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The architecture of colonial jurisdiction: the annexation of Queensland's offshore islands

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This paper explores the relationship between architecture and colonial sovereignty. It considers the case of the British colony of Queensland's offshore islands, which existed somewhere between competing colonial jurisdictions and international waters following Queensland's separation from the colony of New South Wales in 1859. The discussion situates this nineteenth-century moment within a broader history of British colonial occupation and development along Australia's eastern seaboard dating to the late eighteenth century. This paper argues that anomalies of colonial law did not constitute an impediment to colonial sovereignty — rather, they were its very modes of articulation. Whereas Queensland's offshore islands had previously constituted a maritime frontier that was actively exploited by private enterprise, as a result of the Queensland Coast Islands Act 1879, the Great Barrier Reef and Torres Strait Islands were gradually transformed into a geography of regulation that assisted in governing the political community of the colony as a whole. This paper adopts an infrastructuralist analysis, reading the architecture of colonial development alongside other technologies and media as instruments in the implementation and clarification of colonial jurisdiction.

> The layering of overlapping, semi-sovereign authorities within empires generated a lumpy juridical order, in which legal actors, even rogues […], engaged in creative legal posturing.[1]
> Lauren Benton (2010)

> There are four 'institutional clusterings' associated with modernity: heightened surveillance, capitalistic enterprise, industrial production and the consolidation of centralised control of the means of violence.[2]
> Anthony Giddens (1987)

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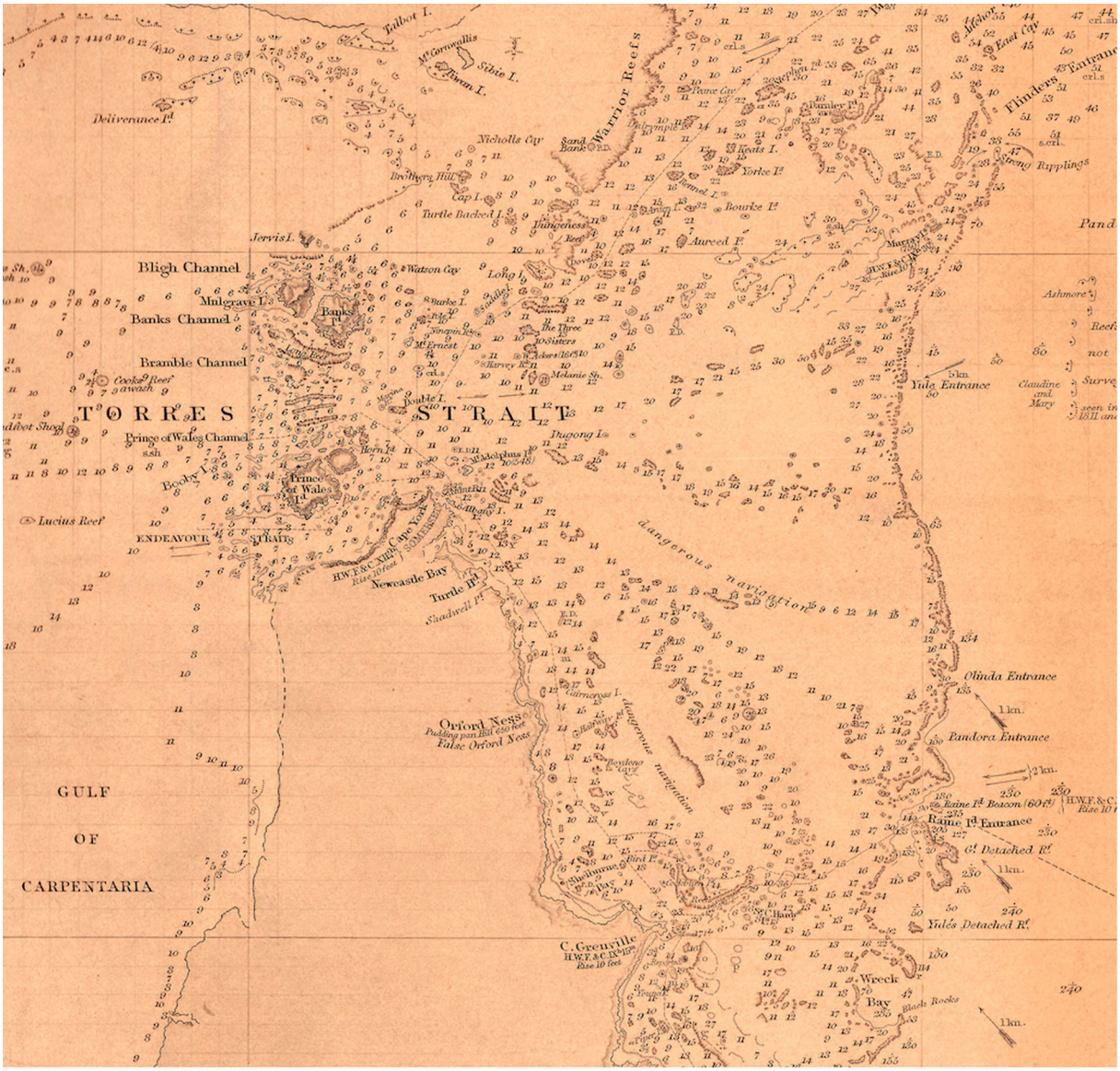
Sovereignty, jurisdiction, territory

In 1872, thirteen years after the British colony of Queensland was first annexed from New South Wales, Letters Patent were sent from London to Queensland's capital, Brisbane, officially granting the younger colony administrative control over all the Great Barrier Reef and Torres Strait Islands. Previously, these islands had existed in a liminal space, located somewhere between colonial jurisdictions and international waters. Guano traders, pearl shellers, and other maritime industries initially exploited this regulatory ambiguity, using the islands either as bases or the actual sites for their operations, beyond the reach of colonial law (Fig. 1). Seven years after the 1872 Letters Patent had been dispatched from London, the Queensland Coast Islands Act 1879 (hereafter 'the Act') was eventually passed in the colony's Legislative Assembly, placing all the Great Barrier Reef and Torres Strait Islands within Queensland and extending its northern border to within a few hundred metres of New Guinea (Fig. 2).

Although historians have tended to subsume this expansion of Queensland's maritime territory under a broader teleology culminating in Queensland's annexation of New Guinea in 1883, in fact the Australian colonies, and the British Imperial Government in particular, showed little interest in possessing New Guinea at the time of the introduction of the Act.[3] The discussion presented here will therefore consider the annexation of the Great Barrier Reef and Torres Strait Islands on its own terms — that is, as an example of how the rationality of colonial statecraft, and the spatial technologies on which such statecraft relied, responded to an ambiguous maritime frontier. This ambiguity came to be framed as a legal vestige that needed to be subsumed within an ongoing process of Indigenous dispossession and colonial expansion prior to Australia's federation as a nation-state in 1901.

This process raises questions regarding the nature of settler colonial sovereignty, jurisdiction, and territory. Following Thomas Blom Hansen and Finn Stepputat, modern sovereignty can be understood as 'an aspiration that seeks to create itself' despite the 'internally fragmented, unevenly distributed and unpredictable configurations of political authority' that exercise 'legitimate violence in a territory'.[4] Sovereignty is produced and reproduced in the application of diverse forms of violence legitimised by the various institutions that constitute the state apparatus. Stephen Legg, following Michel Foucault, has argued that colonial statecraft comprises the mutually imbricated functions of sovereign, disciplinary, and governmental power: sovereign power is exercised over life (a population) in the extraction of people, resources, and taxes, or in making decisions about killing; disciplinary power intends to create and police 'economically efficient yet politically docile subjects' in keeping with pre-existing norms of behaviour and health; and governmental power provides security by assessing probable events and weighing up an 'appropriate response in relation to optimal functioning'.[5]

Rather than aspects of an absolute colonial sovereignty, however, these dimensions of power — and the forms of violence on which they inherently



rest — are better understood as the dynamic and non-linear elements of jurisdiction, defined by Shiri Pasternak as 'a *claim* to governance that refers to the legal relationship between a politically organised community and the space it inhabits'.[6] From a jurisdictional perspective, colonial sovereignty remains incomplete: both in terms of the 'accretion and layering' of authority between regulatory bodies and in the ways these bodies 'mark and codify relationships on the ground'.[7] The law is not simply a tool of political legitimacy

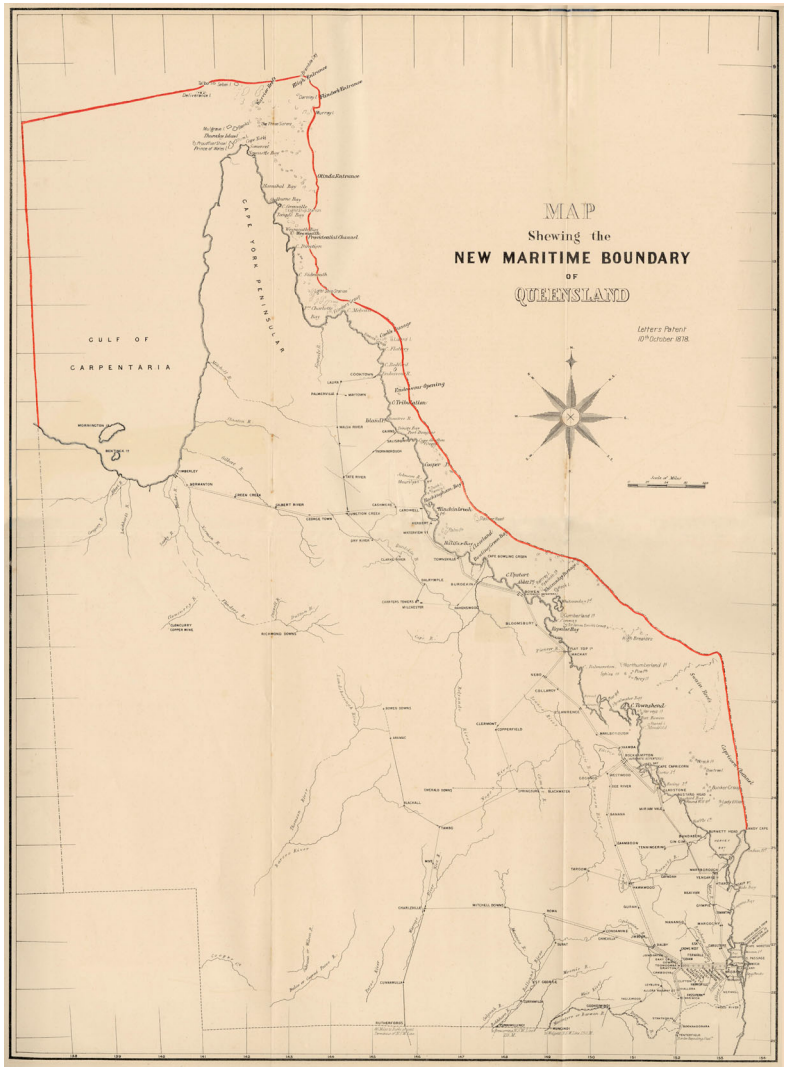


Figure 1.
Coral Sea and Great Barrier Reefs, shewing the Inner/Outer routes to Torres Strait, 1860, chart produced by the Hydrographical Office of the Admiralty in the year after Queensland's separation from the colony of New South Wales, with details of the Great Barrier Reef shown as an offset line following the profile of the coastline, and the Torres Strait Islands located to the north of the Reef fanning out from the Cape York Peninsula towards New Guinea, courtesy of Queensland State Archives, 631235

Figure 2.
Map Shewing the New Maritime Boundary of Queensland, Letters Patent, 10 October 1878, depicting Queensland's proposed maritime boundary in red as ratified by the Queensland Coast Islands Act 1879 and all islands off the Queensland coastline, including the Great Barrier Reef and Torres Strait Islands, which were placed within the colony's jurisdiction as a result of the Act, courtesy of the Department of Natural Resources Mines and Energy

but also, as Supdita Sen has argued, 'a measure *and* limit of imperial power'.[8] Its various abstractions and modes of implementation have spatial ramifications as much as they are indicative of the deep, variegated, and incomplete interior of the state itself.[9] According to Cait Storr, engaging jurisdictional processes in an historical analysis thus requires 'paying attention to conflict at the thresholds across which the political becomes legal, and to the material forms those thresholds take'.[10]

Put differently, the totalising logic of colonial sovereignty, which asserts authority over a delimited and supposedly contiguous territory, stands at odds with the changing manner in which the different governing functions of the state

are enacted according to their myriad jurisdictional limits. Whereas sovereignty in a settler colonial context implies territorial dominance, Indigenous dispossession, and replacement, attending to jurisdiction instead reveals spatial and administrative porosity and the overlapping authority claims of different groups — both within and outside the political community of the colony, especially in the form of Aboriginal resistance.[11] 'The *assertion* of sovereign right, as both a conceit and a fact' suggests Ryan Bishop, 'might be the only quality — though tautological — that designates sovereignty as such'.[12] Inversely, whereas jurisdiction reveals the limitations of settler colonial power, claims of sovereignty are not in fact curtailed by the fragmentation, unevenness, and breakdown of authority; rather, these form part of sovereignty's very modes of articulation. In challenging the legitimacy and necessity of sovereignty, resistance to it, in whatever form — 'some territorial challenge, some excess or breach' — provides the grounds for its authorisation precisely 'through its triumph over resistance'.[13] One aspiration of the present discussion is therefore to chart these divergent modalities of colonial law in light of the complex administrative history of Queensland's offshore islands, both prior to and as a result of the Act, to denaturalise the historical assertion of colonial sovereignty as such.

Inasmuch as the shifting of Queensland's maritime border involved legal and political institutions, it also remained inextricable from the construction and maintenance of buildings and other structures. 'Exercising jurisdiction over settler and Indigenous violence', observes Lisa Ford, 'required local investment in the idea of territorial jurisdiction and in the authority of the state to exercise it'.[14] The architecture produced as a function of the colonial state's claim to authority — as well as in attempts to elide it — took a variety of forms that are not readily reconcilable with the prevailing themes of Australia's architectural historiography: rudimentary dwellings, industrial equipment, sheds, ships, docking facilities, and a raft of minor government buildings.[15] A further aspiration of the present analysis is therefore to identify how the architecture of Queensland's offshore islands — recorded and made available within numerous government and company archives — in fact wielded significant political power, as what G. A. Bremner describes as 'instruments of facilitation'.[16]

According to John Durham Peters, such structures, alongside the legal conditions and political objectives they facilitated, are best understood through the theoretical lens of 'infrastructuralism'. 'Infrastructuralism', Peters argues, 'suggests a way of understanding the work of media as fundamentally logistical', in the sense that they 'coordinate and subordinate, arranging relationships among people and things'.[17] Borders, buildings, settlements, and extractive technologies, and also distribution networks, statistical reports, maintenance schedules, and urban plans are, in this sense, media that work together to organise, maintain, and optimise the performance of territorial jurisdiction. They are the 'small interfaces' of a much larger 'submerged system' that defines the limits of state power and its forms of expression — the fundamental context for which, suggests Ford, 'is the daily, systemic, and ongoing subordination of Indigenous people'.[18] Although ships, shipping lanes, telegraph lines,

and government outposts are hard infrastructures, soft infrastructures such as hydrographic charts, imperial law, and organisational structures are nevertheless equally infrastructural. Indeed, as Peters concludes, 'software often outlasts hardware'.[19] Moreover, infrastructures rely upon other infrastructures; the softer ones might outlast the harder ones, but they are generally always co-dependent.[20]

An infrastructuralist approach enables one to conceive of colonial sovereignty as a 'submerged system' whose 'small interfaces' were at turns architectural, technological, juridical, scientific, social, and economic. As a result, it usefully focuses the historian's inquiries into the ways in which architecture participated in the colonial project in Queensland: on the one hand, by engaging the effects of spatial production vis-à-vis the colony's 'claim to governance' over land and people — that is, as *operative* — while, on the other, approaching buildings and other structures as the discrete outcomes of an emergent and contested colonial jurisdiction — that is, as *evidential*. In Queensland's shifting maritime territory, where changing administrative logics occasioned and were occasioned by different forms of spatial production, one finds examples of both modalities — allowing instances of infrastructural development to be read against the process of colonial state *formation* rather than presupposing an end state of comprehensive control over territory or reifying the state's claim to absolute authority. As Denis Byrne has demonstrated, during the post-contact period, Indigenous people in the Australian colonies were widely able to subvert the 'system of spatial control, transgressing its numerous finely drawn boundaries, poaching on its preserves, tweaking the nerves of a spatial system which was inherently tense with racial foreboding, paranoia, longing and deprivation'.[21] Jurisdictional limits and territorial unevenness revealed a colonial sovereignty that remained incomplete and at stake, even as the technical and governmental penetration of the territory increased.

Recent work has substantially revised the historical position of architecture within the British imperial project more broadly; however, the question of architecture's constitutive role within the assertion of colonial sovereignty remains largely overlooked.[22] Paying closer attention to this question is especially pertinent in settler colonial contexts like Australia where, as a function of British imperial law, migrants arrived from the British Isles with their sovereignty intact. Nevertheless, existing histories of 'Australian' architecture have had little to say about the ways in which sovereignty framed the conditions of, and aspirations for, architectural production in the Australian colonies. This is not to renounce the accomplished studies that have dealt with colonial architecture as it was realised in the colonial capitals or at the Empire's penal stations — primarily in stone and in keeping with neoclassical, neogothic, and other civic-imperial styles — by architects working close to the nucleus of their profession,[23] nor is it to dismiss the important surveys, encyclopaedias, and biographical dictionaries that have documented the various ways in which many of these same architects renegotiated the edicts of their profession as they grappled with the material conditions of the Australian continent.[24] Rather, the point is to understand, in detail as well as in overall terms, how architecture

participated in the pervasive processes of invasion, racial violence, subjugation, economic development, and political governance that characterised the assertion of first British then later Australian sovereignty.

