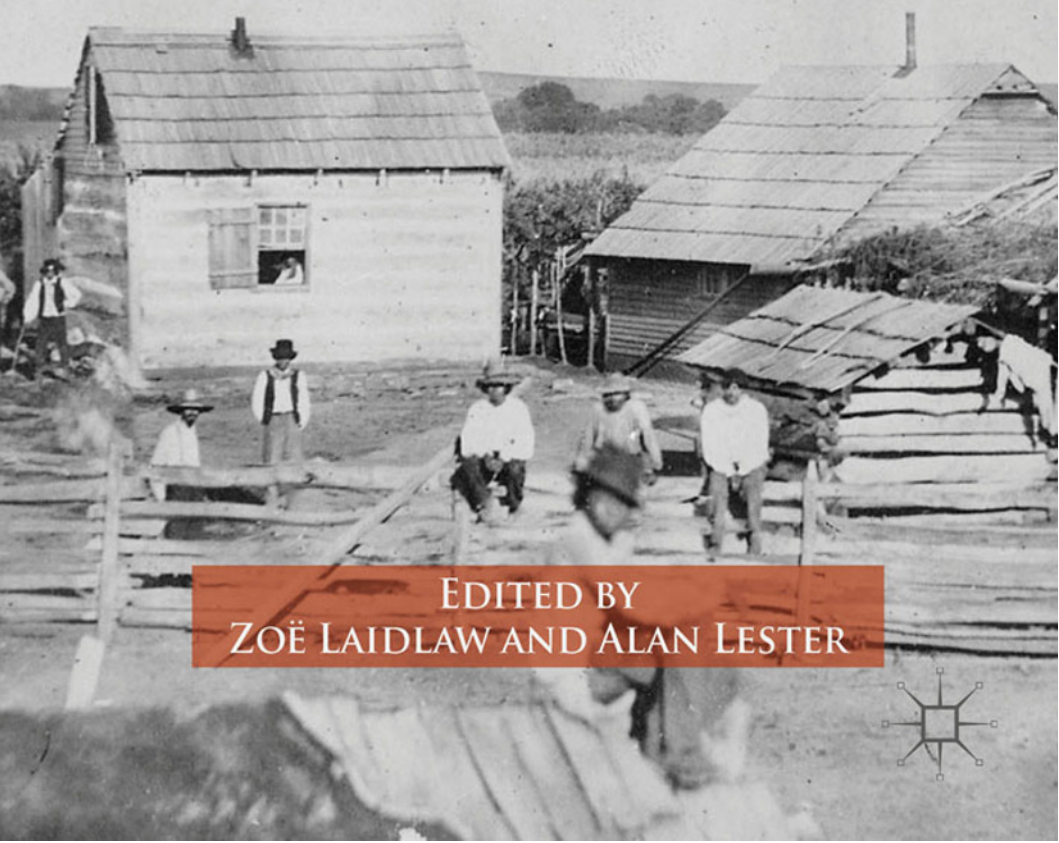


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INDIGENOUS COMMUNITIES AND SETTLER COLONIALISM

LAND HOLDING, LOSS AND SURVIVAL IN AN
INTERCONNECTED WORLD



EDITED BY
ZOË LAIDLAW AND ALAN LESTER



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Land Holding, Loss and Survival in an Interconnected World

Edited by

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1

Indigenous Sites and Mobilities: Connected Struggles in the Long Nineteenth Century

Alan Lester and Zoë Laidlaw

Beernbarmin

In 1854, William Westgarth was sent by the Government of Victoria to investigate the causes of the Eureka Revolt, an armed rebellion by gold prospectors resisting governmental regulation and taxation. As he approached the goldfields along the Loddon Valley, Westgarth came across a community that he had not expected to encounter. Establishing camp one evening, he ‘met ... with a man of [the Djadja Wurrung] tribe who spoke English well’. He ‘had been trained here [and] had afterwards settled in the neighbourhood ... [he] had married a wife of his own people, built himself a hut ... and lived somewhat like ourselves, by his daily labour’. This man demonstrated the resilience of Aboriginal people in the face of an overwhelming invasion, first of pastoralists and then of prospectors over the previous two decades. His presence surprised Westgarth, who had assumed that Aboriginal people had effectively disappeared from the landscape of the Victorian goldfields. The Djadja Wurrung man was called Beernbarmin, and he went on to inform the commissioner

of many interesting particulars of his countrymen. He remembered when the first white man came to this part of the country, about seventeen or eighteen years ago ... He was, at the time, a young boy of about eight years of age, and his tribe numbered, according to his estimate, more than 500 of all ages; they were now, he said, reduced to about sixty. He spoke of some great assemblage of black tribes that was shortly to take place in this vicinity at which he expected 600 or 700 Aborigines – the gatherings from far and wide.¹

Beernbarmin led the intrigued commissioner to the Franklinfoord Aboriginal reserve, a place ostensibly managed by Edward Stone Parker, former Assistant Protector of Aborigines. There he saw a number of small houses around which the Aboriginal occupants were cultivating smallholdings. He also toured a school for Aboriginal children. Westgarth described

about twenty boys ... These receive some education, and are trained to labour. A piece of garden is appended to the buildings, and a small lot of hay had been collected together ... in other respects the garden had run to waste ... The teacher ... had the countenance of a philanthropist, and of one who bestowed far more care upon the dirty little creatures around him than most of us would be inclined for.

The next day, Westgarth witnessed the corroboree that Beernbarmin had promised, held on the site that had been used for such a purpose by the Djadja Wurrung long before they had persuaded Parker to help them protect and manage it as the Franklinfoord Aboriginal reserve. The commissioner was struck by the apparent paradox of Beernbarmin engaging in the corroboree whilst living the life of a colonial smallholder, 'somewhat like ourselves'. To him, Beernbarmin's participation in a ritual for which Aboriginal people had travelled from far and wide displayed the restless mobility of his Aboriginal background, even though his own 'unsettled bent has been decidedly put down'.

Following his encounter with Beernbarmin and the other reserve inhabitants, consisting of a handful of extended families, Westgarth 'naturally reflected on the future prospects of these isolated creatures, whose kindred and tribes were rapidly disappearing from the world, leaving the survivors as an outcast remnant upon their native soil'.

However, Beernbarmin and the surviving Djadja Wurrung were neither so isolated nor so threatened with disappearance as Westgarth imagined. Like many other Indigenous peoples confronted with settler invasion, they had experienced trauma, depopulation and adaptation rather than passive extermination. The determined retention of access to land was often a vital component of Indigenous survival strategies within a settler world. As Beernbarmin himself told Westgarth, 'for a time, at first, he did not like either Europeans or European customs'. But now, as his other moniker, Tommy Farmer, indicated, he 'cultivated and sold produce'.² Telling his own later life story, Beernbarmin recalled requesting a piece of ground on the Protectorate reserve.³ He had cleared and fenced it, borrowed a plough from some of his friends

and grown wheat and potatoes for about six years uninterrupted. He was able not only to support his family but also to sell surplus wheat to settlers in Castlemaine, where it was ground into flour.⁴ By the time of Westgarth's visit, he was also selling produce to the gold diggings springing up only two miles away.⁵

Asked by the 1877 commissioners whether such Aboriginal farmers needed white supervision, Joseph Parker, Edward Stone's son, replied: 'No! Not at all ... they did it themselves; disposed of the produce, invested the money received and bought and sold'.⁶ Most of the other Djadja Wurrung who had farmed alongside Beernbarmin died through disease or accident during the 1850s, but Beernbarmin and a few others were still clinging on in 1862, when members of the new Board for the Protection of the Aborigines voted 100 guineas for seed wheat, bullocks and gear 'to enable these intelligent natives to cultivate and sow the land which is certainly their own'.⁷ Back in the 1840s, at the onset of a particularly rapid and devastating colonial invasion of the Port Phillip District (later Victoria), Parker had complained about the Djadja Wurrung elders' resistance to his civilizing mission, but by the mid-1850s only those who had grown up utilizing aspects of the Christian agricultural practices that he proselytized were still occupying the site of the former Protectorate station, and they comprised the majority of the Djadja Wurrung who had survived the devastating spike in mortality during the intervening decade.⁸

While there has been a considerable literature of late on the British settler diaspora of the nineteenth century, its shaping of an Anglo-world encompassing the British settler colonies (later Dominions) and the USA, and its considerable role in proto-globalization, few scholars have attempted to look concertedly at its inception from the point of view of those like Beernbarmin, who were displaced and dispossessed by it, but who endured its effects and continued not only to claim but also to cultivate space in specific localities around the globe.⁹ Such communities are the main focus of this volume (see Map 1.1). Through contributions drawn from disparate parts of the British Empire and the USA, and from scholars including some whose ancestry traces back to Indigenous subjects, we try to conceive what colonialism looked like from such sites. We try to develop an often overlooked perspective on a globe networked in new ways through Empire.

As Lisa Ford and Tim Rowse have pointed out, individuals such as Beernbarmin/Tommy Farmer and his Indigenous smallholder counterparts were not necessarily being 'strategic', in the ways identified by postcolonial scholars, when they enunciated 'Western', Christian



Map 1.1 Global location of sites discussed in the book

universalist ideas and performed 'civilization' through agriculture. What they expressed was what they really had become, even within the space of a single decade.¹⁰ Diverted through, or raised within, the broader configurations of Christianity, empire, and civilizational discourse, their identities and agency had become irrevocably mediated through them. There was no authentic and 'pure' Indigenous identity for them to express in a colonized world, just as there was no authentic and 'pure' British identity for colonial emigrants to express in settler societies either. Despite Westgarth's surprise that Beernbarmin should both engage in corroboree and farm, the 'Christian, agricultural indigeneity' of the surviving Djadja Wurrung at Mount Franklin 'was not a contradiction in terms but a coherent discursive framing of world, history and self'.¹¹

The generation and performance of new, Christian, agricultural identities by Indigenous peoples at sites akin to Franklinford in Britain's settler colonies, and in the USA, however, never guaranteed integration

into colonial society on equal terms. Like many other Indigenous groups utilizing the 'humanitarian spaces' of the mission, protectorate station or reserve to adapt to colonization in the early-to-mid nineteenth century, a few Aboriginal families including Beernbarmin's, had successfully survived the transitions occasioned by pastoral invasion. But, also like Indigenous peoples in southern Africa and North America, adaptation was never a singular process in response to a single stimulus. In each of these cases small peasant communities, many but not all living on land held in trust by humanitarian paternalists, were disrupted anew by a mineral revolution following hard on the heels of the pastoral invasion.¹² To the effects of further land loss, judicial interference and unequal governmental support for white farmers must be added, in many cases, the tremendous impact of high adult and infant mortality. While the white population in Beernbarmin's district, for instance, soared from 6,500 in 1851 to 200,000 ten years later, in roughly the same period, the Djadja Wurrung declined from around 142 to 38.¹³ Beernbarmin and the remaining Aboriginal people of Franklinford would be moved to the new reserve of Coranderrk, the subject of the next chapter in this volume, in 1864. There, as we will see, they would amalgamate with those of the other Kulin nations who sought to retain access to land of their own.

Perspectives from the reserve

This brief sketch of Beernbarmin's and the Djadja Wurrung's experiences in the 1850s serves to introduce a number of the overarching themes of this volume. Perhaps the most foundational of them is the analytical difficulty of encompassing the global scale of Indigenous dispossession and resilience in the face of the Anglo-world's settler invasion, whilst simultaneously comprehending the local particularities of these processes in individual Indigenous communities.

Between 1815 and 1914, some 22.6 million British emigrants resettled in North America, Australasia and Southern Africa, areas amounting to some 32 per cent of the Earth's land mass. These settlers rapidly accelerated the European appropriation of Indigenous peoples' lands, waters and resources, a process that had begun in the late fifteenth century.¹⁴ The story of this British diaspora's colonization has been told in a variety of ways, some celebratory, some condemnatory and others striving for neutrality.¹⁵ However, as we have suggested, few have tried to tell that story from the multiple 'local' perspectives of the Indigenous families and individuals who encountered dispossession first-hand, who

sought to resist it, to accommodate themselves to it, and to survive *on* their land wherever they could.

When historians *have* attempted to tell the detailed stories of Indigenous communities who managed to cling to remnants of their land, they have tended to see them as exceptional instances, punctuating a national narrative of nineteenth and early twentieth-century settler expansion, whether it be that of the USA, Canada, South Africa, Australia or New Zealand. These particular and parochial stories are clearly relevant to the descendants of their main Indigenous actors, or to contemporary activists, but are not often taken to be the concern of those writing imperial or global history at large. The recent profusion of trans-national and networked historical approaches means that empires are less often viewed solely from their metropolitan heartlands – from London or Paris for instance – and are now routinely analysed as sets of complex exchanges and circuits. But the fact that empires contained small communities of Indigenous peoples struggling to maintain occupation of remote parcels of land, long after such peoples had, to all intents and purposes, been subjugated, assimilated or segregated, is still sometimes obscured in the writing of history at larger scales. In this book we argue that a shift of perspective, so as to view the British Empire and its US offshoot from such sites, reveals much about the generation of place, race, identity and everyday practices within processes of colonization, not just at the local scale, but also at the global.

These small-scale sites of Indigenous perseverance, we suggest, should be conceived as new social and spatial assemblages formed through the convergence of Indigenous and settler colonial networks and agents whose ideas, communications and sometimes bodies too, were mobile across much more expansive terrains. While self-evidently ‘local’, Indigenous communities were simultaneously ‘trans-local’, both before and after colonization, albeit in markedly different ways. In the new Anglo-colonial world of the nineteenth century, they were articulated not only by the governmental, settler, humanitarian, scientific, financial and other circuits of discussion and debate that constituted the extensive imperial networks through which colonizers communicated, but also by emerging Indigenous campaigning networks and circuits of solidarity.¹⁶

The analyses in this volume see these Indigenous sites as central rather than peripheral to the imperial world. They highlight the close relationship between racial categorization and land-holding (a theme that, as Mark McMillan and Cosima McRae’s final chapter shows, continues into the present). They draw attention to the persistent challenges that

the 'hybrid' and yet 'authentic' identities that emerged at these sites presented, and still do present, to settler sovereignty. Finally, they are illustrative of the convergence of new forms of methodological enquiry transcending distinctions between imperial, political, local, Indigenous, family and biographical histories. Such methodological flexibility and integration would not have been possible in a single or jointly authored volume, and without the collaboration of authors, many of them Indigenous, whose own historiographical perspectives emanate from the various locations that the book ranges across. That collaboration seeks to highlight the fact that indigeneity has never been about stasis: connectedness to the land arises from the retention of some control over movement to, across and from it, rather than fixedness. It is about exercising influence over things that are mobile, over the combinations and juxtapositions of people, organisms, objects and ideas that constitute place. Indigeneity is never simply the result of staying put.

Although this book consists, then, of a series of place-*specific* histories, they are by no means place-*bound*. Each of the locales upon which the ensuing chapters focus was indeed bounded by the legal spatial determinants of land-holding and occupancy within settler sovereign jurisdictions, and yet each was continually reshaped by entities that moved in and out across its boundaries; its character determined by those who sought to influence such mobility. The spaces examined here were co-created by uneven Indigenous and settler capacities, rather than simply imposed; they were the products of a coming together of differentially empowered Indigenous and colonial geographies.

Place and mobility

If Western agents and networks are often seen as global and mobile, indigeneity is too frequently defined as local and static, leaving the problem of where and how Indigenous people connect with trans-global networks ill-defined. In part this disarticulation is a product of a very understandable caution within Indigenous history writing. As Karen Fox notes, 'On the one hand, transnational scholars are broadening our vision, drawing intricate maps of connections and movements around the globe. On the other, scholars of Māori and Aboriginal histories are inviting us to look more locally, to produce deeper stories of the past grounded in place and culture'.¹⁷ The Māori scholar Mahuika, for instance, calls for more research on the tribal knowledge of specific iwi and hapu, placing Māori matauranga (knowledge or understanding) at the centre, rather than yet again marginalizing particular and local

Indigenous histories by trying to link across nations and continents.¹⁸ However, we would agree with Fox that a networked approach may yet assist in the current revitalization of Indigenous histories, since it not only reflects the new colonial assemblages that shaped Indigenous experiences; it also enables us to examine the ways that Indigenous participants reworked those assemblages.¹⁹

There have been some tentative beginnings to a project of putting Indigenous history in relation to interconnected imperial histories. Robert Horton has argued that from the 1870s 'peoples beyond Europe were increasingly included into international society', enabling a 'subtle co-production of modern processes and forms of difference'.²⁰ His focus is on Indian and selective African engagement in the emergence of a global public sphere, constituted by scientific and professional networks and the development of the press, rather than Indigenous activities in colonies undergoing the 'settler revolution'.²¹ In a ground-breaking essay exploring 'the possibility that ... imperial networks also affected Indigenous interlocutors themselves, at least in some ways and at least at certain levels of society', Elizabeth Elbourne has examined initial colonial encounters.²² She asks: 'What structural opportunities and constraints did such networks present in the early nineteenth century and what intellectual vistas might they have opened?'²³ Recognising that humanitarian networks specifically spoke *to* as well as *for* and *at* Indigenous peoples, Elbourne focuses especially on those Christianized Indigenous subjects who developed trans-imperial contacts through the London Missionary Society, the Select Committee on Aborigines of 1836–7 and the Aborigines' Protection Society. She concludes that 'at least a few Indigenous people, including but not limited to a handful of visitors to Britain, tried to use global networks and even to mobilise the idea of being Aboriginal to defend their own material interests against the background of vehement debates about Indigenous-settler relationships'.²⁴ Zoë Laidlaw has recently shown how this analysis can be extended beyond humanitarian networks and into the later nineteenth century.²⁵

Each of these approaches tends to focus on individual Indigenous subjects who travelled to Europe to articulate their position within European-based personal and textual circuits.²⁶ But what of those Indigenous peoples – the majority – who tried to stay 'grounded' in the midst of colonization; who did not or could not engage in such trans-imperial networks so directly and actively? Their experience was no less shaped by trans-imperial networks, and they were no less active participants in the new social assemblages attending colonisation. Examining

the relationship between such communities *in situ*, and trans-imperial networks, we would suggest, is the next step from existing trajectories of research. As Fox argues,

connections to land and place were and remain critical for Indigenous peoples, and hence central to Indigenous histories. We must not ignore these connections or their importance, and nor should we ignore calls to ground our histories in an understanding of Indigenous knowledges and frameworks. At the same time ... putting Indigenous cultural knowledge at the centre of historical scholarship need not mean only researching and writing in local frameworks, but rather looking at the national and the transnational from a position grounded in the local.²⁷

We can make a start by interrogating what we mean by 'local'. We need to recognize that being *in situ* – remaining, or, in the case of most Indigenous communities, trying to remain in place – does not mean being static. In any sophisticated networked account, places are never simply interchangeable and fixed nodal points in an abstract system. Rather they are rich and complex intersections of components with varying trajectories and mobilities. The mobilities constituting places after colonial invasion are the product of on-going Indigenous trajectories as well as new 'colonial' interactions. It is well known that trading items as well as cultural practices and understandings were exchanged across vast distances in pre-colonial Australia, for instance. Colonial invasion and occupation disrupted and re-oriented many of these trajectories as well as generating new spaces of confinement, but it did not render Indigenous Australia static. The localities which Aboriginal people sought to cling to simply became dynamic in new ways after invasion.

The creation of humanitarian spaces such as the mission and protectorate station, upon which Westgarth encountered Beernbarmin, were one way in which Indigenous geographies entered into new relations with trans-imperial ones to create especially significant new locales for the acquisition of Indigenous capacity and the exercise of Indigenous agency. As Tiffany Shellam shows in Chapter 4, Father Salvado was able to help Western Australian Aboriginal people to establish the New Norcia mission as a vibrant agricultural community because he was an active agent in trans-imperial networks of communication, debate and discussion with influential figures including Florence Nightingale. But at the same time the Aboriginal residents of New Norcia, including Luke Mourdey and Benedict Cuper, helped Salvado to establish such

connectivity, status and capacity, by assisting the development of his 'expertise' on their culture and demonstrating their capacity for successful farming.

Robert Ross shows in Chapter 5 how a position as occupants of a defined Kat River settlement, created under humanitarian auspices, not only enabled a Khoesan peasantry to emerge, uniquely, in the mid-century Cape Colony, but also provided a site for the articulation of a range of networked responses to the imperial webs encompassing them. From the Kat River, Indigenous Khoesan were able to intervene in metropolitan humanitarian circuits, via Andries Stoeffels and Jan Tzatzoe, as well as in local circuits of debate among British and Dutch settlers. It was through their agency, anchored in the settlement itself, that they were able to influence the constitution that eventually informed self-government in the Cape. Having, through their act of rebellion, secured a relatively liberal franchise, the Kat River Khoesan then used the vote, tied to their landholdings at the site, to help ensure more liberal policies. If they could not prevent the loss of metropolitan humanitarian oversight of Cape policies in the early 1850s, at least they could deter more repressive measures such as the widely supported vagrancy acts and retain a stake in the political system thereafter.

At the same time that the sites considered here became woven into the trans-global fabric of empire, they were of course also key nodal points within more local networks. As Angela Wanhalla shows in Chapter 7, in terms of the government of specific wetlands in New Zealand, it was not so much the national or imperial scale that intruded on Māori access, but the local settlers who sat on river boards, drainage boards, boards of conservators and local councils. These were the most relevant apparatuses of government, rather than the New Zealand or British governments, and yet they too are often overlooked in narratives of settler colonialism.

If viewing empire from particular sites of Indigenous possession and dispossession, and through both large- and small-scale networks, enables us to see ways in which colonial, and especially humanitarian, and Indigenous agency could combine, it also enables us to gain a very different perspective on what constitutes settler colonialism in the first place. From a 'local' perspective, the initial arrival of settlers was often construed simply as part of a series of conflicts and wars that were on-going before the first Europeans set foot in contested territory. Aside from instances of spectacularly rapid invasion, such as that of Victoria in Australia, in many places the European presence could, for

a long time, be assimilated to local ways of dealing with foreigners. For 'locals', Europeans could simply be another set of newcomers, defined as easily in non-racial as in racial ways.²⁸ The question in such sites is at what point do local people become unable successfully to manage such foreigners, for example through intimate familial absorption, through the offer of concentrated parcels of land or through the award of chiefly titles: a rather different question from those driving conventional, settler-centric, analyses of settler colonialism, which often focus on the point at which settler communities felt able to assert themselves as relatively autonomous from the metropolitan government.

Tenacity and the challenge to the settler order

Within these locales of Indigenous persistence and adaptation, profound challenges to the settler order continued to emerge. But these challenges were not necessarily those conventionally labelled as 'resistance'. When Indigenous 'responses' to colonization are viewed at an aggregate scale, either resistance or collaboration tend to emerge as dominant themes. However, once our perspective shifts to the everyday encounters through which Indigenous peoples continued to shape specific locales, the dominant theme that emerges is tenacious adaptation that carries with it its own, more subtle form of resistance. Sidney Mintz recognized this in one of the first accounts of a community of the dispossessed combining to effect landholding: the 'model village' for formerly enslaved people in Sturge Town, Jamaica. 'The story of the people of Sturge Town,' he wrote, 'is, on the face of it, a story of accommodation, and indeed it is that. But the reconstituted peasantry always had to struggle to become what they were, and then to stay that way. It is the subtle intertwining of resistance and accommodation that made such communities so interesting.'²⁹

The adaptations that Indigenous people, as well as former slaves, engaged in at such sites, the 'hybrid' identities that they created and their sheer persistence on the land, represented continual challenges to the categories of belonging through which settler societies reproduce white privilege. As has long been argued, our ideas of 'resistant' agency need to encompass the quotidian and 'local' as well as the spectacular and the geopolitical; 'resistance' is exerted by the farmer as much as the warrior. It is as much about bureaucratic warfare over small parcels of land as wars for sovereignty and independence; kin and homestead as tribe or kingdom. We need to integrate histories of the family with histories of resistance – to reveal the courage in maintaining family life in the midst of colonization and celebrate the art of 'holding on'.³⁰

Conceiving of Indigenous agency within an assemblage approach helps with this agenda. After initial colonial encounters, Indigenous and colonial agents entered new social assemblages. The agency of each was effected through complex actor–network chains that mediated any individual's effect in the world.³¹ The very creation of sites such as the Franklinford and later Coranderrk reserves, for instance, was, as we have seen, the product of a coming together of white humanitarian and Indigenous agency.

Yet this complexity, this entanglement of colonial and Indigenous agency, is written out of some of the most dominant discourses of settler societies. The most pervasive of these discourses is undoubtedly the association between race and land. The chapters in this volume serve to emphasize the close relationship between racial categorization and land-holding in many different places. They continually underline how settler colonial states use understandings of race – and associated definitions of what constitutes 'appropriate' native behaviour – to collude in dispossessing Indigenous peoples. Within the humanitarian discourse that framed Edward Stone Parker's efforts at the 'protection' of the Djadja Wurrung, and similar projects of salvation and redemption throughout the empire, the progress that British influence would enable Indigenous people to make towards civilization was seen as some recompense for land lost to emigrant Britons.³² But this recompense, it was widely imagined, was owed only to the original inhabitants of the land. What, if anything, their 'mixed race' offspring, were owed, was a far more indeterminate question.³³ Indeed, even the obligation owed to so-called 'pure-blooded' Aboriginal people of the generation born after initial colonization had been effected was debatable, because they had at least grown up with the supposed benefits of British civilization to hand. From the very beginnings of colonization, then, there was a critical relationship between the assumed identity of Indigenous peoples – their degree of 'pristine purity', and their tenure on the land. Coranderrk exemplifies that relationship as the successes of the Aboriginal inhabitants who gave evidence at the 1881 enquiry, detailed by Evans and Nanni in Chapter 2, were soon reversed in many respects when those deemed 'half-caste' were deemed no longer the responsibility of the colonial state, and thus expelled some five years later.

A paradox underpinned most white officials' and humanitarians' approaches to this relationship between race and land. On the one hand, those deemed original possessors and, by definition, 'pure' in their racial ancestry, were those to whom a debt was owed and they were accordingly entitled to remain in possession of remnant landholdings. But, on

the other hand, these races as a whole were widely assumed to be dying out. If they had descendants, most of them would be 'half-caste', 'quad-rooms', and so on, until they had become indistinguishable from the white population, and thus no longer in need of any such 'special treatment'. As Mark McMillan and Cosima McRae point out in Chapter 12, the problematic nature of such binary thinking about identity and belonging persists for many of those who self-identify as Aboriginal today. If one was not deemed 'pure', then one could be left to fend for oneself, to become a self-reliant member of colonial society. Yet at the same time, individuals such as those thrown out of Coranderrk in the late 1880s were often despised as half-caste and denied the social and monetary capital that land title could bring. As Damon Salesa has argued, racial mixing was not only the key to the disappearance of the 'Indigenous' as a definable group but, for settler populations and governments, also enabled the erasure of the problem of complicity in their ongoing fate.³⁴

Even where Indigenous peoples were fixed in the colonial imagination as biologically 'pure', their authenticity when living at sites turned to new agricultural uses could be questionable. Religious conversion, the adoption of Western clothing, new housing styles and agricultural techniques, and the assumption of new gendered divisions of labour all seemed, to many white observers, to render them 'quasi-Indigenous' at best. Precisely by appropriating part of the message conveyed to them by their humanitarian 'benefactors' within colonial society, Indigenous people could thus render themselves ineligible to retain access to land. Sarah Carter, in Chapter 9, demonstrates the difficulties that Indigenous land-holding communities faced. St Peter's, surveyed as Indian Reserve One following the negotiation of Treaty One in 1871, was celebrated by missionaries and government officials as the most successful Aboriginal farming community in Western Canada, but in part because its inhabitants challenged and defied state efforts to categorize, confine and restrict them, it was deliberately eradicated in 1907 through a fraudulent process of land 'surrender'.

