CRITICAL PERSPECTIVES ON EMPIRE

Empire, Kinship and Violence

Family Histories, Indigenous Rights and the Making of Settler Colonialism, 1770–1842

ELIZABETH ELBOURNE

EMPIRE, KINSHIP AND VIOLENCE

Empire, Kinship and Violence traces the history of three linked imperial families in Britain and across contested colonial borderlands from 1770 to 1842. Elizabeth Elbourne tracks the Haudenosaunee Brants of north-eastern North America from the American Revolution to exile in Canada; the Bannisters, a British family of colonial administrators, whistle-blowers and entrepreneurs who operated across Australia, Canada and southern Africa; and the Buxtons, a family of British abolitionists who publicized information about what might now be termed genocide towards Indigenous peoples while also pioneering humanitarian colonialism. By recounting the conflicts that these interlinked families were involved in, she tells a larger story about the development of British and American settler colonialism and the betrayal of Indigenous peoples. Through an analysis of the changing politics of kinship and violence, Elizabeth Elbourne sheds new light on transnational debates about issues such as Indigenous sovereignty claims, British subjecthood, violence, land rights and cultural assimilation.

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A NOTE ON NOMENCLATURE

In part because struggle over Indigenous languages is an important part of the history of settler colonialism, there is considerable variation in current usage concerning the names of Indigenous individuals and groups. I have attempted to balance in the book between using names that are familiar in English and names that reflect what people called themselves in their own languages at the time.

In several cases I use both English and Indigenous versions of names (such as Molly Brant/Konwatsi'tsiaiénni). This is influenced by my experience of living in a multilingual city and noting the extent of code shifting, as well as by recognition that people often in fact had more than one name and changed names at different life stages. I use the anglicized version of the names of Europeans working in English to reflect the documentary record (Frederick Haldimand, rather than Frédéric Haldimand). I also use European surnames to establish family links through time, notably with the Hill and Brant families.

A further, and related, issue is that there are some variant versions of the spelling of names, reflecting evolution in the written versions of originally oral languages. I have generally chosen the simpler version to facilitate ease of reading unless a version is particularly well established. Names were often written down by Europeans and may not completely capture original pronunciation.

I want to acknowledge that there are different approaches to these difficult issues and that I may not always have struck the right balance. I welcome feedback.

Six Nations

I use Haudenosaunee ('people of the longhouse') rather than the older Iroquois (although I retain Iroquois in certain citations, including using historical texts). The name Mohawk is widely used. It was, however, originally an outsider's term. In Kanyen'kéha, the Mohawk language, people call themselves Kanyen'kehà:ka (Kanyenkehaka, Kanienkehaka or Kanien'kehá:ka), people of the flint. I use both Mohawk and Kanyen'kehà:ka but primarily Kanyenkehà:ka. I use Kanyen'kehà:ka rather than Kanien'kehá:ka when referring to the Six Nations to reflect regional variations in dialect, following dominant usage

among Haudenosaunee in New York and Ontario, even though Kanien'kehá:ka would be used by people in my own settler territory of Québec. I have otherwise generally used the terms Cayuga, Tuscarora, Oneida, Seneca and Onondaga, since these are in wide usage, but I give alternatives on Map 1.1 (following Susan Hill). The Kanyen'kéha term Onkwehon:we is used by many Haudenosaunee people to describe Indigenous people in general.

South Africa

I use San as a collective term for communities sometimes known collectively as 'Bushmen' where I don't know the names of individual communities. It is nonetheless important to note that 'San' was also originally an outsider's term, given by Khoekhoe herders to describe nomadic hunters. Khoekhoe generally replaces the colonial term 'Hottentot'. The colonial term Caffre was used in shifting ways through time. I cite people who used it in the 1820s and 30s largely as a synonym for 'Xhosa'. The term would, however, mutate by mid-century to influence a highly offensive term beginning with k. I have substituted [Xhosa] when the meaning is clear. I have, however, retained original language in some quotations in which there is possible ambiguity about which groups were being referred to, in order not to distort the historical record. I do not mean to endorse the use of the term. Some place names have been changed in the aftermath of the end of apartheid. For example, the colonial town of Grahamstown is now Makhanda, and the Gariep River replaces the older Orange River. I use new names but indicate older terms on first mention. I use the names of language groups without prefixes for the sake of simplicity, given widespread usage in English (so Xhosa rather isiXhosa and Tswana rather than seTswana).

ABBREVIATIONS

AONSW	Archives Office of New South Wales, Sydney, Australia
BL	British Library, London
CA	Western Cape Archives and Record Services, Cape Town
DCRO	Derbyshire County Record Office, UK
DRCHSNY	*Documents Relative to the Colonial History of the State of New York*. 15 vols. Albany, NY: Weed, Parsons and Company, 1853–87
HRA	*Historical Records of Australia*. Series I and Series IV. Sydney: Library Committee of the Commonwealth Parliament, 1914 and 1922
LMS	London Missionary Society papers, Council for World Mission archives, School of Oriental and African Studies, London
ML	Mitchell Library, Sydney, Australia
LAC	Library and Archives Canada, Ottawa, Ontario
NCRO	Norfolk County Record Office, UK
NYHS	New York Historical Society, New York, NY
SCA	British Parliamentary Papers. *Report of the Select Committee on Aborigines (British Settlements),* 2 vols. London House of Commons, 1836 and 1837
SPG	Society for the Propagation of the Gospel. See also USPG
SWP	Milton W. Hamilton and Albert B. Corey (eds), *The Papers of Sir William Johnson*. 14 vols. Albany, NY: The University of the State of New York, 1921–1965
TFB	Thomas Fowell Buxton Papers, Bodleian Libraries of Commonwealth and African Studies at Rhodes House, University of Oxford, MSS Brit Emp. s.444
TNA	The National Archives, UK
USPG	Archives of the United Society for the Propagation of the Gospel, Bodleian Libraries of Commonwealth and African Studies at Rhodes House, University of Oxford. Note the SPG became the USPG in 1965
WCL	William Clements Library, Ann Arbor, MI
WSCRO	West Sussex County Record Office, UK

Introduction

Kinship, Violence and the Colonial State

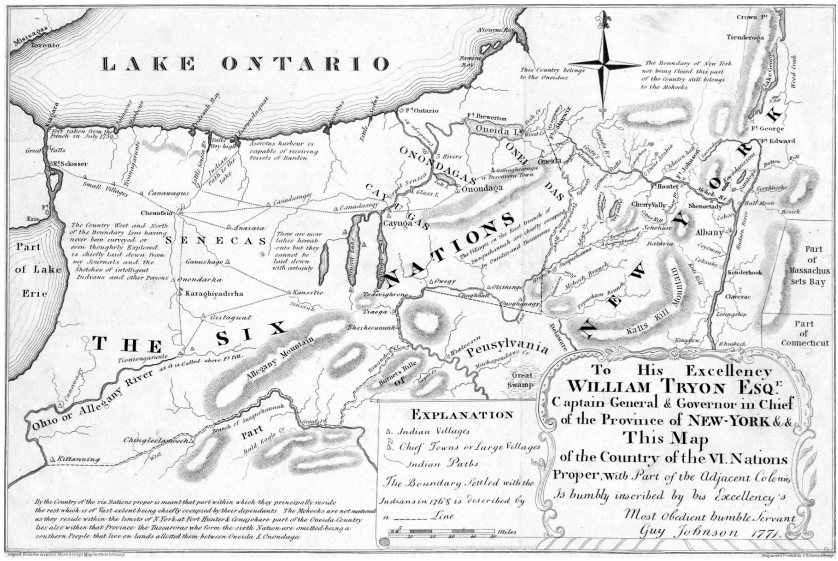
North-Eastern North America, 1779: The Sullivan–Clinton Expedition and a War of Households

In 1779, at the height of the American Revolution, the American high command decided to destroy the power of the Six Nations in north-eastern North America. The contiguous territories of six allied Haudenosaunee nations, the Seneca, whose lands lay furthest from European settlement, the Onondaga, the Tuscarora, the Cayuga, the Oneida and the Kanyen'kehà:ka (Mohawk; Kanienke'há:ka), 'keepers of the Eastern door', whose territories were closest to those of Europeans and indeed overlapped with them, lay in the western and northern regions of what is today in American terms the state of New York. In 1771, before what he would come to see as the great disasters of the American Revolution, Guy Johnson, son-in-law of local magnate and Superintendent of Indian Affairs for the northern district of the Indian Department, Sir William Johnson, drew a map (Map I.1).

Commanded by Major General John Sullivan and Brigadier General James Clinton, the American forces aimed to destroy the homes and food supplies of the hitherto more insulated western Six Nations in order to drive them from their homelands and to neutralize the Six Nations as a whole as a military threat to frontier settlements. This was part of the bitter frontier warfare of the opening years of the Revolution in New York and in Six Nations lands, which had included attacks on settlements and on civilians, and in which both sides committed human rights abuses. Nonetheless, the Sullivan campaign was of a different order of magnitude. It was consonant with American removal policy elsewhere during the Revolution, and with the settler quest to gain more land.[1] The campaign drove into the lands of the Senecas, Cayugas and Onondagas.[2] At least forty settlements were destroyed. The invaders

[1] Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge: Cambridge University Press, 1995), 47–48.

[2] Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017), 128.



Map I.1 Guy Johnson, 'Map of the Country of the VI Nations' (1771). From the collections of the New York State Library, Manuscripts and Special Collections, Albany, New York

killed domestic animals and burned all the crops they could find, including at least 160,000 bushels of corn.[3]

The campaign was not merely another raid but a major engineering effort. It required building roads in order to move supplies, horses and several thousand troops into densely forested regions. It also demanded the construction of a fort and of dams to facilitate the large-scale movement of shipping.[4] This was a slow-motion invasion, pioneered by engineers. As such, the expedition could be and was seen by many white observers as a movement of 'civilization' into the 'wilderness'.[5] It was the construction of roads and forts, and not only the ethnic cleansing of the campaign, that opened Iroquoia to white settlement,

[3] Calloway, *American Revolution*, 51; Frederick Cook (ed.), *Journals of the Military Expedition of Major General John Sullivan against the Six Nations* (Auburn, New York: Knapp, Peck, Thomson, 1887)

[4] William W. Campbell, *Annals of Tryon County; or, The border warfare of New York during the Revolution* (London: J. & J. Harper, 1831), 121–125.

[5] Chad Anderson, "The Built Landscape and the Conquest of Iroquoia, 1750–1820", in Carole Shammas (ed.), *European Expansion and Indigenous Response: Investing in the Early Modern Built Environment: Europeans, Asians, Settlers and Indigenous Societies* (Leiden: Brill, 2012), 265–294.

and eventually facilitated the subsequent westward movement of the nascent American republic after the end of the war, even if it was British betrayal at the negotiating table that sealed the fate of the lands of the Haudenosaunee.[6]

Despite the ideas many held about civilization and wilderness, the soldiers were surprised to find that the Six Nations had built many houses that blended Haudenosaunee and European styles, that their dwellings were often wealthier than those of frontier settlers, and that they had well-stocked orchards and rich fields of corn and vegetables. 'Their houses are large and elegant; some beautifully painted; their tombs likewise, especially of their chief warriors, are beautifully painted boxes, which they build over the grave, of planks hewn out of timber', Lieutenant Charles Neukerk observed about the 'fine town' of Kandaia on 5 September 1779, for example.[7] The Haudenosaunee were fighting on both sides of the revolution, so this invasion was also an attack on the British and on joint white-Haudenosaunee forces; guides included some American-allied members of the Six Nations, and armies on both sides adopted some Indigenous fighting techniques.[8] Distinctions between groups were hardened by warfare, and yet also at times more blurred both culturally and politically than the racialized ideology of civilization against wilderness would suggest.

Neukerk described in bureaucratic detail the burning of towns and food. On 15 September 1779, for example:

> [t]his morning the whole army paraded, at 6 o'clock to destroy the corn &c about this place, which could be done no other way but by gathering the corn in the houses & setting fire to them. Here we likewise found a great quantity of corn gathered in houses by the savages. At 3 o'clock in the afternoon we completed the destruction of this place […].[9]

American lawyer and amateur historian W.W. Campbell reprinted Neukerk's journal in his own 1833 history *Annals of Tryon County*. 'To a person reading the foregoing journal,' he remarked with some evident discomfort, 'it may seem that too much severity was exercised in the burning of the Indian towns, and that corn, &c was wantonly destroyed.'[10] Such actions were, however, he argued, necessary to bring an end to a war that had become a war of households: 'their towns were their retreats, and from thence they made incursions into the settlements'.[11] The New York/Iroquoia campaigns of the American Revolution were in part about different groups trying to destroy each other's homes in a

[6] Allan Taylor, *Divided Ground: Indians, Settlers and the Northern Borderland of the American Revolution* (New York: Alfred A. Knopf, 2006).
[7] Campbell, *Annals of Tryon County*, 125.
[8] Barbara Graymont, *The Iroquois in the American Revolution* (Syracuse, NY: Syracuse University Press, 1972), 197.
[9] Campbell, *Annals of Tryon County*, 127.
[10] *Ibid.*, 135.
[11] *Ibid.*, 135.

bitter contestation over land ownership. Their impact would be long-lasting: the campaigns resulted in a Six Nations exodus to British-held territory, turning the Haudenosaunee into refugees, while ironically opening the door for British negotiators to abandon Six Nations country to the Americans in 1783.[12]

The invasion might, then, be seen as part of a war of households, triggered by the outbreak of the Revolution, in which tropes of difference needed to be mobilized to justify dispossession and in which ideas about families and domesticity played an important role. The ethnic cleansing of the Sullivan campaign sought to eradicate Haudenosaunee dwellings from the landscape and to destroy the traces of Haudenosaunee cultivation of the land. It stands, however, as only one example among many of the way in which warfare entrenched divisions between 'white' and 'Indian' in colonial New York during the frontier wars of the Revolution, in part through creating a sense of each as constituting incompatible households that needed to be destroyed. The white states that emerged on both sides of the new border from the ashes of conflict would frequently imagine whites and Indians as racially distinct and as at different levels of development. Difference was nonetheless fragile and needed to be constantly reinvented.

***

The Sullivan campaign was a small element, if a particularly brutal one, of a much larger process that lies at the heart of this book. From the late eighteenth to the mid-nineteenth century, settlers under the aegis of the British empire (or, in the case of the Americans, escaping the British empire) laid claim to what they often described as undeveloped 'wastelands' that would be transformed by settler colonialism. In the process, they steadily displaced people who have come to be referred to as 'Indigenous' – a term that contains within it a prior claim to invaded lands. These groups included numerous North American Indigenous peoples such as the Haudenosaunee; Australian Aboriginal peoples, including (to name just some whose members bore the early brunt of invasion and who will be discussed in this book) the Noongar of Western Australia, the Eora and Wiradjuri of New South Wales, or the Palawa of Van Diemen's Land; the San and Khoekhoe in southern Africa; and the Maori in New Zealand. As this brief list suggests, groups were highly diverse, and their relative degrees of power varied. Nonetheless, the British often claimed that they had common characteristics, such as relying on hunting for subsistence or vulnerability in the face of 'civilization', and frequently described them as 'aborigines'. Many descendants of these groups would by the twentieth century embrace a common identity as Indigenous. This book examines the entangled history of the conquest of Indigenous lands and the development of linkages

[12] Hill, *Clay We Are Made Of*, 134–137.

between these very diverse peoples through the experience of colonialism between the 1770s and the 1830s.

How, however, to analyse such complicated processes? A key focus of this book is on family and kinship. More particularly, I trace the entangled lives and imperial careers of three families whose members played important roles, from a variety of subject positions, in the forging of new colonies and in interaction between Indigenous people and settlers in the British empire from the 1770s to the 1840s, particularly on colonial borderlands. One was a prominent North American Six Nations family, the Brants, who supported the British during the Revolution and later spearheaded migration to Upper Canada. Another was a British family, the Bannisters, a group of restlessly mobile siblings closely involved in colonial administration and settler expansion as well as in documenting violent abuse in the 1820s. A third, the Buxtons, were a prominent British political family who, in addition to fighting for the abolition of slavery, tried to reform the settler empire from its centre before supporting a form of colonialism in West Africa in the name of humanitarianism in the 1830s and early 1840s. I use evidence from the lives of family members to illuminate the entrenchment of settler colonialism, examining themes such as violence, the changing politics of kinship, the role of family networks in empire, debates about land and sovereignty, the relationship of humanitarianism to colonialism, and the emerging conception of 'aboriginal' as a transnational identity. The lives of individuals are also ways into closer examination of particular territories, as I follow family members from revolutionary America, to Upper Canada, Australia, southern Africa, Sierra Leone and Britain.

The Sullivan campaign was not only a turning point in this history in its own right, but also raises a number of themes pertinent to the period as a whole. First, the violence of the Sullivan campaign was typical of the wider history of settler colonialism over this period, not least in its attacks on civilians, including driving civilians from their land. We will see a significant repetition of such tactics, particularly by the police and the military, as we follow the empire through time and from one frontier to another. In all of the places covered by this study, from colonial North America to Australia to southern Africa, there was warfare as well as more quotidian conflict over land between commercial farmers and those prior occupants of the land who depended on hunting, pastoralism and/or subsistence farming. And in all places the line between civilians and combatants would be blurred.

At the same time, the British military also often either had Indigenous allies or hired Indigenous soldiers and policemen once the earliest phase of conflict was past. This is not to argue that there was consent to the occupation of land. On the contrary, the British empire's appetite for soldiers and the lengths to which the empire went to obtain 'loyal' marksmen were part of wider patterns of violence. In the case of the Sullivan campaign, for example, Six Nations fighting on the side of the British were punished for a war that almost none of

them wanted and in which they fought mostly to protect their own lands – and, as Barbara Graymont points out, the empire was not able to defend the lands of the Six Nations that alliance had put at risk.[13] Furthermore, loyalists might not remain loyal when pushed too far.[14] The painful complexity of loyalty and military allegiance will also be a key theme in this book, despite its difficulty.

Second, the exile of many of the Six Nations to Lachine or to Niagara, as well as the flight of many settlers from rural New York during the war, were part of wider patterns of disruption and mobility that scattered people like migrating birds across newly desolate landscapes.[15] There are many ironies in terms such as 'settler' and 'Indigenous', as settlers moved restlessly and Indigenous people were subject to removal. There is a further irony that the fluid ways in which many Indigenous societies moved over land, formed new groups and sought to incorporate outsiders would all be rendered difficult by the later intrusions of colonial states, the bureaucratic requirements of which came to require fixity and an imagined statistical precision. The themes of mobility, disruption and struggle over land will recur throughout this book.

A third crucial issue highlighted by the Sullivan campaign is that of economic transformation and associated ideological claims. Lands from which the Six Nations were displaced were commodified and turned into cash and credit in a growing capitalist economy. At the same time, these were already farmed and clearly embedded in an existing regional economy, and many houses were legible to western eyes as European-style dwellings. We will see that at least some among the Haudenosaunee wanted (however controversially) to invest in the London stock market, to get the best possible price for their lands and to derive rental income from former hunting grounds. They were often blocked from doing so. The colonial economy was racialized and marked by a drive to racial exclusion in most parts of the world examined by this study. It cannot, however, completely be understood in binary terms.

This does not mean, however, that the liberal responses to a racialized economy that we shall examine throughout this book, as colonial violence and racial discrimination were heatedly debated, were innocent of imperial intent. Several key figures in this study, including the former Attorney-General of New South Wales Saxe Bannister and the reformist MP Sir Thomas Fowell Buxton, vigorously argued that the only way to have a moral colonialism without the warfare and ethnic cleansing typical of the American Revolution was to manage a consensual and non-violent transfer of sovereignty and to extend the benefits of a liberal state to all its inhabitants, including equal economic access. This was, I will

[13] Graymont, *Iroquois in the American Revolution*, 199.

[14] For example, Robert Ross, "Hermanus Matroos aka Ngxukumeshe: A Life on the Border", *Kronos: Journal of Cape History*, 30(1), 2004, 47–69.

[15] On scattering: Kristina Ackley, "Haudenosaunee Genealogies: Conflict and Community in the Oneida Land Claim", *American Indian Quarterly*, 33(4), Fall 2009, 462–478.

argue, a key part of a blueprint for 'moral colonialism' that emerged by the end of the period under study in this book, and that would in turn become an important part of the justification for late nineteenth-century imperial expansion.

Family, Place and Settler Colonialism

How then does this book seek to accomplish its objectives? I structure the book both by family and by place, with some areas of overlap. The book is divided into three sections, turning around the three families studied. In turn, different chapters explore different locations within each section. The book moves across North America, Australia and Africa before turning in its final chapter to Britain.

We begin in the borderlands of New York/Iroquoia in the late eighteenth century before and after the Revolution. In starting in colonial America, I hope to bring the United States into conversation with other British settler colonies while also acknowledging the artificiality of national boundaries for North American Indigenous communities.[16] Joseph Brant (Thayendenaga) and his sister Mary or Molly (Konwatsi'tsiaiénni) were part of a Kanyen'kehà:ka or Mohawk community that was, not without significant internal controversy, in a military alliance with the British. The Brant family included white members. Most importantly, Molly Brant and her partner, Sir William Johnson, the Superintendent of Indians for the northern district of the Indian Department of the British military, had eight children. Johnson used household power to control the frontier; this was, however, a type of power that would be rejected by settlers during the Revolution. Although many of the Six Nations fought on the British side during the American Revolution, others, particularly the Oneida and some Seneca, supported the Americans, with great costs in both cases, including the shattering of the Confederacy.

Joseph and Molly Brant and William Johnson are all well-known and indeed controversial historical figures. Their lives have been extensively studied, as has the complex role of the Haudenosaunee in the American Revolution.[17] I am

[16] Compare Karl Hele (ed.), *Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands* (Windsor, ON: Wilfred Laurier Press, 2008). On the value of considering the early United States as a settler colony in conversation with other white settler colonies, Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous Peoples in America and Australia, 1788–1836* (Boston, MA: Harvard University Press, 2011).

[17] Among others, James Paxton, *Joseph Brant and His World: 18th Century Warrior and Statesman* (Toronto, ON: James Lorimer & Company, 2008); Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Alfred K. Knopf, 2006); Fintan O'Toole, *White Savage: William Johnson and the Invention of America* (Albany, NY: State University of New York Press, 2005); Lois M. Huey and Bonnie Pulis, *Molly Brant: A Legacy of Her Own* (Youngstown, NY: Old Fort Niagara Association, 1997); Isabel Kelsay, *Joseph Brant, 1743–1807: Man of Two Worlds* (Syracuse, NY: Syracuse University Press, 1984); Graymont, *The Iroquois in the American Revolution*.

not trying to write new biographies. Nonetheless, this work serves as a springboard for what follows, particularly given the importance for later events of competing historical memories of the Brants, of the Six Nations alliance with the British, and of Six Nations' conceptions of sovereignty. A key contrast with later borderlands is the different nature of kinship relationships in a context in which Indigenous groups held greater power and were in closer diplomatic contact with the British than would be the case elsewhere. This analysis also requires asking about Haudenosaunee family structures, concepts of relationality and ways to incorporate new people, reflecting the stress on kinship placed by many scholars coming from an Indigenous studies perspective.

Although I am looking at elite and well-studied figures, I use sources such as oral histories recorded in the nineteenth century, wartime memoirs and local gossip in order to try to place them into the wider context of an uneasy borderland. I use family stories, for example, to argue that while on the one hand Joseph Brant's participation in attacks on border settlements was taken as justification for ethnic cleansing and as proof of the impossibility of Indigenous-white coexistence, on the other hand other family memories from the New York borderlands suggest closer ties and imply that Brant himself may have tried to play to multiple audiences.[18]

In Chapter 3, the book moves to Upper Canada. This follows the post-war movement of many Haudenosaunee to Upper Canada after the British Empire rewarded their allies by trading their lands to the new-born United States of America. Molly Brant's daughters married prominent white men, as 'white' and 'Indian' increasingly became identities perceived as incompatible, despite the persistence of intermarriage. Joseph Brant, and later his son John, tried to negotiate what they saw as more 'modern' economic solutions for the Six Nations, although they were also entangled in a corrupt economic environment and were embroiled in community debates over the best path forward, including how far to engage with the white state. It may be telling that one of Joseph Brant's other sons, Isaac, passionately opposed his father's policies, tried to kill Joseph and was himself killed in the struggle. Through these vicissitudes, the

[18] I draw on stories recorded by Lyman Draper and others in the early nineteenth century from both Haudenosaunee and white perspectives. Although the political valence of using white settler stories is clearly different from the politics of drawing on Anishinabeg stories and settler communities used stories in different manners, the collection edited by Jill Doerfler, Heidi Kiwetinepinesiik and Nigaanwewidam James Sinclair, *Centering Anishinaabeg Studies: Understanding the World Through Stories* (Winnipeg: University of Manitoba Press, 2013) is nonetheless inspirational. The politics of white ventriloquizing of Indigenous stories will recur throughout the book as an issue. Compare also R.A. Innes' call to use Cree stories to understand expectations about kinship relationships among the Cowessess First Nations: "Elder Brother as Theoretical Framework", in Chris Anderson and Jean M. O'Brien, *Sources and Methods in Indigenous Studies* (London and New York: Routledge, 2017), 135–143.

Brants remained relatively elite. They were not typical, but many of the dilemmas and difficulties they confronted were, including the declining viability of strategies oriented to incorporation and management of colonists and the loss of Indigenous sovereignty. In Chapter 4, I analyse how Brant family members John Brant and Robert Kerr took their claims for land in Grand River directly to London in the early 1820s, strategically performing an identity as Mohawk warriors despite the fact that Kerr in other contexts presented himself as a Scottish businessman.

In making land claims, Brant and Kerr were assisted in Upper Canada and in London by two members of the Bannister family. In the second section of the book, I shift gears and move to focus on the imperial activities of three Bannister brothers and to a lesser extent of their sisters. Originally from Sussex, the Bannister siblings were dedicated to the pursuit of colonial fortune overseas throughout the early nineteenth century. Saxe, John William and Thomas Bannister, three restlessly mobile brothers, carried out colonial activity of one kind or another in the 1820s and 1830s in Upper Canada, New South Wales, Van Diemen's Land, Victoria, Western Australia, southern Africa, and Sierra Leone; Harriet and Mary Anne accompanied Saxe to New South Wales and then settled in Van Diemen's Land. The Bannisters had their own conceptions of kinship as a gentry family in financial peril: they believed they should collectively have more status than they actually did, and they looked to the new opportunities opened up by settler colonialism to make up the gap. In doing so, Saxe and John William tried to claim authority as men who knew and could help Indigenous peoples. The siblings chased financial advantage across the far-flung imperial world even as the eldest, Saxe, penned important attacks on British policy towards Indigenous peoples. He uncovered abuses in New South Wales and South Africa, not least the murder of an Indigenous man in police custody that locals tried to cover up. The Bannisters sought to ride the waves both of settler colonialism and of liberal reform, not seeing them as incommensurate. In that sense, they provide a case study of the interaction between liberalism and empire, which, as my work suggests and as others have argued, proved eminently compatible in the early nineteenth century.[19] We will see that Saxe Bannister in particular hoped that new and better versions of empire

[19] Compare Saliha Belmessous on Saxe Bannister as a proponent of imperial assimilation: Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541–1954* (Oxford: Oxford University Press, 2013). On the contradictory entanglements of empire and liberalism: Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton, NJ: Princeton University Press, 2010); Richard Price, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century South Africa* (New York: Cambridge University Press, 2008); Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, NJ: Princeton University Press, 2005); Uday Singh Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 2000)

could end the genocidal tendencies of settler colonialism, even as he actively and fervently promoted the annexation and colonization of Natal.

In the third and final section of the book, I turn to the Buxtons, a more securely elite British family involved in reformist politics in the late 1820s and 1830s. The family patriarch, Sir Thomas Fowell Buxton, was a Whig MP and a key advocate for the abolition of slavery. Most crucially, he piloted the bill for the abolition of slavery through the House of Commons in 1833. Sir Thomas Fowell Buxton's work was enabled by the support and activism of his family, particularly his daughter Priscilla, his wife Hannah and Anna Gurney, the partner of his sister Sarah Maria.[20] It is on Priscilla that this final section focuses most closely. In contrast to the scattered and combative Bannisters, the Buxtons drew on interconnected family networks that amplified the power of particular families: they were key players in a wider network of elite humanitarian families in Britain, many with Quaker roots, who fought for the abolition of slavery in the 1820s and early 1830s, and whose female members formed crucial bonds. From the mid-1830s to the early 1840s, the Buxtons took up Indigenous rights as they understood them as a political crusade, influenced by their previous work on abolition. In looking at the information networks in which Priscilla and other Buxton family members were involved, I trace the movement of information about frontier killing in South Africa from Xhosa activists or Khoekhoe soldiers to the imperial centre; I also trace the counternarratives that colonial settlers and officials produced in response as the politics of information exploded in hearings before the House of Commons Select Committee on Aborigines.

In the final chapter of the book, I use the example of the Niger Expedition of 1841–1842, an act of would-be humanitarianism enthusiastically sponsored by the Buxtons, to illustrate the ways in which early nineteenth-century humanitarianism in many respects came to serve the ends of colonialism. At the same time, lands of the Haudenosaunee in Upper Canada were 'reduced' as the colonial state reimagined military allies as dependents in need of civilization. These two examples illustrate, I will argue, crucial trajectories in the history of settler colonialism and illuminate the paradoxes of imperial reform.

Connected Lives, Entangled Colonies

Overall, then, this book uses microcosmic analyses to illuminate a macroscopic process: the project of British settler colonialism as it sprawled across time and space during this critical period of the creation and consolidation of settler states. The lives of many of the people that I discuss were often only peripherally linked (and contrasts are often revealing). Their lives nonetheless intersected in multiple and multifaceted ways, brokered by colonialism.

[20] Kathryn Gleadle, *Borderline Citizens: Women, Gender and Political Culture in Britain, 1915–1867* (Oxford: Oxford University Press, 2009).

Take, for example, the relationship between members of the Brant and Bannister families. The colonial imaginary of the Bannister brothers was shaped by their contact with Brant family members in the 1810s and 1820s over land claims in Upper Canada. John William Bannister knew John Brant in Upper Canada, possibly through colonial reform movements. John Brant tried to use Saxe Bannister to get a hearing at the Colonial Office in 1821; Saxe Bannister tried to use his connection to John Brant to get a job. We are in fact witnessing the birth of the humanitarian 'expert'. In extensive written work over many years, in which he railed against colonial violence, Saxe Bannister took Joseph Brant as proof of the feasibility of a moral colonialism. He also presented himself as a colonial expert on the basis of his interaction with the Six Nations. As a mobile colonial subject with a strong ideological agenda, it seems likely that Saxe Bannister brought knowledge of Indigenous North American affairs to Australia and South Africa, and served as a conduit of information from one colonized community to another – or so I will argue in this book. Bannister and Buxton collaborated, although they had a slightly uneasy relationship; Bannister worked hard to persuade Buxton to adopt his view of colonial affairs, and to embrace the supposed inevitability of settler colonialism.

More broadly, members of these families were bound together by participation in common processes. One was debate about the overall direction of the settler empire. Stung by accusations of using brutal warfare against American civilians through their deployment of Indigenous allies during the Revolution, not least by arguments made by Brant family members, a number of British commentators, including Saxe Bannister and Priscilla and Thomas Fowell Buxton, tried to define Britain as more moral than the rebel Americans and more supportive of the welfare of enslaved and Indigenous peoples. American attacks on Indigenous peoples during the war became a prime example. This helped to drive an elite concern to create a supposedly more 'moral' and better ordered empire (however unfulfilled that expectation), which will also be a key theme of this book.[21]

Another point of contact is the involvement of several family members with the military, related to the more general interaction of all three of these families with colonial violence. The British military consistently sought out Indigenous military allies, from Haudenosaunee warriors to Khoekhoe members of the Cape militia, to formerly enslaved people recruited for the British army in Sierra Leone. Joseph Brant was a colonel in the British army during the Revolution, and was therefore part of the British strategy of using 'rangers', or small units deploying Indigenous fighting techniques and staffed in part by Indigenous warriors. From a British

[21] Matthew Wyman-McCarthy, "Rethinking global empire: The imperial origins and legacies of British abolitionism, c. 1783–1807" (Montreal: PhD thesis, Department of History and Classical Studies, McGill University, 2015); Matthew Mason, "The Battle of Slaveholding Liberators: Great Britain, the United States and Slavery in the Early Nineteenth Century", *William and Mary Quarterly*, 59(3), 2003, 665–696.

administrative perspective the Six Nations were granted land in Upper Canada in part out of fear of Indigenous military resistance to the post-Revolution settlement but also because they could be conceptualized as demobilized soldiers, to whom colonial land was traditionally given. In the aftermath of the Napoleonic Wars, the military, particularly the navy, played an outsize role in locating, creating and governing new colonies. John William Bannister joined the British navy at the age of nine, settling in Upper Canada after being demobilized, like many other former navy officers. Thomas Bannister was a low-ranking officer in the Fifteenth Regiment of Foot before he became a colonist. Even the lawyer Saxe Bannister joined a Sussex militia at the tail end of the Napoleonic wars and tried throughout his life to present himself as a potential soldier, however unconvincingly. Saxe urged the creation of a settlement for the Khoekhoe in southern Africa, similarly seeing them as deserving demobilized soldiers (as he imagined the Haudenosaunee to be). The Buxtons were unconnected to the British military, but this may help explain why they were such strong supporters of missionary and metropolitan control of the settler empire: a very real question in the 1830s was which institutions would in fact rule the emerging colonial empire. Priscilla Buxton fought to get the military out of the business of running the Xhosa borderlands through the barrel of a gun. The violence of the empire was not only the openly violent conflict of colonial frontiers that gave a sense of urgency to imperial reforms. Violence also included the pressure the empire placed on subalterns to fight other subalterns.[22]

While this book spends considerable time exploring violence in particular colonies, including resistance and processes by which violence was normalized, it also considers violence as 'imperial', in that it was part of a wider imperial system. The violence of settler colonialism is increasingly recognized and indeed commemorated, despite countervailing amnesia and popular resistance, exemplified in the so-called history wars in Australia.[23] This commemoration tends to happen at a national level, however, as successor governments assume colonial guilt.[24] The entangled histories of the involvement of three families in imperial violence (whether as critics, participants or members of the organized military) underscores the ways in which violence united the empire in a parallel history of the unspoken.

A final point I want to emphasize in this brief overview is that to write about families in the late eighteenth and early nineteenth centuries is of course to

[22] I develop this argument further in Elizabeth Elbourne, "Violence, Moral Imperialism and Colonial Borderlands, 1770s–1820s: Some Contradictions of Humanitarianism", *Journal of Colonialism and Colonial History*, 17(1), Spring 2016.

[23] For example, Robert Manne (ed.), *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History* (Carleton, Victoria: Black Inc, 2003).

[24] On settler colonialism and memory, Annie E. Coombes (ed.), *Rethinking Settler Colonialism: History and Memory in Australia, Canada, Aotearoa New Zealand and South Africa* (Manchester and New York: Manchester University Press, 2006).

write about patriarchy. In a quite literal sense, much of this book is focused on patriarchs and would-be patriarchs. Elite masculinity is particularly central to this book. So too are households headed by patriarchs such as William Johnson and Thomas Fowell Buxton: they were local centres of power as well as nodes of imperial power, and they could include Indigenous clients. Women who headed households, such as Anna Gurney, the partner of Thomas Fowell's sister, also had a form of power, however contingent. As states tried to curtail both household and family power, this in some respects reduced the limited form of power that some women and a few Indigenous people had accessed via the patriarchal household or via relationships with elite white men.

Periodization and Change through Time

Despite the recurrence of particular themes across time and space, there were significant changes to the nature of settler colonialism over this period. C.A. Bayly famously termed 1780 to 1830 Britain's 'imperial meridian', a period characterized, in his view, by the continuing dominance of aristocratic paternalism and the ongoing influence of the men who had fought in the Napoleonic Wars.[25] On his reading, this was a crucial period of the expansion and consolidation of British power in the wake of the loss of America, driven not so much by liberalism as by a small agrarian ruling class, informed by aristocratic values and Anglicanism. There is room to question the cultural predominance of aristocratic agrarianism in this period, given the effectiveness of ongoing challenges from liberals and evangelicals and indeed the liberalism of some aristocrats (as some of the evidence in this book suggests), but on balance the evidence presented here confirms Bayly's insight about the relative coherence of this period and the importance of challenges in the 1830s.

While the empire is often described as undergoing a 'swing to the east' over this period, these years also saw the creation and expansion of anglophone settler colonies, driven in part by the importance of the navy.[26] The significance of this settler explosion is all the more evident if American expansion is included in the same frame.[27] Between 1787 and 1843, the British government founded or

[25] C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (London and New York: Longman, 1989).

[26] On periodization and the term 'swing to the east', first used by Vincent Harlow, see P. J. Marshall, "Britain Without America: A Second Empire?" In P. J. Marshall and Alaine Low (eds), *The Oxford History of the British Empire*. Vol. 2: The Eighteenth Century (Oxford: Oxford University Press, 1998), 578–9 and *passim*.

[27] James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford: Oxford University Press, 2009) on the 'Anglo world'. See also Kent Fedorowich, "The British Empire on the Move: 1760–1914", in Sarah Stockwell (ed.), *The British Empire: Themes and Perspectives* (Oxford: Wiley-Blackwell, 2008), 63–100.

significantly developed settler colonial states on the continent of Australia (New South Wales in 1787, followed by several others), in New Zealand (1840), in Upper Canada (created as its own province in 1791) and in the Cape Colony (confirmed to Britain in 1814) and Natal (1843) in southern Africa. Much of this expansion happened before the expansion of the franchise in 1832. It occasioned significant unease, as this book will show, in at least some quarters. By the 1840s, however, most Britons accepted settler colonialism and saw it as largely beneficial.

I argue that there was a shift, particularly in North America, from the willingness to use family biopower as a core technique of governance, potentially permitting alliances between Indigenous and British elites (in however fragile a fashion), to bureaucratic state management by colonial states that were coded as neutral but were in practice racialized. This was linked to decline through time in the capacity of Indigenous people to use their own strategies to assimilate and manage outsiders. Most of the people with whom the British came into contact had their own ways to incorporate outsiders, such as sexual exchange or allowing outsiders to occupy land in return for loyalty to a leader. For example, we shall see that at different ends of the earth and in very different contexts, both the Haudenosaunee of eastern North America and the Zulu of southern Africa tried to manage colonialism in part through trying to make kin and allies or subordinates of outsiders.[28] These were assimilative political strategies based on an assumption that the dominant group could incorporate non-members into existing structures. In contrast, as Indigenous power declined, white settlers claimed the direction of states, often also repudiating white elite family power in the process of affirming their own status.[29]

The shifts in modes of governance this book explores included the increasing bureaucratization of government structures at the micro level, and, at the transnational level, the growth of nation states as a loci of power. Such developments, I suggest, were accompanied both by changing political roles for families (loosely defined as kinship groups rather than the nuclear family alone) and by a changing set of metaphors about the relationships between states, families and Indigenous peoples.[30] For example, settlers often came to define themselves as 'the people' and their states as a form of political family. In the process, they repudiated the power of actual families and frequently broke (or decided

[28] Compare Audra Simpson, "From White into Red: Captivity Narratives as Alchemies of Race and Citizenship", *American Quarterly*, 60(2), June 2008, 251–257.

[29] Cf. Ann Curthoys and Jessie Mitchell, *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830–1890* (Cambridge: Cambridge University Press, 2018).

[30] On changing modes of governance, Mary Poovey, *Making a Social Body: British Cultural Formation, 1830–1864* (Chicago: University of Chicago Press, 1994); Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London and New York: Verso, 2003); Patrick Joyce, *The State of Freedom: A Social History of the British State since 1800* (Cambridge: Cambridge University Press, 2013).

to forget) kinship ties with Indigenous peoples. The rise of settler democracy through the early nineteenth century sidelined Indigenous power, which was often reimagined as a form of corruption, linked to older forms of family-based governance, the repudiation of which (however illusory) was in turn crucial to the development of politically liberal settler states. This facilitated a populist rejection of such alliances as existed between elites and Indigenous peoples, particularly Indigenous elites: they could both be cast as corrupt and as opposing the will of settler 'majorities'.

A significant issue at play in the book is therefore the role that family governance was broadly thought of as playing in societies conceived of as not yet 'civilized'. Since many of the Indigenous peoples whom the British colonized prioritized on-the-ground relationships – and often tried to neutralize colonizers by developing family ties and using kinship metaphors in diplomacy – their previous relationships with colonizers, including treaties and trust mechanisms, could be dismissed as pre-modern and corrupt, with corruption having a whiff of the not-modern about it. It is arguable that the repudiation of treaties with Indigenous groups to cynical ends was all the easier. Certainly, settler states today continue to live with the legacies of different ways of understanding past treaties, including different understandings of the relationships they enshrined.

Context and Some Pertinent Scholarship

In making these arguments, this book draws on a wide and diverse range of sources. I have been privileged to read across 'national' areas and to be inspired by several different fields; my indebtedness will become clear. At the same time, some comparative transnational scholarship has proved particularly helpful in thinking about linkages between regions

One of the significant transnational fields within which this book is situated is the burgeoning field of study loosely termed settler colonial studies. Settler colonial studies in fact covers a multiplicity of themes. The field has nonetheless been shaped in distinctive ways through the early influence of historians coming on the one hand from Australian history and on the other hand from genocide studies – and in several cases, such as those of Benjamin Madley, Dirk Moses and Lorenzo Veracini, making key interventions in both fields.[31] Patrick Wolfe influentially claimed in a seminal 2006 article that settler colonialism is inherently genocidal because it requires a land without people, and therefore works either to kill prior occupants or to assimilate them into colonial

[31] E.g. Benjamin Madley, "From Terror to Genocide: Britain's Tasmanian Penal Colony and Australia's History Wars", *Journal of British Studies*, 47(1), January 2008, 77–106.

culture to the point that they lose a distinct identity and are no longer a threat.[32] In this paradigm, settler colonialism is different from other forms of colonialism, having as its definitional characteristic the need to eliminate Indigenous people.[33] Settler colonial studies emphasizes process over the intention of individuals. To make such arguments requires taking a stance in debates over the definition of genocide, seeing cultural colonialism and forced assimilation as also elements of genocide.[34] In this optic, settler colonialism is, in Veracini's words, both a 'distinct form of domination' with its own characteristics and a form that has a broad and deep history.[35] 'Settler' and 'Indigenous' thus become capacious transnational and transhistorical categories.

There has been some critical evaluation of settler colonial studies in recent years, not least by some First Nations scholars concerned about issues such as the creation of a 'monolithic native/settler binary' and the need to adapt the theory to 'accommodate the role of Indigenous agency and resistance', in the words of Shino Konishi, or simply the desire for an Indigenous history that does not revolve around settler domination.[36] A crucial question is therefore that of how also to centre and promote Indigenous resurgence.[37]

As evidence presented in this book in fact suggests, a tight model is only partially generalizable across diverse areas of settlement, particularly given different demographic realities, despite the political and intellectual work done by the *idea* of continuity both then and subsequently. Furthermore, too teleological a model arguably does not leave a lot of space to analyse changing relationships in the aftermath of the initial period of conquest, including ways in which Indigenous peoples managed at times to impose their own political terms, in however constrained a manner, on colonists. Labour extraction could and did coexist with the theft of land; military recruitment is one often overlooked example. Having said that, settler colonial studies makes crucial interventions, including expanding the definition of violence and emphasizing continuities between assimilation policy and physical violence. The field of settler colonial

[32] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native", *Journal of Genocide Research*, 8(4), 2006, 387–409.

[33] See also Edward Cavanagh and Lorenzo Veracini (eds), *The Routledge Handbook of the History of Settler Colonialism* (New York and London: Routledge, 2016); L. Veracini, *Settler Colonialism: A Theoretical Overview* (Houndmills: Palgrave Macmillan, 2010).

[34] Ann Curthoys and John Docker, "Defining Genocide", in Dan Stone (ed.), *The Historiography of Genocide* (Houndmills: Palgrave Macmillan, 2008).

[35] Lorenzo Veracini, "Introduction: Settler Colonialism as a Distinct Form of Domination", in Cavanagh and Veracini (eds), *Routledge Handbook of the History of Settler Colonialism*, 1–8.

[36] Shino Konishi, "First Nations Scholars, Settler Colonial Studies, and Indigenous History", *Australian Historical Studies*, 50, 2019, 1–20.

[37] See, for example, Corey Snelgrove, Rita Kaur Dhamoon and Jeff Corntassel, "Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations", *Decolonization, Indigeneity, Education & Society*, 3(2), 2014, 1–32.

studies is constantly expanding and mutating, and it would be wrong to assume that it cannot incorporate a more flexible approach to the study of interaction.[38]

Indigenous studies provides another framework for thinking about both local complexities and global connections. Indigenous studies explores the past and present of people defined as Indigenous across the world, paying attention to local realities while placing Indigenous people in global and comparative context – albeit without always resolving the tensions this raises. Indigenous studies tends to be more interdisciplinary than settler colonial studies, which currently focuses more tightly on historical analysis. Nonetheless, boundaries between the two fields are surely fluid. There are a number of methodological commitments classically associated with Indigenous studies approaches and its call to decolonize the academy, including working in partnership with communities, ideally carrying out work in service to the community and in interaction with Indigenous knowledge holders.[39] Given the diversity of Indigenous studies and its fluidity, it is difficult to single out a core contribution. Nonetheless, of particular importance to this project is the stress placed by multiple scholars on the importance of kinship and of place to Indigenous worldviews in a variety of contexts.[40] Kinship in this perspective might extend beyond literal kin and include the notion of the interrelatedness of all people, and of the human and the non-human. Aileen Moreton-Robinson argues that 'relationality' is 'the interpretive and epistemic scaffolding shaping and supporting Indigenous social research and its standards are culturally specific and nuanced to the Indigenous researcher's standpoint and the cultural context of the research'.[41] These insights are very helpful in thinking about issues such as what treaties might have meant to all participants or the incorporative strategies of pastoralists and hunters. They also impose humility, particularly on a scholar writing from the outside; I would like here to acknowledge my

[38] Laura Ishiguro argues for the expansion of settler colonial studies to consider the 'settler everyday', for example: Ishiguro, "'A Dreadful Little Glutton Always Telling You About Food': The Epistolary Everyday and the Making of Settler Colonial British Columbia", *Canadian Historical Review*, 99(2), 2018, 258–283.

[39] A classic intervention is Linda Tuhiwah Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zedbooks, 2012). See also Chris Anderson and Jean O'Brien (eds), *Sources and Methods in Indigenous Studies* (New York and London: Routledge, 2016).

[40] For example, Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast* (Minneapolis: University of Minnesota Press, 2008); Thomas King, "Introduction", in Thomas King (ed.), *All My Relations: An Anthology of Contemporary Canadian Native fiction* (Toronto: McClelland & Stewart, 1990); Paul L.A. H. Chartrand, "Niw Hk_M-Kanak ('All My Relations'): Métis-First Nations Relations", Research Paper for the National Centre for First Nations Governance (Alberta), June 2007.

[41] Aileen Moreton-Robinson, "Relationality: A Key Presupposition of an Indigenous Social Research Paradigm", in Andersen and M. O'Brien (eds), *Sources and Methods in Indigenous Studies*, 69.

own limitations. I also want to acknowledge the call of thinkers such as Glen Coulthard not to define Indigenous people in relation to settlers.[42]

A different form of potentially transregional analysis is suggested by scholarship on the history of the British Empire that asks about the role of families and of family networks in a variety of contexts. Rich studies include Catherine Hall's seminal studies of Zachary and Thomas Macaulay and of the family legacies of slavery; Margot Finn's scholarship on family politics in early modern South Asia; Emily Manktelow's analysis of mission families in southern Africa; Elizabeth Buettner's work on the families of the late imperial Raj; or Laura Ishiguro's writing on family letters in British Columbia.[43] David Livesay argues convincingly for an expansive conception of the 'Atlantic family' that includes the mixed-race children of enslaved people and slave-owners, even as he demonstrates the cultural fluidity of conceptions of family.[44] The work of David Hancock and others has long shown the importance of kin to merchant networks, demonstrating the centrality of family to long-distance economic relationships.[45] The Quaker banking families to whom the Buxtons, my last family, were connected were linked by the trust relationships that came both from family ties and from shared religious practice and belief; this enabled them to participate in transnational banking and commerce, but it also created personal kinship ties that in turn helped the families work together on political causes such as abolition and prison reform. Family sociability in the British context was also a way to forge economic links and to grease a variety of transactions, from political activism to international banking.[46] All the families that I study used, or tried to use, family ties to economic advantage in an imperial context.

[42] Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

[43] Laura Ishiguro, *Nothing to Write Home About: British Family Correspondence and the Settler Colonial Everyday in British Columbia* (Vancouver, BC: UBC Press, 2019); Emily Manktelow, *Missionary Families: Race, Gender and Generation on the Spiritual Frontier* (Manchester: Manchester University Press, 2015); Catherine Hall, *Macaulay and Son: Architects of Imperial Britain* (New Haven, CT: Yale University Press, 2012); Margot Finn, "Family Formations: Anglo India and the Familial Proto-State", in David Feldman and Jon Lawrence, (eds), *Structures and Transformations in Modern British History: Essays for Gareth Stedman Jones* (Cambridge University Press, 2011), 100–117; Elizabeth Buettner, *Empire Families: Britain and late imperial India* (Oxford: Oxford University Press, 2004).

[44] David Livesay, *Children of Uncertain Fortune: Mixed-Race Jamaicans in Britain and the Atlantic Family, 1733–1833* (Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 2018).

[45] David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735–1785* (Cambridge: Cambridge University Press, 1995).

[46] See also Catherine Hall and Leonore Davidoff, *Family Fortunes: Men and Women of the English Middle Class, 1780–1850* (London and New York: Routledge, revised edition 2002; first published 1987).

Another way in which family worked in empire during this period was through the political and economic uses of sexual relationships between colonizers and colonized, usually between settler men and Indigenous women. Adele Perry's illuminating study of the Douglas-Connolly family in British Columbia, which explores the mixed white, Black and Indigenous ancestry of the family of the first governor of British Columbia, suggests among other things that multiracial families might find a common identity in imperial service.[47] At a less elite level, cross-cultural sexual partnerships were economically crucial in periods of resource extraction before the development of full-fledged white settlement; a prime example is the North American fur trade.[48] Family ties between white men and South Asian women were also important to the functioning of the East India Company.[49] Bearing this in mind, the relationship between Molly Brant and William Johnson that Chapter 1 discusses needs to be placed in the context of wider local and imperial patterns, including the anxiety interracial sexuality increasingly provoked further into the nineteenth century.[50] In thinking about such relationships, it is crucial to acknowledge the role of sexual exploitation in a context of racial and gender inequality as well as the vulnerability of Indigenous women to the politics of gender and generation within their own natal societies.[51] There was an enormous range in such partnerships, while at the same time casual sexual violence was also endemic on colonial frontiers, and competition over women was often a trigger for conflict between men.

The fact that such sexual partnerships were not always acknowledged in the communities of one or both of the partners does raise the question of what counts as 'family'. In what sense was a sexual relationship in an imperial context about family (particularly when outside the bounds of 'marriage'), rather than straightforward sexual exploitation? There is no clear answer to this question,

[47] Adele Perry, *Colonial Relations: The Douglas-Connolly Family and the Nineteenth-Century Colonial World* (Cambridge: Cambridge University Press, 2015).

[48] Susan Sleeper Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001); Sylvia Van Kirk, *Many Tender Ties: Women in Fur Trade Society, 1670–1870* (Norman, OK: University of Oklahoma Press, 1980); Kathleen M. Brown, "Gender Frontiers and Early Encounters", in Ellen Hartigan-O'Connor and Lisa G. Materson (eds), *The Oxford Handbook of American Women's and Gender History* (Oxford: Oxford University Press, 2018).

[49] Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006).

[50] Ann Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Los Angeles: University of California Press, 2002).

[51] For an overview of issues in concubinage relationships, Philippa Levine, "Sexuality, Gender and Empire", in Philippa Levine (ed.), *Gender and Empire* (Oxford: Oxford University Press, 2004), 135–154. See also my "Introduction: Key Themes and Perspectives", in Gywn Campbell and Elizabeth Elbourne (eds), *Sex, Power and Slavery* (Athens: Ohio University Press, 2014), 1–39.

which underscores the contextual nature of how 'family' might be understood. I use the term relatively loosely to describe a socially recognized kinship formation, without being precise about what this entailed. I also move between 'family' and 'kinship' as organizing concepts in recognition of the culturally determined nature of what diverse societies consider 'family' to be. In this sense, a publicly recognized sexual partnership might be seen as a family relationship, whereas an entirely covert sexual relationship arguably might not be. Things are not, however, simple. In general, shifts in British attitudes towards sexual relationships between colonizers and colonized surely reflected changing conceptions of what counted as family. In the context of the British Empire, attitudes changed significantly over the period analysed in this book, from the late eighteenth to early nineteenth centuries. Changes were also linked to the declining capacity of Indigenous societies to impose their own understandings of the politics of kinship and to shifting patterns of resource extraction. This form of family formation would be deployed by Molly Brant, largely ignored by Saxe Bannister and conceptualized as exploitative by the women of the Buxton family.

One of the reasons that family mattered as a vector of political power between the late eighteenth and early nineteenth centuries was that family networks, broadly defined, enabled people to communicate and act across imperial spaces. Distance might be shrunk by letters, news and personal visits, by small or large financial transactions, by relationships of trust or exchanges of gossip. Studying imperial families therefore opens the door to what some scholars have termed 'connected history', or *histoire croisée*.[52] Such an approach enables comparison between events in different spaces, but does so through showing entanglement across space. I am interested in families in part because the intimate scale of the family spanned the vast space of interconnected colonies. Families are therefore an important way to study empire as a networked space, linked by personal as well as by institutional networks, but also characterized by profound, racialized ignorance.

This approach is in line with work in imperial and global history that seeks to make sense of how imperialism and globalization tied together space without reducing individual complexity to artificial abstractions and bloodless arguments about structure.[53] Important work over the past two decades has focused on networks and the ways in which networks brought diverse colonies into conversation with one another. This is a hallmark of what has been called the 'new imperial history' (although of course 'new' does tend over time

[52] Michael Werner and Bénédicte Zimmermann, "Beyond Comparison: *Histoire* Croisée and the Challenge of Reflexivity", *History and Theory*, 45 (February 2006), 30–50.

[53] Simon Potter and Jonathan Saha, "Global History, Imperial History and Connected Histories of Empire", *Journal of Colonialism and Colonial History*, 16(1), Spring 2015, doi:10.1353/cch.2015.0009.

to become older). Such analysis tries to escape from an approach that focuses on the dichotomous relationship between colony and metropole in order to see more complex relationships between diverse 'nodes' and 'circuits' in imperial networks, to borrow terms deployed by Alan Lester.[54] The approach opens the door to fruitful comparisons between settler colonies, rather than solely in relationship to London.[55]

The enormous problem of the limitation of archival sources in regard to colonial history is evident in the analysis of networks. The risk of a networked approach focused on the movement of people (perhaps more than in the case of the movement of goods) is that it is easiest to study the white elites who left the most visible archival traces.[56] The concept of a Black Atlantic and a focus on Black mobility throughout the early modern Atlantic World has long stood as a counterexample to the predominance of white subjects in studies of imperial networks.[57] Is it possible similarly to analyse Indigenous networks, even if Indigenous people were less mobile across the seas linking imperial spaces than enslaved people? Is it possible to write a networked Indigenous history for the eighteenth and nineteenth centuries that might, for example, consider the ways in which Indigenous people attempted to forge links between colonized peoples in different societies, or came to think of themselves as potentially holding things in common, even before the more evident global networks of the mid-twentieth century and beyond?[58] One approach has been to study Indigenous people who *were* mobile, as Coll Thrush does in his illuminating history

[54] For example, Alan Lester, "Imperial Circuits and Networks: Geographies of the British Empire", *History Compass*, 4(1), January 2006, 124–141; Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain* (New York and London: Routledge, 2005); Tony Ballantyne, *Between Colonialism and Diaspora: Sikh Cultural Formations in an Imperial World* (Durham, NC: Duke University Press, 2006); Tony Ballantyne, *Entanglements of Empire: Missionaries, Maori, and the Question of the Body* (Durham, NC: Duke University Press, 2014); Zoe Laidlaw, *Colonial Connections 1815–1845: Patronage, the Information Revolution and Colonial Government* (*Manchester*: Manchester University Press, 2006).

[55] For example, Penelope Edmonds, *Urbanizing Frontiers: Indigenous People and Settlers in 19th-Century Pacific Rim Cities* (Vancouver, BC: UBC Press, 2010); Kenton Storey, *Settler Anxiety at the Outposts of Empire: Colonial Relations, Humanitarian Discourses, and the Imperial Press* (Vancouver, BC: UBC Press, 2016).

[56] This is evident, for example, in the wealth of information in Alan Lester and David Lambert (eds), *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2006).

[57] Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge, MA: Harvard University Press, 1992).

[58] For my own early (and speculative) stab at these questions, Elizabeth Elbourne, "Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: The Politics of Knowledge", in Philip Buckner and R. Douglas Francis (eds), *Rediscovering the British World* (Calgary: University of Calgary Press, 2005).

of Indigenous peoples in Britain.[59] More generally, a number of scholars have begun to explore the history of Indigenous networks within and beyond empire, as exemplified in the 2014 collection edited by Jane Carey and Jane Lydon, *Indigenous Networks: Mobility, Connections and Exchange*. Indeed, Carey and Lydon critique British Empire scholarship on imperial networks for, in their view, paying insufficient attention to Indigenous perspectives.[60] In the meantime, in their 2015 edited collection *Indigenous Communities and Settler Societies*, Alan Lester and Zoe Laidlaw ask how to think about Indigenous communities as simultaneously global *and* local, or indeed as translocal, as they point to the 'analytical difficulty of encompassing the global scale of Indigenous dispossession and resilience in the face of the Anglo-world's settler invasion, while simultaneously comprehending the local particularities of these processes in individual Indigenous communities'.[61] Family histories can scarcely solve all these problems, but they can remind us of entanglements that were often purposely forgotten. They can also at times help us trace more intimate networks between diverse colonized people, as well as between settlers and Indigenous peoples. They can capture how families moved through imperial spaces.[62] They can help us think about how Indigenous people were global as well as local.

In all this, it is important to remember, as Simon Potter among others has argued, that networks were not frictionless. Rather, they were imperfect vectors of transmission, deeply shaped by power relationships.[63] Networks need to be interrogated for what they impeded as well as what they enabled, and they need to be understood as part of a larger analysis of power. This parallels ways in which family networks could be dysfunctional and unequal, complicated by unequal access to power and the complexities and fallibilities of human relationships. If families tied the empire together, they did so in a very uneven manner, shaped not only by the deeply unequal access of particular families to power, but also by the vagaries of individual experience. Their power was affected by shifts in the politics of kinship at particular times and

[59] Coll Thrush, *Indigenous London: Native Travellers at the Heart of Empire* (New Haven, CT: Yale University Press, 2016).

[60] Jane Carey and Jane Lydon, "Indigenous Networks: Historical Trajectories", in Jane Carey and Jane Lydon (eds), *Indigenous Networks: Mobility, Connections and Exchange* (New York and London: Routledge, 2014), 1–26.

[61] Alan Lester and Zoe Laidlaw, "Indigenous Sites and Mobilities: Connected Struggles in the Long Nineteenth Century", in Lester and Laidlaw (eds), *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World* (London and New York: Palgrave Macmillan, 2015), 6.

[62] Compare Livesay, *Children of Uncertain Fortune*; Perry, *Colonial Relations*.

[63] For example, the collection of international news in the late nineteenth century was controlled by powerful syndicates and certainly did not flow freely. Simon Potter, "Webs, Networks, and Systems: Globalization and the Mass Media in the Nineteenth- and Twentieth-Century British Empire", *The Journal of British Studies*, 46(3), 2007, 621–646.

places, especially, as I suggested earlier, in the teeth of ideas about supposedly modernizing economies and the growth of democracy.

Beyond scholarship on the empire-wide themes studied and methodologies employed in this book, I also draw on a number of significant works in the complicated histories of the particular places to which my subjects travelled. My great indebtedness to other historians of these places will become apparent throughout the book. Here I want to underscore the extent to which these remain living histories, as settler societies struggle with reconciliation and other responses to difficult pasts.[64] I also want to stress that there is considerable variation in both the popular historical memory and the scholarly historiography of the diverse frontier areas that I discuss. It perhaps goes without saying that despite the continuities of experience imposed by colonialism, Indigenous peoples in each colony were diverse, as were circumstances of demography and environment. This warns against too readily flattening differences, whatever the global ambition of this project.[65]

It is instructive to compare the politics of memory in Australia and South Africa. Australia has been wracked by debate, the so-called history wars, over the extent of violence towards Indigenous people and appropriate reparations. Even if it took an extensive public debate, the violence of conquest has been reaffirmed in the wake of high-profile controversy in the early years of the twenty-first century sparked by Keith Windschuttle's claim that 'black armband' historians had dramatically inflated the number of deaths in frontier conflict for political ends.[66] Even here, however, the full extent of violence has been disputed and frequently understated. Lyndall Ryan has published initial results from her team's attempt to count and to map massacres of Indigenous people on the Australian continent. Even the minimal counts, using a protocol that requires stringent documentation, make it clear that massacre was the ready companion of settlement in Australia, a context in which the British state had made no agreements with the many Indigenous peoples and there were multiple fresh frontiers throughout the nineteenth century. Australian scholarship is certainly not exclusively concerned with violence, but the theme does permeate much historical writing and public discourse.

In South Africa, the genocide of San peoples was followed by two hundred years of further horrors, while Khoekhoe- and San-descended people were for

[64] Penelope Edmonds, *Settler Colonialism and (Re)conciliation: Frontier Violence, Affective Performances, and Imaginative Refoundings* (London: Palgrave Macmillan, 2016).

[65] Annie E. Coombes, "Memory and History in Settler Colonialism", in Coombes (ed.), *Rethinking Settler Colonialism: History and Memory in Australia, Canada, Aotearoa New Zealand and South Africa* (Manchester and New York: Manchester University Press, 2006), 1–4.

[66] Keith Windschuttle, *The Fabrication of Aboriginal History*, vol. 1, *Van Diemen's Land, 1803–1847* (Macleay Press, 2002) ; Manne (ed.), *Whitewash.*

a long time seen as 'coloured' people under apartheid (supposedly more privileged than 'Africans') rather than as Indigenous people. So far, land reparations have been for post-1913 dispossession, excluding the earlier colonization of the Khoekhoe and San. What does it mean to be Indigenous in Africa and who falls within that category? To be Indigenous on the global stage has given more power to the marginalized San of Botswana, for example; the claim has also excited controversy. South Africans have no difficulty believing in the violence perpetrated against the San, but neither the majority government now nor the apartheid government of the past has emphasized the subject. The situation is completely different again in New Zealand, with its substantial Maori population, where the events of this period are used to inform the decisions of the Waitangi Tribunal.

The past, in other words, continues to haunt the present, just as, of course, the present haunts our reading of the past, but in shifting and contingent ways. This book discusses a historical period when settler colonial states were entrenched, in a manner that made them seem part of an inevitable historical process to many observers by the end of the period, in a way in which they were not at the start. We continue to live with the aftermath of these assumptions, and these experiences.

PART I

North America

1

Before the Revolution

Belonging and Un-Belonging in British-Haudenosaunee Borderlands

Eighteenth-century British relationships with Indigenous peoples in north-eastern North America were shaped by Indigenous modes of incorporating outsiders to a greater extent than would be the case in the British settler colonies in the early nineteenth century. Even between the sweeping British victories of the Seven Years' War from 1756 to 1763 and the disasters (from a British point of view) of the American Revolution, North American Indigenous peoples still controlled significant territory, were needed as military allies against potential French attacks and were key to the fur trade. Indigenous groups also sought imperial alliances for their own military ends. Despite the prevalence of violent conflict, mutual need created some possibility for the Haudenosaunee, on whom this chapter focuses, to use their own techniques to manage outsiders. Such techniques included kinship strategies, such as creating webs of mutual obligation through kinship ties and using the language of kinship to shape diplomacy. Given the importance of controlling people as a route to power, Indigenous groups also tried to use kinship strategies to build up depleted populations through practices such as the assimilation of refugees and the adoption of captives, including Europeans.

To begin a comparative study in north-eastern North America on the verge of the American Revolution is therefore illuminating. The greater autonomy, however constrained, of Indigenous peoples at this time, compared to many groups in other settler colonies or at later time periods, renders Indigenous strategies for trying to manage settlers relatively more visible. At the same time, land speculation and the restless settler quest for land continued to drive violent conflict throughout the region. The warfare of the American Revolution marked a turning point that tipped the balance of power irrevocably to settlers. A case study of north-eastern North America is therefore also a reminder of the violence of frontier zones and the ways in which they called into being new forms of political power. In this context, I want to argue, many people tried to use family biopower in order to protect themselves as well as to build power. I will suggest throughout this book that white settler states would seek to exert different forms of power, more explicitly marked by white supremacy; the road to exerting these alternate modes of power lay through denying other modes of interaction.

We begin in the Mohawk Valley, home to the Kanyen'kehà:ka siblings Joseph (Thayendanegea) and Molly Brant (Konwatsi'tsiaiénni) and to Molly Brant's partner Sir William Johnson. The Irish-born Johnson was appointed Superintendent of the Northern Department of the newly created Indian Department of the British army in 1756, in the light of his existing relationships and past military and political work with the Six Nations, including the Mohawk; he was responsible for negotiations with Indigenous peoples north of the Ohio River. Johnson was one of the richest men in New York, in part because of his preferential access to Indigenous lands. Molly Brant was an influential clan mother who became an important loyalist during the Revolution. Her brother Joseph initially worked for the Indian Department as a translator. He later became an important regional power broker and intermediary, including representing the Mohawk in Britain in 1776. During the Revolution he fought for the British. He afterwards helped negotiate the exile of many of the Six Nations to new Grand River lands in Upper Canada in the 1780s and remained an important political figure.

In the Mohawk Valley, a number of different ideas about kinship and belonging rubbed up against one another. The region, I argue, shared important features with other imperial frontier zones by the 1770s. Settler colonialism consistently generated such contested spaces, marked by conflicts over authority, as well as by cultural and sexual exchange and by violence. Family biopower was all the more important in such environments of unclear and contested central authority. William Johnson exemplifies the kind of local 'big man' who flourished in such a context and drew people to him through his capacity to provide protection. I further argue in this chapter that one of the consequences of kinship modes of Indigenous interactions with empire and settlers is that eighteenth-century treaties would bear into the twenty-first century the marks of a model based on relationality and the diplomacy of kinship, despite the fact that settler states came to espouse very different models.

This chapter takes as its point of departure the well-known relationship between Konwatsi'tsiaiénni/Molly Brant and Sir William Johnson. It places this relationship into a borderlands context and explores ways in which it might reflect the Haudenosaunee quest to manage outsiders in a difficult environment, including deploying actual and fictive kinship. At the same time, I argue that the Indian Department in turn tried to 'manage' Indigenous peoples (and sometimes settlers) in part also through family power, such as that built up by William Johnson as a frontier entrepreneur and by Molly Brant's brother, Joseph. The international prominence of Johnson and of the Brants, and the important roles played by the latter two during the American Revolution and in the later migration of part of the Six Nations to Upper Canada, mean that all three have been well studied by academics and have been subjects of historical memory and considerable myth-making. Rather than retelling their biographies, I want to ask: if the Brants are usually read as Indigenous actors (for better or worse), and Johnson as an archetypal British imperialist,

what difference does it make to this very complicated history to think about family power across ethnic divides?

Land and Belonging

By the 1770s, the Mohawk Valley, where Kanyen'kehà:ka and New York lands overlapped and where Joseph and Molly Brant and William Johnson lived, might be described as a frontier zone of empire. 'Frontier' has long been a controversial term in American scholarship. Scholars have been concerned not to present the frontier as a crucible of Euro-American character (against prior mythologization) or as a site of inexorable advance.[1] For some, the concept of imperial 'borderlands', described by Stephen Aron and Jeremy Adelman as a contested space between empires or between an empire and Indigenous territory, better conveys complexities of power.[2] Mary Louise Pratt describes 'contact zones', which she defines as 'social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery, or their aftermaths as they are lived out in many parts of the world today'.[3] Although clearly not all contact zones were imperial frontiers, the concept helpfully captures the sense of a space of interaction between clashing cultures in a context of radically unequal power. South African historians have talked rather of 'frontier *zones*', sometimes characterized by ethnogenesis. Hermann Giliomee helpfully distinguishes, for example, between 'open' and 'closing' frontier zones between white colonies and areas of African dominance.[4] Whether best described as an imperial borderland or as a frontier zone, it matters that these were regions in which authority was contested between more than one group. Such zones were characterized by struggles for political power and were frequently marked by linguistic, material and sexual exchange, as well as by violence and conflict. Another key element was the creation of new communities and cultures. Typical also was the activity of traders, who often criss-crossed a region before the torrent of white settlement and who frequently brought alcohol and guns.

South African analyses of frontier zones have long stressed the possibility – indeed likelihood – of cultural interaction coexisting with violence and unequal

[1] Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton, 1987).

[2] Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History", *American Historical Review*, 104(3), June 1999, 814–841.

[3] Mary Louise Pratt, "Arts of the Contact Zone", *Profession*, 1991, 34. See also Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (New York and London: Routledge, 1992).

[4] Hermann Giliomee, "The Eastern Frontier, 1770–1812", in Richard Elphick and Hermann Giliomee (eds), *The Shaping of South African Society, 1652–1840* (Middletown, CT: Wesleyan University Press, rev. ed., 1989), 421–470.

power struggles that some of the literature about the American north-east, more focused on the benefits of economic interaction, risks downplaying.[5] The case studies in this book suggest that violence and the threat of violence were constant norms. Colonialism typically generated areas of crisis and breakdown, as imperial power disrupted neighbouring societies, particularly those that were not protected by being legible as states. A further term that might be useful is therefore that of a 'shatter zone', deployed among others by historians of the 'Mississipian shatter zone' Robbie Ethridge and Sheri Marie Shuck-Hall, with all that this conveys about how violence remade societies.[6] A shatter zone is a space, often very large, of social breakdown, often in a region caught between competing political powers. Many such shatter zones existed throughout the British imperial world.

Another spatial description deployed by historians to describe a zone of interaction, in this case with a more equal balance of power, has been that of a 'middle ground'. Richard White famously argued that the Great Lakes region of North America, in which whites and Indigenous people interacted regularly and developed shared practices, even if these were often based on creative misunderstandings, was such a space. The idea of a middle ground has proved very fertile, even as scholars have hotly debated the applicability of the concept beyond the Great Lakes, as well as the limits to coexistence.[7] The line between middle grounds and shatter zones might be hazier than some scholarly models suggest: power balances could indeed fluctuate, but power might also slip out of

[5] Martin Legassick, "The Frontier Tradition in South African Historiography", in Shula Marks and Stanley Trapido (eds), *Economy and Society in Pre-Industrial South Africa* (London: Longman, 1980), 44–79; Giliomee, "The Eastern Frontier".

[6] Robbie Ethridge, "Introduction: Mapping the Mississippian Shatter Zone", in Robbie Franklin Etheridge and Sheri Marie Shuck-Hall (eds), *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (Lincoln: University of Nebraska Press, 2009), 2. The concept of a shatter zone has been deployed across disciplines and areas, with somewhat different ramifications. Compare Omer Bartov and Eric D. Weitz (eds), *Shatterzone of Empires: Coexistence and Violence in the German, Habsburg, Russian, and Ottoman Borderlands* (Bloomington, IN: Indiana University Press, 2013). My thanks to Ahmad Malik for this reference and for discussion. See also Ben Raffield, "Broken Worlds: Towards an Archaeology of the Shatter Zone", *Journal of Archaeological Method and Theory*, 2021, 28, 871–910.

[7] Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge: Cambridge University Press, 2010; first published 1991); Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006); Philip Deloria, "What is the Middle Ground Anyway?"; Heidi Bohaker, "'Nindoodemag': The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600-1701"; Brett Rushforth, "Slavery, the Fox Wars, and the Limits of Alliance", and Catherine Desbarats, "Following 'The Middle Ground'", *William and Mary Quarterly,* 63(1), January 2006, 15–22, 23–52, 53–80, 81–96; Robert Engelbert and Guillaume Teasdale, "Introduction", in Robert Engelbert and Guillaume Teasdale (eds), *French and Indians in the Heart of North America, 1630–1815* (East Lansing: Michigan State University Press and Winnipeg: University of Manitoba Press, 2013), xvi–xix.

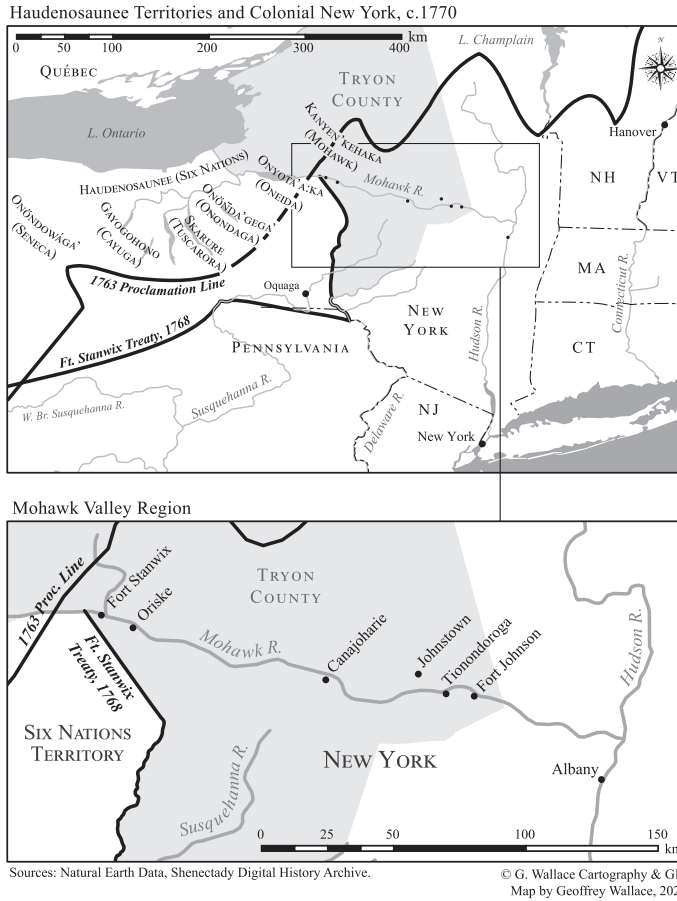
Indigenous hands quite rapidly, as happened during the American Revolution. What these and the other previously mentioned concepts have in common, however, is the idea of lives and cultures being remade in the contested spaces generated by imperial expansion and by the spread of transnational capitalism. To some degree, violence, cultural exchange, sexual interaction across the lines of 'race', power struggles and the emergence of new mixed societies were constants across these spaces in very diverse parts of the world. In such contexts, family power might also be a way to innovate and to navigate changing worlds.

By the 1770s, the Mohawk Valley was becoming such a region, caught between white and Haudenosaunee settlement. The Mohawk Valley itself was more stable than many other regions, but white settlers were making rapacious demands on core Mohawk territory, game was disappearing and regions to which the Valley had close ties were in crisis. Most importantly, there was brutal conflict in the much larger Ohio Valley region, over which the Haudenosaunee still claimed authority. Substantial treaty concessions had failed to stem settler expansion and violence in Ohio Valley lands near Ohio, Pennsylvania, Virginia and Maryland. There was also conflict among whites in the Mohawk Valley, as land-hungry and resentful settlers threatened the hegemony of the Johnson family.

The Mohawk Valley had a mix of white and Haudenosaunee people. Throughout the eighteenth century, white settlers had moved onto Kanyen'kehà:ka territory, on the eastern edges of Iroquoian lands. Further to the west lay the territories of the Oneida, Onondaga, Cayuga, Seneca and Tuscarora, each a member of the Six Nations Confederacy with its own language, hunting grounds and core settlements (see Map 1.1). The nearest substantial white town, Albany, was some 50 miles away from Canajoharie, one of the two main Mohawk settlements. In the valley itself, there was a small and ethnically diverse white population that included descendants of the Dutch who had founded New Amsterdam and of German-speaking Palatine refugees settled by Britain in the early eighteenth century, as well as more recent Irish, Scottish and English migrants.[8] Local historian William Campbell recorded in 1831 that on the outbreak of the Revolution the population of Tryon County (an administrative district created in 1772, today Montgomery County) was 'but a few thousand'.[9] In general, European migration to the northern part of the

[8] Scott Stull, Michael Rogers and Kevin Hurley, "Colonial Houses and Colonial Identity in New York State's Mohawk River Valley", *Archaeological Discovery*, 2, 2014, 13–25; Thomas E. Burke, *Mohawk Frontier: The Dutch Community of Schenectady, New York, 1661–1710* (Ithaca, NY: Cornell University Press, 1991); David L. Preston, *Texture of Contact: European and Indian Settler Communities on the Frontiers of Iroquoia, 1667–1783* (Lincoln: University of Nebraska Press, 2009), 71–85.

[9] William W. Campbell, *Annals of Tryon County; or, the Border Warfare of New York during the Revolution* (London: J. & J. Harper, 1831), 27.



Map 1.1 Six Nations territory and colonial New York, on the verge of the Revolution

Province of New York remained relatively slow and rural, restrained by the greater difficulty of obtaining freehold land than in colonies such as Pennsylvania, the hegemony of a few large landholding families and possibly by settler anxiety over living close to the Haudenosaunee.[10]

In the seventeenth century, Haudenosaunee warriors had destroyed fur-trading rivals in a devastating series of wars, the so-called Beaver Wars, and

[10] Preston, *Texture of Contact*, 66–70; Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760–1790* (Baltimore, MD and London: Johns Hopkins University Press, 1981), 15; Mary Lou Lustig, *Privilege and Prerogative: New York's Provincial Elite, 1710–1776* (Madison, NJ: Fairleigh Dickinson University Press, 1995).

incorporated many of the survivors.[11] In the 1760s, the Six Nations still controlled subordinate allies beyond their own heartlands and acted as regional hegemons. They also had kin in former French territory, including Mohawk who had migrated from New York to New France in the seventeenth century. According to Daniel Claus, Johnson's son-in-law and a key Indian Department official, in 1755 at the Battle of Lake George between the British and the French, when the Six Nations allies of the British unexpectedly fought their own kin, Hendrik, the leader of the Six Nations force, told his counterparts that his people were 'the six confederate Ind[ia]n Nations the Heads & Superiors of all Ind[ia]n nations of the Continent of America'. The Indigenous allies of the French replied that they were the '7 confederate Ind[ia]n Nations of Canada'.[12]

In the aftermath of the Seven Years' War, during which the British conquered New France, a pan-Indigenous uprising, sometimes termed Pontiac's War, had engulfed much of the Great Lakes region, Illinois Country and Ohio Country. The uprising was fuelled in part by the fear that the British curtailment of gift giving and contemptuous treatment of French-allied Indigenous peoples as conquered subjects was the prelude to taking their land.[13] Many of the Six Nations had, however, remained allied with the British, with significant exceptions, including many Seneca. The British 'won' Pontiac's War, but the war also revealed the fragility of their regional control and underscored the importance of alliance. As the British struggled to rectify mistakes, the 1763 Proclamation Act and the follow-up negotiations with Indigenous polities that Jon Burrows has argued should be seen as the 1764 'Treaty of Niagara' secured a settlement on the basis of nation-to-nation negotiation, with recognition of Indigenous sovereignty. The Proclamation Act created a supposedly firm boundary line between colonial and First Nations territory, drawn along the Appalachian Mountains. William Johnson played a crucial role in negotiating these settlements.[14]

[11] Daniel K. Richter, *The Ordeal of the Longhouse: The People of the Iroquois League in the Era of European Colonization* (Chapel Hill: University of North Carolina Press, 1992); Eric Hinderaker, *The Two Hendricks: Unravelling a Mohawk Mystery* (Boston, MA: Harvard University Press, 2011), 16–20.

[12] Daniel Claus, *Daniel Claus' Narrative of His Relations with Sir William Johnson and Experiences in the Lake George Fight* (Printed for the Society of Colonial Wars in the State of New York, 1904), 13.

[13] Gregory Evans Dowd, *War under Heaven: Pontiac, the Indian Nations and the British Empire* (Baltimore, MD: Johns Hopkins University Press, 1992); Alan Taylor, *The Divided Ground: Indians, Settlers and the Northern Borderland of the American Revolution* (New York: Vintage Books, 2007), 32, 40–41.

[14] Jon Burrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History and Self-Government", in Michael Asch (ed.), *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference* (Vancouver: University of British Columbia Press, 1997), 155–172; William Johnson to the Lords of Trade, Johnson Hall, 13 November 1763, in E.B. O'Callaghan (ed.), *Documents Relative to the Colonial History of the State of New York* (Albany, NY: Weed, Parsons and Company, 1856), vol. 7, 572–581 (henceforward *DRCHSNY*).

However symbolically important the Proclamation Line was in settler complaints about imperial constraints on their supposedly natural expansion, eventually enshrined in the Declaration of Independence, the boundary was hard to enforce. Although the Line did block full-fledged land speculation and land sales, settlers continued to move across it illegally. Indigenous delegations to Sir William Johnson's seat at Johnson Hall in the Mohawk Valley told of murder and invasion in the Ohio Valley. On 17 April 1766, for example, Johnson wrote in frustration to British commander Thomas Gage that murders of 'Indians' were regularly committed by 'the ill timed resentment of ye Country People, who think they do good service when they Knock an Ind[ia]n in the Head, and I am well informed they intend to do so with all they meet in small partys, I need not enlarge upon ye danger in which these Ignorant People may involve their fellow Subjects'. In the same letter, Johnson complained that Indians were giving the British trouble about lands, 'as they are become better acquainted with their Value, & the manner in which we have so often availed ourselves of their Ignorance'.[15] On 4 July, Johnson informed Gage that on the subject of murders and of 'the People settling', the Indians were 'very clamorous'. He was, he wrote, 'now daily perplexed with their complaints from all Quarters'. He was conscious of his weakness, based on his incapacity to control the actions of his compatriots. Troops might be the only option, despite the anger that they occasioned; 'the turbulency of the People may at last render them the only resort'. However, Johnson felt he had to look to Britain: '[t]his Anarchy is likely to continue 'till the policy of the Americans Whites & Indians are thoroughly known at Court'.[16] In 1768, as violence accelerated, the Oneida chief Conoghquiesor proclaimed at a council between Johnson, the Cherokee and the Six Nations,

> Brother, We and our dependents have been for some time like Giddy People not knowing what to do, wherever we turned about we saw our Blood, and when our Young men wanted to go a hunting the Wild Beasts in our Country they found it covered in fences, so that they were weary crossing them, neither can they get Venison to Eat, or Bark to make huts for the Beasts are run away and the Trees cut down.[17]

British imperial administrators were, whatever their projections of strength, either acquiescent or relatively weak in the face of settler 'turbulence'. Johnson's power ultimately derived from a distant imperial administration in London, but

[15] William Johnson to Thomas Gage, Johnson Hall, 17 April 1766, in Milton W. Hamilton and Albert B. Corey (eds), *The Papers of Sir William Johnson* (henceforward *SWP*) (Albany, NY: The University of the State of New York, 1921–65), 14 vols, vol. 12, 73–76.

[16] William Johnson to Thomas Gage, Johnson Hall, 4 July 1766, *SWP*, vol. 12, 130.

[17] "Proceedings of a General Congress of the Six Nations &ca The Chiefs of Coghnawagey and of the Seven Confederate Nations of Canada and the Deputies sent from the Cherokee Nation to treat of Peace with the former before Sir William Johnson Baronet at Johnson Hall in March 1768", in *DRCHSNY*, vol. 8, 40.

he was aware that the empire risked losing power through exerting it. William J. Campbell argues that the relative incapacity of either the Haudenosaunee or the British administration to control the 'back country' informed what happened next: the 1768 Treaty of Stanwix, in which Haudenosaunee negotiators sold much of the land of their dependent allies, previously on the other side of the Proclamation Line.[18] This treaty, controversial to this day, also left the two major Kanyen'kehà:ka settlements, Canajoharie and Tiononderoga, and the Oneida settlement of Oriske technically on the New York side of the frontier although still belonging to the Haudenosaunee.[19] In the Valley, then, the leading edge of the British empire was moving north in the 1760s and 1770s, like a wave lapping into, around and eventually through the easternmost lands of the Six Nations confederacy. The Haudenosaunee never surrendered sovereignty, however, and, crucially, would bring that sovereignty to Upper Canada after the war.

Settlers continued to encroach on Indigenous lands even after the substantial additional concessions of this treaty.[20] Some murdered Indigenous peoples with impunity. 'We are sorry to observe to you that your People are as ungovernable or Rather more so than ours', Seneca chief Serihowane declaimed in a speech at a conference with William Johnson at Johnson Hall in 1774, discussing the situation in the Ohio Valley. 'It seems, Brother, that your People entirely disregard and despise the settlement agreed upon by their Superiors and us.'[21] Even as this conference took place, the Shawnees and other Indigenous peoples were moving to war with Virginia, in what became known as Lord Dunmore's War.

Like other zones 'in-between', the Mohawk Valley was characterized by cultural exchange across ethnic lines, hard-to-control traders, political struggle, contested authority and violence. Although frontier expansion in the American north-east was not an inexorable, one-dimensional process, and Indigenous nations across America still occupied large amounts of territory and exerted significant power on the eve of the Revolution, Indigenous power was being significantly challenged.[22] Kanyen'kehà:ka population numbers in

[18] William J. Campbell, *Speculators in Empire: Iroquoia and the 1768 Treaty of Fort Stanwix* (Norman: University of Oklahoma Press, 2012).

[19] Colin Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (Oxford: Oxford University Press, 2013), 49–95.

[20] Taylor, *Divided Ground,* 42–45; Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017); Gail MacLeitch, *Imperial Entanglements: Iroquois Change and Persistence on the Frontiers of Empire* (Philadelphia: University of Pennsylvania Press, 2011), 93–96.

[21] "Proceedings at a Congress with All the Chiefs, and Warriors of the Six Nations at Johnson Hall in June and July 1774", *DRCHSNY*, vol. 8, 476.

[22] Recent work emphasizing Indigenous power includes Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012); Edward Countryman, "Towards a Different Iroquois History", *The William and Mary Quarterly*, 69(2), April 2012, 347–360; MacLeitch, *Imperial Entanglements*; Preston, *Texture of Contact*.

the New York region had declined over the course of the seventeenth century in the face of warfare, the ravages of epidemic disease and the large-scale migration of Catholic Mohawk to New France.[23] James Paxton estimates that the Mohawk Valley Kanyen'kehà:ka numbered about 7,000 in 1630, but that numbers collapsed to around 600 in 1700, remaining at that level for much of the century.[24] More optimistically, David Preston argues that the Six Nations nonetheless 'possessed enduring prestige during the eighteenth century' and observes, following Jon Parmenter, that taken as a whole the numbers of the Confederacy had recovered to over 7,000 by the 1770s.[25] The Mohawk still had territory for hunting, both for food and for pelts for the fur trade in this period, but animals were declining and Albany settlers fought for core lands. Daniel Claus observed in 1772 that the Mohawk were being pushed into adopting agriculture and a more sedentary lifestyle because the game on which their economy depended was being destroyed: 'they become every day more civilized being in a manner obliged to follow Agriculture as being surrounded by white people & their hunting grounds chiefly taken up & void of Game'.[26]

'The Indians are prodigiously reduced', wrote Sir William Johnson's brother Warren Johnson as early as 1760, in a journal he kept during a long visit to North America. 'Mohawk Castles, [that] when Sir Will[ia]m came to America [in 1738] had 1400 Men now not 300.' Warren Johnson indeed believed that the British had 'corrupted' the Mohawk and, he implied, had worsened their high death rate through the alcohol that lubricated trade, treaties and land sales: 'they were moderate untill we corrupted them, & now love Rum Excessively'.[27] This was of course a stereotype, with highly problematic assumptions. Nonetheless, it hints at crisis. The prevalence of violence is underscored by the grim note made by Warren Johnson in his journal that 'Some People' in Philadelphia had 'an Indian's skin for a tobacco pouch'.[28]

Despite tensions, cultural exchange and some degree of mutual accommodation characterized settler–Indigenous relations in the Mohawk Valley. Indeed, Paxton argues that Joseph Brant did not so much straddle 'two worlds', as he has commonly been portrayed, but rather embodied a 'whole

[23] Denys Délâge, *Le pays renversé: Amérindiens et européens en Amérique du nord-est, 1600–1664* (Montreal: Boréal, 1984).

[24] James W. Paxton, *Joseph Brant and His World: 18th Century Mohawk Warrior and Statesman* (Toronto: James Lorimer & Company, 2008), 9; MacLeitch, *Imperial Entanglements*, 27.

[25] Preston, *Texture of Contact*, 12.

[26] Library and Archives Canada (henceforth LAC), Claus family fonds, vol. 1: Daniel Claus to 'his Excellency', Mohawk Country, 2 December 1774 (draft), 176–179 (quotation p. 177).

[27] "Journal of Warren Johnson", 29 June 1760–3 July 1761, *SWP*, vol. 13, 194.

[28] *Ibid.*, 11 January 1761, *SWP*, vol. 13, 198.

but distinct culture' that emerged from the interaction of diverse people in the Mohawk Valley.[29] At the mid-century mark, a number of white settlers close to, or even on, Six Nations lands spoke Iroquoian languages, while many Haudenosaunee experimented with Christianity, despite nativist revivalism and controversy around Christianity, particularly outside Kanyen'kehà:ka communities. Many of the family stories collected by nineteenth-century historians from the descendants of settlers who fought in the Revolution reference past relationships with Haudenosaunee people. Some stories describe relationships between settlers and Joseph Brant, even as the point of the stories often was that Brant sought to kill or take captive former acquaintances and intimates. 'My Grandpa spoke the language of the Six Nations', recalled a descendant of John Harper in Swallowhill, New York, on 22 May 1879. The grandfather had described Brant, as a child: 'Brant when a boy used to be at his Father's, and they would give him bread and butter with them or eat at the table'. Years later, when the Revolution broke out, the two men would try to kill each other one day in the snow.[30]

One key mechanism that both forged links and caused controversy in the Mohawk Valley was trade. As was typical of imperial frontier zones, itinerant traders preceded settlement. An account book of trader Jellis Fonda for the years 1768 to 1778, for example, reveals the type of profitable exchange with Indian customers that knit together a region traditionally defined by commerce. Among the wealthier purchasers, Lydia, wife of 'wide-mouthed Brant', bought, among other things, 'ribband', tea, linen, cups and saucers, a pair of 'Indian stockings', 'Indian shoes', combs, and a snuff box and snuff for her daughter.[31] Fonda's other customers included 'Mr. Elmar's wife, an Oneida squaw', who bought on credit at Fort Stanwix in 1769 two small knives, garters and '2 worsted caps'.[32] Fonda recorded both the European and the 'Indian' name of clients such as 'Cobes called in Indian Rahonge' or gave English and Dutch versions; Yellow Belly re-emerges as 'Cline Jantie'. He wrote in both misspelled English and Dutch, sometimes seemingly writing notes in English to clients whom he addressed as 'you' to remind them of details such as debts.

The story told by Jellis Fonda's notebooks is not a straightforward one of harmonious market exchange, however. Fonda's business was founded on rum, and it flowed freely. 'Yellow Belly' bought two steel traps in 1767, but he

[29] Paxton, *Joseph Brant and His World*, 6; Ned C. Landsman, *Crossroads of Empire: The Middle Colonies in British North America* (Baltimore, MD: Johns Hopkins University Press, 2010), 101–102.

[30] [E. C. Stuart?] to Lyman Draper, Swallowhill, New York, 22 May 1879, Draper Manuscripts, Series F: Brant Papers, vol. 5, ff. 12(7).

[31] New York Historical Society (henceforward NYHS), American Historical Manuscripts Collection: Account book of Jellis Fonda, 1768–1778, 46.

[32] *Ibid.*, 35.

also bought 'liquor at sundry times'. In 1771 he purchased powder, shot, bread, stockings and a knife, but also in March and April alone '1 pint rum' on 20 March, '1 quart rum' on 5 April and '1 Bottle Rum' on 27 April.[33] Many Haudenosaunee deeply opposed the rum trade. At the same 1774 conference referenced earlier, Seneca chief Serihowane pleaded with Johnson for the British to stop traders 'following our people to their Hunting Grounds with Goods and Liquor'.[34] It was a long-standing call that echoed across the region. Years earlier, in the charged year of 1763, Claus had reported from the outskirts of Montreal that if the British insisted on settling a legal case arising from a drunken fight by British law, 'to prevent Murder would not be the thing echoed thro the distant Ind[ia]n Nations but that the English sold the Ind[ian]s liquor to murder one and then in order to get rid of their race by Liquor as well as Law'. Claus also reported that the young men of nearby Lac des Deux Montagnes and Sault St Louis were examining 'every canoe coming on Shore' and searching 'every house they suspect to have any Liquor in it and they say that since it was not in our power to stop the source of that destructive Fountain they would at least lead of[f] a stream from their Village'.[35] Years later, at the turn of the century, the Seneca prophet Handsome Lake would call on his followers to eschew the rum that had been brought to destroy them.[36] Not only was Fonda a rum-trader, but his father, Douw Jellis Fonda, claimed to be co-owner of land contested by many Mohawk. The Fondas would be Patriots in the American Revolution. In 1780, the elder Fonda, a friend of Sir William Johnson and an executor of his will, was killed by loyalist Rangers, including Kanyen'kehà:ka warriors; he was tomahawked and scalped by 'one-armed Peter', conceivably a man with whom the Fondas had traded in the past. The two sons were taken captive.[37] The story of the Fonda family, marked by violence, trade, cultural interchange and the spread of drugs and arms, is typical of a frontier zone.

[33] *Ibid*.

[34] "Proceedings at a Congress with All the Chiefs, and Warriors of the Six Nations at Johnson Hall in June and July 1774", *DRCHSNY*, vol. 8, 475.

[35] LAC, MG-19, F1, R5236-0-7-E, Claus Papers, vol. 1, 123–126: Daniel Claus to Cramake (Commander in chief of the province of Quebec), Lachine, 20 August 1771 (draft). Both quotations on 125.

[36] Sosondowa, Edward Cornplanter, recounted in introducing the Gai'wiio, the good word of Handsome Lake, that, through deceit, the evil one Hanisse'ono sent to the people of the 'great earth island' of America a bundle of five things, 'a flask of rum, pack of playing cards, a handful of coins, a violin and a decayed leg bone' with the 'swarms of white men'. '[T]his rum will turn their minds to foolishness and they will barter their country for baubles; then will this secret poison eat the life from their blood and crumble their bones.' Sosondowa, "How the White Race Came to America and Why the Gaiwiio Became a Necessity", in Arthur C. Parker (ed.), *The Code of Handsome Lake, the Seneca Prophet* (translated by So-son-da-wa/Edward Cornplanter) (Albany, NY: University of the State of New York, 1913), 18.

[37] Jeptha Simms, *The Frontiersmen of New York*, vol. II (Albany, NY: G.C. Riggs, 1883), 336.

Molly Brant and Sir William Johnson: Alliance, Interaction and 'Management'

As a Haudenosaunee woman, Molly Brant would have been given a single name at birth, unique to her, containing a description, based – as Kanien'kehá:ka scholar Taiaiake Alfred puts it about his own name – on a verb, not a noun.[38] Konwatsi'tsiaiénni meant 'someone lends her a flower'.[39] In English, however, she used part of the name of her stepfather, Brant Kanagaradunkwa, also known as Nickus Brant, as her surname. She was given at least one other Haudenosaunee name in her lifetime and also called herself Mary, or Molly, the name by which she is today best known in English. William Johnson's Irish father had changed his family name from the Catholic MacShane to the Protestant Johnson in order to avoid the anti-Catholic penal laws in Ireland and to be able to hold positions within the British imperial establishment: the Johnsons, too, were subject to colonial reinvention.[40] Such reinvention was typical of imperial borderlands. Mary Brant had her first child with Johnson in 1759, when she was possibly around twenty-three. The couple lived together until Johnson's death in 1774 and eventually had eight children.[41] Although Johnson had numerous sexual partners, Brant was unusual in the public role she played in Johnson's household and in her political importance.

As Superintendent of Indians for northern North America for the Indian Department of the British military from 1754 to 1774, Johnson was expected to recruit the warriors who were seen as crucial to British military force, hold treaty conferences, prevent uprisings and keep bright the 'covenant chain' of the Anglo-Haudenosaunee alliance.[42] In this difficult position in a region wracked by conflict, it was undoubtedly helpful for Johnson to be allied with a powerful Mohawk woman, particularly given the authority accorded to women

[38] Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom* (Toronto: University of Toronto Press, 2009), 32; Daniel Isaac, "What's in a Name?" http://workingitouttogether.com/content/whats-in-a-name/ (accessed 26 July 2019). Iroquoian languages are polysynthetic, incorporating what in English would be multiple words into one: Barbara Graymont, *The Iroquois in the American Revolution* (Syracuse, NY: Syracuse University Press, 1972), 8.

[39] Barbara Graymont, "KOÑWATSIʔTSIAIÉÑNI (Mary Brant)", *Dictionary of Canadian Biography*, vol. 4, University of Toronto/Université Laval, 2003. www.biographi.ca/en/bio/konwatsitsiaienni_4E.html (accessed 26 July 2019).

[40] Fintan O'Toole, *White Savage: William Johnson and the Invention of America* (Albany, NY: State University of New York Press, 2005), 21.

[41] LAC, G19 F6, Brant family papers, Kerr Collection, 214–230: Last Will and Testament of William Johnson, 25 July 1774 (copy).

[42] Robert S. Allen, *His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1775–1812* (Toronto: Dundurn Press, 1992); Robert S. Allen, "His Majesty's Indian Allies: Native People, the British Crown and the War of 1812", *Michigan Historical Review*, 14(2), Fall 1988, 1–24.

in Haudenosaunee society. In an effort to present himself as a cultural insider, Johnson spoke Kanien'kéha and adopted Haudenosaunee customs in negotiating treaties and in interacting with community members, including participating in ceremonies and wearing culturally mixed clothing. Acknowledging and supporting his eight children with Brant was an important part of this public performance.

Johnson appears to have been relatively self-conscious about cultural relativity as a tool for diplomacy. Shortly after his death in 1774, his key lieutenant and son-in-law Daniel Claus reflected on his techniques for 'the Management of Indians' in a draft document apparently destined for the British government. In it, Claus affirmed that 'Indians', particularly those at any distance from European settlements, 'consider themselves a free & independent people, liable to no Subjection or Subordination to any power'. Consequently, they needed to be 'managed or ruled either by Persuasion or Influence, or some kind of Awe or Military Authority & Show'. Those who were to work with them on behalf of government 'ought to be possessed of an even Temper, great patience & good nature, being well acquainted with their Customs Language & Manners, persons of Authority & Consequence, of Merit & Character in public life and according to the Indian phrase have been great and successful Warriors in their time'. Personal relationships were of enormous importance.[43]

For her part, Konwatsi'tsiaiénni was a Kanyen'kehà:ka woman of the Wolf Clan and was herself a clan mother. Her stepfather was one of the leading men of Canajoharie and had a close working relationship with Johnson.[44] Johnson sponsored the education of Molly's younger brother Thayendanegea ('he places two bets'), who called himself Joseph in English. Joseph initially worked for Johnson's Indian Department and for the Society for the Propagation of the Gospel (SPG) as a translator. During the Revolution he was a salaried captain in the British army. He helped negotiate the exile of many of the Six Nations to new territory in Upper Canada in the 1780s and played a significant role in pan-Indigenous politics after the Revolution. His third wife, Adonwentishon, or Catherine Croghan, head woman of the Turtle Clan, was the daughter of an important Mohawk clan mother and of the Irish land speculator and politician George Croghan, one of Johnson's key lieutenants in the turbulent Ohio Valley. William Johnson and Mary and Joseph Brant were thus in a sense part of linked family and political networks, deeply inflected by the politics of race and power.

[43] LAC, Claus Papers, vol. 1, 235–237: Daniel Claus, "Remarks by Claus on the management of Indians" (draft; no date), 235. Claus lamented that with Johnson, 'all these necessary Qualifications were buried, and it may with Confidence be asserted there is no one to be found to equal him in America in this respect', 235.

[44] Lois M. Huey and Bonnie Pulis, *Molly Brant: A Legacy of Her Own* (Youngstown, New York: Old Fort Niagara Association Inc, 1997); Thomas Earle, *The Three Faces of Molly Brant* (Kingston, Ontario: Quarry Press, 1996); O'Toole, *White Savage*, 169–172.

During their lives, Joseph Brant and William Johnson were celebrities. Indeed, historian Alan Taylor describes Johnson as 'the most famous American in the British Empire' during the 1750s.[45] They remain both famous and controversial. There are museums dedicated to Johnson and to Joseph Brant at their former houses, in Johnstown, NY, and in Burlington, Ontario, respectively.[46] A statue of Joseph Brant was erected in 1886 in Brantford, a town named after him, with donations from the great and the good of the Victorian Canadian state.[47] Molly Brant had a less eminent imperial presence during her lifetime, but had a high local profile first as Johnson's public partner, as a cultural broker and as a person able to redistribute goods, and later during the Revolution as a prominent loyalist and as an advisor to the Haudenosaunee in exile. Her military profile reflected the importance of the advice of women to warriors in Haudenosaunee society. She has also arguably become something of a foundational mother figure in Anglo-Canadian national mythology, retrospectively imagined by some Canadians, however erroneously, as embracing a mythologized Canadian project writ large, given her role as a loyalist and her work across cultures.[48] A collect in the Anglican lectionary on 16 April commemorates her as 'a wise and prudent clan mother in the household of the Mohawk nation', while she has also been honoured by a Canadian postage stamp.[49]

The two men in particular excited controversy even during their lifetimes. Joseph Brant was widely attacked in print and public debate by American settlers and politicians for whom he became an incarnation of British-sponsored violence. Conversely, among Anglo-Canadians, as Paxton argues, Brant was for a long time subsumed 'within the smothering traditions of the United Empire loyalists'.[50] This arguably reflects the uses made of Brant by British colonial reformers seeking a usable Loyalist past. Today, Brant remains a divisive figure among the Six Nations, particularly given the terrible costs of the

[45] Alan Taylor, "The Collaborator", *National Review*, 11 September 2006.

[46] The Canadian Museum of History commemorates the Brants as important Canadian personalities; an on-line exhibit describes them as 'a bridge between the Iroquois and British worlds in eighteenth-century North America', reflecting a common language about different 'worlds'. https://www.historymuseum.ca/cmc/exhibitions/hist/biography/biographi219e.html (accessed 23 March 2019).

[47] United Empire Loyalist Association of Canada, "Joseph Brant Memorial Statue", http://www.uelac.org/Loyalist-Monuments/Brant-Joseph.php (accessed 28 December 2019).

[48] Feister and Pulis describe her as 'already a legendary figure' before the age of forty. Feister and Pulis, *Molly Brant*, 296. On myth models: Pamela Scully, "Malintzin, Pocahantas, and Krotoa: Indigenous Women and Myth Models of the Atlantic World", *Journal of Colonialism and Colonial History*, 6(3), Winter 2005.

[49] https://www.episcopalchurch.org/lectionary/mary-molly-brant-konwatsijayenni-witness-faith-among-mohawks-1796 (accessed 29 July 2019). She is also the heroine of an opera, Augusta Cecconi-Bates' *Molly of the Mohawks*.

[50] Paxton, *Joseph Brant and His World*.

revolutionary war, his role in splitting the Six Nations confederacy, controversies over the 1768 Treaty of Fort Stanwix and debates over his efforts to monetize land in Upper Canada, including his management of Grand River lands.[51] Some remember him as an exemplar of the dangers inherent in a close alliance with the British, trying to stand with one foot in a ship and another in a canoe, and falling between the two. Others see him as a leader who wrestled with difficult issues such as settler encroachments, the decline of hunting and a changing economy, getting the best bargain he could for his people.[52]

Statues, museums, postage stamps and even prayers tend, however, to play up historical actors as remarkable individuals, and in so doing obscure the complexity of context. According to Rick Monture, Joseph Brant's place in the wider Haudenosaunee community is often ignored; he has been 'singled out as an historical icon characterized by his Loyalist sympathies and attraction to European manners (which are a prominent feature of his contemporary portraits), rather than as but one Chief operating within a much larger social and political structure to which he was accountable'.[53] Similarly, the partnership between William Johnson and Molly Brant, like the wider relationship between Johnson and the Mohawk, is sometimes taken simply to reveal Johnson's personal skills rather than reflecting long-standing regional patterns, including Mohawk efforts to exert control. Monture further argues that what he terms Joseph Brant's 'negotiations of identity and personal choice' were, from a Haudenosaunee perspective, 'acceptable and necessary attributes when dealing with the unfamiliar circumstances that were shaping their world in the late eighteenth century'.[54] Echoing Monture's call, it seems useful to place these quasi-mythical figures into a wider structural context that reflects both a particular stage of settler colonialism and the politics and cultural approaches of Haudenosaunee society.

Borderland Lives

What then might be said about this wider structural context? A key part of the picture was that Johnson and the Brants inhabited borderlands in which power relations remained to some extent in flux. Imperial frontiers were places in which reinvention was possible, adaptability valuable and family biopower an important technique of control. The careers of William Johnson and Joseph

[51] Rick Monture, *We Share Our Matters: Two Centuries of Writing and Resistance at Six Nations of the Grand River* (Winnipeg: University of Manitoba Press, 2014), 29–61.

[52] Angus Hemlock (Ganienkeh band office), personal communication; Rick Hill (Six Nations Polytechnic), personal communication; Karl Hele (Mount Alison University), personal communication; Brian Deer, personal communication.

[53] Monture, *We Share Our Matters*, 34.

[54] *Ibid.*, 32.

Brant, and the stories told about them, echo one another in surprising ways and point to the potential utility of such reinvention. Both men sought to build wealth and to earn followers, not least to military ends. Both tried to create family alliances and to build powerful households, as well as to work as cultural brokers and translators. Molly Brant was also a cultural intermediary and she also built households. The ultimate ability of each to build family power differed sharply, however.

Mary was born sometime in the late 1730s and Joseph in or around 1743 to Tehowaghwengaraghkwin (also known as Peter Tehowaghwengaraghkwin) and Margaret (as her name is recorded in colonial archives). Following their mother, they were of the Wolf Clan.[55] Among the many stories that ebbed and flowed around Joseph Brant during his lifetime were tales about his birth and childhood. They point towards a sense of Brant as a liminal figure, in one way or another, who came in from the outside to remake himself.

One such story comes from a cantankerous 1811 biography by Anglican cleric John Strachan, drawing on the memories of the Anglican missionary to the Kanyen'kehà:ka, John Stuart. According to Strachan, the Six Nations were occasionally seized with an 'inclination to travel', and 'gradually' visited the villages of other members of the confederacy.[56] 'Sometimes they went among the villages of the western nations, although totally unacquainted with their manners and languages; and after an absence of many years, returned to their native tribe.'[57] This was, the memoir claimed, what Brant's mother had chosen to do when her children were still young, and so Joseph and Mary were not raised solely by their home communities. John Norton, later a protegé of Brant's, reported that Joseph told him that his parents were both descendants of Huron (Wyandot) war captives.[58]

Before the children had reached adulthood, their father died and their mother moved back to the Mohawk Valley, presumably to be with kin.[59] In 1874, American historian Lyman Draper interviewed the eighty-five-year-old

[55] Kelsay, *Joseph Brant*, 38–45. Kelsay suggests that Molly and Joseph may have had different fathers, but since descent was through the mother in Haudenosaunee practice they would still have been considered full siblings.

[56] N. N. [John Strachan], "Life of Captain Brant", *Christian Recorder*, 1819. Strachan (later Bishop of Upper Canada) published the memoir anonymously in his own periodical, *The Christian Recorder* in 1819, and then reproduced it again, still anonymously, in a travel book about Upper Canada supposedly written by his brother James but in reality also written by John. It claimed to draw on the memories of John Stuart, a friend of Strachan's. See Wanda Campbell's introduction in Campbell (ed.), *Poetry by John Strachan* (London, Canada: Canadian Poetry Press, 1996).

[57] N. N. [Strachan], "Life of Captain Brant".

[58] Carl F. Klinck and James Talman (eds), with introduction and additional notes to new edition by Carl Benn, *The Journal of Major John Norton* (Toronto: Champlain Society, 2011), 105.

[59] Kelsay, *Joseph Brant*, 38.

Betsy Bomberry, Joseph Brant's out-of-wedlock daughter with the daughter of a whisky trader, Cornelius Winney. Bomberry said she had learned from 'aged Mohawk people' that Brant's father, her grandfather, had died when Joseph was a child:

> & in some way, Joseph & his sister, strayed off into the wilderness – got lost - this was in the spring of the year - when Joseph was perhaps 8 or ten - & found late in the fall, nearly naked, & nearly starved – covered themselves up with leaves at night: Were found by some Cayuga hunters; who gave notice of it, & friends sent for them, & they were taken to their Mohawk friends. Can't tell who brought them up.[60]

This was an origin story with mythical resonance: a child vanishes into the wilderness, has a liminal experience and emerges remade. He has no father, but he does have a sister, with whom he almost starves in the wilderness, and the two keep one another alive, covering themselves with leaves in the night. Was that true? It is difficult to know, but the story does capture some sense of Molly and Joseph as siblings linked by adversity, supporting each other in the process of reinvention.

John Smoke Johnson, a Mohawk from Grand River, provided a different origin story. In 1879, he told Draper that 'Captain Brant's' parents died of yellow fever (Draper commented that this must refer to the father alone).

> The people were so alarmed with this terrible visitation that they fled from their homes to the woods. Then Old Crooked Neck, an old warrior, who was three times wounded in war, took charge of young Joseph Brant – took him to Sir Wlm Johnson, who sent him to school. Old Crooked Neck died on Grand River soon after the war of 1812-15, very aged.[61]

Was this Brant's stepfather who supposedly died in 1760 when Brant was about seventeen? Or was this another, perhaps mythical, version of Brant's more distant childhood? In either case, this is again a version of Brant's story marked by dislocation and reinvention.

Joseph and Mary Brant's stepfather, Brant Canagaraduncka, was a Royaner or chief of the Turtle Clan and one of the better-off inhabitants of Canajoharie. Before marrying Margaret, he lived in Tionondoroga (Fort Hunter). He seemingly offended community members by this marriage, possibly because Margaret gave birth to a child (who seems to have died) before the death of his previous wife, and because he then married Margaret rather than, as Haudenosaunee

[60] Draper Papers, series F, Brant Papers, vol. 13, 42–43. This section is headed "[f]rom Mrs. Betsey Bomberry, 85 years old- hence born in 1794 – daughter of Capt Jos. Brant & Mary Winney & latter a daughter of the early Buffalo trader, Winney". Joseph Brant had three wives but Mary Winney wasn't one of them. Cornelius Winney is thought to have been the first white inhabitant of what would become the city of Buffalo.

[61] Draper Papers, series F, Brant Papers, vol. 13, 26, dated 29 September 1879.

custom would dictate, the sister of his deceased wife. Margaret later made a confession of adultery to be allowed to take communion again in the Anglican Church.

Before his stepdaughter's relationship with Johnson, Brant Canagaraduncka was already involved in creating intermediaries through adoption. In 1750, he acted as a foster parent to Samuel Weiser, son of Pennsylvania Indian agent Conrad Weiser, who wanted Samuel to learn Mohawk. Canagaraduncka again hosted Samuel in 1752. Conrad Weiser, a Palatine German, had himself lived among the Mohawk as a young man, spoke Mohawk and had been adopted into the community, reflecting the overlap between kinship and diplomacy. The younger Weiser was accompanied on both occasions by Daniel Claus, at that time employed as his tutor and companion. Claus, who would later marry William Johnson's daughter Nancy and become one of his key lieutenants, did a better job of learning Mohawk and establishing permanent relationships than did Samuel Weiser. He recorded in early 1754 that he had temporarily moved to Mount Johnson, then Johnson's home, to be employed as a storekeeper, because 'my Indn Landlord ruined himself by marriage & was forced to leave his place and move 20 miles higher'.[62] Brant Canagaraduncka was, however, still well off. He worked as a trader and made money from collecting and selling ginseng root (through trade routes that ended in China) during the brief ginseng boom of the early 1750s. His home was used as a council house and Sir William Johnson stayed there when he visited Canajoharie. Johnson, who was some twenty years Molly's senior, presumably knew the Brants as children.[63]

In the early 1750s, the Mohawk leader Hendrik travelled to Philadelphia at the invitation of the provincial government to discuss illegal land claims being made by settlers. He travelled with Claus, presumably acting as interpreter, and eleven community members, among whom was 'Mr. Br'. According to Claus, 'King Henry' was with difficulty persuaded to go, 'Indians being even [ever?] suspicious & cautious to go among white people even to Albany'.[64] This comment underscores that 'Indians' were both powerful and sufficiently separate from whites in the 1750s not to have to 'go among them'. The separation of whites and Indians is also suggested by the large and curious crowds that collected to get a glimpse of the Mohawk group and by the fact that Anabaptists terrified the Mohawk delegation, they 'having never seen long bearded Men before'.[65] Molly Brant was also on this trip, and Claus recorded that on the way

[62] Phyllis Vibbard Parsons, "The Early Life of Daniel Claus", *Pennsylvania History: A Journal of Mid-Atlantic Studies*, 29(4), October 1962, 357–372; quotation 363, citing Daniel Claus to Governor Hamilton, 10 January 1754, in *Pennsylvania Archives*, First Series, II, 116. See also Claus, *Daniel Claus' Narrative*.

[63] Huey and Pulis, *Molly Brant*, 20–21.

[64] Claus, *Daniel Claus' Narrative*, 7.

[65] *Ibid.*, 8.

Figure 1.1 Miniature of Sir William Johnson (*c*. 1760). Library and Archives Canada, Accession number 1989-407-1

back in Albany a Captain 'fell in Love wth. Ms. Mary Brant who was then pretty likely not having had the small pox'.[66]

William Johnson was, like Joseph Brant, a chameleon figure. By the 1750s he was well on his way to making a fortune, facilitated by cultural adaptability. A portrait from around 1760, from a family collection of miniatures in the National Archives of Canada, portrays him at the height of his prosperity, wearing the red of the British army (Figure 1.1). Johnson had moved to North America in 1738 to manage land at Fort Hunter near the Kanyen'kehà:ka settlement of Tionondorogoa in the Mohawk Valley. The land had been purchased by his uncle, the admiral Peter Warren, another man who made a fortune in the military service of the British empire following a conversion to Protestantism. Johnson rapidly made himself into one of the most substantial businessmen in the region, purchasing and developing farmland and trading goods between Six Nations, Albany settlers and New York, as well as shipping merchandise to London and the West Indies, benefiting from the slave economy.[67]

In 1754, the Board of Trade in London decided to create a separate Indian Department financed by parliament to manage North American Indian affairs. In 1755, the commander-in-chief in North America, Edward Braddock, appointed Johnson to be Superintendent of Indian Affairs for the northern nations, building on Johnson's existing relationships with the Six Nations. Johnson went on

[66] *Ibid*.

[67] Julian Gwyn, "JOHNSON, Sir WILLIAM", in *Dictionary of Canadian Biography*, vol. 4, University of Toronto/Université Laval, 2003. http://www.biographi.ca/en/bio/johnson_william_j 4E.html (accessed 26 July 2019).

to obtain enormous amounts of land from the Six Nations at very favourable rates. There was considerable conflict of interest in Johnson's land dealings, whatever his image as a protector of Six Nations interests. As Julian Gwyn puts it, '[p]ublicly he represented a policy to prevent the despoliation of such lands, yet privately he arranged for their purchase by himself and by others. These tracts were without value to whites unless settled and cultivated, and by that process the Indian way of life, in which hunting played an important part, was destroyed.'[68]

Fintan O'Toole claims that William Johnson was haunted by the memory of the lost Catholic, Gaelic culture that he had been forced to suppress, and thus identified all the more with the Six Nations.[69] This is probably too romantic a view, particularly given the ardour with which Johnson tried to persuade the Six Nations to adopt Anglicanism. Whatever the balance sheet, Johnson was clearly a man familiar with cultural adaptation, and the value of performances of allegiance and alliance. Land speculator, merchant and owner of enslaved people, Johnson also took significant advantage of the economic opportunities of empire, including state patronage, land speculation and imperial trading networks, to build a private fortune. In many respects, he furnished a model for his younger and similarly adaptable brother-in-law, Joseph Brant.

