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 Two

WHO IS AN ABORIGINE?
Legislative antecedents of policy for Aborigines

Early colonial legislation did not define who was an Aborigine. That was a self-evident monochromatic distinction of skin colour: Aborigines were black natives of the territory and white Europeans were the colonisers. Later legislation for the protection of Aborigines made different distinctions. Laws regulating the employment of Aborigines, protecting Aboriginal women from exploitation as sexual chattels, and for fair treatment of Aborigines in the justice system, described how Aborigines were to be treated differently from others. Consequently, it became necessary to decide at law who was an Aborigine. The black native – white coloniser dichotomy no longer was adequate. Definitions of Aboriginality that were revised progressively during the period considered in this thesis incorporated matrilineal descent, notions of blood quantum, habituation and cohort relationships to distinguish among Aborigines and non-Aborigines of Aboriginal descent. At each stage, the definition of who was an Aborigine was made more inclusive of people of mixed racial heritage. It was a process of exclusion by inclusion. With each change, more people of mixed descent were brought within the ambit of protective laws and excluded from legal protections which otherwise would have been theirs by common law right.

If their European rather than their Indigenous genealogy had been acknowledged in the relevant statutes, Aborigines might have had different opportunities. As Aborigines they were progressively denied rights to choose or to leave, at their own decision, their places of work; to move unhindered though any public locality; to choose their places of residence; to consume alcoholic beverages; to be educated in state schools; and to marry or to have sexual relations with partners of their choice. Common law rights gradually were extinguished for Aborigines and substituted with legal strictures intended, ostensibly at least, to protect and preserve their race.

This chapter will trace changes in how and upon whom the denomination ‘Aborigine’ was conferred during the colonial period and the early twentieth century up to and including the passage of the Aborigines Act Amendment Act 1911. The decision about who was an Aborigine was a legal construct modified by legislation and legal opinion from time to time to include some persons of Indigenous descent, but not all. Inconsistencies and inadequacies in the definition...
Aboriginal Men, Carrolup, c.1917. J.S. Battye Library, A.O. Neville Pictorial Collection, 67047P.
decided in 1886 were addressed by legislative action in 1905 and again 1911, but while each amendment included more people as Aborigines, each also contained its own anomalies. At every stage the legal interpretation of who was an Aborigine proved deficient.

The starting point of this examination of the legislative concept of Aborigine is the Report from the Select Committee on Aborigines (British Settlements), presented to the House of Commons in June 1837. The select committee depicted Aborigines in colonies, ‘on the eastern, western and southern shores of New Holland’ as ‘probably the least instructed part of the human race in all parts of social life’ who lacked ‘even the rudest form of civil polity’ and whose claims to land, ‘whether as sovereigns or proprietors of the soil’, had been disregarded. Their land was taken from them ‘without the assertion of any other title than that of superior force’. The committee proposed that as Crown subjects Aborigines were entitled to protection by the Crown of their rights to life and property. It will be argued here that those sentiments were at odds with the more pragmatic stance of some influential colonials unsympathetic to the human conditions of Aborigines. Nevertheless, commitments to the protection of Aborigines were translated into colonial and, later, state laws. It became increasingly necessary, therefore, to establish at law who was an Aborigine.

**The Select Committee on Aborigines, 1837**

British legislative authority prevailed in Western Australia from the proclamation of the Swan River Colony in June 1829 until the proclamation of the new constitution in 1890. As the instrument of policy regarding Aborigines, it persisted for a further fifteen years until passage of the Aborigines Act 1905 when the Imperial Government surrendered its reserve power over Aboriginal affairs. For much of that time policy for Aborigines in the Australian colonies reflected recommendations of the House of Commons select committee appointed in 1835 to consider measures necessary to protect the rights of ‘Native inhabitants of Countries where British settlements are made’ and to bring them to civilisation and Christianity. A first report was tabled in February 1836 and the second and final report in February 1837. The House of Commons adopted them and their recommendations became tenets of British colonial policy for the remainder of the nineteenth century.

The members of the committee included some of the most ardent domestic reformists

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1 Report for the Select Committee on Aborigines, 1837, p.82.
2 In matters of international relations, British authority prevailed until the passage of the Statute of Westminster in 1932. Other statutes and common law prevailed until expressly repealed or replaced by relevant state and, after 1901, Commonwealth laws.
3 Report from the Select Committee on Aborigines (British Settlements) Together with Minutes of Evidence, Ordered by the House of Commons to be printed, 5 August 1836. Reports and papers; v. 438, Paper No. 538.
and advocates against slavery in the House of Commons and their recommendations echoed the evangelical ideals of the Anti-Slavery Society. Several of the principal witnesses before the committee were Anglican or Protestant clergy in or recently returned from colonial service in the Americas, Africa and New South Wales. Their most appealing sentiments and persuasive opinions were mirrored in the select committee’s reports, even to the extent that principal witnesses from three missionary societies, Mr Coates, Secretary of the Church Mission Society, Mr Beecham, Secretary of the Wesleyan Missionary Society, and Rev. W. Ellis, Secretary of the of the London Missionary Society, not only gave evidence which was cited at length at different places in the report, but also were recalled to the committee to record their concurrence with its findings.

Three propositions and their attendant recommendations pressed by the committee are pertinent to this thesis. The first was a conviction that Britain, and all British subjects, had a duty to treat the natives of colonised lands with compassionate protection, ‘to do to the inhabitants of other lands, whether enlightened or not, as we should in similar circumstances desire to be done by’. That extended to acknowledging the incontrovertible right of natives to their own soil, ‘a plain and sacred right’, which the Committee observed ‘seems not to have been understood’ in the colonies. Colonists acknowledged it, the committee suggested, only in the abstract and disregarded it in material fact. They assumed proprietorial rights over lands they occupied and punished as aggressors any natives disposed to live in their own country, ‘driven back into the interior as if they were dogs or kangaroos’.

The second proposition gave authoritative voice to a then popularly-held presumption that when a superior peoples colonised territories inhabited by lesser peoples, or ‘savages’, the native inhabitants inevitably passed into decline or were absorbed by the invaders. Some thirty-five years previously, Malthus had essayed that émigrés who invaded territories exterminated those who opposed them. He posited the ‘prodigious waste of human life occasioned by this perpetual struggle for room and food’ as an unavoidable principle of population.

The select committee was similarly fatalistic in its opinion of the future of Aborigines in the colonised territories. The evidence it reported suggested that, by usurping tribal lands and

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5 *ibid*, p.3.
6 *ibid*, p.5.
7 *ibid*, p.6.
denying natives access to their traditional homelands and sources of food and water ‘whereby we have despoiled them of their means of existence,’ European colonisers contributed to the demise of natives.\textsuperscript{10} The tendency was particularly evident in the Australian colonies. Witnesses before the committee suggested that wherever Aborigines met with Europeans they became demoralised, their numbers diminished and, inevitably, they died out. Archdeacon Broughton, for example, observed that ‘they do not so much retire as decay…they appear actually to vanish from the face of the earth.’\textsuperscript{11} Dr Lang, minister of the Scotch Church in New South Wales, wrote in his submission that the number of Aborigines was ‘evidently and rapidly diminishing in all the older settlements of the colony’ and that Aborigines in the vicinity of Sydney ‘present merely a shadow of what were once numerous tribes.’\textsuperscript{12}

The third proposition was inspired by an evangelical hope that if Christian morality could be revived in colonial governance and inculcated among Aborigines their extinction might be avoided. If Aborigines could be civilised, behave morally and be treated justly, practice sobriety, be educated and be brought voluntarily to Christianity, they might be redeemed and their racial integrity preserved. To achieve these things, the committee recommended that an office of Protector of Aborigines be established. It observed that in New South Wales the sale of land, which previously had been ‘the undisputed property of the Aborigines’, yielded 1,000,000 shillings in a single year. It suggested that a sufficient portion of those revenues should be allocated to educating and civilising Aborigines.\textsuperscript{13} Missionaries should continue their vocation of instructing the Aborigines and Protectors should be appointed ‘whose duty it shall be to defend them’.\textsuperscript{14} They were to advance the education of Aboriginal youth, but the portion of land revenue allocated for Aboriginal education was to be given to the charge of the clergy.

These three propositions were adopted by the House of Commons as principles of British colonial policy and subsequently were translated into Western Australian colonial law. The legal standing of Indigenous Australians changed. Whereas previously they had been referred to in generic terms as ‘natives’ or ‘savages’, now they became distinctive entities for purposes of law. They were Aborigines whom the Crown directed must be managed and protected. It was necessary, therefore, to define them and identify who was an Aborigine at law and, by exclusion, who was not.

