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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

Derrick Tomlinson

University of Notre Dame Australia

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Chapter Six

ABSORPTION OR ASSIMILATION?

Neville’s decision to support Sister Kate and assign quarter-caste children to her care, first at Buckland Hill and then at Queen’s Park, marked a seminal change of direction in the treatment of Aborigines. It was followed soon after by the appointment of the Moseley Royal Commission and the passage of the Native Administration Act 1905-1936. The Act was later interpreted by Neville as an acceptance of ‘the view that ultimately the natives must be absorbed into the white population of Australia’.

What Neville meant by that is central to this thesis. Did he mean, as some have contended, biological absorption, or did he mean that Aborigines could be acculturated and educated to take their place as equals in the mainstream society, racially distinctive, but integrated members of the community? Assimilation interpreted as biological absorption meant that the characteristic Aboriginal physiognomy would, over generations of cross-cultural breeding, diminish and ultimately disappear. That might be achieved only by controlling the marriage and procreation of ‘coloured’ Australians. If marriage, and its usual concomitant procreation, of coloureds and full bloods and races other than Caucasian could be discouraged, or perhaps prohibited, and marriage and procreation between coloureds and Caucasians encouraged, the Aboriginal physiognomy might eventually breed out. Unintended miscegenation could be minimised only by rigidly enforced prohibition of extramarital sexual intercourse between Aborigines and whites or other races. Such courses of action were improbable in the Australian political ethos.

This chapter will examine the proposition that ‘ultimately the natives must be absorbed into the white population of Australia’ in the context of Neville’s co-operation with Sister Kate and Ruth Lefroy at the Queen’s Park Children’s Cottage Home, his home for quarter-caste children; his participation in and the outcomes of the Conference of Commonwealth and State Aboriginal Authorities in 1937; and his attempts to establish a suitable form of marriage for Aborigines.

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‘Too White to be Regarded as Aborigines’

Too White to be Regarded as Aborigines

In notes he prepared for his submission to the Moseley Royal Commission, Neville singled out the challenge confronting his department for the care and protection of quarter-caste children:

There are growing up in native camps and on stations a considerable class of people too white to be regarded as aborigines and who ought, in my opinion, to have the benefit of white education and training and complete separation from the natives after reaching mature years. That is to say, the Native Department should take such children from camps and other surroundings, house them in separate institutions for their kind, and finally place them out to employment as white children. We have begun this system already and the experiment will be watched with some interest. If we do not do this, we shall be breeding a race of white natives.²

When Neville appeared before the Commission he did not refer to placing the children ‘out in employment as white children’. Rather than describing the ‘special institutions’ for children ‘too white to be regarded as Aborigines’ as ‘the experiment’ to be ‘watched with some interest’, he spoke of ‘one small institution of this nature, and it is going along very nicely’.³

Neville did not expand upon the nature of his experiment, nor did he identify the ‘one small institution’. His proposition at the Royal Commission was that quarter-castes should not be treated as natives. After they turned 21 and were no longer state wards they should be compelled to dissociate themselves from their origins; ‘once declared not a native, such a person should be penalised for associating with natives’.⁴ The assumption appeared to be that quarter-caste children, ‘too white to be regarded as Aborigines’, separated from their Aboriginal roots and trained and educated after the same fashion as white children, could take their place as equals in mainstream society; that is, to be socially and economically assimilated as whites, but not culturally integrated as blacks. Any vestiges of Aboriginality or affinity with their Aboriginal heritage were to be eradicated.

By 1930, Neville had come to believe it was possible that over generations of cross-breeding of people of Aboriginal descent with people of Caucasian descent, European and Aboriginal features—skin colour, colour and texture of hair, and facial and cranial proportions—would be so fused that those with remote Aboriginal heritage would be indistinguishable from the white. Furthermore, he believed that the probability of atavism was small, but he was unwilling to say it was not possible.

Departmental policy in cases where half-caste girls were granted approval to marry white

² State Records Office, Native Affairs, Acc 993, Item 333/1933, folio not numbered, ‘Notes for Royal Commission’.
³ Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 12 March 1934, p.4.
⁴ ibid, 12 March 1934, p.5.
men required that the couple be counselled about the possibility of throwbacks to Aboriginal racial features in their children. Neville questioned Dr Bryan about atavism when the latter gave evidence to the Moseley Royal Commission. Bryan’s answers were non-committal, but did not dismiss the possibility. He recounted a cautionary anecdote about of a half-caste man who sought to marry a white girl and was first refused and told ‘he should consider the girl first’. The couple eventually did marry. Bryan intimated he believed atavism was possible: ‘She was a beautiful girl, and I hope she was told of the risk she was running’.

The exchange between Neville and Bryan reflected notions of race common at the time, most of them based upon anecdotal information about race crossing elsewhere, or speculation that tended to reaffirm preconceived opinion. There was, in fact, very little empirical evidence that extended beyond Mendelian theory and the experience of selective hybridisation of plants and animals. Nothing in Bryan’s evidence offered Neville any assurance that atavism was unlikely to occur after successive crossings of Aborigines and Europeans.

Aboriginal Couple, Moore River, c.1930s. J.S. Battye Library, A.O. Neville Pictorial Collection, 72249P.

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5 Moseley Royal Commission, Transcript of Evidence, Dr C.P. Bryan, 23 March 1934, p.377.
Neville remained uncertain. He had arrived at his own opinions largely from personal observations across Western Australia, not from rigorous anthropological research. It is likely he was influenced by A.P. Elkin, with whom he established a congenial professional relationship when Elkin undertook anthropological research in the Fitzroy River district. Elkin became a proponent of a theory that he called ‘intelligent assimilation’. He argued that if the white population achieved an informed appreciation of Aboriginal culture and their circumstances, they might be able to assist Aborigines to ‘shed their parasitic position’ and become independent members of the community with reciprocal rights and responsibilities, ‘both native and white’. The alternatives for the Aborigines in Elkin’s model of ‘intelligent assimilation’ were disillusion, antipathy and welfare pauperism; ‘guarded assimilation’ in which the prejudice of the white community harboured resentment toward them; or for small remnants to linger in a nether world, working for the white man and unable to return to the old way because they had lost their Dreaming. Elkin predicted that, because ‘life’s weaving has been lost’ to these cultural remnants, their ultimate destiny was extinction.

Elkin was silent on the matter of half-castes and the possibility of atavism after successive generations of crossbreeding. He saw the young and virile Aboriginal population living with non-Aborigines in towns, stations, mines and missions as eager for education and change. They were engaged in cultural diffusion, but Elkin did not consider the possibility of their total absorption by the white community. Tindale, on the other hand, who observed the process of cultural diffusion in the half-caste population, anticipated an eventual blending of half-castes and whites. His propositions about racial blending and atavism were based upon extensive ethnographic research involving 1,200 people of mixed blood across five Australian states, including Western Australia. Tindale was sceptical about the notion that ‘the black blood breeds out in three generations’, mainly because there was insufficient information about the degree of white and other racial admixture amongst individuals in the half-caste population, but was convinced there was little likelihood of ‘throw-backs’ or reversion towards the ancestral Aboriginal type after many generations of continued breeding with whites: ‘there are not likely to be any markedly aberrant characteristics introduced by the low percentage of aboriginal blood that is being added to the predominantly North European ethnic strain of white Australians’.

Joseph Birdsell, Tindale’s colleague in the Harvard-Adelaide Universities Anthropological Expedition, was sufficiently confident about his tentative field conclusions to suggest that, ‘there

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7 ibid, p.171.
was no reason biologically why the absorption of the hybrid Australian into the white population should not occur'. That was met with some incredulity by members of the Adelaide community: ‘All he has told us we had learned from our pioneers 90 years ago or more’,

‘Our forefathers told us all he has to say about our natives in the early ‘eighties’; and ‘What he has told us we learned at school 40 years ago’. Ten years previously, Neville had offered a similar prognosis, but, like Tindale, was guarded about previous racial crossing in the half-caste population. An article published in the *West Australian* of 18 April 1930 under the *nom-de-plume* A.O.N., was cautious. The author is generally acknowledged to be Auber Octavius Neville. In the article, he proposed that if a child of a half-caste man and a full blood woman were compared with a true half-caste child born of a full blood woman and a white man, differences in their skin colour would not reveal who were their respective parents. The inference was that after the first white crossing the Aboriginal colour receded and half-caste colour endured, even after reverse crossing with a full blood. Neville was guarded about atavism, however. It was ‘not evident’ in European-Aboriginal crossing, but if Negro or Asian strains were introduced, dark skin colour persisted:

Eliminate the full blood and permit the white admixture and eventually the race will become white, always providing the negro, Malay and other coloured races are rigidly excluded. The slightest trace of negro blood is readily observable and it would require the inclusion of but a comparative few to keep the race dark forever.

The case presented was not to promote miscegenation as a way of resolving the half-caste problem, but rather to illustrate the consequences of miscegenation, the diversity of racial mixtures that comprised Western Australia’s coloured population—‘It is not unusual to find a family of brothers and sisters varying in pigmentation from dark chocolate to blond’,—and the challenge to improve their life chances: ‘Hundreds of children are today approaching adulthood. What is to become of them? The question was posed not merely as one for government authorities, but rather one which might touch the lives of many, suggesting that readers may become intimately involved in something previously ‘disregarded as of no consequence to you or your people’. The quadroon and octoroon, Neville argued, were scarcely indistinguishable from the white, ‘beautiful, gentle mannered, soft voiced girls, speaking perfectly enunciated if

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somewhat abbreviated English’. He asked, ‘Is there to be a colour bar’?  

The rhetorical question was answered the following day. Neville described half-castes whose children were denied education, for whom medical treatment was often sought and provided too late, whose babies were born under ‘awful conditions’, and whose dwellings ‘usually made of cornsacks or bagging sewn together and stretched over a framework of timber’ were unhygienic, as ‘human flotsam born upon the waters of ignorance, superstition and ignorance’. They were sick, but need not be. With appropriate legal powers to deal with issues according to need and ‘the wherewithal to do the job properly’, Neville argued, ‘these people can be regenerated and drawn away from the hopeless attitude which conditions of life have forced upon them’.

These articles authored by Neville, the most senior public officer with direct responsibility for the well being of Aborigines, and published four months after parliament had rejected amendment of the Aborigines Act, were a robust indictment of political indifference. They also indicated that Neville’s understanding at that time was that quarter-castes were excluded from the provisions of the Act and therefore beyond his authority. He observed that the law offered no direction about the status of the offspring of half-castes and their descendants of the same blood:

The law likewise forgets to say how we should place the offspring of an aboriginal male and a half-caste female and vice versa; also the three-quarter aboriginal and the white, the white male and the half-caste female, and so on.

Neville reaffirmed that awareness in evidence before Commissioner Moseley. He complained he was unable to take action in individual cases involving half-castes or quarter-castes because, ‘owing to the admixture of blood’ the law as it then stood did not cover them. Occasionally, however, he felt compelled to act outside the law ‘for the good of the individuals, whether they liked it or not. Legally the position is that we ought not to act’. Earlier opinions of successive solicitors-general discussed above had held consistently that quarter-caste children were not Aborigines. After the 1936 Amendment Act was proclaimed, such children were wards of the Commissioner until they reached the age of twenty-one. In 1937 the Crown Solicitor offered the opinion that section 8 gave the Commissioner full powers over the children of a half-caste woman who was legally married to a quadroon, ‘such children being natives in accordance with the definition of section 2 of the said Act’.

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14 ibid.
18 State Records Office, North-West, Ace 993, Item 461/1928, folio 9, memo CNA, 11 February 1937.
The 1936 Amendment Act empowered Neville to manage the lives of quarter-caste children, but offered no direction as to what was to become of them. As Commissioner, Neville was their legal guardian; he was responsible for their education and training and their general well being; he could remove them from their mothers and detain them in native institutions in any part of the state; he could isolate them from Aborigines, whites, or persons of any other race; he could determine whether they might be employed and who might employ them; and, at the appropriate time he could approve whom they might marry. Few fathers exercised similar incontestable control over the lives of their children. The power to do those things at law belonged to the Commissioner, but his capacity to do any of them was limited by what was logistically possible and what was morally defensible. Neville had little control over the first; the allocation of public resources was a political decision. The second was a choice among competing options, and they were influenced by whether quarter-castes were considered as one-quarter Aboriginal or three-quarters white. Different values attached to that choice, the white being afforded more favourable treatment than the black. In 1936, public authorities, not individuals, made that choice and in the case of quarter-castes, white was given precedence. The determining factor was habitual manner of living. A quarter-caste living in an Aboriginal camp with other Aboriginals was Aboriginal to be treated at law as an Aboriginal. A quarter-caste peer living in a house in the conventional manner of the white community was not Aboriginal and was to be treated at law as though white.

Neville’s policy at Carrolup and Moore River was for segregation of half-caste children from the white community and partial separation from the black. Parents could and did accompany their children to the settlements, but lived apart from them, the children in compounds and their parents and extended families in camps a distance removed, in the case of Moore River 500 metres distant. Children moved between compound and camp and maintained links with Aboriginal tradition, even though in a severely impoverished form, and developed a unique blend of the traditional and the regulated culture of the compound.

Neville expected that the children eventually would return to and be absorbed by the white community, not as whites and not in economic competition with whites, but as half-caste Aborigines with useful roles in the social economy. Education was the key, ‘an absolute necessity if those children are to hold their own in life at all’. Neville, however, held low expectations for half-castes; ‘if we can bring these youngsters up to the third or fourth standard, we are satisfied’. The educational goal was functional literacy and the employment expectation unskilled labour.

His expectations for quarter castes were different. Initially he was undecided about what to expect and how treat them other than that ‘the quarter-castes should not be treated as natives

19 Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 12 March 1934, p.15
at all’. That did not mean necessarily that quarter-caste children should be treated as whites. The amendment to the *Aborigines Act* that extended the interpretation of ‘Aborigine’, or as it turned out ‘Native’, in order to make quarter-caste children state wards until they reached the age of 21 was Neville’s recommendation. He desired that they be natives for the purposes of the Act, but not that they be treated as natives. Before Sister Kate’s tentative approach to him in December 1932, Neville gave no indication of how they should be treated other than ‘differently’. Authorities in other Australian jurisdictions also were uncertain about how to treat them, but agreed that the ultimate destiny of quarter-castes was to be absorbed by the white community.

In the Northern Territory a review of policy on behalf of the Commonwealth Government by the Chief Protector of Aboriginals in Queensland, J.W. Bleakley, evaluated the possibilities for Aborigines and half-castes. Bleakley’s preferred treatment of quarter-caste children under 10 or 12 years was ‘where such can be done without inflicting cruelty on the half-caste mother’, to remove and place them in ‘an European institution, where they can be given a reasonable chance of absorption into the white community where they belong’. He identified 64 such children living in the Half-Caste Bungalow, Alice Springs, and suggested that in the first instance about half of them should be removed to Adelaide and admitted to suitable orphanages run by the Salvation Army or similar denominational agencies. Because they were fair-skinned and predominantly Caucasian in appearance, the Aboriginal identity of quarter-castes should be eschewed by raising them from early age in absolute segregation from their Aboriginal roots. Their self-percept was to be white.

Bleakley’s recommendations for half-caste children mirrored policies that applied in Western Australia after the opening of the Carrolup River Native Settlement. He proposed that illegitimate half-caste children living in camps attached to pastoral stations, the majority of whom ‘are not even acknowledged by their fathers’, should be ‘rescued from the camps’ and placed in institutions for their education and training. He did not advocate that, like quarter-castes, their segregation should be absolute, but rather that the half-caste should be given the opportunity of education and training ‘in company with the young aboriginals of his own generation’. Bleakley’s preference was that the transition of half-castes towards white society should be gradual, without the trauma of dislocation. The ultimate policy objective was to minimise the breeding of half-castes.

