

‘Godless political experiments’: philanthropy and governance

During the 1840s, a time of great dispossession, illness and social turmoil in western Victoria, the Buntingdale Methodist mission near Geelong witnessed severe conflict between different Indigenous groups. People living in the area still adhered in many ways to traditional law, but also tried to utilise their colonial connections. In 1840, missionary Francis Tuckfield wrote anxiously to his colleague Benjamin Hurst, urging that they clarify Indigenous people’s legal status. The Wathawurrung people were committing violent crimes nearby and portrayed themselves to Tuckfield as both protected by and exempt from colonial law: ‘They think whatever they do whether it be to the whites, or to the blacks of any other tribe they can take shelter under the wing of the Protector of Aborigines’. He had tried to tell them that this was wrong, but they referred constantly to the local protector, CW Sievwright, who had promised them protection and guns. Tuckfield was already dissatisfied with the government in this respect. The previous year he had complained in his diary that the murder of a Gulidjan woman by Wathawurrung men had gone unpunished because the protector had no guidelines for handling serious crime.¹ Hurst endorsed his colleague’s concerns, telling Port Phillip superintendent CJ La Trobe ‘The Aborigines are declared to be British subjects, and it therefore appears to me are entitled to the protection of British law.’² These issues arose again in 1842, when the missionaries announced their intention to leave Buntingdale. When they told the residents that they were leaving because the numbers at the mission were too low, 120 people gathered to discuss the problem.

On this very interesting occasion the Natives particularly complained of the want of protection. Intimating that as the white men had killed some of their fighting men, the great Governor ought to send them the Police to protect them from the violence and revengeful attacks of those [neighbouring] tribes.³

1 Francis Tuckfield to Benjamin Hurst, 17 January 1840, in Francis Tuckfield, *Journal 1837–1842* [hereafter *FTJ*], MS11341, Box 655, State Library of Victoria (SLV). Note – Tuckfield refers to the Wathaurung as Woddrowro or Woddrowrow. Also Tuckfield, 14 December 1839, *FTJ*.

2 Benjamin Hurst to CJ La Trobe, 22 July 1841, Methodist Missionary Society, Records [hereafter *MMS*], reel 4, AJCP M121, SLV.

3 Francis Tuckfield, Report on the Wesleyan Methodist Missionary Society’s Mission to the Aborigines of the Sub District of Geelong, Port Phillip, August 1843, Wesleyan Methodist Missionary Society, Archive: Australasia 1812–1889 [hereafter *WMMS*], reel 2, Mp2107 (Record ID: 133095), National Library of Australia (NLA). Note: the term ‘Dantgurt’ refers to the group designated Dhaugurdwurrung (elsewhere Djargurdwurrung) by Clark 1990: 177.

Several weeks later, these fears were realised vividly, when a Djargurdwurrung woman was murdered in a revenge attack. Her frightened relatives fled the station, again lamenting their lack of security.

The discourse around colonial governance in the early 19th century was shaped by an array of imperial and local developments, from revenge killings at Lake Colac to debates about British subjecthood in Exeter Hall. As John L Comaroff has observed of South Africa, missionaries contrasted their own form of governance (pious, intensive, aiming to improve all aspects of life) with the state bureaucracy and the harsh dominance of white settlers.⁴ Nonetheless, philanthropic work was not easily separated from broader mechanisms of imperial authority. In Australian mission and protectorate records, discussions of government, law and subjecthood conveyed important views, not only about the place of Indigenous Australians in the empire, but also about the empire itself and missionaries' role within it. In most missionaries' proposals and a lot of protectorate practice (especially in Port Phillip), Indigenous people would be governed through a Christianity-first approach, with the aim of transforming them into equal British subjects. In practice, however, this became deeply problematic, as philanthropists struggled with legal ambiguities, cultural prejudices and their own rather weak circumstances. Also challenging was the impact of changing models of government, as the Australian colonies moved towards greater independence. While this chapter considers the subject status of Indigenous people, it also focuses on the fluid and contested nature of colonial authority itself, as debated by philanthropists and critiqued or utilised by Indigenous people. Aboriginal Australians had very little power to affect how they were governed, but as the above anecdote suggests, dialogues about governance (however partial and unequal) shaped mission life and filtered through to Evangelical debates.

'The rights of common humanity': imperial authority, Evangelical complexities

British Evangelical campaigners during the first half of the 19th century protested frequently against the crimes committed by white colonists around the world. However, they did not necessarily condemn British imperialism in principle. Their own patriotism and belief in their mandate to spread the Gospel, as well as, perhaps, a pragmatic awareness that the empire was the only game in town, led them to seek more creative ways to work within an imperial system. Speakers at the 1837 anniversary gathering of the Wesleyan Methodist Missionary Society stressed that colonialism need not be harmful if 'conducted on principles of honourable enterprise.' One speaker challenged the British

4 Comaroff 1989: 672–675.

government to legislate and enforce missionary policies in African territories soon to be colonised; Christianity alone would make these regions peaceful and pliant zones.⁵ Similarly, at a London Missionary Society valedictory service in the same year, several speakers lamented violence towards colonised people (Indigenous Australians were described as victims of extermination), but expressed high hopes for missionaries travelling the world with support from the British parliament and public.⁶ Zoë Laidlaw has noted that the Aborigines Protection Society, especially its leader Thomas Hogkin, may have been less convinced of imperialism's ultimate virtues than were most missionary societies, but even this body did not explicitly oppose British expansion, merely the 'mistaken policy' that caused it to be 'perverted' into violence.⁷ Even by 1850, after over a decade's discussion of the harm caused by empire, they continued to insist that imperialism should be a positive force to spread Christianity abroad and relieve poverty at home; 'it is not civilization and Christianity that exercise this destructive influence, but the vices that too often accompany them'.⁸ Plans to make the imperial system benign often involved calls for the expansion of British subjecthood. The APS, in particular, stressed the need to extend the rights of British subjects to colonised peoples, citing their personal, economic and intellectual entitlements:

the rights of a common humanity, the rights of citizens, the right to possess and retain their own, the rights of protection and security to life and property, and the rights of unfettered liberty of mind, of free action and self disposal.⁹

This was not seen in wholly secular terms, however, but rather as a state of elevation to be reached through civilising projects and missionary work.

The 1837 report of the 1835–36 Select Committee on Aborigines (British Settlements) is of particular interest here. While highlighting the cruel dispossession of native peoples, the authors nonetheless praised Britain's benevolent intentions; solutions to colonial destructiveness lay in greater religious authority. The report used arguments that had been crucial to the anti-slavery movement, asserting that abuse of indigenous peoples was impractical

5 Wesleyan Methodist Missionary Society (WMMS), *Missionary Notices*, vol IV, no 258–9, June–July 1837: 491, also 483–484.

6 London Missionary Society (LMS), *The Missionary Magazine and Chronicle*, vol 1, 1837: 277–286.

7 Laidlaw 2007: 136–139.

8 Aborigines Protection Society (APS), *The Colonial Intelligencer, or Aborigines' Friend*, 1849–1850, vol II: 67–68, in APS, Transactions, c.1839–1909, MIC/o6550, reel 3, (records the property of Anti-Slavery International). Also, APS, 1838, *First Annual Report*, 16 May 1838: 8 (Monash University Microfilm 4094 seg 2 item 30393 – records property of Anti-Slavery International); APS, Second Annual Report, 21 May 1839: 21, in APS, Transactions, reel 1; APS, Third Annual Report, 23 June 1840, introduction, in APS, Transactions, reel 1; APS 1841, *Extracts from the Papers and Proceedings of the Aborigines' Protection Society*, vol II, no III, April 1841: 89–90.

9 APS, Third Annual Report, 23 June 1840, in APS, Transactions, reel 1: 9.

as well as immoral, as it incited war and discouraged natives from becoming loyal, industrious subjects. Britain's power was a Providential blessing, accompanied by moral duties; 'He who has made Great Britain what she is, will inquire at our hands how we have employed the influence he has lent to us'.¹⁰ The Select Committee's report indicated generally that native affairs were best governed at a distance, rather than by local executives who might bow to pressure from colonists, and urged that any initiatives in colonial constitutions affecting indigenous peoples should be expressly sanctioned by the Queen.¹¹ London Missionary Society representative William Ellis told the Committee that destruction of Aboriginal societies in New South Wales need not be inevitable; while the behaviour of settlers was deplorable, he could not comment on the impact of *government*, as he had seen so little of it.¹² The testimony of Saxe Bannister, former New South Wales attorney-general, was also interesting here. Bannister, who prided himself on his philanthropy, proposed a new superintending body of protectors ('disinterested arbitrators') across the colonies, linking back to a special branch of the Foreign Office – not the Colonial Office, which, he feared, was too loyal to colonists' interests. He claimed the need for this had become apparent in 1826, when Governor Darling sent soldiers to the Hunter River to avenge attacks on settlers, a decision Bannister termed 'cold blooded murder'. Bannister's circumstances were unusual (notably, his deep enmity with Darling), and he did not oppose martial law per se, only its unlawful application. Nonetheless, his testimony reinforced a sense that solutions to colonial problems lay in extended imperial authority.¹³ This seems to support Zoë Laidlaw's claim that the Committee's work encouraged Britons to see indigenous affairs as a more singular, imperial concern.¹⁴ Similar sentiments were expressed by the APS, who warned that the British government should incorporate all Australian territories unambiguously within the empire. As long as the reach of British sovereignty was unclear, they argued, Indigenous people would be vulnerable to abuse as enemy aliens.¹⁵ This seems to endorse, in some ways, Elizabeth Elbourne's point, that 'despite the fact that missionaries were sometimes thorns in the side of colonial administrators and of settlers, they were also more effective advocates of loyalty to the imperial *centre* than were the less ostensibly altruistic settlers.'¹⁶

10 *British Parliamentary Papers (BPP): Report from the Select Committee on Aborigines (British Settlements) together with minutes of evidence, appendix and index*, Anthropology: Aborigines, vol 2, 1837: 76, also 4–5, 75.

