

‘Our country all gone’: rights, charity and the loss of land

Within these boundaries of their *own country*, as they proudly speak, they feel a degree of security and pleasure which they can find nowhere else – here their forefathers lived and roamed and hunted, and here also their ashes rest. And this is the scene of their fondest and earliest recollections ... with every nook they are familiar, they know just where their favourite roots are most abundant, the haunts of the Kangaroo, Emu and Opossum – in short, it is their home.¹

So wrote Port Phillip assistant protector James Dredge in June 1842, describing in his diary the material, personal and historical attachment to country he saw amongst the Daungwurrung people of northern Victoria. Dredge’s spell with the Port Phillip protectorate had been brief, passionate and ultimately disappointing. Arriving in New South Wales in 1838, in time to witness the public furore over the trials of the Myall Creek murderers, he had few illusions about the impact of colonialism on Indigenous peoples. By the time of writing, he had left his station in the Goulburn River district after an acrimonious resignation from the protectorate, and was continuing to lobby on Aboriginal policy from Melbourne, where he ran a china shop and applied for work as a missionary. In his journals and letters, issues of traditional land ownership and its destruction emerge as fundamental. In 1840 he explained to a missionary colleague ‘each Tribe has its own district the extent and boundaries of which are well known to themselves, and they speak of their country to a stranger with emotions of pride.’² Indigenous territories were, he said, ‘amongst themselves well understood and sacredly recognised from one generation to another.’³ He had been disturbed, upon his arrival in Melbourne, to observe the precarious situation of people camped ‘on that part of the territory of their fathers’ about to be turned into city streets.⁴ At the same time, however, Dredge described Daungwurrung as ‘wandering savages’ and usually refused to travel with them. He urged that reserves be established for each community on lands acceptable to them, but also advocated use of (unspecified) ‘restraints’ to stop them leaving

1 James Dredge, 6 June 1842, James Dredge, Diaries, Notebook and Letterbooks, ?1817–1845 [hereafter *JDD*], MS11625, MSM534, State Library of Victoria (SLV).

2 James Dredge to Rev D Harding, 12 September 1840, *JDD*, MS11625, MSM534, SLV.

3 Dredge, 6 June 1842, *JDD*, MS11625, MSM534, SLV.

4 James Dredge to Jabez Bunting, 20 April 1839, in Methodist Missionary Society, Records [hereafter *MMS*], reel 55, AJCP 172, SLV.

their designated country.⁵ His records bring the reader up against some of the conflicts and complexities that developed when philanthropists encountered Indigenous land ownership and dispossession.

The writings of these missionaries and protectors, as well as broader philanthropic publications produced in Britain at the time, offer insights into particular ways of thinking about land in early colonial Australia, which ultimately waned or failed. These included an acknowledgement of Indigenous entitlements to land, a prioritising of free agriculture over pastoralism with convict labour, and an attachment to imperial authority and the Crown's ability to control and distribute land. Through these accounts emerge alternative, largely unrealised visions of Australian colonisation. Considering debates over Indigenous land during the first half of the 19th century also forces the reader to look more closely at the intellectual lineage of white support for land rights. This includes the troubled relationship between rights and charity, the mixed place of Aboriginal voices within these discussions, the ways that Indigenous 'compensation' was tied to Christian agricultural instruction – funded through the very proceeds of dispossession itself – and the way philanthropists' discourse on land changed between their personal and political writings and more generalised publications. Through an emphasis on local records, this chapter contributes to an ongoing conversation about how entitlements to land were understood.

'Country belonging to me': land ownership and dispossession

The loss of Indigenous land and resources through the rapid spread of colonialism emerged as an urgent issue in philanthropic records. While much of this 'settlement' occurred beyond legal boundaries, it was not strongly opposed by government. In South Australia, for example, the *South Australia Colonisation Act*, 1834 proclaiming British control over the region declared all the land 'waste and unoccupied'. Governor Bourke and Lord Glenelg responded to the invasion of Port Phillip by passing an Act in Council in 1836, the practical outcome of which was to recognise and accept the unavoidable spread of the pastoralist economy. Meanwhile, the British government, while expressing concern about Indigenous dispossession and making certain attempts to guarantee ongoing access to land, nonetheless enabled and encouraged colonial expansion. The *Second Imperial Waste Lands Act* of 1846, for instance, followed by 1847 Orders in Council in New South Wales, allocated the longest leases to squatters occupying land that was classified as unsettled, in order to further

5 Dredge to Harding, 12 September 1840, *JDD*; James Dredge to Jabez Bunting, 10 May 1841, Wesleyan Methodist Missionary Society, Archive: Australasia 1812–1889 [hereafter *WMMS*], reel 2, Mp2107 (Record ID: 133095), National Library of Australia (NLA); James Dredge to Dr Thomson, 14 September 1840, *JDD*, MS11625, MSM534, SLV.

facilitate pastoralism.⁶ The mixed intentions of imperial government, and their often close but troubled connections to philanthropic movements, led to some uneasy exchanges on land issues. This was encapsulated rather neatly in 1842, when Lord Stanley told Gipps of the recent Act to regulate the sale of waste lands in Australia. He reiterated that up to 15 per cent of the gross proceeds of land sales should be used for Indigenous protection and civilisation, and added that this process should stay under Crown control, suggesting a certain mistrust of colonial authorities. However, another item Stanley wished to keep under Crown control was also notable: expenditure on roads, bridges and other infrastructure designed to make land contemplated for sale more easily accessible.⁷ When philanthropists came to write about land issues, they did so with mingled loyalty and mistrust towards the colonial project.

Philanthropists' personal papers and correspondence are particularly valuable because they provide some of the strongest statements of Indigenous land ownership and dispossession from this era – statements which emerged (however partially) from conversations and relationships with Indigenous people themselves. Writing from Newcastle, LE Threlkeld informed London Missionary Society treasurer GA Hankey as early as 1825 that 'every tribe has its district the boundaries of which must not be passed without permission from the tribe to which it belongs'.⁸ Rev George King, writing from Fremantle, reported with interest to the United Society for the Propagation of the Gospel that the local people possessed great expertise and intimate knowledge about the landscape, plants and animal life.⁹ Missionaries Francis Tuckfield and Joseph Orton were surprised at how carefully and intricately the country around Geelong was divided according to kinship systems. Tuckfield informed the Wesleyan Methodist Missionary Society in 1840 that 'There does not seem to be a single spot of this continent wholly unoccupied – "wherever human beings can exist there human beings are already to be found".'¹⁰ Similarly, in 1841 Woiwurrung guides showed protector William Thomas the boundaries of their country in Port Phillip and explained why the borders had been placed where they were.¹¹ Chief protector GA Robinson also recalled a man's statement

6 Cannon and Jones (eds) 1981, *Historical Records of Victoria (HRV)*: vol 1, Beginnings of Permanent Government: 24–25; Waterhouse 2005: 22.

7 Lord Stanley to Sir George Gipps, 15 September 1842, *Historical Records of Australia (HRA)*, 1924, series 1, vol xxii, April 1842 – June 1843: 281.

8 LE Threlkeld to GA Hankey, 29 Aug 1825, London Missionary Society, Records, AJCP M73, SLV.

9 Rev George King to Rev Ernest Hawkins, 11 June 1847, United Society for the Propagation of the Gospel, Records [USPG], AJCP M1222, SLV.

