

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

AN AMBIVALENT AGENCY

THE ADMINISTRATION OF NATIVE AFFAIRS BY THE LIBERAL GOVERNMENT 1893-1906

A thesis presented in partial fulfilment
of the requirements for the degree of
Master of Arts in History
at Massey University

NICOLA BLACKBURN

1997

ABSTRACT

This thesis examines the administration of Native affairs by the Liberal Government from 1893 to 1906. In 1893, just two years after the Liberals came to power the Native Department was dismantled, with the Justice Department forced to take over the majority of its work. However, as this thesis argues, such attempts to administer Native affairs without a single, focussed agency failed. Accordingly the department was re-established in 1906.

This thesis begins by discussing how the newly-elected Liberal Government set about abolishing the Native Department in 1893, and describes the transfer of the department's functions to a range of other state agencies. The dismantling of the department was seen as the logical result of several decades of attempts made by other Ministries to wind down the department. However, the decision to abolish the Native Department was taken by the Liberals against a background of sharply divided opinion, among both Maori and Europeans, as to the appropriateness of the measure.

For a period of thirteen years Maori were denied the right of a specialist Government agency working in their interests. The thesis describes how other agencies managed Native affairs, and especially points to the problems that arose following the fragmenting of Native affairs administration. This was especially evident after James Carroll became

Native Minister in 1899. Soon after his appointment, a Maori Land Administration Department was established, whose purpose was to service in a limited way the new Maori land administration councils.

However, in the context of increasing activity in the area of land administration, and in the light of the perceived failure of the councils, and of the Maori Land Administration Department, the Department of Native Affairs was re-established in 1906. This thesis discusses the context for this re-establishment of the agency so determinedly abolished in 1893, and draws some broad conclusions concerning Liberal Maori policy, especially land policy during the period.

ACKNOWLEDGEMENTS

With the completion of this thesis a long and challenging year finally draws to a close. I would like to take this opportunity to thank a number of people for their support, as without them this project would never have been completed.

I am, as always, indebted to my family. Thank you for your continual belief in my ability, your support, motivation and positive words of encouragement when the going got tough.

To my supervisors Dr. Danny Keenan and Dr. Hazel Riseborough thank you both for your advice, criticism, inspiration and sharing of knowledge. Your efforts in assisting me in the completion of this thesis are greatly appreciated.

Thank you also to Stu and Wendy, my colleagues at Student Job Search, for your flexibility in allowing me days off to concentrate on my research, your encouragement and support. I have enjoyed being part of a great team.

I would like to pay special tribute to the Blackwell family, who have nursed me along with home-cooking, advice and guidance like one of their own. Your love and support over the last five years have meant a great deal.

Finally to all my friends and classmates, thank you for tolerating the effects of a difficult year. Although at times you probably wondered if it was true, your friendship allowed me a small degree of sanity, and kept me motivated long enough to see this research completed.

Arohanui ki a koutou
Nicola Blackburn.

CONTENTS

Abstract	ii
Acknowledgements	iv
Contents	v
Abbreviations	vi
Introduction	1
1. Demise of the Native Department	14
2. A Change of Heart?	36
3. The Maori Land Administration Department: An Improvisation or an Institution?	64
4. Specialisation Revisited: The Recreation of the Native Department	84
Conclusion	97
Bibliography	104

ABBREVIATIONS

<i>AH</i>	<i>Auckland Herald</i>
<i>AJHR</i>	<i>Appendices to the Journals of the House of Representatives</i>
<i>Gazette</i>	<i>New Zealand Gazette</i>
J	Archives of the Justice Department
MA	Archives of the Maori Affairs Department
MA-MLA	Archives of the Maori Lands Administration Department
N	Archives of the Native Department
NA	National Archives
<i>NZH</i>	<i>New Zealand Herald</i>
<i>NZJH</i>	<i>New Zealand Journal of History</i>
<i>NZPD</i>	<i>New Zealand Parliamentary Debates</i>
<i>PBH</i>	<i>Poverty Bay Herald</i>
<i>Statutes</i>	<i>Statutes of New Zealand</i>
<i>WCT</i>	<i>West Coast Times</i>
<i>WS</i>	<i>Wairarapa Standard</i>
WTU	Alexander Turnbull Library

INTRODUCTION

There are few more important decades in New Zealand history than those during which the Liberals were in power.¹

Since the signing of the Treaty of Waitangi in 1840, land has been a contentious issue affecting this country to varying degrees over the years. Maori have always considered Crown policy relating to their ancestral land to be of great consequence, mostly in the context of the Crown relentlessly trying to separate them from it. The Liberals became Government in 1891 and remained in power until 1912, making their reign one of the longest, and most important in New Zealand's history. They are generally praised in the literature for their social reform policies which introduced changes such as regulated working conditions in shops, the registration and inspection of factories, the establishment of Conciliation Boards and an Arbitration Court, women's franchise and old age pensions. These changes meant favourable conditions for the new settlers who had chosen to make the new colony of New Zealand their home.

¹ Raewyn Dalziel, review of David Hamer, *The New Zealand Liberals: The Years of Power, 1891-1912* (Auckland, 1988), *NZJH*, 23:2 (1989), p.193.

Maori on the other hand gained very little benefit from any of the Liberal policies enacted during this time. If Liberal Maori land policy is considered, the rights and wishes of Maori were more often than not completely disregarded by the Government. The land legislation passed during the Liberal era was not designed to assist Maori; it was designed to gain as much Maori land as possible for European settlers. Tom Brooking said that the “Liberal state was probably the most benevolent on earth from the perspective of many of the citizens of the social laboratory, but from the point of view of Maori it was ... oppressive, sharp-edged, and all-powerful.”²

Towards the end of the nineteenth century there was a concerted Maori protest effort aimed at the Government to halt the alienation of their land. Government policy during the 1890s regarding Maori land was one of alienation by any means possible. The rights of Maori as landowners, as the *tangata whenua*, generally held very little importance in the minds of those politicians passing legislation to obtain Maori land.

Within their twenty year reign then, the Liberals had more success in obtaining Maori land than any other Ministry. Brooking has written that

the occupation and colonization of the North Island of New Zealand was advanced considerably between 1891 and 1911 by the Liberal government’s purchase of some 3.1 million acres of Maori land between 1891 and 1911 and the sale of about a half million acres within the open market over the same period.³

² Tom Brooking, “‘Busting Up’ the Greatest Estate of All: Liberal Maori Land Policy, 1891-1911”, *NZJH*, 26:1 (April, 1992), p.97.

³ *Ibid.*, p.78.

The point to be made is that the Liberal Government's ability to buy large blocks of Maori land was essential if it wished to remain in power, given that it had earlier campaigned on opening up land especially for small farmers. European settlers demanded land, and the Liberal Government was forced to deliver at an incredible cost to Maori. The Liberal Government was aware of the mounting pressure on them to open up Maori land for settlement as they had said they would. Therefore, they continually passed legislation designed to gain access to the land for settlers and such legislation contributed to their twenty year reign. Angela Ballara stated that

the continuous demand for access to abundant cheap land, and the government's adoption of a policy intended to promote vigorous land settlement, ensured the long domination of the Liberal Party around the turn of the century.⁴

This thesis is concerned with Liberal Maori land policy in the period from 1893 to 1906 when there was no Native Department at work, leaving Maori without any specialist representation, and at a time of heightened Maori protest movements. During this time the Liberal Government was forging ahead with land purchasing campaigns, assisted by the re-introduction of pre-emption and the change of policy that resulted in the 1900 legislation, all of which culminated in a very crucial time in this country's history, especially for Maori. Legislation was passed and constantly amended in an effort to get as much land as possible. Although there was a Minister of Native Affairs, there was no one department keeping an administrative or policy check on what was happening at this time.

⁴ Angela Ballara, *Proud to be White? A Survey of Pakeha Prejudice* (Auckland, 1986), p.76.

Brooking made the point that the dismantling of the Native Department removed any major checks being made on Maori land sales.⁵

By 1892 Maori had begun to unite in protest against what was happening. Grievances stemmed from the confiscations that had occurred following the land wars of the 1860s, the workings of the Native Land Court and continuing suspect land purchases. Kotahitanga became a focus of Maori nationalism and placed a strong emphasis on Maori self-determination based upon the Treaty of Waitangi.⁶ It was no coincidence that Kotahitanga was entering its most influential stage as the Native Department was being dismantled. Kotahitanga played a vital role in placing pressure on the Liberal Government to enact change in Maori interests, but the legislation of 1900, which substantially arose because of this pressure, did not go as far as they wished. Kotahitanga demanded self-government and self-determination. However, European settlers completely discounted any measures that would see Maori given any form of control, especially control as envisaged by Kotahitanga.

Brooking believed there were two main reasons why the Liberals failed to listen to Maori protest groups such as Kotahitanga. The first was due to sheer “greed” on the part of land-hungry settlers, whose goal was to gain access to as much Maori land as possible. The second was that the Liberals, who wanted to remain in power, were forced to comply with the settlers demand that large tracts of Maori land be opened up for their occupation

⁵ Brooking, “Busting Up”, p.84.

⁶ Earl Moses, ‘What Impact did Liberal Policies Have on the Maori?’, *Selected Essays 1993*, Department of History, Massey University, Palmerston North, p.30.

and use. Gaining the loyalty of North Island voters was crucial if the Liberals were to remain the Government of the day.⁷ If that meant that Maori interests were ignored, then that was the price that was paid. It was all considered necessary in the process to colonise and dominate Maori. According to Brooking,

Liberal Maori land policy was clearly about much more than economic gain and racial prejudice; it was also concerned with completing the process of colonization and of extending Pakeha power and dominance.⁸

The idea underlying Liberal Maori land policy was to colonise as much of New Zealand as possible. Over the years settler Governments passed successive legislation in order to extinguish Native title. Initially it was not the Liberal Government's intention to allow Maori to retain their land, even though Maori had been guaranteed the right to undisturbed possession of their land under the Treaty of Waitangi. For European settlers, any Maori land left lying 'idle' and 'unproductive' was abhorrent. There was also the belief that Maori land could only be made productive if it was developed by European settlers.

There was the widely-held belief that Aboriginal people could lay claim only to the land they occupied and cultivated, that land was valueless as long as it lay idle in Native hands, and that it would acquire value only through the application of European capital and labour to the soil.⁹

The same can be said about the issue of Maori 'landlordism' during the Liberal period. Not only did settlers object to having land left lying in a so-called 'unproductive' state,

⁷ Brooking, "Busting Up", p.89.

⁸ Ibid., pp.90-91.

⁹ Hazel Riseborough 'The Crown and Customary Tenure' in Hazel Riseborough and John Hutton, 'The Crown's Engagement with Customary Tenure in the Nineteenth Century', Report for Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1997), p.3.

they also objected to the idea of having to pay rental money to 'Natives'. Maori values were always subordinated to the wishes of the European settlers.

Many historians who have written about the Liberal era have failed to recognise the importance of changes in Liberal land legislation, and have also failed to investigate the implications of the time when there was no Native Department in existence. David Hamer, who wrote a history of the Liberal Party, did not attribute any importance to Liberal Maori land policy. Maori in general hardly warranted a mention, even though the land he talked about settlers moving on to was Maori land, accessed through decisions made in the Native Land Court, or by shady land purchases. As D.K Fieldhouse explained in his review of Hamer, "Maori policy is ignored except in so far as it was raised by the need to facilitate the purchase of Maori land," yet he went on to say that there would be no need for another history of the Liberal party for a long time.¹⁰ Undoubtedly Hamer made a useful contribution to the history of the Liberal political party, but in terms of an investigation of the land policies they implemented, and the effect they had on Maori, he failed.

Many of those who have reviewed Hamer's work have not criticised his lack of discussion attributed to the Liberal Government's treatment of Maori. In failing to do so they have compounded the suspect idea that the Liberals introduced some of the most benign policies in New Zealand, and that their policies somehow benefited all sectors of the new

¹⁰ D.K. Fieldhouse, 'Reappraisals in Early-modern New Zealand Political History', *British Review of New Zealand Studies*, 2:October 1989, p.77.

colony. This description of the 'benign Liberals' is of course not true, and is one of the main points of this thesis. Ian Wards for instance believed that Hamer had written a history of the Liberal Government that would remain an essential account for the foreseeable future.¹¹ This would be a true enough statement, so long as one did not want an account of how Liberal land policy was detrimental to Maori; and how Maori were disadvantaged by the vast amounts of legislation passed without their consultation, which saw them divested of millions of acres in a relatively short period of time.

Whilst Hamer has come in for special mention, he is by no means the only historian to have written an unbalanced account of the Liberal period. Many of those who have attempted to write a history of Liberal Maori land policies have also disregarded aspects of policies that this thesis considers important. Such is the nature of history. Richard Martin, in a thesis written in 1956, dedicated an entire chapter to Native land legislation between 1892 and 1897. However, no mention was made of the fact that the Native Department was abolished in 1893. Whether Martin considered the fact that there was no single department, monitoring all aspects of native affairs unimportant, is hard to say. He did however realise that it was not in operation for a time because he stated later that the Native Department was reconstituted in 1906.¹² Martin made a study of the types of bills that Maori Members of Parliament were putting forward during the 1890s, and though he

¹¹ Ian Wards, review of David Hamer, *The New Zealand Liberals: The Years of Power, 1891-1912* (Auckland, 1988), *Political Science*, 41:2 (1989), p.124.

¹² Richard John Martin, 'Aspects of Maori Affairs in the Liberal Period', MA thesis in History (Victoria University, 1956), p.127.

claimed to have used the Maori Land Administration Department files, he mentioned neither the department nor its work implementing the changes of 1900.¹³

Barbara Gilmore's thesis completed in 1969 unfortunately failed the test of time. Many of the points she made in her research have since been proved wrong. Gilmore generally believed that the Liberal Government was largely successful in its dealing with Maori affairs, despite Maori having a general suspicion toward Government measures affecting them.¹⁴ She also made the suspect point that in her belief "this period was one of the eras of greatest progress in the field of Maori-pakeha relationships that this country has ever known."¹⁵ Gilmore is just one of the historians who have overstated the Liberals land and Maori policies. These are points that will be challenged in this thesis. If anything, the Liberal period was one of the most detrimental for Maori in terms of the way the land issue was dealt with. What made it worse was that Liberal politicians had an opportunity to establish a mutually beneficial system that would have seen Maori retain their land and use financial advances or adequate rental money to develop and make their land productive; but the overwhelming greed of the settlers would never allow it.

Brooking talked about the opportunity that the Liberals had, but failed to act on. In a recent article he stated that the story of the Liberal period was a tragic one because

in imposing their own modest dreams upon another people the Liberals lost an opportunity for the development of a truly bicultural society. If Maori farming had been given a chance to

¹³ *Ibid.*, p.112.

¹⁴ Barbara Rae Gilmore, 'Maori Land Policy and Administration During the Liberal period, 1900-1912', MA thesis in History (Auckland University, 1969), p.207.

¹⁵ *Ibid.*, p.219.

succeed the results would almost certainly have benefited everyone in that the cycle of dependency, into which Maori were forced slowly but relentlessly, could have been broken.¹⁶

Brooking was successful in writing a balanced account of the Liberals, and the effect their policies had on Maori, but although he called Maori land policy “coercive and punitive,”¹⁷ he appeared to come down rather gently on the actions of the Liberal Government and the different tactics they employed to open up Maori land to European settlers. He stated that Liberal Maori land policy

was conceived in terms which were not explicitly racist and which were quite consistent with their Liberal aims of promoting closer settlement, revitalizing rural communities and sharing property, wealth and power more evenly.¹⁸

Brooking believed that this made their motivations more honourable than any of the previous Ministries. However, their blatant desire to gain access to the land in no way justified their actions and treatment of Maori. Like Martin, Brooking placed little emphasis on the absence of a Native Department for thirteen years of the Liberal era, and how the Liberal Government after experimenting with changes in policy after 1906, reverted back to the system of the early 1890s in order to achieve their goals of acquiring land.

Graham Butterworth in his general history of the Department of Maori Affairs gave a small insight into what was happening during this time. As is often the case with many broad histories, there was little room in *Maori Affairs* for an in-depth investigation. He did however make the assessment that the system established in 1900 was an “improvised

¹⁶ Brooking, “Busting Up”, p.97.

¹⁷ *Ibid.*, p.84.

¹⁸ *Ibid.*, p.97.

one”, and claimed that this contributed to the reconstitution of the Native Department in 1906.¹⁹

Selwyn Katene made an in-depth investigation of Liberal Maori land policy at work from 1900 and as it survived to 1927. He used the Aotea Maori Land District as an example of what the legislation meant for Maori on the ground level. According to Katene “the whole history of Maori land legislation from the 1860s until 1900 is one of repeal and change.”²⁰ It is a statement that this thesis is in total agreement with. Katene also acknowledged that the Maori Land Administration Act of 1900 represented a change in policy for the Liberal Government. He called this legislation a transition from land purchase to a programme of land utilisation.²¹ It was though a transition that was unsuccessful. He spoke however of the legalistic nature of the Native Department, at a time when the department was not in operation. Katene appeared to place much emphasis on the fact that settlers were exerting enormous pressure on the Liberal Government to open up the land, and that the Government was compelled to satisfy their demands in order to remain in power. He also claimed that “between 1900 and 1905 the Government’s Maori land administration policy demonstrated a marked concern for Maori grievances and a genuine willingness to involve Maori in settling them.”²² This research completely disagrees with such a statement. The Liberal Government never demonstrated

¹⁹ G.V. Butterworth and H.R. Young, *Maori Affairs: A Department and the People Who Made It* (Wellington, 1990), p.63.

²⁰ Selwyn Katene, ‘The Administration of Maori Land in the Aotea District, 1900-1927’, MA thesis in History (Victoria University, 1990), p.45.

²¹ *Ibid.*, p.9.

²² *Ibid.*, p.69.

any real willingness whatsoever to settle Maori grievances. Between the years of 1900 and 1905, the Government was still creating injustices that New Zealand society is grappling with even today.

In his report for the Waitangi Tribunal, Don Loveridge made a thorough assessment of the Maori Land Councils and Maori Land Boards which were provided for under the new legislation in 1900 and 1905. Loveridge believed that Seddon's Liberal Government pursued their programme of land-purchasing with single-minded determination and this is indeed correct.²³ Unlike Katene though, Loveridge placed an important emphasis on the pressure that the European settlers were exerting upon the Government.

Historians such as John Williams, Angela Ballara and Alan Ward have been invaluable to this research in providing background information to the Liberal period. Williams gave a detailed account of Maori protest movements such as Kotahitanga; Ward talked of both the demise and resurrection of the Native Department, as well as the political climate of the period; and although Ballara did not give an account of the Native Department, her portrayal of European settlers and their treatment of Maori has been of great use.²⁴

²³ Donald M. Loveridge, 'Maori Land Councils and Maori Land Boards: An Historical Overview, 1900-1952,' Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1996), pp.10-11.

²⁴ John A. Williams, *Politics of the New Zealand Maori: Protest and Co-operation, 1891-1909* (Auckland, 1969); Alan Ward, *A Show of Justice: Racial 'Amalgamation' in the Nineteenth Century* (Auckland, 1973, 1995 reprint); Angela Ballara, *Proud to be White? A Survey of Pakeha Prejudice* (Auckland, 1986).

