# FORUM

## An Elm Tree at the Yarra River? Batman's Treaty as a Nexus of Settler-Colonial Space|Time

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**ABSTRACTS**

Drawing on the example of Batman's Treaty, the only land cession treaty between Aboriginal and Torres Strait Islander peoples and British settlers, this article reconstructs the processes, discourses and networks at the local, regional, and the British-imperial level that gave rise to a specifically Anglophone settler-colonial space|time. It focuses on the role of two Quaker ministers, James Backhouse and George Washington Walker, who travelled to Australia between 1832 and 1838. Shocked by the genocidal violence on the frontier, they advocated a treaty settlement with Australian First Nations following the example of their fellow-Quaker William Penn, who allegedly concluded a peace treaty with representatives of the Lenni Lenape (Delaware people) under the canopy of a large elm tree in 1682. The ministers convinced decision-makers both locally and in London of the value of such treaties, and thus spread the idea of a settler-colonial space|time, which (regardless of cultural and socio-ecological specificities) extended from Philadelphia to Port Phillip and lasted for more than two centuries.

Am Beispiel des Batman-Vertrags, des einzigen Landabtretungsvertrags zwischen *Aboriginal and Torres Strait Islander Peoples* und britischen Siedlern, rekonstruiert dieser Artikel die Prozesse, Diskurse und Netzwerke auf lokaler, regionale und britisch-imperialer Ebene, die eine spezifisch anglophone, siedler-koloniale Raum|Zeit entstehen ließen. Er konzentriert sich auf die Rolle zweier Quäker, James Backhouse und George Washington Walker, die zwischen 1832 und 1838

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nach Australien reisten. Schockiert von der genozidalen Gewalt an der *frontier*, setzten sie sich für eine vertragliche Regelung mit australischen Indigenen ein, ganz nach dem Vorbild ihres Glaubensbruders William Penn, der angeblich 1682 unter dem Blätterdach einer großen Ulme einen Friedensvertrag zwischen mit Vertretern der Lenni Lenape (Delaware) geschlossen hatte. Die Prediger überzeugten die Entscheidungsträger vor Ort und in London von den Vorteilen einer vertraglichen Regelung und verbreiteten dabei die Idee einer siedler-kolonialen Raum|Zeit, die sich (ungeachtet der kulturellen und sozio-ökologischen Besonderheiten) von Philadelphia bis Port Phillip erstreckte und mehr als zwei Jahrhunderte andauerte.

## 1. Introduction

The bearded elder stands upright in the middle of the group, his right hand resting on the shoulder of a European. In his left is a piece of sod, which he hands to his counterpart. He is wrapped in a magnificent cloak of possum fur. This other man, John Batman (1801–1839), wears a white shirt with a red tie. His shirt shines out against the green and brown background, as does the piece of paper he holds in his left hand. The European opens his hand to receive the piece of soil. The gesture is reminiscent of a ritualized legal act of the European Middle Ages, which sealed a transfer of land with the symbolic handing over of an "earth clod and twig and or blade of grass".[1] The men, thus marked as contracting parties, stand under the canopy of a large tree that dominates the left side of the picture. At their feet, and thus also in front of the tree, lie European goods on light-coloured blankets, including colourful cloths and hand mirrors. A group of Indigenous men watches closely as Batman and his counterpart make the exchange. This is how the painter John Wesley Burtt (1839–1917) imagined the conclusion of Batman's Treaty in the late 1880s, the first and only land cession treaty signed between European settlers and Australian Indigenous peoples.[2] Of the eight elders or *ngurungaeta* listed on the document, four have been identified with certainty: the three Jaga Jaga brothers, namely Burrenupton (the eldest of the three), Billibellary (c. 1799–1846) and Bebejan (c. 1796–1836), as well as Cooloolock (?).[3] They headed clans of the Wurundjeri (also Woiwurrung) and the Boonwurrung, who are still part of the Kulin Nation today.[4]

1 G. Dilcher, Mittelalterliches Recht und Ritual in ihrer wechselseitigen Beziehung, in: Frühmittelalterliche Studien 41 (2007) 1, pp. 297–316, here p. 304, quotation p. 305 [own translation]. The English legal term is "feoffment", see B. Attwood, Possession: Batman's Treaty and the Matter of History, Carlton 2009. p. 44; D. E. Barwick, Mapping the Past. An Atlas of Victorian Clans 1835–1904, Part 1, in: Aboriginal History 8 (1984) 1/2, pp. 100–131, here p. 122.

2 J. W. Burtt, John Batman Signing Treaty (1885), Oil on Canvas, Painted Wood; 125.3 x 271.2 cm, State Library of Victoria, La Trobe Picture Collection, http://handle.slv.vic.gov.au/10381/106364 (last accessed 26.02.2023). Attwood, however, dates the painting to 1892/93 (Attwood, Possession, pp. 163–164, especially footnote 43). For Burtt's biography, see M. Say, Burtt, John Wesley (1 January 2010, last update 19 October 2011), in: Design & Art Australia Online, http://www.daao.org.au/bio/john-wesley-burtt (last access 23 March 2023).

3 Barwick, Mapping the Past, pp. 122–124.

4 Ibid., p. 107.

The contract is dated 6 June 1835 and several copies have survived.[5] It stipulates that the representatives of the Wurundjeri and the Boonwurrung were to receive a one-time payment of "Twenty Pair of Blankets, Thirty Tomahawks, One Hundred Knives Scissors, Thirty Looking Glasses, Two Hundred Handkerchiefs, and one Hundred Pounds of Flour, and Six Shirts" and an annual rent or tribute of "Hundred Pair of Blankets, One Hundred Knives, One Hundred Tomahawks, Fifty Suits of Clothing Fifty Looking glasses, Fifty Pair Scissors and Five Tons Flour". In return, Batman acquired the right to "occupy and possess" the piece of land described in the document in order to raise livestock.[6] In total, Batman claimed some 250,000 hectares of land along the Yarra River based on this agreement, acting on behalf of the Port Phillip Association (PPA), a group of Tasmanian investors and land speculators. Batman's agreement was the starting point for establishing the so-called Port Phillip District (9 September 1836 to 1 July 1851, initially part of New South Wales (NSW), today the state of Victoria, and its capital, Melbourne.[7]

Historians have long doubted the authenticity of this document,[8] although the course of the negotiations is recorded in Batman's diary, first published in 1856 and again in 1883.[9] The diary itself records that the deal was first agreed orally and the goods were handed over. Only afterwards, in the afternoon, did the men identified by Batman as "Chiefs" sign his document. In the process, each handed over a bit of Kulin soil. In Batman's words: "delivering to me some of the soil Each [sic] of them, as giving me full possession of the tracks of Land".[10]

The symbolic handing over of soil, plants, water or food was part of the established legal practice of the Wurundjeri and the Boonwurrung to grant temporary access to Country to strangers (*tanderrum*). Batman's Aboriginal companions, themselves from the Sydney region, were familiar with this diplomatic protocol. They acted – presumably with the help of an Indigenous sign language – as (cultural) translators in this process.[11] The

5 I refer here to one of the three so-called "major deeds", which is kept in the State Library Victoria. See The Batman Deed Geelong, 6 June 1835, State Library Victoria, MS 13484, digital copy and transcription available at: http://handle.slv.vic.gov.au/10381/249301 (last access 23 March 2023).

6 The Batman Deed Geelong, 6 June 1835.

7 J. Belich, Replenishing the Earth: The Settler Revolution and the Rise of the Angloworld, 1783–1939, Oxford 2009, pp. 356–372; T. Hunt, Ten Cities that Made an Empire, London 2015, pp. 303–344.

8 For example A. G. L. Shaw, A History of the Port Phillip District: Victoria before Separation, Carlton 1996 (reprint 1997 and paperback 2003).

9 G. Slater, The Settlement of John Batman in Port Phillip: From His Own Journal, Melbourne 1856; J. Bonwick, Port Phillip Settlement, London 1883, pp. 151–189, 186–187 (entry 6 June). Bonwick printed a complete, orthographically corrected version of the diary. The original is now in the State Library Victoria in Melbourne. I refer to this manuscript in the following. J. Batman, Journal 10 May – 11 June 1835, State Library Victoria MS 1318, p. 65, digital copy and transcription available at: http://handle.slv.vic.gov.au/10381/249297 (last access 23 March 2023).