In Queensland the interpretation of ‘Aboriginals’ in the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* was similar to that contained in Western Australia’s *Aborigines Act*

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20 Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 12 March 1934, p.5.
22 *ibid*, p.28.
23 *ibid*, p.29.
1905, with the exception that the Queensland Act was silent on quarter-castes.\textsuperscript{24} In October-November 1932, Dr Raphael Cilento, then the Chief Federal Quarantine Officer, undertook a medical survey of Aborigines in North Queensland. He categorised them in three groups. The first he described as ‘merely a hanger-on’, Aborigines living under traditional conditions, ‘rapidly declining tribal remnants’ restricted by encroaching white settlement to ‘some worthless area of ravine or creek bed’.\textsuperscript{25} The second were Aborigines in settlements ‘under the care and attention’ of the Chief Protector of Aborigines. Cilento was optimistic about their future. They were starting to thrive, and Cilento offered the opinion that ‘if a rational policy is pursued for a generation, the aboriginal problem can be dealt with in Queensland in a way that will redound to the credit of all Australia’. The third group, the coloured people, was problematic. They were outside the control of the Protector of Aboriginals or any other public agency, and Cilento recommended that they be so. He suggested that ‘colored (sic) or partly colored blood living under native conditions, or under circumstances menacing to the community from the point of view of health, or in circumstances where they are likely to become a charge upon the community’ should be brought under the direct control of the Chief Protector of Aboriginals and either absorbed into the community or segregated in Aboriginal settlements:

It is emphatically my opinion that the colored (sic) groups, both aboriginal and other, in the neighbourhood of towns, should be eliminated, either by absorption of the better elements into the general community, or by the transfer of the aboriginals to Aboriginal Settlements. Colored persons living as natives might be given the choice of transfer to Aboriginal Reserves or Settlements, passing thus voluntarily under the control of the Chief Protector, or otherwise dealt with in accordance with the laws relating to vagrancy and so forth.\textsuperscript{26}

It is important that in neither of these reports, the suggestions for the absorption of ‘the better elements into the general community’ in the case of Cilento, or of quadroons ‘into the white community where they rightly belong’ in Bleakley’s, was ‘absorption’ confused with ‘miscegenation’. Neither intimated that by a deliberate and continuous process of interbreeding the Aboriginal strain would be eliminated. The ‘colored’ or ‘quarter-caste’ children they respectively referred to were the products of miscegenation repeated over at least two previous generations who displayed racially fused, but distinctively Caucasian appearance, who lived with and as Aborigines, and whose extrinsic social and cultural orientation was Aboriginal. Their

\textsuperscript{24} \textit{The Aboriginals Protection and Restriction of the Sale of Opium Act 1897,} (Queensland), s. 4.


\textsuperscript{26} \textit{Ibid,} folio 64, and State Records Office, Aborigines, Acc 993, Item 437/1933, folios 4-13, p.2.
orientation could be reversed, not by further miscegenation, but rather by acculturation. For Bleakley that meant the children should be ‘removed from aboriginal associations at the earliest possible age and given all the advantages of education and vocational training possible to white children’. Cilento’s prescription was much more abstruse in its explanation. It involved isolating natives on reservations where they might participate in programs for their ‘social and material betterment’; in short, educating them so that they might be economically competent and have their self-respect and free and independent outlook restored, so ‘that moiety of the natives able to measure up to the accepted economic standards of the day would reach their adequate stature of development, with subsequent return to life among the white community’.

The assumption in both proposals was that public officers would make unilateral decisions about the futures of the children. Only Cilento conceded some right of coloureds to a Hobson’s choice of voluntarily surrendering themselves to the authority of the Chief Protector of Aboriginals or hazarding vagrancy laws. Bleakley and Cilento founded their proposals on the widespread assumption that Aborigines were an inferior race and that governments had a moral responsibility to raise half-castes up to white standards. The keys to their elevation and ultimate assimilation in the white community were segregation from the black and education.

Neville’s ‘experiment’ at the home for quarter-caste children incorporated the essence of the Northern Territory and Queensland proposals, that is, segregating quarter-castes from other Aborigines and half-castes and educating them with a view to their ultimate absorption into the white community. They were already three-quarters white, ‘too white to be regarded as Aborigines at all’, and if they were raised with a European rather than an Aboriginal consciousness, they might be accepted into the white community.

Neville’s immediate problem when Sister Kate approached him was the fair-skinned infants living with their half-caste mothers at Moore River, but who did not belong there. They were three-quarters white children who, by law as well as in Neville’s moral precept, should neither be regarded nor treated as Aborigines. Some of their mothers were half-caste women who had been sent out to domestic service from Moore River and returned, in Neville’s preferred term, enceinte, and others were the children of half-caste girls removed from pastoral stations to Moore River. All the children had white fathers. Neville’s problem was what to do with them. Sister Kate’s request that she might be allowed to re-open Carrolup or work among half-castes and natives in some other way offered a possible solution.

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27 The Aboriginals and Half-Castes of Central Australia and North Australia, 1928, p.29.
Queen’s Park Children’s Cottage Home

Early in July 1933, Neville visited the Moore River Native Settlement and selected twenty children aged between 22 months and 12 years, including two pairs of sisters, who might be transferred to Buckland Hill. Eight children from that list were selected by the Superintendent of Moore River, A.J. Neal, and delivered to the care of Sister Kate on 26 August 1933. Two more were sent on 10 October. These were the children whom Neville described as being ‘so very white’ and who ‘should have the benefit of the doubt, so to speak’. Their putative fathers were white; twelve were named, one being nominated as German and another as French Malay. The identities of the remaining six fathers were either not known or not divulged. Only one child was an orphan; the rest had at least one living parent. Their half-caste mothers, with the exception of two who were deceased, lived at the settlement. The children were classed as quarter-castes. All were of fair complexion.

When Neville visited the home at Buckland Hill on 24 November, he was satisfied with what he saw. The food was ‘simple but suitable, and beautifully cooked’; the children were ‘being well looked after physically’ and they had regular tuition; ‘there is a room specially fitted up as a kindergarten….One child goes to the State school’. Neville observed that all the children were well and happy, but most importantly, it might appear, even though they were sunburnt from playing on the beach, ‘on inspection their skins were quite fair’.29

The following month in a speech to open a fete in aid of the Children’s Cottage Home, Neville referred to the unique character of the undertaking:

The inmates were entitled to different treatment from the natives in that they were quadroons, that is to say, three-quarters white, only their maternal grandmothers being black. Their fathers were white and their father’s father and forbears of the same race as our own. It was not fitting that such children should be reared besides the natives or even the half-castes who so often slip back to the native ways.30

Neville’s only direct involvement in establishing the home, other than to approve the children to be sent there and to monitor their general well being was, at Sister Kate’s request, to try to find a suitable property to accommodate more children. Several sites were nominated by the Department of Lands and Surveys and inspected by Neville, but none was satisfactory. The most promising was a school house at Victoria Park, but before she was scheduled to inspect it at the end of March 1934, Sister Kate wrote to Neville, ‘we are seriously thinking of building a cottage

on a piece of land belonging to Miss Lefroy at Queen’s Park.\textsuperscript{31} Eight weeks late on Monday 28 May she wrote:

I was coming to your office to explain that I am going to Queen’s Park with the School children leaving Miss Lefroy here with the kindergarten children & teachers & 2 elder girls....

We have put up part of the Cottage. The Block is next the State School block at Queen’s Park so they will be quite close to school. We are leaving here Thursday & trust you will approve of our plan.\textsuperscript{32}

The tone of the letter was characteristic of Sister Kate’s relationship with Neville. She advised him of her intention, hoped he would approve, and then acted as she intended. She brooked no opposition. Even if Neville disapproved, he was confronted with a \textit{fait accompli}; Sister Kate and her charges were ensconced in the Queen’s Park cottage before he had time to react.

At Sister Kate’s request, another eight were assigned to her care on 10 October 1934.\textsuperscript{33} The children of school age were lodged at Queen’s Park and the younger ones with Ruth Lefroy at Buckland Hill. All had arrived from Moore River suffering from afflictions associated with poor hygiene and neglect – trachoma, chronic ear infections, tonsillitis, ringworms, scabies and head lice. They were treated at Princess Margaret Hospital for Children, some hospitalised for up to six weeks. Ruth Lefroy drew Neville’s attention to their condition and observed; ‘I may be prejudiced against Mogumber but I only draw conclusions from the children who come from there with ear trouble, eye trouble, throat trouble \textit{all from neglect}.’\textsuperscript{34} She requested that when children were selected they remain for a period at the settlement hospital to be cleaned of scabies. That became routine.

The Queen’s Park Children’s Cottage Home was a private incorporated body governed by a board of trustees. Sister Kate and Ruth Lefroy managed its operation and drove its growth. Friends and benefactors generously supported them. Capital for buildings and improvements was generated from donations or charitable grants, not from government. Government’s only financial commitments were minimal subsidies to maintain the children and, through the Lotteries Commission, contributions to building funds. Neville’s roles in the management of the home, other than those attaching to his legal obligations to the children whom he deemed his wards, were only to give advice when asked and to respond to Sister Kate’s repeated requests for more children. For Neville the home was ‘an experiment’ he watched ‘with much interest’.

\textsuperscript{31} \textit{Ibid}, folio 67, Sister Kate to Mr. Neville, 29 March 1934.
\textsuperscript{32} \textit{Ibid}, folio 79, Sister Kate to Mr. Neville, 28 May 1934.
\textsuperscript{33} \textit{Ibid}, folio 93, Sister Kate to Bray, 12 September 1934.
\textsuperscript{34} \textit{Ibid}, folio not numbered, Ruth Lefroy to CPA, 15 May 1935 (Original on Aborigines File 159/35). Underlined in the original.
Neville’s only attempt at control was over the state wards accommodated at the Cottage Home: ‘will you please bear in mind that the Chief Protector is the guardian of all such children, and let me know if at any time anybody places or desires to place children of this type with you’. He was only partially successful. In August and October 1934 Sister Kate took in three half-caste children without consulting him. Neville’s protest brought a sharp response from Ruth Lefroy:

Sister Kate took the (name withheld) children in, because Mrs (name withheld) who had the Mother & three of the children living with her for some weeks, said she could not afford to keep the two oldest children & it was impossible for the Mother to earn anything, and look after the children too.

The children remained at Sister Kate’s. Neville was determined that would not happen again and was more successful in refusing a request to Sister Kate from Rev. Boxall, Protector of Aborigines Narrogin, to receive two quarter-caste girls aged 15 and 10. Sister Kate sought Neville’s advice. He, in turn, informed Boxall that the accommodation at Queen’s Park was fully taxed and ‘it is not likely that [Sister Kate] will be able to accept these or any other similar children for some time’. All further applications for a place at the home were referred for Neville’s consideration. None were approved, but the real constraint upon Sister Kate was financial rather than legal. Neville had no authority to deny children a place. It was a private institution subsidised, but not controlled by his department. As far as Neville was concerned, however, the children given to Sister Kate’s care were his charges. He advised Sister Kate that any future arrangement in regard to their employment and so on, ‘must be carried out with the complete concurrence of this department’. Sister Kate accepted that.

The law as it stood in September 1933, and as Neville understood it, did not support his claim that he was the guardian of the children in Sister Kate’s care. The Amendment Act that changed the status of quarter-castes came three years later. Before then, quarter-castes were exempt from the Aborigines Act 1905. Regardless of the law, Neville removed 37 quarter-caste children from their mothers at Moore River and gave them over to Sister Kate’s care. A further eight were removed in the intervening period between the passage and the proclamation of the Amending Act. Neville’s actions were never challenged. Certainly he sought ministerial approval, but even that approval would indicate some indifference to what might be unlawful in the treatment of Aborigines.

Neville intimated that mothers at Moore River were consulted before their children were

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35 ibid, folio 83, CPA to Sister Kate, 3 July 1934.
36 ibid, folios 106-108, P.R. Lefroy to Mr. Neville, 19 October 1934.
37 ibid, folio 125, CPA to Rev. F.J. Boxall, 12 December 1934.
38 State Records Office, Native Affairs, Acc 993, Item 279/1933, folio 24, letter, CPA to Sister Kate, 4 September 1933.
39 ibid, folio 25, letter, Sister Kate to Mr. Neville, 6 September 1933.
removed to Queen’s Park. In his annual report for 1936 he referred to the comfort of young mothers who felt ‘that their children were out of place in a native settlement’, but previously had no other place to send them. Those mothers initially were reluctant to surrender their children to the care of Sister Kate, but ‘being allowed to visit the Home and witness the conditions themselves’, they were less apprehensive. Even so, the legality of Neville’s initiative in sending the children to Queen’s Park without direction by a Children’s Court, as required under the _State Children Act_, was doubtful.

Tension arose between Neville and Sister Kate, or perhaps more correctly between Neville and Ruth Lefroy, over the status of the children. To Neville, they were quarter-caste children, but not white; to Sister Kate and Ruth Lefroy they were white. Ruth Lefroy met with Neville’s Deputy, Frank Bray, in August 1934 and requested that when children were placed with Sister Kate they should simply be referred to by name in all correspondence. Bray noted as follows: ‘Miss Lefroy does not like the use of the words ‘quarter-caste or half-caste”. The matter caused disquiet when in December 1937 the Children’s Cottage Home, Queen’s Park was gazetted a native institution. The executive of the Home objected strongly; ‘we desire to have the quarter-caste children treated like white girls and boys under similar circumstances’.

One part of the argument related to subsidies paid to Aboriginal and other institutions, another to differences in perception of the racial status of the children. When Sister Kate agreed to take quarter-caste children from Moore River, Neville was careful to explain the financial terms of the arrangement. Where maintenance was not paid by the father of the child, the department would pay £5 a year for each child; where maintenance was paid and both mother and child were under departmental care, Sister Kate would receive half the maintenance paid; and where only the child was in care, all maintenance received would be passed on to Sister Kate. Those terms were accepted; ‘I quite understand the position in regard to our children that they are charges of the Aborigines Department; & that their future is in the hands of the Department’.

Within two years when she was caring for 25 children, 19 of whom were subsidised through the Aborigines Department, Sister Kate was agitating for native institutions being paid the same subsidy as institutions for white children. Neville conceded the point and recommended that the subsidy be increased from 2/9 a week for each child to 7/-: ‘Sister Kate’s children are

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40 Aborigines Department, _Annual Report of the Chief Protector of Aborigines for the Year Ended 30 June 1936_, p.16.
41 State Records Office, Native Affairs, Acc 993, Item 279/33, folio 92, memo, GGB Deputy CPA, 22 August 1934.
42 Government Gazette, No 60, 24 December 1937.
43 State Records Office, Native Affairs, Acc 993, Item 305/1938, folio 55, Sister Kate to unknown correspondent, 31 October 1938. The executive members were Sister Kate, Ruth Lefroy, Julia Lloyd and Claire Thomas.
44 State Records Office, Native Affairs, Acc 993, Item 279/33, folio 24, Sister Kate to Mr. Neville, 6 September 1933.
brought up like any other children would be in a white institution, and there is every reason why the amount of the subsidy should be increased and brought into keeping with that paid to institutions receiving assistance from the Child Welfare Department.45

Because a subsidy of 7/- per week would have strained the resources of his department in that financial year, Neville suggested a staged introduction with an initial payment of 5/- weekly for each child rising to 7/- at a later date. The Minister approved, but Sister Kate was dissatisfied and continued a public campaign for parity of her charges with children in institutions subsidised by the Child Welfare Department. She insisted that her children were quarter-castes and therefore white. Sister Kate may have had a case, but she did not argue niceties of the law. It was not until after 1937 that the children Neville placed in her care were classed as natives at law.

