

**THE
MAORI
AFFAIRS
PROGRAM**

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FOREWORD

The Legislative Reference Bureau's study of the Hawaiian Homes Program, prepared pursuant to House Resolution 87, Budget Session of 1962 (which appears as Appendix A of Report No. 1, 1964) consists of the following reports:

- (1) The Hawaiian Homes Program: 1920-1963 (LRB Report No. 1, 1964);
- (2) Legal Aspects of the Hawaiian Homes Program (LRB Report No. 1a, 1964);
- (3) Land Aspects of the Hawaiian Homes Program (LRB Report No. 1b, 1964);
- (4) Social Aspects of the Hawaiian Homes Program (LRB Report No. 1c, 1964);
- (5) The Maori Affairs Program (LRB Report No. 1d, 1964); and
- (6) Organization and Administration of the Hawaiian Homes Program (a working paper dated January, 1963).

The reports may be used individually by those interested in particular phases of the Hawaiian Homes Program or collectively by those interested in studying the program in its totality.

This report describes the Maori Affairs Program of New Zealand. It will at once become apparent that the government of New Zealand has played an active role, at least during the past two decades, in protecting and furthering the interests of the Maoris through special legislation affecting education, housing, land, land development and welfare. Many of the programs initiated by the New Zealand government are peculiar to New Zealand and may not be applicable to the Hawaiian scene. This does not negate the usefulness of a review of the Maori Affairs Program. It simply means that one must take care in identifying those aspects or approaches utilized in the program which one thinks may be worthy of emulation in Hawaii, and then such an aspect or approach must be thoroughly adapted and redesigned to meet local needs.

We gratefully acknowledge and appreciate the assistance rendered the Bureau by the Department of Maori Affairs of the New Zealand government and in particular the Honorable J. K. Hunn, Secretary for Maori Affairs, and Mr. B. E. Souter, present Deputy Secretary for Maori Affairs, who have furnished us with the necessary information and critical analysis without which this report would have been incomplete.

Tom Dinell
Director

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GLOSSARY

"European" means any person other than a Maori, and includes a body corporate.

"Hostels" mean youth centers in the cities for Maoris which provide accommodations for them.

"Land" means Crown land, European land, or Maori land.

"Crown land" means any land other than Maori land which has not been alienated from the Crown for a subsisting estate in fee simple.

"European land" means any land other than Maori land which has been alienated by the Crown for a subsisting estate in fee simple.

"Maori land" means customary land or Maori freehold land.

"Customary land" means land which, being vested in the Crown, is held by Maoris or the descendants of Maoris under the customs and usages of the Maori people.

"Maori freehold land" means land other than European land which, or any undivided share in which, is owned by a Maori for a beneficial estate in fee simple, whether legal or equitable.

"Maori reserve lands" mean lands set aside by the Governor-General upon recommendation of the Maori Land Court to be held by the Maori Trustee for the common use and benefit of a community.

"Maori" for the purpose of most legislation, means any person belonging to the aboriginal race of New Zealand with one-half or more Maori blood, but it may also mean any descendant of a Maori.

"Maori schools" mean primary or district high schools, usually for Maoris, administered by the Department of Education.

"New Zealand Pound" means an amount of money equivalent to two dollars and eighty cents (\$2.80) in United States dollars.

"Pakeha" is a Maori word meaning European.

"Pepperpotting" is a method of dispersing Maori homes among European homes in the interest of hastening integration and understanding.

"Post-primary schools" mean secondary schools.

"Public schools or board schools" mean primary schools established primarily for Europeans, but which admit Maoris and are administered by local education boards.

"State rental pools" mean public housing which is available to Maoris and Europeans in towns or cities.

"Tapu" means sacred Maori sanctions.

"Turangawaewae" is a Maori word meaning to have an interest in land and having standing to speak at a tribal marae.

Chapter I

THE MAORIS IN NEW ZEALAND

The Maoris in New Zealand are a minority group in a land which once belonged exclusively to their ancestors. Unprepared by training or disposition to resist or adapt successfully to the complexities of European civilization, the Maoris lost much of their culture and property in spite of the well-meaning efforts of some Europeans to assist them. They are presently experiencing a rapid growth in numbers and are achieving significant progress in economic, educational and social standing, a development which few envisioned at the turn of the century, when it seemed that the Maoris were doomed to extinction. The present situation of the Maoris is one of change--of attempting to adapt successfully to modern civilization.

THE HISTORICAL SETTING

Prior to the European colonization, the Maoris were the proud possessors of their lands. In the years which followed, their ranks were decimated, their lands lost and their spirit often broken. Only in more recent years has the New Zealand government attempted to organize its efforts to help the Maoris adjust and adapt to the economic and social changes which have occurred.

MAORI ORIGINS

The Maoris are Polynesians of Caucasian origin who migrated from India in the dawn of civilization and fanned out across Indonesia and throughout Micronesia. They settled in Samoa, the Society Islands, and the Hawaiian Islands. It is also believed that they made three major trips to New Zealand, the first, during the 10th century as a voyage of exploration, the second, about 200 years later, and the third, about A.D. 1350. The last two voyages are believed to have been for colonization.

EARLY MAORI SOCIETY

By the beginning of the 19th century and before colonists appeared in New Zealand, the Maoris had evolved a unique, substantial and satisfying society without the benefit of a written language. Their principal social units were the family group, the subtribes and the tribes. They had a highly developed social and ritualistic custom. Their method of land tenure and methods of cultivation were communal within the subtribes. Intertribal and intratribal warfare was common.¹

Although they paid great respect to their chiefs, certain elements of a democratic society were present. For example, decisions were made after a full discussion in open forum, all regardless of rank shared in the necessary work, and women of exceptional abilities both in mind and in the crafts were held in high esteem and often became leading figures in the tribe. In place of a civil and

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criminal code, the Maoris had evolved an intricate system of "tapus" which were administered by the priesthood.

It is reported that when the Europeans arrived, the Maoris had evolved a high state of neolithic civilization (civilization relating to the latter part of the stone age when animals were domesticated and polished stone implements used but metals were not used). The Maoris were outstanding among the Polynesians for their abilities in their dancing, arts and crafts and in their designing of dwelling and meeting houses. They were markedly superior to other neolithic cultures in the arts of wood carving and military engineering.²

On December 13, 1642, Abel Janszoon Tasman, a navigator for the Dutch East India Company, discovered the land of the Maoris. History does not record any other European visit until October 6, 1769 when Captain Cook sighted New Zealand. The first recorded instance of Europeans being left in New Zealand for any length of time occurred in 1792 when Captain Raven of the *Brittania* left a sealing party at Facile Harbor, South Island for a period of over twelve months. Following this stay, a number of whaling stations sprung up along the coast of New Zealand. Later, deserters from whaling ships and escaped convicts were attracted to New Zealand and the country became notorious for lawlessness and exploitation of the natives.

By 1840, the lawlessness, disorder and turmoil which resulting from the friction between the Maoris and the Europeans and from intertribal warfare, caused the Maori chiefs and the missionaries to ask for British sovereignty.³

THE ESTABLISHMENT OF ENGLISH SOVEREIGNTY

Subsequent to the visits by Captain Cook, England had recognized the independence of New Zealand. By this act of recognition, England had, in the eyes of other nations, abandoned any right to claim sovereignty by discovery. Therefore, in order to obtain sovereignty which would be respected by other nations, England had to enter into a compact with the Maoris whereby they would voluntarily consent to the establishment of the English Government in New Zealand.

By 1840, when the Maori chiefs and the missionaries petitioned England to establish a government in New Zealand, England wanted to obtain sovereignty and had a sincere desire to restrain and protect the Maoris and the settlers. These desires of England are revealed in the Treaty of Waitangi, the treaty by which England gained sovereignty over New Zealand and in which the chiefs and tribes of New Zealand ceded their sovereignty to England in return for: (1) England's guarantee to retain to them the undisturbed possession of their lands and estates; (2) England's protection; and (3) the rights and privileges of British subjects. It should be noted, that in the Treaty of Waitangi, England retained the exclusive right of preemption--the right to purchase lands at an agreeable price from the Maoris through appointed representatives when the owners desired to sell. The text of the Treaty appears as an Appendix to this paper.

THE ACQUISITION OF LAND

At the time of the Treaty of Waitangi, lands were owned by tribes and boundaries of ownership between tribes were not clearly demarcated. To the Maoris, whose culture was communal in nature, the English system of individual registered land titles was a novel concept. This indefiniteness of ownership placed the government in an impossible position for whenever the government decided to purchase lands for the settlers, many dormant claims would arise; there would be many conflicting claims of ownership; one part of the tribe would decide to sell while another portion would not; and even if all of the members of a tribe agreed to sell, the government in deciding whom they would pay might still be a party to an act of injustice, if it bought the land from the wrong tribe. This situation of uncertainty of title brought about a feeling of antagonism by all toward the government and tended to increase internal strife among the Maoris and between the Maoris and the settlers.

Feuds among the Maoris began in 1854 and continued unabated until 1860 when the Maori wars began. These wars were fought between the Maoris and the pakehas (Europeans) until 1870. The primary cause of these feuds and the wars was land title disputes.⁴ These feuds and wars made the government realize that if land, which was urgently needed for colonization, was to pass peacefully from the Maoris to the Europeans, some land title court to ascertain and convert Maori ownership to English ownership was necessary. Thus, by the Act of 1862 a land title court, under the presidency of a European magistrate, was established. Its primary function was to investigate and determine the ownership of Maori lands and to issue certificates of title therefor. This land title court was later replaced by the present Maori Land Court which was established by the Native Lands Act of 1865.⁵

THE EXISTING SITUATION

Today, the Maoris are in a less favorable position than their pakeha countrymen in every significant social and economic aspect but one. The exception is population growth, for they are increasing at a more rapid rate than the pakeha. However, in the areas of education, housing, employment, crime and delinquency the Maoris' position, though improving, is not enviable. The drift of Maori population from the country to the cities, which causes many social and economic problems also contains the seeds for more rapid integration and for improved Pakeha-Maori relations.

POPULATION

Three aspects of Maori population developments give rise to social and economic problems which have to be solved by the New Zealand government: (1) the tremendous increase in the Maori population; (2) the preponderance of youth among the Maoris; and (3) the migration of the Maoris from the rural to the urban areas.

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The Maori population in 1960 was 158,300 or 7 per cent of total population. The vast majority of the Maoris reside in North Island, primarily in the Auckland Peninsula. They were increasing at the net rate (births over deaths) of 3.8 per cent or 38 per thousand whereas the total population of New Zealand was increasing at the rate of 2.1 per cent or 21 per thousand. It was projected at that time that if the Maori population continued to grow at the 3.8 per cent rate, in 40 years the population of Maoris would be 703,000 and it would account for 14.75 per cent of the total population.⁶

There is a preponderance of youth among the Maori population. In 1958, 60 per cent of the total Maoris was under the age of 21 in comparison to 40 per cent of the non-Maori population.⁷

Maoris are migrating from the rural to the urban areas at an increasing rate. The per cent of Maori population living in cities and boroughs has risen from 9 in 1926 to 24 per cent in 1956 and to 40 per cent in 1960.⁸ It is reported that Maoris were moving to urban areas at an annual rate of one per cent of the total Maori population or approximately 1,600 a year.⁹

As will be indicated later, these population developments give rise to employment, juvenile delinquency, housing, education, health and related problems.

