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ABORIGINAL—EUROPEAN RELATIONS

IN

NORTH QUEENSLAND, 1861–1897

II

by

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PART III

ABORIGINAL-EUROPEAN RELATIONS

IN THE

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CHAPTER 11
THE DECENT DISPOSAL OF THE NATIVE INHABITANTS: THE ABORIGINES
AND THE QUEENSLAND LEGISLATURE

'One of the troubles of a colonising nation is the decent disposal of the native inhabitants of the country, of which the latter have been dispossessed'.

North Queensland Register,
11 October 1838.

The Queensland government only slowly realized that it had a responsibility to dispose decently of its native inhabitants. It had from the first maintained that the Aborigines were British citizens to be accommodated by British law and institutions. Their paganism was a challenge to Christian missions; their suffering a call upon Christian charity. Throughout the period 1859 to 1897, the government's main response to Queensland Aborigines was the use of Native Police to subdue them on the frontier and the annual distribution of blankets to those in the pacified areas. Both practices had been inherited from New South Wales. Full acceptance of responsibility for the problems imposed upon Aborigines by European conquest came even more slowly, but individual ministries did at times take steps to alleviate particular problems. In each case the initial impulse was of European origin.

Until the mid 1880's lack of interest on the part of the government and lack of resources and adequate support in the case of private individuals rendered all these initiatives abortive. These early failures can be briefly dealt with.

In 1866, at the request of Governor Bowen, the Society for the Propagation of the Gospel appointed a clergyman and a school teacher to the settlement at Somerset to establish a mission for Aborigines, the Queensland Government agreeing to provide the school teacher's salary; but this arrangement
broke down in the first year because of fundamental differences between the missionaries and the Police Magistrate about the policy to be adopted towards the Aborigines and the Torres Strait Islanders. The government declined to provide further support and as neither the Bishop of Brisbane nor the S.P.G. was prepared to do so, the venture was abandoned.¹

* * * *

The Reserve Scheme of the 1870's.

A much more interesting and extensive scheme emerged in the 1870's as a result of an initiative from the frontier. George Bridgman, an influential, and dynamic young squatter of Fort Cooper Station near Mackay, after experiencing the usual frontier conflict with the Aborigines,² 'let the blacks in' in April 1869.³ Bridgman had exceptional interest in the Aborigines and concern for their welfare but it is


2. F. Bridgman, Fort Cooper, to Sub. Insp. Blakeney, Native Police, 1 March 1866, encl. g.S.A. COL/A22, 1549 of 1867. This was a requisition for Native Police protection. There were nine 'dispersals' on Fort Cooper during four months of 1866. Official diary, March 1866 and monthly duty reports, March-June 1866, of Sub-Inspector Blakeney, Fort Cooper, encl. g.S.A. COL/A22, 1549 of 1867.

3. P.J.T., 10 April 1869, from H.M.
possible that a more mundane immediate motivation was his
decision to fence the run, a process that would have been
extremely vulnerable to hostile Aborigines. The movement
to let the blacks in had already begun in other parts of
the Kennedy District in 1868 and had soon proved successful
and of considerable economic advantage to the pastoralists.
Of the ninety Aborigines on his station, Bridgman soon had
about forty young men employed clearing scrub, ringbarking,
and cutting firewood for a trifling pay. When Bridgman
became manager of Homebush Station, thirty miles from Mackay,
in mid 1870, he discovered that most of the Aborigines
from the ranges had been camped there for the past one and
a half years as none of the neighbouring stations or planta-
tions would allow them in. He found the Aborigines well
behaved and willing to work but a nuisance because of their
numbers. Fearing they would lose their hunting grounds as
the district became settled, he requested that a reserve of
land valueless for cultivation be established where he would
'keep an eye on this tribe and keep them out of mischief.'
After an investigation this was agreed to. Evans, who
has probably written the definitive account of the reserve
policy of the 1870's suggested convincingly that pressure
from the Colonial Office and the Aborigines Protection
Society through the Colonial Office, combined with the
increasing expense of the Native Police, made Bridgman's
offer acceptable to the Colonial Secretary, Palmer, who

4. ibid.
5. See Loos, Frontier Conflict in the Bowen District,
   1861-1874, pp. 168-185.
6. F.D.T., 8 May 1869, from L.M.
7. G.F. Bridgman, Homebush, to A.H. Palmer, Col. Sec.,
   31 October 1870, G.S.A. Lm/Al 94, Lands Open no. 19
   Mackay.
8. ibid.
9. J. Sharkey, Land Commissioner, Bowen, to Sec. Public
   Lands, 1 February 1871, G.S.A. Lm/Al 94, Lands Open
   no. 19 Mackay. See Queensland Government Gazette,
   1 July 1871, p. 951.
had previously been most unsympathetic to the problems confronting the Aborigines. 10

Bridgman who had learned the local Aboriginal language and became interested in transforming the Aborigines by 'moral force' into non-migratory farm labourers, had exercised a paternalistic influence on those 'in [his] charge'. They had performed all the routine work among his sugar and stock and had been sent out by Bridgman to work at two or three of the nearest plantations where they had been paid in kind. Quite satisfied with the work force, influential planters formed an 'Association for the Employment and Protection of Aborigines' by which 'rules and regulations as to the treatment food payment etc. of blacks so employed was [sic] drawn up'. 11 With the exception of Bridgman, the motivation was exclusively economic. Sugar was booming; there was a 'dearth of labour'; the British Government and the Aborigines Protection Society seemed to be threatening the supply of Pacific Islanders; and the local Aborigines, supervised by Bridgman and kept out of the town and away from generalizing influences by an apparently tightly-knit planter society, were extremely cheap and uncluttered by capitation fees, bonds, return passages, cash wages, and government supervision. 12


11. G.F. Bridgman, Homebush, to J. Malbon Thompson, 26 May 1873, Q.S.A. LNS/Al 94, Lands Open no. 10 Mackay.

12. Evans, 'Queensland's First Aboriginal Reserve, Part I', p. 28. See W. Godall, P.M., Mackay, to Immigration Agent, Brisbane, 4 September 1873, Q.S.A. CPS/10E/G1, for the 'present dearth of labour'.
A petition was sent to the Government requesting statutory power to control the movement of the various tribal groups and to supervise work agreements, as well as some financial support for establishing the Aborigines on the reserve. The Government appointed trustees for the fait accompli that the Reserve now was and, in September 1873, a Commission to inquire into the petition from such an influential group as the Mackay planters. The initiative from Mackay had wide support. The townspeople generally supported it because the Native Police detachment had been withdrawn from Mackay to Nebo and it was feared that the Aborigines would once again become restive. Moreover, the Brisbane representative of the Aborigines Protection Society, Alfred Davidson, was urging that their welfare could be advanced if Aborigines were made economically useful to the colonists.

It is difficult to determine which group had most influence with the planter-squatter government of A.H. Palmer; however, all of the pressures were working towards the same end. Father McNab, a Roman Catholic missionary with a passion to better the lot of the Aborigines according to his own revelation, informed the Secretary of State later that he had learned from one who had helped create the first Aboriginal Commission that it 'was instituted for the purpose of shelving the question, and serving as a blind to the Home Government.' In fact, the four Commissioners were

15. Bridgman to Melbon Thompson, 26 May 1873, loc. cit.
18. Fr. D. McNab, London, to Sec. of State for Colonies, 24 October 1870, 'Notes on the Condition of the Aborigines of Queensland', Q.S.A. COL/AS16, 2395 of 1881. Also encl. Q.S.A. Governor's correspondence, Hicks Beach to Kennedy, 28 February 1880, inward despatch, 18 of 1880.
men of experience among Aborigines, or in spheres where action might be envisaged, and embarked upon their task promptly and diligently: A.C. Gregory, the explorer, until 1879, Surveyor General of Queensland; W.L.G. Brew, a senior Treasury official; Charles Coxen of the Lands Department who could advise on land suitable for reserves; and Pastor J.G. Hansman who had helped establish the Munda Mission in 1839 and in 1868 had begun another mission in southern Queensland, Bethesda, near Beenleigh. By November 1878, the Commissioners had sent out circulars and made known through the Colonial press that they wanted estimated numbers, condition, habits, laws, customs, means of livelihood, extent to which they were employed by Europeans, nature of employment, and whether their service was satisfactory. 19

The Commission's conclusions about the possibility of permanently assisting the Aborigines were, typical of the time, pessimistic:

the great majority of [Aborigines], whatever may be done to improve their condition, there is too much reason to fear, are doomed to early extinction. 20

They described how Aborigines were 'passionately fond of intoxicating liquors' fearfully diseased, and generally had 'an unconquerable aversion to persistent labour' although some settlers had them satisfactorily employed, especially Bridgman. Their general conclusion about the possibility of successful industrial reserves like Bridgman's was not such as to encourage any nineteenth century government to embark upon an expensive social service experiment with the large and increasing number of Aborigines it was potentially responsible for:

19. Evans, 'Queensland's First Aboriginal Reserve, Part I', pp. 29, 30. See E.E.T., 29 November 1873, for comment in colonial press. Over one hundred replies were received which have been lost or destroyed. See also 'Aborigines' Commission Report', 1874 V. & F., Vol. II, p. 438.
Although the Commissioners do not believe that equally satisfactory results [as Bridgman had achieved at Mackay] are, as a rule to be expected from the employment of Aborigines in other parts of the Colony, they are yet of opinion that Aboriginal labor, especially for short terms of service, might be far more generally and profitably employed than it has hitherto been. 21

In an earnest endeavour to improve the condition of the Aborigines, the Commissioners then recommended that special legislation be enacted, protectors appointed, reserves set aside throughout the colony, and considerable sums expended on buildings, rations, clothing, agricultural implements, medical aid, schools and teachers - much of this recurring annually. The report concluded by urging legislation to bring the Aborigines within the effective reach of law. 22

A combination of factors led to government support of the Mackay Reserve. Bridgman pressed for funds and found the government in a receptive mood because it coincided closely in time with a demand, by the Secretary of State for the Colonies, Lord Carnarvon, for an inquiry into the Native Police. 23 The Commissioner's favourable report on the Mackay Reserve was a godsend. A total denial that the Native Police could ever be guilty of such an offence was supported by the constructive action the Government intended

21. ibid., p. 440.
22. ibid., pp. 440–442.
23. A humorously narrated account of how some members of the Queensland Native Police tried to shoot an Aboriginal taking an abandoned marker flag appeared in the Cleveland Bay Express of Townsville. It was reprinted in the Sydney Morning Herald, arousing a highly indignant response, read in England, and brought to the notice of Lord Carnarvon, Secretary of State for the Colonies, who demanded an inquiry. J. Cooper, Essex Hall, Walthamstow, to Earl of Carnarvon, 4 May 1874, and Carnarvon, Sec. of State for the Colonies, to Normanby, 18 May 1874, Queensland Journals of the Legislative Council, 1875, Vol. XXIII, p. 937. See pp. 927–914, 'Alleged Outrages Committed on the Aborigines of Queensland by the Native Mounted Police' for related correspondence.
taking with regard to the Mackay Reserve. Evans has pointed out that such action was probably taken only after the Colonial Office showed unwelcome interest in the Native Police to divert attention from its activities. 24

The Aboriginal Commissioners had previously been granted £200 by the Government. This they placed at Bridgman's disposal. An annual grant of £500 was made and a special grant of £200 for the school building. 25 With cooperation from the townspeople in keeping the Aborigines out of the town, the presence of the Native Police at nearby Bloomsbury and Nebo, and Bridgman's own influence, the Aborigines were comparatively well-controlled and provided a carefully regulated work force of about one hundred. 26 On the reserve, about one hundred Aborigines under Bridgman's direction erected buildings, cleared land, planted crops, erected fences, and tended a small herd of animals while another hundred wandered the district hunting although Bridgman still maintained some supervision and control over these. By June 1875, much had been accomplished and the Aborigines were declared willing and interested although Bridgman admitted his aim thus far had been limited to 'preventing the blacks from being a nuisance in the district, and in showing them the advantages of having a settled home and means of subsistence [Sic?]. However, he had already begun

experimenting with teaching the young.\textsuperscript{27} With their traditional authority all but destroyed and the freedom to pursue their own way of life circumscribed, the Aborigines had found in Bridgman sympathy and security.\textsuperscript{28}

After 1876, the Mackay Reserve showed promise of developing into a comprehensive system of reserves which would ultimately encompass the whole of Queensland. This impetus also depended on a combination of factors, the most important again being public criticism of the Native Police. The government deemed it desirable to make an annual grant of £500 and to set up another inquiry to ascertain 'the best means of reclaiming the Aborigines not only at Mackay, but throughout Queensland'.\textsuperscript{29} The new commission's chairman, Matthew Hale, was the Anglican Bishop of Brisbane and had extensive experience with Aboriginal missions in South Australia and Western Australia. Two members of the previous Commission were retained.\textsuperscript{30} The report of an

27. G.F. Bridgman 'Report to the Board appointed to establish a settlement for aborigines near Port Mackay for the quarter ending June 1875', Q.S.A. LMK/AI 94, Lands Open no. 18 Mackay.

28. Rev. B. McNab, Brisbane, to Hon. J. Douglas, 16 October 1877, 'Condition of the Aborigines at Daruundar and Bribie Island', 1878 V. & P., Vol. II, p. 67. McNab reported that the Aborigines at Mackay told Bridgman that his disallowance of their own laws and modes of punishment left them without law or tribal discipline.

