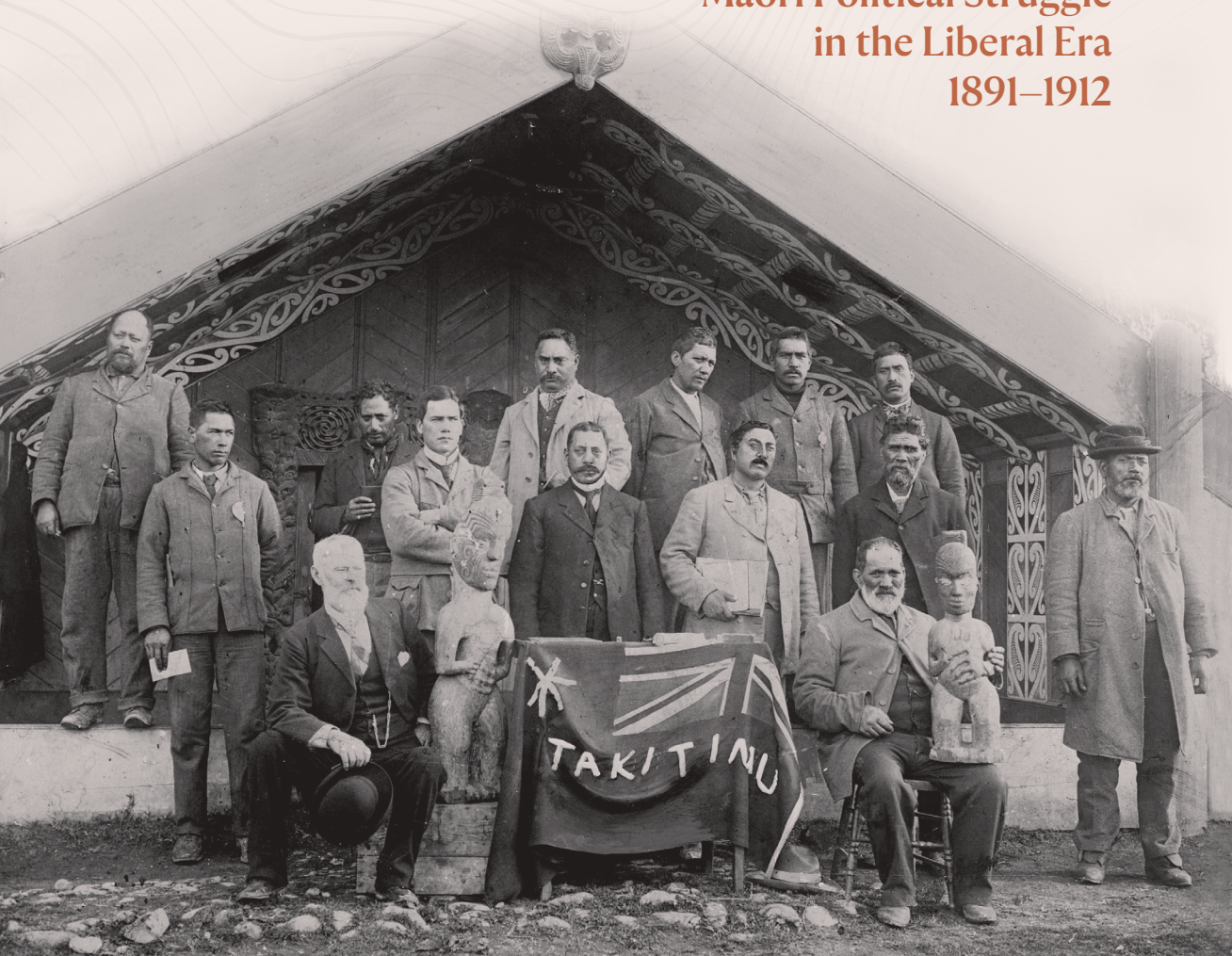


DANNY KEENAN

The Fate of the Land Ko ngā Ākinga a ngā Rangatira

Māori Political Struggle
in the Liberal Era
1891–1912



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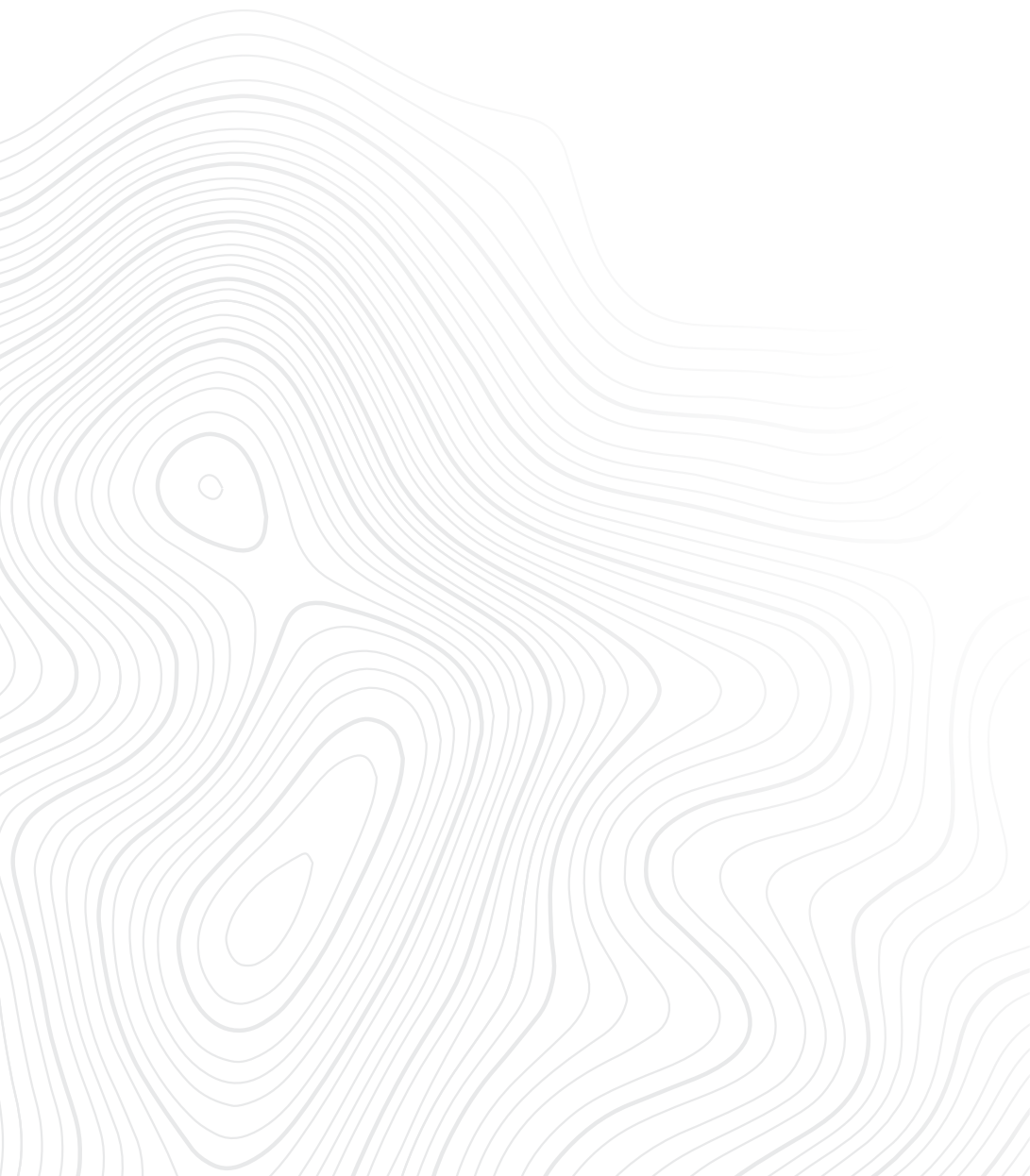
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Māori Political Struggle
in the Liberal Era
1891–1912



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For Gaylene, who makes all things possible



Contents

Introduction: Māori politics on the eve of the Liberals c.1890 7

1. Before the Liberals

Chapter One: Governing Māori before the franchise 1840–1867 29

Chapter Two: Māori land and politics in Parliament 1868–1890 62

2. Early Years of Liberal Governance

Chapter Three: The Ballance years 1891–1893 115

Chapter Four: Seddon's first steps 1893–1895 159

3. Politics of Uncertainty

Chapter Five: Grappling with Māori self-rule 1896–1897 175

Chapter Six: Seddon concedes, Carroll succeeds 1897–1899 195

4. Promises of Autonomy

Chapter Seven: Reforming Māori health 1900 215

Chapter Eight: Legislating for Māori land 1900 236

5. Moving Forward, Drawing Back

Chapter Nine: Self-rule diminished 1900–1905 243

Chapter Ten: Reviewing lands left to Māori 1906–1911 268

Conclusion: The end of the Liberals c.1912 285

Appendix 294

Notes 296

Bibliography 312

Acknowledgements 315

Index 317

Māori electorates and main centres 1891–1912



INTRODUCTION

Māori politics on the eve of the Liberals c.1890

The Liberals were New Zealand's longest unbroken government. They took office in January 1891 and survived for 21 years, across seven parliamentary terms, until July 1912. They did not govern again, though they joined a coalition government between 1915 and 1919, finally merging into a new United Party government in 1928.

