

CHAPTER 7

TWENTIETH-CENTURY DEVELOPMENTS

7.1 INTRODUCTION

This chapter seeks to highlight issues of importance for Maori of Poverty Bay in the early twentieth century. This will be done in a general way only, as there is a need for a great deal more research on this later period. A report dealing with the social impact of land loss on Maori in this area is required, as the present report is unable to supply anything but the merest hint of such issues. In this chapter Maori in Poverty Bay, and their land, are discussed within a national context of heightened Maori political activism and the general movement towards greater Maori political autonomy. In this period, Maori expressed the desire to farm their own land, administer that land, and have a greater level of control over their own social and political sphere. There are three sections of this chapter which are reliant on the earlier work of other historians for their substance. The Rangahaua Whanui report of Don Loveridge on Maori land boards was especially helpful in the creation of a review of the Tairāwhiti Maori Land Board. Cathy Marr's comprehensive research on Public Works legislation was used intensively in the section dealing in a general way with those issues, and once again, a debt of gratitude is owed to Alan Ward, whose East Coast Trust material has been much relied on in the course of this report.¹

7.2 THE 1900 MAORI LAND LEGISLATION

East Coast Maori had shown a propensity for forming themselves into block committees during the 1870s and 1880s. For this reason the government's proposals for the formation of official Maori committees during the 1880s and again in 1900, were greeted with a degree of enthusiasm. The block committee system that W L Rees and Wi Pere had attempted as part of their scheme for the settlement of East Coast lands in the 1880s provided something of a blueprint for later initiatives in the administration of Maori land taken by the Liberal Government. The passing of the Maori Land Administration Act 1900 and the Maori Councils Act 1900 seemed to provide some legitimate provisions for greater

1. Donald M Loveridge, 'Maori Land Councils and Maori Land Boards: A Historical Overview, 1900 to 1952', Rangahaua Whanui series, Waitangi Tribunal, Wellington, December 1996; Cathy Marr, 'Public Works Takings of Maori Land, 1840–1981', Report for the Treaty of Waitangi Policy Unit, December 1994; Alan Ward, 'The History of the East Coast Trust', MA Thesis, University of Auckland, Auckland, 1955

Maori self-government and a greater degree of involvement in the administration of their own lands. In effect, however, the legislation did not give these powers, and Maori were again to be disappointed.

The Maori Councils Act simply worked to place the impetus on Maori themselves for health reform, the improvement of housing and sanitation, and education, both technical and agricultural, without providing adequate funding, resources, or supervision from the Government once the councils were in place. Although councils were empowered to make by-laws governing a variety of issues, especially concerning the protection of mahinga kai, there was nothing in the Act to state that any government agency would enforce such laws. The councils could make by-laws, therefore, but were not given sufficient powers backed by continuing central government support to ensure that they were carried through. In addition, the Maori councils tended to be given as little power as possible in order that they should not interfere with the existing local authorities, with which real power on the local level remained.

7.2.1 Committees in the 1880s

During the 1880s, W L Rees and Wi Pere had advocated the greater involvement of Maori in the administration of their own lands through a system of block committees much like that which they had instituted on the East Coast. The thinking behind attempts during the latter half of the nineteenth century to incorporate the Maori propensity for organising committees or local runanga into the system of Maori land administration, though, was not always characterised by the (arguably) more philanthropic motives of men like Rees and Pere. On the whole, such attempts met with limited success. As Sorrenson has commented, New Zealand policy and legislation, in the latter nineteenth century, was 'intended to facilitate the settler acquisition of Maori land, and under a system of legal equality.'² This was associated with the idea that Maori would, by virtue of this process and their closer contact with settlers who took up their land, be assimilated into European society, themselves settled on reserves of land sufficient for their occupation and use. Consequently, there had been no serious thought given to any type of long-term recognition of tribal authority or Maori self-government. Maori were increasingly dissatisfied with the system of land legislation which left them with little control over their lands, and the Native Land Court process, through which these ancestral lands passed out of their hands into those of the Crown and the settler. In the two decades prior to the turn of the century, although attention was again focussed on the idea of Maori involvement in land administration, the overwhelming political pressure was that of the settlers who wanted land. The committee system proposed during this period was to be ineffectual, as both Maori and Pakeha generally saw official Maori committees as a means of expediting the transfer of Maori lands to the Crown and European settlers.

2. M P K Sorrenson, 'Colonial Rule and Local Response: Maori Responses to European Domination in New Zealand Since 1860', *JICH*, vol 4, no 2, 1978, p 130

Ballance had made an attempt to institute a committee system to aid the sale or lease of Maori land in 1883, when he drew up a Bill proposing that Maori committees be set up to assist the Native Land Court. Ballance's Native Committees Act 1883, allowed committees to 'discuss matters of land and report decisions to the Native Land Court'.³ Maori had already expressed, through petitions and in meetings with Government representatives, their dissatisfaction with the Native Land Court process, and their belief that they could determine their own tribal and hapu boundaries more effectively. Ballance's Act seemed to provide an opportunity for them to do this, but under the provisions of the Act their legal authority was limited and 'the districts they covered were so vast that Maori communities could place no confidence in them.'⁴ Additionally, the Native Land Court itself tended to ignore committee decisions and generally treated these bodies with 'contempt'.⁵ Following the failure of the 1883 Act, Maori continued to agitate for district committees which would act as 'courts, local government bodies, and agricultural corporations',⁶ a level of Maori self-government which remained unpalatable to most Pakeha settlers and politicians alike.

In 1886, Ballance succeeded in having an Act passed 'which he hoped would meet Maori aspirations but still make land available for settlement.'⁷ The Native Lands Administration Act 1886 took up the ideas of Rees and Pere with respect to the re-institution of the principle of tribal dealing in land through a system of elected committees. It was supposed that this type of dealing, rather than with the multiple owners of blocks, would avoid the overwhelming difficulties experienced by prospective purchasers of Maori land.⁸ Ballance's Act empowered block committees, elected by the owners, to decide on the terms under which parts of their land might be sold or leased. These lands would be passed on to a Crown-appointed commissioner who would alienate the land according to the instructions of the committee. The income from these alienations would be distributed to the owners following the deduction of fees by the commissioner.⁹ Direct purchase by settlers was prohibited and all land for sale or lease to private purchasers was to be directed through the district commissioner and auctioned. Direct purchase by the Crown, however, was still permitted without the aid of the block committee. Maori did not take up the opportunity of placing their land with the district commissioner as, once they had done so, their control over it ended. They were deeply suspicious of legislation which suggested that they hand their land over to one Government-appointed Pakeha. As there was nothing in the Act to compel them to do so, they

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3. R J Martin, 'Aspects of Maori Affairs in the Liberal Period', MA thesis, University of Auckland, Auckland, 1956, p 82
 4. Alan Ward, 'Whanganui ki Maniapoto: Preliminary Historical Report for Wai 48 and Related Claims', Wai 48 ROD, doc A20, Waitangi Tribunal, Wellington, 1982, p 39
 5. R J Martin, p 82
 6. J A Williams, *Politics of The New Zealand Maori: Protest and Cooperation, 1891-1909*, Auckland University Press-Oxford University Press, Auckland, 1969, p 8
 7. Ward, 'Whanganui Ki Maniapoto', 1982, p 81
 8. Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, University of Toronto Press, Toronto, 1974, pp 296-297
 9. Donald M Loveridge, 'Maori Land Councils and Maori Land Boards', p 8

chose not to. Indeed, very little land was ever entrusted to block committees in the intervening two years between the Act's passage and its repeal in 1888.¹⁰

In the opinion of Alan Ward, the motives behind the Act were placed even further in doubt by the involvement and support in its passing of men like Rees and Wi Pere, whose involvement with Maori land using similar schemes was proving, at that moment, rather detrimental to Maori of the East Coast. Wi Pere's personal accumulation of political influence and land through his involvement with the New Zealand Settlement Company made him the subject of added suspicion by many Maori. Interestingly, James Carroll vigorously opposed the Act's passing, representing these fears on the part of Maori, especially those on the East Coast.¹¹ The repeal of the Native Lands Administration Act 1886 by the Native Lands Act 1888, following persistent lobbying, restored the system of private purchase and direct dealing by settlers.

7.2.2 Pressure from Maori political movements

During 1890 and 1891, meetings were held in several districts including Waioamatani on the East Coast, at which Maori leaders attempted to form some type of unified political movement for Maori self-government. A separate Maori Parliament was proposed in a petition to the Queen in 1891, but there was no success in attaining official recognition for such a scheme. During 1892 it was decided at intertribal meetings that a Maori Representative Council would be founded without the permission of the Government.¹² Maori leaders from around the North Island agreed to form a kotahitanga, or union which would present tribal and intertribal grievances to the Government and protect Maori rights under the Treaty. They established a Maori parliament with electoral districts based on tribal boundaries. The first session of the parliament was held at Waipatu, near Hastings in June 1892. From 1893 to 1902, the parliament met annually at various places around the North Island, including Pakirikiri, near Gisborne. The final meeting was held at Waioamatani on the East Coast.¹³ The Government resisted allowing the group any official status or powers though, and the Maori parliament's Federated Maori Assembly Empowering Bill 1893, which sought to allow them the power to form a Maori Assembly which would appoint committees of local government for Maori districts, received no attention in the House.¹⁴

From 1894, the year that Crown pre-emption was reintroduced, the degree of political pressure from Maori protest movements increased, many prominent Maori leaders becoming involved in the widespread Maori reaction against land sales and the Government's outwardly paternalistic monopoly, in a bid for greater Maori control over their own affairs. Maori leaders from the East Coast were prominent in the Kotahitanga movement. Former repudiationist and member for Eastern Maori,

10. Ward, *A Show of Justice*, p 297; Loveridge, pp 9–10

11. Ward, *A Show of Justice*, p 297; 'Wiremu Pere, 1837–1915', *Dictionary of New Zealand Biography, Volume One 1769–1869*, Allen & Unwin–Department of Internal Affairs, Wellington, 1990, p 381

12. J A Williams, pp 51–52

13. Ibid, pp 54–55

14. Ibid, p 55

Henare Tomoana, represented the Hawke's Bay region, and Wi Pere, Eastern Maori member after 1894, represented Poverty Bay. As J A Williams has commented, many of the most important leaders of the movement came from districts which had been settled for a generation or more. Local Maori committees on the East Coast were represented by Mohi Te Atahikoia from Hawke's Bay, Pene Te Uamairangi, and Raniera Turoa, chairman of the local Maori committee in Gisborne.¹⁵

Not all East Coast Maori were supportive though. Apirana Ngata referred to the Maori parliament as 'crude and ridiculous', and advocated instead a concentration on the improvement of Maori education and agriculture, views which would be developed by the Young Maori Party. Not surprisingly, European attitudes to the Kotahitanga movement did not tend to be favourable, and the Maori parliament's proposals were often openly ridiculed.¹⁶ Politicians such as Cadman, Ward, Carroll, and Seddon, attended the Maori parliament and in an attempt perhaps to placate the members, asked them to suggest ways of solving the Maori land question. Seddon told them that they should not call their meetings a parliament as they were only runanga and reminded them that there was only one Parliament, which was not likely to abandon control of Maori or their lands to a body of chiefs.¹⁷

In 1895 the Maori parliament worked out a manifesto which presented their opposition to the present system of Maori land laws to the Government. A 'warning to tribes' was issued by Maori members of parliament Wi Pere, Hone Heke, and Ropata Te Ao. The manifesto effectively told Maori to boycott the Native Land Court, stating that they should:

Cease to sell or lease the land. Neither pass it through the Court, subdivide, nor define individual shares from the commencement of the present. If you will be brave and patient for one year then at last you will reap some reward, inasmuch as the bad laws enacted by the present Government for the native people will fail.¹⁸

The boycott, temporarily effective in most North Island districts including the East Coast, initially halted the work of the land court. The King movement also joined in this action, proving that Maori dislike of the Native Land Court and concern at excessive land loss was a unifying political force. Nevertheless, Maori who had already had their land pass through the court continued to sign transactions with the government for their lands. In June 1895 the Governor assured Parliament that 'the acquisition by the State of Native Land [was] in no danger of being arrested'.¹⁹ As a concession to private purchasers, the Government amended the Native Land Act in 1895 to provide for the waiver of pre-emption in individual cases by order in council. After three years of Crown purchasing under pre-emption and the continuation of private dealings as well, the Kotahitanga movement had come to see the abolition of all Maori land purchase as the only way of saving the remaining lands. They stated this in a petition to the queen in 1897, in which they said that they had given up 60 million acres of land and now wanted to retain the

15. Ibid, pp 57–58

16. Ibid, pp 64–65

17. Ibid, p 66

18. *New Zealand Herald*, 6 February 1895, cited in J A Williams, p 72

19. NZPD, LXXXVII, 20 June 1895, p 2; J1 895/435, cited in J A Williams, p 73

remainder for their own use. Although they were willing to lease surplus lands, they asked for the right to reserve their surviving lands forever, prohibiting sale to either the Crown or private individuals, so that there would be sufficient land for Maori to farm in the future.²⁰

The Kotahitanga movement had hoped to gain official sanction of their parliament as well as a system of tribal and district committees. By the late 1890s, as it seemed unlikely that the separate parliament would be recognised, Maori leaders began to look towards the proposed committees as a more acceptable means of gaining some type of Maori autonomy. The committees proposal also had a greater degree of support from Europeans in the Government and in the community at large. Carroll attempted to persuade Premier Seddon to implement the proposals of the 1891 Native Land Laws Commission with respect to committees. The ideas of the Young Maori Party on the institution of some type of Maori health reform programme provided a more acceptable justification for the creation of committees, and eventually Carroll, aided by the pressure of other Maori Members of Parliament, the Kotahitanga movement, and Ngata's Young Maori Party, managed to bring about a change in Government policy that resulted in the 1900 legislation.²¹ How much this change was determined by the developing paternalism towards Maori in the political climate, resulting from the availability of land after some years of Crown purchase, is a question open to debate.

7.2.3 The legislation

The political negotiations that led to the passing of the legislation went on from 1897 to 1900. Seddon introduced the Maori Land Administration Bill in 1899, which gained the immediate approval of Maori members of Parliament, basically because it encouraged Maori to lease rather than sell their remaining land. Opposition to the Bill came from those politicians who advocated 'free-trade' in Maori land and its further individualisation and sale to Europeans.²² The free-traders found nothing so abhorrent as the idea of 'Maori landlordism' and consequently they disliked the concentration on leasing contained in the legislation. The preamble to the Maori Land Administration Act 1900 stated Carroll's hopes that through this Act:

the residue (about five million acres) of the Maori land now remaining in possession of the Maori owners should be reserved for their use and benefit in such wise as to protect them from the risk of being left landless . . . [while] in the interests both of the Maoris and Europeans of the colony . . . provision should be made for the better settlement and utilisation of large areas of Maori land at present lying unoccupied and unproductive . . .²³

20. 'Native Affairs Committee Report on the Native Lands Settlement and Administration Bill', AJHR, 1898, I-3a, p 113

21. G V Butterworth, 'Maori Land Legislation: The Work of Carroll and Ngata', *New Zealand Law Journal*, no 242, August 1985, p 244

22. Martin, pp 70–72

23. Maori Lands Administration Act 1900, preamble

The Maori Land Administration Act 1900 provided for the establishment of six Maori land councils in the North Island which could ascertain ownership of lands, arrange partitions and successions, and appoint trustees, orders for which would be issued by the chief judge of the Native Land Court, providing there was no appeal made within two months. Papatupu block committees would make investigation into the ownership and boundaries of blocks, 'having due regard to Maori customs and usages'. The Act imposed restrictions on the lease and sale of land, owners having to prove that they had sufficient land left for their maintenance and support. Papakainga certificates would be issued for reserves for occupation and use, and these lands would be made inalienable. The vesting of lands in the land councils was to be voluntary, and the council could administer any land held by ten or more Maori owners on application of those owners. The Crown was permitted to complete any purchases already in the process of negotiation before pre-emption was abolished.²⁴

The other piece of legislation passed at this time was the Maori Councils Act 1900, the preamble stating that the Act was intended for:

the establishment of some simple machinery of local self-government, by means of which such Maori inhabitants may be enabled to frame for themselves such rules and regulations on matters of local government or relating to their social economy as may appear best adapted to their own special wants . . .²⁵

The Act intended that councils consisting of one official and six to twelve elected Maori members would be responsible for ascertaining and providing for the local observance of rights, duties and liabilities of Maori tribes, communities, and individuals in relation to all social and domestic matters. They were also responsible for the suppression of 'injurious Maori customs', the promotion of education, and the promotion of the health and welfare of the Maori inhabitants of their district. They were instructed to compile statistics on the health of Maori in the district, the movement of the population, the extent of land cultivated, and the causes of any disease among the population, amongst other things. They could make by-laws concerning the health of the inhabitants of pa and villages, the enforced cleaning of houses, the prevention of drunkenness, and the regulation of the proceedings of tohunga, as well as the protection of eel weirs, oyster beds, and fishing grounds. The protection and control of burial grounds and recreation grounds was also under the councils' control. The councils were to operate as boards of health and had the power to carry out sanitary works and make and enforce sanitary rules. They could also strike rates and enforce fines.²⁶ The boundaries of the 19 Maori council districts corresponded quite closely with tribal areas so the councils tended to be formed along tribal lines.