It was not just the relationship between race and land that was rigidly fixed in the imagination of settlers and their government. 'Pure' Aborigines, for instance, could be expected to know nothing of colonial law and yet many of the inhabitants of these sites, despite their 'pure' blood, obviously had developed a conception of a *Christian* law, founded on moral principles. It was a vernacular, contextualized, lived and social law rather than a written, prescribed, standardized and individualized one. In instances like the enquiry conducted at Coranderrk in 1881

(see Chapter 2), we see its expression, as an Aboriginal vernacular was allowed to speak to the colonial and the juridical. We see it also in the profusion of petitions that emanated from sites of Indigenous landholding calling forth obligations on the part of governments, including some of those analysed in this book.

Petitions were one way in which the Indigenous residents of these sites ensured that their words, beliefs and narratives of their experiences circulated the empire, or at least reached to its centre – a way of networking across apparently isolated reserves. Petitions were especially significant to Aboriginal Australians as an attempt to achieve a compact with colonial governments in the absence of any treaty, but they were also important amongst peoples whose treaty deals were being betrayed. Petitions were sent to local officials, to colonial governments and to Queen Victoria in attempts to personalize relationships between these new, acutely self-conscious subjects of empire and their rulers, when settler governments tried their best to depersonalize them, and as a way of expressing an anticipated, shared Christian conception of justice. When that happened, it was, even if only rarely, possible to change the terms of debate and to secure a recognition and even a partial validation of Indigenous perspectives.

The attributes that Indigenous peoples took on when defending parcels of land surrounded by settler colonialism may be seen, in the language of biology and also of postcolonial theory, as engendering hybridity, and as performances staged for strategic effect.³⁵ Certainly, the Indigenous inhabitants of the sites in question here portrayed themselves variously as Christians, farmers, ‘natives’, grateful recipients and potential rebels, in attempts to gain capacity within different colonial networks. But the fact that an individual may move between such positions, emphasizing different aspects of their identity as they enter different networks, does not mean that they are behaving in an inauthentic or ‘merely’ strategic manner. Just as within society more broadly, these were different expressions of ‘authenticity’ in different social contexts. As Fiona Vernal shows in Chapter 6, in both Loeriesfontein, an independent ‘Coloured’ community in the Northern Cape, and Farmerfield, a Methodist mission station in the Eastern Cape, Africans drew upon the *reality* of their identities as government subjects, Christians, landholders, tenants, farmers and pastoralists and persuasively navigated their ethnic, kin and racial identities through these multiple realities, in order to fight for the right to hold onto land in a consolidating settler society.

The complexities of the identities that emerged at sites such as those upon which the ensuing chapters focus were a matter of the everyday

lived experience for their inhabitants, but they had great capacity to be misunderstood both by settler governments locally, and at a distance. Adele Perry, in Chapter 8, for example, shows how the overlapping and contingently performed identities of English, Scottish, French and Indian, Métis and mixed race, Protestant and Catholic in the Red River territory, enunciated by Alexander Isbister, were ignored by the 1857 Select Committee in London, partly because they were simply too nuanced for decisive governmental action to be based upon them. In turn, intervention to sell what became Manitoba to Upper Canada prompted a rebellion by those who knew what these identities meant for daily life, and who anticipated the consequences of governmental intervention founded on ignorance. As a project, British colonial governmentality required greater linearity, a greater polarity of binaries, than did the grounded and negotiated exchanges of the fur trade that had previously dominated the Hudson Bay Company's administration of the territory. For the Company, profit and loss were the main binaries that mattered, racial and cultural divisions simply a means to their end. But for government, land has to be turned into territory and sovereignty – a much more disruptive intervention, for instance, of transhumance and hunting activities.

Dispossession thus consisted in denying, overwriting and governing in ignorance of complex identities as much as it did in loss of land, especially when it came to the splitting of families considered to belong to different groups with different rights. Perhaps the greatest tragedy of the sites analysed in this volume is that it was so often their very success that brought destruction. Where the integration of Indigenous peoples pursuing home-crafted routes through a Christian, English-speaking, commercialized colonial order was taking place, the separate categories of the governed that seemed necessary for orderly governance of societies founded on emigrant settler privilege were threatened. Policies of 'retribalization' were pursued in response, not just in twentieth-century South Africa, where the phrase is most widely used, but elsewhere too.³⁶ Red River 'Indians', for instance, were restricted to *peasant* farming, in order to keep them as 'Treaty people', separate from 'normal' (settler) people. Those living in the locales that feature in this book continually challenged such categories. With 'mixed' ancestry, they challenged the binaries of race; with vernacular, Christianized understandings of law and justice and their local inflection of the increasingly international language of humanitarianism, they challenged the authority of the settler state; and with their deployment of modern farming techniques and the commercialization of their skills, they challenged the behaviour expected of the 'Indigenous'.

In many respects, as Mark McMillan and Cosima McRae's concluding chapter on legal tests of Aboriginality makes clear, Indigenous peoples today face the same obstacle of an expected relationship between indigeneity and behaviour, and the idea of Indigenous people being appropriately in place or out of place is still prevalent.³⁷ If, for instance, Indigenous people invest in an urban enterprise or become rent-charging urban landholders, that is still often considered 'wrong'. State assistance is tolerated as long as it is contained within reserves, but it is not intended for competition on equal terms and in the same places as the settler population. This is the contemporary manifestation of the nineteenth-century presumption, iterated in so many of the ensuing chapters, that Indigenous peoples could not be successful agriculturalists – a presumption that all too often became a self-fulfilling prophecy, ensured by settler governmental policies of (re-)dispossession.

Imperial, political, local, Indigenous and family histories

The global historiography of empire does not necessarily reflect the lived experience of continued colonialism for Indigenous peoples in settler societies. In this volume we seek to blend an awareness of what colonialism entailed at the broadest of scales with the fine-grained analysis of its shaping of everyday life for Indigenous peoples. For many of our contributors these chapters represent a personal relationship with the story of their own social group – a story not often brought into association with the grand narratives of empire, but actually constitutive of what empire meant (and means). Both this insider insight and the different sources used for intimate, family histories render this volume the product of a mixed-methods approach, at least within the framework of historical methodologies. The different scales of analysis here invite the use of different types of archive and memory, and show how the local stories conveyed by oral and community history develop sometimes in contradiction, sometimes in tension, and sometimes compatibly, with those of the colonial state.

One of the deliberate intentions behind the telling of these multi-scalar stories through these mixed historical methods is an attempt to make history speak to the present; to take historical study outside its own discourse and make it amenable to a progressive Indigenous politics. It is remarkable how communities such as those analysed here, when they are remembered publicly at all, tend to be remembered as failures. Charles Darwin's comment that 'the cultivation of land will be fatal in many ways to the savages, for they cannot, or will not, change

their habits' is still too often taken as a truism.³⁸ What is often forgotten or obscured is how Indigenous farming communities were deliberately undermined precisely because they were too successful. As the project from which this volume emanates, *Minutes of Evidence*, seeks to establish, their stories can and should be seen as a resource for legitimate self-determination for Indigenous peoples (see Chapter 2). They help to demonstrate what Indigenous-rights groups mean when they argue that, within settler societies, Indigenous peoples should be seen as constituting *government* at varying scales, rather than a population of recipients. If past exercises in Indigenous self-determination at sites of local control often ended in failure, this was the failure of the colonial project to cope with Indigenous persistence, rather than of Indigenous capacity itself.

It remains of tremendous contemporary importance that conventional historical methodologies, and our recourse to them for an understanding of the past, are interpenetrated by the kind of local, insider sources and narratives that we seek to weave through this volume. To give one example of the significance, we need only look at the Yorta Yorta 'native title' case in Australia. As Evans and Nanni show in Chapter 2, the squatter Edward Curr's writings on Aboriginal people became a firmly established source upon which historians of colonial Victoria have drawn. Curr was profoundly ignorant of Aboriginal beliefs and practices, but his portrayal of them was drawn upon nonetheless, to provide the basis for a judgement denying Aboriginal land rights in a 1998 claim. Curr's distorted and prejudiced descriptions of nineteenth-century Aboriginal life were used as the standard by which to judge whether there was an unbroken continuity of cultural practice, and therefore entitlement to land, for contemporary Aboriginal people. It was assumed, because of the discrepancy between Curr's descriptions and contemporary Aboriginal being, that the 'tide of history' had 'washed away' traditional laws and customs. Curr was one of the squatters responsible for the initial dispossession of Aboriginal people in the 1830s–40s, and his writings were thus used to dispossess them once again in the 1990s. Having been too 'savage' in the 1840s, Aboriginal people were now not 'savage' enough to merit repossession.³⁹

The contemporary position that we could adopt towards nineteenth-century humanitarian settlers and their narratives of Indigenous life is a particularly vexed one. On the one hand, and unlike Curr, they displayed a great deal of sympathy with Indigenous peoples undergoing dispossession, family break-up and discrimination, but on the other, of course, they tended to promote the 'civilizing mission' of assimilation

which could result in each of these outcomes. Joanna Cruikshank and Patricia Grimshaw, in Chapter 3, show how Ann Bon offered something very different from Curr, but also how she could so easily be cast alongside him as a 'settler', depending upon one's scale of analysis and methodology. Missionaries often criticized settlers, but Bon, a settler herself, criticized settler governments. Like the fleeting glimpse of Edward Stone Parker's agency noted above, the analysis of Bon here shows how humanitarianism provides networks of opportunity as well as cost for Indigenous peoples (even though opportunities are rarely seized in quite the ways that humanitarians imagine or intend). In conceiving of the welfare of Indigenous 'recipients', however passive, as its object, humanitarianism necessitates relationships that are still more amenable to Indigenous manipulation than those engendered by most other colonial projects. It is this manipulation at the hands of Indigenous peoples themselves, rather than what is proffered by the colonial humanitarian in the first instance, that needs far more scholarly analysis.⁴⁰ What the ensuing chapters suggest is that we need to pay attention especially to inter-generational Indigenous networks – to the ways that lessons are learned, routines established and means found through which successive generations of Indigenous peoples engage with, appropriate and adapt humanitarian interventions 'on their behalf'.

In the longer term, it is the sheer persistence of Indigenous peoples – the fact that they refused to be a 'dying race' and also that they refused to vacate the land altogether – rather than the philanthropy of settler populations, that has allowed for contemporary processes of recognition and partial restitution in various settler colonies, however limited they may be. The geographer Noel Castree argues that 'it is perfectly possible – and, arguably, perfectly legitimate – for some Indigenous groups to use the translocal infrastructure of institutions and declarations ... to claim exclusive control over territories, artefacts and knowledges'.⁴¹ The ensuing chapters demonstrate that Indigenous peoples in Australia, New Zealand, the USA, Canada and South Africa were mobilizing exactly this kind of politics from the late 1830s to the early twentieth century. That they were able to do so was a reflection of the fact that they confronted multiple and often contested colonial projects. The trans-imperial networks of humanitarianism that manifested themselves locally as the 'humanitarian space' of the mission, protectorate and reserve served one of these projects. This humanitarian intrusion was proselytizing, and it failed to achieve its own objectives, but through its transcendence of scale, it provided opportunities for many Indigenous families to engage in the re-creation of local space, on mediated terms, even in the midst

of violent dispossession. On the lands which they fought so tenaciously to retain, Indigenous peoples were able to develop something of what Castree calls 'a qualified form of place autarchy where Indigenous peoples have meaningful control over both the kind and the degree of interaction'.⁴²

If we reconceive Indigenous agency not simply as resistance, but as mediated through actor-networks in such sites, we can better see how an effective Indigenous politics could be pursued, often in spite of the intentions of the paternalistic humanitarians who constructed and maintained trans-imperial networks. 'Recipients' of humanitarian aid enter into mutually affecting relationships with practitioners in their own space. To return to the Franklinford reserve and Beernbarmin's story, as Attwood points out, although Parker never really knew what it was to be Djadja Wurrung: 'Over several years it seems that [he] was "grown up" by [them] ... he slowly learned something of their language and their kinship system and became aware of those aspects of their culture that held the greatest significance for them.' As a result, 'there grew up on the reserve, as at other such places, a small core of men and women [among whom] ... lay the ... hopes for a Djadja Wurrung future'.⁴³ Among those Djadja Wurrung children who moved from Franklinford to Coranderrk with Beernbarmin was Thomas Dunolly. In the 1880s he would help lead the first organized protest by Aboriginal people in Australian history as they fought to save the Coranderrk station.⁴⁴ As Cecilia Morgan demonstrates in Chapter 10, the story of these agricultural Indigenous communities has never necessarily been one of dispossession as an endpoint. The Haudenosaunee have persisted on the Grand River territory: they were not persuaded, forced or obliged to abandon it, and an agricultural economy developed throughout the reserve. The narrative of this Indigenous agricultural community, rather than being one of rise and fall, is one of continuous negotiations, both with settler society and within the community itself, particularly because the reserve was (and is) notable for its proximity to Ontario's commercial, industrial and political centres, and saw continuous forms of traffic with them.

Similarly Kelli Mosteller's contribution in Chapter 11 enables us to see the US allotment system for Native Americans in a new light. Historians regularly dismiss the federal policy of allotting private parcels of land to Native Americans as a failure, and most of the critique is warranted. Allotment did indeed damage tribal members' capacity for self-sufficiency, whilst failing to assimilate them into Euro-American farming culture. But at the same time Treaty negotiations and the physical process of

land distribution forced tribal members to work within, and sometimes challenge, the federal allotment system to secure their chosen plot of land. The process entailed successes for some Potawatomi and shaped the tribal governance structure into one that has proven willing and able to challenge the federal government today. In the midst of rapid and violent dispossession in different kinds of settler colonies, then, the spaces analysed in this volume literally provided *ground* on which enduring Indigenous projects of individual and family survival, adaptation and resilience both were and are built, as well as networks across which such projects can be articulated.

Notes

1. E. Morrison (1965) *A Successful Failure, a Trilogy: The Aborigines and Early Settlers* (Castlemaine: Graffiti), pp. 230–1. The following quotes from Westgarth are from the same source.
2. *Ibid.*, p. 231.
3. For the ways in which a trans-imperial humanitarian project of governance had enabled Parker and the Djadja Wurrung to combine in the creation of this reserve, see A. Lester and F. Dussart (2014), *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press), pp. 145–82.
4. Royal Commission on the Aborigines (1877), *Victorian Parliamentary Papers*, 3, p. 76.
5. B. Attwood (1999) *My Country: A History of the Djadja Wurrung 1837–1864* (Clayton: Monash Publications in History), p. 39.
6. Royal Commission on the Aborigines, pp. 431–579; Morrison, *A Successful Failure*, p. 235. Beernbarmin married a woman called Norah, and they had two children at Franklindford. All three died shortly afterwards.
7. Morrison, *A Successful Failure*, p. 243. However the Board also withdrew support for the school since there were now only 16 pupils living there: H. Madden (1976), 'The Loddon District Aboriginal Protectorate', BA Honours thesis, History (La Trobe University), p. 34.
8. In fact the site had twice been relocated between the late 1830s and mid-1850s.
9. A relatively small sample of the literature on the Anglo-world and its relationship with globalization might include P. Buckner and R. D. Francis (eds) (2005), *Rediscovering the British World* (Calgary: University of Calgary Press), J. Belich (2009), *Replenishing the Earth: the Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford: Oxford University Press) and G. Magee and A. Thompson (2010), *Empire and Globalisation: Networks of People, Goods and Capital in the British World, c. 1850–1914* (Cambridge: Cambridge University Press).
10. L. Ford and T. Rowse (eds) (2010) *Between Indigenous and Settler Governance* (London: Routledge). See also R. Kenny (2010), *The Lamb Enters the Dreaming: Nathanael Pepper and the Ruptured World* (Melbourne: Scribe).

11. T. Rowse (2010) 'The Identity of Indigenous Political Thought', in Ford and Rowse, *Between Indigenous and Settler Governance*, p. 107.
12. See, for example, C. Bundy (1979), *The Rise and Fall of the South African Peasantry* (Berkeley: University of California Press). See also P. Edmonds (2010), *Urbanising Frontiers: Indigenous Peoples and Settlers in 19th-Century Pacific Rim Cities* (Vancouver: University of British Columbia Press).
13. Madden, 'The Loddon District', p. 59; Morrison, *A Successful Failure*, p. 247.
14. M. Harper (1999) 'British Migration and the Peopling of Empire', in A. Porter (ed.), *The Nineteenth Century*, Oxford History of the British Empire, vol. 3 (Oxford: Oxford University Press), p. 75; J. Darwin (2012), *Unfinished Empire: The Global Expansion of Britain* (London: Allen Lane), pp. 89–116; J. C. Weaver (2003), *The Great Land Rush and the Making of the Modern World, 1650–1900* (Montreal and Kingston: McGill-Queen's University Press).
15. In addition to the sources cited in note 9, see, for example, N. Ferguson (2003), *Empire: How Britain Made the Modern World* (London: Penguin); E. Wolf (2010), *Europe and the People without History*, 2nd edition (Berkeley: University of California Press) and J. Darwin (2013), *Unfinished Empire: The Global Expansion of Britain* (London: Penguin).
16. For the former, see J. Carey and J. Lydon (eds) (2014), *Indigenous Networks: Mobility, Connections and Exchange* (London: Routledge). For the latter, see T. Banivanua Mar (2013), 'Imperial Literacy and Indigenous Rights: Tracing Transoceanic Circuits of a Modern Discourse', *Aboriginal History*, 37, pp. 1–28.
17. K. Fox (2012) 'Globalising Indigeneity? Writing Indigenous Histories in a Transnational World', *History Compass*, 10 (6), pp. 423, 429.
18. Ibid., pp. 425–6, citing N. Mahuika (2009), 'Revitalising Te Ika-a-Maui: Māori Migration and the Nation', *New Zealand Journal of History*, 43 (2), p. 142.
19. This is aside from the point that thinking trans-nationally has assisted in current political mobilization: K. Fox (2011), *Maori and Aboriginal Women in the Public Eye: Representing Difference, 1950–2000* (Canberra, Australian National University E Press), p. 17. See also T. Rowse (2011) 'Global Indigenism: A Genealogy of a Non-Racial Category', in A. Holland and B. Brookes (eds), *Rethinking the Racial Moment: Essays on the Colonial Encounter* (Newcastle upon Tyne: Cambridge Scholars), p. 229. Indeed, as Noel Castree points out, indigenism is not synonymous with Indigenous peoples as such. Rather, it describes those Indigenous groups who are consciously building trans-local solidarities as a means of achieving local aims and ambitions: N. Castree (2004), 'Differential Geographies: Place, Indigenous Rights and "Local" Resources', *Political Geography*, 23 (2), pp. 133–67. See also R. Niezen (2000), 'Recognizing Indigenism', *Comparative Studies in Society and History*, 42 (1), pp. 119–48.
20. R. Horton (2005) 'The Inclusion of the Non-European World in International Society, 1870s–1920s: Evidence from Global Networks', *Global Networks*, 5 (3), pp. 239–59.
21. To use Belich's useful phrase indicating the scale of transformation faced by Indigenous societies in the British settler colonies during the first half of the nineteenth century: *Replenishing the Earth*.
22. E. Elbourne (2005) 'Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: The Politics of Knowledge', in Buckner and Francis *Rediscovering the British World*, pp. 59–85.

23. Ibid., p. 62.
24. Ibid. Elbourne identifies Indigenous communities in the Cape, the Canadian colonies and New Zealand as 'participants' in these networks, but not Australian Aborigines, who were 'still in the thrall of violent conquest'. In doing so, she highlights a problem that Australian historians have felt particularly acutely. As Ann Curthoys notes, 'an understanding of Indigenous perspectives [in Australia] has proved especially elusive ... we know very little about Indigenous politics and politics, not only as they might have been before colonisation, but also as they were during the bloody process of dispossession and thereafter': A. Curthoys (2012), 'Indigenous People and Settler Self Government: Introduction', *Journal of Colonialism and Colonial History*, 13 (1). In a recent paper, however, Rachel Standfield utilizes the sources of the Protectorate of Aborigines in Port Phillip as one of the best (though obviously flawed) guides to Aboriginal agency: R. Standfield (2012), 'Protection, Settler Politics and Indigenous Politics in the Work of William Thomas', *Journal of Colonialism and Colonial History*, 13 (1).
25. Z. Laidlaw (2014) 'Indigenous Interlocutors: Networks of Imperial Protest and Humanitarianism in the Mid-nineteenth Century', in Carey and Lydon, *Indigenous Networks*.
26. Similarly, the recent, and most welcome work on subaltern subjects of empire has been disproportionately oriented towards those who travelled, either physically or imaginatively, across the spaces of empire. Cassandra Pybus, Kerry Ward and Clare Anderson, for instance, have focused on subjects of penal transportation, indenture and slavery – forms of forced mobility in which subaltern individuals are relatively well documented in the archive: C. Pybus (2006), *Black Founders: The Unknown Story of Australia's First Black Settlers* (Sydney: University of New South Wales Press); K. Ward (2008), *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press); C. Anderson (2012), *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge: Cambridge University Press). Equally well documented and rigorously tracked by John Maynard, Fiona Paisley and Russell McGregor among others are certain reasonably prominent anticolonial activists: J. Maynard (2005), "'In the Interests of Our People": the Influence of Garveyism on the Rise of Australian Aboriginal Political Activism', *Aboriginal History*, 29, pp. 1–22; F. Paisley (2012), *The Lone Protestor: A. M. Fernando in Australia and Europe* (Canberra: Aboriginal Studies Press); R. McGregor (2007), 'Looking across the Tasman: New Zealand Exemplars in Australian Indigenous Affairs, 1920s–1970s', *History Compass*, 5 (2), pp. 406–26. See also A. Curthoys and M. Lake (2005) 'Introduction', in A. Curthoys and M. Lake (eds), *Connected Worlds: History in Transnational Perspective* (Canberra: Australian National University E Press), p. 11.
27. Fox, 'Globalising Indigeneity', p. 431.
28. Norman Etherington's (2001) *The Great Treks: The Transformation of Southern Africa 1815–1854: Black and White Migration and the Making of South Africa* (London: Longman), performed a similar reversal of perspective to see the white colonization of southern Africa from the point of view of Highveld Africans as part of a long sequence of territorial contests and displacements

- rather than the profoundly transformative moment that (largely white) historians had imagined.
29. S. Mintz (1987) 'The Historical Sociology of Jamaican Villages', in C. V. Carnegie (ed.), *Afro-Caribbean Villages in Historical Perspective* (Kingston: African-Caribbean Institute), p. 19, quoted in C. Hall (1993), 'White Visions, Black Lives: The Free Villages of Jamaica', *History Workshop*, 36, p. 101.
 30. Among a large literature, see, for example, W. Beinart, P. Delius, and S. Trapido (1986) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850–1930* (Johannesburg: Ravan Press) and P. Brock (1993) *Outback Ghettos: Aborigines, Institutionalisation and Survival* (Cambridge: Cambridge University Press).
 31. B. Latour (2007) *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford: Oxford University Press). In Latour's terms, an agent is 'an actor that has been made to act by many others', and within the new assemblages being created through colonization, agency became mediated across previously relatively discrete cultural formations, for both colonizers and colonized: p. 46.
 32. See Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*.
 33. See D. I. Salesa (2011) *Racial Crossings: Race, Inter-marriage, and the Victorian British Empire* (Oxford: Oxford University Press).
 34. Ibid.
 35. See Robert Young's critique of the postcolonial adoption of this biological terminology: R. Young (1994), *Colonial Desire: Hybridity in Theory, Culture and Race* (London: Routledge).
 36. See S. Dubow (1989), *Racial Segregation and the Origins of Apartheid in South Africa* (Basingstoke: Macmillan).
 37. See D. Sibley (1995), *Geographies of Exclusion: Society and Difference in the West* (London: Routledge).
 38. C. Darwin (1871/2004) *The Descent of Man and Selection in Relation to Sex* (London: Penguin), p. 212.
 39. See also S. Furphy (2010), "'Our Civilisation Has Rolled over Thee": Edward M. Curr and the Yorta Yorta Native Title Case', *History Australia*, 7, p. 3.
 40. For an analysis of Indigenous manipulation of the project of colonial 'Protection' during the mid-nineteenth century, see Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*.
 41. N. Castree (2004) 'Differential Geographies: Place, Indigenous Rights and "Local" Resources', *Political Geography*, 23 (2), p. 158.
 42. Ibid., pp. 158–9.
 43. Attwood, *My Country*, pp. 32–3.
 44. See B. Attwood (2003), *Rights for Aborigines* (Sydney: Allen and Unwin); Barwick, *Rebellion at Coranderrk*; R. Broome (2006), "'There Were Vegetables Every Year Mr Green Was Here": Right Behaviour and the Struggle for Autonomy at Coranderrk Aboriginal Reserve', *History Australia*, 3, p. 2.

2

Re-imagining Settler Sovereignty: The Call to Law at the Coranderrk Aboriginal Reserve, Victoria 1881 (and Beyond)¹

Julie Evans and Giordano Nanni

Contemporary struggles to establish lawful relations between Indigenous and non-Indigenous peoples continue a long history of contestation surrounding Europe's claims to dominion over the lands of others since the beginning of modern expansion in the late fifteenth century.² This collection focuses on Indigenous assertions of sovereign autonomy that were directed towards securing a permanent stake in the land in nineteenth-century British settler colonies, particularly through farming enterprises that sought at once to challenge and work within imposed Western frameworks. In this chapter, we home in on one extended campaign for land-based justice in the colony of Victoria, Australia, when the Aboriginal peoples of the Kulin nations, together with their European sympathizers and allies, challenged the ways in which British sovereignty had been unfolding there. Such was the influence of their campaign that by 1881, the government had agreed to an official Parliamentary Inquiry into conditions at the Coranderrk Aboriginal Reserve, the centre of a so-called rebellion against colonial authorities.

The local colonial context of the 1881 Inquiry into conditions at Coranderrk, together with its extraordinary testimonies and findings, are the main focus of discussion. We also direct attention, however, to the broader significance of the Inquiry as a *call to law*. Accordingly, we draw on these historico-legal records to demonstrate how government inquiries such as these can also become 'sites of contested knowledges'³ and on critical theory to offer some reflections on their productive (though fragile) potential as a 'middle ground' that offers up for public and official consideration alternative ways to live together justly.

In particular, through highlighting the complexity of the legal archive, we point to certain correlations between the Aboriginal worldviews that

were presented at the 1881 Inquiry and the ethical claims of British justice, both of which served to challenge dominant narratives that Aboriginal sovereignty should be 'eliminated'.⁴ In signalling 'what might have been'⁵ in the past – and therefore in the present and future – we note a repeatedly disruptive dynamic⁶ in settler politics whereby correlative assertions of European and Indigenous sovereign autonomy could not only precipitate a call to law to adjudicate disputed claims, they could also hold out the possibility of 'an alternative moral order'.⁷ In so doing, our discussion draws on and seeks to inform wider efforts to re-imagine settler sovereignty beyond its current confines.⁸

In the case of Coranderrk, the call to law originated with the persistent quest of Aboriginal peoples of the Kulin nations to live independently on their lands in the wake of dispossession, which had unfolded with such swiftness and intensity in Victoria. While the government initially approved the establishment of a reserve at Coranderrk, certain officials and settlers eventually sought to undermine the farming community in order to make way for white settlement, prompting the Kulin to embark on a seven-year campaign to retain control of the reserve. At 4850 acres in size, Coranderrk was a relatively small landholding – yet to the Kulin it represented all that remained of their once extensive lands in Victoria.