This book examines the Liberal administration with a particular emphasis on its policies towards Māori, which had a detrimental and far-reaching effect. It traces Māori political involvement with the Crown from the earliest days of Pākehā settlement, before highlighting the later determined responses of rangatira who sought to engage with, and influence, Liberal government policy. The chapters that follow emphasise the innumerable political issues facing Māori, especially their pursuit of political sovereignty against a background of economic marginalisation, community privation and demographic loss.

Integral to this was the issue that most energised Māori political endeavour because the stakes were so high — the fate of the land itself. Though Pākehā largely saw them as separate matters, for Māori, political sovereignty and the land were the same thing; the land was the anchorage of te tino rangatiratanga. In the words of Māori jurist Eddie Durie, 'The land was posited as a living being from which the community derived', grounding and securing 'complex

relationship[s] between people, the natural environment, gods, ancestors and spirits’.¹

Historians have recognised the significance of the Liberal period. ‘In many respects,’ suggests David Hamer, ‘this government set the pattern for all subsequent New Zealand administrations.’ With the advent of the Liberals came political parties, party government with majority support in Parliament, a centralised administrative bureaucracy and ‘a major role in the system for a strong Prime Minister with a populist style and appeal’. The Liberals also initiated radical reforms affecting industrial conciliation, the welfare state, state housing and state provision of cheap credit. The governments that followed would inevitably be ‘an extension and modification of the fundamental aspects of Liberal policy’.²

As the Pākehā political landscape changed immeasurably after 1891, so, too, did Māori politics and Māori engagement with the Crown. Māori organised across tribal lines, grounded in pā and papa kāinga, commanding the attention of government. Such a concerted and dynamic political response has not been well recognised by histories of this period. Yet the resolute defence of Māori interests by Māori, for so long and in the face of such immense state power, constitutes a history well worth telling.