One other interesting aspect of Maori population statistics should be noted. Intermarriage has reduced the number of pure Maoris to about 20 per cent of the 1960 population or about 30,000. There are therefore some 120,000 Maoris with pakeha blood. Intermarriage, it is believed, will hasten the integration of the Maoris in New Zealand.¹⁰

PHYSICAL AND MENTAL HEALTH

New Zealand has a health services program which operates under the social security plan and applies to Maoris and pakehas alike. This plan provides free medical services, medicine, hospital, maternity and X-ray services, as well as monetary benefits during sickness and pensions for invalids.¹¹

Although Maori health has improved, there is a definite statistical gap between Maori and pakeha health. During the period 1954 to 1958, the infant mortality rate between the age of one month and twelve months was 57.5 per 1,000 for Maoris as compared to 19.8 for non-Maoris. A comparison of the death rates for Maoris and non-Maoris reveals that under age 20, Maori deaths are at a rate of 6.61 per 1,000 and non-Maori at 1.92 per 1,000. There is no significant difference in the death rate between Maori and non-Maori above age 20. However, the life expectancy of the Maori is shorter than for the non-Maori.¹²

The high rate of Maori deaths in infants is due primarily to birth injury and prematurity attributable to (1) more frequent childbearing; (2) higher proportion of confinements outside of hospitals; and (3) reluctance to seek prenatal care. Maori deaths in infants over twelve months are primarily caused by gastrointestinal disorders and epidemic and infectious diseases--primarily tuberculosis and typhoid fever, which have their origins in (1) unsatisfactory feeding; (2) failure to seek or heed skilled advice of health nurses; and (3) poor housing.¹³

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Statistics for 1958 indicate that the incidence rate of mental illness for Maoris was below the pakeha rate. The rate for Maoris was 70 per 100,000 as opposed to 100 per 100,000 for non-Maoris. Nearly one-half of the first admissions for Maoris fell within the 20 to 40-year group.¹⁴

LAND

The total land area of New Zealand is estimated at 66,390,700 acres. In 1960 the estimated Maori landholdings were approximately 4,000,000 acres of which 3,750,000 were located in North Island.¹⁵

The Maori lands can be classified in the following manner:¹⁶

	<u>Acres</u>
1. Leased to Europeans	750,000
2. Under control of the Department and Maori Trustee	445,230*
3. Farmed by Maori Incorporations and Trusts	1,477,770
4. Idle land suitable for development	550,000
5. Idle land not suitable for development	777,000
	<hr/>
	4,000,000

*This figure includes 132,840 acres grassed but not settled and 78,850 acres suitable for development.

Maori lands or the revenues derived from the sale of Maori lands are administered by four governmental agencies--the Department of Maori Affairs, the Board of Maori Affairs, the Maori Land Court, and the Maori Trustee. Each of these governmental agencies will be discussed later in this paper.

EDUCATION

New Zealand operates a national system of free, secular, and compulsory education. Every child between the ages of seven and fifteen years has to be enrolled as a pupil in either a public or a registered school. For all practical purposes the kindergarten, primary and post-primary systems are administered by the Department of Education. However, the district boards of education are still responsible for initiating school policies within their districts for transportation, for consolidation of schools, and for the construction and maintenance of school facilities.

The state school system includes public-supported but association-managed kindergartens, primary schools (usually ages 5 to 7 through 13), post-primary schools (usually ages 14 through 19) and technical schools (for those who have completed primary school) and universities. Maori children may attend either the public schools or Maori public schools (schools where courses of instruction are designed for the Maoris but which may be attended by Europeans). Maori primary schools serve about 28 per cent of the Maori children and Maori post-primary schools serve about 10 per cent. There are also private church schools for which Maoris may obtain government scholarships. All the Maori schools are under the administration of the Department of Education.¹⁷ Statistics compiled in 1958 indicate that the Maoris were dropping out of secondary schools after the

compulsory age had been reached at a faster rate than Europeans.¹⁸

Pupils who have graduated from an accredited post-primary school after four years of instruction and those who have successfully passed the university entrance examinations are entitled to enter any university in New Zealand. These are the University of Auckland, the Victoria University of Wellington, the University of Otago, the Massey University of Manawatu and the University of Waikato. There are also seven teachers' training colleges.¹⁹

The latest figures available relating to Maoris attending the university indicate that there were approximately 75 Maoris in the university system and 14 Maoris in the agricultural colleges. If the European ratio were applied to the Maoris there would have been 741 Maoris attending the university and agricultural colleges instead of the 89.²⁰

EMPLOYMENT

Latest available statistics reveal that the rate of unemployment among Maoris in 1951 was 2.4 per cent and in 1959 3.4 per cent, whereas unemployment for non-Maoris during these two years was 1.2 per cent and .9 per cent, respectively. It is not known why unemployment increased among Maoris while at the same time decreased among Europeans, nor are current statistics available. The data, however, seem to indicate that unemployment is increasing because the Maori population, which is concentrated in rural areas, is expanding more rapidly there than industrialization and employment opportunities. The reverse of this situation seems to be true in urban areas where Europeans predominate.²¹ Further, the facts that the Maoris are concentrated in the less than 21-year age group (60 per cent under age 21) and suffer a higher rate of drop outs from secondary school, contribute to a higher unemployment rate.

The occupational distribution statistics for the year 1956 indicate that there is a higher proportion of Maoris concentrated in the occupational areas requiring physical work while the non-Maoris predominate in the professional, managerial, sales and related fields. The significant development for Maoris over the years has been the increase of Maoris in the craft-production-laboring and transportation-communications areas with an accompanying decrease in the farming and related endeavors.²² These changes appear to indicate that the urban drift of the Maoris has been motivated in part by the seeking of employment opportunities; that Maoris have an aptitude for skilled trades; and that employment in this area is open to Maoris.

In 1960, the Department estimated that there were approximately 633 Maori apprentices which represented about 3-1/2 per cent of the total apprentices (18,681). If Maoris who represented 9-1/4 per cent of the population between the ages of 15-20 years were proportionately undergoing apprenticeships, there would have been 1,730 Maori apprentices.²³

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INCOME

The distribution of income in 1956 for Maoris and non-Maoris was as follows:²⁴

<u>Pounds*</u>	<u>Per Cent Maoris</u>	<u>Per Cent Non-Maoris</u>
1,500 and over	1.28	6.80
1,300-1,499	0.46	2.00
1,100-1,299	1.18	4.26
900-1,099	3.49	9.75
700- 899	12.65	21.24
500- 699	29.65	24.33
300- 499	27.35	17.27
100- 299	15.18	10.61
Under 100	<u>8.76</u>	<u>4.74</u>
	100.00	100.00**

*For comparison purposes, the rate of exchange in 1959 and 1960 between U. S. dollars and New Zealand pounds was \$2.80 per pound.

**Does not add to 100 per cent but to 101 per cent.

Clearly the average income of Europeans was considerably higher than that of the Maoris. The average annual income for the European head of the household in 1956 was 750 pounds as compared to 540 pounds for his Maori counterpart.²⁵

HOUSING

In 1956, the housing standard for Maoris was considerably below that of the non-Maoris as shown below:

	<u>Percentage of Homes</u>	
	<u>Maoris</u>	<u>Non-Maoris</u>
Bath or shower	58	93
Piped water	51	86
Hot-water service	48	88
Flush toilet	31	80
Refrigerator	20	55
Washing machine	19	58

These statistics indicate that the differences in health and social standing of the Maoris may stem, at least in part, from a lack of sanitation and water supply.²⁶ The housing problems of the Maoris are further complicated by the overcrowding and substandard situation found in an estimated 30 per cent or 6,300 (total homes in 1956 were 21,059) of their homes. This is made evident from statistics in 1956 which revealed that the Maoris had an average of 3.9 rooms and an average of 5.6 occupants per house whereas non-Maoris had an average of 4.7 rooms and an average of 3.6 occupants per house.²⁷

The Department estimated the backlog in housing in 1960 as being approximately 6,400 houses. It also estimated that the new demand for housing by Maoris would accrue at a rate of approximately 800 to 1,000 homes a year.²⁸

CRIME

Crime rate statistics for male offenders in terms of percentage of population are as follows:

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	<u>Maoris</u>	<u>Non-Maoris</u>
1954	3.53	1.41
1958	5.13	1.50

The statistics indicate that the crime rate among Maoris, which is approximately three and a half times more than the non-Maoris rate, has risen by almost 50 per cent whereas the non-Maoris rate has remained relatively static. Statistics gathered by the Department of Maori Affairs point out that since 1954, the age group with the highest crime rate has shifted from the 25 and over category to the 15-19 age group. The crime rate for Maoris is greatest in cities where there has been a great influx of Maoris.²⁹

The distribution of the incidence of arrests for various crimes committed by males in 1958 is as follows:

<u>Type of Offense</u>	<u>Maoris</u>	<u>Non-Maoris</u>
Common assault	5.8	3.7
Theft, burglary, car conversion	46.6	27.3
Drunk, disorderly, drunk in charge	22.0	35.4
Vagrancy	2.8	4.8
Sexual	3.1	2.7
Other	19.7	26.1
	<u>100.0</u>	<u>100.0</u>

The data indicate that among Maoris, property offenses (theft, burglary, car conversion) are the highest and account for 46.6 per cent of the total crimes. Among the non-Maoris, offenses involving aberrant conduct account for nearly half of their total crimes.³⁰

The Department of Maori Affairs feels that some of the reasons for the high crime rate which is concentrated in the teen age group and in crimes against property are: (1) the rapid growth in Maori population which caused a shift of the population from the rural to the urban areas with its concomitant problems of insecurity in modern urban life, overcrowding in poor tenements, unemployment, living apart from home or parents, bad company and drinking; and (2) the survival of the communal way of life--sharing of property was an accepted custom while modern society makes it a crime to take other people's property.³¹

MAORI-PAKEHA RELATIONS

There are differing views on race relations in New Zealand. One point of view, a critical one, has been presented by David P. Ausubel, an American psychiatrist and psychologist from the University of Illinois, who spent a year (1957-1958) in New Zealand studying social relationships while a Fulbright research scholar in psychology at Victoria University of Wellington.³² The following excerpts from Ausubel's The Fern and the Tiki, while highly selective, are indicative of his general observations. One interested in a more complete presentation of his views and the supporting evidence therefor should read his book.

The most striking impression an American receives of race relations in New Zealand is that although they are generally much better than in the United States, they are not nearly as good as people think or claim they are. . . .³³

What does a New Zealander really mean when he says that there is no colour bar in this country? Apparently he means that Maoris and Europeans are equal in the eyes of the law; that Maoris can vote and hold public office; that Maori children can attend the same State schools as Europeans; that Maoris are not legally barred from hotels, barber shops, restaurants, public conveyances and places of amusement; and that any qualified Maori can legally practice any trade or profession open to a European. . . .³⁴

. . . As is true of most stereotypes, the almost universal stereotype of the Maori as a lazy, shiftless, unreliable, improvident and happy-go-lucky human being probably contains some small kernel of truth; but it obviously does not apply to all or even most Maoris and just as obviously applies to many Europeans. . . . The individual Maori is not judged on his merits but is prejudged on the basis of the stereotype. The burden of proof is on him--to prove that he is not guilty of these attributes. . . .³⁵

Relatively few of the pakehas I interviewed were capable of accepting Maoris as equals or of recognizing that the same diversity of abilities and range of hereditary intellectual endowment prevailed amongst Maoris as amongst themselves. . . .³⁶

This deepseated belief in the inherent inferiority of the Maori people as a coloured race explains many of the patronizing attitudes toward Maoris that flourish in New Zealand today. . . .³⁷

Similar notions about inherited racial inferiority underlie many of the pakeha's negative feelings regarding intermarriage, as well as the often expressed opinion of many teacher and government officials that there is little point in spending money on the education or housing of Maoris since they invariably 'go back to the mat'. . . .³⁸

The prevalence of many discriminatory practices--in such fields as housing, hotel accommodation, employment, credit and ordinary social interaction--adds further support to the argument that a colour bar is operative in New Zealand. Flagrant, legally enforced segregation or denial of civil rights as is commonly found in the southern states of America is fortunately unknown. Discriminatory practices tend to be more subtle covert and extra-legal--just as in most northern communities in the United States. . . .³⁹