Their call to law was first heard by a number of prominent settlers of humanitarian persuasion – including parliamentarians, journalists and philanthropists – who recognized the Coranderrk residents' plight and supported their claim to the Coranderrk land. Combined, Indigenous and settler activism triggered an official response in the form of a Parliamentary Inquiry, which was appointed in 1881 to determine the future of the Coranderrk reserve and its residents.

The 1881 Inquiry gave residents and their allies in the settler community the opportunity to bring their experiences of discrimination before officials and the broader public as well as to challenge prevailing perspectives and discursive frameworks. In the first instance, the Inquiry's findings were relatively favourable: the Commissioners' final report rejected the intention of the Board for the Protection of Aborigines (henceforth, BPA) to dispose of Coranderrk and recommended improvements to housing and management. The consequences of the Inquiry included the dismissal of the reviled manager Reverend Strickland; and finally the permanent reservation of Coranderrk as a 'site for the use of the Aborigines'.⁹

But for the residents of Coranderrk, the victory would be short-lived. Settler governments commonly shored up their sovereignty by rejecting – or severely containing – alternative conceptions, and the Victorian colonial government soon moved to stifle any implicit recognition of

self-determination. Within five years of the Coranderrk inquiry, the *Aborigines' Protection Act*, commonly known as the 'Half-Caste Act', effectively overrode whatever justice had been evident in the findings: in the racializing language of the legislation, those who were deemed not to be 'full-blood' Aborigines were forced to leave the station, effectively breaking up families and undercutting the capacity of residents to maintain a self-supporting life on the land, and undermining the effectiveness of future protests by expelling the young and literate members of their community.

In sum, we consider the story of Coranderrk as both a unique farming community that was committed to asserting its sovereign claims to the land and as a moment in historical time that represents the disruptive dynamics that commonly unfold in settler politics around questions of sovereignty. We conclude by bringing the discussion to the relatively recent historical past when another call to law to adjudicate disputed claims to land in Victoria prompted similar outcomes: the Federal Court's 1998 decision to deny Yorta Yorta sovereignty over ancestral lands, which was upheld on appeal to the High Court in 2002. In spanning the past and the present in this way, we suggest that the Coranderrk Inquiry has more to tell than the story of its own time and place, and not least because the views of one of its key witnesses – a senior member of the BPA, Edward Curr – continued to influence how these courts understood settler sovereignty more than a hundred years after his initial testimony.

The Coranderrk Aboriginal Reserve

The Kulin people of central Victoria¹⁰ experienced the impact of British settler-colonization soon after the first wave of pastoralists, squatters and convict workers began to take possession of land around Port Phillip Bay from 1835. The resistance of the Kulin clans was soon overwhelmed by the sheer quantity of settlers flooding into their territory, as well as the diseases that accompanied them. Before long, settlers had taken possession of most of the habitable land in Victoria, and the Kulin, along with many other Aboriginal nations, were driven to the edge of survival by the spread of large-scale pastoralism, which competed with their hunter-gatherer economies. Victoria's Aboriginal population was greatly reduced as a result of colonization,¹¹ and those who survived were pushed to the fringes of settler society.

By the early 1840s, Kulin leaders were seeking new ways of ensuring their peoples' survival. In 1843, the Woiwurrung leader Billibellary appealed to

Assistant Protector William Thomas for a grant of land that might allow his people to make a place for themselves in the new colonial order, by adopting a sedentary lifestyle based around farming. 'If Yarra blackfellows had a country on the Yarra,' Billibellary proposed, 'they would stop and cultivate the ground.'¹² In 1859, Billibellary's son Wonga again approached William Thomas with a new request for land, this time on behalf of his Taungerong kinsmen. 'They want a block of land in the country,' Wonga explained, 'where they may sit down, plant corn, potatoes ... and work like white men.'¹³ The Kulin were exhibiting a willingness to adapt to the new order, which they knew would mean learning how to work the land as the colonists did, adopting the ways of pastoralism and sedentary agriculture.

The persistence of the Kulin leaders in requesting land for their people to cultivate eventually met with success. In May 1863, Wonga and his younger cousin Barak seized the opportunity to attend a public levee held by Governor Sir Henry Barkly in honour of Queen Victoria's birthday. They formed a deputation and walked into Melbourne bearing gifts for the Queen, after which they addressed the Governor directly on the matter of obtaining land. This entreaty met with success: on 30 June 1863, a notice appeared in Victoria's *Government Gazette* announcing the temporary reservation of 2300 acres (extended to 4850 acres in 1866), thereby formally establishing Coranderrk as an Aboriginal reserve.¹⁴ The circumstances under which their request was made led the Kulin to understand that the land had been granted by the Queen herself, and during the troubled years that lay ahead the Kulin and their supporters would recall this historical moment as proof of their entitlement to this land.¹⁵ The success of their appeal also reinforced to them the power of deputations and written appeals as means of advancing their cause, and this strategy would be deployed by the Kulin on many occasions as the Coranderrk struggle unfolded.

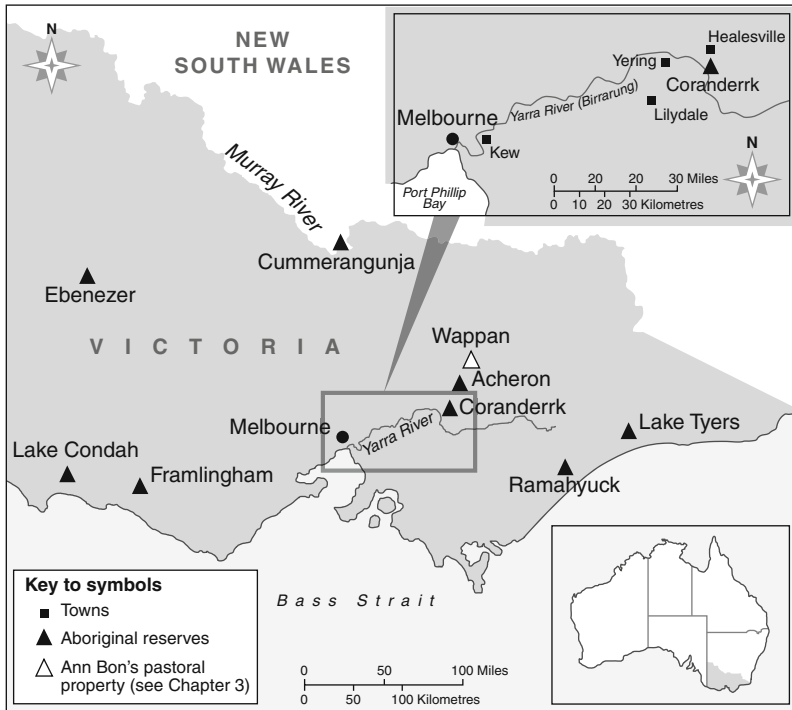
Coranderrk's establishment in 1863 had come about through the initiative of the Kulin; as such, the Kulin families who founded Coranderrk in 1863 regarded themselves as the pioneers of a self-governing community, and as free men and women. The station's development into a flourishing and virtually self-supporting Aboriginal farming community owed much to the rare collaboration they brokered with a settler – Scottish lay preacher John Green – who served as the BPA's Inspector for the other five Victorian reserves between 1861 and 1875. Officially, Green was also the manager of Coranderrk and had formal authority over its residents, but the Kulin's intent and desire was to govern themselves. Green was one of the few Europeans who understood and respected this fact. His philosophy was generally one of guidance

rather than coercion, and he took pains to treat the Kulin 'as free and independent men and women'.¹⁶ As the station grew and thrived, the Kulin attributed the success of Coranderrk to their own hard work. Though they accepted the presence of Green and his assistant, Thomas Harris, as farm manager, these and other white men and women were regarded as helpers rather than masters.

But colonial officials saw things differently. Reserves like Coranderrk were places that they themselves had established for the purpose of 'civilizing the natives' under the strict supervision and paternalistic care of superintendents and managers.¹⁷ BPA officials thus understood Coranderrk through the lens of a different foundation narrative: the Aboriginal people there were not the pioneers of a self-governing community but rather the recipients of colonial humanitarianism. This fundamentally different understanding of governance placed the Kulin and colonial officials on a direct collision course in the years to come.

The success of Wonga and Barak's request for land had come about at least in part due to a renewed humanitarian interest in the condition of Victoria's Aboriginal population. Prompted by local humanitarian concerns, a Select Committee was appointed in 1858–59, which acknowledged that 'the great and almost unprecedented reduction in the number of the Aborigines is to be attributed to the general occupation of the country by the white population'. Much like the 1836–37 Select Committee on the Aborigines appointed by the British House of Commons, this local Victorian commission did not advocate for the return of land to its rightful owners. Instead, it recommended the establishment of a number of 'reserves for the various tribes, on their own hunting ground' where, under the charge of lay or clerical missionaries, the Aboriginal population could be taught to combine agricultural and gardening activities with small-scale pastoralism, and thereby be induced 'to take an interest in the occupations of civilized life'. Through this means, the Select Committee hoped, 'the remnants of the Aborigines may be both civilized and Christianized'.¹⁸

As a result of the Select Committee's report six Aboriginal reserves were established in Victoria during the 1860s: four of these were Christian missions receiving government aid: Lake Tyers (Anglican) and Ramahyuck (Presbyterian/Moravian) in eastern Victoria for the Gunai/Kurnai clans; Ebenezer (Moravian) in north-west Victoria for the clans of the Wimmera and Lower Murray; and Lake Condah (Anglican) in south-west Victoria. The other two were secular, government-controlled reserves: Framlingham, which, like Lake Condah, was established for the Gunditjmara and Kirrae-wurrung people of south-west Victoria;



Map 2.1 Victoria, showing the approximate location of Coranderrk and other Aboriginal reserves

and, lastly, Coranderrk: located about 60km north-east of Melbourne for the Kulin clans of central Victoria (see Map 2.1).¹⁹

The reserves were placed under the authority of the BPA, established in 1860, which wielded significant powers over the lives of Aboriginal people. Among its powers were the authority to prescribe where Aboriginal people could reside, the work contracts in which they could be engaged, the manner in which their earnings might be distributed, and how the care and custody of their children should be managed. These powers were later enshrined in legislation in 1869 with the passing of the Aboriginal Protection Act (Vic).

Events preceding the call to law at Coranderrk

Following Coranderrk's reservation, the Kulin together with the Greens set about making the station a home for themselves and their children.

They started by clearing and draining the land, grubbing, ploughing and preparing it for the cultivation of vegetables and fruit trees. They erected the main buildings; a storeroom, a schoolroom; a dormitory for the children and bark huts for the adults, each equipped with a fireplace.²⁰ They built yards, a stable, bakery and a brick-kiln; they erected seven kilometres of fencing to delimit some of the reserve; 65 hectares were placed under cultivation and 450 head of stock were introduced to pasture. Within ten years 32 cottages were built in two straight rows along a terrace forming a central road that overlooked the alluvial flats.

Coranderrk's success was reflected in the quick growth of its population – from 40 people in 1863 to 105 people by the middle of 1865.²¹ As news spread of Coranderrk's achievements the original pioneers were soon joined by surviving families from the Taungerong, Boonwurrung, Dja Dja Wurrung and Wathaurong clans. Subsequently, people joined Coranderrk from outside the Kulin confederacy too, including Yorta Yorta, Gunai/Kurnai and Burapper men and women; and others from farther afield.²²

In 1872, the BPA's Secretary Robert Brough Smyth decided that the reserve should turn to commercial hop farming. The Aboriginal residents set themselves to the task of making the station profitable. The results of their industry were soon evident, and in 1876 the BPA was 'pleased to state that the Coranderrk hops [had] realized the highest price of any offered in Melbourne'.²³ By 1875, the station was practically self-supporting and it appeared that a model Aboriginal farming community was in the making.

The willingness of the Kulin to adapt to European ways is nowhere more apparent than in their determination to become successful farmers. But the level of independence and economic success they achieved was not appreciated by all. Coranderrk's industry was competing with local farmers and hop-growers, some of whom took to complaining about what they regarded as the unfair advantage enjoyed by the Aborigines at Coranderrk.²⁴ They criticized the BPA for financing hop cultivation with public funds intended for the Aborigines' welfare. The Coranderrk residents 'occupy valuable land near townships', an anonymous writer complained in *The Argus*. The implication was that Aboriginal people were not fit to live on and work this valuable land, as 'the earth belongs to those who will occupy and cultivate it, converting barren wastes into teeming pastures and fields of grain'.²⁵ These tensions began to surface in the 1870s, by which time the settler population of Victoria had soared to about 750,000 people (while the Victorian Aboriginal population was below 2000). With the township of Healesville (established in 1864) about two miles from its northern boundary, and with white

farms all around its perimeter, Coranderrk had become an increasingly visible target for those who coveted its land.

Under pressure from powerful lobbies with a vested interest in purchasing and settling the prime agricultural land of Coranderrk, the BPA began to consider the possibility of relocating the Aboriginal people elsewhere. BPA Secretary Robert Smyth confided in Green that 'there were influences being brought to bear upon the Board and the Government to have the aborigines removed from Coranderrk ... [and] that they would be well inclined to give way'.²⁶ John Green was a vigorous opponent of the suggestion that the Aboriginal residents be resettled elsewhere; as punishment for his refusal to cooperate with this plan, the BPA set about removing him from Coranderrk.

The Coranderrk residents regarded Green's removal as a direct threat to their aspirations for self-determination, and as a presage of their own eviction from Coranderrk. They responded with a protest campaign, which came to be described by the BPA as a 'rebellion', fuelling official fears that the Aboriginal pursuit of self-determination was a direct threat to established authority. (As the BPA warned the government in 1881, 'There is reason to fear that the discontent ... will eventually extend itself to the other stations'.²⁷) Such fears were not unjustified: the Coranderrk campaign helped trigger a Royal Commission into the condition of the Aboriginal population of Victoria in 1877 and, four years later, a Parliamentary Inquiry into the BPA's management of Coranderrk itself, at which the residents openly called for the removal of the BPA.

In struggling to prevent the station's closure, Coranderrk's residents skilfully enlisted the aid of influential allies, politicians and members of the press to help their cause. Yet the BPA was never able (or willing) to believe that Aboriginal people were themselves capable of actively seeking and securing the help of these white allies; instead, BPA officials assumed that the resistance of the Aboriginal residents must have been provoked by what it called 'outside influences'. This was seized upon as yet another argument in favour of abandoning Coranderrk and removing its residents to a remote location, since the alleged capacity of these provocateurs to 'interfere' with the station's management was ultimately facilitated by the station's proximity to Melbourne.

Of the so-called 'outside influences', none was more vexing to the BPA than the wealthy philanthropist widow known as Ann Fraser Bon.²⁸ Bon was one of the Kulin's staunchest and most powerful settler allies, with a long association with some of its key figures. Shortly after arriving in Australia in 1858, Bon (1838–1936) had begun to take a

strong interest in the welfare of the Taungerong clans on whose country her husband's pastoral estate, Wappan (see Map 2.1), was established. Ann Bon formed a particularly strong lifelong connection with the Taungerong clan-head Thomas Bamfield, whom she had regularly employed as a shearer at Wappan, and with the Woiwurrung clan-head Barak, whom she highly admired, and on whose behalf she often intervened in disputes against the BPA. In return, Bon earned the ire of the BPA, which rebuked her for her 'interferences'.

Undeterred, Bon used her connections with influential humanitarians, Presbyterian clergymen and politicians to encourage Chief Secretary Graham Berry to intervene: 'Their happiness is in your hands,' one of her letters implored; 'You have the power to re-appoint the Manager [Green] they love ... and by doing so you will have the assistance of the House, the thanks of the outside public, and the approval of Heaven.'²⁹ Her intercessions turned out to be crucial in bringing about the 1881 Coranderrk Inquiry, in which she also participated as one of the nine Commissioners. Indeed, the appointment of the Inquiry, as *The Argus* wryly put it, 'was chiefly due to the importunities of Mrs Bon, a staunch friend of the blacks and an enthusiastic supporter of their rights'.³⁰

The call to law: the 1881 Coranderrk Inquiry

The Coranderrk Inquiry (officially titled, 'The Board Appointed to Enquire into, and Report upon, the Present Condition and Management of the Coranderrk Aboriginal Station') commenced on 29 September 1881. Its nine Commissioners comprised eight prominent gentlemen and one wealthy widow (Bon), who had the authority to summon people to testify under oath and to request documents. Ten hearings were held over the course of two and a half months – three at Coranderrk, two at Healesville and five in Melbourne – with a total of 69 witnesses summoned, 22 of them Aboriginal. The Inquiry attracted considerable public and political interest, demonstrated by the extensive press coverage it received in Melbourne's leading newspapers, and the debates it stimulated in Parliament House.

The appointment of the Inquiry was a major victory for the Coranderrk residents; their campaigning and the assistance of their allies had earned them the unprecedented right to be heard in an official forum of the colonizers' justice. The stakes could not have been any higher. With the 4850 acres at Coranderrk being all that remained of their extensive ancestral lands, this was their last chance to contest an eviction that would have completed their dispossession.

Clearly, the Inquiry did not constitute a level playing field for the Coranderrk witnesses.³¹ But if the Inquiry was an imperfect mechanism of justice, it was the only one available to the Kulin, and they worked hard to persuade the Commissioners of their collective desire to remain on the station. Seventeen men, four women and one young boy gave evidence, delivering their testimonies with patience and dignity. Many testified at their own request, with each being questioned for an average of around one and a half hours.³² Despite the risks associated with contesting the BPA's authority, many were openly critical of the abuses of officialdom. They refuted their opponents' insinuation that their protest had been fomented by 'outside influences' and that their complaints were simply motivated by a petty desire for extra rations and welfare; they defended the men's work ethic and the women's morality, supporting their claims with written evidence. Their fundamental demands were simple yet radical: as stated in their final petition – signed by Barak and 45 men, women and children:

We want the Board and the Inspector, Captain Page, to be no longer over us. We want only one man here, and that is Mr John Green, and the station to be under the Chief Secretary; then we will show the country that the station could self-support itself.

The Inquiry petition of 16 November 1881 acts as a tribute to the unity of purpose that the Coranderrk residents displayed in this particular struggle. Unlike earlier petitions, which the men only had signed, this petition carried the names of women and children from both within and outside of the Kulin confederacy. Despite internal divisions and clan factions, it demonstrated the strong wish of the Coranderrk community to present as a united front, with a common vision.

Unlike some other Indigenous peoples in the British Empire, Aboriginal people in Australia did not have a formal treaty with the British that stated the terms of the relationship between the two parties.³³ In the absence of a formal written treaty, therefore, Aboriginal peoples' petitions such as these can be seen as an attempt to craft an alternative space in which to engage the colonial government and thereby negotiate a better compact between themselves and the colonizers.³⁴

On previous occasions, the Kulin had often pursued their claims to Coranderrk on the basis of the promises they had received from colonial officials; in particular, they cited the promise they had received from the Queen via her representative Sir Henry Barkly, when Wonga had attended the public levee in 1863. But in this petition, the Kulin framed

their terms in a different context. By asserting that they could make the station self-supporting without the BPA's rations, wages and 'protection', the Kulin were effectively making their claim to Coranderrk 'on the same terms that were used by settlers seeking right to select land'.³⁵ Their pledge was designed strategically to conform to European expectations of land ownership and productivity, which entailed developing the land for pastoralism and agriculture in order to generate surplus. In other words, it proposed a way in which to coexist, as sovereign equals, within the newly imposed social order. Wishing to emphasize this point, the two clan-heads Barak and Bamfield repeated this claim word for word in the two letters they signed and submitted to the Inquiry: 'we will show to the country that we can work it and make it pay, and I know it will'.³⁶

We will now focus on the testimonies of two key witnesses at the Inquiry. The first is that of the clan-head William Barak; the second, that of a senior BPA member, Edward Curr.

The testimony of William Barak

William Barak was the *Ngurungaeta* (clan-head) of the Wurundjeri people and the acknowledged leader of the Coranderrk community. A gifted orator, storyteller and artist, Barak was also an astute political strategist who effectively spearheaded the modern political struggle for Aboriginal rights in Victoria.

Barak and his cousin Wonga were effectively able to create bridges between the Kulin and European worlds, with a view to their coexistence. Like other colonized peoples in the British Empire, he embraced those elements of European society and belief systems that enabled his people to survive. He adopted John Green's religion, for example, because Christianity provided 'a vision of society that encompassed Aborigines because it regarded all peoples as God's children' and 'a higher form of authority than government ... to which Aboriginal people could appeal'.³⁷ That Barak regarded Christianity as an ethical basis from which to critique social, legal and political injustices is demonstrated by a petition he authored towards the end of his life, in which he mourned the Kulin's ongoing loss of land in Victoria. 'Whitefellows would not like us to come down ... to take their land from them and move them out of their homes. We are in Christian land, and we ought to love one another with brotherly love.'³⁸

During the Inquiry, however, the Commissioners asked only 49 questions of Barak, many of which he answered concisely, with a yes or no.

No doubt the language barrier was one limiting factor, for whilst Barak was 'a fluent and gifted speaker in his own language', according to Ann Bon, he 'was never able to express himself fluently in the English language'.³⁹ But the brevity of Barak's testimony was probably also due to the line of questioning pursued by chairman, Ewen Cameron, throughout the Inquiry. Cameron focused on the symptoms of injustice, rather than its structural causes; his questions were demeaning, dealing almost exclusively with the BPA's provision of clothes and rations, rather than the more important question of land ownership and self-determination for which Barak had been campaigning. Barak seemed to want to make this clear when Cameron asked him about the deputations he had led to see the Chief Secretary: 'When we got down that time we did not ask about Mr Strickland, we asked about Mr Green,' Barak replied – reminding Cameron that what his people wanted was not welfare and rations, but the sovereign right to govern their own lives. When Cameron asked him in a patronizing manner whether he would like 'the Government to give you all the food you want, and all the clothing, and no work?' the *Ngurungaeta* again reminded him of the demands the Kulin were making in relation to the land: 'Give us this ground,' Barak responded, 'and let us manage here and get all the money.'⁴⁰

In the space available here, we simply seek to demonstrate how this call to law provided an official and public forum in which Aboriginal peoples in Victoria could propose 'an alternative moral order'⁴¹ to that which had sought to engulf them.

The testimony of Edward Curr

Edward Curr was a senior member of the Board for the Protection of Aborigines, an influential public servant, writer, long-time squatter in Victoria, and an acknowledged authority on the management of pastoral stations. He was also a self-appointed expert on Aboriginal matters; which meant that this conservative pastoralist with little understanding of Aboriginal culture and practices was the Protection Board's star witness at the Inquiry.

Curr did have many years of experience in dealing with Aboriginal people. In 1840, at the age of 20, he had been entrusted with the management of a pastoral estate that his father had purchased on Kulin lands near Heathcote, Victoria. Over the course of the next decade, he and his brothers expanded the Curr pastoral enterprise further to the north by occupying extensive tracts of prime land near the junction between the Goulburn and the Murray rivers (close to present-day Echuca).⁴² These

were the lands of the Yorta Yorta and the Ngurai-illam-wurrung clans; and the young Curr became one of the first Europeans to intrude upon them.

Four decades later, in 1883, Curr – now Chief Inspector of Stock and a member of the BPA – penned a nostalgic memoir entitled *Recollections of Squatting in Victoria* in which he recounted his first impressions of the peoples whose lands he was in the process of occupying.

Edward Curr was the second-last witness to testify at the Coranderrk Inquiry. Despite being under oath, he proved to be an elusive and dishonest witness, distorting information and feigning ignorance when pressed for details about the BPA's management.⁴³ And his penchant for unilateral management of affairs was revealed when he authoritatively dismissed the Commissioners' repeated questions about the lack of inspection reports for the colony's Aboriginal stations: 'Parliament has said to the Board,' Curr testified, "'There is the money, and there are blacks, there are the reserves, make the best of them'".⁴⁴

Curr's testimony at the Coranderrk Inquiry is of special significance for another important reason. He was a main witness, not only at this Inquiry in 1881, but also – 117 years later – at the *Yorta Yorta* native title case in 1998. Although Curr had died in 1889, his presence loomed large in the courtroom when Federal Court Justice Howard Olney adopted Curr's 1883 memoir *Recollections of Squatting in Victoria* as his main source of written evidence to arrive at a decision. It being a requirement that native title claimants should be able to demonstrate a continuity of tradition from pre-contact times, Justice Olney summoned Curr as a credible witness (much to the dismay of the Yorta Yorta claimants) in order to determine whether the Yorta Yorta had maintained a connection with their ancestral lands and an ongoing continuity with their traditional customs by conforming to Curr's depictions of their ancestors in *Recollections of Squatting in Victoria*.⁴⁵

Seemingly unaware of Curr's controversial role in the BPA and his statements at the 1881 Coranderrk Inquiry, and disregarding the fact that Curr had stood directly to benefit from the dispossession of the claimants' ancestors, Justice Olney made the unlikely claim that Curr had 'clearly established a degree of rapport with the local Aboriginal people'.⁴⁶ On this basis, Curr's text was utilized as primary historical evidence in the case – despite the fact that the portrayals of pre-colonial Aboriginal life it conjured were filtered through imperial lenses and saturated with colonial stereotypes. Moreover, Olney ignored most of the oral evidence that contemporary Yorta Yorta witnesses gave concerning their own traditional laws and customs.

Olney's conclusion, upheld in the final appeal case in the High Court of Australia (2002), was disastrous for the Yorta Yorta claimants. It stated that 'the tide of history' had 'washed away any real acknowledgment of their traditional laws and any real observance of their traditional customs'.⁴⁷ Once again, in the present as in the past, Curr's voice played a pivotal role in the case, with devastating effects for the descendants of some of the very people whose lands Curr had appropriated during his lifetime. As Deborah Bird Rose pointed out at the time, 'Curr thus became the instrument of brutal dispossession all over again'.⁴⁸

Conclusions

To return to where we began, what we see in the historical and contemporary accounts we have presented here is how the disruptive dynamics precipitated by a call to law can both open up and close down fledgling possibilities for lawful relations between Indigenous and non-Indigenous peoples in settler societies. In the case of the Coranderrk Inquiry, as in the Australian High Court's landmark 1992 *Mabo* judgement that more than a century later overthrew the colonial notion of *terra nullius*, an opportunity was raised to re-imagine sovereignty. Yet, in these and numerous other instances, settler interests continued to prevail through subsequent legislation that sought to curtail prospects for meaningful, enduring reform.⁴⁹

The uncertain effects of such calls to law are also evident, of course, in the pasts and presents of other settler societies. Adele Perry has shown in relation to Canada, for example, how the reactionary judgement in *Delgamuukw v BC* precipitated a further appeal to law, resulting in a decision favouring expansive rather than limiting conceptions of sovereignty.⁵⁰ In Victoria, too, widespread concern about Justice Olney's determination in *Yorta Yorta* resulted in further appeals,⁵¹ while also bolstering efforts to bypass the limitations of court-based processes by seeking land justice through civil agreements between the state and Koorie peoples.⁵²

The socio-legal scholar Jennifer Balint's work on transitional justice is helpful in thinking through this dynamic. In her book *Genocide, State Crime and the Law*, Balint emphasizes the dual role of law as the sometime partner in state harms but as also able to lead the way 'into the realm of justice'. That is, despite its complicity in the mass harms arising from colonialism, law nevertheless remains a powerful framework within which justice claims continue to be invoked. And it is within the more creative realm of justice – and Balint draws here on James White's

influential formulation – that law's central question can become 'what kind of community we should be'.⁵³

In the case of the Coranderrk inquiry, Aboriginal witnesses held out for consideration 'what kind of community we should be' as they carefully but purposefully drew attention to how the ethical claims of British justice – based on the values of Christianity, civilization and the rule of law – were regularly contravened in practice.