Māori political engagement during the Liberal era can be traced back to the Crown colony era of the 1840s when governors and early officials — and rangatira — wrestled with a range of political issues, not least the assigning of some autonomy to Māori who were determined to maintain their customary hold over the land. Unresolved issues of autonomy and political representation continued into the 1850s as the machinery of colonial government was ratified and imposed on Māori. By the 1860s, the Crown was well on the way to taking full control of Māori interests, including the processes of land dispossession.

Over the 23 years that followed the belated awarding of the franchise to Māori in 1867, 21 Māori men were elected as new members of the House of Representatives (MHRs) before 1891. Although uncertain of House rules and

restrictions, Māori members soon came to grips with Parliament, recognising its critical role in the exercise of Pākehā power over Māori. And the number of rangatira who were elected to Parliament between 1868 and 1890, or who operated beyond the parliamentary fold, attests to the significant levels of Māori political engagement with the Crown before the Liberals were elected.

Although only another six Māori entered Parliament over the remaining years of the Liberal administration, this does not represent a weakening of Māori political resolve. Rather it attests to the extraordinary stability, if not the effectiveness, of the Māori parliamentary presence during the Liberal era. Most sitting Māori members served multiple and lengthy terms, well supported by their extensive constituencies.

Once in power, the Liberals began a programme of substantial social, electoral, industrial and land reform. But there were few gains for Māori. The Native Land Court was constantly strengthened, but much of the special machinery of Māori administration, such as the Department of Native Affairs and resident magistrates, was soon abolished.

Critical if very nuanced fault lines emerged. There was little agreement among rangatira about continuing to engage with the Crown. Significant numbers of Māori sought other, non-parliamentary pathways to independence through such bodies as the Ōrākei Parliaments, Te Kotahitanga or the Kīngitanga.

After 1893, Māori political activity and involvement, across the spectrum of opinion, had an unprecedented vitality and dynamism. A new Liberal ministry, and a new premier, consulted directly with Māori in pursuit of land reform, visiting many isolated pā and papa kāinga, canvassing legislative options while resisting growing Māori pressures for a vestige of political autonomy.

Moves by Māori to set up a Māori polity independent of Parliament had begun in 1858 with the establishment of the Māori King Movement at Rangiriri. Other movements had followed, such as the Ōrākei Parliaments established in Auckland after 1879 and Te Kotahitanga, inaugurated at Waitangi in 1892. But these initiatives, widely supported by Māori, had not been sanctioned by the government.

In 1896, however, the government granted limited legislative autonomy to Tūhoe of Te Urewera, with the promise that such autonomy might also be extended to other native districts. Originally mooted in 1840, native districts

were those tribal regions where Māori continued to live under traditional custom. As the government encroached on those regions, however, the term came to mean tribal areas still substantially populated, and largely controlled, by Māori.

By 1896, Māori in Parliament had persuaded the Liberals to compromise, with Māori conceding a measure of rangatiratanga in exchange for Crown concessions on certain aspects of its otherwise tenacious land reform programme. But continuing Crown consultations with Māori about land reform came to nothing. Without further concessions to tribal autonomy, Māori continued to resist Crown encroachment over their holdings. In 1899, after the failure of significant legislative proposals, the government conferred with its Māori members, insisting that Māori themselves now devise appropriate legislation that might meet their needs and those of the government.

As a consequence, a network of tribal Māori councils was established in 1900 to deal with a severe health crisis afflicting Māori. These councils granted pā and papa kāinga broad powers to manage limited resources and subsidies in the interests of addressing the widespread health and sanitation emergency.

In the same year, Māori land councils were set up so that Māori and the Crown could work together to make Māori lands available for Pākehā acquisition and economic development. This legislation gave Māori a measure of control over land disposal, but few Māori were persuaded to support it. Both sets of councils were supported by Te Kotahitanga, influenced by the promise of administrative, if not political, autonomy. Elaborate networks were established to support both initiatives. James Carroll and senior officials spent immeasurable hours travelling the country, visiting isolated papa kāinga, exhorting Māori to comply by divesting land, but the results were disappointing, for Māori parliamentarians and the Crown. As a consequence, Crown resourcing and political support for both networks began to wane after 1905, with incremental, amending legislation unravelling the land councils in particular. Pressure from Pākehā to significantly increase the rates of land available for acquisition also continued to mount.

By 1909, with neither council network still functioning, there was a review of all lands left to Māori. Māori were asked to nominate lands that they wished to retain and develop. All other lands could be deemed surplus and divested

to the Crown. Māori parliamentarians made the best of these developments, reluctantly conceding to Crown pressure to acquire and develop as much 'surplus' Māori land as possible, and once again urging Māori to comply. By 1911, the government's land policies had run their course and Māori had sustained immense losses. Aspirations for a vestige of Māori autonomy had also faded. The government's failure to deliver lands for ready acquisition by Pākehā was one reason among many for the demise of the Liberal government in 1912.

By the end of the Liberal period, it was clear that rangatira had fought hard for their people, at huge political and personal cost. Although such pressure had led to some government recognition of Māori grievances, any political achievements had not endured.

