

most. The reason is plain. A true Maori warrior to effectively lead in war had to be cruel, blood-thirsty, revengeful, and incapable of peacemaking. Not altogether so was the Maori statesman; but the one could not do without the other; so seldom, if ever, could one chief stand alone as the chief. Often a warrior chief had no other land but an equal portion, or tribal share in any country conquered and afterwards occupied; but he would not have a greater claim over it than any other man of rank, because the tribe would hold that, though by his skill and cleverness the enemy had been defeated, still he could not have taken his country unless he had had the tribe at his back to give effect to his ideas, and to fight. Land was held in common; but one man would not interfere with another man's cultivation or ground he had built upon or cleared.

I have known chiefs give away blocks of land in two instances in payment for tribal debts. Tamati Waaka Nene was one of these chiefs, Patuone was the other; but in both cases the chief was empowered by the tribe to act, the latter intimating that such-and-such a block might be taken for the purpose. I am aware of the facts, having been present both times, and each were *bona fide* transactions, fair and honourable. The Governments, however, of that day refused to recognise the transfers, as they said one man had no right to dispose of the land belonging to the tribe, as his chieftainship did not extend to ownership or parting with tribal land—*mana* was not heard of in those days as applied to land—but when Government became land-buyers this principle was abandoned, and encouragement was given to chiefs to rob their tribes, and so great wrongs were committed, till, maddened with injustice, the Maori rose and fought.

The power of life and death vested in a chief extended to his own property only. He certainly had the power to kill his own slave with impunity, but not the slave of any other man unless he had outraged him or mocked his sacredness, intentionally or unintentionally. I never heard an instance of this happening; but the matter would have been discussed, no doubt, over the cooked remains of the slave, whose owner would probably have exclaimed, as he munched him up, that it had served him right, but he eats very well after all. No chief, however, as a rule, would kill his slaves, any more than an Englishman would shoot his horse or dog for nothing.

The Maori was, and is, very jealous of his land-rights. If a chief, a landless one, took for a wife one who had extensive lands he was made none the richer, and unless she chose to give him a piece he could not claim a square foot. The wife, however, as a rule, kept her land for her children or her tribal relations. I have known of chiefs selling land on their *mana* to Europeans and Governments, but when the purchaser came to take possession he invariably found out he had been swindled.

"Have you any land?" is asked of a big chief. The answer invariably is, "Yes," and then follows a description, and names of hills, valleys, and streams. "Is all this yours?" "Yes," is the reply. "Will you sell me a piece of it?" "*Taihoa me korero ahau ki taku iwi*" (wait till I speak to my tribe), is the reply if the chief is an honest man; but if you say, "I will give you £100 as an advance," the probability is the chief would take it; but in the event of the tribe refusing to sell there is a greater probability that the £100 would be missing for his exertions in speaking to the tribe. Now, when the chief said the land was his he did not mean the simple European or missionary who asked the question to understand that he claimed it as his own private property, but that it was the land of his tribe, over which he had a tribal claim. Hence great mistakes have been made in days gone by, and errors, I might add, committed in more modern times.

THOMAS McDONNELL.

Extract from TAYLOR'S "NEW ZEALAND," Chapter vii., King Movement, page 120.

THE chiefs, seeing that their position was lost, and that in proportion to the alienation of the land their *mana* (power) went with it, also the rapid increase of the European, which threatened the national existence of the Maori race in a few years, began to bestir themselves. It is singular that the greatest chiefs are not always the greatest landholders; their followers are frequently possessed of far more than they themselves. They are called blood-chiefs, in virtue of their descent, but not land-chiefs: still, they have a general *mana* (authority) over the whole, and so long as its integrity is preserved their influence is proportionately great. To stop, therefore, the alienation of land was to arrest the loss of their power and the encroachment of the pakeha. . . .

THE NATURE OF TITLE TO LAND ACCORDING TO NATIVE CUSTOM.—(Extract from a Letter from Judge Maning to the Chief Judge, Native Land Court.)

SIR,—

Hokianga, 26th November, 1877.

I have to acknowledge the receipt of your letter of the 8th instant. . . . The requirement made of the Judges of the Native Land Court is one much more easy to make than to fulfil, not that the questions put are unanswerable, but that they, in effect, contain a requisition that the Judges, or each of them, do enunciate and fix in writing a hitherto unwritten law, parts of which are still doubtful and subjects of debate—a law which has altered much since the arrival of the Europeans in this country, and which is still changing, in consequence of the necessity of adapting itself to the new circumstances by which the Natives are surrounded—the law of Native usage and custom.

The Judges of the Native Land Court are no doubt equal to the task which has been assigned them, but the difficulty of accomplishing it arises from the impossibility of doing what is really the reduction of an unwritten, and in some degree still disputed, law to writing, and a fixed code in any concise form in a short space of time.

A mere series of dicta by a Judge affirming the nature of Maori title, the customs affecting land held under it, and the modes by which it may be acquired, ceded, or forfeited, would be, unless accompanied by quotation of precedents established in the Courts, or by the acts and proceedings of the Natives themselves for some considerable time back, entirely without authority, and