

CHAPTER 11

ALIENATION THROUGH THE MAORI LAND BOARDS, 1910 TO 1933

The sharp decline in the amount of land held by Maori between 1910 and 1930 was due in large measure to the efficient system of alienation presided over the Maori Land Boards. In addition to their responsibilities for vested lands, under the 1909 Act the Maori Land Boards were required to act as agents for the owners of lands placed under Part XVI and for ‘assembled owners’ taking action under Part XVIII. All other alienations of Maori freehold lands, save for certain purchasing by the Crown, also had to be approved by the boards.¹ Taken together, the seven Maori Land Boards in operation would oversee the sale of more than 115,000 acres of Maori freehold and vested land, on average, and the leasing of more than 91,000 acres, on average, for each and every fiscal year from 1910 to 1911 through to 1929 to 1930.

1.1 Sales and Leases of Vested Lands

Sales, as noted previously, were the principal method by which the amount of Maori land vested in the Maori Land Boards was reduced during the period 1910 to 1927. In all, 128,596 acres of Part XIV lands were permanently alienated, together with some 17,891 acres of Part XV and 228 acres of ‘Special’ lands. The bulk of these transfers had taken place by the end of the 1917 to 1918 fiscal year, within a decade of the passage of the 1907 Act (see Table II.11). The rate of sale thereafter was very low, averaging less than 1600 acres per year during the balance of the period for which data is available (see Table II.17).

Table II.17: Rate of sales of vested lands, 1910–27

Date	Total	Percentage total sales	Cumulative percentage
1910–11	4958	3.38	3.38
1911–12	32,222	21.96	25.34
1912–13	25,179	17.16	42.5

1. And by the Native Land Court outside of the North Island until 1914.

Table II.17: Rate of sales of vested lands, 1910–27

Date	Total	Percentage total sales	Cumulative percentage
1913–14	30,911	21.07	63.57
1914–15	16,446	11.21	74.78
1915–16	988	0.67	75.46
1916–17	20,153	13.74	89.19
1917–18	1450	0.99	90.18
1918–19	4733	3.23	93.41
1919–20	0	0	93.41
1920–21	2396	1.63	95.04
1921–22	5909	4.03	99.07
1922–23	1	0	99.07
1923–24	49	0.03	99.1
1924–25	2	0	99.1
1925–26	0	0	99.1
1926–27	1318	0.9	100
Total	146,715	100	100

Half of the lands vested in the boards under Part I of the 1907 Act and Part XIV of the 1909 Act were earmarked for sale. For the other half of these lands, plus the rest of those vested in the boards, leases were the sole permissible form of alienation.² When the 1909 Act came into operation in 1910, 261,537 acres of vested land were reportedly under lease (see Table II.1). This represented some 33.7 percent of the 775,320 acres of land vested in the boards at this point in time. When the 165,000-odd acres nominally earmarked for sale under Part XIV are deducted,³ roughly 350,000 acres of vested land were available for new leasing at the beginning of 1910.

The figures in Table II.18 show that during the period 1910 to 1917, the boards were as busy leasing vested land as they were selling it. New leases covering

2. With minor exceptions mainly relating to townships, and to Part XV lands as discussed previously.

3. That is, half of the 332,954 acres vested under Part XIV as of 31 March 1910.

115,637 acres had been issued by 1918. The total had risen to 180,107 acres a decade later.

Large as this it is, however, it should be noted that the total acreage of new leasing to the end of 1918 represents only one-third of the vested lands which had been available for leasing in 1911. At the beginning of the post-War slump, the balance – more than 200,000 acres of vested land – remained as ‘idle’ as it had been when the land boards had taken it over.⁴ It would appear that the situation did not change to any significant extent during the 1920s.

Table II.18: Leases of vested lands, 1910–28. Source: Annual reports 1910 and 1911–1927 and 1928.

