Maori Land Title Improvement since 1945
COMMUNAL OWNERSHIP AND ECONOMIC USE

Everybody's land is nobody's land. That, in short, is the story of Maori land today. Multiple ownership obstructs utilisation, so Maori land quite commonly lies in the rough or grazes a few animals apathetically, while a multitude of absentee owners rest happily on their proprietary rights, small as they are.¹

IN THE 1950s and 1960s, the government implemented and maintained a comprehensive programme of title improvement for Maori land. This title improvement programme was directly linked to the Maori land development schemes that Apirana Ngata had been instrumental in establishing in 1929. Under the schemes government assumed direct legal and financial responsibility for assisting Maori people to develop and farm Maori land. During their first twenty years, the schemes provided subsistence level farming. They supported many Maori communities through depression and war, provided modern conveniences in modern homes, and reasonable incomes for families. In the post-war years, the Department of Maori Affairs increasingly bureaucratized and formalized the land development programme, and pressed ahead with reforming or improving Maori land titles.

The government has consistently viewed multiple ownership of Maori land as a major impediment to bringing Maori land into full production. History, anthropology, commerce, law and public policy have all, at some stage, concurred in regarding multiple ownership as justification for comprehensive reform of Maori land titles. Title reform facilitated financial assistance for development, because banks and other financiers had traditionally been reluctant to finance Maori land development due to its multiple ownership. Indeed, multiply-owned Maori land was one of the main reasons that Maori leaders of the early twentieth century sought state assistance to develop Maori land. Consequently, title improvement policies were integral to the operation of the land development schemes, and the title improvement programme was practically as big an undertaking for the Department of Maori Affairs as the development schemes themselves.

In fact, the notion of reforming Maori land title is as old as the Maori Land

Court itself. Since its inception in 1862, it has been a function of the court to investigate and determine title, the long-term result being multiply-owned and fragmented holdings. Initially, the court transmuted the tenure of Maori customary land from the communal and consensually agreed to that which was cognizant with English law, allocating defined interests to individually named owners. Following this transmutation, the nature of title to Maori freehold land became such that, due to bilineal succession, the number of owners in any given block of land increased with every passing generation. Partitioning offered some reprieve by allowing land owners to subdivide their shares, but the persistence of bilineal succession sustained increases in the number of owners in blocks of land that, by partition, became smaller and smaller.

Each partition and each succession the court effected might rightly be called an instance of title reform. But in the twentieth century, Maori land law has given the court more far-reaching methods to effect title reform, including consolidation, amalgamation, and conversion. These methods facilitated secure tenure arrangements for Maori farmers (including sole ownership) and allowed land development to occur. It seems that the court, as custodian of Maori land titles, spent its first 50 years changing the Maori land tenure system from customary to freehold; and the following years changing the function of that tenure system, from maintaining tribal ownership of land to providing an economic ownership.

Title improvement in the post-war years reflected a long-standing political desire to limit the number of owners in any given block of Maori land. In the government’s view, multiple ownership impeded much more than land development; it obstructed the overall progression of Maori people and their cultural adjustment to the modern world, and indulged Maori people’s so-called sentimental attachment to land. In the post-war years, the government pronounced it the duty of every good citizen to make full use of the soil, for land was the foundation of prosperity. The objectives that underpinned the government’s title improvement policies, in conjunction with the land development schemes, were to bring Maori land into full production and bring Maori people into the mainstream, thus silencing public criticism of the perceived idleness of Maori land. Therefore, title improvement required more than just implementation of legislation. The greatest obstacle to its success was seen to be the Maori mindset on the matter of Maori land tenure, which stood outside the legislation. Whilst a perceived barrier to developing and farming Maori land, communal tenure was also part of the fabric of Maori society, integral to determining the nature of tribal organization.

E.B. Corbett, the Minister of Maori Affairs in the first National government, pointed out that the succession laws had in fact upset the balance previously provided by the traditional principle of te ahi kaaroa (land tenure based on long-term occupation). Traditionally, a family’s failure to maintain the ahi kaa (keeping the home fires burning), could ultimately result in that family losing their right in the land. Their loss was balanced with incoming new owners. By

3 *New Zealand Parliamentary Debates* (NZPD), 1950, 293, pp.4722-31, 4747-54.
contrast, the succession laws allowed the number of owners in a block to increase for eternity, as the shares of each deceased owner were split among his or her successors which, according to Corbett, made Maori land ever more unmanageable and unfarmable.4

In their history of the Department of Maori Affairs, G.V. Butterworth and H.R. Young state that the consolidation process involved ‘a major social revolution’, requiring Maori families to trade land with ancestral significance for land constituting an economic farm.5 Joan Metge admitted that the obvious solution to Maori land title problems, for Pakeha onlookers, was for the smaller shareholders to sell to either the larger shareholders or the occupiers. But, Metge wrote, most Maori land owners were reluctant to sell: ‘For their shares, no matter how small, are part of their ancestral heritage and visible evidence of their “belonging”. Younger Maoris see belonging as a matter of feeling and action rather than land ownership, but even those who have settled in urban areas still sometimes hesitate to dispose of such a tangible link with their origins.’6

J.K. Hunn, who investigated and reported on the work of the department in 1960, regarded turangawaewae (original and ancestral home) as the principal reason that Maori people refused to give up even the smallest interest in Maori land. However, he also believed that a growing number of Maori would be comfortable selling their fractional interests in Maori land. He hoped that Maori could change their attitudes to turangawaewae and come to regard owning a modern home in town or country as their claim to speaking on the marae, rather than ‘an infinitesimal share in scrub country’, representing scarcely a token of ownership. He proposed that turangawaewae based on home ownership would acknowledge the citizenship of those Maori who had ‘proved themselves’ and demonstrated their love of a particular plot of land in a practical way.7

These and similar observations of the socio-cultural and spiritual dimensions of Maori people’s relationships with land are generally accurate. However, many Maori were prepared, through title improvement methods, to modify that relationship. In contemporary times, as in the 1950s and 1960s, Maori hold a range of views from the staunch advocacy of continued communal ownership, to attachment to an urban identity, and numerous alternatives and combinations in between. Both oral and written accounts suggest that many Maori people were quite willing to give up at least some of their land interests in return for assistance in the shift to town, or in pursuit of sole or family ownership of a farm. On the other hand, shareholders in larger blocks of Maori land have actively worked at maintaining the integrity of tribal ownership.

