

have deemed it advisable that a life interest only should be awarded, that having been the old tenure. An Ariki was nothing more than a trustee for the tribe or family, and the so-called Ariki lands really belong to the younger branches of the Ariki family. Of the five Arikis of this island, only two have children, and it is not advisable that Arikis should be allowed to will lands outside the family. I have always given claimants to understand that I would keep the title open for amendment wherever it could be shown that a rightful owner had been left out, either by design or by carelessness.

The *atinga* now payable to the Ariki in recognition of the interest of the governing power in the lands should, when the present Arikis die, be payable to the local government as the natural heirs of the Arikis, who have now become an anachronism, and if this course be followed the *atinga* must be reduced to a money payment. The power to do this has been reserved to the Court in each case.

The Court has further given notice that it does not admit the right of any man to devise land away from his own family, whether natural or adopted; and by the old custom, in default of natural heirs such land reverted to the overlord, whose privilege it was to give the land into the hands of distant relatives of the deceased, or retain it in his own hands. The Government have therefore the right of reversion as the natural heirs of all families who may die out.

THE ANCIENT SYSTEM OF GOVERNMENT AND LAND TENURE IN RAROTONGA.

The ancient form of government in Rarotonga and some other islands of the Pacific is the natural result of the land tenure of those islands. Any variation that may be found to the general patriarchal rule will be seen to be the result of a conquest over one or more of the families who first occupied the island, or in some instances it will be found that modifications in favour of the chiefs and against the interests of the people have been introduced by masterful Arikis under the protection of the Gospel. I do not wish to imply that the early missionaries ever assisted to oppress the people, or deliberately sided with the Arikis; but they did preach the gospel of non-resistance and peace, and thereby enabled an enterprising Ariki to gradually destroy the independence of his people.

The ancient system was that the eldest born of a family was the governing power of the clan, and nominally owner of their land; but it was recognised that every member of the family had a right to the lands in common with all his relatives, and this right could only be lost by some crime against the family sufficiently heinous to set the family against him and cause them to drive him from the community. Their policy was simple. An adventurous chief and his near relatives would build a canoe and sail away in search of new lands. As a rule the crew would be the blood relations of their leader; but if he was specially famous, either as a warrior or navigator, he might probably be joined by a few men of tried valour from other families, but in such case they would be adopted into the new tribe. This is in effect the history of Karika and Tangiia, who, perhaps six hundred years ago, met in mid ocean, and, after a short struggle, joined forces as a preliminary to the conquest of Rarotonga and the ejection of the tribes of Iva, who then held the land.

After the conquest, and after the old owners had been driven from the districts coveted by the intruders, the land was divided, and each member of the crew received his share, and thereby became the first Mataiapo of his family. This share was his by right of conquest, and the only obligation attached to the land was that of building and keeping in repair the house of the Ariki (chief of the canoe), and the further obligation common to all—to attend with his whole family and carry out such public works as the tribe might consider necessary for the public welfare. In all other respects the Mataiapo was an independent landholder, and exercised much the same powers in his own family as the Ariki did in the tribe. In the event of any serious disagreement with his Ariki, the Mataiapo had the right to transfer his allegiance to another Ariki; and this was actually done by the Mataiapos Vakapora and Taraare shortly after the arrival of the first missionaries, when these men renounced the overlordship of Pa and joined Makea. So far I have spoken of the real Mataiapo; but there is another class, namely, where the family has died out and the land has reverted to the Ariki, or, worse still, where the Mataiapo has died and left young children who were unable to help themselves. In the first case the Ariki would hand over lands and title to some favourite of the hour, but would impose onerous conditions as to service, &c., which would degrade the office, but would not be unfair, seeing that the new Mataiapo had no right other than that he derived from the donor. In the second instance, the land would be improperly given to an outsider in order to destroy the original tenure and create a new one, under which the Mataiapo would be a mere creature of the Ariki by reason of his being an interloper. This has been done on many occasions by Makea's ancestors, though she herself has been fairly just.

The power of an Ariki would seem to have depended much on the character of the man who held the position, and even more on the warlike ability of his younger brothers. His position may, however, be described as a despotism tempered by the spears of his followers. For there was a point beyond which the greatest Ariki could not go with impunity, and of this phase of Polynesian life Tinomana is an instance. Her people and authority should be at Nga-Tangiia, but she does not live there; nor is she recognised in that district, for the reason that the last Tinomana installed as Ariki of Nga-Tangiia was a man of the most tyrannical type, who, having exhausted the patience of his people, barely saved his life by a hasty flight to Arorangi, where he was received and sheltered by the tribes of Iva, and gradually acquired sufficient mana to cause himself to be regarded as Ariki of that district. So also when Makea was driven from his land about the year 1820: it was not the warriors of Nga-Tangiia who did this, but the disaffection of the tribes who had heretofore acknowledged the overlordship of Makea. These people were known as Te Au-o-Tonga, and had always fought for Makea; but their leading warrior Kapo had been grossly insulted by Rupe Makea, and when the war-party of Kainuku invaded Avarua, Kapo repaid the insult with interest by holding back the Au-o-Tonga until Ngati-Makea had been defeated and Rupe slain. This defection on the part of the Au-o-Tonga has never been forgiven, and each successive Makea has attempted to deprive them of their independence.