This Maori Councils legislation was as much a failure as previous committee legislation had been, as it did not provide Maori with any real power. The councils soon became little more than health inspecting bodies. Maori quickly lost faith in

24. Maori Land Administration Act 1900

25. Maori Councils Act 1900, preamble

26. Maori Councils Act 1900

them on a political level, and they began to disintegrate after 1904 through lack of interest and lack of resources. Evidence from the Poverty Bay area shows that some progress was made in the area of sanitation and improved conditions in pa and villages, but the plans of the Kotahitanga movement were hardly served by the institution of the councils, and as the Maori parliament had been disbanded when it seemed that effective local government would be given to Maori, there was little reaction to the demise of the legislation.

7.3 MAORI POPULATION AND SOCIO-ECONOMIC STATUS

By the end of the nineteenth century the Poverty Bay district had become predominantly European. In Cook County, Europeans now outnumbered Maori at the proportion of four to one. Further north in Waiapu county the proportion was one European to five Maori. This indicates how much land was in European ownership in Poverty Bay as compared with the northern East Coast. Perhaps more simply, it also reflects the fact that the main township on the coast was that of Gisborne, still the principal point of arrival and departure by sea, and the hub of local business, trade, politics and society. The European population tended, therefore, to cluster around it. Maori were still numerous though, living on their small amounts of remaining land and in villages which were usually situated on reserved land. Oliver and Thomson have pointed out that there was still a considerable social distance between the two populations at this time, with Maori and Pakeha meeting as claimant and counter-claimant in the land courts, as employee and employer on the sheep stations, as landlord and tenant on leased land, and in other similar types of socially structured relationships.²⁷

In the census return for 1891, Mr Booth, the Resident Magistrate at Gisborne recorded that there were 1328 Maori in Cook County (figures which included Wairoa) and 2313 in Waiapu. He stated that Maori could generally get work in the winter months bush-felling and clearing, and in summer were occupied in shearing and preparing grass seed. He commented that many Maori owned sheep and were comfortably well off.²⁸ The annual sheep returns published in the same year show that the total number of sheep owned in the county of Cook was 642,890, an increase of 36,250 from 1890. Out of the 270 owners of sheep in the county though, 119 owned only 500 sheep or less and only three farmers owned flocks of over 20,000. Of the sheep owners listed, 81 Maori names appear although many of these were from the areas north of Gisborne. A number of Maori were running small individual flocks of sheep at Tiniroto, Tolaga Bay, Awanui, and Muriwai. James Carroll, for example, had 1700 sheep on his property at Matokitoki, Gisborne, while Eparaima Hoera and Tamati Kouri had 700 on their Whareongaonga land. The Settlement Company was at that time running 14,400 sheep on the Wainui and Kaiti blocks. Wi Pere and Peka Kerekere were reasonably big sheep farmers, running 15,854 sheep on land near Gisborne and 2000 on Poututu. Wi Pere also had

27. Oliver and Thomson, p 163

28. 'Reports from Officers in Native Districts', AJHR, 1891, G-5

1600 sheep at Rakaikitea.²⁹ In the five years since the previous census of 1886, the Maori-owned sheep numbers for the county had more than doubled, to almost 50,000, while the numbers of Maori-owned cattle and pigs had decreased. The acreage of communally-cultivated land in Cook County, which had been 1700 in 1886, fell to one-third of this, while land in individual cultivation rose from 500 to 6300 acres,³⁰ indicating the growth of farming on small subdivided sections of Maori land as the land court process continued to further fragment Maori land ownership.

According to the 1896 census there were 5734 Europeans in the Cook and Waiapu counties, less than 500 of them in the latter. Nearly half of this number, 2334, lived in the borough of Gisborne itself. There were 1402 Maori living in Cook County, and in Waiapu, 2393.³¹ The census figures for 1901 show a rise in population with 1803 Maori in Cook County, and 2474 in Waiapu. In Cook County at this time Maori owned 18,090 sheep, 491 cattle, and 1084 pigs. In individual cultivation were 501 acres: 351 acres of maize; 78 acres of potatoes; and 72 acres in other crops. In communal cultivation were a mere 347 acres: 204 acres of potatoes; five acres of wheat; and 138 acres in other crops.³² The returning officer, John Brooking, stated that Maori numbers in the East Coast district were on the increase and that their general health was good. Excessive drinking had declined and the only noticeable occurrence had been in the towns at the recent election of Maori councils. In cases where the breeding of sheep was carried on by hapu he believed it worked well, but in some cases where individuals ran sheep on hapu owned land and retained the profits, there was considerable dissatisfaction. He had observed that young Maori men in Waiapu county earned considerable sums of money from seasonal work, such as bush felling, but that as their employment did not run through the entire year they spent part of it completely reliant on the financial support of their elders.³³

In 1906, there were 1759 Maori recorded as living in Cook County, a small but probably insignificant drop from the 1901 figure, while the Waiapu figure had risen to 2611. An area of 7715 acres was cultivated individually; 6714 of this in sown grasses. Only 229 acres was cultivated communally by this time, in potatoes and other crops for subsistence purposes. Maori owned 15,385 sheep, 794 head of cattle, and 845 pigs.³⁴ The sub-enumerator for the Poverty Bay district, Mr A R Wyllie, did not give any explanation of the drop in the figures for sheep ownership and cultivation from 1901. He recorded that where Maori had lived primarily in raupo huts prior to 1901, such were now scarcely to be seen, and wooden houses were prevalent in most Maori villages. Most meeting houses had been raised on blocks and given floors and extra windows. Maori children in the district regularly attended school, and the men worked on the local sheep stations as shearers and wagon drivers, or were employed in bush-felling and road-making.

29. 'The Annual Sheep Returns', AJHR, 1891, H-15

30. Oliver and Thomson, pp 175-176

31. Ibid, p 147

32. 'Census of New Zealand, The Maori Population', AJHR, 1901, H-26b, p 21

33. AJHR, 1901, H-26b, pp 12-13

34. 'Census 1906, Papers Relating to the Maori Population', AJHR, 1906, H-26a, p 31

The potato crops had failed in 1906 due to an attack of blight, and it was unknown whether Maori would see the year out with the small amount they managed to save. A R Wyllie commented that although Maori villages did not need the same systems of sanitation as European townships, especially as they were mostly situated close to the sea or on the banks of rivers and streams, they did have a problem with water supply, but lately the Maori council had begun to reserve certain portions of streams for the purpose of obtaining unpolluted water for household use. The general health of Maori in the district had improved with the advent of the Maori councils, Mr Wyllie observed, and he believed that the birth rate had also risen.³⁵

By 1911, the county of Waikohu had been severed from that of Cook, resulting in a slightly altered census return. Nevertheless, the two counties taken together showed an increase of 177 in the Maori population. There was an increase also in acreages of Maori land in cultivation with 58 acres more of potatoes, 74 acres of maize, and 11,238 more acres of sown grasses.³⁶ In Cook County alone the total Maori population was 1424, and the area in cultivation by individuals was 26,502 acres; 25,702 acres of this in grasses, showing a marked increase from the previous census return, indicating that Maori were quick to ascertain what were the latest cash crops and to adapt their cultivation practices to suit. In addition, the return to the type of economic initiative shown by Poverty Bay Maori in the 1850s might be indicated here, as the years of intense land court activity and intensive land sale which had previously engaged all their attention were at an end. The number of sheep owned by individuals was given as 47,984, horses as 1771, cattle and dairy cows as 2515, and pigs as 695.³⁷

The population over the period surveyed appears to have been relatively stable, increasing in small amounts every year. In *Challenge and Response*, Oliver and Thomson point out that food shortages were often linked to floods, droughts, and other natural disasters,³⁸ but during the years under review sheep running and subsistence farming steadily increased, indicating that the Maori economy was slowly improving again after forty or fifty years of social confusion and economic difficulty created by the East Coast wars, the confiscations, the land court, and large scale purchase of land. It could be said though that the figures are slightly misleading, as Stout and Ngata reported in 1907 that Poverty Bay Maori did not seem to take to farming on the same scale as Maori further north. The commission referred to Maori in the Cook County as being depressed by the loss of nearly 400,000 acres of land. They believed Maori in the district to be 'dispirited and lacking in initiative' as a consequence of this land loss.³⁹

The settler population of the East Coast had doubled between 1891 and 1906, and it was to increase again from 6000 to 25,000 in the 30 years between 1906 and 1921. Gisborne itself doubled its population between 1901 and 1906. There was an accompanying push for the opening up of more Maori land in the region, and calls

35. AJHR, 1906, H-26a, pp 14–15

36. 'Census of the Maori Population', AJHR, 1911, H-14a, pp 10–11

37. AJHR, 1911, H-14a, p 20

38. Oliver and Thomson, p 170

39. 'Native Land and Native Land Tenure: Interim Report of Native Land Commission on Native Land in the Counties of Cook, Waiaapu, Wairoa, and Opotiki', AJHR, 1908, G-iii, p 6

for the compulsory taking of Maori land under the Lands for Settlements Acts to be sold to new settlers.⁴⁰ It should not be assumed from the census figures that all Maori in Gisborne were comfortably off and farming their own land while subsidising their income with seasonal labour. This was far from being true it seems, as many Maori men were by the turn of the century wholly dependent on performing waged labour for station owners to support themselves and their families.⁴¹ In 1926, in the first census to record separate figures for urban Maori, there were reported to be 359 Maori living in the township of Gisborne. Oliver and Thomson state that this process of urbanisation continued to accelerate as the decades passed, many Maori migrating out of the region to other larger urban centres as the shortage of land and opportunities intensified.⁴²

7.4 FURTHER LAND SUBDIVISION AND SALE

To understand the significance of the growth in individual cultivation and the corresponding decrease of communal cultivation shown in the census data provided in the previous section, it is important to see the correlation between these trends and the fragmentation of Maori land in Poverty Bay into small individual holdings. As discussed in chapter , the Native Land Court was integral to the continuation of this process of further individualisation of tenure and it continued to be active in this area in the post-1900 period. Its activities were mostly of a similar type to those outlined in chapter six. Most subdivisions in this later period were further to partitions that had already been carried out in the later years of the nineteenth century. Up until the 1930s, the process involved the division of blocks into very small pieces, many being alienated by sale. Later, these small individual holdings, often less than ten acres a piece, were consolidated under the Manutuke or Waiapu consolidation schemes, and the owners incorporated.

The Poroporo block file gives a good example of the manner in which land was further fragmented and sold off. At subdivision in 1915 it was decreed that owners listed as one to 201 on the original grant were entitled to shares in Poroporo 1, of 1050 acres. Owners listed one to 190 had shares in No 2 block, an area of 3850 acres. There were also 57 owners listed for No 3 block (300 acres); 872 owners of No 4 (846 acres); 294 owners in No 5 block (840 acres); 664 owners of No 6 (3707 acres); and 190 owners of the 4900 acres in Poroporo 7. The Crown laid a claim for £109 for the survey of the original block, liable to five years worth of interest at five per cent. This meant that a total of £137 was owed, the lien to be apportioned over blocks 1 to 6. An area of 17 acres of Poroporo No 2 was taken under the Public Works Act 1908 for a road, and £75 of compensation was to be distributed by the Tairāwhiti Māori Land Board to the beneficial owners. Poroporo blocks A1 to A15, B1, and No 4 block were consolidated in 1931 under the Waiapu Consolidation Scheme. An injunction order was taken out on Poroporo blocks 2

40. *Ibid*, pp 180–183

41. *Ibid*, pp 189–190

42. *Ibid*, p 190

to 6 in 1923 to prevent owners from removing any timber on the land until the consolidation schemes were completed and Crown and Maori interests had been defined. The Crown acquired blocks 3 to 6 under the scheme. Poroporo blocks 1a and 1b became European land through sale in 1969, as did other smaller subdivisions.⁴³

In the case of the Tarewa lands, first partitioned in 1894, Tarewa 1, a block of about six acres, was sold to the Crown in 1896. Tarewa 2, of a similar acreage, passed to the Crown in 1910. Tarewa 3 block was subdivided in the Maori Land Court in 1907. An area of eight acres was sold to the Government for experimental farming in 1941, and the Crown received No 3a in a land exchange in 1951. Eventually only 19 acres were left to the remaining Maori owners in small lots, and this land was subject to consolidation.⁴⁴

The small Pakirikiri block of 30 acres was divided by the Native Land Court in 1924 as part of the Manutuke Consolidation scheme, and blocks 2 and 3 became European land.⁴⁵ A subdivision of the Arai Matawai (Waimata reserve) block subject to consolidation resulted in Arai Matawai A (16 acres) and B (955 acres).⁴⁶ The Waihora 1 block was subdivided in 1886, resulting in Waihora blocks A to E. Waihora blocks B and D were sold to Europeans, while blocks A, C, and E were incorporated in 1903 and 1904. Waihora 2 was divided into 2a to 2c. Blocks 2c1b and 2c2 became Crown land by proclamations of 1926 and 1922 respectively. Block 2a, 2b1a, and 2b2c were sold to individual purchasers.⁴⁷

The Pakarae block was partitioned in 1889 and subdivided sections were made inalienable. Pakarae block 1d was later deemed European land by decree of the Validation Court in 1896, going to the Bank of New South Wales by order of that court. Block 1b was sold, and blocks 1a and 1c were incorporated in 1915. Block 2a was sold after restrictions were removed in 1899, and block 2B (333 acres) was granted as inalienable to 32 owners. It was further subdivided in 1915; 2b1 going to the Crown and 2b2 being incorporated. Block 2e was sold, and block 2c of 162 acres was awarded to the incorporated owners as inalienable Maori land.⁴⁸ The Papakorokoro block file contains a distressing list of subdivisions and alienations by lease or sale to Europeans that stretches from its original granting under restrictions in 1883, through its first subdivision in 1896, into the early decades of the twentieth century.⁴⁹

These four examples should be sufficient to demonstrate the manner in which small blocks of Maori land were further fragmented and sold into European ownership in the twentieth century. The individualisation of tenure, and the Native Land Court process, once begun was difficult to halt until it had resulted in the complete disintegration of the tribal estate and its almost total loss. The block files held at the Gisborne Maori Land Court tell a depressing story of continuous sale,

43. Poroporo block file (790a), MLC Gisborne

44. Tarewa block file, MLC Gisborne

45. Pakirikiri block file, MLC Gisborne

46. Arai-Matawai block file, 46c, MLC Gisborne

47. Waihora block file, MLC Gisborne

48. Pakarae block file, MLC Gisborne

49. Papakorokoro block file, MLC Gisborne

applications for succession to sections of land as small as one or two acres out of original blocks of hundreds of acres, and applications for succession to lands which had long since been sold. There are also many examples of public works takings of the small remaining Maori sections of blocks, where although compensation was paid, very little land was left to Maori owners. The issue of public works takings will be discussed briefly at section 7.8 of this chapter. It is evident from the small amount of research done for this section that further research is required into the impact of the Consolidation schemes of the 1920s and 1930s on the Poverty Bay region. Through these schemes more land seems to have passed to the Crown in an area where the Maori land estate was already vastly diminished.