Given the interests of their small-farming constituents, Liberal leaders, initially at least, assigned great importance to devising attainable land acquisition policies. To achieve this, recruiting Māori support was considered essential.

Of the five Liberal premiers or prime ministers, the first two — John Ballance and Richard John Seddon — both served as native minister, at some stage, establishing creditable relations with Māori. The third premier, William Hall-Jones, served briefly between June and August 1906, awaiting the return of the next appointee, Joseph Ward, who was overseas. During his six years as prime minister, Ward showed only a marginal interest in Māori issues. He was replaced in March 1912 by Thomas Mackenzie.

While he was native minister during the 1884–87 Stout–Vogel ministry, Ballance had demonstrated his interest in land reform by seeking to reverse a Crown policy of direct purchase, or 'free trade', in Māori land which had been in place since 1862. This allowed Pākehā to purchase land directly from Māori, with negligible Crown involvement, intervention or restraint. Ballance had tried to end direct purchase by installing a series of management committees partly controlled by Māori themselves. However, despite his extensive consultations with rangatira, Ballance's legislation had failed to deliver lands for Pākehā settlement, as he had hoped.

After 1887, a new conservative ministry headed by Harry Albert Atkinson had quickly overturned Ballance's legislation, restoring direct purchase. After all, argued the new native minister, Edwin Mitchelson, free trade was what Māori had wanted all along and they had treated Ballance's committees with suspicion, if not derision. To some extent, Mitchelson was right. Māori had largely refused to cooperate with Ballance, preferring Atkinson's direct purchase or, at least, the ability to act independently, 'allowed to sell and lease their own land without the intervention of Government'.³

As Liberal premier, Ballance now had a second opportunity to legislate concerning access to Māori land. This time he instituted Crown pre-emption, which reserved the sole right of land purchase to the government. In fact, pre-emption was introduced with some urgency because of pressure from Pākehā constituents who hoped to own small plots of land themselves, located within close communities. Ballance's measure gave rise to a flood of Liberal acts that would, despite determined resistance, deprive Māori of millions of acres of their customary holdings. By the 1890s, after four decades in power, Pākehā governments exercised enormous administrative and political power. Māori opposition, devised since the 1840s by a largely far-flung leadership, was resolute but always subject to structural forces over which Māori had little control — the radical nature and rate of land tenure reform; massive losses of land and resources; economic marginalisation of pā and papa kāinga; disempowerment of iwi and hapū as functioning political and cultural centres; and, especially, the egregious losses affecting tribal populations.

By the time the Liberals came to power in 1891, population disparities between Māori and Pākehā had caused a significant electoral disadvantage for Māori since the legislative control imposed by the earliest settler governments

The Parliament inherited by Ballance's administration comprised 74 members, four of whom were Māori; with four more general electorate seats added in 1900.⁴ In the 1890 election, general electors — overwhelmingly Pākehā — and Māori electors had voted on different days, as they had done



John Ballance, c.1880. Ballance represented Rangitikei/Wanganui in Parliament from 1875–81 and 1884–93. As native minister from 1884–87, Ballance offered Māori a semblance of control over land sales through a network of state-sanctioned tribal committees. However, as the first Liberal premier from 1891–93, with a new constituency now to consider, Ballance reverted to pre-emption and direct Crown purchase. ALEXANDER TURNBULL LIBRARY, 1/2-070344-G

since 1867. Pākehā went to the polls on 5 December; Māori cast their ballots on 27 November. Separate polling dates would remain until 1951.

Of those general electors registered to vote in 1890, 80.4 per cent actually did so. This percentage would fall to 75.3 per cent in 1893 but would otherwise remain high throughout the Liberal years.⁵ The percentage of eligible Māori who voted in 1890 was not recorded; such a calculation could not be made until Māori electoral rolls were introduced in 1948.⁶ In 1890, 150,025 Pākehā voted in the 70 general electorates.⁷ By comparison, only 6611 Māori voters turned out in the four Māori electorates, and almost half of the votes were cast in one electorate — Eastern Māori.⁸

These significant disparities arose because of population changes. After the 1830s, Māori numbers had exceeded those of new settlers until 1858, when the two populations were comparable at 56,049 for Māori and 59,413 for Pākehā. By 1891, the Pākehā total had risen to 624,455, an increase of 95.1 per cent, but the Māori numbers had plummeted to 41,993, a decrease of 25 per cent.⁹ Māori voters in 1890 equalled about 4.4 per cent of the Pākehā vote, an imbalance that spoke volumes about the significant and widespread inequalities Māori now faced.

Ballance was not unaware of these disparities, particularly as they applied to the law and to Māori land holdings. In 1888, he had condemned legislation aimed at reintroducing free trade in land sales because it meant there was no restriction ‘upon capitalists, with their interpreters and a large command of money and influence, spreading “ground bait”’, enticing Māori to part with their land.¹⁰ Ballance also acknowledged that Māori land laws ‘were in a very bad state’: ‘Amending Act after amending Act had been passed, with the result that the law was now in absolutely a worse condition than it was at first.’¹¹

The Eastern Māori MHR, James Carroll of Ngāti Kahungunu, agreed. As a member of the 1891 Commission Appointed to Inquire into the Subject of the Native Land Laws, Carroll was critical of past government land policies that had served only to ‘enrich the European colonists’ while sacrificing tribal owners. Māori regarded such policies, which assumed that an endless supply of land was available, ‘as simply confiscation’.¹² Carroll and his fellow commissioners had travelled widely and seen first hand pā and papa kāinga facing cultural privation and penury. Throughout the Liberal years, Carroll struggled mightily to stem



