

9. 'Move slowly in a difficult matter'

After six months in the job, Prinsep presented his first annual report to Forrest. His efforts to establish a colony-wide system of ration distribution had made him conscious of matters which urgently demanded the government's attention. He described the situation of Aboriginal people throughout the colony as 'moribund', and noted that, 'though there are a good many natives working for the settlers', there were 'very few young men' working on the farms and station.¹ As colonisation spread throughout the land area of Western Australia, more and more Aboriginal people were displaced from their lands and forced into relationships with European settlers in the towns and pastoral stations. Prinsep warned about the increasing numbers of destitute Aboriginal people throughout the colony, a situation he predicted would worsen.² 'One of the most important questions of the immediate future' was the prostitution of Aboriginal women and the spread of venereal disease, which he argued would be the chief causes of inevitable extinction. 'From a humanitarian point', he told Forrest, 'one cannot contemplate without horror the immense amount of pain and misery which lies before the unfortunate natives'.³ Forrest refused to allow the report to be printed, ostensibly because it covered only a portion of the financial year. He also disagreed strongly with its conclusions, and criticised Prinsep for providing little evidence to support his reports of the dire situation facing the colony's Aboriginal populations.

Early efforts to document and enumerate Aboriginal populations throughout Western Australia constituted the beginnings of a system of government knowledge which, as the Twentieth Century proceeded, eventually evolved into a detailed archive 'to inform further practices of governing' and 'test the rationer's understandings of Indigenous people'.⁴ In his second annual report, Prinsep assured Forrest he had 'taken much care in its preparation, and have authority for every statement'.⁵ Evidence had been gathered by his traveling inspector Mr. G.S. Olivey, 'a good bushman, a man of ... independent character and ... knowledge of medicine and surgery', who travelled throughout the northern and central reaches of the colony on his departmental bicycle, visiting stations and towns along the way. Prinsep estimated that 12,307 Aboriginal people were in contact with the colonial regime, 6,690 of whom were 'self supporting'. There were, however, 'what may be called wild natives' in the East

1 First report for Financial year ending June 30th 1898, and three months following', SROWA Series 3005 Cons 255 AD File 1898/571.

2 Ibid.

3 Ibid.

4 Rowse, Tim 1998, *White Flour, White Power: From rations to citizenship in Central Australia*, Cambridge University Press, Cambridge, p.5.

5 '1899/1900 Annual Report', SROWA Series 3005 Cons 255 AD File 1899/782.

Kimberley, whose population was 'stated to be very large ... their physique much superior to those further south, owing probably to the fertility of the country and abundance of game'. These populations would soon be affected by colonial expansion, and many would become destitute and diseased in the face of the 'pernicious influences' of contact with Europeans.⁶ He argued for a system of pastoral paternalism which could both protect displaced Aboriginal people from the worst impacts of colonialism, and tie them to pastoral stations under compulsory employment contracts. In his experience, pastoralists might, on occasions, 'find it necessary to be strict', but they were rarely 'cruel' and provided conditions that seemed 'quite as comfortable and less full of hardship than it originally was'.⁷

No other system was practicable in Western Australia, Prinsep argued, as 'the primeval habit of the several tribes to remain on its own patch of country' meant that 'settlers round up the natives at signing season' when they required seasonal labour. The absence of contracts would bring 'much inconvenience, litigation and possibly the discontinuance of their employment', while 'the native, with his natural acuteness, would soon be found hawking his services to the highest bidder, possibly turning swagman'. Prinsep recognised that such a system might bring continued criticism from humanitarians in Britain and the eastern colonies, but this must be dismissed as 'written by those who have not much experience of native life and customs'.

To those who are accustomed to the luxuries of civilised life, the animal existence, habits and rough surroundings of a native camp always seem deplorable; but we must remember that this has been their condition since time immemorial, and it has become so much their nature that it is, in most cases, impossible to induce a native to inhabit a house, or take care of anything as his own property. A native living according to his own customs will remain healthy and strong; dress him up and house him, and he will soon fade away.⁸

Late in 1900, Prinsep requested Forrest to consider a new bill to give the Chief Protector powers to control Aboriginal movement in the vicinity of towns, regulate labour contracts and bring 'half-castes' under the age of 18 under the control of the state. The Premier was within a few months of his retirement from State politics in order to enter the new Australian Commonwealth parliament, and had little time for Prinsep's ideas. He directed him to 'get his Bill ready for next Parliament and follow the experience in other Colonies', and, most importantly, to 'move slowly in a difficult matter'.⁹ He returned the draft bill

