

LAND IN OUR OWN COUNTRY: THE ABORIGINAL LAND RIGHTS MOVEMENT IN SOUTH-EASTERN AUSTRALIA, 1860 to 1914

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This paper is about Aboriginal peoples' strategies and actions to forge meaningful lives for themselves in the face of the enormous pressures of colonialism. Its focus is on land, and particularly those small areas in south-eastern Australia which became 'Aboriginal Reserve'. To speak of reserves as the result of Aboriginal strategies seems incongruous: most Aboriginal speakers today are adamant that the reserves were concentration camps where, no matter how they might have felt about the land itself, their experience was of unrelenting segregation, repression and cultural assault by the agents of the government.

The people with these memories are usually talking about reserves at some time from the 1930s to the 1960s. There are older Aborigines, particularly from the coast or the south of NSW, who agree that the reserves were places of repression in those times but who also remember an earlier period, when they and their families controlled their reserves. For them, at least some reserves have been BOTH a source of independence AND, later, a place where independence was ruthlessly assaulted.

There are, on the other hand, some white Australians who regard any suggestion that the reserves were concentration camps as a wild exaggeration, a comparison with Nazi Germany which has no foundation in historical fact. Real parallels developed in the 1930s between reserves and what was then known about Nazi concentration camps, a comparison pointed out by William Cooper and other Aboriginal activists in 1939.¹ The impact of this increasing repression can only be understood in context. It ended a long period in which Aborigines had seen some of these reserve lands as a small portion of their traditional lands which THEY had won back and which they had then utilised as an independent economic and social base. We need to understand this Aboriginal land acquisition movement to appreciate the effect of the large-scale revocations of the 1920s and then the concentration policies of the 1930s.

The major period of reserve creation in NSW, 1860s to 1890s, was undoubtedly one where Aborigines were making their own history but it has been described as if it were just the opposite. There remains a persistent assumption that armed resistance was the only strategy open to Aborigines and that once the guerilla struggle was subdued, there was nothing at all left for Aborigines to do to exercise control over their lives under colonialism. The creation of reserves has usually been seen as signalling this loss of agency, because it is described as the total assumption of control by the colonisers over the survivors of the wars, who were 'rounded up' and 'herded' into these compounds by the newly created Protection Boards which intended from the very beginning to isolate them from the settler society except for a very narrowly defined labouring role.

In a few cases, Aboriginal insistence that they had won back some of their land has been supported by research, notably by Diane Barwick and Wayne Atkinson for the

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¹ Cooper to NSW Premier, B.S. Stevens, 20 January 1939, Premier's Department Correspondence Files (PDCF).

Cumeragunja and Coranderrk people and by Barry Morris for the Dhan-gadi.² Ann Curthoys has pointed out that Aboriginal demands for land were one of the pressures acting on the Government to push it into setting up an administration to deal with Aborigines. With very few sources available which showed Aboriginal motivations, however, Curthoys focussed her attention onto the missionary and other groups which lobbied politicians.³ There are now more sources accessible which make it clear that the handful of Aboriginal land demands which Curthoys noted were not aberrations but instead were clues to a broad movement across a number of regions in which Aborigines demanded secure tenure to land. While it is not surprising that Aborigines might have been asking for land, the questions which can be asked are why they were demanding land at particular times and in particular areas and on what bases they were making their claims.⁴

Early grants and reserves

It has been generally thought that Aborigines were uninterested in reserves and in agriculture over the early years of European settlement. Under Governors King and Macquarie, some tiny parcels of land were set aside under varying forms of tenure for individuals or small families of Aborigines, on which some agriculture was conducted. Until recently, it was believed that none had become a permanent residence. Barry Bridges drew from this his argument that Aborigines were to blame for their own dispossession, because they had, 'as a people, completely turned their backs on the opportunities extended to them for a settled life on the land' and 'Aborigines in areas settled in the nineteenth century came to be without any significant hold on land, but this was at least as much their own fault as that of the whites'.⁵

While the cultural differences in European and Aboriginal perceptions of land are now obvious, there may have been additional constraints on Aboriginal interest in land acquisition in the European sense: it may have taken time, for example, to learn the skills of European agriculture, although it was not entirely alien to indigenous semi-horticultural practices. A further factor may have been that in the aftermath of the 1789 epidemic, Aboriginal population numbers had not recovered sufficiently to exhaust the alternative sources of subsistence so the difficult and uncertain life of a small-scale agriculturalist was not seen as necessary. We know virtually nothing of the motives of Sydney Aborigines at this time, but one of the many factors which Bridges disregards is that of warfare. This was a period of continued resistance fighting in the Hawkesbury, Nepean and then in the related and communicating areas around Bathurst.

An example of the questions this raises are the 1819 land grants to Colebee and Nurranginy at Blacktown (then in the Land District of Bathurst), which Bridges believed were 'forfeited'. Macquarie made these grants in recognition of the two Dharuk men's role as guides for government punitive expeditions against the Gandangarra around Appin in 1816. There is evidence within Bridges' own examples to suggest that Aborigines regarded the

2 Barwick 1972; Morris 1985.

3 Curthoys 1982:36-7, 56.

4 See also Johnston 1970:49.

5 Bridges 1970:92, 106.

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taking up of land under such circumstances as collaboration with the enemy. In what must have been a complex situation it seems unwise to see Aboriginal refusal to take up some land grants as a rejection of tenure over their land. Among the more sensible alternative interpretations is that such refusals indicated continued hostility and covert resistance in supposedly 'defeated' and 'pacified' tribes. The historical evidence is more ambiguous still, however, as the expeditions 'led' by Colebee and Nurranginy were conspicuously unsuccessful in locating any Aborigines and the possibility that the two Dharuk men were collaborating with and protecting not the invaders but the Gandangarra cannot be ignored. Finally, the land was not abandoned by Aborigines, although as the names of the holders changed the documentary records became obscured. Dharuk people, descendants of the original holders, continued to own and live on these pieces of land until the 1940s. These earliest grants are therefore part of the wider story addressed in this paper: that of persistent Aboriginal attempts at reasserting their ownership over their land.⁶

It seems clear that the handful of reserves set up under the Protectorate in Victoria involved more government intent to 'round up' and limit Aboriginal movement, and the increasing missionary activity there after 1860 was definitely aimed at segregation.⁷ It is not clear how Aborigines viewed these reserves until 1859 when, independent of the government Protectors' activity in other areas, Goulburn Valley people began to petition for some of their land to farm as compensation for loss of their traditional economic resources. These Taungerong and Woiwurrung members of the Kulin Confederacy met officials themselves and also recruited a series of Whites to carry their demands for land to government. They chose 1200 ha of farming land close to a culturally significant site on the Archeron River. Driven off by local Whites the Kulin persisted, squatting on another site which was finally reserved for them as Coranderrk. There they began farming wheat and then hops, pioneering the crop in the area as Barwick has documented, throughout the 1860s and 1870s.⁸ At least some individual Aboriginal farmers in the east also sought land, asking missionaries for assistance to petition the government.⁹

The movement

It is from the early 1860s that we begin to find sustained evidence of Aboriginal action in NSW too over land. This developed into such a widespread phenomenon that it is legitimate to recognise it as a movement, although it was not a formal or centrally organised body, did not have a name, an office or spokespeople. Nevertheless, it is clear from the Aboriginal statements that remain from the period that communication between communities was active and that Aborigines were closely watching what those in other areas decided to do to meet the problems they shared.¹⁰ There were three types of strategies, although they were not mutually exclusive and reflect variations in surviving evidence rather than necessarily indicating differing Aboriginal tactics. The first was that where Aborigines made direct approaches to the government or press, leaving us their own words about what they wanted and why. In the second, Aborigines recruited a local white figure (perhaps a policeman or priest), or a missionary to convey their demands, which we

⁶ Bridges 1970:97; Brook 1983:7-15; Bickford 1981:7-17.

⁷ In, for example, the Gippsland area, see Attwood 1986.

⁸ Barwick 1972:21.

⁹ Attwood 1986:97.

¹⁰ For example, John Atkinson to J.M. Chanter MP, 4 November 1887, Colonial Secretary-In Letters (CSIL), Box 1/2667, 87.12756.

therefore have only secondhand and perhaps distorted by the messenger. The third is where Aborigines took direct action, occasionally buying or leasing land, but more usually by reoccupying and squatting on some of their land and beginning to build huts and plant crops. We know of these actions only where tenure was retained or where the land was eventually reserved by the Crown 'for the use of Aborigines' in recognition of Aboriginal occupation, so it still may not be possible to trace all the occasions on which Aboriginal communities took action to gain some of their land.