James Carroll, c.1887. Elected to Parliament as the member for Eastern Māori in 1887, then Waiapu/Gisborne from 1893–1919, Carroll was talented but constrained by his Liberal government loyalties. As native minister from 1899–1912, he delivered some powers over land management to Māori. But Māori reluctance to free up land led to increasingly restrictive government measures that Carroll was unable, or unwilling, to prevent. ALEXANDER TURNBULL LIBRARY, 35MM-00100-D-F

the land losses, but with limited success; ‘the combined forces on both sides of Parliament demanding the purchase of Maori land were too great for him’.¹³

The Liberals were not unaware that Māori faced being left landless. As Alan Ward notes, ‘only the most cynical observer’ could fail to see that Māori were rapidly running out of land. Few communities still retained 50 acres per head, a protection mechanism once incorporated into such legislation as the Native Land Act 1873. Ward argues that perhaps the worst Treaty of Waitangi breaches were committed by the Crown during this era, because the reports of its own officials revealed the perilous position of Māori.¹⁴ Despite this, the government still contended that Māori owned vast reserves of land, ‘far more than they could conceivably need’.¹⁵

In 1891 Carroll argued that Parliament must give Māori the resources to develop their lands themselves. It was a view widely held by Māori at the time, and one that Carroll would hold, and often assert, throughout his two decades in government. In all the years Parliament had been legislating about Māori land, he wrote, ‘no single *bona fide* attempt has been made to induce the Natives to become thoroughly useful settlers’. This could be done by educating Māori towards ‘rendering productive the lands they already possess’. Tribal owners wished ‘to deal with their lands in a manner best understood by themselves’. This would be ‘compatible with justice, and in no way inimical to the best interests of the colony’.¹⁶

Carroll supported such later legislation as the Urewera District Native Reserve Act 1896 and the Maori Lands Administration Act 1900 because it gave Māori a greater role in developing tribal lands, as well as protecting those lands from unrelieved sale, dispossession through Crown edict or other forms of alienation. He was especially critical of Pākehā MHRs for their continuing opposition to granting Māori autonomy over land management: ‘you come out with the same old cry year after year: “It is bad — we must object to this; it will lock up the land; the Maori will lose his possessions; we do not want Maori landlords.”’¹⁷

Pākehā members took issue with Carroll, pointing out his supposed change

of heart. As a new MHR during the early 1890s while still an independent, Carroll had seemed to criticise such Liberal policies as pre-emption. Much later, he was seen to take an opposing view, as one Opposition member noted in 1900. Describing pre-emption as illegal and unjust, he added, 'on this subject I do not think I can express in words as full as I would like'. Instead, he wished to quote 'an eminent authority, who [had already dealt] with the question of the Government taking the right in 1894'.¹⁸ This 'eminent authority' was none other than Carroll himself when reporting to the House as a member of the 1891 commission. Carroll, of course, staunchly defended himself: 'I can show I am consistent'.¹⁹

Much has been made of Carroll's seemingly contradictory policy stances. In the words of Ranginui Walker, 'Carroll was the prototype of the modern Māori' and his complex personality 'derived from being nurtured in two cultures of disparate traditions'. Others have alluded to Carroll's seeming ambivalence, or even cynicism. There is good evidence, however, to suggest that he was in fact a consistent defender of Māori in many difficult policy areas. Those Māori who worked closely with him certainly thought so. 'Carroll was the whakaruruhau [shelter] in Parliament'; younger Māori looked up to him as he set about bridging two cultures, which was 'the key to the emancipation of Māori from the legacy of colonialism'.²⁰

As a member of the Executive Council for all but one year of the Liberal term, 'the job of reconciling justice with interest fell to James Carroll'. This placed him in some difficulty: 'it was not easy to reconcile the demands of justice with the demands of political expediency.' Carroll's job was to enact the government's land policies 'and to persuade the Maoris to accept it'. His political instincts were actually far more nuanced, but important Cabinet positions were bestowed on him, for which he was grateful, particularly Native Affairs in 1899. If nothing else, these provided evidence that 'even high places were open to Maori', perhaps assuring Carroll that Māori interests were indeed being protected by the Liberals.²¹

However, other Māori leaders in Parliament and beyond disagreed, and with good reason. In 1891, Māori still retained 11 million acres of land in the North Island. But the Liberals were determined to speed up Pākehā settlement 'by resolving all the problems connected with Native Lands', embarking on a

programme of reforming the Native Land Court, validating defective titles, resuming reserved Crown purchase of land and substantially increasing the amount available for land purchase.²²

As the Māori members of the House gathered themselves in 1891 for the difficult political battles ahead, James Carroll, the young member for Eastern Māori, beginning his second term, was showing striking political promise.

Born and educated in Hawke's Bay, he had emerged as a talented cadet with the Native Department in Gisborne before being sent to Wellington as an interpreter in Parliament. He had returned to the East Coast before unsuccessfully contesting the Eastern Māori seat in 1884. After running again in 1887, aged 30, he entered Parliament, beginning a political career that would last until 1919.