11 *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 2, 1837: 77.

12 William Ellis, evidence, 6 June 1836, *BPP: Report from the Select Committee on Aborigines (British Settlements) together with minutes of evidence, appendix and index*, Anthropology: Aborigines, vol 1, 1836: 490–491.

13 Saxe Bannister, evidence, 14 March 1837, in *BPP: Report from the Select Committee on Aborigines*, vol 2, 1837: 15–16, 21; Reece 1974: 110–113.

14 Laidlaw 2002: 79–80, 88, 91.

15 APS, First Annual Report, 16 May 1838: 23; APS, Second Annual Report, 21 May 1839: 22.

16 Elbourne 2002: 14.

However, philanthropists' place within the empire remained complicated. In one sense, missionaries can be characterised as aggressive promoters of British culture, who helped create spaces for imperial dominance and encouraged Britons back home to see themselves as bringers of civilisation with a divine mandate for global expansion. At the same time, though, as Anna Johnston notes, local missionaries' relationships with colonial authorities were mixed; 'variously mutually supportive, mutually antagonistic, or ambivalent – in short, ... highly contingent on local circumstances.'¹⁷ Settings ranged from India, where evangelising was considered subversive by the East India Company and where missionaries rejoiced at Queen Victoria's 1858 proclamation of official control, to New Zealand where missionaries arrived long before the British state, protested at settler depravity and were concerned that further colonisation would be damaging to Maori (although some of their Evangelical superiors in Britain disagreed). The Cape colony was relevant, too, where the London Missionary Society in particular had been a challenging presence in the 1820s and 1830s, as mission settlements provided Khoisan people with possibilities for autonomy and freedom from serfdom, thus incurring the resentment of white farmers. Andrew Bank, however, has stressed the growing conservatism within the Cape's liberal white population by the 1840s, where former humanitarians and even missionaries were made anxious by British wars with the Xhosa, urged a formal British takeover of 'Cafferland' and began to doubt Africans' potential for full equality.¹⁸ The different imperial dynamics of the South Seas have been explored by Niel Gunson and Jane Samson, who observe that missionaries in this region were significant political actors yet formally instructed to avoid politics, their behaviour also varying between denominations. The Wesleyans, for instance, tended to take a more conservative political line, while the LMS was more open to dissent. These regions were affected, too, by indigenous evangelists, who were a notable presence from early days, and by missionaries' wish not for intensive state control but for their own authority to be respected and backed up by the British navy. Relevant factors here included by the rise of Evangelicalism in the officer class, missionaries' alternate mistrust of and dependence on British firepower, and the complex dynamics of class between officers, upwardly mobile 'mechanic' missionaries and European settlers, whom they accused of sinful influences.¹⁹ Thus, while Evangelical movements may have been imperial in a broad sense, their roles within empire varied greatly according to local circumstances. This became clear in the Australian colonies.

17 Johnston 2003a: 72.

18 Bank 1999: 367–372; Elbourne 1997: 35–36.

19 Binney 1968: 30, 79–80; Johnston 2003a: 13–19, 75; Gunson 1978: 144–145, 172, 218–219, 280, 319; Samson 1998: 12–23, 27.

'Put not your trust in princes': philanthropy and colonial government

Governments played a vital role in the first Australian missions and protectorates, helping to establish and maintain them, and later to close them down. While official contributions varied, all these institutions accepted state support as their due; there was no suggestion that it was inherently undesirable or compromising. At the same time, however, relationships between philanthropists and the state were often troubled, as philanthropists accused officials of inadequate support, unreasonable demands and malignant intentions. The particular lament that governments were allowing Indigenous people to suffer and die, *without Christian guidance*, revealed not only philanthropists' horror at excesses of dispossession, but also their own curious, conflicted dependence on the state.

Financial and ideological tensions began to develop early. LMS missionary LE Threlkeld (never the most compliant man) quickly became suspicious of the New South Wales government's intentions towards his Lake Macquarie mission, writing darkly 'put not your trust in Princes. Amen. Amen.'²⁰ Also suspicious of 'the Established Church', he informed Anglican Archdeacon Scott that he could not accept any backing that might subject the mission to official interference.²¹ Similarly, in 1841, Benjamin Hurst of the Buntingdale mission urged Port Phillip superintendent CJ La Trobe that authority over Indigenous wellbeing should rest with English missionary societies, arguing that this was the only way to ensure pious integrity.²² In South Australia, Lutheran missionary Christian Gottlieb Teichelmann, requesting greater resources for his Adelaide station, made a rare reference to Indigenous people's wishes in this area: 'the natives are suspicious against Government operations for them, but not so against the missionaries: for they know very well that our designs are good, though they do not believe that the Government really wishes their spiritual welfare.'²³ Given missionaries' wish to prove their own expertise, it is perhaps unwise to place too much faith in this claim, although it is certainly possible that the Kurna saw Teichelmann as more sympathetic than some other authority figures.

One reason for missionary mistrust of the government, particularly in its local colonial forms, stemmed from concern that state officials would not pay enough attention to the all-important role of Christian conversion. This was one reason

20 LE Threlkeld to George Burder and William Hankey, 5 July 1825, London Missionary Society, Records [hereafter *LMS*], AJCP M73, SLV.

21 LE Threlkeld to George Burder and William Hankey, 20 January 1826, *LMS*, AJCP M73, SLV.

22 Benjamin Hurst to CJ La Trobe, 22 July 1841, *MMS*, reel 4, AJCP M121, SLV. For other examples of calls to imperial authority, see James Dredge, *Brief Notices on the Aborigines of New South Wales*, Geelong, James Harrison, 1845: 6; Joseph Orton to Major-General Richard Bourke, 16 August 1836, *WMMS*, reel 2, Mp2107, NLA.

23 APS, Third Annual Report, 23 June 1840: 35.

why many Evangelical commentators became suspicious of the protectorate system. The place of religion in the protectorate was problematic. In their initial mandate, the South Australian protectors were urged to improve Indigenous people's morals by:

uniting a regular system of Christian instruction ... by teaching, recommending and exemplifying the obligation of the Christian Sabbath, and by persuading them to yield a cheerful submission to the salutary restraints and moral discipline of the Christian religion, which ... is the surest instrument of effecting the *real* civilization, and of ameliorating the temporal condition, of barbarous tribes.²⁴

While these instructions adhered in some ways to the 'Christianity first' doctrine, the emphasis was more on outward display of Christian ritual. Instructions to the Port Phillip protectors were even more cautious; they were to instruct people 'with elements of the Christian religion' and prepare them for later specialist teaching – presumably by missionaries, but this was not expanded upon.²⁵

These limited spiritual aims were distasteful to missionary observers. As early as 1838, Threlkeld told the New South Wales Legislative Council's Committee on the Aborigines' Question that a protectorate might help stop frontier violence, but that moral improvement remained a missionary's job.²⁶ Methodist representative Joseph Orton was even less enthused. He declared he would not support any amalgamation of missions and the protectorate, telling Justice Burton that this might 'lead to secularities and temporalities perfectly incompatible with the character of Christian missionaries.' Orton stressed it was vital that missionaries were not 'in *any wise shackled*' in their relationship to government, and claimed that the protectorate's secular mandate for governing Indigenous people made it 'comparatively feeble'; 'it cannot save them from gradual extermination, it cannot save their precious souls'.²⁷

Several of the protectors were Evangelicals, in fact, and did emphasise Christian preaching in their work, but this could serve to heighten their discomfort with the state apparatus within which they worked. Port Phillip protectors ES Parker and GA Robinson, for instance, ended up blaming the protectorate's failure partly on its secular nature, regretting that more missionary activity had not

24 Sir George Arthur to Lord Glenelg, 15 December 1837, in Cannon (ed) 1982, *Historical Records of Victoria (HRV): The Aborigines of Port Phillip, 1835–1839*, vol 2A: 33.

25 Lord Glenelg to Sir George Gipps, 31 January 1838, in Cannon (ed) 1983, *HRV: Aborigines and Protectors, 1838–1839*, vol 2B: 375.

26 LE Threlkeld, 21 September 1838, evidence, in NSW Parliament, Legislative Council, 1838, *Report from the Committee on the Aborigines Question, with Minutes of Evidence: 22–23*.

