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‘Colonial protection and the intimacies of indigenous governance’

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In recent years there has been renewed historical interest in the politics of protection as a core feature of mid-nineteenth century humanitarianism and in the Protectors of Aborigines who were its agents on the ground.<sup>1</sup> Once regarded as relatively powerless officials whose efforts of Indigenous advocacy were thwarted by the forceful momentum of colonialization, Protectors have more recently been reconceived as key mediators between colonised peoples and colonial authority, responsible for extending the recommendations on humane governance articulated in the 1837 Select Committee Report on Aborigines. The duties of Protectors outlined in the Report were loosely interpretable, broad enough to be implemented as need demanded in different colonial settings, but they had both an educative and a legal dimension. Protectors were to develop ‘a personal intercourse’ with Indigenous people in order to advance ‘any general scheme’ for their employment or amelioration, prosecute crimes committed against them, and liaise with local governments to develop some ‘short and simple rules’ for their regulation.<sup>2</sup> In their efforts to implement this policy, Protectors came into personal contact with Indigenous people on a daily basis, in settings where colonial relationships were still in the making. In this respect, Protectors carried the idea of humane colonisation into unstable border zones where it as yet had no defined shape and, not surprisingly, their undertakings were in many ways determined by Indigenous reactions to them.<sup>3</sup> As Tony Ballantyne has argued in the context of colonial New Zealand, everyday cross-cultural encounters between colonial officials and colonised subjects comprised the ‘very stuff of empire’, and the ‘strategic intimacies’ of various kinds that emerged from such encounters did not just reflect the intentions of colonial governance but more pointedly helped to determine its terms.<sup>4</sup>

In the Australian context, the Protectors of Aborigines who worked in the Port Phillip district of New South Wales have dominated in scholarly discussions of the agendas and struggles of the colonial protectionist project through the 1840s.<sup>5</sup> Although they are much more overlooked in the national historiography, Protectors of Aborigines were also appointed by the Crown at virtually the same time in South Australia and Western Australia.<sup>6</sup> From amongst these three jurisdictions, a distinctive feature of the protection project in South Australia was that the position of Protector of Aborigines was guaranteed as a condition of the colony's foundation in 1836, in light of concerns within the Colonial Office to implement a model of humanitarian governance and in advance of the delivery of the Select Committee's 1837 Report. Whereas Port Phillip's Protectors were posted in 1839 to a district of New South Wales already undergoing voracious settlement, and Western Australia's two Protectors arrived in early 1840 when the base of settlement and government had been expanding in that colony for just over a decade, South Australia was exceptional in that a Protector position was included amongst the colony's official personnel at the planning stage, even before the first settlers set sail.<sup>7</sup> In effect, the project of protection introduced there emerged hand in hand with the very foundations of colonial government.

This paper will explore some of the intimate connections that formed between Indigenous people and South Australia's first colonial Protectors in order to consider the place of protection within an emergent colonial site that had been conceived as a model of humane governance.<sup>8</sup> Since 'civilising' endeavours formed a central plank of colonial humanitarianism, it is hardly surprising that a typical role through which Protectors developed individual relationships with the subjects under their 'charge' was that of the paternalistic 'benefactor', seeking opportunities to place people in work, schools or domestic service.<sup>9</sup> But there were also less predictable circumstances in which the work of protection gave rise to personal connections, including through the trauma of frontier violence and in the privatized domain of domestic life. Inevitably, of course, the very nature of the colonial archive places constraints on how much can be speculated about Indigenous people's motivations in accepting or otherwise rejecting connections to Protectors as government officials who entered their world as intermediaries and harbingers of a new colonial order. Nonetheless, signs of Indigenous agency – and of its limits, as the consolidation of colonial government and settlement came to regulate the frontier – can be seen in their responses to the kinds of personal bridges that Protectors sought to build with them. In this sense, while it remains impossible to gain detailed insight into the private dimensions of such cross-cultural

relationships, the different contexts from which those relationships emerged are very revealing about the ambitions and limitations of protection as a vehicle for humane governance.

In examining the various kinds of cross-cultural relationships that grew out of the early work of South Australia's protectorate, I will focus here upon three men whose daily activities through the 1840s and early 1850s reflected the protectorate's character both as a metropolitan 'civilising' enterprise and as a locally-managed system for regulating the frontier. Matthew Moorhouse arrived in 1839 as the colony's only enduring Crown-appointed Protector, remaining in that position until 1856 when it was allowed to lapse and Indigenous people became the *ex officio* responsibility of the Commissioner of Crown Lands. His role was supplemented by a series of locally-appointed Sub-Protectors of Aborigines. Key amongst these were Edward John Eyre, who in 1841 was posted as Sub-Protector of Aborigines and Resident Magistrate to a remote location on the Murray River 130 kms north-east of Adelaide, and Eyre's friend Edward Bate Scott, who replaced him there as Protector and magistrate two years after Eyre left Australia to pursue what would become a better-known trans-colonial administrative career.

While Moorhouse came to the post of Protector of Aborigines directly from England, Governor George Grey and his successor Frederick Robe appointed Eyre and Scott as Sub-Protectors on the basis of their prior experience of cross-cultural encounter from exploration and overlanding expeditions. Other Sub-Protectors who were posted to different parts of the colony during the 1840s were locally selected on a similar principle of cross-cultural experience, and their backgrounds indicated something of the breadth of personnel who were considered suitable for the role. Clamor Schurmann, appointed as Sub-Protector in 1840 to the frontier settlement of Port Lincoln, was a missionary and linguist, while George Mason, appointed Sub-Protector in 1849 at the mouth of the Murray River, was already based in the region as a frontier policeman. Each of these Sub-Protectors was expected to remain resident in locally unstable but strategically important frontier districts; the Crown-appointed Protector Matthew Moorhouse was alone responsible for the 'improvement' of Indigenous welfare across the colony.