This thesis then is divided into four main themes, each represented by a particular chapter. Chapter one of this research will focus on the history of the Native Department before its demise in 1893, and it will provide an assessment on the reasons why the department was dismantled. It will also discuss the people involved. At a time when Maori land was fast disappearing into the hands of European settlers, the Liberal Government after 1891 was making preparations to dismantle the specialised department that was supposed to represent the interests of Maori, including their land holdings. Lord Normanby's instructions to Hobson in 1839 contained provisions for the protection of Maori welfare which were incorporated into Article Two of the Treaty of Waitangi. This is quite significant. Without a Native Department there was a much diminished possibility of any checks being made on Native land purchase, or on the effects of continuing loss of land on Maori welfare. This meant the Government was given more freedom to acquire Maori land.

In 1900 the Government and Maori reached a compromise which resulted in the passing of the Maori Land Administration Act. Chapter two will investigate the years preceding this legislation, and in particular the different types of proposals that both the Government and Maori put forward. Whilst the Act represented a complete change in policy, it was in reality passed to serve European interests; and when it failed to deliver what the Crown wanted it was quickly repealed.

Chapter three will focus directly on the workings of the Maori Land Administration Department established in 1900 to act as the central co-ordinating body of the Maori Land

Councils. There will be an examination as to whether or not the department was a Government institution that served some real purpose, or whether or not it was an improvisation created to save Justice Department officials from dealing with more 'Native' issues. There were key people in the department who will also be investigated, and this chapter will discuss what their exact roles were in this new administration.

Chapter four will examine the major influences that led to the reconstitution of the Native Department in 1906. After thirteen years the Liberal Government still did not have all the land it wanted; the change in policy had not worked. New measures were put in place to ensure settlers got the land they craved, and one of those measures included the recreation of the Native Department. A conclusion will summarise the findings of this research. The conclusion will argue that in the end it would have made little difference if there had been a Native Department in operation between 1893 and 1906. So determined was the Liberal Government in their pursuit of Maori land, that nothing would have stopped them, and although Maori protests managed to place considerable pressure on the Government for a time, they were in the end ineffective.

1

DEMISE OF THE NATIVE DEPARTMENT

At a time when Maori land was fast disappearing into the hands of European settlers, the Liberal Government was making preparations to dismantle the specialised department that was supposed to represent the land interests of the tangata whenua. Added to this were the numerous Acts of Parliament that were continually being passed during the Liberal's reign. Brooking has written of the interconnectedness of this legislation that "locked together like the pieces of a meccano set."¹ The Liberals made amendment after amendment in an effort to make the laws more effective, as they were so anxious to alienate Maori land by any legislative means possible. The interests of Maori people were never regarded by Liberal politicians as important. So long as Parliament could satisfy the European settlers' hunger for land, politicians could be assured of retaining power for a long period of time.

Lord Normanby's instructions to William Hobson in 1839 contained provisions for the protection of Maori welfare. Included in these provisions was an instruction that "a Protector would be appointed in order to safeguard Maori interests in land negotiations."² The Native Protectorate was implemented by Governor Hobson. The Chief Protector,

¹ Tom Brooking, "'Busting Up' the Greatest Estate of All: Liberal Maori Land Policy, 1891-1911", *NZJH*, 26:1 (1992), p.81.

² Claudia Orange, *The Treaty of Waitangi* (Wellington, 1987), p.30.

George Clarke, was expected to “protect Maori interests and welfare while also purchasing their lands and extending British law.”³ The Protectorate Department was disbanded in 1846, and a specialised Native Department was not established until the 1860s. Butterworth believed it was developed almost by accident due to the demand for land by settlers and the need for Maori to retain their rohe as well as their economic base. It was a time “when the Government became increasingly concerned about the breakdown of relationships between Maori and colonists,”⁴ that had resulted in the Land Wars of the early 1860s. Ward also attributed the expanded role of the Native Department to the “Government’s effort to bring war to a conclusion.”⁵ Maori society had been placed under pressure by the settlers’ demand for land, and the Native Department was established to serve Maori needs. It must be said though that the officials in the department were not always effective.

According to Carroll, the department was to be an avenue for Maori to communicate their desires to the Pakeha world,⁶ but in reality it was established to manage relationships between Maori and Europeans to ensure that Maori were assimilated into every aspect of European society. It was always the intention of settler Governments to ‘civilise’ Maori. Ward said that because of the divisions and shifting allegiances within Maori society, “the Whitaker-Fox Ministry was anxious to secure a firm grasp of Maori affairs.”⁷ The hey-day of the department came under Donald McLean in the 1870s when it oversaw

³ M.P.K. Sorrenson, ‘Maori and Pakeha’, in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, Second edition, (Auckland, 1992), p.149.

⁴ G.V. Butterworth and H.R. Young, *Maori Affairs: A Department and the People Who Made It* (Wellington, 1990), p.5.

⁵ Alan Ward, *A Show of Justice: Racial ‘Amalgamation’ in the Nineteenth Century* (Auckland, 1973, reprint 1995), p.202.

⁶ Report by James Carroll in Rees Commission report, *AJHR*, 1891 II, G-1, p.xxix.

⁷ Ward, *A Show of Justice*, p.170.

programmes such as native schooling, justice, and medical care amongst Maori communities. In addition, the department was responsible for the working of the Native Land Court as well as administering the various land purchasing schemes. The primary task of the Native Department was also effectively to control Maori communities and to erode Maori political independence. The department was very successful in its objectives, especially in terms of land purchases which saw the King Country eventually opened up for settlement. There were other 'successes' attributed to the Native Department, like the dispersal of the Maori community at Parihaka in 1881. The department was so successful, however, in meeting the objectives of the Government that by the early 1880s the reasons behind the establishment of Native Affairs had substantially gone.⁸

The Native Department was abolished between 1892 and 1893 and its services were transferred to other Government departments. Maori land purchase was taken over by the Lands and Survey Department, whilst the rest of Native Affairs, including the Native Land Court, went to the Justice Department. Moves had been made earlier to close down the Native Department, but these had been unsuccessful. Many settlers saw the department as an unnecessary cost to the colony, and others saw it as a barrier to more equal and harmonious race-relations. Butterworth suggested as much when he wrote that

settler opinion still held that the ultimate goal had to be the amalgamation of Maori and European as equal citizens under the same law. This was to be achieved as quickly as possible. The existence of the Native Department was a standing reproach to that aim.⁹

John Bryce, Native Minister from October 1881 to August 1884, was instrumental in

⁸ Butterworth and Young, *Maori Affairs*, p.6.

⁹ *Ibid.*, p.45.

reducing the power of the department which eventually led to its demise. Bryce was ruthless in his retrenchment of the department, and not at all sympathetic to the Maori cause. He argued that there was absolutely no need for a department to represent the needs of Maori, and believed that many in the colony agreed with him. Bryce's plan was to improve the department "out of existence."¹⁰ He thought that it was far too expensive and that the aspect of personal government left the Minister of Native Affairs with too much discretionary power. His plan was to do away with personal Government and divest the department of all its functions. Bryce wanted Native Schools transferred to the Education Department; the roads in Native districts to become the responsibility of Public Works; Maori pensioners were to deal with the Colonial Secretary's Department and Assessors were to come under the jurisdiction of the Justice Department.

John Sheehan, Member for Thames and Native Minister from 1877 to 1879, was strongly in favour of the continuance of the department. In debate with Bryce on this issue he said:

so long as these people continue to hold their land under tribal rights, so long as they speak their own language, you must have a special department, govern it as you may, reduce the expenditure, you may alter the institution itself, but, in point of fact, you must have a department to which the Maori people, speaking only the Maori language, will be able to apply.¹¹

Whilst Bryce failed to improve it out of existence during his time as Native Minister, he did indeed restructure the institution. The number of officials working for the Native Department was reduced dramatically. Interpreters, medical officers, and clerks were left

¹⁰ *NZPD*, 1879, Vol. 32, p.359.

¹¹ *Ibid.*, p.369.

without jobs; Maori police were transferred to a separate department; Maori pensions were reduced and the number of Maori Assessors was also decreased.¹² The only facility in the Native Department that did not have its budget drastically cut was the Native Land Court. The Court was strengthened in order to obtain more land for the Government, the ultimate goal since settlers first came to New Zealand shores in 1840.

There is some disagreement among historians as to why the department was not abolished sooner than it was. Calls were made for its demise as early as the 1870s. However, it was another twenty years before it was eventually wound down. Ward believed that it was Bryce alone who “dealt the death blow to the Native Department in its old form.”¹³ Although it remained for several more years it certainly did not have the control or power that it once had. In other words, Bryce retrenched the department so much that it literally began to die a natural death. His successors continued to starve the department of funds right through until its demise. However, funds were short in the 1880s anyway given the fact that this was the time of the Long Depression.

Butterworth, however, believed that it was a little more complex than that. There were also political forces at work preventing the Government of the time from abolishing the department fully. For example, in 1886, as part of his retrenchment of the department, Ballance ended the separate land purchasing division and transferred its functions to the control of T. W Lewis as Under-Secretary of the Native Department. This, according to Butterworth, gave the department the potential to function as an organisation to handle

¹² Butterworth and Young, *Maori Affairs*, p.46.

¹³ Ward, *A Show of Justice*, p.292.

Maori land issues. It was all part of Ballance's 1886 Native Lands Administration Act, which would have seen Maori electing block committees to decide the terms of any sale or lease of their lands. But the Act was unsuccessful in practice, due in part to Maori being suspicious of Ballance's intentions.¹⁴ The Atkinson Government who were in favour of validating all land alienations were also reluctant to dismantle the department during their time in power. They needed the Native Department and the Native Land Court to implement their policy of validation of new titles. Butterworth agreed with this also. He wrote that the need to tackle the problem of validation seemed to be the factor that stayed the Atkinson Government from implementing its decision to abolish the Native Department.¹⁵

Throughout most of the nineteenth century, Maori were not given the opportunity to contribute to land policy that directly affected them. Paternalism was at its strongest especially among Liberal politicians after 1891. Having survived the 1870s and 1880s, the Native Department again fell victim to the political struggles of the early 1890s.¹⁶ This time though different people were involved. One such person was Alfred Cadman who, in support of his Government's policy, rigorously set about cutting the spending of the Native Department.

Alfred Jerome Cadman was Native Minister between February 1891 and May 1893. He too was unsympathetic toward Maori and their wish to retain their land, and believed firmly in the Crown's right of pre-emption. Cadman was in favour of closer land settlement. The way to achieve this was to gain access to Maori land. His answer though

¹⁴ Butterworth and Young, *Maori Affairs*, pp.49-50.

¹⁵ *Ibid.*, p.51.

was to dismantle the Native Department and to give more power to the Native Land Court. If that was accomplished then the question of Maori land, a question which had stumped previous Ministries, would be solved. Accordingly, Cadman began the process of dismantling the department in 1891 by repealing two key pieces of legislation: the Native Districts Regulation Act and the Native Circuit Courts Act. Enacted in 1858, both Acts provided the legal basis for the department's jurisdiction in Maori communities.¹⁷ Resident Magistrates Courts were closed and the number of Maori Assessors was reduced to twenty. Lewis's death in 1891 also contributed to the demise of the Native Department. The telling blow though came in 1892 when Cadman passed the Native Land (Validation of Titles) Act and began really to take the department apart. The Native Land Purchase Office was thereafter transferred to the Department of Lands and Survey in June, and the Native Land Court and a handful of clerks and interpreters that represented the rump of the old head office were also transferred to Cadman's other portfolio, Justice, in December.¹⁸ It was more than a coincidence that the Native Department he fought so hard to close was transferred to his other portfolio; even though Cadman had abolished the department he remained very much in control of Native affairs.

It might be asked then, why, if Bryce had been trying in the early 1880s to dismantle the Native Department, it took until 1893 to do it. It could be seen as simply a cost cutting measure by the new Government. As a result of the Vogel period, settlers were much more in control of the colony.¹⁹ In terms of population Europeans were no longer in the

¹⁶ *Ibid.*, p.54.

¹⁷ Ward, *A Show of Justice*, p.303.

¹⁸ *Ibid.*, p.72.

¹⁹ On the Vogel period see Raewyn Dalziel, *Julius Vogel: Business Politician* (Auckland, 1986), pp.80-115.

minority, as had been the case in the earlier part of the century. They had introduced refrigeration, and forged ahead with the development of public works; new roads, railways and harbours were built, the bush was cleared and telegraph lines put up. In addition to this, the provinces had been abolished and Vogel had introduced an extensive immigration scheme that brought thousands of new settlers to New Zealand's shores. The Government borrowed £1,500,000 in order to assist 'suitable' immigrants into the country, and between 1870 and 1876, 151,000 people were brought to the new colony.²⁰ So, by sheer weight of numbers European settlers were now in a position of power, and were able to exert extreme pressure on the Government of the day. The Government if it wanted to retain its power was forced to bow to that pressure and the needs of Maori consequently disregarded.

At the beginning of the parliamentary session in 1892, the Governor announced that the Native Department would be dismantled by the following year. He said that

a departmental rearrangement has broken up the Native Department, distributing its functions through the Departments of Lands and Justice. It has, however, been considered very necessary not to leave the Maori race to imagine that this means any lessened attention by the Government to their wants and interests. For this and other reasons it has been thought well to add to the Executive Council a member of the Native race, in the manner provided for by the statute.²¹

The Government was certainly not going to ignore Maori completely; it wanted their land. But neither did it have any intention of protecting Maori interests. The Government's only interest was to obtain as much Maori land as possible.

²⁰ Erik Olssen and Marcia Stenson, *A Century of Change: New Zealand 1800-1900* (Auckland, 1989), p.254.

²¹ NZPD, 1892, Vol.75, p.2.

The parliamentary debate that followed the Governor's announcement showed a mixed reaction to the decision finally to abolish the department. William Rolleston, the Member for Halswell, was quite adamant that the Native Department should remain in operation and he was very critical of the Government for having made the decision to abolish it.

We are told that "a departmental rearrangement has broken up the Native Department" and we are given to understand that the Native difficulty is at an end, and that there is no necessity for any special department, no necessity for any one officer with more knowledge than another to have charge of the department. It seems as though it is quite immaterial whether you change control backwards and forwards from the Minister of Justice to the Minister of Native Affairs, or whether there are two Ministers exercising independent functions with regard to the same department. But I venture to say that the Native difficulty is beginning now - a Native difficulty that requires very intelligent dealing, and demands a special knowledge that, perhaps, was not wanted to the same extent as before.²²

Rolleston firmly believed that no government was fit to govern, or have the confidence of the country unless it set itself steadily to settle the Native question upon a final basis.²³

Whilst Rolleston understood that it was a popular decision, especially among settlers, to do away with the department, he knew that Native Affairs was still going to exist in some form or another. He told Parliament that

the Native Department is still going to exist, and probably in a less efficient form than before - that is, the duties will be less efficiently performed than when we recognised the necessity for the department. We have Native lands dealt with now, as we have Crown lands, in such a way that nobody really understands the position.²⁴

Others, like Ebenezer Sandford, the Member for Christchurch City, joined with Rolleston in his criticism of the Government's decision. He said that "while abolishing the Native

²² *NZPD*, 1892, Vol.78, pp.879-80.

²³ *Ibid.*, 1892, Vol.75, p.20.

²⁴ *Ibid.*, pp.19-20.

Department, there is still such an appreciable number of Natives within the colony that their special interests require representation.”²⁵

It seemed then that one man of Maori descent was supposed to make up for the dismantling of a whole department specialising in Maori Affairs. That man was of course James Carroll, of Ngati Kahungunu descent and destined to become the first Maori Native Minister. From 1893 until 1899 his official title was Member of the Executive Council representing the Native Race, effectively a member of Cabinet without a portfolio, although he worked very closely with Seddon, the Native Minister at the time. It was not until 1899 that the portfolio of Native Affairs came his way.

Born at Wairoa, Carroll fought in the campaigns against Te Kooti in the Urewera, and later worked in the Native Department as an interpreter. He was first elected to Parliament in 1887, replacing Wi Pere as the Member for Eastern Maori. Carroll was firm in his belief that Maori should be treated the same as Europeans; he wanted the two peoples to be on an equal footing. During his first parliamentary session, in fact, he proposed the removal from the statute books of all legislation which effectively maintained any form of distinction between Maori and Pakeha. He was later to concede that “a policy which he had regarded as reasonable in relation to his own people could be disastrous for others.”²⁶ In 1893 he stood for the European seat of Waiapu, defeating another Liberal candidate. He held that seat until 1908, and then after a boundary change retained the seat

²⁵ Ibid., p.15.

²⁶ R.J. Martin, ‘The Liberal Experiment’, in J.G.A. Pocock (ed.), *The Maori and New Zealand Politics* (Auckland, 1965), pp.47-48.

of Gisborne until 1919. In a biographical note on Carroll, Ward gave a reason as to why he changed to a European seat:

He was subject ... to sharp criticisms from Maori members of Parliament who supported Te Kotahitanga, or the Maori parliament movement. Suggestions from Hone Heke that Carroll might not continue to hold the Eastern Maori seat against Wi Pere, a strong Kotahitanga supporter, contributed to his decision to contest the general (European) seat of Waiapu in 1893.²⁷

Carroll himself, in a speech reminiscing about his life, said that he changed seats in order that there might be "two members for the district who would work in harmony and be instrumental in settling the difficulty" in the North Island.²⁸

According to Selwyn Katene "the half-caste Carroll was a visionary man who effectively played a mediatory role in the area of Maori and European relations."²⁹ Others have not been so complimentary in their assessment of James Carroll. Michael King's view of Carroll differed markedly from that of Katene:

Carroll frequently subordinated traditional Maori views to the Liberal Party policies of land acquisition. When he spoke of Maori needs, it was usually to point out aspects that his Pakeha colleagues would have to consider for tactical reasons....He agreed fundamentally with Liberal policies and thought that the opening up of Maori land to Pakeha leaseholders would work to the advantage of both lessor and lessee.³⁰

As one of three members appointed to the Rees Commission of 1891 to look into Native land laws, Carroll wrote a separate dissenting report on his findings. Contained within his report was severe criticism of the Native Department. He felt that the £7,000 spent

²⁷ Alan Ward, 'James Carroll', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), p.79.

²⁸ *Personal Reminiscences of Sir James Carroll*, MS-papers-0188-061, n.d., WTU, Wellington.

²⁹ Selwyn Katene, 'The Administration of Maori Land in the Aotea District, 1900-1927', MA thesis in History (Victoria University, 1990), p.66.

annually on maintaining the department had no specific purpose, and that the department itself was “shrouded in mystery.” Carroll firmly believed that the Native Department was no longer required by either Maori or Pakeha; he felt that it was merely a device to continue victimising Maori. He went on to say that

the Native population, who presumably may be regarded as primarily interested in the disbursement of that annual sum, are thoroughly dissatisfied. So far from the Native Office being to them an institution to look up to, or view in a favourable light, they regard with the utmost suspicion and undisguised dread in its questionable operations.³¹

The Native Department for Carroll was merely an extension of the division between Maori and Pakeha that he so wanted to terminate. It is possible that Carroll’s antagonism toward the Native Department, as displayed by his dissenting report after his work on the Rees Commission, hastened the demise of the department, and saw it operating on borrowed time. For the Liberal Cabinet, Carroll was the Maori voice they chose to listen to, and hearing Carroll publicly criticise the Native Department would have added to their desire to abolish the department.

Another reason that may have contributed to the timing of the abolition of the Native Department is the ‘dying race’ theory. Whilst some historians have doubted the fact that such a theory exists, it is a factor that must be considered. If politicians felt that Maori would not live longer than the turn of the century, there was little need for a specialised department representing their needs. The ‘dying race’ theory was one that was perpetuated throughout the latter part of the nineteenth century, and had its origins in an oft-quoted statement attributed to Dr I.A. Featherston, the Member of Parliament for

³⁰ Michael King, ‘Between Two Worlds’, in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, Second edition, (Auckland, 1992), p.295.

