

‘My Piece of Land at Taieri’

BOUNDARY FORMATION AND CONTESTATION AT THE TAIERI NATIVE RESERVE, 1844–1868



OVER THE PAST DECADE an emphasis on multiplicity and diversity has characterized historical scholarship on colonialism, giving rise to a range of theories about identity and racial ambiguity, and challenging past scholarship on racial politics and dynamics in colonial societies. Influenced by questions of indigenous agency, scholars have recast the colonial encounter as dialectical in nature, involving interactions that were contested and negotiated. This challenge to understandings of the colonial past has centred on approaches that emphasize the liminal and porous nature of borders, boundaries, edges, margins, frontiers, spaces and zones. Because of its association with ambiguity and fluidity, the idea of hybridity has been of particular importance to scholars interested in disrupting legal and economic spaces through a cultural approach. Originating in the biological sciences to refer to the cross-breeding of two different species or varieties of plants or animals, then extrapolated to refer to the crossing of the ‘races’, the term has been taken up by scholars in a range of disciplines to refer to the fluid movement of people across territory and between cultures, the negotiation of ‘blood’ and identity, as well as the crossing of borders and boundaries, both physical and cultural.¹ Influenced by such approaches this article is concerned with the formation of physical boundaries, specifically the native reserve, and the manner in which reserve boundaries were disrupted, notably through intermarriage.

Intermarriage has long been an accepted part of New Zealand’s society, such a part of our cultural fabric that it is only now being subjected to scholarly interrogation.² New Zealand has never legislated against Maori–Pakeha marriages and, indeed, in the nineteenth century they were encouraged as a crucial component of amalgamation policy.³ Our lack of scholarly examination of intermarriage is more sharply drawn in the context of a growing international literature that has sought to recast the colonial encounter as a highly fraught process that involved relationships of negotiation, dialogue and exchange. The scholarship on intermarriage has illustrated that colonialism was also a highly gendered process that had implications for indigenous women who entered into such relationships.⁴ Crucially, the literature has illustrated that intermarriage and the resultant hybridity challenged racial hierarchies, often defying categorization and disrupting colonial power and authority.⁵

Boundary formation and the way in which boundaries are managed, negotiated and crossed during the colonial encounter are the focus of this article. It positions the native reserve as a colonial space, and boundary formation as a colonial strategy of containment and restriction. Specifically, this article examines the colonial processes that contributed to the establishment of the 934

hectare (2310 acre) Taieri Native Reserve, located within Ngai Tahu territory on the northern bank of the Taieri River in Otago, and explores the outcomes of interracial contact in this space. At Taieri, crossing of the reserve boundaries took place from 1844. Through intermarriage, the reserve was settled, occupied and cultivated by male newcomers, challenging the notion of the native reserve as a delineator of indigenous and settler sites of occupation. Therefore, while reserves were geographically 'native spaces',⁶ they rarely constituted such distinct spaces in a social and cultural sense. The reserve was a significant site of interracial contact. The reserve, therefore, offers an opportunity to explore the nature of boundary crossings and to interrogate the ways in which postcolonial theories of identity play out in a localized context, evoking the ways in which colonialism involved relationships not only at a global level, but was also 'made through direct contacts and local interactions'.⁷

The perceived wisdom is that Ngai Tahu welcomed intermarriage and seamlessly integrated persons of mixed descent into their communities. Intermarriage was not followed by economic and cultural integration and acceptance. Instead it generated conflict within communities in a context of inadequate reserves and limited availability of land. Hybridity, it is argued, not only created problems for the state, as many scholars have noted, but also reframed the ways in which indigenous communities interacted. The Taieri Native Reserve was a space of contact not only between Maori and Pakeha, but also between residents within reserve boundaries. A pattern of sustained intermarriage continued after the end of the whaling era throughout the 1850s and 1860s. The result was the formation of dual descent families and the development of a 'half-caste' population that disrupted traditional property rights and the imposed reserve system of land allocation. These disruptions instigated conflict over rights within the reserve community between Ngai Tahu and those of mixed descent. It is these conflicts, negotiations and dialogues that this article seeks to examine, paying particular attention to the question of hybridity and its impact on the bounded space of the Taieri Native Reserve, from the date of the Otago Purchase in 1844 to the first Native Land Court sitting in the South Island in 1868.

During the nineteenth century native reserves represented the power of the colonial state to capture and contain indigenous populations in numerous colonial societies. Scholars agree that in many cases the native reserve was a key element in the protection, civilization and ultimate assimilation of indigenous peoples into mainstream society.⁸ They overwhelmingly conclude that the reserve system was a demoralizing one, which eroded culture, fostered inferior living conditions, witnessed widespread disease, and created the conditions of dependency. As Judith Binney has noted, by the last decades of the nineteenth century every Maori community in New Zealand experienced the impact of colonization in similar ways. Many struggled to survive on small or poor quality reserve land; they experienced long-term poverty, and were forced to live a subsistence lifestyle, often relying on seasonal labour for survival. The enduring poverty, land loss, ill-health and economic marginalization experienced in the decades after 1870 by Maori communities made up 'the colonial experience'.⁹

More recently, scholars have pointed to the subtle ways in which indigenous populations subversively resisted boundary formation and containment. Many communities refused to be restricted to certain spaces and instead continued to engage in seasonal patterns of resource gathering, were highly mobile for the purposes of politics and custom, and acted to disrupt the surveying process, thereby delaying the formation of fixed boundaries. In many ways, reserves were very rarely the distinct sites of occupation that cartography was designed to create. Through intermarriage, native reserves were the 'middle ground' of economic and cultural exchange, and were also 'embodied encounter zones' where intimate relationships took place.¹⁰ Such intimate encounters indicate that native reserves were spaces of contact that involved negotiated relationships as well as conflict. Through a study of intermarriage in the era of systematic settlement the development of a system of reserves can be understood as a process that did not wholly marginalize indigenous populations.