In 1887, Carroll had joined a significant group of Māori parliamentarians. Also elected that year, to the seat of Northern Māori, was Hirini Rāwiri Taiwhanga of Ngāpuhi, who had stood for Western Māori in 1884 and 1886, without success. In 1887, another northern candidate, Wiremu Katene of Te Aupouri/Ngāpuhi, won the seat on election day, but a protest by Taiwhanga, alleging that Katene had distributed notices 'too close to election day so that 235 Taiwhanga supporters did not vote', was resolved in Taiwhanga's favour.²³ As the new Northern Māori MHR, Taiwhanga replaced Ihaka Te Tai Hakuene of Ngāpuhi, a lay reader from Rāwhiti, who had held the seat since 1884 and advocated Māori land committees in partnership with the Crown. He had died suddenly in Russell in April 1887, leaving his seat vacant.²⁴

Taiwhanga's standing among Māori, once uncertain because of his perceived radicalism, flourished during the 1880s through his significant efforts in encouraging 'a groundswell of tribal interest' in Māori political autonomy.²⁵ Taiwhanga was re-elected in 1890 by a substantial majority, but died on election day, before the results were announced. Following a by-election on 7 February 1891, Eparaima Te Mutu Kapa of Te Aupouri represented Northern Māori until 1893. A staunch advocate for Māori political independence, and an independent



Left: Hirini Rāwiri Taiwhanga, c.1887. Taiwhanga represented Northern Māori in Parliament from 1887–90. Once regarded by Māori with certain misgivings because of his perceived ‘radicalism’, his standing flourished as Māori efforts to attain political autonomy gathered pace. ALEXANDER TURNBULL LIBRARY, 35MM-00098-F-F

Right: Hoani Taipua Te Puna-i-rangariri, c.1886. Taipua represented Western Māori in Parliament from 1886–93. He opposed government moves to establish tribal land committees, warning that they would quickly consume all revenues gained for Māori through administrative costs alone. ALEXANDER TURNBULL LIBRARY, 35MM-00125-B-F

Māori Parliament, Kapa failed to regain his seat in 1893, 1896, 1899 and 1902.

Further south, Hoani Taipua Te Puna-i-rangiriri of Ngāti Raukawa was re-elected in 1887 to represent Western Māori. Formerly a businessman, sheep farmer and Native Land Court assessor, Taipua was first elected to Western Māori in 1886, following the death of the incumbent MHR, Te Puke Te Ao, also of Ngāti Raukawa. Te Ao, a sheep farmer and early Christian convert living on the Kāpiti Coast, held the seat from 1884 until his death at Ōtaki in 1886.

In the House, Hoani Taipua had opposed Ballance's attempts at ending direct purchase, arguing that the native minister's committees would quickly consume all revenues gained. In any event, Taipua, like many other Māori at the time, opposed 'majority-rule' committees, which threatened to deprive tribal minorities of their customary entitlements. Re-elected in 1890 with a large majority, Taipua opposed a raft of Liberal Māori land measures, instead supporting an independent Māori Parliament. He resigned in 1893 and died at Aorangi, near Feilding, in 1896.²⁶ His successor, in 1893, was Ropata Te Ao, the third Ngāti Raukawa candidate from Ōtaki in a row to win the seat. A relative of Te Puke Te Ao, he represented Western Māori until he lost the seat in 1896.

The southernmost Māori MHR was Tame Haereroa Parata of Ngāi Tahu, who was re-elected for Southern Māori in 1887. Born on Ruapuke Island, and formerly a pilot whaler and farmer, Parata first entered Parliament in 1885, following the resignation of Hōri Kerei Taiaroa of Ngāi Tahu. Born at Otakou in the 1830s, Taiaroa had been elected to Southern Māori in 1871. After resigning in 1879, he returned in 1881 and remained as MHR until being replaced by Parata. The latter retained his seat for a remarkable 26 years, until being replaced by his son, Taare Parata, in 1911.

As with Taiaroa before him, Parata's tenure in Parliament was 'dominated by his attempt to redress Ngai Tahu grievances arising from land purchases earlier in the century'. He also opposed Māori attempts to create an independent polity, believing that Parliament alone offered Māori redress and security. Parata's efforts on behalf of Ngāi Tahu were recognised in 1921, four years after his death in March 1917, with government recognition of Ngāi Tahu's claims.²⁷



Tame Haereroa Parata, c.1888. Parata represented Southern Māori in Parliament from 1885–1911: 26 years of steadfast service directed by his desire to obtain redress for Ngāi Tahu historical grievances. ALEXANDER TURNBULL LIBRARY, 35MM-00100-B-F

Before Taiwhanga and Carroll assumed office in 1887, 19 Māori men had occupied the four Māori electorate seats since 1868, serving single or multiple terms. Once his protest against Katene was resolved, Taiwhanga became the twenty-first Māori MHR. Carroll meantime had become the twentieth Māori member. In 1892 he was appointed to the Executive Council, representing 'the Native race'.²⁸ Only five rangatira had previously served as council members in its 40 years of existence. The Executive Council, comprising members of Parliament appointed by the governor, on the premier's advice, counselled the governor-general on legal and constitutional matters. Most, but not all, of those on the council were Cabinet ministers.