10 Francis Tuckfield to General Secretaries, 30 September 1840, WMMS, reel 2, Mp2107. Also, Joseph Orton to General Secretaries, 18 July 1839, WMMS, reel 1, Mp2107; Francis Tuckfield to General Secretaries, 30 October 1841, WMMS, reel 2, Mp2107, NLA.

11 William Thomas to GA Robinson, Journal of the Proceedings during the months of June, July & August 1841, Public Records Office of Victoria (PROV), VA 512 *Chief Protector of Aborigines*, VPRS4410, unit 3, 1841/70 (reel 2).

of land ownership: 'when Tung.bor.roong spoke of Borembweep and the other localities of his own nativity, he always added "that's my country belonging to me!! That's my country belonging to me!!"'"¹²

Within these sources, the seizure of Indigenous land was recognised and lamented for its destructive effects. In 1841, when Robinson asked a family he met on the Glenelg river where they came from, 'they beat the ground and vociferated, Deen! Deen! (here! here!)', and then, in a dejected tone, bewailed the loss of their country.'¹³ Another man, Yaw-en-nil-lum, whom Robinson met at Tarrone, pointed to the squatters' enclosed land and said that white men had stolen it.¹⁴ Even by the end of the protectorate, Robinson was still urging superintendent CJ La Trobe that 'Aboriginal natives have a right to a reasonable share in the soil of their Fatherland and ought not to be driven from their haunts and homes at the caprice of any person.'¹⁵ Protector ES Parker found it difficult to respond to repeated Indigenous complaints about the loss of their country. He claimed they were being 'beaten back by the "white man's foot" ... excluded, perforce, from lands which they unquestionably regard as their own ... classified with and treated as wild dogs.'¹⁶ Meanwhile, Joseph Orton, infuriated by settlers' complaints about Aboriginal sheep theft, retorted 'what else can be expected from savages who are conscious of being intruded upon their natural rights violated – and their only means of subsistence destroyed ... and they thus violently and unjustly deprived of their own soil?'¹⁷ His colleague, Francis Tuckfield, complained to the WMMS in 1840 that Indigenous people in western Victoria were being rapidly dispossessed by squatters and government, losing the lands they had lived on from 'time immemorial'. He noted that people from the districts around Geelong often asked him when they would get their own mission. They did not seem very interested in Christianity, but instead lamented 'Our country all gone.'¹⁸

The clearest examples of Indigenous people during this period attempting to engage directly with government policy on land rights came from around

12 GA Robinson 1998, *Journals: Port Phillip Aboriginal Protectorate, 1 October 1840 – 31 August 1841*, Clark (ed) vol 2: 318.

13 GA Robinson 2001, 'A Report of an Expedition to the Aboriginal Tribes of the Western Interior during the months of March, April, May, June, July and August, 1841', *The Papers of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate*, Clark (ed) vol 4: 23.

14 GA Robinson 2001, 'A Report of an Expedition to the Aboriginal Tribes of the Western Interior during the months of March, April, May, June, July and August, 1841', *The Papers of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate*, Clark (ed), vol 4: 19.

15 GA Robinson to CJ La Trobe, 1 January 1849, PROV VPRS2895, unit 1, 1849/1 (reel 3).

16 ES Parker to GA Robinson, 1 April 1840, in Cannon (ed) 1983, *HRV*, vol 2B: 413. Also, ES Parker to GA Robinson, 1 December 1843, PROV VPRS12 unit 4, 1843/16 (reel 3).

17 Joseph Orton, 24 May 1839, see also 23 May 1839 and 31 May 1839, in Joseph Orton, *Journal 1832–1839 and 1840–1841*, ML ref A1714–1715, CY reel 1119, State Library of NSW.

18 Francis Tuckfield to General Secretaries, 30 September 1840, *WMMS*, reel 2, Mp2107, NLA. Also, Francis Tuckfield to the General Secretaries, *WMMS*, 31 June 1840, in Francis Tuckfield, *Journal, 1837–1842* [hereafter *FTJ*], MS11341, Box 655, SLV.

Melbourne, and were recorded in the papers of protector William Thomas. In 1843, Woiwurrung leader Billibellary, who had greeted John Batman in 1835 and made repeated efforts to negotiate with the new order, told Thomas that his people were too miserable to survive as they were, but 'if Yarra black fellows had a country on the Yarra that they would stop on it and cultivate the ground.'¹⁹ Even the people who drank and begged around Melbourne in the 1840s told Thomas 'give us all land in our own country and we live like Whites.'²⁰ Another offer was made by the Gunnai of Gippsland in 1849, who lobbied Thomas unsuccessfully for land on the River Tanner where they could obtain food and medicine, promising to send their children to school there. To a certain extent, this may have been framed by knowledge of imperial policy, or at least of Thomas's interpretation of it. According to Diane Barwick, Thomas told Woiwurrung and Boonwurrung people in 1849 of 'Earl Grey's humane despatch' promising them reserves, and assured them that they would soon have a country. The limitations to this would become clear over the years as various attempts to secure Victorian reserves failed, and this was hinted at early on, when a senior Boonwurrung man, Benbow, tried to lobby superintendent La Trobe on the subject, but was turned away.²¹ Ten years later, a Kulin delegation visited Thomas (by then the sole Guardian of Aborigines) requesting land at the junction of the Acheron and Little Rivers. After years of complaining that Indigenous people were lazy, Thomas was surprised by their enthusiasm to work this site. He told the Commissioner of Lands and Surveys that the failures of previous 'civilising' projects may well have stemmed from selecting land where people did not want to live.²²

'A plain and sacred right'? Dispossession and entitlement

Local philanthropists' journals, correspondence and reports to government and missionary societies tended to acknowledge fairly clearly traditional land ownership and the injustice of dispossession. Such sources have been drawn upon, most notably by Henry Reynolds, to demonstrate humanitarian awareness of land issues during this period, thus working to denaturalise Aboriginal dispossession and strengthen the historical basis of more recent native title

19 William Thomas to GA Robinson, 1 December 1843, PROV VPRS4410 unit 3, 1843/78 (reel 2).

20 William Thomas to GA Robinson, 1 December 1843, PROV VPRS4410 unit 3, 1843/78 (reel 2).

21 Barwick 1998: 34–35.

22 William Thomas to Commissioner of Lands and Surveys 20 July 1859, in Massola 1975: 8. For other references to missionaries claiming missions should be built on land acceptable to Indigenous people, see James Dredge 1845, *Brief Notices on the Aborigines of New South Wales*: 40; William Thomas petition to Sir George Gipps, undated, placed after entry for 28 January 1844, in William Thomas, Papers, 1834–1868 [hereafter *WTP*], ML MSS 214, reel 3, State Library of NSW; Francis Tuckfield to General Secretary, 1 January 1844, *WMMS*, reel 2, Mp2107, NLA.

struggles.²³ However, while I accept that philanthropists were witnessing and concerned about Indigenous land ownership and loss, I would suggest that their advocacy was complicated by other factors.