³¹ Report from Carroll, *AJHR*, 1891 II, G-1, p.xxix.

Wellington City who stated in 1865 that “the Maoris are dying out, and nothing can save them. Our plain duty, as good compassionate colonists, is to smooth down their dying pillow.”³² Archdeacon Walsh was reinforcing Featherston’s view as late as 1907 when in a speech he gave in Auckland he stated that, “the race is fast dying out, and that if the decay continues at the present rate, a comparatively short time will witness its extinction.”³³

The ‘dying race’ theory is something that Liberal politicians had grown up with, and therefore reflected decisions they made concerning Maori land and the need for a separate Native Department. William McLean, the Member for Wellington City, said in 1892 that Maori were declining:

the Native race ... appear to me to be wasting their substance, and, morally and physically to be on the wane. I do regret this very much. I do not say that the present or any other Governments are responsible for this state of affairs.³⁴

According to Ballara this was a common nineteenth century perception and was welcomed by many “as providing a tidy solution to the inevitable clash over land.”³⁵ This idea would have sat very well with Liberal politicians hoping for an easy solution to an extremely difficult problem. By thinking that Maori would not survive much past the turn of the century, they were able to deny Maori their right to a specialised department. There was simply no need for it.

³² Quoted in I.L.G. Sutherland (ed), *The Maori People Today: A General Survey* (Wellington, 1940), p.28.

³³ Archdeacon Walsh, *The Passing of the Maori: An Inquiry Into the Principle Causes of the Decay of the Race*, speech given at The Auckland Institute, 8 July 1907.

³⁴ *NZPD*, 1892, Vol.75, p.10.

³⁵ Angela Ballara, *Proud to be White? A Survey of Pakeha Prejudice* (Auckland, 1986), p.82.

Once the decision had been made to amalgamate the Native Department with the Justice Department, logistical issues such as what staff were to be retained and on what salary, had to be worked through. A memo from Cadman to Haselden, the Under-Secretary for the Justice Department, revealed that Cabinet made the decisions which were effective from 1 January 1893. As part of the amalgamation, Haselden and the Chief Clerk of the Justice Department both received a salary increase of £25.00 per year. Most of the clerks received an increase of about £10.00 to £15.00. Cadman also decided that W.J. Morpeth should receive a bonus of £25.00 “in consideration of his acting as Under Secretary of the Native Department since T.W. Lewis’ death.”³⁶ Such recompense for Morpeth supports the theory that the abolition of the department was about more than simple cost-cutting. Some of the clerks, including Welch and Morpeth, were transferred to the Native Land Court office. Others such as Barclay took early retirement that was effective from the amalgamation date.³⁷ In another memo, Cadman directed Haselden to “combine the records and accounts [of both departments] so as to keep but one set of books,” which indicates that he wanted a permanent incorporation. Cadman wanted to be fully in control of Native spending, so he also requested that “all accounts of every description come before me for approval.” He also wanted the Recorders to attend to minor Native cases whilst they were doing their Resident Magistrates’ work in their areas, to avoid special travelling and to cut down on travel allowances.³⁸ Native Affairs was always subject to rigorous cost cutting at every opportunity but in the end the decision to abolish the department was more a question of philosophy rather than one of economics.

³⁶ Memo from Cadman to Haselden, 26 December 1892, J, series 1, 1892/1244, NA.

³⁷ Ibid.

³⁸ Memo from Cadman to Haselden, 2 December 1892, J, series 1, 1892/1244, NA.

Maori were severely disadvantaged by the change in administration. According to Butterworth, "from the Maori viewpoint, the beneficial purposes of the Department decreased; authority was now kept in Government hands, while the Native Land Court and the Government land purchase agent overshadowed all other functions of the Department."³⁹ Maori no longer had a specialist department looking out for their needs. In terms of the Liberal's popularity with settlers, Brooking has stated that the "administrative change enabled the Minister of Lands to oversee and combine the purchase of Maori land with the breakup of the great estates, so cementing the Liberal's popularity in both the North and South Islands."⁴⁰ According to Ward,

it had not generally been intended [in the 1860s] to provide a separate and lasting machinery of administration tailored to Maori requirements. By most settlers it had been treated as a necessary expedient to draw the Maori under the rule of Pakeha law and it had served its purpose....Alfred Cadman, the Native Minister, merely brought to a logical conclusion the trend of the previous twelve years in Maori administration.⁴¹

A study of other research concerning this time, shows there is little emphasis placed on the dismantling of the Native Department. Richard Martin entitled one chapter in his thesis, 'Native land legislation 1892-1897', yet the abolition of the department was not mentioned. Barbara Gilmore on the other hand showed that she was aware that the Native Department had been disbanded and was amalgamated into other Government departments. Katene believed that Cadman was responsible for abolishing the Native Department. However, he claimed that the Justice Department was merely responsible for the Native Land Court and the rest of Native Affairs was taken over by the Department of

³⁹ Butterworth and Young, *Maori Affairs*, p.46.

⁴⁰ Brooking, "Busting Up" p.84.

⁴¹ Ward, *A Show of Justice*, p.302.

Crown Lands.⁴² This is incorrect. As previously stated, the land purchasing aspect was taken over by the Department of Lands and Survey, with the rest of Native Affairs including the Native Land Court was transferred to the Justice Department.

With the Native Department gone, according to Butterworth, "the main activity of the Government became the acquisition of Maori land. From 1892 to 1898 Government pursued a policy designed to remedy defects in existing titles and to ensure the maximum flow of land from Maori into settlers' hands."⁴³ As Ward pointed out, Maori had been disregarded by the Liberal politicians. Maori were only good for one thing and that was for providing land. They were given very few options by this new regime in Government;

by 1893...the Maori people had, in the main, been subordinated to the settler policy and legal system and asked to assume its obligations, while being steadily parted from their lands by processes which favoured speculation and deviousness and hindered Maori farmers.⁴⁴

In the period from 1893 to 1906, when the department was re-established, approximately thirty five Acts of Parliament were passed in regards to Maori land. As Brooking said: "it is easy to lose sight of how interconnected this legislation was because it was characterized, like all Liberal legislation, by constant amendment and improvization - to make it work better."⁴⁵ Legislation that was passed was amended constantly in an effort to get as much land as possible. Although there was a Minister of Native Affairs, there was no one actively working in Maori, rather than settler interests.

⁴² Katene, p.383.

⁴³ Butterworth and Young, *Maori Affairs*, 57.

⁴⁴ Ward, *A Show of Justice*, p.305.

⁴⁵ Brooking, "Busting Up", p.81.

One piece of legislation that caused huge debate amongst both Pakeha and Maori was the Native Land Court Act of 1894. It was this Act that re-introduced the Crown's right to partial pre-emption or sole right to purchase land direct from Maori. According to Carroll, it was a consolidating measure that would simplify the machinery of the Native Land Court for the perfecting of titles, and ascertainment of ownership. As member of the Executive Council for the Native Race and "having some experience in these matters, he could say that so far as the Court was concerned, it was the best legislation they had had for many years."⁴⁶ Carroll remains an enigma during this time. He stated that he did not want special treatment for Maori, that he wanted Maori treated as equals, yet his support of the Act that re-introduced pre-emption opposed this view. He would not advocate the idea of allowing Maori to dispose of their land as they wished.

Others disagreed with Carroll's view. Hone Heke, the Member of Parliament for Northern Maori, was a firm critic of Carroll. Heke was reported by one newspaper as saying that Carroll's position in Cabinet was of little benefit to Maori, and that his support of the Native Land Court Act had caused injury to Maori.

This minister supported the measure through thick and thin, although it contained the very principle which he had formerly vigorously opposed in the strongest possible language, that was the principle of the Crown's resuming the right of preemption.⁴⁷

Carroll had earlier purported to be against the right of pre-emption and had then agreed to it in this Act. Such contradicting stances "showed that his position was not worth anything and the sooner it was abolished the better for the Native people," since

the person who depended mainly upon the salary of a position for his living naturally fell upon the influence of his superiors, and even

⁴⁶ James Carroll addressing his constituents, *PBH*, 25 January 1895.

⁴⁷ Hone Heke at Papawai, *WS*, 10 December 1894.

if he had an opinion of his own he would be likely to give way to the pressure brought to bear upon him. When a man in Mr Carroll's position found his opinion on a great question like this was not accepted he should resign and go back to the position of a private member.⁴⁸

Heke found evidence that Carroll had written to the Premier after the Act had been passed, stating that he would try and amend the Act the following year. According to Heke this was because Carroll's wife had land that was mortgaged and it was realised that now her land would be subject to this legislation. Carroll's "proposed amendment was to enable persons of the Native race whose land was mortgaged to renew the mortgages, which the present Act prevented."⁴⁹ This type of action only added fuel to Heke's criticism of Carroll.

The member for Northern Maori was also critical of the European Members of Parliament. Speaking at Orakei in 1895 he ridiculed statements made by his colleagues that "they had a great love for the Natives, and contended that such statements were not borne out by facts." He condemned the decision to restore pre-emption, and felt it unjust that the Crown be the sole purchaser of Maori land.⁵⁰

Among those who responded to what was occurring at this time, were the members of Te Kotahitanga. The Kotahitanga movement sought recognition from the Government under the terms laid out in Article Two of the Treaty of Waitangi, to enable them to legislate on matters affecting Maori and to administer their own land.⁵¹ Maori had made various

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Hone Heke at Orakei, *AH*, 9 January 1895.

⁵¹ Tony Tidswell, 'Liberal Native Land Legislation of 1900: A Compromise Between Maori Aspirations and European Settler Demands', unpublished essay (Massey University, 1993), p.4.

attempts to achieve their goals through the European system, to show settlers that they were willing to co-operate as they had been pressured to do. But this was still not enough to satisfy those in power, and this was, according to Tidswell, what led to “the growth in separatist Maori organisations such as Kotahitanga and the Kingitanga among many North Island tribes.”⁵² Realising how much they had worked with politicians in attempting to have fair land laws passed, and how much their efforts were ignored, they focused their attention elsewhere. As Tony Simpson has written, “no matter how loyal and co-operative the Maori people were, pakeha society had no place for legitimate expression of their grievances, as this would be to admit the moral invalidity of what had occurred in respect of the land since 1860.”⁵³

Kotahitanga was a focus for Maori nationalism in the 1880s and 1890s, and it was no coincidence that “from about 1893, just when the Government was winding up the special machinery of Maori administration, the Kotahitanga was entering its most influential phase.”⁵⁴ Its main support base was the East Coast, North Auckland and the Hawke’s Bay. According to Richard Martin,

the main unifying factor in the movement was distrust and suspicion of Government policies and actions which had resulted in the loss of great areas of land and in the weakening of the traditional patterns of tribal leadership.⁵⁵

Kotahitanga regarded the Native Land Court as oppressive toward Maori, and worked towards its demise.⁵⁶ In 1895 the movement organised a boycott of the Court, but by then most of the valuable and productive land had been subjected to the Court and fallen into

⁵² Ibid., p.1.

⁵³ Tony Simpson, *Te Riri Pakeha: The White Man’s Anger* (Martinborough, 1986), p.234.

⁵⁴ Ward, *A Show of Justice*, p.306.

⁵⁵ R. J. Martin, ‘The Liberal Experiment’, p.48.

settlers' hands. Loveridge was quick to point out that land was not the sole concern for Kotahitanga, but he did agree that "the Government's handling of the 'Native land question' was always a central issue, and opposition to the Native Land Court in particular became a rallying point for these movements."⁵⁷

Liberal politicians were never going to allow movements such as Kotahitanga to succeed. The paternalistic nature of politicians and settlers alike has been well documented, and must be remembered when analysing attitudes at this time. It was assumed by the settlers that Maori were simple savages and that the Europeans were a superior race. What Maori required was firm and of course benevolent guidance. There was also another reason why the Government were never going to take notice of Kotahitanga:

granting the Maori parliament autonomy would inevitably lead to laws resulting in further slowing of alienation for European settlement as Maori sought to regain control of their lands and reserve the more productive land for their own economic enterprise; and it would conflict with moves to remove separate political institutions for Maori.⁵⁸

The Government was looking for fast and effective ways to gain control of Maori land. It did not want to be hampered by having to negotiate with Maori protest movements such as Kotahitanga.

In 1895 Kotahitanga petitioned the Queen, their Treaty partner, in an effort to achieve their goals. But this avenue failed for them also. In time they realised that European settlers and politicians would not put up with separate Maori institutions, and they were

⁵⁶ Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle Without End* (Auckland, 1990), p.166.

⁵⁷ Donald M. Loveridge, 'Maori Land Councils and Maori Land Boards: An Historical Overview, 1900-1952', Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1996), p.12.

⁵⁸ Tidswell, p.5.

forced to change their demands and tactics accordingly in order to achieve change within the existing system. Tidswell believed that they did have a small measure of success in that:

by the mid 1890s the growing influence in Maori society of such movements was enough to force Liberal politicians to recognise Maori concerns and at the very least make a show of addressing them as they continued to purchase Maori land at ever increasing rates.⁵⁹

One person not supportive of Te Kotahitanga was James Carroll. He felt that such a movement was too divisive, and not only as “being beyond practical politics but as drawing the Maori apart from advancement within the mainstream, which was always Carroll’s primary objective.”⁶⁰ The point to be made though is that Europeans were never really prepared to share power with the tangata whenua. Their paternalistic and patronising attitude which is evident throughout this country’s history would never allow them to. Carroll in the debating chamber questioned Parata, the Member for Southern Maori, over his support of Kotahitanga:

does the honourable gentleman think it possible, or at all feasible? Is he really truly representing the interests of his constituents when he wastes all this valuable time year after year in striving for the unattainable and chasing a shadow?

Carroll claimed that he also felt just as much for the Native cause no matter what position he occupied.⁶¹ He merely believed that Te Kotahitanga was not the way to solve the ‘Native problem.’ It was Carroll’s desire that Maori compete with Pakeha on the same terms, as he himself had won a European seat, and firmly believed that other Maori could do the same. Again though, Carroll’s support of the 1894 Act does not support this claim.

⁵⁹ Ibid., p.2.

⁶⁰ Ward, ‘Carroll’, p.80.

⁶¹ NZPD, 1893, Vol.82, pp.949-950.

If Maori could sell their land only to the Crown, at minimal prices, this failed to give them any sense of equality.

After several attempts, in 1893 the Native Department was finally dismantled. The amalgamation of the Native office with the Justice Department removed any checks on the rampant land purchasing of the Liberal Government. Ballance thought that abolishing the department and replacing it with a Maori representative in Cabinet would be sufficient for Maori. Carroll's appointment can be seen as a cunning ploy by the Liberals. Having accepted a Maori presence in Cabinet gave the Government some form of legitimacy for their unjust actions. When Carroll spoke, he did not speak for all Maori; but his voice was nonetheless the Maori voice the Liberals preferred to hear. Whilst they appeared to have regard for Maori interests, and had such a representative, they were in fact 'window-dressing.' The Liberals never had any real intention of helping Maori and putting them on an equal footing with Europeans. As much as Carroll wanted that to happen, he was no more influential in Cabinet than any of the Maori Members of Parliament. Carroll was fully in support of the Native Land Court Act of 1894, which restored the Crown's right of pre-emption, something which in 1887 and again in 1891 he had heavily criticised. He was forced to fall in line with Government policy or risk his place in Parliament. The scene was set for the Liberals to continue purchasing Maori land with very little opposition.

2

A CHANGE OF HEART?

The basis of all Liberal legislation is that the State can be made an instrument to benefit humanity.¹

In terms of Liberal Maori land policy the State was the instrument settlers used in order to gain access to Maori land. While settlers benefited from the legislation that the Liberals passed, Maori gained little, and with the Native Department abolished the way was clear to purchase more and more land. Between 1892 and 1900, 2.7 million acres of Maori land were purchased at a cost of £775,000. This was a substantial amount of land given the high level of Maori protest at the time.² Seddon's Government was especially determined to continue with the land purchasing programme, for the simple reason that the "political survival of the Government depended upon finding sufficient land to satisfy the demands of thousands of European settlers for farms,"³ and to give further effect to the Liberals stated aim of putting 'small men' on the land. This chapter will investigate exactly what legislation was being passed in the latter part of the decade, and Maori reactions to the ever continuing 'land-grab' by the Liberal Government; it will suggest that a 'change of

¹ Extract from Stout's speech to constituents, May 1894, MS 94-106-17/16, WTU, p.8.

² General Report on Native Land and Native Land Tenure, 24 July 1907, *AJHR*, 1907, G-1c, p.5.

³ Donald, M., Loveridge, 'Maori Land Councils and Maori Land Boards: An Historical Overview, 1900-1952', Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1996), p.11.

heart' occurred because, as the decade drew to a close, the Government made a pretence of giving Maori more autonomy in their affairs. It was a pretence that Maori easily saw through, and one the Government did not pursue once they realised that land was not forthcoming under the legislation they had passed.

As Native Minister, Seddon often boasted about how successful the Liberals were in purchasing land from Maori, especially when compared to the earlier Atkinson Government. In 1895 Seddon was reported as saying that

since coming into office they had acquired land from the Natives up to March 31st, 1894 - 774,000 acres, and the estimated area acquired since April, to date, was 300,000 or a total of 1,074,000 acres. Equal to about one-eighth of the entire Native estate, when the present Government took office, as against 87,000 acres acquired by the Atkinson Government.⁴

Seddon was fundamentally committed to pre-emption. He saw it as a protective measure toward Maori, and it suited his paternalistic nature. By selling only to the Government, Seddon felt that Maori interests were safeguarded from corrupt private purchasers. However, Seddon conveniently forgot about the way in which the Government used the monopoly of pre-emption to increase land alienation by purchasing land cheaply, and re-selling it at inflated prices in order to make a large profit. Pre-emption was one reason why Seddon was reluctant to grant Maori any form of self-government in the latter part of the century. He deliberately stalled on this issue in case it jeopardised the land grab that had been made possible by pre-emption. Whilst the Native Land Court and pre-emption were still meeting settler demands, Seddon was never going to take Maori wishes for self-

⁴ Seddon addressing his constituents, *WCT*, 10 January, 1895.

determination seriously. European settlers were in a very powerful position in the late nineteenth century, especially those who sought after land, and the Liberal Government was very aware of this. If such settlers were unhappy they would simply switch their allegiance to those who would meet their demands.

The denial of tino rangatiratanga was in part due to the fact that Seddon, like many of his colleagues, felt that to a certain degree Maori were to blame for the position they found themselves in. He believed they were too willing to sell their land, and that they had not been forced to do so. In Seddon's opinion the main reasons Maori lost their land were because of the 'fleeting pleasures' of drinking and gambling and the expense of holding tangi. At a Kotahitanga hui in Waipatu in 1898 Seddon stated that:

you hold a great tangi, and to do this you have to get money upon your lands.... It is the duty of all people to show respect for the dead, and they should show consideration for those who have suffered bereavement, but there is no necessity for spending large sums of money in doing so.⁵

Seddon also blamed the Native Land Court and the lawyers' fees Maori spent trying to defend their rohe. Maori were not forced to sell. However, they were not actively encouraged to hold on to their land either. The tactics employed by the Native Land Purchase Officers were unprincipled to say the least. Shopkeepers were encouraged to give easy credit to Maori when they arrived in towns holding Native Land Court sittings, which meant the only avenue left to pay off their bills was to sell land to the officers

⁵ *Notes of Meetings Between His Excellency The Governor (Lord Ranfurly), The Right Hon. R.J. Seddon, Premier and Native Minister, and the Hon. James Carroll, Member of the Executive Council Representing the Native Race, and the Native Chiefs and People at Each Place, Assembled in Respect of the Proposed Native Land Legislation and Native Affairs Generally, During 1898 and 1899* (Wellington, 1900), p.7.

eagerly waiting with ready cash. Land was the only avenue open to Maori to raise finance. The settler Government had introduced taxes on the land, the cost of living had risen, and Maori were denied any funds to help develop what land remained. Maori land was debt-free when Europeans arrived in New Zealand, but the costs that were slowly introduced on the land, and the lack of assistance to help meet those costs, meant that Maori owners were often left with no choice but to sell.