The clearest example of Aborigines demanding land directly is that of Cumeragunja, a community closely connected to the Kulin, some of whom had moved to Cumeragunja when the Victorian government began interfering in Coranderrk affairs in the 1870s.¹¹ William Barak was a senior Coranderrk man who had been involved in leading a number of Kulin strategies for independence, including the 1859 land demands and the earlier joint decision of clan heads to take part in the Victorian Native Police force, in an attempt to stem the loss of *Kuri* life and gain negotiating power with La Trobe.¹² Barak was visiting Maloga (the mission forerunner to Cumeragunja) in 1881 when the Aborigines there formulated their demands, in wording very similar to that of the Kulin in 1859, for:

a sufficient area of land to cultivate and raise stock.that we may form homes
for our families.and in a few years, support ourselves by our own industry.

Their requests were made, they argued, as compensation because 'all the land within our tribal boundaries has been taken possession of by the Government and white settlers'.¹³ This community was heavily involved with Daniel Matthews, the missionary who had founded the Maloga farm and mission, and it may be that his views of appropriate aims for the community were influential, but the continuity of Cumeragunja demands with Coranderrk aspirations and phrasing suggests that the strongest influence was from within the Goulburn Valley Aboriginal community itself.

The Cumeragunja demands were maintained consistently, being repeated to a local journalist in 1886, after the Aborigines Protection Board had ignored calls to give land directly to family groups, then appearing again in a petition presented to the Governor in 1887¹⁴ and yet again in the same year in the letters of John Atkinson and his brother, William Cooper, later to become a major political activist.¹⁵ These two letters amplify the demands made already. Atkinson explained that he had tried to save money to buy a selection but had found it an 'utter impossibility' because Aborigines in the area could not gain constant work, indicating that as the area converted to intensive wheat agriculture, Aborigines were being squeezed out of the earlier, permanent work they had gained in the area's pastoral industry. Cooper's letter is even more important in giving an insight into the

¹¹ Barwick 1972:47. The spelling of Cumeragunja varies greatly. I am using one which is derived from that used by William Cooper and Jack Patten in the 1930s, is consistent with current Aboriginal spelling (Koori Information Centre, pers. com.) and gives a fair indication of pronunciation to an English speaker.

¹² Fels 1986:255-6. Through this paper I have used both the words 'Aborigine/s' and *Kuri/s* (alternative spellings *Koorie* and *Koori*) when referring to the people who use the latter word to name themselves, ie those living in coastal and southern NSW and Victoria. People in north-west NSW and Queensland refer to themselves as *Mari* (alternative spelling *muri*). When referring to people in all regions I use 'Aborigine/s'.

¹³ Barwick 1972:47-9.

¹⁴ *Riverine Herald*, November 1886, see Barwick 1972:49.

¹⁵ Atkinson to Chanter, 4 November 1887; Cooper to Chanter, November 1887, CSIL: Box 1/2667, 87.12756.

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motives for the demand. While repeating his brother's plea for land as a source of economic independence, he called on the government to secure 'this small portion of a vast territory which is ours by Divine Right'. Cooper was using the language of Christianity to which he had been recently converted but the concept was not Christian: he was insisting on recognition of Aboriginal rights of prior ownership.

While the Coranderrk and Cumeragunja people have left us the greatest evidence of their own statements, there was not necessarily any less Aboriginal agency in the second strategy, in which white officials were recruited to articulate and convey Aboriginal demands. In 1872, this was occurring on the Braidwood goldfields, when Aborigines from the south coast and the highlands areas met in a large ceremonial gathering at which they also held discussions about strategies to meet the current crisis. The local police officer, Martin Brennan, recorded the result:

When the festival was over, sixty-two blacks called upon me. Jack Bawn and Alick were the leaders of the deputation. I asked Jack what they wanted. He replied, 'We have come to you to intercede for us in getting the Government to do something for us. Araluen Billy, our king, is old, and cannot live long; my wife Kitty and self are old, too. I have assisted the police for many years, and we want to get some land which we can call our own in reality, where we can settle down, and which the old people can call their home. Everyone objects to our hunting on his land, and we think the blacks are entitled to live in their own country'. I replied that I would do what I could for them, and inform Jack Bawn of the result. On 29th March, 1873, I sent [the government] a comprehensive report covering eight sheets of foolscap, detailing their treatment, condition, customs and aspirations. Shortly afterwards I received instructions through the Police Department to survey forty acres of Crown Lands in whatever locality Jack Bawn desired as an Aboriginal Reserve. Jack desired the land fronting the Shoalhaven River at the base of the Jingeras, where fish, birds, and wild animals were plentiful.¹⁶

Jack Bawn and his people were unable to occupy this land because of hostility to them from surrounding white farmers, but they continued to press Brennan to ask for their land. In 1882, when the NSW government appointed George Thornton as Protector to inquire into the conditions of Aborigines, Brennan told him:

I have known blacks in the Braidwood and Coast districts very intelligent, who have been and now are excellent farm labourers, and whose aspirations at all times were to be allowed some land which they might call their own in reality; which they might cultivate unmolested for the use of themselves and their families; and where the aborigines of the surrounding districts might meet periodically for the purpose of holding coroborees and other exhilarating games.¹⁷

Similar Aboriginal decisions to recruit white men to convey their demands seem to lie behind other responses to Thornton's inquiry. From Gundagai a reply to the question about what aid might be relevant came as:

Some land to cultivate. They say they are driven away by owners of land there are two tribes. A piece of 'land on the river for each ...'

The Nundle report was:

¹⁶ Brennan 1907:213-4.

¹⁷ Report of Protector 1883:11.

Where there are tribes such as are at the Richmond River and other places, it would be a source of great pleasure for them to have hunting grounds reserved for their purposes.

From Moama, the area which would become Cumeragunja, the response was predictable:

The Blacks at Maloga are desirous of getting land allotted to them to cultivate for their own support.

At Armidale the conflict between Aboriginal aspirations and settler interests was evident:

The half-castes who are rather intelligent are very anxious to get a grant of land from the Government, stating they are well able to manage it, but the general opinion is that they are better without it.

From Arakoon, the area at the mouth of the Macleay, where three Aborigines were reported to have begun cultivating vacant land well before 1883, the police commented:

Aboriginals are very proud of calling a piece of ground their own.¹⁸

These reports of Aboriginal desires were recorded before the Protector began to implement any policy, although Thornton had made it clear in his preliminary report, in August 1882, that he believed reserves to be one sensible tool to assist Aboriginal self-sufficiency. The demands were not, therefore, a creation of the government, artificially stimulated to allow the government to segregate and contain Aborigines: instead it was to a great extent an Aboriginal initiative which was pushing the government along the path of recognition of Aboriginal rights to some of their own land.

Recruiting officials to call on government for land was not the only option and the *Kuris* in the Burragorang Valley won perhaps the most spectacular victory using this strategy in a different direction. They recruited the assistance of the local Catholic priest, Father Dillon, who raised enough cash in 1876 to buy a 40 ha farm called St Joseph's on the junction of the Cox's and Wollondilly Rivers. Partly freehold and partly conditional purchase, St Joseph's was handed over to the Aborigines, who from that time, entirely independently, made 'a very fair living rearing stock and growing maize' and supported an extended family group of around 50 people until the 1920s.¹⁹ When the Church attempted to enhance its finances by reasserting its ownership over the freehold section in 1908, the Aborigines there stated that they regarded the land as their own, refusing to recognise the Church's authority over the farm.²⁰

The danger of recruiting Whites to convey Aboriginal demands was that the aims of government and church were not the same as those of Aborigines, so their demands were open to distortion. This occurred in 1890 in relation to Jervis Bay, where, like others on the coast, *Kuris* were seeking land but where missionaries were also looking for a foothold. Daniel Matthews, by then in conflict with Aborigines at Cumeragunja who rejected his authoritarian control, was considering a mission on the coast, where he would 'gather together all the blacks on the coast between Port Stephens and Twofold Bay', that is from two-thirds of the length of the NSW coast!²¹ It was well known by the 1890s that such a relocation proposal would be resisted by Aborigines, but there were nevertheless south coast *Kuris* around Sydney and at Jervis Bay itself who felt the plan might at least give them access to some land for themselves. There were 16 *Kuris* who were prepared to sign

¹⁸ Ibid., 11-25.

¹⁹ APB Register of Reserves, Folio 30.