7.5 THE TAIRAWHITI MAORI LAND BOARD

The Tairawhiti Maori Land Council was one of those set up under the Maori Land Administration Act 1900 (discussed at section 7.2.3). The land councils were intended to be self-supporting bodies, and were reliant on the collection of fees for the performance of the various administrative tasks they had taken over from the Native Land Court, as well as the revenue generated by the leasing of lands vested in them. There were no substantial amounts of land vested in them during the first years of their operation though, and consequently they had minimal resources with which to continue their operations. By early 1903, the total income of all the land councils was only £253, and this had risen only to £768 by October of 1905.⁵⁰ In their general report of 1907, royal commissioners Stout and Ngata asserted that the 1900 Act had been doomed to failure because Maori were unwilling to put their lands under the control of the land councils. The reasons for this had been, firstly that Maori did not wish to be deprived of their authority in the management of their estate, and secondly:

Experience had not convinced them of the stability of legislative enactments, and they suspected that the new policy was only another attempt to sweep into the maw of the State large areas of their rapidly dwindling ancestral lands'.⁵¹

Additionally, according to the Stout–Ngata commission many Maori still felt that they were more likely to get the full value of their land through private dealing rather than by vesting their land in a body such as a land council.⁵² Considering the previous experiences of some East Coast Maori, who had vested their lands in a corporate body to arrange leases or sales on their behalf with disastrous results, it is not so surprising that many should have been loath to vest lands in the Tairawhiti Maori Land Council, at least until it had proven that it was capable of administering the lands without causing any loss or indebtedness to the owners.

50. 'Expenses in Connection with the Administration of Native Lands under the Maori Lands Administration Acts', AJHR, 1903, G-8, p 2; AJHR, 1905, G-8

51. 'Native Lands and Native Land Tenure: General Report on Lands Already Dealt With and Covered by Interim Reports', AJHR, 1907, G-1c, p 6

52. Ibid

Nevertheless, there was a gradual increase in the lands vested in these bodies in 1904 and 1905. In 1904 some 76,493 acres were vested in the councils, 1122 acres of this in Tairāwhiti. In 1905 the total area under their control increased again, with another 61,494 acres being vested, 700 acres on the East Coast.⁵³ If there was little enthusiasm for the scheme shown by Poverty Bay Maori, there was a somewhat different attitude on the part of settlers who clearly hoped that the land councils would open more land in the area for settlement. This attitude was demonstrated by the publication of two or three editorials in the *Gisborne Herald* during February 1903 which called for a local Poverty Bay land board. The general tenor of these calls are indicated by the fact that only the month before, the editor had urged the Government to make the East Coast Trust lands immediately available for settlement.⁵⁴

Under the Maori Land Settlement Act 1905, the land councils were converted to land boards, and the previous inclusion of elected Maori members was discontinued. Under this Act the compulsory vesting of Maori land in boards was introduced. Unoccupied and unused lands were to be compulsorily vested in the boards, which would have the power to administer the lands, reserving any portion for the Maori owners they might consider necessary. The rest of the land was to be surveyed and subdivided into allotments and then leased for terms of not more than fifty years.⁵⁵ This new compulsion was to be used as a method of having ‘waste lands’ vested in the boards and opened to European settlement. Any surplus land which was regarded by the Native Minister as ‘not required or not suitable for occupation by the Maori owners’ could be compulsorily vested in the Maori Land Board.⁵⁶ Native Minister Carroll had wanted the whole of the North Island to be covered by this section of the Act, but there was opposition to this proposal in the House and from members of the Native Affairs Committee. W H Herries, for instance felt that compulsory vesting was:

not fair to the Maoris, and . . . [was] a gross violation of the Treaty of Waitangi, because it practically confiscates their lands; it takes the land away for fifty years . . . [and] practically, it means that they part with their land forever.⁵⁷

In order to have the compulsory vesting of land tested it was instituted in two districts only, these being Tokerau and Tairāwhiti.⁵⁸ These districts were to be exempt from the fresh purchases of Maori lands by the Crown, which the government was authorised to resume in the other five Maori land districts, until 1908.⁵⁹ A total of 85,185 acres was compulsorily vested in the Tairāwhiti Maori Land Board under section 8 of the 1905 Act between 1906 and 1909, the greater

53. Loveridge, p 37

54. *Gisborne Herald*, 4, 18, and 21 February 1903; 12 January 1903, Gisborne Library

55. Maori Land Settlement Act 1905, s 8; B R Gilmore, ‘Maori Land Policy and Administration during the Liberal Period, 1900–1912’, MA thesis, University of Auckland, Auckland, 1969, pp 35–36

56. Maori Land Settlement Act 1905, s 8; Loveridge, p 44

57. NZPD, 1905, vol 135, pp 707–708

58. Maori Land Settlement Act 1905, schedule

59. Maori Land Settlement Act 1905, ss 20–25. All Government purchases between 1900 and 1905 had been in negotiation since 1899. Loveridge, p 45

percentage of this in the years 1906 and 1907.⁶⁰ This amounted to 87.1 per cent of the total amount of land vested in the Maori land boards as a whole during this same period.⁶¹

The 1905 legislation was a good example of the manner in which the Liberal Government's Maori land policy wavered between paternalistic principles of the type contained in the preamble to the Maori Lands Administration Act 1900, which stated that the remaining five million acres of Maori land should be reserved for the use and benefit of Maori owners, and the policy aimed at the opening up of large estates to small farmers. The 1905 Act sought to appease both sides, by providing land for lease to settlers while it remained in the ownership of Maori, vested in the land boards.⁶² This was Carroll's 'taihoa' policy at work, a policy that between 1900 and 1907 saw various pieces of Maori land legislation passed in a continuing effort to stave off the further ill-effects on Maori of full-scale purchase under free-trade conditions or Crown pre-emption.

In reviewing the work of the Tairāwhiti Maori Land Council up to May 1906, its president, Colonel T W Porter, reported that East Coast Maori had not worked as well with the council as had been expected or intended under the 1900 legislation. He remarked that they had used the body as an agent in private dealings, or to get titles to papatupu land without having to pay the usual court fees. No land had been vested in the land council for its administration, nor had any been publicly let by it during its term of office. No papakainga certificates had been issued.⁶³ The Tairāwhiti Maori Land Council had clearly not been much involved in the administration of Maori land on the East Coast, but had simply carried out those functions which used to be handled by the land court.⁶⁴

By 1907, though, even the departure from voluntary vesting contained in the 1905 Act was not sufficient to allow enough Maori land onto the market to satisfy public demand, and calls were being made for the confiscation of large areas of Maori land under the Land For Settlement Act 1894, which had provided for the compulsory acquisition and breaking up of the great European estates.⁶⁵ Oliver and Thomson believe that such sentiments expressed by Europeans in the Gisborne area at this time were to create lasting tensions between Maori and Pakeha living on the Coast.⁶⁶ The Government was forced to bow to pressure and in 1907 the Stout–Ngata commission was set up to investigate what lands remained to Maori, and which of these were not being occupied and profitably utilised. Once this inventory was compiled the commission was to recommend lands which could be thrown open to European settlement. The Stout–Ngata commission and its findings with respect to the wider Poverty Bay region (Cook County) will be discussed in detail in section 7.6. Before the commission had completed its task, however, the Native

60. Loveridge, pp 45–46

61. Loveridge, p 47

62. Gilmore, pp 40–41

63. Porter's report on the Tairāwhiti Maori Land Council, 31 May 1906, MA 19/13 [NA, Wgtn], cited Gilmore, p 96

64. Gilmore, pp 96–97

65. P Webster, 'When the King Comes to Gisborne – A Maori Millennium in 1906', *Journal of the Whakatane and District Historical Society*, 1967, p 49

66. Oliver and Thomson, p215

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Land Settlement Act 1907 was passed on the basis of information supplied by the commission in its interim report of that year. By virtue of this Act, half of the Maori land vested in the boards was now to be sold and half leased.⁶⁷ The East Coast Trust lands were exempted from the provisions of the Act.⁶⁸ As Gilmore has commented, the 1907 Act saw 'taihoa' recede in political importance as more attention was paid to settler demands for the freehold of Maori land. In restricting the term of leasehold to fifty years the future Maori farming of their own land was envisaged, but no efforts were made to help Maori develop and farm their own lands at this time.⁶⁹

Cook County lands vested in the Tairāwhiti Māori Land Board. Source: *Appendices to the Journals of the House of Representatives, 1908*

Block	Owners	Area	Status
Hangaroa–Matawai	5	504	leased for 21 years
Waimata East 2	78	205	leased for 21 years
Waimata South 2	58	298	leased for 21 years
Kaiaua 2a	14	285	leased for 21 years
Kaiaua 2b	17	224	leased for 21 years
Kaiaua 2c	16	191	leased for 21 years
Hauomatuku 2a, 2b, 8a, 9b, and 9c	49	320	leased five years for timber
Kumukumu	25	55	leased five years for timber
Rangatira 3a, No 1	7	83	leased five years for timber
Tapuihikitia C (part)	44	285	leased five years for timber
Total		2325	

Most of the land vested in the Tairāwhiti Māori Land Board was in Waiapu county, as there was very little land in Cook County that could be said to be 'lying idle'.⁷⁰ Indeed, the Stout–Ngata report stated that out of a total of 53,221 acres vested in the Tairāwhiti Māori Land Board by 1908, only 2325 acres was in the Cook County.⁷¹ Many private leases of lands in Poverty Bay, amounting to 29,433 acres, were approved by the board though, and these are presented in the table at schedule six in the Stout–Ngata report on Cook County.⁷² The activities of the land board were, therefore, still of some importance in the continuing alienation of Māori land in the district. Nevertheless, the remaining land in Poverty Bay that was still owned by

67. Native Land Settlement Act 1907, s 11

68. *Ibid*, s 3

69. Gilmore, p 69

70. *Poverty Bay Herald*, 13 July 1906

71. AJHR, 1908, G-iii, p 4

72. *Ibid*, p 13

Maori in large and unimproved blocks was already vested in the East Coast Trust Lands Board during the years in which land was to be compulsorily vested in the Tairāwhiti Māori Land Board, and this body will be discussed in section 7.6. The sale of 17,491 acres of land by the Tairāwhiti Māori Land Board occurred between 1911 and 1914. The remainder of the period up until 1926, in which the land board continued to operate, was mainly spent in administering the lands still vested in the board and leased through it.

7.6 THE STOUT–NGATA COMMISSION

The situation with respect to Māori land in Poverty Bay at this time was highlighted by the investigations and report of the Stout–Ngata Commission during 1907. In 1904, Premier Seddon had stated that before any comprehensive system for the administration of Māori land could be developed, a stock-taking of all Māori lands would need to be undertaken. After this, the Government could open up ‘every acre not required by the Māoris for their occupation and support’.⁷³ Native Minister James Carroll set up a royal commission to inquire into ‘Native Lands and Native Land Tenure’ and set aside a sufficiency of Māori land for their maintenance and support, while throwing open for European settlement the balance of the land not occupied or used by the Māori owners. The commission, appointed in January 1907, consisted of Sir Robert Stout, chief justice of New Zealand since 1899, and Apirana Ngata, the member for Eastern Māori. Stout had been a supporter of Ballance’s reforms in the 1880s. The appointment of Ngata, described by Gilmore as a ‘stalwart opponent of individualization of Māori land and a firm believer in giving the Māori people the maximum opportunities to enable them to work their own lands’ would be likely to play down the negative effects of the Government’s proposals for the temporary alienation of their lands when presenting these ultimatā to Māori owners.⁷⁴

The instructions to the commission referred to large areas of Māori lands, some unoccupied and others ‘partially and unprofitably occupied’, and it was said that it would be of benefit to both Māori and European if provision were made for these lands to be profitably occupied, cultivated, and improved. The commission was instructed to report on the best methods for making this possible.⁷⁵ They were to ascertain what areas of Māori land were unoccupied or unprofitably occupied, the nature of the owners’ title and the interests affecting the title, and following this, how such lands could be utilized and settled ‘in the interests of the native owners and the public good’. They were to report on: which areas should be set apart for the Māori owners’ individual occupation, or as communal lands for the tribe; how much would be required for future occupation by descendants or successors of the owners; and which parts were available for immediate settlement by Europeans, with adequate safeguards for the prevention of ‘subsequent aggregation of such

73. ‘Financial Statement by the Colonial Treasurer, the Right Hon RJ Seddon’, AJHR, 1904, B-6, p 245

74. Gilmore, pp 49-50

75. AJHR, 1907, G-1, pi

areas in European hands'. They were also asked to report on how the existing institutions and systems for dealing with Maori land could be adapted for the purposes listed above.⁷⁶ The Department of Lands compiled a detailed list of Maori lands in the North Island which covered 956 blocks and 4,975,444 acres and gave such information as the name, value per acre, and present utilisation of the blocks. Approximately one half of the lands on the list were already leased, or under negotiation for lease, and the commission eventually enquired about and made recommendations on 2,040,878 acres.⁷⁷

The commission stated that they had no doubt that the legislation of 1894 to 1900 had:

by tying the hands of the Crown in the further acquisition of Native lands, by restricting the leasing of those lands and by substituting a system depending for its success on the willingness of the Native owners to vest areas in the administrative bodies constituted, created a deadlock and a block in the settlement of the unoccupied lands. On the other hand, the vigorous settlement of Crown lands under the Land Act and the Lands for Settlements Acts exhausted the available supply of lands suitable for close settlement. The agitation of 1904 and 1905 forced the Crown once more into the field to resume its purchases, forced Parliament to sanction the compulsory vesting of lands in the Maori Land Boards, and reopened the free leasing of Native Lands.⁷⁸

While the commission was still sitting, the Government passed the Native Land Settlement Act 1907, containing a clause which proposed that half of all land vested in the land boards be subdivided and sold, rather than leased. If the commission was to suggest that large areas of unoccupied Maori land be vested in the boards by virtue of its being unoccupied or unprofitable, half of that land would now be liable for sale. The compulsory nature of such vestings resulting from the commission's inquiries now became potentially confiscatory. Stout and Ngata commented on the offending section of the Act, saying that they were,

of the opinion that the full effect of this provision was not clearly seen by the Legislature, else we feel sure it would not have been enacted into law, and we have no doubt that now we have pointed out the position the Government and the Legislature will both consent to an alteration of the existing law . . .⁷⁹

Indeed, as the commissioners noted themselves, the provision was discriminatory and amounted to a confiscation of Maori lands. Don Loveridge maintains that Stout and Ngata indulged in a 'polite fiction' in stating that they were sure the Government was unaware of the effect of the provision, as it was evident that the Government had bowed to political pressure in the passing of this piece of legislation.⁸⁰ The provision remained in force though and it is therefore slightly unclear why Maori should have chosen to cooperate with the commission in

76. AJHR, 1907, G-1c, p 1

77. Loveridge, p 52

78. AJHR, 1907, G-1c, p 7

79. AJHR, 1908 G-1f, pp 1-2

80. Loveridge, p 74

providing information which would have led to the permanent alienation of part of their 'unused' lands. It has been contended that Maori viewed cooperation with the commission as the lesser of two evils. In cooperating they could ensure that at least some of their lands would be preserved. Ngata was reported to have told Maori in Hawke's Bay that if they did not do as the commission asked, 'directly our backs are turned the Crown will seize all your lands'.⁸¹

7.6.1 The Stout–Ngata report on Cook County

The commission produced an interim report on land in the counties of Cook, Waiapu, Wairoa, and Opotiki on 18 February 1908. The report dealt primarily with the Cook County lands but included the other areas in so much as they contained lands vested in the East Coast commissioner under the East Coast Trust Lands Act 1902 and its amendments. A separate report on land in Waiapu county was written and issued on 18 January 1908. The area of Cook County was given as 1,319,014 acres in extent. Of this, 946,600 acres had been acquired by the Crown and individual Europeans. The balance of 372,414 acres was Maori land, and this included land held in trust for them. The area of land from the other three counties which was included in the latter category amounted to 92,339 acres.⁸² The commission reported on the remaining Cook County lands held by Maori in separate sections, beginning with those administered by the East Coast Trust. Their findings are outlined below.

