

# Treaty timeline

## Page 2 – Treaty events 1850-99

MCH, 2016e  
Nation Dates  
FINAL

### 1854 New Zealand's first Parliament

The (British) New Zealand Constitution Act 1852 set up New Zealand's parliamentary system, based on the Westminster model. The first elections were held in 1853, and Parliament sat for the first time in 1854. Men's right to vote was based on the possession of individual property, so Māori who possessed their land communally were almost entirely excluded from voting for Parliament. Although the 1852 legislation provided for native districts that allowed for some form of temporary, local self-government for Māori, none were established.

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### 1858 First Māori King

The Waikato chief Te Wherowhero (who had not signed the Treaty of Waitangi) became the first Māori King in 1858 and took the name Pōtatau. Māori wanted a leader who would unite the tribes, protect land from further sales and make laws for Māori to follow. Many Māori supported the King movement (Kīngitanga), but some chiefs refused to put their mana under that of someone else. The Kīngitanga regarded the Queen as complementary to the Māori King, not as a competitor, but the colonial government took a different view.

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### 1860 New Zealand Wars begin

The first conflict in the main phase of the New Zealand Wars began in Taranaki in 1860. A ceasefire ended that conflict in 1861, but warfare between Māori tribes and British forces took place in other parts of the North Island between 1863 and the early 1870s. The Waikato War (1863–4), which focused on the Kīngitanga, ended with a Māori defeat at the **battle of Ōrākau in April 1864**. By then, British troops had occupied most of Waikato. War continued sporadically for another decade. King Tāwhiao made a formal act of peace in 1882.

### 1860 Kohimarama conference

About 200 Maori met at Kohimarama, Auckland, in July 1860 to discuss the Treaty of Waitangi and land. Governor Thomas Gore Browne had convened the conference partly to draw attention away from the Kīngitanga and the fighting in Taranaki. Those at the conference reaffirmed the Treaty of Waitangi and pledged not to take actions that would be inconsistent with the Queen's sovereignty. The Kohimarama Covenant suggested that a native council be set up. This did not occur, and the conference was never held again.

### 1862 Changes in Native Affairs

Until 1862, Māori or Native Affairs was the responsibility of the governor because of concerns in England that the elected settler governments would put their interests ahead of those of Māori. In 1862 the British government instructed the governor generally to accept the advice of his ministers in Native Affairs. Responsibility for Native Affairs did not fully pass to the New Zealand government until 1865.

↳ expand on existing (1861 entry)

### 1862 Native Land Act

The Native Land Act 1862 set up a Native Land Court to adjudicate on competing customary claims to land. It created a court of Māori chiefs chaired by a Pākehā magistrate. The act also allowed Māori to deal directly with settlers over land. Because this contravened the Treaty, the act had to be approved in London. It was barely implemented before it was replaced in 1865.

### 1863 New Zealand Settlements Act

The New Zealand Settlements Act, passed during the New Zealand Wars, authorised the taking of land from Māori. The legislation assisted European settlement, particularly by placing military settlers on lands where they could act as a buffer between Māori and European communities. Its intention and effect was



to punish so-called rebel Māori by allowing the confiscation of their lands. Māori considered to be in rebellion were not entitled to compensation, and even Māori thought of as loyal were first offered monetary compensation rather than the return of their land. Later, the law was amended to allow awards of land, including of small areas to surrendered 'rebels'.

#### 1864 Land confiscations

The first proclamation confiscating land under the New Zealand Settlements Act was made in December 1864. Over the next three years, five districts were proclaimed to be under the act: Taranaki, Waikato, Tauranga, Eastern Bay of Plenty and Mōhaka–Waikare. The total area affected was about 1.5 million acres (607,500 ha). A Compensation Court (mostly comprising judges of the Native Land Court) was set up to hear claims by loyal Māori for monetary compensation or the recovery of their land.

#### 1865 Native Land Court established

The Native Land Court was established in 1865, replacing the 1862 system. In determining ownership, the court was required to name no more than 10 owners, regardless of the size of the block. All other tribal members who may have been owners were effectively dispossessed. The newly designated owners held their lands individually, not communally as part of (or as trustees for) a tribal group. They could manage it – and sell it – as individuals and for their own benefit.

#### 1865–7 Legislation to secure peace

In 1865, the Kīngitanga leaders implemented a ceasefire in Waikato. The British government announced that it would begin to withdraw its forces from New Zealand. In an effort to try to secure peace, successive settler governments passed laws that were intended to give practical effect to some of the promises in the Treaty. These included the Native Rights Act 1865, which gave Māori the rights of natural-born British subjects and allowed them to sue and be sued in the Supreme Court.

