

CHAPTER 3

SETTING UP THE MAORI LAND COUNCILS, 1900 TO 1903

The Government moved quickly to put the new Maori Land Council system into operation. Barely a month after the requisite legislation was passed, in December of 1900, five Maori Land Districts were created in the North Island.¹ These were quite distinct from the Native Land Court's districts, and would remain so until 1914.² The new Maori Land Districts included, working from south to north and east to west: Aotea, Te-Ikaroa, Tai-Rawhiti, Waiariki, and Tokerau.³ That it had been intended to create seven, rather than five districts at this time, though, is apparent from the descriptions of the Waiariki, Aotea, and Te-Ikaroa boundaries. These incorporated references to a 'Waikato' and a 'Maniapoto–Tuwharetoa' Land District, covering the west-central part of the North Island. Since non-existent districts had been used to define the said boundaries, it was necessary to issue corrected descriptions of Waiariki, Aotea and Te-Ikaroa soon afterwards.⁴

The mid-western gap in the land district coverage took some time to fill. It was another year before the 'Hikairo–Maniapoto–Tuwharetoa' Maori Land District was created. This included the King Country and part of the southern Waikato.⁵ Another six months passed before the 'Waikato' Maori Land District was created in July of 1902.⁶ It encompassed the northern Waikato up to Manukau and included the

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1. Proclamation of 26 December 1900, *New Zealand Gazette*, 7 January 1901, no 1, pp 9–10. According to Williams, *Politics of the New Zealand Maori: Protest and Cooperation, 1891–1900*, Auckland University Press–Oxford University Press, Auckland, 1969, p 118, the boundaries were worked out by the same 'representative Maori committee' of parliamentarians which had considered the Bill at all stages.
 2. As defined in 1894, there were at this time four Native Land Court districts; see *New Zealand Gazette*, 1894, no 82 p 1664. This remained the case until 1914: see part 2, below. Butterworth and Young, *Maori Affairs*, Iwi Transition Agency–GP Books, Wellington, 1990, p 62, are incorrect in stating that the Maori Land Districts and Native Land Court Districts were contiguous.
 3. I have yet to find a contemporary map which shows pre-1914 Maori Land District or Maori Land Council (or board) boundaries. The Aotea Maori Land District covered the south and west of the North Island, encompassing Wellington, the Manawatu, and all of Taranaki. The Te-Ikaroa district lay to the southeast, covering the Wairarapa and southern Hawke's Bay. The Tai-Rawhiti district extended north from the latter, taking in northern Hawke's Bay and Poverty Bay up to East Cape. The Waiariki District was centred on Rotorua and also took in the eastern Bay of Plenty. The Tokerau District took in Northland.
 4. Proclamation of 17 January 1901, *New Zealand Gazette*, 18 January 1901, no 8, pp 217–218.
 5. Proclamation of 18 December 1901, *New Zealand Gazette*, 19 December 1901, no 106, pp 2412–2413. The boundaries of the Waiariki Land District were amended at this time to accommodate the new one, and to extend it northwards to take in the whole of the Bay of Plenty.
 6. Proclamation of 10 July 1902, *New Zealand Gazette* of same date, no 55, pp 1472–1473. The northern boundary of the Hikairo–Maniapoto–Tuwharetoa Land District were amended at this time.

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Coromandel Peninsula. Minor changes followed. In October of 1902, 'Hikairo' was dropped from the title of the Maniapoto–Tuwharetoa Maori Land District.⁷ Two years later the Aotea and Maniapoto–Tuwharetoa Land Districts were tidied up so that their common boundary line no longer ran through the middle of certain blocks.⁸ These were the last major changes in Maori Land District boundaries until 1910.