27 Joseph Orton to Justice Burton, 3 December 1838, Joseph Orton, Letterbooks 1822–1842 [hereafter *JOL*], ML ref A1717–A1720, State Library of NSW; Joseph Orton to General Secretaries, 5 January 1841, *JOL*, part 2.

occurred.²⁸ Ironically, it was a protector, James Dredge, who became the most passionate advocate for missionary work free of government interference. A devout Methodist with missionary ambitions, Dredge was disappointed in the protectorate and shocked by the harsh dispossession he witnessed in northern Victoria. He wrote angrily to British Methodist leader Jabez Bunting in 1841 that the New South Wales government was callously ignoring the destruction of Indigenous societies, treating these people as 'a grievous annoyance, and an irksome expense.' Dredge warned that the government would use missionaries as scapegoats for official failures; Indigenous people, he said, were dying or being corrupted 'while we are subjecting them to our Godless political experiments'.²⁹ Dredge wrote candidly to his friend, D Harding, in 1840, that the protectorate was never intended to work; it was poorly planned and undermined by Governor Gipps. He concluded furiously 'If the people of England imagine that the Government is befriending these outcasts [Aborigines] they are greatly mistaken. The Government is deriving immense revenues from the sale of their lands but they are giving them nothing in return.'³⁰ Without Gospel work, 'unshackled by *colonial governments*', Indigenous people would be destroyed and colonisers would face divine retribution; 'What an awful reckoning awaits these destroyers of mankind and the Government which suffers such things.'³¹

'My King always goes to church': Crown authority in the Evangelical encounter

Sometimes, the tensions between philanthropists and government could surface in conversations with Indigenous people themselves, which in turn fed back into Evangelical and political discourse. These discussions are interesting, as they contain hints about how Indigenous Australians were understanding and attempting to negotiate with state authority. They also illuminate local philanthropists' own ideas about governance, which were formed partly through their encounters with Indigenous people, to be reshaped in mission records and sent back to colleagues, governments and missionary societies; a complex exchange. As Jean and John Comaroff have observed of colonial authority in southern Africa:

28 ES Parker, *Quarterly Journal*, 1 June – 31 August 1842, Public Records Office of Victoria (PROV) VA512 *Chief Protector of Aborigines*, VPRS4410 unit 2, 1842/62 (reel 2); GA Robinson 2001, 1848 Annual Report, in *The Papers of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate*, Clark (ed) vol 4: 145.

29 James Dredge to Jabez Bunting, 10 May 1841, *MMS*, reel 55, AJCP 172, SLV; James Dredge to Jabez Bunting, 31 July 1840, *WMMS*, reel 1, Mp2107, NLA.

30 James Dredge to D Harding, 12 September 1840, in John Barnes, 'Annotation: A Letter from Port Phillip', in *La Trobe Journal*, no 61, Autumn 1998: 29.

31 James Dredge, 18 March 1840, James Dredge, *Diaries, Notebook and Letterbooks, 1817–1845* [hereafter *JDD*], MS11625, MSM534, SLV. Also, 28 December 1839.

While they served as outriders of empire ... colonial evangelists did not carry a ready-made, fully realized social formation to the frontier. Rather, it was in the confrontation with non-Western societies that bourgeois Britons honed a sense of themselves as gendered, national citizens, as Godly, right-bearing individuals, and as agents of Western reason.³²

When the first philanthropists tried to create imperial authority on the Australian frontier, they drew only partially on images of monarchy. Annual blanket distributions in South Australia were scheduled on the Queen's Birthday, presumably as a symbol of imperial benevolence, but I have not found any conversations about this with Indigenous people.³³ The only lengthy discussions of the monarchy that I have come across occurred at Wellington Valley. When those missionaries arrived in 1832, they contradicted Wiradjuri people's fear of arrest and enslavement by telling them they had been sent by the King of England to teach them about God and civilisation.³⁴ In 1834, missionary William Watson mentioned in his diary scolding a man called King Bobby for hunting kangaroo instead of going to church, saying 'my King always goes to church'. In response, King Bobby placated him 'Aye Aye, your King, King of England, good I believe.'³⁵ Similarly, the Church Missionary Society's *Missionary Register* included a conversation where a young woman called Geanil asked about a Scottish settler and was told that his country belonged to the missionaries' king. She responded 'Oh! all white masters belong to your King; King William, Sovereign Lord King William. You pray for your King every Sunday: is he a good man?' To this, the missionary responded 'Oh, yes! He prays to God, and goes to Church.' He added that Queen Adelaide was a good woman, who also prayed, read the Bible and went to church.³⁶ Presumably such anecdotes were published to demonstrate missionary progress. However, while the Crown may have symbolised far-off virtue, it packed little immediate punch. This would change later in the 19th century, when, as Heather Goodall, Tim Rowse and Bain Attwood have observed, the Crown became an important symbol of higher authority for Indigenous people to appeal to, particularly over land rights; reserves, for example, were referred to as guarantees from Queen Victoria.³⁷ However, the only example of this during the first half of the 19th century seems to have been the 1846 petition to the Queen by the people at Flinders Island,

32 Comaroff and Comaroff 1997 vol 2: 6.

33 For example, Matthew Moorhouse to Colonial Secretary, 14 March 1842, State Records of South Australia (SRSA), GRG24/6, no 38 for 1842.

34 JCS Handt, Journal, 30 September 1832, 24 November 1832, Carey and Roberts (eds) 2002, *The Wellington Valley Project: Letters and Journals Relating to the Church Missionary Society Mission to Wellington Valley, NSW, 1830–42, A Critical Electronic Edition* [hereafter WVP]: <<http://www.newcastle.edu.au/wvp/>>; William Watson, journal, 30 September 1832, WVP; Watson, Report 1832–1833, WVP: 1.

35 Watson, journal, 8 July 1834, WVP.

36 CMS, *Missionary Register*, 1836: 427.

37 Attwood 2003: 15–16; Goodall 1996: 56; Rowse 1993: 13–14.

protesting the cruelties they experienced and reminding her that they were not slaves.³⁸ The singularity of this example might be attributed to the Tasmanians' particular experience of negotiating with colonial authorities. Other than this, there are few signs at this early stage of Indigenous people asserting their rights through references to the monarchy.

Philanthropists and Indigenous people focused more commonly on the figure of the Governor. Images of the Governor as a charitable patron of Aboriginal affairs, extending limited recognition of Indigenous interests, have been traced by J Brook and JL Kohen back to the Sydney native feasts, where Governors Macquarie and Brisbane tried to demonstrate paternalistic good will and to formally acknowledge Indigenous groups (albeit in a partial, patronising way). Philanthropists' work was relevant here, most notably the parading of the Native Institution children at the feasts – although, as Penny Van Toorn has noted, such displays may have conveyed more sinister messages to Aboriginal viewers.³⁹ Governors made various other gestures towards mission residents over the years. Governor Darling, for instance, presented Threlkeld's guide and translator, Biraban (John M'Gill), with a brass plate recognising him as 'Chief of the Tribe at Bartabah' and thanking him for working with Threlkeld to translate and transcribe the Awabakal language, while Governor Gipps visited Wellington Valley and recommended offering good behaviour prizes for cooperative residents.⁴⁰ All this might be read in terms of charitable patronage to institutions and individuals, at least as much as generic state responsibility.

Philanthropists reinforced the symbolism and importance of the Governor by threatening to report Indigenous crimes to him and promising greater security and generosity on his behalf. In 1842, for instance, Wesleyan Methodist Missionary Society representative John McKenny travelled to the junction of the Goulburn and Murray Rivers and told the people he met there that he was thinking of starting a Methodist mission. Although he claimed they were unfamiliar with Europeans, they had heard of the protectorate and expressed joy when he told them 'the great Governor' had sent him to help them.⁴¹ The inclusion of such stories in papers that went back to officials or missionary societies suggests that they had a circular role. They demonstrated that philanthropists were teaching

38 Ryan 1981: 201–202.

39 Brook and Kohen 1991: 90–102; Van Toorn 2006: 31.

40 William Cowper to James Günther, 21 June 1841, and William Cowper to Dandeson Coates, 30 April 1841, Church Missionary Society, Records (CMS), reel 40, AJCP M212, SLV; James Günther, Journal, 8–10 November 1840, WVP; James Günther to William Cowper, 20 June 1841, CMS, reel 40, AJCP M212, SLV; Niel Gunson, 'Introduction', in Gunson (ed) 1974 vol 1: 6. Darling also served as patron for Threlkeld's 1827 work *Specimens of the Language of the Aborigines of New South Wales* and purchased a hundred copies. The missions at Moreton Bay, Buntingdale and Swan River received various official visits too, although few details about these remain.

41 John McKenny to General Secretaries, 18 July 1842, WMMS, reel 2, Mp2107, NLA. Also, for example, ES Parker, 30 August 1842, in ES Parker, Quarterly Journal, 1 June – 31 August 1842, PROV VPRS4410, unit 2, 1842/62 (reel 2); William Thomas to CJ La Trobe, 24 June 1840, PROV VPRS10, unit 2, 1840/569 (reel 1).