10 Batman, Journal, p. 65. See also R. Broome, Aboriginal Victorians: A History since 1800, Crows Nest 2005, pp. 10–11.

11 Barwick, Mapping the Past, pp. 106–107. This included one coroboree on the evening of the same day and a gift of arms and two possum cloaks, which Batman described as "Royal Mantles" (Batman, Journal, p. 66). The capitalized term Country refers to an interweaving of land ownership, tenure, responsibility, knowledge and

extent to which Batman was aware that the Kulin *ngurungaeta* had granted him access and use, not "full possession", cannot be clearly determined today.[12] What is certain, however, is that he carefully recorded the latter in his diary in order to legitimize the PPA's claim.

The vast majority of European-Australian settlers in the nineteenth century were not familiar with Indigenous ceremonies. However, they believed they recognized in it a symbolic language that they themselves associated with pre-modern societies. Accordingly, Burtt staged the handing over of the piece of soil as the central element of the negotiations in his oil painting. The exact place where the agreement was concluded is unknown to this day.[13] Consequently, Burtt gave free rein to his imagination here. While the landscape depicted can still be considered relatively typical for the region in the broadest sense, the tree under which the parties met is kept quite generic, the species not exactly recognisable. Yet the tree seems to have been so important to the painter that he gave it almost the entire left half of the painting. Why?

In the following, I will explore the possible reasons for this decision. In a first (longer) step, I will reconstruct the events of the late 1820s and the 1830s. The historical event of Batman's Treaty, as I will demonstrate, was the result of a series of interconnected local, regional and imperial discourses, practices and processes. Two actors, who so far have not been considered in the research on the history of the treaty, played a central role here: James Backhouse and George Washington Walker. They were members of the Religious Society of Friends (in short Friends, also known as Quakers) who travelled Australia as "travelling ministers" between 1832 and 1838. Shocked by the genocidal violence on of the settler frontier, they pleaded for treaty arrangements with the Australian First Nations. They referred to the example of their fellow Quaker William Penn, who (according to nineteenth-century Quakers) had concluded a treaty with representatives of the Lenni Lenape (Delaware people) in 1682 under the canopy of the Great Elm Tree, a treaty which guaranteed the peaceful coexistence of Turtle Island's First Nations and European settlers in the colony of Pennsylvania.

Burtt's painting *Batman's Treaty* took up this narrative, as I will show in a second (shorter) step. He was not alone in this. From the 1830s onwards, the "Great Treaty" served as a model for all those who wanted to see a settler-colonial land grab legitimized by a legal act. Behind this was – unspoken – the reference to a continuum of (Anglophone) settler-colonial space|time that spanned several continents and that went back roughly 200 years. In the following pages, I will trace the production and perpetuation of this particular spatial and temporal formation.[14] To do so, I will use a micro-historical approach,

society that is characteristic of the Aboriginal understanding of land (B. Gammage, The Biggest Estate on Earth: How Aborigines Made Australia, Crows Nest 2011, pp. 139–154).

12 For detailed reflections on this, see J. Boyce, 1835: The Founding of Melbourne & the Conquest of Australia, Collingwood 2011, pp. 60–73.

13 Meyer Eidelson assumes that the negotiations took place at Merri Creek (M. Eidelson, Melbourne Dreaming: A Guide to Important Places of the Past and Present, Canberra 2014, p. 32).

14 Following the key premises of the spatial turn, I understand space as socially constructed. As Susanne Rau has

namely reflecting critically on the (re)construction of different levels of local, regional and global networks and processes.[15] Combining different scales of historical observation in a *jeux d'échelles*, complex interconnections can be identified and analysed.[16]

## 2. (Non-)Simultaneities

As a legal act, Batman's Treaty was and remains an anomaly in Australian settler history. Neither before nor after were any agreements of this kind concluded.[17] The treaty was not recognized by the governor in Sydney, at that time Richard Bourke (1777–1855), nor by the government in London.[18] The PPA had gambled and lost.

Land cession treaties had been an integral part of interactions between Native American peoples and Europeans in the British Atlantic world since the seventeenth century. Indigenous representatives held a strong negotiating position in early North American colonial diplomacy, as they were sought-after trading partners and military allies in the conflicts between the two European colonial powers France and England.[19] Success-

shown, every space is accompanied by a specific temporality that must be taken into account in the reconstruction of historical spaces (S. Rau: Spatiotemporal Entanglements: Insights from History, in: A. Million / Ch. Haid / I. Castillo Ulloa / N. Baur [eds.], Spatial Transformations: Kaleidoscopic Perspectives on the Refiguration of Spaces, London 2021, pp. 60–71, here pp. 61–62). Mark Rifkin makes a similar argument when he says that "US settler colonialism", i.e. a spatial expansionist movement, produces "its own temporal formation", which either excludes Indigenous peoples from contemporary society as existing in a kind of pre-colonial stasis or recognizes them as modern people only by denying their own historicity (M. Rifkin, Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination, Durham 2017, pp. 5–16, quote p. 2). However, just as Rau is primarily interested in space, Rifkin focusses on time. Since I am mapping the *interconnections* of spatial and temporal concepts in the colonial Anglophone world around 1830, I will speak of setter-colonial space|time.

15 J. Brewer, Microhistory and the Histories of Everyday Life, in: Cultural and Social History 7 (2010) 1, pp. 87–109; B. Struck / K. Ferris / J. Revel, Introduction: Space and Scale in Transnational History, in: International History Review 33 (2011) 4, pp. 573–584.

16 A. Epple, Lokalität und die Dimensionen des Globalen. Eine Frage der Relationen, in: Historische Anthropologie 21 (2013) 1, pp. 4–25.

17 Although they were repeatedly discussed as an instrument to secure peace and the legitimacy of the settlement policy in the past (S. Belmessous, The Tradition of Treaty Making in Australian History, in: dies. (ed.), Empire by Treaty. Negotiating European Expansion, 1600–1900, Oxford 2015, pp. 186–213, here p. 187) and recently has been taken up by an initiative of the Victorian Government in 2018 (H. Hobbs/ G. Williams, The Noongar Settlement: Australia's First Treaty, in: Sydney Law Review 40 [2018] 1, http://classic.austlii.edu.au/au/journals/SydLawRw/2018/1.html [first online 1 March 2018, last access 23 March 2023]). The 2017 Aboriginal and Torres Strait Islander initiative, *The Uluru Statement from the Heart*, goes beyond the treaty paradigm by calling for a "constitutional reform" and the appointment of a Makarrata Commission to "supervise a process of agreement making" (T. Mayor, Finding the Heart of the Nation. The Journey of the Uluru Statement towards, Voice, Treaty and Truth, Melbourne 2019, p. v). Makarrata is a Yolngu term, meaning "the coming together after a struggle" (A. Little, The Politics of Makarrata: Understanding Indigenous–Settler Relations in Australia, in: Political Theory 48 [2020] 1, pp. 30–56, p. 34).

18 S. Banner, Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska, Cambridge 2007, pp. 36–37, 44; H. Reynolds, The Law of the Land, London 2003, pp. 54–61; B. Attwood, Empire and the Making of Native Title: Sovereignty, Property and Indigenous People, Cambridge 2020, pp. 57–63.

19 R. J. Miller, Compact, Contract, Convenant. The Evolution of Indian Treaty-Making, in: S. Neylan/Th. Binnema (eds.), New Histories for Old: Changing Perspectives on Canada's Native Pasts, Vancouver 2007, pp. 66–91; E. Hinderaker, Diplomacy between Britons and Native Americans, c. 1600–1830, in: H. V. Bowen et al. (eds.), Britain's Oceanic Empire: Atlantic and Indian Ocean Worlds, c. 1550–1850, Cambridge 2012, pp. 218–248, here pp. 229–

ful negotiations often relied on Europeans being willing to adapt to the diplomatic customs of the First Nations treatying partners. As a result, European and Indigenous traditions and practices merged into a "new, uniquely American form of cross-cultural diplomacy".[20]

This practice was enshrined in English law, and thus officially recognized, in 1763, in the form of a Royal Proclamation. The proclamation simultaneously restricted land cession treaties: only the Crown or its representatives were allowed to negotiate and sign legally valid treaties with Indigenous peoples.[21] These agreements did not call into question the territorial claims of the English Crown. On the contrary, its claims were even strengthened as the only valid one (*vis-à-vis* other Europeans). Indigenous land rights, on the other hand, were accepted as land use rights but not as property rights.[22]

After the thirteen colonies successfully defended their independence against England in 1812, the balance of power on the North American continent shifted. The First Nations no longer tipped the scales between the rival European colonizing powers. Nevertheless, land cession treaties continued to be negotiated, especially in Canada. Here, the British Crown signed the last treaty with representatives of the First Nations of the Northwest Territories on 27 June 1921 (Treaty No. 11).[23]

John Batman, the Wurundjeri's and Boonwurrung's contractual partner in southern Australia in 1835, had no personal ties to North America. He was born in NSW on 21 January 1801. His father, William Batman, had been deported there as a convict. His wife, Mary Batman, and their two English-born children accompanied him and the family settled in Parramatta, NSW. The Batmans were very religious. Not only did they belong to the Sunday congregation of Anglican preacher and magistrate Samuel Marsden (1765–1838), but they also attended services at the Wesleyan Methodist Church, which maintained a mission station in Parramatta, during the week. According to Alastair Campbell, the Batmans also sent their children to the Weyslean Sunday School, where Aboriginal children were taught as well.[24]

233, 235–238. Attwood assumes that imperial competition was a key motivator for the conclusion of treaties. Its absence in the Australian context was the reason why a land cession treaty was never seriously considered (Attwood, Empire and the Making of Native Title, p. 8).

