

# The trouble about your combs arose this way... Changing interpretations of the Maori Antiquities Act 1908

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**ABSTRACT:** The Maori Antiquities Act 1908 regulated the export of Māori artefacts from New Zealand between 1908 and 1962. The legislation allowed the Minister of Internal Affairs to approve the inclusion of Māori artefacts as part of exchange arrangements between New Zealand and overseas museums. Government officials were advised in such matters by staff of the then Dominion Museum. An examination of a number of applications to export exchange material under the Act during the 1920s reveals changes in the interpretation of the Act by government and museum individuals.

**KEYWORDS:** Maori Antiquities Act 1908, antiquities legislation, exchanges, museum conference, duplicates, Dominion Museum, Otago Museum, H.D. Skinner

## Introduction

The Maori Antiquities Act 1908 regulated the export of Māori artefacts from New Zealand between 1908 and 1962. The legislation authorised the Minister of Internal Affairs to approve requests to export Māori artefacts under certain circumstances, which included exchange arrangements between New Zealand and overseas museums. In 1962 the Maori Antiquities Act 1908 was repealed by the Historic Articles Act. This was in turn replaced by the Antiquities Act 1975, in which ownership of newly discovered Māori artefacts became the property of the Crown. The current legislation, the Protected Objects Act 1975, was passed in 2006. This revoked the previous definitions of antiquities, introduced the term 'taonga tūturu'<sup>1</sup> and created nine categories of protected New Zealand objects, and its terms will allow New Zealand's participation in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and UNIDROIT

Convention on Stolen or Illegally Exported Cultural Objects (1995).

In the 1920s, when the Maori Antiquities Act 1908 was still in force, three initial applications by the Otago Museum to export exchange material were refused by the Minister of Internal Affairs. In the course of resolving the issues that were raised, the first New Zealand conference of museum professionals was held. This paper examines the exchanges in question and considers the changing interpretation of the antiquities legislation that they mark.

## Legislation and key players

### Māori antiquities legislation

In October 1901, the New Zealand Parliament passed 'An Act to prevent the Removal from the Colony of Maori Antiquities'. Discussion prior to the passing of the Act balanced the desire to retain artefacts in New Zealand with

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potential inconvenience to tourists, the rights of dealers in artefacts to earn a living, and possible detrimental effects on the trade in contemporary carvings (White 2003). The aims of the Act were linked with the idea of building a national museum to house the material that would be purchased by the government under the terms of the Act.

The 1901 Act was amended in 1904. When introducing the Maori Antiquities Act Amendment Bill, the Hon. Sir J.G. Ward (then Colonial Secretary) explained that provision for imposing a fine as a deterrent penalty, absent from the 1901 Act, was necessary to help prevent the export of antiquities (*New Zealand Parliamentary Debates*, 1904: 548). He added that it was desirable that provision be made for securing copies of carvings that the Crown was offered but chose not to purchase.<sup>2</sup> The Amendment also allowed forfeiture to the Crown of artefacts exported contrary to the provisions of the Act.

The type of material to which it was anticipated the legislation would apply, as indicated in the Parliamentary debates, was unchanged. The Hon. Mr Carncross (Taranaki) said:

The Hon. Mr. George referred to people coming here and taking away Maori charms on their watch-chains, and so were unwittingly offending against the law. I do not think this law is made for the restriction of that sort of thing, but merely for the protection of large and notable curios, as, for instance, the Maori house which was sold the other day, and which is the sort of thing which should be kept in the colony, if possible. (*New Zealand Parliamentary Debates*, 1904: 711)

The Hon. Mr Jenkinson (Canterbury) added:

I do not fear the trouble that some speakers have indicated regarding the small antiquities, such as heitikis, et cetera, because the Bill will not deal with them. The principal Act, I think, leaves that matter to the discretion of the Colonial Secretary...and there is no fear of any Colonial Secretary being so foolish as to prohibit the exportation of small things. He will only deal with larger things, and that is all that the Bill is brought in for. (*New Zealand Parliamentary Debates*, 1904: 712)

Four years later, the 1901 and 1904 acts were consolidated in the Maori Antiquities Act 1908. The term 'Maori antiquities' was defined as including 'Maori relics, articles manufactured with ancient Maori tools and according to Maori methods, and all articles or things of historical or scientific value or interest or relating to New Zealand, but does not include any botanical or mineral collections or

specimens'. The 1901 Act had excluded 'private collections not intended for sale' from the definition, but the 1908 Act removed this.

Regulations under the Maori Antiquities Act 1908 provided for the process for exporting artefacts. The party wishing to export material wrote to the Minister of Internal Affairs requesting permission to do so, describing the material in question. If the application was successful, the party received a 'Warrant to Export' that gave the consent of the minister.