The Children’s Cottage Home was an incorporated association, but also was declared a native institution within the meaning of the Native Administration Act 1905-1936. Had it not been, Neville could not have directed departmental funds to subsidise Sister Kate’s program, nor could he have placed quarter-caste children in her care. The 1936 Amendment Act had added ‘district, institution, or hospital’ to ‘reserves’ as places to which Aborigines could be moved and detained.46 The purpose was to ensure the legality of removing Aborigines to missions, lock hospitals and institutions such as the Children’s Cottage Home and the Native Girls’ Home, East Perth.

Sister Kate’s correspondence expressed indignation; ‘After reading the regulations, which we should have done in 1936, we do object very much to being classed as a Native Institution’.47 Neville responded in conciliatory voice. He offered that the Children’s Cottage Home be declared an institution under the Child Welfare Act rather then the Aborigines Act:

My only interest is to see that the children I sent you are brought up as white children should be, so that when they attain mature years they may become citizens of the State in the same way as any other British residents would.48

Sister Kate replied twice. In her first letter it appeared as though her mind was made up; ‘Looking to the future of the Quarter caste Child (sic) we agree it might be for their good if they were classified ‘white’ under the Child Welfare Act’.49 Under separate cover on the same day, a second letter addressed to Neville included her telephone number:

45 State Records Office, Native Affairs, Acc 993, Item 240/1934, folio 45, CPA to Honorary Minister Kitson, 18 August 1936.
46 Aborigines Act Amendment Act 1936: section 12 was amended by inserting after the word ‘reserve’ the words ‘district, institution, or hospital’.
47 State Records Office, Native Affairs, Acc 993, Item 305/1938, folio 56, Sister Kate to Mr. Neville, 6 November 1938.
48 ibid, folio 56, CNA to Sister Kate, (undated), original on Aborigines 163/1935.
49 ibid, folio 57, Sister Kate to Mr. Neville, re Child Welfare, 28 November 1938.
I have written what our Friend Miss Lefroy & Myself think is for the betterment of Quadroon Children. I think you know my personal feelings towards you & the Department of Native Affairs if it was a personal affair. I am well content as we are.\textsuperscript{50}

Neville believed it would not be in the best interests of the home to relinquish control and resolved to visit Sister Kate ‘and discuss matters in order that she may be made aware of the Department’s point of view’.\textsuperscript{51} Whatever the protagonists might have discussed privately, the matter seems to have been resolved in favour of the Department of Native Affairs. The Children’s Cottage Home continued to be a native institution, continued to receive quarter-caste children, and continued to enjoy subsidy, however inadequate, through the Department of Native Affairs. Sister Kate and Ruth Lefroy might have wanted more, but compared with other native institutions their Home fared well. It received two-and-half times the subsidy paid to any other native institution.\textsuperscript{52}

Even though Neville intended that the children should have a segregated upbringing in a ‘home for quarter-caste children’, he was mindful of familial relationships and was not averse to mothers keeping in touch with their children. When the second group of children were sent to Buckland Hill they were accompanied from Moore River by ‘two of the mothers who want to see their youngsters’.\textsuperscript{53} Neville did not discourage parents from visiting their children, exchanging letters with them, or sending birthday gifts.

Neville was concerned, just the same, that they must be brought up in the manner of white children. They might maintain contact with their mothers and families, but Neville’s aspiration was that their future lay in the white and not in the black community. When in November 1937 Sister Kate sought his advice as to whether children might be allowed to visit and stay with people who were their penfriends—‘Some of these ‘Friendship Pen Friends’ are very good to us and give clothes etc for their special little friend’—Neville approved.\textsuperscript{54} He left the matter to Sister Kate’s judgement, but advised, ‘as we are endeavouring to bring these children up as white children we should not unduly restrict them in this direction’.\textsuperscript{55} His only reservation was, ‘providing always that the children’s own relatives are not able to contact them when they are away from your Home’. Parental contact was permitted, but only under supervision.

\textsuperscript{50} ibid, folio 58, Sister Kate to Mr. Neville, re Child Welfare, 28 November 1938.
\textsuperscript{51} ibid, folio 64, Memo, CNA to Honorary Minister, 16 December 1938.
\textsuperscript{52} State Records Office, Native Affairs, Acc 993, Item 240/1934, folios 139-140, memo, CNA to Hon. Minister for the North-West, 15 June 1939.
\textsuperscript{53} State Records Office, Native Affairs, Acc 993, Item 279/33, folio 95, CPA to Sister Kate or Miss Lefroy, 24 September 1934.
\textsuperscript{54} State Records Office, Native Affairs, Acc 993, Item 305/1937, folio 8, Sister Kate to Mr. Neville, 13 November 1937.
\textsuperscript{55} ibid, folio 9, CNA to Sister Kate, 16 November 1937.
Sister Kate and Ruth Lefroy preferred that the children believe they were orphans and shielded them from their Aboriginal identity. A regulation gazetted under the Native Administration Act directing that all letters to and from inmates of native institutions should pass through the superintendent or manager who had discretion to withhold them or to return them to the writer, was, along with nineteen others, disallowed by the Legislative Council on 30 November 1938, but gazetted again on 8 September 1939. After Neville retired, withholding children’s mail became firm policy at the Children’s Cottage Home.

In April 1941, Sister Kate wrote to Neville’s successor, Bray, for advice about girls writing to their relations, and asked whether there should be a rule that girls write only to their parents: ‘I am afraid with the older girls & boys they will revert back to their relations but I think the younger ones have quietly forgotten them’. Bray suggested all correspondence from ‘bush or camp natives’ should be discouraged, but some mothers, for instance those employed as domestics and ‘accustomed to better ways of life’ should be allowed to write to their children. He recommended that control should be exercised over all other correspondence; ‘The children’s interests are of paramount importance. They live as whites and their future lives will be along our own lines; therefore it seems to me that severance of ties is inevitable, especially from correspondents who live as natives’.

Sister Kate, Ruth Lefroy and Frank Bray shared similar views about denying children their racial identity. They believed the home, ‘should be carried out as a ‘white’ Home & the Children go out as ‘white’’. That was not difficult with the younger children; they simply were told they were orphans of unknown or deceased parents. The older ones were problematic. Their mothers and relations wrote to them, keeping the remembrance alive. Sister Kate saw that as a real difficulty; ‘Will the girl in service like it when her brown mother or aunt comes to see her? Bray agreed that contact with relatives was an obstacle; ‘Remembrance is present in consequence; but we can co-operate and discourage it from the standpoint that it is detrimental to the welfare of the children, and the principle at stake; that is, that the children must go out as whites’.

Neville offered a possible alternative in his final report as Commissioner for Native Affairs. He did not address the problem of quarter-caste children, but referred to an ‘absurd consequence’ of Section 71 of the Native Administration Act by which the minister could issue a certificate of exemption from the Act. Crown Law had ruled in the case of an exemptnative who

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57 State Records Office, Native Affairs, Acc 993, Item 305/1938, folios 106-107, Sister Kate to Mr. Bray, 30 April 1941.
58 ibid, folio 108, CNA to Sister Kate, 6 May 1941.
59 ibid, folios 121-122, Sister Kate to Mr. Bray, 29 August 1941.
60 ibid, folio 123, CNA to Sister Kate, 3 September 1941.
had been charged with an offence under section 46, cohabiting with a native, that exemption did not destroy native identity. In other words, the person was not a native for the purposes of the Act, but was a native in fact and therefore could not be charged with an offence under the Native Administration Act of cohabiting with a native who was not his wife. Neville objected that the interpretation devalued exemption. It was his opinion that exempt Aborigines were entitled to ‘the rights enjoyed by any other person in the community who is not a native’, and that in this case the man should be ‘subject to the provisions of the Native Administration Act as though he were not a native’.61

When translated to quarter-castes whose exemption from the Act was conferred not by Ministerial decision, but by effluxion of time, it might mean at age 21 they were equal to non-Aborigines at law, but they remained quarter-caste Aborigines even though they may have been raised and educated in the manner of whites. If it was their wont they might choose to deny their Aboriginality and identify as whites; to identify as Aborigines outside the provisions of the Act and entitled to legal privileges available to non-Aboriginal members of the community; or, with the Minister’s approval, voluntarily be classed Aborigines for the purposes of the Native Administration Act. The law allowed all options. In that sense, absorption would not necessarily mean assuming a white identity or eschewing an Aboriginal identity. It might mean one could maintain an Aboriginal consciousness without enduring the legal impositions of Aboriginality.

Another interpretation available was ‘biological absorption’. Over extended time, and with continuous interbreeding of whites and coloured, the Aboriginal physiognomy would be extinguished. That might be possible only if choice of mate were denied or that all Aborigines preferred that their children be white. That was the proposition advanced by Dr Bryan and rejected by Royal Commissioner Moseley.62

All three are valid interpretations of what was meant or intended by the policy of absorption. Each incurs different measures of government control over the lives of people. All are intrusive of individual liberty and all assume societal approbation of coercive law to manage the lives of a cultural minority. Alternative laissez faire policies to leave the Aborigines to their own resources were unacceptable in a community imbued with historical precepts of protection: Aborigines must be preserved. Neville’s preference was that the white community absorb Aborigines of mixed descent. After 1937 it also was the endorsed policy of other State and Commonwealth authorities. It is contestable, however, whether Neville and his colleagues intended ‘biological absorption’ when they recommended ‘that all efforts be directed to that end’.

61 Department of Native Affairs, Annual Report of the Commissioner for Native Affairs for the Year Ended 30 June 1938, p.5.
62 Moseley Royal Commission, Transcript of Evidence, Dr C.P. Bryan, 22 March 1934, p.357.
The Canberra Conference, April 1937

The initial conference of Commonwealth and State Aboriginal authorities held at Canberra in April 1937 adopted a series of resolutions, two of which are pertinent to this thesis. The first applied only to half-castes, quadroons and so on, and already was established policy in Western Australia:

That this Conference believes that the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.\(^63\)

The other resolution on the supervision of full blood natives referred to three undefined categories: detribalised, semi-civilised and uncivilised natives. Children of people in the first category living near centres of white population were to be educated to white standard and subsequently placed in employment, but not in economic competition with whites. Semi-civilised natives were to be kept under benevolent supervision in small local reserves selected for tribal suitability. Unemployable natives might live there in as nearly as possible normal tribal life and natives in employment might stay there between jobs. Some ‘unobjectionable’ tribal ceremonies might be allowed. The ultimate destiny of these people was that they become detribalised. The third group, the uncivilised natives, were to be preserved as far as possible in their normal tribal state on ‘inviolable reserves’. Decision about whether missions should be allowed on the reserves was to be left to each State or Territory.

At the time of the Conference the total area of Aboriginal reserves in Western Australia was 24,722,317 acres (approximately 38,629 square miles).\(^64\) The Central Desert Reserve bordering the Northern Territory and South Australia comprised 14,000,000 acres (21,875 square miles), and those in the Kimberley comprised much of the remaining area of reserves.\(^65\) Elsewhere in the state reserves were relatively small and did not afford capacity for independent living according to Aboriginal tradition. None had statutory protection as a Class A reserve.\(^66\) They were inviolable in the sense that entry by other than the Indigenous inhabitants was by permit only, but their reserve status could be removed by administrative fiat, as indeed it was

\(^{63}\) Aboriginal Welfare, Initial Conference of Commonwealth and State Aboriginal Authorities, p.3.

\(^{64}\) Aborigines Department, Annual Report of the Commissioner for Native Affairs for the Year Ended 30 June 1937, p.5.

\(^{65}\) The Central Desert reserve was contiguous with similarly large reserves in the Northern Territory and South Australia. The cooperative agreement among the two states and the Commonwealth in 1932 to reserve this large portion of central Australia for Aborigines was motivated by a belief that large numbers of Indigenous people survived there in their tribal condition.

\(^{66}\) The Land Act 1933, s. 31(1): ‘the Governor may by notice of reservation published in the Gazette … classify such lands as of Class A; and if so classified, such lands shall for ever remain dedicated to the purpose declared in such notice, until by an Act of Parliament in which such lands are specified it is otherwise enacted’.
from time to time.

Neville’s position on the motion did not accord high priority to preserving Aborigines living in their traditional nomadic state. He appeared to differ from his colleagues with a prognosis that the extinction of Aborigines in their native state was inevitable and unavoidable; ‘They are not, for the most part, getting enough food, and they are, in fact, being decimated by their own tribal practices. In my opinion, no matter what we do, they will die out’. At Moola Bulla and Munja the number of full blooded children was increasing, ‘because of the care the people get’, but elsewhere the numbers of children were insufficient to sustain the race.

Neville’s apparent difference from the other Conference delegates may have been of semantics, or perhaps it reflected differences in the respective political acuity of the delegates, differences of guile rather than differences of informed opinion. Those favouring the continuance of Aborigines living in their traditional manner spoke of protection, but intended preservation. For Harkness, a member of the Aborigines’ Protection Board in New South Wales where the number of full blood Aborigines was critically low, full bloods were little more than a racial curiosity; ‘There is an historical appeal in preserving a vanishing race, but I think we should seek to assimilate these people’. Professor Cleland, himself a scientist of international standing, expressed concern that the Conference should create any suggestion that there was to be a deliberate attempt to ‘hurry up’ the detribalisation of full bloods: ‘I am sure that very vigorous objections would be taken by scientists by any attempt to hasten the detribalisation of full blood aborigines, for they are unique and one of the wonders of the world’.

Cook appeared confused about the situation in the Northern Territory. At first he proposed that if a policy of laissez faire were to be followed, the ‘wild, uncivilised blacks’ would be ‘extinct within fifty years….If we leave them alone they will die, and we shall have no problem, apart from dealing with those pangs of conscience which must attend the passing of a neglected race’. After questioning from Professor Cleland, Cook offered the contrary view that full bloods living in their natural state in Arnhem Land and the Musgrave Ranges, ‘due to the habits and mode of living of the Aborigines’, would remain ‘much the same as they have been for four or five centuries’. If they were brought into reservations where it might be attempted ‘to eradicate their bad habits and give them white outlooks’, Cook warned, ‘we shall be raising another colour problem’.

Even the most influential of the Conference delegates, Bleakley, spoke of an obligation

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68 ibid, p.14, Harkness speaking of conditions in New South Wales.
69 ibid, p.21, Professor J. B. Cleland, Chairman of Advisory Council of Aborigines, South Australia.
70 ibid, p.14. Cook speaking of conditions in the Northern Territory.
71 ibid, p.18.
accepted by the Queensland government for the preservation of ‘primitive nomads’ by reserving ‘for their use sufficiently large tracts of their own country to ensure the undisturbed enjoyment of their own native life and means of subsistence and protection from abuses’.72 Protection meant enforcing the inviolability of the reserves to shield the natives ‘not only from the trespasser, but also from the temptation calling at the gate, once they have tasted alien vices’. The ultimate goal was the gradual adaptation of the nomadic people to ‘the settled life’ of animal husbandry and agriculture rather than hunting and gathering.

