

CHAPTER 8

TAIHOA? MAORI LAND ADMINISTRATION, 1900 TO 1908

The system in place at the end of 1908 for the administration of Maori freehold lands was a very different one from that established eight years earlier under The Maori Land Administration Act 1900. The representative Maori land councils had been transmuted into Crown-appointed Maori land boards. Much of the Maori freehold land which these bodies were responsible for in 1908 – approaching 500,000 acres by this point – had been vested in them by owners who had no choice in the matter, the original voluntary provisions of 1900 having been overridden after 1903 by a series of Acts requiring ‘idle’, unused and debt- or weed-ridden lands to be placed under the control of the boards. And the boards were empowered to sell some of these vested lands, whereas leasing had been the sole type of alienation allowed before 1907. In 1900 the land councils had been given a limited role in regulating the alienation of all Maori freehold lands. By 1908 their successor land boards wielded virtually sole authority over the leasing and sale of such lands.

The changes wrought had been both fundamental and far-reaching in every respect. What brought them about? The conventional picture places most of the onus for the abandonment of the original system on the Maori landowners who failed to vest their unused lands in the land councils so that they could be leased. Settler demands for access to land was so intense, it has been argued, that the Liberal government was gradually forced to implement a series of measures which enabled the lease and even purchase of Maori lands without the owners’ consent. James Carroll, the first person of Maori descent to become Native Minister, is depicted as leading a rearguard action against land-hungry Pakeha settlers, falling back step after step in a calculated policy of delay and minimal concession – of ‘Taihoa’ (‘by and by’), as contemporaries usually labelled it. This strategy is generally seen as a qualified success. Alan Ward, for example, concludes that:

Carroll had fought hard for the preservation of Maori land. In one sense he failed: the combined forces on both sides of Parliament demanding the purchase of Maori land were too great for him. Yet he had for a time stemmed the rush . . .¹

Most other students of the period have drawn similar conclusions.²

1. ‘James Carroll’, DNZB, vol 2, p 81

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A good deal can be said in favour of this interpretation of Maori land administration developments during the period in question. There is no question whatsoever that Carroll was determined to preserve sufficient land for Maori by any means at his disposal, or that he vigorously opposed the permanent alienation of Maori land unless the owners were willing and able to part with it. Nor is there any doubt that many European legislators and their constituents were just as determined to see all the unused, under-used and misused parts of the Maori landed estate made full use of for agricultural production (preferably by industrious Pakeha settlers). None the less, this interpretation tends to overlook a central element of Carroll's policy.

In the late 1890s, Maori were united in wanting the Crown to stop its wholesale purchase of Maori land under the cover of its pre-emptive right. The Crown was prepared to comply, but insisted as a quid pro quo that continued access to Maori land by settlers be made possible. Many Europeans, and more than a few Maori, would have preferred to see this take the form of a 'free market' in land. Under such a regime owners would have been able to lease or sell their holdings without restrictions of any kind, and particularly without the restrictions of a Crown pre-emptive right over sales. It would appear that a majority of Maori were not prepared to go that far, but were willing to see their unused lands made available for leasing. This being the case, they also saw the sense of accepting an administrative system which could simplify and expedite leasing and assist and protect the lessors – provided that representatives of the owners were assigned a significant part in the decision-making of such institutions. But at this point consensus broke down. Some wanted landowners to be compelled to hand over their unused lands for leasing; others insisted that this should be a voluntary step. In the end, after a prolonged disputation, the latter faction won out in 1900.

James Carroll found himself on the losing side in this debate. It would appear that the Native Minister none the less did his best to make the land council experiment work (although a thorough study of the Maori Land Administration Department of 1901 to 1906 would greatly improve our understanding of what was going on during this period). For various reasons, however, during the first few years of operation the Government had limited success in persuading Maori landowners to vest their holdings in the Maori Land Councils, and the councils encountered many difficulties in making vested land available for leasing. The land councils' other accomplishments were largely ignored in the uproar which led to the reforms of 1904 to 1908.