### Dominion Museum

The Colonial Museum in Wellington became known as the Dominion Museum in 1907 and then, under a 1972 act of Parliament, as the National Museum. The National Museum existed until Te Papa Tongarewa was established as a Crown entity under the Museum of New Zealand Te Papa Tongarewa Act 1992.

These successive institutions have all been funded from, and had a special relationship with, central government. In the time the Maori Antiquities Act 1908 was in force, the Dominion Museum played an advisory role when applications to export Māori artefacts from New Zealand were received by the Department of Internal Affairs.

### Otago Museum

Exchanges offered opportunities to obtain material that would not normally have come on the market in New Zealand, and were a not uncommon way for museums (and other collectors) with limited purchasing funds to acquire new material. In the early 1920s, W. Benham, the Curator of the Otago Museum, wrote, 'The collections in the Museum have been formed almost entirely by the gifts from individuals and by exchanges with museums, in return for the natural products of New Zealand' (Benham 1922: 3).

In 1919, H.D. Skinner was appointed Assistant Curator of the Otago Museum and given responsibility for its ethnological collections. His was the first position for an individual with expertise in this area at the Museum, and the collecting emphasis up to this time had been primarily zoological. Skinner's joint appointment as Assistant Curator at the Museum and Lecturer in Anthropology at the University of Otago led to extensive use of the Museum collections in teaching the university course. Material was sought both to build up the Pacific collections and for teaching purposes, and some of this was

obtained by exchanges with overseas individuals and institutions. While Benham had, in the main, exchanged items of zoological interest, Skinner exchanged ethnographic material – usually Māori artefacts. Some of Skinner's exchanges, however, aimed at returning to New Zealand Māori artefacts held overseas.

## Otago Museum application in 1922

In 1920, following an application by a Mr Burnett of Nelson to export a 'small Maori axe', the Minister of Internal Affairs, Sir Francis Bell, issued a directive to his department that 'in future I think the licence to export genuine Maori weapons should be invariably refused whether the museum has a supply or not' (J. Hislop to J.A. Thomson,<sup>3</sup> 24 February 1920, Te Papa Archives MU1 Box 20).<sup>4</sup> The impetus behind Bell's directive is not clear, as the Dominion Museum had not advised the Minister that the axe (more probably an adze) should be barred from export. Elsdon Best had described it as 'a genuine old Maori artifact of an average form and finish, but not a rare object'. He also noted: 'The museum has a large number of such implements' (J. Hislop to J.A. Thomson, 24 February 1920, Te Papa Archives MU1 Box 20).

The impact of Bell's instruction was apparently seen in Otago two years later, when Skinner received an unwelcome reply from the Department of Internal Affairs to an application to export a group of artefacts to England. He wrote to the Director of the Dominion Museum:

I have received from the Under-Secretary of your department an extraordinary letter in reply to mine asking for permission to send some adzes to the University Museum, Cambridge, by way of exchange for New Guinea material. He states that the export of Maori material of any kind has been forbidden, and that he must take time to consider our application. This new prohibition came as a complete surprise to Dr. Benham and myself. Is it possible that the exchange of scientific material between British Universities is forbidden?... We have also requests for stuff from other museums: in fact it is impossible for our collections to expand if permission to export is refused. (H.D. Skinner to W. Macdonald, 2 April 1922, copy in Otago Museum archives)

The matter was further discussed between the Dominion Museum and Internal Affairs staff, and under Bell's successor, the Hon. Downie Stewart, a resolution was reached

and the exchange proceeded. In May 1922, the Under-Secretary wrote:

I have pointed out to the Minister that the leading Museums in New Zealand are fully stocked with Maori weapons, and the majority of such articles which it is desired to export have faults or flaws and are useless for Museum purposes.

The Hon. Minister has approved a recommendation that permission should be granted to export in cases where the article is of no use for Museum purposes. (J. Hislop to J.A. Thomson, 12 May 1922, Te Papa Archives)

'Museum purposes' at this time and in this context presumably means for display, although the desirability of localised material enabling scientific study was acknowledged.

## Otago Museum application in 1926

In May 1926, the Otago Museum asked for permission to export for exchange with the English collector Harry Beasley one wooden comb, three bone tattooing chisels, three broken bone flutes and two bone combs. Of this material Skinner had written to Beasley (26 March 1926, copy in Otago Museum archives): 'I will send you as soon as convenient a bone whistle and a bone comb, both excessively rare. And I may be able to include an unfinished wooden heru from the Urewera country, also a considerable rarity even here.'

