

# Nelson Tenths Reserves

*The New Zealand Company signed Deeds of Purchase on the understanding that ten percent of the land would be set aside for Maori.*



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# Te Tau Ihu: Nelson Tenths

## The New Zealand Company

The New Zealand Company was a commercial colonising venture i.e.it intended to make money by transferring a slice of English society to New Zealand.

**Edward Gibbon Wakefield** was the visionary who developed the principles and plans for the New Zealand Company.

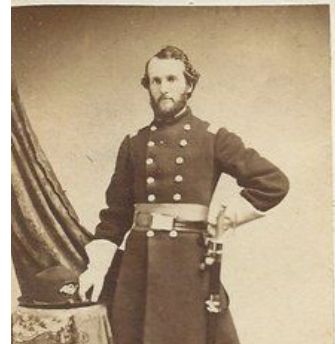
His brothers **Colonel William Wakefield** and **Captain Arthur Wakefield** were sent to New Zealand to implement the principles and plans in Wellington, the first settlement, and Nelson, the second settlement, respectively.

Edward Gibbon's son, **Edward Jerningham Wakefield**, was 19 when he accompanied his uncle, William, to New Zealand on the *Tory* in 1839; he published "Adventure in New Zealand" in 1845.

Edward Gibbon  
Wakefield



Colonel William  
Wakefield



Captain Arthur  
Wakefield



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## The Principles and Promises

In New Zealand, Wakefield hoped to avoid the appalling treatment of native peoples in North America and Australia where the inhabitants had been pushed off their lands by force and, when they survived, were totally isolated from the new society. To avoid these outcomes Wakefield decreed that:

- ~ all land in New Zealand belonged to Maori and land required for settlement would have to be purchased from Maori
- ~ all habitations and cultivations of Maori would be excluded from New Zealand Company surveys and set aside for Maori use forever
- ~ of the land purchased from Maori for Company settlements, one-tenth would be set aside for the benefit of the chiefs who had sold the land and their people. These Tenths Reserves would allow Maori to grow rich as the new settlement prospered, provide capital for Maori to participate in the new economy, and prevent marginalisation. The Tenths would constitute the true payment for the land.

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## The Purchases

In 1839 the Company sent a ship, the *Tory*, to New Zealand to purchase land for its first settlement, to be named Wellington.

The leader of the expedition, Colonel William Wakefield, concluded three Deeds of Purchase from Maori at Wellington, Kapiti Island, and Arapawa Island in Queen Charlotte Sound.

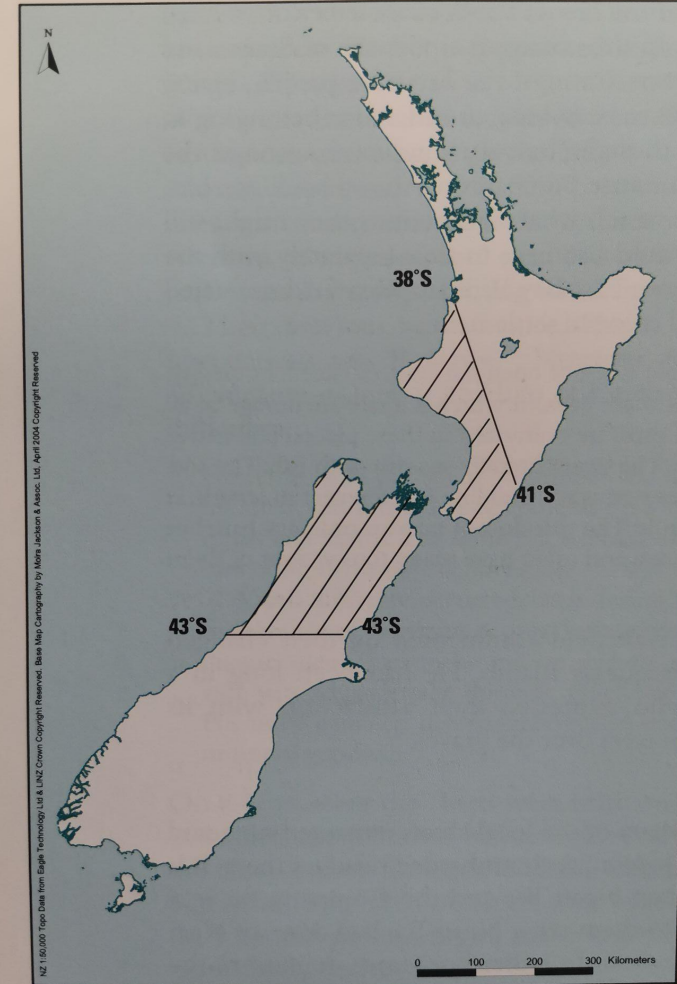
He used interpreters, usually whalers who, although they had been in New Zealand for some time, did not have strong language skills, to deal with the chiefs.

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## New Zealand Company's alleged purchase area, 1839



# Te Tau Ihu: Nelson Tenths



Richard ( Dickie) Barrett was one such interpreter. In 1843 when Barrett was examined during the Enquiry into the validity of the Company's purchases, he was asked to translate the 1500-word Wellington Deed into Te Reo. He provided 116 words of pidgin Maori which left the details of the transaction very unclear.

**Source: Burns P. "Fatal Success" p123-124**

His skills in English may not have been very good either. It is unlikely that Maori understood that they were alienating their land forever; they were used to leasing land to whalers for shore facilities for each season (April to September), and like the whaling ships the Tory had an all-male complement. Colonel Wakefield claimed that he had acquired 20 million acres of New Zealand through these purchases. He then set about establishing the Company's first settlement, Wellington.

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## Questions

1. What do these words mean: commercial, colonizing, venture, visionary, principles, implement, respectively, appalling, habitations, cultivations, interpreters, alienating, excluded, surveys, complement, pidgin?
2. What do you think of the New Zealand Company's principles regarding Maori and their land? Write about 100 words to express your opinions.
3. How do the principles suggest the Tenths Reserves would be used if Maori were to grow rich as the settlement prospered, have capital to invest, and participate fully in the new society?
4. Was the principle about habitations and cultivations fair? Did Maori rely entirely on their cultivations for their sustenance? What else did they do to survive and ensure a balanced diet? How could those mahinga kai (food and resource gathering places) be protected?
5. What risks were there in the way the New Zealand Company made their land purchases? Can you think of a better way to make sure Maori understood the Company's intentions? Who could have helped?
6. Who was Wellington named after? Why was he famous? How much can you find out about him?