Issues of readership and voice, for instance, warrant further consideration. The above statements of ownership and loss did contribute to official and administrative discourses about Aboriginal policy, as well as more in-house missionary understandings. However, Australian philanthropists also published some more mainstream works, aimed at a wider audience, which showed a somewhat different approach. Of the publications and statements for the public record released by the protectors Parker, Dredge and Robinson, references were made to Indigenous communities having lost the areas of land that were their economic bases, leaving them in severe poverty. Meanwhile, missionaries Joseph Orton and William Watson mentioned the need for missions to be built on secure land, free from European corruption.²⁴ However, with the possible exception of Dredge (who had left the protectorate by then), none of these writers spoke strongly in this public context of traditional rights or the injustice of dispossession. Greater attention was paid to anthropological descriptions of Indigenous societies and to the need to save the 'remnant'. (LE Threlkeld's publications, in particular, rarely emphasised land issues.²⁵) Reasons for this probably varied. Threlkeld and Parker were publishing later in their careers, at a time when Indigenous access to land in their neighbourhoods had already been largely destroyed, while Dredge had also seen his former protectorate decline and was losing hope for the future. Meanwhile, Robinson, speaking in 1845, may have been more concerned with defending his role as chief protector than with dwelling on the broader implications of loss of country. When writing for the general public or broader political audiences, local philanthropists were more likely to portray Indigenous societies as interesting and needing charitable help, rather than dispossessed and needing acknowledgement and autonomy.

In publications by British philanthropic bodies, the distances between local experiences and strategic arguments became even more apparent. Their discussions of Australian land rights were comparatively brief and rare, in contrast to their focus on the more powerful Maori, First Nations or Pacific islanders. Still, within this limited discourse, various Australian messages were

23 See particularly, Reynolds 1992[1987]; Reynolds 1998.

24 Dredge 1845, *Brief Notices on the Aborigines*: 14–15; ES Parker 1846, *The Aborigines of Australia*: 14, 29–30; Joseph Orton 1836, *The Aborigines of Australia*: 9; ES Parker 1967, 'The Aborigines of Australia, 10 May 1854', in Morrison (ed): 12–13, 27; GA Robinson, Evidence to the Select Committee on the Condition of the Aborigines, 1845, in Frauenfelder (ed) 1997: 52; William Watson, examined before the Executive Council, 28 May 1839, in *British Parliamentary Papers (BPP): Papers Relating to Australia, 1844*, Colonies: Australia, vol 8, 1969: 47.

25 For instance, LE Threlkeld 1892, *An Australian Languageas Spoken by the Awabakal, the People of Awaba or Lake Macquarie*, Fraser (ed); LE Threlkeld, 'Reminiscences 1825–1826', in Gunson (ed) 1974 vol 1: 43–71; LE Threlkeld 1832, *Specimens of a Dialect, of the Aborigines of New South Wales*.

conveyed. In 1830–31, the Church Missionary Society approached, somewhat tentatively, the subject of Indigenous land rights in New South Wales. They observed that Australian colonisation had succeeded at the expense of 'the original inhabitants and proprietors of the soil', and applauded the government's decision to fund a mission, defining this as compensation.

The Revenues of the Crown in New Holland are derived from the culture of lands of which the ancient proprietors have been deprived forcibly and without compensation. The small sum subtracted from those Revenues for the benefit of that injured race is due to them, in the strictest sense, as a debt of justice.²⁶

Such ideas were expanded upon several years later, by the Select Committee on Aborigines (British Settlements). Church of England Archdeacon William Broughton testified to the Committee in 1835. Broughton had supported Threlkeld's work and the establishment of Wellington Valley, but now doubted the likelihood of Aboriginal Christianity. He observed that Indigenous people had refused to stay on farming land selected by Governor Macquarie, but added:

they have a notion among themselves of certain portions of the country belonging to their own particular tribe; they have frequently said to me that such a part was their property, but that is all assigned now to Europeans ... They have a conception of our having excluded them from what was their original property.²⁷

He also read out an extract (possibly from Rev Robert Cartwright of the Parramatta Native School) lamenting that European occupation had been so harmful, when it should have elevated Indigenous people – 'as in the occupation of their soil we are partakers of their worldly things, so in justice should they be of our spiritual'.²⁸ During his interview with the Select Committee, Dandeson Coates of the CMS also mentioned that Indigenous people had lost much of the land 'they were previously in the habit of traversing and partially occupying' and that any rights they may have had had been ignored.²⁹ Meanwhile, New Zealand missionary Rev William Yate acknowledged that Indigenous communities laid claim to areas of land, but also asserted they had never used it correctly. Yate concluded that they should be 'recompensed' for their loss by being gathered together and taught to become Christian farmers.³⁰

26 Church Missionary Society, *Missionary Register*, 1831: 118–119. Also, Johnstone 1925: 165–166.

27 Archdeacon Broughton to the Select Committee, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 16–17, 19.

28 Archdeacon Broughton to the Select Committee, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 15.

29 Dandeson Coates to the Select Committee, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 491.

30 Rev W Yate to the Select Committee, *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 202–203.

The Committee's 1837 conclusions were mixed. They expressed concern that the 1834 Act declaring the formal colonisation of South Australia had not mentioned Indigenous land claims. They recommended that funds be allocated 'judiciously' for missionaries and protectors and that 'necessary' land be set aside for Indigenous people to live on. This was only fair, given that all the territory had recently been 'the undisputed property of the Aborigines'. More generally, the Committee argued 'It might be presumed that the native inhabitants of any land have an incontrovertible right to their soil: a plain and sacred right'; it was disturbing that native peoples' lands worldwide were sold routinely, without any funds put aside to help them. Protection of colonised people was, they said, perfectly affordable given the profits from the lands seized, and besides, humane protection ultimately made for more successful colonial governance.³¹

In the following decade, other philanthropic publications mentioned Aboriginal land ownership and loss occasionally. The CMS's *Missionary Register* included complaints from Wellington Valley and Buntingdale that loss of land was harming Indigenous people, encouraging a degrading dependence on colonists.³² The WMMS's New South Wales auxiliary made some stronger statements in their annual reports during the early 1840s, where the updates from Buntingdale often mentioned the impact of dispossession. Joseph Orton made some particularly frank remarks in 1840, stating that the greatest obstacle to missionary success was not Indigenous nomadism but the government's rapid disposal of their lands.³³ Such statements were striking, but they were also rare, within a wider philanthropic discourse which allocated relatively little space to Australia.

Publications by the Aborigines Protection Society also made several references to Australian Indigenous land use. Some articles were impassioned; their annual report from 1840 included an argument (possibly informed by James Dredge) that the Port Phillip protectorate and its 'civilising' efforts were inherently ineffective as long as dispossession continued unchecked – 'The land is wholly and unreservedly the settler's – the native is wholly and unreservedly dispossessed – acreless, helpless.'³⁴ Several articles from the late 1840s also observed that Aboriginal land had been 'gratuitously invaded' with no reserves created and no thought for their wellbeing, leading to poverty and violence.³⁵

31 BPP: *Report from the Select Committee on Aborigines (British Settlements)*, vol 2, 1837: 4–5, 12, 15, 83.

32 Church Missionary Society (CMS), *Missionary Register*, August 1839: 386–387; CMS, *Missionary Register*, May 1843: 238.

33 WMMS, 1840, *Report of the Wesleyan Methodist Missionary Society for the year ending April 1840*: 31. Also, WMMS, 1842, *Report of the Wesleyan Methodist Missionary Society for the year ending April 1842*: 45; WMMS, 1843, *Report of the Wesleyan Methodist Missionary Society for the year ending April 1843*: 40–41.

