Searching the origins of Aboriginal Reserves through the lenses of Cummeragunja: The Irish Connection.

Introduction:

This paper has arisen from recent journeys and studies in Ireland between 2006-2010. The purpose of the Ireland study was to consolidate research that I completed on the origins and practice of the reserve system as it was established in Australia from its antecedents in other former British colonies in Ireland and North America in 17th and 18th Century. The research in Ireland was a continuation of that where I left off in the early 1980s and was also part of a joint research project with my partner Cathy Guinness. While Cathy was interested in tracing her Guinness heritage back to the founding ancestors, I was equally interested in searching for the origins of the reserve system through the lenses of Cummeragunja. Cummera as it is affectionately known is the place where my forebears were located in the late 19th Century, under the policies of segregation and control that have their origins in British Colonial policy and practice in other former British colonies and in the policy of plantations and reserves in 16th, 17th Century Ireland. The Irish connection was the basis of our combined enquiries—see Tain: The Australian Irish Network Magazine, Sep-Nov, 2006 for Cathy Guinness’s story at www.tain.net.au
The paper looks at the origins and practice of reserves from an Indigenous perspective, focusing on reserve policy and practice as a means by which Indigenous lands were appropriated and the forced removal policies were implemented. These policies as it will be demonstrated under British colonisation were common practice and were used more specifically to open up the land for the transplanting of settlers - a term it will be argued, runs synonymous with forced removal and dispossession.

I will examine the history of reserves in Ireland under the Cromwellian Colonisation of 1652-1660, and then look at the way reserves were implemented in North America under the Indian Removal Act, 1830 as a means of dispossession. This provides the basis for the analysis of the implementation of the reserve system in 19th Century Australia using Cummeragunja, where my Yorta Yorta forebears were relocated, as the lenses through which reserve policy and practice is examined. The style of the paper combines an academic and narrative approach to what essentially is a political and historic analysis of British reserve policy and practice in Ireland, North America and Australia.
Coming from an Indigenous family whose forebears were segregated on a Government administered reserve on the border of Victoria and New South Wales at Cummeragunja (1888-2006), my search to find answers to the origins, and the mindset of this particular scheme of things was everpresent. At the time I didn't realise that my hunger for knowledge about these questions which became more of an obsession in the latter part of life, would eventually take me in a full circle and indeed illuminate the Irish Connection.
After completing my studies in Adelaide I was successful in achieving an overseas study award which allowed me to travel to North America and to learn about the Indigenous American experience of colonisation. I was interested in learning about their comparative response to colonisation, and struggle for land justice in what were former British colonies that preceded Australia. I was aware that soon after Britain had expanded its empire to North America in the late 18th Century that it was quick to introduce a policy of removing Indigenous peoples from the land and allocating reserve lands for their use. I was also aware of the previous invasions of the Celtic lands that were held by the Irish and Scottish tribes and how Britain wanted to get their hands on lands that were occupied by the Irish and the Scottish tribes of the Scottish Highlands and Islands. These combined territorial and linguistic groups of Celtic speaking tribes held large sections of land in and around the British Isles that were of strategic as well as economic importance. That these lands could be used as a striking point at the British Empire by foreign invaders was of extreme importance. Furthermore, and of equal importance to the British was the value of these lands for economic and agricultural purposes. The idea of having more superior methods of farming and the belief in individual property rights as opposed to collective ownership were other key motivating factors for land appropriation. It was these factors combined with the ideology of land ownership that underpinned British imperialism in the Indigenous world that were at the heart of my enquiries. The ideology of invasion combined with Anglo centric views of land ownership were paradigm’s that would be revisited in North America and back home in Australia.

It was from the North American visit that I learned that, the original occupants who had been in possession of their ancestral lands and waters since time immemorial had been brutally dispossessed and relocated on reserved lands.

The idea of separating American Indians and placing them on reserves underwrote the history of British colonisation in North America. After gaining control over most of North America in 1760, Britain proclaimed reserved lands for Canadian Indians, and prescribed that only governments could deal with Indians on land-related matters. Powers to regulate and control Indian life and movement was sanctioned under the Indian Act, 1876 which empowered the Canadian Government to have control of land dealings and to oblige Indians to renounce title to land in return for reserved lands. This was to be the pattern
that followed for the next century where Indigenous people were isolated from mainstream society and reduced to the status of being wards of the state (Mabo Papers, 1994: 70-81).

Following the Canadian experience the United States introduced its system of land control and the allocation of reserve lands for American Indians. The reserve system was given legal sanction under the infamous Indian Removal Act, 1830 (4 Stat. 41 1 May 28, 1830). The Removal Act was passed by the Twenty-first United States Congress in order to facilitate the relocation of American Indian tribes living east of the Mississippi River in the United States to lands further west. The Removal Act, part of a U.S. government policy, was signed into law by President Andrew Jackson on May 28, 1830. The Act established a policy of exchanging federal lands west of the Mississippi for other lands occupied by Indian tribes in the eastern portion of the U.S (Christie MacLeod, 1967:26-7; Personal communication with Professor Henry Dobins, Newberry Library, Chicago, 1981).

