

practically an exercise of the right of *mana* in the conquerors. Now the Waikato cession transferred to the Government whatever right of *mana* the Waikatos possessed at the time of the Treaty of Waitangi. Governor Fitzroy was acting in strict accordance with the usages and rights which were vested in the conquerors prior to 1840, when he stipulated with the Ngatiawas in 1844 that they should set out their separate portions of land; Governor Grey acted in strict accordance with those usages and rights when he stipulated with Wiremu Kingi in 1848 that he should settle on the north bank of Waitara.

But even if it were true as a rule, that when "the Tribe returned they returned of course to all the rights they possessed before the invasion and in the same measure and manner as before," without reference to conditions by the conquerors, it would still be quite fanciful to assume that the Ngatiawa would "return" as a tribe (*iwi*) to a common property in their territory. What they would return to was that state of title which has been referred to in Note No. 2, and which Sir W. Martin himself, in 1846, described when he laid down the general rule that "The lands of a tribe do not form one unbroken district over which all members of the tribe may wander. On the contrary, they are divided into a number of districts appertaining to the several sub-tribes."

NOTE 27.

"Why was this claim, so long abandoned, set up again?"..... (Page 5.)

It does not appear on what authority Sir W. Martin states it was abandoned. It is certain that he is completely misinformed. The Government have never given up the rights they had under the Waikato cession. So far from this, in his manifesto of February 1860, (before hostilities had commenced, and while it was yet believed that William King would not resort to force for the maintenance of the land-league claim) the Governor especially warned the Native people that he claimed under the transfer from Waikato, and that the *mana* was not with William King.

NOTE 28.

"The point, then, on which the Government relied.".....

"That it was the purpose of the Government.".....(Page 5, 6.)

It is quite true that the point maintained by the Government was, that the Native cultivators and occupiers of the block could make a title without the consent of the whole tribe. This was quite plain from the very first. The error is, in supposing that it was anything which Governor Browne contended for at Taranaki, instead of being that which had been established by Governor Fitzroy, adopted by Governor Grey, and as a matter of fact been the foundation on which every block of land at Taranaki, without exception, had been acquired. It is one of the pervading fallacies of the argument, to treat that as a "new policy" which is sixteen years old, and had always been pursued before the establishment of the land league.

It is worth while to observe how closely the language of Mr. McLean's letter of 18th March 1859, and the Assistant Native Secretary's of 2nd April 1859, so much objected to by Sir W. Martin, approaches to that of Governor FitzRoy's address to the Ngatiawa on the 3rd August 1844.

GOVERNOR FITZROY, 1844.

(To the Ngatiawa.)

Point out your respective possessions correctly. Do not quarrel; do not say, "All this is mine, all that belongs to me," but mark it out quietly, and do not encroach on any other man's possession, but each man point out his own.....If you sell it to the Europeans, well; but you must be careful each to sell his own property, and then he will receive the payment himself.

MR. SMITH, (A.N.S.) 1859.

(To Wiremu Kingi.)

The Governor has consented to his word, that is as regards his own individual piece, not that which belongs to any other persons. The Governor's rule is; for each man to have the word (or say) as regards his own land; that of a man who has no claim will not be listened to.

MR. M'LEAN, 1859.

(To Wiremu Kingi.)

This is a word to you to request you to make clear (point out) your pieces of land which lie in the portion given up by Te Teira to the Governor. You are aware that with each individual lies the arrangement as regards his own piece.....We will not urge for what belongs to another man, as with him is the thought as regards his own piece.

NOTE 29.

They [the proceedings of the Government] were seen to be aimed.....against the rights of the tribe itself, and against the interference of the Chief in the affairs of his own tribe." (Page 6.)

This is surely a strange view to take of it. What was the cause of the Governor's declarations in 1859? Simply that for years past various sections of the Ngatiawa had engaged in internecine feuds, marked by a ferocity of which there had been hardly a parallel since the foundation of the Colony. In the well-known speech which was made by Wiremu Kingi when investing Ihaia in the Karaka pa, he declared his will that the latter was to be *rcasted alive on a slow fire*. This was his speech on the occasion:—"Men of Taranaki be strong! Be brave, and capture Ihaia, Nikorima, and Pukere as