CHAPTER 2

OPINIONS AND EXPERIMENTS – THE LATE 1850S

2.1 INTRODUCTION

There were recurrent themes in the development of the Crown's approach to reserving land for Maori or restricting it from alienation. Official thinking about reserves was bound up with the questions of changes in land use and land tenure. Europeans assumed that Maori would rapidly assimilate to the European economy, for which European land tenure was appropriate. Pressure to acquire land from Maori was generally an element in this approach, though principles of trusteeship were also present.

It is important to understand what options were considered by the Government before it embarked on policies. Governors and officials debated questions of principle, particularly after 1856, when Europeans had already gained self-government. A major question was how to reconcile the protection given to Maori traditional landownership under article 2 of the Treaty with the changes which were already taking place. The outbreak of the wars tends to overshadow other developments in the later 1850s and early 1860s. New measures were already under consideration when imperial responsibility for Maori came to an end. The Native Land Court and the lifting of Crown pre-emption emerge from the debates of this period.

2.2 GORE BROWNE AND THE 1856 OPINIONS

With the advent of responsible government for European settlers in 1856, native policy was reviewed by the Governor, Sir Thomas Gore Browne. The decision was made that Maori affairs would continue to be an imperial responsibility. The principles on which native policy was based were restated by the circle of advisers around the Governor. In the process, the Treaty was revisited, and some new promises were made about Maori landownership.

The Governor set up a board of inquiry, which called on a wide range of people, Maori and Pakeha, for opinions on land questions. The focus was on how Maori might in the future hold land, rather than the use made of what could be termed 'traditional reserves', that is, land held communally under customary title. There was a shift in the debate to the related but wider issue of whether Maori should be

restricted from alienating land once it was Crown granted. Two key questions for this subject were:

> Should such grants [of land on Crown title to individuals] contain a restriction, to the effect that it should not be sold or let to Europeans until after the grant has been in the possession of the native proprietor for a given term of years?
>
> Would there be any danger of their selling all their lands, and becoming paupers?[1]

There was a mixed response to the question about restricting titles. Paora Tuhaere of Orakei was confident that no restrictions were needed:

> Many individuals would like to get their land set out and surveyed, with the view of obtaining Crown grants; but I think the chiefs would oppose it. . . . The Crown grant should be unrestricted. The natives would not sell the lands granted to them; they would always retain sufficient lands for their own use; they would feel so degraded if they parted with all their land.[2]

The Anglican Bishop, G A Selwyn, was more cautious, but even so thought that in the long run there should be no distinction:

> I think the native owners should get Crown Grants, with power to lease, but not to sell; but this I consider a temporary measure, preparatory to their admission to full and equal rights in all respects with ourselves. Some have repurchased portions of the land sold by their tribe for the purpose of getting Crown grants.
>
> My reason for wishing that the power to sell should not at present be given by Crown grant is, that if they unfortunately took to drink they would sell their land and become paupers.
>
> I think the land of the principal chiefs should be entailed, at least for some years to come, to secure the family in its hereditary influence and respectability.[3]

The balance of opinion about titles among those consulted in this survey could be described, in terms of the Treaty, as shifting very cautiously towards article 3 rights. The report recommended that titles, when issued, should be the same as those for Pakeha. The general opinion was that though the issue of Crown grants was very desirable where ownership could be established, practical difficulties made this policy in the meantime impossible on any extended scale.[4]

Both the Governor and the board of inquiry believed that, independent of the question of land sales, Crown titles would enhance Maori security and that individual tenure was essential for their advance in material civilisation. This course was represented as serving their 'real interests'. Instead of relying simply on sales to define reserves, Gore Browne moved forward. He outlined a policy where the portion of land required by its owners for occupation and use would be made inalienable under a Crown grant. Endowment reserves for education and other

1. 'Report of Board appointed by . . . the Governor to inquire into and report upon the State of Native Affairs', 29 July 1856, BPP, vol 10, p 520
2. Ibid, p 555
3. Ibid, p 546
4. Ibid, p 520

Maori purposes would be set aside. The remainder of the land would then, where possible, be held on Crown title and alienable in the usual way. He also suggested a plan for the Government accepting land for auction. Once these points were settled, 'every exertion should be made to acquire all remaining lands which are at present not only useless but harmful to the aborigines'.[5] The first step in this policy was to secure, as inalienable reserves, those lands which Maori occupied and used, which had been the intention of British statesmen and governors in New Zealand since the beginning of the colony.

