RANGAHAUA WHANUI NATIONAL THEME S

THE NATIVE TOWNSHIPS ACT 1895

SUZANNE WOODLEY

SEPTEMBER 1996

PRELIMINARY REPORT

WAITANGI TRIBUNAL
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FOREWORD

Suzanne Woodley's report on native townships is a preliminary report, prepared for the Waitangi Tribunal as part of the Rangahaua Whanui programme (see the practice note at appendix I).

In 1993, the Rangahaua Whanui Advisory Group selected 21 generic issues that affected many Treaty claims throughout the country but that had not been researched from a comprehensive, nationwide perspective. The advisory group felt that the claims process would be significantly advanced if those 21 issues were made the subject of overview research reports, which would provide a background and context for individual claims research, enable claims to be seen in a wider perspective, and prevent future duplication of research each time the Tribunal inquires into generic issues as a part of individual claims.

Native townships, which were established by legislation and involved a very particular form of land alienation and administration, were identified as an issue of relevance to several districts and many Treaty claims. The advisory group set this issue aside for research as national theme S. Suzanne Woodley was commissioned to write a preliminary report, and Buddy Mikaere has been commissioned to write a supplementary report after the completion of the Woodley report. Mr Mikaere's report should be available for release by the end of the year.

Dr Grant Phillipson
for the Rangahaua Whanui Advisory Group

24 September 1996

THE AUTHOR

My name is Suzanne Woodley. I completed a BA (honours) degree in History at Victoria University of Wellington in 1995 and a BA majoring in Sociology at Canterbury University in 1987. I worked at the Waitangi Tribunal for five years (from September 1990), initially as a claims administrator, then for three and a half years as a research officer. I completed reports concerning Manaia 1C, Manaia 1A and 2A, Matakana Island, Tuhua, Sewerage Rates, Whangarae 1C, and a number of Taranaki 'ancillary' claims: Rewarewa Rifle Range, Puketapu, Manukorihi, Mangati E, Ngamotu, and Rohutu. I assisted with the *Maori Development Corporation* and *Ngai Tahu Ancillary Claims* reports and was claim manager for the Ngati Awa and Taranaki claims. I am currently a self-employed researcher. My present contract is with the Hauraki Maori Trust Board.

This report on the Native Townships Act 1895 was written primarily to complete the requirements of a university (history honours) research essay. For the purpose of the Waitangi Tribunal's Rangahaua Whanui Series it should be seen as a preliminary report which provides an analysis of how and why townships were set up under the Act. Due to time and word constraints only a selection of the townships set up under the Act were examined, and no full legislative overview made. The long-term impact of the Act, particularly after 1910, is also an area where further work is required.

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LIST OF ABBREVIATIONS

AJHR	*Appendices to the Journals of the House of Representatives*
AJLC	*Appendices to the Journals of the Legislative Council*
BPP	*British Parliamentary Papers: Colonies New Zealand* (17 vols, Shannon, Irish University Press, 1968–69)
ch	chapter
DNZB	*Dictionary of New Zealand Biography*
doc	document
DOSLI	Department of Survey and Land Information
encl	enclosure
fn	footnote
JALC	*Journals and Appendices of the Legislative Council*
JPS	*Journal of the Polynesian Society*
MA	Maori Affairs
MA-MLP-W	Maori Affairs – Maori Land Purchase Department – Wellington
MB	minute book
NA	National Archives
NLC	Native Land Court
NZJH	*New Zealand Journal of History*
NZLR	*New Zealand Law Reports*
NZPD	*New Zealand Parliamentary Debates*
p	page
pt	part
s	section (of an Act)
sec	section (of this report, or of an article, book, etc)
sess	session

CHAPTER 1

INTRODUCTION

In 1895 the Native Townships Act was passed, allowing the Crown to form townships on Maori land. Once laid out, the townships remained in Maori ownership but were leased to European settlers. The leases were administered by the Commissioner of Crown Lands. In Government were the Liberals, whose promotion of European settlement in the 1890s saw them acquire more Maori land than any other administration since the New Zealand wars.[1] In 1902 the principal Act changed, allowing Maori Land Councils set up by Native Minister James Carroll to form townships and administer them. This change occurred during the first decade of the twentieth century, a period when the sale of Maori land decreased and 'taihoa' and some local self-government policies for Maori were promoted. In 1910 the Act was amended again, allowing settlers to acquire the freehold to the townships and the leases to become perpetual. A change of Government in 1912 saw the acquisition of Maori land (including township land) on the increase once more, so much so that Brooking describes this period as the 'ultimate' Maori land grab.[2] In total the Act created 18 townships throughout the North Island, affecting 4396 acres of Maori land. They were concentrated mainly in the central North Island, the King Country, the East Coast, and Kawhia. The first township, Pipiriki, was proclaimed in 1896 and the final township was Turangarere, proclaimed in 1907.[3]

The central questions this essay will attempt to answer are what the intention was of the legislation itself, how the legislation worked in practice (particularly up until 1910), and who benefited from the establishment of the townships, both in the short and the long term? There can be three possible scenarios when assessing the intention, practice, and benefits of the Act. The first two are based on the established view in New Zealand historiography that European policy towards Maori was assimilationist. It was during the period under consideration, and indeed up until at least the 1960s, that this policy featured.[4] The first scenario is that the townships were an attempt at 'genuine' assimilation from which both Maori and Europeans could benefit. The policy of assimilation or, as Ward labels it, amalgamation,

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1. Tom Brooking, 'Busting Up the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', NZJH, vol 26, no 1, April 1992, p 78
2. Ibid, p 80
3. The proclamation was the Crown's announcement that it intended to form a township. After the township was surveyed and laid off it was 'declared' a township. This usually occurred several years after the proclamation.
4. John Williams, *Politics of the New Zealand Maori: Protest and Cooperation 1891–1909*, Auckland, 1969, p 163

promoted the swift absorption by Maori of European culture and institutions, together with the rejection of Maori culture and institutions. Assimilation assumed that the imposition of European administration and law and a European form of land tenure was best for Maori. As Ward states, the assumption that European institutions were superior went with:

> a disastrously limited appreciation of local values, of local peoples' possible preference for their own institutions and of the difficulties they would incur in adapting to new responsibilities and obligations.

Unlike other nineteenth-century European racial policies, however, assimilation promoted the belief that Maori could become European-like. According to Ward, assimilation was also in its purest form 'altruistically conceived'.[5] While Maori autonomy was rejected the possibility of benefits for Maori, such as some retention of land, remained. The second scenario is that the townships were part of what Brooking describes as the Liberal Government's attempt to engage in a 'show of justice', or assimilation intended to mask exploitation.[6] According to this interpretation, assimilation was promoted on the surface but concealed the Government's underlying intention to promote, first and foremost, settler and Government interests. Maori interests were secondary or not considered at all. There was an 'ethnocentric distrust' of the ability of Maori to share power.[7] The result was that Maori lost control of their land. The third scenario is that Maori were able to use the townships and adapt them to promote their own interests despite assimilationist or exploitative intentions by Government. There had been many attempts by Maori to regain their autonomy. Was this another example? In practice, the three possibilities are not necessarily mutually exclusive.

In order to answer these central questions, this report will examine the philosophy behind the Act, the political context to the Act, the subsequent changes to the legislation and its impact, where and how the townships were developed and the way in which Maori responded to the Act. The sources used for this study are largely Government records (such as the *New Zealand Parliamentary Debates*, *Appendices to the Journals of the House of Representatives*, Maori Land Court minutes, and Maori Affairs, Maori Trustee, and Lands and Survey files). The use of Government records is problematic when considering Maori responses to the desire by Government and settlers to form townships on their land. There are, however, letters and petitions from Maori throughout the Government record on the townships, which provide some understanding of the Maori response. Government records can also preserve to some extent Maori viewpoints and be reanalysed to counteract bias. The reanalysis of the written record to counteract bias begins, according to Belich, by 'analysing the bias of the groups which dominate the written record'.[8] It is still

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5. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1974, p 36
6. Brooking, p 80
7. Ward, p 36
8. James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, 1986, p 12

important, however, to acknowledge the limitations of the Government record especially when the subject matter relates to inter- and intra-tribal politics. Oral sources suggest that there is a level of dynamic not exposed by Government sources. It should be noted, also, that because some Government records on the townships are missing, burnt, or difficult to locate, one cannot hope to provide a complete examination of the townships. Minimal evidence has been located on a number of the townships: Hokio (near Levin), Kaimakau (Kennedy's Bay, Coromandel Peninsula), Te Araroa (East Coast), Tuatini (East Coast), Potaka (or Utiku near Taihape), Parawai (Kawhia Harbour), Te Puru (Kawhia Harbour), and Karewa (Kawhia Harbour). The townships where evidence is most prolific include Tokaanu, Te Kuiti, Parata, Ohotu, Te Puia, Pipiriki, Rotoiti, Otorohanga, Taumarunui, and Kaiwhata. Very few secondary sources exist on the Act and its impact.