The template of removing Indians onto permanent reserves to allow for the opening up of the land for European settlement continued from its antecedents in 17th Century Ireland. While there was a major difference in the recognition of American Indian prior and inherent rights to land, the general nature and mind set behind the reserves system was analogous to the Irish connection. The recognition of prior rights to land in Indigenous Australia as we will see was a different matter.

American Indian, Wilbur Jacobs reflects on the mindset that justified American Indian dispossession and removal to reserves. Like the Irish the American Indian was often portrayed as a nomadic heathen having no connection with the land in accordance with European views of land use. The justification of such a view was based on similar notions of racial superiority and alien ideas of land ownership. Under this reasoning it was held that the nomadic and primitive races such as those Indigenous people who held communal ownership of the land, must give way to a Christian agricultural civilised society. Much of this justification rested upon Anglo centric and biblical quotations which were used to justify that white people had prior rights to the land because they used it according to the intentions of the creator. The argument that hunters and collectors could be forced to alter their subsistence economy by an imposed agricultural or pastoral people re-iterated the Anglo centric ideas advanced in other British policies towards Indigenous peoples (Jacobs, 1972: 140-141).
The ideology of dispossession and the policies of forced removal and incarceration were part of the jigsaw puzzle that I was attempting to put together. The North American experience provided some larger pieces of the jigsaw. While the comparative land justice issue was important it was patently obvious that the policy of removing the original occupants and placing them on reserves went hand in glove with colonization. Indeed it was the means by which dispossession, and the opening up of the land for settlement was allowed to take place. Not only was it patently clear that this scheme of things had been around long before it reached Australia, but indeed it had evolved from a formidable amount of prior experience.

Using the American vernacular to examine this question in more detail, it soon became a question of ... if the god dam thing (as in reserves) was here? Where the god dam hell did it come from before it got to here? Quite an open ended question I thought, but one that did produce positive outcomes. An American scholar, working in the Newby Library Chicago, was able to enlighten me on the origins and the practice of reserves before they reached America by directing me to research materials that linked the reserve system in North America with that practiced by the British under the Cromwellian Colonisation of Ireland 1654-1658. (Personal communication with Professor Henry Dobins, Newberry Library, Chicago, 1981). I will now head down that track and examine the British policy of forced removal, segregation, and dispossession in more detail and then look at how this connects Indigenous Australia with the reserve system as it was trialed and erred in Ireland and North America.

Reserves in Ireland

The idea of separating Indigenous people and placing them on reserves was well-established British policy. At least two centuries before Australia was colonised, reserves were used to dispossess traditional Irish groups. This was officially sanctioned by the Act of Settlement of Ireland, 1652 which gave Oliver Cromwell the power to dispossess the Irish of their traditional lands. The Cromwellian Colonisation of Ireland, 1652-1660 is a legacy of terror and brutality of magnitude proportions. It is a bloody chapter of history that, I was soon to find, has become entrenched in the Irish psyche. Its most obvious manifestation is in the to ‘Hell or Connaught’ policy which was employed by Cromwell to dispossess and to
incarcerate Irish land owners of the time. That is if you didn’t ‘transplant’ yourself which was another term for removing yourself from the fertile lands, and replant yourself in the poor and less productive reserve lands that were allocated west of the Shannon you would be put to the sword. *Mulacht Chromail* (the curse of Cromwell is an impersonation still in use in some part of the country (Ellis, 2000:8, 89,116). British land acquisition policies in Ireland are analogous to that of an agricultural project. The policy of transplanting one group and planting with another was a convenient euphemism that was used to justify dispossession. As we will see the policy of forced removal, and segregation to reserve lands, dressed up in all its colonial trappings, would became a potent and lethal force by the time it reached Australia in the 18th Century.

Before the ‘Hell or Connaught’ scheme the planting of colonists on Irish lands was common practice in Ireland. In the province of Ulster the Indigenous Irish were driven off large areas of their traditional land which was divided into estates for the purpose of planting the colonists. This resulted in large scale land theft and conflict. The division between the planters and the transplanted created an environment of tension and an atmosphere in which people lived in a state of what O’Eithir describes as ‘physical and mental siege’ (O’Eithir, 2003:25).

The Indigenous resistance to land appropriation and the strategies that were employed to defend their territorial and sovereign rights need to be reviewed. Those Historians, who have attempted to understand and to interpret the events as they occurred form the other side of the frontier, have found that the resistance to land theft and incarceration are natural responses of a people faced with the reality that colonization presented. The Irish Rebellion of 1641 which proved to have devastating and retributive consequences under Cromwell’s regime was indeed an organized response to the attack on Irish sovereignty and the wholesale dispossession of their land. Likewise the Indigenous American and Australian resistance was fundamentally about the defense of territorial and sovereign rights.

