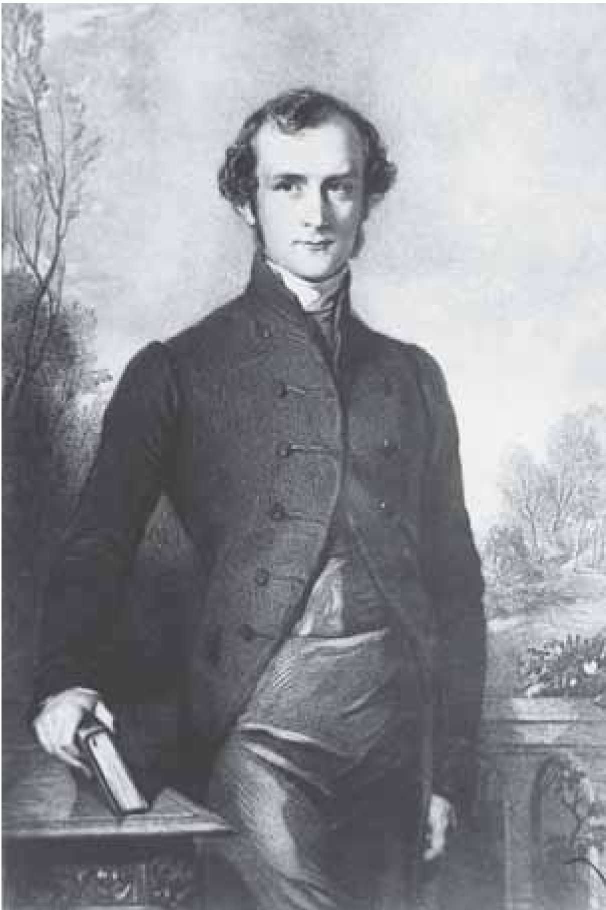
Chapter 5. Fears and Anxieties

In the mid to late nineteenth century, Ngāi Tahu anxieties about the impact of interracial marriage on land ownership, the rights of mixed-descent children, and the economic burden this growing population placed on small reserves were paralleled by official concerns about interracial relationships. Interracial marriage was never legally prohibited in New Zealand. In fact, it was encouraged as a biological component of the state's racial amalgamation policy, the object being the economic, cultural and physical integration of Māori into British colonial society. However, the tolerance of colonial authorities did not extend to immoral or illegitimate relationships. In the first decades of colonial government, officials were keenly interested in regulating, monitoring and policing interracial intimacy. Official acceptance of interracial marriage also gave rise to complicated legal issues surrounding the property rights of Māori women, which had material implications for the white men they married, as well as their mixed-descent children.

Colonial authorities targeted certain groups of men involved in such relationships. Routinely described as having 'gone native', these men were a source of anxiety in numerous settler colonies during the late nineteenth century.[1] In North America they were known as 'squaw men', living on reservations and attracting scorn from settlers and officials, who viewed them as dissolute, debased and corrupt. 'Squaw men' were also regarded as traitors to white masculinity, because they were implicated, as political agitators, in working against the colonial project.[2] Worse, they were seen as benefiting economically from reservation life.[3] 'Squaw men' were accused

of engaging in interracial relationships not for love, but in order to gain access to land. In the Pacific, such men were known as 'beachcombers'. In New Zealand, the term 'Pākehā-Māori' was commonly used to describe men who had given up their racial status in favour of 'going native'.[4] Like their North American counterparts, the traders, whalers and early settlers who lived with Māori women were considered to have degraded their race and undermined white masculinity. Having abandoned European society and its values, they were acting as disruptive political and economic forces within indigenous communities. With their economic and affective ties to such communities, such men were highly problematic figures who had to be dealt with so that colonisation could proceed smoothly. Seen as corrupt and manipulative, these men could not be trusted with the civilising project; they had to be controlled.

Interracial marriage was welcomed by Māori, especially in the South Island, to gain access to trade and wealth, and to repair the damage done to their populations by intertribal wars. After 1840, however, colonial officials sought to legally define such relationships, not through prohibition but by encouraging their legitimacy. The motives of traders and whalers who aligned themselves with Māori women may have attracted suspicion, but colonial authorities rewarded those who entered into a legal, Christian marriage. Unlike the situation in North America, where 'squaw men' were socially marginal figures and disliked by authorities, officials in New Zealand hoped to generate loyalty among these pre-1840 settlers, who could prove useful as translators, mediators, spies and cultural intermediaries. Their loyalty was cultivated through land grants, as evidenced by the passage of colonial ordinances and statutes relating to interracial marriage in the latter half of the nineteenth century. In part, these preserved the men's economic power, assisted in establishing a mixed-descent elite, and furthered racial amalgamation. As in British Columbia during the same period, colonial legislation passed in New Zealand 'did not reject, but rather reinforced, the power accorded white men in a colonial and patriarchal society'.[5]