. . . apart from state housing Maoris experience considerable difficulty in most urban areas in renting decent flats and houses freely available to Europeans. The general pattern is to find Maoris living in the slummiest and most run-down sections of town. . . .⁴⁰

Discriminatory practices with respect to hotel accommodation are similarly encountered much more frequently than is commonly believed. . . .⁴¹

It is also common knowledge in some towns that Maoris are required to sit in segregated parts of cinemas and are not welcome in and hence do not patronize certain restaurants, bars and dance halls. . . .⁴²

Many pakeha shopkeepers discriminate against Maori customers by denying them credit, especially in hire-purchase transactions (retail purchase on credit terms). . . .⁴³

One of the greatest safeguards of the rights of the Maori people is the fact that they are equal in the eyes of the law. And in New Zealand courts which enjoy a well-earned reputation for integrity, Maoris are by and large fairly treated. Overt instances of colour bias are difficult to find. . . .⁴⁴

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Employment is another major area in which discriminatory practices prevail. At the level of unskilled labour there are few problems. Maoris, in fact, are preferred for many rough or dangerous jobs that Europeans shy away from. Similarly, at the professional level, the relatively few Maoris who have university qualifications experience little difficulty in finding suitable employment. The real problem lies in the skilled trades, offices, shops and banks. Here the position is that most employers consider a Maori applicant only if no European is available. Even in areas of dense Maori population it is rare to find Maoris working in these kinds of establishments. . . .45

It is in the sphere of ordinary social relationships that any claim regarding racial equality meets its acid test. . . . At a working-class level and also in some professional and intellectual circles there is a limited amount of unrestricted social interaction; but more typically, social contact between the two peoples is limited to such formal, impersonal situations as rugby and the cinema. . . .46

What has been said about ordinary home visiting applies even more emphatically to the question of intermarriage. . . . The surest way of eliciting the most violent type of anti-Maori prejudice from an ordinarily mild-mannered pakeha is to raise the subject of intermarriage. . . .47

Of all the social institutions in New Zealand the school comes closest to realizing the professed ideal of racial equality. This is attributable to two factors--the long history of control by the central government and the essentially wholesome racial attitudes of New Zealand school children. . . .48

The Department of Maori Affairs in commenting, at the Bureau's request, on the excerpts from Ausubel's The Fern and the Tiki, reacted, in part as follows:

Personally I think that the extensive quotes from Ausubel's book give a false impression of race relations in New Zealand. Race relations are not capable of an objective assessment so it could be that a visitor can see the situation more clearly than someone who has lived in the country all of his life. Nevertheless I do think that Ausubel's book gives a jaundiced view of the situation.

For example, you quote in . . . the following: "Similar notions about inherited racial inferiority under-ly many of the pakeha's negative feelings regarding intermarriage, as well as the often expressed opinion of many teachers and government officials that there is little point in spending money on the education or housing of Maoris since they invariably 'go back to the mat'."

I have never heard a teacher or government official advance the above opinion nor have I heard reports of any teacher or government official advancing such an opinion and I am sure that such statements, if made, would be drawn to my attention.

Likewise, the reference . . . to discriminatory practices in respect of hotel accommodation, cinemas, restaurants, etc., seem to me to be wide of the mark. I am quite certain that any properly dressed Maori would be able to obtain hotel accommodation in any hotel in New Zealand, provided accommodation was available.

It is stated that many pakeha shopkeepers discriminate against Maori customers by denying them credit, especially in hire purchase transactions. Our Departmental experience, based on our dealings with Maori farmers and Maoris who are in arrears with their housing loans, is that Maoris are given far too much credit by hire purchase firms and we would like to see less credit extended to Maoris.

It is difficult to say whether there are any discriminatory practices in the employment of Maoris. At the present time there are very few Maoris

who have the qualifications necessary to enter offices and banks, for example. The normal minimum qualification for entry to such positions is the School Certificate Examination. In 1960 only 4.7% of the Maori school leavers had passed the School Certificate Examination or some higher examination as compared to 29.7% of non-Maoris. There were something like 3,600 Maori school leavers in 1960. This would give about 170 school leavers with School Certificate or better. These Maori school leavers with School Certificate or better have no difficulty whatever in securing white collar jobs. In fact, this Department, which is anxious to recruit Maori school leavers finds difficulty in getting any young Maoris with School Certificate or better, as they take up other jobs. School teaching is one of the favourite white collar jobs for Maoris.⁴⁹

THE PRESENT APPROACH

Perhaps the best description of the development of the present approach of New Zealand to the Maori race was expressed by the then Secretary for Maori Affairs, Mr. J. K. Hunn, in 1960 when he said:

What precisely is the New Zealand's policy for the future of the Maori race? The answer is elusive because nowhere is it defined--neither by statute nor by resolution of the Board of Maori Affairs. Remiss as this may seem, it is probably deliberate and wise. It recognizes that evolution will take its course and pay scant attention to statutory formulas. Official policy can accelerate or retard but not thwart or divert the process of self-determination. Evolution governs policy, not vice versa. This will be the lesson of South Africa's attempt to force a policy of apartheid on an unwilling people.

Evolution is clearly integrating Maori and pakeha. Consequently 'integration' is said to be the official policy whenever the question is asked. In theory, the alternatives are assimilation, integration, segregation, and symbiosis, which terms are intended to mean:

Assimilation: To become absorbed, blended, amalgamated, with complete loss of Maori culture.

Integration: To combine (not fuse) the Maori and pakeha elements to form one nation wherein Maori culture remains distinct.

Segregation: To enforce a theoretical concept of 'apartheid'. One school of thought in New Zealand advocates 'parallel development', which in essence is segregation under another name.

Symbiosis: To have two dissimilar peoples living together but as separate entities with the smaller deriving sustenance from the larger (seemingly an attempt to integrate and segregate at the same time).

The Swiss (French, Italians, Germans) appear to be in an integrated society; the British (Celts, Britons, Hibernians, Danes, Anglo-Saxons, Normans) are an assimilated society. In the course of centuries, Britain passed through integration to assimilation. Signs are not wanting that that may be the destiny of the two races in New Zealand in the distant future.

Meanwhile integration, without benefit of statutory definition, is the obvious trend and also the conventional expression of policy. Integration, as stated, implies some continuation of Maori culture. Much of it, though, has already departed and only the fittest elements (worthiest of preservation) have survived the onset of civilization. Language, arts and crafts, and the institutions of the marae are the chief relics. Only the Maoris themselves can decide whether these features of their ancient life are, in fact, to be kept alive; and, in the final analysis, it is entirely a matter of individual choice. Every Maori who can no longer speak the language,

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perform the haka or poi, or take his place on the marae, makes it just so much harder for these remnants of Maori culture to be perpetuated.⁵⁰

In 1962, the Department of Maori Affairs formally adopted the policy of integration. It defined integration as "a dynamic process by which Maori and pakeha are being drawn closer together, in the physical sense of the mingling of the two populations as well as in the mental and cultural senses, where differences are gradually diminishing--as the making of a whole new culture by the combination and adaptation of the two pre-existing cultures."⁵¹

The Department viewed its role of administration within a policy of integration as being:

In devising an administrative programme to facilitate the integration of Maoris in New Zealand society, the Government is faced with a very complex problem. In spite of the rapid changes that are taking place, the needs of the Maori and pakeha (for instance, in education, health and housing) still vary to a considerable degree. The alternatives are often to have either a very different approach for many Maoris or else a forced and difficult period of adjustment for them. The Government meets this situation by providing special agencies to deal with Maori problems where they are needed but, at the same time, encourage Maoris to use the facilities available to the general population as far as they can do so without experiencing any handicap.⁵²

The aim, therefore, in Maori administration, is to help the Maori people in a difficult period of specially rapid cultural and economic change. This aid is to be given to the Maoris with a minimum of paternalism, and by providing special technical services which are needed to enable the Maoris to take over and manage their own affairs confidently in a modern environment.⁵³

Chapter II

THE ROLE OF GOVERNMENT

Since the Treaty of Waitangi in 1840, the government of New Zealand has been dominated by Europeans. From time to time efforts have been made by the government to define and protect the rights of the Maori but the twin prerequisites to exploitation--a determined desire to achieve economic profit and social position on the part of the newcomers and an unsophisticated acquiescence on the part of the hosts--were present and not subject to significant modification. Over the years, however, the role assumed by the government has become more positive as the government seeks to facilitate integration.

The Maoris have been the subject of many special statutes and regulations. A list of statutes and regulations containing differentiation of treatment between Maoris and Europeans, prepared by the Department of Maori Affairs, revealed that differentiation occurs in 82 subjects which have been classified as Maori privilege, disability, protection and procedure.¹ The Maori Affairs Act of 1953, with only slight modifications, remains the principal act governing dealings with Maori lands and other special Maori affairs.

THE ORGANIZATION OF THE GOVERNMENT

New Zealand is a monarchical state and a constituent member of the Commonwealth. While the seat of the monarch is normally in the United Kingdom, the Queen is represented in New Zealand by the Governor-General who is appointed by the Crown on the advice of her New Zealand ministers.²

The supreme law-making body with power to legislate for the whole country is the General Assembly, consisting of the Governor-General and the House of Representatives (Parliament). While the law-making function is the prerogative of the members of the parliament, the detailed implementation of procedural steps and the formulation of regulations rest with the Executive Council.³

There are two political parties represented in parliament--the National Party and the Labour Party. Each party puts forth one candidate for each of the eighty electorates into which the country is divided. The party winning the majority of seats at the general election forms the government. The leader of the elected members of the majority party becomes the prime minister who appoints the ministers from among the elected members of his party.⁴ Each of the members of parliament to form the government is entrusted by the prime minister with responsibility for administration of a specified field or fields of government, e.g. Maori affairs, etc. All of the members of the majority party, therefore, become the Cabinet. However, only those members who are assigned important fields--those who rank portfolios--are appointed ministers. They, together with the Governor-General, compose the Executive Council. In January, 1959, the Executive Council consisted of sixteen members and the Governor-General.⁵

There are some forty-four different departments of state in New Zealand with separate functions. The appointed minister, who may be appointed to more than

one department, is the political head of the department to which he is assigned. Each department has its own permanent head who is responsible for administration and answerable to the minister in charge. They act as advisors to the minister.⁶

The number of members constituting the House of Representatives is eighty--seventy-six Europeans and four Maoris. Since 1867 there have been four Maori representatives, and provision for this number was retained in the Electoral Act in 1956. In 1952 the boundaries of the Maori electoral districts which had remained the same since 1867 were changed by proclamation to give a greater degree of equality of population among the four Maori districts. A European, however, is not entitled to be registered as an elector of a Maori district, and a Maori (other than a half-caste) is not entitled to be registered as an elector of a European district. A half-caste Maori may choose to be registered either for a Maori or a European district, and special rules govern a change from one to the other.⁷

MAORI PARTICIPATION IN GOVERNMENT

Available data do not reveal that Maoris are now serving within the judiciary, as heads of the principal government departments or as members of the Executive Council, although historically there are isolated incidents of Maoris holding high public office. There are, however, today, at least forty-seven Maoris who have been elected to local bodies where the electors are predominantly non-Maoris.⁸ Other participation of Maoris in public office today seems to be limited to the four elected Maori members of the House of Representatives, members of the Maori Trust Boards, and those other Maoris employed by the Department of Maori Affairs and other government departments in varying degrees of lesser professional, administrative and clerical importance.

THE BOARD OF MAORI AFFAIRS

The Board of Maori Affairs, as constituted under the Maori Affairs Act of 1953, consists of the Minister of Maori Affairs, the Secretary for Maori Affairs, the Director-General of Lands, the Valuer-General, the Secretary of the Treasury, the Director-General of Agriculture, the member of the Executive Council representing the Maori people, or, if there is no such member, any member of the Executive Council appointed by the Governor-General to be a member of the Board, and three other members appointed by the Governor-General. The functions of the Board include: (1) the control of the development and settlement of Maori land or lands owned or occupied by Maoris; (2) the approval of investment and advances and certain expenditures from the Maori trustee funds; (3) the control of negotiations for the acquisition of Maori lands by the Crown; and (4) the control of expenditures for housing operations under the Maori Housing Act of 1935, as amended in 1938.⁹ The Department of Maori Affairs serves as administrator for the Board.