In all too familiar fashion the Act for the Settlement of Ireland 1652, provided Cromwell with the power to legitimise his terror and to further dispossesses the Irish of their lands. It also provided him with powers to deal with the Irish rebels who fought for emancipation and for land justice.
The Act provided for the summary execution of the leaders and supporters of the Irish Rebellion of 1641 and for the confiscation of sufficient land in Ireland as was necessary to repay the London-based capital investors of the colonization process and to reward the soldiers who had fought for the English in the war. This was achieved by the confiscation of almost all Catholic-owned land in Ireland—something that also served to punish Irish Catholics for their rebellion and war against the imposed Parliamentary system of British control (Act of Settlement of Ireland, 1652).

The reserve system was the means by which dispossession and control took place. It also served other social and economic factors, such as the provision of labor and domestics service for settler interests. It’s most crucial function as a colonizing process however was that it sanctioned the appropriation of land from the original occupants and owners. Furthermore, once people were removed or transplanted to a reserve, it was the control mechanisms that could be invoked to regulate the lives, movements, beliefs and behaviors of reserve residents. Indeed it was a tool of colonization that was practiced in the Ulster plantation and was used extensively as a colonizing force on the Celtic-speaking tribes of the Scottish Highlands and Islands in the early 17th Century. Some historians have argued that the ideology of colonization and land appropriation that was eventually transported to North America was often conducted by the same colonists who dispossessed the Irish and Scottish people (Bohannan & Plog, 1967).

By the time it reached Australia in the 18th Century the reserve system had become a formidable force. The plantation system was one way of removing the Irish from their ancestral lands and waters but the Cromwellian Colonisation of forced removal and enclosure was a more ruthless and large-scale campaign. Irish writer Breandán Ó hEithir writes:

“Because he typified the militaristic mixture of religion and the lust for Irish land, spilling much Irish blood in the process, Cromwell found his permanent place in the folk-memory of hate. Stories of the massacre of men, women and children, in their hundreds after the siege of Drogheda (north of Dublin) helped to perpetuate his reputation. The stark reality was that by the time the Cromwellian terrorism had ended the population had been reduced by famine, and plague as well as systematic butchery” (OEithir, 2003:26).
With the collapse of the Cromwellian regime and the restoration of Charles Stuart to the throne as the King of England in 1660 the Cromwellian transplantation scheme had failed and was subsequently revoked. The heroic resistance of the Indigenous Irish to British overlordship and the refusal of many to leave their ancestral lands and move to the reserve land were the main reasons for its failure (Ellis, 2000:237-248). Similar patterns and strategies of Indigenous resistance and survival would reenact themselves as the reserve system transplanted itself to the distant shores of North America and Australia.

Irish survival of 17th Century British colonization is one of the many layers of events that have shaped the history of Irish cultural identity and struggle. In his final analysis of the failed “Hell or Connaught’ scheme Peter Berreford Ellis leaves us with some poignant conclusions:

“In spite of the brutal and methodical way in which the confiscations and colonization was carried out from 1652-1660, its success was only partial. The Irish nation survived. True, the ownership of the soil had now changed hands and the colonists had taken the chief places in towns and were dominant in industry, commerce and the professions: true, there was a deep cleavage on religious grounds and Ireland was beginning to assume her more modern features and appearance, but it was equally true that given time the colonists would have been absorbed into the Irish Nation as they had been in the past“(Ellis, 2000:248).

Given its trials and errs in 17th Century Ireland, the path of the reserve system as a tool of colonisation, will now be followed to America and from there to Australia and then back to where this journey began in Yorta Yorta country.

The Yorta Yorta Experience

I will now return to the Australian context and examine the background to the reserve system focusing on Victoria as a forerunner for other states and then look at their application to the Yorta Yorta

Like Ireland and North America the colonisation of the Australia was driven by notions of racial superiority, and Anglo centric views of land ownership. This mindset played a critical role in shaping colonial policy and in underwriting the theft of Indigenous land. Because
Indigenous people used different ways of gaining returns from the land to that of English modes of production, they were treated as not owning the land. Indigenous land rights, validated by the creation ancestors and vindicated by 60,000 years of occupation, were denied.

An influential example of the ideology that drove settler interests in the taking of Indigenous lands in Australia is reflected in the 17th Century writings of John Locke. Locke's view of land belonging to a common pool that could be individually owned by those who worked the land and made it productive had strong influence on British Imperial land policy. It provided a precursor to the coloniser's arguments concerning Indigenous occupation and land use. The crucial point, however, is the contrast between these ideas and Indigenous views of land ownership (Locke, 1983:177–80; Reynolds, 1992:74).

The mixing of labour with the soil for productive returns in Indigenous epistemology was customary practice, but the accumulation of land as individual property to be mastered and traded was an alien concept (Sharp, 1996:16). Within any given Indigenous community, such practices did not involve appropriating the land from the common pool for oneself. Land in Indigenous thought was inalienable and stayed in the community pool. Major differences exist however, between Indigenous society and the sort of society envisaged by Locke. Far from a simple 'common pool', Indigenous Australians possessed a highly elaborated system of land interests (Locke, 1983:177–80). Certainly, within a particular community you could reasonably say that a common pool existed, but even then different people had different rights and interests within the communal system. The assumption that Indigenous interests simply amounted to a general communal involvement was one of the fallacies used to justify the taking of Indigenous land. The idea of being able to accumulate more land and the concept of alienating something that was created by the spirit ancestors was incomprehensible (Wensing and Sheehan, 1997:4–5).

