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## THE MAORI AND HIS LAND

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It is well known that the Maori, particularly of the older generation, has a great veneration for his ancestors and the land which was theirs and is now his. When the history of Maori ownership of land is known, then one can understand their "pride of possession", which after all is a characteristic not limited to the Maori people. For example, in England landed estates have been handed down to generation after generation over the centuries and in New Zealand there are many instances of land still being owned and occupied by the descendants of the original pioneer settlers.

With the Maori this pride in the ownership of land rarely stems from its monetary value, nor necessarily from its usefulness from the occupational point of view, but arises from the knowledge that for many generations his ancestors have possessed and occupied it and in many cases fought bitterly for its possession. This, I think, very largely explains the reason why Maoris owning even minute shares in a piece of land will not sell shares and will bitterly oppose any attempt to dispossess them.

As is well known, the Maoris migrated to New Zealand and one of the reasons for the migration from Hawaiki is stated to have been that because of the increase in the population, there was insufficient land to supply the needs of the people. The migrants are said to have left their homes to find new land, and in the course of their migration New Zealand was discovered. The main migration occurred about the middle of the 14th century and history tells us that when the canoes landed and when it was decided where the people of each canoe were to settle, the leader or Ariki immediately laid claim to the land for his people and defined the boundaries. In the course of time the population grew and after many generations had laid claim to the whole of the two islands. Each tribe and sub-tribe had clearly defined boundaries to their tribal lands. The boundaries were usually natural features, a river or a ridge, but sometimes took the form of a post or a stone, and these boundary marks were known to every member of the tribe.

The original tenure of tribal lands by occupation could be maintained by a tribe only as long as the tribe was strong enough to prevent any other tribe from depriving them of it. Acquisition

of land by conquest was recognised by all tribes as rightful, so that actual possession was in fact evidence of ownership.

The land was owned communally by the tribe as a whole, although individuals and families were permitted to occupy and cultivate defined areas, but only by permission of the tribe. The tribe cultivated areas of the most easily worked land on which they grew kumara, taro, and hue. Such areas were worked on and harvested communally, but were usually restricted to family groups, although sometimes the whole tribe cultivated areas when large quantities of food were required to celebrate some event when the prestige of the tribe was at stake.

Land was essential for the very existence of the tribe and as such was jealously guarded by all its members. All enjoyed and all were expected to guard the tribal territory and **the** many wars which took place between tribes for the possession of land were fought desperately and often, particularly when firearms were made available to them by Europeans, with a heavy loss of life.

Many troubles arose through trafficking in Maori land in the early days of colonisation by the European and much of this trouble was caused by the unscrupulous European as well as by the Maori who sold land which he professed to own himself but which in fact was owned by the tribe. No attempt was made to solve this latter difficulty until 22 years after the signing of the Treaty of Waitangi, when in 1862 the first Native Land Act was passed. The purpose of the Act was to establish tribunals to confirm the rights of tribes to their tribal lands, but little was done until the establishment of the Maori Land Court in 1865. Even then the Courts were beset with many difficulties and it was many years later and after further amendments to the legislation that **the** Courts were able to define the owners and their relative interests in the land which still remained in the possession of the Maori people.

The Maori soon realised that land was a marketable commodity, with the result that many families and sub-tribes quickly became landless. Many tribes, however, under wise chieftainship entered into farming enterprises. As early as the mid-1850s, the tribes of Waikato had extensive areas of land under wheat and maize and it is recorded that **wheat** from Waikato was exported to California to provide for the gold rush.

The tribes of the East Coast **were** among the first to establish Rocks of sheep. The Ngatiporou of the East Coast, Rongowhakaata of Gisborne, and Ngati Kahungunu of Hawke's Bay were prominent in this branch of animal husbandry.

The breeding of cattle on a large scale is recorded in the Wanganui locality as early as the 1860s.

The rearing of pigs, poultry, cattle, and sheep became common-

place. These animals were first reared in the main for tribal food. but as they increased in numbers an extensive trade grew up in sales for cash and by barter. The Maori people quickly learned that cattle and sheep were grazing animals and except where there were open areas of native grasses, bush, scrub, and fern were cleared and sown in English grasses to provide grazing.

What has been said demonstrates that apart from the cultivation of crops, which has been carried out by them for centuries, the Maori people have in the last 100 years gradually acquired a practical knowledge of the various forms of European farming. The acquisition of this knowledge has resulted in more and more individuals in each succeeding generation desiring to become farmers in their own right and in having that desire backed up by a family tradition of farming experience. The desire to farm their lands rather than lease them is developing rapidly throughout the country and is strongly in evidence on the East Coast.

This brief historical review of the reasons for the Maori's attachment to his land and of his past experience in farming pursuits brings us to the present-day usage of Maori land.

Of the total of 4,000,000 acres owned by Maoris, 1,350,000 acres are considered unsuitable for farming, 1,000,000 acres are leased, approximately 500,000 acres are being farmed by Maori owners, some 490,000 acres are at present idle, and 460,000 acres are controlled by the Department of Maori Affairs under its Land Development Scheme.

There would be no point in wearying you with a long dissertation on leasehold tenures, but I will briefly refer to one aspect which causes some concern to lessees and lessors alike, namely, compensation for improvements. You will know that the provision of compensation is regarded as an incentive to the lessee to improve the property and to maintain the improvements, but on the East Coast there is a strong aversion on the part of owners to granting compensation. This attitude has arisen because of the unfortunate experience of the owners of several blocks of land in this district. This experience can best be illustrated by a case in point. A block of land was leased for 21 years with a right of renewal for a further 21 years and with the right to full compensation for improvements effected by the lessee. At the end of the 42-year term the improvements were valued so high that the owners were unable to obtain finance from any of the recognised lending institutions to pay the lessee. They were therefore compelled to allow the lessee to work out his compensation by way of rent and this took nearly 20 years. Towards the end of the latter period, the lessee neglected to maintain the improvements, and- when he vacated the property it was in a semi-derelict condition. The net result was that after nearly 20 years without

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receiving any return from their property, the owners were faced with either having to borrow extensively to bring the land back into production or to let it remain idle and unproductive.