CHAPTER 2

THE LIBERALS

Both Brooking and Ward have leaned towards the 'masked exploitation' scenario in their examination of the 1890s. Brooking describes this period as the 'penultimate grab of farmable Maori land', with 1.6 million acres of Maori land being acquired between 1894 and 1899.[1] He states that the Liberals, in Government from 1891 to 1911, considerably advanced the 'occupation and colonisation of the North Island'.[2] Ward notes too that the Ballance Government undertook to 'purchase Maori land at an even faster rate' than the previous Government.[3] Butterworth concurs, arguing that Liberal policies ensured the 'maximum flow of land from Maori into settlers' hands'.[4] According to Brooking, the 'large scale' settlement of Maori land was a central part of the Liberals' land settlement programme 'rather than something distinct and separate'.[5]

He argues that the Liberals were able to acquire so much land because their legislation was interconnected 'like the pieces of a meccano set', and constantly amended and refined to make it work more effectively. Maori land policies complemented other policies such as the breaking up of the 'great estates' (European held), which saw 1.3 million acres becoming available for settlement. Ward states that the Liberals had a tendency to 'resort to compulsory measures to assist private development' and that they concentrated on the opening up of areas where Maori had previously been reluctant to sell such as the King Country and the East Coast.[6] At the turn of the century however, land purchasing activities were largely curtailed, owing to the promotion by James Carroll and Apirana Ngata of Maori self-government at a local level and their 'tai hoa' policies. This change in direction corresponded with a significant amendment to the 1895 principal Act. In this environment, Maori promotion of their own interests (scenario three) was a distinct possibility.

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1. Hepora Young and Graham Butterworth, *Nga Take Maori, Maori Affairs*, New Zealand, 1990, p 57
2. Tom Brooking, 'Busting Up the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', NZJH, vol 26, no 1, April 1992, p 78
3. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1974, p 304
4. Young and Butterworth, p 57
5. Brooking, p 81
6. Alan Ward, 'Waikato ki Maniapoto', report for the Waitangi Tribunal, 1992, p 112

CHAPTER 3

THE NATIVE TOWNSHIPS ACT 1895 AND THE 1902 AMENDMENT

The Native Townships Act 1895 was, however, oriented towards the opening up of areas of the North Island for the benefit of settlers, not Maori. In essence, the 1895 Act gave the Governor the right to declare any parcel of Maori land as a site for a native township. This included land that had not been through the Native Land Court. The site could not exceed 500 acres nor could it be situated within 10 miles of another township. After the land was proclaimed it was surveyed and, at the Surveyor General's discretion, streets, allotments, and reserves laid off. In every township, allotments not exceeding 20 percent of the total area were reserved to the Maori owners. The Surveyor General was to ensure that all urupa and every building occupied by Maori were reserved as native allotments. In selecting allotments for Maori, the Surveyor General was to comply with the wishes of the owners so long as this did 'not interfere with the survey, or the direction, situation, and size of the streets, allotments or reserves of the township'(s 7). Maori then had two months in which they could lodge objections with the chief judge of the Native Land Court. All streets and public reserves laid out within each township were vested in the Crown. No compensation was provided for the Crown's acquisition of Maori land for roads and public reserves. The native allotments were also vested in the Crown in trust for the owners (s 12(4)). All allotments (other than native allotments) were leased for 21 years, with the right of renewal for another 21 years. The allotments were offered for lease either by public auction or public tender as the Commissioner of Crown Lands thought fit. Rental was fixed by valuation or arbitration and leases provided for the payment by the incoming tenant for improvements made by the outgoing tenant. The lease was executed on behalf of the Crown (s 15). All lease moneys were paid into an account from which the cost of surveying and constituting the township was taken. Only then would the surplus be divided among the owners (s 18(1)). The Crown alone could acquire interests in the township (s 18(1)). The Act also allowed Maori to have free use of all baths or thermal springs existing on any reserve in the particular township (s 21).

Seven years after the principal Act was passed, a significant amendment was made which allowed for Maori input into the townships. Section 8 of the Maori Land Laws Amendments Act 1902 allowed the Governor to vest any parcel of Maori land in a Maori Land Council as a native township. Maori Land Councils and Maori Councils had been legislated at the instigation of Carroll and Ngata in 1900, pursuant to the Maori Land Administration Act. Maori Land Councils were more

representative of Maori than later administrative structures such as Maori Land Boards. They consisted of not less than five members, including not less than two and not more than three elected Maori, and at least one other Maori appointed by the Governor. Under the 1902 Act, Maori Land Councils were given similar responsibilities to the Surveyor General and Commissioner of Crown Lands with regard to these townships, including arranging the survey of the township and the laying out of streets, reserves, and allotments; deciding on any disputes arising from the survey; dealing with the sale, lease, or exchange of allotments and reserves; distributing the proceeds of the leases; and providing allotments for Maori owners. Townships created under the Act included Otorohanga, Te Kuiti, and Taumarunui.

CHAPTER 4

THE INTENTION OF THE ACT

Three different points of view emerged in the debates in Parliament concerning the Act. Those of the European members who were concerned with Government and settler interest; those, such as Carroll, who were concerned with settler as well as Maori interests; and those Maori members concerned primarily with the effect of the Act on Maori. The Honourable James Carroll (member of Parliament from 1887 to 1919, member of the Executive Council representing the Native Race from 1892, and Minister of Native Affairs from 1899 to 1912) and the Minister for Lands, the Hon J McKenzie, were the architects of the Native Townships Act. Carroll was Maori and Irish, and culturally adept in both the Maori and European worlds. For several years he was the member for Eastern Maori but for much of his political career he was member for the general (European) seat of Waiapu and Gisborne. Carroll claimed that the townships were his idea and that it was he who had taken steps to have the Bill drafted. He argued that it was in the interests of Maori as well as Pakeha to create the townships, and his aim generally was to empower 'Maori within modern economic life and [secure] their equality with Pakeha'.[1] According to Butterworth, Carroll's desire to ensure Maori played a significant role in New Zealand life combined with his non-support of separate Maori political institutions proposed by the Kingitanga and the Treaty of Waitangi movement.[2] Carroll was also a strong advocate of Maori leasing their land, helping Ngati Porou leaders 'form committees and lease and farm their own land'.[3] He emphasised the benevolence of the Government when introducing the Act, stating that Maori were unable to sell their interests except to the Crown. The Government's position was one of trustee and agent for Maori. When explaining the Act's origins, later in 1910, Carroll stated that he had travelled to many Maori districts in the North Island in 1895 and had seen the need for legislation which would allow the taking of certain portions of Maori land for the purposes of a township. He said that the Act was required because Europeans, particularly traders, who had settled in Maori-held areas, erecting houses and shops, were unable to secure legal tenure.[4] Carroll's position is thus not altogether clear. On the one hand he had 'genuine sympathy and understanding' for Maori and promoted the empowerment of Maori. But if he wished to have any influence, he had to be pragmatic and 'look after his position as a Liberal

1. Alan Ward, 'James Carroll', in *The Turbulent Years: The Maori Biographies from the Dictionary of New Zealand Biography, 1870–1900*, Wellington, 1994, vol 2, p 9
2. Hepora Young and Graham Butterworth, *Nga Take Maori, Maori Affairs*, New Zealand, 1990, p 48
3. Ward, p 9
4. 2 September 1910, NZPD, vol 151, p 272

politician'.[4] The Liberals were interested in the settlement of the small farmer, which meant the acquisition of Maori land. Was Carroll, then, an assimilationist agent of Pakeha or did he subtly try to push a pro-Maori agenda in difficult times?

