

## CHAPTER NINE

# Coloured People

## A challenge to racial stereotypes<sup>1</sup>

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The Asian diaspora is so deeply embedded in Australian history that its most profound consequence has been the emergence of large Coloured populations in the north. Nevertheless, the public memory of race in Australia is neatly constructed around binaries (Black/White, Asian/Anglo) where Whiteness is the central reference point. National anxieties over Asian immigration and Indigenous rights are steeped in a sense of national history where such binaries were taken to be empirically validated. Looking at the history of the northern half of the continent, however, seriously disrupts most of the central premises of Australian national history. This paper examines the historical phenomenon of Australian people beyond the racial binaries, using a case study from Thursday Island to make the point that vast populations in northern Australia were beyond the scope of such binary thinking.

Being 'Coloured' means being positioned beyond neat categories. It is not so much an individual ascription as an expression of community. Coloured communities typically include descendants of Asians, Pacific Islanders and Indigenous Australians. The very usefulness of this ascription was and continues to be its defiance of all the categories of people who have historically been the subject of legislation such as 'alien', 'naturalised', 'Aboriginal' and 'Asian'. Aboriginal protection bureaucracies were extremely concerned about Coloured populations. They invested much effort in stretching the limits of their reach, even resorting to illegal measures. Just as strenuously, the Coloured populations

resisted being drawn under the powers of Aboriginal protection, with the result that they played a strong role in the assertion of Aboriginal rights.

There still are vast populations in northern Australia who refer to themselves as 'Coloured'. Since access to citizenship for Indigenous Australians has been linked to Indigenous identity — an identity that previously debarred them from citizenship — it has become difficult to remain 'Coloured', and many of these families are beset by intense conflicts over identity, uncertain whether their forebears were, or were not, considered Aboriginal people, and what impact this may have on their access to citizenship rights. Occasionally, such instances reach the courts and people who may have lived all their lives as Aborigines may be told that they have fraudulently claimed Aboriginality and certain citizenship benefits attached to that identity.<sup>2</sup> Uncertainty arises not only from a legacy of massive displacements from traditional land, removals from families, and unreliable records, but because the legislative boundaries that have been drawn around Indigenous Australians have been empirically fluid.

### **Aboriginal Protection: maintaining racial boundaries**

Under the countenance of protecting them from extermination and abuse, Aboriginal people have been subject to highly paternalistic legislation. In Queensland, the first comprehensive 'Black Act' (Aboriginals Protection and Restriction of the Sale of Opium Act 1897) set in motion a vast bureaucracy with powers to remove Aborigines to reserves, to declare children of mixed descent wards of the state, to oversee all employment of Aborigines and, eventually, to channel the whole gamut of government services such as health, education, welfare and housing. It was a holistic approach to the 'Aboriginal problem'.

It was also a clear expression of anti-Chinese sentiments, its major target of intervention being the supply of charcoal opium to Aborigines by Chinese. One-third of the act dealt exclusively with the possession and distribution of opium (to anyone). Asian-Aboriginal children were specially targeted for removal as neglected children and the discussions surrounding the introduction of the 1897 act were very much focused on the experience of far north Queensland, where the marine industries, conducted almost exclusively by Asian and other Coloured men, were subject to particular government attention.<sup>3</sup>

Chinese had been the first target of xenophobic legislation in Australia (1850s to 1880s), responding to Chinese numerical predominance on the goldfields. By the 1890s, the more inclusive category of 'Asian' had become the target of concern, in response to the many Japanese, Filipinos and Malays

(Indonesians) who participated in the northern pearling industry, as well as Sindhis (Afghans and Indians) and Sri Lankans who had settled in northern Australia in large numbers. In Queensland, each major policy step in Aboriginal protection legislation was deeply imprinted by the meeting of Asian and Aboriginal populations in the far north, who, in many cases, shared the customs of polygyny and promised marriage, as well as a common experience of disempowerment.

The moral universe of the patriarchal state clearly defined the role of women in the maintenance of family, class and race. Coloured women, then, were an essentially intractable, morally suspicious phenomenon, an administrative and ethical problem. This 'problem' quickly moved to the core of Aboriginal administration, so that Asians in Australian history are strongly implicated in the 'Stolen Generation', which has lately become a rallying point of Indigenous politics.

The challenge Coloured women posed to a White Australia during the first half of the 20th century is intricately linked to predominant attitudes towards Asians. That Aboriginal policy must be read against the presence of Asian men in the north is demonstrated here with reference to legislation in Queensland to the 1930s.

The interactions of Asian men with Indigenous Australian women were always viewed with suspicion and considered tendentially immoral, not least since Asian men were themselves considered tendentially immoral.<sup>4</sup> Since very few Asian, Pacific and other 'Coloured' women were permitted entry (to discourage the formation of Coloured families in Australia), those who were in Queensland were either suspected of engaging in, or they were the offspring of, what were considered 'pernicious associations', sexual relations across racial boundaries. Coloured women therefore threatened the race/class distinctions between Black and White. Their legal existence was in the interstices between protective legislation extended over Indigenous Australians, and restrictive legislation extended over aliens, particularly Asians.

By 1901, significant advances had been made in Aboriginal administration by means of an impressively efficient network of reporting through 10 local protectors, the powers to remove Aboriginal people to missions and reserves, and the supervision of employment by means of a permit (which was refused to Chinese, again, as a matter of policy until it became law in 1902). The Southern Protector, Archibald Meston, confidently predicted that Aborigines would be extinct by the 1950s,<sup>5</sup> but the Northern Protector, Dr Walter Roth, became concerned about the increasing 'half-caste' population.<sup>6</sup> At his instigation, the 1897 act was amended to furnish further powers to the Protector of Aborigines over interracial unions. Much of the inspiration for this

amendment again came from the marine industries of the far north,<sup>7</sup> and a close reading of the discussions surrounding this amending legislation reveals that the bureaucracy was concerned not merely about mixed descendants generally, but quite specifically about 'coloured half-castes'.

### **Pernicious Associations and Moral Rectitude**

In January 1901, Roth brought the increase of marriages between Aboriginal women and non-Aboriginal men to the special attention of the Home Department, asking that 'some check should be placed' on this development with the parenthesised specification '(especially in the case of Asiatics and Kanakas)'.<sup>8</sup> While the amendment bill was being debated in parliament (July to October 1901), Roth commented several times on 'the evils to which the promiscuous marriage of aboriginal women with coloured aliens may lead' and on 'the frequency of marriages which have been solemnised of late between Kanakas and Aboriginal women'.<sup>9</sup> He felt certain that 'the new Aboriginals Amending Act will however easily cope with the evil'.<sup>10</sup>

Roth's opinion was highly esteemed by the Home Secretary, to whom he was responsible. His various reports were also the authoritative source around which the parliamentary debate was structured. The amendment bill was very much Roth's bill, the Southern Protector complaining that he had not been consulted.<sup>11</sup>

Roth suggested that all ministers of religion and others appointed to celebrate marriages should be instructed not to sanction any unions between Aboriginal women and Coloured aliens without seeking his advice. A circular memo was sent to all ministers of religion and marrying justices in Queensland urging them to 'use every endeavour to prevent the marriage ceremony becoming the harbour of refuge for those men who (under the Aboriginal Protection Act 1897) are deemed unfit to employ natives'.<sup>12</sup> The reference to Asians was implicit in these instructions.