(1) East Coast trust lands

The commission recorded that in 1902, when the East Coast Trust Lands Act came into operation, the lands vested in the East Coast Trust Lands Board totalled 244,985 acres. The debt due to the Bank of New Zealand stood at £156,383, and there were additional debts of £16,000 built up by the trustees, through expenses such as court costs. A board was constituted with powers to lease, sell, or mortgage the lands for the purpose of redeeming at least some of them and paying the bank debt within two years. In August 1905 the board announced the payment of the debt, and in August 1906 other outstanding claims were met. The process of adjusting accounts between the blocks in the trust, determining the Maori beneficiaries in certain reserves, and the opening up for settlement of the balance of the lands in the estate, was then left to be dealt with.

The commission identified the area of trust land sold as 51,870 acres, and the area retained for beneficiaries as 186,388 acres. Out of this, 60,768 acres had been leased, and 33,786 acres set aside as Maori reserves. The balance of 91,834 acres was still available for Maori occupation or lease to Europeans. The commission noted that much of this land did not lie in Cook County and the Maori beneficiaries of the trust lands lived at Opotiki, Mahia, Nuhaka, and Wairoa. The lands were, in 1908, being newly administered by a commissioner, rather than the old board. He

81. Butterworth, 'Maori Land Legislation', NZLJ, vol 242, 1985, p 246

82. 'Native Land and Native Land Tenure: Interim Report of Native Land Commission, on Native Land in the Counties of Cook, Waiapu, Wairoa, and Opotiki', AJHR, 1908, G-iii, p 1

was to be assisted by the Validation Court to open up the balance of the estate to settlement by way of sale or lease. The bulk of the undisposed lands in the Trust were in the backblocks and were difficult of access.

The commission noted that in the course of their investigations the owners of the Mangaokura block, in Waiapu county, had stated that they wished the block to be reserved for Maori occupation and leased to one of the beneficiaries of the trust. The commission was, however, 'of the opinion that the land [was] not suitable for Maori occupation, and that it should be leased to the general public'.⁸³

Trust lands set aside for the use and occupation of Maori. Source: *Appendices to the Journals of the House of Representatives, 1908*

Block	Area	Value (£)	Remarks
Mangapoike 2b	3024	£4500	bush land, occupied and partly improved
Mangapoike 2d	1419	1000	bush land, occupied and unimproved
Maraetaha 2, sec 6 (part)	2608	6500	bush land, occupied and partly improved
Pakowhai, sec 4	374	1600	bush land, occupied and partly improved
Paremata 1, sec 73, 73a	115	80	native village
Paremata 2	89	2700	native village
Paremata 3	1224	9800	occupied as sheep farm, partly improved
Tahora 2 (part)	24,453	32,000	bush land, small portions occupied, nearly all unimproved
Tangotete 1	5	75	native village
Tangotete 2	75	1125	native village
Te Kuri	400	6000	native village
Total	33,786	67,380	

(2) *Whangara block*

The second area of land where specific issues were raised before the commissioners was the Whangara block, which had previously been before the Validation Court. The area of this block still remaining in Maori ownership was 12,325 acres, only 679 acres of which had not been leased to Europeans. The block had been divided into Whangara blocks B to N2. The receiver, H C Jackson, was administering most sections of the block by decree of the Validation Court in March 1899. The area leased was 11,646 acres at an annual rent of £683. The commission regarded the rental as low compared with present day values, but the land had been leased when land values were low throughout the country, and when prices for wool and mutton were at their lowest. The leases were for 21 years without right of renewal. One lease for 3960 acres was due to expire in 1915, while the rest would fall in around 1921 to 1922. In 1906 the land and income tax paid on the property amounted to

83. AJHR, 1908, G-iii, p 2

£80, or nearly one eighth of the revenue. This was felt to be excessive, and it would only increase as the years went on unless Parliament adjusted the matter. The salary of the Receiver was £46 in 1906 and the office expenses came to £27. This made the total costs of administration £64, or nearly 10 per cent of the revenue. The commission noted that the owners of the block complained that they had not seen any accounts from either the receiver or the court since the receiver was placed over the block.⁸⁴

(3) *Mangatu 1 block*

The approximate area of the block was 100,000 acres, and the owners were constituted a body corporate by the Mangatu No 1 Empowering Act 1893. By consent 20,000 acres, known as Mangatu 1A, was cut off and incorporated in the Wi Pere Trust Estate as security for loans from the Bank of New Zealand. The balance of Mangatu (79,296 acres) was vested in three trustees: Commissioner of Crown Lands for Hawke's Bay, the Hon Wi Pere, and Mr H C Jackson. The return showed that 47,726 acres had been leased at an annual rent of £2377. The leases were sold by public auction and the term was 21 years with a covenant to pay the value of improvements (not exceeding £2 15 s per acre) at the end of the term, or alternatively to give a right of renewal on the lease for a further twenty-one years at a rental mounting to the current rate of interest at that time on the value of the land, less the amount for improvements.

The unleased sections amounted to 32,020 acres. The trustees, in accordance with the instructions of the owners, had borrowed £18,000 for paying off existing liabilities and for providing a sum of £8000 for improving portions of the land. The land reportedly carried excellent milling timber in large quantities. One of the trustees informed the commission that although many efforts had been made to lease the lands, the want of access had prevented any satisfactory offers from being made. The 250 Maori owners complained that no accounts had been rendered to them and they were consequently ignorant of the financial position of their estate. One of the trustees, Mr Jackson, stated that the accounts were sometimes discussed with owners at public meetings. Now that the whole of the liabilities on the estate had been gathered into one debt and money provided for improvements, the trustees were planning to have their full accounts rendered and audited so the improvements to be made on the unleased blocks could be 'begun afresh'. The commissioners' report stated that the position of the estate required further investigation and a careful audit of the accounts should be undertaken before further complications arose.⁸⁵

(4) *Wi Pere Trust Estate*

A new trustee was to be appointed to administer that portion of the Mangatu lands incorporated in the Wi Pere estate. The present trustee, Mr W G Foster would be removed and a new trustee appointed as set forth in section 47 of the Maori Land Claims Adjustment and Laws Amendment Act 1907. The commission felt that

84. AJHR, 1908, G-iii, pp 2-3

85. Ibid, p 3

‘very great care’ should be taken in appointing this new trustee.⁸⁶ The schedule gave a list of lands in the Wi Pere Trust Estate which included lands in the Kaiti, Whataupoko, and Makauri blocks. The estate included further sections of Waimata, Manukawhikitiki 2 and 3, Okahuatiu, Repongaere, and Karaka blocks. Puhatikotiko 6b, Tangihanga 1a, Pukepapa A and F2, and Poututu A2 to A4, and B2, B6, and C3, were also vested in Wi Pere. In addition 20,000 acres of Mangatu 1 block was now vested in the Wi Pere trust. This made up a total of 38,168 acres of land in Poverty Bay owned by the Wi Pere trust.⁸⁷

(5) *The Tairawhiti Maori Land Board*

The area of Cook County shown as vested in this board was 2325 acres, out of a total 53,221 acres under its management. The major part of the lands vested in the board were in Waiapu (20,963 acres) and Wairoa (26,033 acres) counties. With the exception of Maungawaru 4, the board had surveyed and valued all of the lands vested in it and was preparing them for settlement. It was hoped the lands would be on the market at the beginning of the bushfelling season. The board would be setting aside portions for leasing solely to Maori. The board had also been appointed as receiver for blocks recently leased with its approval, amounting to 34,172 acres, the bulk of which was in Waiapu county. The board had approved leases of 29,434 acres in Cook County, 35,375 acres in Waiapu, and 8564 acres in Wairoa, giving a total of 73,373 acres. Applications were pending for approval to leases of a further 3204 acres. The commission noted that the board had taken great care to ensure that all leases were in accordance with the law, and commented on the fact that on the East Coast it was normal practice to incorporate the owners of lands it was proposed to lease. After incorporation the elected committee took the necessary steps to lease and would-be lessees could then deal with a compact committee of three to seven members rather than a multitude of owners. The commission regarded this form of leasing as one which was both expeditious and growing in popularity with Maori. They found that the system secured negotiators a guarantee of title with the minimum of expense in conducting negotiations.⁸⁸

(6) *Lands under lease*

The commission noted under this heading that Mangatu 3, of 3680 acres, and Mangatu 4 of 6000 acres were vested in the same trustees who administered Mangatu 1. Mangatu 3 was leased by auction in 1901 on the same terms as the subdivisions of Mangatu 1 already mentioned. The annual rent was £81, increasing to £122 during the next seven years, and to £163 for the last seven years of the term. Mangatu 4 had not been leased, but there was a proposal to borrow £5000 for the purpose of improving and working it as a farm for the owners. Assets on the Mangatu 3 and 4 blocks amounted to the annual rental of £81. The liabilities were £240 for trustees’ salaries, £47 for the rent of offices for seven years, £1849 mortgage and interest due, and incidental costs of nearly £7. These did not include

86. Ibid

87. Ibid, p 12

88. Ibid, p 4

W L Rees's costs. Mr Jackson told the commission that the Maori owners of Mangatu 4 wanted to work the land themselves, and had agreed to borrow the sum of £5000, one half of which would be required to discharge the debt on the land, the remainder to be available for farming operations. The annual interest charged would be at least £250, while the salaries of the trustees and other administrative costs were likely to be around £100 per year. The commission believed that the estate would soon be involved in great difficulties and were concerned that the trustees should not be led to adopt the system of financing which had wrecked the New Zealand Native Land Settlement Company.

There were a total of 375,082 acres of Maori land administered in trust for Maori owners in Poverty Bay, not including those lands in the Wi Pere Trust Estate, and the value of these various estates was estimated at not less than £500,000. The commission noted that their investigations had revealed four separate systems of administration for these different trust lands (as outlined above), with three different staffs and sets of offices. They stated that these separate administrations had arisen, not because it was felt that they were necessary, but 'through the peculiar circumstances of Native Land titles' in this district. In their opinion, all the lands held in trust should be administered by one body. The functions of the East Coast lands commissioner in respect of lands reserved for Maori occupation could, they believed, be performed by the Maori Land Board, and the administration of such lands adapted to conform to Part 2 of the Native Land Settlement Act 1907. With respect to the balance of the trust lands that were not yet disposed of, the leases were all similar, and the power of sale vested in the East Coast commissioner could also be exercised by the Maori Land Board. They also maintained that the Mangatu and Whangara lands could be administered by the Maori Land Board with the help of a competent accountant and receiver.⁸⁹

(7) *Balance of native lands*

Stout and Ngata observed that farming by Maori in Cook County did not seem to be commission stated:

It is not that the Maoris lack the capacity or desire to farm their lands, but they have been depressed by constant litigation, extending over twenty years, which resulted in their losing the control of nearly 400,000 acres of land. They seem to be dispirited and lacking in initiative. At Tolaga Bay, in the Puninga, Maraetaha, Mangatu, and Waimata districts, may be seen the small beginnings of a pastoral industry, which should be fostered even at this late day.⁹⁰

The commission recommended that a large portion of the lands now remaining in Maori hands be reserved for their use and occupation under Part II of the Native Land Settlement Act 1907. This involved an area of 23,998 acres, and included blocks such as Whangara D, E, and K2a, Pouawa blocks occupied by Maori, several of the Mangatuna blocks, the Puhatikotiko subdivisions, the Waimata (Arai-Matawai) native reserve of 4186 acres, the Tuahu reserves (amounting to

89. *Ibid*, pp 5–6

90. *Ibid*, p 6

1600 acres), the small Pakirikiri block, and Mangatu 4, of 6000 acres. In some cases they recommended that leases be allowed to Maori lessees by recommendation of the owners.⁹¹

(8) *The Waiohiharore block*

Before the commission closed its preliminary investigations for Cook County, Maori in Poverty Bay brought a specific complaint before the commission concerning the Waiohiharore block in the township of Gisborne. The area had been gazetted by the Government as required for railway purposes, following which the government took possession of part of the area gazetted. The Native Land Court then fixed the compensation money as payable to the owners, and the Government paid the money to a trustee. The trustee then deducted a commission for making the payments to the owners, a proceeding that was apparently sanctioned by the Native Land Court, but the commission were unable to ascertain by what authority of law the court did so. Stout and Ngata concluded that the full amount of compensation should have been paid to the owners, and that the Government should now see that such was done.

The balance of the land had remained under *Gazette* notice although the Government intimated that it did not require the north-eastern part of the land. An agreement was then made between the Maori owners and the Gisborne Harbour Board, that the board should pay £550 for the gazetted land that had not actually been taken by the Government. The agreement stated that the part of the land called Waiohiharore 2 of approximately six acres, (the area lying east of the line shown in the map at figure 14) together with all present and future accretions to it caused by the receding sea, or by any other means, was to be obtained by the Gisborne Harbour Board. The public road known as Lowe Street was to be extended to the high water mark at Waikanae beach, and the road would be vested in the Gisborne Borough Council. It was understood that out of any further accretions to the land lying west of the line on the map (that area owned by Maori), the board would be entitled to a strip of two chains in width for a public road along the foreshore of the beach. It was further agreed that all accretions to the land lying west of the line on the map and all future accretions to that land made by the receding sea, or by harbour board works, would be 'conveyed and assured' to the Maori owners of the land, except for that part required for the extension of Lowe Street.⁹²

The agreement between the owners and the board had contained the proviso that when the deed was validated by Act of Parliament the purchase money would be paid out. The agreement was never validated by Parliament but the board had, however, obtained a grant from the Crown of the area lying between the Maori owned land and the sea (the accretions). The commission could not ascertain how such a grant had been made as there was no statutory authority for it. They noted that the only power for the Governor to issue a grant to a harbour board without the passing of a special Act was under the Harbours Act 1878, which enacted that land

91. *Ibid*, pp 15–16

92. *Ibid*, p 7

reclaimed from the sea by a harbour board may be so granted.⁹³ The commission continued that:

It does not appear to us that this land was reclaimed by the Harbour Board, and the agreement with the Natives calls it an accretion. If the accretion was gradual, it would belong to the Native owners; if sudden it would belong to the Crown; but in no case can it be said, if it were an accretion, to be the property of the Harbour Board. We have asked the Board what their view is of the position, and they have replied to us that they consider the agreement to be at an end. If the agreement is at an end then it is clear that the Natives ought to have the land for which they have received no compensation handed back to them, and steps should be taken by the Government to set aside the Crown grant to the Board, in order that the Native's rights to the accretions should be determined unencumbered by the grant from the Crown. It is most unfair that the Board should block the Natives' access to their land from the sea, and obtain a grant without notice to them and without an opportunity to them of contending that this land belongs to them from a gradual accretion.⁹⁴

Further research would be required to discover whether anything was done to remedy this situation and to revert the accretions to the Maori part of the land in the Maori owners. Unfortunately time has not allowed for such an investigation at this point.

(9) *Summary of findings*

Lands under lease.