Indigenous law certainly accommodated Locke's notion of a communal pool of rights but ownership was much broader and more complex than the simple act of accumulating property based on labour. Within Indigenous society, interests in land were understood in complex religious as well as economic and political terms. Rights to land are shared between owners and visitors, other interests could be accommodated during periods of scarcity and there were long established trade relations, which allowed access to land for the exchange of resources. Locke, like many other western writers, had a hierarchical view of societies, with
an earlier simple 'natural' process giving way to the complexities of regulation involved in the European nation states. Indigenous interests in land were different to those of Europe, but they were no simpler. Rather they had developed along different paths.

The denial of prior rights to the soil under the imported ideology of land use and the legal fiction of terra nullius remained a barrier to Indigenous land justice for the next two centuries (Broome, 1995; Christie, 1979; McRae, Nettheim and Beacroft, 1997:34, 75; Bartlett, 1993:12–14; Reynolds, 1987:31–3; Jacobs, 1972:140–1).

The deception of terra nullius may have been a powerful incentive at colonisation, but the assumption of a vast unoccupied hinterland was inevitably confronted when settlers came face to face with the reality of Indigenous occupation (Ah Kit, 1997:55–6; Ridgeway, 1997:65–7; Bartlett, 1993:14; Reynolds, 1987:31–3; Goodall, 1996:106; Bourke and Cox, 1994:52; Hookey, 1984:1; Pearson, 1993a; Neale, 1985:17–18).

While the struggle for land justice took its own path to the historic Mabo decision in 1992, which overturned terra nullius and recognised pre-existing Indigenous land rights in accordance with the rules of the imported British law, the reserve system underpinned the policy of land theft and denial.

I will now analyse the effects of colonisation on Yorta Yorta society

Colonisation and the Yorta Yorta:

The current Yorta Yorta population is estimated to be 5,000–6,000. The white invasion and depopulation of the Yorta Yorta is reflected in the population estimates for the period between 1839 and 1863. The original population was reduced by 85% in the first generation of white contact and it did not stop there. The Victorian Aborigines Protection Board estimated that in the Victorian section of the Yorta Yorta country (1863) there were only 365 Yorta Yorta survivors. In Victoria there were only 1,920 Kooris remaining out of an estimated pre-contact population of 15,000–20,000. Introduced diseases, settlers' guns, poison, and frontier violence over land were the main causes of the population decline (Age, 12 July 1998, 'Koori Week Feature Articles': 13; Broome, 1995:31–2; Christie, 1979:78–9; Grimshaw, 1994:134–8; Reynolds, 1981:99; Barwick, 1972:15; Dingle, 1984:19–20).

Historians have re-examined the extent of frontier violence and depopulation. Christie argues that between 15% and 25%, or 2,000 Aborigines, died by the rifle in Victoria alone and the figure of 20,000 has been suggested for Australia (Reynolds, 1981:99). Reynolds argues that Indigenous depopulation by the rifle in northern Australia was higher than the
lives lost in all the overseas wars including Vietnam. The memory of tragic events like these underpin our history of land struggle and remain indelibly The Victorian Board for the Protection of Aborigines was established in 1860 to administer the funds granted by the Government and to set up and run the reserve system. The New South Wales protection Board was established in 1883, and largely mirrored the existing Victorian model which by 1911 had been duplicated and adapted by all other States. (Chesterman and Galligan, 1998:131; Broome, 1994:161-162).

The Victorian and New South Wales Aboriginal Affairs policies have direct relevance to the Yorta Yorta. The Murray River was to become a significant political boundary and a thorn in the side of both governments for many years. While being located on the New South Wales side which was some 500 miles from Sydney, the Yorta Yorta were only 150 miles from the head of the Victorian Government. This became an important factor in Yorta Yorta people’s experiences with government institutions and their policies towards Koori people. A common belief held by the Yorta Yorta in relation to their geographic location and the complicated process of having to deal with a multitude of state/commonwealth and local governments is that they became very efficient in political processes. The geographic location produced an environment in which the Yorta Yorta became one of the most politically astute cultural groups within main stream politics and were successful in using the political system to draw attention to their demands for justice and equality (Barwick, 1972:15; Evidence to Federal Court, 1997-98).

