The historical politics of the New Zealand half-caste

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Abstract: The archives of settler journalism provides us with a rich resource for engaging with some of the 'raced' discourses in circulation at the commencement of Britain's colonial project in Āotearoa/New Zealand. From these early literary resources we find chronicled in the settler press evidence of a complex, contradictory and largely imagined relationship with the 'Natives'. As the colonist confronted the 'Native' and authored the encounter in the settler media, he was at the same time working through social hierarchies, resource entitlements, political institutions and the face of a burgeoning indigenous contest.

The Euronesians is a single newspaper article which appeared in 1843 in an Auckland newspaper, *The Daily Southern Cross*, established in the same year. This article has been analysed using a critical discourse methodology in order to understand the way in which seemingly munificent articles, that appear superficially, at least, to demonstrate a generous disposition toward the *'Native'*, are at the same time wedded to Britain's colonising project, and work to justify, excuse, and accommodate a hegemonic white presence. At the core of critical discourse methodologies therefore is a desire to understand how language works to normalise social, economic and political domination. The discourse analyst's methodological tool kit is therefore a set of key questions that are asked of the text. What is the background to the text? What does it say at its surface? What patterns of meaning do we find and what political work is the text doing? What is silenced? Are the patterns of meaning consistent over time? This paper addresses these questions.

An analysis of the text demonstrates that the apparent display of generosity toward those children of mixed racial parentage (Pākehā and Māori) is in fact demonstrative of a complex relationship between the seemingly contradictory discourses of cultural benevolence and appropriation. As will be demonstrated, the appearance of goodwill and concern for the 'half-caste', in this article, retreats into a rationale for demonstrating the untenable nature of certain obligations, protection and rights afforded to the Treaty of Waitangi signatories, which effectively precluded the colonist from the purchase of Native lands. The article 'The Euronesians' is partially reproduced along with the punctuation and editing used in the original publication. The use of 'native' using the lower case was standard form of the day

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> ***THE EURONESIANS, Or the Children of European and Native Parents.***
> *Daily Southern Cross, Volume I, Issue 23, 23 September 1843, Page 2.*
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> We have advocated the rights of the European and Native, frequently and fully. We have treated of the effects of British Government, as far as the present and prospective circumstances of both are concerned, but there is another, and a very important portion of our community whose interests we have always had in view, although we have not had an opportunity until now of bringing their case prominently before the public. A class of persons, who appear to have been entirely subjects of treaties and of laws; the privileges of the former have been attempted to be limited and prescribed, and the rights of the latter have been usurped and violated, but there is a class of persons who cannot be affected in their rights, either by the treaty of Waitangi, or the Land Claims Bill. We allude to the descendants of European

fathers, and Maorie mothers, commonly called "half casts." These persons are in many instances, the children of misfortune, and as such, are too often neglected and despised; but they are still our, fellow-creatures, and entitled, under the laws and dispensations of the God of nature, to an equal interest, and an equal participation in the soil on which he has planted them.

