2

Policy drift, 1883–1897

In June 1883, the newly established Board for the Protection of Aborigines (the APB) had been given responsibility for the Aboriginal population within the colony of New South Wales. The inaugural six Board members, all in full-time professional employment, attended to the matters of the APB one afternoon each week. In its first full year of operation, the Board expended £3,425.13.6 on an Aboriginal population calculated to be 8,091, which equated to just under eight and a half shillings per person.¹ What was to be done with the Aboriginal people of the colony of New South Wales was theirs to determine; a largely laissez faire approach from Premier Alex Stuart allowed the Board free rein. Unlike the colony of Victoria, which undertook a comprehensive survey in 1858–59 before it established its own Aborigines Protection Board in 1860, the New South Wales Board had no such broad review to access. As mentioned in Chapter 1, George Thornton's report of 1882 and a two-page King and Fosbery assessment of the two existing missions at Maloga and Warangesda were the only two recent New South Wales documents the Board could draw upon to build a policy framework.²

1 *Protection of the Aborigines: Report of the Board* (the APB Report: hereafter *APBR*) 1885–86, 1–4. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22813.pdf. The Board never had to support the total Aboriginal population. Many Aboriginal people worked and lived away from the reserves and stations or did not request assistance. Nevertheless, it was a paltry amount of money considering that Daniel Matthews had sought, in 1879, £500 to run just one mission of some 153 individuals. See Curthoys, 'Race and Ethnicity', 203.

2 The Victorian survey (1858–9, *Victoria, Report of the Select Committee of the Legislative Council, The Aborigines*) canvassed a much wider group of people across Victoria, did not rely upon the police to compile the report and was a significant document of some 88 pages. Thornton's report (*Aborigines: Report of the Protector, to 31 December 1882*) was a result of police reports and reflected the views of one man. The report *Aboriginal Mission Stations at Warangesda and Maloga* (New South Wales Legislative Assembly, 18 January 1883) was limited to an evaluation of the two missions, although it did articulate some policy directions.

The New South Wales Board could have adopted the Victorian model. The Victorian Protection Board gained legislative power in 1869 and established six reserves and forced almost half the Aboriginal people in the state onto those reserves.³ By the time the New South Wales Board was established in 1883, the Victorian Protection Board was already planning intrusive and brutal legislation (passed in 1886) that would enable it to drive its 'half-caste' Aboriginal population off the reserves and into the mainstream community.⁴ Others would follow Victoria's lead. Bain Attwood states that throughout the late nineteenth and twentieth centuries, 'indigenes faced a second onslaught, from agents of European "civilisation" who sought to change and reshape their minds and hearts, making them anew'.⁵ This attempt to reshape came relatively quickly in Victoria; in New South Wales it took much longer to arrive.⁶

Under the leadership of Edmund Fosbery, Inspector-General of Police, the New South Wales Board began cautiously. Created in an atmosphere of rancour, with no legislative power, goals or benchmarks and with limited funds, it probably could have done little else. George Thornton's 1882 report had been largely gathered from information provided by every police station across New South Wales; with Fosbery now at the helm, it was unsurprising that the Board would very quickly defer to the network of the New South Wales Police Force to carry out its operations. The police became a permanent crutch for the Board; their presence among Aboriginal communities was pervasive. In a sense, the police 'became' the Board.

Over the first decade and a half up to 1897, the Board was in a period of policy drift – Fosbery's Board avoided the issue of developing new policy positions in the face of changing circumstances. It found comfort in the status quo. Several factors reflected this position. First, having proposed a legislative agenda within its first year of operation, the Board failed to pursue this agenda for the next 15. Second, the Board remained aloof from its Aboriginal constituents and, rather than initiating programs, or policies, it reacted to requests. Also, some trends appeared as a result

3 McGrath, ed., *Contested Ground*, 136.

4 The 'Half-Caste' Act of 1886 allowed 'full-bloods', and 'half-castes' over 34 years of age and their offspring to remain on the reserves. All others had to leave. See McGrath, ed., *Contested Ground*, 139–40.

5 Attwood, *The Making of the Aborigines*, 1.

6 Queensland achieved legalisation in 1897, Western Australia in 1905, New South Wales in 1909, and South Australia and Northern Territory in 1911.

of the Board's interaction with Aboriginal people, but the Board did not actively respond to them. More Aboriginal people were presenting at reserves and stations, which strained Board finances. The Board was forced to build more Aboriginal schools because Aboriginal children were excluded by white parents from attending public schools. Furthermore, the composition of the Aboriginal population (according to Board racial classifications) was changing, with a significant decrease in the 'full-blood' population and an increase in the 'half-caste' population. Although the Board recognised and publicly reported all these changes and responded to them in an ad hoc way, it did not craft a considered policy response. Lastly, although not a direct restraint on the Board's overall policy development, the continued and unwelcome involvement of the Aborigines Protection Association (APA) – which ran three of the most populous Aboriginal stations in the colony – was a constant drain on Board finances and a persistent reminder that it was not in complete control of Aboriginal affairs.

The reasons for the overall policy inertia are less obvious, but I argue that they rest, to a large degree, with Fosbery. He showed no desire to go down the 'Victorian path' of restrictive legislation and held to this view throughout his tenure. Further, of the new members to the Board over this period, none had the will, the time or the ability to influence policy change. These 'lesser' members contributed to policy drift through transitory membership or lack of engagement. Moreover, from the Board's perspective, Fosbery's police force was doing a 'sterling job' overseeing the unmanaged reserves and providing statistical data across the colony to fill the Board's annual reports. During this period, the Board found more purpose in its own reporting of its 'achievements' than in addressing fundamental policy issues regarding the living conditions of Aboriginal people or the future relations between Aboriginal people and mainstream Australia. On the policy front, Fosbery's Board was in a 'holding pattern'. It was not on Fosbery's watch that the most severe measures were imposed upon Aboriginal people; this came under different personnel. As Attwood noted, the attempt to 'reshape' and 'make anew' did come to New South Wales but it was driven by harder and more task-orientated men than Fosbery.

Early Board personnel

Assessing the policy impact of individual Board members over the 57-year life of the Board is difficult. In the absence of recorded member contributions in the Board minutes and limited attribution to their impact generally, any definitive appraisal is unachievable. There are, however, some key indicators of performance and commitment: time spent on the Board, attendance patterns, press statements, parliamentary contributions, obituaries and biographies. All these assist in making some assessment about the effectiveness of members. Appendix 1 has details of the 64 serving members of the Board from 1883 until 1940. Brief mention is made in the following chapters of some members in ‘each phase’ of the Board, with extended reference to those who had impact on Board policy and those who were particularly notable for their *inaction*.

Figure 2.1: Edmund Walcott Fosbery.

Source: Australian Police (australianpolice.com.au). Courtesy: Greg Collander.

Of the inaugural members, Edmund Fosbery (Figure 2.1), Richard Hill and Philip Gidley King served lengthy terms, while Alexander Gordon, Hugh Robison and John Foster were all gone within five years. Apart from Fosbery, who steered the Board through its first 20 years, and Hill's likely consistent and valuable input, none of the other original members had any significant influence on policy direction.

After Thornton's resignation, the Board functioned without a chair until Edmund Fosbery (Thornton's replacement) became chair sometime between March 1884 and April 1885.⁷ He was a reluctant appointee to the chair, the second Board report recorded:

as the Inspector-General has been able to attend our meetings more regularly than other members, and as he is constantly at hand to give instructions to the Secretary regarding the business of the Department, we unanimously decided upon electing Mr Fosbery to the position of the Chairman of the Board, which he accepted in deference to our wishes, whilst earnestly desiring that another selection should be made.⁸

Fosbery was 'well-connected' as he held several influential positions within Sydney institutions and societies, but he was first and foremost a career policeman.⁹ After joining the service in 1861 he rose to the top job of Inspector-General of Police in 1874.¹⁰

Fosbery had obvious authority and as Board chair he wielded substantial power. He remained as chair of the APB until 1903, missing only one year in 1888 when he went on leave. Effectively, he was chair for 18 years and, by extrapolation from extant Board minutes, Fosbery chaired over 850 meetings.¹¹ More is said of Fosbery's influence below, but his election as chair was significant as it set a longstanding precedent for the full life of the Board – the chair would *always* be the Inspector-General of Police. This ensured that the New South Wales Police Force would be inextricably involved with Aboriginal people of New South Wales for the next 60 years.

Philip Gidley King (Figure 2.2) was a much less engaged member and his credentials for a role on the APB are not substantial. His co-authorship with Edmund Fosbery of the report on the Warangesda and Maloga missions was probably pivotal in his appointment as an inaugural member of the APB. He served on the APB for 14 years. However, close analysis of his attendance reflects limited engagement. Also, during his

7 There is no reference to a specific date of Fosbery's elevation to the chair, but it occurred between these dates. See *APBR* 1883–84 and 1885–86 (accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22818.pdf and aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22813.pdf, respectively).

8 *APBR* 1885–86, 3.

9 Golder, *Politics, Patronage and Public Works*, 187.

10 Rutledge and Dickey, 'Fosbery, Edmund Walcott (1834–1919)'.

11 There are significant gaps in the Board minutes of meetings: the first six years from 1883 to September 1890, from July 1901 to May 1905 and from December 1906 to March 1910.

24 years in parliament he made only one specific utterance on Aboriginal matters.¹² In response to a report by the Department of Public Instruction in 1887 on the pupils at Warangesda Aboriginal school, he believed that it was the 'natural process' that the 'full-blood' population would disappear and that 'half-castes' would soon be 'lost in the complete dilution of the superior race'.¹³ Perhaps therein lies the reason for his lack of commitment to his role on the Board. It is also telling that, after almost a decade and a half of membership, the Board did not recognise or celebrate his service on his departure in late 1897.

Figure 2.2: Philip Gidley King.

Source: Parliamentary Archives, NSW Parliament Collection (King Philip Gidley-752).