Any attempt to change the ownership of Maori land placed relationships between people and the land in the spotlight, often calling for some introspection

5 G.V. Butterworth and H.R. Young, Maori Affairs: Nga Take Maori, Wellington, 1990, p.73.
7 Hunn, p.52.
on the part of the owners. Titipa Smith\textsuperscript{8} farmed property in the northern Hokianga owned by his mother and her siblings. The court used a series of succession and amalgamated partition orders to effect a kind of mini-consolidation to redistribute the interests of the wider whanau, including Titipa and his siblings, their aunts, uncles and cousins. Everyone concerned was agreeable. Titipa was quite comfortable with the process, which merely aligned the title to the way individual families within the whanau had physically settled on the land.\textsuperscript{9} However, when the department urged Titipa to seek sole title to the family property, by receiving the interests of his sisters, Titipa firmly declined. The land was the only property his family had inherited from their mother, and they must all maintain their interests. He was quite happy to continue farming knowing he was but an equal shareholder. His wife, meanwhile, felt he should pursue sole ownership and hold the farm for his own growing family.\textsuperscript{10} The responses to title improvement in this particular case illustrate ways in which they might be contextual and dependent on the significance attached to the land concerned.

Consolidation was the first comprehensive and systematic method of title reform to be used by the government on a large scale throughout the country. It predated Apirana Ngata’s land development schemes, and after their establishment was often a prerequisite to the opening of many of the individual schemes. Paradoxically though, the land development legislation made ample provision for development to occur regardless of the number of owners or the state of the title (simply by suspending the owners’ rights, and bringing the land under the jurisdiction of the minister).\textsuperscript{11} Yet altering titles to facilitate more economic use of Maori land remained integral to any activity concerning Maori land, whilst the prolonged emphasis on title improvement ultimately proved unwarranted.

As the term suggests, consolidation redistributed the scattered land interests of individual families or related groups into one or more compact or consolidated areas. Consolidation aimed to give each individual owner, or manageable group of owners such as a family, a subdivision suitable for use as an economic farm unit. The process might require the use of exchanges, partitions, amalgamations, purchases and any other available title improvement methods. In theory, once finalized, the consolidated areas could then be profitably used to the owners’ advantage and in the public interest.

Ngata, as architect of the development schemes, was also a key advocate of consolidation. He had himself identified Maori land title as the ‘root difficulty’ in regard to the settlement of Maori lands by Maori. Worse still, it seemed that the lands most suitable for Maori farming had the most congested titles. Partition was an option for some families, but in most cases it was undesirable and

\textsuperscript{8} Titipa Smith is a pseudonym, used to protect the confidentiality of key informants and their families who participated in interviews for this research. See A. Harris, ‘Maori Land Development Schemes, 1945-1974, with two Case Studies from the Hokianga’, MPhil thesis, Massey University, 1996, pp.3-4, 93.
\textsuperscript{9} Hokianga Minute Book No. 23, Maori Land Court, Whangarei, pp.181-4.
\textsuperscript{10} Harris, pp.100-5.
The Young Maori Party, accepting that multiple ownership discouraged potential financiers, advocated the principle of consolidation, which was incorporated into the Native Land Act 1909. However, it only gained significant impetus in the 1920s, during which period several consolidation schemes progressed on the East Coast and in the Urewera. The Maori Land Court also began preparing large consolidation schemes in the Waikato-Maniapoto and Taitokerau districts in the late 1920s. Ngata regarded consolidation as a slow and difficult process, but one which, if well done, provided the best method of defining and locating the landed interests of individuals and families.

Consolidation also had an important social objective: ‘to bring the lands which remain to the Maori people into full production for the benefit of the race and the Dominion in general [and to] ... silence the frequent and, in many cases well founded criticism by the public, upon the idleness of Maori lands’. In Te Taitokerau the department also hoped that consolidation would assist in alleviating the difficulties associated with collecting the rates levied on Maori land, which had become a serious problem. The under-secretary for Native Affairs said the advantages were obvious, and once the examples on the East Coast became apparent to other Maori, they too would adopt the system. Consolidation would save Maori the expense of numerous partitions while incidentally lessening the work of the court and department.

Meanwhile, the department warned that consolidation ought to be approached with care, and that it would be some time before all the schemes would be completed. In particular, the department viewed preparing the ‘Maori mind’ as a prerequisite to implementing consolidation. Maori had a strong sentimental attachment to their ancestral lands, not measurable by any monetary value. Therefore, according to the department, Maori people were sometimes unable to visualize the commercial advantage of amalgamating their divergent land interests. Consolidation should not then be unduly hastened.

The process itself was time-consuming and cumbersome. A team of clerical and field staff under the control of a consolidation commissioner at each registry of the Maori Land Court was employed. Consolidation staff compiled information from the court, the Maori Land Board, the Land Transfer Office, the Valuation Department, the Lands and Survey Department, and local bodies. Each scheme created a dense and intricate record, consisting of data lists, owners’ cards, succession schedules, registers, group books, and in some cases, minute books. It might take years for the consolidation staff to complete the paper work assembling the various interests for every owner in each scheme.

12 Ngata p.139.
13 Maori Land Consolidation (Bremner Winkel Report), 1952-53, MA 1, Accn W2490, 69/3/1, National Archives, Wellington (NA).
14 AJHR, 1928, G-9 p.2.
15 AJHR, 1922, G-9, p.2.
16 AJHR, 1929, G-9, p.2 and AJHR, 1930, G-9, p.2.
17 AJHR, 1928, G-9, p.2.
18 For example, Hokianga, Mangonui, Bay of Islands and Kaipara Consolidation Minute Books, Maori Land Court, Whangarei.
While the field work played a major part, the department estimated that clerical duties accounted for two-thirds of the time taken to complete a scheme.  

The operation and results of consolidation varied between regions. There were seven Maori Land Court districts: Taitokerau (Northland), Waikato-Maniapoto (Waikato, King Country, Hauraki), Waiariki (Bay of Plenty, Rotorua), Tairawhiti (East Coast), Ikaaroa (lower North Island) and Te Waipounamu (South Island). The Ikaaroa district was subsequently divided to include the Aotea district. Whereas schemes in the Waiariki and Tairawhiti Districts were well under way in the early 1920s, the larger Waikato-Maniapoto and Taitokerau schemes did not begin until the late 1920s. After the Second World War, consolidation schemes began levelling off in many districts. But in Taitokerau it remained a major task for the department and court. Consolidation work stalled somewhat in the post-war years due to the lack of trained staff, though the court effected interim arrangements by making exchange orders until the wider consolidation scheme could be completed. The department’s annual reports to the government suggest it made considerable progress overall with its consolidation work through the 1930s and 1940s, with some setbacks during the war period. But in 1952, when the process was reviewed, the cumulative result of all this work was found to be less than desired.