Our object in the present article, is to endeavour, as far as possible, to throw some light upon their condition and rights. We have protectors for the Maories, we have oppressors of, and advocates for the white people, but there is not a single voice raised in favour of the poor Euronesian. Is he less deserving of pity and compassion, than his outcast father, or his credulously fond, and demi-savage mother? Is there any protector of his rights, any one to claim, and prove his title to his mother's, or his father's land? No voice is raised in his behalf! The native's have their protectors, and certain rights are acknowledged to belong to them; the Europeans are struggling hard and perseveringly, to obtain the rights and privileges of the citizens, or subjects of the civilized Governments to which they belong; but the coloured children of New Zealand neither assert their own claim, nor does any one assert it for them. Have they then no rights? Are they beyond the influence, and without the benefit of human laws? If they are not, it is surely the duty of this Government to say what their precise position is. At the present moment, they may be perhaps, too poor, too insignificant, or too few in number to render it imperative upon the Government seriously to take up this question; but, if there should be one of this description (and there are scores, even hundreds of them in New Zealand) it is very plain that he must have some rights and privileges, he must be expected to obey the laws, and for such obedience, the laws must confer some benefit upon him; he must have certain privileges, civil and political. What then, are the privileges of the **Euronesians**? The coloured inhabitants of this country, consist of two distinct classes, the children of persons who have been legally married, according to the customs and ceremonies of England, and the children of persons who have been united according to the laws and customs of New Zealand: who, in consequence, would be in England deemed illegitimate; but who are, according to the customs of the natives, fully entitled to the rights of New Zealanders. The first class are at the present moment, not quite so numerous as the latter, but they are fast increasing, and many of them are respectable; the children of respectable and well behaved European fathers, and high born native mothers. How then, are such children to be regarded? Are they merely natives living under the conditions of the treaty of Waitangi? or, are they British subjects? or, are they both? We are of opinion that they are both entitled by English law, (seeing their parents have been legally married) to inherit the properties of their English fathers, and according to native custom, and to the treaty of Waitangi, they are entitled to all the rights and privileges of their native ancestors. The first is theoretically true by English law, and the latter is practically true, according to present native usage and custom. If this be the case, how will it affect the claims of the British Government and especially that absurd and assumed right of preemption? Let us suppose a case of the kind, and it is no .imaginary one, where a British subject is legally married to a native woman, say the favourite, perhaps the only daughter of a great chief. The son of such persons would be certainly entitled to inherit all his father's property. But how would he stand as the heir of a high, a powerful native family? His mother has, it may be, become possessed of all her father's landed property, and has taken exactly the place and rank which he held in his native tribe, and' her people are waiting and looking forward to the time when her son shall be old enough to exercise the power and rights, and to assume the possessions which are fairly his by native law and custom, guaranteed by the treaty of Waitangi itself. — Could such a person be prevented from inheriting, occupying and selling his native possessions? We imagine not. — Such a being, and there are now several of them, would rather perplex the framers of the treaty of Waitangi. It would afford some occupation to the law officers of New

> Zealand to discover what his anomalous rights were. Many such cases will however, ere long come before them, where the person will on the one hand, claim the rights of an Englishman, and on the other, backed by all the strength of his native connexions, demand and enforce the rights of his native ancestors. A subject of the Crown of England will in fact become a native prince, with his thousands of native subjects, followers and connexions. If he be educated and intelligent, will he submit to the state of demi-slavery in which his countrymen are attempted to be kept by our present system? Will he allow his vast possessions to remain unavailable and useless, because England says that a native has no right to sell his lands? Will he as a British freeborn subject submit to the wrongs of preemption over his property, while his other fellow subjects can dispose of their lands as they will? Will he be a free man in the one sense, and submit to be treated as a slave in the other? The thing is absurd, and gives additional force to the arguments which we have so repeatedly used in favour of the necessity of at once conferring upon the native of New Zealand the full rights of British subjects. So far we may be supposed to have been forming a case, and people may perhaps think that no hardship can or has at least been sustained by the Euronesian, because his rights are unknown or left in abeyance. This however is not the case. Hardships, extreme hardships, and gross and cruel injustice have already been sustained by persons of this class…

Background

The question of the amalgamation of the races (between colonists and Māori) was topical in the early settler newspapers and other colonial literature. While Pākehā (white European settlers) had been forming families with Māori since early contact (see Wanhalla, 2007) the fundamental questions in the face of miscegenation were around both the morality and legitimacy of these unions. Furthermore, the settlers struggled to comprehend the implications of a mixed-race particularly in the face of a Victorian race theory (Young 1995) that proposed superior breeding to be located exclusively within ones own racial group. Indeed Ballara (1986) cites the musings of Baron de Thierry as he contemplated the possibility of 'race mixing' in Āotearoa/New Zealand:

> To keep each race in its proper sphere is by far the most certain way to raise the character of the Aotearoa/New Zealander, for …I am convinced it can never be done by amalgamation. Indeed amalgamation is but a one-sided question at best, for surely no white man would wish for the retrogradation of his colour, or to see his daughter, or sister, or female relative in any degree, married to Maori man.
> (Ballara, 1986, p. 52)

While an element of sexual competitiveness (Barrett 2002 p 59) and territoriality might pervade this commentary it nonetheless indicates some of the thinking of the time among colonists. The amalgamation of the races was understood by some as an aberration and should be avoided (see above). However, others made accommodation for and even expressed optimism in the marital alliance between Pākehā and Māori. The sexual alliance between the 'races' was at the time of this article both historical and, going forward, inevitable. It was not uncommon for whalers, sealers and traders who made landfall in Āotearoa/New Zealand to take a local wife and settle in a Maori community. This trend continued, particularly as single male immigrants found themselves without marriageable prospects 'from among their own' (Wanhalla, 2007).

Caught in the breech of course were the children of these alliances. For those deeply entrenched in notions of racial purity, these children were an aberration. While others saw in these offspring hope that as 'interbreeding' continued, the Māori strain would be eventually eradicated. The anticipation of this prospect was perhaps more wishful thinking intertwined

with a dubious race theory. However, the question remained as to how the Europeans were to understand, theorise and treat children who were at least in part – their own. The appearance of the half-caste in and of itself challenged scientific conjecture that 'civilization' was a function of genetics and that the white race were endowed with a fortunate cocktail of genetic material that predisposed them to 'cultivated' behaviours. For should a half-caste child be produced, what would become of the whiteness within, or rather their pre-dispossession toward cultivated behaviour? Should the child be raised in a Māori environment it was noted, the child's white genetic tendencies would be eclipsed by Māori cultural proclivities and would thoroughly dissipate the more superior tendencies of their, more often than not, white patrimony. The above article is about one white journalist trying to make sense of this half-breed racial entity and demonstrates the complexities involved in whiteness making sense of itself when if finds itself in Otherness.

In addition to this however, the author uses this problem of social engineering to make sense and even challenge the Crown right of pre-emption by highlighting the legal double dipping that the Euronesians were theoretically now in a position to do. The author suggests that it is well within the realms of possibility for the Euronesian to accrue fiscal advantage by escaping the constraints of the Land Claims Act 1840. This piece of legislation was enacted in New South Wales initially in order to give the Crown the right to assess pre-annexation European land title. This was done in order to identify and deal with cases of land-jobbing, to establish a system of registering European land claims, and to ensure that the acquisition of 'Native' lands was done in way that the Crown determined both expeditious and according to the Crown's best interests. The paper's editor (Samuel Martin), as with other journalists of the time (particularly writers for the New Zealand Company's 'Port Nicholson and Cook Strait Gazette' such as Samuel Revans), had an intense antipathy for the Crown right of pre-emption and were deeply troubled by the implications to their own holdings which had, since the Treaty, become tenuous). The article thus uses both the plight and right of the 'Euronesian' to undermine the second treaty article (which affords the Crown the right to the sole purchase of Native lands) and to highlight what he understands to be its flaws and shortcomings.

Surface renderings

While on the surface, this article appears to highlight the plight of the 'Euronesian', it does so in order to expose the potential complications and contradictions of the Crown right of pre-emption. Martin suggests that 'we' have been outspoken about the rights of both parties to the Treaty. However, he suggests that he is now in a position to articulate his concerns about a particular racial group, whose rights he had always maintained, but had not, until now, been publicly vocal about their civil interests. He makes the point that the 'half-castes', have slipped through the legislative cracks and that while both the 'Native' and the European have been buffeted by the excesses of the Crown, this group is immune to the restrictions of both the Treaty of Waitangi and the Land Claims Ordinance 1841.