McKenzie, a promoter of the interests of the small farmer, introduced the Bill in the House.[5] His motivations were different from those of Carroll. McKenzie had made it clear, according to Brooking, that he wanted to become heavily involved in the purchase of Maori land, asking in 1893 for all papers and questions relating to Maori land.[6] McKenzie argued that the inability of Europeans to acquire legal tenure retarded the settlement of the country and resulted in Europeans building on Maori land. This, he said, would cause 'considerable amount of trouble' in the long term. The Act was intended thus to counter the inability of Europeans to acquire legal tenure. Yet the tenure proposed in this instance was leasehold, not freehold. This is an interesting contradiction given McKenzie's support of the acquisition of freehold by small farmers. It may well indicate that there was a measure of compromise between McKenzie and Carroll. Attempting to mask who he actually intended to benefit from the Act, however, McKenzie emphasised that Maori would be fully consulted in the creation of their reserves, that objections could be made to the chief judge of the Native Land Court, and that the Bill provided for full compensation for lands taken for the township.

Support for the Act also came from the European members of Parliament, who concentrated largely on the argument that the Act would be good for tourism. McKenzie, together with John Duthie (member for the City of Wellington) and the Hon Sir Patrick Buckley (Attorney-General and Colonial Secretary), were concerned that at popular tourist destinations such as Pipiriki, there were no hotels for tourists to stay at since Maori would not alienate their interests in these areas. Buckley, in particular, was most put out that he had had to stay in a little tin house during his last visit to Pipiriki. He also explained that if there had been women present he would have had to sleep with the groom in the tent. The Native Townships Act, however, would ensure that there was adequate accommodation in these areas.[7] Dr Alfred Newman (member for Wellington suburbs) said that Tokaanu, with its 'hot springs, geysers and curiosities' also would be a good candidate for the Act and would become a 'leading township of a large district'.[8] The description of Tokaanu when it was advertised for lease in 1899 reflected this tourist orientation. The advertisement mentioned Tokaanu's vicinity to Lake Taupo, which was stocked with trout; to Mount Tongariro and Ruapehu, which it was hoped would become the

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4. John Williams, *Politics of the New Zealand Maori: Protest and Cooperation 1891–1909*, Auckland, 1969, p 13
5. Son of a Scottish tenant-farmer, Sir John McKenzie was political head of the Department of Lands and Survey from 1891 to 1900. His obituary said: 'His sympathies were those who led a country life, and his great object as a Minister was to help them, for he knew their wants and shared their anxieties'. McKenzie also introduced the Land for Settlements Act which 'allowed the government to buy back those [large] estates, divide and lease them for ever to a new independent tenantry': 'Report of the Land and Survey Department', AJHR, 1901, C-1, p i.
6. Tom Brooking, 'Busting Up the Greatest Estate of All: Liberal Maori Land Policy, 1891–1911', NZJH, vol 26, no 1, April 1992, p 84
7. 24 July 1895, NZPD, vol 88, p 163
8. 27 June 1895, NZPD, vol 87, p 180

home of the red deer; and to the Waihi Falls. Tokaanu's magnificent scenery, views, and large number of hot springs were also mentioned.[10] Otorohanga, too, was advertised as being able to cater for tourists visiting the 'celebrated Waitomo Caves'.

Maori member Hone Heke interpreted the Bill differently to Carroll and the European members. Heke noted that the preamble to the Bill said that legislation was required to ensure that the interior of the North Island was opened up. He argued that the question was whether Maori were willing to allow their land to be utilised as townships. Heke believed that Maori were amenable but objected to having their lands utilised when they could not receive market value for their property. Heke said that the intention to make the townships a 'sort of reserve' for Maori was a 'good one in its way', but argued that Maori would receive benefit only if the Crown or private individuals were not allowed to acquire any interest in them. He stated that a similar system had been tried at Rotorua but Maori, had 'derived no benefit from that township'. When Carroll cited the west coast settlement reserves as a success, Heke replied that it was only a success because the Crown was unable to acquire any interests in the land.[11] Heke, alleging 'masked' exploitation, concluded that:

> Honourable members would find that whenever the prosperity of a township was assured the Crown stepped in and sent their agents amongst the Native owners and asked them whether they desired to dispose of their interests to the Crown.[12]

When the 1902 Act was introduced Carroll told the House how the amendment would give power to the Maori Land Councils to form and establish townships where they so desired. He said that in the King Country two townships, Te Kuiti and Otorohanga, had already been cut up by Maori. He reiterated that a number of buildings had been erected and businesses begun by Europeans who had no legal title to the land. There was, however, little other discussion on the amendment.

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10. Tokaanu, Lands and Survey file, LS 1, file no 28166, NA Wellington
11. This legislation did, however, change so that both the Crown and the lessee could acquire the land. The change occurred during the second decade of the twentieth century, at a similar time to the change in the Native Townships Act 1910 which saw the leasees able to acquire the freehold.
12. 16 July 1895, NZPD, vol 87, p 593

CHAPTER 5

THE CREATION OF THE TOWNSHIPS

But what occurred in practice? What was the extent of consultation with Maori given that the Act provided for little, apart from where the Native Allotments were to be situated? Was the Act applied compulsorily? The European members of Parliament intended the Act to apply to areas where they thought a township was warranted, but did Maori also have an input? A crucial issue then is the extent that the wishes of Maori were taken into consideration.

It is clear that, despite the settler orientation of the 1895 Act, in some instances Maori attempted to utilise it for their own benefit. The initiative to form a township in a particular area came not only from the Crown and settlers but also from Maori. There were several occasions where Maori, with little prompting from the Crown, requested that native townships be laid out on their land. All of the townships examined like this did not benefit a great deal either settler or Maori or else failed to get off the ground. It does reveal, however, that some Maori perceived that there were benefits in allowing their land to be used for a township. In August 1904 a letter was received by the Lands and Survey Department from Taiawhio Te Tau, an owner in the Ngapuketurua block in the Wairarapa, stating that it was the intention of the owners to lay out a Maori township called Kaiwhata on the block. He, Piripi Waaka, and others agreed to give a total of 80 acres for the township and submitted an application for a survey of the township to the Surveyor General. They said that the township would be of great convenience to both Europeans and Maori. There was considerable delay in progressing with the township, owing to the Department's belief that there would be little demand for the sections. It was not until February 1906 that authority to survey was granted. The Surveyor General grudgingly commented to James Carroll that if Maori were willing to pay for the survey he 'supposed authority may be granted'.[1] It appears, however, that a township under the Act was never created at Kaiwhata for it is not mentioned in any subsequent Government papers or listed in the House as a township.[2]

Another example of Maori wishing to form a township was at Ohotu, located on the east bank of the Mangawhero River at the junction of the road from Wanganui to Raetihi. Given the remoteness of the site for the Ohotu township, Maori may well have been interested in gaining better access to European goods and services which a township could provide. In 1899, the Government received a petition from 58 owners of the Ohotu block who asked for a township to be laid out and for the

1. Kaiwhata township file, LS 1, box 770, file no 53399, NA Wellington
2. The Kaiwhata township file ends prior to any proclamation or decision about the township.

Governor to determine the amount of land required. The survey of the townships was delayed because the site for the township largely depended on where a future main road was built. This decision was made by the Surveyor General. Meanwhile, however, Cabinet had decided that a township was to go ahead and initiated a survey. The surveyor was instructed to see the principal owners and obtain their assent 'in writing if possible' as to the whereabouts of the native allotments. The surveyor later advised that the owners had seemed satisfied with the reserves made. In 1901 the township was proclaimed. It consisted of 227 acres, of which 43 acres were public reserves and just over 12 acres were native allotments (just over 5 percent of the total township area). This was significantly different to the 20 percent provided for by legislation. In 1902, however, it was decided that the Ohotu block would come under the control of the Maori Council and so the proclamation was revoked.[3]

The township at Turangarere was also proposed by Maori. Situated on the right bank of the Hautapu River between Taihape and Waiouru, Turangarere township was proclaimed in February 1907. In August 1904 a meeting had been held between the Minister of Lands and seven owners of the land who asked that a township be laid out. The intention of the owners though was to have the township proclaimed and then to sell it to the Crown. They were advised in 1904, however, that the Government could not purchase Maori land but that the Commissioner of Crown Lands would find out whether the land was suitable for sale. Shortly after the township was proclaimed a second proclamation empowered the Maori Land Board in whom the land was vested, to deal by way of sale with the sections.[4]