Unlike his Sub-Protector colleagues who were posted to particular contested frontiers, Moorhouse's daily responsibilities lay significantly within the urbanising town of Adelaide where he oversaw the 'Aborigines Location', an allotment of land where it was envisaged

that Indigenous people would settle and take up employment in local industries, and the 'Native School', where Indigenous children were trained in English language, the bible, and the kind of practical skills that would make them useful servants to Europeans.<sup>10</sup> The disinclination of Indigenous people either to take up permanent residence at the Aborigines Location or to give up their children to the Native School meant that neither initiative enjoyed enduring success.<sup>11</sup> By the mid-1840s, the buildings at the Location were being put to other uses and Moorhouse's reports on the Native School showed that children's attendance was desultory unless 'procured' through a mixture of reward and punishment.<sup>12</sup> Nonetheless, as part of his efforts towards promoting their education and industry, in 1842 Moorhouse took two girls into his household, training them during the day as domestic servants and tutoring them in the evening in schoolwork.<sup>13</sup>

Because they appear just fleetingly in the historical record, it is only possible to speculate on the life of these two unnamed girls as members of Moorhouse's household, where they would have worked under the instruction of his wife Mary. Their time spent in service and tutelage in the Protector's home ended after 10 months, when their families insisted that they be returned to their own community to fulfil traditional marriage arrangements. Moorhouse regarded the loss of 'these poor girls' from his household as a disappointed struggle fought between the call to civilisation and the pull of arcane superstition. As vindication of his efforts, he emphasised the case of another girl whom he had placed as a domestic servant at Government House and who remained there, meeting her duties as 'effectually as any European,' despite the advice of her parents to 'return to the bush'.<sup>14</sup> Notwithstanding its truncated outcome, Moorhouse's account of the girls' training inside his own home reflects his endeavour to put into practice what the Select Committee Report had urged as a duty to develop 'personal intercourse' with Indigenous people in order to inculcate values of civilised industriousness. Further west in the developing township of Perth, Western Australia's Protector Charles Symmons pursued a similar arrangement, supporting 'Eliza', a young woman educated at the Aboriginal Institution, within his household for two years as nursemaid to his children.<sup>15</sup>

However, such interventions designed to induct Indigenous people into colonial culture were always potentially vexed. In Moorhouse's case, this was apparent not only in the resistance of the girls' families to his tutelage, but also in the tensions inherent in the Protector's role both to facilitate and to monitor interracial contact. These tensions came to the surface in the case of Wambarno, alias Jemmy Moorhouse, a young man who lived at the Aborigines Location

overseen by Moorhouse and who had adopted his name. In precisely the way envisaged by Moorhouse, Wambarno had secured work in town but he fell afoul of the law in 1846 when he was paid in beer, became drunk and assaulted a soldier.<sup>16</sup> Wambarno served two months' imprisonment for the assault. When he was released, Moorhouse had the employer charged with 'having given beer to a native' and ensured that Wambarno attended court to testify against him, a step he hoped would offer a 'warning' to settlers not to overstep appropriate boundaries of master/servant relations.<sup>17</sup> Wambarno's limited appearance in the historical record – contained to the courtroom firstly as a defendant charged with assaulting a settler and then as a witness against his settler employer – opens a view onto the difficult vacillations embedded in the Protector's role to incorporate Indigenous people into colonial society, while at the same time to insulate them from its unwanted consequences.

A more mutually-advantageous personal connection might be seen in the case of Kudnarto, a former student of Moorhouse's Native School. In 1848, Kudnarto became the first Indigenous woman in South Australia to legally marry a European man and, as a result, to receive a section of land for cultivation.<sup>18</sup> To guard against the risk of white men exploiting relationships with Indigenous women to gain land, the licence created on Moorhouse's recommendation determined that the land would be held in trust by the Protector in the wife's name, and not be subject to sale or lease by her husband. In this way, the Protector fulfilled his responsibility to encourage a model of civilisation based upon values of settlement and land cultivation, while for Kudnarto, an interest in land was protected from the vagaries of marriage several decades before the advent of South Australia's *Married Women's Property Act* (1883).<sup>19</sup> In 1846, similarly, Western Australia's Protector Charles Symmons arranged a land grant for his children's Indigenous nursemaid Eliza when she married the European overseer of the Aboriginal Institution where she had been educated.<sup>20</sup> As time passed, interracial relationships would become the target of hardening Victorian sentiments on racial purity and, in a later era of protection, interracial marriage would become subject to the Protector's legalised intervention and oversight. During the mid-nineteenth century, however, colonial Protectors held considerable scope as cross-cultural mediators in encouraging interracial marriage and serving as trustees of the landed interests of Indigenous wives.<sup>21</sup>

These three examples of personal connection between Moorhouse and individual people who came within his 'civilising' projects indicate some of the pressures and tensions that accompanied the Protector's role to promote cultural education and integration within a developing settler town. In the case of Kudnarto and the girls of the Native School whom

Moorhouse placed for training within his own home, the concepts of domestic and economic exchange with settler culture held the promise of furthering the Protector's plans for Indigenous settlement and industry. On the other hand, as Wambarno's circumstances indicated, the undesired risks of interracial exchange in an urbanising space demanded the Protector's constant policing.<sup>22</sup> Between the lines of the colonial archive, it is also possible to imagine the different reasons for why Indigenous people who came within the environment of the Aborigines Location or Native School might elect to take up the protectionist project as something that could deliver either long-term security or short-term resources.

Apart from his duties in town, Moorhouse also toured the colony's remote frontiers, visiting 'the distant tribes' to educate them on expectations of conduct under British law.<sup>23</sup> A core objective of protection articulated in the Select Committee Report was to bring Indigenous people within the pale of British law, and in fulfilling this objective Protectors were expected to play a central role. For this reason they were empowered as magistrates and were charged with recommending to the local government a 'provisional code' that could apply to Indigenous people until time had 'superseded the necessity for any such special laws'.<sup>24</sup> The view Moorhouse shared with other colonial officials was that an expedient mixture of punishment and mercy, administered according to degrees of contact with settler culture, would teach Indigenous people to appreciate the system of British justice, and ultimately bring them within its protective jurisdiction.<sup>25</sup>