The following analysis takes a closer look at this question through the lens of infrastructuralism. It situates the specific case of Queensland's shifting maritime territory within a broader history of colonial expansion in the Australian colonies, proposing that the jurisdictional ambiguity encountered throughout the Great Barrier Reef and Torres Strait Islands in the mid-nineteenth century can only be understood in relation to the overarching pattern of British invasion, occupation, and development in Australia, commencing in the late eighteenth century. The discussion follows this pattern along the early shipping lanes of the eastern seaboard. It travels into the interior along the transport and communications infrastructure that conveyed valuable resources to their global markets while also functioning as tendrils of colonial regulation. It considers why the Great Barrier Reef and Torres Strait Islands initially escaped the legal-jurisdictional space of Queensland and how they were eventually reintegrated into that space following the introduction of the Queensland Coast Islands Act 1879. As a result of the Act, the colony of Queensland's offshore islands increasingly hosted strategic functions aimed at cultivating a modern and avowedly white body politic on the mainland, as Australia's colonial period gave over to the formation of the Australian nation-state in 1901.

New South Wales: convicts, whales, sheep (1770–1860)

The unclear legal status of Queensland's offshore islands in the nineteenth century was a vestige of the longer history of British administration in the Australian colonies. In 1770, following his navigation of the eastern seaboard of the Australian continent, Lieutenant James Cook claimed New South Wales on behalf of the Kingdom of Great Britain at Possession Island in the Torres Strait. The territory of New South Wales, as defined by Cook, stretched from the northern tip of the mainland at Cape York to a southern extreme near present-day Melbourne. Except for Western Australia, all the British colonies in Australia were originally nested within the so-called 'mother colony' of New South Wales until the mid-1800s. This included Van Diemen's Land (Tasmania after 1856), South Australia and Victoria in the south, Queensland and the Northern Territory in the north, and New Zealand to the east, each of which was eventually excised from New South Wales under different administrative arrangements.

A condition that was common to all colonies was 'the tyranny of distance' examined by Geoffrey Blainey in his famous study from 1966. Distance, according to Blainey — which separated the British colonies from their imperial headquarters in London; migrants from their families in Europe; commodities from their markets; seats of colonial government from their dispersed bodies politic — was as characteristic of the British colonial project in Australia 'as mountains are of Switzerland'.[25] Although its benefits were obvious for the original purpose of New South Wales as an open-air prison, isolation also

meant that any viable settler colonialism would be reliant upon the development of secure and cost-efficient waterborne transport. This would connect the colony to itself — that is, across the Tasman Sea to New Zealand — and horizontally to Britain's Second Empire possessions, as well as vertically to the Colonial Office in London. As Blainey concludes, distance was the preeminent sociotechnical challenge to the viability of British occupation in colonial New South Wales.

Following the establishment of a first penal station at Port Jackson (also Warrane, or Sydney Cove) in 1788, the colonial development of New South Wales occurred centrifugally in a largely staccato fashion. This followed in the wake of the British cartographic project in Australia commenced by Cook during his 1770 voyage; Tasmania was circumnavigated in 1799, followed by the circumnavigation of the entire Australian landmass in 1803 — effectively fixing the major rivers, islands, natural harbours, and shipping lanes into a constellation of strategic points. Initially, these points served military-carceral functions with Sydney as their administrative centre. Norfolk Island (1788), Newcastle (1801), Port Macquarie (1821), Moreton Bay (1824), and Port Arthur (1833) in Van Diemen's Land hosted remote British penal stations. Defensive batteries were also constructed at Melville Island (1824) and the Cobourg Peninsula (1827, 1838) in the extreme north of New South Wales as well as at Hobart (1803) in Van Diemen's Land. The tentative nature of British control over its Australian possessions is embodied by these settlements — highly isolated and elemental outposts often comprised of basic, sometimes prefabricated buildings erected using cheap convict labour (Fig. 3). Abandonments, outbreaks of illness, rebellions, and attacks by Aboriginal resistance fighters were common. By the early 1800s, settlement had expanded from Sydney Cove to encompass six townships and military outposts on the outer fringes of the contemporary city where, according to Stephen Gapps, a 'network of garrisoned townships' was supported by a layer of militia, paramilitary forces, and armed convicts.[26] By the 1810s, large groups of Aboriginal warriors began 'asserting their numeric strength', Gapps continues, 'in parties of up to 400 against isolated settlers and convict workers, even when the Europeans had firearms'.[27] Up to 1820, Britain therefore made no pretence to govern New South Wales territorially; instead, it adopted what Ford describes as 'a hybrid system of personal jurisdiction overlaid with very flexible territorial claims over very modest areas'.[28]

The piecemeal presence of the British state in New South Wales during the first decades of occupation, and its concentration on Sydney, also reflected the enduring maritime orientations of resource use and production in the colony. As Blainey suggests, in the 1820s, 'Britain was more interested in controlling Australian seas than Australian land. It was more interested in maritime strategy than in the unknown, inaccessible wealth of the Australian interior'.[29] Despite the establishment of overland routes throughout the colony around 1820 — first over the Blue Mountains, onto grazing country west of Sydney, then south to Port Phillip, the future site of Melbourne, as well as north towards Newcastle via the convict-built Great North Road — New South

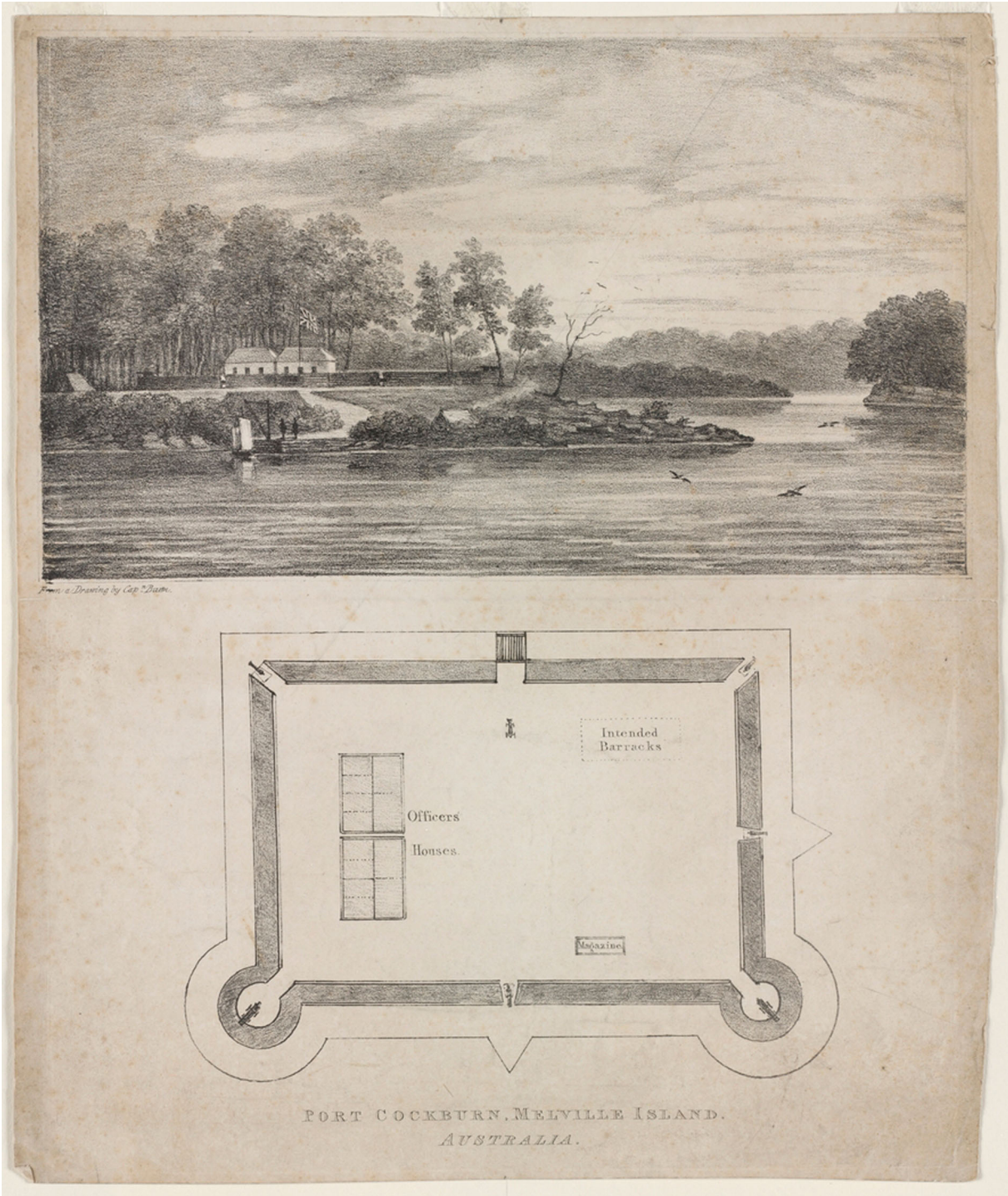
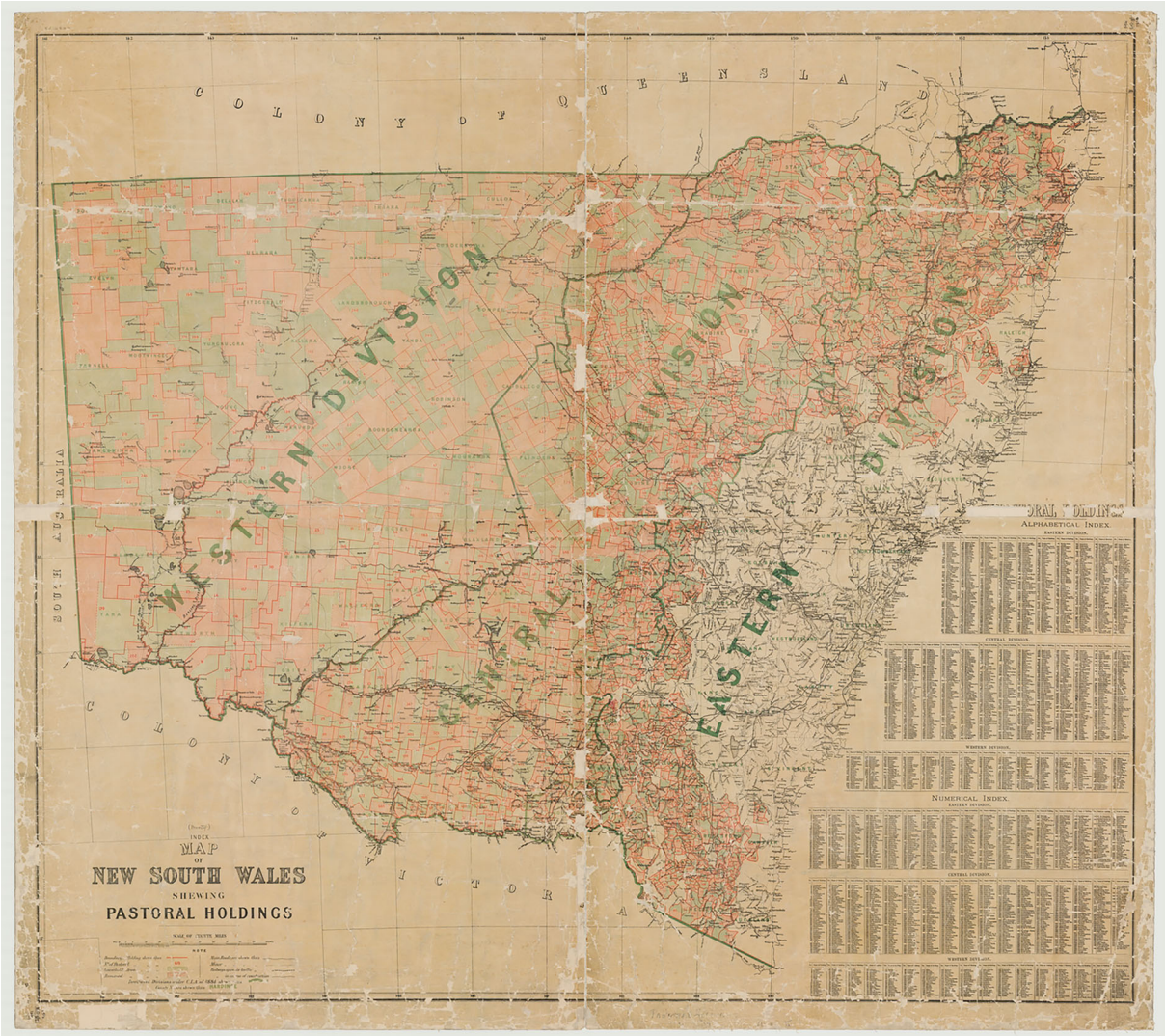

From a Drawing by Capt. Bunn.
Intended Barracks
Officers
Houses.
Magazine
PORT COCKBURN, MELVILLE ISLAND.
AUSTRALIA.

Figure 3.
Plan and elevation of the military outpost at Port Cockburn, Melville Island, in the extreme north of New South Wales, from a drawing by Captain Bunn, c.1829, courtesy of State Library of New South Wales, DG SV3.8/1

Wales remained firmly stitched into a global network of mercantile activity focused on the Pacific, Indian, and Southern Oceans. Ships from Calcutta, Madras, Bombay, and Bengal arrived in Port Jackson with rice, clothing, cattle, and rum before heading north again via the Torres Strait.[30] American and English traders sailing for China used Sydney to replenish supplies and exchange goods at the commissariat store. Port Jackson was also a base for the global transhipment of important commodities: sandalwood and copra from the South Pacific, timber harvested from New Zealand and Tasmania, sealskins from the southern Bass Strait islands, and whale oil from the Tasman Sea, the south Pacific and the Southern Ocean — the latter remaining the most important export commodity in colonial New South Wales until it was eventually surpassed by wool in the 1830s.[31] Prior to the rise of pastoralism and its concomitants — the development and governance of the interior districts, mortgage finance, and new forms of land tenure — colonial development on the eastern seaboard of Australia occurred above all on the basis of natural harbours that had been developed into a string of British ports looking clearly out to sea.

By the 1840s, however, convict transportation to the eastern mainland of Australia had ceased and many of the early penal stations along the coast — and, ultimately, their interiors — had been opened to free settlement along the lines of systematic colonisation devised by Edward Gibbon Wakefield. The colonies of Western Australia (1829), South Australia (1836), and New Zealand (1840) were established as corporate colonies — developed using private capital, but nevertheless still accountable to London — whereas New South Wales and Van Diemen's Land (1825) were eventually joined by Victoria (1851) and Queensland (1859) as colonies more directly overseen and supported by the Colonial Office. Migration was subsidised by the new colonies who also invested heavily in the communications and urban infrastructure required to support rapidly increasing populations — a sustained intensity and breadth of development described by some at the time as 'colonial socialism'.[32] British banks and other financial intermediaries commenced operations in the colonies, channelling surplus capital from throughout Greater Britain towards investments in infrastructure, land, and ballooning local industries in agriculture, mining, and construction.[33]

With the 'opening up' of the interior during the 1840s, economic development and forms of colonial governance were increasingly focused on pastoralism (Fig. 4). N. G. Butlin has traced the economic history of the influx of private British investment into the Australian wool industry of the 1840s via the various technical, financial, and legal instruments that were designed to efficiently exploit the latent value of inland pastoral districts. Techniques of fence construction, new wool washing technologies, and methods of land valuation, as well as more sophisticated homestead architecture and logistics services, together functioned as tools for the territorialisation of private overseas capital (Fig. 5). This consolidation of pastoralist expansion was simultaneously also a process of violent incursion onto Aboriginal land, whether through the enclosure of previously occupied land as real estate, the forced removal of