Indigenous people about the benevolent authority of the state, while also serving as an implicit reminder to the state to do its duty, and to missionary societies to lobby for this. The personification of the state in the figure of the Governor no doubt occurred partly for pragmatic reasons, as the simplest way of explaining British government. The use of a figure of appointed authority, representing the Crown, might also be linked back to a certain philanthropic wish for Aboriginal affairs to be governed through imperial, rather than colonial, power.

The figure of the Governor in Indigenous-missionary relationships could also take on uncomfortable meanings, however, when used by Indigenous people and by other colonists to represent an alternative to philanthropists' authority. At Wellington Valley in 1833, Watson recorded his frustrated arguments with Wiradjuri men, who had heard of the arrival of blankets from the Governor. A group of men made a formal demand for the blankets, 'saying they did not belong to me, they had been sent up for them and they must have them'. When Watson disagreed – planning instead to distribute the blankets to the neediest and most hard-working – a furious argument broke out and Watson feared his house would be robbed. The situation calmed down when he distributed some of the supplies, but the issue simmered. Two months later, Watson recorded another argument with a man called Narrang Jackey, who wanted a new blanket. When Watson scolded him for giving the last one away, Narrang Jackey retorted 'O never you mind that, all about blankets Governor sent for Black fellow don't belong at all to Parson, white fellow all about say so.'⁴² Protector William Thomas had a similar experience of Indigenous men demanding control over flour distribution, threatening to complain to the Governor that Thomas was not feeding them properly, and Threlkeld, Dredge and Parker were all frustrated when people left their stations and travelled to urban areas because they had heard the Governor was distributing presents there.⁴³ These stories, while illustrating philanthropists' frustration, are also suggestive of Indigenous people's attempts to negotiate their way through a colonial hierarchy which philanthropists themselves had helped to construct.

'Unhappy victims of misrule': making Indigenous subjects

Aboriginal peoples' status as subjects of empire has attracted recent scholarly interest, notably from Julie Evans, whose work explores the political and legal complexities of subjecthood, and how it was used alternately to include and

42 Watson, journal, 24 August 1833, 7 October 1833, *WVP*.

43 Dredge, 28 October 1839, 29 October 1839, *JDD*, MS11625, MSM534, SLV; ES Parker, 15 March 1841, in ES Parker, *Quarterly Journal*, 1 March – 31 May 1841, PROV VPRS4410, unit 2, 1841/61 (reel 2); Thomas, 2 May 1840, 20 May 1840, William Thomas, Papers, 1834–1868 [hereafter *WTP*], ML MSS 214, reel 1, State Library of NSW; LE Threlkeld to London Missionary Society, May 1827, in Gunson (ed) 1974 vol 2: 227.

exclude colonised peoples from the legal system and to extend protection and dominance.⁴⁴ The key subjecthood issue in the early Australian colonies was Aboriginal people's legal status, an issue which has been explored in detail by Laura Benton, Susanne Davies, Ann Hunter and Russell Smandych.⁴⁵ During this period, the legal position of Indigenous Australians was contested and unclear. Examples of this uncertainty included enactments of martial law by Governors Brisbane and Darling (implying disorder amongst subjects, but understood by some colonists as a war against enemies), arguments over whether Indigenous people could give evidence in court or be subject to summary justice, and the contradictory rulings in the Murrell and Bonjon cases (1836 and 1841) about whether British law applied to Indigenous Australians.⁴⁶ In general, Laura Benton and David A Roberts have characterised the first half of the 19th century as a time of ad hoc approaches to Indigenous legal status, acknowledging neither true plurality nor full civil equality. Roberts suggests this fed into an implicit understanding that Aboriginal people's status was not important enough to define, perhaps because colonists saw them as having no real future.⁴⁷

British philanthropists engaged with these issues to some extent, stressing the need to clarify Aboriginal people's legal position, often with the aim of addressing frontier violence. This was emphasised in the Select Committee's 1837 report and in the Aborigines Protection Society's lobbying of the Colonial Office in 1839 to allow Indigenous people to give evidence. (Justice Burton appears to have dissuaded the Office from this, advising that Aboriginal evidence was too problematic.⁴⁸) This legal focus was perhaps unsurprising, given British philanthropists' strong interest in issues relevant to the Cape colony, where questions of legal equality had great importance to the slave-like living conditions of many San and Khoekhoe people.⁴⁹ However, its meaning in an Australian context was problematic. There were occasional acknowledgements that the inequalities and dispossession fundamental to settler-colonialism may have made true equality impossible. Pacific missionary William Yate commented to the Select Committee that whatever rights Aboriginal Australians theoretically possessed, their lowly status meant they had little real hope of being taken seriously.⁵⁰ Similarly, a scathing article in the APS's 1840 report stated that the

44 Evans 2004: 69–82; Evans 2002a: 175–198; Evans 2002b: 165–185; Evans et al 2003.

45 Benton 2002; Davies 1987: 313–335; Hunter 2004: 215–236; Smandych 2004.

46 Hunter 2004: 218–219, 228–229; Reece 1974: 110–113; Roberts 2006: 24–25; Smandych 2004: 237–283. For Threlkeld's mixed descriptions of frontier war, see LE Threlkeld to George Burder and William Hankey, 11 September 1826 and LE Threlkeld to Burder and Hankey, 4 September 1826, *LMS*, *AJCP* M73, SLV.

47 Roberts 2006: 21. Also, Benton 2002: 205.

48 Dandeson Coates, evidence, 6 June 1836, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 487; *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 2, 1837: 121–141; Smandych 2004: 250–251.

49 Elbourne 2003 (online through Project Muse).

50 Rev William Yate, evidence, 13 February 1836, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 202.

Port Phillip protectors' task of keeping peace between impoverished Indigenous people and colonists determined to protect their property was virtually impossible: 'This is the state of things brought about by a system of colonization, which presents the alternative of famine or murder to the natives.'⁵¹ However, these more radical objections were rarely pursued further.

A study of philanthropic writings produced in the colonies makes a useful addition to this historiography of subjecthood. Many philanthropists were distinguished by their passionate opposition to the arbitrary cruelties committed in the name of law and order. However, they were also notable for their mixed efforts to situate Indigenous people within a firmer and more coherent system of government, expanding both protection and control. Their records are valuable, too, in providing insights into some of the first detailed exchanges recorded with Indigenous people about their subject status. Such conversations could be notable at local levels, whilst having mixed (and ultimately inadequate) effects on broader imperial thinking. British publications only occasionally mentioned the feelings of local missionaries about native subjecthood in Australia, while ignoring the opinions of Indigenous people themselves. This indifference was in some ways unusual; these societies paid more attention to the opinions of other native peoples. In 1836, for instance, the London Missionary Society gave an enthusiastic description of an Exeter Hall meeting featuring 'the Caffre Chief [Jan] Tzatzoe' and 'Andries Stoffles, the Hottentot'. These African delegates, speaking in the wake of the British war against the Xhosa and controversies over the quasi-slavery of African indentured labourers, praised mission work and expressed hopes that British subject status would help protect them from violence and educate their children.⁵² Similarly, the APS published an address from the General Council of Chiefs in British North America in 1840, complaining to the Governor and the Queen about poverty and dispossession but also declaring imperial loyalty. No equivalent Australian issues were mentioned.⁵³ Thus, when considering ideas about subjecthood in Australian philanthropic records, it must be acknowledged that their international influence was minor; their value lies partly in illuminating unrealised or neglected visions of governance. At the same time, however, examining missionaries' day-to-day attempts to 'train' Indigenous people for subjecthood enables us to trace this history beyond legal and policy debates, to a setting where governance and subject status were shifting, conflicted and personal.

Upon arriving in New South Wales in 1838, protector James Dredge was outraged by the initial verdict of 'not guilty' for the Myall Creek killers, 12 white men arrested for the massacre of perhaps 30 Aboriginal people in the

51 APS, Third Annual Report, 23 June 1840: 33.

52 LMS, *Missionary Magazine and Chronicle*, vol I, no IV, September 1836: 54–58.

53 APS, Third Annual Report, 23 June 1840: 18–19.

Liverpool Plains district. Describing it as the worst travesty of justice he had ever encountered in an English court, he blamed it on the hatred felt for Aboriginal people by 'the depraved of the community', encouraged by 'a corrupted portion of the colonial press'.⁵⁴ Philanthropists' papers provide some of the angriest accounts of a justice system which functioned to reinforce discrimination and dispossession. Dredge, for instance, also protested that soldiers and police threatened Aboriginal people and solicited the women, and that Aboriginal prisoners were dying in gaol.⁵⁵ One incident in 1840 was particularly distressing. A large group of Daungwurrung people from northern Victoria were arrested for attacking squatters' stations, and during the skirmish several of them were shot by the police. Dredge lamented in his diary that their imprisonment was unlawful, but that he could not help them; 'They are the unhappy victims of misrule.'⁵⁶ Meanwhile, his colleague protector William Thomas felt disgusted when men were arrested and convicted almost at random for sheep theft, on the grounds that one Aboriginal prisoner was as good as another. He worried, too, that sexual assaults on Indigenous women were unlikely to be taken seriously by the courts.⁵⁷ Similarly, in 1841, people at protector ES Parker's station told him that a squatter, Mr Francis, had murdered several people, but Parker concluded that the bar on Indigenous evidence made a trial unlikely.⁵⁸

Philanthropists complained that these violations stemmed from a system of policing which was unsystematic and violent. This is not to say that philanthropists were strangers to ad hoc policing themselves, however; there were occasions when missionary and protectorate authority was enforced with scant regard for the law. Sometimes this resulted from uncertainty and a wish for clemency. Port Phillip Chief Protector GA Robinson, for example, told the other protectors in 1839 that they should avoid using their magisterial powers against Indigenous people unless absolutely necessary, while Dredge and Thomas argued over whether it was fair to prosecute impoverished people for stealing food.⁵⁹ On a sterner note, South Australian protector Matthew Moorhouse hoped the shady legal circumstances of Aboriginal prisoners would encourage compliance with 'civilising' regimes. He advised missionary Clamor Schurmann to tell the relatives of a prisoner from Port Lincoln that his sentence would be reduced if they behaved obediently.⁶⁰

54 Dredge, 15 November 1838, *JDD*, MS11625, MSM534, SLV.

55 Dredge, 2 September 1839, 23 September 1839, 17 October 1839, *JDD*; James Dredge to Jabez Bunting, 10 May 1841, *MMS*, reel 55, AJCP M172, SLV.

