Too white to be regarded as Aborigines: An historical analysis of policies for the protection of Aborigines and the assimilation of Aborigines of mixed descent, and the role of Chief Protectors of Aborigines in the formulation and implementation of those policies, in Western Australia from 1898 to 1940

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Chapter One

LITERATURE REVIEW

A handbook issued to American servicemen stationed in Australia between 1942 and 1945 described the western and central parts of the Australian continent as, ‘dry land, bare of people, except for the roaming tribes of ‘Abos’’.\(^1\) Perth (population 224,800) was acknowledged as the capital of Western Australia.\(^2\) Australians were described, ‘except for the 70,000 or so primitive ‘Abos’ who roam the wastelands,’ as, ‘nearly 100 percent Anglo-Saxon stock—English, Irish, Scotch, and Welsh’.\(^3\) Contemporary Australian readers might then have excused that information as evidence of the prevailing American ignorance about Australia. It might also have reflected common geographic and demographic misconceptions held by many Australians at that time.

There was considerable ignorance of Indigenous Australians for much of the twentieth century. Academics had little interest in them and they were afforded little significance in secondary school or university curricula. Historians either ignored the Aborigines or dismissed them as a part of ‘prehistory’.\(^4\) They seemed to believe that the real history of Australia began when Captain Cook took possession of the eastern half of the continent. The focus of Australian historical commentary was upon eminent persons and explorers and the social, political and economic progress of the several British settlements toward nationhood. Aborigines were not considered part of that history.

Anthropology was a relatively new discipline in Australian universities, but scientists such as Herbert Basedow, A.P. Elkin and J.W. Bleakley were assembling considerable material on the morphology of various Aboriginal groups, their languages, songs, beliefs, customs, clan structures, lore, and so on.\(^5\) In 1931, Elkin proposed a national policy to safeguard the future of Aborigines through health care, education and employment, a model based largely on practice in

\(^1\) *Instructions for American Servicemen in Australia 1942*, reproduced from the original prepared by Special Services Division, Services of Supply, United States Army and issued by War and Navy Departments, Washington, D.C., republished by the Bodleian Library, 2006. This edition published by Penguin Group (Australia), 2006, pp.6 and 14. The term ‘Abos’ was explained as Australian slang for ‘Aborigines’, p.52.

\(^2\) *ibid*, p.29. The total resident population of Perth at the National Census 2006 was 1,445,078 persons.

\(^3\) *ibid*, p.15.


Papua and New Guinea, but his interest was as much in preserving Aboriginal tradition as assuring their livelihood ‘and a real share in the land which is their spiritual home as well as the source of their economic necessities’.  

The condition of urban Aborigines, and in particular of fringe dwellers suspended between traditional Aboriginal communities and mainstream urban society, was paid little heed. Anthropologists contributed little to the debate about the treatment of half-castes before the Harvard Adelaide Universities Expedition of 1938-39. Daisy Bates had collated and published information about urban Aborigines in the southern portion of Western Australia, though much of her work was later discredited, in large part because she was not an academically qualified ethnographer and, in the opinions of her critics, she did not apply experiential protocols to her observations.

For much of the period relevant to this thesis, from 1898 to 1940, there was a dearth of intellectual analysis of public policy towards Aborigines in Western Australia. Public debate was conducted in daily newspapers through journalistic commentary or expressions of public opinion, some of it well informed, some of it not, but all of it subjective. Other critical analysis was presented in reports and proceedings of Royal Commissions established from time to time with particular terms of reference and for particular purposes. Historians tended to avoid Aborigines and their interaction with white society. J.S. Battye made only passing reference to the ‘hostility of the natives in the North-West, and the murders committed by them, mainly in retaliation for real or fancied outrages upon their women folk’. Consistently with prevailing historiography, he focused on explorers and the economic value of places on which they reported, the emergence of pearling, mining and pastoral industries, the growth of towns and the genealogy of the pastoral ascendancy in the north. The consequences for the Aboriginal people whose lands and waters were invaded and annexed without consultation were of little consequence to Battye’s historical record.

W.E.H. Stanner referred to this period of academic inattention to Australia’s Aborigines, as ‘the great Australian silence’, a silence which lasted, he proposed, until late in the 1960’s. During that time historians and social commentators, and, it would seem, public consciousness, paid little heed to Aborigines. In Stanner’s judgement, that inattention to the presence and

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The significance of Aborigines turned into ‘a cult of forgetfulness practised on a grand scale’. ‘We have been able for so long to disremember the aborigines,’ he said, that it was difficult to ‘keep them in mind’.\textsuperscript{11} He proposed that there may have been some awakening or change of attitude in the 1930s, but it was confined to a small group of people who had ‘special association with their care, administration or study’. There was very little impact outside that group, and inside ‘it was a case of the faithful preaching to the converted about a ‘revolution’ which in fact had arrived only for them’.\textsuperscript{12}

A.P. Elkin made a similar judgement about the emergence of public consciousness of Aborigines, and the concurrent emergence of Aboriginal self-awareness, from the late colonial period until, at least, the mid-twentieth century. He labelled that era as one of transition between what he called ‘Intelligent Parasitism’ and ‘Intelligent Appreciation’. Elkin proposed that during the first of these phases of adaptation following initial tentative approaches towards the colonists and subsequent conflict and resistance, Aborigines succumbed to the European attitude of superiority and knowingly assumed a subservient role.

Being credited with only low intelligence, they are expected to be stupid and uninterested in their work. They play down to this expectation and so flatter the ‘boss,’ and incidentally ‘justify’ their lack of efficiency and the ‘employment’ of an unnecessarily large number.\textsuperscript{13}

By thus allowing their selves to be reduced to intelligent parasites, said Elkin, Aborigines lost their Dreaming (‘their mythological and ritual anchor and compass’) and became dependent paupers suspended between their tribal identity and the dominant Eurocentric community.\textsuperscript{14} Traditional Aboriginal cultures survived only in small tribal remnants scattered through sparsely settled regions.

For their part, Elkin argued, non-Aboriginal Australians accepted the disappearance of the Aborigines as confirmation that they were unintelligent, unable to adapt, and doomed to extinction. Nothing, they believed, could be done, ‘except to avoid unnecessary harshness and to ‘smooth the dying pillow’’.\textsuperscript{15} Policies of protection served only to ease the passing by providing rations for the indigent and infirm. Positive measures to advance Aborigines through education, employment, and the provision of housing and health services either were not thought of or

\textsuperscript{11} \textit{ibid}, p.25.
\textsuperscript{12} \textit{ibid}, p.21.
\textsuperscript{14} \textit{ibid}, p.171.
\textsuperscript{15} \textit{ibid}, p.172.
were considered futile.\textsuperscript{16}

Elkin’s subsequent phase, ‘Intelligent Appreciation’ would emerge only when Aborigines internalised an understanding of Western culture and the part they might play in it, and policies to ensure the well being and advancement of Aborigines were put in place. Like Stanner who saw a false dawn of awareness in the 1930s, Elkin detected the emergence of intelligent appreciation in the latter part of the decade, only to see it followed by listlessness and disillusionment in public policy after 1940.\textsuperscript{17} A brief phase of understanding and appreciation of Aborigines was replaced by community prejudice against mixed bloods and opposition to positive policies for Aboriginal advancement. Post-war advancement toward assimilation and citizenship was guarded. Progress was inexorable, but Elkin warned against resentment and ‘opportunities for demagogues’:

Unless the numbers of Aborigines of the darker castes increase very greatly, it will lose its impetus and leave dissatisfied and protesting groups of outcasts, loafing on society and gradually disappearing through miscegenation.\textsuperscript{18}

Critical analysis of the Aboriginal condition in published literature followed phases similar to those of public consciousness and public policy identified by Stanner and Elkin. The ‘great Australian silence’ was not entirely devoid of informed comment about Aborigines, but that which was published addressed small interested audiences.\textsuperscript{19} In Western Australia intellectual interest awakened the first part of the 1930s, but academic interest outside the confines of anthropology, academic scrutiny of policies for Aborigines and historiography of the Aboriginal peoples was delayed until the early 1960’s when Aboriginal and non-Aboriginal Australians became aware of the need for political solutions to Indigenous disadvantage and began pressing the Commonwealth Government to assume a greater responsibility.\textsuperscript{20}

\section*{An Awakening}

During the 1930s, the presence and social conditions of half-castes was brought to attention in

\begin{footnotesize}
\begin{enumerate}
\item ibid, p.172.
\item ibid, p.183.
\item ibid, p.177.
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Western Australia largely at the initiative of local newspapers. The *West Australian* and *Western Mail*, in particular, published contributed articles arguing various observations about the plight of Aborigines, especially of the highly visible half-castes camped on the fringes of urban and rural communities. Significant authors of such commentary included Muriel Chase, Mary Durack, Ernestine Hill and Paul Hasluck. A.O. Neville took part in the discourse with occasional articles contributed under the *nom de plume* ‘A.O.N.’.

Hasluck was appointed by the *West Australian* to cover the Moseley Royal Commission at its hearings in the North and South-West of the State in June and July 1934. Two years later he followed up Moseley’s recommendations in a series of articles published in the *West Australian*. Hasluck reported that even though the Royal Commission had asserted the problem of the half-caste was the great problem confronting the community, ‘no action has been taken by the Government to improve their lot’. 21 Later, the Native Welfare Council reprinted Hasluck’s articles as a single volume and observed that ‘conditions were substantially unchanged from those described in 1936’. 22

Hasluck expressed concern about the growing numbers of children ‘swarming about the native camps without proper care’, and criticised Government’s unwillingness to provide resources to improve their living conditions. 23 He commented on the strength of affection in Indigenous families: ‘They are devoted to their children, though in one or two cases it would seem that grown-up children are not always so devoted to their parents’. He observed also that, ‘there is scarcely a legal marriage to be found in the camps’:

> When the camp marriage takes place the women change their name for that of their man and call themselves Mrs Brown or Mrs Robinson or so on, in the manner of white people. Incidentally, practically all these people bear European names—embarrassingly familiar ones sometimes—and they give their children Christian names. The fancy lies in strange directions. Lancelot, Vernon, Adelie, and Marguerite were some of those noticed. 24

Hasluck differentiated between half-castes and Aborigines. Options canvassed to resolve the so called ‘half-caste problem’ anticipated their development if separated from their full blood relations. Half-castes could continue living as outcasts of white society, or they could develop separately within it. Hasluck posed the question, ‘Are they always going to be a separate caste,

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21 *West Australian*, 23 July 1936, p.16.
23 *ibid*, p.2.
either living in neglect in their bush camps or shut off in comparative comfort in some settlement; or are they going to be assimilated by the rest of the population? He preferred the latter option, but the language he used to describe the process, ‘we will lift them up instead of pushing them back to the black’, reflects values not far removed from those of earlier generations.