Source: *Appendices to the Journals of the House of Representatives, 1907*

Land	Area (acres)
East Coast Trust lands	60,768
Whangara block	11,646
Mangatu 1	47,726
Lands vested in Maori Land Board	2325
Approved by Maori Land Board	29,434
Other leases (exclusive of Wi Pere Trust Estate)	20,653
Total area leased	172,552

93. Ibid, pp 7–8

94. Ibid, p 8

Twentieth-Century Developments

Land set aside for Maori occupation. Source: *Appendices to the Journals of the House of Representatives, 1907*

Land	Area (acres)
East Coast Trust lands	33,786
Whangara block	679
By the commission (schedule 7A)	23,999
Total	58,464

Lands available for settlement. Source: *Appendices to the Journals of the House of Representatives, 1907*

Land	Area (acres)
East Coast Trust Lands (for lease or Maori occupation)	91,834
Mangatu 1	32,020
Total area	123,854

Summary table. Source: *Appendices to the Journals of the House of Representatives, 1907*

Land	Area (acres)
Lands under lease	172,552
Lands set aside for Maori occupation	58,464
Lands available for settlement	123,854
Lands to be further considered and reported on	71,715
Wi Pere Trust Estate	38,168
Total area of Maori land dealt with	464,753
East Coast Trust lands not in Cook County	92,339
Maori land of all classes in Cook County	372,414

The commission pointed out that the large area shown as available for settlement was mostly included in one or other of the trusts. Some of the lands were inaccessible at that time and would therefore, not come onto the market until roads were constructed into the interior of the district.⁹⁵

On the face of it the figure of 372,414 acres might appear to be a reasonable amount of land remaining to Maori in Cook County. It must be considered,

95. Ibid, p 7

however, that this was now all that remained to them of the 1,319,014 acres that county contained. The amount of this land that remained in Poverty Bay itself is not specifically stated, but would have been lower than the figure given for the Cook County as a whole, as the county covered areas outside of the Poverty Bay district (an extra 2000 or so acres). In addition, much of the land stated as in Maori ownership was not actually in their control at that time, being either under lease or part of the East Coast Trust.

The East Coast Trust lands by this time represented the only large areas of land in this area still owned by Maori. Nevertheless, control of the lands remained out of their hands, and for reasons that will be made clear in the following section, these lands did not provide a financial return for their owners.

7.7 THE EAST COAST TRUST, 1902–54

We resume the story of the East Coast Trust lands in 1902, when a trust board was set up under the East Coast Native Trust Lands Act 1902 consisting of three members, all prominent Gisborne men: John Harding, John McFarlane, and Walter Shrimpton.⁹⁶ Under the provisions of the Act the bank could not sell any of the lands comprised in the securities without the consent of the board. This prohibition would remain in effect until 31 August 1904, after which time the bank could sell the whole or any of the lands without consent to recover the mortgage.⁹⁷ The board could subdivide, sell, or let any of the lands mortgaged to the Bank of New Zealand and could borrow money on the security of the land in order to develop the estate.⁹⁸ The chief judge of the Native Land Court was directed to ascertain, upon application, whether any other land vested in the trustees or in any other native body corporate, should be brought in as extra security lands to relieve the principal security, and if so, to apportion relative charges on those lands.⁹⁹ Other lands held in trust in the Tairāwhiti district could be transferred to the board by deed signed by a majority of the trustees or beneficiaries of that land.¹⁰⁰ Initially, by section 12 of the Act, Carroll and Wi Pere (the trustees) were to have a continued role in the board's activities in order to safeguard the interests of the Maori owners. Under that section any alienation of lands vested in the board, or measures for their management and improvement had to be first agreed upon by the trustees by deed.¹⁰¹

96. Ward, p 99

97. East Coast Native Trust Lands Act 1902, s 4

98. Ibid, s 9

99. Ibid, s 10

100. Ibid, s 11

101. Ibid, s 12; Ward, pp 99–100

Twentieth-Century Developments

In their 1903 report, the board complained that this requirement was rendering them powerless to properly manage the 244,985 acres of trust lands. From that report the blocks which made up the trust are shown in the following table.

Principal Security Blocks. Source: *Appendices to the Journals of the House of Representatives, 1903*

Block	Area (acres)	Status
Mangatu 5	20,075	unoccupied and unimproved
Mangatu 6	20,075	unoccupied and unimproved
Motu 1	2000	unoccupied and unimproved
Mangaokura 1	2027	unoccupied and unimproved
Okahuatui 2	15,190	occupied by Bank of New Zealand Estates Company and partly improved
Pakowhai (part)	5013 2r 9p	occupied by Bank of New Zealand Estates Company and partly improved
Whataupoko sec 20	3 1r 30p	
Matawhero B or 5 (part)	33 1r 38p	held by Bank of New Zealand Estates Company
Matawhero 1 (part)	182 1r 38p	held by Bank of New Zealand Estates Company
Total area	64,602 2r	

Specific security blocks (held under decrees of the Validation Court). Source: *Appendices to the Journals of the House of Representatives, 1907*

Block	Area (acres)	Debt	Status
Mangaheia 2d	5997	£9596 11s 4d	leased to Somerville and others, partly improved.
Paremata	7112 3r 22p	£23,670 2d	occupied by Bank of New Zealand Estates Company
Maraetaha 2 (sec 4, Te Puru)	3991 3r	£11,433 0s 6d	occupied by Bank of New Zealand Estates Company, partly improved
Moutere 2, sec 1	194 3r	£363 19s 2d	leased to Mr Ormond
Tawapata North 1, no 1a	2096	£2545 0s 11d	leased to Mr Walker, rent not determined
Tawapata North 2	1995	£2545 11d	leased to Mr Walker, rent not determined
Tawapata South 1	4376 2r 5p	£5726 1s 9d	occupied by Bank of New Zealand Estates Company, partly improved
Total	27,948 6p	59,364 15s 6d	

There were also some blocks not subject to the mortgage. These were: Te Kuri; Tangaotete blocks 1 and 2; Maraetaha 2 and 2a; Mangapoike and Mangapoike 2; Mangawaru; and Tahora. The area of these blocks amounted to 152,435 acres. The Tahora block had a separate mortgage on it of £2500. This was being foreclosed and the sale of the block was to take place on 30 January 1904, conducted by the registrar of the Supreme Court. The board felt that they were unable to stop this from happening as the general debt of the trust lands stood at approximately £156,383. There were additional debts of £15,906, part of this debt being the Tahora mortgage.¹⁰²

Carroll and Wi Pere were reluctant to allow the outright sale of any of the specific security lands, but they agreed to allow 3000 acres of Paremata to be sold and the rest of the block to be leased. They also consented to the sale of the whole of Maraetaha 2. Nevertheless at the time the board were writing their report, W L Rees, solicitor for the trustees, had placed a caveat on both of the Paremata and Maraetaha 2 blocks 'to protect his claim against the trustees for costs, charges, and expenses', thus blocking the further procedure of the board. The board therefore recommended that changes be made in the administration of the estate that would effectively shut the Maori trustees out of the decision making process.¹⁰³ In December, however, the trustees agreed to the sale of certain lands. In early 1904, just over 31,000 acres of the trust lands were sold, consisting of Okahuatiu 2 block (and its livestock) and parts of the Paremata and Maraetaha lands, the proceeds of which were £79,250. The bank received £72,301 of this amount towards the reduction of the bank debt. The area of 2380 acres in the Paremata block was leased and the rent would pay for charges and interest on the block with the surplus being used as a 'sinking fund' to redeem the existing mortgage. In addition, 23,380 acres of the Mangapoike blocks were leased, and the rental was to go, in part, to the beneficiaries.¹⁰⁴ The board planned to offer the bulk of the Tahora block for lease and sell a small part of it, and they negotiated new mortgages on the Tahora and Mangapoike lands of £12,742, the proceeds to be used to pay off some of the debts and charges accumulated by the trustees prior to 1902.¹⁰⁵

The bank agreed, on application by the board, to extend the term of suspension of the mortgagee sale of the estate until 31 March 1906 to allow the board to realise the debt. The board also applied to the bank to reduce the amount of the debt, which had doubled through interest, and also to reduce the rate of interest then being charged. This the Bank agreed to do in the understanding that the debt would be paid on or around the specified date of 31 March 1905. The board promptly sold another 9000 acres, consisting of the Tawapata and Moutere blocks on the Mahia peninsula, part of the Pakowhai block and some sections in Matawhero 1 and 5. They paid £126,772 of the debt in June 1905 from the sales' proceeds, receiving a

102. All above information from 'Interim Report of the East Coast Native Trust Lands Board', AJHR, 1903, G-9, pp 1-2

103. Ibid, p 3

104. 'Report, Balance Sheet and Statement of Accounts of the East Coast Native Trust Lands Board', AJHR, 1904, G-6, p 1

105. Ibid, p 2

rebate from the bank of £20,000. By 1905 the whole of the 1902 debt to the bank of £159,029 had been repaid.¹⁰⁶ By the reckoning of the Board in 1905, 59,041 acres of the bank securities were saved from sale. These were the Mangatu 5 and 6 blocks, Mangaokura 1, part of the Pakowhai block, Whangawehi 1b and 1c, Maungawaru 2, Whataupoko section 20, Te Kuru, and Tangotete 1 and 2.

The 374 acres of Pakowhai were part of the principal security to the bank, but to meet with the wishes of the beneficiaries of the block the board had reserved this piece for Maori and withheld it from sale. The owners of the Motu 1 block had also saved their lands from sale by redeeming the land and paying off the debt to the bank themselves.

Lands of the trust not liable to the mortgage had also been sold during the period from 1902 to 1905 to pay off the £20,600 in legal costs and other charges incurred by the trustees prior to the board's inception, and to fund improvements to the Estate in the way of surveys and roading. These lands, around 14,000 acres in area, were parts of the Maraetaha 2 and 2a blocks, and 10,000 acres of Tahora 2. Fresh mortgages amounting to £12,742 had been taken out by the board, £10,000 of which was still outstanding at August 1905.¹⁰⁷ Rees had claimed £3500 and Wi Pere £2000 from the estate.¹⁰⁸ Of the original trust estate, 187,000 acres remained and these lands were subject to mortgages to new creditors. In 1905 the debt of the Estate stood at £21,080 and these mortgages lay most heavily on the Wairoa lands, Mangapoike and Tahora. After making reserves for Maori owners (26,469 acres), the board leased 3000 acres in the Paramata block near Tolaga Bay. They also leased nearly 23,000 acres of Mangapoike and 18,000 of Tahora.¹⁰⁹ It was hoped that the rentals from the 61,811 acres of the trust lands under lease would yield a steady return of around £4573 and reduce the remaining mortgages. This left a balance of 99,157 acres which the board planned to partly reserve, partly sell, and partly lease 'for the benefit of the Natives'.¹¹⁰ It might have seemed that now that the task of repaying the debt to the bank was complete, the trust could have been dissolved and the lands be returned to the Maori owners, but there was still the problem of the adjustment of accounts within the trust and the settlement of claims against the trustees to be dealt with.¹¹¹

Section 22 of the Maori Land Claims Adjustment Act 1906 decreed that the board should be dissolved and replaced with an East Coast commissioner. It also outlined the reason for the adjustment of accounts in stating that, as the charge on the trust had been borne by some lands in greater proportion than others it was necessary to 'adjust the equities of the beneficiaries of the several lands'. The Validation Court was empowered to enquire into what proportion of the debt to the Bank, and other claims paid as well as management costs, ought to have been borne by each block individually, and adjust the accounts accordingly. In this task the Validation Court was apparently not to be bound by the normal rules of a court of

106. 'Report of the East Coast Native Trust Lands Board', AJHR, 1905, G-9, pp 1-2; Ward, p 100

107. *Ibid*, pp 2-3

108. Ward, pp 100-101

109. AJHR, 1908, G-8, p 2, cited Ward, p 101

110. 'East Coast Native Trust Lands Estate', AJHR, 1905, G-9, p 3

111. 'Report of the East Coast Native Trust Lands Board', AJHR, 1906, sess ii, G-8, p 1

law, nor to the rules of equity normally applied to cases of mortgage by Europeans. The commissioner was to abide by every decision of the Validation Court and carry out the necessary adjustments.¹¹² In its 1906 report the outgoing board stated that in the past year only one block of land had been disposed of. This consisted of parts of sections 3 and 6 of Maraetaha 2, which the Gisborne Borough Council had acquired for a waterworks reserve.¹¹³ The board went out of office in February 1907 and the Validation Court set about adjusting the trust's accounts in July 1908.¹¹⁴

It was this need for a long-term adjustment of finances within the trust that caused much misunderstanding and discontent among Maori beneficiaries and created a tense relationship between them and the East Coast commissioner in the ensuing years. Wi Pere wrote to the outgoing trust board in February of 1907 with a proposal for the winding up of the trust's affairs, suggesting that the unproductive Maungawaru block (34,000 acres) should be sold, the Muriwai and Paremata lands be returned to Maori owners, rents from the Wairoa blocks already leased be paid to the beneficiaries, and Mangatu 5 and 6 be divided and given as compensation to those Maori whose lands had been wholly sold off to pay the mortgage. In this way, Wi Pere felt, no Maori would be left landless.¹¹⁵ Sections of the unproductive Mangatu 5 and 6 blocks, which were unsuited for subdivision into small holdings anyway, were hardly fair compensation for the loss of more fertile and valuable lands such as Okahuatiu, but Wi Pere at least recognised the need to alleviate the growing problem of Maori landlessness in the district, and to compensate those who had borne an unfairly large burden in the payment of the debt to the Bank of New Zealand. Nevertheless, even he does not seem to have appreciated the necessity of the large scale readjustment of internal debt between the blocks of land in the trust estate.

7.7.1 The Validation Court and the adjustment of trust finances

The adjustment scheme was decided upon by the Validation Court under Judge Jackson Palmer during 1908 and charged the specific security blocks with the amounts awarded against them by that court in the 1890s. Sums were then added where there were specific charges against a particular block and a share of the general expenses of the board administration. The total of the charges on the specific security lands left £75,034 of the trust's liability to fall on the principal security blocks which had originally been mortgaged by the settlement company. The purchase prices of the blocks sold were subtracted and the remaining £21,690 was charged against the principal security blocks that remained within the trust's ownership. These were Mangatu 5 and 6, Mangaokura 1, and part of the Whataupoko block – around 82,000 acres, all within the Poverty Bay area.¹¹⁶ This left some blocks with sums in credit (creditor blocks) and some with debts to pay

112. Maori Land Claims Adjustment Act 1906, s 22

113. AJHR, 1906, sess ii, G-8, p 1

114. AJHR, 1908, G-8, p 1

115. Wi Pere to Trust Board, 11 February 1907, Misc papers of the East Coast commissioner, cited Ward, pp 110–111

116. Ward, p 104

(debtor blocks) within the trust. The adjustment meant that some blocks which had not been brought into the debt repayment between 1902 and 1905 were now debtor blocks, charged with an allotted share of the original debt. It could not be expected that those debtor blocks which now had substantial debts to the trust would be able to pay these sums too quickly as this would cause substantial hardship and more land would be lost through sale and mortgage. The creditor blocks could therefore not be paid the sums owed to them until the trust had attained the finances through the payment of charges against the debtor blocks. It was determined that the trust would arrange the lease or farming of the trust lands, and the revenue produced by the debtor blocks would be used to pay off their internal debt to the creditor blocks.¹¹⁷

