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**‘Wild Australia’:
performers, productions and politics**

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‘Where is the Aboriginal Act?’: Archibald Meston and the Emergence of the Aboriginal Policy in Queensland

Paul MEMMOTT and Jonathan RICHARDS

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□ Archibald Meston, Queensland Aboriginal legislation, law and history, First Nations, Post-colonialism

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The 'Black Lives Matters' movement fully emerged in Australia during 2020, opening old wounds, and revealing certain institutions and individuals responsible for discrimination and injustice. This has directed our attention towards the networks of control and oppression that settler-colonists erected, especially legislated segregation and paternalism that have led to the present situation of First Nations peoples.

In the last weeks of 1897, Members of the Queensland Parliament passed *The Aboriginals Protection and Sale of Opium Act*, legislation that forced Indigenous people throughout the colony onto reserves under strict government and mission control, and simultaneously outlawed selling them opium. The bringing together of these two parts of the Act has not previously been explained thoroughly in the historical literature. There are also good reasons to argue that this race-based legislative edict, and successive laws (Amending Acts in 1901, 1927, 1928 and 1934), were the largest and longest-lasting disrupters of Aboriginal and Torres Strait Islander peoples and their cultures in Queensland after the violence and diseases of the frontier wars. The Act's co-authors, the politicians of the time, and journalist Archibald Meston's role and contribution are worthy of investigation to understand the influences underlying this two-part legislation.¹

The widespread starvation and dislocation of Aboriginal people during the nineteenth century – caused by European greed for land and resources – was now compounded by enforced segregation, the removal and splintering of families, and an increasing, until almost complete, prohibition on the practices of Indigenous languages, cultures and beliefs. Various Australian historians have argued this draconian legislation as inherently genocidal² in both intent and practice (Evans 1999, p.144; Reynolds 2001, p.20; Tatz 2016, pp.90–91). According to one prominent analyst, C.D.Rowley, the Act replaced the terrifying Native Police as 'Queensland's main activity in Aboriginal affairs' (Rowley 1970, p.137). We shall later show that this was only partially true as Native Police operations continued in the colony's north after the passing

of the Act (Richards 2008, p. 139). Richard Broome described the legislation's effect:

'The contradictory aims of protection, removal and exploitation found common expression in the *Queensland Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*' ... 'The Queensland Act of 1897 expressed not only humanitarian concern but racist assumptions. These twin forces – white racism and humanitarian paternalism – converged to control Aboriginal lives for the next three generations'. (Broome 2019, p.118)

Henry Reynolds (2001, p. 22) stated that the Act was 'the first comprehensive Aboriginal protection act in Queensland and, indeed, in Australia; it ushered in the long era of protection and segregation.'

However, analysing the many impacts of the Act is well beyond the scope of this paper. Here we examine the background to the 1897 Act's implementation and investigate the circumstances that led to the creation of this harsh set of laws. As the first major piece of legislation that dramatically affected all Indigenous people in Queensland – regardless of age, gender or circumstances – this Act, the most overt expression of colonial ideologies and attitudes, was a significant event in Queensland history. Previous Queensland laws, particularly *An Act to Regulate the Law between Masters and Servants 1861* and *An Act to Consolidate and Amend the Laws relating to the Police Force 1863*, imposed European values and ideologies on Indigenous people, especially the latter's Clause 33 'There shall continue to be a Native Police Force'.³

Historians Regina Ganter and Ros Kidd have previously alerted us to the adoption of employment controls from the *Masters and Servants Act of 1861* into the 1897 Act (Ganter and Kidd 1993, pp.536–554). They also noted that contents of two reports on Aboriginal and Torres Strait Islander peoples prepared in 1896 and 1897 for the Queensland Government, compiled by Meston and the Commissioner of Police (William Parry-Okeden), were blended into the draft 1897 Bill, but

they neither extended their discussion to include the specific relevant clauses of the *Publicans Act of 1863* and *The Sale and Use of Poisons Act 1891*, nor the role that other individuals played in the devising of the 1897 Act (Ganter and Kidd 1993, p.540). The supply of both liquor and opium to Aboriginal people was heavily policed under these last two acts; both Aboriginal people and suppliers were imprisoned.

Although many (if not most) Queenslanders are possibly ignorant of the Act's effect and long-term implications, the application of this racially-based set of laws affected – and continues to have an impact on – every Aboriginal and Torres Strait Islander family and individual in this State. For these reasons alone, a careful and thorough investigation of the drafting of the Act is informative and worthwhile. The complexities and perceptions of law, race, colour and social status informed the creation of this legislation which effectively dictated the futures of Indigenous Queenslanders for decades and generations to come.

Many historians, including Rowley, have attributed the legislation to journalist-cum-showman Archibald Meston, but archival records show that other individuals also played significant parts. The final drafting of the Bill by barrister Arthur Rutledge occurred under Colonial Secretary Horace Tozer's direction, with substantial input from the Commissioner of Police as well as Meston. Former Premier Samuel Griffith, who left Parliament in 1893 to become Chief Justice of Queensland's Supreme Court, undoubtedly also knew of the Bill and probably made important suggestions. Research shows that other individuals, particularly politician and senior public servant John Douglas and senior police officer Alexander Douglas, also contributed to discussions about the proposed Act. Each of these key players was, as this paper shows, heavily influenced by previous practices, proposals and attitudes. Understandings of particular events leading up to the legislation are of historical and political significance in explaining how the Act's final design evolved. We argue that there were an informal collective of political and policy 'minds' debating increasingly on the needs and nature of the final

legislation over several decades and that Meston's contribution was something of an anti-climax in the final drafting, because most of his written proposals were not included in the final draft (see later).

The first section of our paper thus provides a broad historical and political context during the 1880s and 1890s, leading up to *The Aboriginal Protection and Sale of Opium Act 1897*. We trace the changing debates within the Queensland Government, at first characterised by vacillation and obfuscation, but eventually responding to the need for Aboriginal legislation under the respective leaderships of Samuel Griffith, Arthur Palmer, Thomas Mcllwraith and Horace Tozer, with Meston slowly bringing his views forward from c.1890. As an expansion of this contextualisation, the following section briefly investigates the history of opium use in Queensland and associated legislations to assess how opium became grafted into and partially shaped the 1897 Aboriginal Act. Several sections follow concerning the influential public servants and their roles in the drafting of the legislation, namely John Douglas and Alexander Douglas, as well as William Parry-Okeden and Meston, who both compiled commissioned reports for the Government. We discuss preparation of the Bill, the various contributors and influences, and evaluate how much of Meston's ideas became embedded in the Act. Our overall aim is to provide a more complex analysis and model of this Act's creation and to demonstrate the error of simply attributing it to Meston alone, as has repeatedly been done by many historians and commentators.