56 Dredge, 10–13 October 1840, *JDD*, MS11625, MSM534, SLV.

57 For instance, William Thomas to GA Robinson, 19 October 1839, f29–31, *WTP*, ML MSS 214, reel 7; William Thomas to GA Robinson, 29 February 1840, PROV VPRS4410, unit 3, 1840/66 (reel 2); Thomas, 27 September 1840, *WTP*, ML MSS 214, reel 1; William Thomas to GA Robinson, 5 June 1843, PROV VPRS4410, unit 3, 1843/76 (reel 2); William Thomas to GA Robinson, 31 November 1844, PROV VPRS4410, unit 3, 1844/82 (reel 2); Thomas, 17 September 1845, *WTP*, ML MSS 214, reel 3, State Library of NSW.

58 ES Parker, *Quarterly Journal*, 1 March – 31 May 1841, PROV VPRS4410, unit 2, 1841/61 (reel 2).

59 Dredge, 31 October 1839, 22 November 1839, *JDD*, MS11625, MSM534, SLV.

60 Matthew Moorhouse to Clamor Schurmann, 19 October 1842, Protector of Aborigines, *Letterbook, 1840–1857*, SRSA, GRG52/7, vol 1, unit 1.

However, ad hoc use of power was more commonly punitive, sometimes relating to sexual propriety and control over children. Protector Thomas took part in police searches for women who had left their husbands, and threatened people with arrest for stealing food from his stores, linking this to contests over child custody, so that families wishing to avoid the police agreed to leave their children with him.⁶¹ More disturbing examples of philanthropists taking the law into their own hands occurred at Moreton Bay in 1840, when the German missionaries shot at some Indigenous men who were robbing their vegetable garden, and in South Australia in 1841–42, when protector Moorhouse took part in armed expeditions to capture people accused of murder and sheep theft. This ended, on one occasion, in a violent clash where at least ten Indigenous men were shot. (These ugly confrontations also demonstrated how models of 'protection' could vary dramatically according to local circumstances and personalities; the German missionaries had comparatively minor, suspicious relationships with Indigenous people, while Moorhouse seemed unusually keen on implementing colonial dominance through military might.⁶²) Such accounts are suggestive of Julie Evans's argument that the establishment of law and order in the colonies depended on its initial breaching through the violent oppression of Indigenous people, in order to create a 'normal' order of white domination; 'in suspending itself, the rule of law maintained itself.'⁶³

However, on the whole, philanthropic records showed a wish to make the legal system more systematic and consistent – and in some ways more powerful – in its dealings with Indigenous people. This was particularly evident in Western Australia, where instructions to the protectors stressed the need to enforce public order and teach people to obey British law.⁶⁴ Similar aims were also apparent elsewhere. LMS spokesmen Daniel Tyerman and George Bennett urged LE Threlkeld in 1825 that his Lake Macquarie mission must educate Awabakal people about 'the duties which they owe to the Government of this country, and mankind in general'.⁶⁵ Here, the legal position of subjects could be illustrated dramatically and alarmingly; in 1835, Threlkeld remarked that it was good for Indigenous people to watch executions, as this taught them the severity of

61 Thomas, 15 November 1839, *WTP*, ML MSS 214, reel 1, State Library of NSW; Thomas, 24–25 August 1844, *WTP*, ML MSS 214, reel 3; William Thomas to GA Robinson, 1 December 1847, PROV VPRS4410, unit 4, 1847/102 (reel 2).

62 Lieutenant O Gorman to Colonial Secretary E Deas Thomson, 30 March 1840, in JG Steele (ed) 1975: 268; Le Couteur 1998: 148; Matthew Moorhouse to Colonial Secretary, 13 September 1841, and Matthew Moorhouse to A Mundy, 30 June 1842, in Protector of Aborigines, *Letterbook*, SRSA GRG52/7, vol 1, unit 1.

63 Evans 2004: 78.

64 Instructions to the Protectors of Aborigines of Western Australia, enclosed in Governor Hutt to the Marquis of Normanby, 11 February 1840, in *BPP: Papers Relating to Australia, 1844*, Colonies: Australia, vol 8, 1969: 371–372; Charles Symmons to Peter Brown, 31 December 1840, in *BPP: Papers Relating to Australia, 1844*, vol 8: 388–390.

65 Rev Daniel Tyerman and George Bennett to LE Threlkeld, 24 February 1825, *LMS*, AJCP M73, SLV.

violent crime.⁶⁶ Similarly, in 1842, Indigenous people around Adelaide were summoned by the protectorate to watch a public flogging, to learn the penalty for theft.⁶⁷

Protector William Thomas made milder but more consistent efforts to educate people about legal subjecthood. He often took them to watch trials and tour the Melbourne Gaol, so that they could witness the treatment of criminals and the law's supposed impartiality – 'black & white identical in crime mingled together'.⁶⁸ Thomas wished to depict the law as colour blind, despite his own awareness to the contrary. He complained, for instance, about what he considered an excessively harsh sentence for an Indigenous prisoner in 1841, given ten years' transportation for armed robbery. Thomas found this ruling especially unfortunate because looked racially biased to Indigenous viewers.⁶⁹ He also warned people about the death penalty and told them – again, not wholly truthfully – that any violence towards one another would be punished, so 'Black fellows no more kill, but shake hands with each other like white men'.⁷⁰ Thomas's efforts to encourage Aboriginal compliance with colonial law are intriguing. Aware of Indigenous people's general lack of power, he nonetheless believed that making people subjects must involve a certain acceptance on their part of the law's basic fairness and their own engagement with it.

However, when trying to construct Indigenous people as subjects of empire, philanthropists often found themselves playing an awkward double role; alternately enforcing colonial power and pleading for mitigation. This was evident in their work as translators and advocates for Aboriginal prisoners. Threlkeld had stated in his deposition on the Murrell case that he wished to see Indigenous laws replaced by the British system, as he considered many forms of traditional authority cruel and no longer workable. However, he also had ongoing concerns about the British system itself. He urged elsewhere that Indigenous people receive proper legal representation, and hoped that his efforts to translate the Awabakal language would help ensure that innocent people were not convicted at random, a scenario 'unbecoming the profession of a Christian character'.⁷¹ Similarly, Wellington Valley missionary James Günther stated during a case in 1838 that he was not opposed to Indigenous criminals

66 LE Threlkeld to Colonial Secretary, 5th Annual Report of the Aboriginal Mission at Lake Macquarie, 2 December 1835, in LE Threlkeld, 'Memoranda', in Gunson (ed) 1974 vol 1: 122.

67 Matthew Moorhouse to the Sheriff, 3 August 1842, Protector of Aborigines, *Letterbook*, SRSA GRG52/7, vol 1, unit 1.

68 William Thomas to GA Robinson, 1 March 1847, PROV VPRS4410, unit 4, 1847/93 (reel 2).

69 William Thomas to GA Robinson, 1 March 1841, PROV VPRS4410, unit 3, 1841/68 (reel 2).

70 Thomas, 19 May 1844, *WTP*, ML MSS 214, reel 3, State Library of NSW. Also, 27 August 1844.

71 LE Threlkeld, Second half yearly report of the Aboriginal mission supported by the London Missionary Society, 21 June 1826, *LMS*, AJCP M73, SLV; LE Threlkeld to Chief Justice Sir James Dowling, 8 March 1841, Sir William Dixon, *Documents relating to Aboriginal Australians, 1816–1853*, Dixon Library, ADD 80–82: CY reel 3743, State Library of NSW. Also, Elbourne 2003.

being punished severely, but expressed concern that they were subjected to British laws whilst unable to give evidence. He remarked to the court this was unjust, when so little was done to 'civilise' them, and repeated this complaint in his 1841 annual report (forwarded to Governor Gipps and Lord Stanley).⁷² In his diary, Günther wrote that settlers treated Indigenous people worse than animals, while the legal system did nothing to prevent this.