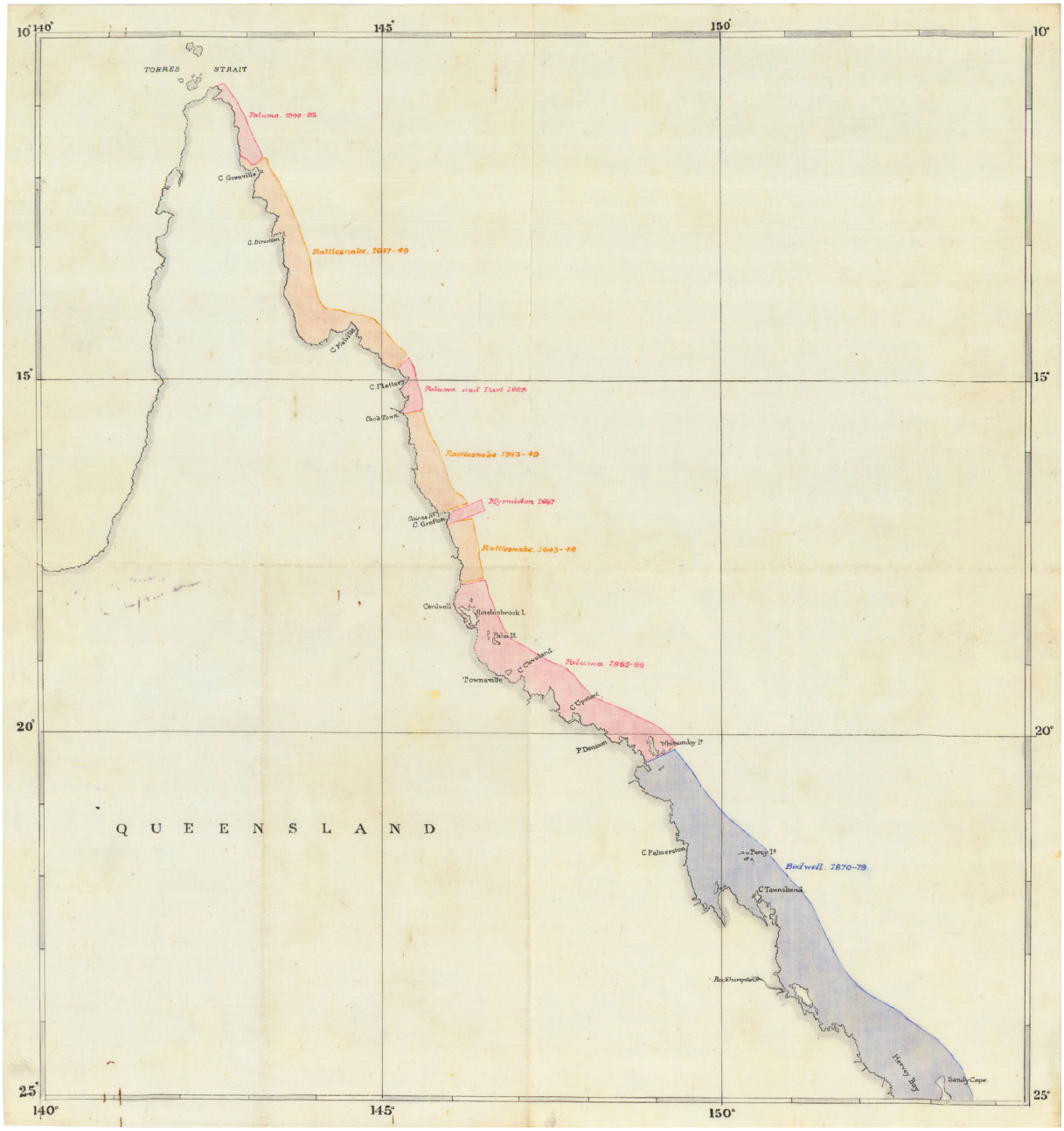
Aboriginal people to government reserves and mission stations, or outright acts of racial violence including state-sanctioned killing.[34] Although, as Byrne has argued, Aboriginal people in nineteenth-century New South Wales participated in 'a systematic refusal of the boundaries of the cadastral system, a refusal to acknowledge its legitimacy, a constant prodding and testing of its resolve' through 'the jumping of fences, the raiding of orchards and corn fields, the short-cut across a hostile farmer's lower paddock in order to get to the river', and so on, these forms of subordination and the aforementioned resistance were poised to devolve into heavily one-sided lethal violence.[35] An estimated 2,300 Aboriginal people were massacred by colonists and police

Figure 4.
Index map of New South Wales shewing Pastoral Holdings, Surveyor General's Office, 1886. Prior to proper governance of the interior of New South Wales white occupation was largely unregulated, as was the violence that frequently occurred when pastoralists, known as squatters, attempted to displace Aboriginal groups further into the interior, and later, land was systematically surveyed and alienated to pastoralists. Courtesy of Mitchell Library, State Library of New South Wales

Figure 5.
Washing facilities at the Collaroy sheep station in New South Wales, showing the adjacent river which supplied water for boilers and wash pools, and clean sheep were shorn and the wool packed into bales before shipping, from Cutts & Harrison, Scenes at an Australian Sheep Station, Collaroy, New South Wales, c.1870

detachments between 1840 and 1850 in New South Wales alone (prior to the annexation of Victoria and Queensland), often precisely as a result of the types of actions to which Byrne refers. In comparison, approximately 10 colonists were killed in conflicts with Aboriginal people during the same period.[36]

Violence and its regulation formed the basis of justifications for increased governance in the colony of New South Wales at mid-century. Conflict between Aboriginal groups as a result of being displaced onto the Country of others, or being marshalled onto the same reserve, led the state to further reify its authority via the legal system, reasoning that 'Indigenous violence must fall within the jurisdiction of settler courts because territorial, settler sovereignty could not tolerate Indigenous self-government'.[37] Aileen Moreton-Robinson locates the dispossessory logic of the colonising state in such declarations, arguing that 'under Australia's white anglicised legal regime, Indigenous people are homeless and out of place because the hybrid of settlement, which now exists in common law, continues the legal fiction of *terra nullius* by positioning us as trespassers. Who belongs, and the degree of that belonging, is inextricably tied to white possession', which is itself constituted through the assertion of exclusive sovereignty.[38] Although 'uniform in intent', observes Peter Read, the official policy that flowed on from this assertion in nineteenth-century New South Wales 'was enacted most vigorously in areas where whites were most vociferous in demanding that Aborigines be controlled', if they had not already 'dispersed' or 'repelled'



them by extrajudicial means.[39] The 'opening-up' of the interior of New South Wales in the mid nineteenth century for white occupation and pastoral development was therefore a loosely coordinated and reactive process of increasingly severe Aboriginal dispossession, eradication, or subjugation that shaped

Figure 6.
Map accompanying letter from Commander Hemming, Captain of the HMS Paluma, reporting on survey work of the Queensland Coast, 1893, an overview of hydrographic surveys of Queensland's coastline, shipping channels and islands conducted from the 1840s to 1890s, courtesy of Queensland State Archives, 1102452

the foundations for systemic white supremacy in Australia.[40] Although Indigenous resistance revealed the limited territorial control of the state, it also prompted the state to extend the authority it claimed through the deployment of both hard and soft infrastructures and by further incentivising white occupation, as well as by increasingly treating Aboriginal people, in legal terms, as 'objects of jurisdiction' rather than recognising Indigenous sovereignty as such.[41] The spatial and legal orders of dispossession developed simultaneously and in mutually reinforcing ways.

The overall pattern of colonial development to emerge alongside these forms of violence and governance in New South Wales generally reflected a strategic compromise between a number of key factors: maximising the productivity of the least expensive, most secure swathes of available land, and their proximity to communications infrastructure — from sheep station to road to river to railway line to harbour and, ultimately, onto ships. Government regulation — including severe taxation — occurred along these corridors of distribution, including onto the shipping lanes of the eastern seaboard where Australian wool was conveyed to its British market. Hydrographic surveying was undertaken to increasing levels of detail to reinforce the reliability of shipping services through the labyrinth of islands and sea mounts of the Great Barrier Reef and Torres Strait (Fig. 6). Beacons, lighthouses, and other navigational instruments were constructed to signal the shipping channels that appeared on hydrographic charts.[42] On the outer edge of the Reef, at Raine Island, a beacon tower was constructed indicating a safe passage into the inner channels while other islands were stocked with goats or planted with coconut palms to provide a food source for the potential survivors of wrecks that might occur on any as yet unmapped reefs, cays, and remote islands (Fig. 7).

The Great Barrier Reef and Torres Strait Islands were initially regarded as impediments to the first phase of economic growth in the Australian colonies. They were aberrant and purposeless, requiring rationalisation to make the colonial expropriation of resources even more frictionless and comprehensive. Pilot boats, harbour masters' cottages, depth gauges, and charts were the maritime corollaries to the packhorses, theodolites, and cadastre of the terrestrial survey. Stitching land and sea together cartographically — as a continuous and receptive medium — was fundamental to the secure circulation of commodities, people and information. However, it was also fundamental to the 'submerged system' of colonial sovereignty more broadly: the territory documented at scale in the map was also that over which the colonial state claimed authority. Scale, as an apparently apolitical representational technique, supported the state's claims to jurisdiction by naturalising and obscuring its spatial differentiation, placing the violence and territorial variation that characterised the lived and administrative reality of the colony outside of the frame.[43] Mapping and remapping in ever greater detail were in this sense also rearticulations of the putative reach of state power into the landscapes and waterways it controlled — except, of course, when it did not.

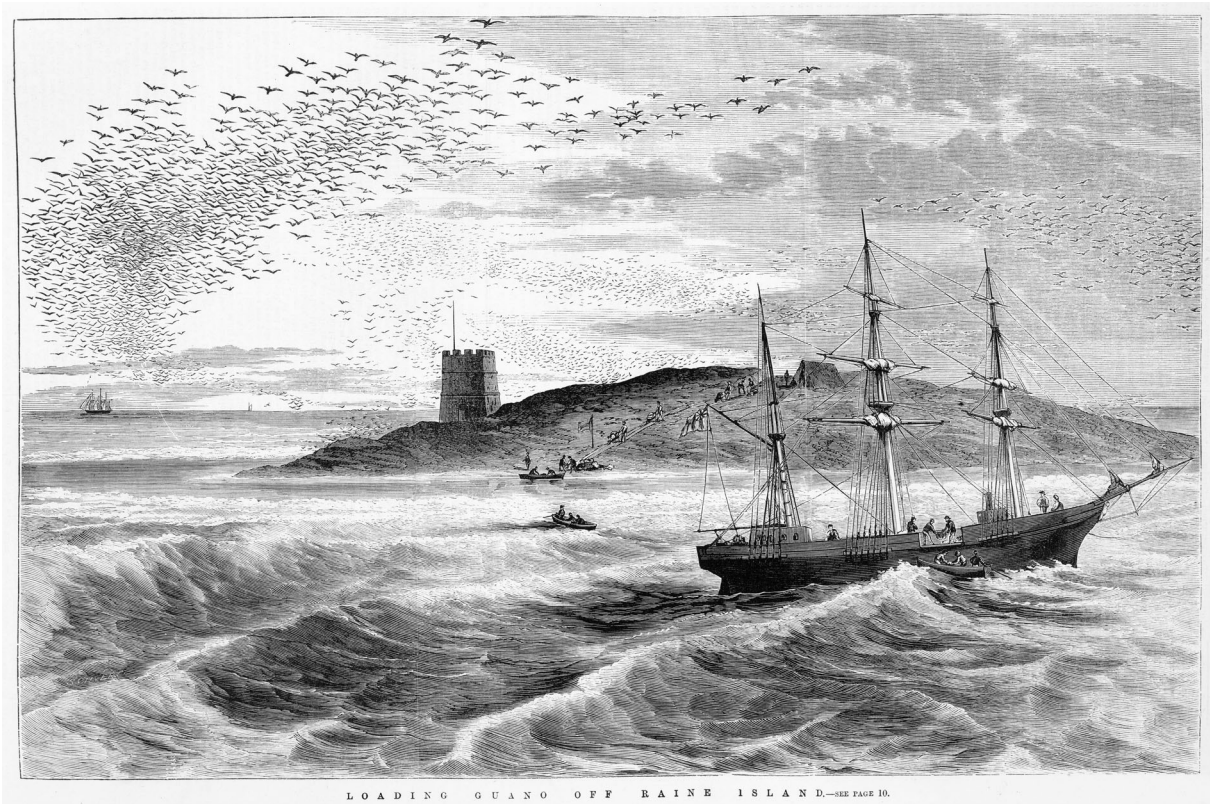


Figure 7.
'Loading Guano off Raine Island', artist unknown, in *Illustrated Australian News for Home Readers*, 30 January 1873, showing a beacon tower at Raine Island, constructed from phosphatic sandstone extracted from the island itself where guano mining infrastructure and activity is also depicted

Queensland: coastal townships and legal anomalies (1860–1870)

Following the separation of the colony of Queensland from the legal-jurisdictional space of New South Wales in 1859, the infrastructural development of the eastern seaboard intensified, becoming a second, northern frontier period in the colonisation of Australia. Separation also brought with it a redefined administrative geography in Queensland that no longer looked directly to Sydney but to the new political and commercial capital, Brisbane. George Ferguson Bowen, the colony's first governor, quickly placed the development of coastal townships at the strategic centre of his plans for Queensland. New settlements soon followed, forming a string of ports leading north from Brisbane: at Rockhampton in the 1850s; at Mackay and Townsville in the 1860s; and at Cairns and Cooktown in the early 1870s (Fig. 8). As they already had in New South Wales, Bowen imagined these ports would function as nodes within an elaborate distribution network conveying the commodities being produced by white colonists throughout the interior and along the coastline — at sugar plantations, mines, sawmills, pastures, fields, and fisheries — to both domestic and global markets.[44] Queensland's coastal townships also

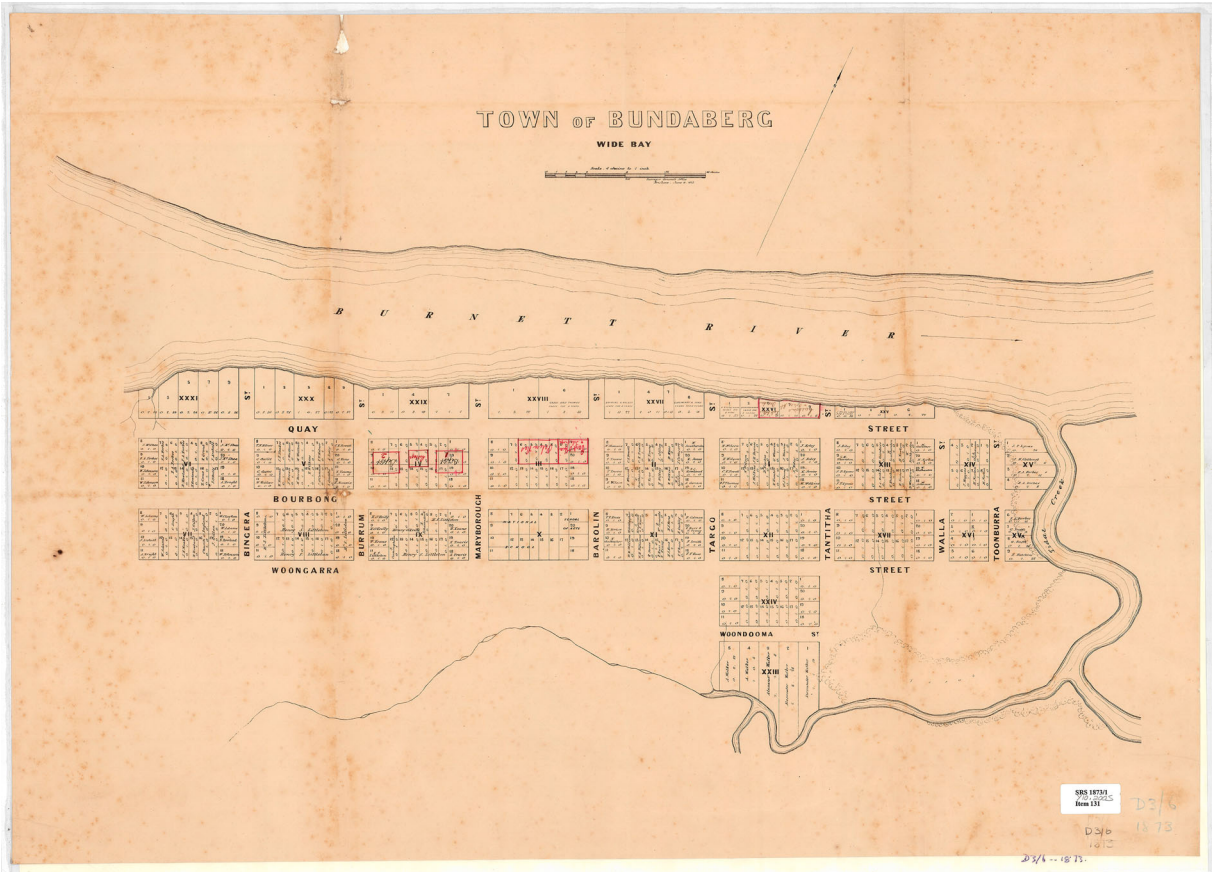
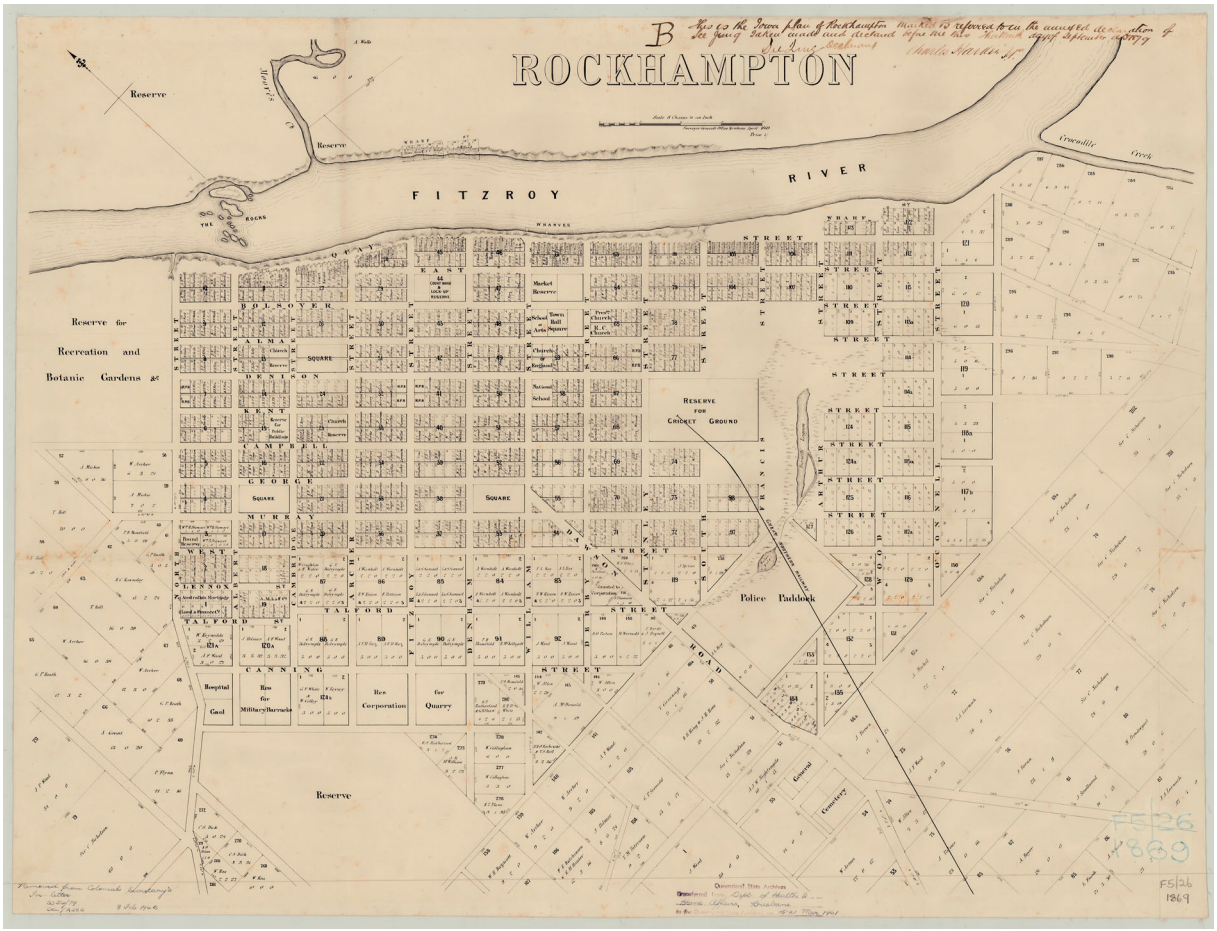