Brant gradually gained power from his ties to the Indian Department, the Johnson household and the Anglican Church – connections facilitated by his capacity to speak English as well as several Indigenous languages. When Brant was in his late teens, Johnson sponsored his education by the Congregationalist cleric Eleazor Wheelock at Moor's Indian Charity School. With other Haudenosaunee students, including William Johnson's son William (by a Mohawk woman other than Brant) and several white boys, Brant learnt English and Christian theology. This was a short-lived experiment: the mothers of the boys objected when they heard that the Haudenosaunee boys were being made to work in the fields, while Johnson worried that Brant might be seduced away from the Anglicanism that he saw as crucial to the Anglo-Mohawk alliance. Revealingly, one of Brant/Thayendenaga's favourite anecdotes about the experience played on notions of honour and gentlemanly status, and suggests a struggle for respect. In the words of John Strachan, Brant told how Johnson's son was once asked by Wheelock's son to saddle his horse. William refused, 'alleging that as he was a gentleman's son, it would be out of character for him to do such an office. Do you know, says young Wheelock, what a gentleman is? I do, says William; a gentleman is a person who keeps race-horses, & drinks Madeira wine, & that is what neither you nor your father do, therefore saddle your horse yourself.'[70]

[68] Gwyn, "William Johnson".
[69] O'Toole, *White Savage*.
[70] Anon [John Strachan], "Captain Brant".

In 1763, one of the white students at Wheelock's Academy, the wealthy Charles Jeffry Smith, hired Brant to work as his interpreter on a missionary voyage to Oquaga. One of the four main Oneida communities on the upper Susquehanna River, Oquaga sat at a transportation crossroads and had long been incorporating displaced people from diverse communities, including Tuscarora and Mohawk. A place where both Presbyterianism and Anglicanism had made inroads, the community was another site of colonial reinvention. This missionary voyage was, however, derailed by the outbreak of Pontiac's war against the British.[71] Shortly thereafter, Molly Brant and William Johnson pulled Joseph out of Wheelock's school. In the end, Brant first visited Oqagha the following year as part of a war party organized by Johnson, which spent some time in the community before departing. There Brant met his first wife, Neggen Aoghyatonhsera (and there he would maintain a farm, although his home was at Canajoharie).[72]

In 1763, as war raged, the Reverend Henry Barclay of the SPG told Johnson that he was willing to sponsor the education in New York City of 'the Indian Lad You mention Joseph'. Tellingly, he worried about hostility from whites: 'is there not reason to apprehend some bad Consequences of his residing in this City at this conjuncture; when he can hardly be a Day without hearing his Countrymen in general heartily cursed as deserving to be all extirpated; and is it not probable the Boys in the Street will be apt to insult him?'[73]

Instead, Johnson employed Brant as a translator, given his education and linguistic ability. In the words of Daniel Claus, his work included translating Council proceedings 'in writing into the Iroquois language in order to convey to the Ind[ia]ns the full meaning & substance of such speeches wh[i]ch illiterate Indian Interpreters who in general are a dull illiterate kind of white people never were capable of doing'. Brant 'became therefore a great acquisition to the Superintendent of the Iroquois or 6 Nations', proving himself 'a very useful & true person to Government' with a 'good natural understanding'.[74]

Translation served Brant well. In 1772, he worked for the SPG as one of the many translators around the world who were integral to the Christian missionary enterprise but are frequently almost invisible in the written record.[75]

[71] Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge: Cambridge University Press, 1995), 114.

[72] *Ibid.*, 114–115; Kelsay, *Joseph Brant*, 99–100.

[73] Henry Barclay to William Johnson, New York, 5 October 1763, *SWP*, vol. XIII, 300.

[74] LAC, R5236-0-7-E: Claus family fonds, volume 2: Daniel Claus, "Annecdotes [*sic*] of Joseph Brant alias Tayendanegea", 53–73.

[75] Compare Ursula Trüper, *Invisible Woman: Zara Schmelen, African Mission Assistant at the Cape and in Namaland* (Basel: BAB, 2006); Hilary Carey, "Lancelot Threlkeld, Biraban and the Colonial Bible in Australia", *Comparative Studies in Society and History*, 52(2), 2010, 447–458; Anne Keary, "Christianity, Colonialism and Cross-Cultural Translation: Lancelot Threlkeld, Biraban and the Awabakal", *Aboriginal History*, 33, 2009, 117–155.

As a recently arrived SPG missionary, John Stuart hired Brant as something of an act of desperation, as Stuart was unable readily to communicate. 'Their Language being so barren & difficult to acquire, I thought it prudent to procure a young man of their own Nation (he understands English) to reside with me as a private Tutor & public Interpreter,' reported Stuart to the SPG on 20 July 1772. He added that 'by his assistance I have given them a Sermon every Sunday, since March'. This was clearly among other things a financial relationship; Stuart commented that he was unsure how long Brant would stay since he was unable to afford 'a sufficient maintenance to induce him to neglect Hunting, & reside constantly here'.[76] Brant and Stuart translated sections of the Bible together; these would appear under Brant's name alone when post-revolution politics in the 1780s made it politically expedient for Brant to be presented to the British public as a Christian chief and the Mohawk as a loyal and Christian people, rather than the 'savages' complained of in the Declaration of Independence.[77]

Both Johnson and the Brant siblings were ostentatiously Anglican, reflecting another form of reinvention. At least three new religious movements competed for the allegiance of the Six Nations in the 1760s and 1770s, namely Presbyterianism; Anglicanism (arguably seen by many in the Confederacy as akin to the Catholicism of their kin in Canada); and 'nativist' movements that were often anti-Christian and anti-colonial. Although the Haudenosaunee valued internal cohesion, in the context of the 1760s and 1770s religious choice had inescapable political implications. The Kanyen'kehà:ka had long been Anglican, in contrast to other nations of the Six Nations. Many Oneida were Presbyterian; Allan Taylor argues that this influenced their decisions to ally with the Americans during the Revolution.[78] Some Haudenosaunee seem to have tied Anglicanism to an alliance with the British. For example when four Six Nations men made a diplomatic visit to Britain in 1710, presenting themselves as 'four Indian Kings', they were given a gift of communion silver by Queen Anne.[79] This communion silver was kept in the community, buried during the flight to Canada, and later retrieved and divided between the churches of Grand River and the Bay of Quinte in Upper Canada and used as a symbol of mutual obligation. The gift was a

[76] Rhodes House Library, Oxford University, Society for the Propagation of the Gospel [henceforward USPG] Ser B 199: James Stuart to SPG, Fort Hunter, Tryon County, 20 July 1772.

[77] *Ne yakawea yondereanayendaghkwa oghseragwegouh, neoni yakawea ne orighwadogeaghty yondatnekosseraghs […]* (London: C. Buckton, 1787).

[78] Taylor, *Divided Ground*.

[79] Eric Hinderaker, "The 'Four Indian Kings' and the Imaginative Construction of the First British Empire", *William and Mary Quarterly,* 3rd ser. 53 (1996), 487–526. See also John Wolfe Lyddeker, *The Faithful Mohawks* (Cambridge: Cambridge University Press, 1938).

token of agreement.[80] In exchange, the Mohawk sent wampum to the Archbishop of Canterbury.[81]

Despite his early support for the Presbyterian missionary Samuel Kirkland, William Johnson generally sought to promote Anglicanism among the Haudenosaunee and to discourage inroads by Dissenters, at one point offering to provide a glebe for a bishopric on his own land in order to create an American episcopacy.[82] In 1766, he argued to the London-based SPG that Dissenters from densely populated New England sought Indigenous converts solely to gain access to their lands: 'many of these [religious] Schemes which had their birth in N[ew] England have soon appeared calculated with a View to forming Settlements so obnoxious to the Indians who have repeatedly declared their aversion to those who acted on such interested principles', he claimed.[83] This was, however, relatively disingenuous; Johnson clearly believed that the Haudenosaunee would be more likely to ally with the British Empire if they were Anglican. For his part, in the 1770s Joseph Brant supported his father-in-law Isaac Dekayenensere, a long-time reader in the Anglican Church, in virulent conflict between an Anglican majority and Presbyterian minority in Oquaga.[84]

There were, however, limits to Anglican orthodoxy. After Brant's wife died, he sought to marry her sister, following Haudenosaunee custom. The Anglican Church forbade marriage with a deceased wife's sister at the time, however, seeing this as a form of incest. Stuart refused to carry out the marriage, but Brant found another minister. The example suggests limits to how strictly Anglicanism was followed by converts, and underscores power struggles between the missionary and his congregants that are also evident in Stuart's struggles to police access to communion.[85]

[80] Queen Anne's silver remains a symbol of obligation, suggested, for example, in its role in the annual re-enactment of taking possession of the Bay of Quinte by the Tiononderoga Mohawk. Haley Lewis, "'Our people should always be honoured': Re-enacting the landing of the Mohawks of the Bay of Quinte", TVO-50, 12 June 2019. https://www.tvo.org/article/our-people-should-always-be-honoured-re-enacting-the-landing-of-the-mohawks-of-the-bay-of-quinte (accessed 17 June 2020).

[81] Troy Bickham, "Hendrik/ Tiyanoga/Theyanoguen (1680–1755): Iroquois Emissary to England", in Karen Racine and Beatriz Mamigonian (eds), *The Human Tradition in the Atlantic World 1500–1850* (Lanham, MD: Rowman and Littlefield, 2010), 76.

[82] USPG, NA, ser. B, vol. 2: William Johnson to SPG, Johnson Hall, 11 December 1768.

[83] USPG, NA, ser. B, vol. 2: William Johnson to SPG, Johnson Hall, 8 October 1766.

[84] Calloway, *American Revolution in Indian Country*, 112–120; Kelsay, *Joseph Brant*, 99–100.

[85] USPG, NA, ser B, vol. 2: John Stuart to SPG, Fort Hunter, Tryon County, 19 February 1774; Daniel K. Richter, "'Some of them … Would Always Have a Minister with Them': Mohawk Protestantism, 1683–1719", *American Indian Quarterly* 16(4), Autumn 1992, 471–484.

The overlap between religion, diplomacy and alliance is particularly evident in a Kanyen'kehà:ka request for an Anglican missionary in 1770, in a ceremony at Johnson Hall carefully staged for visiting Anglican priests Charles Inglis and Myles Cooper, the president of King's College (later Columbia). A formal delegation of nine leading Mohawk men informed Ingliss and Cooper (through an interpreter) that they were dismayed at previous missionaries leaving, and desired one who would come and live with them permanently. Most of all, they stated that they were amazed at recent information

> of the Government's Indulgence of a Missionary to a Tribe of their popish Brethren, who had all along, till the Conclusion of the late war, been intemperate Enemies to the Crown and People of Great Britain; whilst they themselves, who had ever been our unshaken Friends, in Times of the greatest Danger and Distress, and had shed the finest blood in their nation in our Cause, and for our Defence, should in their opinion be so undeservedly left to wander out of the way; and have the mortification to find, that all their applications for a clergyman had hitherto been rejected.[86]

Ingliss and Cooper then gave a wampum belt, with which Johnson had furnished them in advance, to the Mohawk in return for theirs. Later in the visit, a child was brought to them from Fort Hunter, whom one of the priests baptized and for whom the other stood as sponsor. Such rituals of exchange underscore the way in which imperial alliances were brokered through shared religious practice. The ostentatious Anglicanism of both Joseph and Molly Brant needs to be seen in this wider context.

The Six Nations did not, however, always practise Anglicanism (or indeed Christianity) as missionaries expected. The admittedly anti-Anglican Presbyterian missionary Samuel Kirkland complained in 1773, for example, that most of the inhabitants of Oquaga believed that learning the Decalogue and 'external good behaviour' would give them access to 'eternal life'. Baptism was also held to guarantee eternal life, especially for a child who died in infancy. Locals believed moreover 'that a feast was an essential part of the ordinance, and they accordingly practice feasting at baptisms, and for the most part dance and frolic the whole night'.[87] Many converts used Anglicanism to their own ends, and tried to harness the power of its rituals in a pluralist world. Embracing the political and diplomatic utility of religion was possible in a borderland characterized by diversity and in the hands of skilled cultural brokers such as Johnson and the Brants.

[86] USPG, NA, ser B, vol 2: Charles Ingliss to SPG, New York, 12 June 1770; Charles Ingliss to Sir William Johnson, New York, 21 June 1770, *SWP*, vol. VII, 761.

[87] Walter Pilkington (ed.), *The Journals of Samuel Kirkland* (Clinton, NY: Hamilton College, 1980), 80; Elizabeth Elbourne, "Managing Alliance, Negotiating Christianity: Haudenosaunee Uses of Anglicanism in Northeastern North America, 1760s–1830s", in Tolly Bradford and Chelsea Horton (eds), *Mixed Blessings: Indigenous Encounters with Christianity in Canada* (Vancouver: University of British Columbia Press, 2016), 38–60.

In 1774, Johnson suddenly died. Joseph and Molly Brant would continue their alliance with the British Crown during the Revolution, arguing that this alliance was the best way to protect Haudenosaunee lands. We shall return to these events and arguments in Chapter 2. During the Revolution, the Anglican missionary John Stuart was made a prisoner of war. In Stuart's words, the church was 'plundered' in 1781 after the Mohawk fled and the pulpit cloth removed by the Patriots. '[I]t was afterwards employed as a Tavern, the Barrel of Rum placed in the Reading Desk. – the succeeding season it was used for a Stable; – And now serves as a Fort to protect a set of as great Villains as ever disgraced Humanity.'[88] This desecration of sacred space was part of a wider rejection of Anglican power by Patriots, but also more specifically of Mohawk Anglicanism and its implications for a politics of alliance.

For her part, Mary Brant remained a life-long Anglican. After the Mohawk exile to Upper Canada, she lived in Kingston, where she became the only woman to be listed as a donor on the founding charter of the town's first Anglican church. John Stuart, who also lived in Kingston from 1785 until his death in 1811, was this church's founding minister.[89] Continuing the public display of respectability across cultures, Brant attended Anglican services in Mohawk dress and contributed generously to the church building fund. At the turn of the century, travel-writer John C. Ogden portrayed Brant as 'an Indian woman who sat in an honourable place among the English' and appeared 'very devout during divine service and very attentive to the sermon'.[90] This description of course implies a spatial separation between 'English' and Indigenous groups in church, which is revealing in itself. Brant, however, still indicated her Haudenosaunee allegiances through her dress, even as she also performed the allegiance to the British Crown implicit in Anglicanism. As Ogden put it succinctly, 'she retains the habit of her country women and is a Protestant'.[91]

Kinship and the Politics of Belonging

The example of the politics of Anglicanism underscores the complexity of interactions between settlers and Indigenous peoples in north-eastern North America. As historians have long argued, in both former French and British imperial territories, the needs of the fur trade and of military alliance influenced interaction between Indigenous people, settlers and empires. Europeans often needed to accommodate themselves to Indigenous customs (as they understood

[88] USPG, NA, ser. B, vol. 2, 204: John Stuart to SPG, Montreal, 13 October 1781.

[89] Feister and Pulis, "Molly Brant", 317; Anglican Diocese of Ontario Archives, John Stuart 2–3: John Stuart to Charles Ingliss (draft), Kingston, 11 March 1792.

[90] John C. Ogden, *A Tour through Upper and Lower Canada,* 2nd ed. (Wilmington: Bonsal and Niles, 1800), 60.

[91] *Ibid*., 61.

them), even as the fur trade economy also fuelled exploitation and destabilizing violence, and military alliances sometimes spiralled out of control. Relationships included those based on actual kinship ties, which might facilitate working relationships or consolidate group interactions, such as *marriages à la façon du pays*, between white men and Indigenous women, including Métis women, in fur trade territory, which imposed mutual obligations. Powerful family groups, often including white and Indigenous members, played key roles in the fur trade and in the economic control of particular regions.[92] This was important context for the relationship between Brant and Johnson, which reflected wider patterns.

At the same time, Indigenous communities had long experienced violent conflict from the relentless expansion of white settlers and land jobbers.[93] Land hunger intensified instability on the verge of the Revolution. Furthermore, the relative interdependence of white and Indigenous people at some times and places, as well as related sexual partnerships, should hardly be romanticized, particularly given the role of sexual exploitation, power inequalities between different groups and the quest for Indigenous lands carried out by traders and agents such as Johnson. As I argue throughout this book, kinship as a mode of exerting power was not necessarily benign. Trade was often brutally exploitative, even if the interaction it required might be intimate. Furthermore, alliance policies in general were often tied to commitment to warfare, and as such helped promote intergroup violence.[94] The British were scarcely reliable partners, as the behaviour of the British military to alliance partners during the Seven Years' War underscored. And policies of alliance with Europeans by no means excited unanimity among the Haudenosaunee. 'I have really the greatest regard for you', the Tuscarora leader Kaenigut told William Johnson on 25 February 1767, but this had 'created me enemies among my own People, and they carry their Jealousy so far as to endanger my life often'.[95]

With all these caveats, and despite very strong tensions and divisions of opinion among First Nations, to create alliances and to seek to incorporate outsiders through relationships were culturally coherent strategies by the Haudenosaunee,

[92] Amélie Allard, "Relationships and the Creation of Colonial Landscapes in the Eighteenth-Century Fur Trade", *The American Indian Quarterly*, 44(2), Spring 2020, 149–170; Adele Perry, *Colonial Relations: The Douglas-Connolly Family and the Nineteenth-Century Imperial World* (Cambridge: Cambridge University Press, 2015); Anne Hyde, *Empires, Nations and Families: A History of the North American West, 1800–1860* (Lincoln and London: University of Nebraska Press, 2011); Hinderaker, *The Two Hendricks*; Sylvia van Kirk, *Many Tender Ties: Women in Fur-Trade Society, 1670–1870* (Norman, OK: University of Oklahoma Press, 1980).

[93] Lisa Brooks, *Beloved Kin: A New History of King Philip's War* (New Haven, CT: Yale University Press, 2019); Peter Silver, *Our Savage Neighbours: How Indian War Transformed Early America* (New York: W.W. Norton & Company, 2008).

[94] For example, Brett Rushforth, "Slavery, the Fox Wars and the Limits of Alliance", *William and Mary Quarterly*, 63(1), January 2006, 53–80.

[95] He added, "particularly when they get drunk". "Journal of Indian Affairs" [Johnson Hall, Feb b9-25,1767], *SWP*, vol. 12, 274.

as of other North American Indigenous peoples, and reflected self-perceptions of strength.[96] To understand such power dynamics, family needs to be included as a major vector of analysis. More generally, in thinking about family and empire, it is essential to consider the incorporation and diplomatic practices of Indigenous societies in diverse contexts, as well as those of the British. Communities almost always had a more fluid, capacious and nuanced sense of membership and of alliance than the colonial state's later racialized bureaucratic understandings of identity would suggest – and this in turn helps explain the importance to colonial states of regulating kinship and attempting to seize control of Indigenous identity. I will return to this larger argument throughout the book.

Molly Brant was only one of Johnson's sexual partners, reflecting his (possibly exploitative) sexual access to women of putatively lower status in colonial terms, although she may have been his last and was certainly the longest-standing partner. According to Alan Taylor, however, even Johnson's other relationships and children with other Mohawk women would have created mutual ties: 'the liaisons and the children they produced created a kinship network that bound Johnson to Indian families with their obligations and benefits'.[97] Johnson also had a first white wife, Catherine Weissenberg, a former indentured servant. She died shortly after Brant and Johnson had their first child, Peter; this overlap was also not unusual, given the patriarchal norms of elite male sexuality. Weissenberg's son John became Johnson's principal heir. For a man to have unequally treated white and Indigenous partners was consonant with fur trade practices. At the same time, the relationship between Brant and Johnson was more publicly affirmed in white space than many other fur trade relationships. It lasted for a long time and saw the birth of at least eight children. The children took Johnson's name (indeed, Peter Warren Johnson was named in honour of William's uncle) and they were at least potentially recognized within elite white society.[98] Mary Brant was not replaced by a white woman. She played a public role in supporting Johnson's use of his household to exert power, and was acknowledged by both white and Indigenous visiting dignitaries.[99] In contrast, fur trade Indigenous 'wives', including Métis women, in the north-west often ate in a separate space from that of their white partners when in the white-dominated space of a trading fort. This was, in sum, a politically significant partnership.

[96] Jenny Hale Pulsipher, "Gaining the Diplomatic Edge: Kinship, Trade, Ritual, and Religion in Amerindian Alliances in Early North America", in Wayne Lee (ed.), *Empires and Indigenes: Intercultural Alliance, Imperial Expansion, and Warfare in the Early Modern World* (New York and London: New York University Press, 2011), 19–33.

[97] Taylor, "The Collaborator", 33.

[98] For example, Hugh Wallace wrote to Johnson in 1774 that he had seen his son Peter, who was serving an apprenticeship in Philadelphia, and that he was a 'very sober good Lad' with 'a very good Name from his Acquaintance'. British Library, Add MS 29237: Hugh Wallace to William Johnson, New York, 27 June 1774.

[99] Huey and Pulis, *Molly Brant*, 26–27.

Despite the clear benefit to Johnson, the possibility of political and familial ties between Johnson and the Mohawk was grounded in Haudenosaunee conceptions of alliance and kinship as well as the assimilative practices through which the Haudenosaunee projected power. The very Confederacy of the Six Nations itself was an alliance. Haudenosaunee teachings affirm that the League was created in a quest for peace between warring groups, bringing an end to devastating warfare. Dekanawidah, the Peacemaker, established the Kayaneren'kowa, the Great Law of Peace, that guided the Confederacy. Its political structures included elaborate consultation mechanisms to manage diversity, with a defined role for each nation, and rituals to ease consultation and minimize conflict.[100] Within each nation, clans – Wolf, Bear and Turtle in the case of the Mohawk – further structured what forms of kinship ties were appropriate and provided cross-cutting forms of identity. Given the matrilineal nature of Haudenosaunee society, clan membership was inherited from a child's mother. Members of the same clan across different 'nations' recognized and supported one another as kin, while intermarriage between members of the same clan was forbidden.[101]

Like other Indigenous groups in north-eastern North America, the Six Nations had a variety of formal and informal mechanisms for the incorporation of new members. One of them was adoption, which Barbara Mann points out was one of the legal provisions of the Great Law of Peace. As Mann states, adoption was a complex process with different procedures for the adoption of individuals or groups, depending on circumstances. Women played central roles, and *Gantowisas*, or clan mothers, had the exclusive right to adopt outsiders. Women might call for war to replenish the population, particularly if a group had itself lost members in war.[102] Women and children were also the most readily captured and assimilated, and in practice formed the majority of captives.

Across the north-east, male captives, usually taken in war, were frequently subjected to ritual testing, notably running the gauntlet.[103] A captive who survived would either be killed or incorporated into the community. A captive who was saved from ritual death could be placed on a form of probation (still at risk of death) or could be adopted, not only in the wider community, but also into a particular family, often taking the place of a dead person, including being given the deceased person's name.[104] As Brett Rushforth points out, historians dispute

[100] Hill, *Clay we Are Made Of*, 27–46; Monture, *We Share Our Matters*, 1–13.

[101] Tom Porter, *Clanology: Clan System of the Iroquois* (Akwesasne, ON: Native North American Travelling College, 1993).

[102] Barbara Mann, "Adoption", in Bruce Elliott Johansen and Barbara Alice Mann (eds), *Encyclopedia of the Haudenosaunee (Iroquois Confederacy)* (Westport, CT: Greenwood Publishing Group, 2000), 3–7.

[103] A captive ran between two rows of people who might attack in whatever way they pleased.

[104] Timothy Pearson, *Becoming Holy in Early Canada* (Montreal and Kingston, ON: McGill-Queens University Press, 2014), 40.

whether the practice of captive adoption should be seen as a form of enslavement, and to what extent those adopted were thought of as having identities still defined by inferior status.[105] There was clearly room for considerable variation. Not surprisingly, the practice also changed through time in shifting political circumstances, with an apparent move away from enslavement in the eighteenth century. Mann argues that adoption was a slower process in the seventeenth century, but became more rapid and more readily extended to white captives in the eighteenth century as communities confronted demographic crisis.[106] As this suggests, war captives were a significant means of replenishing depleted populations. In what Daniel Richter has termed 'mourning wars', groups sought to capture people to replace the dead and alleviate the mourning of the bereaved.[107] In sum, incorporating new people and expanding populations was a strategic objective. Indeed, Jon Parmenter argues that to assimilate the Wyandot , and possibly even the French, was a significant military aim of the mobile and expansive territory of Iroquoia in the seventeenth century.[108] For Colin Calloway, '[i]n many ways the Iroquois were the true assimilationists of early America'.[109]

As the example of captive taking underscores, kinship relationships, whether 'real' or 'fictive', were not necessarily benign. If captive taking was at least potentially a form of enslavement, it functioned through the incorporation of individuals into kinship networks.[110] In his analysis of seventeenth-century New France, Rushforth argues that adopted war captives became the fictive kin of their masters and mistresses. He suggests that this should be seen as incorporation into the household, rather than 'family' (although this might argue for a more expansive definition of family). For Rushforth, '[t]he presence of fictive kinship bonds created by slaves' ritual adoption followed a pattern of linking family and slavery in a wide range of historical slave systems'.[111] The equation of captive adoption with coerced labour was reflected in the developing eighteenth-century expectation that money paid to redeem captives be sufficient to provide equivalent labour.[112]

[105] Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slaveries in New France* (Chapel Hill, NC: Omohundro Institute of Early American History and the University of North Carolina Press, 2014).

[106] Mann, "Adoption", 4.

[107] Richter, *Ordeal of the Longhouse*, 32–38.

[108] Jon Parmenter, *The Edge of the Woods: Iroquoia, 1534–1701* (East Lansing: Michigan State University Press, 2010).

[109] Calloway, *American Revolution in Indian Country*, 130.

[110] MacLeitch, *Imperial Entanglements*; Ian Steele, *Setting All the Captives Free: Capture, Adjustment, and Recollection in Allegheny County* (Montreal and Kingston: McGill University Press, 2013).

[111] Rushforth, *Bonds of Alliance*, 15–71; quotation, 49.

[112] The Albany Commissioners of Indian Affairs recorded in 1754, for example, that there 'appeared before us an Onondaga Indian and his wife who brought with them from the Indian Castle called Kannossadaga one William Powel an English Prisoner who was taken by the French about sixteen months ago to the back of Philadelphia, the Indian and his

At the same time, many captives simply became members of Indigenous communities or returned to function as cross-cultural brokers. In 1765, for example, the Congregationalist missionary to the Six Nations, Theophilus Chamberlain (who had himself been briefly held captive by French-allied Haudenosaunee during the Seven Years' War) wrote to his superior, Eleazor Wheelock, that he had married three couples at Canajoharie in a single day. One of the couples was Joseph Brant and his first wife Neggen Aoghyatonghsera; another was 'Kayaka' (Kaghneghtago or Brant Johnson), Sir William Johnson's son with a Kanyen'kehà:ka woman, who married 'a handsome English girl, said to be daughter to a Gentleman in Virginia'. This 'English girl' had been, he continued, 'taken some years ago by the back Nations, and brought in, to Sir William last Fall. She Speaks a Number of Indian languages, and the English very well.'[113]

Kinship shaped many other aspects of social and political life. For example, the language of diplomacy used an elaborate set of kinship terms such as 'elder brother', 'younger brother' and 'father' to identify the relative standing of groups and individuals and to tie diplomatic partners into networks of mutual obligation. Lisa Brooks observes that '[w]hen Algonquian or Haudenosaunee children were born, they entered into a network of relations: the marriages and kin relationships that connected people and the places they inhabited'.[114]

William Johnson was given a Haudenosaunee name, was adopted as an honorary sachem or Royaner and was incorporated into rituals such as condolence ceremonies.[115] This should not, however, be seen as a unique reflection of Johnson's skills or, alternatively, as a form of tacit permission for colonialism. Such practices reflected longer standing culture in the region, including Six Nations efforts to create reciprocal ties. The Haudenosaunee gave names as a form of diplomacy, for example; it forged fictive kinship ties and was supposed

wife demanded a negro man in exchange for ye said Powel'. After a 'long debate', the commissioners 'agreed with the said Indian and his wife to pay them Eight thousand black wampum for maintaining and bringing the said William Powel'; in this case, the commissioners were seemingly refusing the direct exchange of one form of coerced labourer for another, but they did give a significant amount of money using the fig leaf of covering the expenses of the Onondaga couple. WCL, Indian Department, item 680: "Reports of the Council of Commissioners of Indian Affairs of Albany", 26 May 1754.

113 Dartmouth College MSS, manuscript # 765429.1: Theophilus Chamberlain to Eleazor Wheelock, 29 July 1765. https://collections.dartmouth.edu/occom/html/diplomatic/765429-1-diplomatic.html (accessed 17 July 2017).

114 Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast* (Minneapolis and London: University of Minnesota Press, 2008), 2. Compare Heidi Bohaker, "'Nindoodemag': The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600–1701", *The William and Mary Quarterly*, 3rd series, 63(1), January 2006, 23–52.

115 Preston, *Texture of Contact*, 92–96.

to impose mutual obligations.[116] As James Merrell argues, the degree to which settlers and Indigenous peoples adopted one another's customs and symbols at various points was a shifting reflection of relative power, while Timothy Shannon shows the political significance of Johnson and Haudenosaunee leader Hendrik's mutual adoption of culturally mixed clothing.[117] Indigenous and French soldiers also practised cultural exchange: many Indigenous soldiers had themselves been baptized with French sponsors, and French soldiers adopted Indian tattoos. At times, British soldiers also adopted practices of the Indigenous warriors alongside whom they fought, including scalping.[118] Some Kanyen'kehà:ka uses of Anglican ritual or practices, such as having whites stand as godparents for Indigenous children being baptized, might be seen in a similar light as an effort to weave webs of mutual obligation.

The creation of fictive kinship arguably helped shape the treaties that would later be read by settler society in very different ways. Much recent work on Indigenous treaty-making has argued that treaties were frequently seen as a way to forge and maintain relationships with settlers and (in a more abstract sense) with empire – not final contractual arrangements so much as ongoing processes, implying mutual obligations.[119] This is certainly an understanding that has come to the fore in recent reconsiderations of what it means for Canadians to be a 'treaty people'.[120] Although Cree and Haudenosaunee understandings of treaties were and are necessarily different, and although the historical moments and circumstances under which members of these groups signed a diversity of treaties differed, these comments from northern Cree lawyer and writer Harold Johnson in a recent book tellingly entitled *Two Families: Treaties and Government* are nonetheless suggestive:

> *Kiiwamnawak*, my cousin: that is what my Elders said to call you. When your family came here and asked to live with us on this territory, we

[116] Mann, "Adoption", 6.

[117] James Merrell, "'The Customes of Our Countrey': Indians and Colonists in Early America", in Bernard Bailyn and Philip D. Morgan (eds), *Strangers in the Realm: Cultural Margins of the First British Empire* (Chapel Hill and London: University of North Carolina Press for The Institute of Early American History and Culture, Williamsburg, VA, 1991), 117–156; Timothy Shannon, "Dressing for Success on the Mohawk Frontier: Hendrik, William Johnson and the Indian Fashion", *William and Mary Quarterly*, 53(1), 1996, 13–42.

[118] Arnaud Balvay, *L'Epée et la Plume: Amérindiens et soldats des troupes de la marine en Louisiane et au Pays d'en Haut* (Québec: Les Presses de l'Université Laval, 2006); Peter Way, "The cutting edge of culture: British soldiers encounter Native Americans in the French and Indian War", in Martin Daunton and Rick Halpern (eds), *Empire and Others: British Encounters with Indigenous People, 1600–1850* (London: University College of London Press and Philadelphia: University of Pennsylvania Press, 1999), 123–148.

[119] Kirsten Anker, *Declarations of Interdependence: A Legal Pluralist Approach to Indigenous Rights* (London and New York: Routledge, 2014).

[120] Consider, for example, this module from the Ontario Institute for Studies in Education: https://www.oise.utoronto.ca/abed101/we-are-all-treaty-people/ (accessed 11 June 2017).

> agreed. We adopted you in a ceremony that your family and mine call treaty. In Cree law, the treaties were adoptions of one nation by another. At Treaty No. 6 the Cree adopted the Queen and her children. We became relatives.[121]

Haudenosaunee scholar Susan Hill similarly observes that the Great Law of Peace on which the Confederacy was founded had 'established a framework within which peoples of different blood could become family'. Developing that ideology,

> familial relations were extended to Haudenosaunee allies in the same way. The idea that the British had become brethren to the Haudenosaunee was taken very seriously by the Haudenosaunee. It was seen as an extension of the Great Law, which directed that family members take care of each other and assume responsibilities for each other. The British may not have felt as strongly about the newly formed kinship bonds, but they used the terminology extensively in their relations with the Haudenosaunee and other Indigenous peoples throughout the treaty period.[122]

David Preston observes that the Kanienke'há:ka tried to adopt impoverished European settlers, first of Palatine background and then of British, through the eighteenth century, trying to create mutual obligation and manage coexistence, following 'core Iroquois values that informed alliances'. Ideas about hospitality and reciprocity were crucial elements in Indigenous dealings with outsiders.[123] Preston concludes that the Mohawks 'experienced the destructive Revolutionary War and their dispossession as an American betrayal of Iroquois generosity and the ties of reciprocity that had once bound them together in a common alliance'.[124]

To say that a treaty relationship was understood in familial terms is not to say that group identity was occluded. Intergroup diplomatic relations were seen as between separate groups who might create ties but not merge. This is underscored by the two row wampum, originally created to seal the relationship between the Dutch and the Haudenosaunee and later transferred to the British; the conception of parallel but independent paths is often held to provide an ongoing model for Indigenous-Crown relationships (and by extension relationships with settler society).[125]

[121] Harold Johnson, *Two Families: Treaties and Government* (Saskatoon, SK: Purich Publishing Ltd, second edition 2011 [first published 2008]), 13.

[122] Hill, *Clay We Are Made Of*, 97; Kayanesenh Paul Williams, *Kayanerenkó:wa: The Great Law of Peace* (Winnipeg: University of Manitoba Press, 2018), 125–132.

[123] Preston, *Texture of Contact*, 106.

[124] *Ibid.*, 282.

[125] Jon Parmenter, "The Meaning of *Kaswentha* and the Two Row Wampum Belt in Haudenosaunee (Iroquois) History: Can Indigenous Oral Tradition be Reconciled with the Documentary Record?", *Journal of Early American History* 3, 2013, 82–109.

Households

Another way in which kinship functioned to create and maintain power in the borderlands was through the household. William Johnson's household is a prime example. In around 1749, Johnson built himself a two-storey stone house surrounded by fortifications, Fort Johnson, in Amsterdam, New York. In 1763, he moved to 'Johnson Hall'. This was a substantial house guarded by two blockhouses that Johnson commissioned colonel architect Peter Harrison to design for him in Johnstown, a town he founded and named after himself, about 7 miles from Fort Hunter. This latter house would eventually sit on a vast 40,000-acre estate, as Johnson brokered further land concessions.[126] The house dominated the landscape: both product and symbol of Johnson family power.

Local historian Jeptha Simms, who carried out oral history in the region, claimed in 1848 that Johnson 'no doubt lived in greater affluence, or more in the style of a European nobleman of that day, than ever did any other citizen of New York'.[127] According to the son of an early settler on Johnson's estate, the permanent household included a 'good lawyer', a secretary named Lafferty; an 'Irishman named Flood', who was the *Bouw-master* (overseer of farms and the enslaved labourers who worked them); Johnson's nephew and household physician John Dease; a musician named Billy, 'a dwarf some thirty years old', who played the violin well and was 'always on hand to entertain guests'; a gardener; a butler named Frank, 'an active young German'; a 'Waiter named Pontiac, a sprightly well-disposed lad of mixed blood, negro and Indian, who was generally with him when from home'; and a pair of 'white dwarfish-looking Waiters' surnamed Bartholomew who were believed to have been brothers.[128] This multicultural household revolved around Johnson himself. Even local workers were mostly beholden to Johnson. 'His *Blacksmith*, and his *Tailor*, had each a shop just across the road from the Hall. They did very little work for any one out of the *royal* household.'[129] Johnson's household was a microcosm of imperial cosmopolitanism: probably few of its members were from the imperial heartland of Britain (or had even seen Britain), but they were bound together by loyalty to an abstract British political state, its patriarchal authority represented by Johnson. Imperial cosmopolitanism and local control alike were further entrenched by Johnson's extension of ostentatious hospitality to travellers from around the empire. According to the loyalist historian (and contemporary of Johnson's) Thomas Jones, Johnson's home was 'a kind of open house', and '[t]ravellers from all parts of America, from Europe and from the West Indies,

[126] Timothy J. Shannon, "Fort Johnson", in Peter Eisenstadt (ed.), *The Encyclopedia of New York State* (Syracuse, NY: Syracuse University Press, 2005), 589.
[127] Jeptha Simms, *Trappers of New York* (Albany, NY: J. Munsell, 1851), 22.
[128] *Ibid.*, 23–24.
[129] *Ibid.*, 24.

daily resorted to his house in their respective tours through the country'. The inclusion of the West Indies underscores that many of these travellers would have owned enslaved people. The politics of hospitality were also important in Johnson's relationships with Indigenous peoples. 'Sometimes seven, eight, or ten of the Indian Sachems joined the festive board', Jones further observed.[130]

In the meantime, Joseph and Molly Brant were already, like at least some other Haudenosaunee, operating with fluidity in the world of 'European' material goods. As Lois Feister and Bonnie Pulis point out, citing the dissertation work of David Guldenzopf, excavation of the Brant family home in Canajoharie revealed a house with walls, not a longhouse, with 'a stone cellar, clapboard siding, a fireplace, glass windows, plaster walls, and outbuildings'.[131] Mary Brant was certainly familiar with European-style housing, and its layers of power.

On the Johnson estate, Mary Brant had her own cabin. She also shared Johnson's bedroom, in a separate wing of the house that included a nursery. Catherine Weisenberg's and Brant's children inhabited different parts of the large house.[132] Brant presided over the large daily suppers (with ten to thirty guests a day) that helped cement Johnson's political and social control over the region, and included visiting First Nations. Thomas Jones described her as 'a handsome, sensible, judicious, and political young lady of the blood royal of the Mohawks', who was supposedly known as 'Indian Lady Johnson', to distinguish her from John Johnson's wife; whatever the exoticism at work in this and other descriptions, it is clear that Brant played a public role.[133] At the same time, Brant's power among the Six Nations would certainly have been enhanced by the patronage and goods she controlled as the person in charge of Johnson's stores.[134] This was all the more important in light of the central role of gift-giving in Haudenosaunee diplomacy, and in the creation and consolidation of relationships.[135] When the Mohawk man Peter Ogwitontongwas, or 'Little Peter', wrote to Johnson in 1770 to request a 'Black Stroud' (or blanket) for his wife and sister-in-law so that they could properly mourn the 'Loss of a relation of my wifes Brothers Son', the request reinforced female relationships; 'My

[130] Thomas Jones, *History of New York during the Revolutionary War, and of the Leading Events in the Other Colonies at That Period*, ed. Edward Floyd de Lancey (New York: New York Historical Society, 1879), vol. 2, 373.

[131] Lois Feister and Bonnie Pulis, "Molly Brant: Her Domestic and Political Roles in Eighteenth-Century New York", in Robert S. Grumet (ed.), *Northeastern Indian Lives 1632–1816* (Amherst: University of Massachusetts Press, 1996), 299–300, drawing on David B. Guldenzopf, "The Colonial Transformation of Mohawk Society", Ph.D. dissertation, Department of Anthropology, State University of New York at Albany, 104–112.

[132] Gross, "Molly Brant", 30.

[133] Jones, *History of New York*, vol. 2, 374–375; O'Toole, *White Savage*, 175–177.

[134] Gretchen Green, "Molly Brant, Catherine Brant and their Daughters: A Study in Colonial Collaboration", *Ontario History*, 81, September 1989, 239; Kelsay, *Joseph Brant*, 120.

[135] Richter, *Ordeal of the Longhouse*, 19–22 and *passim*.

Wife and her Sister Salute Miss Molly', he added, clearly expecting that both Brant and Johnson would feel a sense of obligation to his female kin.[136] Conflating domestic management and sexuality, Johnson in his will described Brant as his 'prudent and faithful housekeeper'. He also acknowledged his eight 'natural' children with her and named her as their mother.[137] The traditional colonial descriptor 'housekeeper' for a live-in sexual partner, however euphemistic, was also not completely off the mark: in Brant's daily life, diplomacy, patronage and household management merged.

After Johnson's death, Brant tried to recreate grand households in different places with herself as centre rather than the white patriarch. Immediately after Johnson's death in 1774 she moved back to Canajoharie, where she had several houses. Her household entourage by then included eight children and four enslaved people. She opened a store, which sold liquor among other things. According to biographer Earle Thomas, '[h]er store became a sort of gathering place, and daily she was in contact with scores of Indians over whom she continued to exert her influence'.[138] After the outbreak of the revolutionary war, when she fled to the British fort at Niagara in Seneca territory, having lost many of her possessions in Canajoharie, she persuaded British officers, including Daniel Claus, to help her financially. She complained to British officials about the great expense of the household she felt obliged to run because she needed to keep an 'open house for all those Indians that have any weight in the Six Nation Confederacy'.[139] She badgered Claus for appropriate material possessions, writing to him on 23 June 1778, for example: 'I have been favour'd with yours and the Trunk of Presents by Mr. Street, everything mentioned in the Invoice you sent me has come safe except the pair of gold ear-rings which I have not been able to find.'[140] After the war, the British administration built large houses side by side for Molly and Joseph Brant in Cataraqui (Kingston) in Upper Canada. Joseph at first lived in the Grand River community, but from the beginning Molly lived in Kingston with her daughters, where she maintained another open house.

Despite her 'respectability' in white terms, Brant and her family occupied a significant but ambiguous position vis-à-vis the currents of power that eddied around Johnson in the patriarchal household. As Gail MacLeitch argues, '[r]emoved from the matrilineal order of Iroquois culture, Brant spent her

[136] Peter Ogwitontongwas to William Johnson, Onahoquage, 9 February 1770, *SWP*, vol. 7, 379.

[137] LAC, G19 F6, Brant family papers, Kerr Collection, 214–230: Last Will and Testament of William Johnson, 25 July 1774 (copy).

[138] Earle, *Three Faces*, 80.

[139] BL, Haldimand Papers, Add MS 21774: Taylor and Duffin to D. Claus, 26 October 1778 (copy), enclosed in Claus to Haldimand, 5 November 1778.

[140] LAC, MG29(2), Claus Papers, 29, Mary Brant to Daniel Claus, 23 June 1778; cited in Earle, *Three Faces,* 104.

married life as a member of a patriarchal household where the presence of indentured servants, enslaved people, and Euro-American stepchildren made for complex lines of hierarchy that she needed to negotiate carefully'.[141] Even elite First Nations people were not considered by settlers to enjoy the same social or legal status as whites: the white children would inherit more than the non-white children of white men, for example. Indeed, Johnson left the bulk of his large estates to his first-born white son, John, and to the two white son-in-laws who married his white daughters. John Johnson also inherited William Johnson's title. While William Johnson left his children by Brant money and land, the lands were all smaller tracts in a new property, the Kingsland, and the children were forbidden to sell their land, in contrast to the lack of restrictions placed on the inheritances of his white children. The Mohawk children, furthermore, were placed side by side on their land; they were essentially left inalienable land that they held in a manner that mimicked communal ownership, while their white half-siblings were given land that they could transform into cash or credit. This expressed in microcosm a particular dilemma that confronted Indigenous peoples: in a context in which land was the root of wealth, as much because it could be transformed into cash or credit as because of anything it produced, Indigenous peoples would be blocked from using land as a source of credit, and also rendered unable to leave the land without losing a communal identity. Johnson clearly wanted his Mohawk children to keep their land.

At the same time, there were diverse layers of status in the large Johnson household itself, and Mary Brant and her children in other respects stood close to the top of the hierarchy. Local memory in the mid nineteenth century attested that Johnson's three eldest children by Brant, 'Peter, Betsey and Lana', went to a school that Johnston established in Johnstown with other local children. According to Simms, the schoolmaster, 'an arbitrary Irishman named *Wall*' was 'very severe with most of his pupils, but the Baronet's children were made an exception to his severity – they being ever treated with kind partiality and pointed indulgence'.[142] Johnson's three white children, by contrast, were educated at home by a governess, further underscoring status distinctions.[143]

At the bottom of the household's layered hierarchies were the enslaved people who were a core component of household power but not an open part of white families.[144] According to Simms, enslaved people lived across the Cayadutta Creek from Johnson Hall, in small dwellings built for them. 'They drest much as did their Indian neighbours, except that a kind of coat was made of

[141] MacLeitch, *Imperial Entanglements*, 141.
[142] Simms, *Trappers of New York*, 25–26.
[143] William Elliot Griffis, *Sir William Johnson and the Six Nations* (New York: Dodd, Mead and Company, 1891), 206.
[144] Wanda Burch, "'He was bought at public sale …': Slavery at Johnson Hall", *The Sunday Leader-Herald*, 27 February 2000, 8A.

their blankets by the Hall tailor.'[145] Molly Brant herself inherited four Black enslaved people from Johnson, including two women named Jenny and Juba.[146] This was not without precedent: Indigenous elites in North America did sometimes own enslaved people of African origin.[147] More commonly, however, Indigenous people entered elite European households as slaves themselves, often called 'panis', as part of the wider Indigenous market.[148]

It is unclear whether Johnson owned Indigenous slaves, but his correspondence with Daniel Claus (not yet his son-in-law) in 1761 sees him telling his Montreal-based agent that 'I would not have you buy me a Pawney as I find they are much dearer than I expected.'[149] Claus was also a slaveholder; his papers include an attestation of sale of a 'young negro Wench' for sixty pounds in New York currency in 1763, which Claus marked on the back 'for my wench'.[150] By the middle of the revolutionary war, Joseph Brant himself owned several enslaved people whom, in Isabel Kelsay's words, 'he had captured or who had run away to join him', and whom he was said to work hard.[151]

One of the people whom Joseph Brant held in slavery in his later life in Canada was a young girl named Sophia Pooley. Pooley was interviewed in her nineties in the 1850s, and testified to her experience living with Joseph Brant and his third wife Catherine Croghan. She recounted that she and her sister had been stolen as children from her parents, themselves enslaved in New York, and spirited away to Canada. They were taken to Niagara and sold to 'old Indian Brant, the king'.[152] She thought that she was seven when she was kidnapped and sold, and that she lived with Brant for twelve or thirteen years. She recalled living with the family and hunting deer:

[145] Simms, *Trappers of New York*, 23.

[146] LAC, MG 19 F6, Brant family papers, Kerr Collection, 214–230: "Last will and testament of William Johnson", 25 July 1774 (copy).

[147] During the revolutionary war, Captain John Deseronto captured a Black man who called himself Charles Grandison, whom Deseronto 'looked upon as his property' and of whom he 'made a present […] to his party upon the Spot'. British Library Additional MS, Haldimand Papers, 21774: Daniel Claus to Frederick Haldimand, Montreal, 9 December 1779.

[148] Rushforth, *Bonds of Alliance*.

[149] LAC, MG 19, F1 R5236-0-7-E, Claus papers, vol. 1, 30–31: William Johnson to Daniel Claus, Fort Johnson, 17 March 1761, 30–31.

[150] LAC, MG 19, F1 R5236-0-7-E, Claus papers, vol. 23, attestation of sale [no title], 26 Ju[ne?], 1763. Seemingly unnumbered in the original collection. LAC microfilm: microfilm reel 1485, images 201–202.

[151] Kelsay, *Joseph Brant*, 279. Kevin Vogel underscores the importance of slave-owning to elite status in colonial New York and to British-Kanien'keha:ka diplomacy: Kevin Vogel, '"I adopted her as one of my own"; Joseph Brant, Slavery and the Elite Sensibilities of British-Kanien'keha:ka diplomacy', MA MRP (Major Research Paper), Department of History and Classical Studies, McGill University, 2021.

[152] Benjamin Drew, *A North-Side View of Slavery. The Refugee: or, the Narratives of Fugitive Slaves in Canada* (Boston, MA: John P. Jewett and Company, 1856), 192.

> While I lived with old Brant we caught the deer. It was at Dundas at the outlet. We would let the hounds loose, and when we heard them bark we would run for the canoe--Peggy, and Mary, and Katy, Brant's daughters and I. Brant's sons, Joseph and Jacob, would wait on the shore to kill the deer when we fetched him in. I had a tomahawk, and would hit the deer on the head--then the squaws would take it by the horns and paddle ashore. The boys would bleed and skin the deer and take the meat to the house. Sometimes white people in the neighborhood, John Chisholm and Bill Chisholm, would come and say 'twas their hounds, and they must have the meat. But we would not give it up.[153]

If this recollection suggests some solidarity between the Brant family and enslaved people of African descent, then some of the rest of Pooley's story restores a sense of intense power imbalance. Pooley went on to recount that Croghan was 'a barbarous creature', who could speak English but refused to.

> She would tell me in Indian to do things, and then hit me with any thing that came to hand, because I did not understand her. I have a scar on my head from a wound she gave me with a hatchet; and this long scar over my eye, is where she cut me with a knife. The skin dropped over my eye; a white woman bound it up [...] Brant was very angry, when he came home, at what she had done, and punished her as if she had been a child. Said he, 'you know I adopted her as one of the family, and now you are trying to put all the work on her.'[154]

This was a troubling conception of family that hints at the capaciousness of the concept, including the overlap between 'family' and 'household'. In Upper Canada, Indigenous people and people of African descent continued to interact as Indigenous people tried to maintain a fragile intermediary status. In 1833, for example, John Johnston, chief of the Lower Mohawks, asked in Council for the removal of both 'Whites' and 'Blacks' illegitimately occupying Six Nations land at Grand River. He feared if Black people were not removed 'we may become darker than we are', and claimed that 'the Blacks use our people even worse than the Whites do'.[155] If some Haudenosaunee people tried to distance themselves from Black people, however, there were clearly many daily intimate interactions. Insecurity of status permeated all aspects of a society in which elite white men occupied the central positions of power, but many jostled for control. The family could be imagined as including enslaved people, in a context in which the control of people was a source of power and 'family' was correspondingly capacious.

[153] Drew, *North-Side View of Slavery,* 192–193.

[154] *Ibid.*, 194; Vogel, "'I adopted her as one of my own'".

[155] Brock University, microfilm E99 17 B63: "Proceedings of a council of the Six Nation Indians held at the Onondaga village council fire at the Grand River on the 28th January 1833", in John Brant Letterbook, 1828–1832; Six Nations Council Minutes, 1833–1834, 91. This speech was given on 1 February, however, as the council was prolonged.

Canajoharie, 1773–1774

Despite Sir William Johnson's wealth and household power, the fragility of his 'management' of both Indigenous people and settlers was evident on the verge of the American Revolution. Not only was uncontrollable violence erupting in the Ohio Valley, but the Mohawk Valley itself was also increasingly a site of open struggle. On 23 May 1773 in Canajoharie, a group of Kanyen'kehà:ka men invaded the house of George Klock, a tavern-keeper of Palatine descent, and beat him. Klock was an inflammatory figure in the ongoing struggle over land. For many years, he attempted to appropriate some 40,000 acres through the infamous Livingston patent, a disputed instrument by which Albany settlers had claimed to possess Kanyen'kehà:ka territory, including Canajoharie itself. He had a related long-running feud with Johnson, who described him in 1762 as 'the most troublesome and worst man I ever knew'.[156] Since 1760, Klock had tried to lease out land in Canajoharie, to evict the tenants installed by the Kanyen'kehà:ka and to prevent these tenants from paying rent to their Indigenous landlords.[157]

Klock not only claimed Haudenosaunee lands, but also organized the display of Mohawk people in Europe for profit, exploiting the hunger of Europeans to see exotic and 'primitive' people in the flesh.[158] Some ten years earlier, Klock had been instrumental in persuading two Mohawk men from Canajoharie, Sychnecta and Trosoghroga, to travel with his associate, a German tailor named Lorenz Blessius, to Europe, to be exhibited for money.[159] As George Hamell demonstrates, after various vicissitudes, including being displayed in London, sold to a promoter in Amsterdam and then being taken back to London, the two men were rescued by the House of Lords. The Lords resolved that bringing to Europe 'any of the Indians who are under His Majesty's protection' from America without proper authority might 'tend to give great Dissatisfaction to the Indian Nations', and was therefore dangerous to colonists.

[156] Sir William Johnson to Goldsbrow Banyar, 13 March 1762, *SWP*, vol. 3, 647.

[157] Preston, *Texture of Contact*, 265–281; MacLeitch, *Imperial Entanglements*, 178–179. The claims of George Kock and (at this point) his fellow claimant and trader, Jelles Fonda, were litigated in New York in 1763: WCL, Indian Department papers, "Copy-Minute of Council relative to the Complaint of the Canajoharie Indians", 19 January 1763.

[158] Compare Clifton Crais and Pamela Scully, *Sara Baartman and the Hottentot Venus: A Biography and a Ghost Story* (Princeton, NJ: Princeton University Press, 2010).

[159] After the men had been displayed in Britain, and possibly Ireland, including a sojourn in London at the Sun Inn, Blessius apparently sold Sychnecta to the widow of the owner of the Blauw Jan in Amsterdam, a venue for exhibitions. At some point a promoter named Hyam Meyres became involved; he travelled to Amsterdam to get Sychnecta back and again displayed the Mohawk men in London. Meyres would be hauled before the House of Lords to explain himself. George R. Hamell, "Mohawks Abroad: The 1764 Amsterdam Etching of Sychnecta", in Christian F. Feest (ed.), *Indians and Europe: An Interdisciplinary Collection of Essays* (Lincoln, NE: University of Nebraska Press, 1999).

A second resolution stated that 'the making a public shew of Indians, ignorant of such proceedings, is unbecoming and inhuman'.[160] Within a year of the Mohawk men's departure, even before their return, British administrators had prevented George Klock's son, George Klock jr, and his associate Martin Nestle from taking two other Canajoharie Mohawk to be displayed in Europe. 'The Indians are all much affected by it,' wrote Johnson on this occasion, 'and begged they [Klock and Nestle] might not be allowed to carry away their people but have them sent back, there were two of ye same Nation taken away in the same manner last year & never heard of, which has done a good deal of harm.'[161]

Nonetheless, in 1773, Klock tried yet again to bring a young Mohawk man to Britain to be displayed for profit. In a speech at the 1774 conference between Johnson and the Six Nations, on 11 July, the chief Decharihoga termed Klock 'this evil spirit'. Klock had 'last winter by his cunning seduced one of our foolish young fellows to steal away with him to England, where he exposed him for a shew and cheated him out of his Money – Klock has since stolen home like a Rogue'. The situation was so bad that the Kanyen'kehà:ka felt compelled to present their case before the entire Six Nations confederacy, 'that they who know our Rank, may espouse our Cause'.[162] After responding to this speech, William Johnson collapsed, and shortly thereafter died.[163]

In August, Johnson's son-in-law and successor as Superintendent, Guy Johnson, wrote urgently to Lieutenant Governor Cadwallader Coldon to affirm that Klock's 'repeated offences' were 'highly aggravated by the circumstances of his seducing one of their People to accompany him last Winter to England and Exhibiting him as a Show'. Klock had even 'defrauded the Indian of his money' on the passage home. 'Of this the Indian complained & went (with some others) to his House, where they took part of that Cash away and insisted on his signing a Release for part of the Lands of their Village, included in the patent of Van Horne and Livingston, which all the other Proprietors had long since done.'[164] Responding to the accusation, Klock explained the dispute between himself and the Mohawk by telling a story about violent attacks and abusive neighbours, with no reference to land or struggles over pay. According to his complaint to the governor and Council at New York on 23 May 1774,

> there came about twenty Conajohary Indians in my house at Canajohary, in the County of Tryon and Robbed me […] and dook some Ritings away;

[160] Hamell, "Mohawks Abroad"; British Parliamentary Papers, *Journals of the House of Lords*, 3 George 5, 5 March 1765, 62; 6 March 1765, 64. Hamell cites Cobbett and Wright, *The Parliamentary History of England, from the Earliest Period to the Year 1803* (1813, 16), 51.

[161] Hamell citing Sullivan et al., *Johnson Papers*, vol. 11, 473–474.

[162] "Proceedings at a Congress with all the Chiefs, and Warriors of the Six Nations at Johnson Hall in June and July 1774", *DRCHSNY*, vol. XIII, 478.

[163] *Ibid.*, 479.

[164] Guy Johnson to Lt. Gov Coldon, Guy Park, 2 August 1774, *DRCHSNY*, vol. XIII, 1006.

> and after they had robbed as aforesaid, the Ringleader thereof Joseph Brandt, dook the Pistel, which he Robbed of me and struck me down and four of said Indians kedded [presumably kicked] me so much that I was fainted away, and I sopose if it had not been for one Johs Kelmer and Arent van Betten that just at the same time Came in the house, they would have killed me.

A month later, he complained, Joseph Brant returned with some thirty companions, many of whom Klock named, 'and as they could not find me, they killed Eight ships [sheep] of my two sons named Jacob G. Klock and George G. Klock and they said that they would Destroy all what I have and all and everything my Children has and Children after them so long as there was one to be found'.[165] In the meantime, the city of Albany persisted in claiming the most valuable agricultural lands of Tiononderoga, based on a highly problematic deed from 1686. Such struggles illuminate the strategic necessity driving the Kanyen'kehà:ka and other similarly situated Indigenous groups to seek patrons, sometimes paying what might be seen as a form of protection money in the form of generous land concessions to men such as Johnson, in an effort to create ties of mutual obligation.[166]

Klock's grasping quest for land would provide reasons for the Mohawk to support the British side during the American Revolution. When in 1776, as we shall see shortly, Mohawk representatives Joseph Brant and John Hill went to London as part of a delegation from the Indian Department they informed Lord Germain, Under-Secretary of State for America, that the 'Mohocks' had been badly treated by the King's people:

> [T]he City of Albany laying an unjust claim to the lands on which our Lower Castle is built, as one Klock and others do to those of Conijoharrie [*sic*] our Upper Village […] [i]t is very hard when we have let the Kings subjects have so much of our lands for so little value, they should want to cheat us in this manner of the small spots we have left for our women and children to live on. We are tired out in making complaints and getting no redress.[167]

For his part, Klock became a rebel, as he and his sons fought on the Patriot side against what one of Klock's twentieth-century descendants characterized

[165] George Klock to Governor and Council at New York; transcribed in Lyman Draper manuscripts, Wisconsin Historical Society Brant Papers, vol. 2, 53. According to Draper, the original is in 'NY Col MSS, 6c fol 122'. Among his assailants, Klock named 'Joseph Brand, Johs Ro, Henry a son of Jacob Gahogtoro, Jacob Onhagtorow, John Peter, a French man, Peter who living in Brand's house, Chequa Adam, a son of Caristalgee, Elias a son of Eve, Paulus Petersen, [Gobe's?] Rahunsie & Petrus his son Cajockhaw Brand'.

[166] Taylor, *Divided Ground*, 69 and *passim*; Preston, *Texture of Contact*, 89–96; and *passim*.

[167] "Speech of Captain Brant, Thayendenegeh, accompanied by Oteronghyanento, a warrior, both of the Six Nations, to Lord George Germain", 14 March 1776, *Documents Relative to the Colonial History of the State of New York*, vol. 8, 670–671.

as the tyranny of Sir William Johnson.[168] At the Battle of Oriskany during the Revolution, Haudenosaunee warriors singled out members of the Klock family and tried to kill them. In the meantime, Brant was remembered by 'humanitarians' such as Saxe Bannister as a loyalist, or as an exemplar of the possibilities of assimilation, rather than as the man who led an attack on Klock's household, hit him with a pistol and killed his sheep in order to defeat a fraudulent land claim. In similar ways, conflicts with Indigenous peoples over land often became lost in white narratives about the history of the Revolution. The example of conflict with Klock underscores how, on Iroquoian borderlands and elsewhere, the revolution was also a war over land.[169]

In all of this, it is nonetheless noteworthy that Klock knew the names of his assailants, and that he spoke Mohawk. He had been involved in the community as a trader and tavern keeper for many years, and the history of his land claims disputes was long and tortuous. Past accusations against him frequently included the claim that he plied people with liquor and persuaded them to sign away land while drunk. For example, in 1763, at a meeting between the Canajoharie Kanyenke'ha:ka, William Johnson, several Justices of the Peace for Albany and land claimants, a Canjoharie spokesperson, Cayenquiragoa, ritually presented empty bottles in a speech to Sir William Johnson. As Cayenquiragoa put it, 'upon the Strictest enquiry we find that Liquor must have been the Cause of the whole, and we now deliver you a Bottle of Liquor with which we were beguiled by *George Klock*'.[170] In these ways, Klock seems a typical denizen of a frontier zone: he was involved in conflict over land in a space of unclear authority, and he was resented, indeed hated, by those he tried to dispossess, but was also economically embedded.[171] Indeed, in some ways he was part of the family. Whatever the best assessment, Klock – both insider and outsider, hated and followed – was part of the borderlands world of Joseph Brant, Molly Brant and William Johnson, but was also a harbinger of the new society to which it was turning that would no longer need to make compromises with Indigenous peoples.

[168] Milo Nellis, "Jacob Klock, Patriot", *St. Johnsville Enterprise and News*, reproduced in the collection of historical documents pertaining to the Mohawk Valley maintained by Joyce Berry. Unfortunately, the editors could only date the article to the interwar period. Accessed as www.fortklock.com/coljacob.htm; site address recently changed to www.threeriversshms.com.

[169] As Colin Calloway demonstrates for several regions. Calloway, *American Revolution in Indian Country*.

[170] "A meeting with Canajoharies", *SWP*, vol. IV, 53.

[171] Preston, *Texture of Contact*, 265–281; MacLeitch, *Imperial Entanglements*, 232–233.

2

All the King's Men

Kinship and the American Revolution

> Keep good care of these papers for there is dynamite in them enough to blow up all hitherto accepted history of the Indian war of the rebellion of 1776.
>
> *Archivist W. Kirby to Canadian Prime Minister Sir John A. Macdonald, 1 February 1890, asking that records of frontier warfare from the papers of Daniel Claus be kept safely out of the National Archives of Canada*

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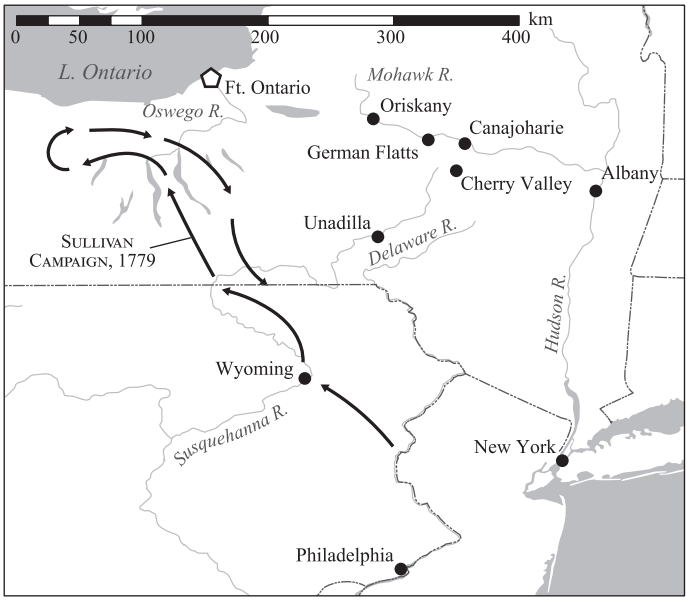
When the Revolution began in New York, bills came due. Tension in the region, particularly over long-standing land disputes, fed into the larger conflict. The Six Nations hoped the British empire would defend their lands from the claims of Albany settlers. Imperial officials sought to mobilize the Haudenosaunee on the British side, calling on the duties of alliance. The Six Nations were divided among themselves. Many counselled neutrality, but most ended up having to choose sides, however reluctantly; the majority, spearheaded by the Mohawk, eventually allied with the British, but many of the Oneida and Tuscarora fought on the American side. All made difficult choices in an effort to protect their land. During what has been described, however controversially, as a civil war, the Six Nations fought against one another, shattering the Confederacy, even if many seemingly tried to avoid killing other Haudenosaunee.[1] Many settler families in New York were similarly divided between Loyalists and 'Patriots'. Mobile groups of rangers, continuing a North American military practice of relying on both rangers using Indigenous military tactics and conventional military forces, attacked and destroyed borderlands settlements from British bases in Canada.[2]

[1] Barbara Graymont, *The Iroquois and the American Revolution* (Syracuse, NY: Syracuse University Press), 48–85; Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge: Cambridge University Press, 1995); Karim Tiro, "A 'Civil War'? Rethinking Iroquois Participation in the American Revolution", *Explorations in Early American Culture*, 4, 2000, 148–165.

[2] On hybrid military practice, Wayne Lee, "Projecting Power in the Early Modern World: The Spanish Model?", in Wayne Lee (ed.), *Empires and Indigenes: Intercultural Alliance, Imperial Expansion, and Warfare in the Early Modern World* (New York and London: New York University Press, 2011), 1–16.



Sources: Natural Earth, IPUMS, Government of Canada.
Sullivan Campaign feature after Boardman (1978).
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Maps by Geoffrey Wallace, 2021

Map 2.1 The war in the Mohawk Valley and its aftermath: North-eastern borderlands

In turn, the army attacked Six Nations settlements and eventually turned to large-scale ethnic cleansing. Fort Niagara on Lake Ontario and Lachine, outside Montreal in Lower Canada, became refugee camps for displaced Haudenosaunee. The war split fragile alliances and enabled the further appropriation of Indigenous land. Older uses of kinship were threatened and new forms of family would need to be imagined in the wake of this destruction.

Malevolent Families: New York, 1774–1775

As the Mohawks' bitter conflict with Klock underscored, there was already a sense of political fragility and latent violence in New York when Sir William Johnson died in 1774. With Johnson's death, the regional hegemony exerted by the Johnson family became even more tenuous. In 1776, Johnson Hall would be attacked and the family scattered, as the domination of this powerful family was first threatened and then destroyed by local resistance.

After Johnson's death, Molly Brant left Johnson Hall, returning to Canajoharie with four enslaved people and her eight children. The eldest of these children was her son Peter, who returned from Philadelphia and would soon join the Indian Department. In a later Loyalist claim for compensation for goods left behind

in 1777, when she was finally forced to flee Canajoharie, Brant listed effects to the value of £1,206 13s 4d (in New York currency), including four 'Dwelling Houses' (two of them 'small') and a barn as well as goods including, in the words of Isabel Kelsay,

> a quilted white ballgown styled in the French mode, two pairs of green velvet leggings, two scarlet cloaks, such fripperies as silken hose and gloves, two hundred silver brooches and three hundred silver crosses, eight hats, a picture, a violin and a set of music books […], fine silver, china, all kinds of bedding, twelve chairs, three side-saddles, a wagon, a chaise, a bateau and plenty of money.[3]

Nonetheless, Tench Tilghman, who visited Canajoharie in his capacity as secretary for an Indian Commission created by the new revolutionary Congress, recorded that she was 'fallen from her high estate'. Sir William had left her 'some money, upon which she carries out a small Trade, consisting chiefly, I believe in Rum which she sells to the Indians'.[4] The brooches and silver crosses may have been trade goods.

In the meantime, Six Nations representatives called on Guy Johnson, William Johnson's son-in-law, to take over as the new head of the Indian Department, in accordance with the wishes of Sir William, who had been grooming Guy as his successor. In theory, the choice belonged to the British state, but the Six Nations inaugurated Guy Johnson at William Johnson's condolence ceremony before Whitehall had made a final decision (although it should be noted that the evidence for Six Nations enthusiasm stems mainly from Guy Johnson's own detailed reports).[5] Guy Johnson then repeatedly reminded Gage that confirming his appointment would calm the Six Nations at a politically turbulent time. This appointment further entrenched the Indian Department as a family business. Like William, Guy lived in an opulent household named after himself, Guy Park (recently built after lightning destroyed an earlier house in 1773), and enjoyed the material benefits of his position. In his post-war claim for compensation as a Loyalist, he would declare some £22,000-worth of property lost in New York.[6] Both Guy and John, William's son, inherited resentment of

[3] Lois M. Huey and Bonnie Pulis, *Molly Brant: A Legacy of Her Own* (Youngstown, NY: Old Fort Niagara Association), 37–38; Isabel Thompson Kelsay, *Joseph Brant, 1743–1807: Man of Two Worlds* (Syracuse, NY: Syracuse University Press, 1984), 140.

[4] Samuel Alexander Harrison (ed.), *Memoir of Lieut Col. Tench Tilghman* (Albany, NY: J. Munsell, 1876), 83, cited in Huey and Pulis, *Molly Brant*, 43.

[5] William N. Fenton, *The Great Law and the Longhouse: A Political History of the Iroquois Confederacy* (Norman: University of Oklahoma Press, 1998), 571–575; Robert S. Allen, *His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1774–1815* (Toronto and Oxford: Dundern Press, 1992), 40–41.

[6] Leslie Reinhardt, "British and Indian Identities in a Picture by Benjamin West", *Eighteenth-Century Studies*, 31(3), Spring 1998, 288.

the Johnson family by local whites, including fear of their imagined influence over Indigenous warriors.

For his part, Daniel Claus deplored the loss of William Johnson. The Six Nations, he reported to Gage in December 1774, would always lament Johnson's death: '[I]ndeed I apprehend that no one will ever have that Influence with, or ever again that confidence from them that he had, as which from a savage & Independent people was no otherways to be obtained or brought about, than by studying their language & taking indefatigable pains to please them & shewing a readiness to promote their Interest.'[7]

Whether or not Guy Johnson's talents were on a par with those of his father-in-law, he certainly had to face difficult circumstances very quickly. In 1774 in Virginia, the Shawnee, whom the Six Nations claimed as dependents, went to war with white settlers who intruded onto their land, triggering Lord Dunmore's War. The British administration worried that the Six Nations would become involved and that the confrontation would spark another major uprising. Guy Johnson argued to Thomas Gage that 'should the Six Nations in the Spring enter into their quarrel, or break out in any Quarter the War will prove more general and injurious than ever. The Thoughtless Frontier People never consider this.'[8] Johnson was accordingly tasked with keeping the Haudenosaunee out of the conflict. In 1775, as rebellion broke out in full force, the question became whether they would support the colonists, or could be mobilized against rebels.

In these circumstances, Guy Johnson leant on his relationship with Joseph Brant, then employed by the Indian Department as an interpreter. For example, Johnson sent Brant to report back to him on a Six Nations council held at Onondaga to discuss events in Shawnee territory. At a subsequent Congress held on 1 December 1774, at Guy Park, with the 'Chiefs and Warriors of the Six Nations &c', Tyawarunte, the 'Speaker of the Fire place', perhaps somewhat sarcastically affirmed to Johnson that '[a]s Joseph Tayendanegeah attended the General Congress on your behalf and by your authority and took down in Writing what passed – all which we Believe he did very Exactly[, I] shall be Brief in Repeating the same […]'.[9] It is noteworthy that Tyawarunte commented on Brant using the technology of writing, which coexisted at this time with the technologies of wampum belt records and oral memory.

[7] LAC, Claus Papers, vol. 1, 176–179: Claus to "His Excellency" (Thomas Gage?) (draft), Mohawk Country, 2 December 1774. See also Kelsay, *Joseph Brant*, 141–142, including a comment by the Mohegan preacher Samson Occom that Guy Johnson found himself 'very Solitary on the account of the Death of Sir William Johnson'.

[8] William Clements Library (henceforward WCL), Gage Papers, American Series, vol. 124: Guy Johnson to Thomas Gage, Guy Park, 24 November 1774; Allen, *His Majesty's Indian Allies*, 41–42.

[9] WCL, Gage Papers, American Series, vol. 124: "Proceedings of a Congress held with the Chiefs and Warriors of the Six Nations at Guy Park, December 1st 1774", enclosed in Guy Johnson to Thomas Gage, Guy Park, 14 December 1774.

Johnson scrambled to find as many resources as possible to throw at his Haudenosaunee allies. As he put it bluntly and cynically in a letter to Thomas Gage of 12 May 1775, reporting on a recent visit to a turbulent New York City, 'every measure you may be assured, Sir, will be taken to Seduce my Tawny Regiment, concerning whom the People are amazingly apprehensive'. And yet events rapidly accelerated. He had had difficulty writing from New York, he attested, because communication with Boston had been cut off and mail was being opened. He was 'hourly exposed' to 'impertinence', partly because of people's 'apprehensions about the Indians'. He had rushed back to his seat in Tryon County, hearing that 'some Incendiaries were going to take measures to disturb the Tranquility of the County'. He added reassuringly, however, that 'the Measures I have taken in Conjunction with the family, have prevented their succeeding as yet, and your Excellency may be assured that if thro' the Various Articles practiced on the honest credulous People here, I should happen to fail, it shall not be till after every Consistent Exertion which Resolution & Loyalty can inspire'. To that end, he requested urgent help in obtaining 'Indian goods'.[10]

In early May 1775, magistrates and Grand Jury members of Tryon County – the elite of the county, including Guy and John Johnson – signed a letter supporting the British position in the recent constitutional struggles.[11] By then there was open conflict between Patriots and the Johnson family. Five regional 'committees of correspondence' came together on 25 May to create a united Tryon County Committee, and began calling themselves 'committees of safety', reflecting the language of the revolutionaries.[12] Members of the Palatine Committee of Safety wrote to the Albany Committee on 19 May to express their alarm about the Johnsons. 'This county has for a series of years been ruled by one family,' the letter stated, 'the different branches of which are still strenuous in dissuading People from coming into Congregational [measures?] & even last week at a numerous meeting of the Mohawk district appeared with all their dependents armed to oppose the People from considering of their grievances'.[13] The members of the Palatine Committee of Safety thus described themselves as the 'people', opposed by a malevolent family and its dependents. Across New York, committees of safety circulated a declaration supporting the acts of the

[10] WCL, Gage Papers, vol. 128: Guy Johnston to Thomas Gage, Guy Park, 12 May 1775.

[11] Robert W. Venables, "Tryon County", in Joseph F. Tiedemann and Eugene R. Fingerhut (eds), *The Other New York: The American Revolution Beyond New York City, 1763–1787* (Albany: State University of New York Press, 2005), 183.

[12] Venables, "Tryon County", 183–184.

[13] Palatine Committee of Safety to the Albany Committee of Safety, 19 May 1775, in Samuel Ludlow Frey (ed.), *The Minute Book of the Committee of Safety of Tryon County, the Old New York Frontier* (New York: Dodd, Mead and Co., 1905); original in NYHS.

Continental Congress in Philadelphia to all districts for signature, accompanied by the announcement that those who refused to sign would be boycotted.[14]

Almost all the twenty-five male signatories of the Palatine Committee's declaration in support of the Continental Congress had German names. Eleven of the twenty-five signed with an x rather than a signature: the detail in itself points to important tensions of class, ethnicity and religion in the clash between wealthy Anglican officials and disaffected smallholders.[15] That same month, John Johnson fortified his house with swivel guns and a large private militia.

The notion of 'family' at work in the Palatine Committee of Safety's letter to Albany went beyond the modern conception of a nuclear family. One of the sins of the Johnson family was the disproportionate influence it was considered to hold over its 'dependents', whether militia members or the Six Nations. Anxiety may have been exacerbated by the fact that New York was relatively evenly split between rebels and Loyalists, and splits ran across families and regions: it was problematic for Patriots in the district unambiguously to describe themselves as the 'people'. In many respects both sides were ripping apart existing relationships in order to define new common identities. It is arguable that the Patriot language of 'family' and the 'people', in addition to calling on a more democratic form of governance, also helped create categories of others who could be defined as outside the realm of the people.

These others included Roman Catholics, as well as Indians. We have seen that Johnson came from a Catholic family, some of whose members had converted. Many of the Johnson tenants were Highland Scots. They included army veterans rewarded with land after colonial wars, as well as hundreds of emigrants who moved directly from Scotland to Johnson's estates.[16] Indeed, Fintan O'Toole goes so far as to suggest that Johnson was trying to recreate 'a kind of nostalgic Gaelic chieftaincy in the Mohawk valley'.[17] The majority of these tenants were Catholic and Gaelic speaking. After the revolution, many of them would resettle as loyalists in Upper Canada, where villages in the Glengarry region, including Williamstown where John Johnson himself held land, retain even today a vestigial sense of Scottish identity.[18]

Colin Calloway argues that Highland notions of the necessity of loyalty to extended kinship networks echoed those of many Six Nations people; this might possibly have helped create a reconstructed 'family' of highlanders loyal

[14] Frey (ed.), *Minute Book of the Committee of Safety*, 6.

[15] NYHS, Tryon Country Records, 1772–1784: Minutes of the Tryon Committee of Safety.

[16] Colin Calloway, "Sir William Johnson, Highland Scots and American Indians", *New York History*, 89(2), Spring 2008, 163–177; Matthew P. Dziennik, "Through an Imperial Prism: Land, Liberty and Highland Loyalism in the War of American Independence", *Journal of British Studies*, 50(2), April 2011, 332–358.

[17] Fintan O'Toole, *White Savage: William Johnson and the Invention of America* (Albany: State University of New York Press, 2005).

[18] The Glengarry region hosts the annual Glengarry Highland Games, for example.

to Johnson.[19] Be that as it may, the Catholicism of these tenants separated them from the other two main groups from which immigrants were drawn, namely Presbyterian Scots Irish (with their long history of conflict with Catholics in Ireland) and Protestant Palatines (some of whose immediate ancestors were refugees from Catholic persecution in the Rhineland). Memories of sectarian conflict may have travelled with settlers: for example, the frontier settlement Cherry Valley, site of a much-publicized massacre during the war, was commemorated in an 1878 newspaper account as having been settled by Presbyterian Scots Irish who had fled from Ireland after the Monmouth Rising and the Siege of Derry, founding Londonderry in New Hampshire before migrating further, 'following the tortuous Indian trail to Cherry Valley'.[20]

It is therefore telling that the 17 May 1775 letter of complaint from the Tryon Committee of Safety already cited contained reference to Catholic highlanders:

> We are informed that Johnson Hall is fortifying by placing a parcel of swivel guns round the same & that Col. Johnson has had part of his Regiment of Militia under arms yesterday no doubt with a design to prevent the friends of liberty from publishing their attachment to the Cause to the world Beside which we are told that about 160 highlanders (Roman Catholics) in & about Johnstown are armed and ready to march upon the like occasion.[21]

Worse than William Johnson's patronage of Highland settlers was, however, the Johnson family's relationship with the Six Nations, mirroring what many saw as the British empire's unnatural willingness to use 'Indian' allies against its own settlers – at this point a subject for debate and apprehension within the army and the British parliament, as well as in the wider British public.[22] Many white settlers feared 'Indian' warfare and believed that the Johnson family had many supposedly malleable Indigenous 'dependents'. It was possibly worse that the family included Indigenous people as actual members. In 1777, for example, John Adams wrote triumphantly to his wife Abigail that 'The Family of Johnson, the black part of it as well as the white, are pretty well thinned. Rascals! They deserve Extermination.'[23]

Even the ephemera of gossip hints at tensions. A hundred years after the Revolution, salacious rumours persisted about William Johnson's large sexual appetite. Such rumours suggest a local sense of Johnson as a powerful rake,

[19] Calloway, "Sir William Johnson".

[20] Anon, "Cherry Valley: Massacre Memories", *The Observer*, 15 August 1878, in Draper Papers, Series F, vol. 5, 116–125.

[21] NYHS, Tryon Country Records, 1772–1784: Minutes of the Tryon Committee of Safety.

[22] Troy O. Bickham, *Savages within the Empire: Representations of American Indians in Eighteenth-Century Britain* (Oxford: Oxford University Press, 2006), 243–271.

[23] John Adams to Abigail Adams, Philadelphia, 19 August 1777, in L. H. Butterfield (ed.), *Adams Family Correspondence*, vol. 2, June 1776–March 1778 (Cambridge, MA: Belknap Press, 1963), 321; cited in O'Toole, *White Savage*, 326.

who used his sexuality to tie dependents to him. Johnson certainly was sexually exploitative. He had multiple sexual partners. We do not have records of the views of most of his partners; while it matters that they might have experienced these relationships as abusive, we have no way of knowing. At the same time, at least some of these relationships created kinship ties. Beyond his children with Weissenberg and Brant, Johnson left inheritances of £100 to two other sons with Indigenous women, Tagawirunta (William) and Kaghneghtago (Brant), whom he termed 'half-breed Mohawks' and 'Mohawk lads' in his will.[24] Rumour went even further, however. In 1878, local historian Jeptha Simms claimed in a letter to historian Lyman Draper that Johnson had perhaps 100 children by many Mohawk women.[25] (This would have been an extraordinarily high percentage of the children in the village.) In a published account, Simms told a local family story that Johnson had purchased a bed large enough for a (white) sexual partner called Susannah and her parents, telling the father 'you get on that side and take care of your old woman next to you, and I'll get on this side and try to take care of Susannah'.[26] Despite the unlikeliness of these stories, it is interesting to ask, with oral history theorist Alessandro Portelli, about the 'truths' underlying probably untrue stories.[27] Was Johnson remembered, for example, as a powerful but unnatural patriarch? This argument is all the more compelling if one thinks of Johnson as at the head of a loyalist kinship network cutting across ethnicity.

Both Johnson's Mohawk and white children, as well as adult family members, fought on the side of the loyalists. Indeed, they fought in some ways as a clan, from the highly placed Sir John Johnson to Peter Warren Johnson, Molly's oldest son, who died at the age of eighteen in Philadelphia fighting on the British side in 1777. Simms' comment that Johnson had 100 or so children came in the context of correspondence with Draper about the son of Johnson by another Mohawk woman who accompanied Joseph Brant to a crucial conference with General Nicholas Herkimer during the Revolutionary War. Perhaps it seemed to rebels that Johnson was creating a bloody family of soldier sons and warrior dependents, both Mohawk and highlander, who would keep him in power.[28] Even if rumours were exaggerated, they arguably captured a belief

[24] LAC, G19 F6, Brant Family Papers, Kerr Collection, 214–230: Last Will and Testament of William Johnson, 25 July 1774 (copy).

[25] Draper Papers, Brant Papers, vol. 3, 22: J. R. Simms to Lyman Draper, Port Plain, New York, 20 March 1878.

[26] O'Toole, *White Savage*, 107, citing Jeptha R. Simms, *Trappers of New York* (Albany, NY: J. Munsell, 1850), 44–45.

[27] Alessandro Portelli, *The Death of Luigi Trastulli and Other Stories: Form and Meaning in Oral History* (Albany: State University of New York, 1991). Compare also Luise White, *Speaking with Vampires: Rumour and History in Colonial Africa* (Berkeley and Los Angeles: University of California Press, 2000).

[28] Draper Papers, Brant Papers, vol. 3, 22: J. R. Simms to Lyman Draper, Port Plain, New York, 20 March 1878.

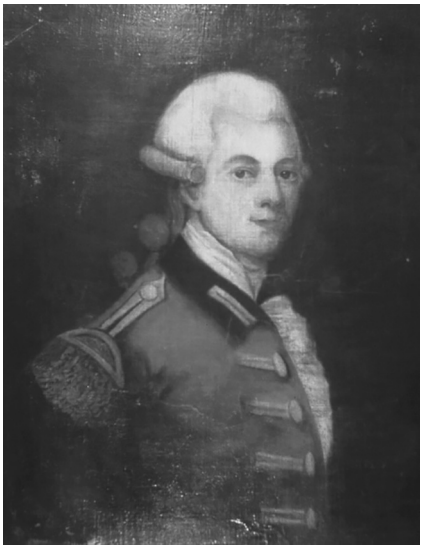


Figure 2.1 Portrait of Peter Johnson, copy by James George Kingston of a lost original (1834). Toronto Public Library, JRR 343 Fra

that the Johnsons exerted and exploited a mysterious hold over Indigenous allies, in part through unnatural family relationships.

That the Johnsons controlled Indigenous decision-making about the war was, however, unlikely. The Haudenosaunee, like other Indigenous communities, were concerned about their lands and the well-being of their people, and mostly desperate to stay out of a divisive and destructive quarrel. Whether to participate and, if so, on what side was a deeply divisive issue.[29] Of particular concern was avoiding the catastrophe of people from the same nation or confederacy killing one another, as had happened in the Seven Years' War. After that war, at a council at Sandusky in 1783 between the Americans and multiple Indigenous groups, Joseph Brant, who had been much criticized for dividing the Confederacy, stated:

> At first, it was hard for us to determine which side to join with, as they were the same People fighting each other, but upon mature and deliberate consideration, we thought it incumbent on us to join the King our Father, for had we pretended to be Neutral, we should have been divided amongst ourselves, for our Young Men would have acted on some side or other, by which we might have fought against each other and ruin[ed] ourselves.[30]

[29] E.g. Caitlin A. Fitz, "'Suspected on Both Sides': Little Abraham, Iroquois Neutrality and the American Revolution", *Journal of the Early Republic*, 28(3), Fall 2008, 299–335.

[30] The National Archives, UK (henceforward TNA), CO 42/45: "Minutes of Transactions with Indians at Sandusky", enclosed in Frederick Haldimand to Lord North, Québec, 14 October 1783.

Brant was doubtless trying to deflect criticism for his role in choosing the British side, but his words reflected the central importance of community decision-making and the difficult pragmatics of 'loyalty'. There was nothing automatic about Six Nations military support. In the end, the Confederacy split as it became impossible to avoid taking sides, and the American Revolution became in some respects an intra-Haudenosaunee conflict, with the Oneida and Tuscarora fighting with the Americans and the Mohawk, Onondaga, Tuscarora, Cayuga and most Seneca supporting the British, with various degrees of reluctance.

Nonetheless, in the spring of 1775, the Tryon Committee of Safety was deeply concerned that the Johnsons would stir up the Haudenosaunee as a whole against the Patriots. The letter to Albany of May 1775 complained about 'the Indians who we dread most, there being a current report in this County that they are to be made use of in keeping us in awe'. Sir John Johnson responded to these events in a letter to the Committee of Safety in which he affirmed (echoing the language of 'family' and 'people', from the other side) that he had lately received 'repeated Accounts that a body of New Englanders or others were to come to seize and carry away my person and attack our family under color of malicious Insinuations that I intend to set the Indians upon the People'. It was in consequence of these 'idle and Rediculous [*sic*] reports' that he claimed he was obliged to fortify his home and introduce armed men; rather, he said he devoted himself to keeping the Indians peaceful and neutral, although he felt it helpful to warn the committee that everyone knew that if the Indians found their council fire disturbed and their 'superintendent insulted', they would take a 'dreadful Revenge'.

Tensions reached a fever pitch when almost simultaneously a letter in Mohawk from the Mohawk to the Oneida was found on the road (at least according to letters from the committee), signed by 'Joseph Brandt', Aaron Kanoenraron, Johannes Tegarihoge and Deyagodeaghnaweogh. The committee had it translated:

> This is your letter [you?] great ones or Sachems Guy Johnson says he will be glad if you get this intelligence you Oneydas how it goes with him now & he is never more certain concerning the intention of the Boston people. Guy Johnson is in great fear of being taken prisoner by the Bostoneers. We Mohawk are obliged to watch him constantly therefore we send you this intelligence that you shall know it, & Guy Johnson [assures?] himself & depends upon you coming to his assistance and that you will without fail be of that opinion he believes not that you will assent to let him suffer. We therefore expect you in a couple of days' time, so much at present. We send but so far as to you Oneydas, but afterwards perhaps to all the other nations. We continue to expect that you will have concern about our ruler Guy Johnson because we are all united.

The committee seized on the incident to plead with Albany for arms and ammunition:

> Upon the Alarming News that Express were gone to call down the upper Nations of Indians to Col. Johnson's we caused ourselves to be convened this Day (although Sunday) to take the state of this County into our Consideration – upon which we have determined to order the Inhabitants of this District to provide themselves with sufficient Arms and Ammunition and to be ready at a Moment's Warning.

A final citation from the papers of the Tryon Committee underscores the association members made between the Johnsons' willingness to use 'Indian' warriors and their determination to hold the inhabitants in 'slavery'. The meeting of 8 June 1775 minuted that Guy Johnson's 'highly arbitrary illegal, oppressive and unwarrantable conduct' in fortifying his house, 'keeping a number of Indians and other armed men constantly about him', searching travellers and stopping communication with Albany confirmed fears that Johnson aimed 'to keep us in Awe and Oblige us to submit to a state of Slavery'.[31] This confrontation ended up sparking wider conflict. On the last day of May, Guy Johnson left upriver with 90 Mohawks, including Joseph Brant, and 120 white loyalists to meet with a Six Nations council at Oswego, before continuing to exile in Canada. At the fort of Oswego, his young wife died in childbirth.[32]

Although his original intention had been to hold a conference on the frontier, Guy Johnson received last-minute instructions from Gage to bring as many warriors as he could to join with the forces of the new Governor of Canada, Sir Guy Carleton, in Montreal, in order to attack the New England rebels. Not all Haudenosaunee proved willing to go to Canada, however. Worse, once the group reached Montreal, they found that Carleton refused to allow Indigenous warriors to be used to invade the rebel states, while a promised Canadian force never materialized. For several months in 1775, Johnson and Carleton fought over the appropriate use of Indigenous allies, whom Carleton wished to confine to working in defence and as scouts and whom Johnson wanted to deploy as regular soldiers. Carleton also resented the Johnson family's monopoly of Indian Department appointments.[33]

Carleton's ambivalence about Indigenous allies reflected growing debate over British–Indigenous alliances in North America. This came from both pragmatic and ideological directions. From the perspective of European

[31] NYHS, Tryon Country Records, 1772–1784: Minutes of the Tryon Committee of Safety.

[32] Gavin K. Watt (research assistance by James E. Morrison), *Rebellion in the Mohawk Valley: The St. Leger Expedition of 1777* (Toronto and Oxford: Dundurn Group, 2002), 22.

[33] Allen, *His Majesty's Indian Allies*, 48; Joseph Chew, "Extracts from the Records of Indian Transactions under the Super-Intendency of Col. Guy Johnson during the year 1775", *DRCHSNY*, vol. 8, 658–662.

empires, alliances with Indigenous peoples, however fraught and tenuous, were predicated on the need for military allies against other empires. After the Seven Years' War, however, France had been vanquished and the settler population was exploding – dynamics that were also central to the chafing of white settlers against metropolitan constraints. Furthermore, as Wayne Lee points out, the infrastructure of growing settler colonies, notably road construction, was making previously essential Indigenous modes of forest warfare seem less crucial by the late eighteenth century.[34] At the same time, some military commanders and parliamentarians expressed unease over the supposed refusal of Indigenous warriors to follow the conventions of 'civilized' warfare despite the fact that the British army often did not do so itself, and the fact that Indigenous allies were often valued precisely because of their supposed capacity to terrify.[35]

This debate was long-standing. In 1763, during Pontiac's War, British Commander-in-Chief Jeffery Amherst had generalized, from the treatment of captured British soldiers at the Siege of Detroit by Indigenous warriors, about the undesirability of alliances. Putting '[e]very Indian then in the Fort to Death' would have been 'but small Revenge for such unprovoked Barbarities', he proclaimed in a letter to Johnson on 22 June 1763.[36] Infamously, three weeks later, Amherst approved the suggestion of Colonel Henry Bouquet to send blankets infested with smallpox into Indian country.[37] As this example suggests, British arguments that it was inhumane to deploy Indigenous allies were often linked to dehumanization.

Despite these disputes, in 1775 the Six Nations ultimately played a key role in deflecting the invasion of Canada (from what is today Vermont) led by Ethan Allen. Allen surrendered directly to Peter Johnson, to whom he gave up his sword; Johnson was sixteen at the time. The killing and wounding of 'several of our best warriors' and the fact there were 'no White people supporting the Indians', in the later words of Joseph Brant to Lord George Germain, infuriated the warriors, however.[38] Shortly thereafter, on 10 September 1775, Major John Campbell arrived with a commission from the British government to take over as the Superintendent of Indian affairs in Canada, unexpectedly dethroning Daniel Claus, who felt betrayed. Guy Johnson's commission, in the meantime, remained unconfirmed. It was in this context that Daniel Claus and Guy

[34] Lee, "Projecting Power", 10–12.

[35] On earlier precedents for unease over Indigenous allies, as well as hope they would induce terror, see Geoffrey Plank, "Deploying Tribes and Clans: Mohawks in Nova Scotia and Scottish Highlanders in Georgia", in Wayne Lee (ed.), *Empire and Indigenes*, 221–222 and *passim*.

[36] Jeffrey Amherst to Sir William Johnson, New York, 22 June 1763, *SWP*, vol. 4, 150–151.

[37] Erica Charters, "Military Medicine and the Ethics of War: British Colonial Warfare during the Seven Years War (1756–63)", *Canadian Bulletin of Medical History*, 27(2), 2010, 273–298.

[38] "Speech of Captain Brant to Lord George Germain", *DRCHSNY*, vol. 8, 671.

Johnson decided to travel to London, both to try to reverse Carleton's policy on the use of Indigenous forces and to retain their jobs.

Meanwhile, in January 1776, General Philip Schuyler led a force of 3,000 men to disarm John Johnson's militia. After their retreat, Johnson began to stockpile arms again, whereupon a regiment from the Continental Army returned, this time to capture Johnson Hall. In May 1776, John Johnson became a refugee in Canada.[39] Johnson's clerk Robert Adams attested in 1788 that Johnson had, with

> a number of his Tenants and Royalists[,] travelled thro' the Woods to Canada in order to avoid being made a Prisoner by a party of the American Army and that shortly after the said Sir John Johnson had so quited [*sic*] Johnson Hall aforesaid the Americans took possession of the House all the Books papers and accounts and the furniture and Effects therein, and also took Lady Johnson the Wife of the said Sir John Johnson prisoner and sent her with her two Infant Children to Albany.[40]

London, 1776: Joseph Brant and Paradoxes of Kinship and Alliance

The delegation that travelled to London in 1776 was linked by both kinship and patronage. It numbered at least fifteen people, most with ties to the Indian Department or the Johnsons (two overlapping categories). Travelling with Claus and Guy Johnson were Claus' wife Ann (William Johnson's daughter) and their child; Guy Johnson's three young daughters and his cousin John Dease; Joseph Chew, the Secretary to the Indian Department; and three men who were hoping for commissions in the army as a result of actions to date, Walter Butler (son of a key Indian Department interpreter), Gilbert Tice, a recent Indian Department employee, and Peter Johnson.[41] Also in the group was Joseph Brant. The Indian Department doubtless expected Brant to argue for a British–Haudenosaunee alliance while providing visual proof of the power of the Six Nations. From a Mohawk perspective, he had probably been deputized to present their concerns over their lands. Brant was accompanied by Oteronyente, or John Hill, member of another important Six Nations family, as his 'prompter' (deputized speakers at council meetings, assigned to speak for a particular group, might be accompanied by a prompter).[42] Leslie Reinhardt argues that there were other Haudenosaunee present, including John Hill's

[39] Alan Taylor, *The Divided Ground: Indians , Settlers and the Northern Borderland of the American Revolution* (New York: Vintage Books, 2007), 78.

[40] WCL, Indian Department: Copy of Affidavit of Robert Adams, Albany, 20 February 1788.

[41] Kelsay, *Joseph Brant*, 159.

[42] *Ibid*., 158; Kayanesenh Paul Williams, *Kayanerenkó:wa: The Great Law of Peace* (Winnipeg: University of Manitoba Press, 2018), 120.

brother David Hill, but this is seemingly impossible to prove definitively.[43] In London in 1776, Benjamin West would paint a portrait of Guy Johnson and a Mohawk man whom Reinhardt and the National Gallery of Art alike identify as Karonghyontye (David Hill) but who seems to me more likely to be Oteronyente (his brother John Hill) (Figure 2.2), since Oteronyente is recorded as meeting with the Colonial Secretary Lord Germain in the company of Joseph Brant and the potential evidence of David Hill's presence is unclear. Whichever brother was portrayed, the painting surely symbolizes a Mohawk–British alliance, with Johnson shown as wearing British garb with striking Haudenosaunee touches and an Indigenous family in the background seemingly protected by Hill and Johnson.[44]

Philip Deloria argues that colonists in eighteenth-century America in many circumstances, including moments of carnival and of misrule, 'played Indian'. In so doing, they claimed to belong to America, often represented in British and colonial iconography by an Indigenous figure, while eradicating the claims of actual Indigenous peoples. Both negative and positive images of 'Indians' loomed large in the colonial imaginary.[45] The masculinity and supposed military prowess of the Indian were both feared and sought as something that an appropriately masculine white man could reproduce.[46] There was a paradoxical twist at work in this voyage, however. Brant needed to be able both to 'play white', to speak to the British elite, and to 'play Indian', presenting himself as a powerful warrior. He needed to perform both otherness and similarity to support an Anglo-Haudenosaunee alliance that would protect Indigenous lands. This double role was complicated by tensions in Britain around military alliances with so-called savages. As the war progressed, eminent British parliamentarians including William Pitt and Edmund Burke bitterly denounced in parliament the deployment of Indian allies.[47] Brant required a careful performance.

[43] Reinhardt, "British and Indian Identities".

[44] Reinhardt cites a 1784 letter from David Hill to Daniel Claus, originally in Kanienkeha, in which Hill asks Claus to bring back with him "the picture of my late brother, John Hill. The paper tells that Tha yen da ne gen [Brant] has already paid for it, The picture of Ga ragh gwa dir on [Guy Johnson] and I, Governor Haldimand took it with him. We two really want to have one, Tha yen da ne gen and I, if you could get another one made and bring along with you, we will be glad". The question is whether this refers to two paintings, one of John and the West painting portrayed here, or solely to the West painting. Whatever the case, it is interesting that Brant was paying for paintings. The original letter is LAC, Claus papers, vol. 4, p. 57: David Hill to Daniel Claus, Quebec, November 6, 1784; translation, Claus papers, vol. 24, pp. 22–23.

[45] Philip Deloria, *Playing Indian* (New Haven, CT: Yale University Press, 1998).

[46] Compare Robert G. Parkinson, "From Indian Killer to Worthy Citizen: The Revolutionary Transformation of Michael Cresap", *The William and Mary Quarterly*, Third Series, 63, no. 1 (2006): 97–122.

[47] Graymont, *Iroquois and the American Revolution*, 161; Bickham, *Savages within the Empire*, 267–268.

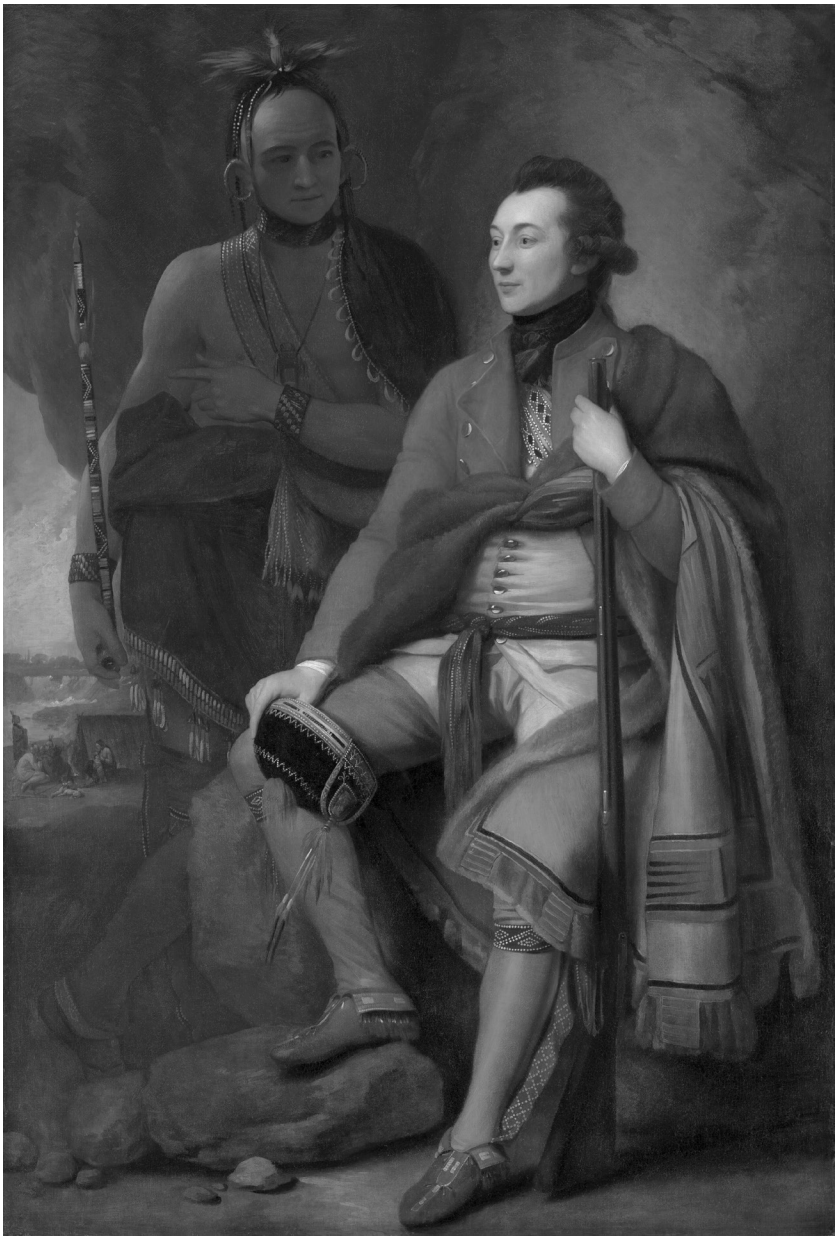


Figure 2.2 Benjamin West, 'Colonel Guy Johnson and Karonghyontye (Captain David Hill)' (1776). Andrew W. Mellon Collection, National Gallery of Art, Washington DC

If Brant travelled to London as part of an extended family group, his strategic role from both British and Haudenosaunee perspectives was to present himself as an independent chief and as a warrior, not as kin. In pursuit of this role, Brant and Hill were surely acutely aware of the unsavoury precursors of the display of Mohawk men in Britain sponsored by Klock, and of their own need to display less humiliating models of masculinity. Brant and Hill told Lord Germain, Secretary of State for America in Lord North's cabinet, '[w]e are well-informed there has been many Indians in Country who came without any authority, from their own, and gave much trouble', adding that in contrast 'we are warriors known to all the Nations, and are here now by approbation of many of them, whose sentiments we speak'.[48] As he implied in a later address, Brant wanted the British to trust primarily himself and the Johnson clan. He also wanted the Haudenosaunee to control their own image. As Brant told Germain, '[…] we request you, and the great men who take charge of the affairs of government, not to list to every story that may be told about Indians'.[49]

Brant also referenced another significant Haudenosaunee visit to England, that of the so-called 'Four Kings' in 1710 during the reign of Queen Anne, which had been an important turning point in the strengthening of an Anglicist party among the Mohawk.[50] As the Johnson party sought to make the argument that military alliances were key to British success, Brant was placed in the position, in London and later in New York, of needing to exemplify 'savage' warfare, while also wanting to maintain his status as a gentleman according to military and aristocratic codes. The difficulties of this position would only become more intense once Brant was actively involved in fighting after his return.

Masculine honour was constantly at play. The voyage to London was shared by a group of thirty-four rebel prisoners who travelled on the same ship, handcuffed and crammed into a small dark enclosure made of oak wood with two pails for excrement. One of them was Ethan Allen, who had earlier surrendered to Peter Johnson. In his later autobiography, he described how he and the 'Tory' soldiers jostled, spat and traded insults, as Allen accused the soldiers of not respecting his 'honour'. Allen also complained that 'all the ship's crew', with the exception of Claus, behaved towards the prisoners 'with that spirit of bitterness which is the peculiar characteristic of Tories, when they have the

[48] "Speech of Captain Brant to Lord George Germain", 14 March 1776, *DRCHSNY* vol. 8, 670–1.

[49] "Answer of Captain Brant to Lord George Germain", n.d. [1776], *DRCHSNY*, vol. 8, 678.

[50] Eric Hinderaker, "The 'Four Indian Kings' and the Imaginative Construction of the First British Empire", *William and Mary Quarterly*, 3rd series, 53 (1996), 487–526; Alden T. Vaughan, *Transatlantic Encounters: American Indians in Britain, 1500–1776* (Cambridge: Cambridge University Press, 2008).

friends of America in their power, measuring their loyalty to the English king by the barbarity, fraud and deceit which they exercise towards the Whigs'.[51] This was a tense world of contested masculinity.

The group was in London for about six months, during which time Brant cemented elite male ties. As Coll Thrush puts it, he appears to have been 'an active, engaged participant in the spaces of the city's modern landscape, moving with ease between its entertainments and enlightenments alongside some of its most elite residents. Thayendanagea, in short, was a cosmopolitan.'[52] If Brant came to London as part of a clan, he was able to detach himself and seize control of the optics of the stay.

On 29 February, Brant was received by King George III. This was remembered by Bay of Quinte chief Thomas Green at Mill Point in 1879 as a moment of transition by which Brant obtained eminence:

> When presented to the King, he bowed three times, & also to the Queen; & some of the authorities promised a commission, & gave it to him; & thus it was that Brant had the precedence of the other Mohawks – his commission of Captain being the oldest; & this informant (Mr. Green) thinks, that Brant may have had more land than others.[53]

The royal stamp of approval certainly facilitated Brant's entrée to high social circles. According to Daniel Claus, '[s]everal Gentlemen of Distinction and Fortune took notice of him and used him very kindly'.[54] The Earl of Warwick commissioned society painter George Romney to paint Brant's portrait. Brant had himself painted in dress that combined elements of European and Six Nations dress, with details demonstrating both Haudenosaunee identity and loyalty to George III.[55] In Britain, Brant was close to several elite white men, some of whom might perhaps be seen as seeking association with the imagined hypermasculinity of an Indian warrior.

Before Brant left for Britain, he had a close relationship with Augustine Prevost, son of a high-ranking officer in the American British army. In a memoir written in 1811 and based in part on the memories of Anglican missionary to Mohawk John Stuart, the Anglican clergyman John Strachan claimed that it was

[51] Ethan Allen, *A Narrative of Colonel Ethan Allen's Captivity* [….], 4th ed. (Burlington, VT: Chauncey Goodrich, 1846), 37–38.

[52] Coll Thrush, *Indigenous London: Native Travelers at the Heart of Empire* (New Haven, CT and London: Yale University Press, 2016), 123.

[53] Draper papers, Ser F, vol. 13, 67–68.

[54] Cited Thrush, *Indigenous London*, 125–6.

[55] Stephanie Pratt, *American Indians in British Art, 1700–1840* (Norman: University of Oklahoma Press, 2005), 97. On mixing 'European' and 'Indian' dress, Reinhardt, "British and Indian Identities"; Timothy Shannon, "Dressing for Success on the Mohawk Frontier: Hendrik, William Johnson and the Indian Fashion", *William and Mary Quarterly*, 3rd ser., 53(1), 13–42.

'common among the five nations for young men to select a particular friend, who is to share their secrets, their prosperity and indeed, to be quite another self'; he described Haudenosaunee notions of the 'kind of connection' as 'very romantic, and carried in practice to an incredible length'. Brant, the memoir claimed, had selected Prevost. Brant lamented Prevost's regiment being sent to Jamaica. 'To convince Lieutenant Prevost of the continuance of his attachment, he procured a whole suit, or Indian dress, of the most costly furs, and sent it to him in Jamaica.'[56] Throughout his life, Prevost kept a portrait of Brant on his wall. In 1765, the twenty-year-old Prevost had married the fourteen-year-old Susannah, daughter of land speculator and Indian department official George Croghan by a white mother; in his thirties in 1779, Brant married as his third wife Adonwentishon (known as Catherine to English speakers), Croghan's daughter by a Mohawk mother. Prevost and Brant were therefore in a sense brothers-in-law as well as 'romantic' friends.[57] Family politics linked people across a white/Indigenous binary.

On July 1776, writer and diarist James Boswell wrote a short account of meeting Brant, published in the *London Magazine* shortly after Brant's departure from London.[58] Boswell's article was marked not by the mutual recognition of self-made intelligent outsiders one might have hoped for, but by a more banal but perhaps more revealing argument that Brant symbolized the rapid advancement of the 'Mohocks' in civilization. Boswell suggested, in essence, the feasibility of rapid advance of a 'primitive' people towards civil society in keeping with Scottish Enlightenment stadial theory. When the 'chief of the Mohock Indians' visited England in the reign of Queen Anne, the 'Mohocks were a very rude and uncivilized nation' whose very name was 'terrible'. Now, however, the Mohawk were 'so well trained to civil life, as to live in a fixed place, to have good commodious houses, to cultivate land with assiduity and skill, and to trade with the British colonies'. They had become Christian. These were familiar items in the list of traits of civil society, marked by an ascent to virtuous domesticity and commerce. Boswell claimed that Brant had come over to England after being solicited for assistance on both sides, finding himself 'perplexed amidst a contrariety of argument upon a great subject, which he could not well understand'. Having chosen the king, Brant was supposedly able to bring 3,000 warriors into the field; this was possibly deliberate misinformation on the part of Brant, who may have commanded at best 400 warriors. Interestingly, Boswell found Brant disappointingly ordinary: 'this chief had not the ferocious dignity of a savage leader; nor does he discover any extraordinary

[56] Anon [John Strachan], "Life of Captain Brant", in James Strachan, *A Visit to the Province of Upper Canada in 1819* (Aberdeen: D. Chalmers & Co, 1820), pp. 154–55.

[57] Nicholas B. Wainright, "Turmoil at Pittsburgh: Diary of Augustine Prevost, 1774", *The Pennsylvania Magazine of History and Biography*, 85(2), April 1961, 113, 117.

[58] *London Magazine*, July 1776.

force either of mind or body'. The solution was to ask him to remove his London garb and to portray him instead 'in the dress of his nation' to make him more striking, 'for when he wore the ordinary European habits, there did not seem to be anything about him that marked pre-eminence'.[59] Clothes made the man, as Brant, an expert in strategic cultural cross-dressing, knew well.

Brant was accepted as a Freemason on April 26, 1776, by the Lodge of Free and Accepted Masons, at the Falcon Inn, in Prince's Street.[60] This move potentially created further ties and relationships of 'brotherhood' between Brant and British elites, both in Britain and in North America. Freemasonry was an important part of British military sociability.[61] Sir William Johnson had been Grand Master of the Johnstown Masonic lodge, St Patrick's, allegiance to which was a token of alliance to the Johnson family.[62] It was in fact perhaps as significant that Brant was a Freemason as that he was a Christian. As we shall see, settler memory in the late nineteenth century frequently returned to Brant's Freemasonry. In the more immediate context of London, the treatment of Brant, of which his initiation in a Masonic lodge was an important part, at least superficially drew Brant further into a web of masculine ties.

Both potentially exotic and politically essential, Brant used his London sojourn as a platform for self-reinvention. He told Boswell that he was the grandson of one of the Four Kings who had visited Britain during the reign of Queen Anne and was himself now chief of the Mohawk. This was misleading. The Six Nations did not have a single 'chief' on the model of a European monarchy, but rather a dispersed and complicated form of leadership designed to spread out power. Fifty hereditary chiefs, or, in Mohawk, Rotiyanehson (sachems), were appointed by clan mothers who chose from their own kin. Pine Tree Chiefs and War Chiefs might be appointed by the council of chiefs because of merit or the demands of particular circumstances, but this was not a hereditary position. In the late seventeenth century, the League created a Confederacy government that included more non-hereditary leaders on a more fluid basis, but this leadership did not trump the League leadership structure, even if warriors acquired more power in the context of Indigenous participation in European wars.[63] Furthermore, Brant was not the grandson of one of the kings,

[59] "An Account of the Chief of the Mohock Indians who lately visited England", *London Magazine*, 1 July 1776, 339.

[60] Royal Ontario Museum, Toronto, object 921.72.4: "Joseph Brant Masonic Certificate".

[61] Jessica Harland, *Builders of Empire: Freemasons and British Imperialism, 1717–1927* (Chapel Hill: University of North Carolina Press, 2007).

[62] The missionary Samuel Kirkland joined the lodge in 1767 when he wanted to cultivate Sir William, but stopped attending when the relationship soured. Taylor, *Divided Ground*, 65–66.

[63] Rick Monture, *We Share Our Matters: Two Centuries of Writing and Resistance at Six Nations of the Grand River* (Winnipeg: University of Manitoba Press, 2014), 32–34; James W. Paxton, *Joseph Brant and his World: 18th Century Mohawk Warrior and Statesman* (Toronto: James Lorimer & Company Ltd., 2008), 8, 18–19. Rotiyanehson is the plural of Royaner.

although he may have been in the extended kin networks of one of them (and it is possible that Boswell misunderstood Mohawk kinship terminology).[64] Brant was continuing a tradition of performance with political intent and awareness of cultural relativism, undertaken by the Four Kings themselves.

To present himself to the British as 'chief' was a significant increase in status for Brant, even if some of it was lent by the Haudenosaunee to strategic ends (a hundred years later, Mohawk woman Lydia Martin interestingly told American historian Lyman Draper that 'Brant was educated, & hence could learn all the plans and desires of the British leaders, and fully communicate them to Capt. John Desenoutyou & Capt. Is[saa]c Hill').[65] Reflecting imperial practice, the British helped create Brant 'chief', if only by treating him as such. Brant would also derive authority from kinship links that enabled him to deliver material goods, and from his eminent role during the war. During the war, Lord Germain sent Brant a commission to be Corporal of Indians in 1779, but Haldimand actually held it back on the grounds that other chiefs were more senior and it would be resented if Brant were promoted above them. On 23 May 1780, Haldimand did, however, appoint Brant 'captain of the Northern Confederate Indians'.[66]

For the rest of his life, Brant would present himself as a Mohawk chief. His third wife Adonwentishon (Catherine Croghan) possessed the right to name the leading chief of the Turtle Clan; his family jealously guarded this hereditary right, conflating Joseph's more recent claims with his wife's long-standing status to bolster family power. After the war, then, Brant tried to entrench his status. He then tried to hand on authority to his children, even though this emphasized patrilineal inheritance, in opposition to the Haudenosaunee matrilineal practice.[67]

Intimate Enemies: Frontier Warfare in the American Revolution

Brant returned to North America with promises of support from British officials for Six Nations land claims – which, as we will see, proved empty. Brant, however, was a more reliable ally. He accepted a commission as a captain in the British army, which gave him a regular salary. For much of the war, he led

[64] Mohawk words for kin, such as brother or uncle, encompassed relationships beyond the nuclear family.

[65] Draper Papers, series F, vol. 13, 28 September 1879, "From Mrs Lydia Martin", 34.

[66] Barbara Graymont, "Thayendanegea", *Dictionary of Canadian Biography On-line*, http://www.biographi.ca/en/bio/thayendanegea_5E.html.

[67] This was reflected in family names that followed tradition in attempting to commemorate the dead and appropriate their power through naming children after powerful figures, as also to name outsiders to the community: the English name of Brant's grandson, whose maternal kin promoted his claim to the chieftainship, was William Johnson Kerr, for example.

raids into the disputed borderlands of what is now New York State from the Six Nations refugee base in Niagara, harassing settlers and burning settlements. These raids formed the basis for an American language about Brant as a savage killer, which in turn encapsulated a hardening view of the loyalist Six Nations (like the 'Tories' in general) as inherently brutal, as Patriots and Tories violently attacked one another.[68]

For his part, Daniel Claus, who was appointed superintendent of the 'Canadian Indians' during the war after his successful special pleading in Britain, consistently proclaimed the political rationality of the decision of many among the Six Nations to side with the British. To the United Society for the Propagation of the Gospel in 1778, Claus claimed that the key issue was anxiety over settler land theft and the American desire to be 'Masters of the Continent'. Most 'Indians' on the continent opposed the 'Rebels' as much as they could 'being sensible of the Americans having always had so great a propensity of encroaching upon their lands, by foul Means and otherwise'. Furthermore,

> [N]ow the Rebels having openly threatened the Indians to extirpate them wherever in their power and take Possession of their Lands, they are determined to carry on the war against them to the last Extremity, and I apprehend if Matters were settled to Morrow [*sic*] on Government's side they could not be brought so easily to make peace with the Rebels after such threats, they being in general of an unforgiving, jealous and Savage Temper.[69]

As Claus' account suggests, from the outset of the war, at least some loyalist leaders, particularly in the military, sought to exploit the reputation of the Six Nations for 'savagery' and sometimes to use Indigenous allies as instruments of terror. 'I am exactly of opinion with Colonel La [Corne] St. Luc, who says Il faut lacher les sauvages contre les miserables Rebels, pour imposer de terreur sur les frontiers', wrote the pro-British Governor of New York William Tryon to Secretary Knox in shaky French, citing the opinion of the Montreal merchant, translator and military freelancer Luc de la Corne – although Tryon did add that La Corne's view that 'il faut brutalizer les affaires' was 'un peu trop pour moi'.[70] De la Corne would later lead Indigenous forces in General Burgoyne's disastrous campaign. Although Claus had told the SPG that the Mohawk were justifiably aggrieved and not in fact guilty of atrocities, in a private dispatch a

[68] Gavin Watt, *Fire and Desolation: The Revolutionary War's 1778 Campaign as Waged from Quebec and Niagara Against the American Frontiers* (Toronto: Dundurn Press, 2017).