This view was put to the test in 1841, when an intended mission to conciliate Indigenous people turned unpredictably to violence. Through that year, a series of clashes had occurred along the Murray River between Indigenous people and 'overlanders' bringing sheep to the new colony from New South Wales. For colonial entrepreneurs, this stretch of the Murray River comprised a natural overland route; for Indigenous people, it was culturally significant and densely-occupied country, central over generations to trade and ceremony.<sup>26</sup> Such circumstances were ripe for frontier violence, and when an overland party was next passing along this route, Governor Grey was persuaded to send a police party to guard against risk of further bloodshed. As a sign of his intent to deal with Indigenous people on the unsettled frontier as the Queen's subjects, he appointed the Protector of Aborigines to command the police party. But at the intersection of the Rufus and Murray Rivers where Moorhouse's party found the overlanders, they were confronted by a large Maraura group and arbitration gave way to chaos. The overlanders opened fire, followed by the police; at least thirty Maraura people were shot dead, many were wounded, and four were taken prisoner.<sup>27</sup> Known as the

Rufus River massacre, this event had begun as a peace-keeping endeavour under the Protector's leadership but ended as South Australia's most devastating single massacre of Indigenous people on official record.<sup>28</sup>

This event is significant not only in exposing how the Protector's position could become entangled in circumstances of frontier violence but also in illustrating the Protector's role as the mediator of British law and authority. The day following the massacre, Moorhouse addressed a small group of prisoners taken captive after the battle and sought to relay to them a concept of British justice grounded in entwined principles of punishment and mercy. From the bloody contest they had just witnessed, he told them, they should 'learn two lessons': the first was that the white man held 'immense superiority' over the black; and the second was that punishment would always follow any attack on the white man's life or property. Having stressed the retributive power of British justice, he then introduced its capacity for mercy. Three of the prisoners, he said, would be released. The fourth prisoner, a man who had had been shot and wounded in the battle, would be taken to Adelaide, and his care and safety would depend upon the future good conduct of his tribe.<sup>29</sup>

This wounded prisoner was named Pulkanta.<sup>30</sup> In Adelaide, a magisterial inquiry into the clash determined that Pulkanta would remain for the time being in town under the guardianship of Moorhouse, and it also recommended that a government station be established on the Murray River near the site of the recent battle in order to offset the danger of further violence on the overland stock route.<sup>31</sup> Governor Grey appointed Edward Eyre to establish this station and to live there as Sub-Protector of Aborigines and Resident Magistrate, with the core task of opening a line of communication with local Indigenous groups and reconciling them to the presence of incoming settlers. The place was known as Moorundie or Moorunde, and he would spend the next three years there engaged in the work of conciliation. When Eyre set out to establish this station in late 1841, he was accompanied by Pulkanta, the captive from the Rufus River massacre, who was now released to return to his own country.

In representing the presence of law and government on a troubled frontier, the Moorundie station performed multiple purposes at once: it served as a regional hub through which Eyre could connect with local tribes, a rations depot, a local court, and a military post manned by a small body of mounted police and soldiers. By the time of his appointment as Sub-Protector in 1841, Eyre was already famed as a successful explorer whose dealings with Indigenous



people were considered to be judicious and humane.<sup>32</sup> Notably, the post-emancipation model of humanitarianism to which Eyre prescribed was no longer based on the principles of freedom and fraternity that had fuelled the anti-slavery movement through the 1820s; rather it was grounded in the principle that Indigenous people must be raised to a capacity for citizenship within civilised society through applied mechanisms of social and legal management. In effect, the vision of a humane empire that stamped the approach of Eyre and his contemporaries was imagined to begin with a program of benign subordination.<sup>33</sup> When Eyre left Moorundie in late 1844, he articulated this vision at length in an account of his ideal system of governance, the core principle of which was that Indigenous people's amelioration and protection would best be served by improving control over them, since 'the more binding our authority', the more a civilising influence could be exerted.<sup>34</sup>

Eyre's views were in complete accord with the colonial government's conception of how a program of Indigenous protection should be applied in the frontier districts through combined strategies of placation and discipline. His instructions as Sub-Protector of Aborigines were largely discretionary, but as a set of guidelines he was furnished with a copy of the instructions just issued to the new Resident Magistrate at Port Lincoln.<sup>35</sup> Those instructions called for a mixed system of conciliation and punishment that would advance the protection of Indigenous people and of settlers alike by minimising the causes of frontier clashes. The two planks of this system were, firstly, that monthly rations would be distributed to Indigenous people to 'give them an interest in conciliating the favour of the white man' and, secondly, that any transgressions they committed would be punished with 'short periods of imprisonment, and whipping if necessary,' to teach them the infallibility of justice under British law.<sup>36</sup> These guidelines advised that the 'best mode by which you can protect the Native from acts of insult and oppression upon the part of the Settler is, by so controlling the acts of the Natives that the Settler has nothing to fear from their rapine or violence'.<sup>37</sup>

Julie Evans has discussed how Eyre's reputation as a defender of Indigenous rights in South Australia sits in stark contrast to his later reputation as a harsh colonial administrator in New Zealand, where he worked to secure British sovereignty through territorial acquisition, and in Jamaica, where he enlisted punitive force to defend British sovereignty from local resistance.<sup>38</sup> Yet while his commitment to the principle of Indigenous rights during his time in Australia may appear inconsistent with this later career, the strategy of conciliation he pursued as Sub-Protector and magistrate at Moorundie was perfectly in keeping with the view, shared by many colonial officials during the 1840s, that coercion had a central role to

play within the framework of humanitarian policy and in removing the causes of racial conflict. To this end, Eyre's practices as Sub-Protector at Moorundie included rewarding Indigenous people for policing each other and withdrawing rations to punish undesired behaviour.<sup>39</sup> On the eight occasions when he adjudicated a Magistrates Court at Moorundie, the majority of cases involved Indigenous defendants charged with stealing from the soldiers' barracks or each other, for which Eyre awarded them punishments of a whipping or withheld rations.<sup>40</sup> In Eyre's view, all these disciplinary measures were directed towards a short-term humanitarian objective to bring peace to the district and a long-term one to bring Indigenous people within the protective fold of colonial order. By early 1843, he could report on improved race relations in the district. This relative state of peace, he argued, proved the benefits of his systematic policy that '[k]indness and conciliation, when backed by the presence of a force sufficient either to protect or punish' would ensure 'the security of the settler and the protection of the native'.<sup>41</sup>

Beyond Eyre's reports, however, other impressions emerge of some of the cross-cultural relationships that formed at Moorundie and of the fluid degrees of power that underpinned them. To a significant degree, the devastating social impact of serial collisions with overlanders and police through 1841 would surely have given local Indigenous groups a motivation to consider 'terms of amity', as Eyre put it, and to accept his presence as the government's intermediary.<sup>42</sup> Four months after his arrival at Moorundie, Eyre toured the neighbourhood of the Rufus River and reported that 'the loss of life in these districts has been considerable from such affrays', particularly evident in low numbers of grown men.<sup>43</sup> The ongoing consequences of those losses were suggested by his report that Indigenous people were coming in to receive the flour ration in significant numbers.<sup>44</sup> But based at Moorundie with little by way of support or resources besides a small number of soldiers and mounted police, Eyre's authority was inevitably precarious, and his task to broker peace relied entirely upon gaining and maintaining indigenous goodwill. The flour ration was undoubtedly important to opening exchange, but Eyre required mediators to foster good relations further afield.