6 Ibid.

7 Ibid.

8 Ibid.

9 SROWA Series 3005 Cons 255 AD File 1900/830.

with handwritten objections to almost every measure, mostly on the grounds that they would unnecessarily restrict the freedoms and movements of Aboriginal people. Powers to create reserves and confine Aboriginal people, 'would make prisoners of these poor people in their own country. For their own good it could be said; ... By what means? By being placed in irons?' Forrest condemned the proposal to segregate Aboriginal from non-Aboriginal populations, and viewed the proposed powers to tighten labour contracts, impose fines, create 'white reserves' and issue permits as 'a monstrous infringement of the liberty of a native. It is manufacturing offences with a vengeance.'¹⁰

Prinsep fared little better in his efforts to convince Forrest's successors that the government should expand its involvement Aboriginal affairs. George Leake, who was Premier between May and November 1901, told Prinsep he would not support his 'utopian' legislation. What was needed was a series of coercive measures, including complete prohibition of entry to town sites:

Natives know only one law, that of 'retribution'. We can't deal with them as civilised whites but must treat them rather as children—short and sharp punishment and in more serious cases banishment for a time from their own country would probably be effectual ... The first step is to 'humanise' them, you may then attempt to 'civilise' and finally 'christianise' them. The State will discharge its obligations if it is to accomplish the first two steps. The latter must be left to the Missionary.¹¹

Ministerial responsibility for the Aborigines Department changed frequently after Forrest's departure, leading Prinsep to despair that he would ever achieve his legislative objectives. The Aboriginal affairs portfolio was an unwanted additional burden, tacked on to the main job as Premier, treasurer or colonial secretary and, over the years following Forrest's departure, few displayed much interest in Prinsep, his department or the Aboriginal population. Initial responsibility stayed with the new Premier, George Throssell, who lost office after four months. His successor, George Leake, shifted responsibility to the Colonial Secretary, Frederick Illingworth, but this arrangement too was short lived. Leake's government fell in November 1901, and Prinsep's minister became M.L. Moss, Colonial Secretary in the two-month government of Alfred Morgans. For the next seven months, Illingworth resumed as minister in the second Leake Ministry, until Walter James's government introduced a period of comparative stability by holding the Treasury benches for two years until August 1904. The first Western Australian Labor Government under Henry Daglish then held power until May 1905, when, much to Prinsep's relief, he was assigned a

¹⁰ Ibid.

¹¹ Ibid.

minister he could work with, Dr. J.T. Hicks.¹² It was Hicks who subsequently guided the 1905 *Aborigines Act* through the Parliament, but this did not happen until external criticism of the living conditions of Aboriginal people in Western Australia forced the government's hand.

Calling 'Aboriginal expertise'

The bitter conflict surrounding John Gribble's allegations of violence and cruelty on the Western Australian frontier during the 1880s had earned the colony the unwelcome reputation in the imperial world of failing to protect its Aboriginal populations, of allowing conditions of brutality and virtual slavery to flourish on the stations and in the towns throughout its vast land area. Prinsep found himself surrounded by strongly held and often conflicting views on how the government should undertake its role, and was afflicted by continuous criticism, both of his own performance and the alleged failures of government. His sister-in-law, Caroline Bussell, writing from her temporary home in Paris, told of her 'great disappointment' that Prinsep had allowed 'all the distant stations ... to go on in the old lawless way and I see by the Papers that horrors of cruelty and injustice are still committed. Why are white men allowed to beat and kick the black?'¹³ Regular letters came from the pugnacious leader of the local Aborigines Amelioration Movement, Lyon Weiss, reporting the resolutions of public meetings, requesting responses to difficult questions and criticising Prinsep's performance:

I purposely refrain from doing more than respectfully inquiring whether ... the Natives are still chained by the neck like dogs, that their women are still being violated, that the Aborigines regard the Police as dangerous animals, and that arrests were still being indiscriminately made are true.¹⁴

A very public debate between Prinsep and Catholic Bishop Matthew Gibney, a 'fine example of muscular Christianity', that took part in the pages of the daily press, also hurt Prinsep's feelings.¹⁵ 'Is the important fact forgotten', asked Gibney, 'that the land we are living in was originally the property of the natives and that we have not compensated them for appropriating it?' The government 'had not assisted to preserve the race; on the contrary it has done much towards its annihilation', while the Chief Protector had 'done nothing', and allowed

12 Prinsep, Henry C., 'Diaries 1866–1922', SLWA Acc. 499A, 21 February 1905.

13 Caroline Bussell to Josephine Prinsep, 15 May 1899, SLWA Acc. 3593A/26.

14 SROWA Series 3005 Cons 255 AD File 1907/17.

15 'Truthful Thomas' 1905, *Through the Spy-Glass: Short sketches of well-known Westralians as others see them*, Praagh & Lloyd, Perth, p.31.