A comparison of the different types of bills that Maori and Pakeha put forward in Parliament, gives an idea as to what principles were considered important in terms of Maori land administration. Maori showed immense initiative in their wish to see some form of legislation passed granting them autonomy over their lands. The Government by sheer majority of numbers was able to enact many of its own proposals. Maori on the other hand were forced to draft and re-draft the proposals they put forward. Many of their recommendations were considered unacceptable by Europeans. In 1893 the Liberal Government passed the Native Land Purchase and Acquisition Act.⁶ The objective of this legislation was to gain access to the seven million acres of Native land that was lying 'unproductive' in the North Island, in order to satisfy the demand for land by European settlers. The Act provided for the establishment of a Native Land Purchase Board which would value the land, and a proclamation could then be issued for that particular block to prevent Maori from leasing or selling that land privately for two years. Owners were then given the option to either lease or sell to the Crown. Although this was optional, it only required the approval of a majority of owners for the Act to come into effect. Put simply

⁶ The Native Land Purchase and Acquisition Act 1893, *Statutes*, No.41, pp.174-186.

this legislation was an avenue in order to extinguish Native title by purchase in order to settle further parts of the colony.

Seddon and the Liberal Government were extremely critical of the fact that Maori were not developing and making improvements on their land, though the fact that they were never given any assistance to do so made it difficult for them to fund such improvements. European settlers were helped in every way possible, especially financially, to develop their land. In 1894 the Liberals passed the Government Advances to Settlers Act.⁷ This Act enabled the Government to assist settlers by advancing them loans at very cheap rates of interest. This was deemed necessary because settlers were heavily burdened by the cost of developing land, and this retarded the growth and progress of the colony. With their loans farmers were then able to purchase stock and build on their land. Maori, on the other hand, because of fragmented titles, were denied access to any form of development finance, yet the expectations placed upon them by Europeans to improve their land was high. As Ballara rightly points out:

few recognised the Maori were blocked in many cases from developing their lands because of the chaos in titles created by individualising land legislation, together with the denial of the kind of assistance available to European settlers.⁸

As a consequence of Government action at this time, Maori people, especially supporters of Kotahitanga, never let up in their calls for self-determination. In 1894 Wi Pere drafted, on behalf of Te Kotahitanga, the Native Lands Administration Bill which was “to enable

⁷ The Government Advances to Settlers Act 1894, *Statutes*, No.38, pp.183-201.

⁸ Angela Ballara, *Proud to be White? A Survey of Pakeha Prejudice* (Auckland, 1986), p.77.

committees to be appointed for the management of Maori lands.”⁹ The bill would have seen committees of owners elected to administer blocks of land. Kotahitanga would have appointed members to sit on Maori dominated boards to oversee the administration. However the bill was defeated after its first reading. The Government was always reluctant to initiate Maori-controlled boards or councils; power had to remain in European hands.

Also in 1894, Hone Heke introduced the Native Rights Bill to empower Maori to enact their own laws regarding themselves, their lands and their property.¹⁰ The impetus behind this bill also came from Kotahitanga, and its aim was to establish a Maori constitution and elect a Maori parliament to regulate Maori land issues and provide for the welfare of their people. They felt this was necessary as Maori had been subject to a substantial loss of land and grievances they were not able to remedy. Kotahitanga wanted Maori to regain control of their lands, but the Liberal Government was not interested. A study of the debates concerning this bill gives an insight into the prevailing attitudes of Europeans at this time. The bill, like many Maori MPs put forward during this time, was not debated at the first reading. At the second reading of the bill, Heke read to the House the 1835 Declaration of Independence and the Treaty of Waitangi, and on the grounds of these two documents pleaded that this bill be passed. He told those present that Article Two of the Treaty had given Maori full right to the soil of New Zealand, and that it was only natural for Maori to suppose that they ought not to be harassed by any laws passed by the House

⁹ Preamble of The Native Lands Administration Bill 1894, *Bills Thrown Out*, No.100.

¹⁰ The Native Rights Bill 1894, *Bills Thrown Out*, No.93.

in respect to their lands.¹¹ Carroll, on the other hand, felt that the bill would be of little service to Maori and “did not think the Bill did anything in the way of clearing up the Native question.”¹² Of course it would not clear up the problem of Native land tenure, because it did not allow European settlers access to Maori land. However, it was immaterial as there were not enough Members present in the House to form a quorum, due to the fact that they had walked out, and the bill was not voted on.

In 1895 Heke re-introduced his Native Rights Bill to Parliament, and although it got through the first reading it was discharged after the second.¹³ Heke tried again in 1896. He reiterated that such legislation was necessary because from the beginning of settler Government there had been continual violations of the principles of the Treaty of Waitangi. Addressing the House he said that Maori people had always adhered to the laws that were passed by the Europeans, and now they wanted assistance from the House to see what they desired passed into law.¹⁴ John McKenzie, the Minister of Lands and Agriculture, called the bill absurd and ridiculous. In typical paternalistic fashion he believed that Maori were incapable of legislating for themselves. He thought that the Europeans who had come to New Zealand and made it what it was at present, had in no way done any injustice to Maori. Maori could hardly feel they were hard done by when the Government had so generously given them four seats in Parliament, and allowed them to help pass legislation for the colony.¹⁵ Whilst Maori had indeed been given the opportunity

¹¹ *NZPD*, 1894, Vol.85, p.553.

¹² *Ibid.*, p.565.

¹³ *NZPD*, 1895, Vol.91, p.15.

¹⁴ *NZPD*, 1896, Vol.92, p.306.

¹⁵ *Ibid.*, p.306.

to help legislate for the country, they were only four out of approximately 120 politicians. When they took the initiative and put forward their own proposals they were then derided by their European colleagues. The Maori MPs, already severely outnumbered, could not always rely on Carroll's support. Carroll appeared not to favour any of the proposals put forward by his Maori colleagues, yet claimed to be working in Maori interests. Barbara Gilmore apparently supported McKenzie. She believed that "Maori representatives in Parliament were all members of the Government and therefore were in positions of considerable influence in helping to formulate policy". In her opinion, the four Maori MPs were too different in their attitudes and reactions to be effective.¹⁶ In fact Maori were more united in the 1890s than at any time previously, but Maori views in Parliament were completely disregarded by their European counterparts. Whilst they tried their best to be influential they were fighting an uphill battle. After three attempts on Heke's part, his bill was finally voted on in 1896 and was defeated by a majority of 31 votes.

The Kingitanga, through their representative in Parliament, Henare Kaihau, drafted the Maori Council Constitution Bill in 1897.¹⁷ This was to provide for a form of local government for Maori people. The bill called for the abolition of the Native Land Court, and all Maori owned land was to be managed by a Maori Council that would consist of 56 Maori members. Of this total, 14 would be appointed by the Governor, 14 would be appointed by Tawhiao and the remaining 28 would be elected by Maori. Elections would be held in a similar manner to the system used to elect Maori Members of Parliament. The

¹⁶ Barbara Rae Gilmore, 'Maori Land Policy and Administration During the Liberal Period, 1900-1912', MA thesis in History (Auckland University, 1969), p.180.

¹⁷ The Maori Council Constitution Bill 1897, *Bills Thrown Out*, No.96.

term would be for three years, and there would be seven representatives from each of the four Maori electoral districts. The mana of the council would be vested in Tawhiao and it would have the same judicial functions as the Native Land Court. The council would have civil jurisdiction to ascertain papakainga certificates, set dog taxes, and pass licensing laws; Maori fisheries and fishing grounds would also be vested in the council. The council would also have criminal jurisdiction to hear trials concerning criminal offences between Maori people. They would not however have power to hear a case involving a Maori and a European. This bill meet with the same fate as those that Kotahitanga had drafted, although many of the ideas contained in the bill eventually made their way into the legislation of 1900. Liberal politicians were not keen to have a Maori council with the same power as the Native Land Court for many reasons: mainly because they believed Maori lacked experience in respect of judicial functions and had no experience regarding the administration of land.¹⁸ Again the paternalism of the Liberal politicians rose to the fore. Their misplaced notion of superiority always ensured that the wishes of Maori, the tangata whenua, were rejected.

These bills, although unsuccessful, are a good example of how mobilised Maori political movements were in the 1890s in an attempt to achieve their goal. Movements such as Kotahitanga used their voice in Parliament in order to put before the House what they wanted in terms of Maori land legislation, and by continuing to re-introduce their bills to Parliament they were able to maintain pressure on Seddon and the Liberals to enact change. The late nineteenth century saw an unprecedented political unity among Maori.

¹⁸ *NZPD*, 1899, Vol.115, p.740.

What was also surprising was that it was a mobilisation on European terms. They were fighting for change in Parliament by putting forward private bills incorporating their wishes, and even though initially there was no change, Europeans were forced to concede that Maori were serious in their demands.

In addition to drafting prospective legislation, Maori pressured the Government in other ways. Seddon was embarrassed by a petition that Kotahitanga sent to the Queen, their recognised Treaty partner, in 1897. It coincided with his trip to England for the Queen's diamond jubilee celebrations. Seddon was forced to defend his Parliament's policy toward Maori and their land, especially their right of pre-emption.¹⁹ European settlers were also placing pressure on the Government. Settlers were no happier about pre-emption than Maori were. Settlers wanted the right to purchase land directly from the Maori landowners. In 1898, Frederick Pirani, Member of Parliament for Palmerston, presented a bill concerning Maori land.²⁰ Pirani was Australian born and entered the New Zealand Parliament in 1893. His ideas on Maori land were encompassed in the Administration for the Lands of Natives Bill.²¹ It proposed that land which had already had its title ascertained by the Native Land Court, should with the consent of the Native owners and the Governor, be vested in the Public Trustee. This Bill was rejected, but Pirani re-drafted it and presented it to the House again the following year.²² Instead of now vesting land in

¹⁹ Dispatches, *AJHR*, 1898, A-2, p.13.

²⁰ Pirani was the Member of Parliament for the seat of "Palmerston" whether it was north or south is not stated. According to Steven Oliver's biography Pirani was living in the Palmerston North area, so presumably it was the seat of Palmerston North. See 'Frederick Pirani', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), pp.388-389.

²¹ The Administration for the Lands of Natives Bill 1898, *Bills Thrown Out*, No.79.

²² The Administration for the Lands of Natives Bill 1899, *Bills Thrown Out*, No.72.

the Public Trustee, the new bill proposed the establishment of a Native Land Trustee, in which owners could vest their land. However, this too was rejected. But all this pressure, from both Maori and Pakeha, meant that Seddon was becoming increasingly aware that he would have to take some form of action. Both sides were unhappy with the monopoly that the Government enjoyed. Although pre-emption ensured Europeans were able to settle on the land, it also enabled the Crown to make a profit in the process.

In the two years immediately preceding the passing of the 1900 legislation there was a lot of agitation for change. Seddon toured the colony in 1898 meeting with iwi to discuss future legislation. The purpose of the tour was to discuss another new bill which he proposed regarding Maori land and how it could be administered for future use. This was the Native Lands Settlement and Administration Bill and was based upon John Ballance's Act of 1886.²³ The Act of the previous decade had allowed owners who had had their title determined by the Native Land Court process, to elect committees to decide whether the land should be leased or sold. "By allowing the owners to form committees it was hoped to prevent further fragmentation of title and thereby to make it easier to obtain land for settlers;"²⁴ that, after all, was the basis for all Liberal Maori land policy. However, the Act was quickly repealed after two years by the Atkinson Government. Provisions that allowed for roads and surveys in the Native districts made Maori suspicious of the intentions of the Government and did not satisfy the demands for Maori control.²⁵

²³ The Native Land Administration Act 1886, *Statutes*, No.23, pp.134-144.

²⁴ Heather Bassett, Rachel Steel, and Dr. David Williams, *The Maori Land Legislation Manual: Te Puka Ako Hanganga Mo Nga Ture Whenua Maori*, Crown Forestry Rental Trust (Wellington, 1994), p.146.

²⁵ *Ibid.*, p.146.

Previous Government action toward Maori gave them good reason to be distrustful, and as a result practically no land was vested under the Act.²⁶ Although it had not been successful, Seddon was sure in 1898 that the time was right to reintroduce the principles of such legislation.²⁷ Time indeed, for he was becoming uneasy at the thought that Maori might perhaps become a landless people and therefore a charge on the state.

Seddon's Native Land Settlement and Administration Bill proposed that boards or councils be established in order to dispose of lands by way of lease. Such structures would comprise both nominated European members and elected Maori representatives, so that Maori could vest their lands for leasing purposes. When Seddon met with Te Arawa to discuss the bill, he told them that any land that was leased would obtain the best possible rentals, and that accepting the proposals was a purely voluntary act.²⁸ What could have been a valuable exercise in assessing Maori concerns over their land was in fact little more than a window-dressing exercise by Seddon. Due to the considerable pressure he was under to alter the legislation, he had to appear to be doing something to rectify the problems faced by both Maori and European settlers. His efforts could hardly be considered serious when land purchasing still continued during this time.

To a certain extent Seddon was aware of the difficulty that Maori faced in trying to develop their land through lack of government funding compounded by pre-emption. In a meeting at Papawai in May of 1898, Seddon told Maori that

²⁶ *AJHR*, 1887, G-8, pp.1-2.

²⁷ The Native Land Settlement and Administration Bill 1898, *Bills*, No.49.

²⁸ *Notes of Meetings*, p.29.

it is right that a stop should be made now, because if this taking of your lands is continued it will only be a very short time before you will become a burden upon the pakehas.²⁹

It was not a genuine concern for Maori welfare that prompted these comments, rather a fear that Maori might become dependent on the colony. Seddon played his role as the benevolent protector, the Queen's representative, to perfection on the tour. He was very paternalistic in his dealing with Maori, and tried very hard to persuade them that he had all the answers. Butterworth said that while on tour Seddon did acknowledge the need for change and "used his force of personality to peddle his panaceas to various Maori hui" but became "increasingly frustrated as his irresistible force met seemingly immovable Maori suspicions."³⁰ Often Seddon would call on James Carroll to help explain the proposals. At a hui with Mahuta and other Waikato chiefs at Huntly in 1898, Carroll told those Maori present to consider carefully the offer that had been made. He told them to

consider the number of Europeans and their thirst for land: I say this is a very important departure which is now proposed by the Government - namely to stop the sale of the land. It is a matter which must receive that consideration which its importance deserves. Remember that the Government stands between you and the hundreds and thousands of Europeans.³¹

However, the Liberal Government might well have remembered the importance of their position and the promises made earlier to Maori under the Treaty of Waitangi. Had they done so, they might have been more genuine in their efforts to help Maori. Instead they made a huge pretence of assisting Maori, when they were looking for ways to place the

²⁹ Ibid., p.46

³⁰ G.V. Butterworth and H.R. Young, *Maori Affairs: A Department and the People Who Made It* (Wellington, 1990), p.58.

³¹ *Notes of Meetings*, p.17.

settlers upon Maori land.

Accepting Seddon's proposals presented Maori with a dilemma: to accept the small measure offered, even though it did not go as far as they had wanted, or reject it and continue under the existing system. Paratene Ngata, speaking at the hui in Wellington in 1898, supported the bill on the whole but asked that Seddon incorporate some of the amendments that they wanted. One of those changes was that each district should be represented by its owners, so that they could have a say on whether or not they were willing to accept the conditions as proposed by the bill, in terms of the land to be leased in their districts. Seddon however, was loath to give Maori absolute power on the boards, even though he assured them that this bill was 'practically self-government.' Absolute power would always be retained by the Crown.

Te Kotahitanga parliament also debated the Native Land Settlement and Administration Bill at a special hui at Papawai. This however led to divisions in the movement between those who wanted a recognised Maori parliament, or 'home rule' party, and those who chose to work within the European system, willing to negotiate with the Government for change. The 'home rule' faction was supported by mainly northern and central iwi, and they vowed to continue supporting Hone Heke's Native Rights Bill. Their demand was one of division. The 'moderates' from the southern and eastern tribes were led by men such as Wi Pere, and were prepared to work with Seddon on this new bill. Their demand was one of compromise. They dismissed the 'home rule' calls for separate Government, and although they believed the bill needed several amendments, they were willing to try

and work with the Crown. After the hui had concluded they met with Seddon in Wellington, and presented him with their changes to the bill.³²

When the Native Affairs Committee met to discuss Seddon's Native Land Settlement and Administration Bill it was inundated with petitions of protest from Maori. When Hone Heke was examined by the Committee on his views of the proposed bill he chose instead to talk more generally about Native land legislation, and what was required by the Government when dealing with the issues. Heke said:

I believe in the assimilation of the laws controlling Native lands with the laws operating over European lands or the property of Europeans, because under such laws each man retains his independent rights of control, and can administer and dispose of his own land as he pleases, and has access to the outside general market.³³

Heke felt that Europeans were lightly dealt with in terms of legislation concerning their property. European land was not forced to incur the cost of surveys and roads, and he objected to the restrictions that current Native land legislation had placed upon Maori.

In December 1899, Seddon was forced to concede that his attempts to persuade Maori to accept his Native Land Settlement and Administration Bill had failed, and the portfolio of Native Affairs was given to James Carroll. Ward said that Carroll was finally rewarded for his loyal co-operation to Seddon and the Liberal Party,³⁴ which of course is true. But

³² Dispatches, *AJHR*, 1898, G-7, pp.1-2.

³³ Native Affairs Committee: The Proposed Native Lands Settlement and Administration Bill, *AJHR*, 1899, I-3a, p.9.

³⁴ Alan Ward, 'James Carroll', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), p.80.

perhaps it is a little more complex than that. When Seddon's bill in 1899 was not enacted into legislation he saw it as a personal defeat. Butterworth believed that it was more than a political promotion; "Seddon was tacitly recognising the need to allow a new negotiator to try his hand at reaching the compromise with the Kotahitanga."³⁵ But just as Carroll advised Seddon, before Carroll obtained the portfolio, so Seddon remained very much in control of Native Affairs after he had relinquished it. If his abdication was supposed to indicate a softening by Government toward Maori land policy, Maori were far from convinced.

In 1900 Kotahitanga met in Rotorua for their annual hui, and the 'home rule' delegation was fewer in numbers than the moderates. At this meeting Apirana Ngata and Hone Heke drafted another bill that was agreed upon by all those present. It was called the Native Lands Administration Bill. Contained within it was the intention of keeping all Maori land in the hands of the owners. The bill called for the Native Land Court to be replaced by six District Land Boards and an Appeal Board. Local block committees would be established to make investigations into land titles and to put the land under production by the direction of the Native owners.³⁶ The new bill was presented to Seddon in Wellington; but he had plans of his own.

Seddon redrafted his 1898 bill and had Carroll present it to the House as the Native Lands Control and Administration Bill.³⁷ The bill envisioned land districts and boards that would

³⁵ Butterworth and Young, *Maori Affairs*, p.58.

³⁶ *NZH*, 22 March 1900.