E.R. Winkel and E.R. Bremner, officers of the department and Public Service Commission respectively, investigated the court’s consolidation work in May-June 1952. They concluded that the department had only scratched the surface. In the Waiariki district, where 1,000,000 acres had been approved for consolidation, final orders had only been issued for 70,000 acres. Taitokerau was in a similar situation. The area proposed for consolidation in Taitokerau comprised 522,287 acres, embracing 6,583 blocks which, at the beginning of the schemes, were owned by 42,266 owners. In 1952, just 81,135 acres had been consolidated as table 1 indicates.

Table 1: Summarized details of land included in Taitokerau consolidations, 1952

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Total area (acres)</th>
<th>Original no. of blocks</th>
<th>No. of original owners</th>
<th>No. of consol. successful</th>
<th>Sections after consol.</th>
<th>Area consol. (acres)</th>
<th>Owners in new title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangonui</td>
<td>130,883</td>
<td>1,119</td>
<td>8,303</td>
<td>8,868</td>
<td>428</td>
<td>28,630</td>
<td>1,575</td>
</tr>
<tr>
<td>Kaipara</td>
<td>80,378</td>
<td>555</td>
<td>3,096</td>
<td>5,966</td>
<td>243</td>
<td>11,664</td>
<td>642</td>
</tr>
<tr>
<td>Hokianga</td>
<td>102,352</td>
<td>2,000</td>
<td>12,351</td>
<td>18,260</td>
<td>504</td>
<td>27,841</td>
<td>2,146</td>
</tr>
<tr>
<td>Bay of Islands</td>
<td>208,674</td>
<td>2,909</td>
<td>18,516</td>
<td>15,070</td>
<td>118</td>
<td>13,000</td>
<td>723</td>
</tr>
<tr>
<td>Totals</td>
<td>522,287</td>
<td>6,583</td>
<td>42,266</td>
<td>48,194</td>
<td>1,293</td>
<td>81,135</td>
<td>5,086</td>
</tr>
</tbody>
</table>

Source: MA 1 W2490, 69/3/1, Maori Land Consolidation (Bremner Winkel Report), 1952-53, NA.

19 Bremner Winkel Report, 1952-53, MA 1, Accn W2490, 69/3/1, NA.
20 AJHR, 1947, G-9, p.5.
21 AJHR, 1946, G-9, pp.6-12.
Despite their concerns about the achievements of consolidation, Bremner and Winkel emphasized that all efforts to bring Maori land into production as quickly as possible were worthwhile. In 1952, the task in front of the department was huge, but the consolidation work had to be pushed ahead to obtain ‘the great benefits that [would] accrue both to the Maori people and New Zealand itself’. Simplifying Maori land titles was considered to be of the utmost importance. The position of the titles was chaotic, and it was essential in the interest of Maori that the department’s methods be streamlined and the process expedited.

The report commended the Taitokerau district office for its use of amalgamated (or combined) partitions. These partitions grouped several adjoining blocks together, cancelled all existing partitions, and regrouped the owners and their interests. Where possible, uneconomic interests were eliminated. Some sections were sold to pay for roads and surveys, and to discharge old encumbrances. Finally the blocks were repartitioned into residential sections or economic farm units. Bremner and Winkel suggested that amalgamated partitions be introduced in other districts, especially where amalgamation of small interests was urgently required.

The head office was impressed with all the work the Taitokerau office put into simplifying title, which it often did in conjunction with securing tenure for development scheme farmers. In fact there are numerous examples across districts in which the court used its ordinary jurisdiction to achieve the same results as consolidation, although on a much smaller scale, avoiding the lengthy consolidation process. The department described the court’s simplification of title as an invaluable preliminary to housing and development operations. The head office said it would always support sound economic proposals for simplifying titles, even to the point of agreeing, within reason, to finance the work.

In Taitokerau, departmental staff and Maori farmers became increasingly dissatisfied with consolidation at an operational level. Consolidation officers experienced difficulty in cases where numerous owners in a block held shares worth only a few shillings, especially when consolidation failed to increase the areas allotted to them. In these cases, the law required the owners’ consent before any such interest could be bought or otherwise vested in any owner of larger interests. In effect, many individuals were precluded from obtaining clear title. In 1945, the Whirinaki Young Farmers’ Club, in southern Hokianga, suggested the court be empowered to vest relatively small interests compulsorily in owners with larger interests. Several years later, with support from regional offices, Bremner and Winkel made a similar suggestion — that the Maori Trustee be empowered to acquire compulsorily the uneconomic shares. In their opinion, no worthwhile result would be achieved until power was given to dispose of small shares simply and expeditiously. In fact, by the time Bremner and Winkel made

22 Bremner Winkel Report, 1952-53, MA 1, Accn W2490, 69/3/1, NA.
23 AJHR, 1946, G-9, pp.6-12.
24 Development Schemes Policy, 1953-58, AAMK 869/410b, NA.
25 Hokianga District Consolidation, 1945-1971, MA 1, 29/2/4 vol 3, NA.
26 Bremner Winkel Report, 1952-53, MA 1, Accn W2490, 69/3/1, NA.
their suggestion, the principle of eliminating owners with small interests was already incorporated into the Maori Affairs Bill, in the provisions made for the controversial ‘conversion’ process.27

By 1960 consolidation was virtually abandoned, being used only on a small scale. After nearly 50 years of operation, Hunn said the results of consolidation failed to justify the time and money involved. Nationwide, 28 schemes had been completed, embracing 287,674 acres. Consolidation looked impressive for some individual schemes. For example, the Waikaua scheme completed in 1956 reduced the number of owners in an area of 1,350 acres from 1,023 to just 59. But Hunn said consolidation was ‘a treadmill effort, endless and hopeless’. Consolidation was never really completed because ownership continued to proliferate by death and succession. Hunn was much more an advocate of the new title improvement methods that became available under the Maori Affairs Act of 1953.28

The new title improvement provisions included in the Act reflected an ongoing political commitment to simplifying Maori land titles, and creating economic farms from uneconomic holdings. Section 149 defined the main purpose of consolidation as consolidating and redistributing the interests of multiple Maori owners in Maori freehold lands so that suitable and convenient holdings that might then be profitably used to the owners’ advantage and in the public interest. Existing provisions for making orders of exchange and implementing consolidation schemes remained. Provision for combined partitions also remained. The Act gave the court a series of miscellaneous powers including the power to amalgamate the titles of adjoining lands into a single title. Facility for simple and inexpensive transfers of interests between owners and relatives was provided, subject always to the court’s satisfaction.29 Corbett said the Act would assist Maori economic development and bring Maori people into equality with Pakeha. He argued that improving the state of Maori land would improve New Zealand’s race relations generally by removing cause for public criticism of Maori land holders. Multiple ownership, a remnant of a communal way of life, was not suited to the reality of the modern farming economy.