Neville’s position was clear. In his view, the problem of preserving full blood Aborigines would eventually solve itself: ‘they will die out’. 73 However, he did not anticipate that all Aborigines would be extinguished, or that only their mixed race descendants might survive. Those living, in the terms of the Conference resolution, a ‘semi-civilised’ existence on Moola Bulla and Munja were increasing in number, but ‘uncivilised natives’ living in their normal state on pastoral leases and beyond white settlement were ‘decreasing rapidly as the result of tribal practices’.74 In Neville’s view, they were doomed by their customs. Half-castes, on the other hand, were fertile and Neville argued, as he had consistently before the state government, the problem of the future ‘will not be with the full bloods, but with the coloured people of various degrees’.75

Data assembled by the Commonwealth Statistician tended to support Neville’s contention. From 1921 to 1933, the total number of full blood Aboriginals nationally did not vary by more than 5 per cent. The data for 1934 showed a marked decrease on the number recorded for 1933; in 1935 it declined again to a total of 54,378 persons; and again in 1936 to 53,698. Conversely, from 1921 to 1936 half-castes increased at an average annual rate of 4.1 per cent to a national total of 23,461. After 1901, when they numbered 7,370 persons, half-castes increased at a higher average rate than the white population, and at a growth rate considerably faster than the rate of decline in full bloods.76

The disparities were largest in New South Wales and Victoria where the numbers of surviving full bloods, and of half-castes, were small.77 According to spokespersons for those States respectively, A.C. Pettit and L.L. Chapman, the legal status, if not the social approval, of half-castes also was different.78 Pettit advised that in New South Wales all Aborigines, full blood

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72 ibid, p.6.
73 Aboriginal Welfare, Initial Conference of Commonwealth and State Aboriginal Authorities, p.16.
74 ibid, p.16.
75 ibid, p.16.
77 The data must be treated cautiously, however since the definition of Aborigine adopted in those states tended to minimise the numbers.
78 A.C. Pettit, Secretary, Aborigines Protection Board, New South Wales; L.L. Chapman, Under-Secretary, Victoria, Vice-Chairman of the Board for the Protection of Aborigines.
or half-caste, were enfranchised and, except for the prohibition on alcohol on reserves, ‘they enjoy all the rights and privileges of white people’.79 In Victoria, only those Aborigines living at native reserves were subject to relevant legislation and, Chapman proposed, there would be public outcry ‘if any effort were made to deal with them on lines in which it is proposed to deal with half-castes in Western Australia’.80

Both agreed that the most urgent problem was the absorption of quadroons and octoroons into the white community, but agreed also that it was primarily a problem for the other states and the Commonwealth to resolve within their own jurisdictions. Pettit and Chapman may have gilded the lily in their representation of the conditions of Aborigines in their respective States, but they persisted with those positions both during and after the Conference.81 Victoria was reluctant to commit itself to participation in future conferences and suggested that they should continue between the Commonwealth and those states ‘where there are common difficulties of administration to resolve’.82

Western Australia, Queensland and the Northern Territory faced similar policy challenges regarding Aborigines of mixed descent, but their resolution differed among the three jurisdictions according to political and demographic circumstances. In the Northern Territory, Aborigines of the full blood numbered four times the white population. Dr Cook’s expressed concern was about the possibility of racial conflict. It was untenable that half-castes could continue to treated as inferior; ‘it will create racial conflict which may be serious’.83 The policy adopted by the Commonwealth Government, therefore, was to raise half-castes to equal status with whites: to educate half-caste children as whites and train them so that they might ‘compete in the labour markets as whites’.

Bleakley entertained a different scenario in Queensland where, he said, half-castes belonged to two groups: those who were ‘of half aboriginal blood, but wholly aboriginal in nature and leanings’; and a superior type ‘with necessary intelligence and ambition for the higher civilised life’.84 The inferior type could be given vocational and domestic training ‘to take their part in the development of a self-contained native community’. Children of the superior type, Bleakley

80 ibid, Chapman on Conditions in Victoria, p.17.
82 National Archives of Australia, Series A659/1, Item 1942/1/8104, Conference of Commonwealth and State Aboriginal Authorities – Canberra, April 1937, folio 271, Under Secretary, Chief Secretary’s Office, Melbourne, to Secretary, Aboriginal Welfare Conference, Canberra, 20 May 1937.
83 ibid, p.13.
84 ibid, p.8.
argued, were entitled to assistance to make a place in the white community, but only if they were ‘equipped with the vocational knowledge and the respectable home background to overcome the handicap of racial prejudice and inferiority complex’.  

Only Neville seemed to take a different path, and that is discerned more by inference than by any explicit statement on his part. Several of his propositions may even have proven difficult for him to substantiate. For example, his assertion that in parliamentary debates on the Amendment Act 1936, most members ‘expressed the view that sooner or later the native and the white populations of Australia must become merged’ was a fanciful representation of the exchange in both Houses of the Parliament. There was diversity of views expressed in those debates, but most members spoke from uninformed personal opinion, much of it neither enlightened nor enlightening. Neville’s further assertion that the Act was based upon the presumption that Aborigines in Australia ‘sprang from the same stock as ourselves; that is to say, they are not Negroid, but give evidence of Caucasian origin’, was an esoteric proposition not considered in debates which seldom strayed beyond affirmation of prejudice; ‘An aboriginal by any other name would smell no sweeter’.

Neville’s rather bold pronouncement that Western Australia had advanced further than any other state in the development of long range policy ‘by accepting the view that ultimately the natives must be absorbed into the white population of Australia’, taken with his further statement, ‘We have accepted [the] view in Western Australia’, that ‘there is no such thing as atavism in the aboriginal’, invited an interpretation that Neville meant by propositions that ‘ultimately the natives must be absorbed into the white population of Australia’ and ‘sooner or later the native and the white populations must become merged’, biological absorption was authorised public policy. If that was a silent agenda of Neville’s previous statements of policy, no government had sanctioned it. His propositions were rendered more intriguing by the manner of their presentation. They were left hanging without elaboration or elucidation and offered meaning through implication rather than by explication. For the greater part of his participation, Neville displayed thoughtful compassion, and relied upon information and example to develop a point of view. He was not a principal player in the Conference. Bleakley led the debate. Neville’s role was remarkable for its intellectual infidelity.

Occasionally he manifested apparently willing suspension of disbelief and represented situations not as they were, but as he wanted them to be. He attributed to Aboriginal people character traits that conflicted with fundamental, and his own, understandings of the human condition. When describing the policy of institutionalisation, for example, he made the honest

85 ibid, p.8.
86 ibid, p.10.
87 Parliamentary Debates, Legislative Council, 30 September 1936, p.880.
observation that Aborigines, ‘have a tremendous affection for their children’. However, he explained, it was better to take half-caste children ‘living in camps close to country towns under revolting conditions’ from their mothers and place them in the care of institutions. Mothers were allowed access and, in Neville’s opinion, ‘after a few months are quite content to leave their children there’.  

In the instance of the ‘quarter-caste home’ Neville admitted ‘we had some trouble with the mothers’, as they were greatly attached to their children and did not want to be parted from them. Neville explained that the practice had been adopted of allowing mothers to visit their children until they were satisfied themselves that they were properly looked after; ‘The mothers were then usually content to leave them there, and some eventually forgot about them’.  

Neville’s portrayal of apparently callous indifference was unsupported by reality. Sister Kate’s complaint was that mothers of children at the home would not forget:

L.S’s mother sends to Foys to give him expensive soccer boots another time a football. So that always in the girls (sic) and boys (sic) minds is the fact that they get presents, lollies, cakes, etc from their relations. Their relations write to them always keeping up the tie between them. I think this is a real difficulty.

Notwithstanding Neville’s contribution, the Conference resolution on ‘the destiny of the natives of aboriginal origin, but not of the full blood’ was unequivocal. Neville suggested that details of administration were best left to the states, and the Conference resolved:

That, subject to the previous resolution, efforts of all State authorities should be directed towards the education of children of the mixed aboriginal blood at white standards, and their subsequent employment under the same conditions as whites with a view to their taking their place in the white community on an equal footing with whites.

Western Australia was lacking in two aspects of that resolution. Half-castes could be denied enrolment at state schools. The Education Department persisted with its narrow legal interpretation that Sections 4, 5 and 6 of the Aborigines Act 1905 meant that the education of Aborigines, including half-castes, was solely a responsibility of the Aborigines Department. The native schools at Moore River and Moola Bulla did not compare with state schools in resource allocation, the quality of their teaching and learning resources, nor in their educational outcomes.

The average per capita cost of educating a child in a Western Australian state school in 1936 was
£10/10/- a year. The total annual per-capita allocation for Aborigines was £1/10/2 to cover rations, blankets, clothing, the maintenance of the Moore River settlement and cattle stations, subsidies to missions and general administration. The cost of educating half-caste children at Moore River was subsumed in the cost of running the settlement. Teachers were not qualified and usually were the wives of employees engaged for other purposes and paid a joint salary with their husbands.92

Aborigines in employment did not always receive wages, especially in the pastoral industry. If they were paid, their rates were lower than whites for the same work and the Department of Native Affairs sequestered part of the wages. The terms of their employment permits specified an amount payable to the employee in cash and kind, and the amount to be transmitted to the Department for deposit in their trust or savings bank accounts.93 The conditions of employment Aborigines endured were a distance removed from those enjoyed by their non-Aboriginal peers and governments and employers had demonstrated reluctance to change them.

The difference between the intention of the Conference resolutions and the reality of the actual practice of Aboriginal Affairs in Western Australia, and in the other Australian states, illustrated a significant failing in the approach to public policy with regard to Aborigines. Expressions of intent concealed an enduring tension between benevolence and malevolence in the attitudes of public officials. Each of the Conference participants presented the best-possible portrayal of policy and practice within their respective jurisdictions, but betrayed professed goodwill with a predilection to explain failure by reference to inherent faults in Aborigines rather than to flawed programs or processes. Their persistent complaint was that governments never allocated sufficient resources to enable them to do their jobs properly, the universal remedy for which was to shift guilt to the Commonwealth in order that the central government might be shamed into supplementing state resources:

There is to-day a vast body of public opinion in other parts of the world contending that we are not doing the right thing by our aborigines. I do not suggest that the feeling is entirely justified but where there is smoke there is fire, and without financial support from the Commonwealth the position will not be improved.94

92 State Records Office, Aborigines, Acc 993, item 239/1936, folio 17, CPA to Hon. Sec. Association for the Protection of Native Races, 26 August 1936.

93 In his evidence to the Moseley Royal Commission Neville advised that 173 separate individual trust accounts were maintained by his department on behalf of individual Aboriginal persons. Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 14 March 1934, p.131.

Missions and Marriage Laws

Conference debate on government subsidies to missions was heard in camera. In all states and the Northern Territory missions had an historical role in pastoral care and education. Governments subsidised them to carry out programs for the gradual adaptation of Aborigines, children in particular, to the manners and values of European culture. Their superintendents or managers generally were appointed as protectors of aborigines in order that they might have secular as well as spiritual authority over their Aboriginal charges. The office also bound them to public policy.

Neville was open about his disquiet over the activities of missions. His early attempt in 1916 to diminish the roles of La Grange, Lombadina, Beagle Bay and Sunday Island missions in the West Kimberley was discussed above. At the Canberra Conference he made his concerns clear: the policy of the missions was in direct contrast to his own. Missions encouraged Aborigines to marry and to multiply, but discouraged those born on their properties from leaving. Neville’s policy pursued at the Moore River Native Settlement encouraged Aborigines to move into the general community and earn their own living. Adults moved routinely between seasonal or occasional places of employment and the Moore River camp. Male wards at the compound were sent to employment in rural industries at age 14: girls were sent to domestic service after they turned sixteen. Only indigent Aborigines in regular receipt of rations were encouraged to remain.

Tension between Neville and the missions, in particular between Neville and Rod Schenk of the Mount Margaret Mission, came to a head over regulations formulated under the Native Administration Act 1936, and Neville’s attempts to negotiate a suitable form of marriage for Aborigines. When on 22 November 1938 Hon. Harold Seddon moved to disallow twenty of the 156 regulations, he launched a damning attack upon Neville. The ideal, he claimed, was that the Commissioner was intended to be ‘the friend and protector of the natives’, but Neville had become an autocrat whose actions, if taken against white persons, ‘would cast very serious reflections upon those guilty of those actions’.

Seddon’s target was Neville’s relationship with missions, Mount Margaret Mission in particular, and his principal source of information was Rod Schenk and his teaching assistant, Mary Bennett. Earlier that year, Mrs Bennett had written to Neville detailing specific cases in

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95 ibid, p.29.
96 ibid, p.11.
97 Parliamentary Debates, Legislative Council, 22 November 1938, p.2241.
which he had refused permission for Aborigines to marry. She referred to the case of a half-caste man, Bobby Floyd, who had committed suicide at Erlistoun station in 1936, in Mrs Bennett’s account, ‘because he believed that his marriage to a half-caste girl was forbidden’. The *Daily News* received copy of the letter and published details of the case.

As it turned out, Bobby Floyd had never sought permission to marry and was not required to do so. He was aged 27 when he died, an adult half-caste ‘quite able to manage his own affairs’, and the Department had no contact with him other than in 1931 when he was 22 and voluntarily spent four months at Moore River. Neville described Mrs Bennett’s statements as ‘so utterly outrageous, contrary to fact, and almost fanatical, that it is difficult to believe that anyone could give them credence’. Rod Schenk did and refused to deny them; ‘I am ready either here at Mt Margaret or for the State to have any policy ventilated for the good of the natives’.

The debate on the disallowance motion focused upon government’s desire to establish a regulatory regime for the establishment of missions and licensing of mission workers, appeals against the withholding of assent to marriage, the more effective oversight of conditions of employment; and the remuneration of Aborigines employed under permit. Allegations leveled against Neville’s attitude towards missions caused the Chief Secretary, Hon. W.H. Kitson, to observe that the opposition to the regulations arose from one source; ‘In effect, Mr Seddon took the Department to task for not co-operating with the Mt. Margaret Mission. He was giving, I think, the viewpoint of the mission authorities of that particular mission’.

There was considerable justification for that view. The bulk of the information presented by Seddon in support of his motion came from correspondence between Schenk and Neville and from newspaper articles reporting matters involving Aborigines linked in one way or another with the Mount Margaret Mission. The debate over four sitting days in the Legislative Council was really about the relationship of Neville and Schenk, both described by Seddon as ‘strong-willed men’ between whom ‘there has been a fair amount of ill-feeling’.

Members of the Legislative Council were so alarmed about matters raised in the debate that they agreed to a motion calling for a Royal Commission to inquire into the relationship

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98 State Records Office, Aborigines, Acc 993, Item 166/1932, folios 69-75, Mary Bennett to Commissioner for Native Affairs, 14 February 1938.
100 State Records Office, Aborigines, Acc 993, Item 166/1932, folios 78-79, CNA to Hon. Chief Secretary, 21 February 1938.
101 *ibid*, folio 79.
102 State Records Office, Aborigines, Acc 993, Item 166/1932, folio 83, R.S. Schenk to Mr A.O. Neville, 7 March 1938.
104 *ibid*, 22 November 1938, p.2247.
between the Department of Native Affairs and all missions and missionaries, and allegations in regard to the administration and control of natives. The Legislative Assembly did not respond and a Royal Commission was not appointed.