³⁷ The Native Lands Control and Administration Bill 1900, *Bills Thrown Out*, No.158.

have two European and two Maori members. Block committees would be set up for land held by more than ten owners. There would be compulsory vesting of all Maori land, but the land vested could only be leased, and not sold. This was a complete change of heart by the Liberal Government, and solved a difficult problem for them. Maori would still retain the freehold, but the option of leasing 'surplus' land meant that the demand for land by European settlers would still be satisfied. Leasing the land for a short time meant that Maori would be able to get on their feet, using the money they received from the rent to develop their remaining lands, and generally integrate more successfully into a European society. The board would also have the power to set aside any portion of the block for the owners' use and benefit. In addition, advances could be made to the board in order to undertake surveys and build roads. This bill however, was not supported by the Kingitanga who instead advocated voluntary vesting of land in the boards.

Seddon's response to this was to reintroduce an amended version of the Maori Lands Administration Bill of 1899. Heke was unimpressed, saying that it was merely introduced to pacify the Kingitanga. In effect the 1900 Bill was a compromise between Heke and Ngata's Native Lands Administration Bill; the Native Lands Control and Administration Bill that had been introduced by Carroll; and the amended Maori Lands Administration Bill of Seddon's presented in 1900.³⁸ In the debate surrounding the passing of the 1900 bill, Seddon reiterated that the Liberal Government did not wish to see Maori disappear or become a burden on the state. Rather, the Government wanted Maori land to be made

³⁸ Tony Tidswell, 'Liberal Native Land Legislation of 1900: A Compromise Between Maori Aspirations and European Settler Demands', unpublished essay (Massey University, 1993), p.31.

more productive,³⁹ but they believed it could only be considered productive if the land was held by Europeans and they had applied their labour to the soil.

In terms of the wishes of the Maori Members of Parliament, Kaihau from Western Maori asked that the bill be passed in order to prevent further injury to Maori. He thought that it would put them on a more equal footing with European settlers.⁴⁰ Heke felt that the bill was a mere compromise but was willing to work with it, and thought that with further amendment it would be satisfactory.⁴¹ Pere agreed with Heke that the Act would be adequate with further amendments, and said that this was a continual practice of the House regarding Europeans and the legislation affecting them, and the same should be done for Native land legislation.⁴² Carroll advocated Maori interests in this bill, which was surprising. He felt that it should be passed in order for Maori to improve their position. In an address to the House he asked

what have you done all these years for the Maori people?
Absolutely nothing. You, who have held the power in your hands
for so long. You, who have held to be the intelligent party, to
always enact the laws for the administration of our affairs.⁴³

Carroll again changed his position from that of the 1890s. He failed to realise that the Liberal Government had held the power because of their right of pre-emption, a measure he had helped pass with his support of the 1894 Act. He felt that Pakeha were too selfish, and the sordid side of their nature prevented any legislation being passed to benefit Maori

³⁹ *NZPD*, 1900, Vol.115, p.168.

⁴⁰ *Ibid.*, p.175.

⁴¹ *Ibid.*, p.189.

⁴² *Ibid.*, p.191.

⁴³ *Ibid.*, p.184.

people. Carroll pleaded that the House pass the bill and agreed with Maori politicians that at the very least it should be given a year's trial. So often during his time as a member of the Cabinet without portfolio, Carroll had disregarded Maori in favour of toeing the party line. Yet as Native Minister, or at least in debate of this bill, he was critical of the Europeans' treatment of Maori in previous legislation.

It has already been stated that Maori were faced with a dilemma as to whether or not to accept the small concession made by the Liberal Government. Another aspect that must be considered is the role played by the Te Aute Students Association. This organisation was formed in 1897 under the leadership of Apirana Ngata. It was, as Williams said, "a social reform movement of young educated Maoris."⁴⁴ They wanted Maori to compete with Pakeha on equal terms and looked to James Carroll as their mentor. Ngata and the Association were not in favour of Kotahitanga, but nonetheless came to see it as a way of reaching Maori.⁴⁵ Ngata played a very "decisive role in resolving the deadlock in Maori legislation that arose in 1898."⁴⁶ The Association had been advocating social change for Maori and now saw this deadlock as a way of getting their proposals put into place. The passing of the Maori Land Administration Bill could well have been a trade-off in order to get social reform legislation passed to benefit Maori. If Maori let the Government have their 'surplus' lands in order to lease to settlers, the Government in return would give Maori social control.

⁴⁴ John A., Williams, *Politics of the New Zealand Maori: Protest and Co-operation, 1891-1909* (Auckland, 1969), p.100.

⁴⁵ *Notes of Meetings*, p.46.

⁴⁶ Williams, p.100.

Still in debate over the Maori Land Administration Bill, Alfred Fraser, the Member for Napier, said that he was not at all in favour of passing the bill. In true paternalistic Liberal fashion he felt that Maori were too irresponsible to administer their own land. In debate he said:

I shall be glad to hear the Premier, or the Native Minister, tell us where he is going to find a body of Natives in the North Island to whom he would intrust the administration of his lands. I know of none to whom I would give such responsible powers.⁴⁷

This sentiment was a reflection of the way in which Maori were thought of by European settlers. Maori were children not to be trusted. Pakeha ignored the history of Maori land holding in pre-European times, when land was successfully administered and cultivated. Their paternalism and racist attitudes contributed to the delay in having some form of administrative legislation passed relating to Maori land. Maori disagreed with Pakeha ideas of Maori land administration and put forward ideas of their own, which were continually dismissed by the settler Government. Maori were prepared to work with Europeans on their terms in order to strike a balance with an administration programme that would work. But most Liberal politicians were not committed to legislating in Maori interests. Any claims by Liberal politicians to the contrary were unfounded. They were simply feathering their own nests and were certainly not acting in good faith toward Maori. Their actions were tantamount to legislative theft and were a complete breach of Article Two of the Treaty of Waitangi.

⁴⁷ NZPD, Vol.115, p.176.

Despite opposition, on 20 August 1900 the Maori Lands Administration Act was passed.⁴⁸ The preamble stated that the law was enacted because Maori had petitioned the Government, urging that the remaining five million acres of Maori land in the possession of its owners should be reserved for their use and benefit in order to protect them from the risk of being left landless. Without a doubt, it was to ensure that Maori were not left landless rather retaining reserves for their use and benefit. That was the impetus for this Act. It was also expedient that provisions be made for the better settlement and utilisation of large areas of Maori land lying “unoccupied and unproductive”, and to encourage and protect Maori efforts in the area of industry and self-help.⁴⁹ In effect what was expected was that Maori would lease their ‘surplus’ lands to settlers, and use the rental money they earned to develop the lands that remained.

In reality though, the preamble gave little indication as to what the real intention of the Act was. The Liberal Government was not going to encourage Maori to hold on to and develop all of their remaining land. Such intentions came from the deeply held belief that Maori were really incompetent of utilising their own land wisely. Only Europeans were capable of tilling the soil and making it productive. They again forgot that Maori had managed quite well long before Europeans arrived to ‘civilise’ them.

The Act established six Maori land districts. Within each district there was a Maori Land Council, which had a Maori majority, but the President was to be a European appointed

⁴⁸ The Maori Lands Administration Act 1900, *Statutes*, No.55, pp.468-483.

⁴⁹ *Ibid.*, p.469.

by the Governor. In total there were to be five to seven members. The councils had the same powers as the Native Land Court for “the ascertainment of ownership, partition, succession, the definition of relative interests, and the appointment of trustees for Native owners under disability.”⁵⁰ The councils were designed to act as an agency for Maori wanting to lease their ‘surplus’ lands. They also had the authority to create inalienable papakainga reserves for all Maori. Papatupu Block Committees could be established to investigate inherited land held under Maori custom, in order to define individual titles. An Appeal Court was set up to replace appeal rights to the Native Land Court.

There were some restrictions placed upon the councils in that the vesting of land was not compulsory. Maori could choose to place their land with the councils to have titles ascertained, and they could only vest their land if they had sufficient other land, or papakainga for “their maintenance and support and to grow food upon.”⁵¹ The Government was adamant that Maori should not become a burden on the State. As Loveridge reported, “the Land Councils were thus charged with the duty of ensuring that all Maori landowners retained sufficient land for their future maintenance.” They also played three very significant roles under the new legislation. They supervised the revised system of land alienation; they exercised judicial powers relating to the ownership of Maori lands; and they administered the land vested with them on behalf of Maori owners.⁵² In terms of leasing Maori land the Maori Land Councils had the final say on any

⁵⁰ Ibid., p.472.

⁵¹ Ibid., p.474.

⁵² Loveridge, pp.32,34.

transaction, and so long as Maori held a papakainga certificate the remaining ‘surplus’ land was open to European settlers. The Maori Land Councils were also restricted by the agreement between them and the landowners. Reserves could be set aside for Maori but only if agreed upon by the majority of owners and only if they had applied in writing. Reserves could be set aside for burial grounds, eel-pa or eel-weirs, fishing-grounds, the protection of native birds and the conservation of timber and fuel for the future use of the owners.⁵³

Under section 28 of the Act, land that was vested in the council was accompanied by a written agreement that established the terms of leasing, managing, improving and raising money upon the land.⁵⁴ Under this section there was no provision for the sale of the land. Alienation was only possible by lease and was subject to the conditions in the agreement. Once the land had been vested though, and the terms agreed to, the Maori owners no longer had direct control over the land. The Maori Land Council assumed control over the block. Under the Act there was no provision to return the land to the owners once the term of the lease had expired. Loveridge said that given the absence of such a provision, “it is apparent that a decision to use the Land Councils’ services in this manner was not one to be entered into lightly.”⁵⁵

European settlers who were wanting to lease Maori land also had a restriction placed upon

⁵³ section 29, The Maori Land Administration Act 1900, *Statutes*, No.55, p.477.

⁵⁴ section 28, *Ibid.*, p.477.

⁵⁵ Loveridge, p.38.

them. Under section 26 of the Act they were required to sign a declaration under the Land Act 1892, declaring that the land being acquired was for personal use, and including the land to be acquired, the prospective lessee would hold no more than six hundred and forty acres of first class or two thousand acres of second class land.⁵⁶ If this was complied with, they were issued with a license allowing them to acquire Maori land. But section 26 also made allowances for Europeans where the land was of poor quality or only suitable for pastoral purposes. In such cases the Governor, on the recommendation of the Commissioner for Lands, was able to increase the amount of land to be made available to the lessee.

In the years leading up to the enactment of the legislation, there were objections especially from Opposition Members to the creation of Maori 'landlordism'. They felt that the passing of this Act would create a class of idle Maori who would cream the profits from the land that the European settlers were working hard to develop. William Napier, the Member for Auckland City, addressed the House on this matter. The effect of the Act would be, he said,

to hedge around and shelter by statute for ever a Native class of landlords, so that they and their descendants may, in fact, be the masters of the European inhabitants, especially in the North; to enable Maoris to derive fat incomes from the toil of white men, and to lead indolent lives.⁵⁷

The issue of Maori 'landlordism' stirred deep anti-Maori prejudices among the settlers, as no self-respecting European would be willing to accept a Maori lease or pay rent to a

⁵⁶ section 26, The Maori Land Administration Act 1900, *Statutes*, No.55, p.476.

⁵⁷ The Maori Lands Administration Bill, *NZPD*, 1900, Vol.114, p.506.

Maori.⁵⁸ Settlers felt the idea of paying rental money to Maori was unfair and inherently evil.⁵⁹ In the end whether or not they would consider leasing depended on how badly the Europeans wanted the land.

Whilst the Crown had abandoned their right to pre-emption, their desire to settle Europeans on Maori land had by no means abated. The only thing that had changed was the means of acquiring the land. Put simply, the emphasis was now on leasing instead of outright purchase. Martin discussing this change of focus, said that the change was to “prevent a repetition of the wholesale Crown and private purchases of the nineties and earlier years.”⁶⁰

Maori hoped that the Maori Lands Administration Act 1900 would give them the vehicle to manage their own lands. It did indeed look promising, and according to Loveridge was to be

the new system put in place to protect Maori from the risk [of] becoming landless, to promote the settlement and utilisation of their unoccupied and unproductive lands while encouraging Maori industry and self-help, and to simplify procedures for land administration.⁶¹

However it did not go as far as Maori wanted or needed it to, and sadly, fell short of the expectations placed upon it. The Act was a series of compromises. The Native Land

⁵⁸ Selwyn Katene, ‘The Administration of Maori Land in the Aotea District, 1900-1927’, MA thesis in History (Victoria University, 1990), p.64.

⁵⁹ see Ballara, pp.76-81.

⁶⁰ R. J., Martin, ‘The Liberal Experiment’, in J.G.A. Pocock (ed.), *The Maori and New Zealand Politics* (Auckland, 1965), p.52.

⁶¹ Loveridge, p.39.

Court was not abolished, but the Maori Land Councils were given similar judicial powers. The councils had a Pakeha majority rather than Maori, but the placing of land with them was entirely voluntary. It was in short a paternalistic unworkable compromise that failed to satisfy either Maori or European settlers.⁶² According to Martin, it was as though “the Legislature apparently expected that Maori land-owners would be willing to voluntarily hand over their lands to the Councils for administration so that the balance could be leased by competitive auction.”⁶³

Ngata thought that the Maori Land Administration Act was also an unworkable compromise between opposing principles. However he felt that it was the best that could be achieved at the time; “It had been enough to induce Maoris to give up their protest and opposition.”⁶⁴ Maori were now able to concentrate on social reform and the administration of their land. The Maori Councils Act was passed in 1900, and granted Maori more autonomy in the area of social reform than that of land administration. The councils were made up of Maori and according to Williams “it was hoped that they would provide accurate information, for the first time, on Maori births and deaths, movement of population, consanguineous and interracial marriages, and agriculture.”⁶⁵ Sanitary regulations were introduced into Maori communities for the first time, and Maori were given the task of implementing the new legislation. However, so long as Kotahitanga still

⁶² Richard John Martin, ‘Aspects of Maori Affairs in the Liberal Period’, MA thesis in History (Victoria University, 1956), pp.118-119.

⁶³ *Ibid.*, p.111.

⁶⁴ Williams, p.111.

⁶⁵ *Ibid.*, p.109.

existed, there would always be a basis for Maori protest. Ngata and Carroll persuaded Maori that the Maori Land Administration Act and the Maori Councils Act would be able to respond to their needs, and that there was no longer the need for protest. On the basis of this Kotahitanga was disbanded in 1902.

The Crown had ended its purchase of Maori freehold land. But as Loveridge rightly pointed out, the sole criterion that Pakeha placed on the success or failure of the legislation, was the amount of 'surplus' Maori lands brought under the new scheme.⁶⁶ If too little land was vested in the councils, then the new regime would be judged a failure. Brooking said that the actions of Seddon and Carroll represented "little more than exercises in damage control after the penultimate Maori land grab had been completed."⁶⁷ He likened it to the old adage that the stable doors were closed from 1900, but the horses had already bolted. The best of the land had gone.

Kotahitanga was very pragmatic in its view of the Act. They knew that unless some administrative measure was passed, they would lose all their lands. By the turn of the century, Maori had learnt that it was better to agree to release some of their lands to appease the settlers, rather than run the risk of losing the lot. The only benefit gained was that their land was alienated by lease rather than by sale of the freehold.

The 1900 Act was extremely paternalistic. Although it was supported by the Maori Members of Parliament, it was "a matter of expediency rather than approval of the policy

⁶⁶ Loveridge, p.39.

⁶⁷ Brooking, Tom, *Lands for the People? The Highland Clearances and the Colonisation of New Zealand; A Biography of John McKenzie* (Dunedin, 1996), p.134.

as a whole.”⁶⁸ Maori wanted to deal with their own lands in their own way, but the settlers’ paternalism would never allow it. But Katene viewed it in another light. He believed the Act was an important concession, despite its weaknesses, because it involved Maori in the decision-making process.⁶⁹ Ward believed that the creation of the councils was a “partial recognition of Maori abilities and enabled the creative energies of local communities to be brought to bear on pressing problems.”⁷⁰

Butterworth was correct when he said that the 1900 legislation represented a dramatic departure from Liberal policy. However, it was not a genuine effort on the part of the Liberal Government. If the legislation had been successful and continued well into the twentieth century then the present research would not have been necessary. In the years preceding the legislation, Maori were extremely proactive in their calls for change; the Government on the other hand was very reactive. The Maori Lands Administration Act did indeed represent a complete change in direction for the Liberal Government. However, when it failed to deliver what the Government wanted it was quickly repealed in favour of another method. The Act was not passed to protect the interests of the tangata whenua; it was passed to acquire more and more Native land to appease European settlers. As Williams said, leasing the land side-stepped the long and expensive process of individualising Native title.⁷¹ The notion of leasing was merely a subtle departure from the wholesale land purchase of the late nineteenth century.

⁶⁸ Martin, ‘Aspects of Maori Affairs’, p.118.

⁶⁹ Katene, p.96.

⁷⁰ Alan Ward, *A Show of Justice: Racial ‘Amalgamation’ in the Nineteenth Century* (Auckland, 1973, reprint 1995), p.314.

⁷¹ Williams, p.110.

3

THE MAORI LAND ADMINISTRATION DEPARTMENT:**AN INSTITUTION OR AN IMPROVISATION?**

With the passing of the new legislation in 1900 came the need for a Government body to administer and oversee the changes that had been established. With no specialised Native Department in existence to take on this responsibility, an increased work load was placed on the Justice Department which had been in charge of Native affairs since 1893. As a result the Maori Land Administration Department was established. There is no doubt that the impetus behind the creation of this new department came from the Maori Land Administration Act. However, the inception of this department is extremely curious. There was no provision made under the 1900 Act or any other statute for such a department to be established; there were apparently no regulations, no Orders-in-Council and no proclamations. The department was purely an administrative institution; a Government department that seems to have just appeared. It was substantially an improvisation to oversee an aspect of Native affairs at a time when no specialised department existed. This chapter will investigate the role played by the new department in administering and influencing the change of policy which saw this improvisation

established. It will also examine the people involved in this process of establishing such a department.

Kay Sanderson believed that the Maori Land Administration Department was the central body created to administer the Act and regulate the work of the Maori Land Councils. She wrote that the “department’s activities were quite clearly tied up with the Maori Land Administration Act, 1900 and subsequent legislation.” The 1900 Act she argued, was without a doubt the reason behind the creation of a new department.¹ It would seem from the records that the primary purpose of the Maori Land Councils when established was to take over the work of the Native Land Court. It was felt that with Maori members on such councils, the councils would be more effective at winning the approval of Maori to have their land title investigated.² But ultimately the councils failed to win the trust of the tangata whenua. Between 1900 and 1905 a total of 236,650 acres was vested under the 1900 Act. This fell a long way short of the Liberal Government’s expectations.³

On 24 October 1900, an article appeared in the *New Zealand Herald* relating to the new 1900 legislation and especially to the dilemma the Government was having over deciding who was going to administer the Act. It read:

the Government is considering the question of the selection of persons qualified to administer the Act. It is probable that one officer will be selected from the Public Trust Department, one from the Crown Lands Department in Auckland, and a president, who

¹ Kay Sanderson, ‘Identifying the Functions of Government Agencies’, *New Zealand Archifacts* 1983/3, p.10.

² Letter from Sheridan to Strauchon, MA-MLA, series 1/3, 1904/295, NA.