[69] LAC, USPG papers, MG 17, B1, vol. C1, file 14: Daniel Claus to Rev. Dr Hind, Montreal, 27 June 1778.

[70] 'We need to unleash the savages against the miserable rebels in order to impose terror on the frontiers.' Nonetheless, de la Corne's view that 'things need to be made brutal' was 'a bit too much for me'. Governor Tryon to Secretary Knox, New York, 21 April 1777, in *DRCHSNY*, vol 8, 707–8.

few months later to General Frédéric Haldimand, Governor of the Province of Quebec, he underscored the political need to have the Six Nations take the fall for actions against white settlers. He also clearly saw the expediency of using them to sow fear in the minds of rebels. It would

> look much better in the Eye of the public, such Feats [as killings and destruction of homesteads] to come rather from Savages than Whites, in particular when it may be held with Truth and Justice. It would likewise silence sooner the Clamor of the Opposition in England, that Government employed officers to encourage Indians to murder and scalp the Rebels, when they could be answered that the Indians acted on their own accord and came against them.[71]

There was, then, a complicated background when some Six Nations warriors fought for the British. Personal ties between Six Nations people and settlers in the Mohawk Valley coexisted with tensions over land across the north-east. Settlers often feared 'Indians' as supposedly ruthless savages, even as the British military sought cynically to exploit that reputation. Settlers and 'Indians' were also, however, in at least some cases, neighbours and trading partners. At the same time, the Haudenosaunee in particular were in an imperial spotlight, both as the vaunted allies of the British and as the targets of anger and anxiety in British debates. In London, Brant had presented himself as a gentleman, and had been brought into spheres of elite male sociability, and yet he was not most useful to British elites as a gentleman. These paradoxes and tensions shaped the warfare of the Six Nations both with and against their former neighbours, as well as their interaction during the war with the British army.

In rural New York, the American Revolution had many characteristics of frontier warfare. Its violence echoed the violence of frontier conflicts elsewhere in the British settler empire at different times and places, not least the warfare in New South Wales in the 1820s that we will discuss shortly. During the regional warfare of the Revolution in New York and in Haudenosaunee lands, there were many war crimes and human rights abuses, to use contemporary language. On both sides, civilians were redefined as combatants and thus as legitimate targets. Men at war burnt villages to the ground, destroyed food supplies and killed civilians. When American troops under the leadership of Lieutenant Colonel Butler destroyed Oquaga, the home town of Brant's first wife, they bayoneted children they found hiding in the long corn as they burned the fields: a veteran told Samuel Preston many years later that 'when they were mowing the corn they found several small children hid there, and he boasted very much, what cruel deaths they put them to, by running them through

[71] BL, Add MS 21774, Haldimand Papers: Daniel Claus to F. Haldimand, Montreal, 13 October 1778.

with bayonets and holding them up to see how they would twist and turn'.[72] At Cherry Valley, similarly a village with a fort, the Seneca came looking for revenge: a combined white-Six Nations force killed thirty-two civilians, including women and children. 'The first object that presented was a woman lying with her four children, two on each side of her, all scalped; the next was the wife of the rev. Mr. Dunlop, likewise scalped, stripped quite naked, and much of her flesh devoured by the Indian dogs', reported M. Richey in racialized language. Richey had arrived after the event to discover his own sister and niece had been taken captive.[73] By the end of this period of warfare, the very presence of the other became an offence.

This is therefore a story about the entrenchment of difference through violence, typical of British settler colonial frontiers, even as the cross-cutting ties of kinship and allegiance that also characterized borderlands complicated the situation. In the remainder of this chapter, I explore these themes further through a cluster of examples that highlight ambiguous relationships and the fracturing of kinship, with a particular focus on Joseph Brant's role in the revolution and ways in which it was remembered. First, I discuss family stories about warfare collected in the mid- to late nineteenth century from both settler and Six Nations communities, underscoring the rupture of relationships during warfare. Secondly, I discuss captive-taking and the adoption of white captives, a practice that was undertaken by Indigenous groups throughout the war but became controversial in peace negotiations at the end of war. A third theme is that of relationships between white and Indigenous soldiers, often cast in subsequent loyalist memory as the actions of a 'band of brothers' (or of savage killing, in another rhetorical mode), although marked in practice by ambiguity and distrust. A final crucial theme is the breaking of kinship links among the Six Nations themselves, a process in which Joseph Brant played a leading role.

i. War stories: Family memory and intimate killing

In the mid- to late nineteenth century, a number of historians sought to establish a new history for the new American republic, aimed at a wide audience. In pursuit of finding heroic tales of how the Revolution was won and of salvaging memory before time moved on, several writers sought out local stories in rural New York. 'From the lips of many hoary-headed persons of intelligence then living, whom I visited at their dwellings at no little sacrifice of time, the matter presented in the following pages was taken down, which individuals could

[72] Calloway, *American Revolution*, 124–125, citing Samuel Preston, "Journey to Harmony", in Patricia Christian (ed.), *Samuel Preston*, 100–101.

[73] Copy of M. Richey to [?], 24 November 1778, transcribed by Lyman Draper in Draper papers, Series F, vol. 5, pp. 30(1)–30(4). According to Draper's notes, he copied a version forwarded to a correspondent in the Patriot camp on 12 January 1779.

say of numerous important transactions – "I was an actor in or I witnessed them"', Jeptha Root Simms observed in the introduction to his 1845 *History of Schoharie County and Border Wars of New York*.[74] William Campbell, later a member of Congress and a New York Supreme Court justice, drew not only on surviving archival records but also on stories from his own family and community to write his 1831 *Annals of Tryon County*.[75] William Leete Stone senior, a journalist, newspaper editor, anti-slavery activist and New York public school superintendent, collected oral tradition in the early nineteenth century, which he used extensively in books that included the first major biography of Joseph Brant in 1838, as well as a biography of Brant's political opponent, Seneca leader Red Jacket.[76]

In this tradition, the late nineteenth-century historian and archivist Lyman Draper left a particularly rich, if difficult, archive derived from oral sources, despite the late date of his research. An assiduous collector but a reluctant writer, Draper amassed a voluminous archive of family stories and papers for a never-to-be-completed biography of Joseph Brant (joining a long list of uncompleted works).[77] This archive includes interview notes from conversations with descendants of Joseph Brant and other Six Nations individuals at Grand River and the Bay of Quinte, as well as more extensive correspondence, notes and documents from the descendants of mostly rural white settlers.[78] These sources are by no means straightforward, not least because of their colonial provenance and mode of collection. Furthermore, Draper was picking over stories that were already part of a recorded tradition. Some of these stories were influenced by the existing written record, while that written record in turn was usually often derived from local oral traditions, creating complicated circular

[74] Jeptha Root Simms, *History of Schoharie County and Border Wars of New York* (Bowie, Maryland: 1991, Heritage Books Inc; first published 1845), v.

[75] William Campbell, *Annals of Tryon County: Or, the Border Warfare of New York During the Revolution* (Cherry Valley, NY: J. & J. Harper, 1831), 5–6.

[76] W.L. Stone, *Life of Joseph Brant-Thayendanegea: including the border wars of the American Revolution and sketches of the Indian campaigns of Generals Harmar, St. Clair and Wayne*, 2 vols (New York: Alexander V. Blake, 1838); W.L. Stone, *The Life and Times of Red Jacket or Sa-go-ye-wat-ha* (New York and London: Wiley and Putnam, 1841).

[77] Draper's only substantial historical book was *King's Mountain and its Heroes: History of the Battle of King's Mountain, October 7th 1780, and the events which led up to it* (Cincinnati: P.G. Thomson, 1881). Ten volumes of his documents were published by the Wisconsin State Historical Society during his lifetime. The Wisconsin State Historical Society organized his papers into over 400 volumes.

[78] Draper is particularly well known as a collector of traditions pertaining to western history. He turned to the history of his native New York towards the end of his life. On Draper's influence on Frederick Jackson Turner's (much attacked) idea that the frontier was a formative element in American character: William B. Heseltine, "Lyman Draper and the South", *The Journal of Southern History*, 19(1), February 1953, 20–31.

relationships.[79] Draper's notes and archived letters do, nonetheless, provide an unusually rich if problematic corpus. Above all, they provide an opportunity to glimpse the storytelling that was crucial to Indigenous and small white rural communities alike, despite great variation in cultural practice and political weight. Storytelling mattered, as Indigenous scholars have long insisted.[80]

There were clearly many stories in circulation about Joseph Brant. Indeed, the very existence of what one might call 'Brant stories' suggests that Brant became, as Jan Vansina points out is typical of oral tradition, a figure around whom stories clustered, over time crowding out a more complicated and populated original cast of characters.[81] I would argue that this reflects the role of Brant as archetype in the colonial imagination, in turn a reflection of tensions around the image of the intimate enemy.

Many of the stories collected by Lyman Draper and others turn around betrayal and conflict among intimates, whether former friends or long-standing enemies. Consider, for example, accounts of a conference called with Brant at Unadilla by Nicholas Herkimer, local landowner and the commander of the Tyron County militia, whose brother conversely fought on the British side. This example is drawn in part from the material collected and published by Simms in the 1830s (possibly smoothed over) as well as from Draper's revisiting of local memories in the 1870s. Herkimer called the conference in order to try to persuade Brant not to espouse the British side. The two men had been neighbours before the war.

According to Simms' interview with Joseph Wagner, who was present at the meeting on Herkimer's side, Brant was accompanied by three other 'chiefs': William Johnson's son William (Tagawirunta), 'Pool, a smart looking fellow with curly hair, supposed part Indian and part negro', and 'a short dark skinned Indian'. The four were 'encircled by a body-guard of some twenty noble looking warriors'. Among others, Colonel Ebenezer Cox, the brother-in-law of George Klock, accompanied Herkimer. 'Provoked to anger, Brant asked Cox *if he was not the brother-in-law of old George Klock? Yes!* replied Cox in a tone of malignity, *and what is that to you, you damned Indian*.' Brant's guards then ran back to their camp firing guns and yelling.[82]

[79] For a fuller discussion, Elizabeth Elbourne, "Orality and Literacy on the New York Frontier: Remembering Joseph Brant", in Kirsty Reid and Fiona Paisley (eds), *Critical Perspectives on Colonialism: Writing the Empire from Below* (Routledge: New York and London, 2013), 58–82.

[80] Jill Doerfler, Heidi Kiiwetinepinesiik and Niigaanwewidam James Sinclair (eds), *Centering Anishinaabeg Studies: Understanding the World Through Stories* (Winnipeg: University of Manitoba Press, 2013).

[81] Jan Vansina, *Oral Tradition as History* (revised edition: Madison: University of Wisconsin Press, 1985).

[82] Simms, *History of Schoharie County*, 221.

As Draper noted, Simms' account is corroborated by the lengthy oral testimony given by militia member John Duesler in his 1832 pension application: he was illiterate, as he gave a mark rather than signing the deposition and his long and detailed deposition bears the narrative marks of non-literate forms of remembering and telling stories. Duesler attested that

> neither party was allowed to bring guns to the place where they were talking […] General Herkimer and Colonel Brant talked a while then Col. Cox spoke and said damn him and let him go - Brant mentioned this in Indian to his men who were close by - they all at once sprang up & shouted, patting their hands on their mouths as they hollered and then ran off - and directly they heard them firing their pieces - General Herkimer took Brant by the arm and told him not to mind what Cox said, that they were old neighbours and ought not to be spilling each other's blood.[83]

The two met again the following day, on Brant's suggestion; distrusting Brant's intentions, Herkimer primed four men to shoot down Brant and his companions if need be. Wagner was to shoot Brant. As he told his grandson, and as the grandson in turn told Draper, the elder Wagner had attended school at the 'Indian Castle' with Brant. He told Brant after the war that he had been instructed to kill him; Brant was astonished and angry.[84] At the time, Brant refused Herkimer's overtures, supposedly telling him (in Simms' version) 'General Herkimer, I now fully comprehend the object of your visit, but you are too late, I am already engaged to serve the king. We are old friends and I can do no less than let you return home unmolested, although you are entirely within my power.'[85] According to Claus' later report, in reality Brant had 'not 200 Indians together', to Herkimer's 800 men, and did not have '20 lbs of powder among his party'.[86]

The Battle of Oriskany on 6 August 1777, in upper-state New York, part of the Saratoga campaign that was a turning point in the war, provides another example of conflict among kin and former neighbours in Tryon County. Brant and Claus were part of a Six Nations detachment with Barry St Leger attempting to lay siege to Fort Stanwix en route to joining with the forces of General Burgoyne. Molly Brant tipped off the British that a local force under Herkimer was on its way to relieve the fort: 'acc[oun]ts were brought by Indians sent by Joseph's sister from Conajoharee that a body of rebels were on their march, and wou'd be within 10 or 12 miles of our camp that night'.[87] Herkimer's forces

[83] National Archives, Washington: Records of the Department of Veterans Affairs, Record Group 15, File W. 16,224, John Duesler, New York. https://catalog.archives.gov/id/54465100.

[84] Draper MS, Series F, vol. 3: Peter Webster to Draper, 6 September 1878, 77.

[85] Simms, *History of Schoharie County*, 223.

[86] Daniel Claus to William Knox, Montreal, 16 October 1777, *DRCHSNY*, vol. 8, 720.

[87] Daniel Claus to William Knox, Montreal, 16 October 1777, *DRCHSNY*, vol. 8, 721.

included a number of Seneca warriors as well as George Klock's son Jacob and his son-in-law Cox. The British ambushed them. This was a brutal battle, and it killed not only Herkimer but many of the men of the district on both sides, including Ebenezer Cox and John Duesler's brother.[88] Seneca warrior Blacksnake, or Chainbreaker, recalled in his old age 'there I have seen the most Dead Bodies all … over that I never did see, and never will again'.[89] The Mohawk began firing before Herkimer's forces had entirely entered the ravine in which the trap was laid, supposedly when they saw Cox; this may indicate how much killing him mattered to them.

Members of the Six Nations Confederacy killed one another, as the Oneida and some Seneca were fighting on the American side and other nations on the side of the British. The battle set up cycles of revenge and entrenched the breaking of the Confederacy. In the aftermath of the battle and the subsequent siege of Fort Stanwix, according to Claus, the Six Nations on the British side attacked a nearby Oneida settlement, and 'burnt their houses, destroyed their fields, crops, &c killed and carried away their Cattle. This the rebel Oneidas, after our retreat, revenged upon Joseph's sister and her family […] on Joseph's account.'[90] Americans and Oneidas attacked and plundered both Canajoharie and Tiononderoga. They looted Molly Brant's possessions and chased her and her family from their home. One of her daughters recalled in 1841 that her mother and 'Children Seven in Number two black men Servants & two female servants' slipped away secretly at night to escape capture by the Patriots, taking a 'trackless route' laden with hardships through the wilderness to Canada. 'In our retreet [*sic*] we had to pass within Sight of our own House our hearts ached as we discovered lights through the windows whilst we were stealthily wandering from our home'.[91] According to historian Barbara Graymont, Peter Deygart, chairman of the Tyron Committee of Safety, encouraged his Oneida allies to make up for their losses by taking double what they had lost from the Mohawk. Like other local whites, Deygart also enriched himself personally through plunder, making numerous trips with his wagons. Graymont points out that many of the Mohawk had better housing than their white neighbours, with comfortable furniture and glass windows: '[m]any of these Indians lived in far better circumstances than their white neighbours who were only too glad of the opportunity to raise their standard of living at the Mohawks' expense'.[92]

[88] National Archives, Washington: Records of the Department of Veterans Affairs, Record Group 15, File W. 16,224, John Duesler, New York.

[89] Cited in Graymont, *Iroquois and the American Revolution*, 135.

[90] Daniel Claus to William Knox, Montreal, 6 November 1777, in *DRCHSNY*, vol. 8, 725.

[91] "Testimony of a Child of Molly Brant", in Huey and Pulis, *Molly Brant*, 115–116. The 'black men servants' were probably enslaved.

[92] Graymont, *Iroquois and the American Revolution*, 147.

Molly Brant went to Onondaga to present her grievances before the council fire of the Six Nations, and in exchange was promised revenge on the Oneida.[93]

In the spiralling aftermath of Oriskany, Stanwix and other conflicts, loyalist Haudenosaunee fled or were forced from their lands. The climax came with the 1779 Sullivan campaign which burned forty-four Haudensosaunee villages, destroyed all the food supplies of the Six Nations in order to starve them out and forced the inhabitants to flee. At the Bay of Quinte and at Grand River a hundred years later, Draper collected stories of exile. For example, Thomas Green recalled the flight of the Lower Mohawk to Lachine, outside Montreal:

> The retreating Indians became nearly starved – children would cry of hunger – camped out; & the Indian hunters went out in every direction to hunt, killing only a few birds, & made them into gruel, so as to go as far as possible, but afforded the hungry scarcely a spoonful a piece, with small bits of the scanty meat. They were then nearly two days travel to Lachine, & without food. The journey was tardy, as the children who could had to walk in their enfeebled condition - & the smaller ones had to be carried.[94]

George Rokwaho Loft, whose grandfather 'Ka-ron-ya-gi-goue, or the Big Clear Sky' had guided the party, recounted:

> On some occasion – it w[oul]d seem ab[ou]t 1775 […] Washington […] spoke beautifully – saying: 'Stay with me – you did not cause the war – it was the result of differences between me & the British – you stay, & share with me – if I prosper, you shall prosper – be one with us.' But the Mohawks said among themselves, 'we have pledged faith with our British Father, & we must keep it: We will go over the Lake to Canada' – & so left the Mohawk Country […] They brought their old Church bell with them – an evidence of their devotion to their religious teachings, for it must have cost them much toil & labour; & it is now in the church near Mill Point.[95]

One hundred years later, the story for Loft was about keeping faith.

Many settler stories from rural New York in the same period were about attacks on homesteads and people, perhaps particularly so as a memory of Indian violence was a key justification for ethnic cleansing. Even here, however, people sometimes told ambivalent stories. On 11 November 1778, a combined white and Six Nations (mostly Seneca) ranger group under the leadership of Colonial John Butler attacked an isolated fort at Cherry Valley, and killed more than thirty civilians. Brant was present but not in command. A few descendants

[93] Daniel Claus to William Knox, Montreal, 6 November 1777, in *DRCHSNY*, vol. 8, 725.

[94] Draper papers, Ser F, vol. 13: "From Ths Green – Mohawk Chief – near Mill Point, Canada", 67–68.

[95] Draper papers, Ser F, vol. 13: "From George Rokwaho Loft", 48–49.

recalled previous relationships with Brant.[96] The grandson of Mr and Mrs Shankland recounted a story he had heard 'fifty times'. His grandfather had gone early in the morning to the mill and was captured by 'Indians'. His grandmother in the meantime sat spinning, unaware of the raid, when Brant, who knew her husband, walked alone into the house and said 'my good woman, what are you doing here, when all your neighbors are murdered around you'. She stood and answered that they were in favour of the king. 'Brant replied that will not avail you, as I am not in command today, for they have killed all of Mr. Wells' family, and they were as dear to me as my own.' She answered that if Joseph Brant was among the Indians he would save her since he was a friend of her husband's. He replied that he was Joseph Brant and would do what he could: "Get into bed and pretend yourself sick", at that she put three of the oldest children at home in the cradle Nancy, Jane, and Gilbert, and took the two youngest Margaret and Robert in bed with her. He put his mark of red ochre on them and said "now you are safe".'[97]

This story was part of a number about Brant saving selected white people. Consider for example the story, repeated in different form in a number of sources, of the rescue of Captain McKinstry from the hands of Six Nations warriors at the Battle of the Cedars (Les Cèdres), a small community about 50 kilometres out of Montreal. In the version told by Stone, the rebel officer John McKinstry was captured at the battle by Six Nations warriors, and preparations were made to put him to death by burning. Brant and several 'humane English officers' made up a purse and purchased an ox to substitute for the prisoner. McKinstry 'was treated with kindness while a prisoner and contracted an intimacy with Brant which continued until the chieftain's death'; Brant supposedly never afterwards visited the Hudson without spending a few days with McKinstry. During his last visit in 1805, the pair, who were both Freemasons, attended the lodge in Hudson where Brant's presence 'attracted great attention'.[98] A more lurid version circulated, however, reproduced in different newspapers in the early 1820s as well as in a family history in the 1860s, according to which McKinstry made a Masonic sign as wood was being piled around him to burn him at the stake; Brant recognized the sign and pulled him from the pyre.[99]

[96] For example, Draper Papers, Ser. F, vol. 5: Jefferson Clyde to Lyman Draper, Cherry Valley, Feb. 11, 1878, 74(3).

[97] Draper papers, series F, vol. 5, ff. 112–113: "Account of Capt. Brant's visit at the house of William Shankland on the 11th of November 1778" (seemingly from a letter sent by William McCulloch).

[98] Stone, *Life of Brant*, vol. 1, 155.

[99] *American Masonic Register and Ladies' and Gentlemen's Magazine*, 1(2), September 1821, 154. William Willis, *Genealogy of the McKinstry Family, with a preliminary essay on the Scotch-Irish immigration to America* (Portland: printed by David Tucker, 1866, 2nd edition), 29–30; a slightly different version is copied by Draper, Brant Papers, vol. 3, 82–3.

A key problem with these accounts is that Brant was not at the Battle of the Cedars, since it was fought in May 1776 and Brant did not return from Britain until July 1776. So this is a fabricated story but a very persistent one. It may reflect the fact that Brant's Freemasonry was a troubling symbol of the way in which he was both enemy and community member, confusingly adept in the language of shared civility. It also, however, sets up Brant as a more 'humane' exception, proving the rule of the inhumanity of others. Furthermore, the newspaper account also interestingly refers to Brant being 'educated' in Britain, again casting him as an exception. Many other stories, the timing of which is at least plausible, recounted encounters and conversations with Brant, including Brant's efforts to save selected women and children.[100]

In Chapter 1, I mentioned a family story about a man, John Harper, whose father spoke the Mohawk language. The continuation of this correspondence between Draper and Harper's descendant E.C. Stuart suggests both intimacy and the fracturing of intimacy, including kinship relationships, occasioned by the escalating violence of the revolution in civilian areas. In a long letter with oral cadences and no punctuation, Stuart recounted how his or her grandfather's sister, Mrs Moore, and her family were taken captive after the Cherry Valley Massacre and carried to Mohawk territory outside Montreal. Harper took white commander John Butler's family hostage and told Butler he would kill one of his family for every member of his own family killed. Sometime afterwards in deep winter snow, a party of Rangers led by Brant came across a group of men from the fort at Schoharie led by John's brother Alexander, as they made maple syrup:

> Brant says 'Harper I am sorry that you were here'. He says 'why?' Brant looked him in the face as they had been school mates together 'for' he says that 'I must kill you': he drew the hatchet to stick and then stopped and asked if there were any soldiers in the fort? He said yes, for he knew that if he said there was not, that would hasten the Death of them all for they had killed three of his men before they knew they were there. [H]e looked him in the eye and said 'Harper you lie.'

Although Harper was indeed lying, he retained his composure. Brant came back later to ask him again: 'Brant looking him in the eye he never faltered and not a mussel [muscle] stirred so that he was satisfied.' This was a story about a showdown between men in which Harper proved his virility. Stuart then told

[100] An example is a story about Brant putting red paint on the apron of girls at Minisink to save them after their teacher had been killed by other raiders; the story continues that the girls transferred the paint to the clothes of the boys in the school to save them as well. Draper Papers, Series F, vol. 8, 21, 28; Graymont, *Iroquois and the American Revolution*, 199–201.

how Harper and his men were spared but taken captive and marched to the British fort at Niagara. We will return to the sequel shortly.[101]

The historical memory expressed through such family stories amply illustrates the breakdown of relationships on all sides as the war progressed. At the same time, a number of nineteenth-century stories, even those that were violently partisan, retained the echo of cross-cutting ties. In particular, I suggest, Joseph Brant became a symbol of both violence and relationship, arguably standing in for larger histories about Indigenous peoples and settlers.

ii. Captive-taking and the expansion of households

Similar dynamics are apparent in tensions around captive-taking during the war, a practice that tested the boundaries of alliance and honour, while also potentially building kinship relationships. Throughout the revolutionary wars, captive-taking, and sometimes the adoption of captives, remained important to Indigenous communities, although in ways that are difficult to capture. At Cherry Valley, for example, more villagers were taken prisoner (seventy) than were killed (thirty-two), including women and children; the majority were rapidly returned but the remainder were scattered among different Haudenosaunee communities.[102] It is telling both that captive-taking continued during the American war and that in its aftermath British and Americans united against trans-ethnic captive adoption and tried to force Indigenous people to return white captives, in a way that may have gone beyond existing conventions around the post-conflict exchange of prisoners. Joseph Brant is recorded in both oral tradition and written record as taking captives, but also as acting in non-conventional ways towards captives and using conventions around captive-taking to free selected people. In this respect, he may have reflected wider cultural changes in the face of imperial warfare, as well as his consciousness of imperial, settler and Haudenosaunee audiences.

As we have seen, captive-taking filled a number of fluid economic and social roles and some of its meanings are hard to recapture. Not surprisingly, the dynamics of captive-taking changed between the seventeenth century and the late eighteenth, not least in response to conflict and contact between white and Indigenous communities and to the growth of a cash economy. First Nations became accustomed to redeeming prisoners of war for money in many instances, for example, while also accepting ransoms for the return of

[101] Draper MS, Series F, vol. 5: E.C. Stuart [?] to Draper, Swallowhill, NY, 22 May 1879. The name is hard to read but appears to be Stuart.

[102] Campbell, *Annals of Tryon County*, 177–8, and Appendix, 17. Campbell's mother was a Cherry Valley captive.

white captives taken in other contexts.[103] The practice of ritual torture of captives was both seemingly in decline and less severe when it did take place.[104] Nonetheless, captives were still sought after for adoption and not merely for exchange, whether as a means of bolstering population or as a source of labour, or both. It seems plausible that the brutal and constantly growing population imbalance between white settlers and Indigenous peoples would have made adoption attractive, perhaps particularly of children who could be more readily assimilated.

Monetization and military alliance complicated an already complex picture. At various points throughout the eighteenth century, the British army paid Indigenous allies both for prisoners and for scalps as a form of payment for military activity. The policy was continued during the Revolutionary War, although it was not without controversy. Such payments to raiding parties built on the existing practice of war parties returning to their villages with scalps and prisoners and thereby bringing honour to the successful warriors, but reflected the increasing monetization of the Haudenosaunee economy.[105] Competing aims in captive-taking, and ambiguity between captives and prisoners of war, constituted a consistent source of tension between the British army and the Haudenosaunee during the Revolution. 'The idea of *Adoption* must be totally discouraged', Haldimand urged Claus in 1780, 'and you will inform them that the present War being different from a Foreign one, all the King's undutiful Children who are taken in it whether by White Men or Indians must be delivered up, to be corrected by their father as he shall think fit.' He added nonetheless that it wouldn't be possible to release American prisoners, as this would be too upsetting to the Six Nations. Instead, they were to be treated as well as possible and sent to Haldimand.[106]

[103] For a detailed example of negotiations over the return of traders from Pennsylvania captured by warriors from Kahnawake (Québec), conducted by the Albany Commissioners of Indian Affairs in 1753, see WCL, Indian Department Papers, "Reports of the Council of Commissioners of Indian Affairs of Albany, 1753–1755", item 680. On ransom payments generally, which Steele argues were considered dishonourable for Indian warriors but acceptable for white captives, Ian Steele, *Setting All the Captives Free: Capture, Adjustment, and Recollection in Allegheny County* (Montreal and Kingston: McGill University Press, 2013), 290–308 and *passim*.

[104] Linda Colley describes the 'almost routine quality' of captive-taking by the 1750s, exemplified by the experience of Susanna Johnson and her children who were not required to run a violent gauntlet when captured from New Hampshire and taken to the Abenaki village of St. François; 'its inhabitants merely lined up and gave them each a purely token pat'. Linda Colley, *Captives: Britain, Empire, and the World, 1600–1850* (New York: Anchor Books, 2004), 169.

[105] Gail MacLeitch, *Imperial Entanglements: Iroquois Change and Persistence on the Frontiers of Empire* (Philadelphia: University of Pennsylvania Press, 2011), 96–99, 128–129 and *passim*.

[106] BL, Add MS 21774, Haldimand Papers: Frederick Haldimand to Daniel Claus, 4 May 1780.

Guy Johnson's personal journal on an expedition to visit a refugee settlement behind the British lines at Kadaragaras down the Buffalo River and across from Fort Erie in 1780 reveals a more ambivalent approach. Among other things, the party, which included John Butler and other Indian Department officials, was trying to redeem 'Miss Moore', who had been captured at Cherry Valley and whom Butler needed to redeem in order to exchange against his own family. The Seneca leader Sayengaraghta reported the great difficulty that had been met with in persuading the 'Old Woman' who had adopted Jane Moore to give her up:

> Great pain being taken by myself & every method practiced by Col Butler for the redemption of Miss Moore, Sayengaraghta to her foster family came this morning & gave 2 belts to quiet the mind & ret[urne]d the former belts saying that she was in the hands of a Woman who c[oul]d not be prevailed on for any Consideration to part with her. They were directed to make an Effort more at all Events.

The woman finally agreed to give up Jane Moore if she could be given a young woman in Moore's place. In the meantime, Delaware warriors met the Johnson party to deliver thirteen scalps and eleven prisoners, including a man with two sons and a couple with two daughters. 'At noon the pris[o]n[ers were all paraded for the old Woman to take her choice of one of them for Miss Moore, when she made choice of Sarah Plummer.'[107] Sarah was a nine-year-old girl who had been taken captive with her twelve-year-old sister Eli and another sister called Anne (and a John Plummer, although it is unclear whether John Plummer was the girls' brother or perhaps father). For her part, Jane Moore eventually crossed political lines and married the 'Captain Powell' who was a member of Guy Johnson's party on this expedition. I have been unable to find any further record of Sarah Plummer.

As this complicated example suggests, British officers were not averse to captive-taking, and at least to some extent worked within Indigenous cultural parameters. They also recognized that captive-taking was a significant motivation for Indian warfare. Given that their allies were still independent nations with territorial bases, the British military also allowed (or could not prevent even if they wanted to) practices around captive-taking such as killing captives who could not keep up with a party of warriors and captives, or having captives run the gauntlet. Jurisdictions and practices nonetheless overlapped. E.C. Stuart's family story about Harper, discussed earlier, continued that once the group of prisoners reached Niagara, Harper was made to run the gauntlet outside the fort: 'Harper was swift of foot and he sprang for the mark as Indian step in front of him he knocked him down jumped over the body and reached

[107] WCL, Indian Department Papers, item 697: Manuscript log book of Guy Johnson, 1780.

the fort where they had the gate a jar opened and he got in just as they got up.' Having reached the fort, Harper fell within British jurisdiction and became a prisoner of war.[108]

Another 'Brant story' suggests some further twists. In 1833, Josiah Priest published what purported to be a transcription of the oral testimony of General Freegift Patchin, who was captured with Harper as a boy and died in 1831.[109] A highly problematic author who published exaggerated and racist works that supported slavery and attacked Indigenous peoples, Priest must be read with tremendous caution. At the same time, the fact that the account speaks well in some respects of Brant suggests scope for reading against the grain. Both the family tradition and the narrative by Patchin and Priest echo other aspects of oral tradition to suggest that Brant was trying to maintain some degree of relationship with particular settlers and to limit killing, while also performing as a warrior.

According to Patchin's narrative, a group of fourteen commanded by Captain Alexander Harper were sent out from Schoharie, New York, in early 1780 to spy on the British and to make maple syrup. In the snowy woods, they were suddenly 'beset and surrounded by forty-three Indians and seven Tories', led by Brant, who immediately killed three of them. Patchin too told the story of Brant speaking with Harper and regretting that he had to kill a former schoolmate. The bulk of Patchin's story, however, focused on the long march from Schoharie to Niagara, into British-held territory. In Patchin's recounting of this trek, Brant emerges as both cruel and kind. He initially intervened to keep the prisoners alive, arguing for the abandonment of a projected raid on Schoharie: 'All night Brant and his warriors, with the Tories, were in fierce consultation whether the prisoners should be put to death, or taken alive to Niagara. The chiefs appeared swayed by Brant, whose influence prevailed over the whole opposition of the murderous crew: there was a reason for this, as will appear by and by.'[110] Patchin records that the debate took place in 'their language', which Harper understood but none of the others from the Schoharie party. The seven 'Tories', or white loyalists, seem to have spoken what was presumably Mohawk, since they participated in the debate. This reflected ties between whites and Indigenous people that sometimes trumped alliances on the basis of race.

Patchin attacked white people who sided with the 'Indians' instead of Europeans. He commented, for example, that after 10 or 12 miles the group came

[108] Draper MS, ser. 5, vol, 3: E.C. [Stuart?] to Draper, Swallowhill, NY, 22 May 1879.

[109] Josiah Priest, *The Deeply Interesting Story of General Patchin of Schoharie County Stolen when a Lad by Brant and his Indians* (first published Lansingburg: W. Harkness, 1840; reprinted Tarrytown, NY: William Abbatt, 1918, as Extra Number 64 of *The Magazine of History with Notes and Queries*).

[110] Priest, *Deeply Interesting Story*, 5/287 (the pamphlet has double numbering, with one number on the top left of the page and another on the bottom).

to a gristmill by the side of the Delaware, 'the owner of which welcomed this band of infernals, and gave them such refreshment as was in his power; but to us poor prisoners he gave nothing, while we were made to sit apart on a log by the side of the road'. The man's daughters 'insisted that they had better kill us *then*, for if, by any means, we should ever get back, their own lives would be taken by the Whigs; their father also observed to Brant that he had better have taken more scalps and less prisoners'.[111] The war party also captured an elderly man named Brown with his two grandsons, 'mere lads'. Brown was unable to keep up and asked to be allowed to return, saying that he was too old to do the king's cause any harm. Continuing the theme of the atrocity narrative, Patchin described how the old man was taken aside, killed and scalped instead by the member of the war party, his face painted black as a sign of his office, who was designated to kill laggards.

Yet despite this violence, Patchin also described Brant keeping him alive. Throughout the difficult journey, Brant insisted on the war party sharing their meagre rations equally with the prisoners, despite the fact that they were all at one point on the verge of starvation. The prisoners were also saved from being killed in revenge (after another group of prisoners taken by another Indian war party escaped by breaking bonds and murdering most of their captors while they slept) by the intervention of a Six Nations man who knew them from the old days; again, a debate among the warriors concluded with a decision for mercy.

Brant had supposedly kept secret from everyone that Harper's niece, Jane Moore, was at the fort at Niagara, having been redeemed after her capture at Cherry Valley and having subsequently married Captain Powell. Brant sent runners to give Powell the message to arrange for the Haudenosaunee in two refugee encampments outside the fort to be diverted elsewhere so that the prisoners would not have to run a gauntlet with warriors. As a result, they ran an attenuated gauntlet with women and children; Patchin nonetheless describes an old woman giving him a blow 'which, as I was tired, could not be parried, that nearly split my head in two'.[112] This largely (if not entirely) symbolic gauntlet fulfilled ritual expectation but allowed the prisoners to reach Fort Niagara safely. It also provides some interesting context for the family story cited earlier which had Harper valiantly running a dangerous gauntlet and sprinting to safety. A final twist is that Freegift Patchin was then severely maltreated and malnourished in British gaols. As Holger Hoock points out, the politics of feeding, or not feeding, prisoners of war during the revolution were significant; American prisoners of war beneath the level of elite officers were usually very poorly and inadequately fed, among a multiplicity of discomforts, in part as

[111] *Ibid.*, 7/289.
[112] *Ibid.*, 18/300.

a sign of dishonour.[113] In this particular case, Haudenosaunee warriors were more scrupulous about feeding prisoners than the British.

Patchin's story, as part of a genre of atrocity narratives, needs to be taken with many grains of salt. Even with this in mind, however, it suggests Brant negotiating between Haudenosaunee and British captive-taking conventions. The mutation of captive-taking practices similarly suggests both uneasy closeness and the artificial creation of distance in a changing world: British military officers exploited their relationships with the Haudenosaunee to try to turn captive-taking into a way to create terror among rebels rather than as a way to build up Haudenosaunee households. At the same time, incorporating white captives was already on the decline. As Claus put it bluntly in a letter to General Frederick Haldimand in 1778, 'I am sorry to find that the Ind[ia]ns take no Rebels in Arms alive, for Fear as they say they should come ag[ain]st them again when released.'[114]

At the end of the war, a symbol of the re-emergence of racial solidarity at the negotiating table was the British–American demand that Indigenous groups on all sides return white captives. In late 1782, Brant had initially opposed British requests to return prisoners, as he wished to use them to strengthen the longhouse.[115] Nonetheless, at the important 1783 Sandusky conference at which American delegates requested the return of prisoners, Brant urged compliance, using contractual terms. He reported that Sir John Johnson had advised the Six Nations:

> That as it was the Custom of the English, as well as ours, at the Conclusion of a Peace to set the Prisoners at Liberty, he hoped that we would follow the same Rule, to which we immediately complied, for as we declared before, that we would give no cause of Offence on our Parts, and if we take up the Hatchet it would be the Cause of the white People and not ours.

A speaker named Tsindatton gave a revealing speech in response that underscored different conceptions of the meaning of captive-taking, which he described as a means to strengthen the nation

> At the Time you assembled us at Detroit and took us by the hand to accompany you to this Place, we did not understand that it would be any Part of your Business to collect our Prisoners. We are deceived in that for we understood when the Hatchet was put into our Hands, - that whatever was taken from the Enemy should remain with us in order to strengthen our Nation, therefore I will not assist you in that Part.[116]

113 Holger Hoock, *Scars of Independence: America's Violent Birth* (New York: Penguin Random House, 2017).

114 British Library, Haldimand Papers, Add MS 21774: Daniel Claus to Frederick Haldimand, Montreal, 19 November 1778.

115 Kelsay, *Joseph Brant*, 335.

116 TNA, CO 45/42: "Minutes of Transactions with Indians at Sandusky", enclosed in Frederick Haldimand to Lord North, Québec, 27 August 1783 and 14 October 1783.

Despite such qualms, the defeated nations were forced to surrender prisoners rather than incorporate them into their households. From this point onwards, the balance of assimilation attempts would shift to white settler efforts to incorporate Indigenous children through education, ultimately culminating in the tragedies of residential schools, run by state and church rather than by households. This was a critical transition in the relationship of Indigenous peoples to settler states in North America, enabled by the collapse of Indigenous power.

Despite the fact that the Six Nations had indeed surrendered their white captives, in 1784 at the negotiations over the catastrophic Treaty of Fort Stanwix (which would subsequently be rejected by most of the Indian nations), the American negotiators seized six Haudenosaunee chiefs and held them hostage against the return of all American prisoners. The hostages included Aaron Hill, a member of the powerful Hill family, one of whose members had travelled to London with Brant. This was particularly humiliating because, as Brant wrote to James Monroe, the Kanyen'kehà:ka had already released all (white) prisoners expect one or two children who were too young to go home alone, and they had 'always favoured the prisoners, especially women and children'.[117] Isabel Kelsay argues that Brant concluded that the chiefs were held hostage against the return of some slaves, and therefore were being compared to slaves themselves.[118] Brant temporarily postponed his projected second trip to Britain as a result of the hostage-taking.

A discussion of captive-taking, using stories around Brant as an entry point, further demonstrates the capacity of Indigenous people to impose their own customs to some extent during the war; the willingness of British army officers to exploit these customs; mutation in practice; and finally, the willingness of Americans and British to cooperate at the end of the war to bring an end to Indigenous customs that threatened white unity, as part of a restoration of white solidarity.

iii. All the King's Men

In some cases, fighting the war created ties between Indigenous and British men, informed by militarized views of masculinity. Some white loyalists not only fought with Haudenosaunee counterparts but also chose to fight directly under Brant, rather than under white commanders. After the war, Brant gave lands at Grand River to some of these men; almost universally they and their families failed to maintain personal links to the community, but instead monetized their land grants and put them into the Canadian land market. At the same time, some elite white men continued to value ties with First Nations

[117] Joseph Brant to James Monroe, 29 November 1784, reproduced in Stone, *Life of Brant*, volume 2, 245–247; quoted in Kelsay, *Joseph Brant*, 364.

[118] Kelsay, *Joseph Brant*, 365.

both during and after the Revolution, boosting their own image as masculine warriors. The Six Nations, for their part, would take advantage of this to try to tie elite allies to them, though this was less common following the Revolution.

During the Revolution, Brant's warriors were both First Nations men and impoverished white 'rangers'. These white rangers chose to work with Brant, according to Claus in 1778, 'on Acc[oun]t of his Activity Cleverness & Affability' rather than with a white officer such as Colonel Butler, 'a Youngster whom many of [them] know of not being in any Respect superior to them', despite the fact that under Brant they were 'without any present prospect of pay'.[119] Loyalist identity cut across ethnic affiliation. One white 'volunteer' with a different Indian war party in Quebec later claimed that he joined with a mixed white-Indigenous group because he was 'beloved by the Indians' and preferred 'active service with them to any other mode of life'. He spoke an Iroquoian language fluently, admired the level of skill required to scalp effectively and clearly enjoyed occasions on which 'to avoid suspicion we were all dressed like Savages'.[120] Ranger groups under white commanders also fluidly employed 'Indians'.[121]

This was nonetheless an emotionally laden and precarious form of alliance. The journal of a white ranger, Richard McGinnis, who fought first with Joseph Brant and then with other Indigenous warriors gives insight into such ambiguities and struggles. It is difficult to tell when and how the account, a 'Journal of Occurences Respecting Our Sufferings in the Late Rebellion', preserved in the National Archives of Canada, was written: it may have been recopied from another source because there is a break in the narrative and pages are out of order. The style suggests that McGinnis was more at home as a trader than as a writer. But while the narrative is in places hard to discern, the overall story is clear.

The memoir is a tale of grief. It recounts the many attacks by Patriots on the loyalist McGinnis brothers and their father, in the face of which they looked to Indigenous allies for support. After being imprisoned and plundered of all their property, the men were eventually forced to flee Unadilla to Oquaga, where Brant was collecting a force. There they met 'Some more White Men with him who had fled for Refuge as well as We'. They came with only their clothes. Among the items that the rebels plundered were books, including works of Anglican divinity and copies of the *Book of Common Prayer*. Although the books had already been sold, Brant helped the McGinnis brothers regain some of their property and threatened to scalp the Patriots for robbery.

[119] BL, Haldimand Papers, Add MSS 21774: Claus to Haldimand, Montreal, 30 November 1778.

[120] J. Long, *Voyages and Travels of an Indian Interpreter and Trader* (London: printed for the author, 1791).

[121] For example, "The Journal of Adam Crysler", in James J. Talman (ed.), *Loyalist Narratives from Upper Canada* (Toronto: Champlain Society, 1946), 56–61.

In December 1777, the McGinnis brothers were part of a group of nine who decided to travel through Indian country to the British fort at Niagara, guided by three Haudenosaunee men, partly in order to get clothes. They walked for hundreds of miles through Delaware and Seneca country and met with 'Excellent Good usage from the Savages'. Two days before reaching Niagara, they ran out of food. They met with '10 Indian' coming from Niagara. 'I was Under the Necessity of parting with My Shoes and Buckles for one Loaf of their Bread Another of Our Men Gave his Jacket for another Loaf they were Four pound Loves and So We Made It Out Till We Came to Niagara hartily thanking God that we once More See the Faces of White People.'

The McGinnis brothers went on to fight in a mixed white-Indian corps with 70 white men and about 300 'Indians', chiefly Seneca and Delaware.[122] The impoverished state of the white volunteers and the improvised nature of their service is evident from military records. In October 1778, for example, military suppliers Taylor and Duffin at Niagara wrote to General Haldimand that Molly Brant had informed them that Joseph Brant had been 'on the Frontiers' since May, fighting his way towards the British army, and had with him a 'pretty considerable party of Whites' who had joined him at Oquaga. 'We are told they are naked and no doubt he (Mr. Brant) has promised them pay'.[123] Daniel Claus informed Haldimand that Brant had 'his party that stuck to him since the Rebellion begun many being his Relations, and many White Men his intimate Friends who acted under him since Spring'.[124]

Despite the extent to which McGinnis and his brother and father worked with Haudenosaunee allies, and trusted them over American rebels, there were limits to trust. In a different coloured ink, someone, possibly McGinnis, added an addendum attacking Brant. The writer was furious that Brant did not warn the family of a coming revenge attack by rebels on Unadilla, and that on a later occasion Brant's men plundered the McGinnis household:

> It is the Greatest presumption to Trust On the Veracity of Any Savage Whatsoever For they will Undoubtedly Deceive You as they Did Us […] Brandt's Mohawks Went in Our house Rip[pe]d Up the feather Bed and took the tick with them Every hog they took my father's horse and he was Obliged to Go to the Indians and Beg for his horses with Fear in his Eyes and much pleading he got Two of them Back I was Informed Brandt took the other.[125]

[122] LAC, McGinnis family fonds, R12039-0-1-E: Richard McGinnis. "Journal of Occurences Respecting Our Suffferings in the Late Rebellion Begun Anno Domini 1774 and State of Affairs at Undella, Frontier of Tryon County, Province of New York".

[123] LAC, Claus Papers, MG19, F1, vol. 2, 32–33: Taylor and Duffin to Daniel Claus, Niagara, 28 October 1778.

[124] BL, Haldimand Papers, Add MS 21774: Daniel Claus to Frederick Haldimand, Montreal, 13 October 1778.

[125] McGinnis. "Journal of Occurences Respecting Our Suffferings", np.

Nonetheless, even the brothers' capture by enemy Oneida on this occasion was described in slightly ambivalent terms: the author's greatest vitriol was reserved for the white rebels. McGinnis knew the name of the Oneida man who shot him in the ear. He denounced the 'villains' who plundered his house again, but he acknowledged that the Oneida chose not to kill them and instead marched them at a 'terrible' pace, bearing their own plundered possessions, to the Oneida castle. McGinnis recognized the process to which he and his brother were subjected as prisoners and appreciated that they were at least fed before being turned over to the Americans. The intimacy required to fight together was part of a wider social history of the region; it sometimes coexisted with distrust even between allies.

Even the private correspondence of Daniel Claus and General Frederick Haldimand reflects anxiety over Brant and uncertainty about who to trust. As Claus urged Haldimand in 1778 to give Brant more open credit for his role in attacks along the New York frontier, he cautioned that

> should Brant be unnoticed and slighted for his past services […] he may become disgusted and as disservicable as he was otherwise hitherto; for Indians, let their Disputes be ever so great among themselves will in the End stick together, and Brant has understanding, ambition & Education sufficient to paint his ill usage from the white people in a striking light to Indians.[126]

Perhaps more tellingly, Claus also wrote to Haldimand from Montreal that he longed to be with him in Quebec City listening to music:

> it will be a Feast and Regale for me indeed when I may take a Trip to Quebec to hear some new Musick and if able give what assistance I can, as I have not had that satisfaction since leaving it, for since my Return I cannot say I was Master of an Hour on Account of the daily plague of my copper color Brethren.

Richard McGinnis' kinswoman Sarah McGinnis, a Palatine German woman who married Teady McGinnis, a fur trader and a key lieutenant of William Johnson, was also persecuted as a loyalist. She was born into a family that was granted the last piece of land before Haudenosaunee territory. As a young girl, she persuaded her parents to allow the Six Nations to adopt her for a period of time, and she spoke at least two Six Nations languages. After her husband's death during the Seven Years' War, fighting with a mixed white-Haudenosaunee force, she worked as a trader. She had 62 acres of land and 'six Negroes' before the Revolution. During the Revolution, her possessions were seized and sold at auction and the family imprisoned; her granddaughter

[126] BL, Haldimand papers, Add Ms 21774: Claus to Haldimand, Montreal, 13 October 1778.

died in prison. She then fled with her daughter to Canada, leaving behind a son who was insane and bound in chains in her house, as he had been for some years, who was later burned alive.[127] Daniel Claus twice sent her on missions in her sixties into Kanyen'kehà:ka territory. Over the winter of 1777, she was in Cayuga when, as Claus reported to Haldimand, wampum belts arrived from General Schuyler 'with a most exaggerated acct. of Gen Burgoyne's Disaster with Invitations to the 6 Nations to join the Rebels and [several?] Threats in case of non compliance'. Acting 'with an Authority and priviledge [*sic*] allowed to Women of Consequence only among Indians', she

> seized upon and cancelled the Belts, telling them that such bad News came from an evil spirit, and must endanger their peace & union as long as it was in their sight, and therefore must be buried under ground which she would undertake to do, and in Reality carried her point that the Belts were carried no further, tho they were to go among the Western Indians.[128]

In 1782, she was at Carleton Island, near present-day Kingston, where Haudenosaunee scouting and raiding parties wintered, and she was recorded as sharing her provisions with the Haudenosaunee and being constantly visited and consulted by them.[129] The respect accorded to Sarah McGinnis and her capacity to give military advice doubtless reflected the respect given more broadly by the Six Nations to powerful women: there was a reason that the British military assiduously courted Molly Brant. It is also further evidence for the importance of kinship relationships to the warfare of the Revolution.

iv. Ruptured kinship: breaking up the Confederacy

One of the greatest griefs of the war was surely the rupturing of the Confederacy. Neutrality would have been the only route to unanimity for the Six Nations and many sought it. As Colin Calloway argues it was, however, virtually impossible for any Indigenous peoples in America to remain neutral as the war progressed.[130] To focus on Brant alone as the agent of rupture is too simple. At the same time, Brant played a key role in bringing part of the Confederacy into the war on the side of the empire in what became in some ways an anguished and reluctant Haudenosaunee civil war. It is Brant who is remembered as having kicked over the council fire.[131]

In the papers of Daniel Claus, there is an unsigned account in Kanien'kéha of the council held at Niagara in February 1780, in which American-allied Oneida

[127] Janice Potter-Mackinnon, *While the Women Only Wept: Loyalist Refugee Women in Eastern Ontario* (Montreal and Kingston: McGill-Queens University Press, 1993),19, 50–51, 68–69, 106–111.

[128] BL, Haldimand papers, Add MS 21774: Claus to Haldimand, Montreal, 5 November 1778.

[129] Potter-Mackinnon, *While the Women Only Wept*, 106.

[130] Calloway, *American Revolution*; Fitz, "'Suspected on Both Sides'".

[131] Karl Hele, personal communication.

and Seneca met with British-allied Confederacy members, including Brant, to attempt to persuade them to leave their imperial alliance. There is also a translation, made in the early twentieth century for the National Archives by Charles A. Cooke, which is the document I cite here. The language is less restrained and more anguished, it seems to me, than the 'official' translation into English made at the time.[132] Clearly the report was written from a loyalist perspective. Whatever the circumstances of its production, the document certainly conveys a sense of profound division and loss.

The pro-Americans are described as 'the deputies from the Bostonians'. Their speeches speak of loss and disaster: 'What has happened to us all is calamitous! There is now no Long House where you and I can safely tell one another our fears, by saying to each other "do not meddle in this affair (war) or calamity will happen to us, we will suffer this disaster, for we love our Long House".' The speaker called on the Niagara refugees to repent and rebuild the longhouse 'so then all our people will live again upon the different, former firesides and plantations, and smoke will rise again from their former cabins, and will enjoy the mastership of their former Lands once'. Following meeting protocol, this speech was followed by speeches by speakers for the warriors and for the women. Reiterating themes of kinship, the warriors called on listeners to 'hear what our relatives say' and to be 'disposed to do what your relatives tell you to do'. 'Consider the awful calamity that has fallen upon us all', they pleaded. The women expressed their gratitude to their brothers for inviting them:

> We too will be heard by the warriors, our elder brothers, of the Long House. We speak of one thing only, the awful calamity that has befallen upon us, through none of our affair but the affair of the King and the Bostonians in warring against one another, by their dividing of our minds and causing us to be parties to their quarrel. You must stop and give thought the agony of mind we are all in, and see that peace is maintained among all the Indians.

In response, however, 'Da yor hen se reh', speaking for Joseph Brant (here 'Than yen da ga yon') held out the promise of a reunited longhouse after the end of conflict. Two days later, on 19 February, 'Ka non ra ron' (Aaron Hill) proclaimed

> [i]t is now four years, we have been going as of one mind, and our minds are now more than ever steadfast in upholding the cause of the King. We

[132] "Copy of Proceedings with four Rebel Indians", English Minutes of Indian Affairs, 12–18 February 1780, in Francis Jennings, William N. Fenton, and Mary A. Druke (eds), *Iroquois Indians: A Documentary History of the Diplomacy of the Six Nations and Their League* (Woodbridge, CT: Research Publications, 1985). It is not clear who sent the report, but there are other letters in Kanien'kéha from John Deserontyon to Claus in the same collection.

> have made up our minds to be faithful […] We are not deceivers, we have all well considered our decision that no matter what will happen to us, our names will always be respected for our faithfulness. Even so the King will uphold us, for we are going to win in time.

The supporters of the 'Bostonians' were the ones who had broken the law by putting 'us and our brother the King on top of one another as one in your attacks'. They had killed their brothers: 'When he (Bostonian) attacked our homes you were there with him, and again at "Wa shi gwa ra ron nyon" you were massacring, you upholder our Laws.' Aaron Hill called on the Big Tree (Oneida) to uphold the 'ancient covenant with the great King' rather than supporting 'the children, the Bostonians, who have lost their minds':

> We see the extent of your straying, you the Big Tree; we also see the bad brotherhood you are in. Your brother, the Bostonian, is presented into view as one about to kill you; at your head, his axe is suspended, so that at the least sign of failure, he will let it fall, for he, the Bostonian, sees you, his brother, the Big Tree, when you are not doing right, when you are working deceit towards both sides, towards us, people of the Long House by saying that you uphold our Laws while at the same time going about striking us with your axe, and doing the same to your brother, [t]he Bostonian, deceiving him too.[133]

The meeting minutes reflect the profound divisions among Confederacy members that would only deepen through the war. After this conference, Guy Johnson refused to take a wampum belt from the people he called 'rebels'. Instead, Johnson and the loyalist Six Nations leaders threw the delegates into the 'black hole', a group of small, windowless underground cells, where they would be kept for five months, and where one of them, Little Abraham, would die (although Seneca leaders only intended the punishment to be for a few days and tried to get the group released).[134] It was a fitting symbol of the breaking of the longhouse.

Scattering and the Limits to Kinship

In this chapter, I have suggested that what I have termed kinship strategies across the lines of division between Indigenous and settler communities continued to be used by some Indigenous people, some settlers and some imperial officials during the American Revolution, however tentatively and controversially, and despite the much heavier weight of countervailing forces. I have also argued that in rural New York/Iroquoia many revolutionaries rejected the

[133] LAC, Claus family fonds, vol. 24, 2–6: "Translation of a Document, in Mohawk, on page 165, vol. 2, Claus Papers". It begins "Niagara, February 17th, 1780 was the first meeting."

[134] Fitz, "'Suspected on Both Sides'", 333; Tiro, "'A Civil War'?"

politics of elite households such as those used by the Johnsons, including alliances with Indigenous peoples. The League of the Six Nations itself was ripped apart by civil war on both sides of a 'white man's war', in which most were trying to protect their own lands and sovereignty; in the end, however, neither Americans nor British respected the lands of their allies. Joseph Brant found it hard to continue to play the intermediary role that had benefited him in the past, and his difficulties reflected those of many others. In many different areas, ranging from changing practices around captive-taking, to the killing of neighbours, ethnic cleansing campaigns and the abandonment of ties of obligation to their Indigenous allies by the British, fictive and real 'kin' were reinvented as constitutively alien.

Despite the enormous costs paid by the Six Nations on all sides as a result of the conflict, British humanitarians such as Saxe Bannister nonetheless looked to the Six Nations in general, and to Joseph Brant in particular, to provide a model for feasible future coexistence between settlers and Indigenous peoples. Bannister even saw the Six Nations as a model for 'union' with the British. This memory obscured a complicated economic and military context, and pushed violence out of the picture. I will suggest in what follows that the later paternalism of the early nineteenth century, as the British empire tried to improve relationships with Indigenous peoples in the Cape Colony, the Australian colonies, in the Canadas and in New Zealand, was unrealistic about the violence inevitably linked to the expansion of empire.

3

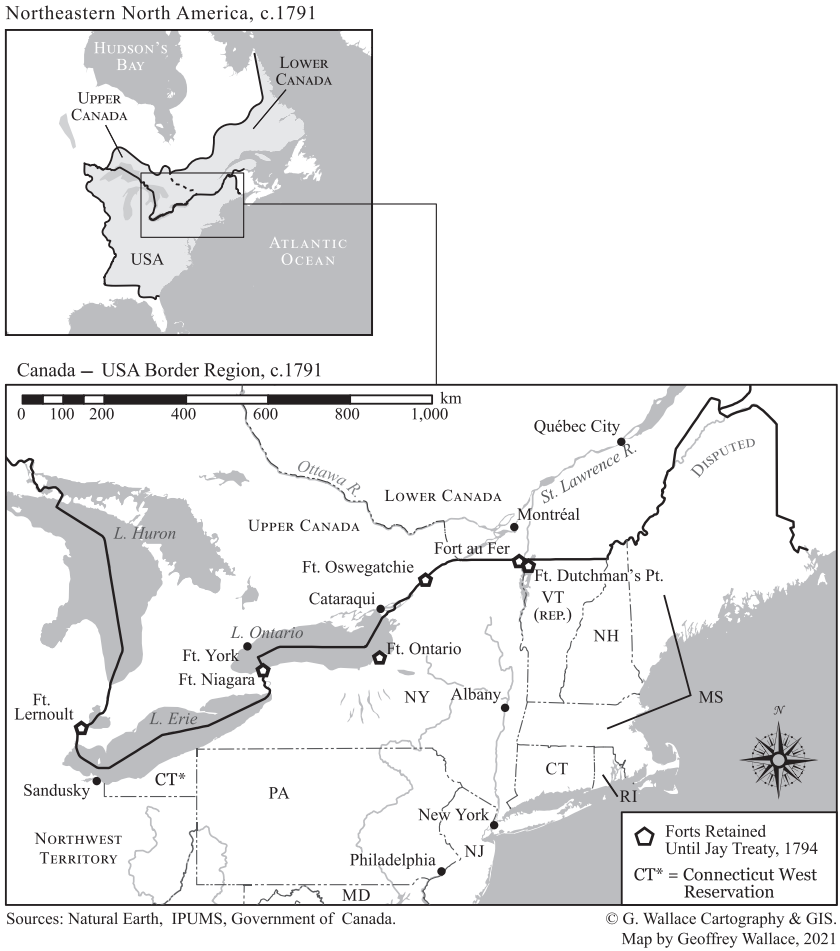
Land, Identity and Indigenous Sovereignty in British North America, 1783–1820

After the Revolution, the British betrayed their allies by giving away most Six Nations lands to the Americans at the treaty negotiations of 1783. To mitigate these catastrophic losses, many of the Six Nations were granted lands ceded by the Anishinaabeg in Upper Canada along the Grand River and at the Bay of Quinte. Although the Six Nations insisted on their sovereignty and right to control their own lands, for the first time they were unequivocally in a minority position, enclosed by a settler society. In this sense, they became 'Indigenous'. The map below shows the state of the borderlands in the aftermath of the revolution (Map 3.1).

State control of the lives of Indigenous peoples in the Canadas would accelerate in the early 1840s with the adoption of the recommendations of the 1842–1845 Bagot Commission, including recommendations that Indigenous children be sent to residential schools to facilitate assimilation and that the colonial state rationalize and tighten control of relationships with Indigenous peoples. The 1840s saw a consequential reorganization of the Indian Department as resident officers with community ties, often linked to each other and to particular communities by kinship, were sidelined by white career bureaucrats, as the model of independent military alliance was eschewed after a final flourish during the settler rebellions of 1837–1838, and as the Department was brought increasingly under civilian control, further reducing the political utility of kinship networks and the capacity of Indigenous people to make claims on the state.[1] Struggles over family and identity were a major part of the drive to state control, including efforts to define band membership. The 1840s was also the period in which the colonial administration took over the bulk of remaining land at Grand River, supposedly holding profits from land sales in trust for the Six Nations. The Indian Act of 1872, following Confederation, further entrenched the power of the colonial state, including enshrining state regulation of 'Indian' identity.[2]

[1] Nathan Ince, "'As Long as that Fire Burned': Indigenous Warriors and Political Order in Upper Canada, 1837–1842", *Canadian Historical Review* (forthcoming).

[2] Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* Winnipeg: University of Manitoba Press, 2017, 132–211; J.R. Miller, *Skyscrapers Hide the Heavens: A History of Native-Newcomer Relations in Canada* (Toronto: University of Toronto Press, 2018; fourth edition), 87–123.



Sources: Natural Earth, IPUMS, Government of Canada.

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Map by Geoffrey Wallace, 2021

Map 3.1 North-eastern borderlands after the Revolution

Even before the 1840s, the efforts of colonial administrations to control Indigenous peoples included struggles to reframe or reject kinship strategies and alliances, even as kinship continued *also* to be a technique of rule, exemplified in the way the Indian Department worked.[3] This was, as I have argued here, part of a gradual and contested shift from family biopower (including struggles over settler governance) and Indigenous political modes to control

[3] Nathan Ince, "An Empire within an Empire: The Upper Canadian Indian Department, 1796–1845". PhD dissertation, Department of History and Classical Studies, McGill University, 2022.

by more 'democratic' but racialized settler states that reimagined the 'family' of the nation based on white supremacy. Continuing to trace members of the Brant family, the current chapter explores the interaction between contestation over land and sovereignty and changes in family power in Upper Canada in the decades after the Revolution. Joseph Brant continued to define himself as a 'chief', able to pass on power to his family, despite the fact that he was not a hereditary Royaner (even if he may have been a Pine Tree Chief, created on the basis of merit).[4] Brant and others continued to try to forge family alliances across ethnic lines and to incorporate new people at Grand River. Brant's controversial struggles to sell and lease land raised issues about the sovereignty of an Indigenous group enfolded within a settler state that echoed in other imperial contexts.

I argue in what follows that the overarching reality was that the colonial administration refused to allow the Six Nations to act as landlords, did not adequately protect their lands against squatters, and did not provide the financial security required for the Six Nations to invest securely fully to monetize and protect assets from sales. The diversion of Six Nations funds under state tutelage to other ends in the later nineteenth century remains a subject for litigation in Canadian courts. Combined with the rapid decline in the number of animals along the Grand River, which made hunting unsustainable, such policies inhibited Six Nations economic independence and undercut their capacity to defend their land. The structural constraints on Brant are revealing, including shifts in conditions, such as family-based engagement in the fur trade, land speculation and diplomacy, that had made his particular form of personal wealth and family power possible. In the meantime, the economically advantageous marriages of Molly Brant's daughters with white men (two of whom became officers in the Indian Department) underscored the continuing possibility of intermarriage at the turn of the century. Nonetheless, I argue later, the eventual division of the descendants of Joseph and Molly Brant into 'white' and 'Indian' categories illustrates social pressure towards the creation of 'racial' identities, rather than family identities, as politically useful categories. Many at Grand River rejected the influx of whites and many in white society defined 'whites' and 'Indians' as discrete racial categories. As this last example suggests, members of the Six Nations were divided among themselves about the best strategies to follow in the face of economic change, assimilation attempts and tightening state control. Joseph Brant proved a controversial figure as many Haudenosaunee themselves rejected his particular variant of cross-ethnic family biopower, as well as more pragmatically suspecting him of corruption.

Before returning to Upper Canada, I turn first, however, to the microcosm of an American accounting scandal towards the end of the revolutionary wars.

[4] Hill, *Clay We Are Made Of*, 155–156.

In addressing the tangled accounts of Guy Johnson, William Johnson's son-in-law, colonial administrators tried to rein in the power of the Johnson family in the name of a more transparent bureaucracy and tighter state control of relationships with Indigenous peoples. The scandal presaged, I argue, contestation over state power, 'corruption', family biopower and the nature of relationships with Indigenous allies that would extend into the nineteenth century and echo in Upper Canada.

Accounting for Alliance

Before the end of the war, when many of the Haudenosaunee were still refugees in British territory, there was an accounting scandal in the Indian Department. Events around it are interesting not only for what they reveal about how the Indian Department was run during the Revolution, but also for what they suggest about how its critics sought to move away from unrestricted family power towards more bureaucratic modes of governance and clearer divisions between 'white' and 'Indian'. The rise of the humble receipt might, then, be seen as a small part of a much wider transition from family biopower to the power of a racialized state that also saw itself as more 'modern'. This in turn would affect how the Six Nations were incorporated into Canadian territory, even as family remained a major source of authority and wealth. The related drive to limit and eventually curb gift-giving to Indigenous allies similarly sought to place alliance politics within more bureaucratic bounds.

In 1781, James Douglas, an employee of Taylor and Forsyth, the partnership that was supplying Fort Niagara in cooperation with the Johnson family, blew the whistle on his employers for overcharging the Indian Department for presents to Indigenous allies and skimming money off the top over several years, possibly, or possibly not, with the collusion of Indian Department officials.[5] Guy Johnson had routinely approved very large bills without receipts. The Governor of Quebec, Frederick Haldimand, successfully sued Taylor and Forsyth in Montreal. It turned out, however, that it was almost impossible to work out who had paid what to whom given the laxity of receipts and intermingling of the paperwork of Johnson and of Taylor & Forsyth. Johnson's own financial practices thus came under suspicion, amid a vast sea of undocumented expenses. In 1781, Johnson was suspended and called to Montreal to face investigation.[6] Amid disputes and counter-complaints, Haldimand established a

[5] Isabel Thompson Kelsay, *Joseph Brant, 1743–1807: Man of Two Worlds* (Syracuse, NY: Syracuse University Press, 1984), 32; David S. Macmillan, "DOUGLAS, JAMES (d. 1803)", *Dictionary of Canadian Biography*, vol. 5, University of Toronto/Université Laval, 2003. www.biographi.ca/en/bio/douglas_james_1803_5E.html (accessed 10 August 2019).

[6] Colin Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge: Cambridge University Press, 1995), 146.

Board of Inquiry to look into Johnson's finances. The eight men on the board included the Solicitor General of Quebec Jenkin Williams, royal engineer William Twiss, as well as – ironically for a corruption investigation – Johnson's own brother-in-law Daniel Claus, by now deputy agent for the Six Nations in Canada. The Board carried out interviews and combed through Johnson's accounts before reporting in 1783.

The terms in which Johnson indignantly defended himself, and in which Indian Department officials tried to explain the Department's internal conventions during Haldimand's investigation, are revealing, as are ways in which the Board decided what expenses to allow. Johnson pointed out that the Indian Department had become responsible for most of the Six Nations after 'their Country was invaded by an Army (thru' their importance and Services to the Crown) their Towns & property in 23 Settlements destroyed, and themselves constrained to take refuge at Niagara and to remain there for above eighteen months'.[7] The British army had maintained over 3,000 of the dispossessed Haudenosaunee, while Johnson employed over 800 men on war parties to harass the frontier districts from Niagara. Colin Calloway confirms that on 4 November 1779, 3,329 people were drawing rations at Niagara, the majority of whom, including almost 1,000 Seneca people, were refugees from the Sullivan campaign.[8]

Johnson asked to be reimbursed for some £7,000 for which he claimed that the success of the suit against Taylor and Forsyth had left him responsible. He was unable to obtain receipts because of the nature of his expenses, including running an open house for 'chiefs', providing chiefs with high-quality clothing and maintaining slush funds for spies and trusted allies. In defending his practices, Guy Johnson frequently referred back to Sir William, who simply kept an open table for 'Indian' visitors using government funds.[9]

William Johnson's own accounts do in fact suggest that he both maintained an open table and gave assistance to many people in a manner that neither the military nor the state seems to have questioned. Open hospitality was important to his political control. He clearly had a slush fund for what he termed 'disbursements to Indians'. In a report of November 1768, for example, Johnson listed costs such as 'deer skins for shoes to several Old Sachems', 'To a Party of Indians I met on the road Cash to buy Provisions', 'to a Scoharee Indian who lost

[7] TNA CO 42/45, ff. 155–158: Guy Johnson to Board of Accounts, Quebec, 10 October 1783.

[8] Calloway, *American Revolution in Indian Country*, 137.

[9] Johnson produced a notebook with Sir William's charges for "maintaining Indians at his own House" from 1769 to 1774, as well as "a Book of similar nature" kept by himself from 26 September 1774 to 25 March 1775, with amounts he claimed were passed without difficulty. TNA CO 42/45: "Proceedings of a Board assembled by order of His Excellency General Haldimand, to examine and investigate all accounts and claims of Col. Guy Johnson, against Government", Quebec, 29 September 1783.

the use of his Leg in the Service' and 'To a Conajoharee Chief Cash for Boards to Build a House'. His accounts also included multiple open-ended expenses to attend meetings, including funds for gifts during land negotiations.[10] Recipients were probably unaware of the origin of the money, which gave Johnson an advantage in his political performances of hospitality.[11] Doubtless, however, they read gifts as tokens of the willingness of the king and of Johnson to maintain ongoing relationships. In return, the Six Nations entered into agreements that were also seen as living relationships.

In 1783, Indian Department officials from Niagara called by Guy Johnson to give testimony in his support rushed to affirm that it was not the custom of the Department to keep detailed accounts during the years of the Revolution. Furthermore, gifts played an important role in keeping warriors in the field. Indian Department officials attested that in the circumstances of the refugee community at Niagara it was essential to keep the chiefs happy. But in doing so, Johnson had not made a clear distinction between family provisions and provisions for chiefs, seeking to create, I would suggest, an impression of open-handed munificence, rather than contractual obligation. Johnson was a patriarch before he was a bureaucrat. This suggested confusion between private and public that might be seen as corrupt, but which cut to the heart of how the Indian Department operated. For example, Sir John Johnson attested that:

> numbers of Indians were continually there, which numbers were considerably increased by their being drove from their Villages by the Rebel Army, they & specially their Chiefs, with Prisoners remaining until the Decision of the Indian Councils took place were at Col. Johnson's Quarters and partook of the Provisions & Liquors used in his Famely [*sic*], that the Luxurys [*sic*] of the Indians were much increased previous to Col. Johnson's arrival at Niagara from what they had formerly been accustomed to, and that they expected more from the Superintendant [*sic*] than from any other Person.[12]

The mingling of 'family' and 'Indian' supplies was a recurring theme. For example, Captain Powell (presumably the husband of former captive Jane Moore) described a 'Table being kept for the Indian Chiefs at Col. Johnson's Quarters in a back room which was supplied nearly as Col. Johnson's was'. The chiefs were not sitting at Johnson's personal table but in a 'back room'; nonetheless they helped themselves to provisions and drink that were much the same as that of Johnson's family. They were close to family, but still separate;

[10] "Account Against the Crown", Johnson Hall, 14 November 1768, *SWP*, XII, 640–649.

[11] Compare Gilles Havard, "Le rire des jésuites: Une archéologie du mimétisme dans la rencontre franco-amérindienne (XVII-XVIII siècle)", *Annales. Histoire, Sciences Sociales* 62(3), May–June 2007, 539–573.

[12] TNA CO 42/45: "Proceedings of a Board", 29 September 1783.

hierarchy was blurred but maintained. Similarly, on the delicate issue of why he had no receipts for clothes, Johnson claimed that white officers gave Indians their own clothes, 'Indians liking the Cloths of Officers better than any that could be given to them out of stores'.[13]

Johnson himself insisted that the Six Nations merited more generous treatment than others: the Six Nations had 'ever been governed by several distinguishing peculiarities and treated in a manner different from other Indian Nations […]'.[14] He also argued that what looked like extravagances were required by circumstances. Portable soup, sage and essence of peppermint, for example, were 'exceedingly serviceable for Chiefs on fatiguing marches, when much exhausted & without any means of Relief'. They were, however, Johnson hastened to reassure the inquiry, given only to 'Persons of Consequence, or when ordered for the Sick'; even in the distribution of portable soup, gift-giving was structured by status.[15] The many items of glass and crockery charged were, he claimed, 'but a small Part of what was given away, or broke at his Quarters by the constant resort & frequent Irregularities of the Indians'.

Johnson further argued that expenses had risen because Indians had become savvier consumers and wanted more expensive items. He cited his own letter of 3 July 1780 to the commander in chief:

> Beside the increase of their ordinary Expences & Consumption, their desires had extended to many Articles, and some of them expensive ones, which they had not formerly received or expected, - that many would no longer wear Tinsel Lace, and were become good judges of Gold and Silver; That they frequently demanded, and received, Wine, Tea, Coffee, Candles and many such articles, and are particularly Nice in the Choice of the finest Black & other Cloth for Blankets, and the best Linnen & Cambric with other Things Needless to enumerate.[16]

Haldimand had long been questioning the amount of money spent on gifts for the Six Nations, while Johnson had long argued that the Six Nations were better consumers than other less well-informed Indigenous groups and needed to have appropriate gifts. Unlike those in the western department, they were 'not so fond of gaudy Colours, as of good & substantial things' and were 'passionately fond of Silver Ornaments & neat arms'.[17] The debate underscored the extent to which Haudenosaunee people were embedded in colonial consumer markets.

Such consumption habits excited unease among British officials, amid a broader discomfort over the blurring of boundaries. The Board of Inquiry's

[13] *Ibid.*, f. 87: "Proceedings of a Board", 2 October 1783, 172.
[14] *Ibid.*: "Colonel Johnson's Address to the Board".
[15] Guy Johnson also claimed that water in peppermint prevented people from demanding alcohol.
[16] TNA CO 42/45: Statement by Guy Johnson, 7 October 1783 [copy].
[17] Cited by Calloway, *American Revolution in Indian Country*, 143.

final report referenced the problem of the creation of what they termed artificial wants (implicitly assuming the malleability of Indigenous peoples):

> There is likewise too much reason to think that many of the Indian wants were created, and others increased, by the artfull Instigation of persons having an Interest therein and we are of opinion, that nothing could be more contrary to Propriety and Economy, than that any Officer in the Department, much less the superintending Power, should take any part in the supply of those wants, from his own property, or from a source in which he or they could have any Interest either directly or indirectly.[18]

The politics of gift-giving also needs to be placed against the fact, as Colin Calloway shows, that many people beneath the level of chiefs starved or died of scurvy on salt rations at Niagara.[19] Calloway states that it is unknown how many refugees died of hunger, illness and exposure over the very brutal winter of 1779–1780, but it may have been as high as several hundred.[20] The winter of 1780–1781 was admittedly better, but it is still striking that the British army was replacing its crockery and buying silver ornaments for favoured chiefs rather than increasing provisions for all. The army also spent an enormous amount on liquor. Between June 1780 and September 1781, for example, 1,810 gallons of rum and 3,385 gallons of wine, brandy and other spirits were purchased for 'prisoners and Indians'.[21] Johnson's desperation to feed the families of Chiefs also stemmed from Six Nations' anxiety over the lack of food. In November 1780, he reported that the refugees, who had been on two-thirds rations since shortly after he arrived in Niagara, 'began at that time to be very uneasy about Flour, on which occasion they held a very serious Council, concluding with saying their Families must starve'.[22]

In less fraught times, gift-giving was a sign of an ongoing relationship and a recognition of the obligations of alliance. As Catherine Desbarats observes about French-Indigenous relationships, gifts given according to Indigenous customs 'with the rituals that attended them, fashioned the metaphorical ties of kinship on which French-Indian alliances rested'.[23] Much of this gift-giving was also, however, accompanied by a deeper level of fear and distrust. Johnson's defence of his expenses is again revealing. In a statement to the Board of Accounts on 10 October 1783, he bluntly affirmed that he had been afraid to try to curtail the supposed increase in 'Luxury' among Indians that he had found when he returned from England; they had, he claimed, 'an enlarged idea of

[18] TNA CO 42/45, f. 67: Letter from Board, October 24, 1783, 133.
[19] Calloway, *American Revolution in Indian Country,* 129–157.
[20] *Ibid.*, 139.
[21] TNA CO 42/45, f. 69: "Colonel Guy Johnson's Account against Government".
[22] *Ibid.*, f.157: Guy Johnson to President and Members of the Board of Accounts, Quebec, 10 October 1783.
[23] Catherine Desbarats, "The Cost of Early Canada's Native Alliances: Reality and Scarcity's Rhetoric", *The William and Mary Quarterly*, 52(4), October 1995, 609.

their own importance in a War where from their Situation they were capable of being our best friends or our most dangerous Enemies'[24]

In the end, the Board of Inquiry proved relatively lenient with Johnson (as might have been expected of a group of elite men including his brother-in-law). They accepted partial amounts of vague costs for stores 'expended on Indians and Prisoners' on the grounds that Indian Department officers had convincingly demonstrated that 'the Indians resorted to his House in great numbers, and partook of the Provisions & Liquors used in his Family'.[25] It was concluded that he had not personally profited but that he had kept appalling accounts: indeed, Johnson himself called a witness who claimed that he was in the habit of burning merchants' accounts after payment, and then there was of course the issue of many papers having been soaked beyond recognition in the unfortunate overturning of a sloop. Nonetheless, Johnson was deemed responsible for a significant chunk of expenses. Later that year, he travelled to London in the hope both of clearing his name and of claiming compensation for a large amount of family property lost during the Revolution. Somewhat paradoxically, given concern with family-based corruption, Sir John Johnson would be appointed superintendent in Sir Guy's absence. Sir Guy would die in Britain in 1788, while Sir John spent much of the rest of his life working for the Indian Department in Canada. In these disputes one might see a transition from an old way of seeing expenditure as a form of diplomatic expense, and as a way of maintaining manly hospitality, to a more contractual approach, as well as growing unease about open-ended gifts to Indians. Although Haldimand himself was appalled by the cavalier way in which the British betrayed their allies and gave away their lands, he was part of a larger intellectual shift towards downgrading overt household and family power and promoting instead a more bureaucratic state. This was a struggle that would continue well into the nineteenth century.

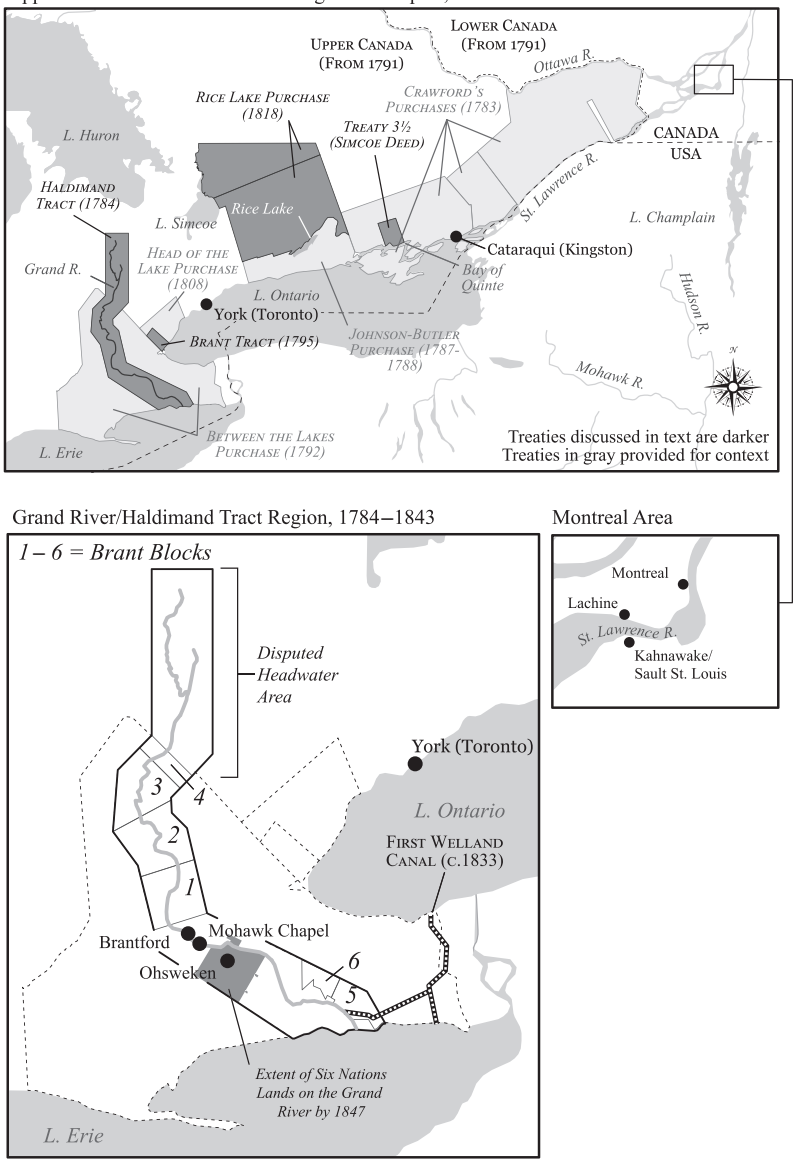
Authority, Land and Sovereignty

In the meantime, British negotiators were giving away the land of their Indigenous allies. By late 1782, reports were trickling back to officials in Canada that 'Indian' territories had been ceded to the Americans in preliminary peace

[24] TNA CO 42/45, ff. 155–158, Guy Johnson to President and Members of the Board of Accounts, Quebec, 10 October 1783.

[25] *Ibid.*: 'Account of sundry charges made by Taylor & Forsyth on Col. Johnson's Billets against Government for which if eventually rejected by the Courts of Law as a Legal Claim on the Crown, he may be responsible […]', enclosed in Frederick Haldimand to Lord North, Quebec, 2 November 1783.

Upper Canada and Treaties with Indigenous Peoples, 1783–1820



Sources: Natural Earth, Six Nations Lands & Resources Department (sixnations.ca), Government of Canada, Government of Ontario.

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Map by Geoffrey Wallace, 2021

Map 3.2 Indigenous lands and treaties, Upper Canada

negotiations by the Shelburne ministry, even though the nations had not been conquered. Many administrators were afraid to tell their allies of the full extent of this betrayal. By the spring of 1783, it was impossible to hide. Aaron Hill, speaking for the Six Nations chiefs, stated at a meeting at Niagara on 18 May 1783:

> [t]hat the Indians were a free People Subject to no Power upon Earth, that they were the faithful Allies of the King of England, but not his Subjects – that he had no right Whatever to grant away to the States of America, their Rights or properties without a manifest breach of all justice and Equity, and they would not Submit to it.[26]

Six days later, at a meeting in Quebec with Haldimand, Joseph Brant accused the British of betrayal: 'We the Mohawks were the first Indians that took you by the Hand like Friends and Brothers and invited you to live amongst us, treating you with Kindness upon your Debarkation in small Parties […] we were then a great people [….] and you in manner but a handful.' Now he had been delegated by 'all the King's Indian Allies' to ask

> whether those Lands which the great being above has pointed out for our Ancestors & their Descendants, and placed them there from the beginning, and where the Bones of our Forefathers are Laid is secured to them? Or whether the Blood of their grandchildren is to be mingled with their Bones, thro' the means of our Allies for whom We have often so freely bled?[27]

Haldimand expressed anger and disdain to the British Prime Minister Lord North, perhaps emboldened as his own career as a British administrator drew to its close:

> These people, My Lord, have as enlightened Ideas of the Nature and Obligations of Treaties as the most civilized Nations have, and know that no Infringment of the Treaty in 1768 which fixed the Limits between their Country and that of the different Provinces in North America can be binding upon them without their express concurrence and Consent. Your Lordship will observe that the Object of their general Confederacy is to defend their Country against all Invaders: In case things should proceed to extremities, the Event, no doubt, will be the destruction of the Indians, but during the Contest, not only the Americans but perhaps many of His Majesty's subjects will be exposed to great distress.[28]

[26] LAC Haldimand Papers, B 103, 175–82: Allan Maclean to Sir Frederick Haldimand, Niagara, 18 May 1783; reproduced in Charles M. Johnston (ed.), *The Valley of the Six Nations: A Collection of Documents on the Indian Lands of the Grand River* (Toronto: University of Toronto Press, 1964), 36.

[27] Kelsay, *Joseph Brant*, 341.

[28] TNA CO 42/45: Frederick Haldimand to Lord North, 27 November 1783.

Many came to share Haldimand's assessment that the decision of the negotiators had been misguided, both morally and strategically. The results would indeed shape North American history. In response to such concerns, Britain maintained forts in American territory until two years after the Jay Treaty of 1794. Brant was a major player in the early years. He tried both to broker more widespread pan-Indigenous political unity in the face of colonialism and to negotiate with the United States on behalf of Indigenous peoples, in both cases with an ultimate lack of success. The Six Nations would not, however, go back to war against the United States without British backing.

The young American republic would in fact be at war with Indigenous peoples for many years, including war with the pan-Indigenous alliance led by Tecumseh from 1811 to 1815. State-sponsored violence would continue into the 1820s and 1830s after the eventual British desertion of their allies, culminating in the policy of forced removals under Andrew Jackson from 1830 onward. The ultimate refusal of the British to resume warfare with the Americans, despite the War of 1812, sealed the fate of Indigenous lands as the Republic exploded westward.[29] More narrowly here, however, I want to focus on the implications of such a catastrophic loss of power for struggles over land and sovereignty in Upper Canada. These developments shaped relationships with Indigenous peoples elsewhere in the empire well into the nineteenth century, including a shift from a language of alliance to a language of 'protection'.

In the aftermath of the Treaty of Paris, Haldimand, who was coordinating the resettlement of displaced loyalists, granted land to the Haudenosaunee in Upper Canada. In addition to any sense of personal obligation he may have felt, he was terrified of renewed warfare. In negotiation with the Six Nations, the general coordinated the purchase of what has come to be called the Haldimand Tract, 6 miles to either side of the Grand River along its length of about 100 miles. The land was purchased from the Mississauga for £1,180 7s. 4d., despite some internal disagreement.[30] Haldimand's Proclamation of October 24, 1784, also remembered as the Haldimand Treaty, stated in the name of the king that in consideration of the 'early attachment to his cause manifested by the Mohawk Indians and of the loss of their settlement which they thereby sustained', land was to be set aside for them and for others of the Six Nations who wished to live there. This land was along the banks of the Grand 'six miles deep from each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river, which them and their posterity are to

[29] Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels and Indian Allies* (New York: Alfred A. Knopf, 2010); John Sugden, *Tecumseh: A Life* (New York: Holt, 1997); Gregory Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745–1815* (Baltimore, MD: Johns Hopkins Press, 1992).

[30] Johnston (ed.), "Introduction", *Valley of the Six Nations*, xxxviii; Kelsay, *Joseph Brant*, 337–343.

enjoy forever'.[31] A survey by Augustus Jones in 1791 reduced the land by creating straight boundaries rather than following the curves of the river and, most significantly, by not including the land around the headwaters – about a third of the settlement. In 1793, Lord John Graves Simcoe, Lieutenant-Governor of Upper Canada from 1791 to 1796, issued his own deed to the land which did not include the headwaters, on the grounds that the Crown had not in fact purchased this territory from the Anishinaabeg.[32] As we shall see, this remained an important bone of contention. Map 3.2 illustrates the complex tissue of treaty negotiations and post-treaty settlements in Upper Canada, of which the contested settlement of Grand River was only part.

Captain John Deserontyon and many of the Lower Mohawk who had been refugees at Lachine during the war elected to settle separately at the Bay of Quinte. A number of accounts persisted in the late nineteenth century of the reasons for the separation – enough, in fact, to suggest that the reasons were complicated. In 1879, at Grand River, Lydia Martin, the seventy-seven-year-old granddaughter of Isaac Hill, recalled one version that emphasized community agency, leaving out the Anishinaabeg and the British:

> After the war, the Mohawks at Lachine left their temporary settlement & went to Bay of Quinte. Capt. John Deserontyou said, 'this is a country that suits me, there we'll make our home.' 'It is pretty good,' said Brant, and the Hills, 'but is too stony; we will try & see if we cannot find better.' So Brant, the Hills, & others, a delegation of the larger portion of the tribe, leaving their families behind at the Bay of Quinte, pushed on west – explored a large region, & fixed upon the Grand River region as a more desirable location for their people.[33]

Such community accounts attributed agency to the Haudenosaunee in selecting their land, in a way that attested to their autonomy. In addition to the community land grants, the Crown gave Joseph Brant a personal grant of 3,450 acres at the head of Lake Ontario on land purchased from the Mississaugas in 1797.[34] There Brant spent several years building a commodious house, which in some ways echoed Johnson Hall, with a farm, an orchard and numerous enslaved people. He would retreat to live there full time with his wife and children after controversy erupted over his leadership in 1804.[35]

[31] "Haldimand's Proclamation of October 25, 1784", in Johnston (ed.), *Valley of the Six Nations*, 50–51.

[32] Hill, *Clay We Are Made Of*, 149–153.

[33] Draper papers, series F, vol. 13, 28 September 1879, "From Mrs Lydia Martin", 35–36. Compare Hill, *Clay We Are Made Of*, 138–139, on differences in terrain and soil between the two sites.

[34] "The Brant tract treaty no 8 (1797)", http://mncfn.ca/treaty8/ [Mississaugas of the Credit First Nation]; LAC, Brant family papers, Kerr Collection: G19 F6, 559.

[35] Kelsay, *Joseph Brant*, 597–601; LAC, MG 19 F10, Edward Walsh papers, folder 1, item 6: "Captain Brant's answer", Grand River, 1 May 1805; folder 7, no heading (speech of Henry Tegarighoken at annual council).

If Brant's land at Burlington was held personally and thus did not trouble the colonial legal regime, the creation of the Grand River and Bay of Quinte territories raised the issue of Six Nations sovereignty, or more precisely the nature of overlapping claims to authority. The Haudenosaunee constituted an independent, self-governing polity in a relationship with the Crown that was separate from that of settlers, and yet they were enclosed within a settler society and imperial state. Their land was held collectively, on a different model to that of settlers, and their governance was distinct. A possible model was that of Mohawk settlements that were enclosed by imperial territories in New York before the Revolution, but were clearly under Haudenosaunee control. In the nineteenth century, however, colonial administrators and settlers alike often saw this kind of fluidity as an existential threat. When, having been given power of attorney by the community, Joseph Brant tried to sell or lease Six Nations land to settlers without going through the Crown, he did so in the name of Haudenosaunee sovereignty. The colonial administrators who opposed him often did so in the name of providing protection to the Six Nations, including those who opposed Brant's land policies.

At the same time, the Indian Department still provided a means, however controversial, by which Indigenous people interfaced with the colonial state, in theory as allies rather than subjects. The Department continued to maintain military alliances and to distribute annual presents to Britain's Indigenous partners, within and beyond Canadian territory until the 1840s. In his McGill doctoral thesis, which includes a significant re-evaluation of the Indian Department in Upper Canada before the 1840s, Nathan Ince points out that the several regions under Indian Department control were each run by distinct kinship networks that included white, Indigenous and 'mixed-race' members, as individuals gained power from their capacity to work as intermediaries. Brant family networks constituted one such kinship group in the Indian Department, and Joseph Brant was able to exercise considerable patronage in the 1780s and 1790s, above all through his long-standing ties to Sir John Johnson, the head of the Indian Department. The Indian Department was thus another way in which the Brant family network accessed power. Key Indian Department figures at the turn of the century included Robert Kerr and John Ferguson, two of Molly Brant's sons-in-law, as well as Joseph Brant's adopted nephew, John Norton, while later in the century Joseph's son John would also play an important role as Grand River superintendent.[36]

Given his multiple roles, including his public reinvention of Indigenous leadership and assumption of more power than would traditionally have been granted to one Royaner , it is not surprising that 'the complicated Joseph Brant', in Susan Hill's phrase, was at the heart not only of struggles with the colonial state over sovereignty but also of debates among the Haudenosaunee

[36] Ince, "An Empire within an Empire".

themselves.[37] Without resolving debates over Brant's role that continue to this day, I focus here on the implications of struggles over land sales for debates over Indigenous sovereignty and discussions about the best path forward for the longhouse. Most colonial administrators rejected Six Nations' efforts to sell and lease lands to people other than agents of the Crown, even as Brant fought to affirm that the Six Nations were independent and had complete control of their lands. At the same time, whether or not to sell or lease land in order to invest the profits, whether to make grants to non-Indigenous people and whether to sell some land outright were all controversial issues at Grand River.

Although Brant might be seen as an economic modernizer, in the sense that he engaged with emerging financial markets and promoted investment strategies, he also took approaches that were consonant with 'traditional' kinship strategies. With the support of at least some community members, Brant granted small tracts to white settlers, mostly to men who had served with the Six Nations during the revolution and to men who had married women from the community. In 1801, for example, Brant signed a 'peppercorn lease' to lease land to Abraham Nelles, 'a surviving son of the late Captain Henry Nelles who served and acted as a distinguished Leader and Captain among the said Six Nations during the late war between Great Britain and America and at the close thereof agreeably to the request of the said Indians settled himself and family among them on the said river'. The lease was for 999 years and the leasee was to pay 'yearly and every year on the first of January, unto the said Six nations of Indians or to their agent for the time being one pepper corn if the same be lawfully demanded'.[38] Although this is often seen as an attempt to change hunting culture by introducing white farmers and artisans who could pass on skills, Brant might conversely have wanted to create clients and build up a diminished population to strengthen the Six Nations, in keeping with older assimilation policies and, as James Paxton observes, with the culture of the Mohawk Valley.[39] Certainly, the Six Nations initially faced the dilemma of protecting some 950,000 acres with a population of only about 2,000 people. Nonetheless, some of the old military allies to whom Brant granted land then put it into the colonial land market, selling land rather than living on it, whatever the original terms of the lease. In this sense, the land became 'white', rather than peopled with dependents.[40] These gifts proved increasingly controversial in the

[37] Hill, *Clay We Are Made Of*, 155–162.

[38] Archives of Ontario, Abraham Nelles papers, F543, "Lease Six Nations of Indians by Capt Jos. Brant to Abraham Nelles esq Oct 12, 1801".

[39] James W. Paxton, *Joseph Brant and his World: 18th Century Mohawk Warrior and Statesman* (Toronto: James Lorimer & Company Ltd., 2008).

[40] Six Nations Council, "Life leases (Mohawk Deeds), Seneca and Cayuga Townships", from "Lands and Resources" website, 2008: http://www.sixnations.ca/LandsResources/cspotential1.htm (accessed 23 May 2022).

community as the number of white settlers, including squatters, on Six Nations land increased and as even those granted lands pushed well beyond original boundaries.[41]

Even more controversially, Brant and those who supported him within Six Nations eventually sold about half the territory of Grand River with mortgages on the private land market with the aim of investing the profits in the London stock market and creating an annual income stream for the community (Brant was given authorization by thirty-five chiefs in council to sell Brant blocks one to four but also sold blocks five and six).[42] Allan Taylor argues that this should be seen as an effort on Brant's part to play the game of the land market on the same terms as white speculators: Brant wanted to get better value for land sales, breaking from the trap of Indigenous people being coerced into using the land for subsistence or selling it for a small price to white settlers to 'improve' and add value.[43]

It is worth noting that at the time that the Six Nations first sold significant lots of land, the growth of settlement in the vicinity was driving away animals, making it difficult to derive either substantial income or calories from hunting. Not everyone was able to live from agriculture alone, and many in the community were impoverished. The winter of 1793–1794 was so mild that hunting was difficult, and the people were hungry; it was shortly after this that Brant tried to compel the colonial government to allow land sales from Grand River.[44] A speaker complained at an 1803 Council meeting that '[o]ur Tract of land is now surrounded by white people so that our hunting is done away. Many in our Nations [are] perfect Strangers to farming, and should we be deprived of making the most of our landed property, many must Starve.' Hill notes that at this meeting the Confederacy Council sought to create a permanent fund of income from leases.[45]

John Brant, Joseph's son, who was appointed resident Superintendent of the Six Nations in 1828, reported to his colonial superiors that disagreement, in which debates about land were a central issue, remained ongoing into the early 1830s. In 1831, for example, Brant asked Colonel Givins, Chief Superintendent of the Indian Department, to inform the governor-general, Sir Jon Colborne, 'with reference to the frequent complaints of dissensions among the six

[41] Hill, *Clay We Are Made Of*, 164–165. According to minutes from a September 1800 Council meeting between Bay of Quinte Mohawk and Lord Dorchester, given to Jim Windle by a community member, tensions between supporters of Joseph Brant and John Deseryontou on the one hand and Isaac and Aaron Hill on the other, were so bad that Deseryontou accused the Hills of attempting to assassinate Brant. Jim Windle, "The plot to assassinate Joseph Brant", *Two Row Times*, 19 December 2018.

[42] Hill, *Clay We Are Made Of*, 161.

[43] Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Alfred A. Knopf, 2006), 331–335.

[44] Kelsay, *Joseph Brant*, 559.

[45] Hill, *Clay We Are Made Of*, 167; quote from Johnston (ed.), *Valley of the Six Nations*, 104.

nations' that such dissensions had existed more than twenty years and that he had 'for a long time endeavoured to put an end to the existence of two parties amongst them'.[46] Arguing for the value of holding land rather than living from investment income, Onondaga chief and spokesman Echo put it bluntly in a Council meeting in 1834: 'Brother, you have told us that if we leased our lands we should be the richest Indians in the province, but we think that we had better keep our lands as the money might go away but the lands will stand fast.'[47]

Behind these tensions lay the fact that the nascent state failed to protect Six Nations investments through enforcing leases, ejecting squatters or providing secure access to banking. Settlers encroached, refused to fulfil financial obligation or reneged on payments. Over the years, much of the Grand River lands were eaten up by white settlement in what is now the so-called golden horseshoe region of southern Ontario, an area of rich farmland and industrial development. When the Six Nations did, after considerable struggle by Brant, sell and lease lands, including land for the town of Brantford, in order to create investment income, the colonial administration insisted that Six Nations funds needed to be managed by white agents (albeit selected by Brant) rather than controlled directly by the Six Nations; things worsened by the 1830s, when the Six Nations lost control over the appointment and management of trustees altogether. The administration generally protected inadequately against potential abuses of power by these agents. In the 1830s, the government expropriated Six Nations land for the Welland Canal and failed to provide compensation for flooding. Insult was added to injury, as Chapter 4 explores, by the administration's claim that the headwaters of the Grand had not been properly purchased from the Anishinaabe, and therefore could be sold by the government to white settlers.[48]

With a limited land base, settler encroachments and much anxiety about the correct way forward, it is hardly surprising that the community was riven by tensions. There is ambiguity and uncertainty to this day over whether Brant was corrupt or simply canny: he remains a controversial and divisive figure, even as his contributions to promoting Six Nations welfare are also recognized. At the same time, Brant perhaps functions as a stand-in for what was clearly more widespread corruption in the Upper Canadian land market and in a nascent financial world with insecure institutions: if he was corrupt, he was

[46] HPL, Brant letterbook, 59: John Brant to Colonel Givins, Brantford, [14?] September 1831.

[47] *Ibid.*, 89.

[48] Six Nations Council, *Six Miles Deep: Land Rights of the Six Nations of the Grand River*, n.d.; available online at https://www.tidridge.com/uploads/3/8/4/1/3841927/sixmilesdeep-booklet.pdf (accessed 15 April 2022); Six Nations Council, *Land Rights: A Global Solution for the Six Nations of the Grand River*, n.d.; available on-line at https://www.tidridge.com/uploads/3/8/4/1/3841927/snglobalsolutions-web.pdf (accessed April 15 2022); Hill, *The Clay We Are Made Of*; Sidney L. Harring, *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 1998), 35–61.

scarcely alone. Whether or not Brant was self-interested, it was quite convenient for colonial administrators to claim that he was in order to undercut his more troubling claims that the Haudenosaunee were a sovereign people.

Brant feuded for many years with administrators who did not acknowledge that the Six Nations had the right to sell their land to anyone other than the Crown. Paradoxically, perhaps, Simcoe argued on the one hand that Brant could not be trusted to promote the interests of his own people and on the other hand that the Six Nations did not own their land outright. This inserted the Crown as protector of Indigenous peoples, a rhetorical position that would typify approaches in other colonies. Acting administrator Peter Russell allowed the Six Nations to sell land at a time of anxiety over renewed war with France, but the policy was rapidly reversed after Russell's departure in 1799.[49]

British administrators claimed a more restricted view of what 'aboriginal' sovereignty meant than the Six Nations wished, or were indeed aware of when they moved to the Grand River lands.[50] This restricted view, which granted use rights but not the right to sale other than to the Crown, was increasingly given legal expression in the 1830s and 1840s, as Indigenous lands throughout the British Empire became effectively enclosed within Crown land. In 1835, for example, the Governor of New South Wales, Richard Bourke, overturned a treaty between white settlers and representatives of the Wurundjeri in what is now Victoria on the grounds that the Wurundjeri did not have the right to trade away Crown land, and more generally that Indigenous Australians required protection against rapacious settlers.[51] John Hagopian argues that English Common Law could not accommodate parallel sovereignties on the same territory and that, contrary to the legally ill-informed views of most historians, Haldimand had in fact only granted the Six Nations occupation rights under British law, even if they themselves did not understand the legal meaning of Haldimand's proclamation.[52] In my view, this argument reifies the Common Law, however, rather than seeing it as a terrain of struggle and ignores the fluidity of views in the 1780s. Certainly, the Six Nations themselves did not accept that they were subject to British law, and continue to assert that parallel sovereignties are possible.[53] Events at Grand River nonetheless reflected a general movement across the white settler empire for the Crown to claim monopoly

[49] Hill, *Clay We Are Made Of*, 148–152; Johnston, *Valley of the Six Nations*, xliii–lxix.

[50] John S. Hagopian, "Joseph Brant vs. Peter Russell: A Re-Examination of the Six Nations Land Transactions in the Grand River Valley", *Histoire sociale/Social History*, 30(60), 1997, 300–333.; Harring, *White Man's Law*.

[51] Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: Melbourne University Press, 2009).

[52] Hagopian, "Joseph Brant vs. Peter Russell".

[53] On sovereignty, compare Audra Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States* (Durham, NC: Duke University Press, 2014).

rights of sale over the land of Indigenous peoples in what were increasingly coming to be seen as 'reserve' lands.

Brant, in contrast, supported an open market in land and tied this to Haudenosaunee self-governance and control of their territory. In a speech of August 1803, given at Niagara before Colonel Sheaffe, Colonel William Claus and others following a government proclamation forbidding the sale or lease of land by 'Indians', Brant reiterated that the Six Nations had been promised that their lands would be preserved when they fought for the British. 'We were promised our lands for our services, and those lands we were to hold on the same footing with those we fled from at the commencement of the American war, when we joined, fought and bled in your cause.' The government had no right to forbid the Six Nations to lease their lands. 'Of those lands we have foreseen, we sold, we leased, and we gave away, when and as often as we saw fit, without hindrance on the part of your government; for your government well knew we were the lawful sovereigns of the soil, and they had no right to interfere with us as independent nations.'[54] Here Brant arguably used the term 'nation' in a way that reflected mutation in the term, implying independence and the right to self-government, in a new era of developing nationalism.

In 1804, Brant dispatched John Norton to Britain to attempt to gain unrestricted title to lands for the Six Nations. Norton had (or at least said he had) a Cherokee father who had been taken as a war orphan to Scotland, and a white Scottish mother. Whatever his ancestry, Norton was raised in Scotland by his mother and spoke fluent English. He came to North America as a soldier, but eventually moved to Grand River, learned Mohawk and worked closely with Joseph Brant. Brant incorporated Norton into the Mohawk community by adopting him as his nephew, and Norton was given the name Teyoninhokarawen. Armed with the authority of identity, in 1804, Norton travelled to Britain on behalf of Brant to seek to persuade the British government to acknowledge Haudenosaunee direct land ownership.[55] The miniature that follows (Figure 3.1) portrays his self-presentation in 1805, mixing flamboyant markers of Indigenous status with other forms of clothing, in a manner that might have appeared both exotic and invented, in keeping with the

[54] Speech cited in W.L. Stone, *Life of Joseph Brant-Thayendanegea, including the Indian Wars of the American Revolution* (New York: Alexander V. Blake, 1838), vol. 2, 402.

[55] Carl F. Klinck, in *Journal of Major John Norton*, xxiv- Cecilia Morgan, *Travellers through Empire: Indigenous Voyages from Early Canada* (Montreal and Kingston: McGill-Queens University Press, 2017), 19–25; Timothy Willig, *Restoring the Chain of Friendship: British Policy and the Indians of the Great Lakes, 1783–1815* (Lincoln and London: University of Nebraska Press, 2008), 161–195; Carl Benn, "Introduction", in John Norton – Teyoninhokarawen, *A Mohawk Memoir from the War of 1812* (Toronto: University of Toronto Press, 2019), 33–37.

Figure 3.1 Miniature of John Norton (1805). Library and Archives Canada, Acc. No. 1984–119

self-presentation of Guy Johnson, John Hill and Joseph Brant in other portraits from the period.

Norton used traditional tactics: he befriended elite British men, including the Duke of Northumberland, who as a military colleague had been a friend of Brant's during the Revolutionary War. His mission was initially successful. In the aftermath of Norton's return, however, as the British government prepared to confirm his requests, a dissident council assisted by the Indian agent William Claus convened at the Buffalo River in New York. This council brought together American-based Haudenosaunee, chiefly Seneca, and dissident members of Grand River. Whether correctly or not, Norton and Brant claimed these dissidents were mostly commoners dissatisfied with Grand River chiefs.[56] The council denounced Norton's mission and announced that it had deposed Joseph Brant as chief. The dissidents also sought to expel from Grand River the white loyalists

[56] British Library, Percy papers [microfilm copy of originals held at Alnwick Castle], MS 63, folios 3–6: John Norton to the Duke of Northumberland, Grand River, 13 January 1804 [presumably 1806]; Joseph Brant to the Duke of Northumberland, Grand River, 24 January 1806. Henceforward annotated as BL, Percy Papers.

Figure 3.2 Two young men by the tomb of Joseph Brant (September, 1934). Photograph by Kenneth E. Kidd. Library and Archives Canada / PA-057994

to whom Brant had granted land. Claus then used the proceedings of this council to seek to discredit Norton.[57] In the meantime, Brant accused Claus of withholding the principal and interest of some $38,000 that he was overseeing as their government-appointed financial trustee.[58] In the wake of this conflict, the proposal to confirm Six Nations' ownership of their lands in freehold fell apart. Also in the wake of this conflict, Joseph Brant withdrew from Grand River administration. He died in 1807, and was buried in the Mohawk Chapel at Grand River. His tomb was a prominent landmark in the church yard (Figure 3.2).

In 1809, the then Lieutenant-Governor of Upper Canada, Francis Gore, wrote in revealing terms to the Colonial Office to oppose the policy of granting to the Grand River Six Nations outright title and the right to sell lands on the open market. He claimed that the right of direct sale was 'in direct opposition to that restraint contained in His Majesty's Proclamation of 1763'.[59] The Proclamation Act was now being framed as a constraint on Indigenous sovereignty (at least as Brant conceived of it), rather than as the protection for land that William Johnson and many Indigenous peoples in the 1760s had seen it as.[60]

[57] LAC, MG 19, F10, Edward Walsh papers, Folder 1, item 6: "Captain Brant's answer", Grand River, 1 May 1805, and folder 1, item 7, n.d., no heading [report of council meeting, presumably Grand River, 1805]; Robert S. Allen, "William Claus", *Canadian Dictionary of National Biography On-Line*; "Brant's complaints of Claus at a Council at Fort George, July 28, 1806", in Johnston (ed.), *Valley of the Six Nations*, 105–109.

[58] "Council at Niagara", Appendix, William Leete Stone, *Life of Joseph Brant-Thayendanegea* (New York: Alexander Blake, 1838), xliii.

[59] TNA, CO 42/349: Francis Gore to "My Lord", York, Upper Canada, 4 September 1807.

[60] Colin Calloway, "The Proclamation of 1763: Indian Country Origins and American Impacts", and Mark D. Walters, "The Aboriginal Charter of Rights: The Royal Proclamation of 1763 and the Constitution of Canada", in Jim Aldridge and Terry Fenge (eds), *Keeping Promises: the Royal Proclamation of 1763, Aboriginal Rights and Treaties in Canada* (Montreal and Kingston: McGill-Queens University Press, 2015), 33–48, 57.

Brant was corrupt, Gore argued. In cahoots with privileged buyers, Brant had covertly sold land at less than its valuation, pocketing the difference. Furthermore, if the Six Nations could sell land freely, they would choose their own purchasers, opening the door to an influx of radical American settlers. They would sell to 'unprincipled Land Jobbers' – men whose lives had been 'a tissue of Fraud and villainy' who would 'teach them to despise the Government that protected them, and […] would defraud them of their Land without a consideration'. In a twist on Brant's argument that the Haudenosaunee held land outright precisely because they were independent of the Canadian state, Gore also believed that if the Six Nations held land in freehold tenure, then they would be eligible to vote and to sit in the House of Assembly, becoming 'subject to His Majesty, and entitled to all the Privileges of Natural Born subjects'. He asked desperately, 'Are we prepared My Lord for such a change?' Joseph Brant voted because he held land at Burlington in freehold. Gore saw him as a dangerous radical. Had he not placed himself 'at the Head of an Electioneering Party' to elect to the Legislative Assembly an enemy of Gore's, the judge Robert Thorpe, who supported making the executive cabinet responsible to the legislature, 'one of the most worthless and dangerous men […] perhaps in the King's Dominions?'. 'What may not be expected', Gore asked rhetorically, 'when every Savage in the Country becomes possess'd of the same Privilege?' He prefaced further comments about the problem of potential Haudenosaunee sales to American land speculators with the throwaway phrase 'supposing it possible in the new contemplated system, to devise a plan to deprive the Indians of the right of suffrage'.[61]

Slippery Identities: The Mutating Family

As these examples suggest, strategies of using cross-cultural kinship to political and economic ends were challenged by the move to enclosure within a settler state. Many British administrators sought to discourage personal ties between British and Haudenosaunee elites, and refused to see Indians as equals. The community itself no longer had the capacity readily to assimilate outsiders to become Haudenosaunee. In the meantime, the state refused to protect the Haudenosaunee capacity to do things such as extract mortgage payments or have sharecroppers. Both 'traditional' and capitalist routes to development were difficult.

This context compelled the Haudenosaunee to rethink membership and identity. As we have seen, before full-fledged settler colonialism, Indigenous groups determined membership, and had mechanisms for a variety of forms of adoption and assimilation of outsiders. These norms and assumptions changed

[61] TNA, CO 42/349: Francis Gore to "My Lord", York, Upper Canada, 4 September 1809.

with the loss of territory.[62] New people were no longer clearly strengthening the nation. Incorporating white men through marriage and adoption might now threaten the maintenance of a land base more than in the past, for example; the community had less capacity to control the behaviour of those they admitted and could less readily prevent children and spouses from putting land inherited from an Indigenous family member onto the land market and taking individual profit. Furthermore, under older patterns, the children of Indigenous women and white men could potentially be considered both white and Indigenous, given the fact that Haudenosaunee society was matrilineal and white society patrilineal; this enabled the children of a Haudenosaunee woman to be fully integrated into her community and seen as Haudenosaunee, no matter who the father was.

Compounding these concerns was the increasingly aggressive role of the state. As the nineteenth century went on, first colonial administrators and then their Canadian counterparts would try with greater forcefulness to aggregate to the colonial state the power of defining 'Indian' identity and community membership. The Indian Act of 1876, passed in the aftermath of Confederation, tried to define who was or was not an 'Indian'. As Susan Hill points out, at Grand River this would include defining who was eligible to receive annuities from the financial proceeds of sales and leases of Grand River lands. According to the Indian Act, women who married non-Indian men lost Indian status, as did their children. In the case of Grand River, women lost access to Grand River annuities if they married a man not from Grand River, even if he was Indigenous but from another community. This contradicted matrilineal descent. Hill shows that the Grand River community turned to adoption practices, creatively reimagined, to reintegrate people who had lost status under the Indian Act or for reasons such as having moved away from the community for more than a certain number of years.[63] Before the Indian Act, Indian status could be potentially lost through enfranchisement, under the 1857 Gradual Civilization Act; a person defined as 'Indian' lost that status if they became 'civilized', assessed in part through literacy and land ownership, and applied to the government for an individual land grant. This (and this alone) would confer the right to vote in Canadian elections.[64]

Before this point, however, the early nineteenth century also saw struggle over identity. The capacity of people of 'mixed' parentage to identify both publicly and privately with both communities at once was increasingly called into

[62] On debates over adoption, identity and community membership today, Simpson, *Mohawk Interruptus*; Penelope Myrtle Kelsey, *Reading the Wampum: Essays on Hodinöhsö:ni' Visual Code and Epistemological Recovery* (Syracuse, NY: Syracuse University Press, 2014), 81–102.

[63] Hill, *The Clay We Are Made Of*, 198–202.

[64] *Ibid.*, 202–204.

question. At the same time, such fluidity was still sometimes possible. The economic structures that encouraged fluidity, including the needs of the fur trade and of the imperial military, still existed, but were becoming increasingly less significant, and identities were hardening on both sides. White settlers proved less keen to acknowledge Indigenous family members as the century wore on. The children of partnerships across the lines of ethnicity were increasingly pushed to choose one identity over the other.

The Brant family experienced these pressures, while some family members tried nonetheless to maintain or even increase the advantages of having a foot in two communities at once. The family, like others, was scarcely monolithic; some members tried to call on links with the imperial British, while others rejected them. In very broad terms, the example of the descendants of Joseph and Molly Brant suggests that society tended to push people into 'white' or 'Indian' communities. Nonetheless, some of the children of Joseph and Molly Brant tried to keep alive the possibility of elite, mixed-race families with political power. This was more possible for Indigenous women, who could more easily marry into settler society than Indigenous men.

As we have seen, Joseph Brant's third marriage was to Adonwentishon (or Ohtowa'kéhson) , known in English as Catherine Croghan. She was the daughter of Irish fur trader, land speculator, political operator and former Indian Department official George Croghan and his Haudenosaunee partner, a woman of high standing. Adonwentishon's mother possessed the right, hereditary in the female line and passed on to Adonwentishon, to name the Tekarihogen, a Royaner or chief of the Mohawk turtle clan,. The couple married at Fort Niagara in the winter of 1779–1780, first following Haudenosaunee customs and later following Anglican practice, in a ceremony conducted by John Butler. Adonwentishon/Croghan was elite in both Haudenosaunee and Indian Department worlds, and the marriage consolidated status for both partners. They would have seven children: Joseph, Jacob, Margaret, Catherine, Mary, John and Elizabeth.[65]

At the turn of the century, the families of Molly and Joseph still had wealth, status, slaves, connections to the British elite and, in terms of Upper Canadian society, a whiff of gentility acquired elsewhere. In class terms, this placed them well above almost all other Haudenosaunee, and many white settlers as well.[66]

[65] Isabel T. Kelsay, "Ohtowa'kéhson (Ahdohwahgeseon, Adonwentishon, Catherine Croghan)", *Dictionary of Canadian Biography*, vol. 7, University of Toronto/Université Laval, 2003–, http://www.biographi.ca/en/bio/ohtowakehson_7E.html (accessed 4 May 2017).

[66] Compare Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American Society* (Chapel Hill: University of North Carolina Press, 2010), 57–58 and *passim* on Brant, whom Harmon sees as seeking to act like a member of the colonial gentry, in common with several other Indigenous leaders of the period.

In Burlington, for example, there were local memories in the early nineteenth century of the magnificent appearance of Joseph Brant and his family. Robert Hoening recalled in undated testimony that the Brants had been given rich gifts in Britain: '[W]hen they took up their abode at the head of the Beach the superbness of their apparel was such as the like of it had never been seen about there. The [resident?] inhabitants lived and attired themselves in a very comfortable but generally plain manner.'[67] A Miss Applegarth similarly remembered the quality of dress of Joseph and Catherine's two daughters, Elizabeth and Kate: '[t]hey both had long black hair and wore [black?] hats, short skirts and leggings and dressed in the richest materials satins & velvets'.[68] The girls had been, she said, 'schooled in England and possessed in a high degree the graces and the cultivated manners of refined society … They did not associate very much with their neighbours while residents nor did they adopt the white ways altogether but in their house they lived as white people.' Testimony in 1879 from Catherine Hill, granddaughter of both Joseph Brant and John Deserontyon, suggested a sense of separation between the better-off Brants and the Grand River community in the early nineteenth century: Hill commented that 'Mrs. Wlm, J. Kerr (Brant's youngest daughter) [Elizabeth] used to visit her relatives on the Grand River reserve, & recognized & treated them kindly.'[69] John and Elizabeth's more anglicized identity was signalled by the fact that they lived outside the Grand River communities and, unlike their mother, remained in Joseph Brant's large house after his death. Residence and type of household had implications for identity. So did religion. Elizabeth, an Anglican, also translated biblical texts into Mohawk, following the family tradition of Bible translation inaugurated by her father.[70]

On the other hand, Joseph Brant's older children with his first wife, Isaac and Christina, integrated into the Grand River community. Many of their children and grandchildren seemingly followed suit and remained largely identified with the Six Nations.[71] Both married into the Hill family; Christina married Dr Aaron Hill, while Isaac married Mary Hill and had two daughters. Some of Joseph's children with Catherine Croghan also lived on Grand River. Catherine herself, who preferred to speak Mohawk, returned to Grand River after Joseph's death.