THE HISTORICAL AND POLITICAL CONTEXT

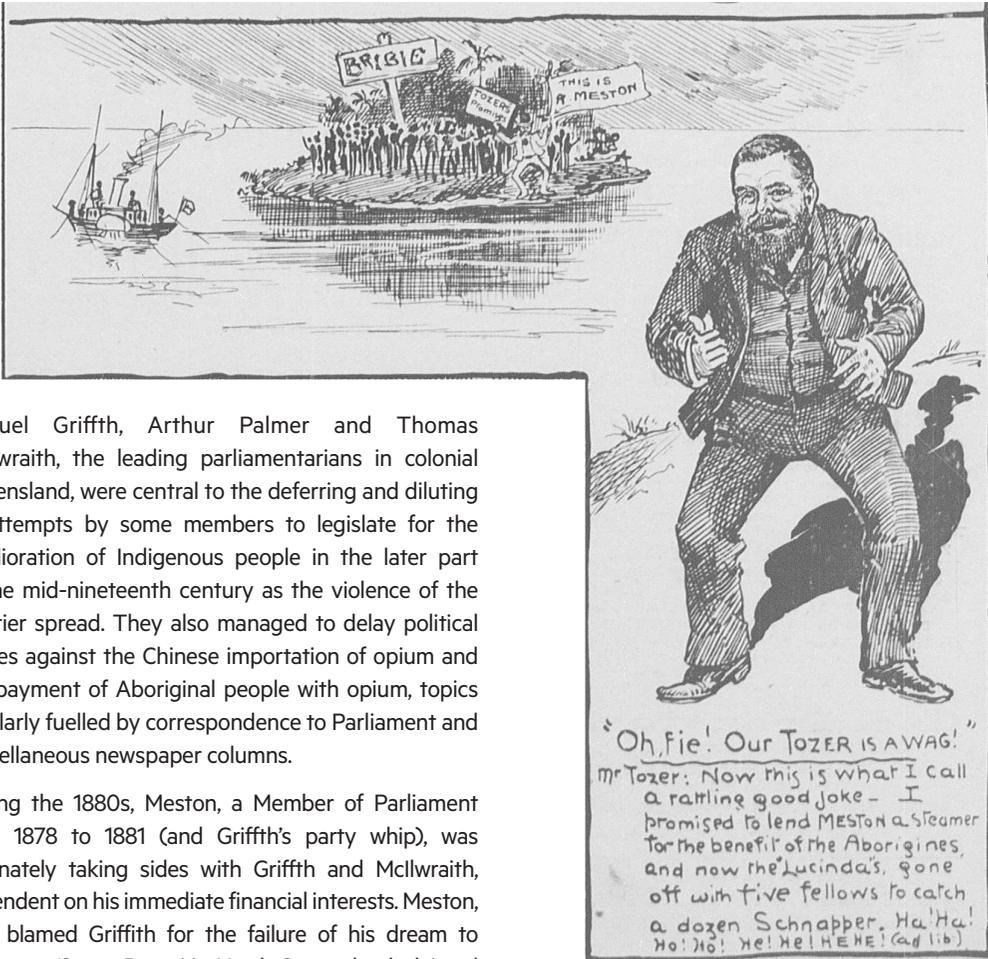
During the twenty-five years prior to the passing of the 1897 Act, there was a persistent reluctance by Queensland Parliamentarians to deal directly with issues concerning the frontier massacres and the subsequent well-being of Queensland's First Nations peoples. Other major political changes were pre-occupying Parliamentarians at this time. Two major industrial confrontations (the maritime and shearers' strikes) in the 1890s announced the

emergence of the working class as an important political force. Despite this tectonic shift, urban liberals led by Samuel Griffith, who had gained control of the Queensland Parliament during the 1880s and 1890s, slowly began to respond to calls and lobbying from missionaries and church leaders, especially Presbyterians in Victoria, who decried the widespread brutal extermination of the Aboriginal people of Queensland (Joyce 1984, p.115). According to Griffith's biographer, 'Aboriginal problems were certainly not central to Griffith's administration, for he probably shared the view of many of his contemporaries that the problems would soon vanish' (Joyce 1984, p.115). Griffith's vision of Federation did not include equality or rights for any Indigenous citizen. According to Joyce, Griffith thought that 'legislation for Aboriginals was to be left' to the three future provinces (central, north and south) which he envisaged emerging in Queensland after Federation (Joyce 1984, p. 174), i.e. a division into three polities, each with their own local government system. This outcome, of course, did not eventuate, although Aboriginal Affairs were left to the States after Federation (Irving 1999, pp.112–113; Irving 2013, pp.242–266).⁴

Griffith's lack of interest in Aboriginal matters and the timing of the Act's inception suggests that both Griffith and Tozer, ambitious politicians, were possibly 'tidying up loose ends' before Federation. Griffith's appointment as Chief Justice of Queensland meant he no longer played such an active role in local politics, while Tozer's appointment as Queensland's Agent-General in London – two months after the 1897 Act was proclaimed – also successfully removed him from the local stage. Tozer, portrayed by some newspapers as Griffith's 'attack dog' on the 'home front' while Griffith pursued loftier aims⁵, was criticised for his legislative and military manoeuvres against the Great Shearers Strike of 1891 in Central Queensland. Tozer lived in London from 1898 to 1905, and Griffith moved to Melbourne in 1903,⁶ leaving the other players in the drafting of the 1897 Act, Meston, Rutledge and Parry-Okeden, 'behind' in Queensland.⁷

The shift from pastoralist to liberal control of parliament in Queensland is critical to our analysis (Morrison 1952, 1966; Evans 2007, p.15–120). Colonial modernity had arrived. Considering the uses of ideas and themes in colonial debates, especially in nineteenth-century Australia, allows us to gain useful insights into the development of settler-colonial and settler-nationalist ideologies and communities. Race, gender and class were critical issues, as settlers cleared 'obstructions' and grasped 'opportunities'. Unlike conventional Social Darwinists, Archibald Meston evidently did not believe that Aboriginals were a completely inferior and doomed race, but despite regarding them as having low intelligence he valued and publicly praised them as a physically superior race, albeit a vulnerable one, that needed to be separated and segregated 'for their protection' for several generations (Meston 1895). However Meston (1897h) was adamant that children of mixed descent should be kept separate to prevent them intermarrying, and hence his proposition of forcibly removing only "full-blood" Aboriginal people to reserves. His focus on separating Indigenous people from the remainder of colonists was, in reality, little more than a new adaptation of 'divide-and-rule' policies⁸ utilised throughout many if not most empires (Thorpe 1996, pp. 67–75; Xypolia 2016, pp.221–231).

The population of the colony of Queensland in the late nineteenth century was far less in number than it is today, and the range of influential political personalities (merchants, pastoralists, lawyers, etc.) was correspondingly smaller, and hence the political dynamics of interactions, influences, favours and loyalties were far more intense, and, in many ways, less private. Some colonial politicians were exceedingly ambitious. Records show that the same families, and their relatives, were often simultaneously involved in inter-linked business and political ventures (Thorpe 1996, pp.159–162), as well as inter-marriage. Let us consider some of the salient dynamics between particular players in the years prior to legislation.



Samuel Griffith, Arthur Palmer and Thomas Mcllwraith, the leading parliamentarians in colonial Queensland, were central to the deferring and diluting of attempts by some members to legislate for the amelioration of Indigenous people in the later part of the mid-nineteenth century as the violence of the frontier spread. They also managed to delay political moves against the Chinese importation of opium and the payment of Aboriginal people with opium, topics regularly fuelled by correspondence to Parliament and miscellaneous newspaper columns.

During the 1880s, Meston, a Member of Parliament from 1878 to 1881 (and Griffith's party whip), was alternately taking sides with Griffith and Mcllwraith, dependent on his immediate financial interests. Meston, who blamed Griffith for the failure of his dream to become a 'Sugar Baron' in North Queensland, claimed that he persuaded Billy Miles, Minister for Works in the Griffith Government, to promise a railway from Cairns to the hinterland mining fields traversing through Meston's land on the Barron River creating economic opportunity for him (Meston 1923, p.43). Meston, who had a careful eye on broader social changes and opportunities unfolding quickly in the newly formed State, saw himself as a vital political operator. However, in November 1881, when Meston was declared insolvent and thus forced to resign from Parliament, Griffith and Rutledge (both barristers) were to represent John Isambert (Meston's creditor) in the Supreme Court, and it was another M.P., Andrew Thynne, who appeared for Meston. Perhaps this event created animosities and tensions that persisted for decades.

FIG. 1. Archibald Meston's entry into 'Aboriginal Affairs' began in 1891 with his joining the Aborigines Protection Society and its involvement in the administration of the Bribie Island Aboriginal Mission. This newspaper cartoon makes journalistic humour on Archibald Meston's request to Horace Tozer (Queensland Colonial Secretary) for the provision of a government steamboat to bring Aboriginal people from Bribie Island to participate in a Brisbane fundraising performance on behalf of their Mission. (Source: Oh, Fie! Our Tozer is a Wag!" [Cartoon]. 1891. Boomerang, 26 September)

Meston later claimed that he ‘interviewed Mcllwraith on three separate occasions when Premier’, trying to persuade him to ‘make a beginning in the work of aboriginal amelioration by appointing a Protector’, but there is no documentary evidence of these attempts (Meston 1900). Research by the authors to date strongly suggests that Meston only took an active interest in Aboriginal protection from c.1890 onwards, which suggests that his interviews with Mcllwraith – if they actually occurred – took place between 1893 and 1895. Regardless of the steps by which Meston’s attitudes shifted, he (along with other public figures in Queensland) evidently changed his mind about the ‘Aboriginal Problem’ only during the final decade of the nineteenth century.

OPIUM LEGISLATION

Opium was legal throughout the world, including in Queensland, at the beginning of the nineteenth century, but was banned as a dangerous poison by 1900. Legislation to prohibit or restrict the supply and use of opium was the first “anti-narcotic” measure among a set of racially-focussed laws in colonial Australia. In simple terms, opium use by Chinese individuals was accepted in colonial society but opium supply by Chinese to Indigenous people was not welcomed.