The court's decision as to how the adjustments should be made was as follows. The present mortgages of £21,000 should continue over the same blocks. The debt of Mangaheia 2 (£2459) was already paid through rental from the lease of the block. Debts on Maungawaru 2 (£5001) and Maungawaru 3 (£1044) should be defrayed by the sale, mortgage, or lease of the blocks. If there were any surplus remaining from sale this should be allocated equally among the beneficial owners (less the cost of a determination of beneficiaries by the court). Tahora 2's debt of £482 was to be raised by a mortgage. There was already a mortgage of £6000 on Tawapata South 1. The debt of the block in the adjustments was a further £5190. Annual rents from the leases of the block brought in £600 which the court regarded as sufficient for the payment of interest on the continued mortgage and eventual redemption of the land. Whangawehi 1a owed £836 but there was already a mortgage on the block of £1000 for general trust purposes. The court suggested that the existing mortgage be transferred to the block on its own account for development of the block, or a fresh mortgage be raised, which would gradually be paid through the payment of rents or profits. Whangawehi 1b and 1c were charged with £2231. The commissioner was advised to sell, mortgage, or lease the lands in order to liquidate the debt. The existing lease on the land had approximately eight years to run but would not realise enough to pay the interest charges. Any deficiencies in the realisation of any of these blocks was to be borne by Mangatu 5 and 6 and Mangaokura 1, the blocks charged with the principal security debt. It was left up to the discretion of the commissioner as to whether Mangaokura 1 should be sold, mortgaged, or leased in order to defray its indebtedness of £1324, and Mangatu 5 and 6 were to be similarly dealt with as they bore the bulk of the debt burden to the tune of £19,865. The court decreed that the commissioner should annually adjust the trust's accounts to spread the debt evenly among the blocks. An interest of five per cent was to be charged to both debtor and creditor blocks until such time as the adjustments were completed.¹¹⁸

T A Coleman, the East Coast commissioner, reported in 1908 that the trust's present mortgage lay at £21,000. Rents received amounted to £5115 and most of this amount went to pay liabilities on the individual blocks leased. The amount of £540 was paid to beneficiaries. Coleman had begun the process of improving and

117. *Ibid*

118. AJHR, 1908, G-8, p 3

farming trust lands, clearing blocks and stocking them. Clearing, fencing, bushfelling and other improvements were mostly undertaken by the Maori owners of the blocks affected. Since 31 March two new blocks had been added to the trust Estate. These were Maraetaha 1d (Te Kopua) of 2303 acres, and Whaitiri 2 of 412 acres. A portion of Te Kopua was already cleared and being farmed by the 'Native Committee' (presumably the block committee).¹¹⁹ Although Maori were eager to gain some help in beginning to farm the land they seem to have been unclear on why the lands could not be returned to their control and their understanding of the need for a long term adjustment of accounts between the blocks was limited. This created friction, which continued throughout the next 47 years, and possibly had its beginnings in the lack of involvement of Maori owners in the original Validation Court process of adjustments. As the reported decisions of the Validation Court in 1908 show, Maori were not required to be present and therefore did not observe the process or come to fully comprehend its necessity. They do not seem to have been adequately consulted in the matter. The report stated that:

The Court held its inquiry on open Court, commencing on the 20th July, 1908, due notice of the sitting having been given. Besides members of the Bar representing various groups of beneficiaries, a large number of Natives appeared; but it soon became apparent that the latter could give no assistance to the Court, and after the first day they took no active part.¹²⁰

Lysnar, acting for Maori owners of nine of the creditor blocks, raised some formal objections on the adjustments as they affected these lands, maintaining that they should be released from the trust and returned to Maori owners. Judge Palmer believed it was beyond the court's jurisdiction to recommend such a return of lands. A further objection was lodged by Mr Hutchinson on behalf of the beneficial owners of Maraetaha 2a, sections 2 and 3, in which he claimed that the Maori owners objected to the charges on the block for advertising of sale, sale expenses and legal expenses in connection with a sale of the lands which they claimed was illegal. They were at that time preparing a case to take before the Supreme Court with reference to the illegality of the sale of Maraetaha lands by the board and therefore also objected to the legal costs incurred through the administration of that sale.¹²¹ Judge Palmer dismissed these objections, stating that no part of the bank debt had been charged against these sections of land and the other charges debited seemed 'on their face' fairly chargeable.¹²² Maori owners of the trust lands were, therefore, bound to see their lands remain under the control of a European commissioner, in some cases, for the rest of their lives.

119. AJHR, 1908, G-8a, p 1

120. AJHR, 1908, G-8, p 1

121. Ibid. Appendices B, C, D, and E, pp 4-7. The Supreme Court found that the sale by the board was legal, cited in Ward, p 106.

122. Ibid, pp 1-2

7.7.2 Maori discontent over the trust administration

It must have seemed to many Maori owners of trust lands that their lands were in fact lost to them. By this time the land had been in the hands of others for 30 years, and they would remain so for a further 40. In the Gisborne area, only a small amount of Maori land remained. This land held in trust, therefore became extremely important and its management was a continuing focus of attention and discontent among local Maori.

There was, however, a new element in the trust administration of these lands in the period following 1907, as the commissioner was empowered to borrow money on the open market in order to develop and farm the lands under his control.¹²³ Maori had hitherto had great difficulty in successfully improving and farming their own lands through the unavailability of finance which was offered to Europeans in their farming endeavours. Although the trust lands were still beyond their control, Maori would eventually benefit from the return of lands improved and successfully farmed, but this was difficult for Maori to envisage in 1908.

There were still more complaints by Maori owners in the next few years. Owners of the Mangaheia and Paremata lands petitioned Parliament in 1909, protesting over the mortgaging of their lands, and asking that these be removed from the trust's administration.¹²⁴ In the same year Rangi Thompson and 111 others sought the removal of the Te Kuri block from the trust and an incorporation of its owners to manage the lands.¹²⁵ In 1910, Hetekia Te Kani Pere asked for compensation to be paid for the sale of Okahuatiu 1a. A previous petition about the same block of land in 1905 alleged that he and 27 other owners had been wrongfully deprived of their land.¹²⁶ In 1913, Hamahona Pohatu petitioned for an inquiry to be held into the trust administration of the Maraetaha 10, Te Kuri 1, and Tangotete 1 and 2 blocks around Muriwai. They wanted the lands to be returned to an incorporation of owners for their own cultivation and residential purposes.¹²⁷ In 1919, there were a number of petitions from Maori owners of the Tahora and Mangapoike blocks complaining that, as most of their lands had been leased by the board and commissioner, they no longer had enough land left for their own settlement. They sought a reapportionment of relative interests and boundaries and some relief from the problem of shortage of land for their own inhabitance.¹²⁸ Matenga Waaka and 34 others petitioned Parliament in 1921 to request that a lease of the Te Kuri and Tangotete blocks arranged by the East Coast commissioner not be allowed to proceed.¹²⁹ The Native Affairs Committee declined to make any recommendations on some of these petitions from the Maori owners of trust lands, although it sometimes referred the matters to the Government for consideration and inquiry.

It is clear from the number and type of petitions presented to Parliament by Maori owners of trust lands that the withholding of these lands from Maori and the

123. Ward, p 107

124. 'Reports of Native Affairs Committee', AJHR, 1910, I-3, p 8, Ward, p 108

125. *Ibid*

126. AJHR, 1910, I-3, p 3; AJHR, 1905, I-3, p 18

127. 'Schedule of Petitions', JHR, 1913, p xxvi, AJHR, 1913, I-3, p 7, Ward, p 108

128. 'Report of Native Affairs Committee', AJHR, 1919, I-3, pp15-17 & p21, Ward, p108

129. Ward, p 108

harsh system of administration required in order to finally free all the lands from debt caused great hardship to many of those Maori affected. This administration did not allow for Maori involvement in administering or farming their own lands as part of the trust, nor did it provide regular payments of rentals and dividends to beneficiaries. These hardships and the indebtedness of lands which had never been party to the original Settlement Company mortgage to the Bank of New Zealand, and even more confusingly, those lands which were never part of the scheme of mortgage repayment in the period from 1902 to 1905, must have been the cause of great misery, bitterness, and confusion for many East Coast Maori. For those in Poverty Bay the situation was even more dire as these lands, in many cases, were the last vestiges of the tribal estates.

The Maraetaha 1d (Te Kopua) and Waitiri 1d blocks are notable in this respect. These blocks had been vested in Rees and Wi Pere as trustees before the setting up of the New Zealand Native Land Settlement Company, but they were not brought into that scheme as many of the Rees-Wi Pere trust lands were. Nevertheless, the blocks still became mortgaged to the Bank of New Zealand and although Maori owners attempted to farm the land, an inefficient manager meant that their endeavours were less than successful. The blocks remained under the trusteeship of Rees and representatives of the Maori owners until the trustees finally agreed to vest them in the East Coast commissioner according to the provisions of section 11 of the 1902 Act.¹³⁰ Two petitions from owners in the block demonstrate the differences in opinion that existed among Maori with respect to the administration of their lands by the East Coast commissioner. In 1909, Matenga Waaka and 57 others sought an inquiry into the block through a petition to Parliament.¹³¹ Matenga Waaka had lived on his 100 acre share of Te Kopua for many years when he discovered that his land was no longer his to control after being told by the East Coast commissioner, the new administrator of that block, not to cut down any timber on it. In response to his protests the Maori priest was then warned that if he did attempt to remove timber on the property he would be charged with trespassing on the land.¹³² Nevertheless, Pera Waaka and other owners of the block also petitioned Parliament, stating that they wished the lands to remain as part of the trust estate, under which they would be farmed successfully. The East Coast commissioner had promised them some new housing and as the land was already indebted and in danger of being lost it was indeed a wise move to vest it in the trust, set up to redeem other lands in the area which were similarly affected. The petitioners were right to believe that vesting in the East Coast commissioner was probably the only way to save their land, which was as the petitioners stated, 'the last remaining to us . . . [so] that we and our descendants might have something to look upon.'¹³³

130. *East Coast Commissioner v Pakowhai*, MA, bound volume, Gisborne Museum, p 142, cited Ward, p 109

131. AJHR, 1909, I-3, p 12

132. Matenga Waaka to East Coast commissioner, 24 September 1909, Papers of the East Coast commissioner, cited in Ward, p 109

133. Petition to Native Minister regarding the Maraetaha 1d block, 7 October 1910, Papers of the East Coast commissioner, cited Ward, p 110

Many of the complaints made by Maori owners of trust lands in the period after 1908 grew out of a dissatisfaction with their own role, or lack of a role, in farming their own lands. The Mangapoike owners had sought assistance to farm their own lands in 1906, and by 1909 they were petitioning Parliament on the subject of their land having been developed and leased to Europeans, the Maori owners being shut out from their own attempts to farm and having too little land to live on and cultivate themselves.¹³⁴ Indeed, Maori often became farm labourers and shearers on their own lands, employees of the tenants. The resulting dissatisfaction among Maori led to repeated requests for the trust lands to be released to incorporations of Maori owners who would then farm the lands. According to Alan Ward, the problem was that Maori owners would have found successful farming on any large scale a virtual impossibility compared with the trust commissioner. He could borrow public money in order to farm the land on behalf of Maori, whilst Maori groups could not borrow in this manner. Even the Maori land boards did not at this time have the statutory power to borrow money from the public trustee for the purpose of farming Maori land.¹³⁵

Further discontent arose out of the continued whittling away of the estate's lands through sale or lease by Commissioner Coleman. The Whangawehi Ia block, 980 acres of good land, was sold for £6000 in 1911, and after the debt on the block was paid the owners were left with £5000.¹³⁶ The sale had apparently been requested by the Maori owners who were eager to make a profit off their remaining land.¹³⁷ In the opinion of Alan Ward, Coleman should never have sold the land, regardless of the request or agreement from the couple of owners concerned.¹³⁸ Certainly, the issue must be raised in terms of a question as to the responsibility of the East Coast commissioner, appointed by Act of Parliament, to ensure that those Maori whose lands were vested in him, were not left landless through any action of the commissioner or themselves in relation to the trust lands. Was the commissioner obliged, by virtue of his position, to make sure that all beneficial owners of trust lands retained at the least, sufficient reserves out of land sold or leased? Stout and Ngata recorded 33,786 acres of trust lands as reserves in 1908, but the allocated reserves were clearly insufficient in some cases, and it is uncertain that further reserves were being made out of the blocks sold after that time, although 91,834 acres were supposedly either to be leased or set aside for Maori.¹³⁹

Out of the Tahora block a further 7000 acres was sold in 1920 to pay the new land tax which was weighing very heavily on the lands and absorbed all revenue from rents. The Mangatu blocks 5 and 6 had an enormous charge against them after 1908 of £19,865, but they were remote and undeveloped, and the difficulties that would have been involved in improving them made them a burden on the trust. They were put up for sale and purchased in pieces from 1913 onwards. In addition, the large and more remote and unproductive Maungawaru block was also offered for sale in

134. AJHR, 1906, I-3; AJHR, 1919, p 16, cited in Ward, p 115

135. Ward, p 114

136. AJHR, 1912, G-3, p 1, cited in Ward, p 119

137. Kirinini to East Coast commissioner, 7 April 1911, Misc Papers of the ECC, cited Ward, p 119

138. Ward, p 119

139. AJHR, 1908, G-iii, pp 15-16

1913 to offset the heavy rates charged on the land. At the same time Commissioner Coleman had increased the mortgage on the trust lands from £21,000 in 1908 to £58,090 in 1918, and a further overdraft with the Bank of New Zealand was extended to £36,024.¹⁴⁰ Although these extensions of credit were necessary in order to continue developing and farming the lands, the rising debt and the sale of more land produced increasing resentment among Maori beneficiaries.

7.7.3 Trust administration, 1920–34

Chief Judge Rawson of the Native Land Court became East Coast commissioner from 1920 to 1933 and John Harvey, Native Land Court Registrar at Gisborne, took over the day to day running of the trust. The external debt of the trust was standing at £118,529 in 1921, a state of affairs which Harvey, not surprisingly, regarded with some concern. The debt on individual blocks was also rising, as the debtor blocks were not making enough in rentals to pay the interest on their debt as well as their part of the trust's administrative costs and the land tax.¹⁴¹ Harvey continued to sell off the more unproductive debtor blocks, Mangatu 5 and 6 and Maungawaru being put on the market again. Mangaokura, a principal security block, and Whangawehi were also put up for sale, but the sale of most of these lands did not occur until 1930. In the meantime authorisation was given, in the Maori Land claims Adjustment Act, 1922, for the rate of interest charged on the debtor blocks, as set by the Validation Court in 1908, to be downgraded from compound to simple interest.¹⁴²

Despite the effective economising of Harvey, there was not much headway made against the debts built up in Coleman's time as commissioner. In 1927 Harvey sought a further adjustment of the trust's accounts which was carried out by the Native Land Court. All the blocks which were supposed to pay the principal security debt had been sold but the debt still amounted to £45,000 in 1930.¹⁴³ The creditor blocks now bore all the new mortgages and the debtor blocks contributed interest payments into the reserve to pay off the principal security debt. The trust lands continued to be farmed and real money from the profits of this activity was also applied to paying off the bad debt of the old principal security blocks.¹⁴⁴

An area of 14,000 acres of Mangatu 5 and 6 blocks returned to the trust in a partially improved state after W D Lysnar defaulted on his payments for the land and the trust foreclosed. This area, Mangaotane station, became the biggest farm handled by the East Coast commissioner. A further 20,000 acres of the Mangatu lands, former trust lands held by the Wi Pere Whanau for some years, were bought back by the commissioner for £24,420, and again became part of the trust estate.¹⁴⁵ Despite Harvey's effective management of the trust estate its external debt was £120,000 by the time that he left office; the rise due in some part to the effects of

140. AJHR, 1908, G-8, p 2; AJHR, 1920, G-3, p 2, cited Ward, p 120

141. 'East Coast Native Trust Lands', AJHR, 1921, G-3, Ward, p 122

142. Ward, pp 123–124

143. 'East Coast Native Trust Lands', AJHR, 1930, G-3, p 2

144. Ward, p 127

145. Ward, pp 130–131

the depression.¹⁴⁶ Petitions from Maori continued to be sent to the Native Minister during this time, demonstrating their incomplete understanding of the necessity of the adjustment of finances or the manner in which the system operated between the creditor and debtor blocks. Unfortunately, in 1932 Harvey was forced to stop the payment of dividends to beneficiaries, which in a time of depression was of some hardship to those who had come to rely on them. As a consequence there were renewed demands for the re-vesting of creditor blocks in Maori owners. A petition from the Kahungunu Association in 1932 stated that there was widespread dissatisfaction on the part of owners concerning the administration of the trust. There were complaints that the trust not only refused to pay dividends but also that Maori managers and workers were not being employed enough on the trust farms. Nevertheless, the work of the East Coast Commission was praised by the Royal Commission on Native Affairs in 1934.¹⁴⁷