In June, the warrant was granted with the exception of the two bone combs, permission for the export of which was to be held over for further consideration. Skinner's reply made two main points: that there were 20 bone combs on public exhibition in the Otago Museum at that time as well as 'some exchange pieces'; and that for the material being sent to Beasley they were being offered in return a waka huia of pre-European date, but if the exchange with the Otago Museum did not take place within 'a reasonable time' Beasley would accept an offer from the Field Museum, Chicago, for the waka huia. Skinner offered to cancel the arrangements if a museum or collector in New Zealand would give 'a good pre-European Maori feather-box' in exchange for the material being offered to Beasley but doubted that anyone would consider the offer. Thomson replied:

The trouble about your combs arose this way. I reported that while the four larger museums had probably satisfactory series, the smaller museums certainly had not, and they had no resources to enable them to purchase such objects at the present time or to obtain them by exchange. It was a question whether the Maori Antiquities Act should be interpreted to cover the probable future needs of the smaller museums. Meantime I recommended your permit should be granted and that a conference should be called to make recommendations on future applications. The Minister decided that the interests of the smaller museums must be protected, that if necessary the Government would buy specimens in anticipation of their future needs, that your permit should be refused, and that a conference should be called. When you submitted that you were getting rare Maori objects in exchange, I again recommended your permit, and have not heard the result. (J.A. Thomson to H.D. Skinner, Te Papa Archives)

Eventually, permission to export the combs was granted. Thomson's letter is, however, significant. The Parliamentary debate on the original legislation focused on provision for a single national museum. When, during the debate on the Maori Antiquities Amendment Bill in 1904, Mr Willis (MP for Wanganui) advocated more liberal government support for local museums, the Hon. Mr McGowan (Minister of Justice) replied:

This Bill is not a Bill to provide for museums...While commending the honourable gentleman's remarks in reference to his district, I may point out to the honourable gentleman that if it wants to establish a successful and creditable Maori museum the country cannot achieve anything like the success that ought to be desired in this connection by having museums scattered all over the country. (*New Zealand Parliamentary Debates*, 1904: 549)

The idea that the legislation be used to cover the probable future needs of the smaller museums marks a significant change in attitude and another stage in New Zealand's museological history.

## The other side

Thomson's recommendations to the Department of Internal Affairs were indeed as he had summarised them to Skinner. His initial letter to the Under-Secretary (J.A. Thomson to J. Hislop, 19 May 1926, Te Papa Archives) included the comment:

the list supplied by Mr. Skinner includes some articles that are relatively rare, namely 2 bone combs. So far as the larger museums are concerned there is no objection to

export these, but it is a question of whether the interests of the smaller museums, such as those of Palmerston North, Invercargill, and Wanganui, should not be protected...there is no doubt that in the future these museums will grow and they will wish to acquire representative Maori collections. The Otago Museum has practically a monopoly of the market for bone implements which are rarely found outside the middens of Otago. The general question of policy involved is a constantly occurring one in the administration of the Maori Antiquities Act.

Later correspondence contains a hint of exasperation:

the fact that the Otago Museum is to obtain a Maori feather-box of pre-European date in exchange for the articles to be exported puts a rather different complexion on the matter...Under these circumstances I think that the application to export the bone combs may be granted...At the same time Mr. Skinner does not seem to see the point which I raise...The point is that although the Otago Museum may have an abundance of these combs both for exhibition and as duplicates, the other museums and particularly the smaller museums in New Zealand have been inadequately supplied. (J.A. Thomson to J. Hislop, 9 July 1926, Te Papa Archives)

In this context it is interesting to note that Thomson had planned to undertake a national census of research in New Zealand in 1917 (although this never eventuated) and co-authored a 1923 survey with his father.<sup>5</sup> As a government advisor, Thomson brought a national perspective to bear on issues associated with the antiquities legislation and permissions to export. Unfortunately, this seems to have clashed with the sense of autonomy felt by the other metropolitan museums.

## Museums conference

As Thomson had intimated to Skinner, a conference to discuss the Maori Antiquities Act (and the Animals Protection Act) with reference to New Zealand museums was organised. It was held at the Dominion Museum in November 1926. The invitation noted: 'the Minister is desirous of administering the two above Acts in such a way as to allow of reasonable foreign exchange activities by the museums, while at the same time protecting the probable future needs of the smaller as well as the larger museums'.