²⁰ Fr. Considine, Burragorang Parish, to Cardinal Moran, St Mary's, 9 November 1908 (Catholic Archives)

²¹ *Sydney Morning Herald*, 12 December 1890.

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the petition asking the government for land, although they DID NOT ask for missionary supervision. Matthews and the other churchmen involved had clearly had a hand in drafting the petition, but the result was an uncomfortable mixture, where the mission aims, ('we want to learn to live like Christians'), were often swamped under the anger of phrases which appear to have arisen from more direct Aboriginal drafting:

We, the native blacks about Sydney, ask you if you will be kind enough to give us a piece of land at Jervis Bay, where we can make a home for ourselves and our people. We have been hunted about a good deal from one place to another, and we find it hard to get a living for ourselves and our children, but if we get a chance and some help from the Government we might in time get a living. As it is we find it very hard. Drink and a hard life are killing us off. White people ought to be very good to us for they got our good country for nothing. We don't want them to pay us for it, but they ought to help us to live. We would like our boys and girls to learn to read and write like white children, and we want boats and nets for fishing, so we can get money for our work and learn to live like Christians.

We are left wondering if, in any case, the phrase 'to live like Christians' had the same meaning to missionary and Aborigines, or if the latter regarded it more as a level of material affluence or access to power.

Often, Aborigines chose to use the third strategy: direct action. In a few cases, they were able to buy land either freehold, like the Bell family near Yass in 1881, or by leasehold or permissive occupancy, like Willie Price at Port Stephens, William Ridgeway at Tea Gardens and most importantly, William Drew at Kinchela.²² Generally, lack of funds or of access to the bureaucracy prevented such formalisation and Aborigines simply reoccupied their own country, squatting, building, and planting crops. The decisions to take such action were unrecorded, as were the events themselves, but when the government began to make inquiries in 1882, the existence of the reoccupations became clear. The Pelican, Shark and both Fattorini Islands in the Macleay River near Kempsey, for example, were not notified as reserve until 1885, but in 1883, police were reporting that up to 40 Aborigines, of whom they named the heads of families, had been in occupation for some years, clearing and cultivating the land.²³ At Gloucester, 60 Aborigines were supporting themselves fishing and growing vegetables on a portion of 35 ha of Church and School lands of which they had 'taken possession'.²⁴ Along with three farms at Port Macquarie, where Aborigines had 'taken possession', another example is Killawarra, near Wingham, where 25 ha had been occupied and parts of it cultivated by Billy Johnston for a year before the land was reserved in 1882.²⁵ On the south coast, the parallel situation was commonly reported, as at Tathra, near Bega, where the reserve was notified in 1883 for 'George Cohen and family who have resided on it for a number of years. 3 ha. cleared and enclosed, 1 ha. under cultivation'.²⁶

These were not random and transitory campsites but were the results of active decisions to take back some of their land, like that of 'Frank' at Nambucca Heads, who 'occupied Brushy Island nearly two years ago (before 1883)' and that of the Guris of

²² APB Register of Reserves, Folios 160,53,92,68.

²³ Ibid., Folios 69,70,71.

²⁴ Report of Protector 1883:23.

²⁵ APB Register of Reserves, Folios 60,61,65,73.

²⁶ Ibid., Folio 20.

Cabbage Tree Island, who were farming the island in 1893 after 'They themselves took possession (of it) a few years back'.²⁷ Some reoccupations may have been less recent, with land occupied residentially from the early days of the invasion (at least) becoming agricultural bases over time. This was the case with St Clair, outside Singleton, where Aborigines had been camping since at least the 1850s and where they had already brought in a number of crops of maize, tobacco and potatoes, before the area was finally reserved in 1890.²⁸ Rollands Plains, near Port Macquarie was similar, where police reported in 1887: 'Been occupied by the Aborigines for years and four acres roughly cleared in which they have planted maize and pumpkins.'²⁹

There were three consistent elements in all these Aboriginal demands for land, direct or indirect. First, Aborigines were asking for land as an economic base from which to participate in the capitalist rural economy. They usually planned agriculture or small-scale grazing, or, in the major alternative, the south coast Aborigines often planned the reserves as residential bases from which to fish for the market as well as for subsistence. This was not so different from contemporary non-Aboriginal expectations of a 'selection', but the nature of the title Aborigines requested was different. They called for full ownership but without the power to sell the land [i.e. inalienable freehold], in order to ensure that they could pass the land on to their descendants. The final element was unique and central to all the Aborigines' demands: they were not asking for just any parcel of productive land. They were asking for land within their traditional country. William Cooper's 'small portion of that vast territory which is ours by Divine Right' was the clearest statement, but the sentiment was strongly present in each of the requests, usually expressed as something like: the right to land 'in our own country'.³⁰ Although the concept was not expounded in detail, it is clear that Aborigines were arguing that their ownership of land was sanctioned by the highest level of tradition and religion, a concept which was at least analogous to, and certainly as forceful as, the liberal democratic concept of 'rights'.

The response

The NSW government responded positively to this movement among Aborigines. At least some of the land Aborigines had reoccupied or demanded became Crown land reserved 'for the use of Aborigines' (thereby creating records which allow us to follow the later history of these lands). There were 31 reserves created between the 1860s and 1884, most notified or prepared for notification before the Aborigines Protection Board began functioning in 1883 (See map 1). Most were a great distance from areas where armed conflict was still occurring, so there seems no indication that they were created to protect Aborigines from actual fighting in the way that Northern Territory missions would later claim to have done. The argument has been put that the State was pushed by missionaries into a recognition of Aboriginal poverty and (belatedly) extended its newly developing 'welfare state' role to cover this group.³¹ Why, then, were the reserves only in these particular areas? They did not simply reflect Aboriginal population distribution, which was high not only on the north coast but also in the north-west and far west of the state, while impoverishment cannot be assumed. Sue Johnston has calculated that Aboriginal self-

27 Ibid., Folios 80,186; APB Report 1893.

28 APB Register of Reserves, Folio 41.

29 Ibid., Folio 60.

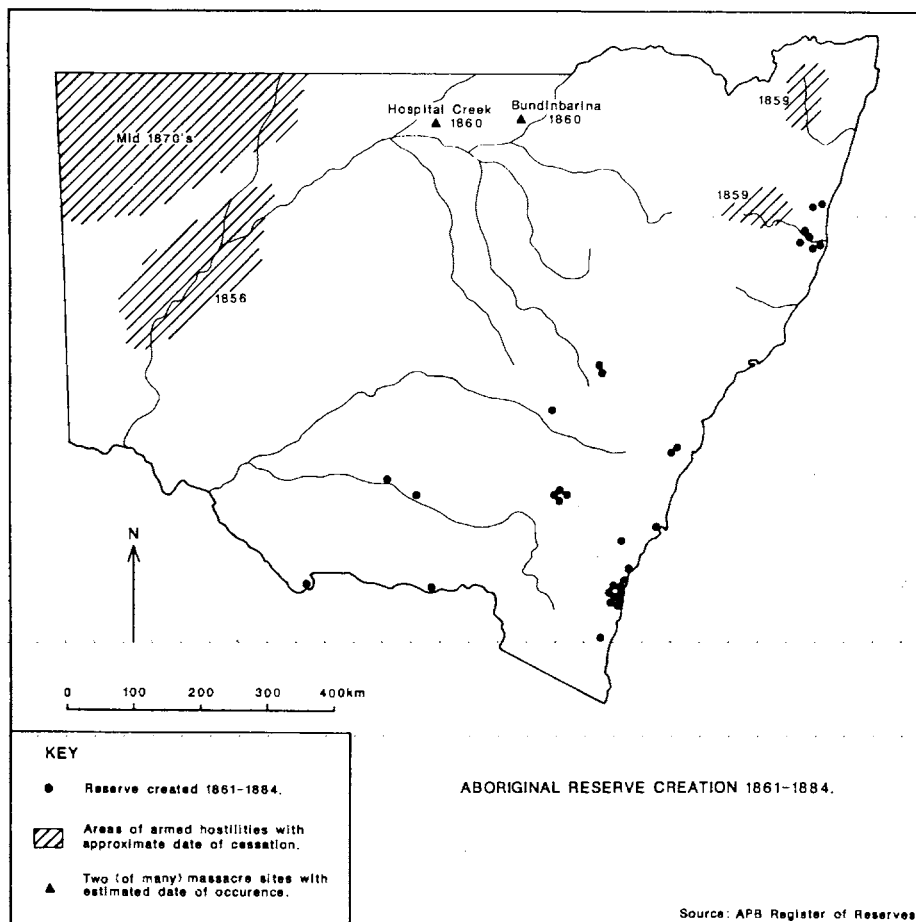
30 Cooper to Chanter, 16 November 1887, CSIL.