The history of native reserves and their administration on a national scale has yet to be written in New Zealand. Nevertheless, with the establishment of the Waitangi Tribunal in 1975, and the extension of its powers to enquire into historical land claims in 1985, a body of scholarship on Maori lands in New Zealand is being generated, making a history of native reserve policy a distinct future possibility. Over the past 20 years the Tribunal has generated an enormous amount of research that has significantly altered the way historians understand past relationships between Maori and the Crown and that has given official acknowledgement and recognition to historic injustices. While the work of the Tribunal has generated excellent academic scholarship on the Native Land Court and its impact on Maori communities, this is not paralleled by work on the history, management and administration of native reserves.¹¹ This is particularly significant given that native reserves provide an opportunity to develop place-bound culture contact histories that illuminate the complexity of relationships in the early years of contact.

The processes and strategies employed to establish the native reserve mark it as a 'colonial space'.¹² Ken Brealey argues that the native reserve represents a space of enclosure that had geographical implications. Reserves, he argues, involved a process of mapping populations onto small areas of land, reducing access to traditional resources and imposing a new economic system and ways to use the land, which erased 'contiguous territories and emptied spaces for settler occupancy'.¹³ The altered use of land and space, and changes to spatial routines, points to the way in which 'Colonialism was an intensely geographical act through which space was explored, altered, and re-named.'¹⁴ The reserve, and associated legislation and systems of management, is a legacy of colonialism, which has contributed to the establishment of a 'colonial geography'. Native reserves in nineteenth-century New Zealand were legal and economic spaces that were formed by colonial surveyors and the Native Land Court. Colonial officials came to know these spaces through the process of cartography, and for historians, as Giselle Byrnes has illustrated, the mapping of the landscape is one way through which we can trace the impact of colonialism. According to Byrnes, surveyors colonized places through the tool of language, with the new names they provided acting as 'assertions of colonising power'.¹⁵

Colonial processes of erasure and re-settlement played out in southern New Zealand from the 1830s. The purchase of the Otago Block in 1844 by the New Zealand Company from Ngai Tahu saw the establishment of a native reserve from land excepted from sale by its Ngai Tahu inhabitants. The establishment of a reserve was part of a formal phase of systematic colonization that altered the traditional boundaries of Ngai Tahu territory in Taieri specifically and the Otago region more generally. The laying out of the reserve ultimately restricted Ngai Tahu settlement in the lower Taieri, instigating a process of re-writing the traditional pattern of settlement and occupation in the region. This process of increasing restriction was built upon a history of cultural encounters beginning with whaling stations. These stations acted as catalysts for the clustering of Ngai Tahu into sites where such stations were in operation, thereby altering settlement patterns and disrupting sites of traditional occupation. Western encounters in the form of British settlement, reserve policy and surveying practices further altered traditional sites of occupation and restricted Ngai Tahu of the lower Taieri to new boundaries of settlement, primarily to the Taieri Native Reserve.

From the date of the Otago Purchase in 1844 the external and internal boundaries of the Taieri Native Reserve were mapped, named and subdivided, initially through the practices of New Zealand Company surveyors, then Crown surveyors and finally the Native Land Court and its officials. The Otago Purchase paved the way for British colonization of the region based on a set of fixed boundaries outlined in the deed of purchase. In July 1844, William Wakefield, on behalf of the New Zealand Company, purchased 213,440 hectares (533,600 acres) of land in Otago from 21 Ngai Tahu chiefs and principal men of the Otakou rohe/territory for £2400.¹⁶ The New Zealand Company's Otago Purchase was the first phase in a planned colonization scheme in the South Island known as 'New Edinburgh', and was promoted by Scots and envisioned as Scottish in character.

The Otago Block was purchased in 1844, but the first Scottish settlers did not arrive in Dunedin until 1848. Between 1844 and 1846 the company experienced difficulties in getting its title to the land recognized. As a result, the colonization of Otago was threatened and the survey of the Otago Block suspended. Subsequently, responsibility for promoting the colony was taken over by the Lay Association of Members of the Free Church of Scotland, which quickly revived the Otago scheme in 1845.¹⁷ The following year a new British ministry and a more sympathetic Secretary of State for the Colonies, in the person of Earl Grey, saw the revival of the New Zealand Company scheme to settle Otago. In February of that year Charles Kettle arrived to lay out the town of Dunedin and survey the suburban and rural lands within the Otago Block. The requirements of the Otago Association included provision for religion and education, and land suitable for agricultural development. The fertile lands of the Taieri Plains were ideally situated for these requirements and were settled by Scottish colonists from 1848.

Under the terms of the Otago Purchase Taieri was one of three areas, totaling 3846 hectares (9615 acres), excepted from purchase at the request of Ngai Tahu chiefs. Before the deed was signed, a survey of the ground took

place to identify the areas exempt from purchase. The party comprised John Symonds, representing the Crown, George Clarke Jnr, the Sub-Protector of Aborigines, Frederick Tuckett, the New Zealand Company agent for the purchase and principal surveyor in Nelson, and Daniel Wakefield, the New Zealand Company representative. Also in the party were six unnamed Ngai Tahu chiefs who designated the landmarks of spiritual and cultural significance that formed the boundaries of the purchase and chose the lands they wished to retain.