Colour was important. Even when describing the children ‘swarming about the native camps’, Hasluck fixed his reader’s eye upon their whiteness: ‘Many of them—laughing, ragged urchins, keen in intelligence—are almost white and some of them are so very fair that, after a good wash, they would probably pass unnoticed in any band of whites’. Hasluck acknowledged the ‘blood relationship’ between half-castes and whites and suggested that if it were acknowledged, ‘we might lift them up instead of pushing them back to the black’. In other words, if half-castes were seen as half-white rather than as half-black, the white community might offer them better opportunities. Neville wrote in similar terms in *Australia’s Coloured Minority*:

*It was the increasing numbers of near-white children which finally turned the scales in giving the deciding answer to the question as to whether the coloured should be encouraged to go back to the black, or be advanced to white status to be eventually assimilated into our race.*

Neville has been accused of advocating biological absorption, or of ‘breeding out the colour’. Hasluck has not, even though in 1936 he did not reject entirely the possibility:

*In the long run that may prove to be the way out. But we must face the fact that in the Great Southern district today no such process is likely to go on. The coloured people are shut out from any white contacts that would lead to desirable unions of that kind*. Some fifty years after his articles were published in the *West Australian* Hasluck recalled his dismissal of biological absorption as ‘politically a certain loser’. Assimilation, on the other hand, he saw as a practicable objective. In the interim, there had been considerable debate about public policies for assimilation, integration, or the segregation of Australia’s white and black populations. In 1937 J.B. Cleland raised the future of South Australia’s half-caste population as a

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25 ibid, p.21. See also, *West Australian*, 27 July 1936, p.16.
27 *West Australian*, 25 July 1936, p.27.
matter for academic inquiry when he proposed that the University of Adelaide might be asked to report on their economic and social conditions.\textsuperscript{31} He was anxious that something should be done for them and suggested that the most suitable thing might be their ‘absorption into the general community’\textsuperscript{32} Cleland later elaborated upon his proposition:

I may say that the pure-blood natives should be left in their natural surroundings as long as this can be achieved; that recently detribalised natives should be engaged in work as far as possible on cattle stations on the fringe of civilisation; and that the more urban half-castes should be absorbed as quickly as possible into the general community by giving them an upbringing which will fit them to play their part in our social organisation.\textsuperscript{33}

Norman B. Tindale was among the first to collate comprehensive ethnographic information about half-castes and to relate it to contemporary public policies for their management and control.\textsuperscript{34} His early work in Western Australia with Hackett, Stocker and Mountford gathered routine ethnographic information among tribes in the Warburton Range.\textsuperscript{35} Some recent critics such as Anna Haebich, Warwick Anderson, Russell McGregor and Alan Charlton have attempted to argue that Tindale’s later work with the joint Harvard and Adelaide Universities’ anthropological expedition, 1938-39, and the theoretical propositions about racial typing of Australian Aborigines that encouraged those expeditions, influenced policies pursued by Cleland, Cecil Cook in the Northern Territory and Neville in Western Australia.\textsuperscript{36} Certainly Cleland, on whose initiative the joint Harvard and Adelaide Universities Expeditions were organised and funded, took up Tindale’s findings. Fieldwork for that project was undertaken in Western Australia with Neville’s approval as Commissioner for Native Affairs, as was required by law. Even though he authorised the research, Neville seems not have given Tindale his

\textsuperscript{31} Professor J.B. Cleland was Marks Professor of Pathology at the University of Adelaide, Chairman of the Board for Anthropological Research, President of the Anthropological Society of South Australia, and Chairman of the Advisory Council for Aborigines in South Australia. He was a representative for South Australia at the National Conference of Commonwealth and State Aboriginal Authorities, Canberra, 1937.

\textsuperscript{32} J.B. Cleland, letter to Dr Clark Wisson, American Museum of Natural History, New York, 14 January 1937, Museum of South Australia, AA 60 Cleland, Box 1 Series 1. Copy held by the author.

\textsuperscript{33} J.B. Cleland, \textit{Introduction to a Discussion of Racial Problems between Europeans and Australian Aboriginals}, Address delivered at the University of Adelaide on 15 May 1944 before the Anthropological Society of South Australia’s sectional meeting of the Conference on ‘The Planning of Science’ arranged by the South Australian Division of the Australian Association of Scientific Workers, Museum of South Australia, AA 60 Cleland, Box 3 Series 3. Copy held by the author.

\textsuperscript{34} Norman B. Tindale, \textit{Survey of the Half-caste Problem in South Australia}, reprinted from Proceedings of the Royal Geographic Society, South Australian Branch, Session 1940-41.


wholehearted support. There appears to have been little rapport between the two men.

The timing of the publication of Tindale’s research findings and those of his Harvard colleague, Joseph Birdsell, is not pertinent for Neville’s policy formulation. Tindale and Birdsell carried out fieldwork in Western Australia over a period of four months from March to July 1939. The first published findings of their research were not released in Australia until October 1941. Tindale’s comprehensive report on the half-caste problem in South Australia was completed in March 1941 and was in print at the time of his enlistment for service in the RAAF February 1942, but was not published until much later. His seminal work, Aboriginal Tribes of Australia, was put aside for the duration of the war. It was completed and published in 1974.

Birdsell first published his findings in the United States of America in 1941. Eight years later, he presented in qualitative form a broad reconstruction of the racial prehistory of the Australian continent. In 1972 he rejected the value of much of that earlier work: ‘If major races can be convincingly identified by the uneducated eyes of travellers and explorers, and further subdivisions do not yield to say scientific method, the practice seems pointless’.

Neville had retired in March 1940. Under the circumstances, even though it is possible he may have had privileged preliminary information about the research outcomes, it is unlikely that Neville’s policy formulation was influenced directly by Tindale’s and Birdell’s research. On the contrary, Tindale was guarded about the trend he observed in the treatment of half-castes in the South-West of Western Australia, and offered little that Neville might have taken as complimentary or encouraging:

No endeavours seem to be made to provide housing for half-castes or aborigines, except in the settlement mentioned above, and half-castes, as well as aborigines, tend to live in the bush as nomads, or to erect scrap-iron huts of their own conniving in the vicinity of small towns. Illiteracy is extremely high, and adjustment to white life proportionately low; even persons who might in other circumstances pass as whites may be ill-clothed, uneducated nomads.

38 Norman B. Tindale, Survey on the Half-Caste Problem in South Australia.
43 Norman B. Tindale, Survey of the Half-caste Problem in South Australia, p.131. The settlement Tindale referred to was the Moore River Native Settlement.
Tindale did not favour segregation. He believed it led to the development of ethnic pockets of ‘variously diluted and altered aboriginal peoples’ dependant or partly dependant upon government subsistence. Assimilation, on the other hand, ‘may lead to the amalgamation of the aboriginal people with the predominantly white community of Australia’.\footnote{ibid, p.116.} He did not advocate biological absorption through miscegenation managed through discriminatory and restrictive laws, but rather through dispersion and cultural amalgamation in a least restrictive legislative regime. In his model, assimilation was a gradual process in which the ethnic minority was subject to few cultural disabilities and little social ostracism. Intermarriage and interbreeding with the dominant community would have negligible effect on the character of the whole population:

> Where the conditions are such that the ethnic stock, which is of lower cultural status, is present only as a small minority and is dispersed throughout the dominant community, the cultural and ultimately the physical effects may be such as to accelerate cultural development and cause absorption.\footnote{ibid, p.122.}

Those conditions did not prevail in Australia generally and certainly not, in Tindale’s judgement, in Western Australia. At official levels the \textit{Immigration Restriction Act 1901} and at social levels cultural intolerance discouraged the absorption of ethnic strains widely different from the west-European norm. Indigenous Australians, half-caste or otherwise, endured an increasingly intolerant attitude within the white community. They retreated to enclaves and tended to marry and reproduce within their own cohorts.

**Critical Policy Analysis**


The referendum was a watershed in Aboriginal affairs. It signalled what Elkin might have
acknowledged to be the commencement of intelligent appreciation. Certainly Stanner, in his 1968 Boyer lectures, spoke of ‘a large swing from depreciation towards appreciation’.\(^\text{47}\) Much of the impetus for change came from within the Indigenous community. Stanner observed the quickening of interest in Aboriginal affairs and remarked, ‘Aboriginal men have become men of the headlines and I have a strong sense that what they say and do will much affect the future or causes that have come into a delicate poise’.\(^\text{48}\) There was a perceptible shift away from policies for assimilation as agreed to by the Commonwealth and the states in 1961 which in effect meant the absorption of the Indigenous population by the mainstream, and the probable extermination of Aboriginality, towards a policy of assimilation which gave Aborigines greater independent control over their lives and the destiny of their race.

That shift was not without its hazards. Many Aborigines remained alienated, without hope, without power and confused by the rapid changes happening around them. Stanner observed that in 1968 the gap between the real conditions of Indigenous Australians and others was widening rather than narrowing: ‘It follows that their conditions will have to improve faster than ours if they are to stay even at their present relative disadvantage’.\(^\text{49}\) He warned against the possibility of conflict if something better for Aborigines were not devised. Within the previous decade, he noted, people who had been ‘powerless, dependent and voiceless’ found power and ‘began to make an impact on history in their own right’.\(^\text{50}\) Conflict could be avoided, he suggested, only if there were to be a grand effort to resolve the troubles between whites and people of Indigenous descent. He was pessimistic; ‘the freshening flow from the great river of national imagination, private and corporate, into this little muddied stream is only a trickle’.\(^\text{51}\)

In that context, Rowley’s work was pertinent and timely. It excoriated the ‘almost unique feature’ of the treatment of Aborigines, the practice of confining Aborigines in managed institutions, ‘not for having committed offences or being mentally deficient, but because they belonged to a particular racial minority’.\(^\text{52}\) He described the underlying assumption of segregation, the need to protect the dying race, as a solution to a passing problem. Similarly, he saw the assimilation of half-castes as a policy response to peoples in transition: ‘they were regarded as no more than vestiges of the old cultures and languages’.\(^\text{53}\)

The population data Rowley collated from all states except Tasmania tended to give the lie to those policy assumptions. They indicated the rate of decline in the numbers of Aborigines

\(^{47}\) W.E.H. Stanner, *After the Dreaming*, p.38

\(^{48}\) *ibid*, p.39.