Richard Hill's contribution to the Board (Figure 1.2) was considerable and there is little doubt about his support for Aboriginal people. However, as a parliamentarian, he was not vocal on Aboriginal issues. His obituary states that, although he was a member of both Houses of Parliament, he 'did not take a very active part in politics'.¹⁴ He spent just over nine years from 1868 until 1877 in the Assembly and then served in the Legislative Council from 1880 until 1895. To spend 24 years in the state parliament with seemingly little impact is telling. During the entire 12 years he was an APB member his voice was not once raised in the Legislative Council on behalf of Aboriginal people; Anna Doukakis records that Hill made only two speeches related to Aboriginal people, both predated the APB, and both were regarded as negative towards Aboriginal people. However, Paul Irish makes the point that the 'almost unfailing attendance of stalwart members' Hill and Fosbery at the Board's meetings, 'allowed a consistency to develop in Board dealings despite the lack of legal power'.¹⁵ Hill would most certainly have been called upon for his opinions at the weekly Board meetings. His connections with

12 Anna Doukakis made no reference to King in all her research on member contributions in parliament.

13 Fletcher, *Documents in the History of Aboriginal Education in New South Wales*, 82.

14 *Sydney Morning Herald* (hereafter *SMH*), 21 August 1895, 8.

15 Irish, 'Hidden in Plain View', 242.

Aboriginal people were rich. The fact that he did not raise Aboriginal issues in parliament did not negate the fact that he had an intimate knowledge of many Sydney Aboriginal people and consistently assisted them over time. Hill and his son George had been ‘active in distributing rations to Aboriginal people at Botany’ and he had also employed the Aboriginal couple George and Emma Timbery from La Perouse in his Sydney home.¹⁶ When Daniel Matthews was recruiting Aboriginal people for his Maloga mission, he took 25 of them, on the eve of their departure, to Hill’s house for blankets and refreshments.¹⁷ Irish records even after George Thornton was appointed protector and sought to restrict rationing to only those residing in their ‘districts’, Hill did not change his long-term practice of providing meat and rations to whom he pleased. He ‘took his obligations seriously’ and there was ‘no compelling reason for Hill and others to abandon such behaviour simply because of Thornton’s appointment’.¹⁸ Hill knew and understood Aboriginal people and had empathy for them.

While on the Board, in the early 1890s, Hill at age 83 took responsibility for organising and supervising the supply of boats, equipment and rations at La Perouse.¹⁹ He made his contribution by continuing to work closely with Aboriginal people, a practice he had begun well before the Board. The nature of his relationships with Aboriginal people may well have compelled him to be a restraining influence against any suggestion of a legislative agenda. Hill came to the Board when he was 73 years old and he died, still a member, aged 85; he most probably engaged more with Aboriginal people than any other Board member during this period.

There is no evidence to suggest that the other three members played any significant role in policy determination. According to Doukakis, Board member Attorney General William J. Foster made one ‘neutral’ contribution on Aboriginal matters in the parliament.²⁰ His time on the Board was relatively short (four years), but the 1887 annual Board report acknowledged:

16 Irish, *Hidden in Plain View*, 116.

17 Irish, *Hidden in Plain View*, 116.

18 Irish, *Hidden in Plain View*, 118–19.

19 Hill offered to undertake the purchase of a sail and to have two boats painted. *APB Minutes* (hereafter *APBM*), 10 November 1892, Item 10; organised an additional third boat. *APBM*, 7 December 1893, Item 10; and he organised for two Aboriginal people to be supplied with rations and for the sale of a boat. *APBM*, 28 December 1893, Item 6. All *APBM* accessed via: Minute Books (Aborigines Welfare Board), NRS 2, NSW Department of Aboriginal Affairs, Sydney.

20 Neutral in the sense that it was neither positive or negative towards Aboriginal people. Doukakis, *The Aboriginal People*, 162.

During the past year we have been deprived of the valuable services of the Honourable W.J. Foster, M.P., who found it necessary to retire, the pressure of his other public duties preventing him from devoting the attention he desired to the work of the Board, though taking a deep interest in it.²¹

Parliamentarian, barrister and Queens's Counsel Alexander Gordon spent under two years on the Board. The Board recognised his efforts:

We regret to record ... the retirement of the Hon. A. Gordon ... having taken a deep interest in the welfare of the Aborigines, and cordially rendering us valuable assistance in the work we had undertaken to discharge.²²

Hugh Robison, as Inspector of Charities, was perhaps an obvious choice for the Board as its main function was, in the beginning, very like that of a charitable organisation; his expertise in the area may have been thought useful. He served for a period of five years, but his departure drew a less complimentary Board response: 'Mr Hugh Robison, who served as a member of the Board from 5 June 1883, resigned on the 15 October last'.²³ For attendance patterns of all members up to 1897 see Figure 2.3.

It is impossible to gauge the level of involvement from Foster, Gordon, and Robison, as attendance records do not exist for these three, and Thornton had left after the first month. However, as the overall attendance patterns reveal, Fosbery and Hill most likely would have contributed much to the decisions made in this early period, and King would have contributed little.

21 *APBR* 1887, 1. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22812.pdf.

22 *APBR* 1886, 2. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22808.pdf.

23 *APBR* 1888, 1. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22809.pdf.

Figure 2.3: Attendance of the first 16 members of the Board up to 1897.

Source: Author's analysis of Board minutes for appropriate years. Please note attendance details do not exist for Thornton, Gordon, Foster, Robison and Tarrant.

Figure 2.4: Number of years members spent on the Board.

Source: Author's analysis of Board minutes for appropriate years.

The Board's membership did not remain stable from 1883 until 1897, and of the nine new members who joined the Board from 1886 none appeared to influence Board policy or direction. Little is known of the contributions made by Thomas Colls and George O'Malley Clarke. However, the views of three other members are identifiable. Justice of the Peace Albert Maxwell Hutchinson joined the Board on 26 August 1887 and served for nine years. The Board report of 1897 noted:

We regret to have to record the death ... of Mr Albert Maxwell Hutchinson, who, during the nine years he held a seat on the Board, took a deep interest in furthering every object which had in view the improvement of the condition of the aborigines.²⁴

He was a consistent attender over a long time (see Figures 2.3 and 2.4) and, it would appear, a solid contributor.

Figure 2.5: William H. Suttor.

Source: Parliamentary Archives, NSW Parliament Collection (SuttorWH-(jr)).

William Henry Suttor (Figure 2.5) joined the Board on 25 July 1890 and remained for nine years. Suttor published an essay on early Christian missions in 1899 and his views on Aboriginal people were disparaging. While he accepted that Aboriginal people had been exposed to white brutality and un-Christian behaviour, they 'were entirely governed by fear and self-interest, passion and indolence, and they had no innate conception of any moral responsibility whatever'. He considered that the end had already come for the Aboriginal people of the colony: 'although we may feel that ... we somewhat neglected our obvious duty, I am not prepared to say that

²⁴ APBR 1897, 1. Accessed via *Journal of the Legislative Council*, Q328.9106/7, *NSW Parliamentary Papers, Consolidated Index* (hereafter *Journal of LC*), State Library of New South Wales (hereafter SLNSW), Vol. 56, Part 1, 607.

their fate has not been the best thing for them'.²⁵ His obituary in the *Australian Town and Country Journal* sheds no further light on his contribution to Aboriginal affairs.²⁶

It is important to note that views like this did not discount anyone from joining the Board. In fact, they are perfectly consistent with views on 'protection' as noted. If a gentleman was a respected member of the community, there appeared no apparent barrier to joining the Board if one offered one's services.

Figure 2.6: Robert Hoddle Driberg White.

Source: Parliamentary Archives, NSW Parliament Collection (White Robert).

In 1884, Robert Hoddle Driberg White (Figure 2.6), member for Gloucester, rose in parliament and spoke of the 'deplorable condition of the aborigines'. He stated that many were unable to obtain enough food to survive and some were in a 'state of almost starvation' and that many had died. He concluded by saying that he would 'bring under the notice of the board' as to the current 'state of want' for Aboriginal people, many of whom were in his electorate.²⁷ Ten years later he was appointed to the APB on 16 February 1894 and left in May 1898. While on the Board in 1895 he provided a report on the 'inferior quality' of the flour supplied to the 'Aborigines' at Lake Illawarra and produced a sample of flour at a Board meeting explaining how it would not be able to make bread.²⁸ He seemed to understand and sympathise with the hardships Aboriginal people suffered in New South Wales.

Legislative member for the seat of Murray and later Deniliquin, John Moore Chanter was appointed to the Board on 31 August 1894 and resigned sometime during 1910. W.H. Suttor and Board member Thomas Colls had put his name forward as 'he has always taken an interest in the

²⁵ Suttor, *Early Christian Missions Among our Aborigines*, 1889, DSM/572.9901/S, Mitchell Library (hereafter ML) (no page numbers provided).

²⁶ *Australian Town and Country Journal*, 4 October 1905, 53.

²⁷ NSW, *Parliamentary Debates*, Legislative Council, 17 April 1884, 2845 (Robert White).

²⁸ *APBM*, 14 March 1895, Item 8.

Aborigines'.²⁹ Before joining the Board, he had been a regular critic of it. In 1890 he was scathing of the Board for not doing enough for the 'protection of the aborigines'. Chanter spoke highly of the Aboriginal station at Cumeroongunga where the 'natives' were industrious, had 'excellent houses constructed of sawn timber and iron roofs', and lived by themselves in a 'very respectable manner'. He believed that the Aboriginal people 'will gradually merge into the rest of our population, and will become good citizens'.³⁰ When Aboriginal children were excluded from the public school at Gulargambone in 1899 he was quick to challenge the relevant minister in parliament:

Is he aware that eleven aboriginal children, fully and properly clothed, were sent [by the Board] to the public school at Gulargambone [and 10 days later] were told by the teacher not to attend the school again?³¹

Chanter appeared to be the most likely to raise issues or provide opinion on a policy level, but Anna Doukakis submits that once a Board member, his criticism of the APB and general outspokenness ceased.³² Two obituaries, one from the *Riverina Recorder* and other in the *Jerilderie Herald and Urana Advertiser*, shed little extra light on Chanter in the field of Aboriginal affairs.³³

Although these men were at times outspoken on Aboriginal issues, and some of them sympathetic for the Aboriginal cause, they did not actively seek more power for the Board or provide policy direction or positions.

The 'doomed race' theory

The Board began operations holding limiting assumptions about its clientele, assumptions that were shared by broader society. The 'doomed race' theory underpinned much discussion about Aboriginal policy in the late nineteenth century. It was characterised by two misplaced beliefs: that the Aboriginal population could not withstand the 'march' of British

29 APBM, 9 August 1894, Item 9.

30 NSW, *Parliamentary Debates*, Legislative Assembly, 18 February 1892, 5455 (John Chanter).

31 NSW, *Parliamentary Debates*, Legislative Assembly, 8 March 1899, 505 (John Chanter).

32 Doukakis, *The Aboriginal People*, 70.

33 *Riverina Recorder*, 14 March 1931, 2; and *Jerilderie Herald and Urana Advertiser*, 12 March 1931, 2.