In contrast to Brant family members who cultivated ties to white settler elites, Joseph Brant's eldest son Isaac strongly disagreed with having white

[67] Archives of Ontario, MS 148.

[68] *Ibid.*

[69] Draper Papers, Series F, vol. 13, 38. Draper's conversation with Hill took place at the Bay of Quinte, 8 October 1879; his notes are headed "From Mrs. Catherine Hill – grand-daughter of Capt. Jos. Brant, & of Capt. John Deseroutyou also".

[70] Stone, *Life of Joseph Brant*, vol. 2, 536.

[71] J. Ojijatekha Brant-Sero, "Some descendants of Joseph Brant", Ontario Historical Society, *Papers and Records*, 1, 1899, 113–117.

settlers on Six Nations land, and quarrelled badly with his father. According to Canadian clergyman John Strachan, Isaac lived at Oswego at Grand River, where he 'inflamed the Indians against his father and was continually undermining his influence'. In his memoir of Joseph Brant, Strachan cited the Society for the Propagation of the Gospel minister James Stuart – certainly a biased source – who supposedly stated that when Stuart accompanied Isaac back from Montreal to Grand River after the completion of his education, Isaac 'avoided all society and intercourse with the white people at whose houses we happened to stop; and after he went to his father, at the Grand River he was remarked for a ferocious and unfriendly temper, sometimes maliciously and wantonly shooting horses belonging to white people; and, when intoxicated, which often happened, endangering the lives of persons also'.[72]

In 1795, Isaac killed a white squatter at Grand River, a harness maker called Lowell. This ignited a crisis around whether or not the Haudenosaunee, who did not acknowledge colonial legal authority, would deliver Isaac to white law. The crisis was resolved in 1796 when Joseph killed Isaac in an altercation started by Isaac. Different stories existed as to what precisely happened, but the general consensus was that Isaac attacked Joseph at an inn, Joseph wounded Isaac in self-defence, and Isaac then supposedly left the wound to fester and died as a result some days later.[73] For what it is worth, the family stories collected by Draper in 1870s offered a variety of details, not all mutually consistent. For example, Catherine Hill stated:

> Isaac Brant abused his father, Capt. Joseph Brant, & would have killed him; when Capt Brant, in self-defence, wounded him with a knife. He was at length taken home, & Isaac sent word that he wished to see his father; but the latter declined seeing him, saying 'What was the use'. Isaac died; when a loaded pistol was found concealed in his bed – evidently designed to kill his father.[74]

Whatever the details, the tragic death of Isaac underscores the prevalence of political divisions within the Six Nations at a difficult time of transition and loss., as well as the tensions placed on kin by these divisions.

In the meantime, Molly Brant and most of her children lived far from Grand River. After the war, Molly Brant moved to Cataraqui (now Kingston) with her seven children; at the time, Cataraqui was an important military base. A house was built for her by the British government and she received a pension of £100 a year 'in consideration of the early and uniform fidelity, attachment and zealous services rendered to the King's Government by Miss Mary Brant

[72] NN [John Strachan], "Life of Captain Brant", *Christian Recorder*, May 1819, no. 3, 106–112 and June 1819, no. 4, 145–151.

[73] Taylor, *Divided Ground*.

[74] Draper papers, series F, volume 13, 92, and *passim* for other versions.

and her family'.[75] Later, she and her family received compensation for their losses in New York after Brant petitioned as a loyalist. Lois Feister and Bonnie Pulis suggest that this compensation was important in creating dowries for the daughters to enable them to marry.[76] Before marriage, the daughters bore the surname of their father, Johnson, and were thereby tied to ongoing kinship relationships with the Johnson family. Five of Molly Brant's six daughters married white men, three of whom were in the military.

One of these daughters, Elizabeth, married Dr Robert Kerr of Niagara, who had become surgeon to the Indian Department in 1788. Robert Kerr had many characteristics of fellow members of the Indian Department: he was born in Scotland, fought on the British side during the American Revolution, was a prominent freemason and had kinship ties to Indigenous people. He occupied a number of positions in the elite white world of Niagara, where he moved in 1789 after initially living in Kingston. There, he was not only a judge of the Surrogate Court for the Niagara District from 1792 forward, but was also 'a member of the land board, commissioner of the peace, commissioner for administering the oath to half-pay officers, and trustee for public schools, all in that district'.[77] Magdalene Johnson married John Ferguson, later a member of the Upper Canada legislature, who also worked for the Indian Department. Three daughters married military men: Anne married naval officer Captain Hugh Earl, Margaret married Captain George Farley of the 24th Regiment of Foot and Susanna married Lieutenant Henry Lemoine.[78] Only one of Brant's daughters, Mary, remained unmarried. Her son George Johnson lived at Grand River, however, where he farmed and taught a day school, and married a Haudenosaunee woman.[79]

At least one husband, Lieutenant Lemoine, was not considered desirable by the family – and it would appear with good reason. In 1879, Catherine Hill recalled a family tragedy that suggests that Lemoine was violent and abusive:

> Of Lemoine, who married a daughter of Molly Brant – he strongly urged his suit to Mrs Lemoine's younger sister, after Mrs. Lemoine's early death: This was while Molly Brant was living; & she & Mrs. Ferguson were both

[75] BL Add MS 21775, Haldimand Papers, 124; also cited in Lois M. Feister and Bonnie Pulis, "Molly Brant: Her Domestic and Political Roles in Eighteenth-Century New York", in Robert Steven Grumet (ed.), *Northeastern Indian Lives, 1632–1816*, 316.

[76] Feister and Pulis, "Molly Brant", 316–317.

[77] Charles G. Roland, "Robert Kerr", *Dictionary of Canadian Biography*, http://www.biographi.ca/en/bio/kerr_robert_6E.html (accessed 20 July 2017). See also Charles G. Roland, "The Portrait of Robert Kerr (d. 1824)", *Canadian Bulletin of Medical History*, 12, 1995.

[78] Jean Johnson, "Ancestry and Descendants of Molly Brant", *Ontario History*, 63(2), 1971, 90; Huey and Pulis, *Molly Brant*, 83–89.

[79] Barbara Graymony, "KOŃWATSIʔTSIAIÉÑNI (Mary Brant)", *Dictionary of Canadian Biography*, vol. 4, University of Toronto/ Université Laval, 2003, http://www.biographi.ca/en/bio/konwatsitsiaienni_4E.html (accessed 26 July 2019).

> opposed to the match for ill treatment, & also opposed him from the Episcopal stand-point of impropriety of marrying a deceased wife's sister. Miss Johnson was not herself disinclined. Lemoine came to Col. Ferguson's to see Susan – apparently in desperation – she was in a room above, confined; & Lemoine plead to see her for the last time, knowing the mother's & sister's decided opposition – Molly was inclined to gratify his wishes, but Mrs. Ferguson was unyielding, when he blew his brains out in the parlor with a pistol - & informant, Mrs Hill, was pointed out the spot on the wall where the bullet penetrated.[80]

There is at least some error in the story, since it was in fact Susan who married Lemoine. Be that as it may, the story, however sensationalist, gives a sense of strong women manoeuvring around male violence.

Despite the potential costs, it was easier for Indigenous women to assimilate into white society than men, should they wish to do so. The prejudices of Scotsman Patrick Campbell, who wrote about his tour of Canada in 1791 and 1792, are revealing: 'It is said the sons', he observed in the early 1790s about Molly Brant's children, 'are somewhat wild and savour a little of the Indian; but that the daughters have the mild disposition and manners of the Europeans' (he missed the fact that one of Molly Brant's two sons, Peter, had long ago died during the American Revolution).[81] Campbell referenced the relationships between Indigenous women and white men involved in the long-distance fur trade, and commented on the important intermediary roles played by the children of such partnerships.[82] Later in his travelogue, immediately after commenting on the 'European' dispositions of Mary Brant's daughters, Campbell went on to say that while 'to cross the breed of every species of creature' was considered an 'advantage', he was convinced it could be 'no more than to the human species, as I do not remember to have seen an instance where a white man and an Indian woman did not produce handsome and well-looking children'.[83] This comment led Campbell immediately to a romantic evocation of the military alliances between Scots and Six Nations in the American war fighting together in conditions of great adversity: 'this chosen corps – this band of brothers'.[84] Campbell also reminds us of the specific role of Scottishness, including the Gaelic language, in these identity politics.

A story by one of Draper's interlocutors hints at the possibility for sexual exploitation intrinsic in these relationships, as well as distinctions white men made between Indigenous and white women, with the former assumed to be

[80] Draper papers, ser F, vol. 13, 92–93.
[81] Patrick Campbell, *Travels in the Interior of the Uninhabited Parts of North America in the Years 1791 and 1792* (Edinburgh, n.d.).
[82] *Ibid.*, 132.
[83] *Ibid.*, 271.
[84] *Ibid.*, 275.

more sexually available. Margaret Ball had been born in 1790 and was eighty-nine when Draper interviewed her; she was the daughter of a Six Nations woman and a white man, Captain Bernard Frey, who had fought in the revolution in Butler's Rangers. She told a story about clothing, identity and sexuality:

> On one occasion her [Molly Brant's] daughters dressed in full Indian costume; when some British officers not knowing or not recognizing them, complimented them as pretty squaws – would make nice wives, & they professed bashfulness, & had nothing to say; & when these same officers met these young ladies shortly after at a party, dressed in fashion, in white, they apologised for their former impertinence.[85]

Another snippet of social life recalled by Margaret Ball suggests that Molly Brant tried to protect her daughters against sexual predation in a military town:

> Molly Brant used to accompany her daughters on parties; & once an officer said to her, that he would see them safely home that evening – when she replied that she had learned them to take care of themselves – perhaps the officer was some one she did not care to encourage his attentions.[86]

Several of Molly Brant's daughters and granddaughters obtained prominent roles in Anglo-Canadian society. Catherine Hill informed Lyman Draper, for example, that Jane Miller, the daughter of Anne and Hugh Earl, 'lived in style at Kingston – was lady-like. Her husband was a banker there.'[87] In 1862, John Clark recalled in a letter to William Simcoe Kerr, the grandson of Elizabeth Johnson Kerr and Robert Kerr, that his grandmother 'was an amiable lady possessing dignity of manners with every other necessary endowment gracing the female mind'. Clark, whose father had been a friend of Robert Kerr's, described a lively social life in early nineteenth-century Niagara, informed, as was the case at Kingston, by military sociability. The relatively elite 'mixed-race' women of the Kerr family appear to have been attractive marriage partners and were eagerly courted. 'The Miss Kerrs after finishing their Education in Lower Canada, returned to Niagara & resided with their Father the Doctor until married,' Clark recounted. 'The Doctor's house was a great resort for the military of that day, composing the chief society all the Frontier Posts in Upper Canada being garrisoned, by the regulars, their officers and ladies adding much to the society of the vicinity.' The Kerr daughters were, he attested, 'the most admired belles'. Clark recounted how the young women frequently drove and walked with Colonel Brock, an intimate of the house, for example, and enjoyed picnics and excursions to Niagara Falls with soldiers.[88] At the same time, Clark

[85] Draper papers, series F, vol. 13, 103.
[86] *Ibid.*
[87] *Ibid.*, 94.
[88] LAC, MG19 F6, Brant family fonds: John Clark to William Simcoe Kerr, Port Dalhousie, 30 June 1862.

also revealingly referred to a minister who was in the Kerrs' social circle who was appointed to be a 'missionary' to the 'Six Nations': scarcely suggesting great missionary zeal, the minister visited Grand River once a year for marriages, baptisms and funerals. Clark also referenced the position of the elder Robert Kerr as the 'superintendent' of the 'faithful' Six Nations. This suggests, again, both a spatial and a social separation, with 'mixed' women most readily able to cross social boundaries and lent status by elite white fathers, following both military and fur trade norms. In the meantime, white men gained status and employment possibilities by working as missionaries and superintendents of Indigenous communities.

As I will discuss in more detail in Chapter 4, the younger Robert Kerr, the brother of the 'Miss Kerrs', travelled to London in 1821 together with Joseph Brant's youngest son John to press land claims on behalf of the Haudenosaunee concerning the disputed headwaters of the Grand, and presented himself in London as a Mohawk chief. In the meantime, another Kerr son, William Johnson, married his cousin Elizabeth Brant (figure 3-3), the daughter of Joseph Brant and Catherine Croghan, further strengthening his Haudenosaunee family ties and bringing together the descendants of William Johnson, Joseph Brant and Molly Brant. Their son William John Simcoe Kerr, the recipient of Clark's letter discussed earlier, was named by his mother to be the Tekarihogen of the Turtle Clan, just as Catherine Croghan had appointed her own son John. 'Since the Revolutionary War,' Simcoe Kerr claimed in a draft letter to Sir John A. Macdonald in 1866, 'the Six Nations have been led in the wars by some member of the Brant family (the chieftainship of the Confederacy being in that family).' This effort to entrench a hereditary Brant family leadership was not consonant, as we have seen, with prior Haudenosaunee traditions of leadership.[89]

Records collected by Draper suggest at least one of the daughters, Catherine (Kate) Osborne, was respected in both white and Haudenosaunee communities. On her death in 1876, the *Brantford Courier* recorded that:

> Miss Kate Kerr was married June 1st, 1859, to Mr John Osborne, a merchant of Hamilton, Canada […] The ample means left by her parents enabled her to obtain a superior education- she was most accomplished. In appearance she was tall & queenly, and in disposition thoughtful & kind. At the time of her death, she was residing at Tuscarora, where she died Feb 25th, 1876, about 37 years of age. Her last words were – 'I die trusting only in the Lord my Savior.' […] She was a noble specimen of the spirit of her grandfather, and the race she represented so worthily and nobly, and was beloved by all who knew her.[90]

[89] *Ibid.*, Joseph Brant and family fonds: John Simcoe Kerr to John A. Macdonald [draft], Wellington Square, 22 March 1866.

[90] *Brantford Courier*, 24 March 1876: extract transcribed in Lyman Draper Papers, series F, vol. 13.

Figure 3.3 Miniature of Elizabeth Kerr (née Brant). Toronto Public Library JPR 3292

Mrs Mary Dee at the Grand River settlement told the story of Kate Osborne's death somewhat differently in an interview with Draper in 1879, emphasizing Six Nations identity rather than Christianity:

> Says she was present when Mrs Osborne died- in the little two room house in sight of Dr. Dee's, in Tuscarora on the Reserve. Was sick only four days – had her senses to the last: had some letters brought to her – selected those she desired might be kept, & had the others burned. Talked with all of her children, & tenderly besought them not to forget or disown their Indian descent.[91]

Like at least some other family members, Kate Osborne celebrated her relationship to Joseph Brant. In 1872, she presented a talk to the Buffalo Historical

[91] Mrs Dee's account continued that "She kept school awhile for the support of herself & children; & at her death, Arch Deacon Nelles adds, she left only a few hundred dollars, & some family memorials for her children – all three are being educated at the Mohawk Institute." It is noteworthy that the children were educated at the Mohawk Institute, a day school but also a residential school, remembered as a place of much suffering. Draper Papers, series F, vol. 13, 57: Interview with Mrs Mary Dee, 1 October 1879.

Society (in New York) on the life of her grandfather. Reflecting the racialization of identities that had hardened over the previous half-century, the Buffalo *Commercial Advertiser* praised the paper, 'read with a grace and correctness of elocution that charmed every ear', stating that 'Mrs. Osborne betrays slight evidence of her Indian lineage and is a cultivated and charming Christian woman.' At the same time, the paper also remarked that the talk was attended by two 'Indian chiefs', 'who fastened their dark eyes upon the lady-reader with an intentness of gaze which betokened the lively interest they felt in her theme'. One of these 'Indian chiefs' was William John Simcoe Kerr - a racialized other in the reporter's eyes who was in fact Kate Osborne's brother.[92]

In the early nineteenth century, William Johnson Kerr, the father of Kate and of William John Simcoe, had operated smoothly as a member of the Upper Canadian settler elite, presumably drawing on ties to his father and grandfather, even as his brother claimed a Mohawk chieftaincy, as his son would later do. William Johnson Kerr's very name commemorated the family tie to the Indian Department elite through Sir William Johnson. He became a magistrate in Niagara in 1817. He was involved, as were many prominent Niagara settlers, in reform agitation around Robert Gourlay, including calling for better land rights for settlers: Gourlay argued for better compensation for loyalists, but also for a lifting of restrictions on American immigration, in part with the hope of bolstering the land market. In 1820, William Johnson Kerr was elected a member of the House of Assembly. In 1827, he was named Commissioner of the Peace for the Gore district, and in 1828, he was Superintendent of the Burlington Bay Canal.[93] Such roles would have led him to support the development of land in Upper Canada and suggest that his brother Robert might also have been interested in development. In 1837, William Johnson Kerr organized Six Nations warriors to oppose the uprising of William Lyon MacKenzie.

If Molly Brant's children and grandchildren could potentially create literal kinship relationships with white society through intermarriage without yet losing links to Indigenous kin, the military arguably created a form of fictive kinship for Joseph Brant, who tried in Upper Canada to use ceremony and historical memory to keep alive military ties from the Revolution and the obligations these might be held to confer. Several elders told Lyman Draper that Brant hosted parties on the first of May (although Draper was clearly confused about why one might celebrate May Day or what a Maypole was). Smoke Johnson recalled, for example: 'The first of May, Brant used to call a meeting at Mohawk village of his old warriors – & some of the Royalists along the Niagara,

[92] "The Buffalo Historical Society", *Commercial Advertiser*, 1873 [date obscured by poor quality of microfilm]: clipping preserved in LAC, Joseph Brant and family fonds, C-6818, Kerr Collection, MG19, F6, folio 606.

[93] Anon ("In collaboration"), "William Johnson Kerr", *Dictionary of Canadian Biography*, http://www.biographi.ca/en/bio.php?id_nbr=3477 (accessed 21 July 2017).

John Dockstader among them – & have a great time of merriment, dancing, drinking, reminiscing […] Brant let Dockstader have a tract of land near Mount Healey don't know when he died.'[94] An account from the *Upper Canada Gazette* in 1798 (also collected by Draper) reported on activities freighted with symbolism when on 1 May the Six Nations volunteer militia of about 400 people assembled at Grand River and performed military manoeuvres 'in a manner which met the plaudits of the surrounding multitude, among whom were several veteran officers', firing 'with such exactness as was thought not to be exceeded by the best disciplined troops'. A militia of white men raised at Grand River attended and seemingly performed their own military exercises. The Mississauga were also in attendance, by invitation. After this, Brant gave a public dinner at his house, after which many loyal toasts were drunk. Brant toasted 'The Colonels of the different militia organizations in this Province, together with all those loyalists who were fellow sufferers with the Six Nations during the late American war'. The day concluded with 'several Indian dances at the council house'. The following day, the chiefs held a council and belts of wampum were 'exchanged as a token of lasting friendship'.[95] Roger Sharpe states that the May Day celebration was a continuation of earlier May Day events encouraged by Sir William Johnson that combined elements of Six Nations tradition with a settler country fair. Under Brant, events included singing, dancing, races, wrestling, ball games and the roasting of an ox. Six Nations people came from miles around to participate. According to Sharpe, the celebration later shifted to coincide with Queen Victoria's birthday.[96] The celebration might be seen as a way to try to keep relationships alive between white, Haudenosaunee and Anishinaabe people, as well as underscoring obligations incurred by the past sacrifices of Indigenous warriors.

The War of 1812 brought together this dense knot of family members and Indian Department officials, as they rallied to seek to demonstrate the importance of military alliance with the Six Nations. William Johnson Kerr fought with the Six Nations alongside Joseph Brant's son John, as well as Joseph Brant's protegé and adopted nephew John Norton and Daniel Claus' son William Claus. This fighting was an effort to reanimate the British-Haudenosaunee military alliance and the role of the Indian Department as the brokers of that alliance. It was also a family affair that drew on relationships that stretched back to New York and the period before the American Revolution.

[94] Draper papers, series F, vol. 13, 5 Draper took notes on his interview with "John Smoke Johnson" on 26 September 1879.

[95] *Upper Canada Gazette*, West Niagara, 12 May 1798.

[96] Roger Sharpe, "The Indian Department and Six Nations Martial Tradition", County of Brant Public Library digital collections, http://images.ourontario.ca/brant/2710274/data (accessed 7 December 2015). Originally published on the website ourbrant.wikia.com, now discontinued.

Another example, that of the Herkimer family, is useful to give another instance of the entanglement of identities and loyalties and the potential fluidity between white and Indigenous communities at the turn of the century, followed by a hardening of categories. In 1803, the Anglican cleric John Strachan, later the Bishop of Toronto, founder of Trinity College, Toronto and an eminent member of the conservative Family Compact, was heartbroken when the white woman he loved, the aptly named Margaret England, married a man named Jacob Herchmer (or Herkimer) instead. Herkimer was a former fur trader and the son of an important New York loyalist. He was also the nephew of an even more eminent New York American patriot, General Herkimer, whom we have already met, who died at Oriskany. Jacob Herkimer had a number of children with an Anishinaabe woman called Magiyakamigoqua before he married England.[97] Strachan wrote a bitter little poem called 'On finding that a Lady had deceived her lover …', prefaced rather unsubtly 'Written July 29th, 1803, on finding that a Lady had deceived her lover after coming under the most solemn engagements and married a man she had formerly despised and who had no qualifications whatever to recommend him, but a little, and only a little, money.'[98] Magiyakamigoqua and Herkimer's sons Lawrence (Neganub), William (Oominewahjeween) and Jacob (Keweyob) would identify primarily as Anishinaabe, and indeed would prove thorns in the flesh of Methodist minister Kahkewaquonaby (Peter Jones) at the New Credit Mission, as they argued that Kahkewaquonaby was going too far in seeking to change Anishinaabe culture.[99] While different trajectories were open to members of the Herkimer family at the turn of the century, the fact that they became increasingly entrenched in particular communities as the century developed arguably reflects the difficulty of maintaining 'mixed' families and perhaps too the hardening of racial lines in Upper Canada, and in the British Empire, throughout the nineteenth century.

At this period of transition, British administrators were both horrified and at times intrigued by the apparent fluidity of 'Indian' identity, which did not accord with the categories of colonial states and the state desire to control through categorization. Nor were administrators generally pleased with the efforts of the Brant family to use mutable identities and the capacity to hobnob with elites to bypass local government. The struggle over 'ethnic' identity remade the limits of family and reshaped political interaction.

The example of John Norton's work in Britain illuminates both the political use of identity politics by the Brant family network and British administrators'

[97] Wanda Campbell (ed.), *Poetry by John Strachan* (London, Canada: Canadian Poetry Press, 1996), 77, 167.

[98] Campbell (ed.), *Poetry by John Strachan*, 77.

[99] Donald Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians* (Lincoln: University of Nebraska Press, 1987), 155–160 and *passim*.

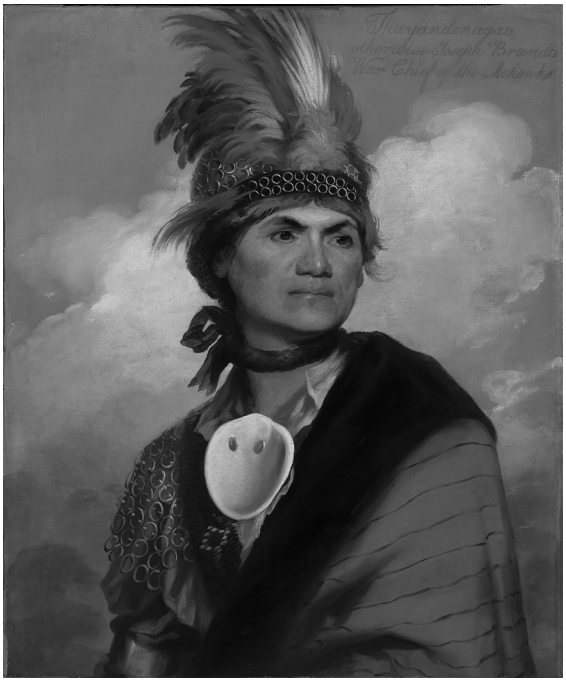

Figure 3.4 Gilbert Stuart, Portrait of Thayendenegea (Joseph Brant) (1786). Image credit: Trustees of the British Museum.

uncertainty about how to react. While in Britain, Norton followed Joseph Brant's strategy in attempting to make alliances with elite British men. Brant gave Norton an introduction to Hugh Percy, the second Duke of Northumberland, one of the richest men in Britain, with whom Brant had forged a personal bond when the two fought in the British army during the American Revolution. As a visible symbol of this relationship, Northumberland had had Brant's portrait painted by the eminent artist Gilbert Stuart on Brant's second visit to Britain in 1786; the painting hung in the London home of the Percy family, Syon House, until it was sold at auction in 2014 for £7.5 million. (The painting reproduced as Figure 3.4 is not this painting but a second one done by Stuart at the same time which deploys the 'exotic' use of dress sought by Boswell and is headed 'Thayandenagaa, otherwise Joseph Brandt, War Chief of the Mohawks').

Norton developed a relationship with Percy and his wife. He told Percy that he would propose him for adoption by the Six Nations. Joseph Brant wrote to Percy after Norton's return in 1806 that '[w]e rejoice that Lord Percy Deyonhighkon has honor'd our tribe by accepting a name in it, in a few days when our Council meets it shall be confirmed with satisfaction to all our

Warriors'.[100] In this letter, the main point of which was to defend himself and Norton against the attacks of the dissident council, Brant wrote that he 'should be both alarmed and sorry that such a report remained uncontested amongst my brother soldiers', referred to Norton as 'my nephew', and signed himself 'Your Grace's Most Obedient Brother Warrior'.[101] This was an adroit use of fictive kinship ties and the politics of adoption.

As we have seen, the initial impetus of the Colonial Office was to confirm Haudenosaunee title but London officials changed their minds in the face of the dissident council of 1804 and the complaints of Upper Canadian administrators. The effort by the Lieutenant-Governor of Upper Canada, Francis Gore, to scupper the deal included a virulent attack on Norton's identity. Norton was only pretending to be an Indian. In cahoots with Brant, Gore claimed, Norton had deceived the Six Nations, the administration in Britain and in Upper Canada, and 'high and reputable characters in England'. Rather, he was 'a Scots man by Birth', who 'came to Canada a Private soldier in the 65th regiment, and was discharged in the year 1788 through the means of Mr. Coffin the present Commisary General, Norton's mother then living as a servant to that Gentleman'. After moving to Kingston and then to a 'Six Nations Village', Norton

> next proceeded to Detroit, and was employed by a Mr Askin a merchant, to sell Rum, Tobacco and a few other trifling articles to the Indians on Miami River. Brant having gone to Detroit, where there was a meeting of the Indians in 1793, got acquainted with Norton, and finding him a fit Person for his purposes, prevailed on him to accompany him to the Grand River; not however altogether content with Norton's services at this place, Brant earnestly applied and succeeded in getting him appointed Interpreter to the Mohawk Nation, which situation he held for some time but finding it troublesome to attend his Duty at Fort George, and at [Brant's?], he resigned his Imployment, and resided altogether at the Grand River, cutting his Hair, Painting his Face, wearing the Habit and assuming the manners of an Indian.[102]

For Gore, the ethnic and class performances of Norton, blurring the lines between 'white' and 'Indian' and deceiving those at the apex of the British social hierarchy, were symptomatic of problematic political confusion; it was in the same letter that Gore argued that Indians must not be allowed to vote because of the disastrous impact this would have on the Upper Canadian political order. If Indigenous people still reserved the right to adopt and assimilate outsiders, the colonial state increasingly sought tidier racialized categories.

[100] BL, Percy papers. MS DNP 63. Joseph Brant to Duke of Northumberland, Grand River, 24 January 1806, ff. 5–6.
[101] *Ibid.*
[102] *Ibid.*

Canada in the early 1800s was not, then, a settled place. Identities were uncertain and open to reinvention. British administrators such as Frederick Haldimand and Francis Gore feared that their malleable colony would veer to rebellion, particularly if unscrupulous Americans with revolutionary principles were allowed to settle. It was not even clear to the British who was an 'Indian' and who wasn't: how was control then possible? As the discussion here suggests, the loss of a large Indigenous land base and the shift, however contested, away from the power of 'mixed-race' families with the declining influence of the Indian Department, the shifting of the fur trade away from the east and the collapse in military significance of the Six Nations, gradually compelled a rethinking of identity politics. This opened the door to a changing conception of colonial power and the parallel entrenchment of ideas of white identity.

Throughout the nineteenth century, the colonial state would struggle with increasing assurance to control and define Indigenous identity, and to replace fluid family power by the bureaucracy of a racialized state. We will explore some of this process and its implications in the remainder of this book.

PART II

Upper Canada, New South Wales, Van Diemen's Land, Victoria, Western Australia, the Cape Colony, Sierra Leone

4

Upper Canada

Haudenosaunee Land Claims and the Politics of Expertise

In this middle section of the book, I shift strategies. The bulk of the evidence on which I draw in the next four chapters relates to a single generation of a gentry family from Sussex, the Bannisters, including their interactions with Indigenous peoples and settler colonialism in the 1820s and 1830s across the empire. Instead of looking at change through time by discussing family networks in social and political context in north-eastern North America, I focus on three British brothers, Saxe, John William and Thomas Bannister (with briefer discussion of their less well-documented sisters Harriet, Mary Anne and Elizabeth), in a narrower time frame but across a broader geographical range. This restless imperial family was involved in settler colonialism across the empire, as different brothers moved from one frontier zone to another in Canada, Australia and Africa. They left important evidence about the violence that accompanied the creation of colonies. Their experience also sheds light on how a different form of imperial kinship worked, namely patronage and gentry kinship in a family that looked to empire to rebuild shattered fortunes. Placed in contrast to the experience of late eighteenth- and early nineteenth-century North America, the evidence generated by the Bannisters reveals a settler colonialism that was less constrained by intermediary institutions than was the case in late eighteenth-century North America. Nonetheless, Saxe Bannister in particular tried to forge a moral settler empire. In doing so, he drew on what he understood of North America.

The Bannisters got their start in imperial policymaking and colonial economics alike through their interaction with the Six Nations and Anishinaabeg of Upper Canada. At the heart of the current chapter, then, is an important effort by members of the Brant family network to protest the loss of almost a third of Grand River land, with the brief support of John William and Saxe Bannister. I begin the chapter with an overview of the Bannister family, including some explanation of how John William Bannister found himself in 1820 on land very recently ceded by the Anishinaabeg. I then discuss the delegation to Britain in 1821 of John Brant and his kinsman Robert Kerr, in which they tried unsuccessfully to persuade the British government to honour its promise to grant the Six Nations land around the headwaters of the Grand, as well as to grant the Six Nations their land in fee simple. This leads into a consideration of

reform agitation in Upper Canada in which both John William Bannister and William Johnson Kerr, Robert Kerr's brother, played a role; reformers wanted a more open market in land and more democracy. These struggles around land and political reform speak to themes highlighted in Part I, including conflict over land ownership and Indigenous sovereignty, the political mobilization of kinship and the contested ambiguities of 'Indian' identity. I conclude by arguing that the Bannister brothers used this interaction, however limited, with the Six Nations to present themselves as experts in colonial affairs, well positioned to give advice to governments and to the general public, as well as to lead settlements and head government commissions. The story of the Bannisters is, then, in part about the creation of the white 'expert' on Indigenous affairs even as Indigenous people themselves were losing control of their lands and of self-government.

Because the Bannister brothers moved across the empire and its frontiers and borderlands, as well as working on colonial issues in London, evidence from their lives is revealing about colonialism across the British settler world. Saxe in particular was a whistle-blower, collecting evidence about land theft, violence and human rights abuses across North America, Australia and southern Africa. The Bannisters' activity illuminates trans-imperial debates about violence and Indigenous rights. It also matters that this was a family that fractured when the father of the siblings died, leaving devastating debts; the siblings tried to rebuild households and careers using the far-flung resources of empire and the privileges of whiteness and settler status. Studying this single family therefore reveals much about how colonialism functioned in the early nineteenth century.

The British navy emerged hegemonic after the Napoleonic wars. Settler colonialism exploded, as did debate about its morality.[1] In British North America, this period accelerated what I have been arguing was a general shift away from the imperial management strategies typical of the Indian Department, marked by some degree of sexual and cultural interchange, towards settler-run societies predicated on the interrelated dichotomies of belief in difference and the drive to assimilation. The British failed to follow through on commitments to Indigenous allies in the north-west after the War of 1812.[2]

[1] James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Angloworld, 1783–1939* (Oxford: Oxford University Press, 2009). On 'humanitarianism' and governance, 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); Anna Johnston, *The Paper War: Morality, Print Culture and Power in Colonial New South Wales* (Perth: UWA Publishing, 2011).

[2] Timothy Willig, *Restoring the Chain of Friendship: British Policy and the Indians of the Great Lakes, 1783–1815* (Lincoln and London: University of Nebraska Press, 2008), 197–271.

This reflected a wider imperial shift to reliance on alliances with settlers and with settler states rather than Indigenous peoples. The Bannisters wanted to ride this wave of settler colonialism while still maintaining what they saw as virtue and good order. They also opposed the narrative that Indigenous peoples were incapable of assimilation into 'civilized' society and that they were doomed to disappear, or (in a more sinister version) could be killed and abused with impunity.

Two of the three Bannister brothers were lawyers. Comparative study of their activities in different colonized spaces reveals a struggle across the British Empire over the legal relationships between settlers and Indigenous peoples that was coming to a head in the early nineteenth century. Furthermore, the activities of Saxe Bannister, in particular, as a would-be broker of transnational colonial knowledge and as a self-described expert on colonialism and Indigenous affairs, illuminate the early days of what might be termed the business of international humanitarianism. International humanitarianism was often tightly tied to colonialism, and British activists often misunderstood, in my view, the extent to which sovereignty was a crucial issue for Indigenous peoples. The relationship between the Bannisters and the Brants illustrates this dynamic well.

If Saxe's particularly vocal support for Indigenous rights was predicated on the assumption that colonialism could and should be beneficial for the colonized, he also saw colonialism as inevitable. In an 1846 tract, for example, Saxe Bannister criticized previous 'philanthropists' who 'instead of demanding colonial reform as a means of protecting the natives, had long leaned to the opinion, that their only protection was to *stop* colonization, utterly regardless of the impossibility of doing so'.[3] Making colonialism 'moral' therefore became all the more urgent. Saxe's ideal of partnership and his expectation of a mutually beneficial trade of land for 'civilization' and joint participation in a 'modern' economy did in fact eventually become a crucial means of self-understanding among at least some white liberals. In some ways this liberal vision helped shape the founding myths of the nations of Canada, Australia and New Zealand (however far from reality); it deserves to be analysed seriously. It is perhaps symbolically appropriate that the only known portrait of Saxe Bannister is part of a group portrait of attendees at the Anti-Slavery Convention of 1840, positioning him firmly as a liberal humanitarian (Figure 4.1).

[3] Saxe Bannister, *Colonial Reform: Its prospects, means and principles. A Letter to the Right Hon. William Ewart Gladstone, Her Majesty's principal secretary of state for the Colonies* (London: Ward & Co., 1846), 17. See also Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838), ix.

Figure 4.1 Benjamin Robert Haydon, 'The Anti-Slavery Convention, 1840' (1841). National Portrait Gallery, 599. Saxe Bannister is eleventh from the left in the fourth row, scarcely a prominent position.

The Bannister Family

There were three Bannister brothers – Saxe, John William and Thomas – and at least five sisters: Esther, Elizabeth Ruth, Mary Anne, Harriet Catherine and Susan Francis.[4] Their father, John Bannister, owned the manor of Nash in Steyning, West Sussex, a small rural town both then and now.[5] In 1879, a local history observed that although Steyning had returned two members of parliament until the Reform Act of 1867, it had 'from a variety of causes, and especially from the recession of the sea, become very insignificant in size'. In 1879, the one long street of Steyning contained 'a few timbered buildings', including 'the old "Brotherhood Hall"', which housed a grammar school founded in 1614.[6] This was an important school for the Bannisters. John Bannister appears in a report of commissioners on the Education of the Poor in 1819, testifying to his efforts to revitalize the school, built on what was then his land. Bannister and his son Saxe complained to the Lord Chancellor about breaches of trust and poor management by the trustees, suggesting that John may have bequeathed to his son Saxe a disputatious temperament and a propensity to use the law to

[4] TNA, PROB 11/1776: Will of John William Bannister, Sierra Leone, West Africa, 1830.

[5] "Steyning: Manors and Other Estates," in T. P. Hudson et al. (eds), *A History of the County of Sussex*, vol. 6, part 1: *Bramber Rape (Southern Part)* (Oxford: Oxford University Press, 1980), 226–231.

[6] Dudley George Cory Elwes, assisted by Rev. Charles Robinson, *A History of the Castles, Mansions and Manors of Western Sussex* (London: Longmans & Co, 1879), 213–215.

resolve quarrels.[7] Be that as it may, it seems clear that from the beginning of his career, Saxe was concerned with education and moral reform.

Up until at least 1812, John Bannister was well off. Saxe's entry in the Sussex militia records for that year records that he was the heir apparent of John Bannister who was worth more than £400 (it is not specified how much more) and held lands 'within the Parishes of Steyning, Ashurst, Harfield, Ardingly, Lindfield & Cuckfield in the County of Sussex, and also within the Parishes of Maidstone, Mereworth & Hadlow in the county of Kent'.[8] The family were significant local gentry. At some point, however, John ran into financial problems. His sons were in dire financial straits within a few years of their father's death in 1825, their situation possibly aggravated by the fact that John left all his property to his three unmarried daughters.[9] Saxe Bannister was incarcerated in debtors' prison in 1830, while the 1830 probate of John William's will indicates that all his property went to a creditor.[10] Financial desperation helped drive the Bannisters' colonial activities.

Two key institutions, the law and the military, loomed large in the life of each brother. The eldest, Saxe, earned a degree at Queen's College, Oxford. He volunteered to serve in the Sussex militia after Napoleon's escape from Elba and became a lieutenant in the militia in 1812.[11] Although the contingent never saw combat, Saxe would nonetheless seek to trade on his militia connections in his later quest for aristocratic patronage, a reflection of the reality that military service was a common route to advancement in colonial administration in this period. John William was, according to his 1829 obituary that was almost certainly written by Saxe, 'brought up in the navy'. He served as a midshipman from the age of nine, and only left the navy aged twenty-one. He had little early formal education, having 'quitted school too early to have there made much

[7] *Second Report of the Commissioners Appointed in pursuance of an Act of the 58th Year of His present Majest, cap.9, intituled An Act for appointing Commissioners to enquire concerning Charities in England for the Education of the Poor*, House of Commons Sessional Papers, 1819 (547): 180–181, 313–314.

[8] West Sussex County Record Office [henceforward WSCRO], MS 3/16. This is a notebook with material copied (according to the catalogue note) from Orderly Room Records. Information about the Bannister family's wealth is recorded under "A Registry of Certificates of Qualification of Magistrates Deputy Lieutenants and Officers in the Established and Local Militias (Orderly Room Records)", 48.

[9] TNA, PROB 11/1698: Will of John Bannister, Steyning, Sussex, 1825.

[10] Derbyshire County Record Office [henceforward DCRO], Wilmot-Horton Papers, D3155, WH2744 "Case of Mr. Bannister" (n.d.) and Saxe Bannister to Robert Wilmot-Horton, 24 April 1830; TNA, PROB 11/1776: Will of John William Bannister, Sierra Leone, West Africa, 1830.

[11] WSCRO, MS 3/16. "1812–1855: List of officers in the Sussex Militia" (material copied from "Orderly Room Records"); Dean Wilson, "Saxe Bannister", *Dictionary of National Biography* (Oxford: Oxford University Press, 2004). Bannister was one of thirteen lieutenants in the Hastings Rape Regiment of the Sussex local militia, commissioned on 7 January 1812.

proficiency, even in common learning'.[12] John William nonetheless learnt from the masters provided on ships. He was sent 'for some time, with great benefit, to an eminent naval teacher at Portsmouth'. He later taught himself at home, advancing 'himself in the mathematics under good instructors'. Towards the end of his life, he obtained legal education in London and was called to the Bar in 1826, before being appointed as Chief Justice of Sierra Leone.[13] The youngest brother, Thomas, went into the army at about the age of fourteen or fifteen and became an officer in the Fifteenth Foot regiment. He later sought a colonial living by staking a claim in West Australia, where he also participated in exploratory journeys to map and claim land. He was, his sister Elizabeth later exclaimed, a 'steady energetic military man' who was 'in the fifteenth foot I think fifteen years! And would never have left the army but from the most unforeseen circumstances.'[14] The example of the Bannister brothers illustrates yet again the centrality of the military to British imperial relationships with Indigenous peoples in the early nineteenth century. It also underscores the close knot of Anglicanism, gentry power and military networks that, as C.A. Bayly argues, characterized much imperial administration in what he terms the 'imperial meridian' of the late eighteenth to early nineteenth centuries.[15]

The Bannister sisters left fewer records. Two of them, Mary Anne and Harriet, accompanied Saxe to New South Wales. After he abruptly left the colony, they sailed for Tasmania where they would build colonial lives. Elizabeth stayed in Sussex, where, as we shall see, she appears in the documentary record passionately appealing to Lord Goodwood for patronage for her brothers. The need to support his sisters was a refrain in the letters of Saxe. Nonetheless, in the 1850s, Mary Anne sued her siblings in a property dispute. Women played crucial roles in imperial family networks, including struggling to maintain the family home base, but their activities did not always generate as much evidence as did the careers of their male kin.

John William Bannister and Settlement in Upper Canada

In 1820, John William Bannister obtained a land grant from the Rice Lake land cession made by the Anishinaabeg. John William had spent his entire youth as a sailor in the Napoleonic wars, first in the Mediterranean theatre and then in the Americas. He was a midshipman on the HMS *Guerriere* when it was captured

[12] Anon., "J.W. Bannister, Esq.," in "Biographical Particulars of Celebrated Persons, Lately Deceased," *New Monthly Magazine and Literary Journal* 27 (December 1829), 544.

[13] *Ibid.*, 544–545.

[14] WSCRO, Goodwood Papers, MS 1504, Q 61–Q63 [numbered in top right hand corner 126–128]: Elizabeth Ruth Bannister to Duke of Richmond, Steyning, Sussex, 9 January 1834.

[15] C.A. Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (New York and Abingdon: Taylor & Francis, 1989).

by the American sloop the USS *Constitution* in eastern Canadian waters, and was made a lieutenant for his 'gallantry' during this capture. He was, however, unable to find continued employment in the navy after the peace, although he had hoped to accompany a voyage to the Congo. He accordingly left the service 'at twenty-one years of age, with the reputation of being a good seaman and a daring officer'.[16] In 1820, he was described in a land grant as 'a Lieutenant in the half pay of the Royal Navy'.[17]

John William's career trajectory expresses in miniature the outsize role of the British navy in settler colonialism in the aftermath of the Napoleonic wars. We have already seen a parallel in the colonization of Upper Canada in part to provide land for loyalists and former soldiers after the American war. Like many other demobilized sailors and soldiers, John William settled near the region in which he had fought. According to his obituary, he 'located a tract of land in Upper Canada, and entered earnestly into colonial interests'.[18] In doing this, he was part of an influx of demobilized British army and navy officers into what is now southern Ontario.[19] According to local historian Catherine Milne, John William obtained a ferry licence for Middle Ferry Point at Rice Lake and gave the name 'Saxe Town', after a family name from Germany, to a small settlement that was later folded into Gore's Landing.[20]

The initial 'tract of land' 'located' by Bannister was probably the 800-acre property that he received as a grant from the Crown in November 1820, with the proviso that he build within three years 'a good & sufficient dwelling House'. He seems to have rapidly added additional small tracts of land. In 1833, when Saxe and his wife Mary came to sell John William's land after his death, the sale included a further five lots varying in size from 200 to 600 acres. It is not clear to me whether these were all tracts purchased by John William or whether Saxe had himself speculated, but be that as it may, by 1833 the Bannisters owned 2,970 acres of land in Upper Canada in Otonabee Township, in the vicinity of Rice Lake.[21] All of this was part of the vast swathe of territory in southern Ontario sold to the Crown by the Anishinaabeg in 1818, under Treaty 20. Under the terms of this treaty, members

[16] Anon, "J.W. Bannister", 545.

[17] "Copy of abstract of Saxe Bannister to lands in Upper Canada, 1820–1838", Hall, Gillespie Law Firm Fonds, Trent University Archives, 94-001, box 32, case number 135, item 2.

[18] Anon., "J.W. Bannister", 544–545.

[19] Peter Ennals, "Cobourg and Port Hope: The Struggle for Control of the 'Back Country'", in J. David Wood, *Perspectives on Landscape and Settlement in Nineteenth-Century Ontario* (Toronto: McClelland and Stewart, 1975), 184.

[20] Catherine Milne, "Pioneers on the South Shore of Rice Lake", *Northumberland Lifestyle*, 2(3), August 1990, 14–15. http://images.ourontario.ca/Partners/Cobourg/0000507411T.pdf (accessed 28 November 2014).

[21] "Copy of abstract of Saxe Bannister to lands in Upper Canada, 1820–1838", Hall, Gillespie Law Firm Fonds, Trent University Archives, 94-001, box 32, case number 135, item 2. John William purchased 200 acres from George Bolton of Port Hope on 18 January 1821 and 200 acres in June of the same year from John Williams from the township of Hope.

of the 'Chippewa Nation' who inhabited the tract were to receive 'the yearly sum of seven hundred and forty pounds Province currency in goods at the Montreal price', in exchange for approximately 1,951,000 acres of land.[22] The white investors doubtless hoped to make significantly more as land values rose.

It is unclear how John William met John Brant, but land transactions might provide some clues, as might military connections. The agent for the Rice Lake land sale in 1818 was William Claus, Deputy Superintendent General for Upper Canada in the Indian Department, son of Daniel Claus, and a controversial financial agent for the Six Nations. We have already seen that Claus supported the attempted deposition of Joseph Brant as 'chief' in 1804. It is also worth noting that one of Saxe and Mary Bannister's two agents for the sale of their Upper Canadian lands in 1833 was Peter McGill. Peter was the nephew of John McGill, a loyalist officer during the American Revolution and later a commissary of stores at Niagara, part of the loyalist world of the Niagara Peninsula in which various members of the Brant family were also at home.

Having purchased land that he presumably hoped would rise in value, John William Bannister became a colonial booster. In this he joined a number of fellow settlers who were worried about the slow pace of immigration to Upper Canada, rendered glacial by the administration's reluctance to admit too many potentially turbulent Americans. In 1821, Bannister published a short pamphlet entitled *Sketches of Plans for Settling in Upper Canada, a Portion of the Unemployed Labourers of Great Britain and Ireland*, urging the settlement of Canada by British and Irish unemployed labourers. The work was prefaced by a quotation from Adam Smith: '[a]griculture is the proper business of all new colonies'. Through a variety of calculations that echoed in form the earlier work of political arithmeticians such as William Petty, Bannister argued that the poor would rapidly be able to support themselves in the fertile lands of Upper Canada with its attractive climate (he somehow forgot to mention the Canadian winter), while relieving their home country of the necessity of providing charitable aid. In his scheme, a parish would pay to give supplies and tools to parties of settlers. Schools and ministers of religion would be an integral part of the new settlements from the start, and enlightened managers would supervise the settlement process: 'To a settlement of this description, the managers should devote their whole attention,' he argued, 'and a leader of intelligence would be amply remunerated by the share of wild lands to be apportioned to him in respect of a colony of from 500 to 2000 families.'[23] In subsequent editions in 1822 and in 1826, Bannister urged more specifically – presumably attempting to leverage his own investment in Rice Lake land – that labourers be imported in batches of 2,000 a year over

[22] "Rice Lake Treaty No. 20" in "Treaty Texts – Upper Canada Land Surrenders", website of Indigenous and Northern Affairs, Government of Canada: https://www.aadnc-aandc.gc.ca/eng/1370372152585/1370372222012#ucls18 (accessed 28 August 2017.

[23] A Settler [John William Bannister], *Sketches of Plans for Settling in Upper Canada, a Portion of the Unemployed Labourers of Great Britain and Ireland* (London: J. Harding, 1821), 17.

three years to work on a projected canal from Rice Lake to the Bay of Quinte. By the fourth year, settlers would be free to take possession of land they had chosen, logged and cleared, and would be given deeds and left 'to the protection of their Maker, the laws of their adopted country, and their own industry'.[24] This and other projected schemes mixed contemporary economic theories about colonial development with paternalism. By the early 1830s, Saxe was publishing expanded and revised versions of this work, extolling the advantages of settlement in several other white colonies as well. Saxe added the twist, however, of including his own pamphlet supporting Indian rights, and in another an appendix with a moving Cherokee protest against involuntary removal. Saxe opposed this example of involuntary migration to the benefits of voluntary migration, as exemplified by improvement in the lives of white settlers.[25] As the history of this evolving pamphlet suggests, the Bannisters from the outset saw colonialism and Indigenous welfare as compatible. Saxe in particular had an expansive transimperial vision of settler colonialism, of which Rice Lake was only one instantiation.

Conflict Over Grand River Lands: The Brant-Kerr Delegation of 1821–1822

John William Bannister supported John Brant's diplomatic visit to London in 1821 to again take up the issue of Haudenosaunee land in Upper Canada. Like the prior visits of Joseph Brant and John Norton, the diplomatic mission of Brant and his second cousin Robert Kerr, Molly Brant's grandson, was part of a growing trend towards long-distance diplomatic and religious interaction with European and settler states by Indigenous spokespeople in the late eighteenth and early nineteenth centuries.[26] The excitement and sense of exoticism that surrounded

[24] J.W. Bannister, *Sketches of Plans*, 3rd edition (London: F. Marshall, 1826), 32; Anon [J.W. Bannister], *Sketches of Plans*, 2nd ed. (London: Harding, 1822).

[25] John William Bannister [and Saxe Bannister]. *On Emigration to Upper Canada by the late John William Bannister, Esq, Rice Lake, Upper Canada. A new edition: with additions on Nova Scotia; the Cape of Good Hope; New South Wales; Van Diemen's Land; and the Swan River* (London: Joseph Cross, 1831).

[26] Cecilia Morgan, *Travellers through Empire: Indigenous Voyages from Early Canada* (Montreal and Kingston: McGill-Queens University Press, 2017); Coll Thrush, *Indigenous London: Native Travelers at the Heart of Empire* (New Haven, CT: Yale University Press, 2016); Jane Carey and Jane Lydon (eds), *Indigenous Networks: Mobility, Connections and Exchange* (New York and London: Routledge, 2014); Kate Flint, *The Transatlantic Indian, 1776–1930* (Princeton, NJ: Princeton University Press, 2009); Alden Vaughan, *Transatlantic Encounters: American Indians in Britain, 1470–1776* (Cambridge: Cambridge University Press, 2006); Celia Haig-Brown, "Seeking Honest Justice in a Land of Strangers: Nahnebahwequa's Struggle for Land", *Journal of Canadian Studies*, 36(4), Winter 2002, 143–170; Elizabeth Elbourne, "Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: The Politics of Knowledge", in Philip Buckner and R. Douglas Francis (eds), *Rediscovering the British World* (Calgary: University of Calgary Press, 2005), 59–85; Stephanie Pratt, *American Indians in British Art*, 1700–1840 (Norman: University of Oklahoma Press, 2005).

earlier visits was not in evidence, however, as these two diplomats slipped more soberly into the metropolis, nor were they courted by an eager aristocratic elite.

Brant and Kerr were kin, but in a settler society might be placed in different ethnic categories. Kerr's Kanyen'kehaka ancestry came through female descent as the son of the Scotsman Robert Kerr and Elizabeth Johnson, daughter of Molly Brant and William Johnson. Viewed from a perspective of white/Mohawk dualism, then, Robert Kerr's identity was more ambiguous than Brant's. It perhaps makes more sense when seen as informed by family networks and placed in the context of Haudenosaunee matrilineal descent, although as we shall see there wasn't Haudenosaunee consensus around Kerr's identity either. Be that as it may, in London Kerr presented himself as a Mohawk chief with the Mohawk name Heyandeege.[27]

John Brant's own mother, Adonwentishon , had exercised her hereditary right to name the Tekarihogen Royaner of the Mohawk Turtle Clan by placing John in that position. Even if Adonwentishon preferred the Kanyenkehaka language and identity of her mother, her Irish father, George Croghan, was an influential fur trader, regional power-player and land speculator in the Ohio Valley, who had been William Johnson's assistant for fifteen years. As we have seen, George Croghan's other (white) daughter Susannah was the wife of Augustine Prevost jr. Augustine Prevost's French Huguenot father fought for Britain as a major-general during the American Revolution, and his brother, Sir George Prevost, served as Governor-in-Chief of British North America from 1811 to 1815. William Claus was also a member of Brant and Kerr's kinship networks, since he shared a grandparent (William Johnson) with Kerr and was related through marriage to John Brant's aunt; his virulent conflict with the Brants was in some respects a family quarrel. The extended kinship networks of this imperial clan sprawled across north-eastern North America and included Mohawk and other Haudenosaunee people, Wyandot captives, Scots, Irishmen, Englishmen, Frenchmen and Germans. These relationships were, however, increasingly less legible to the British than they would once have been. Past kinship networks would prove to be of limited utility in negotiating with an increasingly bureaucratized Colonial Office. Nor would all these putative kin be willing to identify as such, in either 'white' or 'Indigenous' communities.

In this context, elite male sociability across ethnic lines was of diminishing utility. The visit of 1821–1822 marked the declining efficacy of the personal diplomacy in which Joseph Brant had engaged: John Brant and Robert Kerr had fewer of the informal social and political connections that had assisted Joseph Brant, had a harder time getting the ear of the Colonial Office and ultimately found their demands rebuffed. If long-distance diplomacy was more

[27] London Metropolitan Archives, Guildhall papers, New England Company: MS 7920, Indian committee meeting, 11 April 1822.

feasible in the nineteenth than in the eighteenth century, in part because travel was cheaper and more accessible, the potential rewards for Indigenous people were arguably fewer. Furthermore, colonial administrators were not keen to be bypassed, and generally tried to discourage personal communication between Indigenous peoples and the British sovereign.

The most important issue at stake in this delegation was the Six Nations' loss of land at the head of the Grand River. Haldimand's Proclamation of 1784 had granted the Six Nations the land 'six miles deep from each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river'. Since 1793, under the terms of the Simcoe Patent, however, the colonial government had claimed that since the headwaters of the Grand and surrounding land had not been included in the original Crown purchase from the Anishinaabeg, Six Nations possession could not be confirmed.[28] In 1818, the government finally bought this land from the Anishinaabeg, but allocated it to white settlers rather than to the Six Nations, contrary to Six Nations expectations. Sir Peregrine Maitland, the conservative Lieutenant-General of Upper Canada from 1818 to 1828, argued that this had never been Six Nations land and that the state therefore had the right to sell it: Maitland's military secretary George Hillier informed the highly political Catholic prelate Alexander McDonnell in March 1819 that '[t]he Government never could have it in contemplation to grant them [the Six Nations] such lands – nay it could not grant them; for His Excellency perceives by the documents in the different Offices that the purchase from the Messessagues extended no further than Block Nichol, & the Government could not part with what did not belong to it'.[29]

The residents of Grand River were appalled. At a council meeting at Hamilton in 1819, spokespeople protested against the curtailment of the Haldimand grant. They also decried the unchecked incursion of white squatters and denied that the community had sold lands to them. John Brant expostulated that the Mississauga had in fact been willing to give the Six Nations land directly rather than sell it to the Crown. They had offered to give 'all the lands from the Grand River to the River Thames down to Lake Erie'; it was the government that had 'lessened the gift to Six Miles on the Grand River from its mouth to its spring'. Little Peter of the Lower Mohawk articulated community concerns about land sales, the loss of communal land and the incursion of white settlers using individual tenure:

[28] Robert J. Surtees, "The Iroquois in Canada", in Francis Jennings (ed.), *The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and their League* (Syracuse, NY: Syracuse University Press, 1985), 77; "Haldimand's Proclamation of October 25, 1784" and "Simcoe's Patent of the Grand River Lands to the Six Nations, January 14, 1793", in Johnston (ed.), *Valley of the Six Nations*, 50–51, 73–74.

[29] George Hillier to Alexander McDonnell, York, 31 March 1819, reproduced in Johnston (ed.), *Valley of the Six Nations*, 66; original in National Archives of Canada, Correspondence, Military Secretary's Office, 1816–1827, RG10-A-3-B.

> The Land is a thing that concerns us all and our posterity. I have heard my Cousin (Tekorihoga) say that a Stop will be put to the Sale of lands. I am very glad of it as it is a Custom among us to have Lands all in Common. We do not wish it to run out in Lots to be Settled by the White People, which is the only thing that confuses us, by mixing with us, when I look around me, above and below, I see nothing but Whites around me, and we have nothing left but a Spot to Stand upon, and what is to be the next event. Are we to be Shoved off altogether?[30]

At another meeting, on 11–12 October 1819, speakers bluntly grilled William Claus, as the Deputy Superintendent responsible for Grand River, and accused him of betraying kinship bonds. Echo demanded to know 'why they wished to take our lands from us'. Peter of the Lower Mohawk asked 'who allowed so many White men to settle our land?', stating 'had I learning I could ascertain the quantity of land which has been disposed of without our sanction'. Echo further pointed out to Claus and to John Johnson that the Six Nations had been promised land taken from the Americans if they fought in the War of 1812 but instead their own land was being taken from them. 'When our Ancestors had united it was agreed that they should never separate. You are now departing from this Compact.' The following day, Echo informed Claus that the Six Nations wished to send a deputation to England. 'Our Laws differ from White Men the Council at York have taken our Lands. We don't interfere with their affairs and we wish them not to interfere with us.' Claus answered that with respect to the delegation he could 'say nothing to you in the subject any further than if you go you go at your own expense'.[31]

Brant and Kerr's embassy was, however, controversial even within the community before the two departed. On 20 October 1820, George Martin, a Mohawk chief and an Indian Department employee who worked as William Claus' interpreter, wrote to Claus 'respecting of this two young men that wants to go to England'. He reported that at a council meeting, a power of attorney was read giving Brant and Kerr the power to do as they pleased with all the Grand River land and 'all the property belonging to the five nations'. He had, he said, risen up, and told the chiefs that if they signed the power of attorney 'they had better to go themselves and not to send a whites the Tuscaroras and the Cayugas and the Senecas & part of the Mohawks hath all join me and I was hated greatly'. Clearly there was anxiety and distrust around Kerr's status as 'white'. Kerr was, however, at the meeting. After the deed was passed by the

[30] "Proceedings of an Indian Council at Hamilton, July 4, 1819", reproduced in Johnston (ed.), *Valley of the Six Nations*, 66–68; original in National Archives of Canada, Claus Papers, XI, 238–241.

[31] LAC, RG 10, Office of the Deputy Superintendent of Indian Affairs, vol. 38: "Proceedings of a Council held at Burlington Heights with the Six Nations of Indians, October 12 1820", 21435–9.

council, Kerr said that Martin was 'a flung bird', and claimed that he had been 'hired by the Government to but [put] evil news into their heads'. Furthermore, Brant and Kerr had asked the chiefs for two thousand dollars for their expenses which the chiefs were going to grant until Martin intervened: 'my name and yours flung about in this place Greatly we are the bad men'.[32]

Despite divisions among the Haudenosaunee and uncertainty about Kerr's identity, once in London Brant and Kerr nonetheless presented themselves as the voice of a united community. They were arguably able to get as far as they did in obtaining an audience with the Colonial Office because both Brant and Kerr already participated in social networks that included white men with access to the politically powerful. Nonetheless, in contrast to the elite doors that had opened to Brant in 1776, the networks that were most readily open to John Brant and Robert Kerr were those of settler representatives and colonial reformers.

Scottish novelist and political radical John Galt was one of these contacts. At the time, Galt was working to represent the interests in Britain of Upper Canadians claiming losses after the war of 1812; in 1826, he would become the first superintendent of the Canada Company, which aimed to promote settlement in Upper Canada. He was also a close friend of Hudson Gurney, brother of Anna Gurney, who was a key member of the Buxton family network working on Indigenous affairs.[33] Galt left an account of Brant and Kerr's embassy in his 1833 *Autobiography*. According to Galt, Brant and Kerr came to London with letters of introduction to 'several City names'.[34] One of the people writing letters of introduction may have been John William Bannister, who certainly introduced Brant and Kerr to his brother in London, Saxe Bannister. Saxe in turn wrote to an evangelically well-connected member of parliament, Joseph Butterworth, to ask him to recommend to the Colonial Office two 'chiefs' of the 'Mohawk Indians' who were in London to discuss the disposition of their lands. 'By the connection of a near relation of mine with Upper Canada I have means of knowing that the Chiefs now in this country personally merit our respect,' Bannister observed, in keeping with early nineteenth-century patronage conventions.[35] Brant and Kerr were also introduced to the New England Company,

[32] *Ibid.*: George Martin to William Claus, Grand River, 20 October 1820 [image 207]. My thanks to Nathan Ince for this reference and related discussion.

[33] John Galt, *Autobiography of John Galt*, 2 vols. (Boston, MA: Allen & Ticknor, 1834), 278; Roger Hall and Nick Whistler, "John Galt", Dictionary of Canadian Biography, http://www.biographi.ca/en/bio/galt_john_7E.html (accessed 4 September 2017).

[34] Galt, *Autobiography*, vol. 1, 286.

[35] National Archives, CO 42/369: Saxe Bannister [presumably to Joseph Butterworth], Lincoln's Inn, 27 July 1822, enclosed in Joseph Butterworth to R.J. Wilmot, Bedford Square, London, 15 April 1822. Some error in dates has crept in, since Butterworth's letter refers to the enclosed letter from Bannister.

a missionary society 'as representing the Mohawk Nation' through a letter from a 'Mr. McGill', and invited to an open-ended meeting to discuss missionary and educational endeavours.[36] There is certainly enough evidence to indicate that the delegation was supported by several high-profile white men who for one reason or another wanted the Six Nations to receive outright title to their land.

Galt claimed that he gave advice on strategy to Brant and Kerr. According to his narrative, an 'Indian chief' and his 'relative' called on him in London for assistance in gaining a charter to their lands. Brant had decided there was no point in calling on the family of the Duke of Northumberland, since the duke who had originally assisted Joseph Brant was now dead; Galt persuaded Brant and Kerr to try to get the old duke's son, now the new duke, to support their cause. Northumberland apparently proved receptive, facilitating Brant's access to the Colonial Office. Galt then advised the Kanyen'kehà:ka delegation that they would get nowhere unless they captured the attention of Colonial Secretary Lord Bathurst, and through Bathurst that of Sir Robert Wilmot-Horton, the powerful colonial undersecretary. Galt supposedly advised the pair to write a very strong letter that would infuriate the emotional Horton and cause him to be rude in ways that he would later regret; then, Galt claimed, Bathurst and Horton would guiltily feel the need to compensate and would at last entertain Brant and Kerr's requests seriously, given Northumberland's support. Galt triumphantly concluded that he himself had 'scribbled' a 'tomahawk epistle' and had thrust it at Brant. Galt claimed that Brant and Kerr had sent this letter (Galt mused that the letter must still be in the Colonial Office), and that it had indeed first infuriated Bathurst and Horton and then led them to treat the delegation seriously.[37]

The novelist Galt told a good story, but it is hard to know how seriously to take this account. Galt's autobiography does offer some insights into Six Nations politics, however. First, Galt gave an overview of Six Nations claims to sovereignty that he presumably could only have received from Brant, and that clearly reflected community political self-understanding in the 1820s. The Six Nations came to live in Canada as a sovereign nation and had never abandoned sovereignty. 'In no respect whatever did they owe any allegiance to our government, neither as inhabitants of a soil that we had usurped in the usual Christian manner, nor as subjects of a country we had conquered by our arms; they were entirely distinct from us, nor owed nor acknowledged obedience to our laws.'[38] White settlers, however, had inexorably come to see them as British subjects and confused alliance for allegiance: the Six Nations of Canada refused

[36] "Indian Committee", 26 March 1822, New England Company, London Metropolitan Archives, MS 7920. "Mr. McGill" may have been Peter McGill, who purchased John William's lands.

[37] Galt, *Autobiography*, vol 1, 283–290.

[38] *Ibid.*, 192.

to accept this. Galt traced a link between 'civilization' and the need for a charter to Six Nations lands that may also have come from Brant: over time, the Six Nations 'so approximated to civilization as to render them gradually likely to come under the British yoke'.[39] This dangerous position necessitated legal clarity concerning land, and was a less straightforwardly loyalist position than is generally associated with Christian modernizers.

The second point is that even if Galt did assist Brant in formulating a letter to the Colonial Office, it seems inconceivable that the Kanyen'kehà:ka representatives would have allowed Galt to misrepresent their views. Galt added that some years later, after he had moved to Canada and become friends with John Brant, Brant told him that the 'tomahawk epistle' had been read out to the Six Nations chiefs in council, and 'all the assembled chiefs gave a particular solemn nod of approbation'.[40] Even if Galt did assist with drafting a statement, the sentiments represented Six Nations views of their faltering relationship with the British after yet further betrayal. Finally, most of the letters in the correspondence between Brant and Kerr and Lord Bathurst were relatively intemperate, and it is not entirely clear which particular letter was the so-called tomahawk epistle. If Brant did indeed adopt Galt's proposed trickster strategy, he seems to have entered into it with verve.

Brant and Kerr both met with Bathurst and exchanged letters. Brant and Kerr's response to Bathurst's initially tepid answer to their initial letter confidently used the language of rights: they had been 'sent to England in a full confidence of receiving a just decision upon our rights'. Although much of their land, they said, had already been illegally allocated by the government to white settlers, they did not intend to reclaim this land: '[w]e must state that a large portion of the land, which we claimed originally, is granted to emigrants, and others: this step before our complaints could be answered or considered is essentially wrong; but we ask for compensation only in respect of the districts so occupied. In seeking redress we do not desire that others should be sufferers.' This move immediately placed the Six Nations on the moral high ground.

In response to the government's claim that the land purchase from the Mississauga had never been confirmed and that the government was therefore justified in selling it, Brant and Kerr made several points. There was no dispute as to the literal meaning of Haldimand's proclamation, which had been that the Six Nations were to receive 'for ever' 'the Grand River and its banks six miles from each side, beginning at Lake Erie, and extending in proportion to the head of the stream'. This was land that they had chosen. In order to invalidate the grant, it needed to be shown that not all lands granted by the British had been purchased from their original owners. This led to a powerful critique of imperial land policy:

[39] *Ibid.*, 293.
[40] *Ibid.*, 290.

> Millions of acres would be held by bad titles in British America if this circumstance of a previous purchase should be considered essential to their validity. His Majesty has never admitted that he would not grant conquered or discovered Indian lands without first bargaining for the actual possession with the original proprietors; yet upon such a doctrine does your Lordship proceed. The principle is undoubtedly just towards those proprietors; but Europeans have derived their title to the greatest part of America from other sources. Surely it is only adding insult to oppression to profess to be now guided by it to the great injury of a people, who never would have been crushed in the struggle of two centuries against encroachments, if it had been always acted upon before.

The lands within the entire grant had in fact been delivered to the Six Nations by the 'Chippeways' and they did not wish to 'compromise the rights of original proprietors'. Nonetheless, it was simply incorrect that Europeans had always respected such rights. 'We appeal to Indian history for the truth of these remarks.' More recently, 'in some few instances', a 'more honorable regard' had been paid 'to the possessions of the Indians, preparatory to the settlement of new townships', but this seemed nearly a new principle. '[T]he hardship will be peculiarly great on us that an improved policy towards Indians generally should be applied to the narrowing of the lands which we claim under an earlier course of proceeding.'[41]

The letter then went on to demonstrate through a number of historical proofs that the entire tract had been considered Six Nations land since 1784 (the discussion made no mention of Joseph Brant's extensive land sales, nor his struggles with colonial officials over the right to make them). It is noteworthy that it appealed to both 'traditional' and 'modern' ways of measuring possession: two proofs of Six Nations possession were that the land had been used for hunting, and that the Six Nations had had it surveyed. The letter concluded with a ringing warning against the long-term impact of unjust dealings with the Six Nations. 'We are unwilling to remark on the little good which the acquisition of our spoils will do to the country if sullied by the destruction of so faithful friends. We say destruction: because we believe that the sense of injuries received in return for the benefits we have bestowed will fatally influence our future destinies.' The authors made a reference to the interest of the Grand River Six Nations in 'civilization': 'The Indians on the Grand River are much advanced in domestic improvement; they esteem highly the advantages of civilized life; and they are anxious to place their children in fixed homes.' The final comment was a veiled reference to Six Nations sovereignty: it would be grievous to this worthy people to find that they remonstrated against injustice in vain and that they had sacrificed themselves 'without due return' in a 'foreign

[41] TNA, CO 42/369: Robert J. Kerr and John Brant (described as "[t]he deputed chiefs of the Indians of Grand River in Upper Canada"), to Bathurst, n.d.

cause'.[42] It was clearly important to Brant to underscore that the Six Nations were British allies, but that ultimately the concerns of Britain were those of a 'foreign cause'. The very fact of an appeal to the imperial government over the heads of the colonial was an enactment of this sovereignty. At the same time, Brant argued that the Six Nations had become civilized; the implication was that they were worthy interlocutors and did not require tutelage. They were also positioned as consumers, and as participants in a wider commercial economy.

In a second letter in Colonial Office files, dated 31 January 1822, Brant and Kerr responded to Bathurst's view, as they paraphrased it, that Haldimand 'clearly and unequivocally intended to limit the Grant made to your nations to a certain definite portion of those lands which he purchased from the Chippawa', and therefore the Colonial Office would not discuss the disputed land. In response, Brant and Kerr queried whether Bathurst had actually read Haldimand's Proclamation, and obligingly quoted it to him. If Haldimand had not actually purchased the land, then he used the name of the king deceptively; if the Crown later acquired the territory, it was owed to the Six Nations, 'according to all law, Indian or European'.

Although we only have one side of the correspondence, it is clear that Bathurst had at some point raised the question of land sales. Brant responded that while it was true the Six Nations had sold 356,000 acres of hunting ground, 'what have you to do with that? It was our own – Are the approaches of our nations towards European habits to be pled in justification of your aggressions?'[43] This got at the heart of a key issue: in settler colonies, nations made money from selling lands, and individuals made money from land speculation and from brokering land for money and credit. So were the Six Nations to use their land differently? If they were unable to do so, did that place them in the 'modern' category of imperial subjects or the 'traditional' category of people making a traditional use of the land? The issue was made more complicated by the fact that many now depended almost entirely on agriculture, rather than hunting. To block Six Nations control of their land was a poor return for the sacrifices they had made for their alliance. 'The time was when you sought our aid and we gave it to you enfeebled by our connexion with you. – is the return (for the blood we have shed in your cause) to be the injustice which has brought us from our distant woods to supplicate in London?'[44]

Further negotiations appear to have been pursued in person over the months of January to April 1822, informed by the documentation brought by the Six Nations negotiators. The tone appears to have been astringent at times, continuing on the same footing as the letters cited here. By March, Brant and Kerr were

[42] *Ibid.*
[43] *Ibid.*: Robert Kerr and John Brant to R. Wilmot, 31 January 1822.
[44] *Ibid.*

regretting that the Colonial Office found a previous letter 'improper': 'the letter complained of was sent by us under feelings of great disappointment, that your official statement of the 21st Feby should have been so different from our previous very satisfactory interview with you in person'.[45] The documentation in the Colonial Office reveals a Kanyen'kehà:ka delegation that was combative. In pursuit of their aims, they presented the Six Nations as an improving, 'civilized' people, yet also argued that they had an ancient and inalienable right to sovereignty.

In the end, the government adamantly refused to back down on the issue of the Grand River lands above Nichol Township at the head of the river. Instead, the Colonial Office offered to give the Six Nations a deed to their remaining land in fee simple, which would have confirmed their ownership and right to lease or sell lands, if in exchange Kerr and Brant dropped claims for compensation for the land already sold by the government. They very reluctantly accepted this. Once they returned to Grand River, however, it became clear that this offer was contingent on the community abandoning annual presents. A majority of the chiefs initially accepted the offer, but withdrew support when William Claus informed the community that in the opinion of the Attorney General of the colony, the Six Nations holding their land in fee simple would lead them to be subject to the laws of Upper Canada.

In 1823, Saxe Bannister passed on to Wilmot-Horton extracts from a letter from a correspondent who appears from internal evidence to have been John Brant. The letter-writer complained that Claus, supposedly 'through his interpreter' (George Martin) had been 'very busy invidiously to excite uneasiness among our Tribe'. He had claimed that as soon as they signed their title deed, the Indians would be 'subject to English laws and the payment of Taxes, and that it will prevent their receiving their annual presents. These rumors have caused some alarm; and indeed it is not to be wondered at when we consider that these people know nothing of fetters – prisons and the pillory.'[46] Brant (assuming he was the author) linked this to Indian Department meddling: 'Our lands are still an Eye sore to men that we are obliged to transact business with, and it is a lamentable fact that the Indians of this country, have always had a description of men to deal with, who think of nothing but getting all they can, regardless of the wants of the people.' Brant also lamented the fact that Claus, who had fired a school teacher supported by Brant, appeared to be 'opposed to educating, or indeed to any measure likely to improve our condition'.[47] Brant protested through Galt (who was then in Canada) to the Colonial Office, but

[45] *Ibid.*: Kerr and Brant to R. Wilmot, 3 Francis Street, Bedford Square, March 1822.

[46] DCRO, D3155, WH2744: Extract of a letter [from John Brant?], 26 January 1823, enclosed in Saxe Bannister to Robert Wilmot-Horton, 11 March 1823.

[47] *Ibid.*: Extract of a letter from John Brant to an unnamed recipient [possibly John William Bannister], 26 January 1823, enclosed in Saxe Bannister to Wilmot-Horton, 11 March 1823.

was turned away.[48] This refusal to recognize Six Nations tenure was in part contingent on a coercive view of modernity: a certain type of landholding was linked with modernity, and the Haudenosaunee view of their own sovereignty was construed as archaic.

In the meantime, British administrators were having very different types of discussion among themselves that presaged the more sweeping changes to come. In November 1821, after Brant and Kerr had already left, Sir Peregrine Maitland, who was Lieutenant-Governor of Upper Canada from 1818 to 1828 and an early proponent of boarding schools, submitted a cost-cutting proposal to Bathurst 'for the amelioration of the Indian tribes in the neighbourhood of our settlements'. This undercut the principle of negotiation between equals that Brant and Kerr were trying to activate. Among other things, what Maitland inaccurately described as 'the reserve appropriated to that portion of the Mohawk which has settled on the Grand River' and which was no longer useful as a hunting ground should be vested in a British-appointed Board of Trustees that would oversee the sale or lease of the land for the 'benefit of the Six Nations', with the exception of a parcel of land for each head of family and dependents, and land already allocated to 'such of the Whites as are found to have an equitable claim'. Some of the proceeds would be used to pay for the Crown's annual presents; some would go to pay for a 'Mission including schools of instruction and industry, all under the direction of the missionaries, and residing constantly among the Six Nations'. Additional money could go to individual Six Nations members. Maitland suggested, however, that of the presumed surplus of $14 a person, $10 could be given annually to each person and $4 put aside to maintain residential schools, which would not be expensive given the children's simple needs and the fact that they would work for their own support.[49] This was a very long way from an argument for Six Nations sovereignty. Maitland reinvented Six Nations territory as a dependent Mohawk 'reserve' and recast the Six Nations themselves as wards to be civilized. Maitland further suggested that the trusteeship be vested in the (Anglican) Society for the Propagation of the Gospel and that 'no persons connected with the Indians should be employed in such a trust'.[50] This scheme reflected Maitland's Indian policy more broadly. In his view, a fortunate consequence of the plan would be to curtail the political power of the Six Nations – or at least of Six Nations elites – as substantial landowners. He certainly did not wish to enable the Six Nations to act as independent landlords and managers of their own investments. It was this type of approach that would eventually prevail in Canada and in Australia.

[48] Isabel Kelsay, "Tekarihogen", *Dictionary of Canadian Biography* (2001).

[49] Sir Peregrine Maitland to Lord Bathurst, York, 29 November 1821, reproduced in Johnston (ed.), *Valley of the Six Nations*, 288–291.

[50] *Ibid.*, 288.

Political Reform Debates

Debates about Six Nations land were not taking place in isolation, despite their enormous local importance, but participated in and reflected transatlantic struggles over democracy, land and governance. Maitland's views reflected a conservative critique of Six Nations sovereignty. At the same time, self-styled radicals and liberals were also attacking aristocratic land use, fighting for increased democracy and arguing for the alleviation of poverty through settlement. How should colonial lands be used? How much power should autocratic aristocratic administrators have in government, whether in Britain or in the colonies? Why should corrupt elites continue to monopolize power? The end of the Napoleonic Wars unleashed radicalism in Britain that spilled over into Upper Canada and worried elites in the late 1810s and 1820s after a long period of political suppression in the name of maintaining order in wartime. Postwar economic depression lent a bitter intensity to political protest. Many in Upper Canada, as Jeffrey McNairn has argued, participated in a wider move to argue for the importance of 'public opinion' in what would later come to be called deliberative democracy. A new sense of the public sphere was emerging that continued to challenge elite dominance, even in regions such as Upper Canada that were seen by these elites as bastions of loyalism and hierarchical good order.[51] In the meantime, political conservatives in power both in Britain and in Upper Canada were determined to suppress what they saw as the seeds of potential revolution, with the examples of America and France firmly before their eyes. Land was at the forefront of many struggles: it was after all land that undergirded the economic and political power of the British aristocracy. Was colonial land to continue to bolster elite power? Or were settler colonies an opportunity to remedy the poverty of the white working class?

Paradoxically, many of the white radicals who participated in these struggles assumed that Indigenous lands could be used to alleviate poverty and build better (white) societies in settler colonies: democracy and the growth of prosperity were utopian projects often predicated on the marginalization of Indigenous peoples and the takeover of their land.[52] The history of the Scottish radical Robert Gourlay, who briefly galvanized reform debates in Upper Canada in the late 1810s, provides an excellent example. Gourlay was closely supported by a brother of Robert Kerr, William Johnson Kerr. Furthermore, after Gourlay had returned to Britain, he was assisted by John William Bannister, himself back in Britain to qualify as a lawyer. The Gourlay saga therefore provides another connective thread between the Brant and Bannister families, suggesting the utility

[51] Jeffrey L. McNairn, *The Capacity to Judge: Public Opinion and Deliberative Democracy in Upper Canada, 1791–1854* (Toronto: University of Toronto Press, 2000).

[52] Compare Ann Curthoys and Jessie Mitchell, *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830–1890* (Cambridge: Cambridge University Press, 2018).

of an approach that explores family ties rather than simply placing settler and Indigenous histories into separate boxes.

The Scotsman Robert Gourlay arrived in Upper Canada in 1817, when his wife inherited land from her uncle in Dereham county. In Scotland, Gourlay had been an agrarian radical in the mode of William Cobbett, and had supported the distribution of more land to the rural poor and manhood suffrage for the literate. In an Upper Canada controlled by the small, tight elite circle of the so-called Family Compact, Gourlay found fertile ground for activism. Like John William Bannister, he was an enthusiastic advocate of increased settlement. He trenchantly criticized the government for failing to give adequate compensation to those who had supported the government in the War of 1812, in an attack that must have resonated with many among the Six Nations who also had outstanding claims. In addition to calls for manhood suffrage, Gourlay's reform movement eventually came to include demands to allow increased American immigration in order to provide purchasers for land. Other reforms to open up the land market that Gourlay championed included taxing uncultivated land, abolishing much of the enormous Crown and Clergy reserves, and generally supporting the interests of small settlers over those of the large landowners and the supposedly corrupt political elites of the family compact. Tactically, Gourlay deployed the politics of knowledge: he canvassed people in every district of Upper Canada for information to go towards his projected 'statistical account' of Upper Canada. The Family Compact, including the powerful Anglican leader Bishop John Strachan, worried when Gourlay included a question asking about impediments to development. They were concerned that this was laying the groundwork for an attack on Crown and church lands.

Robert Kerr's brother William Johnson Kerr – acting as a member of the local elite of Niagara – supported Gourlay, in common with many from the Niagara district who felt they had been inadequately compensated for wartime losses. William Johnson acted as secretary to an assembly of representatives called by Gourlay from across Upper Canada to call for improvements, and was one of two people who presented the petition from that convention to Maitland. Faced with this opposition, Maitland feared revolution. He rapidly punished participants in the reform movement through dismissal, demotion and the refusal of post-war compensation claims. Gourlay himself was thrown into prison as a seditious alien after a high-profile trial, and forced to leave Canada. William Johnson Kerr was able, however, to ride the reform movement to election in 1820 as a representative for the Niagara district.[53] At around the same

[53] George Sheppard, *Plunder, Profit and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal and Kingston: McGill-Queens University Press, 1994), 194–207; Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York: Vintage Books, 2011; first published in hardcover, New York, Alfred A. Knopf, 2010), 447–449; McNairn, *Capacity to Judge*, 57–59.

time, he married Elizabeth Brant, John Brant's sister, tightening links to the Six Nations.

In his 1822 work *A Statistical Account of Canada in 1819*, Gourlay wrote some troubling things about Indigenous peoples. His views appear to have been informed both by settler views of civilization and by agrarian romanticism. In the first of two volumes, he defended the honour of the Brant family, while affirming that he deprecated all efforts to change 'Indians' as long as they were hunters. Once they became half-hunter and half-cultivator, however, they needed to be advanced to 'industry': 'the half-hunter, half-cultivator is uniformly lazy, mean, dirty and altogether a worthless member of society'.[54] Nonetheless, he had visited John and Elizabeth Brant in their home in Gore and found them 'in manners, conversation and conduct equal to the best bred people of our own nation'. In a second volume, he argued that the 'Indians can now, happily, be no longer looked to by Canada, as allies in war, and within the province will soon be extinct'. This made the Indian Department and the system of presents no longer necessary. Instead, he argued for 'well-ordered and efficient establishments' for 'training up the youth' with the aim of 'speedy civilization' (390). In contrast, he wondered whether it was 'advisable' to educate the 'savages' of New South Wales: 'Our own breed, I suspect, is a better one; and with due encouragement, we can stock the whole earth as fast as the improvement of morals and civil government makes it desirable that it should be stocked' (391–392). Many considerations argued for the value of extraordinary effort to advance Canadian Indians 'who are now interwoven with civilized society as fast as possible, into a condition to amalgamate – to mix and be lost in that society' (392). With 'all other Indians, savages', however, the best policy was 'to keep them as distinct as possible and always on the outside of settlements', protecting them from 'ruffians escaping out of civilized society' (392). Again, arguments from protection were deployed to justify settler colonialism and a radical vision of democracy tied to the 'elimination of the native', to use Patrick Wolfe's term.[55]

These are difficult pieces of evidence with which to contend. Did William Johnson Kerr share such views? He certainly worked closely with Gourlay in 1818. It is not impossible that at least some at Grand River saw themselves as 'civilized'; after all, Henry Tekarihogen complained in 1805 that the Mohawk had been invited to remain within American territories after the revolution, 'but such was our attachment to the King our Father, that we preferred retiring to an uncivilized wilderness in Upper Canada, with our brother soldiers and

[54] Robert Gourlay, "General Introduction", *A Statistical Account of Upper Canada in 1819*, ccv.

[55] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native", *Journal of Genocide Research*, 8(4), 2006, 387–409.

fellow sufferers the Loyalists'.[56] It is unlikely, however, that many shared Gourlay's views about assimilation.

Gourlay defended the 'right of soil' of the Grand River Six Nations, 'which had been encroached upon by the Provincial Executive Government'; he seemingly saw the case, however, as an exception to the general rule that settlers should have Indigenous lands across the empire. The 'Indians' had been granted land from the mouth of the Grand to its source:

> It will be observed […] that the source of the Grand River lies beyond the farthest survey; viz. the township of Nichol. Soon after Sir Peregrine Maitland arrived in the province, orders were issued for extraordinary surveys in that quarter and lands have been granted away, which in fact belonged to the Indians. The Indians complained, but were denied compensation. Their right, I hope, will only need to be made known at home, to admit of justice being done.[57]

This background complicates a view of John Brant and Robert Kerr as straightforward land-rights activists. Clearly, they were supported by men who wanted to develop Upper Canada and buy up Indian land with clear title. At a minimum, it seems likely that Brant and the Kerrs broadly supported an increased influx of settlers and thought that the Six Nations in general, and possibly they themselves, could benefit financially from the increased price available for land. John Brant was on one side of a divide at Grand River that dated back to Joseph Brant's day. He supported education and the adoption of Christianity and ploughing, even as he also sought to negotiate with the colonial state for Six Nations interests, using appeals to both tradition and modernity to do so. During his visit to London, he would meet with the Indian Committee of the New England Company, in conjunction with Kerr.[58] He successfully sought funding for schools at Grand River – although he said the schools should be run by 'Indians', and it is in fact striking that Brant's ally, the Reverend John Stuart, stressed in earlier correspondence with the New England Company that schools for children must not be boarding schools. In other words, it would be wrong to jump from Brant's support for education to an assumption that he supported coercive assimilation.

I would argue that both Brants, father and son, wanted to ensure a steady income stream to the community, even as they doubtless wanted to enrich themselves (perhaps more evidently Joseph than John). In this sense they were trying to become beneficiaries of land sales rather than victims. This move

[56] LAC, MG 19, F10, Edward Walsh papers: folder 1, item 7, n.d., no heading [report of council meeting, presumably Grand River, 1805].

[57] Gourlay, *Statistical Account*, 390–392.

[58] London Metropolitan Archives, Guildhall papers, New England Company: MS 7920, Indian committee meeting, 11 April, 1822.

required affirming parallel sovereignty with that of the British Crown; on both sides of divides at Grand River, people would have supported the claim to sovereignty if not necessarily the sale of lands.

Whatever the motives of particular players, it is clear that the lack of effective power to enforce contracts hampered Six Nations efforts to monetize land, in addition to outright restrictions such as being forbidden to employ white sharecroppers. Within a few years of Joseph Brant's death, almost all leaseholders had ceased to pay rent on the large tracts of land they had rented from the Six Nations, or indeed had gone bankrupt themselves.[59] In other words, the Six Nations lacked the coercive power of the state to enforce fiscal obligations.

In the 1820s, the colonial administration continued to use the language of modernity and tutelage to impose trustees on the Grand River Six Nations to oversee their investments. As one of these long-standing trustees, William Claus accepted a large grant of land in exchange for his services, but then asked the Six Nations for monetary compensation. When the Grand Council refused to pay him a salary on top of his land grant, he retained investment interest for eight years. In the meantime, also in the 1820s, the community decided to allow the foundation of a town, Brantford, on land that they ceded to the Crown; they attempted, however, to be paid the purchase rate of lots directly, by individuals, rather than selling for a lump sum to the Crown. In other words, they wanted a fair return on their investment and market price for their land sales.

By the late 1820s, another significant issue was perturbing the Six Nations. This was the construction of the Welland Canal on Grand River land, despite Six Nations opposition. The canal destroyed Six Nations farms along its banks. It was thus a state-backed intervention that damaged Haudenosaunee efforts to earn a living from farming, paradoxically in the name of progress, echoing a pattern that Sarah Carter has observed in the Canadian West: Indigenous people who did attempt to change economic behaviour and take advantage of the 'modern' economy were not infrequently blocked by competition with the state and with white settlers drawing on disproportionate access to state resources, even as they were often described by whites as unfamiliar with money and markets.[60] Similar processes were at work in South Africa in the same time period: in the Cape Colony, settlers consistently competed with the Kat River Khoekhoe for land and resources, for example, thwarting the efforts of the Khoekhoe to become small independent farmers.[61] The Six Nations were

[59] Harring, *White Man's Law*.

[60] Sarah Carter, *Lost Harvest: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queens University Press, 1999); Brian Gettler, *Colonialism's Currency: Money, State and First Nations in Canada, 1820–1950* (Montreal and Kingston: McGill-Queens University Press, 2020).

[61] For example, Tony Kirk, "Progress and decline in the Kat River settlement,1829–1854", *Journal of African History*, 14, 1973, 411–428.

unable to halt the canal, despite vigorous protests from John Brant and from the council. After William Claus' death in 1828, much energy was taken up by the quest to persuade the colonial government to recover money from his son John Claus, who also worked for the Indian Department.

In 1828, John Brant was appointed resident superintendent for Grand River. This appointment was in line with long-standing Indian Department practice as Nathan Ince argues, and reflected the ongoing influence of the Brant family.[62] It also in some ways echoes the policy of indirect rule: in working with Brant, who could be constructed as a well-educated and bilingual 'chief', colonial administrators may have seen themselves as working within the structure of chieftaincy, as they later did in Africa, even if this was not how Indigenous leadership worked. At the same time, this was a position that also implied tutelage. Brant met with the Grand Council, at which chiefs put forward the views of their 'nations', whether Tuscarora, Onondaga, Oneida, Mohawk or Cayuga, enabling British administrators to communicate with the sachems through Brant.

In 1829, many chiefs supported Brant's suggested policies on issues such as pursuing John Claus (son of William) for legal damages should the state not force him to return land and (potentially more controversially) selling land in order to allow the foundation of the settler town of Brantford. Nonetheless, there were long-standing tensions within the Council. In 1831, Brant met with the assembled chiefs in order to explain a letter that had been written to him by Colonel Givins, chief superintendent of the Indian Department, stating that the government had confiscated Claus' land. Fish Carrier, a lower Cayuga, rose to state that communications from the government ought to be directed to the chiefs, not through Brant as an intermediary, who would then 'explain' the letter. Fish Carrier stated on behalf of the lower Cayugas that they would not answer a communication that was not directly aimed at them, and that they thus refused to reply. The Mohawks, Oneidas and Upper Cayugas protested that to refuse to answer a communication from the governor was 'contrary to the customs and usages of the Six Nations'. Brant found the position of the lower Cayuga so extraordinary that he suspended the meeting.[63] He commented to his superiors that two parties had fought within the Six Nations for the past twenty years.[64]

At the same time, the Six Nations seem to have used the dual structure of superintendence and chiefly councils in order to increase their negotiating power with the government. On the Welland Canal issue and on proposed

[62] Ince, "An Empire within an Empire".

[63] Hamilton Public Library [HPL], Special Collections, Arch. File, John Brant letterbook, 47: John Brant to Colonel Givins, Brantford, 2 March 1831. Henceforward annotated as HPL.

[64] HPL, Brant letterbook, 59: John Brant to Colonel Givins, Brantford, [14?] September 1831.

further damming of the Grand River, for example, Brant wrote angrily in his own capacity, but also played the gentlemanly neutral broker in presenting strongly worded pleas and petitions from the chiefs trying to stop construction and demanding compensation for the loss of fisheries and agricultural land. On 5 December 1831, Brant wrote politely 'permit me to enclose you a petition from the six nation Indians in which they respectfully remonstrate against the proposed improvement of the Navigation of the Grand River by throwing dams across said River'. He then took advantage of the conventions of gentlemanly communication to add as a rhetorical aside, 'it certainly would be fraught with evils of the greatest magnitude to the interests of the Indians: it is unnecessary for me to enter into detail as you are so well acquainted with the situation of the petitioners, and also the incomparable loss they have already experienced'.[65]

Some comments in Council meetings suggest the importance to many of Six Nations 'custom', which was sometimes juxtaposed with 'white' custom. In arguing for a resolution of tensions between nations, spokesmen appealed to the actions of their predecessors and to Six Nations traditions of political harmony. Onondaga chief Echo argued in 1834 that the government ought to resume giving annual presents of the same quality as earlier, including fine-quality clothes in Haudenosaunee style. Interestingly, he suggested that the king himself had wanted the Six Nations to continue wearing 'native dress' in order to assert their political independence:

> The King may perhaps suppose that we have adopted generally the dress of the Whites but that is not the case as many of us still continue to dress in our native dress – Brother, the King through his former officers employed in our affairs desired us to continue in Indian dress, that it might be a sign of our independence of the Rules and customs of the Whites.[66]

Dress was thus a sign of the direct relationship between the Six Nations and the Crown, rather than with settlers.

Despite such appeals to custom, the Six Nations spokespeople were well able to juggle ancient diplomatic custom with a sharp understanding of the stock market. Isaac Locke, Mohawk chief, pointedly but humorously asked the new Indian Superintendent whether he had interest-bearing investments and if so whether he had 'no document to shew [*sic*] the amount of the Capital in which you get interest'. As he put it, 'we wish for such a document. As our lives are insecure we wish to have a correct account of all out Monies.'[67] In 1831, Cayuga spokeperson John Jacobs, 'directed to speak for the Oneidas, Upper and Lower Cayugas, Tuscaroras, Tutulees and Delawares', was typical

[65] *Ibid.*, 63: John Brant to Colonel Givins, Brantford, 5 December 1831.
[66] *Ibid.*: "Proceedings of an Indian Council held at the Onondaque [*sic*] Council House 4 Feby 1834".
[67] *Ibid.*, 100.

in demanding a financial accounting from John Claus, and promised to pursue him in the law courts of Upper Canada if necessary: 'Mr. John Claus is four years in arrears with our interest money – We are unanimous in authorizing our Superintendent to call upon the Honble William Dixon to proceed to York to assist in the recovery of our money, and to carry our affairs into a Court of Law.'[68] In 1845, when Elizabeth Kerr (née Brant), Joseph's daughter and John's sister, was delegated to bring complaints to the colonial administration about the appropriation of Six Nations land to which we return in the conclusion to this book, she also attempted unsuccessfully to reverse the doomed investment of Six Nations trustees in the Grand River Navigation Company, complaining that 'no account hath ever been given them through their principal chiefs or in any other manner so as to be intelligible to them how much of their money has been invested in the Grand River Navigation Company'. Since the investment had been made without their knowledge or sanction, 'they would respectfully pray that the Stock should be assumed by the Government, and their money invested in more secure and profitable securities to use their own phrase. "Take their money out of the Bottom of the River".'[69]

Running through angry protests about the lack of annual interest payments and uncertainty about how Six Nations investments, including investments on the London stock market, were actually doing, are concerns about how a credit and investment-based economy was working for the Six Nations when they were denied full access and direct control. Here again, one sees settler governments working against Indigenous efforts to 'modernize' their economies.

The Bannisters and 'Expertise'

Meanwhile, back in Britain, the encounters of John William and Saxe with the Kanyen'kehà:ka delegation continued to have reverberations for the Bannister family. It was after his contact with John Brant and Robert Kerr that Saxe Bannister in particular first began to take public positions on Indigenous issues, while both brothers presented themselves to the Colonial Under-Secretary Robert Wilmot-Horton as experts in relationships with Indigenous peoples. Saxe Bannister's actual role during the 1822 mission seems to have been limited. The lawyer nonetheless referenced the event frequently later in life. His brief encounter with Brant and Kerr helped shape his lifelong vision of the possibility of partnerships between Indigenous peoples and British settlers across the world. As the elderly Bannister put it in 1873 (when as an 'octogenarian

[68] *Ibid.*, 36.

[69] LAC, Indian Affairs, Office of the Governor General, petitions, 1839–1850, C-11480, ff. 4928–4936: Memorial of Elizabeth Kerr to Charles Metcalfe, Montreal, 10 October 1844.

lawyer' he was still petitioning the Colonial Office for the redress of events in New South Wales) 'in 1822–3, as legal adviser to Indian delegates from Canada in an appeal against local wrong, I contributed materially to the redress of that wrong. Moreover, out of that colonial appeal grew a design in which I took an active part, for the free union of the Red Indians with us as fellow-subjects.'[70] Exaggerated as such a claim of influence may have been, the notion of Indigenous people as 'fellow subjects' (with all the advantages of equal rights and protection, and with all the problems of loss of sovereignty that this implied) was fundamental to Saxe Bannister's thought, despite the difficulty of enforcing equal rights in practice.

In 1822, Saxe Bannister followed his brother into print. He wrote the first of what would be by the end of his life a formidably long series of books, pamphlets and articles criticizing the proponents of what he saw as the immoral treatment of Indigenous peoples based on the fallacy that it was impossible for them to become 'civilized'. He became involved in a public exchange about the future of North American Indigenous peoples that proved revealing both for what was said and what was left out, encapsulating tensions in white views over the place of Indians in North America – and indeed over the place of Indigenous peoples in the white settler empire more broadly. In June 1822, the liberal *Edinburgh Review* had reviewed at characteristic length John Howison's 1821 work *Sketches of Upper Canada: Domestic, Local and Characteristic*.[71] Taking the opportunity to discuss colonialism and its advantages more widely, the reviewer exulted in the peopling of the 'wilderness' of North America, and celebrated the spread of 'arts and civilization' over 'an extent of country equal to a large portion of Europe'. Towards the end of the review, the author claimed that Indigenous peoples of various kinds were not only incapable of moving upward in the scale of civilization, but were also doomed to extinction, a relatively extreme position, but one that that was nonetheless already being voiced in settler circles.[72] The 'tendency to improvement, a principle that has been thought more than perhaps any other to distinguish man from the lower animals' seemed to be 'totally wanting' in the 'aborigines' of North America, who continued for ages 'stationary in a state of the rudest barbarism'. Given that they had proved totally uninterested in improvement, 'it now seems certain that the North American Indians, like the bears and wolves, are destined to fly at the approach of civilized man, and to fall before his renovating hand, and disappear from the face of the earth, along with those ancient forests which

[70] TNA, PC 1/1902: "Saxe Bannister, 'Appendix to a chapter in an octogenarian lawyer's life' (1873)".

[71] Review of John Howison, *Sketches of Upper Canada: Domestic, Local and Characteristic* (Edinburgh, 1821), *Edinburgh Review*, 37, June 1822, 249–269.

[72] Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930* (Ithaca, NY: Cornell University Press, 2003).

alone afford them sustenance and shelter'. This argument also included a reference to the supposed role that great men could play in the improvement of a 'race': no 'superior genius' had arisen among the Indians to inspire his people.[73]

Saxe Bannister responded to this review with a short pamphlet entitled *Remarks on the Indians of North America, in a Letter to an Edinburgh Reviewer*.[74] In response to the argument that Indigenous peoples were doomed to extinction, Bannister argued that Indigenous people could become civilized, and that it was colonial mistreatment that caused their decline: 'It is a cruel sophism, after debasing a people by bad governing and by hard treatment, to argue from their degradation that they are essentially not fit to share the benefits of civil institutions'. Jacques Cartier, for example, had acted towards the Indigenous people of Québec with 'fraud and violence', setting the trend for a long, miserable history of interaction in North America. Furthermore, there were indeed examples of the 'superior genius' among Indians: 'the sublime language in which the Logans, the Philips, the Brants, and the Techumthes [*sic*] expressed their noble aspirations to a better fate, will never fail to be listened to with respect'.[75] Recent advances showed that Indigenous peoples were completely capable of sharing in common institutions. These were arguments that Bannister would repeat in New South Wales and in the Cape Colony, ultimately applying them to Indigenous people as a whole across the colonized world, whom he came to characterize as 'aborigines' with shared characteristics and shared potential.

This short debate was all the more telling, however, for what both critics ignored in the actual book by Howison putatively under review. If the *Edinburgh Review* posited the inexorable disappearance of the Indigenous peoples of North America, and if Bannister in response argued for the possibility of their 'civilization', the extracts from *Sketches of Upper Canada* extensively cited in the *Edinburgh Review* actually hinted at encounters with Indigenous peoples in both Lower and Upper Canada neither vanished nor assimilated. Howison reported, for example (showing a typical traveller's desire for authentically exotic experiences), encountering Indians in canoes at Lachine: 'The picturesque dresses of the Indians who sat in it, the glittering of their tomahawks, and the figure of the chief, as he stood erect, appearing almost gigantic from the state of the horizon, were all impressive in the highest degree.'[76] Camping at night further down the river at the Thousand Islands, in Upper Canada, Howison had a more revealing encounter when he met

[73] Citations from the *Edinburgh Review* taken from Bannister, *Remarks on the Indians of North America*, 2–3.

[74] Saxe Bannister, *Remarks on the Indians of North America, in a letter to an Edinburgh Reviewer* (London: Thomas and George Underwood, 1822).

[75] Bannister, *Remarks on the Indians of North America*, 5.

[76] "Howison's *Upper Canada*", *Edinburgh Review*, 256

both a group of 'Canadiens' from Quebec hunting deer and a party of 'Indians'. According to Howison, a trilingual evening then took place, as the Canadiens loitered around the fire, dozing, swearing, singing, wrestling and occasionally reading from a hymn book, while the 'Indians' sat under their 'wigwam' and dressed venison, drinking rum that Howison's group gave them. The men 'looked ferocious, sharpened their tomahawks, and occasionally uttered the war whoop', while the women 'talked incessantly' and the children 'played the Jew's harp'.[77] Later in the book, Howison described other encounters, including deer hunters as well as a devout Christian in the woods on Christmas Eve.[78] These comments were replete with stereotypes. Nonetheless, Howison's observations showed the continued presence, and technological adaptations, of Indigenous peoples who were clearly not going anywhere. In the meantime, Howison described white settlers in Upper Canada as variously 'dirty, ignorant and obstinate', 'offensively dirty, gross and indolent' and 'sunk low in degradation, ignorance, and profligacy, and altogether insensible of the advantages which distinguish their condition', among other things.[79] This triangular discussion between Bannister, Howison and the *Edinburgh Review* is thus telling not least for what it suggests about the entrenchment of preconceived ideas. The battle lines between reformers and their critics were already drawn. At the same time, the actual book under review pointed to the continued circulation in both Britain and North America of images of 'Indians' that drew on older stereotypes, even while hinting at a different reality. Howison also illustrated an idea to which Bannister would return throughout his life, as would other metropolitan humanitarians: that settlers themselves were often unworthy of the trust that had been placed in them.

At the same time, Saxe Bannister was also privately urging Sir Robert Wilmot-Horton, Under-Secretary of State for War and the Colonies from 1821 to 1827, to establish a commission to investigate Indian affairs in North America 'to repress injustice in our intercourse of every kind with Indians'. This, he argued, 'would alone secure [them] from the extinction with which they are threatened'.[80] In March 1823, he forwarded to Wilmot-Horton the letter from Brant cited earlier, stating that it confirmed the opinion 'formed by many good men that the Indians are not, in an ordinary sense of the word, sufficiently protected from fraud in Upper Canada'. In the same letter, Bannister made a claim that would be typical from him throughout his life: colonial officers

[77] *Ibid.*, 259, citing Howison, *Sketches of Upper Canada*, 31–37.

[78] "Howison's *Upper Canada*", *Edinburgh Review*, 267, citing Howison, *Sketches of Upper Canada*, 181–184 and 191–192.

[79] *Ibid.*, 262, 263, 264, citing Howison, *Sketches of Upper Canada*, 18–22 on the Glengarry settlement; 171–173 on the Talbot settlement; 169, 170 on most people in 'new settlements'.

[80] DCRO, D3155, WH2744: "Copy of a letter from Mr. Saxe Bannister to Mr. Horton", 21 August 1823. Wilmot-Horton commented that Bannister's proposals were too vague to allow of execution.

were simply not well enough informed about Indigenous peoples. For example, the Colonial Secretary Earl Bathurst was unaware of the 'prospects of a people most devoted to England, and most susceptible of improvement under good auspices – and yet upon whom vast sums of money are expended by us fruitlessly'. As ever, Bannister tried to mobilize the politics of knowledge. He referenced a 'report upon Indian civilization' by the American Mr Moore, proposed a similar visit to British territories and offered himself as a potential commissioner. Despite all the money that the British spent to 'retain the Indians in union with us', it was clear that every year the situation grew more precarious and their 'affections' more 'alienated'.[81]

Three weeks later, Bannister was following up with a collection of notes on Mr Moore's report, and again urging the importance of a commission: 'I wish not to be considered as soliciting employment, as a commissioner in the inquiry, which I have ventured to recommend, although I shall gladly devote the season to it.'[82] Something clearly went wrong, however, apparently connected to Bannister's support for Brant and Kerr. By 1 May, Bannister was writing stiffly to Wilmot-Horton that he was 'extremely surprised by the contents of the letter with which you favoured me yesterday' and trying to reassure him that 'Whatever representation may have been conveyed to you as to aid that I gave last year to Mssrs Brant and Kerr, they cannot be correct.'[83] The relationship seems to have warmed up again, however. At the end of June, Saxe Bannister gave Wilmot-Horton a copy of a letter he had submitted to the House of Commons inquiring into the state of the poor of Ireland, and in August he sent a lengthy proposal for a projected inquiry intended to 'produce information adapted to improve intercourse with the aborigines of North America in union or alliance with us'.

This latter proposal is revealing both for Bannister's views (developed in consultation with the 'Reverend Stewart', presumably the Anglican minister Charles James Stewart) and for the marginal comments of an anonymous reader, probably Wilmot-Horton. Bannister urged transparency and extensive consultation with the Six Nations and 'the other remnants of tribes'. 'It seems essential', he wrote, 'that what will be done shall be understood by them to be of a nature which they will approve. It is quite clear they will approve of what is right.' The anonymous reader added acerbically by this last comment that '[i]f so they must be an extraordinary People'.[84]

[81] *Ibid.*: Saxe Bannister to Robert Wilmot-Horton, Lincoln's Inn, 11 March 1823.
[82] *Ibid.*: Saxe Bannister to Robert Wilmot-Horton, Lincoln's Inn, 31 March 1823.
[83] *Ibid.*: Saxe Bannister to Robert Wilmot-Horton, Lincoln's Inn, 1 May 1823.
[84] *Ibid.*: "Copy of a letter from Mr. Saxe Bannister to Mr. Horton", Lincoln's Inn, 21 August 1823. Bannister also recognized the importance of consulting with women. Elsewhere he commented that '[w]ith a view to forming a sound conclusion as to the system of presents, we should ascertain both in council and otherwise from the Indians (women as well as men) their opinions upon it'.

Also in this proposal, Bannister included the suggestion that 'one or more Indian or White delegates for the Indians' might sit in the legislative assembly, subject to the proviso that 'they should not be bound by any Law which a majority of their own Councils should reject in council within six months after it had passed the Legislature'.[85] He also proposed considering whether Indians could be tried by juries 'half English and Half Indian'. He suggested investigating the system of presents, promoting education, and inquiring 'whether portions of their lands of certain quantities may not safely be granted to individual Indians by themselves in Council in fee simple', albeit with protections against selling while drunk.[86] Such legal mechanisms implied that settlers and Indigenous people could be brought under a modified common legal system. This suggests that Bannister was overlooking the Six Nations' insistence on their sovereignty and on maintaining their own laws. Bannister also urged education, with English-medium schools, and careful attention that the education of girls should be of equal quality to that of boys.[87]

Wilmot-Horton (assuming the comments on the proposal are indeed his) was clearly unimpressed. 'I am rather disappointed with this Paper,' he wrote, 'as it appears to be drawn up rather as an ingenious Essay without knowledge.' He tellingly minuted that Bannister did not have much knowledge of the state of the society except what might be gained by observation during interaction with Indians who were more 'civilized than the generality'. This proposal therefore did not go anywhere, but it is nonetheless interesting. It is not clear whether any of these suggestions had had Six Nations input, although it is not impossible John Brant commented. It is, however, evident that Bannister was picking up on considerable anger among the Six Nations over consistent betrayal. It also seems that Bannister and Wilmot-Horton alike were suspicious of the Indian Department. The proposal also conveys some of the nitty gritty of the creation of 'experts', who sought to mediate between government and Indigenous peoples – a role that would become increasingly significant through time and that also created its own possibilities for colonial opportunism, however mingled with genuine altruism.

Colonial Reformers and Paper Worlds

Like his older brother, John William was similarly plunged into colonial affairs by 1823. Late that year, he returned to Britain to study law, with the hope of going back to Canada in 1826 after being called to the bar.[88] In Britain he befriended Robert Gourlay, who by then had been hounded out of Upper

[85] *Ibid.*
[86] *Ibid.*
[87] *Ibid.*
[88] *Ibid.*: Saxe Bannister to Wilmot-Horton, Lincoln's Inn, 19 October 1823.

Canada. The two men shared a passionate commitment to settler colonialism as a means of alleviating poverty in Britain. Moreover, the Bannister brothers, Robert Gourlay, and John Galt – reformist colonial activists alike – all shared a compulsion to publish prodigiously and to write themselves into the colonial empire. Each man was also at some point broke and desperate. Both Saxe Bannister and Robert Gourlay were actually seen by their contemporaries as mad at various points. All these men were obsessive. They built new worlds on paper: in pamphlets, letters and books, but also through title deeds, treaties and bonds. They all hoped that somehow these paper worlds could be compatible with fair treatment of Indigenous peoples, coupled with the large-scale appropriation of their land.

Back in Britain after his harrowing treatment in Upper Canada, Robert Gourlay became obsessed with the failure of the radical MP Henry Brougham adequately to promote a petition to the House of Commons with which Gourlay had entrusted him. Indeed, he became convinced that he would have been exonerated had Brougham not stifled this appeal. On 11 June 1824, at a quarter past four in the afternoon, Gourlay approached Brougham in the lobby of the House of Commons with a horsewhip in his hand. According to the account of the *Courier* newspaper, extracted, it must be said, by Gourlay himself in a subsequent lengthy book, Gourlay flourished the whip and 'was heard, by some, to utter in a hurried and nearly inarticulate manner, the phrase "you have betrayed me, sir; I'll make you attend your duty"'.[89] Gourlay was taken into custody by the constable Thomas Cook. Cook later testified in court that he saw Gourlay strike Brougham several blows on Brougham's shoulders and hat with a small riding whip. According to Cook, Brougham failed to recognize who Gourlay was; Gourlay handed Brougham a card from his case and said 'Let the dead bury the dead, and you do your duty to me.'[90]

It was determined in debate in the House of Commons that Gourlay must be mad, and he was detained for a number of days as a lunatic in the 'prison-room' of the House of Commons. He was released but immediately rearrested and transferred to Coldbath Fields Prison, where he was similarly detained as mad. Gourlay continued to insist, however, that he was wronged but not mad, and was being imprisoned for political reasons. Gourlay was then examined at Bow Street. He called witnesses to attest to his sanity.

One of Gourlay's two witnesses to sanity was none other than John William Bannister. Bannister described himself as a student of the Middle Temple living in Islington, and he stated that he had known Gourlay for nearly three

[89] Extract from the *Courier*, cited in Robert Gourlay, *An Appeal to the Common Sense, Mind and Manhood of the British Nation* (London: printed for the author and sold by Sherwood, Gilbert and Piper, 1826), iii.

[90] *The Morning Herald*, 26 June 1824, extracted in Gourlay, *Appeal to the Common Sense*, xi.

years. Under Gourlay's cross-examination, Bannister attested that he had spent much time walking and talking with Gourlay, but it never occurred to him that Gourlay was mad, even if he was of a 'singularly enthusiastic turn of mind'.[91] Refusing to seek bail as a matter of principle, Gourlay remained in jail for two years. Over this period, John William helped him present a petition to the House of Commons while continuing to act as a character witness and to support Gourlay's efforts.[92] The Bannister brothers seemingly partook in Gourlay's passionate conviction that colonialism could improve the world, but that those in power were acting poorly: relentless determination was required in response.

In the meantime, John William undertook his own acts of colonial persuasion. He submitted a paper to Whig Irish MP Thomas Spring Rice, urging that unemployed Irish labourers be offered a fresh start in the Canadas. He singled out the agricultural labourers left destitute by the consolidation of farms in Ireland, 'without employment sufficient to keep them from discontent, or even to enable them to procure a maintenance'. He offered to lead out his own group of Irish labourers. While English landlords often objected to the loss of potential farm labourers, this would not be a problem in Ireland, 'for the people whom I contemplate conducting aboard, are only those, who may be said, to terrify the Land Owner and his Agent, rather than to be desirable competitors for his Farms'.[93] Colonization was both an economic and a political benefit.

In October 1823, Saxe Bannister sought to introduce John William more formally to Wilmot-Horton, given Wilmot-Horton's strong interest in colonial emigration. He also attested to John William's own influence on Saxe's interest in colonization.[94] In November 1823, John William had sent Wilmot-Horton a lengthy letter about the best mechanisms to promote emigration and settlement in Upper Canada, including suggestions of a generous minimum grant of 50 acres and an upper age limit of sixty rather than forty-five given the 'healthy, strong and industrious' nature of settlers over sixty at Rice Lake. Like Gourlay, he supported giving Crown and clergy reserve lands to settlers willing to cultivate them.[95]

In April 1826, John William was once again in contact with Wilmot-Horton to suggest what he described as a humanitarian scheme of settlement. Under this scheme, he would personally bring out boys to Upper Canada from

[91] *Ibid.,* xviii–xix.
[92] *Ibid.*, 103, 112–114, 133.
[93] DCRO, D3155, WH2744: John William Bannister to Spring Rice, 23 June 1823.
[94] *Ibid.*: Saxe Bannister to Wilmot-Horton, 19 October 1823.
[95] *Ibid.*: John William Bannister to Wilmot-Horton, 5 November 1823.

London in exchange for money and 10,000 acres of wild land. He proposed to take out a hundred boys between the ages of nine and sixteen who would be bound apprentices to him as servants until the age of twenty-one. At that point, Bannister would give each one 50 acres of land with a house on it, plus personal goods including clothes, a pig, a cow and six months' supply of bread, beef, tea and sugar.[96]

The Colonial Office does not appear to have taken Bannister up on his offer. The global imperial careers of the Bannister brothers nonetheless began to flourish, however temporarily, and it does not seem far-fetched to suggest that they came to the attention of the Colonial Office through their work on Upper Canada. In 1824, Saxe Bannister was appointed Attorney General of New South Wales. In the same year, John Bannister was called to the Bar by the Middle Temple.[97] In 1827, the Colonial Office offered John Bannister a post as Chief Justice of Sierra Leone, even more of a hardship post than New South Wales given the catastrophically high death rate there of British settlers before the discovery of quinine. By 1828, he was on his way in a leaky ship, fuming against delays in reaching what would prove to be his grave.

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In this chapter, I have tried to break down dichotomies between 'white' and 'Indigenous' histories of colonialism in the early nineteenth century. People of Six Nations descent were active participants in colonial debates in the period. The colonial state was increasingly, however, placing 'Indians' into separate economic and political categories from 'white' settlers. What this meant in practice was that the Six Nations were denied full access to the tools of a 'white' economy, such as protection for leases and access to secure investments. At the same time, many tools of a 'traditional' economy, including an independent land base, a ready supply of animals to hunt and the capacity to assimilate new members, were being destroyed by settler colonialism. The tactics to be adopted were much debated within the community; there were in fact no clear answers. In this context, the Bannisters tried to act as colonial brokers, promoting particular visions of the Six Nations' future and attempting to solve problems that were often generated by the colonialism that the Bannisters themselves supported in a broader sense. In understanding these processes, it is particularly helpful to focus on family ties, in part because they cut across the divides that were so essential to the creation of a white economy. At the same time, it is also

[96] *Ibid.*: John William Bannister to Wilmot-Horton, 3 April 1826.
[97] Anon, "J.W. Bannister, Esq".

helpful to see John William and Saxe Bannister as family actors, supporting one another in their colonial enterprises and transferring 'expertise' from one context to another.

In Chapters 5 and 6, I follow Saxe Bannister first to New South Wales and then to southern Africa. Here I will focus above all on the debates in which Bannister became embroiled in these new and very violent contexts. But I will also argue that he was influenced throughout by what he understood of Upper Canada and of the history of the Six Nations. He also continued to act as a member of a family, albeit a thoroughly dispersed imperial family, that struggled to rebuild its fractured households.