During the debate of the amendment bill, strong concerns were expressed about the wide powers it bestowed on protectors.<sup>13</sup> The honorable gentlemen were concerned about the balance of power between the bureaucracy and White employers. The Home Secretary, however, assured them that the bill was framed with a view to Asian men:

The reason why legislation is asked for is that an Asiatic, who is known to have been convicted of offences against the Act — for supplying blacks with opium, for instance — upon a prosecution being attempted against him for a breach of the Act with regard to harbouring a gin and her family, perhaps portion of that family being his own children, does this: He goes

through a form of marriage with that gin, and defies the law ... If he wants to sever it he packs up his traps and goes elsewhere. But he is able, by going through that form of marriage, to defy the protector ... these men are absolutely unfit to be entrusted with the care of aboriginals ... The permission referred to in the Bill would never be refused in the case of any man who desired to marry an aboriginal or half-caste woman, provided he was a respectable man and was not suspected of supplying opium to Asians or aboriginals.<sup>14</sup>

An attempt to pass such a bill had failed in 1899. It had included a provision to bar all Asians from employing Aborigines and the Japanese Government had lodged a formal protest against this discriminatory provision. There was much support for inserting a similar clause in the 1901 amendment to bar, if possible, all Asians from employing Aborigines. Various members toyed with this amendment, seeking to exclude also Melanesians, Polynesians and Africans, but this was strenuously opposed by the Home Secretary, who feared that royal assent would be withheld as a result. After much debate, the upper and lower houses settled on excluding only Chinese: 'A permit to employ an aboriginal or half-caste shall not be granted to any alien of the Chinese race' (Section 5 clause 2), because, it was stated, China was on its knees and would not lodge a protest.<sup>15</sup>

Roth had tried to head off such a provision, which might jeopardise the amendment act, by arguing that Chinese could be better employers than Whites:

Chinese farmers who employ aboriginals treat them very much better than most of the white people who employ them ... The Chinese offer better wages, and, what is more, pay the aboriginals their wages when due; they also house and feed them well ... I cannot instruct the local protector to prevent Chinese employing them (as was urged by the Atherton Progress Association some two and a-half years ago).<sup>16</sup>

This does not mean that Roth viewed Asian employers favourably, only that he was politically astute. Elsewhere he stated that he was 'personally averse' to Chinese employing Aborigines.<sup>17</sup>

To strengthen his argument for the amendment bill, Roth made special inquiries among regional protectors about Aboriginal women living with Coloured men, and he forwarded the response received from Mossman in coastal north Queensland as a 'further illustration of the evils which the promiscuous marriage of aboriginal women with coloured aliens has led to'. The label 'promiscuous' is interesting, since the Mossman report refers to couples living in sanctioned matrimony:

There are nine aboriginal women living in this district at present who either live with Kanakas or Chinamen but they mostly all hold a marriage certificate as most of them went through a form of marriage with the Kanakas in the English and Methodist churches here about last January ... Some of these married gins are almost constantly working about the Hotels in the township and appear to be able to procure for themselves and the Kanakas a goodly supply of spirituous liquor.<sup>18</sup>

After the amendment bill was passed, Roth was vested with the powers to authorise mixed marriages,<sup>19</sup> and the policy was to disallow marriages with Coloured men. To a request by a Japanese resident of Thursday Island to marry a girl from Murray Island, the Chief Protector replied that 'such marriages are much deprecated and it is not considered advisable to allow Japanese to intermarry with aboriginals'.<sup>20</sup> Local protectors and missionaries shared the Chief Protector's views that associations with Coloured men were especially pernicious.<sup>21</sup>

With the 1901 amendment, the Aboriginal protection bureaucracy set itself up quite explicitly as a moral arbiter. Having the power to sanction mixed marriages, it came under a barrage of requests for permission to marry, and made it its task to decide in each case whether this marriage was morally desirable. Ros Kidd has characterised the ethic of this bureaucracy, which gradually transformed itself into a fully fledged department, as a 'medical/moral policing rationale'.<sup>22</sup>

Moral rectitude as a guide for action is clearly reflected in the annotations that appear in the *Removals Register* as justification for removals. Next to annotations referring to destitution and disease, the recurring annotations were 'frequenting Chinese dens', 'loafer', 'quarrelsome', 'drunkard', 'immoral'. The relatively large number of case files where written objections were raised to removals, so that cases are discussed in greater detail, demonstrates that these were convenient labels to trigger and justify intervention which did not normally need to be further substantiated.

Moreover, judgments about the morality of Indigenous Australians did not need to be made on a case-by-case basis. In 1915, 159 people were removed in one sweep from Hull River in north Queensland with the explanation 'loafing class, are a hindrance and annoyance to better class of aboriginals'. One must wonder how many were left behind to whom these 159 might have been an annoyance. Administrative convenience presents itself as a much more credible explanation for this mass removal at a time when a new reserve was being established in the area. A random perusal of the *Removals Register*, which is far from comprehensive, shows that, in 1935, a group of 23 was removed from

Turn-Off Lagoon (near Burketown in the northern Gulf country), to Mornington Island for 'immoral associations'. Association with Asians was often a sufficient expression of immorality to warrant removal.

To compound the difficulties for the paternalistic state, which sought to maintain a clear distinction between White and Black, or desirable and protected populations, a numerous Coloured population emerged in the north, which challenged such distinctions. The emergence of this Coloured population owed much to the marine industries centred on Broome in Western Australia, Darwin in the Northern Territory and Thursday Island in Queensland.

The Protection Act of 1897 made provision for 'half-castes' as well as Aborigines. By 'half-castes' were meant not any mixed Aboriginal descendents, but quite specifically 'the offspring of an Aboriginal mother and other than an Aboriginal father'.<sup>23</sup> By the 1920s, the mixed population no longer conformed to this definition, and administrative labels were devised to gain a leverage on the emerging Coloured populations. The notion of 'quadroons' (and 'octoroons' — carrying one-eighth Aboriginal blood) emerged as an administrative category. This category was tested in the case of a young woman, Atima Ahwang, who twice served as a test case for the powers of protectors over the Coloured population of Thursday Island. This young woman became so trapped in bureaucratic machinery that it is possible to trace the extension of departmental powers through the personal story of Atima and her family, a family that was a phenomenon of the pearling industry in the north.

### **A Dynamic Industry and the Response of the State**

From the 1880s to the turn of the century, the Torres Strait was at the edge of international opportunity, fired by a growing and modern industry that used diving apparatus to access depths of the sea never reached before, and which used all its colonial connections to assemble teams of fit and daring young men from Asia and the Pacific to staff the diving boats on the one hand and, on the other hand, to sell the mother-of-pearl raised by them on the Continent and in the US, and market *bêche-de-mer* into Asia.

The emergence of this industry in Torres Strait was as swift as the arrival of microchips a century later. The more or less accidental, but certainly spectacular discovery of precious pearl shell at Warrior Island in 1869 by Pacific trading connections transformed the Torres Strait and brought it to the attention of a keen government and traders. As a result of this commercial interest, the Torres Strait became part of Australia. By 1879, Pacific trading companies from Australia, Britain and Germany were running 109 vessels in

the strait. In that year, Queensland responded to this new income-earning activity by extending its jurisdiction over the whole Torres Strait. The government outpost established at Albany Island in 1862 had been shifted to Somerset (March 1863) and then to Thursday Island (1876–77) in an attempt to move closer to the industry, and Queensland had extended its jurisdiction to 60 miles from Cape York in 1872 to regulate the industry. The London Missionary Society established an outpost in Torres Strait in 1871 and it and the traders brought thousands of Melanesians and Polynesians into Torres Strait. Well entrenched in the Pacific, the traders used their blackbirding connections to supply labour to the pearl-shell stations.

The trade in Pacific Island labour came under national and international criticism from the anti-slavery movement, and some measure of protection was afforded to Pacific Islanders through the Pacific Islanders Protection Act of 1872 (an imperial act, referred to as the Kidnapping Act), and Queensland's own Pacific Islanders Protection Act of 1880 (which, however, exempted the marine industries). Possibly as a result of this, Asians began to be imported as workers through Singapore and Hong Kong during the 1880s.