Most of the delays encountered in setting up the land districts were attributed to the reluctance of the Kingitanga to continue cooperating with the Government. Its leaders had agreed to the 1900 compromise which led to the Maori Land Administration Act. In 1901, however, Williams notes, they 'withdrew their consent because the Government refused to include enough territory within their council district'.⁹ Another year passed before a new agreement was reached. This involved (among other things) appointing the Maori King, Mahuta Tawhaio Potatau te Wherowhero, to the Legislative Council, and the Kingite member of Parliament, Henare Kaihau, to the Waikato Maori Land Council.¹⁰ In the event, although this did not result in continuing Kingitanga support for the land council system, it served to get the system into operation in the areas where the opposition had been strongest.

The work of supervising the setup of the land council system was assigned to a new 'Maori Land Administration Department', which was headed by a 'Superintendent of Maori Land Administration'. It appears that this department came under the Department of Justice for administrative purposes,¹¹ but that the Native Minister was responsible for operational matters.¹² In any case Patrick Sheridan, a veteran of the old Native Department,¹³ was appointed Superintendent in 1901. He would hold this position until its abolition in 1906.

The records of the Maori Land Administration Department are now held by National Archives (the MA-MLA series). They appear to be substantially intact, but very little use has apparently been made of the material by historians. It is

7. Proclamation of 23 October 1902, *New Zealand Gazette*, 30 October 1902, no 86, p 2401

8. Proclamation of 15 April 1904, *New Zealand Gazette*, 21 April 1904, no 33, p 1113

9. Williams, p 118. See also J L Hutton, 'The Operation of the Waikato–Maniapoto District Land Board', CFRT, Wellington, May 1996, app 4

10. Williams, p 119. The author refers to Kaihau's appointment to the 'Waikato–Hauraki Maori Land Council', which is not correct (see *New Zealand Gazette*, 19 March 1903, doc 20, p 811 for his appointment to the Waikato Land Council). According to R M Burdon, *King Dick: A Biography of Richard John Seddon*, Whitcombe and Tombs, Christchurch, 1955, pp 186–187, Seddon himself played a key role in these developments. Hutton, app 5, reproduces correspondence relating to the 1902 negotiations.

11. I suggest this because 1. there was no department in charge of Maori affairs for it to be attached to and 2. later comments refer to Maori lands administration as a Department of Justice responsibility during this period. In 1892 the old Native Department had been broken up. The Native Land Court had been transferred to the Department of Justice and the Native Land Purchasing Branch to the Department of Crown Lands. See Butterworth and Young, *Maori Affairs: A Department and the People who made it*, Iwi Transition Agency–GP Books, p 56.

12. Carroll is the only Minister whose name seems to appear in connection with Maori Land Administration matters. Butterworth and Young, p 61 mention the creation of a 'Superintendency of Maori Councils', which came under Carroll, but do not discuss the Maori Land Administration Department.

13. He had replaced T W Lewis as the head of the Native Land Purchase Department in 1892.

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therefore difficult to appraise the department's role and effectiveness during its brief life. Barbara Gilmore, in her 1969 thesis, suggests that the land councils suffered from the absence of central coordination and direction during their short existence, citing the absence of a common set of rules of procedure as evidence of this.¹⁴ She did not, however, make use of the Maori Land Administration Department's records, and may not even have been aware of its existence.¹⁵

A different conclusion is suggested by Sam Katene's more recent study of the early history of the Aotea Land Council (or board). His examination of the land council's problems over the issue of perpetual leases is particularly revealing.¹⁶ Katene made extensive use of the MA-MLA series records. They show Sheridan playing an active part in the formation of land council policy and in day-to-day administrative matters. The latter impression is supported by a charge levelled by Te Heuheu Tukino in testimony to the Native Affairs Committee in 1905. The Maori Land Administration Department, he complained, had far too much power over the land councils. Even though the latter were 'composed of men who have been carefully selected from amongst the principal men of the tribe', and so were 'people of knowledge', whatever decision a council might make in a specific case:

they have got to send a report . . . to the Government, and we have people behind the Government in the Government Departments here, – and I can mention the names of two or three of them; one is Mr Sheridan . . . – and if they oppose the recommendation of the Council . . . [then it] is not given effect to. Then, if they desire to hang up the report of the Council they can hang it up for six months, and if six months has gone by the recommendation of the Council dies through effluxion of time.¹⁷