The major thrust for townships, however, came from the Crown and the settlers. Land at Te Puia, which encompassed the Te Puia thermal springs on the East Coast, was set aside as a township in 1897 at the instigation of the Crown. The evidence suggests that the Crown used the Act because protracted negotiations (since 1885) for the acquisition of the springs and the surrounding area had been largely unfruitful. The Native Townships Act was a convenient alternative to ensuring that the Te Puia Springs came under Crown control, in comparison to trying to acquire 730 shares from the 230 reluctant owners in the block. The 1895 Act was also less complicated or fraught than the other option mooted by the Crown, compulsory acquisition under the Public Works Act. Thus, in August 1895, the Crown land purchase officer, Sheriden, instructed Land Purchase Officer Wheeler to discontinue purchase negotiations, stating that the land was to be dealt with under the Townships Act. Sheriden further said in September 1896 that 'The attempt to purchase [Te Puia] has been abandoned. This is one of the cases which led up to the Native Townships Act 1895.'[5]

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3. It is not clear from the file, however, exactly why the proclamation was revoked. Ohotu township file, LS 1, box 410, file no 42414, NA Wellington.
4. Turangarere township, Lands and Survey file, LS 1, box 780, file no 53744, NA Wellington
5. Sheriden, 23 September 1896, Lands and Survey Department Head Office file, Te Puia native township, LS 1, file no 29806, vol 1, NA Wellington

The application of the Act to Te Puia was largely done compulsorily with little recorded consultation with owners apart from when Maori were asked, as required under the Act, where their native allotments should be located.

It was also the Crown's desire to form a township at Tokaanu because of the thermal springs and in the interests of tourism. In this instance, however, Maori played a significant role in allowing their land to be used as a township and in the identification of public reserves, native allotments, and the naming of the streets. Indeed, they earned the Surveyor General's displeasure when they claimed all the 'best blocks' for themselves. Following a visit to Tokaanu by a surveyor, who explained to Ngati Tuwharetoa how the Native Townships Act could be applied to their land, a further four meetings were held and a deputation from Tuwharetoa visited Wellington to discuss the matter with officials from the Lands and Survey Department. Despite the meetings, Te Waaka Tamaira told Government officials that some of the principal hapu of Taupo were anxious about their cultivations being incorporated into the township. Others, too, were not entirely happy to have the land used as a township. More research is required to determine whether these issues were in fact resolved. Tuwharetoa attached conditions to allowing their land to be used as a township including the reservation of several urupa and the return of a particular thermal spring which was being used by Europeans. It was Tuwharetoa's intention to charge fees for the use of these baths, indicating that Tuwharetoa saw economic benefits accruing from the town's formation. Tuwharetoa also aimed to play a significant role in the administration of the township. Te Heu Heu, Paurini, Te Kerekiehie, Parati, Kingi, and Keepa Puataata asked the Surveyor General, Percy Smith, that they be appointed as a board to assist the Commissioner of Crown Lands in the management of the town. Tuwharetoa also asked that Mr Grace be appointed commissioner. Tuwharetoa was advised that, although the law did not authorise anything of this nature, the Commissioner of Crown lands would ask the advice of the committee on various matters. However, 'the power to act rested entirely with the Commissioner under the Ministers approval'.[6]

In most townships examined, settler agitation prompted the Crown to form a township in a particular area. This occurred in Waipiro, Parata, and the King Country townships of Te Kuiti, Otorohanga, and Taumarunui. A township at Waipiro, on the East Coast, was proposed by a 'very large' group of European settlers who had met together in July 1897. There was some initial difficulty with the location of the township because it was less than 10 miles from the native township of Te Puia. This was contrary to the Act. The applicable section, however, was repealed in 1898.[7] McKenzie was certainly masking reality when he explained to the House that this change was so Maori could establish townships where they wanted them. He added, however, 'and where they might be required'.[8] Parata, located near Waikanae, 80 kilometres north of Wellington, is an example of a

6. Note on Tokaanu Lands and Survey file, 27 October 1896, LS 1, file no 28166, NA Wellington
7. Section 3(3) of the Native Townships Amendment 1898
8. When asked by the Honourable McLean whether any particular case related directly to the amendment, the Honourable Walker replied that he was not aware of any particular case but would find out before the Bill went through the committee: NZPD, vol 150, 19 and 26 October 1898, pp 177, 471.

township formed after European settlers made it known that there was a shortage of land for settlement in the area. A petition of September 1896 from 61 people, mostly European, asked for a native township to be formed at Waikanae because it was 'impossible to obtain land for building sites' and stated that there was a steady demand for such land. In response to the petition, Sheriden advised the Surveyor General that not only did owner Wi Parata not agree to the proposal but the Act was 'never meant to apply to lands in the very centre of European settlement' (indicating again that the intention of the Government was to open up new unsettled areas for Europeans).[9] In August 1897, Wi Parata advised McKenzie that he had decided to have an area of his land cut up for a township, having heard of the aforementioned petition and the settlers' desire to negotiate for a township at Waikanae. Parata asked for a list of the petitioners so he could approach those who wanted a section. Applications for sections would also be received by him. The Native Townships Act was not mentioned by Parata, and Percy Smith commented that if private persons, that is Maori, were willing to cut up land for townships themselves, there was 'no need for the government to go to the expense of planning [it] under the Native Townships Act'. [10]

Initially, few steps were taken by Parata to form the township. As a result, a deputation from Waikanae visited the Premier in June 1898 and asked the Government to acquire the land occupied by Wi Parata and sell it as allotments for small homestead purposes. The spokesperson, Mr Richard, argued that there was no land in the vicinity which could be acquired by the men employed at the soon-to-be-opened flax mills. He also claimed that men were living in huts and tents on the roadside. The Premier stated that he would discuss the matter with McKenzie, who would communicate with Wi Parata on the matter. There was some discussion concerning where the township would be laid out and whether it should be a native township, a private township, or purchased. Subsequently, Wi Parata agreed that the township would be laid off on his land pursuant to the Act. The township was surveyed and an area of 49 acres 18 perches proclaimed in August 1899. The formation of the township was not, however, as straightforward as Wi Parata simply allowing his land to be used for a township. Wi Parata had not taken into consideration the wishes of his brother Hemi Matenga, who had an interest in the land but had yet been legally recognised.[11] In response to Hemi Matenga's saying that he did not want the land used for a township, an official said that it was:

> a matter of indifference to the government as to who was the legal owner of the land, for the consent of the owner is not necessary to proclaiming a township under this Act. The ownership merely involves the question as to whom the rents should be paid to.[12]

This statement thus suggests that Government officials believed the consent of the Maori owners to form townships on their land was not required.

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9. Parata township file, LS 1, box 356, file no 39588, NA Wellington
10. Ibid
11. Ibid
12. Percy Smith, Surveyor General, to Minister of Lands, 12 January 1900, Parata township file, LS 1, box 356, file no 39588, NA Wellington

Te Kuiti is also an example of a township initially proposed by settlers. Maori, however, demanded a say in the matter, despite the official view. Carroll reported to Parliament that in 1903 he had met with Maori and proposed that a township be established at Te Kuiti. The result was that 500 acres were 'handed over' to Carroll. Carroll also said that at the time of his visit only two or three Europeans lived at Te Kuiti and had complained about their inability to gain legal title to the land they were informally leasing from Maori. Te Kuiti was proclaimed a township in 1903, under the 1902 Act, and surveys were sufficiently advanced to be submitted for auction by the end of that year. What Carroll did not explain to the House was that several years prior to his visit, Maori had informally heard that a township was proposed for Te Kuiti. Maori, however, had not been consulted. In September 1900 John Ormsby of Ngati Maniapoto sent a letter to the Premier asking that plans for townships at Te Kuiti and Otorohanga be deferred until Maori were 'fully consulted'.[13] An official conceded that the owners should 'in fairness' be consulted, especially since many thousands of pounds had been spent on improvements. Ormsby was then sent a plan for his consideration and for the purpose of obtaining the consent of Maori. John Ormsby was a Ngati Maniapoto negotiator, local politician, farmer, and businessperson. He was the first chairman of the Kawhia Native Committee, which not only administered Ngati Maniapoto and other lands but:

> collected royalties from contractors for the rights to take timber and gravel, issued licences to keep billiard rooms, granted temporary occupation rights to Pakeha storekeepers and railway contractors, and liaised with the government.