Yorta Yorta Resistance

The myth that Kooris passively acquiesced to the taking of their land or ceded their sovereign rights has been rejected (Cannon, 1993; Goodall, 1996; Cole, 1984; Christie, 1979; Broome, 1994; Howard, 1982; Reynolds, 1981). Violence over land was generally widespread and particularly severe in the southeastern region. Detailed accounts of Yorta Yorta resistance and the strategies used to defend their sovereign rights are well documented. They mounted attacks on homesteads, dispersed and killed stock, used fire to burn huts and push back intruders, and forced many pastoralists off their stations. Knowledge of bush terrain, wetlands and vegetation were utilised and traditional bark canoes were used to elude settlers and the police force. These tactics were clearly aimed at driving settlers out of the area and defending Indigenous territorial rights (Watson, 1996:1–
Yorta Yorta resistance manifested itself in different ways. In April 1838, an estimated three hundred Yorta Yorta/Bangerang attacked George Faithfull’s overlanding party, in the eastern part of the Yorta Yorta country (near Benalla). This was believed to be a payback for breaches of tribal protocols, namely the abuse of women, from a previous expedition. Resistance was strong in the heartland around the Moira area where large numbers attacked Moira Station (in 1843) with firebrands of spears, using bark canoes to retreat into the reed beds. The use of traditional knowledge and skills to defend country from white occupation were effective resistance strategies. Indeed the evidence suggests that at the height (1843–50) of resistance, the Yorta Yorta were gaining the upper hand (Hagen, 1996:19; Christie, 1979:63; Cannon, 1993:141–42; Christie, 1979:63).

Moira Station became a refuge for local squatters. Henry Lewes reported:

Mr John Clark's people driven out by natives from their station down the Murray; A part of Messr's Gwynne's herd came here from the Edward's River driven out by natives; All Mr. Green's men came here having been driven out of his station down the Murray; Messrs Gwynne's again driven from station; Mr. Will's people came here for aid' (Lewes, 1883:7–8).

Further attacks on Torrumbarry and Tongala stations caused local pastoralists to call on the para military forces (Christie, 1979:63; Curr, 1965:89–97). The troops stationed themselves at Moira in December 1843, and combined with local settlers to mount a punitive attack on the Yorta Yorta, which took place at a fishing camp near the Moira reed beds. The Yorta Yorta retreated into the reed beds for protection, where it is alleged that the troops pursued them and 'shot them like wild dogs', including children (Cannon, 1997:141–42; Select Committee Report on the Aborigines, 1845:41).

Earlier historians ignored the extent to which violence underwrote white settlement in the Yorta Yorta country (Morris, 1970:1). The achievements of the pastoral industry are praised while the Indigenous struggle to protect territorial rights is played down. Priestly, for example, in *Echuca: A Centenary History* (1965) claims that Aborigines 'never presented any effective barrier to white settlement of the district'. The evidence shows that these were convenient myths that were used to propagate the notion of peaceful settlement (Reece, 1974; Reynolds, 1987; Ryan, 1981; Christie, 1979; Loos, 1982; Millis, 1992). The Select
Committee Inquiry of 1836–37 and the High Court in *Mabo* was willing to admit that violence over land was at the heart of Australia's history (*Mabo* (No. 2) 1992 Brennan J. at 69; Priestly, 1965:5; Select Committee on Aborigines in British Settlements, 1836–37).

The physical struggle over land may have ended in the middle of the 19th Century but the battle for land and reparation for past wrongs was just beginning. Those measures that were introduced to relocate and to control the Yorta Yorta so that the land could be opened up for settlement can now be examined (Broome, 1994: 77–86; Barwick, 1972:45–68; Goodall, 1996:46; Aborigines Advancement League, 1985:22).

**Beginnings of Reserve System in Victoria**

The exposure of Britain's colonising practices was at the heart of the policy of Protection and the reserve system in Australia. Reports from Australia of the near extinction of the Tasmanian Aborigines, the massacres of Aborigines by whites in NSW, and atrocities elsewhere, prompted the British Select Committee Inquiry of 1836 (Christie, 1979:81–2; Rowley 1972b: 53–4). The report of 1837, condemned Britain's treatment of Indigenous people which it argued was one of genocide and the forced acquisition of Indigenous property (Report from the Select Committee, 1836–37:5–6; Chesterman and Galligan, 1997:16–17; Goodall, 1996:46, 53; Christie, 1979:81–137; Cole, 1984:27–8; Rowley, 1972b: 20, 31, 130–31; Foxcroft, 1941).

The Committee conceded that Europeans entered Indigenous lands 'uninvited' and recognised that Indigenous people had an 'incontrovertible and sacred right to their own soil' and agreed that the taking of Indigenous lands had 'deprived them of the means of existence' (Report From the Select Committee, 1836–37:5–6).

The report brought home the brutality of British invasion and highlighted the appalling state of race relations in colonial Australia (Report From the Select Committee, 1836–37:5–6). The outcome of the inquiry saw the establishment of the Port Phillip Protectorate that was set up under the policy of Protection (Victorian Protectorate System, 1838–49), which was aimed at providing some land for Indigenous groups. Before and after the Inquiry some efforts were made to provide reserves in Tasmania for the protection of the survivors of the genocide that had taken place. These were located at Shelter Cove on Bruney Island and later on Flinders Island to where the remaining population was forcibly removed (Christie, 1979:43; Broome, 1994:69–86; Barwick, 1972:20)
In Victoria the Port Phillip Protectorate set aside four reserved areas, one of which was located in Yorta Yorta country. The Goulburn Protectorate was first located at Mitchelstown on the Goulburn River, which was subsequently moved further downstream to where the township of Murchison is located – see map of Protectorate locations.