‘civilisation’, and that Aboriginal people were incapable of taking an equal place with whites at the table of citizenship as the colonies approached nationhood.³⁴

The racial scientists of the late eighteenth and early nineteenth centuries had placed the Australian Aboriginal person at the ‘bottom of the racial hierarchy along with the Tierra del Fuegians and the Hottentots of Africa’, based on ‘Divine Providence’.³⁵ Russell McGregor asserts that while there were obvious physical reasons why the Aboriginal population in Australia was declining through hostile encounters, disease, lack of medical attention and through the act of dispossession, even scientists believed that there was some ‘mysterious agency’ at work that was the ‘hand of God’.³⁶

Charles Darwin’s evolutionary theories did not alter the view that population collapse among indigenous peoples was considered ‘God’s work’; instead, they simply provided another explanation for ‘their lowly status’ and confirmed their disappearance under the ‘Natural Law of Survival of the Fittest’.³⁷ By the late nineteenth century the scientific world had made up its mind on the Aboriginal people of Australia. The vice-president of the Royal Society of Tasmania, James Barnard, made the following assertion in 1890:

It has become an axiom that, following the law of evolution and survival of the fittest, the inferior races of mankind must give place to the highest type of man, and this law is adequate to account for the gradual decline in numbers of the aboriginal inhabitants of a country before the march of civilisation.³⁸

Compounding the notion that Aboriginal people would die out was the desire of settler society to exclude Aboriginal people from any future ‘progress’ of the colony. Henry Reynolds, argues that ‘for every public figure who defended’ Aboriginal people there were ‘many more who condemned them’.³⁹ Many of those who denigrated Aboriginal people were influenced by the proponents of phrenology, such as Royal Navy

34 Attwood, *Telling the Truth about Aboriginal History*, 22. See also Holland, ‘The Impact of “Doomed Race” Assumptions in the Administration of Queensland’s Indigenous Population by the Chief protectors of Aborigines from 1897 to 1942’, 14–19.

35 McGregor, ‘The Doomed Race’, 14.

36 McGregor, *Imagined Destinies*, 15.

37 McGregor, ‘The Doomed Race’, 14.

38 Quoted in McGregor, ‘The Doomed Race’, 14.

39 Reynolds, *Nowhere People*, 97.

Captain J.L. Stokes who, although sympathetic to Aboriginal people, accepted in the mid-1840s that 'if the principles of that science are admitted to be true, these savages are woefully deficient in all qualities which contribute to man's moral supremacy'.⁴⁰ The editor of *The Age* wrote in 1880 that when two races 'of different stages of development' are brought into contact then the 'inferior race is doomed to wither and disappear'.⁴¹ Bain Attwood suggests that following the decades after 1850 it became a 'matter of common sense' among the colonists that 'Aborigines were either a race doomed to die out or a child race in need of European tutorship'.⁴² McGregor asserts that, as the nineteenth-century ended, Aboriginal people were 'shut out' of the national community as they were 'deemed incapable of exercising the rights of citizenship or appreciating its responsibilities'.⁴³

The Board's interaction with Aboriginal people during this period was guided by these assumptions. The Board would assist the 'full-blood' population – the old and needy – until there were none left. What was to be done with the 'half-caste', 'quadroon' and 'octoroon' population was less clear. The Board's policies on this issue were vague and non-committal. Herein lay the Board's key blind spot for the next 57 years: it never came to terms with the fact that Aboriginal people, despite any arbitrary racial classifications imposed by white authorities, regarded themselves as Aboriginal. Moreover, Aboriginal people were not dying out. Ann Curthoys observes, in the late 1870s (before the Board was established), that 'if the Aborigines were disappearing, then they were taking longer than anticipated'.⁴⁴ Due to a decrease in demand for pastoral labour and a move to a more agricultural base there was an increased Aboriginal presence closer to towns and cities. Through their 'requests for boats, entry into the city of Sydney, response to private missionary efforts, and applications for land, they presented colonists with a new situation'.⁴⁵ In its first 15 years the Board struggled to come to terms with this reality.

40 Quoted in Reynolds, *Nowhere People*, 99.

41 Quoted in Reynolds, *Nowhere People*, 100.

42 Attwood, *Telling the Truth about Aboriginal History*, 139.

43 McGregor, *Indifferent Inclusion*, xx. See also Attwood, *Telling the Truth about Aboriginal History*, 139.

44 Curthoys, 'Race and Ethnicity', 175.

45 Curthoys, 'Race and Ethnicity', 175.

Policy settings: A ‘quiet and comfortable abode’

In 1883, Premier and Colonial Secretary Alex Stuart’s early instructions to the Board were brief: provide suitable land where Aboriginal people can be employed, educate the children (especially the ‘half-castes’), look after the aged and sick and engage the ‘strong, active, and healthy’ in useful work.⁴⁶ Following his religious bias, Stuart recommended that the primary role should remain with the APA; while not ruling out the place of government stations, he believed that it was ‘a sounder principle to encourage benevolent effort in this manner’.⁴⁷ Consequently, the Board was sidelined from controlling the only two existing missions in the colony.

The Board’s first report provides an outline of its policy positions. It proposed a somewhat idyllic regime whereby willing Aboriginal parents could establish ‘a quiet and comfortable abode’, preferably by the ‘coast or on the banks of main rivers’, to live with their children and that persons of ‘good character’ would supervise these homes and schools for the children.⁴⁸ Aboriginal people would be encouraged to live in separate reserves away from towns and cities. Dedicated Aboriginal reserves had already been created before the Board was established. Heather Goodall records that 32 reserves were founded between 1861 and 1884; of the 32 reserves, 27 were a result of Aboriginal demands or occupation – that is, where Aboriginal people ‘had already reoccupied the land and had begun farming’.⁴⁹ The Board inherited 25 reserves with a total area of 3,500 acres.⁵⁰ It subsequently made additional applications for more reserve land to the Minister for Lands.⁵¹ As Stuart had outlined, food and clothing would be supplied only to those in need and to children attending school whose parents were ‘unable to provide’ for them.⁵² There was an expectation that all able-bodied men and boys should maintain

46 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 2.

47 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 2. As mentioned previously, Stuart was a devout Anglican, a member of the Church of England Synod and a close friend of missionary John Gribble.

48 *APBR* 1883–84, 3.

49 Goodall, *Invasion to Embassy*, 2008, 103.

50 Goodall, *Invasion to Embassy*, 2008, 102.

51 *APBR* 1883–84, 4.

52 *APBR* 1883–84, 2.

themselves by 'labour on the station or at neighbouring homesteads'.⁵³ Demonstrating some realism, the Board cautioned against a one-size-fits-all approach and advised that 'no inflexible rules ... could be laid down, as the habits and circumstances of the aborigines vary greatly in different districts'.⁵⁴ Fosbery's Board adopted a much more benign approach compared to what would follow.

The Board considered that 'where the aboriginal children are decently clad and sufficiently fed', they should be able to attend local schools. The *Public Instruction Act 1880* (NSW) had declared that all children – regardless of their race, colour or creed – should receive a free education.⁵⁵ The Board encouraged Aboriginal children to go to school and provided 'incentives' to the parents.

We have striven to induce parents to send their children to school ... chiefly by providing decent clothing for them and granting a half-ration of food to all who regularly attend.⁵⁶

From the Board's third annual report onwards, it regularly recorded the number of children attending school.⁵⁷ Early reports did, however, recognise that there could be objections to the presence of Aboriginal children in predominately white classrooms and flagged the idea of separate Aboriginal schools if numbers warranted.⁵⁸ However, the Board felt more secure in its overall policy when on 3 December 1884, the Department of Public Instruction declared that 'where a sufficient number of aboriginal children can be grouped together for instruction' they could be taught in a separate 'Aboriginal' school but where there are 'only a few such children' they could attend the nearest public school, provided they were 'habitually clean, decently clad, and that they conduct themselves with propriety both in and out of school'.⁵⁹ The Board confidently announced that 'any prejudice which may have existed against the admission of aboriginal and half-caste children into the Public Schools will, it is to be hoped, be now entirely removed'.⁶⁰

53 *Aboriginal Mission Stations at Warangesda and Malaga (Report on Working Of.)*, New South Wales Legislative Assembly, 18 January 1883, 4.

54 *APBR* 1883–84, 1.

55 NSW, *Parliamentary Debates*, Legislative Assembly, 20 November 1879, 274 (Henry Parkes).

56 *APBR* 1885–86, 2.

57 'As far as can be ascertained, there are at the present time 520 Aboriginal and half-caste children receiving instruction, chiefly in Public Schools', *APBR* 1885–86, 2.

58 *APBR* 1883–84, 3.

59 *APBR* 1885–86, 2.

60 *APBR* 1885–86, 2.

Fosbery and King's report on the missions at Maloga and Warangesda proposed that children should not remain on the reserves; both the boys and girls 'should be further trained as to fit them to take their places as domestic servants, or amongst the industrial classes' and that they be 'boarded out'.⁶¹ However, the Board's first report was less than optimistic on this direction. The Board stated that it approached the 'subject of boarding-out aboriginal and half-caste children with more hope than confidence' but thought the 'means of making the experiment should be provided'.⁶² The Board did not elaborate.

The Board was more detailed in its legislative agenda. Citing the 'favourable results' from the Victorian legislation of 1869, it defined its priorities in 1884. It sought to have 'custody and control of aborigines of all ages and sexes in like manner as a parent'; vest power in the Board or minister to own 'all property provided for the aborigines'; supervise, confirm or annul 'all agreements between aborigines and any other person'; impose penalties on persons 'harbouring any aborigine' without Board consent; and authorise the minister or the Board to grant Aboriginal people exemptions from the Bill.⁶³ These would be sweeping powers, particularly its first priority to have *full* control and custody of *all* Aboriginal people.⁶⁴ Interestingly, despite this list of priority powers, the first Board members never actively advocated for enabling legislation to be passed.