The traditions and whakapapa attached to Taieri are the means through which the Ngai Tahu boundaries of this region were marked. But because boundary formation was attached to natural features the boundaries of a territory could be expansive. For Ngai Tahu, states Atholl Anderson: 'Boundary-making relied on the coupled processes of landscape recognition and naming; of comprehending topographic patterns through the shape and direction of ridges, rivers and coastlines and of applying names, commonly with recognizable lineage connections, to every feature.'¹⁸ Posts, urupa, ancestral names, cultivations, seasonal activities and natural features marked the boundary of a territory. It was with reference to natural features and landmarks that Ngai Tahu named their boundaries in the Otago Purchase of 1844.¹⁹ In this case, natural features assisted in the demarcation of well-defined boundaries. Preciseness, however, did not mean that disputes about ownership or rights of access to a territory did not take place. Access to this territory was contained in whakapapa/genealogy and in knowledge of tradition, songs and place names, and encompassed not only economic connections to land and rights of access to resources, but also spiritual connections to ancestors.

The establishment of the Taieri Native Reserve out of exempted land significantly altered Ngai Tahu occupation of the lower Taieri. The boundaries of 'unsold' lands were described in the Deed of Purchase as being 'bounded on the north by a line drawn from Onumia on the sea shore in a west north-west direction, till it strikes the Taieri River at Maitapapa; on the West and South by the Taieri River; and on the East by the sea shore'.²⁰ This fixed description, however, gives little indication of the manner in which Ngai Tahu understood and marked the boundaries of the Taieri, nor the significance of the area to them.

Ngai Tahu leaders chose to retain Taieri for a number of reasons. The Taieri Block was situated near inland lakes and a large swamp rich in food sources. Lakes Tatawai, Potaka and Maramatetaha, as well as numerous other eeling sites, such as Kaokoairoroa near Waihola, Owiti near Clarendon, and Kawhakatuatea north of Waihola, were located in the immediate vicinity of the reserve.²¹ And, as Tuckett found in his traverse of the Otago Block in 1844, the land along the northern bank of the Taieri River was occupied and cultivated. In addition, the area was a traditional urupa. Indeed, Otakou chief Korako Karetai stated in his will of 1876 that his land 'at Taiari is a burying ground the name of that land is kaikatearorao I will leave it to my five children and their descendants after them'.²² Traditional place names are concentrated along the banks of the river, underlining its significance as a travel route, economic and food resource, camping ground, and site of seasonal and permanent settlement.

Ngai Tahu migration traditions point to the existence of a number of pre-1840 pa in the lower Taieri, at the north end of Lake Waihola, at the mouth of the Taieri River, on the hill behind Maitapapa and up the river at Te Amoka.²³ There were also a number of villages located along pockets of flat land on the northern and southern banks of the Taieri River. The most important were the fishing village Te Au Kukume and the largest settlement, Maitapapa.²⁴ Additional villages were located adjacent to small bays and alongside the river.

The three blocks set aside under the Otago Purchase were not reserved land but exemptions from purchase or unsold land. These excepted lands were referred to as 'reserves' in the English text of the Deed of Purchase. Excepted lands generated some anxiety amongst colonial officials, primarily because they were neither legally designated reserves, nor land that had been purchased by the Crown for that purpose.²⁵ These 'reserved lands' constituted the few areas of land that initially remained under Ngai Tahu control and management because customary title had not been extinguished. Therefore, while the fixed external boundary of the reserve was described in the Deed of Purchase, Ngai Tahu remained in control of the internal boundaries of the reserve.²⁶ However, with the establishment of the colonial state the external boundary of the reserve was soon to be transgressed by colonial officials.

The ways in which native reserves were understood and managed in the period 1844 to 1868 were complex and differed depending on the policy in force at the time of their creation. The lands Ngai Tahu and the New Zealand Company agreed to exclude from purchase in 1844 were denoted 'reserves' and were not included in the Crown grant to the New Zealand Company. By 1848 the manner in which reserves were dealt with was very different. In that year Governor Grey's dispatch to Earl Grey explicitly stated his policy on native reserves. 'Reserves', Grey stated, were to be included in the purchase boundary of a block, thereby extinguishing native title to that land.²⁷ Thus in 1848, there were two categories of 'native reserves' in New Zealand: those included in, and those excepted from, a purchase block. The key difference between these two categories was that lands excepted from purchase did not have native title extinguished and therefore remained under customary ownership. This second category of 'reserve' applies in the case of Taieri specifically and Otago generally.

With the establishment of a colonial Parliament in New Zealand native land legislation was implemented which undermined Ngai Tahu control of their remaining lands. From 1856 a series of laws relating to native reserves was enacted by the new Parliament designed to deal with their management. Under the Native Reserves Act 1856, Commissioners of Native Reserves were appointed in panels of three for each province.²⁸ Section 14 of the Act defined a reserve as land where customary title had been extinguished, and thus management of reserves by native commissioners did not extend to exempted lands.²⁹ While under the 1856 Act unsold lands could be classified as reserves with the consent of Maori, in Otago Ngai Tahu rarely vested the management of their land in native commissioners, preferring to maintain customary title to their lands.³⁰ As a consequence, stated W.H. Cutten, the Commissioner of Crown Lands for Otago, 'unless the Natives consent to extinguish their

original title and accept a title from the Crown, the Commissioners have no power to deal with the land'.³¹ In effect, Ngai Tahu retained control of the internal boundaries of reserves primarily because they were lands excepted from purchase by its leaders.