Museums from around the country were represented, as were the Maori Arts and Crafts Board, the Internal Affairs Department and the Geological Survey Department (Fig. 1). The Hon. Mr Bollard, Minister of Internal Affairs,

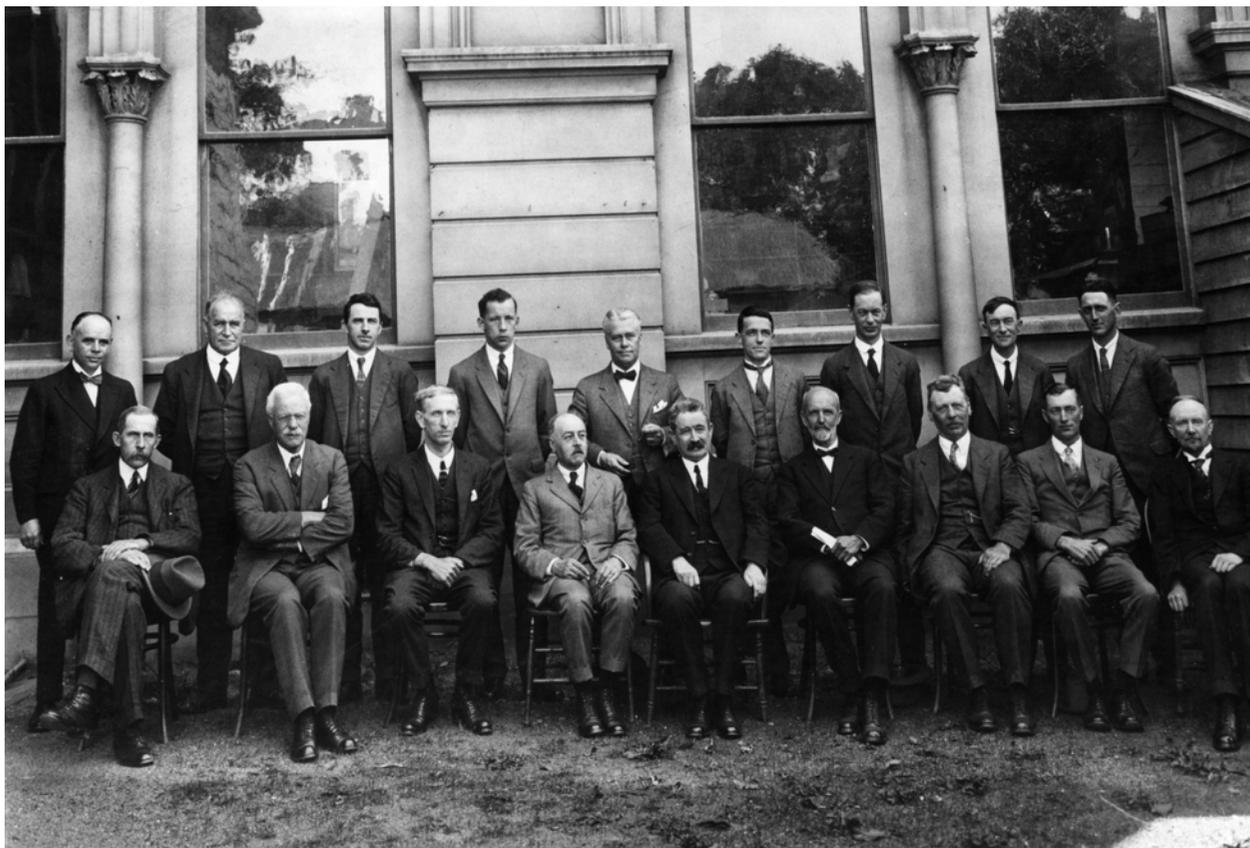


Fig. 1 Participants of the museums conference held in the old building of the Dominion Museum at Museum Street, Wellington, New Zealand, 1926. Back row, standing, from left to right: unknown; James McDonald (Dominion Museum); John Marwick (Geological Survey Department); Chas Lindsay (Newtown Museum); unknown; Henry Devenish Skinner (Otago Museum); Harold Hamilton (Maori Arts and Crafts Board); George Jaquier (Southland Museum); unknown (probably Mr E.B. Ellerm, New Plymouth Museum). Front row, sitting, from left to right: George Percival Newton (Assistant Under-Secretary, Internal Affairs); Mr Bartlett (Wanganui Public Museum); James Allan Thomson (Dominion Museum); William Blaxland Benham (Otago Museum); the Hon. Richard Francis Bollard (Minister of Internal Affairs); William Henry Skinner (New Plymouth Public Library and Museum Committee); Robert Speight (Canterbury Museum); Gilbert Archey (Auckland Museum); William C. Davies (Cawthron Institute) (photo: Te Papa, negative B25061, by G. MacKinley).

welcomed delegates, and in his opening remarks expressed a belief that too many Māori antiquities had left the country in the past and that it was desirable that all New Zealand museums had representative series of specimens before further international exchanges were carried out.

The minutes that were taken are brief; noting only that a general discussion took place and listing those who spoke. Two recorded resolutions that applied to the antiquities legislation were to make recommendations to the Minister of Internal Affairs that:

1. Examining officers should be appointed in Auckland, Rotorua, Wellington, Christchurch and Dunedin to examine Māori antiquities offered for export.