\textsuperscript{10} ibid, p.6.
\textsuperscript{11} ibid, p.10. See also, Report from the Select Committee on Aborigines (British Settlements), evidence of Archdeacon Broughton, 3 August 1835, p.17.
\textsuperscript{12} ibid, p.11.
\textsuperscript{13} ibid, p.83.
\textsuperscript{14} ibid, p.83.
Definition by Exclusion

Nowhere in its report did the select committee describe who was an Aborigine. Who they were was not an abstraction that required any legal construction; they were a tangible presence in the colonies. The committee’s reports assumed the same settler-native dichotomy as did Stirling’s proclamation of the Swan River Colony. That was axiomatic: the natives were the incumbents of the territory at the time of colonisation distinguishable by, if nothing else, the colour of their skin and their lack of civilised arts. Pairing between colonists and the colonised had not produced a sufficiently large racial amalgam to render further classification necessary. The select committee condemned half-caste children as manifestations of an immorality which it urged must be stamped out, but half-castes were not acknowledged in West Australian colonial laws until 1886.15

Early colonial laws did not define who was an Aborigine. In 1844, Governor Hutt enacted a law to prevent ‘Girls of the Aboriginal Race’ from being enticed away from school, but did not identify them other than by reference to ‘any girl of the aboriginal race’.16 Other laws focused on the punishment of Aboriginal offenders and conditions under which Aborigines might be employed, but did not say who they were.17 For example, a Bill ‘to enable the Magistrates to receive the Evidence of the Aborigines of Western Australia’ submitted by Governor Hutt for consideration by the Colonial Secretary in 1839 merely referred to ‘the aboriginal inhabitants of the territory’.18 Who they were apparently was assumed by Hutt to be self-evident. Similarly, The Masters and Servants Act 1842 did not discriminate between Aborigines and non-Aborigines. All servants were liable to severe fines or imprisonment for breaches such as refusing or neglecting to work diligently or carefully or being absent ‘from lawful and usual service’.19 Punishment of Aborigines was nearly always by imprisonment and Governor Broome acknowledged that the Act was ‘manifestly ill-adapted to aboriginal natives in a savage or semi-civilised state’.20 However, even when the Act was amended in 1847 to introduce a requirement

15 ibid, pp.11-12.
16 An Act to prevent the enticing away of Girls of the Aboriginal race from School, or from any Service in which they are employed, assented 10 August 1844.
17 For example, An Act to constitute the Island of Rattray a Legal Prison, 1841; An Act to allow Aboriginal Natives to give information and evidence without the sanction of an oath, 1841; Aboriginal Offenders Act, 1849 (‘The Whipping Act’).
18 Copies of Extracts from Despatches from the Governors of the Australian Colonies, with Reports of the Protectors of Aborigines, and any other Correspondence to illustrate the condition of the Aboriginal Population. From the Date of the last papers laid before Parliament. (Papers ordered by the House of Commons to be printed, 12 August 1839, No 256); Ordered by the House of Commons to be printed, 9 August 1844, no.43, Copy of a Despatch from Governor Hutt to Lord Glenelg, Perth, Western Australia, 3 May 1839, Enclosure No. 1, ‘Draft of a proposed Bill to enable the Magistrates to receive the Evidence of the Aborigines of Western Australia in certain cases’, p.366.
19 ibid, Preamble s.1.
20 Papers Respecting the Treatment of Aboriginal Natives in Western Australia, Legislative Council, Western Australia, ‘Correspondence with the Bishop of Sydney respecting the treatment of Aboriginal Natives’, F. Napier Broome to the Right. Hon. Edward Stanhope, M.P., 28 August 1886, Paper No. 208, p.63.
for written contracts to protect Aborigines engaged in ‘the whale or other fisheries of or belonging to this Colony’, the ordinance made no specific reference to them nor did it offer any interpretation of whom they might be. Colonial law-makers still regarded that as axiomatic.

The first preferential distinction between Aborigines and others in employment was made in 1873. Claims of kidnapping and blackbirding of Aborigines, of forced labour and of Aboriginal concubines being kept aboard pearlling vessels, led in 1871 to an Act to regulate the employment of Aboriginal natives in the pearl shell fishery, ‘and to prohibit the employment of Women therein’. That act was short-lived. It was repealed by *The Pearl Shell Fishery Regulation Act 1873*. Pearl fishing went from being an unregulated industry to one where Justices of the Peace, Police Officers or ‘persons duly appointed in that behalf by the Governor’ had oversight of the employment of Aborigines, including summary authority to board and search any vessel engaged in the pearl industry to observe how natives were employed and treated. ‘Aboriginal natives’ still were not defined, but provisions of the Act applied specifically to natives employed in the pearl shell fishery and any other industry ‘which shall necessitate the removal and conveyance of such aboriginal natives by sea to the scene of such industry’.

*The Aborigines Protection Act 1886* extended the industrial provisions of *The Pearl Shell Fishery Regulation Act* to any service or employment of Aborigines and provided the first legislative interpretation of who was an Aborigine. Section 45 of the Act deemed ‘every Aboriginal Native of Australia, and every Aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with Aboriginals’ to be an Aborigine. The Act answered the question of who was an Aborigine with a conundrum; Aborigines were Aborigines or their first-cross children and grandchildren who lived as Aborigines.

The Act represented the first attempt to provide a legislative framework for the protection of Aborigines, and acknowledged for the first time in Western Australian law the emergence of a new group of Aborigines, the ‘half-castes’. Half-castes and their children who did not live as Aborigines were not Aborigines for the purposes of the Act. That did not mean necessarily that half-castes who lived according to the manners and customs of Europeans were to be treated as Europeans according to other laws. It merely meant they were excluded from any protections or obligations under the *Aborigines Protection Act*. If they associated or lived with

21 *An Ordinance to provide a Summary remedy for Breaches of Contract connected with the Fisheries of the Colony*, 10 Victoria, No 16, 2 September 1847.
22 *An Act to regulate the hiring and service of Aboriginal natives employed in the Pearl Shell Fishery; and to prohibit the employment of Women therein*, 1871. ‘Blackbirding’ was the practice of capturing natives and detaining them in forced labour. It was widely practiced in the Solomon Islands where islanders were captured and transported to Queensland to work on sugar plantations.
23 *The Pearl Shell Fishery Regulation Act 1878*, 37 Victoria, No 11, s.13.
24 *ibid*, s.45.
25 The term ‘half-caste’ was not defined in the Act, but was assumed to mean persons born of an Aboriginal parent on either side and their children, provided that both parents of the second generation were half-castes.
Aborigines, they were deemed to be Aborigines. Previously, children, half-caste or otherwise, who bore physical characteristics of Aboriginality such as skin colour, facial features, and hair texture were regarded as Aborigines. Following the passage of the Act, lineage, habitation and association became legal indicators of Aboriginality. An Aborigine was a person who looked like and lived like an Aborigine. Even if hybrid characteristics such as straight nose, honey-coloured skin and straight fair or auburn hair, distinguished children from their habitual associates, provided that they lived with and as Aborigines, they were for the purposes of the Act, Aborigines. That definition created its own inconsistencies.

**Definition by Inclusion**

The *Aborigines Act 1905* attempted to address those inconsistencies, but in so doing introduced its own. The principle stated in the long title of the 1905 Act shifted the focus from the ‘better protection and management of the Aboriginal Natives of Western Australia’ of the *Aborigines Protection Act 1886*, to the ‘better protection and care of the Aboriginal inhabitants of Western Australia’.\(^{26}\) When he introduced the Bill, the Minister for Commerce and Labour, Hon. John Hicks, represented it as, ‘promoting the welfare of the natives, for providing him with all medical comforts, for creating a condition that will prevent his extinction, and for providing for the education, etc., of the natives’.\(^{27}\)

Those provisions already were in place under the 1886 Act. The new provisions were the more instructive. Reserves were to be laid aside, ‘so that natives can be put on them and kept out of communication with whites’;\(^{28}\) no native was to carry a gun, and no one was allowed to sell a gun to a native, unless the native was licensed;\(^{29}\) and a new permit system for the employment of Aborigines was introduced so that, ‘before anyone will be allowed to employ natives he will need to receive permission to do so; in that way we shall be enabled to cut out undesirables from employing natives’.\(^{30}\) Agreements between employers and employees were made optional. The general thrust of the Act was toward segregating Aborigines from whites and prohibiting Aborigines from enjoying the freedoms ordinarily enjoyed by citizens of Western Australia. Nearly every aspect of their lives was to be directed by a Protector rather than by the common law right of self-will.

\(^{26}\) Ibid, Long Title, ‘An Act to make provision for the better protection and care of the Aboriginal inhabitants of Western Australia.’

\(^{27}\) Parliamentary Debates, Legislative Assembly, 12 December 1905, p.306.

\(^{28}\) Ibid, p.307, Aborigines Act 1905, s. 12.

\(^{29}\) Ibid, p.307, Aborigines Act 1905, s. 47.

A Chief Protector of Aborigines with extensive statutory powers to manage the lives of Aborigines was to be appointed by the Governor. All Aboriginal and half-caste children under the age of 16 were made wards of the Chief Protector.\footnote{31} Children could be sent to and detained in Aboriginal institutions, industrial schools or orphanages.\footnote{32} At the decision of the Chief Protector, adults and children could be removed from their homelands, sent to reserves distant from their ‘country’ and kept there. Any person who refused to be removed or who left a reserve without permission was liable to imprisonment for six months.\footnote{33} It was an offence for any person other than an Aboriginal to enter a reserve without lawful authority. If they caused, assisted, enticed, or persuaded an Aboriginal to leave a reserve, they were liable to imprisonment for six months.\footnote{34} Aborigines could be employed only with a Protector’s permission or agreement.\footnote{35} If they refused to work, neglected their work or left their place of work without their employer’s permission, again they were liable to six months’ imprisonment,\footnote{36} although employers were obliged to grant Aborigines leave of absence for not less than fourteen days if their contract was for three to six months, and not less than thirty days if the contract exceeded six months.\footnote{37} Any municipal district or town could be declared a place where it was unlawful for Aborigines or half-castes not in lawful employment to be or remain.\footnote{38} Every Aboriginal or half-caste who entered or was found in a declared area committed an offence.\footnote{39}

The Act formalised the first legal restraints in Western Australia upon interbreeding of Aborigines and non-Aborigines. It was defective, largely because of social sensibilities about differentiating between cohabitation and sexual intercourse as the agency of conception. Three provisions in the Bill were intended to discourage, or at least manage, interbreeding. First, fathers were liable to contribute to the support of their half-caste children;\footnote{40} second, no marriages of Aboriginal females to other than Aboriginal males could be celebrated without the permission of the Chief Protector of Aborigines;\footnote{41} and third, it was unlawful for a non-Aboriginal person to habitually live with an Aboriginal female, and ‘every male person other than an aboriginal who cohabits with any female aboriginal, not being his wife, shall be guilty of an offence against this

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\footnote{31}{The Aborigines Act 1905, s. 8.}
\footnote{32}{ibid, s.60.}
\footnote{33}{ibid, s.12.}
\footnote{34}{ibid, s.51.}
\footnote{35}{ibid, s.17.}
\footnote{36}{ibid, s.25.}
\footnote{37}{ibid, s.30.}
\footnote{38}{ibid, s.39.}
\footnote{39}{ibid, s.40.}
\footnote{40}{ibid, s.34.}
\footnote{41}{ibid, s.42.}
‘Too White to be Regarded as Aborigines’

Act’.\(^\text{42}\) Offences against the Act were punishable by imprisonment, with or without hard labour, for periods not exceeding six months, or a fine not exceeding £50.