2.3 HOW MUCH LAND WAS 'AMPLE', OR AT LEAST 'SUFFICIENT FOR NEEDS'?

Reserves and restrictions on alienation had a protective function, though they were also promoted in relation to selling land. It has been explained that a major concern of the Governor and his advisers in this period was the Crown's responsibility for setting aside land for Maori before pressing ahead with the purchase of the rest.

How much land should be set aside? Comparative figures for Europeans give some indication of contemporary ideas. The New Zealand Company's figure for the original Port Nicholson settlement of 100 country acres and one town acre reflects what the scheme's promoters thought would attract capital, and support a rentier class. This land was for the wealthy minority. By far the larger group in the scheme, the assisted immigrants, would be landless in order to supply a labouring class. This was represented as being for their own good and for the wider good of society. Most Maori were assumed to belong naturally to the landless labouring class, but in the New Zealand Company's scheme of things, chiefs were to be among the propertied gentry.

A parallel French company, the Nanto–Bordelaise Company, was more generous to immigrants in the lower social group. Five acres were offered to French male immigrants at Akaroa, with the prospect of gaining more if they could clear land. For their sons, the amount was two and a half acres.[6] For German immigrants, who paid their passage back over three years to the organiser, the prospect of 20 acres, with a village lot of an acre, was quoted as reasonable in 1862.[7] The Auckland provincial government offered 40 acres to each adult immigrant, 20 to each child.[8] Military settlers were treated more generously by the New Zealand Government. A private received 50 acres farmland (and, at Tauranga at least, a quarter-acre town section). Higher ranks were awarded more.

The cases are quoted only to give an impression of contemporary thinking. As parallels they were borne in mind.[9] There is no evidence that any of these examples was used directly as a model for setting reserves for Maori. Few of them proved

5. Gore Browne to Newcastle, 20 September 1859, BPP, vol 11, p 96
6. Peter Tremewan, *French Akaroa: An Attempt to Colonise Southern New Zealand*, University of Canterbury Press, Christchurch, 1990, p 50
7. 'Papers relative to the Introduction of German Immigrants into New Zealand', AJHR, 1862, D-1, p 3
8. C Heaphy, 31 July 1871, 'Report on Native Reserves in the Province of Hawke's Bay', AJHR, 1871, F-4, p 61

realistic for the Pakeha for whom they were intended. The New Zealand Company's projections, in particular, are seen by historians now as completely unsuitable for the New Zealand environment, and for Maori society. Yet Wakefield's notions of social order based on inequality of landed property was a pervasive one. These ideas were seldom explicitly stated, but they were very widely held.[10]

An elaborate plan allocating land for Maori according to notions of social structure was outlined by T H Smith, the Assistant Native Secretary, in a memorandum for Governor Browne in 1859.[11] First, reserves were to be a proportion of the land ceded, on a regular system. Three-tenths would be adequate, Smith thought, for the wants of the owners. This should include 'villages, cultivations, sacred places, and lands in actual occupation.' One-tenth would be reserved for public purposes and endowments. Two-tenths would then be available to be reconveyed on a grant from the Crown. This was a far higher proportion of the total conveyed than the New Zealand Company had calculated, and also a great deal more than in many Crown purchases that had taken place. Smith proposed that a certain proportion should be inalienable, or alienable only by consent of the Governor. The names of every interested individual were to be placed on a register, with the object of issuing individual grants in due course.

