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A faltering start to 'protection', 1883

Although the 'mother colony' of New South Wales was the birthplace of European occupation and Aboriginal dispossession, it was slow to address the parlous situation of many of its Aboriginal people throughout the nineteenth century. When the first attempt at ameliorating the condition of the surviving Aboriginal population came via the Port Phillip Protectorate in 1838, it was undertaken only on the southernmost frontier of the colony in what would become Victoria. After the failure of the protectorate in 1849, and the establishment of the Colony of Victoria in 1851, the New South Wales Government did not undertake any formal measures to address the appalling consequences of the dispossession of its Aboriginal people for the next 30 years. It required pressure from other quarters, in the late 1870s, to force the government to begin its stumbling attempts to establish a formal protective body to ameliorate the condition of those Aboriginal people in need.

Amity and kindness in tatters

When the Cadigal and Cameragal watched John Hunter and Arthur Phillip enter Port Jackson in two cutters on 21 January 1788, they had little reason to suspect that their way of life was under threat. The pale strangers would probably stay for a while and leave as they had done 18 years beforehand when James Cook and Joseph Banks arrived in Botany Bay, 16 kilometres to the south. However, the raising of the Union Jack on 26 January at Sydney Cove would change everything.

Under instructions from King George III, Arthur Phillip was to open a dialogue with the ‘native’ inhabitants and encourage all to live in ‘amity and kindness’ – it did not last long. Phillip, frustrated by the lack of contact with local Aboriginal clans, captured two Aboriginal men to enforce dialogue. Within two years relations had deteriorated and Phillip launched a punitive expedition against the local Aboriginal people for the spearing of a convict. There was now a new norm: one of retribution for any Aboriginal transgressions against the interests of the fledging colony.

No one knows how many Indigenous people lived in Australia in 1788.¹ Bain Attwood and Stephen G. Foster estimate an Aboriginal population across the continent of 750,000 at the time of occupation.² Political historian Colin Tatz suggests somewhere between 250,000 and 750,000.³ Archaeologist John Mulvaney estimated somewhere between 500,000 and 1 million.⁴ Jan Kociumbas offers that ‘writers now argue that 750,000 or even a million is a more likely figure’.⁵ Recently, Raymond Evans and Robert Orsted-Jensen, in their research on the Queensland frontier, have concluded that the pre-contact population in Queensland alone was between 250,000 and 300,000.⁶

Table 1.1: Decline in the Aboriginal population, 1788 to 1861.

| State/Territory | Estimated levels in 1788 | Estimated levels in 1861 | Decline |
|--------------------|--------------------------|--------------------------|---------|
| New South Wales | 48,000 | 15,000 | 68.75% |
| Victoria | 15,000 | 2,384 | 84.10% |
| Tasmania | 4,500 | 18 | 99.60% |
| South Australia | 15,000 | 9,000 | 40.00% |
| Queensland | 120,000 | 60,000 | 50.00% |
| Western Australia | 62,000 | 44,500 | 28.22% |
| Northern Territory | 50,000 | 48,500 | 3.00% |

Source: Smith, *The Aboriginal Population of Australia*, Table 8.2.1, 208.

1 There is still much speculation about population levels of Indigenous Australians at the time of the British occupation and it never can be definitively determined. See: Reynolds, *The Forgotten War*, 122; Jones, *The Structure and Growth of Australia's Aboriginal Population*, 2–3; Attwood and Foster, *Frontier Conflict*, 5; Broome, *Aboriginal Australians*, 1994, 11; Day, *Claiming a Continent*, 88; Mulvaney, *Encounters in Place*, xv. There is less dispute, however, about the fact that the Aboriginal population declined dramatically after the British occupation from 1788.

2 Attwood and Foster, *Frontier Conflict*, 5.

3 Tatz, *With Intent to Destroy*, 74.

4 Mulvaney, *Encounters in Place*, xv.

5 Kociumbas, ‘Genocide and Modernity in Colonial Australia’, 84.

6 Evans and Orsted-Jensen, ‘“I Cannot Say the Numbers that were Killed”: Assessing Violent Mortality on the Queensland Frontier’. Paper presented at ‘Conflict in History’, 6.

Nearly four decades since first published, L.R. Smith's exhaustive Aboriginal population study, covering the entire country, is still useful (see Table 1.1). Although his starting base of 314,000 across the whole continent in 1788 is very conservative, to the point of being misleading, his record of decline is alarming.⁷ If one uses an estimate of the Aboriginal population of 750,000 across the continent in 1788, then using Smith's 1861 levels, the decline in the population is more appalling.

The rapid decline in the Aboriginal population was due, in the first instance, to the introduction of diseases. The outbreak of smallpox, known as *Gal-gal-la* by the Sydney clans in April 1789, was the first major catastrophic event for the Aboriginal population of the Sydney region. Marine officer Watkin Tench, in April/May 1789, wrote that:

[an] extraordinary calamity was now observed among the natives ... in all the coves and inlets of the harbour ... Pustules, similar to those occasioned by smallpox, were thickly spread on the bodies.⁸

Grace Karskens writes that we 'don't know how many people died', but 'some scholars estimate that 80 per cent of people died in the 1789 epidemic'.⁹

Other diseases reduced the population as well. Economic historian Noel Butlin considered venereal disease as a major impediment to the recovery of the Aboriginal population after the smallpox epidemics.¹⁰ Richard Broome asserts that disease 'proved the greatest killer' and the 'gradual loss of life' due to dysentery, scarlet fever, influenza, typhus, measles and whooping cough were just as devastating as a major epidemic like smallpox.¹¹ The sudden story of smallpox was cataclysmic but the slow catastrophe for Aboriginal people that unfolded afterwards is the important narrative.

The dispossession of Aboriginal land was total. By 1821, only 33 years after Phillip's arrival, all the land within a 70-kilometre radius of Sydney was occupied by nearly 94 per cent of the colony's white population.¹²

7 Smith, *The Aboriginal Population of Australia*, 208.

8 Flannery, ed., *Watkin Tench 1788*, 102–3.

9 Karskens, *The Colony*, 377.

10 Bennett, 'For a Labourer Worthy of His Hire', 128.

11 Broome, *Aboriginal Australians*, 2010, 63–65.

12 Ford and Roberts, 'Expansion, 1820–1850', 122.

Under Governor Brisbane (1821–25), further expansion out from Sydney took place. The land grant system of ‘Tickets of Occupation’ allowed for ‘land-hungry pastoralists to use unsurveyed land in remote corners of the colony’.¹³ In the Hunter region, settlement spread along the Paterson and Williams rivers and up to the Liverpool plains. The Bathurst area was occupied by pastoralists who pushed even further along the Cudgegong and Talbragar rivers. The reduction of the wool tariff in 1823 unleashed what became known as the ‘squattage age’ where squatters occupied the land without the ‘imprimatur of the state’.¹⁴ From Bathurst, heading north-west towards Wellington Valley, the number of sheep runs increased dramatically. In 1821 there were over 27,000 sheep and by 1826 sheep numbers had risen to 92,000.¹⁵ It was this frenetic pastoralist activity that resulted in the swift dispossession of Aboriginal people and a significant depletion of their resources.

Aboriginal groups defended their Country by spearing sheep, cattle and settlers; the settlers and the mounted police responded with brutal efficiency. To justify violent reprisals, the colonists adopted ‘an emerging legal fiction’ that Aboriginal people ‘trespassed on the property of the British Monarch’.¹⁶ Henry Reynolds, in his seminal work *The Other Side of the Frontier*, reckoned that 20,000 Aboriginal people had died on the frontier across the whole of Australia.¹⁷ In a more recent book, *The Forgotten War*, Reynolds states that his earlier figure of 20,000 should be heavily revised ‘upwards to 30,000 and beyond, perhaps well beyond’.¹⁸

The numbers will never be precise, but the destruction and dispossession were apparent to all. As Tom Griffiths observes, ‘many colonists accepted murder in their midst’ but they also realised it could not be ‘openly discussed’; there were ‘good reasons to remain silent’.¹⁹ Many reasoned that this was all the inevitable product of the march of civilisation – a natural outcome and indeed God’s will. Ann Curthoys notes that pro-slavery arguments based on the notion that ‘Africans had been created separately by God as a lower and different order of being’ were a powerful

13 Ford and Roberts, ‘Expansion, 1820–1850’, 126. The ‘Ticket of Occupation’ could be obtained for a small fee, and the owner could graze ‘flocks or herds within two miles of a named locality’. See Perry, ‘The Spread of Rural Settlement in New South Wales, 1788–1826’, 383.