Bishop George Selwyn took an active role in advocating for the rights of mixed-descent children during the 1850s. He saw land, held in trust, as a way to guarantee the economic and social futures of such children, especially when their fathers were absent. Land grants also won the government the loyalty of interracial families, especially as cultural intermediaries in times of trouble. [S06-262a, Hocken Collections/ Uare Taoka o Hākena]

Marriage and racial amalgamation policy

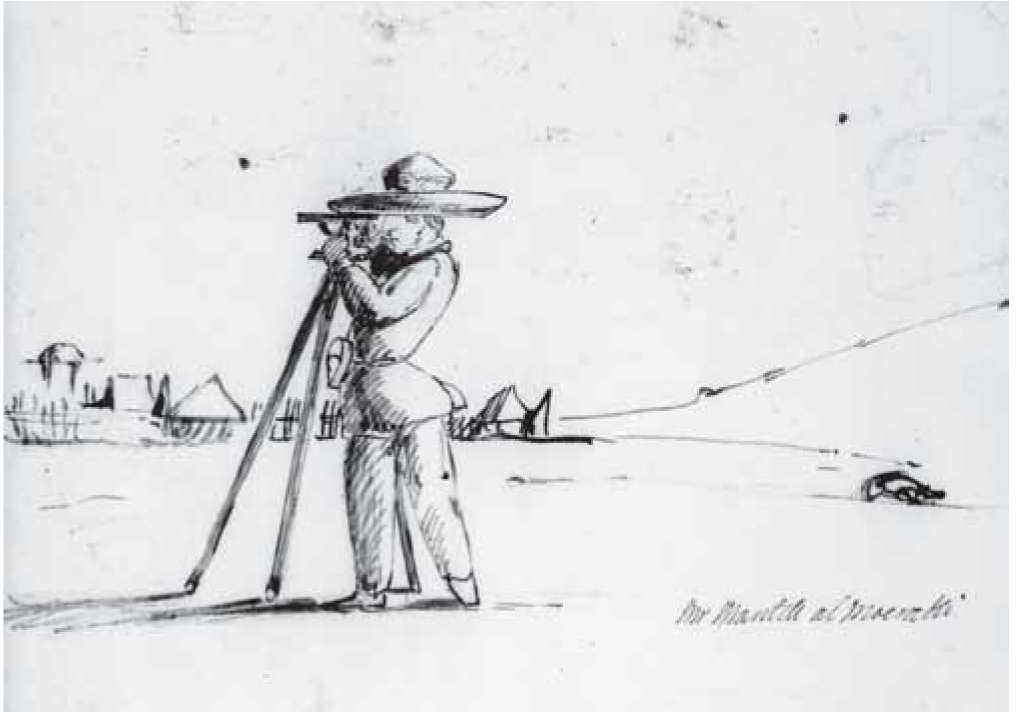
On the eve of the signing of the Treaty of Waitangi, around two thousand newcomers, comprising whalers, traders, early settlers and missionaries, were resident in New Zealand. With the establishment of British authority and law in the decades that followed, the question of interracial marriage and the rights of white men came up for debate. In 1842 Willoughby Shortland, Administrator and Colonial Secretary of New Zealand, 'recommended to the Home Authorities that some provision be made suitable to the circumstance of those who may have formed connexion with Maoris legally', adding that 'the legal intermarriage of Europeans with the Aboriginal subjects of Her Majesty is highly worthy of every just encouragement'.[6] The policy of 'amalgamation', which dominated the relationship between Māori and the Crown during the nineteenth century, was designed to bring Māori under the control of British law, and was predicated on a belief in the superiority of British institutions.[7]

Amalgamation encompassed not only legal and social infrastructure, but also, in the form of interracial marriage, a biological component.