'Oh Black fellow' as he is only deemed worthy to be called, if he injures a White man is soon seized & proceeded against, but his complaints are by no means eagerly heard or his cause taken in hand & defended.⁷³

Protectors Thomas and Dredge also raised concerns about the bar on Indigenous evidence and the denial of legal protection. Dredge remarked 'While they are held amenable to our laws and are punished for the violation of them, [they] are considered incompetent to tell their own tale of woe.'⁷⁴

Such philanthropic arguments could be ignored or coopted by the state, however. In New South Wales, Governor Gipps did try to persuade the British parliament to allow laws recognising Aboriginal testimony, but he was concerned primarily with expanding the legal system's power to pursue Indigenous offenders. By the time British objections to accepting the evidence of non-Christians had been overcome, political power had begun to shift to local colonists, and the New South Wales legislature repeatedly rejected Gipps' evidence bills, motivated, Russell Smandych claims, by racial contempt towards Indigenous witnesses. (Ironically, in Western Australia, where the government was more active in recognising Indigenous evidence, this stemmed from a wish to keep order in Perth and supervise Aboriginal labourers; philanthropists do not seem to have been key advocates here.⁷⁵)

Indigenous people themselves exercised hardly any power in this area, but they did appeal to missionaries and protectors for aid, knowing these philanthropists held some legal influence. The introductory anecdote from Buntingdale, for instance, showed Indigenous pleas to and rejections of European power, suggesting a strategic use of the colonial system but also relationships of reciprocity with white authority figures. It is probable that the relatives of the murdered man in the Murrell case, who appealed to Threlkeld for help, were also trying to situate themselves more strongly within colonial law, as well as drawing on personal connections with the missionary.⁷⁶ Such connections were relevant

72 Günther, Journal, 17 May 1838, *WVP*; James Günther, Annual Report of the Mission to the Aborigines at Wellington Valley, 1841, enclosed in Sir George Gipps to Lord Stanley, 11 March 1842, in *BPP: Papers Relating to Australia, 1844*, vol 8: 157–158.

73 Günther, Journal, 9 April 1838, *WVP*.

74 Dredge, 8 December 1839, *JDD*, MS11625, MSM534, SLV. Also, 6 January 1841; William Thomas to Sir George Gipps, 23 June 1841, PROV VPRS10, unit 3, 1841/909 (reel 1).

75 Hunter 2004: 228–229, 235; Smandych 2004: 251–261.

76 Elbourne 2003.

around Melbourne too, when Woiwurrung leader Billibellary cooperated with protector Thomas in locking up drunk men whose behaviour was disruptive and violent, and when people asked Thomas for more information about 'white man's laws of murder.'⁷⁷

However, philanthropists' legal help was not always strong. Despite their pleas, the Daungwurrung people imprisoned in Melbourne in 1840 did not receive much assistance from the protectors, who emphasised (perhaps overemphasised) their own helplessness.⁷⁸ Similarly, when a man called Baggama was arrested at the Bogan River in 1835 for the murder of colonial botanist Richard Cunningham, he begged the Wellington Valley missionaries for help, but their response was lukewarm; they gave him a blanket and a lecture on God. William Watson recalled 'He asked me many times over, "if they would hang him?" and said "I believe you send book (or Letter) to Governor and tell him not to hang me."⁷⁹

Indigenous people drew philanthropists' attention to glaring discrepancies in colonial law, an experience probably embarrassing for philanthropists at the time, but which also functioned in their records to emphasise the need for more consistent governance. Watson, for instance, complained to Governor Fitzroy in 1844 that little was done to prosecute Indigenous people for violence against their enemies; he claimed they taunted him 'Governor and Magistrates won't interfere with Black fellow.'⁸⁰ Thomas, similarly, commented in 1847 that he found it hard to convince people that British law took violence against women seriously, after a man received one day in gaol for beating up his wife. Observers remarked 'black touch em constable nanbo kodungunnu Jail (long time stop in jail) but big one beat em lubra no sulky.'⁸¹ When a drunken bullock driver crashed his animals into the camp, demolishing people's shelters, Thomas was angry, but did not record how he responded to the residents' furious demand 'we knock at white man's house & take Blk to jail, why no take white man?'⁸² Chief protector Robinson also failed to record his response when people answered his lecture against sheep theft by saying:

Long time ago, they had plenty of kangaroo, Parm-pun, Tuerer-corn (roots eaten by the Natives); and then they were not hungry and did not take sheep. Kangaroo all gone, jumbuc (sheep) eat the roots ... what for sulky; shoot too much blackfellow; no sulky blackfellow no spear white fellow take it kangaroo. What for no put white fellow gaol?⁸³

77 Thomas, 19 May 1844, 27 August 1844, 19 April 1845, *WTP*, ML MSS 214, reel 3, State Library of NSW.

78 Thomas, 26 October 1840, *WTP*, ML MSS 214, reel 1, State Library of NSW.

79 Watson, Journal, 1 December 1835, *WVP*.

80 William Watson to Governor Charles Fitzroy, 31 December 1849, Dixson, *Documents relating to Aboriginal Australians*, Dixson Library, ADD 80–82, CY reel 3743.

81 William Thomas to GA Robinson, 1 March 1847, PROV VPRS4410, unit 4, 1847/93 (reel 2).

82 Thomas, 14 November 1839, *WTP*, ML MSS 214, reel 1, State Library of NSW.

83 George Augustus Robinson, 'A Report of an Expedition to the Aboriginal Tribes of the Interior during the months of March, April, May, June, July and August 1841', in Clark (ed) 2001 vol 4: 27.

Philanthropists recorded such fragments of Indigenous opinion for the benefit of their superiors, or for posterity, but their inadequate recounting of their own responses points to their tricky dual role as colonial authority figures and Aboriginal advocates. Meanwhile, Indigenous people's comments and actions, while carrying no political power, could become a disruptive presence in philanthropic texts, drawing attention to the shortcomings of the colonial justice system and to the fact that these injustices were visible and contentious to colonised people themselves.

Complexities of governance and subjecthood became particularly apparent when philanthropists tried to deal with divisions and hostilities between Indigenous societies. Some missionaries were impatient with these conflicts, citing them as evidence of Indigenous people's supposed 'savagery'. At the Moreton Bay German mission in 1841, missionary Peter Nique described his efforts to play off the 'Toorbul' people against the 'Bonya' ones, threatening to go and live with the second group if the first would not engage in farming.⁸⁴ Similarly, when Karl WE Schmidt reported on his expedition to the Bunya Mountains in 1842, he mentioned that violent hostilities existed between the Moreton Bay people and the 'wild mountain tribes'. In fact, Schmidt's Indigenous guides seem to have been carefully diplomatic during their travels, negotiating with local peoples and distributing gifts. However, the missionaries rarely appreciated this, and reacted irritably, threatening to cut off ties to their guides, when the guides were reluctant to travel further. Nor did the missionaries properly differentiate between the communities involved; the impression created was one of querulous but ultimately generic 'blacks'. This error may not have been wholly innocent; the German missionaries were seeking support to move their station to another district, a task which might have seemed more problematic had Indigenous differences been fully acknowledged.⁸⁵ Similarly, in South Australia, Lutheran missionary Clamor Schurmann urged the government in 1844 to concentrate Indigenous groups at a single Port Lincoln station. He dismissed any suggestion of negotiating with Indigenous leadership or cultural identities, asserting confidently 'they will give way to a determined and lasting impulse.'⁸⁶

In other districts, however, philanthropists developed a different view; they began trying to recognise, negotiate and to some extent re-shape Indigenous divisions. In 1840, James Dredge wrote to a friend that Indigenous societies were often dangerously unfriendly towards one another, and advised Methodist leader Jabez Bunting that governance must take into account 'the civil relations

84 P Nique, 'Aborigines: diary of Messrs Nique and Hartenstein of the German Mission to the Aborigines, at Moreton Bay, during a journey to Toorbal, a district of country to the northward', in *Colonial Observer*, vol 1, no 4-5, 1841.

85 Karl WE Schmidt, 'Report of an Expedition to the Bunya Mountains in search of a suitable site for a mission station', Accession: 3522, Box 7072, SLQ: 1-2, 5-6, 9-10, 12-15.