Debate about the regulations regarding marriage focused not on the conflict between Christian principles and Neville’s views regarding the value of Aboriginal tradition, but rather on the times specified in the regulations for processes of notification of and hearing of appeals. Three matters were objected to: the time allowed for the Commissioner to object to a marriage taking place; the process of lodging an appeal against such decision; and the period specified for magistrates to set times and places and give notice to appellants and protectors. Seddon objected on the grounds that the Commissioner was allegedly tardy in acknowledging communications addressed to him; ‘The Commissioner has ignored communications, and the native has been left high and dry’. In fact, the regulations circumvented inordinate delay on the part of the Commissioner. If he did not provide notification of his objection within a month, the regulations provided that ‘it can be assumed that the Commissioner does not object’.

The Act gave the Commissioner power to object to the marriage of natives in certain circumstances, but he could not prohibit them. If he objected, the parties had right of appeal to a magistrate. The grounds upon which the Commissioner might object were narrow: that the marriage contravened tribal custom, that one of the parties suffered communicable disease, that there was gross disparity in the ages of the parties, or that the marriage was inadvisable. The last had to be defensible under civil law: it had to be reasonable. The first was the most common source of dissension between Neville and missionaries, Catholic, Anglican, Presbyterian and non-denominational. In general, missionaries supported Christian marriage between Aborigines regardless of tribal law or the consequences under tribal law of wrong-way marriage. Neville’s policy cut across the preferences of individual missioners or missions and antagonism arose. In some instances, missions refused to comply with departmental directives and ‘on more than one occasion the Commissioner has had to take measures to try to prevent a marriage of that kind’.

The motion to disallow was agreed to, but government gazetted the disallowed regulations again on 8 September the following year. They were not disallowed, but missionaries, in particular those in evangelical Protestant missions, continued to object. They protested that requirements for licensing and ministerial approval before new missions could be established were intrusions upon freedom of worship. Their relations with government were strained and several co-operated with the Commissioner only to the limit that law obliged. Even the Catholic

105 Regulations 112, 114 and 115.
107 ibid, 23 November 1938, p.2333.
108 Government Gazette, Western Australia, 8 September 1939, pp.1548-1558.
and Anglican churches resisted Neville’s attempts to negotiate a suitable form of marriage for Aborigines.

Most Christian missionaries were familiar with traditional Aboriginal law regarding marriage and knew that infractions incurred severe punishment, including death. They also were conscious that traditional laws were contrary to Christian marriage traditions and were offended by them. Bishop Salvado was perhaps more aware, but more accepting than most. He related in his memoirs the custom of men having two wives, ‘one aged between twenty and thirty, and the other a little girl from five to ten,’ and the tribal courtesies of ‘promised wives’. He described also the alternative way of taking a wife, ‘to carry her off from her father or husband’, and the terrible consequence for the woman in the latter instance; ‘the husband will kill her if he finds her’. Salvado offered no judgement, but indicated respect for tribal sensitivities regarding relations between men and women.

Such awareness did not deter Salvado’s Benedictine confreres at Kalumburu, nor missionaries of other denominations elsewhere, from attempting to enlighten Aborigines about perceived errors of their ways. The missionary endeavour was to bring the Aborigines to Christianity and they compromised as far as religious conscience would allow in accommodating traditional lore and custom and frequently confounding policies of government departments. Some whose Christian dogma was more pressing than Aboriginal custom, or the approval of the Chief Protector of Aborigines, were less compassionate and adaptable than others.

Neville was consistent in opposing marriages that contravened traditional law. He did not favour plurality of wives, but knew the costs, cultural and financial, of interfering. He told Commissioner Moseley, ‘You can trace practically every native murder to that cause’. Where traditional marriage custom was still the norm for local Aboriginal people Neville was unwilling to approve a marriage that contravened those laws. Missionaries disagreed; polygamy to them was an abhorrent evil they strove to eradicate. Neville was unwavering and missioners undeterred.

In one instance, a missioner attempted to use the Aborigines Act to advantage. Several young boys aged between 16 and 30, some of whom were brought up at the Drysdale River Mission and described by Father Thomas Gil as ‘very quiet and staying in the place,’ apparently had little prospect of finding wives. Father Gil sought Neville’s assistance; ‘Could you help us in this matter and see whether you could send to Drysdale half a dozen decent full blood girls? You might have perhaps the opportunity of doing so with girls you might wish to take away from

110 *ibid*, p.140.
111 Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 12 March 1934, p.49.
whites or for some other reasons’.112

Apart from Father Gil’s apparently blissful disregard for Aboriginal territorial strictures, his letter attributed powers to the Chief Protector that successive interpretations of the *Aborigines Act* had denied. Neville’s power to remove Aboriginal women because he suspected cohabitation or any other breach of the Act was constrained, and it was unlikely that a minister might issue a section 12 warrant to remove Aboriginal women to the Drysdale River Mission as promised brides. Neville preferred to leave such matters alone and allow men to find their own wives and, conversely, women to find their own husbands. He was determined, however that he be informed of any proposed marriage among Aborigines and that he receive written notification of all such marriages and the place and date they were celebrated. He sought also to find a suitable form of marriage that took account of tribal custom and satisfied requirements of civil union as well as the requirements of the several churches. He had not succeeded in that before he retired. Geographic and ethnic complexities, and confusing theological considerations thwarted his intention.

Regulations promulgated as subordinate legislation to the *Native Administration Act 1936* compelled official notification, but legislation to normalise social conventions like marriage remain always subordinate to the vagaries of the human condition. Dr Musso, the Medical Inspector at Derby, illustrated the problem in a memo to Neville’s successor, Frank Bray:

> Christian natives in Drysdale who are tribally straight do not see why they have to wait a considerable time for permission to be granted for marriage on Christian lines, which is to be registered on the civil register. What they can do is dash off into the bush and marry according to their own custom.113

Release from marriage bonds was equally as convenient among Aborigines, especially for the reserve and fringe dwellers of rural towns in the South-West. Their tribal structures and strictures had all but disintegrated and, provided they remained sober, servile, silent and unseen, their personal and familial relationships were of little interest to local authorities. Hasluck reported that while there was disposition in some places for half-castes to go through the religious or the civil form of marriage, ‘most of the camp natives rely on the bond of mating’:

> Most of the unions made so simply in the camps seem to be lasting though unblessed by any ceremony belonging to white or black. Now and again a young wife gets flighty and goes off to another man. Then there is a fight and the

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112 State Records Office, Native Affairs, Acc 993, Item 460/1939, folio 128a, Father Thomas Gil, Protector, to Deputy CPA, 18 August 1934.

113 State Records Office, Native Affairs, Acc 993, Item 460/1939, folio not numbered, Memo, L. Musso, Medical Inspector Derby to CNA 14 May 1944. ‘Some Anthropological facts about marriages in the Drysdale region of the Kimberleys of W.A. in view of certain correspondence from H.O.’.
breaking of heads, and the police help them sort themselves out. Apparently sometimes the families arrange some sort of divorce or a change of husbands.114

Questions of theology and rites of the several Christian churches also were not matters resolved by secular law. In the Anglican Diocese of Bunbury, for example, clergy were disallowed from using ‘the Prayer Book Service for the solemnisation of Holy Matrimony between persons who are confessedly pagan or in the case in which one or both of the parties have been divorced’, but conceded that, ‘the question of marriage of persons classed as aboriginals is a difficult one’:

My own feeling about the whole matter is that either the local registrar of marriages or the Protector of Aborigines should legalise their unions and that later, if they desire to embrace the Christian Faith, they should come to Church, after instruction, and receive the blessing of their marriage.115

The local clergyman in some places was also the Protector of Aborigines, and if there was no local registrar, who then might officiate? Given the attitude of the churches, and their political influence, it is difficult to entertain any notion that Neville might seriously have attempted to use marriage for the social engineering of Aboriginal peoples of any complexion. He had little say in the mating habits of camp dwellers in the South-West, was averse to interfering in tribal custom in the north, could not countermand the authority of the Churches, and, if it were their wont, missioners in remote and isolated communities could disregard him. Politics and social mores inhibited actions that offended the collective social conscience.

Discussion

Galton acknowledged that before eugenics might be accepted as science it would contend with the immense power of social influences of all kinds. Social conventions regarding marriage were only one part: ‘The multitude of marriage restrictions that have proved prohibitive among civilised people would require a volume to describe’.116 Neville had restricted powers to control marriage among Aborigines. He could object on grounds of contrary tribal laws, disease, disparity of ages, or on reasonable grounds that a particular match was unsuitable. Opposing him were the authority of several Christian religious orthodoxies, cultural intolerance, and a target population whose own long-established cultural traditions and emergent sub-cultural practices were

114 ‘Half-Caste Problem, People on Reserves, the Evils of Rations, no.3’, West Australian, 25 July 1936, p.21. See also Native Welfare Council, Our Southern Half—Caste Natives and Their Conditions, p.17.
indifferent to bureaucratic or ecclesiastic meddling.

The last alone of those influences was sufficient to frustrate any attempt to use marriage law as an instrument of cross-cultural population control. In the time between the Amendment Act was proclaimed and March 1938, twelve notifications of intention to marry were received. Nine were approved without objection. Of the three opposed, one was contested on appeal and the Commissioner lost the case. In financial year 1937-38, no objection was raised to thirty-seven marriages, twenty-nine of them native women to native men, one a native male to a quarter-caste, and seven of native women to white men. The Commissioner objected to one, a marriage between a native woman and a white man, but his objection was overturned on appeal.

In the same financial year, the population of Aborigines of mixed descent increased from 4,209 to 4,602, a total five times more than there had been when Neville was appointed Chief Protector of Aborigines. The number in 1938 included 1,955 children. Many were born to couples, both of mixed blood, not married according to state law. Neville illustrated the fertility of such families by reference to a couple and their ten children admitted to Moore River twenty years previously. The grandchildren of the original couple numbered ‘no less than thirty-five, and of the whole family none has died’. The fecundity and vitality of the established population would suggest that attempting to reduce the rate of growth by controlling whom a few of them might marry would be futile.

By 1938 only about one-in-ten of babies of mixed blood was born of a white and a black parent. The parents of the other nine-in-ten babies were Aborigines of mixed blood. If biological absorption were indeed to be the long-term goal, that proportion would have to be reversed. Since extra-marital sexual intercourse between Aborigines and whites was unlawful, the incidence of cross-cultural marriage would have to be considerably higher. The alternatives were separate development or selective sterilisation of half-castes. The last was out of the question and the first had been rejected when the 1937 Conference had resolved that the future for people of mixed blood lay in assimilation. Bleakley also made clear at the Conference that, in Queensland at least, there was definite opposition to ‘any scheme for the marriage of half-caste girls to white men’ because:

(1) None but the lowest type of white man will be willing to marry a half-caste

117 State Records Office, Native Affairs, Acc 993, Item 460/1939, folio 62, CNA to Secretary, Department of the Interior, Canberra, 22 March 1938.
118 Department of Native Affairs, Annual Report of the Commissioner for Native Affairs for the Year Ended 30 June 1938, p.15.
119 ibid, p.6.
120 ibid, p.6.
girl, and as the half-caste women married by the white men are likely to gravitate to aboriginal associations such marriages have very little chance of being successful; (2) there is the danger of blood transmission or “throw back”, as it is called, especially as the introduced blood, as in many Latin races, has already a taint of white blood; (3) such a scheme makes no provision for other wives of young men of the same breed.

It would be surprising, in the face of such myopic suasion, that any proposition for assimilation through marriage might succeed. Neville, however, was optimistic. He had contemplated the ultimate fate of the Aborigines in his Annual report for 1936. Several authorities supported the view, ‘which I share’ he said, that ‘coloured people’ must eventually merge into the white race. The answer he offered to the hypothetical question ‘Who would marry one of these coloured people?’ was intended to be positive, but, read with other information about Aboriginal population dynamics, might also suggest there were too few mixed marriages to change those dynamics: ‘It is within my knowledge that in this state there are at least 70 white men legally married to half-caste or aboriginal wives, there being 60 of the former and 10 of the latter, while the children of these unions number at least 209’. A demographic projection based on those numbers, and taking into account general community intolerance of mixed marriages, would suggest that biological absorption in three or four generations was not a practicable eventuality.

There can be little doubt Neville was curious about the possibility of biological absorption through cross-cultural breeding, but intellectual curiosity does not equate with public policy. Similarly, there can be little doubt that Neville also was committed to advancing coloureds towards the white and to reducing miscegenation. It also was true that he took a long-term view; ‘We should ask ourselves what will be the position, say, fifty years hence; it is not so much the position to-day that has to be considered’. Similarly, there can be little doubt that Neville also was committed to advancing coloureds towards the white and to reducing miscegenation. It also was true that he took a long-term view; ‘We should ask ourselves what will be the position, say, fifty years hence; it is not so much the position to-day that has to be considered’.

The position of the day probably was dispiriting for Neville. After four generations of miscegenation, public intolerance and government indifference, half-castes in the South-West endured an abject state of dislocation and disassociation, nomads on the fringes of rural towns or in secluded camps in suburban Perth, unwelcome in the alien culture and disciplined only by the half-remembered fragments of their own. In the north they were exploited in the labour-intensive free-range pastoral economy, black villeins to the white lords of the pastoral manors, but able to perpetuate their languages and cultures in the seasonal cycle of the rural economy. The quarter-castes gathered at Queen’s Park were children ‘too white to be regarded as aborigines at all’, the illegitimate progeny of three generations of miscegenation whose intended futures, as anticipated

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by Ruth Lefroy and others, did not countenance an Aboriginal identity.

If Neville's vision was that in fifty years or more these people might be merged with the white race, and if, as some have argued, inter-marriage with the white community were to be his instrument of transformation, he had sequentially to neutralise and revolutionise government and community attitudes. He was too much a political pragmatist to entertain either as real possibilities. He knew also that assimilation did not involve merely waiting for the full bloods to die out, removing half-castes from their mothers, and, in time, marrying them off to whites.

The policies pursued by Neville evolved over the twenty-five years he was responsible for the protection of Aborigines in Western Australia, a little over one generation of population change. In that time, the interpretation of who was an Aborigine changed from ‘an Aboriginal inhabitant of Australia’ and ‘a half-caste who lives with an aboriginal as wife or husband’ or ‘habitually lives or associates with aborigines’, or a child whose age apparently does not exceed sixteen years,’123 to ‘Natives’, a term which at law embraced plural combinations of full blood Aborigines and descendants of Aborigines and their descendants of mixed blood. After the passage of the Native Administration Act 1936, Neville offered the following explanation to the staff of his Department:

The offspring of two persons of half-blood is not a quadroon. He is still a person of half-blood.

The offspring of an aboriginal and a negro or a person of one of the other coloured races of the earth would be a person of half-blood, just as would be the child of a European and an aboriginal, and for the purposes of this Act would of course be a native in law.

The offspring of a person of half-blood and a quadroon is still a native in law.

The offspring of persons of half-blood by other than natives, i.e., quadroons under 21 years of age living in camps or associating with natives, are natives under the Act, but (i) of (b) in the definition places such children not living as or associating with natives outside the Act unless ordered by a Magistrate to be classed as natives. If such children, and this would include those up to 21 years of age, in the opinion of those exercising the necessary authority in such matters are being illtreated, neglected, or left without someone to care for them, or are delinquents, then it will be necessary to appeal to a Magistrate with the object of securing an order to class them as natives under the Act so they may be dealt with.124

The multiplicity of racial and mixed-race combinations deemed to be Natives, or Aborigines, were subject to the same provisions of the Act. They were, however, treated differently for

123 Aborigines Act 1905, s. 3.
124 Berndt Museum, University of Western Australia, A.O. Neville Collection, Circular letter, ‘Government of Western Australia, Department of Native Affairs, 11 March 1937’, not catalogued.
administrative purposes over time and according to their distance of generational removal from Aboriginal ancestry.