³ Native lands vested in the Maori Land Boards under the provisions of the Maori Land Administration Act 1900, *AJHR*, 1910, G-10, pp.2-5.

will be an expert in all native matters, in the opening up of lands for settlement, and who possesses the confidence of the Natives.⁴

Two days later, in the same publication, it was announced that a decision had been made. A new department had in fact been put in place to administer the Act. According to the article, the Government had decided to establish a Maori Land Administration Department and Mr Patrick Sheridan, the then Under-Secretary of the Native Department, was to have charge.⁵

The choice of Patrick Sheridan to head the new department was an interesting one. Sheridan had a long association with the Native Department when it was earlier in operation. In his new position, he was referred to as the Superintendent or Administrative Officer of the Maori Land Administration Department. Sheridan was born in Ireland in 1841, and came to New Zealand in 1860. He served in both the Waikato and Taranaki campaigns as part of the British army, and received the New Zealand War Medal for his service.⁶ In the 1881 register of Government employees, Sheridan was listed as an accountant for the Land Purchase Department of Native Affairs.⁷ His efforts in this position were rewarded in 1890 when he was appointed Chief Land Purchase Officer, responsible for implementing the Government's policy to acquire as much native land as possible. The irony is that Sheridan had, for much of his career with the Native Department, been responsible for alienating Maori land. In his new position, he was now

⁴ *NZH*, 24 October 1900, p.5.

⁵ *Ibid.*, 26 October 1900, p.5.

⁶ *Cyclopedia of New Zealand, Volume 1 (Wellington)* (Christchurch, 1897), p.184.

⁷ List of Government employees, *AJHR*, 1881, H-2, p.110.

given the task of overseeing the councils which were, according to the Government, supposed to be an avenue for Maori to reserve and protect their land. Whilst policy may change overnight with the passing of an Act, people's attitudes built up over a number of years are not so easy to alter. Appointing a man such as Patrick Sheridan, with the history he had for helping to alienate Maori land, is an example of how the Government was not willing to encourage Maori to hold onto their land. Appointing such officers as Sheridan simply constituted alienation by another means.

A thorough search of the *New Zealand Gazettes*, the Governor's files, Internal Affairs, Maori Affairs, and Justice Department files in Archives has turned up no evidence of a formal creation of the Maori Land Administration Department. There is evidence in the *Gazette* that the department was indeed in operation⁸, but not that it was officially established. This supports the theory that the creation of the department was an improvisation. The fact that the majority of papers concerning the Maori Land Administration Department are inwards and outwards correspondence upholds this claim as well. There are very few departmental papers that contain any major decisions indicating what the department was trying to achieve. It has been a matter of piecing together little snippets of evidence from a variety of sources in order to gain an understanding of what was happening at the time. The fact that very few of Carroll's papers have survived has proved a frustrating part of this research.

⁸ *Gazette*, 1901, Vol.I, p.2.

There was severe criticism aimed at the Government, via the department, over how long it took for the Maori Land Councils to be established and for members to be appointed. Until the councils were in place, no land could be vested and made available to European settlers. William Massey, the Member of Parliament for Franklin, was most dissatisfied with the delays in setting up the councils and expressed his dissatisfaction in Parliament;

I believe in most districts the Natives have elected their representatives, but the Government have not yet nominated a single member. These Councils have not been set up, not an acre disposed of under the Act since we were here last year, yet they say the Act is working satisfactorily.⁹

There were delays, that is undeniable, but there was also a lot of organisation involved, the responsibility for which lay with the Maori Land Administration Department. For example the boundaries of the six Maori Land Districts had to be drawn up, and this caused a lot of controversy. Maori were not happy with some of the boundaries set and the districts into which they fell. This was the subject of many complaints directed to the department in its short time in operation. No allowance was made for ancient loyalties or rivalries; iwi that were traditional enemies were often included in the same district. In 1901 the department was sent a petition from iwi and hapu in the Rohe Potae, objecting to having their lands included in the Waikato district which was recognised as the rohe of the Maori King.¹⁰ The Kingites were equally unhappy with the situation. An article which appeared in the *New Zealand Herald* said that “they decline to hand the administration of the land over to a people who, in consequence of an old tribal feud, cannot have a common interest or sympathy with them.”¹¹

⁹ NZPD, 1901, Vol.116, p.153.

¹⁰ Petition from Rohe Potae, MA-MLA, series 1/3, 1901/34, NA.

¹¹ NZH, 2 November 1900, p.6.

Other hold-ups included waiting for the department to be issued with its own stationery, for travel allowances to be set, and clerical assistants recruited, tasks for which Sheridan was solely responsible. In terms of the council elections, Returning Officers had to be appointed. Nominations had to be called for from Maori, and election times and polling venues for each of the districts had to be finalised. Each council was to be issued with its own seals for correspondence, and there were delays in trying to decide on their design. All this culminated to slow progress in establishing the councils. It was not until 1903 that most of the Maori Land Councils sat in their respective areas.

According to Loveridge most of the delays occurred because of the reluctance of the King Movement to continue cooperating with the Liberal Government.¹² He did not say however, whether the King Movement was reluctant to assist the Government because of the delays, or whether the delays were due to the reluctance of the King Movement. Although the King Movement had agreed to the provisions of the 1900 Act, they withdrew their consent when, “the government refused to include enough territory within their council district.”¹³ The reality was that the Act did not deliver to Maori what they wanted, nor what they expected. According to Williams,

they also came to realize that the strictly defined powers of the councils left little room for the local autonomy they hoped to exercise. The act, they now saw, was not intended to establish the Maori kingdom but to make Maoris the servants of a state bureaucracy.¹⁴

¹² Donald M. Loveridge, ‘Maori Land Councils and Maori Land Boards: An Historical Overview, 1900-1952’, Report for the Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1996), p.42.

¹³ John A. Williams, *Politics of the New Zealand Maori: Protest and Co-operation, 1891-1909* (Auckland, 1969), p.118.

¹⁴ *Ibid.*, p.118.

To bring the Kingites into line, the Government was forced to make some concessions to appease the movement. In 1903 King Mahuta was offered a position on the Legislative Council, and Henare Kaihau, who was vehemently opposed to the 1900 Act, was elected to the Waikato District Maori Land Council. In its first sitting at Waahi on 15 April 1903, he explained his reasons for accepting the position saying:

he wished to become personally acquainted with the working of the Act, and be able to suggest beneficial amendments in his place in Parliament. Meanwhile he would carefully watch over the interests of the Maori people and assist in carrying out the new Act.¹⁵

Despite this strong statement of interest it would seem, however that Kaihau was largely at the mercy of the power struggle between the Government and Maori protest movements at the time. Appointed to serve on a land council that was created against his better judgement, hoping against hope that it would be amended in Maori interests seems a little naïve, especially when he could see from first hand experience how little the legislation had done for his people by 1903. In a Parliamentary debate over the Maori Land Laws Bill, Kaihau made reference to the Maori Land Councils: "If any people have handed over their land to the councils they will find out to their sorrow one of these days ... that they have got themselves into a mess."¹⁶ This was hardly a vote of confidence from someone who had the responsibility of applying the Act at a local level.

Another reason for the delays in establishing the Maori Land Councils, and one that has not been discussed by other historians, is that Sheridan and the Maori Land Administration

¹⁵ Report of first sitting of Waikato District Maori Land Council, 15 April 1903, MA-MLA, series 1/3, 1903/85, NA.

¹⁶ *NZPD*, 1903, Vol.127, p.535.

Department were not only heavily involved in the business of the Maori Land Councils, but also the work of the Maori Councils created under the Maori Councils Act 1900. All the letters pertaining to the Maori Councils, dated from 9 May 1901 to 7 January 1902, were written by the Superintendent of the Maori Councils, Patrick Sheridan. The Maori Land Administration Department sent out information advising the public on the workings of the new Maori Councils Act. Sheridan issued all the letters of appointment for the new council members, informing them of when and where the first meetings were to take place. It was not until mid-1902 that the Justice Department appointed a new Superintendent of the Maori Councils, leaving Sheridan free to concentrate on his work with the Maori Land Administration Department. The department was obviously an improvisation. Sheridan was in those first two years the Superintendent of both the Maori Land Councils as well as the Maori Councils. In the Maori Council correspondence the department was at times referred to as the Maori Land Administration Department and at other times was called the Maori Council Department. Perhaps this dual role accounted for the lack of formal recognition for the establishment of the Maori Land Administration Department. The Government wanted a department that was flexible in nature so that it could undertake many different roles, without spending too much money, highlighting the lack of importance the Liberal Government attributed to Native affairs. There is a significant point to be made in the light of this evidence, over the reason for the lengthy delays. Sheridan was busy getting the Maori Councils off the ground, meaning that the land administration programme was forced to wait. It was not until Sheridan left the position as Superintendent of the Maori Councils that progress was made for the Land Councils.

Politicians and settlers alike were also frustrated at the time it took to establish the new regime, since until these anomalies were sorted out they were unable to alienate any more land. The department received a letter in 1903 asking if the Maori Land Administration Act was in operation yet, and if so what was the procedure to make the necessary applications to lease land from the Native owners.¹⁷ The writer was assured that it was in operation - but only just. In the debate leading up to the passing of the Act, settlers had been assured that this was the legislation to open up the deadlocked land. Once the Bill was passed it was still lauded as the key to opening up the land. However, the *New Zealand Herald*, worried about the prospect of Maori 'landlordism', said that New Zealand would be "glad to escape from the deadlock in which we have been involved for the last fifteen years."¹⁸ Little did they realise that it was going to create a situation where there would be more Maori leasing out land, via the councils, to Europeans.

There also seems to have been some confusion among Maori as to what the purpose of the Maori Land Administration Act was, and what it meant for them. In 1902, the President of the Tai Tokerau council, Edward Blomfield, travelled around his area explaining the Act to Maori. In a report back to the department he said that many Maori had no idea how the new Act worked. Many, he believed, were under the impression that "it was simply a measure by which Government would heap up costs against the land, eventually swamping them in this way."¹⁹ Blomfield believed that once the Act was properly

¹⁷ Letter from A.H. Wylds, 3 April 1903, MA-MLA, series 1/3, 1903/84, NA.

¹⁸ *NZH*, 16 October 1900, p.3.

¹⁹ Report from Blomfield to Sheridan, 24 May 1902, MA-MLA, series 1/3, 1902/119, NA.

explained it would win approval among Maori; or in other words, they would vest all their 'surplus' land in the councils so that it could be leased to Europeans.

It is evident that Maori wanted to be involved in the process though. The first eighteen months of correspondence to the department were filled with requests from Maori wanting to be appointed to the land councils and there were even requests for positions in the Maori Land Administration Department as clerks. An example of this is a letter to James Carroll from Takerei Kingi Wetere Paemako of Te Kuiti requesting employment in the department. Attached to the letter was a memo from the Native Minister to Sheridan;

have you any means of finding out the strength of young Wetere? If he is any good we might give him a show in connection with Council work.²⁰

There were also requests from Maori for copies of the 1900 Act in order that they could understand the new process. They asked too that polling booths be set up in a certain place in order that members of a particular hapu could vote. Petitions were received from Maori to the department when they felt that their hapu was not sufficiently represented on the councils.²¹

The Maori Land Administration Department also acted as an advisory service for the public wanting clarification of the Act. Both Maori and Pakeha wrote requesting such information. In June 1902, J.A Perry wrote to the department requesting advice. He was living on a portion of the Mangahauini Block, situated in Tokamaru Bay. However, he

²⁰ Memo from Carroll to Sheridan, 9 July 1902, MA-MLA, series 1/3, 1902/155, NA.

²¹ Petition from E.M Kapa and 79 others, 20 August 1902, MA-MLA, series 1/3, 1902/194, NA.

did not have a signed lease, and wanted to know how he might obtain one. Perry was told by Sheridan that he had to apply to the Tairāwhiti District Māori Land Council, and that he would need to be present when his case was heard. He was to bring the unsigned lease to the sitting, and a certificate from a Native Land Court judge, verifying that the owners had sufficient land, or *papakainga*, to support themselves.²² As was required under section 26 of the Act, Perry would also have to sign a declaration that the land he wanted to acquire would be for his personal use, and that he held no more than 640 acres of first class or 2,000 acres of second class land.

Sheridan conducted much liaison work with the clerks of the Māori Land Councils. The Māori Land Administration Department would often be sent a request for information, and Sheridan would then send that information to the councils with instructions. This would have required a good understanding of the Act. Presidents of the councils would also refer policy decisions to Sheridan. In one particular case George Wilkinson, who prior to 1900 was the Government's Native Agent at Otorohonga,²³ before he became the President of the Maniapoto-Tūwharetoa District Māori Land Council, asked how he was to deal with refractory lawyers and agents. This was one of the reasons why some presidents had bestowed on them the same powers as Native Land Court judges. Such awards of authority did not happen automatically. Carroll had to make a request to the Governor for such a privilege, and such requests were authorised under section six of the Māori Land Administration Act 1900. Carroll made such requests for Blomfield and for

²² Letter from J.A Perry, 9 June 1902, MA-MLA, series 1/3, 1902/212, NA.

²³ Letter from Under-Secretary for the Justice Department, 17 November 1899, J, series 1, 99/1424, NA.

William Pattison-James of Te Ikaroa District Maori Land Council on 16 October 1902.²⁴ Wilkinson was also given the same authority as a Native Land Court judge after another request to the Governor by Carroll on 13 March 1903.²⁵

As the councils became established, they discovered many discrepancies in the way the Act was designed to work. But this had been expected; the Act was only passed on the proviso that it would be amended. Once the Act was applied in a practical situation, it was realised that certain changes were necessary. Blomfield was the first council President to make known to the Maori Land Administration Department how inadequate he found the provisions of the Act. In a letter to Sheridan in July 1902, he said that the Act was carelessly drawn up and "should be submitted to a careful revisal on all points in order to secure a practical working statute."²⁶ He suggested three main amendments that could be made to the Act. The first amendment he suggested concerned the ability of the council to place an injunction on a block to stop the land from being subject to any 'injury' whilst there was an application before the Native Land Court or Maori Land Council. Blomfield wanted the land left in the same condition once an application for the lease of it had been made to the Court or council. The second amendment sought suggested that Papatupu Block Committees should be given deadlines in which to submit their reports. Under the 1900 Act, the Committees were not bound to give decisions within a time frame, if they gave one at all. Blomfield wanted these delays made as short as possible. The final amendment he felt necessary was in ascertaining papakainga reserves. Blomfield

²⁴ Memo from Carroll to the Governor, 16 October 1902, MA-MLA, series 1/3, 1902/258, NA.

²⁵ *Ibid.*, 13 March 1903, 1903/62.

²⁶ Letter from Blomfield to Sheridan, 31 July 1902, MA-MLA, series 1/3, 1902/172, NA.

felt that for a small block there should just be joint owners rather than having to divide the land up. All of these amendments were designed to speed up the transfer of land.

Without a doubt, the 1900 Act was just another means of alienating Maori land, and the Maori Land Administration Department was the means to help that happen. The department's true purpose was evident when Blomfield asked to see the account books of his council. He was told by Sheridan that the department no longer wanted to be bothered by such trivial things. What the department wanted now was to hear that all the 'surplus' land had been vested. Sheridan indicated that he would

rather hear that a couple of blocks of decent area have been handed over to the Council than all the other work - the public want the Maori Lands thrown open for settlement and care very little about papakainga certificates or papatupu committees.²⁷

As this blatant statement shows, the 1900 Act signified alienation by any means possible. Sheridan seemed little concerned if Maori became dependant upon the state. He had a job to do and that was to gain access to as much Maori land as possible. He was not interested in ensuring that Maori had enough land put aside in order that they could survive. The Europeans demanded land for settlement and the Government, through Sheridan and the Maori Land Administration Department, chose to comply. The Act was just a smokescreen, an attempt to obscure the Government's true intention, but fortunately Maori were not so easily persuaded to comply with the Act. Sheridan had hoped that a visit by Hone Heke and James Carroll to the Tai Tokerau area in 1902, to explain the Act

²⁷ Reply from Sheridan, 22 July 1902, MA-MLA, series 1/3, 1902/149, NA.

further, would “promote enough applications to keep the Council fully employed.”²⁸ However, this move was unsuccessful. If the Government had any real intention to help Maori it would have ensured that the councils were adequately funded, financial assistance would have been made available to Maori, and Maori would also have been allowed to have more control of the councils.

Further evidence which proves that the Maori Land Administration Department was another mechanism for the Government to alienate Maori land, can be seen in the fact that Sheridan retained his title as Chief Land Purchase Officer. He wrote letters on behalf of both the Maori Land Administration Department and the Native Land Purchase Office.²⁹ On numerous occasions Sheridan signed as the Land Purchase Officer, even though it may have been a report on behalf of the Maori Land Administration Department.³⁰ Sheridan made no commitment to assist Maori.

The 1900 Act was continuously amended, first in 1901, then in 1902, 1903 and 1904. In 1902 with the passing of the Native and Maori Land Laws Amendment Act, the Maori Land Administration Department and the councils became involved with the statutory functions of establishing Native Townships. The councils were given the power to survey prospective townships and set out streets and allotments. They were able to decide on disputes relating to the site of streets and to deal with allotments by way of sale or lease. The councils were also empowered to provide for the occupation by any Maori owner of

²⁸ Telegram from Sheridan, 9 January 1902, MA-MLA, series 1/3, 1902/1, NA.

²⁹ MA, series 7/4, p.10, NA.

³⁰ *Ibid.*, p.23.

any allotment upon such terms and conditions as it deemed just.³¹ Despite all the tinkering though, it still was not enough to satisfy Europeans. Maori failed to vest their 'surplus' land in the councils. The Act was consequently repealed in 1905 in favour of compulsory vesting measures.

The creation of the Maori Land Administration Department was an improvisation on the Liberal Government's behalf. Whilst the department oversaw the implementation of the Maori Land Councils, there does seem to have been more to its purpose and function. Had the new council scheme been put in place prior to 1893, then the department itself would not have been necessary. However, with no specialised Native Affairs Department, the Justice Department was forced to pick up the slack. In effect, the Maori Land Administration Department was a 'makeshift ministry', created for two main reasons. The first reason was to give James Carroll, the Native Minister, some mechanism of responsibility. When he was appointed to the position in December 1899, he was effectively a Minister with a clear responsibility but with no Ministry. The creation of the department meant that he had some administrative work and power. Secondly, Carroll wanted to take the power away from Justice Department officials. In 1893 when the Native Affairs Department was abolished, it was Justice that was forced to take on the running of the Native Land Court and amalgamate all the workings of the old Native Department. From 1900 Justice was also compelled to help implement the new Maori land policy of the Liberal Government. It is possible that the Justice Department felt that

³¹ Heather Bassett, Rachel Steel, and Dr David Williams, *The Maori Land Legislation Manual: Te Puka Ako Hanganga Mo Nga Ture Whenua Maori*, Crown Forestry Rental Trust (Wellington, 1994), p.226.

this was too much of an undertaking and that a more specialised agency was required. It must be remembered that James McGowan was only appointed to his position as the Minister of Justice at the same time that Carroll became the Minister of Native Affairs.³² Maybe he felt he had enough to learn in his new position without having to oversee the Government's new change of policy. Due to the fact that Native affairs still came under the jurisdiction of the Justice Department, perhaps McGowan thought it appropriate that Carroll take charge of the changes under a separate department.

Loveridge was correct in his assessment that Carroll was very involved in the Maori Land Administration Department. There was a lot of communication between Carroll and Sheridan whilst the department was in operation, and Sheridan was indeed answerable to Carroll if anything went wrong. But who ultimately held the power in the department is open to speculation. From the evidence available there seems to have been very little interference from Justice Department officials in the running of the Maori Land Administration Department. The Justice Department seems to have been there for the sole reason that that was the umbrella Maori affairs went under at the time.