20 C. G. Calloway, Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History, Oxford 2013, pp. 12–48, quote p. 12.

21 Miller, Compact, Contract, Convenant, p. 78. Royal Proclamation 1763, in: London Gazette 10354, 7–8 October 1763.

22 T. Lindberg, The Doctrine of Discovery in Canada, in: R. J. Miller et al., Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies, Oxford 2010, pp. 89–125, here pp. 104–105.

23 The US continued this practice after independence. The last treaty was signed here in 1850 (Treaty with the Wyandot). See S. Belmessous (ed.), Empire by Treaty: Negotiating European Expansion, 1600–1900, Oxford 2015. There is also post-independence treaty-making in Canada, a process that continues to this day (T. Lindberg, Contemporary Canadian Resonance of an Imperial Doctrine, in: Miller et al., Discovering Indigenous Lands, pp. 126–170.

24 A. H. Campbell, John Batman and the Aborigines, Malmsbury 1987, pp. 8–10. In 1818, 19 out of 120 pupils were Aboriginal children. The mission was established on the land of the Burramattagal people of the Darug nation. On federal and state policies of enforced schooling and child removal, see below.

Parramatta was a place where the ruptures resulting from the simultaneity of philanthropic Christian ambitions and settler colonial practices were manifest. On the one hand, the Methodist missionaries and Governor Lachlan Macquarie (1762–1824), during the 1810s, attempted to christianize the Aboriginal people living in the region and to secure their cooperation through annual gifts. At the same time, settlers ruthlessly murdered Aboriginal Australian people they considered "troublesome". Macquarie de facto legitimized this genocidal violence by offering a bounty for the capture or killing of those who resisted the land grab and "civilisation".[25]

John Batman left Parramatta in November 1821 and settled south of Ben Lomond on Van Diemen's Land (VDL, called Tasmania since 1856). The violence and contradictions of the settler-colonial situation that had marked his youth would characterize his behaviour towards Aboriginal Australians throughout his life.

## 3. Location

Batman acquired his first piece of land in VDL in April 1823. In the years to come, he became involved in events that caused horror among the British public and made politicians question the previous means of imperial policy. The name of the colony became a synecdoche for the extermination of Indigenous peoples in the course of imperial expansion.[26]

When Batman arrived, the colony had only existed for around 20 years: it had been founded in 1803 and 1804 respectively from two bridgeheads, the mouths of the Derwent (now Hobart) and the Tamar (now Launceston), in order to pre-empt a suspected colonisation of the island by France.[27] Britain established a convict colony. Between 1803 and 1853, a total of 72,000 convicts arrived. Only about 16 per cent of them were female.[28]

At the beginning of the British invasion, the island had already been inhabited by people for at least 40,000 years.[29] The exact number of the Indigenous population can no longer be reconstructed: estimates range between 6,000 and 10,000 people.[30] Tasmania's Palawa people travelled and looked after Country across the island in groups (clans) on regular

25 Campbell, Batman and the Aborigines, pp. 10–11; P. Turbet, First Frontier: The Occupation of the Sydney Region, 1788–1816, Kenthurst 2011, pp. 175–269. On genocidal violence on the Australian frontier, see N. Finzsch, "The Aborigines Were Never Annihilated, and Still They Are Becoming Extinct": Settler Imperialism and Genocide in Nineteenth-Century America and Australia, in: A. D. Moses (ed.), Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History, New York 2010, pp. 253–270.

26 T. Lawson, The Last Man: A British Genocide in Tasmania, London 2014, pp. 204–205.

27 H. Reynolds, A History of Tasmania, Cambridge 2012, p. 24. On French colonial interests, see J. Fornasier et al., Encountering Terra Australis: The Australian Voyages of Nicholas Baudin and Matthew Flinders, Kent Town 2010; L. R. Marchant, France Australe: A Study of French Explorations and Attempts to Found a Penal Colony and Strategic Base in South Western Australia, 1503–1826, Perth 1982.

28 Reynolds, History of Tasmania, p. 138.

29 L. Ryan, Tasmanian Aborigines: A History since 1803, Crows Nest 2012, p. 3.

30 Ibid., p. 14.

seasonal migrations and secured their food by harvesting seasonal foods and resources (e.g. shellfish, tree bark, kangaroos and wallabies).[31] Over the course of thousands of years, employing "fire stick farming", they created a carefully cultivated cultural landscape with which they formed a close spiritual bond: Country.[32]

The British invasion, starting from 1804 onwards from the two bridgeheads, followed the cultivated grasslands, which offered ideal pastures for European livestock. The expansion was rapid: while in 1819 Indigenous and European populations were still at about the same level (approx. 5,000 to 4,350), by 1824 there were already 12,643 Europeans living on VDL (including 1,500 free settlers and their families). In 1830, there were 23,500.[33] The process of land acquisition accelerated in the second half of the 1820s. Between 1824 and 1831, for example, over a million acres were granted to settlers, mostly between 1828 and 1831.[34] The Palawa use and cultivation of natural resources, finely tuned to the seasons, was replaced by extensive pastoral farming. Country became part of the British imperial global economic system.

Tasmania's Aboriginal people did not stand idly by and watch the process unfold, but resisted with force the socio-environmental invasion as well as the numerous abductions of women and children.[35] Contemporary sources do not give any information about the number of Indigenous people killed: only the European dead were counted. Lyndall Ryan estimates that 758 Palawa and 151 whites perished between December 1826 and January 1832.[36] Initially, the majority of the victims were male (former) convicts working on isolated cattle stations. Increasingly, however, the attacks also targeted farmhouses and families.[37] It was these attacks on women and children that caused the greatest fear among the white population. Settlers called for more drastic measures.[38]

To defuse the conflict, Lieutenant-Governor George Arthur (1784–1854) pursued a dual strategy of force and diplomacy.[39] On the one hand, he commissioned negotiators to win the trust of the Aborigines and facilitate peace talks.[40] The lay preacher George Augus-

31 Ibid., p. 11–42.

32 Gammage, Biggest Estate on Earth, pp. 157–186; B. Pascoe, Dark Emu: Aboriginal Australia and the Birth of Agriculture, Melbourne 2018, pp. 161–176; P. Sutton / K. Walshe, Farmers or Hunter-Gatherers? The Dark Emu Debate, Melbourne 2021, pp. 24–45.

33 Ryan, Tasmanian Aborigines, p. 74.

34 J. Boyce, Van Diemen's Land, Melbourne 2008, pp. 261–262. An acre is about 4047 square metres.

35 N. Clements, The Black War: Fear, Sex and Resistance in Tasmania, St Lucia 2014, pp. 68–93; Boyce, Van Diemen's Land, pp. 189, 193–196.

36 Ryan, Tasmanian Aborigines, p. 143.

37 N. Clements, Frontier Conflict in Van Diemen's Land: An Attitudinal and Experiential History, PhD thesis, University of Tasmania, Hobart 2013, pp. 282–321, 343 (available at: https://eprints.utas.edu.au/17070, last access 23 March 2023); Launceston Advertiser, 8 June 1829, p. 3.

38 See, for example, Colonial Times and Tasmanian Advertiser, 1. December 1826, p. 2.

39 For a detailed account of this double strategy, see E. Bischoff, Die Gewalt des Ordnens. Die "Black Line" im Kontext kolonialer Biopolitik in Van Diemen's Land zwischen 1826 und 1832, in: U. Jureit (ed.), Umkämpfte Räume: Raumbilder, Ordnungswille und Gewaltmobilisierung, Göttingen 2016, pp. 117–137.