Initially full bloods were segregated from whites on inviolable reserves—native cattle stations and gazetted Aboriginal reserves. Neville inherited that policy with the role of Chief Protector. He refined it to focus upon the protection of full bloods, including the preservation of their languages and cultures. The native cattle stations afforded the additional opportunity of raising the economic status of Aborigines so that they might take a meaningful place, but not in competition with whites, in the mainstream economic culture.

The separation, but not the total segregation, of half-caste children from their Aboriginal forebears at Carrolup River and Moore River Native Settlements, were likewise built upon policies established by Neville’s predecessors as Chief Protector of Aborigines, but modified by him to create opportunities for the education and training of half-white children so that they might ultimately establish financial and social independence in mainstream society. His intentions were frustrated by inadequate human and financial resources, lack of government and public support, and inept management, but it remained Neville’s intention that his wards would, as Aborigines, move into white communities.

A third aspect of Neville’s differential treatment of Aborigines was introduced when quarter-caste children were placed in the care of Sister Kate and Ruth Lefroy to be raised and educated in the manner of white children. Neville did not discourage contact between the children and their Aboriginal families. He may have considered them to have been too white to live as Aborigines, but he did not intend that their awareness of their Aboriginal identity should be erased. Sister Kate and Ruth Lefroy did. They insisted that quarter-caste children in their care were ‘whites’ and should go out from the Home as ‘whites’.

Throughout his tenure as Chief Protector, Neville had authority to refuse marriage of Aboriginal women to other than Aboriginal men.\(^\text{125}\) After 1936, as Commissioner, he had to be notified of every marriage of a native ‘according to the laws of the state’ and could object.\(^\text{126}\) Most marriages were approved, except where they might have contravened tribal custom. Neville did not discourage marriage between Aborigines and whites. He disapproved of illicit cohabitation and promiscuous extra-marital sexual intercourse and prosecuted white male offenders. He also was committed to reducing the number of births of illegitimate half-caste children, but failed, partly because moral rather than legal sanction was the principal agent of discouraging white men from miscegenation, but largely because half-castes preferred to turn to their own for life partners. The larger proportion of half-caste births in the latter half of Neville’s administration

\(^{125}\) Aborigines Act 1905, s. 42.

\(^{126}\) Aborigines Act Amendment Act, 1936, s. 25, (repealed and substituted s. 42 of the parent Act).
was conceived within the half-caste cohort. There is little evidence that Neville used marriage as an instrument for social engineering or population control, but if he did, he failed. He could not, in Galton’s words, ‘contend with the immense power of social influences of all kinds’.
Arnold was born at the Moore River Native Settlement on 9 December 1930. His birth certificate names his mother as Topsy Franks, aged 20 years, born at Katanning. Her Aborigines Department file records different birthplaces. In July 1915 it was reported ‘a half-caste female, about eight years of age, named Topsy’ had been shipped from the Mundabullangana district, south of Port Hedland, to Dorre Island, slightly affected with disease, presumably Granuloma Venereum or Donovanosis, the disease most commonly afflicting Aborigines removed to the Lock Hospital from the West Kimberley region:¹

This child is an orphan, her mother died on the Yule River sometime ago; I would suggest that some steps be taken with a view to her future welfare. She is a bright little girl and it would be a pity to allow her to return to the mercy of both black and white.²

Subsequent investigation of Topsy’s background by Police Constable Growden of Whim Creek indicated that her putative father was a man by the name of Sloan who had worked at Portree Station, but left the district some years previously:

The mother of the child was killed by a blow to the head, from the native woman ‘Ten Oelock’ (sic) who was sent to the Lock Hospital together with the child Topsy and others. The injuries to the child's (sic) parent did not prove immediately fatal, but appears to have been so severe that the unfortunate woman died from the effects of the blow some months after, in a state of insanity.³

Topsy was discharged from Dorre Island in March 1916 and taken to Perth where she was cared for in the Old Women’s Home until Neville could arrange her transfer to Carrolup. She arrived there on 18 April 1916, aged about nine. In July, Fryer, the Superintendent at Carrolup, reported:

The half-caste girl Topsy is doing all right. She is certainly full of life and sometimes she puts up a few rounds with the other girls. She is not making much progress at school, although she seems happy and contented with the present

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¹ If Topsy was 8 when taken to Dorre Island in 1915, she must have been born about 1907.
² Department of Indigenous Affairs, Aborigines, Item 588/1926, folio 1, extract from Report of P.C. Growden Relative to Collection of Diseased Natives, 1 July 1915.
³ ibid, folio 15, F. Growden, P.C. 735, Whim Creek, 1 June 1916, forwarded to CPA 6 July 1916.
There was some confusion between her and another Topsy at the Settlement. Three years after Topsy (file 1142/15) arrived, a retiring missionary, Edith Fisher, sought permission to adopt ‘Topsy’ and take her when she left Carrolup. Neville wrote a curt footnote on her letter, ‘What “Topsy” does she refer to? There were two. The Topsy (file 1142/15) from Mundabullangana who arrived at Carrolup in April 1916 seems not to have had a surname while she was there. The other Topsy (file 1578/17) had arrived at Carrolup on 5 July 1917 and was from Mebbian Station in the Peak Hill District. Neville decided Topsy (file 1142/15) was the girl requested and refused permission: ‘[Her] antecedents are such as to render it most desirable that she should continue under the Department’s care for a long time to come’.

Both Topsys were registered as entering the Moore River Native Settlement on 21 January 1920. Topsy (file 1142/15) became Number 192 (file 588/1926) and by 1924 had acquired the name Topsy Franks. The other became Number 190 and appears to have been named Topsy Tilly.

In August 1924, the former Travelling Inspector of Aborigines and Superintendent of Moore River, Ernest Mitchell, visited the Settlement and chose Topsy Tilly (No. 190) for domestic service at his farm in Benjaberring. He received Topsy Franks (No. 192) instead. Mitchell judged Topsy Franks as unfit to be allowed out of the Settlement: ‘In many ways she displays an utter lack of discipline and manners’. The Secretary of the Aborigines Department chastised the Superintendent of the Settlement: ‘The Topsy you should have sent is No. 192, and came from Broome’. In fact, the Moore River Native Settlement inmate registered as No. 192 was Topsy Franks; the Topsy who came from Broome was No. 190, Topsy Tilly. Confusion continued. In 1927, a file minute by Neville recorded:

Topsy Franks, The Carrolup register shows that she was entered there, no.72, admitted, 1st July 1918, aged 10. Went out 28th June 1922, when she was transferred to the Moore River Native Settlement.

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4 ibid folio 18, W. Fryer, Superintendent, Native Settlement, Carrolup, to Secretary, Aborigines Department, 28 July 1916.
5 ibid, folio 20, Edith M. Fisher to CPA, 17 November 1919.
7 State Records Office, Aborigines, Acc 1326, Item 1108/1921, folio 86, attachment, ‘Moore River Native Settlement, Names of Inmates on 6 May, 1922’.
8 Department of Indigenous Affairs, Aborigines, Item 588/1926 folio 32, Ernest C. Mitchell to Deputy CPA, 14 August 1924.
9 ibid, folio 32, E.E. Copping to Superintendent, MRNS, 14 August 1924.
10 Department of Indigenous Affairs Aborigines, Item 588/1926, folio 121, File Note, CPA, 8 February 1927.
Topsy wrote to Neville three times during 1931, pleading to be allowed out of Moore River. In one letter she asked him to find her ‘grandfather, up in Port Hedland’:

Sir I would like you to try and find out where Mr & Mrs Battys from Port Hedland they was the ones that took me when my father died I stayed with them until I came down this way so please try & find out for me I would like to go there please Sir….I can find work myself if you will let me. And my child is no troublesome to send to a home. Suppose Neal’s can’t get rid of their black dog he wants to break up bones for he done with me.\textsuperscript{11}

At Neville’s request, Topsy’s history was reviewed. The summary report in February 1932 by the then Superintendent at Moore River, A. E. Bishop, indicated that Topsy had been in the care of Mr and Mrs Batty for the short time she was a patient at Dorre Island from July 1915 to March 1916. Bishop reaffirmed Topsy’s identity. At about eight years of age she was, ‘moved from the Mundabullangana District with a number of other natives and placed in the Lock Hospital’; her mother was ‘a full blood aboriginal who died on the Yule River from a blow inflicted by another native woman’; and in April 1916 she was placed in Carrolup. Later, Topsy was removed to

\textsuperscript{11} Department of Indigenous Affairs, Native Welfare, Item 387/1933, folios 36 and 37, Topsy Franks to Mr. Neville, not dated.
Moore River ‘and sent out to employment on several occasions but always proved unsuitable’.\textsuperscript{12}

A report in July 1961 by the Protector of Natives at Collie on Topsy’s application for a certificate of citizenship records her as a half-caste, born on 5 April 1907, the daughter of an unknown white man and Annie White, a full blood Aborigine. No place of birth is recorded. Topsy’s Certificate of Citizenship was handed to her on 25 July 1961.

Arnold tells a different story. He says his grandmother was Annie Dann from Wooleen Station in the Murchison district:

Yeah, Annie—Wooleen - she was a ‘alf-caste, old Benny Sharp’s daughter…. Well he owned Wooleen. He’s buried there….Well he’s the father of my mother’s mother, old Annie Dann. She was only a young girl then, a young lady, and in the shearing time seasons, some of them stations around Bullardy, Wooleen, Murgoo and all those, they borrowed…a woman or man, a woman to go in the ‘ouse, work in the ‘ouse or kitchen or something. Well, they borrowed her. And Boddington’s bought Twin Peaks. She went to Twin Peaks, see. A nice-looking young ‘alf-caste girl, well naturally, old Boddington’s a bit of a run around, and he took her on and he was the father of my mother, see. He got her pregnant. She didn’t tell anyone. She had to tell old Dann, ‘cos she married old Aborigine bloke, after my mother was a girl, you see.\textsuperscript{13}

Arnold’s mother, Topsy Dann/Franks, told him she was taken from Wooleen as a young child and placed in the Moore River Native Settlement:

She was taken to Mogumber and they give her the name Topsy Franks. See, when they take ‘em away, they don’t worry about names; they give you a new name and all. Like Jackie Braeside, Jacky Nullagine, and all this, Bobby Dalgety, Ralph Dalgety, Micky Dalgety and all these sort of things, whatever station you come from. My mother never got Topsy Wooleen. They didn’t know where they got her from. If they don’t know where they got her from, they call you Topsy Franks.

Yeah, she got the name Franks. My father give her the name Franks. Old A.J. Neal, the Superintendent. Mr Neville and Mr Neal.\textsuperscript{14}

Topsy had a rather turbulent employment history. The Superintendent of the Moore River Native Settlement, John Brodie, recorded in December 1924:

Topsy Franks has some peculiarities of temperament, but they are good rather than bad. She has strong likes and dislikes—is very human. If she takes to a person she will do anything for that person. She likes to please and be pleased. A little kindness and love goes a long way with Topsy. The reverse has a depressing

\textsuperscript{12} i\textit{bid}, folio 12, A.E.Bishop to CPA, 8 February 1932.
\textsuperscript{13} Transcript of Interview with Arnold Franks, 2006. Original held by the author.
\textsuperscript{14} Transcript of Interview with Arnold Franks, 2006. Original held by the author.
effect on her, and may lead to false impressions.\textsuperscript{15}

In January 1925, contrary to Mitchell’s earlier advice, Topsy was sent out to employment with the recommendation that she would make a very satisfactory domestic hand, ‘with proper handling’. She lasted less than a fortnight. After sundry placements lasting between a few days and several months Topsy was assessed in 1925 as unsuited to domestic service. Nevertheless, in the following year she was sent out again, with unfortunate consequences. Topsy wrote to Neville in March 1927:

\begin{quote}
I am sick of my life. Everybody hates me. I don’t know what I have done to them to talk about me for nothing. One of these days I will take something to get rid of myself & that’s the best thing for me to do.\textsuperscript{16}
\end{quote}

The following week, Topsy consulted Dr Hall who told her she was pregnant. Police were called when Topsy ‘obtained possession of a revolver and was threatening to shoot the person responsible and do away with herself’.\textsuperscript{17} She returned to Moore River on 28 March to be confined. She gave birth to a baby girl who lived only a few hours.

In 1929 Topsy was given another chance, but only after she convinced Neville she had reformed:

\begin{quote}
I have been Very good here since I been here and I know for myself I can control my temper now. I have been doing good work here now its time for me to go to work for myself Sir don’t you think its better for me to work now.\textsuperscript{18}
\end{quote}

Neville agreed: ‘She seems to have gained control of herself’.\textsuperscript{19} Topsy was sent out to service twice more, the first at Hollywood from 13 August to 2 November and the second in Nedlands from 13 November to 22 December. Her second placement ended when she was hospitalised suffering from severe tonsillitis. Topsy was discharged from Perth Public Hospital on 6 February and placed in the care of Nurse Mulvane at Maylands. She returned to Moore River under Section 12A warrant on 22 February 1930.

Topsy’s personal file at the Aborigines Department is silent on the matter of Arnold’s birth except for a single reference by Neville: ‘In 1929 she was tried out at work again but the

\textsuperscript{15} Department of Indigenous Affairs, Native Welfare, Item 588/1926, folio 51, John Brodie, Superintendent, to Deputy CPA, 29 December 1924.
\textsuperscript{16} \textit{ibid}, folios 129-130, Topsy Franks to CPA, not dated (Received 17 March 1927).
\textsuperscript{17} \textit{ibid}, folio 157, file note CPA, 26 March 1927.
\textsuperscript{18} \textit{ibid}, folios 168-169, Topsy Franks to CPA, 1 January 1929. Underlined in the original.
\textsuperscript{19} \textit{ibid}, folio 171, file note CPA, 18 January 1929.
following year was returned to the Settlement and gave birth to a male child.\textsuperscript{20}

Syd Hart arrived at the settlement in September 1933, ‘for the purpose of marrying “Topsy Franks”’. Superintendent Neal advised Neville, ‘You permitted this marriage to take place.’\textsuperscript{21} Neville had no record of the proposed marriage, but did not suggest opposing it in any way. Arnold, however, was not to leave the settlement with her:

Eventually, being the child of a European, it may be transferred to the home at Buckland Hill. I do not think it should go with Topsy.\textsuperscript{22}

The marriage of Topsy and Syd Hart was solemnised at Mogumber on 5 October 1933 by the Rev Abbot of New Norcia. Topsy was not allowed to take Arnold away with her. Five months later she wrote to Neville from Williams:

Well Sir I am worrying about my Arnold up at the Settlement. They made me leave him when I went away. I wanted to take him with me only Matron told me that you said that to leave Arnold because he was going to Cottesloe after Xmas. You told me yourself that Arnold is going to Cottesloe. So I trusted you all. I thought you would send him to Cottesloe. But I see he is still up there and Xmas is gone waiting for another. But I am going up there as soon as Syd finish his work going to take him with me. I am not going to leave him any longer up there where he is sick worrying.\textsuperscript{23}

Neville reassured Topsy that, ‘When a vacancy occurs at the Home the question of the suitability of Arnold and the claims of other children for transfer will then be considered’.\textsuperscript{24} Arnold was transferred to Buckland Hill on 10 October 1934. His father was identified as a German named Ernest Lenthert. Again, Arnold’s recollection is different. He insists that his father was, ‘Old A.J. Neal, the Superintendent’:

I can prove the other thing because every old peoples, everyone in the Settlement knows, see.\textsuperscript{25} So when I come to life, I’s about three-and-a-half or something, they sent me, nearly four, they sent me to Bucklan’ ill….They too me to Bucklan’ ill and they took my mother to the East Perth Girls’ Home. They had all the girls there, all the ladies. A lot of them are dead now, but they went there to that Home

\textsuperscript{20} Department of Indigenous Affairs, Aborigines, Item 387/1933, folio 3, CPA to Under Secretary, 16 November 1931.
\textsuperscript{21} \textit{ibid}, folio 31, A. J. Neal, Superintendent to CPA, 21 September 1933.
\textsuperscript{22} \textit{ibid}, Item 387/1933, folio 32, CPA to Superintendent MRNS, 27 September 1933.
\textsuperscript{23} Department of Indigenous Affairs, Native Affairs, Item 365/1934, folios 2 and 3, Topsy Franks (Mrs Syd Hart) to CPA, undated (received Aborigines Department 7\textsuperscript{th} March 1934).
\textsuperscript{24} \textit{ibid}, folio 4, CPA to Mrs Sidney Hart, 9 March 1934.