29. A. Macalister, Col. Sec., to Aboriginal Commission, 25 May 1876, Q.S.A. COL/A228, 1311 of 1876. See also Governor Cairns to Col. Sec., minute: 5 April 1875, Q.S.A. COL/A219, 623 of 1876. \textit{Queenslander}: 18 May 1876, p. 16; 7 October 1876, p. 18; 25 November 1876, p. 18. See also Evans, 'Queensland's First Aboriginal Reserve, Part I, p. 36, for a detailed account of this stage.

30. Evans, 'Queensland's First Aboriginal Reserve, Part I', p. 33. The two members retained were William Drew and A.C. Gregory. The new members were C.J. Graham, a former Lands Minister, William Landsborough, explorer, pioneer pastoralist, and civil servant. See also A. Macalister, Col. Sec., to Aboriginal Commission, 25 May 1876, loc. cit.
investigation they commissioned into the Mackay Reserve in 1876 was most favourable. Portuiously, the Commission found a genuine supporter in John Douglas, the Minister for Lands and soon to be Premier, whereas previously the welfare of Aborigines had been of the lowest priority in the Queensland parliament. Douglas thought the Mackay Reserve could be the model for an extended scheme.

During 1877, the Commissioners had requested Bridgeman to investigate the possibility of expansion to Townsville and Bowen where local residents had expressed interest. In each town, committees were formed and reserves applied for. At Townsville, Bridgeman found that an educated Polynesian was already caring for about twenty young Aborigines. The problems confronting the Commission were greater as the Aborigines moved freely into these towns, and were less likely to accept reserve control. Bridgeman was appointed travelling inspector for the reserves north of Cape Palmerston and the prospects of a state-wide system growing seemed bright. The young were being sent to a school on the Reserve which raised the problem of the need for additional reserves where the educated Aborigines could be settled to prevent their reverting to camp life as the ordinary occupations of civilized life would be closed.

32. Hoskin, op. cit., ch. 2, p. 11. The topic was only once debated at length when, in November 1876, then Minister for Lands, John Douglas, caused McNab's scheme to be aired.
33. Hoskin, op. cit., ch. 4, p. 31.
to them' by the prejudices of the white population. Reserves were also established in the south at Darumbur and Bribie Island where interested Europeans attempted to involve the local Aborigines, at Cape Hillsborough, north of Mackay, and at Cardwell, where the reserve included the Palm, Family, and Dunk Islands, although the Cape Hillsborough and Cardwell Reserves were never utilised. While the 1873 Report revealed that the Europeans had achieved little progress in moulding the adult Aborigines as they desired, there was every indication of the continuation and even expansion of the experiment.

Just as the government initially adopted the Mackay Reserve largely on the grounds of political expediency, a political whim caused the abandonment of the whole reserve policy. On the 6 September 1873, the Douglas Ministry was defeated on a motion to grant £1600 to the Aborigines Commission to allow it to continue its work. Douglas, the Premier, also naively envisaged the expansion of the reserve scheme. An election was imminent, the fall of the government almost certain, Douglas's own party disunited, and the Opposition led by McIlwraith willing to embarrass

37. 'Report of Aborigines Commissioners and condition of the Aborigines at Durundur and Bribie Island', 1873 V. & P., Vol. II, pp. 59-67. See Hoskin, op. cit., ch. 6, passim. See also W. Hale, Chairman, Aborigines Commission, to Governor in Council, 15 September 1873, enrol. Q.S.A. Col/1873a, 4493 of 1873. Hale described the expansion of the reserve system indicating it was in accordance with their instructions from the Queensland Government.
the government wherever possible. One member pointed out that as the sum requested suggested 'the nucleus of a new and distinct department... which would probably develop into something very considerable', it should be dealt with by the new parliament. This idea won support. 40

The new McIlwraith ministry commenced a policy of savage retrenchment and, despite the efforts of the Aborigines Commissioners, further finance was refused. The whole reserve scheme was destroyed virtually at a blow. 41 There were many factors that contributed to this. Firstly, the 'new broom' policy of the McIlwraith government meant that the Reserve Policy which was closely identified with the previous government and especially the Premier, Douglas, was highly vulnerable. Mr. Graham Hoskin who conducted the initial research into the reserve scheme of the 1870's concluded that if the £1,600 had been requested of the new government it would have been approved: 'The Reserve movement was killed by a Parliamentary Technicality'. 42

This seems too simple a conclusion. The lack of enthusiasm of the planter-squatter party for such amelioration of the condition of the Aborigines must be considered. Secondly, as had been pointed out, the Reserve movement was promising to develop into a separate department. £500 had been granted annually since 1875 for the Mackay Reserve, plus a grant for the school buildings of £200. 43 Townsville, 44

40. ibid., McLean. See also Evans, 'Queensland's First Aboriginal Reserve, Part II', pp. 7, 8; Hoskins, op. cit., ch. 7, pp. 1-10.
41. Hale to Governor in Council, 13 September 1878, loc. cit.; W. Gray, Townsville, to W.L.C. Drew, 20 February 1879, and Minute, Drew, February 1879, excl. £500. COL/A237a, 4428 of 1879. See this whole file for the closing of the Reserve System. See P.D.T., 21 June 1879, for reaction to reductions in the expenditure. The loss of the grant to the Aborigines Commission was not mentioned.
42. Hoskin, op. cit., ch. 7, p. 12.
Bowen, Durundur, and Bribie Island were being financed by the Aborigines Commission. Small claims were coming from Maryborough, Tingoora, and Mareeba, and a replacement was needed for Bridgman to look after the Mackay Reserve, in addition to a married couple already working there. The Chairman of the Aborigines Commission had previously informed the Colonial Secretary that a 'Secretary and Travelling Protector' was needed as the work was becoming too extensive for the Commissioners who admitted that their 'official duties of great importance' had prevented their devoting sufficient time to the Aborigines Commission. They were advocating a change from a charity run by part-time amateurs to a social service run by a paid professional. It is difficult to believe this significance escaped McIlwraith's government.

The enthusiasm for Aboriginal labour even in Mackay had diminished greatly. The Aborigines were declared to be unreliable by the plantation owners, and their present pay and previous life could do little to make them enthusiastic about farm labouring. As well, the one or two hundred potential Aboriginal labourers were insignificant when compared with the need. By March 1871, there were 1,400 Pacific Islanders in the Mackay cane fields and 2,087 by 1881. Had pressure from the Mackay planters been exerted, it would

44. Evans, 'Queensland's First Aboriginal Reserve, Part II', p. 8; Hale to Col. Sec., 10 July 1878, encl. Q.S.A. CGL/2378, 4428 of 1879.
45. Hale to Col. Sec., 10 July 1878, loc. cit.
probably have produced a sympathetic response.  

Bridgman's gradual withdrawal from full-time superintendence of the Mackay Reserve, also seems to have led to a lessening of control of the Mackay Aborigines although the Aborigines themselves seem to have lost some of their early enthusiasm for the new life being built for them. Charles Dawson, a member of the board that had reported so favourably upon the Mackay Reserve in May 1876, complained to the Colonial Secretary in July 1877, 'Mr. Bridgman has lost all control over the Blacks and instead of them being kept together on the Reserve, they are scattered over the whole District ... a very dangerous nuisance to everybody'. Nor was this the only criticism of this kind. Finally, Colonial Office influence was not exerted upon what was probably perceived as an internal political problem. Colonial Office pressure had resulted in the formation of the Aborigines Commission, and a series of initiatives and inquiries which promised action. The concept and practice of responsible government by then precluded a deeper imperial intrusion. Three protests to the Imperial government over Native Police atrocities and the inadequacy of measures to ameliorate the condition of the Aborigines in 1878, 1879, and 1880, caused Kimberley

48. F. Amhurst, Mackay, to Col. Sec., A.H. Palmer, 23 April 1879, encl. C.S.A. COL/A237c, 4428 of 1879. The Colonial Secretary reversed a decision to close down the reserve immediately in response to an appeal by the local member. Amhurst pointed out that if Aboriginals were suddenly 'let loose great injury to crops might ensue'.

49. C.S. Dawson, Mackay, to Col. Sec., 16 July 1877, C.S.A. COL/A249, 5744 of 1877.


in the end to confess that he could 'only trust the government of Queensland ... will continue to bear in mind the necessity of treating the Aborigines with kindness and justice'.

52. Within Queensland the acceptance of the 'doomed race' theory and the apathy of most colonists inhibited anything but token protests. 52 Yet there were obvious inherent weaknesses in the Reserve system of the 1870's. It tacitly condoned the dispersal policy of the frontier by its silence on the subject and aimed just as thoroughly at destroying Aboriginal authority and Aboriginal society. Both Bridgman and Hale believed that the children should be completely segregated from their elders. 54 In fact Bridgman's vision of the final solution of the Aboriginal problem indicated a patronising contempt of Aboriginal society:

I continue to take an interest in any movement with a view to improve the condition of the native blacks, and to keep the race from being an annoyance and disgrace to the residents of the colony.

52. Kimberley to Normanby, 28 April 1881, G.S.A. Governor's Correspondence, inward despatch, 23 of 1881. See also Queensland Patriot, 8 July 1879, 'A Texas Rifle Ranger' in D. McNab, London, to Sec. of State for the Colonies, 24 October 1879, 'Notes on the Condition of the Aborigines of Queensland', and McNab to Kimberley, 7 February 1881, encl. G.S.A. CCL/A10, 2305 of 1881. McNab's letters also enclosed G.S.A. Governor's Correspondence, Kimberley to Normanby, 23 April 1881, inward despatch, 23 of 1881, and Hicks Beach to Kennedy, 28 April 1880, inward despatch, 13 of 1880.

53. L.R., 5 April 1879; E.D.T., 25 September 1880, editorial.

54. Hale to Bridgman, G.S.A., LMA/A1 54 Lands Open no. 19 MacKay. Hale wrote: 'In fact the main object of the Juvenile Department should be to wean the children from native habits; to prevent their growing up mere natives; and to give them a taste for a better manner of life'.
My own view of the question is that if the government are willing to take any steps in the matter, in the northern portion of the colony where blacks are numerous and troublesome, it will be advantageous to collect all the children from the different tribes as we have done here, to similar institutions, there give them sufficient education to make them useful servants and then to hire them out to suitable employers in other parts of the colony, this will dispose of all the young, the older ones can if kept under proper control be made useful in their own districts, and when they ultimately die off the whole matter will be brought to an end as far as any further trouble is concerned. 55

The Commission, concerned at the possible moral corruption of such educated Aborigines, had already suggested segregation on Reserves in perpetuity. 56 In the short time the Macquarie Reserve had been in existence, Bridgman's use of 'moral force' had not proved successful in confining Aborigines to the Reserve and the local police and Native Police had been resorted to even though this was of very doubtful legality. 57 Legislation to change the whole legal status of Aborigines had been suggested but the legislators were not willing yet to embark upon the responsibilities inherent in such a problem. Without legislation, the unreal expectations implicit in the desire to mould the Aborigines in accordance with the preconceptions of Europeans could hardly have succeeded for long.

In fact, public controversy about the philosophy underlying the Commissioners' plans helped to distract attention from curtailing of the Reserves scheme. Duncan McNeely, a fiery Roman Catholic priest who had been highly critical of Queensland's treatment of its Aborigines, had been made

55. Bridgman to P. Amherst [Sig] H.L.A., 8 May 1879, excl. G.S.A. 36L/A879a, 4428 of 1879. The name should be 'Amherst'.
57. Evans, 'Queensland's First Aboriginal Reserve' Part I, p. 52, Part II, p. 44.
a member of the Aborigines Commission presumably to silence him. He proposed a radical scheme based upon the development of Aboriginal yeoman farmers, each married couple owning its own homestead settled carefully among settlers who would be their mentors in agriculture and Christianity. He aimed to transform the adult generation stemmed primarily from a concern for the salvation of the Aborigines' souls but he was passionately concerned for their bodily well-being as well. He, alone among the Commissioners, publicly attacked the government's policy of dispersal and the refusal to acknowledge the Aborigines' ownership of the land. He accused the Commissioners of self-confessed incompetence to civilize the Aborigines and the Government of 'trifling with the question of Aboriginal civilization'. He resigned from the Commission in December 1878 and engaged in the controversy in the Brisbane press with members of the Commission when the Government was curtailing the Reserve scheme. The pitiful inadequacy of the Reserve scheme in the light of the unrestrained frontier conflict was possibly one of the factors that prevented more people taking it or its termination very seriously. The Queensland Patriot probably reflected the opinion of many:

No man cares to turn aside to watch a benevolent minded individual endeavour to relieve a case of toothache when he knows a massacre is going on, unchecked, in

55. McNab to Sec. of State for Colonies, 24 October 1879, loc. cit.
56. Brisbane Courier: 22 February 1879, McNab, Bowen, to Hale; 25 February 1879, Hale to McNab; 22 March 1879, McNab to Hale; 25 March 1879, W.L.G. Drew to McNab; 2 April 1879, Hale to McNab. The above references were cited in Evans, 'Queensland's First Aboriginal Reserve, Part II', p. 8.
the next street. 62

Under the McLayraith Government the Commission and the Mackay Reserve died undramatically without becoming the subject of political controversy. The disdain the government felt for the Commission was well illustrated when Drew and Hale protested after a detailed account had been published in the Brisbane press of the killing of twenty-six Aborigines, by Sub Inspector O'Connor's detachment of Native Police, for wounding two settlers at Cocktown. Drew was informed that his resignation on this account was 'a downright absurdity', 63 while Bishop Hale was informed:

The Colonial Secretary is not in the habit of taking any notice of absurd paragraphs in newspapers and declines being catechised on them. 64

This protest, after the government had decided its fate, was the last whimper of the Aborigines Commission which was then allowed to lapse. 65

When Ashurst, the member for Mackay, protested that the sudden termination of the Mackay Reserve would cause damage to the crops of the district, presumably by revengeful or hungry Aborigines, 66 the Colonial Secretary defused the issue by allowing the Reserve to continue under Bridgeman's successor Jocelyn Brooke until it too 'lapsed'. The Reserve

62. Queensland Patriot, 29 June 1878, encl. Q.S.A. COL/A369, 3065 of 1878. See also Evans, 'Queensland's First Aboriginal Reserve, Part II', p. 4.