An important friend for him in this regard was Pulkanta, the prisoner who had been shot and captured during the Rufus River clash, who had been addressed by Protector Moorhouse as a prisoner of war then kept in Adelaide under his guardianship, and who had been released to accompany the newly-appointed Sub-Protector to the Murray River. Reporting to the Secretary of State not long after the Moorundie station was established, the Governor noted

that Pulkanta had initially stayed with Eyre but had just ‘returned to his own tribe, promising to bring back several of them with him on a visit’.<sup>45</sup> Moving from the position of captive to peace-maker, Pulkanta’s connection to Moorhouse and Eyre highlight the particularly complex relationship between violence and conciliation as something that shadowed the project of protection on the frontiers of early cross-cultural contact.

During his first year at Moorundie, Eyre undertook two tours of the Rufus River district where conflict had been intense, the first time with Pulkanta as guide and again the following spring when he re-visited Pulkanta and others met during his previous visit. These people ‘appeared glad to see me,’ he reported, ‘taking me round ... and shewing to me their wives and children.’ Pulkanta was one of a small group that accompanied Eyre back to Moorundie, where they stayed for two days, Eyre ‘shewing them round the establishments and making them many small presents.’<sup>46</sup> According to the journal of Daniel Brock, a member of Charles Sturt’s later exploration expeditions along the Murray, Pulkanta continued to be available as a guide in future years, and ‘emphatically referred to Mr Eyre as the man who had caused him to love the white fellow’.<sup>47</sup> Given the traumas he had witnessed through conflict with overlanders and police, Pulkanta’s reported love of Eyre might be read as a form of strategic intimacy that promised future security for his own people, just as Eyre’s ongoing attachment to Pulkanta might be read in terms of his own appreciation of the necessity of having such a mediator.

The vital importance of personal allegiances in this space of cross-cultural encounter is similarly indicated by Eyre’s relationship with another local guide and mediator, Nadbook, whose services he secured for Charles Sturt’s expedition of exploration along the Murray.<sup>48</sup> According to Sturt, Nadbook was directly involved in the recent affrays with overlanders on the Rufus River, just as Pulkanta had been. Yet from this connection forged through violence, Nadbook had become ‘a perfect politician’ who proved to be ‘of essential service to us.’<sup>49</sup> Sturt referred to Nadbook as ‘one of the most influential natives of the river,’ and outlined the considerable effort Eyre expended in securing his agreement to guide Sturt’s party. Clearly, Eyre was well attuned to the importance of building relationships with local men he valued both as guides and for the political agency they carried within their own world. While a relationship of goodwill with Eyre must have held real advantages to local Indigenous groups that had been fractured by frontier violence, there can be little doubt that Eyre’s capacity to communicate with people beyond the boundaries of the government station depended almost

entirely upon building good personal relationships with Indigenous politicians like Pulkanta and Nadbook.

There is little sense of this balance of power negotiated through cross-cultural relationships in Eyre's published account of his work at Moorundie, in which he instead emerges as the single authority responsible for transforming the district from a state of conflict to one of tranquillity, filled by the time of his departure with settlers, herds of sheep and Indigenous people employed in pastoral service.<sup>50</sup> Yet the limitations of this picture of peace forged through conciliation, and of the Protector's power in bringing it about, is suggested by other accounts. In letters to his friend Edward Bate Scott shortly before his departure for England, Eyre confided a sense of frustrated effort at Moorundie. Referencing his determination 'to try and get other employment', Eyre wrote of his anxiety 'to get away for in truth one meets with nothing but annoyances and vexations in this accursed place'.<sup>51</sup> Likewise, Eyre's value to Indigenous people as a source of resources and security from violence must also have been circumscribed by the authority he commanded as the government's representative. As their exploration party moved along the Darling River, Brock wrote, Nadbook told every party they met: 'If we were injured 'Ucamutta' [Eyre] would come up with the police, and destroy them, as had been done in a great measure with the tribe to which he belonged on the Rufus.'<sup>52</sup> Part of the reason for Eyre's successful influence over Indigenous people, he speculated, was that 'they are all afraid of [him]'.<sup>53</sup> In this light, the 'personal intercourse' with Indigenous people that Protectors were expected to develop was fashioned in a delicately-balanced space between conciliation and coercion.

From the colonial town to the contested frontier, the kinds of personal intimacies that grew between Protectors and Indigenous people might have generated quite different meanings on both sides but, within the framework of humane governance, the place of Protectors at least satisfied an official requirement on the colonial state to extend paternalistic care to its Indigenous subjects. A quite different kind of cross-cultural intimacy is suggested by the history of Edward Bate Scott, who at the age of 24 followed Eyre as Sub-Protector of Aborigines and magistrate at Moorundie.<sup>54</sup> Despite his youth, Scott was already a seasoned settler in this frontier district: he had been a member of Eyre's overland and exploration expeditions in 1839 and 1840, assisted in the survey of the Murray mouth in 1841, and had taken up land on the Murray River upstream from Eyre at Moorundie. When Eyre was absent from the government station, he entrusted its affairs to Scott.<sup>55</sup> Scott, then, was already an

established part of Moorundie's cross-cultural world before taking up his official post there in 1847 as Sub-Protector of Aborigines.