As far as Maori were concerned though, they were in no doubt as to who held the power. They believed that it was Sheridan who was in control of the Maori Land Administration Department. In 1905, the Native Affairs Committee received a petition from Te Heuheu Tukino relating to the power that Sheridan and F. Waldegrave, the Under-Secretary of the Justice Department, had in their capacity as officers of the Maori Land Administration

³² *Gazette*, 1900, Vol.I, p.55.

Department. All recommendations from the Maori Land Councils were sent to the department, but if Sheridan did not agree with them the matters proceeded no further. He did not refer questions on to either the Minister of Native Affairs or the Minister of Justice. As well as recommendations, all lease agreements were also handled by the department. Tukino's petition was a request to take the power away from Sheridan and Waldegrave and give the councils outright power to deal with matters in their own districts. He said that "the Government is only a name - that is, the hands and feet - and the whole thing are these two men I have mentioned."³³ Once they understood how the Maori Land Administration Act worked, Maori were frustrated at the bureaucracy that the department displayed. The Government claimed that the Act would finally give Maori the chance to administer their own affairs, but they insisted that Europeans retain control. It was the Maori Land Administration Department that held the power of administering Native affairs, and within that bureaucracy Patrick Sheridan played a very pivotal role. Sheridan was in affect, the person responsible for applying the Government's policy at a district level. Katene also believed that Sheridan played a crucial role in the department;

Sheridan was the bridge between the departmental officials in Wellington, and the district officers.... As the author of many Maori land proposals his advice was often sought by Carroll, and he frequently made recommendations to him on the workings of legislation.³⁴

Maori believed that Waldegrave also played a large part in the department. However, an investigation of the Maori Land Administration Department files does not support this.

³³ Native Affairs Committee, *AJHR*, 1905, I-3B, p.19.

³⁴ Selwyn Katene, 'The Administration of Maori Land in the Aotea District, 1900-1927', MA thesis in History (Victoria University, 1990), p.383.

He was only involved with administrative issues and also with the financial concerns of the department. Policy matters were determined by both Carroll and Sheridan. Sheridan seems to have been a very powerful character within the new scheme, and this was supported by the petitions to the Native Affairs Committee.

In 1904, when the councils and the Maori Land Administration Department were at the height of their power, questions were being raised in Parliament as to their effectiveness. Alfred Fraser, the Member for Napier, asked what the point was, or what good was forthcoming, by having councils making recommendations on leases, when they were ignored by the head of the department.³⁵ It is clear that he was talking about Sheridan and the power that he wielded within the Maori Land Administration Department. Fraser said that any applications made for the removal of restrictions were simply a waste of paper. Alexander Hogg, the Member for Masterton, in the same debate, was horrified that such a large amount of fertile land could be left lying unproductive. He said "he knew the Native Minister wished to remedy this state of affairs, but the whole department seemed to be paralysed and nothing was being done."³⁶ Hogg seems to have missed the point. The Maori Land Administration Department was definitely the machinery to open up the lands for European settlement, but Maori were very suspicious of the new legislation and the newly created department, and would not vest their land in such a scheme. If Maori had been forthcoming with their so-called 'surplus' land then Europeans would definitely have had their pick of land to settle. But as was so common with the Liberal Government, they underestimated Maori at every turn.

³⁵ NZPD, 1904, Vol.129, p.574.

Gilmore expressed some surprise that with the anticipation of more work with the introduction of the 1900 Act, Native affairs did not separate from the Justice Department. She believed that the fact this did not occur confirmed the suspicion that a vast increase of work was not predicted because the Government had introduced a voluntary system of land administration.³⁷ Gilmore also observed a lack of co-ordination between the councils and the Native Department.³⁸ However, there was in fact no Native Department existing as such. Gilmore seems not to have realised that, because there was no department, the Government established the Maori Land Administration Department to compensate. The co-ordination of policy then came from the new improvised department. Despite this oversight of Gilmore's, she did agree that Maori were suspicious of the new system.³⁹ It is unfortunate that her assessment did not include the work of the Maori Land Administration Department.

The Maori Land Administration Department was without a doubt an improvisation to oversee an aspect of Native affairs and was established because no specialised department existed. The Justice Department was not in a position to implement the new policy put in place by the Liberal Government. The department was already supervising the Native Land Court. On the face of it, the Maori Land Administration Department was a 'makeshift ministry' to excuse the Justice Department from dealing with more Maori issues, and to give Carroll some form of responsibility. However, with the failure of the

³⁶ *Ibid.*, p.575.

³⁷ Barbara Rae Gilmore, 'Maori Land Policy and Administration During the Liberal Period, 1900-1912', MA thesis in History (Auckland University, 1969), pp.93-94.

³⁸ *Ibid.*, p.100.

³⁹ *Ibid.*, p.144.

voluntary system of land administration, the Maori Land Councils, and the Maori Land Administration Department were left with very little work, and yet another change in policy was about to be implemented by the Liberal Government.

4

SPECIALISATION REVISITED:

THE RECREATION OF THE NATIVE DEPARTMENT

The Liberal Government acknowledged the failure of the 1900 policy and the Maori Land Councils when it introduced the Native Land Settlement Act 1905.¹ Under the provisions of this Act, the councils were replaced by three-member boards that were appointed by the Government, again European-dominated as only one member had to be Maori. With the removal of the land councils the Maori Land Administration Department's life had come to an end. It was not called upon to oversee the new boards. The department survived only long enough to set up the new Maori Land Boards and then ceased its operations.² So the Liberal Government had introduced another policy after yet another failure, but the objective as always remained the same - to acquire the remaining 'surplus' Maori land. In 1906 the policy of the Government was to secure Maori lands lying idle and for the most part unused, in order that they be "brought into profitable occupation."³ As a result the Liberal Government resurrected the Native Affairs Department in order that large-scale purchase of Maori land could resume. After a period of 13 years without such a

¹ The Native Land Settlement Act 1905, *Statutes*, No.44.

² Kay Sanderson, 'Identifying the Functions of Government Agencies', *New Zealand Archifacts* 1983/3, p.6.

³ Paper entitled 'Native Matters' (author unknown) 1906, MA series 16/1, NA.

department, the Government finally recognised the need for a specialised agency. Their improvisation of 1900 was rendered obsolete.

Towards the end of its existence the Maori Land Administration Department had come in for a lot of criticism in Parliament. Matthew Kirkbridge, the Member for Manukau, said in 1905 that

it was well known that the Maoris themselves were intensely dissatisfied with the Maori Land Council's administration. They had evidence from the last session, when there were petitions presented to the House, signed by thousands of Natives, asking to be allowed to deal with their lands in some other way. The Government began to realise that the Maori Land Administration Trust was a failure.⁴

Although he spoke of a Maori Land Administration Trust, there was little doubt that Kirkbridge was referring to the department. It was the department that bore the brunt of the criticism over the fact that the councils had been a failure, and as a consequence it was forced to cease its operations.

With the demise of the Maori Land Administration Department, Patrick Sheridan easily found other employment. In 1906 he was appointed to the Ikaroa District Maori Land Board, under the provisions of the Maori Land Settlement Act 1905.⁵ As well as this position he continued his work as a Native Land Purchase Officer in the district, and W. Grace in his report to the Native Affairs Department, was pleased to state that Mr Sheridan had undertaken the purchases of very valuable lands in the Hawke's Bay District, obtaining a total of 7,953 acres.⁶ The man who had been put in charge to administer the new policies of 1900 reverted back to what he knew best: alienating Maori land by way of

⁴ *NZPD*, 1905, Vol. 132, p.689.

⁵ *Gazette*, 1906, Volume II, p.3002.

direct purchase. This again, highlights the lack of intention by the Liberal Government to help Maori administer and retain their own land.

Just as the Maori Land Administration Department was being wound down, yet another new system was being put in place to allow settlers access to the Maori land they so desperately craved. There was however, concern being voiced that, like the 1900 Act, the new 1905 legislation would not solve the 'problem' of Maori 'landlordism'. Settlers demanded the right to purchase the land outright in order to prevent Maori gaining any benefit from the settlers' toil. An editorial which appeared in the *New Zealand Herald* in August 1906 urged the Government to purchase all of the 'surplus' land at a fair valuation. Of course the editor was not talking about a valuation that was fair for Maori. As was the case in 1900 the idea of paying rent to a Maori landlord was still abhorrent in 1906. The editorial went on to say that it was "particularly objectionable that in this colony British settlers should be compelled by the land hunger to enter upon and develop the private estates of the native race."⁷ Their fear was that New Zealand would develop a type of 'class' system of land owner that they thought they had escaped from when they left Britain.

Under section 18 of the Maori Land Settlement Act 1905, Maori were finally promised financial assistance to help them develop and farm their land.⁸ As a result, it was decided that a more co-ordinated approach was needed in the area of Maori affairs. According to one source it was a tacit acknowledgement on the Liberal Government's behalf that

⁶ *AJHR*, 1907, G-3a, p.1.

⁷ *NZH*, 30 August 1906, p.4.

⁸ The Maori Land Settlement Act 1905, *Statutes*, No.44, p.453.

“Maori policy was too specialised and important to remain as an appendage of the Justice Department.”⁹ Unfortunately, Seddon died before the provision of financial assistance was put into place and his successor, Joseph Ward, was not at all sympathetic to the financial needs of Maori, and consequently the advances promised did not eventuate.

What is apparent, not so much from the secondary literature but from the newspapers of the time, is that settlers were still pushing for the individual titles of Native land in order to make outright purchase of land easier. This was reflected in Ward’s first budget in 1906. There was a major emphasis on individualisation and the opening up of the ‘surplus’ Maori land. No matter who was running the Liberal Government; the goal remained the same - Maori land at any price. The irony was that it was Maori who were forced to pay the price in the end, not the European settlers.

Joseph Ward was born in Melbourne, Australia in 1856 and came to New Zealand as a child in 1863. He entered Parliament in 1887 as the Member for Awarua. Under the Ballance Ministry he became the postmaster general in 1891, and in 1893 became the colonial treasurer under Seddon. Although Ward was never a farmer, through his business affairs he became a “strong advocate of closer settlement of the land.”¹⁰ Ward was appointed KCMG in 1901, and after Seddon died in June 1906, Ward took up office as Prime Minister on 6 August of that year. Michael Bassett, Ward’s biographer, gave little indication as to Ward’s stance on Maori land and Maori land tenure or the impact his decision not to proceed with the promised financial assistance had on Maori. Writing about a trip Ward took up North in 1908, Bassett said that it was the first time the Prime

⁹ G.V. Butterworth and H.R. Young, *Maori Affairs: A Department and the People Who Made It* (Wellington, 1990), p.63.

Minister had come face to face with a large number of Maori people, and the first time he had seen the hunger that Europeans had for Maori land. He also said that "Ward could never develop an appreciation of the Maori viewpoint that idle land held spiritual value."¹¹ Although this evidence is taken from just outside the time frame of this research, it gives an insight into the inexperience of Ward in dealing with Maori and the issues surrounding their land. Coming from Southland, he had very few dealings with Maori before he came into Parliament, and as Prime Minister he was thrust into a difficult and increasingly messy situation. As a result he did what his many predecessors did and bowed to the force exerted by the settlers, especially rural settlers who remained a substantial power base of the Liberal Government.

The decision to recreate the Native Department lay with Seddon. Although he died in June 1906, arrangements had already been put in place;

prior to the late Premier's death it was determined to re-establish the Native Department, to deal with all matters affecting the Maoris, more especially in regards to their lands.... It will take time to fully constitute the Native Department afresh, and get affairs running smoothly. The most important matter to be dealt with by the new Department is the administration of Native lands, and the bringing of them into more profitable use.¹²

According to Martin, Seddon left instructions not only that the Native Department be recreated but that a Maori Land Purchase Act be adopted in 1905.¹³ Seddon wanted the department to deal with matters affecting Maori and their land. Martin believed that it was

¹⁰ Michael Bassett, 'Joseph Ward', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Auckland, 1993), p.566.

¹¹ Michael Bassett, *Sir Joseph Ward: A Political Biography* (Auckland, 1993), p.162.

¹² Paper entitled 'Native Matters' (author unknown) 1906, MA series 16/1, NA.

¹³ Richard John Martin, 'Aspects of Maori Affairs in the Liberal Period', MA thesis in History (Victoria University, 1956), p.127.

from this point that the Native land question became profoundly political.¹⁴ But it always had been; it was a political motivation that prompted the Liberal Government to pass the 1900 Act, for example. Their position of power depended on their ability to open up Maori land for settlement. Seddon realised that Native lands had to be accessed by European settlers, and that leasing the land was no longer sufficient. Settlers demanded freehold land, and that was what had to be delivered. The resurrection of the Native Department was to assist the Government to meet that demand by tidying up the mess they had created as far as Maori land was concerned, given the delays in dealing with land administration matters and the failure of the legislation that the Government had persuaded Maori to accept. Also, the fact that the Maori Land Administration Department had created so much negative attention for the Government meant that moves had to be made to co-ordinate all aspects of native affairs, including the Native Land Court and the Maori Land Boards.

By 1906 as mentioned, there was still no finance forthcoming for Maori. Their interests had been completely ignored, and settlers were still being denied access to the land. In the same year, the Liberal Government acknowledged that its new policy introduced in 1900 had failed. It had passed legislation that on the face of it seemed to benefit the tangata whenua by helping them to reserve their land, but which they secretly hoped would finally open up Maori land for purchase. These settlers who had voted the Liberals into power were still calling for land they could utilise, yet Maori were unwilling to vest their land in a council or board. The 1905 Act had made vesting compulsory in the Tai Rawhiti and Tai Tokerau Maori Land Districts. Apart from that, the Act allowed large-scale land

¹⁴ Memo to Edger, June 1906, N series 1, 06/152, NA.

purchasing to resume. This was, according to Butterworth, one of the reasons why in 1906, the Liberal Government recreated the Native Affairs Department:

the resumption of both large-scale land purchasing and extensive leasing demanded a better administrative framework than the improvised one that had grown up since 1900.¹⁵

Land purchase, reinstated under the 1905 Act, was indeed the main focus of the new Native Department. In a memo to Edger, Carroll said that "land purchase had to come before everything else."¹⁶ In a report to the Native Minister, W. Grace a Native Land Purchase Officer, said that land purchasing had begun in October 1906, but buying had got off to a slow start:

a great deal had to be done to induce Natives to make a start to sell, as in all matters of this kind there are many elements to contend with so as to induce them (the owners) to fall in with one's wishes.¹⁷

The Government made a formal announcement that the Native Department had been recreated. In his opening speech to the House on 21 August 1906, the Governor left no doubt that the reason the department was to be re-established was to assist in the purchase of Maori land. The Government wanted all of the land occupied. To accomplish this, said the Governor

it is recognised that Native-land titles must be more expeditiously dealt with and determined, the needs of the owners ascertained, and, where they have surplus and unoccupied lands, these must be acquired by the State for settlement. The creation of an efficient and distinct Department for Native Affairs will, it is believed, expedite the carrying out of such a policy, and this has already been undertaken.¹⁸

¹⁵ Butterworth and Young, *Maori Affairs*, p.63.

¹⁶ Memo from Carroll to Edger, MA series 1 1906/152, NA.

¹⁷ Report of Native Land Purchase, *AJHR*, 1907, G-3a, p.3.

¹⁸ *NZPD*, 1906, Vol.136, p.3.

There was criticism over exactly what the Government meant by this. Massey said in an interview with the *New Zealand Herald*, “there is a reference to the North Island question, to the effect that there is to be more activity in that Department, which may mean anything or it may mean nothing.”¹⁹ Yet again European settlers were irritated over how long the Government was taking to open up the land. They had been promised Maori land under the 1900 Act and were disappointed with the result of that; they anticipated that the 1905 Act would be better, due to the compulsory measures introduced in two districts, but the delays in winding down the Maori Land Councils and establishing the boards were frustrating for settlers. With large-scale land purchase back on the agenda of the Liberal Government, the focus was on the fastest method possible. In defence of the delays, Carroll addressed the House and said that

the Department was acquiring as much land as it possibly could for settlement purposes ... at the same time, it was the policy of the Department not to deprive the Natives of the whole of their land.²⁰

William Herries, the Member for Bay of Plenty, made mention of the new department in the first session of Parliament in June 1906. In a speech to the House he congratulated Carroll for the work he had put in to get the department re-established. He said that

lately we have had a change in the Department of Native Affairs, and I congratulate the honourable gentleman on bringing about this change in matters relating to the Native race. We have had a Native Department created and I hope and trust the change will be for the better.²¹

In other words, Herries hoped that the new department would give settlers the access to Native land that the change of policy in 1900 had denied them.

¹⁹ *NZH*, 22 August 1906, p.8.

²⁰ *NZPD*, 1906, Vol.138, p.385.

²¹ *NZPD*, 1906, Vol.136, p.30.

So James Carroll finally became a Minister responsible for his own department. He was no longer dependent upon other Ministers of the Liberal Cabinet, like James McGowan, the Minister of Justice. In June 1906 Carroll appointed a new Under-Secretary to the Native Affairs Department, Herbert Frank Edger, a Judge of the Native Land Court.²² Edger was responsible for the Maori Land Boards, the Maori Councils which were still in operation at the time, and the ordinary business of the Native Affairs Department. The work of the Native Land Court came under the Chief Judge, who from August 1906 was J. Palmer, and prior to this had been H.G. Seth-Smith.

Carroll spoke to the House in 1905 about how the Government should consider both sides of the subject, instead of always viewing the 'Native' issue from the one standpoint. He said that the majority of the Liberal politicians were "apt to think that it was only pakeha who should be considered." When Maori had been in the majority they had shared their land with Europeans, "but now at the present time, when the Europeans were in the majority, when they were the strongest factor, they seemed to care very little for the interests of the Maori, and were prone to forget past favours."²³ This statement seems to indicate a softening in Carroll's approach to Maori issues. Perhaps he was becoming more confident in his role, now that Seddon had gone and he was left in full control of Native Affairs within the new department.

Butterworth has written that Edger's appointment showed Carroll's hopes that the new Native Department "would be more than just a lands administration and purchasing

²² *Gazette*, 1906, Volume I, p.1392.

²³ *NZPD*, 1905, Vol.135, p.777.

agency.”²⁴ Again though, Carroll had to subordinate his aspirations for Maori in order to toe the Liberal Party line. Although both Carroll and Edger were in favour of obtaining finance for Maori in order for them to develop their land, it was not until 1912 that Maori land development schemes were put in place. This was not soon enough for Judge Edger who resigned his position on 15 January 1907.²⁵ His stated reason was that “after some months trial of the position ... I find that I have not succeeded in doing what I hoped and expected when taking up the work in June last.”²⁶ Edger continued on his position as Judge of the Native Land Court.

Katene agreed that an improved administrative system was necessary due to the resumption of Crown land purchasing and the extensive leasing of Maori lands through the newly created land boards.²⁷ He stated that the boards demanded a better system than that which previously existed. However, there was no investigation in his thesis of the Maori Land Administration Department nor the fact that the negative attention the officials within this department received from both Maori and Pakeha was one of the reasons the Native Affairs Department was recreated.

According to Ward, the new Native Department was largely concerned with the settlement of Maori land, and was also a recognition of special Maori needs to a certain extent. The new Native Department, he said, was very paternalistic in nature, and “for many years gave very little scope for Maori leaders to exercise responsibility through it.”²⁸

²⁴ Butterworth and Young, *Maori Affairs*, p.63.

²⁵ *Gazette*, 1907, Volume I, p.460.