Complaints about opium use by Aboriginal people first emerged during the 1870s, with one pastoralist writing in 1878:

The blacks are now supplied, by the squatters and other employers of black labor, with opium. Its effects upon the poor brutes (blacks) are far worse than those produced by grog or tobacco. It is even sold to the blacks on the stations ... up to 1870 this pernicious practice had not been commenced. Its effects are deplorable. (‘Telegraphic.’ 1878. *The Brisbane Courier*, 10 April, pp.2–3)⁹

Negative remarks increased during the early 1880s, but Griffith declined to take action and instead noted on one file: ‘Too late for action this session’ (Smith 1884).

More letters about opium use continued to be sent to the government. In mid-1886, a Bill to ‘Put Restrictions Upon the Sale of Opium’ was discussed in the Queensland Parliament, although the Governor declared that the ‘Sale of Opium Bill did not apply to Chinese’ (‘Legislative Assembly Tuesday, July 13.’ 1886. *Telegraph* 14 July, p.2). The Bill, which also would not apply to European opium-sellers and users, was only intended to restrict the supply of opium to Indigenous people. In August, the Colonial Secretary was pronouncing in Parliament that ‘The aboriginals of this colony had acquired the vice of opium-smoking, and its effects were causing the death of large numbers of them between Mackay and Rockhampton, and in the interior’ (‘Parliament.’ 1886. *Telegraph* 11 August, p.2).

Some Members spoke against parts of this Bill, arguing laudanum (an alcoholic solution containing morphine, prepared from opium and often used as a painkiller) should be excluded from the legislation because ‘it was highly necessary that it should be kept on stations’ for medical purposes (‘Parliament.’ 1886. *Telegraph* 11 August, p.2). Some completely rejected the need for any control of opium, with one parliamentarian (Maryborough M.L.A., R.B.Sheridan) stating that ‘He had lived twenty-five years in the colony’ and ‘in all his experience he never knew a single case of a black smoking opium’ (Queensland Parliament 1886b, p. 721). Others warned of the potential loss of import duties collected by the Queensland Government. The Bill was passed by the Legislative Assembly, and sent it to the colony’s Upper House for ratification.

However a number of Legislative Council members opposed the Bill, with one (squatter J.Taylor) declaring ‘I have been in the colony nearly fifty years, and I never heard one word of this until now. I have been among the blacks in all directions – north, south, east, and west – and never once heard of this sort of thing going on’ (Queensland Parliament 1886a, p.97). Despite being passed by the Legislative Assembly, the 1886 Bill to ‘restrict the sale of opium, and to prohibit its sale to the aboriginal natives of Australia and the Pacific Islands’ was defeated in the Legislative Council, 12 votes to 10, and thence abandoned.

It was then not until June 1889, that the Government briefly re-focused and announced it was 'considering' measures to 'regulate the sale of opium to the aboriginals of Queensland', but no further action eventuated (Queensland Parliament 1889). Other Australian colonies took the same attitude. In 1890, humanists 'urged united action on the part of the Governments of Australasia to restrict the importation of opium' but were informed that the revenue from opium (largely paid by the Chinese) could not be 'lightly thrown away' ('The Opium Trade. Its suppression Advocated. Deputation to the Chief Secretary.' 1890. *Argus* 10 April, p.9).

Undeterred, the humanist Presbyterians continued their campaign into the 1890s, declaring 'Opium' was 'working sad havoc' amongst Aboriginal people in Queensland: 'They send their women to the Chinese quarters for it, the women lend themselves to the immoralities of the Chinese, and the opium smoking is quite prostrating both men and women' ('Mission to the Aborigines of Queensland' 1890. *Sydney Morning Herald* 24 July: 5; 'North Queensland Blacks. Opium, Drink, and Disease. Professor Rentoul's Observations.' 1890. *The Brisbane Courier* 15 August, p.5). The Victorian Premier wrote to the other colonies, asking for opium to be placed under the *Poisons Act*. Griffith replied that that there were 'great difficulties' in enforcing any law restricting the supply and use of opium (Chief Secretary (Vic) 1890). He again deferred, saying 'I regret that it cannot be dealt with during the present Session' (Burrum Divisional Board (Maryborough) 1890).

Finally, in late 1890, the Members of the Queensland Parliament began to discuss control over opium as part of the 'Sale and Use of Poisons Bill'. In late 1891, an amendment to this Bill was proposed, stating that no certificate for the sale of opium 'should be granted to any person not of the European race'. However, this amendment was withdrawn and replaced with another declaring 'that a certificate should not be granted to any person of the Asiatic race' ('Parliament.' 1891. *The Brisbane Courier* 3 November, p.7). Royal Assent was granted to *An Act Regulating the Sale and Use of Poisons* in November 1891, which included fines or prison terms for anybody who 'supplies, or permits to be supplied, any opium to any aboriginal native of

Australia or half-caste of that race, or to any aboriginal native of the Pacific Islands, except for medicinal purposes' (Queensland Government 1891).

Prosecutions for supplying of opium to Indigenous people then began in January 1892. However, when Magistrates asked the government if individuals could be prosecuted for transporting opium they were informed that there was no penalty for conveying opium, and that Chinese could only be fined for 'selling opium to Aboriginals' but not for possessing it (White 1892; Moore 1892). Large numbers of Chinese and smaller numbers of Europeans were punished and imprisoned during the 1890s for supplying opium to Aboriginal people (Queensland Police Gazette, 1892–97). However, the problem did not end as complaints continued about the supply of charcoal opium to Indigenous people (e.g. Brock-Hollinshead 1892).

Some colonists had shown limited interest in the welfare of Aboriginal people in the face of the opium problem, but curiously this did not include Archibald Meston (whose 1890 article 'Chinamen on the Russell Goldfield' contained his first reference to opium¹⁰) (Meston 1890a). John Douglas appears to have played a largely-unacknowledged part in the development of the forthcoming *The Aborigines Protection and Restriction of the Sale of Opium Act*. Douglas knew Meston from their previous parliamentary careers and as a fellow contributor to Queensland newspapers (Douglas was the Colonial Secretary from 1877 to 1879; Meston was the Member for Rosewood from 1878 to 1882). They may certainly have discussed opium and Aboriginal and Torres Strait Islander peoples (Reynolds 2001 p. 106).¹¹ Douglas had been a parliamentarian for five separate terms, and publicly advocated removing 'native children, or half-castes, from the contaminating influences which surrounded them' in 1865 (Queensland Parliament 1865, p. 256). In the mid-1880s, when Douglas was looking for employment, Griffith and the other members of the Executive Council appointed him as the Government Resident at Queensland's northernmost outpost, Thursday Island (Executive Council 1885; Griffith 1885).

Douglas held strong views on opium use by Chinese people and believed that Chinese residents of Thursday

Island introduced Aboriginal and Torres Strait Islander people to the narcotic (Hodes 2006, p. 507; Queensland Parliamentary Votes and Proceedings 1899, p.900). In January 1896, Douglas wrote from Thursday Island to the Colonial Secretary strongly recommending legislative action 'should be taken to restrict and regulate the sale of opium' (Douglas 1896). Torres Strait scholars Guy Ramsay and Anna Shnukal have noted that opium dens on Thursday Island were 'targeted by the police, under Douglas' direction' during the 1890s, but there were only a small number of convictions during this period despite the best efforts of the local Sub Inspector Frederic Urquhart (Ramsay and Shnukal 2003, p.344). One, in 1894, was a Welshman named John Lewis who was fined £5 for selling opium 'without a license' at Thursday Island (Court of Petty Sessions, Thursday Island. 1894a, 1894b).

Then, in January 1896, Douglas wrote to the Colonial Secretary 'strongly recommending legislative action to restrict and regulate the sale of opium' because *The Sale and Use of Poisons Act of 1891* is 'not sufficiently elastic and definite to admit of the easy conviction of offenders' who were, like Lewis, continuing to sell opium without a license (Douglas 1896). 'Lewis', he said, 'keeps a notorious opium den, and there are several others in the town but the police are powerless to prevent it'. The recent charges against Lewis had been dismissed because police could not conclusively prove that he had actually sold opium to a Malay informer. These comments by a former Colonial Secretary (the equivalent of today's Premier) and senior public servant undoubtedly received careful consideration in Brisbane, including by Police Commissioner Parry-Okeden.