Martin appears to understand the "half-caste" as a group, publically marginalized and oppressed, but magnanimously affords them equal rights under God. He suggests that the intent of his article is to draw attention to the predicament of the 'half-caste' and to throw his voice alongside them in an attempt to gain for them positive recognition. In the spirit of compassion, the author suggests that the 'half-caste' is legally adrift and without legal moorings must endure the ignominy of being rendered unofficial nonentities. He makes a comparison between the 'half-caste' and those with the full recognition of the law – the Natives and the Europeans. While he appears to assert that the Euronesians are marginalized by their lack of status he proposes that the status afforded by Crown law to the Natives and Europeans are hardly beneficial to either party. In doing so, his point that the Euronesians are languishing because they have no official recognition or law works paradoxically to highlight

the superior extra-legal position of the half-caste rather than to render them jurisdictionally impoverished.

The author furthermore, suggests that as a result of the shortcomings in the Treaty, the half-caste has been theoretically enabled to claim both the rights afforded to them in the Treaty. That is, the right to maintain and control their resources according to the regular custom and usage; and to enjoy the rights of British Citizenry. He then highlights the contradictions and difficulties that he envisages will no doubt arise as a result of this legal oversight. However, the author make a point of ensuring that the reader does not mistake his treatise as an exaggeration of the fortunate position in which the half-caste finds himself. Rather he assures his audience that his case for the half-caste is out of concern for his/her future welfare which he purports to see as dire.

Patterns of meaning

Voicing the 'Native'

This passage works to position 'Native's as beneficiaries of European goodwill. It is only upon the colonist's declarations that the 'Native' is afforded rights. Any rights they may have declared or understood as a group are effaced as the colonist takes over speaking for them. However it should be pointed out that without the presence of the colonist the 'Native' needed no 'human rights' to protect them from the excesses of the colonisation process. In advocating 'Native' 'rights' the author – in a double move, repositions the 'Native' from being a group with sovereign rights and the power to self-govern, to a group who requires the interventions of the Europeans to survive as an entity. Furthermore, in the self-congratulations implicit in this declaration, for their awarding the 'Natives' their advocacy, these Europeans reconstitute the 'Native' as a group who exists merely as recipient of the favour of an important social institution (ie. the media). In what might be understood as a moment of frivolous paternalism, the author deftly substitutes indigenous political autonomy with indigenous objectification. Thus, a new people are created out the shadow of the old, a people who require the deft hand of white protection in order to survive a virulent white incursion. This passage works to obfuscate white culpability in this altered situation for the 'Natives' that now requires a declaration of 'Native' rights.

Additionally, the transaction appears to be uneven inasmuch as the author talks of racial configurations without including his own subject position in the discussion. Throughout the course of this article, the author alludes to four distinct groups of colonists. Firstly he introduces the article with reference to the collective 'we' which the reader would most probably understand to be the author and his colleagues at the press. This 'we' are defenders of the 'Native' underdog and advocates for the colonist. Secondly, he alludes to a group to whom the rights of both the European and the 'Native' must be defended. Thirdly, though obfuscated in the passive construction there are those who appear to hold prejudices towards half-castes when he suggests that the half-caste is a class of people who are 'too often neglected and despised'. Although it is unclear exactly who the agent is in this passive sentence construction, given that the audience are European settlers and colonists, it would be in keeping that the identity of the agent belongs to a subset of the settler community. Should the agent have been 'Native' it is a pattern in the settler media that this identity characteristic would have been elucidated. Lastly, he mentions the colonial government for whom he has some antipathy in regards to their management of 'Native' affairs. All three colonist groups are given individual status and identities depending upon their ideological proclivities and political positions. In this explicit discussion about race the author does not race his own people. However, the 'Natives' are only afforded an incorporated racial identity. Everything about the 'Native' is subsumed under the racial sign. They are understood by this author as a cohesive group, differentiated only by their shade of colour. The above short passage therefore works to formulate a political relationship and exchange where the unraced

individuated European is placed in a paternalistic relationship with the raced conglomerated 'Native'.