Figure 8.
Surveyor General's Office, Town of Bundaberg, Wide Bay, 1873, courtesy of Queensland State Archives, 628175

processed imports and immigration, all of which directly affected the colony's economic position over time.[45]

The administration of this early development in Queensland recapitulates the earlier observation that the governmental power of colonial architecture lay less in its rarefied objecthood than its capacity — in conjunction with other media — to arrange relationships between people and things. For instance, falling within the remit of the colony's Public Lands and Works Department, which had been formed by Bowen shortly after Queensland's separation from New South Wales, were close to forty categories of structure classed as 'public buildings' by the state.[46] These included grandiose offices of government in Brisbane, as well as schools, hospitals, and other civic buildings. The vast majority of these 'public buildings', however, were explicitly infrastructural: jetties, lighthouses, dams, barracks, bridges, and depots.

The urban plans prepared for Bowen's strategic network of coastal settlements by the Public Lands and Works Department can therefore also be read against its own administrative understanding of colonial development



(Fig. 9). Gridded street layouts set down by the Surveyor General's Office arranged residential allotments along regular axes set back from the waterfront of the township. Reserves for market squares, town halls, cricket grounds, and churches framed the public life of each settlement, the everyday management of which was deferred to a municipal council. Accommodated within each plan were also reserved for the essential functions of the colony's government bureaucracy: customs and bond houses, court houses, gaols, military and immigrant barracks, hospitals, post offices, schools, and police stations — all of which, as public buildings, fell within the remit of the Colonial Architect's Office. Wharves, docks, bridges, railway lines, water management systems, and telegraph lines, specified by the Department's suite of engineers, plugged themselves into — and wended their ways out from — the centre of each settlement. Surveyors relayed information to hydraulic engineers who worked closely with the railway department; telegraph engineers liaised directly with architects who conferred with other government agencies.

Figure 9.
Surveyor General's Office, Rockhampton, 1869, courtesy of Queensland State Archives, 624060

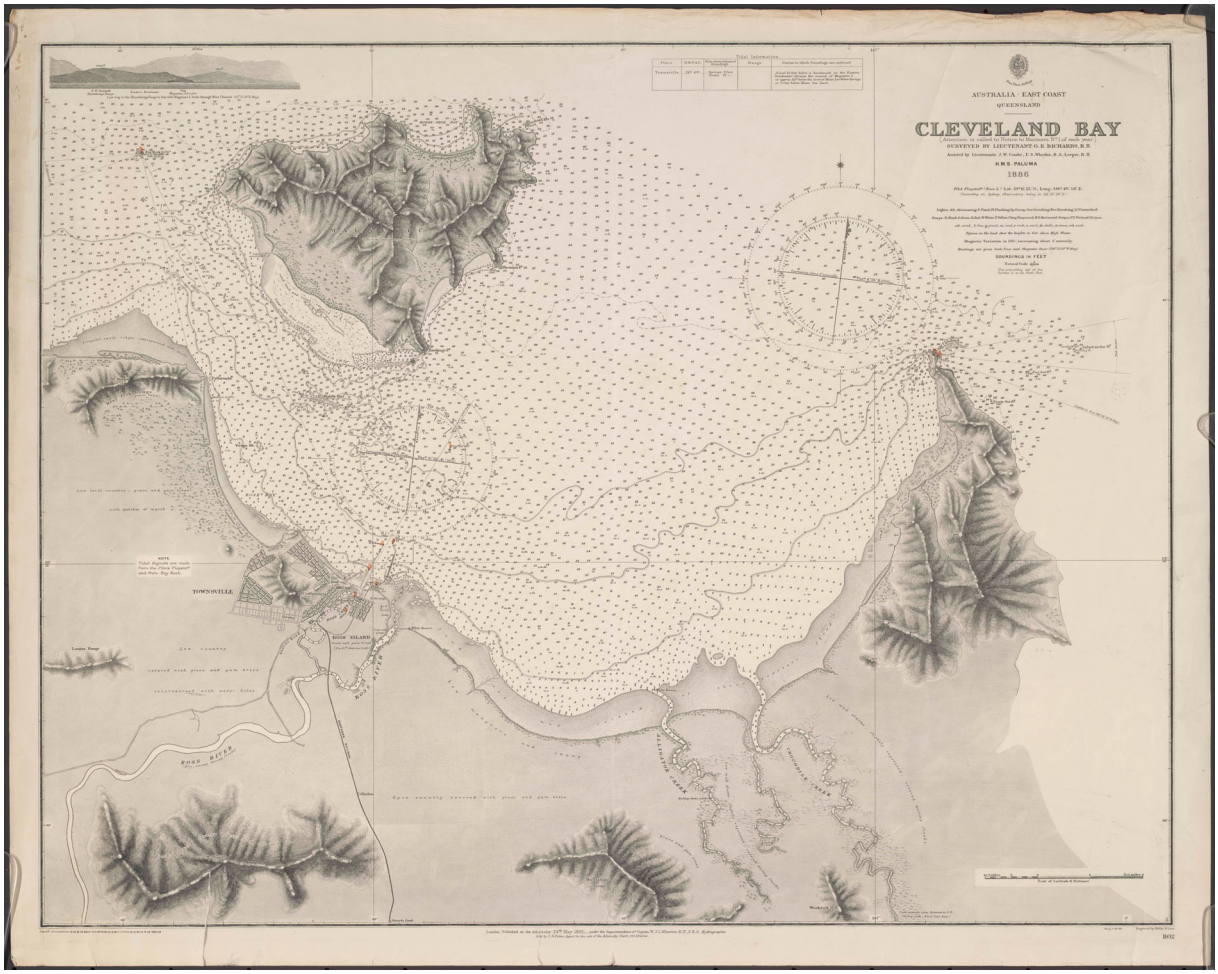


Figure 10.
Chart of Cleveland Bay (Townsville) from 1886 commissioned by the Admiralty Hydrographic Department depicting railway infrastructure, shipping channels and harbour soundings in relation to the township, which itself acts as a navigational aid, in G. E. Richards, H.M.S. Paluma, Nautical Chart of Cleveland Bay, Queensland, 1886 (1892), courtesy of National Library of Australia

Much like the place of architecture within it, the Department, as an organ of the state, was far from a uniform administrative unit.

The program of public building administered within the Public Lands and Works Department was the product of what Lenore Coltheart — writing about its contemporary equivalent in colonial New South Wales — has described as 'an organisational complex'. It sub-divided and re-absorbed its various 'components' and created 'new organisms' over time as demands and objectives changed. Coltheart cautions against ascribing too much significance to the structure of the Department, which risks losing sight 'of the nineteenth-century preoccupation with its functions rather than its form'.[47] In Queensland, the Public Lands and Works Department drew on diverse expertise simultaneously in its development of the colony's coastal townships (Fig. 10). These were approached effectively as administrative switches within an

expanding system of circulation that relied on public buildings alongside other media — the urban plan, the shipping lane, the telegraph — to collapse physical distance, mitigate risk, secure social and political order, and, therein, consummate the territorial jurisdiction of the state.

The final switch in this system would be a township in the extreme north of the colony. On an early inspection voyage of the northern coastline in 1860, Bowen remarked upon the many natural harbours, speculating: 'since the tide of colonisation in Queensland is sweeping onward at a rate of about two hundred miles each year', it would not be long before 'the more remarkable sites' were occupied by new settlements.[48] Shipping traffic could then be conveniently regulated in the north as it either entered or left the increasingly busy Torres Strait. Bowen was quick to apply for funding to the British Colonial Office to establish what he promoted as the Empire's next Singapore in northern Queensland.[49] Making his case to London, he argued that a settlement in the extreme north of the colony would not only complete his plans for a network of coastal townships in Queensland — thereby establishing a secure 'link between [British] possessions in Australia, India, and China' — but that it would also 'extend the influence and prestige of Great Britain' in the region.[50] The Colonial Office approved Bowen's proposal, agreeing to jointly fund a settlement at Somerset on the Northern Cape York Peninsula. A town plan was produced by the Public Lands and Works Department in 1865, once again incorporating all the necessary elements for a self-contained government outpost and civil township (Fig. 11). Over 20 prefabricated buildings, manufactured according to the design of the Colonial Architect, Charles Tiffin, were shipped to Somerset from Brisbane.[51] Although the settlement never grew to the ambitious size originally imagined by Bowen, eventually a small cluster of administrative buildings emerged overlooking the lucrative shipping channels of the Torres Strait (Fig. 12).

With approval granted for a government outpost in the extreme north of the colony, it would seem that Bowen's early plan for the urban and economic development of Queensland had largely been implemented. From each township along the coast, the state would henceforth be able to monitor and tax commercial activity throughout the waterways of the Great Barrier Reef and Torres Strait in keeping with the colony's claimed authority over 'all and every [one of] the adjacent islands, their members, and appurtenances in the Pacific Ocean'.[52] However, when Bowen reported to the British Secretary of State that he was planning to visit the proposed site for the outpost at Somerset in person, he was surprised to receive the instruction that he should also take possession of Pabaju (Albany Island) while he was there. This was especially confusing given that Pabaju is located within 1 kilometre of the Queensland mainland. Bowen sought immediate clarification.

In response, Crown Law officers in London declared that any island beyond 3 miles of Queensland's coastline did not legally belong to any Australian colony and was therefore in international waters.[53] While this meant that Pabaju was indeed part of Queensland, it also meant that the thousands of offshore islands and cays throughout the Great Barrier Reef and Torres Strait, as well as most of

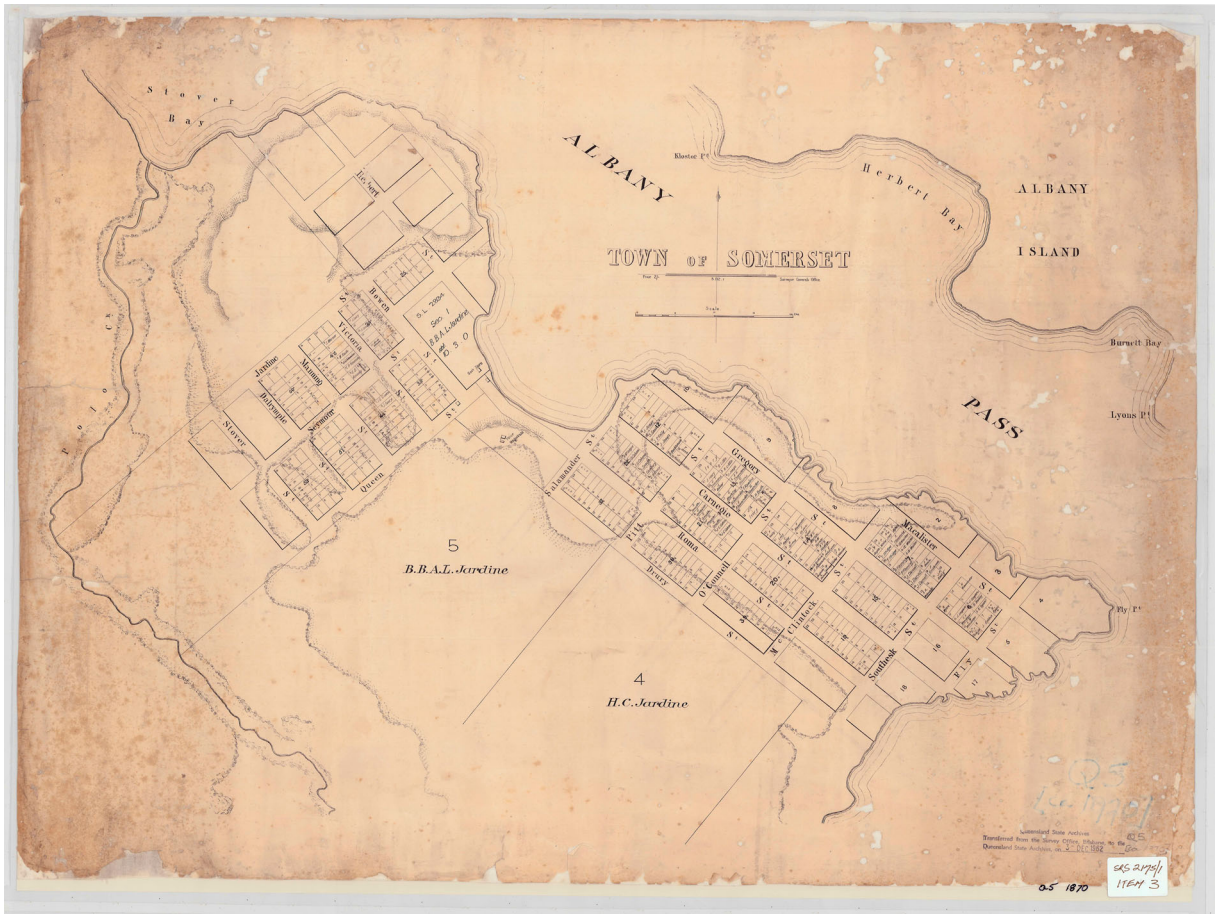


Figure 11.
By 1870, numerous leases had been granted in Somerset, and many of the leaseholders were politicians and businesspeople, likely attracted by the prospect of Somerset's imagined future as the Empire's next Singapore, albeit that private settlement never eventuated, from Surveyor General's Office, Town of Somerset, c.1870, courtesy of Queensland State Archives, 637072

the colony's major shipping channels, lay beyond its curtailed jurisdiction. To make matters worse, Letters Patent were issued in 1868 granting the authority to administer any islands located beyond the 3-mile mark to the mother colony of New South Wales, not Queensland. This was tantamount to 'a foreign jurisdiction extending almost up to the coastline', according to Queensland's Minister for Lands, who bemoaned the absurd fact that islands located closer to the Dutch East Indies than New South Wales were nevertheless being administered by bureaucrats in Sydney.[54] Furthermore, the likelihood of New South Wales ever actually enforcing any regulations, conducting inspections, or charging duties on industrial activity on these islands was effectively nil due to the distances involved. The three-mile jurisdictional limit imposed on Queensland by the British Colonial Office therefore significantly reduced the colony's capacity to perform regulatory functions in the waterways that conveyed the majority of the wealth being produced in the colony's interior.

Figure 12.
British Marine Camp on Somerset Hill, Cape York Peninsula, c.1869, courtesy of John Oxley Library, State Library of Queensland, 153655

Island industries and the unevenness of colonial law (1860–1880)

Three industries in particular benefited from these legal anomalies and the opportunities they presented for private enterprise. Together, their commercial activities reveal the fragmented reach of colonial law and provide a useful case for the present analysis: what happens when territorial jurisdiction is revealed as incomplete and porous? And how did these industries shape the development of colonial law in Queensland as a result? What, in fact, is the relationship between jurisdiction and sovereignty? How do they differ and how can their differences be apprehended spatially?