5

New South Wales

Frontier Violence and the 'Rule of British Law'

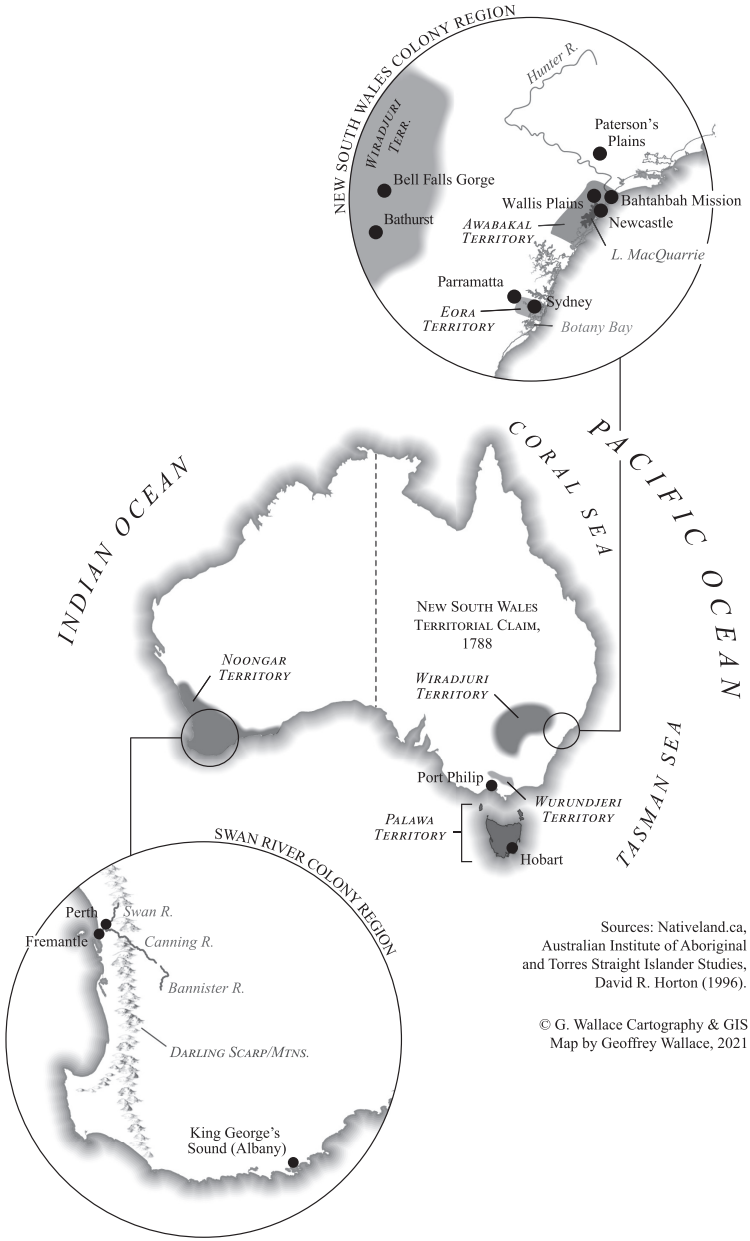
In 1823, Saxe Bannister was appointed to become the first Attorney General of New South Wales. With this, he joined his brother John William, a sailor and a colonist, and his soldier brother Thomas in chasing a mobile imperial career. Two Bannister sisters accompanied Saxe to New South Wales and moved to Tasmania when he left; as we shall discuss, one of them married into another mobile imperial family, the Moodies, whose members also moved between the Canadas, the Australias and the Cape Colony. As I describe in Chapter 7, Thomas would also later try to make his fortune in Western Australia, Tasmania and Victoria. The Bannister siblings were thus present in the early days of several Australian colonies (Map 5.1).

Paradoxically, perhaps, these restlessly mobile families defined themselves in terms of 'settlement', as they sought to carve out new 'settler' societies, founded on the wealth garnered from imperial mobility. In the meantime the Six Nations, as was typical of Indigenous peoples across the empire, were being confined to a shrinking land base even as 'Indians' were constitutively defined as inherently mobile and therefore in need of being educated to become sedentary as a token of civilization. The right to control of one's own mobility increasingly drew lines between 'settlers' and Indigenous peoples, even as the coerced mobility of convict labour drew lines between settlers themselves.

This chapter shifts to New South Wales in the mid-1820s, seen mostly through the eyes of Saxe Bannister. Systemic problems with silences and distortions in the colonial archives are particularly evident for New South Wales in this period.[1] Indigenous people are often a shadowy presence in the margins of documents written mostly by elite white men, even if their actions were described (and sometimes spoke loudly).[2] Even Indigenous speech was infrequently recorded at length; unlike North America, there are few records of formal diplomatic meetings with extensive speeches, for example. This reflected a

[1] On the violence of archival silence, compare Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).

[2] Inga Clendinnen, *Dancing with Strangers: Europeans and Australians at First Contact* (Cambridge and New York: Cambridge University Press, 2005).



Map 5.1 The Bannister family's Australia

relative lack of intermediaries, including traders and translators, or of mediating institutions. Lancelot Threlkeld ran a mission to the Awabakal people at Lake Macquarie under the aegis of the London Missionary Society (LMS) from 1824 to 1828, followed by the government-sponsored mission station Ebenezer to 1841 after the end of his connection with the LMS. The station attracted few converts, however, although Threlkeld learned Awabakal and wrote a grammar of the language in conjunction with the elder Biraban. I will argue in this chapter that a number of Indigenous people tried to use Threlkeld and Bannister as intermediaries. The overall context, however, was one in which Indigenous people and British invaders were quickly at war, including conflict in the 1820s in the newly settled regions of Bathurst and Hunter Valley. The archive reflects the divisions of colonialism.

Settlement, Kinship and Violence

Despite the British fiction that it was possible to 'claim' the entire continent of Australia, the land was inhabited by a multiplicity of peoples who could not have negotiated a single settlement even had anyone wished to do so. Aboriginal peoples had many things in common, including governance through kinship and shared material culture, but they also spoke a great diversity of languages and were divided into multiple polities. The largest polities were language groupings. More important, however, were smaller clans regulated by kinship. For example, clans were divided into different moieties, and these divisions regulated what marriages were or were not appropriate. Small groups moved together throughout the year within defined territories, coming together in larger gatherings for short periods. Sexual relationships conferred kinship. Ann McGrath speculates, for example, that in early encounters Indigenous groups tried to broker sexual relationships between Indigenous women and British sailors in the hope of creating ties of mutual obligation. In contrast to North America, however, Indigenous peoples in the eighteenth century were not strong enough to impose lasting kinship networks tied to alliances and economic relationships. The Eora clans of New South Wales, for example, who encountered the First Fleet around modern-day Sydney, were rapidly in crisis in the face of violence and disease, including smallpox and infertility-conferring venereal disease.[3]

[3] Laura Rademaker, "The Importance of Marrying 'Straight': Aboriginal Marriage and Mission Monogamy in Twentieth-Century North Australia", *Gender and History*, 29(3), November 2017, 641–657; L. Hiatt, *Arguments about Aborigines: Australia and the Evolution of Social Anthropology* (Cambridge: Cambridge University Press, 1996); Ann McGrath, "The White Man's Looking Glass: Aboriginal-Colonial Gender Relations at Port Jackson", *Australian Historical Studies*, 24(95), October 1990, 189–206.

The first British colony on the Australian continent, New South Wales, was founded in 1788 as a penal colony after the American Revolution cut off the Americas as a long-distance prison. British convicts were transported for terms of seven or fourteen years, during which they worked as unfree labourers, whether on public works or contracted out to free settlers. By the 1820s, New South Wales was still heavily dependent on convict labour, but the free population, including former convicts, was growing fast. From the start, settlers moved out from Sydney to farm. And almost from the start, there was violence. The British government never made formal agreements with Indigenous groups and never purchased territory. Indigenous groups could not readily move into the hunting territories of other groups, exacerbating cascading conflict when the British moved into new territory. Each new British settlement was a new invasion. Despite parallel histories of interaction and attempted accommodation that would become increasingly important through time, the original inhabitants usually fought settlers when they first arrived, occupied Indigenous land and, crucially, chased away or killed kangaroos and other animals and replaced them with sheep and cattle that turned hunting grounds to pastures. Settlers on what became a series of mobile frontiers often killed Indigenous people. Convict shepherds were frequently placed on isolated farms to guard animals, and appear to have developed a frontier ethic of killing before being killed, seeing themselves as being at war with Aboriginal peoples. Sometimes, as we shall see, settlers claimed that targeted killings were an act of mercy because they convinced Indigenous peoples to abandon fruitless warfare. The archives of early Australia are haunted by massacres. Despite the claims of denialists such as Keith Windschuttle in the so-called history wars of the early twenty-first century, it is abundantly clear that early settlement in Australia was very violent.[4] In the meantime, if ties of fictive kinship in Australia between settlers and Indigenous peoples were not a real possibility in the 1820s, white society was also fractured between convict and free, despite the ties of whiteness.

[4] Bain Attwood, *Telling the Truth about Aboriginal History* (Crows Nest, New South Wales: Allen & Unwin, 2005); Keith Windschuttle, *The Fabrication of Aboriginal History*, vol. 1, *Van Diemen's Land 1803–1847* (Sydney: Macleay Press, 2002); Robert Manne (ed.), *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History* (Melbourne: Black Inc. Agenda, 2003); Bain Attwood and Stephen Foster (eds), *Frontier Conflict: The Australian Experience* (Canberra: Australian National Museum, 2003); John Connor, *The Australian Frontier Wars, 1788–1838* (Sydney: University of New South Wales Press, 2002); Henry Reynolds, *An Indelible Stain? The Question of Genocide in Australia's* History (Ringwood, Victoria: Penguin, 2001); Lyndall Ryan, *The Aboriginal Tasmanians* (2nd edition) (St. Leonards, New South Wales: Allen & Unwin, 1995); R.H.W. Reece, *Aborigines and Colonists: Aborigines and Colonial Society in New South Wales in the 1830s and 1840s* (Sydney: Sydney University Press, 1974).

Attorney-General of New South Wales, 1824–1826

In this environment, Saxe Bannister saw himself as an agent of order and morality. The creation of the position of Attorney General of New South Wales, of which Bannister was first occupant, was part of a cluster of legal innovations designed to increase order. A commission of inquiry headed by John Thomas Bigge, part of a series of early nineteenth-century inquiries into colonial law and governance, had recommended legal reform in New South Wales, including the introduction of a limited form of trial by jury in 1823 for civil suits.[5] Former convicts were not, however, allowed to sit as jurors, following British law: this would prove to be a flashpoint for conflict. In 1824, the Colonial Office created the Supreme Court of New South Wales and gave the chief justice legal authority second only to that of the governor. The new legal order also saw the creation of courts of Quarter and General Sessions to bring colonial law in line with metropolitan practice, curtailing the capacity of magistrates to try cases outside the courts of session.[6] Saxe Bannister arrived in Sydney on 5 April 1824 in the literal company of the new Charter of Justice, a document that was transported in the same ship.[7]

Given Saxe Bannister's life-long support for the rule of law as a solution to the evils of colonialism, he probably travelled with some degree of optimism. As Saliha Belmessous argues, the rule of law was for Bannister a key mechanism of assimilation and civilization. Belmessous indeed uses the example of Saxe Bannister to make the broader claim that from the late eighteenth century onwards, European empires increasingly emphasized the 'civilizing power of the rule of law to overcome native resistance to assimilation', in a shift of focus that, she suggests, has been overlooked by historians.[8] From a different perspective, Lauren Benton and Lisa Ford in their wide-ranging 2016 study *Rage for Order: The British Empire and the Origins of International Law, 1800–1850*, demonstrate the crucial importance of law and legal reform as a means by which British administrators attempted to 'order' their diverse and turbulent empire in the early nineteenth century. Benton and Ford argue that local struggles mattered in this complicated process, and that at times the imperial centre

[5] Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA: Harvard University Press, 2016), 56–84 and *passim*; Kirsten McKenzie, *Imperial Underworld: An Escaped Convict and the Transformation of the British Colonial Order* (Cambridge: Cambridge University Press, 2016), 25–26, 51–55; Lisa Ford and David Andrew Roberts, "Legal Change, Convict Activism and the Reform of Penal Relocation in Colonial New South Wales: The Port Macquarie Penal Settlement, 1822–26", *Australian Historical Studies*, 46, 2015, 175; Zoe Laidlaw, "Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry", *Journal of Imperial and Commonwealth History* 40(5), 2012, 749–768.

[6] Ford and Roberts, "Legal Change", 180.

[7] For arrival details: *The Daily Telegraph* (Sydney), 23 March 1892, 4.

[8] Saliha Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541–1954* (Oxford: Oxford University Press, 2013), 59–60 and *passim*.

tried to use interstitial legal agents to control their own settlers or even despotic administrators.[9] Bannister certainly fits this paradigm, as a lawyer who, as we shall see, would rage against what he considered to be abuses of law that were rendering the empire itself unruly. Legal reform was another part of the drive to state power, an increasingly rationalized bureaucracy and reduction of family biopower that we have already seen in operation in North America.

It was characteristic of Bannister that just before his departure, he wrote to the Colonial Undersecretary Robert Wilmot-Horton demanding 'copies of the opinions which have been given by the Law officers of crown at home, upon points of public interest in other Colonies during a certain number of years past', while also asking to be allowed to 'take notes from the books in the Colonial department' relative to Quebec.[10] Throughout his life, Bannister sought to collect and disseminate information. He saw knowledge, including knowledge of history, as a crucial corrective to colonial vice. In an early sign of a future contentious relationship between Bannister and the Colonial Office, the Colonial Office's legal advisor James Stephen indignantly refused Bannister's request as an invasion of privacy. Stephens, himself an abolitionist, wrote privately to Colonial Undersecretary Robert Wilmot-Horton that 'the present certainly is not the season in which, I conceive, you would choose to publish to the world the Documents in your Department relating to Slavery'.[11] This was somewhat paradoxical, since the Colonial Office was in theory obliged to produce correspondence for public consumption should the House of Commons demand it. Nonetheless, the office had extensive back-channel communications networks.[12] As Belmessous argues, a belief in the importance of transparency characterized the enlightenment strand of thought of which Bannister was part: '[s]ince the criterion of justice with respect to the rights of others was its communicability, the publication of laws was the condition of legitimate moral politics'.[13] To collect and publish information, including historical documents, would prove to be a lifelong obsession of Bannister's. At the same time, as we shall see, he also tried to limit press freedom in New South Wales, and he was far from believing in an open market in free speech. The struggle over freedom of information was constrained by assumptions about moral character.

Despite Bannister's a priori theoretical commitment to the rule of law as an instrument of civilization, the reality of how law was practised in New South

[9] Benton and Ford, *Rage for Order*.

[10] Saxe Bannister to Wilmot Horton, Lincoln's Inn, 9 August 1823, in Frederick Watson (ed.), *Historical Records of Australia* [henceforward HRA], series IV: *Legal Papers*, section A, vol. 1, 1786–1827 (Sydney: Library Committee of the Commonwealth Parliament, 1922), 492.

[11] James Stephen to Wilmot Horton, Lincoln's Inn, 22 September 1823 in *HRA*, series IV, section A, vol. 1, 505.

[12] McKenzie, *Imperial Underworld*, 69–70. A formal two-track system for correspondence was, however, abolished in 1835.

[13] Belmessous, *Assimilation and Empire*, 93.

Wales proved unnerving once he arrived. So too did other aspects of Australian society, including its violence and lack of deference to traditional social hierarchies. The small white elite was deeply divided, and antagonists turned frequently to the law as a tool for political aggression. Men fought with one another through the law courts, promoting personal honour and particular views of masculinity. A particular source of tension was between 'emancipists' who supported full civil rights for former convicts, and 'exclusives' who wished to exclude convicts from political office and roles such as jury service.

Shortly before Bannister's arrival, tensions had exploded in the case of Dr Henry Douglass, a magistrate and also the superintendent of the Female Factory.[14] Dr Douglass stood accused in 1822 of sexually abusing a servant, a young woman called Ann Rumsby whom Douglass had taken from the Female Factory to work as a domestic in his own household. Rumsby refused to back up in court what may or may not have been her original statement to Dr Hall, an exclusivist enemy of the emancipist Douglass, who presented himself as Rumsby's protector in the face of Douglass' abuse. For her refusal to crack in five hours of cross-examination, Rumsby was sentenced to penal servitude for perjury. The furious emancipist governor, Lachlan Macquarie, demanded that five exclusivist Parramatta magistrates overturn the ruling. When they refused to do so, Macquarie dismissed the magistrates and personally commuted Rumsby's sentence.[15] In this environment, what the law was and who could enforce it was a visibly politicized question. Bannister walked into this toxic space, and into the arms of the exclusives. Two years later, another quarrel among colonial elites involving Douglass would be a contributing factor in Bannister's fall from grace.

At the start, Bannister aligned himself with the Macarthurs – wealthy wool producers, leading exclusives, would-be political kingmakers and staunch proponents of the cause of virtue as they saw it. The family patriarch, John Sr, had once played a key role in a coup against Governor Bligh by the New South Wales Corps, backed by large merchants, in an earlier phase of political conflict in New South Wales.[16] In the 1820s, the Macarthurs were growing wealthy

[14] The Female Factory employed female convicts in government service and was supposed to protect female virtue. The former superintendent, missionary Samuel Marsden, was part of the vendetta against Douglass.

[15] Lauren Benton and Lisa Ford, "Magistrates in Empire: Convicts, Slaves and the Remaking of the Plural Legal Order in the British Empire", in Lauren Benton and Richard J. Ross (eds), *Legal Pluralism and Empires, 1500–1800* (New York: New York University Press, 2013), 173–197, esp. 181–187; TNA, CO 201/158: James Stephen to Wilmot Horton, Lincoln's Inn, 2 September 1824.

[16] Bruce Baskerville, "'So Brave Etruria Grew': Dividing the Crown in Early Colonial New South Wales, 1808–1810", in Robert Aldrich and Cindy McCreery (eds), *Crowns and Colonies: European Monarchies and Overseas Empires* (Manchester: Manchester University Press, 2016), 262–282; Alan Atkinson, *The Europeans in Australia*, vol. 1, *The Beginning* (Melbourne, Oxford, Auckland and New York: Oxford University Press, 1997), 280–291; Benton and Ford, *Rage for Order*, 31–43.

importing sheep and developing Australia's nascent wool industry. They were another imperial family, with overlapping business and political interests. The ways in which the Macarthurs used family members to operate across imperial spaces and to sell family interests on the stock market points, however, to the capacity of British imperial families to navigate in the capitalist world of stocks and bonds and long-distance credit, in a manner that was far harder for Indigenous families such as the Brants in the early nineteenth century.[17]

In seeing himself as a man of virtue above the corrupting struggles of party and self-interest, it was important to Bannister's own sense of honour and manly independence that his appointment be independent and based on merit. Ironically, however, he did owe his appointment, at least in part, to factional conflict involving the Macarthurs. Bannister's appointment was privately supported in London by John Macarthur Jr., London agent for the family's Australian Agricultural Company. At the time, the shares of the Australian Agricultural Company were being bid up to giddy heights (from which they would soon crash) as London investors, including many politicians, flocked to invest in wool. John Macarthur Jr had a cosy enough relationship with British elites that he was able to report to his mother about chatting on a sofa at a gentlemen's club with Wilmot-Horton at 2 am. In 1825, he told his mother that he had pushed Bannister forward in order to counter the claims of Charles Wentworth, the illegitimate son of a convict woman, populist newspaper editor and enemy of the Macarthurs, who had also applied for the position:

> You know, my dear mother, that he [Bannister] in fact owes to me his appointment in New South Wales. I feared that he was an enthusiast, although it was not so easy to discover it here as in a small society. But then I was told that he was most honorable, kind, and conscientious and being alarmed that no person, excepting Mr. Wentworth, had applied to Ld. B. [Bathurst, Henry, 3rd Earl Bathurst] for the situation, I thought it most advisable to press forward Bannister. I feared renewed application from Mr. W. or some vulgar attorney like Mr. Gelibrand, of more than doubtful character.[18]

As we shall see, these connections would return to haunt Bannister.

Once Bannister reached New South Wales, conflict festered further between himself and 'Mr. Wentworth', who set up in private practice as a barrister. Bannister was humiliated in the law courts by Wentworth, who was a more successful lawyer and leached away much of the business on which Bannister had counted to supplement a salary that he constantly complained was

[17] Mary Steven, "John Macarthur (1767–1834)", *Australian Dictionary of Biography*. http://adb.anu.edu.au/biography/macarthur-john-2390 (accessed 22 September 2017); Atkinson, *Europeans in Australia*, vol.1, 281 on Macarthur's British patronage networks.

[18] Mitchell Library, Sydney (hereafter ML), A2911, Macarthur Papers, vol. 15: John Macarthur Jr to Elizabeth Macarthur, 1 May 1825.

too meagre.[19] Furthermore, Wentworth allied himself with another barrister of whom Bannister disapproved, Robert Wardell, another defeated applicant for the position of Attorney General of New South Wales.[20] Wentworth and Wardell were audacious, high profile legal partners. They also co-founded New South Wales' first independent newspaper, *The Australian*, in October 1824.[21] *The Australian* criticized 'humanitarian' policy towards Indigenous peoples and would become a particular bugbear of Bannister's.

For many reasons, Saxe Bannister came to see New South Wales as a place of evil. '[I]n this community, more than in any other part of the civilized world, there is a palpable struggling with good and evil', he wrote to the Governor, Sir Ralph Darling in 1826 in the course of trying to persuade Darling to censor the press and snub Wardell socially.[22] Bannister objected virulently to Wardell's inclusion in a public dinner for Chief Justice Francis Forbes, and refused to attend, to Darling's fury. Bannister opined that:

> It seems to be probable, in such a Society as for many Years this must be, the Public Press will be on a level with the low state of Public and general private moral and religious feeling; so that with a Free Press (and I am humbly of opinion at present that even here it ought to be free) it is the more strongly the duty of Government to counteract the evils, which its tendency to licentiousness must produce on a depraved Population.[23]

He saw a continuum with personal immorality such as that of Wardell and extensive violence against Indigenous peoples by settlers, which Bannister both deplored and thought could be avoided.

Bannister travelled in the company of two of his unmarried sisters, Mary Anne and Harriet. John Macarthur Sr was happy to take up Bannister socially, and by extension his sisters. 'I like our new importation exceedingly,' he wrote to John Jr in April of 1824, describing Bannister as 'clever – unaffected – and just odd enough to make a pleasing companion'.[24] Soon Saxe, Mary Anne and Harriet were taking tea regularly at the Macarthur family estate, interacting with the

[19] ML A1440, safe 1/350 (microfilm CY 900, frames 699–854): W.C. Wentworth, Letters concerning legal business, 1825–1826.

[20] C. H. Currey, "Wardell, Robert (1793–1834)", *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/wardell-robert-2773/text3941, published first in hardcopy 1967 (accessed 26 October 2017).

[21] On the Australian careers of Wentworth and Wardell in the 1820s, Alan Atkinson, *The Europeans in Australia*, vol. 2, *Democracy* (Oxford: Oxford University Press, 2004), 54–58.

[22] Saxe Bannister, *Statements and Documents Relating to Proceedings in New South Wales in 1824, 1825 and 1826, Intended in support of an appeal to the King by the Attorney General of the Colony* (Cape Town: W. Bridekirk, Heeregracht 1827), 86.

[23] Saxe Bannister to Governor Darling, enclosure no. 3 in Governor Darling to Earl Bathurst, Government House, Parramatta, 24 July 1826, *HRA*, series 1, vol. XII (with enclosures), 442.

[24] John Macarthur Sr to John Macarthur Jr, 17 April 1824, Macarthur Papers, vol. 3, ML A2899.

senior John's clever wife, Elizabeth, and his three daughters and two sons. Bannister came to see himself as part of a small coterie of religious, family-oriented, virtuous people in a vice-ridden colony. He also saw the Macarthurs as engaged in righteous commerce and the beneficial development of colonial resources. Unlike most other colonial enterprises at this time, the Macarthurs employed Aboriginal labourers on their wool farms, furnishing for Bannister a model of mutually beneficial coexistence rather than violent massacre. Among other virtuous activities, shortly after his arrival, Bannister established the first infant school in Australia, with about seventy students.[25] He also supported LMS missionary Lancelot Threlkeld in his efforts to create a mission to the Awabakal; Threlkeld described him as taking 'a lively interest in the welfare of the Blacks'.[26]

The path of virtue, however, did not run smooth. Bannister became embroiled in a number of disputes. He had an uneasy relationship with two successive governors of New South Wales, Sir Thomas Brisbane (1821–1825) and Sir Ralph Darling (1825–1831), both of whom he often lectured. Darling finally wrote in exasperation to Colonial Under-Secretary Hay in 1826 after Bannister had offered to ride out personally to talk to Indigenous rebels:

> You will perceive that in his opinion, he is to control and direct (without his advice being asked) the private proceedings and public conduct of the Government, both civil and military. He ascribes the persons to be admitted to my table – would dictate the means of Government – the proclamation of national laws – the arrangement of the troops, and last of all, like another Quixote, would proceed himself in search of adventures. His eccentricities would amuse were it not for the impertinent style of his observations.[27]

Bannister did not endear himself to his colleagues when he began his career in New South Wales by trying to block the legislative council from meeting until all its members were present; the legislature first met on August 1824 but one of the five members of the legislative council did not arrive until April 1825. The council met all the same and passed a Validating Act after the arrival of the final member.[28] Among further disputes in which Bannister was

[25] Belmessous, *Assimilation and Empire*, 72; "Report on the Church and School Establishments by Archdeacon Scott", enclosed in Governor Darling to Earl Bathurst, Government House, 22 May 1826, in *HRA* (1919), series I, volume XII, 315. According to Belmessous, Bannister published an *Essay on the Use of Infant Schools* at the Cape of Good Hope in 1828, "[t]heory and practice working hand in hand in Bannister's life".

[26] Archives of New South Wales [henceforward AONSW], Sydney, NRS-13705: Lancelot Threlkeld, "Memoranda selected from Twenty-Four Years of Missionary Engagements in the South Sea Islands and Australia, by Lancelot Edward Threlkeld, Missionary to the Aborigines, New South Wales, 1838", 32.

[27] Darling to Hay, Paramatta, 11 September 1826, *HRA*, series I, vol. XII, 575.

[28] C. H. Currey, "Bannister, Saxe (1790–1877)", *Australian Dictionary of Biography*, *National Centre of Biography*, Australian National University, http://adb.anu.edu.au/biography/bannister-saxe-1738/text1919, published first in hardcopy 1966 (accessed 26 October 2017).

involved, this time sharing humiliation with the administration, was the 1825 affair of the ship *Almorah*. The *Almorah* had been chartered by Brisbane to bring food supplies to the colony but was seized by a rival ship captain, Captain Mitchell, on suspicion of smuggling tea.[29] Mitchell was represented by the wily Wentworth and Wardell, who also gleefully wrote up Bannister's failings in *The Australian*.[30] Among the complicated twists in the story – which saw the ship being taken to Calcutta to find a court competent to try the case, being seized again in Calcutta, being immobilized in India for five years and ultimately returned to her owner with compensation – was the unfortunate spectacle of Bannister attempting to deliver a warrant in a boat and being fired upon from the *Almorah*, which was now occupied by Mitchell's men. *The Australian* published mocking descriptions with a twist of the knife: 'At present we shall say nothing of the attempt to rescue, BY SUMMARY MEANS, seized property out of the hands of a high Commissioned Officer of the King – and a gentleman in every point of view, of great rank and respectability!! This part of the business is of too grave a character to be turned into joke.'[31]

As these jibes about rank and respectability suggest, status and masculine honour were at play in public performances carried out in the law courts and in the press. This was also true of another controversy in which Bannister played an even more central role but in which alliances became murky. The enemies of the magistrate Douglass, including John Macarthur's nephew Hannibal Macarthur and the cleric Samuel Marsden, accused Douglass of torturing prisoners to extract confessions. It emerged, however that all other magistrates on the Parramatta bench, including Marsden and Macarthur, had used torture in the past. Bannister wrote to both men in early September with notice of potential proceedings against them in the Supreme Court. Among the cases in which Bannister accused Marsden of being involved was that of convicts John Downes and Hugh Carroll who were imprisoned on bread and water rations and given twenty-five lashes every two days to try to force them to reveal the location of stolen money.[32] This was, it appeared, relatively

[29] Sir Thomas Brisbane to Earl Bathurst , Government House, New South Wales, 4 March 1825 and enclosures, in *Historical Records of Australia,* series I, vol. XI, "Despatches to and from Sir Thomas Brisbane" (Sydney: Library Committee of the Commonwealth Parliament, 1917), 529–540; "Extract from a Report of the King's Proctor to the Lords Commissioners of His Majesty's Treasury, dated 30 June 1831, on the subject of the Seizure of the Ship Almorah" [ordered by The House of Commons to be printed 18 April 1832], in British Parliamentary Papers, *Accounts and Papers*, 7, *Relating to customs and excise, imports and exports, shipping and trade*, Session 6 December 1831–16 August 1832, vol. XXXIV, 399.

[30] For example, ML, A1440, Wentworth legal letter book, 1825–26 (microfilm CY 900): W. Wentworth to Saxe Bannister, Macquarie Place, 1 March 1825.

[31] "The Almorah", *The Australian*, 3 March 1825.

[32] "(Copy) Court of Magistracy, Parramatta, July 1, 1822", reproduced in *The Australian*, 22 September 1825.

routine practice; convicts were, like enslaved people elsewhere, people of little honour who could be controlled through violence. Both Hannibal Macarthur and Marsden engaged in political performance in the public sphere in order to clear their names, writing indignant statements in *The Australian*, clearly with the support of Wardell and Wentworth.[33] As with the *Almorah* affair, powerful men postured, taking their conflicts into public through the law courts and a distinctly undeferential press.

Brisbane decided explicitly to outlaw torture, but asked Bannister to draw up a bill indemnifying legal officers in New South Wales from having used or authorized torture in the past. This would of course have compelled Bannister to halt proceedings against Marsden and Macarthur. Bannister was deeply troubled and, as ever, imperious. 'I have to submit that the recommendations exceed beyond the objects of the report,' he wrote to Brisbane, 'and to request your Excellency will be pleased to order that document to be sent to me, inasmuch as it is necessary that I should examine it before I can venture to draw this Bill.'[34] Brisbane was furious at this questioning of his authority and that of Forbes. Things only got worse, as Bannister continued obstinately to refuse to draw up a Bill that he considered to be contrary to 'the fundamental Law of England'.[35] As the infuriated Brisbane sent his correspondence with Bannister back to Colonial Secretary Bathurst for adjudication, Bannister in turn threatened to expose the case in Britain and to mobilize his family networks to protect his own reputation and career possibilities:

> The disappointment I have met with in point of income, renders it probable that I may soon leave New South Wales; and as I cannot be a stranger in any part of the world, moderate as my pretensions are, the welfare of many, who somewhat depend on me, is deeply concerned in my good fame. My English friends, therefore, should know exactly what occurred in a matter likely to affect their opinion of my judgment and honour.

Bannister asked to have copies of certain documents in order to send them 'to my brothers in London'.[36] As it happened, however, the Colonial Office was

[33] *The Australian*, 22 September 1825; Hannibal Macarthur, "Petition of Hannibal McArthur, Esq To His Excellency Sir Thomas Brisbane", Vineyard Cottage, 23 September 1825, in *The Australian*, 29 September 1829; Hannibal Macarthur, "Answer of Hannibal McArthur, Esq, to the Letter of the Attorney General […]", *The Australian*, 29 September 1825.

[34] Saxe Bannister to Thomas Brisbane, Sydney, 28 September 1825, encl. in Brisbane to Earl Bathurst, Government House, New South Wales, 11 October 1825, in *HRA*, series I, vol. XI, 881.

[35] Bannister to Brisbane, Sydney, 2 October 1825, encl. in Brisbane to Bathurst, Government House, New South Wales, 11 October 1825, *HRA,* series I, vol. XI, 885.

[36] Bannister to Brisbane, Sydney, 5 October 1825, enclosed in Brisbane to Bathurst, Government House, New South Wales, 11 October 1825, *HRA*, ser. I, vol. XI, 881.

never called upon to adjudicate since Bannister had lost his position by the time despatches had worked their way across the sea.

The struggle over whether magistrates could be retrospectively granted immunity for abuse of power underscores the relative ease with which the bodies of convicts might be subjected to pain: the vulnerability of the only ambiguously free was to be very evident to Bannister in the Cape Colony as well. Bannister was characteristically concerned that legal officers should protect the vulnerable. It was also characteristic that Bannister urgently informed the powerful how to act and was naïve about ramifications and process. His desire to document proceedings and to appeal to a distant imagined virtuous public was also entirely typical.

The Quest for a Legal Form of Terror: Regulating Violence in New South Wales

It was, however, quarrels over conflict with Indigenous communities that, retrospectively at least, most marked Bannister's brief tenure in New South Wales. These conflicts continue to echo to the present day. On two occasions, Bannister urged a governor to declare martial law against Indigenous groups in conflict with settlers in new areas of settlement within what the British had declared to be the boundaries of the colony of New South Wales. The recommendation implied that Indigenous people should be seen as 'belonging' in some sense to the colony and therefore as subject to British law: martial law was used in British legal practice to control a domestic population. In Bannister's mind, martial law was to be more merciful than unfettered settler control of violence. The practice was far less clear.

The first occasion on which Bannister tried to intervene in frontier violence was in 1824, when he advised Governor Brisbane to declare martial law against the Wiradjuri people who were resisting recent colonization in a region the British had renamed Bathurst. The second was in the Hunter Valley in 1826, when Bannister tried to persuade Governor Ralph Darling to declare martial law under similar circumstances. In Bathurst, Brisbane proclaimed martial law with consequences that are still debated today. Darling, however, refused to do so, and this became a further source of conflict between Bannister and the governor. Behind these debates lay the reality of killing, over the mountains, far from the eyes of Sydney.

A small colonial group including Charles Wentworth 'discovered' the fertile lands across the Blue Mountains after which that key mechanism of colonialism, a road, followed in 1814, and then the settlement of Bathurst itself in 1815. Although settlement was initially slow and cautious, it accelerated under the more aggressive Brisbane, who abandoned Macquarie's restrictions on inland settlement and instead fostered colonization by granting settlers large tracts of

land and assigning convict labourers to settlers.[37] By 1823, Wiradjuri resistance turned to violence, led among others by Windradyne, known to the British as 'Saturday'. The atmosphere of fear among the colonists is reflected in letters such as that from a Bathurst overseer to his master in November 1823 reporting that the 'natives' had come to a neighbouring station and 'committed the most inhuman murder on the Bodies of two men, that I ever saw in my life'. They were 'so bent for war' that the men 'dare not go out of sight of the Huts'.[38] The British abandoned a government station at Swallow Creek.

In the spring of 1824, conflict accelerated. On 31 May, five stockmen, John Johnston, William Clark, John Nicholson, Henry Castles and John Crear, asked their overseer for arms and horses to avenge the spearing of a colleague 'that they might go in pursuit of the natives, else they would all be murdered'.[39] Although they initially claimed to have met no one, a couple later changed their story to say that they had been in an affray with a large group of armed men. Shortly afterwards, a crown servant named Henry Trickey had his attention caught by a 'large quantity of crows, eagle hawks, and other birds of prey' circling around a spot, at which he found the putrefying bodies of three Aboriginal women – an old woman and two girls – one of whom had been shot in the head. Saxe Bannister put the five stockmen on trial for manslaughter.

The trial and subsequent events, from Bathurst to Hunter Valley, present a microcosm of colonial contradictions. Bannister struggled to find a language to prevent the killing of Indigenous peoples. His opponents saw such killings as inevitable and reached for different legal language in justification. This trial, like the trial of Nathaniel Lowe three years later for the murder of Jackey Jackey in police custody that we will discuss shortly, witnessed the playing out of legal manoeuvres around the possibility of killing Indigenous people within the supposed confines of British law. It was also part of a wider struggle across the settler empire over the role of British legal officials in restraining violence and tightening the control of elites over settlers and of the imagined 'centre' over frontier regions.[40]

[37] John Connor, *The Australian Frontier Wars, 1788–1838* (Sydney: University of New South Wales Press, 2002), 53–55.

[38] AONSW, Colonial Secretary's Papers, 4/1798 (microfilm reel 6065): Andrew Dunn to G. J. [Palmer?], 22 November 1823.

[39] Testimony of William Lane, "overseer to Mrs Hassall, at O'Connel-plains, in the Bathurst country", in the trial of the five men for manslaughter, R. v. Johnston, Clarke, Nicholson, Castles and Crear (1824), New South Wales Superior Court, *Sydney Gazette*, 12 August 1824; reproduced on Macquarie University, "Decisions of the Superior Courts of New South Wales, 1788–1899", http://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_index/1824/supreme_court/r_v_johnston_and_others/ (accessed 29 November 2017).

[40] Comapre Benton and Ford, "Magistrates in Empire".

A critical issue at stake in the court case was whether white men could be punished for killing Indigenous people at a time of conflict, even if the Indigenous people were non-combatants, as the women were assumed to be. A related question was that of what the legal relationship was between 'British' and 'Aboriginal' people, however those categories were to be defined. In his opening arguments, Bannister argued that 'black' and 'white' were equal under the law; the underlying assumption was that the same law applied to both. According to a report in the *Sydney Gazette*, Bannister stated that 'no difference existed between individuals, whether black or white, but that the same laws, now in force, equally extended to each; and, although it was necessarily admitted that danger had no small influence upon the minds of the prisoners, nevertheless it was to be proved, that the steps resorted to were unjustifiably rigorous'.[41]

In giving evidence, the overseer of Mrs. Hassall's station, William Lane, stated that a 'party of the natives' had visited the neighbourhood in May and killed seven white men. One of the accused, John Nicholson, had been at Bathurst and had seen the bodies piled in a cart. Shortly thereafter, a 'tribe of the natives' attacked Brisbane Valley, a station belonging to James Hassall, 15 miles away from the station on which the accused men worked, and 'plundered the stockmen of all their comforts and provisions'. The disturbances came closer: on 31 May, a stockman on Mrs Hassall's station was speared and chased within a mile of the farm, although Lane did not specify by whom. It was in this context that Lane gave his men horses and guns, 'considering his family and people were in imminent danger'. At the same time, under cross-examination, Lane suggested a more complicated story of interaction; he added that some fifty 'armed natives' had been at his place before the spearing of the stockman and subsequent killings, and that 'their appearance manifested symptoms of hostility, though they conducted themselves quite peaceably, as all their wants were then supplied'. Testimony also suggested that the stockmen knew at least some of the Aboriginal people. One of the witnesses, another stockman named Alexander Grant, testified that he went out with the five accused men but was separated from them. He had come across a 'tribe' and attested that he had called out to 'Joe' and then to 'Simon', but had been rebuffed by abusive words and a shower of spears.[42]

In the prisoners' defence, their solicitor, a man named Rowe, began by arguing that the prisoners did not need to proceed to defence first because the men were being charged in the County of Cumberland and the women had been

[41] R. v. Johnston, Clarke, Nicholson, Castles and Crear (1824), New South Wales Superior Court, *Sydney Gazette*, 12 August 1824; reproduced on Macquarie University, "Decisions of the Superior Courts of New South Wales, 1788–1899", http://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_index/1824/supreme_court/r_v_johnston_and_others/ (accessed 29 November 2017).

[42] *Ibid*.

killed in the County of Westmoreland, but secondly (and more tellingly for the purposes of the current discussion) because killing Aboriginal people was legal under the terms of Governor Macquarie's 1816 Proclamation. This stated, among other things:

> [N]o black native, or body of black natives, shall ever appear at or within one mile of any town, village, or farm, occupied by or belonging to any British subject, armed with any warlike or offensive weapon or weapons of any description, such as spears, clubs, or waddies, on pain of being deemed and considered in a state of aggression and hostility, and treated accordingly.

If a group of armed natives, or an unarmed group of more than six, came to 'any farm belonging to, or occupied by, British subjects in the interior', they were first to be desired 'in a civil manner' to depart. If they refused to leave, or tried to carry out depredations, then they were to be 'driven away by force of arms by the settlers themselves'. If this was insufficient, then settlers might apply to a magistrate for help from the nearest military station, and the troops stationed there were obliged to come and assist.

The case then became about popular understandings of the law. Hassall stated in response to questioning that his impression was that the clause that they are then to be 'driven away by force of arms' meant that 'the settlers might kill the natives, although they themselves were not attacked'.[43] The magistrate William Cox attested that in 1816 parties always went out with a magistrate and the settlers did not attack 'black natives' without a magistrate. After a period of peace, the natives had been more 'troublous' in the last eight months than at any former period. In Cox's view, 'the natives may be called at war with the Europeans; and that, in his opinion, resistance is justifiable'. The implication was that sending out armed men against Aboriginal groups to avenge violence was justified, and thus that there was no distinction between killing people in combat and killing them at other times, including presumed non-combatants such as old women. After a short consultation, the jury returned the verdict of 'not guilty'.

A few days after the acquittal, on 14 August 1824, Brisbane declared martial law, enabling a detachment of mounted soldiers to be sent to the region to control the uprising.[44] Brisbane cast martial law in terms of mercy, and the preamble to the proclamation implicitly referenced the events of the trial: 'whereas the ordinary Powers of the CIVIL MAGISTRATES (although most anxiously exerted) have failed to protect the Lives of HIS MAJESTY'S

[43] *Ibid.*

[44] Connor, *Australian Frontier Wars*, 58; Sir Thomas Brisbane to Earl Bathurst, 3 November 1824 and "Proclamation of Martial Law" (enclosed), *HRA*, series 1, vol. XI, 409–411; Atkinson, *Europeans in Australia*, vol. 2, 155.

Subjects; and every conciliatory Measure has been pursued in vain; and the Slaughter of Black Women and Children, and unoffending White Men, as well as of the lawless Objects of Terror, continue to threaten the before mentioned Districts […]'.[45]

The declaration of martial law in Bathurst has become a symbol of settler violence against Indigenous people in Australia. In historical memory, it unleashed violence on the Wiradjuri, rather than containing the violence of settlers. A commemoration was held in 2017 in Bathurst on the anniversary of the declaration, for example, in which martial law became a symbol for violence against Indigenous peoples more widely.[46] In 2002, the National Museum of Australia mounted a display on the war with the Wiradjuri in the context of an exhibit on Contested Frontiers; it included a description of a massacre at Bell Falls Gorge in the aftermath of the declaration of martial law. The description was based on oral tradition, although this tradition has subsequently been contested. Revisionist historian Keith Windschuttle decried the exhibit and pushed for the director of the museum to be fired. A conference was organized at the museum in response, as the Australian history wars continued to rage around the memory of massacre at Bathurst.[47] There is considerable debate about how many people were killed after the declaration of martial law, in the context of wider, and very politicized, debate about what evidence is admissible in assessing the Australian past and how that past should be remembered.

Whether the killing was worse before or after the declaration of martial law, however, it is clear that settlers killed many Aboriginal people during the war, including women and children. In terms of the larger picture, it may be a red herring whether or not a particular massacre occurred at Bells Falls Gorge before or after the declaration of martial law and what the numbers killed were. As historians have extensively documented, frontier massacres were perpetrated across Australia into the twentieth century.[48] One voice from New South Wales is that of Madge Cowie, née Green, the great-granddaughter of Peggy Lambert of the Dabee clan. In 1965, she recounted her father telling about the killing of women and children in New South Wales in the early years of the nineteenth century:

[45] "Proclamation of Martial Law", enclosed in Thomas Brisbane to Earl Bathurst, 3 November, 1824, *HRA*, series 1, vol. XI, 410–411.

[46] http://www.abc.net.au/news/2017-08-15/scars-of-martial-law-laid-bare-in-bathurst/8804586 (accessed 30 November 2017).

[47] David Andrew Roberts, "The Bell Falls Massacre and Oral Tradition" and Graeme Davison, "Conflict in the Museum", in Bain Attwood and S.G. Foster (eds), *Frontier Conflict: The Australian Experience* Canberra: National Museum of Australia, 2003), 150–157 and 201–214.

[48] "Colonial Frontier Massacres, Australia, 1780–1930", map of massacres: https://c21ch.newcastle.edu.au/colonialmassacres/map.php. This map, which is still being updated at the time of writing, is the product of a team of researchers headed by Lyndall Ryan who have sought to document massacres of Indigenous people in frontier conflict in Australia.

> We were driving to Cudgegong & few miles out of Rylstone, on the right hand side of the road he pointed to a spot and said 'That is where old King Jimmy Lambert last of the Dabee Tribe is buried. If we could look at him, we would find a bullet in his leg which he got when he was in his teens.' The tribe at that time" he said, were camped in the Brymair Valley, near Rylstone, two shepherds had built a hut & yards & were minding a flock of sheep for some of the landholders. They coaxed a young Lubra [Indigenous woman] into the hut & kept her there for days; she escaped to her people & the men went down, killed the shepherds, burnt the hut, & were eating the sheep for some time before a man came down to bring provisions to the shepherds. When he saw what had happened he hurried to tell his master or masters – Enraged at the loss of their men & property, they sent a detachment of soldiers down to punish the natives. The Redcoats caught them unprepared: the blacks ordered their women & children to climb into the trees on the flat & they ran up the mountainside to the cover of rocks and trees. The soldiers knew better than to follow them into somewhere unknown to them & well known to the natives. Young Jimmy was shot in the leg as he ran up the mountain. The soldiers, balked of their revenge, turned back across the flat & shot down every woman & child hiding in the trees. Among them the young lubra, raped by the shepherds.[49]

This oral history reinforces Bannister's argument that attacks on women were a significant source of conflict.

Overall, the key issue for Bannister was that Indigenous peoples should be incorporated under the law in the same way as white settlers, with no legal distinction. Essentially, Bannister wanted the state to have the monopoly on violence, in part as a defence against the murderous actions of settlers. He also, however, supported the creation of so-called native police or black trackers, another form of violence.[50] Bannister argued that martial law was appropriate because the Indigenous people involved were known to the settlers and because Aborigines already fell within the mandate of British law. When he arrived in 1824, he stated in 1827, he found 'parties in open disturbance with us, who had been living in much familiarity with the white people, and in the midst of the settlements over the Blue Mountains; one or more previously holding a sort of constable's post under the Crown, and all interchanging more or less of good offices with the

[49] This account was posted by Greg Green on a webpage maintained by Mikel Cowie on the site "Mudgee History": http://www.mudgeehistory.com.au/wiradjuri/wiradjuri_p39.html (accessed 2 December 2017), almost certainly drawn from Australian Institute of Aboriginal and Torres Strait Islander Studies, PMS 4268: Madge Green papers (1985–2010).

[50] I make this argument about the violence of humanitarian responses to colonial violence (such as the creation of Indigenous militia and police forces) more extensively in Elbourne, "Violence, Moral Imperialism and Colonial Borderlands: Some Contradictions of Humanitarianism", *Journal of Colonialism and Colonial History*, 17(1), Spring 2016.

settlers'.[51] It was merciful even to the 'justly discontented' to 'put down *violence* by an overwhelming lawful force'. It was essential above all to ensure that the law stretched its civilizing wings across the entire colony and included Indigenous people in its ambit: '[m]y great principle was to carry the law into effect wherever, and in whatever way these people came into contact with us'.[52]

In 1826, Indigenous groups contested the British invasion of the Hunter Valley region to the north of Sydney and of the county of Argyle, to the south-west. As Kelly K. Chaves argues, sexual violence was again a key trigger of armed confrontation between men. For example, the Sydney press reported in May of that year that a force of 1,000 Aboriginal men had assembled in the Argyle district to retaliate against stockmen who were abducting and raping women.[53] Disagreements over land and animals were clearly also at the heart of struggles.

Incidents escalated in the Hunter Valley region in particular. According to local magistrates, the first incidents involved the theft of food and clothes, including thefts from farms and from travellers, but escalated to physical attacks. Several white men were killed over the course of the summer, including the 'Watchman' at Dr Bowman's farm, who was 'murdered in his hut about 3 o'clock of the day, while the other men were absent with their flocks'.[54] In early September, wealthy landholders (who did not for the most part live on their own lands) reported that assailants had 'burnt all the grass on the several Farms, killed some Men, have speared several Cattle, and threatened to destroy the Wheat of the ensuing Harvest'.[55]

In response to escalating conflict, Darling dispatched (and later reinforced) a small force of mounted police to the region in June, under the military leadership of Lieutenant Nathaniel Lowe of the 40th regiment. Lowe unleashed what John Conor terms a 'campaign of terror in the upper Hunter', although it is unclear to what extent the police were solely responsible for violence.[56] Bannister began to receive reports of police brutality from Lancelot Threlkeld of the LMS, who in early 1826 was living in Newcastle awaiting the completion of his new mission station at Reid's Mistake on Lake Macquarie.

The transmission of information to Bannister via Threlkeld very probably came from the efforts of Indigenous people to use such fragile links as existed

[51] Bannister, *Statements and documents relating to proceedings in New South Wales*, 57 and 122; quotation 122.

[52] *Ibid.*, 123.

[53] Kelly K. Chaves, "'A Solemn Judicial Farce, the Mere Mockery of a Trial': The Acquittal of Lieutenant Lowe, 1827", *Aboriginal History*, 31, 2007, 126–128; *The Sydney Gazette and New South Wales Advertiser*, 10 May 1826; *The Australian*, 6 May 1826.

[54] Scott and Macleod to McLeay [also known as Macleay], 3 October 1826: Enclosure No. 1 in Darling to Bathurst, Government House, 6 October 1826, *HRA*, ser. 1, vol. XII, 611.

[55] Landholders to Darling, 4 September 1826, in *HRA*, ser. 1. Vol. XII, 576, cited by Chaves, "A Solemn Judicial Farce", 128.

[56] Connor, *Australian Frontier Wars*, 59; Chaves, '"A Solemn Judicial Farce"', 129–130.

between the colonial administration and themselves through the use of intermediaries. Although Threlkeld's mission was far from successful, he was one of the few people on the frontier who were, at least to some limited extent, in touch with both settler and Indigenous. From the outset, he spent much of his time trying to learn the Awabakal language. Most importantly, Threlkeld had already begun to work closely with Biraban (called M'Gill by whites), an Awabakal man who was Threlkeld's language tutor and close collaborator in biblical translation (Figure 5.1). Threlkeld later described Biraban as 'my almost daily companion for many years', and stated that he was 'principally indebted' to Biraban's 'intelligence' for 'much of my knowledge respecting the structure of the language'. The two would continue to collaborate until Biraban's death in 1846.[57] Biraban had been raised in the Sydney Barracks, suggesting that he was captured by the British as a child, although he later returned to his community and underwent initiation in his mid-twenties. He spoke fluent English. Anne Keary argues convincingly that Biraban's relationship with Threlkeld enabled him to work as a conduit of information to the British. What Threlkeld learned from Biraban and other contacts and in turn passed on to Bannister was deeply disturbing. The police and other settlers were carrying out summary executions of Indigenous men, which some believed had been both sanctioned and encouraged by Governor Darling.

Police brutality fitted with a prior pattern of violence. On 12 December 1825, Threlkeld had intervened to stop a white man from beating an Awabakal man who was refusing to allow the Englishman to take away his ten-year-old daughter who had 'hid herself in the water from his violence'. On July 18, 1826, Threlkeld, who had a previous career as an actor, pressed a 'tooth pick' against a white man who had knocked an Awabakal woman to the ground, tricking him into thinking it was a gun. The interaction was clearly confused and violent; the assailant had also rushed an Awabakal group with a spear before Threlkeld was able to raise constables to arrest him. Later, in court, his defence was that he had 'found a bottle of rum, that he went to the black camp and drank with them, and that it overcame him'.[58] This example illustrates both the quotidian sexual violence of white men against Indigenous women and the drinking relationships that might exist in the 'black camp': black space was a place in which white men carried out violence within the context of intimate knowledge.[59]

[57] Lancelot Threlkeld, "Reminiscences of Biraban", in *A Key to the Structure of the Aboriginal Language* (Sydney: Kemp and Fairfax, 1850), 5.

[58] AONSW, NRS-13705: Threlkeld, "Memoranda", 41–42. On Threlkeld's earlier career with the Royal Circus and Royalty Theatre, Marjorie Raven, "Rev Lancelot Edward Threlkeld" (unpublished MS, 1992), https://downloads.newcastle.edu.au/library/cultural%20collections/pdf/raven-threlkeld1992.pdf (accessed 5 December 2017).

[59] Compare Penny Edmonds, "The Intimate, Urbanizing Frontier: Native Camps and Settler Colonialism's Violent Array of Spaces around Early Melbourne", in Penny Edmonds and Tracey Banivanua Mar, *Making Settler Colonial Space: Perspectives on Race, Place and Identity* (Basingstoke and New York: Palgrave Macmillan, 2010), 129–154.

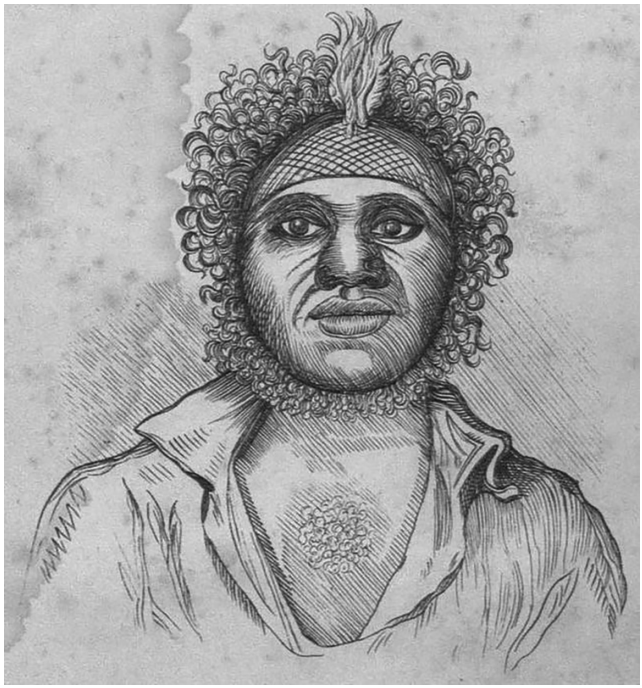


Figure 5.1 Portrait of Biraban: cropped from frontispiece Lancelot Threlkeld, *A Key to the Structure of the Aboriginal Language* (Sydney: Kemp and Fairfax, 1850)

This violence occasioned conflict and conditioned white responses. On 24 July 1826, Biraban told Threlkeld that a black man who was supposed to have murdered a white man had been shot by soldiers without trial. Threlkeld wrote to Bannister that he had sent a man to ascertain the truth of the report and that the man had been told by an eyewitness that 'the Black who is supposed to have committed the murder was taken at or near Mr. Bowman's farm and brought down at night to the new jail at Wallis' plains a distance of 40 miles'. The next morning he was brought out and tied to a tree. The commanding officer ordered the men to shoot him. 'One fired at him, the ball hit him on the back of the neck, the black turned around his head and looked at him, the next fired, and the bullet cut along the jaw, and broke the bone; the black turning his head round again another soldier stepped up and blew his head to pieces.'[60]

[60] L.E. Threlkeld to Saxe Bannister, Newcastle, 25 July 1826, reproduced in AONSW, NRS 13705: Threlkeld, "Memoranda", 43.

On 5 August, Threlkeld again wrote to Saxe Bannister to say that a 'Black' had come to him the day before to say that 'many blacks were coming from the mountains to burn all the houses of the Whites' because of a Black man being held prisoner in Newcastle; Biraban played intermediary and helped Threlkeld understand that 'the blacks suppose he is to be shot as the other one was'. One man implored Threlkeld to tell the governor. Threlkeld decided to contact Bannister instead and to plead with him to ensure rapid release or rapid and regular procedures to determine guilt and punishment.[61] On 16 August, Threlkeld added a postscript that three other natives had been shot by the same authority as the first, and that people were saying it was either because of a letter from a judge or because (according to one person) of a private understanding with Governor Darling. On the same day, three men of the 'Horse police' called at Threlkeld's house with two Black prisoners fastened with rope around their necks and handcuffed together. They had shot another man as he tried to escape; 'he bit the rope in two, and as he descended the bank of a river the Soldier shot him through the head'. Threlkeld had also been to the jail where an Aboriginal prisoner told him 'in his own language' that he had been beaten and almost killed by the white prisoners. On inquiry, he attested that six men had beaten him on the head with a brick bat: 'He shewed us how they tied him up to a rail by the throat and had nearly strangled him.'

On 21 August, Threlkeld visited the hospital with 'Surgeon Brooks' to visit a man who had been 'speared by the natives when he was at work' chopping wood. The next day, soldiers went looking for revenge. They took an Aboriginal man captive and brought him to the hut, where the man who had been speared recognized him as one of the group that had attacked him but not the one who threw the spear. The soldiers then 'tied him to a tree and fired twice at him, which put a period to his existence … The Black is left hanging on the tree.'[62] By 4 September, Threlkeld was writing to Bannister that the 'Blacks' were in their turn seeking revenge and had killed a man, the settlers were in arms and the police were out hunting. 'The people despise the Blacks, and that will be their ruin, they are a formidable enemy. – The base, wicked, malicious report spread by a malignant being that I will not name; that it is the Governor's private wish to shoot the blacks, has been the cause of all this bloodshed.'[63] Threlkeld desperately recommended that 'a force should go overland to strike a terror by appearance only, and convince the settlers that they will be protected', in order to persuade settlers to end their violence. The prisoner called Billy should be

[61] L.E. Threlkeld to Saxe Bannister, Newcastle, 5 August 1826, reproduced in AONSW, NRS-13705: Threlkeld, "Memoranda", 43–44.

[62] AONSW, NRS-13705: Threlkeld, "Memoranda", 46.

[63] AONSW, NRS-13705: Threlkeld, "Memoranda", 47–48.

liberated on condition of becoming a messenger to the people. 'I am much very much grieved for both parties.'[64]

It was with this information ringing in his ears that Bannister redoubled the call for martial law that he had already made to Darling in June 1826, in order to enable the dispatch of a force from outside the district, coupled with removing arms from settlers. He also tried to launch an investigation into the shooting of men in police custody. A critical question for Bannister must have been: how far up the chain of command did the impetus for summary executions of prisoners come from? Were the mounted police rogue agents or were they acting with the tacit approval, or even encouragement, of their superiors? Did Darling know?

Someone tried to go after the magistrate Robert Scott. We know this from papers in the New South Wales state archives in the notebooks of Judge William Burton relating to the murder of Jackey Jackey in police custody. It is not clear to me who originally collected these papers. Burton would, however, try a crucial case in 1836 relating to Indigenous sovereignty and British legal jurisdiction over Indigenous peoples, and he appears to have used evidence from past conflict to inform his thinking. In an undated note, Robert Scott wrote to Colonial Secretary Alexander Macleay that he had 'just learnt that an investigation into my conduct on a late occasion in pursuit of some of the aborigines is ordered'.[65] On 17 May 1826, clearly before any such investigation, Scott wrote to Macleay enclosing a deposition by William Wall, a convict labourer. He complained that instances of robbery and violence committed by the Aborigines on the road between Dr Bowman's farm and the upper Hunter River had been 'repeated' and 'altogether with impunity'. He commented: 'The dislike, indeed absolute unwillingness of people to go after them principally arises from the high responsibility attached to any violence committed on them – But I am a man so deeply interested in this topic, that I cannot by any means be an unprejudiced writer.'

The archives contain both an original and a copied version of the note. In the original version, which has emendations and looks like a draft, the letter ends 'I shall therefore refrain altogether from remark, & throw the community as well as myself upon the energetic protection and wisdom of the Government'; the final words '& throw the community […] the Government' are crossed out in the original and missing from the clean copy. A possible reading of the original wording is that the magistrate Scott was asking the government for forces that would be less unwilling to 'go after' Aborigines.

[64] Threlkeld to Bannister, Newcastle, 4 September 1826 in AONSW, NRS-13705: Threlkeld, "Memoranda", 46–48.

[65] AONSW, Supreme Court: Miscellaneous Correspondence relating to Aborigines, 5/1161: 24/11: F. Scott to A. McLeay, n.d. [marked at the bottom "this must have been in 1826 – after the murder of Capt. Lethbridge's man"].

By late July, Bannister was nosing around. On 26 August, William Dunn, coroner and a settler at Paterson's Plains, replied to a query from the colonial secretary to attest that he had received a letter from Bannister dated 29 July about 'the black native that was shot'. He enclosed a copy of Bannister's letter, which read:

> It is reported that a black native has been killed and buried recently near the Govt [Government] House Wallis Plains, or between Wallis Plains and Dr. Bowman's farm, under peculiar circumstances. I believe you are aware that no distinction exists in reference to Inquests between the black & white people, I beg the favour therefore of having the evidence and [---?] of the Inq [Inquest] at your earliest convenience.

Dunn reported that this was, however, the first he had heard of the incident. Furthermore, he had not actually received the letter until 20 August, which was too late for an inquest. There is a copy in the archive of a letter from Scott to Dunn stating:

> In reply to your communication of Saturday date enclosing the copy of a letter from H.M.[66] Attorney General respecting the death of one of the Aborigines, I beg to state that I think the Atty Genl refers to a native who was brought down from Mr. Littles farm by a Constable to Wallis Plains & shot & buried there – This native is one of those known to have been concerned in some of the outrages committed in the upper parts of the river.

For what it is worth, what looks like an original date of 13 August on Scott's letter has possibly been changed by overwriting the 3 as 19, although it is difficult to be sure.[67]

Be this as it may, someone clearly thought the body would be incriminating. When, in May of the following year, the government finally launched an investigation into the death of Jackey Jackey, the men at Wallis Plains tried to hide the body. William Constantine, a convict who was working as a messenger at Wallis Plains, would testify at the trial of Nathaniel Lowe, commander of the Mounted Police, for murder, that he had helped to dig a grave for Jackey Jackey who had been shot some 200 yards from Government House. The body was lying between two saplings, wearing a red shirt, and the face and body were bruised.

> He was put into the grave by Newton and one McKoy. Some time after this a man of the names of Jones, who was in the hut with me, told me there was to be an enquiry and begged me to say nothing about it. I told him

[66] In the original, "the" is crossed out and replaced by "H.M.".

[67] An original date of Sunday 13 August would be consonant with Scott's comment that he had received Dunn's communication of "Saturday's date": a letter of 13 August would have been an immediate reply, whereas a reply of Saturday 19 August would have been delayed by a week.

> I would not unless I was put upon my oath. Some time after this Jones and another man disinterred the body of the black fellow, and put it into a bag, with which they walked away. This was done in the night time; the body was taken towards a creek. I do not know who it was that asked them to take up the body. They asked me to help them while I was there; but I felt myself sick from the decomposed state of the body and stood at a distance from the grave.[68]

The trial would return to the fact that Jackey Jackey had been shot in the face. There was perhaps something symbolically compelling about the fact that he had been killed outside the seat of government while looking at his killers, rather than shot in some more formal and more decorous style after some legal proceeding, eyes covered and the hangman occupying some official capacity, in some more distant place.

Back in August, before all this became public knowledge and the police were forced to defend themselves, Scott wrote again to Dunn: 'You state that a black native has been killed under "peculiar circumstances". If you will explain what the peculiar circumstances were, you will enable me to make the necessary enquiries.'[69]

In his subsequent effort to vindicate his actions in New South Wales in a privately published book, Bannister reproduced a letter he wrote to Governor Darling. On 29 August, Bannister wrote:

> The proceedings at Hunter's River in regard to the killing the black natives by the military, are said to be of a nature of late, to convince me that your Excellency cannot be aware of them. If the common statements be true, that a military party has taken on itself to put men to death in cold blood, and that the Magistrates do not at all interfere, I am sure that the example is most dangerous.

The letter is interesting for several reasons. One is the veiled imputation that Darling was either ill-informed or complicit. Another issue is timing. In a letter dated 28 August, a copy of which was in the papers of the Colonial Secretary's Office, Colonial Secretary Alexander Macleay instructed the Commandant of Newcastle, Captain Allman, to join with the magistrates Close, Webber and Scott to further investigate the deaths of three men shot in custody, following the receipt of Allman's report that three 'Native Blacks' had been shot by the Mounted Police under the command of Nathaniel Lowe; the investigation was to take place in Lowe's presence.[70] This suggests that the governor was aware of

[68] http://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_index/1827/r_v_lowe/ (accessed 8 December 2017).

[69] AONSW, Supreme Court: Miscellaneous Correspondence relating to Aborigines, 5/1161: 24/11: 24/14A. copy of Robert Scott to "W. Dun Esq Coroner", 25 August 1826. There is another version with slightly different wording crossed out.

[70] AONSW, Supreme Court: Miscellaneous Correspondence relating to Aborigines, 5/1161: 24/11: 24/15: Alexander Macleay to Captain Allman, 28 August 1826.

and concerned about the killings before Bannister's intervention, in which case he doubtless saw Bannister's intervention as insulting – or just possibly that the date of Macleay's letter was changed when it was copied.

Whatever the case, it is striking that Bannister seemingly accepted the common argument that some terror was necessary to stop further resistance – an argument often accompanied by the corollary that terror was merciful in the long run. 'If it be necessary to strike terror into offending natives,' Bannister opined, 'it should be done in a legal way.'[71] The comment encapsulates the contradictions of Bannister's appeal to the rule of law, and indeed of colonial humanitarianism more broadly: in what sense could the creation of 'terror' be 'legal'? Conversely, if terror was 'necessary', how could colonialism exist without the violence humanitarians purported to abjure?

In the meantime, Wardell through the pages of *The Australian*, of which he had been sole editor since March, backed a policy of indiscriminate retaliation, based on local force. On 9 September, the paper argued for 'vigorous and rigorous' responses, echoing the common theme that terror was in the end humane:

> There appears to be a dangerous spirit of molestation gaining ground among the Native Blacks, and we apprehend that vigorous and rigorous movements will prove the most humane and most effective. They are now spearing men and cattle and sheep and plundering huts and houses and farms. Treat them as an open enemy, and let them have enough of red-coat and bullet fare [...] Make them atone for the murders they commit. For every man they murder, hunt them down and drop 10 of them.[72]

Wardell commented that it seemed the 'natives' believed Lowe had been recalled for being too 'severe with them', and that it was contrary to the wishes of government that they be 'punished by way of reprisal'. 'We shall never depart from our opinion, that the system of terror is the only one to be adopted towards them.'[73] The paper would also argue, some weeks later, for the right of police to kill bushrangers without legal procedures. 'Let the soldiers and the constables pop at them whenever any thing of a justifiable pretence might offer itself […] a reward should be offered for a bag of their heads (leave their bodies behind), as a farmer would offer a reward for a number of fox brushes, or a heap of native dogs' noses'!'[74]

[71] Saxe Bannister to Ralph Darling, Sydney, 29 August 1826, reproduced in Bannister, *Statements and Documents Relating to Proceedings in New South Wales*, 130; copy in Archives of the Western Cape, CO 3941, Memorials received, no. 49, 477.

[72] *The Australian*, 8 August 1826.

[73] *Ibid*.

[74] *The Australian*, 30 September 1826. Robert Howe, editor of the *Sydney Gazette*, attacked this editorial on October 7: "Such language as that which we have quoted, coming as it does from the lips of a lawyer too, makes us shudder with horror and disgust."

By 6 September 1826, Macleay was writing to Scott to inform him that the inquiry to be held into the 'circumstances attending the killing of three native blacks by the Mounted Police' would be moved to his house, and that Allman and Lowe were to be in attendance. Local officials were thus charged to investigate local practices. The magistrates interviewed members of the Mounted Police on 13 September. Perhaps not surprisingly, however, the case was not, in the end, pursued very far.

In a lengthy report to the Colonial Office on 6 October, Darling enclosed a summary of events written by the local magistrates on Darling's request. The magistrates' report framed the Hunter Valley conflict in terms of Indigenous aggression, without reference to land loss, rape or other violence carried out by stockmen. In the context of a larger narrative about atrocities, including murder, carried out by Indigenous assailants, supposedly countered by efforts by whites to respond without unnecessary deaths, the report tersely noted that the party of Mounted Police was reinforced 'and succeeded in taking one of the Natives, who murdered Dr. Bowman's Watchman, who was shot. Shortly after, several more Natives were taken by the Police, three of whom were shot, as stated in a report to His Excellency by three Magistrates of Hunter's River.'[75] In his accompanying letter, Darling noted that proceedings at Hunter's River had been communicated to the Executive Council and an enquiry directed into the circumstances 'of a Native having been shot, when in custody'.[76]

Rather confusingly, in an accompanying unnumbered dispatch marked 'separate' but sent with the same package (which also included extensive reports on Indigenous attacks on a farm), Darling did send Bathurst the depositions taken by the magistrates on 13 September, with the comment that he had asked the magistrates to investigate the death of a 'native' shot in custody and had received this report in response. As a result, the Executive Council was initiating a separate inquiry into the circumstances of the death of the single native shot in custody: 'There can be no doubt of the criminality of the Natives, who have been concerned in the recent outrages; but though prompt measures in dealing with such people may be the most efficacious, still it is impossible to subscribe to the massacre of prisoners in cold blood as a measure of justifiable policy.'[77] The dispatch included depositions but no summary report from the magistrates, beyond the terse mention noted here in the longer document drafted by the Hunter Valley magistrates.

The depositions revealed disturbing details, such as the fact that the body of a dead man was hung up 'as a terror to the other Blacks'. The soldiers interviewed all concurred, however, that the men had all been shot while trying to

[75] Scott and Macleod to Colonial Secretary McLeay [Macleay], Sydney, 3 October 1826, enclosed in Darling to Bathurst, Government House, 6 October 1826, *HRA*, ser. 1, vol. XII, 611.

[76] Darling to Bathurst, Government House, 6 October 1826, *HRA*, ser. 1, vol. XII, 608–10.

[77] *Ibid.*, 623.

escape. Lowe attested that he was following existing practice with regard to transporting convicts in ordering his men to shoot anyone trying to escape custody: 'If these soldiers had permitted the Blacks, the subject of the present enquiry, to escape, Examinant would have felt it his duty to have brought them to trial.' He considered that the soldiers 'had only done their duty'. Sergeant Lewis Moore and privates George Castles, John Lee and James Fielding all swore that the prisoners had been shot while trying to escape, and that their party of mounted police had had nothing to do with hanging up a dead body.[78] The upshot was that it was to be only the shooting in custody of Jackey Jackey that was to become the focus of a more extended official investigation. This reduced all incidents to one, and took up the one that was in fact the most likely to be seen as acceptable from a colonial point of view, since it could be framed as the punishment of a murderer, albeit without the usual preliminaries. It also of course assumed that the incidents that had come to light were all that had happened.

In this bulky package, Darling further reported that Saxe Bannister, 'though extremely sensitive on the subject of the Natives', had repeatedly urged Darling to declare martial law. Darling commented, in words that have been much quoted by Australian historians, that the idea 'appeared too extravagant to be entertained for a moment. Martial Law could not be necessary to put down a few naked Savages; nor am I aware, if mercy to these people be his object, that the means which he proposed would have insured the end he had in view.'[79] On 9 October, the governor ordered the local magistrates Scott, Allman, Close, Webber and Macleod to 'make particular enquiry and take depositions respecting the circumstances of the death of a Black Native who is reported to have been taken by the Mounted Police and shot, soon after the murder of Dr. Bowman's Servant'. This was, the colonial secretary commented, to be understood as a separate case from that of the 'three natives respectively whose deaths the Magistrates have already reported'.[80]

Exit Saxe Bannister

Bannister was in no position to try to indict the government or to fight against the headwinds of frontier policy. The same ship that bore Darling's official report also carried a private letter to Colonial Undersecretary Hay. Darling wrote that Bannister was worse than useless: his legal work constantly had to be redone and he interfered in issues beyond his sphere of authority. Darling

[78] Enclosure No. 3: [A] Depositions at the Inquiry and [B] Examinations at Inquiry, enclosed in Darling to Bathurst, Government House, 6 October 1826, *HRA*, ser. 1, vol. XII, 625–628.

[79] Darling to Bathurst, Government House, 6 October 1826, *HRA*, ser. 1, vol. XII, 609.

[80] AONSW, Supreme Court: Miscellaneous Correspondence relating to Aborigines, 5/1161: 24/18, 72: Alexander Macleay to Robert Scott, Colonial Secretary's Office, 9 October 1826.

further reported that Brisbane had left a confidential letter for Darling in which he said that he had 'much pity' for Bannister 'as he had an illness, when staying with me at Paramatta, and was confined for more than a Month, during great part of which his mind was most completely under delusion'.[81] Bannister was, in sum, on the verge of madness. As proof, Darling enclosed a copy of a letter from Bannister in which he offered to ride out to a frontier district in conflict in order to take 'the field in Person'. Here, perhaps, Bannister saw himself as personally embodying the central power that he thought would end frontier violence; Darling read this as both a military gesture and the act of a mind 'suffering at the moment from some recent excitement'.[82] This might perhaps be seen as an apt comment on Bannister's proposal of martial law: what Bannister thought was an attempt at creating peace and order was seen as an instrument of war, both by colonists at the time and in popular memory today. Furthermore, Darling identified Bannister with John Macarthur and his exclusivist political faction, with whom Darling was bitterly feuding.

Bannister's criticisms of Darling's conduct of frontier policy thus came against a prior background of furious disagreement. Whatever the timing of Darling's decision to investigate the killing of Jackey Jackey, within three days of Bannister's letter of 29 August about the murder, Darling was writing privately to Hay on 2 September that Bannister was unfit for his position and ought to be removed: 'It is impossible that I can Continue to hold Communications with an officer of the Government, who, under the cloak of what he "believes" to be the opinion of the Public, introduces in his Correspondence the most offensive and indecorous observations.'[83] Bannister had more than once written to London threatening to resign should his salary not be increased; could not this fortuitous offer be accepted?[84]

In the formal despatch to Bathurst that accompanied this private letter of complaint, Darling protested that Bannister's 'perseverance in obtruding offensive observations has constrained me to interdict any further correspondence between us, except on subjects which are strictly official'. Darling's example was the prosecution of newspaper editors: Bannister had resisted Darling's demand to prosecute Robert Howe, the editor of the *Sydney Monitor*, for libel, while simultaneously trying to persuade him to sue instead the editors of *The Australian*, as if attacks on private persons were the same thing as sedition against the government. Not only that, but Bannister tried to impose visionary schemes in a manner that far exceeded his authority. Darling was convinced that Bannister's efforts to sue the editors of *The Australian* were a product of

[81] Governor Darling to Under Secretary Hay, Paramatta, 25 July 1826, *HRA*, series 1, vol. XII, 445.
[82] *Ibid.*, 445–446.
[83] *Ibid.*, 522–524; quotation, 522.
[84] *Ibid.*, 521.

personal animus and party politics. He claimed that Bannister had at first lived on terms of 'unusual intimacy' with Wardell and Wentworth, even sharing a clerk, when the paper was attacking the government, and that things had only fallen apart after the men had quarrelled.[85]

Darling enclosed another example of Bannister's madness, a letter of 29 June 1826, which was again an offer to go out to the frontier in person. Bannister was concerned about eighteen well-armed bushrangers (escaped convicts) who were threatening Bathurst. The 'Black People' were said to be supportive of the bushrangers, and yet they knew Bannister well. Bannister felt that his presence would give the local magistrates the sanction to act 'in the vigorous manner necessary for such an occasion'. Bannister included military suggestions: that a mounted party be sent out, since the best horses were taken at Bathurst; that the 'young men' be invited to go over the mountains to fight; that ten armed soldiers be sent as well; that a party of Black trackers be sent to accompany them from this side of the mountain; that the soldiers at Springwood be strengthened; that another party be sent to Argyle. 'An advantage in placing a party there, or nearer Lake George, will be to check the distant natives, whom several well-informed persons have told me to be threatening violence in that direction.' Bannister proposed all this as part of his duty as attorney general: 'The views, which I have always entertained of the duties of my Commission, have convinced me that, where the public peace is threatened, I cannot be out of place.' There was also, surely, a whiff of military nostalgia in Bannister's proposals. All his life he saw himself as a military man, from a military family, exemplifying military virtues and an honourable martial masculinity, despite the perception of others that he was weak and indeed unmanly. For Darling, the 'completely visionary' proposal provided ample proof of Bannister's unfitness for office: 'The infirmity, under which it appears to have been written, affords ample proof that the Author cannot discharge, with advantage to the Service, the duties of Attorney General.'[86] Darling made no reference to Bannister's efforts to investigate the mounted police for murder.

It had hardly been wise of Bannister in this charged environment to complain constantly that he was ill-paid and ill-treated. Bannister had been complaining since he arrived in New South Wales that his salary was insufficient, and that he had not been able to supplement it through private legal practice, as he had assumed would be possible. He was paid £400 but had expected £800. He also had to rent his own house, incurring considerable expense. All this mattered, it seems fair to assume, because the Bannister family fortunes

[85] Ralph Darling, "Remarks on Mr. Bannister's Letter, dated 19th August, 1826", annexed to enclosure no. 1 in Darling to Bathurst, Government House, 4 September 1826, with enclosures, *HRA*, ser. 1, vol. XII, 531–532.

[86] Darling to Bathurst, Government House, 4 September 1826, with enclosures, *HRA*, ser. 1, vol. XII, 528–535; the letter of Bannister's referred to is Enclosure No. 5, Bannister to Darling, Woolamoola, 29 June 1826, 534–535.

were nearing collapse. He rashly threatened to resign should his salary not be significantly increased.

Darling's complaints about Bannister in July and September 1826 were in fact unnecessary. Correspondence between London and New South Wales, at opposite ends of the world, travelled at the pace of the sailing ship, taking three to four months for each leg. Accordingly, Bannister had already been recalled by the Colonial Office in April 1826. The excuse was that he had threatened to resign should his salary not be increased.[87] The news did not, however, reach New South Wales until mid-September. Colonial Undersecretary Hay answered Darling's letter of July 1826 in December 1826, with the statement that Darling must by now be aware that Bannister had already been suspended and his successor appointed. Hay's remarks on what exactly was wrong with Bannister are revealing, suggesting particular norms of hierarchy and gentility that Bannister clearly violated:

> Had he been a man of ability & judgment, & had he couched in a becoming & less official form the advice which he thought fit to tender to the Governor, I conclude that you would have received the communication with indulgence, & given him credit for interfering through a conscientious though perhaps a mistaken view of his duty – but Mr. Bannister is evidently a very wrong headed man, & totally unfitted for the very responsible & important situation which he recently filled.[88]

Bannister's humiliation was total. Darling immediately appointed a temporary successor, the government solicitor William Henry More, to fill Bannister's position until his replacement arrived.[89] *The Australian* exulted and published a long editorial celebrating Bannister's departure, and with it the defeat of his party. He was, the paper editorialized, 'without energy, without activity, without tact, without the acuteness of a lawyer'.[90] The newspaper accused Bannister among other things of supporting utopian schemes, in a clear reference to his call to disarm settlers:

> They may accord with the first principles of Christianity, but they may at the same time endanger the lives of hundreds of persons. He would preach to the Blacks, while the Blacks are destroying our property – he would reason with them while their spears are uplifted, and while inflamed with the spirit of revenge, they are bent on our destruction.[91]

[87] Bannister to Darling, Sydney, 15 September 1826, Enclosure no. 1 in Darling to Bathurst, Government House, 27 October 1826, *HRA*, ser. 1, vol. XII, 662.

[88] TNA, CO 324/85: R.W. Hay to Ralph Darling, Downing Street, 26 December 1826.

[89] "Government Orders", *The Australian*, 14 October 1826, 2.

[90] *The Australian*, 18 October 1826. The sentence continued: "Serious and sedate – without muscular or mental motion – he presents to our senses the very antitype of a philosopher who is dreaming over some favourite theory, or of the veritable Dominie Sampson, oppressed with the ponderous and accumulating load of undigested folios and quartos."

[91] *The Australian*, 18 October 1826.

In the meantime, Robert Howe, editor of the *Sydney Gazette* and generally a supporter of the government, published a far more cautious article arguing that the attorney general ought to be above political party and regretting that Bannister had been ensnared, even if inadvertently, in the coils of political dispute and opposition to the government.[92] Bannister immediately unleashed his pent-up fury against the press and unexpectedly sued Howe rather than Wardell for libel.[93] He acted on his own behalf in court and gave a several-hour speech. Wentworth defended Howe. When the jury ruled for Howe, Wardell issued a brutal commentary in *The Australian* on the 'wide-spreading harangue and wandering, mad invectives' Bannister had delivered from ten to four o'clock:

> For six hours he boiled and bubbled, and denounced the press and all its devils […] Now resembling an overdriven Ox, staring at a corner of a street, and wondering into what china shop he should next make a forcible ingress, or which unfortunate barrow-woman he should capsize in his progress; and now running full butt at some *extravaganza* or other – then whining pitifully, like a lamb coaxing and wheeling his auditors; starting again into a fit of phrensy, as the thought of faction banks, and bankrupt banks, and fees from both and torture bills flitted across his brain.[94]

On the following day, on Saturday afternoon, Wardell and Bannister fought a duel at Pyrmont.[95] This was, of course, illegal, and thus hardly an appropriate final act for a colonial attorney general. Duels were still, however, tacitly sanctioned among elite men and were seen as affairs of masculine honour. The seconds were, according to the *Sydney Gazette*, a 'brother Barrister' (presumably Wentworth) and 'a gallant Captain of Infantry'. The men fired twice at each other. In the words of the *Gazette*, 'shots were twice exchanged, which perforated the dress of each antagonist. At this crisis the seconds interposed – and without the smallest explanation on either side, the disputants retired from the field, leaving the transaction

[92] "Australasian Politics", *The Sydney Gazette and New South Wales Monitor*, 14 October 1826.

[93] "Australasian Politics", *The Sydney Gazette and New South Wales Monitor*, 18 October 1826. In 1827, Bannister claimed that '[o]f three Newspapers published in Sydney, two have attacked me; one is my defender: and of the two assailants, one professes the most unbounded respect for me'. Bannister, *Statements and Documents relating to Proceedings in New South Wales*, 5.

[94] "The Supreme Court", *The Australian*, 21 October 1826. Robert Howe more mildly wrote that 'The late Attorney-General, whether a good orator or not, demonstrated he was a long speaker, for he kept the Court listening to a very ingenious and impassioned address for five whole hours.' "Supreme Criminal Court", *The Sydney Gazette and New South Wales Monitor*, 21 October 1826. See also *R. v. Howe*, 20 October 1826, in "Decisions of the Supreme Court of New South Wales, 1788–1899", Division of Law, Macquarie University, http://www.law.mq.edu.au/scnsw/html/r_v_howe__1826.htm.

[95] Currey, "Bannister, Saxe", *Australian Dictionary of Biography*, 1, 55–56.

where it stood before the meeting occurred, without those serious consequences which might have been anticipated in such a case.'[96] The humiliated Bannister sailed from New South Wales the following day.

Paradoxically, perhaps, Bannister made a last effort to ally himself more firmly with the Macarthurs: before leaving he proposed marriage to a Macarthur daughter, Emmeline. John Macarthur Sr firmly refused the offer after consulting his wife. As Elizabeth informed another son, all agreed that refusal was for the best: 'Mr. B. and Emmeline had never been thrown into each other's company nor could we discover the least partiality other than that of a very general nature.' Emmeline was not told of the proposal: 'None of us dropped the least hint to her, not thinking it necessary as Mr. Bannister was so soon to quit the country.'[97] Bannister would spend the rest of his life in a quest for financial compensation and an apology from the Colonial Office, obsessively seeking to restore what he described as shattered finances and damaged honour. In 1827, he published in Cape Town what would be only the first of the many works he wrote to try to vindicate his reputation, a lengthy statement with documents of events in New South Wales.[98] In it, he described himself as 'driven round the world in poverty after being harassed by unrequited labour; and wearied by disappointments, of which unhappily he is not the only victim'.[99]

Sisters

Saxe Bannister's high profile and controversial actions in Australia generated an extensive archival record, even if that record has many significant gaps. His sisters Harriet and Mary Ann left far fewer archival traces, even as elite women. Saxe Bannister's resignation clearly affected them significantly: they rapidly found themselves in a precarious position in Sydney, their lives roiled by the decisions of male family members, as was typical for many women of the period. Elizabeth Macarthur reported to her son that 'Miss B made an appeal to your father for protection, which distressed him very much', adding 'I cannot understand these very eccentric people.'[100] Shortly thereafter, the sisters moved to the relatively new settlement of Hobart, on the island of Van Diemen's Land (later Tasmania), accepting an invitation to join John Pedder, the island's chief

[96] "Affair of Honour", *Sydney Gazette and New South Wales Advertiser*, Wednesday, 25 October 1826, 3.

[97] ML, Macarthur family papers, vol. 10, A2908: Elizabeth Macarthur to Edward Macarthur, 17 December 1826.

[98] Bannister, *Statements and Documents*.

[99] Copy of Saxe Bannister to the Marquis of Huntley, in Bannister, *Statements and Documents* 6.

[100] ML, Macarthur family papers, vol. 10, A2908: Elizabeth Macarthur to Edward Macarthur, 17 December 1826.

justice, and his wife.[101] Van Diemen's Land was already the site of great violence between settlers and Indigenous peoples. There appears to be no record of how the sisters saw this conflict.

Status and wealth, however precarious, doubtless bolstered the sisters' prospects. In 1828, Mary Anne married the widowed Affleck Moodie, assistant commissary general in the town of Hobart. During the Napoleonic Wars, the commissariat was responsible to the British treasury for supplying the army. After Waterloo, many commissary officers were redeployed to the settler empire. A number of commissary officers, including Moodie, gained positions in Van Diemen's Land and New South Wales.[102] This provides yet another example of the vast influence of the demobilized British military on the settler world of the 1820s. According to Derek Hindle, Moodie was remarkable for being honest, unlike several of his corrupt predecessors, one of whom supposedly lost or stole some £2,300 of public money; Moodie, in contrast, ostentatiously refused to be bribed.[103] He doubtless, however, was involved in organizing warfare against the Indigenous people of Van Diemen's Land, in his role as coordinator of supplies to the military.

As Hindle records, the literary convict Henry Savery described Affleck Moodie and his wife in *The Hermit of Van Diemen's Land*, a collection of satirical essays (written from jail) that anonymously described the life and people of Hobart in the late 1820s.[104] Savery, writing as the supposedly newly arrived 'Simon Stuckley', recounted walking through the young town of Hobart and coming across 'a new-built edifice, in the construction of which, much taste appeared to have been combined with a singular attention to comfort'. Stuckley/ Savery hinted at criticism, however; he wondered 'what order of architecture had been consulted, doubting whether or not the low projecting roof did not subtract from its claim to chasteness'. He then described meeting Moodie, whom he already knew, 'accompanied by a Lady, with whom he was walking arm in arm'. She was 'younger than himself, had

[101] J.L. Burton Jackson with Bill Petchell and Malcolm Higham, *Frowning Fortunes: The Story of Thomas Bannister and the Williams River District* (Carlisle, Western Australia: Hesperion Press, 1993), 75.

[102] Derek Hindle, "Some Early Commissariat Officers in Van Diemen's Land", *Tasmanian Ancestry*, 21(1), June 2000, 42–46.

[103] Hindle, "Some Early Commissariat Officers", 44,

[104] As a convict, Savery was not allowed to publish. He nonetheless wrote Australia's first novel, in addition to the sketches later collected as *The Hermit of Van Diemen's Land*, first published in the *Colonial Times*. Simon Stuckley [Henry Savery], *The Hermit of Van Diemen's Land* (Hobart Town: Andrew Bent, 1829); Hindle, "Some Early Commissariat Officers", 44; Heather Gaunt, "History and Memory in the Tasmanian Public Library: The Curious Case of the Hermit in Van Diemen's Land", *History Australia*, 6(1), 2009, 10.1–10.12.

dark eyes, and was of a brunette complexion, rather thin and tall, and dressed in a promenade deshabille, in which ease and comfort, rather than appearance had been consulted'.[105] When the author wondered to whom the house belonged, the Scotsman Moodie eagerly replied – 'I'll beg to introduce ye to the owner of the house and to my ain gude wife baith in the same person'.[106] Mary Ann's respectability and economic status did not last, however. Her considerably older husband died in 1838, leaving her with four young children and the discovery that he had no legal title to his land. In 1852, she sued two of her own sisters over the terms of their father's will; she sought complete control of certain lands in England in order to pay the £957 she still owed creditors after selling her house and furniture in Hobart.[107] There is clearly a world of emotional distress between these traces of a life, but in this respect the records are silent.

In 1832, also in Hobart, Harriet Bannister married colonial architect David Lambe. In the same year, presumably in England, Saxe married David's sister Mary, in an unlikely confluence of romantic events.[108] David Lambe had emigrated to Tasmania in 1824. He served as colonial architect for three years (perhaps being responsible for Mary Ann Bannister's unchaste house design), after which he devoted himself primarily to agriculture. He was briefly prosperous; at the time of his marriage he was a magistrate in Ivanhoe, New Norfolk, and he served as steward at the New Norfolk Races.[109] A year later, Harriet died; the *Hobart Town Magazine* reported that 'the remains of this truly amiable lady, so prematurely cut off, were followed to the grave by a long train of mourners, among whom were His Excellency the Lieutenant Governor, with several civil and military officers, and others, friends and connexions of the deceased'.[110] All this suggests that the Lambes were reasonably well off. Things would change

[105] Savery, *Hermit of Van Diemen's Land*, 34.

[106] *Ibid.*, 34. For the identification of characters in the book: ML: As91, item 1, "Key to the Hermit in Van Diemen's Land" [copy].

[107] Sir Richard Torin Kindersley, *Report of Cases Decided in the High Court of Chancery in 1852 and 1853*, vol. 1 (London: V. & R. Stevens and G.S. Norton, 1853), 514–520.

[108] Currey, "Bannister, Saxe (1790–1877)"; *Hobart Town Courier*, 20 September 1828; 28 January 1832. I don't know where Saxe and Mary married, but a year later they were resident in Heidelberg, Germany: Trent University Archives, Hall, Gillespie Law Firm Fonds, 94–001, box 32, case number 135, item 2: "Copy of abstract of Saxe Bannister to lands in Upper Canada, 1820–1838".

[109] Roy S. Smith, "Lambe, David (1803–1843)", *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/lambe-david-2322, published first in hardcopy 1967 (accessed 9 May 2018).

[110] *Hobart Town Magazine*, vol 1 (Hobart Town, Van Diemen's Land: H. Melville, 1833), 224. Interestingly, the periodical stated that she was the sister of "Mrs. Moodie, the lady of our Assistant Commissary General" and of "Thomas Bannister, Esq. our present Sheriff", but made no mention of Saxe.

before David's death in 1843, however; he sold his farm and is recorded as being the subject of a meeting of creditors.[111]

These marriages tied the Bannister family to networks of writers and reformers. David and Mary's father William Lambe was a well-known doctor in London, whose views would certainly have been considered unusual by many of his contemporaries. He is celebrated as one of the founding fathers of vegetarianism. He touted the health benefits of drinking nothing but distilled water, based on statistical analysis of death rates in different regions and a surely correct conviction that London water was very unhealthy.[112] Given the minority status of such opinions at the time, Mary Lambe may have felt well prepared to marry the iconoclastic Saxe Bannister.

In the meantime, Mary Anne's marriage to Affleck Moodie linked the Bannisters to the Moodies, a colonial clan whose members also settled in southern Africa and Canada (at Rice Lake, near the Bannister lands). As we shall see shortly, Donald Moodie investigated legal abuses that Saxe Banister brought to the attention of the government of the Cape Colony in 1828. Donald had joined the British navy at the age of fourteen and had fought in the Napoleonic Wars, so he too was part of the influx of demobilized military men into the British settler empire. He joined two brothers in South Africa, one of whom, John Wedderburn, was another Napoleonic Wars veteran. From 1830 to 1834, Donald served as Protector of Slaves in the eastern district of the Cape Colony. He also, however, collected historical records in South Africa in order to challenge the claims of radical missionaries from the LMS concerning the oppression of Indigenous peoples. Using Saxe Bannister's tactics, albeit to different political ends, he similarly tried to mobilize the historical record to make arguments about colonialism and the status of Indigenous peoples (Moodie even called his collection *The Record*). In 1845, he became secretary to the new colony of Natal; he was, however, criticized by settlers for being too keen to advance the claims of Africans to land as a member of the Natal Land Commission, and he was ultimately forced from office in 1851.[113]

[111] Roy S. Smith, "Lambe, David (1803–1843)", *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/lambe-david-2322, published first in hardcopy 1967 (accessed 9 May 2018).

[112] William Lambe, *Reports of the Effects of a Peculiar Regimen on Scirrhous Tumours and Cancerous Ulcers* (London: J. Mawman, 1809); William Lambe, *Researches in the properties of spring water, with medical cautions […] against the use of lead in the construction of pumps, water-pipes, cisterns […]* (London: J. Johnson, 1803).

[113] Donald Moodie (ed.), *The Record: Or. A Series of Official Papers Relative to the Condition and Treatment of the Native Tribes of South Africa* (Cambridge: Cambridge University Press, 2011; originally published in 1838); Robert Ross, 'Donald Moodie and the Origins of South African Historiography', in Ross, *Beyond the Pale: Essays on the History of Colonial South Africa* (Johannesburg: Witwatersrand University Press, 1993); V.C. Malherbe, "Donald Moodie: South Africa's pioneer oral historian", *History in Africa*,

In the meantime, John Wedderburn Moodie left South Africa, married a young woman from an abolitionist family called Susanna Strickland and emigrated to Upper Canada. The work of foundational Canadian writer Susanna Moodie included not only her best-known work *Roughing It in the Bush*, about pioneer life in Canada, but also a transcription of the life story of the formerly enslaved Mary Prince, recounted to her orally by Prince.[114] At the time, Prince was a servant in the home of Thomas Pringle, South African journalist and settler, and an ardent abolitionist who as secretary of the Anti-Slavery Society worked closely with Thomas Fowell Buxton. In turn, Pringle's views would influence Saxe Bannister in South Africa, as we shall see. Susanna Moodie's sister, author Catherine Parr Traill, also settled at Rice Lake in the early 1830s. Members of these family networks played important roles in shaping contemporary British conceptions of the empire. Both Moodies and Bannisters wrote extensively about settler colonialism, knitting together an imagined British world through their writings – and indeed creating a record that continues to be mined by historians. Tracing the lives of women illuminates these dense trans-imperial family networks, and the processes of colonial knowledge production in which they were engaged.

'Executioner of the Law of Nature': Meanings of Massacre

Despite small windows into the lives of the Bannister women, the colonial archives I have been discussing in this chapter nonetheless largely privilege the battling egos of peacock males and the self-perceptions of male settlers. Conflict with Indigenous peoples haunts the margins of texts all the same. It is clear that the archives that reveal the travails of the Bannisters are not only personal papers but also records of conquest. Over this period, the Indigenous peoples of (in British terminology) the Bathurst and Hunter Valley regions were militarily defeated, despite resistance, and white settlement accelerated. At least in part because of Saxe Bannister's recording eye, Bathurst and Hunter Valley became part of a conversation in Australian jurisprudence and across the British worlds about Indigenous rights and sovereignty, violence and colonial humanitarianism. At the same time, similar processes had occurred elsewhere and would continue in other areas of Australia.

25 (1998). Christopher Saunders, "Donald Moodie (1794–1861)", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, first published online 2004, and updated 2008). http://www.oxforddnb.com.proxy3.library.mcgill.ca/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-19081 (accessed 11 May 2018).

[114] *The History of Mary Prince, a West Indian Slave Related by Herself* (London: F. Westley and H. Davis, 1831); Susanna Moodie, *Roughing it in the Bush; or, Forest Life in Canada* (London: Richard Bentley, 1852).

The fact that the mounted police were killing Indigenous prisoners with tacit government approval and the complicity of local magistrates was scarcely surprising. Summary execution seems to have been a relatively routine frontier practice, even if after the late 1830s the central government ceased paying for soldiers from British regiments to police Australian frontiers and transferred costs to colonial governments.[115] It fitted into a larger history of frontier policing, with parallels in other settler colonies. In Australia and elsewhere, 'terror', with its supposed hidden mercies, was a well-developed theory of conflict management: British settlers in the frontier districts of the Eastern Cape made similar arguments in the 1820s and 1830s, for example, as did Dutch-speaking settlers in conflicts with the San earlier in the century elsewhere in the Cape Colony. This is not to seek to flatten diverse experiences, but to remark on the internal logic of conflict zones. Julie Evans has observed that the 'frontier' occupied a space between 'international' and 'domestic' legal regimes in which law was compelled to reveal its violent and arbitrary nature in support of the sovereignty claims of European powers: '[v]iewed in broader perspective,' she argues, 'the frontier of conventional frontier historiography can best be understood as that liminal time and space between the external and internal modes of sovereignty, where the seeming absence of law is nevertheless law'.[116]

Saxe Bannister refused, however, to accept this logic. He fervently argued, as we have seen, for the rule of law as a response to colonial violence (and not only as a justification for colonial presence). The prevention of atrocity thus became a justification for the extension of colonial law. However paradoxically, humanitarians, who sought for a more just type of law, used the supposed abrogation of law on the frontier as an argument to deny Indigenous sovereignty. This dynamic is well illustrated by the colonial government's eventual lawsuit against Nathaniel Lowe for the murder of Jackey Jackey, and the subsequent ramifications of the case.

In May 1827, well after Bannister's abrupt departure, Lowe was finally placed on trial following further investigation of the circumstances of Jackey Jackey's death.[117] It is possible that fear of what the highly aggrieved Bannister would say to London was a factor in Darling's decision to press this case (and only this case), although this is speculation. The material and intellectual struggle

[115] As Lyndall Ryan points out, this funding shift was a critical precursor to the NSW government using 'black police' in the new territory of Port Philip (Victoria) and in the Northern District because they were cheaper. In both cases these forces were known for acts of terror. My thanks to Dr. Ryan for helpful discussion of this issue. See also Ann Curthoys and Jessie Mitchell, *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830–1890* (Cambridge: Cambridge University Press, 2019).

[116] Julie Evans, "Where Lawlessness is Law: The Settler-Colonial Frontier as a Legal Space of Violence", *The Australian Feminist Law Journal*, 30, 2009, 15.

[117] Chaves, "'A Solemn Judicial Farce'", 122, 140.

between Bannister on the one hand and Wardell and Wentworth on the other continued by proxy at the trial.

Wardell and Wentworth represented Lowe. Their arguments in court, reprinted at length in *The Australian*'s account of the case, were in some ways an extended conversation with Bannister.[118] Ironically, given the efforts of local men to hide what had happened, including moving the body, the events of the killing were relatively clear. In the words of Thomas Farnham, Jackey Jackey 'was placed in the old Barracks and left there that night, with his handcuffs on; he was chained to a post in the side of the fireplace'. At about seven o'clock in the morning, two soldiers took Jackey Jackey to government house, where Lowe was living:

> I followed them to government house and heard Mr Lowe order four soldiers to take him to the rear of the government house and shoot him. They took the man about a quarter of a mile off in the bush. The soldiers had their muskets with them; they placed him by the side of a tree, three of them fired at him. I was standing close by; he fell and the fourth soldier who had not yet discharged his piece, went within a few yards of where the black lay and put a ball through his body.

Farnham said he then went to Newcastle where he told the constable Mr Muir what had happened. He did not, however (in the words of the *Sydney Gazette* report), 'tell Mr. Muir that he had a musket and let fly at the black fellow himself'.[119] When later examined by the magistrate Mr Close, he denied everything.

In an opening effort to get the case dismissed, Wardell first argued that the court had no jurisdiction to try a British subject for the murder of an 'aboriginal native'. Such an 'aboriginal native' could not be seen as an 'alien enemy' because 'his tribe is not in hostilities with the British Sovereign'. At the same time, he could not be seen as an 'alien friend' because the tribe could be, and was, in conflict with individual British subjects and there had been no state of alliance created. He was not a subject of the king because the tribe had not been conquered and 'because there has been no treaty, either expressed or understood, between his country and that of the British King, and because in fact there could be no treaty between him as a member of NO commonwealth and the British King'.[120] This was an argument for a form of Aboriginal sovereignty, but with the cynical aim of enabling full subordination. It also situated Indigenous people as outside the supposed protections of international law because they were both independent and yet unable to contract treaties.

[118] *The Australian*, 23 May 1827.

[119] "Supreme Criminal Court", *Sydney Gazette*, 21 May 1826.

[120] *R. v. Lowe*, 1827, "Decisions of the Supreme Court of New South Wales, 1788–1899," Division of Law, Macquarie University. http://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_index/1827/r_v_lowe/. *The Australian*, 23 May 1827 (quotation); *Sydney Gazette*, 21 May 1827 (accessed 1 July 2020).

Referring to Grotius, Puffendorf and others, Wardell argued that according to the law of nations, the law of nature applied to people who stood outside the system of nations. If Grotius saw pirates and freebooters as people against whom exemplary punishment could be applied, surely this also extended to 'aboriginal natives'? Puffendorf more explicitly stated that an outsider among a people living in a state of nature was justified in applying the law of nature and personally punishing such people for offences. The only law applicable to the Indigenous peoples of Australia was the law of nature. Under the law of nature, the killing of a man in response to his killing of another was justified and Lowe was an agent of divine vengeance:

> I have taken for granted that the crime of murder was committed by the native, and that having fallen into the avenging hand of the defendant, the latter becomes the instrument of divine vengeance, substitute for a court of Judicature, to prevent the offender's escape, and has acted so towards society as best to fulfil the several ends of punishment. He has in him held up an example to his tribe, that they shall not commit murder with impunity.[121]

In a follow-up speech, Wentworth even more explicitly denied British sovereignty over New South Wales, beyond areas of British settlement. He similarly drew on arguments from international law theorists. He cited Vattel's argument that people in a state of nature outside political society were 'independent families'. This argument recalled the insistence of John Locke and other contract theorists that the family was the only form of organization within the state of nature.[122] For Vattel, such family groups retained sovereignty over the soil but could not surrender 'empire' because they didn't possess it in the first place. The British had never actually conquered the country but simply arrived.[123] 'We could not, according to any principles, have assumed any right of sovereignty over them; they are the free occupants of the demesne or soil, it belongs to them by law of nations, anterior to any laws which follow from human institutions, and that right is not at all attempted to be infringed by this Act of Parliament.' On these grounds, the British could not and did not interfere in crimes committed by Aboriginal peoples against one another.

The broad arguments made by Wardell and Wentworth about the right to punish individuals in a state of nature arguably reflected British theorist John Locke's claim in the *Two Treatises of Government* (published in 1689)

[121] *Ibid.*

[122] Carole Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988).

[123] 'I will not suppose this Court can be ignorant of the early annals of this country, because it must be within the judicial cognizance of this Court, as much as the battle of Hastings in the Court of Westminster – that we landed on these shores without opposition, that we took it, and remained in it without opposition, and that no conquest was ever made of it by his Britannic Majesty.'

that it was permissible for individuals to punish other individuals within the state of nature for violations against natural law. For Locke, such punishment was designed to terrify others into virtuous behaviour, reflecting the argument of settlers in New South Wales that terror filled an essential purpose. Any man 'by the right he hath to preserve mankind in general' might 'bring such evil' upon someone who transgressed the law of nature 'as may make him repent the doing it, and thereby deter him, and by his example others from doing the like mischief. And in this case, and upon this ground, every man hath a right to punish the offender, and be executioner of the law of Nature.'[124] Although Wardell and Wentworth didn't directly reference Locke, it is very likely they had read him. In this sense, it seems to me that they were drawing on a well-articulated theory of extrajudicial killing as a function of colonialism, which could be extracted from international law theorists who were in turn seeking to regulate and justify colonial conquest. As Antony Anghie and others have argued, the origins of international law need to be sought in European colonial expansion: it is scarcely surprising that its theorists provided ammunition for colonial actions in contested frontier zones.[125] This posed, however, a significant problem for colonial reformers such as Bannister who genuinely saw the rule of law as a beneficial force and wanted to control colonial violence. 'Frontier' space existed uneasily between two legal imaginations: space outside settlement, subject to no state-run legal system, or conquered space, whose inhabitants were already subjects of the conquering state. In neither case did any space exist for Indigenous sovereignty claims that might coexist with British claims, running parallel on the same space, or contest British claims.

In the event, and as seems inevitable, the presiding judge, Chief Justice Francis Forbes, ruled that the case did fall within the ambit of British law and that the 'native' must be considered a 'British subject': it hardly seems likely that a British judge would deny the British right of sovereignty over Australia, as Wentworth must have known (and in this sense Wentworth was making mischievous arguments). The case rapidly moved to the less abstract grounds of whether key witnesses could be trusted. A number of men were called to attest to the bad characters of Thomas Farnham and William Salisbury, witnesses to the shooting. William Jones denied that he had ever helped William Constantine 'take up the body of any dead black'. Farnham's initial deposition to Close, a magistrate at Wallis Plains, in which he gave evidence opposite to his statements in court, was read aloud. In his summing up to a jury of eleven army men

[124] John Locke, *Two Treatises of Government*, Second Treatise, chapter 2, "Of the State of Nature", paragraph 8 (Indianapolis and Cambridge: Hackett Publishing Company, 1980; first published 1689).

[125] Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2012).

and one naval officer, Forbes argued that the case rested 'entirely on the credibility of the witnesses' and summarized reasons for doubting their credibility and respectability. The jury retired for five minutes before returning a verdict of not guilty, to 'loud and general applause'. As *The Australian* put it, '[t]he numerous friends of Lieutenant Lowe crowded round to congratulate him on the happy termination of the trial. A second burst of applause was given as he triumphantly left the Court.'[126]

This case clearly informed the legal thinking of Judge William Westbrooke Burton when he heard a crucial, and famous, case in 1836 in which an Indigenous man, Jack Congo Murrell, who was being tried for offences committed against another Indigenous man, argued through his lawyer, Sydney Stephens, that British law did not apply to him as a 'Black native'. The original inhabitants of New South Wales were not British subjects, he claimed, and their own law applied to internal disputes. As we have seen, Burton collected letters pertaining to the Jackey Jackey case. He also commissioned a memorandum from Threlkeld, in which the missionary summarized the abuses he had witnessed and documented his correspondence with Bannister about summary executions by the mounted police.

There is a very strong possibility that Burton had a direct connection to Saxe Bannister. Burton served in the navy as a young man, enrolling in 1807 at the age of thirteen. He then studied law and was called to the bar in 1824. He would have overlapped at the Inns of Court with Saxe Bannister, Wentworth and Wardell, all of whom were called to the bar in the early 1820s. As a fellow lawyer, Bannister may also have interacted with Burton at the Cape Colony, where Bannister lived from 1826 to 1829, and where Burton was a puisne judge of the Supreme Court from 1828 to 1832. At the Cape, Burton oversaw the implementation of the 1828 Ordinance 50, which created equal status under the law for Khoekhoe people.[127] In the meantime, as we shall see, Bannister was in close touch with missionaries and with London reformers, including Thomas Fowell Buxton, who supported the implementation of Ordinance 50. And like Bannister and Buxton, Burton was a reform-minded Anglican who deplored the wickedness of the world and wanted more colonial control from the centre to rein in settler abuses. This nexus of connections and shared assumptions argues strongly for seeing the Jack Congo Murrell case, with its famous assertion of British sovereignty in Australia, as part of an ongoing struggle through the courts between different legal visions, instantiated by a relatively small group of

[126] "Supreme Court", *Sydney Gazette*, 21 May 1826; *The Australian*, 23 May 1826. See also https://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_index/1827/r._v_lowe/.

[127] Zoe Laidlaw, K.G. Allars, "Burton, Sir William Westbrooke (1794–1888)", *Australian Dictionary of Biography*, Australian National University. http://adb.anu.edu.au/biography/burton-sir-william-westbrooke-1857/text2159, published first in hardcopy 1966 (accessed 6 August 2020).

British lawyers, including Wardell and Wentworth on one side and Bannister and Burton on the other. Burton seems to me to have been influenced by the perceived need to curtail colonial atrocities, paradoxically through giving more control to the colonial centre. This casts British claims to the civilizing function of the rule of law, and the use of the rule of law as a justification for colonial presence, in a new light.

Australian legal historians have paid considerable attention to this case because it constituted a key moment in a legal narrative at which the British claimed jurisdiction over all the inhabitants of Australia. It has also been taken as enunciating the principle of *terra nullius* in justification for this ownership claim. I suggest that it was also part of an evolving transimperial discussion, in which one of the central underlying issues was the control of violence on imperial peripheries and the incapacity of the metropole to control this violence.

In the previous section, I argued that Six Nations sovereignty was a problem both for the empire and for the nascent colonial state of Upper Canada in which Six Nations land was enclosed, although I also suggested that sovereignty proved difficult to define. In this context, some colonial officials claimed that forbidding Haudenosaunee land sales to people or entities other than the Crown was a form of protection, including protection against sales by supposedly corrupt insiders such as Joseph Brant. Although the result was far from protective, the rhetorical shift assumed that Indigenous sovereignty should be traded for 'protection'. Despite the very different situation in New South Wales in the 1820s and 1830s, the same rhetoric applied: the ultimate outcome of the Jack Congo Murrell case was a declaration that the British were sovereign over all of Australia and therefore that Indigenous peoples were both British subjects and subject to British law, in a manner that potentially protected them from killing and abuse by settlers. If my reconstruction of Burton's use of evidence provided by Bannister and Threlkeld is correct, then this suggests a cross-imperial discussion about Indigenous sovereignty and 'protection' despite the great diversity of local contexts. Saxe Bannister supported different sides of the sovereignty issue in the case of John Brant and Robert Kerr's embassy, on the one hand, and in the case of protection against extrajudicial killing on the other, but in both cases he argued from a vision of beneficial 'union' between settlers and Indigenous peoples. He was, overall, part of a trend towards convergence on protection as a humanitarian necessity and also a convenient means to extinguish Indigenous sovereignty that facilitated the emergence of settler colonial states.

6

Southern Africa

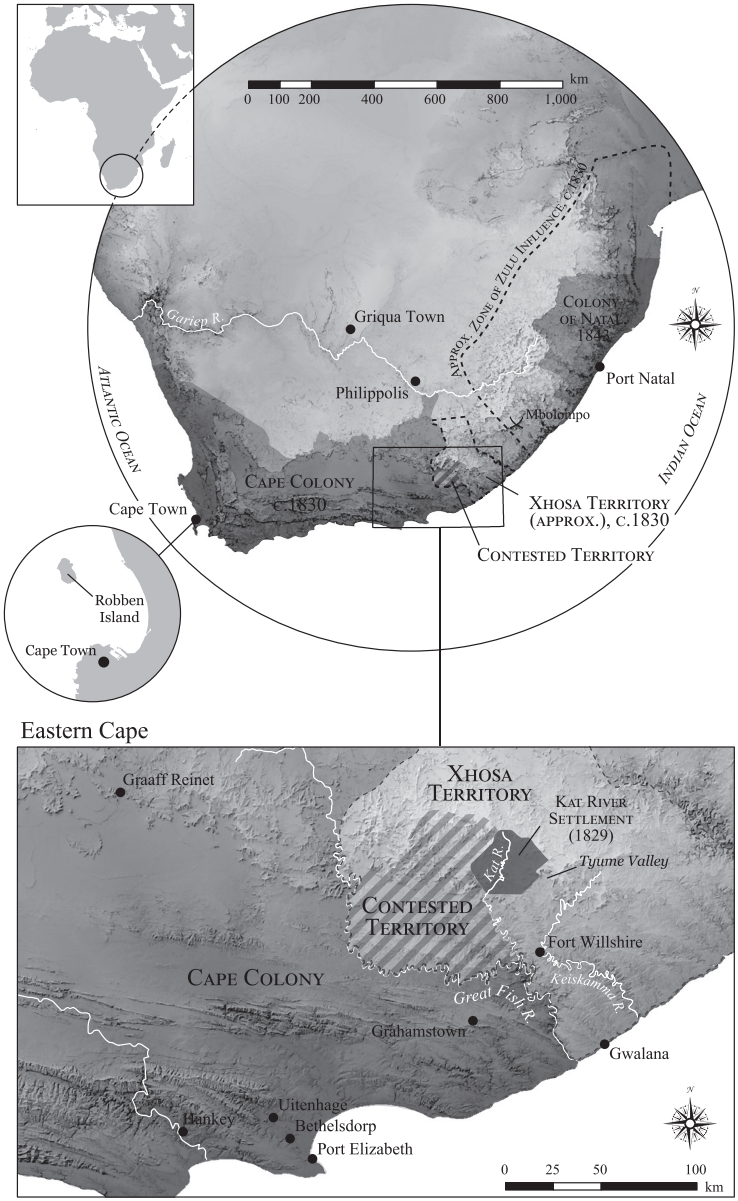
Protest, Petitions and the Paradoxes of Imperial Liberalism

In late 1828, a Khoekhoe man named Wildschut Platje was walking home on a rural road in the Eastern Cape region of the Cape Colony. Platje, who was about fifty years old, lived at the London Missionary Society (LMS) station of Bethelsdorp. He had been to the town of Uitenhage, the administrative centre of the district, to try to settle a debt; he was owed payment for a goat skin he had prepared for 'Viljoen a smith'.[1] Instead of money, Viljoen had persuaded him to accept some salted goat meat and a goat's head. Carrying the meat in a leather bag on his back, Platje ran into J. Van Niekerk, a young Afrikaner farmer, or *boer*, riding on a horse. Van Niekerk asked what Platje had in the bag. Platje said it was meat he had just got from Viljoen, and the two men travelled together for a while. Suddenly, Van Niekerk put his hand into the bag, pulled out the goat's head and put it back. He then turned on Platje and said, 'You *moer neukers* [motherfuckers] go round to steal people's property.'[2] From the height of his horse, Van Niekerk hit Platje with a *sjambok*, a whip made of dried animal hide. Platje dodged behind a bush. Van Niekerk rode on but caught up again with Platje as the Khoekhoe man sat washing his meat by a river. According to Platje's later deposition, the farmer struck him again with the sjambok. Platje then ran away,

> leaving his bag and meat the Boer chased him and caught him – deponent used submissive expressions – the Boer then seized the stick which deponent carried – it was olive wood and tough, had no knob – deponent held it fast, the Boer kicked him in the breast and belly – depts. breath becoming short from the last kick in the stomach pit, he let go the stick.

[1] "Interviews with the two plaintiffs, Bethelsdorp, Uitenhage District, March 1829", reproduced in V.C. Malherbe, "Donald Moodie: South Africa's Pioneer Oral Historian", *History in Africa*, 25, 1998, 182; original in the Western Cape Archives and Record Services, Cape Town [henceforward CA], CO 2710, Moodie to Bell, 4 April 1829.

[2] Moodie put the offensive expression in Dutch and translated the rest. Evidence was obtained through now-invisible questions, and answers were transcribed and translated. As Malherbe argues, this poses epistemological problems: Malherbe, "Donald Moodie".



Sources: DIVA GIS, Natural Earth, Government of South Africa; Kat River and Contested Territory Polygons after Ross, 2013

© G. Wallace Cartography & GIS
Map by Geoffrey Wallace, 2021

Map 6.1 Early nineteenth-century southern Africa

Van Niekerk then hit Platje twice with the stick. Trying to ward off a blow, Platje was hit in the arm: 'it hurt his arm much – could not use the left hand after […] never had such a pain before in his life – never was so used before'.[3]

Platje suffered serious injuries, including a broken arm. On 22 December 1828, Platje charged Van Niekerk with aggravated assault in the magistrate's court in the *drostdy* of Uitenhage. The defence that Platje had abused Van Niekerk was not proven and Van Niekerk was fined £2 (around 30 rix-dollars).[4] The fine, however, went to the Crown, not the plaintiff. On 12 January, Platje brought a civil action against Van Niekerk for 100 rix-dollars (£7 10s.) and was awarded 62 rix-dollars (£4 10s.) with costs. According to Saxe Bannister, the damages were 'little more than half the very moderate sum […] claimed; and in this action the magistrate expressed himself to feel much difficulty at what rate to value the broken arm'.[5]

We know about this attack, and about Platje's response to it, because in 1828 the now-former Attorney-General of New South Wales, Saxe Bannister, having recently arrived in South Africa, would successfully call for an investigation into the difficulty that Khoekhoe people experienced in obtaining justice in the Eastern Cape. Two years later, Bannister would put details about this case into transnational circulation in his screed with a revealing subtitle: *Humane Policy, or Justice to the Aborigines of New Settlements Essential to a Due Expenditure of British Money, and to the Best Interests of the Settlers. With Suggestions How to Civilize the Native with an Improved Administration of Existing Means.* We will return to Van Niekerk's attack on Platje later in the chapter. For now, though, it serves as an illustration of the racialized violence that pervaded the Eastern Cape in the 1820s, reflecting the prevalence of violence between masters and enlaved people as well as between whites and the putatively free Khoekhoe.

South Africa proved no better than New South Wales for Bannister: both were cauldrons of colonial violence. Bannister's intervention in Platje's case was part of a range of actions he took in South Africa to try to correct perceived abuses, particularly of the rule of law. I argue in this chapter that although Bannister himself remained relatively peripheral to Cape politics, unpacking the documentation he created in South Africa provides evidence not only of colonial violence and coercion, but also of Africans attempting to use his networks to obtain redress. I further argue that parallel experiences

[3] *Ibid.*, 183.

[4] In 1825, Peter Grant stated that £100 was worth 1450 rix-dollars at the Cape. Peter Warden Grant, *Considerations on the State of the Colonial Currency and Foreign Exchanges at the Cape of Good Hope* (Cape Town: W. Bridekirk, 1825), 67 (note).

[5] Saxe Bannister, *Humane Policy, or Justice to the Aborigines of New Settlements Essential to a Due Expenditure of British Money, and to the Best Interests of the Settlers* (London: T.G. Underwood, 1830), 29, 35.

in New South Wales and the Cape Colony led Bannister to see 'aborigines' as being oppressed in similar ways across British colonies. Moreover, this chapter shows how although Bannister tangled with colonial officials over Indigenous rights, he also fervently promoted colonization in the region of what is now KwaZulu-Natal.

