

**PAPATUANUKU (PAPAAHUREWA/PAPAUENOKO)  
AND LAND OWNERSHIP: MAORI LAND ALIENATION,  
AND MAORI LAND AND TITLE ADMINISTRATION  
IN THE CENTRAL NORTH ISLAND**



*Previous page: The tribal community of Waitahanui Pa, on the shores of Lake Taupo-nui-a-Tia, 1847. Detail from a lithograph by the English artist and naturalist George French Angas. The full image is reproduced in black and white on page 421.*

This part of our report addresses generic issues of Maori land alienation, and Maori land and title administration in the Central North Island inquiry region.

In the five chapters that follow, we consider Crown provisions for the purchase and lease of land, and the way in which these were implemented in the Taupo, Kaingaroa, and Rotorua districts in the latter part of the nineteenth century and the first decades of the twentieth century. Claims relating to the Crown's introduction of a new title system, administered through the Native Land Court under its own legislative regime, were of importance in this inquiry.

We also consider claimant concerns about the lasting impact of the Crown's new title system on later generations of Maori owners – and their ability to utilise their lands and resources – into the twentieth century. The transformation of customary rights into individualised shares in newly created blocks meant that owners held scattered interests. Over time, as the Maori land base shrank, and as the Native Land Court rule of equal succession to owners' interests took effect, the shares which owners inherited became progressively smaller, so that they were often measured only in fractions of a share. We examine the Crown's policies at different times, to address what was a major issue for Maori landowners.

Public works land takings are a further alienation issue before us, and we examine public works legislation and, in a broad sense, the ways in which it impacted on Maori owners in the Central North Island.

Underlying all these land issues is the question of the exercise of autonomy which – as we have already seen – is central to the claimant groups who appeared before us. The rights of Maori kin communities to make collective, unpressured decisions about land sale, land retention, and land and resource development, post-1840, and the

extent to which the Crown upheld those rights, are of great importance in this context.

We begin with a discussion of Treaty standards applicable to the Crown's acts, policies, and omissions in respect of Maori land alienation and land administration.

Our chapters in this part thus comprise:

- ▶ Chapter 8: Treaty Standards for the Crown's Dealings with Maori Land in the Central North Island;
- ▶ Chapter 9: Native Titles and the Native Land Court in the Central North Island, 1865–1900;
- ▶ Chapter 10: Nineteenth-Century Maori Land Purchasing in the Central North Island;
- ▶ Chapter 11: The Legacy of the Nineteenth Century: Maori Land, Titles, Alienation, and Retention in the Twentieth Century; and
- ▶ Chapter 12: The Taking of Maori Land for Public Works.

We note that in this part we make use of data from the Land History and Alienation Database, prepared by the Crown Forestry Rental Trust. This database was designed to provide a comprehensive chain of title for Maori-owned land from the first creation of Crown title through to final alienation, and covered the whole Central North Island region except urban land. At the Tribunal's request, the Crown Forestry Rental Trust filed a complete set of data tables.<sup>1</sup> A number of research reports drew on data generated from the database. In preparing this report, the Tribunal has used the filed data sets as well as research that relies on the database.

We have used the data for the purposes of establishing broad patterns of land alienation and retention, rather than detailed investigation of particular land histories. We note that because the database's content was only made final near to the close of the evidential hearings, all researchers had to rely, to varying degrees, on preliminary

data. Limitations arising from the definitions of data categories, the scope of data capture and the lack of a documented quality control process were extensively traversed in the evidence of David Alexander, the chief architect of the Land History and Alienation Database.<sup>2</sup> We are nonetheless satisfied that much of the data had been entered by the time researchers accessed it, and that its internal integrity was of a high standard. We have taken careful note of the limitations identified in evidence, which we consider are not so serious as to compromise the use of summarised data for the general purposes of this report.

#### Notes

1. David Alexander, LHAD data (CD), 2005 (doc I44)
2. See David Alexander, evidence re Te Matua Whenua: The Land History and Alienation Database, 2005 (doc A97); response by David James Alexander to questions for clarification of Te Matua Whenua: The Land History and Alienation Database raised by the Tribunal in July 2005, 2005 (doc I34); spreadsheet: updated LHAD information (takings with compensation), 2005 (doc H15(b)); spreadsheet: updated LHAD information (takings without compensation), 2005 (doc H15(c)); responses to written questions, July 2005 (doc I43)