34 Aborigines Protection Society, Third Annual Report, 23 June 1840, Exeter Hall, in Aborigines Protection Society (APS), Transactions, c.1839–1909, MIC/o6550, reel 1 (Records the property of Anti-Slavery International): 33, also 32–34.

35 *Colonial Intelligencer*, including APS Annual Report, 3 May 1848: 28–29; Aborigines Protection Society, *Colonial Intelligencer, or Aborigines' Friend*, vol II, 1849–50, London: 398–399, 408 (in APS, Transactions, reel 3); *Twelfth Annual Report of Aborigines' Protection Society*, May 1849, in APS, Transactions, reel 1: 9–10.



Fig 3. British missionary publications were even more dismissive of pre-colonial life than were their Australian counterparts, as this juxtaposition of Indigenous people and native animals suggests.

'An Australian Group', Wesleyan Methodist Missionary Society, *Wesleyan Juvenile Offering*, February 1853, Wesleyan Mission House, London. Mitchell Library, State Library of New South Wales, 266.705/W.

These British publications shared certain general beliefs. There was an acknowledgement of Indigenous rights to land on grounds of original habitation and ownership, and some articulation of the fact that people's land had been seized against their will, with highly destructive results. Some writers also remarked that massive, unregulated dispossession of native peoples could undermine Christian philanthropy itself. However, there were some notable differences to the comments made by local missionaries and protectors. In local records, Indigenous voices and opinions emerged passionately and assertively, even when the records themselves were incomplete or disrespectful. However, such voices were rarely heard at all in the Select Committee's reports or the philanthropic journals, where Indigenous agency was downplayed. Furthermore, British publications, however concerned about dispossession, rarely wavered in their support for British imperialism in its ideal forms. Philanthropists in the Australian colonies were empire-builders too, of course, but their immediate experiences of Indigenous dispossession made for a different discourse – more personal and conversational, and rather less confident of the ultimate benefits of colonialism.

'The fruits and results of Industry': morality and land use

When protectors GA Robinson and ES Parker were travelling around Port Phillip in 1840, a squatter, Mr Hutton, told them 'it was never intended that a few miserable savages were to have this fine country.'³⁶ Rationales for colonialism often relied on the notion that Indigenous Australians had no legal or moral claim over their land, as they had (supposedly) never used it productively. The idea that nomadic life and communal land use were signs of backward savagery that could be justifiably supplanted by progressive civilisation was present in European thought at least as far back as Enlightenment philosophers like John Locke. Such theories placed commercial enterprise at the end of a scale of civilisation beginning at hunting, then progressing through pastoralism and agriculture. Each stage of socio-economic change was believed to be reflected in more sophisticated systems of government, law and culture. The cultivation of the soil and the private enclosure of land were primary factors legitimising ownership and denoting civilisation.³⁷ As Bruce Buchan has explored, the doctrine of 'natural law' allowed for the claim that all human beings, including indigenous peoples, had a certain entitlement to enjoy nature's bounty (water, animals, and so forth) but that this was considered different and inferior to commercial land use.³⁸ By the early 19th century, such theories had become

36 GA Robinson 1998, *Journals: Port Phillip Protectorate, 1 January 1839 – 30 September 1840*, Clark (ed): 139.

37 Arneil 1996: 61–62, 109–110; Butcher 1994: 374; Meek 1976: 1–2, 12–13, 16–17, 22; Symcox 1972: 233, 238–242.

38 Buchan 2001: 146; Buchan 2007: 389–390.

implicated in the privatising of land in Britain (including the often violent enclosure of the commons) and the worldwide expansion of empire. As Jean O'Brien points out in her work on North America, the denial of native land ownership and the creation of the 'wandering Indian' figure also helped authenticate white settlers' ties to this newly colonised land – 'the English, who as colonists were rootless people by definition, displaced their own dislocation onto Indians.'³⁹

While philanthropists were distressed and angered by Indigenous dispossession, they had a complex relationship to such theories of progress and legitimacy – as indeed, did the broader colonial society developing in Australia. Richard Waterhouse, Henry Reynolds and Heather Goodall have observed that early colonists arrived from a Britain mid-way between traditional village life and modern industrial capitalism. The rapid growth of Australian pastoralism existed in tension with a long-standing perception of pastoralism as rather anti-social and culturally inferior to agriculture.⁴⁰ Such concerns shaped colonial politics in various ways. The 1830s and 40s saw efforts to make land distribution more systematic – the abolition of the New South Wales grants system in 1831, the introduction of land auctions, then of flat costs per acre and annual license fees – but also the continued unlawful occupation of land by squatters. Waterhouse notes 'The initial occupation of the island was not under British law but rather in defiance of colonial authority.'⁴¹ Notions of squatters and graziers as less than civilised – a small population, isolated from church and state, taking up large areas of land and making few intensive improvements – combined with apprehension at squatters' growing power. With their political factions and demands for cheaper land and greater security of tenure, as well as their support for the convict system and indentured Asian labour, it is unsurprising that pastoralists attracted hostility, notably from urban professionals and newer migrants seeking their own land. Peter Cochrane has observed 'It was the question of questions. Who shall control the land? – the Crown in trust for the empire, or the men on the spot who gave the so-called waste lands their value?'⁴² Yet historians of 19th century politics and land use have not always expanded this question to consider the people who originally controlled the land and continued to value it.

The models of land occupation developing in the colonies must have seemed problematic to philanthropic observers, who were concerned about Indigenous dispossession, convict labour and the relative weakness of small-scale agriculture. Jean and John Comaroff have observed how missionaries in the Cape colony

39 O'Brien 1999: 212

40 Goodall 1996: 39–42; Reynolds 1992[1987]: 73–74; Waterhouse 2005: 23–24, 98–102.

41 Waterhouse 2005: 20–22.

42 Cochrane 2006: 71, also 75, 452. See also, Hirst 1988: 21; Irving 2006: 17, 128, 136; McKenna 1996: 33–35; Thompson 2006: 176–177; Waterhouse 2005: 24–25, 86, 94–97.

promoted agriculture for Africans partly in contrast to the alleged savagery of both the Boers (with their pastoralist systems) and the indigenous traditions of cattle herding.⁴³ The idealised notion of tilling the soil was important to how missionary societies imagined colonialism in general. Church of England societies particularly urged that migrants to the Australian colonies realise the benefits of small land-holdings and agricultural villages. The *Colonial Church Chronicle* (1847–48) urged: ‘what is required is an *agricultural* colony, where gentry, yeomanry, and peasantry may be established with old English habits and old English church principles.’⁴⁴ The fact that such progress would depend upon further Indigenous dispossession was not addressed, and serves as another reminder of the qualified nature of Evangelical support for Aboriginal rights.