In his occupation of that role, he received mixed reception from the fledgling settler community. Some settlers spoke of him with respect as having 'control over the natives,'<sup>56</sup> while others complained that he was ineffectual in checking Indigenous 'crime', and indeed it was clear that he held more sympathy for Indigenous people accused of minor misdemeanours than he held for settler complainants.<sup>57</sup> The memoirs of those associated with Scott describe a figure who was comfortable circulating in the Indigenous world. In praising Scott's bush skills and fluency in the local language, for instance, Charles Sturt went so far as to state that 'he has so mixed with the natives, that he may be said to be one of themselves.' They were most attached to him, he wrote, 'and every native on the Murray knows 'Merrili', as he is called'.<sup>58</sup>

It seems likely that Scott's 'mixing with the natives' extended to sexual and domestic arrangements with at least one Indigenous woman. In 1852, Moorhouse sent Scott a stern letter referring to the 'unfortunate reports which have for some time been in circulation' of 'your having the Native girls live with you'. Even the Governor had heard of it, he stated, and either Scott would need to initiate an impartial investigation to disprove the allegations or 'quickly resign'.<sup>59</sup> Scott did tender his resignation, although perhaps lacking a more suitable successor it was not accepted, and he remained Sub-Protector of Aborigines at Moorundie until 1856.<sup>60</sup> Scott married Celia Williams some months after his offer to resign, and official reference to his living with 'native girls' did not appear again, but the very idea that he might have pursued intimate relationships with Indigenous women cast the Protector's position in a very different light than the one promoted by Eyre of kind disciplinarian, in which social distance and cultural superiority remained as the necessary counterbalance to proximity and exchange.<sup>61</sup>

An important body of work has examined sexual relationships between white men and Indigenous women as a familiar aspect of interracial exchange on settler colonial frontiers, and considered the likelihood that such relationships were not just framed by exploitation, coercion and violence – although these conditions were certainly active – but might also have been negotiated with the agency and consent of Indigenous women and their families as a means to gain wider forms of social or economic security.<sup>62</sup> Hannah Robert has suggested that beyond the issue of whether such relationships were consensual or non-consensual, the

very reality of interracial sexual relations ‘undermined the pretence of separation between coloniser and colonised,’ which governments sought to re-establish through tools of segregation such as reserves.<sup>63</sup> But while systematic programs of segregation clearly operated in Australia from the 1860s onwards, beginning in Victoria under the statutory authority of the *Aboriginal Protection Act* (1869), the principle of racial segregation was less clear-cut during the era of the early protectorates, when the energies of Protectors were directed towards monitored projects of cultural integration. Indeed, under appropriate conditions, Protector Moorhouse and some of his colleagues elsewhere regarded interracial marriage as a means of facilitating Indigenous settlement, domesticated habits, and advancement in ‘civilisation’. Nonetheless, to the extent that it was approved, the concept of marriage between Indigenous women and settler men was circumscribed by the husband’s class and the wife’s level of exposure to colonial society. Whereas Moorhouse and his Western Australian counterpart Protector Symmons had endorsed the marriages of young Indigenous women educated at colonial schools to white working-class men, there were no conceivable circumstances that could openly permit of similar intimacy between a Protector magistrate and Indigenous women whose social worlds lay outside the purview of the colonial government.

As it happens, however, Scott was not alone in blurring these boundaries. His colleague George Mason, who served as Sub-Protector of Aborigines and policeman at Wellington on the Murray mouth from 1849 to 1862, had an established relationship with local Ngarrindjeri woman Louisa Karpany, with whom he fathered two children.<sup>64</sup> As Karen Hughes has argued, the private life of this colonial official offers a view into a ‘creolised’ frontier world where ‘negotiated exchanges between Indigenous and settler peoples [could flourish] in pockets away from metropolitan centres’.<sup>65</sup> Unlike for Scott, though, news of Mason’s relationship appears not to have reached official channels, despite the relative nearness of his station to the Point McLeay mission, managed by the devout Congregationalist missionary George Taplin who already regarded Mason as an intemperate Sabbath-breaker and ‘a bad example to the natives’.<sup>66</sup>

Moorhouse’s reproach and Scott’s abandoned resignation provide the only documented clues to what Hughes calls the hidden ‘micro-histories’ of shared ‘agency and negotiation’ that could grow from conditions of everyday cross-cultural proximity.<sup>67</sup> Beyond these clues of interracial intimacy, Scott’s formal activities at Moorundie as an agent of humane governance continued as an extension of Eyre’s. He organised the distributions of flour and blankets. He

attended court in Adelaide as an interpreter for Indigenous defendants from the Murray River region. As settlement expanded and traffic between the Murray River and Adelaide increased, Moorhouse asked Scott to use his influence to discourage Indigenous people visiting the town, although it does not appear that he undertook this with much success.<sup>68</sup> Yet however obliquely it was visible in the archival record, Scott's implied closeness to Indigenous people in his identity as 'Merrili' suggests that the office of protection was entailed in deeper cross-cultural entanglements.

An initiative that shifted the Sub-Protector's role more clearly towards a disciplinary model of governance in South Australia was the establishment in the early 1850s of several Native Police corps, most of which were directed by Sub-Protectors of Aborigines who held legal powers as magistrates or police.<sup>69</sup> The idea that engaging Indigenous people in policing work would assist their advancement in civilisation and self-discipline was one that had already been tested in Australia's other colonial protectorates. In Port Phillip, on the recommendation of Chief Protector George Augustus Robinson, small bands of 'domestic police' were organised under the direction of each Sub-Protector to serve in 'the exclusive control of their own people'.<sup>70</sup> In Western Australia, one of the earliest measures of Protector Charles Symmons was to appoint 'native constables' whose role was to ensure 'order amongst their countrymen' when within the precincts of the town.<sup>71</sup> In 1850, Moorhouse, Scott and Mason were consulted on the advantages of establishing similar corps of Native Police in South Australia and all three Protectors supported the initiative. Moorhouse responded to the idea in terms of its civilising potential, and suggested that he could recommend suitable candidates from amongst former students of the Native School. From their more distant outposts, Scott and Mason considered it a positive idea in terms of its mediating potential, and suggested that native police would be 'of great assistance' in the bush.<sup>72</sup> Scott was keen to see such a force established at Moorundie, and in 1852 he proposed that one be created under his command.<sup>73</sup> This was approved, and his existing roles at Moorundie as Sub-Protector of Aborigines and magistrate were extended to include the new role of Inspector of Police.<sup>74</sup>

