

is that Barclay's pioneering work contributed to a growth of cultural self-confidence in indigenous filmmakers in New Zealand, and continues to exert an international influence.

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*The Native Land Court, Volume 2, 1888–1909: A Historical Study, Cases and Commentary.* By Richard Boast. Thomson Reuters, Wellington, 2015. 1146pp. NZ price: \$246. ISBN: 9780864729217.

The Native Land Court has gained a reputation as an 'engine of destruction' for its pivotal role in the transfer of millions of acres of New Zealand to Pākehā ownership in the nineteenth and early twentieth centuries. With two published volumes covering the period from 1862 to 1909 and a third planned, Richard Boast has at last made a large selection of its decisions available in print, 135 in the first volume and 105 in the current. Each judgment is prefaced by a historical and legal introduction and there are 250 pages of analysis of major legal and political developments.

Particularly interesting is an essay on the development of procedure and doctrine 1865–1900, in which Boast criticizes several shibboleths of the current historiographical orthodoxy, in particular claims that an adversarial court, taking cognisance only of testimony presented in court, was antithetical to Māori interests. He lists a dozen cases where judges and assessors went on long trips to inspect boundaries and occupation on the ground. 'I have been surprised', he writes, 'by the extent to which the Native Land Court conducted site inspections' (p.115), and in many cases judges and assessors were involved in questioning witnesses. He also supports Judge Fenton's decree that decisions would be based only on evidence presented in court: 'It would be especially blameworthy for a judge to make a decision based on matters which were known personally to him- or herself, but were not disclosed in court to the litigants ... [this] would probably amount to judicial misconduct' (p.112). He notes, with approval, Fenton's Orakei case dismissal of purchases by the Crown as evidence of ownership, and dismisses the idea of an 1840 rule with examples of the court's pragmatic approach to consensual developments since 1840 in awards of title.

A chapter on the 1893 Validation Court and earlier precursors is somewhat sketchy on the critical issues of attempts in post-1873 legislation to require a majority of owners to endorse decisions to sell or partition for sale. For many years purchases of individual shares were void until a majority of owners had sold, at which time the purchaser could claim a majority decision had been made. There are still blocks of land on the East Coast where purchasers' titles remain incomplete, although they may own 80 or 90% of the shares by value.

Complex proceedings on the East Coast where Māori owners were persuaded to vest vast amounts of land in the W.L. Rees/Wi Pere Rees-Pere Trust and then to sell it to a soon-to-be-bankrupted New Zealand Native Land Settlement Company in exchange for shares in the company, are well covered. Connections are drawn with

W.L. Rees's chairmanship of the 1891 Rees-Carroll Commission of Inquiry, at a time when he was desperate to keep his company afloat. This commission's findings have been extensively quoted over the years by critics of the court, but Boast believes it is necessary to look at them in their context.

Further essays cover the Urewera Commissions and the Rohe Potae title investigation and subsequent partitioning of the King Country (although in both these cases the cut-off date of 1909 leaves out the second part of the story); the creation of the Tongariro National Park from the original Te Heuheu gift and subsequent Crown purchases; the 1894 re-imposition of pre-emption across the whole country; and the 1886 Equitable Owners Act, which allowed claims by people left out when land was awarded under the 1865 ten-owner rule.

The book does not cover any of the Papatupu Block Committee title investigations under the 1900 Maori Lands Administration Act. These were carried out by local kaumatua, in Māori, but followed Native Land Court procedures in presenting claims and counterclaims and allowing cross-examination of witnesses.

The 105 cases examined in depth, with notes on the historical context and verbatim judgments, are not a representative sample, being disproportionately drawn from those involving the largest blocks, and those creating important precedents. One of Boast's goals is to provide the body of case law that the cash-strapped court failed to create for itself at the time. Many of the larger blocks included were in the uninhabited backblocks of New Zealand and attracted conflicting and overlapping claims from quite distant tribal areas.

A close look at any judgments and evidence from this era shows the difficulties the judges (and assessors) had to contend with, in deciding which conflicting and sometimes mendacious accounts of occupation, gifts and conquests to believe, whether a block belonged to a local hapū or a wider iwi grouping, and to what extent only those descendants who could prove residence should be placed in the title. Blocks were often contested by multiple hapū with overlapping memberships, and in the new, monetary economy continuing local residence was no longer necessary to enjoy the fruits of ownership. Armed confrontations and murders in ownership disputes over unawarded lands were not unknown right up to the 1890s. One example of conflicting claims was in the Kawhia area, where Judge Mair and his assessor, Paratene Ngata, had to rule on the significance for ownership of the 1820s defeat and expulsion of Ngāti Toa by Waikato, and determine the interests of non-resident and resident Waikato as opposed to those of the locally resident Ngāti Hikairo.

The main criticism of the Native Land laws and the court today is the award of ownership to individuals instead of hapū, and a final section of the book looks at international trends in tenurial collectivism versus individualism, drawing comparisons with British enclosure Acts, Mexico and Indian lands in the United States.

This is the first time a significant body of decisions of the nineteenth-century Native Land Court has been available to the general public in easily digested form, with a dispassionate examination of the issues. It should be on the reading list of all those interested in New Zealand's past.

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