For amalgamation to be successful, interracial marriage had to be legalised, the legitimacy of mixed-descent children established, and the uncertain land rights of white men resolved. The latter was especially important, because kinship ties could motivate such men to work against official interests and act as a powerful force for indigenous autonomy. Shortland was not the only one to recommend the encouragement of legal unions. The naturalist Ernst Dieffenbach, writing in 1843, noted that 'a great many unions have taken place between Europeans and Native women, and a number of half-caste children exist', and argued that the land rights of the mothers, who 'have often received a quantity of land as a dowry from their fathers, or as being their property by birthright', should therefore be recognised under British law. He believed that a system of 'protecting and gradually civilizing the natives' had to include the purchase of waste land and the security 'of the property of the children of Europeans by natives'.[8] Governor George Grey's opening address to the Legislative Council in October 1846 entreated members to 'devise some means by which you will prevent European fathers from abandoning and leaving in a state of destitution and misery, families of children whom they may have had by native mothers'.[9]

The broader ramifications of interracial relationships and the rights of mixed-descent children had been recognised early on by colonial officials who travelled through southern New Zealand assessing its potential for settlement. In 1844, Frederick Tuckett suggested setting aside land for the support of mixed-descent children at Moeraki.[10] Four years later, when Walter Mantell visited the settlement to set the boundaries of a reserve, he noted the wretched position of 'half-castes' living there:

> *For the half-castes living in such a community as that which I have broken up at Moeraki I see no future but vice and misery for the half-caste when scattered among the general population [but] with means of education and in a better state of Society, a less bad example from their Parents with provision too against want from lands properly administered for their benefit I anticipated that good standing among us which their general natural intelligence entitles them to occupy.*[11]



Walter Mantell surveying the Moeraki reserve in November 1848 (detail), sketched by Francis Edward Nairn. [E-333-084-3, Alexander Turnbull Library, National Library of New Zealand/Te Puna Mātauranga o Aotearoa]

Preventing abandoned and illegitimate mixed-descent children from becoming a burden on the state required that the state redeem and reward those who entered into legal marriage with Māori women. Such rewards came in the form of land grants, which also ensured the economic security and welfare of mixed-descent children.

'Half-castes' required attention because of uncertainty about their loyalty to the government and to British cultural values. The board of inquiry appointed to investigate the state of native affairs in New Zealand reported in 1856 that:

> *[The] half-caste race, occupying as they do an intermediate station between the European and native, have neither the advantages of the one, nor the other, and [their] future destiny may, by proper management, be directed in the well being of the Colony, or by neglect be turned in a contrary course. They are*

> *objects of great solicitude to their native relatives, as well as to their European fathers, who desire to secure them sufficient portions of land for their maintenance, and when such is the case there is every reason for the co-operation of the Government. The Board would therefore recommend, provided the native title is in the first place extinguished, that Crown grants should be issued in their favour in trust to some public functionary.*[12]

The board identified land rights as a priority, in order to secure the loyalty of mixed-descent children – and their parents – to the Crown. In evidence before the board, Bishop Selwyn advocated the case of half-caste children: 'I think they especially should be attended to – their interests strictly guarded – for they are growing up to be a very important class of settlers in several parts of New Zealand'.[13] For this reason, he argued, their land rights should be protected and guarded by reliable trustees, such as religious bodies, because 'the fathers of some are dead, and the fathers of others are drunkards. It is necessary therefore that the lands given them should be under some control'.[14] He also remarked that in the South Island a number of newcomers married to Māori women had secured Crown grants, 'but many of them have been overlooked especially in the Foveaux Straits, Stewart's Island, Ruapuke, the Bluff &c. I should like to see them placed in a proper position'.[15] Mr Black, a settler at Matata, agreed with Selwyn, but warned the board of inquiry that 'great care should be taken' in the management of such children.[16] Most importantly, government intervention was required to encourage legitimate unions in the future. While all should now be cared for alike, Selwyn emphasised, 'in future I would make a distinction lest promiscuous intercourse between the two races should be still further encouraged by the prospect of maintenance for the illegitimate children'.[17]

The proposed trusteeship arrangements meant that Grey's fears about the abandonment of mixed-descent children could be allayed, and their land rights ensured. Missionaries giving evidence before the board of inquiry also supported the concept. The Reverend John Whitely, of the Wesleyan Mission at Kawhia, proposed that 'there should be a difference made between the half-caste children born in wedlock and the illegitimate children. In giving Crown Grants to half-caste children, I think the parents

should be required to marry'.[18] Some missionaries agreed that land grants could be used to induce newcomers to legitimate their relationships, and thus to eradicate immorality. The Anglican missionary at Opotiki took a different line, arguing that no distinction ought to be made between 'those children born in wedlock and otherwise', because in 'the eye of the Maori law all these half-castes are legitimate'.[19] The Aborigines Protection Society also supported interracial marriage as part of a wider programme of racial amalgamation, and supported a policy of legitimising the land rights of interracial couples and their children.[20]

Political debate and legislative activity in the 1840s and 1850s prove that officials, in part, tried to regulate, license and control interracial marriage, but not to outlaw it.[21] Interracial marriage was a reality in New Zealand, and an official response was required. In his 1859 book *The Story of New Zealand*, A. S. Thomson celebrated interracial marriage as a positive force in the 'union of the races'. This union, he argued, should be promoted in New Zealand law with regard to inheritance, because as the 'law now stands, concubinage is indirectly encouraged, and legal unions between European males and native females are discouraged'.[22] Thomson's wish was soon to be realised, in the form of the Half-Caste Disability Removal Act 1860.