63. Drew to Col. Sec., 3 March 1879, encl. Q.S.A. COL/A287a, 4423 of 1879. Drew also gave the breaking up of the Bribie Island Reserve as another reason for his resignation. See minute Col. Sec. Palmer/10 March 1879, for Palmer's reaction.

64. Hale to Col. Sec., 4 March 1879, Q.S.A. COL/A272, 858 of 1879. Minute Col. Sec. Palmer/7 March 1879.


66. Ashurst to Palmer, 25 April 1879, loc. cit.
was reduced in area from 10,000 acres in December 1877,\(^\text{67}\) to 1,000 acres in December 1879.\(^\text{68}\) It became a mere camping ground for the Aborigines where Brooke prevented them from offending the settlers and made them available for employment.\(^\text{69}\) In August 1882, the Lands Commissioner reported that the Aborigines had ceased to use the Reserve.\(^\text{70}\) Brooke had already left to join the Native Police and, in May 1885, the Lands Department quietly cancelled the Mackay Reserve for Aborigines.\(^\text{71}\)

The scheme had been adopted by the Queensland government because there were important economic forces needing a cheap, controlled labour supply and it was politically expedient to utilize this activity as a manifestation of government concern for the Aborigines. To some well-intentioned people it seemed an alternative to the policy of dispersal whereas it was in reality its complement. The Aboriginal Commission's request for supporting legislation and expansion to encompass all of Queensland's Aborigines entailed not only an unacceptable financial outlay but a formal recognition that the Aborigines were indeed being conquered and dispossessed. Mackay had spelled this out but failed to move the colonial government, the Imperial government, or the Aborigines Commission itself.

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\textit{Queensland Government Gazette,} 22 December 1877, excl. Q.S.A. Lam/Al 94, Lands Open no. 19 Mackay. A boundary adjustment had previously reduced the Reserve from 14,000 acres.

\textit{W.R. Goodall, Mackay, to Under Sec. for Lands,} 5 December 1879, and Minute /Lands Minister/, 15 December 1879, excl. Q.S.A. Lam/Al 94, Lands Open no. 19 Mackay.

\textit{J. Brooke, Mackay, to Minister for Lands,} 20 June 1881, excl. Q.S.A. Lam/Al 94, Lands Open no. 19 Mackay.

\textit{Goodall to Sec. for Lands Dept.,} 15 August 1882, excl. Q.S.A. Lam/Al 94, Lands Open no. 19 Mackay.

\textit{W.J. Scott, Lands Board, to Sec., Dept. of Public Lands,} 18 April 1885, excl. Q.S.A. Lam/Al 94, Lands Open no. 19 Mackay.
Early Attempts at Protective Legislation.

It is significant that the first attempt to provide protective legislation for the Aborigines in Queensland was associated with the use of Pacific Islander or 'Kanaka' labour in the beche-de-mer and pearl fisheries in and near Torres Strait. The need to control the fisheries of North Queensland was one of the reasons advanced for the annexation of the Torres Strait Islands which took place in two stages in 1872 and 1879. In 1872 the abuse of kanaka labour in this industry stimulated the prompt investigation and quick granting of Queensland's request for extended territorial jurisdiction although broader commercial, strategic, and humanitarian reasons were considered. Thus, in 1872, all of the islands within a distance of sixty miles of the coast were annexed to Queensland with little consideration given to the Torres Strait Islanders who thus became Queensland citizens.

Well publicised abuses in the Pacific Island labour trade (which took labour to Fiji as well as to Queensland) led the British parliament to pass the Pacific Islanders Protection Acts of 1872 and 1875 which made kidnapping, i.e. the recruiting of islanders by force or deception and their detention without consent, a felony. All British recruiting vessels had to be licensed and suspected vessels could be seized. The 1875 amendment created the position


73. F.L., Somerset, to Col. Sec., 1 January 1872, encl. Normanby to Sec. of State for the Colonies, 19 March 1872, G.S.A. GOV/26, 26 of 1872. See Farnfield, op. cit., pp. 218-220.

74. Farnfield, op. cit., p. 220.
of Western Pacific High Commissioner with jurisdiction over British subjects on islands which were not governed by any civilized power eastward of 143° E longitude. \(^{75}\) However, the Torres Strait Islands beyond Queensland's border were too remote for the Imperial High Commissioner, the Governor of Fiji, to control. With the growth of the Pearlshell and Beche-de-mer fisheries during the 1870's there were serious abuses in the recruiting, conditions, and payment of Pacific Islanders employed in the fisheries with and beyond the Queensland border \(^{76}\) and neither the Imperial Kidnapping Act nor the Queensland Polynesian Labourers Act were capable of regulating the industry. \(^{77}\) Neither act covered this activity: Queensland was beyond the jurisdiction of the Western Pacific High Commission and the Queensland Act dealt only with agriculture. In addition, many of the islands beyond Queensland's sixty mile limit 'had become the resort of criminals from all parts of the world'. \(^{78}\) The Liberal Premier, Douglas, was convinced that the gross abuses in the fisheries should be controlled by bringing them under Queensland's jurisdiction, an action which was endorsed by the McIlwraith government when it defeated the Liberal ministry. The proposal was readily acceded to by the Imperial authorities who were glad to shed the responsibility for these notorious fisheries. To police the fisheries the Queensland Government purchased, at a bargain price, the schooner *Pearl*, which had a complement

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78. C.P.P. of L.C., XXIX (1879), p. 117, Postmaster-General, second reading of Queensland Coast Islands Bill.
In July 1879, a bill was introduced to the Queensland Legislative Assembly to regulate the pearl-shell and beche-de-mer fisheries. It was primarily concerned with gathering the previously untapped revenue — earned by mainly New South Wales capitalists — by means of licence fees on the vessels engaged in the industry and on crown land where fishing stations had been erected. It was also aimed at regulating the Pacific Islanders employed in the industry. The Colonial Secretary, A.H. Palmer, admitted the fisheries were associated "with a good deal of irregularity and lawlessness ... about the Barrier Reef, and the islands that had lately come under the dominion of the colony". However, he believed there were very few complaints about the misuse of either 'Polynesian' or other native labour.81

The bill contained clauses that were at least aimed at prevalent abuses among 'native labourers'. Clause 11 provided that not only Polynesians but also native labourers should only be employed under written agreement and contained a penalty for any infringement. Clause 12 provided that such labourers be discharged at ports designated for that purpose by proclamation unless the employer satisfied the nearest Police Magistrate or principal officer of customs that he had made provision for the return of the Polynesian or native labourer to his homeland or to the port from which he had originally embarked. Previously, a master could discharge his men anywhere on the coast. Clauses 14 and 15 were taken from the Polynesian Labourers Act; the former provided that Polynesian and native labourers must be paid in cash in the presence of the police magistrate, and the

81. Q.P.L. of L.A., XXIX (1879), pp. 766, 787, Col. Sec., second reading of the 'Pearl-shell and Beche-de-mer Fishery Bill'.

of a master and five men.
latter imposed a penalty for supplying Polynesian or native labourers, while clause 17 dealt with the disposal of the wages of deceased labourers. The Colonial Secretary explained that the term 'native labourer' was a new one intended to encompass those natives of Queensland that were now taken from the islands and coastal districts of the north without any law to protect them. Significantly the bill had been drafted by the Immigration Agent who had experience with the hiring and management of Polynesians and the Police Magistrate at Thursday Island. 82

Griffith, the Leader of the Opposition agreed that the Bill dealt with important problems and pointed out that the previous government had drafted a bill to deal with them but had believed they could not implement it satisfactorily. He pointed out that the bill would have to be reserved for royal assent as its purpose was to interfere seriously with shipping and navigation not subject to the jurisdiction of the colony except in Queensland ports. Further the Queensland courts of justice would not be able to deal with matters beyond their jurisdiction. The real problem, Griffith pointed out, was that while Queensland had jurisdiction over the coast and the islands within sixty miles of the coast it did not have jurisdiction over the intervening waters and could only receive such power from the Imperial government. It was in these waters not in port that most of the cases of mistreatment of crew occurred. Griffith concluded by pointing out that Queensland's jurisdiction only extended to the three mile limit and even this was doubtful. 83

As the industry was mainly in the hands of New South Wales capitalists, it was not surprising when they presented two petitions complaining that the proposed legislation

82. ibid., pp. 767, 768.
83. ibid., p. 768, Griffith. He referred to a recent decision in England.
would ruin the industry. The Colonial Secretary retorted: 'The object of the Bill was to secure for Queensland what she should have had years ago — namely, a revenue from the pearl-shell fisheries on her coast'. However, all clauses dealing with 'Native Labourers' were put and passed except the clause which dealt with the disposal of the wages of deceased 'Polynesians or Native Labourers' apparently because the Queensland government could not legislate to dispose of wages earned by the crew, often under the Imperial Merchant Shipping Act of 1854, on vessels belonging to another country, which, in this case, would mainly be New South Wales.

The Bill was withdrawn by the Postmaster General, in the Legislative Council, who observed that considerable opposition to the measure had developed. As well, the opinion of the Imperial Government as to the power of the Queensland Legislature to pass such a bill was to be ascertained.

This Bill was next brought before Parliament in July 1881 by the Colonial Secretary, Palmer. He once again stressed his concern for the revenue the colony was failing to collect from New South Wales capitalists who were harvesting the wealth of Queensland waters and prefaced this with a perfunctory concern for the 'irregularities going on on the northern coast of the colony by those engaged in the pearl-shell and beche-de-mer fishery ... he could hardly call them outrages'. The Bill, described as 'one of the minor

85. ibid., Col. Sec. in committee.
86. ibid., p. 1732, Col. Sec. in committee.
87. Q.P.D. of L.C., XXVIII (1879), p. 388, Postmaster-General, second reading of the 'Pearl-Shell Fishery Bill'.
88. Q.P.D. of L.A., XXXV (1881), p. 186, Col. Sec., the first reading of the Pearl-shell and Beche-de-mer Fishery Bill.
bills [but] of very considerable importance', was much the same as the previous one except that the licence fees had been substantially reduced because of the previous protests.89

A 'native labourer' was here defined as 'any aboriginal native of Australia or New Guinea, or of any of the islands adjacent thereto'.90 The 'Polynesians' were in reality the Melanesians involved in the Kanaka labour trade. The clauses relating to Polynesians and native labourers were similar to those in the previous bill and aimed at ensuring that such labourers were employed under agreement, and paid their stipulated wages. Once again all deaths and desertions were to be recorded and intoxicants were not to be supplied to such labourers, a provision that Palmer declared 'was absolutely necessary' to prevent 'crimes of the very worst descriptions'.91 Several clauses were designed to prevent native labourers from being defrauded of their wages. Two were withdrawn when it was pointed out that they would discourage the spending of wages at Thursday Island and reduce the revenue raised there. A third imposing a penalty on anyone selling intoxicating liquor to native and Polynesian labourers was withdrawn for similar reasons and because the Colonial Secretary had recently been informed that 'these men would not work without spirits, and, consequently, it must be given to them'. The one remaining clause on payment of wages was then withdrawn by Griffith on the ground that it would be ineffective in isolation.92

As one member observed, every clause aimed at protecting

89. ibid., pp. 186, 187, Col. Sec.
90. ibid. This was probably the definition expressed in the previously proposed Bill but, as no complete original was printed in either the 1879 J.P.D. or the 1879 V. & P., this is not certain.
91. ibid., p. 187, Col. Sec.
92. ibid., pp. 264, 265, Griffith and Col. Sec. in committee.
the native and Polynesian labourers had been withdrawn despite the Colonial Secretary's initial claim that this was the prime aim of the legislation. Three clauses that were believed essential in the Polynesian Labourers Act were omitted and the sale of alcohol to Aborigines - which was illegal elsewhere in Queensland - was tacitly sanctioned. Even if the Act had passed in its original form, it is doubtful if it would have done much to control the admitted abuses in the industry. There was only one vessel, the schooner *Pearl*, which had arrived in the Torres Strait in August 1879, to supervise the vessels, stations, and waters of the fisheries. The problem of kidnapping Aborigines was barely acknowledged. They could be easily picked up after leaving port and disembarked before return. The whole problem of recruitment of labour in northern waters, of fishermen persuading, deceiving, or forcing Aborigines into service they would not have entered willingly, had not been discussed. The Act only required that Polynesian and native labourers be employed under a written agreement and disembarked at a place approved by the Police Magistrate or principal customs officers. If a Polynesian or native labourer employed in the fishery was discharged without that approval, all cost of maintaining him and returning him to his homeland could be summarily charged to the master of the fishing vessel. This at least gave the government a legal means of fining a master who had kidnapped his labour if by chance he was detected. Half-hearted attempts over three years to regulate the employment of native labour had brought forth a mouse, but the need to

93. ibid., Dickson in committee. He actually mentioned Polynesian labourers only. This was apparently a casual omission.
94. ibid., p. 187, Col. Sec. in first reading.
95. Pearl-Shell and Beche-de-mer Fishery Act of 1881 i.e. 45 Vic. no. 2, clauses 11, 12.
96. ibid., clause 12.
collect revenue from the fisheries had overcome all obstacles.