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## The Nelson Settlement Plan

William Wakefield's brother, Captain Arthur Wakefield, was appointed to lead the Company's second settlement, Nelson. He and an all-male complement of surveyors and labourers, together with building materials and stores, left England in three ships, the Arrow, the Will Watch and the Whitby; they arrived at Astrolabe 9 October 1841. When the party left England the name of the settlement, Nelson, had already been decided, but its location was unknown. William Wakefield wanted to place it at Banks Peninsula, but Governor Hobson refused to allow it and offered a site near present-day Thames. Eventually a compromise was reached – Blind Bay, as Tasman Bay was then known. One reason for the choice of Blind Bay was that the Company believed it was part of the 20 million acres it claimed under its 1839 Deeds of Purchase, and as the Treaty of Waitangi now prohibited land purchases from Maori by anyone but the Crown (the Government), it was wise to rely on the pre-Treaty Deeds.

The Nelson Settlement was to consist of 221,100 acres of cultivable, arable land. Each investor/settler would pay £300 for one acre of Nelson Town, 50 acres of accommodation/suburban land further out, and 150 acres of rural land. One-tenth of the 221,100 acres would be set aside in each land category as Native Tenths Reserves for Maori. Both the settler sections and the Native Tenths Reserves would be selected by the Company's ballot system.

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## Questions

1. What do these words mean: complement, compromise, prohibited, cultivable, arable, ballot?
2. Where is Astrolabe? Who named it? When? Why?  
Why do you think the New Zealand Company ships chose Astrolabe to anchor?
3. Where is Banks Peninsula? Where is Thames?  
What advantages does Nelson have over those locations?  
What advantages do they have over Nelson?
4. Who named Blind Bay? When? Why?
5. What does a surveyor do? Why were surveyors important to the New Zealand Company?
6. Who was Nelson named after? What was his rank and full name?  
Find 5 things he was famous for.
7. Is there a pattern in the naming of Wellington and Nelson?
8. How many acres of land did £300 buy?
9. What is one-tenth of 221,100 acres?
10. How did the Company's ballot system work? What happened to it?  
See Allan R. "Nelson – A History of Early Settlement" p59-60, 98-99, 378,385.





## The Company's Arrival in Te Tau Ihu

Motueka Maori, led by Ngapiko of Ngati Tama and Aperahama Te Panakenake of Ngati Rarua, paddled round to Astrolabe to welcome the newcomers. FG Moore, who had piloted the Company ships from Wellington to Nelson, described the scene:

*“...rounding a point that had hid them from us, came flying the war canoes of Aprahama and Epiko, with all their suit of rangatira friends and relations. The chiefs were togged in their best kaitaka and dog skin mats or robes, with huia feathers in their hair, their ornamented spears and their greenstone meres in their hands. Young men and maidens, all of rank, were bare to the waist, and were showing their skill by propelling the fine large ornamented canoes at top speed with the paddles to the time of a war song. All were excited and showing off their skill and power to the best on a joyous occasion – a visit of friendship.”*

Maori boarded the ship according to their rank, and arranged themselves in circles on the quarterdeck; gifts passed up from the waka were displayed to best advantage:

*“....under the direction of the chieftainesses....some fine wild pigs, plenty of birds and fish, Indian corn, dressed and manufactured phormium tenax or native flax, kaitaka robes or mats, huia feathers and kiwi skins.”*

**Source: Moore F G in “Weekly Herald” 7 July 1888**



## Questions

1. What do these words or phrases mean: piloted, suit, rangatira, kaitaka, of rank, propelling, according to their rank, quarterdeck, to best advantage, Indian corn?
2. How can you tell that Maori considered this an important occasion?
3. What is the Maori word for greenstone?
4. Why would huia feathers and kiwi skins be considered valuable gifts?
5. How were the paddlers keeping time?



## Problems for the Company

The chiefs in Nelson districts were very unhappy about Arthur Wakefield's claim that the Company had purchased their lands from chiefs at Wellington, Kapiti and Arapawa. The local chiefs argued that they had neither been consulted about nor involved in the sales, that chiefs who lived elsewhere had no right to sell their lands, and that they had received none of the payment.

Because of the Treaty, Arthur Wakefield could not purchase land from the local chiefs but he offered to give them gifts equivalent to what the vendor chiefs at Wellington, Kapiti and Arapawa had received. By this offer he hoped to obtain the chiefs' agreement to the Company's settlement plans, and ensure the safety of the immigrants already on their way. He showed them the gifts they would each receive.

The chiefs grumbled but agreed to accept the gifts.

### ***Each chief received:***

10 blankets

1 felling axe

1 squaring axe

1 cwt (hundredweight) tobacco

300 pipes

Keg powder

1 double gun

1 cwt biscuit

Some chiefs received extra gifts eg a pair of shoes, a pair of boots, 10lb of biscuit and a ewe and a ram.

## Questions

1. Why so many blankets?
2. What is the difference between a felling axe and a squaring axe? Why would axes be valuable to Maori?
3. How heavy is a cwt in today's terms? What would the biscuit be?  
How many packets of today's biscuits would you need to make a cwt?
4. What were the pipes for?
5. How useful would the gifts be to Maori? What do you think Maori would have valued most?
6. Was Arthur Wakefield abiding by the Treaty?
7. There is a suggestion that Maori may have regarded the gifts as utu (reciprocation) for the valuable gifts they had given Wakefield at Astrolabe (not as payment for land). What do you think of that idea?

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## Activities

### **Draw:**

A map showing Wellington, Kapiti Island, Arapawa Island and Astrolabe.

The scene as Motueka Maori arrived at Astrolabe.

The gifts Maori gave to the Europeans.

The gifts the New Zealand Company gave to each chief.

### **Write from one of these perspectives**

As one of the men on board the New Zealand Company ships, write a letter home to England describing the first meeting between Maori and the Company at Astrolabe.

As one of the Nelson chiefs write your account of the negotiations with Wakefield and what you think the arrival of the Company means.

As one of the young Maori men or maidens write your account of the occasion.

Write a 100-200 word biography of one member of the Wakefield family mentioned here. List your sources.