THE INFLUENCE OF JOHN DOUGLAS ON THE SHAPING OF ABORIGINAL AND TORRES STRAIT ISLANDER POLICIES

John Douglas (1828–1904) is a largely under-recognised figure in the history and development of Indigenous administration and policy in Queensland. As the Government Resident at Thursday Island from 1885, he possibly contributed more than any individual to the evolution of two distinctly separate systems for mainland Aboriginal people and Torres Strait Islanders.

In December 1874, Douglas described the situation in North Queensland as 'sustained guerrilla warfare', adding: 'A Native Police force we must have. The country would not be occupied without it' (Douglas 1874). Douglas appears to have been one of the few colonists to clearly have understood the recurring style of conflicts that were happening on the Queensland frontiers throughout the last three decades of the century, although his attitudes evidently began to shift after he moved to Thursday Island. Although he argued in 1885, soon after his arrival on the island, that 'a strong protective force' was absolutely necessary for the contractors building the Cape York Telegraph Line ('Thursday, April 30, 1885.' 1885. *Telegraph* 30 April, p. 4; Douglas 1885), five years later, in October 1890, he wrote to Chief Secretary Samuel Griffith from Thursday Island, offering his suggestions on 'civilising the natives of this end of the Cape York Peninsula', including 'the subsidising of a few of the oldest and most important men among the tribes' as a means of shifting accountability for 'the administration of justice' from the Native Police to 'the natives' ('Attempts to Civilise the Blacks. Cape York Peninsula. Official Correspondence.' 1891. *The Brisbane Courier* 30 March, p.6).

Douglas was already engaged in this process with the Police officers at Thursday Island, which involved identifying a headman of a particular island or clan group (both in the Torres Strait and on the northernmost part of Cape York), then bringing them to Thursday Island for further instruction in local governance and conferring them with the title 'King' ('General News. Attempts to Civilize the Blacks.' 1891. *The Queenslander* 4 April, p.656). Elsewhere in this journal we write of King Gida of the Kaurareg at Prince of Wales Island, who had such a title by mid 1891 when he joined Meston's 'Wild Australia Show'.

THE REPORTS OF MESTON AND PARRY-OKEDEN

In was in this early and mid 1890s period of Queensland politics that Archibald Meston was to successfully reinvent himself as a 'saviour' of Aboriginal people, and become such a pivotal figure in Queensland's policy shift from violent elimination

to paternal amelioration? How he was able to achieve this is an especially intriguing question given the humiliating experiences reported in the press of his failed 'Wild Australia' troupe that toured Brisbane, Sydney and Melbourne in late 1892 and early 1893 before ending in economic and legal disaster.¹² The 'Wild Australia Show' ('WAS') was designed by Meston to be a demonstration to the world, culminating at the 1893 Chicago Columbian World Fair, of what he considered to be the superior physique and skills of the 'wild' Aborigines, presented for 'the last time' because some popular theories of the time predicted total racial demise (McKay and Memmott 2016, p. 181–203). In 1893, he wrote: 'The whole of the tribes are rapidly dying out. They don't take to civilisation at all' ('Wild Australia'. Some Facts About the Natives. Aborigines in Queensland – a Dying Race.' 1893. *Daily Telegraph* 9 January, p. 4).

Despite the adverse publicity around his stranding of the 'Wild Australia' troupe in Melbourne when a contract fee was dishonoured, and the subsequent unsuccessful attempt to exploit his tour manager in court to extract some final profit from the bungled affair, Meston nevertheless rose from the ashes, reinventing himself as a national expert in the emerging Aboriginal affairs industry. However, in the earlier decades of the 1870s and 1880s, Meston had first written condescendingly and negatively about Aborigines, describing them (for example) as 'bloodthirsty savages' (Meston 1884), and 'cannibal savages', arguing: 'Before you can do any good whatever with a savage you must reduce him to complete subjection by superior force' (Meston 1889).

Meston had also been a leading figure in the 'Hopeful' controversy in 1884, when two Europeans were sentenced to death for killing a number of Melanesians (then termed 'South Sea Islanders') who had refused to be recruited as cheap labourers for the sugar industry (Meston 1875; 'The Aborigines.' 1879. *Ipswich Observer* 4 March). He addressed a Brisbane public meeting, producing 'a rifle with 29 nicks on it which he said represented so many blacks killed. If they [the government] protected the South Sea Islanders why not first protect their own native population' ('The Condemned Men.' 1884. *Telegraph* 22 December, p. 4). This may simply be Meston's early

'testing of the water' with regard to settler-colonists' attitudes towards Protection of Aboriginal people in Queensland, but the means by which he obtained this weapon and who had used it were not mentioned.

Meanwhile, killings by the colony's notorious Native Police continued throughout the latter half of the nineteenth century (Richards 2008). For example, in November 1887, the 'diabolical slaughter' of a group of Aboriginal people at Kimberley Telegraph station near Normanton was reported in the local press (Finnane and Richards 2004, p. 84–105). According to Roger Joyce, 'Griffith ordered that the troopers be removed from the area after his attorney-general, Arthur Rutledge, concluded that the Aborigines had been shot by native troopers' (Joyce 1984, p. 144).

Meston, sensing the change, called for an end to the Native Police, so – as he put it – Queensland's reputation could 'recover from systematic outrage' (Meston 1890b). We see here the political leopard (Meston) shamelessly changing his spots! His 1890b article, 'Queensland Aboriginal Missions' appears to have been his first major criticism of the Native Police (Meston 1890b, p. 2). 'The sooner all concerned are aware of the actual work done in the past and still being done by the native police in North Queensland, the sooner that body of licensed professional slaughterers will be abolished and our national humanity recover from systematic outrage'. Meston had also presented several public lectures in October 1891, 'deploring the existence of the native police' ('Amusements. Mr. Meston's Lecture.' 1891. *The Brisbane Courier* 1 October, p. 6).

There was another inherent contradiction in his arguments as Meston was on the one hand promoting a vision as to how Aboriginal people might be 'preserved'¹³ in a subservient class system, but simultaneously projecting his ideology for a major social transformation in Aboriginal Australia upon the general public through the creation of legalised wage-slaves (a phenomenon that was to continue until the early 1970s under the Act). In some ways, he might be seen as being at the 'heart' of Queensland politics and race relations, reflecting attitudes and expectations both at the liberal

centre (Brisbane) promoting social reform, and at the pastoral and farming periphery (Northern and Western Queensland) who required cheap Aboriginal labour. Urban and frontier experiences were colliding, as were their respective newspaper correspondents and elected parliamentarians.

Meston appears to have vacillated and to some extent shifted his views on 'the doomed race theory' and 'dying race theory' through the 1880s and 1890s as he matured into the 'humanitarian protectionist' (Meston 1895, pp.3, 22; Meston 1896, p.155; Evans, Saunders and Cronin 1992, p.118). His position was shaped, according to historian Bill Thorpe, by his capacity to romanticise, his politics of colonial settler-capitalism, his obsession with male physique, strength and weaponry (the 'Noble Savage'), his racist views on the Chinese, his evolutionism and authoritarianism, worship of force, but yet all with a humanitarian sentiment which he largely drew from L.E. Threlkeld's views of the inappropriateness of missions (Thorpe 1978; Thorpe 1984, pp. 52–67). We might also add old-fashioned opportunism and parochialism.

Meston declared in 1891 that grog and opium were 'doing deadly work' amongst Aboriginal people throughout Queensland ('Australian Aboriginals. Bribie Island Mission. Mr Meston's lecture Entertainment. An Unqualified Success.' 1891. *Telegraph* 30 September, p.2). He further stated that he wished he could 'become an absolute despot for six months', and he would 'blot out those two things, which were utterly indefensible'. Two years later, Meston described 'opium-eating' as 'a terrible vice among the aborigines' ("Wild Australia". Aboriginals in Queensland – A Dying Race.' 1893. *The Brisbane Courier* 11 January, p.6).

In September 1895, Meston wrote to Tozer demanding that he 'address the plight of the Queensland Aborigines', and urged him not to postpone the Aboriginal question indefinitely. He sent him a copy of his newly-written pamphlet titled 'Queensland Aboriginals: Proposed System for their Improvement and Preservation' (Meston 1895), and emotionally warned: 'If you decide to do nothing, it will come before the colony in a shape that will not

be pleasant for Queenslanders to contemplate'. He acknowledged his proposal was based on 'the whole existing literature on the subject', especially that of L.E. Threlkeld and other early writers.¹⁴ According to historian Russell McGregor, Meston 'maintained that the implementation of his carefully considered plan would result in the improvement and preserving from extinction of that unhappy race' (McGregor 1997, p.60).