Grantees would then make selections of town and country land under regulations, according to rank. Smith suggested four classes: the first class, the principal chiefs, were to have one-fifth of land; the second class, the younger chiefs, would also one-fifth; the third class, comprising the wives and children of chiefs as well as 'freemen' would have two-fifths, leaving for the fourth class, the wives and children of freemen, another fifth.

The Maori population in the North Island was estimated at 50,000 to 60,000. There would be in round numbers nearly 500 acres to each individual if it was divided equally. In Auckland, where population was greater, Smith thought the figure would be nearer 400 acres each, or 125 people to every 50,000 acres. He then went ahead to calculate how land would be divided, out of 10,000 acres, two-tenths of a block of 50,000 acres. He estimated that for every 125 of the Maori population, there would be three in the first class, seven in the second class, 55 in the third class, and 60 in the fourth class. Social distinctions were quite strongly marked in his proposal for allotting land. Each individual of first class would have 666 acres; the second class significantly less, with 286 acres; the third class would have 73 acres; and the fourth class only 33. These were not necessarily inalienable, though as noted, he proposed 'a proportion' should be.

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9. Ibid. Heaphy, for example, cited the Auckland figures to indicate that the amount of land available for each Maori individual in Hawke's Bay in 1871, averaging the remaining land, was still relatively reasonable.
10. It was not explained how far chiefs were expected to support wider groups of dependants from their estates. Writing rather later, F D Fenton, the first chief judge of the Native Land Court, took a hard line on the prospects of those at the bottom of the social scale, linking the allocation of land with social engineering, 'to create among them those two classes without which civilization cannot exist, gentlemen and labourers; one class to labour, and the other with leisure to devote to mental culture.' 30 July 1869, NZPD, vol 6, p 167.
11. Smith, Assistant Native Secretary, to Governor Browne, 20 September 1859, BPP, vol 11, pp 101–103

This scheme was endorsed by Gore Browne, who was anxious to find a system which 'would ensure such advantages to the natives, as might induce them to sell their lands more freely to the Government.'[12] The figures suggested were not intended to be an inflexible rule, but they were meant to indicate 'the proportions existing between the numbers of the native population, the territory they hold, and the portion of it which should be secured to them.'[13] It is significant that although greater recognition was given to chiefs, provision was made for ordinary people and they were not seen as the equivalent of landless labourers. In this respect, it was unlike the New Zealand Company's plan for Maori society, which in other ways it resembled. How far it was indeed a reflection of the contemporary Maori world is another question, but the emphasis on social rank which this proposal embodied shows the way officials were thinking.

2.4 EXPERIMENTS

There was plenty of theorising about what changes in Maori land tenure would achieve. Some of the plans put forward by Government officials have been described. Others put forward by settler politicians were characteristically less protective. As Donald McLean, who was Native Secretary in the later 1850s as well as chief land purchase officer, pointed out, 'until time shall have tested their real merits, they must be regarded simply as an experiment.'[14]

An experiment McLean himself was promoting was already under way. His instructions to Robert Parris, district commissioner at Taranaki, provide some insight into McLean's ideas about the nature and purpose of reserves. He too saw them as a form of social engineering:

> If you find it necessary to make purchases subject to the condition of large reserves for the Natives; I should prefer that you should follow the system adopted in the Hua purchase; that, namely, of allowing to the Natives, (subject to certain limitation), a pre-emptive right over such portions as they may desire to repurchase: such land to be thenceforth held by them under individual Crown Grants, instead of having large reserves held in common.[15]

McLean's ideas were not new. They were part of the common stock held by many Europeans: Maori were unable to use all the land they owned, and a change in tenure was all that was needed for Maori to become part of the 'modern' economy. The group that he was particularly interested in attracting to this programme were:

> the young and intelligent Natives . . . in order that their present system of communism may be gradually dissolved, and that they may be led to appreciate the great