### **Stage a class debate**

Between chiefs who want to accept the Company's gifts and those who do not want to.

Think of as many reasons for and against as you can.



## Establishing the Settlement – Implementing the Plan

The Company decided to establish Nelson Town at Whakatu after discovering Nelson Haven, and set about surveying 1100 1-acre town sections according to the plan. 100 town acres were set aside as Tenths Reserves.



Plan of the town of Nelson showing the 1100 1-acre New Zealand Company Town Sections. The 100 Tenths Reserves sections selected in 1842 are coloured yellow. (Adapted from Tuckett, 1842.)

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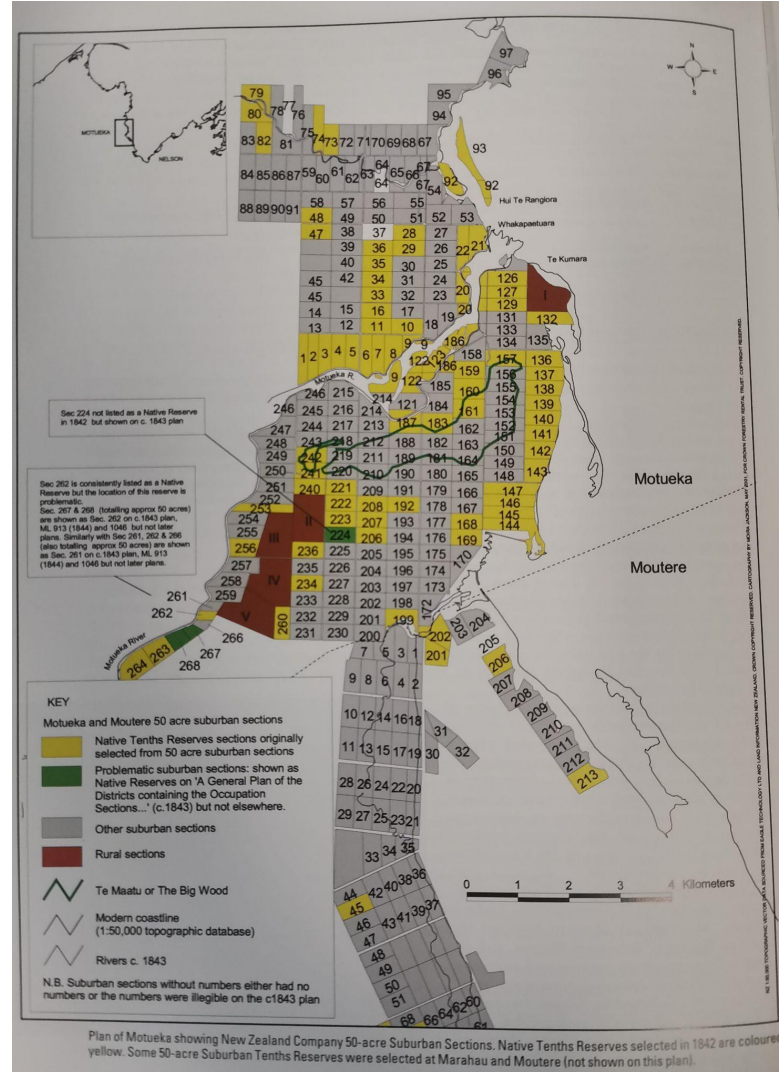
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After the town survey was finished, the surveyors were sent to find 1100 50-acre accommodation/suburban sections. This took them to as far south as Wakefield and to as far west as Riuwaka and Marahau. Despite the Company's principles and policies and despite a large (c.500) resident Maori population in Motueka districts, no occupation lands were excluded from the survey and the entire Motueka valley was laid out in 50-acre sections. These were to be sold to immigrants, or become Tenths Reserves which would be leased to European settlers.

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# Te Tau Ihu: Nelson Tenths

The Company still required 165,000 acres for its 1100 150-acre rural sections, but after surveying further up the Motueka and Riuwaka valleys and the whole of Golden Bay, the Company could find only about 95,000 acres, 70,000 acres short of the Company's plan and the land promised to investors. In total the surveyors had identified 151,000 acres of cultivable, arable land in the Nelson districts, not the 221,100 acres in the Nelson Settlement Plan.

It was then the Company turned to the Wairau (Marlborough).



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## Questions

1. What does Implementing the Plan mean?
2. Why was Nelson Haven important in deciding where to locate Nelson Town?
3. What mistakes did the Company make in its plan for the Nelson Settlement?  
How could they have avoided these mistakes?
4. What principles or promises did the Company break?
5. What were the implications for Maori who lived and cultivated at Motueka?
6. What happened at the Wairau on 17 June 1843?  
Find out as much as you can from at least 3 sources.

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## The Spain Commission

William Spain was appointed by the British Government to examine the validity of pre-Treaty purchases in New Zealand. He sat in Nelson in 1844 to hear the New Zealand Company's claim to the Nelson Settlement lands. The hearing was adjourned when Te Iti, an important Ngati Rarua chief at Motueka, disputed the Company's account of arrangements made at Kaiteriteri. He agreed that he had received gifts from Arthur Wakefield and he understood that settlers would come, but he did not understand that the New Zealand Company would have the land with a part reserved for Maori. On the contrary, he said he told Arthur Wakefield that he, Te Iti, would point out to Wakefield what land the settlers could have. He continued:

*"...Mr Wakefield said 'don't be afraid this will not be the last payment you will have from me.' I still persisted in showing Wakefield the land he shd. have – I showed him from Kaiteriteri outwards to the ocean. – And when I showed him it was done. – afterwards he encroached and came on this side."*

**Source: Te iti's Evidence. Doc No OLC 907 A14. National Archives, Wellington**

Te Iti's claim, that he had shown Wakefield a small block of land at Kaiteriteri the Company could have, threw the enquiry into disarray. No other Maori were allowed to give evidence and the hearing never resumed. William Wakefield offered to pay the chiefs £800 for their interests.



Spain was in a difficult position. He could hardly declare the Company's purchase invalid when so many immigrants had already travelled from the other side of the world to make new lives for themselves and their families. He accepted Wakefield's offer of £800, most of which was distributed promptly.

However in his report to Governor Fitzroy, dated 31 March 1845 he...