\(^{49}\) *ibid*, p.58.

\(^{50}\) *ibid*, p.51.

\(^{51}\) *ibid*, p.52.

\(^{52}\) C.D. Rowley, *Outcasts in White Australia*, p.2.

\(^{53}\) *ibid*, p.1.
of the full blood slowed after 1900, reached its nadir in the mid-1930s and thereafter began to recover, albeit slowly. They showed also that after 1900 the rate of growth of the population of mixed Indigenous descent was rapid. Contrary to what those population statistics might point to, Rowley suggested that governments in states with large full blood populations, notably Western Australia and Queensland, regarded the extinction of full bloods as ‘convenient’. He intimated also that in those states public policy involved ‘the disappearance of part Aborigines through miscegenation’. Full bloods seemed to be dying out and ‘part-Aborigines were to be placed in such situations that there would eventually be no trace of them’.54

If Rowley’s assumptions were valid, in those states marriage and reproduction would be discouraged among whites and Aboriginal women of the full blood, but encouraged among whites and women of mixed descent. In effect, public policy would impose prohibitions upon relations between whites and full bloods, but grant licence to relations between whites and half-castes. The latter was the case neither in law nor in prevailing social mores. Nor did restrictive legislation in matters of mixed marriage discriminate between full bloods and half-castes. In Western Australia the Chief Protector had to approve the marriage of a non-Aborigine to any woman classified as an Aborigine under the Aborigines Act 1905. If women were Aborigines under the Act, it was unlawful for a white man to cohabit with them. Aboriginal women might marry other than Aboriginal men, but only with the permission of the Chief Protector. The Native Administration Act 1936 expunged all references to ‘Aborigines’ and ‘half-castes’ and replaced them with the inclusive term ‘native’. All, including first generation quarter-castes, were subject to the same restrictive sanctions against cross-cultural cohabitation and sexual intercourse and had to comply with the same requirements for the Commissioner’s approval of marriage.

It is logically inconsistent that contraposed policies might apply in favour of miscegenation for one part of an ethnic minority and in opposition for another if governments did not also provide inducements for the first and legal sanctions against the other. In fact, in Western Australia at least, one set of legal sanctions against miscegenation applied consistently to the whole population. Rowley described policies in both Queensland and Western Australia as government interference ‘in the most intimate areas of human life, especially in attempting to limit miscegenation and to control marriage’.55 Government interference it certainly was, but the legal sanctions were intended to avoid not promote miscegenation. That aside, Rowley’s proposition that ‘part-Aborigines were to be placed in such situations that there would eventually be no trace of them’.54

54 *ibid*, p.4. Policy and population trends in the separate states are summarised in pp. 5-29. Statistical information about the Aboriginal population, especially that used to create Fig. 5 p.9 and Fig. 2 p.19, must be treated cautiously since they are estimates by the separate states using by different statistical procedures and employing different demographic assumptions. Aborigines were not included in the national census until after 1967, and even then the population data were subject to reservation.

55 *ibid*, p.21.
be no trace of them’ became an article of faith in critical analysis of public policy for Aborigines.

Peter Biskup was among the first to analyse critically Western Australian public policy for Aborigines.56 There had been Royal Commissions and public enquiries in the past, but inquisitions of that kind are disadvantaged by their unavoidable manipulation by contemporary vested interests. Biskup applied historical discipline to his analysis and exposed the persistent racism that directed public policy for the treatment of Aborigines. He described the period from 1906 to 1940, which spanned Neville’s term as Chief Protector, as one of growing racial prejudice and increasingly oppressive legislative action against Aborigines.

The title of Biskup’s treatise, ‘Not Slaves Not Citizens’, was first used for a pamphlet on the condition of Australian Aborigines in the Northern Territory.57 The pamphlet drew attention to the declining numbers of Aborigines. It proposed four factors responsible for that decline: starvation when the usurpation of Aboriginal lands cut off sources of food supply; organised and desultory killing; infectious disease introduced by Europeans; and ‘lastly, death due to loss of interest in life has proved the most potent factor of all’.58 It proposed that, as late as the early 1950’s, the process of extermination was continuing, but was indirect, ‘for it involves economic pressures like exploitation, expropriation and neglect, but previously, direct extermination was policy’.59 No distinction was drawn between full bloods and half-castes in that judgement because definitions contained in The Aboriginals Ordinance 1918 as amended in 1947 meant that ‘a ‘half-caste’ can mean a quarter-caste, an octoroon, or other fractional caste as understood by an anthropologist’.60 The provisions of the Ordinance were similar in most respects to the Western Australian Aborigines Act 1905, particularly as amended in 1936. The recital of justified grievances might well have referred to Western Australia as well as the Northern Territory. The pamphlet cited the denial of civil rights, the oppressive powers of the Director of Native Affairs, the separation of children from their families, the lack of educational opportunity for Aboriginal children, the prevalence of leprosy, venereal disease, tuberculosis, scurvy and beri beri and the inadequate personnel and equipment to treat them, the poor housing, poor nutrition, social insecurity, and the untenable position of Aborigines in the criminal justice system.

Biskup’s study demonstrated increasingly oppressive racism with outcomes for the Aboriginal people similar to those claimed in the Nicholls pamphlet. His review of the treatment of ‘part-aborigines’ after 1936 was damning. He characterised the framers of the Native

56 Peter Biskup, Native Administration and Welfare in Western Australia, 1877-1954, Thesis presented for the degree of Doctor of Philosophy, University of Western Australia, 1965; and Not Slaves, Not Citizens, University of Queensland Press, St Lucia, Queensland, 1973.
58 ibid, p.11.
59 ibid, p.11.
60 ibid, p.15.
Administration Act 1936, as having two precepts for the solution of the half-caste problem: ‘tutored assimilation’ and ‘breeding out the colour’. The popular catch-phrase of the second precept, Biskup wrote, was ‘black blood breeds out in three generations’.\textsuperscript{61} In Biskup’s opinion, A.O. Neville was a leading protagonist of the idea.

That is significant. In this relatively early policy analysis, biological absorption is represented as a principal motivation of action against ‘part-aborigines’ and echoes Rowley’s proposition that part-Aborigines were to be eradicated by miscegenation. Much of the argument Biskup presented in support of his position appears to be a retrospective deduction of history from propositions argued by Neville in his treatise Australia’s Coloured Minority, itself published in 1947, seven years after Neville retired as Commissioner for Aborigines. Retrospective deduction is a superficially attractive manner of interpreting history. While there may be logic in such deductive reasoning and its conclusions quite defensible, its validity relies upon Biskup’s perspicacity in interpreting Neville’s intent. Close examination of contemporaneous evidence which helped shape Neville’s opinion might offer an alternative interpretation, and therefore different appreciation of what he argued in Australia’s Coloured Minority.

Biskup argued that biological assimilation failed. He offered several reasons, some of them inherent in the legislation and some driven by economic reality. The most important reason for its failure, Biskup proposed, was the growth of racial prejudice. Controlled marriage and the outlawing of inter-racial sexual intercourse held little appeal for white men and none at all for part-aboriginal males. The way of life of part-aboriginal women precluded the possibility of marriage to white men; ‘So the coloured people turned back to their own; marriages between part-aborigines and full bloods increased; instead of being bred out, colour was being bred in’.\textsuperscript{62}

Biskup’s was, in many respects, a pioneering study, but it is followed closely in importance by Anna Haebich’s study of the relationship between Aborigines and government in the South-West.\textsuperscript{63} Haebich’s is more a social history than critical policy analysis, and, as such, offers a comprehensive view of the social and economic place of Aborigines in the southern agricultural region. The geographic location of the study is bounded by Geraldton in the north and Esperance in the east. The eastern extremity coincides roughly with the western extremity of the circumcision/sub-incision line that separated traditional Nyungar from Yamadgi and Wonggai areas. Haebich’s study is a history of the Nyungar people. They felt the full force of the impact of European settlement. Some have argued that the last of the full blood Nyungars died

\textsuperscript{61} Peter Biskup, Not Slaves, Not Citizens, p.188.
\textsuperscript{62} ibid, p.193.
\textsuperscript{63} Anna Haebich, For Their Own Good, Aborigines and Government in the South West of Western Australia 1900-1940, University of Western Australia Press, Nedlands, 1988.
early last century.\textsuperscript{64} Haebich’s study is, therefore, a history of Indigenous people of mixed
descent, or as Neville would call them, ‘coloureds’.

According to Haebich, attitudes towards Aborigines and the way in which the 1905 Act
was implemented differed between ‘full bloods’ and ‘half-castes’ and between the north and
south of the State. Her paradigm may have simplified the differences, but is important to
understanding why policy evolved as it did. In the north, Haebich proposed, ‘powerful white
interests were demanding solutions to problems left outstanding by the previous administration’.
By contrast, in the south there were few complaints apart from ‘sporadic objections’ to the
presence of Aboriginal camps in coastal towns and ‘occasional expressions of concern’ about
‘near white’ children in those camps.\textsuperscript{65}

In fact, those matters which Haebich saw as provoking ‘sporadic objections’ and
‘occasional expressions of concern’ were a primary focus for Neville’s policy initiatives, especially
in the last decade of his administration. He saw the future of half-castes and ‘near whites’ as
different from that of full bloods. The latter should be provided with physical comfort, but they
should be allowed to remain as near as possible in their tribal state. In the long-term they might
die out, or as Neville argued, be educated and placed ‘in lucrative occupations, which will not
bring them into economic or social conflict with the white community’.\textsuperscript{66} Half-castes, on the
other hand, because of their white heritage could be raised to be good citizens in less time,
according to their readiness for assimilation. That belief directed the different treatment of ‘full
bloods’ and ‘coloureds’ in public policy.