In the Australian colonies, philanthropists accepted that Indigenous forms of land tenure existed. However, this did not equal a validation of pre-colonial land use, or a willingness to negotiate equally with Indigenous people. Rather, they saw people’s future in their country as linked intimately to the adoption of agriculture. When the Watsons set off for Wellington Valley in 1831, they were told by the Church Missionary Society that their duties would include encouraging the ‘beating of the sword into the ploughshare, and the spear into a pruning hook’.⁴⁵ In 1840, Francis Tuckfield was pleased to tell the Wesleyan Methodist Missionary Society that people were working in the vegetable garden at Buntingdale mission. He looked forward eagerly ‘to the period when the wanderer of Australia shall become a cultivator of his own soil’.⁴⁶ Similarly, protector Thomas stated in 1843 that he hoped to see Aboriginal farms established in every district, surrounded by respectable European farmers, so the protectors could ‘permanently settle the Aborigines on their own country ... surrounded with the fruits and results of Industry.’⁴⁷ This keen attachment to agricultural ideals (never realised completely in practice) was significant to how the first philanthropists understood Indigenous rights to land.

Agriculture held strong symbolic appeal for Evangelical philanthropists. Pleased by the sight of people at his Narre Narre Warren station attending Sunday service in neat European clothing, protector Thomas expressed hope for the station’s future: ‘to see the Sable sons of Australia coming from one direction

43 Comaroff and Comaroff 1997 vol 2: 122–124.

44 CMS, *Colonial Church Chronicle and Missionary Journal*, vol 1, July 1847 – June 1848, 1848: 465. See also, CMS, *Church Missionary Intelligencer, A Monthly Journal of Missionary Information*, vol III, 1852: 4; CMS, *Colonial Church Chronicle, and Missionary Journal*, vol II, June 1848 – June 1849, 1849: 2–6; Colonial Church Society (CCS), *Colonial Church Record*, vol 1, no 3, October 1838: 36–45.

45 T Woodrooffe and D Coates to Mr and Mrs Watson, 7 October 1831, in *British Parliamentary Papers (BPP): Correspondence and Other Papers Relating to Aboriginal Tribes in British Possessions*, 1834: 152.

46 Francis Tuckfield to General Secretaries, WMMS, 31 June 1840, *FTJ*, MS11341, Box 655, SLV.

47 William Thomas to GA Robinson, 1 December 1843, *Journal of Proceedings*, September 1843 – December 1843, PROV VPRS4410 unit 3, 1843/78 (reel 2). Also, William Thomas to GA Robinson, 9 July 1840, *WTP*, ML MSS 214, reel 4, State Library of NSW.

& another at the tolling of the Bell ... like the Pathways in a village church.'⁴⁸ Similarly, Tuckfield, optimistically describing the growth of Buntingdale in 1841, commented 'our station at present has the appearance of a bustling village.'⁴⁹ Jean and John Comaroff, in their study of missions amongst the Tswana people at this time, have noted the irony that Britain's own rural economy was highly precarious during the early 19th century, making missionaries' wish for small-scale colonial farms both paradoxical and understandable. If the rural ideal was becoming unattainable in Britain, some Britons could focus their hopes instead on the 'open vistas' of the new colonies.⁵⁰

Moreover, the process of farming itself was associated with moral improvement, linked to individual initiative, regular labour, rational subjugation of the natural world, and the accumulation and valuing of property. William Thomas, for instance, expressed faith in the transformative power of agriculture; when people at his station planted potatoes, he trusted that 'when they behold the first fruit of their own labor spring out of the earth a radical change will take place among them.'⁵¹ This spilled over to affect philanthropic language in general. In his study of missionaries in New Guinea in the 19th century, Richard Eves has observed how the discourse of agriculture – 'cultivation', 'harvest' and so on – was powerful here, portraying missionary work as a shaping of immature natural resources, guiding them to fruition.⁵² This was apparent in the papers of Methodist missionary John Smithies of Western Australia, who in 1845 described his religious instruction of young Indigenous people: 'It is now our sowing time among them; the seed we scatter day by day is the incorruptible seed of the kingdom.'⁵³ Later, in 1849, when reporting the tragic deaths of several of Smithies' students, the WMMS's *Missionary Register* described how they had 'early blossomed, early ripened, and as early sickened and died'.⁵⁴ As the Comaroffs have also observed, 'the Christians were from a world in which cultivation and salvation were explicitly linked – and joined together, more often than not, in a tangled mesh of horticultural imagery, much of it biblical in origin.'⁵⁵

These moral understandings of land use help explain philanthropists' distaste at Indigenous people's travelling around their country, journeys in which missionaries and protectors rarely participated. While travelling and living off the land were important spiritual experiences for Indigenous societies, philanthropists' records show little understanding of this. Instead, Indigenous

48 Thomas, 28 March 1841, *WTP*, ML MSS 214, reel 2, State Library of NSW.

49 Francis Tuckfield to General Secretaries, 30 October 1841, *WMMS*, reel 2, Mp2107, NLA.

50 Comaroff 1989: 667–668; Comaroff and Comaroff vol 2 1997: 132–133.

51 William Thomas to GA Robinson, 6 October 1840, PROV VPRS11 unit 7, 1840/335 (reel 1).

52 Eves 1996: 99.

53 *WMMS, Report of the WMMS for the year ending April 1845*, April 1845: 32–33.

54 *CMS, Missionary Register*, May 1849: 218–219.

55 Comaroff and Comaroff 1997 vol 2: 121–122.

people were described disapprovingly as ‘wanderers’, ‘vagrants’, ‘fickle’ and ‘feckless’. George Langhorne, head of the short-lived Melbourne mission of the late 1830s, concluded that they must be forced to remain in one place; ‘their wandering and unsettled habits are so diametrically opposed to civilized life’.⁵⁶ The Indigenous practice of spreading tasks throughout the day, not distinguishing strongly between work and leisure time, was hard to reconcile with understandings of labour becoming dominant in industrial Europe.⁵⁷ The Wellington Valley missionaries accused Wiradjuri people of ‘remarkable aversion to labour’ and ‘wild, volatile & wandering habits’.⁵⁸ During Bible classes, James Günther took care to emphasise the text ‘In the sweat of thy brow thou shalt earn thy bread’, remarking tersely ‘they require a lesson on that point often and daily’.⁵⁹ Philanthropists acknowledged Indigenous rights to land on grounds of prior ownership, use and attachment, but believed that it was through agricultural labour that a new sense of material property rights (so crucial to British citizenship) would be created, and connections to land itself would be transformed, modernised and further legitimised. This points to a problem in associating early 19th century sources with contemporary understandings of native title. While governance around land rights from the late 20th century onwards has been predicated on notions of ‘traditional’ land use, these early philanthropic accounts portrayed people’s rights to land as being strengthened by their movement *away* from such traditions.

Not that agricultural systems were fully implemented at the time, since mission farms faced numerous obstacles and were not always sustainable. In this context, philanthropists tolerated traditional activities, if they could be administered and assessed for monetary value. The Port Phillip protectors in the 1830s and 1840s accepted and even encouraged hunting and handicrafts when the products were sold or traded for rations, and attempted to set standard prices for skins, nets, baskets, mats and other items. Here, they aimed to stop colonists from cheating Indigenous people, but also hoped to impart a consistent sense of these items’ new material worth.⁶⁰

Further ambiguity existed concerning private property. Despite the idealisation of the independent peasant, dividing mission land into individual allotments

56 George Langhorne to CJ La Trobe, 15 October 1839, in Cannon (ed) 1983, *HRV*, vol 2B: 508.

57 Broome 1994: 203–207.

58 William Watson to Dandeson Coates, 31 December 1832: 2, in 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 Porter to Dandeson Coates, 22 February 1841, *WVP*.