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right there.\footnote{ Transcript of Interview with Arnold Franks, 2006. Original held by author.}

Arnold celebrated his fourth birthday on 9 December 1934 in the Perth Children’s Hospital:

This boy was admitted on 18th inst. to the Children’s Hospital because he has something very infectious the matter with his eyes. I think it is glaucoma. All the other children with the exception of (name withheld) have it too, but not so badly, only Dr Seed says it is impossible for him to admit them all.\footnote{ Department of Indigenous Affairs, Native Affairs, Item 365/1934, folio 6, P. R. Lefroy to CPA, 19 October 1934. Original on NA, 279/1933, folios 105-107.}

Arnold was discharged in February. He was back in hospital in August 1936 for a tonsillectomy, but was otherwise well. Topsy wrote to Neville on 18 September:

It was very kind of you to write & let me know about my little Arnold. Well Sir the only thing that worries me about him being Ill. I hope he gets on all right. I wants to know how he’s getting on with his schooling. Hope he’s proving. That’s all I want to know as long as he learning his lessons I feel the Lord will be with him.\footnote{ ibid, folio 27, Topsy Hart to CPA, 18 September 1936.}

Arnold was in good health and attended kindergarten. Sister Kate advised Neville, however, ‘I think you know Arnold is not a normal child. I think he will gradually grow out of his nervous trouble’.\footnote{ ibid, folio 29, Sister Kate to CPA, received 31 March 1937. Extracted from file 370/36.} Three years later he was reported as ‘backward and unteachable’,\footnote{ ibid, folio 33, Albert Davis, Medical Officer to Acting CNA, 17 September 1940.} and the Acting Commissioner for Native Affairs, Frank Bray, requested that he be examined medically. Arnold was assessed as quite a normal lad to talk to, but ‘unable to apply himself to learning’:

On the other hand, he is quite capable of outdoor work, such as gardening to which he applies normal intelligence. …
To this end I would recommend his transfer to Moore River Native Settlement where perhaps he could be usefully apprenticed at the farm when the time comes for him to be put to work. My impression is that Arnold is disinclined to learn and \textit{inter alia} he possesses one of those stubborn natures in this direction which punishment would only aggravate.

Arnold admits he was not a scholar. His recollection of his experiences as a child and youth confirm his obdurate temperament:

I wasn’t much of a school bloke. I’d jump out of the window; I’d go away on the
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'torses. I liked 'orses, we had a couple of old 'orses; used to cut the wood. We used to go with Richard Wheeler. 'e was an older boy. 'e went to the Second World War: 'im an' Jim Ashwin….Sister Kate's…was a good Home. Sister Kate's was the best Home I went to. I run'd away from Mogumber and they put me in Roelands. I run'd away from Roelands and they put me in Carrolup. Beazley, 'e was the second boss at that time - old Neal was retired—and 'e sent me to Carrolup, out from Katanning, Wagin way. I was there one night and I run'd away from there.

Arnold was transferred from Sister Kate's to Moore River on 28 October, 1940. He was almost ten years of age. In March 1942, Topsy again requested that Arnold be returned to her. She wrote to Commissioner Bray, 'I went up to Moore River Native Settlement for Christmas to see him'. She asked the Superintendent, Mr Paget, if she could take Arnold home and was told that she could have him, 'if I would get a school for him to go to'. No action was taken.

Matron Sinclair noted that Arnold seemed a misfit at Moore River, yet noted:

He does not go to the camp, or swear & Mr Bandy sometimes takes him to the farm & speaks very highly of him. He has blue eyes & fair hair & I understand came here from Sister Kate's Home.

Roelands was suggested as an alternative placement. Given Arnold's 'past nervous condition' it was considered he should be placed where he would be happy and contented; 'that would be more important than the colour aspect in this instance'. On 19 June, Arnold was transferred to Roelands on three month's trial. He and a companion absconded on 24 November, were apprehended on 12 December and were returned to Roelands where the supervisors declined to accept further responsibility for them. Arnold was detained at Bunbury Police Station and on 16 December was returned to Moore River under police escort. Once again, Topsy wrote requesting that Arnold be returned to her:

Would you Please be kind enough to let me have my son Arnold Franks out of the Moore River Settlement. I would like him to be with me now. He's been away from me quite long enough. I think its about time I should have him with me. I am his mother. He has nobody up at the Moore River Native Settlement.

The contentious issue for the Department of Native Affairs was Arnold's colour: fair hair, blue eyes and a light complexion. He looked white, but at Moore River lived as an Aborigine. The Protector of Natives at Pinjarra, Constable Rea, encapsulated the policy

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31 Department of Indigenous Affairs, Native Affairs, Item 365/1934, folio 43, Mrs Syd Hart to CNA, 10 March 1942.
32 ibid, folio 46, Matron Sinclair, MRNS to CNA, 8 February 1943.
33 ibid, folio 47, file note to DCNA, 22 February, 1943.
34 ibid, folio 82, Mrs Topsy Hart to CNA, 1 March 1944.
conundrum of how to manage those regarded as ‘too white to be Aborigines’ when he advised against Arnold being reunited with Topsy and Syd. His report described their living conditions as ‘satisfactory’. Topsy drove their three children to school every day, waited for them until the end of the school day, and drove them home. Constable Rea had no doubt that, if Arnold were with Topsy, he would attend school and be well looked after. He believed, however that it would be inadvisable for Arnold to live with his parents:

They are still native in living, and Arnold being so fair, I think he would have a better chance if he was placed with whites—if possible—after he leaves school, than to return to the real native life, which he would do if he came here….I think he would always remain native if he came here.

The ‘real native life’ referred to by Constable Rea as the living conditions of Topsy and Syd’s family was described in other documents as ‘poor white’.

The Commissioner prevaricated. At Moore River Arnold was living as an Aborigine with other Aborigines. He was familiar with Aboriginal language, customs, beliefs and practices.

I knew all the stones an’ that, see. I learnt that off a coupla old blokes long time ago. They went through law up that way an’ they doin’ the law down ‘ere. They was the trackers Billy, Kingy and Bluey. They was full bloods. Billy was a ‘alf-caste. They were Wanggai mixed up from Wiluna side. Some were Wadjeri. They were sent to Moore River, Trackers an’ that, see. They took a coupla boys out; Darcy Lawford, ‘e’s one, Eric Lawford’s brother; Ernie Roberts; Jimmo Dempster an’ me. We was the first ones. We were in Moore River. The stories were told to us by those old fellas, blokes who believed in them. They took us out an’ kept us a coupla weeks. I was initiated as a young boy an’ I’m the last one. Them trackers, black trackers, Kingy, Bluey, Bill Lewis they were law men.35

Other alternatives, Queen’s Park and Roelands, where Arnold may have been acculturated to the white had been tried and failed. If there was no other way of removing him from an Aboriginal milieu, keeping him away from his mother could not be justified. Topsy loved him and could offer satisfactory living conditions, probably with better food, hygiene and creature comforts than Arnold endured at Moore River.

Topsy, in characteristic forthright vernacular, enunciated the obverse of the dilemma confronting Commissioner Bray:

It seems to me that I have been begging for your son instead of my own son. hes (sic) done no murder or any crime for you peoples to keep him in that dirty old home away from his mother for years. he been there for years and years now, you peoples say that he under a white act But you got him in that dirty old home the

35 Transcript of Interview with Arnold Franks, 2006. Original held by the author.
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Native Settlement you call it. & If he can stay there he can come home to me. I am his own Mother. I had to suffer for him and no one else. 36

Bray relented. In May 1944 Arnold was thirteen years of age and Aboriginality was embedded in his character, ‘a little too old to reclaim from these habits’. 37 Arnold was released to his mother’s care for a trial period of twelve months, conditional upon his being of good behaviour and attending school until he turned fourteen.

On 12 October 1944 Arnold appeared to be ‘alright’. Constable Rea reported he attended school regularly and behaved himself: ‘He is living with his mother, Mrs Hart.’ 38 Ten days later, Arnold was gone. ‘He was last seen going towards the railway station in the afternoon, whilst two trains were standing at the station’. 39

Arnold later spoke of why he left:

She ’ad three other kids. She ’ad two boys an’ one girl. One of the boys, ’e turned out a boxer, a boxer in show tents an’ all that, you know. ’e coulda belted the ears off me a couple of years after. Well ’e did, a couple’t times.

Somethin’ I didn’t like was goin’ to school. We ’ad to go in a buggy or walk in the rain. Or a sulky. Mum used to drive us in a sulky. She’d go to work for McLarty’s. She done a lot of work roun’ there for McLarty’s. She’d take us in a sulky. If she knocked off early we ’ad to walk ’ome. ’ad to walk through the reserve out to Beecham’s farm, connect to Beecham’s farm. Beecham’s; we were workin’ on Beecham’s. We ’ad to walk a good way. I got a bit sick of it.

I jumped out the window when they gave me the cane. I jumped out the window when ’e was canin’ me. Never caught me. Over the fence and away I went. (laughs) Which was the stupidest thing in the world, I know now, but you didn’t know them days, you know.

I had shanghai’s. That’s what got me into trouble. Always ’ad a shanghai in my belt for shootin’ birds an’ that, you know. ’cos I ate birds. We ’ad to eat birds. We ’ad to eat willywagetails or nothin’. If we got a bit of meat off it, we ate it. Mogumber. Moore River. You go for birds, anythin’. Fish, little fish that long, or fish that long, or a cobbler. You ’ad to eat it otherwise you wouldn’t live. Lot of kids died. The kids that died there; ’undreds, ’undreds of kids died up there.

The old cemetery, I don’t think I could find it now. It’s down the elbow, the old cemetery. Big trees growin’ over it. Not the cemetery where they got the memorial. That’s a new cemetery. The old cemetery is right down. ’undreds of people died there before that. Bad times: after the depression years in my time. I can only talk about my time, depression years. In my years they died.

36 Department of Indigenous Affairs, Native Affairs, Item 365/1934, folio 91, Mrs s.Hart, Pinjarra, to CNA, 15 May 1944.
37 ibid, folio 93, DCNA to CNA, 19 May, 1944.
38 ibid, folio 101, Constable Rea to CNA, 12 October 1944.
39 ibid, folio 102, Protector, Pinjarra, to CNA, 23 October 1944.
If you couldn’t go an’ rob a bee’ive or get some food out of the river, you would starve and you’d die. You got flour an’ a plug of tobacco, ‘bout that square, a block. ‘Ard tobacco and you ’ad to use newspaper, or any paper. Or you chewed it. A lot of people chewed tobacco in them times, women an’ all, they chewed it; put ashes on it and chewed it ’stead of smokin’ it.

You got your sugar an’ your tea together. You ’ad to yandy it to separate it. That’s ’ow a blackfella is a good yandyer. (laughs). To separate the tea from the sugar. The yandy was just a bowl of bark, or wooden one if you take a long time to make a wooden one. Wooden yandy’s all right, or you can make a tin one, but it slips a lot in the tin. They’d make it with anythin’. They ’ad to put up with anythin’. Milk tins or any sort of tin they used for billycan.

We’d go down when the slaughtermen killin’ the sheep, an’ ‘ung ‘roun’ like you see all the crows ‘roun’ a carcass; we’d be like crows an’ they’d chuck a lung out, take the heart off an’ chuck the lung out an’ we’d grab the lung with strings ’angin’ off it; an’ they’d chuck trotters, anything out; the guts, we’d grab the guts, open ’em up, go to the river, wash ’em an’ cook ’em straight away. We’d grill ’em or boil ’em or somethin’. We’d be sittin’ like crows. Mules they had to cart the wood with, they used to give them molasses; forty-four gallon drum molasses. We ’ad sticks in them molasses pullin’ molasses out an’ eatin’ the molasses. We’d eat more than the ‘orses.

Oh, you’d get into trouble if you get caught. You’d get locked up, a day or two in the boob. You seen that boob there? The boob there, you can’t see yer ‘and if you shut the doors. I spent some time in the boob there.

I learnt to survive. A lot of people died, a lot of kids died. I’d been used to gettin’ tucker, see. So I run’d away.

They caught me in the south. They put me in Roelands, an’ I run’d away from there. They put me into Carrolup, and I run’d away from there. After Carrolup I went to Cosmo Newberry.

On January 8 1945, the Department of Native Affairs placed Arnold in employment at Menangina Station. His wage was 10/- per week, half payable to him in cash and half payable to the Department to be held in trust. He seems to have made a good start and two weeks after his arrival wrote to the Commissioner requesting work clothes, trousers, shirts and boots: ‘Well Mister Brea I wont you to send me two pers of gument troses and sume shirts and a pear of meletria boots’. He decamped during a visit to Kalgoorlie. On 28 June, his employer advised Arnold was seen on the Kalgoorlie Express, presumably en-route to Perth.

Arnold later complained about his treatment at Menangina. He accused the manager of ill-treating him on a number of occasions, ‘by slapping and kicking me and also by rubbing my face in stock manure about the place’. A dispute arose between Arnold and the manager about

40 ibid, folio 107, Arnold Franks to CNA, 25 January 1945.
41 ibid, folios 146-147, Statutory Declaration by Arnold Franks witnessed by Sergeant J.A. Campbell, 2 April 1946.
his need to go to Kalgoorlie to get clothing from the Department of Native Affairs:

I had to 'ave break. I got to go to town. They sent me gov'ment clothes. They sent me wrong size clothes: too tight the shirt, or too big or somethin'. What they wore in Fremantle, we wore. What we had for shirt, woman 'ad pants in it. Stripey green, somethin’ like this colour with a stripe in it.

Arnold left Menangina after he was punished for being late for dinner one day:

That’s 'ow this fight started. We don’t eat inside. We eat on the wood’eap. Them days you never come inside. They 'ave their's inside. Yous sit out there in the wood’eap. Cook bring your meal out an’ give it to you; you gotta eat out there. They all eat inside in the dinin’ room.

I was late. ‘avin’ a clean up I s'pose; getting’ ready. I was workin’ in the charcoal pit. Used to work burnin’ coal. They ’ad gas producers in them times too. You could burn your own coal.

[The manager’s stepson] told me off for bein’ late. I decided I was off. I was off. I said, ‘I’m walkin’ out of ’ere’. I rolled up a coupla old Mogumber blankets, shirt, towel or somethin’ an’ took off. ’e jumped on a bike an’ chased me. ’e caught me and I was gunna fight ’im. ’e wouldn’t fight me. I said, ‘Come on. I’ll fight you, you bastard’. ’e went away up to ’is ’ouse an’ brought the gun down. Well I was shittin’ meself with that gun there. I was stoked with my own boiler. ’e brought me back with a gun pointed at me. Walked me all the way back again back with a ’andgun, a black ’andgun ’bout this long. ’e denies it though.