One of these Asians was Ahwang, or Ahwang Dai, (c.1860–1935), a Dayak, the son of a boatbuilder in the Singapore Strait settlement. In 1891, he married Annie (c.1873–1956), a woman from Badu Island in Torres Strait.<sup>24</sup>

### **The Emergence of Legal Distinctions**

At the time when Annie married Ahwang, the legislative distinctions between Torres Strait Islanders (Annie's mother), Pacific Islanders (Annie's father) and Malays (classed as Asians) resident in Queensland were only just emerging, just as the genetic and cultural differences between them were becoming blurred. ('Malay' was a term used for the peoples of Malaysia, Indonesia and Singapore, including the then Dutch East Indies. See Anna Shnukal's Chapter Four, this volume.) By 1908, an estimated 200 out of 230 residents of Darnley Island in Torres Strait were South Sea Islanders and their descendants. All Torres Strait Islanders were legally Pacific Islanders ('not under the influence of any civilised power') until 1872, and those north of 10th degree latitude were so classed until 1879. The first legal distinction was made between Australian Indigenes and other Pacific Islanders with the introduction of the Native Labourers' Protection Act of 1884, which regulated the employment of Indigenes of Australia and Papua in the marine industries. When the 1897 Aborigines Protection Act was introduced, Torres Strait Islanders were exempted from its provisions until 1904.<sup>25</sup>

When Annie Ahwang's first three children were born, between 1891 and 1895, being a native of Torres Strait, or of the Pacific, or of the Singapore Strait



settlement, made little difference to one's status as a subject vis-a-vis the State. As British subjects, Malays from Singapore were able to lease land and to become naturalised. When she was having Atima in 1898 and another three babies by 1904, Annie and her husband may have had some news about new legislation affecting Queensland Aboriginal people, though the mainland was far away, and life at Badu was vastly different from the life of camp Aborigines.<sup>26</sup>

In 1904, a new Government Resident and a new Protector of Aborigines were appointed to Thursday Island,<sup>27</sup> and both agreed that all Australian Indigenes, including those of Torres Strait, were to be protected by the new bureaucracy, and their employment and wages would be supervised and regulated. All settled Torres Strait islands were declared reserves. Torres Strait Islanders were to be brought under the act and there was to be no further distinction between Aborigines and Torres Strait Islanders.<sup>28</sup> This meant that part-Torres Strait descendants of Malays, Pacific Islanders and others were to be classed as 'half-caste' if they were either married to, or habitually lived or associated with Aborigines (including Torres Strait Islanders).

Like many others who felt threatened by this new policy, Ahwang promptly gathered up his now substantial family of nine children and moved to Thursday Island at some time in 1904 or 1905 so that it could not be said that his children (and perhaps his wife) 'habitually associated' with Aborigines and to protect them from the 'half-caste' label and the intrusion of the State:

That's why my father brought the children from Badu. They left from Badu to TI. You had to be certain miles away so you don't come under the Act. Badu was in the limits. My father had to take the children to Thursday Island. But we not supposed to be under the Act, my father come from a different country. Shouldn't be under the Act.<sup>29</sup>

## A Coloured Population

Thursday Island, the commercial centre of Torres Strait and the pearling industry, was meant to be a White administrative settlement. 'Natives' were prohibited from staying overnight and most Asians were accommodated in special guesthouses but, except during the lay-up season, crews usually stayed on the luggers.

As in the other northern townships, however, Thursday Island's supposed White predominance was always under siege. By the 1890s, the shops were owned mainly by Asians, including Japanese, Chinese and Sri Lankans, there was a 'Malaytown' and a 'Japtown' with boarding houses, a public bath, stores and a brothel. The Japanese had become deeply entrenched in the pearling industry, owning most of the boat slips and building all the boats. In 1894, there

were 700 Japanese, far more than Europeans, on Thursday Island; in 1897, they numbered double the European population, which was further dwarfed by considerable numbers of other Asian residents. 'Outnumbered' is part of the standard lexicon of north Australian histories.

Queensland enacted its own Asian immigration restrictions before the Federal White Australia Policy was implemented.<sup>30</sup> The pearl-shell industry, however, remained exempted from the provisions of the Federal Immigration Restriction Act (1901) to enable the further importation of Asians under indenture contracts, but barring them from ownership of boats, businesses or land, and from naturalisation. Thursday Island continued to be decidedly un-British and non-White in atmosphere and population: 'You don't wear trousers, you wear sarong all the time. And *tabi*, Japanese boot.'<sup>31</sup>

While people on Thursday Island (as in Broome and Darwin) generally coped very well with their multi-ethnic surrounds, such developments were viewed with suspicion further south. The Hansard records the following vitriol from the Member for Clermont, who felt that:

The presence of coloured aliens on Thursday Island was a distinct menace to the white population, not only of the island but of Australia generally. Queensland had long been recognised as the open door through which were permitted to enter not only this State but eventually the whole of Australia hundreds of thousands of coloured persons coming from the east, bringing with them their barbarous systems, the curious codes of morals which were peculiar to those peoples, and making of Thursday Island a regular little Chinese, Cingalese, or Japanese principality. The presence of those persons was undoubtedly a danger to the people of Australia who at the federal elections had declared emphatically for a white Australia. The island, he maintained, should be peopled by white races.<sup>32</sup>

As in the other pearling centres, a cosmopolitan, native-born population emerged on Thursday Island in addition to the 'coloured aliens' through intermarriage, a population that was not strictly Asian, not strictly Indigenous, nor 'White' enough to escape comment and which, in fact, defied all description except to call it 'Coloured'. 'Coloured' became a semi-official category for non-White Australians who were not necessarily subject to any particular set of legislation (such as that aimed at 'Asiatic aliens', Indigenous Australians, Pacific Islanders, etc.). Australian-born Coloured people could enjoy full formal citizenship, but the label itself sidestepped all such legal distinctions. Being Coloured was what united families and neighbourhoods across the various legal positions it was possible to have. A Thursday Island census of 1914 counted 1,650 Coloured men (including those engaged in the

pearling fleets) and 137 Coloured women. Having close family links to Indigenous families, to Asian families, and yet mostly unfettered by restrictive and protective legislation, this population was an administrative problem.

The Ahwang family on Thursday Island was considered part of this growing administrative problem. Local Protectors of Aborigines had a special brief to supervise Indigenous and 'half-caste' women and children with a view to presiding over moral rectitude according to British legal and religious traditions. They were often faced with requests from 'half-caste' women to marry Asian men and knew that such marriages with non-British, non-Christian men did not always concur with British legal and Christian moral principles. Having placed itself in the position to adjudicate over such marriages, the bureaucracy needed frequently to ponder whether these ought to be sanctioned.

### **Permission to Marry**

In March 1914, the Thursday Island Protector of Aborigines, Government Resident and Police Magistrate, William Lee-Bryce, was faced with a request for permission for the marriage of an Asian<sup>33</sup> and a 16-year-old Asian-Aboriginal woman, Saya.<sup>34</sup> The woman was expecting a child, and her father strongly approved of the marriage. The young woman stated that 'she was promised to him long ago'. The promise system of marriage was recognised by Australian Aborigines (the girl's mother), Filipinos (the girl's father), Muslim Indians (the prospective spouse according to oral history) and Malays (the prospective spouse according to Lee-Bryce). It was not recognised by the British legal tradition of the 19th century, although it had been practised in Britain in earlier centuries. The family, steeped in non-British traditions, sought to obtain official sanction for the marriage shortly before the child was born in order to satisfy the requirements of the current British legal-moral universe as well. Lee-Bryce speculated that the girl's father 'probably received some valuable consideration for his consent' (also a custom widely recognised among the cultures referred to) and could not avoid touching on the subject of her mother's 'intemperate habits', although the mother had been removed and was not living with the girl. He withheld approval.

The girl was working as a domestic in a White household and the child had a White father. Although the 1901 amendment act gave clear powers to discover the paternity of mixed descendants, the identity of this man was not known to or sought by the department. By the time Lee-Bryce reported on the case, the baby had been born and therefore he was able to refer to the girl's 'immoral habits', and recommended that she be removed 'to a southern

settlement for a short period and then hired out to some person who will be strict with her'.<sup>35</sup>

At the same time, he referred to two other cases, which appeared to him to be of a similar nature. One was the Aboriginal (or part-Aboriginal) wife of a Filipino *bêche-de-mer* fisherman, who 'frequently lives for long periods with men engaged in the *bêche-de-mer* fishery'. She ought to be returned to Mapoon with her baby, and her older children should be sent to the Roman Catholic priest and Sisters of the Sacred Heart on Thursday Island, suggested the Protector.