Southern Africa in the 1820s: Violence and Coercion

Between 1658 and 1806, the Cape Colony had changed hands between the Dutch East India Company (Vereenigde Oostindische Compagnie, or VOC), Britain, the Batavian Republic and then again the British. In 1814, Britain had its possession confirmed in the Treaty of Amiens at the end of the Napoleonic Wars. This enabled the British to present themselves as modernizing agents of 'civilization' in contrast to the unruly Dutch, although in practice British state and settlers rapidly also became involved in violent struggles over labour, land and resources. By the late 1820s, the British were anglicizing the colony and instituting controversial legal reforms. Nonetheless, the white population remained dominantly Dutch-speaking.

In 1827, Saxe Bannister landed in Cape Town and requested permission to set himself up as a barrister.[6] Cape Town teemed with just under 20,000 inhabitants of many different ethnicities and languages; sailors on shore leave frequently swelled the population further. Founded by the VOC as a refuelling station for ships travelling from Europe to Asia, the city was a crucial stop for ships rounding the tip of Africa, including those vessels plying the long journey between Britain and New South Wales. In that sense, Cape Town was part of the same colonial universe as Sydney: the two port cities were linked by the sea-lanes of empire that tied them both back in turn to London.

Despite the abolition of the slave trade in the British empire in 1807 and an interdiction on new British settlers purchasing slaves, many inhabitants of Cape Town and of the surrounding western Cape, with its many farms, were enslaved or formerly enslaved. Most had been brought to the Cape through the trading networks of the VOC in South Asia, Southeast Asia and southern Africa.[7] Although the cash-poor farmers of the eastern Cape owned fewer slaves than their western Cape counterparts, nowhere in the colony was unfree labour not pervasive. Khoekhoe and San labourers were forced into work on colonists' farms and in colonial militia; even if technically free in law, they

[6] CA, CO 3933 Memorials Received: Saxe Bannister to Richard Bourke, Cape Town, 2 April 1827, #183.

[7] Gabeba Baderoon, *Regarding Muslims: From Slavery to Post-Apartheid* (Johannesburg: Wits University Press, 2001), 66–106.

were immobilized by vagrancy legislation and 'apprenticeship' laws in ways that mimicked slavery.[8] Labour coercion would have been familiar to Bannister after his experience with convict labour in New South Wales. Nonetheless, convicts had an end to their unfreedom before them, and increasingly had the potential of being integrated into 'respectable' white society, despite resistance from the 'exclusives'. Labour coercion in southern Africa was racialized, permanent and all-pervasive.

On the edges of the colony were contested, mobile and highly violent frontier zones. African polities within and beyond colonial frontiers were diverse and extensive. To the east, the Xhosa and related groups speaking Nguni languages, farmers and cattle herders, had long lived in relatively decentralized chieftaincies. The Xhosa closest to the border were frequently in conflict with the colony. Further to the south-east, in modern-day kwaZulu-Natal, a conquest kingdom united diverse Nguni groups under the politicized banner of Zulu identity. There was political and economic upheaval in the south-east, the nature of which has been much debated by historians.[9] The Zulu Empire was only one among several African polities that were competing for power in a region that was being disrupted by drought, an arms trade from the colony, slaving, mass movements of refugees and empire building.

The original inhabitants of the Cape were Khoekhoe and San peoples, sometimes collectively termed Khoesan or Khoisan. The historical relationship between semi-nomadic cattle herders speaking Khoekhoe languages and San hunter-gatherers is unclear, but Khoesan groups nonetheless have common ancestry and their languages are in a different group from those of so-called Bantu languages, which include Nguni languages such as isiXhosa and isiZulu. Khoekhoe and San societies at the Cape were shattered by European invasion, even as they were also under pressure from Xhosa movement eastward. The San (or so-called Bushmen) were arguably in a similar structural position to the Indigenous peoples of New South Wales: they were hunter-gatherers being forced off their land by pastoralists and cattle-herders. On the eastern and northern frontiers of the Cape Colony, Dutch-speaking settlers deployed commandoes to kill San hunters as well as to capture and enslave San children and

[8] Elizabeth Elbourne, *Blood Ground: Colonialism, Missions and the Contest for Christianity in the Cape Colony and Britain, 1799–1853* (Montréal and Kingston: McGill-Queens University Press, 2003); Clifton C. Crais, *White Supremacy and Black Resistance in Pre-Colonial South Africa: The Making of the Colonial Order in the Eastern Cape, 1770–1865* (Cambridge: Cambridge University Press, 1992).

[9] Carolyn Hamilton (ed.), *The Mfecane Aftermath: Reconstructive Debates in Southern African History* (Pietermaritzburg: University of Natal Press, 1995); Norman Etherington, *The Great Treks: The Transformation of Southern Africa, 1815–1854* (London and New York: Routledge, 2001); Julian Cobbing, "The Mfecane as Alibi: Thoughts on Dithakong and Mbolompo", *The Journal of African History*, 29(3), 487–519.

sometimes women.[10] Many Khoesan-descended people (including many who had white fathers owing in part to the sexual abuse of farm workers) migrated to regions north of the colony, beyond what was then called the Orange River by colonists, now the Gariep. They in turn often dominated local Khoekhoe and Tswana groups because of their superior access to guns and horses.

Although I am using ethnonyms such as Khoekhoe and Zulu, it is important to note that there was considerable ethnic fluidity, particularly in regions of contested authority; people might be assimilated into new groups quite readily, and powerful leaders might attract diverse followers.[11] As a further complicating factor, in 1820, Britain introduced some 5,000 settlers who were supposed to live on the eastern frontier as part of a process of consolidating conquest in the sense both of anglicizing a Dutch colony and of consolidating the conquest of Africans. Although by the end of the decade many of these 1820 settlers had made their way back to Cape Town, those who remained participated in the bitter frontier conflict in which white Dutch-speaking farmers in the eastern Cape had long been embroiled.

In terms of any later typology of settler and non-settler colonies, the region that would become South Africa sits uneasily between definitions, arguably revealing limits to classification. For what it is worth, however, British observers in the early nineteenth century frequently classed the Cape Colony itself with Canadian and Australian colonies and (after 1840) New Zealand as a British settlement, putting the Khoekhoe and the San side by side with the Maori, Indigenous Australians, the Caribs and North American Indigenous peoples. This echoed an intellectual assumption that the Khoekhoe and San were 'primitive' peoples, not yet organized into political society, in the terms created by European contract theorists and scholars of international law. At the same time, as we shall see, British activists in the 1830s also cast the Xhosa as a potentially threatened 'aboriginal' people, suggesting the importance of contingent politics in determining who was seen as 'Indigenous'. The Xhosa tended to fall out of the category of 'aborigines' once they were seen as part of a larger patchwork of conquered African peoples incorporated into colonies in which whites were clearly going to remain in the minority.

Bannister's political criticism and stress on the importance of information-gathering in this turbulent environment reflected the emerging culture

[10] Nigel Penn, *The Forgotten Frontier: Colonist and Khoisan on the Cape's Northern Frontier in the 18th Century* (Athens: Ohio University Press, 2006); Nigel Penn, "The British and the 'Bushmen': The Massacre of the Cape San, 1795 to 1828", *Journal of Genocide Research*, 15(2), 2013, 183–200; Mohamed Adhikari, *The Anatomy of a South African Genocide: The Extermination of the Cape San Peoples* (Athens: Ohio University Press, 2010).

[11] Carolyn Hamilton and John Wright, "Moving Beyond Ethnic Framing: Political Differentiation in the Chiefdoms of the KwaZulu Natal Region before 1830", *Journal of Southern African Studies*, 43(4), 2017, 663–679.

of political inquiry to the ends of imperial reform in the 1820s that gave birth to Commissions of Inquiry, including the Commission of Eastern Inquiry.[12] This was charged with investigating law and governance in Mauritius (another colony acquired during the Napoleonic Wars), the Cape Colony and Ceylon (Sri Lanka). The commissioners were in the Cape Colony between 1823 and 1826. In southern Africa, there was a lot to investigate: the Commission probed coercive labour practices and faltering finances as well as governance practices, including accusations against the colonial governor, Lord Charles Somerset. More radical reformers such as the superintendent of the LMS, John Philip, were concerned by delays in the production of reports and disappointed that the Commission's recommendations did not go far enough to eliminate injustice. Nonetheless, the colonial administration sponsored a series of reforms in the late 1820s, including legal reform, anglicization, the remodelling of the Legislative Council (marginalizing Dutch elites), the abolition of the loan farm system in order to facilitate a private market in land and the putative abolition of racial distinctions in law.[13] This series of reforms was followed in 1834 by the abolition of slavery.

On the first day of 1828, *landdrosts* and *heemraden* under the Dutch legal system were replaced by civil commissioners and resident magistrates.[14] On 28 July, Acting Colonial Governor Richard Bourke passed Ordinance 50. This abolished a web of legal restrictions on non-whites simply by ordaining that 'no Hottentot or other free person of colour, lawfully residing in this colony' should be subject to compulsory service to which others were not liable, and that a person should not be molested or imprisoned 'under the pretence that such person has been guilty of vagrancy', without an appropriate trial. Ordinance 50 also affirmed that Khoekhoe people could own land, albeit crucially (as we shall see) on colonial terms only. This ruling was not as socially and economically emancipatory as was claimed at the time. It did, however, have the enormous impact of abolishing the legal distinctions that had kept the Khoekhoe essentially enslaved, notably racially specific apprenticeship and vagrancy legislation.[15] Ordinance 49, passed at the same time, tried to lay down rules to allow Africans from beyond the colony to serve as labourers – a move that was an important portent for the large-scale mobilization of migrant labour that

[12] Zoe Laidlaw, "Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry", *The Journal of Imperial and Commonwealth History*, 40(5), December 2012, 749–768.

[13] Martin Legassick and Robert Ross, "From Slave Economy to Settler Capitalism: The Cape Colony and its Extensions, 1800–1854", in Carolyn Hamilton, Bernard K. Mbenga, and Robert Ross (eds), *The Cambridge History of South Africa*, vol. 1 (Cambridge: Cambridge University Press), 253–318.

[14] Malherbe, "Donald Moodie", 172.

[15] V.C. Malherbe, "Colonial Justice and the Khoisan in the Immediate Aftermath of Ordinance 50 of 1828: Denouement at Uitenhage", *Kronos*, 24, 1997, 77–90.

would become so crucial to the South African economy. As was the case with the 1834 New Poor Law in Britain, encouraging labour mobility was important for economic reformers. This was a liberal moment, par excellence. Many of these reforms proved controversial, not least among Afrikaners.

In this context of change, Saxe Bannister quickly set himself up as a mobile advisor and critic of institutional failings. Combining his twin interests in information and the law, while demonstrating his characteristic productivity, he rapidly published an overview of law in the Cape Colony in 1828.[16] For much of his time at the Cape, he sent letters of unsolicited advice first to the acting governor, Richard Bourke, who was in office until September 1828, and then to his successor Sir Lowry Cole. As had been the case in New South Wales, Bannister's imperious correspondence with colonial administrators generated a significant archive, particularly concerning the maladministration of justice. In this correspondence, Bannister took up three key areas pertaining to southern African politics: relationships with Africans beyond the colony, including what he termed a secret 'modified slave trade' and the abrogation of agreements with the Xhosa over recently contested territory in the Eastern Cape; abuses of power within the colony against non-white inhabitants; and, however ironically, the desirability of colonizing a tract of land based on a controversial deed that Bannister believed his collaborator, the trader and former naval officer Francis Farewell, had obtained from the Zulu leader Shaka in the region of what is now kwaZulu-Natal.

This chapter will consider all three topics, but will focus most closely on Bannister's work with Khoekhoe plaintiffs in a series of petitions. Despite the evident problem of Bannister's imposition of his own voice, I argue that these petitions illustrate Khoekhoe efforts to exploit colonial liberalism to advance their causes, even as they also demonstrate significant limitations to liberalism in practice. Chapter 8 will return more substantively to the issues raised by Bannister concerning Xhosa complaints against the colony.

Bannister as Intermediary: Land, Sovereignty and Violence

Saxe Bannister first wrote to Acting Colonial Governor Richard Bourke on 20 September 1828 because he was concerned about a battle that had turned to massacre. He had learned, he wrote, from a private letter that beyond the colonial frontier a British force comprised of British regulars, Khoekhoe Cape Corps soldiers and Thembu and Xhosa allies, in quest of what the British feared was an invading Zulu army, had mistaken an amaNgwane refugee settlement for the Zulu camp. The armies led by British commander Henry Somerset, the

[16] He asked for and obtained advance copies of colonial proclamations currently in press but not yet published. CA, CO 3934 (Memorials Received), #187: Saxe Bannister to Richard Plaskett, n.d. Saxe Bannister, *Essay on the Laws of the Cape of Good Hope* (Cape Town, 1828).

son of an earlier governor, Charles Somerset, under the overall command of Major Dundas, had massacred many of the Ngwane using the superior power of firearms against a group armed with spears. Bannister charged that 'instead of fighting with Chaka's invading army', Dundas' forces had attacked another people by mistake, 'and with them women and children about them: and that after a destructive fire of musketry and cannon for several hours they fled, leaving their cattle and families behind – when our allies butchered the wounded, destroyed women and children, knocking infants on the head and actually ripping up pregnant females'.[17] In *Humane Policy*, Bannister further claimed that 'our soldiers, disgusted with such monstrous brutality, fired into the Caffres [Xhosa], and killed several before they desisted from such bloodthirsty work'.[18]

This was what became known to historians as the Battle of Mbolompo – a fight that would loom large in debates from the 1980s onwards over the causes and impact of warfare, refugee movements and famine in south-eastern Africa that were once termed the 'mfecane'. The battle became one of historian Julian Cobbing's test cases for demonstrating what he argued was the involvement of the British in a devastating slave trade into the colony.[19] Bannister argued, rather, that it was both an incompetent British-led massacre, spearheaded by a commander who would rather shoot than admit error (proving British lack of knowledge of the interior), and at the same time a deliberate Thembu attack on the Ngwane. Appealing as ever to the value of information, Bannister urged the importance of better knowledge of the interior. Maps might be produced, for example, using the knowledge of the 'Natal party', those white traders who were cultivating trade relationships with the Zulu Kingdom; guides might be found to every 'tribe'. Better knowledge might lead to better relationships. '[A]n amendment must be made in our mode of intercourse,' he argued, 'and the people must be dealt with like reasonable beings – not unguardedly, or with weakness in any point – but as if we believe, what is undoubtedly true, that their opinions may be swayed by other means than massacres. The first step to this end is to gain a knowledge of existing things […]'[20]

In the following month, October 1828, Bannister obtained the necessary permission from the colonial governor to pass colonial boundaries to travel across the eastern boundary of the colony to Xhosa territory; his initial aims are not clear from the archival record, but he would soon be reporting on the

[17] CA, CO 3936, Bannister [to Richard Bourke], Cape Town, 20 September 1828, 292–297.

[18] Bannister, *Humane Policy*, 156. Bannister possibly had information from Khoekhoe soldiers such as Andries Stoffels who was, as Bannister attested in *Humane Policy*, chosen captain of the seventy Khoekhoe men conscripted from Bethelsdorp to fight in the 1828 campaign.

[19] Cobbing, "Mfecane as Alibi"; Jeff Peires, "Matiwane's Road to Mbholompo: A Reprieve for the Mfecane?", in Hamilton (ed.), *The Mfecane Aftermath*, 213–240.

[20] CA, CO 3936, Bannister [to Bourke], Cape Town, 20 September 1828, 292–297.

grievances of Africans on the eastern frontiers of the colony.[21] To reach the region from Cape Town would have been a slow and difficult journey. When Thomas Pringle travelled from the eastern Cape frontier via Graaff Reinet to Cape Town to take up a position as librarian a few years earlier, it took his party about five weeks to travel some 700 miles by ox-drawn cart through the Karoo Desert.[22] Bannister went further and travelled to the so-called neutral territory, land between the Great Fish and Keiskamma rivers that had been wrested from the Xhosa in frontier warfare and remained bitterly contested. He spoke with Xhosa leader Ngqika in his own homestead as well as with other Xhosa chiefs.[23] We will return in Chapter 8 to the struggles of the Xhosa and brutal conflict in the Eastern Cape. Here I want more briefly to argue that Bannister tried to convey Xhosa perspectives as he saw them to Acting Governor Bourke, and that Xhosa leaders were presumably trying to use him as an intermediary.

On his return to Cape Town, Bannister stated that the Xhosa were being unjustly deprived of land, and that warfare might result from injustice. He articulated Xhosa anger and their willingness to fight the colony should agreements not be kept. He wrote to the governor in early 1829 that Xhosa chiefs were anticipating the return of part of the so-called neutral territory that had been left vacant and at least partially unoccupied after the last frontier war. They were peaceful because they were observing the conditions of the earlier treaty with Somerset, but they would not remain so if they felt that the terms of agreement were not respected and the land that they anticipated being returned to them was not. Furthermore, they required the land because of drought, as was also the case with emigrant Dutch-speaking farmers. The Xhosa were a 'proud people', Bannister reported, who would fight in part because of that pride and in part because they did not realize the certainty of their destruction in battle, since their young men had not experienced warfare with firearms. 'The consequence will be a succession of blood, commandos – and we shall buy the country as we have the Zuurveld, at three times its actual value.' Bannister argued instead for a diplomatic conference with Xhosa leaders to hammer out an agreement.[24]

In 1828–1829, Bannister also spent two months at Bethelsdorp, an LMS station for the Khoekhoe in the colonial district of Uitenhage in the eastern Cape.[25] At the time, some members of the LMS were, as I and others have explored elsewhere, involved in political agitation to obtain rights for Africans

[21] He was granted permission to travel, as requested, with attendants 'not exceeding eight'. CA, CO 5302: John Bell to Saxe Bannister, 10 October 1828, 8.

[22] Thomas Pringle, *Narrative of a Residence in South Africa* (London: Edward Moxon, 1835), 169–187.

[23] CA, CO 3941, #49: Saxe Bannister to Colonel Bell, n.d., ff. 357–365.

[24] *Ibid.*

[25] Bannister, *Humane Policy*, 228.

within the colony, even as the society was divided against itself.[26] The controversial station of Bethelsdorp was at the heart of opposition to the coercion of Khoekhoe labour and constraints on Khoekhoe mobility, as well as being an important source of Christian evangelists. At Bethelsdorp, Bannister would therefore have come into contact with missionaries and community members who were claiming civil rights for Africans. LMS African Superintendent John Philip was in fact in Britain from 1826 to 1829 arguing for the abolition of racially discriminatory legislation.[27] Despite the recent passage of Ordinance 50, however, violence against people of Khoekhoe descent remained routine. 'Brutal assaults upon Hottentots [Khoekhoe] by white people, British as well as Dutch, were common circumstances,' Bannister observed in *Humane Policy*. During his time in the Eastern Cape, the atmosphere was tense, as Ordinance 50 appeared to threaten the local balance of power.[28]

Bannister gave legal advice to Khoekhoe people who wanted back some of the land of which they had been dispossessed. On 2 January 1829, Bannister asked the colonial governor to be allowed to examine maps and lists of grants in the colonial districts of Uitenhage and Albany in order to see what lands had not yet been granted – a negotiating move informed by the politics of knowledge.[29] On 17 January, Bethelsdorp missionary Adam Robson submitted a memorial to Bourke from several members of the station describing themselves as 'divers inhabitants of Uitenhage, sprung principally from the Gona and other Hottentot tribes'.[30] They requested that all the land in the district of Uitenhage not yet been granted to others be given to them, free of quitrent for ten years. This was potentially a hybrid form of land ownership that echoed in some ways the hybridity of the situation of the Six Nations in Upper Canada: both Khoekhoe and Haudenosaunee made claims to an Indigenous sovereignty somehow nested within, or running parallel to, the Crown's claim to have legal ownership of the entire colony.[31] In the case of this particular petition, the Khoekhoe

[26] Julia Wells, "The Scandal of Rev. James Read and the Taming of the London Missionary Society by 1820", *South African Historical Journal* 42, 2000, 136–160; Elbourne, *Blood Ground*.

[27] On Philip: Tim Keegan, *John Philip's Empire: One Mans's Struggle for Justice in Nineteenth-Century South Africa* (Philadelphia: Casement Ipm, 2016); Andrew Ross, *John Philip, 1775–1851: Mission, Race and Politics in South Africa* (Aberdeen: Aberdeen University Press, 1986).

[28] Compare similar tensions at the Khoekhoe settlement of Kat River after its creation in 1829: Robert Ross, *The Borders of Race in Colonial South Africa: The Kat River Settlement, 1829–1856* (Cambridge: Cambridge University Press, 2013), 70–79 and *passim*.

[29] CA, CO 3941, no. 49, f. 352: Bannister to Bell, 2 January 1829.

[30] See also V.C. Malherbe, "Testing the 'Burgher Right' to the Land: Khoesan, Colonist and Government in the Eastern Cape after Ordinance 50", *South African Historical Journal*, 40(1), May 1999, 1–20.

[31] This comment is informed by Audra Simpson's conception of overlapping but not mutually exclusive sovereignties in North America, allowing space for Six Nations sovereignty. Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States* (Durham, NC: Duke University Press, 2014).

were in fact claiming the land as a whole even if they rhetorically 'allowed' existing grants to stand and used the formal mechanism of a request for grants from the Crown. At the same time, this petition was also a performance of loyalty, reflecting an appeal to the imperial loyalism that was, as Robert Ross and Jared McDonald among others have argued, an important component of the Khoekhoe politics of this period.[32]

The petitioners opened the memorial with a reference to their service to the 'public', including, notably, service on commandoes. In this period, the major source of employment for Khoekhoe men outside farm labour was in the military, more specifically in the Cape militia.[33] Historically, men had often had little choice about joining; furthermore, outside mission stations, coerced farmworkers were often expected to accompany white farm owners on commando attacks on other African groups. In 1827, the Cape Regiment had been reformed as the Cape Mounted Riflemen (CMR); both units had white officers and Khoekhoe soldiers. Members of the CMR were stationed in the so-called neutral zone and supported settler commandoes to obtain the return of (supposedly) stolen cattle. The commando system was bitterly criticized by the Xhosa and by colonial reformers, as we shall see later. For now, though, it is important to note that the colony was heavily dependent on Khoekhoe men to serve as soldiers. Loyalism had a price, in other words, and imperialism used groups against one another. For Bannister, the military role of Khoekhoe men was an important argument that they deserved land.

This petition is the first known collective petition by Khoekhoe people. The plaintiffs tried to broker relationships into the return of land. Memorialists could, they stated, 'appeal confidently' to missionaries and neighbours as to 'their conduct as mechanics; and in their various ordinary pursuits that most of them have, also, been faithful soldiers in regiments, or upon commandoes; and have otherwise served the public well'.[34] Using the language of economic liberalism, they continued that 'hitherto want of land has checked the natural increase of their cattle; and deprived memorialists of the just reward of industry'. Petitioners requested land grants in terms that argued that the entire region was in fact theirs by right: 'That they thankfully acknowledge the benefit of the late law; which declares their ancient right to hold land, but they pray it may be followed by the indispensable means of obtaining grants.' They did not seek 'to intermeddle with what is given to others of his Majesty's

[32] Robert Ross, *Status and Respectability in the Cape Colony, 1750–1870: A Tragedy of Manners* (Cambridge: Cambridge University Press, 2003), 94–124; Jared McDonald, "Loyalism in the Cape Colony: Exploring the Khoesan Subject-Citizen Space, c. 1828–1834", *New Contree*, no. 73, Special Issue, November 2015.

[33] V.C. Malherbe, "The Khoekhoe solider at the Cape of Good Hope: Life and Times in the Cape Regiment, c.1806 to 1870", *Military History Journal*, 12(4), December 2002.

[34] CA, CO 362, 12.

subjects – altho they cannot forget that it belonged to their fathers; and was lately rescued from the Caffres by their help; but they submit it to be just to reserve all that is left for them and their Children'. Underscoring Bannister's influence, petitioners asked to be given 'exact knowledge of the limits of the present farms' in order to find vacant lands, and therefore requested copies of the surveyors' plans and of official reports relating to the Field Cornetcies of Uitenhage. The petition was signed by thirty men (Figure 6-1). The signatories stated, however, that the petition was also on behalf of 'many other members of Bethelsdorp now absent cutting timber; or upon journies [*sic*] or shooting elephants or in other employment; as likewise such inhabitants of the Colony as are entitled to benefit of the late law'.[35]

The signatures on the petition are revealing. Sixteen of the men did not sign their own names, but had their names written for them by family members, mostly by children. The men included Andries Stoffels, his name written by his daughter Sarah. Eight of the family members writing in the names of their kin were women, although no women signed the petition. Only two male family members who signed for kin, Hendrick Vincent and Jan Ruiters, also signed the petition in their own names. This analysis suggests that the petitioners were mostly if not exclusively older males: it was young people who had access to the technology of writing through missionary education and older people who were most likely to be illiterate. These men clearly had dependents. Probably these were men who would have seen themselves as heads of households. This was a different form of patriarchy, aligned against the patriarchy of the white farm, in which petitioners asked for land that would have enabled them to support their own families rather than being coerced into relationships of dependency.[36] As the petitioners put it, they wanted to secure the land 'to them and to their children'.[37]

Bourke did not react well to this petition. In a pencilled draft response on the back of the petition in the colonial archives, to be submitted in the name of the Governor, the colonial secretary, John Bell, Bourke insisted that land grants had to be *individual*, couching the comment in terms that implicitly asserted that land ownership was vested in the Crown and that grants were made at the Governor's pleasure: 'H.E. the Governor will always feel disposed to attend as readily to applications for lands made by Hottentots of respectable character and sufficient means, as to those made by any others of HM's subjects – but he cannot comply with their demands as set forth in this memorial.' This was followed by a frank admission that spoke volumes about British colonial assumptions: '[w]ere a compliance with these demands ever possible, the granting of

[35] *Ibid.*

[36] Compare Pamela Scully, *Liberating the Family? Gender and Slave Emancipation in the Rural Western Cape, South Africa, 1823–1853* (Portsmouth, NH: Heinemann, 1997).

[37] CA, CO 362, 12.

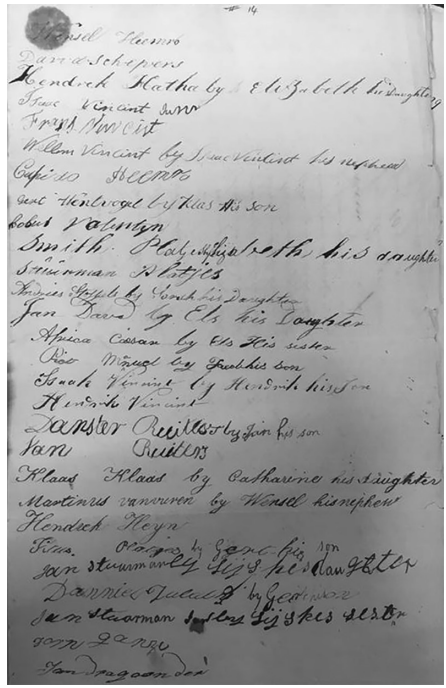


Figure 6.1 Signature page, memorial from inhabitants of Bethelsdorp (1829). CO 362: Western Cape Archives and Record Services, Cape Town

them would immediately place the Hottentot population in a situation different from and superior to that of any other class of the Inhabitants'. This was so self-evidently a problem that it could be used as a reason to block the request. Instead, the response continued, memorialists needed to petition as individuals for land and 'not as a body assuming as they have assumed to act in the name of the whole Hottentot population'.[38]

There is, somewhat confusingly, another petition from a much smaller number of Bethelsdorp men also in the office of the Cape government, but in this case without a date. Its placement in the file suggests, however, that it was written in late January or early February, 1829 – likely only weeks after the first petition. This version uses much of the same language but is more circumspect and asks for particular tracts of land. Was this a follow-up petition in light of the governor's response to the first one? The petition tellingly abandons the principle of communal land claims and states instead

[38] *Ibid.*

> That many members of Bethelsdorp now absent cutting timber near the lands aforesaid; and in various employments; and many other Hottentots; - are interested in the application; and the said lands are not calculated duly to support many families;
>
> Memorialists therefore pray that the same may be, severally, granted to such among them all, as may be found best entitled thereto; and that proper provision may be made for their due enjoyment thereof.[39]

Whatever the status of this latter petition, on 23 January the inhabitants of Bethelsdorp further petitioned the governor to be allowed to continue to graze cattle at the cattle post of Gora as well as to be exempted from paying a toll when riding firewood to Port Elizabeth. This time, they wrote as 'members of the Missionary Institution at Bethelsdorp' while describing themselves as 'of the Hottentot nation' and as acknowledging 'with unfeigned gratitude the civil blessings which the English government has bestowed on them & other free people in this colony', a phrase that sounds like Bannister.[40] Access to Gora was crucial to the community's ability to maintain cattle in a cattle-based rural economy, and the struggle over Gora symbolized a wider struggle over access to resources and the nature of a racialized economy. The governor refused the request for permanent use of the cattle post. This echoed the pattern that we have seen in Upper Canada: Indigenous people, even if they were loyalists, were denied access to the same economic opportunities as white settlers. Liberalism was asymmetrical.

There are at least two other petitions from Khoekhoe people in colonial archives that appear to have been drafted with Bannister's assistance. One is a petition from a Griqua community beyond the colonial frontier asking for restraints on Afrikaner migrants. The second is a petition from the children of David Stuurman asking for Stuurman to be allowed to return from New South Wales, where he had been transported after participating in a rebellion against Dutch farmers in the early years of the century.[41] In both cases, Khoekhoe petitioners again used the language of liberalism and the rhetorical performance of imperial loyalty to address concrete issues of concern to the community. I will first discuss the Griqua petition, with its implications for claims to sovereignty, and then examine the case of David Stuurman in more detail.

'Griqua' was an identity category used to describe some of the people of Khoekhoe descent who left the Cape Colony and created new communities beyond colonial frontiers to the north-east of the colony beyond the Gariep

[39] CA, CO 3941, no. 80, ff. 620–622: Memorial from Samson Tidor and six others.

[40] CA, CO 3941, no. 79, ff. 615–618, enclosed in A. Robson to Lieutenant Colonel Bell, Bethelsdorp, 23 January 1829.

[41] V.C. Malherbe, "David Stuurman: 'Last Chief of the Hottentots'", *African Studies*, 1980, 39(1), 47–64; Harriet Deacon (ed.), *The Island: A History of Robben Island 1488–1890* (Cape Town: David Philip, 1996).

River (then Orange River) (a region sometimes broadly termed Transgariep/Transorangia).[42] Many were of partial white descent, a fact that among other things reflected the sexual exploitation of Khoekhoe women on white farms. Dutch was a lingua franca. The Griqua had access to guns and horses, and in the early nineteenth century were powerful players in a regional economy marked by raiding, trading and fluid politics. They had a complicated relationship with the LMS, whose agents acted as ambivalent patrons in fissiparous societies that defined themselves to some extent by their relationship (or lack of relationship) with Christianity; suffice it to say that Griqua power lay in part through the access to colonial trade goods, including ammunition, facilitated by the LMS connection. Philippolis was originally an LMS station aimed at the San. Reflecting the weakness of the San, it become an independent community under the elected leadership of Adam Kok II, and in 1829 was one of four centres of Griqua authority.[43] The Griqua created laws and practices of government in a de facto constitution, drawing on both Dutch and Khoekhoe practices.

The 1829 petition from Adam Kok II's community at Philippolis is one small scrap of evidence concerning a very complicated larger history, and is difficult to analyse in isolation. It is nonetheless interesting to note, again, the proclamation of identity that opened the memorial and the deployment of a language about rights. The petition was signed by Adam Kok and by nine counsellors of the Philippolis Raad (or governing council).[44] It began by proclaiming that the 'inhabitants of this country' were

> chiefly descended from the native tribe of Hottentots [Khoekhoe] who anciently possessed the country in the neighbourhood of Cape Town, but who from certain causes were under the necessity of emigrating half a century ago to the Orange River, and have been connected with the missions of the LMS beyond the boundary for twenty-eight years, being governed by their own native Chiefs and subject to their own peculiar laws and customs.[45]

[42] Martin Chatfield Legassick, *The Politics of a South African Frontier: The Griqua, the Sotho-Tswana and the Missionaries, 1780–1840* (Basel: Basler Afrika Bibliographien, 2010); Robert Ross, *Adam Kok's Griquas: A Study in the Development of Stratification in South Africa* (Cambridge: Cambridge University Press, 1976); Edward Cavanagh, *The Griqua Past and the Limits of South African History, 1902–1994* (Bern: Peter Lang, 2nd edition 2011); David Johnson, *Imagining the Cape Colony: History, Literature and the South African Nation* (Edinburgh: Edinburgh University Press, 2012), 158–170.

[43] Karel Schoeman (ed.), *Griqua Records: The Philippolis Captaincy, 1825–1861* (Cape Town: Van Riebeeck Society, 1996), xi–xiii.

[44] "Adam Kok II and Raad to Sir Lowry Cole, Governor of the Cape Colony: Protest against white farmers settling in Griqua territory (Philippolis, 23 January 1829)", in Schoeman (ed.), *Griqua Records*. The signatories were 'Adam Kok, Chief; Hend[ri]k Hendriks, G. Jagers, Klaas Pienaar, Piet Sabba, Wm. Kok, Kowis Pienaar, Jager Boer, A. Constabel, Gert Kok, Counsellors'.

[45] *Ibid.*, 19.

This origin story was followed by specific complaints about the incursions of Afrikaner farmers into the region. Bannister may have helped shape a conciliatory tone in a text that nonetheless referenced natural rights:

> Memorialists are not insensible to the distress of some of the Farmers, and they know it to be their duty to render to their neighbours every assistance in their power, but they cannot help observing (however reluctant they may be to express their feelings) that painful experience has also taught them the duty of guarding against any infringement of their natural rights.

The memorialists stated that they were 'taught to consider the British Government as the defender of the oppressed'. The petition also referenced the depletion of natural resources attendant on colonialism. The neighbouring country was inhabited by a 'native tribe called Bashootoos' [Basotho], who were 'in a very impoverished and destitute state, their chief means of subsistence being the wild animals which abound in their country'. The 'Colonists' were hunting in the area, presumably more intensively, and would soon destroy or drive away the game, such that 'the poor natives must eventually be reduced to the greatest misery and want, and will in all probability resort to the practice of plundering as their only resource, which will expose the Griquas, their nearest neighbours, to the greatest danger'.[46] The Griqua were positioning themselves as people who were not solely hunters, and thus higher in the chain of civilization than other Africans, even as they made an important pragmatic point in a region ravaged by raiding.

Through this petition, the Philippolis community under Kok was appealing to a wider imperial public sphere. Petitioners implicitly portrayed themselves as better able to participate in this public sphere than the 'impoverished and destitute' Basotho, and they claimed both a political and an ancestral basis for authority (leaving out, it is worth noting, mention of white ancestry, the implication of which was contested in this region). Like the Haudenosaunee, they were a mobile population, whose claims to land and sovereignty moved with them – although, paradoxically, their claims would be undercut in the following decade by colonial landdrost Andries Stockenström's beliefs that the Griqua were on San land and carrying out atrocities, and that, between two interlopers, the Afrikaners were preferable.[47]

[46] *Ibid.*, 20.

[47] 'It would be better to people the country in question by those on whom our laws, religion and feelings have some more influence, and that a civilized Government cannot tolerate at its elbow scenes so disgraceful to human nature, which it can so easily repress'. Stockenström to Colonial Office, 24 March 1830, in C.W. Hutton (ed.), *The Autobiography of the late Sir Andries Stockenstrom, Bart*, vol. 1 (Cape Town: J.C. Juta, 1887), 379–380, cited in Legassick, *Politics of a South African Frontier*, 198–199.

Lost in an Imperial Sea: David Stuurman and Community Mobilization

The final petition I analyse is that of the children of David, or Dawid, Stuurman for his return from New South Wales, where he had been sent as a convict. Penal regimes at the Cape were part of what Clare Anderson aptly terms 'an imperial geography of carcerality'. Prisoners might circulate around the imperial world, as Stuurman's movement between the Cape Colony and New South Wales illustrates.[48] The petition of his children gives us a small glimpse into how these movements were perceived from the perspective of those they most affected. Stuurman had vanished, literally and figuratively, on the vast sea of the British imperial apparatus: a tiny speck. Bannister was almost certainly the only person Stuurman's family had met who could tell them what New South Wales looked like, or describe the life of a convict.

V.C. Malherbe has painstakingly reconstructed the life of David Stuurman, and the following discussion draws heavily on her account.[49] Stuurman was a significant figure in Khoekhoe resistance to oppression, and he has recently been memorialized as such. As a young man he experienced horrific physical abuse from his employer and the local officials who were also drawn from the white farming community. Stuurman once worked for 'Hannes' Vermaak, who brought Stuurman before the Field Cornet Hendrik de Bruyn to ask that Stuurman be shot for transgressions. However, as Malherbe puts it, Vermaak 'settled for having him tied to a wagon and beaten with sjamboks'. After that, Stuurman was tied up and his wounds were filled with salt to induce pain, and he was left out in the sun for several hours before being 'returned to his Master'.[50] The case was one of several that LMS missionaries James Read Sr and Johannes Theodorus van der Kemp tried to raise first with the Batavian government and then with the British. Stuurman was also one of several Khoekhoe captains who rose against white farmers and joined the Xhosa in warfare from 1799 to 1803, during which Dutch-speaking farmers were also in rebellion against the British, who first occupied the Cape in 1796.[51]

David Stuurman's brother Klaas was the only Khoekhoe leader who received a land 'grant' in the aftermath of the war, albeit on land the Khoekhoe would have seen as theirs to begin with, as the Cape's new masters, the Dutch Batavians who held the Cape from 1802 to 1806, tried to impose order on the area. Klaas died before moving to his tract of land, however, and his brother David inherited it (indeed, the colonial commentator Collins later claimed that many

[48] Clare Anderson, "Convicts, Carcerality and Cape Colony Connections", *Journal of Southern African Studies*, 42(3), 2016, 430.

[49] Malherbe, "David Stuurman".

[50] *Ibid.*, 48.

[51] Susan Newton-King and V.C. Malherbe, *The Khoikhoi Rebellion in the Eastern Cape (1799–1803)* (Cape Town: Centre for African Studies, University of Cape Town, 1981).

suspected that David had killed Klaas, although Malherbe points out that contemporary sources were silent). In 1804, when he took possession, Stuurman lived on a small tract of land with nine other men and thirty-two women and children, near Bethelsdorp.

In 1809, in the context of gathering colonial anxiety about renewed frontier warfare, local officials broke up the community with the backing of the Cape administration. According to Cape journalist Thomas Pringle's 1828 reconstruction of the events of nineteen years earlier, Stuurman refused to return two Khoekhoe men to a white farmer when the men returned to Stuurman's village after the expiration of their contract. This was an attack on the general attempt of the white farming community to keep Khoekhoe labourers attached to farms in a position of de facto enslavement. The farmer followed the men to demand their return, but Stuurman refused to surrender them. The next day the veld cornet (a local official) came with a group of armed farmers. Stuurman said he would fire on them if they tried to enter his property without putting down their arms; the power equalizer in this case was that the Khoekhoe had guns as well as the colonists. The landdrost of the district, Jacob Cuyler, then ordered Stuurman to appear before him. Stuurman delayed, and local officials decided to round up Stuurman's entire community in response. Even then, they needed to capture Stuurman by trickery since, according to Pringle, he was 'well known to be a resolute man, and much beloved by his countrymen, who regarded him as a sort of champion'.[52] Eventually, Stuurman and his men were enticed to the farm of a white man they trusted, and captured. Cuyler's report to the landdrost of Graaf Reinet, Anders Stockenström (the father of Andries), supports the account of a brutal round-up:

> We got all the kraal Hottentots in hands except about 4, who I believe ran to the [Xhosa] – those we got I bound to service with the Inhabitants for one year except 2 or 3 who were permitted to go to the school [the mission station Bethelsdorp] – only four are sent to the Cape, David and his Brother and two others.[53]

Although the official sources are silent, Pringle attested, presumably based on information from Bethelsdorp, that after the arrests and the de facto enslavement of other inhabitants, Cuyler took the community's cattle and asked for and obtained Stuurman's land 'as a private grant for himself'. He also took two of Stuurman's own children into his 'service' without contract or regular wages. They were still in service in 1826, when Pringle left the Cape.[54] A Khoekhoe

[52] Thomas Pringle, "The British Government at the Cape of Good Hope – Treatment of the Natives", *The New Monthly Magazine and Literary Journal* (London: S. and R. Bentley, Dorset Street, 1828), 169.

[53] Cited Malherbe, "David Stuurman", 53.

[54] Pringle, "British Government at the Cape of Good Hope".

community, led putatively by a patriarch with many family members, possibly including more than one wife, was a clear threat to the coercive patriarchy of the white farm. Malherbe points out that there is no evidence in legal records of a trial for Stuurman, even though Pringle (and therefore the Bethelsdorp community) assumed there must have been one. It seems, however, that the four men were simply sent to Robben Island without trial. The women and children who were rounded up in retaliation were held in prison in Cape Town for over two years. Four of the children died.

In his subsequent turbulent career, Stuurman escaped from Robben Island for the first time in 1809, living among the Xhosa for some years before being recaptured during the war of 1818–1819. He escaped a second time in 1820 as part of a daring mass escape by prisoners, including the Xhosa prophet and war leader Makhanda (nicknamed Nxele), who died in the attempt.[55] When Stuurman was again recaptured, he was sent to New South Wales, where he died in 1830. In recent years, Stuurman has been resurrected as a symbol of Khoekhoe resistance, as well as of Khoekhoe-Xhosa common ground. The South African government tried to get his bones repatriated to South Africa, but they proved to be buried beneath a railway station in Sydney. In ceremonies in 2017 in Sydney and the Eastern Cape, a Khoesan delegation, including members of the Stuurman family, symbolically repatriated the spirit of David Stuurman, bringing an empty coffin to be buried in the Gamtoos Valley, where he was born, close to the grave in which the repatriated bones of Sara Baartman, the so-called Hottentot Venus, also lie buried.[56] Before the ceremony, members of the delegation met with Australian Aboriginal groups in Sydney for advice on spiritual repatriation.[57] In 2015, a statue of Stuurman was erected at the National Heritage Monument in Tshwane (Figure 6.2). Reaching a high point of commemoration, in 2021 the Port Elizabeth International Airport was renamed the Dawid Stuurman International Airport.

At a very different time, the petition presents Stuurman's kin as political actors. The memorial was sent by David Stuurman's children David, Klaas,

[55] Julia Wells, *The Return of Makhanda: Exploring the Legend* (Scottsville, South Africa: University of kwaZulu-Natal Press, 2012), 215–239.

[56] On Baartman, Clifton Crais and Pamela Scully, *Sara Baartman and the Hottentot Venus: A Ghost Story and a Biography* (Princeton, NJ: Princeton University Press, 2009).

[57] "SA buries 200-year-old 'spirit' of rebel chief", *News24*, 17 July 2017. https://www.news24.com/SouthAfrica/News/sa-buries-200-year-old-spirit-of-rebel-chief-20170617 (accessed 22 February 2018); "Khoi Chief Stuurman's remains back from Australia", *Grocott's Mail*, 16 June 2017. https://www.pressreader.com/south-africa/grocotts-mail/20170616/281547995878483 (accessed 22 February 2018); "EC Legislature members to attend the 'spiritual repatriation' of Khoi leader Dawid Stuurman", *Algoa FM*, 6 June 2017. https://www.algoafm.co.za/article/local/86073/-ec-legislature-members-to-attend-the-spiritual-repatriation-of-khoi-leader-dawid-stuurman (accessed 22 February 2018).

Figure 6.2 Keith Calder, Statue of David Stuurman, National Heritage Monument, Tshwane, South Africa. Image made available by a creative commons license, CC BY-SA 4.0

Jannetje and Katje Stuurman: David, Klaas and Jannetje signed, while Katje 'was in service – and not convenient to be seen'. (Was it possible she was still in Cuyler's service?) All three signed with a mark, indicating that they were not literate. One of the witnesses was LMS missionary James Read

The memorial truncated a long and complicated history, saying simply that David Stuurman had been 'in the year 1809 or 1810, sentenced to be confined at Robben Island'. He had then escaped and

> went into Caffre Land, whence he hazarded to return some years afterwards, on the hope that his long exile amongst the Caffres [Xhosa] might be deemed a sufficient punishment, and that he might be permitted to live in the Colony among his friends. That their father was however taken prisoner again, and afterwards sent to Port Jackson in New South Wales, where he is now living.

The short petition asked the governor to request a royal pardon for their father 'and the permission for him to return to this Colony, and to spend the remainder

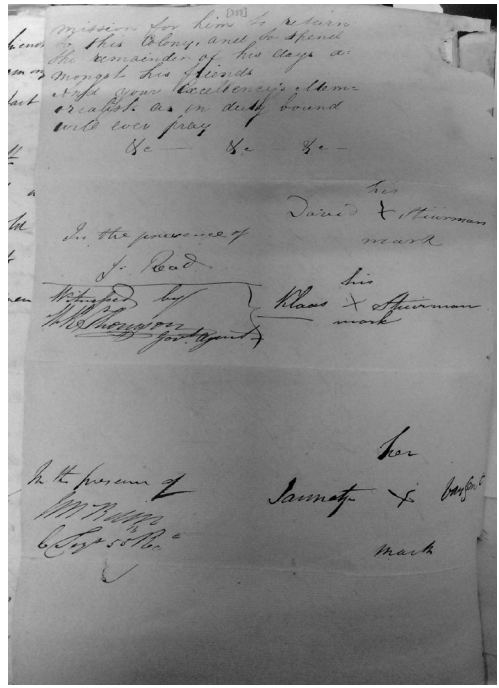


Figure 6.3 Signature page, memorial from David, Klaas and Jannetje Stuurman (1829). CO 3941, no. 49, folio 388. Western Cape Archives and Records Service, Cape Town.

of his days amongst his friends'.[58] Bannister's comments to the governor provide further clues as to Khoekhoe perspectives. Countering the potential argument that Stuurman, who 'possessed great influence here', would 'return with embittered feelings', thereby endangering the peace, Bannister commented:

> I cannot deny his influence, as I have witnessed the sympathy his fate excites among his nation – nor the natural effect of great suffering; - and if the old oppressions upon the Hottentots continue, Stuurman may resist them; - in the way every British subject is bound to do; and in that case for want of exact knowledge, he may exceed the measure of resistance allowed by the constitution. But I think he will find a new world opening to his people; and I submit, that mercy could never be so wisely bestowed as upon a man capable of comparing these new hopes with the dreadful scenes, in which he so boldly struggled.

[58] CA, CO 3941, #49, ff. 387–388: "Memorial of David Stuurman, Klaas Stuurman, Jannetje & Katje Stuurman", enclosed in Saxe Bannister to Bell, Cape Town, 23 February 1829 [ff 378–385].

If Stuurman's return might be seen as risky, his absence was more so: 'his absence now, actually, affects the peace of the district to a certain small extent; by causing deep regret to his numerous friends'.[59]

In sponsoring a petition for the pardon and return of David Stuurman, Bannister was entering into both community and imperial politics. The case of Stuurman's imprisonment was taken up, as we have seen, by Pringle and Philip, both of whom publicized the case in Britain as part of a wider offensive against colonial abuses in the Cape Colony. In this sense, Bannister was simply entering the fray. At the same time, he was also clearly responding to central concerns of community members themselves.

In the face of transnational publicity, Lieutenant-Governor Bourke had already in 1828 written to his counterpart in New South Wales for, in Bannister's words, 'so much indulgence to be granted to Stuurman, as should be within his limited powers'.[60] When Bourke was appointed to be himself Governor of New South Wales in 1831, he obtained permission from the Colonial Office before his departure to pardon Stuurman outright. The pardon, however, came too late for Stuurman, who had died before Bourke issued it.[61]

In drafting these petitions and in providing legal assistance in assault cases against Khoekhoe individuals, Bannister was acting in some ways as a translator, in a literal sense, because he both translated Dutch to English and non-legal language to legal language, and in the less literal sense of presenting Khoekhoe concerns in a manner that he thought would be legible to colonial administrators. Translators, of course, have a powerful capacity to impose their own meanings on words, even without the significant power imbalance that existed between Bannister and his Khoekhoe interlocutors. In a letter accompanying the first petition asking for land, Bannister perhaps tellingly asserted that he had been 'careful to embody in the memorial, such views, as I am convinced they entertain'.[62] More broadly, the ventriloquizing of Indigenous voices by white activists was a constant issue in this period, and indeed is a theme throughout the current book.

Nonetheless, it is also worth underscoring that a common critique of Khoekhoe and Xhosa activism in the 1820s and 1830s by hostile South African whites, used to dismiss their claims to land and rights, was that white humanitarians were somehow rousing up Africans.[63] It is plausible rather that people tried to

[59] CA, CO 3941, #49, ff. 378–385: Saxe Bannister to Bell, Cape Town, 23 February 1829. Bannister added 'I have lived a little; – but intimately – amongst these people; and submit the fact confidently to His Excellency's consideration.'

[60] CA, CO 3941, #49, ff. 378–385: Saxe Bannister to Bell, Cape Town, 23 February 1829.

[61] Malherbe, "David Stuurman", 61.

[62] CA, CO 3941, #49, f. 367: Saxe Bannister to Bell, Bethelsdorp, 23 January 1829. Someone underlined Bannister's phrase in pencil, perhaps expressing scepticism.

[63] For example, testimony of Col. T.F. Wade, 25 April 1836, British Parliamentary Papers. *Report of the Select Committee on Aborigines (British Settlements),* vol. 1, 538, 5 August 1836, 372–375, on Philip, Bruce, Read and Xhosa anger.

use the tools that were available to them, despite the limitations imposed by communications networks shaped by race and class; the wording of petitions should not be taken at face value, but their claims-making should not be dismissed. As Robert Ross, Jared McDonald, V.C. Malherbe, Clifton Crais, myself and others have argued, the late 1820s was a period of Khoekhoe political resurgence, bolstered by strategic uses of Christianity. As part of this process, Khoekhoe people used petitions, court cases and the newspaper accounts of speeches and public meetings to put their claims into circulation, both locally and on an imperial level. In 1834, the use of petitioning and appeals to colonial public opinion escalated when Khoekhoe people from across the colony agitated against a proposed renewal of vagrancy legislation through public meetings, petitions and letters to newspapers. In 1835, Andries Stoffels travelled to Britain to give testimony to the House of Commons Select Committee on Aborigines (British settlements). And in 1850, when these avenues no longer seemed fruitful, many would rebel against the colony, drawing on a different form of politics.[64]

Contact with Bannister gave Khoekhoe people access to a transimperial language about rights owing to 'aboriginal' people, and possibly also information about North America and New South Wales. There is no proof that Bannister discussed the Six Nations' circumstances and tactics with people at Bethelsdorp during the several weeks he spent there, but at the same time there is no reason to assume he did not. The language that the petition for land used, calling on an 'ancient right' to the land, points to an emerging conception of Indigenous rights coming from the colonized themselves and not only from the imperial centre, despite the roles of men such as Bannister and the missionary James Read in acting as brokers and translators. Not only the language but also the formats in which people expressed conceptions needed to be legible to colonial states, however; petitions were necessarily strategic interventions in white politics.

Access to land, and to the economic independence associated with land in a rural economy, lay at the heart of these debates. In his own voice, Bannister also promoted to the colonial government the idea of creating a settlement in the so-called neutral territory to include 'deserving' Khoekhoe.[65] He urged

[64] Robert Ross, *Borders of Race*, 193–271; Robert Ross, *These Oppressions Won't Cease: An Anthology of the Political Thought of the Cape Khoesan, 1777–1879* (Cincinnati: University of Cincinnati Press, 2018). On Stoffels' visit to Britain, Zine Magubane, *Bringing the Empire Home: Race, Class and Gender in Britain and Colonial South Africa* (Chicago: University of Chicago Press, 2004); Elizabeth Elbourne, "Sara Baartman and Andries Stoffels: Violence, Law and the Politics of Spectacle in London and the Eastern Cape, 1809–1836", *Canadian Journal of African Studies*, 45(3), 2011, 524–564.

[65] 'Grant the neutral territory chiefly to deserving Hottentots, Bushmen, Gonaquas, and Caffers, not as a means of defence, but both as a measure of justice, and to form a step towards gradual civilization; and organize a separate civil government there.' CA, CO 3941, #49, ff. 403–404: Saxe Bannister to Bell, Cape Town, 28 March 1829.

particular attention to former soldiers.[66] In this, he was echoing practice in North America, as well as reflecting his arguments in New South Wales that Indigenous men could be militarily useful. In late 1829, such a settlement was created, the Kat River Settlement, on territory taken from the Xhosa (although also claimed by ancestral right by the Khoekhoe); it was indeed seen by the administration and by many Khoekhoe themselves as a reward for military service. Bannister has not been associated with its creation, spearheaded by Graaf Reinet landdrost Andries Stockenström.[67] Bannister's more peripheral involvement underscores the circulation of ideas and practices through imperial space, as well as the continuing importance of the military in shaping colonial interaction with Indigenous groups in the early nineteenth century. His arguments for specifically 'Hottentot' land also reflected the concerns of his Khoekhoe interlocutors.

Saxe Bannister and Colonial Justice

During his stay in the Eastern Cape, Bannister attended hearings at the magistrate's courts at Algoa Bay and Uitenhage. He was shocked by how common interpersonal violence was: '[b]rutal assaults upon Hottentots by white people, British as well as Dutch, were common circumstances', he later wrote.[68] He was also shocked by the lax and racially biased administration of justice, despite the British government's promised efforts to reform the legal system. In one case, for example, even a mild and supposedly well-disposed magistrate discouraged a Khoekhoe person who had been assaulted from seeking personal damages through a civil suit, after winning the criminal suit; '[t]he time, said he, was, when Hottentots would have got no justice: now they wanted too much'.[69] On 14 February 1829, Bannister sent the colonial secretary a letter of concern and a package of documents that included an account of Wildschut Platje's efforts to obtain justice. The documents also included information about the even more serious case of Jacob Jacobs. Jacobs was attacked by several men from the Scheepers family, forcibly detained overnight and tortured in revenge for his attempt, in conjunction with four other Khoekhoe men, to prevent the Scheepers family from taking the cattle of the Khoekhoe men to the pound for supposedly straying onto the Scheepers' land. The Scheepers were trying, in effect, to steal Khoekhoe cattle. The case was a particularly pointed illustration both of contestation over resources and of the entrenched nature of white patriarchal control of non-whites.

[66] *Ibid*.

[67] Ross, *Borders of Race*, 30–34. According to Ross (34), Stockenström raised the idea with James Read in April 1829, who in turn said that he had discussed such a project with Bannister.

[68] Bannister, *Humane Policy*, 27.

[69] *Ibid.*, 28.

Bannister had already been closely involved in the case of Jacob Jacobs before he called for an inquiry. He in fact first brought this case to the attention of the government as an instance, he claimed, of the good will of the mission station inhabitants. The initial verdict in criminal court went against the patriarch of the Scheepers family (the only man who was charged); Jacobs was still covered in scars and some of his wounds were ulcerated. Scheepers had to pay the court £3 and was warned he was liable to a civil suit. After the trial, Bannister reported, Scheepers approached Jacobs. Bannister reconstructed the dialogue for the governor:

> SCHEEPERS – Well, Jacob, are you still angry?
> JACOB – No, I am not angry
> SCHEEPERS – Nor am I angry with you – and will pay
> you, if you are disposed for good will
> JACOB – How much will you pay me?
> SCHEEPERS – You must say how much-
> JACOB Then, I say 300 r[i]xdollars
> SCHEEPERS – That is too much – you know I was always
> good to you – I will give you 172 Rxdollars
> JACOB No – that is too little – I suffered too much pain for that.[70]

Whether or not this was an accurate transcription, the exchange captures the brutal patriarchy of a Cape farm household in which the farmer imagined himself justified by his paternalism – he had, after all, always been 'good' to Jacobs. Jacobs brought the offer back to Bethelsdorp for advice. According to Bannister, community members thought it would be best to accept the amount, although low. Bannister then wrote a letter to a court official accepting the 172 rix dollars on behalf of Jacobs; he closed it: 'Mr. B. has as much pleasure in being instrumental in showing that good will may be brought about between the boors, and their poor neighbours, as in assisting to defend the latter.'[71]

Despite what Bannister thought was this happy resolution, Scheepers and the clerk of the peace later laid a charge against the five Khoekhoe men for 'taking out' cattle under the 'Protection of the law', a common law offence.[72] This took for granted that Scheepers owned the land on which the cattle had been grazing. Bannister would later argue that was an unsafe assumption; it was possible that Scheepers was in fact trespassing on government land and did not truly own it. Beyond the violence of physical abuse lay conflict over resources

[70] CA CO 3941, #49, ff. 369–372: "Jacob Jacobs case". Copy enclosed in Saxe Bannister to Bell, Bethelsdorp, 23 January 1829.

[71] *Ibid.*: Saxe Bannister to Roselt, Bethelsdorp, 23 January 1829. Copy enclosed in Saxe Bannister to Bell, Bethelsdorp, 23 January 1829.

[72] Malherbe, "Colonial Justice and the Khoisan", 81.

and ultimately over the capacity of non-white people to have an independent economic life: Scheepers and other white farmers grazed their own cattle on Crown land, but impounded the animals of Khoekhoe people. There was, Bannister argued, 'an accumulation of wrongs, apparently, in the whole case […] I am sure I may take the liberty to submit that the whole case strongly illustrates the justice of granting it to the Hottentots'.[73]

The exchange suggests some of the stakes in challenging the administration of law in the Eastern Cape, even though Bannister doubtless saw himself as upholding good colonial order, not preaching radicalism. In calling for an inquiry, Bannister complained to the colonial secretary that the unequal administration of justice put down 'industrious, good men among the Hottentots' while 'white offences against them are being benignly dealt with' despite the fact that the vices of whites were allowed to 'destroy their own health and character, as well as to injure society at large'. Furthermore, the constraints on Khoekhoe liberty for which a few people were calling would be 'a great means of grinding them to the dust, to the disgrace and loss of the colony'.[74]

Acting Governor Bourke responded to all this by sending Donald Moodie, a Scotsman who was one of the 1820 settlers, to investigate the charges against the magistrate and clerk of the peace in Uitenhage. In order to be empowered to take evidence on oath, he was given a commission as justice of the peace.[75] As I argued in Chapter 5, this was part of the entanglement of the lives of the imperially mobile Moodie and Bannister families, a number of whose members were involved both in colonial reform movements and in writing about, and promoting, settler colonialism. Donald Moodie would later prove a scourge of the LMS; he would spend a number of years employed by the Cape government transcribing historical records in part with the aim of discrediting John Philip's version of the history of South Africa, and he deployed competing pro-settler visions of history in tangling in public with Philip and with Andries Stockenström. As such, he was a key player in the early debates in South African historiography, as Andrew Bank, Robert Ross and V.C. Malherbe have argued.[76]

In 1829, however, Moodie proved an ally for Bannister. He transcribed interviews with many people, including members of the community of woodcutters to which Jacob Jacobs had belonged (leading Malherbe to dub him South

[73] CA, CO 3941, no. 49, f. 392: Saxe Bannister to unnamed correspondent [presumably Colonial Secretary Bell], Cape Town, 27 February 1829.

[74] CA CO 3941, #49, ff. 373–76: Saxe Bannister to Bell, Cape Town, 14 February 1829.

[75] Malherbe, "Donald Moodie", 174.

[76] Robert Ross, "Donald Moodie and the Origins of South African Historiography", in Ross, *Beyond the Pale: Essays on the History of Colonial South Africa* (Hanover and London: University Press of New England for Wesleyan University Press, 1992), 192–211; Andrew Bank, "The Great Debate and the Origins of South African Historiography", *The Journal of African History*, 38(2), 1997, 261–281; Malherbe, "Donald Moodie".

Africa's 'first oral historian').[77] He unearthed damning detail. For example, Jacobs told Moodie how in Scheepers' house

> The father then got up and together, with Landman and the others threw him down and held his legs and arms Marthinus and Coenraad Scheeperis kicked and beat him with their fists – Marthinus Scheepers was in liquor – Landman and van Rooyen did not beat him – Scheeper's daughter said 'why do you beat him so, why don't you punish him in another way.' On this Marthinus Scheepers, Coenraad Scheepers, Landman and Dirk van Rooyen bound him with ox Reams – to a ladder and pulled down his trowsers – Marthinus Scheepers sent the others out of the house and began to beat him with a doubled Ox ream, cannot tell how long he was beaten, when one side of his posteriors was swelled up, he then beat on the other, deponent called out all the time 'If you please Baas' – he continued beating saying 'do you still call me Baas' – deponent then said 'if you please Mynheer' – Scheepers said 'you should have said that long ago['] – he then let deponent loose.

After this beating, when Scheepers' wife called him to come to supper, Scheepers, his son and son-in-law tied Jacobs to a yoke, which they then fastened to the beam of the ceiling in the family home and let him hang all night. 'Scheepers did not eat but sat in the door way, asked for sour milk and a towel with which he wiped the perspiration from his face, he was in his waistcoat and shirt sleeves.' Later, Scheepers went to bed, leaving his two daughters and two male members of the household to watch Jacobs, refusing to release him despite Jacobs' pleas to loosen the rope. 'Landman said "you Schelm you are too knowing, you may stand".'[78] The intimate detail of the case, as Scheepers drank sour milk and sat in his shirt sleeves, wiping perspiration from his face as he oversaw the family enterprise of keeping Jacobs tied to a yoke all night, suggests the interpenetration of violence and daily life, and the potential violence of the household. This was violence designed to humiliate. It was also an intimate violence carried out in the household, used to reinforce status relationships between those who knew one another.[79]

In the wake of Moodie's investigation, Bourke's government, eager to impose its authority over white settlers of both Dutch and British origin in a period of legal reform, moved the magistrate of Uitenhage from Uitenhage to Swellendam, and dismissed the clerk of the peace.[80] In June 1829, Jacobs launched a civil action against Scheepers in the Circuit Court at Uitenhage, asking for £100 damages. This was a revolution in the racial politics of the Eastern Cape. He was

[77] Malherbe, "Donald Moodie".
[78] Interview with Jacob Jacobs, 30 March 1829, transcribed in Malherbe, "Donald Moodie," 184–187; original in Western Cape Archives, CO 2713, no. 133.
[79] I develop this analysis further in Elbourne, "Sara Baartman and Andries Stoffels".
[80] Malherbe, "Donald Moodie"; Malherbe, "Colonial Justice and the Khoisan".

awarded £20 and costs. Even as these events were unfolding in February 1829, however, a Khoekhoe woman was complaining to the magistrate in Grahamstown that P. Tuite had tied her to a beam with a gag in her mouth, so that only her toes reached the ground, beat her with a horsewhip, and then left her tied up in his house alone with the door locked.[81] Despite Jacobs' legal victory, this remained a society scarred by interpersonal violence.

San Genocide and the Enslavement of Children

On 9 April 1829, Bannister, still back in Cape Town, wrote again to Bourke to say that he had information that 'a body of men on the Orange River, clearly connected by origin, and otherwise, with the North-eastern frontier, are carrying a modified slave-trade with Colonists – the people sold being procured, sometimes from Bushman families, but chiefly from the Bootchuanas [Tswana]'. Furthermore, traders often enticed people from their homes and coerced them into signing contracts. In addition, settlers from the Graaff Reinet area were moving across the colonial boundary fixed in the Eastern Cape in 1825 and 'taking lands and building houses [….] upon principles equally against the written laws; and natural equity'.[82] He planned, Bannister told Bourke, to publish this information 'in Europe', but he also wanted to share it with the government.

Bourke's response to Bannister's allegations of slave trading was to demand that Bannister reveal his sources. When Bannister stated that he could not do this, but felt he had given the government enough information to go on, Bourke wrote back to insist sardonically that when Bannister published he should also state that 'whilst endeavouring to criminate the Colonists, if not the Colonial Government, I have deliberately withheld from the latter, the readiest means of protecting the helpless and punishing the guilty'. Bannister responded that 'the matters which I mentioned in my letter, thus answered, are within easy discovery and prevention; if a prudent activity be directed towards the north eastern frontier'.[83]

Richard Bourke was sufficiently unnerved at a time of growing public debate about slavery and colonial abuses, and in a position in which he was supposed to be instituting liberal reforms, to forward the correspondence to the Colonial Office. Because Bannister had withheld the sources from which he had garnered his information, he claimed that he had been precluded from 'endeavouring to ascertain the truth or falsehood of this statement'. 'Although

[81] Bannister, *Humane Policy*, 34.

[82] CA, CO 5302, John Bell to Saxe Bannister, Cape Town, 13 April, 1829; CA, CO 3941: Saxe Bannister to John Bell, Cape Town, 9 April 1829.

[83] CA CO 3941: Saxe Bannister to John Bell, Cape Town, 13 April 1829.

disposed to give Mr. Bannister full credit for the benevolence of his motives, I confess I felt indignant at this proposed proceeding of his, to publish that which would reflect discredit upon my Government, yet deprive me of the only clue by which I could ascertain the veracity of his assertion.' To defend himself to his superiors, Bourke enclosed a letter from the Civil Commissioner of Albany and Somerset denying 'the possibility of such a traffic being carried on without detection'. He attested that the Civil Commissioner of Graaff Reinet had written privately to the same effect. 'In fact,' Bourke concluded, 'I have no reason to believe that such a practice has been attempted or is in existence in any part of this Colony.'[84]

Bourke's denial of knowledge of a slave trade in the interior came despite the fact that the 1823–1826 Commission of Eastern Inquiry had collected significant evidence that pointed towards the wide-scale use of captive San labourers by frontier farmers not only under the Dutch but also under the British up to the time of inquiry, in the context of violent attacks against the San. At the same time, the Commission did not publish key material until 1835, when Thomas Fowell Buxton called in parliament for evidence pertaining to Africans at the Cape to be printed.[85] In 1828, John Philip had argued in *Researches in South Africa* that the colonial government was aware in 1818, when it closed two LMS stations for the San, that farmers were capturing children in order to enslave them and that farmers opposed missions for that reason. He also claimed that more San had died under the British than under the Dutch. If commandoes were no longer at large, it was because the colonial conquest and settlement of San territory had destroyed the power of the San and made it unnecessary to send out large commandoes to capture slaves.[86] Philip went on to argue that what he described as the colonial government covering up abuses had wider implications, including for the possibility of reform in Britain itself. 'Let us not suppose, because the Bushmen country measuring 48,000 square miles, is now in the possession of the farmers, that the work of death and destruction in South Africa is now done.'[87]

The so-called apprenticeship of children in the Cape Colony was part of a much wider pattern not only of coerced labour but also more specifically of child enslavement. As important scholarship argues, including essays in a seminal 1994 collection edited by Elizabeth Eldridge and Fred Morton on captive labour in the borderlands of the colony, the labour of child captives was

[84] CA GH 23/9: Richard Bourke to R.W. Hay, 20 July 1829.

[85] British Parliamentary Papers, *Papers Relative to the Condition and Treatment of the Native Inhabitants of Southern Africa, within the colony of the Cape of Good Hope, or beyond the frontiers of that colony*. Part 1: *Hottentots and Bosjesmen; Caffres; Griquas* (London: House of Commons, 1835).

[86] John Philip, *Researches in South Africa* (London: James Duncan, 1828), vol. 1, 286–287.

[87] *Ibid.*, 287–288.

important to the economy of the southern African interior.[88] Many of these children were captured in commando attacks, even if the primary aim of commandoes was to kill men.[89] There was therefore a tight link between what has been termed genocidal warfare against the San and the quest for labour.

Child servitude, often through the mechanism of so-called apprenticeship (*inboekstelsel*), was a critical feature of the Cape economy in the late eighteenth and early nineteenth centuries, from Cape Town outward. This practice was important on and beyond the frontiers of the colony, where child captives were a key component of the labour force, in part because they served as a conduit for creating a servile adult labour force that was at least partially culturally assimilated.[90] This was true for Afrikaner farmers who did not have cash to purchase slaves but relied on servile labour to herd cattle and farm, as well as for domestic labour. It was also true for armed and mounted groups such as the Koranna and the Griqua beyond colonial frontiers who used colonial technology to subjugate local populations. Barry Morton argues that although the Tswana were sometimes themselves victims of slave raiding in the early nineteenth century, the coerced incorporation of the San (including children) as a servile class was also important for their political economy.[91] All of these groups fought with the San over land and cattle.

It seems plausible that capturing children was an aim of at least some of the raids against the San, not merely a side effect. Internal trade in child captives, who were relatively easy to transport and control, was significant, although its precise dynamics are hard to track and varied from place to place; clearly there was also an informal economy of exchange in which one farmer obtaining children for another on a raid might also be seen as a mark of generosity and civility. Settler colonialism in this case was eliminationist both in the sense of taking San land and in the sense of taking San children.[92]

[88] Elizabeth Eldredge and Fred Morton (eds), *Slavery in South Africa: Captive Labour on the Dutch Frontier* (Pietermaritzburg: University of Natal Press, 1994); Jared McDonald, "'Like a Wild Beast, He Can be Got for the Catching': Child Forced Labour and the 'Taming' of the San along the Cape's North-Eastern Frontier, c.1806–1830", in Mohammed Adhikari (ed.), *Genocide on Settler Frontiers: When Hunter-Gatherers and Commercial Stock Farmers Clash* (New York and Oxford: Berghahn, 2015), 60–87.

[89] Susan Newton-King, *Masters and Servants on the Cape Eastern Frontier* (Cambridge: Cambridge University Press, 1999), 116–149 and *passim*; Wayne Dooling, *Slavery, Emancipation and Colonial Rule in South Africa* (Scottsville, South Africa: University of KwaZulu Natal Press and Athens: Ohio University Press, 2007), 59–62.

[90] Susan Newton-King concludes that there were at least 1,000 war captives in the Graaff Reinet labour force, or at least one in eight of recorded Khoisan servants. The majority of captives were women and children. Newton-King, *Masters and Servants*, 117–118.

[91] Barry Morton, "Servitude, Slave Trading, and Slavery in the Kalahari", in Eldredge and Morton (eds), *Slavery in South Africa*, 215–250.

[92] Compare Patrick Wolfe. "Settler Colonialism and the Elimination of the Native", *Journal of Genocide Research*, 8(4), 2006, 387–409.

In debates with Bannister in the late 1820s, despite empire-wide debate over freedom and unfreedom, the Cape government essentially signalled its incapacity to prevent either armed attacks on San peoples on the frontiers of the colony, or the persistent removal of children to serve as farm labourers. The two phenomena were linked. The difficulty that Cape officials seemingly had in recognizing the economic centrality of child enslavement to the domestic colonial economy and the existence of a trade in people made it harder to acknowledge or control the continuation of widespread commando attacks on the San. Instead, conflict with the San tended to be seen as the product of the lack of civilization of the San and sometimes also of the Dutch. Perhaps paradoxically, the civilization of the San was seen as one solution, and proponents of civilization tended to argue for the benefits of assimilating children. At the same time, in 1818, the government of Lord Charles Somerset had shut down nascent LMS missions to the San, which were precisely designed to turn the San into farmers and prevent warfare, in light of the concerns of frontier settlers that missions were competing with them for labour.[93] British policy towards what can reasonably be termed the San genocide that was still ongoing in the early nineteenth century and indeed, as Nigel Penn argues, accelerated, was incoherent, ineffectual and favoured settlement. In this respect, it echoed policy in the Australian colonies of New South Wales and Van Diemen's Land/Tasmania.

Colonialism and Humanitarianism: Colonizing Natal

A final thing that Bannister did before he left the Cape in 1829 was to make a pitch for his ownership of a substantial tract of land in what would later become part of the British colony of Natal but that in 1829 was still firmly under the control of the expansionist Zulu kingdom, which had conquered and incorporated many neighbouring peoples. This seems paradoxical, considering his parallel advocacy for indigenous rights. It may appear more comprehensible, however, if one follows Bannister's argument in seeing the Zulu as would-be commercial agents who were being thwarted in their desire to trade with the Cape. Indeed, Bannister consistently paid attention to Africans as potential business agents. Commercial activity and the opportunity to accumulate property were beneficial, he believed, and colonialism could function well if it allowed a viable economy to flourish. In his 1834 book *Humane Policy*, for example, Bannister detailed at some length the products traded at experimental 'fairs' between the colony and peoples beyond colonial boundaries. Africans brought good products to market, he argued, including manufactured goods such as rhinoceros-hide sjambok whips that were traded as far afield as Egypt (there is perhaps some symbolism to be found in the export

[93] Penn, "The British and the 'Bushmen'".

of violence across the empire through the colonial travels of South African whips). The British failed to provide good products in return.[94] In discussing ways to check the 'destruction of the aborigines now so apparently irresistible in many British colonies', Bannister argued that the Cape government had 'most effectually multiplied its own troubles by stripping a great body of its subjects for a long time irretrievably of property'. This led to the need for a system of public guardians, which was in reality relatively ineffective. Bannister praised instead the virtues of 'private activity', something that the oppression of Indigenous peoples paralysed.[95]

It does not take a significant leap of the imagination to see Bannister finding common ground with the small group of British traders, including the naval officer and Napoleonic War veteran Francis Farewell, who were living in Zulu territory in the 1820s. These men fought among themselves but were united in their desire to trade.[96] Although, in contrast to Bannister, the trader Nathanial Isaacs stressed in his (controversial) 1836 memoir that the powerful ruler Shaka 'had an extreme aversion to any thing like commercial traffic, and forbade it among his people', the incorporation of traders might seem to suggest that Shaka did indeed want some form of trade in western goods, including guns.[97] Among other efforts to make diplomatic contact with the colony, towards the end of his life, the Zulu leader Shaka attempted to send an embassy to Bourke's administration in the Cape Colony that might be read as a trade mission: he tried to send a large cargo of ivory and asked for particular 'gifts' in return, including guns, dogs and a private supply of hair dye.[98]

In 1829, the Zulu kingdom controlled a vast amount of territory in the south-east, in modern KwaZulu Natal. Shaka sought confidently to incorporate traders under his hegemony in accordance with existing practice: they could be cast as dependent allies, with access to people and cattle. In this sense, Shaka might be seen as crafting relationships through the grant of goods and access to land. Zulu strategies were also kinship strategies: several traders had positions as minor chiefs and created dynasties with Zulu women. This was a means of incorporating people. As John Laband observes, Shaka referred to the traders as *abakwethu*, or 'people of our house'.[99] In 1824, Shaka permitted Farewell to occupy a significant tract of land, at what became the harbour of Natal, over 100 miles from Shaka's own residence. He signed a

[94] Bannister, *Humane Policy*, 109–148.

[95] *Ibid.*, 26.

[96] On Farewell's experience during the Napoleonic Wars, see the letters of reference enclosed in CA, CO 3941, #49, ff. 395–399: Bannister to Bell, Cape Town, 3 March 1829.

[97] Nathaniel Isaacs, *Travels and Adventures in Eastern Africa* (London: E. Churton, 1836), 348.

[98] CA GH 19/3.

[99] John Laband, *The Assassination of King Shaka: Zulu History's Dramatic Moment* (Johannesburg and Cape Town: Jonathan Ball Publishers, 2017), 68.

written agreement to transfer land to Farewell, in addition to allowing other traders to occupy land elsewhere.

There were parallels between Haudenosaunee and Zulu practices in encounters with colonists: both attempted to assimilate colonial outsiders in accordance with existing practices that had served the extension of their hegemonic regional power. Thomas McClendon argues that when parts of the Zulu kingdom came under colonial control with the British annexation of Natal, the influential administrator Theophilus Shepstone (agent to the 'native tribes' of Natal in 1846 and Secretary of Native Affairs for Natal from 1856 to 1877) used his cultural and linguistic fluency to present himself as a Zulu *inkosi*, as early British rule was compelled to adopt Zulu political forms.[100] It is noteworthy, as both Jeffrey Peires and Susan Blackbeard observe, that when the Xhosa first encountered Afrikaner settlers in the Eastern Cape, they similarly assumed that they would assimilate them, as they previously had Khoesan and abaThembu groups.[101] Such strategies were generally repudiated by colonial states once they became sufficiently powerful.[102] Another significant parallel with North America is that settlers who were given land as part of an effort to incorporate them typically tried to monetize the transaction and place the land into a global land market, reinvented as a saleable commodity. Dan Wylie argues convincingly that Shaka would not have understood the terms of the treaty, which was cast in arcane legal language and used measurements (in miles) he would not have known. Most significantly, '[t]he fundamental fraudulence of the land grant – whether or not Shaka actually signed it – lies in its total opposition to Shaka's understanding of land use'. Even within the parameters of a British conception of land ownership, Shaka did not actually 'own' the land, since much of it was under the control of other independent groups.[103]

Typifying the colonial process of transforming relationships into commodities, Farewell turned the grant into a 'treaty' that could then be monetized and transferred from one person to another. He somehow brought in Bannister (the process is murky), possibly while Farewell was in Cape Town in 1829 after Shaka had been assassinated and Farewell had fled. Farewell claimed that Shaka

[100] Thomas McClendon, *White Chief, Black Lords* (Rochester, NY: University of Rochester Press, 2010).

[101] Jeffrey Peires, *The House of Phalo: A History of the Xhosa People in the Days of their Independence* (Johannesburg and Cape Town: Jonathan Ball, 1988), 50; Susan Blackbeard, "Acts of Severity: Colonial Settler Massacre of amaXhosa and abaThembu on the Eastern Frontier of the Cape Colony, c. 1826–47", *Journal of Genocide Research*, 17(2), 2015, 111.

[102] The history of the Fynn clan under apartheid and subsequently is an example, as Troy Meyers explores: "Descendants of the Founders of Durban: The Fynns Today", 14 March 2011. http://www.apc.uct.ac.za/apc/projects/ancestral-stories/descendents-founders-durban-fynns-today (accessed 15 April 2022).

[103] Dan Wylie, *Myth of Iron: Shaka in History* (Scottsville, SA: University of KwaZulu-Natal Press, 2006), 319–320; Laband, *Assassination of King Shaka*, 68–69.

had granted him land that could be used a new British colony. Bannister and Farewell drew up a proposal in 1829 for the creation of a new colony that they submitted to the Cape administration, only to meet with a decisive snub, echoing earlier British refusals to consider trader land claims in Natal.[104] Indeed, Bourke warned Bannister to distrust Farewell.[105]

Farewell died shortly thereafter, murdered in his turn on the orders of Qwabe leader Nqetho as part of complicated regional politics. Bannister did not let the idea die, however. He continued to try to interest the British government in Farewell's supposed treaty and resisted the claims of officials that Farewell was untrustworthy and disreputable.

In 1829, as his personal financial affairs came to a crisis point, Bannister sent an abridged version of this proposal to Robert Wilmot-Horton, Colonial Under-Secretary for War and the Colonies. He did it, however, in such an odd manner as almost to seem unbalanced. He used the printed proposal as writing paper, scrawling on the bottom an impassioned letter attacking his enemies from New South Wales and pleading for financial compensation for his treatment there. 'It is due to my cruelly sullied character; and to my family's wounded feelings to struggle, as I will do, while life lasts until I succeed.'[106] The Colonial Office refused his claims for backdated salary, and on his return to the United Kingdom from southern Africa to pursue his financial claims, Saxe Bannister was arrested and thrown into the White Cross debtors' prison.[107]

Although Bannister seems to have dropped his quest to put the Farewell 'treaty' into effect once the project had been decisively rejected by the Colonial Office, he continued to promote the colonization of Natal more generally. In doing this he worked with Cape merchants including the 'gentleman speculator' (in Norman Etherington's phrase) John Centilevres Chase.[108] Although Bannister was a founding member of the Aborigines Protection Society in 1837, by at latest 1843 he was addressing correspondence from the London offices of the Colonial Society, which promoted colonization; he clearly did

[104] Wylie, *Myth of Iron*, 513–514; CA CO 5302, f. 52: Bell to Lieutenant Farewell, Cape Town, 2 March 1829. On an earlier refusal, TNA CO 48/127 see W. Tonkin [to Colonial Office], Teignmouth, Devon, 3 October 1828, requesting support for Farewell's application rather than that of others. An anonymous hand annotated firmly 'The Govt have no intention of making a settlement at Port Natal.'

[105] CA, CO 3941, #49, ff. 395–399: Bannister to Bell, Cape Town, 3 March 1829.

[106] DCRO, D3155, WH2744: Saxe Bannister to Wilmot-Horton, 2 March 1829. Letter written at the bottom of pamphlet, 'Abridgment of Articles of Agreement entered into between Francis George Farewell, Esquire, a Lieutenant of the Royal Navy; and Saxe Bannister, Esquire, late His Majesty's Attorney General in New South Wales'.

[107] DCRO, D3155, WH2744: [Saxe Bannister?], "Case of Mr. Bannister," n.d.

[108] Norman Etherington, "A False Emptiness: How Historians May Have Been Misled by Early Nineteenth Century Maps of South-Eastern Africa", *Imago Mundi*, 56(1), 2004, 76.

not see these affiliations as incompatible.[109] Chase had been advocating for the colonization of the south-eastern interior since the early 1830s, including convening a public meeting in Cape Town in 1833 to discuss the economic prospects of Natal. Bannister promoted in Britain the interests of Cape merchants who sought to establish a colony in Natal; as he put it in 1853, he 'wrote their papers and published several pamphlets on the advantage of a regular settlement at Natal'.[110]

In 1839, Chase and Bannister formed the Natal Association to renew their attempts. They jointly drew up a prospectus entitled *Country of Natal, Proposed to be Colonised*, received by the Royal Geographical Society in June 1839, in which, as Etherington demonstrates, an inaccurate map building on mistakes in previous British maps perpetuated the myth of an empty land, supposedly depopulated by conflict with the Zulu and ripe for colonization.[111] Bannister also wrote in 1839 a *Memoir Respecting the Colonization of Natal, in South-Eastern Africa,* presented by the 'Cape of Good Hope Trade Society to the Secretary of State for the Colonies'. Bannister and his collaborators promoted a new and better organized form of colonization based on land sales, with strong central control. Further, Bannister fervently argued that the Zulu and other peoples in the region were well disposed to white settlement and interested in trade. Colonialism would be mutually beneficial.[112] Furthermore, although some felt no new colonies should be created in reality, it was impossible to combat the energy of colonization; Bannister cited the colonial secretary, Lord Glenelg, in 1835 to the effect that 'to engage in such a struggle would be wholly irrational. All that remains for the Government is to assume the *guidance* of enterprizes [*sic*], which it may conduct to happy results, though it cannot prevent or retard them.'[113] Bannister also lobbied the Duke of Richmond to promote the benefits of the proposed colony. In 1839, for example, he asked the duke to present a petition to the House of Commons urging the benefits of a colony in Natal and claiming that the frequent 'sanguinary conflicts with the Natives' were due to the 'want of a proper system of Colonial Government' rather than to 'an impossibility of conciliating the interests of both the White and Coloured Races'.[114] Emerging information about warfare between the emigrant Afrikaners and Dinizulu's Zulus trickled into the footnotes of a work that

[109] For example, WSCRO, Goodwood MS 1651: Saxe Bannister to fifth Duke of Richmond, 31 May 1843, with "Colonial Society" as Bannister's address.

[110] Saxe Bannister, *Mr. Bannister's Claims* (London: Vizetelly and Company, 1853), 15.

[111] Etherington, "A False Emptiness", 76–77 and *passim*.

[112] Saxe Bannister, *Memoir Respecting the Colonization of Natal in South-Eastern Africa* (London: John W. Parker, 1839).

[113] Bannister, *Memoir Respecting the Colonization of Natal*, 4, citing House of Commons Papers, 1836, No. 0101, 234.

[114] WSCRO, Goodwood MS 1599, 168: Saxe Bannister to Duke of Richmond, 16 Regent Street, 27 April 1839.

seems to have been already in type; nonetheless, for Bannister such disasters only demonstrated the desirability of a firm British hand. When Britain finally did declare a colony in 1843, scrambling to cut off the claims of the migrant Afrikaner farmers who flooded out of the Cape Colony during the so-called Great Trek, Bannister urged Richmond to pressure the government quickly to establish an effective local administration to avoid 'the bloodshed and misery of white and black at Natal during the last five years'.[115]

Making History: Bannister and the Historical Text

In all of this, Bannister helped generate discourse that has echoed into the present, albeit with some paradoxical outcomes. His argument that there was a slave trade into the Cape Colony was taken up by revisionist historian Julian Cobbing and others in the 1980s and 1990s to argue that the disruptions in the interior, hitherto termed the 'mfecane' by scholars and largely blamed on the aggression of the Zulu empire, were in fact the product of a large-scale colonial slave trade. At the same time, the argument that Natal was ripe for colonization in part because the land was relatively empty – a key justificatory myth of both the British imperial and the apartheid eras – was also an argument made by Bannister in his ongoing propaganda in support of the colonization of Natal. Unexpectedly, the heated debates of South African historians over the Mfecane in some ways mobilized one version of Bannister's historical understanding against another.

Bannister might have appreciated the fact that his writings had a historiographical afterlife. As he grew frustrated in his efforts to regain colonial employment and to gain compensation for what he saw as his unjust dismissal from his post in New South Wales, he turned increasingly to writing history. He became convinced that the solution to the problems of colonialism lay in a close study of past examples. In 1843, for example, he created a 'great plan' to collect and publish core historical records for Britain and British territories under the aegis of a society he hoped to found, the Cabot Society, which would concentrate on what he described as the 'maritime history' of the British isles. Bannister's vision of maritime history was clearly capacious; he anticipated that his collection of 'Historical Records' might be completed in some fifty volumes and 'contain the historical foundations of the countries possessed by Britain, beyond sea'. Indeed, Bannister urged the Duke of Richmond, a leader of the Sussex gentry whom Bannister also sought out for patronage and assistance with his quest for compensation, to show Colonial Secretary Lord Stanley the introduction to his collection of classical

[115] WSCRO, Goodwood MS 1635, folio 96: Bannister to Duke of Richmond, Colonial Society, 15 St James Square, 1 February 1842.

sources for British history as an aid to solving the problems of Natal.[116] In looking to a complete historical record as a guide to the present, Bannister was part of a wider movement as history took shape as a discipline in the mid-nineteenth century. Among others, as we have seen, Donald Moodie was engaged in a similar project in South Africa with a similar name, *The Record: Or, a Series of Official Papers Relative to the Condition and Treatment of the Native Tribes of South Africa*. In both cases there was an underlying agenda to get colonialism right through grasping with adequate thoroughness the details of history, although it is perhaps ironic that Bannister had helped put into circulation some of the narratives Moodie was seeking to correct. At the same time, the writings of John Philip and Thomas Pringle also sought to use history to shed light on British violence overseas.

Bannister became an ever more frantic author as his finances deteriorated – indeed, he applied three times for financial relief to the fund of the Royal Literary Society designed to aid destitute authors, in 1849, 1871 and 1873.[117] In his later years, Bannister turned to another monumental project, the transcription and publication of the papers of the Scotsman William Paterson, in conjunction with a biography. Paterson was both a founder of the Bank of England and a key progenitor of the ill-starred Darien colonization scheme, by which the then independent kingdom of Scotland tried to establish a colony on the isthmus of Panama. Bannister clearly saw in Paterson a fellow promoter of the right kind of colonialism who was similarly misunderstood and rejected.[118] Despite his enormous contribution to bearing witness to violence on the colonial frontiers of New South Wales and the Cape Colony, and his frequent searing critiques of colonial abuses, in the end Bannister's work stands, in my view, as a paradoxical testimony to the power of belief in the benefits of colonialism.

[116] WSCRO, Goodwood MS 1669, "The Cabot Society, established to publish works on maritime history of British Isles", enclosed in Saxe Bannister to the Duke of Richmond, 5 January 1845.

[117] British Library: LOAN 1/ 1235.

[118] Saxe Bannister, *William Paterson: The Merchant Statesman and Founder of the Bank of England: His Life and Trials* (Edinburgh: William P. Nimmo, 1868).

7

From Sierra Leone to Swan River

The Bannisters' Imperial World

On the face of it, Sierra Leone in West Africa and Swan River in Western Australia, at opposite ends of the world, had little in common in the early nineteenth century. At the same time, by the late 1820s, both regions were being incorporated into an increasingly powerful British world system undergirded by the strength of the British navy. In both places, the navy played a correspondingly crucial role in administration in the late 1820s and early 1830s. Both areas were beachheads on the edges of vast continents, linked to Britain by the sea. In both regions, an English-language government was imposed on very different pre-existing societies. A version of British law was put in place in both places, seen by the British as an instrument through which to improve society. Claims about civilization, freedom and the benefits of the rule of law obscured some fundamental injustices in places that were linked by an emerging notion of an empire of 'liberty'. Further, both places were also characterized by a quest for labour on the part of elites: indentured labourers from Britain (as substitutes for convict labourers) were to accompany 'capitalists' in the initial Colonial Office conception of settling Swan River; Sierra Leone was used by the British navy as a base for capturing slave ships and was the home of admiralty courts in which these captured 'prize' goods were sold. However, freed slaves were themselves seen as a potential source of labour in Sierra Leone and for the British army. In both places, the colony depended on the transnational circulation of labour.

Both Sierra Leone and Swan River offered opportunities to enterprising Englishmen prepared to travel and take risks to make careers and fortunes. Even for humanitarians and critics of the supposedly wrong kind of colonialism, the world that British sea power was opening up in the early nineteenth century was a place of remarkable opportunity. These expanding horizons were facilitated by linkages between regions bound by empire. Families and individuals might choose to go to far-flung parts of the world to repair fortunes lost or threatened in another region. As Catherine Hall argues, innumerable imperial families 'criss-crossing the empire in the eighteenth and nineteenth centuries' took advantage of 'opportunities where and when they arose, forming networks which tied disparate sites together in webs of familial connection, facilitating the movement of money, goods, knowledges and

people'.[1] In this chapter, we turn to consider the activity of John William Bannister in Sierra Leone and Thomas Bannister in Australia, illuminating ways in which both colonies were seen as new worlds that opened new possibilities, even as this language obscured important problems.

This chapter explores further aspects of the Bannisters' colonial world: John William's career in Sierra Leone and Thomas' drive to find land in Australia and to open new areas for settlement. In the process, the Bannister brothers tried to impose themselves on the physical world, whether urging a ship captain to push a leaky and unseaworthy boat on to Sierra Leone, tramping through dangerously dry lands in a Western Australian summer or facing down malaria. These were still seen as dangerous places. The colonial world was, however, supposedly to be ordered, disciplined and at times overcome through sheer strength of personal will, even as the brothers' activities also both required and called forth an enabling colonial state.

John William Bannister and Sierra Leone

In 1808, the region in West Africa that for the past decade and a half had been run as a private Christian colony by the Sierra Leone Company to abolitionist ends was taken over by the British government. It became the crown colony of Sierra Leone. The colony was small but aggressive, surrounded by Mende and Temne chieftaincies that it would gradually subdue over the course of the nineteenth century. In the late 1820s, the main African population of the colony had diasporic roots, although they would later gel into the Krio community. Their ranks included descendants of the so-called Nova Scotians (freed African-American slaves who had supported the British side in the American Revolution and migrated from loyalist settlements in Nova Scotia), liberated Africans (freed slaves and their descendants), merchants and a small Jamaican 'maroon' community imported in 1800 to quell settler revolt.[2] There was a particularly important Yoruba-speaking group among the formerly enslaved, whose ranks included the future Anglican bishop Samuel Crowther.[3] This

[1] Catherine Hall, "The Slave-Owner and the Settler", in Jane Carey and Jane Lydon (eds), *Indigenous Networks: Mobility, Connections and Exchange* (New York and London: Routledge, 2014), 29–49; quotation, 29.

[2] Bronwen Everill, *Abolition and Empire in Sierra Leone and Liberia* (Houndmills: Palgrave Macmillan, 2013); Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Alfred A. Knopf, 2011); Simon Schama, *Rough Crossings: Britons, the Slaves and the American Revolution* (London: BBC Books, 2005); Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006).

[3] Anon [Samuel Crowther]. "Narrative of events in the life of a Liberated Negro, Now a Church Missionary Catechist in Sierra Leone", *Missionary Register*, October 1837, 433–440.

provided a community of people who were remaking themselves under difficult circumstances and did not initially have a direct ancestral claim on the land, even though they might, of course, develop strong personal ties to it. This possibly made it easier to imagine them as fitting the paradigm espoused by Saxe Bannister of Indigenous groups eager to receive the advantages of equal citizenship and equality under the law in exchange for sharing land and political control: this was a better bargain for refugees.

In 1807, the British parliament had outlawed the slave trade in Britain and the British empire. Sierra Leone, a colony first created for Black loyalists, became the principal base for suppressing the slave trade in West Africa. The British navy patrolled the seas around the colony, and captured ships that were suspected of engaging illegally in the slave trade. Ships were brought back to Sierra Leone and their captains put on trial in special courts. Should the court determine that a ship was illegally trading slaves, the ship was seized as a prize and sold, following long-standing naval practices of bounty-taking, and any slaves found on board were emancipated. This system was potentially profitable for officials in Sierra Leone, given the amount of prize money at stake and the possibility of redistributing captives as tied labour, including as 'volunteers' in the British army.[4] Capturing slave ships followed the naval rules of engagement during wartime, but became more legally complex after the end of the Napoleonic Wars. The system also became potentially less profitable for individual officials in the post-war environment, when a series of bilateral treaties in 1818 and 1819 laid down some ground rules for slave trading by foreign powers and established Mixed Commission Courts in Sierra Leone.[5] Cases in which the West Africa Squadron seized foreign ships trading slaves to the north of the equator were tried in these Mixed Commission Courts, in theory by representatives both of the British government and of slave-trading nations with which Britain had signed treaties, namely Portugal (Brazil after Brazilian independence), Spain and the Netherlands. In practice, as Lauren Benton and Lisa Ford point out, high death rates and delays on the part of treaty partners in sending out commissioners meant that the mixed commission courts were often staffed in practice exclusively by British officials.[6] Benton and Ford further argue that in a larger sense British efforts to order the seas in the early nineteenth century, through attacks on slave traders and pirates, were not based on a global concept of international law and an emerging human rights discourse, but rather on a patchier and

[4] Padraic Scanlan, *Freedom's Debtors: British Antislavery in Sierra Leone in the Age of Revolution* (New Haven, CT: Yale University Press, 2017).

[5] Scanlan, *Freedom's Debtors*, 172–175; Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA and London: Harvard University Press, 2016), 122–131.

[6] Benton and Ford, *Rage for Order*, 125.

more ad hoc process of imposing British municipal laws on areas of uncertain jurisdiction, often through bilateral treaties that reflected the degree of power of the negotiating partner. In this context, individual officials had independence in certain areas and more capacity to craft policy than in a more settled jurisdiction, but were also constrained by treaties that sought to regulate slave trading across much of West Africa.

In 1827 or 1828, the Colonial Office appointed John William Bannister, who had been in Britain training to be a lawyer, to be Chief Justice of Sierra Leone. Bannister's naval past and professional knowledge of shipping doubtless played a role in this appointment, particularly given the importance of adjudicating the capture of slaving vessels. Sierra Leone was a naval base, and the navy played a central role in administering the colony. This again underscores the enormous role of the British military, including the personal roles of army and navy veterans from the Napoleonic Wars, in establishing and administering colonies during this formative period of empire.[7]

Travelling Out

Bannister's determination to make a success of his career in Sierra Leone is evident in the energy (some might say recklessness) that he put into overcoming obstacles even before reaching the colony. Sailing in a ship, the *Maria*, that rapidly ran into trouble, Bannister anxiously informed Colonial Undersecretary Robert William Hay on 10 February 1828 that the ship had sustained 'most severe gales of Wind, and many Hurricanes' and been damaged before coming to anchor in the naval base of Bear Haven, Ireland.[8] There the captain had had the ship repaired. On 8 February, the winds were moderate and the captain instructed the men to weigh anchor. The crew, however, refused. As Bannister told the story, the entire crew came up to the quarter deck and went on strike, 'declaring "that they would never go to sea in the Maria again; that she was not sufficiently manned; nor sea worthy, if manned"'. The captain failed to get the men to return: he brought the case before the magistrate of Castletown, but the magistrate concluded that the men were in fact justified.[9]

Nonetheless, a few sailors were procured to bring the *Maria* to the harbour in Cork, where the captain rustled up a second crew. The *Maria* put out to sea again. Nineteen days later, Bannister was again writing to the Colonial Office, this time from Plymouth. Four days out from the Irish coast, the ship had sprung a leak, in the face of 'heavy and contrary' winds. The captain had started

[7] C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (London and New York: Routledge, 1989).

[8] TNA, CO 267/97: John William Bannister to R. W. Hay, ship *Maria*, Cork, 10 February, 1828.

[9] *Ibid.*

to steer for port, but on the following day, the winds being moderate and the carpenter having fixed the leak, he reversed course and headed out to sea again. Upon this, 'the crew of the ship came upon the Quarter deck, and refused to perform their duty, unless the ship was kept for Harbour, alleging, as in the case of our former crew, that the ship was not sufficiently manned, nor sea worthy'. Despite Bannister's pleas, the *Maria* headed back to harbour again, where the ship was surveyed and repaired.[10]

On half-salary until he reached Sierra Leone, and with his family in financial crisis, Bannister was clearly furious and frantic. His mood was not improved by the fact that he felt he had to live uncomfortably on board ship while in port to save money, 'in consequence of the great expense, to which I have been put previous to my leaving England'.[11] It is not clear who attacked first, but Bannister rapidly became embroiled in another of the small tempestuous disputes that seemed to follow the brothers around the empire. Bannister reported that he had commenced legal proceedings against the ship's captain and against John Marshall, the owner of the ship, for having grossly deceived him 'in the performance of their contract to convey me to Sierra Leone'. Whether the captain was responding to Bannister's lawsuit or Bannister to the captain's is murky, but there was certainly a counter-attack. 'A few hours ago', Bannister wrote urgently to Hay on 29 February, one of the passengers had informed him that the owner of the ship, John Marshall, was laying the blame for the delay upon him personally. Marshall had procured affidavits from the captain and from two crew members that Bannister 'had encouraged his people not to do their duty', and he intended to send the affidavits to Bannister's government masters. When Marshall came on board ship, Bannister 'taxed him before the rest of the passengers with his monstrous injustice and want of common honesty in his conduct before me'.[12]

Perhaps surprisingly, the *Maria* did eventually reach Sierra Leone. Before it did, however, Bannister extracted signed statements from officers and passengers attesting to his eagerness to set to sea. The affidavit from the officers hints that Bannister may have been a trying passenger:

> [Y}ou were the only Passenger on Board who was averse to the ships putting back after our extreme sufferings for fifteen days in the Bay of Biscay and when the Crew Refused to Navigate the Vessel at Berehaven alledging she was Unseaworthy: you made use of every means in your power to induce them to proceed […] After leaving Cork when the leak was discovered you were averse to putting Back and when the second crew refused their duty no means were left untried by you to urge them to navigate the

[10] *Ibid.*, Plymouth Harbour, 29 February 1828.
[11] *Ibid.*
[12] *Ibid.*

> vessel: alleging their fears and apprehensions were groundless in short we are at any time willing to bear testimony on oath that the extreme anxiety and distress of mind we all have observed has chiefly arisen from the delays you have experienced in proceeding to your destination.[13]

Duty and Death: John William Bannister in Sierra Leone

Bannister's obstinacy is all the more striking given how dangerous Sierra Leone was considered to be as a colonial posting, thanks to the very high death rate of Europeans from malaria and other diseases. John William thought, however, that he could avoid danger if he took care of himself, probably reflecting the widespread belief that clean living was protective in the tropics. He doubtless picked up tips from the circulation of vernacular knowledge about how to survive in West Africa: a further source of complaint when the *Maria* was delayed was that he would be deprived 'of "the Seasoning" so desirable before the setting in of the "Rains" at Sierra Leone'.[14]

Bannister remained determined to advance his career in the teeth of risk once he reached the colony. He was sworn in as chief justice on 5 April and almost immediately found himself running the colony on a temporary basis between the 'lamented and sudden death' of the governor, Lieutenant-Colonel Denham, and the return from the Gold Coast of the absent next in command, Lieutenant Colonel Lumley. Having heard that the government was contemplating drawing the next governor from 'civilian' ranks, Bannister unsuccessfully put himself forward, informing Hay that he was 'determined to remain here so long as I am considered worthy to serve the Crown, & so long as I keep my health'. He had, he affirmed, 'no hesitation in admitting to you, that I have not any serious apprehension for my own safety, provided I am careful'.[15]

By 3 August, Bannister had to report the 'startling and very unexpected' death of the new governor Lumley after a seven-day illness, as well as the 'dangerous state' of both Lumley's brigade major and private secretary. An 'uncommon illness' was prevailing, and both of Bannister's white servants were sick in bed. Bannister nonetheless seized on this opportunity again to propose himself as governor. In making this request for promotion, he referred the colonial secretary 'to the Duke of Richmond, to the Earl of Egremont to W. Brougham Sir Charles Bassett and Mr. Bellender [Ker?] who can speak to my Character and

[13] *Ibid.*, Ship officers [Hugh Patterson and four others] to J.W. Bannister, Citadel Plymouth, 29 February 1828. Bannister even urged the Colonial Office to interview one of the passengers who had abandoned ship in Plymouth. 'Having no wish to question him concerning the affair alluded to by Mr. Bannister,' a note is scrawled across Bannister's letter of introduction, 'I did not see Mr. Weatherall when he called.' *Ibid.*, John William Bannister [to Colonial Office], ship *Maria*, 1 March 1828, Plymouth Harbour.

[14] *Ibid.*, J. W. Bannister to R. W. Hay, Plymouth Harbour, 29 February 1828.

[15] *Ibid.*, J. W. Bannister to R. W. Hay, Sierra Leone, 20 June 1828.

my Family'.[16] In citing these important patronage networks, Bannister both affirmed the family honour and sought to personally capitalize on the family's connections.

Bannister was clearly a zealous officer of the Crown. He established a small debt court.[17] Sometimes filling in for officers who were sick or dead, he wrote several meticulous reports on the seizure of ships suspected of illicit slave-trading and the adjudication of their cases in the courts of mixed commission. He also turned in colleagues whom he saw as behaving badly or not following the rules. He reported Captain Owen, for example, for removing the medicine chest of the captured Brazilian slave-trading vessel the *Voadora* for the 'Public Service' at Fernando Po, 'as also 30 bags of farinha and 30 bags of jerked beef'. Owen received cash for these goods from the treasury at Port Clarence (today Malabo) on Fernando Po (Bioko), that he did not account for in Sierra Leone.[18]

This latter case may be more complicated than it appears. Owen was also at fault, according to Bannister, for unloading 187 of the ship's sick and overcrowded cargo of slaves at Fernando Po, where they were delivered to the superintendent of works at Clarence. Owen was supposed to bring captured slaves to Sierra Leone, and not doing so opened the door, as Bannister pointed out, to a legal challenge from the ship's captain.[19] Was Owen doing a favour to the superintendent of works and perhaps receiving kickbacks, or was he bucking regulations to try to save the lives of the captives? Whatever was true, the case illustrates the murky interconnections between profit and philanthropy in Sierra Leone and, as Padraic Scanlan has argued, the ambiguous status of freed slaves who were assigned to other masters after liberation. Certainly Bannister saw himself as a clean broom combating corruption. Certainly, also, death rates among enslaved people forced to remain on board ship in horrific conditions while a ship was taken to a mixed commission court could be appalling. To cite Benton and Ford, 'British prize law focused on the adjudication of property rights rather than the protection of rescued slaves'.[20] In this legal context, slaves were still seen as a form of at least potential property.

[16] *Ibid.*, J. W. Bannister to R. W. Hay, Sierra Leone, 4 August 1828.

[17] *Ibid.*, J. W. Bannister to R. W. Hay, 25 December 1828.

[18] The island of Fernando Po was used as a base by the West African squadron.

[19] In another case, the capture of the Spanish schooner *Musquito*, Bannister complained that Owen had had all the slaves over the age of thirteen landed at Fernando Po to be delivered to the Superintendent of Works, and had taken out of the vessel for the public service '3 sweeps' and also '46 dollars found on board', without repaying the money in Sierra Leone. J. W. Bannister to the Earl of Dudley, Sierra Leone, 8 August 1828. Foreign Office (Great Britain), *British and Foreign State Papers*, vol. XVI, 1828–1829 (London: James Ridgway, 1832), 37.

[20] Benton and Ford, *Rage for Order*, 125. They cite the particularly egregious example of the case of the *Maria da Gloria*: as many as 110 enslaved children died on board ship between 1833 and 1834 as the *Maria da Gloria* travelled to both Rio and Sierra Leone for two failed mixed commission hearings before the Anglo-Brazilian and Anglo-Portuguese commissions.

At the same time, in a case that he directed, Bannister went beyond the letter of the law in meticulously prosecuting the captain of a Spanish ship who had, Bannister argued, intended to enslave and sell three Africans who had come freely on board his vessel for other purposes. The case was unusual because the evidence of slave trading was circumstantial, while two of the men denied that they were enslaved and a third was stated to be already the slave of an African headman; Bannister ruled that the captain nonetheless intended to enslave them all. At a period in which colonial courts often did not accept the testimony of non-Christians (since they supposedly could not swear on the Bible), Bannister arranged to have the Africans interviewed and relayed some of their words in his official report. 'Jack' and 'Messah' stated that they were free men and sons of the headman of Little Popoe, a slave-trading entrepôt (modern-day Aného in Togo); the third man was a slave of the same headman. Jack was a fisherman who had been hired to take the ship to Lagos, his brother had come to act as interpreter and the 'boy' had been sent to learn Portuguese. When the Royal Navy ship the *Eden* came into sight, the captain forced the Africans to hide below decks and ordered the carpenter to seal the hatch above them.[21] In Bannister's telling, Jack reported that he '"had no occasion to hide himself, as he was not afraid, not being a slave, but an Englishman"' and that they told the shipmaster that "they were no Slaves, and did not want to be secreted"'.[22] What did this claim to be an 'Englishman' mean in such a context? What did Bannister think it meant? However hard it is to answer these questions, the example underscores the fluidity and performative value of particular allegiances in this context – as indeed in other contexts we have been examining in this period of fluid political identity and ambiguous boundaries between nation state, colony, empire and diverse forms of political identity among those outside European frameworks.

Equality under the law, a central liberal tenet, was an important principle for John William. In another case in April 1829, he insisted that a liberated African – brought to the colony in 1817 and now a schoolmaster – was as entitled to the protection of British law as the white manager in the Liberated African Department who had assaulted him. In Bannister's telling, he 'felt it to be my duty to direct the Jury that the Liberated African, was fully entitled in common with every other man to appeal to the laws of this land, when aggrieved'. After a trial that dragged on from 10:30 in the morning to 9 at night, the jury, 'consisting of eight Europeans and four people of color', brought in a verdict for the

[21] "Report of the Case of the Spanish Schooner Emprendador, Ramon Clavell, Master", enclosed in John William Bannister to the Earl of Dudley, Sierra Leone, 16 August, 1828, in Foreign Office (Great Britain), *British and Foreign State Papers*, vol. XVI, 1828–1829 (London: James Ridgway, 1832), 44.

[22] "Report of the Case of the Spanish Schooner Emprendador, Ramon Clavell, Master", enclosed in John William Bannister to the Earl of Dudley, Sierra Leone, 16 August 1828, in Foreign Office (Great Britain), *British and Foreign State Papers*, vol. XVI, 1828–1829, 45.

plaintiff with £20 damages.[23] This case echoed the central theme of equality under the law upon which his brother Saxe had insisted so vehemently in New South Wales and the Cape Colony.

Bannister was ill several times. By Christmas Day of 1828, he had been confined to bed for seventeen days and was too sick to write clearly: 'I cannot read this Gentleman's letter', someone in the Colonial Office wrote ungratefully on his fever-ridden scrawl.[24] In February 1829, Bannister reported to Hay, 'Thank God I have not only recovered from the effects of the fever of the Country; but I am fast regaining my strength after having endured a severe relapse as in good health despite a severe recent relapse of fever.'[25] By August, he was dead. According to Saxe, his brother recovered from 'several attacks of the ordinary sickness of the country, but sank under a fever lately introduced', as if it were some malignant outside force that had felled one who might otherwise have been able to withstand illness.[26]

In an obituary, Saxe cast John William as a friend of Africa. He also stressed his commitment to equality under the law. 'He performed his judicial duties exemplarily to all, and especially impressed the coloured people with a conviction of his just estimate of their rights and claims.'[27] This was an idealized vision of the liberal jurist. John William brought experience garnered in Upper Canada to the table, as well as past naval experience and vicarious knowledge of the work of his brother Saxe in South Africa and New South Wales. In his experience we can see the emergence of a globalized vision of the empire that linked diverse regions through a common ideological frame, as well as through the practical ties of economics and kinship. It is notable that John William both benefited from and participated in philanthropic networks, defending the rule of law and equal citizenship in a colony dedicated to the abolition of slavery that also served as a beachhead of empire in West Africa.

'My Life Has Been Devoted More or Less to the Service of My Country': Thomas Bannister

The final Bannister brother, Thomas, was also a global actor. He followed up a mobile naval career with a mobile colonial career. His activity in western Australia brings into a focus another type of colonialism: the colony of settlement

[23] TNA, CO 267/101: J. W. Bannister to R. W. Hay, Sierra Leone, 16 April 1829.

[24] TNA, CO 267/97: J. W. Bannister to R. W. Hay, Free Town, 25 December 1828.

[25] TNA, CO 267/101: J. W. Bannister to R. W. Hay, Sierra Leone, 20 February 1829.

[26] Anon [Saxe Bannister], "J.W. Bannister, Esq", *The New Monthly Magazine and Literary Journal*. 545.

[27] Anon [Saxe Bannister], "J.W. Bannister, Esq", *The New Monthly Magazine and Literary Journal*. 545. 'Great, indeed, as the loss is which his family has sustained in his death, it is exceeded by what is felt in Africa, for one of the most zealous of her friends.'

designed to create a new agricultural hinterland for Britain and an escape hatch for Britain's rural poor. Bannister's mobility across Australian colonies and his restless quest for land and employment illustrate the extent to which different colonies functioned as parts of a larger whole, not to mention the advantages offered to British elites by the ability to readily move themselves and their capital from one place to another. Thomas fought with the Colonial Office, following in Saxe's footsteps, but (whatever his protests to the contrary) he also benefited from the British state's distribution of land and imperial offices. The imperial career of the youngest Bannister brother also brings more clearly into focus the disjuncture between the idea of equality under the law and respect for (or even recognition of) Indigenous sovereignty in the drive to settlement. Such philanthropy as Thomas Bannister expressed was subordinate to his drive to acquire land. He too, however, tried to act within the bounds of the law, and vehemently opposed British agents whom he felt were acting illegally. He too expressed unease over the lack of prior agreement with Indigenous peoples in new colonies, and played a role in the only attempt at a treaty made between settlers and Indigenous peoples in early nineteenth-century Australia. In a manner similar to Saxe in New South Wales and South Africa, and to John William in Upper Canada and Sierra Leone, Thomas was an agent of empire and a self-proclaimed emissary of 'law' in a context in which jurisdiction remained relatively unsettled. As his career demonstrates, enacting imperial legal jurisdiction was a way of calling it into being.

The youngest of the Bannister brothers, Thomas seems to have shared the apparent family traits of intensity and a general refusal to let things drop. 'For a gentleman Bannister is the greatest bore I ever met with,' wrote one disgruntled acquaintance, George Boyes, after dinner with Bannister in Van Diemen's Land in 1832:

> He talks for ever upon his own favourite subject without reference to the interest that other people may take in it […] A regular bore such as Bannister, does not allow you to escape at the close of the visit – but calls for his hat and insists upon accompanying you home, that as he explains, you *may be able to discuss the question without interruption*.[28]

Whether or not this was a fair assessment, Thomas, like his brothers, was passionate. And, again like his brothers, he channelled much of his passion into colonial issues, and was not afraid to pick fights.

Like John William, Thomas worked for the British military from a young age. His career furnishes yet another example of the outsized role of the

[28] J. L. Burton Jackson, Bill Petchell and Malcolm Higham, *Frowning Fortunes: The Story of Thomas Bannister and the Williams River District* (Carlise, Western Australia: Hesperian Press, 1993), 141, citing Peter Chapman (ed.), *The Diaries and Letters of G.W.T. Boyes*, vol. 1, *1820–1832* (Oxford: Oxford University Press, 1985), 560.

British armed forces in general, and of former combatants in the Napoleonic wars in particular, in the early nineteenth-century settler empire. Thomas Bannister was born in 1799. On 25 December 1813, he became an ensign, the lowest officer grade, in the 15th Regiment of Foot (or Infantry), after having previously served in the Sussex militia (most probably with his brother Saxe), despite his young age. According to a later letter of reference, he was reduced to half-pay a year later in December 1814, as armies were reduced in size with the seemingly final defeat of Napoleon. Thomas returned to full pay and active service on 25 April 1815, tellingly in the midst of Napoleon's Hundred Days back in power in France as Britain and its allies mobilized to defeat Napoleon a final time.

In joining the 15th Regiment of Foot, or the East Yorkshire, Thomas was becoming part of the machinery of empire. The regiment fought in the Caribbean during the Napoleonic Wars, capturing Martinique from France in 1809 and Guadeloupe in 1810. The death rate was, as usual in the Caribbean, catastrophic, but far more from disease than from combat.[29] In 1812, the regiment withdrew to Saint Christopher Island before returning to England in 1814, according to an 1848 regimental history. In 1815, part of the regiment returned to the Caribbean, fighting to retake Martinique and Guadeloupe. Thomas Bannister is more likely, however, to have been part of the second battalion, which had been on the island of Jersey since 1811, and which was disbanded in 1814 and put back together on Napoleon's return. After the war, the entire regiment returned to the Caribbean, removing to Barbados. There, Thomas Bannister almost certainly helped put down the largest slave revolt in the history of Barbados. 'On the 15th of April,' the regimental history coolly attests, 'the regiment marched from garrison at St. Anne's, to quell an insurrection among the negroes in the interior of the island of Barbados, where strong detachments remained until June, when the regiment was removed to Martinique.'[30]

The regiment was then stationed in Halifax, Nova Scotia, from 1817 to 1819 (and part of it in 1820–1821 as well). Thomas was therefore plausibly in North America at the same time as his brother John William.[31] In 1822, the 15th Foot went to Ireland, where it remained stationed for several years, moving from one place to another. One part of the regiment (which may or may not have included Bannister) was stationed at Templemore, where, still according to a regimental history imbued with the ideology of empire, it 'evinced great

[29] In total, 276 soldiers from the regiment died 'from the effects of the climate of Guadeloupe'. Richard Cannon, *Historical Record of the Fifteenth, or the Yorkshire East Riding Regiment of Foot: Containing an account of the formation of the regiment in 1685, and of its subsequent service to 1848* (London: Parker, Furnivall & Parker, 1848), 63.

[30] *Ibid.*, 65.

[31] Jackson states that Bannister was in Nova Scotia from 1817 to 1821: Jackson et al., *Frowning Fortunes*, 77.

patience and forbearance, united with a proper degree of firmness, in suppressing a riot at that place, when several persons had been killed by the police'.[32] During his years in service, Bannister would have accumulated an intimate knowledge of several of Britain's imperial outposts, and played an active role in suppressing unrest.

Bannister rose through the officer ranks, becoming a lieutenant in 1822 and an adjunct several months later. At the end of December 1825 he purchased a position as captain. On 17 August 1826, however, he sold his captaincy and abruptly left the service.[33] In 1831, Bannister complained bitterly about his treatment by the army to a man named Collet Barker at King George's Sound, who recorded the somewhat murky story. Supposedly, a captaincy became available, for which Bannister was asked, for various reasons, to advance £700 in addition to the existing costs of £1,100. Bannister did not have the money, but it was strongly suggested that the £700 would be repaid once he had the position; he therefore eventually borrowed the sum. When it had not been repaid within several months, however, he was obliged to sell his captaincy to repay the debt and left the army. 'If his answer is to be depended on he was very hardly used in the service', commented Barker.[34] In 1834, Saxe penned a letter to the Duke of Richmond seeking patronage for Thomas in the colonial service in Van Diemen's Land. Here, Saxe wrote that his brother had been 'a steady energetic military man' who would never have changed his steady early habits were it not for 'the most unfortunate circumstances'.[35] For his part, Thomas claimed in 1833 that '[m]y life has been devoted more or less to the Service of my Country, but hitherto without my receiving the slightest benefit'.[36]

The Swan River Colony: The Sussex Invasion of Western Australia

It would appear, therefore, that Thomas Bannister was, like his brothers, trying to repair his broken fortunes when in 1829 he set sail aboard the 'fine, new and fast-sailing British ship *Atwick*' for the new colony of Swan River in western Australia.[37] Making money overseas was an aim shared by many at the time. Indeed, the brothers were part of a much larger project by the British

[32] Cannon, *Historical Record of the Fifteenth*, 66.