Perhaps persuaded by Meston's increasing media self-assertion of his expertise in Aboriginal affairs, Tozer engaged Meston as 'Special Commissioner' in May 1896 to report on 'the Aborigines' and Aboriginal feeding stations, but simultaneously instructed the Commissioner of Police, Parry-Okeden, to report on 'the extreme advisableness of a change being made to the Native Police system' (Parry-Okeden 1896). Views from four senior Queensland police officers (James Lamond, Charles Marrett, John Stuart and Frederic Urquhart), all of whom had served in the Native Police, were included in the Police Commissioner's subsequent report.

In October 1896, Tozer informed Parliament that he had finished reading Meston's report (Meston 1896); it was 'now being printed', and he 'contemplated making a complete revolution in the method of dealing with the aboriginal population of the colony, and fresh legislation would probably be necessary' ('Legislative Assembly.' 1896. *Telegraph* 8 October, p. 6). 'It was intended', Tozer said, 'to, as far as possible, gather together all the blacks in the southern district of the colony on to the reserve provided for aborigines at Durundur [near the present-day township of Woodford], an area of about 4,000 acres, or place them in the Deebing Creek mission [close to Ipswich]. In the north it was proposed to institute two reserves, one at Cape Grafton [later named Yarrabah] and another in the central district'.

However, Meston's proposal for isolated Aboriginal Reserves was not a new one. In 1867, Inspector John Marlow of the Native Police proposed 'collecting all the gins and their children' at Port Denison (Bowen) and placing them 'on some suitable island' (Marlow 1868). The Commissioner of Police, David Seymour, supported his idea: 'I have no hesitation in stating all the Blacks on the coast might eventually be removed

for upon hearing what had become of their Gins and Children they would be only too glad to join them' (Seymour 1868). Marlow's plan, rejected due to financial constraints, re-surfaced a decade later (in an article written by a disgruntled ex-Native Police officer): 'Pick out the island with the best soil and greatest natural advantages, and for a settlement there – establishing a school under the charge of a superintendent ... Now collect all the young blacks up to the age of fourteen, and teach them, under supervision, how to employ their time' (Colonial Secretary 1868; Old Chum 1877).¹⁵

Meston's report, published in Brisbane newspapers in late October 1896, included his recommendation for 'the total abolition of the Native Police' ('Aboriginals of Queensland. Mr A. Meston's Report.' 1896. *The Queenslander* 24 October, p.806). He stated that 'no Native Police officer under the old system, and no constable in any way connected with that system, should be retained for police duty among aboriginals under the proposed new order of things'. In December 1896, Meston submitted a report on 'South Queensland Aboriginals' to Tozer, stating 'About 60 camped in Maryborough should be removed to Fraser Island' (Meston 1896b). 'Opium has a strong hold on these Maryborough blacks and they require removing from town with the least possible delay as they are a nuisance to the townspeople and a reproach to themselves'. Meston wrote to Tozer in February 1897 about his 'visits made to the Blacks from Nerang to Bundaberg', again pushing 'the very urgent necessity of removing the blacks from Maryborough' (Meston 1897a). The file was noted by Tozer: 'Arrange to transfer all Maryborough blacks to Frasers Island'. The first group of deportees arrived on the island soon after.

This action, Meston's first substantial removal of 1897, was conducted without any empowering legislation, but clearly Meston was implementing a number of his protection proposals outlined in his reports even though the new Act had neither been drafted nor legislated. He was in fact developing his style of Protector-ship which he would refine and apply over coming years. His account also emphasised that control of opium had to be an essential component of the new Act. Meston accompanied the Maryborough Aboriginal town campers to Fraser Island and

personally prepared a concoction to aid in their detoxication and withdrawal trauma (Meston 1897b).

The Commissioner of Police, Parry-Okeden, who returned from his inspection tour of North Queensland in December 1896, reported to Parliament in February 1897:

I have come to certain conclusions and shall make recommendations which will involve not only the maintenance of the Native Police, but the strengthening of several of the detachments. This statement ... commits me to a policy diametrically opposed to the very first recommendation made in the Special Commissioner's [Meston's] report'.... 'It is a well-known fact that the only control possible to be obtained at the outset and maintained over wild or uncivilised blacks is by the exercise and exhibition of superior force'. (Parry-Okeden 1897)

Here the tension between the pastoral north and the liberal metropolis of Brisbane was at its most acute clarity.¹⁶

ALEXANDER DOUGLAS AND THE DRAFTING OF THE ACT

In May 1897, Inspector Alexander Douglas (not related to John Douglas discussed previously) sent the Commissioner of Police a copy of an interview ('How the Blacks Might Be Civilised. Interview with Inspector A.D. Douglas.' 1891. *The Queenslander*, 7 March, p.463.) that he had given to a journalist at *The Brisbane Courier* in 1891. A former Royal Navy officer, Douglas served on several British warships operating off China (including during the 1862 Taiping Rebellion) before joining the Native Police in 1872. Trained by the most-notorious officer in the force, Frederick Wheeler, Douglas was instrumental in the opening of tracks between North Queensland coastal ports and mining fields in the late 1870s. He was also the subject of two investigations into the unprovoked killing of Aboriginal men (in 1873 and 1880) before promotion to Inspector in 1884 (Norton 1873; Wheeler 1873; Cooper and Power 1881). As a senior officer,

Douglas supervised police in the Gulf district and at Townsville, rising to the rank of Senior Inspector in 1898 and Chief Inspector in 1900 (Bell and Morrison 1972, pp. 88–89; Richards 2008, p. 231).

In July 1897, Alex Douglas specifically replied to Meston's proposals, stating that

'many of the Aborigines in his division' (Roma, west of Brisbane) were 'addicted to opium and as a result are more degraded than is usual for Aborigines who hang around townships'... 'Though the police use every endeavour to obtain convictions against Chinese and others, for the sale or gift of opium, it is very hard to obtain evidence enough to sheet home a charge'; he suggested that 'unless there is a law passed prohibiting its sale' and the police were given increased powers 'the nuisance will not be abated'. (Douglas 1897)

Stricter control of employment and movement, as well as interactions between Chinese and Aboriginal people were also recommended, and he thought that 'the sale or gift of opium in any form whatever, even including the ashes of an old pipe, should be made a misdemeanour punishable by fine or imprisonment' ('How the Blacks Might Be Civilised. Interview with Inspector A.D. Douglas.' 1891. *The Queenslander*, 7 March, p. 463). The 1897 Act was to contain many clauses which were quite similar to those proposed by Douglas in 1891, and although there is no evidence that he participated in the drafting of the Act, his comments – as a senior officer in the Queensland Police – were surely taken into consideration.

In May 1897, all police were informed the Queensland Supreme Court had ruled that charcoal opium (opium that had previously been smoked) was opium 'within the meaning of the *Poisons Act*' and therefore 'every effort should be made to put a stop to the sale of opium to the blacks' (Police Commissioner 1897; Police Commissioner's Office 1897–1947). Charcoal opium or ash, a byproduct of the initial consumption, was toxic and in prolonged consumption, lethal. One month later (on 15 June 1897), Meston advocated the forced removal of all Aboriginal people from Western

Queensland and said 'stern measures should be introduced to stop the sale of opium' (Meston 1897c, 1897d, 1897e). His report was noted in its margin by Tozer: 'Remove to Durundur'.

THE FINAL RESOLUTION OF THE ACT

Meston wrote again to Tozer in August 1897:

I enclose an outline of a proposed Act for Protection and Preservation of Aborigines. The American laws and the Acts of the other colonies I found of no use whatever and therefore have briefly drafted such an Act as seems to me nearly all that is necessary for the protection of our Aborigines and the effective working of the system of Reserves inaugurated by the Home Secretary. ... I have made the Protection Act as concise as possible. The less diffuse and complicated the better for all purposes. Two of the clauses dealing with opium may have to be added to the Sale of *Poisons Act* instead of being included in the Aborigines Act. (Meston 1897f)

On 23 August 1897, Tozer finally reacted, asking: 'Where is the Aboriginal Act?'. He ordered all correspondence to be sent to the Department of Justice, and requested that 'a capable Parliamentary Draftsman will prepare a Bill on the subject in conformity with laws in vogue in the other Colonies'. The document was further noted: 'All papers will be sent to Mr. Rutledge, 27/8/1897' (Home Secretary 1897a). An entry (also dated 23 August 1897) in the Justice Department correspondence register stated that 'the proposed Act for Protection and Preservation of Aborigines as drafted by Mr. A Meston' was duly sent from the Home Secretary's office to the Justice Department (Home Secretary 1897a).