Although deliberately evading regulation may seem to suggest that the industries operating on the Great Barrier Reef and Torres Strait Islands were fleeting or somehow incidental, in fact they were populated by legitimate companies based in the Australian colonial capitals with significant financial backing and longstanding commercial empires of their own. The first of these was the guano trade. Guano, the accumulated deposit of seabird droppings containing high levels of nitrogen, phosphate, and potassium, was widely used as a natural fertiliser in nineteenth-century agriculture. In Queensland, as white settlement expanded further north — in keeping with Bowen's plans for the colony — guano played an increasingly important role in bolstering the reliability of agricultural production, especially on the fickle soils of the tropics. Its properties and effects were frequently discussed in the press, where it was also widely advertised to farmers by the ton.[55] Environmental historians have documented the physical evidence of 'intensive mining' activity dating to the 1860s on numerous guano islands located beyond the three-mile mark of Queensland's jurisdiction (Fig. 7).[56] Despite this, Queensland actively imported fertiliser throughout the nineteenth century.[57]

Following its extraction — usually by around a hundred Chinese, Malay, Sri Lankan, Indian, Filipino, or Pacific Islander labourers — the guano was dried on site, broken-down, and stored in sheds.[58] Company records suggest that managers' residences on the islands, as well as specialist equipment, were prefabricated by contractors before being shipped offshore. At Raine Island, for example, J. T. Arundel & Co. required six furnaces to dry the wet guano artificially prior to shipping. These were supplied by Cleveland Foundry in Townsville, meaning that the technology required to exploit the natural resources beyond Queensland's jurisdiction was being manufactured in that same colony's industrial centres.[59] Depending on the size of the operation, a system of tramways was also constructed to assist in moving the guano around the island with steam-powered locomotives before it was finally loaded onto ships bound for the Australian colonies, New Zealand, Japan, or Britain.[60] When diggings were exhausted, residences and equipment could be quickly dismantled and relocated elsewhere, allowing the industry to exploit the slow-moving nature of colonial administration. Before the introduction of the 1872 Letters Patent, which extended the colony's jurisdiction to include the guano islands, the profits generated from this frontier industry were therefore flowing back to company headquarters in Sydney, Melbourne, and Hobart without any license fees or royalties ever being collected by Queensland.

Leasing records complement the physical evidence in suggesting that guano extraction had been taking place on the colony's offshore islands without government oversight since the 1860s. Even when guano traders attempted to legitimise their operations by applying to the Queensland government for mining leases prior to the Queensland Coast Islands Act 1879, the anomalous legal condition of the islands could make this a costly and fruitless exercise for the applicant. In one early example, a trading company based in Geelong, Victoria had applied for a special lease to extract guano from Cairncross Island, located within Queensland's 3-mile jurisdiction. Determining that the island held no guano, the applicant quickly requested to have the terms of their original lease transferred to Raine Island, which was located well beyond the 3-mile mark on the outer fringes of the Reef. The application was approved initially; however, further advice from the Attorney General suggested that the colony of Queensland did not have the authority to grant such a lease — New South Wales did. Upon taking his claim to that colony as directed, the applicant was eventually informed that a mining lease for Raine Island had already been issued by the Colony of Tasmania. Yet neither New South Wales nor Tasmania could confirm when the original lease was due to expire. Queensland subsequently cancelled the application and the trader threatened to sue for damages. It remained unclear, however, whether he would need to sue one of the Australian colonies or London.[61]

Queensland's guano islands reveal the variegated reach of colonial law and the inefficiency of the bureaucracy designed to uphold and enforce it, even when directly approached by those wanting to submit to its jurisdictional authority. The colonial state did not simply dismiss or fail to comprehend what

occurred on the Great Barrier Reef and Torres Strait Islands; rather, it was unable to address the structural and administrative conditions that had placed these islands beyond its reach to begin with. The challenge mounted by the island industries to the state was therefore largely inadvertent — their commercial interests happened to coincide with the anomalies produced by British and then Australian colonial maritime law, revealing an offshore frontier beyond the reach of labour laws, taxation, and surveillance that was freely available for commercial exploitation for as long as it took the state to modify its legal-jurisdictional territory. The industrial technologies upon which this exploitation relied — jetties, tramways, cranes, dwellings, furnaces, and ships — facilitated a kind of legal escape from colonial law, drawing in large part on Queensland's network of coastal townships and the official sea lanes that connected them.

Similar circumstances prevailed in Queensland's pearl shell and *bêche-de-mer* ['sea cucumber' or 'trepang'] industries, which likewise exploited the juridical unevenness that characterised the colony's waterways prior to the 1872 Letters Patent and the introduction of the Act. In 1862, the first known shore station for processing bêche-de-mer was established by Charles Edwards on Pabaju, off Somerset — the same island that had been at the centre of the revelations about Queensland's limited maritime jurisdiction.[62] Such stations were, much like the settlements established in the guano trade, typically semi-permanent. Bêche-de-mer stations included a manager's dwelling, workers' housing, and various industrial facilities located close to an anchorage and usually constructed from timber harvested on the islands. Large pots were used to boil the fish before it was dried in preparation for shipping. Further bêche-de-mer stations followed on Ugar (Stephen Island), Masig (Yorke Island), Tudu (Warrior Island), and Erub (Darnley Island) throughout the 1860s and 70s, expanding the increasingly lucrative and still unregulated industry, which supplied markets throughout Asia, particularly in China. Pearl-shelling followed closely behind the bêche-de-mer industry, initially operating out of Tudu (Warrior Island), Mabuiag/Gumu (Jervis Island), Gebar (Brothers Island), and Nagir (Mount Earnest Island), and preparing mother of pearl for use in furniture and as buttons within a market primarily focused on Britain (Fig. 13).

Both industries continued to be developed on the islands of the Torres Strait over the following decades, such that by the turn of the twentieth century, pearl shell and bêche-de-mer comprised around 2 percent of the colony's total export revenue.[63] Prior to the introduction of the Queensland Coast Islands Act 1879, both industries also intentionally operated on islands located beyond the 3-mile mark of Queensland's jurisdiction. This enabled the recruitment of indentured South Pacific Islander labourers — a practice also known as 'blackbirding' — to continue unabated, even as Britain introduced legislation aimed at preventing the exploitation of labour in Queensland.[64] As was the case in the guano industry, the deliberate siting of stations on islands beyond the jurisdictional limit of the colony also directly served the corporate and investment structure of the pearl shell and bêche-

Figure 13.
Photograph from 1898 of a so-called 'shell house' at Mabuiag (Jervis Island) belonging to the Mabuyag Pearling and Trading Company, from the Mounted Haddon Collection, Torres Strait Islands Expedition, courtesy of Cambridge Museum of Archaeology and Anthropology, P.779.ACH1

de-mer industries. What at first appears to have been a haphazard collection of unregulated and small-scale settlements, fostering two lucrative pirate industries, in fact comprised what Regina Ganter has described as a sophisticated network 'of co-operation and ownership' comprising four large Sydney companies seeking to diversify their earlier trade throughout the Pacific.[65] These included Towns (the business of Robert Towns, founder of Townsville), Burns (later the shipping giant Burns, Philp & Co.), Merriman & Co. (belonging to James Merriman, Mayor of Sydney and member of the New South Wales Parliament), and John Bell (Fig. 14). Each company brokered share-trading agreements with captains, generating income through the forfeiture of profits and interest paid on loans. In return, a captain was equipped with a number of vessels — often old whaling boats redeployed from Sydney — as well as cash with which to establish an island settlement. Without government oversight, these financial arrangements and the commercial activity they facilitated once again channelled profits from the Torres Strait, along the same shipping routes and via the same ports used by legitimate trade, back to Sydney at Queensland's expense.

As unregulated sites beyond the reach of colonial law, conditions were rife for exploitation and violence on Queensland's maritime frontier. Underpayment and the withholding of wages, unhealthy working and living conditions, corporeal punishment, sexual abuse, and death were all commonly reported by observers and employees of the island industries. Apart from a small water police force stationed at the Somerset outpost, the state remained largely incapable of monitoring these occurrences throughout the Great Barrier Reef and Torres Strait Islands. Correspondence sent from Somerset to Brisbane also suggests that the settlement at Somerset continued to deteriorate in the

Figure 14.
'The Torres Strait Pearl Fisheries', showing John Bell's pearling station on Mabuiag at the time of the Act's introduction, described by visitors as a lively settlement with vegetable gardens, a well-provisioned hospital, 15 boats, and close to 150 employees, in *Australian Town and Country Journal*, 26 July 1879, p. 24, courtesy of Antique Print and Map Room <www.antiqueprintmaproom.com>

tropical conditions. By December of 1869, most of the buildings shipped to Somerset by the Public Lands and Works Department were riddled with white ants and rot. Windows were broken and internal linings had separated from walls and ceilings. Almost all buildings required painting and numerous repairs. The settlement's hospital was in disrepair and no prisoners could be kept in the jail during wet weather. The galvanised rainwater tanks had corroded in the sea air, which had also spoiled the settlement's ammunition reserves.[66] Notwithstanding the slippery legal terrain upon which any regulatory action could be mounted beyond the three-mile mark, such regulation was already hampered by insufficiently maintained buildings and equipment, as well as inadequate resources and staffing.

Government officers posted to the isolated outpost at Somerset also transgressed in numerous ways; three police magistrates became financially involved in pearl shelling during their tenure, effectively participating in the very industry that they — as public servants — were legally prevented from regulating.[67] When government vessels were deemed seaworthy and the Somerset water police did venture onto the offshore islands of the Torres Strait, extreme acts of violence and destruction often followed in their wake. This included acts of 'retributive justice' in the form of extrajudicial executions of Torres Strait Islanders who were deemed to have broken colonial law.[68] Such acts were framed for supervisors in Brisbane as expressions of both sovereign and disciplinary power, intended to have 'a moral effect' that would, it was argued, reverberate throughout the colony's maritime frontier and beyond its legal reach. Violence did not only demarcate the territory over which colonial authority was claimed — even when this territory exceeded the reach of colonial law — rather it was also used to legitimate and embody the power of the state throughout and beyond its frontier districts.[69]

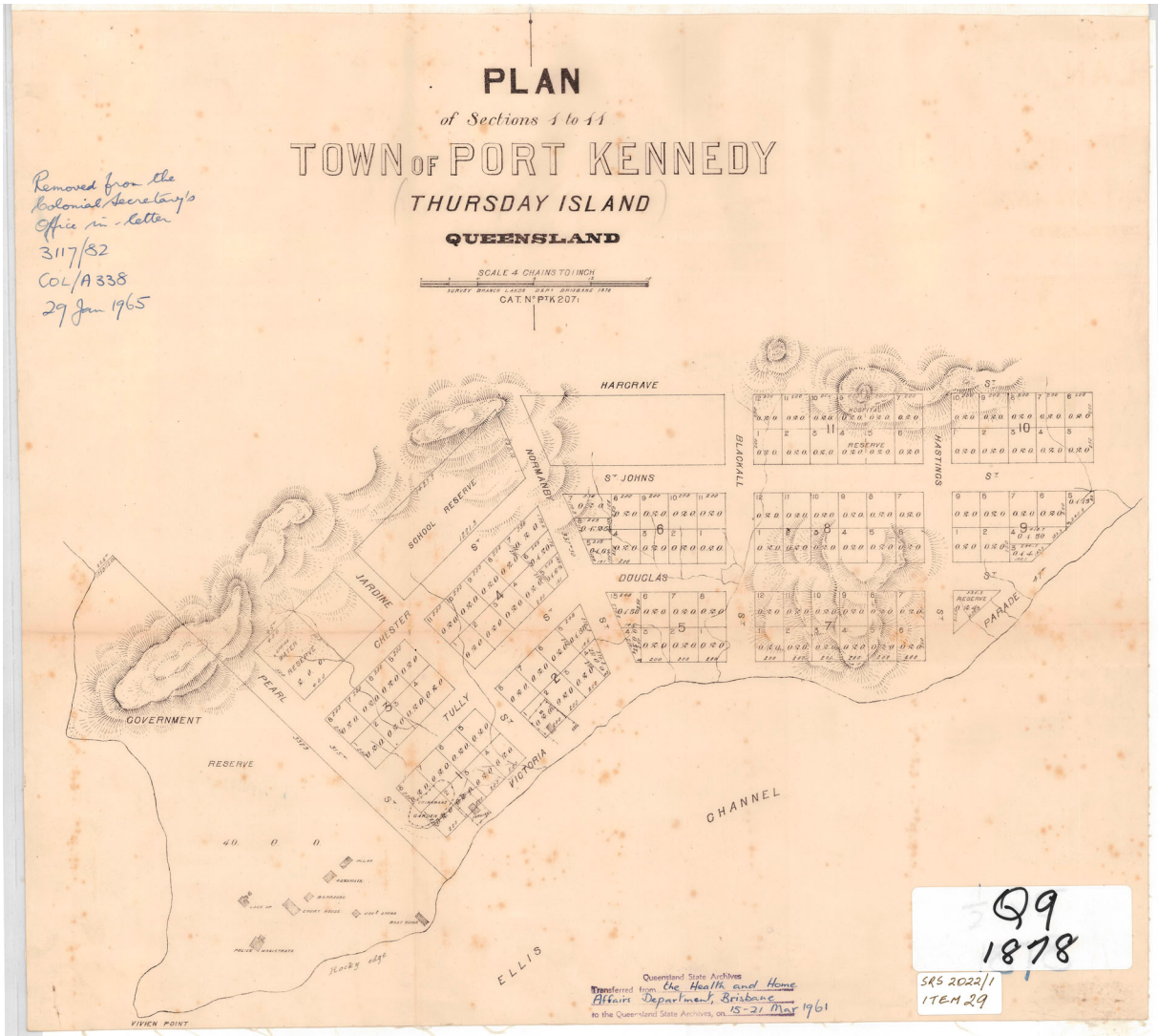
With the 1872 Letters Patent, which eventually extended Queensland's jurisdiction from 3 to 60 miles offshore, Queensland's maritime frontier started to

close. Immediately, government officials began tabulating the revenue that could be gained by imposing export duties and royalties on the guano, pearl shell, and bêche-de-mer trades.[70] The ability to actually enforce these regulations was bolstered by the relocation of the colony's neglected northern outpost from Somerset to Waiben (Thursday Island) in 1877, which was deemed a healthier and more secure location, as well as affording better surveillance of shipping traffic on the Torres Strait (Fig. 15).[71] The Queensland Coast Islands Act 1879 was the final legal product of these moves, ultimately extending the colony's boundary to within a few hundred metres of New Guinea and assigning administrative responsibility over all the Great Barrier Reef and Torres Strait Islands to Queensland.[72] Officials were promptly sent out on government vessels to inform all residents of the islands that they were now the legal subjects of the colony of Queensland and its laws.[73]

The early traders in guano, pearl shell, and bêche-de-mer participated in the 'creative legal posturing' described by Lauren Benton. Colonial law, according to Benton, was always 'full of holes, stitched together out of pieces, a tangle of strings', and produced 'disaggregated and uneven' sovereignty.[74] Of particular note is the ability of the island industries, deliberately operating beyond Queensland's regulatory reach, to remain almost entirely unencumbered in their communications and transactions with the mainland — a pearling station located on an island in an effective tax haven off the coast of Queensland could rely on materials, capital, and equipment being supplied to the Torres Strait, whether from one of Queensland's coastal townships, another Australian colony, or further afield within Greater Britain.

Importantly, however, although the infrastructural development that defined the first century of the colonial project along Australia's eastern seaboard had produced legal irregularities along the way, the abstractions of colonial law did not in fact weaken colonial sovereignty. Disaggregated and uneven sovereignty was still sovereignty, even if the hatchings on the imperial map suggested neat and clear distinctions between colonies. Benton pushes this point further, arguing that a more historically accurate understanding of how colonial sovereignty was instituted requires us to see 'territorial variation itself as an organising rubric' and 'the inherent lumpiness of imperial formations as its animating feature'.[75] This invokes the argument, made by Legg, that the topology of colonial sovereignty is inherently non-uniform: 'it is spatiotemporally specific in its practices and complex sites […] a dividing practice that seeks to impose authority' in the form of 'boundaries, hierarchies, zones and cultural imaginaries', including (but not necessarily coterminous with) the law.[76]

Contemporary discussions following the introduction of the Act provide further clarity. In an article titled 'Our Pacific Island Territory', published in *The Queenslander*, the case was made by island colonists for an increased government presence throughout Queensland's offshore islands following the colony's recently adjusted boundary.[77] It was argued that, ever since falling under Queensland's jurisdiction 3 years earlier, the island industries had contributed 'a considerable amount annually into the Treasury in the shape of license fees', such that they were 'entitled to a reasonable amount of consider-



ation and protection from the State'. This included extending the same institutions and legal conditions over the islands as applied on the mainland in order to ratify the 'uncertain tenure' held by white island residents and traders, whose assets had grown considerably throughout the 1870s and would continue to grow into the twentieth century (Fig. 16). In one instance, a fisherman had allegedly 'purchased land from the natives' on Mer (Murray Island) and was seeking to have this agreement officially recognised by the Lands Department. In another, a man had convinced his father and two brothers in Scotland to travel to the Torres Strait to participate in a joint venture, which now comprised workers' residences, stores, sheds, and equipment. He

Figure 15.
Survey Branch Lands Department, Town of Port Kennedy, Thursday Island, Queensland, 1878, as was the case at Somerset, private settlement on Thursday Island was discouraged for many years after the government outpost had been established, and surveys preceding this particular town plan documented a large Indigenous settlement near the junction of Victoria and Jardine Streets, courtesy of Queensland State Archives, 633726

too was seeking to have his decades-long occupation and capital investment on the island reflected in the form of a real property title.