Year	Part XIV	Part XV	Special	Total	Cumulative
1910–11	7500	10,442	5138	23,080	23,080
1911–12	19,546	33,758	212	53,516	76,596
1912–13	6487	6398	370	13,255	89,851
1913–14	6457	3467	0	9924	99,775
1914–15	2066	2908	336	5310	105,085
1915–16	0	20	0	20	105,105
1916–17	0	10,514	18	10,532	115,637
1917–18	0	0	0	0	115,637
1918–19	455	465	0	920	116,557
1920–21	90	538	0	628	117,185
1921–22	2068	201	0	2269	119,454
1922–23	19	0	0	19	122,129
1923–24	10	0	0	10	122,139
1924–25	2080	18	0	2098	124,237
1925–26	2736	0	0	2736	126,973

4. Figures in ‘Land Still Held by Maori Owners in the North Island’ in the 1919–20 annual report, p 2, substantiate the necessarily crude estimates given here. It includes in the ‘Unoccupied’ category some 210,648 acres ‘Vested in Maori Land Boards and undisposed of’ (that is, neither sold nor leased).

Table II.18: Leases of vested lands, 1910–28. Source: Annual reports 1910 and 1911–1927 and 1928.

Year	Part XIV	Part XV	Special	Total	Cumulative
1926–27	2807	0	0	2807	129,780
1927–28	50,305	0	22	50,327	180,107
Total	105,182	68,829	6096	180,107	180,107

1.2 Other Business

Neither the steady decline through sales of the amount of lands actually vested in the Maori Land Boards, nor flagging interest in the leasing of those which remained in hand, was reflected in a reduction in the volume of work which the boards were called upon to carry out. For one thing, the 1907 Act had required them to act as agents for the leasing of lands ‘set apart for occupation of Maoris’ under Part II (later Part XVI of the 1909 Act). For another, Part XVIII of the 1909 Act had required the boards to act as agents for the ‘Assembled Owners’, executing resolutions to do with various forms of alienation and transfer of land. Finally, as noted earlier the period 1905 to 1908 had seen a steady extension in the land boards’ supervisory powers over the alienation of Maori land. This culminated in the provisions of section 7 of the Maori Land Laws Amendment Act 1908⁵ and Part XIII of the 1909 Act,⁶ which made the boards responsible for the confirmation of most such alienations of Maori land in the North Island.

1.2.1 Agents of owners: Part XVI lands

Part XVI lands were those which under Part II of the 1907 Act had been set aside for the use and occupation of their owners. The land boards were designated as the agents of the owners for the purpose of granting leases. The Stout–Ngata commission recommended that some 867,481 acres of Maori land be so designated, but by 1911 a total of only 204,628 acres had been brought under this section of the 1909 Act. Most of the additions made over the following two decades were the result of transfers initiated by Assembled Owners under Part XVIII (Table II.19).⁷

Part XVI lands could only be leased to one of the beneficial owners of the land, or to another Maori where the board concluded that none of the owners was ready, willing or able to become a tenant under the terms proposed by the board. It would

5. Statutes, 1908, no 253

6. Sections 217–226

7. See annual reports 1911–12 and 1912–13. The mechanism by which the 1918–1919 addition was made is not explained in that report.

appear that, in the event, relatively little of 214,722 acres which had been placed under Part XVI between 1907 and 1927 was ever leased. The 26,508 acres in question amounted to only 12.3 percent of the total (Table II.20).

It is difficult to understand why such a large proportion of the lands specifically identified by Stout and Ngata as being needed for actual occupation by the owners were not taken up for this purpose through the land boards. Perhaps owners preferred to reach agreement among themselves over the use of such lands, rather than become entangled with bureaucratic paperwork. Or perhaps the quality of the lands was such as to deter potential lessees. This is another question relating to the effects of the Stout–Ngata commission which requires further investigation.⁸

Table II.19: Part XVI lands administered by Maori Land Boards. Source: annual reports, 1910–11 and 1926–27, ‘Table B’. The figures are those given in the reports, without correction. A new calculation using 31 March 1911 figure as a starting point produces slightly different totals. The entries in the ‘deleted’ column marked with an asterisk (*) represent sales – rather mysteriously, since sales of Part XVI lands were not permitted. Note that in the annual reports Part XVI lands were dealt with alongside vested lands using the same tables and categories, even though they were not actually vested in the boards. When officials provided totals of lands ‘vested in and administered by Boards’ they were usually including Part XVI lands, whereas totals ‘vested in Boards’ were confined to Part XIV, Part XVI, and Special lands. For a rare report which makes this distinction clear – at least in so far as both figures are given side by side – see AJHR, 1921-II, G-9, p 1.