86 Clamor Schurmann, in Matthew Moorhouse to Colonial Secretary, 17 May 1844, SRSA GRG24/6/1844/488.

of the different Tribes'. He suggested working with groups individually instead of forcing them together. These ideas were repeated in his 1845 work *Brief Notes on the Aborigines of New South Wales*, sections of which were reproduced in the APS journal *Colonial Intelligencer*.⁸⁷ Similar remarks were made by Dredge's protectorate colleague, Parker, who reported to government the hostility of Djadjawurrung people on his station towards Djabwurrung visitors, claiming they were too foreign.⁸⁸ Protector Thomas also advised Governor Gipps that certain communities would require separate stations. He particularly commented that the 'coastal tribe' (unnamed) disliked staying in Boonwurrung country and upbraided Thomas for not living with them instead.⁸⁹

However, while these philanthropists were taking into account Indigenous views, they were not just recognising Indigenous territoriality; they were also trying to recreate it. This was ironically apparent in their wish to restrict Indigenous people from travel in order to preserve what they believed to be traditional boundaries. In 1843, South Australian protector Moorhouse attempted to keep order in Adelaide by denying blankets to people from the Murray district who visited the town, asserting they had 'no proprietary right here' and might drive away the Kurna people, 'the true proprietors of the soil'.⁹⁰ In Port Phillip, Thomas recommended banning colonists from taking Indigenous people into foreign districts without protectorate permission, as some people travelling outside their country with Europeans had been murdered by their enemies.⁹¹

Once again, Buntingdale became a centre for particular concern. The site of this mission had been chosen because of its proximity to different communities, but this quickly became problematic, with hostilities occurring between Gulidjan, Wathawurrung and Djargurdwurrung ('Dantgurt') people. While the violence may have had origins more complex than physical proximity, the missionaries came to believe their location was disastrous. They reported to La Trobe that the small and vulnerable Djargurdwurrung community were especially victimised by white and black enemies, and urged that the law intervene to overcome traditional violence and protect mission residents. This wish to incorporate Indigenous people as subjects was qualified, however, by an emphasis on particularity and difference; these missionaries advocated separating Indigenous groups, with a missionary for each, treating them as

87 James Dredge to D Harding, 12 September 1840, *La Trobe Journal*, no 61, Autumn 1998: 29; James Dredge to Jabez Bunting, 10 May 1841, *MMS*, reel 55, AJCP M172, SLV; APS, *Colonial Intelligencer, or Aborigines' Friend*, 1847-48: 42-44.

88 ES Parker, *Quarterly Journal*, 1 June - 31 August 1842, PROV VPRS4410, unit 2, 1842/62 (reel 2). Parker refers to them as Bolokepar, which Clark classifies as Djab wurrung clans from Lake Bolac. See Clark 1990: 114.

89 William Thomas to Sir George Gipps, 23 June 1841, PROV VPRS10, unit 3, 1841/909 (reel 1).

90 Matthew Moorhouse to Colonial Secretary, 4 April 1843, and Matthew Moorhouse to Private Secretary, 25 April 1843, in Protector of Aborigines, *Letterbook*, SRSA GRG52/7, vol 1, unit 1.

91 William Thomas to Sir George Gipps, 23 June 1841, PROV VPRS10, unit 3, 1841/909 (reel 1).

'small independent communities'.⁹² When this was attempted in practice, the people now excluded from Buntingdale were resentful; they continued to travel in the area and urged mission residents, especially the young men, to leave with them. This is suggestive of ceremonial obligations, but the missionaries judged such behaviour as simply rebellious.⁹³ Their complaints suggest how philanthropists were not merely observing social distinctions, but attempting to remake them, flattening out complexities of relationships to neighbours and country. This strategy may have also reflected the wish of some philanthropists to consolidate their own position as benign patriarchs. Buntingdale missionary Francis Tuckfield mused that if only every community had a missionary, 'he would be able to sit down with his little nation gathered around him without fear of having the peace and security of their homes broken in upon by other tribes.'⁹⁴

In British philanthropic publications, though, the intricacies of Indigenous identity were taken less seriously. During the 1840s, the WMMS's annual reports and *Missionary Register* featured stories from Buntingdale about the 'superstitions', 'prejudices', 'feuds and deadly animosities' that made mission life so dangerous. The missionaries' policy of separation was praised for its (initial) effectiveness, but was couched in terms of countering savage disruption rather than negotiating genuine concerns.⁹⁵ The mission's collapse and a general lack of Evangelical enthusiasm for Australia worked against any greater understanding. By 1848, the WMMS's *Papers Relative to the Wesleyan Missions, and to the State of Heathen Countries* was blaming the apparent failure of Buntingdale on hostilities between different groups. The impression created was not one of social complexity – or, indeed, social breakdown – but rather of a

92 Benjamin Hurst to CJ La Trobe, 22 July 1841, *MMS*, reel 4, AJCP M121, SLV; Minutes of the Annual Meeting, Australian District, 30 July 1846, *MMS*, reel 5, AJCP M122, SLV; Minutes of the 23rd Annual Meeting of the Australian District, Sydney, 15 September 1842, and Minutes of the 24th Annual Meeting of the Australian District, Sydney, 27 July 1843, in WMMS, *Synod Minutes, 1822–1855*, 1980; Joseph Orton to John Waterhouse, 24 June 1839, *JOL*, part 2; Joseph Orton to General Secretaries, 2 September 1841, *JOL*, ML ref A1717–A1720, State Library of NSW; Report of the Aboriginal Work on Bunting Dale Station, Geelong, for the Year ending June 1844, *MMS*, reel 5, AJCP M122, SLV; Francis Tuckfield, Report on the WMMS's mission to the Aborigines of the Sub District of Geelong, Port Phillip, August 1843, *WMMS*, reel 2, Mp2107, NLA.

93 Francis Tuckfield to General Secretaries, 1 January 1844, *WMMS*, reel 2, Mp2107, NLA; *WMMS, Report of the Wesleyan Methodist Missionary Society for the year ending April 1846*, 1846: 28–29; Minutes of the Annual Meeting, Australian District, 30 July 1846, *MMS*, reel 5, AJCP M122, SLV; Minutes of the 26th annual meeting of the Australian District, 30 July 1846, *WMMS, Synod Minutes*.

94 Francis Tuckfield to General Secretaries, 1 January 1844, *WMMS*, reel 2, Mp2107, NLA.

95 CMS, *Missionary Register*, May 1843: 238; CMS, *Missionary Register*, April 1844: 227; CMS, *Missionary Register*, May 1845: 210; CMS, *Missionary Register*, May 1846: 210; *WMMS, The Report of the Wesleyan Methodist Missionary Society for the year ending April 1842*, 1842: 45; *The Report of the Wesleyan Methodist Missionary Society for the year ending April 1843*, 1843: 41; *The Report of the Wesleyan Methodist Missionary Society for the year ending April 1845*, 1845: 30–31.

brutal absence of social organisation. This appeared amidst broader descriptions of Indigenous Australians as degraded, cannibalistic and dying.⁹⁶ It was this image that would endure the most in the imperial and colonial imagination.

‘What national blessings would rebound’: Aboriginal policy and the rise of self-government

The future treatment of Indigenous Australia would also be affected – and not always benignly – by the growth of settler government. While the 1830s saw some humanitarian highpoints, this era was also marked by an expansion of white male citizenship and general colonial growth. Under a Whig government in Britain, power was shifting towards the House of Commons, while the political privileges of the Church of England were being eroded through the Reform and Registration Acts, and, in New South Wales through Governor Bourke’s 1836 Church Act, which provided state support for salaries and infrastructure across different denominations.⁹⁷ The expansion of a new sort of Australian society was also apparent in the sale of Crown land from 1831 to finance further migration, the recognition by the 1836 Squatting Act of settlers’ expansion beyond official limits,⁹⁸ and the decision to abolish transportation to New South Wales following the damning Molesworth Committee report. All of this was linked to the arrival of tens of thousands of free immigrants, with expectations of political participation and some awareness of self-determination movements in other settler colonies. The 1839 Durham Report, commissioned by the British government in response to serious unrest in Upper and Lower Canada, occupied a significant place here. It examined Britain’s role in political and social conditions in North America, especially in the relations between British and French colonists, and advised granting colonists gradual political autonomy and locally elected legislatures whilst maintaining British dominance over their foreign policy and defence, in order to avoid any American-style revolutions. Thus, a gradual picture was emerging of a colonial future, moving away from a convict system and towards free immigration and more liberal-democratic government. Such progress rested in many ways on the ongoing seizure, division and sale of Aboriginal land.

By the 1840s, moreover, British philanthropists themselves were losing interest in the Australian colonies; indeed, Alan Lester and Elizabeth Elbourne have traced a general weakening of philanthropy during this decade. Lester attributes this partly to developments at home (the political losses of TF Buxton and

96 WMMS, *Papers Relative to the Wesleyan Missions, and to the State of Heathen Countries*, no CXI, March 1848.

97 Its full title was: ‘An Act to promote the building of Churches and Chapels, and to provide for the maintenance of ministers of Religion in New South Wales’, 29 July 1836.