He was made assessor of the Resident Magistrate's Court and Native Land Court, appointed commissioner under the Native Land Court Acts Amendment Act 1899 and appointed to the Native Land Claims Commission of 1920.[14] The Government, then, was dealing with a Maori leader experienced with working within Government structures for his and Maniapoto's benefit.

Hone Heke, member for Northern Maori, also wrote to the Minister of Lands about the matter in September 1900. Heke asked whether the rumours that the Government intended taking Otorohanga and Te Kuiti under the Native Townships Act were true. Heke said that Maori wanted time to be heard on the matter before steps were taken to proceed with the taking. The Minister of Lands' reply suggests that he may not have been involved in the process. He stated that he did not think that it was true, but that if it was, he would have it delayed. The Governor advised Heke that Ormsby had been sent a proposal for Te Kuiti township but that no proposal had been made to establish a township at Otorohanga. The evidence again suggests therefore, that Lands and Survey officials assumed that the Native Townships Act was something that could be imposed, like the Public Works Act, without considering the wishes of the Maori owners. Indeed, a plan of the Te Kuiti

13. John Ormsby to Premier, 18 September 1900, Te Kuiti native township file, LS 1, box 416, file no 42821, NA Wellington
14. DNZB, vol 2, pp 367–368

township was compiled in May 1900 and a proclamation drafted in June 1900 prior to any consultation with Maori. These preliminary plans were delayed, however, in response to Maori complaint, the Surveyor General indicating that he would visit the site himself and talk the matter over with Maori before proceeding further.

In 1901, a meeting of residents at Te Kuiti resolved that the Government be told of the 'immediate necessity of taking a township at Te Kuiti'.[15] In reply, the Minister of Lands stated that their request would receive consideration shortly but that:

> An attempt was made last year to establish a Native Township there but it was stopped at the request of Mr J Ormsby until he and the Natives had been consulted. No further action has been taken as no information of the consent of the Natives had yet to be received.[16]

The next correspondence on the matter was not received until over a year later, when the Department was advised that Pepene, Katone, and others wanted Te Kuiti and Otorohanga to be proclaimed townships and handed over to the council (presumably the Maori Land Councils). The Te Kuiti Progress Association Secretary, W R Franklin, was also corresponding with Government. He advised the Minister of Lands on 17 January 1903 that they understood that a township was being laid off at Te Kuiti and asked him to supply them with any information on the subject. The association saw the plan and stated that it was probably acceptable to everyone. They suggested that a further 500 to 600 acres be surveyed outside the township as there would be a demand for small farm sites in the suburbs of the township as it grew.

In 1903, a plan of the township prepared by the district surveyor, Cussen, was forwarded to the Maniapoto–Tuwharetoa Maori Land Council. They made significant changes to the plan, indicating that Cussen had not talked with Maori about the matter. The native purchase officer, Sheriden, acknowledged that Cussen had not taken into consideration the number of small sections situated within the township held by Maori, and had instead made them reserves. This struggle for power between the Department and the council ended when the Department finally acknowledged that it was the council who had the jurisdiction under the 1902 Act to determine the layout of the township. Messrs Wilkinson, Ormsby, and Pepene Eketone then submitted an alternative plan which was later adopted.

In 1905, however, the Maori Land Settlement Act was passed which replaced Maori Land Council's with Maori Land Boards. The composition of a Maori Land Board was one Maori and two Europeans which was far less representative that the council's. The board took over the responsibility of leasing and administering the township land for Maori.

M J Ormsby also records that John Ormsby helped to establish the township of Otorohanga. He was chairman of the Otorohanga Town Board and clerk of the first Waitomo County Council. Further 'he employed his Maori relatives to manage the

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15. 31 August 1901, Te Kuiti Native Township file, LS 1, box 416, file no 42821, NA Wellington
16. Minister of Lands, 17 September 1901, Te Kuiti native township file, LS 1, box 416, file no 42821, NA Wellington

hotel, quarry, butchery, livery stables, land insurance and interpretation agency, and the bakery which he established'. This would indicate that Ormsby saw and found benefits for himself and his family in this township's creation. He was able to take what was provided by the legislation and use it for Maori purposes.[17]

Taumarunui was also proclaimed a township under the Act at this time. In 1905, when the township was offered for lease, Taumarunui was the terminus of the North Island Main Trunk railway and it was considered that its railway station would be 'most important' when the Auckland to Wellington railway was completed. It was from Taumarunui too that tourists could take the steamer and proceed down the Wanganui River, described by some as the 'Rhine of New Zealand'.[18] The three townships, Te Kuiti, Otorohanga, and Taumarunui, played a role in the 'opening up' of the King Country. Up until 1890 the Crown had been unable to acquire any land there. The townships linked up the North Island Main Trunk railway and serviced the developing King Country farming industry, 700,000 acres having been acquired from Ngati Maniapoto between 1892 and 1899.[19]

More work is required to determine the extent that the wishes of Maori were taken into consideration when townships were formed. It is clear though that as well as problems with officialdom such as those experienced by Ormsby, there were other instances of Maori disatisfaction with the formation of townships. Indeed, Carroll was sufficiently concerned about the lack of care taken when public reserves and roads were allocated in the townships to introduce an amendment to the Act in 1903. The amendment allowed township plans to be altered and the purpose for which lands were vested in the Crown to be changed. Carroll's aim was to protect Maori. He explained that the amendment provided for any 'glaring mistakes' that had occured during the laying out of any township, and complained that cultivations that had been used 'for years', had been taken for recreation reserves and other purposes. Carroll also claimed that the wishes of Maori had been 'utterly disregarded', despite the Act providing for the wishes of Maori, 'as far as practicable', to be met.[20]

17. DNZB, vol 2, p 368
18. *New Zealand Gazette*, 23 November 1905, p 2978
19. Williams, p 71
20. NZPD, vol 126, October 1903, pp 165–166 and Native Townships Amendment Act 1903

CHAPTER 6

THE SUCCESS OF THE TOWNSHIPS

If one determines the success for Maori of the townships by how many sections were taken up then some can be deemed as such, initially at least. For example in the first decade of its formation all sections in the Pipiriki township were leased as were many of those in the Taumarunui, Te Kuiti, and Otorohanga townships. Pei Te Hurunui Jones records that for nearly 20 years after the Taumarunui township's formation, Maori owners received 'quite good rent income from the sections in the business area of the town'.[1] This was not necessarily the case for some of the other townships. The problem was multiple ownership. In 1902 Sheriden noted that because of the large number of owners in the Pipiriki township, in many instances owners would receive less than sixpence each every six months. There were also problems with distribution. Sheriden explained that many of the owners of Pipiriki lived in:

> very out of the way places and seldom or never come within reach of our offices, so much so that a number of shares in the first allocation made some 2–3 years ago are still unpaid.[2]

Significant numbers of sections in the other townships were not, however, leased. The Native Department reported that by 1910 a total of 1681 acres of the township lands had been leased, which was about 40 percent of the total lands laid out.[3] From 1910 until 1928 the total lands leased remained around this figure reaching a low of 1492 acres in 1912 and a high of 1813 acres in 1928.[4] Whether these lands lay idle or Maori continued to live on them is not clear. Very few sections were ever leased in the Rotoiti township, proclaimed in June 1900. Although the papers relating to the actual formation of the Rotoiti township have not been located so there is uncertainty over who proposed the township, it is clear that the decision to have a township there was not a good one. When 59 sections of the Rotoiti township were offered for lease in May 1902, just 14 were taken up. Later, in May 1905, seven further sections were leased, but by June 1908 only three of the 21 lessees had paid