Through the Native Land Court title determination processes and native lands legislation the government established the conditions under which to undermine Ngai Tahu's control over their reserve lands, instituting processes by which officials could breach the external boundaries of the Taieri Native Reserve. The role of the court was to establish the owners of customary land; to extinguish customary ownership of that land by the issue of Crown title; and to regulate succession to land held under individual title.³² By 1867, under the Native Lands Act of that year, the Land Court could investigate the title to excepted lands, and such lands could also come under the jurisdiction of the court through the authority of the Governor, without the consent of the owners. In effect land under customary ownership could be referred to the Land Court where certificates of title would be awarded and customary title extinguished.³³ The jurisdiction of the Native Land Court to determine title was thus extended to all land under Maori ownership, including the Taieri Native Reserve.

With the establishment of the Native Land Court title determination processes new internal boundaries were laid down based on individual land holdings. Individualization was a key aspect of Crown policy on native reserve legislation and administration, and was achieved through court orders and the issue of certificates of title, which saw the proliferation of boundaries inside native reserves. These new boundaries delineated new individual rights, including the rights of disposal and alienation. Individualization was explicitly linked to 'civilization'. The effort to define reserves under legislation from the 1850s was closely connected to ideas about how the land was to be improved and used.³⁴ Henry Sewell, the architect of the Native Reserves Act 1856, sought the creation of 'civilized communities' through individualization of title. Placement of reserve land under the management of the Native Commissioner for lease brought in funds that could be used, argued Sewell, for the 'improvement' of Maori.³⁵ The establishment of the Native Land Court drew on a long held and clearly articulated belief that individualization of Maori land assisted in the 'improvement' and 'civilization' of Maori morally and socially.

While the internal boundaries of the Taieri Native Reserve were steadily encroached upon and redefined under the title determination processes of the Native Land Court, the external boundary of the reserve was also being defined. With British settlement of the lower Taieri, Ngai Tahu were further restricted to their reserve. Geographically, townships such as Taieri Ferry and Otokia were sited on the margins of the reserve and along the banks of the river. With increasing settlement came the need for land on which to access and develop material resources. In 1850 Charles Kettle, the surveyor who had laid out much of the Otago Block, travelled to Taieri seeking to persuade Ngai Tahu to sell portions of their reserve to enable the marking out of townships and to encourage the closer settlement of British settlers. Kettle described Ngai Tahu as engaged in a subsistence and seasonal lifestyle, lacking 'energy and ambition which characterizes all the natives who live together in large bodies'

and with 'ideas of doing anything for themselves scarcely extend[ing] beyond the cultivation of a few potatoes for their own consumption'.³⁶ Kettle argued Taieri Ngai Tahu could use the money from the sale to invest in stock 'by which their reserve would then become really useful to them' and gain advantages from having a 'body of Europeans near them'.³⁷ However, 'they unhesitatingly declined to sell any portion of their land, affirming that money to them was like the dew upon the grass which is soaked up by the sun as soon as he rises'.³⁸ In short, the Crown policy of 'civilization' through individualization or sale of land was in operation at Taieri from the 1850s, represented by early official attempts to breach the boundary of the reserve.

British settlement on the margins of the reserve acted to clearly demarcate its external boundaries and influenced the economic development within its confines. The reserve economy combined subsistence agriculture, the gathering of traditional sources of food such as ducks, eels and fish, and engagement with the cash economy through local markets, such as those that operated at Taieri Ferry, located directly across the river from the kaika, in the early 1860s.³⁹ The families did attempt to make a living from their land, but it was a subsistence lifestyle in which the reserve was 'more or less used by the Natives for occupation, residence, and cultivation'.⁴⁰ The families were described in 1868 as living in 'eight or ten dilapidated huts' with only a few acres under cultivation as the remainder of the reserve consisted 'of steep hillsides, and broken ground, only adapted for grazing'.⁴¹ By the 1860s, the Taieri families were confined to the boundaries of the reserve, with insufficient land to make a livelihood out of large-scale pastoral farming, and with few alternatives for employment, either on the reserve or beyond its boundaries.

The perceived inability of Ngai Tahu to make economic use of their reserve lands was held up as evidence that individualization of their holdings was required for their 'improvement'. In an 1863 report on the condition of Ngai Tahu, James Mackay Jnr concluded that: 'the natives have been confined to their reserves'. Mackay believed that Ngai Tahu suffered from being hemmed in by settlers and were unable to breed or run pigs for income and food as their cultivations were being trespassed upon. The solution, argued Mackay, was to 'civilize' through individualization of reserves. He stated that 'the sub-division and apportionment of these reserves among the occupants would be one of the best measures which could be adopted for promoting the welfare of the Native inhabitants of the Middle Island, and would assist more than any other in placing them on the same footing as the Europeans'.⁴²

The first sittings of the Native Land Court in Ngai Tahu territory took place during April and May 1868 under Chief Judge Francis Fenton. One of the chief aims of the 1868 hearings was to ready the reserve lands for individualization by determining their ownership so that Crown grants could be issued.⁴³ Through this process, individual Ngai Tahu could obtain title, then apply for partition of blocks and the subdivision of these blocks into sections. The sittings grew out of a promise made by Governor George Grey on a visit to the South Island in 1867 'that their claims to reserves in the south should be investigated and Crown titles issued', alongside an already recognized desire for subdivision by officials.⁴⁴ It was through these hearings that rights to the Taieri Native Reserve were claimed and contested.

Claims to the Taieri Native Reserve were heard before the Land Court in Dunedin alongside 16 others. The applicant to the court was Rawiri Te Uraura, the successor to Te Raki as chief at Taieri. The aim of the applicant was to get the Native Land Court to adjudicate on who had a right to the Taieri Native Reserve. By resorting to the Land Court to resolve internal conflicts, Rawiri Te Uraura and those he represented also brought the reserve under the authority of a court with its own imperatives of extinguishing native title and individualizing reserve land through the granting of certificates of title.