2. The museum of the district to which a specimen belonged should be given first consideration in matters of custody when an article was confiscated under the Maori Antiquities Act, or when an application was made for permission to export a specimen.

It appears that at this time there was also an unofficial agreement between the museum representatives. This 'gentlemen's agreement' was not noted in the minutes but is referred to in later discussions between some of the participants.

Most major New Zealand newspapers reported the event. In Dunedin, the coverage included the following comments:

The first conference of representatives of museum authorities to be held in New Zealand was opened ...today by the Hon. R.F. Bollard, Minister of Internal Affairs, who said he was as zealous as any of his contemporaries to see that the Dominion's antiquities and fauna were reserved to its own people...

The first subject on the agenda paper was the Maori Antiquities Act. From this arose the question of the exchange of specimens between the various museums. The opinion was expressed that each museum should have a representative collection from every other district. If each museum had a list of its possessions, duplicates, and wants a system of exchange on a large scale might be inaugurated.

In regard to the export of antiquities, at present prohibited under the Maori Antiquities Act, it was suggested that export should be allowed under supervision, partly to facilitate exchange with foreign museums, and partly to encourage the Maoris in pursuit of their old-time crafts. (*Otago Daily Times*, 3 November 1926)

## Otago Museum application in 1929

In May 1929, H.D. Skinner applied for permission to export 102 adzes, 17 pendants, six mere, three canoe bailers, four taiaha, two carved boxes, two pairs of poi and two separate poi, 12 fishhooks, one model mōkihi, five 'carved slabs' [panels from an 1870s Ngāti Porou whare whakairo], three stone pounders, three wooden beaters, four mats [or cloaks], three stone sinkers, three paddles, three tewhatewha, one hafted iron adze, one hafted plane blade, one adze helve and two cultivators. These were for exchanges with the American Museum of Natural History, New York City, the Museum of the University of California, San Francisco, and the University Museum, Toronto. In making the application he described the artefacts as being all duplicate material ('some of the stone pieces being duplicated several hundred times over') and stated that none would be accepted as exchange material by other New Zealand museums. He mentioned their lack of interest to New Zealand students because of inexact localities, and the 'very generous return in ethnographic material from other parts of the Pacific and also in Greek and Etruscan objects' (H.D. Skinner to Under-Secretary, Internal Affairs, 22 May 1929, Te Papa Archives) that was arranged, material that he felt could be secured only by exchange.

Based on advice from the Dominion Museum, the Under-Secretary replied to Skinner, requesting detailed information about each artefact. That he was acting on

advice from the Dominion Museum is obvious from the following correspondence: 'There may be no objection to exporting specimens which are not in good order. Such particulars, however, have not been supplied. In order to make any recommendation detailed information is required about each article, and more especially the following – 102 adzes, 17 pendants, 6 meres, 3 canoe bailers, 4 taiaha, 2 carved boxes' (W.R.B. Oliver to Under-Secretary, Internal Affairs, 29 May 1929, Te Papa Archives MU1 Box 20). He also asked that the packed cases be forwarded to the Dominion Museum prior to shipment. Although this was a new and negative development for Skinner, it had been a standard response to many other applicants for some time.

In a memorandum to the Under-Secretary of Internal Affairs (23 July [1913]), Augustus Hamilton, then Director of the Dominion Museum, had written: 'The Minister has recently insisted on a more vigorous application of the Act and unless the Articles are actually submitted for examination I think no permit can be given, especially as the Consolidated Act omits from Clause 2 any mention of "private collections not intended for sale"' (Te Papa Archives). This suggestion was acted upon and individuals from around the country were asked to post kete, adzes, poi, etc., to Wellington for inspection before being given (or refused) permission to send them overseas. Following anxiety in 1921 about the possibility that more important or valuable artefacts might be substituted for those for which permission to export had actually been granted before they were posted overseas, it had been further agreed that the Post Office should pack items for export (McKinlay 1973: 19).

Skinner had been until this time, whether he realised it or not, in a privileged position. The recognition of his expertise by Dominion Museum staff meant that his applications had been treated as if the material in question had already undergone inspection. For example, a 1923 application to export from Skinner elicited the following recommendation (Acting Director, Dominion Museum, to Under-Secretary, Internal Affairs, 17 October 1923, Te Papa Archives MU1 Box 20): 'there is nothing in the list that appears to be of particular value from a scientific point of view, further, I think Mr Skinner would be unlikely to want to export anything of value'. In 1925, the response to another application from Skinner was: 'as Mr. H.D. Skinner, Assistant Curator, Otago University Museum, is probably the most competent person in New

Zealand to estimate the value of Maori material for Ethnographic purposes, I think it is perfectly safe to give a permit to export any material that he recommends should be exported' (Director, Dominion Museum, to Under-Secretary, Internal Affairs, 10 June 1925, Te Papa Archives MU1 Box 20).