Meanwhile, although we do not fully specify their contributions here, certain members of the settler community were similarly active in seeking to hold both the colonial government and the broader settler community to account, including through their testimony and presence at the Inquiry. John Green, a lay preacher and former manager, had long worked alongside Coranderrk residents in their pursuit of justice and self-determination. His simple words, 'I always treated them as free men' presented to the Commissioners and the public, and also to posterity, the possibility of an ethical order wherein Aboriginal and settler interests would not invariably or inevitably be opposed. As Joanna Cruickshank and Patricia Grimshaw explain in the following chapter in this collection, the wealthy Victorian landowner and philanthropist Ann Bon was also a strident, relentless and remarkably effective advocate and political lobbyist for Aboriginal people. Meanwhile George Alexander Syme, a member of an influential newspaper family (*The Age*) and editor of *The Leader*, spoke vehemently against the activities of the BPA, from which he had resigned his position in protest at its subversion of the settlement at Coranderrk.

Both Indigenous and non-Indigenous peoples therefore sought to place in question the justice and legitimacy of what was unfolding in late-nineteenth-century Victoria. Through their individual testimonies, and the individual testimonies of others intent on enforcing the dominant order, the broader structural inequities arising from the assertion of exclusive sovereignty were powerfully brought before the public space of the official inquiry.⁵⁴

In turn, as a legal forum in which different understandings and practices of sovereignty (informed by both European and Indigenous world-views and jurisprudences) might be exchanged, the 1881 Inquiry itself could be seen to create what the critical artist, theorist and academic Paul Carter has identified as a *transformative* 'middle ground'.⁵⁵

It will be apparent to historians that Carter traverses similar fields to Richard White, who coined the term 'middle ground' some years previously in his influential work on Indian–European relations from 1650 to 1815 in the Great Lakes region of North America.⁵⁶ Like Carter's model,

White's middle ground was a *creative* place that produced innovative solutions to complex social problems in the form of an expedient 'mutual accommodation' between Europeans and Indians:

To succeed, those who operated on the middle ground had, of necessity, to attempt to understand the world and the reasoning of others and to assimilate enough of that reasoning to put it to their own purposes...

Perhaps the central and defining aspect of the middle ground was the willingness of those who created it to justify their own actions in terms of what they perceived to be their partner's cultural premises. Those operating in the middle ground acted for interest derived from their own culture, but they had to convince people of another culture that some mutual action was fair and legitimate. In attempting such persuasion people quite naturally sought out congruences, whether perceived or actual, between the two cultures...⁵⁷

Within White's framework, the pluralism that typified the middle ground applied to a past time and place when neither side was able to enforce their dominance. White therefore conceived the middle ground as an historical artefact, as 'the area between the historical foreground of European invasion and occupation and the background of Indian defeat and retreat',⁵⁸ a time and place which simply disappeared once the American republic finally asserted the will, and capacity, to force the issue. In so far as it emphasizes the inevitable vulnerability of middle grounds to dominant culture, White's work questions the extent to which current justice struggles in settler societies might withstand the relentless re-imposition of European sovereignty discourse and practice.

Carter, on the other hand, insists on the continuing relevance of middle grounds in the present and future. His conceptualization is also inspired by historical research – in this case in relation to early attempts at inter-cultural communication at Sydney Cove between William Dawes, the surveyor and astronomer on the First Fleet, and an Eora woman whose name is recorded in Dawes' unpublished notes as Patygarang. Carter describes the characteristics of the middle ground in similar terms to White – the terms of negotiation were open to constitution within dialogue rather than unilaterally imposed according to the preconceived terms and limits of the colonizer's law.⁵⁹

In identifying this middle ground, Carter contrasts the mutual interest that was evident in the exchange between Dawes and Patygarang, with what he calls 'its disappearance – or perhaps non-appearance – in

subsequent legal discourse about the status of Indigenous people in the new British jurisdiction'.⁶⁰

Carter draws on his analysis not only to identify the limits of law but also to highlight a more fundamental need for what he calls 'a reappraisal of the *grounding* of the law',⁶¹ in Australia, as elsewhere:

How can we speak of this ground? We might as well ask: how can we *not* speak of this ground? As it is the ground of discourse, that running hither and thither that constitutes political discourse in a democracy, it would seem to be an act of criminal neglect not to place it at the heart of our legislative regime – for what could be more important to the life of the *socius* than the securing of the grounds of its own polity, that pluralistic contestation of many voices out of which the longed-for goals of progress and change are managed? In fact, though, the middle ground – the creative space where the always unpredictable event of the speech act occurs – is absent from our constitution. About the grounds of communication, the law remains silent.⁶²

In pointing to the ongoing significance of the middle ground, where creative exchange supports consideration of 'how the laws of a country could be differently constituted',⁶³ Carter's work is determinedly located in the present, where it can take full cognizance of the democratic processes and practices that notionally define the early-twenty-first-century societies with which we are concerned. As applied by critical law scholars Shaunnagh Dorsett and Shaun McVeigh, for example, Carter's conceptualization highlights the ethical necessity of the middle ground as a catalyst for moving beyond normative constraints, facilitating consideration of how to live together lawfully in contemporary settler polities, including by taking responsibility for creating a meeting place *between* different laws and jurisprudences.⁶⁴

We hope that this discussion of the 1881 Inquiry – and its grounding in the broad-based collaboration that constitutes the Minutes of Evidence project – provides further evidence of the importance of creating middle grounds such as these as Indigenous and non-Indigenous peoples in settler societies continue to struggle with the question of how to live together justly.

Notes

1. We are grateful to the Australian Research Council for funding 'The Minutes of Evidence project: promoting new and collaborative ways of understanding

- Australia's past and engaging with structural justice' (<http://minutesofevidence.com>). This three-year project (2011–2014) brings together leading Aboriginal and non-Aboriginal researchers, education experts, creative artists and Community members to promote new modes of publicly engaging with historical and structural injustice. It draws centrally on the 1881 Inquiry to create a series of 'meeting points' (in public spaces, on-Country, in schools, theatres and universities) to share memories, understandings and possibilities in relation to the nation's past, present and future. Julie Evans is the Lead Chief Investigator and Giordano Nanni the Senior Research Associate on the project, which is hosted by the School of Social and Political Sciences at the University of Melbourne. We thank our research assistants, Maria Rae and Adam Ferguson, for assisting in preparing this chapter for publication.
2. The provisions of the *United Nations Declaration on the Rights of Indigenous Peoples* (2007) both recognize and seek to redress this history.
 3. C. Hamilton, V. Harris, J. Taylor, M. Pickover, G. Reid and R. Saleh (2002) 'Introduction' in C. Hamilton, V. Harris, J. Taylor, M. Pickover, G. Reid and R. Saleh (eds), *Refiguring the Archive* (Dordrecht: Kluwer Academic Publishers), p. 15.
 4. For discussion of the 'logic of elimination' as a mode of governance in settler societies, see P. Wolfe (1994), 'Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era', *Social Analysis*, 36, pp. 93–152 and P. Wolfe (2001), 'Land, Labor, Difference: Elementary Structures of Race', *The American Historical Review*, 106 (3), pp. 866–905.
 5. C. Harris (2002) *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press), p. xxiv.
 6. See also A. Burton (2005), 'Introduction', in A. Burton (ed.), *Archive Stories: Facts, Fictions, and the Writing of History* (Durham and London: Duke University Press), pp. 1–24; A. Perry (2005), 'The Colonial Archive on Trial: Possession, Dispossession, and History on Delgamuukw v. British Columbia', in Burton (ed.), *Archive Stories*, pp. 325–50; O. Frankel (2006), *States of Inquiry: Social Investigations, Explorations, and Print Culture in 19thC Britain and the United States* (Baltimore: Johns Hopkins University Press).
 7. R. De Costa (2006) 'Identity, Authority and Moral Worlds of Indigenous Petitions', *Comparative Studies in Society & History*, 48 (3), pp. 669–98. See also S. Belmessous (ed.) (2012), *Native Claims: Indigenous Law against Empire: 1500–1920* (Oxford: Oxford University Press).
 8. J. Evans, A. Genovese, A. Reilly and P. Wolfe (eds) (2013) *Sovereignty: Frontiers of Possibility* (Honolulu: University of Hawaii Press).
 9. *Victoria Government Gazette* (10 October 1884), No. 119, p. 2867.
 10. The Kulin nations, whose people inhabit the area of central Victoria around present-day Melbourne, consist of five interrelated cultural-language groups with shared kinship and belief systems: Woiwurrung, Taungurong, Boonwurrung, Wathaurong and DjaDja Wurrung (note that there can be different spellings to these names). Coranderrk was situated on the lands of the Woiwurrung clans.
 11. Although there is no exact record of the Aboriginal population of Victoria prior to British settlement, conservative estimates suggest a figure of between 10,000 and 12,000 people at time of contact. By the time Coranderrk was established in 1863, the Victorian Aboriginal population had dropped to

- around 2000; see B. Attwood (2003), *Rights for Aborigines* (Sydney: Allen & Unwin), p. 353, fn. 6; D. Barwick (1998), *Rebellion at Coranderrk* (Canberra: Aboriginal History Inc), pp. 16–17; R. Broome (2005), *Aboriginal Victorians: A History Since 1800* (Sydney: Allen & Unwin), pp. 90–3; N. Butlin (1983), *Our Original Aggression: Aboriginal Populations of South-eastern Australia, 1788–1850* (Sydney: Allen & Unwin).
12. William Thomas, Journal, September–December 1843, quoted in Attwood, *Rights for Aborigines*, p. 16.
13. William Thomas to Redmond Barry, 21 October 1861, William Thomas papers, Mitchell Library, MS 214/17-18.
14. *Victoria Government Gazette*, No. 69, 3 July 1863, p. 1474.
15. Attwood, *Rights for Aborigines*, p. 6.
16. *Royal Commission on the Aborigines, Report of the Commissioners Appointed to Inquire into the Present Condition of the Aborigines of this Colony, and to Advise as to the Best Means of Caring for, and Dealing with Them, in the Future, Together with Minutes of Evidence and Appendices*, Parliamentary Papers of Victoria (henceforth, PPV), 1877-78, III, minutes of evidence, p. 82.
17. Central Board Appointed to Watch over the Interests of the Aborigines (henceforth, CBPA), *Sixth Report*, 1869, p. 4.
18. *Report of the Select Committee of the Legislative Council on the Aborigines, Together with Proceedings of the Committee, Minutes of Evidence, and Appendices*, PPV, 1858-9, I, D8, Government Printer, Melbourne, p. iii–v.
19. Barwick, *Rebellion at Coranderrk*, p. 52; Broome, *Aboriginal Victorians*, pp. xxiv, 126.
20. CBPA, *Fourth Report*, 1864, p. 5.
21. *Ibid.*, p. 6; CBPA, *Fifth Report*, 1866, p. 4.
22. Barwick, *Rebellion at Coranderrk*, pp. 71–8.
23. BPA, *Twelfth Report*, 1876, p. 3; *Thirteenth Report*, 1877, p. 4. Newspapers published similar reports; see *The Argus*, 16 December 1881, p. 7.
24. *Bairnsdale Advertiser*, 3 September 1885, p. 2.
25. *The Argus*, 7 July 1877, p. 9.
26. *Board Appointed to Enquire into, and Report upon, the Present Condition and Management of the Coranderrk Aboriginal Station, Together with the Minutes of Evidence* (hereafter, *Coranderrk Inquiry*), PPV, 1882, II, no. 5, Government Printer, Melbourne, minutes of evidence, p. 132.
27. BPA, *Seventeenth Report*, 1881, p. 4.
28. See the following chapter in this volume by Joanna Cruickshank and Patricia Grimshaw.
29. Ann Bon to Chief Secretary, 23 March 1881, Public Records Office of Victoria (hereafter, PROV), VPRS 1226/P0 Unit 4, item 81/U3600.
30. *The Argus*, 19 October 1881, p. 6.
31. Until 1857 Aboriginal people had been barred from giving evidence in colonial courts of law because of the colonizers' belief that a supposed ignorance of a God and an afterlife prevented them from understanding the concept of a sworn oath. As Christian Ogilvie stated during the Inquiry, 'the oath is not as binding on them as a white man [because] a white man knows the punishment that follows a breach of his oath' (*Coranderrk Inquiry*, minutes of evidence, p. 119).
32. *The Argus*, 5 October 1881, p. 7.

33. H. Reynolds (1992) *The Law of the Land* (Melbourne: Penguin), pp. 1–54, 125–8; B. Attwood (2009) *Possession* (Melbourne: The Miegunyah Press), pp. 13–101, 294–300.
34. For a more in-depth analysis of the role of Aboriginal petitions in lieu of formal treaties across Britain's Australian colonies, see A. Curthoys and J. Mitchell (2012), "'Bring this Paper to the Good Governor': Aboriginal Petitioning in Britain's Australian Colonies", in S. Belmessous (ed.), *Native Claims: Indigenous Law against Empire, 1500–1920* (Oxford: Oxford University Press).
35. Attwood, *Rights for Aborigines*, p. 16.
36. Letters by Thomas Bamfield and Barak, *Coranderrk Inquiry*, minutes of evidence, pp. 98–9.
37. Attwood, *Rights for Aborigines*, p. 28.
38. Letter and petition signed by Barak and 22 others on 14 July 1889, presented to Mr. Dow and published in *The Argus*, 17 July 1889, p. 5.
39. *The Argus*, 17 July 1889, pp. 6–7.
40. *Coranderrk Inquiry*, minutes of evidence, pp. 9–10.
41. See endnote 8.
42. S. Furphy (2010) "'Our Civilization has Rolled Over Thee": Edward M. Curr and the Yorta Yorta Native Title Case', *History Australia*, 7 (3), p. 54.3.
43. Barwick, *Rebellion at Coranderrk*, p. 208.
44. *Coranderrk Inquiry*, minutes of evidence, p. 123.
45. For an in-depth analysis by a Yorta Yorta Native Title claimant, see W. Atkinson (2000) *19 Seconds of DungudjaWala (Yorta Yorta Word for Big Flood): Reflections Paper on The Yorta Yorta Native Title Judgment*, available online at: <http://waynera.files.wordpress.com/2010/10/19seconds.pdf>. See also A. Curthoys, A. Genovese and A. Reilly (2008), *Rights and Redemption: History, Law and Indigenous People* (Sydney: University of New South Wales Press).
46. *The Members of the Yorta Yorta Aboriginal Community v. The State of Victoria*, 1998, Federal Court of Australia, 1606, para. 53.
47. *Yorta Yorta vs. State of Victoria*, 1998, para. 129.
48. D. Rose (2002) 'Reflections on the Use of Historical Evidence in the Yorta Yorta Case', in M. Paul and G. G. Gray (eds), *Through a Smoky Mirror: History and Native Title* (Canberra: Aboriginal Studies Press).
49. *Mabo and Others v Queensland*, No. 2, 1992 (Cth); P. Wolfe (1994) 'Nation and MiscegeNation': Discursive Continuity in the Post-Mabo era', *Social Analysis*, 36, 93–152.
50. A. Perry (2005) 'The Colonial Archive on Trial: Possession, Dispossession, and History in Delgamuikw v. British Columbia', in Burton (ed.), *Archive Stories*.
51. The appeals were dismissed. For the final appeal, see High Court of Australia, *Members of the Yorta Yorta Aboriginal Community v Victoria*, HCA 58; 214 CLR 422; 194 ALR 538; 77 ALJR 356 (12 December 2002). Accessed 20 March 2014. See also S. Furphy (2013), *Edward M. Curr and the Tide of History* (Canberra: ANU EPress).
52. See Wayne Atkinson's critique of this process in 'Balancing the Scales of Indigenous Land Justice in Victoria, 2006', *Land, Rights, Laws: Issues of Native Title*, 3 (5) (Canberra: AITSIS, Native Title Research Unit), at: www.aiatsis.gov.au/_files/ntru/publications/issues/ip06v3n5.pdf
53. J. Balint (2012) *Genocide, State Crime and the Law: In the Name of the State* (London: Routledge-Cavendish), p. 204. Balint cites on p. 5 J. White

- (1985), *Heracles' Bow. Essays on the Rhetoric and Poetics of Law* (Madison: The University of Wisconsin Press), p. 42.
54. See M. Johnson (2008), 'Making History Public: Indigenous Claims to Settler States', *Public Culture*, 20 (1), pp. 97–117 on public space of legal inquiries. For related discussion, see L. Behrendt and N. Watson (2007), 'Shifting Ground: Why Land Rights and Native Title Have Not Delivered Social Justice', *Journal of Indigenous Policy*, 8, pp. 94–102; C. Black, S. McVeigh and R. Johnstone (2007) 'Of the South', *Griffith Law Review*, 16 (2), pp. 430–3; T. Birch (2007), 'The Invisible Fire: Indigenous Sovereignty, History and Responsibility', in A. Morton-Robinson (ed.), *Sovereign Subjects: Indigenous Sovereignty Matters* (Sydney: Allen & Unwin), pp. 105–17. In addition to contributing to scholarly research, the Minutes of Evidence project is also reactivating the power of the 1881 Inquiry by making it accessible to a broader audience. Through elaborating the Inquiry's significance to Victoria's past, present and future, the project has supported the Victorian Department of Education and Early Childhood Development, in association with the Victorian Aboriginal Education Association Inc., to develop curriculum, resources, and a teachers' advice and protocols manual for use in secondary schools (years 9 and 10 *History and Civics & Citizenship*). Meanwhile, a verbatim theatre production *Coranderrk: We Will Show the Country*, co-written by Giordano Nanni and Yorta Yorta playwright Andrea James, and produced by Ilbijerri Theatre in association with La Mama Theatre, draws centrally on the Inquiry's minutes of evidence. It has been presented to widespread acclaim on-Country and before the public, and is being adapted for schools. The original script, together with contextual historical and biographical information, has been published by G. Nanni and A. James (2013), *Coranderrk: We Will Show the Country* (Canberra: AITSIS).
 55. P. Carter (2007) 'Public Space: Its Mythopoetic Foundations and the Limits of Law', *Griffith Law Review*, 16 (2), pp. 430–3.
 56. R. White (1991) *The Middle Ground: Indians, Empires, and Republics in the Great Lakes region, 1650–1815* (New York: Cambridge University Press).
 57. *Ibid.*, p. 52
 58. *Ibid.*, p. x.
 59. 'Patyegarang's willingness to play the game did not conform to the postcolonial orthodoxy: she was not interpellated by the language of the conquerors.', p. 433.
 60. Carter, 'Public Space', p. 431.
 61. *Ibid.*, p. 441 (my emphasis).
 62. *Ibid.*, p. 433
 63. *Ibid.*
 64. S. McVeigh and S. Dorsett (2013) 'Section 233 and the Shape of Native Title: The Limits of Jurisdictional Thinking', in L. Ford and T. Rowse (eds), *Between Indigenous and Settler Governance* (Oxford: Routledge), pp. 162–73.

3

Indigenous Land Loss, Justice and Race: Ann Bon and the Contradictions of Settler Humanitarianism

Joanna Cruickshank and Patricia Grimshaw

On 17 October 1881, a journalist from the Melbourne newspaper, *The Argus*, accompanied a group of prominent settlers on a tour of the Coranderrk Aboriginal reserve. These settlers were members of the Board appointed by the Victorian Parliament, to 'Enquire into, and report upon, the Present Condition and Management of the Coranderrk Aboriginal Station'. According to the journalist's report, the members of the enquiry in attendance were 'Mrs Bon of Kew, Mr Dow, MLA and Dr Embling'. 'The appointment of the board [of inquiry]', the report continued, 'was chiefly due to the importunities of Mrs Bon, a staunch friend of the blacks and an enthusiastic supporter of their rights.'¹ The tour of Coranderrk represented the first activity of these inquiry members in their official capacity. According to the aggrieved reserve manager, the Reverend Frederick Strickland, Mrs Bon took the opportunity during the tour to speak at length 'upon her favourite theme'. In 'a martial manner', Strickland complained, she urged the Coranderrk residents to declare that they would never leave the station.²

This chapter examines the humanitarian activism of Ann Fraser Bon, who, as the *Argus* report suggests, played a central role in the 1881 Inquiry into the Coranderrk reserve. For sixty years, from 1876 until her death in 1936, Bon was a thorn in the side of the Board for Protection of the Aborigines (BPA), continually challenging their management of Indigenous people and affairs, often on the basis of her extensive correspondence with Aboriginal people throughout the colony. Our chapter focuses particularly on Bon's 'favourite theme', which Diane Barwick convincingly suggests was that of Aboriginal land loss.³ We consider how this emphasis on the loss of land can be reconciled with her position as a settler and understood in relation to broader humanitarian preoccupations regarding justice.

In focusing on the humanitarian activism of a white woman, we recognize that we are engaging with a crowded and somewhat contentious scholarly field. While Ann Bon has not received sustained scholarly attention, the work that has been done on her follows the trajectory of this field as a whole. When Bon died, at the age of 98, in 1936, a smattering of obituaries praised her as a 'Champion of the Aborigines', 'a true and constant friend of the aborigines' who had been 'an indefatigable worker for their welfare' until her death.⁴ Though Bon's gender, as well as her somewhat unusual activism, meant that she received little attention in standard histories of Victoria prior to the 1970s, her husband, John Bon, was acknowledged in an 1888 history of the colony for his accommodating attitude to the Aboriginal people on 'his' property of Wappan, near the town of Mansfield in north-east Victoria (see Map 2.1, p. 29).⁵ In the 1970s, a local history of Mansfield, by Joan Gillison, included a lengthy sketch of Ann Bon, portraying her activism as arising from her personal friendship with the Indigenous people at Wappan and Coranderrk, as well as her broader commitment to 'philanthropy'. Bon's entry in the *Australian Dictionary of Biography*, also written by Gillison and published in 1979, emphasized her conflict with members of the BPA during and after the Inquiry.⁶ Not until the publication of Diane E. Barwick's groundbreaking work *Rebellion at Coranderrk*, written in 1989 but posthumously published in 1998, did Bon's precise role in the Inquiry receive sustained attention. Barwick titled her chapter on the Inquiry itself 'Mrs Bon intervenes' and revealed the central role that Bon played in both instigating and shaping the Inquiry. In the early 2000s, a performance based on Bon's life, 'The Widow of Wappan', and an associated brief biography, were developed in conjunction with the Mansfield Reconciliation Group and descendants of the Coranderrk residents, exploring the relationship between Bon and the people of Coranderrk.⁷ Similarly, Liz Reed's more recent article on Bon focuses on her activism beyond the Inquiry alone, arguing that Bon's personal friendship with significant members of the Coranderrk community, particularly William Barak and Thomas Bamfield, provides the interpretive key to her persistent advocacy.⁸ Such accounts acknowledged that Bon was not free from the racial assumptions of her time, but placed this in the broader context of her humanitarian efforts. A publication on ten prominent Victorian women, produced by the Victorian Public Records Office in 1999, is typical in describing Bon as an 'eloquent and passionate defender of Aborigines' who nonetheless was 'subject to many of the prejudices and beliefs of her time'.⁹

Early accounts of Bon's life, then, placed her within a conventional framework of respectable female philanthropist, interpreting her activity

as compassionate charity towards the unfortunate. With the rise of both women's history and a new attention to Indigenous history, Bon became a potential heroine, given her lack of conformity to contemporary norms regarding both gender and race. In the phrase made famous by Henry Reynolds, Bon became an example of the 'whispering in our hearts': the historical voice of conscience, to which modern historians could point as evidence that the ill-treatment of Indigenous people was always acknowledged and critiqued within settler society.¹⁰ In a political context emphasizing reconciliation, Bon's personal relationship with and admiration for the Wurundjeri *ngurungaeta* (headman) William Barak provided an embodiment of reconciliation.¹¹

Only very recently, with the postcolonial critique of such humanitarians as implicated in – even necessary to – colonial violence, have different perspectives on Ann Bon emerged. In both the widely viewed documentary *First Australians* and in recent scholarship, Bon's support for some aspects of the infamous Victorian legislation often referred to as the 'Half-Caste Act' has been noted in relation to the longer-term dispossession of Indigenous people throughout Victoria.¹² In a recent study of the politics of race in nineteenth-century Victoria, Marguerita Stephens argues that by ignoring the support that Ann Bon and other humanitarians gave to the underlying tenets of this legislation, Barwick's account of Coranderrk is 'wont to pass over the magnitude of the betrayal wrought by the connivance of erstwhile Kulin supporters with the racial discourse that underscored colonial power relations'.¹³

The general trajectory of scholarship on Ann Bon thus follows that of the broader history of white women who took on humanitarian roles in relation to Indigenous people. Such women were largely ignored until the rise of women's history, when they were first lauded by those who wished to recover the role that women have played in Australian history, as well as those seeking models for reconciliation, and then critiqued from a postcolonial perspective. A range of recent historical studies have wrestled thoughtfully with the complicated position which these women occupied within settler society, as well as the moral tensions in writing about their activities, without providing any clear resolution to these problems.¹⁴ In this chapter, we argue that Bon's activism needs to be carefully contextualized within her beliefs and ideas about land, justice and colonialism, as well as an understanding of the gendered nature of her intervention in Victorian politics.

Managing property

Ann Bon was born Ann Fraser Dougall in 1838, in Scotland, the daughter of a doctor, David Dougall, and his wife Jane Fraser. Little information has been uncovered about her early life, though Gillison claimed that Ann's father died before she reached adulthood. When Ann was 20, in 1858, her family was visited by a former suitor of her mother. This suitor, John Bon, was visiting from the colony of Victoria, where he had amassed considerable wealth and the large property of Wappan, which was 10,000 acres of Taungerong country in north-east Victoria.¹⁵ Apparently, John renewed his addresses to Ann's mother, but after her refusal, he proposed to Ann. John was around 30 years her senior, but she accepted and travelled with him to Victoria, along with her younger sister. The couple were married for ten years, during which time Ann bore five children. John died in 1868. Ann lived for another 68 years, and it was in these years that she took on more public roles, including her involvement in the Coranderrk Inquiry.

Ann Bon had been actively involved in managing Wappan during her husband's life. After his death, she took on complete management of the property and was successful in this role: by the time of her death, the property had expanded to 30,000 acres and Wappan merino wool was judged by contemporaries to be the best in the district.¹⁶ She left a fortune of £68,000, which was left in trust to her son, but to be given to charity after his death.¹⁷ In her position as wealthy landowner, she had access to those in powerful positions and it was this that gave her political leverage in her humanitarian endeavours. These endeavours were extensive: among other roles, she served on the ladies' committee of the Austin Hospital, established a school for Chinese children, supported the Salvation Army, was a member of the founding committee of the Charity Organisation Society, brought patients from Victorian mental institutions to stay at Wappan for rest and each Christmas gave £20 to every blinded soldier in Victoria.¹⁸ During the First World War, she donated a field ambulance to the Belgian Army, for which she received a decoration from the King of Belgium.¹⁹ She also wrote and published devotional verse.²⁰ As these activities suggest, Bon was deeply devout and an active member of the Presbyterian Church in Victoria.