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1. Pei te Hurunui Jones, *Taumarunui Looks Forward*, Taumarunui, Taumarunui Borough jubilee booklet, 1960 (cited in Paul Harman, 'Report for Waitangi Tribunal concerning Wanganui claim', unpublished, 1990, p 79)
2. Pipiriki township, Land and Survey file, LS 1, box 163, file no 26153, NA Wellington
3. The amount of land laid out for townships was 4396 acres. This figure includes native allotments, which were supposed to consist of up to 20 percent of the total area, roads, and public reserves. The figure of 40 percent should therefore be used as a guide only.
4. 'Reports of the Native Department', AJHR, 1910–1928, G-9

the rental owed and the remainder for six months only. In fact, rental was distributed to the Maori owners only once. When the Crown Solicitor tried to recover the rental owed, many pled distress and poverty, and the action was withdrawn. No attempt had been made to erect buildings and the two buildings which had existed at the time the township was proclaimed – a post office and school – had been moved two miles away. The lessees told the president of the Waiariki Maori Land Board, Judge Browne, that the presence of the school, in particular, was one of the reasons why they had taken up sections at the township and that when the township was laid off, the Commissioner of Crown Lands had told them that the main road to Te Teko would run though the township. Sections were taken up adjacent to the proposed road. When the road was built, however, it was located outside the township and between it and the sections leased was a belt of trees in close proximity to 'Hongi's track' which could not be felled or damaged in any way. The lessees thus were cut off from access to the main road.[5] Judge Browne advised that the majority of the lessees had refused to pay their rent and that it was unlikely that they would in the future. In 1908 he suggested to the Lands and Survey Department that the leases be declared forfeited and commented that this was not the only township vested in the Maniapoto Maori Land Board in which the majority of lessees had not paid their rent for years. The Waiariki District Land Board unsuccessfully tried to revest the land in the owners.[6]

The Government did nothing until a petition from Te Morehu Kirikau and 18 others of Ngati Pikiao, dated 19 October 1921, asked that the township be revested in the Maori owners. Their petition explained that since 1908 no rental had been paid by lessees owing to the 'impossibility of the site as a township' and that the lessees were willing to forfeit their leases. They said that no improvements had been made and that the land was comprised of bush and unimproved flats of ti tree. The registrar of the Maori Land Board concurred with the petitioners' view describing the township as a 'white elephant'. He argued that the township was actually retarding progress of the surrounding blocks and preventing access to the lake (which implied that a reason for the formation of the township was to improve the 'progress of the surrounding blocks'). Maori also owed £190 in survey costs but considered that they should not be asked to pay this because of the failure of the township. The cost of surveying native townships was usually deducted from the rental distributed to owners, but as there was no rental, the cost was never met.

The Native Affairs select committee recommended that the petition be referred to Government for 'favourable consideration' but the Chief Surveyor told the Under-Secretary of the Native Department that to offset the amount incurred for the cost of survey an area of native bush on the eastern side of the township and Tamatea Street, which provided access to the lake, should be declared a scenic reserve and reserved respectively. The under-secretary told the Native Minister of the situation and commented that the Lands Department were again 'proposing to make reserves, doubtless without compensation'. Some Maori owners reportedly agreed to the scenic reserve being given to the Crown, but 11 owners complained about the

5. Ibid
6. Rotoiti township, Maori Affairs file AAMK 869, 61(I) 5/9/34, NA, Wellington

decision, reminding the Minister that 'in the matter of presenting land to the government our tribe has already done very well in that direction'. A meeting was thus held to discuss the matter, and some of the owners complained that the scenic reserve included cultivations. These were subsequently withdrawn from the reserve, leading to the withdrawal of the objections. In agreeing to the land being used for a scenic reserve, Morehu Kirikau asked for assurance that the Crown would not take any other portion of Ngati Pikiao land. Kirikau was advised that although the assurance could not be given the Minister of Native Affairs would be advised and that Kirikau could 'rest assured that, in view of the generous way in which he had met the Crown in connection with the Scenic Reserve, no arbitrary action would be taken'. The Crown then agreed to forgo the survey costs. It is not clear whether compensation was received by Ngati Pikiao for the scenic reserve and roads which were not included in the land vested back in the Maori owners. The public reserves were included in the land vested back.[7]

Very few sections were acquired in the Turangarere township, although it had been the owners' intention to sell the blocks to the Crown immediately after the township was proclaimed. Just 12 of the 53 sections were sold in June 1907. In 1909 another 11 sections were sold, but by 1933 the president of the Aotea District Maori Land Board reported that the majority of sections remained undisposed of. The president advised that the reasons for putting a township in the locality no longer existed and there was no demand for or prospect of sale of any sections, although several people had expressed an interest in leasing some of the township sections. By 1975 just under four acres of the 120-acre township remained Maori reserved land and just one lease remained current. The other sections had been sold or taken for railway, road, and education purposes.[8]

Very few of the sections were also taken up in Te Puia and it is understood that the owners received virtually no rental during the first 10 years of the twentieth century. The township was then sold to the Crown in 1912. An owner remarked in 1906 that Te Puia township was useless to its owners 'and to this fact the owners only are aware'. He said that the balance of the Waipiro block on which the Te Puia township was proclaimed, was 'worst still' as the owners did not want to work or occupy it 'for fear of being interfered [with] by other owners for any portion is as much one owners as another'. He suggested that the land be sold to the Crown for a good figure and that the Maori owners should have first option to buy it back so that they could obtain a 'better title'.[9]

Speculation was also a problem in some of the townships. So-called entrepreneurs would acquire a number of leases in a particular township but the sections would often lie idle. This had an effect on the townships' popularity with potential lessees not anxious to settle in a place with little development. This was especially apparent in Parata. There was some discussion with officials in the Lands and Survey Department and the Solicitor General as to whether they had the jurisdiction to make lessees improve their sections. The Solicitor General ruled that they did not and the

7. Ibid
8. 'Report of the Commission of Inquiry into Maori Reserved Lands', AJHR, 1975, H-3, p 296
9. Te Puia township file, MA-MLP, no 80, file 1910/3, NA, Wellington

problem remained.[10] In Tokaanu, despite all the effort that went into establishing it, speculation, combined with other factors, proved detrimental to the town's development and the desirability of sections. It is of interest to note a valuer's report on the township in 1920:

> The Township as a whole during my acquaintance for the past 40 years has improved but little, partly on account of the bad access by road, partly on account of a large area periodically becoming flooded and remaining wet for a length of time but to my mind the real reason is the inferior accommodation to travellers. This township is like many others inasmuch as so far as I can see numbers of sections and some of the best are being held for speculative purposes.[11]

10. Parata township, Lands and Survey file, LS 1, box 356, file no 39588, NA, Wellington
11. 1975 Commission, p 245

CHAPTER 7

PRESSURE FOR THE FREEHOLD

The Native Township Act 1895 provided for the acquisition of native township lands by the Crown. Lessees did not have the option to freehold, nor were their leases perpetual. According to Carroll very few applications were made by Maori to the Crown to acquire their interests.[1] The pressure for lessees to be able to acquire the freehold of the townships had been present from the Act's inception in 1895. Then in 1907 a petition from 85 European settlers from the township of Te Kuiti asked that they be given the option to freehold. The Native Affairs Committee declined to comment on the petition, stating that it was a policy matter for the Government to determine. A long debate in the House ensued. Carroll and Ngata, however, were able to convince the House that freeholding was not in the best interests of Maori.[2]

In 1910 Carroll lost the battle. Ward states that the Liberal-held seat of Taumarunui was at stake and Carroll was 'obliged to grant perpetual lease and the rights of tenants to purchase in order to hold off an opposition proposal to compulsorily convert leases to freehold'. Ward notes that this was one of the 'complex shifts of policy that Carroll' had to make during his career.[3] Although the Liberal Government, led by an increasingly dominant Seddon, had been relatively popular throughout the 1890s, this had changed after the turn of the century when the rural community, encompassing both large and small property holders, became dissatisfied with the Government. According to Richardson, a 'chorus of rural complaint' arose combining:

> demands for the freehold, free trade, free access to Maori lands, better and more roads, bridges, freedom from government inspectors, and security from the threat of trade unionists and socialists. In particular, the freehold became a rallying point for established and aspiring property-holders alike, both freeholders and leaseholders.[4]

The rural community politicised, forming the Farmers Union which largely endorsed Liberal candidates up until the 1908 election. The Liberals were 'deeply divided' over the issue of freehold and therefore unable, according to Richardson, to 'satisfy rural demand'. The Union increasingly advocated the Reform Party candidates. The general election of 1911, although producing a stalemate, saw the end of Liberal

1. 24 October 1807, NZPD, vol 142, p 176
2. Ibid
3. Alan Ward, 'James Carroll', in *The Turbulent Years: The Maori Biographies from the Dictionary of New Zealand Biography, 1870–1900*, Wellington, 1994, vol 2, p 13
4. Len Richardson, 'Parties and Political Change', in *The Oxford History of New Zealand*, 2nd ed, Geoffrey W Rice (ed), Auckland, 1992, p 209

rule and the beginning of the Reform Government. It was in this environment that leases under the 1910 Act could become perpetual and lessees were given the opportunity to purchase.