Through the Maori Affairs Act, the department endeavoured to ensure that Maori people remained the owners of Maori land while at the same time rationalizing ownership so as to prevent succession to ‘useless and uneconomic interests’. The department also encouraged individuals and family groups to acquire ‘proper’ title to useful areas of land by succession, partition, purchase, exchange, consolidation and conversion.30 Multiple, and even tribal, ownership could continue although it would gradually be limited to those with substantial interests in the land.31 Also, it would be easier for the larger shareholders to consolidate their interests into farmable properties. Overall, the department

27 ibid.
28 Hunn, pp.54-59.
29 The Maori Affairs Act 1953.
30 AJHR, 1954, G-9, p.12.
pursued title improvement in order to achieve better utilization, better control and easier administration of Maori land.\textsuperscript{32}

Conversion was the cornerstone of the new title improvement framework introduced by the Act. The Act established a conversion fund within the Maori Trustee's account for the purpose of acquiring uneconomic or other interests in Maori land. Uneconomic interests were those interests valued at less than £25. There was a number of points at which the Maori Trustee could exercise his purchasing or conversion powers. He could purchase any interest with the owner's consent, a form of conversion known as live-buying. The death of an owner was another logical point of intervention. With a few grounds for exception, conversion operated compulsorily at succession, whereby section 137 of the Act prevented the court from vesting in any beneficiary any interest that would constitute an uneconomic share. The trustee could also apply conversion compulsorily, when recommended by the court, on partition, consolidation, and on ordering a consolidation of title.

Table 2 provides an example of the results of purchasing uneconomic interests on succession. By far the majority of the interests so purchased were bought in lands outside the ambit of development schemes and incorporations. By comparison, the districts that pursued live-buying preferred to do so within development schemes and incorporations.

\textbf{Table 2: Uneconomic interests purchased on succession, North Island, 1966-67}

<table>
<thead>
<tr>
<th>Maori Land Court District</th>
<th>Devpt Schemes (£)</th>
<th>Incorporations (£)</th>
<th>Other lands (£)</th>
<th>Total (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taitokerau</td>
<td>1,398</td>
<td>427</td>
<td>5,742</td>
<td>7,566</td>
</tr>
<tr>
<td>Tairawhiti</td>
<td>375</td>
<td>5,525</td>
<td>12,900</td>
<td>18,801</td>
</tr>
<tr>
<td>Waiariki</td>
<td>744</td>
<td>1,067</td>
<td>16,024</td>
<td>17,835</td>
</tr>
<tr>
<td>Waikato</td>
<td>11,414</td>
<td>3,096</td>
<td>70,586</td>
<td>85,096</td>
</tr>
<tr>
<td>Ikaroa</td>
<td>320</td>
<td>80</td>
<td>16,481</td>
<td>16,881</td>
</tr>
<tr>
<td>Totals</td>
<td>14,251</td>
<td>10,195</td>
<td>121,732</td>
<td>146,179</td>
</tr>
</tbody>
</table>

Source: MA 1, 1/16/19: Proposed Crown Conversion Schemes — data, 1967, NA.

Once acquired, the Maori Trustee could sell the accumulated uneconomic interests, the general principle being that they would be sold to Maori incorporations or Maori individuals, usually those who were building up their interests in order to gain economic and productive holdings. However, the trustee could also dispose of those interests to the Crown, to house or settle Maori farmers. As a matter of policy, the trustee declined interests in Maori reservations, timber-

\textsuperscript{32} AJHR, 1956, G-9 pp.8-9.
bearing lands, lands upon which houses stood, lands subject to heavy debt, lands in unsuitable locations, and lands for which unacceptable prices were asked.

When the Bill was introduced to parliament, the Maori members strongly objected to compulsorily applied conversion, primarily on the grounds of the resulting loss of their mana and turangawaewae. Tiaka Omana, the member for the Eastern Maori electorate, held the view that even the smallest interest in Maori land bestowed speaking rights on Maori. Losing those land interests would set Maori adrift from their tribe, and take away their speaking rights. Omana pressed for incorporated lands to be excluded from the conversion provisions, and predicted that hundreds of Maori people would become landless as a result of the policy.33

The department expected Maori to oppose conversion on these grounds. It suggested that if speaking rights derived solely from a proprietary right in the land, tribal reservations could be created with ownership vested in the named members of the tribe.34 In 1960, Hunn suggested a major cultural shift to base turangawaewae on home ownership. These suggestions did little, if anything, to appease those Maori who argued for the preservation of turangawaewae in a traditional sense. Hunn pointed out that in some districts people regarded conversion as a kind of confiscation. However, he felt that conversion achieved the very opposite of confiscation by keeping Maori land in Maori ownership and offered the slogan 'convert and hold; fragment and lose'.35

Despite widespread opposition to conversion, the basic principle had received support from some Maori, mainly development scheme farmers. Once the process became available, many Maori sought to convert their shareholdings. There were always Maori land owners who insisted on succeeding to and keeping every interest to which they were entitled, no matter how small. Some people even refused to enter into family arrangements. But there were also people who were quite comfortable with the live-buying procedure, and offered their interests for sale to the conversion fund, or to other owners. In the Taitokerau district, where live-buying was most commonly used on land development schemes, land owners who sold their interests this way were often also housing applicants with the department. They would use the money received from the sale of their shares to assist with new housing, furnishings or renovations.36

Family arrangements could preclude compulsory conversion. In fact, the Maori Trustee insisted that the greatest emphasis ought to be put on encouraging families to make their own arrangements.37 Arranged successions allowed the family of any deceased owner to distribute the available land interests strategically, so as to avoid creating uneconomic interests. For example, a family of seven succeeding to interests worth £60 in each of five blocks, might agree to

34 Conversion Policy Scheme, 1952-55, MA 1, Accn W2490, 68/3/pt 1, NA.
35 Hunn, p 52.
36 Title Improvement and File Reconstruction Returns, Whangarei, 1955-71, MA 1, 68/2/1 vol 1, NA.
37 Conversion Policy Scheme, 1952-55, MA 1, Accn W2490, 68/3/pt 1, NA.
having only two successors in each block, thus keeping the value of the succeeded interests above £25. In 1957, an amendment to the legislation strengthened the provisions for arranged successions by introducing the ‘£10 rule’, which allowed the court to exclude eligible successors in favour of others and without payment, provided the share of each excluded person did not exceed £10. Arranged successions quickly provided the department with examples of successful title improvement operations. The department also liked to practise consolidation of title. The court could make an order which tidied up extensive lists of owners, and used a combination of the Act’s provisions, such as gifts and sales between owners, to eliminate small interests. Conversion often worked most successfully when applied in conjunction with these and other available methods of title improvement.

