

**OUTLINE OF A SYSTEM OF  
LEGISLATION, FOR SECURING  
PROTECTION TO THE ABORIGINAL  
INHABITANTS OF ALL COUNTRIES,  
COLONIZED BY GREAT BRITAIN**

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Outline of a System of Legislation, for securing protection to the aboriginal inhabitants of all countries, colonized by Great Britain by Standish Motte

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**STANDISH MOTTE**

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151  
OUTLINE

OF A

SYSTEM OF LEGISLATION,

FOR SECURING PROTECTION TO THE  
ABORIGINAL INHABITANTS OF ALL COUNTRIES  
COLONIZED BY GREAT BRITAIN;

EXTENDING TO THEM POLITICAL AND SOCIAL RIGHTS, AMELIORATING THEIR  
CONDITION, AND PROMOTING THEIR CIVILIZATION.

DRAWN UP AT THE REQUEST OF

THE COMMITTEE

OF

"THE ABORIGINES PROTECTION SOCIETY,"

FOR THE PURPOSE OF BEING LAID BEFORE THE GOVERNMENT.

By STANDISH MOTTE, Esq.,

(OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW)

A MEMBER OF THE COMMITTEE.

"What is the race of mankind but one family widely scattered upon the face of the earth?"  
"All men by nature are brothers."

FENELON.

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TO  
THE COLONIAL MINISTER, AND THE LEGISLATURE OF  
GREAT BRITAIN,

**These Pages are Addressed,**

WITH THE VIEW OF PROMOTING

THE ADOPTION OF SOME LEGISLATIVE MEASURE,

FOR THE PROTECTION OF

THOSE NUMEROUS RACES OF HUMAN BEINGS,

WHOSE TERRITORIES ARE DAILY AUGMENTING OUR VAST POSSESSIONS,

AND WHOM WE ARE BOUND,

BY EVERY PRINCIPLE OF JUSTICE AND HUMANITY,

TO SUCCOUR AND PROTECT.

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In making the following sketch, at the request of the Committee of the Aborigines Protection Society, I have availed myself of many valuable suggestions from several of its active members, as well as of extracts from the reports of Parliamentary Committees, and of despatches from the Colonial Officers of the Crown.

STANDISH MOTTE.

*Lincoln's Inn Fields, July 26, 1840.*

AT A MEETING  
OF THE  
COMMITTEE  
OF  
THE ABORIGINES' PROTECTION SOCIETY,

*Held August the 12th, 1840,*

IT WAS RESOLVED,—

That the thanks of this Society are especially due to Mr. Standish Motte, for his valuable "Outline of a System of Legislation, for securing protection to the Aborigines of British Colonies;" and that the Outline be printed by this Society, for circulation among its supporters, as well as the members of the legislature.

FREDERICK MAITLAND INNES,

*Secretary.*

*Office of the Aborigines' Protection Society,  
17, Beaufort Buildings, Strand.*

## I. NECESSITY FOR LEGISLATION.

*"It will scarcely be denied, that as an enlightened and Christian people, we are at least bound to do to the inhabitants of other lands, whether enlightened or not, as we should in similar circumstances desire to be done by; but beyond the obligations of common honesty, we are bound by two considerations: first that of the ability which we possess to confer upon them the most important benefits; and secondly, that of their inability to resist any encroachment, however unjust, however mischievous, which we may be disposed to make. The disparity of the parties, the strength of the one, and the incapacity of the other to enforce the observance of their rights, constitutes a new and irresistible appeal to our compassionate protection."*

*"The duty of introducing into our relations with uncivilized nations the righteous and profitable laws of justice is incontrovertible, and it has been repeatedly acknowledged in the abstract, but has we fear been rarely brought into practice; for as a nation we have not hesitated to invade many of the rights which they held most dear."—Report of a Select Committee of the House of Commons on the Aborigines of British Settlements, 1837.*

THE reckless and lawless conduct which has hitherto characterized colonization, in reference to the Aboriginal Inhabitants of the Countries Colonized,—the atrocities and cruelties perpetrated,—the injustice, the suffering, and the loss of life which have resulted to the aborigines,—the deep injury inflicted upon the political and commercial interests of Great Britain thereby,—and the stain upon our national honour, are too well known to require any lengthened detail. The printed reports and papers of the Parliamentary Committees of Inquiry, as well as those of the Aborigines Protection Society, have recorded the *facts* in evidence; the *truth* of which unfortunately is too faithfully supported and confirmed, by the *events* which are daily occurring in our colonial possessions.