On 29 September, the subject was discussed in Parliament. *The Brisbane Courier* reported that Tozer was questioned about 'The diametrically opposed reports of Mr. W.E. Parry-Okeden and Mr. A. Meston', and 'the explanation made was that the difficulty had been got over by Mr. Okeden being regarded [once The Act was passed] as the protector

in the North, Mr. Meston filling a like position in the South' ('In the Gallery,' 1897. *The Brisbane Courier* 30 September, p.5). Tozer's response remained unclear as to how differences of content were to be resolved.

The chief clerk at the Justice Department, W.G. Cahill, sent a telegram on 1 October to barrister Arthur Rutledge at Maryborough: 'Aboriginal Bill urgently required by Chief Secretary when may I expect draft?' (Cahill 1897). Rutledge replied: 'Ready for printer Saturday 9th but if required sooner will you please direct clerk get papers in large envelope on table my chambers and post me today will then complete and forward Monday next'. Clearly, the Bill was speedily drafted by Rutledge under Tozer's direction.

On 8 October, Tozer wrote to Queensland's Governor, Lord Lamington, stating:

[T]he Commissioner [of Police] has been empowered to continue the employment of Native Police in the Division of the Colony north of the Tropic of Capricorn ... In the Southern part of the Colony where the conditions are altogether different from those in the North, the protection of the blacks is authorised to apply experimentally a system of a less repressive nature, from which good results are anticipated. I may add that a Bill for the protection and better government of the Aborigines of the Colony is now being prepared and will shortly be ready. (Tozer 1897)

The Governor's note asking for further information was marked by Tozer: 'Action has already been taken so far as administration can go in the direction recommended and a Bill on the subject is now in Mr. Rutledge's hands and will be ready next week'. Meston wrote to the Commissioner of Police on 13 October asking 'Will you kindly send me over a brief outline of the changes you have made in the working of the Native Police and the changed attitude towards the aboriginals, etc.', but no reply has been found by the authors to date (Meston 1897g). Clearly, there had been some changes from the original proposal. On 21 October,

the draft Bill was sent to the Justice Department, 'for amendment in accordance with suggestions by Commissioner of Police' and returned on 25 October (Home Secretary 1897b).

The Bill passed through both Houses of Parliament in the last sitting period of 1897 and received Royal Assent on 16 December. Clause 20 of *The Aborigines Protection and Restriction of the Sale of Opium Act* provided for penalties of up to £100 or up to three month's imprisonment for a first offence of 'causing or permitting to be supplied any opium to an aboriginal or a half-caste', with up to six months in prison for 'the second and every subsequent offence'. Furthermore, Clause 23 gave Police the power to enter (by force if necessary), search, and 'seize and detain all opium found therein contrary to the provisions of this Act' (Queensland Government 1897:1387–94). As in the *Poisons Act*, half of any fine imposed would be paid to informants.

WHAT WAS MESTON'S CONTRIBUTION?

Although there is negligible evidence of the precise extent of conceptual contribution by the other authors, an understanding of Meston's own conceptual process can be gained by a comparison of (i) the specific proposals in his 1895 pamphlet, with (ii) the specific proposals in his commissioned 1896 Parliamentary Report, and with (iii) the actual final contents of the Act that passed in early 1898.

In his pamphlet, Meston relegates 'The Doomed Race' theory to what he says is its 'deserved oblivion'. Meston argues that despite good 'Imperial intentions', the causes of the Aboriginal demise are the colonial aggression, the failure to make treaties and a lack of effective strategy, but not 'Divine Providence' (Meston 1895, p.3). Meston later states in his pamphlet:

We shall put aside the "doomed race" theory as the shameful subterfuge in which strong races have endeavoured to take refuge from their crimes on the weak. (Meston 1895, p.22)

As noted above, although Meston included a colony-by-colony historical overview of Aboriginal contact, policy and mission activity in Australia, he then asserted these precedents were of no practical use in Queensland. Instead Meston turned to citing at length an early report by a special committee of the British House of Commons, appointed in February 1837 to formulate measures to be adopted in colonies to provide 'aboriginals' with protection of rights and justice (Meston 1895, pp. 5–16). Amongst the measures for 'New Holland', were to be the establishment of 'offices of Protectors' who should engage 'in cultivating a personal knowledge of ... and personal intercourse with them' and gaining 'an adequate familiarity with the native language'. Also they should be given the means to make occasional gifts of articles for use or ornament (but not liquor), create suitable employment tasks, ensure land areas for unimpaired hunting (for 'game'), and arrange for education of the young by missionaries (in Meston 1895, p.15). All of these elements were to form later practice once the Act was established, albeit to varying degrees.

Meston provided calculations of the hypothetical cost of Aboriginal land to the Colonial Government if it had originally purchased the land at either a penny an acre or at a shilling an acre, to bring home the injustice of the outright theft of the land. He pointed out the current state of the aimlessly-wandering, clothed-in-rags, sickly, begging Aboriginal people in Queensland towns as a legacy of past policies, concluding his introduction to his pamphlet by saying the 'work of atonement for some of the dreadful past is before us' and underpins the future honour of the nation. (Meston 1895, p. 4).

Meston's pamphlet described the emerging colonial practices as evil, comparable with slavery, and that the 'protection of the aborigines' should be a duty of the Executive Government or Governor of each colony, not a matter for local government administration; indeed Meston states, protection of Aborigines 'should be withdrawn' from elected legislative control where local economic interest or values may result in prejudices. And further that laws affecting the aborigines need to be sanctioned by the Queen. These administration

specifications are set out under a sub-heading titled 'Protection of Natives to Devolve on the Executive' (Meston 1895, p.22).

Meston referred to Aboriginal people as 'the original owners of the soil' with 'sacred rights', 'a race whose title deeds of occupation were old when... the modern British race had neither a habitation nor a name' (Meston 1895, p.23). Meston recognised that upon the arrival of whites, that the whole continent was occupied by hundreds of tribes with territorial rights and rules (Meston 1895, p.23). This of course is a very radical position on land rights for 1895 and was only finally recognized a hundred years later with Native Title legislation.

One of Meston's racist premises was that Aboriginal people were of the Stone Age separated by the colonists and missionaries by 'many thousand years of cumulative civilisation', and therefore to civilise them would be a slow inter-generational process during which they would have to be socially isolated from open interaction with corrupting white influences. He argued that any labour that Aboriginal people did for white people should only be intermittent, not prolonged, to facilitate a gradual acquisition of a work ethic (Meston 1895, p.25). Meston goes on to paint his picture of Reserve village life and economy, replete with cultivation, gardening, timber getting, hunting, fishing, beef herds, and fruit tree plantations, but with a fixed code of laws governing daily life and set periods of work, play, idleness and sleep, run under a system of Aboriginal-style local government. This position too, is quite radical in one way by advocating Indigenous governance and recognizing the need to accommodate Aboriginal values and roles in decision-making (but as we noted earlier, John Douglas had already commenced implementing such a system in the Torres Strait). Yet Meston also included assimilative aspects such as trade and occupational training for young male adults as well as military drill, sewing, cooking, and home-making for females, and English literacy and singing taught to both genders (Meston 1895, pp.26–28).

Meston's pamphlet concludes with a condensed elicitation of his proposals which are summarised in the following box.