In 1929, the Otago Museum seemed to interpret the Internal Affairs requests as a breach of the understanding reached at the 1926 conference, where, the Museum's Curator said, it had been agreed that specimens of any kind would not be sent for exchange with foreign museums if a museum in the Dominion needed them. 'This being so, the word of a curator was accepted – when applying for a permit – that the articles were not of such a character as to be required by his colleagues here' (W.B. Benham to Under-Secretary, Internal Affairs, 7 June 1929, Te Papa Archives MU1 Box 20). He agreed to the requests but stipulated that Internal Affairs pay the extra expenses of cartage, etc., and that the Director of the Dominion Museum should repack the cases after checking the lists, as well as accepting liability for any damage.

Informed of events by Skinner, Gilbert Archey of the Auckland Museum commented, 'Between ourselves, I fancy Oliver will be more of an official hindrance than Allan Thomson' (G. Archey to H.D. Skinner, 15 June 1929, Auckland Museum).

In August, Dr Benham composed a circular letter to other museums summarising the situation. It referred to the 'gentlemen's agreement' of the 1926 conference 'by which Curators agreed not to export material without giving our local museums an option of purchase or exchange'. He then commented: 'That agreement I take it was intended to apply to first class stuff', adding that the Otago Museum had not enquired:

...as to whether any other museum desired any of the articles we were sending away for the reason that they were all second or third rate stuff, which N.Z. museums would not care to exhibit, and moreover Mr Skinner is quite familiar with the contents of the various museums...Mr Skinner is retaining really good stuff for the purposes of exchanging with our museums for things that he knows are there and wishes to have...it is only the scourings that we send away. (W.B. Benham, general circulation, 28 August 1929, Canterbury Museum)

Commenting on the Internal Affairs request, he said:

Nothing in that Act refers to the submission of the material to the Director of the Dominion Museum or to

any other official for inspection...We supposed that under that 'agreement' the word of the Curator would be taken but under the new Minister and new Director the 'agreement' seems likely to be thrown overboard...

Perhaps as this is the first occasion that this attitude has been taken up by the Minister and his advisers it would be well if the other museums were to make a protest before the practice takes root as a precedent. (W.B. Benham, general circulation, 28 August 1929, Canterbury Museum)

The new Minister and Director to whom Benham referred were Philippe de Alborough and W.R.B. Oliver, respectively. Alborough succeeded the Hon. Richard Bollard (who had presided over the 1926 conference) as Minister of Internal Affairs, while Oliver was appointed to the directorship of the Dominion Museum following James Thomson's death from tuberculosis in 1928.

Staff at both Auckland and Canterbury museums shared in a general feeling that the Dominion Museum's participation in the statutory processes associated with the antiquities legislation gave them an unfair advantage. Skinner attempted to be:

...quite explicit as to my attitude on the matter of exchange, even at the risk of repeating myself. I am firmly against sending from New Zealand any Maori object that I think could ever be of value to any New Zealand student. Adzes are so common here – we have upwards of two thousand – that I think we can safely dispense with a good many that lack locality. (H.D. Skinner to W.R.B. Oliver, 15 September 1929, Te Papa Archives MU1 Box 20)

The exchange did go ahead. Oliver wrote to Skinner: 'You will be pleased to hear that the whole of the collection of Maori artefacts has been passed for export' (27 September 1929, Te Papa Archives MU1 Box 20).

## Discussion

Two concepts intrinsic to these and many other exchange arrangements are those of duplicate artefacts and of a representative collection. A more detailed examination of the material involved in exchanges at this time is also appropriate.

### Duplicates

The *Shorter Oxford Dictionary* (1993) defines 'duplicate' as 'exactly like some other thing (with any number of copies of specimens)'. While this is the ideal to which most users

alluded when they employed the term, in practice, rather than describing the object in all its detail, the duplication was often in the function, or those aspects of the artefact that were of most importance to the writer. For example, when Ralph Linton, of the Field Museum of Natural History, Chicago, wrote to H.D. Skinner (10 June 1925, Hocken Collections) that 'The Chinese implements are from North China...No.127261 could easily be duplicated from Hawaii or the Marquesas', presumably he meant only that the form was very similar.

Neich and Davidson (2004: 24) have recently discussed the concept of duplication with reference to the division of the Oldman Pacific collection, noting that a reliance on the concept of duplicates failed to preserve either typological or geographical groupings, or even, on occasion, single objects with multiple parts.

'Duplicate' also implies that the object has no special or unique value. Louis Clarke of the University Museum of Archaeology and Ethnology, Cambridge, held to a strict definition when he wrote 'Duplicate feather boxes, I fear, do not exist. I never saw two alike' (L. Clarke to H.D. Skinner, 29 December 1925, Otago Museum archives).

