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LIST OF CONTENTS

Introduction	vii
Chapter 1: Succession before 1909	1
Background 1; Nineteenth-century legislation and case law 3	
Chapter 2: Succession after 1909	17
The 1909 consolidation 17; Succession in practice after 1909 23	
Bibliography.....	43

LIST OF ABBREVIATIONS

ACMB	Appellate Court minute book
AJHR	<i>Appendices to the Journals of the House of Representatives</i>
app	appendix
ch	chapter
doc	document
encl	enclosure
MA	Maori Affairs series, National Archives
MA-MLP-W	Maori Affairs, Maori Land Purchase Department, Wellington
MB	minute book
NA	National Archives
no	number
NZLR	New Zealand Law Reports
NZPD	<i>New Zealand Parliamentary Debates</i>
p, pp	page, pages
pt	part
s	section (of an Act)
sec	section (of this report, or of an article, book, etc)
vol	volume
Wai	Waitangi Tribunal claim

INTRODUCTION

The question of what to do with property on the death of a person is a very old one, and a complicated one. Many factors are involved: the type of property concerned; the capacity of the deceased; whether the deceased has expressed wishes before death about the disposal of property; the nature of relationships to others who may take the property, whether kin, or related by marriage, or adoption, or in some other manner. By 1840, detailed rules existed in both the Maori and English legal systems to deal with these complexities. These rules were particularly attuned to the conditions of the societies in which they arose. Even a slight alteration to the rules would have important consequences for future generations.

This report looks at succession to land in the Maori Land Court in the 20th century. Accordingly, it is concerned with the way in which a court operating largely under an English system of law and legal rules dealt with this particularly delicate and difficult area of Maori law. A key question in the report is how far Maori law survived, adapted or even flourished under this essentially foreign regime.

This report is complementary to the report on the Maori Land Court and Land Boards 1909 to 1952. It is complementary in large part because, as will be seen, the major task of the Land Court on a day to day basis in the 20th century was the making of hundreds of orders determining successions to Maori land. Orders concerning partitions, alienations, exchanges or other such dispositions of land, did not form the bulk of the court's ordinary work, despite their significance to Maori land holding.

While the focus of the report is the twentieth century, considerable material is included from the nineteenth century, as this provides essential background to 20th century events. In fact, the basic approach to Maori succession in New Zealand law was worked out in court cases and legislation in the 1860s and 1870s.

To gain a picture of how the Maori Land Court worked in practice, a random selection of microfiche minute books were examined for each of the districts in the period after 1909. Maori Appellate Court minute books were also examined. They contain many typed up judgments which are particularly helpful in understanding the approach of the land court to succession issues.

