *I* that smote them."