31 Curthoys 1982.

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sufficiency was in fact high in the period around 1880, with 81% of the Aboriginal population self-sufficient from a mixture of wage or ration labour and more traditional subsistence foraging.³² One implication is that Aboriginal impoverishment was not evenly distributed across the state, but was concentrated in particular regions, so the question becomes why this should have been the case.

The greatest proportion of these reserves, 26 of the 31, were created because Aborigines had demanded them or had already reoccupied the land and begun farming. If we include Cumeragunja, in spite of some involvement by the missionary Matthews, this makes 27 out of 31.³³ The creation of these reserves was not the implementation of a government policy to segregate but the achievement of a victory for Aboriginal communities in their attempts to regain some of their land, although the title fell far short of the inalienable freehold for which Aborigines were asking.



³² Johnston 1970:76.

³³ Compiled from APB Register of Reserves; Reports of Protector, 1882, 1883; APB Reports and Minutes, 1884 onwards; NSW Government Gazettes.

The reason the government responded favourably was that Aboriginal demands for land were seen as compatible with its own aims for Aborigines and for the population in general. In the particular circumstances of Aborigines, the government of course had the precedents of the supervised segregation reserves in Tasmania and Victoria to attract those of its members who wished to enclose impoverished or 'troublesome' Aborigines. However, the more influential advisors like Thornton laid most stress on granting smaller pieces of 4 ha or so to hand over unsupervised, taking up the old argument that association with a single patch of land and practice in the skills of agriculture would 'cure' Aborigines of 'nomadism', while self-sufficiency would not only be cheap but would 'cure' them of 'pauperism'. The earlier apparent 'failure' of agricultural reserves in the 1810s and 20s was balanced by the unarguable presence of successful Aboriginal farming in the 1880s. The incoming Protection Board was quick to take credit for having worked educative miracles in establishing Aboriginal farming, and the fact that Aborigines had already been living on and farming these areas before they were reserved was conveniently overlooked in the Board's later reports.³⁴

In a more general context, this was a period when 'Closer Settlement' and 'Selection' were powerful political slogans, and the requests of Aborigines for land to set up self-sufficient small-scale agricultural concerns was entirely consistent with populist visions of a stable society of 'yeoman' farmers. Aborigines framed at least some of their requests for land in the language of the populist movement and were very conscious of 'free selection'. One Aboriginal family had a selection with between 200 and 300 sheep at Coonabarabran in 1882,³⁵ while others had been trying to gain land in that way. John Atkinson of Cumeragunja, as an example, said in his 1887 letter:

I want a grant of land I can call my own...Having for several years tried to save enough to pay for a selection I find it an utter impossibility. We know that grants of land have been made to the aborigines in other parts of New South Wales. Be good enough to give our tribe a trial.³⁶

Other occasional uses of the word 'selection' by Aborigines or their supporters about these independently settled reserves suggest that Aborigines were using the language of 'free selection' to strengthen their demands and to make them explicable to whites. They were, nevertheless, making a very different case for land, insisting, as we have seen, on inalienable title and on land in culturally significant areas.

While Aboriginal demands were different to those of non-Aboriginal 'free selectors', they did not arise equally often in each region of the state. There was not, in other words, a movement for land which reflected simply the presence of Aborigines. This is shown in the outcomes of the movement (map 1), with reserves limited to only a few regions, which were not those with the highest proportions of the Aboriginal population. This uneven distribution of reserves was a product in part of local social, economic and demographic conditions. Despite the inclination of government to respond favourably, Aborigines did not get every piece of land they demanded, finding themselves always in conflict with local white land hunger and racism. The examples of white hostility discussed earlier towards Jack and Kitty Bawn on the Shoalhaven and towards Aborigines near Armidale were not unusual, with a clear case being that of Bob Tobonts who requested land in 1886 on the far north coast Rous River. He was rejected after advice from the District Surveyor that:

³⁴ Reports of Protector 1882, 1883; APB Reports 1884 onwards.

³⁵ Report of Protector 1883:20.

³⁶ Atkinson to Chanter, 4 November 1887, CSIL.

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...the land applied for is rich bush suitable for agriculture and *if reserved would lock up the land from settlement*, the habits and inclinations of the aborigines being not favorable to the settled and continuous labour required for clearing and cultivating the land.³⁷ [My emphasis.]

This area was not only fertile, but one where the local economy was booming at this time with new technology and the expansion of dairying and so white population growth was rapid. Facing this intensity of competition, it seems that Aborigines on the far north coast could not formalise their tenure over the land they had squatted on or even keep an informal hold, instead they were pushed onto less fertile, sandy campsites.

While this example suggests that the answer lies in economic and social analysis, it is too simple to see white opposition as the limiting factor to Aboriginal success in securing land, because there seem to have been very few Aboriginal requests or actions to secure land in regions where reserves were not created at this time, in, for example, the north-west or far west. Aborigines in these areas fought hard to stay within their own country during the 1930s, so there is no reason to believe they were less attached to their land than people in other regions. This means then that there were some situations where Aborigines decided to try to get land and others where they did not. The focus must therefore be shifted from the white response back to the process of Aboriginal decision-making: Under what conditions did Aborigines decide to push for recognition of their rights to land?

The conditions for the demand

It is not yet possible, given the limits of the available sources, to analyse the bases of these land demands in Aboriginal cultural or social terms. What can be done is to explore the material context in which the demands emerged. One condition common to all Aboriginal demands for land was rapid intensification of European land use in their traditional area. After the most violent periods in the invasion of each region, Aborigines were rapidly drawn in to work in the settler economy, both pastoral and agricultural, in as short a time as five years even in pastoral areas where armed resistance had been most fierce such as the Lachlan and Murrumbidgee, the Gwydir and, later, the lower Darling Rivers.³⁸ This occurred because it offered an advantage to employers of accessible and increasingly skilled labour which gathered some of its own food, built its own housing and was committed to permanent residence in areas many white labourers regarded as too remote. Despite an awareness of their exploitation, there were advantages for Aborigines, too, in consistent employment and continued access to their land. This form of labour organisation became more entrenched as employment became more discontinuous and seasonal in all industries. It continued as long as property size allowed Aborigines to continue to subsidise pastoralists with subsistence foraging, for example until the mid-1930s in the Walgett North and Brewarrina districts. As I have suggested elsewhere, internal colonialism is a useful theoretical tool to begin to approach analysis of this type of economic and ideological relationship in NSW, although as yet many questions remain unanswered.³⁹

However, the stability of this form of labour and land organisation did not persist in the south and east of the state. The gold rushes caused rapid changes to land use in their immediate vicinity in the 1850s and as well shifted adjacent areas such as the South Coast

³⁷ Internal report, Under-Secretary for Lands to Principal Under-Secretary, Treasury, 3 July 1886, CSIL Box F1/2594, 86.6915.

³⁸ Curthoys 1973:110, drawing on Reports of various Commissioners for Crown Lands.

³⁹ Goodall 1982:22-4, 48-56.

from low intensity timbering and cattle raising to high intensity land use of agriculture to feed the rising population on the goldfields. This in turn led to the rising populist pressure to 'unlock the land' to settle the many new settlers after the diggings had been exhausted. The first government attempt to do this was the Robertson Land Act of 1861, which was largely ineffective except in the south-west, where large pastoral properties were fenced (making shepherds redundant) then broken up into smaller holdings with denser flocks. Then land use intensified again as the wheat boom took hold. Although less directly affected by the 1861 Act, the north coast was also undergoing rapid intensification of land use as new grasses and new technology expanded dairying, but the rate of white population growth was not even. Settlement from the north rapidly populated the northern rivers area but left the middle coast, from the Hunter to the Nambucca Rivers, to a much slower rate of development. The central and northern inland slopes and the western plains were not affected at all in this decade by such intensifying land use.⁴⁰

It was from the areas which were affected by changes in land use that the first Aboriginal demands came. The deputation to the policeman Brennan arose from an 1872 meeting of goldfields and south coast Aborigines. The earliest direct demands for land which resulted in reservations came from the south coast in the 1860s and 1870s,⁴¹ as did the Aborigines who migrated impoverished and angry to the shores of Port Jackson, drinking, begging and demanding fishing boats and land, to the great irritation of the NSW government and the Sydney population.⁴² The effective Aboriginal recruitment of missionaries occurred from the area affected only slightly later, the south-west around the Murray and Murrumbidgee, where Aborigines like John Atkinson and William Cooper, who had formerly worked on pastoral properties, found their employment had become at best intermittent and at worst, as family block wheat farming took over, non-existent. What all these Aborigines had in common was increasing impoverishment because not only had they lost their former employment, whether for wages or rations, but they had also lost access to their land, for either economic or cultural use. *Kuris* on the north coast had less urgent economic needs as their traditional subsistence base was wider, including the sea, estuaries and rivers, and so they were less threatened by European land use, but their employment and their access to their land were becoming less reliable. They appear to have responded with similar strategies of direct action and appeal to government on both the central and far north coast areas, but as suggested earlier, the far north coast communities were not able to hold on to the land they reoccupied in the face of the rising pressure of white population. Thus only the mid-coast reoccupations were recorded as reserves.