In 1884, the Griffith Liberal government introduced a bill aimed much more seriously at preventing 'the improper employment of Aboriginal Natives of Australia and New Guinea on ships in Queensland waters'. Its intention was in substance to extend the provisions of the Imperial Kidnapping Act to Aborigines in Queensland. Griffith limited his criticism principally to the beche-de-mer industry on this occasion as employment of Aborigines in the pearlshell industry had greatly declined with the introduction of diving apparatus. Griffith introduced the bill as the Native Labourers Protection Bill and pointed out clearly its function:

I have reason to believe that, at the present time, great abuses prevail in that respect, and that great numbers of natives of Cape York Peninsula, both on the eastern and western side, are frequently taken on board vessels without supervision, and that sometimes they are brought back, and sometimes not; it is not known whether they are or not. There is no real reason why we should not protect the aboriginals just as the Polynesians are protected.

Later when it was alleged the penalties were too severe, he asserted emphatically:

I have information that the kidnapping of our own natives has been going on for a considerable time.

It is clear that Griffith was motivated in moving the Bill by reports of gross abuses among the Aborigines of north-east Queensland. Extracts of official reports from Cooktown and Thursday Island were read to the Legislative Assembly to refute the claim of the then Leader of the

97. 48 Vic. no. 20. See initial description in the act itself. My punctuation.
99. ibid., the Premier, second reading.
Opposition, B.D. Morehead, that there was no 'enormous harm'
or injustice done to the natives of Australia and New
Guinea. It is equally clear, however, that the legislation
was motivated more immediately by the activities of a
beche-de-mer fisherman in the Louisiade Archipelago at the
south-eastern extremity of New Guinea. As reported by the
Louisiade Islanders to the Government Agent of the Ceara,
he had employed both Louisiade Islanders and Queensland
Aborigines; raped their women and flogged their men
unmercifully; treated the Queensland Aborigines worse than
the Islanders; and shot anyone of either race who committed
the slightest offence. This report had come to the
department responsible for the Pacific Islanders administration
and from this politically sensitive quarter to the Colonial
Secretary and Premier, Griffith.

In trying to get through the Legislative Council
legislation that would look respectable to Imperial
authorities, the Post Master General had explicitly said:

No action was taken upon that report [of 1882] until
May 1884, when the Acting Immigration Agent wrote to
the Colonial Secretary with regard to a beche-de-mer
trader carrying on business in the Louisiade Archipelago.

Griffith had immediately asked for reports from the Sub-
collector of Customs and Police Magistrate at Cooktown when
the reports of present and past atrocities among North
Queensland Aborigines were brought to his notice. Griffith
indicated to the Legislative Assembly his
concern that the beche-de-mer industry was bringing
discredit upon the colony in the waters of New Guinea:

There was a ... man ... whose name had frequently

100. Q.P.D. of L.A., XLIII (1884), p. 211, Morehead, and
211, 212, the Premier Griffith.
See pp. 106, 107, Postmaster General, for description
of atrocities in Queensland waters.
102. ibid., p. 107.
been mentioned lately in correspondence connected with New Guinea, and which, he was afraid, would be mentioned much oftener. 103

From 22 January 1882 until 26 March 1884, this man had shipped 78 Aborigines while fishing in Queensland and New Guinea waters and failed to discharge eleven of these. He claimed eight had died in New Guinea waters and two had deserted. One was not accounted for. 104 Thus, the abuses concerned with Aboriginal labour in the fisheries had impinged upon recruiting problems associated with New Guinea which had been an area of concern throughout 1884.

Several times in the debate in both the Legislative Assembly and the Legislative Council Queensland's reputation was declared an issue 105 and more frequently the government was accused of 'truckling to Exeter Hall'. 106 Indeed, Griffith's hope that 'the hon. members would assist in removing the stigma [of kidnapping Aborigines] on the colony's reputation', 107 has to be seen in the wider context of the Pacific Island labour question.

The McIlwraith government of 1879-1883 which had supported the importation of cheap coloured labour was replaced in November 1883 by Griffith's Liberal government which was strongly opposed to it. 108 In 1884, he had passed

103. Q.P.D. of L.A., XLIII (1884), p. 211, the Premier.
104. ibid., pp. 211, 212, the Premier.
106. Q.P.D. of L.A., XLIII (1884), p. 81, the Postmaster General, in committee; p. 83, Walsh, in committee criticised the government for posing before the world 'as desirous of protecting the aboriginal'; p. 110, Thynne, in committee.
legislation to confine Pacific Islanders to employment in sub-tropical or tropical agriculture and had tried to repeal the Queensland act of 1862 that allowed the introduction of labourers from India, only to have his bill rejected by the Legislative Council. In 1884, Griffith also appointed a Royal Commission to enquire into Queensland vessels recruiting in the New Guinea area. Recruiting had first begun in this area in early 1883 and in the following fifteen months 2,600 recruits were brought to Queensland from the islands east and north of New Guinea. During 1883 and 1884, the recruiters were guilty of many irregularities and, in June 1884, the Griffith government forbade recruiting by Queensland vessels in New Guinea, New Britain, New Ireland, and the Louisiade Archipelago. The subsequent Royal Commission revealed such widespread abuses that over six hundred recruits were returned to their islands.

Griffith's concern for Queensland's reputation was increased when a number of law cases involving very serious charges against recruiters indicated the susceptibility of the Queensland law courts and government to public opinion. In October 1883, two Pacific Islanders aboard the Alfred Vittery were shot dead for causing a disturbance which, however, did not demonstrably endanger the lives of those on board or the safety of the ship. The accused were found not guilty except one who received a verdict of manslaughter.

110. 26 Vict., no. 5.
111. Parnaby, op. cit., p. 132.
115. Ibid.
with a recommendation for mercy. The Governor had informed the Secretary of State for the Colonies that it would always be difficult to obtain verdicts in such cases and recommended that offenders should be tried in the Court of the Western Pacific High Commission. This question had already arisen in January 1884, when members of the Ceara were accused of kidnapping in the Louisiade Archipelago. Griffith had then pointed out to the Imperial Law Officers that there was no legal power that allowed such extradition. This situation was remedied at the request of the Colonial Office and in June 1884 two crew members of the Stanley on trial in the Queensland Supreme Court for kidnapping were extradited and tried in the Court of the Western Pacific High Commission. Thus recruiters in the Pacific could no longer find refuge among Queensland sympathizers who placed less value on the lives of innocent blacks than on guilty whites. At the trial, the High Commissioner was highly critical of Queensland’s administration of recruiting, a fact which Griffith had previously acknowledged with sincere regret despite his own efforts to rid it of abuses. Already the suggestion had been made that administrative control of recruiting for Queensland be placed under the control of the High Commissioner. The Queensland Government, despite its disapproval of the labour trade and its irregularities, had protested strongly against this, regarding it as an infringement of its rights of self government.

117. Griffith to Musgrave, encl. in Murray to Derby, 18 February 1884, C.O. 234/44. Cited in Parnaby, op. cit., p. 100. See pp. 98-100, for discussion of the law cases that affected Queensland’s reputation.
There is no reason to doubt that Griffith was genuinely concerned for justice and that he would have taken legislative action to curb abuses in Queensland waters when he became aware of their intractable nature. What actually occasioned action on his part, however, were abuses committed by beche-de-mer fishermen against natives of Queensland and New Guinea in areas beyond the jurisdiction of Queensland, over which the Imperial authorities had already expressed concern. Here, Queensland's reputation was immediately at stake at a time when Griffith was seriously concerned for it over a broad range of problems concerned with the labour trade.

The atrocities in the Louisiades were reported by an Acting Immigration Agent involved with the Pacific Islander administration in May 1884. By July 1884, legislation had been drafted and Griffith had introduced the bill to the Legislative Assembly. The main clause was derived from the Imperial Act against kidnapping of Pacific Islanders and provided that no native labour should be employed or carried on board any vessel trading in Queensland waters unless he was carried on ship's articles 'in like manner as a seaman forming part of the crew of the vessel'. The labourer had to be engaged in the presence of a shipping master who had to explain the agreement carefully, record full particulars of the agreement and a description of the labourer sufficient to identify him, and give an identification disk to the labourer for later reference by government officials. The use of interpreters where they were needed was implied. Each agreement was to describe the intended voyage or engage-

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121. ibid. See also 48 Vic. no. 20, clause 2.
122. Q.P.D. of L.A., XLIII (1884), p. 183. See also 48 Vic. no. 20, clause 3.
ment which was not to exceed twelve months' duration, the

task expected of the native labourer, the wages due and the

scale of provisions and clothing to be issued.\textsuperscript{124}

Griffith attempted to keep the bill separate from the

highly sensitive black labour question, but in the political

climate of 1884 this proved impossible.\textsuperscript{125} Thus, the principle

that native labourers should not be maltreated was not

disputed although the validity of the reports was challenged

by some opposition members.\textsuperscript{126} When Griffith introduced

the bill to the Legislative Assembly, a strong objection to

the penalties was declared at the second reading which failed

to materialize in committee.\textsuperscript{127} Here, in fact, leading

planter supporters like Hume Black elaborately adopted

the anti-coloured labour polemics of Griffith's own party

in urging amendments to safeguard the native labourer.\textsuperscript{128}

Morehead pleaded: 'If hon. members really took an interest

in the native labourers I let them show it thoroughly, and

do justice to them by having a schedule of provisions

attached to the Bill, and by providing for clothing'.

Accused by a government member of 'exquisite fooling', he

laughingly retorted: 'You want to have the monopoly of the

Black question'.\textsuperscript{129} Griffith had tried to insist that the

bill was meant to prevent kidanpping not regulate conditions

of labour, but was embarrassed into accepting the two amend-

ments, derived from the Islander legislation, which could

\begin{footnotes}
See also 48 Vict. no. 20, clause 5.
\item 125. \textit{P.P.D.} of L.A., XLIII (1884), p. 213, the Premier and
Morehead in committee. See also \textit{P.P.D.} of L.C., (1884),
vol. XLII, p. 105, Murray-Prior, in committee.
\item 126. \textit{P.P.D.} of L.C., XLII (1884), p. 107, Murray-Prior,
in committee and p. 109, A.C. Gregory, in committee.
\item 127. \textit{P.P.D.} of L.A., XLIII (1884), pp. 183, 184, Archer;
p. 185, E. Palmer and Morehead, second reading.
\item 128. ibid., pp. 215–218, Macrossan, Morehead, Black, in
committee.
\item 129. ibid., p. 215, Morehead and Brookes, in committee.
\end{footnotes}
no way be supervised in the fisheries. 130

In the Council, however, the opposition allowed the bill to pass the second reading, thus technically accepting its principle, but determinedly set out to reduce the penal provisions which it claimed would inhibit or destroy the fishing industry dependent on the labour. 131 The poor state of the sugar industry was blamed on Griffith's opposition to black labour: even a government supporter believed that capitalists had been frightened off and banks alarmed. 132 One moderate member well articulated this important reason:

The Bill was framed very much in the same spirit as that which had guided the Government in their action with regard to kanaka labour - action which threatened to reduce one of the greatest industries in the colony to a state of complete destruction. 133

The opposition to the bill's penal provisions in the Council obviously surprised the government. 134 The penalties were based on the Imperial Kidnapping Act and similar to those for infractions of the customs laws even where the amount smuggled was as low as £5. 135 The proposed clause 6 provided that if any vessel trading in Queensland waters carried any native labourer without meeting the provisions of the act the vessel and her cargo were liable to forfeiture and the master and owner to a fine not exceeding £500. A vessel suspected of carrying a native labourer without observing the provisions of the act could be seized and detained pending trial. 136

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130. ibid., pp. 217, 218, the Premier in committee.
131. P.P.D. of L.C., XLII (1884), p. 105, Murray-Prior, in committee, said 'While it appeared to be a Bill to give protection to native aboriginals, in reality it tended indirectly to abolish black labour altogether'. See also p. 107, Murray-Prior, and p. 109, Gregory, in committee.
132. ibid., p. 185, Heussler, in committee.
133. ibid., O'Doherty, in committee.
134. ibid., p. 81, the Postmaster General, second reading.
135. ibid., pp. 81, 82, the Postmaster General, second reading.
136. ibid., pp. 80, 85, the Postmaster General.
Although the Postmaster General pointed out the similarity of the penalties to those contained in similar legislation where there was a need to detain the vessel and often difficulty in exacting a fine, the power to seize or detain a vessel was rejected completely by the Council and the maximum fine reduced to one hundred pounds. Like the Kidnapping Act of 1872, the bill sought to compensate for the disadvantage of motives relative to Europeans, by putting on Europeans the onus of proving that they had not dealt illegally with the recruits they intended to carry. As abduction was so difficult to prove, this and the previous bill imposed severe penalties on Europeans who evaded formalities designed to prevent it. The penalties for carrying natives illegally were so severe that it was plausible to argue that the Act was treating all such infringements as if they were actual kidnappings. In reality, of course, the ordinary processes of law provided ample safeguards against the award of excessive penalties for mere technical infringements of the Act, but the opposition persisted in expressing horror at the enormity of the punishment hanging over the head of innocent captains. One opposition member claimed it was 'the most severe and outrageous Bill ever brought before Parliament' and the penalties 'something outrageous'. The Postmaster General claimed that this bill was the most debated bill in over ten years in the Council. Both sides of the house clearly regarded the bill as important, but for different reasons.