7.7.4 Trust administration, 1934–51

As Maori had pressed for a change of administration, and because Ngata wanted the trust to be concluded as soon as possible, a new fulltime resident commissioner, Mr J S Jessep, was appointed. At the beginning of Jessep's administration, the issue of greater Maori involvement in the management of their lands arose in the form of a petition from Turi Carroll and 102 others, stating that Maori owners had been 'without a voice' in the control of the trust lands for some 32 years. Now they wanted a system of block committees to be set up which would be consulted by the commissioner on issues such as the employment of men on the trust farms, and in decisions as to whether any block should be leased, farmed, or mortgaged. They also sought the establishment of separate accounts for each block, with blocks bearing their own liabilities and not the mortgages of other blocks in the trust.¹⁴⁸ Jessep refused to allow the setting up of committees with any more than an advisory role, as he felt that Maori block committees with any other statutory powers would tend to be obstructive in the placing of any fresh mortgages on creditor blocks and the further development of the estate. Committees were now elected on all blocks under gazetted regulations, with advisory powers on topics referred to them by the commissioner, who was now required to provide the committees with a statement of accounts and advise them of any changes made with respect to their own block's finances.¹⁴⁹

Throughout the 1930s petitions continued to flood into the Native Minister's office seeking the reintroduction of the payment of dividends, and the return of lands so that Maori owners could farm them on their own account. There were complaints that while the owners of the lands were poor, Jessep payed himself an annual salary of £2000, and ran the trust from flash new offices in the centre of Gisborne township.¹⁵⁰ A petition from Maori at Muriwai sought a release of some of

146. 'East Coast Native Trust Lnads', AJHR, 1934, G-3, p 1, Ward, p 132

147. Ward, p 137

148. ECC 161, petition of Turi Carroll and 102 others, cited Ward, pp 141, 142

149. Ward, p 144

150. Petitions contained in MA 26/7, Ward, pp 148–152

the Pakowhai block from the trust as the pa was becoming overcrowded and more land was required to allow the village to spread.¹⁵¹ Alan Ward believes that Jessep had neglected to fully explain the workings of the trust to the beneficiaries and that he regularly disregarded the interests of the owners in the management of the trust. Maori called for the end of the trust and the return of their lands.

In 1941, as a result of a petition received from 116 Maori of Muriwai seeking the release of their block from the trust, a commission of inquiry was set up to investigate the affairs of the trust and to ascertain whether a change in the administration was required.¹⁵² The commission heard a variety of complaints and queries from Maori owners, including why more could not be done to pay them dividends, or at least provide them with regular employment on the farms and adequate housing. Greater power was requested for the block committees in order that owners might be consulted on the management of their own land. Over the course of this inquiry many questions were answered and the way in which the trust administration worked was fully explained. For this reason much of the previous Maori discontent died away, or was at least less often expressed in the form of petitions and complaints to the Maori Affairs Department.¹⁵³ This situation was undoubtedly aided by the greatly improved prosperity of the trust by 1947 as well as the institution of a council consisting of the chairmen of each of the block committees. With the support of Jessep, this body was set up to meet regularly and discuss the affairs of the trust and advise on its administration. It was hoped that through this council, Maori owners would learn all the problems of the trust and prepare for the management of their own lands when they were released from the trust's administration. The East Coast Maori Trust Lands Council first met in April 1949 with Turi Carroll as its first chairman. Its powers were largely consultative but it was also able to make grants or donations to needy Maori, subject to the approval of the Minister of Maori Affairs. Jessep now had to get the council's approval for any increase in the limit of the overdraft, and the general atmosphere of the trust administration on the East Coast greatly improved due to its involvement.¹⁵⁴

The result of development work on the trust stations, and the steady rise in wool and fat stock prices during and after the Second World War, was a rapid rise in the profits from the trust farms. By 1939 the principal security debt had finally been paid off leaving only the external debts gathered under Coleman's administration. These stood at £119,000 in 1934, and were completely paid by 1945.¹⁵⁵ Dividends were again being paid to beneficiaries from 1939, and in total from 1908 to 1953 Maori owners received £450,570 in dividends, an average per year of £10,000.¹⁵⁶ Although this seems like a reasonable sum, the numbers of Maori beneficiaries were considerable, and the payment of dividends had only been carried out sporadically. Maori owners had still lost a great deal of possible revenue from their lands over this long period. The trust was now ready to be wound up, however, and

151. MA 26/7/27, pt 1, Ward, p153

152. MA 26/7/34, pt 1, Ward, p156

153. Ward, pp 157–158

154. Ward, pp 161–162

155. *Te Ao Hou*, vol 2, no 4, p 8, cited Ward, p 165

156. *Gisborne Herald*, 8 December 1951, cited Ward, p 165

a general reserve account was set up to prepare for the costs of such a process. This account contained £47,000 by 1953.¹⁵⁷ There were estimated to be 8000 Maori owners directly affected by the East Coast Trust in 1951, eagerly anticipating the return of their lands in their improved state.¹⁵⁸ The number of beneficiaries had been significantly reduced when the 108,664 acres of the Mangatu lands were returned to their owners in a body corporate in 1947, the farms to be run by an elected committee.¹⁵⁹

7.7.5 The trust is wound up

The major legal problem to be faced in the winding up of the trust was whether further compensation than that awarded by the Validation Court in 1908 should now be paid to the owners and former owners of those blocks which had borne more of the burden in the payment of debts left by the settlement company and the Carroll–Wi Pere Trust. Some blocks had been sold in their entirety. It was an issue to be considered whether compensation should be paid for these blocks out of the general reserve account, and indeed whether the trust could be held responsible for the sale of certain lands. It was difficult to work out which blocks should receive recompense and in what proportions. The East Coast Trust Lands Council, the staff of the trust, and the Maori Affairs Department decided to bring legal proceedings to settle the question of to whom the East Coast commissioner was legally responsible in terms of compensation. These proceedings, *East Coast Commissioner v Pakowhai*, were held in the Supreme Court in November 1951. Maori owners agreed that those whose blocks had been sold in the process of salvaging the estate should receive compensation of 20 shillings for every pound worth of land lost. These payments would be made from the general reserve and from the assets and revenue of the Mangaotane station (Mangatu 5 and 6).¹⁶⁰ This gesture on the part of Maori owners of the remaining trust lands was described in Parliament as one of aroha, and it must certainly be seen as such in the light of comments made by the Member for Eastern Maori in 1948 who had stated that the owners of land sold could have no claim to the trust's assets, and that nothing could be done for them.¹⁶¹

A total of £59,505 was paid to the descendants of Maori owners in most blocks sold since 1902, principally the Pakowhai and Paremata blocks, at Muriwai and Tolaga Bay respectively. Mangaotane Station, on which £11,000 had been borrowed in order to supplement the compensation money supplied from the trust's general reserve account, was set up as a separate trust. Shares in the trust were to be allocated to Te Aitanga a Mahaki, who had endured heavy loss in the sale of Mangatu blocks 5 and 6, Okahuatiu 2, Motu 1, and the Whataupoko block.¹⁶² Although the rights of those owners of lands sold by the Bank of New Zealand Estates Company in 1891 were considered, it was felt that these owners were not

157. 'East Coast Maori Trust Lands', AJHR, 1952, G-3, p 14

158. *Gisborne Herald*, 8 December 1951, cited Ward, pp 168–169

159. Ward, p 174

160. *ECC v Pakowhai*, MA, bound volume, p 535, Ward, p 179

161. NZPD, 1948, vol 280, p 448; NZPD, 1951, vol 301, p 2507, cited Ward, p 179

162. Maori Purposes Act, 1951, first schedule, pt 1

entitled to compensation by the trust as their lands had been lost before the salvage attempts had commenced under the Carroll–Wi Pere Trust.¹⁶³ In 1953, Part 1 of the Maori Purposes Act instructed the Maori Land Court to determine beneficial owners in all the blocks, and the trust was to be liquidated, the lands being placed in the hands of incorporated bodies of Maori owners. Nearly 110,000 acres (106,821 acres) were finally handed over in July 1954 to 24 new incorporations, which proceeded to farm the lands in their own right.

7.8 PUBLIC WORKS ISSUES

Some claims to the Waitangi Tribunal lodged by Maori from the Poverty Bay district have concerned public works takings. This section is intended to provide some general observations on how public works issues have affected Maori land in the district, especially during the twentieth century when only a small amount of land remained in Maori ownership, and to highlight the issue as one requiring further research.

Public works legislation in the 1870s was designed to facilitate the acquisition of land for a national programme of public works. Predominantly this involved the acquisition of Maori land, and although not all ‘takings’ were compulsory in nature, the issue is of some importance in the Poverty Bay area, especially in the later years of the nineteenth and into the twentieth centuries. During the 1870s and 1880s there were few acquisitions of Maori land in Poverty Bay made specifically for the purpose of public works, but the Immigration and Public Works Act 1870 was used by Native Land Purchase officers for the acquisition of large areas for settlement (see chapter 5). Cathy Marr has commented that from this time onwards amendments to the legislation widened the definition and scope of public works for which land could be taken, and from this time up to 1981, public works legislation contained no provision for the active protection of Maori interests. In addition, the Government increasingly conferred land taking powers on local bodies without ensuring that those bodies had regard for Maori interests.¹⁶⁴

Takings of Maori land that were made with some regularity in the Poverty Bay district were those for roads and railways. From 1862 the law provided for the compulsory taking of land for roads without compensation. The Native Lands Act 1865 gave the Governor the right to reserve five per cent of land granted to Maori for the purpose of road construction, the power to cease 10 years after the issue of the Crown grant.¹⁶⁵ There was no provision for compensation or consultation, and the rights of the Crown were automatically inserted in every Crown grant issued by the Native Land Court. The provisions were, according to Cathy Marr, clearly discriminatory against Maori, as the right to take land from Maori extended for a much longer period than applied to any other Crown granted land. Although it might have been the case that Maori interests were served by the making of roads it

163. MA 26/7/36, Ward, pp 180–181

164. Cathy Marr, ‘Public Works Takings of Maori Land, 1840–1981’, report commissioned by the Treaty of Waitangi Policy Unit, 1994, p 12

165. Native Lands Act 1865, s 76

was unlikely that road making would have been carried out at the request of Maori communities, and the provisions were more often used to open up more Maori land to European settlement. Rather, these provisions were intended to meet the needs of settlers without concern for Maori interests.¹⁶⁶ Under this clause though, land occupied by buildings or cultivations was not to be taken. Under the Native Land Act, 1873, such land could be taken, but compensation was payable.¹⁶⁷

By virtue of the Native Land Act 1873, the same conditions with regard to roads applied to land required for railway construction. Under section 73 of the Public Works Act 1876, no compensation was to be paid for land required for roads or railways when this right to make a road was reserved to the Crown.¹⁶⁸ In 1878, due to pressure from European members of the General Assembly, the time limit for such takings was extended to 15 years, and this also applied to all lands granted where the previous ten year limit had not expired.¹⁶⁹ In 1882 these powers were extended to cover land held under Certificate of Title or Memorial of Ownership.¹⁷⁰ Two separate Acts contained clauses dealing with the taking of Maori land for roading in 1886. The Native Land Court Act 1886 contained an additional provision for the taking of Maori land to provide private access to partitioned land.¹⁷¹ The Native Land Administration Act provided for the deduction of costs for roading from purchase money or rent before it was distributed to Maori owners. These costs could be paid by a transferral of land to the Crown.¹⁷² The Public Works Act 1894 confirmed earlier provisions for the taking of land for roads and railways. The previous assent of the Governor in Council was required before any land occupied by pa or villages, cultivations or burial grounds could be taken for roads, but such lands could still be taken for other public works purposes.¹⁷³

By 1907, although the same provisions contained in previous legislation were continued, Maori land boards could now lay off roads for settlement and no land was to be offered for sale or lease unless it was satisfactorily roaded and bridged. The costs for such works were to be repaid out of revenue from the land at four per cent interest.¹⁷⁴ The Native Land Act 1909 consolidated previous provisions for takings. The Native Land Court could lay out road lines which the Governor would proclaim as public roads vested in the Crown (s 117). Land which was vested in Maori land boards was to be subdivided and road lines laid off (s 240), and the board was duty bound to construct roads and bridges (s 241). Advances would be made to boards for the preparation of land for settlement, to be repaid at four per cent interest out of the revenue from the land (s 274). Under section 309 of the Act, roads could be laid out on land for Maori settlement, and the Governor could, without payment of compensation, lay out and proclaim roads over customary land (s 387). An area of up to five per cent of Maori freehold land could be taken for

166. Marr, p 57

167. Native Land Act 1865, s 76; Native Land Act 1873, s 106

168. Public Works Act 1876, s 73

169. Native Land Act Amendment Act 1878, s 14; Marr, p 59

170. Public Works Act 1882, s 23

171. Native Land Court Act, s 92

172. Native Land Administration Act, s 37

173. Public Works Act 1894, ss 91, 95; Marr, p 60

174. Native Land Settlement Act 1907, ss 12, 39

roads without compensation for up to 15 years from the making of a freehold order (s 388), and all existing rights to take Maori land for roads were preserved (s 389).¹⁷⁵ These provisions remained unchanged until 1927, at which time the right of taking land without compensation was abolished by section 30 of the Native Land Claims Adjustment Act 1927.