That these crying evils, have mainly arisen from the absence of an efficient system of legislation, must be equally manifest. From the want of a proper and wholesome restraint, by which the colonists should have been compelled to respect the rights of the native inhabitants, and to conciliate their goodwill :—cruelty, tyranny, and oppression have been the result, leading to the worst species of despotism, alike degrading to the oppressor and the oppressed :—while these in their turn have led to a continuance of barbarism, savage ferocity, and a deep and dark revenge, rendered more baneful by the partial adoption of civilized weapons and customs, and ending often in the destruction of the lives and property of innocent and worthy persons, who have thus become unwittingly the victims offered up to the shrine of vengeance, for the wrongs inflicted by others upon the aboriginal inhabitants.

The rapidly extending political and commercial relations of Britain (comprehending under the imperial rule not less than one-sixth of the inhabitants of the globe),—the pouring forth of a wide stream of emigration from her shores to the uttermost parts of the earth,—the increased facility of international communication by steam (favoured as this country is by the development of science and its application to mechanical power, and destined as it would seem to become the pioneer of colonization, and to usher in a new era of intelligence and civilization to portions of the globe hitherto comparatively unknown),—render it the paramount duty of the people and government truly, justly, and humanely to fulfil the great trust in them reposed ; to be careful that in grasping

the commerce of the earth we do not defraud ; in acquiring possession of territory we do not despoil ; in planting new colonies, we do not demoralize, ruin, and exterminate those who by birthright are nature's lords of the soil they inhabit ; but so to combine and guide intelligence, enterprise, and capital, as to direct them to their legitimate ends ; political and commercial reciprocity, and the diffusion of religion, knowledge, and civilization, among the heathen nations of the earth.

Hard indeed has been the lot of the poor untutored aboriginal inhabitant :—suddenly invaded by a race of men whose very name and existence, in many cases, were previously unknown, he has been hunted as a wild beast, driven from his father land, and obliged to seek among a warlike and perhaps hostile tribe that home which the civilized usurper denies him ; until he finds a refuge in death by the hand of his enemies, or in misery pines away his existence. Is he permitted to remain near the white man—the picture is still more melancholy ; he is treated as a creature of inferior nature, unable to cope with civilized habits :—without property, no respect is paid to him ; without knowledge, he becomes the dupe of his civilized neighbour ; he is fostered only to be defrauded of his land, his labour, or his liberty. Is he wronged ?—he has no redress ; without experience in our laws and customs, he is expected at once to conform, or to suffer punishment ; no allowance is made for *his laws, his customs, or his prejudices* ; and lastly, without knowledge, education, moral restraint, or self-control, he is subjected to every temptation which cupidity can invent, or the vices of artificial society can propagate. Can it be wondered at that such a being becomes con-

taminated — that he becomes physically diseased, morally debased, and losing the simple and noble attributes of his native character, forgets the virtues of his race, and clothes himself with the vices of civilized society ?

What crimes or atrocities does history chronicle, more horrifying than the details of the cruelties practised upon the untutored native ? He is first deprived of his land, next of his liberty,—his body is poisoned with disease, his blood is maddened with liquid fire, his passions are excited by revenge and despair ; and in this state he is provided with the direst and most deadly weapons of destruction. Can the sequel be wondered at ? His Christian brethren who have professed to civilize him stand by with heartless complacency, beholding the gradual extermination of his race, and the passing of the land of his fathers into their possession. Such is the process now causing the gradual depopulation and extinction of the native inhabitants of America and Africa, of New Holland and the islands of the Pacific. Is this Christianity—is this civilization ? Forbid it, justice, truth, humanity ! forbid it, selfishness ! Yes, on selfish, on sordid, on mere commercial grounds (if such motives can be necessary for just legislation), it might be demonstrated that the acquirement of wealth and power, would in the end be greater, and far more permanent, not only to the individual members of a colony, but to the country colonizing :—by affording political protection to the native inhabitants, securing to them justice in their mutual relations, and dealing out to them with the hand of charity and Christian forbearance, leniency to their faults, allowance for their prejudices, and liberality for their good deeds.