137. ibid., pp. 82, 85, Macpherson in committee, 48 Vict., no. 20, clause 6.
138. O.P.D. of L.C., XLII (1884), pp. 84, 106, 109, the Postmaster General in committee.
139. ibid., p. 109, Taylor, in committee. See also pp. 83, 109, Palmer, in committee; p. 82, King; p. 83, Walsh.
140. ibid., pp. 131, 180, Postmaster General, in committee.
It was quite obvious that the intensity of the Council's opposition was reinforced by two other considerations. One was the widespread belief that the kidnapping of native labourers was not in itself a serious crime. Morehead, with his usual bluntness, enunciated this most clearly:

Mr. Morehead said it would be as well for the Premier to tell the Committee some of the bad cases of kidnapping he referred to, as it might help them along. He had never yet heard what enormous harm was done to the blacks, even if they were kidnapped and put into a very much better state of life than they had followed previously. 141

Secondly, it was very clear that opposition members were determined not to have men in the fisheries in danger of such punishment even if they were guilty of the atrocities upon Aborigines described in the reports that Griffith and Main read to their respective houses. Once again they had their experience with regard to Pacific island labour uppermost in their mind.142

In June 1884, the Police Magistrate at Cooktown, Hugh Milman, proceeded to New Guinea to investigate, inter alia, alleged cases of kidnapping. 143 A recruiting vessel, the Forest King was seized at his request on the justifiable suspicion that some of the recruits were kidnapped and none of them understood they were being recruited for three years. 144 It seems, however, that the interpreters in this

141. Q.P.D. of L.A., XLIII (1884), p. 211, Morehead, second reading. See also Q.P.D. of L.C., XLII (1884), p. 80, Walsh; p. 82, King; p. 84 Forrest, in committee.
142. Q.P.D. of L.C., XLII (1884), p. 80, Walsh, Palmer; p. 84, Palmer, Forrest; p. 109, Taylor; p. 184, O'Doherty.
case were responsible and not the captain and the government agent. A Brisbane firm was involved and suffered severe financial loss through the detention of its vessel which incensed supporters of the importation of black labour. The apparent innocence of the firm and its captain provided excellent propaganda; in the Council debate on the Native Labourers Bill and in the Assembly debate on supply, the case was heatedly discussed. The leader of the assault on the Native Labourers Protection Bill, W.H. Walsh, broadened the scope of this argument.

But when it came to dealing with the owners of kanaka vessels, and the employers of black labour, they were treated with the utmost severity of the law; and for the most venial offence their ships were seized. What became of the vessel /The Forest King/ which went away recently ... which was seized? Some member, however, expressed the basic fear frankly:

The penalties were far too excessive even for the most important infringements of the law. The members marshalled other arguments to justify their opposition to the bill. The Aborigines, unlike the Pacific Islanders, were British citizens and could receive the protection that was their right. The government was hypocritically 'trucking to Exeter Hall' in proposing such a bill when it 'employed a native police force to extirpate the aborigines from the face of the earth'. The Bill would not deter those at present committing the

145. ibid., Col. Sec., McIlwraith, Black, in committee, debate on supply.
146. See f.n. 143, 144, 145, above and Q.P.D. of L.C., XLII (1884), pp. 80, 84, Walsh; p. 81, the Postmaster General, in committee.
148. ibid., p. 84, Forrest in committee. See also p. 109, Taylor: 'Who in the name of patience ever heard of such a provision before? It was heavy enough for almost the greatest offence that mortal man could commit'.
149. ibid., p. 84, Palmer, Gregory, in committee.
150. ibid., p. 80, Walsh, Palmer in committee.
atrocities\textsuperscript{151} but it would prevent Aborigines from being casually employed by putting the captains to extra trouble and expense under threat of heavy penalties.\textsuperscript{152} The officers administering the act were not responsible enough to have such powers.\textsuperscript{153} Moreover, they were accused of pandering to the present government although, in fact, the reports of atrocities in North Queensland waters had been submitted to the previous government.\textsuperscript{154}

These arguments, however, seemed subsidiary to the first two. There was a third important consideration which was unrelated to this bill. The two leading opposition members felt there was inconsistency in protecting Aborigines in the fisheries only and seemed genuinely alarmed that the Act might be the forerunner of a comprehensive policy of regulating Aborigines employed in other industries. The President of the Council, Sir A.H. Palmer, apologized for his unaccustomed intervention in the debate, adding that he felt it his duty to protest against such legislation. Blacks were frequently engaged on stations; and, if it was made illegal to employ them on water, he did not see why the blacks employed on a station should not have to go before a land commissioner or a police magistrate to be engaged. The thing was a farce.\textsuperscript{155}

W.H. Walsh actually argued against such possible comprehensive protection:

Suppose a Bill of this kind were applied to the employers of black labour on pastoral stations, there would not be a black man in the country who would be able to get a living from a pastoral tenant, a farmer, or anybody else. At present there were many kind, charitable and good employers of a great many of our aboriginal

\textsuperscript{151} ibid., p. 83, Palmer; p. 107, Murray-Prior, in committee.
\textsuperscript{152} ibid., p. 85, Gregory; p. 105, Murray-Prior and Walsh, in committee.
\textsuperscript{153} ibid., p. 80, Walsh; p. 109, Taylor, in committee.
\textsuperscript{154} ibid., p. 108, Palmer; p. 109, the Postmaster General, in committee. In one debate on supply, Kilman, especially, was accused of carrying favour over the Forest King seizure. See Q.P.D., of L.A., XLIV (1884), pp. 1460, 1461, McIlwraith, Black, in committee.
\textsuperscript{155} ibid., p. 80, Palmer.
population, and under such a measure as this they would be absolutely prevented through fear — through fear of informers — of the enforcing of arbitrary powers by the government — the liability of the Act being misconstrued by ignorant or prejudiced magistrates, or other officials — they would be absolutely deterred from employing any of these poor creatures. 156

The very weakness of the case presented by Palmer and Walsh was evidence of the opposition against such a comprehensive measure. There was thus an added incentive for ensuring the ineffectiveness of the proposed legislation.

The Council persevered with its amendment to clause 7 despite the threat of the Government to withdraw the Bill. The Postmaster General declared: 'The measure was absolutely emasculated, as, now the penalty had been reduced, it would be impossible to enforce the provisions of the Bill'. 157

The government wanted legislation of some sort passed that would show it was in earnest about preventing kidnapping. Some opposition members of the Council declared they wanted the bill rejected completely; 158 the majority, however, were unwilling to be seen opposing the principle but were determined to reduce the penalties for kidnapping black labourers. 159

The penal provisions to ensure the proper discharge of native labourers on the ship's articles were similarly emasculated although they were intended to prevent their being abandoned or forced to desert. The maximum penalty for not discharging and paying a native labourer in the presence of the shippingmaster was reduced from £50 to £20,

156. ibid., p. 105, Walsh, in committee.
157. ibid., p. 85, the Postmaster General, in committee.
158. ibid., p. 109, Palmer, Taylor; pp. 110, 111, Taylor, Murray-Prior, Walsh, in committee.
159. ibid., pp. 110, 111, Thynne, Box, in committee. See Walsh's amendment that house sit again on the bill 'this day six months'.
and the penalty for having fewer native labourers than indicated on the ship's articles was reduced from £100 to £25 for every labourer not satisfactorily accounted for. 160

As observed in chapter 7, the 1884 Native Labourer's Protection Act failed utterly to prevent kidnapping. It was the only legislation that offered protection for the disadvantages experienced by Aborigines in relation to those colonizing their land and even then it only tried to control the grosser abuses in the least typical field of employment. More significantly it was modelled on the Imperial Kidnapping Act of 1872 and was initially motivated by abuses in recruiting in the area under the jurisdiction of the Western Pacific High Commission. It was proposed at a time when the Griffith Liberal government was most conscious of the gross abuses of recruiters of black labour for Queensland in the New Guinea area and extremely sensitive to its reputation, realizing that this reflected upon the basic values of that society.

Griffith had hoped that a severe penal deterrent would discourage most kidnapping. Yet, by 1884, abuses in the New Guinea area had indicated that the 1872 Kidnapping Act had not worked as a deterrent in the area under the jurisdiction of the Western Pacific High Commission. As Parnaby remarked:

The events of 1883-1884 confirmed the growing impression in Queensland that recruiting could never be adequately regulated by colonial legislation, and that if the colony was to preserve, or rather regain, its good name, then recruitment must stop. Griffith introduced a bill for this purpose in October 1885. 161

The failure of the 1872 Act to prevent kidnapping occurred despite the fact that the Royal Navy was empowered to arrest vessels suspected of contravening the act. Five

160. Q.P.D. of L.A., XLIII (1884), pp. 183, 184, the Premier, in committee. See 48 Vict., no. 20, clauses 7 and 8.
schooners were built and manned solely to enforce it, the first leaving Sydney in June 1873. In addition, an administrative agency the Western Pacific High Commission was primarily concerned with maintaining law and order among the islands. 162

In North Queensland, the *Pearl*, with a complement of six had been bought to supervise the waters of the Torres Straits in conjunction with the extension of Queensland's border to its present position in 1879. 163 In 1884, Griffith had indicated that a new gunboat might be sent to patrol the fisheries after the passing of the Native Labourers Protection Act. 164 This does not seem to have eventuated and Parry-Okeden, in 1896, and Roth, in 1898, both commented on the need for a 'smart steamer' to prevent the abuses in recruiting for the fisheries. 165

In the Government Resident at Thursday Island, John Douglas, the Queensland government had an official with a long history of concern for the welfare of the Aborigines who tried to prevent the grosser abuses of Aboriginal labour from 1885 till the turn of the century. During this time, Douglas's main legal control rested in the 1884 Native Labourers Protection Act by which all Aborigines were shipped. Despite his early optimism that the act was having a deterrent effect, Douglas found he had to use extra-legal powers to safeguard the interest of the native labourers. 166

The Acting Government Resident Hugh Milman reported, that, in 1886,

many ... of the abuses which this employment of native labour had led to have disappeared now altogether since

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162. ibid., pp. 167, 168.
166. Roth to Pol. Com., 6 May 1898, loc. cit.
the passing of the late Acts of 1881 and 1884 concerning them, and from the fact that the employers never knew now when they may be dropped on for inspection. 167

Milman was unduly optimistic, even hoping that he would be able to persuade the employers to adopt a uniform date for the termination of agreements so that he could arrange for the Albatross (the replacement of the Pearl) to return labourers to their homes, as he acknowledged they were still being abandoned 'on the nearest and most convenient point of land'. 168 In his next report, Milman attributed the decreased production of beche-de-mer partly to the more effective implementation of the Native Labourers Protection Act. 169 If there was any improvement in the recruiting of labour it seems to have been only temporary: in 1890, the year in which he submitted a report upon the working of the Act, Douglas commented:

The Native Labourers Protection Act of 1884 ... was passed avowedly to prevent 'the improper employment of aboriginal natives of Australia and New Guinea on ships in Queensland waters'. It is rather a weak instrument ... very little is known of the natives casually employed on the stations, and if the Act was strictly enforced the effect probably would be that the industry would come to a standstill. 170

In 1894, after ten years' experience with the Act, Douglas concluded:

I do not think that any good has come or can come from the Native Labourers Act in this district. 171

168. Ibid.
Douglas was referring to more than abuses with regard to recruiting. The colonists and the government had come to look to the 1884 Act and the administration at Thursday Island to prevent attacks upon the fishermen's lives and property. Indeed, his 1890 report, upon the working of the 1884 Act, and much of his annual report for 1894 were a defence against the charge that his administration was failing to protect fishermen and an explanation of the uselessness of the 1884 Act in this regard. The conclusion reached in his 1890 report concerning the impossibility of preventing outrages upon the fishermen indicated even more markedly how much the welfare of the Aborigines was at the mercy of the fishermen. He reported that no supervision of Aboriginal labour in the industry would make recruiting in areas such as the Batavia River—where the Aborigines would not accept or could not understand the fishermen's conditions of employment—'a justifiable expedient ... except at a largely increased outlay'. He concluded also that 'the indiscriminate punishment of natives is unjustifiable, but that the arrest and conviction of offenders, identified as such, is well nigh impossible'. 'Indiscriminate punishment' would also have been economically foolish if the fishermen still wished to use labour from these newly opened up areas which provided such a large proportion of the labour. Douglas recommended the establishment of a mission in this area to civilize the Aborigines thus making safe the fishermen's use of Aboriginal labour.