Like consolidation, conversion created a huge workload. Head office drafted and redrafted the department’s policies and procedures affecting conversion. It sent out interim advice and comprehensive instructions to district offices about every aspect of conversion. Staff had to create nominal indexes and vast filing systems to support the scheme. New kinds of registers were established, and the massive increase in workload for the title officers became a real concern for districts. In fact, virtually every aspect of conversion created its own sub-bureaucracy. The bureaucracy reached into the Maori community, as staff networked with Maori organizations, such as tribal executives and committees, to contact absentee owners, or families who might be interested in buying converted shares.

In practice, the department found that a number of variables affected its approach to title improvement in each district. There were regional variations in types of problems and the relationships between people and land. In some districts land was comparatively more valuable and owned by fewer people. In other areas the land was more densely populated and fragmented. Consequently, the methods that obtained the best results varied from district to district. For example, Gisborne did not use the combined partition procedure to any great extent. It found that consolidation provided the desired results. Auckland felt similarly, although Auckland had used combined partitions, but not to the point where live-buying was part of the process. The Taitokerau district had used both combined partition procedures and arranged successions for many years, even prior to the passage of the 1953 Act. Regardless of regional variation, the department endeavoured to use compulsory methods of title improvement only as a last resort. Its preference was to promote family arrangements and, in some blocks of Maori land, regularly consult with representative owners.

More than one district office objected to the provisions for family arrangements. Some districts found it difficult to get valuations for each arranged succession. In most cases of arranged succession the department had trouble contacting all the people concerned. This particular difficulty was compounded by the huge proportion of successions to people who had been deceased five

38 ibid.
39 ibid.
years or more. In 1966-67 70% of all successions, excluding those in the Waikato-Maniapoto district, were for people who had been deceased for more than five years, and nearly 80% of those for more than ten years.\textsuperscript{40} Contacting absentee owners by letter could present a formidable task, and sometimes, even when all owners responded, the refusal of one owner could upset any arrangement. The districts which objected to arranged succession said it made what was formerly a simple process a Herculean task. A great labour resulted in a small result, and the efforts of the staff were best directed elsewhere. However, the Maori Trustee would only intervene to apply conversion compulsorily once staff had done their best to implement a family arrangement.\textsuperscript{41}

Contrary to what other districts said, the district officer at Whangarei felt the court ought to investigate the possibility of arranged succession at every opportunity. Head office was anxious that, once the good work of title improvement was completed, a check be kept on successions to prevent further deterioration of the titles, even asking district officers to recommend a plan for monitoring successions and avoiding continual fragmentation of interests. The district officer at Whangarei said it was largely up to the court to control further deterioration of titles. He went so far as to argue that the court should have wide powers to press for arranged successions. To be fully effective though, a policy of arranged successions had to be based on reliable and complete information from the nominal index of land within each district. This suggestion meant more work, especially in districts where preparation and maintenance of the nominal index was deficient.\textsuperscript{42} In the long term, effecting succession rather than monitoring it has remained a primary function of the court.

In some districts, live-buying became a popular application of the conversion fund, for staff and landowners alike. It was sometimes common for owners to approach the conversion staff to sell land interests. For some staff, live-buying became an option for avoiding making family arrangements. While the Maori Trustee supported this method, he warned that it must proceed cautiously, and not be used to avoid other work such as that involved with arranged successions. Early instructions advised against using anything like a general high-pressure campaign for purchase, except in special, undefined circumstances. As the department publicly stressed on a number of occasions, agreement of the owners was preferred. Compulsion would only be exercised as a last resort.

To prevent the unwanted accumulation of uneconomic shares in the conversion fund, districts were instructed to proceed with live-buying with a particular end in mind, such as providing freehold tenure, or helping small farmers to add to their holdings. Live-buying should only occur when there was an owner to purchase the shares. This aspect occupied considerable debate throughout the 1950s. Both the minister and the Maori Trustee stressed that quick turnover of the converted shares was of the essence. The trustee never intended becoming saddled indefinitely with numerous fiddly interests in Maori land. The minister

\textsuperscript{40} Proposed Crown Conversion Schemes, 1967, MA 1, 1/16/19, NA.
\textsuperscript{41} Conversion Policy Scheme, 1952-55, MA 1, Accn W2490, 683/pt 1, NA.
\textsuperscript{42} ibid.
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saw the Maori Trustee as an intermediary between owners of uneconomic shares and other owners who could increase their holdings by buying those shares. He hoped that owners of larger shareholdings would be only too happy to avail themselves of the benefits of conversion. When conversion was used on development schemes its benefits were most apparent, for it was a useful tool for establishing secure tenure for scheme farmers. The Taitokerau district office also regarded the application of conversion in development schemes as very advantageous because it gave the department greater freedom to choose settlers.

It is difficult to determine just how committed the department was to preventing mass accumulation of uneconomic shares. The balance between buying and selling, or converting uneconomic shares, did not last in the long term and contrary to the original intentions, the trustee became the owner of a substantial stock of uneconomic shares. Table 3 illustrates some accumulation of uneconomic shares in the conversion fund, showing also the variation between districts. Tairawhiti had disposed of 83% of the interests it had acquired, compared to less than seven per cent disposed of in the Ikaroa district. By March 1960 the Maori Trustee had spent £125,403 in buying 12,886 uneconomic interests and had disposed of 7,000 of those interests valued at £87,260.