Wiremu Katene, Northern Māori, was the first Māori member of the Executive Council, appointed by Premier George Waterhouse on 4 November 1872. Wiremu Te Kākākura Parata of Ngāti Toa and Te Ātiawa, representing Western Māori, followed, on 4 December.²⁹ Both had been appointed at the suggestion of Native Minister Donald McLean, who, after the Land Wars, wished to demonstrate the government's receptiveness to Māori. Katene and Parata served together in four successive ministries, under Premiers Waterhouse, William Fox, Julius Vogel and Daniel Pollen, before losing their seats and council positions on 15 February 1876.³⁰

Ten months later, Hori Karaka Tawhiti of Ngāpuhi, the third rangatira appointed to the Executive Council, served from 28 November 1876 to 13 October 1877 as a member of Harry Atkinson's reconstituted ministry of 1876–77. Tawhiti represented Northern Māori, remaining in office until 1879. Described at the time as 'a half-caste by birth, but does not speak English', Tawhiti was said to be living at Mangamuka, in Hokianga.³¹ When the Atkinson ministry fell in 1877, it was replaced by the 'liberal' government of former governor, now premier, Sir George Grey, who immediately appointed Hoani Nahe of Ngāti Maru, then MHR for Western Māori, to the Executive Council. Nahe held that position from November 1877 until the Grey ministry lost office in October 1879. Born in Thames, Nahe was educated at St John's College in Auckland, where he showed an early interest in collecting traditions and whakapapa. With his manuscripts and knowledge much sought after, Nahe became an advocate for Māori in the Native Land Court. After being elected as MHR for Western Māori in 1876, he worked closely with Grey, both as a politician and Māori scholar. (Grey had a prodigious interest in Māori collections.)³²

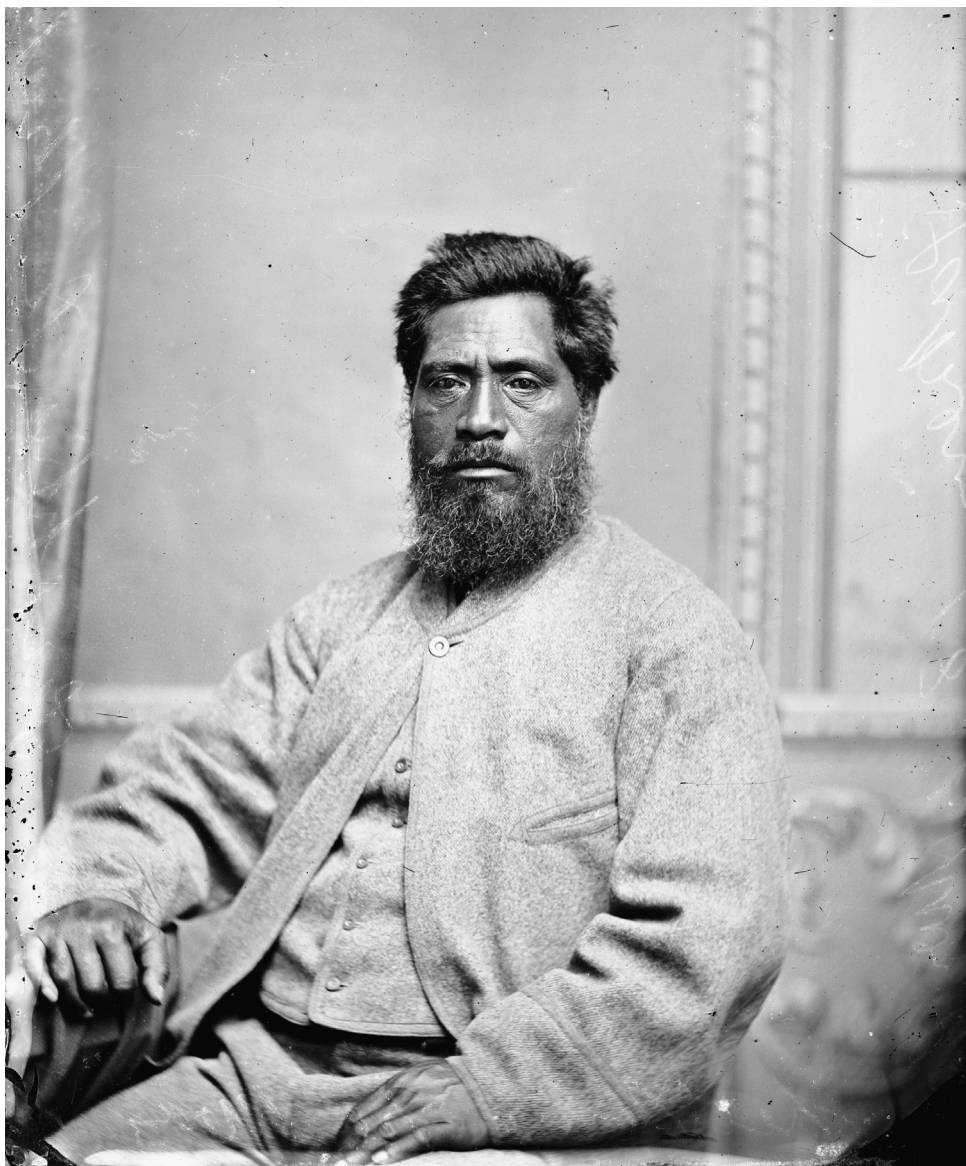
Under the following conservative government headed by John Hall, Hēnare Tomoana of Ngāti Kahungunu, the MHR for Eastern Māori, was immediately appointed to the Executive Council, on 8 October 1879. This seems, however, to have been a misunderstanding arising from ‘the confused politics of 1879’. Tomoana lasted only 17 days, before resigning on 25 October 1879. He had little regard for Grey, and even less for Hall. Hēnare Tomoana eventually returned to the Legislative Council in 1898, serving until his death at Waipatu on 20 February 1904.³³

Four Māori had also served on the Legislative Council of Parliament. Established in 1841 as part of New Zealand’s Crown colony government, this wholly appointed body was reconstituted as an ‘Upper House’ in 1852 when New Zealand attained self-government. Increasingly seen as an unnecessary adjunct to Parliament, it was abolished in 1950.