The key elements of this reformation were:

- 1904–06: provisions for the involuntary vesting of certain types of Maori land in the Maori Land Boards, for leasing only;

2. See for example R J Martin, 'Aspects of Maori Affairs in the Liberal Period', MA thesis, Auckland, 1956, p 135. Brooking, 'Liberal Maori Land Policy', p 97 describes taihoa as 'an heroic holding operation on the part of Carroll, Ngata, Heke, the Kingitanga, the Kotahitanga and other Maori leaders and resistance movements'.

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- 1905: the elimination of all elected representatives of landowners from the new boards;
- 1905: limited resumption of Crown purchasing;
- 1907: the establishment of a commission of inquiry to carry out a major survey of Maori lands in the North Island, in order to ascertain which were unused or under-used, and which were required for Maori occupation;
- 1907: provisions for the involuntary vesting in the boards of Maori land identified by the Stout–Ngata commission, for both leasing and sale; and
- 1905–08: an extension of the powers of the boards to give them control over all private leases and sales involving Maori freehold lands.

It would appear that all of these steps, save for the third (the resumption of Crown purchase) and, in part, the fifth (compulsory vesting for sale), were initiated by the Native Minister himself. And both of these exceptions were trade-offs made for the purpose of getting other steps passed. In other words, the record in the area of Maori land administration after 1903 does not seem to show Carroll on the defensive, dragging his feet. On the contrary, it looks much more like the summary of a series of actions initiated by the Native Minister in pursuit of a specific goal. If that was in fact the case, what might the goal have been?

The answer, I would suggest, can be found in the clear resemblance between the land administration elements of the ‘Native Land Board’ set-up proposed by Rees and Carroll in 1891, and those of the much-revised Maori Land Board system as it stood at the end of 1908. It is of course difficult to compare a rough set of proposals with a working institution, but the only striking difference between the two was the nature of Maori representation. Under the 1891 scheme board members would have been elected by ‘tribal committees’: in 1908 they were all appointed by the Crown. On the other hand, both systems provided for compulsory vesting of unused lands in the boards for leasing or sale, and in both the boards held control over a wide range of transactions affecting Maori land. The 1908 Maori Land Board system, in other words, looks very much like the 1900 land council system reshaped as far as possible to resemble the 1891 Rees–Carroll plan.

In the 1890s James Carroll advocated a land administration system which would require all owners to make their unused lands available for actual farmers.³ (It is important to note here, however, that he was also a firm and consistent advocate of state assistance to Maori farmers for the development of their own lands, which would have reduced the amount unused by its owners.⁴) In the first decade of the 1900s, under his supervision, such a system was put in place. Delay was indeed part of the Native Minister’s strategy, but it was employed for specific purposes: Carroll

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3. He noted in his dissenting opinion on Crown pre-emption that many Maori were now turning to sheep-farming and stock-raising, and ‘they fully recognise that it would be wise for them to dispose of such areas of their surplus lands as they are not likely to require for themselves, and from the disposal of such lands to obtain the necessary funds for clearing, fencing, and stocking the land retained for their own profitable occupation . . .’, report, AJHR, 1891, G-1, p xxviii.
 4. ‘Parliament [must] . . . devise means for encouraging and assisting the Natives to become useful settlers. This can be done if they are afforded facilities for rendering productive the lands they already possess . . .’, report, AJHR, 1891, G-1, p xxx

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wanted to compel Maori landowners to either make use of their lands or allow others to do so. In aiming to maximise New Zealand's agricultural production during these boom years, the Native Minister was very much in tune with the thinking of his European colleagues in Parliament. He was also in tune with many of his Liberal colleagues in condoning the use of coercive measures to deal with the Maori land question when the necessity arose. The 1900 Maori Lands Administration legislation in fact stands out as an anomaly in the record of Liberal Maori Land policy, when set against what had come before and what was to follow.