The Act fostered racial amalgamation by encouraging regular, moral and legitimate interracial relationships. As long as the marriages were legal, interracial relationships were not obstructed by officials.[23] Children born to interracial couples prior to 1860 were legitimised under the Act, along with their inheritance rights. These provisions were designed to ensure that white fathers retained their racial status, by removing the taint of immorality attached to these relationships. The fact that Māori women's property rights were retained after marriage to a white man also encouraged legitimate interracial unions, thus removing the 'official premium' on concubinage. But the 1860 Act targeted a certain class of people: the children of mixed descent who had 'wealthy fathers, or those whose father had secured property to his name', and who therefore suffered a legal disability in regards to inheritance.[24] Through the 1860 Act, white fathers secured social and economic status for their children. The Act seemed to be concerned with Māori women's property rights, but in fact it retained

economic status for the white men who had co-habited and entered into marriage with Māori women. Interracial marriage was not prohibited in colonial New Zealand partly because sanctions against the practice would have undermined the claims to respectability of male newcomers and, by extension, settler society.

During the 1850s, colonial politicians had debated how to deal with interracial marriage, especially as it pertained to inheritance of property. Some believed that any Māori woman married to a European man was subject to common marriage law, thus bringing her property under her husband's control. Interracial marriage, therefore, was 'on occasions used by the colonial administration as a subtle way of enlarging the holdings of Crown land'.[25] Certainly, economics and property rights underpinned debates leading up to the passage of the 1860 Act. The wish of Māori women to maintain separate property rights was seen as encouraging immoral interracial relationships. Fears of an increase in illicit relationships ensured the passing of the Act, as did fears that, without formal marriages, the Crown could not gain access to Māori land: if a Māori woman should 'merely live in concubinage with a European, all the powers in New Zealand cannot touch one acre of [her] land'.[26]

Promises and petitions

Anxieties about the rights of white men and of mixed-descent children were shared by the fathers of those children. Fearing for the status and economic well-being of their families, many looked to the colonial government for assistance, or at least recognition under British law to ensure the property rights of their wives and children.[27] Unlike many Pākehā-Māori, who were highly mobile in search of work, these men were settlers wanting to raise families. In some ways, this made them more problematic to the colonial authorities, because the legitimacy of their marriages, children and property rights were now in question.

White men's property rights were investigated as part of the Old Land Claims Commissions held in the 1840s and 1850s. Commissioners dealt with pre-Treaty land sales between Māori and private individuals, and waivers of the Crown right of pre-emption in the late 1840s, which allowed the private

purchase of Māori land. As part of these investigations a number of 'half-caste' claims came to light, the majority of them relating to the Bay of Islands, Auckland and Tauranga. All such cases involved claims by white men on behalf of their mixed-descent children to gifts of land, made over to them on marriage by their wife's Māori relatives, for any future children of the relationship. Fathers applied to have these marriage gifts formally acknowledged in a Crown Grant in their name as a trustee for the children.

The Land Claims Settlement Act 1856 and the Land Claims Settlement Extension Act 1858 were the legal mechanisms whereby grants were made to the fathers of mixed-descent children. Not everyone who applied secured land under these Acts, resulting in landlessness for some, and prompting letters and petitions to authorities into the late nineteenth century. Such appeals for assistance constitute an important archive on white masculinity in the colonial era. In her examination of the relationship between marriage, the law and colonialism in Queensland, Ann McGrath discovered an archive consisting of letters from white men requesting consent to marry. These requests brought interracial couples into the ambit of the court system and the Aboriginal Protectorate, and also made claims to 'respectability' and 'responsibility'.[28] McGrath demonstrates that the rights of white men were at stake under Queensland law. If found to be engaged in an illicit and therefore illegal relationship, a man could lose his Aboriginal partner to 'removal', and officials could break up the family. Claims to respectability, which centred on evidence of economic independence, were paramount in gaining consent to marry, as well as in retaining family life.