The respective rights of families to an interest in the reserve land at Taieri were of particular concern in the years prior to the 1868 Native Land Court hearings. Letters to the Native Minister from Ngai Tahu prior to the division of the reserve in the late 1860s indicate that the question of boundaries and who could cross them was of considerable importance. Native Department letterbooks record a series of letters from Ngai Tahu with an interest in the Taieri Reserve from 1865 onwards.⁴⁵ Many people resident at the reserve had links to Ngai Tahu settlements in Canterbury, particularly Kaiapoi, and their rights to an interest in the land were challenged.⁴⁶ In 1867, for instance, Korako, the chief of Otakou, a major Ngai Tahu settlement located on the Otago Peninsula, stated in a letter to the Native Department that his whanau wanted 'a portion of it back for themselves, excluding some Kaiapoi natives at present living at Taieri'.⁴⁷ The writers of these letters were looking for clarification on the issue of access and rights in the context of limited availability of land. Tiaki Kona, a leading member of the reserve, wrote in 1867 to inform authorities of the 'ancestry of present occupiers of their Reserve', as did John Topi Patuki (the successor to Ngai Tahu paramount chief Tuhawaiki), Rawiri Te Uraura and Wi Naihira of Tuahiwi, in the same year.⁴⁸ These last four men represented competing claims over rights to land at the Taieri Native Reserve based on whakapapa, occupation and use. The origin of the court application by Te Uraura was, therefore, a desire to clarify ownership of the reserve rather than to individualize title.

Conflict over the land had arisen after the death of Te Raki in 1862 and his bequeathing of the land to his successor Rawiri Te Uraura, the claimant before the Native Land Court. The counter claimants were described as 'the Natives residing at Otago Heads'. An arrangement to share the reserve devised by the counter-claimants had been suggested independently of the court. At this meeting: 'All the people of the Taieri and Otakou were present, and with the exception of the half-castes at the Taieri, all agreed to the arrangement. The arrangement had been proposed by the Otakou Natives, who said that if the Taieri Natives refused, they would not have any land at all.'⁴⁹ Wereta Tuarea, resident at Taieri for 37 years 'ever since I came from Kaiapoi', objected to the arrangement suggested by the people of Otakou, claiming that 'They have no title'.⁵⁰ Understandably, those who lived on and cultivated the reserve felt that evidence of continued occupation since the 1830s gave them a clear right to recognition of their claim in the reserve.

An agreement to share the reserve was made independently of the Land Court and was approved by Chief Judge Fenton. Under the agreement, 'the claimants and counter claimants had agreed that the Taieri Natives should have

half of the reserve; the Otakou Natives a quarter; and Te One Topi's descendants the remaining quarter.⁵¹ In accordance with the court's judgement, certificates of title were issued to the three claimant groups. An area of 469 hectares (1173 acres), designated as Block A, was awarded to eight trustees. Block B, consisting of 226 hectares (565 acres), was granted to representatives of Otakou Ngai Tahu. Block C, also 226 hectares, was awarded to nine individuals with kinship ties to the Foveaux Strait. Tiaki Kona described the 1868 Native Land Court decision, in a letter to the Native Minister, as the year in which 'half of the reserve was taken away by other natives of other parts'.⁵² Indeed, division of the reserve into three blocks meant that the area of the reserve that was available to the Taieri families was not 924 hectares but the small 27 hectare kaika and the steep and inaccessible land of Block A.

Frederick Tuckett, when defining the boundaries of the Otago Block in 1844, wished it to be stated in the Deed of Purchase 'that other Maoris cannot, and after the land is paid for, reside within the district, excepting on such land as may be specially reserved for the present residents or others'.⁵³ Inter-marriage was a disruptive force in the creation of distinct places of native settlement and had been taking place at Taieri from the 1840s, when a whaling station was established at the mouth of the river in 1839. The Moturata station collapsed in 1844, and a number of its employees moved inland and settled at the kaika with their Ngai Tahu wives and families. In February 1849 the Reverend Thomas Burns, spiritual leader of the Otago Association, found 27 Ngai Tahu at Maitapapa and 34 settlers composed mostly of ex-whalers and their children.⁵⁴ Inter-marriage continued as British settlers moved into the district. By 1868 58 Ngai Tahu were resident at Taieri, while 18 'half-caste children [were] living with their parents at a distance from the pah'.⁵⁵ As inter-marriage continued into the settler era, an increasing mixed-descent population had a disruptive effect on the question of land rights at the reserve.

Marriages between Ngai Tahu and settlers at Taieri during the 1850s and the 1860s took place in a context of increased Ngai Tahu preoccupation over the perceived problems posed by persons of mixed descent. In a number of areas the 'half-caste' represented a rupture in Ngai Tahu economic, political and social life. Nowhere was this more obvious than over the question of land rights. Appeals for the state to take responsibility for mixed-descent children, in the absence of their white fathers, were voiced from the 1860s. By 1876, H.K. Tairaroa, the representative for Southern Maori in Parliament, stated that something was 'required to be done for these half-castes, because their fathers had not taken notice of them, and had not provided for them. During all these years they had been living with, and had been brought up by, their Native mothers. Some of them had obtained land, but, on the contrary, others were simply squatting on what belonged to the Maoris'.⁵⁶ Until that year, Tairaroa alleged, 'half-caste' children had been the sole responsibility of Ngai Tahu women and their communities and had been an impediment to the smooth functioning of the Ngai Tahu land rights system. Further, the presence of a mixed-descent population placed added pressure on what were inadequate reserves and an imposed system of land allocation. In cases where the white father could not provide for his children, or had abandoned them, Tairaroa believed that the state should fulfil that role.