14 Ford and Roberts, ‘Expansion, 1820–1850’, 128–29.

15 Perry, ‘The Spread of Rural Settlement in New South Wales, 1788–1826’, 383.

16 Ford and Roberts, ‘Expansion 1820–1850’, 128–29.

17 Reynolds, *The Other Side of the Frontier*, 121–22.

18 Reynolds, *The Forgotten War*, 134.

19 Griffiths, *Hunters and Collectors*, 106.

idea during the frontier wars; the 'denial of Aboriginal humanity' was frequently expressed when frontier violence was at its height and was used as a justification for dispossession by force.²⁰ In the first trial following the Myall Creek Massacre of 1838, where 11 white men were acquitted for the slaughter of 28 Aboriginal people, one juror opined:

I look upon the blacks as a set of monkies ... I knew well they [the white men] were guilty of the murder, but I, for one, would never see a white suffer for shooting a black.²¹

But the anti-slavery view that Aboriginal people were 'at least, human beings, created of one blood by the Creator with Europeans', did hold sway in the mid-1830s.²² In Britain, after the emancipation of slaves throughout the British Empire, there emerged a strong movement to protect the indigenous people of the empire.

Protection in New South Wales

In the Australian context during the nineteenth and early twentieth centuries, Aboriginal protection came in many forms – a variation that was amplified from the period of colonial self-government when restrictive legislation created different protective regimes in every state. Early attempts in New South Wales to protect Aboriginal Australians from settler depredations were localised. In 1825 the London Mission Society offered Lancelot Threlkeld 10,000 acres on the shores of Lake Macquarie to set up a mission. He was instructed to learn the language of the Awabakal people, open a school and teach the Aboriginal people carpentry and agriculture.²³ However, due to internal society wrangling, the mission folded in April 1828.²⁴ Another mission deep in Wiradjuri Country at Wellington Valley was established by Samuel Marsden in 1830. Wiradjuri were cautious, fearing the missionaries may mistreat them as white settlers had done.²⁵ Internal ructions, a suspicious clientele, no missionary appreciation of Aboriginal culture and values and an

20 Curthoys, 'Race and Ethnicity', 67.

21 *The Australian*, 8 December 1838, 2.

22 Curthoys, 'Race and Ethnicity', 67.

23 Harris, *One Blood*, 52. Threlkeld often represented Aboriginal people in court as they were unable to swear an oath on the bible; he undertook a translation of the bible into Awabakal, and openly spoke against massacres that had occurred in the region. Harris, *One Blood*, 54.

24 Harris, *One Blood*, 52.

25 Harris, *One Blood*, 65–66.

increasingly obsessive and aggressive Reverend Watson saw the mission go the same way as Threlkeld's in the early 1840s.²⁶ The next impetus for some protective measures did not come from Sydney but from London. The 'Exeter Hall' humanitarians had cast an eye across the British colonies and found dreadful excesses against the indigenous populations.

It took reports home to Britain of the impact of the new wave of pastoralism on Aboriginal people to transform sporadic early efforts into a protection policy. The pressure to redress the depredations upon indigenous people across the British colonies came from 'British philanthropists including those of evangelical, protestant, non-conformist and humanitarian persuasion'.²⁷ Michael Christie notes that the 'Exeter Hall' movement had successfully brought about the abolition of slavery in 1833 and now focused on the 'plight of all indigenous people in the British colonies'.²⁸ The genesis of the increased interest in the indigenous peoples had been the continuing hostilities in the Cape Colony in Africa between the British and the Xhosa, but broadened to all colonies.

Efforts to protect indigenous people throughout the empire were spearheaded by leading humanitarian Thomas Fowell Buxton.²⁹ A House of Commons Select Committee on the 'Native Inhabitants of British Settlements' was formed and heard witnesses from 31 July 1835 until 19 May 1837. It detailed such injustices as loss of land, the deliberate killing of indigenous people and the introduction of alcohol and

26 Read, *A Hundred Years War*, 17–18. Read writes of an incident, in December 1839, where Watson had come to take a two-year-old child from his Aboriginal mother (he claimed she had sold the child to him for £11), but she refused. Watson went into a rage, gathered the local constables and returned to take the child. An attempt to restrain him by another missionary failed and he stormed into the house and took the child. Within two weeks all the Wiradjuri had left the mission. Watson was removed by his employer in 1840 and the Reverend James William Gunther, who had replaced Handt, abandoned the mission shortly after. Read, *A Hundred Years War*, 21.

27 Christie, *Aborigines in Colonial Victoria*, 81.

28 Christie, *Aborigines in Colonial Victoria*, 81. It was named 'Exeter Hall' as the group used to hold their meetings at that place in the Strand.

29 Although Thomas Fowell Buxton has been largely recognised as the driver of the committee, Zoe Laidlaw argues that the evidence and argument presented was certainly not his alone. Her article, 'Aunt Anna's Report: The Buxton Women and the Aborigines Select Committee, 1835–37', 1–28, reveals the role played by the women in the Buxton extended family in the crucial preparation of material and argument to present to the select committee. Priscilla, a daughter, and Anna, a cousin, were both Quaker women steeped in practical philanthropy who pursued intellectual interests, and both played significant roles in the presentations to the Select Committee.

prostitution.³⁰ In the Australian context, the violence against Aboriginal women, the 'seduction of women by white men' and the impact of venereal disease were the most prevalent themes.³¹ Little had been done to protect these women from the violence or the 'contamination of the dregs of our countrymen'.³² It is worth noting that the report blames the 'poorer class' of settler and not the rich pastoralists.

In January 1838, Lord Glenelg, Secretary of State for the Colonies, informed the Governor of New South Wales, George Gipps, that it had been decided to appoint a Chief Protector of Aborigines, with its principal station in Port Phillip; he would be aided by four assistant protectors each responsible for the Aboriginal people within a district.³³ When George Robinson – the newly appointed chief protector – and his assistants arrived in Sydney in September 1838 to take up their appointments, they were immersed in the maelstrom of the trial over the Myall Creek Massacre. They soon became the object of antagonism from settler society.³⁴ The protectorate only lasted 10 years: it failed from incompetence, impracticability and resistance from settler society.³⁵ The collapse of the Port Phillip Protectorate in 1848 resulted in a hiatus of government activity from Sydney for nearly four decades.

London's attempt at protection in New South Wales was limited. The site of the experiment, in the southern frontier of the New South Wales colony, was geographically small. Had the attempt been made in the vast expanses of New South Wales proper there is nothing to suggest it would have fared

30 Christie, *Aborigines in Colonial Victoria*, 85. There is a wide body of literature concerning the report of the select committee, protectionism and the humanitarian movement of the period. For example, see Laidlaw's work, mentioned above, as well as her work in 'Heathens, Slaves and Aborigines: Thomas Hodgkin's Critique of Missions and Anti-Slavery', 133–61, and *Integrating Metropolitan, Colonial and Imperial Histories – The Aborigines Select Committee of 1835–37*. See also Mitchell, "'The Gallig Yoke of Slavery": Race and Separation in Colonial Port Phillip', 125–37; and Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*.

31 Elbourne, 'The Sin of the Settler', 7.

32 *Report from the Select Committee on Aborigines (British Settlements); with the Minutes of Evidence, Appendix and Index*, House of Commons, 26 June 1837, VQ. 354.9400814/10, 10. House of Commons Parliamentary Papers Online, State Library of New South Wales (hereafter SLNSW).