Half-castes were defined twice in the *Aborigines Act 1905*. Aboriginal inhabitants of Australia, that is Indigenous people of the full blood, retained their natural status as Aborigines at law. Under Section 2, half-castes were defined as the offspring of an Aboriginal mother and a non-Aboriginal father. Under conditions specified in section 3 they could be deemed Aborigines for the purposes of the Act. Half-castes over the age of 16 who lived with an Aborigine as husband or wife, or who otherwise habitually lived or associated with Aborigines, were deemed to be Aborigines.\(^\text{43}\) For the purposes of section 3, a ‘half-caste’ included any person born of an Aboriginal parent on either side, and the child of any such person.\(^\text{44}\) They might not be Aborigines for purposes of other laws, but if they met the provisions of section 3 of the *Aborigines Act* they were subject to its protections and its obligations.

The notion of mixed blood inherent in the definition of Aborigine in Section 2 relied upon matrilineal descent. A ‘half-caste’ born of an Aboriginal mother and a non-Aboriginal father had one-half Aboriginal ancestral inheritance and was an Aborigine, but another born of an Aboriginal father and a non-Aboriginal mother was not. A quarter-caste or ‘quadroon’ had one-quarter Aboriginal ancestral inheritance, or had only one Aboriginal antecedent over two generations who, by extension of the meaning given in Section 2 of the Act, was the Aboriginal maternal grandmother. For the purposes of the Act, quadroons were not Aborigines and were assumed to have the same legal privileges as if they were white, but might be deemed Aborigines under section 3 as children of half-castes. Other than where specified, the Act did not distinguish between full blood and half-caste Aborigines caught by its provisions. They were Aborigines at law and at law were treated the same. There were, however, differences in how they were regarded in policy and practice.

None of the uncertainties about the legal construct of ‘half-caste’ thrown up by the 1886 Act were resolved. The status of children of half-caste parents deemed to be Aborigines under Section 3 of the 1905 Act caused consternation for the Chief Protector. Their full blood maternal antecedents were a generation removed. Since by section 2 a half-caste was the child of an Aboriginal mother and a non-Aboriginal father, if under section 3 a half-caste mother were deemed to be an Aborigine, what was the standing of her children born of a non-Aboriginal father? Were they quarter-castes and therefore exempt from the Act or were they, along with their mother, deemed under section 3 to be Aborigines?

Questions of these kinds were referred to the Crown Solicitor for advice. For example, in

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\(^{42}\) *ibid*, s.43.

\(^{43}\) *ibid*, s.3.

\(^{44}\) *ibid*, s.2.
1915 he was asked whether the daughter over 16 of a half-caste man and a full blooded Aboriginal woman who were living together as man and wife was a ‘half-caste’ within the meaning of section 2 of the Aborigines Act 1905. The Crown Solicitor’s advice is instructive:

I assume that the girl is not living with an aboriginal and does not habitually live with or associate with other aborigines. A half-caste is defined as the offspring of an aboriginal mother and other than an aboriginal father; but does not include a person deemed to be an aboriginal under section 3. Now it is quite clear that the father is deemed to be an aboriginal under section 3. The question therefore is whether the daughter being the offspring of a woman who is in fact an aboriginal and a father who is deemed to be an aboriginal is herself considered to be an aboriginal. In my opinion she is not. Section 3 says that certain persons who are not aboriginal shall be deemed to be so. The object of that provision is to render such persons subject to the provisions of the Act as if they were aboriginals. It is intended to affect the status of those persons only, and not their offspring. This is made clear if one considers that the artificial status created by this section is merely temporary and ceases to exist when the conditions on which it depends come to an end.45

In this instance the Crown Solicitor advised that the Chief Protector had no lawful authority over the child. In other instances, the ancestral heritage of children, while probably known and understood in Aboriginal communities, was uncertain for the purposes of the Aborigines Act. If the Chief Protector wished to take any action against any Aboriginal half-caste child, he was obliged to have the ancestral heritage of that child investigated. If a child’s ancestry did not meet the requirements of the Act, the Chief Protector’s authority did not apply.

**Protection through Segregation**

Tension emerged early between the Colonial Office and colonial administrators over the protection of Aborigines urged by the select committee. When in 1837 the House of Commons accepted the committee’s protestation that ‘we are at least bound to do to the inhabitants of other lands, whether enlightened or not, as we should in similar circumstances desire to be done by’, relations between Aborigines and settlers in the Swan River Colony were fractious. Practical considerations disposed the colonists to more pragmatic attitudes. Colonists preoccupied with guarding against the resentment of the Indigenous inhabitants towards invasion of their lands and fending off their occasional and unpredictable belligerence were little inclined towards benevolence.

Nevertheless, the Imperial Government accepted and responded promptly to the select...
committee’s recommendations. In July 1839 two Protectors were appointed to the Swan River Colony and Governor Hutt, who had been appointed shortly after the select committee’s report was presented and professed an early determination to follow its recommendations, assigned them to Perth and York respectively. In framing the Protectors’ instructions, Hutt took as his guide ‘the suggestions contained in the Report of the Select Committee of the House of Commons on Aboriginal tribes’.46 Successive colonial governors after him did not pursue with similar enthusiasm the select committee’s advice. The welfare of Indigenous peoples increasingly was regarded as a religious rather than a secular concern.47

The select committee had anticipated that eventuality. It assumed that while the Imperial Government would commit itself to ‘the duty of acting upon the principles of justice and humanity in the intercourse and relations of this country with the native inhabitants of its colonial settlements’, colonial governments might not.48 With that in mind, the committee urged that the protection of natives should repose with the Executive Government: ‘This is not a trust which could conveniently be confided to the local legislature’.49 Aborigines should be withdrawn from the control of colonials and legislation affecting them should be vested in the Governor, and through him the Colonial Secretary; ‘no such law shall take effect until it has been expressly sanctioned by the Queen’.50

Thus the Royal Prerogative was imposed upon legislation respecting Aborigines in Western Australia. It was entrenched in section 70 of the Constitution Act 1889, the only state constitution in which that reserve power was incorporated, and remained there until 1905. That action secured the nexus between the principles for the treatment of Aborigines advocated by the select committee in 1837, the obligations they urged upon the British Crown to protect the native subjects of Her colonies, and legislative actions that gave substance to those obligations in the governance of the colony. It caused ruction shortly after the colony was granted self-government in 1890.

The Colonial Office also had affirmed the nexus between the select committee principles and colonial administration in 1850 during Governor Fitzgerald’s term. A direct initiative of the Secretary of State for the Colonies, Earl Grey, ensured that Aborigines retained their traditional rights on what were then designated Class B, or waste lands, of the colony. At Grey’s insistence a provision that no pastoral lease should ‘preclude natives from seeking their subsistence over the

46. Copies of Extracts from Despatches from the Governors of the Australian Colonies, 1844, no.6, Copy of a Despatch from Governor Hutt to the Marquis of Normanby, 11 Feb 1840, 371-373.
47. Paul Hasluck, Black Australians, offers a useful overview of the work of Anglican, Catholic and Methodist clergy and missionaries for the care and education of Aborigines in the period to 1886.
48. Report from the Select Committee on Aborigines, 1837, Address of the House of Commons to the King, July 1834, cited at p. 4.
49. Report from the Select Committee on Aborigines, 1837, p.77.
50. Ibid, p.77.
run in the accustomed manner’ was inserted into Orders in Council for the leasing of crown lands gazetted on 17 December 1850.\textsuperscript{51} That action was entirely consistent with the presumption of the select committee that ‘the native inhabitants of any land have incontrovertible right to their own soil’.\textsuperscript{52} Its significance may not have been appreciated at the time; it achieved more than any of the recommendations of the select committee to protect Aborigines and preserve their culture. Pastoral lands were not alienated, native title rights endured and pastoralists and Aborigines coexisted on the land.\textsuperscript{53} That was reaffirmed in the \textit{Land Act 1898} and again in the \textit{Land Act 1933} and the \textit{Land Administration Act 1997}.\textsuperscript{54}

Dissonance between the sentiments of the Colonial office towards protecting Aborigines and pragmatic self-interests of settlers, especially pastoralists influential in the Legislative Council, was evident in the adoption of \textit{The Aborigines Protection Act 1886}. The number of Aborigines for whom the government was obliged to provide food, care and medical treatment increased as settlers extended the frontier. In August 1883 Governor Broome advised the Colonial Secretary, the Earl of Derby, that the matter ‘is now seriously forced upon notice’.\textsuperscript{55} Churches were anxious to establish missions in the north, but no action had been taken. Broome advised that the Government ‘has not yet done much’ for Aborigines in the north, but observed that ‘many of the sheep stations could not be worked without black labour’.\textsuperscript{56}