### Representative collections

The *Shorter Oxford Dictionary* (1993) defines 'representative' as serving 'to represent, portray, figure or symbolise'. A little like the idea of duplicate artefacts, the concept of a 'representative series' of objects was widely used but seldom discussed in detail. One finds no definition of it in these communications, although it seems grounded in the idea of artefact classifications, and to incorporate the idea of regional variation.

In New Zealand, Skinner's culture areas (1924) might have played a part in defining the objects that would be included in a full list. Indeed, Skinner may have come close to providing an idea of what was meant when he wrote to a Nelson collector:

I have given a good deal of time and thought to the extension of our ethnographic collections. I am very anxious to secure a series of collections illustrating the different districts of New Zealand and their variations in type of tool and in technique...I am going to ask you whether you will present to us a small representative collection from your duplicates illustrating the material culture of Tasman Bay...I am especially keen on types of adze, axe, and chisel, and not on methods of manufacture unless they show some local peculiarity in technique. (H.D. Skinner to F.V. Knapp, 13 April 1919, Hocken Library)

### Application of the Act

While it is possible to demonstrate that in the 1920s the Māori antiquities legislation was applied to articles not envisaged when it was first discussed in Parliament, it is evident that there were still priorities. Adzes were apparently treated differently to less finely finished stone tools; textiles were often assumed to be modern,<sup>6</sup> as were some (but clearly not all) forms of carving; and nephrite seems to have attracted more attention than other lithic material.

Thus W.R.B. Oliver wrote to the Under-Secretary of Internal Affairs that he was forwarding 'a parcel of chipped flakes which Mr F.V. Knapp desires to export to Melbourne. They consist only of flaked stones which I do not consider would come under the provisions of the Maori Antiquities Act' (5 June 1929, Te Papa Archives MU1 Box 20), while only the previous month, in response to Skinner's application, he said, 'Some of the articles probably would not come within the provision of the Maori Antiquities Act, for instance the textile articles, the model mokihi and possibly some of the carvings. The stone articles, however, are undoubtedly Maori antiquities within the meaning of the Act' (W.R.B. Oliver to Under-Secretary, Internal Affairs, 29 May 1929, Te Papa Archives MU1 Box 20).

With reference to the same exchange, Oliver remarked to the Under-Secretary of Internal Affairs (12 June 1929, Te Papa Archives MU1 Box 20) that 'objections need not be taken to most of the articles. In view, however, of the large number of articles including over 40 of greenstone I do not see why Section 4 of the Act should not be complied with.' Oliver also wrote to Skinner (27 September 1929, Te Papa Archives MU1 Box 20), 'You are quite right in informing Oldman that permission will never be given for a Maori burial chest to leave New Zealand, at least I would never recommend such a thing.'

### Exchange details

Benham's claim that it was 'only the scourings' that Otago Museum exchanged (W.B. Benham, general circulation, 28 August 1929, Canterbury Museum) tempts one to closer scrutiny. Coincidentally or not, in the two years following the 1926 conference, the Museum loan register shows only a small number of outward exchange transactions, each involving small numbers of artefacts. In 1927, the Museum undertook one exchange (seven adzes) with an Australian collector, one kotiate went to the American Museum of Natural History, and a wahaika was sent to a

London dealer as part payment for a kotiate. In 1928, only three exchanges are recorded: an unlocalised nephrite adze went to an Australian collector in return for an Otago nephrite adze; an unlocalised piupiu was exchanged for two unfinished Chatham Island adzes, a Long Beach sinker and a German automatic pistol; and an unlocalised adze was swapped for a Little Papanui adze. These last two were exchanges with New Zealand collectors.

However, 1929 was a big year. Six exchanges with private New Zealand collectors are recorded for it, including that of an Otago nephrite gouge for a Danish flint celt; an Austral Island paddle for two Fijian kava bowls; an unlocalised nephrite ear pendant for an Invercargill fishhook shank; and a wooden flute and three nephrite adzes (two from the North Island) for a North Auckland bone box. There were also two exchanges with New Zealand museums: one with the Southland Museum (three nephrite adzes, three pieces of nephrite and a Southland adze for two Invercargill fishhooks, a fishhook shank and a Foveaux Straits sealing club); and the other with the Taranaki Museum (a Warrington adze and a Chatham Island pendant for a Solomon Island fishhook, a Vanuatu pendant and a Micronesian bowl). Care must be taken, however, in evaluating these exchanges, as it is possible that some were part of ongoing arrangements.