33 For literature concerning the 'protectors' see Christie, *Aborigines in Colonial Victoria*, 87–137. Rae-Ellis, *Black Robinson: Protector of Aborigines*; Reed, 'Rethinking William Thomas: "Friend" of the Aborigines', 87–99; Arkley, *The Hated Protector: The Story of Charles Wightman Steewright, Protector of Aborigines, 1839–42*.

34 Harris, *One Blood*, 156.

35 For settler society resistance, see Curthoys and Mitchell, 'The Advent of Self-Government 1840s–90', 157; and Mitchell, 'Are We in Danger of a Hostile Visit from the Aborigines? Dispossession and the Rise of Self-Government in NSW', 298.

any better. Susan Johnston suggests that ‘failure of the Protectorate led to a pessimism which consigned native policy to “the abyss of neglect”’.³⁶ As a result, attempts at protection after the failure of the protectorate were largely private.

Nevertheless, despite the failure of the Port Phillip Protectorate, another official protective structure had been put in place. The House of Commons Select Committee of 1837 had also instructed the protectors to bring the Aborigines within ‘the pale of the law’. Outside of Port Philip, protection was therefore ‘imagined through the prism of the magistracy, the courts, and criminal law’.³⁷ When George Gipps replaced Bourke as Governor of New South Wales in 1838, Lord Glenelg had already proclaimed that all Aborigines were to be considered subjects of the Crown – hence they were to be treated equally under law. Governor Gipps’s proclamation in May 1839 enshrined this into law, giving the Commissioners of Lands extensive powers beyond the ‘boundaries of location’. As Lisa Ford notes, the commissioners were now to be ‘magistrates of the territory’ and ‘Coroners would investigate Aboriginal deaths as they would white ones’.³⁸

Police and magistrates were and remained the most important purveyors of government protection throughout the continent. Increasingly, they acquitted this duty by over-policing.³⁹ Throughout Australia, protection was conflated with legal punishment of Aborigines, while the violent business of dispossession continued as many magistrates ‘were pastoralist themselves’. Government protection was reduced to blanket distribution (described below) and population reports.⁴⁰

Peculiar antecedents to the Board

The first antecedent to the establishment of the Board occurred in the mid-1840s, when a group of prominent men with an interest in the welfare of Aboriginal people, particularly those around coastal Sydney, established the Sydney Aborigines Committee. Paul Irish has written about this little-known committee, and places it at the forefront of

36 Quoted in Smithson, ‘A Misunderstood Gift’, 105.

37 Ford, ‘Protecting the Peace on the Edges of Empire’, 180.

38 Ford, ‘Protecting the Peace on the Edges of Empire’, 186.

39 Nettelbeck and Smandych, ‘Policing Indigenous Peoples on Two Colonial Frontiers’, 356–75.

40 Ford, ‘Protecting the Peace on the Edges of Empire’, 186.

assistance to local Aboriginal people at the time.⁴¹ Although this group cannot be credited with the formation of the Protection Board in 1883, one member of the committee, George Thornton, would become the 'Protector of Aborigines' in 1881, and an inaugural member of the Board in 1883. It was Thornton's opinion of how to assist Aboriginal people that was a point of contention within the committee.

Bob Nichols, former editor of the liberal newspaper *The Australian*, and supporter of both self-government and an end to convict transportation, formed the Sydney Aborigines Committee in 1844.⁴² Other key members were George Hill and Daniel Egan. All three 'shared a common background of local birth, convict roots and a long association with Sydney'.⁴³ George Thornton joined the committee in 1854 and would establish himself as a significant figure in Sydney society as Lord Mayor on two occasions (1853 and 1857), as a member of the Legislative Assembly in 1858, as a Freemason and founding provincial grand master, and, in 1860, by becoming the first chair of the Woollahra Borough Council.⁴⁴

The Sydney Aborigines Committee primarily organised the distribution of blankets to the Sydney Aboriginal groups. Irish has comprehensively examined the different viewpoints of members, notably Bob Nichols and George Thornton, about the yearly issue of blankets to Aboriginal people. Nichols was comfortable with Aboriginal people coming from other districts to receive their supply in Sydney. In contrast, Thornton believed they should remain in their own districts and not come to Sydney.⁴⁵ This difference of opinion would prove crucial in the openly divisive public debate in the early 1880s concerning assistance to Aboriginal people in the Sydney environs.

It is curious that Thornton held so strongly to the belief that Aboriginal people should receive aid *only* in their districts. He, of all people, would have been aware of how widely Aboriginal people travelled around the coast as he spent a good deal of time with Sydney Aboriginal people in his early years on fishing trips in the Coojee area and on camping trips with them around Wollongong, Kiama and Jervis Bay. He would have had 'considerable opportunity to understand the long-distance connections

41 Irish, 'Hidden in Plain View', 174–83.

42 Irish, 'Hidden in Plain View', 175.

43 Irish, 'Hidden in Plain View', 174.

44 Rutledge, 'Thornton, George (1819–1901)'.

45 Irish, 'Hidden in Plain View', 178.

and beats, that were a feature of Aboriginal lives'.⁴⁶ Some years later the Reverend T.J. Curtis, a Presbyterian minister from Redfern, exposed a basic flaw in Thornton's position on rationing. Curtis explained that an Aboriginal man would, by necessity (traditional law), come from a different district to that of his wife. Thus, it would be practically impossible to demand that they 'should return to and continue to dwell in their respective districts' when most individual family members were made up from more than one district.⁴⁷ Thornton's narrow approach to rationing would have ramifications when he took up the position of 'Protector of Aborigines' in 1881.

A further call in the New South Wales Parliament for the protection of Aboriginal people came in 1861 from a 'retired merchant and ex-Navy man', John Lamb, but nothing was forthcoming.⁴⁸ It was not until 1876 when the pastoralist William Henry Suttor (Jr) called for a Select Committee 'to inquire and report on the Aboriginal inhabitants of the Colony' that the parliament felt 'obliged to care for the Aborigines because their land had been taken, liquor introduced, and ... their game had been killed or driven away'.⁴⁹ But again, no action was taken; parliamentary discussion 'of Aborigines returned mostly to irregular questions about blankets'.⁵⁰

Conversely, Victoria, after it achieved responsible government and a bicameral parliament in 1856, moved quickly to establish a 'protective' body. A group of 'churchgoers, philanthropists, ethnologists and a small number of concerned ex-squatters' lobbied the government after they had been galvanised by a piece in the Melbourne *Argus* written by editor and owner Edward Wilson.⁵¹ In 1856 Wilson launched a stinging rebuke of the paltry amount of money spent on the Aboriginal population in Victoria. He pointed out that since Victoria had become a separate colony, it had gained millions of pounds from the sale of gold, beef, mutton and wool – all sourced from expropriated Aboriginal land.⁵² He implored the colony to fully compensate the remaining Aboriginal people regardless of the cost. Within two years Victoria had launched a Select Committee into

46 Irish, 'Hidden in Plain View', 178.

47 *Sydney Morning Herald* (hereafter *SMH*), 6 January 1883, 7.