The Goulburn station was used intermittently by the Yorta Yorta but due to the lack of government support and the opposition to its existence from local squatters the Port Phillip Protectorate was abolished in 1849 (Barwick, 1972:20; Bosence 1965:47; Robinson, 'Papers', 1854; Select Committee of Inquiry into the Aboriginal Protectorate, 1849; Bosence 1965:43; Massola, 1968:4, 5). Residents of the station were left to their own means of support and continued to camp at the traditional campsites on the edges of pastoral stations and to support themselves wherever they could by hunting and fishing (Clark, 1950:90–102; Dredge, 1845:44; Bosence, 1965:44–56).

The Reserve System

While the primary aim of the reserve system was to relocate Indigenous people from the traditional lands, reserves became enclaves of Indigenous political resistance and survival. Indeed those reserves that were established within the traditional lands, as will be demonstrated in the Yorta Yorta case, were skillfully manipulated to provide for the continuity of connections with the surrounding ancestral lands. This became an important issue in the Yorta Yorta Native Title Case (1994-2002).

Figure 7: Patchwork of lands and major centres occupied
The patchwork of land within the Yorta Yorta country that enabled the Yorta Yorta to hold onto their connections will now be examined (see Figure 7).

Reserves in Yorta Yorta country

After the failure of the Protectorate in 1849, many attempts were made to set aside land for the Yorta Yorta. The 1849 Committee of Inquiry recommended that reserves be established along the Murray so that groups could settle on the land, adapt to farming and continue their traditional hunting and fishing activities (Barwick, 1972:45–51).

The process of combining farming with traditional practices was supported by the Chief Protector of Aborigines in Victoria, George Robinson who recommended that 'Aborigines be allowed free access to Lakes, Rivers, Swamps, Lagoons, etc. and their favorite hunting grounds at the season for hunting' (Select Committee Report 1849:12–14; Goodall, 1996:Chapter 5 'Dual Occupation'). The recommendation was never adopted and other attempts to set up reserves on the Murray faced similar problems. Nonetheless, the Yorta Yorta continued to occupy and use the traditional lands and waters. They gathered at traditional strongholds within the Ancestral lands, continued to hunt and fish, and to support themselves by working for local pastoralists (Select Committee Inquiry 1859–60:22, 26, 83; Select Committee Report 1849:12–14).

Ration Depots on Pastoral Stations

The encroachment of pastoral stations onto traditional Yorta Yorta lands created a relationship of interdependence. The establishment of ration depots and the appointment of pastoralists as local guardians were important linkages for the Yorta Yorta. Ration depots were located on pastoral stations throughout the Yorta Yorta country, and those that were near the towns were run by local magistrates (see Figure 7). Some land was also reserved for Yorta Yorta use at Whugunya (near Corowa) in the eastern part of the Yorta Yorta country. From 1861–91, these became important bases for the Yorta Yorta to seek aid and to maintain connections with country (Select Committee Inquiry, 1859–60; Felton, 1981:174; Barwick, 1972:298).

In the absence of government-run reserves, various attempts were made to remove some of the Yorta Yorta, particularly children, to the Coranderrk reserve near Healesville in 1863. Most refused to leave their country however, and used the river to evade the Victorian government's forced removal policies of 1869–86 (Barwick, 1972:14). Not that Coranderrk
was unfamiliar territory. A long established connection of trade and social relations existed between the Yorta Yorta and Kulin groups. This continued through Coranderrk, 1863–1924, and the Maloga and Cummeragunja reserves of 1874–88 to the present (see Figure 8 for location of Maloga and Cummera and other reserves/mission stations in Victoria and New South Wales; Cato, 1976:8–9; Barwick, 1972:14; Victorian Aborigines Protection Board Annual Report; 1863:9; Christie, 1979:177; Chestman and Galligan, 1997: 11–30; Barwick, 1969:76; 1972:45).

Figure 8: Reserves and mission stations

Before examining the Maloga and Cummeragunja lands I will analyse the legislative and administrative framework of the reserve system that followed the failed Protectorate. The legislative and administrative framework came about by continued conflict over land settlement and the need to introduce regulatory measures between settlers and Indigenous occupants and powers to remove Indigenous occupants from the traditional lands a more formal system of reserves. These would be administered by the Government who would be empowered to have control over the lives and the movements of Indigenous people within the jurisdiction of the colonial state governments.

Administration of Reserves
Responsibility for granting land and running reserves in the Yorta Yorta country rested with the respective Victorian (1860) and New South Wales (1883) administrations (Chesterman and Galligan, 1997:131; Broome, 1994:161–2). Although Yorta Yorta territories extended well into New South Wales, and as previously alluded to, the political boundary of Murray was some 500 miles from Sydney, but only 150 miles from the Victorian government in Melbourne. The river became a significant political boundary for both administrations, each passing the buck for the responsibility of the Yorta Yorta. The Victorian Administration, 1860 played the boundary card by requesting the New South Wales Government to take responsibility and the New South Wales Government refused to provide assistance until its Protection Board was established in 1883 (Barwick, 1972:15, 40; see Chapters 7–9 for Yorta Yorta views on Murray River as a political boundary).