The Governor also was confronted by other pressing considerations. Thirty-seven Aboriginal prisoners among the 192 incarcerated on Rottnest Island had died in an epidemic of influenza. Broome doubted that Aborigines from the Northern Districts should be brought so far south as Rottnest, ‘at all events in winter time’. Settlers also were agitating that Aboriginal prisoners be made to work on roads of districts in which their crimes were committed.\textsuperscript{57} These

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\textsuperscript{52} Report from the Select Committee on Aborigines, 1837, p.5.
\textsuperscript{53} The full significance probably was not realised until the High Court ruled in the Wik judgment of 1996 that the rights of exclusive possession conferred upon the grantee of a pastoral lease did not necessarily extinguish all incidents of native title or possessory title of any traditional owners of the land. High Court of Australia, Matter No B8 of 1996, ‘The Wik Peoples and the State of Queensland and Others’, 23 December 1996.
\textsuperscript{54} Land Act 1898, 62 Victoria, no.37, Twenty-fourth Schedule, Form of Pastoral Lease: ‘and full right to the Aboriginal natives of said Colony at all times to enter upon any unenclosed or closed, but otherwise unimproved part of the said demised Premises for the purpose of seeking their subsistence therefrom in their accustomed manner’. That was reaffirmed in the Land Act 1933, and the Land Administration Act 1997 at s.104: ‘Aboriginal persons may at all times enter upon any unenclosed and unimproved parts of the land under a pastoral lease to seek their sustenance in the accustomed manner’.
\textsuperscript{55} Papers Respecting the Treatment of Aboriginal Natives in Western Australia, Despatch No. 65, F. Napier Broome to The Right Honourable Earl of Derby, ‘Outbreak of Influenza at Rottnest Island Prison’, 30 August 1883, p.1.
\textsuperscript{56} \textit{ibid}, p.2.
\textsuperscript{57} \textit{ibid}, pp.1-2.
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matters motivated Broome to appoint a Commission of Inquiry chaired by Sir John Forrest and comprised of members of the Legislative Council, the Chief Justice, the Comptroller of Convicts and the Colonial Surgeon.\textsuperscript{59} Broome’s instruction to them emphasised they should advise upon the safe custody, treatment and employment of native prisoners in the colony, ‘and particularly at the native prison on Rottnest Island’. Their inquiry into welfare matters was confined to the medical and poor relief ‘of sick and infirm Aboriginal natives at different towns and seats of Magistracy’. The question put to the Commissioners did not invite them to evaluate need or the effectiveness of poor relief, but rather how it might be managed more efficiently and at what cost.\textsuperscript{59}

The Commissioners reported in September 1884. Their recommendations formed the basis of The Aborigines Protection Act 1886. Among other matters, they advised that government had a duty to see that ‘the natives be kindly treated’ and recommended the appointment of a Board ‘for the management of all matters connected with the Aboriginals, and to which all moneys to be expended on them should be entrusted’.\textsuperscript{60} Resident Magistrates were to be made Native Protectors and funds were to be placed at their disposal to assist ‘when natives were ill or in want’.

Aborigines incapable of employment or unable to maintain themselves in their traditional manner, the poor and needy treated by the Government as paupers, perplexed the Commissioners. They regarded such indigent natives of incapable of change: ‘We are met at the outset with a difficulty that threatens to thwart any scheme that may be devised of assisting these people’.\textsuperscript{61} The difficulty was the assumed unwillingness of the Aborigines to change, the inevitable consequence of which being their extinction. Fifty years of settlement had seen a marked decline in their numbers. The Commissioners feared, ‘this will continue, and that the forces that have been at work in the past will in like manner work in the future’.\textsuperscript{62} The conviction persisted that Aborigines were a dying race. In those terms the Board proposed by the Commissioners would have little more responsibility than palliative care.

\textsuperscript{58} The members of the Commission were Sir John Forrest (Chairman), Hon. Edward Albert Stone, Judge of the Supreme Court, George Shenton MLC, Maitland Brown MLC, William Edward Marmion MLC, John Frederick Stone, Comptroller of Convicts, and A.R. Waylen, Colonial Surgeon. Hereinafter the Commission will be referred to as the Forrest Commission.

\textsuperscript{59} Papers Respecting the Treatment of Aboriginal Natives in Western Australia, 1886, dispatch No. 194, F. Napier Broome to the Earl Of Derby, ‘Transmitting the report of the Native Commission’, 28 October 1884; Commission, Malcolm Fraser, Colonial Secretary, ‘And to inquire into the existing method of medical and poor relief of sick and infirm natives at different towns and seats of Magistracy, to consider communications received from Magistrates or others on this subject and to suggest any improvement or extension of the system now pursued which may seem necessary, stating the cost of any proposal made’, p.7.

\textsuperscript{60} Papers Respecting the Treatment of Aboriginal Natives in Western Australia, Despatch No. 194, F. Napier Broome to the Earl of Derby, ‘Transmitting the Report of the Native Commission’, 28 October 1884, p.8.

\textsuperscript{61} \textit{ibid}, p.8.

\textsuperscript{62} \textit{ibid}, p.12.
Blaming Aborigines for their condition was a recurring theme. It extended as far as finding cause within the Aborigines themselves for the decline in their numbers. The Forrest Commission offered the fatalistic opinion that ‘whatever is done, it appears to be an impossibility to avert this downward course’. Aborigines were a vagrant race, ‘a race of hunters’ who had ‘a great dislike to remain long in one place, or to live in any habitations than the rude huts to which they have become accustomed’. In short, Aborigines were disinclined to rise above their nomadic subsistence custom. Even so, the Commissioners reaffirmed that, ‘Their usefulness to the pioneer settler can scarcely be over-estimated’.

The test of the hope expressed by the Forrest Commission in 1884 that some means might be found to ‘maintain, on the soil owned and trod by their forefathers, the descendants of the Aboriginals of Australia’ came shortly after 1890. The Commission had suggested that a reasonable portion of the estimated £100,000 revenues then raised from the sale of lands ‘which were originally possessed by its native inhabitants’, should be devoted to ameliorating the condition of Aborigines. That was translated by The Aborigines Protection Act 1886 into an Aborigines Protection Board established to administer moneys voted by government for the benefit of Aborigines. Expenditure was at the discretion of the Board which was made accountable to the governor, not parliament, and through the governor to the Secretary of State for the Colonies. When the British Government insisted as a condition of the granting of responsible government that the Aborigines Protection Board be maintained and that a reserve power over legislating affecting Aborigines also be inserted at section 70 of the Constitution Act, the Western Australian government was rendered subordinate to Westminster. The new parliament could make laws on all domestic matters except those relating to Aborigines.

That offence against sentiments of self-government was compounded by the statutory requirement that the Aborigines Protection Board be funded annually out of Consolidated Revenue at a minimum sum of £5000, or, alternatively, one per cent of gross revenue. Section 70 hypothecated that sum to be expended on providing the ‘Aboriginal Natives’ with ‘food and clothing when they would otherwise be destitute, in promoting the education of Aboriginal children (including half-castes), and in assisting generally to promote the preservation and well being of the Aborigines’. Those statutory impositions could be amended only with Royal Assent. Section 73 provided that any Bill approved by the colonial legislature which might interfere with the operation of section 70 must be reserved by the Governor ‘for the signification

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63 ibid, p.7.
64 ibid, p. 7.
65 ibid, p. 8.
66 ibid, p.12.
67 The Constitution Act 1889, s. 70.
of Her Majesty’s pleasure thereon’. Britain reserved to itself oversight of the treatment of Aborigines through oversight of the Aborigines Protection Board and its expenditure of hypothecated revenue. The implication was that if a colonial administration failed to protect the Aborigines the Royal Prerogative would.

John Forrest, by then the first Premier, objected and in 1892 insisted the Aborigines Protection Board be abolished. A Bill to that effect was passed on 10 September 1893, reserved by the Governor, but rejected by British imperial authorities. They had no confidence in the impartiality of the colonial parliament and did not want to leave to its discretion the annual allocation of funds for Aborigines. A new Bill was presented. Forrest argued that while in 1889 the revenue of the Colony was about £4,000, by 1896 it had risen to £1,750,000 and the sum hypothecated to the Board was nearly £20,000. Forrest protested it was unreasonable to expect that ‘such a state of affairs can meet with the approval of the people of this Colony’.

This time, the Imperial Government relented. The Aborigines Act 1897 replaced the Board with a Chief Protector of Aborigines and an Aborigines Department accountable directly to the Colonial Government. As it turned out, the Bill was reserved for royal assent on 11 December 1897, but because the Act was not gazetted within two years, it lapsed. The 1905 Act, however, reaffirmed the principal provisions of the 1897 Bill and replaced the £5,000 or one percent of gross revenues hypothecated by Section 70 of the Constitution Act with a hypothecated sum of £10,000 and ‘such further moneys as may be provided by the Parliament’ for the purposes of the Aborigines Department. It was not until 1910 that the total revenues allocated to the Aborigines Department exceeded the amount of £20,000 that Forrest objected to in 1896, and then only because the lock hospitals at Bernier and Dorre Islands incurred new expenditure of £7,463. Otherwise, the increasing demand for support for Aborigines was not matched by allocation from Consolidated Revenue sufficient to meet that demand. Such insufficient annual financial allocation for Aboriginal purposes became an enduring difficulty for the Chief Protector of Aborigines.