48 Doukakis, *The Aboriginal People*, 28–29.

49 Doukakis, *The Aboriginal People*, 32.

50 Doukakis, *The Aboriginal People*, 32.

51 Christie, *Aborigines in Colonial Victoria*, 153.

52 Christie, *Aborigines in Colonial Victoria*, 152.

the 'present condition of the Aborigines', and in 1860 the Central Board for the Protection of Aborigines was established. Despite the ostensibly good intentions of the move towards formal protection, Victoria would produce, before Federation, the most restrictive legislation of all subsequent Aboriginal jurisdictions.⁵³

The second antecedent to the formation of the Board was sparked by two missionaries. The first was Daniel Matthews, whom Ann Curthoys asserts was the most influential figure in the establishment of the Board.⁵⁴

The missionary lobbyist

Daniel Matthews, the son of a strict Wesleyan ship's captain, came to Australia as a teenager in 1853 and encountered Aboriginal people on the gold fields in Bendigo.⁵⁵ Theologian John Harris suggests that Matthews was 'saddened to see drunken Aboriginal people begging around grog shanties and appalled to see white men plying them'.⁵⁶ He began a campaign of writing to almost every paper in Victoria and New South Wales, and connected with the Aboriginal people in central northern Victoria. In 1856, along with his brother William, he purchased three blocks of land with some river frontage on the New South Wales side of the Murray River some 20 kilometres east of Echuca.⁵⁷ The land was a regular gathering place for Aboriginal people and he retained its traditional name of Maloga. His decision to establish a mission may have been due to his contact with the Aboriginal reserve at Coranderrk in Victoria and his friendship with the manager John Green. At Coranderrk, life 'was orderly, Christian and productive'; Matthews came to believe that 'Aborigines could, if assisted, become good members of society'.⁵⁸ He voiced his concerns for the plight of Aboriginal people regularly in the press. On 29 May 1866 he wrote to the editor of the Melbourne *Age*:

53 Broome, *Aboriginal Victorians*, 192.

54 Curthoys, 'Race and Ethnicity', 177.

55 Harris, *One Blood*, 220. For other accounts of Daniel Matthews and the Maloga Mission, see Cato, *Mister Maloga*; Curthoys, 'Race and Ethnicity', Chapter 3; Barwick, 'A Little More than Kin', 143–79.

56 Harris, *One Blood*, 220.

57 Harris, *One Blood*, 221.

58 Curthoys, 'Race and Ethnicity', 181.

As a community have not the people of this colony and the Government largely benefited by the land taken from this uncivilized Race. And are we not morally bound in return at least to ameliorate the conditions of the 1900 aborigines who hitherto [have] been taught the most degrading vices.⁵⁹

In April 1870, Matthews convened a meeting in Echuca with the intention of establishing a mission. Twelve men attended and Matthews estimated that the expenses during the first year would be £400. A committee was formed but funds were slow to come, and only £39.15.6 had been raised over two and half years.⁶⁰ The Maloga Mission was officially opened in 1874. Matthews 'scoured the country for destitute Aboriginal people to bring them to Maloga' and, along with his zealous wife Janet, believed Aboriginal people could live dignified and worthwhile Christian lives, if given a chance.⁶¹ Over the next five years the mission struggled for money and there were periods of acute food shortages.⁶² In September 1878 Matthews travelled to Sydney to publicise his mission and raise some support; he spoke to members of parliament and 'men of high standing and philanthropic principle'.⁶³ At Temperance Hall in Sydney on 14 October 1878, Daniel Matthews shared stories with the 20 assembled to refute the commonly held beliefs in the inability of the Aboriginal people to succeed. The chair, Mr J. Roseby, addressed the meeting:

The interests of the aborigines have been neglected by us as a people for many years; the impression apparently having been that it was useless to try and civilize these poor benighted blacks. In Victoria however, schools and stations had been opened that had proved successful [and we hope] to see the Government of this colony do more than had yet been done for the benefit of the poor blacks.⁶⁴

59 Daniel Matthews Papers, 1861–1917, A3384, Vol. 1, Part 2.

60 Curthoys, 'Race and Ethnicity', 183.

61 Broome, *Aboriginal Australians*, 1994, 76.

62 Curthoys, 'Race and Ethnicity', 195.

63 Quoted in Curthoys, 'Race and Ethnicity', 202.

64 *SMH*, 15 October 1878, 3.

From the Temperance Hall meeting, the 'Committee to Aid the Maloga Mission' was formed. Mr Edward G.W. Palmer was appointed secretary and a petition that 'steps should be at once taken to afford them [the Aborigines] requisite protection' was adopted and presented to the governor.⁶⁵

Requests for financial assistance from the government failed.⁶⁶ Not deterred, a deputation from the Temperance Hall meeting called upon the colonial secretary on 2 June 1879. It informed the colonial secretary, Henry Parkes, that although little could be done for the adult population it was thought that the 'training of the children came within the province of the Government'.⁶⁷ Governor Lord Augustus Loftus, in his opening speech of parliament, remarked:

It has been long felt that the aborigines of the colony have not been sufficiently cared for and you will be invited to deliberate upon the best means of affording more certain and effectual aid to such as remain of these unfortunate people.⁶⁸

The address was described in the press as the 'first time in the history of Australia that these unfortunate people have had the honour of being referred to in a Vice-Regal speech'.⁶⁹

The Maloga Committee moved to expand its reach, broaden its concerns and 'press for substantial changes in policy towards Aborigines'.⁷⁰ On 16 February 1880, the Aborigines Protection Association (APA) was established at Temperance Hall in Pitt Street, Sydney. Its primary focus was 'for the purpose of ameliorating the condition of the aboriginal tribes of this colony'.⁷¹ The APA boasted many very powerful men from parliament and the clergy, and individuals with philanthropic interests. The first meeting of the committee comprised the Reverend Canon H.S. King, R. Hill Esq. JP, R. Barbour Esq. MLA, the Reverend T.J. Curtis, G.C. Tutting Esq. JP, John Lupton, E.G.W. Palmer and Daniel Matthews. The patron of the APA was Lord Augustus Loftus, the governor of New South Wales, and Sir John Robertson (joint leader of the government

65 *SMH*, 15 October 1878, 3.

66 Curthoys, 'Race and Ethnicity', 203.

67 Daniel Matthews Papers 1861–1917, A3384, Vol. 1, Part 2.

68 Daniel Matthews Papers 1861–1917, A3384, Vol. 1, Part 2.

69 Daniel Matthews Papers 1861–1917, A3384, Vol. 1, Part 2.

70 Curthoys, 'Race and Ethnicity', 209.

71 *Evening News*, 11 June 1880, 3.

with Sir Henry Parkes) became the president of the association. Overall, the council of the association consisted of one bishop, seven reverends, nine members of parliament and 13 men who were either philanthropists or had an interest in Aboriginal issues.⁷² In the preface to its first report, the APA highlighted the two problems that would continue to shape Aboriginal policy for the next 60 years:

a state of things the most repugnant to pure Christian feelings has sprung up. Hundreds of young half-castes – the unmistakable tokens of the white man's sin – are now running wild in the interior, being destitute of all physical comfort, and sunk in the lowest moral degradation.

The condition of the old blacks is one of absolute wretchedness. Drink, and other vicious habits contracted from the whites, have reduced them to the lowest possible level, and are fast driving them, as a race, from the face of the earth. Something, therefore, must be done to alter this terrible state of things, and ... speedily.⁷³

In 1880 the APA put the blame at the feet of the colonists. The Reverend M. Wilkinson moved that Aboriginal people had a 'strong and urgent claim for consideration and protection at the hands of colonists who have displaced them from their hunting grounds'.⁷⁴ Six months later, in the Legislative Assembly, APA member (and future Protection Board member) John Foster stated that colonists had neglected the remnants of the Aboriginal race and the best method of protection was to 'give financial support to APA projects'.⁷⁵ For the next 17 years the APA would continue its high profile in Aboriginal affairs, have a direct influence on the establishment of the Protection Board and exist as a parallel organisation, albeit in an uneasy relationship with the Board, until 1897.

The camp of mercy

At the time of the formation of the APA, another missionary, the Reverend J.B. Gribble, played a similar role to that of Daniel Matthews. Gribble, a lay preacher and registered minister of the Congregational Church, was

72 Daniel Matthews Papers, 1861–1917, A3384, Vol. 1, Part 2.

73 *Report of the New South Wales Aborigines Protection Society*, Sydney, 30 June 1881, Daniel Matthews Papers 1861–1917, A3384, Vol. 2, Parts 1 & 2.