<table>
<thead>
<tr>
<th>District</th>
<th>No. of blocks</th>
<th>Interests bought</th>
<th>Interests sold</th>
<th>Acres in conversion fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aotea</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Ikaroa</td>
<td>22</td>
<td>808</td>
<td>6</td>
<td>688</td>
</tr>
<tr>
<td>Tairawhiti</td>
<td>562</td>
<td>854</td>
<td>710</td>
<td>529</td>
</tr>
<tr>
<td>Waikato</td>
<td>176</td>
<td>211</td>
<td>77</td>
<td>-</td>
</tr>
<tr>
<td>Tokerau</td>
<td>371</td>
<td>4868</td>
<td>2818</td>
<td>9100</td>
</tr>
<tr>
<td>Waiariki</td>
<td>362</td>
<td>1215</td>
<td>763</td>
<td>451</td>
</tr>
</tbody>
</table>

Source: MA 1, 68/2/1 vol. 1, Title improvement and file reconstruction, NA.

Perhaps more telling than the statistics showing the turnover of uneconomic shares are those showing the reduction in numbers of owners as a result of title improvement. A sample of five blocks in the Wellington and South Island districts in 1958 shows that, as a result of consolidated orders, the number of owners in each block reduced by between 57% and 97%.

By 1960, consolidation schemes, combined partitions, consolidated orders and amalgamation

43 ibid.
44 Title Improvement and File Reconstruction Returns, Whangarei, 1955-1971, MA 1, 68/2/1 vol 1, NA.
45 AJHR, 1960, G-9, p.23.
46 AJHR, 1958, G-9, p.18.
orders had eliminated almost 90,000 interests that would otherwise have been included in existing land titles. In addition 5,614 arranged successions completed over a six-year period since April 1954 had kept 29,070 successors from entering into the titles.\(^{47}\) Table 4 uses a sample of schemes in Taitokerau to show the extent to which live-buying removed shareholders from Maori land titles. On average, Taitokerau reduced the number of owners in these schemes by 78% by live-buying.

**Table 4: Reduction in number of owners by live-buying (schemes in Taitokerau) 1967**

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Purchase period</th>
<th>No. of owners when live-buying began</th>
<th>No. of owners now (1967)</th>
<th>Reduction in no. of owners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awarua</td>
<td>4 months</td>
<td>258</td>
<td>69</td>
<td>73.25%</td>
</tr>
<tr>
<td>Te Horo</td>
<td>6 yrs 8 mths</td>
<td>600</td>
<td>140</td>
<td>76.66%</td>
</tr>
<tr>
<td>Oromahoe</td>
<td>5 months</td>
<td>495</td>
<td>189</td>
<td>61.81%</td>
</tr>
<tr>
<td>Parengarenga</td>
<td>10 years</td>
<td>1,411</td>
<td>207</td>
<td>85.32%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2,764</td>
<td>605</td>
<td>78.11%</td>
</tr>
</tbody>
</table>

Source: MA 1, 1/16/19: Proposed Crown Conversion Schemes - data, 1967, NA.

In the examples presented here, the vast majority of the owners from whom the department purchased interests by live-buying were living away from the lands concerned. Most of those owners who sold their interests, were resident elsewhere within the Taitokerau district, particularly in Auckland and Whangarei. But there were also others living as far away as Hamilton, Hastings, Rotorua, Gisborne, New Plymouth and Timaru. About 6% of the interests described in this table were valued at more than £25. Most of that 6% were valued at between £25 and £50, but the department also purchased interests valued up to and more than £1,000.\(^{48}\)

As it was, the definition of an uneconomic share was fairly arbitrary. In some parts of the north land was so cheap, in extreme cases valued at only a shilling an acre, that many owners just could not assemble £25 worth of interests. A huge proportion of owners was simply struck off the ownership list. One of the consequences of removing such large numbers of owners, from the bigger blocks especially, was that the Crown became a major shareholder in Maori land. The idea at the time was that the Crown would eventually partition out its interests and promote settlement, quite contrary to its earlier position of preventing unwanted accumulation of uneconomic shares. For many blocks, the anticipated partitions did not and have not happened. As a former development officer commented, ‘There were obviously some gross excesses in that whole [conver-
sion] process, and what I’ll never forget is the diagonal red line through whole pages in the ownership lists, striking people off . . . . There is an absurdity up here [Taitokerau] in a whole array of blocks where the Crown is a major owner, even the sole owner!  

What might now be described as gross interference and illogicality occurred throughout the country. The opinions of the people involved differ as to who the key officials were who affected the level of conversion attained in each district. Oral accounts debate whether individuals in the court or in the department were the most influential. One line of argument is that the achievements of title improvement in each district rested with the district officer, who was ultimately the responsible head of the district office.

This debate points to some of the tensions that existed between the department and the court over title improvement, and the rights of the owners versus the legal powers of the Crown. Judge Kenneth Gillanders Scott, who operated first from the Taitokerau court and later from Waiau, would not apply the conversion provisions if he had discretion to do otherwise. The district officer at Rotorua expected the judge’s approach to create difficulties when proposed legislation suggested the value of an uneconomic share be amended to £50. At the time, the largest proportion of successions concerned people who had died more than five years earlier. Therefore it was unclear whether or not the provisions of the 1967 Act would apply to these successions. The district officer was concerned that Scott would apply the £25 value unless the Act clearly put it beyond doubt that the court must apply the £50 value.

The court’s management of Maori land titles often operated alongside the department’s land development work. It was in the overlap between the two sets of duties that the tensions between the court and department flourished. From the court’s point of view, the tension that existed arose out of its desire to maintain its judicial independence, and not to be captured by departmental policy. These tensions were not present in all districts. As oral accounts suggest, the tensions that did exist often revolved around particular individuals. In some districts, the court and the department would happily co-operate. For example, the judge, district officer and farming supervisor might actively collaborate by agreeing the preferred results of an amalgamation application before the application came before the court. In other districts, the judge would insist that the district officer or development staff discuss their intentions of title reform in court, with both judge and owners present. There have been cases of judges refusing departmental attempts to reform title by applications for amalgamation, for example. Yet in other cases the department accused the court of imposing amalgamation orders on unwilling owners. In hindsight, the court in its various districts made

49 Personal communication, former Development Officer of the Department of Maori Affairs (DMA), 19 October 1995, Whangarei.
50 Personal communication, former District Officer and former Development Officer of the DMA, 19 October 1995, Whangarei.
51 Proposed Crown Conversion Schemes, 1967, MA 1, 1/16/19, NA.
52 Personal communication, Judge of the Maori Land Court, 23 August 1995, Wellington.
53 For an example, see A. Miles, Te Horo Development Scheme, Wellington, 1993, p.40.
both productive and unproductive decisions, sometimes while implementing departmental policy, and sometimes while acting as an independent judiciary.