Box: 'System Condensed' – Proposed Aboriginal policy by Archibald Meston (1895, pp. 80–81)

- Creation of large reserves on or near the sea coast. (For these there are suitable localities available.)
- Establishing 'Aboriginal Settlements'.
- Complete isolation of the settlements from contact with the white races.
- Local government adapted to aboriginal character.
- Agriculture, horticulture and various trades for the men.
- Housework, gardening, net and basket making, &c., &c., for the women.
- Schools for teaching plain reading, writing, and singing.
- Training station for trackers.
- Young men trained as volunteer sharpshooters.
- Manufacture of all kinds of native weapons and utensils.
- Preservation of language, songs, and weapons.
- Systematic arrangement of daily life.
- Instruction of children in moral ethics of Christianity.
- Regular hours for work, idleness, hunting and amusement.
- First work of settlements to produce their own food supply.
- No Europeans allowed on reserve except those in charge.
- Order maintained and laws enforced by aboriginal constables under authority of the superintendent.
- All authority vested in the Protector.
- Protector responsible to the Government, and to report the progress of the settlements, and the condition of outside aboriginals, annually or bi-annually to the Colonial Secretary.
- Grown men to be available yearly for work now done by imported Papuans, in parties of not less than fifty on each plantation, under their own responsible guardian.
- These men to be paid at a fixed rate of wages, and return to reserves immediately the crop season is over.
- Men available for pearl-shell, beche-de-mer, or dugong fisheries, on clearly defined fair terms. Engagement not to extend over four or six months at a time.
- Men also available for planting and caring for State forests and various other Government service for which they are suitable.
- At the end of all engagements the men must return to the reserves, which would at all times be regarded as their permanent home.
- No women to leave the reserves except under exceptional circumstances, to be specified in the regulations.

Let us now turn to Meston's 1896 Report. After rejecting the 'Doomed Race Theory' in his 1895 Pamphlet, Meston concedes it some intellectual positioning in his Report: –

Even acceptance of the "doomed race" theory can in no way absolve a humane and Christian nation from the obligations they owe to this helpless people, or our solemn duty to guide them kindly across the period which spans the abyss between the present and the unknown point of final departure (Meston 1896, p.5).

Here we see the paternalistic humanitarian aspect of Meston's political ideology.

Meston's Report recommendations can be summarized as follows:

1. Abolition of the hostile Native Police, to be replaced by unarmed trackers;
2. Prohibition of Aboriginal labour on fishing and pearl-shelling boats;
3. Exclusion of Aboriginal people from towns unless registered for labour;
4. Imprisonment for sale of opium or liquor to Aboriginal people;
5. Fines for non-Aboriginal people possessing Aboriginal blankets;

6. Missions and Cape York Telegraph Stations to be food-distributing centres;
7. Aboriginal Reserves established for South, Central and North Queensland for isolation of Aboriginal people (follows Canadian and USA examples) in order to save them from extinction;
8. Land for agricultural purposes to be allocated at three suitable missions (Deebing Creek, Bloomfield, Cape Bedford);
9. Myora Station (Stradbroke Is) to be administrated by the Home Secretary and the local schoolmaster;
10. Clothed sober Aboriginal people to have free railway service;
11. A Chief Protector to be appointed for the north of the state (where the most difficult work) and an Assistant Protector for the south; and
12. A vague and confusing recommendation about simple, concise legislation versus detailed, widely prescriptive legislation (Meston 1896, pp.13–14).

What then were the final contents of the 1897 Act? Some may find it surprising that most of all the detail and minutiae in Meston's Pamphlet and Report were stripped out of the final Act by others, in favour of a lean and short Act, but with a capacity for such detail to be added back in if needed, through later 'Regulations'. Important definitions under the Act included 'reserve' (granted in trust for the benefit of the colony's Aboriginal inhabitants) (CI 3), persons deemed to be 'Aboriginals' (CI 4), 'Protectors' (CI 6), and 'Superintendents' (CI 7). The Act legalised the removal of Aboriginal people to reserves (CI 9), albeit allowing the exceptions of (i) those lawfully employed by any person, (ii) holders of a permit allowing travel from a reserve, and (iii) female partners of non-Aboriginal husbands (CI 10). Outsiders were prohibited from entering a reserve (CI 11).

Detailed provisions were made for the employment of Aboriginal people including those of mixed descent ('half-castes') under written agreements and permits which had to be reviewed after twelve months (CI 12, 13). Permits granted by a Protector had to be entered into, in the presence of a Justice of the Peace or member of the Police Force (CI 15).

Removal of Aboriginal people from one District to another or beyond the Colony was prohibited without the permission of the Protector (CI 17). Any non-Aboriginal person found in possession of a blanket that had been issued to an Aboriginal person, or of supplying liquor or opium, was guilty of a punishable offence (CI 18, 19, 20).

Although Recommendation 12 of Meston's Report about having simple concise legislation was worded to be quite vague and confusing, it seems that it had some traction. The final Act was framed in a way to facilitate the later amplification of its operational capacity through the making of 'Regulations'. Some 15 topics were listed in the 1897 Act (CI 21) about which such Regulations could be made. These included the duties of Protectors and any other persons employed to carry out the provisions of the Act; apportioning the net produce of the Aboriginal labour; providing for the custody of Aboriginal children; the transfer of half-caste children to orphanages; and prohibiting Aboriginal rites or customs that were considered injurious to the welfare of reserve residents. Regulations could also be made concerning the administration of reserves including maintaining reserve discipline and control, punishment (including imprisonment) for misconduct on reserves, the mode of removing persons to reserves, and authorising the entry of outsiders to reserves.

The operative parts of the Act were thus about power to remove Aboriginal people to Reserves and then to temporarily take people off Reserves to be used as labour. Meston's more holistic (albeit in various ways politically romantic and paternalistic) vision of how Reserves might work on a day-to-day basis in a humane manner, was all lost in the streamlined final version of the Act.¹⁷

Some of Meston's earlier proposals had been a hundred years ahead of their time (land rights, self-governance), but these were excluded from the 1897 Act. We do need to acknowledge elements of Meston's proposal with regard to the administration and rules of taking Aboriginal seasonal labourers (albeit on very low salaries) off reserves for use by

farmers, pastoralists and pearl-shell-ers, etc; clearly, there was a controversial recognition of the new settlers' ongoing economic needs for cheap labour. But well it may be asked, who was responsible for editing and streamlining the Act?

THE FINAL DELIVERY

In 1899, Parliament was told that 'separate bills drafted by Mr. Okeden and Mr. Meston' were 'wed by Sir Horace [Tozer] in preparing the Aboriginals Protection Act' ('Dr. Roth and His Work. Study of the Queensland Aboriginal.' 1899. *The Queenslander* 16 September, p.559). Meston stated, in 1900, that 'Okeden, Meston [himself], Tozer and Rutledge drafted and framed the Aboriginals Protection Act' (Meston 1900). A newspaper article (probably written by Meston), published in 1901, stated his pamphlet 'Scheme for the Improvement of the Aboriginals' was 'the basis of Sir Horace Tozer's Aboriginals Protection Act of 1897', a bill 'prepared conjointly by Sir Horace, Mr. Meston and the

Commissioner of Police, and drafted by Arthur Rutledge' ('Protectors of Aboriginals.' 1901. *The Queenslander* 19 October, p.749).¹⁸

Meston's part in the creation of the Act became grossly exaggerated over time, by firstly Meston himself, followed by many journalists, popular writers and historians (including Lack (1951), Laurie (1959), Heap (1967), and others). He was appointed as the 'Southern Protector of Aboriginals', working south of the Tropic of Capricorn in Queensland, yet the Act of 1897 did not produce the romantic albeit misconstrued paternalistic outcomes that he fantasised, but rather different processes of physical and psychological hardship and harsh processes of cultural change.

Six years later, Meston's dismissal as Southern Protector in December 1903 prompted him to claim his 'achievements' went unnoticed, saying 'It appears particularly unjust that the man to whom the Queensland's first protective legislation is due, who has been a proved friend of the Aboriginals,



FIG. 2. Photograph of Queensland's Southern and Northern Protectors of Aboriginals, Archibald Meston (left) and Walter E. Roth (right), appointed after the passing of the Act of 1897. (Source: 'Protectors of Aboriginals.' 1901. *The Queenslander* 19 October, p.749)

and who initiated all the preliminary changes and improvements in their condition, is suddenly, without any recognisable reason, sacrificed' (Meston 1903). His dismissal, part of 'wholesale retrenchments' at the time, probably was related to his personality and eccentric behaviour, plus a change of Home Secretary.¹⁹ Almost twenty years later, he was to make adverse criticisms about the 'working of the Act' under his successor Protectors (Meston 1922).

Although racial segregation, restrictions on movement and control over Aboriginal employment were adopted, Meston's wish for an end to the Native Police was unsuccessful. Successive Police Commissioners viewed the continuing need for 'protection' from – not for – Aboriginal people as paramount in North Queensland, which meant the last detachments of this force continued to operate in the Gulf and Cape York Peninsula districts



FIG. 3. Six months before his death in 1924, Meston made his last visit to Barambah (now Cherbourg) Aboriginal Settlement to renew acquaintances with Aboriginal people whom he knew. There Meston was photographed with the famous boxer Jerry Jerome. Source: Gall Collection, Fryer Library, University of Queensland.

until the second decade of the twentieth century (Richards 2008, p.139). Ultimately, as Ganter and Kidd (1993 p.540) noted, the Act – as proclaimed – only incorporated some of Meston's proposals.

