

NOTE A.

EXTRACT from a WORK written by Dr. EDWARD SHORTLAND, and published by Longman, 1856.

[The author's name is sufficient guarantee for the value of the information.]

THE following paragraphs are literally translated from a letter written by a chief in reply to some inquiries as to the nature of titles to land in his country. Being a chief of rank, and very intelligent, his authority is as good as any that could be referred to; and, from its agreeing with information collected among other tribes in different and distant places, it may be inferred that the ideas on this subject prevalent throughout New Zealand were similar. It is observable that the head of a family has a recognised right to dispose of his property among his male offspring and kinsmen, and that his will, expressed shortly before his death in the presence of his family assembled for the purpose, possesses all the solemnity of a legal document.

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Hear the custom in regard to lands which are held by right of conquest: Suppose some very large tribe is defeated; suppose that tribe is defeated once, is defeated again a second and a third time, till at last the tribe becomes small, and is reduced to a mean condition: it is then made to do work of dependants—to cultivate the land for food, to catch eels, and to carry wood. In short, its men are treated as slaves. In such a case their land passes to the possession of the tribe whose valour conquered them. They will never think of striving against their masters, because their power to fight has gone from them. They were not brave enough to hold possession of their land; and, although they should grow numerous afterwards, they will not seek a payment for their former losses, for they are fearful, and say among themselves, "Don't let us strive with this tribe, lest we perish altogether, for it is a brave tribe."

NOTE B.

EXTRACT from a LETTER by Dr. EDWARD SHORTLAND to the CHIEF PROTECTOR of ABORIGINES, dated Akaroa, 15th August, 1843.

WHEN a dispute arises between members of the same tribe, who is the lawful owner of a piece of land, the principal persons on both sides meet together to discuss the affair. Their pedigrees are traced, and the ancestor from whom either party claims is declared. Any proof that an act of ownership (such as cultivating, building a house, setting pitfalls for rats, or erecting eel-weirs) was once exercised without opposition by one of these ancestors is considered sufficient evidence of the right of his descendants to the land.

EXTRACT from a LETTER by Dr. EDWARD SHORTLAND to B. HAWES, Esq., M.P., one of Her Majesty's Secretaries of State for the Colonies, dated London, 25th February, 1847.

IN considering the modes by which land becomes distributed amongst the different members of a tribe, it must not be imagined that an individual is at liberty to cultivate at his pleasure any unappropriated spot within the limits of the district claimed by his tribe. He must confine himself to those parts of that district to which he and other members of his family have a joint right, and then his selection should be made with the consent of those interested. The non-compliance with this usage by turbulent fellows is a frequent cause of dispute.

In cases of adultery, &c., where the injured party is willing to receive compensation, a piece of land generally forms a most important part of the payment, being considered the only kind of property of equal value with a woman. They reason thus: All other property is perishable, but a woman or land, they are imperishable, inasmuch as the one produces children, and the other produces food necessary to their support. Also, in making peace after a long war during which many lives have been lost, land has often been given up by one party to compensate for the greater number killed on the other side. From this, it appears that the New-Zealanders had an idea of the value of land as an exchangeable property before the arrival of Europeans among them.

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