Human rights as White Christian benevolence

While the author suggests that he has been historically forthright about the rights of both European and 'Native' he does suggest that there is one particular group that has not benefited from the kind of intelligent advocacy that has so obviously benefited the aforementioned publics. Turning his attention to the *half-caste*, the author works to position the 'half-caste' as a deeply problematic group of people who have suffered immensely as a result of their systemic neglect and public vilification. He affords them with equal advantage under God and suggests that provision be made for public acknowledgement of their right to the physical resources of the land. Once again however, the social function of this passage is to call upon the Christian sympathies of the audience to afford this group of people with equal and just recognition. Deconstruction of the rationale for such insistence reveals the prejudices of the audience that are addressed by the author.

That the author felt it incumbent upon him to insist that an equal recognition of the half-castes rights and privileges, suggests immediately that he is talking to a socially positioning discourse or ideology within elements of the audience. This social discourse on miscegenation concerns the superiority of the pure-bred whether 'Native' or European. This antipathy for hybridity can be traced back to the late 18th century which saw the intersection of science, anthropology and colonial expansionism breeding such pseudo scientific pursuits such as craniometry. The study of craniometry was a positivist measure concerned with the cranial measurements of 'racial' groups which gave an anatomical explanation for theories of racial inferiority and superiority (see Young 1995). According to this theory, should the races interbreed, it would likely lead to the dilution of the European race producing physiological and thus intellectual mutations. However, the generosity with which the author addresses his concerns regarding the half-caste suggests a complicating Christian/Paternalistic discourse infused with contemporary racial thinking. Thus, he scientifically positions the half-caste but speaks critically, but not overtly to the racial politics involved, encouraging his readers to assume a more charitable view of the half-caste than is currently abroad.

The above passage therefore works not to destabilize a racializing discourse regarding the half-caste, but rather works to draw upon Christian sympathies on behalf of the unfortunate. In this way the audience's ideological positioning is only marginally challenged by this exhortation for the exercise of charity toward their fellow-creature. Thus, the passage reproduces a particular view of the half-caste but falls short of undermining this deleterious rendering. Rather this racial positioning works to draw out the pity of the audience thus opening up spaces where the audience are able to imagine themselves as Christian devotees.

Whiteness and the problem of racial ambiguities

At the time of writing the place of the coloured child in New Zealand was both unstable and contested primarily among the white colonists. There is no indication in the literature that the 'half-caste' child was viewed by Māori as belonging to a peculiar social/racial category requiring special treatment or consideration. There is also no indication that Māori spent the same amount of time as the Pākehā in debating the place or rights of the half-caste child. Much of the concern surrounding the half-caste emanated from Pākehā. Interestingly the half-caste child threw up a number of new issues for the settler that simply didn't feature in their essentialist musings regarding the 'Native'. The instability (for Pākehā) of both racial signs was present in this genetic fusion and it was with the half-caste that colour anxiety and consciousness was foremost. Thus, while the 'Native' might be rendered and positioned according to particular dispositions in relation to their reaction to the colonial incursion and their socio-cultural differences from their European neighbours, the half-caste child was largely understood in terms of the scientific difficulties that their presence created for the Pākehā. Thus, the sign of 'race' was most concentrated in this genetic anomaly. The half-

caste child or coloured child is the site that most clearly articulates the racializing discourses of the Pākehā. Here the author understands the 'coloured child' in terms of a perception that he or she is apolitical and is incapable by virtue of their caste, of the assertion or claim to any rights. Thus the author establishes not only a people apart he also creates a political gap through which the half-caste must inevitably fall. Thus, not only is a biological category constructed, but a political half-life as well where space is made for white intervention and liberation.

Whiteness and the allocation of political resources

Having constructed a half-breed the author turns his attention to a determination of the entity's legal rendering. In posing the question, 'how are such children to be regarded?' The author is silent upon exactly who might indeed be 'regarding' the child. In the context of the article, the author is proposing that the audience will be provided forthwith a foundation for regarding the half-caste. Thus, the article suggests to the audience that there is a way of understanding those children of Māori and Pākehā eugenics and that the social identity of the half-caste will be offered in answering the above question.