inhumane practices such as flogging and neck chaining to continue. 'Because of their colour these unfortunate people are shown no form of mercy', Gibney wrote. 'I have known instances of the repeated slaughter of natives, and as these have occurred during my period of residence in the State they cannot be alluded to as ancient history.'¹⁶ Angry at Gibney's accusations, Prinsep drew attention to his 'indefatigable' efforts as Chief Protector and asserted the high esteem in which he was held by the State's Aboriginal people.¹⁷ There was little in the way of government action, he wrote, that could be done to preserve Aboriginal people from decline:

It cannot be denied that when a black minority comes into contact with a white majority, the black minority must give way by its very proneness to those depravities which weaken them and ultimately destroy them. Legislation and departmental action may be of the best but there seems some natural law which works against them. In those regions where the white man can establish his race the black man soon disappears, but where the contrary is the case, such as in the Tropics, there is always hope for the black race ... the impression is that the birth rate is rapidly decreasing among natives in the white sphere of action. Nothing can prevent this except complete isolation of natives, a thing now quite impossible.¹⁸

Another persistent critic was Walter Malcolmson, an Irishman who had worked near Marble Bar in the Pilbara, where he claimed to have witnessed continuous acts of brutality against Aboriginal people. Back in Britain, he wrote letters to British and Irish newspapers in which he characterised Western Australia as the 'slave state of the Commonwealth' and Aboriginal people as 'worse off than the negro was in American slave days'.¹⁹

Prinsep's efforts to defend some of the practices of the Western Australian government, particularly whipping and neck chaining, reflect a determination both to rationalise the use of coercion, and to assure the critics that these methods were the most humane available and were being properly regulated by government. In 1901, Prinsep accused Malcolmson and his supporters of 'sweeping generalities, without making themselves acquainted with recent facts, or giving particulars of the charges they make'. Seeking to justify the neck-chaining of Aboriginal prisoners, Prinsep explained that the only way to

¹⁶ *The Morning Herald*, 13 May, 1907.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Daily News*, (London), 13 December 1901. Malcolmson also wrote a letter to an unidentified Belfast newspaper in 1904, the subject of SROWA Series 3005 Cons 255 AD File 1904/81, 'Re. Mr Walter Malcolmson's remarks in a Belfast newspaper on the treatment of WA Ab. Natives'.

prevent escapes was 'by means of a chain attached to either iron collars or rings of chain round the men's necks'. 'I have made the closest inquiries as to the style of fastening', he wrote:

The police inform me that other methods have been tried, that a native is so lithely made that he can get out of a ring fastened with all reasonable tightness round his waist, and that if put round his ankle he can so easily get at it with his hands, even if he cannot slip his foot through it, that it is not effective. Another objection to the ankle is that, should the native be employed in quarrying or dealing with heavy loads, the chain round the ankle is more likely to trip him up and fix him in a dangerous position than that from his neck. Putting it round the wrist is laughed at; the only other place, then, is the neck. The only way to abolish the use of the chain when under confinement would be to place natives on islands far from the coast, but the objection to this is the great cost, and the loss of all their services, which are now made useful to the State at the various ports. Nor would the civilising influence be so possible.²⁰

Punishments, on the rare occasions they were carried out, were both necessary and harmless. The cat-o'-nine-tails was used only in prisons, the 'squatters being quite aware that the best way to get work out of such irresponsible and unreasoning creatures as natives are, is to treat them and feed them well'.²¹ The whip itself was incapable of inflicting serious injury:

I find the lashes are small cord, about a quarter of an inch in diameter, with the ends tapering off, but seized with small twine to prevent unraveling, and that no knots are permitted to be put anywhere upon the lashes.²²

Prinsep turned to the self-trained ethnographer, Daisy Bates, to help defend the Government's reputation, both domestically and in the imperial world. Born in County Tipperary in Ireland in 1859, Bates initially arrived in Queensland as a 22-year-old in January 1883, and returned to Britain in 1894 before arriving in Western Australia in September 1899. She soon launched herself into a career as a freelance journalist, and was engaged in May 1904, on a junior clerical salary of eight shillings a day, by the Registrar-General's Department to collect Aboriginal vocabularies.²³ Bates persuaded the government of the importance of her task and her unique qualifications to record the languages and traditions of Aboriginal populations. She proposed that she should be employed so that the government would have a scientific record of the