Despite the importance of administering land as property — both in terms of the state's politico-economic position and as a mechanism for asserting control over territory — the government declined to accommodate the colonists' appeals.[78] In fact, it actively discouraged private white occupation of the Great Barrier Reef and Torres Strait Islands following the introduction of the Act. John Douglas, Premier of Queensland, made this position clear:

> I see no objection to the acceptance on the part of this government of the responsibilities which this territorial rectification may involve. It does not at all follow that we should form settlements. [The islands] ought to be visited occasionally by the Resident Magistrate at Thursday Island, but it would not be necessary to do more than this present [or] increase our expenditure.[79]

The same settlements and infrastructures that had been developed to operate beyond the legal–jurisdictional space of the colony were now being used by settler-colonists as the basis for appeals for recognition as full subjects within the overlapping disciplinary, legal, and administrative structures of the state. The state, however, initially saw little reason to engage with such claims, much less with the islands themselves, beyond subsuming them within the itinerary of its irregular inspection voyages. The topologies of colonial jurisdiction are not always one and the same as the territory of colonial sovereignty — the former is more delimited and concrete than the latter, which abides as a claim even in the absence of a clear or permanent government presence. In being confronted with the very 'spatiotemporal limits of its sovereignty', argues Sen, the imperial state encountered an exteriority that ultimately 'distinguished its troubled legality and its continued quest for legitimacy'.[80]

In the decades following the passage of the Act, the administrative gap separating colonial sovereignty and governance throughout Queensland's former maritime frontier was gradually reduced. As the colony imagined its future as a mature, prosperous, and avowedly white political community within Greater Britain, the Great Barrier Reef and Torres Strait Islands were recast into a new strategic role. Whereas once Queensland's maritime territory had been characterised by a distinct lack of regulation, now these same islands were developed into an archipelago of governing functions. This final phase represents yet another configuration of Queensland's offshore islands within the political economy of British colonisation: initially fixed and delimited by the cartographic project of the late eighteenth century; reabsorbed into the legal–jurisdictional space of the colony in the late nineteenth century; and finally redeployed as 'complex sites' within an elaborate geography of early-twentieth-century statecraft.

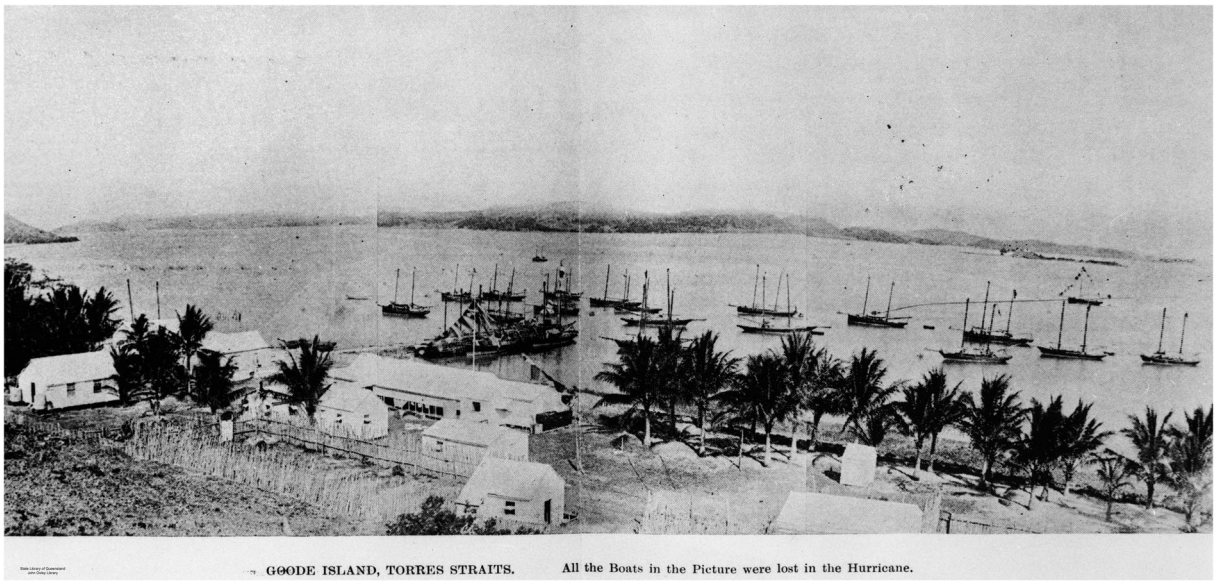


Figure 16.
Boats anchored at Goode Island in the Torres Strait, c.1898, showing a typical pearling station on Palilug (Goode Island) following the introduction of the Act — the increasing size of the industry and the relative permanence of shore stations throughout the 1880s and 1890s led to more elaborate buildings and equipment being constructed throughout the Torres Strait, courtesy of John Oxley Library, State Library of Queensland, 18169

Regulation, security, population

Sovereignty is always a territorial concept; however, its delimitation in a territory may remain unclear or uneven. It is asserted independently of any single technique — policing, taxation, or forms of exclusion — although it is fundamentally imbricated with these and other mechanisms of discipline and security. Sovereign power is deferred to the state and articulated by its various organs, such as public works departments, which are responsible for coordinating and enacting the authority claimed by the state — this is the work of jurisdiction.

The colony of Queensland's late-nineteenth-century shift from numerous frontiers — that is, sites of contest and breakdown in jurisdictional authority — characterised by frequent acts of racial violence and exploitation, to more sublimated and centralised forms of institutional violence, demonstrates the variation inherent in the colonial assertion of sovereignty. This assertion incorporated sovereign- (exclusion) and bio-power (management), resembling what Tracey Banivanua Mar describes as a 'net of bureaucracy designed to both contain and exclude'.[81] There was, Banivanua Mar argues, an 'uncomfortable paradox' in turn-of-the-century Queensland, whereby colonial progress was 'seen to be dependent on the absence (to vacate the land), as well as the presence (to work the land) of blackness, which needed in turn to be both protected and restricted and, above all, contained'.[82] Queensland's Great Barrier Reef and Torres Strait Islands were central to this paradox, variously programmed to cultivate and manage a stable and secure white body politic.

The first step was to properly situate the islands within the colony's prevailing systems of surveillance, policing, and administration. Initially this involved

MAP OF
TORRES STRAIT
(AND)
ISLANDS
QUEENSLAND
1892
Scale 12 Miles to an Inch
BRITISH
NEW
GUINEA
GULF
OF
CARPENTARIA
TORRES STRAIT
Thursday Island & Torres Strait

extending the colony's parish system over the islands, which allowed detailed information and statistics — concerning natural resources, industrial activity, areas of occupation, population numbers, and so on — to be collected and used by police inspectors, surveyors, geologists, and other government officials (Fig. 17). Whereas, previously, state regulation had relied on close personal contact between government agents and individual colonists, statistical information depersonalised governmental power, drawing the administration of the islands into the wider political order of the colony.[83] Leasing and licensing conditions generated additional information about fishing and mining activity on the islands and industrial sites were closely surveyed and routinely inspected using the government vessels stationed at Thursday Island. From there, the colony's telegraph network facilitated communications between its northern districts and Brisbane, as well as London via Jakarta, Singapore, and the Subcontinent. By the first decade of the twentieth century, Queensland's telegraph network exceeded 20,000 miles in length, providing a comprehensive system for the communication of information throughout the state and overseas.[84] Having extended surveillance, policing, and communication systems over the islands, other important functions of statecraft soon followed.

Thursday Island itself became heavily militarised throughout the 1880s, hosting a permanent deployment of marines and serving as a base for the

Figure 17.
Map of parishes in the County of Torres, District of Cook, indicating pearl shell reserves, gold fields, telegraph lines, and shipping routes across parish boundaries, and showing that Thursday Island sits at the strategic centre of the county, relaying information to Brisbane and receiving commands for the administration of the region, from Surveyor General's Office, Torres Strait and Islands, County of Torres, 1892, courtesy of Queensland State Archives, 633705

Figure 18.
Military Barracks on Thursday Island, c.1900, courtesy of John Oxley Library, State Library of Queensland, 1634

Figure 19.
Hospital quarters and administrative buildings at the Peel Island lazaret, showing huts for white male patients to the left of the image, and wire fences used to separate patients from staff and facilities, c.1910, courtesy of John Oxley Library, State Library of Queensland, APE-45

numerous defence reserves gazetted on other islands nearby (Fig. 18). A federal quarantine station and a leper reserve on Gialug (Friday Island) worked to maintain the health and livelihoods of white colonists and traders in the northern districts. Islands played similar roles throughout the colony as a whole: Minjerribah (Stradbroke Island) was dedicated to lepers and a benevolent asylum; and Teerk Roo Ra (Peel Island) was for alcoholics and leprosy sufferers, as were Jiigurru (Lizard Island), Dayman Island and Yunbenun (Magnetic Island) (Fig. 19). Perceived illness was frequently used as a justification for the forced removal of non-white people, usually by the police, from colonial townships on the mainland into island institutions.[85] The public health infrastructure constructed on the islands redoubled this racial stratification by providing separate facilities for both white and 'coloured' patients — the latter significantly removed again from the enclosed compound that was dedicated for use by white patients only (Fig. 20).

Still more offshore islands comprised the state's geography of regulation in Queensland following the introduction of the Act in 1879. Once more, the functions they hosted were aimed at the exclusion and containment of Aboriginal and Torres Strait Islander people from the political community of the colony. Flinders Island was used to incarcerate Aboriginal prisoners and Fitzroy Island was used as a natural prison to which disobedient residents of Aboriginal reserves were sent by missionaries from throughout Queensland.

Mission stations were established on Wurriima (Fraser Island, Anglican) and Kunhanhaa (Mornington Island, Presbyterian) in addition to the Palm Island Aboriginal Settlement, which was maintained long into the twentieth century (Fig. 21).[86] Throughout the Torres Strait Islands, the London Missionary Society established a network of mission settlements, each comprised of school buildings, churches, dormitories, agricultural buildings, and missionary residences typically located in close proximity to pearl shelling stations (Fig. 22). A decade after first arriving in 1871, the Society was granted special leases to establish mission stations on Mer (Murray Island), Saibai (Talbot Island), Dauan (Mount Cornwallis Island), and Mabuiag (Jervis Island). Over time, leases were granted on 14 islands in total. Semi-autonomous, so-called 'native councils' were established on these islands within a diocese administered from Thursday Island; this was an expensive undertaking that the government was not prepared to pursue itself. Instead, it effectively outsourced the

Figure 20.
Sketch map of Peel Island and adjacent islands showing reserve for Lazarets and Benevolent Asylums, 1906, with inebriates station and lazaret on Peel Island, as well as old lazaret site and benevolent asylum on Stradbroke Island. White patients were treated in the main lazaret compound on Peel Island, separated from the 'coloured leper huts' that occupied a different portion of the reserve. A ridge line further separated non-white patients from the main lazaret facilities. A telegraph line is shown connecting the inebriates station to the mainland. Courtesy of Queensland State Archives, 620651

administration of these islands to the church at a rate of one pound per lease per annum.[87]

As these spatial configurations already betray, the presence of the state throughout its offshore islands remained highly variegated: routine inspection voyages of Queensland waters, concentrated administrative hubs, lines of communications infrastructure, and deferred responsibility to non-government actors. The 'lumpiness' of this territorial variation was, as Benton argues, one of colonial sovereignty's animating features. It was both topographic and characteristic of the interior of the state itself, which remained as concerned with clarifying its complex bureaucratic machinery as it was with its spatial manifestations on the ground. In one notable example, J. S. Murdoch — later the inaugural Chief Commonwealth Architect of Australia — was forced to intervene in a dispute between the Government Resident and the Sub-inspector of Police at the government outpost on Thursday Island, who were locked in disagreement over how the vacant government buildings on the island should be used. Neither would yield to the other's point of view and both claimed that they were acting under the authority of their respective agencies.[88] Following input from the Chief Secretary and the Commissioner of Police, it ultimately fell to Murdoch to propose extensions and repairs to the various buildings on the island to appease both parties and restore administrative fluency.[89] Buildings were not only government assets used to house political authority; rather, they were also integral to the articulation and reaffirmation of jurisdiction as it was vested in the various — and sometimes competing — arms of the state.

In the entropic environment of Queensland's offshore islands — where humidity, cyclones, sea air, and insect attack constantly threatened to erase the state's physical presence — the maintenance of public buildings was also fundamental to the ongoing operations of colonial governance (the abandonment of the government outpost at Somerset due to deterioration and neglect providing a case in point). Pre-empting and then overseeing the mundane work of conservation and upkeep on Queensland's offshore islands subsequently formed a substantial component of the work of the Colonial Architect's Office. Standardised designs for government buildings were accompanied by highly prescriptive construction handbooks aimed at minimising the financial burden on the state (Fig. 23). They included instructions for the preparation of building sites and minimum standards for all building materials — timber, for example, needed to be well-seasoned and 'free from knots, gum veins, grub holes, sap and all other defects'. Depending on where in the building it was being used, it should also be treated using a combination of arsenic, castor oil, and tar. Likewise, every other material and component of the building was rationalised according to minimum dimensions and standards of quality. This included brand names for prefabricated structural members, floor linings, doors, glazing, roof sheeting, paving, partitions, furniture, lighting, ventilation equipment, paint, and fixings.[90] The same standards applied to all public buildings so that programmatic variation could be accommodated using the same risk-attenuating lexicon of architectural elements. This not only

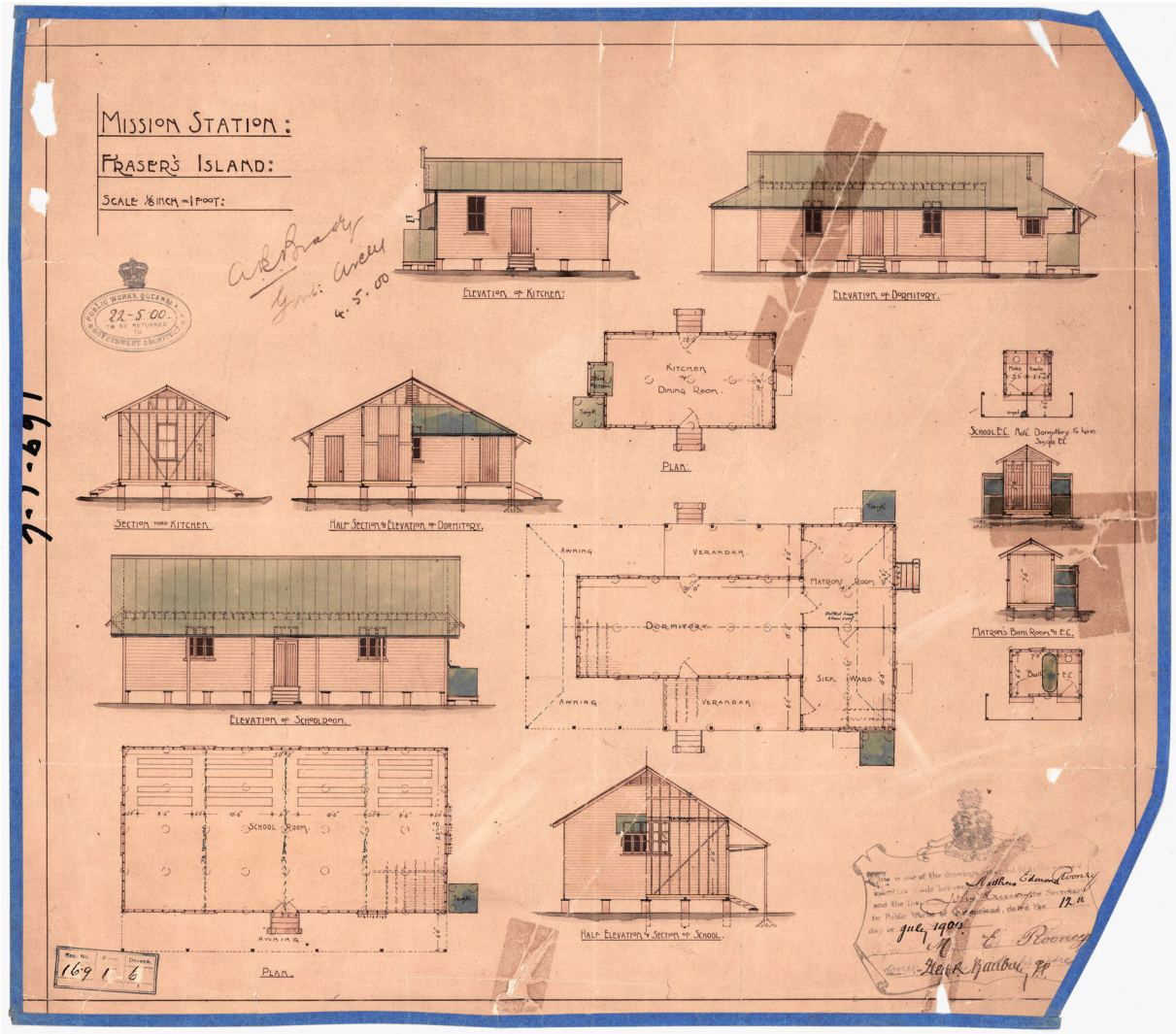


Figure 21.
Government Architect's Office, Mission Station: Fraser's Island, 1900, courtesy of Queensland State Archives, 584954

reduced the complexity of the task of designing government buildings for the abrasive environmental conditions of the colony but also maximised the compatibility and economies of scale of the state's maintenance stockpile.[91] While it is clearly true, as Paul N. Edwards has observed, that 'infrastructure is all about maintenance. Maintenance, maintenance, and more maintenance', it is equally important to note that regimes of maintenance reaffirmed and continued to clarify governance structures over time.[92] The 'submerged system' of colonial sovereignty was manifested spatially and articulated bureaucratically, but it was in this sense also kept in play through the maintenance of its perennially degrading infrastructure.