98 Its official title was the ‘Act to restrain the unauthorised occupation of Crown Lands’, 29 July 1836.

Lord Glenelg, for instance) and partly to disappointments overseas – notably, the economic and social turmoil following the emancipation of Jamaican slaves – while Elbourne points to the growing conservatism of Evangelicals as their movement became socially mainstream and lost the unifying drive of the abolition cause.⁹⁹ However, the humanitarian decline was also affected by the growth of colonial legislatures. The influential Durham Report voiced no concern for First Nations people,¹⁰⁰ while tensions were already developing in the Australian colonies. As I have explored elsewhere, settlers in Port Phillip linked the unpopular Aboriginal protectorate to their resentful dependence on the distant Sydney government, while commentators in New South Wales and Moreton Bay linked Aboriginal philanthropy discursively to complaints about the government being unrepresentative, remote and incompetent.¹⁰¹

Philanthropic work would decline further as colonial self-government approached. The New South Wales Legislative Committee held its first elections in 1843, the same year Gipps slashed the protectorate's budget, under some pressure from the Legislative Council. By the end of the decade, Governor Fitzroy was reporting to Earl Grey, with strong endorsement from the executive, that efforts to improve Indigenous conditions had proven almost totally useless. The legislature assented partially to Grey's recommendations for Aboriginal reserves, but all the while stressed the extreme difficulty of doing anything at all for Aborigines. A related attitude appears to have prevailed in Western Australia. This colony did not obtain self-government until 1890, with British authority over Aboriginal affairs retained till 1898 – a lingering sign of imperial unease. There was, nonetheless, a comparable decline in Aboriginal policy. In 1849, protector Charles Symmons was retitled pointedly Guardian of Natives and Protector of Settlers, and this protectorate, which in any case had long been more of a policing operation, was phased out as Symmons assumed other official roles.¹⁰²

It is not easy to say how the first missionaries and protectors viewed the rise of colonial self-determination; they rarely mentioned it and most of them had given up before the 1850s. There are clues, though, about the opinions of broader Evangelical networks. Missionary societies' responses to self-government were interestingly mixed and rarely focused on Indigenous Australia, highlighting settler issues instead. One speaker at the WMMS 1837 anniversary expressed a hope that the tumultuous Canadian districts would remain under British

99 Elbourne 2002: 287; Lester 2006: 237.

100 Evans et al 2003: 34–36.

101 Mitchell 2009a, 2009b, 2009c.

102 Governor CA Fitz Roy to Earl Grey, 12 November 1849, *BPP: Papers Relating to Australia, 1850*, Colonies: Australia, vol 12, 1969: 59; Extract from minutes, 15 October 1849, in Governor CA Fitz Roy to Earl Grey, 12 November 1849, *BPP: Papers Relating to Australia, 1850*, vol 12: 60–61; Sir George Gipps to Lord Stanley, 21 March 1844, *HRA*, 1920, series 1, vol xiii, July 1843 – September 1844: 498; Harris 1990: 278–295; Hasluck 1970: 79–80.

control, arguing that the endurance of slavery in the United States demonstrated the superiority of British constitutionalism over American republicanism. However, he said of Canada, 'If, when like a ripe apple, it falls from the parent stem naturally, – so be it.'¹⁰³ Similarly, the Church of England's Colonial Church Society, which focused on white colonists, looked forward to using missionary work to help British Protestants build strong colonies with self-government and ongoing imperial loyalty.

Let the colonies be neglected, and such results as they had seen in Lower Canada might be expected elsewhere; but if they received churches and schools and pastors from this country ... their attachment to it would last, even should their political connexion with it ever be dissolved, and Great Britain would have them for allies, when they had ceased to be dependents.¹⁰⁴

Similarly, the Colonial Church Society urged that Western Australian colonists were entitled to have their 'English' habits and faith supported through further missionary work; this would promote imperial unity.

What NATIONAL BLESSINGS WOULD REBOUND to us did we thus, as a nation, seek the spiritual welfare of our colonies ... Thus should we have a hold upon our Colonies that nothing else could give, and which, should they ever be politically severed from us, would yet endure and unite us.¹⁰⁵

Such comments suggest these Evangelical writers were cautious about self-government but obliged to accept it as a political reality, with missionary work seen as a unifying force. Elsewhere, they had promoted missions in order to create Indigenous subjects; here, it was white subjects who needed to be strengthened and retained.

Some Evangelical writers did consider what self-government could mean for colonised peoples. Raymond Cooke (one of the few historians to discuss this) has argued with reference to New Zealand that Evangelicals were reluctant to endorse self-government immediately, because of their concern at colonists' treatment of indigenous peoples.¹⁰⁶ The most detailed response to this issue came from the Aborigines Protection Society, who lobbied Lord John Russell in 1850 to discuss his introduction into Parliament of a draft Bill extending constitutional institutions to Australia. The society expressed general support for the Bill, believing it would enhance colonists' liberties, but warned that it must include

103 WMMS, *Missionary Notices*, June–July 1837, no 258–9: 485.

104 Colonial Church Society (CCS), *Colonial Church Record*, no 1, vol 1, August 1838: 10–11.

105 CCS, *Report of the Australian Church Missionary Society, now formed into the Colonial Church Society*, 1839: 21, also 2–3, 9, 13, 18–19.

106 Cooke 1965: 129–133, 138.

'imparting to the Natives the privileges enjoyed by British subjects'. Again, the United States was mentioned as a warning example of a supposedly democratic country guilty of slavery and cruel dispossession – a link to republicanism may have been implied. Taking an interestingly global focus, the deputation protested the exclusion of Maori and First Nations people from political participation, claiming this weakened their loyalty to empire. In contrast, the possibility of Indigenous Australians participating in government was ignored. Instead, they were singled out as especially degraded, needing particular 'paternal care'. The APS suggested the Bill include statements about racial equality, the need to rescind discriminatory laws, and the importance of allowing Indigenous people to give evidence in court and enjoy fair trials. The protectorate was described as a failure, but further missionary work was urged. These suggestions were not well received. The Colonial Office responded that Indigenous people were already (technically) subjects, and Australia's new constitutions contained no statements of human equality or Aboriginal entitlements.¹⁰⁷ What is notable about the APS submission and similar documents, however, is not only their lack of success but also the fact that their focus on self-government and native affairs was a general one; Indigenous Australians still received relatively little attention.

Such neglect often surrounded Aboriginal issues within the development of Australian government. Ann Curthoys, for instance, has contrasted the general silence of New South Wales colonial sources on this topic with the extensive discussions occurring in New Zealand, in a context of vigorous Maori struggles for political power.¹⁰⁸ Perhaps because of this absence, references to the relationship between self-government and Indigenous affairs have been rare in Australian political history-writing, even amongst scholars who have explored Aboriginal issues elsewhere. While Indigenous oppression is mentioned briefly in histories of government by John Hirst, MMH Thompson and Terry Irving, it is not integrated strongly into their overall frameworks, and other comparable works barely touch on the issue at all.¹⁰⁹ Presumably disciplinary divisions were relevant here, as well as the systemic exclusion of Indigenous people from the political realm from earliest days. This proved so strong that it is, perhaps, difficult for political historians to write around.

However, it is equally clear that self-government issues have been absent in histories of the Indigenous past, suggesting a certain neglect of the British

107 APS, *The Colonial Intelligencer, or Aborigines' Friend*, 1849–1850, vol II: 403–409; Evans et al 2003: 64–69.

108 Ann Curthoys, 'Self-Government and Indigenous Dispossession: Linked fates, separate histories, long shadows', conference paper, *Governing by Looking Back*, 14 December 2007, Research School of Social Sciences, Australian National University: 6.

109 Hirst 2002: 6, 24–25, 72–73; Irving 2006: 14, 130; Thompson 2006: 37–38. Examples of the latter include, Atkinson 1994: 85–102; Cochrane 2006; Oldfield 1999.

empire. I am indebted to the work of Julie Evans, Patricia Grimshaw, David Phillips and Shurlee Swain, *Equal Subjects, Unequal Rights*, which examines how developing models of Australian government treated Aboriginal people with theoretical indifference and practical exclusion, a situation which the authors contrast to the debates over native franchise and constitutions occurring in Canada, New Zealand and South Africa. This is a rare example, however. A few other, brief discussions of the issue have placed self-government within a history of Aboriginal disenfranchisement, suggesting that the growth of male settler liberties also meant a consolidation of colonialism. In Lyndall Ryan's history of Aboriginal Tasmania, she notes the strong colonial opposition that greeted the 1847 removal of Indigenous survivors from Flinders Island to Oyster Cove; this move was seen as undermining self-government, as British financial support was needed for the proposed Aboriginal institution and self-sufficiency was a precondition of self-government. Ryan observes, too, that Indigenous complaints of mistreatment were ignored more thoroughly than ever after self-government, when the absence of Aboriginal people became seen as a sign of Tasmania's maturity.¹¹⁰ Meanwhile, Henry Reynolds has suggested that racial hostilities made the Colonial Office reluctant to allow colonists complete control, fearing the results of settler government for Indigenous people. In their Queensland study, Reynolds and Dawn May note the humanitarian decline that accompanied the growth of self-government; 'Each shift of power – from Downing Street to Sydney and from Sydney to Brisbane brought government closer to the frontier – politically, intellectually and morally'.¹¹¹

Ultimately, governing Indigenous Australia became a problematic subject for philanthropic commentators. At missions and protectorate stations, attempts were made to situate Indigenous people inside colonial law, prioritising regulation, protection and evangelising. Missionaries were, in many cases, motivated by genuine compassion and concern, but the increased powers of church and state they advocated would, over subsequent decades, often come to function as mechanisms of oppression. The impact of their argument on British audiences was questionable at this time. While they contributed in a broad sense to campaigns to expand imperial power and protection, British interest in Australian Aboriginal subjecthood was never sufficiently strong, and it would diminish all the more with the rise of colonial self-government. Such points of imperial weakness invite further exploration. As Elizabeth Elbourne has commented 'The great Australian silence has been much discussed; one is driven to wonder about the more deafening great British silence regarding Australia.'¹¹²

110 Ryan 1981: 209–210.

111 Reynolds and May 1995: 171. Also, Reynolds 1996: 9–11.

112 Elbourne 2003.