40 Government Order No. 1 (25.02.1830), in: House of Commons, Sessional Papers No. 259, 23 Sept. [1831], Correspondence Concerning Military Operations against Aboriginal Inhabitants of Van Diemen's Land, 1831–Vol. XIX.175. Van Diemen's Land. Copies of all Correspondence between Lieutenant-Governor Arthur and His

tus Robinson (1791–1866), whose "Friendly Mission" was officially commissioned on 19 December 1829, proved particularly successful.[41] For example, Robinson, who crossed the island together with a group of Indigenous intermediaries, succeeded in persuading Mannalargenna (c. 1770–1835), the leader of the Plangermaireen (Ben Lomond Clans) and highly respected among Aboriginal Tasmanians, to end the fighting and surrender personally to Arthur in Hobart on 7 January 1832.[42] Mannalargenna, along with all the other Palawa Robinson had managed to track down by then and in the following years, was deported to Flinders Island and held there at the "Aboriginal settlement" Wybalenna.[43]
On the other hand, Arthur successively increased the pressure on the Tasmanian Aborigines. An important element was the declaration of martial law on 1 November 1828,[44] announcing a state of emergency that allowed Arthur to take (para)military action against the Indigenous population of the island. He commissioned special search parties ("roving parties"), which continuously searched the area.[45]
In August 1829, John Batman was appointed leader of one of those so-called roving parties by the colonial administration.[46] In addition to the nine convicts assigned to him for this purpose, on Batman's initiative two "Sydney Aborigines" were placed under his command as "trackers". Historical records name them as John Pigeon (Warrora from Shoalhaven) and John(ny) Crook (Yunbai from Illawarra).[47] Batman emphasized that he wanted to support the governor in his efforts to bring about reconciliation between Europeans and Tasmanian Aborigines. He was determined to capture alive "these much injured and unfortunate race of beings".[48] In this way, Batman positioned himself in competition with George A. Robinson as a kind of "humanitarian entrepreneur[ ]".[49]
Batman's reports from this period make it clear that he did not shy away from the use of violence in carrying out his task. In August 1829, for example, when his party tracked

Majesty's Secretary of State for the Colonies, on the Subject of the Military Operations Lately Carried on against the Aboriginal Inhabitants of Van Diemen's Land, p. 34.

41 Schedule of Government and Garrison Orders, Notices, Proclamations and Letters Relative to the Natives, Enclosure No. 1 in Despatch Arthur to Murray (15.04.1830), in: House of Commons, Sessional Papers No. 259, pp. 15–17, here p. 17. On Robinson and the culture of memory surrounding the so-called "Friendly Mission", see A. Johnston/M. Rolls (eds.), Reading Robinson: Companion Essays to Friendly Mission, Hobart 2008.

42 Ryan, Tasmanian Aborigines, pp. 196; Boyce, Van Diemen's Land, pp. 284–294, 297–308. Henry Reynolds assumes that an oral land cession treaty was agreed between Arthur and Mannalargenna (H. Reynolds, Fate of a Free People: A Radical Re-Examination of the Tasmanian Wars, Melbourne 1995, p. 156).

43 Due to the uncertainty of the sources, the figures on the number of deportees differ between 194 (Boyce, Van Diemen's Land, p. 296), 220 (Reynolds, History of Tasmania, p. 79), and 112 (Ryan, Tasmanian Aborigines, p. 219).

44 A Proclamation by his Excellency Colonel George Arthur, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies (01.11.1828), in: House of Commons Parliamentary Papers, vol. 259, pp. 11–12.

45 Garrison Orders (12.12.1828), in: ibid., p. 31.

46 Arthur to Murray (15.4.1830), in: ibid., pp. 15–17, here p. 17. Batman had tracked down and captured the notorious bushranger Matthew Brady (1799–1826) in 1826. Since then he enjoyed a reputation in Tasmanian society as an exceptional "bush man" (Campbell, Batman and the Aborigines, pp. 19–24, 29).

47 Campbell, Batman and the Aborigines, p. 30. On their role in the negotiations with the ngurungaeta of the Wurundjeri and Boonwurrung, see Boyce, 1835, p. 63.

48 Batman to Gray, 15 June 1829, Tasmanian Archives and Heritage Office (TAHO), CSO 1/ 321/ 7578, quoted in Campbell, Batman and the Aborigines, p. 29.

49 Attwood, Possession, pp. 34–36, quote p. 34.

down and surrounded an Aboriginal camp at night, but was discovered while doing so, Batman gave the order to shoot the fleeing men, women and children. Many of the injured and bleeding escaped into the undergrowth – their fate is unknown. Batman's squad took two women, one child and two men into custody. The latter two were badly wounded and for them it was, in Batman's own words, "quite impossible [to] walk, and after trying them by every means in my power, for some time, found I could not get them on. I was obliged therefore to shoot them."[50]

After this massacre, Tasmania's Aboriginal people were even more cautious and successfully evaded the roving parties.[51] This led to a further escalation on the governor's part: on 9 September 1830, Arthur called on the settlers to *levée en masse* to assist the colonial administration in carrying out a purge, also known as the "Black Line".[52] Between 7 October and 24 November 1830, some 2,200 armed European men scoured the island with the aim of rounding up and deporting all Aboriginal Tasmanians.[53] The action was ultimately unsuccessful yet, together with the operations of the roving parties and self-organized settler militias, maintained such a high level of threat that the Palawa clans still fighting in the settled districts, namely the clans of the Big River and Oyster Bay nations, surrendered in December 1931 and January 1832.[54]

As the leader of a roving party, Batman was instrumental in implementing Arthur's expulsion and deportation policy. For his services, he was rewarded by the governor with a land grant. As a result, Batman owned a total of 2,833 hectares in VDL in 1835.[55] In view of his role in the "Black War", the question arises: How did Batman and the other investors in the PPA come up with the idea to negotiate a treaty with the Kulin *ngurungaeta*? The answer to this question brings into focus two actors and their religious and political networks spanning the entire British Empire: James Backhouse and George Washington Walker.

50 Batman to Anstey, 7 September 1829, TAHO, CSO 1/ 320/ 7578, quoted in Campbell, Batman and the Aborigines, pp. 31–32.

51 This form of small group massacre is considered typical of genocidal frontier violence, see B. Madley, Tactics of Nineteenth-Century Colonial Massacre: Tasmania, California and Beyond, in: Ph. G. Dwyer/L. Ryan (eds.), Theatres of Violence: Massacre, Mass Killing and Atrocity throughout History, New York 2012, pp. 110–125.

52 The term "Black Line" was introduced by the publicist Henry Melville (H. Melville, The History of the Island of Van Diemen's Land from the Year 1824 to 1835, London 1835, p. 89). At the time, the operation was known as "Mr Frankland's Plan" after the surveyor George Frankland (1800–1838). On this, see J. Connor, British Frontier Warfare Logistics and the "Black Line", Van Diemen's Land (Tasmania), 1830, in: War in History 9 (2002) 2, pp. 143–158, here pp. 151–152.

53 N. Clements, "Army of Sufferers": The Experience of Tasmania's Black Line, in: Journal of Australian Studies 37 (2013) 1, pp. 19–33, here p. 21.

54 J. Connor, The Australian Frontier Wars 1788–1838, Sydney 2003, p. 100; G. Calder, Levée, Line and Martial Law: A History of the Dispossession of the Mairremmener People of Van Diemen's Land 1803–1832, Launceston 2010, pp. 192–193; L. Ryan, The Black Line in Van Diemen's Land: Success or Failure? in: Journal of Australian Studies 37 (2013) 1, pp. 3–18, here p. 14–15; Ryan, Tasmanian Aborigines, pp. 131–141.

55 P. L. Brown, Batman, John (1801–1839), in: Australian Dictionary of Biography, https://adb.anu.edu.au/biography/batman-john-1752/text1947 (first published 1966, online since 2006, last access 23 March 2023). According to Attwood, Batman was nevertheless frustrated because George Arthur had given the prestigious position of "conciliator" to George Augustus Robinson (Attwood, Possession, p. 28).