Date	Total administered	Added	Deleted
At 31 March 1911	204,628		744*
At 31 March 1912	209,341	4713	44*
At 31 March 1913	214,375	5034	
At 31 March 1914	214,375		
At 31 March 1915	214,375		
At 31 March 1916	214,375		
At 31 March 1917	213,798		577
At 31 March 1918	213,798		
At 31 March 1919	214,146	347	
At 31 March 1920	214,053		93

8. Ngata himself later acknowledged that ‘Except in a few cases’, the Part XVI system ‘did not meet with much success’ (although it ‘served its purpose in advancing thought regarding the settlement of Maoris upon land’). AJHR, 1931, G-10, p iii.

1.2.1

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Date	Total administered	Added	Deleted
At 31 March 1921	214,053		
At 31 March 1922	214,045		
At 31 March 1923	212,964		1,081
At 31 March 1924	212,964		
At 31 March 1925	212,309		655
At 31 March 1926	211,502		807
At 31 March 1927	211,178		324
Total		10,094	4,325

Table II.20: Part XVI leases, 1910–27

Year	Leased	Cumulative
1910–11	8,038	8,038
1911–12	3,913	11,951
1912–13	1,639	13,590
1913–14	3,891	17,481
1914–15	4,051	21,532
1915–16	1,835	23,367
1916–17	729	24,096
1917–18	862	24,958
1918–19	104	25,062
1919–20	393	25,455
1920–21	638	26,093
1921–22	119	26,212
1922–23	91	26,303
1923–24	0	26,303
1924–25	205	26,508

Table II.20: Part XVI leases, 1910–27

Year	Leased	Cumulative
1925–26	0	26,508
1926–27	0	26,508
Total	26,508	26,508

1.2.2 Agents of Assembled Owners: Part XVIII Lands

The Maori Land Boards were responsible in a comparable way for Part XVIII lands. The mechanics of the process were discussed in the section on the 1909 Act but, in essence, ‘Assembled Owners’ could pass resolutions accepting or rejecting offers from the Crown or private individuals to purchase or lease land. Resolutions accepting such offers had then to be reported to the relevant Maori Land Board, which was empowered to confirm or disallow them. When a resolution to sell or lease was confirmed, the boards then became ‘the agent of the owners for the time being to execute . . . an instrument of alienation’.⁹ Sales and leases approved by the Maori Land Boards in the period 1910 to 1930 are summarised in Tables II.21 and II.22.

The Maori Land Boards carried out their duties under Part XVIII, it would seem, with great energy and efficiency: this, at least, seems a reasonable conclusion to draw from the rate at which Maori lands were sold and leased in the two decades following the invention of the ‘assembled owners’ mechanism. During the first five years in which the 1909 Act was in operation, an average of more than 150,000 acres was alienated each year. During the next five years it remained above 100,000 acres per year. By the end of the 1919 to 1920 fiscal year, a total of 810,645 acres of land had been sold and 454,740 leased by means of Part XVIII transactions approved by Maori Land Boards. Both the rate and volume of such alienations fell away during the 1920s. None the less, a further 160,541 acres of Maori land had been permanently alienated by the end of the decade and another 81,606 acres leased. Altogether almost a million acres of land was sold under the provisions of

9. Statutes, 1909, no 15, s 356(6)

1.2.2

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Part XVIII, and more than half a million acres were leased during the 20 years for which detailed records are available.