The other, apparently similar case was that of 'Atima Awong' (Ahwang), age 17, 'the daughter of a Malay and a half-caste Torres Strait Islander'. Lee-Bryce hastened to admit that 'strictly speaking she does not come under the Aboriginal Act but she and others similarly situated have been treated as being under the control of the Protector'. Atima was about to marry a Malay engaged by a pearling company when Lee-Bryce informed her and her father that permission was required. Ahwang, evidently in favour of his daughter's marriage to a compatriot, and keen on steering his family away from the paternalistic infringements of the State, ignored this instruction and proceeded with a 'Malay fashion' wedding. Lee-Bryce speculated, 'I strongly suspect she has been married "Malay fashion" on more than one occasion.'<sup>36</sup> Relying on official documentation, it is difficult to ascertain what a 'Malay fashion' marriage was, except that it clearly was not an officially sanctioned wedding. The wedding was backed by the spouse's employer, Reg Hocking, a pearling master in Australia and Dutch New Guinea, who was also the Honorary Dutch Consul, and who is very likely to have had some familiarity with Malay customs. About Lee-Bryce's familiarity with or tolerance of Malay customs, we can only speculate. Certainly, the Chief Protectors in Queensland after Roth were administrators and not ethnographers, and to refer to a 'Malay fashion' marriage was clearly an expression of disapproval for unsanctioned cohabitation.

Atima and her spouse, now living as man and wife, had undermined the Protector's authority, and Lee-Bryce put his foot down. He resolved that the marriage was not to be sanctioned or recognised, and the couple should be torn apart. Knowing that Atima was not actually within his domain of powers, Lee-Bryce recommended that 'the Minister will strain the interpretations of the Act and order the removal of Atima to a southern settlement — it will be for the girl's good and serve as an example to others'.<sup>37</sup>

The entry in the *Removals Register*, recording the removal of Saya and Atima from Thursday Island to Barambah, reads: 'For their own protection. Living immoral lives.'<sup>38</sup> Both young women were sent into exile for several years for wanting to marry the men who met with the approval of their fathers.

The third woman was also removed with her baby for 'living an immoral life'. What was the thread of logic that united these three women's lives? One had a child out of wedlock, the other was suspected of prostitution, the other was in a de-facto relationship. Summarising the three cases, Lee-Bryce wrote:

Unless some strong stand is taken with girls like Saya and Atima, numerous other cases of similar description will occur: the consent to the marriage would be accepted by the coloured population as a sign of weakness, and immorality would become a lever to procure the necessary permission to marry.<sup>39</sup>

The Protector had no legal powers over this population and sought to affirm his moral authority. Though the key indictments of these women's morality were by way of speculation ('I strongly *suspect* she has been married "Malay fashion" on more than one occasion', '*probably* the father received some valuable consideration for his consent', '*frequently lives with* men engaged in the *bêche-de-mer* fishery'), the Chief Protector supported Lee-Bryce. The ensuing distortion of protective powers exemplifies the legal existence of Coloured people in the interstices of protective legislation at the time.

Saya was permitted to return after three years and married her promised husband, an Indian fishmonger, with whom she proceeded to have eight children. Whereas Saya's official file ends with her removal, Atima's file begins there. It contains, apart from the original copy of a personal love letter from her promised husband, no less than seven pleas for her release — from her employers, from her father, from herself, and from John Douglas MP on Thursday Island. All of these pleas fell on deaf ears. Together with the replies to these letters, they unravel the story of Atima's entirely illegal removal.

### Illegal Removal

According to her employer, Atima was a highly regarded and well-protected domestic. She had worked for several respected White families on Thursday Island. Her employer, Mrs Riley, wrote:

this girl Atima has been the best servant I have ever had including white and black and during the whole term of service with me I have not one black mark against her. She was industrious, faithful and most trustworthy and why such an extreme action has been taken I fail to see. People here who have employed her such as Mrs K. O. Mackenzie, Mrs Allan (shipping master) and others are like ourselves very incensed at the action as they all know what an extremely good girl she has been.<sup>40</sup>

Mrs Riley explained that Atima lived with her parents, and one of her family waited for her in the Rileys' kitchen every evening to walk her home. On the afternoon of 16 June, 1914, she had taken her employer's children for a walk to her parents' house when two plain-clothes policemen appeared to arrest her, walked her to the watch-house by a back way, kept her locked up all night and placed her the next morning on the ship to Brisbane. She had been given no warning of her arrest, no opportunity to pack a suitcase or to 'purchase one solitary warm stitch of clothing, consequently she has been freezing ever since she left here'.<sup>41</sup> (Barambah, now Cherbourg, near Brisbane, would have been very chilly in June/July.) Nor were her employers warned of her impending arrest, nor any arrangements made for the children who were in Atima's charge at the time. When the policemen appeared at her employer's home at 4pm, her employer protested against her removal, and promptly telexed the Home Secretary, A. G. Appel, before the close of business on the same day, arguing that Atima was under legal agreement until October and that her removal was 'unjustifiable and drastic'. Mr Riley was under the clear impression that the removal order had been signed by Appel.<sup>42</sup>

In response to this pressure, the police were asked to explain the 'drastic action', and the constable in charge declared that he had received the minister's order for Atima's deportation per steamer *Changsha* on 16 June, only a day before its departure. Two things are amiss with this explanation. The *Changsha* was only one of the three monthly steamer services connecting Thursday Island with Hong Kong, Manila, Japan, Singapore and the southern ports of Australia. Transportation to Brisbane could not have been very difficult in almost any week of the year. Moreover, the minister's orders for the removal of Atima and Saya were not signed until 28 September, 1914, long after the removals were effected.<sup>43</sup> It is possible, but undocumented, that an order for Atima's removal was issued previously by the Acting Home Secretary, A. H. Barlow, on 2 May, 1914, as Chief Protector Bleakley later claimed,<sup>44</sup> but it is not clear why in that case a second order had to be issued retrospectively in September.

Being under a legal agreement to an employer placed Atima outside the ambit of protectors' powers for removal according to Section 10a of the 1897 act (even if it had been agreed that she was included under this act at all). To stifle possible embarrassment in the face of the inquiries instigated by Riley, the entire administration, including the Under Secretary of the Home Department, considered that 'the matter can be best adjusted by allowing Mr Riley to engage another girl'.<sup>45</sup> The Rileys, however, argued that they had no need for another domestic. They entertained close links with the Ahwang family and wished Atima to be returned to their service, and for several months Mrs Riley refused to employ another domestic. In her correspondence and exchange of parcels with Atima, she claimed that 'we still do all our own work and no one to help us'.<sup>46</sup>

Atima became the subject of a personal consultation between the Home Secretary and Chief Protector Bleakley, with the result that the administration rallied behind the local Protector's stance because

the removal of Atima and Saya had a great moral effect, but if they are not detained for a few years my influence with the coloured population will be seriously affected.<sup>47</sup>

This removal was clearly ultra vires, and the bureaucracy was fully aware of this. The Chief Protector informed the Home Department:

From the facts that the girl was a quadroon Malay and legally under agreement at the time she was really exempt from removal, but the Protector apparently acted in the interests of discipline and morality and it is certainly expedient that this action, though perhaps not entirely correct, should be upheld.<sup>48</sup>

The more pressure was placed on the administration, the more determined it became to stand its ground. To the intervention by Douglas, the local Protector replied:

it is quite evident Mr Riley has decided to ignore me and endeavour to obtain what he desires through other channels ... It has been well known here for some time that Mr Riley was using every influence at his command to secure the object he has in view and if his request is granted my position will be considerably weakened in the eyes of both the white and the coloured population.<sup>49</sup>

In this entire correspondence, no shadow of doubt was cast on Riley's good character that would justify the action taken. The 'object he had in view' was Atima's return into his wife's employment. Riley fell foul of the administration because he challenged the bureaucracy. The Protector strongly advised that Atima should not be allowed to return.