## 4. Networks

Backhouse and Walker were members of the Religious Society of Friends, a religious community that had developed from a radical, self-segregating sect into a group accepted and respected by mainstream British society. Quakers around 1800 were highly involved in philanthropy, particularly in the British abolitionist movement, which achieved its first success with the prohibition of the slave trade in 1807 (47 Geo III Sess. 1 c. 36), followed by the *Slavery Abolition Act* 1833 (3 & 4 Will. IV c. 73). This activism shaped both the Society of Friends and its individual members.[56] James Backhouse, for example, had been active in the abolition and prison reform movement in England before his departure and he kept in touch with his fellow campaigners by exchanging letters.[57]

The two preachers set off for Australasia on 3 September 1831, with the initial primary aim of religiously and morally uplifting the Europeans living there, the majority of whom were convicts or former prisoners ("travelling under concern").[58] During the journey, they adopted (what we would today call) humanitarian goals and an interest in the fate of Indigenous peoples.[59] On 8 February 1832, the preachers arrived in Hobart. Backhouse and Walker established a particularly close relationship with Lieutenant-Governor George Arthur right from the beginning of their stay. Both sides benefited from this connection: The Quakers received the full support of the colonial administration and were allowed to inspect every state institution in the penal colony. They also visited Wybalenna and talked to the Palawa people detained there. Arthur, for his part, shared in the moral capital of the Quakers, who were known to be impartial and philanthropic.[60] For their part, the two Quakers explicitly supported Arthur's policies. In 1834, for example, they wrote in their final report on the *State of the Prisoners in Van Diemens Land* [sic] that the situation of the colonists had improved considerably as a result of the "transfer of the Aboriginal Population, from the main land to Flinders Island". In Backhouse and Walker's view the First Peoples themselves also benefited significantly from the resettlement.[61]

56 P. Dandelion, An Introduction to Quakerism (Introduction to Religion), Cambridge 2007, p. 7; Ch. L. Brown, Moral Capital: Foundations of British Abolitionism, Chapel Hill 2006, p. 394.

57 See, for example, J. Backhouse Letterbook No. 3 (1835–1837), State Library of NSW, DL MS 6 and G. W. Walker, Letterbooks (1831–1844), Tasmania University Archives, Walker Family Papers, W9, A1/26–29.

58 P. Edmonds, Travelling "Under Concern": Quakers James Backhouse and George Washington Walker Tour the Antipodean Colonies, 1832–41, in: Journal of Imperial and Commonwealth History 40 (2012) 5, pp. 769–788.

59 Crucial was the exchange with John Philipp (1775–1851), the London Missionary Society's superintendent for the British Cape Colony (E. Bischoff, Benevolent Colonizers in Nineteenth-Century Australia: Quaker Lives and Ideals. Basingstoke 2020, pp. 149–150).

60 Brown, Moral Capital, p. 394. After initial hesitation, other administrators also came around to Arthur's assessment and actively supported Backhouse and Walker. See, for example, the letter of support from the Colonial Secretary of NSW, Alexander MacLeay dated 7 November 1836, State Library of NSW, ML DOC 1351.

61 J. Backhouse and G.W. Walker, Report upon the State of the Prisoners in Van Diemens Land: With Remarks upon Penal Discipline, and Observations upon the General State of the Colony to Lt-Gov George Arthur in 1834, reprinted in: J. Backhouse, A Narrative of a Visit to the Australian Colonies, London 1843, pp. xlvi–lxvi, here p. lxv. In fact, so many European infectious diseases were rampant among the Aborigines deported there that only 49

However, this praise came with an important *caveat*: while Backhouse and Walker "cordially approv[ed] of the benevolent intentions of the Government", they had fundamental doubts about the approach to colonizing Tasmania. They criticized the land-grabbing policy as "short sighted" because it had shown "little, or no regard to [Aboriginal] natural and indefeasible rights".[62] Had these rights been recognized when the colony was established, and had the Tasmanian Aborigines received adequate compensation, the two preachers argued, the bloody conflict could have been avoided. Such a course of action, they continued, "which, in the history of America, has been proved to be practicable", had led to "the happiest results".[63] Without mentioning him by name, Backhouse and Walker referred to the approach of their co-religionist William Penn, which in their view could serve as a model for all settler colonies.

After the two ministers had repeatedly sought dialogue with Arthur and expressed their criticism of the existent land-grabbing policy, the Lieutenant-Governor adopted their argumentation almost *verbatim*. In a letter dated 27 January 1835, for instance, he explicitly warned his superiors in London of the consequences of setting aside Aboriginal land rights and predicted a long and violent struggle in all the other colonies. He urged that if further land be acquired from the Australian Aboriginal peoples, it should be by treaty prior to settlement only. He specifically weighed in on the debates around the foundation of the colony of South Australia:

> *On the first occupation of the colony it was a great oversight that a treaty was not, at that time, made with the natives, and such compensation given to the chiefs as they would have deemed a fair equivalent for what they surrendered; a mere trifle would have satisfied them, and that feeling of injustice which I am persuaded they always have entertained, would have had no existence*.[64]

On their travels, Backhouse and Walker visited about 250 Tasmanian households, mostly on foot. Often they also stayed overnight with settlers, who thus provided logistical support for their journey.[65] Through their visits, the two Quakers gradually built up a local network that included many members of the political, social and economic elites. They established personal contacts with a large number of landowning settlers, including John Batman. The Quakers arrived at his farm in the northeast of the island on 8 May 1833. Batman, who is viewed extremely critically by historians today because of his role as the leader of a roving party, as outlined above,[66] left a thoroughly positive impression on his visitors. In his letters to the Quakers in London, Backhouse described their host as a

of the interned Tasmanians were still alive in 1847 (Ryan, Tasmanian Aborigines, p. 251). Reynolds assumes 46 survivors (Reynolds, History of Tasmania, p. 79).

62 Backhouse and Walker, Report, p. lxvi.

63 Ibid.

64 Copy of a Despatch from Lieutenant-Governor Arthur to Mr. Secretary T. Spring Rice, 27 January 1835, in: House of Commons, Sessional Papers 1837, No. 425 (Report from the Select Committee of Aborigines British Settlements), pp. 121–122, quote on p. 121.

65 W. N. Oats, A Question of Survival: Quakers in Australia in the Nineteenth Century, St Lucia 1985, pp. 86–87.

66 Campbell, Batman and the Aborigines, pp. 31–36; Clements, Black War, pp. 74–75, 113.

"native of Sydney", married to a "respectable woman", and father of six daughters, whose house served as a kind of meeting place for "persons in the aboriginal service". It was here that the Quakers met Anthony Cottrell (1806–1860), who was working with George A. Robinson to resettle the remaining Aboriginal people on the island to Wybalenna.[67] They also met several Indigenous men and women working on the estate, "two aboriginal boys" and "three Sydney natives, who have been employed in this war &c."[68]

The two Quakers were well aware of Batman's involvement in the "Black War". In his letters, Backhouse portrayed the violence perpetrated by Batman as lawful: that is, as commissioned by the governor. In addition, he tempered it by highlighting Batman's contribution to subsequent efforts to improve the situation:

> *J[oh]n Batman was formerly employed by the Government to take the Aborigines by capture if practicable but by destruction where they could not be captured. This was at a time when the Aborigines destroyed many white people. Under these instructions about 30 were destroyed, & 11 captured. Those captured became reconciled & have been highly useful in the peaceable arrangements so successfully made of latter time by G.A. Robinson, & A. Cottrell.*[69]

Backhouse further characterized his host as a man who felt genuine compassion in the face of Aboriginal suffering.[70] He concluded his report by noting that he and Walker had conducted "a satisfactory religious interview with this family & the servants & military in the evening".[71] High praise from the Quaker's pen, indicating that he and Walker were able to establish a good rapport with Batman.[72]

Besides Arthur and Batman, the two travelling ministers met many other people on their visits who would later become important players in the PPA. In addition to the aforementioned Anthony Cottrell, these included Thomas Bannister (1799–1874), George Arthur's private secretary and the sheriff in Hobart.[73] The Quakers also visited the Gellibrand family estate in August 1832. Joseph Tice Gellibrand (1792–1837) was Attorney General of VDL from 1823 to 1826.[74] Gellibrand was also among the men who formed the PPA in June 1835.[75]

67 Backhouse, A Narrative of a Visit, p. 147.

68 Letter J. Backhouse to W. Manley, 27 April – 14 May 1833, Friends House Library, Original Letters of J. Backhouse whilst Engaged in a Religious Visit to VDL and South Africa (c. 1831–1837), TEMP MSS 556/31, p. 5. Backhouse does not give names of the Aboriginal people living on Batman's farm.

69 Ibid.

70 Batman took Backhouse and Walker to the grave of a child who had died in his care and told of the mother's grief, see Letter J. Backhouse to W. Manley, 27 April – 14 May 1833, Friends House Library, Original Letters of J. Backhouse whilst Engaged in a Religious Visit in VDL and South Africa (c. 1831–1837), TEMP MSS 556/31, p. 5.