74 Quoted in Curthoys, 'Good Christians and Useful Workers', 47.

75 Curthoys, 'Good Christians and Useful Workers', 48.

a resident of Jerilderie in Victoria with a 'comfortable and profitable' parish in the registry of Deniliquin.⁷⁶ Jane Lydon writes that his 'associates were activists' and often 'critical of official Aboriginal policy'.⁷⁷ Gribble, who was acquainted with Matthews, had been travelling widely up and down the pastoral stations along the Murray, passing on the Lord's message, and had taken an interest in the mission at Maloga.⁷⁸ In May 1878 these men joined forces and embarked on a journey to select a site in the Riverina. They found a suitable one: 600 acres on the Waddi Rural Reserve near Darlington Point on the banks of the Murrumbidgee River.⁷⁹ In March 1880 Gribble resigned his ministry and accompanied by his wife, children and some 'aboriginal girls ... and several black males' set off with two wagons loaded with rations and belongings to establish his mission that he called Warangesda.⁸⁰

Within a month, and with two huts nearing completion, Gribble received a letter from the Lands Department in Sydney informing him to cease work immediately; he was obliged to travel to Sydney and speak with the government.⁸¹ Gribble had never been to Sydney. He rode to the nearest railway station at Wagga Wagga, over 100 miles away, and reached Sydney as a total stranger. The Reverend Joshua Hargraves, the Rector of St David's, Surrey Hills, who was visiting the association, noted Gribble and his obvious distressed condition and introduced himself. Thus began a friendship that lasted until Gribble's death 1893.⁸² Hargraves accompanied Gribble to see Premier Henry Parkes and a favourable outcome ensued; the land upon which the mission had been placed was granted to Gribble and he was appointed teacher of the 'provisional school for aborigines at a salary of £60'.⁸³ With the support of Hargraves, the APA and now the premier, Gribble returned to Warangesda somewhat buoyed.

76 Gulambali and Elphick, *The Camp of Mercy*, 1.

77 Lydon, 'Christian Heroes? John Gribble, Exeter Hall and Antislavery on Western Australia's Frontier', 61.

78 Gribble's diary entry on 19 January 1878 describes a visit to the 'blacks camps' at Moira Lakes with both Daniel and Janet Matthews. Gribble Papers, MS 1514/1, Item 2 (Australian Institute of Aboriginal and Torres Strait Islander Studies, hereafter AIATSIS).

79 Curthoys, 'Race and Ethnicity', 210.

80 Gulambali and Elphick, *The Camp of Mercy*, 2. The word 'Warangesda' came from 'Camp of Mercy', from 'warang' the word for camp in Wiradjuri, and 'esda', meaning 'mercy' in Hebrew. See Harris, *One Blood*, 414.

81 Gulambali and Elphick, *The Camp of Mercy*, 3.

82 *Narrandera Argus*, 18 April 1950, 3.

83 *Narrandera Argus*, 18 April 1950, 3. There is a discrepancy here, as Gulambali and Elphick suggest it was £90.

The high level of activity by Matthews, Gribble and the APA in lobbying for funds pressured the government to respond. Matthews pushed hard to secure funding. His diary of May 1881 records a hectic schedule: meeting with a Wesleyan congregation at Redfern on the 1st, meeting with Mr Palmer on the 2nd, and, on the 4th, to

Circular Quay, Govt. Boat Shed, saw the blacks. Kate a half-caste girl confined a month ago – baby died – about 18, [unclear where she had been confined but she resided at the boatshed] very delicate – sad case.⁸⁴

Matthews's deep commitment to the welfare of Aboriginal people cannot be disputed, but he and Gribble were also driven by financial necessity and they were not averse to arousing alarm for gain. They suggested that the 'superior races' had a moral obligation to the 'lesser races'. They advised politicians that the 'blacks were capable of hard work', if they were properly taught by the missionaries, but hinted that failure to support the missions might have dangerous consequences. Gribble warned of 'an up-rising of wild half-castes in the very midst of a Christian community'.⁸⁵ The government was caught between allowing the missionaries to continue their charitable and religious work while recognising that it had an obligation to do more.

There is little doubt that persistent pressure of these two individuals upon the New South Wales Government to participate in Aboriginal affairs had pricked the conscience of the politicians to at least open a dialogue on what needed to be done to assist its Aboriginal population.

Aboriginal people campaign for reserve land

The third antecedent to the formation of the Board was the Aboriginal push for reserve land. In contrast to Curthoys, Heather Goodall argues that too much emphasis has been placed on the work of the missionary Daniel Matthews to stir the government and not enough given to the pressure applied by Aboriginal people themselves in their demands for land. Goodall records that over the period 1861 to 1884, of the

⁸⁴ Daniel Matthews Papers 1861–1917, A3384, Vol. 1, Part 2.

⁸⁵ Read, *A Hundred Years War*, 30–31.

31 reserves allocated to Aboriginal people across the colony, 26 had been initiated and demanded by Aboriginal people.⁸⁶ Between 1874 and 1883, at least 12 reserves, ranging in size from 6 to 400 acres, were granted to 'individual aborigines'.⁸⁷ By the early 1880s Aboriginal people were already well-versed in lobbying the government for reserve land. Aboriginal people made direct approaches to the government and the press; recruited white figures such as police or missionaries to progress their claims; or took direct action through leasing, buying or reoccupying/squatting on land to build houses and develop agriculture.⁸⁸

A powerful example of Aboriginal people employing white figures to assist in their demands for land occurred in the Shoalhaven in Dharawal Country.⁸⁹ Jack Bawn and his people from the Shoalhaven River had come to a large ceremonial gathering of south coast and highlands Aboriginal people on the Braidwood goldfields in 1872. The local police officer, Martin Brennan, was present at the gathering and recorded the meeting in his *Reminiscences of the Gold Fields*:

A large corroboree was held ... at which representatives from Broulee, Shoalhaven and coastal districts attended. When the festival was over, sixty-two blacks called upon me. Jack Bawn and Alick were the leaders ... I asked Jack what they wanted. [He replied] We have come to you to intercede for us in getting the Government to do something for us. Araluen Billy, our king, is old and cannot live long; my wife Kitty and self are old too. I have assisted the police for many years and we want to get some land that we can call our own in reality, where we can settle down, and which the old people can call their home ... we think the blacks are entitled to live in their own country.⁹⁰

Brennan said he would do what he could. He wrote to a Judge McFarlane regarding the request and was asked to furnish the judge with all the 'particulars you know concerning this interesting race'.⁹¹ Brennan supplied him with 'eight sheets of foolscap' and the judge made representations to Governor Robinson and informed Brennan that the matter would be placed before Premier Henry Parkes. Shortly afterwards, Brennan was

86 Goodall, 'Land in Our Own Country', 9.

87 Curthoys, 'Good Christians and Useful Workers', 36.

88 Goodall, 'Land in Our Own Country', 3–8.

89 Goodall, 'Land in Our Own Country', 5.

90 Brennan, *Reminiscences of the Gold Fields*, 213.

91 Brennan, *Reminiscences of the Gold Fields*, 213.

instructed to survey 40 acres of Crown lands along the Shoalhaven River for Jack and his people. Brennan accompanied Jack and others to inspect the site.⁹² Unfortunately the reserve was never gazetted. Brennan said there were bushrangers in the area and there would be reprisals against Jack as he had previously assisted the police.⁹³ Heather Goodall suggests that Jack and his people were 'unable to occupy the land because of hostility from surrounding white farmers'.⁹⁴ Probably both reasons were in play.

This example (although unsuccessful) demonstrated the quiet but insistent way that Aboriginal people lobbied the government for land to which they were entitled. The government would not have been able to ignore this subtle and persistent pressure, considering that no less than 26 reserves had been successfully acquired by Aboriginal people by the early 1880s. However, it was not Aboriginal demands for land that was the most immediate pressure point for the government. Rather, Aboriginal people taking up residence at the government boatshed at Circular Quay became the catalyst for government action.