Despite all efforts on her behalf, Atima was now fully in the grip of the act. When she asked for 10 shillings out of her earnings to send to her ailing father, the Brisbane protectress passed on the request to the Chief Protector. The Chief Protector, also unable to reach a decision by himself, consulted the local Protector on Thursday Island, who considered that 'The father is not in need and could probably do light work if he cared to'.<sup>50</sup>

Much doubt was cast on the character of Atima's father in this correspondence, referring to his gambling habit. He engaged in the very popular Thursday Island pastimes of *chiffa*, 'luk-luk pat', and other games. His fortunes rose and fell and he may in times of need have leaned on his children. According to

his two surviving sons, he amassed the wealth to buy a house on Thursday Island through gambling, and lost it in the same manner.<sup>51</sup> With the removal of Atima, the whole family became subject to the paternalistic rhetoric that was part of the discursive culture of the department, where it was quite common to make unsubstantiated detrimental comments about people's lifestyles. (One of the protectors, steeped in this rhetoric, had to be reminded by another department with which he was corresponding after World War II that his incriminating comments about the living conditions of an Aboriginal/Japanese/Chinese family were 'irrelevant for the decision to be made'.<sup>52</sup>)

After Lee-Bryce's death in December 1916, Mrs Riley resumed her lobbying efforts. The acting Protector supported Atima's release, but Bleakley insisted that she serve out her current contract as a domestic in Brisbane. He argued that 'The girl appears very happy and well looked after in her present place', that Mrs Riley was placing unwarranted pressure on her, and that

Atima informs me she wishes to visit Thursday Island, but only for a holiday, in about six months time, after the wet season, and when she has saved sufficient to pay for her trip.<sup>53</sup>

Atima's own letter to the Chief Protector the next month put the lie to this interpretation:

Dear Mr Bleakly, just a few lines to let you know that I made up my mind to go back to Mrs Riley again when my times up. I think she done her best to get me back since I been away from her place and I like her very much. I was quite happy with her. Also Mrs Cameron. And I think I been here long enough with Mrs Cameron. So I would like to know if you let me go back to Mrs Riley for good. I rote to her and told her that I was going to ask you to let me go back. So I have nothing more to say. Your faithfull Atima Ahwang.<sup>54</sup>

This is likely to be as determined as a 19-year-old dared to be with the Chief Protector. Atima returned to Thursday Island after more than three and a half years of exile, but she was unable to shake off the shadow of the bureaucracy's watchful eye over her personal affairs.

### **A Matter of Definition**

At some time in 1919, Atima had a baby and it appears that she came under some pressure to enter into a marriage. In June 1919 and in March 1920, applications were made for the marriage of Atima by two different candidates, both of whom the bureaucracy would have considered 'suitable matches'. Both marriages were approved, but neither of them took place. Atima seemed quite



keen now to escape the arm of the department. In her first marriage application, she claimed to have been born on Thursday Island. Forwarding this application, the new Protector pondered:

It is questionable whether either of the applicants come under the Aboriginal Act — the former [Atima] having been signed on under the Act for some years I think it better to be on the safe side, and obtain your consent.<sup>55</sup>

The department remained 'on the safe side' and held vigil over this woman. In September 1920, the local Protector questioned her about her intended marriage and, within a few weeks, Atima, very likely now tired of this moral persecution and following her older brother's example, evidently decided to clear her status once and for all and applied for formal exemption from the act. Although the department had always been of the opinion that she was not 'strictly speaking' under the act, her application was refused. Subscribing to the 'safe side' logic, the refusal was justified as follows:

it does not appear that being under Departmental control inflicts any hardships upon the girl and on the other hand apparently no additional benefit would accrue to her from being exempt from supervision.<sup>56</sup>

No hardship, indeed! She had been exiled for more than three years, barred from marrying, had her wages banked by the department, had been questioned by officials about her romantic involvements and had been cast as immoral.

Atima's application for exemption was supported by letters from Walter Filewood, the union representative, addressed personally to Home Secretary McCormack ('trusting this finds the labour party a successful term of office'), to Chief Protector Bleakley ('regards to you and your brother Charles'), and to the local member, Ryan ('I conduct his election business').<sup>57</sup>

Going over the head of the local Protector was a direct affront to the bureaucracy. The department responded by proceeding against Filewood, who was possibly having an affair with Atima, for 'harbouring a female half-caste'. To be successful, however, the department needed to first ascertain that Atima was a 'half-caste' under the act. This question was not settled in response to Atima's application for exemption, but in order to proceed against Filewood for harbouring.

The current legal definition of 'half-caste' was the offspring of an Aboriginal mother and other than an Aboriginal father (Section 3 of the 1897 act). Section 4 of the act, however, made three further provisions by which 'half-castes' could be considered Aboriginal. This was the case if they had been

living with an Aboriginal spouse at the passing of the act (Clause b), if they otherwise habitually associated with Aboriginals (Clause c) or if, in the Protector's opinion, their age did not exceed 16 years (Clause d). Consequently, if it could be argued that Atima's mother Annie was not a 'half-caste', but an Aboriginal, then Atima would be a 'half-caste' under the act. Bleakley referred this question to the Home Secretary, already suggesting which decision ought to be reached on the question:

A question has arisen in regard to the position of a crossbreed girl ... It is extremely important that the Protector should, if possible, have the power to deal with this case to maintain discipline amongst the numerous crossbreeds under his charge.<sup>58</sup>

The Crown Solicitor was now asked for the first time to consider the status of quadroons under the act. He determined, and a circular (No. 21/6) was sent to all protectors stating that:

A female quadroon comes within Section 14 of the A. P. Acts of 1897 if it can be established that the mother is the offspring of an aboriginal mother and other than an aboriginal father and that she (the mother) otherwise than as wife, habitually lived or associated with Aboriginals.<sup>59</sup>

This meant that such a female could not be harboured without penalty. This did not, however, fully answer the case because of the complicating temporal dimension of the definition. The local Protector now formulated the following questions about Atima for consideration by the Crown Law Office: Atima's mother Annie was the daughter of a native of Madagascar<sup>60</sup> and a full-blood native of Badu, and married to a Malay. She lived at Badu Island at the passing of the 1897 act and until 1904 or 1905, but had not since then habitually lived or associated with Aborigines. Was Annie an Aboriginal within Clause c Section 4? It was determined that Annie was Aboriginal from the time of her birth until she left Badu Island in Torres Strait.

The second question complicated the way in which the 1897 act made provision for people to 'become' Aboriginal and to 'become' 'half-caste': 'Would Annin Savage Ah Wang remain an aboriginal within the meaning of the Act after she left Badu, or would she automatically become a "half-caste" on ceasing to habitually live or associate with aboriginals?' The Crown Solicitor considered that, on ceasing to habitually live or associate with Aborigines, Annie ceased to be Aboriginal and became a 'half-caste'.

The third question was whether Annie's offspring born on Badu were 'half-caste', and this was also answered in the affirmative. Of course, the children could be considered 'half-caste' only on the strength of their mother

being deemed Aboriginal. The mother was now retrospectively classed as having been an Aborigine until 1905.

The fourth question was whether Section 4 in fact provided a feedback loop for endless generations of mixed descendants to be drawn back into the act. If the 'half-caste' mother was 'deemed' Aboriginal, could the children also be 'deemed' Aboriginal under the same provisions? To which the Crown Solicitor replied:

Each of them until in the opinion of a protector he or she was over sixteen years of age, or until he or she ceased to live or associate habitually with aboriginals, was deemed to be an aboriginal under Section 4. On attaining sixteen, or ceasing so to live or associate, he or she ceased to be deemed an aboriginal, and came within the definition of half-caste.<sup>61</sup>

The Protector also inquired about the status of the last two children born on Thursday Island. The Crown Solicitor determined that these were neither 'half-caste' nor Aboriginal.