THE DEPARTMENT OF MAORI AFFAIRS

The Department of Maori Affairs actually began as the Protectorate Department in 1841, having been preceded in 1833 by the appointment of a British resident to protect the Maoris. Today it is a principal department of state. The Minister of Maori Affairs is responsible to the Prime Minister for the department's operation and for the day-to-day administration of the Maori Affairs Act of 1953. The department's chief administrative office is known as the Secretary for Maori Affairs, who acts under the general direction and control of the Minister of Maori Affairs. All persons employed in the Department are appointed and hold office in accordance with the Public Service Act of 1912 (a civil service act).¹⁰

The Department of Maori Affairs is concerned with the economic and social advancement of the Maoris. Other departments may have the main responsibility for particular functions such as health, education, and employment, but the Department of Maori Affairs has a residual responsibility in these areas. The Department maintains liaison with other government departments and exerts its influence on them in behalf of the Maori people. It serves in this sense as a catalytic and coordinating agency.

ORGANIZATION, STAFFING AND FINANCING OF THE DEPARTMENT

The organization of the Department of Maori Affairs is illustrated in Charts 1 and 2. The major programs are:

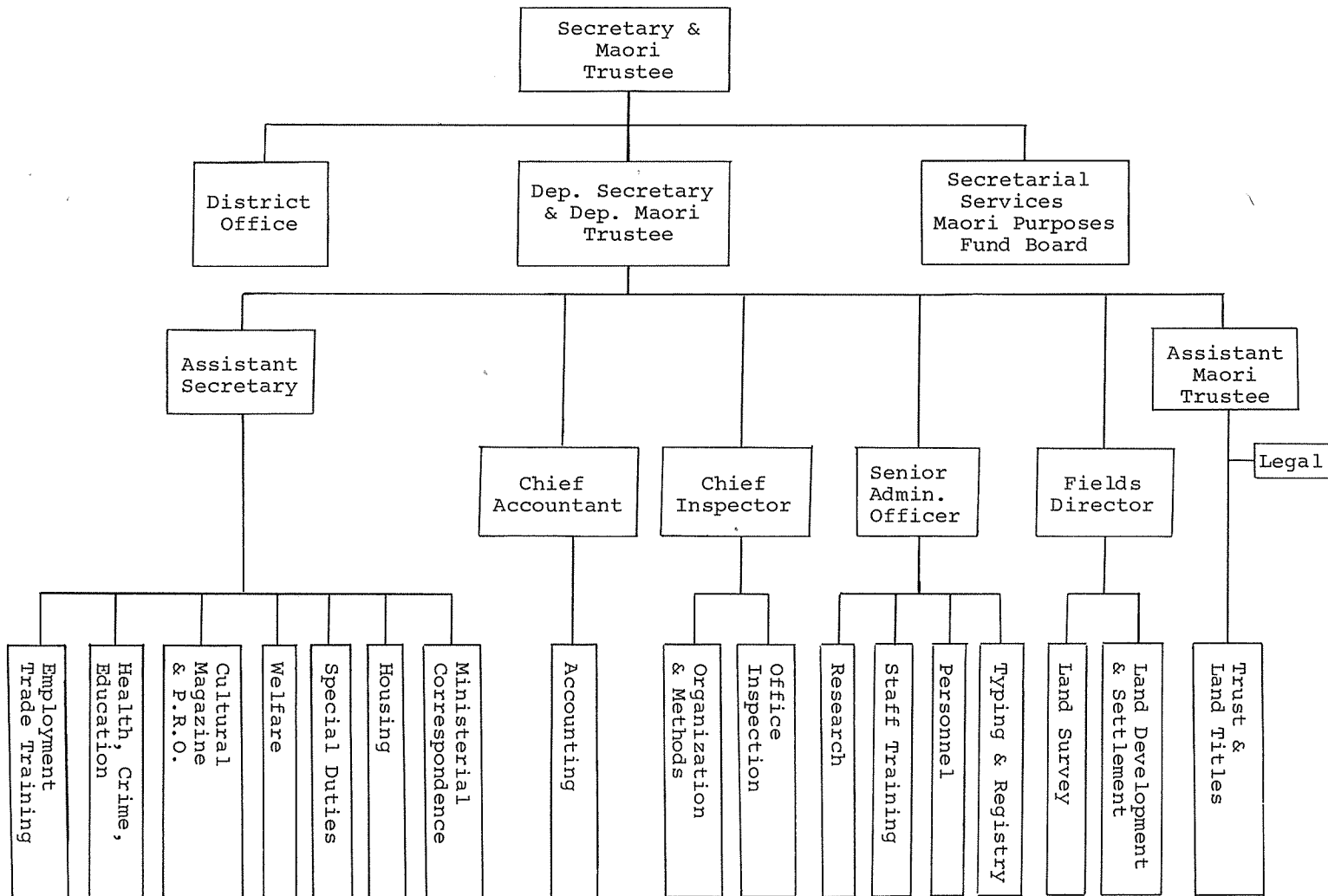
- (1) Land Development and Settlement Program. This program is concerned with developing, managing and supervising agricultural operations on Maori lands.
- (2) Welfare Program. In the urban areas, this program is concerned with Maori adjustment to urban life including development of social life and location of jobs and living accommodations. In the rural areas, it is concerned with improving living conditions and health standards and in helping to prepare young Maoris who contemplate moving to urban areas.
- (3) Housing Program. This program, with the approval of the Board of Maori Affairs, is concerned with lending money to Maoris for home construction. It also arranges for the actual construction and provides home planning services to the Maoris.
- (4) Maori Trustee or Maori Trust Office. This office serves as the trustee or custodian and conservator of the assets of individual Maoris. Within his own jurisdiction, each officer of the Department serves as an officer of this office.

The head offices of these programs are responsible for issuing technical instructions to their counterparts in the field units who fall, however, within the administrative control of the district or resident officers.

Besides these principal programs, the Department also maintains a publications program which is concerned with fostering public understanding of the Maori

Chart 1

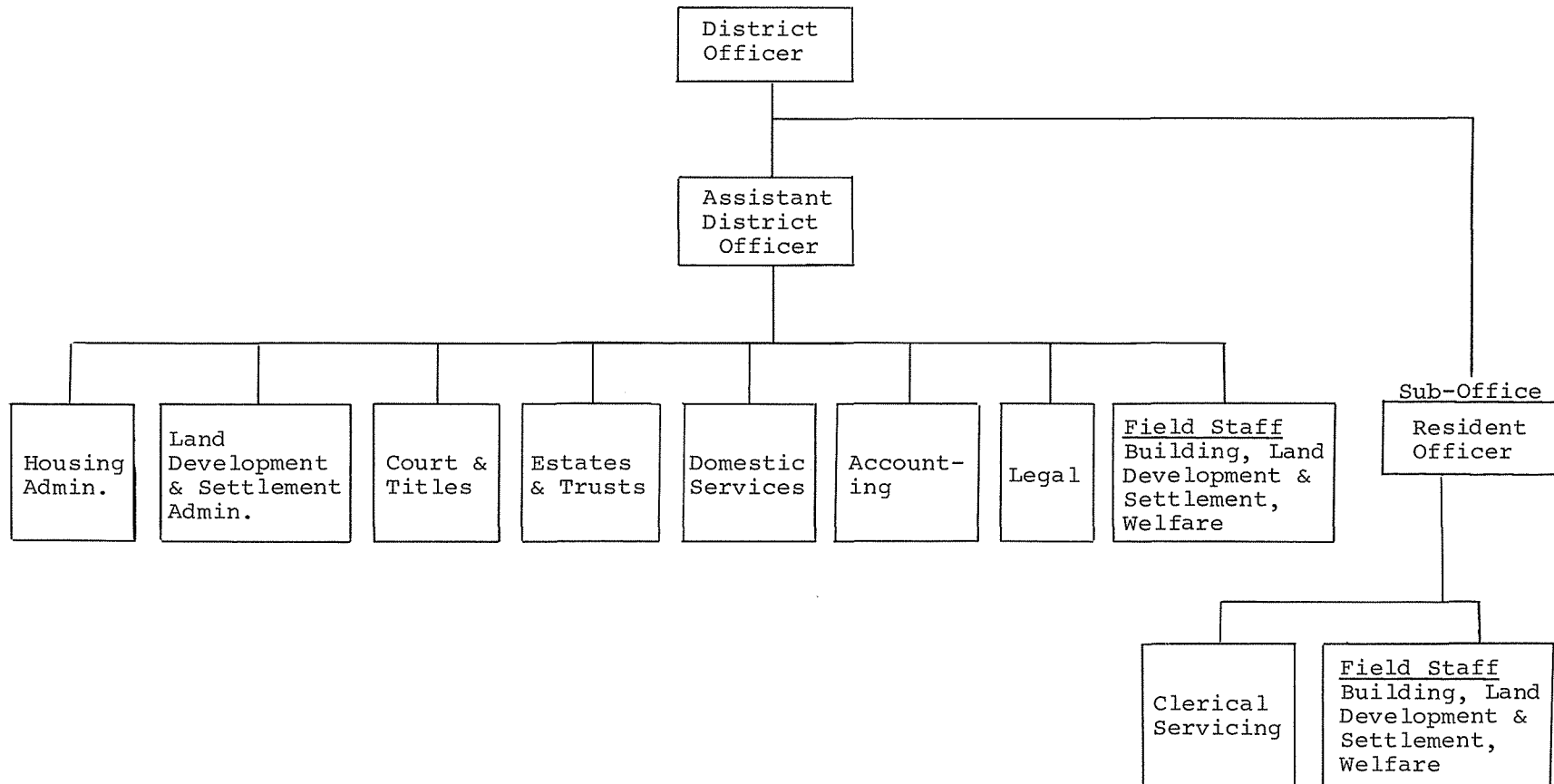
ORGANIZATION OF THE DEPARTMENT OF MAORI AFFAIRS
AS OF OCTOBER 1, 1963



Source: Department of Maori Affairs (B. E. Souter, Acting Secretary for Maori Affairs), October 1, 1963.

Chart 2

TYPICAL DISTRICT OFFICE
AS OF OCTOBER 1, 1963



Source: Department of Maori Affairs (B. E. Souter, Acting Secretary for Maori Affairs), October 1, 1963.

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people and of departmental policies. Since 1953, the Department has published a quarterly magazine "Te Ao Hou" (The New World) with a circulation of about 5,000. The Department also engages in research activities designed to isolate factors acting as impediments to Maori progress and to assist in realigning departmental policy to overcome such impediments.

The department's staff of 1,147 persons is grouped according to function as follows:

<u>Function</u>	<u>Number</u>
Administrative, clerical and staff	483
Accounting	195
Legal	18
Land surveys	18
Land development and settlement	58
Building construction and maintenance	56
Welfare	71
Trade training	12
Farming (casuals)	236
Total	1,147

Of the 1,147, all but 65 are assigned to district or sub-offices.

It should be noted that Judges of the Maori Land Court are not part of the Department though the District Officers serve as Registrars of the Court. Judges deal with the Department through the Registrars and the Court and Titles Section which administer Maori land ownership and title matters.

The principal source of funds for the departments of the New Zealand government is the Consolidated Fund. Into this fund is deposited ordinary revenue and from this fund parliament appropriates funds for ordinary departmental expenditures. The Department of Maori Affairs receives its general operating revenues from the Consolidated Fund by way of annual appropriation. The appropriation for the past several years for the Department has been in the neighborhood of 1,000,000 pounds annually.¹¹

LAND DEVELOPMENT AND SETTLEMENT PROGRAM

The land development and settlement program of the Department of Maori Affairs has emerged as one of the biggest farming enterprises in the country. The program is designed to assist Maoris who wish to acquire farming ability and supervise the occupiers of economic holdings until they have discharged their financial obligations to the Board.