Intermarriage between Maori and Pakeha has never been subject to legislative restrictions. Instead, intermarriage formed an integral aspect of amalgamation policy in nineteenth-century New Zealand. The children of such marriages, however, were considered troublesome, and represented an economic and cultural difficulty that had to be contended with by not only Ngai Tahu but also the state. A changed whakapapa had immense significance for Ngai Tahu identity, and for those of mixed descent the recognition of a Pakeha name also implied an acceptance of shared responsibility. It was through the small detail of names, not just legislation, that sections of Pakeha society revealed their shared responsibility for hawhe-kaike/‘half-caste’ children in colonial New Zealand.⁵⁷

Evidence presented before the Land Court indicates that there were more than three groups claiming an interest in the Taieri Native Reserve in 1868. In contrast to the Otakou and Foveaux Strait claimants, the Taieri claimants were not a clearly defined group. Rather, they were composed of two distinct groups: Ngai Tahu ‘refugees’ from Canterbury who fled to the Otago region in the late 1820s and early 1830s because of warfare, and ‘half-castes’. The opposition to the solution reached at the Land Court sitting suggests that the ‘refugee’ status of some of the Taieri claimants alongside the mixed-descent status of a second group of claimants operated against both groups in claims of ownership to the reserve. In particular, intermarriage brought the fear of land loss as it brought newcomers onto reserve land, the development of a mixed-descent population and the creation of ‘half-caste’ lands, and competition for land in already small reserves. This fear grew out of an 1856 decision of the Commissioner of Crown Lands that the provision of land for ‘half-castes’ be made out of native reserves. However, this was ‘to be done subject to the consent of the Natives concerned’.⁵⁸

From the 1850s officials and commentators remarked on the growing hybrid population in New Zealand. The problems posed by the ‘half-caste’ in colonial New Zealand were noted in an 1856 report of a board appointed by the Governor to enquire into and report upon the state of native affairs in the country. This board found that the ‘half-caste’ occupied an intermediary space in both a social and legal sense. The area identified in the report in greatest need of statutory management was that of land rights.⁵⁹ Despite the ‘troublesome’ nature of ‘half-castes’, and Ngai Tahu requests for the state to provide for this population, it was not until the passage of four Half-Caste Crown Grants Acts between 1877 and 1888 that the land rights of Ngai Tahu of mixed descent were recognized, 21 years after the publication of the 1856 report.

Meanwhile, at Taieri, the contest over the internal boundaries of the reserve continued after the Native Land Court sitting, as the surveyor embarked on the practical division of the reserve on the ground. David MacLeod undertook the survey of the reserve, which determined its internal boundaries, for the Native Land Court during June 1868. Taieri Ngai Tahu had a measure of control over the activities of the surveyor, and were keenly interested in monitoring such work, often walking the ground with him. On completion of the surveying of the individual sections in the reserve in July 1868 MacLeod stated: ‘almost all the Natives in connection with the Reserve attended the survey — indeed,

everyone belonging to Blocks A and B. And it was unanimously agreed amongst them to mark a division of the land and get it marked off at once. I accordingly got them all out on the ground and made them put in all their pegs and cut their lines as shown on the maps.⁶⁰

However, those of mixed descent living at the lower Taieri questioned the awards of land and acreage by the leading persons of the kaika. In a letter to the Native Minister dated June 1868, three months before MacLeod sent his plan of the reserve to the Native Land Court, the Palmer family indicated their distress over the division of land at Taieri:

This is our talk to you about the portion of land of the Taieri People which is left. The Surveyors work is greatly interrupted. The good lands are being taken away by Rawiri o hapu Te Uraura for themselves alone. The bad pieces are being offered to us by some of those people who are living on their land — but the whole of the land has been subdivided by the Surveyor and the Runanga have agreed about the other portions. The portion that is disputed is 130 acres. . . . Hariata wants to be at the gate of the fence that she may get some portion of the good land to build a house upon that Nane Sherburd should have 12 chains of the good land and herself three chains. This is a good arrangement but the decision is with you. Write quickly that this dispute may cease.⁶¹

The question of land division at the reserve involved the collusion of some residents with the surveyor, while those of mixed descent were not part of the process of allocation. A month later, Nane's letter to the Native Minister 'about my piece of land at Taieri the size of the land is 100 acres for myself, my child and husband'⁶² indicates that the reserve land was being inhabited by male newcomers, including her Australian-born husband Robert Sherburd.

In September 1868 MacLeod drew up an owners' list of the Taieri Native Reserve, which was approved by the Native Land Court. From this list, the question of settler occupation of the reserve as well as patterns of intermarriage can be explored. Ngai Tahu living on the reserve and married to white men at that date included Eliza Brown who was married to William Neil, and her aunt Sarah Brown, married to the former whaler Ned Palmer. Betty, Mere and Hannah Kui, the 'half-caste' daughters of the former whaler William Palmer, were, in 1868, all married to Pakeha men — Betty to James Crane; Mere to William Bryant; and Hannah to Peter Campbell Jnr. Hannah Parera/Ann Holmes had married ex-whaler William Palmer in 1853 and both were resident on the reserve in 1868, while Nane or Ann Foster was married to Robert Sherburd. Therefore, in 1868 there were potentially six Pakeha men with access to reserved land through the rights of their mixed-descent wives either living on the reserve or nearby. In short, the creation of 'half-caste lands' out of reserve land was a reality, and the presence of white men on the reserve, married to women of mixed descent, further exacerbated fears of land loss.⁶³

The presence of persons of mixed descent disrupted customary systems of land rights. The reduction of already limited land by the inclusion of those of mixed descent was one of the reasons why the question of reserve allocations to 'half-castes' was an important issue. Land scarcity has been identified as a key concern surrounding the development of the mixed-descent population in the South Island from the 1870s in the form of 'half-caste' land claims.⁶⁴