The limited effectiveness of the 1861 Act was addressed in a new Land Act in 1884, which increased the pace of land use change on the coast and began the penetration of selection and some agriculture onto the central and northern slopes, the northern half of what became the Central Division. The Western Division remained untouched, and so too did the form of labour organisation of the large pastoral properties there. Between 1885 and 1894, when the next Land Act was passed, the Aborigines Protection Board recommended the creation of 85 reserves for the use of Aborigines, and 47 of these (55%) were validations of Aboriginal occupation (31) or responses to Aboriginal requests for land which was then occupied immediately (16). All of these reserves created on Aboriginal demand were on the

40 Jeans 1972 is a useful historical geography for this period.

41 APB Register of Reserves, Folios 1, 2, 10, 30, 31, 100, 110, 141. See also NSW Government Gazette, 1874:2458.

42 Report of Protector 1883:3-8; Curthoys 1982:49-51.

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coast or in the south-west, with the exception of two on the northern slopes. The south coast reservations were, like those of the previous two decades, usually on sandy, coastal land, intended as a residential base from which to fish. All of the others were already under cultivation when notified or were intended for immediate preparation for cultivation.⁴³

Land use had begun to change in the north of the Central Division and there were some Aboriginal requests for land there. An unsuccessful one was made by a group of 16 'adult half-castes Aboriginal' [sic] with their 19 children, for 30 ha on the Borah Creek near Narrabri, 'for school and agricultural purposes' in 1890. Their letter was written for them by F.L. Wortley, a man of Afro-American and European descent, who may have been married into the *Mari* group. As it was to do on other occasions, the Protection Board used Wortley's absence of Aboriginal descent to reject the claim of the 16 people who were Aboriginal, although it did add that the land in question did not seem suitable for agriculture.⁴⁴ There were, however, few demands from these areas compared with the earlier high demand from coastal *Kuris*. The difference may lie in the effect on labour needs and organisation on the northern slopes, where new technology penetrated only slowly and so pastoral and agricultural employers continued to need high levels of labour. Not only did this protect some Aboriginal employment, but it encouraged employers to request the creation of Aboriginal reserves on top of existing Aboriginal pastoral camps, rather than forcing newly unemployed Aboriginal pastoral workers to move towards the nearest town.⁴⁵ While obstructed by more fences and small employers, Aboriginal access to their land was not so totally severed in this situation as had been the case in the south-west.

These encapsulations of Aboriginal pastoral camps were among the 45% of reserves created in this decade without Aboriginal request, however important these pieces of land might become to Aboriginal communities in the future. The Protection Board was finding that employers were not the only group of Whites interested in requesting the creation of reserves.⁴⁶ Rural town authorities had recognised that reserves could serve their purposes too, which were to have true segregation areas to contain Aboriginal town camps out of sight but not out of reach. Aboriginal women had become increasingly important for home domestic labour and for heavy institutional domestic labour like hospital laundries, while sexual relations between white and Aboriginal townspeople, exploitative or not, were commonplace although not often acknowledged.⁴⁷ This first decade of Protection Board control of reserve creation showed the Board to be still highly responsive to Aboriginal demand but to act also on demand from white pressure groups. The next attempt to implement closer settlement was the Land Act of 1894. This coincided with an economic depression and a restructuring of the pastoral industry which shifted stock out of the ecologically fragile Western Division to increase the stock densities of the smaller pastoral holdings on the northern slopes and plains. In the decade to 1905, the Protection Board proved less responsive not only to Aboriginal demand but also to white townspeople's calls for segregation reserves. Most of the 45 new reserves created in this decade were in the northern half of the Central Division, and were encapsulations of existing Aboriginal camps. While there continued to be a few Aboriginal demands for land in this decade in spite of the severity of Aboriginal unemployment, the Board found little land available. It

43 Compiled from the APB Register of Reserves, APB Reports and Minutes, 1885 to 1894.

44 L. Wortley to Attorney General, 8 February 1890 CSIL Box 5/5978, 90.4626.

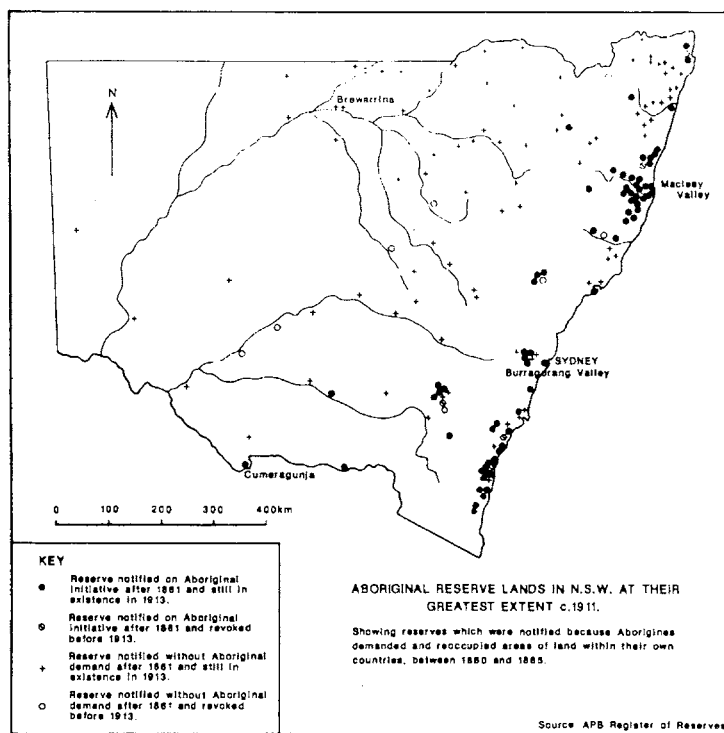
45 APB Register of Reserves and APB Reports and Minutes.

46 Ibid.

47 Goodall 1982:156, 161.

turned instead to the Cumeragunja model of 'family farm blocks' on existing, larger reserves to satisfy Aborigines calling for land at Warangesda, on the Murrumbidgee and Burra Bee Dee near Coonabarabran, both areas being affected by the land use changes of that decade.⁴⁸

By 1905, the lifting of the worst of the depression and drought of the previous decade led to a revitalisation of the closer settlement lobby, leading to new land laws. One early effect was a stabilisation of the process of Aboriginal reserve creation. Aboriginal demand had slowed virtually to nil, but in any case there was no land available for reservation which was not sought also by white would-be selectors. Aborigines had to turn their attention from attempts to secure more land to defence of those pieces they had already won. At the height of Aboriginal holding of reserve lands in 1910, there were 115 reserves totalling 10,400 ha. Of these, 75 (65%) were created on Aboriginal initiative.⁴⁹ Most continued to be held independently of the Protection Board: 11 resident APB managers had been installed by 1910 to supervise Aborigines on reserves, but only 3 of them had been imposed on independently settled Aboriginal reserves, the rest were on reserves created on white initiative. As is clear from map 2, the Aboriginal-settled reserves were all in the areas where European land use had intensified but where there had been a rate of white settlement slow enough to allow at least some land to be available to Aborigines to reoccupy and hold.



48 APB Register of Reserves; APB Report 1895.

49 Compiled from APB Register of Reserves; APB Reports and Minutes; NSW Government Gazettes.

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In the Western Division, Aboriginal employment may have fallen as stock levels were reduced, but Aborigines retained access to land and overall the organisation of the industry did not alter. In these areas, Aborigines did not request land nor did they attempt to reoccupy specific patches. In part this may have been simply pragmatic: there was little land suitable in these areas for small-scale agriculture and areas large enough to give self-sufficiency in pastoralism were not likely to be made available as reserves. But it seems just as important that the conditions of both employment and access to land remained relatively stable, so that Aborigines did not at this time face the pressures with which those further east had to contend.