59 James Günther, *Journal*, 5 March 1839: 4, *WVP*.

60 For example, Arkley 2000: 7; Blaskett 1979: 220; O’Connor 1991: 10; GA Robinson to CW Sievwright, ES Parker and William Le Souef, 21 August 1840, PROV VPRS10 unit 2, 1840/815 (reel 1); Thomas, 26 October 1839, 12 July 1840, 26 July 1840, *WTP*, ML MSS 214, reel 1, State Library of NSW; William Thomas to GA Robinson, 11 September 1841, PROV VPRS11 unit 8, 1841/392 (reel 2); LE Threlkeld to George Burder, 25 April 1825, in Gunson (ed) 1974 vol 2: 183.

for Indigenous farmers was suggested only occasionally. When the Parramatta institution, Threlkeld's mission at Reid's Mistake, and George Langhorne's Melbourne mission were initiated (in 1819, 1825 and 1836 respectively) there were brief, initial discussions of dividing the land, but little came of this.⁶¹ During the 1850s, protector ES Parker boasted of several young men whom he had known for years successfully cultivating their own plots of land, and the Buntingdale missionaries mentioned one man who wanted his own house and garden on the mission.⁶² However, these examples were short-lived and rare. The scarcity of such discussions can be attributed partly to practical obstacles: Indigenous people's continued attachment to communal life, as well as the problems of securing mission land. Group farming enterprises, with some ongoing hunting and gathering, may have also seemed explicable and tolerable in light of the old system of commons land in Britain, where large expanses of uncultivated or temporarily cultivated land were used by communities for grazing, farming, hunting and gathering natural produce – a system, ironically, being eradicated in Britain at this time.⁶³ It is also possible, though, that considerations of private property were implicitly discouraged by philanthropists' belief that Indigenous Australians were unusually degraded, needing paternalistic supervision. This points to a broader tension in missionaries' aims to recreate Indigenous people both as privatised individuals and institutionalised subjects.

Perhaps the most complex connections between economics, morality and rights to land occurred in relation to urban districts. In protector Thomas's papers, we can trace an Indigenous sense of historical entitlement to Melbourne. Thomas wrote to chief protector GA Robinson in 1839 that people had refused official orders to leave the city, saying 'Plenty white man sit down, Black fellow no sulky, Plenty black fellows sit down & white man sulky, no good that. Long time ago before white man come Goldburn [sic] Black fellow sit down here.'⁶⁴ He explained to superintendent La Trobe in 1840 his failure to remove a gathering of 300 people from the banks of the Yarra, by asserting that Melbourne had been a pre-colonial meeting place for different groups to talk, settle grievances and avenge deaths.⁶⁵ People camping nearby were angered by Thomas's reprimand that they were damaging land and resources owned by colonists: 'I again tell

61 Announcement by Sir Thomas Brisbane, forwarded to Earl Bathurst, 8 February 1825, in *BPP: Papers Relating to Australia, 1830–36*, Colonies: Australia, vol 4, 1970: 160, also: 162; Rev Robert Cartwright to Governor Macquarie, 6 December 1819, in *BPP: Papers Relating to Australia, 1830–36*, vol 4: 156; Rev Robert Cartwright to Governor Macquarie, 18 January 1820, in *BPP: Papers Relating to Australia, 1830–36*, vol 4: 158; Christie 1979: 83.

62 Lewis 1987: 19; Morrison 2002b: 236–237, 241–242; Parker 1967, 'The Aborigines of Australia, 10 May 1854', Morrison (ed): 23; Tuckfield, 9 May 1841, 11 May 1841, *FTJ*, MS11341, Box 655, SLV; Francis Tuckfield to General Secretaries, 30 October 1841, *WMMS*, reel 2, Mp2107, NLA.

63 De Moor et al 2002: 15–27; Mingay 1997: 4–5, 8, 126–130, 138; Neeson 1993: 28–33.

64 William Thomas to GA Robinson, 29 December 1839, *WTP*, ML MSS 214, reel 7, f61, State Library of NSW.

65 William Thomas to CJ La Trobe, 13 April 1840, *WTP*, ML MSS 214, reel 4, f67–71, State Library of NSW.

them they make Willums [shelters] on white man's ground, and cut down Trees & cut off Bark, make white man sulky – they say no white man's ground, black man's.⁶⁶ Thomas also noted in his diary in 1841 'The Blacks this morning very dissatisfied & talk much about no good white man, take away country, no good bush, all white man sit down ... Black fellows come to Melbourne & white man sulky no good that.'⁶⁷ Such statements of traditional ownership were as clear as those articulated in other districts. However, this did not lead to protectorate support for Indigenous access to Melbourne. Thomas continued (sometimes reluctantly) to move people on from districts where settlement was intensifying, and called for the use of vagrancy laws and employment registers to restrict their movements and access to cities.⁶⁸ Similarly, Buntingdale missionary Tuckfield, who protested dispossession and stressed the need for reserves acceptable to Indigenous people, nonetheless added that force might be advisable to keep them out of towns and in their (designated) native regions.⁶⁹

Thus, historical ownership of country was not enough to convince philanthropists of the legitimacy of Indigenous people's presence there. Economics and morality were also important. Mission and protectorate accounts complained frequently about the begging, alcohol, violence and illicit sex associated with cities. The issue was highlighted in the evidence to the Select Committee, with Archdeacon Broughton and New Zealand missionary William Yate complaining that Indigenous people in Sydney lived 'an idle vagrant life'; 'they go about the streets begging their bread, and begging for clothing and rum.'⁷⁰ Methodist missionary Joseph Orton described people living around the settlements as 'pilfering – starving – obtrusive mendicants', 'a tax upon the [white] inhabitants'.⁷¹ Meanwhile, Thomas struggled to keep people away from Melbourne, claiming they picked up lessons in pauperism there. He lamented 'Their visits to the settlement has much corrupted them [sic], encouraged indolence & profligacy, and is one of the most formidable barriers against their moral improvement'. He referred to Melbourne resentfully as 'that den of indolence'.⁷²

66 William Thomas, 15 September 1840, *WTP*, ML MSS 214, reel 1, State Library of NSW.

67 William Thomas, 17 September 1841, *WTP*, ML MSS 214, reel 2, State Library of NSW.

68 For example, William Thomas, 25 July 1844, 3 December 1846, *WTP*, ML MSS 214, reel 3, State Library of NSW; William Thomas to GA Robinson, Journal of the Proceedings during the months of June, July & August 1841, PROV VPRS4410 unit 3, 1841/70 (reel 2); William Thomas to GA Robinson, 1 December 1843, PROV VPRS4410 unit 3, 1843/78 (reel 2).

69 Francis Tuckfield, Report on the Wesleyan Missionary Society's Mission to the Aborigines, August 1843, *WMMS*, reel 2, Mp2107, NLA.

70 Archdeacon Broughton, evidence, 3 August 1835, in *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 14; Rev William Yate, evidence, 13 February 1836, in *BPP: Report from the Select Committee on Aborigines (British Settlements)*, vol 1, 1836: 203.

71 Joseph Orton to General Secretaries, 13 May 1839, *WMMS*, reel 1, Mp2107, NLA; Joseph Orton to General Secretaries, 18 July 1839, in Joseph Orton, Letterbooks 1822–1842, ML ref A1717–A1720, State Library of NSW.

