



Confiscated Lands Inquiry and Maori Prisoners Trials Act 1879

- Citation:** 43 V. No 25
- Date of Assent:** 19 December, 1879
- Commencement:** Date of Assent. Act to remain in force till 60 days after the commencement of the next session of Parliament.
- Repeal:** Repealed 1891, No 8
- Amendments:** –
- Type of Legislation:** Public
- Subject:** Govt Admin Specific to Maori/Maori Land
Confiscated Lands
Reserved Land
- Relevant Sections:** *Preamble:* refers to disputed lands and promises alleged to have been made by the Crown in relation to such lands which remain unfulfilled.
s2: Commissioners may be appointed to inquire into Native grievances in connection with land on the West Coast, North Island.
s6: Date to be fixed for trial of certain Maori Prisoners.
- Commentary:** Following on from the Maori Prisoners Trials Act, this Act accepts that the actions of Te Whiti and his followers were motivated by disputes about whether the land had been properly confiscated and reserves had been granted, and establishes a Royal Commission to investigate these claims. While the Commissioners held their investigation the “ordinary course of law should be suspended” so that the Government could continue to hold Maori ploughmen prisoner without trial (the time allowed by the Maori Prisoner’s Trials Act 1879 had nearly expired). Thus, while accepting that the prisoners may have acted upon genuine grievances, they are still to be kept in custody. All the Maori members called for the immediate trial of the prisoners and Tomoana said they should be released and all their lands returned. During the debate Taiaroa said “the real meaning of this Bill was, that the Government – the Europeans – were more anxious to get possession of the land than they were to do anything for the benefit of the Natives”. This would seem to be confirmed by the Native Minister, Bryce, who said, after the report of the Commission had been presented, “... the Government are fully determined to steadily occupy that Coast [the West Coast, Taranaki] with a European population. It was with that object that the commissioners were appointed”.

Commentary and Cross Reference continued over page



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The Commission consisted of Sir William Fox and Sir Francis Dillon Bell. Hone Tawhai had been appointed but resigned when he found out who the other Commissioners were. Te Whiti and his followers boycotted the hearings. The Report of the Commission gives a very detailed background to the situation by reciting the various negotiations and promises made regarding the return of either all, or some of the confiscated land. The general conclusion of the report was that Southern Taranaki Maori had been promised that generous reserves would be set out for them and that these promises had been repeatedly broken by successive Ministries and that "the Plains will never be occupied in peace until proper reserves are made and marked out on the ground". The specific recommendations were that on the Waimate Plains the belt of land between the Oeo and Waingongoro Rivers should be reserved (approx. 25,000 acres) however the coastal belt would be kept for settlement, "but the most essential point of all is, that the Government should resolutely keep every acre of the reserve under its own control until the Native villages are enclosed within broad belts of clearing, which shall take from the inhabitants their power of disappearing at pleasure in the recesses of the forest, and give us the strategical command of the whole coast." In regard to the Parihaka district it was recommended that the land inland from the road be reserved, an area of 20,000 to 25,000 acres. This meant that the total land left available for settlement was 39,500 acres of open land and 104,000 acres of forest land.

See: Maori Prisoners Trials Act 1879

Maori Prisoners Act 1880

Maori Prisoners Detention Act 1880

West Coast Settlement (North Island) Act 1880

Cross Reference: NZPD vol 33 (1879) 68
 NZPD vol 34 (1879) 621 - 622, 785 - 800, 862 - 871
 NZPD vol 37 (1880) 481

AJHR (1879) Sess I G - 6 (*Native Difficulties in Taranaki*),
 G - 10 (*Maori Prisoners in Mt Cook Prison*)

AJHR (1880) G - 2

(*Report of the Royal Commission appointed under the Confiscated Lands Inquiry and Maori Prisoners Trials Act 1879*)

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AJHR (1881) G - 1

(Royal Commission on Confiscated Lands)

AJHR (1882) A - 8, A - 8a, A - 8b

(West Coast Native Affairs)

AJHR (1883) A - 5

(Acts Relating to Maori Prisoners)

AJHR (1884) Sess I A - 5a, A - 5b

(West Coast Royal Commission)

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(Allen & Unwin, Wellington, 1987) 198, 202 - 204

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(Heinemann, Auckland, 1987) 65 - 67

Riseborough H *Days of Darkness: Taranaki 1878 - 1884*

(Allen & Unwin, Wellington, 1989).