Similar claims to 'respectability' were made in colonial New Zealand by white men applying for land grants on behalf of their mixed-descent children. Petitioners and those who assessed their claims wrote extensively about their worth as settlers and as family men. Surveyor William Searancke, himself the father of mixed-descent children, wrote to Chief Land Commissioner and Native Secretary Donald McLean in 1858, describing Thomas Uppadine Cook of the Wairarapa as a man who was 'engaged in business and generally respected by the Natives and Europeans and has a large and increasing family of seven children'.[29] In his claim, John Marmon emphasised his lawful marriage to his Māori wife. Moreover, he was 'a poor

man', who had 'been struggling very hard for many years to get my living', and had purchased his land 'with the savings of my hard earnings'. Marmon had lived on his property for twenty-eight years, but feared he might be 'turned off my land' unless he could gain a Crown grant.[30]

Many petitioners and letter-writers lived in the South Island, and a significant number of them had arrived in New Zealand between 1829 and 1850 as shore whalers. From the late 1840s, those with mixed-descent children made claims to colonial authorities for economic aid, offering evidence of respectability and their commitment to stable family life.[31] One result of these petitions was the Stewart Island Grants Act 1873, which secured land grants to a handful of early settlers, pioneers in the southern regions. The respectability thus gained was reinforced by applications from descendants of early interracial unions in the 1870s and 1880s who, citing poverty, applied for land grants based on the long residence of their fathers.[32]

Requests for assistance from former whalers did not derive solely from Old Land Claims. Some were based on promises made by Walter Mantell while completing the purchase of Ngāi Tahu territory for the Crown in 1848 ('Kemp's Purchase'), and the Murihiku Purchase of 1853. Mantell promised the white men living within the boundaries of these purchase blocks that their Māori wives and mixed-descent children would be provided with land under Crown title. In evidence before an 1869 inquiry into these promises, Mantell stated that:

> *[In 1848] there were resident a number of families of halfcastes, whose fathers it was naturally supposed might, unless reassured [as] to their prospects after the cession of the land to government, throw obstacles in the way of its acquisition: so when I was sent in August to persuade or compel those natives who had not joined in Kemp's deed to acknowledge that their land was sold to the Crown, and with the rest to permit the survey of Reserves within the Block, I was instructed to promise these people, that when the land belonged to the Crown provision in land under Crown Title would be made for their wives and children. To have included this provision within the Native Reserves would have, it was held, subjected the Natives therein to undue domination on the part of the Whites and half-castes of their families.*[33]

Mantell's comments about the 'Whites' demonstrates that these men were considered a threat, firstly to the successful completion of the purchase, and secondly to the distinction between white and 'native' spaces. Mantell feared that these Pākehā-Māori, like the 'squaw men', would incite discontent among Ngāi Tahu by dominating their communities, both politically and economically. His job was to keep them off the native reserves, and to prevent further discontent by promising them land grants.

Very soon after the completion of the purchases, Mantell received letters from men requesting the fulfilment of his promises. In May 1852 he recommended to the Colonial Secretary that grants be made 'in favour of those who had wives and families', of which 'many applications have been sent to me'.[34] Despite his earlier comments about the 'bad example' set by parents of mixed-descent families at Moeraki,[35] Mantell now recast himself as the champion of white fathers, seeking official support for this 'class of poor yet deserving individuals, the pioneers of civilisation'.[36] He regularly endorsed their applications for land grants, on the grounds of poverty, old age or large families. In May 1868, for example, he informed the Colonial Secretary that Thomas Chaseland was a 'poor man [who] has a wife, an elderly halfcaste from Kaiapoi, and five or six children, the eldest about fourteen years old'.[37] In 1863 Joseph Donaldson, already in possession of 10 acres for his children, submitted a 'begging application' for further land at Moeraki, 'for the five extra children that my wife Pokiri has born to me'.[38] This second claim was rejected.