In the Nyungar country of Haebich’s study the focus was on what Biskup called ‘tutored
assimilation’. According to Haebich, it acknowledged a need for welfare support through the
distribution of rations, clothing and blankets, but the hope for the future was the development
of a ‘native settlement scheme’. Carrolup and Moore River were envisioned to become self-
supporting agricultural settlements. People trained there would provide labour for the developing
agricultural industry. To raise the standing of Aboriginals in the community, employers would be
obliged to pay them a minimum wage, ‘part of which was to be paid to government to cover the
costs of relieving Aborigines throughout the State’.\textsuperscript{67}

The economic and social standing of Aborigines in the mainstream society also was to be
advanced in the longer term, Haebich observed, by the separate development of their children.
Coloured children were removed from their families and brought up to follow a ‘European life

\textsuperscript{64} For example see Daisy Bates, \textit{The Passing of the Aborigines}, and A.O. Neville, ‘Contributory Causes of Aboriginal
Depopulation in Western Australia’, \textit{Mankind}, vol.4 (1), pp.3-13
\textsuperscript{65} Daisy Bates, \textit{The Passing of the Aborigines}, p.90.
\textsuperscript{66} A.O. Neville, \textit{Australia’s Coloured Minority}, p.28.
\textsuperscript{67} Anna Haebich, \textit{For Their Own Good}, p.150.
style’ on the government-run farming settlements. Footnote 68 Boys were trained to become farm labourers and girls, household domestics. They were then assigned to approved employers; ‘Their ultimate fate was absorption into the wider community.’ Footnote 69

Haebich documented the failure of that policy and proposed that by the late 1920’s Neville’s frustration led him ‘to adopt an increasingly extreme position on the ‘half-caste problem’; ‘He began to advocate the breeding out of the ‘coloured race’ altogether’. Footnote 70 Thus the policy focus shifted from ‘tutored assimilation’ to ‘biological absorption’. Like Biskup, Haebich saw in this the influence of people such as Dr Cilento, Norman Tindale and Professor Cleland, all of whom, she said, supported theories postulating common racial origins and genotypic racial characteristics for the Aboriginal and Caucasian races: ‘Central to the policy was the theory that genetic atavism (throwbacks) would not occur in unions between Aboriginal and white races because of their distant common Caucasian origins’. Footnote 71

An expectation in this proposal for ‘breeding out the colour’ was that Aboriginal women would marry and have children with white men. The possibility of Aboriginal men marrying white women was ignored. Footnote 72 Hence, protecting young ‘coloured’ Aboriginal women against procreating within their own race was essential. Separating them from their communities as children and raising them to behave as ‘whites' best achieved that.

Haebich identified Sister Kate’s Children’s Cottage Home as integral to that policy. Children of ‘lighter colour’ were transferred from Moore River settlement and quarter-caste children from Aboriginal camps were sent directly to Sister Kate’s. The objective, Haebich claimed, ‘was to provide for their assimilation into the community’. Footnote 73 She implied that Neville had primary responsibility for this initiative: ‘Neville took the first steps in implementing this policy through his support for the establishment of Sister Kate’s Children’s Cottage Home in 1933’. Footnote 74

Jacobs is not as emphatic that Neville was the prime mover. Footnote 75 Decisions to assign children and to allocate financial support for Sister Kate’s belonged to Neville. Only he as Chief Protector had the authority. Jacobs harboured no doubt about Neville’s intention. Footnote 76 The first home at Buckland Hill ‘was a small but satisfactory beginning of the programme of absorbing

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68 ibid, p.157.
69 ibid, p.156.
70 ibid, p.316.
71 ibid, p.316.
72 ibid, p.318.
73 ibid, p.318.
74 ibid, p.318.
75 Pat Jacobs, Mister Neville, Fremantle Arts Centre Press, Fremantle, 1990.
76 ibid, p.217.
the children into the community’. It is clear from correspondence between Neville and Sister Kate, however, that Sister Kate took the first step in approaching Neville for help to establish a home for Aboriginal orphans. Neville acceded to Sister Kate’s request, but selected only light-coloured children to be sent to her home. Thereafter, Sister Kate’s role in the assimilation of those children into the social and economic mainstream of the Western Australian community is not clear.

In her biography of Neville, Jacobs portrays a complex man, insular in his public role, committed to family and to his religion, and with a seemingly restless interest in journeying to foreign and new places. He might have been described as a ‘cerebral’ man with a desire to know, understand and pursue ‘truth’. The image developed by Jacobs contrasts with the two aspects of Neville’s persona given by Haebich. On the one hand he is represented by Haebich as ‘an ardent fighter for what he saw as the Aboriginal cause’: on the other, according to Haebich, the Aborigines saw him as ‘the symbol of the system of authoritarianism under which they were obliged to live’. The more sympathetic portrait by Jacobs shows him as committed and compassionate; ‘he was often upset at the injustice of the system which refused to confront the complacent exploitation entrenched in the relations between black and white in Australia’.79

This was the man who dealt with Sister Kate, or Kate Clutterbuck, a woman who with a strong sense of conviction, and a firm belief in her own ability; ‘She also had an uncanny knack of getting what she wanted’.80 The difficulty for the historian is knowing just what she wanted. Sister Kate was, from all accounts, a private person who left little written information about herself or her work.

Jacobs relied heavily upon correspondence between Sister Kate and Neville to trace their respective roles in the establishment of the Queen’s Park Home. That correspondence leaves no doubt that Sister Kate took the initiative on the matter. Regrettably, it leaves Sister Kate’s expectations unclear. Jacobs accepts that ‘the idea was to rescue the part-Aboriginal children and provide them with a home and an education which would bridge the gap between camp life and the white community’.81 This proposition, taken as a statement of social and economic assimilation, could hardly be exceptionable in the values prevailing at that time. Jacobs attributed to Neville a similar intention; ‘Sister Kate’s suggestion was a means of putting into practice his plan to prepare children to take their place in society’.82 Haebich, as discussed above, would offer a different view of Neville’s intention. If she is correct, the question remains whether Sister Kate

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77 ibid, p.219.
78 Anna Haebich, For Their Own Good, pp.155-66.
79 Pat Jacobs, Mr. Neville, pp.165.
80 ibid, p.217.
81 ibid, p.218.
82 ibid, p.218.
was complicit in what Haebich described as Neville’s policy of biological absorption.

Both Haebich and Jacobs acknowledge the support given to Sister Kate by influential members of Perth society, Ruth Lefroy, Paul Hasluck, Mary Durack and Muriel Chase, as well as organisations like the Women’s Service Guild and the Australian Aborigines Amelioration Association. This latter organisation is particularly interesting for its role. It accepted the popular notion that full blood Aborigines were a dying race and the public obligation was merely to ease their passing by maintaining them on permanently segregated reserves. The Association’s position on half-castes was ambiguous. It was, in some respects, similar to Neville’ policy, ‘although members avoided mentioning its more controversial aspects presumably ‘breeding out the colour’.

The report of the Human Rights and Equal Opportunity Commission, Bringing Them Home, repeated Jacobs’ view that the initiative to implement the policy through the Queen’s Park Home belonged to Neville; ‘Neville took advantage of her to put his ideas into practice’. Sister Kate, according to the Commission, had only beneficent motives. Subsequent publications have maintained that position. Sister Kate’s biographer, Vera Whittington, suggested it was not possible to assess how she responded to Neville’s policy. ‘In what is available to research, only three times did she commit her innermost thoughts to paper, and each was a personal letter.’ Her confidantes were Paul Hasluck, Muriel Chase and Ruth Lefroy. She also corresponded with and had several meetings with Neville. Whittington proposed that Sister Kate’s attitude probably coincided with those of the Women’s Service Guild and that ‘she would have been in full sympathy with Mary Montgomery Bennett’, a strong opponent of Neville’s policies of segregation and assimilation. Rather than oppose Neville’s policies, as some missioners did, Sister Kate seems to have co-operated with Neville in advancing them.

In a later publication, Haebich did not share Whittington’s compassion for Sister Kate, although she remained unwilling to affirm that the experiment at Queen’s Park belonged to other than Neville. She condemned the purpose of the home. In her judgement it was not the purpose of the Queen’s Park Children’s Cottage Home to groom and educate ‘mixed race’ leadership as in similar institutions in colonial Africa, Asia and India. Rather, Haebich proposed, ‘the principal aim of Sister Kate’s was to make the children white’.

Even with that damning judgement, Haebich, like Whittington, was unwilling to attribute

83 Anna Haebich, For Their Own Good, p.319.
85 Vera Whittington, Sister Kate, A Life Dedicated to Children in Need of Care, University of Western Australia Press, Nedlands, 1999, p.304.
86 ibid, p.304.
88 ibid, p.280.
responsibility for that policy to Sister Kate. Rather, she suggested that Sister Kate ‘embarked on the new challenge of mission work with ‘quarter-caste’ children’. Haebich conceded that, ‘She may also have been concerned about the future of the few ‘quarter-caste’ children, being raised as white children, at the Parkerville Home whose presence there was opposed by some of the Home officials’. The concessions do not seem to be supported by historical fact, however. Sister Kate cut her ties when she left Parkerville. Quarter-caste children were transferred to Queen’s Park from Moore River, not Parkerville. The consistent judgement offered by Haebich is that ‘Neville grabbed at the offer’ by Sister Kate of a home for Aboriginal children, ‘seeing in it the opportunity to begin the biological absorption program’. It certainly was an opportunity for the different treatment of light-skinned aboriginal children. Neville did refer to it in his notes for and in his presentations to the Moseley Royal Commission and the 1937 Canberra Conference as an ‘interesting experiment’, but what he meant by that remains unclear.

Nothing produced by researchers demonstrated that Neville harboured a secret agenda of eugenic population control, or that government or any others acquiesced in such a clandestine program. Neither was it demonstrated that the ‘assimilation’ Neville referred to at the Canberra Conference and subsequently was ‘biological absorption’ directed by relatively short-term controlled breeding. At the Conference, Neville himself referred to ‘a long range plan’. Other participants seem to have conceived it simply as the social and economic integration of Aborigines of mixed blood with the mainstream ‘white’ population; ‘lifting the half-castes to the standards of the whites’. What is irrefutable is that Neville, and prominent authorities in other Australian States, were aware of the possibility of biological absorption as a solution to the ‘coloured problem’. Emerging scientific theories of race gave some credence to the proposition.

Warwick Anderson demonstrated a link between scientific research and public policy for the management of the Aboriginal population. His review of medical and scientific theory and research about race and colour in Australia traced the history of white settlement and the effect of ‘whiteness’ on the national identity. It gives a challenging perspective upon racial displacement, the relocation of white Europeans to an essentially ‘black’ continent, and the adaptation of that alien racial type to what was seen to be an environment hostile to white habitation.