12. Gore Browne to the Duke of Newcastle, 20 September 1859, BPP, vol 11, p 96
13. Smith, Assistant Native Secretary, to Governor Browne, 20 September 1859, BPP, vol 11, pp 101–103
14. Memorandum by Native Secretary, 13 October 1858, BPP, vol 11, p 65
15. McLean to Parris, 26 August 1857 (original in New Plymouth Public Library, copy filed with MT New Plymouth Series 1), MA register, vol 3, NA Wellington

> advantage of holding their land under a tenure, more defined, and more secure for themselves and their posterity, than they can possibly enjoy under their present intricate and complicated mode of holding property.[16]

The outbreak of war at Taranaki overshadowed the continuity of certain aspects of Crown policy. Where there was tension over land, the introduction of new principles of Crown legitimisation of land tenure was politically very provocative. This was not the case everywhere. However, in practice it was increasingly discouraged by provincial governments, whose control over the disposal of land gave them the power to repeal the special legislation which had given Maori the opportunity to repurchase land at a set rate.[17]

As well as promoting the repurchase of lands in the 1850s, the Government was also encouraging chiefs to accept land as their personal property by singling them out for the ownership of individual blocks of land. In 1862, a list of native reserves had a column for ownership with the heading 'Tribe, Section, or Name'.[18] In some districts, many reserves were listed under the names of individuals though it is questionable how far those lands were regarded by Maori as the exclusive property of that person.

The list of individuals to whom either a Crown grant had been promised or one had been already issued is probably more significant in this respect. In Wellington and Auckland, many of these were not directly connected with the cession of land, in contrast with Hawke's Bay, where all the cases were 'part of the consideration in deeds of cession'. Hawke's Bay properties were of 100 acres or more, while those in Taranaki were quite modest, many around 10 acres. Almost all these lands were described as 'individualized'. Details were also given of the grants already issued and it was entered where Maori owners had paid for their land.[19]

Although the Crown promised grants to lands, many of these were not issued until special legislation in the 1860s. It appears that the Governor had no legal power to issue Crown Grants to Maori in the 1850s. However, as McLean pointed out, grants could 'be indirectly attained through "The New Zealand Native Reserves Act 1856" if the Natives will agree to hand over the reserves to the Commissioners . . . appointed under the aforesaid Act for this purpose.'[20] Clause 15 of the Native Reserves Act 1856, was used by the Crown to issue grants some in this period. McLean reported in 1858:

> Individualization of title, and the securing of properties on chiefs, has also been attempted and carried out, in connexion with the acquisition of native lands in different parts of the country; and about 200 valuable properties, varying from 20 to

16. Ibid
17. James Mackay reported a specific case at Wairau, in Marlborough, where Maori with scrip were frustrated by local officials from acquiring land, adding: 'Many Natives consider it a breach of faith on the part of the Government in permitting the regulation, allowing them to purchase land at ten shillings an acre to be repealed.' J Mackay to Native Secretary, 3 October 1863, Makay, 'Compendium', vol 2, p 138.
18. 'Return of Native Reserves made in the cession of Native Territory to the Crown: also of Crown Grants to be issued to Natives, and of Crown grants already issued', AJHR, 1862, E-10
19. Ibid, pp 22–30
20. McLean to Searancke, 22 August 1858, Turton, *Epitome*, D, p 30

> 2000 acres in extent, have been secured to individual natives, to be held under Crown grants.[21]

Although most lived on traditionally held land, Maori too were experimenting in these years with new ways of settlement, independent of any Government pressure. Early model villages with houses and streets were established by Maori leaders. For example, Wiremu Tamehana Tarapipipi Te Waharoa's model village at Peria, built in 1846.[22] Potatau Te Wherowhero had a settlement at Mangere on a Crown grant, in exchange for a block of land at Waikato.[23] Several other model villages were associated with mission stations.