The peak of Aboriginal demand for land in NSW seems to have been from the 1860s to the 1890s. This is the same time span as Aboriginal attempts to gain land in Victoria and also in South Australia, where Graham Jenkin has documented a parallel process of Aboriginal moves to secure land by lease, purchase or reservation, using methods similar to those used in NSW.⁵⁰ Perhaps this can best be seen not as a phenomenon of one state, but as a movement around the temperate, south-eastern agricultural belt. Despite differing state 'Aboriginal affairs' policies, Aborigines developed similar strategies, to use the contemporary 'free selection' movement to regain some of their own land, for their own purposes.

How successful a strategy?

The success of this Aboriginal strategy in NSW may be evaluated on many different criteria. One is the complex question of how many people benefitted. Were they individuals? Men? Women? 'Traditional' social units like extended kin-ordered families, or newly created 'nuclear family' units? Such questions are still difficult to answer from sparse sources, and need to be pursued further, but there can be some suggestions made. It seems that in 1910, between 1,500 and 2,000 Aborigines were living on or in association with the independently settled reserves.⁵¹ This meant that around 25% of the enumerated 7,300 Aboriginal population had a knowledge of and an interest in these pieces of regained land. Oral evidence suggests that in the later years, these lands were seen as being owned primarily by one person, usually a man, or a married couple, but that there were mutual expectations that kin-members would come to live and work on the land and share its produce at different times of the year, according to the seasonal economy of the district.⁵² Another criterion is the nature of benefits arising from land acquisition and this is also a complex question: Aborigines were seeking to ensure their continued association with their country, and the social and cultural results are difficult to assess. The economic results are easier to measure, and give at least some base from which to consider social and cultural processes.

The land Aborigines were able to gain as reserve did give them secure access and residence in their own country as long as the reserve remained in force and they were assured that this would be forever. Aborigines were told that, like the blankets handed out by police once a year, these pieces of land were a direct and permanent gift from Queen Victoria, an explanation consistent with the legal fact that the land was 'Crown land'. They were

50 Jenkin 1979:126-131.

51 APB Report 1910, Appendix B.

52 Interviews with Jack Campbell (re Burnt Bridge) 1978-1980; and with Reuben Kelly (re Bellbrook) 1987.

assured, too, that as long as they stayed on the land, particularly if 'utilising' it by farming, the land would always be theirs.⁵³

As a means to self-sufficiency, the reserve lands gave mixed results, but this reflected the variable quality of the land rather than limitations in the skills of Aboriginal managers. The south coast reserves had seldom been intended by *Kuris* to be agricultural areas and were used mainly as secure residence areas from which to fish. The south-western *Kuris*, particularly at Cumeragunja, were intensely eager to farm but they were disadvantaged by their small plots of land and lack of capital. Although the reserve was notified in 1883, disputes between the missionaries and the government delayed any start to farming, prompting the further *Kuri* demands in 1887, which included Cooper and Atkinson's requests for 65 ha each. This was an extremely modest demand for a period when 350 ha plus capital outlay was considered necessary to provide a family in that area with a comfortable living. What they in fact received was a 11 ha 'family farm block' on the Cumeragunja reserve in 1888. Neither the missionary body then controlling the reserve nor the Protection Board which took over the administration in 1897 could afford the capital outlay necessary for adequate irrigation. Arable land on the original 750 ha reserved was limited and the hostility of surrounding white land holders prevented expansion for some years. Modest extensions were made in 1893 and 1900 but all the land remained flood prone. By 1898, however, 20 'family farm blocks' of varying sizes existed on an area of 120 ha of the reserve. The *Kuri* farmers demonstrated their skills early, returning wheat harvests at or above the area's average in bushells per acre, but neither their skill nor their determination could provide returns adequate to support the families to whom the blocks had been allocated.⁵⁴

The Lewis and Wedge families at Yass were on indifferent land, suited in many years to grazing rather than farming. Nevertheless, these farms were reported by local police to be producing a 'modest living' throughout the later years of the century, and in 1901 the Protection Board tried to entice the Yass town *Kuri* population out to a new reserve adjacent to the Lewis's land.⁵⁵ The Bells, on better land at Blakeney Creek, were more successful, producing 15 tonnes of potatoes in 1894, with 4 ha under wheat and 200 fruit trees planted.⁵⁶

In the Burragorang, the fertile independent farm at St Joseph's continued to support a community of *Kuris* into the new century. The land came under threat in 1889, when the section which was conditional purchase was resumed for railway reserve and then applied for by a local white farmer. The Protection Board stepped in to defend Aboriginal tenure and secured a Reserve for the Use of Aborigines over the section.⁵⁷ By 1908, the focal person in the St Joseph's community was one of the original *Kuri* farmers, Mary Toliman (or Tolami), also the midwife for the whole valley, who was living there with her second husband, a *Kuri* called Longbottom (whose relations lived in the Wollongong-Thirroul area), and her daughter, Selena, who had married William Albert Shepherd. There were

53 H. Davis to Select Committee on Aborigines Protection Board, 1937, Minutes of Evidence, p.45; Chris Davis to Prime Minister, 21 January 1937, NSW Premiers Dept Correspondence, A37/193; Brennan 1907:212-16 for use of 'Queen' symbol; for additional discussion see Goodall 1987.

54 APB Register of Reserves, Folios 170, 5; Barwick 1972:52.

55 APB Register of Reserves Folios 141, 143; APB Report 1901.

56 APB Register of Reserves Folio 160; APB Report 1984:2.

57 APB Register of Reserves Folios 30, 56.

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others, including members of the Sherritt, Riley and Anderson families, who lived and worked on the farm over the years, on both reserve and 'church' land. Despite escalating attempts by the Catholic church to regain the land after 1908, these families hung on, in turn defying and conciliating the church and remaining economically independent by keeping the farm going until the 1920s.⁵⁸

The mid-north coast reserves were undoubtedly the most successful economically because the climate and the fertility of the soil allowed farming to go ahead with little capital outlay. Nevertheless, most were uncleared and required back-breaking labour to prepare the land for crops, making a mockery of the rejection of Bob Torbonts' 1886 claim on the Rous river because '... the habits and inclinations of the aborigines [are] not favourable to the settled and continuous labour required for clearing and cultivating the land'.⁵⁹ Herbert Davis, for example, recalled in 1937 how his family had cleared Rollands Plains, a reserve north-west of Port Macquarie:

That was a standing dense scrub. That was cleared by me and my brothers The land was given to us on condition that we cleared it. We fulfilled all conditions and cleared the land and fenced it off and resided on it for over 30 years. The land, when a standing scrub, was valued at 2 pounds per acre ... It is and was valued at 42 pounds per acre after we had cleared it.⁶⁰

Another family of Davises had similar memories about Euroka Creek, later called Burnt Bridge, which they and John Mosely had begun to farm in 1894. The Protection Board originally assessed both Rollands Plains and Euroka Creek as 'suitable for grazing only' but after a few years of *Kuri* labour, reclassified the lands as 'suitable for cultivation'. In only 2 years, the Davis and Mosely families at Euroka had cleared and cropped 10 ha with maize, planted fruit trees and vegetables and begun raising chickens. By 1899, their maize crop yielded 800 bushells with the 'greater portion' of the land now cleared, with potatoes planted. The families had built barns for storing their produce and 'comfortable slab and bark dwellings' for themselves.⁶¹ As they later argued, the Moselys and Davises had transformed the lands to 'smiling properties' and 'very desirable farms without any assistance from the government'.⁶²

A similar recognition of *Kuri* labour and determination was made by local police in relation to the Forster reserve, in 1908:

The Aborigines at Forster have been living on the reserve about 20 years and many of the tribe have lived about there for the last 50 years. Many years ago, several of the respectable residents applied to the Lands Department, when the present site was granted for their use. The Land was then a dense Scrub, and now the whole of the Reserve is cleared and securely fenced. The whole of the work of clearing and fencing has been done by the Aborigines themselves. The Aborigines have built several very good cottages on this reserve, and

⁵⁸ Ibid.; Catholic Archives, Burragarang Parish; Interviews with Jack Campbell; Family history reconstruction by Gloria Ardler, La Perouse family history group.

⁵⁹ CSIL Box 1/2594, 86.6915.

⁶⁰ Minutes of Evidence, NSW Select Committee on Aborigines Protection Board, 1937:45.