The Board did not pursue other policies outlined in its first report with any more alacrity. As the years went by its annual report gradually increased in size with more statistical data, reports on the reserves, stations and districts, and with expenditure accountability. But, from one year to the next, there was no thorough analysis of policy direction; it was never clear what the Board was trying to achieve. Arguably, the Board's immediate task was enormous, perhaps even impossible. Six men, all with other jobs, sitting one afternoon a week, were tasked with the responsibility for nearly 9,000 Aboriginal people spread across the far-flung expanse of New South Wales.⁶⁵ The 1883–84 Board report stated: 'Numerous applications for

61 *Aboriginal Mission Stations at Warangesda and Maloga (Report on Working Of)*, New South Wales Legislative Assembly, 18 January 1883, 3.

62 *APBR* 1883–84, 4.

63 *APBR* 1883–84, 2.

64 *APBR* 1883–84, 2.

65 George Thornton's report of 1883 reckoned on a total Aboriginal population of 8,919.

Government aid have been received from or on behalf of the aborigines scattered throughout the Colony'.⁶⁶ Board members, realising the scale of its task, may well have been overwhelmed.

The Stuart Government had not stipulated the mechanisms by which aid would be delivered nor the work of the Board to be undertaken. However, Edmund Fosbery's early appointment, which was unforeseen, conveniently enabled the Board to utilise the full network of the police to undertake its functions.⁶⁷ How the Board 'connected' with Aboriginal people is best viewed at the local level. Dharawal experiences illustrate the Board's methods.

APB and interaction with Dharawal

Dharawal (Tharawal/Turawal/Thurwal) is said to be the

language spoken by the mobs/bands of Aboriginal people who had a relationship with the area south of Botany Bay and Georges River, west to Appin, south as far as Goulburn and to Wreck Bay near Nowra.⁶⁸

Jim Kohen cautions that the 'problems which confront researchers who try to reconstruct the boundaries between Aboriginal groups across Australia are many'. It is important that boundaries be identified but they should truly reflect 'how the land is and was perceived by the traditional owners'.⁶⁹ Put simply, if you are Dharawal then this would be 'because it is the country of your father'.⁷⁰ Therefore the boundaries designated in Figure 2.7 should be regarded as approximate.

66 APBR 1883–84, 2.

67 The Victorian Central Board for the Protection of Aborigines did not have the same reliance on the police. It had a network of local committees across the colony and Honorary Correspondents in the more remote regions. *Central Board for Aborigines in the Colony of Victoria, First Report, 1861*, 3.

68 Bursill, Jacobs, Lennis, Timbery-Beller and Ryan, *Dharawal*, 9.

69 Kohen, 'Mapping Aboriginal Linguistic and Clan Boundaries in the Sydney Region', 32.

70 Bursill, Jacobs, Lennis, Timbery-Beller and Ryan, *Dharawal*, 9.

Figure 2.7: Map of Dharawal Country and Environs.

The dark shading represents the high country and not a boundary.

Source: Mike Donaldson, Les Bursill and Mary Jacobs. Cartographer: Peter Johnson, Cordeaux Heights, New South Wales.

Dharawal location points

The APB’s early interaction with the Dharawal was not dissimilar to that of any other Aboriginal language group throughout the colony in the early stages of its work – the Board waited until it received requests from local police, Aboriginal people, community members or politicians, and

then responded. At the end of its first year, the Board had identified the following location points within Dharawal Country and supplied certain rations and supplies. The Dharawal locations below are directly quoted from a complete alphabetical list of locations across the colony:

Botany – Supplied with rations, clothes, huts, and medical attendance.

Camden – Rations and medical attention supplied.

Cox's River – Rations supplied to four old and infirm aborigines and seven children.

Illawarra – Had their boat repaired.

Jervis Bay – Clothing, sail, oars, rope, paint, fishing-lines and hooks; also rations supplied to aborigines.

Kangaroo Valley – Rations supplied to two old and infirm aborigines.

Kiama – Rations supplied to three old and infirm aborigines and six children.

Nowra – Oars, rope, fishing-lines, hooks, paint, clothes, and rations supplied.

Picton – Rations supplied.

Shellharbour – Rations supplied.

Shoalhaven – Boat repaired.⁷¹

George Thornton's report of 1883 would have been invaluable to the Board. It listed all the police stations across the colony from which supplies and rations had previously been distributed. For each location point, Thornton provided a variety of information: population, those employed, those in need of rations and why, conditions of boats supplied, children in school, how medical treatment was delivered, and any special information likely to be of interest.⁷² For example, in the Shoalhaven, in the southern part of Dharawal country, Thornton noted that the Aboriginal population was 143, most of the 'half-castes' were employed; that they lived 'by fishing and government rations'; that there were 'three boats in the district, one at Terara, one Broughton Creek, and one at Jervis Bay' and all were in 'good order'. He gauged that about 'thirty half-caste children are at school at Coolangatta and five are at Jervis Bay'.⁷³

71 APBR 1883–84, Appendix B.

72 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, Appendix, 10–11.

73 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, Appendix, 12.

This was only the briefest sketch, but still valuable information for the Board. Likely though, the Board was unaware of specific details. For example, in the Shoalhaven many Aboriginal people were engaged in work. The Alexander Berry estate established in 1822 at the base of Cullunghutti (Coolangatta) Mountain was a significant employer of Aboriginal labour right up until the turn of the century when most of the Aboriginal residents were ‘transferred’ to Roseby Park.⁷⁴ Ninety-two Aboriginal people worked on the estate from 1822 to 1872.⁷⁵ Michael Bennett explains that those who worked did so for a variety of reasons. Work provided them with European goods and subsistence items to replace traditional foods, but more importantly ‘it enabled Aboriginal people to continue living on their land in proximity to important sites such as Coolangatta Mountain’.⁷⁶ At the time the Board was established most Aboriginal people within the Shoalhaven and the Illawarra were able to provide for themselves.⁷⁷

Whether any Board member – perhaps with the exception Richard Hill – grasped the idea that Aboriginal people wanted to remain on Country and sought employment and schooling for their children, is speculative. However, the Board’s selection of reserve land would indicate they did not.

Of the 25 Aboriginal reserves that the Board inherited in 1883, three were in Dharawal Country. A closer analysis of these three reserves reveals how the Board was either indifferent to, or had little regard for, the needs of Aboriginal people if the reserves were to be occupied. Two reserves (No. 26 and No. 27) were close to each other (only 1.5 miles apart). They were approximately 30 miles west of Picton on Byrnes Creek, which flows into the present Warragamba Dam. Reserve No. 26 consisted of 300 acres and Reserve No. 27 consisted of 100 acres. The third reserve (No. 101) was on the northeast of Jervis Bay, across the water from Huskisson. However, the three reserves were never occupied by Aboriginal people. Although a Lands Department report stated that Reserve No. 26 had some good grassland and 7 acres were suitable for cultivation, Aboriginal people in the area had chosen instead, to occupy a nearby farm at Burragorang called

⁷⁴ The residents moved to Roseby Park in 1900 and it was notified in 1906 as an official reserve.

⁷⁵ *Cullunghutti: The Mountain and its People*, 91–93. See also Bennett, ‘For a Labourer Worthy of His Hire’, particularly Chapters 6, 7 and 8.

⁷⁶ Bennett, ‘For a Labourer Worthy of His Hire’, 181.

⁷⁷ Bennett, ‘For a Labourer Worthy of His Hire’, 246.

St Joseph's.⁷⁸ The same report noted that the farm had been 'purchased by the late father Dillon ... and on which they [Aboriginal residents] make a very fair living rearing stock and growing maize'. A police report of 23 October 1882 noted that the farm was in a very good position 35 miles from Picton and consisted of seven acres of good cleared land: 'It was purchased by the Reverend G J Dillon ... in 1876 for £200 for the use of the Aborigines'.⁷⁹ The farm at Burragorang provided Aboriginal people with what they needed: employment and nearby schooling.⁸⁰

Reserve No. 27 was even less appealing because it had no water – a report stated 'Aborigines object to live on this Reserve there is no water on it and no school near to it'.⁸¹ A decade later, the APB report of 1891 confirmed Aboriginal resistance, stating that reserves in the Wollondilly area had been 'set aside' for Aboriginal people but 'they can not be induced to occupy them'. It also recorded that the Aboriginal people living at the Burragorang farm still make a 'fair living from it rearing stock and growing maize'.⁸²

The Lands Department report for the third reserve (No. 101) at Jervis Bay, read:

Situating about 28 miles from Nowra and 8 miles from Huskisson by water ... the Reserve is a level plain. About 300 acres of it is barren ground covered with low scrub, rushes and grass-tree. The whole frontage to Jervis Bay is sandy beach over which in rough weather a very heavy surf breaks, but at the ocean end there is creek ... this is sheltered from the Bay by rocks and is a nice harbour for small boats. There is freshwater in this creek all year round [and has a] total area of 700 acres.

Another entry on 6 August 1890 in the same report noted:

78 Reserve No. 26, notified 9 December 1878, Parish of Peaks, County of Westmorland, Locality Picton, Register of Aboriginal Reserves, 1875–1904, Reference Numbers 2/8349. Reel 2847, Aborigines Welfare Board Archives, NRS 23, State Records of New South Wales (hereafter SRNSW).

79 Reserve No. 26, notified 9 December 1878, Parish of Peaks, County of Westmorland, Locality Picton, Register of Aboriginal Reserves, 1875–1904, Reference Numbers 2/8349. Reel 2847, Aborigines Welfare Board Archives, NRS 23 (SRNSW).

80 The Board report for the year 1890 stated that 'fifteen children are receiving instruction at the Public School in the Picton District, *APBR* 1890, 7. Accessed via *Journal of LC*, Vol. 47, Part 2 (SLNSW).

81 Reserve No. 27, Parish of Peaks, County of Westmorland, Locality Picton, Register of Aboriginal Reserves, 1875–1904, Reference Numbers 2/8349. Reel 2847, Aborigines Welfare Board Archives, NRS 23 (SRNSW).

82 *APBR* 1891–92, 7.

[the] Aborigines refuse to reside there but if they could be induced to do so no better spot could be found in the district upon which to centralise the whole of the aborigines in the Police Districts of the Shoalhaven and Dowling.⁸³

Aboriginal people made clear choices about where they were going to live. If reserve land was barren, had no water, was not close to schools and was distant from employment, they would not move there. Also, in the case of the Jervis Bay reserve, the not-so-subtle advice that it would be a suitable place for all the Aboriginal communities of the Shoalhaven and those further to the south was a blatant attempt to remove all the Aboriginal people from the two districts and isolate them, just as George Augustus Robinson had done to small groups of Tasmanian Aboriginal people when he moved them to Flinders Island.⁸⁴

Two points can be made here. Due to its limited funds, the Board was more than happy for Aboriginal people to be independent of the Board. Also, in what would become the Board's *modus operandi*, it never recognised that those who needed assistance still wanted employment opportunities, to maintain connections with Country and kin, and their children educated: they did not want to be isolated.

