PART III

‘Inimical to the Good, Sound Administration of Maori Affairs’?

CHAPTER 14

THE END OF THE MAORI LAND BOARDS

At the end of 1932 the powerful Maori Land Boards created by the 1909 Act became a thing of the past. The institutions which remained were no longer directly responsible for the alienation of any Maori freehold lands other than those vested in them under Parts XIV and XV or special legislation, or administered by them under Part XVI.[1] Nor were the boards responsible any longer for decisions concerning the investment of their own funds, or expenditures on their own agricultural operations. Their principal activities became the administration of vested lands, and the management (under the direction of the Board of Native Affairs) of a few farm properties remaining in their hands.[2] In reality, though, as Ngata had forecast, the Maori Land Boards became part and parcel of the reconstructed and decentralised Native Department of the 1930s. As time went on it became increasingly difficult to distinguish them as a separate entity: the boards were rendered down to a set of statutory functions sometimes performed by officials who, in most cases, were also officers of the court, or the department, or both. The presidents of the Maori Land Boards, of course, were also Native Land Court judges – and also chairmen of the Board of Native Affairs' district advisory committees – while the administrative officers of the boards were also registrars of the courts and key local officials of the department.[3] The boards reported to an Under-Secretary who was also the Native Trustee.[4]

It seems more than likely that if the Second World War had not intervened, the Maori Land Boards would have disappeared in a restructuring of the department at some point during the 1940s. As it was, they were one of the first casualties of the wave of reform which swept through Maori affairs from the early 1950s on. The first harbinger of extinction was the appointment in 1949 of a Royal Commission 'to Inquire into and Report upon Matters and Questions relating to certain Leases of Maori Lands vested in Maori Land Boards'. The leases in question were those

1. Fortunately for historians with poor memories, the new consolidation of the Native Land Act passed in 1931 retained the same 'Part' numbering as the 1909 Act.
2. Reported on in detail in the Board of Native Affairs' annual reports from AJHR, 1936, G-10 onwards.
3. See G Butterworth and H Young, *Maori Affairs: A Department and the People Who Made It*, Iwi Transition Agency–GP Books, Wellington, 1990, p 82. Outside of Wellington the land boards in the latter half of the 1930s provided the Native Land Court and the department with office accommodation 'at no cost to the State': see AJHR, 1937, G-9, p 5. In essence, in moving out to the districts the department took over the existing land court/land board administrative structure.
4. The chief judge was no longer the Under-Secretary of the department after 1933, when Judge R N Jones was replaced.

originally made under the 1900 Act and its amendments and under Part I of the 1907 Act. The Native Land Act 1909 had placed these under Part XV and XIV, respectively. Section 262 of this Act provided that the Maori Land Boards could lease these lands for any term they thought fit:

> but each and every such lease and every renewal thereof shall terminate not later than fifty years after the twenty-fifth day of November, nineteen hundred and seven, being the date of the coming into operation of the Native Land Settlement Act, 1907.

In other words, the bulk of the lands vested in the boards could no longer be leased after 25 November 1957.

The principal problem facing the Government in 1949 was that most of the vested lands were being held under leases which on completion made provision for lessees to receive compensation for permanent improvements. 'Doubts have arisen', the commissioners were informed:

> touching the efficacy and justice of the existing provisions of the law and the provisions of the leases aforesaid as far as they relate to the amount of compensation payable to the lessees and the manner in which the amount of compensation shall be discharged . . .

They were required to look into this question and, if necessary, recommend solutions to any problems which were uncovered.[5]

The commissioners' findings did not cast the Maori Land Boards in a very good light. Although the first set of regulations for the leasing of lands vested in the Maori Land Councils, issued in 1901, did not require that leases contain any provision for compensation for lessees, from 1903 such terms became mandatory for leases under the 1900 Act and its amendments.[6] Sections 8 and 14 of the Maori Land Settlement Act 1905 specified that land vested compulsorily in the new Maori Land Boards could only be leased for a maximum of 50 years, and could be returned to their owners at that point. The Native Land Settlement Act 1907 (which was separate from the Maori Land Administration legislation) set similar conditions, but also had a statutory provision requiring compensation for lessees for permanent improvements. The 1909 Act incorporated the 50-year limit and the requirement for compensation 'for all substantial improvements of a permanent character'. In order to pay such compensation, boards were required to set aside a portion of rents from each lease in a sinking fund, while owners had the option of registering any improvements which they made with the board.[7] These provisions had been retained in subsequent legislation.