However, it would appear that the definitions with which he is concerned are specifically related to pieces of legislation. Thus this passage works not only to construct a genetic half-breed but also to politically position the half-caste in relation to some important legal questions. What appears to trouble the author is the possibility that the genetic makeup of these children might indeed entitle them to legal benefits under both systems. That is, they might be understood in terms of their rights under the Treaty of Waitangi and at the same time be legally entitled to benefit from their place as British subjects. The author appears to speak to a concern regarding the impossibility of the half-caste accruing advantage from both conditions by virtue of the fact that there is no clear legal category for them (notwithstanding their socially depraved state). The fact that he must include the possibility of dual systemic benefits belies a concern that indigenous/'Native' social groups need to not only be racially constructed but also require clear legal limitations and boundaries so that the white colonist's concerns over the 'unreasonable' distribution of resources (for which they are in competition) might be alleviated by legislative constraint.

White rhetorical practice

> If he be educated and intelligent, will he submit to the state of demi-slavery in which his countrymen are attempted to be kept by our present system? Will he allow his vast possessions to remain unavailable and useless, because England says that a native has no right to sell his lands? Will he as a British freeborn subject submit to the wrongs of preemption over his property, while his other fellow subjects can dispose of their lands as they will? Will he be a free man in the one sense, and submit to be treated as a slave in the other?

The effect of the hypothetical question is to limit the discoursal possibilities to an array of responses that are bound by the nature of the question. The hypothetical question further calls upon the audience to reach an affirmation that appears to be self-evident. Thus, upon arriving at a conclusion elicited by the question, the audience is unlikely to return to the question itself and examine the politics of the said question (see Black 1992). Thus, the question does not itself admit any objection because it calls upon the audience to select a response that agrees with the assumptions that are implicit in the asking.

The inevitable answer to the above question of course would be in the negative. However, it is much more fruitful to consider the parts of the question rather than the whole. The idea of intelligence and education residing with the half-caste is shot through with doubt as the impossibility of these two characteristics featuring in the presence of a state of 'demi-slavery' is raised. Thus, the author is primarily invoking the white side of the half-caste and calling

upon the audience to consider the improbability of the co-existence of intelligence and education (themselves) alongside the 'Native' (Other). While he allows that 'demi-slavery' is a systemic challenge for a colonial New Zealand, in the context of the article particularly in light of the following passage, it would appear that his distress regarding 'demi-slavery', is motivated not by a humanitarian concern over the overall effects of colonisation upon the indigenous people, but by his anxiety over a system that prohibits the sale of land to any body other than the Crown. Here he suggests that intelligence, a cognitive advantage and inheritance of whiteness, will no doubt prevail and resistance will therefore be demonstrated by the Euronesian to the imprudence of the 'present system'.

The problem of partial genetic Whiteness

There are numerous discoursal strands at work and intertwined in this question. Firstly, there is a recognition that the 'Native' has 'vast possessions'. This consciousness is acute in light of a voracious yearning to acquire said possessions (land) from its owners. The other discoursal strand to which the author is referring is the waste lands doctrine (see above), the assumption that land not in productive use is rendered 'useless' and will continue to be so should it remain 'unavailable' to the colonist. The idea that land should lie dormant and uncultivated by a legislative decree appears untenable to the author. These ideas are further complicated by the authors broadside at 'England' or the Crown for the practice of the Crown's pre-emptive rights over land sales. In response he creates a separation between the white settler and the Crown over this issue and invokes notions of independence from the Crown. Through his use of 'England' to replace the 'Crown', the author is positioning the Crown as an entity far removed and distant from the interests and needs of her subjects. These notions sit side by side with the author's racial politics which are, in this instance, given definition and shape by his advocacy of a system of free indigenous land bartering on an open market. He lights upon the attenuated position of the half-caste to give volume to his commercial aspirations.