- approved the Company's claim to the Nelson Settlement lands after the £800 had been paid to the chiefs, excepting *“All the pas, burying-places, and grounds actually in cultivation by the Natives, situate within any of the before-described lands hereby awarded to the New Zealand Company as aforesaid...”*
- decreed that the Wairau was not part of the New Zealand Company purchases and could not be used to satisfy the Company's promises in relation to the Nelson Settlement
- reduced the Company's Nelson Settlement plan from 221,100 acres to the 151,000 acres already surveyed
- ordered that the Tenths Reserves would consist of 15,100 acres (one-tenth)
- redesignated 800 acres (16 50-acre sections) of Tenths Reserves at Motueka as Occupation Reserves so that Maori would have somewhere to live and cultivate. The Tenths Reserves lost these lands which were never replaced.

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## Summary of the Company's Actions in Relation to Maori

1. No Occupation Reserves to preserve Maori habitations and cultivations were excluded from the surveys in Nelson Town or the suburban/accommodation districts (including Motueka).
2. 100 acres in Nelson Town and 5,000 acres at Moutere, Motueka, Riuwaka and Marahau (100 x 50 acres) were allocated as promised as Tenths Reserves. Maori would not be able to live on, cultivate or use the Tenths Reserves. The Reserves would be leased to Europeans and the income used for "Maori Purposes" decided by the Government-appointed administrator(s) of the Tenths.
3. No Rural Tenths were ever set aside.

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## Questions

1. Why was Arthur Wakefield not present at the Spain hearing?
2. How many acres were set aside as Native Tenths Reserves in Nelson districts?
3. How many acres of Tenths Reserves had Spain ordered?
4. How many acres were owing to the Tenths Reserves estate?
5. How did Spain try to resolve the issue at Motueka which was causing friction between Maori and immigrants? What does robbing Peter to pay Paul mean?
6. What did Spain say about the Wairau?

## Activities

### **Draw**

A comic strip or

### **Write**

A script for a short play

showing the arrival of an immigrant to take over the Maori whare and cultivations at Motueka he had just bought or leased.

## Timeline of the Administration of the Nelson Tenths Reserves

The New Zealand Company intended to appoint its own Commissioner to manage the Tenths in both Wellington and Nelson, but Governor Hobson believed that would be inappropriate and took over the administration. He appointed the Bishop of New Zealand ( G.A. Selwyn), the Chief Justice (W. Martin), and the Chief Protector of Aborigines (G. Clarke Sr) as trustees of Native reserved lands throughout the country. The Chief Justice resigned in **1841** soon after his appointment, citing possible conflict of interest.

In Nelson, Selwyn and Clarke appointed the newly-arrived Police Magistrate, Henry Augustus Thompson, to select the Tenths Reserves according to the Company's ballot system. After a visit from Selwyn in **1842**, Thompson was given instructions about how to lease the Tenths and how to use the income arising from leases. It was clear that early suggestions of Maori living on the Tenths or having access to the income from the Tenths were not considered.

Thompson managed the Tenths until his death at the Wairau in June **1843**. Selwyn then appointed banker Alexander McDonald who held the position until January **1845**.

Selwyn's involvement terminated in February **1844** when Governor FitzRoy stated that he did not recognize any of the trustees of the Native Reserves.

From **1845 to 1848** no-one appears to have been administering the Nelson Tenths and Maori in Motueka were leasing the lands to Europeans themselves.

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## *Timeline of the Administration of the Nelson Tenths Reserves continued*

From **1848 to 1853** John Poynter, Crown Prosecutor, Stephen Carkeek, Collector of Customs and Postmaster, and John Tinline, Clerk of the Court, Interpreter and Explorer, were appointed as a Board of Management of Native Reserves, Nelson. In **1849** Constantine Dillon replaced Carkeek when Carkeek transferred to Wellington.

In **1853** Governor Grey vested all powers of trusteeship for the Nelson Native Reserves in Major Mathew Richmond, Commissioner of Crown Lands in Nelson.

From **1856 to 1862** Poynter, now Provincial Secretary, Alfred Domett, Commissioner of Crown Lands and Chairman of the Wastelands Committee, and Thomas Brunner, Chief Surveyor, Nelson, held the positions of Commissioners of Native Reserves, Nelson.

The Native Reserves Amendment Act **1862** divested them of their powers and the Governor assumed responsibility with power to delegate. In **1863** he appointed James Mackay Jr, who had been Resident Magistrate, Goldfields Warden and Assistant Native Secretary based at Collingwood, as Commissioner of Native Reserves. James was replaced by his cousin, Alexander Mackay, in **1864** when James took up official positions on the Thames-Coromandel goldfields. Alexander Mackay became responsible for the Westland Native Reserves too.

In **1882** responsibility for Native Reserves throughout New Zealand was placed in the hands of the Public Trustee, with administration centralised in Wellington.

## *Timeline of the Administration of the Nelson Tenths Reserves continued*

In **1920** the Native Trustee Act created the position of Native Trustee as corporation sole ie independent. There were provisions to establish a Native Trust Board so that Maori could contribute to decision-making, but that never really worked. In **1932** the Native Trustee was brought into the Native Department and lost any independence. Between **1932 and 1977** the Maori Trustee (within the Department of Maori Affairs) was responsible for all Native Reserves.

In **1974**, as a result of serious concern about the administration of Native Reserves throughout the country, the Commission of Inquiry into Maori Reserved Land released its report recommending that Maori manage their own Reserves.

In **1977** Wakatu Incorporation was established by the descendants and successors of the chiefs who had dealt with the New Zealand Company in the 1840s, and what remained of the Tenths Reserves was transferred from the Maori Trustee to Wakatu.

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The Trustees of the Nelson Tenths Reserves:

\*were appointed by successive governors and governments

\*administered the Tenths Reserves according to government legislation

\* reported to governors and governments.

There was no requirement or expectation that they would consult with or report to their Maori beneficiaries. Until the final Maori Trustee they were non-Maori, and often closely aligned with settler/lessee/ government interests. There was a brief period in the 1920s when the independent Native Trustee consulted Maori owners.