Perhaps more than anything else, the idea that Protectors of Aborigines would manage corps of Native Police highlighted the close ties between humanitarian policy and the disciplinary framework of colonial governance. From the colonial government's perspective, a system of native policing would have a disciplining effect by helping to produce Indigenous people's 'obedience' to the law.<sup>75</sup> The Police Commissioner also believed that the key purpose of a native police force was disciplinary, and he alluded to its more punitive potential when he

suggested that ‘the greatest benefit would have accrued had such a Force been organised in this Colony some years back, when distant settlers were in constant dread of the Blacks and daily outrages were committed by them. The districts are now however quiet and peaceable and the Blacks entirely subdued.’<sup>76</sup> In fact, there is little sign that the Native Police forces organised in South Australia under the direction of Sub-Protectors of Aborigines were much deployed, and by 1856 they had been disbanded. As the Police Commissioner had indicated, by this time the once-troubled frontier districts where Sub-Protectors had been appointed to conciliate Indigenous people in the wake of violence, distribute rations, and later instruct Native Police were largely quiet. In 1856 Moorhouse resigned his position as Protector of Aborigines and was not replaced; at the same time, Scott’s position was abolished and the government station at Moorundie was closed.<sup>77</sup> In a colony that was now on the eve of achieving self-government, the commitment to a protectorate had waned, at least on the model that had been conceived almost two decades earlier, just as this commitment had already waned in Victoria and Western Australia.

In future decades, the protectionist project would re-emerge in different forms in South Australia, as was the case across Australia’s colonies, and its role in surveillance of Indigenous people would become more pronounced. But the moral pressure of humanitarian concern that produced the program of Indigenous protection in the 1830s had never been separate from the practical needs of colonial governance; indeed, urged forward by the exponential growth of migration and settlement across the British Empire, it was inherently tied to them.<sup>78</sup> In practice, this meant that colonial Protectors engaged with Indigenous people across a range of malleable environments with a complex set of objectives. They sought to teach indigenous obedience to British law, and simultaneously to ensure indigenous protection under the law. They had capacity to shore up indigenous interests in land by setting aside reserves for cultivation, yet were equally responsible for limiting Indigenous people’s access to areas where settler populations concentrated. They were expected to discourage interpersonal contact between Indigenous people and settlers when this was seen to risk outcomes of violence or moral ‘degradation’, while also expected to facilitate Indigenous people’s entry into colonial economies, settler households and training schools as labourers, servants and pupils. While they were charged with protecting Indigenous people from the worst features of colonisation, the tasks of these early colonial Protectors were shaped by an overarching objective to bring them inside its cultural, legal and economic machinery.



By virtue of these mixed and sometimes conflicting roles, Protectors had unique opportunities to develop personal relationships with Indigenous people, whether on the unsettled frontier or in developing settler towns, to which they brought fluctuating strategies of conciliation and coercion, negotiation and persuasion. The array of material circumstances from which those relationships arose – from arranging social and economic contracts, to brokering peace in the aftermaths of frontier violence, to commanding corps of Native Police – revealed just how much the concept of humanitarian intervention was embedded in governmental imperatives to produce manageable Indigenous subjects. At the same time, the degree of effective influence Protectors were able to exert always remained dependent upon the degree to which Indigenous people were willing to respond. Moorhouse's interrupted effort to train Indigenous girls in his own home, or Eyre's care to nurture Indigenous mediators on an insecure frontier, represent just two kinds of circumstance where Protectors had no choice but to step carefully around the limits of their own authority.

While Protectors were expected to bridge the gulf of cultural difference by drawing Indigenous people within a regulated framework of settler culture and law, Indigenous people could pursue other goals with different kinds of outcomes. Kudnarto's protected interest in land, Pulkanta's trajectory from being a prisoner of the Rufus River battle to being one of Eyre's most valued intermediaries at Moorundie, or Scott's rumoured relationships with Indigenous women in his frontier posting, all suggest something of the ways in which Indigenous people might draw upon the diplomatic potential of the protection project to offset the risk of further losses. As time passed and the infrastructure of colonialism became more secure, the utility for Indigenous people of such 'strategic intimacies' with Protectors no doubt declined. But to the degree that they reflected a range of ways in which early colonial race relations were mediated, the personal relationships made possible through the colonial protectorate offer a glimpse into the fluid terms of humane governance as it unfolded as a foundational principle of a new colony.

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<sup>1</sup> Most recently see Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth Century British Empire* (Cambridge: Cambridge University Press, 2014).

<sup>2</sup> *Report from the Select Committee Report on Aborigines (British Settlements)*, British Parliamentary Papers No. 425 (1837), 83-84.

<sup>3</sup> Rachel Stanfield, “‘The Vacillating Manners & Sentiments of these People’: Mobility, Civilisation and Dispossession in the Work of William Thomas with the Port Phillip Aboriginal Protectorate”, *Law Text Culture* 15 (2011): 164.

<sup>4</sup> Tony Ballantyne, ‘Strategic Intimacies: Knowledge and Colonisation in Southern New Zealand’, *Journal of New Zealand Studies* 14 (2013): 4-6. Ballantyne credits the phrase ‘strategic intimacies’ to Damon Salesa, “Samoa’s Half-Castes and Some frontiers of Comparison” in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stoler, (Durham: Duke University Press, 2006).

<sup>5</sup> In addition to references above see for instance, R.H.W. Reece, *Aborigines and Colonists* (Sydney: Sydney University Press, 1974), 198-205; M. F. Christie, *Aborigines in Colonial Victoria 1835-86* (Sydney: Sydney University Press, 1979); Richard Broome, *Aboriginal Australians* (St Leonards: Allen & Unwin, 1982), 49-51; Christina Twomey, “Vagrancy, Indolence & Ignorance” in *Writing Colonial Histories: Comparative Perspectives*, eds. T. Banivanua Mar & J. Evans, (Melbourne: RMIT Publishing, 2002); Liz Reed, ‘Rethinking William Thomas, “Friend” of the Aborigines’, *Aboriginal History* 28 (2004); Rachel Standfield, ‘Protection, Settler Politics and Indigenous Politics in the work of William Thomas’, *Journal of Colonialism and Colonial History* 13, no. 1 (2012), <https://muse.jhu.edu/article/475171>,

<sup>6</sup> On the work of Western Australia’s colonial Protectors, see Amanda Nettelbeck, “‘A Halo of Protection’: Colonial Protectors and Aboriginal Protection as Punishment”, *Australian Historical Studies* 43, no. 3: 396-411. There is limited extended published work on South Australia’s colonial protectors, though there is more attention to the twentieth century age of protection. See for instance Cameron Raynes, *The Last Protector* (Adelaide: Wakefield Press, 2009).