All these determinations depended on Annie having lived on Badu Island, which meant that she 'must of necessity have habitually associated with aboriginals'.<sup>62</sup> On further inquiry, however, Protector Holmes realised that living on Badu did not necessarily mean associating with Aborigines:

When at Badu I inquired fully into the question of Atima Ah Wang and found that she did not at any time, nor did her mother, habitually live or associate with aboriginals. It appears that the girl's grandmother lived with her husband, a native of Madagascar, at the South Sea Settlement, so that her daughter Annin Savage, Atima's mother did not from the time of her birth or at any time habitually live or associate with aboriginals. Her mother is a half-caste female within the meaning of the Act, so that her children are all exempt from its provisions.<sup>63</sup>

This should have been the last we heard of this family in the department's files. In November 1922, however, an ambitious young protector was appointed to Thursday Island: Cornelius O'Leary, who was to become Chief Protector from 1943 to 1963.

### **Greater Powers**

After only half a year on the island, O'Leary gingerly raised the question of the protection of quadroon females. Atima, having been told by a previous protector that she was exempt from the act, evidently disavowed any power of the department over her. O'Leary felt that this was a bad example, and that the act should be amended to grant him powers to oversee such women:

Ever since taking over the position of Protector of Aboriginals here, an outstanding phase of aboriginal life on Thursday Island has been the prevalence of temptation to half-caste or aboriginal girls, who are domestically employed, to go the wrong road. Opportunities for such unfortunates are no doubt great, and I have come to the definite opinion that the temptation is accentuated by the example of many quadroon females who see fit to lead an unhindered and immoral life. There are some half dozen or so of those persons here, probably more who are the unhappy plaything of all and sundry. Even the survey ship 'Fantome' supplies small quotas of men who on their periodical visits here promiscuously associate with these females. This phase of the question is officially no concern of mine in that I have no jurisdiction over these females or interests in their welfare ... Mr Holmes had one such girl signed on, during his regime, as a half-caste, which was a good move, but the position has now reacted upon me in that an interested person, her present employer, schooled her to the position with the result that both the parties refused to recognise this office after the expiry of the agreement, and she now preaches her doctrine of defiance and immorality to her associates. I have had, on several occasions, to have female and male aboriginals before me for associating with those avowed immoralists, but while they are permitted to live the loose life, the position is difficult in the extreme.<sup>64</sup>

A strong stance is taken here, but as far as factual information goes, this report is sadly lacking. The factual allegation against Atima is that, with the support of her employer, she refused to recognise any authority of the Protector over her. From everything we read about Atima, this position is entirely justified. She appears to have had the consistent support of Whites on Thursday Island to defend her against departmental infringements. O'Leary's conclusion was that she was defiant and immoral — she and the Whites advocating for her being 'avowed immoralists'. Of the 'many' loose women who allegedly characterised Indigenous life on Thursday Island, there were about six known cases, though the Protector did not really wish to count them, since the 'half a dozen or so' were instrumental in arguing for an extension of legal powers. The purpose of O'Leary's report was to recommend an amendment of the act furnishing protectors with discretionary powers to bring quadroons under the act. O'Leary argued that 'the result of this amendment is apparent', allowing for stricter surveillance, and

[f]urthermore, their mistaken idea that they are of equal intellect to the white would be rudely dispelled. There is no doubt that the average female half-caste is quite as intelligent as the Thursday Island quadroon whose associates are solely half-caste quadroon or cosmopolitan.<sup>65</sup>

O'Leary professed to be unaware of whether the question of quadroons had been raised before and asked to be informed of 'the reasons for their sole exemption from the provisions of the act'. The Chief Protector replied by forwarding a copy of circular 21/6, the Crown Solicitor's opinion that had been formulated in response to Atima's case, and regretted that this was 'apparently the only hope at present of exercising official control of such women' — by means of 'deeming' their mothers Aboriginal.<sup>66</sup>

Chief Protector Bleakley finally asserted his authority with a further amendment of the Protection Act in 1934, which specifically targeted, by his own admission, the Coloured population of north Queensland.<sup>67</sup> Defining 'half-castes' now became a tricky mathematical exercise in counting parts of 'blood' as well as retaining the social dimension of the earlier definition (habitually associating). The department's powers now extended over all 'such women' whose status under the act had been indeterminate:

the illegitimate children of half-caste mothers, the children of parents both half-castes, and the crossbreed element of aboriginal or Pacific Island strain.<sup>68</sup>

The new act allowed mixed descendants to the fourth generation to be pulled into the ambit of the Protector of Aborigines as 'half-caste'.<sup>69</sup> The age of 'half-castes' 'deemed to be Aboriginal' was raised from 16 to 21, and all exemptions from the act were initially revoked with the effect of disenfranchising all those who had held exemptions and had been able to vote in state elections.

At the zenith of the department's powers, a resistance movement developed, fuelled by Coloured populations. A highly public campaign on Thursday Island protested against disenfranchisement, alleging that Whites had been turned into Blacks. Of 384 registered voters on Thursday Island in 1936, an estimated 70 to 85 were 'half-castes'. Closely following the objections raised by the Coloured People's Progressive Association, whose spokesmen were Whites married to Coloured women and three men referred to as 'half-castes' (T. Loban, W. H. Dubbins and D. Hodges, a returned soldier), a State Public Service Commissioner's inquiry contested the propriety of the arbitrary powers assumed by the new amendment act ('in the opinion of the protector').<sup>70</sup>

All over Queensland, associations were formed demanding citizenship and, in areas where there were large Coloured populations, strikes were staged against the departmental control of wages in 1936 and 1937.<sup>71</sup> In an attempt to stem the tide of protest from the far north, the 1897 Act with its amendments was replaced in 1939 with two separate pieces of parallel legislation, one for Aborigines and one for Torres Strait Islanders, which granted some measure of self-government to the island communities.

### **Conclusions: asserting hybridity**

The 'medical/moral policing rationale' of Queensland's Aboriginal administration bureaucracy had always prescribed a holistic approach, taking into its brief the whole range of government services such as education, health, training, employment, welfare, housing and infrastructure. Having defined the whole Indigenous population as an administrative problem that had perennially to be solved, the bureaucracy attempted to formulate a singular and encompassing vision and to marshal the powers to implement it. Its powers could never be commensurate with the level of responsibility the department paternalistically sought to take for Indigenous Australians.

On Thursday Island, where a significant Coloured population strenuously resisted being drawn under its protection, the department's authority was constantly under siege, and much of the policy outcomes, and the justifications given for them, bespeak a siege mentality. The response to this contestation was an ever-widening ambit of powers for the department as it sought to control the blurring of distinctions between definable populations.

Coloured women therefore became a particular target for departmental concern, and this concern was much wider than with merely Indigenous populations: the cultural pluralism of a polyethnic society was contested and reined in with reference to the morality of these women. Under the spotlight of administrative reason, normal behaviour became circumspect. It was difficult for Coloured women to stay safely outside the department's ambit, because living with Asians was practically tantamount with living immoral lives and requiring protection.

The concern about the moral conduct of the Australian-born Coloured population of mixed Indigenous descent emanated as if naturally from the xenophobic attitudes towards Asians, many of whom shared with Indigenous Australians the customs of polygyny and promised marriages.<sup>72</sup> Associations between Indigenous women and Asian men, which often followed such customs, were considered pernicious and immoral. The result was that much of the Aboriginal protection legislation was framed with Asians firmly in mind.

Through successive administrative periods, 'Coloured' was never a neatly encompassed category. Shifting policies, coupled with vast discretionary powers vested in protectors, cast a long shadow of uncertainty over large populations in the grey areas of its ambit of powers. In the scramble for defining boundaries, it was possible to be informed that one had been an Aborigine in the past. It was possible for siblings of identical parentage to include Aborigines, 'half-castes' and people who were neither. Indigenous life experiences were tailored to available administrative categories.