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## Questions

1. What do these words or phrases mean: inappropriate, conflict of interest, terminated, Crown Prosecutor, Clerk of the Court, vested, divested, assumed responsibility, power to delegate, centralised?
2. What would a conflict of interest in relation to being a Trustee for the Tenths Reserves look like?
3. Can you give examples of conflict of interest from everyday life?
4. What does accountable mean? Who were the Trustees accountable to?
5. What do you think would happen if the Government wanted a piece of Tenths land for a public purpose e.g., public toilets in Motueka ( a real example)? What should Trustees do in that circumstance?

## Activity

Write a short (100 word) biography of three of the Trustees named above. List your sources.

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## Legislation Affecting the Tenths Reserves

The first attempt to provide a legal framework for the Tenths Reserves was the Native Trust Bill of 1844. It was passed by the Legislative Council and received the Royal Assent, but because of strong opposition on the grounds that it would cause sectarian problems, it was not gazetted and so did not become law.

The New Zealand Native Reserves Act of 1856, amended in 1858, 1862 and 1873, set out the rules for management of Native Reserves and established the Governor's right to appoint Commissioners. Renata Kawepo, a Hawkes Bay chief, said of the 1873 Act:

“This law resembles the law for pakeha children, drunkards and lunatics, and we are compared by this law to infants, inebriates, and idiots.”

**Source: Sheehan, O'Regan and Te Heuheu “Report of Commission of Inquiry into Maori Reserved Land” 1974 p19**

One of the most damaging pieces of legislation was the Westland and Nelson Native Reserves Act of 1887. This Act arose from the West Coast where lessees of Mawhera lands in Greymouth were suffering a downturn and Maori owners were afraid the Government would allow lessees to buy the lands they were leasing. By this time Maori were vastly outnumbered by Europeans and had very little political power as they were restricted to four seats in Parliament. The Act set 21 years for all leases, with the perpetual right of renewal for lessees, and made provisions for valuations of land and improvements and fixing of rentals. A rental set at the beginning of a 21-year term resulted in peppercorn rentals towards the end of the term especially in times of inflation. Income from the Reserves was severely restricted and the perpetual right of renewal virtually alienated the land from the owners.

# Te Tau Ihu: Nelson Tenths

The 1953 and 1955 Maori Affairs Acts authorised the compulsory acquisition of “uneconomic interests” (interests in land with a value of £25 or less) by the Maori Trustee. 348 owners of the Nelson Tenths lost their interests as a result. The 1955 Act allowed lessees to opt for prescribed rather than arbitrated lease renewals (4% of Unimproved Value for urban land, 5% for rural land).

The 1967 Maori Affairs Amendment Act allowed the Maori Trustee to sell the freehold interest of the land to lessees. This was achieved by finding an individual or a number of individuals with interests in the Nelson Tenths who were willing to sell their interests, a spurious individualisation of the communal ownership of the Nelson Tenths. Between 1967 and 1972, 188 titles comprising 1,308 acres of Tenths and Occupation Reserves in Nelson and Motueka were sold by the Maori Trustee. This Act also raised the uneconomic threshold to £50.

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There was an outcry throughout the country regarding further alienations of Maori land through sales and uneconomic interests. In 1972 the Government suspended sales and appointed a Commission of Inquiry to examine the administration of Maori land. The Commission held hearings around New Zealand and reported at the end of 1974. It recommended five possible structures to administer Maori land, all involving the Maori owners or beneficiaries. One, an Incorporation of owners under Part IV of the Maori Affairs Amendment Act 1967, was chosen by the descendants and successors of the Original Owners of the Nelson Tenths. Wakatu Incorporation was formed in 1977 and beneficial owners of the Nelson Tenths became shareholders of the Incorporation. Shareholders elect a Committee of Management, confirm policies through resolutions at AGMs and SGMs, including any land sales.

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## Questions

1. What do these words and phrases mean: Legislative Council, Royal Assent, sectarian problems, gazetted, downturn, perpetual rights of renewal, valuations, peppercorn , restricted, virtually alienated, compulsory acquisition, prescribed, arbitrated, freehold, spurious individualization, communal ownership, suspended?
2. What did the lessees' perpetual right of renewal mean for the Maori owners?
3. What is the difference between freehold interest and leasehold interest?
4. Each beneficial owner was an owner in every Tenths section. Was it fair to allow individuals to sell a part of the Tenths? Would a shareholder in a company be able to sell off a building or a truck belonging to the company?
5. What would losing your 'uneconomic' interests in the Tenths mean in Maori terms?



## Use of Income from the Tenths Reserves

Income from the Tenths Reserves was to be used for the benefit of Maori. In the first 40 years of administration the income was used at the discretion of the administrators for building and maintaining hostels at Auckland Point, medical attendance, welfare (rations, blankets, passages/fares, disaster relief, coffins), education ( including Whakarewa), and farm equipment for Maori. The income was sometimes used for Maori in general, not the descendants of the original Tenths owners, it was used for purposes elsewhere funded by Government e.g.schools and healthcare, it was used to civilise or anglicize Maori, it destroyed traditional structures ( e.g. the mana of the chiefs), it created welfare dependency, forced Maori to become plausible beggars, and Maori were viewed as untrustworthy because money was not paid to them but to the shopkeeper, undertaker etc. Distribution was not always fair.

The first distribution of income from the Tenths was made in 1897( 55 years after the Tenths were set aside), after the Public Trustee had asked the Native Land Court to determine who the owners of the Nelson Tenths were. In 1897 approximately 53% of accumulated rentals were distributed. From that time c. 50% of rental income was distributed to individuals, and the rest continued to be used at the Trustee's discretion.

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## Questions

1. What do these words or phrases mean: benefit, discretion, passages, disaster relief, civilize, anglicize, mana, plausible beggars, distribution, accumulated?
2. What would disaster relief be for?
3. What does the plan to civilise or anglicise Maori suggest about the authorities' belief about Maori values and customs? How would you go about your plan? Was it a good use of the income from the Tenths?

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## Research Activity

Look up Papers Past - Parliamentary Papers.

Go to Volume 1897 G-04 to see the first distribution of income to the beneficiaries after 55 years.

G-04 NATIVE RESERVES ACCOUNTS STATEMENT OF), BY THE PUBLIC TRUSTEE,  
FOR THE YEAR ENDED THE 31st MARCH, 1897.

