

of the land of a tribe was wholly unknown (8). The rights which the Natives recognised as belonging thenceforward to the Crown were such rights as were necessary for the government of the country, and for the establishment of the new system. We called them "sovereignty;" the Natives called them "*kawanatanga*" (governorship). This unknown thing, the "governorship," was in some degree defined by a reference to its object. The object was expressed to be "to avert the evil consequences which must result from the absence of law." To the new and unknown office they conceded such powers—to them unknown—as might be necessary for its due exercise. To themselves they retain what they understood full well—the "*tino Rangatiratanga*" (full chiefship), in respect of all their lands (9). These rights of the tribes collectively, and of the chiefs, have been since that time solemnly and repeatedly recognised by successive Governors (10), not merely by words but by acts; for, through the tribes, and through the exercise of the chief's power and influence over the tribes, all the cessions of land hitherto made by the Natives to the Crown have been procured (11).

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ARCHDEACON MAUNSELL.

THE land does not, generally speaking, belong to one individual, but chiefly to the tribe. Often there will be only one main proprietor or *take* (root) as they denominate him; but if he be not a chief of rank the head man will take upon him to dispose of the spot. Often, and more frequently, there will be many *take*, and one of them will sell without consulting the others. There are other difficult points connected with this question—*e.g.*, a tribe will give a spot of land to another, either as a marriage portion or to induce them to reside, &c. The former are still *take*, but the latter may, if they like, sell, only they generally hand over the payment to the former, reserving to themselves the honour attendant on the transfer. The latter, again, if they be powerful, will sell without consulting the former, all being regulated by the relative power of the two parties. At the same time I consider that to a valid document both parties names should be attached. Neither is it a difficult matter to satisfy the others when the main *take* (if he be a man of rank) has given his consent.—[*Letter from Rev. R. Maunsell, quoted in evidence before the House of Commons, 1840; Parl. Papers, 3rd August, 1840.*]

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BOARD OF INQUIRY.—Major NUGENT, late Native Secretary; Mr. LIGAR, late Surveyor-General; Mr. DALDY; and Mr. T. H. SMITH, Assistant Native Secretary.

It appears that the title or claim to land by tribes arose from occupation, dating sometimes from remote periods and from more recent conquests, followed by occupation either by themselves personally or by remnants of the conquered people; that this title existed no longer than it could be defended from other tribes; that the boundaries were in some cases clearly defined and admitted by adjoining tribes, but that in many others they were quite the reverse, and were causes of constant quarrels; that narrow belts of land, as being claimed by two tribes, could not have been occupied by either without causing an appeal to arms; that there is no part of the country which is not claimed by some party or another; that as land is inherited in the female line the constant intermarriages between the tribes led to the descendants by such marriages having claims to land in more tribes than one; that it frequently happened that one tribe gave land within their own limits to the members of another tribe for assistance rendered in times of danger, which gifts were held most sacred; that claims to land were made by one tribe and admitted by another as compensation for the murder of a chief thereon or other injury; that an accidental death of a chief on the land of another tribe gave his family a claim to it.

It will therefore be seen that no tribe has, in all instances, a well-defined boundary to its land as against adjoining tribes, and that the members of several other tribes are likely to have claims within its limits. Each Native has a right, in common with the whole tribe, over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for snaring birds and rats, or as pig-runs. This individual claim does not amount to a right of disposal to Europeans as a general rule, but instances have occurred in the Ngatiwhatua Tribe, in the vicinity of Auckland, where Natives have sold land to Europeans under the waiver of Crown's right of pre-emption, and since that time to the Government itself, in all of which cases no after claims have been raised by other members of the tribe; but this being a matter of arrangement and mutual concession of the members of the tribe, called forth by the peculiar circumstances of the case, does not apply to other tribes not yet brought under its influence. Generally there is no such thing as an individual claim, clear and independent of the tribal right. The chiefs exercise an influence in the disposal of the land, but have only an individual claim like the rest of the people to particular portions. Since the introduction of Christianity the Natives have gradually emancipated their slaves taken in war, and by their return to their former possessions they have become a new class of claimants.

When the Natives first came into contact with Europeans in the relative position of sellers and buyers of land, the evidence of which before the Board extends as far back as the year 1822, it has been shown that the Natives in disposing of their land intended only to convey a title similar to that which they as individuals hold themselves—the right of occupancy. They did not imagine that anything else could be wanted. Their desire for Europeans to settle among them was very great, and in selling a piece of land to one of these early adventurers they not only were prepared to hold his title, such as it was, inviolate, but considered his personal safety a matter of the deepest interest. He, in fact, was considered as one of the tribe among whom he had cast his lot. They soon, however, ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory, and in all subsequent transactions of the kind gave written titles in perpetuity, with the right of transfer.—[*Report to Governor Gore Brown, in Sess. Papers, 1856.*]