Douglas's efforts to control the use of Aboriginal labour in the fisheries indicated the failure of legislative action. He threatened to ban shipping from the Batavia River and Cape Grenville unless stations were established in these localities to supervise recruiting although he had no legal power to do so if the Aborigines indicated their willingness to ship.\textsuperscript{174} In December 1891, after a series of attacks on the lives and property of the fishermen, he declared he would refuse to allow the shipping of mainland Aborigines except where there was a sufficient proportion of South Sea Islanders, Malays, or Japanese 'to render the Aborigines\textsuperscript{175}' presence harmless'.\textsuperscript{175} This was also ultra vires and apparently ignored by the fishermen, for after the 1893 series of attacks he made the same recommendation to fishermen, this time apparently with some success: the fishermen were so alarmed that they shipped very few Aborigines for some time.\textsuperscript{176} 

Douglas had previously tried to use the Native Police, the Anglican clergyman at Thursday Island, and the missionaries at the Batavia River to establish an understanding with the mainland Aborigines. Some flour and tobacco were distributed and some tribal leaders induced to visit Thursday Island.\textsuperscript{177} Douglas's confidence that this had introduced a new era in the fisheries was shattered by the events of 1893 and the resulting criticism of him and the missionaries at the Batavia River. In his 1894 report, he commented with regard to the beche-de-mer and tortoise shell industry:

\begin{quote}
It is impossible to supervise it properly. To do so
\end{quote}

effectually would cost more than it is worth. 178

He believed the actual shipping of Aborigines at Thursday Island could be controlled and, in attempting to do this more effectually, refused to ship Aborigines from the Batavia River without the written approval of the missionaries. As Roth pointed out in his reports of 1898 and 1899, Douglas's interviewing of each Aboriginal shipped at Thursday Island and prohibition of the shipping of women and children under puberty, failed to prevent kidnapping by force or deception of men, women, and children. Even with supervision at Thursday Island and the Batavia River, he could not prevent Aborigines being cheated of their wages. Nor could he prevent a trade in Aboriginal labour and prostitution of the women. 180

Abuses of the Aboriginal labour trade in the fisheries of North Queensland was not confined to Torres Strait although, as the east coast Aborigines were familiar with the fisheries, and willingly worked in them, the necessity of kidnapping was much reduced. With the breakdown of traditional Aboriginal society, the fisheries became part of a new way of life. Occasional prosecutions under the act indicated the tip of the iceberg. Thus James Robinson was fined £15 at Cooktown plus costs and maintenance of the Aborigines concerned, for having three Aboriginal women on board the cutter 'Ruby' who were not on ship's articles.

179. ibid., pp. 912, 913.
180. Roth to Pol. Com., 6 May 1898, loc. cit.; Roth to Under Sec., Home Dept., 4 October 1899, loc. cit. See also R. Hislop, Wyalla, Cookstown, to W. Parry-Oxenden, Pol. Com., 1 July 1897, q.S.A. COL/140 [copy].
181. C.C., 14 October 1890, 'Police Court'.
and F. Lee, now master of the lugger 'Violet', was fined £20 for refusing to discharge his Aboriginal crew at the end of twelve months although requested to do so by the Shipping Master at Cooktown.  

However, except in Torres Strait where the resistance of the Aborigines made the administration's attention essential, the supervision of Aboriginal labour in the fisheries was spasmodic and low on the priority scale of the officials concerned. As one Cooktown pastoralist informed Parry-Okeden in July 1897:

> With regard to the Beche-de-mer trade. Most of the shipping masters have performed their duties in a perfunctory manner and have taken very little care to guard against impositions, taking into account the class of men engaged in the trade ... It has been known that fishermen have 'lost' boys who were duly shipped and when paying off their crews have passed off other boys in the place of those 'lost' ... Many aboriginals when first shipped can speak no English and great care should be taken to see that the interpreter is not a fraud.

On the west coast, kidnapping by force and deception, detention against the wishes of the Aborigines, cheating them of their wages, and refusal to return them to their homes were still common in 1899. The regulations introduced with varying success to control abuses in the recruitment of Pacific Islanders were not decreed as essential for the recruitment of Aborigines except for the implied necessity of an interpreter to make sure that Aboriginal recruits understood the nature and conditions of their employment. There was no licencing of recruiting vessels, nor were government agents appointed to supervise

182. C.C., 26 September 1893, 'Police Court'. See also H/C from Attorney General on in-letter 1487 of 1897, g.s.A. COL/A490, 'Opinion of Attorney General upon question re encounter with Aboriginals on board schooner "Rose"'.

183. R. Hislop, Wyalla, Cooktown to W. Parry-Okeden, 1 July 1897, loc. cit.

184. Roth to Under Sec., Home Dept., 4 October 1899, loc. cit.
recruiting. No authority was exercised over the kind of men allowed to recruit; no attempt was made to prevent fishermen from being rewarded according to the number of Aborigines recruited. Finally, there was no agency independent of the fishermen, such as the government agent, on vessels recruiting in the islands, to ensure that recruits were correctly returned. By 1884, all of these measures had been introduced into the Pacific Islander labour trade. As Douglas pointed out, the industry was not worth the expense of thoroughly supervising it. Nor apparently were the Aborigines who were suffering so much from its intrusion worth restricting the industry in any way.

The legislative attempts, made between 1879 and 1884, to protect the large number of Aborigines employed in the fisheries of North Queensland proved completely ineffective and presented one of the major problems confronting the administrators of the 1897 Aboriginal Protection Act.

* * * *

The Era of Protection.

The era of protection did not suddenly dawn on 15 December 1897 when the Aboriginals Protection and Restriction of the Sale of Opium Act received royal assent. It was the unforeseen culmination of a process that had begun in 1886 when Griffith encouraged and supported missions to the Aborigines of North Queensland. It had been greatly accelerated by the inauguration of food distribution to the

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186. 61 Vic. No. 17.
187. See ch. 10, p. 530.
Aborigines which had been first conceived as a temporary measure to pacify Aborigines who had been successfully resisting European intrusion from their rainforest fastness. As previously described, this scheme developed to incorporate pacified but indigent Aborigines, and produced a surprisingly extensive bureaucratic involvement of members of the police force, police magistrates, and several Colonial Secretaries who were responsible for Aboriginal administration. Most important was the fact that one of these ministers, Horace (later Sir Horace) Tozer, was Colonial Secretary continuously from 12 August 1890 till 2 March 1898. Tozer had become convinced of the need to ration resisting or indigent Aborigines and used the administrative means at his disposal, the police force and police magistrates, to implement his gradually evolving policy. Coupled with this was a concern for the Aborigines which his contemporaries came to consider so humanitarian that Tozer felt he had to assert that the Aborigines were in no way 'a fad of the minister'. One member of the opposition stated what seemed to be the mind of all in the debate on the 1897 Act: 'no one ever administered the office he holds with more sympathy for sickness and suffering than the hon. gentleman [Tozer] who has introduced this Bill. ... and in regard to the aboriginals he has been far in advance of any of his predecessors'.

His concern thus far had led him to continue supporting Christian missionary enterprise, though with serious reservations, and to expand the scope of the Atherton food

188. See ch. 6, pp. 301-303.
191. ibid., p. 1547, Sim, second reading.
distribution scheme to encompass indigent as well as resisting Aborigines, and to offer medical care for a very small number of Aborigines. Apart from the long established annual issue of blankets, this was all he could claim for government action until 1896. 192 Despite the paltry nature of such assistance, there is clear evidence that from the mid 1880's a de facto Aboriginal social service was emerging and that it continued with fluctuations to 1898 when it was accommodated by explicit government policy. As Tozer remarked:

The efforts of every Minister occupying the position I hold have been directed towards ameliorating the position of the aborigines ... I have been in office now for eight years, and I have during that time endeavoured always to follow the same course. But, as in everything, organization is better than disorganization. 193

The emergence of this de facto policy for Aborigines can be seen clearly in the very limited parliamentary debates on Aboriginal affairs. In 1884, a member asked the Colonial Secretary how he intended to use the £500 which appeared separately as 'relief to Aborigines' and was informed by Griffith (who was also Premier) that it was for such emergencies as had occurred recently at Thornborough where drought had reduced the Aborigines to near starvation. 194 By 1885, Griffith had enlarged this estimate to £1,500


for 'relief' and 'aboriginal reserves' to accommodate the expected Lutheran and Presbyterian missionary enterprise in North Queensland but reduced the estimate to £1,000 in 1886, because of the previous year's experience and as a result of improved seasonal conditions. He noted that the missionaries were 'thoroughly devoted, and were likely to do as much good as was possible to be done in that direction'.195 Macrossan, an influential member of the opposition, expressed strong disapproval at the reduction in the amount allowed for such relief.196 In 1889, the Griffith government had fallen and the then Colonial Secretary, Morehead, drew attention to an increase of £2,000 per year to £3,000 for 'relief of aboriginals and the maintenance of aboriginal reserves'. He was 'sure no member of the Committee would object', adding that it might have to be increased in the future 'to ease the remnants of that unfortunate race down the slope they were so rapidly descending'.197 Despite the fact that the previous year, the member for Bowen, R.H. Smith, had urged the necessity of systematic management and control of the existing reserves and the creation of large reserves where the Aborigines might receive food and shelter and be safe from the violence of the settlers and Native Police,198 Morehead (who was also Premier), stated 'the Government had [not] formulated any absolute scheme as to how they were going to deal with the question'.199 In 1890, after the Griffith-McIlwraith ministry had replaced

196. ibid., Macrossan, in debate on 'Supply'.
197. Q.P.D. of L.A., LVIII (1889), p. 1049, Col. Sec. /Morehead/, in committee, debate on 'Supply'.
199. Q.P.D. of L.A., LVIII (1889), p. 1049, Col. Sec. /Morehead/, in committee, debate on 'Supply'.
the Morehead ministry, the Colonial Secretary, Tozer, again reduced the estimates for Aboriginal relief by £2,000 to £1,000 on the grounds that this was all that had been needed the previous year and once again Smith urged the Colonial Secretary to devise a system more comprehensive than the missions because of the 'wretched condition' of Aborigines in the outside districts who were hunted from their land and were starving or dying from disease. 200

Indeed, in 1890 the new government in general and the Colonial Secretary, Tozer, in particular found itself under a surprisingly sharp, if brief, attack for its failure to ameliorate the condition of the Aborigines. Members urged a variety of solutions: that protectors be appointed in each district, 201 rationing be continued in North Queensland, the sale of opium and alcohol to Aborigines be prevented, 203 and legal power be obtained to control the lives of the Aborigines to save them from addiction to such drugs. 204

The Colonial Secretary, Tozer, assured members that he would continue the food distribution in North Queensland and the attempt to provide relief for the Brisbane Aborigines at Bribie Island initiated by the Morehead government. 205 Griffith hinted at a new policy of indirect rule, through their 'chiefs', of the Aborigines of northern Cape York Peninsula 206 and Tozer was consulting with Milman, the Police Magistrate at Cooktown, concerning a possible solution.

200. Q.P.D. of L.A., LXII (1890), p. 1267, Smith, in committee, debate on 'Supply'. See also p. 1348, Col. Sec. and Smith, in committee, debate on 'Supply'.
201. ibid., p. 1348, Smith; p. 1349, Paul, in committee, debate on 'Supply'.
202. ibid., p. 1349, Paul; p. 1350, Wimble and Little, in committee, debate on 'Supply'.
203. ibid., p. 1349, Smith and Archer; p. 1350, Dalrymple, in committee, debate on 'Supply'.
204. ibid., p. 1350, Dalrymple, in committee, debate on supply.
205. ibid., p. 1349, Col. Sec. in committee, debate on 'Supply'.
206. ibid., p. 1349, the Premier, in committee, debate on 'Supply'.
to the opium problem. On two separate occasions in that session, Tozer assured the members of his very great concern for the Aborigines, once venturing to assert that 'nobody took a more decided interest in the subject than himself'. He also hinted that he was looking for a more comprehensive solution when he informed the House that 'The question of the Aborigines of North Queensland was receiving his serious attention at the moment'. Despite the unquestioned acceptance of the 'doomed race' theory, only Edward Palmer, the northern pioneer pastoralist, suggested to the house that nothing could, or should, be done to ameliorate the condition of the Aborigines:

He did not suppose the settlers of Australia could be charged with any greater amount of crime in connection with the aboriginals than the settlers in other new countries; and, as far as he could see not much good would ensue from the preservation of the race.

After the bitter division over the 1884 Native Labourers Protection Act, there was thus a bi-partisan approach to the Aboriginal question. In this approach, which was in essence that of the reserve scheme of the 1870's, are to be found the basic assumptions underlying the legislation of 1897.

The Aboriginal question was not discussed again until 1894 when, in a short but sharp debate, two members, Hamilton of the Cook electorate and Cross of Clermont, once again urged the government to devise a comprehensive system for the welfare of the Aborigines. Cross declared that 'There was a consensus of opinion that the Government should look after the blacks, and he would suggest that some arrange-

207. ibid., Col. Sec.
208. ibid., p. 1269, Col. Sec. See also p. 1349, Col. Sec.
209. ibid., p. 1269, Col. Sec., in committee, debate on 'Supply'.
210. ibid., p. 1349, Palmer, in committee, debate on 'Supply'.
211. Q.P.D. of L.A., LXXI (1894), p. 762, Hamilton; p. 763, Cross, in committee, debate on 'Supply'. 
ment should be made for appointing a protector'.

In 1895, Tozer increased the estimates for 'the relief of aborigines' from £2,000 to £3,000 explaining that he wished to continue 'the systems begun in the North of trying to get at the aboriginals by providing them with food'. He later added that he proposed to bring in a bill, if time allowed, to set up three unpaid boards to control the expenditure of the Aboriginal vote so as to provide 'the best help that could be given, either by way of food or otherwise'.

No bill resulted for another two years and, when it did, it rejected the concept of unpaid boards. As a result of the discussions in the parliament in 1895 and of his growing determination to devise a system to ameliorate the condition of the Aborigines, Tozer requested Queensland's most famous authority on the Aborigines, Archibald Meston, to report upon the matter. The events that were to culminate in the 1897 Act began in 1895 and were intimately tied up with the activities of Meston though he was not the cause of the initiative as he later implied.

