

eighteen years it has been acknowledged amongst themselves that even a family of three or four people were free to dispose of or to retain their property.

These well known rules of tenure in the Ngatiawa tribe at Taranaki, together with the declarations of Governor Fitzroy in 1844 [see Note No. 16], have been the foundation of every cession of territory there, without exception.

NOTE 4.

“Every cultivator is a member”..... (Page 1).

If Sir W. Martin means that a cultivator occupying a portion of land *the property of the community*, cannot deal with that land independently of that community, he may be right: if he means that *no cultivator* has land which he can deal with unless with the consent of the community to which he belongs, he may not.

The Bishop of New Zealand, in his statement before the Board of 1856 on Native Tenure, says: “In many, perhaps in most cases, there would at present be considerable difficulty in separating conflicting or joint claims upon the same pieces of property, they are so entangled; *yet there are instances of individual claims independently of the tribal right*; the difficulty is seen when the money given for the purchase of land comes to be distributed to the various claimants.” The Bishop also says: “A case now occurs to me: *an old Chief at Otaki was pointed out to me by Mr. Hadfield as having been almost the sole donor of a piece of land, about 500 acres, as an endowment for the native industrial school. I recollect another case at Waikanae, where an old humara ground was wanted for the enlargement of the school yard, but was refused by an old man who had an exclusive right to it, he said, and this right was acknowledged by the other Natives. I suppose this individual claim is by inheritance. The Native deacon Riwai te Ahu holds land at Taranaki, which he describes as having been inherited from his father and other relations, though he himself has resided from his childhood at Waikanae.....I most cordially approve of the plan which Mr. McLean has carried out, of ascertaining individual claims to land by name, and not acting in the loose way we hear generally as “the Natives.”—The Rev. Mr. Taylor says: “Whatever piece of ground an individual cultivates for the first time, it becomes his own private property, if he be a claimant of the land in which it is situated; and when sold he only would be entitled to receive the amount.”—The Rev. Mr. Hamlin says: “In the Bay of Islands, where land purchases were first made, the Native of every degree of rank sold his land without reference to any other authority.”—Archdeacon Maunsell says, “Often, and more frequently, there will be several *take* (sources of title) and one of them will sell without consulting the others.”—The Rev. Mr. Wilson says: “According to the primitive usages originally existing in this country, *such a law as positive personal right to land was acknowledged.*”—Mr. Swainson says: “When any member of a tribe cultivates a portion of the common waste, *he acquires an individual right to what he has subdued by his labour; and in case of a sale, he is recognised as the sole proprietor.*”—Mr. C. O. Davis says: “It may be asked can individual claims exist with such an entangled web as this? *The New Zealander has no law, that I am aware of, by which he is debarred from asserting his individual right to land; it may be a small portion, nevertheless it is an individual right.*”—The Native Board of 1856 says: “The Chiefs exercise an influence in the disposal of land, *but have only an individual claim like the rest of the people to particular portions.*”*

NOTE 5.

“And yet to claim great powers”..... (Page 1).

It may be as well, in order to prevent misunderstanding which might occur from the use of the word “powers,” to explain that the Chiefs never had any real authority, unless it was that of the strong arm.

Mr. Busby, writing in 1837 to the Governor of New South Wales, says:—“To those unacquainted with the status of a Native Chief, it may appear improbable that he would give up his proper rank and authority. But in truth the New Zealand Chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise or resist with impunity.”—[Parl. Pap. 7th Feb. 1838, p. 9.] Even Sir William Martin says “The Chiefs of the Native communities possess *only influence, no authority.*”

NOTE 6.

“To make a sale thoroughly valid both chief and people.”..... (Page 1).

“So that in each particular purchase”.....

No doubt there was a necessity to ascertain this. But according to what principles was it to be ascertained?

The whole pamphlet is written to produce the impression that Wiremu Kingi was the Chief whose consent was needed in the Waitara purchase: but no proof whatever is offered of it. It is absolutely certain that the various sections of the Ngatiawa do not recognise him as the Chief of the