The land development and settlement program includes over 100 stations (large-scale farms) comprising approximately 300,000 acres, either farmed as stations or under development. It also includes some 1,400 odd settlers farming an additional 212,000 acres. New land is being grassed at the rate of approximately 10,000 acres per year, with approximately 130,000 acres now in grass. It is estimated that more than 628,850 acres (550,000 acres of Maori land and 78,850 acres under the control of the Maori Trustee) of Maori land which are suitable for development remain idle. There are also 777,000 idle acres not suitable for development.¹²

Under the provision of the Maori Affairs Act of 1953, Part XXIV, land is brought under a Maori development plan on application by the owners. Their rights are suspended and they are prevented from interfering with the work of development. In this way, title difficulties are pushed aside and the land can immediately be utilized for farming. The selection of settlers is made by the owners of the land with the concurrence of the Board of Maori Affairs. The occupier is usually an owner with an interest in the land on which he is settled. He is usually given a secure tenure by lease, after a trial period.

The Department retains technical supervision over the settler so that it may perform its duty to (1) the State, by ensuring that the money is prudently spent; (2) the owners, by protecting their equities and by ensuring that the lands are properly utilized; and (3) the settler, by assuring him of his right of peaceful occupation and by equipping him to gain the maximum return from his labors. The department's field supervisors are in constant touch with the owners and settlers and are concerned with every phase of the farming operations.

In 1950, an advisory District Land Committee, including as a member one reputable, well-known Maori farmer, was set up in each Maori Land Court District. In 1952 the Board delegated some of its authority to the committees which has resulted in facilitating the flow of departmental work. They assist the field supervisors by giving personal attention to individual farmers in difficulties. These committees, with a Maori of proved competence in their midst, have given owners and farmers new confidence in the administration.¹³

The land development program is financed with loans from the land settlement loan account which are repaid with interest in the same way as other government loan monies. The lending authority is the Board of Maori Affairs. Generally, the present policy is to release properties after the Maori owners of stations and occupiers of unit properties have been thoroughly trained in their tasks of management and after their financial position is sound. Over 2,500 Maori farmers have been established on their ancestral lands. On the average, from 30 to 40 new farms are established annually.

In describing this program, it has been said: "The wealth of the nation as a whole is being enhanced by the development scheme, which is bringing into production large areas of uncultivated land and at the same time providing employment and housing for hundreds of Maori men and women. Including the settlers themselves and Maori laborers employed in the work of development and their families, it is estimated that in excess of 10,000 Maoris derive their livelihood from Maori land-development schemes."¹⁴ The land development plan has awakened in the Maori people a new interest in other avenues of self-improvement and an acute sense of their responsibilities of citizenship. A large measure of progress in social education among the Maoris is a direct outcome of the working of the land development plan.¹⁵

Financial assistance from the State is not limited to those participating in the large-scale government development plans. Maori farmers already settled on their own holdings are also eligible for assistance on the same terms as those under development plans.

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It is estimated that the 628,850 acres suitable for development would take approximately 60 years to develop at the present rate of 10,000 acres per year. The estimated cost of development is approximately 25 to 30 million pounds. The Department suggested that the period should be cut down to 30 years rather than 60.¹⁶ Even assuming that all suitable lands are developed, following trends set in 1960, the lands would accommodate only 3,910 more Maori farmers.¹⁷

MAORI WELFARE PROGRAM

The welfare program's functions are officially defined as follows: (1) to assist the Maori, particularly the younger generation, in adapting themselves in the new culture, each according to his full ability; (2) to cultivate and develop an attitude of good will amongst Europeans; and (3) to help develop in the Maori an appreciation of the content of his own culture.

In performing these functions, the program assists the Maori in the areas of better housing, farm settlement, education, employment and health. However, the program does not carry the responsibility for implementing programs in each of these areas. Rather, the executive responsibility vests in each of the governmental agencies responsible for the function. The welfare program simply concerns itself with giving these units auxiliary and support service on certain aspects of the work where required.¹⁸

MAORI ASSOCIATIONS

The Maori Social and Economic Advancement Act 1945 provided for local tribal committees on which the welfare officers served as ex officio members and which in fact they helped to bring into existence. Under the Maori Welfare Act 1962, the associations are given full independence and the welfare officer is removed as a member. The associations, which now operate on four levels--committee, executive committee, district, and New Zealand Council--are concerned with the social and economic advancement of the Maori race and the promotion of good race relations. The associations work with existing governmental and non-governmental agencies on these matters. Non-Maoris are now eligible for membership in these associations.¹⁹

The Role of the Welfare Officer. The principal duties of the welfare officer are to advise and assist the Maori people in respect to their general welfare by advising and assisting them in the areas of health, housing, education, vocational training and employment. The emphasis of this program is upon social education and the stimulation of an awareness among the Maori people of their problems, and to point the way toward self-help.

The welfare officer maintains close contact with the other branches of the Department of Maori Affairs and acts as a liaison between the Department and the individual Maori. He works in cooperation with the Departments of Health, Education, Social Security, Labor and Works, as well as with religious and other organizations interested in the welfare of the Maori people.

The work of the Maori welfare officer is largely directed toward children. Special emphasis is placed on developing in the young Maori a high sense of personal responsibility and obligation, for it is in this area that the traditional values of the Maori differ widely from pakeha standards. The low value placed on social, contractual and economic obligation by the Maoris is the cause of many of their problems. A sense of inferiority on the part of the Maori often tends to affect the relationship between Maoris and pakehas. The essence of the social welfare program is the development of self-reliance and self-confidence. Pride in his own people is encouraged by promoting participation in group sports and games, study of Maori history, myths, legends and customs, and by urging the preservation of Maori culture by perpetuation of the language, genealogy, songs, dances, arts and crafts. The welfare officer, through the tribal organization, the Women's Welfare League and social clubs attempt to promote these activities.

The ideal of the welfare program is to guide and direct evolution rather than to risk upsetting the mental and emotional balance of the Maoris by forcing the pace. The success of its work must be measured by its effect on the individual Maori, the Maori people as a whole, and on society in general.²⁰

The difficulty of the Maori welfare program, according to Hunn, was the lack of sufficient staff in relation to the size of the welfare task. He therefore recommended: (1) that the program devote itself to case work and leave its exhortatory work at the marae to the Maori Women's Welfare League and to the tribal executive; (2) that the welfare officers should rely more heavily on the experts in other departments; and (3) that they should find the cases and refer these cases to the experts.²¹

Maori Women's Welfare League. One of the major causes for the development of the Maori welfare program was the emergence of Maori women as an organized and active socializing factor. Their organization, the Maori Women's Welfare League, which was founded in 1951, has a present strength of approximately 3,000 members in over 360 branches. The league became administratively independent of the Department in 1961 when it set up its own office staff and administration. Its activities include the teaching of mothercraft and child care and it is represented in major women's organizations, in the Maori Education Foundation and in the Maori Health Committee of the Board of Health. Women welfare officers work closely with the league and actively assist them in every form of guidance.²²

HOUSING PROGRAM²³

Financial assistance toward the purchase and erection of homes, including the purchase of building sites and repairs to existing dwellings, is available to Maoris under the Maori Housing Act of 1935. The Act vests the lending and administrative authority in the Board of Maori Affairs.

Assistance to Maoris in financing and building homes became necessary because of the unsatisfactory conditions under which many of the Maoris were living. This situation was due to the Maoris inability to obtain financing through the regular channels open to most other people. The Department's objective is to provide

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houses for Maoris of a type and in a situation where they will contribute most to the well being of the occupants.²⁴

The standards of material comforts of a majority of the Maoris still remain much lower than among the pakehas. These differences in living conditions have a direct relationship to Maori health and welfare problems. These conditions can be partly explained in terms of inadequate government programs due to poorly trained personnel, as well as to lack of funds, limited income opportunities, group inertia couched in traditional patterns, prejudice, and the need for education.

The Government's and the Department's Housing Programs.²⁵ The housing program of the Department of Maori Affairs may only be understood within the context of the government's housing program. Maori citizens are as eligible to apply for and receive housing assistance from the State Advances Corporation as non-Maoris. The two agencies work closely together, often referring applications to the other depending on the factors involved. Generally the Department undertakes the housing of Maori families not capable of handling their own affairs, the lending of funds for the construction of homes by Maoris in rural areas, and the placement of Maoris in rental housing in centers in which Maori pools have been established.

State Rental Houses. The Housing Division of the Ministry of Works arranges for the construction of state rental houses, currently about 1,500 a year. The State Advances Corporation administers the allocation of these houses on a tenancy basis to families who are in need or who, apart from need, are not presently well-suited to meet the responsibilities of home ownership. The Department each year obtains a portion of the new houses made available to the Corporation. The allocations are made in major centers of Maori population, the number of units being based on the proportion of Maori applicants.

The State Advances Corporation provides for the allocation of individual rental tenancies by a committee in each center composed of persons involved in civic affairs. Similarly the Department allocates its tenancies through a district allocation committee consisting of officers of the Department, an officer of the corporation and representatives from the associations and Women's Welfare Leagues.

Financing Homes. Financial assistance for the construction of homes, including the purchase of building sites, additions, repairs to existing structures, and for the purchase of houses is available to Maoris (defined as a person of Maori ancestry regardless of degree of Maori blood) under the Maori Housing Act of 1935 with the lending authority being the Board of Maori Affairs.²⁶ The Department, in order to help those most in need of its assistance, generally directs applications from families where the husband is a European and the prime breadwinner or where the applicant can arrange for private financing to other lending institutions though the Department will, in certain cases, waive the usual eligibility factors. The principal eligibility factors are:

- (1) The applicant's (or the husband's) likely ability to be able to obtain finance elsewhere;
- (2) The applicant's mode of living, the stability of his employment, his business capacity and his appreciation of the responsibilities normally

- expected of a reasonable member of the community;
- (3) The location and quality of the proposed security;
 - (4) The family income and assets;
 - (5) The degree of Maori descent of the applicant and/or the breadwinner;
 - (6) The availability in the area of normal building facilities.

In general, the financial ability of an applicant to repay a loan is not the determining factor, although consideration to this factor must be given if any loan is to be repaid over a 30- or 35-year term.

Priorities for buildings and allocation of sections are determined by each District Housing Committee which is composed of the District Officer or his Assistant, the Housing Officer, the District Building Supervisor, the District Welfare Officer and possibly a representative of the Maori Women's Welfare League. Priority decisions are based on present living conditions, date of application, and income.

Loans vary from 2,500 to 2,650 pounds depending on the number of dependent children. Where an applicant owns or acquires his own site, he may borrow up to 2,700 pounds regardless of family size. In rare instances larger loans may be made. The standard term is 30 years but may be reduced to 20 or increased to a maximum of 35 depending on ability to meet loan repayments. The interest rate generally is 3-1/8 per cent for families with less than 1,040 pounds income per year (plus 50 pounds for each child) and 5-1/8 per cent for others.

Architectural Plan Service and Overseeing of Construction. The department's architectural plan servicing section makes available sixty up-to-date standard one-to-four bedroom plans and can also on occasion furnish special plans. If the applicant prefers to submit private plans, as many do, then the Department reserves the right to review and approve such plans.

The department's building supervision staff supervises the construction of each home from the inception to the completion of each project, certifying progress payments as they become due. The applicant, if his home is constructed by a private contractor, is charged a sliding fee for inspecting and valuing the building site, supplying plans and specifications, and inspecting the work for progress and final payments. The total fee on a 2,500 pound loan where the plan service was utilized would be a little less than 15 pounds. If the applicant's home is constructed under labor only contracts (a series of contracts with groups of skilled workers) a fee of four per cent of the total building cost is charged. In addition there are certain fees for legal work. Approximately three-fourths of the new homes are built by private contractors.