John Bon apparently maintained positive relations with Taungerong people living on the Wappan property: the settler historian, Alexander Sutherland, writing in 1888, claimed that that 'the poor sable children of the soil ... always found in him a most zealous protector and in Wappan a plentifully provided home'.²¹ Sutherland claimed that 'large

corroborees' of Taungerong were held at Wappan, and that 'sometimes as many as five hundred would be camped there at one time, their mia-mias spread over some acres of ground'.²² Ann Bon continued his practice of hiring Taungerong men as shearers, eventually hiring men who had moved to Coranderrk. She had a particularly close relationship with Taungerong clan head Thomas Bamfield (known to settlers as 'Punch') who Bon claimed had been given into her care by his mother, a 'chiefess' of the Taungerong.²³ Bamfield was a highly skilled shearer, who moved to Coranderrk but returned yearly for shearing. When travelling, other Coranderrk residents, including the *ngurungaeta* or headman of the Wurundjeri clan, William Barak, would visit Taungerong people living at Wappan. It was through these clan connections that Bon developed relationships with the people of Coranderrk, including the Presbyterian layman, John Green, and his wife, Mary, who had assisted in the establishment of Coranderrk and acted as managers. Bon's political activism appears to have begun after Green's dismissal: in 1876, she first wrote to the Chief Secretary of the colony, complaining about mismanagement of Coranderrk under the new managers.

Becoming political

In allying herself with Barak, Bamfield and the Greens, Bon found herself coming into increasing conflict with the BPA. The Central Board for the Protection of Aborigines had been established in 1869, replacing the Central Board Appointed to Watch Over the Interests of the Aborigines.²⁴ Given significant powers over the lives of Aboriginal people through the Aboriginal Protection Act (1869), the BPA had oversight over all Aboriginal missions and reserves, though some were managed and funded in part through Christian churches. Many Aboriginal people in Victoria corresponded directly with the BPA, advocating for their rights on behalf of themselves and their families.²⁵ However, they also sought the assistance of white humanitarians, such as Bon, in negotiating with the Board. Though Bon eventually became a member of the BPA, she remained highly critical of its management of Indigenous affairs, campaigning through letters until just before her death at the age of 98.

Throughout this period, Bon's letters repeatedly returned to the theme of Indigenous dispossession. Bon's letters to the BPA and to members of the Victorian Parliament, as well as her statements to the Inquiry, are the main sources for studying her views – no personal papers have been identified by us or any other scholars. We also draw on her published verse, of which several volumes were published towards the end of her

life. Though none of these sources provides a comprehensive outline of Bon's views, together they reveal much about the ways in which her understandings of land, justice and race were connected and how this shaped her activism.

Perhaps the most extended statement of Bon's understanding of the position of Aboriginal people in Victoria is contained in a letter that she wrote to the Chief Secretary of Victoria in 1882. This letter was written after the conclusion of the Coranderrk Inquiry, as a plea for the Chief Secretary to allow the residents of Coranderrk to retain the reserve.

The letter opens with a strong statement of the wrong that Bon believed had been done to the people of Coranderrk: 'We have robbed them of their beautiful colony, deprived them of their hunting fields and fishing grounds and given them in return our vices and diseases which are rapidly doing their work.'²⁶ Aboriginal people were not 'paupers, lunatics or criminals', she continued 'and the greatest crime of which they have been guilty is having been the "original owners of the soil".'²⁷

For those acquainted with settler arguments about the rights of Indigenous people in relation to land, there is much that is familiar about these statements. At the heart of many such arguments were questions about the exact relationship between Indigenous people and the land which settlers had occupied: while most agreed that these lands had been *inhabited* by Indigenous people, few settlers accepted that this amounted to lawful *possession* equivalent to European property rights.²⁸ Settlers, including those with humanitarian inclinations, might acknowledge, like Ann Bon, that Aboriginal people had lost access to 'hunting fields and fishing grounds' but still affirm that the lack of agricultural development and European-style settlement meant that Aboriginal claims to land were not equivalent to ownership of private property as recognized by British law. For example, John Dunmore Lang, an influential Presbyterian minister and critic of settler violence, argued in an address to the Moreton Bay Friends of the Aborigines in 1856:

[Settlers] were certainly debtors to the Australian Aborigines, for they had ceased [sic] upon their land and confiscated their territory. In doing that he did not think they had done anything wrong. God in making the earth had never intended it should be occupied by men so incapable of appreciating its resources as the Aborigines of Australia.²⁹

Similarly, in 1861, the founding members of the BPA had urged the Victorian settler population not to 'grumble at' the 'duty' of funding Aboriginal reserves, describing it as 'a *rent charge* of some six thousand

or seven thousand pounds a year for nearly fifty-six million acres of the richest lands in the world'.³⁰ This use of the term 'rent' for the relatively paltry sum required to fund reserves both acknowledged and minimized the dispossession of Aboriginal people. Such statements exemplify the slippery nature of the language that colonial humanitarians used to describe Aboriginal land loss, in which the dispossession of Aboriginal people could be acknowledged but not identified as illegal. Bon's use of terms such as 'theft' could be equally inexact, but her repeated use of such language implied that Indigenous land had been taken immorally and that this was the foundational injustice for which Indigenous people required recompense.

To this, in her letter, she added the further wrong that was being done them through the attempt to move them from Coranderrk, which, she argued, the residents 'received from the Queen at the hands of Sir Henry Barkly, as a small substitute for the country they had lost. They regard it as their own property and are exceedingly attached – I may say wedded to it.'³¹ Some lines later, she reiterated the strength of the residents' connection to Coranderrk: 'They are capable of feeling joy & sorrow as well as we and I believe their attachments are much stronger than ours.' This emphasis on the emotional connection that Aboriginal people had to Coranderrk was almost certainly directed in part against the claims of BPA members like Edward Curr, who had argued at the Inquiry that the residents should be moved without consultation because 'anyone who knows the blacks knows their will is nothing, that they might have a serious objection now which they would not remember three months afterwards'.³² Bon went on to describe the factors that, in her view, tied Aboriginal residents to Coranderrk: 'They have held possession for 20 years ... Coranderrk is the birth place of their children and in the station cemetery over 100 of their race lie buried.'³³

Here and elsewhere, Bon portrayed the relationship between Aboriginal people not only in terms of its importance for their physical survival, but in terms of an emotional and historical connection. Thus, in describing colonial dispossession, she pointed to the beauty of the colony as well as the loss of fishing and hunting opportunities. In describing the value of Coranderrk to its residents, she pointed to its importance as a place of birth and burial and emphasized the intense connection that Aboriginal people had to the land. Fifty years later, in a series of letters to a later Chief Secretary, Bon would use a very similar set of arguments to protest the threatened relocation of Aboriginal people from the Framlingham mission in southern Victoria to the Lake Tyers mission to the east.³⁴ She defended the rights of the residents

as the 'original owners of the soil' and emphasized their connection through burial to the specific land that they had been granted by Act of Parliament.³⁵

Land and attachment

Clearly, this representation of the relationship between the Aboriginal people at Coranderrk and their country was limited and Eurocentric. Unlike a number of other settler women who displayed an interest in Aboriginal people during this period, Bon appears to have had little or no ethnographic interest.³⁶ Nonetheless, it seems that her relationships with Kulin people had made her aware of what she called their 'exceeding attachment' to country. She seems to have interpreted this attachment in terms of her own passionate affection for the places where she lived. When Bon died, a eulogy noted that in her final years her conversation was primarily of 'Scotland, Wappan and heaven' and that for her, the three seemed to be much the same place.³⁷ She wrote poems celebrating the beauty of the land of her own birth and ancestors, Scotland, and describing her homesickness. Late in her life, she left the property at Wappan, much of which had been compulsorily purchased by the Victorian state government for flooding as part of the Sugarloaf Weir (now Eildon Lake). Bon was, of course, compensated for this loss, but she was reluctant to leave. In a poem called 'Adieu to Bonnie Doon' she praised the beauty of the property, using the language of Scottish landscapes, 'braes' and 'straths', and described it as 'A hallowed spot alone with God,/Away from city's din;/Surrounded by its wondrous works/To meditate on Him.'³⁸ For Bon, land was a source of comfort and spiritual succour, as well as connection with the past, and she portrayed Aboriginal connection to country in these terms.

Yet to argue that Ann Bon had some insight into the cost of dispossession for Indigenous people is to highlight the central tension that, from an historical perspective, appears obvious within her activism. At the time of writing this letter, Bon claimed ownership of 30,000 acres of Taungerong country that had been colonized only within the previous 40 years. Her ownership and management of this land placed her in a unique position among women (especially those of middle-class background) within the colony. As Barbara Lemon has shown, Bon was part of a significant number of wealthy Victorian widows who dedicated substantial time and money to philanthropic causes.³⁹ Bon's wealth allowed her to join this elite group, to cooperate with other members on charitable ventures and to gain access to those at the highest levels of Victorian

society. However, unlike these widows, Bon had not only inherited a fortune from her husband, but also massively expanded this fortune, virtually single-handedly. This demonstrated competence in financial matters and Bon's familiarity with the very public sphere of wool selling, and helps explain the far more political role that Bon was able to take in her activism regarding Aboriginal people. In confidently entering the world of political activism – writing letters to newspapers, acting as a member of a Board of Inquiry (especially on a matter not directly concerned with the needs of women or children), leading deputations to investigate conditions at Coranderrk, engaging in a regular correspondence with male politicians and becoming a member of the BPA – Bon is unique among philanthropic women in this period in Victoria.

Bon's political activism explicitly drew upon her business competence. Her critique of the BPA often focused on what she saw as poor financial management and accounting. In her letter to Wilson, Bon provided a detailed list of the inadequacies of the BPA's management of Coranderrk, concluding: 'The accounts were to us a perfect puzzle, and contain some very objectionable items in money.'⁴⁰ This criticism built upon her detailed focus on the BPA accounts during the Enquiry, at which she and her allies questioned multiple witnesses about the expenses claimed by members and employees of the BPA. These exchanges, which quite clearly reflected Bon's belief that the BPA officials had committed fraud, led to hostile exchanges. At the final hearing, during which Captain Page was extensively grilled on the Coranderrk accounts, Page perhaps unwisely referred to 'some accounts of the Central Board [BPA] which Mrs Bon and Dr Embling had experienced a difficulty in understanding'. This snide comment caused Bon to interject: 'I am accustomed to accounts, and was never puzzled with figures before.'⁴¹ Her response was a clear reference to her demonstrated expertise in financial matters and may have reminded attendees that she was almost certainly the wealthiest person in the room.

Bon's ownership and management of Taungerong land was, therefore, the grounds of her activism. It was possession of this land that allowed a Scottish woman of decidedly middle-class background to have her complaints on behalf of Aboriginal people attended to by the most powerful members of Victorian settler society. Though Bon acknowledged that she was part of the society that had dispossessed Aboriginal people – 'we have robbed them of their beautiful colony' – nowhere in her writings do we find any suggestion that she doubted her claim to Wappan or that she ever considered, say, donating the property for the use of Indigenous people. A criticism of Bon along these lines was made by

Mary Stähle, the wife of Heinrich Stähle, a former Moravian missionary who had briefly managed Coranderrk. Writing to Frances Longmore, a Victorian Member of Parliament, after the Inquiry, Mary Stähle wrote:

If Mrs Bon is a large hearted philanthropic woman why should she not go so far in her efforts to do the blacks good as to take charge of Coranderrk personally and try to reclaim them, that is the Aborigines from the state in which they are said to be. If she is successful in doing this as she has been in sympathizing with them in instituting Boards of Inquiry, then the thanks not only of the blacks but of all who labour among them, will be due to her.⁴²

While this criticism recognized that Bon had the luxury of criticizing the management of missions from a distance, it also points to Bon's insistent emphasis on the collective responsibility of the settler state and community, rather than her personal culpability in colonization. It is certainly possible to imagine that the forcefulness of her advocacy for Indigenous people stemmed in part from a consciousness of how much she had personally benefited from their dispossession, but this is simply speculation.

Tensions such as this were, of course, inherent in settler colonial humanitarianism, so Bon was not unique, but she does embody these contradictions in stark terms. Her statements in the letter to Wilson suggest in part how such apparent contradictions could be maintained. In the second half of the letter, Bon makes predictions about the future of the Aboriginal people at Coranderrk. Here it becomes clear that she shared the common settler assumption that the Aboriginal 'race' would soon be 'extinct'.⁴³ Given that the population at Coranderrk was, in fact, growing, this belief was in part based on the assumption that those of mixed ancestry were not part of this race: 'The number of pure blacks is very small indeed – then why not let them spend the last of their days in peace? They will soon be all dead and gone – and then but not till then will Coranderrk legitimately revert to the Crown.'⁴⁴ Referring back to a recommendation of the Royal Commission on the Aborigines in 1877, she asserted that the community should have been allocated a section of the Melbourne Cemetery for burials, 'so that when the race is extinct a rude monument – could be erected over the spot to the memory of the "primitive Lords of the manor"'.⁴⁵ As this argument suggests, for Bon the provision of land as well as 'the comforts – yea, even the luxuries of this life', and evangelization, were ultimately a matter of smoothing the path of this minority 'to the grave'.⁴⁶

Much of the Coranderrk Inquiry was taken up with the question of whether the reserve could be made self-supporting. Many of the Coranderrk residents sought to convince the BPA that they could make the reserve financially viable. This clearly reflected the residents' assumption that as a community, in spite of the dispossession, violence and disease brought by colonization, they had a future. Though Bon supported the residents in their activism, and passionately defended their right to Coranderrk, this letter suggests that her vision of the future was somewhat different from theirs. For her, the 'pure blacks' were inevitably relegated to the past: like many humanitarians, she adopted the language of historical perspective to talk about the justice they were owed, warning of 'a dark chapter in the future history of this dark colony'. The only permanent inheritance of this race would be a tract of land in the Melbourne Cemetery.

This is not to suggest that Bon saw no future for the Coranderrk community, but this future lay in the so-called 'half-castes'. Unlike many settlers, Bon did not believe that Indigenous people were lazy or incapable of work – she repeatedly defended the capacity of Thomas Bamfield and other Coranderrk residents who worked for her as shearers. In her letter to Wilson, she commented that Bamfield was too 'superior' for his protectors and like many of the Coranderrk residents was a skilful shearer who spent his money responsibly.⁴⁷ Her experience with Aboriginal workers, as well as her conversations with the younger people at Coranderrk, led her to strongly support their right to leave the reserve whenever they pleased in order to work.⁴⁸ Nowhere in her writings did Bon suggest an inherent difference in the capacity of 'pure blacks' and 'half-castes'. Both should, she believed, have freedom to leave the reserve and work when and where they pleased. From this letter, it seems that for Bon the difference between the two groups lay in their relationship to settler colonialism. Those who shared full racial identity with the 'original owners of the soil' were owed recompense for the loss of land and justice required that they inherit the land allocated to their race. Those who no longer shared this racial identity could claim full rights of citizenship but not the particular compensations of those who had experienced injustice.

Such racial distinctions were to take on more vital significance in the lives of Aboriginal people in Victoria in the decades following the Inquiry. In 1886, the Victorian Parliament passed 'An Act to Amend an Act intituled [sic] 'An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria' [No. DCCCCXII], which popularly and offensively became known as the 'Half-Caste Act'.

This Act explicitly distinguished between Aboriginal people on the basis of their racial ancestry, forcing people who were of mixed descent to leave the mission, if they were under the age of 35. People identified as 'half-castes' also had their access to government support severely curtailed and eventually stopped completely.⁴⁹ The Act had a devastating impact on Aboriginal communities, separating families, entrenching cultural loss and condemning many to poverty.⁵⁰

Marguerita Stephens, who has studied closely the racial language used in the Coranderrk Enquiry, argues that Bon had elsewhere supported the Coranderrk residents' own claim that their entire community had inalienable rights to the reserve, regardless of European-imposed notions of caste. She describes Bon's use of the 'dying race' trope in her letter to Wilson as a 'tactical about-face', designed to reflect the majority opinion among politicians like Wilson.⁵¹ However, such language was not new for Bon. In 1881, prior to the Enquiry, Bon had written to the previous Chief Secretary, Graham Berry, urging him to overrule the BPA and reinstate John Green as manager of the reserve. 'I simply ask you,' she concluded, 'to shew justice to the "Primitive Lords of the Manor" and sweeten instead of embittering the few years they have to remain here.'⁵² Tactical or not, Bon's vision of a community gradually assimilated through free access to work and education as well as a changing racial identity bore little resemblance to the forcible separation of families and decimation of Aboriginal communities on reserves that occurred as a result of the passing of the infamous 'Half-Caste Act' in 1886. Yet Stephens concludes that by 1882, 'If one did not look too hard, policies that were intended to eradicate the Aboriginal presence by breaking down their generational continuities and ... breeding them out, looked very much like the policies of voluntary inclusion advanced by Bon.'⁵³

Bon was appointed a member of the BPA in 1904, receiving censures for 'disloyalty' in 1921, 1923 and 1936, when she complained to the minister about decisions her fellow Board members had made.⁵⁴ Her criticisms of the BPA during this period reflect the cruel dilemmas which the 1886 legislation created for Aboriginal people. In 1919, for example, the south-west Victorian reserve of Lake Condah was closed, in part because the 'Half-Caste Act' allowed the BPA to argue that the population of Aboriginal people had substantially declined. The Victorian government allocated the land to returned servicemen. In 1930, Ann Bon wrote to the Chief Secretary, complaining that Aboriginal people living in the vicinity were not being given the opportunity to apply for work stripping bark on the reserve. She argued that the reserve 'legally belongs to them – & not to the white man', an interpretation clearly

reflecting her belief that Aboriginal people had enduring legal claims to missions and reserves, regardless of government decisions. Again, she defended their abilities as 'steady, hard working people'. More directly, she pointed to the impact of the loss of reserve land for the former residents:

These poor people, who were driven from the Condah Reserve, have squatted in the vicinity, & are struggling to earn an honest livelihood. One family named Lovett, have had 12 children, five of their sons went to the front ... Some time ago, one of these returned soldiers applied for leave to occupy an empty house on the Reserve; but was refused by the Board although I have no recollection of the case ever coming before us.⁵⁵

Bon was no doubt aware of the horrible irony undermining the Lovetts' predicament. When their five adult children applied to serve in the armed forces during World War I, they were only allowed to enrol because they were not considered 'pure blooded blacks'. On return, they experienced the loss of Lake Condah, part of their traditional Gunditjmara lands, in part because of the declining population of 'pure blooded blacks'. Yet upon applying for access to this land as a returned serviceman, their son was denied land because of his Indigenous identity. In her letter, however, Bon makes no distinctions between Aboriginal people on the basis of descent, simply referring to all former residents of the reserve as 'Aborigines ... our coloured friends, to whom we owe so much'.⁵⁶

Four years later, when the 1886 legislation was being cited to support the removal of Aboriginal people from the southern Victorian mission of Framlingham, Bon wrote to the Chief Secretary:

'The 'Act' which is often referred to, & used as a subterfuge for injustice, is a problem hard to be understood; as its interpretation at Framlingham is quite at variance with its interpretation at Tyers, where the majority of the population consists of quadroons and octaroons, yet, at the same time, are in the full enjoyment of privileges originally intended for the Aborigines.⁵⁷

Bon repeated this argument in a later letter, simultaneously upholding the right of residents at Framlingham, regardless of racial status, to remain in possession of their land and making strongly critical statements of what she saw as the 'squandering' of money in providing the 'quadroons' and 'octaroons' of Lake Tyers with a 'superficiality' of

support, 'in direct opposition to said Act'.⁵⁸ The outcome at Lake Tyers, she believed, was that the community was being encouraged to laziness, gambling and dependency on the state. These letters suggest that Bon's use of racial language was inconsistent but not simply pragmatic. Her letters reflected both some basic acceptance of the fundamental 'racial arithmetic' that divided Aboriginal communities according to the blood quantum, as well as her desire that this should be applied for the maximum benefit of both those she saw as Aboriginal and those of mixed ancestry. Ultimately, however, those she distinguished from the 'true' Aborigines were required to fulfil their responsibilities as British subjects and/or as citizens of the new nation and their claim on the state was to a large degree that of any other member of society.⁵⁹

In 1931, the Australian Natives Association, champion of Federation and white Australian identity, began a campaign to erect a permanent memorial to William Barak, who had died in 1903. Bon was in the process of moving from Wappan, which was about to be flooded, along with her homestead and the burial place of her husband and baby daughter. Bon had already erected a family memorial at Kew Cemetery and so she arranged for the removal of the marble tombstone that had marked her husband and child's grave. The names of her husband and child were erased and in their place she mounted a tribute to Barak, 'last chief of the Yarra Yarra Tribe of Aborigines and His Race'.⁶⁰ Liz Reed notes that this was 'surely ... the only reversal of the erasure of Indigenous names and superimposition of European ones' in colonial history and 'emblematic of her long-term mourning for Barak'.⁶¹ Undoubtedly, this positive reading of Bon's actions contains important truths: Bon was determined that Barak, as *ngurungaeta*, be honoured and remembered. Yet we would suggest it is emblematic of more than Bon's relationship with Barak and her respect for his memory. Rather, harking back to her letter to Wilson, it should surely be seen as the logical, almost inevitable culmination of her entwined understandings of land, race and justice for Aboriginal people, which saw the treatment of Aboriginal people as fundamentally a matter of history requiring 'that when the race is extinct a rude monument could be erected over the spot to the memory of the "primitive Lords of the manor"'.⁶²

Our purpose in this chapter has not been simply to criticize Ann Bon or to suggest that she was no different from the likes of Edward Curr. Bon stands out in colonial history, not only because of her advocacy for Indigenous people but also because of the position from which she mounted her critique: a woman who was also a wealthy landholder; a widow whose wealth came not only from her inheritance but also from

her own highly profitable land management. As a consequence of her landholding, Bon became a highly useful and often effective ally for the Kulin people in their fight against the BPA. I would suggest that her own valuing of the land, for economic as well as emotional reasons, led her to see the question of land as central to the Kulin claim for justice. Many other humanitarians, including most missionaries, pointed to the violence and immorality of settlers as the fundamental problem facing Aboriginal people. By contrast, Bon, a settler who had apparently maintained relatively positive relations with Taunglerong people at Wappan, was happy to focus her criticisms on the BPA and to promote the voluntary inclusion of Aboriginal people and their descendants within settler society. Ultimately, however, Bon's understanding of land was imbedded within the flexible and powerful racial understandings that sustained settler colonialism. For her, the matter of justice for Indigenous people, as well as rights to land, would become a matter of history on the inevitable day that the last 'true' Aboriginal person died. This assumption, which ties matters of justice to the race quantum, remains extremely powerful in Australian public discourse today.

Notes

1. *The Argus*, 6, 17 October 1881. See the previous chapter for the background to the Enquiry.
2. Rev. Strickland to Captain Page, 18 October 1881, National Archives of Australia, Victoria [hereafter AAV]: B313: Item 191.
3. D. E. Barwick (1998) *Rebellion at Coranderrk*, edited by L. E. Barwick and R. E. Barwick (Canberra: Aboriginal History Monographs).
4. *The Argus*, Tuesday 9 June 1936, p. 12; 13 June 1936, p. 8.
5. A. Sutherland (1888) *Victoria and Its Metropolis: Past and Present*, vol. 2 (Melbourne), p. 295.
6. J. Gillison, 'Ann Fraser Bon', *Australian Dictionary of Biography* at: <http://adb.anu.edu.au/biography/bon-ann-fraser-5284>
7. H. Matthew (2003) *The Widow of Wappan* (Mansfield: MMuDS Project).
8. L. Reed (2005) 'Mrs Bon's Verandah Full of Aboriginals: Race, Class, Gender and Friendship', *History Australia*, 2 (2), pp. 39.1–39.15.
9. I. MacFarlane and B. Fensham (1999) *Ten Victorian Women* (Public Records Office Victoria), p. 32. For a similar treatment, see B. Lemon (2008), 'In her Gift: Activism and Altruism in Australian Women's Philanthropy, 1880–2005' PhD thesis, University of Melbourne, pp. 44–50.
10. H. Reynolds (1998) *This Whispering in Our Hearts* (St Leonards: Allen & Unwin).
11. Barak's and Bon's relationship is represented as a model for reconciliation by both Barak's descendant Auntie Joy Murphy and the writer Heather Matthew, in *The Widow of Wappan*.
12. *First Australians*, Blackfella Films, 2008.