Because it is considered that the provision of compensation is important, it has been suggested that the right to compensation should be limited to say 75 per cent of the value of the improvements at the expiry of the lease. If this suggestion was adopted, it would mean that in most cases, because of the limited amount of compensation, the lessors would be enabled to borrow a sum sufficient to pay the lessee. However, this proposal has rarely been accepted by the people of this district.

Occupation by Maoris takes several forms, including occupation of their own freehold land, leases from the owners, occupation of family lands by family arrangement, and farming by incorporations. The last form of farming is particularly popular where there are a large number of owners who do not wish to lease the land. In this district, which is regarded as the home of incorporations, they have been operating for many years and at present there are more than 90 active incorporations farming properties extending from small dairy farms to large sheep stations. The best known example of a large sheep-farming concern is the Mangatu Incorporation, which embraces an area of over 100,000 acres. Incorporations are meeting with varying degrees of success, but in my opinion they provide the most effective solution to the farming of their own land by a large body of owners, more particularly where the land is of sufficient area,

With regard to the Maori land which is at present lying idle, the Department of Maori Affairs is doing its best to meet this problem by encouraging the people to have the Department develop and settle it for them. Since 1930, when the Department first undertook this type of work, much has been accomplished. From 1930 until 31 March 1958 the gross expenditure on Maori Land Development was £28,000,000. The receipts up to that date were £21,000,000, leaving debts amounting to £7,000,000 outstanding. The basic policy of this development work is the settlement of individual Maori farmers on their own holdings and up to June of last year 2,175 Maoris have been settled in this way. While the general objective of the Department is settlement of individual farmers, for various reasons larger scale farming on behalf of family or of tribal groups has been carried out, and up to the present a total area of some 175,000 acres has been transferred back to group owners or incorporations after a period of development under Departmental control.

As is to be expected, there have been a number of failures and some of the settlers have not reached a very high standard, but in many districts numbers of Maori farmers have reached

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European standards of competence in developing **and** managing their properties. They have assumed individual responsibility for meeting their financial obligations and for planning their farming operations in a way that has exceeded even the most optimistic expectations of the Department, whose aim is to enable Maori land owners to become useful settlers in the full sense of the term.

It is realised that a great deal still remains to be done and that in the national interests the unoccupied Maori land must be brought into production, but the Department, while **recognising** the need, is limited by the amount of finance the Government is able to provide for the work.

There is one avenue whereby unproductive Maori lands can be dealt with and that is under the provisions of Part XXV of the Maori Affairs Act 1953. This provides that on application by the local authority, or by any **interested** person, the Court may vest the land in the Maori Trustee as agent for the owners to lease or sell it if the Court is satisfied:

- (a) That the land is unoccupied.
- (b) Is infested with noxious weeds.
- (c) That there are Charging Orders for Rates outstanding.
- (d) Owners have neglected to farm the land with due diligence.

This power has been exercised to a considerable extent in some districts but I know of only one instance on the East Coast. It would be as well for local authorities, particularly where they are concerned with infestation of noxious weeds, to give serious consideration to the invoking of this statutory provision.

In conclusion, it can be stated that the bulk of Maori land is in production; that Governments both present and past realise the need not only to make all Maori land productive, but also to train the Maori in modern farming methods; that more and more Maoris are becoming successful farmers according to European standards; and that there is a growing desire by the people themselves to have their idle lands made productive and to obtain increased production from the lands they are at present farming.

#### **DISCUSSION**

- Q. (C. Goldsmith): The gathering might like to know how Maori lands are succeeded to. All Maori land is handed down from one generation to another. Would Mr Holst comment on this?
- A. When a Maori dies his next of kin succeeds to his lands. However, in 1953 legislation was amended so as to eliminate fragmentation of Maori lands. Where an interest is of a value of less than £25 it is considered to be uneconomic, and in this case the Maori trustee may buy the interest. In practice, though, the Maoris come to some family arrangement satisfactory to all concerned.

- Q. (C. Goldsmith): At one time it was not possible for the pakeha to buy interests in Maori land. Is that possible now?
- A. It is possible to buy Maori land. Where there is a block of undivided land then all you have to do is to get a Maori interested in selling his share and, if other Maori owners agree, then normally Land Court approval will be given. Also, a European can buy freehold Maori land, but the Court has to give its approval.
- Q. (C. E. Iversen): How much is being done in the training of the Maori in modern farming methods?
- A. In the past there have been training farms, but now when cutting up large blocks the plan is to select suitable settlers and train them there. Their work is checked and they are replaced if necessary. When they are settled they are either under a form of relaxed control by the Maori Affairs Department, or not under actual budget control. Also, other farmers are encouraged to take on these prospective settlers for training, but this plan is not catching on too well.
- Q. (I. L. Elliott): When land is settled by the Maori Affairs Department, what type of tenure is arranged for the settler?
- A. The department prefers to give the settlers freehold rights, and where this is not possible then he gets a 21 year lease with the right of renewal and compensation to the value of 75 per cent of improvements. His successors can inherit the lease or land in the terms of his will.
- Q. In the event of the Maori buying freehold land back, can it revert to the ordinary method of Maori inheritance and succession?
- A. Yes, this can be done, but it must go through the Maori Land Court.
- Q. (R. H. Scott): What is the total area of land on the East coast under the control of incorporations?
- A. Figures not available at present, but believe it to be over 200,000 acres.