CONCLUDING DISCUSSION

The late nineteenth century, was a time of great upheaval and change in Australian society, largely as a result of the maritime and shearer's strikes of the early 1890s, and the subsequent emergence of the Labor Party as a parliamentary force. We could also argue that the "Aboriginal problem" had "come to a head" at the same time. The political landscape in Queensland was shifting, as urban liberals slowly displaced the old squattocracy of the frontier period. The composition of Parliament made up in the mid-nineteenth century of a large number of squatters and experienced frontiersmen was replaced by 1900 with a large proportion of townsmen.

Furthermore, negotiations over a Federation of Australian Colonies preoccupied many parliamentarians, especially those who had carved lengthy careers in colonial politics (e.g. S. Griffith, B.D. Morehead). Federation was promoted by a new class of colonists who called themselves the 'Australian Natives Association' in recognition of the first generations of white Australians born in Australia, thereby distancing themselves from their parents and grandparents, the first immigrant settlers and squatters who had engaged in the earlier frontier wars.

Although, enacting Aboriginal Protection legislation in Queensland took many years, one question must be asked as to why the provisions of the *Poisons Act* failed to successfully control the sale and use of opium in Queensland. Although opium had never been mentioned in any previous 'Protection' legislation, there were – as noted – reasons for this to be included in the 1897 Act. Previous anti-Chinese legislation in the Australian colonies gives us better understandings of the reasons for adding 'Restriction of the Sale

of Opium' to Queensland's 'Aboriginals Protection Act' of 1897 (See Evans, Saunders and Cronin 1975, pp. 235–340).

Many writers have called Archibald Meston the 'architect' of the 1897 Act, but careful research into surviving archival records reveals that other individuals also played significant parts. Barrister Arthur Rutledge drafted the final version of the Bill under Colonial Secretary Horace Tozer's direction, with substantial input from the Commissioner of Police (William Parry-Okeden). Although Meston made an important contribution, it would seem a key role of the other authors was to strip away much of the detail with which he was preoccupied, in preference for expedient control over Aboriginal movements between protective "out-of-sight" reserves and a mobilized labour force. Samuel Griffith probably made suggestions, as did John Douglas and Alexander Douglas. Each of these men were, as this paper has shown, influenced by previous practices, proposals and attitudes, and their political influence in turn played out over a much longer period than did Meston's. Strict control of Indigenous peoples – called 'Protection' – was to become a common feature of all colonial societies, especially the settler-colonies of Australia and New Zealand. Queensland's legislation was, as Rowley noted, an influential template when South Australia and Western Australia devised their own Indigenous administration Acts (Rowley 1970, p.179).

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□ ENDNOTES

1. This paper was written as part of the ARC Linkage Project LP160100415 titled 'How Meston's "Wild Australia Show" shaped Australian Aboriginal History'.
2. In our view it was a form of 'cultural genocide'. We are of the view that the Act brought a form of 'cultural genocide' in Queensland and that its impacts are still manifesting. Through a variety of administrative instruments by both government and missionaries, Aboriginal cultures of Queensland were mostly radically transformed over three or four generations after the trauma and decimation (massacre, diseases) of the frontier period, through a weakening or loss of the authority of the remaining leaders, banning or discouragement of ceremony and language, disconnection of many people from their religious links to Country (partly through institutional and labour controls and partly through removals, disconnection of many people from their kin, breakdown of moral codes and loss of authority of those who maintained them by transferral of such roles to State agencies, failure of specific kin to maintain enculturation roles of children originally enshrined in the fabric of religion and kinship responsibilities, the removal of many children from their kin, development of widespread social and psychological problems, all accompanied by discriminatory and assimilationist edicts of the successive Indigenous administrative Departments (e.g. Queensland Department of Native Affairs, Department of Aboriginal and Islander Affairs etc.).
3. The *Publicans Act* 1863 was the first to contain a specific Clause (51) referring to Indigenous people, criminalising the 'sale or supply or giving' of 'any spirituous liquor or mixed liquor to 'any aboriginal native of Queensland or New Holland'. Significantly, half of any fine imposed for a conviction was to be given to 'the informer'. Other laws that heavily affected Aboriginal and Torres Strait Islander peoples included the *Industrial and Reformatory Schools Act* 1865, the *Oaths Act* 1867, the *Kidnapping Act* 1872, the *Queensland Coast Islands Act* 1879 and the *Orphanages Act* 1879. *An Act to Regulate the Pearl-shell and Beche-de-mer Fishery* 1881 was intended to control maritime employment, as was the *Native Labourers Protection Act* 1884. One other crucial piece of legislation, *An Act Regulating the Sale and Use of Poisons* 1891, is discussed below.
4. The proposed Federal Parliament 'would know nothing about native administration' said one historical analyst. Aboriginal people were viewed as a local problem to be dealt with by the individual State.
5. For example, "Good dog, Towser!" (Good dog, Towser!) [Cartoon]. 1892. *Boomerang*, 23 January, p.1.)
6. The complex and lengthy political relationship between Griffith and Tozer during their parliamentary careers in Queensland is beyond the scope of detailed analysis in this paper.
7. When Arthur Rutledge died in 1917, Meston wrote his obituary (Meston 1917).
8. Meaning in the sense of maintaining power by setting elements of the opposition against one other.
9. Brackets in original.
10. Meston's 1890 article 'Chinamen on the Russell Goldfield' is a classic example of Meston's use of journalistic license, incorporating his usual classical quotes and anecdotal claims (see Taylor 2003 for further examples). His unsubstantiated claims of Aboriginal cannibalism and a "Chinese invasion" (describing the Chinese miners as "opium-stupified") give readers no clearer understanding of racial violence in the north, and further analysis contributes little to a proper scholarly historical investigation. Meston evidently changed his mind about opium between the writing of this piece and his 1891 views ('Australian Aboriginals... 1891 – see later), but we can only speculate on what triggered this shift. We note that the historian Reid arrived at the same conclusion ('Any personal reasons which Meston may have had for this change of attitude are not clear' (Reid 1986, p. 211).
11. John Douglas was the Queensland Premier when the colony's first Aboriginal Reserve, at Durundur, northwest of Brisbane, was established in 1877. Reynolds stated that Douglas was 'the leading parliamentary critic' of the Native Police.
12. The failure of the 'Wild Australia' show resulted from a falling-out between Meston and the Australian Natives Association, who engaged the troupe for their Melbourne 'Foundation Day' commemoration on 26 January 1893.
13. We use the term 'preservation' here reflecting Meston's ideological vision for the Aboriginal future as he was to describe it in his 1895 pamphlet (see later in the analysis). For the interested reader, there is extensive literature analysing 'protectionism' in various colonial contexts e.g. see Lester and Dussart 2014, Nettelbeck 2019.
14. Meston provides a systematic review of missionary activity in Australia in his Pamphlet on his proposed 'System for Aboriginal Preservation and Improvement' (1895). He starts with Threlkeld who established the Lake Macquarie Mission near Newcastle in 1824–25, reported to be the first missionary to the Aboriginal people in Australia, and was probably the first colonist to produce books on any Aboriginal language (Meston 1895, p. 6).
15. For further analyses of earlier reserve proposals in Queensland, see Reid (1986) and Copland (2005).
16. Note that Meston had recommended the replacement of the 'hostile' Native Police by 'unarmed trackers' in his Report (see later in our analysis). The press perceptively picked up and reported this tension ('Plain English' 1897. *The Bulletin* 1 May, p. 7; 'In the Gallery.' 1897. *The Brisbane Courier* 30 September, p. 5).
17. Nor was there any mention of the role or powers of missionaries under the Act.
18. Parry-Okeden's biographer, author Harry Perry that the Commissioner of Police 'conceived' the Act (Perry 1928, p. 282).
19. Many have referred to this event but none have made a thorough analysis. See, for example, a letter from Meston to Premier Arthur Morgan (4/12/1903) complaining of 'a damnable injustice to me' and an Executive Council Minute (3/2/1914) describing Meston as 'a most difficult officer to control. He knew no rule or regulation' (Meston 1903; Executive Council 1914).

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