Once again the question calls upon a negative response. The conclusion here is that the Euronesian, endowed with a genetic predisposition to demonstrations of intelligence inherited by his partial white parentage would not allow his 'vast possessions' to sit dormant. Thus, the assumption is that the half-castes white genetic endowments might prevail and provide a philosophical underpinning to his position on land sales.

This passage thus works to conflate seemingly incongruous discourses into one. The complexities of each strand are however muted by the rhetorical question which merely requires an outraged and disapproving rejoinder. In order to make a point of the injudiciousness of the pre-emption clause the author attempts to demonstrate how the Euronesian's situation in relation to the Treaty provision is rendered contradictory. He suggests that as a 'Native' through one of his parents he might be compelled to observe the pre-emption policy while at the same time he might also reasonably and expectantly claim immunity from the limitations of pre-emption because of his British parentage. The author forecasts these complications coming to a head when the half-caste observes his country-men enjoying the benefits of the free disposal of their properties.

However, upon interrogation we find a moment of sense making which indicates the intertwining of different contexts, one legal and one cultural, to produce a meaning which at the same time accommodates and effaces both contexts. In terms of the legal context, it is questionable as to whether or not the author is aware of the third article of the Treaty of Waitangi which renders the 'Native' a British subject regardless of his parentage. It appears that the author understands the rights of British subjects to exist solely with those of direct ancestry. In writing this article it might have been feasible for the author to interrogate the contradictory nature of the pre-emptive clause on the basis that the 'Native' is both a British subject but also (according to him) constrained economically by the exercise of the Crown's right of sole land purchaser. What he choses to do however is to highlight the untenable position of the half-caste who finds himself potentially unable to exercise his inalienable

hereditary rights which might find him in an economically inequitable position with his fellow British subjects.

The disavowal of the Native's right to be treated as British subjects is demonstrated here even in its silence. The rights of British subjects, he labours to point out, are held exclusively by those of British extraction and there is no acknowledgement of the fact that under this same treaty to which he refers, the 'full Native' has those same rights as well (irrespective of the pre-emption clause). Neither does he engage with the possibility that the pre-emption clause was entered into by the signatories as a protection from a history of questionable land transactions.

The author deploys the term 'subject' but uses it exclusively in the context of his *freeborn* or parental heritage. The assumption appears to be that British subjects are those born to British parents or a single parent. The author proposes that only the half-caste is in a complicated position because as a subject with mixed parentage he suffers because he theoretically has no autonomy to vend his property to buyers outside of the Crown on the basis that he is 'Native' but will also suffer because he might witness his 'country men' disposing of land at leisure. He offers that the pre-emption clause is somehow undermining the half-caste's rights as a British subject and further suggests that this wrong-doing is complicated by the fact that as a British subject of European extraction the half-caste might not tolerate such an injustice in the face of the freedoms exercised by his 'own'.

In this extract therefore we find the author discussing a legal question in light of a potentially attenuated social context. However, inasmuch as he does not admit nor does he cross-examine the literal complexities of the Treaty he creates a theoretically flawed but nonetheless one dimensionally Eurocentric argument that favours an understanding that renders the 'Native' a group without the rights of British subjects because they are not entirely made up of all things British.

Conclusion

Although a single article, the above deposition on the Euronesian is some indication of the thinking of the day. As settlers struggled with the practicalities of carving out a future in their new domicile, they had to, at the same time grapple with a new and somewhat contested political institution that initially made bold accommodations for the presence of an indigenous people. While needing to understand themselves as possessing only the best of feelings toward the 'Natives' the colonists nonetheless demonstrated an unwillingness to translate these views into a functional advantage for those without an exclusively white pedigree. Rather, the half-caste was a much more complex social problem that this author publicly worked through balancing and weighing the legal rewards that could possibly accrue to those without an explicit representation and understanding in the colonial law. In the end, his case is one that urges the colonial government to give recognition to this aberrant sexual product, not in the interests or for benefit of the children themselves, but rather to satisfy the colonist that their difficulties with the Treaty of Waitangi are legitimate.

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