1897 Session II

STATEMENT OF), BY THE PUBLIC TRUSTEE, FOR THE YEAR ENDED THE 31st MARCH, 1897

[Papers Past | Parliamentary Papers | Appendix to the Journals of the House of Representatives | 1897 Session II | NATIVE RESERVES ACCOUNTS STATEMENT OF\), BY THE... \(natlib.govt.nz\)](#)

1. On pages 11 and 12 list the items the Public Trustee spent the Tenths income on from the Nelson and Motueka General Accounts.
2. On pages 12 to 14 how many beneficiaries of the Tenths were there in 1897?
3. What was the largest dividend? Who did that go to?
4. What were the smallest dividends? How many beneficiaries received less the £100?

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## Who were the Owners of the Nelson Tenths?

The Public Trustee, who took over administration of the Tenths in 1882, was concerned that he did not know who the beneficiaries of his Trust were. He asked the Native Land Court to determine ownership of the Nelson Tenths Reserves.

In 1892-1893 the Native Land Court ( Judge Alexander Mackay) conducted hearings in Nelson to determine ownership. Six tribal groupings claimed interests on the grounds of ancestral rights, conquest, occupation, gift, and participation in the New Zealand Company's gifts and the Spain Award. The Court found that four iwi (Ngati Koata, Ngati Rarua, Ngati Tama and Te Atiawa) held manawhenua over the Nelson lands in 1841; these were the iwi who had authority to negotiate with the New Zealand Company. Ngati Toa's claim was dismissed for lack of occupation following the 1820s-1830s conquests of Nelson districts. Ngati Kuia/Rangitane's claim was dismissed because of the Tainui Taranaki conquest: they had lost authority over the land.

After identifying the iwi who held manawhenua, the Court allocated proportionate iwi interests in the 151,000 acres of the Nelson Settlement. Each iwi submitted lists of their people alive in 1841 who were deemed to be the original owners of the Tenths, and the Court ratified 254 original owners. Successions to original owners then began. The Minutes of the 1892-1893 hearings and the succession hearings are a treasure trove of iwi history and whakapapa.

***Minute Books of the Nelson Native Land Court Nos 2 and 3. NPM and Nelson Public Library***

### Question

What do these words or phrases mean: ancestral rights, occupation, manawhenua, proportionate?

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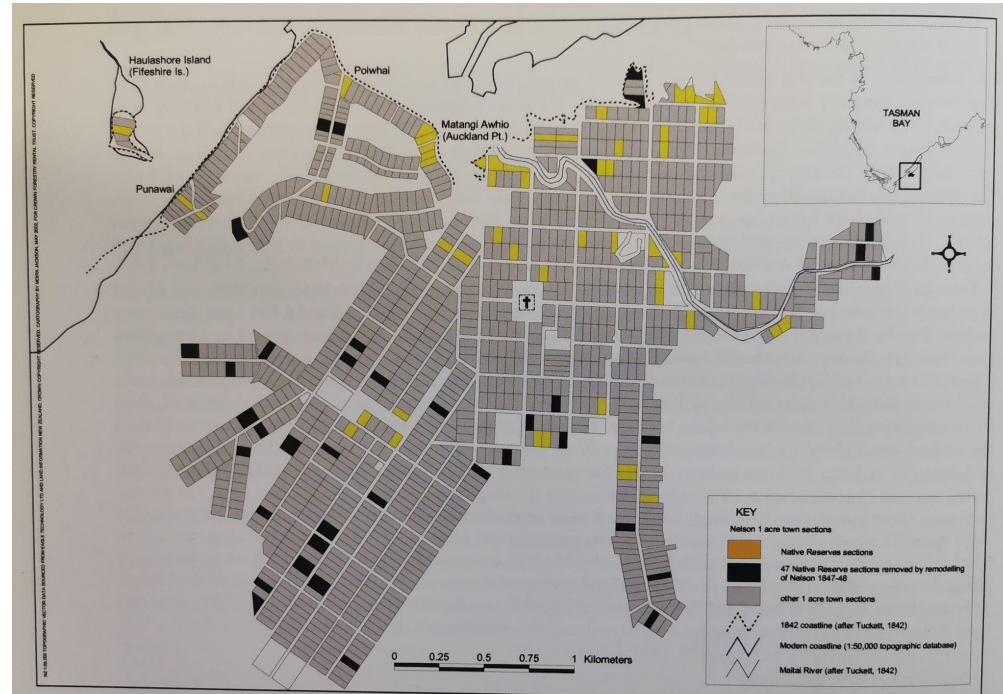
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# Te Tau Ihu: Nelson Tenths

## What Became of the 5,100 Acres of Nelson Tenths Reserves?

In 1845 Spain redesignated 800 acres of Tenths at Motueka as occupation lands for Maori to live on and cultivate.

In 1847 47 acres of Nelson Town Tenths Reserves were taken back by the Company with the approval of Governor Grey and Earl Gray ( Secretary of State for the Colonies, London) for redistribution to settlers.



Plan showing the effects of the remodelling scheme on the Nelson Town Tenths Reserves.

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# Te Tau Ihu: Nelson Tenths

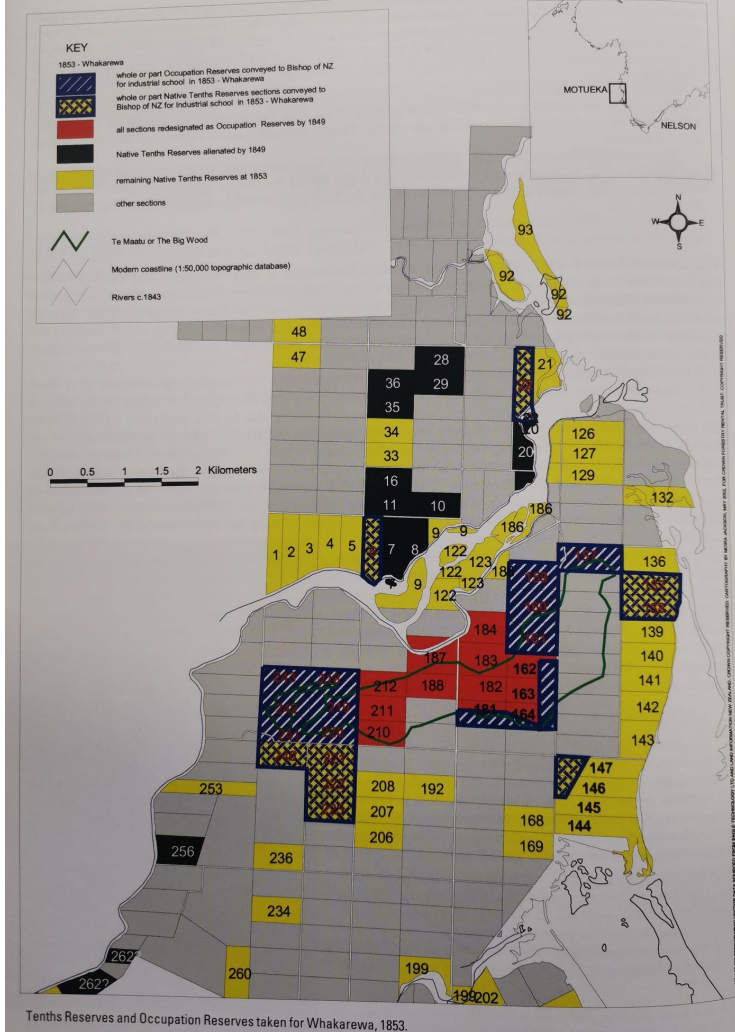
Between 1849 and 1862 a further 900 acres of Tenths Reserves at Motueka and Marahau were redesignated as Occupation Reserves for Maori to live on and cultivate.