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68 The Constitution Act, 1889, section 73.
69 For a discussion of the dispute see L.R Marchant, Aboriginal Administration in Western Australia, 1886-1905. Australian Institute for Aboriginal Studies, Canberra, 1981, pp.18-24. See also, Western Australia Votes and Proceedings, 1896, vol.I, Paper 18, Further Correspondence on the Subject of the Position of the Aborigines Protection Board in Western Australia, transmitted to the Legislative Assembly as an Enclosure to Message No. 9 from His Excellency the Governor, Perth, 1896.
71 The Aborigines Act 1897, 61 Victoria No 5, s.6.
72 The Aborigines Act 1905, No 14 of 1905, s.5.
Removing Half-Caste Children

Henry Prinsep, the Chief Protector primarily responsible for drafting the *Aborigines Act*, identified a different kind of limitation upon his authority. He was indifferent to the future of the Indigenous people, but was concerned about of the plight of half-caste children. His annual reports portrayed Aborigines as lethargic, immoral and dissolute. Vagrancy, he said, was ‘the natural custom of their race’.\(^{73}\) As for the functions of the Aborigines Department, Prinsep limited them to distributing relief to aged, needy and destitute; rescuing and caring for waifs; and ensuring that, ‘the habits of natives are not rudely interfered with’.\(^{74}\) He agreed with the general assumption that the race was in terminal decline.

When in 1901 the Travelling Inspector identified 120 half-caste children under 14 years in various parts of the state, many of them living in communities ‘whose influence is towards laziness and vice’, Prinsep offered the judgement that these children ‘whose blood is half British’ should not be allowed to grow up ‘as vagrants and outcasts as their mothers now are’.\(^{75}\) The following year, he elaborated upon that concern. He regarded it undesirable for half-castes to be allowed to grow up uneducated, ‘and in all the wandering habits of their black mothers’. He feared they would become ‘not only a disgrace but a menace to our civilisation’.\(^{76}\) He also was relatively powerless to do much about it. Even though under section 8 of the Act the Chief Protector was the legal guardian of every Aboriginal and half-caste child under the age of 16, his authority to order their removal from their mothers was constrained.

In an attempt to circumvent this restriction of his powers, Prinsep distributed a circular letter to resident magistrates to ascertain if any half-caste parents could be induced to send their children to one of the institutions ‘now existing in the State for their care and education’.\(^{77}\) It elicited twenty-four responses. Very few Aboriginal mothers were willing to surrender their children. The characteristic response to the inquiry in all but two police districts, Carnarvon and Marble Bar, was that ‘their mothers under no circumstances would give them up’.\(^{78}\) In his Annual Report for 1907, Prinsep advised, ‘Some little difficulty is experienced in getting the parents to part with these children; they cannot be forced, unless it is proved that the surroundings are likely to bring the children to lead vicious lives’.\(^{79}\)

An amendment to Section 8 of the Act was agreed to by Parliament on 3 February 1911.

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\(^{73}\) Aborigines Department, *Report for the Financial Year Ending 30 June 1901*, p.3.

\(^{74}\) *Ibid*, p.4.

\(^{75}\) Aborigines Department, *Report for the Financial Year Ending 30 June 1901*, p.2.

\(^{76}\) Aborigines Department, *Report for the Financial Year Ending 30 June 1902*, p.2.

\(^{77}\) State Records Office, Aborigines, Acc 255 122/1902, folio 1, circular letter from CPA to Resident Magistrate (Ab: 122/02), 11 February 1902.

\(^{78}\) *Ibid*, folio 37, letter, Warden, Mr Margaret Goldfield to CPA, 23 April 1902.

\(^{79}\) Aborigines Department, *Report for the Year Ending 30 June 1907*, p.8.
The words, ‘to the exclusion of the rights of the mother of an illegitimate half-caste child’ were included. In moving the second reading of the Bill, the Colonial Secretary, James Connolly, acknowledged that the amendment took away a mother’s rights over her illegitimate half-caste child. He attempted to argue that the same applied to other mothers of illegitimate children: ‘It is practically giving the same power under the Aborigines Act that we take under the State Children Act’. When challenged to justify the amendment, Connolly explained that Government had adopted a policy of gathering all half-caste children, especially in the Kimberley, and handing them over to the missions. He repeated his claim that, ‘After all it was only following with regard to the half-caste children the course which applied to State Children’.

The circumstances applying in the State Children Act, 1907 were quite dissimilar. Under Section 83 of the State Children Act, a child committed to care by a Children’s Court could be given to the guardianship of a society or person, ‘to the exclusion of the father and every other guardian’ until the child attained the age of 18, if male, and in the case of female children, age 21. Similarly, if a parent committed his or her child to the care of any approved person or society, the guardianship conferred was ‘to the exclusion of such father or mother, and every other guardian’. It was necessary first for the child to be declared by a Children’s Court to be destitute, neglected or uncontrollable. Parents of State children also enjoyed a humane consideration that Aboriginal mothers did not. Even though the rights of parents of state children were forfeit, their visiting rights were protected under Section 87 of the Act. The Aborigines Act did not extend visiting rights to Aboriginal mothers.

The Chief Protector was not required to apply to a Children’s Court to have an Aboriginal child declared destitute or neglected. The decision to place a child in care was his alone. He had, as the guardian appointed under the 1905 Act, legal authority over every Aboriginal and half-caste child under the age of 16. In the case of ex-nuptial half-caste children the Chief Protector’s authority was unfettered. Before the 1911 amendment a mother’s legal rights over her legitimate half-caste children prevailed even if she were an Aborigine under the Act. Confusion about who might be caught by the definition ‘half-caste’ was now further confused by considerations of ‘legitimacy’. The Act as amended in 1911 was more inclusive of who might caught by its provisions, but the interpretation of who was an Aborigine was rendered more complex.

The reason offered by the Colonial Secretary for the 1911 amendment was that if these children were allowed to remain in the bush ‘a state of things will be brought about which would be highly undesirable’. In time there would be a number of ‘practically white children living with

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80 Parliamentary Debates, Legislative Council, 8 November 1910, p.1325.
82 State Children Act 1907, s. 4(6).
the aborigines. Connolly’s sentiment resonates strongly with a similar statement by Neville a quarter-century later to explain his concern about quarter-caste children who lived with Aborigines. Such children were ‘too white to be regarded as Aborigines’. That will be discussed later in this thesis. Its significance here, apart from its use to justify supplanting the rights of mothers over the care of their children by the authority of the state, is its apprehension about racial contamination.

Aboriginal half-caste children were a source of embarrassment. If, as Prinsep and others proposed, to have half-castes grow up, ‘in all the wandering habits of their black mothers’, could only end up in their becoming, ‘not only a disgrace but a menace to our civilisation’, the avoidance of miscegenation was essential. The offence under section 43 of cohabiting with an Aboriginal woman was inadequate. The actual mischief was ‘promiscuous sexual intercourse’. That behaviour contributed to mixed-blood bastardy, and, perhaps equally as important for Prinsep at that time, the contagion of venereal disease. Prinsep advised the Crown Law Department of need to amend section 43 to extend the offence of ‘cohabitation’ to include any sexual intercourse between whites and Aborigines, ‘even though it may be on only one occasion’. Such amendment might not only reduce miscegenation, but might also check the spread of venereal disease.

Prinsep made Aboriginal women culpable. The protection he intended was more for the white than the black population. After eighty-six years of British occupation, fear of Aborigines had shifted from anticipation of physical violence to apprehension of their supposed venality. Aborigines were a subjugated people, diminished in number, and not capable of sustained overt hostility, but their presence was regarded as a moral hazard. Military defence, as anticipated by the first settlers, was no longer necessary, and was replaced by legislative sanctions to remove the immediacy of an assumed Aboriginal menace to the social fabric.

Discussion

Definitions of Aboriginality written into the several Western Australian Acts considered above were legal constructs necessary only for the management of classes of people whom legislators believed should be treated differently from all others. They relied upon notions of racial lineage, either direct Indigenous heritage in the case of those referred to as full bloods or various arithmetic combinations of Indigenous and non-Indigenous heritage to distinguish among three-

84 Aborigines Department, Report for the Financial Year Ending 30 June 1902, p.2.
85 Aborigines Department, Report for the Year Ending 30 June 1907, p.4.
86 ibid.
quarter-casts, half-castes, quarter-casts and so on. Further distinctions among half-castes to exclude some from the ambit of the *Aborigines Act 1905* relied upon habitual association and manner of living. If they lived with Aborigines in the manner of Aborigines and habitually associated with Aborigines, they were Aborigines. Resolving consequences of those combinations and permutations of racial mixture were matters for legal disputation.

The actual number of Aborigines in Western Australia at the time of settlement is unknown, but has been variously estimated at from 39,000 to 55,000.\(^{87}\) The Annual Report of the Aborigines Department for 1901 estimated the population of Aborigines in the explored and settled districts at 13,000, with an unknown number in the unsettled interior.\(^{88}\) Accurate numbers were not available until after 1917 when Neville began collating population statistics. Data presented in his annual report for that year estimated that the population of natives and half-castes within touch of civilisation was approximately 14,491. Of that number 12,888 were Aborigines under sections 2 and 3 of the Act. There were 1,256 children as against 11,630 adults; that is, fewer than one-in-ten Aborigines were children under the age of twelve.\(^{89}\)

By 1929 half-castes were in their third and fourth generation and their numbers were growing. The Aboriginal population as a whole did not appear to be decreasing as was usually supposed. The increasing half-caste population more than balanced the diminishing numbers of full bloods. Birth rates indicated accelerated growth. In 1935 the Aboriginal population was 26,442, one-in-five of whom was a half-caste. The number of full bloods enumerated continued to diminish, by 359 over the previous year, but there was an apparent small, but upward trend in their birth rate. Full blood children increased by 43 in that year. Even so, the birth rate of half-castes exceeded considerably that of the full bloods. The number of half-castes was estimated at 4,245, an increase of sixty per cent in six years.\(^{90}\) They were not a homogeneous group of first-cross European males over Aboriginal women, or of Asian or Negro over Aborigine. Many were of second and third generation of a single racial crossing. Half-castes were turning to their own cohort for conjugal partners. As a whole, the Aboriginal population was of a much more polyglot nature.