<sup>7</sup> Robert Foster and Amanda Nettelbeck, *Out of the Silence: The History and Memory of South Australia’s Frontier Wars* (Adelaide: Wakefield Press, 2012), 19-20.

<sup>8</sup> Through a somewhat different lens, historians of the Port Phillip protectorate have examined relationships between Protectors and Indigenous people in terms of how they carried different kinds of value on both sides or otherwise took local influence forward into larger political networks. Standfield, ‘Protection, Settler Politics and Indigenous Politics’; Lester and Dussart, *Colonisation and the Origins of Humanitarian Governance*, 114-172.

<sup>9</sup> See most recently Victoria Haskins and Claire Lowrie, eds., *Colonization and Domestic Service: Historical and Contemporary Perspectives* (London: Routledge, 2015).

<sup>10</sup> Robert Foster, ‘The Aborigines Location in Adelaide’, *Journal of the Anthropological Society of South Australia* 28, no. 1-2 (1990): 11-37.

<sup>11</sup> For instance Protector’s letterbook, 18 February 1846, GRG 52/7, State Records of South Australia (SRSA).

<sup>12</sup> For instance Protector’s letterbook, 10 May 1849, GRG 52/7 SRSA.

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- <sup>13</sup> Moorhouse to the Colonial Secretary, 8 July 1843, Encl. Grey to Secretary of State, 24 July 1843, British Parliamentary Papers, 1844 (no. 627), 342.
- <sup>14</sup> Ibid.
- <sup>15</sup> Charles Symmons to Colonial Secretary, 15 January 1846, Acc 36, vol 147 (1846), State Records Office of Western Australia (SROWA).
- <sup>16</sup> *The Register*, 1 December 1846, 5.
- <sup>17</sup> *The Register*, 3 February 1847.
- <sup>18</sup> Peggy Brock, *Outback Ghettos: Aborigines, Institutionalisation and Survival* (Cambridge: Cambridge University Press, 1993), 51-53; Mandy Paul and Robert Foster, 'Married to the Land: Land Grants to Aboriginal Women in South Australia 1848-1911', *Australian Historical Studies* 34, no. 121 (2003): 53-56.
- <sup>19</sup> Paul and Foster: 56-61.
- <sup>20</sup> Charles Symmons to Colonial Secretary, 15 January 1846, Acc 36, vol 147 (1846), SROWA.
- <sup>21</sup> For instance GRG 52/1/1866/188, GRG 52/1/1867/25 and GRG 52/1/1868/300, SRSA.
- <sup>22</sup> See also Penelope Edmonds, 'The Intimate, Urbanising Frontier: Native Camps and Settler Colonialism's Violent Array of Spaces around Early Melbourne,' in *Making Settler Colonial Space: Perspectives of Race, Place and Identity*, ed. Tracey Banivanua Mar and Penelope Edmonds (London: Palgrave Macmillan, 2010), 129-154.
- <sup>23</sup> For instance, Moorhouse to Colonial Secretary, 15 May 1842, *SA Government Gazette*, 25 May 1842.
- <sup>24</sup> Select Committee Report, 84.
- <sup>25</sup> For instance Protector's Quarterly Report, 2 July 1845, *SA Government Gazette*, 17 July 1845, 173.
- <sup>26</sup> Steve Hemming, 'Conflict Between Aborigines and Europeans Along the Murray River from the Darling to the Great South Bend,' *Journal of the Anthropological Society of South Australia* 22, no. 1 (1984): 10-11.
- <sup>27</sup> Protector's letterbook, 4 September 1841, GRG 5/7 SRSA.
- <sup>28</sup> Foster and Nettelbeck, 37.
- <sup>29</sup> Protector's letterbook, 4 September 1841, GRG 5/7 SRSA.
- <sup>30</sup> Also written as Pulcanti. Daniel George Brock, *To the Desert with Sturt: A Diary of the 1844 Expedition*, ed. Kenneth Peake-Jones, *Royal Geographical Society of Australasia*, SA Branch (Adelaide, 1975), entry 6 January 1846.
- <sup>31</sup> *Southern Australian*, 24 September 1841.
- <sup>32</sup> Grey to the Secretary of State, 30 October 1841, *Reports and Letters to Governor Grey from E. J. Eyre at Moorunde* (Adelaide: Sullivan's Cove 1985), 9.
- <sup>33</sup> Catherine Hall, "Imperial Man: Edward Eyre in Australasia and the West Indies," in *The Expansion of England: Race, Ethnicity and Cultural History*, ed. Bill Schwarz, (London: Routledge, 1996), 130-170; Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination 1830-1867* (Oxford: Polity, 2002), Prologue; Julie Evans, *Edward Eyre, Race and Colonial Governance* (Dunedin: University of Otago Press, 2005), 36.
- <sup>34</sup> Edward Eyre, *Journals of Expeditions of Discovery into Central Australia and Overland from Adelaide to King George's Sound in the Years 1840-41*, vol II (London: T & W Boone, 1845), 483.
- <sup>35</sup> Colonial Secretary to Eyre, 1 October 1841, GRG 24/4/1841/322a, SRSA.
- <sup>36</sup> Colonial Secretary to James McDonald, 27 September 1841, GRG 24/4/1841/111, SRSA.

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<sup>37</sup> Ibid.

<sup>38</sup> Evans. *Edward Eyre*.

<sup>39</sup> For instance, Eyre's annual report for 1843, British Parliamentary Papers, 1844 (no. 627), 352-53.

<sup>40</sup> Resident Magistrate's court, Moorundie. 'Record of Proceedings, Jan 19 1842-May 10 1844', GRG 4/133, SRSA.

<sup>41</sup> Eyre's annual report for 1842, *South Australian Government Gazette*, 9 February 1843.