Table II.21: Sales and leases under Part XVIII, 1910 to 1930

Date	Private sales	Crown sales	Total sales	Cumulative sales	Leases	Cumulative leases	Total alienation	Cumulative total
1910-11	71,826	14,921	86,747	86,747	27,095	27,095	113,842	113,842
1911-12	36,149	101,975	138,124	224,871	95,338	122,433	233,462	347,304
1912-13	63,714	2096	65,810	290,681	93,322	215,755	159,132	506,436
1913-14	43,401	50,418	93,819	384,500	42,855	258,610	136,674	643,110
1914-15	55,475	36,976	92,451	476,951	20,468	279,078	112,919	756,029
1915-16	45,166	21,141	69,307	546,258	32,807	311,885	102,114	858,143
1916-17	47,395	3115	50,510	596,768	37,381	349,266	87,891	946,034
1917-18	36,476	28,021	64,497	661,265	82,348	431,614	146,845	1,092,879
1918-19	39,558	56,741	96,299	757,564	13,899	445,513	110,198	1,203,077
1919-20	21,358	22,723	44,081	801,645	9227	454,740	53,308	1,256,385
1920-21	25,697	9702	35,399	837,044	13,093	467,833	48,492	1,304,877
1921-22	14,236	0	14,236	851,280	12,215	480,048	26,451	1,331,328
1922-23	15,767	416	16,183	867,463	5349	485,397	21,532	1,352,860
1923-24	14,435	4814	19,249	886,712	5589	490,986	24,838	1,377,698
1924-25	18,007	1066	19,073	905,785	1569	492,555	20,642	1,398,340
1925-26	7045	1273	8318	914,103	3607	496,162	11,925	1,410,265
1926-27	9097	197	9294	923,397	2034	498,196	11,328	1,421,593
1927-28	23,090	1332	24,422	947,819	4033	502,229	28,455	1,450,048
1928-29	3489	46	3535	951,354	21,622	523,851	25,157	1,475,205
1929-30	10,692	140	10,832	962,186	12,495	536,346	23,327	1,498,532
Total	602,073	360,113	962,186	962,186	536,346	536,346	1,498,532	1,498,532

Table II.22: Part XVIII sales and leases – average alienations per year

Period	Sales: average per year	Leases: average per year	Average alienations per year
1910–15	95,390	55,816	151,206
1915–20	64,939	35,132	100,071
1920–25	20,828	7563	28,391
1925–30	11,280	8758	20,038

1.2.3 Confirmations: leases and sales

When a block of land had more than 10 owners, alienations could only be made through Part XVIII. Lands with fewer owners, however, could be leased or sold by direct negotiation with the Crown or private interests. When private persons were involved, all such transactions had to be confirmed by the Maori Land Board concerned, which was required to ensure that certain minimum conditions were met in relation to price, payment, and the security of the vendors.¹⁰ Acting in this capacity, the Maori Land Boards oversaw the alienation of even more land than passed before it through Part XVIII resolutions (Tables II.23, II.24).

10. See above (1909 Act, s 217). As noted earlier, when the Crown purchased Maori freehold lands owned by fewer than persons, or from incorporated owners, confirmation by the Maori Land Boards or the Native Land Court was not required. See 1909 Act, s 367 and s 369, and R Willan, 'Maori Land Sales 1900–1930', CFRT, Wellington, March 1996, pp 28–30.

1.2.3

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Table II.23: Confirmed sales and leases, 1910–30. Source: annual reports. Land board involvement with confirmation ceased in 1932, when the Native Land Court took over. Published totals after 1929–30, however, give a single total for ‘private dealings’ which does not differentiate between Part XVIII transactions and confirmations.