Quantity of Building. According to a recent report of the Department, the close cooperation between the Department and the State Advances Corporation has provided 1,737 houses for the Maoris during 1962-1963, which are composed of the following:²⁷

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(a) From Maori Affairs Department:

(i)	Through Maori Housing Act or Rehabilitation Act		
	New houses	802	
	Purchases of existing houses	<u>12</u>	814
(ii)	Through the Maori Trustee		
	New houses	12	
	Purchases of existing houses	<u>10</u>	22
(iii)	State houses sold to Maoris		
	New houses from Housing Division	119	
	Vacant state houses	<u>59</u>	178
(iv)	State rental Maori pools	84	84
			<u>1,098</u>

(b) From State Advances Corporation:

	New housing loans	328	
	State rental tenancies	<u>311</u>	639
	1962-1963 Total housing provided		<u>1,737</u>

The Department has recently embarked on a home building program which reports a construction figure of approximately 800 homes during the year 1962-1963.²⁸ The Department further reports the following:

At the present time, this Department's house-building programme, including houses built for it by Ministry of Works, plus second hand houses for sale to Maoris from State Advances Corporation, amount to about 1,000 per year. We are having difficulty in getting sufficient applications for loans from Maoris in some districts to enable us to keep up this programme. This, of course, does not necessarily mean that Maoris are still not living in poor conditions; it may indicate that they are reluctant to undertake the responsibilities of paying for a new home.²⁹

Pepperpotting. Pepperpotting is the policy of dispersing Maori houses amongst European houses to promote rapid integration. The department's policy in urban areas has been to ensure the integration of the Maori family in the European community as far as practicable and to discourage settlement in backward and un-economic rural areas.³⁰ A large and growing body of Maoris seem to be in favor of this policy. Recently, however, planned pepperpotting in urban areas has become less feasible; further it has become necessary to subdivide blocks of Maori land in the country for large scale residential building.³¹

The Department reports on these problems as follows:

Generally speaking, the Department has not concurred in the establishment of Maori settlements, but in areas of depressed Maori accommodation where the people concerned will not move to centres of better employment, education and other facilities, the Department has financed the subdivision of land and subsequent loans for the erection of new homes. Despite the limited necessity for establishing Maori settlements of this nature, the Department has at all times been concerned to ensure that as far as possible the growth of all Maori settlements is discouraged and where they are to ensure that some sections are sold to Europeans. Settlement of the nature described . . . occur generally in the more remote localities.

In urban areas . . . sections obtained for Maori housing are scattered as far as possible to ensure that only one Maori family is housed to every five European families in every locality. For many years . . . this approach has been successful, but today finance to purchase sections and build is more readily available to Maoris from sources apart from the Department. Two sources have already been mentioned, namely, through the State Advances

Corporation by way of loan or by the allocation of State rental housing. Groups of private builders too, have combined into organizations who undertake subdivision of land and themselves finance the sale of the completed houses which they build thereon. Sections are also obtainable by regular ballot from Crown sections held by the Crown land agency, namely, the Lands and Survey Department. The result of all this is that Maori families do obtain sections and houses from all these sources and planned pepperpotting becomes more difficult. So far there has been little the Department can do to overcome this difficulty knowing full well that generally speaking the Maoris themselves prefer housing in a more Europeanized community, but also with the knowledge that every house obtained from these alternative sources is another needy Maori family properly housed.

Pepperpotting is a continuing policy adopted by the Department and operated as far as practicable by intermingling Maori families amongst Europeans throughout the whole community in the proportion of one to five, although as a practical technique in some concentrated urban areas because Maoris can now obtain finance from any of several sources, the pepperpotting proportion may become one Maori family housed to three European.³²

With respect to purchase of existing homes and its relationship to pepperpotting the Department notes that:

Pepperpotting is a very practicable proposition when a Maori family can raise the finance to purchase rather than to build because the houses available for sale on the open market are well scattered amongst the European community. Unfortunately this method of obtaining homes is not so satisfactory as the loan limits to purchase, namely, £1,500 - £1,800 are much lower than the minimum loan limit to build of £2,500.³³

Future Housing Needs. Adequate housing is an essential part of the process of raising the standard of living, strengthening incentives and improving physical and mental health and efficiency of the Maoris. The rapid rise in the Maori population from statistics cited, demands that the Department continue with a housing program involving approximately 1,450 houses per year. This demand, if related to the 2,260 pounds per house average, increases the department's financial loan burden to 3,277,000 pounds per year for 1,450 houses. Apparently, the Department has effectively utilized the services of other departments within the New Zealand government in attempting to solve the Maori housing problem.

THE MAORI TRUST OFFICE

The Maori Trust Office, which is headed by the Maori Trustee (Secretary for Maori Affairs) was not a part of the Department of Maori Affairs until 1934. It was originally created in 1920 by the passage of the Native Trustee Act. It assumed the functions of the Maori Land Boards which were abolished by the Maori Land Amendment Act of 1952. It also assumed the functions of the Public Trust Office in the administration of certain large and valuable Maori settlement and township reserves in 1955 with the passage of the Maori Reserved Land Act. These reserves are, in many cases, leased on a perpetually renewable basis.³⁴

Under the Maori Trustee Act of 1953, the Maori Trustee exercises the normal functions of a trustee in the administration of estates, and in addition is required to find a substitute for multiple ownership. The present primary functions of the Maori Trustee are as follows: (1) administration of the estates of deceased Maoris; (2) administration of property of Maoris under disability

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(minors, mental patients, etc.); (3) control and alienation of lands held in trust; (4) execution of instruments of alienation as agent of owners; (5) collection and distribution of rents, etc. arising from alienation of Maori land; (6) investment of trust monies held in the Common Fund; (7) assistance by advance made from the General Purposes Fund; and (8) operation of the Conversion Fund--fund used for the purchase and disposal of uneconomic interest in Maori land.³⁵

As can be seen from this listing a sizeable portion of the trustee's work is related to the collection and distribution to owners of rents and other monies derived from the sale or lease of Maori land. Distribution of monies is a complicated process requiring constant reference to ever-changing title records. This distribution authority is recognized by the Maori Affairs Act of 1953 since it requires all monies derived from the alienation of Maori lands to be paid to the Maori Trustee except where the Maori Land Court orders otherwise.

The Maori Trustee has under his control large sums of money by reason of his duties in relation to the administration of estates and special trusts, and the collection and distribution of monies arising from land alienation. These monies are held in two funds; to wit: (1) the Common Fund; and (2) the General Purposes Fund.

The Common Fund is comprised of all monies impressed with a trust for particular Maoris or groups of Maoris. The Trustee is authorized to invest these monies in securities and first mortgages of freehold land. Investment in mortgages is usually to assist Maoris or their descendants in putting their land to effective use. The Maori Trust Office Regulations of 1954 prescribe the rates of commissions and fees chargeable by the Maori Trustee and prescribes the rates of interest payable in respect to monies held by him in the Common Fund.

The General Fund is comprised of all monies derived from commissions, fees, and interest earned from the financial operations of the Maori Trustee and the former Maori Land Boards. Advances from this fund are made to Maoris and their descendants, upon proper security, to assist them in starting businesses, building homes, purchasing furniture, providing lodging and contributing to the Maori Purposes Fund Board for the advancement of Maori culture.

The complexities of the duties of the Maori Trustee and his relation to the Maori Land Court can best be exemplified by examining the requirements of the Maori Affairs Act of 1953, Part XXIII, which applies to the leasing of Maori land which is owned by ten or more persons. The Act requires that the following procedure be followed: (1) that the owners pass a resolution to lease their land for a term of years; (2) that this resolution be confirmed by the Maori Land Court; (3) that upon confirmation, the Trustee act as agent of the owners by negotiating the principal terms, conditions and covenants of the lease, all in accordance with the terms of the resolution; (4) that the Trustee execute the lease and clear the title for the registration by advancing the cost for any survey liens and succession duties; (5) that the Trustee collect the rent by sending notices or by taking legal action; (6) that upon receipt of the rent, all

charges advanced for each owner are deducted and the remaining amount is distributed to the persons determined as the owners from the Maori Land Court title records.

THE MAORI LAND COURT

The Maori Land Court was established in 1865 by the Native Land Act. Its primary purpose was to investigate the rights of Maoris to customary land and to extinguish such rights by awarding titles cognizable under European law.³⁶ The present Maori Land Court consists of a chief judge and such other judges as the Governor-General may appoint (Maori Affairs Act of 1953, Part IV). Commissioners may be appointed to outlying areas, and they exercise such jurisdiction of a judge as the Governor-General may authorize. The Court's jurisdiction includes: (1) investigating Maori title to customary land and converting such title into Maori freehold land; (2) partitioning land among Maori owners; (3) sanctioning of exchanges for Maori land and European land; (4) granting probates of wills and effecting succession to the estates of Maoris; (5) appointing trustees for Maoris who are minors and under other disability; (6) incorporating owners of Maori land; (7) determining various claims between Maoris; and (8) granting confirmations for the alienation of Maori lands.³⁷

With certain exceptions, all appeals from final orders of the Maori Land Court are appealed to the Maori Appellate Court. The Appellate Court may determine questions of law and fact. It consists of any two or more judges of the Maori Land Court (Maori Affairs Act of 1953, S. 37).³⁸

The Department of Maori Affairs is responsible for the administrative work connected with the operation of the Maori Land Court. Department officers, therefore, perform the preliminary and incidental work for the Court, particularly in relation to reshaping titles and rationalizing ownership. These officers may also initiate and, subject to the direction of the Court, assist in plans of subdivision.

MAORI TRUST BOARDS

Maori Trust Boards were established by statute to administer compensation money awarded by the Crown in the settlement of tribal land claims. There are at present ten such Boards in existence. The membership of the Boards is composed of Maoris who have been elected by the tribe and have been appointed by the Governor-General. The beneficiaries of the trust are not individuals but rather an entire tribe. Thus, the Maori Trust Boards Act of 1955 vests in the Board the power to expend their revenues for any of the following purposes: (1) the promotion of health; (2) the promotion of social and economic welfare; (3) the promotion of education and vocational training; and (4) such other purposes as the boards determine.

There are some checks placed upon the powers of the Board. The Minister of Maori Affairs must approve the appointment of the chairmen and secretaries, each

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board's budget, and the boards' decision to purchase and dispose of land. The Minister also has the power to direct the investigation of a board's administration.³⁹

The total income of the ten boards during the period 1958-1959 amounted to some 52,852 pounds. Of this amount, 39,133 pounds were expended--7,611 pounds for administration expenses, 13,525 pounds for education grants, and 17,997 pounds for other grants.⁴⁰

MAORI PURPOSES FUND BOARD

The Maori Purposes Fund and its Board were established by statute in 1935. They are independent of the Maori Trust Boards and the Department of Maori Affairs. The membership of the Board consists of the Minister of Maori Affairs, Secretary for Maori Affairs, Director of Education, Director General of Health, the four Maori members of Parliament, and up to four other members appointed by the Governor-General. The Department of Maori Affairs provides the necessary administrative services.⁴¹

The revenue of the fund may be expended for the following purposes: (1) promotion of health, education and social and economic welfare; (2) encouragement and teaching of Maori arts and crafts; (3) research and publication on prescribed Maori and Pacific subjects (e.g. Magazine "Te Ao Hou"--The New World); (4) preservation of the Maori language; and (5) financial assistance to societies with like objectives.