20 Government of Western Australia 1900/1, *Annual Report of the Aborigines Department*, Perth, p.5.

21 SROWA Series 3005 Cons 255, AD File 1902/41.

22 Ibid.

23 Reece, Bob 2007, *Daisy Bates: Grand dame of the desert*, National Library of Australia, Canberra, pp. 13–45.

languages of a fast-disappearing people.²⁴ Prinsep also asked Bates to prepare a booklet for distribution in Britain and the eastern states of Australia as part of his strategy to counter negative public opinion about Western Australia. *Efforts Made by Western Australia Towards the Betterment of Her Aborigines* was an attempt to use scholarly opinion to show that, compared with other Australian States, Western Australia 'comes out easily ahead in the efforts she has continuously made to grapple with the aboriginal problem, and her expenditure on their behalf, if taken on a white population basis, will probably be found on comparison to have exceeded that of any other State for the same purpose'.²⁵ Acknowledging that 'a perfect system has yet to be evolved', she cited 'an American writer', Daniel Brinton's book *Races and Peoples*, to recommend 'a missionary enterprise combined with a broad secular education, the inculcation of sound principles rather than respect for ceremonies and dogmas, the retention of the good that there certainly is in many native religions and moral codes, the encouragement of independence of thought, and the principles of religious and political freedom'.²⁶ All these, she argued, were necessary for the 'reception of civilisation'.²⁷ Nevertheless, regardless of the efforts of government and missionaries, she believed such intervention was 'ultimately futile': 'The most that can be said of these efforts is that the native exists, or, perhaps the better word would be suffers a little longer: his ultimate disappearance is only a matter of time.'²⁸

'The dire necessity of a suffering race'

Prinsep's defense did little to quell public disquiet over the colony's treatment of Aboriginal people, nor to assuage the perceptions of a 'slave state' that had changed little since the days of John Gribble 20 years before. In August 1904, the government introduced amendments to the 1897 *Aborigines Act* to expand the powers of the Chief Protector to remove half-caste children, prohibit co-habitation, regulate employment contracts, establish reserves, and remove Aboriginal people from towns. The election of the Henry Daglish Labor Government in August 1904 brought a further delay, the Government responding to the continuous pressure from overseas by establishing a Royal Commission to inquire into the 'administration of Aborigines and the treatment of natives'.²⁹

24 Daisy Bates to Dr. J.T. Hicks MLA, undated, SROWA Series 3005 Cons 255 AD File 1906/159.

25 Bates, Daisy 1907, *Efforts Made by Western Australia Towards the Betterment of Her Aborigines*, Government Printer, Perth, p.29.

26 Brinton, Daniel G. 1890, *Races and Peoples: Lectures on the science of ethnography*, N.D.C. Hodges, New York.

27 Bates 1907, *Efforts Made by Western Australia Towards the Betterment of Her Aborigines*, p.31.

28 Ibid. p.30; Reece 2007, *Daisy Bates*, p.51.

29 Government of Western Australia 1905, *Royal Commission on the Administration of Aborigines and the Condition of the Natives*, Government Printer, Perth.

There were no obvious local candidates to head a Royal Commission in Western Australia, so, on Prinsep's recommendation, Premier Collier approached Walter Roth, who, at the time, held the position of Chief Protector in Queensland. Roth had been born in London in 1861, and came to Australia during the late 1880s where he developed an interest in Aboriginal culture, probably through association with Baldwin Spencer and the influence of his brother, Henry Ling Roth, author of an 1890 history of the Tasmanian Aborigines.³⁰ Trained as a doctor, Roth drew upon the published views of contemporary scientists, such as Herbert Spencer, to support his advocacy for state intervention and the segregation of Aboriginal people, and was a strong believer in the removal of 'half-castes and quadroons' from their parental environments for education and religious indoctrination. As such, his concern for Aboriginal children and women outweighed the value of the family unit, and reflected 'the racism and paternalism of the period, as well as his personal commitment to protection of children and his opposition to child labour'.³¹

Taking up his commission in August 1904, Roth spent a few weeks in Perth talking to politicians, Prinsep and his staff, the Commissioner of Police and other officials, assessing the files and annual reports of the department, and considering written allegations of cruelty.³² He then travelled north, visiting Carnarvon, Port Hedland, Broome and Derby, and interviewing 110 witnesses, including 40 police, magistrates and gaolers, 13 priests, 14 station managers, and two Aboriginal prisoners. Returning to Perth, he quickly wrote his report and was back in Queensland by the time it was released to the press at the end of January 1905. There was immediately a 'great hubbub', as Prinsep put it, although Roth was relatively mild in his criticism of the treatment meted out to Aboriginal people in the north:³³

Your Commissioner is satisfied that the natives generally speaking, are not subject to any actual physical cruelty. On the other hand, the wrongs and injustices taking place in these areas, and the cruelties and abuses met with in the unsettled districts cannot be hidden or tolerated. Fortunately they are of such a nature that they can be largely remedied by proper legislation, combined with firm departmental supervision.³⁴

Roth exonerated pastoralists over their alleged mistreatment of Aboriginal employees, but found that contracts of employment were often avoided, and

30 Haebich, Anna 2000, *Broken Circles: Fragmenting Indigenous families, 1800–2000*, Fremantle Arts Centre Press, Fremantle, p.294.