Te Heuheu asked that the power of officials like Sheridan, together with the controls which they exercised in the name of the Governor in Council, be 'swept away altogether at once', and the land councils instead be given 'the power to act without them'.¹⁸

The Maori Land Administration Department records also indicate that James Carroll took a close interest in the business of the department and the land councils. The most that can be said at the present time is that an examination of the history of the Maori Land Administration Department would likely be both interesting and useful, both in its own right and for the light it would cast upon Government attitudes and intentions concerning Maori land administration during this formative period.

14. B Gilmore, 'Maori Land Policy and Administration during the Liberal Period, 1900–1912', MA thesis, Auckland University, 1969, p 100

15. See Gilmore, p 92, where the author notes (incorrectly) that all of the files of the Native and Justice Departments prior to 1906 had been destroyed by fire. The Maori Land Administration Department is not mentioned in the thesis, and its records are not cited in her bibliography of archival source-materials.

16. S Katene, 'The Administration of Maori Land in the Aotea District, 1900–1927', MA thesis, Victoria University of Wellington, 1990, pp 153–174

17. AJHR, 1905, I-3b, p 15 ? 6

18. AJHR, 1905, I-3b, p 19 ? 38–39

Maori Land Councils and Maori Land Boards

Notwithstanding their speedy creation in December of 1900, it took some considerable time before the first land councils were fully operational. For each land district the Crown had to select and appoint a president and two (or three) other members, and two (or three) Maori representatives had to be elected. These elections took some time to organise and carry out. Although returning officers were appointed and polling places were designated in January of 1901 for the first five districts,¹⁹ the writs were not brought down until March 11th. The elections themselves were not held until May 17th,²⁰ when three Maori members were selected for the Tokerau, Waiariki, Tairāwhiti, Aotea and Te Ikaroa Land Councils. The results were gazetted on 13 June. It appears that the competition had been vigorous, with more than ten candidates being nominated in three of the five land districts. The exceptions were Tokerau, with six nominees, and Te Ikaroa with only three.

The problems encountered in the Waikato and the King Country evidently led to delays across the board, for the Crown's appointments to the five original land councils were not announced until December of 1901, shortly after the formation of the Hikairo–Maniapoto–Tuwharetoa Land Council was announced. On 14 December, presidents and members were appointed for the Tokerau, Waiariki, Tairāwhiti, Aotea, and Te Ikaroa Land Councils. This, with the elected Maori members, gave five land councils with the following composition:²¹

Tokerau Maori Land Council

Edward Clay Blomfield, stipendiary magistrate (president – Crown appointed)
Henry Speer Wilson (Crown-appointed member)
Kiingi Ruarangi (Crown-appointed member)
Iraia Kuao (elected Maori member)
Herepete Rapihana (elected Maori member)
Wiremu Rikihana (elected Maori member)

Waiariki Maori Land Council

David Scannell, Native Land Court judge (president – Crown appointed)
Richard John Gill (Crown-appointed member)
Timi Waata Rimini (Crown-appointed member)
Te Kanapu Haerehuka (elected Maori member)
Wikiriwhi te Tūaaha (elected Maori member)
Pouawha Meihana (elected Maori member)

Tairāwhiti Maori Land Council

William Alfred Barton, stipendiary magistrate (president – Crown appointed)
John Townley (Crown-appointed member)

19. *New Zealand Gazette*, 7 January 1901, no 1, pp 10–11

20. *New Zealand Gazette*, 14 March 1901, no 28, pp 677–678

21. *New Zealand Gazette*, 19 December 1901, no 106, pp 2421

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Edward Patricks Joyce (Crown-appointed member)

Heta te Kani (Crown-appointed member)

Pene Heihi (elected Maori member)

Wiremu Potae (elected Maori member)

