

## CHAPTER 7

# CONCLUSION

The preceding four case studies have focused on specific aspects of the old land claims' process. The Fairburn case study highlighted the Colonial Office policy towards 'surplus land', as well as the failure of the Crown to use that 'surplus' in a manner which safeguarded the interests of the Maori vendors.

Closer examination of the several claims of William Webster illustrated the inadequate nature of the investigations carried out by the early old land claim commissioners, Godfrey and Richmond. Indefinite or exaggerated boundaries, failure to pay the rightful owners, and incomplete or exaggerated payments were some of the faults which escaped the commissioners' notice when they examined the Webster claims. Less easy to determine is whether subsequent Crown purchases adequately compensated Maori for these earlier 'oversights'.

Scrutiny of the Hokianga scrip claims, in particular the failure of the Crown to physically indicate its assumption of ownership for nearly two decades, revealed a different set of problems. Accurate identification of boundaries was hampered by the fact that many of the original vendors had passed away in the interim. The considerable lapse of time also witnessed the establishment of 'encroaching' cultivations. These problems were further compounded by the behaviour of John White who was never invested with an authority appropriate to the tasks he chose to undertake. Furthermore, he applied this assumed authority in a highly inconsistent manner; exceeding it when to do so would benefit the Crown, but denying any 'discretionary' power if the exercise of such a power would benefit the Maori vendors.

Finally, the McCaskill old land claims at Hikutaia were used to highlight the range and scope of resistance which could be carried out by those Maori affected by old land claims. At Hikutaia, resistance to survey, correspondence with colonial officials, and denial of effective economic use of the property were all utilised by the Maori vendors to secure an audience with Commissioner Bell in 1859. Bell's refusal to reconsider the purchase, however, led to a continuation of resistance eventually climaxing in personal acts of violence by both sides.

All the above case studies raise important questions about the old land claims' process. Whether the four case studies can be considered to be representative of the majority of old land claims is a matter which will have to await more in-depth research on those claims. Such research has yet to commence in many regions. The notable exception to this is the Waitangi Tribunal's recent *Muriwhenua Land Report* which examines old land claims in the Far North in considerable depth.



PART III

The Crown's Surplus in the New Zealand  
Company's Purchases