31 Ibid., p.295.

32 Eliza Tracey to W.E. Roth, 5 January 1905, SROWA Series 3005 Cons 255 AD File 1905/6.

33 H.C. Prinsep, 'Diaries', 30th February, 1905; Haebich, Anna 1988, *For Their Own Good: Aborigines and government in the Southwest of Western Australia, 1900–1940*, University of Western Australia Press, pp. 76–78.

34 Report of the Roth Royal Commission, *The West Australian*, 30 January 1905.

that employers dodged their obligation to provide rations and medical care, seeking to defray costs onto government. He reserved his most strident criticism for police and the justice system, lambasting the system of arrest of Aboriginal people suspected of killing cattle, the long sentences imposed, and the treatment of Aboriginal prisoners. Neck-chaining, in Roth's view, was unacceptable. Arrest for cattle-killing should only be on warrant, while sentences should be much shorter. Rationing should be conducted through small ration reserves, on which Aboriginal 'indigents' would be confined. With regard to co-habitation, Roth agreed that the Chief Protector should be provided with powers to prevent Europeans and 'Asiatics' from living with Aboriginal women. As an additional measure, to prevent Aboriginal women mixing with pearling crews, police should have the power to confine crews to their boats and prohibit Aboriginal people from entering areas where pearling boats came ashore. Roth's recommendations supported most of the proposals Prinsep had been advocating for the previous six years. The main problem, Roth agreed, was that the Chief Protector had 'no legal status, while his authority as head of the Department ... is a divided one, and may even be ignored. Justices have greater powers, while other government officers assist him only out of courtesy', even the network of honorary protectors.³⁵ Roth was critical of incapacity of the department to inspect conditions of pastoral properties or to properly supervise the distribution of rations. Furthermore, he agreed with Prinsep's views on the half-caste problem, and recommended that the Chief Protector be legal guardian of all Aboriginal and 'half-caste' children under the age of 18.

The West Australian launched an immediate attack on the report, the Chief Protector and the Commissioner of Police, Captain Hare. It reserved particular venom for Prinsep, arguing that, 'if what Dr. Roth says is true', he should resign immediately:

Either ... [Prinsep] has known what was going on and ought to have stopped it, or he did not know, and is therefore incompetent, and, in either event, should be called on to resign ... He was made the head of a department, was invested with great powers and had a very large income placed at his disposal, the one stipulation being that there was to be a check to those cruelties, immoralities and cases of criminal misbehaviour which the public were assured took place without stint or concealment in so many parts of Western Australia.³⁶

Prinsep reminded the newspaper that he in fact had no legislative powers and could act only on the 'moral strength' of the department.³⁷

35 *The West Australian*, 30 January 1901.

36 *The West Australian*, 31 January, 1901.

37 *The West Australian*, 2 February 1905.

A man would be a fool who thought that he could stop those evils altogether in a country so large and so full of hidden fastnesses as this State, but, by restricting the employment of natives to reliable people, and ... preventing interference or intercourse with the natives by unreliable people ... is ... the best way of gradually bringing those irresponsible, but some-day-useful people to a higher level.³⁸

The debate brought responses from near and far, and quickly moved from criticism of the government to debate of the characteristics of Aboriginal populations and their future in a colonised world. John Forrest, by then Treasurer in the Commonwealth Government, expressed a Western Australian parochialism that was common amongst the colonial social body, criticising the State for employing a Queenslander, who could not be expected to understand the particular conditions of Western Australia. In his view, the responsibility of the State extended only to 'kind treatment' and protection from 'injustice and cruelty'. 'There is scarcely any place for them in our civilisation', he told *The West Australian*, 'and those who in their youth, are cared for in our institutions, have a difficult path to travel when they come to maturity.'³⁹ Explorer and prospector William Carr-Boyd wrote that Roth did not go far enough. In his experience, the 'condition of the blacks is simply disgusting, filthy, deplorable and miserable ... starving, ragged, and rotten with most disgusting diseases'.⁴⁰ Church of England Bishop Riley accepted that Aboriginal people were a doomed race, and that 'if they were to continue to suffer such diseases and cruelty as they had done in the past, it would be better for them to die. But surely it was the duty of all Christians to make the lives of the natives brighter, to uplift them, to keep them from contamination, and to teach them of the hope of salvation.'⁴¹