Those numbers challenged the proposition that the Aboriginal race was in terminal decline. Half-castes were fecund and proliferating and the fertility of full bloods living at missions or on native cattle stations showed signs of revival. The ethnic heritage of the Aboriginal population was changing and so too was its culture. In many areas where there was regular interaction with the white community the belief systems, the language, the lore, the music

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88 Aborigines Department, *Report for the Financial Year Ending 30 June 1901*, p.2: ‘At the same time there were wide ranges of opinion as to the number in the unexplored interior’.
and dancing, the marriage rituals and the traditional proscriptions upon human interaction that distinguished Aboriginal cultural groups faded as custom was altered by adaptation. Aborigines moved between two cultures, their own and another imposed upon them by authority and circumstance.

The Aborigines Act 1905, drafted at the end of the previous century and conditioned by precepts of an Imperial Government intended to protect and preserve a dying race, proved to be an inappropriate instrument of law for the people it actually governed. They were a people in transition, but the law was drafted for people in notional decline. It prescribed limits upon their conduct and upon the conduct of others toward them in terms of prohibition intended as ‘protection’ interpreted to mean ‘preservation’. The Chief Protector of Aborigines appointed to implement the Act and manage the lives of Aborigines was obliged to administer those prohibitions. To do otherwise would be unlawful. The Act not only imposed proscriptions upon Aborigines from common law rights, it also imposed proscriptions upon the administrative discretion of the Chief Protector. It defined the legal parameters of his powers. Even though he may have regarded it as bad or inadequate law, the Chief Protector was bound by it and was obliged to work within it.
Narrative

FAKITIN LA GADIYA PRAPLI

In 1879 Alexander Forrest led an Expedition into the Fitzroy area of the East Kimberley, journeying overland from Cossack to the telegraph line in the Northern Territory and thence Northward to Palmerston (now Darwin). Forrest’s journal of the Expedition recorded several times his excitement about the pastoral opportunity apparent in the tropical savannah he traversed. For example, on 20 July he enthused about the Nicholson plains, ‘the most splendid grassy plain it has ever been my lot to see’:

These plains, which are granitic in formation, comprise, according to my calculation, not less than 1,000,000 acres, and, judging from the richness of the herbage, would carry, I imagine, no less a number of sheep. This, in my estimation, is the finest part of Western Australia that I have seen, and I hope that before long it will be covered with flocks and herds.

Again, on 28 July he was inspired by the open plains surrounding the Ord, ‘spreading out as far as the eye could reach’:

They put me in mind of the great plains to the North of Eucla on the South coast, the only difference being that this country is well watered as that is, unfortunately, the reverse. Being so well watered, and the soil so good, this district will support a very large number of sheep; it apparently does not suffer from the periodical floods which visit the lower parts of the Fitzroy.

The plains described so enthusiastically by Alexander Forrest as sheep-grazing country were traditional lands of the Jaru, Kija and Miriwung. For them, this was not sheep country: it was their country. Occasionally, but briefly, warriors rattled spears and remonstrated against the intruders. Women screamed and fled. For the most part, however, the tribes remained concealed.

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3 *Ibid*, p.25, Marked tree 145, located near Mt Barrett and the Elvire River near Halls Creek.

4 *Ibid*, p.26, Marked tree 154, located on the Ord River near the border of Western Australia and the Northern Territory.
Forrest acknowledged their presence, mainly because he observed their campfires, but was more bemused by their timidity than mindful he had intruded into their homelands. His journal recorded:

July 26th.—About twenty natives appeared during the afternoon on the opposite bank of the river, and about half a mile off, but as soon as they saw us they vanished. They did not seem, however, very much frightened which was curious, for they could not possibly have seen any white people before.\(^5\)

Again, four days later:

July 30th.—Here we camped, and in the evening went down to the river to fish. We had not been so long employed when a small party of natives came up, evidently with the intention of camping. As soon as they saw us, however, they hastily crossed the river and made off, being evidently very much frightened.\(^6\)

If first the Jaru, then the Kija and, a few days later, the Miriwung were affronted by Forrest’s party crossing their lands unannounced and uninvited, their hurt, like them, was hidden. For his part, Forrest had not sought their approval. The Legislative Council had given that. The

\(^{5}\) *ibid*, p.26 Latitude of Camp, 17° 33’ by meridian altitude of Vega.

\(^{6}\) *ibid*, p.27, Latitude 17° 17’ meridian altitude of Vega.
land might have belonged to the Jaru, Kija and Miriwung by tribal custom, but it was Crown land by force majeure. As Forrest had demonstrated five weeks previously to members of a Wunambal tribe, gunpowder spoke louder than a protesting voice. A few miles south of Walcott Inlet, the party had been confronted by a group of about fifty warriors who vociferated against them. Their spokesman was given some sugar and damper and they left:

A little later, however, they returned again, coming this time close to us, and thinking that I had better show them the use to which firearms could be put, I fired my revolver at a tree. This frightened them off so effectually, that they cleared out at once.7

Thus were forged an immutable power relationship and inequitable terms of coexistence between traditional owners of the land and its new white proprietors.

Soon other gardiya invaded the East Kimberley, eager to graze their stock on the vast watered plains described in Forrest’s journal.8 First came the Duracks, the Byrnes and the Kilfoyles from Victoria via Queensland and the Northern Territory. They brought with them not sheep, as Forrest had anticipated, but beef cattle. The Emanuels followed. Then came the diggers in search of more of the gold found by Charlie Hall and Jack Slattery at Elvire Creek. Only the pastoralists endured.9

The gardiya partitioned rivers, creeks and lagoons to water the cattle they had driven before them. Larger than jaji, but like jaji the beasts grazed the grasses and drank the waters of the hunting grounds of the Jaru, Kija and the Miriwung.10 As was the natural order of things, the traditional owners killed and ate the cattle. There was little other meat. Where once big mobs of jaji grazed besides the waterholes, now they and gurunungga, gimanji, gulyura and jarrambayi were getting harder to find.11 The cattle which came with the white men ate the best grasses, but they were clumsy and easy for a group of hunters armed with spears and yingkalayiny to bring down.12 A bullock provided plenty of meat and sometimes only the tongue, heart, tail, and a quarter of the carcass was taken.13 That was enough to feed the hunters and their families. A whole carcass could feed a big mob.

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7 ibid, p.21, June 20th, Marked tree F 115.
9 The story of the pioneer pastoralists is told by Mary Durack, Kings in Grass Castles, Constable and Company, London, 1959, (reprinted several times); see also, Geoffrey Bolton, A Survey of the Kimberley Pastoral Industry from 1895 to the Present, thesis presented for the degree of Master of Arts, University of Western Australia, 1953.
12 ‘yingkalayiny’ – stone tomahawk, ibid, p.250.
13 State Records Office, Colonial Secretary’s Department, Acc 653, Item 95/1918, Folio 12, James Isdell to Chief Protector, 31 July 1930.
The Indigenous hunters probably were blissfully unaware that gardiya law protected their rights to food gathering in the traditional manner. They did only what ancestral custom allowed. The niceties of ‘orders in council’ issued from a place called Buckingham Palace and ‘proclamations’ by a man called Governor Fitzgerald in another place called Perth were gardiya vanities. Even if those laws said that nothing in any pastoral lease prevented them from ‘entering upon the lands comprised therein, and seeking their subsistence therefrom in the accustomed manner’, the words were as meaningless to the Jaru, Kija and Miriwung as was any concept of the beneficial ownership of animals. Even if the Indigenous hunters did understand that, who owned cleanskins?

Those ironies may not have escaped gardiya pastoralists, but consistently with the practice established early by white settlers at the Swan River Colony, they retaliated against the spearing of their cattle by indiscriminately hunting and shooting Aborigines. The tribes, in their turn, were provoked to revenge killing. Retribution by the whites was brutal and undiscriminating. The numbers dealt with summarily by pastoralists and policemen was not recorded, other than in Aboriginal folklore.

Years later an elderly Jaru man who had lived on Moola Bulla, George Nunkiarry, recalled for the Kimberley Language Resource Centre a story told by his people about one such incident. He talked of how Jaru mawun had killed four men on Ruby Plains Station. The first, a stockman, was speared while searching on foot for his horses; the second, a surveyor, was ‘speared by a bloke out looking for kangaroos’; the third, a miner, was speared by a group of Jaru who ‘crept up on him while he was reading a newspaper at McPhee Waterhole’; and the fourth ‘a Chinaman’ they found ‘at the same goldmine and speared him too, poor bloke’.