Mantell struggled to gather support for legitimising the land rights of interracial couples. Writing to the Colonial Secretary in 1854, he pressed for the matter to be released from the control of local authorities, in this case the Commissioner of Crown Lands of Otago. He claimed that the latter's powers would 'be productive of the most serious detriment to the Public welfare on such cases as those under comment' because 'their claims to a provision for their declining years for their wives and children [are subject] to the caprice of a Gentleman ignorant of their merits'.[39] Numerous applicants did not receive a land grant for decades. Henry Wixon, promised a section of land at Hawksbury, near Waikouaiti, wrote to Mantell several times requesting recognition of his claim. Mantell had granted him 42 acres

in 1854, but eight years later Wixon reported that:

I have been to Mr Cutten for the deed and he told me that he did not know what principle it was granted on. I purchased a map at the printing office and my section is in it and I showed it to Mr Cutten but for all that he should not permit me to live upon it and I am living upon the natives land at Waimate bush and other people are living on the land that you gave to my children and they have built 2 houses upon it.[40]

Six months later, in desperation, Wixon again pressed Mantell for assistance:

I am only a poor man with a Family of 10 children and I am living in Waimate Bush at present on the Native Reserve and the Natives are very kind to me and my children but I should like for the children to live on there own land if it is possible before all the timber is taken off.[41]

While officials wished to secure the rights of white men who were legally married to Māori women, they remained suspicious of the motives of those who engaged in such relationships. Grants were awarded, but anxiety focused on how this land was to be secured for mixed-descent children, the fear being that the white father coveted the land and would dispose of it as though it were his own. Alexander Mackay, Commissioner of Native Reserves in the South Island, expressed his concern to Harry Atkinson, Minister of Crown Lands, in March 1875:

[The] plan of granting land to the European fathers of half-caste families instead of to the person who it is intended to benefit is a disadvantageous one to the persons concerned, especially if the Grant is silent respecting the object for which the land is apportioned. There is one instance of the injustice that may be done in this way in the case of the Haberfield family. In this case according to the terms of the Grant, the Father holds the land for his life. The result of this is, that he can do what he pleases with it as far as occupancy is concerned. Since the death of his first wife, a half-caste, named Meriana Tete, he has married a European woman and has farmed away all the children of the former marriage, thereby preventing them from deriving any benefit from the land that was given in the first place as a maintenance for them.[42]

William Isaac Haberfield, born in Bristol in 1815, took up shore whaling at Moeraki in 1836 under the direction of John Hughes. Like many other whalers in the southern regions, Haberfield entered into a customary marriage with a Ngāi Tahu woman, Merianna Teitei. After her death he married Akari, the former partner of Banks Peninsula whaler Joseph Price, and their relationship was formalised in a Christian marriage ceremony. In 1875 Alexander Mackay believed Haberfield had deprived his children of their land. There is no evidence to support Mackay's claim. [E1796/5, Hocken Collections/Uare Taoka o Hākena]

Such cases merely reinforced official mistrust of men who had 'gone native'. Their motive for engaging in interracial marriage was understood to be economic gain, and it was assumed that land grants would be followed by abandonment. How to protect the rights of Māori women and their mixed-descent children, particularly if the interracial relationship subsequently failed, was a question that officials struggled to resolve from the 1840s.[43]

The economic implications of interracial marriage were explicit in the mid nineteenth century. Legislation was enacted to preserve the economic rights of former whalers in the lower South Island who had married Māori women. Provincial Waste Land Boards, for example, were given power to set aside land for interracial couples and their children under the Waste Lands Act 1862. This Act was needed because local officials had resisted separate grants of land being made to interracial couples. In 1856, Otago Land Commissioner Peter Proudfoot suggested that interracial families be provided for out of the 'numerous Native Reserves'.[44] Proudfoot had little sympathy for landless 'half-caste' families, nor for the rights of Māori women within interracial marriage: 'I do not apprehend that the mothers having married a European, invalidates her right or interest in what [she] would have been entitled to under other circumstances, that is, if she had remained with or had married one of her own Tribe'. He argued that:

> *… unless the granting of land in the manner and for the purpose alluded to has been a stipulation by the Natives in the sale of the land to the Government, or is in fulfilment of a promise made by the Government to the Natives or to the Half-castes I can see no reason for making grants in this way at all.*[45]

By ignoring interracial families and their claims, Proudfoot ensured that they became an economic burden to Ngāi Tahu living on native reserves.

The recognition of Māori women's land rights was crucial to land being set aside for mixed-descent children, especially if their white fathers had 'disappeared'. Government officials understood this, even if local authorities were less than sympathetic. 'Being the daughter of a Maori woman and another being my stepmother', Mary Ann Tandy claimed, 'I am entitled to their land as it was bequeathed to me by them before they died. I have made no inquiry into this matter as I left the Maoris when my father was lost, and

have been among European people ever since.'[46] With no father to make an application on her behalf, Mary Ann, and others like her, were left out of the system of land grants established under the Land Claims Settlement Act 1856. Ironically, the Act secured the rights of white men rather than those of Māori women – even if the men's claims were based on the status and land rights of their wife.