Derby Resident Magistrate Richard Wace supported recommendations to establish hunting and rationing reserves and the removal from towns of 'half-caste waifs and strays'. In his view, the 'large number of absolutely worthless blacks and half-castes about who grow up to lives of prostitution and idleness' would benefit from removal and education in a Christian environment.⁴² Charles Blythe, lessee of Leopold Downs station 200 kilometres east of Derby, wrote that, even after 20 years living in proximity to Aboriginal people, he still did not understand them. It was 'absurd', in his view, to compel Aboriginal people to work, or try to bind them with contracts:

A most peculiar race, and to get any idea of their condition one wants to study them for at least a year. They are of a restless and nomadic nature,

38 Ibid.

39 *The West Australian*, 4 February 1905.

40 *The West Australian*, 7 February 1905.

41 *The Morning Herald*, 13 February 1905.

42 *The Morning Herald*, 14 February 1905.

and therein lies one of the principle problems in dealing with them ... The native is of such a temperament that he wants to be constantly changing. There is no stability about him. He is with you one day, and probably gone the next, and whereas one week you may have 20 or 30 natives around your station, next week they may all have taken it into their heads to shift; you are not consulted and you are powerless to prevent this.⁴³

The government responded to Roth's report by issuing directives to police and magistrates and assuring the public that legislation before the parliament would reflect the recommendations. The furore soon died down. Roth returned to Brisbane to fight his own battles with the Queensland establishment and Prinsep to the task of seeing his draft legislation into law. The two men had got on well and agreed on most aspects of the Chief Protector's role, and the subsequent *Aborigines Act* was to reflect many of the features of Queensland's *Aborigines Protection and Restriction on the Sale of Opium Amending Act 1901*, a law significantly influenced by the views of Roth.⁴⁴ They had enjoyed a social life together while the Royal Commission was in progress and continued to write to one another for some time. Roth's letters made it clear that he was impatient with Queensland and that he was interested in Prinsep's position when he retired. In March 1905, he congratulated Prinsep on his foresight in disappearing to the China, 'while all the fuss was on', and on his success in deflecting blame 'the condition of the natives' to those 'who had it in their power to befriend and assist you, but had neglected to do so'.⁴⁵ Roth expressed amazement that Commissioner Hare, John Forrest and Bishop Riley had 'made themselves ridiculous in the public gaze' by 'committing themselves to a criticism ... before they had perused the evidence'.⁴⁶

Prinsep's friends wrote offering their support for his efforts to persuade the government to take his proposals seriously. From England, former Chief Justice Alexander Onslow congratulated him on coming 'clean out of the investigation', and agreed that, 'if you want a proper supervision of such a subject in so enormous extent of country you must have more money and have greater authority than the local government is inclined to give you'.

Of course (I am sorry to say) wherever the white man has the chance of making money out of the labour of an inferior race. Most certainly there will exist danger and very grave danger of abuse of power and those dangers will become active in the inverse ratio to the activity

43 Ibid.

44 Haebich 2000, *Broken Circles*, p.306.

45 Roth to H.C. Prinsep, 4 March 1905, SLWA Acc. 1972 (uncatalogued).

46 Ibid.

of the supervision. But what can you do when you are hampered by want of money and want of authority. Further do the police authorities sufficiently sympathise with you? That is a most important question.⁴⁷

Similarly, architect George Temple Poole praised Prinsep's 'proposals for controlling the policies of the tribes, organising protected reserves, and for competent, fatherly administration of their social economics', and offered his support to pressure the Government to respond: 'If you think the public should be informed of this, will you let me have word, and a suggestion or so, and the writer will write.'⁴⁸

Prinsep got his new legislation before the year was out. In December 1905, *The Aborigines Act* passed with minimal debate and attracted little of the public attention that might have been expected from the controversies earlier in the year. Even Prinsep's diaries pay the event scant regard, merely recording that on the 11th December he had provided Hicks with information for the second reading speech, and that on the 13th he and his two daughters Emily and Virginia sat in the public gallery listening to the speeches. On the 15th December, 'The Aborigines Bill was debated and passed its second Reading in the Assembly. H. at Parlt. House at every sitting. Geo. Taylor had been speaking very highly of him in the afternoon and when it was all over H. went and thanked those who had helped the Bill through.'⁴⁹ Most of what Prinsep had been requesting over the previous seven years was now law, although some of the important recommendations from Roth, such as the establishment of a regional departmental structure and the payment of cash wages by pastoralists, had been quietly dropped. Importantly, the Act defined four categories of people 'deemed to be aborigines', including half-castes and the children of half-castes, which was to have wide ramifications for Aboriginal people over the course of the Twentieth Century. The main features of the Act related to employment, the powers of the Chief Protector and the police, cohabitation, and the establishment of Aboriginal reserves.