The Shoalhaven and the reliance on the police

The local police were integral to the Board's operations and information gathering throughout its existence. The first detailed account from the Shoalhaven is found in the Board's second annual report. Police Sergeant Brayne from Jervis Bay wrote:

22 half-castes and aboriginals attending school: most of them are quick at learning. Some of them come a distance to school, leave home on Monday, and return on Friday evening. They live in a hut with an old aboriginal couple, who cook the food for them and keep them clean; they appear eager to learn. Mr. Beetson, Public School Teacher, also Mrs. Beetson, take a great interest in

83 Reserve 101, notified 26 September 1881, Parish of Woolumboola, County of St Vincent, Locality Jervis Bay. The Dowling district was further south, taking in Milton and Ulladulla. Register of Aboriginal Reserves, 1875–1904, Reference Numbers 2/8349. Reel 2847, Aborigines Welfare Board Archives, NRS 23 (SRNSW).

84 Ryan, *Tasmanian Aborigines*, 219–53; Brantlinger, *Dark Vanishings*, 124–28.

them. Mrs. Beetson gave great assistance in making the clothes for them. The aborigines and half-castes in the district are all very comfortable, none in want of necessities of life. Most of the young men work and have given up wandering. No drunkenness. Messrs. Dwyer and Pitt, Inspectors of Schools, were surprised at the intelligence of the children when they examined the school.⁸⁵

Brayne's report referred to the school at Huskisson at Currambene Creek (Figure 2.8). It was not clear how many of the children lived in the hut with the old Aboriginal couple but officer Brayne was keen to stress that all seemed well at Jervis Bay. Reports such as these from local police officers were the primary means from which the Board gained information about conditions on the ground. In this case, Brayne's report also highlighted the lengths that some Aboriginal families went to for their children to receive an education, including allowing them to spend four nights away from home each week.

Figure 2.8: Map of the Shoalhaven showing Aboriginal population centres.

Source: Peter Johnson, cartographer, Cordeaux Heights, New South Wales.

⁸⁵ *APBR* 1885, 2.

Table 2.1: Board minute entries: first five items (as recorded) relating to Dharawal Country.⁸⁶

Date	Nature of item	Action
25 September 1890	John Riley, Aboriginal, Burragarang, – applying for a grant of land.	Refer to Mr Ryeland for a report as to applicant's circumstances and if land is already reserved is adequate.
30 October 1890	Letter from Mr Thornton, MP, recommending that 'Aborigines' at Jervis Bay be supplied with a boat.	Embody contents of report in a letter to Mr Thornton.
23 December 1890	Police forwarding an extract from the 'Valley Pioneer' with reference to Hugh Anderson's Statements regarding Aborigines at Kangaroo Valley. ⁸⁷	(no action recorded)
16 April 1891	Police (Nowra) applying for authority to expend £4.10.0 in the purchase of a flat-bottomed boat, to convey children at Greenwell Point to school.	Approved.
11 June 1891	Police (Nowra) reporting on condition of Aboriginal Camp at Ulladulla recommending rations and erection of three two-roomed huts for 'aged Aborigines'.	Approve rations for children and expend £5.0.0 to best advantage for huts.

Source: Author's analysis of APB Board minutes, 1890–1893.

Apart from the stations at Cumeroogunga, Warangesda and, from 1887, Brewarrina, which were run by the APA and presented annual reports to the Board, all other official information to the Board was provided by the New South Wales police.⁸⁸ An analysis of the APB Board minute items that concerned Dharawal Country over a three-year period from 1890 to 1893 reveals 18 entries. They demonstrate how the Board's actions were almost entirely a result of requests from the police. Table 2.1 shows the first five entries and reveals how the Board noted agenda items and responded to them. All entries were limited in detail; there is no record of any discussion on the items raised. The Board responses are cursory, often dismissive, and if requests were refused the Board afforded little or

⁸⁶ APBM 1890–1891.

⁸⁷ Hugh Anderson was an Aboriginal man from Cumeroogunga who attempted to form a mission at Kangaroo Valley in the late 1880s and claimed that his mission had been 'starved out' of the Valley. See: *Cullunghutti: The Mountain and its People*, 214.

⁸⁸ However, after February 1895, the Board established local boards attached to Aboriginal-managed stations (the first of which was the Grafton Home). These became additional sources of information.

no explanation. Of the 18 entries from the Shoalhaven, 15 (83 per cent) came either directly from, or via, the police at Nowra in the form of requests for rations, reserve land or medical treatment, and as tenders for supplies. Of the other three entries: one was from John Riley, an Aboriginal man requesting land, which was subsequently refused with no explanation;⁸⁹ one from the mayor of Nowra who requested that the 'aborigines be supplied with a boat';⁹⁰ and the third came from George Thornton (MLA and ex-protector) recommending that the Aboriginal people at Jervis Bay also be supplied with a boat.⁹¹

From 1889, the Board, through its annual reports, regularly thanked the police for their work: the 'Board has to depend largely upon the officers and members of the constabulary throughout the Colony ... for carrying out its operations';⁹² and 'appreciation ... of the assistance so cheerfully rendered by the members of the Police Force throughout the Colony'.⁹³ Another role for the police was the distribution of blankets, but other people were also participants in what was clearly an annual ritual.

'I seconds the motion'

The Board inherited the entrenched tradition of providing a yearly blanket to Aboriginal people but played a minimal role in distribution. The annual blanket distribution was a complicated institution: it evolved over a number of stages, each determined by 'shifting imperatives of peace-keeping'.⁹⁴ The institution of 'gifts' began with Macquarie's annual Parramatta feasts each December with the distribution of 'badges of distinction', food and clothing.⁹⁵ Michael Smithson notes that it was Governor Darling who first introduced the annual blanket distribution in 1826. To regain control of events on the frontier after the 1824 declaration of Martial Law in Wiradjuri Country, Darling saw the issue

89 John Riley was refused his grant by the Board on 16 October 1890 with no reason given, *APBM*, 16 October 1890 (no item number).

90 *APBM*, 19 May 1892 (no item numbers specified in this period).

91 *APBM*, 30 October 1890.

92 *APBR* 1889, 1. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22828.pdf.

93 *APBR* 1894–95, 3. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22879.pdf.

94 O'Brien, 'Kitchen Fragments and Garden Stuff', 162.

95 Reece, 'Feasts and Blankets', 192.

of blankets as a practical tool to reduce frontier violence and as a reward for individuals who had assisted in capturing bushrangers.⁹⁶ The blanket became an instrument of ‘protection’ *for* settler society.

Governor Richard Bourke decreed that the distribution of clothing would be more effective at the beginning of winter. The ‘Macquarie feasts’ would now be held on 1 May and ‘magistrates and settlers were required to inform Aborigines in their area that blankets would not be issued at the “Parramatta feast” but would be sent instead to stations and police officers for distribution on 10th May’.⁹⁷

In 1838 Governor Gipps qualified the distribution. He declared that only those Aboriginal people who had rendered services would be supplied with blankets and those who were troublesome would be omitted.⁹⁸ Over time, Gipps dramatically reduced the number of blankets distributed and, under financial pressures, he discontinued the practice in 1844. Many blanket agents complained of the cessation and some aged and infirm Aboriginal people ‘perished for want of warm clothing’.⁹⁹ On the advice of the 1845 Select Committee on Aborigines the new governor, Fitzroy, reintroduced the policy in 1848. Anne O’Brien observes that ‘Indigenous people had become dependent on blankets in the winter and that they were also a form of official recognition’.¹⁰⁰ Smithson argues that Aboriginal people had always regarded the gift of the blanket as a right, ‘an obligation owed by Europeans who made use of the resources on lands traditionally owned by Aborigines’.¹⁰¹ When Gipps stopped the issue, or only gave to some, this caused power relations to be further disrupted.¹⁰² Europeans never really understood the complex relationship and meaning of the blanket issue from an Aboriginal perspective.¹⁰³

96 Smithson, ‘A Misunderstood Gift’, 75; see also O’Brien, ‘Kitchen Fragments and Garden Stuff’, 162.

97 Reece, ‘Feasts and Blankets’, 196.

98 Reece, ‘Feasts and Blankets’, 200.

99 Reece, ‘Feasts and Blankets’, 202.

100 O’Brien, ‘Kitchen Fragments and Garden Stuff’, 162.

101 Smithson, ‘A Misunderstood Gift’, 86.

102 O’Brien, ‘Kitchen Fragments and Garden Stuff’, 163.

103 Smithson, ‘A Misunderstood Gift’, 104.

Figure 2.9: 'The Courthouse' (Nowra 1910).

Source: From the collections of the Wollongong City Libraries and the Illawarra Historical Society (Wollongong City Council Policy number 9.6).

In Dharawal Country, the annual occasion to provide a blanket to all Aboriginal people was a moment of ceremony and of ritual. The distribution involved the police and local magistrates, but also the white community. On 1 April 1858, a group of 25 Aboriginal people travelled to the Wollongong Courthouse to receive their blankets, and some known Aboriginal 'leaders' led the group in three cheers for the Queen. The *Illawarra Mercury* on 25 April 1858 reported that 23 blankets were issued at Kiama, drawing a rousing chorus of cheers to Queen Victoria.¹⁰⁴

The blanket distribution at the Nowra Courthouse (Figure 2.9) in 1883 provides a closer look at the ritual. Nowra did not have an Aboriginal reserve within proximity to the township but was the contact point between the police and the Shoalhaven Aboriginal people.