72 William Thomas to GA Robinson, 17 November 1840, PROV VPRS4410 unit 3, 1840/67 (reel 2); William Thomas, 23 July 1841, *WTP*, ML MSS 214, reel 2; William Thomas to GA Robinson, 24 May 1842, PROV

When philanthropists did tolerate or facilitate Indigenous presence in cities, this was not justified on grounds of pre-colonial rights to land, or personal freedoms. Rather, it occurred when city visits were linked to moral improvement. James Dredge, for instance, was touched when people from the Goulburn River visited his house in Melbourne in order to greet his family and ask him to return to their country.⁷³ Thomas tolerated some Indigenous visits to Melbourne when they were selling handicrafts and behaving politely, or when he could take them to view the courthouse and gaol.⁷⁴ He also described feeling reluctant to force Kulin groups away from Melbourne, since he believed they had protected Europeans from violence from other Indigenous peoples in the early months of colonisation, an occurrence of which they indignantly reminded him.⁷⁵

However, the clearest illustration of how people could be rendered 'deserving' of access to urban space was apparent in Perth in the 1840s, where Indigenous presence was permissible but regulated. This was explained not in terms of rights to country, but on the grounds that they were useful labourers who might become more 'civilised' through city life. Thus, protector Charles Symmons reported to the Governor in 1840 that Indigenous people made valuable servants and that he did not want to ban them from Perth, but rather preferred to discipline and supervise their presence there, removing their weapons and expelling offenders from the city as punishment. Symmons and fellow protector Peter Barrow also hoped that the attractions of cities would help them gain control over Indigenous children. Symmons was particularly supportive of the Methodist mission school in Perth, which by 1840 was requiring children to work for settlers.⁷⁶ Here, the demand for cheap labour was clearly influential. Meanwhile, Adelaide seems to have fallen somewhere between the two approaches, with the residence of two or three hundred Indigenous people near the city apparently accepted by the protectorate, who hoped to train them as labourers, but where concerns about 'vagrancy' also led to attempts to confine people to their Parklands location.⁷⁷

VPRS4410 unit 3, 1842/71 (reel 2); William Thomas to GA Robinson, Journal of Proceedings, 1 December 1842 – 1 March 1843, PROV VPRS4410 unit 3, (reel 2); William Thomas, 8 April 1845, WTP, ML MSS 214, reel 3, State Library of NSW.

⁷³ James Dredge, 10 Oct 1840, also 12 August 1841, JDD, MS11625, MSM534, SLV.

⁷⁴ William Thomas to CJ La Trobe, 1 August 1846, f51–52, WTP, reel 8, State Library of NSW; William Thomas to GA Robinson, Quarterly Report, 1 December 1846 – 28 February 1847, PROV VPRS4410 unit 4, 1847/93 (reel 2).

⁷⁵ William Thomas to GA Robinson, 14 September 1840, PROV VPRS11 unit 7, 1840/327 (reel 1); William Thomas to GA Robinson, 1 March 1841, PROV VPRS4410 unit 3, 1841/68 (reel 2).

⁷⁶ Peter Barrow, Annual Report, 31 March 1841, BPP: *Papers Relating to Australia, 1844*, vol 8: 391; Charles Symmons to Colonial Secretary, report on the Wesleyan Missionary School in Perth, September 1840, and Charles Symmons to Colonial Secretary, 31 December 1840, in BPP: *Papers Relating to Australia, 1844*, Colonies: Australia, vol 8: 387–389. See also, Hetherington 1992: 48–52.

⁷⁷ Matthew Moorhouse to Colonial Secretary, 12 April 1847, State Records of South Australia (SRSA), GRG24/6/1847/440.

Here, a certain irony is apparent: those philanthropists (mostly in the south-east) who voiced the strongest support for Indigenous land rights, appear to have been the most opposed to Indigenous presence in cities. This tells us something about how land and the right to live on it were being conceptualised. At this time in Britain, there was little acknowledgement that people dependent on the state for their survival should be able to choose where they lived. State support for the poor had long been accompanied by settlement regulations and vagrancy laws allowing for the arrest and transfer of people, sometimes thousands every year. The surveillance and policing of poverty – and the flexible category of ‘vagrancy’ – gained particular political currency from the 1830s onwards, often with strong involvement by philanthropic bodies.⁷⁸ Australian comparisons should not be oversimplified, but we can trace a certain belief that charities and the state were entitled to control the movements of people they supported. Relevant too was the vague but powerful association between homelessness and criminality contained in the figure of the ‘vagrant’, a status Indigenous people were often considered to occupy. In a way, it seems curious that Aboriginal people’s right to occupy urban space should be so contested, given the supposedly public nature of the city. However, as Don Mitchell has argued, from the late 18th century legitimate presence in city space became increasingly linked to individualism, respectability and property ownership – ‘To be public means having access to private space to retreat to (so that publicness can remain voluntary)’.⁷⁹ Penelope Edmonds, for instance, has observed of 19th century Melbourne how privatisation and commercialisation of space worked to deny the authenticity of the Indigenous presence, once so vivid in the town.⁸⁰ Thus, while philanthropists might acknowledge traditional claims over areas of rural land, any extension of such rights to urban space depended crucially on whether or not Indigenous people were believed to occupy a legitimate place in the city’s labouring and economic life. While not diminishing philanthropists’ broader support for Indigenous access to country, this complicates any clear distinction between rights and charitable control.

Complex heritage, contemporary questions

In scholarly debates about the use of land in Australia, there is continuing interest in the distinctions between rights acknowledged and favours granted. Henry Reynolds, for instance, has pointed out how British authorities guaranteed Aboriginal reserves on grounds of prior occupation, and how colonists persisted in misinterpreting this, dismissing these reserves as mere

78 Crowther 1981: 247–251; Englander 1998: 2–5, 33; Ribton-Turner 1887[1972]: 217–238, 244–250, 253–259; Rose 1988: 4–5, 17–18, 22.

79 Mitchell 2003: 132, also 131–136.

80 Edmonds 2006: 171–195.

kind gestures that could be withdrawn.⁸¹ While I would not necessarily dispute this particular contrast, I am uneasy with drawing too strong a division between rights and benevolence in the early 19th century. As Reynolds himself has observed, philanthropists saw Indigenous people as entitled only to minority portions of their ancestral country, on grounds that colonisation would put it to more productive use.⁸² Missionary Benjamin Hurst, for example, urged superintendent La Trobe in 1841 to support the principle recommended by the Secretary of State for the Colonies, Lord John Russell, of reserving land for each 'tribe' at a cost of 15 per cent of the land revenue. Hurst pleaded 'They are the original proprietors of the soil, and have therefore a strong claim upon the consideration of Government when it is disposing of waste lands.'⁸³ Such statements asserted Indigenous rights to land, but did not challenge the notion that these entitlements were diminished in a context of imperial advancement. The equivocal nature of philanthropy was also hinted at by the Aborigines Protection Society in the same year, when their delegates lobbied Russell about the proposed colonisation of Western Australia. They urged him to extinguish native title over Crown lands and replace it with a secure portion of land 'adequate to supply the means of their peaceful existence'.⁸⁴ The frequent philanthropic assertion that Aboriginal missions should be paid for out of the land fund was also interesting; it forced an acknowledgement of colonial Australia's debt to its dispossessed people, whilst also implying that only a 'small sum' was necessary to repay Indigenous people for their loss. Land and compensation, moreover, were linked to compliance with paternalistic projects. Aborigines Protection Society publications, for example, usually called for Indigenous Australians to receive 'adequate compensation' through greater missionary efforts, funded from a 'due portion' of the profits of land sales.⁸⁵ This would have ominous implications for Indigenous people's access to land when missionary work failed and ceased.