After more than a decade of using the various tools for title improvement provided by the 1953 Act, the department could comfortably produce evidence of success in the turnover of uneconomic shares, reduction in number of owners, and exclusion of potential new owners on succession. Yet it seems the government wanted to press title improvement even further. It had received some advice from Hunn in 1960. He had recommended that the £10 rule be increased to £50; that the definition of an uneconomic share be changed to £50 also; and that live-buying be carried out on a larger scale.\(^{54}\) However the government chose to act on the recommendations of the 1965 Prichard-Waetford report instead.

Ivor Prichard, a former Judge of the Maori Land Court, and Hone Waetford, a Maori interpreter, were appointed to inquire into Maori land legislation and the powers of the Maori land court. In establishing the committee of inquiry, the government identified its primary concerns as finding measures for improving titles to Maori land and making better use of Maori land. The terms of reference asked Prichard and Waetford some specific and leading questions, requiring an examination of hypothetical legislative amendments regarding ownership rights and the removal of differences in the legal status of Maori and European (now General) land. Prichard and Waetford rose to their challenge, working to a very short timeframe. But Maori greeted their work with significant critical commentary. Their report flowed from the age-old and basic premises that fragmentation remained the prime evil in the Maori land title system, and it was the solemn duty of the Maori landowner to bring his or her land into full production.\(^{55}\) Their recommendations, and the Maori Affairs Amendment Act that resulted, belie the Maori Trustee’s concern to avoid undesired accumulation of Maori land interests, and the court’s commitment — in some districts at least — to preventing owners from losing their interests and promoting owner control.

Maori criticism of the Prichard-Waetford report was organized and widespread. National, regional and local organizations, Maori individuals and groups, both rural and urban, all voiced their concerns. The Maori Women’s Welfare League, the New Zealand Maori Council, Maori university students and graduates, Maori incorporations, Maori executives and committees all participated in responding formally to the report. Despite this concerted reaction, the government pressed on with new legislation that was based primarily on the findings and recommendations of the report. The Minister of Maori Affairs, J.R. Hanan, rejected Maori criticisms of the proposed legislation. He saw no reason to withhold or amend the legislation despite Maori concerns that the Bill was passing through the house too quickly. Nor would Hanan agree to work cooperatively with Maori representatives to undertake a joint enterprise. The Maori members of parliament persisted with opposition to the incoming legislation in the house, but ultimately to no avail. Yet in 1968, the department said it would

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\(^{54}\) Hunn, p.59.

not insist on title improvement in the face of widespread opposition, an approach that was to some degree contradictory to that which government had taken so far.\textsuperscript{56}

The Maori Affairs Amendment Act 1967 increased the value of uneconomic shares from £25 to £50, the same level of increase that Hunn had recommended in 1960. The Prichard-Waetford rationale for increasing the value of uneconomic shares was that the increasing number of urban Maori migrants would prefer to have the cash value of their interests. This rationale was not a new concept. The department already knew that the proceeds of live-buying financially assisted those Maori who were moving to town. Hunn too had suggested that before long Maori would prefer urban real estate to infinitesimal interests in Maori land. The rationale was something of an anomaly. People migrating to the city had access to the live-buying procedure, and were not therefore restricted by any definition of uneconomic. As the previous evidence shows, the department had already been live-buying interests above the £25 ‘uneconomic’ value. Increasing that value had no impact on the owners’ ability to sell any shares using the live-buying method.

The first part of the Act introduced the four-owner rule — a compulsory declaration of status — which allowed the court to declare any Maori land owned by four or fewer owners to be European land.\textsuperscript{57} This process effectively removed the land concerned from the jurisdiction of the Maori Land Court, thus removing any restrictions or protections against its alienation. The Labour government eventually repealed these provisions in 1973, acknowledging widespread Maori dissatisfaction with the procedure. But the court had already made a significant impact. In 1970 alone the court had made 3,410 declarations of status, only 17% of which had been at the owners’ instigation.\textsuperscript{58}

The Labour government’s Maori Affairs Amendment Act of 1974 was an attempt to repair the infringement of rights by the 1967 Act. It repealed the conversion fund scheme discontinuing the Maori Trustee’s powers to acquire compulsorily uneconomic interests. It allowed Maori owners of European land to apply to have its status changed back to Maori land. The Act changed the quorum required for meetings of owners from three owners to 75% of the shares in the land. The Board of Maori Affairs was abolished and replaced with a Maori Land Board, and Maori Land Advisory Committees were established in districts to assist with title improvement work, implement government policy at a local level, and exercise any powers delegated by the Maori Land Board.\textsuperscript{59}

So, in the 1950s and 1960s, it seemed that title improvement dominated the work of the Maori Land Court, and was constantly in the background to the department’s development schemes. Maori people’s responses were varied, ranging from vehement opposition to active support and participation. Mostly though, opposition to title reform prevailed. The 1967 Act was on a continuum

\textsuperscript{56} Kawharu, pp.251-93.
\textsuperscript{57} Maori Land Policy and Procedure, 1967-68, MA 1, Accn W 2490, 68/5 pt 1, NA.
\textsuperscript{58} CFRT, \textit{Manual}, pp.443-5.
\textsuperscript{59} The Maori Affairs Amendment Act 1974.
of ‘blows’ struck at the preservation of Maoritanga,\(^6^0\) and was quickly labelled the ‘last land grab’.\(^6^1\) Regardless of whether Maori opposed or participated in title reform, it is worth noting that other solutions were available for dealing with multiply-owned and fragmented Maori land. Section 438, trusts and Maori incorporations, facilitated the management of multiple ownership, as opposed to calling for title improvement. The trusts and incorporations provided owners with a structure for controlling their own land and transcending the difficulties usually associated with multiple ownership.