Anderson proposed that the scientific ‘discovery of the half-caste’ was a defining moment. For most of the nineteenth century and the first two decades of the twentieth, he

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89 ibid, pp.280-1.
90 ibid, p.281.
92 ibid, p.12 (Mr. Bailey, Victoria), p.13 (Dr Cook, Northern Territory), p.14 (Mr. Harkness, New South Wales).
argued, there was little scientific interest in ‘the rare Aboriginal-European ‘hybrid”. Anecdotal opinion was that the hybrid offspring took on the physical features of the European father and the cultural qualities of the Aboriginal mother: ‘physically almost white, but mentally and morally almost black’. By the 1920’s, when the much larger and more prominent population of half-castes ‘seemed destined to proliferate still more’, science took an interest and suggested a biological solution.

Interest in the Australian half-castes arose here and elsewhere, Anderson proposed, from the application of Mendelian principles to the mixing of races. The most popular speculation was that the Caucasian characteristics were dominant and the Aboriginal recessive. The offspring of European and Aboriginal breeding would, over three generations, result in the virtual absorption of the Aboriginal racial characteristics. Anderson cited the policy proposed by A. Grenfell Price. The policy, according to Anderson:

looks toward breeding the Aborigine white, instead of letting the half-castes become black. Blood tests appear to show that the Aborigine is akin to the white man. There are no records of throwbacks. The black strain breeds out comparatively quickly, and the slight evidence available indicates that the octoroon is a good type.

Anderson claimed that this interest in race crossing led to the joint Harvard-Adelaide University study undertaken by Joseph Birdsell and Norman Tindale discussed above. It involved gathering comprehensive information about ancestry, blood groups and genealogies of more than 1200 subjects in five Australian states including Western Australia. The first stage, covering Western Australia as far north as Warburton, and the south-western portion of South Australia was completed in 1939.

Anderson interpreted Tindale’s findings as meaning that race crossing in Australia supported hybrid assimilation. The research performed had not revealed any half-caste degeneration. Absorption, not isolation, was therefore ‘the best scientific solution of the half-caste problem’. The challenge for public policy was how absorption might be achieved. Tindale argued against the concentration of Aborigines into reserves and settlements, as was the practice in Western Australia and Queensland, and in favour of the Victorian experience. There, he argued, the dispersal of mixed bloods into the general community had enabled their cultural

94 ibid, p.220.
95 ibid, p.220.
96 ibid, p.222.
97 ibid, p.230.
98 ibid, p.230.
absorption.  

Dr Cecil Cook, the Chief Protector of Aboriginals in the Northern Territory, was identified by Anderson as a principal enthusiast for the translation of Tindale’s theories into public policy. Contrary to Tindale’s preferred position of dispersal, however, Cook’s policy and the law guiding it supported segregation. His objective was characterised by Anderson as giving the half-caste an ‘opportunity to evolve as a white man’. The issue was not what to do with Aborigines, but how to resolve the problem of the half-caste. That required state regulation of marriage, and through marriage, of reproduction. According to Anderson, Cook acknowledged that half-caste women would be more acceptable as partners to white men than for half-caste men as partners to white women, and proposed, therefore, that the focus should be upon half-caste women. Anderson characterised that resolution as ‘state involvement as a racial salvage operation, saving half-caste girls from returning to perversely masculine full bloods or disreputable white men’.

Caution must again be urged in attributing to the work of the Harvard-Adelaide Universities’ survey too much relevance in the policies developed by Neville and Cook. The Canberra Conference referred to by Biskup, Haebich and Anderson, the Initial Conference of Commonwealth and State Aboriginal Authorities, was held in April 1937. As discussed above, fieldwork for the first phase of the Harvard-Adelaide Universities Expedition 1938-39 was completed at the beginning of July 1939, and the first findings published in 1941. Neville commenced policy formulation, which Anderson, Haebich and others claim was influenced by Tindale’s findings, at least as early as 1919. He had retired before Tindale and Birdsell published their findings. Cook also had been replaced as Chief Protector of Aboriginals the Northern Territory and transferred to a position in the School of Public Health and Tropical Medicine in Sydney in 1939.

A fault in most commentators’ analyses of Neville’s policy is that, like Biskup, Haebich and Anderson, they rely heavily upon Neville’s 1947 treatise *Australia’s Coloured Minority*. It is an important source for understanding Neville’s beliefs about how to resolve the issue of half-castes in the Australian community, but it must be appreciated in its historical context. Neville published it some seven years after he retired as Chief Protector and it should be read more as

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99 *ibid*, p.232.
100 Dr Cecil E. Cook was the Chief Health Officer and Chief Protector of Aboriginals in the Northern Territory from 1911 until 1939. His powers over the movement of Indigenous peoples, where they might live, what work they might do, and over the removal of children from their families were similar to those of A.O. Neville in Western Australia. See, Tony Austin, *I Can Picture the Old Place So Clearly, The Commonwealth and ‘Half-Caste’ Youth in the Northern Territory 1911-1939*, Aboriginal Studies Press, Canberra, 1993, p.205.
102 *ibid*, p.236.
103 Tony Austin, *I Can Picture the Old Place So Clearly*, p.205.
his lament about what was not done after the 1937 Conference. His purpose was to bring to attention what could and should be done and not to document what was done.

Propositions advanced by Neville in *Australia’s Coloured Minority* may have been misinterpreted or inappropriately applied to historical analysis of public policy. Biskup and Haebich appear to have used the propositions selectively and retrospectively to explain Neville’s initiatives, particularly after the adoption of the *Aborigines Act Amendment Act, 1936*. Biskup identified Neville as a chief protagonist of the precept of ‘assimilation by organised breeding’.104 He substantiated that assessment by citing Neville’s statement from *Australia’s Coloured Minority* that it was the increasing numbers of near white children which finally answered question of ‘whether the coloured children should be encouraged to go back to the black, or be advanced to white status to be eventually assimilated into our own race’.105 The argument followed by Biskup was that to Neville ‘assimilation’ meant ‘racial mixture’ achieved either through interracial marriage or miscegenation without it. That process would continue until ‘there are no more virile full bloods remaining alive’.106 The translation of those statements into propositions of ‘assimilation by organised breeding’ can be supported only if other social and political values are excluded. Neville may have entertained alternative propositions; ‘As I see it, what we have to do is elevate these people to our own plane, and if intermarriage between them and ourselves becomes more popular, then we shall be none the worse for it. That will solve the problem of itself’.107

The essential concomitant of the proposition of controlled breeding was the widely-held belief that the Aborigines were a ‘dying race’, a theory referred to by Biskup and others as ‘social Darwinism’. Haebich was more emphatic than Biskup in attributing to Neville a clear intention of ‘breeding out the colour’, or perhaps of ‘breeding out the coloureds, since, according to ‘the spreading dogma of Social Darwinism Aborigines ‘were doomed to extinction’.108 She described Neville’s vision as weaving together ‘strands of eugenic thought’ and ‘recent revisions of scientific and anthropological knowledge about Aborigines’ into law and practice for the treatment of Aborigines; ‘essentially Neville’s vision was a program of racial and social engineering designed to erase all Aboriginal characteristics from a desired White Australia’.109 Like Biskup, she used Neville’s reference to ‘whether coloured children should be encouraged back to the black’ to lend verisimilitude to her opinion.

A proposition argued by Haebich was that Neville’s increasing frustration with his

104 Peter Biskup, *Not Slaves, Not Citizens*, p.188.
106 Peter Biskup, *Not Slaves, Not Citizens*, p.188.
109 *ibid*, p.273.
inability to resolve the problems of half-castes in the south of the State led him to the extreme position of ‘biological absorption’. It is true that Neville’s frustration about resolving problems in the South-West led him toward more stringent controls on a wider group of coloured people. The 1936 amendment of the Aborigines Act 1905 introduced guardianship of quarter-castes as well as half-castes to the age of twenty-one, and not just Aboriginal children under the age of sixteen; outlawing inter-racial sexual intercourse; and denial of marriage between Aborigines or with persons of another race without the Chief Protector’s written consent. Those legislative changes invite interpretations of social engineering in public policies. It might be feasible also to discern in those policy shifts a predilection through controlled marriage toward miscegenation. Whether that means manipulating procreation among white males and coloured females to create a pale-skinned racial type, and whether these inferences together sustain a proposition that Neville ‘began to advocate the breeding out of the ‘coloured race’ altogether’ is contestable.\textsuperscript{110}

Neville certainly was aware of the declining numbers of full bloods and the disproportionate rate of increase in the number of half-castes. He enumerated them annually in the reports of his office. In his Annual Report for 1918, three years after he was appointed Chief Protector, Neville estimated the number of ‘natives within the borders of civilisation’ at 15,767 and 327 half-castes ‘not deemed to be aboriginals within the meaning of Section 3 of the Aborigines Act’.\textsuperscript{111} Seventeen years later the enumeration of half castes was 4,254, causing Neville to observe that the work of his department had changed since 1915. The half-caste question had assumed ‘formidable proportions’:

A new generation, differing from its forebears and demanding greater consideration at our hands, has attained manhood. The children of this generation are growing up lacking those essential provisions for their welfare which we failed to provide for their parents.\textsuperscript{112}

Neville also published articles describing the demographic change. In the paper he presented to the Western Australian Historical Society in June 1936 he compared the decline in the number of full bloods in the southern portion of Western Australia with their decimation in the first seventy years of Tasmania’s colonisation where ‘some 6,000 natives disappeared’.

Yet here in the South-West of our State, within an area about twice the size of Tasmania, between 1829 and 1901 (72 years) a people estimated to number 13,000 were reduced to 1,419, of whom 45 percent were half-caste.\textsuperscript{113}

\textsuperscript{110} Anna Haebich, \textit{For Their Own Good}, p.316.

\textsuperscript{111} Aborigines Department, \textit{Annual Report of the Chief Protector of Aborigines for the Year Ending 30th June, 1918}, p.3.

\textsuperscript{112} Aborigines Department, \textit{Annual Report of the Chief Protector of Aborigines for the Year Ending 30th June, 1935}, p.3.