In 1853 Governor Grey took 918 acres of the best horticultural land at Motueka (489 acres Occupation Reserves and 429 acres of Tenths Reserves) for the Whakarewa School at Motueka. The Anglican Church returned the residual land to the Ngati Rarua Atiawa Iwi Trust in 1993. Still a loss of 429 acres to the Tenths Reserves estate.

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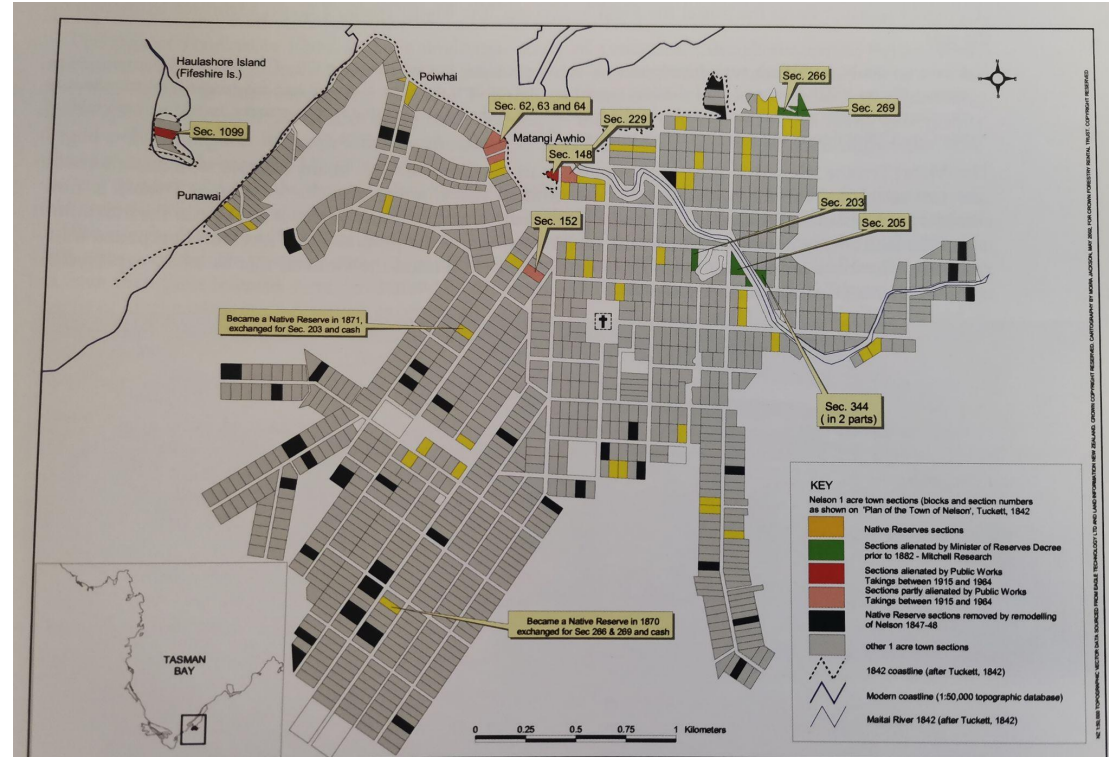
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# Te Tau Ihu: Nelson Tenths

In 1863 a land exchange resulted in the loss of 150 acres from the Tenths Reserves estate.

In the 1800s and 1900s 50.5 acres at Motueka and 7 acres of Nelson Town sections were taken under Governors' Decrees or the Public Works Act; compensation was paid in some cases. Nearly 27 acres were taken for streets and roads – no compensation.



Tenths Reserves lands in Nelson city taken for public purposes.

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In summary the Tenths Reserves estate lost 2,689.5 acres before the sales under the 1967 Act.

When Wakatu Incorporation was established in 1977 the Maori Trustee transferred 2,993 acres 3 roods and 5 perches. About 1,626 acres were original Tenths, the rest being Occupation Reserves ( including some from Golden Bay) which had come under the Government-appointed trustees. There were 771 titles, all but two subject to leases with rights of renewal in perpetuity. Valuation of the estate was estimated at \$11,064,710. Annual rental income was just over 1% of valuation.

Between 1977 and 1997 the Wakatu Committee of Management lobbied, petitioned and collaborated with others in similar situations (especially through the Federation of Maori Authorities – FOMA – which Wakatu helped to establish) to change the laws around the perpetual leases including rights of renewal, length of rent review periods and restoration of rights to arbitrate rents.

## Question

Only two titles were not subject to lessees' right to renew in perpetuity.  
What did this mean for Wakatu's ability to manage and use its lands?

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# Te Tau Ihu: Nelson Tenths

In 1997 some relief was achieved. The Maori Reserved Land Amendment Act 1997 reduced rent review periods from 21 years to 7 years, allowed rent levels to be set by arbitration between lessor (Wakatu) and lessee, not by statutory prescription, and confined right of renewal in perpetuity by existing lessee to immediate family only; otherwise Wakatu has first right of refusal to purchase lessee's interest. Lessees were paid compensation for the impacts of the changes, and Wakatu received compensation for past rental losses caused by legislation.