The commission decided that it had been:

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5. AJHR, 1951, G-5, pp 2–3 (Commission)
6. See AJHR, 1951, G-5, pp 15–16. The original regulations referred to in the report can be found in *New Zealand Gazette*, 7 January 1901, no 1, pp 1–9, and the 1903 amendments in *New Zealand Gazette*, 27 August 1903, no 67, p 1867–68
7. Sections 263 and 264, and also NZPD, 1909, vol 148, p 1277

> the intention of the Legislature and of the Maoris at the time when in the first decade of the present century the vested lands with which we now have to deal were vested in the Maori Land Councils (or their successors the Maori Land Boards), that the period of vesting should be limited, and that the lands should return to the Maori beneficial owners in due course.

and found that the present owners wished to recover the land and make use of it themselves.[8] This being the case, it looked carefully at the preparations which the boards had made for dealing with expired leases. Or, rather, it looked for such preparations, to discover that only one Maori Land Board had actually 'set aside any rents to provide a fund towards compensation for improvements' – but even in the Ikaroa district it appeared doubtful that the amounts set aside would be sufficient to enable owners to pay the compensation likely to be required.[9] Ascertaining the compensation required was in any case likely to be complicated everywhere by the fact that the provisions for recording improvements had 'rarely been used by any lessee'.[10] The commission was also critical of the lack of 'regular inspection' of leased lands in some districts to insure that the terms of leases were being met – a problem which had been identified by the State Expenditure commission in 1932 – and the consequent lack of detailed records concerning land use and improvements.[11]

The recommendations of the commission constituted a complex set of proposals for finding the money to pay off lessees, in order that those owners who wished to do so could regain their lands. As for the Maori Land Boards, it recommended that in future they give 'particular attention' to retaining funds to pay for improvements, collecting 'full information' about those made, making regular inspections and, above all, actually consulting the beneficial owners of the land about what was done with it. The commission recommended that committees be created for the latter purpose, since no mechanism for consultation existed.[12]

While doubtless meant to be constructive, such suggestions came a half-century or so too late. When a deal for managing the vested lands problem was finally worked out by the Government in 1954, after lengthy negotiations with lessees and owners, the Maori Land Boards were not part of the solution. One historian has suggested that the Vested Lands commission's findings 'steeled' the minister of the day (Ernest Corbett) to eliminate 'the duplication of function between the Maori Land Boards and the Maori Trustee' at the expense of the former.[13] That may well be, since he had already shown an inclination to make use of the Trustee for purposes where the land boards could have served just as well if not better. In 1950, for example, the Government introduced new measures providing for the

8. AJHR, 1951, G-5, p 17, paragraph 13
9. Ibid, p 40, paragraph 57
10. Ibid, p 18, paragraph 14
11. Ibid, p 77, paragraph 138. It was noted in 1932 that the land boards carried out 'no field inspections for the purpose of ascertaining whether the covenants of leases are being observed': AJHR, 1932, B-4a, p 34, paragraph 264.
12. AJHR, 1951, G-5, p 88, paragraph 165
13. Butterworth and Young, p 96

compulsory alienation of Maori land which was unoccupied, not properly cleared of weeds, owing rates or the owners of which 'have neglected to farm or manage the land diligently and the land is not being used to its best advantage'.[14] This, of course, was exactly the kind of thing the Maori Land Boards had been dealing with for half a century, but the job was given instead to the Maori Trustee. It would also appear, however, that Corbett was responding to concerns of the judges of the Maori Land Court. He would tell the House in 1952 that they were finding it increasingly difficult to balance their judicial role with the administrative one placed upon them as presidents of the land boards, 'and they and my Government feel that that set-up is inimical to the good, sound administration of Maori affairs'.[15]

In any case, the Maori Land Amendment Act 1952 stated bluntly that 'Every Maori Land Board . . . is hereby dissolved'. With a few exception, all of the powers, assets and liabilities became 'exercisable by, vested in, or binding upon the Maori Trustee'.[16] The minister told the House that the 'immediate reason' for this measure was 'the need for simplifying the general administration of Maori affairs'. He expressed a fear that unless something was done:

> Maori administration as we know it to-day will completely collapse, because of administrative problems and complexities . . . This is not something that has grown up over the last year or two: it is a state of affairs that has been allowed to develop over the last fifty years, or even longer.

The proposed legislation, Corbett claimed, would contribute to a simplification of Maori administration by eliminating the existing overlap between the powers and functions of the Maori Trustee.[17] The Act passed through the House without encountering significant opposition. Appropriately enough, among the last words spoken on the subject in Parliament were those of an historically-minded national member who congratulated the minister on finally getting rid of 'that taihoa policy'. 'I hope the Bill', A J Murdoch stated:

> will be a means of a greater development among our Maori people and a fuller use of Maori lands. And I hope that the taihoa policy will be a thing of the past, and that we will not hear that word again.[18]

14. Section 34, Maori Purposes Act 1950
15. NZPD, 1952, vol 297, p 772 (Corbett)
16. Statutes, 1952, no 9
17. NZPD, 1952, vol 297, p 772 (Corbett)
18. Ibid, p 775 (Murdoch). It must be noted that the next speaker, T P Paikea of Northern Maori, rose in defence of Carroll's taihoa policy as being 'responsible for saving most of the Maori land from being sold to the pakeha people'.