When introducing the 1910 Act to Parliament, Carroll proposed perpetual or 'Glasgow' leases, similar to those imposed on the west coast settlement reserves in Taranaki and the 'Wellington Tenths'. He also retained the provision that limited the right of purchase to the Crown alone. Carroll argued that there were difficulties with the suggestion that private individuals be allowed to acquire the land they leased because the formation of individual sections were not identical with the allocation of the individual interests of the owners. Thus an alienation would be difficult to effect.[5] On a broader level, Carroll stated, he believed that the purchase of these townships should be confined to the Crown only.

Carroll explained to the House that the 1895 Act was a wise legislative provision, especially in regard to the townships set up under the 1902 Act. Not only had it enabled Europeans to gain legal title to the sections on which they had built, but it 'paved the way to the important developments which [had] followed in train'. He used Taumarunui as an example, arguing that when he arrived to 'treat' with Maori on the surrender of the land there was one European living there. By 1910 there were about 1400 people. Te Kuiti too had four or five permanent European residents prior to its formation under the Act and now 'Te Kuiti [was] one of the most important centres in the Rohe Potae country'. He added that the townships had provided for European settlement and had responded to the claims of an increasing population.

Herries, spokesperson for the opposition on Maori Affairs, and an old adversary of Carroll, responded that the position of a lessee was not improved by the Bill in its present form. He stated:

> It is only by purchasing land from the Natives, and giving the lessees or their successors a freehold title, that you will get these Native townships lifted out of the ruck they are in at the present moment.[6]

Herries said that more of the townships would have progressed if lessees had the power to purchase. The member for Rangitikei, Smith, supported Herries citing the township of Utiku (also known as Potaka and situated near Taihape) as an example of retarded development. Smith argued that Utiku was in a good district and its situation advantageous because of its close proximity to timber, a butter factory, and 'some of the best bush land in New Zealand'. It also had a large population. The inability to freehold, however, was holding back the development of the township. Smith claimed that the lessees could not get any financial assistance for property development from any money-lending institutions because of the inability to turn lessees into freehold. He then told the House that a meeting of Utiku lessees had been held and a resolution passed impressing upon Parliament the 'urgent necessity of acquiring the Utiku Township and to give the present lessees the option on the freehold on favourable

5. 2 September 1910, NZPD, vol 151, p 272
6. Ibid, p 273

terms'.[7] Jennings, member for Taumarunui, also told the House that the Bill did not go far enough but would meet the wishes of a great many lessees in Te Kuiti and Taumarunui. He agreed that the Act would give greater security to the settlers who he described as 'enterprising and vigorous'. No acknowledgement was made of Maori contribution to the townships – it was instead the enterprise, money, and foresight of the Pakeha.

Herries also noted that the Act did not provide for any more native townships. He said that although this was probably 'for the best' there was no provision anywhere for opening up settlement in Maori-held areas in the future such as the Urewera (especially if it contained the gold that they hoped for). Herries argued that the Bill was a 'taihoa' policy. He said that he did not have confidence in Carroll to acquire the freehold on behalf of the Crown, especially given his past record. Herries wanted confirmation that the Crown would proceed to buy the important townships. He did not consider the acquisition of Te Puia (which was being proposed at that time) as being particularly necessary as it was 'not an important township'.

Mr Kaihau for Western Maori disagreed with the Bill, stating that Maori were losing their power to the Maori Land Boards. He said that he did not know of any tribe who was sympathetic with a Bill such as this. He compared them to the west coast settlement reserves, which had been perpetually leased. He said that Maori were aggrieved that they could not attain access to these lands. Further:

> Why not agree once and for all to leave the Maoris in possession of their rights to their lands, and let the Maori owners themselves dispose of those lands, if they think fit to do so, for equivalent values to those which are placed upon them at the time the lands are sold in the case of European townships.[8]

In support of Mr Kaihau, Peter Buck commented:

> When certain lands are handed over by the Native people to be administered by a Board or any other body, there seems to me to be a definite agreement between the Native people and that body, and any attempt to alter the condition of things without the Maoris agreeing to it is distinctly a breach of faith with these people. I venture to say that the land for the townships in the King-country would never have been made available had it not been that the Natives relied on the Board to carry out the conditions under which it was handed over, and for members to urge that the freehold should be granted without the Native people being considered would be a distinct breach of faith.[9]

Despite the rhetoric of Carroll and the Maori members, the Bill was changed so that the settlers could acquire the freehold for themselves.

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7. Ibid, pp 288–289
8. Ibid, p 281
9. Ibid, p 285

CHAPTER 8

THE IMPACT OF THE 1910 ACT

The result of the 1910 Act was land loss for Maori.[1] In 1910 the Native Department reported that a total of 108 acres of township land had been alienated. This was all land from the Aotea district and seems to indicate sales from the Turangarere township. By 1920 the figure for land sold under the Native Townships Act 1910 provided by the Department had increased to 550 acres. This figure was largely made up from the alienation of the Te Puia township (350 acres) and the Te Puru township (almost 24 acres) in 1912. It also consisted of various alienations from the Taumarunui, Te Kuiti, and Otorohanga townships in particular. During the early 1920s there were a significant number of purchases in the townships vested in the Waikato–Maniapoto Maori Land Board. Conversely, there was very little further leasing done. Up until about 1922 purchasing from the townships of Taumarunui, Te Kuiti, and Otorohanga had been gradual (apart from in 1912 when 40 acres were sold) with 10 or so acres being alienated each year. In 1922, 100 acres from these townships had been alienated. By 1924 the figure had increased to almost 250 acres and by 1927 it had reached just under 480 acres. This was over 50 percent of the total lands in these townships. Only a few sections in Te Kuiti remained in Maori ownership by 1924.[2] By 1928 a total of 982 acres or 22 percent of all township lands had been alienated.

The increase in alienations at this time in the townships of Taumarunui, Te Kuiti, and Otorohanga was due to pressure placed on the Government to acquire the freehold for the settlers. The Government stipulated that it would proceed with the acquisition of the freehold if there were sufficient applications received by the settlers for the sections. The settlers were required to give a deposit to the Crown as an indication of their intention. The Crown considered that it had received sufficient applications. Thus the native land purchase officer, Thompson, systematically set about acquiring those sections desired by the settlers. He had much success. Thompson recorded that if an owner refused to sell the land he would revisit them several weeks later to see if they had changed their mind. He would not, however, acquire interests from those owners wishing to sell land that the lessees did not want. [3]

Another outcome of the 1910 Act was that the land could be perpetually leased. Perpetual leases still exist today and in 1975 the Commission of Inquiry into Maori

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1. There are difficulties in assessing just how much land was alienated after 1929, as the figures are not supplied in the Native Department's report to the House from this time.
2. 'Commission of Inquiry into Maori Reserved Lands', AJHR, 1975, H-3, pp 239–240
3. It should be noted that the above figures are those provided by the Maori Land Boards who had to approve all alienations after 1910. It is not known how much of the township land was alienated directly to the lessees or acquired by the Crown.

Reserved Land investigated land affected by perpetual leases. This also included the west coast settlement reserved land in Taranaki and the 'Wellington Tenths'. The Commission reported that, in general, perpetual leases had meant that Maori received notoriously low rentals and were unable to gain access to their land. For example, in Otorohanga in 1975, 16 acres remained perpetually leased under the Maori Reserved Land Act 1955. The leases were worth $2883.17 per annum which was (if one simply divides the number of shareholders with the total of rental) an average of $8.76 per person per year. In 1975 the Commission reported that there were still just over 500 acres of township lands held under perpetual leases (about 11 percent of the total amount of land laid out for townships).[4]

There were other ongoing problems with the townships. For example in the 1940s, Mr Asher, an owner in the Tokaanu township, argued that the Aotea Maori Land Board had wrongfully administered the townships, leasing out areas that had been occupied by the Maori owners themselves. Not only was this unreasonable, Mr Asher said, but the rentals and the conditions were also 'totally inadequate'. The president of the board replied that the board had advertised the leases and that the Maori owners had ample time to advise the board of their wishes. This may well indicate that while sections remained unleased Maori lived on the land as they had always done. In 1960 the Maori Affairs Department reported that the bulk of the Tokaanu Maori township was a swamp and that of the 29 sections vacant, houses could be built on four of the sections. In Otorohanga, owners David Ormsby and Lena Omipi complained to the Native Department in 1947 that township lands had been taken by the Otorohanga Town Board for a recreation reserve. Ormsby stated that the town board had refused to hear his objection because his land was vested in the Waikato–Maniapoto District Land Board as a leasing authority and had told the beneficial owners that they had 'no standing in the matter'. In Otorohanga also, European lessees in the 1960s asked the Department whether Maori living in the inner city on Maori land could be moved to the outer parts of the town.[5] In 1960 the whole of the Pipiriki township (apart from those sections perpetually leased) was revested in the beneficial owners and an incorporation formed because of the difficulties experienced leasing the township sections.[6]

4. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1974, p 234
5. Otorohanga township file, MA 1, 5/13/212, NA, Wellington
6. Report of Maori Reserved Land Act 1955: Maori Township leases of District Office Wanganui, Pipiriki township Maori Affairs file, AAMK 869, 1194(c), 54/16/7, part 1, NA, Wellington

CHAPTER 9

CONCLUSION

The Native Townships Act 1895 was a feature of the Liberal Government's land policy, whose focus was on providing land for settlers. This had meant large-scale acquisition of Maori land. The evidence suggests that most of the European members of Parliament intended the Act to promote settlement and tourism, open up areas where Maori had traditionally not wanted to sell, and provide security of tenure for settlers. The way in which the Act was drafted suggested that it could be applied compulsorily, providing for minimal consultation and no compensation for the lands transferred into Crown ownership and used for public reserves and roads. Benefits for Maori were a secondary feature of the Act. Te Puia was an example of this. The Crown used the Act purely as a means to acquire the thermal springs which they had sought for over 10 years. The interests of Maori were not taken into consideration, the 'show of justice' amounted to Maori defining the native allotments. This was exploitation masked as assimilation. It is not known how many other townships were established in a similar manner but it is clear that in other instances Maori interests were ignored. For example, officials attempted to form the Te Kuiti township without consulting the owners and Carroll revealed in 1903 that traditional Maori cultivations within the townships had become public reserves.

James Carroll, however, believed that the Act could and did have benefits for Maori. Indeed Carroll, the architect of the Native Townships Act 1895, cannot be easily labelled an agent for assimilation nor an exploiter of Maori. Although he felt that Maori would gain from European institutions and culture, and shaped his policies to appease his European colleagues, he also promoted forms of Maori local self-government. He was a realist, and the Native Townships Act was a good compromise. Not only could it provide security of tenure for settlers and open up the country to settlement, but it could provide Maori with an income without having to part with large tracts of their land, and provide them with access to European goods and services. The amendment made by Carroll to the Act in 1902 set up the official means by which Maori could have a say in the establishment of new townships. The Maori Land Councils, with significant Maori representation, legitimised Maori power over a township's formation and administration.

It is indeed clear from the evidence that some Maori played a significant role in the formation of certain townships' and in some cases initiated a township's establishment. What is apparent from Tokaanu, and Te Kuiti especially, was that Maori were proactive in taking control from the Government officials in forming the townships and determining their own interests. Maori groups, in requesting that

townships be formed on their land, could see some benefits in their establishment. Wi Parata, for example, obviously saw the economic benefits of using his land for a township. The 1902 Act may well have influenced Maniapoto's decision to allow their land at Te Kuiti and Otorohanga to be used. The third scenario, the utilisation of what was essentially a European-oriented policy by Maori for Maori, is thus evident in these instances. There may also have been a certain amount of pragmatism on the part of Maori as compulsory takings of land were certainly not unheard of. In the face of settler and Government pressure, the Act may well have appeared a viable option.

In 1905 Maori Land Councils were replaced by Maori Land Boards. The emphasis on Maori administration of the townships was lost with only one of the three members of the board required to be Maori. In 1910 settler interests became paramount when the Act was changed so that the lessees could acquire the freehold. This protection against private alienations was lost coinciding with what Brooking describes as the 'ultimate Maori land grab' between 1912 and 1920 under the Reform Government.[1] Both the Te Puia and Te Puru townships were acquired and a slow but steady stream of alienations were recorded from the King Country townships. In the 1920s the Crown set about systematically acquiring interests in the three King Country townships following pressure from the lessees to do so on their behalf. In 1910 Carroll had claimed that these same townships were a success. It does not appear to be a coincidence that most of the alienations occurred in these townships. Heke had been right when he projected exploitation in 1895:

> Honourable members would find that whenever the prosperity of a township was assured the Crown stepped in and sent their agents amongst the Native owners and asked them whether they desired to dispose of their interests to the Crown.[2]

Much more can be said about these townships, especially in regard to their long-term impact, but from the evidence it can be concluded that the three scenarios of pure assimilation, exploitation masked as assimilation, and self-determination, all featured during the first decade of the twentieth century. The change from Maori Land Councils to Maori Land Boards and the 1910 amendment were the turning points where it became increasingly difficult for Carroll and Maori to fight against the settler desire for the freehold. Even when the settlers experienced difficulties buying the freehold the Crown assisted, acquiring it for them. That just half of the King Country township lands remained in Maori ownership 30 years after the Act's inception is just one indicator of the way that the interests of Maori were bypassed, exposing the exploitative way that the Native Township Act was ultimately used.

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1. Alan Ward, *A Show of Justice*, Auckland, 1973, p 304; Tom Brooking, 'Busting up the Greatest Estate of All, Liberal Maori Land Policy, 1811–1911', NZJH, vol 199, p 78
2. 16 July 1895, NZPD, vol 87, p 593

APPENDIX I

PRACTICE NOTE

WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND Rangahaua Whanui and the claims as a whole

PRACTICE NOTE

This practice note follows extensive Tribunal inquiries into a number of claims in addition to those formally reported on.

It is now clear that the complaints concerning specified lands in many small claims, relate to Crown policy that affected numerous other lands as well, and that the Crown actions complained of in certain tribal claims, likewise affected all or several tribes, (although not necessarily to the same degree).

It further appears the claims as a whole require an historical review of relevant Crown policy and action in which both single issue and major claims can be properly contextualised.

The several, successive and seriatim hearing of claims has not facilitated the efficient despatch of long outstanding grievances and is duplicating the research of common issues. Findings in one case may also affect others still to be heard who may hold competing views and for that and other reasons, the current process may unfairly advantage those cases first dealt with in the long claimant queue.

To alleviate these problems and to further assist the prioritising, grouping, marshalling and hearing of claims, a national review of claims is now proposed.

Pursuant to Second Schedule clause 5A of the Treaty of Waitangi Act 1975 therefore, the Tribunal is commissioning research to advance the inquiry into the claims as a whole, and to provide a national overview of the claims grouped by districts within a broad historical context. For convenience, research commissions in this area are grouped under the name of Rangahaua Whanui.

In the interim, claims in hearing, claims ready to proceed, or urgent claims, will continue to be heard as before.

Rangahaua Whanui research commissions will issue in standard form to provide an even methodology and approach. A Tribunal mentor unit will review the comprehensiveness of the commission terms, the design of the overall programme, monitor progress and prioritise additional tasks. It will comprise Tribunal members with historical, Maori cultural and legal skills. To avoid research duplication, to maintain liaison with interested groups and to ensure open process:

(a) claimants and Crown will be advised of the research work proposed;
(b) commissioned researchers will liaise with claimant groups, Crown agencies and others involved in treaty research; and
(c) Crown Law Office, Treaty of Waitangi Policy Unit, Crown Forestry Rental Trust and a representative of a national Maori body with iwi and hapu affiliations will be invited to join the mentor unit meetings.

It is hoped that claimants and other agencies will be able to undertake a part of the proposed work.

Basic data will be sought on comparative iwi resource losses, the impact of loss and alleged causes within an historical context and to identify in advance where possible, the wide ranging additional issues and further interest groups that invariably emerge at particular claim hearings.

As required by the Act, the resultant reports, which will represent no more than the opinions of its authors, will be accessible to parties; and the authors will be available for cross-examination if required. The reports are expected to be broad surveys however. More in-depth claimant studies will be needed before specific cases can proceed to hearing; but it is expected the reports will isolate issues and enable claimant, Crown and other parties to advise on the areas they seek to oppose, support or augment.

Claimants are requested to inform the Director of work proposed or in progress in their districts.

The Director is to append a copy hereof to the appropriate research commissions and to give such further notice of it as he considers necessary.

Dated at Wellington this 23rd day of September 1993

Chairperson
WAITANGI TRIBUNAL

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