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Maori Land Court Minute Books

Introduction

In 1865 the New Zealand Parliament, entirely Pakeha, passed

An Act to Amend and Consolidate the Laws relating to Lands in the Colony in which the Maori Proprietary Customs still exist and to provide for the ascertainment of the Titles to such lands and for Regulating the Descent thereof and for other purposes. [30th October 1865]

This was 'The Native Lands Act 1865', successor to an ineffective act of 1862, which set up the Native (later Maori) Land Court of New Zealand, to be the Court of Record for investigation into the titles of Maori land and title succession.

A Judge of the Court was to work with at least two Assessors and an interpreter.

Any 'Native' could claim, in writing, interest in a specified piece of land, and ask the Court to investigate so that a Crown title might be issued. A claimant was to state the name of the iwi or the names of others who had an interest.

News of the application was to be circulated and the Court could summon witnesses, but not all those concerned were at hearings to register an interest.

Under the 1865 act, up to ten owners only could be registered on a Certificate of Title, but in 1873 this limit was removed.

For every hearing Maori had to pay fees. If they could not pay, charges were placed against the land. Appeals could be made against decisions, but at further cost.

The Court could not make a decision unless an authorised survey of the land had been presented to the Court. The cost of the survey was borne by Maori.

Where a person with an interest in land died without leaving a will to dispose of that interest, the Court could be asked to hear evidence and determine succession, according to law and 'Native custom'. A Court could process a will for Probate.

The Court could also hear requests to subdivide land blocks.

The Land-Taking Courts

The Native Land Court was known to Maori as 'the Land-Taking Court'. While its official purpose was to give Maori title to their land under Pakeha systems, and this did happen, the real purpose of the Native Land Court was to make it easier for Pakeha to acquire land from Maori.

Court decisions often gave Maori less land than they believed right. More significantly the duration of Court cases and Maori costs often resulted in debts which could only be paid through a mortgage on the land or its sale, perhaps at far less than its real value. Once Maori had title they could sell land directly to Pakeha, until Crown pre-emption was re-introduced 1893-1909. Even land designated 'inalienable' by the court could be lost to Maori.

Court Hearings

Sittings of the Court began hearings into cases brought to them in 1865, though most sequences of Minute Books begin somewhat later. They continue today.

A Judge presided at each Court hearing. Some understood te reo Maori; others had interpreters to assist. A Judge sometimes kept his own notes, which have become Judges' Note Books in the Maori Land Court Minute Book collection. Technically these are not Minute Books, but they add to understanding.

A Judge was assisted by a Clerk, who kept the minutes in English of the hearing. A few Clerks in the 19th century understood te reo Maori; others, like Judges, relied on interpreters. The Clerk created an index of names and block names in a Minute Book.

The Judge was assisted in his work by one or more Assessors, usually Maori, though not from the area of the hearing. They assisted with translation and with understanding the intricacies of Maori whakapapa and connection to the land. A few Assessor Books, in Maori, have survived, where Assessors recorded for themselves what was said in Court. Other Assessor Books are known to be held by descendants.

Holdings – General

Archives New Zealand in Wellington holds original Minute Books (MB) from all seven Maori Land Court (MLC) districts. Most date from 1865-1962 or -1975. Originals are not available to researchers.

Many copies are held, in microfilm (some to after 1975) and reproduction forms. All are listed on ARCHWAY

Key sequences are local MB (see below), but others include Alienation, Appellate and Consolidation MB, Adoption & Assessors' Books, & Judges' Note Books. Succession was often recorded in ordinary MB or in Succession Books. Maori-run Block Committees 1900-1905 in Taitokerau & Tairāwhiti, and District Maori Land Boards from 1905 (led by Pakeha) both created MB.

There is overlap between districts. Many Waikato-Maniapoto cases were held in Auckland (Taitokerau), and Tauranga MB are under Waikato-Maniapoto. Some South Island cases were held in the North Island.

A few MB are missing, there was sometimes confusion in the numbering, and not all MB are sequential – two MB might be in use at the same time. Some sequences of MB overlap, notably Otorohanga and Waikato. Judges' Note Books often cover a variety of places and regions, complementing a number of MB.

Regional MLC MB Holdings

The main regional groups of records are listed below, but not all the 'extra' MB, nor some shorter sequences.

Taitokerau [BAHW W3516]

Auckland 1866-1975
 Bay of Islands 1915-1962
 Hokianga 1915-1962
 Kaipara 1865-1962
 Northern 1865-1962
 Tokerau 1902-1962
 Whangarei 1865-1975

Some MB held only on microfilm. Reproduction copies of many MB in Auckland office. Microfilm copies of Papatupu MB (Northland) held at Auckland University.

Waikato-Maniapoto [BACS W3517, W4428, W5308]

Coromandel 1865-1912
 Hauraki 1865-1973
 Mercer 1886-1965
 Otorohanga 1886-1974
 Tauranga 1878-1974
 Waikato 1866-1974

Many Judges' Books. Otorohanga and Waikato overlap. Some MB held only on microfilm.

Reproduction copies of many MB in Auckland office.

Waiariki [BAHX W3518, W3746, W4869, W5572]

Maketu 1867-1911
 Opotiki 1878-1974
 Rotorua 1865-1975
 Taupo 1867-1973
 Whakatane 1881-1974

Also District Maori Land Board books. Some MB held only on microfilm. Reproduction copies of many MB in Auckland office.

Tairāwhiti [AAVR W3519, W4864]

Gisborne 1868-1974
 Waiapu 1876-1969
 Wairoa 1867-1972

Also Maori Land Board 1902-1952, Validation Court 1894-1910, etc. A few Gisborne MB only on microfilm.

Takitimu [AAVT W3521, W4865]

Napier 1866-1986
 Napier 1986-1998 originals only
 Wairarapa 1866-1974
 Wairarapa 1976-1998 originals only

A number of reproduction versions in Wellington office.

Aotea [AAVS W3520, W4866]

Assessor 1889-1901
 Otaki 1872-1974
 Taranaki 1870-1975
 Tokaanu 1910-1974
 Wanganui 1866-1974
 Wellington 1878-1976

Some Judges' Books. Many reproduction versions in Wellington office.

Te Waipounamu [CAMW W3522]

Chatham Islands 1870-1959
 Nelson 1883-1974
 South Island 1868-1974

Reproductions of most in Christchurch office.

Database (index) 1865–1910

A database for MB 1865-1910, created by Auckland University, is held in Archives New Zealand offices and elsewhere. Searches can be made by land block name, by witness name, etc, leading to specific page references in individual MB. This gives the best access to MB up to 1910.

Archives NZ Database/Index

A database of all MLC MB holdings has been created. A paper copy is available at the Reading Room Desk in Wellington and Archives staff can find a digital version.

This lists all versions of MB held, whether original, reproduction, microfilm or digital, gives the dates of each MB and the places of hearings.

Seps (separated items)

Some MB originally held items such as maps and whakapapa which are larger than the MB. These are held separately for preservation reasons and are listed with MB in ARCHWAY.

MLC Files

Archives New Zealand holds some MLC files, created as a result of cases recorded in MB, but many files are still held by the MLC.

Copies of Minute Books

Archives New Zealand can organise for copies of MB to be made. Enquiries about this service, costs, delivery, should be sent to: reference@archives.govt.nz