Wakatu today is involved in primary industries, as well as processing its harvests, land development and property. It has about 4,000 shareholders and employs about 400 people. The Incorporation pays annual dividends to its shareholders, provides education grants and scholarships to shareholders and their families, offers cultural programmes: wananga for Te Reo, tikanga (taiaha, karanga, history/outdoor), contributes to marae programmes, and supports community activities through sponsorships, cash grants and/or donations of products.

## Activity

Find out all the businesses/industries  
Wakatu is involved in.



[Wakatu Incorporation](https://www.wakatu.co.nz/)

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## Wakatu's Latest Challenge

During the Waitangi Tribunal hearings in Te Tau Ihu (2000-2004) Wakatu presented evidence of failure by governments to enforce the promises made by the New Zealand Company in order to establish the Nelson Settlement. When the Company became bankrupt in 1850 the Government took over its assets and responsibilities. Governments also appointed the Trustees of the Native Reserves who failed to protect the interests of their beneficiaries.

The Waitangi Tribunal recognized Wakatu's claims as valid and recommended that the Government deal directly with Wakatu. The Office of Treaty Settlements, responsible for settling claims on behalf of the Government, rejected the Tribunal's recommendation, claiming that it only deals with iwi organisations. It suggested that iwi could compensate Wakatu out of their settlement assets, if they so desired.

After much serious consideration and legal advice, Wakatu sued the Crown under Trust law, alleging that the Crown through legislation and actions of Crown-appointed agents had not exercised the fiduciary responsibilities required of Trustees, and that the interests of the beneficiaries of their Trusts had not been protected, as demanded by Trust law.

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# Te Tau Ihu: Nelson Tenths

The Court actions began in the High Court in 2011, followed by Crown appeals to the Court of Appeal, and eventually Wakatu's appeal against the Court of Appeal's decision in the Supreme Court. In 2017 the Supreme Court judged that through its discriminatory legislation and the actions of its appointed Trustees, the Crown had failed to protect the interests of the Beneficial Owners of the Nelson Tenths Reserves, and must reimburse the Descendants of the Original Owners in full. The extent of the loss and reimbursement was referred back to the High Court.

This is a monumental decision, as most Treaty settlements amount to less than 2% of the value of the losses. There are other land trusts and incorporations who could sue similarly.

The Government has been in no hurry to comply with the Supreme Court's referral to the High Court to decide the extent of reimbursement. At time of writing a date in August 2023 has finally been set.

One issue is that the Supreme Court decision specified the Descendants of the Original Owners. Many Wakatu shareholders are successors but not direct descendants of the Original Owners, and some Wakatu shareholders derive their shareholding from Occupation Reserves, not Tenths Reserves. There may need to be a new structure to receive the assets transferred from the Crown as the result of the 2017 judgement.

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## Questions

1. What do these words or phrases mean: enforce, assets, compensate, fiduciary, discriminatory legislation, reimburse, comply with?
2. Give an example of fiduciary duty.
3. What do you think local iwi thought about the Office of Treaty Settlements' suggestion that they might like to compensate Wakatu for the losses caused by Government actions?
4. What is the difference between a descendant and a successor?

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# Te Tau Ihu: Nelson Tenths

## Resources

[Wakatu Incorporation](#)

[Nelson Tenths — Wakatu Incorporation](#)

[Kerensa Johnston, Nelson Tenths' Reserves, Part One - YouTube](#)

[Kerensa Johnston, Nelson Tenths' Reserves, Part Two - YouTube](#)

[Kerensa Johnston, Nelson Tenths' Reserves, Part Three - YouTube](#)



[A broken promise? The Native Tenths Reserves \(theprow.org.nz\)](#)

[The Nelson Tenths: counting the cost of a 180-year old broken deal | Stuff.co.nz](#)



[The Wairau incident - The Wairau incident | NZHistory, New Zealand history online](#)

[The Wairau Affray: A series of unfortunate events | National Library of New Zealand \(natlib.govt.nz\)](#)

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Understand	Know	Do
<p>Colonisation and settlement have been central to Aotearoa New Zealand's histories for the past 200 years.</p> <p>People hold different perspectives on the world depending on their values, traditions, and experiences.</p> <p>People participate in communities by acting on their beliefs and through the roles they hold.</p>	<p><u>By the end of Year 10</u> The Crown asserted its power to establish a colonial state that in consequence diminished mana Maori. Over time, Maori have worked inside, outside and alongside the Crown to negotiate the colonial relationship with the Crown and to affirm tino rangatiratanga.</p> <p>The Waitangi Tribunal investigation process and subsequent settlements by the Crown have provided opportunity for reconciliation and greater engagement by non-Maori with the Treaty.</p>	<p><u>By the end of Year 10</u> Consider whether my sources are valid and reliable, identify gaps in them, and reflect on limitations and biases in representing the people and groups involved.</p> <p>Use historical sources with differing perspectives and contrary views...I can recognise that the sources available may not capture and fairly represent the diversity of people's experiences.</p>

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## Reference List

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based on text taken from *'Te Tau Ihu o te Waka Vol 1'*  
(Huia Publishers 2004, written by Maui John Mitchell and Hilary Mitchell)

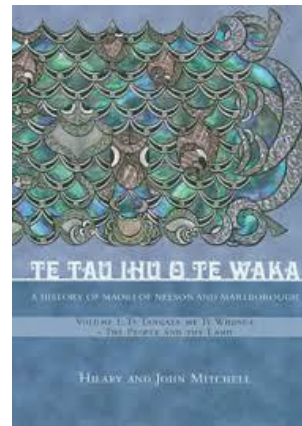
### ***Recommended Readings:***

Patricia Burns  
*'Fatal Success - A History of the New Zealand Company'*  
(Heinemann Reed, 1989)

Roland L. Jellicoe  
*'The New Zealand Company's Native Reserves'*  
(Government Printer, 1930)

B. Sheehan, R. O'Regan, G. Te Heuheu  
*'Report of Commission of Inquiry into Maori Reserved Land'*  
(Government Printer, 1975)

H.A. & M.J. Mitchell  
*'Reclaiming Rangatiratanga: The Wakatu Incorporation and The Crown'*  
(Victoria University, 2006)



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