The proposal put forward in 1860 by F D Fenton, later to be the first chief judge of the Native Land Court, was in some ways a development of these, but its principal aim was rather different. His plan was for a model farm, where methods of agriculture would be taught. This was linked quite explicitly to the view that intensive farming would mean that Maori would require less land.[24]

2.5 THE KAIAPOI EXPERIMENT

One such model scheme will be discussed in some detail, because it was put forward as a prototype for the use of reserves. Its promoter, Walter Buller, wrote:

> As I have been led to regard the individualization of the Kaiapoi reserve as an experiment, the success of which would go far to determine the Government in some general and comprehensive scheme for the partition of Native lands and the individualization of title, I consider it my duty to furnish a full and particular account of my proceedings and the results which attended them.[25]

The partition of the reserve at Kaiapoi, near Christchurch, is a well-documented example of the realisation of an orderly plan. It was an area where the amount of land available for occupation and use had already been determined before the Native Land Court era. With the encouragement of Walter Buller, as resident magistrate, the residents of this reserve pressed ahead with partitions and individual titles in 1859. By runanga decision, though again with Buller's encouragement, the land was divided equally, rather than according to rank. The sections worked out at 14 acres for each male head of a family. According to Buller, this was to be a demonstration of the results of fixity of residence and individualisation of title, and serve as a prototype for the Crown's policies generally. He believed that change in tenure was about to transform Maori society:

> Communism in this land is generally admitted to be the great obstacle to the social and material advancement of the Maori people. . . . So long as their lands are held in

21. Memorandum by Native Secretary, 13 October 1858, BPP, vol 11, p 65
22. E Stokes, 'Te Waharoa', in DNZB, vol 1, W H Oliver (ed), Wellington, 1990, p 516
23. *Te Karere Maori*, vol 1, no 2, p 9
24. AJHR, 1860, F-3, pp 133–138
25. W Buller to the Native Minister, 1 March 1862, 'Final Report on the Partition and Individualization of the Kaiapoi Reserve', AJHR, 1862, E-5, p 4

> common they have, properly speaking, no individual interest in improvements, and consequently there is little or no encouragement to industry or incentive to ambition. On the other hand, it may be safely argued that nothing would tend more powerfully to call forth their industrial energies, and promote their desire for worldly improvement than the possession, in severalty, of an exclusive title to a piece of land, however small in extent.[26]

Buller's views seem little more than hypocrisy in the light of his later career as a lawyer who made a great deal of money out of Maori land. But his ideas have to be taken seriously, because they were held by many others at the time, including those who had nothing to gain from them. Among these was the Reverend J W Stack, the Maori Missioner for the Church of England in Canterbury and agent for the Native Department from 1861 until the Government closed down his post in 1881. Stack had been born in New Zealand, was fluent in Maori, and lived in the Kaiapoi reserve in this period. He was initially convinced that individualisation of tenure held the key to rapid amalgamation. Stack supported the arrangement made by the central government for the equal division of Kaiapoi reserve, believing this would lead to a permanent increase in population and have many other beneficial results:

> better houses, better fences and cultivated farms. Many are impatient to begin these improvements. We hope that their morals will be improved. Instead of crowding together in a few houses, each man will then have his own cottage situated on his own little farm.[27]

These were the predictions, but what were the results? In little over a decade, Stack was reporting that poverty was on the increase. The timber which had been the source of wealth in earlier years (rather than the partition of the reserve) was all gone. Instead of cultivating the land, Maori were leasing it to Europeans, but the area owned by each family was too small to maintain them as rentiers. Stack wrote that one good result of their poverty was they were compelled to seek employment, but he recorded that only about half the population were able to work.

Because of poverty, Maori in Canterbury were assimilating to European life in ways that Stack deplored. Commodities had become necessities, and without ready money from timber, people were running up credit and going further into debt. Because of the rapid growth of European settlement in Canterbury, Maori no longer had wide access to traditional resources. Their cash income was principally from leasing. Maori at Kaiapoi were not able to cultivate their land intensively themselves. They became rentiers at a low economic level.