13. M. Stephens (2010) *White without Soap: Philanthropy, Caste and Exclusion in Colonial Victoria 1835–1888: A Political Economy of Race* (Melbourne: University of Melbourne Custom Book Centre), p. 181.
14. For example: A. Cole, V. Haskins and F. Paisley (eds) (2005), *Uncommon Ground: White Women in Aboriginal History* (Canberra: Aboriginal Studies Press); P. Grimshaw and J. Evans (1996), 'Colonial Women on Intercultural Frontiers: Rosa Campbell Praed, Mary Bundock and Katie Langloh Parker', *Australian Historical Studies*, 27, pp. 79–95; P. Grimshaw (2011), 'Rethinking Approaches to Women and Missions: The Case of Colonial Australia', *History Australia*, 8 (3), pp. 7–24; J. Cruickshank (2011), 'Mother, Teacher, Advisor and Missionary: Matilda Ward in North Queensland, 1891–1917', in F. Davis, N. Musgrove and J. Smart (eds), *Founders, Firsts and Feminists: Women Leaders in 20th Century Australia* (Melbourne: eScholarship Research Centre, University of Melbourne), pp. 27–45.
15. Sutherland, *Victoria and Its Metropolis*, vol 2, p. 324.
16. P. Crosbie Morrison, 'The Widow of Wappan', *The Argus*, 13 June 1936, p. 8.
17. 'Large Bequest for Three Hospitals', *The Argus*, 10 July 1936, p. 8.
18. Gillison, 'Ann Fraser Bon', at: <http://adb.anu.edu.au/biography/bon-ann-fraser-5284>
19. Ibid.
20. 'Sylva' [A. Fraser Bon] (1934), *A Few Gospel Hymns Dedicated to the Glory of God and the Welfare of His Children* (Melbourne).
21. Sutherland, *Victoria and Its Metropolis*, vol 2, p. 324.
22. Ibid.
23. Ann Bon to Mr Wilson [Chief Secretary], 29 May 1882, Public Records Office, Victoria [hereafter PROV]: VPRS 1226: Unit 4, Item 82.
24. See R. Broome (2005), *Aboriginal Victorians: A History since 1800* (Crows Nest: Allen & Unwin), pp. 130–1.
25. For examples of letters from Aboriginal women in Victoria to the BPA, see E. Nelson, S. Smith and P. Grimshaw (2002), *Letters from Aboriginal Women of Victoria, 1867–1926* (Melbourne: University of Melbourne Department of History).
26. Bon to Wilson, 29 May 1882, PROV.
27. Ibid.
28. For multiple examples of these arguments among settlers from the 1830s to the 1870s, see H. Reynolds (1989), *Dispossession: Black Australians and White Invaders* (Sydney: Allen & Unwin), pp. 66–84. For a broader overview of the humanitarian critique, see J. Evans, P. Grimshaw, D. Phillips and S. Swain (2003), *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830s–1910* (Manchester: Manchester University Press), pp. 17–42.
29. *Moreton Bay Courier*, 19 January 1856. It is notable that Lang argued elsewhere that 'the difference between the Aboriginal and the European ideas of property in the soil is more imaginary than real' as Aboriginal people depended on country and also cultivated and maintained it. *Papers and Proceedings of the Aborigines Protection Society*, V, (1839), pp.140–4.
30. R. Heales [President of the BPA] in *Annual Reports of the Central Board Appointed to Watch over the Interests of the Aborigines in the Colony of Victoria*, Second Report 1862, AAV: B332/0, p.15. Emphasis ours.
31. Bon to Wilson, 29 May 1882, PROV.
32. Edward Curr, evidence included in the 'Report of the Board Appointed to Enquire into, and Report Upon, the Present Condition and Management of

- the Coranderrk Aboriginal Station, together with the Minutes of Evidence.' (1882), p. 120. For more on Curr's role in developing colonial policy towards Aboriginal people, as well as the longer-term impact of his ideas in the struggle for Aboriginal land rights, see S. Furphy (2013), *Edward Curr and the Tide of History* (Canberra: ANU E Press).
33. Bon to Wilson, 29 May 1882, PROV.
 34. Ann Bon to Chief Secretary, 13 March 1934, AAV: B313: item 67, pp. 88, 87.
 35. Ibid.
 36. See, for example, J. Evans, P. Grimshaw and A. Standish (2003), 'Caring for Country: Yuwalaraay Women and Attachments to Land on an Australian Colonial Frontier', *Journal of Women's History*, 14 (4), pp. 15–37. Unlike the white women described in this article, Bon never used accounts of Indigenous culture in her arguments or letters and there is no evidence that she corresponded with Alfred Howitt, the prolific anthropologist of the period, who wrote letters of enquiry to most settlers who were known to have interest in or contact with Indigenous people. See the A. W. Howitt Papers, MS 9356, La Trobe Collection, State Library of Victoria.
 37. Morrison, 'The Widow of Wappan', p. 8.
 38. 'Sylva', 'Adieu to Bonnie Doon', in *A Few Gospel Hymns*.
 39. Lemon, 'In Her Gift'.
 40. Bon to Wilson, 29 May 1882, PROV.
 41. *The Argus*, 9 December 1881, p. 6. This, like some of Bon's more pointed exchanges with BPA members and witnesses, was not published in the final minutes, but made sensational fodder for the daily reports in *The Argus*.
 42. Mary Stähle to Frances Longmore, MP. 22 June 1882, AAV, B313: Box 11: Item 195. The Stähles were at this time managing the Anglican mission at Lake Condah, Victoria.
 43. Bon to Wilson, 29 May 1882, PROV.
 44. Ibid.
 45. Ibid.
 46. Ibid.
 47. Ibid.
 48. Ibid.
 49. For an overview and analysis of the Act, see Broome, *Aboriginal Victorians*, pp. 185–216.
 50. For one account of the impact of the Act on Aboriginal families, see S. Flagg (2008), *Footprints: The Journey of Lucy and Percy Pepper* (North Melbourne: Public Records Office Victoria).
 51. Stephens, 'White without Soap', p. 250.
 52. Ann Bon to Graham Berry [Chief Secretary], 23 March 1881, PROV: VPRS 1226: Unit 4.
 53. Stephens, 'White without Soap', p. 254.
 54. Gillison, 'Ann Fraser Bon', <http://adb.anu.edu.au/biography/bon-ann-fraser-5284>
 55. Ann Bon to Chief Secretary, 11 October 1930, AAV: B313: Item 122.
 56. Ibid.
 57. Ann Bon to Chief Secretary, 13 March 1934. AAV: B313: Item 67, pp. 86–87.
 58. Ann Bon to Chief Secretary, 20 February 1934. AAV: B313: Item 67, p. 82.
 59. Bon emphasized that the people of Framlingham had the right to unemployment benefits, like any other subject.
 60. See Matthew, *Widow of Wappan*, p. 11.
 61. Reed, 'Mrs Bon's Verandah', p. 38.6.

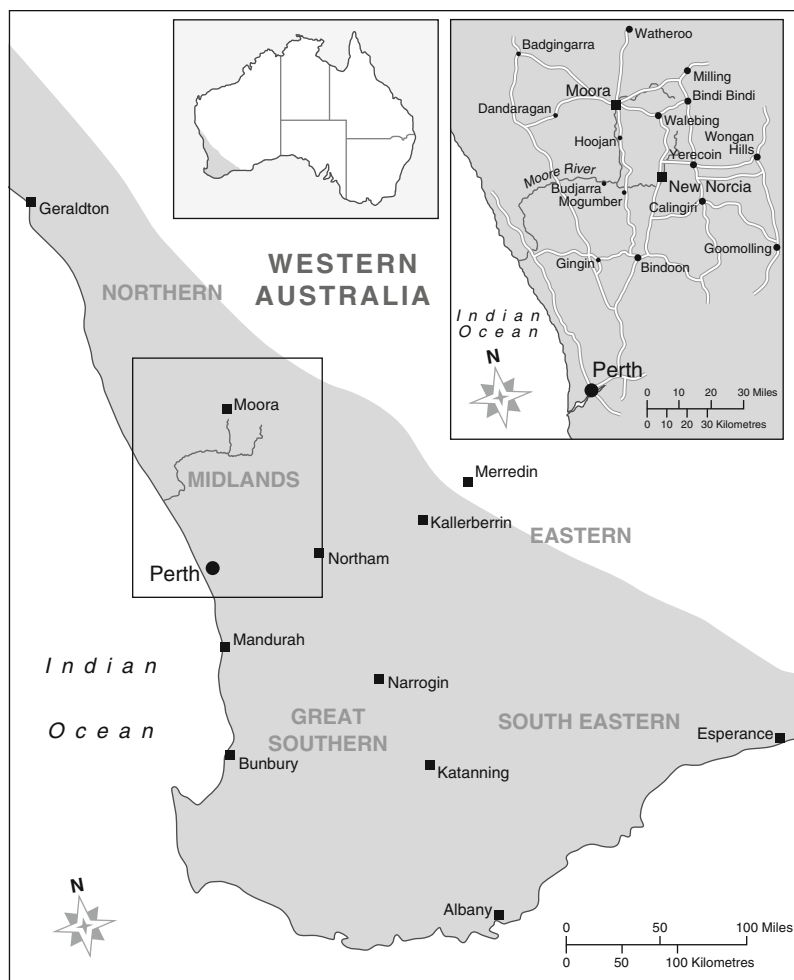
4

‘On My Ground’: Indigenous Farmers at New Norcia 1860s–1900s

Tiffany Shellam

[T]hey have their own standard of right and wrong, which no argument of the white man can change. Good actions and morals they acknowledge and praise as ‘Kuoba’ – right; but whatever is bad, they evidently regard and express as ‘Winda’ – wicked. If occasionally the wildest Aborigines find a difficulty in defining the difference between killing a sheep and a kangaroo – both of which are equally fed by grass and roam at large in their bush – it should, before condemning them, be first taken into consideration who shows the greatest dulness [sic] of moral perception, the unauthorized occupiers of their woods who kill, themselves, as many kangaroos as they can, or the original owners of that land, who take such things as they find upon it for the preservation of life.¹

These words were penned in 1867 by Father Venancio Garrido, a Benedictine monk at New Norcia Aboriginal mission in Western Australia (see Map 4.1). They form part of his lengthy report on the mission which was requested by the Colonial Secretary to be forwarded to the Aborigines Protection Society in London. In 1871 Father Garrido’s report was collated alongside other ‘information’ about Aborigines in Western Australia that had been collected by missionaries and government agents, and was printed by the government printer. The above statement suggests two issues which I will draw out in this chapter: the Aboriginal residents at New Norcia had a strong sense of right and wrong; and the Benedictine community at New Norcia considered them to be the *original owners of the land* which was, in 1867, increasingly occupied by pastoralists.



Map 4.1 Western Australia, showing the location of New Norcia

Between the 1860s and the early 1900s Aboriginal residents at New Norcia acted on and expressed their understandings of 'right' and 'wrong' in relation to land through group protests, letters and petitions to colonial authorities and the mission community. These Aboriginal statements, I argue, developed and had taken shape during the Aborigines' residence at New Norcia where, in collaboration with the missionaries, the Aboriginal community developed a mode of political

expression. Elizabeth Elbourne has written about some Indigenous men who, in the 1830s, attempted to participate in international networks concerned with the reform of British colonial policy, using 'international languages about rights and property ownership'.² She writes: 'They needed to present themselves in print or in person on the British stage as, to some extent, disembodied actors with the concomitant ability to move between different cultural worlds. They also often needed to be Christian, or at least to present themselves as such. They had to present themselves ... in ways familiar to the British, while posing as examples of the universal man posited by early nineteenth-century liberalism.'³ Benedict Cuper, Charles Ponan, Luke Mourdey and Paul Piramino were Aboriginal farmers at New Norcia who wrote letters of protest to authorities about their land. These men understood, to an extent, the political setting in which they were engaging, developing a political network and articulating their rights as they understood them and in a language that would sometimes bring justice. This activism can be considered alongside the story of Coranderrk Aboriginal Station in Victoria, discussed in the preceding two chapters. Set up in 1863 by the government to confine Victoria's remnant Aboriginal population, Aboriginal settlers at Coranderrk made the country their own, successfully settling and farming the land. However, the government re-dispossessed these people, taking them off their country in the 1870s. The Coranderrk residents' political mobility in response to government actions was described as a 'rebellion' by Diane Barwick, and more recent scholarship has located Aboriginal actions as operating within Aboriginal ideas of 'right' behaviour.⁴

Besides the seminal work of Anna Haebich (1984) on Aboriginal farmers, the narrative of New Norcia's founder, Rosendo Salvado, and his enlightened approach to 'civilizing' Aboriginal people has overshadowed the story of the political agitations of some of the mission residents in the early 1900s.⁵ This chapter reflects on the ways in which, determined to retain access to their land, Aboriginal farmers at New Norcia cultivated a space through their written protests to colonial authorities in which they negotiated their changing identities of being both 'Aboriginal' and settled 'farmer'. Through investigating their experiences of collaborating with the missionaries on petitions at New Norcia, and writing letters, this chapter aims to shed light on how some of the Aboriginal residents understood writing as a vehicle for action.⁶

New Norcia: land, labour and civilization

Two Spanish Benedictine missionaries, Rosendo Salvado and Joseph Serra, arrived in the Swan River Colony in January 1846. They had been

informed by Bishop Brady that large numbers of Aboriginal people lived in the Victoria Plains district, 100km north of the Perth township. Salvado and Serra trekked to the banks of the Moore River and began setting up a mission on the ancestral country of the Yuit people.

Humanitarians in the mid-nineteenth century frequently linked Aboriginal futures with the adoption of agriculture. As Jessie Mitchell has written, in Europe in the eighteenth and nineteenth centuries, 'the cultivation of the soil and the private enclosure of land were primary factors legitimizing ownership and denoting civilization'.⁷ Rosendo Salvado had a vision of a self-supporting mission village after the model of European monastic towns where Benedictine monks would live alongside local Aboriginal families. Salvado and other missionaries who joined him at New Norcia hoped that the 'Australians', as he often called the Indigenous population, would experience community stability as they would remain on their land. The 'Australians' would settle down as landholders and this would, Salvado hoped, assist them in the transition to 'civilized' life. Salvado realized that land was also crucial for the mission's success and survival – the government had granted Salvado 20 acres in 1847 – and Aborigines who came to New Norcia provided the labour required to further develop the mission. As Salvado wrote in 1857, 'with the help of 31 natives' the community 'reaped 20 acres in a day and a half'.⁸

Henry Reynolds has argued that hard labour was believed to prepare Aborigines for Christian conversion by teaching discipline, punctuality, sedentary life and the acceptance of European authority.⁹ Humanitarians' advocacy for Aboriginal land retention was not neutral; Indigenous 'compensation' for dispossession was tied to Christian agricultural instruction, and was often funded through the proceeds of dispossession itself. The Imperial Waste Land Act of 1842, for example, required up to 15 per cent of revenue to be allocated from the sale of 'waste' lands – Aboriginal country – to be spent on Aboriginal welfare.¹⁰

Salvado's focus on Aboriginal family units and his encouragement of men becoming farmers was central to his civilizing plan. At Coranderrk in Victoria, the station manager, John Green, also tied married life with Aboriginal stability, recruiting Aboriginal men with the promise of finding a wife.¹¹ The importance placed on family units is evidenced in a range of archival documents at New Norcia: census lists grouped families together, naming married couples and their children; Salvado stressed in his *Memoirs* (1851) that the family unit should become the locus of the property-holding and acquisitive behaviour he was keen to encourage.¹²

Land rewards were also given to Aboriginal couples who got married. The first Catholic marriage of Aborigines at New Norcia was on

24 February 1862.¹³ The mission provided a two-roomed furnished brick cottage to married couples, a larder of provisions and steady employment.¹⁴ Salvado believed labour and land improvement were the pathways to civilization. Therefore, Salvado was sympathetic to Aboriginal land ownership and sensitive to his settlement on Aboriginal country. When, in 1864, he requested that he be the sole trustee of the land that New Norcia occupied (it previously being trusted to Salvado and four local settlers), Salvado included in his letter to the Colonial Secretary that he had received 'the assent of the Aboriginal natives [who were] interested' in this matter.¹⁵ This humanitarian desire to settle the Yuit on their own ancestral country was not intended as a way of preserving pre-colonial Aboriginal culture, but radically re-shaping it. Protected agricultural labour was offered as a form of redemption. However, as Mitchell argues: 'missionary efforts to change Aborigines into farmers of their ancestral lands' can also be seen as 'attempts to incorporate Aborigines into this colonising project in a rather more collaborative way. Aborigines would, missionaries hoped, be integrated into the colonial economy while kept safely isolated from European dependence and sin'.¹⁶ Father Garrido, reflecting on the civilizing policy at New Norcia in his 1867 report, wrote how 'it is essentially of greater advantage to any Aboriginal native who learns how to support himself by his industry or manual labour, as an agriculturalist, teamster, shepherd, shearer, or trademan ... than only to know how to read, write, cipher ...'¹⁷ Mitchell has argued that 'missionaries and protectors frequently described their mission's progress in terms of "simultaneous religious enlightenment" and "industry and general steadiness"'.¹⁸ This idea of progress and steadiness was part of the language that Aboriginal farmers and settler supporters adopted or engaged with when writing to the authorities about retaining their land.

As soon as a site for the mission was chosen, Salvado began to lobby to expand the original government grant of 20 acres, and by the end of 1848 the mission had over 1000 acres, and over 1000 sheep. Crops and vegetables were also grown. Initially Salvado assigned a piece of land and cattle each to four Yuit men: Bilagoro, Dwergan, N-yalbinga and Takencut in April 1848. By the end of 1857, these men were living in the four cottages that had been built specifically for them and their families. These gifts of cottages, land and cattle were aligned with Salvado's goal of ensuring Aboriginal private ownership. Dwergan's cow, for example, was branded with a D to denote his possession of it – a graphic index of property held individually rather than communally.¹⁹ As Father Garrido stated in 1867, 'The possession of private property is, no doubt,

an encouragement to industry, and a salutary check upon the natural indolence of the Australian Aborigines'.²⁰ Progress, no matter how slow, was always celebrated by the missionaries. In 1856 Fr Martelli reported to Salvado that 'It was heartening to see land being cultivated for the natives, but it would be better still if the natives themselves could be doing the work'.²¹ Two years later Salvado wrote: 'The Australians are clearing ground to work for themselves. They made their own choice of land and chose well. They work together in groups of two or three, which cooperate when need arises'.²² Salvado found this work 'very encouraging' and had 'high hopes for the success of the enterprise'.²³

New Norcia, and Salvado as superintendent, quickly became a model of success in Western Australia and other colonies where it received positive press. Sydney's Archbishop Polding wrote to Salvado in August 1863 congratulating him on the 'unequalled success in civilising the natives'.²⁴ There was much weighing on Salvado's success in 'settling' the Australians. In a letter from Corrons in Palermo in 1862 to Salvado, Corrons stressed that the [Benedictine] Order is in decline, and the Australian savage may be the plank on which the shipwrecked Order reaches safety'.²⁵

Learning new farming techniques was not limited to Aborigines. As Mary Eagle has written, the Aborigines at New Norcia 'taught skills of firestick farming, water management, reading the weather, rain-making, living off the land, rug-making, music and dance' to the Brothers.²⁶

Salvado paid the Aboriginal residents who farmed and also helped the men establish their own farms. The wages they earned enabled them to take up a section of land to work and crop for their own benefit. Salvado set up a banking scheme, encouraging the men to buy animals or equipment.²⁷ As Salvado described his scheme:

to have Aboriginal men working without recompense or reward would make them feel the burden of civilisation without its advantages ... should there be no recompense, the natives prefer the freedom of bush life, and they return to the bush. Properly instructed the aboriginal acquires a just idea of both the value of money and property, and diligently studies thenceforth how we may better his condition.²⁸

In May 1860 Salvado requested a tillage lease of fifty acres from the government 'to encourage all the more to agricultural pursuits several aborigines of the mission'.²⁹

Partly as a consequence of dwindling numbers of Aboriginal residents due to the devastating measles epidemic of 1861, Salvado began to recruit Aborigines from further afield. The mission began to house

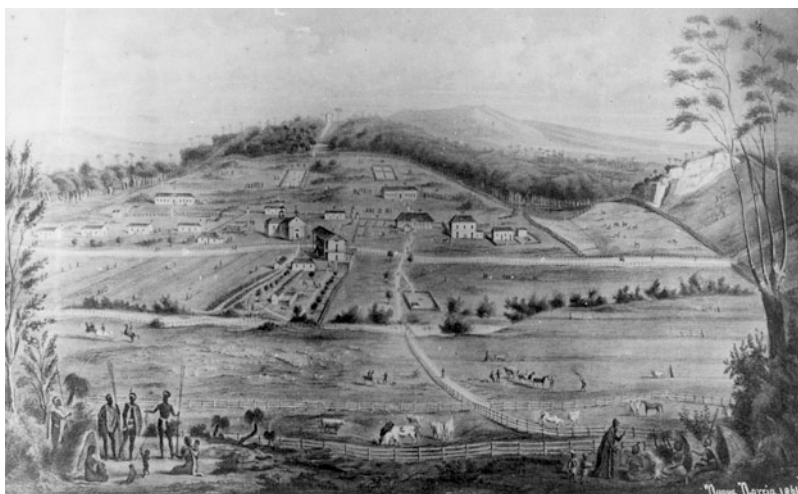


Figure 4.1 New Norcia from the East, by William Ewing, 1864. New Norcia Archives, ACC 73671P

Aboriginal people from all over the south-west, not just the Yuit people and surrounding groups, but Aboriginal men and women from Bunbury and Albany in the south, Champion Bay to the north and, eventually, Roebourne and Wyndham in the far north. In 1870 Salvado also began accepting juvenile offenders who would have otherwise been sent to Rottnest Island Aboriginal prison.³⁰ As with other Aboriginal missions and stations around Australia, such as Coranderrk in Victoria and Poonindie in South Australia, Aboriginal people who came to New Norcia from other parts of the colony had already been dispossessed from their traditional lands and some had been institutionalized in other mission stations, surviving the transformations caused by pastoral invasion. Both New Norcia and Coranderrk became thriving and economically self-supporting communities.

Similarities between New Norcia and Coranderrk are clearly evidenced in the early photographs of these two mission stations. As Anna Haebich has pointed out, photographs of these two stations are

dominated by tangible evidence of progress: cleared lands under crop, new buildings, Aboriginal children surrounded by the trappings of civilised life, sedentary families posed in the manner of colonial settlers outside their cottages, and scenes of community outings where residents relax on river side picnics or engage in the

manly sport of cricket. Details of composition, the subjects' clothes, grooming and posture, and contextual props all combine to provide compelling proof of the missionaries' success.³¹

We might add to Haebich's statement that such photographs are also 'compelling proof' of the Aborigines' success in adapting their land use. While acknowledging that such colonial photographs were for propagandist purposes and, no doubt, involved incidents of Aboriginal coercion, Haebich also argues that some photographs reveal 'intimations of Yuit people being in place in their country and of monks and transferred Aboriginal children coming to accept New Norcia as their home'.³²

An Aboriginal township

New Norcia's Aboriginal residents quickly became competent farmers. Father Garrido reported to Salvado in Rome in 1867 that 'Benedict Cuper and Albert Turgiel are ploughing and sowing their respective fields with two teams of oxen. They use an English plough, all their own property. They help each other alternately so that neither they nor the animals, whom they feed on hay, get tired. Tom Yawell and Bob Nogolot do the same'.³³ These men showed promising signs of missionary 'success' and the Brothers never missed an opportunity to report on their progress. One Brother, Romualdo Sala, wrote to his family in Spain, also in 1867, proudly describing how at New Norcia, 'The shearers are Natives of the country who live in the Mission. They are very nimble. The "ringer" is called Benedict Cuper, and I've seen him shear 78 sheep in a day. A. Thomas Yanel [Yawell] [has shorn] 61, William Manop [Monap] 55, Richard Caniel[Canhiel] 57, Donabuf [Donabut] 58...'³⁴ Father Garrido also boasted about the shearers in his 1867 report: 'This very year, our natives have shorn 5413, that is, one of them (a half-caste) has sheared more than any European shearer employed here, namely 1421 sheep in twenty five days, paid at 4s 6d per score, £15 19s 8 ½d.'³⁵ This was Benedict Cuper.

Benedict Cuper, born in 1846, was the son of an Englishman from Chittering in the Victoria Plains, and a Yuit woman named Maria Junnop. The historical record does not give us the details of exactly when and under what circumstances Cuper came to New Norcia, but by the time Salvado had returned from a trip to Europe in 1853, Cuper was listed as a resident. In 1857 there was a written agreement which stated that Cuper would stay at the mission until his 25th year on an

unspecified wage.³⁶ On 1 March 1861 he was on the books as a 'general servant', for which he was paid 20 shillings per month.³⁷ In 1865 Cuper made an agreement to wash and shear sheep, to be paid at a rate of 4 shillings and 6 pence per score and two bottles of colonial wine for every flock washed (minus his expenses and those of his men). This agreement Cuper signed himself on 9 September 1865.³⁸

Cuper married Ellen Pangieran in 1862, and they were frequently used as pin-ups of New Norcia's success until Ellen's death in 1877. Ellen Pangieran, whose married name became Mary Ellen Cuper, was not a local Yuit woman, but born in Bunbury, to the south of Perth, in 1847. Because her mother had been deserted by Mary's European father, the government authorities considered that she was unable to bring up her daughter on her own. As a consequence, Mary was sent to New Norcia. While the patchy historical record tells a story of Benedict as a competent farmer, a star cricket player and a *steady* man, Mary Ellen is also renowned for being the first postmistress at New Norcia. Salvado taught Mary Ellen morse code in 1873 and she earned a wage of £30 p/a as postmistress. While Aboriginal men at New Norcia thrived in agricultural pursuits, some of the women found success in other employment.

Throughout the 1860s and 1870s New Norcia received many visitors who published their observations in the local press. In April 1862, one visitor described the community. They visited the cottage where Benedict and Mary Ellen lived and were impressed that 'cleanliness and order seemed to reign everywhere'. Mary Ellen 'gave every positive promise of being a good and careful housewife'.³⁹ Visitors frequently requested to see the Aboriginal men cultivating the land, and Salvado showed them a field where they saw Benedict Cuper and Peter Nowarr and a 'Brother busily engaged in clearing, burning, and preparing the ground for the ploughing season'. This visitor was impressed with the work they saw, commenting also on how the profits of the previous year's crops enabled Cuper and Nowarr to purchase 'bullocks, drays, ploughs' and to 'comfortably maintain a wife!'⁴⁰ The Aboriginal residents got used to performing for these observers, and were aware of the importance of appearances, particularly when Protestants came to scrutinize the Roman Catholics' civilizing process. When Reverend Meadowcroft, a Congregational minister, visited in 1873, Fr Santos Salvado sent a message notifying Mary Ellen two hours before he arrived, 'therefore,' he wrote, 'the sleeping room and the other rooms were swept, clean and the girls half-dressed-up and wearing shoes, waiting for Rev Meadowcroft in the living room'.⁴¹

Another New Norcia resident, named Charles (Carlos) Ponan – the stepbrother of Benedict Cuper's wife, Mary Ellen (they shared the same European father) and whose ancestral country was near Bunbury, frequently worked with Cuper as a team, hunting and breaking in horses (*caballeros*), sinking wells, repairing fences and harvesting New Norcia landholdings, as well as operating their own farms.⁴² Ponan arrived at New Norcia in 1862. He was baptized that year with Cuper as his godfather. In 1869 he married Mary Lucy Bouyacan and they had seven children.⁴³ Under the Land Regulations of 1872 Crown land could be set aside for use by Aborigines, as a gazetted reserve. Small reserves were created as sites for mission schools. New Norcia received 29 acres in 1874 and Cuper and Ponan received land under this scheme.⁴⁴ However, Benedict also had a large field which he cleared and cultivated prior to this. In September 1869, as the mission community was expanding, Salvado decided to divide Benedict's field into three portions: 'the part from the road towards the river, which has the best soil, for Benedict; the part that goes to the mission, for Ponan; and the area that goes to the road towards the river and between the 2 fences, for Manop [Monap].'⁴⁵

In 1876, Salvado wrote in his *Diary* that Cuper and Ponan 'own their own farms of 100 acres each around New Norcia, and farm them under the supervision of a Brother. Last season I paid them £50 each for their harvest'.⁴⁶ Historian George Russo has described how, for the benefit of these farmers, Salvado established a 'rural bank to provide credit for their farms. They could buy sheep and cattle, which meant that they could become pastoralists in their own right, and with the experience gained at the mission they could settle themselves anywhere in Western Australia'.⁴⁷

By the 1880s New Norcia had achieved pastoral dominion in the Victoria Plains district, including several mission outposts, causing some settlers to state that Salvado had 'picked the eyes out of the country'.⁴⁸ In 1885, 967,000 acres were held by New Norcia. One reason given for holding such a big area was the need for funds to maintain their very large establishment of Aboriginal dependents at the mission. Another was the original aim of settling Aboriginal families on different blocks of land to be parcelled out to them for their exclusive use.⁴⁹

With a post and telegraph office run by Aboriginal residents (Sarah Minak took over as postmistress when Mary Ellen died), a court house, police office, a successful Aboriginal cricket team and an Aboriginal choir, New Norcia reflected Salvado's vision of a steady, stable Aboriginal village. In the 1880s New Norcia appeared to be flourishing. Governor



Figure 4.2 Donabut, Brother Domingo Binefa, Henry Indich and Geitel, 22 October 1867, New Norcia Archives, 040350PD

Broome's wife, Lady Broome, wrote about the outcome of Salvado's vision after spending a night at New Norcia in 1883: 'One saw the result of it all during the long, pleasant day spent in visiting schools and workshops, going into the neat, comfortable cottages, and finally sitting down to watch a capital game of cricket between the natives and

the lay Brothers'.⁵⁰ In 1884, Brother Romualdo Sala called New Norcia a 'town of Indigenous Aborigines', and he described the four streets of Aboriginal cottages, listing the names of the male heads of the family who occupied each of the 21 cottages.⁵¹

While agriculture was the main priority at New Norcia, reading, writing and religious instruction were also central to mission life. The Brothers encouraged letter writing and also urged Aboriginal residents to join petitions that the community was involved in.