The Chief Protector's powers over Aboriginal people became extensive. He was now legal guardian of every Aboriginal or half-caste child under the age of 16, had the right to intervene for the general care and protection of any person who came under the Act, including the management of their property, controlled the marriage of Aboriginal women to non-Aboriginal men, and could initiate proceedings to force the father of an illegitimate child to pay maintenance costs if the child was in care. A range of offences relating to marriage, cohabitation and the supply of alcohol were created, and the police were empowered to arrest

47 A.C. Onslow to Prinsep, 8 March 1905, SLWA Acc. 1972A/123

48 George Temple Poole to Prinsep, 13 February 1905, SLWA 773 Acc. 1972A/129

49 Prinsep, 'Diaries', 11–15 December 1905.

without warrant any Aboriginal person suspected of offending. Employment provisions were a major feature, including the prohibition of employment of Aboriginal children under the age of 16, reiteration of the contract system of employment, and the introduction of compulsory employment permits to be renewed annually. Employers were compelled under the Act to provide adequate rations, medical care, clothing and blankets. Finally, the Governor was given the power to reserve areas of Crown land, up to a limit of 2,000 acres in any magisterial district, and to order the removal of any unemployed Aboriginal person to such a reserve. The Queensland connection was apparent in the similarities between the Act and the 1897 *Aborigines Protection and Restriction on the Sale of Opium Act* in establishing a similar administrative structure, and similar controls over employment, sexual contact, and the removal and institutionalisation of children. But some of the measures were more restrictive than those of Queensland, including those relating to marriage and cohabitation, the legal guardianship of the Chief Protector over children, and the harsh penalties for offences against the Act.⁵⁰

Prinsep was proud of his new legislation, and saw it as the culmination of seven years of 'one-minded zeal and great hope'. Towards the end of his career, he related the difficulties he had experienced. His efforts, he wrote, were met at first with 'indifference and then, almost adverse criticism':

At last I resorted to pleading the dire necessity of a suffering race, but even then I met a deaf ear and so another session was lost and the evils increased in such mathematical progression. Again I made the attacks and backed it up by strong language in my report. As may be seen, I certainly met with more encouragement, but nothing was really done. One Premier retired; another died. The fates seemed against me.⁵¹

'Neck-chaining has not a pleasant sound'

Criticism of the treatment of Aboriginal peoples in Western Australia continued from Britain and, shortly before Prinsep's departure on leave to England in mid-1907, Governor Frederick Bedford received an inquiry about the practice of neck-chaining from Secretary of State, Lord Elgin. In July 1907, *The Times* reported a parliamentary statement in the Commons that the Government did not 'share the opinion of the Western Australian government on neck-chaining': 'the Secretary of State will desire the Governor, as opportunity offers, to impress upon the Western Australian Government the objections which the

⁵⁰ Haebich 2000, *Broken Circles*, p.187.

⁵¹ SROWA Series 3005 Cons 255 AD File 1905/97.

continuation of this practice cannot fail to excite in this country (hear, hear)'.⁵² With its connotations of slavery, the government was sensitive about the issue, and Prinsep was asked to call upon Lord Elgin while on leave, so that 'the misconception which undoubtedly exists in the minds of those in authority in Downing St. can be cleared away once and for all':

The neck chaining question appears to be quite misunderstood, and a conversation with His Lordship pointing out that the Aborigines themselves much prefer the system, that it is a light chain, which rests practically on the shoulders and leaves the limbs free and unfettered, and without the danger of chaffing, ought to suffice.⁵³

Prinsep's deputy, Pechell, wrote to Prinsep with information for his meeting with Elgin, adding a personal note that he believed Western Australia's reputation was due to 'these wretched church ministers; I wish the natives had made rolled meat out of them before they left the country'. 'It has been conclusively proved by all medical and other evidence', wrote Pechell, 'that this method is most humane'.

Neck-chaining has not a pleasant sound, and perhaps that is the worst part of it, and the cause of the outcry against the method. However, the people who have raised the outcry do not suggest any better plan, and in my opinion could have troubled themselves very little to find out which was the best method.⁵⁴

Prinsep was relieved to be away from a position that he found more stressful the longer he stayed. Pechell's letters and the request for him to call on Elgin were an unwelcome intrusion into a holiday filled with reunions with family and friends, trips into the countryside and visits to museums and art galleries.