71 Ibid.

72 Another indication is that Backhouse and Walker kept in touch with him. They visited him at his new farm in the Port Phillip District in November 1837. See Backhouse, A Narrative of a Visit, pp. 504, 506.

73 Ibid., p. 205.

74 Ibid., p. 64. See also P. C. James, Gellibrand, Joseph Tice (1792–1837), Australian Dictionary of Biography, https://adb.anu.edu.au/biography/gellibrand-joseph-tice-2088/text2621 (last access 23 March 2023).

75 Attwood, Empire and the Making of Native Title, p. 45. There is also speculation in the literature about possible links with George Arthur, who may have wanted to expand his personal landholdings and political jurisdiction

During their visits, Backhouse and Walker regularly gave away copies of those books and tracts that best represented their beliefs and faith. This was a well-established practice among Quakers. Particularly popular, alongside the publications of the church's founder George Fox (1624–1691) and the journal of the abolitionist John Woolman (1720–1772), were the writings of William Penn.[76] Backhouse himself recommended reading Penn's *Rise and Progress of the People Called Quakers* (1694) as an introduction to the history, principles, and practice of his church.[77]

Through a combination of face-to-face conversations and written materials, Backhouse and Walker carried their idea of the potential of William Penn's example for British settler-colonial expansion in Australasia into their local networks, ensuring that "a few of the key players in the [Port Phillip] Association had thought very seriously about a treaty as a mechanism to realise the Association's goals."[78]

To fully appreciate the importance of the two travelling ministers for the PPA's decision to seek a treaty agreement with Indigenous representatives, we also have to take into account their imperial networks. Here, their extensive letter networks are most revealing:[79] James Backhouse's correspondents include high-ranking British politicians, who were evangelically minded and philanthropically active (especially in the abolition movement),[80] for instance Charles Grant (Baron Glenelg, 1778–1866)[81] and Frederick John Robinson (Viscount Goderich, 1782–1859).[82] A third, perhaps more prominent, highly influential politician correspondent was Thomas Fowell Buxton (1786–1845).[83]

(Boyce, 1835, pp. 20–22, 54).

76 Meant here is J. Woolman, A Journal of the Life, Gospel Labours, and Christian Experiences of that Faithful Minister of Jesus Christ […], London 1824. On the significance of the gifts of books, see Bischoff, Benevolent Colonizers, pp. 63–66.

77 W. Penn, A Brief Account of the Rise and Progress of the People Called Quakers: In Which Their Fundamental Principle, Doctrine, Worship, Ministry, and Discipline are Plainly Declared […], Manchester 1834.

78 Attwood, Empire and the Making of Native Title, p. 45. Attwood observes the influence of Quakerism on the PPA, but wrongly attributes it to "WG Walker", a nephew of George Washington Walker living on Tasmania (Attwood, Possession, p. 33, footnote 36). However, the minister was a convert and his nephew was not himself a Quaker (Bischoff, Benevolent Colonizers, p. 106). James Boyce completely ignores the role of the two Quaker ministers and wrongly assumes that there were no evangelical observers on the ground who could have raised their voices on behalf of the Aborigines (Boyce, 1835, p. 42).

79 These can be reconstructed through the Letter Books preserved in the State Library of NSW and the Tasmanian University Archives, among others. J. Backhouse Letterbook No. 3 (1835–1837), State Library of NSW, DL MS 6 and G. W. Walker, Letterbooks (1831–1844), Tasmania University Archives, Walker Family Papers, W9, A1/26–29.

80 On the role of evangelical Christians in British politics around 1830, see Boyce, 1835, pp. 35–42.

81 Backhouse Letterbook No. 3, Brief No. 82, Note to Baron Glenelg, 03.03.1837, p. 253. Also: Ch. Turner, Grant, Charles, Baron Glenelg (1778–1866), in: Oxford Dictionary of National Biography. https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1000140 (version of 23 September 2004, last access 23 March 2023).

82 Backhouse Letterbook No. 3, Brief No. 85, Note to Viscount Goderich, p. 255. See also: P. J. Jupp, Robinson, Frederick John, first Viscount Goderich and first earl of Ripon (1782–1859), prime minister, in: Oxford Dictionary of National Biography, https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-23836 (version of 23 September 2004, last access 23 March 2023).

83 Backhouse Letterbook No. 3, Brief No. 6: A Letter to Thomas Fowell Buxton, MP, on some cases of collision between Europeans and Aborigines of some countries in the Southern Hemisphere (Henry Freeling, 05.02.1835), pp. 7–11; ibid., Brief No. 81: Note to T.F. Buxton, accompanying Copies of An Address to the Prisoner Population, and A Christian Address to the Free Inhabitants of N.S. Wales and V.D. Land (Sydney, 03.03.1837), p. 252; See also B.

Buxton was closely connected to the Society of Friends not only politically but also personally through his marriage to Hannah Gurney (1783–1872).[84] The parliamentarian was in regular contact with James Backhouse and based his arguments against unrestricted colonial settlement and for the recognition of Aboriginal land rights in parliamentary debates on, among other things, the correspondences he received from the travelling Quaker minister.[85] He even included one of Backhouse's letters in the report of the *Select Committee on Aborigines the House of Commons,* presented on 5 August 1836.[86]

In this letter, dated 22 October 1834 and written under the influence of all the conversations he and Walker had had on Tasmania, the Quaker took a very clear position on the situation in Australia: "Aborigines have had wholesale robbery of territory committed upon them by the Government, and settlers have become the receivers of this stolen property."[87] In order to avoid further bloody conflicts, Backhouse suggested, the government should follow William Penn's example, conclude land cession agreements with the Indigenous peoples and only then sell or lease the land to interested settlers. At the same time, measures should be taken "to promote [the] settlement and civilization" of the Aboriginal Australians.[88] The travelling minister's descriptions and statements thus directly influenced the debates of the "propaganda war", which was fought in the 1830s between settlers and their political representatives on the one hand, and philanthropic Christian activists and politicians on the other.[89]

The report of the Select Committee initiated a major shift in British colonial policy towards Australia's First Peoples.[90] VDL was seen as an example of the ominous fate that awaited all Indigenous peoples in the face of ongoing British settlement expansion.[91] This had immediate political consequences: in response to the discussions leading up to and during the Select Committee's work, the Colonial Office, under the leadership of Charles Grant/Sir Glenelg, revised the 1834 *South Australia Act* (4&5 Wm. IVc. 95).[92]

R. Haydon, Buxton, Sir Thomas Fowell, first baronet (1786–1845), in: Oxford Dictionary of National Biography, https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-1000458 (version of 23 September 2004, last access 23 March 2023).

84 Z. Laidlaw, "Aunt Anna's Report": The Buxton Women and the Aborigines Select Committee, in: Journal of Imperial and Commonwealth History 32 (2004) 2, pp. 1–28, here pp. 6–7.

85 Edmonds, Travelling Under Concern, pp. 777–782.

86 Letter J. Backhouse to Th. F. Buxton, 22.10.1834, House of Commons, Sessional Papers No. 538. 5 Aug. [1836], Select Committee on Aborigines in British Settlements: Report, Minutes of Evidence, Appendix, Index, pp. 680–681. On this also: E. Elbourne, The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire, in: Journal of Colonialism and Colonial History 4 (2003) 3, DOI: 10.1353/cch.2004.0003, 24 and Laidlaw, Aunt Anna's Report, p. 7, footnote 39.

87 Backhouse to Buxton, 22.10.1834, House of Commons, Sessional Papers No. 538, p. 680.

88 Ibid.

89 A. Lester, Humanitarians and White Settlers in the Nineteenth Century, in: N. Etherington (ed.), Missions and Empire, Oxford 2009, pp. 64–85, here p. 64.

90 J. Evans et al., Equal Subjects, Unequal Rights. Indigenous Peoples in British Settler Colonies, 1830–1910, Manchester 2003, p. 64.

91 P. Brantlinger, Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930, Ithaca 2003, p. 124; Evans et al., Equal Subjects, p. 64; Lawson, The Last Man, pp. 204–205.