[33] WSCRO, MS 1503, O175: Extract from letter of reference from H. Taylor (Lt Gen and Adj Gen Horse Guards), 7 May 1829, enclosed in MS 1503, O174, Thomas Bannister to the Duke of Richmond, 5 October 1833.

[34] Jackson et al., *Frowning Fortunes*, 78, citing Journal of Captain C. Barker, 18 January 1830 to 2 March 1831 at King George's Sound.

[35] WSCRO, Goodwood papers, MS 1504, fol. Q61: Saxe Bannister to the Duke of Richmond, 9 January 1834.

[36] WSCRO, Goodwood papers, MS 1503, O174 [numbered 178, top right-hand corner]: Thomas Bannister to Duke of Richmond, 5 October 1833.

[37] Jackson et al., *Frowning Fortunes*, 1, citing an advertisement in *The Times*, 30 March 1829.

government in the difficult aftermath of war to extend the wealth of the state through finding and exploiting new land.

In the 1820s, the British government took up settler colonialism in a systematic manner as a policy to provide new investment opportunities, to alleviate economic distress, particularly in rural districts, and to find employment for those displaced by the end of the wars, including officers. Robert Wilmot-Horton, Under-Secretary for War and the Colonies from 1821 to 1828, was an enthusiastic proponent of assisted emigration for paupers, as also of settler colonialism more broadly.[38] Some of his ideas would prove controversial, and there was by no means consensus about how to carry out colonialism in practice. Wilmot-Horton's support for free or cheap land fell from favour in the 1830s, to be replaced by Edward Gibbon Wakefield's idea that land should be sufficiently expensive to promote concentrated settlement. Nonetheless, the two decades after the end of the Napoleonic Wars saw a significant acceleration of settler colonialism. Newspaper commentators and political theorists urged emigration as a solution to Britain's problems, including profound Irish poverty and political discontent.[39] Parliamentary committees investigated emigration policy. Colonization societies sprang up to support emigration. Support for pauper emigration was taken up as a charitable cause by groups such as the Petworth Emigration Society, which funded the emigration of the poor to Upper Canada under the sponsorship of the Earl of Egremont, a great Sussex landowner who was known for his energy and innovation in developing his vast estates and for the vigorous promotion of emigration to Australia and Upper Canada.[40] 'My object is not only to form a Settlement, but a Channel by which this Country will be eased of its Pauper Population to as great an extent as my means will afford, and which will in a great measure depend on the Protection my enterprise meets with on its outset,' he wrote to the colonial secretary in 1828 in arguing for support for his large-scale investment in Swan River (although it is to be noted this remained a government scheme).[41]

[38] "Horton, Sir Robert Wilmot (1784–1841)", *Australian Dictionary of Biography*, National Centre of Biography, Australian National University. http://adb.anu.edu.au/biography/horton-sir-robert-wilmot-2199/text2841, published first in hardcopy 1966 (accessed 3 June 2018.

[39] For example, from a slightly later period, "Article VI – 'Emigration – Letters from Canada'", *Quarterly Review*, 58, September 1835, 413–429.

[40] Wendy Cameron and Mary McDougall Warde, *Assisting Emigration to Upper Canada: The Petworth Project, 1832–1837* (Montreal and Kingston: McGill-Queens University Press, 2000); Wendy Cameron, Sheila Haines and Mary McDougall Warde (eds), *English Immigrant Voices: Labourers' Letters from Upper Canada in the 1830s* (Montreal and Kingston: McGill-Queens University Press, 2000).

[41] TNA CO 18/1, ff. 281–2: George Wyndham (Earl of Egremont), to George Murray, 23 December 1828.

Emigration was also held to provide the labour needed for capitalists to develop their investments in new lands. Australia began to be thought of differently in this context. If New South Wales was created initially as a vast prison to which to transport convicts, western Australia was designed from the outset to be a permanent place of settlement. In all this, debate placed great emphasis on the British and Irish poor, and very little on Indigenous peoples.

The colony of Swan River, around modern-day Perth, was founded in 1829 on the land of the Noongar. In 1832, it would be renamed the Colony of Western Australia, but Swan River remained in informal use for some time.[42] At the outset, Swan River reproduced the class system of the British countryside, albeit with the stated aim of reducing poverty. Land, conceived of as initially without intrinsic value before being developed, was to be given out free in proportion to the value of goods and indentured servants the potential investor brought with him. Each indentured labourer would serve the person to whom he or she was indentured for five years in exchange for a funded passage out and a certain amount of money each year; this would tie worker to land and ensure that the land was developed. A government information sheet described the investors as 'capitalists' or 'settlers' and the indentured workers as 'labouring persons'.[43] The development of the land was supposed to be further ensured by the requirement that migrants could only keep land if they 'improved' it after a certain period of time. The parishes and backers, such as the Earl of Egremont, saw this overall scheme as a form of charity: paupers were given the opportunity of starting new lives. Not all indentured labourers saw it in the same way. Indeed, some complained that they were held like 'slaves'.[44]

Early settlers were disproportionately drawn from naval circles and from south-east England, particularly Sussex. Thomas Bannister fitted on both counts. As historical archaeologist Shane Burke points out, twenty of the

[42] The land was scouted by Sir James Stirling of the Royal Navy, who was trying to pre-empt French interest. Stirling touted the colony's supposedly rich land, despite the greater scepticism of some other European reports. He was appointed as the first governor in 1829.

[43] TNA, CO 18/4: "Information for the use of those who may propose to embark as Settlers for the new Settlement in Western Australia".

[44] As Bannister claimed in his 1833 polemic *A Letter on Colonial Labour, and On the Sale of Lands on Austral-Asia, by Thomas Bannister* (Hobart Town: N. Olding, [1833]), cited by Jackson et al., *Frowning Fortunes*, 21–22: he argued that men wanted to escape their indentures, which they viewed as a form of slavery, in order to earn higher wages. In 1830, Bannister wrote to the Earl of Egremont that 'The indentured men have an opinion that they are slaves and this is so strong in their minds, that it is loss of time to endeavour to remove the impression.' WSCRO: PHA 136. Thomas Bannister to Earl of Egremont, Freemantle Swan River, 25 September 1830.

thirty-five agricultural lots issued in the Swan River district in the colony's first three years between 1829 and 1832 were given to former military personnel and their families, 'reflecting the large group of middle to upper class families displaced from Britain by the military downturn after the end of the Napoleonic Wars'.[45] One of the settlers named his farm Goodwood, which may well have been in homage to the Goodwood estates of Sussex magnate the Duke of Richmond.

Thomas went out as a 'capitalist': his poverty was relative. He was one of seventeen passengers travelling cabin class. According to the comprehensive research of J.L. Burton Jackson (with the assistance of Bill Petchell and Malcolm Higham) for the study *Frowning Fortunes: The Story of Thomas Bannister and the Williams River District*, to which my own account is much indebted, he brought three indentured servants with him, all from Steyning, Sussex: twenty-four-year-old John Grainger, thirty-one-year-old Jessie Woods and fourteen-year-old David Baxter. Three hogs also accompanied the group. Bannister's pigs, servants and other property would be accorded a value of £601 18s. 4½d., and land assigned accordingly.[46] 'Our voyage was very long', he wrote plaintively about his months at sea.[47] According to a fourteen-year-old girl, Ann Leake, who was also on the voyage, the trip was dull: 'There was a sameness in the voyage and I very soon got tired of it.'[48] Bored or not, and boring or not, at the age of thirty, Thomas Bannister arrived at the Swan River colony in western Australia on 19 October 1829.

The new colony had been much talked up in Britain as part of the government's quest for settlers and investors, but information had become distorted and benefits exaggerated.[49] New colonists were rapidly disappointed by the seemingly poor quality of available land and lack of housing. 'We felt ourselves much disappointed, we expected to find land, but found it was sand,' wrote home one parish-sponsored migrant, John Barnard.[50] Bannister wrote, however, to the Earl of Egremont that he refused to be defeated:

[45] Shane Burke, "Fences, Furrows, Ditches and Settlement Policy: Rapid Landscape Change in the Swan River Colony", *History Australia*, 4(1), 3.3–3.4.

[46] Perth Dead Persons' Society, "Western Australian Shipping", https://www.perthdps.com/shipping/wa-0013.htm (accessed 1 April, 2022). Jackson et al., *Frowning Fortunes*, 2.

[47] WSCRO, Petworth House Archives 136, PHA 136: Thomas Bannister to the Earl of Egremont, Freemantle, Swan River, 5 November 1829.

[48] Jackson et al., *Frowning Fortunes*, 5, citing Battaye Library, Perth, 1099A: letter from Ann E. Leake, 3 January 1830.

[49] J. M. R. Cameron, "Information Distortion in Colonial Promotion: The Case of Swan River", *Australian Geographical Studies*, 12, 1974, 57–76.

[50] John Barnard to John Hampton, 28 May 1831, in *Letters and Extracts of Letters, from settlers at the Swan River, and in the United States, to their Friends in the Western part of Sussex* (Petworth, Sussex: J. Philips, 1832): xeroxed copy WSCRO, MP1070.

> our hopes were high – and we communicated with those who had arrived before us, and on their telling us that we had all been greatly deceived, many amongst us were greatly depressed – I confess, my Lord, without wishing in the slightest degree to lay claim to stronger nerve than other men that I did not join in such depression, I was determined after coming from the End of the globe to the other, to go, and see, and judge myself.[51]

He accordingly set out to claim land by walking across it and arranging to have it surveyed. He was thus intimately involved from the start in the most fundamental of colonial acts: the mapping and claiming of land. Bannister first accompanied the expedition of Dr D. B. Wilson in conjunction with Collet Barker and John Hobbs to claim land in the Canning River region. In 1830, he was appointed to be government resident in Fremantle, at the mouth of the Swan River. That same year, he led an expedition to the base of the Darling Range. He then went on in 1830–1831 to lead an overland expedition from Perth to King George Sound.[52] In December 1830, he 'discovered' the Bannister River, which, according to the Western Australian Land Information Authority, was named after him in 1832 by Surveyor-General J.S. Roe.[53]

In a letter to Egremont and in documents emanating from his journey from Fremantle to King George's Sound (the only detailed records of his exploration to survive), Bannister only tangentially referred to Indigenous peoples. Following classic colonial practice, including the assumptions on which the Swan River Colony was founded, Bannister acted as if the land was largely empty, inhabited by nomads without a prior claim to particular pieces of land. He tended to describe land in terms of its suitability for agriculture and stock, with an eye to profit for large-scale landowners, and he claimed its resources by right of 'discovery'. 'We have discovered a salt mine,' he wrote to Egremont in 1829, in the letter cited earlier, 'ye finest salt I ever saw, finer than the best [basket?] salt – I and two other Gentlemen, have ye grant of it as discoverers – it is on ye right bank of the River at 2 ½ miles from ye mouth – it may perhaps turn out well.'[54]

[51] WSCRO, PHA [Petworth House Archives]136: Thomas Bannister to the Earl of Egremont, Freemantle, Swan River, 5 November 1829.

[52] "Updated and Expanded Biographical Notes, 1826–1835", Western Australia Explorers' Diaries Project. http://www.explorationswa.com.au/the-volumes/western-australian-exploration-1826-1835/errata-western-australian-exploration-1826-1835/biographical-notes/ (accessed 15 April 2017). This web document originally accompanied Joanne Shoobert et al. (eds), *Western Australian Exploration 1826–1835* (Perth: Hesperian Press, 2005) but the site is now inoperative. My thanks to Celene Bridge and Peter Bridge, Perth, for assistance with locating Bannister's journals and for sending me a copy of *Western Australian Exploration*.

[53] "History of River Names – B," *Landgate*. http://www.landgate.wa.gov.au/corporate.nsf/web/History+of+river+names (accessed 8 March 2010).

[54] WSCRO, PHA 136: Thomas Bannister to the Earl of Egremont, Freemantle, Swan River, 5 November 1829.

Land was similarly described in terms of use value in a summary report to the government on Bannister's 1830–1831 voyage of exploration to trace a land route between Freemantle and King George's Sound with the aim of identifying new land for settlement and farming. 'These hills are exceedingly rugged,' he wrote about the Darling mountain range, 'but on them the finest Timber known in the Colony by name of Mahogany in some of the valleys tolerably good soil of a light hazle [*sic*] colour, with an abundance of herbage fit for cattle on their way from a good interior country to the coast on the Uplands Ironstone, with a little gravel and scrub.'[55] As he travelled through country that had not yet been seen by Europeans, he assessed it, in the daily diary that accompanied his report, in terms of his linked perceptions of beauty, utility and the familiarity of the landscape. 'Then commenced a plain of a mile broad of the richest land of brown loam with a few large white and red gums, wattle &c and an abundance of the finest grass fit for sheep or cattle,' he wrote about the landscape between Freemantle and King George's Sound on the first day of 1831, for example:

> We then ascended a hill from which we passed over a fine rich undulating country occasionally rising into hills of a moderate height, in many places of a park like appearance and covered with an abundance of the finest grass fit for sheep and cattle. From the summits of the high land we commanded a view for miles the picturesque and fertile appearance of which surpassed our most sanguine expectations. Fancy yourself in a highly cultivated wooded district in England in Harvest, and you see this country.[56]

The perception of similarity to an imagined English landscape, perhaps rural Sussex, cemented the claim to possession. This was land conceived of as devoid of Indigenous owners. Bannister's unspoken assumptions recall the classic colonial argument made by John Locke in the late seventeenth century, and still a foundational idea in the early nineteenth, that the investment of labour in land created individual property by conferring ownership rights to what had previously been held in common. 'As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property,' Locke famously argued in the *Second Treatise on Government*. 'He by his labour does, as it were, enclose it from the common', whereas 'Indians' simply passed over land and collected its fruits.[57] It is telling that one of Bannister's

[55] Thomas Bannister, *A Report of Captain Bannister's journey to King George's Sound overland February 5th 1831,* reproduced in Shoobert et al. (eds), *Western Australian Exploration*, 198.

[56] "Extracts from a Journal kept by Thomas Bannister when in charge of a party: from Swan River to King George's Sound", Saturday, 1 January 1831, in Shoobert et al. (eds), *Western Australian Exploration*, 209.

[57] John Locke, *Second Treatise of Government* (first published 1689), chapter 5, "Of Property", paragraph 31. Allan Greer, *Property and Dispossession: Natives, Empires and Land in Early Modern America* (Cambridge: Cambridge University Press, 2018), 243–247

interlocutors was the Earl of Egremont, a landowner who clearly saw continuity between his development of his own Sussex estates and his promotion of emigration to Australia and Canada. Australia provided new estates, to which cultivation and economic development allowed a claim to be made. The closer these new lands appeared to familiar landscapes, the more natural British possession might appear.

Bannister's frequent comments about the viability of land for British animals, reflected in the repetition of phrases such as 'an abundance of the finest grass fit for sheep and cattle', were also a way to naturalize the landscape as 'British'. Animals were themselves agents of 'ecological imperialism', in Alfred Crosby's classic phrase.[58] Settlers brought cattle, pigs, horses and, above all, sheep to Australia, transforming the landscape and making it impossible for Indigenous peoples to live from hunting. Animals also brought with them the necessity for fences, entrenching Indigenous dispossession. In Sussex, however, the animals going out to Australia were celebrated. In 1829, the *Sussex Advertiser* described the eagerness with which locals flocked to the ship *Caroline*, chartered by Thomas Henty of West Tarring to bring three of his sons to Swan River, as it anchored off Littlehampton 'to receive on board 150 of Mr. Henty's merino sheep'. The ship already had on board five blood horses, five draught horses and ten horned cattle as well as dogs, pigs and poultry. 'Numerous parties of the neighbouring gentry and agriculturalists' were said to be 'highly gratified by the admirable arrangements of the stock of horses, sheep, etc, on board'.[59] The blood horses were particularly symbolic of the taking of possession: the Earl of Egremont had allowed the Hentys, his Sussex compatriots, to breed horses from his stock and take them out to Australia, including a colt bred from the brother of a horse that had won the Derby.[60] 'It is a great object to me that it be known that

discusses Locke's views on property while arguing that in reality there was a clash between different forms of commons in North America (an 'indigenous commons' and a 'colonial commons'), rather than solely a clash of individual versus collective property ownership. Locke's conception of the process and his ideological justifications were nonetheless highly influential for the British. See Jim Tully, "Rediscovering America: The Two Treatises and Aboriginal Rights", in his *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), 137–176; Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford: Clarendon Press, 1996).

58 Alfred W. Crosby, *Ecological Imperialism: The Biological Expansion of Europe, 900–1900* (New York, Cambridge, MA and York: Cambridge University Press, 2004; first published 1986).

59 *Sussex Advertiser*, 15 June 1829. I owe this reference to notes in the West Sussex County Record Office compiled by Janet Austin, drawing in turn on Ian Berryman, *Swan River Letters*, vol. 1 (Swan River Press). WSCRO: Janet Austin, "Sussex Connections with Emigration to Western Australia during Swan Mania in 1829".

60 WSCRO, Petworth House, PHA 136: Thomas Henty to the Earl of Egremont, West Tarring, 28 August 1830; *Sussex Advertiser*, 15 June 1829.

your Lordship bred this stock, and was so kind to let me have them to send out to Swan River,' wrote Thomas Henty to Egremont in 1830, '– As I believe it will enhance their value hereafter in the East Indies, the principal Market intended for their produce.'[61] The Sussex invasion of the western coast of Australia was spearheaded by aristocratic horses and merino sheep, for which Bannister believed the landscape was already perfectly formed.

Such assumptions reflected a wider commitment in the late eighteenth and early nineteenth centuries to reshaping landscapes, and by extension the lives of those who inhabited these landscapes, to allow for agricultural improvement, including large-scale animal husbandry – whether in the Scottish Highlands, Australia or elsewhere. Indeed, Saxe in 1861 would promote sheep farming in the newly unified Italy, citing the dramatic expansion of sheep farming and the wool economy in Australia and South Africa as evidence for the value of sheep. Here he tied successful wool production to effective political institutions.[62] The way Thomas Bannister saw the landscape of western Australia was likewise deeply shaped by British assumptions about colonialism, 'improvement' and economic development.

Those expeditions in which Thomas participated were only part of a flood of 'exploration' of the landscape of western Australia from 1829 onwards. Turning land into property was intimately tied to the capacity to map it. This was true in a local as well as a larger sense: those who were the first to survey land were often able to register specific claims to parts of it with the colonial government via local administrators. Much tension arose in western Australia from what were perceived to be corrupt and unfair procedures for distributing land. The governor, Sir James Stirling, was accused by some of appropriating the best land for himself and his friends, even after it had been explored and claimed by others. There were also disputes arising from inefficient surveying. Nonetheless, the core principle of settlement remained one of the 'knowledge' of land giving rise to a right to make a claim. It hardly needs mentioning that this logic ignored prior Indigenous claims, and that 'knowledge' of land did not include knowledge of how it was used by local groups. None of this is surprising in the abstract, but it is still nonetheless striking that Saxe's brother did not perceive the irony. It is also noteworthy that the system was created at a distance by a Colonial Office that created paper maps without a sense of prior use, and assumed land had no monetary value until it was entered into the colonial marketplace.

[61] WSCRO, Petworth House, PHA 136: Thomas Henty to the Earl of Egremont, West Tarring, 28 August 1830.

[62] Saxe Bannister, *Memoir upon the Improvement of the Sheep and Goats of Italy, by Good Government and Judicious Measures* (London: Richardson & Co, 1861). It would be possible, he argued, to improve sheep and goat breeds and multiply flocks through 'good government, free trade, judicious public measures and the careful energy of private individuals' (7).

Thomas Bannister's first recorded interaction with a group of Indigenous people involved a gun. During his first expedition, in conjunction with Dr Wilson and others, Bannister was part of a group of four men, including Wilson, who set out on foot for the Darling mountain range. Bannister had the only firearm. When the group suddenly came to a village, they were startled, in Wilson's words,

> by the cries of women and children, who were running from us with all speed, and the vociferations of men who were running towards us with poised spears. Captain Bannister instantly leveled his fowling piece, but I requested him not to fire; and, as I thought I knew more about the natives than he did, I advanced without fear, feeling assured that there was no occasion for any – imagining that no European had been here before us.[63]

Later, on his difficult voyage from Fremantle to King George's Sound, Bannister had other fleeting encounters with Aboriginal people. In late January, as the four hungry white men struggled to feed themselves on shellfish and boiled cockatoo, 'just before moving [out in the morning] 3 natives made their appearance, and immediately disappeared'.[64] Three days later, the group fell in with an Aboriginal man, woman and child. The woman, carrying her child, left after the man came forward. Bannister complained that they could make nothing of the man: 'he knew nothing of the KGS [King George's Sound] native words which Dr. Collie of the *Sulphur* had kindly given me, he however accompanied us 4 miles to our breakfast place the travelling more hard but still swampy'.[65] The day before King George's Sound finally came into sight, the now famished group fell in with 'some natives' who turned out to be 'very communicative and civil'. Some of them accompanied the group to a watering place, where they halted for the night: 'They then left us leaving their spears and throwing sticks promising to return in the morning or as they termed it when the Cock Crew, imitating the bird.' The 'friendly natives' did return the next day, and walked the white men for 10 or 12 miles to the Princess Royal harbour.[66]

These were scattered and fleeting encounters, but the flourishing of a gun, and the fact that the later expedition was also armed, presaged the violence shortly to come to western Australia. 'The natives are little black men, the

[63] Jackson et al., *Frowning Fortunes*, 13, citing T.B. Wilson, *Narrative of a Voyage Round the World* (London: Sherwood, Gilbert & Piper, 1835), entry for 28 October 1829. Wilson further commented that '[t]he natives were more muscular, and better formed, than those in the neighbourhood of Port Jackson. We had surprised them at their toilette; as they were painted, their noses ornamented with the leg bones of the kangaroo, and one of them had his head decorated with the red feathers of the black cockatoo'.

[64] Bannister, "Extracts from a Journal", 216.

[65] *Ibid*.

[66] *Ibid*., Thursday, 3 February and Friday, 4 February 1831, 220.

women not so black, they are very sensible, they are not so troublesome as they were at first, since some of them have been shot, they are the greatest thieves I ever saw,' wrote the parish-sponsored migrant John Barnard in 1831 to the farmer and landowner John Hampton back in Sullington, Sussex, in the midst of news about acquaintances: 'The Gallops are all well and in good situations.'[67] Three years later, Stirling led a group of armed and mounted white men in the notorious Pinjarra massacre, in which an unknown number of Noongar were surrounded and killed in the Murray Valley region; estimates of the dead range from fourteen to over thirty.[68] In early 1831, it is noteworthy that the people with whom Bannister interacted directly were helpful and seemingly concerned about the welfare of a lost and very hungry group. It would surely have seemed an unworthy return that this small group was in fact marking and claiming land through which they and the 'friendly natives' walked.

Bannister's journey from Fremantle to King George's Sound was far riskier and more difficult than originally anticipated. The expedition comprised four men: Bannister, a surveyor called George Smythe and two men described as servants. One of these latter was John Grainger, one of the indentured servants from Steyning who had travelled to Australia with Bannister. The other was John Galloway, who had arrived in mid-1830 in a ship from Van Diemen's Land as a servant to Samuel Bryan.[69] Smythe turned out to have been unable to acquire a watch before leaving, a crucial surveying tool used to tell longitude and latitude in relationship to one another. He therefore miscalculated directions to King George's Sound, leaving the group alarmingly short of provisions. Bannister had to urge the expedition forward, knowing that they needed to get closer to their destination to be safe. At times they were unable to find fresh water. One after another, three of the group's four horses died: Bannister had the last one shot to put it out of its misery. After he returned, Bannister feuded with the surveyor, whom he accused of incompetence.[70] Bannister's suffering during this expedition became another reason to claim land: sacrifice had conferred entitlement, at least in his rhetorical appeals.

[67] John Barnard to John Hampton, 28 May 1831, in *Letters and Extracts of Letters, from Settlers at the Swan River*, 4–6 (quotation 5). On Hampton's position, Cameron, Haines and Maude (eds), *English Immigrant Voices* 108, n.35.

[68] On the monument and park currently at the massacre site: http://monumentaustralia.org.au/themes/conflict/indigenous/display/61063-pinjarra-massacre-site (accessed 15 April 2022).

[69] "Upgraded and Expanded Biographical Notes". http://www.explorationswa.com.au/the-volumes/western-australian-exploration-1826-1835/errata-western-australian-exploration-1826-1835/biographical-notes/ (accessed 27 May 2018).

[70] Jackson et al., *Frowning Fortunes*.

Jobs

Throughout Thomas Bannister's Australian career he moved restlessly as he sought high-level employment. Almost immediately after Bannister's arrival, Stirling made him a Justice of the Peace, one of a number of new law officials tasked with making the new colony more orderly and more moral in the face of what Stirling described as the turbulence and criminal tendencies of the indentured servants on whom the colony depended for labour.[71] By late 1830, Bannister wanted to leave, but Stirling enticed him to stay by making him Government Resident of Freemantle. In 1831, after his dangerous voyage from Fremantle to King George's Sound, he was offered the position of Government Resident of King George's Sound but turned it down because the salary was too low (or the offer may have been rescinded: sources differ). The position was, Thomas wrote to a friend, only £100 a year, '£50 less than he pays a carpenter or Bricklayer! No proper house for me, no servant!'. He would also have the financial burden of 'being civil to all respectable people arriving here', reflecting the burdens imposed by honour and elite politeness. '[T]o take an appointment unless it at least pays your expenses is impossible, at all events for a poor man.'[72]

By the end of 1831, Bannister had followed a number of other settlers, including his Sussex neighbours the Hentys, to Van Diemen's Land, where his sisters lived. The island was in the grip of the profound tragedy of the destruction of much of the Indigenous population during violent conflict, sometimes termed the 'Black War', between settlers and Indigenous Tasmanians, lasting from the mid 1820s to 1832.[73] Violence included, as Nicholas Clements has argued, the murder of women in the aftermath of rape by convict shepherds, accelerating the incapacity of Indigenous peoples to reproduce.[74] The underlying logic of this war reflected that elsewhere on the continent: the British empire claimed Australia but had not conquered the people. Settlers carried out grim, unrelenting massacres in response to guerrilla resistance.

In 1830, shortly before Bannister's arrival, Lieutenant-Governor George Arthur, an evangelical Christian who claimed to deplore violence, tried to

[71] *Ibid*., 18–22.

[72] WSCRO, Goodwood papers MS 1503, O175: Thomas Bannister, "extract of a letter addressed to Colonel Fox, Kensington, Addison Place. V.D.Land, January 4 1832", copied in MS 1503, O174 [numbered 178, top right-hand corner]: Thomas Bannister to Duke of Richmond, 5 October 1833.

[73] Nick Brodie, *The Vandemonian War* (Melbourne: Hardie Grant, 2017); James Boyce, *Van Diemen's Land; A History* (Melbourne: Black Inc, 2008); Benjamin Madley, "From Terror to Genocide: Britain's Tasmanian Penal Colony and Australia's History Wars," *Journal of British Studies*, 47(1), (January 2008), 77–106.

[74] Nicholas Clements, *The Black War: Fear, Sex and Resistance in Tasmania* (St. Lucia, Queensland: University of Queensland Press, 2014).

push all Indigenous inhabitants living outside white settlement into a single area of the island through the so-called Black Line of soldiers and settlers who searched the bush for people to expel. Although the Line has long been considered a failure from a British perspective, because it only killed two people and expelled one other, Lyndall Ryan points to the overall efficacy (again, from the British perspective) of the imperial policy of forced relocation.[75] The Black Line also needs to be placed in the larger context of an earlier grim and unremitting guerrilla war between settlers and Indigenous peoples that had already largely destroyed Indigenous communities, as well as in a wider imperial context of settler militias.

From 1830 to 1834, a former bricklayer named George Augustus Robinson would travel across the island persuading people still living outside white settlement to surrender and to be given new land.[76] Henry Reynolds argues plausibly that Indigenous people thought this arrangement was an agreement, to be understood in European terms as a treaty, not a surrender. Whatever the case, these survivors would ultimately be confined on Flinders' Island where they would all die, leaving no children. At the time, they were described in global discourse as the last of the Tasmanians, although in reality some Indigenous people survived, mostly the descendants of Indigenous women and British sealers. Thomas Bannister would live through these traumatic events, but I have found no archival records of his views of the conflict. It is possible that he would have shared the views of Governor Arthur and of George Augustus Robinson that the government was struggling to act in a humane manner through brokering peace with settlers and confining Indigenous groups to small 'protected' areas that might in later colonial contexts be called reservations.

We do know that as these tragic events unfolded, Bannister tried to translate his western Australian experience into a job. In recognition of his work for the government in western Australia as a magistrate and Government Resident, the Governor of Van Diemen's Land, George Arthur, awarded Bannister a temporary appointment at half-pay as acting sheriff of Van Diemen's Land. Bannister hoped to make this position permanent or to obtain a higher position; the latter would have made him one of the mobile elite of colonial officers who were deployed around the empire – a career track onto which John William was trying to place himself before his death, and to which Saxe sought to

[75] Lyndall Ryan, "The Black Line in Van Diemen's Land: Success or Failure?", *Journal of Australian Studies*, 37(1), 2013, 3–18, and other articles in this forum "The Black Line in Tasmania – A Reconsideration".

[76] Anna Johnson and Mitchell Rolls (eds), *Reading Robinson: Companion Essays to George Robinson's Friendly Mission* (Melbourne: Monash University Publishing, 2012; first published 2008 by Quintus Publishing, Hobart); N.J.B. Plomley, *Friendly Mission: The Tasmanian Journals and Papers of George Augustus Robinson, 1829–1834* (Hobart, Tasmania: Quintus Publishing, 2008; first published 1966).

return as he struggled to clear his name. Indeed, new colonies offered opportunities that would not have been available at the same level in Britain.

Patronage and connections were, however, essential for obtaining permanent high-level colonial positions. Great members of the aristocracy had appointments at their command throughout government and the military in a process that might now be seen as corrupt, but in the early nineteenth century was simply the way things worked. The wheels of patronage were often greased by elaborate hierarchies of masculine deference and honour. Reversing gender expectations, however, Thomas' sister Elizabeth Ruth, one of three Bannister sisters still living at the family home at Steyning, Sussex, threw herself, in the absence of men, into pushing the Duke of Richmond to provide patronage for Thomas. Her emotional letters to the duke are the only archival record I have been able to find that convey Elizabeth Bannister's own words; she appears to have been as passionate, persistent and as willing to tweak convention as her siblings, albeit within the firm framework of gentility.

Elizabeth seems to have had an interview with the wealthy and powerful Sussex peer Charles Lennox-Gordon, Duke of Richmond, a former aide-de-camp to the Duke of Wellington and at that point a member of Earl Grey's Whig government, to request that Thomas obtain the position of sheriff on a permanent basis should the incumbent choose to relinquish it.[77] After her initial approach, Thomas, who had never met the duke, sent a letter of introduction and several letters of reference. Appealing to shared military ties, he referred to himself as an 'old soldier', referenced the fact that he was known to the duke's brother and that Lennox-Gordon had known his father, and reminded the duke that the Earl of Egremont thought highly of him.[78] The role of patronage and of military and elite ties in obtaining colonial positions is evident. In this case, however, Thomas clearly over-reached himself. He confessed that he was not entirely eager to return as sheriff 'since its duties are, in many respects, not suited to my taste – it is an office which often presents to me the worst side of human nature', even as 'its pecuniary responsibility sometimes alarms me'. He

[77] 'The last time that I had the honor to see your grace the interview was of such a nature as to cause me to believe that my Brother would receive your interest,' Elizabeth wrote to Lennox-Gordon in late November 1833. WSCRO, Goodwood papers, MS 1508, P122–124: Elizabeth Ruth Bannister to the Duke of Richmond, 27 Wimpole Street, Cavendish Square, 30 November 1833. The Duke of Richmond was an ultra-Tory and a defender of the landed interest. At this stage, he had, however, recently defected from the Conservatives and joined the Whigs in protest against Catholic emancipation. The Whigs came to power in 1830. The duke was appointed as postmaster general after the chiefs of staff had resisted his appointment as Secretary of Defence. F.M.L. Thomson, "Lennox-Gordon, Charles", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, first published online 2004).

[78] WSCRO, Goodwood Papers, MS 1503, O174 [numbered 178, top right-hand corner]: Thomas Bannister to Duke of Richmond, 5 October 1833.

therefore wondered whether, with a hope that he might be forgiven for being a 'little ambitious', he might be nominated to 'some suitable office, not inferior to that of Sheriff or a vacancy occurring at Sydney, at the Mauritius, the Cape of Good Hope, or here'.[79] In this optic, empire and home were a vast and unified field of potential employment for members of the elite.

Elizabeth was insistent. On 30 November 1833, she wrote that the recent mail from Van Diemen's Land had 'brought us a harrowing account of the death of a beloved sister most unexpectedly'. On the same day, she had heard that some other gentleman was to be appointed to the office of sheriff should a vacancy occur. She deployed appeals to gender and emotion to ask for more information, claiming that the 'particular situation in which my sisters and myself are placed' would surely plead for her.[80] In January, she wrote that she had 'waited in London most anxiously for ten days in the expectation of an answer to the letter I took the liberty to address to your grace'. She entreated the duke to 'tell me the facts'. 'I did not presume to come into your grace's presence without proofs', she added:

> I had Sir James Stirling's letter – also one from Mr Kerr of Lincoln's Inn and more than all, the unblemished and undaunted conduct of my brother to support the claim I made on your Grace's kindness. Had the late Duke of Norfolk been living who kindly took my Brother's [*sic*] under his protection your Grace had not seen me on this occasion – but what would I do? – Your Grace's connection with our country, my Father's name being known to you and the peculiar situation in which my sisters and I are placed from the death and absence of our immediate connections left me no alternative but to solicit your grace's aid to protect my brother.[81]

In response to this missive, the duke wrote to Elizabeth enclosing a letter from the Colonial Office that presumably conveyed the information that the position was needed for a more senior person. Elizabeth's retreat was strictly tactical:

> I will intrude on you no more as I feel that your grace will do all for my Brother that you think right, even should this appointment of Sheriff of Van Diemen's Land be impossible to hear of [this?] beloved brother as a wanderer again would be to us a real woe as it is a state of being so very different to his early habits of a steady energetic military man. He was in the fifteenth foot I think fifteen years! And would never have left the army but from the most unforeseen circumstances – it has been a great source of regret to us that he did so – Sir James Stirling knows how well he acted his

[79] *Ibid*.

[80] WSCRO, Goodwood papers, MS 1508, P122–124: Elizabeth Ruth Bannister to Duke of Richmond, 27 Wimpole Street, Cavendish Square, 30 November 1833.

[81] WSCRO, Goodwood Papers, MS 1504, Q45 (but numbered 93 on top right): Elizabeth Bannister to Duke of Richmond, 7 January 1834.

> part at Swan River and his journey through its savage wilderness for nearly five hundred miles to King George's Sound for the benefit of that colony was an undertaking of great peril – and it required extraordinary bodily and mental energy to accomplish it. We have not yet published his journal it is a very valuable document to us as shewing how invincible a spirit he possesses and how great his moral perseverance –

She stated that she did not know how to express her sense of the liberty she was taking,

> but perhaps as a Father and a Brother you will find in your own heart an excuse to forgive me. The kindness that [induced?] your grace to send me a letter in your own hand writing has deeply affected me and if a tear fell on it, it was one of gratitude – and if a prayer was offered to the judge of all the earth it was that he would protect you in the high, difficult and laborious situation which your grace so ably fills in these kingdoms.[82]

In May, the duke seemingly wrote to her, possibly in response to another request for patronage, to inform her that he was no longer part of the government. Elizabeth's response was more subdued than hitherto, fearing that the duke might feel she had intruded too much and excusing herself by the fact that his sisters were Thomas' only relatives in England.[83] Nonetheless, as late as 1843, Elizabeth continued to cultivate relationships with the duke, writing more prosaically to solicit his attention to a 'Cow and Calf which will be shewn [at?] Steyning on Monday next'.[84]

Thomas Bannister had clearly overestimated his place in the colonial hierarchy. He did nonetheless successfully petition both the Governor of Van Diemen's Land, George Arthur, and the colonial secretary, Lord Aberdeen, to grant him retroactively the full salary for the position of sheriff. He had earned half-salary as the acting incumbent but had incurred significant expenses owing in part to mistakes made by his subordinates for which he was financially liable. Deciding this took up significant energy, involving discussion with the colonial secretary as well as the Van Diemen's Land Legislative Council; Arthur averred that he granted the salary increase only with the greatest reluctance.[85] In the meantime, Bannister still held land in western Australia, but he would be involved in disputes over the legitimacy of a purchase as well as over whether

[82] *Ibid.*, Q61 Q63 [numbered in top right hand corner 126–128]: Elizabeth Ruth Bannister to Duke of Richmond, Steyning, 9 January 1834.

[83] WSCRO, Goodwood papers, MS 1506, S145 [numbered 7 in top right-hand corner]: Elizabeth Bannister to Duke of Richmond, 39 Queen Ann Street, Cavendish Square, Wednesday May [in collection of 1834 letters and dated as such in card index].

[84] WSCRO, Goodwood MS 1651, f. 196: Elizabeth Ruth Bannister to the Duke of Richmond, North Steyning, 8 December 1843.

[85] TNA CO 280/58: George Arthur to Lord Aberdeen, 16 July 1835; Lord Aberdeen to George Arthur, Downing Street, February 1836.

he had adequately improved some of his land to be entitled to claim it. He had not yet made the colonial fortune for which he hoped.

It was against this background of uncertainty that in 1834 Thomas Bannister joined an association of fifteen men from Van Diemen's Land who dubbed themselves the Port Phillip Association. They were led by John Batman, a settler who had recently played a key role in the Black Line. The group came together to pioneer a new settlement in hitherto unsettled land in the Port Phillip district, now in the Australian state of Victoria. This land was within the territory of the Wurundjeri, a clan within the Kulin alliance. Bannister did not play a major role in the actual enactment of the project, but as an investor he enabled it.

The project was not unusual in the effort to claim new land for settler advantage. It was, however, unique in that the Association attempted (or at the very least claimed to have attempted) to obtain a land grant by what they termed a treaty from the Wurundjeri. In his support for this strategy, Thomas was influenced by his brother Saxe, whose work *Humane Policy*, arguing for the importance of consent, he had shared with fellow members of the Association.[86] This is the only known instance in nineteenth-century Australian history of any effort to create a treaty with Indigenous people, and similarly the only known attempt on the part of settlers to forge a formal agreement with existing inhabitants. The aim of the project was not, Batman later claimed to Governor Arthur, 'possession and expulsion, or what is worse extermination, but possession and civilization'.[87] Whether expulsion or civilization dominated, the goal was nonetheless possession.

The Batman Treaty

In 1835, John Batman travelled by sea and land to the Port Phillip district. In addition to the crew of the vessel, he was accompanied by three white men, James Gun, Alexander Thomson and William Todd, and seven Indigenous men from New South Wales, known to Batman as Bullett, Bungett, Old Bull, Pigeon, Joe the Marine, Joe King and Stewart.[88] The Indigenous men had for some time lived and worked with Batman, and they had fought on the white side in Van Diemen's Land's so-called Black War. In a later letter to the

[86] James Boyce, *1835: The Founding of Melbourne and the Conquest of Australia* (Collingwood, Victoria: Black Inc, 2013), 55; Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: Melbourne University Publishing, 2009), 36–38; Atkinson, *Europeans in Australia*, 2: 159–160.

[87] TNA CO 280/58: John Batman to George Arthur, copied in Arthur to Spring Rice. Also cited in Alan Atkinson, "Conquest", in *Australia's Empire*, ed. Deryck Schreuder and Stuart Ward (Oxford: Oxford University Press, 2008), 44.

[88] Attwood, *Possession*, 45.

Governor of Van Diemen's Land, George Arthur, Batman would claim that these 'Sydney Natives' had become 'civilized' under his auspices. It was this fact that had, he claimed, first given him the idea for a new colony that would be economically beneficial while also providing the benefits of civilization to the original owners:

> inasmuch as the Sydney Natives, who were living with me, had become well acquainted with the English language and manners, and had acquired habits of industry and agricultural pursuits, they might therefore be considered civilized, and as the available Lands in this Colony were occupied by flocks of sheep, and fully stocked, it would be a favourable opportunity of opening a direct friendly intercourse with the Tribes in the neighbourhood of Port Phillip, and by obtaining from them a Grant of a portion of that Territory upon equitable principles, not only might the resources of this colony be considerably extended, but the object of civilization of a larger portion of the Aborigines of that extensive country [be realized].[89]

Investors in the Port Phillip Association presented themselves to the Colonial Office and to George Arthur as agents of civilization, who would be able to perform the magic trick of obtaining and developing large tracts of land for the export of wool and meat while at the same time being welcomed by the Indigenous inhabitants, and thereby avoiding the violence that had hitherto haunted Australian colonies. In the meantime, Batman described himself as a 'Native of New South Wales' who had been for the last six years 'most actively employed in the endeavouring to civilize the Aboriginal Natives of Van Diemen's Land'. He further stated that 'in order to enable the local Government of this Colony to carry that important object into full effect, I procured from New South Wales eleven original Natives of New Holland, who were, under my guidance, mainly instrumental in carrying into effect the humane objects of this Government towards the Aborigines of this Island'.[90] Batman and his colleagues claimed, in other words, that they had obtained Indigenous consent to colonization.

What exactly happened when John Batman set out for Port Phillip and met with Kulin men, women and children has long been a subject of dispute. The perceived meanings of the encounter have shifted with time, teller and political need.[91] What Batman said at the time as he tried to persuade both levels of imperial government – the one in Sydney and the one in London – to approve his actions and confirm his land grant was that he and his party had met with a group of Wurundjeri leaders and had made a treaty by which eight 'chiefs'

[89] TNS CO 280/58: copy of John Batman to George Arthur, 25 June 1835, enclosed in George Arthur to Thomas Spring Rice, 4 July 1835.

[90] *Ibid*.

[91] Attwood, *Possession*. For a comprehensive account of events, Boyce, *1835*.

ceded to the Port Phillip Association some 600,000 acres of land, placing their marks on a written document that they fully understood. It has been suggested that the document was a fraud and even that the encounter never happened, although late nineteenth-century testimony from Wurundjeri elder William Barak, who was present at the meeting as a child, suggests that there was at a minimum some form of meeting. Even the details provided by Batman himself suggest, however, a somewhat different reading than that implied by a contract for the exchange of 'possession'. The 'treaty' might fruitfully be read against the other treaties and efforts at agreement-making that we have been discussing throughout this book. It seems most likely to have been an attempt to broker a relationship, transformed at the moment of conception into permanent 'alienation', in a double sense.

From the outset, Batman looked at the land of Port Phillip in terms of use value. In his journal, he described moving around the coast in the sailing ship and stopping to explore. He found 'a country capable of supporting a future nation, and which, we trust, will be the means of relieving the Hobart Town country of its overstocked cattle, and the mother country of her surplus and half-starved peasantry. Futurity must develop this prophecy!'[92] A report putatively from Batman to George Arthur (which Bain Attwood attests was not written by Batman but by other members of the Association, including Bannister), described a process of courtship brokered by 'my Natives'.[93] When the group landed (after some days of surveying the country, as the diary makes clear but the official report obscures) they saw fires some 5 miles distant. 'I then made my arrangements for the purpose of opening an intercourse with the Natives by means of those under my charge. I equipped them in their Native dresses, and early in the morning we landed,' Batman wrote (in his journal, he said the men stripped naked). The Sydney men walked a few hundred yards ahead of Batman, unarmed. When the group reached the fires, however, they realized that the inhabitants had fled a few hours earlier, leaving behind baskets and other items. Batman concluded that they must have seen the ship and retreated in fear. Concerned that they would stay away from the coast for the entire season, 'I determined immediately to put my Natives upon the track, and, if possible, overtake them, and at once obtain their confidence.' Batman's men tracked the local group for about ten miles, recreating the 'very circuitous' route of the fleeing people. This recalls the tracking done by Indigenous roving parties, including some of the same men, of other Indigenous groups in Tasmania during the Black War.[94]

[92] John Batman, *The Settlement of John Batman in Port Phillip: from his own journal* (Melbourne: George Slater, 1856), 12.

[93] TNA CO 280/58: copy of John Batman to George Arthur, 25 June 1835, enclosed in George Arthur to Thomas Spring Rice, 4 July 1835; Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: Melbourne University Publishing, 2009), 45.

[94] Brodie, *Vandemonian War*.

Eventually, the men caught up with a group of twenty women and twenty-four children, the presence of children perhaps explaining why the group could not flee fast enough to escape their trackers. Batman claimed that two of his men spoke a language intelligible to the group and acted as interpreters. They told the women that he 'came in a vessel from the other shore, that I was, although white, a countryman of theirs, and would protect them, and I wished them to return with me to their huts, where I had left some presents for them'. The women were clearly terrified; they eventually agreed to go back to the huts, but hesitated once within sight of the shore 'and, as I understood from the interpreters were afraid I should take them by force, and ill use them as some of their tribe had been already'. Of course, this may have been an embellishment designed to strengthen the claims of the men of the Port Phillip Association to be protectors against more violent white men, in a classic imperial move. Assuming, however, that the women were indeed terrified, this was a very different scenario from the later mythic portrayal of an encounter between men: this was an unarmed group of women, burdened with children, confronting eleven armed men whom they feared would rape them.[95] Batman claimed that he overcame their fears and persuaded them to enter the huts, where he gave them 'a pair of blankets each, Tomahawks, knives, scissors, looking glasses, and I affixed around the necks of each woman and child a necklace'. Framed by Batman as an act of gift-giving, this was at root a gesture of physical imposition on the bodies of women. A hint of constraint is also present in Batman's choice of words: '[a]s soon as I had distributed the presents they were informed by the interpreters that they might depart and join their friends'. Batman reported, however, that the women were excited and 'highly gratified'.

For the next six days, the report claimed, Batman and his party surveyed the country, noting several 'Native fires' but not intruding. On the seventh day, they set out to make contact. They fell in with a man and his wife and three children. The man was friendly and told them that the women, although of a different 'tribe', had told members of his own community what had happened. The man also told Batman 'where the Chiefs of the Tribes were stationed and also their names', and then offered to act as a guide to bring Batman to the chiefs. Again, the New South Wales men acted as brokers and muscle, driving back the locals when they initially advanced on Batman's group with spears raised. Batman and his followers then spent twenty-four hours with what turned out to be a group of fifty-five men, women and children. The interpreters explained Batman's aim, namely

> to purchase from them a tract of their Country, that I intended to settle among them with my wife and seven daughters, and that I intended to bring to the Country Sheep and Cattle. – I also explained my wish to protect them in every way, to employ them the same as my own natives, and also to clothe and feed them.

[95] On sexual violence, compare Clements, *Black War*.

Batman finally added that he would pay them an 'annual tribute' as 'compensation for the enjoyment of the Land'. The use of the term 'enjoyment' is interesting here, as it implies some sense that Batman did not claim outright ownership in his negotiations but something closer to use rights. Even in his letter to colonial officialdom, Batman stated that he was paying 'annual tribute to those who are the real owners of the soil', while nonetheless talking of possession. Be that as it may, Batman claimed that the 'chiefs' eagerly agreed to his possession of a large tract of land that he described to them with reference to hills. The following day, Batman and the chiefs proceeded to the boundaries, where the Kulin men 'marked with their own Native marks, the Trees which were at the corners of the boundaries, and they also gave me their own private mark, which is kept sacred by them, so much so that the women were not allowed to see it'.[96] In his journal, Batman wrote that the men handed over a handful of earth as the document was signed. The journal states, however, that the men marked a single tree with four marks to show the boundaries of the land, not that they walked the land.[97]

The English text spoke the language of permanent alienation, not the language of relationship:

> Know all persons that we three brothers Jagagaga Jagagaga Jagagaga being the principal chiefs and also Cooloolock Bungaree Yanyan Moowhip and Mommarmalar being the chiefs of a certain Tribe called Dutigallas situate at and near Port Phillip called by us the above-mentioned chiefs Iramoo and Geelong being possessed of the Tract of land hereinafter mentioned for and in consideration of twenty pair of Blankets Thirty knives Twelve tomahawks Ten looking Glasses Twelve pair scissors Fifty handkerchiefs Twelve Red shirts Four Flannel Jackets Four suits of clothes, and fifty pounds of flour delivered to us by John Batman residing in Van Diemen's Land Esquire but at present sojourning with us and our Tribe Do for ourselves our heirs and successors Give Grant and Enfeoff and confirm unto the said John Batman his heirs and assign All that tract of Country situate and being in the bay of Port Philip known by the name of Indented Head but known by us as Geelong […] containing about One Hundred Thousand acres as the same hath been before the execution of these presents delineated and marked out by us according to the custom of our tribe by certain marks made upon the trees growing along the boundaries of the said tract of land.[98]

The agreement also included a promise of annual payments of goods, as well as mention of Batman's intention to bring out sheep and cattle.

[96] TNA 280/58: copy of John Batman to George Arthur, Hobart Town, 25 June 1835, enclosed in George Arthur to Thomas Spring Rice, 5 July 1835.

[97] Batman, *Settlement of John Batman*, 20.

[98] TNA CO 280/58: copy enclosed in George Arthur to Spring Rice, 4 July 1835.

As Robert Kenny, Bain Attwood and Diane Barwick have argued, it is crucial to distinguish between the settler version of the treaty and the Kulin version of whatever agreement transpired, which would of course have been founded on a different set of cultural practices for negotiating with strangers and would have been an oral rather than written agreement. There were rituals across Australia designed to accompany agreement-making between groups that were not in regular contact with one another. The ceremony the Kulin leaders enacted with Batman is likely to have been a *tanderrum* ceremony, which regulated access to resources by outsiders and which involved a symbolic gift of an item representing the land, such as boughs or leaves, allowing strangers to use the land's resources provided they were peaceful and law-abiding. It is very probable that the *ngurungaeta*, or head men, saw themselves as creating some kind of ongoing relationship with Batman.[99]

The parallels with North America are unmistakable. Echoing William Johnson's interactions with the Six Nations, Batman acted as if he were beginning a relationship, asking for shelter for himself and his family of seven daughters, and engaging to give annual presents as the protocol of the Six Nations and of other Indigenous North American groups demanded. At the same time, Batman was making plans to import thousands upon thousands of sheep by ship from Van Diemen's Land, immediately making hunting impossible. This was a considerable technological leap beyond what was possible in William Johnson's world. Furthermore, Indigenous hunting was crucial to the late eighteenth-century fur-trading economy in North America. In Victoria, by contrast, settlers planned from the outset to eliminate Indigenous hunting as a precondition for their own economic flourishing.

As was so frequently the case with settler interactions with hunter-gatherers across the colonial world, members of the Port Phillip Association seem to have believed that 'civilizing' the 'natives' would transform them into sedentary labourers who would work on white farms. A memorandum to Batman (undated but clearly from shortly after the treaty), signed by J.T. Gellibrand, C. Swanston, J.H. Wedge, W.G. Samms, Anthony Cottrell and M. Connolly, discussed how to go about 'conciliating the natives' (it is worth noting that Bannister was not among the signatories). 'The first point to be attended to,' they asserted, 'is to keep up a friendly feeling on their part to the establishment, and to ensure on their part a feeling of confidence, and the next is to make them as useful to the association as possible.' It would be desirable to have 'two scales of rations'. A larger amount would be for 'those who will make themselves useful, and a less scale for those who will not – That civilization will best proceed by dividing the natives into families, and employing six

[99] Robert Kenny, "Trick or Treats? A Case for Kulin Knowing in Batman's Treaty", *History Australia*, 5(2), 2008, 38.1–38.14; Attwood, *Possession*, 56 and *passim*; Diane Barwick, *Rebellion at Coranderrk* (Canberra: Aboriginal History, 1998).

or eight at each of the stations if they can be induced voluntarily to do so – but it must not be done by compulsion'. 'Habits of labour' would only gradually be acquired, and it would be helpful if 'each party were allowed to have a small piece of ground to cultivate for themselves'. It would be expedient to appoint William Buckley, a former convict who had escaped his masters and then lived with the Kulin for over thirty years, as superintendent of the natives. Buckley would be able to keep them in order and them lead them to understand the advantages of the plan, after which they would become 'useful servants of the institution'. Finally:

> Some regard ought to be had to the amount of tribute payable and that for the excess some equivalent in labor given, but it will not be desirable in the first instance to coerce the Natives to labor. It may be questionable whether it will be prudent to give the Natives Mutton otherwise the flocks may and most probably will hereafter suffer – if they require animal food it will be better to supply them with salt pork.[100]

The memorandum is worth citing at length for its casual assumption that the lifeways of the Indigenous peoples of Port Philip would cease with the arrival of the settlers. Even before the sheep had arrived, it was assumed that Indigenous people would no longer be able to access meat for themselves and would become dependent on handouts of salt pork (should they require meat), eventually to be tied to labour for whites. Not only Indigenous dispossession but also brutal Indigenous dependency were baked into the bones of plans for settlement.

At the same time, it is also possible that we may underestimate the extent to which the *ngurungaeta* were deceived. Batman left several men, both white and Indigenous, to start building his house. Some of the locals planned to kill the group. We know this because William Buckley talked them out of it before turning himself in to Batman's men. As James Boyce details, later in the year there were almost certainly disputes among different factions about how to react to the invaders, with a significant group arguing for attacks on the nascent settlement of Melbourne founded by J. Pascoe Fawkner in 1835.[101]

William Barak, who was eleven at the time, stated that he was among those Kulin who met Batman. He left a brief, instructive fragment of a written memoir at the age of fifty-eight:

> Buckly told the blacks to look at Bt [Bateman's] face he looks very white any man that you see out in the bush not to touch him when you see an empty hut not to touch the bread in it make a camp outside and wait till the man comes home when the man comes home and finds every thing safe in

[100] State Library of Victoria, M5119, Box 113/8: Port Philip Association Papers, 1835–1866: "Memorandum for Mr. Batman" [transcription].

[101] Boyce, *Van Diemen's Land.*

> the house they are good people if you kill one white man white fellow will shoot you down like a kangaroo.[102]

The reactions of colonial officials were instructive in different ways. George Arthur informed Chancellor of the Exchequer Thomas Spring Rice that he had received a letter 'from Mr. John Batman, a settler in this Colony, who has recently visited the opposite coast of New Holland, examined a portion of the country in the vicinity of Port Phillip, – and on behalf of an Association, of which it appears he is the Agent, purchased 600,000 Acres of land from one of the Native Tribes!'. Arthur's exclamation mark is an eloquent testimony to the startling nature of the proposition.[103] To have settlers develop the rich and fertile land of Port Phillip would indeed be a valuable boost to the economy of neighbouring Van Diemen's Land, he conceded, but the claim could not be made in this way. Indeed, the land had already been claimed for Britain by earlier explorers Hovell and Hume. Arthur clearly did not feel that Indigenous groups had a claim to the land in any case. The 'several tribes' who had spoken with Hovell and Hume had, he stated, identified the hills by different names,

> a circumstance which would render the original ownership doubtful, – even were it true in contemplation of law, that a migratory savage tribe, consisting of from, perhaps, 30 to 40 Individuals, roaming over an almost unlimited extent of country, could acquire such a property in the soil as to be able to convey it so effectually as to confer upon the purchasers any right of possession which would be recognized in any courts of Law.[104]

Indeed, it was a major challenge to British authority for settlers to make their own agreements with Indigenous people. Furthermore, the door was opened to abuse: here, self-interested arguments overlapped with humanitarian claims. Arthur perhaps came close to the heart of matter when he underscored in later correspondence with the new colonial secretary Lord Glenelg that this was in fact to be a project run by absentee landlords: 'I cannot avoid expressing the hope that this fine tract of country may not be ceded to them to be converted into a sheep walk and cattle run by Absentee Proprietors.' This was the nub of

[102] Cited in Ian Clark, "*A Peep at the Blacks": A History of Tourism at Corranderk Aboriginal Station, 1863–1924* (Warsaw and Berlin: DeGruyter Open Ltd, 2015). It is noteworthy that without punctuation it seems as if Buckley was saying that whites were good people if they found their huts undisturbed but not otherwise. This is very different from stating that whites were good people in general, as would be suggested by moving the period to create a different sentence; later versions made the latter move.

[103] TNA CO 280/58, no. 53: George Arthur to Thomas Spring Rice, Van Diemen's Land, 4 July 1835. Spring Rice was Secretary for War and the Colonies from June to November 1834 until the fall of the Whig government. In April 1835 upon the return of the Whigs he became Chancellor of the Exchequer. I am not entirely clear in what capacity Arthur was writing to Spring Rice, given the timing of news carried by ship.

[104] TNA CO 280/58, no. 53: George Arthur to Thomas Spring Rice, 4 July 1835.

the issue on all sides: the land was not being used to broker local relationships but rather to create absentee estates onto which many thousands of animals were to be poured, posing challenges to British and Indigenous control alike. In the name of Indigenous interest the British state protected itself, and in the process it denied that Indigenous sovereignty, which only purchasers who wished to acknowledge it in order to extinguish it felt empowered to affirm.

Thomas Bannister did not see the denouement of his investment. He sold his shares early in the game (the very ability to sell shares in an arrangement predicated on Indigenous consent underscores the gulf between British and Indigenous views of the agreements and contracts that emerged from early contact). Nonetheless, the assumptions built into the project from the outset are revealing, as are imperial objections to it, and they illustrate the difficulties of colonial humanitarianism, even in an era supposed to be its height.

Australia and Sierra Leone

Sierra Leone and Australia were very far apart. Our study of two brothers nonetheless suggests elements that the two colonies had in common. At the most basic level, both were part of an emerging British imperial system made possible by control of the seas. The sea also linked the two, sending personnel, supplies and communication technologies, from imperial dispatches to family letters, along the coasts of Africa and Australia alike, linking colonies through the hub of Cape Town. The British military, whether the army or the navy, played a disproportionate role in both Sierra Leone and the Australian colonies in the immediate aftermath of the Napoleonic Wars. British control in Australia was made possible by a military conquest of Indigenous peoples that was so rapid, and the power dynamics so unequal, that at times it passed unnoticed from a British perspective. In Sierra Leone, the British were trying to impose themselves on neighbouring powers and rogue traders alike through control of the seas. In Australia, war was so embedded it was often an invisible assumption. In both places, humanitarianism and paternalism justified conquest and the incorporation of local groups into colonial structures. In both places as well, the alchemy of the market created commodities: the tradeable contract with Indigenous groups, arising from ceremonies of agreement and association; the cash value of the captured ship and the redeemed slave. In both places, also, the British were assumed to be coming as law givers, and the ideology of the rule of law helped justify their imperial presence.

For his part, Thomas Bannister continued to see these very different places as fungible parts of a common system. Many years later, despite his brother's death from disease in Sierra Leone, Thomas would petition his patron, the Duke of Richmond, for a position in the colonial judiciary, ideally, he wrote, in West Africa.

PART III

Britain, the Cape Colony, West Africa

8

Colonial Sins and Priscilla Buxton's Quest for Virtue

Many of the stories told throughout this book were gathered together in England in the 1830s to create new narratives about the 'aboriginal' people of empire, who were increasingly coming to be seen as somehow variants of the same genus. Saxe Bannister was an informant for Whig MP Thomas Fowell Buxton and members of his family, including his daughter Priscilla Buxton and his wife's cousin Anna Gurney, who translated information into polished narratives for politicians and for the public, in ways I am about to explore further. The Buxtons (and members of their extended family networks) in turn were key forces behind the British government's interventions in South African politics, as well as the 1836–1837 House of Commons Select Committee on Aborigines (British Settlements). Through Thomas Fowell, they also played a central role in the high politics of the 1833 abolition of slavery, in which Thomas Fowell led the campaign in parliament. Indeed, in the 1820s and 1830s, the family sat at the heart of Christian imperial information networks. As Fae Dussart and Alan Lester put it, '[i]f all imperial networks have especially significant nodal points – people and places where the capacity to effect change through a wider network is especially concentrated – then during the late 1820s and 1830s, Buxton constituted such a point for the networks of humanitarian lobbying and governmentality'.[1] The particular experiences to which not only Buxton but also his family and personal networks had access were magnified, repeated and taken as paradigmatic.

The work of information-gathering and related political activism at the centre of empire was facilitated by another type of kinship politics, namely the mutual assistance of a political family whose female members were at leisure to carry out extended work outside the public eye. In the case of the Buxtons, the family became a collective humanitarian enterprise, dominated by particular projects but also by a wider set of shared convictions and practices, particularly religious practices. Members of the extended Buxton family, including Priscilla

[1] 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), 77.

Figure 8.1 Portrait of Priscilla Buxton: frontispiece to E. MacInnes, *Extracts from Priscilla Johnston's Journal and Letters* (Carlisle: Charles Thurnham and Sons, 1862).

Buxton and Anna Gurney, the 'beloved partner' of Fowell Buxton's sister Sarah Maria, laboured in private to support the public political activity of the patriarch. Extended family networks were part of this world, which then shaded in turn into associational culture and into church groups.

In this chapter, I focus on the experience of Priscilla Buxton, although I also discuss other women in the Buxton-Gurney circle, notably Anna Gurney. Priscilla Buxton (Figure 8.1) sat at the centre of epistolary networks, weaving threads of information into usable political narratives. She helped to develop theories from a very long way away about the experience of enslaved people, the Haudenosaunee, the Khoekhoe, the Xhosa, the Noongar and the Indigenous people of Tasmania. She desired to do good, and struggled with injustice, although, as we shall see, the family ultimately supported colonialism in West Africa. Before her marriage to MP Andrew Johnston in 1835, Priscilla Buxton was a key anti-slavery activist, working very closely with her father. She played an important role in gathering information about the eastern Cape frontier situation in the 1830s and in arguing for the creation of a treaty system with Xhosa chiefs to curtail the use of commandoes in conflict over cattle. In this

she linked together anti-slavery, opposition to the commando system in South Africa and the 'protection' of 'aborigines'. In the late 1830s, she was involved in the creation of the Report of the Select Committee on Aborigines, even though the bulk of the heavy lifting was done by her relative, Anna Gurney. In the early 1840s, Priscilla supported her father's drive to create a virtuous expedition down the river Niger to sign anti slave-trade treaties with African leaders. Indeed, she wrote some significant part of the book in which he promoted this policy. In this, she was part of a move towards a vision of colonialism as humanitarian, despite the considerable evidence that this book has accumulated of the quixotic nature of that hope.

In a number of episodes already recounted in this book, the wealthy and benevolent Buxton family were a distant and indeed quasi-mythical presence. The acting governor of South Africa, Richard Bourke, and the colonial undersecretary, William Hay, worried together about Thomas Fowell Buxton's views of the trade in San children and hastened to put together documents to placate him. Bannister threatened to send what he knew back to London; Buxton, already seen as a point man on Africa and the African diaspora through his work on slavery, was the obvious recipient. At least some of Saxe Bannister's books were written with an eye to Buxton. He addressed the introduction of his 1838 book *British Colonization and Coloured Tribes* directly to Buxton, for example, calling upon him to overcome divisions between pro-colonial reformers and anti-colonial missionaries, and to put himself at the head of 'the Great Colonial and Aboriginal Movement now making'.[2] The idea of 'London' or the 'British public' as virtuous arbitrators of colonial wrongs was shaped in part by the public appeals made by abolitionists under the aegis of Buxton as parliamentary leader. At the Kat River settlement in South Africa, a village was named Buxton. In this chapter, we reverse the gaze and focus on the view of empire from within the privileged precincts of the Buxton family, looking outward. We still see, however, the central role of family networks in imperial politics and the ideological influence of particular conceptions of the ideal family.

Elite Women and Family Politics

'My dear Sir,' wrote Priscilla Buxton to the eminent abolitionist Zachary Macaulay in one of a series of lengthy letters to him in which she chronicled the successful passage through the British parliament of the 1833 act to abolish slavery, '[i]n the very brief interval which sleep and breakfast allows between

[2] Saxe Bannister, *British Colonization and Coloured Tribes* (London: William Ball, 1838), vii. Presumably referring to warfare in Natal, Bannister accused Buxton of ignoring his previous warnings and as a result letting 'torrents of blood flow' (vi).

leaving the House at 3 and returning to it at 12 on the same morning, I must send you a line.'[3] At the time, Priscilla was working closely with her father in the final countdown to abolition, and was charged with keeping a senior abolitionist in the loop. Like so many of her letters, this one to Macaulay mingled the familial and the political:

> I wish you could have been in the House last night – it was certainly an Evening of intense interest - & ended by a division which was perhaps the very best thing that could have happened – a minority against the apprenticeship [of freed slaves] of 151 to 158! […] But there was more to gratify you than this – I did long for your daughters to have heard their brother's speech – it was excellent indeed! Bold decided conscientious – I need not say clever and eloquent.

Priscilla Buxton also criticized Lord Stanley – 'he never grappled with the point but showed wonderful dexterity in eluding it – & tried by turns, entreaty, expostulation, pathos, ridicule'.[4]

Despite the fact that in this letter, and at many other points throughout her career, Priscilla Buxton was an acute commentator on British high politics, as well as an active participant, she was only ever able to have access to political debate through family networks. The ventilator shaft of the House of Commons in 1833 might serve as an apt symbol for the partial but hidden incorporation of elite women into parliamentary politics; Kathryn Gleadle aptly terms such women 'borderline citizens'.[5] In the old parliamentary building, before it burned down in 1833, there was an attic room above the main chamber. A large ventilation shaft led from the celling of one room to the floor of the other. Women were not allowed into the house itself while it was in session. A few might, however, listen to proceedings in the attic room through the ventilation shaft, which allowed a limited view of the House. In 1833, after the debate that Priscilla Buxton described to Macaulay, the men who had been jostling in the House, including Stanley and Priscilla's future husband Andrew Johnston, came up 'in high spirits' to find their female connections.[6] When the House of Commons burned down in 1834, the ventilation shaft was eliminated; Priscilla was grateful slavery had already

[3] On Zachary Macaulay, Catherine Hall, *Macaulay and Son: Architects of Imperial Britain* (New Haven: Yale University Press, 2012), and, for a caustic view, Padraic Scanlan, *Freedom's Debtors: British Antislavery in Sierra Leone in the Age of Revolution* (New Haven, CT: Yale University Press, 2017).

[4] Oxford, Bodleian Libraries of Commonwealth and African Studies at Rhodes House, MSS Brit Emp. s.444, Thomas Fowell Buxton Papers, vol. 12, ff. 4–11: Priscilla Buxton to Zachary Macaulay, 25 July 1833. Subsequently annotated as TFB.

[5] Kathryn Gleadle, *Borderline Citizens: Women, Gender and Political Culture in Britain, 1815–1867* (Oxford: Oxford University Press, 2009).

[6] TFB, vol. 12, ff. 4–11: Priscilla Buxton to Zachary Macaulay, 25 July 1833.

been abolished before she was unable to attend debates.[7] A ladies' gallery was eventually included in the new House of Commons; opened by Queen Victoria in 1852, it only accommodated twenty-two women, however, and placed them in dim lighting and behind an opaque grill to shield them from men's sight.[8]

It seems symbolically appropriate that for many years only a handful of elite women, usually family members of MPs, were enabled to hear House of Commons debates, and that in a secretive manner and with an obscured view. Even before the parliament building burned down, women had been apprehensive that coming franchise reforms would inspire reformers to close access to the ventilation shaft. Although it was fire, not democracy, that cut off access, the uncertainty aptly reflects the uneasy position of elite women in British political life. Indeed, the gradual replacement of family biopower by a more 'rational' democracy edged out elite women, just as it did Indigenous members of elite family networks.

As I have been arguing throughout this book, family power operated through extended family networks, not solely through the nuclear family. Priscilla Buxton was born into a network of extended family and satellite households, many of whose members were tied to one another by a shared sense of public vocation, Christian identity, a principled commitment to family and, in the case of some of the men, by business ties. The Buxtons were intimately linked to several other large families with roots in Quakerism or evangelical Anglicanism. These included the Gurneys, a wealthy Norfolk Quaker family who had moved in the eighteenth century from wool into banking.[9] The highly successful Gurney's Bank was established in 1770. Thomas Fowell Buxton was married to Hannah Gurney. He cooperated closely with Hannah's brother, Joseph John Gurney, a Quaker minister and an abolitionist, as well as a banker. Hannah's other siblings included prison reformer Elizabeth Fry. Another was Louisa Hoare, an author and educationalist. Brothers Daniel and Richard Gurney were also abolitionists, philanthropists and bankers. These families often intermarried. In 1835, for example, Thomas Fowell and Hannah's son Edward married his first cousin, Catherine Gurney, daughter of Samuel Gurney. Louisa Hoare's marriage to Samuel Hoare Jr. consolidated links between the Gurneys, Buxtons and Hoares, the latter another Quaker family involved in banking and abolition. Thomas Fowell's sister Sarah Maria Buxton lived for many years with Anna Gurney, his wife Hannah's cousin. Further webs of connection could be

[7] TFB, vol. 14: Priscilla Johnston to Sarah Maria Buxton, London, 12 May 1835.

[8] Sarah Richardson, "Parliament as Viewed through a Woman's Eyes: Gender and Space in the 19th-Century Commons", *Parliamentary History*, 38(1), February 2019, 119–134.

[9] On the history of the Gurney family, Verily Anderson, *Friends and Relations* (London: Hodder and Stoughton, 1980).

traced to Quaker bankers the Barclays (Richard Gurney's first wife was a Barclay) and to the abolitionist Forster family (through the marriage of Thomas Fowell Buxton's sister Anna to William Forster).

These networks provided a powerful base for difficult tasks such as taking on the Colonial Office over slavery or frontier politics; these were self-confident families, backed up by money, cross-generational affective ties and a conviction that God was working His will through them. If political opposition requires an institutional base to be truly effective, then it is possible that family networks furnished such a base for mobilizing abolitionism and subsequent colonial humanitarian endeavours.

The activism of Priscilla Buxton was not routine, but it came against a background of expectations of women's involvement in the political and intellectual life of the household in particular families. In the Buxton circle, Anna Gurney played a key role in support of Buxton's political work on South African issues and on the Select Committee on Aborigines; a learned woman, she also read multiple languages, translated the Anglo-Saxon chronicles into English, corresponded with botanists and was the first female member of the British Archaeological Association.[10] She had a matriarchal household with Sarah Maria from which the couple ran the elementary school that they founded in the village of Overstrand. In the more conventionally patriarchal household of Thomas Fowell Buxton, Hannah Buxton was less closely involved than Priscilla and Anna in Thomas Fowell's political campaigns, but she nonetheless maintained her own political correspondences, writing daily updates to her brother J.J. Gurney during debates over the passage of the 1833 abolition bill. Other women in the Gurney-Buxton networks played more public roles, notably Priscilla's very high-profile aunt Elizabeth Fry.

Scholars have long explored the paradoxes of elite British women carrying out charity work and espousing political campaigns in support of alleviating the suffering of others in imperial and domestic spheres. Throughout the nineteenth century, such activity served to raise the status of charitable British women, enabling them to make claims to respectability and, more broadly, to the moral right to exert influence over others, despite their political disenfranchisement. As Clare Midgely and others have argued, British women gained rights for themselves through their work on behalf of the rights of other women overseas, particularly colonized women. In the process, however, they necessarily defined many of these other women as constitutively in need

[10] Zoe Laidlaw, "'Aunt Anna's Report': The Buxton Women and the Aborigines Select Committee, 1835–37", *Journal of Imperial and Commonwealth History*, 32(2), 2004, 1–28; S. Austin, "Anna Gurney", *Literary Gazette*, 4 July, 1857, 638–639; Helen Brookman, "Gurney, Anna (1795–1857)", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004). https://doi-org.proxy3.library.mcgill.ca/10.1093/ref:odnb/11759 (accessed 1 August 2020).

of saving.[11] Charity and political work carried out in the name of the particular gender roles of women also increasingly created more professional opportunities than were otherwise readily available to women.

Beyond these national-level trends, there was also a correlation between the political involvement of women and less conventional views of gender in particular family groups. We should not lose track of that unconventionality, even as it was cast in what would often come to be the conservative terms of female spiritual superiority. It was not for nothing, for example, that many members of the prominent families who supported abolition, including the Hoares, the Croppers, the Gurneys and the Buxtons themselves, either were practicing Quakers or had Quaker roots. The participation of women in family political networks mirrored the high-profile role accorded to women in Quakerism, including the capacity to speak in meeting and to lead prayer; Anna Gurney gave a funeral oration on the death of Sarah Maria, led the service and wrote a poem for her gravestone. The justification for such participation drew on images of women as saintly, Christian and selfless, and also acknowledged their intellectual capacity. Quaker poet, novelist and political reformer Amelia Opie was a close family friend of the Buxtons and Gurneys; she and Anna Gurney established a woman's anti-slavery society in Norwich together. In her earlier life, Opie moved in radical circles, associating with writers such as Mary Wollstonecraft and William Godwin, and with constitutional reformers such as Horne Tooke, further underscoring that the Buxton–Gurney circles were not entirely conventional.[12] In sum, certain families did accord women more significant political and intellectual roles than others. Given the extent to which women were enfolded within their families from a variety of directions, including affective and financial ties, family cultures played an important role in determining the possibilities open to women.

So too, of course, did class. The capacity of the Buxtons to work as an effective social and political unit was facilitated by wealth and household structure. Families needed to be well off in order to support female members doing unremunerated political work while servants carried out domestic labour, including childcare. One important benefit of family wealth was the capacity to purchase or rent large houses that in turn upheld complex family structures.

[11] For example, Clare Midgley, *Feminism and Empire* (London and New York: Routledge, 2007); Susan Thorne, *Congregational Missions and the Making of an Imperial Culture in Nineteenth-Century England* (Stanford, CA: Stanford University Press, 1999); Midgley (ed.), *Gender and Imperialism* (Manchester: Manchester University Press, 1998); Antoinette Burton, *Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865–1915* (Chapel Hill: University of North Carolina Press, 1994); Frank Prochaska, *Women and Philanthropy in Nineteenth-Century England* (Oxford: Oxford University Press, 1980).

[12] Gary Kelly, "Opie [née Alderson], Amelia (1769–1853)", *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004): https://doi-org.proxy3.library.mcgill.ca/10.1093/ref:odnb/20799.

A large house, ideally a country house, was a base for political work. As was the case with the Johnson family homes in colonial New York discussed in Chapters 1 and 2, an elite household in Britain, usually headed by a rich patriarch, was a centre of power. Such a household enfolded, empowered and limited women all at the same time. The Buxton family seat at Northrepps provided a location for political activity, as well as a focus for family identity; earlier in Priscilla's life, Cromer Hall, also in Norfolk, filled the same function.[13] At the same time, the family's London house in Devonshire Street had, as Zoë Laidlaw puts it, 'a more public and parliamentary focus'; the family benefited by moving between these different spaces and assigning them different functions.[14] Back in Norfolk, at a so-called cottage on the outskirts of Northrepps, Anna Gurney and Sarah Maria Buxton, the 'cottage ladies', had a base for their own artistic, scientific and political work, from which they ventured forth to collaborate with the Buxtons.[15] The neighbouring Gurneys, who were landowners as well as wealthy bankers, rented the country house Earlham for over a hundred years. Elite sociability often included household visits that nourished political interaction. Households might also serve as information centres: Anna Gurney had an enormous library at the cottage, for example, which she used to study multiple languages, while private archives were essential to the Buxton family's political work.[16] Large families with many siblings and children maintained close ties with one another, facilitated by shared religious practice and belief, as adult children formed satellite households.

The power of the household has been an important theme throughout this book. Although the households of the Johnson and Brant families in late eighteenth-century North America and of the Buxton and Gurney families in early nineteenth-century Britain served different functions, in both cases the household was a base for political authority. And in both instances, family power influenced the roles available to women on the imperial stage.

'Some Good Purpose': Waiting for a Mission

Priscilla Buxton was born in 1808. Like other members of the Buxton and Gurney families, Priscilla had high expectations of service placed upon her,

[13] On Northrepps as a focus for family identity then and later, Verily Anderson, *The Northrepps Grandchildren* (London: Hodder & Stoughton, 1968). See also the role of houses in Anderson, *Friends and Relations*.

[14] Laidlaw, "Aunt Anna's Report", 11.

[15] On Northrepps Cottage as a site of intellectual and political activity, Gleadle, *Borderline Citizens*, 245–246. Gleadle interestingly discusses the identification of Anna Gurney and Sarah Maria Buxton with their abode as a way of downplaying their intimate same-sex relationship in public discourse.

[16] Norfolk County Record Office [henceforward NCRO], RQG 285 490X2: Probate of the will of Anna Gurney of Northrepps, spinster. 1857.

beginning with religious education from an early age. She was exposed to reformist politics from her youth, given the activities of family members. From her childhood, Priscilla was particularly interested in the political activity of her father, Sir Thomas Fowell Buxton. Hannah Buxton recorded that at the age of fourteen her precocious daughter had 'talked with great feeling on the pain it was to her to be kept from London and from the House of Commons during the Criminal Law Debate'.[17] Although she was the wrong gender, she was drawn to the notion of public service.

The relationship between Priscilla and her parents, and perhaps Priscilla's sense of obligation to carry out service, may have been intensified by suffering and family tragedy. She was the eldest of eleven children, only five of whom survived childhood. She was frequently ill as a child, keeping her all the more confined to the home. She was tormented by severe pain in her hip at various points; as a child, this pain often kept her awake at night and at times made it impossible to walk, sometimes for months at a time. 'I am now fourteen years and five months, during which five months I have not walked once, owing to a third attack of pain in my hip,' she wrote in her journal in 1822.[18] Two years earlier, in 1820, when Priscilla was twelve and confined to bed with another attack, one of her brothers, Fowell, had come home ill from school to a household in which another brother, Harry, already had croup, and in which the children's mother, Hannah, and her newborn baby boy had just recovered from serious illness. Croup, measles and whooping cough raced through the family. Four children – Fowell, four year-old Hannah, three-year old Rachel and one-year old Louisa – died over the course of two appalling months. Priscilla's mother Hannah later recalled how Priscilla had tried to support her parents as her siblings died, one after another: '[t]ruly strong in faith, in knowledge, and in appreciation of the truth, though suffering much in health and acutely afflicted by our bereavements, she strove to be our comforter and diligently searched the Scriptures to bring consoling & helpful texts & thoughts to me'.[19] A decade later, when Priscilla was in her early twenties, Harry suddenly started bleeding from the mouth, just after his fifteenth birthday party.[20] Within the year, he too was dead.

It seems possible that tragedy intensified a family quest for meaning, and perhaps too increased Priscilla's marked sense of obligation to her parents. She was conscious of the suffering of others at a young age. Aged fourteen, for example,

[17] E. MacInnes, *Extracts from Priscilla Johnston's Journal and Letters* (Carlisle: Charles Thurnham and Sons, 1862), ix–x.

[18] *Ibid.*, 2.

[19] *Ibid.*, vii; TFB, volume 4, 1–34: Thomas Fowell Buxton, "Children's illnesses 1820" [copies of selected diary entries].

[20] TFB, volume 4, 181–184, 201–202: Thomas Fowell Buxton, diary entries [copy], 13 April 1830, 30 January 1831.

she wrote in her journal about the difficulties involved in moving her from Norwich to London when she was unable to walk and how seasick she was in the ship: 'When I could think of anything, I thought how dreadful must be the sufferings of the poor slaves, crammed and crowded, and not allowed nor able to stand or lie down. How little do we know the immense quantity of suffering which is going forward in the world! Perhaps it is well for us to taste a little of it now and then.'[21] In the same entry, she also wrote that while she did not want to show her mother her journal (despite her mother's request), she did feel it an 'inexpressible blessing' to have her parents: 'It is my most, most earnest desire and prayer, every day and every hour, that I may die before them and not have the killing affliction of losing them.'[22] Priscilla disciplined herself to family life and to obedience to God's will in the face of suffering: 'Oh how deficient do I feel in the first of graces – giving up my own will!' she wrote on the eve of her fifteenth birthday. 'Active virtues are easy; but a constant habit of not consulting one own's will or inclination in little things, and of self-denial, are far rarer and more valuable, because they cannot be obtained without long habit.'[23]

Thomas Fowell Buxton thought and prayed intensely about his family members. Several years later, in his private prayer journal on New Year's Day, 1832, he thanked God for giving him Priscilla. 'I thank thee for her powerful mind her power of loving – the deep rich soil in which thou hast planted her virtues and affections – above all for her advancement in Christian principle and truth.' This was quite different to how Thomas Fowell wrote on the same day about his devastated wife still destroyed by the loss of her children, not the intellectual actor that Priscilla was but a person defined by motherhood and the death of children:

> There is a vision in which I sometimes indulge myself, and I think that she would be less worn with care if she could partake of it – I see her as she was – the happy Mother of a choice and numerous family –Then the scythe of death enters among her treasures and mows down so very many of them – and herself 'Bending to the storm, all pale and dread/ Hears from within, the wind howl over her head'. I see her painfully toiling through the remainder of her pilgrimage – in quiet unobtrusive grief – but the journey ends – and suddenly in the twinkling of an eye – she enters the palaces of heaven – she regains the objects of her affection – she perceives that the dealings of God with her and her children – were the perfection of mercy and love – that her calamities, dark as they seemed, and bitter as she thought them; were mercies in disguise […] And then an eternity of perfect peace and unutterable joy.[24]

[21] MacInnes, *Extracts from Priscilla Johnston's Journal and Letters*, 3.
[22] *Ibid.*, 4.
[23] *Ibid.*, 9.
[24] TFB, vol. 4, ff. 213–224: Thomas Fowell Buxton, "A Prayer for New Year's Day", 1 January 1832.

In an entry four years later in his prayer journal, Thomas Fowell wondered if he had been entirely fair to Priscilla: 'Her lot has not been exactly that which we could have desired – her powers are so great – there is such a breadth of force in her mind – & her religious principles are planted so firmly on the true rock, that we could but have longed, that she were placed in a station calculated to give full range to her capacities.' He comforted himself, however, that he should trust God's wisdom: 'I am inclined to think that possibly she was kept at home to assist me in my great task – & I certainly do think that I should hardly have escaped out of the pressure of the Slave question – last year especially – without her help.'[25]

As a girl, Priscilla was clearly a serious student, but her opportunities were limited by gender, even if increased by class. As was the case for almost all elite girls, Priscilla was educated at home, partly by a governess. Aged seventeen, however, she persuaded her parents to allow her to go away to school for a single year, studying with a Mrs Oom at her girls' boarding school in London. 'The whole affair is entirely my own doing and my own decision, and I feel now as if I must sink under the effort, as if I had neither strength of mind or of body to stand alone in a scene of life so totally new to me,' she told her diary on the eve of departure.[26] The experience enthralled her, even though ill health forced her to return home at times during the year. It stood in stark contrast, however, to wider intellectual opportunities open to her university-attending father and brothers. Indeed, if elite girls were largely confined to the home, boys might be cast out far too soon: at the age of four, Thomas Fowell was sent to a boarding school where he was, according to David Bruce and R.H. Mottram, miserable, ill-treated and hungry.[27] The feminization of the early nineteenth-century home had its corollary in the enforced absence of boys and men at crucial moments, perceived as a condition of adequate masculinity.

Priscilla's diary also hints at the frustrations of intellectual women bound to the home in the early nineteenth century. As a young woman, she sought restlessly for something substantive to do. In her bedroom she applied herself to political theory, reading Locke and Ferguson, even as she ministered to poor women on the cancer ward of the local hospital.[28] She began her public

[25] *Ibid.*, ff. 237–251: Thomas Fowell Buxton, "Mediation and prayers", 29 December –January 1834.

[26] MacInnes, *Extracts from Priscilla Johnston's Journal and Letters*, 16 (Bath, 27 May 1824).

[27] David Bruce, *The Life of Sir Thomas Fowell Buxton: Extraordinary Perseverance* (Langham, MD: Lexington Books, 2013), 3–4; R.H. Mottram, *Buxton the Liberator* (London: Hutchinson & Co. Ltd, 1946), 10–12.

[28] 'We printed a thousand copies which are nearly sold', she wrote of her translation on 9 May 1829, adding on 18 May: 'yesterday heard that they have published three thousand of Bassière in Dublin, flattered and yet very much affronted, seeing that they ought to have asked leave; however, if it does but do good, it does not much signify'. MacInnes, *Extracts from Priscilla Johnston's Journal and Letters*, 38–9 (May 9 and May 18, 1829). On Locke and Ferguson, MacInnes, 39 (27 July 1829).

work combining the private and the sacred by translating from the French the testimony of a Swiss Catholic convert to Protestantism, Peter Bassière. This was particularly apt at a moment at which her father was championing Catholic emancipation and support for Catholic institutions in Ireland: his implicit argument was that in an environment of freedom of choice and lack of persecution, many Catholics would freely convert to Protestantism. Nonetheless, Priscilla confessed to her diary when she was twenty-one that 'I cannot say how earnestly I long to be really industrious, not only to have my time filled and my mind amused, but to have these done to some good purpose, some real exercise of mind, something that should feed the intellectual powers and strengthen them.' She tried to write to bring her mind forward but was frustrated: 'I post up into my own room, shut my door, open my desk, collect my books around me; but when all nicely settled, I sit and muse, turning the pages of my common-place book, read and re-read and rise up none the better.'[29]

In sum, Priscilla had been primed since childhood to take on some form of humanitarian role, shaped by Christianity. As a young woman both defined and moulded by traditional gender roles, she was desperate to broaden her horizons. Surely, to work on abolition with her father provided at last an appropriate mission.

Remaking the World: The Campaign to Abolish Slavery

From 1825, Priscilla worked to assist her father.[30] She came to work particularly closely with him on the great campaign to abolish slavery in the British empire. She was far more than a clerical assistant, as both Zoë Laidlaw and Kathryn Gleadle have amply demonstrated. She often kept the same political hours as her father, attending the House with him (listening to debates through the ventilation shaft), routinely coming home at three in the morning after crucial votes or staying up far into the night discussing strategy. She helped write much of her father's political and religious material, and she followed the twists of political events with the minute eye of an expert. 'After Mr. S. was gone,' she wrote hastily to her aunt Sarah Maria in July 1834 just before rushing out to buy 'Wedding things', 'my father & I sat down in the greatest hurry to write the Address, his horse came round almost as we begun […] and we could only invoke the fire of genius – which came, at least that is strongly our opinion.'[31] Her father's correspondence reveals a constant stream of policy discussion mixed with gossipy detail. 'My dearest Pris,' wrote Thomas Fowell Buxton from London in February 1834, for example, 'I have just returned from the House,

[29] MacInnes, *Extracts from Priscilla Johnston's Journal and Letters*, 39 (27 July 1829).
[30] Laidlaw, "Aunt Anna's Report", 9–10 and *passim*.
[31] TFB, 47: Priscilla Buxton to Sarah Maria Buxton, London, 2 July 1834.

the budget is highly satisfactory – the surplus of the year is 1,500,000, Savings in the estimates 500,000, Increased income from tea 600,000 …' (The point was that budgets were not suffering in the wake of the abolition of slavery.)[32] To follow politics this closely was a great deal of work. 'Indeed to learn to value the Sabbath, let any one lead a London Parliamentary life,' she wrote in 1837 when she already had two children, 'for the blessing of coming to a dead pause, no post, no parliament, no visitors – oh it is such an unspeakable relief, I almost wish there were no churches and no books, I should like to sit stock still, by the fire all day with my hands before me.'[33]

Priscilla's politics were conditioned by intense family loyalty, and she saw herself as supporting communal projects. Indeed, one of the most painful moments of her political life came when her husband and father disagreed over the Irish Church Rates bill, and she had to choose sides (eventually siding with her husband). Nonetheless, she was also an independent political actor, albeit within limits. If she admired her father, she could also challenge him. For example, she substantively rearranged and rewrote the draft manuscript of his 1840 book, *The Remedy*, on the need to change the economy of Africa to overcome the slave trade, suggesting to family members that it was providential that he was in Rome and unavoidably unable to further revise her version ('We shall go "ding dong at em",' she commented).[34] Similarly, her letters hint at her own strategic role and strong opinions, conscious as she was of helping to shape the historical memory of abolition. 'At 12 today the discussion comes on', she wrote to Macaulay in the heat of debate over the apprenticeship clause and the issue of whether to grant financial compensation to former slave-owners (as ministerial supporters of abolition pushed for a maximalist package and more radical anti-slavery activists lobbied Thomas Fowell Buxton to make no concessions in negotiations). 'Does Stanley mean what he says?' Priscilla mused. 'What if he does throw it up? Yet how to submit to this state of things? These are the questions before us.' In the same letter, she commented on being at a loss for ideas in a way that suggested she usually wasn't:

> My time is very limited and my powers very nearly exhausted. I have no longer any clear ideas about this business – & I advise you therefore to give very little credence to what I may say though unfortunately you have no means of correcting me – as newspaper reports are at an end – & we were the only strangers in the house last night.[35]

[32] TFB, vol. 13: Thomas Fowell Buxton to Priscilla Buxton, 14 February 1834.

[33] TFB, vol. 15, ff. 216–218: Priscilla Buxton to her brothers, Devonshire Street, 11 March 1837.

[34] TFB, vol. 19, ff. 30–35, 50–52, 57: Thomas Fowell Buxton to Priscilla Johnston [née Buxton], Rome, 26 December 1839; T. F. Buxton to Priscilla Johnston, Rome, 31 December 1839; Priscilla Johnston to Mrs. E. N. Buxton, Halesworth, 1 January 1840; Gleadle, *Borderline Citizens*, 233–235.

[35] TFB, vol. 12, ff. 23–28: Priscilla Buxton to Z. Macaulay, 30 July 1833.

She was probably less guarded than her father, given their relative positions. To John Philip she described the Duke of Wellington, former Conservative prime minister and opponent of abolition, as 'that old vulture'. In another letter, to Macaulay, she reflected on seeing Wellington at the funeral of anti-slavery activist William Wilberforce, and essentially imagined Wellington being dispatched to hell: 'I watched the Duke of Wellington's aged countenance and thought how soon the same scene may be acted over him – & what a different warfare.'[36] (As it happened, the duke lived another nineteen years, outliving Priscilla by a few months.) She was disgusted by the House of Lords as it tried to water down elements of the anti-slavery bill and refused to ban the flogging of women. 'I can only hope I may never see again so odious & provoking a sight as that august Assembly presented', she fumed to her aunt, adding that her memory of the debate would be 'a considerable consolation to me when the House of Lords is abolished'.[37]

In 1832, Priscilla became the co-secretary of the London Female Anti-Slavery Society.[38] She coordinated the women's petition against slavery of 1833, which was the first mass women's petition in British parliamentary history. She and author Amelia Opie were the first two signatories. She helped sew together many hundreds of sheets of paper with some 187,000 signatures collected from around the country, to make two enormous bundles 'like two great feather beds', in her words. She described to her aunt how it took two men to carry the petition into the House of Commons, where it was met with 'loud laughing and cheers'.[39]

Priscilla Buxton also wrote a vast quantity of letters. Arguably, letter writing blurred the boundaries of gender binaries without undercutting them. She wrote to family members who were assumed to share political interests that were seen as a family project, as well as to powerful politicians who were invited into the family circle through her correspondence. A letter written by her father to her aunts when he was away at school in 1812 captured something of the ideal family letter: Buxton thanked his sister Chenda (Richenda) for her 'long full Histories […] which paint thee & all about thee in such lively colours', as well as her interest in the progress of his mind and her spiritual advice.[40] A letter was a token of affection, a political tool, potentially a spiritual guide and a crucial way to knit together political and personal communities.

[36] *Ibid.*, ff. 42–47: Priscilla Buxton to Z. Macaulay, London, 6 August 1833.

[37] TFB, vol. 12, ff. 61 a–m: Priscilla Buxton to Sarah Maria Buxton, 23 August 1833.

[38] Clare Midgley, "Buxton , Priscilla (1808–1852)", *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2010. [http://www.oxforddnb.com/view/article/55183 (accessed 22 May 2014].

[39] *Ibid.*

[40] TFB, vol. 2, 37–40: Thomas Fowell Buxton to Richenda and Priscilla Buxton, Hampstead, 21 March 1812 (Priscilla Buxton here is Fowell Buxton's sister, not his daughter).

Writing letters with requisite length and frequency was often the work of women, even if letter writing was clearly also an obligation of men, and it therefore provided a way into politics under the guise of acceptably gendered behaviour. At the same time, it was also an old technology given new force by more rapid and extensive communication networks. Transnational groups such as missionaries and abolitionists were generally as effective as their information networks, which needed to be better than those of the understaffed Colonial Office. Private letters and the constant reciprocal flow of information across imperial spaces were therefore colonial instruments of power as well as personal exchanges.

During the final push for abolition, leading up to 1833, Priscilla Buxton corresponded extensively with key allies such as Zachary Macaulay and Thomas Pringle. 'Priscilla will tell you what was done last night in the Lords Committee' was a typical assumption on the part of Thomas Fowell.[41] She was similarly in touch with American abolitionists before and after British abolition. Correspondents included William Lloyd Garrison, whom she helped persuade to be leery of the colonization of Liberia, with the argument that the intentions of the project's promoters were to remove Black people from America.[42] As I will discuss in more detail, she also maintained important correspondence networks with South African activists.

Part of this extensive correspondence included long and frequent letters to other family members involved in humanitarian politics, including detailed reports to Sarah Maria Buxton and Anna Gurney. She recorded ongoing political events as well as family affairs with the vivid detail of the immediate observer. 'Here we sit, Mr. Bannister's long arms stretched out across the breakfast table,' she wrote to Anna Gurney on a day in 1837 on which Saxe Bannister was visiting and interested in the report of the Select Committee on Aborigines, for example. '[M]y poor father but just down but the Report supersedes his egg, & a strange mixture we present of tea & ink, plates and papers; altogether I cannot say how we want you, your real understanding of the whole case, & your unsparing labours, & willingness to labour!'[43] This example again reflects the function of the household as itself a locus of politics, and further illustrates the seamless mixture of the personal and the political.

Family letters were in theory private, but Anna Gurney and Sarah Maria Buxton laboriously copied them out (or sometimes compiled extracts) as part

[41] TFB, vol. 12, ff. 69–71: Thomas Fowell Buxton to Zachary Macaulay, 20 August 1833.

[42] *Ibid.*, ff. 53 c–f: William Lloyd Garrison to Priscilla Buxton, 10 August 1833. Garrison thanks Buxton for her work in exposing the worthlessness of the American Colonization Society and refers to 'Notes' she had sent, saying that 'the injunctions contained in them shall be strictly obeyed'.

[43] TFB, vol. 15, ff. 196–200: Priscilla Johnston [Buxton] to Anna Gurney, London, 28 February 1837.

of the extensive archive they created of abolitionism and other political activities of the Buxton family. Priscilla herself was conscious of leaving a historical record through correspondence: 'I do feel it laid upon us all to remember what we have seen & heard!' she wrote to her uncle Joseph John Gurney as he prepared to set out for an American tour in 1837. 'I wish my dearest uncle to be one of your – not correspondents but writers. I should like to write freely to you, family details, if they would be acceptable & especially of my Father & his proceedings.'[44]

If letters blurred the boundaries between the domestic and the political, the same might be said of Priscilla Buxton's personal life. In 1834, she married a close collaborator of her father, the Scottish Whig MP Andrew Johnston. The wedding took place on 1 August 1834, the day on which slavery was formally abolished throughout the British empire. The event was both a major family celebration and a public marking of the passage of abolition. At a reception, members of the extended Buxton and Gurney families presented separate pieces of silverware to Thomas Fowell, Hannah and Priscilla in commemoration of the great event of abolition. Priscilla's silver tray was engraved 'To Priscilla Buxton, the able and devoted assistant of her Father in his Labours for the Abolition of Slavery from her Uncles and Aunts, August 1, 1834.'[45] The exchange of objects was another way of creating historical memory that was both a family memory and a commemoration of events assumed to be of public political significance.

A few months after the wedding, Thomas Fowell Buxton wrote to John Philip in South Africa, in terms reflecting patriarchal assumptions, that he had lost his 'Secretary' and Philip his correspondent when he 'bestowed' Priscilla on her husband: 'I surrendered my vocation – & – next to Macaulay my best human helpmate on the same day, but I have given her, & all her talents & virtues to a man in every way worthy of her.'[46] In the meantime, in the commonplace book that they maintained together for the year 1834 – another form of memory creation – Anna Gurney and Sarah Maria Buxton recorded 'Lines for the 1st of August 1834 Sung by 100 Children on the Lawn at Colne House', the Norfolk home of Priscilla's brother Edward.[47] The poem by an anonymous author voiced a miniature abolitionist public:

[44] Quaker House, London: Gurney MS, Temp MS 434, section 1, item 304: Priscilla Johnstone [Buxton] to J.J. Gurney, Edinburgh, 3 July 1837.

[45] TFB, MSS Brit Emp. S. 444: Extract from AG's and SMB's journal; NCRO RQG 407 491X8: Commonplace Book of Anna Gurney and Sarah Buxton.

[46] TFB, MSS Brit Emp. S. 444, vol. 13: Thomas Fowell Buxton to John Philip, Cromer, 10 September 1834 [copy].

[47] On Edward Buxton's purchase of Colne House, R.E. Davis, "The Buxtons of Easneye: An Evangelical Victorian Family and their Successors" (unpublished pdf, 2007; available online at https://www.allnations.ac.uk/sites/default/files/The%20Buxtons%20of%20Easneye.pdf) (accessed 1 August 2020). Davis' information in turn is from the website of the 'Norfolk Museum', which seems to have changed or been taken down.

Now let our hearts unite and raise
A humble song of grateful praise
To Him who bids the oppressed go free
And gives the Slave his liberty

A day long wished on Britons' part
To soothe and heal the broken heart
To send the gospel's joyful sound,
And preach the Word on Slavery's ground
[…]
And let us lift our hearts in prayer
For North Repps' Friends tho' absent here
That richest blessings may be shed
Upon our Champion! Buxton's head.[48]

In the meantime, the schoolchildren at the Belfry school in Overstrand, a school founded and run by Anna Gurney and Sarah Maria Buxton, sang the hymn 'The year of jubilee', similarly celebrating the abolition of slavery, although this time without mention of Buxton patronage.[49] In a myriad of ways, the symbolism of the day summoned up a national 'public' from the more private 'public' of the activist family.

From Abolition to South African Politics and Indigenous Rights

Although the act to abolish slavery in the British empire did not come into effect until August 1834, it was completed as a piece of parliamentary business in the summer of 1833. Priscilla's marriage celebrated slave emancipation, but by the time it took place, she and other abolitionists in the Buxton circle were already pivoting to other aspects of colonial politics. In particular, they came to focus closely on South Africa, and the treatment of colonized people they termed 'aborigines' within or on the borderlands of British settler colonies. At the start of a new parliamentary session in February 1834, Thomas Fowell reported that he had had a 'charming conversation' with fellow Whig MP Stephen Lushington, 'whose mind has been much occupied with the case of Natives of Countries in which we make settlements – Almost all our Club are in Town & we are to meet at Johnston's tonight in full force at 9 ½ o'clock'.[50] In March 1834, Priscilla wrote from London to Sarah Maria that she was encouraged that the new Whig ministry seemed 'really well disposed about the Natives', wondering 'what Name shall we give to this new and yet unexplored field of Battle?'. The Colonial Office had given Thomas Fowell Buxton full access to information,

[48] NCRO RQG 407 491X8: "Lines for the 1st of August 1834. Sung by 100 Children on the Lawn at Colne House", Commonplace book of Anna Gurney and Sarah Buxton, 1834.
[49] NCRO RQG 407 491X8: Commonplace book of Anna Gurney and Sarah Buxton, 1834.
[50] TFB, MSS Brit Emp. s.444, vol. 13: Thomas Fowell Buxton to Hannah Buxton (copy of extract).

she reported: '[T]his subject seems quite coming on to the stage. I do not know how to give it a welcome – & I told [South African activist] Mr. Pringle this Morning that the sight of him almost made my heart sink […] The Cape papers are very interesting & curious, & it is surprising how much information has arisen on the subject.'[51]

Thomas Fowell Buxton similarly signalled to South African missionaries that his focus was now on 'natives'. He wrote to John Philip on 16 September 1834 that he stayed in Parliament 'very much against my inclination for no other purpose except to watch the W. Indies & to protect the Natives – chiefly the latter'. He cast colonized peoples as hapless victims of British injustice, in a manner parallel to slaves: 'I think England is a deep offender in the sight of God, for the enormities she permits to be practiced upon these poor ignorant defenceless creatures & with God's help, I hope to do something for them yet.'[52]

The timing of this shift in imperial humanitarian focus, and the people involved in it, affected how Indigenous issues were framed in Britain. Priscilla Buxton was first and foremost an abolitionist. This gave her, like other family members, a language in which to think about colonialism. Early nineteenth-century abolitionists deployed a rhetoric that played up the evil of slave owners, for example, and that might be transferred to white men on the frontiers of empire, or even to corrupt colonial officials. In parallel, abolitionist discourse tended to stress both the innocence and the implicit malleability of slaves. Slaves would, it was assumed, become Christian once they had the opportunity, and would find internal reasons to remain industrious, ensuring that planters would not suffer for lack of labour – although it must be stressed that this argument was also a political necessity for abolitionists.[53] As we shall see, the final report of the Select Committee on Aborigines, of which Anna Gurney was the lead author, would argue that the victims of colonialism would become Christian if they could, and would be happy to enter the colonial economy if they could do so on equal terms. Like slaves they suffered intensely, and often turned to alcohol and other forms of self-destruction as a result, but they could and would redeem themselves if their oppression was lifted. This was a vision shaped by Christianity: Christianity would lead people to wish to assimilate, to use an anachronistic term, and missions would bring social justice. This can be contrasted with Saxe Bannister's view that businessmen were better agents of redemption than missionaries. The redemptive power of Christianity and the central role of missionaries in bringing justice were, however, irreducible beliefs that the Buxtons brought from abolitionist struggles to the cause

[51] TFB, MSS Brit Emp. s.444, vol. 13, ff. 36–38: Priscilla Buxton to Sarah Maria Buxton, 4 March 1834.

[52] *Ibid.*, ff. 209–216, Thomas Fowell Buxton to John Philip, Cromer, 16 September 1834.

[53] For example, Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination 1830–67* (Cambridge: Cambridge University Press, 2002).

of Indigenous rights. The link was particularly strong in the cases of the West Indies and southern Africa: both slaves and Indigenous peoples were seen as being denied access to missionaries, and to Christianity more broadly, whether by abusive plantation owners or by violent white farmers.

As a number of scholars have pointed out, passionately supporting the end either of the slave trade or of slavery itself was entirely compatible with assuming that formerly enslaved people would be happy with a more just version of the status quo, such as doing plantation work but for wages, or remaining members of the British empire. This conservative strand of abolitionist ideology made it relatively easy from a British perspective in the 1830s to assume that Indigenous people, broadly seen as the colonized peoples of British settlements, might be as slaves were imagined to be: grateful to be liberated from oppressive situations and eager to be part of a newly moral empire. Arguably, this made it possible for abolitionists to bring moral intensity to the cause of imperial reform without thinking that the deep flaws they perceived needed to lead to the end of empire. On the contrary, a benevolent world power was a solution to violent local conflict and might create peace, just as the worldwide spread of Christianity or the beneficial impact of global trade might do.

Even during the years of the struggle for abolition, South Africa had been on the abolitionist horizon. As Zoë Laidlaw shows, Thomas Fowell Buxton and other abolitionists played an important role in defining the terms of the Commission of Eastern Inquiry, which visited the Cape Colony from 1823 to 1826, as well as in persuading the British government not to allow settlers in the Cape Colony to hold slaves and to ensure that all future land grants would be contingent on using free labour.[54] From the early 1820s, British 'humanitarians', including Buxton, had cooperated with the African Superintendent of the London Missionary Society, John Philip, in supporting equality under the law for Khoekhoe people in the Cape Colony. As part of these political struggles, John Philip spent three years in Britain, where he published a crusading book, *Researches in South Africa*, in 1828. In Britain, Philip had managed to enlist Thomas Fowell Buxton into taking up the cause with the Colonial Office. Indeed, Priscilla later described Philip persuading Thomas Fowell to take up his cause as a storming of the household, as he fought to penetrate the family circle: 'Mamma fought off Dr. Philip as much as ever she could, he was always coming, however, & at length in the Winter came to Cromer.'[55] Abolitionists responded strongly to South African issues in part because the Khoekhoe at the Cape could be seen as enslaved; Priscilla Buxton, for example, described the Cape Khoekhoe as a 'class of unlegalized Slaves'.[56] Both coerced farm labourers

[54] Zoe Laidlaw, "Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry", *Journal of Imperial and Commonwealth History*, 40(5), 2012, 753–757.

[55] TFB, vol. 13, "Priscilla Buxton's Account of the Liberation of the Hottentots", f. 109.

[56] *Ibid.*, f. 107.

and alienable slaves were seen by white reformers as part of a vast sea of African suffering. It also mattered that abolitionists were accustomed to thinking in terms of evil. As an MP, Thomas Fowell Buxton facilitated the passage of the British order in council that essentially outlawed racial discrimination before the law in South Africa (more or less by proclaiming falsely that it didn't exist), backstopping acting governor Richard Bourke's parallel passage of Ordinance 50 in 1828 at the Cape.

Priscilla Buxton played a central role in receiving and collating information from South Africa. Her importance is suggested by Philip's jocular despair on learning of her marriage. In October 1834, he wrote in mock dismay that he had just had a letter from his wife telling him of Priscilla's marriage. As he held the paper in his hand, he wrote, Mr Tredgold, Secretary of the British and Foreign Anti-Slavery society and a Cape philanthropist, who had met Priscilla in London, 'and who told me on his return to the Cape, that I had not said too much of Miss Buxton', came into his tent with the missionary James Read senior:

> [T]he first thing Mr. T said was – Mr Read and I think you should immediately write to Mr. Buxton to inform him &c &c and then followed a long statement respecting the affairs of the [Xhosa] Chiefs. Interrupting him in his narrative, I replied: do not talk to me any more of Mr. Buxton, the affairs of this continent are lost, Miss Buxton is married and Mr. Buxton cannot read my hand writing.

Continuing in this mock dramatic vein, Philip recounted how Tredgold seemed 'as much astounded as I was myself, and if any stranger had seen us at the moment, he might have supposed that we regarded your marriage as an unexpected and a public calamity […]'. Nonetheless, Tredgold rallied the group in the face of this 'public misfortune' by noting that Priscilla was married 'on the anniversary day held to commemorate the Abolition of Slavery, and as this could not have been done without design we must conclude from that we have an interest in her still'.[57]

With a focus on the Khoekhoe, agitation on South African issues initially revolved largely around labour questions, linking the Cape to the West Indies all the more tightly. Struggles over a colonial plan to introduce vagrancy legislation in 1834 to control non-white labourers provided a further key point of connection between anti-slavery and internal Cape politics. Widespread and passionate opposition among the oppressed in the Cape Colony to the colonial introduction of vagrancy legislation as a counter to liberalization policies and to the abolition of slavery in the British empire found a ready auditor in Buxton, as he opposed the attempted West Indian use of vagrancy legislation to similar ends of labour coercion. Buxton played a significant

[57] TFB, vol. 13, ff. 331–335: John Philip to "Mrs. Johnston", Buxton, Kat River, 23 October 1834.

role in ensuring that the British government vetoed vagrancy legislation at the Cape and did not impose it in the West Indies in the aftermath of abolition.[58]

Nonetheless, by the early 1830s, violence across colonial frontiers, the theft of land and cattle, and the dispossession of the Xhosa were moving closer to the centre of the Buxton family's concerns. This was in large part because of the protests and resistance of displaced Xhosa people themselves, whose experience anticipated the over 150 years of displacement to come under colonial and apartheid regimes. Several brutal wars had already been fought, most recently in 1811 and in 1819. At stake were Xhosa economic and political independence as the white colony continued to take Xhosa land and to compete for cattle and other resources.[59] At the same time, Buxton's interest in Xhosa politics was particularly nourished by his relationship with Thomas Pringle, writer, settler and dissident journalist. As we have seen, Pringle had fallen out with Governor Charles Somerset over freedom of the press, had returned to Britain in 1826 and had become secretary of the Anti-Slavery Society in 1827. In that role he worked closely with Thomas Fowell Buxton. This gave Pringle a privileged position from which to relay insider information about military abuses at the Cape and beyond, including information he had gathered as editor of the *South African Commercial Advertiser*, conveying the perspective of Cape liberals. He was also a friend of Saxe Bannister's, who dedicated a book in 1846 to the joint memories of Pringle and another Scottish author.[60] Possibly because Pringle died in late 1834, his role in bringing South African issues to metropolitan attention has been underappreciated. In 1834, then, on the verge of the renewed outbreak of war with the Xhosa, members of the Buxton circle were already concerned with the violent expansion of the Cape Colony. They placed the Xhosa into the same ontological category as slaves, Khoekhoe and San people as victims of the rapacity of unprincipled white men. In this context, the Xhosa were seen as 'aborigines'.

[58] For example, TFB, vol. 13, ff. 180–183: T.F. Buxton to Thomas Spring Rice, 2 September 1834, linking vagrancy legislation in South Africa and the post-emancipation West Indies: 'The Planter or the Boor ought to my mind to have no right to the labor of a Hottentot or negro because he is guilty of vagrancy. If the upper classes can by possibility derive any advantage from his conviction of vagrancy, they will find means to prove him guilty, & once a Vagrant he must remain the rest of his life a slave, for who will be bound for him.' Thomas Spring Rice was colonial secretary in 1834 until the fall of the Whig government.

[59] Among other scholarship, J.B. Peires, *The House of Phalo: A History of the Xhosa People in the Days of their Independence* (Berkeley: University of California Press, 1982); Timothy Stapleton, *Maqoma: The Legend of a Great Xhosa Warrior (1798–1873)* (Claremont, South Africa: Amava Heritage Publishing, 2016); Richard Price, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century South Africa* (Cambridge: Cambridge University Press, 2008).

[60] Saxe Bannister, *The Classical Sources of the History of the British Isles* (London: Longman, Green, Brown and Longmans, 1846).

Violence, Land and Cattle Theft in the Eastern Cape

European settlers had been impinging on Xhosa territory since the late eighteenth century. Open warfare first broke out in 1779 between Dutch-speaking farmers and the Xhosa chieftaincies closest to the colony; the last of nine colonial wars with the Xhosa ended in 1879, bookending a hundred years of warfare. Before the 1830s, the British fought with Xhosa groups in 1811 and in 1818. In both wars the British military proved brutally efficient at expelling the Xhosa from their lands and at attacking civilians; it was the British army that permanently removed Xhosa groups from the rich lands of the Zuurveld between the Sunday and Fish rivers in the aftermath of the 1811 war, renaming the territory Albany.[61] The town of Grahamstown was built on this land, named after Colonel John Graham, the soldier who had led the forces that drove the Xhosa back across the Fish River.

The Xhosa were not a unified kingdom, despite British efforts to identify a paramount chief with whom they could negotiate, following a British model of monarchy. Rather, they were organized into chieftaincies that confederated loosely with one another but had considerable freedom of action. There were hierarchies among chiefs and familial ties between them. In theory there was a paramount chief, but that position might be disputed. The power of a chief was also constrained from below by the need to obtain agreement from his counsellors, usually important heads of households. British administrators followed a classic colonial tactic, however, in trying to identify a single ruler with whom they could work. They tried to make a chief called Ngqika into a client, and claimed falsely that he had the right to make agreements on behalf of the entire Xhosa 'nation', despite, in particular, his important conflicts with another leader, Ndlambe. In 1817, the colonial governor, Lord Charles Somerset, rode out to 'Xhosaland', accompanied by an armed force, to negotiate an agreement that required Ngqika as the supposed head chief to return stolen cattle and horses from all chieftaincies. Dyani Tshatshu remembered in 1835 that Ngqika had protested that while he was indeed a great man, other chiefs were independent agents. The other chiefs at the meeting had, however, nervously urged Ngqika to agree to colonial terms: '"[s]ay, yes, that you will be responsible, for we see the man is getting angry", for we had the cannon and artillerymen and soldiers and boors with loaded muskets standing about us'.[62] Many problems flowed from these ambiguous and unrealistic agreements, particularly since the British often did not uphold their side.

[61] Ben MacLennan, *A Proper Degree of Terror: John Graham and the Cape's Eastern Frontier* (Johannesburg: Ravan Press, 1986); Noel Mostert, *Frontiers: The Epic of South Africa's Creation and the Tragedy of the Xhosa People* (New York: Knopf, 1992).

[62] British Parliamentary Papers, *Report of the Select Committee on Aborigines (British Settlements),* vol. 1, 538, 5 August 1836 (London: House of Commons, 1836) [henceforward annotated as SCA]: testimony of John Tzatzoe, 20 June 1836, 569 [item 4639].

In 1818, there was war between the Nqgika and Ndlambe Xhosa. The colony intervened on Nqgika's side. Later that year, Ndlambe's spiritual advisor and war prophet Makhanda (also known as Nxele) spearheaded a massive but ultimately doomed attack on Grahamstown in the face of what the Xhosa saw as intolerable provocation and land theft.[63] In the aftermath of war, colonial governor Lord Charles Somerset made a verbal treaty in 1819 with Ngqika that moved the eastern boundary from the Great Fish River to the Keiskamma, establishing a new 'neutral territory' between the British and the Xhosa.[64] For years there was a state of uneasy coexistence in this so-called neutral territory and across disputed borders, with differing understandings of what the neutral zone meant in practice. The government carved out the Kat River Settlement for Khoekhoe people, on land from which the British military had expelled Maqoma, a junior son of Ngqika – although the Khoekhoe themselves remembered that it had once belonged to their ancestors.[65] Several chiefs, including Maqoma and other sons of Ngqika, resided 'on suffrance' in other places in the neutral territory not yet allocated to white or Khoekhoe settlement.[66] Dutch-speaking farmers also sought to use the land for farming and cattle grazing. Competition over this land became particularly acute when drought hit the region in the early 1830s. Both Xhosa and white farmers needed to graze their cattle there to keep them alive. The resettlement of refugees from significant conflict in the south-east, intensified by environmental breakdown, placed further pressure on regional resources.[67]

In the meantime, the colonial and Xhosa economies were becoming more intertwined: Ordinance 49, a companion piece to Ordinance 50 in 1828, created conditions under which Xhosa people could work in the colony as temporary labourers, while traders from the colony became an increasingly important, if controversial, presence in Xhosa territory. The British military post at Fort Willshire was the site at various points of a trade fair between settlers and the Xhosa. Clifton Crais argues, however, that settlers successfully undercut the

[63] Julia Wells, *The Return of Makhanda: Exploring the Legend* (Scottsville, South Africa: University of kwaZulu-Natal Press, 2012); SCA, 1836 report: evidence of John Philip, August 1, 1836, 676–677.

[64] SCA, 1836 report: testimony of Captain R.S. Aitchison, 31 July 1835, 2–3.

[65] Robert Ross, *The Borders of Race in Colonial South Africa: The Kat River, 1829–1856* (Cambridge: Cambridge University Press, 2014).

[66] In the words of military officer R. Aitchison. SCA, 1836 report: testimony of Captain R. Aitchison, 31 July 1835, 4.

[67] Poppy Fry, "Siyamfenguza: The Creation of Fingo-ness in South Africa's Eastern Cape, 1800–1835", *Journal of Southern African Studies*, 36(1), 2010, 25–40; Alan Lester, "The Margins of Order: Strategies of Segregation on the Eastern Cape Frontier, 1806-c. 1850", *Journal of Southern African Studies*, 23(4), 1997, 643–644; E.K. Mashingaidze, "The impact of the Mfecane on the Cape Colony", in J. F. Ade Ajayi (ed.), *UNESCO General History of Africa*, vol. VI, *Africa in the Nineteenth Century until the 1880s* (Berkeley: University of California Press, 1989), 124–143.

fair in the late 1820s in order to facilitate the influx of white traders into Xhosa territory and to disadvantage Xhosa traders.[68]

In 1833, the Cape administration expelled Maqoma for a third time, as well as the chiefs Botumane and Tyali and their people. The soldier who was charged with leading the expulsion, Captain Robert Scott Aitchison, attested that all the green corn, the gardens and all the pumpkins were left, leaving the communities at high risk of hunger. In the new country, 'I assure you there was not a morsel of grass upon more than there is in this room; it was as bare as a parade.'[69] Although the Xhosa were initially allowed briefly to return to harvest their crops, they were then expelled yet again with a change of colonial administrators before they had had time to gather food.