<sup>42</sup> Eyre, *Autobiographical Narrative of Residence and Exploration in Australia 1832-1839*, ed. Jill Waterhouse (London: Caliban Books, 1984), 463.

<sup>43</sup> Eyre to Colonial Secretary, 5 February 1842, *SA Government Gazette*, 17 February 1842.

<sup>44</sup> Eyre to Colonial Secretary, 10 January 1842, *Reports and Letters*, 20.

<sup>45</sup> Grey to the Secretary of State, 30 October 1841, *Reports and Letters*, 9.

<sup>46</sup> Eyre to Colonial Secretary, 28 May 1842, *Reports and Letters*, 31-2.

<sup>47</sup> Brock, entry 6 January 1846.

<sup>48</sup> Sturt, *Narrative of an Expedition*, vol 1 (London: T & W Boone, 1849), 44.

<sup>49</sup> Ibid.

<sup>50</sup> Eyre, *Expeditions of Discovery*, 464.

<sup>51</sup> Eyre to Edward Bate Scott, 30 November 1844, PRG 177/2/90-103, State Library of South Australia (SLSA).

<sup>52</sup> Cited in Hemming: 14.

<sup>53</sup> Brock, entry 10 September 1844.

<sup>54</sup> After Eyre's departure for England in December 1844, the position was held by William Nation until Scott's appointment in January 1847. GRG 24/4/1847/47, SRSA.

<sup>55</sup> Eyre to Scott, September 23 1841 – 17 June 1847, PRG 177, Series 7, letters 90-103, SLSA.

<sup>56</sup> Settler petition, 17 November 1853, GRG 24/6/1853/3026, SRSA.

<sup>57</sup> Memorial of Samuel McGlynn to Colonial Secretary, 9 June 1848, and Scott's reply, GRG 24/6/1848/873, SRSA.

<sup>58</sup> Sturt, *Narrative of an Expedition*, 279-80.

<sup>59</sup> Moorhouse to Scott, 11 May 1852, Protector's letterbook, GRG 52/7, SRSA.

<sup>60</sup> Colonial Secretary to Eardley Heywood, 31 May 1852; GRG 24/4/1852/1579, SRSA.

<sup>61</sup> Tony Ballantyne makes the point that the importance of social distance as a counterpart to strategic intimacy reflected 'an increasingly confident form of colonization' as it took root in the south of New Zealand. Ballantyne, 'Strategic Intimacies', 6.

<sup>62</sup> In the Australian context, see for instance Ann McGrath, "'Black Velvet': Aboriginal Women and their Relations with White Men in the Northern Territory 1910-1940," in *So Much Hard Word: Women and Prostitution in Australian History*, ed. Kay Daniels (Sydney: Fontana, 1984); Regina Ganter, 'Living an Immoral Life: 'Coloured' Women and the Paternalistic State', *Hecate* 24, no. 1 (1998); Ann McGrath, 'The White Man's Looking Glass: Aboriginal-Colonial Gender Relations at Port Jackson', *Australian Historical Studies* 24, no. 95 (1990): 189-206; Mary-Anne Jebb and Anna Haebich, "Across the Great Divide: Gender Relations on Australian Frontiers," in *Gender Relations in Australia*, ed. Kay Saunders and Raymond Evans, (Sydney: Harcourt Brace Jovanovich, 1992); Larissa Berhrendt, 'Consent in a (Neo) Colonial Society: Aboriginal Women as Sexual and Legal 'Other'', *Australian Feminist Studies* 15, no. 33 (2000): 353-55;

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Hannah Robert, 'Disciplining the Female Aboriginal Body: Inter-Racial Sex and the Pretence of Separation', *Australian Feminist Studies* 16, no. 34 (2001): 69-81; Ann McGrath, 'Consent, Marriage and Colonialism: Indigenous Australian Women and Coloniser Marriages', *Journal of colonialism & Colonial History* 6, no. 3 (2005); Victoria Haskins and John Maynard, 'Sex, Race and Power: Aboriginal Men and White Women in Australian History', *Australian Historical Studies* 37, no. 126 (2005): 191-216.

<sup>63</sup> Robert: 69-71.

<sup>64</sup> Karen Hughes, 'Micro-Histories and Things that Matter: Opening Spaces of Possibility in Ngarrindjeri Country', *Australian Feminist Studies* 27, no. 73 (2012): 276.

<sup>65</sup> *Ibid.*, 269.

<sup>66</sup> *Report of the Select Committee of the Legislative Council upon the Aborigines* (Adelaide: W.C. Cox, 1860), replies to questions 1367, 1374 and 1479.

<sup>67</sup> Hughes: 269-70

<sup>68</sup> Protector's letterbook, 29 July 1853, GRG 52/7, SRSA.

<sup>69</sup> In addition to the Native Police at Moorundie commanded by Scott, Native Police corps were stationed at Port Augusta (under Henry Minchin, Sub-Protector of Aborigines and magistrate), Wellington (under Corporal George Mason, Sub-Protector of Aborigines and policeman), and Venus Bay (under Corporal John Cusack).

<sup>70</sup> Cited in Marie Fels, *Good Men and True: The Aboriginal Police of the Port Phillip District 1837-1853* (Melbourne: Melbourne University Press, 1988), 34.

<sup>71</sup> Annual report of 1840, *Perth Gazette* 9 January 1841.

<sup>72</sup> Correspondence of Protectors to Commissioner of Police, 6-13 April 1850, GRG 24/6/1850/897, SRSA.

<sup>73</sup> Scott to Colonial Secretary, 11 October 1852, GRG 24/6/1852/3492, SRSA.

<sup>74</sup> Colonial Secretary to Scott, 23 December 1852, GRG 24/4/1853/18, SRSA.

<sup>75</sup> Colonial Secretary to Commissioner of Police, 28 March 1854, GRG 5/2/1854/169, SRSA.

<sup>76</sup> Commissioner of Police to Colonial Secretary, 9 March 1850, GRG 24/6/1850/897, SRSA.

<sup>77</sup> Moorhouse to Scott, 4 July 1856, Protector's letterbook, GRG 52/7, SRSA.

<sup>78</sup> Lester and Dussart, *Colonisation*, 29; James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford: Oxford University Press, 2009).