The Victorian Protection Board was the first to introduce legislative controls of Indigenous people by passing the infamous Aborigines Protection Act, 1869n which gave the Board wide discretionary powers: to control the lives and movements Indigenous residents; to relocate them to reserved and to remove children to reformatory schools. The origins of the Stolen Children Inquiry a century later can be traced to the Victorian Legislation (Edwards and Read, 1989:20; Barwick, 1972:14; Broome, 1994:174; Jackomos and Fowell, 1991:16, 180–3; HREOC, 1997).

Further restrictive laws were enacted under the Aborigines Protection Act 1886 (Vic) and the Aborigines Act 1910 (Vic) which gave the Board powers to define who was an Aboriginal person according to biological and physical characteristics, and to exclude them from those benefits that were available to other citizens (Rowley, 1972a: 25; Chesterman and Galligan, 1997:1–10; Peterson and Sanders, 1998:1–28; Read, 1998:169–77).

The 1869 Victorian legislation was duplicated by New South Wales in 1909, giving it equivalent powers to relocate Aborigines to government-controlled reserves. From the end of the resistance to the establishment of the State Protection authorities, the Yorta Yorta continued to utilise introduced structures. They integrated the ration depots into the traditional economy, utilised the pastoral stations as a means of coexistence and supplemented pastoral activities with subsistence practices. The lands set aside to provide for protection and the means by which dispossession was allowed to take place will now be examined. These are the two areas of land that were designed to relocate the Yorta Yorta and surrounding tribes from their traditional holdings and were also the means by which the local Yorta Yorta maintained their physical and cultural connections with the ancestral,

Maloga Mission 1874–88

The Maloga Mission was established in 1874 on land selected by Daniel and William Matthews. As indicated in Chapter 2, the site was an important meeting place for Indigenous groups and the place where the river cut its most recent course, 8,000–10,000 years ago (Cato, 1976: 28; Barwick, 1972: 45–7).

On setting up Maloga, the Matthews brothers were quick to understand the nature of the political boundary presented by the Murray. For the Aboriginal residents of Maloga, however, the river was not a political boundary. The majority was from the local Yorta Yorta who occupied both sides of the river, and some came from neighboring tribes from the upper and lower reaches of the Murray. Maloga was intermittently occupied by the Yorta Yorta between 1874 and 1888, many of whom continued to camp at traditional places in the bush, along the rivers and at pastoral stations. With the creation of the NSW Protection Board in 1883, a new site of 1800 acres upstream from Maloga was reserved. This was 'Cummeragunja' ('Cummera' as it is affectionately known), a word derived from the local Yorta Yorta language meaning 'our home'. Residents of Maloga were moved to Cummera by the NSW Protection Board in 1888–89 (Hagen, 1996: 112; Barwick, 1972: 45–6).

Cummeragunja 1888–present

Both Maloga and Cummeragunja were important places for the Yorta Yorta to regroup and to rebuild as a community. They allowed the Yorta Yorta to re-assert their inherent rights and Cummeragunja played an important role in the struggle that culminated in the YYNTC (Shepparton News, 22 September 1999; Broome, 1994; Horner, 1974; Aborigines Advancement League, 1985; Barwick, 1972: 45, 65–8).

From 1860 to 1999, the Yorta Yorta have made at least 18 attempts to claim land and compensation. The chronology of claims in Appendix 1 illustrates the historic nature of the struggle. Some of these were made on behalf of the Yorta Yorta; others were made by the Aborigines Advancement League established by William Cooper in the 1930s, and some by the Yorta Yorta Clans Group 1983–99. The more favorable political climate of the 1970s
provided the Yorta Yorta with the opportunity to re-assert their claims with a greater prospect of success. Formal approaches for greater control over Cummeragunja and for the return of the Barmah Forest and other areas were subsequently developed. Mabo ushered in a new era of law that increased Indigenous hopes of land justice.

Ongoing Struggle

It is more than a hundred and fifty years since the Yorta Yorta fought against the white invasion of their sovereignty. Since then Yorta Yorta society has continued to adapt to social, technical, environmental and economic changes.

While the majority of these changes were forced ones, the Yorta Yorta responded in their own courageous way by utilising the limited options available. Today the Yorta Yorta remain a coherent and distinct community, emphasising their ties of kinship and regional affiliation in their dealings both with white society and with other Aboriginal groups (Barwick, 1972:16; Broome, 1994:80–4; Aboriginal and Torres Strait Islander Social Justice Commissioner Report, 1995:94–105).

The resilience of Yorta Yorta survival and pride in their identity is expressed by current leaders like Monica Morgan:

We know we exist, we know we have continued to exist, that no practices that have ever occurred on Indigenous people, of genocide, removal, taking away of people, continuing denigration happening in Australia today, is ever going to take away the pride and dignity of Yorta Yorta people (Shepparton News, 22 September 1999).

Yorta Yorta Today

The people who identify as Yorta Yorta/Bangerang are the descendants of the original people who occupied the lands at colonisation. The Yorta Yorta asserts that they have never relinquished their sovereign rights to territories occupied by their ancestors. Given the interference of those events described by Mabo as external factors, the Yorta Yorta have continued to live on the traditional lands and to exercise traditional rights to use resources, and continue cultural practices (Hagen, 1996:1; Aboriginal and Torres Strait Islander Social Justice Commissioner, 1995:94–6; Yorta Yorta Statement of Claim and Contentions 1994–95).