However, the comments of Taiaroa in 1876 and the conflicts taking place between residents of the Taieri Native Reserve indicate that this was an issue that played out within reserve communities and before the Native Land Court during the 1860s. Bill Dacker has estimated that in 1868, when the Ngai Tahu population of Taieri consisted of 58 individuals, each was allocated on average 15.6 hectares.⁶⁵ An additional 18 persons of mixed descent were living at Taieri in the year of the Land Court sitting, bringing the total population to 76. As a result, the Taieri Native Reserve was one of the few pieces of land set aside under the Otago purchase that included a relatively large proportion of 'half-castes' within its list of owners. The effect of including those of mixed descent in land allocations was to reduce interests in Block A. The mixed-descent families occupied the margins of the reserve. Despite their inclusion in the allocations, they gained little land in the favourable village sections on the flat land of the reserve. Access to land was granted in Block A of the reserve to 11 persons of mixed descent. However, this land was notoriously inaccessible and unavailable for economic use.

The establishment of native reserves represents the power of the colonial legislature to rewrite traditional boundaries, replace fluid and seasonal patterns of movement across a large territory, and attempt to restrict indigenous populations to an enclosed space. A range of policies restricted Ngai Tahu to the boundaries of the Taieri Native Reserve. This process of increasing confinement was predicated upon a range of cultural encounters beginning with whaling stations and followed by the systematic pastoral settlement of the plain. The extension of the New Zealand Company system of tenths to the Otago Block effectively rendered reserves in Otago 'native spaces'. The creation of reserves as spaces of habitation separate from European settlement was consolidated by the work of New Zealand Company and Crown surveyors, and later through the title determination processes of the Native Land Court. At the same time, this system eroded Ngai Tahu ownership of the reserve through a system of individualization designed to promote the 'civilization' and assimilation of its residents.

The native reserve was a space of contact between Maori, the Crown and settlers who crossed the external boundaries of the reserve and re-ordered its internal boundaries. Inter-marriage was of particular significance in this process. Systematic colonization of Otago from 1848 witnessed the continuation of a pattern of inter-marriage comprising male newcomers residing on and cultivating reserve land with their Ngai Tahu spouses. Such relationships disrupted the notion of reserved land as spatially separate from sites of British occupation, while the presence of persons of mixed descent at Taieri undermined the pretence of separate living spaces in this district. Further, inter-marriage and the development of a mixed-descent population instituted a process in which the external and internal boundaries of the reserve were contested and continually negotiated. These conflicts were centred on land rights and access to the reserve that played out in the space of the native reserve, in the physical surveying of the reserve, and through the Native Land Court system. Significantly, the conflicts over land that played out at Taieri before the Native Land Court point to the way in which reserves were not only 'contact zones', but also places

of contestation between residents, and suggests that the imposed system of reserve allocation disrupted the economic, rather than cultural, integration of those of mixed descent into Ngai Tahu communities. The experience of being of mixed descent in the era when the reserve system was being established and consolidated points to the complex nature of the reserve as a space of contact.

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NOTES

1 See Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation*, London, 1992; Homi Bhabha, *The Location of Culture*, London, 1994; Robert J.C. Young, *Colonial Desire: Hybridity in Theory, Culture, and Race*, London, 1995.

2 The exceptions are Atholl Anderson, *Race Against Time: The Early Maori–Pakeha Families and the Development of the Mixed Race Population in Southern New Zealand*, Dunedin, 1991; Kate Riddell, ‘A “Marriage of the Races”? Aspects of Inter-marriage, Ideology and Reproduction on the New Zealand Frontier’, MA thesis, Victoria University, 1996; John Harre, *Maori and Pakeha: A Study of Mixed Marriages in New Zealand*, Wellington, 1966, and Kate Riddell, ‘“Improving the Maori”: Counting the Ideology of Inter-marriage’, *New Zealand Journal of History*, 34, 1 (2000), pp.80–97.

3 Alan Ward, *A Show of Justice: Racial ‘Amalgamation’ in Nineteenth-Century New Zealand*, Auckland, 1995; Riddell, ‘A Marriage of the Races’ and ‘Improving the Maori’.

4 See Sylvia Van Kirk, *Many Tender Ties: Women in Fur-Trade Society, 1670–1870*, Norman, 1980; Jennifer S.H. Brown, *Strangers in Blood: Fur-Trade Company Families in Indian Country*, Vancouver, 1980; Adele Perry, *On the Edge of Empire: Gender, Race and the Making of British Columbia, 1849–1871*, Toronto, 2001; Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes*, Amherst, 2001.

5 Laura Ann Stoler, ‘Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Southeast Asia’ in Frederick Cooper and Laura Ann Stoler, eds, *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Berkeley, 1997, pp.51–101.

6 This term is borrowed from Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, Vancouver, 2002.

7 Nicholas Thomas, *Possessions: Indigenous Art/Colonial Culture*, London, 1999, p.9.

8 J.L. Tobias, ‘Indian Reserves in Western Canada: Indian Homelands or Devices for Assimilation?’ in Bruce Alden Cox, ed., *Native People, Native Lands: Canadian Indians, Inuit and Métis*, Ottawa, 1992, p.148.

9 Judith Binney and Gillian Chaplin, *Nga Morehu — The Survivors*, Auckland, 1986, p.27.

10 The term, middle ground, derives from Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815*, Cambridge, 1991. The term ‘embodied encounter zone’ is borrowed from Katie Pickles and Myra Rutherdale, eds, *Contact Zones: Aboriginal and Settler Women in Canada’s Colonial Past*, Vancouver, 2005.