In September 1864, 'the first natives', who had been sent from Bunbury to New Norcia by Fr Lecaille, wrote him a letter 'thanking him for his great charity towards them'.⁵² On Salvado's 62nd birthday in 1876, he was in Europe where he received three telegrams from New Norcia wishing him a happy birthday: 'one from the community, one from the natives and the third one from Benedict Cuper and his wife'.⁵³ Letters were sometimes written between New Norcia and the Aborigines who were living and working on the mission's outstations. James Cooper Nindimara, who was based on an outstation at Jibberding, wrote to Salvado in 1889 describing the 'troublesome' Aborigines who visited Jibberding, hoping for 'silavtion [salvation] for the poor sogles [souls]'.⁵⁴ This letter reveals a division between the Christian/non-Christian Aboriginal population, and the labouring/non-labouring population.



Figure 4.3 Aboriginal houses taken from the East, New Norcia Archives, W6-B5-5-020

Several Aboriginal people at New Norcia were signatories to a petition in 1865 that Father Garrido organized, requesting that Salvado remain the principal of New Norcia, rather than relocating to Subiaco.⁵⁵ It is hard to know if these Aboriginal petitioners signed the petition because Salvado was viewed as the leader integral to their land acquisition.

1900: structural changes

After 1890 many factors contributed to a change in the lifestyles of New Norcia's Aborigines. Following a sustained campaign led by the editor of the *West Australian*, Winthrop Hackett, to eliminate government support for Church Schools and Institutions, New Norcia now held total financial responsibility for the adult population at the mission. This reduced funding forced many families to leave New Norcia for outside employment.⁵⁶ Salvado expressed his disappointment about this in a statement to the Aborigines' Protection Board in 1893: 'It may be as well to add the following natives (six names of Aborigines and Half-castes) left this mission with their wives and children this year, intending to earn better weekly wages somewhere else, as one guinea per week to each married native is as much as the mission can afford to pay them.'⁵⁷ In February 1899 Cuper – who had married Matilda Murrichery in 1893 after the death of Mary Ellen – had moved to Wyening, an outpost of the mission. He agreed to make a tank at a rate of 1 shilling and 1 penny per cubic yard. All tools were to be supplied by Cuper.⁵⁸

The change of mission superintendent in 1900 following Salvado's death saw mission life become highly regulated under missionary control, and many residents were forced off the mission. Salvado's successor Abbot Fulgentius Torres has been identified by historians as the instigator of many changes at New Norcia, in particular with the turn away from a mission for Aboriginal people and towards the education of Catholic settler children, with the change of focus to a cloistered monastery. Katharine Massam has argued that these changes were not so much due to a reluctance to continue missionary endeavour but rather a desire to focus more firmly on monasticism.⁵⁹ Missionary effort moved to the Drysdale River Mission which opened in Napier Broome Bay on the Kimberley coast in 1908. Torres drastically reduced New Norcia's large landholdings to just 41,000 hectares by 1909.⁶⁰ This in turn reduced the need for shepherds and the mechanization of Australian agriculture further reduced the labour needs of New Norcia. In the 1880s there had been 21 Aboriginal cottages. These were demolished as New Norcia underwent major changes.

Bishop Torres 'encouraged monks and brothers at New Norcia to abandon their outdoor rural work and to lead a more refined and secluded life'.⁶¹ Peggy Brock has narrated a similar story at Poonindie: 'By the late 1860s the initial idealism of Hale [Poonindie's founder] and his graduates had dissipated ... and had been replaced by an institutional ethos of supervision and control'.⁶² Similarly, as we saw in Chapter 2, the Kulin residents at Coranderrk experienced a dramatically different structure to their daily life when the popular station manager at Coranderrk, John Green, was forced to leave.

In 1911, one Aboriginal resident at New Norcia, George Shaw, who was very vocal against the changes to mission life, wrote to the Aborigines Department, stating that the mission was 'no home for the native at all. They keep a few hands here to carry bricks because they are cheap but I can assure you that if you are sick they have no time for such a native'.⁶³

Despite, or perhaps because of these changes at New Norcia, in the early 1900s several Aboriginal farmers were granted land by the Crown. The government Land Regulations can also be understood as undoing part of the mission's previous success. While granting Aborigines land, the rigid requirements also created failures out of this scheme. As Haebich has argued: 'The conditions under which these blocks were granted created insurmountable financial difficulties for Aboriginal farmers and it was the system of land tenure and the conditions of occupancy ... which proved the major barrier to Aborigines succeeding on the land'.⁶⁴

Land regulations – Aboriginal farms

As Commissioner for Crown Lands, John Forrest ushered through a new set of land regulations through the Legislative Council, directed at finding a middle ground between pastoral tenants and the 'bold peasantry'.⁶⁵ Under the 1898 Land Act, up to 200 acres of land could be granted or leased to an Aboriginal on application, for the purpose of residence or cultivation. If certain improvements were not made within a specified period the occupant stood to lose the land, which could then be re-classified as Crown land. To ensure that the land was fully utilized, its transfer was made conditional on the holder carrying out certain improvements within a specified period.⁶⁶ The Lands Department followed the recommendation of the Commissioner for Crown Lands in 1895 that reserve holders be required to carry out improvements to their blocks or face having them reduced in size or cancelled. Reserve

holders were subject to the terms of occupancy for homestead blocks; within two years of taking up land they were required to erect a dwelling valued at £130 or have an equivalent area under crop; within five years they were to fence in a quarter of their block and within seven years the entire block was to be fenced.

Several Aboriginal people obtained land under these provisions. In 1906 twelve Aborigines applied to the Lands Department for farming blocks. As Haebich has written, 'most applied on their own initiative, while others were encouraged in their endeavours by missionaries, employers or well-meaning government officers. Most applicants were mature, married men with young families and considerable experience on the land'.⁶⁷ A large number of these applicants were men who had been educated at New Norcia who had some association with the land through ancestral connections or long-term residence in the areas in which the blocks were located.

The special provision for grants of land to Aborigines was first introduced in the 1887 Land Regulations. However, as Haebich has argued, in introducing this provision the government appears to have had no clear-cut policy on the role of Aborigines in land development. It certainly had no intention of granting Aborigines full ownership of these blocks. Forrest told the Legislative Council in 1886 that the clause was intended merely to allow the Governor to 'give away the land' and the Acting Attorney General, S. Burt, added in support of Forrest that 'a native could hardly be allowed to come under the transfer clause'.⁶⁸ The government most likely predicted that the clause would enable the development of Aboriginal farming settlements supported by missionary agents in a similar context to New Norcia. The government would have had some awareness of the 'success of the Aboriginal farming settlements, Coranderrk and Cumeroogunga'.⁶⁹

The Lands Department and Chief Protector of Aborigines correspondence files contain examples of a pessimistic attitude to Aboriginal farming that was present in the community at this time. For example, A. R. Richardson, Commissioner of Crown Lands, wrote to the Under Secretary for Lands in 1896 when he had made the decision to cancel the reserve of an Aboriginal farmer in Katanning. 'I consider it quite useless and never likely to succeed,' he wrote, 'this idea of natives or even half-castes settling or cultivating the Reserves – "it is not in them"'.⁷⁰ There was an expectation that Aborigines would fail to make sufficient improvements, continuing a long-held belief that Aboriginal people were not capable of settling and cultivating the land. When Paul Piramino, from New Norcia, applied to the Aborigines Department in

1905 to obtain a saw to use when working on his land, the Protector sent an inspector to report on the improvements Piramino had made, and afterwards concluded: 'It is as I thought – Piramino will never do much work either on his own land or anyone else's. Do not send the saw'.⁷¹

Luke Mourdey, Benedict Cuper, Charles Ponan, Paul Narrier and Paul Piramino were some of the Aboriginal individuals who had land at or near New Norcia as part of these land regulations. However, lack of capital, together with the need to support their family, meant that these men had to find work to supplement their income and sometimes struggled to keep up the improvements on their farms. When their leases were cancelled they were faced with a second wave of dispossession, but they fought, sometimes successfully, to retain access to and ownership of their land. Having been removed from their traditional country decades earlier and relocated to a new country, these stories of Aboriginal farmers facing a re-dispossession are similar to the struggles for land that took place at Coranderrk Aboriginal Station. Both New Norcia and Coranderrk reveal rare examples of bureaucratic decisions against Aboriginal people being revoked due to Aboriginal and humanitarian protest.

The protests by New Norcia residents were conducted in a mode which they had developed alongside the Benedictine Brothers, and reveal the Aborigines' strong convictions of *kuoba* and *winda*; right and wrong. Richard Broome has argued persuasively that at Coranderrk the Aboriginal residents acted on their belief of what he has termed *right behaviour*. 'Their relationship to the natural world was governed by rich protocols and taboos and social relations were highly ritualised ...'⁷² Aboriginal people 'had laws and customary understandings about correct conduct, expressed particularly in the idioms of kinship and reciprocity'. The Kulin, Broome argues, acted on these beliefs, particularly 'with regard to issues of management and rationing'.⁷³

Aboriginal people's rights and entitlements at New Norcia were expressed in writing as early as 1861 when a group of 18 Aboriginal residents signed a petition complaining that one of the Brothers at the mission had shot one of their dogs. This group knew what they were legally entitled to: 'the Government allow us natives onley one Dog to each native'. They reported the story of their dog being shot by one of the Brothers: 'now last night your, Revs some of the Brothers shoot one of the natives Dogs through the Hart and we all things that is not good enough for us all'. This group stated their idea of what would be considered fair and just:

we all natives whould have nothing to say to you you, Rev. F. Betteran
if the Brother that shoot the Dog at time when the Dog pat the sheep

down on the ground and trying to kill the sheep it is his plaice to shoot the Dog because the Dog trye to kill the sheep ... we all natives things that is a rong thing to too us poor natives some of us have got large famley and I say again that to have one Dog each marriage men withe large famley it is a good healp to us at Sundays to go out to get kangaroo or some other things in the Bush. we say again the Brother that Shoot the Dog last night your, Revn.s we all thing he tone a bat thing thire was no sheep in the field and the Dog whent to have a swim and the River Brother shoot it and kill it.

The letter ended with the statement: 'We all natives hav Nomore to say tou your Revens and we all remain your Faithful Servends.'⁷⁴ The first signature was Paul Piramino. Mary Ellen Cuper was also one of the signatories.

Other written protests concerned rations and blankets. Felix Jackimara and George Shaw, for example, both believed they were entitled to more than they were receiving and in 1911 wrote to the Chief Protector asking for more flour and rugs.⁷⁵ These were important moral statements for right treatment.

In May 1907 three reserves which had been set aside for use by Aborigines were cancelled and opened for public selection, as it was thought that insufficient improvements could be shown on them. One of these blocks belonged to Charles Ponan at Catabody in Wyening. Haebich has suggested that adjoining white farmers reported Ponan's lack of cultivation to the Lands Department in order to 'gain possession' of Ponan's land themselves.⁷⁶ Ponan protested to the acting Chief Protector of Aborigines, E. Pechelle, with the help of a neighbour who transcribed a letter for him. He argued that if he was moved off his land the government ought to pay him compensation for the improvements he had made to his country: 'I think it is not a fair thing to have me shifted out of my best ground and what labour I done in it. I hope you will see into this for me ... I am in my ground, I will not shift from what labour I have done in it until I hear from your reply.'⁷⁷ Ponan described how he had 'ringed 20 acres and cleared 10 acres and got a little ½ acre garden, sunk a tank three feet deep and two yards wide'.⁷⁸ His letter persuaded the Protector, and in November 1907 his block of land was again classified as a reserve for use by an Aboriginal, and he remained there. Ponan had the determination to object to the Protector about his land being taken away, and stressed his desire to retain it, fighting for what he considered to be rightfully his.

The idea of payment for the labour Ponan had done on his country had its seeds in the structure of labour and wages that Salvado set up at New

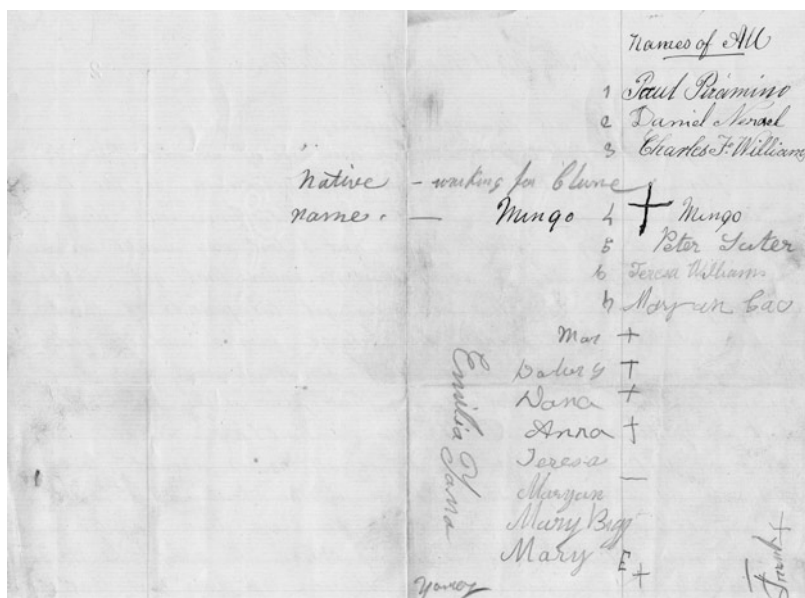


Figure 4.4 Letter from Aborigines to Reverend Fr Bertran, 1861, New Norcia Archives, ACC2234A-16-163

Norcia, where: 'to have Aboriginal men working without recompense or reward would make them feel the burden of civilisation without its advantages ... Properly instructed the aboriginal acquires a just idea of both the value of money and property, and diligently studies thenceforth how we may better his condition'.⁷⁹

Some Aborigines, such as Luke Mourdey and Benedict Cuper, applied to the Aborigines Department for assistance with farming equipment (tools, fencing wire and corrugated iron) in developing their farms. Both received some capital assistance after a period of protracted negotiations during which time Mourdey was nearly impoverished. Often these negotiations with the Aborigines Department were made with the help of neighbouring settlers or missionaries at New Norcia.

Cuper had a block at Wyening and by 1905 had 15 acres under crop, 50 cleared and ready for ploughing and posts ready for 100 chains of fencing. On 29 November 1905, Cuper's local Member of Parliament, G. W. Gardiner, wrote a letter to Henry Prinsep, Chief Protector of Aborigines. Gardiner described Cuper's productivity: 'I noticed he has a good deal of improvement done – there are a good deal of posts in the ground ready for the wire – I know him to be a steady hard

working man and he ought to be encouraged.⁸⁰ Henry Prinsep wrote to E. Pechelle on 1 December 1905 stating that he had spoken to Gardiner and received a letter from H. W. Phillips, a neighbour of Cuper's also supporting Cuper, and that Cuper was 'well worthy of encouragement as he was a well conducted industrious man living on a block of land obtained from the Lands Department under their Regulations as an aboriginal'. Prinsep added that 'the man himself subsequently came to see me'.⁸¹ In his presentation to the authorities for assistance, Cuper not only wrote letters himself, he gathered a small network of powerful figures to speak on his behalf: New Norcia mission authorities, a white neighbour and his local Member of Parliament. With the help of this network, combined with Cuper's success on the land and his reputation as a *steady* and industrious man, he was a challenge to the expectation that some settlers had of Indigenous capabilities and achievement.

The department agreed to supply his wire. On 30 December 1905 Cuper wrote to Prinsep thanking him for the wire. In this letter Cuper also reveals that he, perhaps, knew Prinsep well: he asked after Rose and Charles 'wishing them luck at school' and reminds Prinsep 'you promas me that potto' of his family.⁸² However, Cuper was not always successful in his applications to government. In 1914 his application for the old age pension was rejected because he came under the 1905 Aborigines Act. This created financial difficulty and he lost his land soon after.⁸³

Luke Mourdey was granted land in 1903 but it was also cancelled and then returned to him following his written objections to the authorities.⁸⁴ It is worth considering the ways in which Aboriginal farmers portrayed themselves in their letters to authority. Both Mourdey and Cuper changed their surnames when writing to authorities. 'Luke Mourdey' was almost certainly an alias for Lucas Murrichery, Benedict Cuper's stepson. In all of Cuper's correspondence and contracts about his land he signed as 'Cooper'. Lucas Murrichery adopted the more English name of Luke Mourdy (also written as Moody). It is difficult to know why Cuper and Murrichery did this. It could be understood as a strategic attempt to appear less 'Aboriginal' to the authorities, emphasizing their farming identity over their Aboriginal one as a way of affecting change. Interestingly, in correspondence in May 1898 between Fr Dominguez and Salvado, Salvado expressed concern about Cuper's use of 'Cooper' when he signed a legal document. Salvado 'got upset at seeing that Cuper has signed as "Cooper" (an English surname) because the Document and his marriage certificate are under "Cuper" (his Australian name) a fact that could invalidate the document'.⁸⁵ Salvado urged Dominguez to make 'Cuper sign several times as Cuper

so that ... he won't make the same mistake'.⁸⁶ Salvado was clear about his encouragement of the 'Australians' to take a baptismal name as well as keeping their Indigenous surname when they came to New Norcia.

While the Aboriginal 'rebellion' at Coranderrk has been well documented by historians, the instances of political traction at New Norcia, while less publicly voiced than those of Coranderrk, also reveal Aboriginal individuals identifying and claiming their rights that they believed they were entitled to. The narrative of Salvado's missionary 'success' and his enlightened approach to 'civilizing' the Aboriginal people who came to New Norcia has overshadowed the story of the political agitations of some of the mission residents in the early 1900s. As this chapter has discussed, Aboriginal people's expectations, ideas of entitlement and land rights can be tracked through the New Norcia archives, in their petitions, letters and actions, and in the way they identified themselves.⁸⁷

Notes

1. V. Garrido (1871) 'Letter from Rev V. Garrido to Colonial Secretary, Western Australia, 21 December 1867', in *Information Respecting the Habits and Customs of the Aboriginal Inhabitants of Western Australia, compiled from various sources*, Perth, Government Printer, ordered by the council to be printed, 16 January 1871, Council, Western Australia, 1870–1871 and 1872, A.8 (State Records Office of Western Australia), p. 15.
2. E. Elbourne (2005) 'Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: the Politics of Knowledge', in P. Buckner and R. D. Francis (eds), *Rediscovering the British World* (Calgary: University of Calgary Press), p. 63.
3. E. Elbourne, 'Indigenous Peoples and Imperial Networks', p. 61, quoted in T. Rowse (2012) 'The Identity of Indigenous Political Thought', in T. Rowse and L. Ford (eds), *Between Indigenous and Settler Governance* (Hoboken: Taylor and Francis), p. 96.
4. D. E. Barwick (1998) *Rebellion at Coranderrk*, Laura E. Barwick and Richard E. Barwick (eds) (Canberra: Aboriginal History monograph); R. Broome (2006) '"There Were Vegetables Every Year Mr Green Was Here": Right Behaviour and the Struggle for Autonomy at Coranderrk Aboriginal Reserve', *History Australia*, 3 (2), pp. 43.1–43.16.
5. A. Haebich (1988) *For Their Own Good: Aborigines and Government in the South West of Western Australia, 1900–1940* (Perth: University of Western Australia Press).
6. For other examples of indigenous people utilizing literacy and colonial modes of expression to voice their rights and concerns, see A. Curthoys and J. Mitchell (2011) '"Bring this Paper to the Good Governor": Aboriginal Petitions in Australian Colonies', in S. Belmessous (ed.), *Native Claims: Indigenous Law Against Empire, 1500–1920* (Oxford: Oxford University Press),

- pp. 182–204; T. Banivanuar Mar (2013) 'Imperial Literacy and Indigenous Rights: Tracing Transoceanic Circuits of a Modern Discourse', *Aboriginal History*, 37; R. de Costa (2006) *A Higher Authority: Indigenous Transnationalism and Australia* (Sydney: University of New South Wales Press).
7. J. Mitchell (2011) *In Good Faith: Governing Indigenous Australia through God, Charity and Empire, 1825–55* (Canberra: ANU E Press), p. 96.
 8. 'Letter from Salvado (New Norcia) to Garrido (Caltura), 27 December 1858', NNA Correspondence 2-2234A/13.125, translated from the Spanish by Teresa de Castro.
 9. H. Reynolds (1990) *With the White People* (Melbourne: Penguin), p. 90.
 10. For a discussion on this issue in the Swan River Colony, and the agitation for acknowledgement of Aboriginal land proprietary in the 1830s–40s, see A. Hunter (2012), *A Different Kind of 'Subject': Colonial Law in Aboriginal–European Relations in Nineteenth Century Western Australia 1829–61* (North Melbourne: Australian Scholarly Publishing), especially Chapter 8.
 11. J. Green to Commissioners, 21 May 1877, *Royal Commission on the Aborigines of Victoria: Report of the Commissioners* (Melbourne: Government Printer), p. 83. See Joanna Cruickshank's work for examples of how humanitarian concerns about marriage were central to debates about civilization in the early to mid 19th century: J. Cruickshank (2008), "'To Exercise a Beneficial Influence over a Man': Marriage, Gender and the Native Institutions in early Colonial Australia', in A. Barry, J. Cruickshank, A. Brown-May and P. Grimshaw (eds), *Evangelists of Empire?: Missionaries in Colonial History* (Melbourne: University of Melbourne eScholarship Research Centre). Available at: <http://msp.esrc.unimelb.edu.au/shs/missions> (accessed 3 December 2013).
 12. E. J. Storman (1977) *The Salvado Memoirs: Historical Memoirs of Australia and Particularly of the Benedictine Mission of New Norcia and of the Habits and Customs of the Australian Natives by Rosendo Salvado, 1851*, translated and edited by E. J. Storman (Perth: University of Western Australia Press).
 13. Letter from Garrido (New Norcia) to Salvado (Perth), 24 February 1862, Correspondence in Spanish, 2-2234A/17.053, NNA, translated by Teresa de Castro.
 14. Letter from R. Sala: 'Five weddings were celebrated a short while ago for recently-converted Aborigines. A new well-furnished cottage was given to each couple', in *El Misionero Romualdo. Un Vivo Recuerdo que a los Hermanos, Parientes, Amigos y Conocidos les Dedicamos un Amante de su Familia* (Palma de Mallorca), translated and cited by D. Barry (2005), 'A Mallorcan in New Norcia: Missionary Brother Romualdo Sala', *New Norcia Studies*, September, p. 13.
 15. R. Salvado to Colonial Secretary, 10 August 1864, NNA, 174 2-2234A/19.174. The subsequent legal document is located in NNA, 202, 2-2234A/19.202.
 16. J. Mitchell (2004) "'Country Belonging to Me": Land and Labour on Aboriginal Missions and Protectorate Stations, 1830–1850, *ERAS Journal*, edition 6, November. Available at: <http://artsonline.monash.edu.au/eras> (accessed 5 December 2013).
 17. V. Garrido to Colonial Secretary, *Information Respecting the Habits and Customs of the Aboriginal Inhabitants*, p. 16.
 18. Mitchell, "'Country Belonging to Me'", p. 5.
 19. Letter from R. Salvado to S. Salvado, 12 May 1856, Correspondence, NNA ACC 202234A/11.062.

20. V. Garrido to Colonial Secretary, *Information Respecting the Habits and Customs of the Aboriginal Inhabitants*, p. 16.
21. Letter from Martelli (Toodyay Village) to R. Salvado (Fremantle), 23 June 1856, Correspondence, NNA ACC 2-2234A/11.081.
22. Letter from R. Salvado to V. Garrido, 25 June 1858, Correspondence, NNA ACC MF12 41.07.
23. Letter from R. Salvado to V. Garrido, 25 June 1858, Correspondence, NNA ACC MF12 41.07.
24. Letter from Archbishop Polding (Sydney) to Salvado (New Norcia), 21 August 1863, Correspondence, NNA 2-2234A/18.108.
25. Letter from Corrons to R. Salvado, 27 January 1862, Correspondence, NNA 2-2234A/17.021.
26. M. Eagle (2002) 'Monop of New Norcia and the Victoria Plains', *New Norcia Studies*, 10, p. 50. Eagle has written that Aborigines who specialized in detecting water were sent to make wells for the mission.
27. Letter from V. Garrido to Colonial Secretary, *Information Respecting the Habits and Customs of the Aboriginal Inhabitants*, p. 12.
28. Storman, *Memoirs*, Chapter 10.
29. R. Salvado to Colonial Secretary, 18 April 1860, quoted in G. Russo (1977), *Lord Abbott of the Wilderness: The Life and Times of Bishop Salvado* (Melbourne: Polding Press), p. 154. The tillage lease was granted on 28 May 1860.
30. N. Green and L. Tilbrook (eds) (1989) *Aborigines of New Norcia, 1845–1914: The Bicentennial Dictionary of Western Australians. Volume VII* (Perth: University of Western Australia Press), p. xviii.
31. A. Haebich, (2009) 'Unpacking Stories from the New Norcia Photographic Collection', *New Norcia Studies*, 17, p. 57.
32. Haebich, 'Unpacking Stories', 59.
33. Letter from V. Garrido to R. Salvado, 21 April 1867, quoted in G. Russo, *Lord Abbot of the Wilderness*, p. 155.
34. R. Sala, 'Letter Six', 16 October 1867, *El Misionero Romualdo*. translated and cited by Barry, 'A Mallorcan in New Norcia', p. 45.
35. Letter from V. Garrido to Colonial Secretary, *Information Respecting the Habits and Customs of the Aboriginal Inhabitants*, p. 17.
36. Green and Tilbrook, *Aborigines of New Norcia*, pp. 33–4.
37. *Ibid.*, p. 34.
38. *Ibid.*
39. *Perth Gazette*, 11 April 1862, p. 4.
40. *Ibid.*
41. Letter from S. Salvado (New Norcia) to R. Salvado (Perth), 15 February 1873, in Spanish and English, NNA 2-2234A/28.23, translated from the Spanish by Teresa de Castro.
42. Examples litter the correspondence between Fr Santos Salvado and Rosendo Salvado in 1876–9; Salvado, List of 'caballeros', 31 December 1876, ACC 2-2234A/file 31.163, translated from Spanish by Teresa de Castro.
43. Green and Tilbrook, *Aborigines of New Norcia*, p. 119.
44. L. Tilbrook (1983) *Nyungar Tradition: Glimpses of Aborigines of South-West Australia, 1829–1914* (Perth: University of Western Australia Press), pp. 28–9.
45. Letter from R. Salvado (Rome) to V. Garrido (New Norcia), 21 September 1869, 2-2234A/24.190 NNA, Spanish and Latin.