Yorta Yorta connections with the Yorta Yorta country remain strong (Australian Bureau of Statistics: National Aboriginal and Torres Strait Islander Survey, 1996; see also
Department of Conservation, Forests & Lands (Vic), 1992). Figures from the 1996 ABS survey indicate that a significant proportion of the Yorta Yorta population continue to regard the area as their traditional homelands. Other reports that correlate the legacy of land loss with current health concerns support continued Yorta Yorta connections (Alford, 1999:39–42; McKendrick, 1999).

The majority of Yorta Yorta live in the townships of Echuca, Moama, Shepparton, Mooroopna, Cummeragunja, Barmah, Nathalia, Finley, Cobram, Kyabram, Wangaratta and Mathoura, and other smaller centres within the lands. Some live nearby at Albury, Wodonga, Deniliquin, Kerang, Barham and Swan Hill. Others have moved to the cities to pursue educational and economic interests, most of whom still visit the area regularly to maintain social and cultural links (ABS, 1996; Hagen, 1996:6–8; Yorta Yorta Land Management Report, 1999:10).

The existence of narrower sub-groupings has evolved into broader interests within the area. This is reflected in the name of the organisation set up to represent Yorta Yorta people in land and heritage matters – the Yorta Yorta Murray Goulburn Clans Inc. The events of the last one hundred and fifty years have resulted in the Yorta Yorta placing greater emphasis on their broad unity and inter-relationships and less on narrower interests. For most practical, political and administrative purposes the Yorta Yorta are one group (Yorta Yorta Murray Goulburn Rivers Clans Group Inc, 1989–1998; Hagen, 1996).

The Yorta Yorta have set up organisations to service the needs of their people in housing, health, education, employment, land and heritage matters. These organisations have provided mechanisms through which the Yorta Yorta have been able to deal with governments on both sides of the Murray.

Many of the Yorta Yorta were instrumental in the fight for civil and political rights leading up to the 1967 Referendum. They established the first Aboriginal organisations in Melbourne and Sydney in the early 1930s. Some of the early leaders were active in highlighting similar injustices in other parts of Australia in the 1950s and in assisting those Victorian communities that gained some land justice in the 1970s and 1980s (Aboriginal Land Act 1970 (Vic); Aborigines Advancement League, 1985: 55–84; Horner, 1974:68–80; Barwick, 1972:16; Broome, 1994:80–4; Goodall, 1996:230–58).

Yorta Yorta people predominantly run the intricate network of community-based organisations in the Yorta Yorta country. The Yorta Yorta Clans Group, now replaced by
Yorta Yorta Nations Inc, acts as the head organisation for land, water and cultural matters. It is modelled on traditional structures in which representatives are democratically chosen from family groups to form a Council of Elders and Governing Committee.

Conclusions:
The journey of this story has taken us in a full circle from Cummeragunja to Adelaide and then to North America and Ireland. It has been a remarkable journey of learning and one that answers many of those questions that I posed at the start. It also opens up the scope for others questions to be pursued. The linkage in the chain of events that followed my enquires in reserves in North America in 1982 has now been completed and the Irish connection has been established. It would be reasonable to say that the journey has been a long and often arduous one but at all times challenging and ultimately fulfilling. The story which began through the lenses of Cummeragunja, as a microcosm to reserve history and British policy and practice demonstrates that my peoples history of dispossession, incarceration and control lay at the very foundations of British colonization and their desire to remove the original occupants from the land so that it could be transplanted with settlers. It was a system that was brutally applied in Ireland, refined to some extent in North America and then used relentlessly in 18th Century Australia. It went hand in glove with colonisation and in the Australian context was used to deal with the reality Indigenous occupation of the continent and to prop up the myth of terra nullius. As we have seen the system was sanctioned by law in the name of the infamous removal statutes of the day and was driven by an ideology or racial superiority. They journey highlights the way that these methods were used by the British to get control of Indigenous lands in Ireland, the Americas and Australia so as to extend British Sovereignty and the control of Indigenous peoples.

The reserve system as a colonising process has a long trail of inhumanity and injustice. Those that were later established in Africa and Latin America were also called plantations and were largely designed as labour pools. Those that were established in Ireland, North America, and Australia, were twofold in that they were a means of removing Indigenous people from their land and placing them under control. They then became a source of cheap labour and domestic service for the pastoral economy. In their heyday it was reserves like Cummeragunja and those in Victoria and New South Wales that provided the backbone of the pastoral economy.
The role that reserves played in maintaining Indigenous connections with the ancestral lands and the story of reserve life from the Indigenous perspective is another important part of this story and one that is beyond the scope of this paper—see, Missions and Reserves at:
http://www.abc.net.au/missionvoices/general/missions_and_reserves_background/default.htm

On a final note however it can be said with a great deal of fulfillment that the Irish connection has been strengthened through this journey and will certainly continue through the Yorta Yorta-Guinness connection.

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