Then Pilmer came. He rode a little buggy in which he used to carry all his bullets and tucker. He had a lot of bullets and a lot of horses. He hanged a mob of Jaru people at Rawungga. He said to them, ‘We’ll make big well here’. But there at Hangman’s Creek, between Wiliwili and Ruby Plains, he hanged people, using a

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14 Memorandum, Colonial Secretary’s Office, Perth, December 13, 1850 *The Western Australian Government Gazette*, 263, Tuesday, 17 December 1850, p.4.
15 ‘cleanskins’ – cattle not marked with a brand.
16 *Report of the Royal Commission into the killing and burning of bodies of Aborigines in the East Kimberley and police methods when effecting arrests* (G.T. Wood: Commissioner), Western Australian Government Printer, 1927, offers some challenging insights into practices which are preserved in Aboriginal folklore.
18 George Nunkiarry, Jaru, ‘No Bell Ringing’, introduced by Stewart Morton, translation from Jaru and Kriol, Kimberley Language Resource Centre, *Moola Bulla*, pp.36-37. An endnote at p. 77 reads, ‘Sergeant Pilmer was in charge of the Fitzroy Crossing Police Station from 1894-1902. He carried out massacres in Bunuba country, near Fitzroy Crossing and along the Fitzroy River, but it is unlikely that he could have been responsible for the massacres in this story since he did not patrol this area’. However, in 1905 Pilmer was in charge of the Roebourne district ‘of gigantic proportions, extending from the Northwest Cape to Port Hedland, and eastward to the South Australian border [Northern Territory border after 1911]’, so it was not unlikely he was known to Aborigines in the East Kimberley. See, R.H. Pilmer, *Northern Patrol, an Australian Saga*, Hesperian Press, Carlisle, 1998, p.111.
rope and draft horse. He hanged them from a walarri tree. Then, when they were dead, he buried them in the hole they had dug. He threw them down the well. But it wasn’t a well at all. It was their grave.

The cycle of stealing, retribution, revenge killing and further retribution was familiar in the southern colony, but was not something the European social conscience could long tolerate. Recruits were despatched from Perth to the Kimberleys where they established remote police stations and staging posts and patrolled pastoral districts. Their presence was intended to discourage cattle killing by demonstrating that offenders who were caught would be punished according to gardiya law; myalls would be dragged off in chains possibly never to return to their homelands. The Jaru, Kija and Miriung hunters continued their cattle killing undeterred.

A novel solution presented itself. Who first thought of it is uncertain, but Richard Henry Pilmer, Sergeant 93, of the Roebourne Police Station, claimed that honour. On 29 August 1908 he submitted ‘for the perusal and information of the Commissioner of Police’ a ‘scheme for the preservation and betterment of the Aboriginal Natives of Western Australia’. Pilmer, who may have been implicated in the massacre related by George Nunkiarry above, was born a Scot and had arrived at Albany in 1890 via a childhood and youth in Ballarat and New Zealand. Two years later, on his twenty-sixth birthday on 16 July 1892, he joined the Western Australian Police Force in Perth and four days later commenced his first patrol from Carnarvon along the Murchison, Gascoyne, Lyons and Thomas Rivers, ‘to teach the wild Australian blackfellows the rights of property in the Great Unfenced’, and ‘carried plenty of warrants for the arrest of ringleaders’. Shortly afterwards, Pilmer was appointed to his first police station at the junction of the Thomas and Gascoyne Rivers on Yinnietherarra Station.

In June 1894, Pilmer requested a transfer to the West Kimberley ‘which was still a land of adventure, and of the conflict of the white and the black’. He relocated to Derby where taking groups of Aborigines into custody for cattle killing became routine. In his autobiography, Pilmer described how Aborigines killed by driving spears into a beast until it dropped, camped near their kill and butchered, cooked and ate it. Pilmer’s patrol, attracted by the cooking fire, would ‘gallop toward the camp till the natives, alarmed, tried to scatter’ only to be headed off and ‘driven back like a mob of cattle to the fires’. The young men were charged and then ‘put on the chain’. The old men, women and children were allowed to go their way, even though in Pilmer’s opinion the

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19 ‘myall’: a colloquial term used in the East Kimberley, often disparagingly, to refer to uncivilised or ‘bush’ natives. Kimberley Language Resource Centre, Moola Bulla, p.249. The term ‘mayal’ (kriol) refers to an ignorant, stupid or wild person.
20 R.H. Pilmer, Northern Patrol, pp.157-158.
21 State Records Office, Colonial Secretary’s Department, Acc 993, Item 186/1909, folio 3, R.H. Pilmer, Sgt 93 to Sub Insp Osborn, 19 August 1908.
23 Idem, p.41.
older men often were as guilty as the young ones, ‘commanding the actual killing, not because they were hungry, but because they were hungry for beef’.24

Pilmer seems to have had a poor opinion of the worth of Aborigines and they, in turn, feared him. Under those circumstances, the proposal he put to government for their protection is surprising. He suggested it would serve three purposes: change the way Aborigines were treated and ‘save a fast-decaying race’; make the Aborigines self-supporting; and save money for the State.25 Aborigines represented a skilled and valuable pastoral workforce: fencers, well-sinkers, horse breakers, stockmen, and ‘in many cases blacksmiths’. Pilmer suggested all that was necessary was for government to resume a station, appoint a manager, and for the police to relocate natives from all stations of the district to work on the new native station:

By this means we would have concentration, and the fear of further contamination would be minimised to the lowest degree, and, instead of having (as at present) a decaying race, it would be a means of lifting the race to a pedestal of happiness and prosperity, and at the same time wholly self-supporting.26

Shortly afterwards James Isdell lodged a similar submission with the Chief Protector of Aborigines.27 Isdell had arrived in Western Australia in 1884 and managed Karratha Station near Roebourne. Later, he leased in partnership Lake Edah cattle station near Broome and subsequently, with different partners, purchased Croyden Station. He served as the Member of the Legislative Assembly for Pilbara from March 1903 to June 1906 and as Travelling Protector of Aborigines from 1906 to 1909. From 1910 to 1915 he was Protector of Aborigines at Turkey Creek (now Warmun).28

Isdell’s contribution to the Legislative Assembly debate on the bill for the Aborigines Act in December 1905 is informative. He was disdainful of Dr Roth and his report on the condition of the natives, ‘he has done little good for this country, and less for himself as far as I can see,’ and did not agree with bill; ‘There are many clauses under which people can, without any wrongful intention, get into trouble, and there is no clause to show them how to get out of trouble’.29 The tenor of his speech hinted that Isdell’s concern was for pastoralist employers who might get into trouble rather than for their Aboriginal servants.

24 ibid, p.41.
25 State Records Office, Colonial Secretary’s Department, Acc 652, Item 186/1909, folios 1-6, Sergeant Pilmer’s scheme for dealing with native question, 29 August 1908.
26 ibid, folio 1.
27 State Records Office, Colonial Secretary’s Department, Acc 653, Item 95/1918, Moola Bulla – original file dealing with the inception of, folios 1-10, J. Isdell – suggestions re provision for bush natives & minimising of cattle killing, 31 July, 1909.
Among other things, Isdell opposed ‘inter-marriages with aliens’; that is, the marriage of Aborigines and Asians prohibited from permanent residency under the white Australia policy: ‘We are talking about a white Australia, and we are cultivating a piebald one’. Isdell expressed particular concern about half-caste children, but little for their Aboriginal mothers. He objected to the children living ‘not on stations only, but in the bush’ where they were brought up in ‘degradation and immorality’. In his opinion, half-caste children should be removed from native camps and taken to places to where they could be ‘trained as useful citizens’:

There is a great deal of maudlin sentiment about taking away a child from the native mother; but the man who sees it done will lose all that sentiment; because when you take a child away from a native woman she forgets about it in 24 hours and, as a rule, is glad to get rid of it.\(^{30}\)

On 31 July 1909, when he was Travelling Protector of Aborigines, Isdell wrote a special report for the consideration of the Premier and the minister in charge of the Aborigines Department. Unlike Pilmer, Isdell did not suggest that his proposal was ‘to save a fast decaying race’. Rather, he founded his propositions on pragmatic financial considerations, ‘the unavoidable but heavy expenditure in relieving indigents’ and the ‘large expenditure in Police and prison charges for which no return is received’. Isdell’s focal concerns were the prevalence of cattle killing, the numbers of Aborigines imprisoned for that offence, and ‘the utter uselessness of that system of punishment as a deterrent’.\(^{31}\)

The remedy Isdell suggested was to ‘feed the natives their own meat and self-grown vegetables’.\(^{32}\) That might be done not by resuming pastoral leases and creating Aboriginal reserves, ‘simply because there is nothing left on them to eat’, but by purchasing and operating cattle stations for the benefit of the natives. To this end he identified two properties within eight miles of Hall’s Creek, ‘the station properties of Messrs Shepherd and Meinsen,’ (Mary Downs and Nicholson Plains) of 397,000 acres and 256,200 acres respectively. Isdell judged them to have ‘good country—the only good country about there—with several splendid springs, and magnificent garden sites of black soil alongside them’.\(^{33}\) It was the same country as described in Forrest’s journal of 18 July to 24 July 1879, an area he calculated at one million acres which ‘judging from the richness of the herbage, would carry, I imagine, no less a number of sheep’.\(^{34}\)

\(^{30}\) ibid, p.426.
\(^{31}\) State Records Office, Colonial Secretary’s Department, Acc 653, Item 95/1918, folio 12, James Isdell to CPA, 31 July 1909.
\(^{32}\) ibid, folio 14.
\(^{33}\) ibid, folio 16.
\(^{34}\) Alexander Forrest, *North-West Exploration*, p.25. Forrest traversed from north to south the country which later became Moola Bulla Native Cattle Station. On July 18 he passed within 10 miles west of what became the site of the Moola Bulla homestead; ‘I took a round of angles and observed a remarkable hill bearing E. by N. and about 20 miles distant, also a high range N. 35 E. The hill I named Mount Barrett, after Miss Barrett Lennard, of Beverley'.
Isdell recommended that government purchase Mary Downs and Nicholson Plains, ‘put a good
man in charge, kill cattle—only old cows—for the natives and grow plenty of vegetables for
them’.35

A report prepared by Isdell and Arthur Haly, a stock inspector despatched by the
Premier, Newton Moore, to assess the feasibility of Isdell’s proposition, was almost silent on the
matter of Aborigines.36 The only reference to them was in the context of commending the
reliability of water sources. Isdell and Haly observed that on the Rocky and Sandy Rivers which
ran through the leases there were ‘never-failing waterholes’ sufficient to ‘run the entire herd for
some months should waters on other parts of the run fail’. The usefulness of the waterholes for
Aborigines was an almost perfunctory afterthought:

In good years these rivers, when not required for stock, would be splendid places
for aboriginals, as the waterholes abound with fish, the banks are lined with wild
fig trees, & the hills are full of game.