'Half-Caste' Land Grants

The 1856 Act and its 1858 amendment held little meaning for South Islanders of mixed descent whose claims to land were based on Mantell's promises and on provisions made for 'half-castes' in the Rakiura Purchase of 1864. Under the terms of the purchase, mixed-descent families were to be provided with land at The Neck, on Stewart Island, 'in order to save the descendants of the early white settlers from eviction and poverty'.[47] For the first time, government officials paid specific attention to the growing mixed-descent community in the far south. Prior to 1864, the land purchases in Canterbury, Otago and Southland had been made with no concern for mixed-descent children, nor any thought for their future needs.[48]

Giving effect to the terms of the Rakiura Purchase took some time. It was Andrew Thompson's petition for land on behalf of his 'half-caste' wife and children in 1869 that set in train a series of official investigations into the plight of the mixed-descent population of southern New Zealand. A select committee reporting on Thompson's petition in August of that year found that the Crown was obliged to set aside land within the purchase blocks 'for the half-caste families resident thereon at the time of cession'.[49] Native Reserves Commissioner Alexander Mackay was instructed to investigate, and reported to the Native Department in October. He recommended that large blocks of Crown land, separate from reserves, be set aside for the families, who were to be allocated individual sections to 'prevent quarrelling amongst them in time to come'.[50] Petitions were received from Andrew Moore, Elisha Apes, Joseph Crocome, George Newton, Henry McCoy, Nathaniel Bates, John Kelly, George Printz, John McShane, James Leader, Jose Antonio, Thomas Leach, John Paulin, John Howell, Richard Sizemore, Henry Wixon, William Smith, William Low, James Crane, Edward Edwards,

English-born Joseph Crocome (1811–74) was a trained surgeon, who worked on whaling ships for several years before landing in Sydney in 1838. He then moved to Otago as an employee of the Weller brothers, and by 1839 was living at Waikouaiti. Crocome married Raureka/Arabella in 1844 and they had two children together, who were raised by their mother's kin. Crocome did not abandon them economically, but fought to have their land rights acknowledged through the offices of Walter Mantell. In 1869 Crocome wrote to the authorities, requesting recognition of the land title '[of which] I was put in possession by Mr Mantell on behalf of my half-caste children'.[51]
[S06-189L, Hocken Collections/Uare Taoka o Hākena]

Thomas Hardy and Patrick Gilroy. Eventually the weight of petitions, combined with pressure from Ngāi Tahu leaders, who 'required something to be done for these half-castes, because their fathers had not taken notice of them, and had not provided for them',[52] resulted in legislation designed to provide South Island 'half-castes' with an economic base and fulfil promises made under the Rakiura Purchase. By then, Mackay had made it clear that those promises were to be extended to 'half-castes' who were not born on Stewart Island, but were deemed equally entitled to land because of their mixed-descent status.[53] The statutes were the Middle Island Half-Caste Crown Grants Acts of 1877, 1883, 1885 and 1888.

The four Acts claimed to fulfil promises to provide 'half-caste' people with land in the 'Middle Island' (i.e., the South Island), through the awarding of Crown grants of 10 acres for men and 8 acres for women. Grants were awarded to 'half-castes' only, and were issued with restrictions on alienation. Trusteeship continued to be a central premise on which land grants were awarded. As in contemporary native land legislation, any owner who wished to sell had to apply to the Native Land Court to have the restrictions removed. Consent was given only if 'the Natives possessed other lands' for their support.[54] Restrictions on alienation sought to ensure that sellers were left with sufficient lands for their maintenance, and to prevent 'half-castes' becoming dependent on the state.[55]

Under the 1877 Act, individuals were to be provided with 'portions of the waste lands of the Crown situate within the Provincial Districts of Canterbury and Otago'.[56] An amendment was passed in 1883 to include 'half-castes' who were entitled to grants under the 1877 Act but who had been omitted 'by accident', and to provide for those added to the schedule to be issued with Crown grants. Several places in Otago were designated as 'half-caste' land: Hawksbury, North Harbour, Blueskin, Clarendon (south of the Taieri River) and Moeraki. But the majority of land grants were in Southland, where the mixed-descent population was concentrated: at Longwood, Paterson Inlet, Anglem, Jacob's River Hundred, Pourakino, the Invercargill Hundred, Fortrose Town and the Otara District. Many of these lands were located near native reserves, resulting in the demarcation of separate but adjoining spaces. This situation is clearly illustrated at Moeraki,

where Mackay's 'preference for Block I Moeraki is on acct. of sec 23 being adjacent to the Native Reserve'.[57] Mackay's solution to the plight of mixed-descent families relied on the willingness of local authorities to remove the land from settlement. In 1878, the Otago Land Board refused Mackay's application to have certain waste lands set aside for such families. It was the only suitable land in the vicinity, and applicants were 'highly pleased at the probability of securing land within easy distance of the Native settlements'; but the board would not agree, even though the Commissioner of Crown Lands supported the applications.[58]