To receive a blanket and special ration on the day of distribution, Aboriginal people came from places such as Huskisson (referred to as Jervis Bay), Coolangatta, Greenwell Point, Broughton Creek and Crooked River. The *Shoalhaven Telegraph* of May 1883 reported:

As stated in our last issue, owing to the severity of the weather it was determined to distribute the blankets to the blacks on the first instant instead of the 24th. Due notice having been given, our sable colonists, male and female, adult and juvenile, mustered in strong force at the Courthouse at Nowra on Tuesday last, when ... with

¹⁰⁴ Bennett, 'For a Labourer Worthy of His Hire', 203.

the assistance of the police, distributed the blankets to the number of 81. There were not Aborigines to that number present; as some were unavoidably absent, through sickness or other causes. As on former occasions, several benevolent ladies now provided a substantial meal for our vagrant and disinherited country people. Mrs Scott of Nowra, and Mrs Rev. J Best, provided sandwiches, buns, and tea in abundance, to the great gratification of their swarthy visitors.

Clearly, this was a well-worn event at the Courthouse. The assembled were aware of the people who were unable to attend, and their blankets were distributed to others to pass on. Food was organised. It was also acknowledged that the Aboriginal people had been dispossessed. What followed revealed the ritual involved with the blanket issue.

The Rev. Joseph Best and the Rev. Luke Parr addressed these black people, alternatively, and their words were listened to with respectful attention, each male darkie uncovering his head while the clergymen were speaking to them. At the conclusion of the proceedings, a pure son of the soil, – without any traces of that colour which bears witness against the invading race – stepped forward, with his head uncovered and called for three cheers for the ladies who had so kindly treated them to a meal. Another darkie said, ‘I seconds the motion’; and forthwith three ringing hearty cheers were given. The demeanour of these poor people showed that they are not slow to recognise an act of kindness ... Considering all the wrongs to which these aborigines have been subjected ... it is highly gratifying to find that there are those, though they may be few, are not slow in doing a kindness.¹⁰⁵

The extract is revealing on several levels. First it showed an unequal reciprocity. The Aboriginal people respectfully participated in the ceremony of the occasion, thanked the ladies for the meal and their thanks were demonstrated by ‘three cheers’. This goes to the heart of Smithson’s argument that acknowledgements of dispossession and of recompense were bound up in this annual blanket issue to Aboriginal people. Second, this was a well-beaten path for both black and white residents. There was no going back; both parties recognised the predicament. The tradition served as ‘circuit-breaker’ to a very unsatisfactory situation. The Board had no role in this ritual; the blankets came from the government store

105 *Shoalhaven Telegraph*, 3 May 1883, 2.

and were provided outside of Board funding.¹⁰⁶ In this early period of the Board it was a reactive body; it remained aloof and allowed those on the ground to carry on with regular traditions. In some instances, it did nothing when it should have taken some responsibility.

The 'classroom is of bark covered with blankets'

The Board had responsibility for the education of Aboriginal children. But it appeared completely indifferent to events surrounding the education of Aboriginal children at Kangaroo Valley in 1890. In early 1890, Hughie Anderson, an Aboriginal missionary, requested educational materials and a tent to facilitate the education of the Aboriginal children at a bush camp in Kangaroo Valley. In March 1890, Sergeant Sykes (of Nowra Police) wrote to the Chief Superintendent of Police outlining Anderson's request.¹⁰⁷ Sykes recorded 'there are a number of children in the camp to whom instruction could be imparted on the spot if the Protectorate [meaning the APB] supplied him with a tent 20 x 15 [feet]' and school supplies.¹⁰⁸

Police Constable Reynolds (of Nowra police) reported that there was a 'half-caste' named Frank Foster at the 'Aborigines camp' and that he was trained as a school teacher at Maloga Mission Station up on the Murray River. Reynolds advised that the local public school at Kangaroo Valley was a little more than a mile away, but they have a 'great objection to attending the public school as they say the white children are always making fun of them'.¹⁰⁹ It was not uncommon for Aboriginal children to be the brunt of name-calling or worse.¹¹⁰

106 The first Board report to itemise the financial breakdown of these expenses was in 1892–93: 'Government Stores: Blankets, clothing, oars, and Stationery, £2,504.0.0', Appendix C, 8. This funding was independent of Board funding. *APBR* 1892–93. Accessed via *Journal of LC*, Vol. 50, Part 2, 327 (SLNSW).

107 It is unclear where this camp was located. However, in August 1890 an Aboriginal reserve of 320 acres was notified in Kangaroo Valley fronting the Shoalhaven River. Most likely the 'camp' was within this area before it was notified. Register of Aboriginal Reserves, 1875–1904, Reference Numbers 2/8349. Reel 2847 Aborigines Welfare Board Archives, NRS 23 (SRNSW).

108 Sergeant Sykes, Nowra Police to Superintendent of Police E District, 31 March 1890, Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A, Item 17543.

109 Constable Reynolds to Sergeant Sykes at Nowra, 1 April 1890, Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A, (no item number).

110 Landon and Tonkin, *Jackson's Track: Memoir of a Dreamtime Place*, 202–3.

The district inspector of schools, Richards, confirmed the police reports and stated that the camp was ‘not under the control of the Aborigines Protection Board or similar organisation’ and that Anderson was in charge. The current makeshift ‘classroom’ at the camp was of ‘bark covered with blankets’, which was waterproof ‘but not in severe weather’. He reported that the teacher, Frank Foster, was ‘an intelligent half-caste, 19 years of age; and has certainly received some training’. Accordingly, he recommended that a tent and teaching materials be supplied, that the ‘present arrangement is preferable to having them taught at a Public School’, and that the APB be informed.¹¹¹

The regional inspector of schools, Pitt, presented contrary advice. Pitt was aware of all the circumstances, claimed to know each Aboriginal person at the camp and placed ‘no reliance on them whatever’. He alleged the children did attend the local public school and were treated well and that there are no grounds for their withdrawal. He stipulated that there was ‘no certainty of their stay at the present camp’, and that if the materials recommended were granted them ‘no care would be taken of them, but left to ruin and rot’. He declared that he could not support the camp school and that the ‘Aborigines Protectorate’ (the Board) be informed that the existing school at Kangaroo Valley is

both available and suitable for the children of the Black’s camp, and further, that the protectorate be respectfully invited to cooperate in the matter – to clothe and ration them, in order to facilitate the children’s attendance at school.¹¹²

The chief inspector of schools opposed Pitt’s suggestions:

The children of the blacks as a rule are dirty and verminous and they injure the schools where they attend. If this man Anderson is a fit man for the task he might be allowed a small sum to encourage him in his work.¹¹³

111 Internal Departmental note from District Inspector, 26 April 1890, Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A, Item 21241.

112 Memorandum to the Colonial Secretary from Inspector Pitt, 20 May 1890, Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A, Item 23261.

113 Memorandum to the Colonial Secretary from Inspector Pitt, 20 May 1890, Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A, Item 23261.

Three months later in June 1890 the chief inspector of schools noted that missionary Anderson was about to leave the colony and 'that the camp will cease to exist'. He recommended therefore 'that no further action be taken on this matter at present'.¹¹⁴

The role of the Board in these events is unclear but three points can be made. First, the minutes for the APB meetings are not available for this period, so it is not known whether the situation at Kangaroo Valley was brought to the attention of the Board. Second, there is no correspondence from the Board in the school files on this matter and no reference (that I can find) to any Board correspondence elsewhere. Third, if the APB was at all concerned about the schooling of Aboriginal children some response after the initial inquiries and reports from two police officers would be expected. Interestingly, Pitt's report only sought to *inform* the Board of the situation and what may be possible. There is no suggestion that anyone needed to *defer* to the Board as a matter of course or that it should take a lead role, but Pitt was obviously frustrated that the Board had taken no interest at all in the matter.

On another level, the situation in Kangaroo Valley revealed the second-class system of education for Aboriginal children. Although acknowledging the more than adequate training and capabilities of teacher Frank Foster, both the police and District Inspector Richards were more than happy for him to continue teaching without any remuneration, in what could be described as appalling conditions. The local constable may have been sympathetic to the fact that the children were treated badly at the local public school and therefore favoured the continuation of the Aboriginal 'camp school'. But the stark reality was that within the township of Kangaroo Valley, it seemed perfectly normal that a bush/camp school for the Aboriginal children, with no funding or properly paid teacher, should exist alongside the fully funded local public school.

Pitt was clearly convinced that the Aboriginal children should go to the local public school. But his reasons for advising so were less humanitarian than racist. He complained that any supplies given to Aboriginal people would be wasted and ruined. He dismissed out of hand the complaints about ill-treatment and he also wanted the APB to do its job. The chief inspector's comments are probably the most damning. He saw the

114 Note from Inspector to District Inspector (no date of letter but stamped 10 June 1890), Kangaroo Valley School Files, 1876–1913, 5/16418.2, Bundle A.

Aboriginal children as ‘dirty and verminous’ and injurious to white pupils – and not just the Kangaroo Valley ‘blacks’, but all of them. Such views, from one of the highest-ranking men in the Department of Education says much about the policy direction of educating Aboriginal children in the colony.

The situation at Kangaroo Valley in 1890 exposed the remoteness of the APB from everyday issues faced by Indigenous people. Over a period of three months some response from the Board would have been expected. The Aboriginal camp and the children’s education were the Board’s responsibilities. The Board’s inaction could only be attributed to incompetence, a policy vacuum for this situation or an abrogation of responsibility. Likely it was a combination of all three.

Trends emerging over the first 15 years

If the Board remained aloof from the processes of blanket distribution and the education of Aboriginal children, it nevertheless played a growing (if remote) role in the lives of Aboriginal people in other spheres. The first extensive Board report was in 1891. Twenty-three ‘dense’ pages listed police reports on 72 districts across the colony, census data from 185 location points, expenditure on rations and clothing and, in specified localities, medical expenses and overall expenditure statements. The reports continued in this vein until 1915.¹¹⁵ Through its reports, the Board satisfied the demand of the colonial secretary to be ‘accountable’. It knew, statistically, all about the clientele under its jurisdiction – its annual report had, in fact, become its *raison d’être*. Susan Greer argues that before the Board could understand its task, it had to turn the Aboriginal population into ‘useable information’: it had to collect data on the number of residents, locations, age and ‘caste’, births and deaths, who received medical treatment, who was receiving rations and what works were carried out on stations and reserves, and give a full disclosure of where the money had gone.¹¹⁶ The written report was thus an important instrument of Board power over the Aboriginal population. Fosbery and his Board took the reporting seriously, far more so than later Board members. Whether or not Fosbery saw the reporting ‘as an instrument of power’,

115 The Board was reconstituted in 1916 and the reporting changed dramatically thereafter: this is discussed in Chapter 5.