92 As seen above, Grant/Glenelg belonged to James Backhouse's network of letters. The other two leaders in the Colonial Office, Sir George Grey (1799–1882, Under-Secretary of State) and James Stephen (1789–1859,

It required the South Australia Company to respect Aboriginal land rights as stipulated in the *Letters Patent establishing the Province of South Australia* of 19 February 1836. None of the privileges granted to the Company, it said, "shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives."[93]
The founding of the PPA (June 1835) thus coincided with a period of intense and controversial debate – both in the Australian colonies and in London – about the compatibility of settler colonial land grabs and the protection of Australia's Indigenous population. The decision of the PPA shareholders to seek a treaty solution shows great political intuition in considering evangelical-philanthropic concerns. To what extent the individual actors themselves seriously shared these concerns is difficult to ascertain.[94] What is clear, however, is that the two Quaker ministers Backhouse and Walker acted as a fulcrum.[95]

## 4 (Dis)Continuities

The contractual agreement that Backhouse and Walker repeatedly pointed to as being particularly exemplary was the "Great Treaty", which they were convinced had been signed in 1682 between the Lenni Lenape and William Penn, the then newly-minted owner of the colony of Pennsylvania under the "Great Elm Tree" in Shackamaxon (now a suburb of Philadelphia).[96] Penn had received the royal privilege on 28 February 1681. Scholars of early colonial America, however, are very sceptical as to whether this contract was ever concluded, as no corresponding document can be found in the archives. Instead, they contend, Penn negotiated a number of land cession contracts for various parcels of land. These negotiations were concluded between 1682 and 1684.[97] The only political agreement signed by Penn was a treaty negotiated between him and the Susquehannock, the Shawnee and a representative of the Onondaga of the Iroquois Con-

from 1836 Under-Secretary of State) were closely associated with the Quaker-influenced abolition movement (Reynolds, Law of the Land, pp. 118–125; H. T. Manning, Who Ran the British Empire 1830–1850?, in: Journal of British Studies 5 [1965]) 1, pp. 88–121).

93 Letters Patent Establishing the Province of South Australia, 19 February 1836, SRSA, GRG 2/64, transcription available at: Museum of Australian Democracy Old Parliament House in cooperation with National Archives of Australia, Documenting a Democracy: South Australia Documents, http://www.foundingdocs.gov.au/resources/transcripts/sa2_doc_1836.pdf (last access 23.03.2023).

94 Attwood, Possession, pp. 36–39.

95 For details, see Bischoff, Benevolent Colonizers, pp. 221–241.

96 M. L. Weems, The Life of William Penn, the Settler of Pennsylvania, and one of the first Lawgivers in the Colonies, now United States, in 1682, Philadelphia 1829, pp. 154–157, quote p. 154.

97 S. E. Klepp, Encounter and Experiment: The Colonial Period, in: R. M. Miller/W. Pencak (eds.), Pennsylvania: A History of the Commonwealth, Harrisburg 2002, pp. 47–100, here p. 66; F. Jennings, Brother Miquon: Good Lord!, in: R. S. Dunn/M. M. Dunn (eds.), The World of William Penn, Philadelphia 1986, pp. 195–214, here p. 199; A. R. Murphy, William Penn: A Life, New York 2019, p. 146.

federacy in Philadelphia on 23 April 1701.[98] Penn's approach was not unusual. Like all other colonists, he "cleared" the land of native title before selling or leasing it to settlers.[99] As William Frost, Jon Parmenter, and others have shown, the myth of the "Great Treaty" was created in the period after 1720 to stabilize the political hegemony of the Quakers in eighteenth-century Pennsylvania.[100] The famous painting *The Treaty of Penn with the Indians* by Benjamin West (1738–1820) was created during this period.[101] It shows two groups of people on an imposing 1.9 by 2.74 metre canvas. On the left, a group of European-dressed men, almost without exception wearing black hats reminiscent of the traditional broad-brimmed headdresses of the Quakers, although most of them are turned up into the triangular shape common in the colonies ("beaver hats").[102] Only one older man in the group wears the classic round Quaker hat, while four younger men wear neither coat nor hat. Delaware men, women and children stand and sit on the right, dressed in different variations of leather and woven fabrics. Their clothing and headdresses are colourful and richly decorated. A seated woman in the foreground is nursing her child – a symbol of peace. She is wearing an elaborately embroidered blanket whose style and colouring are reminiscent of the patterns of Haudenosaunee embroidery ("beadwork") similar to those still practised today.

In the background of the middle of the painting, there are a few European houses visible. On the right-hand side, a tall tree rises up, whose canopy stretches over almost all the members of the Lenni Lenape delegation and reaches into the centre of the picture. Here, two of the younger European men hand over a roll of light-coloured cloth. They are kneeling and are thus at eye level with two seated Delaware warriors at whose feet lie bows and arrows. The gaze of the two young Europeans, however, is directed diagonally upwards to the right, towards a group of men whose red headdresses identify them as Lenni Lenape chiefs. William Penn himself stands with outstretched arms to the left behind the two kneeling men, who thus offer the cloth on his behalf. His right hand points to a scroll held by another Quaker. As Laura Rigal has pointed out, the focus of the depiction is thus not the treaty but the initiation of trade relations.[103]

West's painting was a commission for William Penn's son and the then owner of the Pennsylvania colony, Thomas Penn (1702–1775), one of the initiators of the fraudulent

98 K. Kenny, Peaceable Kingdom Lost: The Paxton Boys and the Destruction of William Penn's Holy Experiment, Oxford 2009, p. 11; J. Smolenski, Friends and Strangers: The Making of a Creole Culture in Colonial Pennsylvania, Philadelphia 2010, pp. 185, 189; F. Jennings, Brother Miquon, pp. 202–205.

99 Kenny, Peaceable Kingdom Lost, pp. 2, 18–19.

100 W. J. Frost, William Penn's Experiment in the Wilderness: Promise and Legend, in: The Pennsylvania Magazine of History and Biography 107 (1983) 4, pp. 577–605, here pp. 600–604; J. W. Parmenter, Rethinking "William Penn's Treaty With the Indians": Benjamin West, Thomas Penn, and the Legacy of Native-Newcomer Relations in Colonial Pennsylvania, in: Proteus: A Journal of Ideas 19 (2002) 1, pp. 38–44.

101 B. West, The Treaty of Penn with the Indians (1771–72), Oil on Canvas, 191.77 x 273.685 cm, Pennsylvania Academy of Fine Arts, digital copy available at: https://www.pafa.org/museum/collection/item/penns-treaty-indians (last access 23 March 2023).

102 L. Rigal, Framing the Fabric: Luddite Reading of Penn's Treaty with the Indians, in: American Literary History 12 (2000) 3, pp. 557–584, here p. 560.

103 Rigal, Framing the Fabric, p. 561.

"Walking Purchase" of 1737, which extinguished all Indigenous land titles still in existence at the time.[104] In 1763 at the latest, Penn's "Holy Experiment", the peaceful coexistence of European settlers of different faiths and the American First Nations, had failed: a band of settlers, the "Paxton Boys", murdered twenty-one Susquehannock in Conestoga in today's Lancaster County Pennsylvania in an act of vigilantism.[105]

Regardless of the lack of sources and despite colonial political developments, nineteenth-century Quakers were convinced of the existence and effectiveness of the 1682 treaty. Countless private records and publications read communally at Quaker meetings document this conviction. Quakers saw themselves as the intellectual, moral and political successors of William Penn. They firmly believed in the superiority of the principle of a contractual agreement as an instrument for maintaining the peace and prosperity of a settlement colony.[106]

As seen above, Backhouse and Walker managed to convince key decision-makers in Tasmania in the 1830s, especially George Arthur, of Penn's value as a role model. Knowledge of Penn's exemplary function was also widespread beyond the political elites. Thus, after his return from the Australian mainland in June 1835, Batman was explicitly hailed as a "Tasmanian Penn" by the *Cornwall Chronicler,* published in Launceston. He had been able to conclude the land cession treaty "effectually, and speedily" thanks to the help of his Indigenous companions and the "peaceable disposition" of the local Aborigines.[107]

As Bian Attwood has reconstructed, Batman and the treaty were initially celebrated but soon forgotten. It was not until James Bonwick's (1817–1906) publications on the history of the founding of Port Phillips (1856) and his Batman biography (1867) that both were to be brought back to social memory.[108] Bonwick, a schoolteacher who emigrated to VDL in 1841, had quickly established close contact with George Washington Walker, who had settled in Hobart in December 1840, and with other members of the Tasmanian Quaker community.[109] Deeply moved by the fate of the Palawa and based on the

104 Frost, William Penn's Experiment, pp. 600–604; H. v. Erffa/A. Staley, The Paintings of Benjamin West, New Haven 1986, p. 207.