The Circular Quay boatshed

The final antecedent to the establishment of the Board and an immediate impetus for the government position of an 'Aboriginal protector' was a single, very public controversy about Aboriginal occupation of a boatshed on the east side of Circular Quay in 1881. Anna Doukakis suggested that the occupiers of the boatshed were 'displaced South Coast Aborigines'.⁹⁵ In contrast, Paul Irish argues that there was certainly not a migration of Aboriginal people into Sydney in the 1870s. Blanket distribution records, between 1861 and 1880, both in coastal Sydney and all south coast centres, remained very stable suggesting that there was no large movement of Aboriginal people to Sydney. Locations at Rushcutters Bay, Rose Bay, Circular Quay, North Sydney, Manly, Botany and La Perouse had all been centres of longstanding occupancy by Aboriginal communities. Irish contends that the 'only truly new settlement' to be established, in the late 1870s, was at the government boatshed on the eastern side

92 Brennan, *Reminiscences of the Gold Fields*, 213–14.

93 Brennan, *Reminiscences of the Gold Fields*, 214.

94 Goodall, 'Land in Our Own Country', 5.

95 Doukakis, *The Aboriginal People*, 41.

of Circular Quay (where the Opera House forecourt now stands).⁹⁶ The boatshed was used as a 'repair and storage shed' for government boats, but when it fell into disuse 'Aboriginal people moved in'.⁹⁷ While it is unclear why Aboriginal people began to occupy the boatshed it may have 'functioned ... as a staging post for visits to the city, and a gathering place for Aboriginal people entering Sydney by steamer'.⁹⁸ Irish also adds that Aboriginal people had occupied the outer Domain since the early 1850s, but by the late 1870s the forest was 'dying of natural decay' and they may have sought another location. Irish notes that the population at the boatshed fluctuated between 10 and 30 residents, that people stayed for several weeks at a time, and that it was both a workplace to make decorative shell baskets and a 'domestic and social space'.⁹⁹

By early 1881 the Aboriginal boatshed residents were attracting significant criticism from authorities. The police reported on the behaviour of the Aboriginal people and their 'unruly presence during the day around the busier quay wharves and city streets to the south'.¹⁰⁰ Police Sub-Inspector S.D. Johnston noted that the Aboriginal people who sheltered at the boatshed 'have been a perfect nuisance' and he recommended that 'those remaining be supplied with a free passage by steamer to Kiama and Shoalhaven, and the police see them on board'.¹⁰¹ Edmund Fosbery, Inspector-General of Police, stated that it is 'extremely desirable that the aboriginals should as far as practicable' be discouraged from coming to Sydney and that rations should be issued to them in the districts to which they belong.¹⁰² The negative reports were all from the police. Irish submits that public opinion was not necessarily against the occupation of the boatshed by Aboriginal people and that the press was 'more likely to lampoon the urban Aboriginal presence as harmless, if unsightly'.¹⁰³ The APA had garnered a good deal of community and parliamentary support to help Aboriginal people in general and, despite the urging of the police, the Parkes–Robertson Government seemed reluctant to act without a clear solution.¹⁰⁴

96 Irish, *Hidden in Plain View*, 108.

97 Irish, *Hidden in Plain View*, 109–10.

98 Irish, 'Hidden in Plain View', 197.

99 Irish, *Hidden in Plain View*, 110.

100 Irish, 'Hidden in Plain View', 203.

101 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 894.

102 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 894–95.

103 Irish, 'Hidden in Plain View', 209.

104 Irish, 'Hidden in Plain View', 210.

The issue over the boatshed was an opportunity for George Thornton (Figure 1.1). Since the controversy over the blanket issue in 1857 (i.e. where he believed that Aboriginal people should only receive rations in their own district), Thornton had maintained an interest in Aboriginal issues. He was a founding councillor of the APA in 1880 and had been involved in the administration of the mission at Warangesda.¹⁰⁵ As president of the Sydney Rowing Club, he would have been very familiar with the Aboriginal residents at the boatshed ‘as he rowed or walked past’ to his monthly meetings.¹⁰⁶ Irish argues that Thornton chose to act in early 1881 because he recognised that government intervention in Aboriginal affairs was imminent and he wanted his agenda of ‘localised rationing’ to prevail; so he created a ‘moral panic’ to force the removal of the Aboriginal people from the boatshed.¹⁰⁷

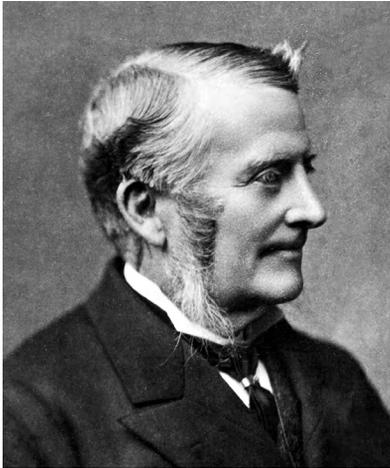


Figure 1.1: George Thornton.

Source: Parliamentary Archives, NSW Parliament Collection (ThorntonG-936).

Thornton wrote to the principal under-secretary concerning the Aboriginal camp at the boatshed, pointing out that they were ‘supplied with food and rations by the Government, but are constantly drunk, fighting, swearing [and are] a public nuisance’. He claimed that the Aboriginal people had come from elsewhere to Sydney and that there was not ‘one person left of the Sydney or Botany tribes’ and urged that no rations should be given to these people unless ‘within the limits of their own districts’. This of course was untrue.¹⁰⁸ He suggested that his letter be forwarded to the water police magistrate who would confirm his views; he concluded his letter with the claim that I ‘have a good knowledge of the people,

105 Jackson-Nakano, *The Kamberri*, 101.

106 Irish, ‘Hidden in Plain View’, 208.

107 Irish, ‘Hidden in Plain View’, 207–10.

108 Irish, *Hidden in Plain View*, 2017, 108–9.

and to be second to no-one in the Colony as their friend, and one desirous of having kindness – useful kindness – done to them'.¹⁰⁹ He also spruiked his own credentials and availability for service by submitting to Parkes 'your government should appoint a gentleman (only one) who should be sort of a *Protector* to the aborigines of this Colony'.¹¹⁰

In February 1881 Parkes appeared to side with Thornton's views and offered him a role in distributing rations to Aboriginal people in their districts, but he never made the appointment.¹¹¹ However, the death by drowning of a young Aboriginal boy, Joe Bundle, in July 1881 forced the government's hand on the boatshed issue. The day after the tragedy there were claims that European men were living at the boatshed in contravention of the *Vagrants Act 1835* and Inspector-General Edmund Fosbery ordered the removal of the Aboriginal residents. Irish asserts that this was surely a pretext to break up the camp as visitations by Europeans to the boatshed had been well known for months.¹¹² A letter from Sub-Inspector Donohoe to Fosbery on 15 July 1881 stated:

went to the 'blacks camp' and told them that they would not be allowed to stay and about ten in number went at once to the North Shore, and equal number went to Manly, and one wished to go by train to Cootamundra ... the boat-shed is now clear of aborigines.¹¹³

Appointment of 'Protector of the Aborigines'

With 'progress' at the boatshed, Thornton wrote to Parkes at the end of 1881 and reminded him of his offer to assist the government. As Parkes was about to leave the country he 'hastily appointed' Thornton as the 'Protector of the Aborigines of New South Wales'.¹¹⁴ Thornton had got his wish. Doukakis argues that he was chosen because he was a good friend of Parkes and had the potential to save the government money and

109 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 6–7. This letter (dated 18 January 1881) is one of a number included in his report to the parliament.

110 Quoted in Doukakis, *The Aboriginal People*, 40.

111 Irish, 'Hidden in Plain View', 210.

112 Irish, 'Hidden in Plain View', 214.

113 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 896.