116 Greer, ‘Governing Indigenous Peoples’, 163–66.

his reports were certainly a record of 'achievement' and a demarcation of the Board's domain. Tim Rowse draws attention to that fact that colonial governments, using subjugated Indigenous population statistics, created a sense of 'national community'.¹¹⁷

Nevertheless, these Board reports that show the growing engagement between the state and Aboriginal people – chiefly through the distribution of rations and growth in reserves and stations – did not lead Fosbery's Board to affect any policies to accommodate these changed circumstances and trends. It remained paralysed on the policy front.

As can be seen in Table 2.2, the number of geographical location points across the colony for distribution of rations and supplies grew steadily from 51 in the year ending 1884 up to 146 in the year ending 1896. This increase mirrored an increase in the number of Aboriginal reserves from the original 25 in 1883 to 113 in 1897.¹¹⁸ The Board only engaged with 9.2 per cent of the total estimated Aboriginal community in 1884, but by 1897 that had increased to 35 per cent of the total estimated population. Also, there was a large increase in the numbers of Aboriginal people seeking rations in the year ending 1888. The Board explained this partly because it had become 'generally known that the Government made such provision[s]' and the Aboriginal people had begun to trust the Board to provide.¹¹⁹ Likely also, it reflected the growing distress of the Aboriginal population.

117 Rowse, 'The Statistical Table as Colonial Knowledge', 51. Rowse cites four examples, one of which was that of protector Edward Stone Parker's precise statistical table of Aboriginal people coming and going from his Loddon protectorate. Parker managed to 'evoke in arithmetical terms an entity that did not necessarily exist: a *resident* [my emphasis] Aboriginal population' (67). It was an important perception for the Government – a permanent Aboriginal population.

118 *APBR* 1898, 2. Accessed via *Journal of LC*, Vol. 57, Part 1 (SLNSW).

119 *APBR* 1890, 1. Accessed via *Journal of LC*, Vol. 47, Part 2 (SLNSW). Peter Read also suggests that while numbers were increasing, only about 'half the populations at Warangesda and Brungle, and the other unmanaged reserves, could be considered even semi-permanent'; the stations were becoming 'convenient stopping places'. Read, *A Hundred Years War*, 43.

Table 2.2: Number of location points for rations and supplies, expenditure and support as a percentage of population across the colony, 1883–1897.

Year (ending Dec.)	Number of location points	Number of people receiving rations and supplies	Spending on rations and supplies (£ s. d.)	Census*	Percentage of total population receiving rations	Overall Board expenditure (£ s. d.)
1883	67	unknown	unknown	8,471	unknown	–
1884	51	741	£2,417.13.6	8,091	9.2%	£2,417.13.6
1885	62	846	£2,975.6.5	7,984	10.6%	£2,975.6.5
1886	71	976	£3,603.13.10	7,684	12.7%	£3,603.13.10
1887	82	845	£4,021.13.9	7,092	11.9%	£4,021.13.9
1888	96	1,386	£5,192.4.7	7,485	18.5%	£5,192.4.7
1889	113	1,509	£5,275.13.3	7,529	20.0%	£11,300.0.0**
1890	121	1,324	£6,129.18.4	7,700	17.2%	£12,622.2.11
1891	125	1,420	£7,130.9.11	7,473	19.0%	£14,078.19.8
1892	127	1,581	£9,019.7.6	7,349	22.0%	£17,030.3.8
1893	138	1,614	£7,809.3.1	7,255	22.2%	£15,253.14.0
1894	138	1,920	£7,947.0.10	7,021	27.3%	£15,311.8.3
1895	139	2,189	£8,595.18.4	7,046	31.1%	£17,050.0.11
1896	148	2,184	£9,581.3.6	6,984	31.3%	£17,311.17.6
1897***	146	2,452	£9,266.3.7	7,084	35.0%	£16,732.12.0

Notes:

* The Board regularly made the qualification that it was difficult to obtain accurate figures 'owing to the wandering habits of the race'.

** This was *not* a major increase in funding. The Board reports (from 1890) now included extra costs upon the government such as freight charges, Board secretary's salary, aid to the APA (£2 for every £1 raised), medical assistance, Public Instruction Department funds for schools, government stores and other sundry items.

*** All statistics for Cumerogunga, Warangesda and Brewarrina were included for the first time.

Source: APB reports for relevant years. Census was obtained from Alan T. Duncan, 'A Survey of the Education of Aborigines in New South Wales, Vols. 1 & 2', 281.

The steady increase in numbers receiving rations and supplies shown in Table 2.2 throughout the 1890s does not necessarily reflect proactivity by the Board. Rather, it coincided with the economic downturn of the decade. Pastoralism, the 'backbone of the economy', went into decline throwing many people out of work. Coupled with this was a collapse of the financial institutions, and when the Commercial Bank of Australia

‘suspended operations’ in 1893, panic set in, ‘accounts were frozen, bills not paid’ and the country was gripped by depression.¹²⁰ A severe drought that began in 1895 (and that persisted for seven years) ensured there would be no recovery until the turn of the century. Many Aboriginal workers lost their jobs and were forced onto the reserves to survive.¹²¹ The point to be made here is that more Aboriginal people were now engaging with the Board, living on managed stations and unmanaged reserves, receiving rations and supplies. This was not what the Board had envisaged; it had assumed from the outset that the Aboriginal population would decline. If Fosbery and his Board had a view on this unexpected pattern, it was not apparent. The annual reports were duly presented with evermore regional reporting and statistical information, but without overview or analysis.

The second trend to emerge was the average expenditure per person per year for rations and supplies fluctuated over the 14-year period (see Table 2.3) with a peak in 1892 of an average of £5.7 per person per annum. This dropped by 33.3 per cent to £3.8 per person per annum in 1897.

One would expect over time, with original funding at a low level and with increasing numbers requiring assistance, a steady rise in the expenditure per person would occur. Yet the overall trend was to retain the status quo. For the year 1886 expenditure was £3.7 per person per annum and 11 years later, for the year 1897, it was virtually the same at £3.8.

Table 2.3: Board expenditure per Aboriginal person per year.

Year (ending Dec.)	Numbers receiving rations and supplies	Expenditure (£)	Expenditure per person per year (£)
1884	741	2,417	3.3
1885	846	2,975	3.5
1886	976	3,603	3.7
1887	845	4,021	4.8
1888	1,386	5,192	3.7
1889	1,509	5,275	3.5
1890	1,342	6,129	4.6
1891	1,420	7,130	5.0
1892	1,581	9,019	5.7
1893	1,614	7,809	4.8

120 Molony, *History of Australia*, 163–65.

121 Goodall, *Invasion to Embassy*, 2008, 132.

Year (ending Dec.)	Numbers receiving rations and supplies	Expenditure (£)	Expenditure per person per year (£)
1894	1,920	7,947	4.1
1895	2,189	8,595	3.9
1896	2,184	9,581	4.4
1897	2,452	9,266	3.8

Source: All Board reports from 1883–84 to 1898.

The Board did raise its concerns regarding a lack of funding.¹²² In 1897 the Board identified the need:

Huts are required on many reserves; farming appliances, boats, fencing, [etc.] are also needed; but action of the Board is greatly restricted by the want of necessary funds. The expenditure is not large, and the Vote is administered with rigid economy. The Board therefore express an earnest hope that this appeal for more liberal provision will receive favourable consideration by the Government.¹²³

The Depression of the 1890s stretched the government's capacity to increase funding, so 'belt-tightening' was to be expected. Yet the government had either not been listening to the Board or had been unpersuaded by its entreaties for several years. The Board began its operations from a very low funding base. In the year ending 1884, the Board expended £3.7 per person per annum. George Thornton had suggested in 1882 (no doubt an ambit claim) that an annual figure of £150,000 was required each year to support the Aboriginal population.¹²⁴ That would have been £18.14.0 per person per annum. Fifteen years later, in 1897, the government expenditure of £16,732.12.0 for a total population of 7,084 Aboriginal people (£2.7.3 per person per annum) seemed grossly inadequate. Even if one counts only those Aboriginal people receiving rations and supplies from the Board in 1897, the total expenditure of £16,732.12.0 on 2,452 recipients would average only £6.8 per person per annum, less than a third of that estimated by Thornton in 1882. Limited funding for the Board was a perennial problem and it was powerless to secure more.

122 See *APBR* 1887–88, 2. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22812.pdf; *APBR* 1889, 2. Subsequent reports up to 1897 make the point regularly but in an oblique way by exposing the enormous subsidisation of the APA.

123 *APBR* 1898, 1.

124 Thornton, *Aborigines: Report of the Protector, to 31 December 1882*, 2.

A third trend during this period was the increase in the number of Aboriginal schools. In 1885 there were 146 Aboriginal children in school. Twelve years later, in 1897, there were 690 in both Aboriginal schools and local public schools: an increase of 544 students, or an average of only 42 *extra* Aboriginal children going to school each year across the whole colony.¹²⁵ This was not a big increase at all. However, the number of separate Aboriginal schools had increased dramatically. There were two Aboriginal schools (Maloga and Warangesda) operating in 1883. By 1897, 11 more separate Aboriginal schools had been established: Brewarrina, Wallaga Lake on the south coast, Brungle near Tumut; Barrington inland from Taree, Pelican Island in the Macleay River district, Cabbage Tree Island at the mouth of Port Stephens, Wauchope and Rollands Plans near Port Macquarie, Forster on the mid-north coast, Cowra, and Grafton.¹²⁶ The Board had not sought this expansion. The increase was due to 'white pressure' that had excluded Aboriginal children from the public schools (discussed in Chapter 7).¹²⁷

Fourth, while the overall Aboriginal population remained steady, the 'full-blood' population was in decline and the 'half-caste' population was on the increase (see Table 2.4). In 1883 the 'half-caste' population was only 27.7 per cent of the Aboriginal total population; by 1897 it had almost doubled to 51.7 per cent. Local authorities 'on the ground' made the determinations about Aboriginality. The Board required the classifications of 'racial mixture' – Aboriginal people need no such distinctions. The Board identified this 'change' and had been monitoring it each year. The 1898 Board report stated:

The number of half-castes now exceed that of the full-bloods, there being a difference of 241 in favour of the former. Twelve years back the number of full-bloods was slightly more than double that of the half-castes. Since that time the full-bloods have decreased at the average annual rate of 100, against an average annual increase of 86 half-castes.¹²⁸

125 Analysis of Board reports from 1883 up to 1897.

126 See all Board reports from 1890 up to 1897.

127 The Board was aware of many exclusions. At Gulargambone school 25 white children were removed from the school, leaving four Aboriginal children in the classroom. A local grazier convinced the Education Department that there were enough Aboriginal children in the district for a separate school; the minister excluded the Aboriginal children and all the white children returned. See Fletcher, *Clean, Clad and Courteous*, 66–68.