⁶¹ APB Register of Reserves Folio 24; APB Report 1899:5.

⁶² J.J. Moloney to NSW Premier B.S. Stevens, 1 July 1937, PDCF A37/193.

fenced off nice gardens where they are now growing Lovely Potatoes, Cabbages, Etc.⁶³

Even the rich alluvial flats around the Macleay, Nambucca and Bellinger Rivers required hard clearing before they could be made productive, as James Linwood and others recalled in the 1920s about their lands on Fattorini and Pelican Islands, where their labour in fencing and planting was often heart-breakingly washed away in floods.⁶⁴ Nevertheless, these reserves were the ones which came nearest to fulfilling the *Kuri* desire for self-sufficiency, where labour-intensive, under-capitalised farming could support an extended family. As the Protection Board described the lower Macleay reserves in 1899:

They are all cleared and cultivated, maize being chiefly grown. On the whole the Aborigines are in a fairly flourishing condition, having horses and sulkies of their own. They have also provided themselves with boats, those supplied by the Government having worn out.⁶⁵

If the land movement strategy had some success in economic terms, how far was this at the cost of Aboriginal identity? These *Kuri* small farmers of the north coast were using their profits to buy consumer goods similar to those bought by white small farmers, with reports of *Kuris* furnishing their houses with curtains, pianos and other physical symbols of European culture. The admiration of the Protection Board and local police was surely not consistent with an adherence to Aboriginal values, as Whites understood them. The *Kuris* of the Macleay, Nambucca and Bellinger Rivers appeared to be living the perfect example of



'An Aborigine on the Hawkesbury River with his garden', c. 1890, photo acquired by Mitchell Library in 1920. Courtesy Mitchell Library.

⁶³ Senior Sergeant Hogan, Taree, to Sub Inspector Edwards, Kempsey, 29 November 1908 CSIL Box 5/6990,08.943.

⁶⁴ J. Hull to NSW Premier, 13 August 1937 PDCF A37/193.

⁶⁵ APB Report, 1899:5.

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the 'civilised' lifestyle to which the Board hoped all Aborigines would aspire. Yet the appearance did not accurately reflect what was a far more complex reality. These *Kuri* farmers were involved in some of the most recent ceremonial activity in the state, continuing modified initiation ceremonies in this area until at least the mid-1940s. During the earlier years of the twentieth century, some of the *Kuris* with the longest experience of secure tenure over and independent cultivation of reserves were also those with a most detailed knowledge of traditional philosophy.⁶⁶ Some of the families who participated in the most recent ceremonies had been most tenacious in demanding and defending their rights to independent cultivation and secure title over reserve land which they, too, clearly regarded as a 'small portion of a vast territory which is ours by Divine Right'.⁶⁷ It might be argued that the success of their land strategy was one factor which had given these communities the security to create a lifestyle which 'made sense' in their own terms, developed from their own traditions as well as from what they found useful in European material and cultural life.

Building pressures

While the land movement made clear gains, there were pressures building up to erode even the small-scale independent economic and social base that had been achieved. These were reflected in increasing populations on these reserves, reducing any chances of economic self-sufficiency. One cause was the worsening social conflict between Aborigines and Whites as Aborigines attempted to gain equal access to the services of country towns. Schools were the focal point of these tensions and from the 1880s local Whites managed to close the public schools, one by one, to Aboriginal students. Although in the 1870s the Aboriginal children of Kinchela, for example, could only attend school for around four months a year, as they spent the rest helping their parents in agricultural work on the Drew's permissive occupancy,⁶⁸ *Kuris* nevertheless were very interested in gaining access whenever they could to the developing school network. By 1900, the five families at Burnt Bridge were seeking full-time enrolment for their 20 children in the Euroka Creek Public School, but whenever the children tried to enrol they were sent home because of white parental objections. The Aboriginal families began petitioning for their own school in September 1900 and after persistent requests a 'special' school, for Aborigines only, was eventually opened in 1905 on the reserve.⁶⁹ This was only the last in a sequence of segregated schools opened on independently farmed reserves: first Forster, in 1891, then Rolland's Plains, Pelican Island, Kinchela and Wauchope in 1892, and Cabbage Tree Island in 1893.⁷⁰ Simply the presence of the school; with its white teacher there most days, increased the level of surveillance under which *Kuris* lived. As well, the school was a magnet for *Kuris* from elsewhere, suffering school exclusions in other towns. In their petition, the Burnt Bridge *Kuris* pointed out that if a school was established other Aboriginal families would come to live there, and such migration towards the increasingly scarce resource of schooling seems to have occurred on this and other farmed reserves.⁷¹

66 Interviews with Jack Campbell; Morris 1985.

67 Macleay *Argus*, 7 April 1925.

68 Department of Education Files, Kinchela Aboriginal School file.

69 *Ibid.*, Burnt Bridge Aboriginal School file.

70 Fletcher 1977:100-5, 287.

71 John Mosely, George Davis and others to Department of Public Instruction, 9 April 1900, Department of Education Files.

Population had increased too in the worst of the Depression and drought of the 1890s and early 1900s, as Aborigines found themselves facing high unemployment (probably disproportionately so although there is difficulty tracing unemployment rates in this period).⁷²

The encroachment of local Whites was another and more ominous threat. The Protection Board demonstrated its willingness to support Aboriginal residence, but this often meant a loss of independence. When Aboriginal tenure of the richly fertile Drew permissive occupancy at Kinchela was challenged in 1899, the Board stepped in, securing the Drew's residency, but at the cost of transforming the title into Aboriginal Reserve.⁷³

As the economy improved after the drought broke in 1904, and the push for 'Closer Settlement' regained impetus with a new Act in 1905, the right of Aborigines to 'lock up the land' was attacked. Whites wanting land for the expansion of their own properties near Deniliquin, for example, tried to have the residential reserve there revoked in 1907, but there were enough employers of Aborigines' labour in the immediate vicinity to squash the plan.⁷⁴ *Kuris* at Forster had to organise their own defence in the same year, when local Whites seeking town expansion tried to have the only watered portion of the independently farmed reserve revoked. The police strongly supported them, as noted earlier, but it was John Ridgeway himself who wrote letter after letter to the Protection Board and the Premier demanding more secure tenure for his family and other Aboriginal farmers.⁷⁵

This coincided with the Board's own 1907 attack on independent farming at Cumeragunja. Barwick has suggested this fitted a pattern of attack on Aboriginal community independence, by removing land and then children, marking the shift from *laissez faire* to aggressive dispersal which occurred in Victoria in the 1880s and in NSW in the 1900s. Cumeragunja was first simply because higher existing levels of control meant it was easier to implement the new policy before the Board gained new legislation.⁷⁶

In fact, from 1907 the Board was being heavily pressured by the NSW Premier to protect the security of Aboriginal tenure and actually extend the area of reserve land. Aboriginal protests, supported by those of non-Aborigines, over the attacks on Aboriginal residence at Colimo and Forster in 1906 and 1907, as well as *Kuri* demands at Roseby Park in 1907 for more land in order to farm, led the Premier to take the matter up.⁷⁷ This interest may then have been reconfirmed by the vocal protests of Cumeragunja farmers. The Board responded enthusiastically to the Premier's concerns, and circularised police to report on all likely new sites for agricultural reserves.⁷⁸

The Board did not seem to see its actions at Cumeragunja as a contradiction of this general commitment to increasing reserve land or Aboriginal autonomy. It saw itself to be in financial difficulties at the time because of state budget cuts over the Depression and drought period and it appears to have regarded the Cumeragunja take-over as a one-off solution to what it believed would be short term problems. Cumeragunja presented the only

72 APB Reports show population rises on reserves.

73 APB Register of Reserves Folio 74.

74 Colimo bundle CSIL, Box 5/6944,07.229.

75 John Ridgeway to Thomas Garvin, APB Chairman, 13 July 1908, CSIL, Box 5/6990,08.943.

76 Barwick 1972. I made similar assumptions in Goodall 1982:73-5.

77 Secretary, APB to Under-Secretary, Chief Secretary's Department, 9 July 1907; Under-Secretary, Treasury to Premier, 20 July 1907, CSIL Box 5/7030, 07.398 and 07.7299.