\textsuperscript{113} A.O. Neville, ‘Relations Between Settlers and Aborigines in Western Australia’, \textit{Proceedings of The Western Australian Historical Society}, vol.20, 1936, p.46, read before the Society, June 26, 1936.
Chapter One: Literature Review

The chief difference between the two states, he said, was one of cause: wanton cruelty in Tasmania and, in Western Australia, "unfathomable causes over which we had no control".114 Some twelve years later, he attributed the demise of full bloods in the South-West to what he called "a concatenation of circumstances, a linking together of cause and effect".115 Those circumstances included the displacement of Aborigines from their traditional lands, in particular their traditional watering places; the destruction of their social systems; incursion of hostile natives from the east and north-east; random killing by white settlers; and epidemic outbreaks of introduced diseases.

Neville’s ‘concatenation of circumstances’ resonates, even if only faintly and imperfectly, with Francis Galton’s ‘Observed Order of Events’:

Population decays under conditions that cannot be charged to the presence or absence of misery, in the common sense of the word. These exist when native races disappear before the presence of the incoming white man, when after making the fullest allowances for imported disease, for brandy drinking, and other assignable causes, there is always a residuum of effect not clearly accounted for.116

While propositions of that kind might offer convenient explanations for the extinction of racial groups, in this case the demise of ‘full blood’ Aborigines in some parts of Australia, they do not advance understanding of the policies and programs pursued by Neville and others to resolve what they saw as the ‘half-caste problem’. Neither does the notion of ‘Social Darwinism’ as used by Biskup, Haebich and Anderson. The term itself is quite misleading. Darwin’s theory of natural selection described a biological process and not a social philosophy.117 It may be more instructive to consider Herbert Spencer’s philosophical propositions regarding evolution, particularly the social and political dimensions he argued, or to consider Galton’s theories of eugenics, than to make use of notions of ‘the survival of the fittest’ to explain Neville’s belief that Western Australia’s full-blooded Aborigines were a dying race.118 Spencer’s and Galton’s philosophies did relate Darwin’s theory of natural selection to the evolution of human society, but it is insecure argument to assume that Neville’s policies were founded upon such theoretical propositions.

114 ibid, p.46.
Towards Reconciliation?

After 1961, parallel strands of narrative about public policy for Aborigines emerged. The first was the continuing mainstream history of dominant white political and bureaucratic decision-makers formulating policies for and imposing programs upon Aborigines. The second was the previously unheard Indigenous history of dislocation, disaffection and reification.119 The latter was recorded in narratives told ingenuously by Indigenous peoples themselves, firstly within the counsel of their clans, but later to public audiences. Their accounts of interaction with white Australians did not necessarily follow chronological sequences familiar to Western historiography, but rather focused on events, episodes and places recollected from personal experience or recounted in stories transmitted through successive generations of oral tradition. Those narratives were not founded upon documented evidence. Neither did they always corroborate reputable dicta of mainstream history. They were nonetheless honest recollections. Their implications challenged the conventional wisdom about relations between black and white Australians.

Peter Read brought the parallel histories together and while doing so introduced a new catchphrase, ‘the stolen generations’, to the lexicon of Australian race relations. He also extended the concept of ‘breeding out the colour’ to a dimension of infamy not previously contemplated in the evaluation of public policy for Aborigines. His account of the forcible removal of Aboriginal children from their families in New South Wales, he said, was the story of ‘the attempt to ‘breed out’ the Aboriginal race…the story of attempted genocide’.120 Children were removed from their homes and families before they learned ‘Aboriginal lifeways’, to be brought up in the manners and customs of whites and ‘to behave like white people’. They were to be absorbed into the mainstream white culture and their Aboriginal identities extinguished. ‘Biological absorption’ as an explanation of the intention of public policy was transmogrified into ‘genocide’.

Read returned to the theme in subsequent publications.121 In A Rape of the Soul So Profound, published in 1999, he reiterated the propositions he first published in his 1981 pamphlet. He used the same montage of a notional Aboriginal family derived, he said, from

119 ‘reification’ – a sociological term meaning the explanation of a system of abstract concepts as though they were a unified, concrete reality. It is used, or perhaps misused, here in the sense of the reassembling devalued fragments of a distinctive Indigenous identity and reaffirming its worth within the Australian cultural milieu.

120 Peter Read, The Stolen Generations, the Removal of Aboriginal Children in New South Wales 1883 to 1969, New South Wales Department of Aboriginal Affairs, Sydney, sixth reprint, 2007, p.3. ‘Genocide does not simply mean the extermination of people by violence but may include any means at all. At the height of the policy of separating Aboriginal children from their parents the Aborigines Welfare Board meant to do just that’.

‘details taken from the case histories of a number of families’, to restate his proposition that the
the Aborigines Welfare Board of New South Wales characterised people of Indigenous descent
as a ‘positive menace to the State’ and that the solution was to make them white:

But legally, economically, and in values, Aborigines were not like whites, and
most did not want to be. Those who wanted to be were not allowed to be. When
it became obvious that Aborigines did not want them, or to be like them, the
whites resorted to force.122

That did not mean violently exterminating the race, but rather forcibly removing children from
homes and families, raising them in institutions quarantined from their Indigenous antecedents,
erasing any consciousness they might have of their Aboriginality and acculturating them into the
mainstream.

When the Human Rights and Equal Opportunity Commission reported on its inquiry
into the separation of Aboriginal and Torres Strait Islander children from their families it
endorsed Read’s proposition that the forcible relocation of children on the basis of race was
tantamount to genocide.123 The Commission gave credence to that conclusion by founding the
allegation upon a definition of genocide adopted in the 1949 United Nations Convention on the
Prevention and Punishment of the Crime of Genocide.124 The contention that the removal of
children from their families amounted to a deliberate policy to destroy the Indigenous peoples of
Australia relied upon sub-clause (e) of that definition, ‘Forcibly transferring children of the group
to another group,’ and Australia’s ratification of the Genocide Convention in 1949. Like Read,
the Commission argued that the immediate physical extermination of an ethnic or national group
was not a necessary precondition of genocide. It cited Lemkin’s definition that genocide was ‘a
coordinated plan of different actions aimed at the destruction of the essential foundations of the
life of national groups with the aim of annihilating the groups themselves’ to argue that policies
for the forcible relocation of Indigenous children so that they might be raised ignorant of their
culture could properly be labelled ‘genocidal’.125 The Commission concluded that such policy was
‘contrary to accepted legal principles’ and ‘from late 1946, constituted a crime against
humanity’.126

By retrospective application, policies pursued by Neville between 1915 and 1940 might
also be described as ‘crimes against humanity’ and be labelled ‘genocidal’. The Commission

122 Peter Read, The Stolen Generations, p.6, and A Rape of the Soul So Profound, p.53.
124 ibid, p.270, Article II, Convention on the Prevention and Punishment of Genocide, United Nations, 9 December
1948.
125 ibid, p.271.
126 ibid, p.275.
referred to Haebich’s citation from Neville’s *Australia’s Coloured Minority* to substantiate a proposition that while Neville believed he could ‘do nothing’ for the ‘full-bloods’, he could absorb the ‘half-castes’:

The native must be helped in spite of himself! Even if a measure of discipline is necessary it must be applied, but it can be applied in such a way as to appear to be gentle persuasion...the end in view will justify the means employed.  

Colin Tatz argued that acts committed with ‘intent to destroy’ do not necessarily have to be committed in ‘bad faith’ or ‘with evil intent’ to satisfy the meaning of ‘genocide’ as defined in the United Nations Convention; ‘Nowhere does the Convention implicitly rule out intent with *bona fides*, good faith, ‘for their own good or ‘in their best interests’”. If actions taken with ostensibly good intentions ultimately caused the destruction of a group, those actions are genocidal. Neville, along with Bleakley in Queensland and Cook in the Northern Territory, Tatz argued, intended ‘the disappearance of the ‘part-Aboriginal’ population’. Neville’s three-point point plan, said Tatz, was that full-bloods would die out; children of mixed blood would be removed from their mothers; and half-castes would be encouraged to marry whites. Their offspring would be non-Aboriginal. In this way, it would be possible to ‘eventually forget there ever were any Aborigines in Australia’. Tatz interpreted Neville’s intent as ‘eugenising’ the part-Aboriginal population, ‘a clearly articulated intent to commit what would come to be called genocide’. 

Chris Cuneen agreed that the intent to destroy a particular group does not require malice;

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127 ibid., p.274, quoted Anna Haebich, *For Their Own Good*, p.156. The reference was to A.O. Neville’s, *Australia’s Coloured Minority*, pp.80-81. The complete reference which Haebich and the Commission truncated was as follows:  

‘The native must be helped in spite of himself! Even if a measure of discipline is necessary it must be applied, but it can be applied in such a way as to appear to be gentle persuasion. Viscount Wavell has said that civilisation is founded upon discipline, yet the discipline we propose here is only akin to that which we usually impose upon ourselves. Let us try it for a generation or two, and we need not fear the outcome. But when I say try it, I mean that every agency now in force and to be employed for the betterment of the native people must look upon the pursuance of the accepted united policy as paramount. There must be complete and enthusiastic co-operation between those charged with its initiation and conduct without reservation, and no backsliding, changes or let-down behind Authority’s back must be permitted Political influence must be kept out. There will be difficulties and failures, but the end in view will justify the means employed – to wipe out forever an existing blot upon Australia’s escutcheon, and succeed in the ultimate elevation of a minority of our people to social equality with the majority and, what is equally important, to give them the ability to think for themselves.’

129 ibid, p.25. Tatz’ unacknowledged quote is from Neville’s presentation to the Initial Conference of Commonwealth and State Aboriginal Authorities, Canberra, April 1937, p.11. Neville posed the question, ‘Are we going to have a population of 1,000,000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget there ever were any aborigines in Australia?’

130 ibid, p.25.
'it may be misguidedly seen as “in the best interests” of the particular group.' Thus, the forcible relocation of children undertaken with the intent to destroy the half-caste population may be genocidal and ‘the beneficial intent may be irrelevant’. A proposition subsequently argued by David Markovich was that, even though governments expressed benevolent motives of improving the life chances of half-caste Aboriginal children, their actual intention of removing those children from their families was not to destroy them, but rather ‘to destroy the remaining part of the group, namely the remaining ‘full-blood’ members of the protected group’. Successive governments of Western Australia since 1875, he argued, had exhibited in legislation affecting Aborigines ‘a clear pattern of behaviour that, it is suggested, would be repeated over and over again namely benevolent motives and malevolent intentions’. As evidence of Neville’s distinction between benevolent motives and ‘the forcible means used to obtain intended results’, Markovich cited the same quotation above from *Australia’s Coloured Minority* as truncated by Haebich and repeated by the Human Rights and Equal Opportunity Commission. His proposition that policies officially described as the ‘absorption’ of half-castes by the non-Indigenous population were an application of ‘eugenic scientific theories’ was founded upon the rather tenuous comparison drawn by the Human Rights and Equal Opportunity Commission between Neville’s advocacy of ‘miscegenation’ and the ideology of racial purity ‘that emerged in Germany from eugenics’. According to Markovich, policies for the forcible relocation of Aboriginal children, the prevention of birth by miscegenation and restricted marriages established a prima facie case that their intention was to ‘accelerate the process of destruction’ of the Aboriginal group.