In addition to the New Zealand exchanges in 1929, a nephrite adze was exchanged with an Australian collector for a Torres Strait mask, and three unlocalised fake hei tiki (presumably Skinner's identifications) from Dr Hocken's collection were exchanged for a Fiordland patu parāoa with J. Robieson.<sup>7</sup> In addition, there was the request for permission to export a large shipment to North America and Canada, the essential parts of which were probably arranged by Skinner when he was in North America in 1927 on a Rockefeller Travelling Fellowship. One cannot help but speculate that it was the sheer volume of material involved in the latter to which the Wellington officials felt they needed to respond.

## Conclusions

As a consolidation of the 1901 and 1904 acts, the Maori Antiquities Act 1908 was intended to restrict the export of Māori artefacts from New Zealand. The exchanges discussed here operated under that legislation. Associated correspondence indicates the changing opinions and concerns of the Department of Internal Affairs and of

various New Zealand museum employees, as well as the close link between the Department of Internal Affairs and the Dominion Museum.

When it was passed, our first antiquities legislation was closely linked to the idea of establishing a single national museum in which material barred from export could be placed. Two decades later, the general sense of numbers and operation of museums in New Zealand had altered, and by 1926 the Government, advised by Dominion Museum staff, was moving to use the provisions of the Maori Antiquities Act 1908 to provide for anticipated collection requirements of the country's smaller museums.

The type of material to which it was imagined the original antiquities legislation would (and would not) apply when it was passed is clearly indicated by the Parliamentary debate. The exchanges examined here track a change in the official position with regard to the types of artefacts to which the legislation should apply, the principles that would guide 'permission to export' decisions, and a changing vision of New Zealand museums and museology. Although some artefacts were still considered to be more important than others, by the 1920s it is clear that Mr Jenkinson's 1904 idea that no government official would be 'so foolish' as to refuse permission to export 'small things' no longer described the situation. Professor Benham linked the events of 1929 to the change of individuals in the key roles of Minister of Internal Affairs and Director of the Dominion Museum. These 'new' men may, however, merely have hastened – or perhaps only been the faces of – a trend that had already begun.

The discussion about these exchanges also made overt a number of issues beyond the legal requirements of the Maori Antiquities Act 1908. These included an implicit hierarchy of artefacts and inter-institutional competition in the building up of collections. Also evident were objections on the part of the Auckland, Canterbury and Otago museums to feeling they lacked autonomy, to the superior status they perceived being accorded the Dominion Museum, and to the input of the Dominion Museum staff to government policy. When couched in more general terms, some of these issues – export and repatriation of Māori artefacts; the relationship between government and the national museum; and the relationship between the national museum and other New Zealand museums – are still subjects of discussion.

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## Notes

- 1 As defined in the Act, taonga tūturu means an object that relates to Māori culture, history or society that was, or appears to have been, manufactured or modified in New Zealand by Māori; or brought into New Zealand by Māori; or used by Māori; and is more than 50 years old. The Protected Objects Act 1975 establishes and records the ownership of taonga tūturu, controls their sale within New Zealand and regulates their export from New Zealand.
- 2 It is unclear to what extent this occurred, if at all. Staff at Te Papa have not found documentation that any of the casts in their collection were made as a result of taonga being exported overseas under this legislation (Dougal Austin, pers. comm., 24 August 2005). In 1912, however, Augustus Hamilton, negotiating the purchase of two carvings – a taurapa and a waka huia – from an individual who otherwise contemplated exporting them, suggested to a third party that the alternative to the Dominion Museum paying £50 for the two pieces was to pay £40 for the taurapa, provided that the waka huia was sent to the Museum ‘to have a cast made from it. I think I should feel prepared to release the box under this condition as it has not an original cover’ (A. Hamilton to T.W. Downes, 29 March 1912, Te Papa Archives MU 000152-10-4). When the owner suggested withdrawing from the arrangement with the Museum, Hamilton commented, ‘I do not propose to call the deal off and I think she would be ill advised to do or try to do so. She will not get a permit to send it out of the country and I do not think she can get out of letting me have it if I wish to press the matter’ (A. Hamilton to T.W. Downes, 10 April 1912, Te Papa Archives MU 000152-10).
- 3 James Allan Thomson (1881–1928), geologist, succeeded Augustus Hamilton as Director of the Dominion Museum in 1914. His previous appointment had been as palaeontologist with the New Zealand Geological Survey

- 4 Hislop, Under-Secretary for Internal Affairs, is here quoting the Minister.
- 5 Although his father has been credited with undertaking the majority of the work (Galbreath 2002: 257), J.A. Thomson clearly agreed with the results. The report concluded, ‘There is no co-ordination of research at present in this Dominion’ (Thomson & Thomson 1923).
- 6 In acknowledgement, at least in part, of the production of contemporary work for the tourist market.
- 7 This appears to be James Frank Robieson, born 1880, himself a manufacturer of artefacts in the Māori style (Skinner 1974: 182).

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