78 Memo, Secretary, APB to Chief Secretary, 1 September 1908, CSIL Box 5/6990, 08.124.

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large area of reserve land which would be suitable for profitable agriculture without huge capital expenditure. Warangesda was less fertile and the family farm blocks there had not been successful at all because of this, while the Aboriginal community there was showing more signs of revolt at Board interference than at Cumeragunja at this time. Brewarrina, the only other possibility in terms of land area, was not suitable without major capital investment. Cumeragunja was simply the only choice for the Board to increase its own self-sufficiency. The intervention at Cumeragunja did not therefore signal an inevitable Board intervention on all other independently farmed reserves. Instead, the Board planned its 1909 legislation with both an increase in aggressive dispersal AND an increased reserve area with more guarantees of permanent Aboriginal tenure. Although in retrospect these two policies are in obvious contradiction, at least part of the latter aim became law in the regulation protecting Aboriginal farmers' rights to the profits of their crops, as their private property.⁷⁹

The more important change occurred in the Board attitude to reserve land when it became obvious around 1910 that the dispersal activities would be very expensive, particularly because of the need to run 'training homes' for the children being removed. This campaign to take children away was the most cherished of the Board's new policies, an emphasis which increased with the rising influence at this time of the removal policy's architect, R.T. Donaldson. In any conflict between the independence of Aboriginal land and the continuation of the child removal policy, the latter would inevitably win. From 1911, when the Board recognised that the need to expand its own financial base was not merely a short-term expedient but a long-term necessity, it ceased to defend Aboriginal tenure against the rising tide of white 'closer settlement' demands and by 1915 it had begun to seize Aboriginal reserve land itself to rent to Whites to 'supplement' its income.⁸⁰

Nevertheless, the Board was not the catalyst for the loss of this land, it merely acquiesced in the process. The real force, as might be expected, was the upward trend in the wider economy, reactivating the demand for closer settlement. Having lost Board support, Aboriginal protests were overridden by the massive pressure through local Lands Boards to take their proven, productive lands to give to white farmers, who saw the reserves as land still to be colonised.

Conclusion

The Aboriginal land rights movement in NSW in the late nineteenth century demonstrated the parallel development of strategies by communicating Aboriginal communities to counter the problems arising from intensification of rural capitalist land use. The movement was not centrally organised or formally constituted, but information flowed from community to community, maintaining an awareness of others' wins and losses in the attempts to secure access to country and to create an independent economic base. These interconnections clearly linked some areas in NSW with some in Victoria, and it may be that the South Australian Aboriginal farmers of the 1870s were also aware of these more easterly Aboriginal actions. Regardless of diverging state policies and differing levels of missionary activity, Aborigines from the 1860s to the 1890s, around this whole south-eastern agricultural belt, can be seen to have generated parallel strategies, focussed on land, to lay their bases for the future. The communities were well aware of the closer settlement movements, and attempted to use the 'free selection' language and ideology to

⁷⁹ Regulation 32, Aborigines Protection Act, 1909; NSW Government Gazette No.92, 8 June 1910, p.3063.

⁸⁰ APB Minutes and Reports. For a more detailed discussion, see Goodall 1982:73-82.

their own ends. In NSW, this Aboriginal strategy led to the notification of 74 reserves between 1861 and 1894, 64% of the total number of reserves created over that time.⁸¹ The creation of reserves in NSW in this period was largely a reflection of the strength and persistence of Aboriginal demand, even though the reserve title and the overall area of land were unsatisfactory. Far from this being a period of Aboriginal inaction and loss of agency, it was a time when Aborigines were indeed making their own history.

The response of government in NSW to Aboriginal land demands was generally positive because those demands were compatible with the broad social aims espoused by both liberals and conservatives. The policy of the State towards Aborigines in general, however, was not coherent until at least 1910, because before that the government refused the Protection Board's demands for a strong legislative base on the Victorian model. Between 1883 and 1910 the Board responded to pressure, rather than initiating new policy, and in practice Aboriginal demand as an effective source of influence. The Board found itself also the focus of demands from different groups of non-Aborigines, such as employers, missionaries, rural town authorities and later would-be selectors, whose demands might at times be in conflict with each other and sometimes were directed through other arms of government, such as the administrations for land or education, which put the Board in conflict with these other public service bodies. The Board's practice of responding to demand led it to sustain for some time what were in fact contradictory policies of supporting independent Aboriginal farming and land tenure while developing plans to disperse Aborigines aggressively, but the contradiction was exposed by the Board's own poverty and the independent lands fell victim.

In spite of, or rather because of, the success of Aboriginal farming, most of these independently settled reserves were lost to 'closer settlement' or its successor, 'soldier settlement', between 1916 and 1927. The area of reserve lands was slashed from 10,500 ha to 5,200 ha and 75% of this loss was from the north coast. Only a few of the independently settled reserves, like Burnt Bridge or Bellbrook, survived unscathed. Most were lost altogether or were leased out to Whites, making them just as inaccessible to the Aboriginal farmers.⁸²

This massive loss of both the lands themselves and of the development strategy they had embodied was one of the two catalysts for the regional Aboriginal political movement which emerged on the NSW coast in 1924, the Australian Aboriginal Progressive Association (AAPA).⁸³ The relationship was direct: the period of most rapid land loss was 1922 to 1923 and the movement had become public within a year, with defence of reserves and an ongoing land settlement programme as its major platform. The impact of the loss of these lands was intensified because they had been gained as the result of an Aboriginal victory, symbols of independence and hope for the future.

Each of the prominent activists of the movement was associated with the independently settled and farmed lands. Fred Maynard, the AAPA president, had been born in the Hunter area in 1879: his uncle was Tom Phillips, one of the Aboriginal farmers who settled and farmed the St Clair reserve, outside Singleton. This reserve had been encroached on by missionaries then made an APB station in 1916, but had only been closed altogether in

81 Compiled from APB Register of Reserves, APB Reports and Minutes.

82 Compiled from NSW Government Gazettes, Department of Lands Reports, APB Reports and Minutes. See Goodall 1982:115-128, 216-228.

83 Goodall 1982:228-252.

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1923.⁸⁴ S.W. Ridgeway was secretary: William and John Ridgeway had been fighting for land against white encroachment at Tea Gardens and Forster since the early years of the century, and had only lost Forster in 1923.⁸⁵ J. Johnstone was vice-president, a member of the family which had settled the Wingham reserve in 1882 and lost it to revocation in 1921; Johnstone was an activist who continued his organising into the later 1930s organisation, the Aborigines Progressive Association.⁸⁶ James Linwood spoke to the 500 *Kuris* gathered at the AAPA meeting at Kempsey in 1925: he had cleared and farmed Fattorini Island in the Macleay since before 1883, only to be forced off the fertile lands when it was revoked in 1924.⁸⁷ Joe Anderson and his brothers had worked St Joseph's farm in the Burragorang: that land was finally lost to revocation in 1924, after which Anderson and his family moved to Salt Pan Creek camp in Sydney and began making political speeches around the Markets and Domain. Joe was eventually filmed by Cinesound News in 1933, as 'King Burraga', continuing with his plea for land:

There is enough fish in the rivers for us all and [enough] land to grow all we want.⁸⁸

Finally, Jane Duren conducted a strong and bitter campaign to protect her people's land at Bateman's Bay from town encroachment from 1925 until her decision to join the platform of the AAPA to advocate land and justice for all Aborigines in a series of public meetings in 1927.⁸⁹

The nineteenth century Aboriginal land rights movement was then a crucial element in shaping the Aboriginal response to the conditions of the 1920s. The popular memory of the independent reserves has been overlaid since the 1920s by the trauma of concentration on reserves since the 1930s. Nevertheless, the concept of independence through land and country has persisted as part of the framework for Aboriginal politics through to the present.

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- 84 APB Register of Reserves, Folio 41; APB Minutes 1916-1923; Maynard family researches: personal communication; Miller 1985:107-110, 116-137.
85 Letterhead, AAPA, F.G. Maynard to K- B-, 14 October 1927, PDCF A27/915; J. Ridgeway to T. Garvin, 13 July 1908, CSIL Box 5/6990,08.943; APB Register of Reserves, Folios 52,92.
86 Letterhead, AAPA, op.cit.; APB Register of Reserves, Folio 65; *The Australian Abo Call* [J. Patten ed.] No.1, April 1938, p.2.
87 Macleay *Argus*, 7 April 1925; J. Hull to Premier, 13 August 1937, PDCF A37/193.
88 Interviews with Jack Campbell, concerning Salt Pan Creek Camp, 1927 to 1932; Cinesound News Review, No. 100, 1933 (National Film Archives).
89 Jane Duren to King George V, 14 June 1926, Bateman's Bay Public School files, 1925-7, Department of Education Files; *Evening News*, 16 November 1927; *Sydney Morning Herald*, 15 November 1927.

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