128 *APBR* 1898, 1.

The issue of the ‘half-caste’ population remained a ‘problem’ for the Board. Fosbery’s Board offered the following evasive policy statement in its Board report of 1887–88:

The difficulty in dealing with this latter class [the ‘half-castes’] has by no means diminished, but it is hoped that whilst no special scandal arises from their presence in the community their absorption in the general population may at some future date be accomplished.¹²⁹

Table 2.4: Board figures for the Aboriginal population from 1883 until 1897.

Year (ending Dec.)	‘Full-blood’	‘Half-caste’	Total
1883	6,126	2,345	8,471
1884	5,698	2,402	8,100
1885	5,362	2,662	8,024
1886	4,893	2,741	7,634
1887	5,042	2,860	7,902
1888	4,718	2,767	7,485
1889	4,652	2,877	7,529
1890	4,693	3,007	7,700
1891	4,458	3,015	7,473
1892	4,212	3,137	7,349
1893	3,982	3,273	7,255
1894	3,756	3,265	7,021
1895	3,660	3,386	7,046
1896	3,503	3,481	6,984
1897	3,422	3,663	7,085

Source: Analysis of all Board reports from 1883–84 to 1898.

In 1886 Victoria had found its ‘solution’. Its parliament passed restrictive measures to exclude ‘half-castes’ from the managed Aboriginal stations. From 1886, the definition of an ‘Aborigine’, in Victoria, was: ‘full-blood’, ‘half-caste’ over the age of 34, female ‘half-castes’ married to an ‘Aborigine’, the infants of ‘Aborigines’ and any ‘half-caste’ who had permission from the Board to reside on a station.¹³⁰ Everyone else had to leave the

¹²⁹ APBR 1887–88, 1.

¹³⁰ Christie, *Aborigines in Colonial Victoria*, 197.

reserves.¹³¹ Richard Broome argues that the forced departures 'deprived the [reserve] communities of their muscle power which condemned them to economic oblivion'.¹³² Fosbery's view on the Victorian model in 1887 was unequivocal:

I am opposed to the proposal to pass an enactment giving power to detain these people at Mission Stations as in Victoria. Knowing their habits well, their irrepressible desire to roam, I consider such a deprivation of liberty would be cruel.¹³³

Fosbery's Board believed that 'to enforce the absorption of the half-castes into the general population' at present 'would be impracticable'.¹³⁴ Fosbery was not prepared to go down the Victorian path. A decade later, however, the Board had moved closer to restrictive measures. The regulations for the establishment of the local boards in 1896 discouraged the 'further introduction of half-castes [to the stations] which should be allowed only on the recommendation of the Local Board'.¹³⁵ Unlike in Victoria, these measures were discretionary and there were scores of unmanaged reserves where the policy could not apply.¹³⁶

Fosbery opted for 'soft restrictive policy' such as withdrawing the easy access to rail tickets to 'restrict them from idly wandering about from place to place'.¹³⁷ Richard Hill's influence may also have been in play here as it was highly likely that he agreed with Fosbery. Peter Read records Fosbery's policy of encouraging Aboriginal families to locate beside rivers and streams and suggests that he was a 'kindly man and his first policies were pursued with understanding'.¹³⁸ Read's assessment is in keeping with what had taken place over the first 15 years of the Board.

131 Christie informs that in 1886 there were 200 'half-castes' on various stations and their 'expulsion caused great hardships and is still today one of the Aborigines' bitterest memories'. Christie, *Aborigines in Colonial Victoria*, 201–2.

132 Broome, 'Victoria', 140.

133 This was part of Fosbery's reply to a report provided by education inspector Gerald O'Brien on the Warangesda School in 1887. Quoted in Fletcher, *Documents in the History of Aboriginal Education in New South Wales*, 81.

134 *APBR* 1887, 2.

135 *APBR* 1896, 11. Accessed via *Journal of LC*, Vol. 55, Part 1 (SLNSW).

136 In 1896 there were 105 reserves. *APBR* 1896, 2–12. There were only five managed stations: Cumeroogunga, Warangesda, Brewarrina, Brungle and Grafton Home.

137 *Aboriginal Mission Stations at Warangesda and Malaga (Report on Working Of.)*, New South Wales Legislative Assembly, 18 January 1883, 4.

138 Read, *A Hundred Years War*, 34.

APA tensions ‘had reached a crisis’

Perhaps contributing to the Board’s policy drift was its inability to wrest control of the three most populous Aboriginal stations of Cumeroogunga, Warangesda and Brewarrina, operated by the APA. From the outset, in 1883, the Board reminded government of the difficulty of running parallel organisations, especially if it was their intention to fund the APA in the future.¹³⁹ Premier Stuart was firm in his belief that the Board should play a secondary role and supplement the work of the APA. He considered that any money given to the APA should first pass through the Board and it should have a ‘watchful inspection of and control over them’.¹⁴⁰ Yet the Board had no power to intercede if it suspected misuse of money or poor APA accounting procedures; it could only protest.

In the first few years, overall Board expenditure revealed the Board’s problem. For the year ending 1885 the Board expended £2,975.6.5 on 846 Aboriginal people across the colony, or £3.5 per person. During that year it subsidised the APA by a total of £1,914.15.2 to fund the two missions at Maloga and Warangesda with a combined population of 225, or £8.5 per person. The APA had privately raised £959.7.8 to cover the full costs of both missions. So, in fact, the APA’s total expenditure was £2,874.2.10 on 225 persons, or £12.77 per person – that is, more than three-and-a-half times that spent on non-APA locations.¹⁴¹ This discrepancy was maintained over the remainder of the decade, and in 1890 the Board made the point that because the missions were almost entirely funded by government, control should be ‘transferred from the Association to the Government’.¹⁴² In the meantime, the Board insisted that the APA adhere to the rule that ‘any expenditure beyond that for rations, clothing and necessities must be submitted to the Board for approval’.¹⁴³ Uneasy with the Board’s scrutiny of its finances, in October 1891 the APA tried to bypass the Board and sought funding directly from parliament, and also suggested a policy initiative that a Central Training Home for Aboriginal children be established.¹⁴⁴ In March 1892 the Board roundly criticised

139 *APBR* 1883–84, 3.

140 Quoted in the *APBR* 1885, 4.

141 These calculations have not included the shillings and pence but simply the pounds divided by the number of people.

142 *APBM*, 19 February 1891, Item 1.

143 *APBM*, 16 July 1891, Item 2.

144 *APBM*, 29 October 1891, Item 1.

the APA's many statements that were 'calculated to prejudice the public mind against the operations of this Board'.¹⁴⁵ In October 1892 the Board passed the following motion: 'in the opinion of the Board the time had arrived when the sole management of the aborigines should be vested in the Board'.¹⁴⁶

Fiona Davis suggests that by 1894 the relationship between the two organisations had 'reached a crisis'.¹⁴⁷ In the same year the Board decided to send Fosbery and Board member W.H. Suttor to inspect Cumerogunga and Brewarrina on the report of 'numerous persons' claiming mismanagement at both stations.¹⁴⁸ As a consequence of these inspections, the Board persuaded the colonial secretary to put in place Local Boards of Advice and Management for each Aboriginal station.¹⁴⁹ By 1897 the accumulated pressure applied by the Board and the APA's inability to raise private funds forced the APA to relinquish its hold on the three Aboriginal stations and they were transferred to the Board. However, right to the end, the APA tried to frustrate the Board by not handing over its books. The *Sydney Morning Herald* reported that the Board decided to inform the colonial secretary of the 'inconvenience caused by the delay in the transfer of books, etc., from the Aborigines Protection Association and urge that instructions be given to make the transfer'.¹⁵⁰

The uneasy relationship between the Board and the APA had lasted almost 15 years. It demonstrated the Board's inability to control what it believed was its domain. Although there is no direct corollary that the APA stymied or prevented Board policy development, the situation was clearly unusual. The Board's impotency over this issue certainly caused it much irritation and may well have contributed to its policy drift.

In a holding pattern

In June 1883 the Board began cautiously. It soon realised the difficult task of supporting Aboriginal people across the far-flung colony, with the huge distances involved, and immediately accessed the services of the

145 *APBM*, 17 March 1892, Item 8.

146 *APBM*, 27 October 1892, Item 1.

147 Davis, *Australian Settler Colonialism*, 22.

148 *APBR* 1894–95, 3.

149 *APBR* 1894–95, 3.

150 *SMH*, 18 June 1897, 7.

New South Wales Police Force to undertake the distribution of the rations and organise the tenders for other supplies and equipment. With only one paid member, the secretary, all members were honorary: busy men with little time to spend on Aboriginal affairs and, like their Board chair, none appeared to actively pursue policy initiatives.

Under Fosbery's leadership, the Board never addressed various big policy issues: the exclusion of Aboriginal children from the schools, the greater numbers seeking assistance, and the increase in the 'half-caste' population. These questions appeared too difficult, and even perhaps worrying. Fosbery's policy drift allowed for comparative flexibility of movement between reserves and stations, but this would not be tolerated under new personnel. Peter Read reflects that the 'drift to greater force was not inevitable'. The Board could have allowed Aboriginal people to 'come and go as they pleased on unmanaged reserves which they had a hand in selecting'.¹⁵¹ Fosbery's reluctance to follow Victoria's lead was a reprieve for the Aboriginal people of New South Wales. However, the policy void 'left the door open' for others to fill. Harsh policies would come, particularly concerning the 'quadroon' and 'octoroon' population and Aboriginal children.

Fosbery's initial vision of Aboriginal people quietly residing by riverbanks with their children in school was never going to materialise. The mere care of the old and infirm, the supply of boats, blankets, fishing tackle, huts and rations, would not be enough to assuage more pressing 'problems'. Men with more drive and tenacity to push through controversial policies would 'solve' the Board's dilemma of what to do with the Aboriginal people in the new state of New South Wales. In the first instance, it was afforded by George Edward Ardill, a single-minded Baptist evangelical who provided a policy impetus that would begin to reshape the Board.

151 Read, *A Hundred Years War*, 52.

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