Uncertainty is still part and parcel of the life experience of many Indigenous descendants, who travel paths of self-discovery similar to that described in Sally Morgan's best-selling novel *My Place*. While the vast numbers of Aboriginal descendants who have opted out of an Indigenous identity escape public comment, considerable cynicism is directed at people who commit to an Indigenous identity late in life. Under the impact of native title rights, there is a sense that one ought to be either Indigenous or not Indigenous. This quite recent idea does not stand up well to the racial history of the polyethnic north.

Indeed, a vast range of cultural productions from north Australia remembers, celebrates and affirms cultural hybridity. In Broome, the annual Shinju Festival — a Japanese celebration of pearls — has lately been organised by the Aboriginal community. Jimmy Chi's musicals, *Bran Nue Dae* and *Corrugation Road*, deal with mixed lineages, the latter professedly an autobiographical journey through the schizophrenia Chi suffered as a result of his mixed Aboriginal/Chinese/Japanese/Scottish heritage.<sup>73</sup> From Darwin in the Northern Territory comes a play by Gary Lee called *Keep Him My Heart* with its subtitle, 'A Filipino-Larrakia Love Story', speaking volumes about acknowledging the mixed descent of a family encompassing members who are involved in a native title land claim. Arnhem Land's Yothu Yindi, Maningrida's Sunrize Band and the Wirrnga Band from Milingimbi have released titles celebrating local historical connections to Sulawesi. On Queensland's Thursday Island, Malayan dances were part of local festivals long before the arrival of 'multiculturalism', and the repertoire of Seaman Dan, a cultural icon recently discovered by the Brisbane music industry, includes '*Terang Bulan*' (*Shining Moon*), a Malayan song also perfectly rendered by one of the surviving sons of Ahwang Dai. Others in the Ahwang family have embraced Islam, an important religion next to Christianity in the Torres Strait region, or travelled overseas, to reconnect with a severed patrilineage.

These are some of the most celebrated heartlands of Indigenous Australia: the Kimberley region with Broome at its centre, the Northern Territory and Arnhem Land, and the Torres Strait centred on Thursday Island. From precisely these regions emanate cultural productions that celebrate hybridity, mixed relations and shared histories. These are repressed histories, once documented in moralised language, but now finding vibrant expression as a way of coming to terms with historical change. They undermine the very idea of cultural purity that props up Anglo-Celtic claims to cultural dominance. Thursday Island is, therefore, not so much unique, but quintessentially representative of these northern histories, which call into question dominant modes of representation of Australian history.

## Footnotes

- 1 Substantial parts of this paper were published as 'Being Coloured — An Australian History' in *Margins*, February 2001, pp. 76–102. The permission of the publishers in Calcutta is gratefully acknowledged. I am indebted to Ros Kidd, Anna Shnukal and Patima Malone for comments on this paper, to living descendants for interviews and permission to access restricted files, to Jonathan Richards for research assistance and to the Australian Research Council for financial support of this research. A more extended argument about the importance of northern polyethnic history is made in Regina Ganter, *Mixed Relations*, forthcoming with UWA Press.
- 2 See, for example, Koch, Tony, 'Aboriginal blood feud.' *The Courier Mail*, 16 December, 2000. p. 1.
- 3 Ganter, Regina. 1994. *The Pearl-Shellers of Torres Strait: Resource Use, Development and Decline, 1860s–1960s*. Melbourne University Press. Figures that are not referenced in the following are extensively documented in this source.
- 4 The morally suspicious status of Asian women in Australia did not require substantiation. In 1897, the Commissioner of Police confidently stated about Japanese women in the colony that 'with the exception of the wife of the Japanese consul at Townsville the whole of these women, numbering 115, gain their living by prostitution', an exception that had to be made for evident diplomatic reasons ('Commissioner of Police to Under Secretary, Home Department, 14 September 1897', PRE/103, Queensland State Archives [hereafter QSA]). Histories of Japanese-Australian relations have, on the whole, accepted this sweeping statement as an expression of tested fact. An 1895 statistical return from Thursday Island, however, listed nine prostitutes among a total of 23 Japanese females, specifying that of the female Japanese, nine were single, 12 married, one widowed and one a minor. ('F. Urquhart, Sub-inspector of Police, TI, to Gov. Res., 24 July 1895', PRE/105, QSA.) The implication here is that single (Japanese) women were prostitutes and, in reports less grounded in detail, this implication became generalised for all Japanese women.
- 5 'Examination of Archibald Meston by the Legislative Council.' 8 October, 1901. *Queensland Parliamentary Papers* (hereafter QPP), Vol. LXXXVII (1901). p. 1142.
- 6 Since this paper deals with legal terminology and its interpretation, it is not possible to substitute this term for a less offensive one. Regretting any offence it may cause, it will be used in the remainder where necessary, otherwise 'mixed descendants' is used. The term 'Coloured' is not intended as a synonym, because many Coloured people were not 'half-castes' under the Protection Acts. In quotations, the terminology and capitalisation used in the originals has been retained according to standard practice of citation.
- 7 Prefacing his evidence, Roth stated that 'A large portion of my time is devoted to the interests of aboriginals on boats' ('Examination of Walter Roth by the Legislative Council.' 8 October 1901. QPP, Vol. LXXXVII [1901]. p. 1136), and the Home Secretary, who introduced the bill, explained that some of its provisions were particularly 'designed to meet the case of Binghis employed in swimming diving' (3 September, 1901. QPP, Vol. LXXXVII [1901]. p. 597).
- 8 'Roth to Under Secretary, Home Department, 21 January 1901.' A/58764, QSA.
- 9 'Roth Progress Report.' August 1901, A/44679, QSA.
- 10 'Roth Progress Report.' October 1901, A/44679, QSA.
- 11 'Examination of Archibald Meston by the Legislative Council.' 8 October, 1901. QPP, Vol. LXXXVII (1901). p. 1143.
- 12 4 March, 1901, and 26 September, 1901, A/58764, QSA.
- 13 The Hon. Norton observed that the 'bill is giving very drastic powers to the protectors'; Taylor argued that too much power was in the hands of any protector, and Reid felt that 'everything seemed to be left to the protector'. 15 October, 16 October and 3 September, 1901. QPP, Vol. LXXXVII (1901). pp. 1260, 1291, 597.
- 14 31 July, 1901. QPP, Vol. LXXXVII (1901). p. 323.
- 15 'The Hon. Mr Givens.' 3 September, 1901. QPP, Vol. LXXXVII (1901). p. 609.
- 16 Roth report, cited in 3 September, 1901, QPP, Vol. LXXXVII (1901). p. 596.