This Board reports annually to Parliament on its activities. Its capital fund is augmented by interest from investments, an annual grant of 10,000 pounds from the Maori Trustee, and payment of 10 per cent of unclaimed moneys.⁴² As of March 31, 1960 it had a net capital fund of approximately 68,317 pounds with expenditures for the year of 19,606 pounds.⁴³

MAORI EDUCATION

While the education of the Maori child is not the responsibility of the Department of Maori Affairs, the welfare officers of the Department are being increasingly employed in tasks associated with education. The core problem that they face is to convince the Maori people that education is one means of assuring their children a better vocational future.

MAORI SCHOOLS

The policy of the New Zealand government in regard to the education of the Maoris prior to 1931 was clearly expressed as definitely assimilative. It was oriented toward the abolition of all things Maori from the scheme of education. A survey in 1931, however, revealed that the assimilative policy had failed and that for the most part the Maoris, upon leaving school, dropped back into Maori modes of living. As a consequence of this and other surveys on health, housing and other allied topics indicating unsatisfactory conditions, Maori education was

reorganized along the lines of integration emphasizing: (1) knowledge of and research into the history and achievements of the Maori people thereby stimulating a healthy social pride; (2) strengthening of character and development of personality by modified teaching methods; (3) social aspects of the native education such as student groups and school checks; and (4) better understanding of the physical environment.

In 1955, the Department of Education declared itself to be in favor of abolishing Maori schools and transferring them to Education Boards. To date, six have been transferred, but 157 Maori primary schools still remain. Urbanization will tend to accelerate this trend, since it will increase the number of Maori children in board schools and reduce the number in Maori school locations (mostly rural).⁴⁴

HIGHER EDUCATION

Though the number of Maori youths is increasing, the proportion seeking higher education is not expanding proportionately. The indifference of the Maoris to post-primary and university education arises from a number of economic, sociological and psychological factors. This apathy is a problem which the Department of Maori Affairs must solve. Support in executing this responsibility should be forthcoming from the New Maori Education Foundation. The Department and the Foundation must influence Maoris to utilize their equal opportunity to receive education at all levels, primary through university. Otherwise, the Maori people will be precluded from many desirable jobs and professional opportunities.

AGRICULTURAL AND VOCATIONAL EDUCATION

The agricultural training of the Maoris is admittedly inadequate. University courses in agriculture are available at Lincoln College, a constituent college of the University of Canterbury, and at Massey College, Manawatu. Of the total enrollment of 1,600,⁴⁵ the Maoris represent only a minute fraction. The only other limited facilities for organized agricultural training are at the post-primary schools and on-the-job training promoted as part of the land development and settlement program.

The shift of population to urban centers and the dearth of employment opportunities in the rural areas suggest the need for more emphasis upon planned vocational training. Agricultural and vocational training of Maoris appear to be two of the continuing challenges for the Department of Maori Affairs. Some progress may be in the offing with the recent development of the Maori Education Foundation.⁴⁶

ADULT EDUCATION

The problem of adult education for the Maoris is to determine the educational needs of adult Maoris residing in rural communities where living conditions are substandard, and then to gear programs to stimulate in these adults the desire

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for self-improvement. The recognized and more sophisticated forms of adult education probably would not be of much value. Therefore, programs designed to meet the practical home, group and farm problems of Maoris must be organized.

In 1947 a forward step toward the solution of this problem was made with the passage of the Adult Education Act. The welfare program of the Department of Maori Affairs is instructed to encourage educational activities in all its group work and to give assistance to the Maori tutors of the Councils of Adult Education established by the Act. Much of the activity in the area of adult education, however, has been limited simply to sound film projection as a medium for disseminating general and instructive information. While data on the degree of participation in this program by the adult Maoris are not available, it appears that the participation by Maoris has not developed to the degree possible.

THE MAORI EDUCATION FOUNDATION

Recent investigations into the educational attainments of Maoris as compared with Europeans demonstrate that the Maoris are behind. It was therefore suggested in 1960 by the Secretary for Maori Affairs, J. K. Hunn, that a foundation to aid Maoris in obtaining educational benefits be established which Parliament did in 1961 with the passage of the Maori Education Foundation Act. The Act provided for an independent foundation managed by a Board of Trustees composed of a chairman, deputy chairman (Director of Education), a representative from among the Maori members of Parliament, a nominee from the Women's Welfare League, the Secretary for Maori Affairs, the Officer for Maori Education from the Education Department, one representative from the New Zealand Council, and one member appointed by the Minister of Maori Affairs.

The Act provided an initial capital fund of 125,000 pounds. It also encouraged business and private participation by a provision that commits the government to match donations on a pound-for-pound basis. There are presently over 600,000 pounds in the capital fund. The Act requires that the capital be maintained intact and that assistance be provided from interest.⁴⁷

In an attempt to narrow the gap between European and Maori education, the foundation intends to assist Maoris by providing boarding scholarships and grants to selected Maori students at the post-primary, university and trade training levels. It is also hoped that the existence of the foundation and its attendant publicity will make Maoris more conscious of the correlation between better vocational opportunities and higher education, thereby encouraging parents to keep their children in school.

EMPLOYMENT

The Department of Labor has primary responsibility for the full employment and placement of Maoris and Europeans; the responsibility of the Department of Maori Affairs is solely that of maintaining close watch over the Maoris and helping to solve their special employment problems as they may arise. Unemployment has always been greater among Maoris than among Europeans. Recent statistics

indicate that while unemployment has decreased among Europeans, it has increased for Maoris. This has caused the Labor Department, in cooperation with the Department of Maori Affairs, to promote special employment opportunities for Maoris by fostering vocational training, apprenticeships and youth hostels.

URBAN MOVEMENT AND EMPLOYMENT PREFERENCES

Because of the recent rapid growth of the Maori population and because a large percentage of such population is comprised of youths, new entrants to industry in the future will be increasing. The total native land holdings of 4,000,000 acres are sufficient only to provide a reasonable standard of living for a minority of the Maori population. This together with the absence of suitable industrial work in the rural areas accounts, in part, for the rapid move of the Maoris to the urban areas, a move which in turn intensifies the problem of finding other means of livelihood for an ever-increasing number of Maoris now living in these areas.

APPRENTICESHIPS

At present there are approximately 650 Maori apprentices, plus perhaps an additional 200 Maoris with European names. While these figures represent only about three and one-half per cent of the total apprentices, they are the result of the recent emphasis on the importance of apprenticeship training for Maori youth. The results of Maori apprenticeship training show that the majority of the employers welcome Maori apprentices. The present aim is to enlarge the apprenticeship program.⁴⁸

URBAN HOSTELS

The younger Maori workers coming from rural areas in quest of work and as apprentices, need somewhere to stay where they may feel at home. Since 1943, the government has recognized this need and has aided in the establishment of hostels. The Department of Maori Affairs does not establish and operate hostels itself, but cooperates with and assists organizations which operate hostels for Maori youths.

The current policy of government subsidy for hostels, which dates back to 1951, is to match funds expended by religious and welfare organizations for such purposes on a pound-for-pound basis. Twenty hostels, eight for boys and twelve for girls, have been established in seven urban centers. They accommodate approximately 700 youths. The Labor Department operates three of the hostels; four are administered by the Maori Trustee, and the remainder are operated by religious and welfare agencies. The total government subsidy averages about 10,000 pounds per year.⁴⁹

Chapter III

MAORI LANDS, ITS PROBLEMS AND ATTEMPTED SOLUTIONS

Since its inception, the New Zealand government has played a significant role in the administration of Maori lands. Its first task was to establish a title system so that an orderly and fair transfer of land from the Maoris to the colonist could be accomplished. Since that time, title complications have arisen which have impeded the progress of land development. Other problems, such as adequate financing and training of Maori farmers, still plague the program of land settlement. Each will be discussed in the following sections of this chapter.

A SHORT HISTORY OF MAORI LANDS LEGISLATION

The Treaty of Waitangi 1840 vested in the Crown the right of preemption--the exclusive right to purchase tribally owned lands. The intention of the Crown was to have control of the land so that land could be made available for settlement while at the same time the interests of the Maori owners could be protected. Since the ancient Maori title system was a communal system--lands were owned by a subtribe or tribe--and boundaries between tribes were not clearly demarcated, the system of Crown purchase and Crown sale was chaotic from the outset, due to inability to determine accurately the true owners of any piece of land.¹

The government soon realized that this problem of indefiniteness of title could only be resolved by transforming the Maori customary title (communal system) into individual title which was recognized under English law (proprietary system). Thus, the Maori Lands Act of 1865 established the Maori Land Court with authority to investigate Maori customary title and to issue certificates of title specifying the names of the persons entitled to the land, or specifying a limited number of persons, not exceeding ten, to represent them. The Court did not have authority to control or specify the terms under which Maori land could be alienated. The Maoris, seeing what money could buy, were gullible and were willing to sell their lands. Grave abuses resulted as the government waived its preemptive right.²

These abuses prompted the government to pass the first Native Lands Frauds Prosecution Act of 1870, which attempted to protect the Maoris in their land transactions with Europeans. "The Act invalidated all alienations of Maori lands by Maoris made contrary to equity and good conscience, or in consideration of a supply of liquor, arms or ammunition, or which left insufficient land remaining for the support of the Maoris alienating. Trust commissioners were appointed and no instrument of alienation was valid unless endorsed with a certificate by a commissioner that the alienation was in conformity with the Act."³

Maori land, however, continued to be sold at an alarming rate. By 1891 it was realized that less than 11,000,000 acres of land remained in the possession of the Maoris. To ensure that they did not become landless, legislation in 1894

prohibited almost entirely the sale of Maori land, except to the Crown. The Act was later modified but Maori land still may not be sold except with the approval of the Maori Land Court. This Court assumed the jurisdiction of the trust commissioners to confirm alienations by virtue of the Native Land Court Act of 1894.

Much of the remaining Maori land was deteriorating through lack of occupation or development. To remedy this, legislation was passed in 1905 which vested these lands in Maori Land Boards with power, subject to consent of the Minister of Maori Affairs, to lease them to pakeha farmers and to collect the rents for the Maori owners. In 1907, the Stout-Ngata Commission recommended that greater use be made of Maori Land Boards to exercise control and management of Maori lands and to confirm alienations. This system continued for many years until the jurisdiction to confirm alienations was ultimately taken away from the Boards in 1932, and conferred again on the Court. The Boards were abolished and their functions and authority were assumed by the Maori Trustee in 1952.⁴

The Maori Land Act of 1909 was designed to foster the development and settlement of Maori lands by the Maori owners and to oppose rapid alienation of Maori lands. This has been the basis for the department's operation ever since. However, it was not until the third decade of this century that serious attempts were made to encourage the Maori to farm his lands. The first real attempt to provide financial assistance to Maori landowners was made when the Maori Trust Board in 1921 and the Maori Land Boards in 1926 were empowered to advance money on Maori lands from funds which they held in trust for various members of the Maori people. These funds, however, were limited and insufficient for large scale development. It remained for Sir Aspirana Ngata, Minister of Maori Affairs, to originate the Maori Land Act of 1929. The main feature of the Act was the plan for developing idle Maori lands by utilizing capital advanced by the State and for training Maori farmers during the development.

The most recent major legislation enacted in connection with Maori lands is the Maori Affairs Act of 1953. This Act was enacted with the purposes of consolidating earlier legislation and of providing methods to allay the problem of multiple ownership.