In 2001, Robert Manne had published in *Quadrant* a more reasoned, but not less provocative essay on the stolen generations. He acknowledged flaws in the methodology of the inquiry and the insecurity of historical assumptions in the Human Rights and Equal Opportunity Commission report, but he did not disparage it. He suggested it was best seen as ‘the first move in an attempt at understanding,’ but ‘definitely not the final word’. Like Haebich, Tatz, Cuneen, Markovich, and the Human Rights and Equal Opportunity Commission, he contended

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132 *ibid*, p.131.
134 *ibid*, p.30 of 64. The legislation in 1875 was the *Capital punishment Act 1871 Amendment Act 1875*, 39 Victoria No. 1, which at sections 2 and 3 allowed for the public execution of Aborigines.
137 *ibid*, p.242.
that Neville’s policies, and in particular the arguments he propounded at the 1937 Canberra conference, were founded upon the two beliefs that the extinction of full-blood Aborigines was inevitable and that the biological absorption of half-castes was desirable. Manne endorsed the eugenici interpretation others had placed upon the question posed by Neville, whether Australia was to have ‘a population of one million blacks’ or were they to be merged with the white community and Australia to ‘forget that there were any Aborigines in Australia? At this moment in history, said Manne, ‘genocidal thought and administrative practice touched’.\(^{138}\)

In a subsequent essay, Manne addressed what he had acknowledged in his 2001 *Quadrant* essay as a flaw in the Human Rights and Equal Opportunity report that ‘it failed to distinguish with sufficient clarity between the pre-war eugenici and post-war assimilationist chapters of child removal’.\(^{139}\) In his essay *Stolen Generations*, Manne suggested three phases in the development of policy for the relocation of half-caste children.\(^{140}\) In the first two decades of the twentieth century, the first phase of forcible removal policy was motivated, he said, by a racist but genuine assumption that permanently separating children of mixed descent from their families and communities and relocating them in institutions was in the long-term best interests of the children, ‘whatever pain and temporary grief or pain they caused’. ‘Policymakers and legislators’ regarded half-castes as a pressing social problem which could be resolved by breaking the cultural connection between half-caste children and their Aboriginal families; ‘drag the children out of the world of the native settlements and camps and prepare them for a place in

\(^{138}\) *ibid*, p.250. Neville’s question deserves consideration within the context of his complete statement: ‘An important aspect of this policy is the cost. The different states are creating institutions for the welfare of the native race, and, as a result of this policy, the native population is increasing. What is to be the limit? Are we going to have a population of 1,000,000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget that there were ever any aborigines in Australia? There are not many now, whereas not many generations ago there were a great many. ...’


the lower strata of European society’. 141 The second phase of policy, from the 1930s to the late 1960’s, was motivated by similar concerns, but the solution, ‘the policy of biological assimilation by absorption’ or ‘constructive miscegenation’, Manne characterised as being driven by advocates of the science of eugenics. In the third phase from the late 1960’s to the present, Manne suggested many Australians ‘accept that the practice of child removal was wrong,’ intimating, perhaps, that the nation had progressed towards more liberal attitudes. His optimism was qualified; ‘Many, however, also think it wrong to condemn earlier generations for their role in this policy’. 142

Manne suggested that Dr Cecil Cook in the Northern Territory and A.O. Neville were the principal proponents of ‘the eugenics program of constructive miscegenation’ whose plans ‘were not so much embraced as unresisted’ by their respective ministers. Neville, he said, had the more ambitious blueprint and ‘in 1936 he managed to convince his minister and the the West Australian parliament to pass legislation which allowed him to implement his breeding out policy’. That proposition will be tested in this thesis, but as evidence of Neville’s authoritarian style, Manne referred to his evidence before Royal Commissioner Moseley in 1934 in which he ‘informed a Royal Commission that Aborigines of mixed descent had ‘to be protected against themselves whether they like it or not’’. 143

The propositions advanced by these several authors, Read, Tatz, Cuneen, Markovich and Manne, and by the Human Rights and Equal Opportunity Commission, that policies involving the separation of Indigenous children of mixed descent from their Aboriginal antecedents and statutory authority to disallow marriages of Indigenous people or people of mixed descent on racial grounds, allegedly to prevent the ‘return to the black’ or at least to minimise the

141 ibid, pp.26-7.
142 ibid, p.35.
143 ibid, p.32. Once again, Neville’s words deserve consideration in context. Speaking of the estimated 3,000 half-castes living in the south-west of the state, Neville told Royal commissioner Moseley:

A large number of these people are not covered by existing legislation, yet they are living exactly as their forbears did. Indeed, their conditions in most respects are inferior to the conditions of the pure-blooded aborigine. They have very little in the way of education, but some of them have just enough to become defiant and unrestrained. Our difficulties as a department are, therefore, constantly increasing. They have abandoned all the good found in the tribal culture of their ancestors, except when they choose to use it as a means to an end. In the South at all events we have reached a stage where decisions must be made concerning the future welfare of those people who are at the parting of the ways. We have to decide whether we shall make them a good, law-abiding, self-respecting people, or leave them as an outcast race, rapidly increasing in number and constituting an incubus and danger to the community. These people in the South have suffered somewhat from the sympathy and pity of the community. They have been spoilt in many ways. They have suffered the good-humoured toleration of the whites, and have been allowed to live their own lives to their own detriment. Like other crossbreed races, they have a dislike of institutionalism or authority. Yet, above all things they have to be protected against themselves, and cannot be allowed to remain as they are. The sore spot must be cut out for the good of the community as well as of the patient, and probably against the will of the patient.

Moseley Royal Commission, Transcript of Evidence of A.O. Neville, 18 March 1934, p.3.
reproduction of further generations of dark-skinned people of mixed descent, were tantamount to the crime of genocide rely upon contested readings of what was intended by those accountable for them, Dr Cook and A.O. Neville. The operant clause of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide was, ‘any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such’. If the treatment of Indigenous Australians by these two Chief Protectors of Aborigines were to be established as crimes of genocide as argued, intent in both policy and practice had to be established, preferably beyond reasonable doubt, but certainly upon the balance of probabilities.

To establish Neville’s intent, malevolent or otherwise, these several authors relied upon interpretation of evidence given by Neville to the Moseley Royal Commission in 1934, his contributions to deliberations at the 1937 Conference of Commonwealth and State Aboriginal Authorities, and what he published in *Australia’s Coloured Minority*. Much of the other available documentary evidence and Neville’s other published works, which offer rich insights into what he intended and what it was possible for him to achieve, were either overlooked or not sought out. Instead, Neville’s most controversial *bon mots* were truncated or quoted selectively, recycled, subjected to value judgements not pertinent to historical time or circumstance, and re-interpreted to rationalise preconceived meanings of policy for Aborigines. Like Biskup, Haebich and Anderson above, none who proposed that Neville’s policies had a genocidal intent produced arguments founded upon factual information that his programs were directed towards ‘eugenic population control’, ‘biological absorption’, or ‘constructive miscegenation’, nor that government or any others acquiesced in such clandestine intentions. In fairness to the meaning of the public policies Neville advocated and administered, their arguments must be revisited.
When between 25 April and 8 June 1829 the Challenger, Parmelia and Sulphur sailed past Wadjemup and the mouth of Derbal Yaragan and straggled into Derbal Nara past Ngooloormayup and disembarked their passengers onto Meeandip, it is highly likely they were observed from the mainland to the north of the river by Yellogonga’s people, south of the river by Midgegooroo’s and, further south again near Gilba, by Banyowla’s people. Captain Fremantle recorded in his journal of 2 May 1829 when he crossed to Walpyalup, proceeded up Derbal Yaragan and landed on a point he referred to as ‘Heathcote’, near where Dyarlgarro joined Derbal Yaragan, his party, ‘saw and heard natives on both sides, who halloo’d to us very loud and appeared to cry out ‘Warra, Warra,’ which I supposed to mean ‘go away’.” The natives remonstrating on the right bank may have included Djar, Garb-bal, Yunjit, King-a-ma and Ki Ki from Yellogonga’s tribe, and on the left bank Yoor-gan, Yoor-boon, Boonjan, Bun-yow-ella and Jin-dee-nung from Midgegooroo’s.

Those people did not refer to themselves as Aborigines, nor as natives. Indeed, they appear to have had no equivalent words in their lexicon. They were Boora, Mooro, Bargo, Beelo, Beeliar and Murray peoples, loosely knit clans, each with its distinctive territory, but each speaking Yued, Ballardong, Whadjug, Bindjareb or Wilmen dialects. Their allegiance was to the families of Waylo, Yellogonga, Wulbabong, Munday, Midgegooroo and Banyowla, the important men of their clans.

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1 Rottnest Island. After Robert Lyon, ‘A Glance at the Manners, and Language of the Aboriginal Inhabitants of Western Australia; With a Short Vocabulary’, Perth Gazette and Western Australian Journal, March/April 1833. See also, Green, Neville, Nyungar – The People, Aboriginal Customs in the Southwest of Australia, Mount Lawley College of Advanced Education, Mt Lawley, Western Australia, 1979, pp.148-180.
2 Swan River. After Lyon.
3 Cockburn Sound. After Lyon.
4 Carnac Island. After Lyon.
5 Garden Island. After Lyon.
6 Mouth of the Murray River, Mandurah. After Lyon.
7 Fremantle. After Lyon.
8 Canning River. After Lyon.
11 As Yagan described them to Robert Lyon in 1832. Perth Gazette, 20 April 1833.
12 After Norman B.Tindale, Aboriginal Tribes of Australia.
‘Too White to be Regarded as Aborigines’

By the terms of Lieutenant-Governor Stirling’s proclamation of the Swan River Colony and ‘the Establishment of His Majesty’s Authority’, the members of these native tribes became ‘His Majesty’s Subjects’ entitled to the protection of the British laws which, ‘do herein immediately prevail’:

If any Person or Persons shall be convicted of behaving in a fraudilent (sic), cruel or felonious Manner towards the Aborigines of the Country, such Person or Persons will be liable to be prosecuted and tried for the Offence, as if the same had been committed against any other of His Majesty’s Subjects.13

Thus did Yellogonga’s, Munday’s and Midgegooroo’s people, together with all other Aborigines on the west coast of New Holland, acquire the status and protection of subjects of the British Crown. They were the ‘Aborigines of the Country’, the Indigenous inhabitants naturally belonging to the territory of Western Australia and to whom the territory naturally belonged. By virtue of British occupation they were dispossessed of their entitlement to land, became tenants of an absentee landlord, and owed allegiance to a King George with whom they had never shared, nor ever would share, the meat of their kill. That probably was the first ‘fraudilent’ act committed against them.