For many years Meston had contributed numerous articles and letters on the Aborigines to the Brisbane press. In his brief term in the Queensland legislature from 1878 to 1881, he had pointed out the need for special legislation and in later years, on three separate occasions, requested the Premier, Sir Thomas McIlwraith, to appoint a Protector of Aborigines. In 1895, Meston drew up the report that

212. ibid., p. 763, Cross.
215. See f.n. 216 below.
Tozer had requested. He had been asked 'to submit a comprehensive scheme for the improvement and preservation of the aboriginals so as to pave the way for practical legislation'.

Meston's report, *Queensland Aborigines - Proposed System for their Improvement and Preservation*, was printed and distributed to members of both houses of the legislature. While stressing the urgency of effecting some solution, the report promised spectacular results almost immediately. In his introductory address to Tozer and in the body of his work, he rejected the 'doomed race' theory 'as the shameful subterfuge in which strong races have endeavoured to take refuge from their crimes on the weak'. Preservation of the Aboriginal race, he stressed, was dependent, where possible, upon their complete segregation on reserves from white society. Those not on reserves would have their welfare supervised by local protectors. He stressed that the reserves would soon become self-supporting and in three years would have available five hundred labourers for the unskilled work then performed by Pacific Islanders. On the reserves, he envisaged the creation of a settled, self-contained, Europeanised rural community which would retain some aspects of Aboriginal life 'which do not interfere with the harmonious management of the community'.

Meston thus envisaged immediate results under white supervision but stressed that it would require three or four generations of complete social isolation before the Aborigines could work as well and steadily as

216. A. Meston, 'Queensland: Monograph on the Aboriginal. Past and Present Condition', to Home Sec., J.F.G. Foxton, 14 November 1899, Q.S.A. CUL/140, 3566 of 1900. Meston's description of how he came to initiate and formulate the 1897 legislation was presented in this formal dispatch to Foxton and accepted without question.

217. A. Meston, *Queensland Aborigines - Proposed System for their Improvement and Preservation* (Brisbane, 1895) p. 22. See also introduction. Meston had believed completely in the doomed race theory as late as 1889. See ch. 9, p. 456.

218. ibid., pp. 26, 27.
a white man. They then 'would settle in the agricultural stage, useful to themselves and mankind'. 219 Yet, while reserves were to be regarded as the permanent home of the Aborigines, thus decently disposing of unwanted native inhabitants, they were always to be available as a source of labour. 220 These concepts of (a) prolonged tutelage while socially isolated from European society and (b) the usefulness of Aborigines as a source of unskilled labour were to be two of the most important assumptions of Queensland's policy.

In 1896, Tozer appointed Weston Special Commissioner and sent him to report on the value the Government was receiving for its investment in Aboriginal welfare in North Queensland. He inspected mission stations and food distribution centres and reported on the use of Aboriginal labour in the fisheries, the conflict between the settlers and the Aborigines on the frontier in Cape York Peninsula and the general condition of the Aborigines. He also made recommendations for a comprehensive solution to the Aboriginal question.

From the first he had been confronted by the abuse of Aboriginal labour in the fisheries. Whereas in 1895 he had suggested that Aboriginal men could be made available for such employment for up to six months at a time on clearly defined fair terms, 222 he now recommended:

Absolute prohibition of all aboriginal labour on pearl-shell, beche-de-mer, and tortoise-shell fishing boats under any condition whatever ... [because of] the impossibility of any regulations, however stringent, ensuring protection to the aboriginal crews after they shipped. The few masters who treat them properly will have to suffer for those who treat them badly. In

219. ibid., p. 25.
220. ibid., p. 31.
222. Weston, Queensland Aboriginals - Proposed System for their Improvement and Preservation, p. 31.
no case does the aboriginal benefit by his experience.

Fearing correctly that this recommendation would not be accepted, he suggested an alternative involving strict regulations and close supervision. The 'total abolition of the native police' was recommended because of its continuing use as an aggressive force against the Aborigines. He further recommended: 'No native police officer under the old system, and no constable in any way connected with that system, should be retained for police duty among aboriginals under the proposed new order of things'. Continuing his indictment of Queenslanders' exploitation of Aborigines, he urged imprisonment for anyone found guilty of selling drink or opium to Aborigines, severe penalties for whites found in possession of Aboriginal blankets, and total exclusion of Aborigines from townships except for those in regular, regulated employment of whites.

The 'new order of things' was briefly sketched and followed closely his 1895 recommendations. Referring to Canadian and American experience, he recommended the creation of Aboriginal reserves in south, central, and northern Queensland 'where certain of the aboriginals can be collected to form a permanent home'. Such segregation was 'the only possible method of saving any part of the race from extinction'. He suggested the appointment of two full-time protectors, the Chief Protector to be stationed in the north 'where the most difficult and serious work is to be done', the Assistant Protector to look after the 'scattered remnants' in the south. He also urged that

224. ibid.
225. ibid.
226. ibid.
227. ibid., p. 736.
missions be utilized by the government as food distributing centres and that the overland telegraph stations threaded throughout Cape York Peninsula be used as food distributing centres and places of refuge in place of their existing policy of preventing the Aborigines from approaching them. Finally he strongly recommended legislation 'of a very concise and simple character' to enable the government to limit the present 'unfettered liberty' of the Aborigines. Where Aborigines occupied country not required for settlement, Meston advised: 'leave them alone'; but those Aborigines living in pacified areas who were not gainfully employed were to be forced to adapt to 'the new scheme of things':

There is no hardship to them in this enforced residence in one locality. In any case the old order of things is passing away, and they must adapt themselves to the changed environment ... Their land has been taken from them on no other title than the law of the strongest, and they must make the best of any alternative the strongest chooses to offer. 230

Meston's attack on the Native Police was rivalled in stringency only by his criticism of settlers. He mentioned groups of Aborigines who had been exterminated; narrated how he was informed by the police that, at three small townships, the Aborigines frequently came running in at night to escape armed men intent on raping the women; described how opium supplied by Chinese and Europeans was killing Aborigines or reducing them to complete dependence on the suppliers; noted the widespread virulence of venereal disease; and reported the common and unchecked kidnapping of Aboriginal children and women. 233

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228. ibid.
229. ibid., pp. 725, 727, 735.
230. ibid., p. 730.
231. ibid., p. 732.
232. ibid., pp. 732, 734.
233. ibid., p. 726.
the inadequacies of the missions for dealing satisfactorily with the Aborigines in their own area, implying they were no substitute for direct governmental involvement. 234

The publication of this report with such obvious ministerial approval was a challenge to and an encouragement of sweeping parliamentary action. As well, Meston had inadvertently issued a challenge to the recently appointed Police Commissioner, W.E. Parry-Okeden. Frequent successful Aboriginal attacks in Cape York Peninsula had caused some pastoralists to complain to the Home Secretary of the inefficiency of the Native Police. Parry-Okeden was requested to personally inquire into the matter and, as it was Tozer's wish 'that a systematic attempt should be made to improve the general condition of the aborigines in Queensland', the Police Commissioner was asked to investigate this subject and make recommendations accordingly in his report.

Parry-Okeden delayed his departure so that he could read Meston's report. The criticisms of the Native Police force and especially of its officers aroused Parry-Okeden's ire despite Meston's attempts to praise the new Police Commissioner and exempt him from blame. 235 Parry-Okeden felt he had to be loyal to his subordinates, both those still in the Native Police, like Inspector Lamond, and those who had transferred to the ordinary police force. Thus he strongly defended its personnel, blaming any excesses on individual examples of poor officering not on the nature of the force itself. 236 Yet he had to admit, 'As the Native Police has been lately working, it has apparently

234. ibid., pp. 727-731, 734-735.
confined its operations to retaliatory action after the occurrence of outrages, and seems to have dropped all idea of employing merely deterrent or conciliatory methods; but I intend to change all that.\textsuperscript{237} Elsewhere he noted 'though I condemn the Native Police system, as at present working, and because it is unfortunately true that grave wrongs have occasionally been done in the past, it is not for a moment to be inferred that I in any way join in the wholesale implications against the force, that I know are not justified'.\textsuperscript{238} Yet at the beginning of his report, he acknowledged the Native Police force was still functioning under "Instructions" issued in 1866 and quoted extracts that indicated the force could be nothing but an instrument of aggression. For example, troopers were to be prevented from having any communication with the Aborigines of their locality and detachments were 'at all times and opportunities to disperse any large assemblage of blacks without unnecessary violence'.\textsuperscript{239} That this could not be done without violence was obvious: the qualification of "unnecessary" was largely academic. Reports being submitted from Cape York Peninsula even as Parry-Okeden wrote demonstrated that he was right in labelling as 'a new regime' his intended use of the Native Police as a conciliating force.\textsuperscript{240}

Although Parry-Okeden attempted to cast doubt upon Neston's report by pointing out alleged errors, and referred to it scornfully on a number of occasions,\textsuperscript{241} his own report

\textsuperscript{237} ibid., p. 38.
\textsuperscript{238} ibid., p. 36.
\textsuperscript{239} ibid., p. 29.
\textsuperscript{240} See file Insp. Lamond, Cooktown, to Pol. Com., 13 December 1897, Q.S.A. COL/142, 14887 of 1897 and files Lamond to Pol. Com., 3 August 1897; Lamond to Pol. Com., 31 August 1897; Sgt. Whiteford, Musgrave Station, to Lamond, 3 September 1897; Lamond to Pol. Com., 30 August 1897; Lamond to Pol. Com., 17 July 1897; Lamond to Pol. Com., 22 July 1897; Lamond to Pol. Com., 8 June 1897; Lamond to Pol. Com., 26 June 1897; Lamond to Pol. Com., 8 November 1897, Q.S.A. COL/140 typed copies/
depicted as serious a state of affairs but emphasized, not the Native Police, but the brutality of the settlers and the effects of disease. Thus of the Aborigines at Normanton he wrote: 'They were the most miserable disease-stricken wretches I ever saw, but I was assured these were "kings and queens" compared with those to the south-west and farther along the coast west of and around Barketown'.

He made probably the most vigorous public criticism by a government official of the men on the North Queensland frontier when he attacked Meston's scheme of replacing the Native Police by increasing the number of ordinary white policemen:

To find even a few such men it would be necessary to recruit from the stations in the far North - that is, from a place and from a class where and among whom at the present time are to be found, masquerading under white and yellow skins, some of the blackest scoundrels alive - wretches who have wrought deeds of appalling wickedness and cruelty, and who think it equal good fun to shoot a nigger at sight or to ravish a gin. So long as such villains escape hanging and live in our country, the blacks must be - and shall be, if I have a free hand and my Native Police - protected.

This eleventh hour indictment of the settlers revealed only too starkly the treatment the Aborigines had endured throughout North Queensland from the settlers for the previous thirty-six years, as did Meston's report of the Native Police. Indeed, as Rowley has pointed out persistence of frontier brutality until 1897 largely determined 'the rigidity of the restraints assumed necessary to save the race from extinction'.

While Parry-Okeden supported Meston's criticism of the beche-de-mer fishermen, he was much more sympathetic to

242. ibid., p. 32. See also p. 31.
243. ibid., p. 37.
244. Rowley, *The Destruction of Aboriginal Society*, p. 179. See also pp. 182, 183.
245. ibid., pp. 35, 36.
the missions and suggested the creation of others with
government advice and assistance. In his report, the
Police Commissioner virtually prepared the ground for
Dr. Walter Roth's appointment as Northern Protector of
Aborigines, the position Meston obviously coveted and
expected. Parry-Okeden stressed the necessity of appoint-
ing an itinerant government medical officer for the Aborigines
of North Queensland, the urgent need to give opportunities
to Roth and others to undertake ethnological research among
them, and the excellence of Dr. Roth's Ethnological Studies
Among the North-West-Central Queensland Aborigines.

Both Meston and Parry-Okeden submitted draft bills to
Tozer. Although elements of both were incorporated in the
legislation, it is obvious that Meston's was the most
influential. Meston consulted the American laws and the
acts of the other Australian colonies but claimed to
have found them of no use whatsoever.

The Home Secretary used the debate on Supply to prepare
the way for his bill. He pointed out how during 1897 he
had divided the colony into two parts, the north administered
by the Police Commissioner where the policy of distributing
food and tobacco to unpacified Aborigines had been extended
by the Native Police under the direction of Inspector
Lamond. Apart from the Native Police's conciliating these

246. ibid., pp. 32, 33, 38, 39.
247. 'Report on the Aboriginals of Queensland', 1896 V. & R.,
Vol. IV, pp. 723, 736.
248. ibid., pp. 31, 32.
249. ibid., pp. 40, 41: 'A Bill for the Protection and
Better Government of the Aborigines of Queensland';
A. Meston to Principal Under Sec., Home Sec's. Office,
23 August 1897, Q.S.A. COL/140, 10750 of 1897.
250. Meston to Principal Under Sec., Home Sec's Office,
23 August 1897, loc. cit. See also Meston, Queensland:
Monograph on the Aboriginals, pp. 7-13, 26.
Aborigines living on and beyond the then sparsely populated frontier and preventing whites from corrupting them, the Aborigines 'were to be allowed to retain their pristine habits' as  
suggested. In the south,  
Meston had persuaded about one hundred and twenty indigent or diseased Aborigines, many of them opium addicts, to live on a newly created reserve on Fraser Island. Deebing Creek Reserve near Ipswich which had been run since 1892 by concerned trustees with government assistance accommodated about two hundred Aborigines and Durundur in the Moreton District, 15 miles from Caboolture, was being prepared as another government reserve. Meston's self-acclaimed success at Fraser Island at little cost had convinced Tozer of the possibility of gathering needy Aborigines upon a few reserves where they could be cared for and controlled. Tozer informed the members: 'He had heard a great deal said about blacks not being willing to leave their own particular localities, but he found that when they were brought to a comfortable home and given plenty of tobacco they were perfectly happy under their new conditions'.