Stack's report shows how radical the Kaiapoi partition was, in terms of current European ideas, and probably of Maori ones, too. It suggests that the normal pattern elsewhere was one of marked inequality:

> The Maoris would probably have sooner become reconciled to their altered condition if some method could have been devised to prevent the chiefs from being

26. Ibid, p 11
27. J W Stack, 'Home Maori Mission', Church quarterly paper, Diocese of Christchurch, no 1, October 1861, p 7, Diocesan Archives, Christchurch

reduced to the level of their slaves. These men, accustomed before the colonization of the country to ease and plenty, cannot submit without murmuring to their altered condition, and their complaints are echoed by their inferiors. If the largest share of the reserved land had been assigned to the chiefs, they would have been spared much humiliation, and the inferior Maoris would have been more willing to adopt some regular calling.

If it is objected to this view of the case, that Native custom would have obliged the chiefs to maintain their dependants on the land, I need only point to the controversy now being carried on here between grantees and allottees to show that no feelings of common kindred would prevent the former from expelling the latter from the reserves whenever it suited their interests provided the law gave them the power to do so.[28]

Some people, at least, had shares in land elsewhere through marriage and other family connections, and social and economic levelling was not complete. Certain families were relatively comfortable, but there was not the great economic and social range that is a feature of Maori society in the nineteenth century in parts of the North Island. There was a contrast even with Otago, where the property of the Taiaroa family kept on increasing during a period when many were becoming landless.

What quantity of land was required? In 1879, under examination at the Smith Nairn commission, Sir George Grey fell back on the vague term 'ample'. He was clear that it should have been more than 14 acres a head.

What should have been the function of these reserves? Grey replied:

Of course I imagined that Native Gentlemen would arise in the country – men living with comfort – I did not imagine setting up a servile race with 14 acres a head.[29] . . . the impression on my mind was, that each Chief would have as much property kept for him as would enable him hereafter to live comfortably as a European gentleman, and that every native farmer should have a farm kept for him, with sufficient land to run their stock on besides. That was decidedly my conception of what should be done, at the least.[30]

Henry Tacey Kemp had already stated that he had understood that as well as places of residence and 'mahinga kai', Maori who ceded land in the Ngai Tahu sale of 1848 were to receive 'ample Reserves from which in the course of time, they might derive considerable rents as a means towards their securing permanently the comforts and necessaries of civilized life.'[31] Grey and Kemp both indicate that 'ample reserves' would mean estates for chiefs, land for farmers, and also land to lease for a good cash income.

Close to home, 'ample' was as minimal a view as it had ever been. Before a joint committee in 1888, Rolleston insisted on a version of the sale that presumably was

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28. Report to Hon the Native Minister, 30 April 1873, 'Reports from Officers in Native Districts', AJHR, 1873, G-1, 21
29. Middle Island Native Land Purchases Commission, no 32, 6 December 1879; (photocopy) Wai 27, doc 3/10, pp 29–30
30. Ibid, pp 31–32
31. Middle Island Native Land Purchases Commission, no 5, 25 August 1879, (photocopy) Wai 27, doc 3/8, p 2

the standard one for European settlers in Canterbury, where he had been a provincial leader:

> Captain Russell: Have you had any means of knowing whether the Natives realised what ten acres of land were when they parted with Ngaitahu how really little it represented? Do you think, in other words, they would have accepted such a reserve if they had known what it meant?
>
> Rolleston: I think they knew. It was pointed out on the ground what it meant, because the boundaries were marked, and that area represented all the land that they had in cultivation – that is, that they bestowed labour upon, and really had any title to.[32]

Rolleston stated what he believed, though it was not what had happened. Russell's questions are also relevant, reflecting a change in attitudes and in policies:

> Russell: But it is . . . provided that the Native shall not be allowed to alienate their land unless a certain amount remains – sufficient to insure their having ample land left to prevent them becoming paupers?
>
> Yes
>
> Do you remember what this amount is?
>
> No, not at this moment.
>
> My object is to inquire whether you would not think the Natives of the Middle Island should have secured to them an amount such as has been declared as necessary for the Natives in the North Island?
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> I think this purchase must go upon its own merits. A provision of that kind respecting the North Island, or any particular part of the colony, would not necessarily apply and I think that what was done in respect of this purchase was much more ample and satisfactory than in any other purchases in the colony. I think that it would be most mischievous to do what Mr Mackay urges – that is, to reopen the question as to what area should be given to these Natives, seeing that the question has been finally decided.[33]

Rolleston's view was that small annuities would be more appropriate than awards of land to relieve poverty. Indeed, in the 1870s, Government relief – food and blankets – was already being distributed to the elderly and sick among the Maori population in Canterbury.[34] Kaiapoi had led the way into the future, not as Buller had envisaged it, but with inadequate reserves, visible poverty, and the early appearance of landlessness. Rather than being used as a instructive example, Kaiapoi's brief role as a model project for reserves was forgotten.

32. 'Report of Joint Committee on Middle Island Land Claims', 22 August 1888, AJHR, 1888, I-8, p 81
33. Ibid
34. Stack to Native Minister, 21 May 1874, AJHR, 1874, G-2, p 23

2.6 CONCLUSION

There was continuity as well as change with the movement into the Native Land Court period. This has bearing on ideas that were held about the provision of land for reserves.

There was already great diversity between various regions. By far the greater part of the North Island remained under customary ownership.[35] Where sales had proceeded, reserves were also on the whole, held communally and under traditional title. Some individualisation had already taken place. Crown grants had been issued to a few Maori, and more had been promised. The reserve at Kaiapoi in Canterbury came the closest to complete individualisation of a reserve in this period, though it was some years before the survey was properly completed and grants issued. A very positive account of Canterbury Maori's attainment of higher living standards was given in *Te Karere Maori*, as an inducement for others to follow.[36]

There is a great deal of evidence that the situation was a fluid one. Some of the new ways of owning and using land were celebrated in the pages of *Te Karere Maori*. As the Government paper, it was bound to emphasise opinions favourable to official policies, but its editors were unlikely to have invented the speeches recorded at the meeting of chiefs at Kohimarama in 1860. In fact, a number criticised Government policies. Several spoke about new ways of holding land, and were optimistic about material progress.

Different individuals brought different emphases to the question. Hukiki, from Ngatiraukawa at Otaki, supported an egalitarian approach:

> According to my opinion the land should be marked. Because the Chiefs are grasping at great quantities of land, leaving none for the poorer people. The Governor has now offered it to us. Now therefore I say we have indeed become children of the Governor.[37]

But the words of Ihakara, another Ngatiraukawa chief from the Manawatu, sounded a warning bell to this assembly:

> Hearken my Pakeha and Maori kinsman. I will point you out two tribes of low standing in this Assembly of influential men. The reason why I say these two tribes are of low standing is because we are floating about on the earth. We have no land. The influential men in this Assembly do not derive their influence from anything in themselves, but from their land.[38]

With pre-emption, the Crown had the power to secure adequate reserves. Where these had not been made, it had been through a failure to respect the principle of 'fair and equal contracts' laid down in Normanby's instructions to Hobson. There

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35. For the situation in 1859 see 'Map of New Zealand shewing approx the extent of land acquired from the Natives', with Gore Browne to the Duke of Newcastle, 20 September 1859, BPP, vol 11, p 96
36. This account was almost certainly provided by Walter Buller, who had been instrumental in setting up the project: vol 7, no 3, 15 February 1860, p 4.
37. *Te Karere Maori*, 31 July 1860, new series, vol 7, no 14, p 38; *Te Karere Maori*, 15 February 1860, vol 7, no 3, p 38
38. Ibid

was an element of temporising in the Crown's approach to transactions. Some hapu had emerged from selling land with large 'reserves'. These were seen by the Crown as waste lands in disguise, to be purchased when the opportunity arose.