The close association between missionary work and Indigenous wellbeing may not have been accepted by everyone, but few alternative suggestions were made. When, during the 1840s, imperial enthusiasm for philanthropic projects waned, promises of support for Aboriginal welfare continued, but the resulting policy statements were often quite vague. In 1840, for instance, Lord John Russell recommended to Governor Gipps that 15 per cent of the yearly produce of land sales should be used for Indigenous improvement.

81 Reynolds 1992[1987]: 169–171.

82 Reynolds 1992[1987]: 172.

83 Benjamin Hurst to CJ La Trobe, 22 July 1841, *MMS*, reel 4, AJCP M121, SLV.

84 APS 1841, *Extracts from the Papers and Proceedings of the Aborigines' Protection Society*, vol II, no III, April 1841: 87–88.

85 For instance, APS, Second Annual Report, 21 May 1839, Exeter Hall: 14, 24 (in APS, Transactions, reel 1); APS, Third Annual Report, 23 June 1840, Exeter Hall: 35–36; *Twelfth Annual Report of Aborigines' Protection Society*, May 1849 (in APS, Transactions, reel 1): 9–10.

He sidestepped Wellington Valley missionaries' requests for more support, though, telling Gipps that HM government could not easily advise from such a distance.⁸⁶ In the same year, Lord Stanley agreed with Gipps that the various civilising projects seemed to have failed, and gave permission to discontinue funding. Stanley commented:

I have great doubts as to the wisdom or propriety of continuing the missions ... I fear that to do so would be to delude ourselves with the mere idea of doing something, which would be injurious to the Natives as interfering with other and more advantageous arrangements, and unjust to the Colony, as continuing an unnecessary and pointless expenditure.⁸⁷

As Reynolds has noted, this was an odd juxtaposition of waning humanitarianism and continued commitment to aiding Indigenous welfare through land sales.⁸⁸ It might suggest a wish to separate Indigenous wellbeing from missionary work, but alternative policies were thin on the ground; the 'advantageous arrangements' alluded to by Stanley went unspecified. Earl Grey's writings provide some ambiguous suggestions here. His famous instruction to Governor Fitzroy in 1848 that pastoral leases did not incur exclusive rights to uncultivated land – Indigenous people could continue travelling and living off the land – implied a greater than usual recognition of ongoing traditional life. However, Grey also considered establishing reserves for farming, schools and other 'civilising' institutions. These suggestions were pursued to some degree; at least 40 small reserves were created in New South Wales, following 1848 instructions by the Commissioners for Crown Lands. But Grey's suggestions for more intensive 'civilising' projects prompted less action. In 1849, Fitzroy told him that previous efforts to improve Indigenous people had proven useless. An enclosure from the Executive Council assented to Grey's claim that Indigenous people were entitled to live off 'unimproved' Crown land, but their main suggestion was for small reserves far from European settlement. It is questionable how sustainable this system was expected to be, given that missionaries had attempted something similar already, only to find that their locations did not stay 'remote' for long. The function of such reserves had been re-imagined; the Council wanted them to stay under direct control of the Commissioners of Crown Lands, who would keep notes on how friendly and useful Indigenous people were towards Europeans. Any repeat of the earlier, more intensive philanthropic system was not mentioned.

86 Lord John Russell to Sir George Gipps, 5 August 1840, *HRA* 1924, series 1, vol xx, February 1839 – September 1840: 735; Lord John Russell to Sir George Gipps, 25 August 1840, *HRA* 1924, series 1, vol xx: 776.

87 Lord Stanley to Sir George Gipps, 20 December 1842, *HRA* 1924, series 1, vol xxii, April 1842 – June 1843: 437–439.

88 Reynolds 1998: 57.

While Grey responded by stressing again the urgency of pursuing 'the best arrangements which can be made for their protection and civilization', his intentions would be largely unrealised.⁸⁹

Given the strong but complex place of Indigenous land ownership in the records of early philanthropists, and the ongoing controversies over contemporary land rights, questions of how to interpret this material remain pertinent. A certain tension has developed between approaches like that of Henry Reynolds, who (while acknowledging humanitarian shortcomings) has used philanthropic sources to trace a heritage of support for Indigenous entitlements to land, and other arguments, like that of Bain Attwood, that the history of land campaigns should be seen more in terms of change and shifting discussions of Aboriginality.⁹⁰ Meanwhile, Tim Rowse, Claire McLisky and Hannah Robert have argued that the 'humanitarians' of the 1830s and 1840s should be understood more in terms of charity and paternalism, expressing discomfort with reading their records within a rights discourse at all.⁹¹

Certainly, these early philanthropic records are a valuable source of Indigenous commentary on land ownership and loss. Comments by philanthropists (especially local ones) are also important, helping to denaturalise and make visible a dispossession that was obscured and excused elsewhere. However, in some ways the most useful function of these records is to historicise the problems in reading land 'rights' as absolute, indivisible and equal. Philanthropists' acceptance of Britain's seizure of large areas of Indigenous country, and their belief that the meaning and legitimacy of land ownership were bound up with economics and Christian morality, made their support for land rights equivocal.

Consideration of early debates also draws our attention to some shortcomings of contemporary political discourse, where the 'special' rights of minority groups (for example to Indigenous land) are often portrayed as existing in tension and contrast to the 'normal', 'civil' rights of citizens. This perceived disparity of rights – highlighted, for example, in Nicolas Peterson and Will Sanders' anthology, *Citizenship and Indigenous Australians*⁹² – has often been structured around the question of whether liberal democracies, premised on equality, can accommodate minority rights and identities. However, such notions can be destabilised when we look more closely at these early colonial records, where the relationship between 'civil' and 'Aboriginal' rights was

89 Governor CA Fitz Roy to Earl Grey, 12 November 1849, *BPP: Papers Relating to Australia, 1850*, vol 12, 1969: 59–61; Earl Grey to Gov Fitz Roy, 30 August 1850, *BPP: Papers Relating to Australia, 1851–52*, Colonies: Australia, vol 13, 1969: 47.

90 Attwood 2003: xi, xiv; Reynolds 1998: xi–xvii, 36–37, 59–60.

91 McLisky 2005: 61–63; Robert 2002: 9–14, 19; Rowse 2000: 33–36.

92 For example, Peterson and Sanders 1998: 1–4, 27–28.

more complex. For one thing, philanthropists associated Indigenous people's 'special' entitlement to reserves with projects aiming to transform them into loyal British subjects. Philanthropists also showed a certain awareness that loss of land was connected powerfully to the loss of other essential qualities, like health, safety and political recognition; 'Indigenous' rights were not quarantined from other issues. The reader's attention is also drawn to white settlers' demands for property rights and political influence. Their enjoyment of these 'normal' rights of citizens rested fundamentally on the invisibility and destruction of Indigenous people's rights to land and indeed survival.