114 Irish, 'Hidden in Plain View', 220.

embarrassment.¹¹⁵ Whatever the case, Thornton was thrust into a job that neither he nor the government had thought through. His official letter of appointment is unrevealing as to his exact duties. He was instructed to give 'articles of food and clothing', to 'expend monies set apart for ... sustenance' and to 'give advice and instruction to those who may be variously concerned in the care' of the Aboriginal people.¹¹⁶ Other than that he would proceed as he saw fit.

This was indicative of how the New South Wales Government would now approach Aboriginal affairs. Its approach was reactive, hasty and provided little direction to those given responsibility for Aboriginal affairs. Without any other resource base, George Thornton deferred immediately to the New South Wales police to furnish him with all the details with which to produce two reports: one in August 1882 (a progress report) and the final one in the December of the same year. Other than his reports, there are no records of what Thornton did during his brief period as protector. He did not formally record any trips that he undertook, who he employed to carry out the work of the protectorate, or any procedures he utilised. Nevertheless, his final report remains an important record of the state of Aboriginal affairs at the time.

Not averse to self-praise, Thornton characterised his final report as 'most comprehensive and interesting ... showing in detail every obtainable particular in respect of the aborigines all over the Colony'.¹¹⁷ He divided the colony into nine regions and noted every police station that dealt with Aboriginal people. Each station recorded the number of Aboriginal people under its supervision; whether they were employed or received aid, blankets, clothing or fishing materials; whether they had any addictive habits or received medical aid; whether the children received educational instruction; and any special information of likely interest. Thornton ascertained that the Aboriginal population comprised 'pure-bred' adults 4,994, 'pure-bred' children (under 14 years of age) 1,546, adult 'half-castes' 1,108, children 'half-castes' (under 14 years of age) 1,271: total

115 Doukakis, *The Aboriginal People*, 40.

116 Official appointment of Thornton as Protector, 29 December 1881, Thornton Papers, MS 3290, National Library of Australia (hereafter NLA).

117 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 1.

population, 8,919.¹¹⁸ Many politicians were surprised at the figure, as it was thought that there may have only been 1,000 Aboriginal people left in the colony.¹¹⁹

He listed 41 districts where 'aid has been afforded' (flour, tea, sugar, etc.) and mentioned that other districts had also been supplied with fishing gear and boats. Thornton was of the strong opinion that 'reserves of land should be made ... for the purposes of the aborigines, to enable them to form homesteads, to cultivate grain, vegetables, fruit ... for their own support and comfort', and was of the firm belief that the 'half-castes' should be 'compelled to work in aid of their own requirements'. He stressed that the missions at Maloga and Warangesda, funded and controlled by the APA, 'were the creation of private enterprise and benevolence ... and quite outside the power and interference of the protectorate'.¹²⁰ He also expressed his firm belief that Aboriginal people could not be truly converted to Christianity.¹²¹

The first indication of government disquiet over Aboriginal affairs after Thornton's appointment as protector came with the establishment of a government inquiry into the two missions at Maloga and Warangesda. Also, Thornton's insistence that Aboriginal people could not be Christianised now put him at odds with powerful figures in the APA – an organisation deeply committed to the benefits of Christianity.¹²² Over the next year, from mid-1882, relations between the APA and Thornton deteriorated and descended in to open warfare over general policy and over Thornton's alleged neglect of Aboriginal groups in the Sydney area.

Inquiry into Maloga and Warangesda

Joint leader of the government John Robertson was also president of the APA. He informed his APA members that the government was considering more financial support to both missions, but wanted to conduct its own inquiry into their viability. In late March 1882 the APA approached the government to seek leave for John Marks – MLC and treasurer of the APA – and the protector George Thornton to undertake the inspection

118 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 1.

119 Doukakis, *The Aboriginal People*, 46.

120 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 2–3.

121 Curthoys, 'Good Christians and Useful Workers', 51.

122 Curthoys, 'Good Christians and Useful Workers', 51.

of the stations at Maloga and Warangesda.¹²³ The government announced that Marks, Thornton and E.W. Palmer, the secretary of the APA, would undertake such duties.¹²⁴

Curiously, and for reasons unknown, Thornton did not commit to the inquiry, causing a delay in the start date. Embarrassingly for the APA, their regular subscribers were reluctant to fund the organisation until the outcome of the inquiry and Daniel Matthews, with limited funds, had to send many of 'the blacks' away from the Maloga Mission to 'find subsistence elsewhere'. Despite a formal letter from the APA to Thornton seeking his involvement, he was 'unable to leave Sydney'.¹²⁵ Consequently, Edmund Fosbery, Inspector-General of Police, acting on behalf of the government, and Phillip Gidley King (MLC and the newly chosen vice-chair of the APA), acting on behalf of George Thornton, were appointed to lead the inquiry.¹²⁶

There seems little doubt the Parkes–Robertson Government had no control over these powerful personalities with long-vested interest in Aboriginal affairs. Thornton's refusal to head the inquiry, the interruption to funding of the APA and Matthews' turning Aboriginal people away from Maloga due to lack of funds resulted in escalating tensions between Thornton and the APA. This strained relationship erupted into a full-scale public row in January 1883.

The report authored by Fosbery and King acknowledged the devotion of Matthews and Gribble but suggested that if future stations were formed under government control the 'services of persons should be obtained with such qualifications as will in all respects ensure the goodwill and co-operation of the neighbouring population and the confidence of the public'.¹²⁷ They did acknowledge, however, that the missions served a purpose and recommended improvement to both sites, and also that aid – in the form of blankets, food and clothing – be continued, and that medical assistance be made available. King and Fosbery were concerned about the children and urged that they should not be kept on the missions, especially the 'half-castes or quadroons, some of who are so

123 *SMH*, 5 April 1882, 5.

124 *SMH*, 9 June 1882, 7.

125 *SMH*, 9 June 1882, 7.

126 *Evening News*, 23 June 1882, 3.

127 *Aboriginal Mission Stations at Warangesda and Maloga (Report On Working Of)*, NSW Legislative Assembly, 18 January 1883, 3.

fair [skinned] as to be indistinguishable from Europeans'. They suggested that their 'half-caste mothers would 'willingly part with them' if assured that it would be 'for their benefit'. The removed children should be:

trained as to fit them to take their places as domestic servants, or amongst the industrial classes; and this ... would be best attained by 'boarding out' the young of both sexes.¹²⁸

The report concluded by stating that the present system of allowing 'blacks free passages in the railways' should cease in order to prevent them 'wandering about from place to place'. It further advised that the government should take over the responsibilities and duties of the APA as the 'society may not always be able ... to meet and provide for' the needs of Aboriginal people.¹²⁹



Figure 1.2: Richard Hill.

Source: Parliamentary Archives, NSW Parliament Collection (HILLR).

Although it was clear that Fosbery and King were advocating government control of Aboriginal protection, still the government resisted intervention. This indecision prompted a question from MLC and APA member Richard Hill as to when the government proposed to bring in a bill concerning Aboriginal people. Hill was informed that the government was 'not at present in a position to make any definite promise'.¹³⁰ Richard Hill (Figure 1.2), born 1810, was a carpenter, butcher with his own slaughterhouse, orchard owner, pastoralist and politician.¹³¹ He had had a longstanding involvement with Aboriginal people that began

128 *Aboriginal Mission Stations at Warangesda and Maloga (Report On Working Of)*, NSW Legislative Assembly, 18 January 1883, 3.

129 *Aboriginal Mission Stations at Warangesda and Maloga (Report On Working Of)*, NSW Legislative Assembly, 18 January 1883, 3.