The Maori Affairs Act of 1953 provides that a Maori may dispose of any land or any interest therein in the same manner as a European except that he is prohibited from (1) vesting title to his land by will in a European, except a husband, wife or other relative; (2) disposing of customary land whether by will or otherwise; and (3) alienating his land unless it has been confirmed by the Maori Land Court (Maori Affairs Act of 1953, XIX 211 and 224; also see Parts XI, XII, XIV, XX and XXIII). The Maori Land Court, before confirming an alienation, must satisfy itself that (1) the alienation is not contrary to the interests of the alienating Maori; (2) the consideration is adequate; (3) the purchase money or other consideration has been paid or secured; and (4) the alienation is not otherwise prohibited by law. Leases of Maori land for afforestation purposes may exceed 50 years and trustees for Maori land may grant perpetually renewable leases. There is also no restriction upon the quantity of land that may be leased.⁵

MAORI AFFAIRS

The Maori Affairs Act of 1953 attempted to solve the problem of fragmentation of land titles by vesting in the Maori Land Court wide powers in granting succession interests to effect arrangements among the successors so that interests would not be split uselessly. In the event a satisfactory arrangement could not be made, interests could be purchased and title could be vested in the Maori Trustee so as to enable the Trustee to dispose of the interest to one or more of the successors and thus keep the land in useful Maori ownership. It is in this manner that the Act hopes to improve, over a few generations, the title position of Maori land, and generally to consolidate title and prevent further fragmentation. In the actual application of the Act, emphasis is placed upon encouraging and assisting in family arrangements, and interests are vested in the Maori Trustee only as a last resort.⁶

TITLE FRAGMENTATION

The most serious impediment to efficient and economical use of Maori lands is title fragmentation. Whereas European title is usually in the name of one person, Maori title is usually in the name of several hundreds or thousands of owners, each with a minute interest. Perhaps the reason for this situation can be partly laid at the door of Maori custom--even the smallest interest in land will give a person standing (turangawaewae) to speak in the tribal forum (marae).⁷

Fragmentation, however, is a creature invented by the Europeans and imposed on the Maoris by the Europeans. It came into being when the Maori Land Court transformed the Maori customary title (title in a communal system) into English title (individual title in a proprietary system). After the Maori Land Court had changed customary title to freehold title, fragmentation occurred in two ways--through succession orders and through partition.⁸

After the death of a Maori with freehold title, the Court was obliged to determine who his successors were and to vest the land in them by succession orders. This process, after several generations, would vest in the individual beneficiaries minute interests as tenants in common. It was established that in one year--1960--there were approximately 32,861 new owners (about 20 per cent of the total Maori population) added by succession orders.⁹

Where a group of Maoris owned a piece of land and one wanted his title separated, the Court would partition off his interest. Thus, the continuation of these partitions through generations would leave minute interests in land to many individuals.

Several methods were tried by the government in an attempt to halt this alarming rate of proliferation of titles. Among the various methods tried for integration of title are consolidation, conversion, the 10 pound rule, live buying and incorporation.

CONSOLIDATION

"Consolidation is the process of amalgamating all the separate interests that any one person may own in various blocks. His dispersed land interests are

added up (in value) and relocated as a combined interest in one block." This process has been going on for 50 years (since 1911) with results that Hunn claims hardly justify the time and money involved. He shows that during the 50 years 28 consolidation schemes were completed involving approximately 287,000 acres. He says: "Consolidation may look impressive on these figures but unhappily it is a treadmill effort, endless and hopeless. As soon as consolidation is completed, the ownership starts to proliferate again by death and succession, so consolidation is never really completed at all."¹⁰

Consolidation is still being utilized on a small scale.¹¹ Currently, the Maori Affairs Act of 1953 contains provisions as to its initiation, implementation and control (S. 193-210). The Act makes the Maori Land Court responsible for preparation, confirmation and effectuation of consolidation.

CONVERSION

Conversion is the process "whereby the Maori Trustee buys small 'uneconomic interests' (under 25 pounds) in Maori land and sells them to individual Maoris or to Maori incorporations."¹² This method was introduced by statute in 1953 (Maori Affairs Act, Part XXI, 137; Part XIII). It has been suggested that the definition of uneconomic interests be increased to 50 pounds.¹³

In purchasing uneconomic interest, the Maori Trustee, if he has a buyer on hand, utilizes his revolving conversion fund which contains about 110,000 pounds. While the rate of ownership is growing at an annual rate of approximately 32,000 new owners per year, the Maori Trustee since 1959 has purchased about 10,874 interests. Thus, this method alone will not halt the fragmentation of titles.¹⁴

THE 10 POUND RULE

The 10 pound rule gives the Land Court the power to "vest the whole of the interest of a deceased person in any one or more beneficiaries to the exclusion of any other, without payment, provided the excluded beneficiary's share does not exceed 10 pounds." This method was established in 1957 by legislation.¹⁵

One of the judges is reported to have said that this is a good rule but the limit should be increased. The report compiled by Hunn suggests that the limit be increased to 50 pounds.¹⁶

LIVE BUYING

Live buying is the statutory process whereby the Maori Trustee purchases interests from living owners by agreement with some motive of utilizing the land purchased. It is felt by some that this method offers the greatest possibility for the consolidation of titles.¹⁷

INCORPORATION

Incorporation is the process whereby a group of more than three owners in Maori freehold land who hold as tenants in common are incorporated by an order of

the Maori Land Court under Part XXII of the Maori Affairs Act.¹⁸

It has been stated:

The primary purpose of incorporation is to enable the owners, holding as tenants in common, to overcome the numerous obstacles, usually existing in such cases, which are a bar to the best and most economic use of the land.

Upon the making of an order of incorporation by the Court, the owners become a body corporate with perpetual succession and a common seal, with power to do and suffer all that bodies corporate may do and suffer, and with all the powers expressly conferred upon it by the Act.

Every such body corporate holds the land vested in it in trust for the incorporated owners in accordance with their several interests in the land; and the powers and functions of the body corporate are administered by a committee of management elected by the incorporated owners and appointed by the Court.

Under the constitution of such body corporate, contracts may readily be entered into, and the existence of the corporate entity enables security for finance over the land to be easily given, subject to confirmation by the Court. The contractual inconveniences and other disadvantages attending the title of a numerous body of owners are thus overcome.¹⁹

The purposes for which a body of owners may be incorporated are: (1) to occupy and manage as a farm and to carry on any agricultural or pastoral business; (2) to use the land for the growing, milling or selling of timber; (3) to engage in coal or other mineral mining; (4) to arrange for the alienation by sale, or lease of the land; or (5) to carry on any other business that may be specified in the order of incorporation.²⁰ Sir Aspirana Ngata described incorporation as:

. . . an adaptation of the tribal system, the hierarchy of chiefs being represented by the Committee of Management . . . Under the incorporation system, evolved by Maoris to meet Maori needs, the development and training of human talent has been specially emphasized.

Sir Ngata saw incorporation as a simple but effective method of freeing congested titles and bringing land into use.²¹

In 1960 there were 123 active corporations and 175 inactive ones. The largest corporation holds 109,000 acres of land and the smallest one acre. Total assets for all corporations are about 7,661,541 pounds.²² The Department of Maori Affairs is not responsible for the efficient management of the corporations. The Maori Land Court serves as a depository of accounts and documents of these corporations so that they may be inspected by the public.²³

POSSIBLE METHODS OF INTEGRATION FOR THE FUTURE

The 1960 report for the Department of Maori Affairs suggests that the following measures be used to bring about sole ownership and prevent it from disintegrating:

1. Nomination. Nomination is the process whereby title is transferred, on death of an owner, to a sole successor who has been nominated by the deceased during his lifetime. This method would prevent further deterioration of title and may probably be more acceptable to the Maori than transmission by formal will.

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2. Increase of the 10 pound rule to the 50 pound rule. This method would prohibit succession orders and partition orders unless the capital value of the share exceeds 50 pounds. This would prevent minute interests from vesting.
3. Redefine "uneconomic interests" from under 25 pounds to under 50 pounds. This would allow the Maori Trustee to purchase any interest under 50 pounds for conversion purposes. Necessarily, the conversion fund should be increased.
4. Utilize the conversion system more freely to eliminate uneconomic interests.
5. Live buying by agreement should be carried on a larger scale.
6. Statutory option. This would give owners of interest under 50 pounds the statutory option of: (a) selling to any Maori whose interest would then exceed 50 pounds; (b) selling to the incorporated owners as a body; (c) selling to the Maori Trustee for release to either of the foregoing, or for retention by him in trust for a Maori parent body; or (d) making a gift to any one of the foregoing.
7. Utilization of the trustee principle systematically. Either the Maori Trustee or Incorporation should be applied systematically to reduce land titles to sole ownership and prevent subsequent fragmentation.²⁴

Miss Maizie Yamada prepared the manuscript for printing.

FOOTNOTES

CHAPTER I

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2. Ibid.
3. Ibid., pp. 16, 19.
4. Norman Smith, Maori Land Law (Wellington: A. H. & A. W. Reed, 1960), pp. 6-7.
5. Ibid., pp. 8-10.
6. J. K. Hunn, Report on Department of Maori Affairs, with Statistical Supplement, August 24, 1960 (Wellington: Government Printer, 1961), p. 18.
7. Ibid., pp. 18-19.
8. Letter from J. K. Hunn, Secretary for Maori Affairs, June 11, 1962.
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16. Hunn, p. 47.
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23. Ibid.
24. Ibid., p. 31.
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35. Ibid., p. 162.
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41. Ibid.
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CHAPTER II

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4. Ibid.
5. Ibid., pp. 32-33.
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7. Ibid., pp. 30, 35-36.
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9. New Zealand, Department of Statistics, New Zealand Official Year-Book 1960, p. 468; Maori Affairs, Reprint of Statutes of New Zealand, 1908-1957 (Wellington: Government Printer, 1960), pp. 13-18.
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17. Ibid., p. 50.
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22. The Maori Today, p. 35.
23. This section is based on the letter of B. E. Souter, Acting Secretary for Maori Affairs, to Herman Doi, October 1, 1963.
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25. This part is based on a letter from B. E. Souter, Acting Secretary for Maori Affairs, to Herman Doi, October 1, 1963.
26. New Zealand, Department of Statistics, New Zealand Official Year-Book 1960, p. 658.
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30. Letter from B. E. Souter, Acting Secretary for Maori Affairs, to Herman Doi, October 1, 1963.
31. Hunn, pp. 40-41.
32. Letter from B. E. Souter, Acting Secretary for Maori Affairs, to Herman Doi, October 1, 1963.
33. Ibid.
34. Maori Affairs; New Zealand, Department of Statistics, New Zealand Official Year-Book 1960, p. 469; Ngata, pp. iii-iv.
35. Hunn, p. 67.
36. Norman Smith, Maori Land Law (Wellington: A. H. & A. W. Reed, 1960), p. 11.
37. New Zealand, Department of Statistics, New Zealand Official Year-Book 1960, p. 468.

38. Ibid., pp. 467-469; Hunn, pp. 103-104; Maori Affairs; Smith, pp. 22-34; see also Adoption Amendment Act 1962--which took away from the Maori Land Court jurisdiction for adoption of Maori children and placed such jurisdiction for adoptions in the Magistrates Court. Thus adoptions for all children are handled in the same manner.
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40. Ibid.
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CHAPTER III

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2. Ibid.
3. Ibid., p. 10.
4. Ibid.
5. Ibid., pp. 51-66, 127-157; Letter from B. E. Souter, Acting Secretary for Maori Affairs, to Herman Doi, September 23, 1963.
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8. Ibid., pp. 52-53.
9. Ibid., p. 54.
10. Ibid., pp. 54-55.
11. Ibid., p. 54.
12. Ibid., p. 55.
13. Ibid., p. 57.
14. Ibid., pp. 54-55. See also Ngata, p. ii and I. L. G. Sutherland (ed.), The Maori People Today, a General Survey (Christchurch: Whitcombe & Tombs, 1940), pp. 204-205.
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16. Ibid., pp. 55, 57.
17. Ibid., p. 55.
18. Smith, p. 158.
19. Ibid.
20. Ibid., p. 159.
21. Hunn, p. 60.
22. Ibid.
For incorporations generally, see Ngata.
23. Hunn, p. 61.
24. Ibid., pp. 56-59.

APPENDIX

TREATY OF WAITANGI

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands--Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to employ and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British subjects.

W. HOBSON, Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

Source: Norman Smith, Maori Land Law (Wellington: A. H. & A. W. Reed, 1960), p. 5.