[The manager] wanted to flog me too. ’e brought the stockwhip out an’ ’e was gunna flog me, but I got in me bedroom an’ shut the door. I ’ad a bolt each side an’ they bolted me from outside too. I was locked in if I opened my door or not. It ’ad no ceilin’: I could kick the roof open. It ’ad no ceilin’. Shearer’s quarters, that’s all. Made of galvanized iron, roof, sides.

In his subsequent deposition to Sergeant Campbell, Arnold alleged serious breaches of the Native Administration Act.

[The manager] came to me in my room when back at the station, and gave me an aspro and a mixture of beer and brandy. He then ordered me to work. I refused and after some argument he dragged me outside. I picked up a stick to defend myself and was then attacked by [the manager] and his stepson and my hands tied behind me and I was locked in my room.\(^\text{42}\)

The following day Arnold was taken to Kalgoorlie. ‘They thought it over. ‘We'll give you a break if you promise you won’t play up’. I said, ‘Yeah, I wanna get some decent clothes’, I said. He was given 5/- for tucker in Kalgoorlie and stayed there for a day and night. The next day at

\(^{42}\text{ibid, folios 146-147, Statutory Declaration by Arnold Franks witnessed by Sgt J.A. Campbell, 2 April 1946.}\)
about 4 p.m. he caught the express to Southern Cross:

I jumped the train and rode it to Southern Cross. I got into the toilets in the passenger train. I got in the toilet: didn’t pay the fare. I got out after the train was goin but I seen a ticket bloke comin’ up ’ere an’ jumped back in the toilet.

Arnold left the train at Southern Cross. Aboriginal friends helped him get a job on a farm at Moorine Rock. The police caught up with him, but he refused to return to Kalgoorlie. The Protector of Natives at Southern Cross, Sergeant Tully, recommended he be allowed to remain in his job at Moorine Rock. ‘The sergeant spoke up, ’e’s a good bloke, an ’e says, ’Why not leave ’im? ’e’s workin’. ’e’s doin’ all right: the boss likes ’im. ’e can put up a fence, ’e can look after a windmill, an’ do everything else. Why don’t we leave ’im alone?’ So they left me alone’.

After three weeks, Arnold returned to Pinjarra. ‘I got a bit low. I said, ’I’m off’”. From there he went to Bruce Rock and stayed for two months: ‘While at Bruce Rock this lad kept himself very respectable and was always keen to do any work available’. 43

Arnold then returned to Pinjarra where Topsy became concerned about the company he kept and his growing drinking habit:

I am writing to let you know that Arnold Franks is staying with (name withheld). (Name withheld) is making him a drunkard like himself. him (sic) and his family are all wine drinkers. …

I went down from here last weekend to see him he wouldn’t (sic) come near me because I am always growling at him, because I tells him not to go on drinking he can earn his money and buy clothes for himself. but he is like an old man the way he goes on. Very thin and sore eyes.

Well Mr Bray I want you to get hold of him & send him right away on the further station as you can send him to. No doubt he’s a good worker because his bosses says he works well for a boy his age. 44

Arnold was fifteen. In February 1946 he was arrested on a charge of breaking and entering at Collie, but was released when evidence was given that he knew nothing about the offence. Thereafter, he pursued an itinerant lifestyle, working for a while with Wirth’s Circus, then as a farm labourer, then digging potatoes, then a labourer in a sawmill, never staying long in one place until, on 5 January 1947, he was returned to the Moore River Native Settlement. Seven days later he and a companion absconded and Arnold again became a directionless nomad.

43 ibid, folio 128, Constable J. M. Lowry to CNA, 8 October 1945.
44 ibid, Folio 131-132, Mrs Hart, Pinjarra, to CNA, 18 December 1945.
I cleared out from there and went to Bruce Rock. Then they caught me in Perth ’ere, Native Affairs, and got me to go to Cosmo Newberry. They put me back to the Settlement, then they took me to Cosmo Newberry, on the Warburton Road; me and a bloke called Jimmy Dungle Dungle. They got ’im out of gaol; ’e speared a bloke…speared somebody; I don’t know who ’e speared; ’e speared someone; ’e was a full blood…An’ we had a yarn about ’ow we were gunna get away. Donegan was the boss there; Donegan, ’e was from the Goldfields. ’e even belted his missus; ’e was a bad man, that bloke. A really bad-tempered man. So ’e’d chase you on a ’orse, an’ ’e’d catch to stop you try an’ get away. We planned it. I was in the workshop sharpenin’ axes to cut wood. Well, I pinched a file, two files I pinched; I said I lost one and I got a slap on the ears for that. We only had little bars, little bars, there were a few little bars on the bottom of the gate, see. Mostly the wall were nettin barbed wire nettin’ all tangled up. So I sawed these little bars to get to the barbed wire nettin’ and we walked.

We walked all night. Our plan was to go to Menzies. There was a railway line from Menzies in them days, there used to be a line: no line now. We were goin’ to jump the train. We were goin’ to go to the dump first in Laverton to get all the…a lot of the prospectors lived in tents and bough sheds, etc, and they’d chuck a lot of tucker away, see. That’s what ’e’s tellin’ me. ’e come from that area; ’e come from the north when ’e were younger. We’d get this tucker and we were gunna go; we were gunna jump a train, or somethin’. Well, I see’d all this granite and ironstone along the road going to Warburton; and I said I’m going on the other side of that, going back toward where Leinster is. Leinster wasn’t there then. And I come out at Leinster. I went that way and ’e went to Menzies. They caught ’im; they never caught me.

They never caught me no more. The caught ’im at Menzies. I went through the ironstone. I went through where they couldn’t track you. They had blacktrackers them days on ’orses. But when you get to outside Cosmo, you got ironstone to Laverton. Ironstone track goin’ that way, an’ granite. They couldn’t track you. I went that way right through to Leinster. Leinster wasn’t there then. Went to Agnew.

I pulled a windlass for Rooney, Jack Rooney. An’ they give me a bag of tucker an’ a few shillin’s. I think they give me nine shillin’s, or ten bob, or somethin’. You could buy a loaf of bread for sixpence or threepence at that time. I pulled the windlass on Rooney’s mine at Agnew.

After Agnew I walked to Albion Downs. Jack Jones was there. ’e’d never married Doris…Doris Dann, my cousin, old Ned Dann’s oldest daughter.45

Arnold returned to the South-West and settled into a pattern of binge drinking. He accumulated successive convictions, mainly for offences against the Liquor Licensing Act; attempting to procure liquor, entering licensed premises, supplying liquor to natives and so on. His crime card recorded on 28 May 1948, ‘Although not yet 18 years Franks appears to have a

45 Ned Dann was Grannie Annie’s brother-in-law.
great liking for liquor. On 19 July 1948 at Narrogin he was convicted of two offences, stealing and receiving liquor, and was fined £1 with 7/- costs and sentenced to three months’ imprisonment with hard labour. From Fremantle prison, he wrote to the Commissioner for Native Affairs: ‘I don’t think I will do a foolish thing again’.47

He did, however. On 2 July 1949, Arnold was convicted and fined for disorderly conduct. On the twenty-sixth of the same month he was issued with a certificate confirming he was not an Aborigine for the purposes of the Native Administration Act.

Arnold Franks, according to the records of this Department, is a quadroon and does not come under the jurisdiction of the Native Administration Act.48

He used that certificate to obtain liquor at hotels even though he was under the age of 21. In July 1950 he was back in Fremantle Prison. Then followed a series of convictions for entry to licensed premises, drunkenness, receiving liquor, assault, cohabiting with a native woman, until, once again in July 1954, he was convicted of supplying liquor to a native and sentenced to four months’ imprisonment. After release, his picaresque lifestyle took him to the north of the State, the Northern Territory, Queensland, and to New South Wales.

Arnold had his last drink on 9 December 1962. He speaks with candour about his experience:

I am a alcoholic. I ’aven’t ‘ad a drink goin’ on forty-four years….

Well, I got too sick. I got sick of bein’ sick, and I got sick of makin’ a nuisance of myself, sick of telling lies an bullshit, leavin’ good jobs. You know, my money when I used to go out to work. I used to be a bender drinker; I wasn’t a every-day drinker. I started was a bender drinker….

I’d go to the bush for six months, or twelve months. I been in the bush for fourteen months without a drink. When I come into town I’d piss myself. The pockets’d be ’angin out, pockets ’angin out. No money. Lookin’ for me bankbook. …

I’d drink in the park, I’d drink anywhere. I been hit by a couple of cars, and broken leg, and all that sort of thing. One lady hit me from behind. Three times I been hit. I’ve been hit walkin’ twice. I fell off the truck.

With the support of Alcoholics Anonymous (AA), Arnold managed to beat alcohol, but not without major trauma and setbacks along the way:

47 ibid, folio 21 Arnold Franks, Fremantle Prison, to CNA, 12 August 1948.
48 ibid, folio 28, F.W.G. Anderson, District Officer, 26 July 1949.
On 9th of December I’m forty-four years. I’m forty-three years, now. The bloke who helped me first to get sober, I was up North drovin’. I was fencin’ for Ernie Dagin; post cuttin’ around Charleville out from Blackall, Longreach an all them places. Stockyards, puttin’ up stockyards. He was a contractor; he lived in Charleville. A good bloke. I was around there for a long time. I wouldn’t go into town like they’d go into town every week or every month, or somethin’ they’d go, but I wouldn’t go. When I ’it the town, I ’it the police station too. Locked up. I was locked up for drunk, you know. Plain nuisance, you know, runnin’ across the road, or walkin’ across the road with pockets hangin’ out, no money, lookin’ for my bankbook, lookin’ for my money.

While in Brisbane, ’avin’ a bit of a ’oliday, doin’ a bit of boozin’ Arnold was involved in a motor vehicle accident and was hospitalised for an extended period. ‘I used to cry for [a drug] to take all my pain away. It was bad…they had to rebuild my knee. I got a plastic knee there now’. After his release, still on crutches, he ‘got back on the grog’. In an effort to dry himself out, he caught a taxi to the city outskirts and headed north. A passing motorist picked him up from the side of the road:

I was on crutches, but Frank…picked me up….crutches and my swag, which I couldn’t lift. ’e got me, got the swag an’ put me in the car. Big man ’e was, good bloke.

I was on the side of the road. I got a taxi out of Brisbane, goin’ north. ’e said, ‘I’m goin’ to Maryborough,’ ’e said. ‘That will be good for yer, yeah’. We got talkin’ me an ’im.…’e bought me a little flask to stop my shakes. I had not quite ’alf ’an I threw it all up. ‘Don’t want any more,’ I said. ’e was gunna put it away. I said, ‘No, throw it away, I’m not drinkin’ no more’. ’e said, ‘You’ve said that a million times’. I said, ‘Yeah, you can say that again’. I was just talkin’ true….I said, ‘I want to try and get sober’ … I said, ‘No, no I’ve ’ad it, I’ve ’ad it. I don’t want to drink no more. I don’t want to drink anything especially alcohol’.

Frank was a member of AA. He found accommodation for Arnold in Maryborough, gave him a job, and was his sponsor in AA. The meetings were held at Frank’s home. ‘Most of them were businessmen, members of AA in Maryborough. They were all good to me.’ Even with that support, Arnold’s rehabilitation was gradual and painful. He endured at least one stay in hospital.

I went into ’ospital with drinkin’. I grabbed the tablets an’ they put the pump on me. Pumped me stomach right out. Near my bed, another bloke ’ad all these tablets. I threw them down, chewed ’em, to make meself go off to sleep or somethin you know. I ’ad the dry ’orrors. You don’t drink for three or four days, you can still go in those ’orrors.

With the support of AA, Arnold controlled his addiction and was sober for two years. ‘I was off
Arnold

it for over two years. A good two years’. He had a steady job, income, a home and a girlfriend. They saved money and, after a holiday in Sydney, moved to Armidale where Arnold found a job in the railways. When his girlfriend returned to Maryborough to visit her mother, Arnold returned to Perth. ‘I come ’ome ’ere an’ I busted’. He was involved in a serious industrial accident and again spent a long time in hospital.

I couldn’t get to the bush. I couldn’t get aroun’ too good on this leg. I always ’ad pain. My pain was made bigger by my ’ead. Your ’ead can just about cure you if you thinkin’ properly. Well I wasn’t thinkin’ properly….I went into Heathcoate an’ ’ad electric shock treatment. Antiabuse treatment. I ’ad the shock treatment in Sydney, but I ’ad Antiabuse treatment ’ere. Antiabuse: you bring yer guts out of yer mouth. You bring everything out. They stopped it ’cos it kills you…I done it the ’ard way: very hard.

I got onto the AA and fixed me up…now it’s been 43 years. I didn’t count that time over there when I first got sober. That’s not on it. 43 years since I ’ad a drink.

In his picaresque wandering, Arnold turned his hand to many things; stockman, drover, horse-breaker, miner and prospector:

Well, in the bush, you know, you break the leg, you can’t ride any more, you go prospectin’. I went up to Andamooka first, for opal. I got the opal, and I wanted the gold, so I went with a bloke lookin’ for gold. At the time we found some gold. Early time I used to be lucky, find gold, little pieces here and there. Alluvial gold. Then I found good packets of gold. I got robbed; they gimme so much and I just stopped. Can’t say they robbed me; I robbed meself. They give me a heap of money for the ground, and I said, ‘I got this. I’ll go and get a motor-car. I’ll find another one somewhere’. Well I done all those silly things, you know.

He also reaffirmed his Aboriginality. He went through Wanggai, Wanmulla, Dumatji and Pitjinjarra law:

I’m a law man. I can go Wanggai, Wanmulla, Yamadji, Bunaba, Pitjinjarra, I can go right through. …

When you been through Pitjantjarra law, that’s the hardest law in the whole of Australia When you go with that law, every law will accept you, but you still gotta go through their boards—long boards, you might have eight, nine, ten.

When you get initiated with the Pitjantjarra law you got Wanggai, Wanmulla, Yamadji, not Yamadji, Wadjari.

If you go to different other law places and you go through that one man, you still a brother. I got brothers all over the place (laughs). Nullabulla they call them brothers. But I still got tribe. I’m the last survivor….I’m the last Dumatji.
At age 76, Arnold’s hair is short, straight and white, his weathered skin is fair and his eyes still blue. He drives a Toyota one-tonner with a camp-oven, swag, and drum of diesel fuel on the back. Frequently, he goes out bush prospecting, gathering bush medicine, making contact with his numerous Aboriginal brothers, cousins and aunts and uncles, or attending funerals. When confident of his listener’s trust, he sings in Aboriginal tongues fragments of songs he was taught in ceremonies. He is a proud Aborigine who aggressively asserts his white heritage: Grannie Annie was a half-caste, ‘old Benny Sharp’s daughter’; ‘my mother’s father’s a white man, and old Dann married Grannie Annie’; and Arnold’s the youngest in his white family:

I’m the youngest in the family, well as far as we know, I’m the youngest…Marie’s younger than me on the black side, but on the white side, I’m the youngest in the white side…I know there’s some more. I’ve been told there’s some more kids, but I can’t find ’em. They might have died; I don’t know.⁴⁹

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⁴⁹ Transcript of Interview with Arnold Franks. Original held by the author.