This bare bones account does not, however, convey the full extent of the damning information coming out of Xhosaland. The British military was nominally responsible for maintaining the peace. Above all, this meant protecting colonial cattle. The military post at Fort Willshire sat by the Keiskamma River, on the easternmost boundary of the 'neutral territory'. It was staffed by the Cape Mounted Riflemen, which had white officers and Khoekhoe regulars.[70] There was also a post at Gwalana, near the previously abandoned military village of Fredericksburg. Local settlers had long been empowered to organize themselves into commandoes, in which settlers acted as militia members on an ad hoc basis. The local military ran patrols and also responded to calls to go out on commando, accompanying settlers. Under the spoor system, colonial patrols and commandoes had the 'right' to follow the spoor (tracks) of stolen cattle to the nearest Xhosa homestead. The rules changed with particular administrations, but at their heart were such conventions as that colonists could seize Xhosa cattle in recompense for cattle stolen from colonial farms, without close attention to whose cattle they were, and that Xhosa cattle were worth less and so more could be taken in revenge for the loss of colonial cattle. Crucially, colonists and the army had guns, but the Xhosa generally only had assegais, or spears. This was often a state-sanctioned way to steal cattle. Those who resisted could be shot. It was most crucially a technique by which settlers maintained control over disputed land in the name of defending private property. It is telling that a collection of documents in which Buxton family members documented abuses (and which I discuss further in due course) was labelled 'Frontier system': violence, dispossession and cattle theft were structural features of the British occupation of very recently conquered territory, as was the case with other colonial frontiers. And as was the case with frontiers elsewhere, the military and the police

[68] Clifton C. Crais, *White Supremacy and Black Resistance in Pre-Colonial South Africa: The Making of the Colonial Order in the Eastern Cape,1770–1865* (Cambridge: Cambridge University Press, 1992), 105–112.

[69] SCA, 1836 report: testimony of Captain R. Aitchison, 31 July, 1835, 8–9.

[70] *Ibid.*

in Xhosaland played a crucial role in maintaining colonial supremacy through both judicial and extrajudicial acts of violence.[71]

Fear and physical humiliation were important ways of maintaining control. For example, Captain Bradford, an East India Company official who had visited the Cape, attested to the Select Committee on Aborigines in 1836 that he had seen two Xhosa men who were travelling to the British military post to complain of cattle theft being forced to travel walking together while tied together at the neck with a leather thong and guarded by soldiers on horses from the Cape Mounted Riflemen, as if they were prisoners (or indeed slaves being transported in a coffle).[72] Bradford attested more generally, 'I have been shocked to hear the indifference with which many have spoken of shooting the Caffres, who were otherwise perhaps considered humane men, and respectable members of society.'[73] Colonial official Andries Stockenström attested in a memorandum in the 1830s that although he supported the necessity of policing the frontier and punishing cattle theft,

> nothing can be more pernicious or more destructive to peace and civilization, than the system, of taking the cattle of the natives as a compensation for what is stolen, or said to be stolen from the Colonists, without due enquiry, and the most incontestable proofs, and shooting those natives upon suspicion, or even without suspicion merely because stolen cattle is traced, or said (by some interested party) to be traced into their kraals.[74]

Even before the renewed outbreak of war between the Cape Colony and the Xhosa in late 1834, Philip, Pringle and other Cape activists, including 'humanitarians' within the army itself such as Colonel Lennox Stretch and outside observers such as Captain Bradford, had created transmission chains that alerted Buxton (and via Buxton the Colonial Office) to the abuses of what Philip and others termed the 'commando system' in South Africa. In a letter to Thomas Fowell Buxton of 17 August 1833, Pringle pointed to the deep historical roots of murderous commandoes in southern Africa. He cited Philip's documentation in his 1828 *Researches in South Africa*, showing that commando attacks had been carried out against the 'Ancestors of the present Colonial Hottentots' and against the San. He pointed out that in John Barrow's 1806 *Travels in the Interior of Southern Africa*, 'a very striking account is given of the mode of conducting expeditions in his time against the hordes of Bushmen [San] or wild Hottentots', while the recent Commission of

[71] For example, Susan I. Blackbeard, '"An Unprecedented but Significant Atrocity': A Window into the War of the Axe, 1846–47", *South African Historical Journal*, 67(2), 2015, 215–216.

[72] SCA, 1836 report: Testimony of Captain C. Bradford, 28 August 1835, 163 [items 1437–1439]. See also Blackbeard, '"An Unprecedented but Significant Atrocity"' on the humiliation of chiefs and the politics of honour.

[73] SCA, 1836 report: Testimony of Captain C. Bradford, 28 August 1835, 165 [item 1441]

[74] C.W. Hutton, *The Autobiography of the late Sir Andries Stockenstrom, Bart* (Cape Town: J.C. Juta & Co, 1887), vol. 1, 348.

Inquiry had detailed past and present commandoes to kill San. Pringle stressed, however, that neither Philip's work nor the reports of the Commissions of Inquiry had given 'distinct information' concerning the operations of the commando system against the Xhosa.[75] At the heart of the Buxton family's work on South Africa, then, was the belief that the Xhosa were being victimized by colonial violence in a manner that was both consonant with earlier genocidal attacks on the San, and with attacks on Indigenous peoples elsewhere in the empire.

South African commandoes had parallels in other colonies. In Australian colonies, attacks on Indigenous peoples by armed men on horses who returned to a settler base after killing were the main means by which Britain controlled frontiers and subjugated the local population. The ranger groups that the British army created in parallel with regular forces in North America, and into which Indigenous allies were incorporated during the American Revolution, also had structural features of the commando form. To attack the commando system was in fact to strike at the heart of techniques of colonial control in disputed frontier zones. Whether it was possible to maintain control without such extrajudicial killings and acts of theft was a difficult question. In southern Africa, the commando system was also used by the Griqua and other African groups beyond the colonial boundaries with access to guns, particularly against the San, although this was not something that John Philip was ever able to fully acknowledge.[76] In some contexts, missionaries and so-called native agents also called out commandoes to get stolen cattle restored or were even forced to participate (as was the case with Khoekhoe native agents among the Tswana). In other words, violence was widespread and access to power in turbulent times lay through guns and horses. The commando was all the more a core tool of colonial control, however, as well as a mechanism for attempted humiliation and emasculation.

Key Xhosa chieftaincies went to war again with the British in 1834. The underlying causes were long-standing. The proximate cause, however, was the fact that a colonial patrol shot the chief Xhoxho, son of Ngqika and brother of Maqoma, in the head when he tried to resist the patrol taking away cattle. According to Tshatshu, who with others remained neutral during this war, 'every [Xhosa] who saw Xo-Xo's wound went back to his hut, took his assegai and shield, and set out to fight; and said, "It [is] better that we die than be treated thus"'.[77]

[75] Alexander Turnbull Library, Wellington, New Zealand, Thomas Fowell Buxton Papers, 89-098-2: Thomas Pringle to Thomas Fowell Buxton, Holly Terrace Highgate, 17 August 1833.

[76] Edward Cavanagh, '"We Exterminated Them, and Dr. Philip Gave the Country': The Griqua People and the Elimination of San from South Africa's Transorangia Region", in Mohamed Adhikari (ed.), *Genocide on Settler Frontiers: When Hunter-Gatherers and Commercial Stock Farmers Clash* (New York and Oxford: Berghahn Press, 2015), 88–107; Norman Etherington, *The Great Treks: The Transformation of Southern Africa 1815–1854* (London: Pearson Education, 2001), 94.

[77] SCA, 1836 Report: Testimony of John Tzatzoe, 20 June 1836, 564 [item 4551]. Tshatshu's testimony was given in Dutch and translated by James Read Jr.

Buxton was well positioned to ensure that a different version of events than the usual official story was circulated to the colonial government in the aftermath of this event. In fact, this was a perfect storm for the British officials and soldiers at the Cape for whom such proceedings and conquests by stealth might be seen as relatively routine in other circumstances: colonial officials might not actively approve of trigger-happy military doings on the frontier, but they usually turned a blind eye. In this case, however, Buxton had (or thought he might have) a small army of battle-hardened troops behind him in the abolitionist 'public'. Furthermore, the most important dissidents in contact with the Buxtons had significant bones to pick with the Cape administration, with the British colonial office, or with both. Thomas Pringle, for instance, had been impoverished and forced from the Cape by Lord Charles Somerset's repressive regime in punishment for his efforts to create a free press and to call out colonial abuses. Another informant with an axe to grind was Sir Andries Stockenström, a key witness before the 1835–1836 Select Committee on Aborigines. Stockenström was a long-standing colonial official and, earlier, a soldier, who had become deeply critical of Lord Charles Somerset's policy on the Eastern Cape frontier. As a result he had been politically marginalized; Stockenström had left the Cape in 1833 to travel to London to attempt unsuccessfully to obtain more independence of action. As we have seen, Saxe Bannister was furious with the Colonial Office for not paying attention to his claims for compensation in New South Wales. John Philip had long fought passionately with the colonial regime. John Bigge and William Colebroke's Commission of Inquiry had recently generated an important body of evidence that could be called upon for publication. There were more whistle-blowers in the ranks of the British army in the 1820s and early 1830s than would be the case later on in the century, as Jochen Arndt points out.[78] It was possible to adopt a take-no-prisoners approach and to pursue South African concerns without concern for diplomatic nicety. This strategy would eventually catch up with the family when aggrieved Cape officials returned to Britain and began to fight back at the end of the mandate of the Select Committee on Aborigines, forcing Buxton to retract much of the report's discussion of southern Africa In the short term, however, this approach was a tactical advantage.

Buxton's work therefore shifted to arguing for a better treaty system between the Xhosa and the colony and for the return of conquered land. Initially as part of an effort to force the hand of the Colonial Office on South Africa and to bring forth information about South African abuses, Buxton segued, on the suggestion of Anna Gurney, into calling for a parliamentary committee to investigate the status of 'aborigines' in the British empire more widely. This committee

[78] Jochen Arndt, "Treacherous Savages and Merciless Barbarians: Knowledge, Discourse and Violence during the Cape Frontier Wars, 1843–1853", *Journal of Military History*, July 2010, 74(3), 709–735.

ended up making sweeping imperial policy suggestions about the necessity of 'protecting' people defined as aborigines in reports tabled in 1836 and in 1837. Nonetheless, as we shall see, some of Buxton's original attempt to condemn South African officials proved impossible to get through the committee and the Colonial Office in the teeth of counterevidence from the Cape. The result was a document that was gentler than the Buxton and Gurney families originally intended.

Activist Networks

What were the implications for the politics of 'Indigenous' rights and the creation of overarching narratives about colonialism of activism on South African issues? And what role did family information networks play? These campaigns were not one-way streets, despite the potential control and power available to British elites at the imperial centre. They were also, in large part, expressions of the anger with colonialism of Xhosa and Khoekhoe, even as they were also expressions of fear about what empire was doing to the morals of British people overseas. Stories were diluted, or perhaps condensed to core symbols, by the time they reached Britain, but they were based in real events and they were put into circulation by people in Africa who hoped for change. Nonetheless, stories took on a life of their own and the original tellers were distant abstractions for people such as Priscilla Buxton. The stories in turn were contested once the Buxton circle tried to make them politically actionable; as we shall see, opponents mobilized to put different versions of events into circulation.

In the archives of the Alexander Turnbull Library in Auckland, New Zealand, there is a compilation of documents on the Xhosa chiefs, the Cape frontier and the commando system labelled as part of the papers of Sir Thomas Fowell Buxton. From internal references, it post-dates the 1834–1835 frontier war between the colony and the Xhosa and appears to have been pulled together to make a case to the colonial secretary, Lord Stanley, and perhaps to provide background for the Select Committee. The overall provenance is unclear, since the Buxton family worked so collaboratively. As David Lambert argues, the concept of individual authorship is difficult to apply in discussing material produced by the Buxton circle.[79] My best bet, however (based on handwriting and internal evidence), is that the compilation was put together by Priscilla to assist other family members, particularly Anna, although it is also possible that Anna Gurney was the original compiler.[80] Whoever put these documents

[79] David Lambert, *Mastering the Niger: James MacQueen's African Geography and the Struggle over Atlantic Slavery* (Chicago and London: University of Chicago Press, 2013), 189–90.

[80] Turnbull Library Buxton Papers, 89-098-2. Priscilla prepared notes about South Africa for Anna, who in turn created materials for Thomas Fowell in the mid-1830s when she took over Priscilla's work. There are references in Priscilla's letters to notebooks that Anna used in draft-

together, they are revealing. They constitute a family analysis designed to make arguments, with key documents accompanied by commentary and arranged in such a manner as to tell a story. Taken overall, the collection illustrates complex transmission chains from the Cape to London.

The Turnbull Library compilation includes two letters to Thomas Fowell Buxton from Thomas Pringle with accompanying documents that demonstrate the particularly crucial role played by Pringle in the creation of a family policy on southern Africa. On 15 January 1834, Pringle sent Buxton 'a few brief statements of four recent cases of wrong and oppression inflicted on the Native tribes of South Africa'. He confined himself to these four because they could all be verified by Sir Andries Stockenström, who was able to give evidence in London as to their veracity. But there were, he commented, 'many others'.[81] In the first of these cases, an Afrikaner farmer named Bezuidenhout went into Xhosa country in 1829 with twenty other farmers. Although a Xhosa 'captain' Ginhusha showed the group hospitality overnight, including giving them a cow to eat, the farmers beat him on the head and forced him to surrender twenty cattle. Also in 1829, a field commandant named Peter Daniel Jacobson went on a commando against San accused of stealing; the commando came upon a group of San people who had had nothing to do with the theft but still 'shot seven of them in cold blood'. On the way back, they saw someone lying on the ground wrapped in a kaross (a blanket made of animal skin). 'The field Commandant without asking any questions, levelled his gun and fired. The caross heaved up- & an aged female in the agonies of death rolled out of it. – The Commandant & his party passed on without taking any further notice.' The third case focused on Gerrit Scheepers, who in 1831 persuaded the military to send him a patrol to remove thirty-four supposedly stolen cattle from the homestead of a chief, based on evident falsehood.[82]

The fourth case, the murder of seven Xhosa men, would, as we shall see shortly, become a focus for debate in London before the 1835–1836 Select Committee on Aborigines, and has therefore left more archival traces. In June 1830, a field cornet named Pieter Rasmus Erasmus was sent on commando to recover cattle as part of a larger expedition under Colonel Somerset and Captain

ing the Select Committee report and in writing memoranda for the Colonial Office, based on Priscilla's research. It is possible that this portfolio and another on Australasia, also in the Alexander Turnbull library, were originally used by Anna to help draft the Select Committee Report.

[81] Turnbull Library, Buxton Papers 89-096-2: Thomas Pringle [presumably to Thomas Fowell Buxton], Highgate, 15 January 1834.

[82] The description of cases follows Pringle's letter of 15 January 1834, and is marked on the side 'Pringle on Kaffir treatment Jany 16 1834. Important'. The description of the murder of Sigcau and his men is headed 'Slaughter of Caffers by Erasmus – 1830'. Turnbull Library, Buxton Papers 89-096-2.

Stockenström. At the homestead of a 'chief named Seko', Erasmus took a large number of cattle even though they were 'Caffre cattle' and not the identifiable 'colonial cattle'. I follow Susan Blackbeard in identifying Seko as Sigcau.[83] Sigcau pleaded with Erasmus to leave the milk cows 'otherwise their wives & children must die'; he also asked to accompany the commando to Fort Willshire to protest his innocence and demand his cattle back. Erasmus allowed the chief and eight of his men to accompany him back to the fort on the condition that the men travel unarmed and help to drive the cattle. In Pringle's telling, while the nine men were unarmed 'in the midst of a large party of well armed Colonists on horseback', 'some Caffers at a distance gave a whistle; & the Caffer cattle which are all trained to be directed by such sounds, made a sort of rush as if to escape'. Although Sigcau and his men had no evident hand in this, 'Erasmus & his party immediately shot Seko & six of his men dead on the spot; and when they arrived at Fort Willshire the Field Cornet reported that they had been forced to shoot the [Xhosa] because they were attempting to retake the cattle'. One of the party, however, blew the whistle to Stockenström. Stockenström then went into Xhosaland, investigated and concluded that the men had indeed been shot without cause. Despite this, no one was reprimanded. Erasmus remained in office, in Pringle's words, 'an active and influential Field Cornet of East Riet River on the [Xhosa] Frontier!'.[84]

The portfolio also highlighted the views of Dyani Tshatshu (his name given here as Jan Tzatzoe), a minor chief as well as an interpreter and missionary for the London Missionary Society (LMS) among the Xhosa at various points in his life. Tshatshu had been placed as a child by his father at the LMS station of Bethelsdorp, probably following the Xhosa custom of fostering children to build alliances, where he obtained fluency across cultures.[85] He wrote several letters in the colonial press defending Xhosa viewpoints in frontier conflict. The portfolio includes a lengthy extract from a letter published by Tshatshu in the *South African Commercial Advertiser* decrying abuses under the commando system, and anticipating that settlers wanted to push the boundary to the Buffalo River: 'we know it has always been the practice to destroy the public sympathies with the people to be driven from their country before the deed was put into execution, by representing them as thieves and murderers, and as injurious to the welfare of the Colony, that must be destroyed'. He added: 'Let the people in the Colony look to themselves, for if an intrusion should take place

[83] Susan Blackbeard, "Acts of Severity: Colonial Settler Massacre of amaXhosa and abaThembu on the Eastern Frontier of the Cape Colony, c. 1826–47", *Journal of Genocide Research*, 17(2), 2015, 120. Sigcau was part of a powerful Mpondo lineage.

[84] Turnbull Library, Buxton Papers 89-096-2: Thomas Pringle, "Slaughter of Caffers by Erasmus – 1830". See also Blackbeard, "Acts of Severity", 120–121; Hutton, *Autobiography of the late Sir Andries Stockenstrom,* vol. 1, 349.

[85] Roger Levine, *A Living Man from Africa: Jan Tzatzoe, Xhosa Chief and Missionary, and the Making of Nineteenth-Century South Africa* (New Haven, CT: Yale University Press, 2011).

and the troops be removed to the Buffalo River, this Town [Grahamstown] will come down as speedily as it rose.'

The compiler comments that Tshatshu wrote other letters, including several in the pro-settler *Grahamstown Journal* 'in defence of the rights of his country men, & carried on a controversy with many different civil & military & had completely the best of the argument'.[86] Buxton forwarded to the colonial secretary, Lord Stanley, a number of extracts from the *South African Advertiser*, including three letters by Tshatshu, as well as letters from a Mr Bruce, and a copy of 'Remarks of Commissioners of Inquiry on the Frontier System'. In 1833, Thomas Pringle urged Thomas Fowell Buxton to persuade Stanley to read at a minimum the letters of Bruce and Tshatshu and the editorials of his own *South African Advertiser* before turning to Philip's *Researches*.[87]

The documents show quite complicated transmission chains. For example, the compiler copies an extract from a letter by Bruce concerning Gerrit Scheepers and his theft of cattle: 'Mr. Reid is my Authority for the second case which I shall lay before you, and it was originally made known to Mr. Reid by Botma and amply confirmed as the sequel will show', the letter attests. This testimony was thus passed from the Xhosa chief Botumane ['Botma'] to Read, from Read to Bruce, and then from Bruce presumably to Philip and from Philip to Priscilla Buxton, possibly from Priscilla to Anna Gurney but in any case to Thomas Fowell, and then finally to Colonial Secretary Lord Stanley. In an administrative environment generally characterized by lack of knowledge of the experience of the colonized, this was an unusual degree of communication, albeit in a highly mediated form, from a Xhosa chief to a colonial secretary.

Even so, Thomas Pringle reflected in a letter to Thomas Fowell Buxton on the insecurity of information at a distance. The terms in which he phrased his comments underscore the importance of personal reputation for participants in these networks, which of course could pose problems for Africans. Bruce was an official from the East India Company who went digging on the eastern Cape frontier and reported his findings concerning abuses in letters to the *South African Advertiser*, the newspaper edited by Pringle. Pringle commented to Buxton that '[w]ith Mr. Bruce personally I am entirely unacquainted; but

[86] Turnbull Library, Buxton Papers, 89-096-2: Jan Tzajtzoe [sic] to South African Advertiser, February 13, 1833 (extracts).

[87] SCA: testimony of John Tzatzoe, 22 June 1836, 574; Levine, *Living Man from Africa*, 97. Tshatshu's authorship of this correspondence was called into question at the time by his opponents in South Africa, who accused the missionaries of writing letters in Tshatshu's name. Tshatshu did not write fluently in English but spoke Dutch. Roger Levine argues that Tshatshu's wife helped him with the Dutch letters and that James Read junior, son of the Khoekhoe woman Elizabeth Valentyn and the British missionary James Read, helped Tshatshu with translation into English and may have played a role in composition. This doesn't mean Tshatshu was not the primary author, however; the letters might be better seen as a collaborative political project.

my esteemed friend Mr Blair (who is also well known to you) assures me that Mr Bruce who was long & intimately known to him in India, is a man of high honour and integrity; there can be no suspicion, therefore, of intentional misrepresentation on his part'. At the same time, it needed to be admitted that his statements were 'grounded almost exclusively upon the reports made to him by the [Xhosa] themselves' and therefore need to be 'considered as ex parte statements merely, unless corroborated by other testimony'. Pringle also revealed complicated processes of translation: mistakes may have crept in without impeaching Bruce's veracity, 'considering that he obtained the information chiefly through interpreters who had to translate from [isiXhosa] into Dutch and from Dutch into English'.[88]

The portfolio includes reading notes on Saxe Bannister's *Humane Policy*, confirming that the Buxton family read and used Bannister's work, but also that he was at times an ambivalent ally. For example, the notes criticized Bannister's claim that nothing had been done to redress abuses at the Cape, despite the passage of legislation in both Britain and the Cape Colony intended to protect Khoekhoe rights. 'In this vol of 530 pages,' the compiler of the portfolio remarked acerbically, 'there is not even an allusion made to the investigation of Parliament or of the extinction of these evils by T.F.B.' As this trenchant comment suggests, whoever compiled these documents was well informed and opinionated about colonial affairs. The overall argument of the collection was that it was the British who were to blame for the recent outbreak of war.

Colonial Murder and the Select Committee on Aborigines (British Settlements)

In July 1835, a small group of men sat in a room in London, preparing to hear the first witness before the Select Committee on Aborigines (British settlements), as it was commonly termed. The full title was revealing, leaving the Christian assumptions behind the committee in little doubt: it was the

> Select Committee appointed to consider what Measures ought to be adopted with respect to the Native Inhabitants of Countries where British Settlements are made, and to the Neighbouring Tribes, in order to secure to them the due observance of Justice and the protection of their Rights; to promote the spread of Civilization among them, and to lead them to the peaceful and voluntary reception of the Christian Religion.[89]

Several of the fifteen men charged to sit on the committee were counted by Buxton as allies, including Priscilla's husband Andrew Johnston and veteran

[88] Turnbill Library, Buxton Papers 89-096-2: Thomas Pringle to Thomas Fowell Buxton, Holly Terrace, Highgate, [London], 19 August 1833.

[89] SCA, 1836 report, iii.

abolitionists.[90] Nonetheless, the committee also included potential opponents, notably William Gladstone (then both young and a Conservative). The committee also included Sir Rufane Donkin, who had been acting Governor of the Cape Colony from 1820 to 1821. As the committee met their first witness, Captain Aitchison of the Cape Mounted Riflemen, the war that had begun in December 1834 was still sputtering to a halt in South Africa. Buxton had called for the committee in July 1834, before war began; the outbreak of conflict made South African issues all the more important. Things got worse as the committee prepared to convene. On 12 May 1835, two months before the committee opened hearings, the Xhosa paramount chief Hintsa had been murdered in the camp of the British commander, Sir Harry Smith. Hintsa had come to parlay peacefully. He was killed supposedly while trying to escape from an armed escort, although he had not been described beforehand as a prisoner. One soldier cut off his ear as a souvenir, while some of his teeth were hacked off and his skull kept as a souvenir.[91]

The compiler of Turnbull Library portfolio had views about the murder:

> In the account of the surrender & the slaughter of Hinza [*sic*]– observe – May 1 – the Editor of the Grahams Town Journal wishes he shd be 'made an example of' – That notice fr[om] Headquarters May 3d positively states that he came into the Camp upon the Commander in Chief's assurance of safe conduct – 29 April – & notice 15 May – that Col Smith remained with him at his own request with a strong detachment.

The campaign accounts called Hintsa a prisoner of war, and a letter from a correspondent indicates that Smith had threatened to shoot him if he should try to escape. 'Observe how he was surrounded by soldiers when Southey shot him – whether this was the Capt Southey who was thanked does not appear – but he appears to have been one of the Corps of Guides, & they were all thanked.'[92] It is clear that from the outset the Buxtons thought that there was a cover-up by the military to disguise an extraordinary breach of diplomacy and the rules of war. The family tried to use the murder as a wedge issue to illustrate both brutality and mismanagement at the Cape.

First the war and then the accusations of murder significantly increased the sensitivity level of the committee. There were high-powered witnesses. The committee heard particularly extensive evidence on the South African issues

[90] Laidlaw, "'Aunt Anna's Report'", 4. Members included Charles Lushington, Joseph Pease, Edward Baines, John Plumptre and Sir George Grey.

[91] On struggles over Hintsa's remains and implications for rethinking the South African past, Premesh Lalu, *The Deaths of Hintsa: Post-Apartheid South Africa and the Shape of Recurring Pasts* (Cape Town: HSRC Press, 2009); Nomalanga Mkhise, "Nicholas Gcaleka and the Search for Hintsa's Skull", *Journal of Southern African Studies*, 35(1), 2009, 211–221.

[92] Turnbull Library, Buxton Papers 89-096-2: "Extracts from Newspapers relating to the Caffer war".

that lay at the heart of the investigation. In this, dissident Afrikaner official Andries Stockenström proved to be a key witness, arguing for a more just treaty system with the Xhosa. In 1836, Buxton manoeuvred to interview members of a party from the Cape consisting of John Philip, LMS missionary James Read senior, James Read junior, Dyani Tshatshu and the Khoekhoe man who had so impressed Saxe Bannister, Andries Stoffels.[93] Amplifying their impact, the African envoys spoke to missionary meetings to great effect. Tshatshu in particular toured around Britain, and made numerous speeches in defence of Xhosa rights, although Stoffels unfortunately became ill and died in Britain. All of this briefly created an aura of a moral crusade around South African issues that mobilized abolitionist networks.

There is not space to describe the committee's South African testimony in detail, but it is helpful to consider a particular case, namely the struggle to define what happened to Sigcau and his men. On 19 August 1835, Andries Stockenström made the first of several appearances before the committee.[94] In response to leading questions, he related the events of the 1830 commando led by Peter Erasmus. He clarified that this was part of a larger commando sent out by Colonel Henry Somerset, the son of the governor, and in which he himself had participated. The commando was split into various divisions, including one of Dutch-speaking farmers that had carried out the killings and cattle theft. Erasmus had reported that his men had been obliged to fire on the Xhosa in self-defence: 'I recollect that on hearing his report,' Stockenström told the Select Committee, 'both Colonel Somerset and myself said he had done very well.'[95] Later, however, Stockenström was given information that this account was false and that the men had been shot; he verified this by going to Xhosa territory and talking to Khoekhoe and Xhosa people, but the government did not answer his report and Erasmus kept his job.[96]

In testimony given on 21 and 25 March 1836, Thomas Wade, who had been acting governor of the Cape in 1833 and 1834, as well as working as military secretary to Sir Lowry Cole and filling other military positions, counterattacked. He gave a detailed defence of Cape policy towards the Xhosa. On the particular issue of the murder of Sigcau and his men, he reported that he had sent a copy of Stockenström's 1835 testimony back to the Cape. He had received a response from the civil commissioner of Albany, Captain Campbell, who regretted that Stockenström had not communicated with him on the subject at the time; he would of course have immediately mounted an inquiry. Nonetheless, on

[93] Elizabeth Elbourne, "Sara Baartman and Andries Stoffels: Violence, Law and the Politics of Spectacle in London and the Eastern Cape, 1809–1836", *Canadian Journal of African Studies*, 45(3), 2011, 524–564; Levine, *Living Man*; LMS annual reports for 1836 – *Evangelical Magazine*.

[94] He was also interviewed on 21 and 28 August 1835, and on 12 and 26 February and 1, 4 and 11 March 1836.

[95] SCA, 1836 report: testimony of Captain Andries Stockenström, 19 August 1836, 85 [item 986].

[96] See also Hutton, *Autobiography of the late Sir Andries Stockenström, Bart*, 349.

receiving a copy of the committee testimony, Campbell had since interviewed several members of the commando, including a Khoekhoe participant; he sent a copy of the depositions, which Wade in turn submitted to the committee. Hans Jurgen Lombaard testified that before Erasmus' commando left, Stockenström himself ordered them to bring away all Sigcau's cattle and to fire on his people if they resisted: '"Burghers, do not let the black fellows get the better of you,"' Stockenström is reported to have said. The group was suddenly attacked by a different group of Xhosa men, armed with spears, who tried to steal the cattle; Sigcau and his men were shot in the confusion, as the cattle rushed everywhere and men feared for their lives. Another witness, Daniel Petrus de Lange, reported that the Xhosa men who were shot all had assegais (spears) in their hands; Sigcau must have got his from the armed Xhosa men who met them on the road. According to de Lange, when the commando reported back to Stockenström he said 'you have acted very properly; it is a pity you did not shoot more of them'.[97] Called back the following day, de Lange suddenly remembered that his attendant, who spoke isiXhosa, had actually come up to him shortly before the confusion to murmur in his ear, "'Master, the Caffres who are behind are calling to those in front to drive the cattle upon us, and then to stab us and take the cattle away from us."'[98]

On 18 April, Stockenström returned to the committee chambers to produce counter-documentation. He showed he had given *written* orders to the commandoes not to take 'Caffre cattle'. He argued that Erasmus' commando had shot the Xhosa men in order to be able to steal their cattle, contrary to orders.[99] He sent in the original version of the testimony of the 'Hottentot Boezak' (as the witness was revealingly termed). Despite unease and prevarication, Boezak testified that the commando had come upon the cattle in a 'narrow kloof' and were told that they belonged to Sigcau. The men accompanying the stolen cattle to Fort Willshire to demand them back were compelled to leave their assegais behind and were unarmed and were helping to drive the cattle when they were shot. Later, the Xhosa chief Chale testified that he had heard that some Xhosa had shouted from distant hills, setting off the cattle and creating a stampede, during which Sigcau and his men were killed. A Khoekhoe provisional field cornet from Kat River, C.J. Groepe, told of a group of men at his house discussing whether the killings were justifiable or not. Lodewyk Peffer, a man of partial Khoekhoe descent who was broadly acknowledged to be closer to the 'boors' than to the Hottentots, and indeed rode among the white farmers rather than the Khoekhoe during commandos, remembered that he saw Jan Greyling come running out from the bush saying '"I have shot the chief."' Sigcau 'had a pair of grey pantaloons under a tiger-skin kaross; as

[97] SCA, 1836: Deposition of Petrus de Lange, 6 January 1836, in testimony of Colonel Wade, 25 March 1836, 301.

[98] *Ibid.*, 7 January 1836, in testimony of Colonel Wade, 25 March 1836, 302.

[99] *Ibid.*: Testimony of Andries Stockenström, 18 April 1836, 319–320.

soon as the firing commenced he wept bitterly, and cried out, Botman, no joke!'[100] The killings were common knowledge and were reported on in the Cape press.

This was not, however, the end of the affair. The following week, on 25 April, Colonel Wade reappeared before the committee. He brought with him a further series of depositions from participants collected by Campbell relating to the commando, capped by a letter from Colonel Somerset himself and a lengthy statement by Erasmus in his own defence. These detailed attestations drew on the politics of respectability and public performance of status; all but one of the depositions were taken in public in the resident magistrate's court. Ostentatiously, the file included an interview with de Lange's *agterryder*, an amaPondo man called Maart in the record who had accompanied the commando, as well as yet another interview with the hapless Boezack Tamboer; the latter claimed that Stockenström had said that he would 'drag the truth out of my throat with a riem-chain'.[101] The inclusion of an amaPondo and a Khoekhoe witness was a response to Stockenström's transgression of colonial norms by taking evidence from Xhosa, Khoekhoe and mixed-race witnesses. The politics of race were clear when Erasmus plaintively asked in his lengthy statement whether 'the commissioner-general was warranted as an officer and a gentleman, in making so serious a charge against a body of men whose veracity and humanity is to the full as unimpeachable as his own, upon the evidence of the [Xhosa] and their chiefs, men whom he had always regarded as "notorious robbers," and their chiefs as "leaders of robbers."'[102]

The new oral testimonies by Maart and four Afrikaner participants in the commando, as well as the written statement by Erasmus himself, reached new heights of melodrama. There were at least 300 Xhosa men following the cattle drive, most armed; the dead men had spears by their bodies; the menacing Sicgau had come up to Greyling and said 'John, you will not cross the Keiskamma tonight with any cattle; if you do, the river will run with the blood of the boors instead of water.'[103] Once the attack started, according to Maart, 'I heard the cry

[100] *Ibid.*, Depositions in testimony of Andries Stockenström, 18 April 1836, 320–322.

[101] *Ibid.*, Deposition of Boesack Tamboer [*sic*], taken 16 January 1836, recorded in testimony of Col. T.F. Wade, 25 April 1836, 383. An *agterryder* was a servant of a man on commando who rode behind him and carried his gun. This role was usually filled by Khoekhoe men, reflecting the complex racial dynamics of commandos.

[102] *Ibid.*, "Statement of the Field Cornet Erasmus", Graham's Town, 3 February 1836, included in testimony of Col. T.F. Wade, 25 April 1836, 386–388. Erasmus commented that 'admitting for a moment, as the commissioner-general appears to think, the evidence of the coloured people is to be taken before that of the whites, the evidence of the Caffre and of the Hottentot, who were examined by Captain Stockenström, fully prove the falsehood of the charge, and justify the proceedings of the burghers'.

[103] *Ibid.*: Depositions respectively of Andries Lodervicus Pretorius (300 men and assegays) and of John Philip Koch (Sigcau's menace) in testimony of Col. T.F. Wade, 25 April 1836, 382 and 385.

amongst the farmers, "the Caffres are throwing assegays". Some of de Lange's men fired and if they had not done so, we would all have been murdered.'[104] Stockenström's complicity was also stressed: had he not, on hearing that 'Zeko' rather than 'Geneko' had been killed, said 'that is just the man I would have had'?[105]

With the theatre of these depositions, the story of the murder of Sigcau leaves the pages of the Select Committee, although it clearly remained an ongoing political issue in South Africa, and crucial background to reaction to attacks on other Xhosa chiefs Xhoxho and Hintsa. It seems that the killing of these almost certainly unarmed men was another example of men with guns acting as they pleased and then blaming the victims. This would certainly not be the first or last time; the frontiers of empire presaged city streets at other times and places, and indeed the jails and night raids of apartheid-era South Africa. It was the murder of Hintsa and the desecration of his body that came most vividly to symbolize the high-level abuse of colonial power, but the bodies of seven Xhosa men, left in some unmarked land, might be a better symbol of imperial control in the very banality of the manner of their deaths.

The Report of the Select Committee on Aborigines

The disputes over Erasmus' 1830 commando illuminate the political minefield that the Select Committee became. Priscilla helped to put stories into circulation but certainly could not control their fate. The example also shows, in my view, a strong imperial commitment to cover-up. The committee did not report in 1836, despite the publication of a large body of evidence. Instead it reconvened in 1837, when its evidence included more counterattacks from South African officials. Nonetheless, although Buxton had opponents on the committee, he retained sufficient control to be in charge of drafting the final report.

Writing the report remained a family affair, in conjunction with allies. Priscilla took a close interest, despite her recent marriage. After all, Priscilla's husband Andrew was a member of the committee and a key ally for Thomas Fowell. The report was written in the Buxton family home in Northumberland, and in this sense was literally a household production. Anna Gurney took the lead in researching and writing it, an enormous amount of labour. When Priscilla was present during an extended visit with her husband and two young children, she pencilled a revealing note to her newly married brother Edward, written 'secretly on the corner of the sofa':

[104] *Ibid.*: Deposition of "Maart, servant of Piet Delport", in testimony of Col. T.F. Wade, 25 April, 1836, 381.

[105] *Ibid.*: Deposition respectively of Andries Lodervicus Pretorius in testimony of Col. T.F. Wade, 25 April 1836, 383.

> I only wish thee could see the very interesting party assembled – Dr. Phillips (from Cape Town), my father, Anna and Andrew, at the table, each with a copy of the huge Blue Book before them and pens in hand! It is surprising how well they work together. The Notes Dr. Phillips has brought are really capital as an abstract of the evidence; bones they are, and Anna has the flesh ready for the[m;?] she has fine bones too. Dr. Phillips reads his, she hers, then they discuss, make notes and settle it […] We all sit round, I say, like ostriches' eggs, outside the nest, to look on a[nd?] give our assistance from time to time. Aunt Sarah and I on one sofa, my mother and Chenda [her sister] on the other, and just now Miss Glover and the boys are sitting by the window, as they are to-day over the Caffre case, yesterday was devoted to the suggestion of remedies, not so interesting; but how important! Charlie's little voice now pops in an observation; in short we all help.[106]

The original point of the committee had been to intervene in South African politics. The Colonial Office started to get cold feet, however, once they had the official report of the governor, Sir Benjamin D'Urban, as well as other evidence from Cape settlers who fought back against the original thrust of the committee. Sir George Grey, the colonial under-secretary, presented Thomas Fowell Buxton with an ultimatum in mid-June 1837: to reconvene the committee to consider a new batch of documents on the Cape 'a yard in height' or else to cut drastically the more explosive material on the Cape.[107] Confronted with the imminent dissolution of parliament as King William IV lay on his death bed, wrestling with increasing recalcitrance from conservative committee members and fearing to lose the whole, Buxton folded. Among other things, he removed sections assigning blame for the war of 1834. He wrote to Anna Gurney to console her that it was 'some little consolation that you will save half a dozen nations from extermination'.[108]

The final report was therefore almost certainly more focused on making systemic arguments about 'aborigines' in British areas on settlements, and

[106] Priscilla Johnston to Edward and Catherine Buxton, Northrepps, 17 January 1837 reproduced in Richard H.J. Gurney, *A hundred years at Northrepps Hall*, 49; unpublished typescript reproduced on www.gurney.co.uk/book. A version of this letter is also reproduced in MacInnes, *Extracts from Priscilla Johnston's Letters and Journals*, p. 113, giving an opportunity to observe editing for publication. The version in MacInnes includes an extra line: 'I really could but sit by and wonder at the extraordinary privilege and interest of seeing such things at their moving spring.' The editor has also substituted 'you' for Priscilla's Quaker 'thee', omitted reference to the governess and younger sister, and cut 'Charlie's little voice'; the original version makes it even clearer to what extent this was a family project, with even young children involved.

[107] Laidlaw, "'Aunt Anna's Report'", 18. The reference to documents 'a yard in height' cited by Laidlaw is from TFB, vol. 16, f. 136: Anna Gurney to John Philip, 15 October 1837.

[108] TFB, vol. 15, ff. 319c–f: Thomas Fowell Buxton to the cottage, 17 June 1837; also cited by Laidlaw, 18.

on more general solutions, including religion and education, than had been the original intention. One of the most significant techniques it deployed was to break down different areas of the world and examine the impact of British colonialism on 'aborigines' in each region, in order to discern patterns. This enabled the genocide of the Caribs in the West Indies and of the Beothuk in Newfoundland to be placed in the same analytical frame as frontier violence in South Africa. For example, the overview opened with a brief section on Newfoundland that concluded: '[i]n the colony of Newfoundland it may therefore be stated that we have exterminated the natives'.[109] This approach deliberately placed South Africa into a context of larger colonial patterns; it also created a sense of 'aboriginal' identity that could be seen as transnational.

The report concluded that European settlement was profoundly destructive to local peoples, unless mitigated by missionary activity:

> It is not too much to say, that the intercourse of Europeans in general, without any exception in favour of the subjects of Great Britain, has been, unless when attended by missionary exertions, a source of many calamities to uncivilized nations. Too often, their territory has been usurped; their property seized; their numbers diminished; their character debased; the spread of civilization impeded.

'European vices' were introduced among 'natives', notably through the trade in alcohol and guns, while venereal disease was particularly destructive. The report argued that across the world 'native inhabitants' had land rights but that these were ignored by Europeans.[110]

According to the report, however, Indigenous people would be strengthened by assimilation; in the terms of the report, Indigenous people would only be saved through education (allowing them to participate as equal players in imperial politics), Christianity, the protection afforded by missionaries and being incorporated into the empire as equal citizens. Otherwise they were doomed to disappear. In particular, immoral commerce carried out by white men without adequate guidance from missionaries and from the imperial centre was highly destructive. Indigenous people needed to be able to enter into the global economy on equal terms, and this was only possible through Christianization, the moral transformation of both whites and Indigenous people, and tight imperial control over the zones of international exchange. This was arguably a gendered reading that anticipated in some ways the social purity campaigns of the later nineteenth century: out-of-control masculinity was to blame for violence, including rape and rampant sexual abuse, and several of the

[109] Aborigines Protection Society, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements), reprinted with comments by the "Aborigines Protection Society"* (London: William Ball, 1837), 5.

[110] *Ibid*, 3–4.

solutions (such as the introduction of female settlers) were designed to control men, especially lower-class white men. As Matthew Wyman-McCarthy shows, this echoed abolitionist depictions of slave-owners.[111] Priscilla, Anna and other members of the Buxton clan were in contrast reimagining the empire as an idealized moral family.

The report was predicated on a binary distinction between 'civilized' and 'uncivilized' people, and proposed civilization as a key aspect of the response to large-scale violence against colonized peoples. The report was also deeply inflected by ideas about class, frequently blaming the sinfulness of non-elite men for colonial violence, for example. Despite the many crucial critiques that can and should be made of the assumptions made by the Buxton circle, the report nonetheless bore witness to the violence of colonialism. It froze a moment in time and brought forth multiple stories from diverse frontiers. Above all, the committee made important arguments about land rights:

> It might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil: a plain and sacred right, however, which seems not to have been understood. Europeans have entered their borders uninvited, and, when there, have not only acted as if they were undoubted lords of the soil, but have punished the natives as aggressors if they have evinced a disposition to live in their own country. If they have been found upon their own property, they have been treated as thieves and robbers. They are driven back into the interior as if they were dogs or kangaroos.[112]

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The political process led the Buxton family and other key abolitionists from opposition to slavery to opposition to the treatment of Indigenous people under British colonialism, generating a potent political category in the process. It proved easier, however, to abolish slavery than to reform settler colonialism, despite this brief moment of confluence. The solution of humanitarians to the destruction of Indigenous peoples was ultimately to be better colonialism, not its abolition – just as it was expected that former slaves would still work under a better economic system.

The Aborigines Protection Society (APS) was founded in 1837 as a response to the injustices revealed by the committee investigation. The mingling of the personal and the political in the Buxton family remained important in the early days of the Aborigines Protection Society. In its initial incarnation, the APS

[111] Matthew Wyman-McCarthy, "Rethinking Global Empire: The Imperial Origins and Legacies of British abolitionism, c. 1783–1807", PhD thesis, Department of History and Classical Studies, McGill University, 2015.

[112] Aborigines Protection Society, *Report of the Parliamentary Select Committee on Aboriginal Tribes*, 4.

was influenced by the Buxton and Gurney families and their wider abolitionist networks, even though it rapidly took on a life of its own. Sir Thomas Fowell Buxton was the first president, although he did not play a very central role thereafter. The twenty-six members of the first committee included Priscilla's husband Andrew Johnston; Thomas Fowell Buxton's brother-in-law, the abolitionist William Forster; William Forster's brother, Josiah Forster; Thomas Fowell Buxton's son Edward Buxton; Edmund Buxton; Samuel Gurney; Gurney Hoare and J. Pease (the latter two members of Quaker abolitionist families linked to the Buxtons); another leading abolitionist, Stephen Lushington; Stephen Lushington's brother, Charles Lushington; and Saxe Bannister himself. Bannister played an important early role as secretary, although he left the society relatively early on.

In a report back to 'my dearest Anna', Priscilla Buxton cast the initial meeting as a family affair:

> I must tell you, the Aborigines' Meeting went off in fine style. My father spoke for an hour 'out of Miss Gurney', he says, Uncle Gurney uttered the musical voice of the Earlham race most beautifully, and the society has got a nice launch. It is odd, and we are very proud to think of the moving spirit down at the Cottage built to shoot pheasants, now employed to stir continents! That Meeting and all its soul would not have been but for Miss Gurney. I think Aunt Sarah may be proud; her partner only looks sulky, I dare say and teases [the cat] Wamba.[113]

The mingling of family action and imperial politics remained, for the moment, a potent combination, even in a context in which the family was attempting to act on and through the imperial state.

The APS reprinted a version of the 1837 report restoring many of the details that Buxton had agreed to cut from the official version. The society affirmed that even despite omissions the official report was 'replete with evidence as to the injustice and cruelty with which the Aborigines have hitherto been treated, and the pernicious effects which have resulted to them from their intercourse with European nations'. The APS also commented, however, on the 'indifference which still too generally pervades the public mind in reference to the wrongs of the Aborigines'.[114]

[113] Priscilla Buxton to Anna Gurney, Upton, copy with n.d. in Gurney, *One Hundred Years*, p. 60.

[114] "Preface", in Aborigines Protection Society, *Report of the Parliamentary Select Committee on Aboriginal Tribes,* v.

9

Keeping Colonialism in the Family

Kinship, Humanitarianism and the Niger Expedition

One of the themes that has run through this book is the way in which imperial power furnished a tempting route to remake the world to supposedly beneficial ends. This is certainly a theme that echoes to the present day, as debates over humanitarian intervention on the global stage attest. Saxe Bannister's ceaseless proposals for a humanitarian colonialism underscore the facility with which many British people, or allies of the empire, deceived themselves into thinking that large power disparities meant that complicated problems *could* be easily solved.

This final chapter examines one such project that tried to harness the power of empire to the ends of abolition but which was also profoundly a family enterprise: the so-called Niger Expedition that the Buxton family argued into being and dispatched down the River Niger in 1841. The expedition aimed to harness the new power of steamships, as well as advances in medicine and geography, to send three steamships down the River Niger to negotiate treaties with African chiefs whereby chiefs would agree to end the slave trade and in return receive trade boats from Britain. As had been the case with the earlier abolitionist movement, and as typified the missionary movement of the period, family members assumed that they were putting God's will into action, that they were merely the vessels of His will. It was therefore a deep shock when disease ravaged the expedition, leading to the abandonment of the mission with large-scale loss of life. Could it be that the Buxton family had after all misunderstood the voice of God? The failure of the expedition marked a turning point in the power of abolitionist families. It is noteworthy that the expedition was opposed by Chartist activists in the name of popular power and opposition to the focus of elite families on suffering others overseas rather than on the British poor. Debate over the Niger Expedition thus presaged the growth of settler populism.

Priscilla Buxton and the Niger Expedition

From start to finish, the Niger Expedition was a family project, imposed on a relatively reluctant Colonial Office bureaucracy. In turn, the Colonial Office was forced to act as though the idea had been its own. This was a significant exercise of elite family power.

According to a later account by Thomas Fowell's son Charles, in a biography of his father, Thomas Fowell walked into his son's room at an early hour in the beginning of summer 1837 and 'sitting down on my bedside, told me that he had been lying awake the whole night, reflecting on the subject of the slave trade, and that he believed he had hit upon the true remedy for that portentous evil'. It was, the son commented in the chilly light of hindsight, 'the commencement of that long train of toils, anxieties, and sorrows'.[1] Buxton was grappling with the fact that the abolition first of the slave trade and then of slavery in the British empire had not in itself ended the institution of slavery. The void left by the British was filled: slave-based production of sugar and other goods increased in Latin America in places such as Brazil and Cuba, the American South continued to produce slave-grown cotton, European nations including Spain and Portugal continued to run a slave trade, and within Africa itself North African traders played an increasingly important role.[2] In this sense, abolition appeared to have achieved little. This was, of course, the justification for the Royal Navy's continued patrolling of Sierra Leone. But what if supply could be cut off at the source? What if, as abolitionists had long hoped, Africans could be persuaded to stop selling slaves, essentially by being given a better offer?

Buxton hoped to stifle the slave trade within Africa itself through the introduction of commercial possibilities that would provide more lucrative opportunities for African leaders than did the slave-trade-based economy. This was a significant attempt to intervene in the world economy through finding a few well-chosen pressure points and attempting to convert African themselves to the gospel of abolition. Buxton (with the assistance of Priscilla and Andrew Johnston and of Anna Gurney) wrote in his subsequent book, *The Remedy*, that African elites gained 'some pecuniary advantage' from the slave trade, even if it was oriented to 'gaining a paltry supply of the most inferior and pernicious articles of Europe'. There was no viable alternative route to obtaining European goods; Africa was irreversibly part of the global economy, but not on the full and free terms of European nations. At the same time, Africa had fertile soil and could develop much more economically attractive exports using free labour, such as cotton, which indeed had the potential to undercut the slave-produced cotton of the American South. 'It may sound visionary at the present time,' Buxton wrote in 1840, 'but I expect that at some future, and not very distant day, it will appear, that for every pound she now receives from the export of her people, a hundred pounds' worth of produce, either for home consumption or foreign commerce, will be raised from the

[1] Charles Buxton, *Memoirs of Sir Thomas Fowell Buxton, edited by his son* (London: John Murray, 1855), 442. Charles does not name the son, but it was probably Edward.

[2] Sven Beckert, *Empire of Cotton: A Global History* (New York: Vintage Books, 2014); Robin Blackburn, *The American Crucible; Slavery, Emancipation and Human Rights* (London and New York: Verso, 2011).

fertility of her soil.'[3] This was a classic early abolitionist argument, pioneered by the likes of Thomas Clarkson.[4]

Buxton's more specific short-term solution was a virtuous expedition down the river Niger, into modern-day Nigeria, in order to make treaties with African chiefs by which these chiefs would abjure the slave trade but be offered advantageous trade with Britain instead (Map 9.1). The expedition would also establish a model farm in order to teach Africans how to farm lucrative crops, and thereby convert them into moral economic agents, even as missionaries would shortly thereafter convert them more directly to Christianity. A critical element of this plan was that the formerly enslaved, from both the West Indies and Sierra Leone, would play key roles in the civilization of Africa and in the modelling of economically virtuous and advantageous behaviour. Free trade would transform Africa.[5] This familiar vision was supported, however, by families that were deeply involved in finance and banking, at a time at which what might be taken as a late Victorian cliché was very far from being widely accepted.

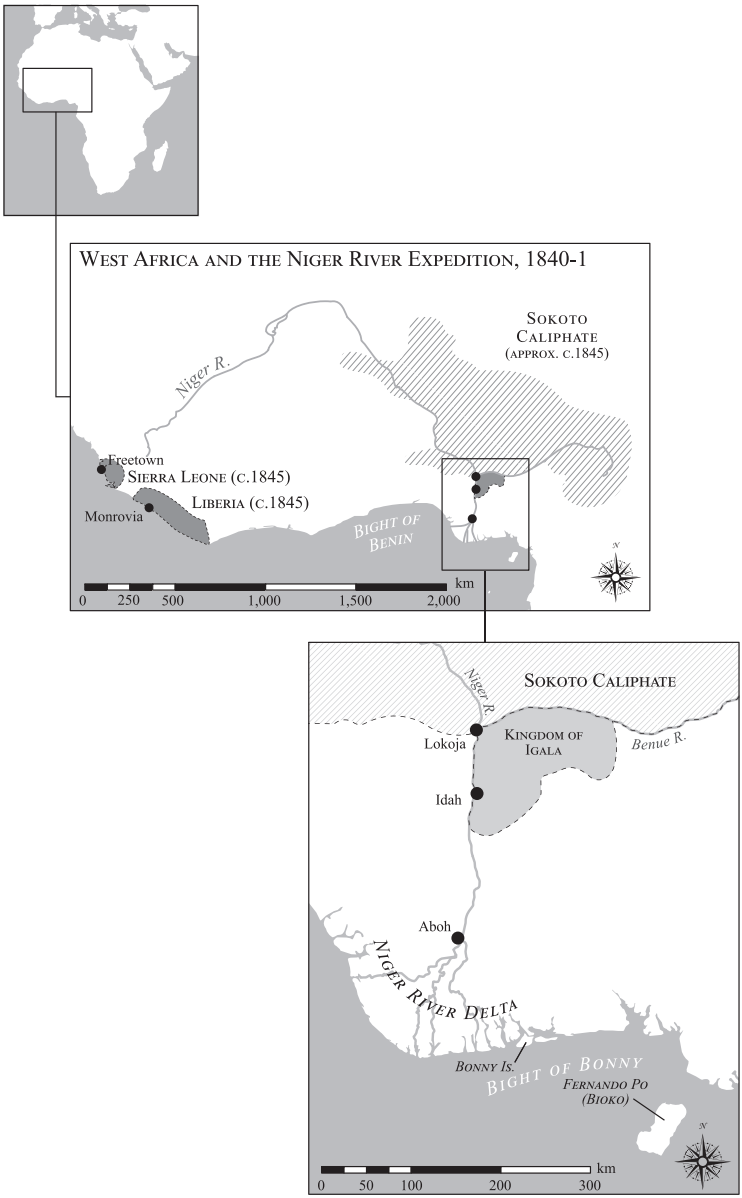
Priscilla would return to working closely with her father on this new project. In this case, however family institutional support, collaborative work and the conviction of God's blessing against evil, all of which had served the family so well during fights against abolition and against racially biased law in South Africa, arguably made it harder for logistical problems to be perceived. Family members talked to themselves in a closed circle. As we shall see, influential Colonial Under-Secretary James Stephen had significant doubts even as he followed orders and organized logistics, but the criticisms do not seem to have broken through the protective armour of Buxton family networks. Priscilla inadvertently protected her father from receiving information, rather than acting as a conduit for information, as had been the case on South African issues. Although the project did draw on earlier abolitionist arguments and on some outside informants (including, as David Lambert demonstrates, the pro-slavery writer James McQueen) it was not the product of broad-based agitation.[6] And in contrast to recent struggles over South African frontiers, the project certainly had limited input from Africans themselves. Reading between the

[3] Thomas Fowell Buxton, *The African Slave Trade and Its Remedy* (London: J. Murray, 1840), 281. In 1840, Buxton published *The Remedy* with a revised version of his 1839 *The African Slave Trade*; this is the edition that I am citing here.

[4] Christopher Leslie Brown, "Empire without America: British Plans for Africa in the Era of the American Revolution", in Derek Peterson (ed.), *Abolition and Imperialism in Britain, Africa and the Atlantic* (Athens: Ohio University Press, 2010), 84–100; Jane Webster, "Collecting for the Cabinet of Freedom: The Parliamentary History of Thomas Clarkson's Chest", *Slavery and Abolition*, 38(1), 2017, 135–154.

[5] Howard Temperley, *White Dreams, Black Africa: The British Antislavery Expedition to the River Niger, 1841–1842* (New Haven, CT: Yale University Press, 1991).

[6] David Lambert, *Mastering the Niger: James McQueen's African Geography and the Struggle Over Atlantic Slavery* (Chicago: University of Chicago Press, 2013).



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Map by Geoffrey Wallace, 2021

Map 9.1 West Africa and the Niger River in the 1840s

lines, Priscilla herself seems to have been more doubtful about the work this time round. She remarked that she had 'quite convinced herself' of the value of the project in trying to explain it to her servants, for example. Certainly, this was far more of an upper-class project than was emancipation; this was not the high-profile crusade that abolition had been and it had less potential rhetorical pay-off as a proof of the virtue of the British nation. It was also opposed by influential West African merchants and by the London *Times*.

In 1839, Buxton spearheaded the creation of a Society for the Extinction of the Slave Trade and for the Civilization of Africa. He and his allies managed to obtain the patronage of Prince Albert, who had just become engaged to Queen Victoria (in October 1839). According to a prospectus created by the society, the need was great: 'Africa, immensely rich in natural resources, – teeming with Inhabitants, anxious for European Manufactures and Instruction, – still remains, under the desolating influence of the Slave Trade, an uncultivated desert, – degraded by superstition, and deluged with blood.'[7] Humanitarianism constructed its degraded other in need of saving. We have seen throughout this study that the economy was often conceived of in moral terms, as a force able to change the characters of those living within a society.[8] Buxton and his colleagues similarly described their intervention as a means to change African character. Buxton, Stephen Lushington and other leading members of the Africa Society wrote privately to Colonial Secretary Lord Normanby (in power until August 1839, before being replaced by Russell) that they had 'resolved upon a great effort to awaken the native Energies of Africa in the hope that in these will be found the Remedy for the slave trade'. It had been proposed, they continued, to send an expedition to penetrate to the interior to make treaties to end the slave trade but also 'to acquire the cession of Land which may enable us to prove the resources of the Soil'.[9]

The project was influenced by prior work on the Select Committee on Aborigines as well as, more specifically, by the family's work on frontier issues in southern Africa. This is particularly evident in the proposal's reliance on treaty-making and diplomacy. The Niger Expedition reveals a faith in the power of the treaty that echoes larger patterns in the history of early nineteenth-century humanitarian versions of empire. The Select Committee came out against land cession treaties with Indigenous peoples, which were held to be inherently abusive.

[7] Norfolk County Record Office [henceforward NCRO], Upcher Papers, UPC 235, 643 x 1, Charlotte Upcher, scrapbook entitled "Niger Expedition. CU": Prospectus, "Society for the Extinction of the Slave Trade and for the Civilization of Africa" (clipping).

[8] Compare Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785–1865* (Oxford: Oxford University Press, 1986).

[9] TNA, CO 2-21, ff. 242–8: C.I.London, Charles FitzRoy Bexley, R. Torrens, S. Lushington, John Irving, Robert Harry Inglis, Arthur [-?] Barclay and T. F. Buxton to Lord Normanby, 27 August, 1839.

Nonetheless, the concept of the possibility of agreement, enshrined in the diplomatic treaty, remained a cornerstone of humanitarian thought in the early nineteenth century. We have seen that Buxton and his allies promoted the return to power at the Cape of Sir Andries Stockenström, who tried to create a system of border treaties that would regulate relationships between settlers and the Xhosa and in theory deter cattle raiding and associated conflict. Saxe Bannister was committed to contractual colonialism and believed that it was possible to make treaties with Indigenous peoples in southern Africa, on the same model as those made with Indigenous nations in North America.[10] Treaties were also, broadly speaking, crucial to diplomatic practice and thus in theory enshrined peoples the British generally conceived of as 'savage' as agents who could contract in an international system. The fundamental premise of a treaty was that Indigenous people were capable of contracting – in effect, of becoming liberal subjects.

The theory of equal capacity to contract was one thing in theory but another in practice. How to carry out diplomacy with partners not seen as equals, as appears to have been the case with West African chiefs? In the event, the Colonial Office rewrote treaty drafts to make them simpler and thus supposedly simpler easier for Africans to understand. James Stephen requested a treaty in the 'form of a simple agreement to be entered into by the contracting Parties, instead of a regular Convention between Power and Power, – and stripped therefore of all diplomatic language and expressions which might not be well understood by the barbarous and semi barbarous Tribes with whom the Expedition will have to negotiate'.[11] Once the project was launched, the three captains who were in charge of the three steamships that went down the Niger, Henry Dundas Trotter, William Allen and Bird Allen, were given forms to be filled in to create treaties. They also carried an address to the chiefs and people of Africa (however unclear it is whether they actually used it), which proclaimed 'You know that the great God made all nations of the earth of one blood. White people worship this great God. They can do many things which black people cannot do; and they have almost everything that black people want; clothes, ornaments, tools, and useful articles of every kind.' The address pleaded with chiefs to abandon the slave trade for 'innocent trade', promising that were this offer accepted 'you will please the great God; you will have our powerful Queen for your friend; all good white people will love you and will endeavour to help you, and you will soon become wider, richer and happier than you ever were before'.[12]

This was a highly paternalistic form of diplomacy that followed the guidelines of international relations, and yet at the same time did not completely

[10] Compare Saliha Belmessous (ed). *Empire by Treaty: Negotiating European Expansion, 1600–1900* (Oxford: Oxford University Press, 2014).

[11] TNA, CO 2/21: James Stephen to James Bandinell, December 26, [presume 1839], ff. 332–335. Note that folio 333 is missing.

[12] TFB, vol. 20, ff. 169a–b: "Proof of an Address to the Chiefs and People of Africa", 1841.

do so. West African chiefs, like other Indigenous peoples, were often still conceived of in child-like terms because they were seen as not members of fully 'civilized' societies. If societies could be conceived of as at an earlier stage of development, then what did this suggest about the individual members of such societies? We are once again face to face with the paradoxes of imperial liberalism. Consent and the capacity to contract sat at the heart of liberal conceptions of society and yet even within British society, the assumed model of a fully functioning liberal state founded on contact, there sat the central paradox that adult married women could not contract independently but were held to be the same legal person as their husbands.[13]

At the same time, the project also illustrated the feasibility of segueing from the idea of informed consent and of mutually beneficial relationships to assuming the desirability of colonialism if (and only if) carried out in a virtuous manner and with consent. The most controversial part of the plan was not initially publicized, although it became known in the heat of public debate, namely the purchase of about 100 miles of territory to be run by the British Crown and to be used as a base for the cotton company. As we will see, the Colonial Office itself opposed this aspect of the plan and refused to authorize purchase.[14]

Buxton's proposals, accompanied by his astute mobilization of the anti-slavery troops and lobbying of his former political colleagues, would eventually lead to the 1841 dispatch by the British government of three steamers, the *Wilberforce*, the *Soudan* and the *Albert*, to ascend the Niger. Four commissioners were appointed to negotiate treaties with African chiefs: William Cook, the chief commissioner, and the three steamship captains, Henry Trotter, Bird Allen and William Allen. As Howard Temperley argues, obtaining the expedition was a remarkable feat on Buxton's part. The African Civilization Society (ACS) that patronized the expedition drew members from across the elite of British society, ranging from Prince Albert to Daniel O'Connell, while the government expedition would ultimately be supported by both Whig and Tory cabinets. At a time of government minimalism, the expedition also involved striking public expense, since the three steamers eventually had to be built from scratch to specifications designed to protect crew members from disease, while each was manned by a large crew, including scientists, appropriately godly seamen, doctors, missionaries, agricultural specialists and (controversially)

[13] A paradox brought out by John Stuart Mill, who argued that the lack of independent legal personality of women was a vestige of a status-based society beyond which Britain had otherwise passed. The condition of married women was therefore akin to the condition of slaves. John Stuart Mill, *The Subjection of Women* (London: Longmans, Green, Reader and Dyer, 1869). It is perhaps paradoxical that Mill ignored the conditions that limited the capacity to contract of Indigenous peoples.

[14] TNA, F.O. 8881/45 (Confidential print): Lord John Russell to Her Majesty's Commissioners of the Expedition to the Niger.

an armed guard.[15] A fourth steamer with many formerly enslaved men on it joined the expedition from Sierra Leone, including the future first African Anglican bishop, Samuel Crowther.[16] Temperley points out that in 1839 the humanitarian wing of the Whig coalition was seen as essential to the survival of the government of Lord Melbourne, and argues that the cabinet was pushed by Buxton's mobilization of his followers into a far more ambitious project than the government had initially intended. I would argue further that Buxton's prior work on the abolition of slavery, on South Africa and on Indigenous rights had established him as an 'expert' in areas about which British members of parliament, including colonial secretaries, tended to be relatively ill-informed. Buxton's capacity to mobilize information networks, including through the labour of his family members, arguably enabled him to run, however briefly, what might be seen as a parallel civil service.

The expedition was part of a much wider British effort to stem the slave trade in the wake of abolition, and in fact marked the early days of the use of British shipping power to attempt to limit slavery.[17] It was also a precursor of the British colonization of West Africa, frequently justified by the supposed benefits to Africa of economic development and an end to the slave trade. Social changes, such as the incorporation of Christianity or the economic remaking of West Africa, were also prefigured by the events of 1841, despite the catastrophic failure of the attempt.[18] Nonetheless, however much in retrospect the expedition seems like a paradigmatic starting point for high Victorian imperialism (even if a temporarily false start), exemplifying societal consensus around the benefits of Christianity, colonialism and civilization, at the time it excited significant controversy, even within the Colonial Office. Although the expedition garnered significant support from a number of leading MPs, aristocratic reformers and anti-slavery stalwarts, and a meeting in support at Exeter Hall saw some 4,000 supporters gather, it did not arouse popular support in the same way that abolition of the slave trade had in the closing years of the campaign. Buxton's book did not sell well, to his wry chagrin, and donations to the project were not initially forthcoming. Support ultimately came from a much smaller and more elite circle than had been the case with earlier abolitionist campaigns. Buxton in fact put in a great deal of his own money into the project in the early days. Worse, the Sturgites of the British and Foreign Anti-Slavery Society criticized the expedition because of its potential use of force, among other reasons,

[15] Temperley, *White Dreams.*

[16] James Schön and Samuel Crowther, *Journals of the Rev, James Frederick Schon and Mr. Samuel Crowther* (London: Hatchard and Son, 1842).

[17] Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, NY and London: Cornell University Press, 2012).

[18] J.D.Y. Peel, *Religious Encounter and the Making of the Yoruba* (Indiana: Indianapolis University Press, 2001).

reflecting continuing splits in the abolitionist ranks.[19] They might have been even more critical had the full extent of the private plans of expedition leaders to purchase land for permanent settlement been made public.

In an extended crusade, *The Times* took up the issue of the secretive influence of humanitarians, exemplified by 'Exeter Hall', upon the government, despite the humanitarian lobby's supposed lack of realism. This was arguably also an attack on elite family power. *The Times* portrayed the expedition as foolhardy to the point of immorality, as the 'benevolent baronet' proposed to send men to 'new death swamps like Sierra Leone'. The radical Tory paper criticized, as Temperley underscores, 'the absurdity of a handful of European explorers expecting, as if by an enchanter's wand, to change the face of the great African continent, and to stop the slave trade, *on the principles of political economy*', a prospect that the editor felt surpassed 'anything which the imagination of Swift was able to conceive'.[20] In the meantime, even the colonial under-secretary helping to implement the expedition, James Stephen, previously a key abolitionist ally, privately expressed doubts about the feasibility of the expedition. Stephen wrote to a colleague in early 1842 that he was not capable of evaluating proposals to change the scale of the expedition because he had been so unable to form any clear estimate of how the expedition would actually work:

> Treaties – Experimental Farms, – and above all, Territorial dominion – are, in this case, so far as I can judge, illusions: I refer to my own opinions not, of course, as meaning to insist on them: but only to explain why I can tender no assistance in preparing Instructions, in furtherance of Captn Trotter's suggestions, until Lord Stanley shall have stated to what extent these suggestions have his sanction.[21]

In the midst of this criticism, Liverpool-based traders, notably Robert Jamieson, who had already begun to forge a trade in palm oil with West Africa, argued to the Colonial Office that the expedition was undercutting free trade and thus was not the correct way to civilize Africa.[22] Throughout, however, Buxton and his closest allies, including Priscilla and other members of his family remained convinced that God was blessing the expedition, and that they were agents of God's will in creating the right path forward for Africa.

[19] Temperley, *White Dreams*, pp. 55–58; David Lambert, *Mastering the Niger: James MacQueen's African Geography and the Struggle over Atlantic Slavery* (Chicago and London: University of Chicago Press, 2013), 196–199.

[20] *The Times*, 14–30 November 1840, also cited in Temperley, *White Dreams*, 60–61.

[21] TNA, CO 2-23, ff. 127–132. Comment by James Stephen on memorandum from Captain Trotter to G. Hope.

[22] Robert Jamieson, *An Appeal to the Government and People of Great Britain, against the proposed Niger Expedition: A letter, addressed to the Right Hon Lord John Russell, Principal Secretary of State for the Colonies &c &c &c* (London: Smith, Elder & Co, 1840).

The Niger Expedition thus became a staging ground for multiple visions of Africa, thought of in very abstract terms for the most part, and the ideal relationship that Britain should have with empire. The debate brought out different conceptions of colonialism. Treaties, in particular, became objects of fantasy, symbolizing the elusive dream of consensual colonialism.

Ideology and Public Debate

The project was marked by paradox. A core paradox was that Buxton had two overlapping projects at work simultaneously, with two different institutional frameworks. The first was a benevolent project, supposedly of no profit to its progenitors, to promote virtuous commerce, civilization and Christianity in Africa. The ACS, headed by Prince Albert himself and with several local auxiliaries, was designed to promote these objectives, including carrying out fundraising and political agitation. This was certainly the public face of the expedition. For one family member, this was the strength of the expedition because it guaranteed that God would look favourably on the enterprise: 'so decidedly good & cheering & free from any direct selfish views, it is an object on which one may expect the divine blessing'.[23]

The second project, however, was the promotion of investment in Africa through creating a joint stock company, each of whose members would invest £5,000 in the first instance in African agricultural produce. It was this company and its needs that generated the clearest justification for British colonial possession of African territory and Britain's concomitant ability to impose British law. Buxton and fellow abolitionist Stephen Lushington made this connection very clear in debate with the colonial office about whether promoting commercial agriculture in Africa required some form of colonial possession. In confidential correspondence with the new colonial secretary Lord John Russell in August 1840, before the expedition departed, Buxton and Lushington argued that although profit was not yet certain, for humanitarian reasons

> gentlemen of the most acknowledged sagacity in the mercantile world, urged by a desire of rendering benefit to Africa, and convinced that there is no way of doing this so effectually as by demonstrating her agricultural resources, are willing to embark their capital, provided only that such facilities and securities are afforded to them as the Government have the power of bestowing. [24]

[23] Norfolk County Record Office, Upcher Papers: UPC 235, 643 × 1. Scrapbook entitled "Niger Expedition. CU". "Private memoranda": transcribed extract from letter from "JWB", 14 April.

[24] TFB, vol. 19: T. F. Buxton and Stephen Lushington to Lord John Russell, London, 7 August 1840.

They wanted a charter limiting responsibility in the first instance, and then planned to make a trial of cultivating a tract of land bordering the Niger for commercial agriculture. To this end, it was essential that 'persons, property and lawful occupations' be protected and that produce receive encouragement in the European market. Furthermore, a 'fitting example' must be presented to 'surrounding nations' of the benefit of Christianity and of civilized institutions, in a language that reflected prior Evangelical thought about Sierra Leone. Buxton and Lushington continued:

> The simple enumeration of these particulars may suffice to show the impossibility of combining or securing them under any known form of native Government. All that is known of Africa, whether from British officers or missionaries, or scientific travelers, seems to concur in proving that settlements of this description must be kept apart from the contamination of prevailing native practices, and that their internal prosperity, not less than their external security, can be maintained in no other way than by placing them under the protection of the British Crown.[25]

Tellingly, Lushington and Buxton claimed that it was not too much to say that 'wherever British sovereignty shall be firmly established, there religious and civil liberty would instantly prevail, intestine wars and anarchy would cease; the aborigines would be protected, equal rights be enjoyed by all, and every motive, aid and opportunity which public or private benevolence, or enterprise, might contribute towards the civilization of Africa, would be most successfully brought into operation'. In this sense, only colonial possession could ensure true freedom. In contrast, 'supposing the natives to be rulers, we must submit to all their abominations, and consent to see human sacrifices made, and to be thwarted by the evil influence which such sights influence on all attempts at civilization'.[26]

A second, and related, paradox is that Buxton promoted certain kinds of commerce as virtuous and attacked others as not. Who was to decide what was virtuous or legitimate and how could virtuous commerce be guaranteed? The economy, even in the right political context, was not a straightforward instrument of virtue for Buxton. This is made more apparent by looking at the family's immediately previous work on the status of 'aborigines' in the British empire and on South African politics. Stockenström's promotion of a treaty system with Xhosa chiefs was a particularly influential idea for Buxton. Arguably, he was trying to bring to West Africa the treaty system that he had been involved in promoting in South Africa. In the meantime, he believed that

[25] TFB, vol. 19: T. F. Buxton and Stephen Lushington to Lord John Russell, London, 7 August 1840.

[26] TFB, vol. 19: T. F. Buxton and Stephen Lushington to Lord John Russell, London, 7 August 1840.

'aboriginal' peoples (among whom he seemingly classed the Xhosa) coming into contact with the British in colonial settlements needed protection. The Indigenous peoples of the British empire that were discussed in the report of the Select Committee, were for the most part not victims of a formal slave trade, unlike West Africans, nor did they participate in it (with some important exceptions, such as black-market trades in child captives in southern Africa). Nonetheless, they were enslaved, in a sense, by settler colonialism. Immoral economic agents, such as violent whalers and sealers, land-grabbing settlers and traders in guns and alcohol all contributed to the destruction of 'aborigines'. Indigenous people needed to be able to enter into the global economy on equal terms. Given the rapacity of the forces ranged against them, this was only possible through Christianization, the moral transformation of both whites and Indigenous people, and tight imperial control over the zones of international exchange.

Buxton's work on Africa grappled with this sense that not all 'legitimate' commerce – in the sense of commerce unrelated to the slave trade – was actually virtuous or 'innocent'. In fact, commerce in various forms could be extremely damaging. This also begins to touch on the complicated religious motivations of Buxton and other elite humanitarians, who imagined a 'modern' economy with a complex and tense relationship to morality. Ultimately, the economy would only be virtuous (and therefore productive) if the people were virtuous: Buxton and key collaborators such as John Philip of the South African London Missionary Society were very far from thinking that impersonal market forces generated virtuous outcomes. It was not for nothing that in his 1840 tract *The Remedy* Buxton paired the risk to Africans from slave traders with the risk from runway British sailors practising atrocities as he argued that the British government needed to use force to protect Africa. The assumption that people needed to be virtuous for the economy to function virtuously led Buxton to argue centrally in *The Remedy* that 'with all confidence we may affirm, that nothing permanent will be effected, unless we raise the native mind'.[27] Furthermore, Buxton again echoed the 1836 and 1837 'Aborigines' committee reports in arguing that Africans were currently morally degraded from their participation in the slave trade. This also raised the issue that untrammelled free trade by potentially immoral British agents might not be an adequate solution to the problem.

As this example suggests, it is helpful to consider the influence on Buxton of his extensive work on Indigenous rights and on South African issues in the mid-1830s, rather than thinking about him solely as an abolitionist: his views about the costs and benefits of trade and production for the market were not framed solely by the dichotomy between a slave-based and a free-trade economy. In addition, it is important that for Buxton people were not truly free or indeed fully rational unless they were truly Christian: non-Christian peoples

[27] Buxton, *African Slave Trade and its Remedy*, 278.

could not in fact be trusted to engage in a moral economy, and not all nominal Christians indeed were truly moral.

It is arguable that Buxton's sense of the potential evil of trade, even in the absence of slave labour, helped lead him to downplay and indeed to distrust existing trade in the Niger delta region. He and other members of the ACS were relatively ill-informed about the vibrant intra-African trade in goods other than slaves, given the general British lack of knowledge about the region. There was an important regional trade in cloth, for example, that paradoxically would be damaged by trade with Britain in the late nineteenth century.[28] It was, however, trade that involved the British, above all in palm oil, that most excited debate before the departure of the Expedition. Liverpool merchant Robert Jamieson had been trading palm oil with west Africa since the 1820s and indeed Buxton followed the progress of his dispatch of a steamer, the *Ethiope*, down the Niger, under the command of James Beecroft, with great interest.[29] Jamieson wrote to the Colonial Office in early 1840 that a government-sponsored expedition was a form of unfair competition that would undercut the existing traders in the area, already trading in palm oil, among other goods. The nub of the issue for Jamieson was that private enterprise was more efficient than a publicly backed enterprise. The proof lay in the relative economic failure of Sierra Leone. As he put it in a later letter in August, the Niger Expedition was predicated on the success of Sierra Leone 'as a settlement for the advancement of commerce, agriculture and civilization – whereas at the end of 50 years, and with the expenditure of millions of public money, Sierra Leone stands a melancholy monument of the total futility of such settlements for the advancement of the objects in question'. Furthermore, and crucially, taking possession of territory and defending that territory by force would be profoundly counter-productive: '[e]xperience of the African Character has shewn', he argued, that such taking possession of territory was 'sure to rouse the jealousy of the neighbouring Chiefs and others farther into the interior' in such a way as to put a stop to the progress of 'friendly commercial intercourse' on which he thought good relationships between England and Africa depended, and through which 'the benefits which Philanthropy contemplates will in due time be realized'. Untrammelled free trade, facilitated by the discovery of appropriate river routes, was the best way to bring 'civilization' to Africa.[30]

[28] Marion Johnson, "Cloth on the Banks of the Niger", *Journal of the Historical Society of Nigeria*, 6(4), June 1973, 553–563.

[29] TNA, CO 2/21 f. 295: T. F. Buxton to John Russell, Northrepps Hall, Aylsham, 30 January 1841. On the palm oil trade generally, Robin Law (ed). *From Slave Trade to 'Legitimate' Commerce: The Commercial Transition in Nineteenth-Century West Africa* (Cambridge: Cambridge University Press, 1995), notably Martin Lynn, "The West African Palm Oil Trade in the Nineteenth Century and the 'Crisis of Adaptation'", 57–77.

[30] TNA, CO 2/22, ff. 297–299, 301: Robert Jamieson to John Russell, Liverpool, 11 January 1840; Jamieson to Russell, 8 August 1840.

Tellingly, the Colonial Office responded to Jamieson's initial letter with the rather confused comment that the expedition was indeed funded by the government but would engage in no commercial transactions to the benefit either of the society or of any other party – despite the fact that a treaty to abolish the slave trade in exchange for commerce with Britain and the immediate receipt of gifts might indeed be seen as a commercial transaction.[31] In August, Jamieson responded that the expedition would in fact be carrying out commercial transactions even if not conceived as such: in particular, lavish gifts to chiefs would be perceived as a form of commercial exchange and would undercut the existing trade with chiefs by British merchants. More worryingly, he claimed that Buxton was misinformed about the nature of trade in the region of the Niger: it was incorrect 'that a great slave trade and no legitimate trade, exists on the Niger: whereas the slave trade has retired from that river, and a commerce with England is prosecuted upon it, the greatest from any part of Africa'. In the last several months, there had been no slave trips at Bonny, Old Calabar or Cameroon, but at Bonny alone there were thirteen British ships engaged in trade for palm oil, ivory and other goods; there was some slave trade still in Bight of Benin, but it was significantly reduced and would be halted by British patrols. The slave trade was most extensively prosecuted on the south-west coast of Africa. Overall, Jamieson made an argument for the civilizing power of a free market. Sierra Leone had not done well because Africans simply did not have enough commercial stimulus to produce agricultural goods: 'When the spur of commercial competition is wanting, what agricultural labour can be expected of the poor Africans?'[32] Jamieson went on to publish a pamphlet attacking the Niger Expedition on these grounds. George Stephen responded on behalf of the ACS with a pamphlet that claimed that the Liverpool traders wanted to keep West African trade to themselves and were interested in trade without humanity.[33]

Without pursuing this pamphlet war further, I want to make three key points that relate to the Buxton family's conception of the moral economy. The first is that to see Liverpool traders as potentially damaging to Africa was consonant with the broader critique of settler commerce enunciated both in the report of the Select Committee on Aborigines and in written critiques of settler behaviour in South Africa. Sinful settlers and traders needed to be controlled themselves. There was therefore a paradox at the heart of Buxton's view

[31] TNA, CO 2/22, ff. 297–299: Minute attached to Robert Jamieson to John Russell, Liverpool, 11 January 1840.

[32] TNA CO 2/22, f. 301: Robert Jamieson to John Russell, 8 August 1840.

[33] Jamieson, *An Appeal to the Government and People of Great Britain* George Stephen, *A Letter to the Rt Hon Lord John Russell &c &c &c in reply to Mr. Jamieson on the Niger Expedition* (London: Saunders and Otley, 1840).

of commerce as the route to saving Africa. It is noteworthy that the draft treaty that the expedition did in fact sign with two chiefs in what is now Nigeria stated as its three objects that there should be 'peace and friendship', that the slave trade should be 'put down forever' and that the two peoples concerned should trade together 'innocently, justly, kindly, and usefully'. But how to ensure that commerce was innocent and trade kind? Evidently for Buxton the solution was that Africans needed to become Christian; they also, like sinful settlers, in fact needed a degree of metropolitan oversight. I think that for Buxton conversion to Christianity would lead to a parallel conversion to his particular vision of the moral economy.

A second point is that the profitability of Sierra Leone was in fact central to Buxton's arguments. He was continuing the long-standing abolitionist support for Sierra Leone as an exemplar of Christianity and civilization. Thomas Clarkson was an important interlocutor as Buxton drafted his book, for example, and had strongly urged Buxton to insist on British possession of territory in Africa. Despite acknowledging problems with Sierra Leone, Buxton argued consistently that it produced one-third of African commercial produce for the export market. Tellingly, in *The Remedy* he attributed the problems of Sierra Leone in part to poor management: Sierra Leone had been subject to too little colonial oversight of the wrong sort, not too much, as Jamieson argued. Sierra Leone mattered so much in these debates because it was a Christian colony. Beyond the level of rhetoric, it is striking that in practice the Niger Expedition relied heavily on Sierra Leoneans, who served as sailors, translators, settlers on the model farm, artisans and even missionaries: Samuel Crowther, the first African Anglican bishop, of course cut his evangelizing teeth on the Niger Expedition. Admiralty plans suggest that Sierra Leonean expertise was in fact indispensable; Sierra Leonean missionaries supported the effort; the expedition translators, about whom not enough is known, seem to have been enthusiastic interlocutors. One might even recast the expedition as being designed to extend commercial preference to Sierra Leonean Christians, who would be given a wider scope for commercial and evangelical activity under the protection of the British crown. In this sense, there was West African input into the project.

A third critical point is that the success of the expedition depended for Buxton, as I have argued here, on the acquisition of territory over which the British Crown could exert sovereignty. This gave rise to a passionate debate in the Colonial Office and to some extent in the public sphere. In a caustic memo, Under-Secretary Vernon Smith sought to persuade his superiors that Buxton was misguided. Among Vernon Smith's comments was the remark that as far as he could tell 'the Quakers, who are ready to embark in this enterprise, [run?] a distinction very perceptible to them, however obscure it may be to others, between defending themselves by arms and being defended by the arms of the Government – the first being a crime -the second an indispensable privilege'. He also minuted (I think he was joking) that if sovereignty were truly desirable,

'I doubt whether it would not be more effectively gained by the old habit of silent and progressive encroachment (not using that word in the invidious sense of fraudulent and violent acquisition) than by a bold exposure at once of a design which, however virtuously conceived, will hardly pass for virtuous with those who may hear of it.' In sum, the Niger Expedition raised difficult issues about what a moral economy might look like, in an era of genuine debate over colonialism, free trade and the universality of Christian claims.

Private Goods: Religion, Class, Gender

Despite these comments, the Niger Expedition does not in fact make most sense as a crypto-colonial exercise, although it certainly could be described in that way. It needs rather to be placed in the context of the religious and class assumptions of its progenitors. This includes paying attention to theology and eschatology. The plan was produced in a hothouse family atmosphere. A lot of the supporting material was written by Priscilla and by Anna Gurney. Buxton also lent heavily on Priscilla's husband, Andrew Johnston. Buxton sometimes asked these family members to provide arguments for assertions about which he was not himself well informed. In turn, Buxton's family members assumed that he was acting under the direction of God, and therefore that it was morally imperative for the family to operate as a whole, animating by a common moral purpose. For Priscilla, the Niger Expedition was, in my view, part of a larger reimagining of the world as being remade by family virtues. In this case, African chiefs would enter the family of contracting states through making trade treaties with the British. They would be domesticated and would abjure the cruelties of the slave trade. The Christian captains who led the expedition were susceptible to female discipline and they brought with them British domestic virtues.

The negative image of the anti-slavery humanitarians – of whom Buxton became a symbol – as out-of-touch and as opponents of the interests of British people themselves had deep roots in the transimperial debates of the 1830s. At the same time, tension was revivified by the Chartist struggles of the 1830s and early 1840s. A meeting to support the ACS, attended by many members of the Buxton-Gurney family circle, was disrupted by Chartists in 1840, for example. Katherine Fry reported in horror on Chartist attacks not only on class privilege broadly but more specifically on the notables in the Buxton–Gurney circle supporting the meeting and the Anglican bishop. As was common in Chartist rhetoric, speakers who disrupted the meeting insisted, in Fry's words, on 'their rights – these rights were universal suffrage – equal division of property – the destruction of kingcraft & priestcraft – five millions are working for twenty-five millions – & the repeal of the poor laws – all the poor in workhouses are slaves & the workhouses should be destroyed'. Robert Hewitt appealed to Gurney to go to a workhouse door to see young women forced out at 6 in the morning

'supping pig wash out of troughs like pigs – was that not slavery?'. The crowd yelled 'why don't you ask us to a pic nic Mr Gurney', and called for '3 groans for the Whigs of Norwich', ultimately pushing forward and trying to rush the platform. 'But oh! How wicked & unwise are those who excite such turbulence & how prudent to suppress the first beginnings,' opined Fry, who saw parallels with the eruption of violence during the French Revolution.[34]

If class played an important role both in Buxton's imagination of Africa and in tensions in Britain over abolition and the Niger Expedition, religious belief was even more central. The expedition was understood in eschatological terms: it was the will of God, and Buxton and his family were the agents of God's will, just as had so clearly been the case in the abolition of the slave trade and in the fight for justice in South Africa. As such, it was their moral duty to suspend uncertainty. In the face not only of opposition but also of what seem to have been some doubts himself about the feasibility of the expedition, Buxton leant heavily on faith. His letters are strewn with references to biblical texts that extolled waiting on God, and the importance of prayer. He clearly believed himself to be acting in accordance with the will of God, and frequently referred to prayer. He used the example of the slave trade to indicate that the path that had to be followed by God's servants often looked impenetrable; the only solution was entire trust in God. 'I can commend thee to nothing better than the calming, guiding, qualifying touches of the power of God,' urged fellow evangelical and Quaker abolitionist Joseph John Gurney. 'How often have these touches come upon thee in the silence of [the Quaker] Westminster Meeting, where, if I mistake not, the true seeds were sown of the abolition of British Colonial Slavery!'[35]

Communal prayer was also deployed to support the expedition. Particularly crucial were concerts of prayer, which even as late as the 1860s were still organized by the government, even if it was a declining practice thereafter; such concerts of prayer had also been used to support the missionary movement and to pray for the abolition of slavery.[36] The evangelist James Haldane Stewart, who organized concerts of prayer on the first day of every year, included prayer for the Niger Expedition in 1841, in addition to prayer that the Lord might permit the Jews to return to Israel in order to hasten the millennium.[37] As I discuss in more detail later, Priscilla organized her own national concert of prayer, as

[34] TFB, vol. 20, ff. 37–43: Katherine Fry to Louisa Pelly, Earlham, 19 November 1840.

[35] Rhodes House, Oxford, Thomas Fowell Buxton papers: J.J. Gurney to Thomas Fowell Buxton, Darlington, 18 December 1840.

[36] Philip Williamson, "State Prayers, Fasts and Thanksgivings: Public Worship in Britain 1830–1897", *Past and Present*, 200 (August 2008), 121–170.

[37] NCRO, UPC 235, 643 x 1, Charlotte Upcher, scrapbook "Niger Expedition. CU": James Haldane Stewart, "Invitation to United Prayer, for the outpouring of the Holy Spirit, on Friday the 1st of January, 1841, being the first day of the new year" (clipping).

well as writing a passionate pamphlet that drew on the full panoply of abolitionist rhetoric. She wrote to her mother that on the day of collective prayer she had successfully explained the Niger Expedition to the servants: 'I made such a luminous exposition of the whole subject to my maids as quite to clarify my own mind & the dear children were quite touched too.'[38]

As this example suggests, including Priscilla's need to have her own mind 'clarified', the expedition was designed in a paternalistic closed family circle bound together by religious practice. Priscilla also heavily edited her father's *Remedy* and wrote at least some of the material of the ACS. Thomas Fowell tended, however, to mobilize family members to find evidence that would reflect his preconceptions: in one example, he asked for proof that the coast of Africa was in fact healthy for Europeans, in the face of criticisms that the expedition was sending white men to their graves. The expedition could be seen as an effort to moralize and reform a sinful world, reflecting the concern of reformers such as Priscilla to extend domestic virtues into the dangerous world of commerce and politics.

Family members kept abreast of the progress of the project towards realization, as well as following its early days. Thomas Fowell Buxton brought his family, including children and cousins, to the House of Commons in order to witness a demonstration of the machine that was to dispel bad air during the Niger Expedition. Unfortunately – and perhaps tellingly – the machine did not work properly and belched smoke into the House of Commons, forcing the family and other observers to flee to the House of Lords. This nicely symbolizes both the ownership that the family took of the project and larger ownership that they took of the House of Commons, a space in which the children were clearly at ease.

Another way in which the Buxton circle took ownership of the Expedition was through chronicling it. Recording was an activity that was gendered female, as we have seen in the multiple letters that Priscilla Buxton and other women wrote to chronicle the progress of struggles over abolition and over South African politics, as well as the care with which Anna Gurney and Sarah Maria Buxton maintained family archives. A notable example was a scrapbook begun by Charlotte Upcher, a member of another Norfolk humanitarian family with whom the Buxtons cooperated closely.

Upcher kept a commonplace book of the Expedition, clearly designed to chronicle its triumphs. The words 'Niger Expedition' were embossed in gold on the front cover. She kept pamphlets, notices of meetings and newspaper clippings, as well as transcriptions of letters from members of the expedition. The first item was the prospectus of the Society for the Extinction of the Slave Trade and for the Civilization of Africa. It included a blank subscription form, with a list of men prepared to receive donations that echoed the shape of family

[38] TFB: Priscilla Johnston to Lady Buxton, Halesworth, 9 November 1840.

networks, particularly family networks involved in both banking and abolition: the treasurer was J. Gurney Hoare, while others willing to collect donations included 'Mssrs. Barclay, Bevan and Co; Mssrs Banett, Hoare & Co; Mssrs Drummond; Mssrs Hanbury, Taylor & Co; Mssrs Hankey; Mssrs Williams, Deacon & Co; secretary Rev J.M. Trew'. The names of these banks and private companies reflected both the personal family networks in which the Buxtons were embedded, whose members included many of Priscilla's female friends and relatives, and the networks of bankers who at this point were key financial players in the British economy. The Gurneys, the Barclays, the Hoares and the Hanburys were all banking families. They all had some form of Quaker roots, they had all collaborated in the abolitionist cause, and they all knew one another and both socialized and prayed together. The male and the female networks of these families overlapped. Charlotte Upcher was therefore recording both a social and an activist network as she tucked this prospectus with its list of financial sponsors into her gold-embossed scrapbook.

Upcher also collected accounts of calls to prayer in support of the Niger Expedition, including a one-page double-sided document written by Priscilla to support her own call to prayer. This presents another example of the women in these linked family networks preserving one another's political writings. This document appealed for sympathy for the suffering of slaves during the middle passage, particularly children who, by implication, had been removed from the protective sphere of their families, underscoring slavery's destruction of family: 'Imagine the untold horrors of the Middle Passage – the shelves of human beings, with their heads pressed between their knees for want of space either to sit upright or lie at length – the stench – the thirst – the groans of the dying – the weak cries of the tortured children – the scene of almost unmingled misery and despair!' Given the difficulty of ending the slave trade, the expedition was an attempt to influence Africans where Europeans could not be coerced, aiming to convince 'Native Princes' of the 'impolity' as well as 'wickedness' of their course. This was an emotive appeal that drew on the well-established rhetorical tropes of the abolitionist movement on which Priscilla had cut her political teeth. The pamphlet also referred to the valuable openings being created for teachers, most to be drawn from 'that people so providentially preparing for this work, – the emancipated Negroes of our West Indian Colonies'.[39] Again, one sees a typical assertion by a seasoned abolitionist that converted and educated former slaves could themselves spread education and the Gospel in turn. In all of these ways, there were personal linkages between abolitionist families supporting the project, as well as political continuity between the recently completed campaign for emancipation and this new project to introduce virtuous commerce through West African treaties.

[39] NCRO, UPC 235, 643 x 1, Charlotte Upcher, scrapbook: [Priscilla Buxton], "Niger Expedition".

Elsewhere in the scrapbook, a list of donors and subscribers in Norfolk to a local auxiliary of the Society for the Extinction of the Slave Trade and the Civilization of Africa continued the theme of family ties. Donors included Mrs Jane Gurney, Henry Birkbeck (another abolitionist Quaker), Daniel Gurney, Catherine Gurney, Thomas Fowell Buxton, J.J. Gurney, 'Miss Hancock' and S. Foster (the latter two family friends), in addition to the Anglican Bishop of Norwich. This was a formidable phalanx of the Norfolk abolitionist elite, and it is perhaps not surprising that local Chartists found them a tempting target.

Upcher also included an untitled handwritten poem, possibly written by herself. It begins: 'Poor Africa's sons, we are trying to raise, / By the blessing of God, in these later days.' The poem references the personal work of Fowell Buxton who had 'by the Spirit of God, / Made known the sad traffic in African blood, / The soul thrilling subject, himself hath made plain / and directed the system to blot out its stain […]'. In this perspective, one might see abolition and the Niger Expedition almost as a form of family activity, or at the very least as a highly personalized form of politics, to which Charlotte Upcher, like other members of activist families, might justifiably feel she had a front-row seat. The poem ends by proclaiming:

> The Vessels provided, and ready to ply,
> When crossing the seas will be under God's eye.
> We'll give them the Niger, its waters He'll raise
> To accomplish His purpose, to Him be the praise.[40]

The sense of the scrapbook as an insider's account, it would appear designed both for posterity and for family consumption, is also apparent in Charlotte Upcher's private memoranda and in her extracts from private correspondence from key players. She attended the first meeting of the Society in Exeter Hall, participated in a 'Niger Party' dining at 'Brick Lane' (where Thomas Fowell Buxton's brewery was located), and recorded Buxton's private discouragement in the face of criticism from *The Times* and attacks by Chartists. She also reproduced an extract from a letter from Captain Trotter's wife, reflecting the importance of female correspondence networks in maintaining political ties and in moving group projects forward. 'I cannot feel anxious or unhappy about him,' Trotter's wife Charlotte wrote, 'for he takes all his measures with such caution and consideration & desires so entirely to be guided by wisdom from above, that I am satisfied that God's own faithfulness is pledged to keep him in all his ways.'[41]

Upcher continued to reproduce extracts from the correspondence of the ship captains as the expedition began to wend its way down the Niger at

[40] *Ibid.*: untitled poem.
[41] *Ibid.*

last, announcing high spirits and hopes for the conversion of Africa. She was clearly, however, unable to maintain the commonplace book in the face of the death and disease that rapidly overtook the expedition. She did not go far in documenting the expedition's collapse, but the last letter she excerpted hinted at the problems to come. Chillingly, a copy of a letter from Captain Trotter to Sir Thomas Fowell Buxton, concludes:

> We have a slight case of African fever a black man – & W [the ship Wilberforce] has another also black – with these exceptions & one convelst [*sic* – presumably convalescent] on board W. we are all thank God in the enjoyment of good health & excellent spirits & every thing going on prosperously as the season is decidedly a healthy one as far as I can judge.[42]

The remainder of the book consists of blank pages.

The expedition was also domesticated as a family project through social activity, even as such activity also conversely lent a domestic Christian stamp to the expedition. The members of the expedition might be seen as exporting the virtues exemplified in the Buxton and Gurney homes. In this sense the personal and the political were closely intertwined, and the women of the family performed political virtue. Most significantly, before the departure of the ships, Buxton hosted a large dinner party for the three ship captains and some selected officers. This was a largely male gathering. Some women from the Buxton and Gurney families were nonetheless present, including Ellen Gurney who chronicled the event in a family letter, and Priscilla's aunt, Elizabeth Fry. Contravening early nineteenth-century gender expectations about public speech, although arguably not Quaker norms, Fry prayed aloud for the assembled men. This was striking enough for Ellen Gurney to comment on the role reversal in a room filled 'chiefly with men'. 'I do not remember', she wrote, 'ever to have been more struck with any company, the young man & the strong man, the veteran and the hoary headed, all bowed under the solemn truths of the gospel poured forth in sweet accents from a woman's mouth.'[43] This was, then, a vision of men being tamed by the 'sweet accents' of a woman's voice telling gospel truths: the gospel made gender inversion possible. Not only that, but Ellen Gurney hinted that Fry had a superior spiritual knowledge symbolized by her beautiful voice, creating a moment of British domesticity before the hard work of the expedition in the unknown waters of Africa. This vision, of men bowed under the 'sweet accents' of gospel truth from a 'woman's mouth', imagined the Expedition as a female venture.

The expectations of the family were rapidly dashed. The belief that the innovative ventilation system would expel the 'bad air' that was thought to be the cause of the often fatal illnesses experienced by white men in West Africa

[42] *Ibid.*: "From Captain Trotter to Sir Fowell Buxton – Augt 20 1841" (copy).
[43] TFB, vol. 20: Ellen Gurney to Miss E.S. Gurney, Upton, 23 March, 1841.

proved to be illusory; mosquitoes were able to spread disease undeterred. It was not to be until the discovery that quinine was a prophylactic against malaria that Europeans without prior immunity were able to live readily in West Africa (although even then death rates from malaria would continue to be very high for both Africans and Europeans).[44] Within the next two weeks, the other two ships would be so overcome by illness that both had to return. Captain Trotter continued to battle down the Niger until October, but then became ill himself and had to return. Among the Europeans on the voyage, who had no acquired immunity to African diseases, 130 of 150 men fell ill and 42 died, including one of the three godly captains.

The three ship captains kept diaries that were later published by parliament as part of an inquiry into what went wrong with the expedition.[45] At first, sickness on board ship was seen as relatively trivial. As illness spread, however, the commissioners began to argue about what to do. The chief commissioner William Cook was adamant that the ships should not turn back. Rather they had a duty both to continue the expedition and to ascertain the welfare of Alfred Carr, who had been left in charge of the model farm. William Allen insisted on turning back in the face of mass death. In the meantime, one of the other captains, Bird Allen, died. William Allen and Cook, brought their dispute back to Britain as Cook accused Allen of gross dereliction of duty.[46] A further twist of the knife for Buxton came from the fact that one of the steamships was rescued by Jamieson's own boat, the *Ethiope*, captained by John Beecroft. Jamieson had, as we have seen, written both privately and publicly to oppose the expedition. Over half the crew members of the two worst-affected ships died. In practical terms, it was manifestly obvious that the modern ventilation system did not turn back the bad air assumed to be the root of the problem. On a different level, the intellectual and perhaps even spiritual blow to Buxton and to his family members was enormous. Why had God, who had so supported the abolitionists in their past fights, not similarly blessed the Niger Expedition? The death of Bird Allen was a particularly difficult blow.[47] Given the scepticism of the Colonial Office administrators even as the expedition was being set-up, as well as the high-profile public criticism of *The Times* and of the West African palm oil traders, the impact of the failure was magnified. Buxton was never again influential on colonial affairs. He died relatively shortly thereafter.

[44] Philip Curtin, "The End of the 'White Man's Grave'? Nineteenth-Century Mortality in West Africa", *Journal of Interdisciplinary History*, 22(1), Summer 1990, 63–88.

[45] TNA CO 2/24: journals of Captains Allen, Cook and Trotter; *Papers concerning the Niger Expedition, Lagos and Surrounding Territories, 1840–1887, British Parliamentary Papers*, vol 63 (Shannon: Irish University Press, 1969).

[46] For example, TNA CO 2/23, f. 183: William Allen to Lord Stanley, Pimlico, 10 November 1842.

[47] TFB, vol. 20, f. 430: Priscilla Johnston to Anna Gurney, 20 January 1842.

Despite this very public failure, before the collapse of the expedition, treaties were in fact made with the Obi Ossai of Aboh, as well as with the chief of Idah, the capital of the Igala kingdom. The Ata of Idah also ceded a tract of territory, although the Colonial Office would refuse to acknowledge this cession. At this time, Aboh and Idah controlled much of the trade on the lower Niger. Ossai, the Obi of Aboh, headed a particularly powerful trading kingdom and may well have been eager to access lucrative European trade directly, cutting out the intermediary chiefs of the Niger Delta and thereby taking a higher cut of payments for palm oil. The elites of Aboh and Idah may also have been motivated by growing pressure from the expansion of the Sokoto Caliphate, within whose sphere of influence they fell, to seek more direct trading relationships with the British. Ebere Nwaubani surmises that the Ata of Igala ceded territory to the Niger Expedition in a region that had recently been sacked by the Fulani of the Sokoto Caliphate in the hope of obtaining British military assistance against the Fulani.[48]

The commissioners' reports of actual negotiations are quite revealing in the very blankness of their detail. Captain Allen recorded this exchange, for example:

> Captain *Allen*. – What produce can Obi give in exchange for English goods?
> *Interpreter*. – The King says, he is willing to trade in palm oil, ivory and slaves.
> Captain *Allen*. – The English are averse to the slave trade: they do not like men who sell and purchase one another: let Obi cultivate things that will not grow in England, and English trade-ships will bring produce that is foreign to Africa.
> Mr. *Cook*, Commissioner. – We wish to do away with the slave trade, which is unnatural and against the law of God: we wish you to learn our books and principles, which are those of an enlightened nation.
> *Interpreter*. – King Obi promises to give up the trade in slaves. (Here Obi again snapped his fingers)

The Obi was reported as wishing to know if the other ships could make their way up the river, weaving this in to a discussion of the lack of economic sense of selling people rather than using them for labour. He inquired if the British had brought trade goods. Illustrating nicely the confusions that Jamieson had predicted, Allen responded that 'The Queen's ships never carry trade goods, but the Queen has sent a handsome present to King Obi should he consent to agree to the Articles of the Treaty, which will be laid before him for consideration.'[49]

[48] Ebere Nwaubani, "The Political Economy of Aboh, 1830–1857", *African Economic History*, 1999, no. 27, pp. 93, 107–109 and *passim*. Obi was a royal title. In his diary, William Allen calls Obi Ossai 'King Obi'.

[49] TNA CO 2/24: Report of Captain Allen, f. 141.

This negotiation was preceded of course by years of preparation in Britain, and humanitarians believed in its efficacy. But the power of contract was surely in many respects a fantasy: the slave trade would be abandoned for more substantive and long-term commercial reasons and not because of a treaty with steamship captains. However, even if this treaty did not long survive, treaties in multiple other colonial contexts became legal documents with long and complicated afterlives and constantly mutating significance. The Niger Expedition involved truncated and ineffectual treaties, but the process of attempting to make them underscores the growing significance of consent in the humanitarian political imagination. This would prove a point of convergence with moral colonialists seeking long-term stability as a solution to imperial problems, and thus a key entry point into full-fledged colonialism.

I would suggest, in sum, that the Christian humanitarianism of the 1830s, at least of the kind espoused by Thomas Fowell Buxton and other influential abolitionists and Indigenous rights activists, already included the seeds of support for colonialism. This was not, however, primarily for cynical or materialist reasons, even if Buxton did think that investment in Africa would ultimately be profitable. Rather, Christian precepts suggested the value of territorial sovereignty in Africa, while the belief that God was speaking to His agents was a powerful motive for action. Supporters of the Niger Expedition, such as Charlotte Upcher and Priscilla Johnston, believed that this was God's next move to alleviate the sufferings of Africa, and that God wanted the British to save Africa through actions we would now see as colonial. In this sense, the seeming paradox of the decline of humanitarian influence and the rise of colonialism may not be such a paradox after all. Debate about Indigenous peoples and debate about West Africa might in the end be brought into the same conversation.

Conclusions

None of the histories that this book has been following ended at some neat point. Nonetheless, the early 1840s do perhaps mark a more appropriate place than others in which to end, for a number of reasons. For one, colonial states were already moving to a degree of self-government by the 1840s. The rise of the settler-run state, while hardly removing family power, strengthened its competitors – even as the power of settler families might be folded into white 'state' power, as the example of the 'Family Compact' in Upper Canada suggests. Tellingly, however, struggles over the power of the Family Compact would occur in the context of competition over control of the state and the extension of settler democracy. Indigenous peoples became less visible to white settler politics as settler numbers exploded.

Overall, despite a significant institutional legacy in programmes to 'protect' Indigenous peoples, the heyday of activist humanitarian influence in London political circles that had served to create some points of political liaison was in decline by the 1840s, with the abolition of slavery and subsequent disillusionment with the post-emancipation sugar islands, even as the rise of theories of biological racism further justified the marginalization of Indigenous peoples.[1] In New Zealand, the Treaty of Waitangi was signed in 1840. As a foundational document in New Zealand, its meaning remains subject to interpretation, not least because of discrepancies in the Maori translation of the vexed word 'sovereignty'. From a British perspective, however, it aimed to forge a wide-ranging pact between Britain and Maori chieftaincies that would enable peaceful colonization. In the Canadas, the Bagot Commission reported in 1844 and recommended a policy of creating sedentary farmers from Indigenous hunters. In 1847, in Tasmania, the forty-seven survivors of the group that had been confined on Flinders Island were transferred to Oyster Cove; by 1876, they

[1] Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830–1867* (Chicago: University of Chicago Press, 2002); Catherine Hall, "Competing Masculinities: Thomas Carlyle, John Stuart Mill and the Case of Governor Eyre", in Hall, *White, Male and Middle Class* (New York: Routledge, 1992), 255–295; Nancy Stepan, *The Idea of Race in Science: Great Britain, 1800–1960* (Basingstoke and London: Macmillan, St. Antony's Series, 1982).

would all be dead, without leaving surviving children. Similarly, in New South Wales and Victoria, emergent white settler states ceased to pay much attention to Indigenous people as military adversaries, or as independent entities that needed in some capacity to be treated with. In South Africa, colonial administrators tended to take Khoekhoe loyalty for granted; Khoekhoe participation on the Xhosa side during the war of 1850–1853 would come as a significant surprise. As this example illustrates, violent conflict with Indigenous peoples was in no sense over by the 1840s, as the Taranaki Wars in New Zealand further instantiated. Nonetheless, colonial bureaucracies tended to focus on white settlers and to see Indigenous peoples as in need of 'protection', or in need of education – whatever they were in need of, it was not sovereignty. Nor were they widely perceived as potential kin.

Of particular importance to the families discussed in the book were the twin events in 1841 of the Niger Expedition and the reduction of Grand River lands in the immediate aftermath of the Act of Union between Upper and Lower Canada.[2] The Canadian administration, acting with the sanction of London, put into practice the now conventional belief that Indigenous people should, for their own good, be compelled to become as sedentary as possible with assistance in the form of schooling, agricultural implements and medicine. A group of men were persuaded to sign documents signing over the bulk of the lands of the Six Nations at Grand River for sale by the colonial state, with monies gained to be held in trust and to go towards projects for 'improvement', including Christianization and education, of the Six Nations. This may have been seen by the colonial administration as a victory, but it was certainly a crisis for many in the Six Nations. There was immediate resistance, with the claim that the signatories had not been authorized to sign away property and were violating norms of Six Nations governance. In the short term, Haudenosaunee were able to obtain the return of a small part of the lands in question, but the long-term result was the forced sale of land in the teeth of anger and resistance by most in the settlement. It was a difficult beginning to relationships with the embryonic political entity that would eventually become Canada. It is noteworthy, however, that this could be presented as a humanitarian process. In the meantime, the ambitious goals of the Niger Expedition also constituted an experiment in social engineering with linked humanitarian and economic aims.

These two crises had some similar characteristics, even though the Grand River land grab was typical of events generally opposed by Buxton's Select Committee on Aborigines. In West Africa, the Niger Expedition, sponsored

[2] Charles Johnson (ed.), *The Valley of the Six Nations: A Collection of Documents on the Indian Lands of the Grand River* (Publications of the Champlain Society, Ontario Series, volume 7, 2013); Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017).

by the Buxton family, sought to convert West African chiefs to the abolitionist cause but foundered spectacularly, with the death from disease of many participants. In Canada, at Grand River in the immediate aftermath of the Act of Union between Upper and Lower Canada, the local colonial state, acting in the name of improvement, dramatically reduced the lands held by the Six Nations at Grand River in the teeth of local resistance. Although one might be applauded by the Buxton family and the other opposed, both were at heart efforts to intervene in other societies in the name of humanitarianism with a hidden (or not so hidden) financial benefit. They were both rooted in the promotion of agricultural improvement and economic transformation, as well as the related belief that agricultural improvement and being sedentary were keys to 'primitive' groups becoming 'civilized'.

Important imperial actors in both cases were impelled by the long-standing idea of improving the morality of other people through using imperial power to change the economy, reflecting the prevalent idea that the right kind of economy promoted social virtue. This was a way of thinking not only about the morality of individuals but also more broadly about the morality of societies as a whole, something that political economy in its early phase was widely held to be capable of addressing. The Niger Expedition of 1841–1842 sought to promote virtuous commerce and the abolition of the slave trade. As I have argued, if the aims of the expedition were genuinely humanitarian, the Buxton family and their collaborators urged the purchase of a significant tract of land that could be held by British capitalists in order to develop cotton plantations – the classic form of business-driven imperialism. This was explicitly based on distrust of the capacity of Africans to administer such projects in a 'civilized' manner. This template of using the power made possible by the British empire to ends seen as humanitarian would of course be widely deployed in the subsequent scramble for Africa.

Although there was a significant difference between a diplomatic expedition to African territory and the colonial effort to control an internal population, both were seen as promoting civilization. They might also both be cast as attempts to protect vulnerable populations: the Niger Expedition directly tried to prevent the enslavement of Africans, while Canadian officials claimed (however disingenuously) that they were protecting the Six Nations against their incapacity to defend their land against squatters. The language of protection, so central to Buxton's work, wormed its way into the imperial vocabulary. The rise of the 'protection' of Indigenous peoples was in fact coeval with the rise of the settler state

Both crises illustrate the ascent of a conception of humanitarian colonialism that was, at its heart, coercive, even if its progenitors would not have seen it as such. In this sense, they provide an ending of sorts to a book that has explored the emergence of a particular vision of colonialism and the transition from family-based power to more overt state control in diverse areas of the world

under British influence. They also illustrate a shift from the physical violence (often covered-up) that we have traced across every settler frontier that this book has examined, to a different kind of legal coercion, openly maintained by state bureaucracy.

These years also provide a possible ending – or perhaps at least a narrative caesura – in the histories of the families we have been examining. It is of course impossible neatly to wrap up the histories of families, which by their nature wend into the future along multiple unpredictable branches. Nonetheless, one might see in the Niger expedition a failure of the family politics that had been so important to Priscilla Buxton and her father. At the same time, the reduction of Grand River lands arguably marked a repudiation of the politics of 'family' alliance espoused by the Indian Department, and certainly a significant decline in Brant family power. In both contexts, at different ends of the world, the mutual entanglement of family and state power arguably persisted but shifted significantly in the direction of colonial bureaucracies. Even if those bureaucracies would continue to be affected by powerful families for many years, their form would be more ostensibly determined by state policy and by settler democracy. The tail end of the decade, 1849, was also, as it happened, the year in which Saxe Bannister made his first of three applications to the Royal Literary Fund, a charity that provided emergency relief to destitute writers.[3]

It might also be significant that in 1843 the British declared a colony in Natal. This was, as we have seen, something for which Saxe Bannister had been arguing for many years. He seems to have been taken by surprise by the announcement of its foundation: he wrote to the fifth Duke of Richmond to announce the news with the statement that he had just heard of the creation of the colony. Like the Niger Expedition and the reduction of Grand River lands, the foundation of Natal had at least the veneer of humanitarianism: in theory at least it could be seen as protecting the interests of Africans, notably the Zulu, against the Afrikaners who had come flooding into the region from the Cape Colony, and had already come into violent conflict with the Zulu Kingdom.[4] The veneer of humanitarianism was, however, even thinner at Natal than at Grand River. It did not take long for British entrepreneurs to try to establish cotton plantations in Natal, and to import South Asian indentured labour to work them. Segregation and racialized laws were in play in Natal from the early days. In this sense, Natal was part of the turn to more formal, state-run colonialism that also characterized the union of the Canadas, the coerced incorporation and attempted assimilation of Indigenous peoples, and the gradual colonization of West Africa. It too arose from the events described

[3] British Library, LOAN 96 RLF, 1/1235: Saxe Bannister.

[4] Leonard Thompson, *The Political Mythology of Apartheid* (New Haven, CT: Yale University Press, 1985).

in this book and was initially carried out in the name of bringing order to disordered regions of the world – a project to which the Bannister brothers made a significant contribution.

In the midst of caesurae, there were also continuities. In many ways this has been a book about violence: how it was managed, how it exploded constantly across colonial frontiers, how it shaped colonial possession. It would be tempting to create a dichotomy between peacefulness at the imperial 'centre' and violence on colonial frontiers. This book has after all moved from the large-scale violence on colonial frontiers, from massive imperial conflict in North America and the fraying military alliance between the British and Indigenous peoples, to the quotidian violence of South African labour conflicts to the frontier killings of Australia, to the peace-making efforts of the Buxton-Gurney circle in Britain. However, any such dichotomy would be too simple. The violence of the frontier depended at a minimum on the acquiescence of those at the 'centre', and more generally on their active support for colonial settlement and for pursuit of gain from colonial goods. Making empire 'moral' did not make it less violent.

Andries Stockenström, the South African administrator whom we have seen playing ambivalent colonial roles, said as much when reflecting later in life on his experience with the philanthropists of London, including Thomas Fowell Buxton:

> In fact what I soon felt myself convinced of even then, when I for the first time found myself on European soil, and what so much experience has since confirmed, is the lamentable fact that with thousands upon thousands of our 'hangers on' the 'outsiders' the 'Auxiliaries' of the said Societies, those who merely swell the lists of members, and with millions of the go-a-head Anglo-Saxon masses, the question is not, whether it is right or wrong, Christian or brutal, to kidnap the negroes, pack them like herrings in a tub, suffocate half during the middle passage, and build cities out of the remainder – I say, with the majority the question is not whether it is right or wrong, Christian or brutal, to plunder, massacre and exterminate the Irish Celt, the Red Indian, the Hottentot, the Kaffir, the Hindoo, the Burman, the Chinaman, and the Japanese, but the simple question is '*will it pay*'. If so, it must be the work of a beneficent providence![5]

Stockenström was gentler with the abolitionists to whom Thomas Pringle introduced him, including Buxton, William Allen and Macaulay, 'whose genuine piety, benevolence and Christian spirit inspired me with that respect, veneration, and affection with which I have never ceased to think of them'. Nonetheless, he noted:

[5] C.W. Hutton (ed.), *The Autobiography of the late Sir Andries Stockenstrom, Bart, Sometime Lieutenant-Governor of the Eastern Province of the Colony of the Cape of Good Hope*, vol. 1 (Cape Town: J.C. Juta, 1887), 423–424.

> it would at the same time be a serious mistake to take it for granted that these sentiments and principles are universal, and that even among those who nominally attach themselves to 'religious and humane societies' there is not mixed up a great deal of that which cannot be more significantly and truly characterized by a phrase, which once was considered a very vulgar sound to ears polite, but which of late years may often be heard whispered by the delicate lips of the fashionable part of the softer sex.[6]

Despite his self-identification as a British citizen, Stockenström was also writing from an Afrikaner perspective of 1860. This was scarcely a neutral perspective, but from the heart of the philanthropic camp of the mid-1830s it is still revealing. Namely, Stockenström captured something important about the mutual support offered by imperialism and moral crusades, and the role of self-righteousness in maintaining brutal power relationships, even as he also acknowledged the real humanity of some who struggled with difficult issues.

This ambiguity has been a central theme of the book, with its focus on the grey zones of colonialism. This study has provided a snapshot of colonial violence at a variety of points in time and from a variety of angles in the British world, and argued for their interconnection, including the entanglement, however deeply paradoxical and inadvertent, between humanitarianism and colonialism. In all the families we have looked at, 'family' stories have constantly intersected with stories of violence. The fact that this is the case of course in part reflects my choice of families. At the same time, violence occurs in the sources because violence was pervasive in the settler empire of the late eighteenth and early nineteenth centuries, albeit in different ways at different times and places, and sometimes hidden from the comfortable metropolitan gaze.

We might then use the stories of the families explored in this book to trace a larger history of colonialism and Indigenous peoples, on the one hand, and a history of colonial violence, on the other. In the late eighteenth century, as the example of Joseph Brant suggests, British imperialism and colonialism depended heavily on mobilizing Indigenous allies to fight in European wars, as had long been the case with early modern European empires. This functioned in part through family biopower. Indigenous allies were needed for economic reasons in North America, but also for their capacity to fight. Many people did not have a choice about avoiding these demands in the pressure cooker of the American Revolution. At the same time, this pattern caused anxiety and resentment among white settlers, and was one among many factors used to argue that the imperial centre was acting with brutality and violence against

[6] *Ibid.*, 423.

its own settlers. White settler democracy was predicated in part on separating whites from Indigenous people and constructing systems of white supremacy. This pattern held true in southern Africa and in Australia as well, despite the small efforts of men such as Saxe Bannister to bear witness to atrocities and to suggest, however quixotically, alternative futures. Such futures would need, in the end, to be seized from below.

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