Indeed the waterholes were splendid places for the Aborigines. The Kija had known of them, had
gathered figs there, and had hunted in those hills for aeons, and not only in good seasons ‘when
not required for stock’. Stan Brumby recited the hunting range of the ‘old people’. They hunted
goannas there, he said, ‘and north to Banjo Bore’:

People used to live at the creek at Banjo Bore, all the way to Caroline Pool. At
Ngunjuwa Rockhole to the south, and east downstream towards Old Town.
South, downstream to Nyardni Rockhole and from Nyardni to Giwiny Rockhole.
From Giwiny to Ngawurlu and Babadi. South to Manjarl and round Lamboo to
Bindirri.37

The Kija were not consulted about the use of their lands. Most of the official discussion
subsequent to the receipt of Isdell and Haly’s report was about valuation of the stations, prices
that might be paid for improvements and stock, the conditions of purchase and the economic
viability of the project. When local members of Parliament, Hon Richard Pennefather MLC for
the North Province, Arthur Male MLA for Kimberley and Henry Osborne MLA for Roebourne,
were briefed on the proposal, no concerns appear to have been raised for Aborigines or the
purposes of the proposal. Rather, discussion focused upon the financial viability of the cattle
stations, the number of white employees needed, and the question of ‘introducing tick cattle into

35 State Records Office, Colonial Secretary’s Department, Acc 653, Item 95/1918, folio 16, James Isdell to CPA, 31
July 1909.
36 ibid, folio 23, James Isdell to Hon, N.J. Moore C.M.G. Premier, 7 August 1909.
clean country’. The parasites, it might appear, were a more pressing concern than the welfare of Aborigines. As far as Isdell was concerned, care for the Aborigines was simply a matter of station management:

A storekeeper and bookkeeper is required, a man who has lived in the Kimberley and understands natives, as he would have to attend to the everyday killing of cattle, give the natives their allowance, superintend the garden besides keeping the books, names of natives and attend to the sick.

For Gale the most persuasive information seemed to be that police returns for 1909 showed that eleven Aborigines from the locality of the Shepherd and Meinsen properties had been convicted of cattle killing and the cost of rationing them in prison was estimated at £247-14-9. It followed ‘as a matter of course’ that if a native cattle station as proposed had been in existence, ‘most of this money could have been saved’. As for the Kija, Gale proposed that in the course of time, ‘the native race will be a thing of the past’:

When this happens the Government, by purchasing the above properties, will have the satisfaction of knowing that they have done their bit for the amelioration of a decadent race, and future governments will have a valuable asset to dispose of, when this state of things comes to pass.

It would seem that the Kija traditional owners who lived on Moola Bulla’s 1,749 square miles of land were never considered seriously. There was uncertainty even about their number. They were never counted and seldom did even half as many of Isdell’s estimated number of six hundred camp near the homestead at any one time. Gale explained that by resort to the belief that Aborigines were an unsettled people:

The native race is of nomadic nature and they come and go at their own free will; one visiting division of a tribe will make the settlement their camp for some time and then break away and clear out, other divisions taking their place, and it is only on special occasions that any very large number remain together. Whether they will eventually depart from their usual customs remains to be proved.

The best answer to Gale’s question probably is, ‘not entirely’.

Where the name ‘Moola Bulla’ originated is uncertain. Neville gave the meaning of ‘Moola

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38 State Records Office, Colonial Secretary’s Department, Acc 653, Item 95/1918, folio 132A, ‘Proposed Station for Natives at Kimberley’. Cattle ticks are blood sucking parasites that severely affect the condition of infested animals and are considered a serious pest in the pastoral industry.
39 ibid, folio 161.
40 ibid, folio 81.
41 ibid, folio 83.
Bulla’ as ‘plenty meat…a hybrid name which is not derived from any of the Kimberley native dialects’. Stan Brumby, an elderly Jaru resident of Moola Bulla told Stewart Morton that the locality of the ‘old station’ where there were ‘lots of kangaroo, goannas, bush plums and konkerberries’ was called ‘Ngarrwarnji’. An old man, he said, gave the locality the same name as his own:

One old man named the place Ngarrwarnji. Moola Bulla. He said to himself, ‘What’s the name for this place?’ and named it after himself. He named the cave and the whole place.

White people said, ‘That man’s name is the same as this rock, Ngarrwarnji’. White people called it Moola Bulla and built houses at the bottom of the rock. They made a cattle station. Then the government came there from the north.44

Another elderly man, Toby of Kunja camp Near Hall’s Creek, told Audrey Bolger the name was taken from an old Aboriginal resident of the locality:

Old man callim Boolabulla, kangaroo ibin cookim. Mr Haly bin come from old station, find im Boolabulla cookim kangaroo the end of the creek…ibin ask im…‘What’s your name?’ ‘Boolabulla’. Im bin call im Moola Bulla. Mr Haly bin say ‘I’ll call im Moola Bulla now this one country’ he bin say.45

Kija peoples continued to live on Moola Bulla for the whole time successive governments maintained it as a native cattle station and remained there after 1955 when it was sold to private interests. They certainly did not, as Gale and others anticipated, die out. Nor did the Kija language or culture. A creolised language evolved from the Kija, Jaru, Wlamajarri and Kukatja languages and colloquial English and standard Australian English spoken at Moola Bulla. Kriol became the lingua franca of the East Kimberley.

Over time the Indigenous cultures adapted to changed circumstances. A Kija man, Ben Duncan, described the process of how the ‘old people’, meaning his forebears, took on some of European custom. First, they got used to wearing clothes. Then they grew accustomed to covering themselves on cold nights, ‘with a blanket or something’:

They would think to themselves, ‘Oh, this feels good, nice and warm. This gardiya

43 State Records Office, Native Affairs, Acc 993, Item 332/1928, folios 92-4, Annual Estimates 1929-30, Legislative Assembly, 29 October 1929; Memo, CPA to the Under Secretary, 20 November 1929; letter, Kitson to Sir James Mitchell, 3 December 1929.
44 Stan Brumby, Jaru, ‘That Man’s Name is the Same as this Place’, interviewed by Stewart Morton, translation from Jaru and Kriol, Kimberley Language Resource Centre, Moola Bulla, pp.124-5.
has lots of goods things. We’ll stay with him for good’. And the gardiya kept teaching them. They learned how to ride horses and donkeys. Those quiet little donkeys that they used to take when they went digging, or shooting people. And everyone learned how to work. The gardiya would say to them, ‘Okay, you do this, you do that easy job. You people understand now, you know how to work’. Some people would get water, and others would get wood and stack it up. Others would light the fire and put the billy on. The lot.\(^\text{46}\)

As for Moola Bulla being the home of the Indigenous inhabitants, it was theirs by native custom endorsed by gardiya law. Half-castes, as Isdell had so robustly advocated in 1905, were taken away. Some returned, however. In 1987, a Kija grandmother spoke to Kaye Thies of her recollections:

At Moolabulla now, outsiders that was roaming round here in a goldfield, they went to settle down now at Moolbulla, and I noticed that all the children that was—belong to white father you know, they took them away.

They said they couldn’t get no teacher to come up there. They sent bigger girls down to Derby then, you know, all those mob went to Derby; an’ when most of these girls come back from Derby, well 1940, ’41, wartime—I was already married and gone to ’mother station, we worked there—some of these girls come back with masbi child blangda white person, those da wan was taken off, I notice.\(^\text{47}\)

Many Indigenous mothers were suspicious of attempts by missionaries and the Aborigines Department to educate their children into European values and ways of living. The experience of too many had been that their children were taken away, lost their language and often did not return. A Miriwinung speaker from the north-east Kimberley, then aged about 50, spoke in Kriol to Kaye Thies about their fear:

Our Granny didn know Gadiya. Imin frait la Gadiya. (Our grandmother knew nothing of white people. She was afraid of white people.)

Her brother, then aged 60, agreed and told of how they were taken away from the settlement to avoid capture:

Fraitin la Gadiya prapli. Dat da wai dei couldn’ git wi la skul; dei bin teigum as la bus olataim. (Really frightened of white people. That’s why they didn’t want us to go to school; they always took us out bush.)\(^\text{48}\)

Moola Bulla eventually comprised 1,119,000 acres run by five gardiya, the manager, an


\(^{47}\) Kaye Thies, Aboriginal Viewpoints on Education, p.23.

\(^{48}\) ibid, pp.18-19.
overseer and three ringers, an average of 30 Aboriginal station hands, mostly of Kija stock, and an uncertain number of Aboriginal women employed as cooks and domestics. Even the small numbers who were permanently employed preserved links with their Kija and Jaru cultures and during pinkeye reverted to Indigenous custom. For much of the time they bridged two cultures and enjoyed pride in both. Sam Butters, a Kija man, told of their pride as stockmen:

Well, the best horseman came out of the Kimberley, Sammy Long. Known as one of the best horsemen in the Kimberley, he came out of Moola Bulla. Learned there, taught. You could say that every one of us who came out of Moola Bulla, made a name for themself somehow. People have always appreciated it. Thank goodness in those days there was no drink. One or two old people left today, two old men properly, they could help us Aboriginal way, and sometimes gardiya way, they all pensioned, all there, I want to say thanks to them too.49

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