- 17 'Examination of Walter Roth by the Legislative Council.' 8 October, 1901. *QPP*, Vol. LXXXVII (1901). p. 1141.
- 18 'Const. McKenna, Mossman Police Station, to CPA, 23 August 1901.' A/58764, QSA.
- 19 1 June, 1902, Roth's request for authorisation under Sect. 9/1901, prepared for Minister's signature in August 1902. A/58764, QSA.
- 20 CPA to (a female at Murray Island), 19 February, 1913. A/58767, QSA.
- 21 For example, the Normanton Protector reported, with reference to an application for marriage between a Chinese man and an Aboriginal woman, that he was 'personally opposed to all such unions especially aliens to gins' (8 January, 1906, A/44680, QSA), and the Cairns Protector stated that he had 'received applications from Kanakas for leave to marry aboriginal gins but in all cases I have refused to recommend such marriages' (23 March, 1905, A/44680, QSA). The Rev. E. R. Gribble sought to consult with Roth on 'the numerous waifs and strays in the Chinese-infested districts around Redlynche and Kuranda' (Roth Progress Report, October 1902, A/44679, QSA).
- 22 Kidd, Rosalind. 1997. *The Way We Civilise*. St. Lucia: University of Queensland Press. In 1939, the Chief Protector became Director of Native Affairs. Thereafter, the department changed its name from Department of Native Affairs to Department of Aboriginal and Islander Affairs, then Department of Aboriginal and Islander Advancement and, later, though with much reduced responsibilities for Indigenous Australians, Department of Community Services, Department of Community Services and Ethnic Affairs, Department of Family Services and Aboriginal and Islander Affairs, and is currently known as the Department of Family, Youth and Community Care.
- 23 This definition excluded the children of an Aboriginal father and a non-Aboriginal mother. Prior to the 1897 act, 'half-caste' had referred to any part-White people; for example, of African/Irish descent (example in Col/A576 89/03138, QSA).
- 24 There is some uncertainty about the origin of Annie's father. According to the family's oral history, he was from Niue in the Pacific, and this is supported by the name given on her 1891 marriage certificate, but Annie herself declared to the police on 1 April, 1921, that her father was a native of Madagascar, and this reference is consistently made in the files used here, where Annie is referred to as 'Annin'. Annie's mother was Zarazar, the daughter of Mauno (or Mano). This name became Sarah Manahou on Annie's marriage certificate.
- 25 For a discussion of the rationale underwriting this exemption, cf. Ganter, Regina and Ros Kidd. 1993. 'The powers of protectors: conflicts surrounding Queensland's 1897 Aboriginal legislation.' *Australian Historical Studies*, Vol. 25, No. 101. pp. 536–54.
- 26 Anna Shnukal ('Contact and "Cultural Creolisation" in Torres Strait.' *Australian Aboriginal Studies*, Vol. 2 (1995). pp. 52–7) refers to 'Pacific Pidgin English' as the language, which is also referred to as 'sandalwood English' (Shineberg, Dorothy. 1967. *They Came for Sandalwood*. Melbourne University Press) or colloquially as beach-la-mar (from *bêche-de-mer*, the sea cucumber sought by Pacific traders).
- 27 Hugh Milman took over from John Douglas as Government Resident, and Charles O'Brien replaced George Bennett as local Protector.
- 28 This distinction reappeared only in 1939, when separate acts were passed for the administration of Aborigines and Torres Strait Islanders.
- 29 Interview with Starchy Ahwang, Mackay, 26 June, 1997.
- 30 Ganter, R., op. cit.
- 31 Interview with Starchy Ahwang, Mackay, 26 June, 1997.
- 32 Mr Lesina, Member for Clermont, Legislative Assembly, 8 October, 1901. *QPP*, Vol. LXXXVII (1901). p. 1150.
- 33 Lee-Bryce referred to this man as a Malay. According to family history, he was a Muslim from Delhi, had travelled widely as a sailor before settling on Thursday Island and was referred to as Ah Mat India. The young woman was the daughter of an Aboriginal woman from Pennefather River, who had been moved to Mapoon, and a Filipino from Sulu Island.

- 34 This name has been changed to protect the anonymity of living descendants. The woman is from a different family, unrelated to Ahwang.
- 35 'Lee-Bryce, Protector at TI to CPA, 14 March 1914.' A/58761, QSA.
- 36 Ibid.
- 37 Ibid.
- 38 *Removals Register*. 1914, pp. 65–6. Z2688, QSA.
- 39 'Lee-Bryce, Protector at TI to CPA, 14 March 1914.' A/58761, QSA.
- 40 'Clara Riley to CPA, 11 July 1914.' A/58761, QSA.
- 41 Ibid.
- 42 'Douglas Riley to Home Secretary [letter], 17 June 1914.' A/58761, QSA.
- 43 'Order for Removal of Aboriginal under Section 9/1897 and Section 3/1901, 28 September 1914.' A/58761, QSA.
- 44 'CPA to Under Secretary, Home Department, 22 July 1914.' A/58761, QSA.
- 45 'CPA to Lee Bryce, 21 July 1914.' A/58761, QSA.
- 46 'Clara Riley to Atima Awang at Barambah, 4 October 1914.' A/58761, QSA.
- 47 'Lee Bryce to CPA, 14 August 1914.' A/58761, QSA.
- 48 'CPA to Under Secretary, Home Department, 22 July 1914.' A/58761, QSA. This letter was annotated 'Bleakley to see me'.
- 49 'Lee Bryce to CPA, 16 February 1915.' A/58761, QSA.
- 50 'Atima Ahwang c/o Mrs Cameron, Toowong, to Mrs Beesten, 19 August 1915', and 'Lee Bryce, Protector TI to CPA, 4 October 1915', A/58800, QSA.
- 51 Interviews with Rocky Ahwang, Hervey Bay, and Starchy Ahwang, Mackay, 1997.
- 52 Australian Archives Queensland, BP 242/1 #Q24780.
- 53 'CPA to Protector, TI, 23 October 1917.' A/58761, QSA.
- 54 'Atima Ahwang, South Toowong, to Bleakley, 9 November 1917.' A/58761, QSA.
- 55 'Protector, TI to CPA, 16 June 1919.' A/58761, QSA.
- 56 'CPA to Filewood, 29 October 1920.' A/58761, QSA.
- 57 'Filewood to CPA, 20 October 1920.' 'Filewood to Home Secretary, 14 October 1920.' A/58761, QSA.
- 58 'CPA to Home Secretary, 18 May 1921.' A/58761, QSA.
- 59 'CPA to all Protectors and Superintendents [Circular 21/6], 31 May 1921.' A/58761, QSA.
- 60 There is some uncertainty about Annie's father. He may have been from Madagascar, Niue or Barbados.
- 61 'Crown Solicitor to Under Secretary, Home Secretary's Office, 26 July 1921.' A/58761, QSA.
- 62 'Protector Holmes, TI to CPA, 7 April 1921.' A/58761, QSA.
- 63 'Protector Holmes to CPA, 10 August 1921.' The reference to Madagascar stems from a statement by 'Annin Savage Ah Wong' to the police on 1 April, 1921, A/58761, QSA.
- 64 'Protector O'Leary to CPA, 1 June 1923.' A/58761, QSA.
- 65 Ibid.
- 66 'CPA to Protector, TI, 6 August 1923.' A/58761, QSA.
- 67 Kidd, R., op. cit., p. 109.
- 68 'CPA to Under Secretary, Home Dept., 23 August 1934.' A/58856, QSA.

- 69 Section 4(b) of the new act defined 'half-caste' as:
- (i) Any person being the offspring of parents one of whom is an aboriginal, or both of whom are half-castes; or
  - (ii) Any person being the grandchild of grandparents one of whom is an aboriginal, or both of whom are half-castes, who lives or associates with aboriginals, or who lives as an aboriginal, or who in the opinion of the Chief Protector is in need of the control or protection of this Act; or
  - (iii) Any person of aboriginal or Pacific Island extraction who lives or associates with aboriginals, or who lives as an aboriginal or who in the opinion of the Chief Protector is in need of the control or protection of this Act.
- 70 A/58640, QSA.
- 71 Cf. Kidd, R., op. cit., p. 138. Sharp, Nonie. 1981-82. 'Culture clash in the Torres Strait islands — the maritime strike of 1936.' *Journal of the Royal Historical Society of Queensland*, Vol. 11, No. 3. pp. 107–26. And Walker, Faith. 'A very different mission: Myora Aboriginal Mission on Stradbroke Island, 1892–1940.' In Regina Ganter (ed.), *Stradbroke Island: Facilitating Change*, Brisbane: Queensland Studies Centre. pp. 9–20.
- 72 Cf. Ganter, Regina. 1999. 'Letters from Mapoon: colonising Aboriginal gender.' *Australian Historical Studies*, Vol. 30, No. 113, October. pp. 267–85.
- 73 Yu, Sarah. 1999. 'Broome creole — Aboriginal and Asian partnerships along the Kimberley coast.' In R. Ganter (ed.), *Asians in Australian History — Queensland Review*, Vol. 6, No. 2. p. 70.



*Grave of Bargo Bin Ahmat, Thursday Island Cemetery, 1997.  
Courtesy of Guy Ramsay.*

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