It has already been noted that most was held as reserve under customary tenure, but they were in certain respects differentiated from land which had not been sold. The external boundaries were those specified on deeds, which were usually signed by leaders, though sometimes the whole group signed. The deed gave recognition of a right to exclusive ownership to whomever was named in it, as against other parties, though the legal status of the reserve was not otherwise changed.

Some reserves were held by individuals as rewards for service, sometimes in connection with a sale, but not necessarily. There was also land which had been purchased by Maori. Though the arrangements to do this varied, the land was usually selected from a block in the course of a transaction. By 1865, a relatively small amount of land was individualised, and Crown grants had been promised, though not all had been issued.

It is an over-simplification to see the pressure for change in Maori land-holding as coming only from Pakeha land hunger. It is true that settler politicians were impatient to gain control over land policies. But those whose opinions influenced the Crown believed that Maori were being offered not only security against other Maori, but an increased prospect of material prosperity. This approach was almost invariably linked with the idea that Maori would require a relatively smaller amount of land than they currently held. Central to this was ensuring that Maori retained sufficient land to support themselves; 'ample' if they were of higher social rank. This was to be achieved by inalienable reserves and, progressively, by individual titles with restrictions on alienability.

The Government was also obliged to pursue the interests of Pakeha settlers, which it believed could be reconciled with the best interests of Maori. It is this blend of apparent self-interest with trusteeship that produces some of the tensions of these early years. As an extension of trusteeship, the Crown took the view that because Maori might not know what was in their own best interests, Maori ought not to be allowed to retain land when it was not strictly required for their well-being. What might be termed hard-line paternalism led to an argument that persisted throughout the period under review: too much land under customary title impeded Maori progress. They would be better off on less land on a Crown grant and best of all if that land was held on an individual title.

The Governor was under constant pressure to acquire more land in the North Island. His response to a deputation of Auckland provincial politicians in 1859 contained a statement of two key issues in relation to reserves. He was not able to resolve them, and neither did any other Government with much success in the nineteenth century:

> It is very desirable for the interests of both races that the extinction of native title over all land not required for the use and occupation of the Maories, should be effected as rapidly as it can with justice. . . .
>
> My own opinion is that it is desirable to provide means for enabling tribes families and particular individuals to define and individualise their property, and that it would

> be just and proper to confirm well-ascertained rights by a Crown title; that in adopting such a system it would be necessary to make safe provision against individual improvidence, and to guard society against the consequences to which it would be exposed if natives were permitted to pauperise themselves . . .[39]

Regardless of other events in these years, the Crown was trying to find a more systematic way of regulating land holding and land transactions. It was hoped that changes could be made that would benefit both Maori and Pakeha. The board in 1856 had reviewed the whole sale process. Among their proposals was the idea of identifying each person's claim on a local district sketch or survey. The object was to compile a complete registry of all Maori land. This was seen as essential, whether a sale was immediate or not.[40] This idea, projected as early as 1840, with Russell's instructions to Hobson, seems an impossible undertaking. Other considerations apart, Government resources were too limited for such an ambitious project. Yet the idea was never quite abandoned in this period. Its attraction was that it was seen to resolve the key problem of defining land that Maori should retain, leaving 'surplus lands' for disposal.

This period culminated in the establishment of the Native Land Court. The gradual and ad hoc process of individualisation of 'reserves' of various sorts on to Crown title in the earlier years was extended very greatly by the court. Though there were great changes after 1865, this discussion has pointed to some of the continuities. Crown policy in relation to reserves in this period was still essentially experimental.

39. T Gore Browne, memorandum, 9 June 1859, BPP, vol 11, p 148
40. 'Report of Board appointed by . . . the Governor to inquire into and report upon the State of Native Affairs', 29 July 1856, BPP, vol 10, pp 514–515