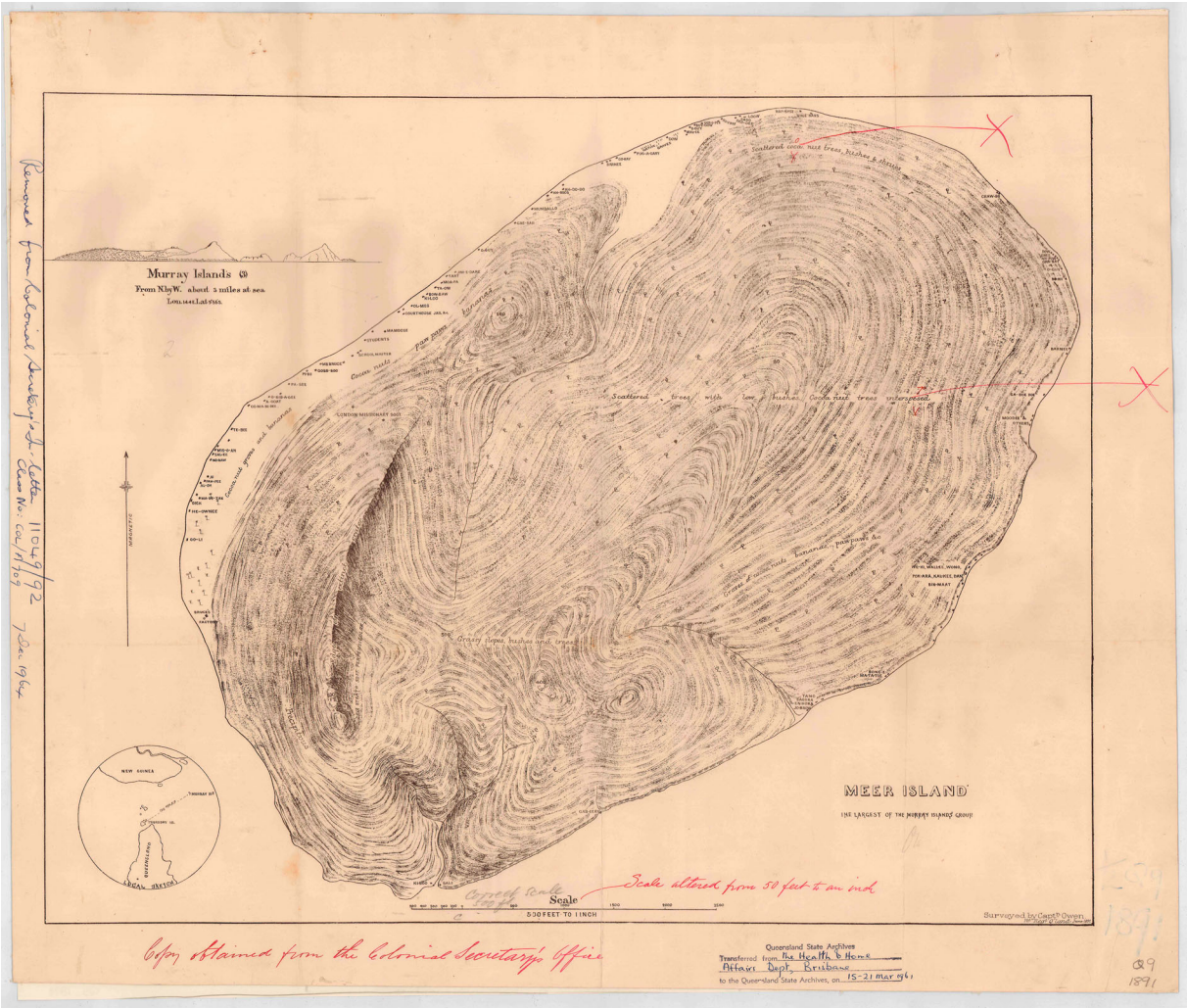


Figure 22.
Captain Owen, Meer Island, the largest of the Murray Islands group, Torres Strait, 1891, a survey of Mer (Murray Island) showing London Missionary Society buildings alongside residents' houses and the mission development, which included a courthouse and jail, as well as school buildings, and a shore station annotated as 'Bruce's Factory' located on the western side of the island. Courtesy of Queensland State Archives, 633729

It is a curiosity in the administrative history of Queensland's islands that their longstanding status as legal anomalies — characterised by the inability of the state to operate beyond three miles of its coastline — gave over to their role within a geography of regulation. Of course, islands are sites of exception — as any history of utopian thought or modern military-carceral regimes would promptly reveal — however that is not the point. The point is to understand, in concrete historical terms, how the Great Barrier Reef and Torres Strait Islands were stitched into the colonial project in Queensland and the larger project of British imperialism that preceded it. As the present discussion has suggested, such a project deployed both hardware — buildings, communications infrastructure, and coastal townships — and software — the law,

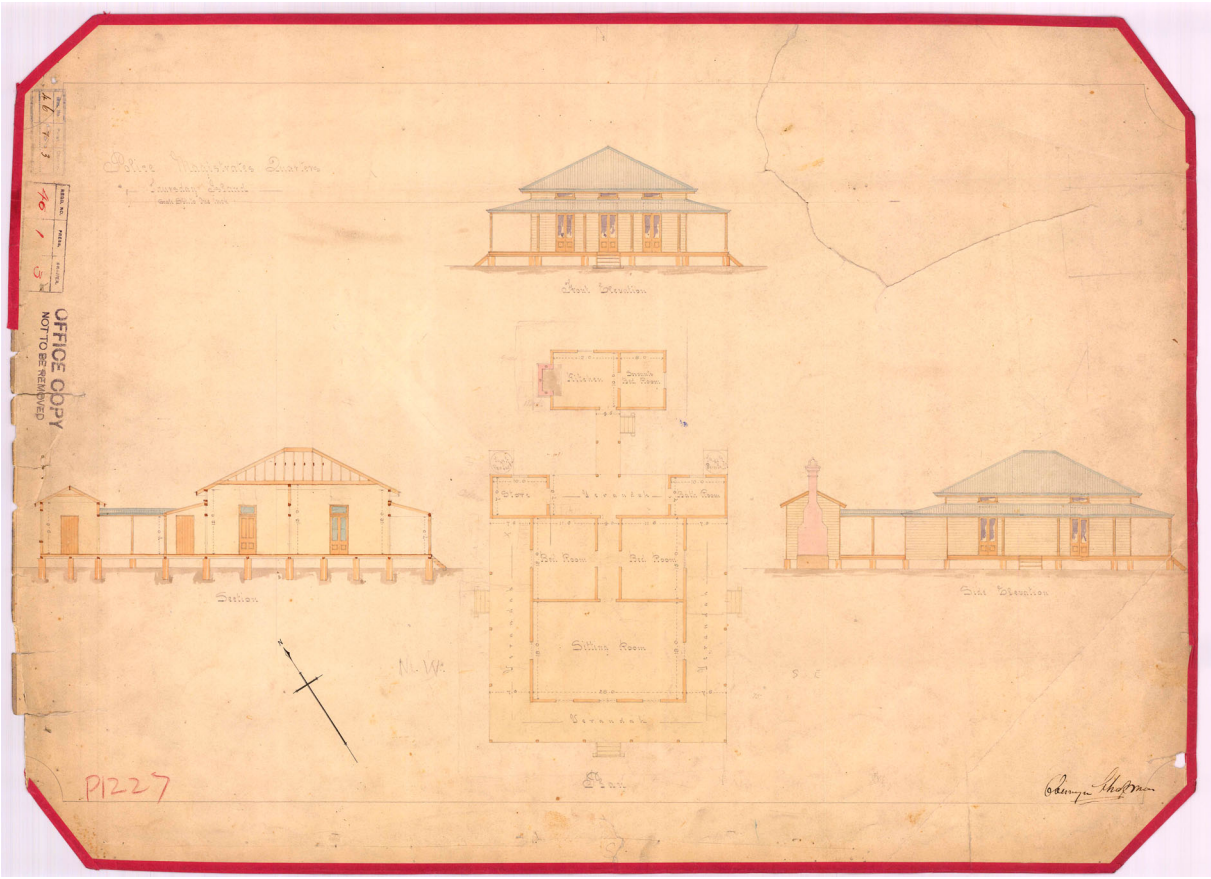


Figure 23.
The Police Magistrate's residence at Thursday Island is representative of the restrained and modest style of government buildings in remote parts of Queensland during the late nineteenth century, showing stack ventilation and wrap-around verandas designed to mitigate the tropical conditions, where kitchens were generally separated from domestic areas (because of heat and the risk of fire) and galvanised roofs and tanks were used to store water, from Colonial Architect's Office, Thursday Island Police Magistrate's Quarters, c.1885, courtesy of Queensland State Archives, 584828

organisational complexes, and information — in its control of the distribution of people and things, as well as the ways in which it attempted to overcome its own irregularities and apparent contradictions as they were revealed along the way.

If unlearning whiteness requires the historian to see its invisibility at the centre of modern ideas of political subjectivity, nationhood, and progress, then the disaggregated but decisive interfaces of colonial jurisdiction considered here provide a useful evidence base upon which to undertake such an objective. In Queensland, interconnected networks of surveillance, extraction, circulation, and governance ultimately transformed the offshore islands into privileged sites, used to contain and exclude those deemed a threat to the supremacy of the colony as a biological and political community. But, as the discussion has sought to emphasise, the gap that separates the assertion of public authority and the state's territorial jurisdiction on the ground — what Sen refers to as the 'residual jurisdiction' of traditional owners —

remains a productive site of analysis in denaturalising the supposed 'territorial integrity' and 'temporal autonomy' of colonial sovereignty.[93]

This point becomes axiomatic in relation to the island of Mer (Murray Island) in the Torres Strait, shown in Fig. 22. As already mentioned, the location of Mer beyond the legal-jurisdictional space of the colony prior to the 1872 Letters Patent initially enabled Europeans to construct facilities for processing pearl shell and bêche-de-mer until failed attempts were made, following the Queensland Coast Islands Act 1879, to ratify the colonists' tenure on the island. A century later, in 1982, a group of five Meriam people — most notably Eddie Koiki Mabo — commenced legal proceedings against the State of Queensland and the Commonwealth of Australia seeking recognition of their native title as traditional owners. Their case argued that colonial sovereignty did not deliver complete ownership to the Crown and had not extinguished pre-existing Meriam rights over the island, especially so given the state had not heeded the property claims of colonists in the 1880s.[94] The case, therefore, challenged the notion that Indigenous people had no concept of ownership prior to British invasion — i.e. *terra nullius* — evidenced with recourse to a 3-day inspection of 'garden plots and adjacent seas' by the High Court on Mer.[95] In 1992, the court upheld the claim of Mabo and his co-claimants, ruling that Aboriginal people were 'dispossessed of their land parcel by parcel, to make way for expanding colonial settlement', and that 'their dispossession underwrote the development of the nation'.[96] The verdict prepared the ground for subsequent native title legislation, eventually extended from the Torres Strait to the Australian mainland. Although neo-colonial in its subordination of Indigenous ownership to the authority of the Crown, the Mabo case revealed the enduring distinction between sovereignty and territorial jurisdiction. Dispossession, the court concluded, did not simply occur 'by operation of the common law on first settlement by British colonists, but by the exercise of a sovereign authority over land exercised *recurrently* by Governments'.[97] As the case of the annexation of Queensland's offshore islands reveals, infrastructural development was central to this exercise, both spatially and temporally, enacting an apparently self-evident and inevitable extension of colonial authority over land and people until the very institution upon which that jurisdiction was premised — the law — deemed that the foundations of its own authority were illegitimate.

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Notes and references

1. Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires* (New York, NY: Cambridge University Press, 2014), p. 290.
2. Anthony Giddens, *A Contemporary Critique of Historical Materialism, vol. 2: The Nation-State and Violence* (Oakland, CA: University of California Press, 1987), p. 5.
3. According to Steve Mullins, historians have tended to distort the history of the Queensland Coast Islands Act 1879 as forming part of a supposedly inevitable land grab culminating in the 1883 attempted annexation of New Guinea. Mullins cautions against this 'delusion of inevitability', which views 'the annexation of the Torres Strait Islands in terms of large and seemingly irresistible processes, such as imperialism or developmentalism'. Instead, he argues for a more nuanced understanding of how the Torres Strait Islands — and by extension, the Great Barrier Reef Islands — were viewed by the colonial government both prior to and as a result of the Act. See Steve Mullins, 'Queensland's Quest for Torres Strait: The Delusion of Inevitability', *Journal of Pacific History*, 27.2 (1992), 165–80 (pp. 165–7).
4. Thomas Blom Hansen and Finn Stepputat, 'Introduction', in *Sovereign Bodies: Citizens, Migrants and States in the Postcolonial World*, ed. by Thomas Blom Hansen and Finn Stepputat (Princeton, NJ: Princeton University Press, 2009), pp. 1–36 (p. 10).
5. Stephen Legg, 'Security, Territory, and Colonial Populations: Town and Empire in Foucault's 1978 Lecture Course', in *Postcolonial Spaces: The Politics of Place in Contemporary Culture*, ed. by A. Teverson and Sarah Upstone (London: Palgrave Macmillan, 2011), pp. 146–63 (p. 147). For an in-depth discussion of these governmental functions and their spatial correlates, see Stephen Legg, 'Chapter One: Imperial Delhi', in *Spaces of Colonialism: Delhi's Urban Governmentalities* (Oxford: Blackwell Publishing, 2007), pp. 1–36.
6. See Shiri Pasternak, 'Jurisdiction and Settler Colonialism: Where Do Laws Meet?', *Canadian Journal of Law and Society / Revue Canadienne Droit et Société*, 29.2 (2014), 145–61 (p. 152), emphasis by the author; and Manuel Shvartzberg Carrió, 'Toward an Architectural Theory of Jurisdictional Technics: Midcentury Modernism on Native American Land', *Architectural Theory Review*, 27.2 (2023) <https://doi.org/10.1080/13264826.2023.2250882>.
7. Pasternak, 'Jurisdiction and Settler Colonialism', p. 152.
8. Supdita Sen, 'Unfinished Conquest: Residual Sovereignty and the Legal Foundations of the British Empire in India', *Law, Culture and the Humanities*, 9.2 (2012), 227–42 (p. 228), emphasis in original.
9. On the 'deep interior' of colonial law see Kah-Wee Lee, 'Architecture as Evidence: Reflections on Doing Architectural History in the Legal Archive', paper presented at the Virtual Conference of the Society of Architectural Historians Reference, 14 April 2021.
10. Cait Storr, International Status in the Shadow of Empire: Nauru and the Histories of International Law (Cambridge: Cambridge University Press, 2020), p. 16.
11. Pasternak, 'Jurisdiction and Settler Colonialism', p. 146.
12. Ryan Bishop, 'Frictionless Sovereignty: An Introduction', *Boundary 2: An Online Journal*, 5.2 (2020) <https://www.boundary2.org/2020/08/ryan-bishop-frictionless-sovereignty-an-introduction/> [accessed 18 December 2023], emphasis by the author.
13. Bishop, 'Frictionless Sovereignty'.
14. Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia* (Cambridge, MA: Harvard University Press, 2011), pp. 4–5.
15. Bremner has discussed the narrow focus of the historiography of Australian architecture in his volume on the British Empire; see G.A. Bremner, 'Introduction: Architecture, Urbanism, and British Imperial Studies', in *Architecture and Urbanism in the British Empire*, ed. by G. A. Bremner (Oxford: Oxford University Press, 2016), pp. 1–16 (p. 15).

16. G. A. Bremner, 'Tides That Bind: Waterborne Trade and the Infrastructure Networks of Jardine, Matheson & Co.', *Perspecta: The Yale Architectural Journal*, 52 (2019), 31–47 (p. 43).
17. John Durham Peters, *The Marvellous Clouds: Toward a Philosophy of Elemental Media* (Chicago, IL: Chicago University Press, 2015), pp. 37–8.
18. See Peters, *The Marvellous Clouds*, p. 31; and Ford, *Settler Sovereignty*, p. 5.
19. Peters, *The Marvellous Clouds*, p. 32.
20. See, for example, Nicole Starosielski, *The Undersea Network* (Durham, NC: Duke University Press, 2015), p. 31.
21. Denis Byrne, 'Nervous Landscapes: Race and Space in Australia', in *Making Settler-Colonial Space: Perspectives on Race, Place and Identity*, eds. Tracey Banivanua Mar and Penelope Edmonds (London: Palgrave Macmillan, 2010), pp. 103–28 (p. 103).
22. See, in particular, G. A. Bremner, *Making Greater Britain: Architecture, Imperialism, and the Edwardian Baroque Revival, 1885–1920* (New Haven, CT: Yale University Press, 2023); Stuart King and Andrew Leach, 'Architectural History and the Material Geographies of the Colonial Tasman World', *Architectural Theory Review*, 25.1/2 (2021), 28–41; Stuart King and Julie Willis, 'The Australian Colonies', in *Architecture and Urbanism*, ed. by Bremner, pp. 318–55; and Jonah Rowen, 'Strategies of Containment: Iron, Fire, and Labour Management', *Grey Room*, 76 (2019), 24–57.
23. See, for example, Harry Margalit, *Australia* (London: Reaktion Books, 2019); Lenore Coltheart, *Significant Sites: History and Public Works in New South Wales* (Sydney: Hale & Iremonger, 1989); John Maxwell Freeland, *Architecture in Australia: A History* (Melbourne: Cheshire, 1968); and Morton Herman, *The Early Australian Architects and Their Work* (Sydney: Angus & Robertson, 1954). Although it disturbs the geographic delimitations of these latter works in favour of a transnational approach, see also G. A. Bremner, *Imperial Gothic: Religious Architecture and High Anglican Culture in the British Empire, c. 1840–1870* (New Haven, CT: Yale University Press, 2013).
24. See, in particular, *The Encyclopedia of Australian Architecture*, ed. by Julie Willis and Philip Goad (Cambridge: Cambridge University Press, 2012); Don Watson and Judith McKay, *Queensland Architects of the 19th Century: A Biographical Dictionary* (Brisbane: Queensland Museum, 1994); *Towards the Dawn: Federation Architecture in Australia, 1890–1915*, ed. by Trevor Howells and Michael Nicholson (Sydney: Hale & Iremonger, 1989); Miles Lewis, 'Architecture from Colonial Origins', in *The Heritage of Australia: The Illustrated Register of the National Estate*, ed. by the Australian Heritage Commission (Melbourne: Macmillan, 1981), pp. 68–82; Janet Hogan, *Building Queensland's Heritage* (Melbourne: Richmond Hill Press, 1978); Queensland Chapter of the Royal Australian Institute of Architects, *Buildings of Queensland* (Brisbane: Jacaranda Press, 1959); and Walter Bunning, *Homes in the Sun* (Sydney: W J Nesbit, 1945).
25. Geoffrey Blainey, *The Tyranny of Distance: How Distance Shaped Australia's History* (Melbourne: Sun Books, 1966), p. xviii.
26. Stephen Gapps, *The Sydney Wars: Conflict in the Early Colony, 1788–1817* (Sydney: Newsouth Publishing, 2018), p. 9.
27. Ibid., p. 201.
28. Ford, *Settler Sovereignty*, pp. 28–9.
29. Blainey, *Tyranny of Distance*, 72.
30. Blainey states: 'There were some early years in the nineteenth century when Australia seemed to be a satellite of India as well as a colony of England. In 1817, for example, probably two of every three ships which left Sydney for foreign ports went to Java or India; those ships were usually in ballast and usually passed through Torres Strait. In the same year, 3 of every 10 ships that reached Sydney from overseas ports came from Calcutta.' See Blainey, *Tyranny of Distance*, p. 61.