105 M. E. Hirst, The Quakers in Peace and War: An Account of Their Peace Principles and Practice, New York 1972, pp. 368–369; St. C. Harper, Promised Land: Penn's Holy Experiment, the Walking Purchase and the Dispossession of Delawares, 1600–1763, Bethlehem 2006, p. 45; Calloway, Pen and Ink Witchcraft, pp. 38–39; Kenny, Peaceable Kingdom Lost, p. 15; D. K. Richter, Facing East from Indian Country: A Native History of Early America, Cambridge 2002, pp. 203–206.

106 Bischoff, Benevolent Colonizers, pp. 244–250.

107 The Tasmanian Penn, in: Cornwall Chronicle, 13 June 1835, p. 2. The article was taken over almost verbatim by the Sydney Commercial Journal and Advertiser, 6 July 1835, p. 4.

108 Attwood, Possession, pp. 107–123; J. Bonwick, The Discovery and Settlement of Port Phillip: Being a History of the Country now Called Victoria […], Melbourne 1856; J. Bonwick, John Batman: The Founder of Victoria, Melbourne 1867; J. Bonwick, Port Phillip Settlement, London 1883. On Bonwick's biography, see G. Featherstone, Bonwick, James (1817–1906), in: Australian Dictionary of Biography, https://adb.anu.edu.au/biography/bonwick-james-3022/text4429 (first published 1969, last access 23 March 2023).

109 Attwood, Possession, p. 109. Evidence suggests that the accounts of Quaker settler George Fordyce Story formed the basis for much of Bonwick's, The Last of the Tasmanians or, the Black War of Van Diemen's Land, London 1870. On this, see N. D. Brodie, Quaker Dreaming: The "Lost" Cotton Archive and the Aborigines of Van Diemen's, in: Journal of Religious History 40 (2016) 3, pp. 303–325, pp. 314–317.

positive impression Batman had left on Walker and James Backhouse, Bonwick idolized John Batman: "Like the heroes of ancient history, he had conquered the fates by his courage."[110] The author also emphasized the importance of making a treaty with the "original owners of the soil" and echoed the *Cornwall Chronicle*'s choice of the honorific title "Tasmanian Penn".[111] Overall, he characterized Batman as "a man who was both a coloniser *and* a conciliator".[112] Bonwick's publications appeared against a backdrop of great social upheaval triggered by the Victorian Gold Rush (1851 to the late 1860s). Batman's world of pastoral agriculture seemed almost idyllic compared to the ecologically even more destructive extraction economy, the mass immigration and the rapid urban growth of Melbourne.[113]

Burtt's painting, in turn, was created about thirty years after Bonwick's depictions appeared. A sketch of the painting, which assigns names to the persons portrayed and explains the event, indicates that Burtt knew not just Batman's diary but also Bonwick's publications.[114] However, Burtt's work did not convince his contemporaries. It was not until 1907 that it found a buyer (far below the asking price). Prior to that, it was presented in an art gallery in 1892 and presumably also at the Centennial International Exhibition in Melbourne (1888–1889) under the title "The First Victorian Land Syndicate" in the Tasmanian section of the exhibition. In the 1890s, it appears to have hung in the executive offices of the colony's treasury – not a particularly prominent location.[115]

Burtt's painting was created at the height of Australian self-confidence, fuelled by the rapid economic development of Melbourne in particular.[116] This pride was also expressed in political demands for more self-determination. In October 1889, for example, Henry Parkes (premier of the colony of NSW) advocated for the establishment of a common government for all Australian colonies.[117] Concomitantly, racist positions became more and more influential: a key topic in the deliberations over establishing the Australian Federation, founded in 1901, were restrictive immigration laws that were supposed to prevent the settlement of non-white persons (commonly known as the "White Australia Policy"). One of the first decisions of the newly elected parliament was the passing of the *Immigration Restriction Act 1901* (1 Edward VII 17 1901).[118] From 1905 onwards, the

110 Bonwick, John Batman: The Founder of Victoria, p. 21.

111 Ibid., p. 32, 30.

112 Attwood, Possession, p. 117 (emphasis in original).

113 Ibid., p. 116; Belich, Replenishing the Earth, pp. 356–372; Hunt, Ten Cities that Made an Empire, pp. 303–344; W. Frost, The Environmental Impacts of the Victorian Gold Rushes: Miners' Accounts during the First Five Years, in: Australian Economic History Review 53 (2013) 1, pp. 72–90.

114 Attwood, Possession, p. 161; J. W. Burtt, Batman's Treaty with the Aborigines at Merri Creek, 6th June 1835 – Key to Painting, c. 1888, State Library Victoria, H2335, digital copy available at: http://handle.slv.vic.gov.au/10381/309662 (last access 23 March 2023).

115 M. Say, John Wesley Burtt b. 1839, in: Design & Art Australia Online, https://www.daao.org.au/bio/john-wesley-burtt/biography (last update 2011, last access 23 March 2023); Attwood, Possession, p. 164.

116 L. C. Johnson (ed.), The Story of Australia: A New History of People and Place, London 2022, p. 89; D. Gare/D. Ritter, Making Australian History: Perspectives on the Past since 1788, South Melbourne 2008, p. 200.

117 This demand was part of his now famous "Tenterfield Speech" of 24 October 1889, prompted by the mobilisation of troops for the Second Boer War (1899–1902). See Gare/Ritter, Making Australian History, pp. 222–224.

118 House of Representatives and Attorney-General's Department, An Act to Place Certain Restrictions on Immigra-

discrimination against and exclusion of Aboriginal and Torres Strait Islander people intensified through the forced removal of Indigenous children (the "Stolen Generations"), organized by the federal as well as the state governments. The aim of this policy was to destroy Indigenous heritage both biologically and culturally. In Victoria, this procedure had already been legal since the *Aboriginal Protection Act* of 1869.[119]
The image of the "colonizer and conciliator" John Batman seemed almost out of time in such a social climate. The *longue durée* of the notion of a Great Treaty as the basis for peaceful coexistence, prosperity and success was broken. Accordingly, other, much more popular portrayals of Batman from this period present him as a pioneer and explorer.[120]

## 5 Settler-colonial Space|Time

Employing Batman's Treaty as a lens to illuminate the interconnectedness of temporal and spatial concepts in nineteenth-century Australia has shown that a multitude of different but interconnected processes, discourses and networks were involved in the emergence of a specific settler-colonial space|time.[121] These processes unfolded, as I have demonstrated with the help of a *jeux d'échelles*, both on a local, regional, and on an imperial level. Despite the conspicuous break with the political tradition of land cession treaties that had been established in the Atlantic, ideas circulated and became effective that placed Australia in this tradition.[122] The invocation of this tradition folded together two specific colonial situations, namely the North American New England of the late seventeenth century and the Australia of the early nineteenth century. In doing so, its proponents not only disregarded the different positions of British settlers and British imperial policy. Above all, they ignored the differences in power relations between settlers and Indigenous peoples, as well as the cultural and socio-ecological characteristics of those concerned, in the case at hand the Lenni Lenape, the Wurundjeri, and the Boonwurrung. By blurring these differences, they discursively created a homogeneous settler-colonial space|time that stretched from Philadelphia to Port Phillip and lasted for more than two centuries. In this sense, a (metaphorical) elm tree indeed stood on the bank of the Yarra River.

tion and to Provide for the Removal from the Commonwealth of Prohibited Immigrants [Immigration Restriction Act 1901], National Archives of Australia (NAA) A1559, 1901/17, digital copy and transcription available at https://www.naa.gov.au/learn/learning-resources/learning-resource-themes/society-and-culture/migration-and-multiculturalism/immigration-restriction-act-1901 (last access 23 March 2023).

119 Broome, Aboriginal Victorians, pp. 130–131. In Victoria, children were separated from their families until the mid-1970s. See A. Haebich, Broken Circles: Fragmenting Indigenous Families, 1800–2000, Fremantle 2000, pp. 164–168, 498–501, 608; Australian Human Rights Commission: Bringing them Home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, April 1997, Part 2, Chapter 4: Victoria, https://humanrights.gov.au/our-work/bringing-them-home-chapter-4 (last access 23 March 2023).

120 Attwood, Possession, pp. 134–160, 168–189.

121 Previous attempts, such as James Belich's "Anglo-World", focus solely on the spatial dimension (Belich, Replenishing the Earth, p. 6).

122 This rupture has been addressed several times in research. For example R. J. Miller, The Doctrine of Discovery, in: Miller et al., Discovering Indigenous Lands, pp. 1–25, here p. 2.