Incorporation of owners or some system of trusteeship has been available to Maori land owners to administer their lands from early in the century. These options allowed multiply-owned lands to be administered as if owned by one body corporate or trust. Initially they operated most popularly on the East Coast and parts of the Bay of Plenty. The trusts and incorporations were able to attract private financial assistance, and operated along the same lines as a company. Ngata described incorporation as ‘an adaptation of the tribal system’, the traditional hierarchy of chiefs being represented by the incorporation’s committee of management.\(^6^2\) Hunn regarded incorporations as an expression of the principle of sole ownership, and sole ownership of Maori land, in perpetuity, was the best ultimate goal of title reform in his view. According to Hunn, the ideal remedy for the ills of multiple ownership was for all Maori tribes to be incorporated by statute as land-owning bodies. The incorporations could buy up all uneconomic interests in their tribal districts, and eventually become the sole owners of all tribal land, in trust for all members of the tribe. Thus, incorporations could both attend to the obligations of tribe and kin while reforming Maori land title.\(^6^3\)

Since the 1950s, the department assisted the owners to incorporate before handing back their development scheme stations. Every person entitled to an interest in the land vested in the incorporation became a member of the body corporate. A committee of management, appointed from the owners, exercised the powers of the incorporation. The incorporation’s objects could include occupying and managing the land as a farm or any other agricultural or pastoral business; growing timber; mining; or alienating the land by sale, lease or otherwise. The legislation set minimum requirements for incorporations entering contracts, and required the incorporation to present annual reports and annual statements of the value of its assets and liabilities to the court.

While the department appreciated that incorporations could act in a business-like manner, it remained concerned that incorporations, like consolidation schemes, and like trusts, failed to address the real issue of multiple ownership. In addition, Hunn was concerned that the department had no responsibility for the efficiency of incorporations, and he suggested that the Minister of Maori


\(^6^2\) Ngata, pp. 139-40.

\(^6^3\) Hunn, pp. 58-60.
Affairs be given greater powers over incorporations, including a ministerial representative on the committees of management. From the late 1960s, incorporations really matured as a Maori land management system. In 1974, 170 incorporations were farming 755,000 acres and carrying 97,270 head of cattle and 674,700 sheep. Many incorporations had diversified, moving into other activities such as afforestation and selective milling, horticulture and tobacco growing.

Section 438 trusts became popular in the 1970s and 1980s. A 438 trust was created under section 438 of the 1953 Act. The court could vest any land owned by Maori in a trustee or trustees. The trustees held the land on the owners’ behalf, subject to responsibilities the court declared in the trust order. In business dealings, the trust could act as if it were an individual owner, a single legally contracting entity. The 438 arrangements allowed trusts to manage numerous blocks as if they were one, and regardless of the number of land owners or the economy of their shares. The trusts offered a popular alternative to departmental control of the land and imposition of title improvement.

Despite their popularity, there was some early opposition to 438 trusts within the department. Originally, the government had not intended the court to use section 438 widely, but only occasionally, when appointing a trustee to manage difficult situations seemed a useful remedy. However, some Maori Land Court judges who held the view that owners, and not the department, should manage Maori land used section 438 to assist owners to get around departmental control. Oral accounts credit Judge Scott for first applying section 438 on any significant scale, initially in Te Taitokerau and then in the Waiariki district. The trusts preempted any designs the department might have had on the land for inclusion in the development schemes, and provided a structure for owners to manage their land in a way that was less prescriptive than incorporation.

A popular application of the 438 trust was to create a single trust over numerous titles. This application meant that regardless of the composition of the titles included in the trust, the land could be farmed or leased as a single farming unit. In contemporary times, owners have found some cause for complaint about 438 trusts because, for example, they lost their individual rights. But at the time, the trusts were a suitable measure for establishing Maori control of Maori land before the department stepped in with its own designs on the land. In the 1990s, owners’ complaints are relieved somewhat by the introduction of a new range of trusts which include provisions for families to pool their scattered shares.

In more recent years, the title reform provisions first introduced in 1953 have been largely reversed, and the trend towards owners’ control of Maori land

64 Hunn, pp.60-2.
65 Metge pp.117-20.
67 Whether or not the trusts were less prescriptive than incorporations is a matter for debate. While the owners could in theory write their own trust orders, the court did provide pre-written orders which detailed very specific powers.
68 See for example, Miles, pp.2-3, 24-30.
encouraged. The owners from whom the Maori Trustee has compulsorily purchased shares have been able to buy back their shares. Other arrangements have been available for buying back interests the trustee acquired by live-buying.69 The most recent consolidation and extension of Maori land legislation, Te Ture Whenua Maori Act 1993, has continued and strengthened the trend towards owner management of Maori land, mainly through section 438 trusts and Maori incorporations. The new legislation offers a range of new kinds of trusts.70 Oral statements indicate that Maori people appreciate the new trusts, often more than any other provisions in the legislation. They are an attempt, however belated, to facilitate Maori control of Maori land while averting continual fragmentation of Maori land and without denying people their rightful inheritance. The trusts represent a shift from owning a share in a piece of land to owning a right to derive benefits from it.71

The state continually influenced and shaped the Maori land development environment by applying itself to improving Maori land aiming to bring all Maori land into full production, and working towards the achievement of social and economic equality between Maori and Pakeha. Politically, and in practice, title improvement was integral to the schemes. Multiple ownership of Maori land was a major justification for devising the development schemes in the first place, because Maori land presented such an unattractive security for financiers. The development schemes provided an opportunity to develop Maori land regardless of the nature of the title. But political pressure to reduce the number of owners in Maori land remained influential until recent times. In the government’s view, communal ownership of Maori land worked against the goal of bringing all Maori land into full production. It hindered the cultural adjustment of Maori people to mainstream society, and indulged sentimental attachments to valueless interests. Sole ownership or controlled ownership, however, encouraged Maori farmers to maximize production on land they could call their own, and about which they could make decisions without being fettered by obligations to whanau and tribe.

Decades of effort, and human and material resources were put into consolida-
tion, conversion, amalgamation and other devices of title improvement. Consoli-
dation proved successful in particular pockets around the country, but was a lengthy, cumbersome and expensive process. Conversion relieved tens of thousands of owners and potential owners of their uneconomic shares, and provided the state with a stock of small and fragmented interests. Ultimately though, the great emphasis placed on title improvement was unwarranted. Ample means to develop Maori land regardless of ownership were provided by legislation. No title improvement method ever prevented what the government

69 For example, see Miles, appendix 9.
71 Personal communications: Judge of the Maori Land Court, 23 August 1995, Wellington; former chairperson of a Hokianga incorporation, 28 August 1995, Whangarei; and former District Officer and former Development Officer of the DMA, 19 October 1995, Whangarei.
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considered to be the root of the problem: succession, which entered new owners into the title every time an existing owner died. In the long term, Maori land has remained multiply-owned and fragmented, without hindering its development. And, ironically, the preferred methods for managing Maori land — trusts and incorporations — actually allow multiple ownership to proliferate while at the same time letting the owners get on with the core business of profitable land utilization.

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