Pechell took the opportunity to fill Prinsep in on all the news from the Aborigines Department as, until the end of December 1907, 'you are still the Chief Protector'. A Royal Commission had been established, he told Prinsep, to inquire into 'alleged cruelty to natives by the Canning Exploration Party and I think they intend to enlarge the scope and powers of the Commission to enquire fully into the treatment of natives generally'.⁵⁵ The government had included funds in the departmental budget to establish the Lock Hospitals on Dorre and Bernier Islands, but title over Bernier Island had not yet been secured. Edith Bussell had complained to the Minister about Prinsep's 'methods of treating natives', which Pechell viewed with disdain, as 'she should not have waited till you had left the country to say these things. I am speaking of Miss Bussell

52 SROWA Series 3005 Cons 255, AD File 1907/599.

53 Frank Wilson to H.C. Prinsep, 2 September 1907, SLWA Acc. 3594A/27.

54 Pechell to H.C. Prinsep, undated, SLWA 773 Acc. 3594A/33.

55 Pechell to H.C. Prinsep, 23 December 1907, SLWA Acc. 3593A/34.

leaving out all idea of her relationship to you, and I feel you would wish me to do so.'⁵⁶ Daisy Bates had criticised the department and complained about Pechell's ungentlemanly conduct after he failed to raise his hat when they met in the street.⁵⁷ 'We are quite friendly now', he reassured Prinsep, 'but she is not a person I care much about.'⁵⁸ Pechell thought he had been doing well in Prinsep's position, and that the Minister 'seems quite satisfied with what I have done, so much so that I am going to ask for a bonus'.⁵⁹ Nonetheless, criticism of the state's treatment of Aboriginal people had continued in the press to the extent that everyone in the government was 'quite sick of the native question'.⁶⁰ He looked forward to leaving the job, as he did not 'envy anyone the job of Chief Protector'.⁶¹

Prinsep interrupted his holiday to attend the Colonial Office for his meeting with Elgin, but ended up meeting a relatively junior officer, Mr. Johnson. Prinsep thought Johnson had been 'much influenced' by reports of cruelty, but he provided 'strong testimony of the general good sense of policemen stationed in the native districts': 'When I asked him whether, if placed in the position of a constable 200 miles in the back blocks, surrounded by hostile natives and armed with instructions to arrest 12 of the natives, he would act differently from the police, he was at a loss to answer, and naturally so.'⁶² For Prinsep, this was to be his final act as Chief Protector; on his return, the cares and anxieties of the Aborigines Department would become someone else's problem. He reassured *The West Australian* that the reputation of Western Australia was intact in Britain, and that, in fact, English people were 'so wrapped up in the affairs of their own country, that they don't trouble themselves about our native question'. Perhaps a 'very small missionary set' expressed their concerns about the treatment of Aboriginal people in Western Australia, 'but as it was some people seemed surprised that me, as a man of Australia, spoke English':

The truth is that in England religious thought is nowadays a totally different thing from what it used to be. It is now not exactly agnosticism, but it is awfully deistical ... there seems to be a desire to let the race rise or fall ... whatever its fate may be. There does not seem to be the desire to throw the aegis of English power over the unprotected races, as there used to be. Why is this? ... The Exeter Hall influence, which used to be a great factor in the excessive ventilation of the grievances against the treatment of the aboriginals, and in whose midst strife used to be stirred

56 Pechell to H.C. Prinsep, 2 September 1907, SLWA 773 Acc. 3594A/10.

57 SROWA Series 3005 Cons 255 AD File 1907.

58 Pechell to H.C. Prinsep, 2 September 1907, SLWA Acc. 3594A/10.

59 Pechell to H.C. Prinsep, 23 December 1907, SLWA Acc. 3593A/34.

60 Ibid.

61 Pechell to H.C. Prinsep, 2 September 1907, SLWA MN 773 Acc. 3594A/10.

62 *The West Australian*, 30 September 1908.

up in this connection, has been removed by the demolition of the Hall. Of course, it was not the Hall that made the feeling, but the ... hall gave the opportunity by reason of the traditions which attached to it for the ventilation of that feeling. I think that the accumulation of money is causing people to think a lot more of pleasure than of social problems.⁶³

Prinsep returned to Western Australia in 1908 for a life of retirement, and he was pleased to wash his hands of his responsibilities. By successfully implementing laws that he was sure would be effective, he felt his job was done. It was to be his successors, Gale (1908–1915) and A.O. Neville (1915–1940), who would extract the full potential of the legislative machinery of the 1905 Act to engineer a brutal system of regulation and control, which became ever more intrusive in the lives of Aboriginal people.

63 Ibid.

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