The first rangatira on the Legislative Council was Mōkena Kōhere of Ngāti Porou, born in Rangitukia in 1812. Appointed by Waterhouse, Kōhere served on the council from 11 October 1872 until his resignation on 25 April 1887. Wiremu Tako Ngātata of Te Ātiawa was appointed on the same day, again at the instigation of McLean. Born at Puke Ariki near Ngāmotu (New Plymouth) in the early 1800s, Ngātata migrated south with Te Ātiawa in 1832, settling in the Hutt Valley. After witnessing the arrival of Pākehā migrants in Wellington, Ngātata struggled for decades to secure tribal holdings against fraudulent sales. He also investigated the outbreak of war at Waitara in 1860, emphatically declaring the Kīngitanga to be free of complicity. Ngātata served on the Legislative Council until his death in the Hutt Valley on 8 November 1887.³⁴

Former Southern Māori MHR Hōri Kerei Taiaroa was also appointed to the Legislative Council in 1879, but resigned soon afterwards when challenged by Pākehā parliamentarians because of his employment as an assessor with the Native Land Court, a government position that, on the face of it, should have precluded appointment to the Legislative Council. However, he was reappointed in 1885 and served until his death in 1905.

Rapata Wahawaha of Ngāti Porou had also joined the Legislative Council,



Rapata Wahawaha, 1871. A member of the Legislative Council from 1887–97, Wahawaha and his generation lived through times of great upheaval for Māori, from an age of customary ascendancy to overwhelming Pākehā dominance. ALEXANDER TURNBULL LIBRARY, 1/4-022027-G

on 10 May 1887, shortly after Taiaroa's return. A former much-feared leader of Ngāti Porou taua and recipient, in 1870, of a Scottish officer's sword from Queen Victoria, one of six presented to Māori in the Land Wars, Wahawaha arrived in the Legislative Council at the end of the Stout–Vogel era, when Ballance hoped he would bring free trade in Māori land sales under control. Wahawaha had then observed Atkinson's reimposition of free trade in 1888. Now, in 1891, he was on hand to welcome more Māori parliamentarians into the executive fold.

Rapata Wahawaha served on the Legislative Council for 10 years until his death on 1 July 1897. He and his generation had lived through great upheaval. When he was born at Te Puia Springs in about 1820, tribal populations ranged freely across empty and expansive terrains; by the time he died, Pākehā numbers exceeded those of Māori by 661,240.³⁵ In 1897, too, a Māori member of Parliament, James Carroll, was on the cusp of assuming the highest political role yet afforded to Māori — the immensely influential post of minister of native affairs.

In the early nineteenth century, as Eddie Durie has noted, relations between Māori — iwi, hapū or personal — were mediated through norms generated by social and cultural practice; managed by conceptual regulators such as kawa, whanaungatanga and manaakitanga; rationalised by generational storytelling, reciprocal obligations and alliances; and articulated through ancestral precedent, protocols of encounter and such cultural expressions as waiata and haka. Political relations were flexible and inclusive, connecting personal authority with tribal power. Daily communal life was regulated not by finite rules, but by customary values to which all Māori sought to adhere, though they were not always achievable, especially those idealised in revered ancestors. Such social norms ensured that the Māori world in 1820 was ordered and constant.

But Māori were also pragmatic and receptive to change. Especially after 1840, a new world of political relations developed, with new definitions of power that subverted the certainties of hapū and iwi authority. In the face of this rapid change, Māori were not initially averse to new modes of authority, especially if they offered the 'finite settlement of disputes' now beyond the reach of the customary law. Māori were willing and able to engage with any new modes of authority, including the Crown. In the end, they always welcomed 'the prospects of certainty and peace', but with one important condition, 'the expectation of just results'.³⁶



1. Before the Liberals



Repudiation Movement rangatira gather, 1876. The Repudiation Movement galvanised Ngāti Kahungunu opposition to deceptive land purchase practices used by Pākehā in the Hawke's Bay. Headed by Hēnare Matua, the movement's newspaper *Te Wananga* was published between 1874 and 1878 under the leadership of Hēnare Tomoana and Karaitiana Takamoana. ALEXANDER TURNBULL LIBRARY, 1/2-038687-F

CHAPTER ONE

Governing Māori before the franchise 1840–1867

From the outset, Māori sought to participate in colonial political processes, grappling with a number of issues and seeking to set their own frames of reference for relations with the Crown as Pākehā governance was devised and imposed upon them. Many of these matters, such as the assigning, or not, of political autonomy to Māori, encroached upon and threatened customary Māori certainties and provoked vigorous engagement with the Crown.

Māori society was always highly political, with a ‘well-established authority structure’ that was protected by rangatira concerned for their mana, and that of their people. As new Pākehā settlers soon discovered, ‘it was necessary to respect the mana of chiefs. Negotiations had to be conducted according to Maori ways.’

One significant influence, among many, was Christianity. Published pamphlets and scriptural tracts, made available in te reo, gave Māori ‘a new political language for negotiations with Pakeha’.¹ They soon learned, however, that not all Pākehā used, much less cared for, such language. Equally, not all Pākehā cared about politics or governance.