Cathy Marr points out that the court relied on the wide legislative meaning of 'railway' where takings for these purposes were concerned. Large areas of land could be taken for various uses associated with the railway without the payment of compensation, as long as this was no greater than five per cent of the total area.¹⁷⁶ Maori complaints began to be made through petitions to Parliament and through their representatives in the House as the years went by. They were unhappy at the discriminatory effect of the provisions for takings of Maori land and especially at the lack of consultation required. It was, however, the use of the taking powers at a local level which caused most problems. Maori complained that local authorities always chose Maori land on which to construct roads rather than European owned land, and that roads were surveyed through Maori land 'without the slightest consideration for the Native interests'.¹⁷⁷

Cathy Marr contends that the provisions allowing Maori land to be taken for roads and railways without compensation quickly became discriminatory in practical effect, as the time period during which the right could be exercised was greater for Maori land than for general land, and the lack of compensation payable contravened recognised requirements for public works takings at the time. Additionally, Maori land became a target for taking authorities as some of it could be acquired without payment and without the formalities of notice and consultation required in other land takings. Local taking authorities generally seem to have bent the rules and avoided protections and compensation even where these provisions applied. Through this legislation the Crown failed to ensure basic protection for Maori, in that it was not necessary to show that compulsory takings were really necessary or that roads constructed were in the interests of both Maori and Pakeha in the community. In 1927, when the right was abolished, the Native Minister of the time openly admitted that the right had operated in a discriminatory manner towards Maori.¹⁷⁸

Oliver and Thomson have pointed out that rate income was not sufficient for local body works in most parts of Poverty Bay and the East Coast during the 1880s, and road making was therefore a major state responsibility. In the 1890s as more land was required for settlement, the surveying and laying out of roads intensified.¹⁷⁹ It was in this period that Maori complaints about road making became more evident, although in Poverty Bay Maori distrust of the road boards was well documented in the *Poverty Bay Standard* from their inception. At a meeting between East Coast Maori and Native Minister Ballance in 1885, Wi Peiwhairangi of Ngati Porou read a list of requests to the Minister prepared at an

175. Native Land Act 1909

176. Marr, p 63

177. NZPD, 1888, vol 56, p 609, Marr, pp 54–65

178. Marr, pp 67–68

179. Oliver and Thomson, p 204

earlier meeting of East Coast Maori. On the issue of the taking of land for roads he said:

With reference to the power now exercised by the Government and by County Councils in taking roads over Native lands, before making such roads let application be made to the Native owners as to the best line to be adopted.¹⁸⁰

Further to this, Ruka te Aratapu spoke at some length on the issue, stating that he knew of several instances where roads could have been taken through Maori land by much shorter lines, except that:

the surveyor, having full authority, followed a much longer route, and the consequence was that a much larger quantity of our land was taken for the road. Of course if there are any difficulties in the way of the road being taken straight, it would be quite different; but I am speaking of cases where the line has been made unnecessarily long . . . Some of our people have been sent to gaol on account of having obstructed the surveyors laying out the roads in this manner. It arose this way: The road had already been laid off, but the surveyor, having full authority no doubt to do so, came and made a deviation of that road. Some of us went to the surveyor and represented that we ought to have been consulted in the matter, but he would not listen to us. The Natives took away the tools belonging to the surveyor; they were brought up for it and had to pay £40.¹⁸¹

Apparently one of the offending party paid the fine, whilst the other Maori involved were sent to gaol. Ballance asked if the road in question was a country road or a government road, and was told that it was a country road. In reply Ballance stated that in the case of county council roads, Maori must bring the 'proper pressure to bear' on council representatives, but in the case of government roads he would ensure that greater consultation occurred between road makers and the Maori councils he was at that time attempting to set up.¹⁸²

In more general terms, the public works legislation tended to be discriminatory towards Maori and from the 1880s, Cathy Marr contends, it confirmed the marginalisation of Maori and the domination of settler interests.¹⁸³ Provisions dealing with the taking of Maori land for government works in the Public Works Act 1882 contained explicit discrimination against Maori. All Maori land, whether Crown granted or customary, was stripped of traditional protections available to all owners of land in the 1870s, although these protections continued over European land. There was now no requirement for permission prior to the entry of surveyors onto customary land when it was required for government works, and consent was only required from persons occupying the land for entry onto land in cultivation, which could have meant the European lessee of that land. Although these provisions were supposedly not available to local authorities, it is difficult to tell

180. 'Notes of Native Meetings', AJHR, 1885, G-1, p 67

181. Ibid, p 70

182. AJHR, 1885, G-1, p 72

183. Marr, p 90

whether this small protection was of any significance in practice. At any rate, local authorities could get around this by having the Government take land for them.¹⁸⁴

Rating Acts passed in 1882 provided for the rating of Maori land, whether held under Crown grant or customary title. Notice of rates were to be gazetted and if they were not paid within a specified time, the Governor could make them a charge against the land. Maori members of Parliament criticised the Crown and Native Lands Rating Bill in the House, stating that roads and railways brought within five miles of Maori land were usually made by compulsion and had not been requested by Maori.¹⁸⁵

The Public Works Act 1889 continued to extend the taking powers of local authorities, as land taken by the government for railways could be vested in a local authority for a road, and county councils could delegate responsibilities to road boards.¹⁸⁶ All compensation claims were to be determined by the Native Land Court and sittings for compensation were to be gazetted. Under the provisions of the Public Works Act 1894, the previously separate sections on takings of Maori land now applied to all local authority takings as well as those of the Government. The definition of public work included: surveys; railways; roads; gravel pits; quarries; bridges; drains; harbours; canals; river work; and water works; as well as mining pits. Also included were telegraphs, fortifications, rifle or artillery ranges, lighthouses, or any building or structure required for any public purpose or use, including lands necessary for the use and enjoyment of the same. A public work now also included lands for lunatic asylums, schools, and any associated uses. Takings of Maori land for railways and defence were excluded from the ordinary provisions of public works takings, which included protection for landowners such as requirement for notice, restrictions on entering orchards without written consent, and the right to have objections to takings heard. The provisions allowed for purchase by agreement as well as compulsory taking. Procedures for the disposal of surplus land also contained a provision for offer-back at valuation price to the original owner, then adjacent owners, and thereafter sale at public auction. The compensation provisions were also similar to previous legislation, all claims being heard by the Native Land Court.¹⁸⁷ The taking of land for scenery and recreation purposes was contained in the main Public Works Act and reiterated in the Scenery Preservation Act 1903. This Act provided for the taking of reserves under the Public Works Act, compensation for which would be paid to the public trustee to invest, income from it being paid to the persons entitled.¹⁸⁸

Thus, by the 1880s and 1890s public works provisions reflected the general pattern of legislation which was aimed at the furtherance of settler interests at the expense of those of Maori. Public works even began to encroach on reserves set aside for Maori as a result of large scale loss of land. As Marr has stated:

184. *Ibid*, p 94

185. NZPD, 1882, vol 43, pp 703, 716, 829, cited Marr, p 95

186. Public Works Act, 1889, ss 5, 14

187. Public Works Act, 1894, Marr, pp 97-98

188. Scenery Preservation Act, 1903, ss 3, 4, 5(2)

Poverty Bay

Governments did not recognise any need to preserve remaining tribal land from public works takings or to ensure successive takings for different purposes were not having the effect of steadily encroaching on remaining land or reserves. As the scope of public works changed Maori land also came under new threats. For example, in many areas Maori had chosen reserves that allowed them access to traditional food supplies such as coastal strips. These were originally agreed to as they were not good farm land. However when scenic reserves became a public works concern, many of these reserves were compulsorily taken for this purpose and the justification was often that the land was not suited to farming anyway.¹⁸⁹

In the Poverty Bay district this is made evident in a variety of examples. A reserve of part of the Waikanae block was granted to Te Aitanga a Mahaki by the Poverty Bay Commission in 1869 in order to provide them with continued access to the sea. This reserve was taken under the provisions of the Public Works Act in later years. In the Patutahi block, confiscated in 1868, a reserve of section 91, Block vii was awarded to Anaru Matete and other members of Whanauakai in 1918 under the Native Land Claims Adjustment Act 1910, on the basis of their claim before the Clarke commission in 1882 on the confiscation of the Patutahi lands. In 1915, sections 65 and 66 were taken under the Public Works Act for the East Coast main Trunk Railway. The reserve of section 91, block vii was divided in 1921 after a partial taking for a road. Further subdivided lots were later alienated.¹⁹⁰

Whenuakura C block was taken for road and railway purposes in 1914. Although compensation was paid in this case, there was a lessee on the block and half of the compensation was paid to him, with the remainder payable to the owners. The whole area of the main Whenuakura block had been sold, block C being the last piece of the original block still in Maori ownership.¹⁹¹ The whole of the Waiohiharore 2 block was taken for railway purposes. The 10 acres had originally been awarded to Rutene te Eke and 335 others in June 1875. The block was taken for railway purposes by notice in the *Gazette* of 1900, and as stated in the Stout–Ngata report of 1908, vested in the Gisborne Harbour Board. An application for compensation for blocks 2 and 1d, also taken for railway purposes, was lodged in 1904. A portion of around five acres of No 2 block was to be re-conveyed by the Crown to Maori and this was done in 1912. By 1915, however, the whole area was recorded as being taken and compensation assessed.¹⁹² Although it has not been possible within the scope of the present report, further research is necessary into the details of these, and other, public works takings in the Poverty Bay district.

Public works takings also revealed a notable lack of consultation with Maori, as demonstrated by the complaints of Maori to Ballance in 1885. This was partly encouraged by the legislation, but, according to Marr, the separation of Maori and Pakeha communities, and racism, was also of significance in the lack of communication, especially at the local level.¹⁹³ She also notes that in many cases public works projects were influenced by political pressure and local interests,

189. Marr, pp 107–108

190. Patutahi SD, sec 91, block file, Gisborne MLC

191. Whenuakura block file

192. Waiohiharore 2 block file (1241)

193. Marr, p 108

particularly in the late nineteenth century when railways were expected to result in economic prosperity for a district. These were often built in areas where they were not really required, and Maori land was most often used.¹⁹⁴

In later years the application of town planning processes were an issue in Gisborne. An example is provided in Maori Affairs files of the Gisborne City Council wanting to acquire 321 acres of the Paokahu blocks on the outskirts of the city in 1970. The council announced that it wanted to have all the land between the main road and the beach designated as a refuse tip and then take it under the Public Works Act. They intended that the land should be used as a recreation area for golf courses, camping sites, and a lagoon. Maori owners of the land called a meeting at which they raised their objections to the plan. The Mangatu Incorporation, which had some interests in the land, offered to act for the owners in ensuring that the land remained in Maori ownership. The Incorporation complained to the Minister about the council proposal, stating that they suspected the council wanted to get the land zoned as a tip in order to depress its value for compensation. The quantity of land to be taken was more than would be required for a tip, and it was clear that the tip was only intended for temporary use. The owners told the Minister of Maori Affairs that there was very little Maori land remaining in the vicinity of Gisborne, and they asked for his assistance in opposing the taking, while offering to lease to the council the amount of land required for a tip.¹⁹⁵ Maori Affairs officials informed the council that it was 'extremely bad tactics' to publicise the fact that they intended taking the land before a public meeting was held. They also expressed surprise at the council wanting a tip so close to the beach and the city. They suggested that the council lease the land if it was absolutely necessary to site the dump there. The council replied that the land was wanted for eventual recreation purposes and it needed the extra land in order to lease it and help to offset the outlay required in establishing the tip.¹⁹⁶

Lawyers for the incorporation described the problems Maori had with the town planning process. The blocks in question were near the beach and the situation with respect to them had also occurred with other Maori land in the district through the use of town planning processes. Maori still owned coastal areas in the district in an unimproved state. Their land was now almost the only land left in such areas that was not already subdivided or used for holiday homes. It was therefore a prime target for proposed reserves. The Incorporation stated that they owned land that would be very valuable if subdivided but these areas had been covered by designations for car parks and proposed reserves, for which no compensation was payable. The present situation, they claimed, was a classic example of what town planners and local bodies were doing to remaining Maori land, in a situation that amounted to a worse 'land grab' than in the old days. They stated that this was causing much dissatisfaction among local Maori.¹⁹⁷ The Gisborne City Council

194. Marr, p 110

195. Letter to Minister, 27 November 1970, MA1, 32/2/1, vol 1, cited Marr, p 198

196. District Office Gisborne to Maori Affairs Head Office, 7 December 1970, MA 1, 32/2/1, vol 1, cited in Marr, p 98

197. Letter to Minister of Maori Affairs, 8 April 1971, MA 32/2/1 vol 1, Marr, pp 198–199

applied to the Cook County Council for planning permission to zone the whole area as a rubbish dump, and hearings began in 1972.

In the lead up to the hearings other issues became apparent. The Cook County Council had taken land adjacent to that which it was now proposed should be taken, for the construction of Centennial Drive road. No compensation had been awarded, as the council had persuaded the land court that the road would provide protection and open up access to the adjoining Maori land that could be developed as seaside allotments. Much of that land was now required for a rubbish tip site, and the owners at least wanted to retain a strip of land near the beach for future residential development. The owners protested that the taking of land for a road without compensation, together with the present proposal, amounted to 'a massive land grab of remaining Maori land in the area'. A later newspaper article reported that councillors had stated that the proposed site was 'Maori land, useless for production and an objection would therefore be unreasonable'.

Apparently the site had previously been an important pa site, with burial grounds and other important wahi tapu, as it had been closely settled and an important food gathering area, and its proposed use as a rubbish dump was anathema to local Maori. Objections were also raised that only around 50 acres would be required for a tip, and the taking of more than 300 acres was unreasonable. There was some concern that the dump might pollute the beach and streams that crossed the land. The Cook County Council eventually approved the zoning of 50 acres at the rear of the blocks for a tip, a decision which the Gisborne City Council immediately appealed before the Planning Appeal Board. They wanted the whole 321 acres, including the front strip which the county council had reserved, included in the zoning. The appeal was dismissed in 1973 on the basis of environmental concerns rather than those of the Maori ownership of the land. In 1973, when the file was discontinued, it was uncertain whether the city council were going to use their taking powers under the Public Works Act in order to gain more of the land.¹⁹⁸

It is clear from this example that town planning processes have had an adverse impact on Maori land in this district, and there is evidence of a lack of adequate consultation and communication with Maori owners, as well as a lack of respect for their concerns about the possible usage of land taken. As noted previously, there is a need for more research on public works issues in Poverty Bay, most profitably on a claim by claim basis. There is, however, sufficient evidence to indicate that Maori in this area, as in other districts, have not been well-served by the public works legislation or the exercising of taking powers by the Government and local bodies, and this has been the cause of lasting bitterness amongst some Gisborne Maori.

7.9 CONCLUSION

Although it might have been expected that Maori on the East Coast would have greeted the formation of Maori councils and Maori land councils with some enthusiasm, given their strong involvement in the political movements that had

198. Correspondence and papers, MA 32/2/1, vol 1, Marr, pp 199–200

pressed so hard for their institution, the Maori councils formed under the legislation soon disintegrated through lack of support, and the amount of land vested in the land councils in the early years of their operation was negligible. The councils were not effective in providing any real powers for Maori autonomy though, and Maori throughout the North Island soon came to realise this, and went back to organising themselves through the more traditional and unofficial systems of tribal and hapu meetings.

The body which resulted from amendments to the Maori Land Administration Act of 1900, the Tairāwhiti Maori Land Board, was only to have any significant area of land vested in it during the years of compulsory vesting on the East Coast. In terms of Poverty Bay itself, however, the amount of land administered by the board was extremely small, as most land remaining in the area, and not involved in the East Coast Trust, was occupied or under cultivation by Maori themselves. Out of the total 53,221 acres vested in the board on the East Coast only 2325 acres was in Cook County, itself a slightly larger area than Poverty Bay. In terms of land remaining to Maori in the area at 1908, when the Stout–Ngata commission made their inquiry, there was only 372,414 acres of Maori land in Cook County out of an estimated 1,319,014 acres for the whole of the county. A total of 946,600 acres had been alienated in a fifty year period. This amounted to nearly 75 per cent of the area. More land would be alienated over the ensuing years. Significantly also, at this time and for the next 36 years, a large part of the remaining 25 per cent would be involved in the East Coast Trust, and beyond the control of its owners.

In terms of population, by the turn of the century Maori in Poverty Bay were already outnumbered four to one by Pakeha settlers. The region grew in prosperity, as Pakeha successfully ran sheep and farmed on the lands purchased from Maori. Maori themselves increased their cultivation, but on small individual holdings rather than the common cultivations of earlier times. As land ownership was further fragmented, many Maori came to hold individual title to sections as small as one acre. Many Maori were already landless and totally reliant on wage labour on the sheep stations, and other seasonal occupations, for their financial support. In later years, consolidation and incorporation would mean that more land was held in common, but these incorporated lands were not usually those on which Maori could live and farm. More Maori began to live permanently in the township of Gisborne, or left the district for other townships by 1911.

The East Coast Trust, when it was finally wound up in 1953, gave back to incorporated groups of Maori on the East Coast substantially improved and valuable lands. A success story perhaps, but one which involved an expensive and tragic trade-off in terms of other Maori lands that were lost irredeemably through mortgagee sales. In a gesture of *aroha*, Maori owners of returned blocks agreed to pay compensation to those who had suffered the earlier sale of their lands without any recompense. Nevertheless, the compensation was still small, and there was nothing for the former owners of lands sold in 1891, before the salvage operations had begun. As many of the lands sold were Poverty Bay blocks, the activities of the New Zealand Native Land Settlement Company and its aftermath must be seen as having had negative repercussions both in the short and long terms for Maori of

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Poverty Bay, as they resulted in much hardship over a number of decades, and the very serious loss of parts of the tribal estate.

Further research is required on a number of the issues discussed within this chapter. A consideration of socio-economic issues and the impact of land loss on Poverty Bay's Maori population should be undertaken. There is also a great deal of further detailed research needed into public works takings in the district, and other developments of the twentieth century such as the consolidation schemes during the 1920s and 1930s in order to gauge the affect of these on remaining Maori land, and on Maori of the district themselves.