11 The exceptions are Leanne Boulton, ‘Native Reserves, Assimilation and Self-Determination: Te Atiawa, the Crown and Settlers, North Taranaki 1840–1875’, MA thesis, University of Canterbury, 2004; Ralph Johnson, *The Trust Administration of Maori Reserves, 1840–1913*, Wellington, 1997; J. E. Murray, *Crown Policy on Maori reserved lands, 1840 to 1865, and Lands Restricted from Alienation, 1865–1900*, Wellington, 1997.

12 See Kenneth Brealey, ‘Travels From Point Ellice: Peter O’Reilly and the Indian Reserve System in British Columbia’, *BC Studies*, 115/116 (1997/98), pp.180–236.

13 Evelyn J. Peters, ‘Aboriginal People and Canadian Geography: A Review of the Recent Literature’, *The Canadian Geographer*, 44, 1 (2000), p.46.

14 Evelyn Peters, ‘Challenging the Geographies of “Indianness”: The Batchewana Case’, *Urban Geography*, 18, 1 (1997), p.56.

15 Giselle Byrnes, *Boundary Markers: Land Surveying and the Colonization of New Zealand*, Wellington, 2001, p.4. Giselle M. Byrnes, ‘Affixing Names to Places: Colonial Surveying and the Construction of Colonial Space’, *New Zealand Studies*, 8, 1 (1998), p.22.

16 Waitangi Tribunal, *The Ngai Tahu Report 1991*, Wellington, 1991, pp.281–2. The Governor had waived the Crown’s right of pre-emption to allow this purchase to take place: see *Ngai Tahu Report*, pp.295–6. It is also important to note that the size of the purchase block was given at the time as 400,000 acres, but it is now known to be the larger amount.

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19 *ibid.*, pp.73–74.

20 Crown Grant of the Otakou Block to the New Zealand Company, in Alexander Mackay,

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21 W.A. Taylor Papers, Box 1, Folder 1, p.121, Canterbury Museum (CM).

22 Will of Korako Karetai, Deeds Register Book, Vol.73, p.750, Land Information New Zealand, Dunedin.

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25 Ann Parsonson, Otago Tenths, unpublished report, Waitangi Tribunal [Wellington], 1987, Wai-27, p.52.

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28 Robert Chapman, 'The South Island Maoris and their Reserved Lands, 1860–1910', MA thesis, University of Canterbury, 1966, p.64. Johnson, p.29. In 1857 the management of native reserves in Otago was vested in John Cargill, Alfred Chetham Strode, Robert Williams and John Gillies.

29 Johnson, p.25.

30 Evison, p.220. Johnson, p.35.

31 W.H. Cutten, Commissioner of Crown Lands Report on Native Reserves, in Mackay, *Compendium, Volume I*, p.119.

32 David V. Williams, 'Te Kooti Tango Whenua': *The Native Land Court, 1864–1909*, Wellington, 1999, p.142.

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34 Murray, p.v.

35 Johnson, pp.24–25.

36 Charles Kettle to William Cargill, 9 December 1850, MS-0083, Hocken Library (HL).

37 *ibid.*

38 *ibid.*

39 Win Parkes and Kath Hislop, *Taieri Mouth and Its Surrounding Districts*, Dunedin, 1980, p.19.

40 W.H. Cutten, Report upon Native Reserves, *Compendium Volume I*, p.118

41 Alexander Mackay to Native Minister, 7 February 1868, in Mackay, *Compendium Volume II*, p.148.

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44 Mackay, *Compendium Volume I*, p.23.

45 K.T. Karetai, 26 June 1865, MA 2/41 in Jenny Murray, *Archival Material in the Registers of the Native Affairs Department and the Canterbury Provincial Council*, p.32, CM.

46 Maitapapa was established in the 1830s by 'refugees' from two wars: the Kai Huanga/Eat Relations Feud in the 1820s that was internal to Ngai Tahu and the other external, involving the raids of the Ngati Toa on Ngai Tahu in 1831. As a result, many Ngai Tahu fled to the lower South Island, settling as 'refugees' in Ngai Tahu communities in Otago.

47 Korako, 16 February 1867, in Murray, p.37 (CM).

- 48 Jack Kona, 28 May 1867, in Murray, p.38. John Topi Patuki, 29 July 1867, in Murray, p.40. R. te Uraura, 17 August 1867, in Murray, p.40. Wi Naihira, 29 August 1867, in Murray, p.40.
- 49 Mackay, *Compendium Volume II*, p.234.
- 50 *ibid.*
- 51 *ibid.*
- 52 Tiaki Kona to Native Minister, 11 February 1886, MA 13, Box 21, 13[c], ANZ-W.
- 53 Tuckett to D. Wakefield, 13 June 1844, in Mackay, *Compendium Volume II*, p.102. *Ngai Tahu Report*, p.303.
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- 56 *New Zealand Parliamentary Debates* (NZPD), 1876, 20, p.454.
- 57 Lyndsay Head, 'The Abduction of Hinemare's Children', *History Now*, 8, 4 (2002), p.21.
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- 61 Hariata Paama, Charlotte Palmer, Jane Paama and Tare Paama to Fenton, 30 June 1868, MLC AccW2218 Box 17, ANZ-W.
- 62 Nane to Fenton, 1 July 1868, MLC AccW2218 Box 17, ANZ-W.
- 63 See Taieri Block File 263, Maori Land Court, Christchurch Office.
- 64 Anderson, p.28.
- 65 Bill Dacker, 'Chapters in Nineteenth-Century South Island Maori History', BA Hons Long essay, University of Otago, 1980, p.17.