130 NSW, *Parliamentary Debates*, Legislative Council, 20 September 1882, 472 (A. Campbell).

131 Rutledge, 'Hill, Richard (1810–1895)'.

in the 1830s when he was a young man in Sydney and had witnessed Aboriginal people gather in large numbers; ‘I may say fairly that I have seen hundreds assemble on “Hyde Park” on more than one occasion, either to corroboree ... or for a man to “stand punishment”’.¹³² His earliest formal involvement in Aboriginal issues came as a member of the Select Committee of Parliament, called for by pastoralist William Henry Suttor (Jr) in 1876.¹³³ He became a councillor of the APA in 1881 and had close contact with the Aboriginal people at La Perouse and Botany. He knew many Aboriginal people in the Sydney area, accompanied Daniel Matthews on visits to Botany and Circular Quay, helped provide rations for them and had a keen interest generally in Aboriginal issues. Hill’s longstanding involvement with Aboriginal people may well have placed him in contention for the ‘Protector’ role, but Thornton was a powerful figure.

The Parkes–Robertson Government fell on 4 January 1883 without any definitive action on Aboriginal affairs. Alexander Stuart, the new premier, was a devout Anglican, member of the Church of England General Synod and good friend of John Gribble. The APA had found a friend. Stuart had not been impressed with the previous administration’s ‘inactivity on Aboriginal matters’.¹³⁴ The incoming government was a trigger for the APA to attack Thornton. Member for Upper Hunter and APA member John McElphone, responding to reports that rations had not been provided to the Aboriginal people at La Perouse over Christmas, got to his feet in the Assembly on 4 January 1883 and launched an assault on Thornton. McElphone claimed Thornton had completely ‘neglected his duties’ and called for his resignation.¹³⁵ In a letter to the *Sydney Morning Herald*, the Reverend T.J. Curtis, a Presbyterian minister from Redfern and inaugural member of the APA, praised the great work that Richard Hill had done in providing rations to the ‘La Perouse blacks’ over the years and he lamented the fact that Hill had been passed over in favour of Thornton as protector as being ‘a grave mistake and a gross wrong’.¹³⁶ On 18 January, the King/Fosbery report was tabled and that applied further pressure on Thornton; although with no direct mention of Thornton, one recommendation

132 Hill and Thornton, *Notes on the Aborigines of New South Wales*, 1.

133 Doukakis, *The Aboriginal People*, 31.

134 Goodall, *Invasion to Embassy*, 2008, 106.

135 Quoted in Irish, ‘Hidden in Plain View’, 222.

136 *SMH*, 6 January 1883, 7.

was the immediate 'assistance in the shape of food and clothing' to both missions – a clear signal of Thornton's neglect as protector.¹³⁷ In early 1883 Thornton was under siege.

It was from this furore that the Board emerged. The previous government had allowed these tensions to simmer either through indifference or indecisiveness. It would be the Stuart Government that would take determined action. Yet, it still put in place a body that was severely hamstrung.

The Board for the Protection of Aborigines

A minute from the colonial secretary, 26 February 1883, outlined the government's position. After careful consideration of the reports by Thornton, letters and newspaper articles on the 'La Perouse blacks' and the King/Fosbery report on the missions at Maloga and Warangesda, Alexander Stuart concluded: 'much more must be done ... before there can be any national feeling of satisfaction that the Colony has done its duty by the remnant of the aboriginal race'.¹³⁸

Stuart praised the efforts of Thornton, particularly his progress report that detailed the number of Aboriginal people in the colony and their circumstances, but he was, however, 'constrained to think ... that the Protectorate should not be in the hands of one person only ... but should reside in a Board ... of officials [and] gentlemen'. Stuart acknowledged the work of the APA, stated that it should continue and encouraged the establishment of other stations across the colony, but – contrary to the advice of King and Fosbery – Stuart argued that they should *not* (my emphasis) be under government control. He cited Victorian and South Australian examples of where marked progress had been made and reasoned that New South Wales should not hide behind any such notion that 'it is impossible to reclaim them from their nomadic habits, or from their ignorant superstition and degraded condition'.¹³⁹ Stuart had

137 *Aboriginal Mission Stations at Warangesda and Maloga (Report On Working Of.)*, New South Wales Legislative Assembly, 18 January 1883, 4.

138 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 3.

139 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 1–3.

walked a fine line: he praised Thornton for his efforts and survey work and also allowed for the APA to have a continuing and commanding role in Aboriginal affairs.

Stuart proposed that a Board be formed of between five to seven members to be funded on an annual basis as a supplement to private benevolence, that it be subject to the control of the colonial secretary, that it provide an annual report; that a secretary be appointed to assist the Board, and that police magistrates or 'gentlemen' be invited to act as district agents to support the Board.¹⁴⁰ There was, however, no Bill: the new Board would have no legislative powers. A notification in the *Government Gazette*, dated 5 June 1883, formally established the Board for the Protection of Aborigines.¹⁴¹ The Board's mandate was limited and sketchy and it was placed in a support role to the APA. Premier Stuart offered only broad direction, advising that every effort should be made 'for the elevation of the race' by providing 'rudimentary instruction ... by aiding in the cost of maintenance or clothing ... grants of land, gift of boats or implements for industrial work'.¹⁴² The inaugural members were George Thornton, Richard Hill (MLC), Philip Gidley King (MLC), W.J. Foster (barrister-at-law) (MLA), Hugh Robison (Inspector of Public Charities) and Alexander Gordon, barrister and Queen's Counsel (MLC).

The appointment of George Thornton was intriguing. Perhaps the government felt that his overall knowledge, long association with Aboriginal people and his recent report as protector would be valuable assets to the new body. That fact that he was elected chair was even more remarkable, considering that three other Board members (King, Hill and Foster) were all APA members. However, for reasons unclear, Thornton resigned his position after a month. He was replaced (but not as chair) by Edmund Fosbery, Inspector-General of Police.

One can only speculate on Thornton's departure. There was obvious historical tension between Hill and Thornton over the issue of rations. Thornton may have also struggled with a consultative approach after operating as sole protector and decision-maker, or he may have regarded

140 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 3.

141 The correct name for the Board between the years 1883–1940 was The Board for the Protection of Aborigines, but common usage has been the Aborigines Protection Board – hence I have used the acronym APB or interchanged it with the 'Board'.

142 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 26 February 1883, 2.

the establishment of the Board as a slight on his efforts. Jim Fletcher surmised that Thornton likely felt it pointless to remain on a Board that was so heavily weighted against his viewpoint.¹⁴³ Unfortunately, there are no APB minutes for the first six years to shed any light on his departure. An entry in the first Board report of March 1884 states: 'Mr Thornton was elected to the Chairmanship, but we regret to say he resigned his connection with the Board after the fourth meeting'.¹⁴⁴ After his exit he played no further formal role in Aboriginal affairs. He died in 1901.

Armed with Thornton's report of 1882, which provided the most up-to-date census of Aboriginal people and the general areas in which they were located, the Board began its work. The six Board members functioned as a committee until Edmund Fosbery emerged, over the course of the year, as chair.¹⁴⁵

An unsure path

The path to Aboriginal 'Protection' in New South Wales was far from smooth and the immediate steps leading to the creation of the Board had been a tortuous affair, yet the creation of a six-member Board seemed a workable outcome. However, Stuart's firm belief that the Board should only supplement the work of community benevolence towards the Aboriginal population placed the Board in a secondary position to the influential APA. It confirmed, in fact, that the government did not want to take full control of Aboriginal affairs; it preferred a strong religious and benevolent presence over secular rule. The absence of any legislative authority for the Board cemented that position.

The men of the Board met weekly at 114 Phillip Street, Sydney, in the afternoon and made decisions and determined policy as the need arose. They were powerful men, comfortable in their own abilities, authority and decision-making. It is speculation as to whether they realised the enormity of their task: overseeing the protection and welfare of nearly 9,000 Aboriginal people stretched wide across the colony. The Board's cautious beginnings are the focus of the next chapter.

¹⁴³ Fletcher, *Clean, Clad and Courteous*, 57.

¹⁴⁴ *Protection of the Aborigines: Report of the Board* (the APB report: hereafter *APBR*) 1883–84, 1. Accessed via: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22818.pdf, accessed 1 November 2018.

¹⁴⁵ Fosbery was seconded into the position, against his wishes, sometime before the first Board report was issued in 1884. Further explanation is provided in Chapter 2.

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