²⁶ Memo from Edger to Carroll, 11 Jan 1907, N 1906/153, NA.

²⁷ Selwyn Katene, ‘The Administration of Maori Land in the Aotea District, 1900-1927’, MA thesis in History (Victoria University, 1990), p.99.

²⁸ Alan Ward, *A Show of Justice: Racial 'Amalgamation' in the Nineteenth Century* (Auckland, 1973, 1995 reprint), p.305.

This was a reflection of the people who had established it. The Liberal Government refused to take responsibility for the failure of their 'improvised' system, in the form of the Maori Land Administration Department. They simply told Maori that they had had their chance of managing their own affairs and failed, and that is why the reintroduction of the department was needed.

The new Native Affairs Department came in for some criticism very early on in its life, especially concerning the Maori Land Boards which now came under its jurisdiction. Again politicians were frustrated by the length of time it was taking for the boards to be established. Carroll told Parliament that it was due to a lack of competent men who could be nominated onto the boards, and it was proving even more difficult because of the fact that the Presidents were the only paid members of the boards. Apirana Ngata, the Member for Eastern Maori elected to Parliament in 1905, used this point of salaries to raise the issue that the salaries of the officials in the Native Department were extremely low compared to other departments. Fraser in a speech to the House said that

he had no wish to cavil at the Department; he hoped new life was coming into it, and he knew the Minister had been much hampered in the past. He congratulated him on bringing it into a better position than it had been for years, but he protested against the under-pay being given to its responsible officers.²⁹

James Allen, the Member for Bruce, agreed wholeheartedly with Ngata on the subject of salaries paid to departmental officials. He believed that four hundred pounds as the salary of a Native Land Court Judge was ridiculous. It had previously been up around six to eight hundred pounds per annum. Also in a parliamentary debate, he asked "how could work be satisfactorily done for that money, or the proper sort of Judge be obtained at that

²⁹ NZPD, 1906, Vol.137, p.610.

price?" He concluded by saying that "the Native difficulty seemed to be exactly where it was twenty years ago. Half of the North Island was still Native land with title not individualised."³⁰ Allen's comments reflect the views of many his colleagues at the time. If the land was not individualised then the Native land difficulty had not been settled.

The issue about departmental salaries is a curious one. As the evidence shows some of the Liberal politicians thought it outrageous that those charged with the duty of purchasing as much Native land as possible were so poorly compensated. It is possible that the low salaries were a concession made by Carroll in order to gain permission to re-establish the new Native Affairs Department. Perhaps he had agreed to lower the salaries initially until the officials and the new department had proved themselves, and then have them increased to fall in line with other departments.

As the evidence suggests the new department was still not moving as fast as settlers would have liked in the pursuit of acquiring Maori land. An editorial in the *New Zealand Herald* warned Ward that settlers would not stand for any more delays:

we must point out to Sir Joseph Ward that it is high time that somebody proceeded from words to deeds. The Native Land question is covered knee-deep by broken promises, and there is yet no proof that the recently-created Department of Native Affairs is doing anything to bring it to a satisfactory conclusion.³¹

This was a clear message to Ward and the Liberal Government that delays would no longer be tolerated. When the editor of that particular newspaper wrote about the Native land question being filled with broken promises, he, as with the majority of his counterparts, failed to consider where this left Maori in the whole situation. For the entire

³⁰ *Ibid.*, p.610.

³¹ *NZH*, 22 August 1906, p.5.

Liberal period they were actively discouraged from developing their land, yet this was the very excuse used by politicians to take it off them.

In a matter of a few years the Liberal Government had come full circle. They reverted back to what every settler Government since 1840 had been involved in - large-scale Native land purchase. When Maori were not willing to sell, Government agents bribed and induced the land owners until they were. The Government had given Maori the opportunity to vest their lands voluntarily in 1900, but this had not worked in their favour either. Having the Native Affairs Department reconstituted simply meant that every aspect could be monitored from one central position. The Liberal Government's political survival depended on their ability to open up Maori land for settlement, and after implementing a number of options to meet that objective, they decided in the end that the recreation of the Native Department in 1906, was the most promising one left for them.

CONCLUSION

The focus of this research has been on the changes of policy enacted by the Liberal Government in the period from 1893 to 1906, and how the lack of a specialised Native Department impacted upon Maori. During this time Maori were pro-active in their call for autonomy; the Government on the other hand was extremely reactive. The Liberal Government refused to pass any measures that would see Maori have any control over their own lands. Maori were never given any assistance or encouragement to hold onto what little land remained, yet the expectations placed on Maori to develop their land was high. European settlers, on the other hand, were privy to cheap financial loans from the Government in order to develop and farm their land. Having no Native Department was an excuse to continue Maori land purchase. There were changes in the way that land was obtained, but alienation continued nonetheless. If the Government had been serious in its efforts to help Maori it would have ensured that the councils were adequately funded, it would have made financial assistance available to Maori and it would have allowed Maori more control of the Maori Land Councils.

Provisions were made for a specialised Native Department under Normanby's instructions to Hobson in 1839, and were implicit in Article Two of the Treaty of Waitangi. After the

Protectorate Department was disbanded in 1846, a Department of Native Affairs was established in the 1860s. There had always been criticism aimed at the department, mainly from Opposition members in Government. Before its demise in 1893, politicians had for 15 years been trying to abolish the department, but to no avail. A mere cost-cutting measure could be seen as the reason behind the abolition of the Native Department, given that for some years pressure had been exerted by the legislation to wind down all payments to Maori people. This was a common excuse used in debate on the subject. However, it was more complex than that. Many politicians felt there was no need for such a department. Settlers wanted Maori to assimilate into the European community, not continue to be treated independently. They were no longer willing to pander to the needs of Maori. There was no one factor that brought about the demise of the Native Department. It was more a matter of a systematic hostility to and breakdown of its services, which finally saw Maori land purchase transferred to the Lands and Survey Department, and the rest of the Native Department moved to the Justice Department.

From 1892 to 1898 the Liberal Government pursued a policy designed to remedy the defects in existing titles, and to ensure the maximum flow of land from Maori into settlers' hands. In that time, 2.7 million acres of Maori land was purchased at a cost of £775,000. The Liberal Government's power base of course came from European settlers, especially small farmers. Such supporters demanded land for settlement, and the Government, in order to remain in power had to meet that demand, especially in the face of opposition coming from Massey's rising Reform party, which was solidly eating into Liberal rural support.

During the 1890s Maori were desperately trying to counter Government moves to acquire more of their land. One response was Kotahitanga, a Maori protest movement formed during the late nineteenth century. Kotahitanga played an important role in placing pressure on the Government to enact change in Maori favour. It is interesting to note that just as the Native Department was winding down, Te Kotahitanga was entering its most influential phase. Kotahitanga's demand was that Maori should be able to legislate on matters affecting Maori and to administer their own land. Due to their paternalistic nature, Liberal politicians were never going to allow movements such as Kotahitanga to be influential. Granting Kotahitanga autonomy over their land would have slowed down alienation, and it was argued that without continuing European settlement the progress of the colony would be retarded.

Prior to 1900 Maori were placing before the House proposals to enable them to retain what little of their land remained. Maori MPs, however, were subjected to ridicule by their European counterparts; who would even walk out of the House during debates so there was no quorum to allow a vote on a bill. Heke and Kaihau were especially determined in trying to get legislation passed to benefit Maori. Year after year they introduced bills to Parliament which were continually rejected by their European colleagues.

In 1900 the Government and Maori reached a compromise of sorts in the passing of the Maori Land Administration Act. This Act enable Maori to vest any 'surplus' land in the newly established Maori Land Councils. It was however merely an exercise in window-

dressing by the Liberal Government. During the Liberals' time in power, they undertook a large-scale land purchasing campaign. While policy can change overnight with the passing of a new Act, attitudes built up over a number of years are not so easily altered. What slowed their progress in Maori land acquisition was the threat of Maori becoming completely landless and dependent on the state. The Maori Land Administration Act 1900, whilst it represented a change of heart from previous policy, was in reality passed to serve European, not Maori interests. It was simply a means to acquire Native land to appease European settlers, and when it failed to deliver what the Crown wanted, even after four amendments, it was repealed in favour of another method of alienation.

Without the services of a Native Department to call upon, the Liberal Government was forced to improvise and accordingly established the Maori Land Administration Department. Although there is no denying that the department was set up to administer the new policies put in place by the Liberal Government, its inception was not provided for under the 1900 Act, nor any other statute. It was a Government department that just "appeared;" an improvisation to oversee the most important aspect of Native Affairs: land alienation. As well as administering the new Act, the department carried out some of the statutory functions of the councils, in particular those relating to Native townships. It was required to deal with a lot of inquiries and of course complaints from both Maori and Europeans concerning the 1900 Act. Many were frustrated at how long it took to establish the Maori Land Councils in each of the districts. The Maori Land Administration Department was in reality a 'makeshift ministry', which effectively served two purposes. The first was that the new department saved Justice Department officials from having to

deal with more 'Native' issues, but the Justice Department still retained control, as ex-Native Department officials began the task of administering the new policy. Once the 1900 Act was repealed, however, the Maori Land Administration Department survived only long enough to set up the new Maori Land Boards before it ceased its operations. The second purpose for which the department was established was to give James Carroll some form of responsibility. When he was appointed Native Minister in 1899, he was effectively a Minister with no Ministry. He and Sheridan worked very closely in the new department, and he was finally able to exert some power in his position as a Minister of the Crown.

The Maori Land Settlement Act 1905 signalled the resumption of large-scale land purchasing which required a better administrative framework than the improvised one established in 1900. A more co-ordinated approach was needed. The end result was that James Carroll was allowed to reconstitute the Native Department in 1906 after an absence of thirteen years. The decision represented a tacit acknowledgement that Maori policy was too specialised and important to remain as an appendage of the Justice Department. By 1906 the pretence that Maori had autonomy over their land had faded; the 1900 policy was not designed to give Maori any control at all. New measures were put in place to ensure that the Crown got the land they wanted; one of those measures was the resurrection of the Native Department. The Liberals' change in policy from 1900 to 1905 had failed. This of course was not acknowledged by the Liberal Government, who simply told Maori that they had been given the chance to look after their own affairs, courtesy of the 1900 Act, and had proven themselves incapable of doing so, and this was one of the

reasons a specialist department was again necessary. The Government refused to recognise that the Maori Land Administration Act was not designed to give Maori control, but was designed to ensure that power would always be retained by European settlers.

This thesis does not view the Liberal Government in the most favourable light in terms of its Maori land policy, and if earlier historians had considered this facet they must surely have tempered their Eurocentric adulation of this particular ministry. Their abolition of the Native Department was a breach of the Treaty of Waitangi, and the numerous Acts the Liberals passed to acquire as much Maori land as possible was tantamount to legislative theft. Maori were never given the opportunity to control and administer their own land, yet they had managed perfectly well prior to 1840, and the arrival of thousands of European settlers wishing to make their fortune in the new colony of New Zealand. Settler greed for land and disregard for Maori as the rightful landowners meant that the rights of the tangata whenua were ignored. In the end it did not matter whether there was or was not a Native Department. The political agenda at the turn of the century was to acquire as much Maori land as possible, and that was the plan that the Liberal Government followed. Their political survival depended on it. The period from 1892 to 1900 saw one of the largest 'land grabs' this country has ever seen, and it occurred during the time there was no Native Department in operation; but even the Native Department, had it been in existence, would not have stopped the determination of the Liberal Government to gain access to the land. Whilst it might be true that, as with most historical figures and events, Liberal politicians were merely products of their time, moulded by the views of their

counterparts and their backgrounds, this is an indictment, not an excuse. Their actions sadly have cast a shadow on New Zealand's history that has lasted to this day.

BIBLIOGRAPHY

PRIMARY

Unpublished

Cadman Papers, Alexander Turnbull Library, Wellington.

G Governor's Files, National Archives, Wellington.

JC Justice Department Files, National Archives, Wellington.

McGowan Files, National Archives, Wellington.

MA Maori Affairs Files, National Archives, Wellington.

MA-MLA Maori Land Administration Department Files, National Archives, Wellington.

N Native Department Files, National Archives, Wellington.

Papers of Unknown Writers (MS-papers-0188-061), Alexander Turnbull Library, Wellington.

Prime Ministers Files, National Archives, Wellington.

Ward Papers, Alexander Turnbull Library, Wellington.

Official Published

Appendices to the Journals of the House of Representatives
Reports of the Department of Native Affairs 1891-1907
Native Affairs Committee 1891-1906.

Bills 1894-1900.

Bills Thrown Out 1894-1900.

Cyclopedia of New Zealand, Volume 1 (Wellington) (Christchurch, 1897).

New Zealand Gazette 1893-1906.

New Zealand Parliamentary Debates 1877-1906.

Notes of meetings between His Excellency The Governor (Lord Ranfurly), The Right Hon. R.J. Seddon, Premier and Native Minister, and the Hon. James Carroll, Member of the Executive Council Representing the Native Race, and the Native Chiefs and People at Each Place, Assembled in Respect of the Proposed Native Land Legislation and Native Affairs Generally, During 1898 and 1899 (Wellington, 1900).

Statutes of New Zealand 1893-1906.

Newspapers

Auckland Herald

New Zealand Herald

Poverty Bay Herald

The Press

Wairarapa Standard

West Coast Times

Conference Papers

Walsh, Archdeacon, *The Passing of the Maori: An Inquiry Into the Principle Causes of the Decay of the Race*, speech given at The Auckland Institute, 8 July 1907.

SECONDARY

Published

Books

Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847* (Auckland, 1977).

Ballara, Angela, *Proud to be White? A Survey of Pakeha Prejudice* (Auckland, 1986).

Bassett, Heather, Steel, Rachel, and Williams, Dr David, *The Maori Land Legislation Manual: Te Puka Ako Hanganga Mo Nga Ture Whenua Maori*, Crown Forestry Rental Trust (Wellington, 1994).

- Bassett, Michael, *Sir Joseph Ward: A Political Biography* (Auckland, 1993).
- Brooking, Tom, *Lands for the People? The Highland Clearances and the Colonisation of New Zealand: A Biography of John McKenzie* (Dunedin, 1996).
- Burdon, R.M., *King Dick: A Biography of Richard John Seddon* (Christchurch, 1955).
- Butterworth, G.V. and Young, H.R., *Maori Affairs: A Department and the People Who Made It* (Wellington, 1990).
- Cox, Lindsay, *Kotahitanga: The Search for Maori Political Unity* (Auckland, 1993).
- Dalziel, Raewyn, *Julius Vogel: Business Politician* (Auckland, 1986).
- Hamer, David, *The New Zealand Liberals: The Years of Power, 1891-1912* (Auckland, 1988).
- Kawharu, I.H., *Maori Land Tenure: Studies of a Changing Institution* (Oxford, 1977).
- Olsen, Erik, and Stenson, Marcia, *A Century of Change: New Zealand 1800-1900* (Auckland, 1989).
- Orange, Claudia, *The Treaty of Waitangi* (Wellington, 1987).
- Pocock, J.G.A (ed), *The Maori and New Zealand Politics* (Auckland, 1965).
- Simpson, Tony, *Te Riri Pakeha: The White Man's Anger* (Martinborough, 1986).
- Sorrenson, M.P.K., *Maori and European Since 1870: A Study in Adaptation and Adjustment* (Auckland, 1967).
- Sutherland, I.L.G. (ed.), *The Maori People Today: A General Survey* (Wellington, 1940).
- Walker, Ranginui, *Ka Whawhai Tomu Matou: Struggle Without End* (Auckland, 1990).
- Ward, Alan, *A Show of Justice: Racial 'Amalgamation' in the Nineteenth Century* (Auckland, 1973, 1995 reprint).
- Williams, John A., *Politics of the New Zealand Maori: Protest and Co-operation, 1891-1909* (Auckland, 1969).

Articles

- Bassett, Michael, 'Joseph Ward', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), pp.565-569.
- Brooking Tom, 'Use It or Lose It: Unravelling the Land Debate in Late Nineteenth Century New Zealand', *New Zealand Journal of History*, 30:2 (1996), pp.141-162.

- '“Busting Up” the Greatest Estate of All: Liberal Maori Land Policy, 1891-1911', *New Zealand Journal of History*, 26:1 (1992), pp.78-98.
- Butterworth, G.V., 'A Man of Divided Loyalties', *New Zealand's Heritage* (1972) Vol.5, Pt.62, pp.1813-1817.
- 'Maori Land Legislation: The Work of Carroll and Ngata', *New Zealand Law Journal* (August, 1985) pp.242-259.
- 'Alfred Jerome Cadman', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), pp.71-73.
- Dalziel, Raewyn, review of David Hamer, *The New Zealand Liberals: The Years of Power, 1891-1912* (Auckland, 1988), *New Zealand Journal of History*, 26:1 (1989), pp.193-195.
- Fieldhouse, D.K., 'Reappraisals in Early-modern New Zealand Political History', *British Review of New Zealand Studies*, 2:October 1989, pp.77-86.
- King, Michael, 'Between Two Worlds', in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, Second edition, (Auckland, 1992), pp.285-307.
- Martin, R.J., 'The Liberal Experiment', in J.G.A. Pocock (ed.), *The Maori and New Zealand Politics*, (Auckland, 1965), pp.46-54.
- Moses, Earl, 'What Impact did Liberal Policies Have on the Maori?', *Selected Essays 1993*, Department of History, Massey University, Palmerston North.
- Sanderson, Kay, 'Identifying the Functions of Government Agencies', *New Zealand Archifacts* 1983/3, pp.3-15.
- Sorrenson, M.P.K., 'Maori and Pakeha', in Geoffrey W. Rice (ed.), *The Oxford History of New Zealand*, Second edition (Auckland, 1992), pp.141-166.
- Ward, Alan, 'James Carroll', in Claudia Orange (ed.), *The Dictionary of New Zealand Biography*, Volume Two 1870-1900, (Wellington, 1993), pp.78-81.

Theses and Reports

- Brooking, T.H., 'Sir John McKenzie', MA thesis in History (Massey University, 1972)
- Butterworth, G.V., 'The Politics of Adaptation: The Career of Sir Apirana Ngata, 1874-1928', MA thesis in History (Victoria University, 1971).
- Gilmore, Barbara Rae, 'Maori Land Policy and Administration During the Liberal Period, 1900-1912', MA thesis in History (Auckland University, 1969).

- Katene, Selwyn, 'The Administration of Maori Land in the Aotea District, 1900-1927', MA thesis in History (Victoria University, 1990).
- Lange, Raeburn T., 'Revival of a Dying Race: A Study of Maori Health Reform 1900-1918, and its Nineteenth Century Background', MA thesis in History (University of Auckland, 1972).
- Loveridge, Donald M., 'Maori Land Councils and Maori Land Boards: An Historical Overview, 1900-1952', Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1996).
- Martin, Richard John, 'Aspects of Maori Affairs in the Liberal Period', MA thesis in History (Victoria University, 1956).
- Riseborough, Hazel and Hutton, John, 'The Crown's Engagement With Customary Tenure in the Nineteenth Century', Report for Waitangi Tribunal Rangahaua Whanui Series (Wellington, 1997).
- Stenson, M.R., 'The Origins of the Government Advances to Settlers Act, 1894', MA thesis in History (University of Auckland, 1962).

Unpublished Papers

- Butterworth, G.V., 'Who Speaks for the Maori Tribes? The Maori Political System of the 1890's and 1900's', 1988.
- Tidswell, Tony, 'Liberal Native Land Legislation of 1900: A Compromise Between Maori Aspirations and European Settler Demands', unpublished essay (Massey University, 1993).