Epanaia Whaanga (elected Maori member)

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Aotea Maori Land Council

William James Butler, Native Land Court judge (president – Crown appointed)
Thomas William Fisher (Crown-appointed member)
Ru Reweti (Crown-appointed member)
Taraua Marumaru (Crown-appointed member)
Takarangi Mete Kingi (elected Maori member)
Waata Wiremu Hipango (elected Maori member)
Te Aohau Nikitini (elected Maori member)

Te Ikaroa Maori Land Council

William Pattison James, stipendiary magistrate (president – Crown appointed)
Ihaia Hutana (Crown-appointed member)
Te Whatahoro (Crown-appointed member)
Hoani Paraone Tunuirangi (elected Maori member)
Rupuha te Hianga (elected Maori member)
Mohi te Atahikoia (elected Maori member)

In mid-1902 the sixth land council came into being.²² It was comprised of the following members:

Hikairo–Maniapoto–Tuwharetoa Maori Land District

George T Wilkinson (president – Crown appointed)
John Elliot (Crown-appointed member)
John Ormsby (Crown-appointed member)
Pepene Eketone (elected Maori member)
Eruti Arani (elected Maori member)
Te Papanui Tamahiki (elected Maori member)

The final appointments for the seventh land council,²³ however, were not announced until March of 1903, giving the Waikato Maori Land Council the following composition:

Waikato Maori Land Council

William Gilbert Mair, Native Land Court judge (president – Crown appointed)
William Duncan (Crown-appointed member)
Henare Kaihau, member of the House of Representatives (Crown-appointed member)
Mare Teretiu (elected Maori member)

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22. 'Election results', *New Zealand Gazette*, 13 March 1902, no 22, p 636 (only three nominees). 'Appointments', *New Zealand Gazette*, 24 July 1902, no 59, p 1558
23. 'Election results', *New Zealand Gazette*, 21 August 1902, no 66, p 1738. Mair, formerly president of the Aotea Land Council, was appointed president of Waikato on 23 October 1902 (*New Zealand Gazette*, 1902, vol 2, p 2401). Duncan and Kaihau were appointed by the Crown on 16 March 1903 (*New Zealand Gazette*, 1903, vol 1, p 811).

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Hare Teimana (elected Maori member)

Wirihana te Aoterangi (elected Maori member)

As can readily be seen from these lists, the composition of the first land councils adhered to the letter and spirit of the Act. They were in fact not far removed from being Maori bodies with a European judge as president. The number of Native Land Court judges appointed as presidents is also noteworthy. Such individuals would have been obvious choices for the position, given their experience with Maori land legislation and alienation. Their presence, however, created a closer link between the land councils and courts than had perhaps been anticipated (or, in some quarters, desired) when the new system was drawn up. While informal in character, this link provided the basis for subsequent developments in the constitution of the Maori Land Councils.

Two years thus unfolded after the passage of the Maori Lands Administration Act in 1900 before all the requisite Maori Land Councils had been put in place and commenced operations. The lack of action on the ground was reflected in the relative absence of legislative activity during this period. Few significant changes were made to the range of powers conferred on the land councils by the 1900 Act. Partial exceptions were 1901 and 1903 legislation which put the land councils into the township business,²⁴ and a section of a 1903 Act which enabled them to incorporate and control so-called 'Farm Committees' nominated by the owners of a block to run agricultural operations. The latter had previously been a responsibility of the Native Land Court.²⁵ Such changes, though, seem not to have resulted in any major increase in the business conducted by the land councils. For all practical purposes, 1903 marked the point at which the land councils became a going concern. Yet barely two years after this starting-line had been reached, the Government found itself under considerable pressure to abandon the Maori Land Council system as an experiment which had failed.

24. See Statutes, 1901, no 42; Statutes, 1902, no 56; and Statutes, 1903, no 92, s 17(2); and below ('Compulsory Vesting of Maori land, 1900–1906').

25. Statutes, 1903, no 92, s 29