31. For an overview of this period, see Bernard Attard, 'The Economic History of Australia from 1788: An Introduction', Economic History.net Encyclopedia, 2008 <http://eh.net/encyclopedia/the-economic-history-of-australia-from-1788-an-introduction> [accessed 18 December 2023]. On the architecture of the sealing and whaling industries, see Harriet Edquist, 'Portland Bay and the Origins of European Architecture in Port Philip, 1828–1836', *Fabrications*, 29.3 (2019), 359–78.
32. N. G. Butlin, *Investment in Australian Economic Development, 1861–1900* (Cambridge: Cambridge University Press, 1964), pp. 5–6.
33. Butlin, 'The Inducements to Invest', in ibid., pp. 85–110.
34. On the later northern frontier in Queensland, see Jasper Ludewig, 'Mapoon Mission Station and the Privatisation of Public Violence: Transnational Missionary Architecture on Queensland's Late-Nineteenth-Century Colonial Frontier', *Architecture Beyond Europe*, 17 (2020) <https://doi.org/10.4000/abe.8032>; Jonathan Richards, '"A Question of Necessity": The Native Police in Queensland' (unpublished doctoral thesis, Griffith University, 2005); and Noel Loos, *Invasion and Resistance: Aboriginal-European Relations on the North Queensland Frontier, 1861–1897* (Canberra: ANU Press, 1982).
35. Byrne, 'Nervous Landscapes', p. 115.
36. These figures are based on the University of Newcastle's Colonial Frontier Massacres Map. Importantly, a massacre refers only to instances where six or more people were killed. See Lyndall Ryan, Jennifer Debenham, Mark Brown and William Pascoe, 'Colonial Frontier Massacres in Eastern Australia 1788–1872', interactive resource, Centre For 21st Century Humanities, University of Newcastle, 2020 <http://hdl.handle.net/1959.13/1340762> [accessed 18 December 2023].
37. Ford, *Settler Sovereignty*, p. 5.
38. Aileen Moreton-Robinson, *The White Possessive: Property, Power and Indigenous Sovereignty* (Minneapolis, MN: University of Minnesota Press, 2015), pp. 17–8.
39. Peter Read, 'A History of the Wiradjuri People of New South Wales, 1883–1969' (unpublished doctoral thesis, Australian National University, 1983), p. ix.
40. A fuller discussion of how the frontier concept pertains to the colony of New South Wales can be found in Dallas Rogers, Andrew Leach, Jasper Ludewig, Amelia Thorpe, and Laurence Troy, 'Mapping the Frontiers of Private Property in New South Wales, Australia', *Geographical Research*, (2023), 1–13 <doi.org/10.1111/1745-5871.12581>.
41. Pasternak, 'Jurisdiction and Settler Colonialism', p. 152.
42. Island lighthouses were constructed via a public tender process overseen by the Public Lands and Works Department. Lady Elliot Island, Cape Capricorn, North Reef, Low Isles and Goode Island, among others, all received lighthouses as a result of this process. Designs were prepared by the Colonial Architect and consisted of concrete slabs, hardwood frames, galvanised iron sheeting, and instrumentation imported from England. See Ian Cameron, *125 Years of State Public Works in Queensland, 1859–1984* (Brisbane: Boolarong Publications, 1989), p. 27.
43. See Pasternak, 'Jurisdiction and Settler Colonialism', p. 153; and a similar argument in Nicholas Blomley, 'Law, Property, and the Spaces of Violence: The Frontier, the Survey, and the Grid', *Annals of the Association of American Geographers*, 93.1 (2003), 121–41.
44. Annual government expenditure on the colony's logistics infrastructure subsequently tended to exceed the funding of other public works projects by a factor of five. See Queensland Treasury Department, *Financial Statement of the Colonial Treasurer, 1874–1898* (Brisbane: Government Printer, n.d.); and Queensland Treasury Department, *Treasurer's Financial Statement & Tables, 1899–1909* (Brisbane: Government Printer, n.d.).
45. Queensland's economic position was initially largely dependent upon territorial revenue, i.e. revenue generated from the administration of land; however, by the 1890s, tax revenue was worth twice as much to the colony as territorial revenue.

46. Cameron, *125 Years*, pp. 70–1.
47. See Lenore Coltheart, *A Guide to the History of the Public Works Department, New South Wales* (Sydney: Public Works Department, 1991), p. 27; and Nathan Etherington, 'The Architecture of Territory: The Lands Building and State Expansion in New South Wales', *Fabrications*, 32.3 (2022), 423–47.
48. Governor Bowen to the Duke of Newcastle, Despatch 57, 3 November 1862, Queensland State Archives, GOV/23, referenced in J. C. H. Gill, 'Governor Bowen and the Aborigines: A Documentary Review', *Queensland Heritage*, 2.7 (1972), 3–29 (p. 10).
49. Stuart King, 'Colony and Climate: Positioning Public Architecture in Queensland, 1859–1909' (unpublished doctoral thesis, University of Melbourne, 2010), p. 133.
50. Quoted in *Thirty Years of Colonial Government: A Selection from the Despatches and Letters of the Right Hon. Sir George Ferguson Bowen*, vol. 1, ed. by Stanley Lane-Poole (London: Longmans, Green & Co., 1889), pp. 215–6.
51. This included a Police Magistrate's Residence, a Customs House, a Soldiers Barracks, a Medical Superintendent's Residence, and a hospital. See Watson and Mckay, *Queensland Architects*, p. 194. As Stuart King has observed, the use of the verandah throughout Tiffin's simple designs for the suite of buildings at Somerset corresponded with the de facto architectural language of official buildings found in Queensland's colonial centres; see King, 'Colony and Climate', p. 165.
52. Law Officers to Colonial Office, 26 May 1863, Australian Joint Copying Project reel 1911, CO 234/9.
53. Mullins, 'Queensland's Quest', p. 168.
54. J. Malbon Thompson to Arthur Palmer, 23 July 1872, Queensland State Archives, COL/A196.
55. Advertisement, 'Anglo-Australian Guano Company (Limited)', *Rockhampton Bulletin and Central Queensland Advertiser*, 20 October 1868, p. 4.
56. Ben Daley and Peter Griggs, 'Mining the Reefs and Cays: Coral, Guano and Rock Phosphate Extraction in the Great Barrier Reef, 1844–1940', *Environment and History*, 12.4 (2006), 395–433.
57. Annual imports of guano into the colony of Queensland increased consistently throughout the nineteenth century until royalties began to be charged on its export in the early-twentieth century; see Queensland Treasury Department, *Financial Statement of the Colonial Treasurer, 1874–1898* (Brisbane: Government Printer, n.d.).
58. Albert F. Ellis, *Adventuring in Coral Seas* (Sydney: Angus & Robertson, 1937), p. 76.
59. Harry Evans Maude, 'J. T. Arundel and Raine Island', 1989, The University of Adelaide, H.E. Maude Digital Archive, Part II, Series 4, Section 8: Correspondence with Raine Island Corporation. See also Jasper Ludewig, '"Lonely Dots": John Thomas Arundel and the Architecture of Greater British Enterprise in the Pacific', *Fabrications*, 32.1 (2022), 340–67.
60. Daley and Griggs, 'Mining the Reefs and Cays', p. 407.
61. Application 21, J. F. Levien of Geelong, 17 January 1871, Register of Special Leases, 1868–1883, Queensland State Archives, 24547. On Levien's guano mining activity off Port Philip in the southern colony of Victoria, see Brad G. Duncan, 'The Maritime Archaeology and Maritime Cultural Landscapes of Queenscliffe: A Nineteenth-Century Australian Coastal Community' (unpublished doctoral thesis, James Cook University, 2006), Appendix B-2, 11–2.
62. Regina Ganter, *The Pearl Shellers of the Torres Strait: Resource Use, Development and Decline, 1860s–1960s* (Melbourne: Melbourne University Press, 1994), pp. 18–20.
63. This does not take into account the revenue generated from charging license fees. In the decade between 1890 and 1900, license fees constituted approximately 4% of the colony's overall annual taxation revenue. Eventually, pearl shelling and bêche-de-mer

stations were constructed on Tuined (Possession Island), Waier (Murray Island Group), Palilug (Goode Island), Bourke Isles, Poruma (Coconut Island), Muralug (Prince of Wales Island), Night Island, Tappoear (Campbell Island), Gialug (Friday Island), Moa (Banks Island), Badu (Mulgrave Island), Mer (Murray Island), and Nagir (Mount Ernest Island). See Ganter, 'Appendix 1: The Network of Early Stations', in *The Pearl Shellers*, 243–7. The overall growth of the industries was punctuated by downturns in 1898–1905 and 1913–1914; see Anna Shnukal, 'Marine Industries and Mabuyag, 1870–1980', *Memoirs of the Queensland Museum – Culture*, 8.2 (2015), 235–82 (p. 237).

64. This is referring, specifically, to the British Imperial Pacific Islander Protection Act 1872 (the Kidnapping Act), which attempted to regulate Islander employment and labour conditions throughout the colony. This legislation also had significant implications for Queensland's sugar plantation industry. For an analysis of the role of Islander labour within the political and economic history of Queensland, see Adrian Graves, *Cane and Labour: The Political Economy of the Queensland Sugar Industry, 1862–1906* (Edinburgh: Edinburgh University Press, 1993).
65. Ganter, *The Pearl Shellers*, p. 23.
66. Frank Jardine to Colonial Secretary, December 1869, Queensland State Archives, Letterbook – Somerset Settlement 1, 313070.
67. Ganter states that Henry M. Chester employed fifteen Badu Islanders to dive for pearl shell at Muralag (Prince of Wales Island). Frank Jardine used government vessels for private pearl shelling out of Nagir (Mount Ernest Island) until he was reprimanded by the colonial secretary. And Charles E. Beddome (Jardine's replacement) also ran five vessels out of Nagir in 1875. See Ganter, *The Pearl Shellers*, p. 32.
68. Henry M. Chester, police magistrate at Somerset in 1870, wrote to the colonial secretary in Brisbane describing an act of 'retributive justice' that was meted out upon a group of Torres Strait Islanders on Maururra (Wednesday Island). Having supposedly found articles taken from a ship on which numerous Europeans had been killed a year prior, Chester ordered that the camp be torched and the men rounded-up and shot by Native Troopers. Three men were then executed on the beach. Chester assured the colonial secretary that 'every care was taken to explain the reason of their [the men's] punishment' and that the violence had produced 'a moral effect' without 'unnecessary bloodshed'. Colonial law was instituted on the frontier in part by extrajudicial acts of violence that were later rationalised within the bureaucracy of the state. See Henry M. Chester to Colonial Secretary, 14 April 1870, Queensland State Archives, Letterbook – Somerset Settlement 1, 313070.
69. Legg, *Spaces of Colonialism*, p. 22.
70. Christopher Aplin to Colonial Secretary, 'Report on the Pearl Fisheries of Torres Strait', 3 March 1875, Queensland State Archives, Letterbook – Somerset Settlement 2, 313071.
71. Christopher Aplin to Colonial Secretary, 'Report of a Visit to Some of the Northern islands of the Prince of Wales Group with the View of Examining the Sites which have been Recommended in Place of the Present Harbour of Refuge at Somerset', 19 February 1875, Letterbook – Somerset Settlement 2, 313071.
72. Mullins, 'Queensland's Quest', p. 170.
73. Shnukal, 'Marine Industries and Mabuyag', p. 244.
74. Benton, *A Search for Sovereignty*, p. 2.
75. Ibid., pp. 7–8.
76. Legg, *Spaces of Colonialism*, pp. 6, 22.
77. [Anon.], 'Our Pacific Island Territory', *The Queenslander*, 8 July 1882, p. 49.
78. On this double function of land administration within colonial political economies, see Brenna Bhandar, 'Introduction: Property, Law, and Race in the Colony', in *Colonial Lives*

of Property: Law, Land, and Racial Regimes of Ownership (Durham, NC: Duke University Press, 2018), pp. 1–32.

79. The New Maritime Boundary of Queensland (Despatches Respecting), 'Memorandum for his Excellency the Governor', 27 December 1877, p. 1.
80. Sen, 'Unfinished Conquest', p. 240.
81. Tracey Banivanua Mar, *Violence and Colonial Dialogue: The Australian-Pacific Indentured Labour Trade* (Honolulu, HI: University of Hawai'i Press, 2007), p. 92.
82. Ibid., p. 71.
83. Chandra Mukerji, 'Jurisdiction, Inscription, and State Formation: Administrative Modernism and Knowledge Regimes', *Theory and Society*, 40.3 (2011), 223–45 (p. 229).
84. Queensland Department of Lands, 'Statistics Concerning Telegraph Lines Constructed Throughout the State as at December, 1907', Queensland State Archives, 25071.
85. Of the 70 patients removed to Friday and Stradbroke Islands between 1889 and 1898, only 16 patients were white, while the rest were comprised of primarily South Pacific Islander and Chinese, followed by Aboriginal, Southeast Asian, Indian and African inmates. The exact breakdown is as follows: '5 Qlds [Queenslanders], 7 English, 4 Irish, 1 Maori, 4 Aboriginal, 18 Chinese, 1 Machase [*sic*., Macassan], 1 Manilla Man, 1 Malay, 1 Half Caste, 1 Mauritius, 24 South Sea Islander, 2 Singhalese'. Unknown Official, 'Report of Lepers at Friday Island and Stradbroke Island Lazarette', Correspondence regarding Leprosy, Queensland State Archives, 18271.
86. On Palm Island, see Toby Martin, '"Socialist Paradise" or "Inhospitable Island"? Visitor Responses to Palm Island in the 1920s', *Aboriginal History*, 38 (2014), 131–53.
87. London Missionary Society, June,1882, Register of Special Leases, 1882–1887, Queensland State Archives, 24548.
88. Police Sub-inspector Brett complained to his superiors about Government Resident Milman, stating: 'Although I have repeatedly told him that I cannot take instructions or orders on any matter affecting Police administration from any person other than the Commissioner of Police or my immediate superior officer, he seems to forget all about it the very first time anything turns up.' See Sub-inspector Brett to Commissioner of Police, n.d. (c. August 1907), Police Stations – Thursday Island 2, Queensland State Archives, 290219.
89. Commissioner of Police to Chief Secretary's Department, 17 December 1907, Police Stations – Thursday Island 1, Queensland State Archives, 290218.
90. Colonial Architect's Office, Specification Leper Lazarette, Dunwich, Stradbroke Island, 1895, Queensland State Archives, 1014061.
91. For a useful discussion of the implications of maintenance for the historiography of governance, see Andrew L. Russel and Lee Vinsel, 'After Innovation, Turn to Maintenance', *Technology and Culture*, 59.1 (2018), 1–25.
92. Paul N. Edwards, Lisa Gitelman, Gabrielle Hecht, Adrian Johns, Brian Larkin, and Neil Safier, 'AHR Conversation: Historical Perspectives on the Circulation of Information', *American Historical Review*, 116.5 (2011), 1393–435.
93. According to Sen, 'sovereignty in this rendition was thus a result of an equation involving two distinct political entities, where rights of the powerful had not been entirely consumed'. See Sen, 'Unfinished Conquest', pp. 232, 241.
94. Australian Institute of Torres Strait Islander Studies, 'The Mabo Case', n.d. <https://aiatsis.gov.au/explore/mabo-case#_edn1> [accessed 18 December 2023].
95. Quoted in Brian Keon-Cohen, 'The Mabo Litigation: A Personal and Procedural Account', *Melbourne University Law Review*, 24.3 (2000), 892–951 (p. 893).
96. High Court of Australia, Mabo vs Queensland (no 2), 1992, HCA 23 <https://eresources.hcourt.gov.au/showbyHandle/1/8925> [18 December 2023].
97. Ibid., emphasis by the author.