Year	Confirmed sales				Confirmed leases			
	North Island	South Island	Total	Cumulative	North Island	South Island	Total	Cumulative
1910–11	78,346	11,628	89,974	89,974	116,498	5087	121,585	121,585
1911–12	122,869	0	122,869	212,843	183,316	0	183,316	304,901
1912–13	119,564	0	119,564	332,407	133,346	0	133,346	438,247
1913–14	106,555	2835	109,390	441,797	76,854	3058	79,912	518,159
1914–15	105,546	1208	106,754	548,551	57,127	4653	61,780	579,939
1915–16	71,499	1167	72,666	621,217	65,061	1973	67,034	646,973
1916–17	86,492	3496	89,988	711,205	50,502	4420	54,922	701,895
1917–18	75,561	7198	82,759	793,964	50,987	884	51,871	753,766
1918–19	52,468	546	53,014	846,978	28,543	1536	30,079	783,845
1919–20	77,760	4189	81,949	928,927	28,686	1333	30,019	813,864
1920–21	63,419	2480	65899	994,826	25,553	1631	27,184	841,048
1921–22	33,020	1850	34,870	1,029,696	29,719	6205	35,924	876,972
1922–23	24,125	960	25,085	1,054,781	13,424	2613	16,037	893,009
1923–24	17,239	0	17,239	1,072,020	18,137	0	18,137	911,146
1924–25	14,744	1087	15,831	1,087,851	20,754	4404	25,158	936,304
1925–26	16,801	2245	19,046	1,106,897	21,895	2176	24,071	960,375
1926–27	12,514	1069	13,583	1,120,480	14,089	1201	15,290	975,665
1927–28	29,499	2591	32,090	1,152,570	32,456	4931	37,387	1,013,052
1928–29	14,278	0	14,278	1,166,848	33,179	0	33,179	1,046,231
1929–30	29,248	0	29,248	1,196,096	34,273	0	34,273	1,080,504
Total	1,151,547	44,549	1,196,096	1,196,096	1,034,399	46,105	1,080,504	1,080,504

Table II.24: Averages of sales and leases confirmed per year

Period	Confirmed sales	Confirmed leases	Total
1910–15	109,710	115,988	225,698
1915–20	76,075	46,785	122,860
1920–25	31,785	24,488	56,273
1925–30	21,649	28,840	50,489

As can be seen, during the first five years in which the 1909 Act was in operation, an average of more than 225,000 acres was alienated each year through the ‘confirmation’ mechanism, and during the next five more than 120,000 acres per year. By the end of the 1919 to 1920 fiscal year, private sales involving a total of 928,927 acres of land had been confirmed by the boards along with private leases involving a total of 813,864 acres. The rate and volume of such alienations fell during the 1920s, but to a lesser extent than with Part XVIII transactions. Another 267,169 acres of Maori land had been sold with the Maori Land Boards’ blessing by the end of the decade and another 266,640 acres had been privately leased. In all, nearly 1.2 million acres of Maori land was sold by this means within two decades, and a similar amount was leased.

1.3 Conclusions: Alienations

Writing in 1910, the Under-Secretary of Native Affairs saw ‘the widening of the avenue and facilitating the alienation and settlement of Native lands [sic]’ as the ‘main feature’ of the Native Land Act, 1909.¹¹ Those who shared this vision would not have been disappointed. In the following 20 years, more than four million acres of Maori land, vested and freehold, was sold or leased under the auspices of the Maori Land Boards by means of the efficient machinery refurbished by or initiated under the 1909 Act (Tables II.25, II.26).

From the 1930 to 1931 fiscal year onwards, the annual reports of the Native Department cease to distinguish between different modes of sale and lease, giving a single total in each category for Maori Land Board ‘operations’ to do with alienations. Another 70,514 acres of land were sold, and another 106,194 acres leased by way of the boards before their responsibilities for confirming alienations of Maori land were taken over by the Native Land Court under the Native Land Amendment Act 1932 (Table II.28).¹²

Most of these transactions were private sales and leases confirmed by the boards, or alienations under Part XVIII.

11. Judge T W Fisher, ‘The Native Land Act 1909’, Part III, s 1, in *The New Zealand Official Year-Book 1910*, Government Printer, Wellington, 1910, p 714

12. Statutes, 1932, no 25, s 2

1.3

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Of the 4,305,376 acres sold and leased by the end of 1933, more than half (55.2 percent) were permanently alienated by sale (see Table II.28). The 2,375,717 acres of Maori freehold land sold by their owners with the approval of the Maori Land Boards, or by the boards acting as agents of the owners, between 1910 and 1933 represented at least one-third of the seven million-odd acres of land owned by Maori in the North Island when the 1909 Act came into effect. The avenue for alienation had indeed been widened enormously.