Completely bipartisan discussion of the problems confronting Aborigines continued at some length in the debate on supply until one member remarked that the Home Secretary must be 'quite sick of the aboriginal question'. Addiction to opium received most attention and seemed to pose the most urgent problem for the proposed bill to solve.

When Tozer introduced the Bill, he could safely say there was no need for him to prove the necessity of the bill. No member of either house opposed the major intentions of restricting the supply of opium to Aborigines, segregating

252. ibid., p. 1019, Keogh, debate on Supply, in committee.
253. ibid., p. 1021, Home Sec., debate on Supply, in committee.
on reserves Aborigines unwanted by the European communities, and regulating employment of Aborigines so that no European employer, except those blatantly inhuman, would be inconvenienced.

The 1897 Act defined its problem firstly in terms of race rather than in terms of the problems created by culture contact. Thus all Aborigines and, for some clauses, all half-caste Aborigines were placed under the protection and restrictions of the act rather than those judged to be in need of such protection and restriction. This was perhaps understandable at the time, given the magnitude of the problems and the prevailing racial attitudes. A half-caste, when the Act came into effect, living with an Aboriginal as wife, husband, or child was deemed to be Aboriginal as was any other half-caste who habitually lived with or associated with Aborigines. Significantly by clause 3 'half-caste' was defined as any person being the offspring of an Aboriginal mother and other than an Aboriginal father. Those who were deemed Aboriginal by clause 4 were, of course, excluded.

It was either unthinkable for an Aboriginal man to father a half-caste or so rare as to be not worth inclusion in the term. Alternatively it may have been thought that a European mother should be responsible for such offspring. By clause 9, it was lawful for the Minister to remove any


255. 'An Act to make Provision for the better Protection and Care of the Aboriginal and Half-caste Inhabitants of the Colony, and to make more effectual Provision for Restricting the Sale and Distribution of Opium', 61 Vic. no. 17, clauses 3, 4. I have not discovered any reference to half-castes of a European mother in this study.
Aboriginal to a reserve or from one reserve to another. The Minister also had the power, under certain conditions which he could specify, to remove any half-caste (not defined as an Aboriginal) to a reserve for a period he could specify and remove him from a reserve. He could also grant a certificate of exemption from the provisions of the Act to any half-caste he considered not in need of the protection of the Act. No Aboriginal could gain such exemption.

The power to remove Aborigines to reserves and from one reserve to another against their will which became such a dominant characteristic of Queensland’s policy and practice in the twentieth century was explained with naive optimism by Tozer at the second reading and imprecisely clarified in committee. What he described as the intention of the Act was very different from its effect in practice. Thus Tozer said in the second reading:

I propose to establish reserves, and those reserves in the Southern portion of the colony I hope to make as attractive to them as possible, not to bring force or pressure to bear upon them to compel them to remain there, but to show them such kindness and consideration as will induce them to go back there when they have no chance of getting such work as they choose for themselves. I desire that the aboriginals shall have the same freedom of life and action as they had before the whites came here.

256. The Aboriginal Protection and Restriction of the Sale of Opium Act, 1897, clauses 9, 10. Exceptions were (a) those Aborigines employed under the provisions of this Act or its Regulations, or under any other law in force in Queensland, for example, the 1884 Native Labourers Protection Act (b) those who had been granted permits to be absent from a reserve (c) female Aborigines married to and residing with a non-Aboriginal husband and (d) those Aborigines for whom the Minister believed satisfactory provision had otherwise been made.

257. ibid., clause 31, section 10.

258. ibid., clause 33.

Yet, in committee, Tozer declared that clause 9, as it subsequently appeared in the act, was one of the most important in the bill. He went on to speak of the need to bring Aborigines 'under some sort of discipline and curative treatment' when they were suffering from diseases, mainly venereal, and, presumably, if they were addicted to opium or alcohol and were judged to need restraint. He pointed to Fraser Island where he alleged the Aborigines were 'healthy and content, and not one of them desired to go to the mainland'. He assured members that 'while he wished to get power to take the aboriginals to [Reserves] ... yet whenever the existing conditions were in accordance with the laws of humanity, and some pretence at a home was provided, no interference would take place'. Only one member tried to have the clause negatived, correctly arguing that it treated the Aborigines as 'criminals'.

The discretionary power which Tozer claimed he would use with wisdom and restraint would, of course, inevitably be in the hands of the protectors appointed under this act. As Tozer was also determined to implement the act as cheaply as possible, these were to be the senior police officers in each district and mission superintendents. The administration of the act was thus in the hands of men who had been appointed to positions for other reasons than to administer this act. The fate of Aborigines throughout Queensland

260. ibid., p. 1629, Home Sec. in committee.
261. ibid., Battersby, in committee. The real intent of the clause was clearly spelt out in the Legislative Council by the Secretary for Agriculture, Thynne, who had responsibility for the bill in that house. See Q.P.D. of L.C., LXXVIII (1897), p. 1387. See Secretary for Agriculture, second reading.
263. ibid., p. 1628, Home Sec., in committee.
264. A history of these missions in the twentieth century might show that the granting of such temporal power was in many ways, anything but a blessing to the missionaries or to the Aborigines - or so my reading into twentieth century mission records tentatively suggests.
was, without appeal, in the hands of part-time white administrators.

The bill's principle of embracing all because of the problems of some extended to the protection of all Aborigines and half-castes in employment. Thus 'to prevent half-caste girls being kept on stations and elsewhere for no moral purpose' all half-castes had to obtain a work permit of twelve months duration, which could be renewed or revoked by the local Protector 265 despite the fact that, as one member retorted:

There were two classes of half-castes, those who generally went with the blacks, and those who went with white people, and the provisions of the measure might very well be restricted to those half-castes who would come within the definition of an aboriginal. 266

Tozer agreed, however, to limit work agreements which specified the nature of the service, its duration, 'the wages or other remuneration', and the nature of the accommodation to Aborigines and half-caste females because half-caste males not deemed Aboriginal were alleged to be capable of looking after their own interests. 267

At the second reading, the Home Secretary assured the members that it was not intended to allow Aborigines to compete with whites for employment or to stringently regulate employment as the government had done for other races, referring, no doubt, especially to the Pacific Islander regulations. Tozer assured members there would 'not be a single word in the act attempting to interfere with the rate of wages, or dictating whether they are to be paid.

266. ibid., p. 1630, Aboriginal Protection and Restriction of the Sale of Opium Act, Leahy, in committee.
267. ibid., p. 1631, Home Sec., in committee. 61 Vic. no. 17, clauses 14, 15.
in gold, silver, or copper ... Sometimes it may be clothing, sometimes food'. 268 Thus, by the clauses regulating employment, the government and employers gained control of Aboriginal labour while the Aborigines lost their freedom to change or leave employment for the duration of their agreement and gained a perfunctory supervision of their employment which could only detect the most blatant abuses. 269

The 1897 Act aimed at preventing Aborigines from obtaining alcohol and, especially, opium: six of its thirty-three clauses were concerned with suppression of this illicit trade. As well as imposing stiff penalties on those supplying opium to Aborigines or half-castes (or, indeed, to anyone else) except for medicinal purposes, only qualified medical practitioners, pharmaceutical chemists, and wholesale drug dealers could legally sell, dispose of, or possess opium. 270

To enable this act to be implemented, Tozer allowed immense scope for making regulations which could be proclaimed by the Governor in Council. Seventeen areas were left for later definition and proclamation, including the duties of protectors and superintendents; the granting of entry to reserves; the apportioning of the wages of Aborigines and half-castes living on a reserve 'amongst, or for the benefit of aboriginals or half-castes' living on that reserve; providing for the care, custody, and education of Aboriginal children; placing Aboriginal or half-caste children in service; prescribing the conditions by which the Minister could authorize any half-caste to reside on a reserve and limiting the period of that residence; providing for the control of all Aborigines and half-castes living

269. ibid., p. 1909, Sec. for Agriculture, in committee, in L.C.
270. 61 Vic. no. 17, clauses 20, 21, 22, 23.
on a reserve; maintaining discipline and good order upon a reserve; imposing imprisonment for up to three months upon any Aboriginal or half-caste guilty of breaching such regulations; allowing a Protector to inflict summary imprisonment of up to fourteen days upon Aborigines or half-castes on his reserve or within his district for 'any crime, serious misconduct, neglect of duty, gross insubordination, or wilful breach of the Regulations', and 'Prohibiting any aboriginal rites or customs that, in the opinion of the Minister, are injurious to the welfare of Aborigines living upon a reserve'.

Thus all Aborigines and half-castes defined as Aborigines could be ruled by decree. Any half-caste was under threat of being deemed an Aboriginal on the recommendation of local protectors. Aborigines and half-castes living close to white settlement had to find a role in that society satisfactory to the protectors to escape being removed under the act. The need for protection was obviously very great and, given the settlers' simplistic view of the problem, it was understandable that they would not seek a more sophisticated solution. The legislature did not consider the possibility of the Aborigines retaining their civil rights while the informal accommodation that had developed was supervised, the admittedly massive health problems treated, diet and accommodation prescribed, working conditions and wages regulated, and legal protection against abuse guaranteed, despite the fact that, in Queensland, by the 1890's large numbers of Pacific Islanders were comprehensively protected.

With the Aborigines, the problem seemed more complex and the economic and political incentives to find solutions were negligible. Thus the possibility of the Aborigines demanding their unrealized civil rights was negated by this act as the members, only concerned with the problems of the present,

271. 61 Vic. no. 17, clause 31.
legislated a draconian solution which directly determined future developments until, at least, 1965. 273

It is interesting to study the legislators' rationalization for the necessity of the 1897 Act. Despite the far reaching implications of this legislation for the protection and control of Aborigines in Queensland, it seems clear that the legislators first saw themselves as belatedly doing their duty by the people they had dispossessed. When the bill was introduced and justified in the second reading in both the lower and the upper house, it was in these terms. Tozer began:

I take it that everyone in this House is animated by the sentiment given expression to by one of the first Governors of Australia, and will admit that there is a duty owing by the white races to the black races. 274

This sentiment was specifically mentioned by a number of members in both houses275 and implied by the large number of members who criticised the inaction of previous governments or pointed out the eleventh hour introduction of the bill. 276 Yet, there is little doubt that, at a deeper level, there was a feeling of blood-guilt which reflected on the honour of the colony. This Tozer acknowledged at the end of his introductory speech:


274. P.P.D. of L.A., LXXVIII (1897), p. 1533, Home Sec., second reading. See also L1887, Sec. for Agriculture introducing second reading in L.C.


I hope the result of this legislation will be to show the civilized world that however black may be the page of history in Queensland on account of the past, there is a bright page to be written, and that bright page will be written by the legislature in a determined effort to ameliorate the condition of the aboriginals. 277

One member recounted how Aborigines were shot down for sport from the verandah of Fassifern Station; another thought there was 'a slur' on Queensland that would remain for ever. 278 Indeed, Tozer's claim that previous colonial secretaries had done as much as they could to care for the Aborigines seemed not only to reflect his determination to defend Queensland's honour but also to indicate that violent dispossession was inescapable. 279 With this conclusion, most members would probably have agreed.

The time had come for Queensland to decently dispose of its native people and this it did with a perfunctory debate in the lower house and unseemly haste in the upper house. The citizenship rights of Aborigines were ignored, probably because all members accepted that previously these had been illusory; they certainly did not think the Aborigines capable of exercising them in the future. The Aborigines had to be treated as children, protected from vice, and not allowed to sin. 280 Thus Tozer justified giving protectors and superintendents of reserves the power to inflict summary punishment of up to a month's gaol:

If a person will not conform to the rules, I think the superintendent should be empowered to say, 'Go to your room'. 281

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278. ibid., pp. 1545, 1546, Thorn, second reading.
279. ibid., p. 1546, Finney, second reading.
280. ibid., p. 1541, Home Sec., second reading.
281. ibid., p. 1544, Petrie, second reading.
282. ibid., p. 1541, Home Sec., second reading. See p. 1632, Home Sec., in committee: 'Those people had to be treated as children'. Tozer eventually decided on up to fourteen days. See also p. 1837, L.C., Sec. for Agriculture, second reading.
The frontier was, by this time, remote from the capital and frontier crudity and conflict an embarrassing reminder of things past as the reports of Meston and Parry-Okefen had indicated. The once treacherous and murderous blacks were now declared to be faithful, trustworthy, and affectionate if treated properly. The doomed race theory still dominated the thinking of most legislators: the optimism of Meston's report was exceptional. Therefore what was needed was a charitable organization for an ailing and feeble-minded people and it was in these terms that Tozer explained his plans. Previously, indigent Aborigines had depended on the charity of individuals. Now it was time for the state to assume its full responsibility. As Tozer explained, 'This Bill endeavours to do as a charity organization does: focus the assistance in some definite channel'. The Aborigines had been declared to be inmates in perpetuity.

The problems confronting Aborigines were thus taken out of the public arena to be accommodated by a bureaucracy with the aspirations for their inmates of a nineteenth century charitable organization; the self-made experts, Meston and Roth, were charged with running the enterprise as economically as possible. This philosophy of paternalistic protection on the cheap was to dominate Queensland's Aborigines throughout the twentieth century.

283. ibid., p. 1540, Home Sec.; p. 1543, Petrie; p. 1547, Hamilton, second reading.