#### 1866 Te Kooti imprisoned without trial

During 1865 and 1866, with the rise of the Pai Mārire movement, the government arrested people thought to be aiding the so-called rebels. Te Kooti Rikirangi of Poverty Bay was one of these. He was sent to the Chatham Islands, and his pleas for a trial were ignored. On 4 July 1868, Te Kooti and many followers escaped. They were subsequently pursued on the East Coast and in the Urewera and the Taupō districts. From 1868, the government began to charge individuals with crimes such as murder or treason, but Te Kooti escaped the pursuing forces and was pardoned in 1883. He founded the Ringatū Church and provided it with rituals and structures that last to this day.

#### 1868 Tītokowaru resists land confiscation

Ngāti Ruanui leader Tītokowaru headed a strong resistance to land confiscation in south Taranaki in 1868. His force swept south from the Hāwera district, inflicted heavy defeats on the colonial forces and finally threatened Whanganui. In February 1869, for reasons that are disputed, Tītokowaru's army largely deserted him. He became a fugitive and was hunted back into the inaccessible upper Waitara area. He was later involved in the Parihaka passive resistance movement.

#### 1868 First Māori Members of Parliament

The Maori Representation Act 1867 created four Māori parliamentary seats. On a population basis, there should have been many more seats. The first members were elected in 1868. Adult Māori men were given universal suffrage (voting rights) 11 years before Pākehā men, who still faced property qualifications.

#### 1873 Fragmentation of Māori landownership

The Native Land Act 1873 allowed the Native Land Court to fragment the ownership of Māori land. Instead of having 10 names listed as owners and the rest of the tribal group missing out, everyone with an ownership interest was now to be put on the title. Conceived of as a way to recognise tribal ownership, this did not individualise land ownership but fragmented it. Individual Māori received shares in blocks that were then partitioned and repartitioned, at great time and expense, into uneconomic segments. This, and the ordinary costs of living, forced many to sell their interests. Prospective



purchasers (both Crown and private) resorted to secretive methods such as paying advances to numerous individuals, sometimes for years, then going to the court and claiming the percentage of the block corresponding to their proportion of the shares. The effect on Māori was disastrous.

1877 Treaty of Waitangi judged to be a 'legal nullity'

Chief Justice James Prendergast, in the *Wi Parata v Bishop of Wellington* case, described the Treaty of Waitangi as 'worthless' because it had been signed 'between a civilised nation and a group of savages'. This extreme view held that the Treaty had no judicial or constitutional role in government because Māori were not a nation capable of signing a treaty. Since the Treaty had not been incorporated into domestic law, it was a 'legal nullity'. The Privy Council in London overturned many of Prendergast's conclusions by the beginning of the 20th century. *clear, simple?*

1879 Major meetings on the Treaty

Meetings at Kohimarama (1879), Te Tii (1881) and other places brought the Treaty of Waitangi back into prominence. More than 3000 Māori attended the 1881 meeting at which a monument to the Treaty was dedicated at Te Tii marae and demands for a Māori parliament were put to the government. *add.*

1881 Parihaka occupied by force

From 1879 Te Whiti o Rongomai encouraged his followers to uproot survey pegs and plough up roads and fences erected on land they considered to be theirs. There were arrests and after further peaceful resistance, the government sent an armed force, commanded by Native Minister John Bryce, into the Taranaki town of Parihaka between 5 and 8 November 1881. The unopposed force ran amok. Te Whiti and fellow prophet Tohu Kākahi were imprisoned and exiled to the South Island to serve their sentences. Parihaka has been a symbol of Māori resistance ever since. *add.*

1882 Māori deputations to the Queen

The first of several Māori deputations went to England in 1882 to seek redress from the Crown. Māori felt they had a special, personal relationship with their Treaty partner, Queen Victoria. On this and each subsequent occasion, they were referred back to the New Zealand government on the grounds that the imperial government no longer had responsibility for such matters. *add.*

1891 Investigation of Māori land

*incorrect according to Robertson or Hughes, 1982.*  
A royal commission investigated the state of the legislation controlling the administration of Māori land. It found a complex and contradictory set of laws and fragmented ownership. Māori had virtually no land in the South Island and now owned less than 40% of the North Island. Much of their land was of poor quality and hard to develop. Few of the commission's many recommendations to improve the situation were implemented, largely because they were inconsistent with government policy. *add.*

1892 Māori parliaments

Several Māori parliaments met from the early 1890s. These were a way for Māori to air their grievances and seek remedies. Following meetings at Waitangi and Ōrākei, a Māori congress or parliament (called Kotahitanga, which means unity) met for the first time at Waipatu marae in Hastings in June 1892. The Kotahitanga met in several other locations before developing a more permanent base at Pāpāwai in Wairarapa. The Kīngitanga's own parliament was called Kauhanganui. Both aimed to unify Māori, but neither wholly succeeded. *add.*

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