At Maitapapa, a small group of men and women were provided with land under the Half-Caste Crown Grants Acts, this land being spatially distinct from the native reserve. The Clarendon Block at Taieri was set aside under the 1877 Act for Elizabeth Crane, Robert Brown, Jack Connor (Tiaki Kona), Sarah Palmer, Ann Williams, James Williams, Mary Kui, Ann Owen, Jenny Palmer and Hannah Palmer. However, it did not take long for the allocation of sections to become the subject of complaints. Two years later, in 1879, a dissatisfied Tiaki Kona asked Mackay to 'try and get the ground I was speaking about for the children of the Tairei' [sic].[59] The 1883 Amendment to the Act allowed the granting of larger sections to individuals within their original blocks as listed under the 1877 Act, in recognition that those lands were of 'inferior quality' and 'not sufficient for their support'.[60] Yet the problems at Clarendon continued. Kona wrote to his local Member of the House of Representatives in 1885, claiming that 'if we had got [the other section] at the First we Would have some Benefit of it'.[61] The following year he complained to the Native Department that 'the piece that Mr McKie blocked of for us is no good at all I wish we could have it in some other place'.[62]

The Middle Island Half-Caste Crown Grants Act 1885 was designed to remedy errors and omissions made under the 1877 and 1883 Acts. In particular, officials had experienced difficulties in defining or understanding the term 'half-caste', and who should be included in this category. The problems with issuing Crown grants, it was claimed, were due to the difficulty of tracing the individuals concerned. This is evidence that the 'half-castes' did not consistently occupy either the Ngāi Tahu or the settler world.[63]

The Chief Draughtsman claimed in 1885 that:

> *… the Schedule of Titles for Halfcaste claims was commenced long since but could not be completed on account of the difficulty in identifying the names given in the Act with those furnished by the Surveyor arising probably from changing their names and marriage. There are two lists of the Clarendon claim sent in by the Surveyor at different times which do not agree with each other. The Surveyor Mr. Mackenzie is again instructed to take copies of these and ascertain which is correct.*[64]

Difficulties were still being experienced in 1893, when Robert Brown requested that the Crown grants be issued for the land awarded to him and his wife Jane at Clarendon.[65] In the 1950s, when the current owners agreed to the sale of the Clarendon Block for a scenic reserve, officials discovered that only five of the eleven original owners had been granted title.[66]

The last Act in the series was passed in 1888, after a government commission two years earlier had investigated the cases of people excluded from the provisions of the earlier legislation.[67] Taken together, the four Acts suggest that a great deal of activity went into providing for the 'half-caste' population in the South Island. However, the parliamentary debate on the legislation undermines this view. The slow pace of implementing the grants made under these Acts reflects wider government lethargy in fulfilling promises made to Ngāi Tahu in respect of Crown land purchases between 1844 and 1864, as outlined in the report of the Smith-Nairn Commission of 1879–80 and the 1886 Report of the Royal Commission into Middle Island Claims.

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The fate of mixed-descent children whose parents' relationship was not recognised as legitimate caused a great deal of anxiety for both parents and officials. However, interracial relationships did not absolve Māori communities of responsibility for the welfare of mixed-descent children. Indeed, many interracial families lived on Māori land and within Māori communities. But as British laws and institutions were established in New Zealand from 1840, white fathers sought to ensure their children's property rights and economic security. To prove themselves worthy of government support,

they were prepared to embrace monogamy, respectability and a settled agricultural life. In response, colonial authorities introduced a range of mechanisms to encourage newcomers to formalise their relationships in legal Christian marriage, the most important being the recognition of land rights of mixed-descent children. Gaining the necessary Crown grants was not easy, and many children were excluded from the system, particularly those who were not recognised, or were abandoned, by their white father. The special circumstances of a large and growing mixed-descent population were formally acknowledged in 1864, in the context of the Rakiura Purchase. Yet despite consequent legislation designed to provide mixed-descent families with an economic base, the state was unable or unwilling to resolve the matter quickly. Families fought for recognition for decades, often with no success, leaving many of them impoverished and reliant on kinship networks for support.