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NGA KOOTI WHENUA

THE DYNAMICS OF A COLONIAL ENCOUNTER

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ABSTRACT

The Native Land Court was created to establish certain, stable and alienable title to Maori land but it struggled to do so and was regularly re-invented from 1862 to 1928 to deal with crises which undermined its role in meeting the demands of colonial politicians for land. Inside the courtroom, Maori asserted and argued complex claims to land, continuing a long tradition of negotiating relationships between distinct tribal and kinship groups. To deal with these claims and establish a settled title, the Court was forced to navigate a path through particular disputes to individual pieces of land rather than impose its own conceptualisation of customary rights.

This thesis concludes that Maori customary rights to land cannot be generalised as a model of abstract rules. Rather they were a practical application of tribal political and civil rights negotiated in particular circumstances, both geographically and historically. Maori customary rights to land were fundamentally about relationships, how people interacted with each other over access to resources and land. This thesis also concludes that the Court demonstrates in the colonial context, power was never absolutely in the hands of imperial authorities. The process of alienating Maori from their land did not occur easily or quickly – colonisation was a haphazard process which occurred over many decades.

Five discourses on Maori customary rights to land are examined. They are that of historians, the political discourse surrounding the Court from its establishment through to 1928, that of Maori claimants asserting rights to land in the Court and of judges and assessors attempting to resolve disputed claims to land, and the bureaucratic discourse which emerged after 1928. The major sources used are parliamentary debates, official and unofficial published papers, manuscript collections of particular individuals and the Court's minute books. A sampling process has been applied to the minute books to make this material manageable using specific criteria designed to ensure, among other things, geographical and chronological diversity. This thesis marks a first attempt to discuss the Court by taking a systematic approach to its minute books and one which recognises both the volume and complexity of the material available.

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ABBREVIATIONS

ATL	Alexander Turnbull Library
AJHR	<i>Appendix to the Journals of the House of Representatives</i>
BPP	<i>Irish University Press Series of British Parliamentary Papers. Colonies: New Zealand</i>
NZLR	<i>New Zealand Law Reports</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
NA	Archives New Zealand
PP	<i>Parliamentary Papers on New Zealand</i> , Massey University Library, Albany.