Table II.25: Maori lands sold by and through Maori Land Boards, 1910–30

Year	Vested lands	Part XVIII	Confirmations	Total sold	Cumulative
1910–11	4958	86,747	89,974	181,679	181,679
1911–12	32,222	138,124	122,869	293,215	474,894
1912–13	25,179	65,810	119,564	210,553	685,447
1913–14	30,911	93,819	109,390	234,120	919,567
1914–15	16,446	92,451	106,754	215,651	1,135,218
1915–16	988	69,307	72,666	142,961	1,278,179
1916–17	20,153	50,510	89,988	160,651	1,438,830
1917–18	1450	64,497	82,759	148,706	1,587,536
1918–19	4733	96,299	53,014	154,046	1,741,582
1919–20	0	44,081	81,949	126,030	1,867,612
1920–21	2396	35,399	65,899	103,694	1,971,306
1921–22	5909	14,236	34,870	55,015	2,026,321
1922–23	1	16,183	25,085	41,269	2,067,590
1923–24	49	19,249	17,239	36,537	2,104,127
1924–25	2	19,073	15,831	34,906	2,139,033
1925–26	0	8318	19,046	27,364	2,166,397
1926–27	1318	9294	13,583	24,195	2,190,592
1927–28	206	24,422	32,090	56,718	2,247,310
1928–29	—	3535	14,278	17,813	2,265,123
1929–30	—	10,832	29,248	40,080	2,305,203
Total	146,921	962,186	1,196,096	2,305,203	2,305,203

Table II.26: Maori lands leased by and through Maori Land Boards, 1910–30

Year	Vested lands	Part XVI	Part XVIII	Confirmed	Total leased	Cumulative
1910–11	23,080	8038	27,095	121,585	179,798	179,798
1911–12	53,516	3913	95,338	183,316	336,083	515,881
1912–13	13,255	1639	93,322	133,326	241,562	757,443
1913–14	9924	3891	42,855	79,912	136,582	894,025
1914–15	5310	4051	20,468	61,780	91,609	985,634
1915–16	20	1835	32,807	67,034	101,696	1,087,330
1916–17	10,532	729	37,381	54,922	103,564	1,190,894
1917–18	0	862	82,348	51,871	135,081	1,325,975
1918–19	920	104	13,899	30,079	45,002	1,370,977
1919–20	628	393	9227	30,019	40,267	1,411,244
1920–21	2269	638	13,093	27,184	43,184	1,454,428
1921–22	2656	119	12,215	35,924	50,914	1,505,342
1922–23	19	91	5349	16,037	21,496	1,526,838
1923–24	10	0	5589	18,137	23,736	1,550,574
1924–25	2098	205	1569	25,158	29,030	1,579,604
1925–26	2736	0	3607	24,071	30,414	1,610,018
1926–27	2807	0	2034	15,290	20,131	1,630,149
1927–28	50,327	0	4033	37,387	91,747	1,721,896
1928–29	—	—	21,622	33,179	54,801	1,776,697
1929–30	—	—	12,495	34,273	46,768	1,823,465
Total	180,107	26,508	536,346	1,080,504	1,823,465	

Table II.27: Total sales and leases through Maori Land Boards, 1930–33

Year	Sales	Leases	Total
1930–31	55,170	43,718	98,888
1931–32	10,645	27,838	38,483
1932–33	4699	34,638	39,337
Total	70,514	106,194	176,708

Table II.28: Total sales and leases through Maori Land Boards, 1910–33

Year	Sales	Leases	Total
1910–30	2,305,203	1,823,4651	4,128,668
1930–33	70,514	106,194	176,708
Total	2,375,717	1,929,659	4,305,376