Contrary to the probably sincere intent of Stirling’s proclamation endowing them with protections and privileges of British law, for the Indigenous tribes colonisation meant denial not only of what Blackstone had delineated little more than half a century previously as ‘the absolute rights of every Englishman’, but also of their customary privileges inherited over aeons of tradition.14 Their first loss was their land. Tribal property rights were not personal, but, by tradition, were communal, exclusive and inalienable. However, on 2 May 1929 Captain Fremantle took formal possession of the whole of the west coast of New Holland in the name of His Britannic Majesty, King George IV, and dispossessed the native tribes.

Derbal Yaragan was re-named the Swan River and within five years all the land adjoining it deemed useful for agriculture, and more that proved useless, was conveyed as grants in fee simple to Englishmen who had invested in the Swan River Company, ‘to descend to their

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13 Lieutenant Governor Stirling’s Proclamation of the Colony, 18 June 1829, pp.1-2.
assignees or heirs forever’. Munday’s lands, called Beeloo, from the place where Derbal Yaragan and Mandoon flowed together to Moorda was granted to Governor Stirling. He renamed it ‘Woodbridge’. Weeip’s lands to the north of Munday’s were granted to Samuel Moore, George Fletcher Moore, William Brockman, William Tanner and others and renamed ‘Oakover’, ‘Millendon’, ‘Herne Hill’ and ‘Baskerville’. Yellagonga’s land between Derbal Yaragan and the coast, known as Mooro, was granted to Robert de Burgh, John Septimus Roe, Edward Barrett-Lennard, William Smithers, Captain Henry Irwin and Lieutenant Henry Bull, among others, and renamed ‘Caversham’, ‘Sandalford’, ‘St Leonards’, ‘Albion Town’, ‘Henley Park’ and ‘Belhus’.

Thereafter, Aborigines were treated as trespassers. The customary right to tribal lands was extinguished and so too were their recently bestowed English common law rights of personal security and personal liberty. Custom prohibited their retreat into lands of their tribal neighbours, but if they remained on their own lands the settlers hunted them off. They were caught between traditional lore and custom and English common law and custom. The latter prevailed.

Despite the initial unsuspecting curiosity and hospitality of Midgegooroo, Munday and Yellogonga and their people, early British settlers of the Swan River Colony regarded them with caution. Whether their anxiety derived from tales about experiences elsewhere, for example, in

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16 Helena River. Stirling’s original grant extended from the confluence of the Swan and Helena Rivers at Guildford to the Darling Ranges (Escarpment).
17 The Darling Ranges (Escarpment). After Lyon.
parts of New South Wales where Aborigines offered hostile resistance to invasion of their tribal lands, or from more basic concerns about the character and motives of the barbarous occupants of the territory, is not known. Nevertheless, the Aborigines were feared and Stirling was authorised by Royal Commission to raise a militia against them if necessary.\(^\text{18}\) Such watchfulness was not conducive of harmonious relations.

Raising the hue and cry to apprehend Aborigines for offences against colonists, but more often their property, became a recurring experience during the first fifty years of colonisation. Settlers commandeered watering places and destroyed sources of native food, bi, wakurin, Yangor, dámmalák and manyt.\(^\text{19}\) The natives in their turn stole from settlers’ storehouses and speared their livestock, pigs, sheep and cattle. Summary justice by settlers was countered by retaliation from the natives. It was an uneven, rolling contest. Every unjust act by either side met with retribution from the other, but the more lethal weapons belonged the colonists. Aborigines who refused to remove themselves peaceably from their traditional lands or who intruded upon the property rights of the new owners were declared outlaws, hunted and slain. Among them were Midgegooroo and his son Yagan. Midgegooroo was taken before Lieutenant Governor Irwin on charges of murder, and, without the exercise of either prosecution or defence, was sentenced to death. In May 1833 he was lashed to the door of the Perth Gaol and shot. In July of the same year Yagan was shot from ambush by a youth, William Keats, presumably for the £60 bounty, ‘dead or alive’, Irwin had placed upon his head.\(^\text{20}\)

Like the Indigenous tribes before the white man arrived, the colonists and the Aborigines lived as hostile neighbours.\(^\text{21}\) The occupation by each of the other’s territory nurtured an uneasy co-dependence: each needed protection from the other, and each relied upon the other for their mutual existence. Colonists found some advantage in the ‘blacks’ as occasional, but poorly reimbursed agricultural labourers, shepherds and domestic servants.\(^\text{22}\) George Fletcher Moore offered the observation:

Black servants, I find, are very serviceable in this colony; on them we must

\(^{18}\) Lieutenant Governor Stirling’s Proclamation of the Colony, 18 June, 1829, pp.3-4.

\(^{19}\) fish, waterfowl, kangaroos, parrots and cockatoos. After George Fletcher Moore, *Diary of Ten Years Eventful Life of an Early Settler in Western Australia and also a Descriptive Vocabulary of the Language of the Aborigines*, first published 1884, Facsimile edition, University of Western Australia Press, Nedlands, 1978, pp. 33-84.


\(^{21}\) An early visitor to the Colony, Baron Charles von Hugel anticipated a continuing process of retribution: The customs of this tribe require that, whenever a man or woman is killed or dies, even a newly-born infant, the whole band sets out to spear a member of the neighbouring tribe. This law appears to be aimed at maintaining ‘political’ equilibrium between their ‘states’ and is to be found so generally among all the tribes of New Holland with which the British have made contact that the death of one old man on the Swan River may perhaps lead to the death of thousands over the whole continent, until the killing stops at the other coast’. Baron Charles Von Hugel, *New Holland Journal, November 1833 - October 1834*, translated and edited by Dymphna Clark, Melbourne University Press, South Carlton, 1994. pp. 27-28. See also Bevan Carter, *Nyungar Land*, especially chapters 4-8.

\(^{22}\) George Fletcher Moore, *Diary of Ten Years Eventful Life of an Early Settler in Western Australia*, p.88.
eventually depend for labour, as we can never afford to pay English servants the high wages they expect, besides feeding them so well. The black fellows receive little more than rice—their simple diet.

Aborigines became mendicants upon the colonists, disadvantaged by their small and disconnected numbers and by their technological inferiority. After a half-century of European colonisation, traditional Aboriginal life and custom was supplanted by disaffected co-existence of white and black in the Home District of the Colony.23 Beyond the frontier of European intrusion Aborigines lived according to traditional custom and practice, untrammelled by colonisation of their lands and disruption of their cultural heritage. Within the Home District their lands and waters were excised, their sources of food and water expropriated and their customs and lore debased.

So too were their women. The colonists, even though advantaged in other respects, suffered the inconvenience of gender imbalance in their numbers. There were fewer women than men. As settlers invaded tribal lands inland and northward from the Swan River Settlement, the gender distortion increased, to the extent that in some localities expropriated by white settlers the only resident females were Aborigines.24 Hence a familiar means of intercourse among neighbours was readily negotiated, but not always welcomed by cuckolded Aboriginal men. Their hostile protestations were defied and their women taken, by force if necessary.

There is some dispute as to how readily Aboriginal men sanctioned or how willingly their women consummated the compact. Opinions of colonial observers and anthropological studies of Aboriginal marriage custom and practice might suggest behaviours conditional upon circumstance. In his recorded observations of the Aborigines of the colony in 1892, Calvert observed, ‘Wife stealing is punished with the death of the seducer, or one of his relatives’.25 Whatever the circumstance, if there were hostile protestations by displaced Aboriginal men they were defied. Men may have fought, and women may have resisted, but eventually they yielded.26

The unintended progeny of the cross-cultural congress, ‘half-castes’, were neither white nor black, generally not acknowledged by their white progenitors, nor initiated into their tribes. White and black lore separately rejected them as bastard products of ‘wrong way’ relationships. A House of Commons Select Committee on Aborigines depicted them as products of iniquity and

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23 Report of the Commission into the General Condition of the Aboriginal Race of the Colony (John Forrest, Chairman), 11 September 1884, described the Home District as the area ‘bounded on the North by the Murchison River, on the East by a line parallel to the coast and 60 to 100 miles from it, and on the South and West by the Sea, a great part of which has been occupied nearly fifty years.

24 Emma Withnell, who with her husband John, established Mt Welcome Station near Roebourne in 1864, was the first white woman to settle in the North-West. See, Daphne Popham, (ed.), Reflections: Profiles of 130 Women Who Helped Make Western Australian History, Carroll’s Pty Ltd Perth, 1978, pp.24-27.


26 Julian Huxley, A.C. Haddon, A.M. Carr-Saunders: We Europeans, Penguin Books, Hammondsworth, 1939: ‘Different ethnic groups when they come in contact will often fight but they will invariably interbreed.’
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expressed hopelessness about compensating for ‘the evil association’ colonists had inflicted upon the natives:

But even hopelessness of making reparation for what we have inflicted would not in any way lessen our obligation to stop, for as in us lies, the continuance of iniquity. ‘The evil’ said Mr Coates, ‘resulting from immoral intercourse between Europeans and Aborigines is so enormous it appears to my mind a moral obligation on the local Government to take any practicable measure in order to put an end to it’. 27

Putting an end to that mischief proved to be an enduring challenge for three Chief Protectors of Aborigines, Henry Prinsep, Charles Gale and Auber Octavius Neville, and its consequences a major pre-occupation of legislative action and the management of Aboriginal affairs for the greater part of the twentieth century.

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27 Report of the Select Committee on Aborigines, 1837, p. 12.