46. Salvado, *Diary*, 29 March 1876, quoted in Russo, *Lord Abbott of the Wilderness*, p. 212.
47. Russo, *Lord Abbott of the Wilderness*, p. 212.
48. R. Erickson, (1971), *The Victoria Plains* (Osborne Park: Lamb Patterson), p. 49.
49. *Ibid.*, p. 54
50. A. Hasluck (ed.) (1963) *Remembered with Affection: A New Edition of Lady Broome's 'Letters to Guy', with Notes and a Short Life* (Melbourne: Oxford University Press), Letter IX, p. 72.
51. R. Sala, Letter 18, 2 May 1884, *El Misionero Romualdo*, translated and cited by Barry, 'A Mallorcan in New Norcia', pp. 48–9.
52. The letter is mentioned in Letter from Salvado to Lecaille, 22 September 1864, NNA ACC 205, 2-2234A/19.205.
53. Salvado *Diaries*, vol. 2, 1 March 1876, translated from the Spanish by Gustavo Geuna. NNA.
54. Letter from James Cooper Nindimara to Salvado, 22 August 1889, NNA ACC 2-2234A/44.91.
55. Letter from V. Garrido (New Norcia) to Salvado (Rome), 8 March 1865, NNA ACC 57, 2-2234A/20.057.
56. Green and Tilbrook, *Aborigines of New Norcia*, pp. xviii–xix.
57. 'Statement Concerning the Natives (Aborigines and Half-caste) at the Benedictine Mission of New Norcia, on the 31st December 1893', *Correspondence Relating to the Proposed Abolition of the Aborigines Protection Board of Western Australia*, British Parliamentary Papers, C. 8350, Document F. State Records Office of Western Australia.
58. Green and Tilbrook, *Aborigines of New Norcia*, p. 34. In 1898 Cuper, aged 50 years, was listed as living with Matilda and her children Lucas, Rosendo and Rose Murrichery in house 4, row 1 at New Norcia, before moving to Wyening the following year.
59. K. Massam, (2012) 'Cloistering the Mission: Abbot Torres and Changes at New Norcia 1900–1910', *Australasian Catholic Record*, 89 (1), p. 14.
60. Green and Tilbrook, *Aborigines of New Norcia*, p. xix.
61. Haebich, *For Their Own Good*, pp. 16–17.
62. P. Brock (2000) 'Mission Encounters in the Colonial World: British Columbia and South-west Australia', *Journal of Religious History*, 24 (2), pp. 170–1.
63. 'Letter from George Shaw to Aborigines Department', AF 473/1911, quoted in Haebich, *For Their Own Good*, p. 19.
64. Haebich, *For Their Own Good*, p. 30
65. Erikson, *The Victoria Plains*, p. 65.
66. Haebich, *For Their Own Good*, p. 11.
67. *Ibid.*, p. 28.
68. Quoted in Haebich, *For Their Own Good*, pp. 28–9; for the debate see Western Australian Parliamentary Debates 11, 1886: 246, State Records Office of Western Australia.
69. Haebich, *For Their Own Good*, p. 29.
70. A. R. Richardson to Under Secretary for Lands, 26 October 1896, 1896/5926, SRO WA. Alex Richardson was a Pilbara squatter who would have had little experience of New Norcia. He probably formed his opinions about Aboriginal incapacity during his experiences of the remote Pilbara frontier.
71. Chief Protector of Aborigines, 21 January 1905, Cons 652, SRO WA.

72. Broome "‘There Were Vegetables Every Year Mr Green was Here’: Right Behaviour and the Struggle for Autonomy at Coranderrk Aboriginal Reserve', *History Australia*, 3 (2), p. 43.1.
73. *Ibid.*, p. 43.2.
74. Letter from several Aborigines to Rev Bertran, undated 1861, NNA ACC 2224A/16.163.
75. Letter from George Shaw to Mr Gale, 27 April 1911, Cons 652 1911/473, SRO WA; Letter from Felix Jackimara to Mr Gale, 27 April 1911, Cons 652, 1911/473, SRO WA.
76. Haebich, *For Their Own Good*, p. 32.
77. Letter to E. Pechell, acting Chief Protector of Aborigines, from Charles Ponan, Catabody, Monday 26 [August] 1907, ADF 1907, 357, SRO WA.
78. *Ibid.*
79. Storman, *The Salvado Memoirs*, Chapter 10.
80. Letter from G. W. Gardiner to H. Prinsep, 29 November 1905, Cons 255, 1907/726 SRO WA.
81. Letter from Prinsep to E. Pechelle, 1/12/1905, Cons 255, 1907/726 SRO WA.
82. Letter from Benedict Cuper to Henry Prinsep, Cons 255, 1907/726 SRO WA.
83. Haebich, *For Their Own Good*, p. 32.
84. *Ibid.*, p. 384
85. Letter from Salvado (Perth) to Dominguez (New Norcia), 19 May 1898, NNA ACC 2-2234A/53.97
86. *Ibid.*
87. The changes brought about by Torres and his successor, Dom Catalan (1916–51), focused on monastic life and increased engagements with the local settler community. New Norcia's Aboriginal Schools closed in 1971 and formal secondary education ceased with the closure of New Norcia's Catholic College in 1991. Today the town operates as a site for spiritual retreats, a tourist attraction and the Education Centre offers school programs including Aboriginal studies. In 2008 a restoration project began and the last remaining Aboriginal cottage – which had been used as a public toilet since the 1950s – was restored.

5

The Possession and Dispossession of the Kat River Settlement¹

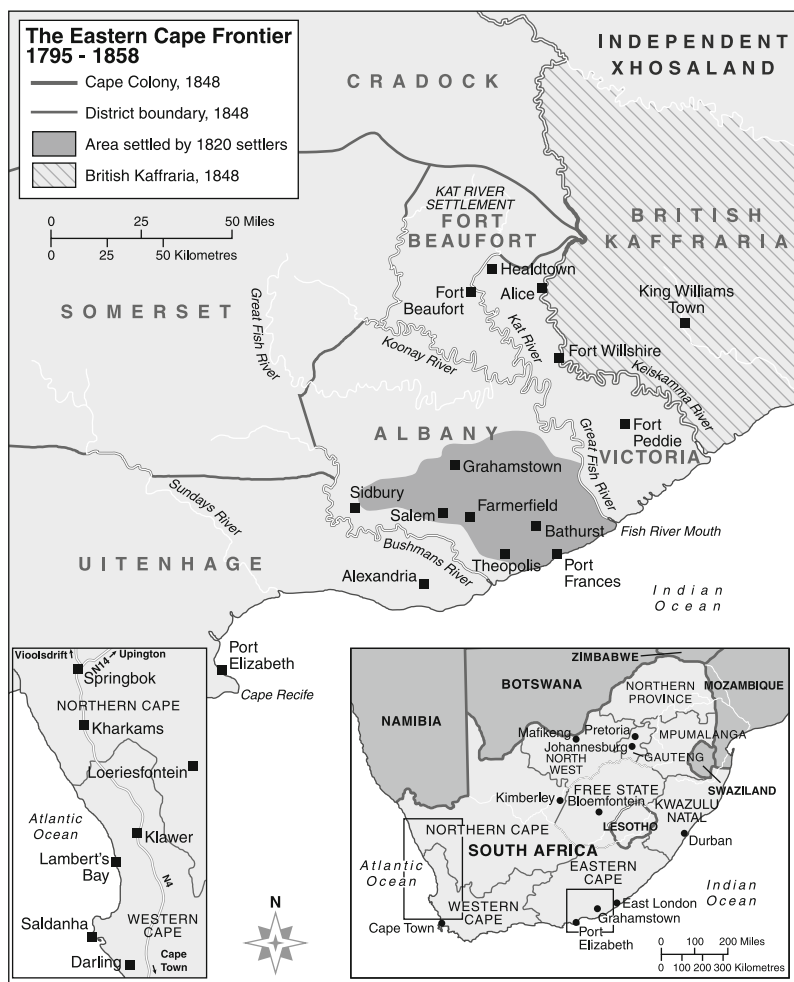
Robert Ross

Indigeneity in South Africa is a complicated question. While it is clear that those of European descent, or to be more precise, those who under the apartheid system were classified as whites, are not thought of as indigenous, in practice the label has been restricted to those who can make a plausible claim to at least partial descent from the Khoesan populations even if, as is now generally the case, the only languages they speak are Germanic in origin, as well perhaps as isiXhosa. But even this is problematic. The way of life, and in all probability the language, that was observed by the first European visitors to the Cape, and is now known as Khoekhoe, was at that stage, in the sixteenth century, a relatively recent introduction into what is now South Africa. Just as around the beginning of the Common Era there were, to all extents and purposes, no Bantu-speakers or proponents of the agro-pastoralist lifestyle associated with them, so there were no Khoekhoe pastoralists in the region. The space which was to become South Africa was still exclusively populated by hunter-gatherers, presumably speaking one or more of the non-Khoe Khoesan languages.² In various parts of the country, groups following a hunter-gatherer lifestyle, and speaking a San language, survived till late in the nineteenth century. Much more generally, though, the pre-Bantu and pre-Khoekhoe population of South Africa was absorbed into the society of their agricultural and pastoralist successors.

In addition to this, by the eighteenth century, and undoubtedly much earlier, the borderline between the Khoekhoe pastoralists of the winter rain areas of Western South Africa and the Bantu-speaking agro-pastoralists of the areas in the east which receive rain in summer was extremely permeable.³ Individuals and whole communities, such as the amaGqunukwebe and the remnants of the Inqua,⁴ could move in both directions, though more often from west to east, as their particular circumstances dictated. On the border between the two areas biculturalism and bilingualism were

common. A man like Willem Brass, aka Coto, known as a Khoe inhabitant of the Cape Colony, could have a full brother who was an umXhosa, a relationship which was most beneficial to their alleged cattle-rustling operations in both directions across the frontier.⁵

It is in this context, among others, that the history of the Kat River Settlement (see Map 5.1) has to be placed. The Kat River valley is just to



the west of the invisible ecological boundary which runs through South Africa dividing the regions where the summer rain crops of sorghum, millet, beans and maize can be grown with some degree of certainty, from those regions where they cannot. The first description that there is of the area, probably in the 1780s, has it as a place where hippopotami could be hunted,⁶ though at this stage the valley was also being used for seasonal grazing by both amaXhosa and Khoekhoe.⁷ At about this time, a number of Xhosa chiefs, particularly those led by Rharhabe, were moving westward, from the Mthatha River in the modern Transkei, to the lands of the upper Kei and Upper Fish river valleys.⁸ Eventually, Rharhabe's grandson Ngqika came to dominate the western borders of Xhosaland from the Tyhume valley, and his son Maqoma moved into the Kat River valley in the early 1820s.⁹

Maqoma's move into the Kat River valley with a very substantial following was not treated favourably by the leading figures of the Cape Colony who had, after the Battle of Grahamstown in 1819, declared the area to be 'Neutral Territory'. In other words, in theory it was not to be occupied at all, and in practice not to be occupied by anyone except those favoured by the Colonial regime. In particular Andries Stockenström, who was at this stage Commissioner-General of the Eastern Province (and who owned a large farm in the next valley west of the Kat) objected to Maqoma's settlement. The desire to have Maqoma ejected was considerable. The British thus seized upon the first available excuse to clear the valley of the amaXhosa. Maqoma's attack on a group of the abaThembu, across the mountains in the upper Kei valley, was sufficient grounds for the British to send in the army and expel him and his followers from the Kat River. Maqoma, forced to settle temporarily in the Tyhume, was to do all he could to return.¹⁰

After the expulsion of the amaXhosa, the British decided to settle the upper Kei valley with Khoekhoe families. There were a number of reasons for this. The most creditable was the desire on the part of some of the leading colonists, including Stockenström, to provide some land for the Khoekhoe. This was thought necessary because, in 1828, the Cape Government had promulgated a piece of legislation known as Ordinance 50, which abolished any form of legal discrimination on the basis of race within the colony, a measure aimed specifically at the Khoekhoe. The Kat River Settlement was thus seen, in a small way, as contributing to the emancipation of the Khoekhoe, who had previously been significantly oppressed.

There were of course other motives which were much more cynical. The settlement was to form a 'breastwork' against subsequent Xhosa attacks

on the Colony.¹¹ In order to fulfil this function, there had to be a fair density of population in the valley, much greater than that which British or Dutch settlers, used to their very extensive farms, would be prepared to accept. Khoekhoe, without the option of obtaining more substantial estates, would be content with what were in South African terms small-holdings. Thus the Kat River valley could hold some 400 families in a space somewhat smaller than that of the Koonap field cornetcy¹² across the mountains to the west, which had no more than 47 farms.¹³

The Kat River Settlement's role as a breastwork against Xhosa invasion was only too necessary. In both Hints's war of 1835–6 and in the War of the Axe a decade later, the settlement bore the brunt of Xhosa attacks on the colony. Initially, the amaXhosa attempted to split the ranks on the colonial side both by spreading rumours of Khoekhoe defection and by refraining from destroying the homesteads and crops of the Kat River Settlers. It soon became apparent that in both wars this tactic would not succeed, with the result that on both occasions much of the work that the settlers had done, in building houses, bringing fields into cultivation, digging irrigation ditches and planting fruit trees, was laid waste. It took time and effort to build the settlement up again. After 1836 the valley was brought back into much the same state as it had been before the war, at least for a few years before the War of the Axe broke out. After 1847, in contrast, the Settlement had not recovered before the disasters of Mlangeni's war, which began around Christmas 1850 and lasted for three years. This was to lead to the rebellion of a proportion, about a third, of the Kat River Khoekhoe, and to the destruction of the Settlement.

Before that, though, the Kat River Khoekhoe had managed to establish a very particular community, in at least three ways. The most basic came through the taming of the landscape. The Khoekhoe had the reputation of not being an agricultural people, and indeed before the coming of the Europeans they had not grown any crops, except for marijuana. However in the Kat River valley, when presented with opportunities to grow crops which were suited to the climate, and more importantly with the tools to dig the irrigation ditches, they proceeded to bring several hundred hectares – in total probably around two square kilometres – of land into intensive, irrigated cultivation. This of course was much more costly, in terms of energy, than the combination of cattle and sheep herding with gathering and hunting which they had practised in the past. However, in the new conditions of the colony, this was no longer an option. The only way in which the Khoekhoe could acquire access to land, and thus achieve a degree of independence and escape the thralldom of colonial farms, was through the establishment of the smallholdings of the Kat River.

The signs of how they did it are still there. There were something like 150 to 200 kilometres of irrigation channels in the valley. None of them have run uninterruptedly, but some have been brought back into use to provide water for the crops, and the houses, of the valley's current inhabitants. All the same, the ditches which were used are still in the landscape. They allow the reconstruction of the sometimes ingenious ways in which water was brought to irrigate the valley bottoms. It was a remarkable if simple and relatively unsophisticated form of irrigation. It allowed the cultivation of considerable quantities of cereals, and also potatoes and fruit, not just for the consumption of the Kat River people themselves, but also for sale on the markets of the Eastern Cape. Many of the Kat River Khoekhoe were becoming relatively prosperous and respectable peasants, also indeed with their own wagons to transport their crops to, most notably, Fort Beaufort and Grahamstown. It gave them a considerable visibility in these towns full of English colonialists.

Secondly, the inhabitants of the valley developed, or at least articulated, a very specific form of consciousness. Above all, those of the Kat River Settlers who were associated with the London Missionary Society, its church at Philipton and its first two pastors, the redoubtable James Read Sr and his son of the same name, worked out what can only be described as a political theology. During the 1830s, the inhabitants of the Kat River Settlement began to systematize what has been described as 'Hottentot Nationalism'.¹⁴ The prime features of this set of ideologies were, first, the use of personal testimony to explicate the horrors which the Khoekhoe of the Eastern Cape had undergone before the establishment of the effective British rule in the area – and indeed in the time thereafter, if to a lesser extent. Secondly, there was the absolute assumption of the equality of all believers, and the conviction that the character of the Lord was 'known to be inimical to injustice', as one of the most famous expressions of Kat River ideology had it.¹⁵ Thirdly, the discipline of the church allowed many of its adherents to escape from the horrors of alcoholism and personal collapse that were all too common among the deracinated Khoekhoe who worked on the colonial farms, or lived on the margins of the Cape's towns.

This set of ideologies was first enunciated in any detail during the agitation against the introduction of a Vagrancy Act into the Cape Colony in 1834. The Khoekhoe were afraid that such a measure would make them vulnerable to summary arrest and conviction to forced labour if ever they were travelling away from their home base. They had reason to suspect that the white farmers of the Eastern Cape would do all they could to constrain the freedom of movement of the Khoekhoe

and to reduce them to a state of total dependence on the landowners. It not only those who might attempt to maintain some semblance of a forager, or indeed pastoralist, existence, who felt themselves at risk. Also, those who had become agriculturalists and who had to travel to take their crops to market felt that they were under threat. In this, their worries were enhanced by the fact that they did not trust the impartiality of the British officials, or of the Dutch Field Cornets, a judgement for which there considerable support in terms of the history of the Khoekhoe before the passing of Ordinance 50.¹⁶

In the course of this agitation, there was a meeting in the church of Philipton to discuss motions protesting against the proposed Act. The Khoekhoe who were there first described their lives before they came to the Kat River. Cobus Dirk's experience was typical:

I was once in the service of a baas, who threw me from the rocks, into the 'Zeekoei' [hippopotamus] pool, but having swam out I was laid hold of and my head trampled into the joints of the rocks quite fast, but getting loose I was again laid hold of, and my head thrust into a bee's nest for some time. I had to run away and leave all my mother's sheep which she had served for when living, to the number of several hundreds, on his land which was what my baas wanted.¹⁷

Others had very similar stories. Redemption came in two ways. First through the mission, as the Khoekhoe commented that they had been 'without morals, without Bibles, without any knowledge of the white man's God', but now had Bibles and knew of 'the Supreme Being'. Secondly, and in this context surprisingly more extensively, it was the passing of Ordinance 50 which gave the Khoekhoe security. As Andries Stoffels commented, only when the Ordinance was passed

... did we first taste freedom ... that other men eat so sweet – we rejoiced at the very word Freedom and Free Labour even before it was mingled with Water & Land it is 20 times sweeter than forced labour – It was after this 50th Ordinance that we began to buy more clothes for ourselves and our Wives.¹⁸

Andries Hatha described what he expected would occur:

Suppose I have cultivated my ground and sold 10 muids of my barley at Rds.6 per muid, with which I have paid for 3 oxen that I bought, yet I journey to see my friends at Algoa Bay, but have on a ragged

jacket, and the Veld-cornet meets me on the way, and inquires from where and whereto I am going. I inform him of all, but he looks on my ragged jacket, and asks if I have any proof upon me. Upon which having no proof upon me, he seizes me and brings me before the Magistrate, who also gives me into the hands of a Baas, who pays the prison expenses for me. Thus although I am really [sic] a free person, yet I am dealt with as a slave. But suppose I will not go into a Baas's service, as I know I have a wife and children here, then will the Magistrate order me to be flogged, or sent in chains with the Convicts to the public works; and when my time is served out I return on my way to the Kat-river, but am again laid hold of and brought before the Magistrate at Graham's Town and must undergo the same there, so that after being thus flogged and chained I lose my health and ultimately die of a decline. Now, who is the cause of my death? Is it not the Vagrant Law? And again my friends, think what the proposed Act says. It says that it is not in the option of the Veld commandants, Veld-cornets, or Provisional Veld-cornets to lay hold of me or not; but that they must lay hold of me if any of them just suspect that I do not live honestly. Now many thousand suspicions are ill grounded in the world, and why not the Veld-commandants, &c. Besides, what will be judge [sic] to be 'honest means?' for it is not left to me to judge that.

The agitation against the Vagrancy legislation was successful. The British government in London, at that stage still under the influence of the Evangelicals, declared that the measures emanating from Cape Town were in conflict with the non-racial provisions of Ordinance 50. Since the latter was entrenched by an Act of the British Parliament, this was sufficient to torpedo the proposals.

With such a success behind them, the Kat River Khoekhoe continued to express their opinions on a great variety of topics, but above all with regard to the political arrangements of the Colony. In the aftermath of the Vagrancy debacle, one of the leading political figures in the colony, John Fairbairn, the editor of the *South African Commercial Advertiser*, was persuaded by one of the Kat River Settlers, Andries Stoffels, that the time was not yet ripe for the establishment of a Parliament in Cape Town.¹⁹ Fairbairn, it is necessary to say, did not trumpet his change of opinion, let alone announce the source of his conversion. He did, however, continue to offer space in his paper for the expression by the Kat River people of their opinions on the major matters of state. In particular there were a whole variety of Khoekhoe comments on the process which led up to

the introduction of the Cape Constitution of 1853. That constitution had a qualified franchise, irrespective of colour, with one of the lowest income thresholds of the time. This peculiarly liberal outcome of the long political process was, I will argue below, in large measure the consequence of Khoekhoe political action, particularly from among the Kat River Settlers.

Thirdly, the Kat River Settlers fought, and did so rather well. They were renowned as being among the best light cavalymen on either side of the frontier. They fought both in Hintsá's war (1834–8) and in the War of the Axe a decade later. Most of their operations were on a small scale, as indeed was most of the fighting in those bloody guerrilla conflicts. As a result the activities of the Kat River Legion, as they fought their way through the wooded slopes of the Amatole mountains, are difficult to trace. They were, however, highly successful. Moreover, a very large proportion of the Kat River men participated in these actions. In the War of the Axe it was reckoned that 90 per cent of the Kat River men were under arms. As a comparison, in no district of the colony did more than three per cent of the white men join the militias.²⁰

There was one exception to this relative lack of visibility of the Kat River fighters. In April 1847, as part of their invasion of Xhosaland, the British were driving a wagon train of 125 wagons some two kilometres long along the slopes of Burns Hill, in the upper reaches of the Keiskamma valley. These wagons contained more or less the complete stores of the British army. They were thus a simple and attractive target for the Xhosa forces. It proved easy enough to immobilize an ox-wagon, and with it the whole train. The guards were driven off and the amaXhosa proceeded to plunder the British stores. However, the Xhosa victory did not become a decisive catastrophe for the British army. This was largely the result of the actions of Andries Botha at the head of his troop of mounted riflemen. As it was later described, at a time when 65 wagons were ablaze and the ammunition already abandoned by the Army, he

came, forced his way through retreating friends and pursuing enemies – seized upon the ammunition – carried it triumphant through the fight – covered the retreat and was mainly instrumental in saving what was saved.²¹

This was the testimony of Sir Andries Stockenström, who led the colonial militias, and who had been primarily responsible for the establishment of the Kat River Settlement. In no report of the British army is Botha's role in the battle mentioned. All the same, the British never forgave him for the embarrassment of being saved by a Khoekhoe force.

These, of course, were things that the Khoekhoe were not supposed to do. For both the British and the Dutch colonists, Khoekhoe were considered to be drunken, foolish, perhaps lovable, but above all inferior. They were not supposed to be successful farmers, bringing their crops to market. They were not supposed to have, and to express, sophisticated views on the major political questions of the day. They were certainly not supposed to save the British army from a disaster of its own making. By doing precisely these things they threatened the existential basis of, in particular, British colonialism. As in other parts of the world, the British were in South Africa to bring civilization where there had been barbarism, and to bring cultivation where there had been waste. They operated on the basis of a particular form of the Lockean rationale for colonial conquest. This required imposing a very specific taxonomy on the colonial world, which found it difficult to cope with anomalies. J. M. Bowker, a member of a major 1820 settler family, famously compared the amaXhosa to the springboks, in that both would disappear before the inevitable onward march of progress – the only difference was that he regretted the passing of the graceful antelope, not of the amaXhosa.²² Robert Godlonton, editor of the *Graham's Town Journal*, and the leading political figure among the 1820 settlers, once announced that 'the British race was selected by God himself to colonize Kaffraria'.²³ The Kat River Settlement and its inhabitants constituted a manifest, almost an incarnate, contradiction of such opinions, with the result that the opposition from in particular the British settlers of the Eastern Cape soon became a visceral hatred. It was expressed in part in the racist skit *Kaatje Kekkelbek* (Katey Chatterbox), performed on the stage in Grahamstown in 1838.²⁴ The political actions of the Eastern Cape British towards the Kat River Settlement were to prove much more harmful.

This became particularly evident during and after the War of the Axe. First, the Colonial Governor, Sir Henry Pottinger, refused to allow the Kat River men to demobilize, or to provide rations for the women and children, who were collected together in encampments, which turned out to be insanitary and murderous. Then he appointed a notorious enemy of the Settlement to be its magistrate. The man in question, T. J. Biddulph, proceeded to write a libellous report on the valley, which Pottinger had published, to give it a seal of approval.²⁵ Biddulph was later forced out of office as a result of various miscarriages of justice, but he was replaced by T. H. Bowker, a member of a family well known for their racist hatred of the Khoekhoe. Bowker continued Biddulph's harassment of the Settlement, above all by imposing punitive licence

fees on the cutting of wood in the forests around the valley. This cut off a potential way for the Khoekhoe to acquire an income before their farms, which had been laid waste by the amaXhosa, had once again been brought into cultivation and reached harvest. The sub-text for Bowker's actions was of course that the Khoekhoe had no business being independent and should be working as labourers on the white farms of the colony.

Things came to a head in the (southern) winter of 1850. The colonial officials launched a concerted campaign against those who they considered not to have any right to reside in the Settlement, essentially because they were considered to be Xhosa rather than Khoekhoe. Now, the boundary between the two groups was much more permeable than the British were prepared to admit, and many of the Kat river people had kin on the other side of the border. Moreover, there had been many, considered to be Gonaqua, who had longstanding residence in the valley, mainly as clients of the established members of the Settlement. It was not at all clear whether they should be considered as Xhosa or as Khoekhoe. However, to the British, in their incomprehension, they had no right to be in valley. Thus, in an act of imperial ethnic cleansing, during July 1850 a force of the newly recruited Xhosa police was sent up the Blinkwater and into the village of Buxton, to root out the 'Gonaqua'. Despite the fact that it was both Sunday and snowing, they proceeded to burn the huts of at least 145 of the Gonaqua and amaMfengu who had become clients of the Field Cornet, Andries Botha. This was seen by the police themselves as revenge for the actions of the Kat River Legion, which had forced them to take temporary employment with the British. They announced that 'To-day we burn Botha out of the Blinkwater as he burnt us out of the Amatola last war'.²⁶ Presumably they were talking isiXhosa, which Botha, the source of this account, understood, but the British officers and officials did not.

Some six months after this, the following war between the colony and the amaXhosa broke out, known since then as Mlanjeni's war after the Xhosa prophet who had done much to inspire it. In truth, the supposed peace after the War of the Axe was no more than a fragile truce, which would not last more than three years. For the Kat River, however, this war was significantly different from those that had preceded it. No longer was there a virtually total loyalty to the British. Some, including Andries Botha, came to be considered rebels, though they never fought against the British, and in his case had merely gone away from the fort for a couple of days in fear of being lynched by

British troops. In addition, approximately one third of the landholders in the valley went into rebellion, and were joined by young men from the valley itself with nothing to lose, by labourers from the farms and mission stations across the Eastern Cape and by deserters from the Cape Mounted Rifles. They were to form a formidable fighting force during what was to prove the longest and bloodiest of South Africa's nineteenth-century wars.

This is not the place to review the rebellion in any detail. It is, though, perhaps useful to describe the arguments for rebellion as they were expressed by the Khoekhoe. These included, in the first month after war broke out, a remarkable radicalism, expressed mainly by those who had been on the farms. There was 'the essence of agrarian equality, of French socialism, liberty, equality, fraternity, radical destructiveness and levelling, and the uprooting of existing social arrangements. Politically, some were for independent government in this country, and which was only to be inhabited by Hottentots, Boers and Gaika'. Nevertheless 'the majority of them professed loyalty to Her Majesty the Queen', only hoping that the 'scum of the sea', as they described the British colonists, would leave the country:

Some there were who spoke of the election of a chief or first magistrate; others thought it would be treasonable act, and would have nothing to do with such measures. Some young aspirants spoke of secretaryships, others of judgeships and all the other paraphernalia of rank and office ... The country would flourish if wise men ruled, or if rulers became wise men, and wise men would be found and the country would prosper ... Here was fairy-land with a vengeance, and every body seemed more or less bewitched.²⁷

The main line of the rebel complaints was rather more sober. First, they complained that the peaceable tactics of the missionaries had not worked. As the leader of the rebels, Willem Uithaalter, said to the Rev W. R. Thomson:

Sir, you and Mr Read were both young when you came among us, and you are now both old, and klein Mynheer [young Mr Read] had no beard when he came to Kat River, and he is now getting advanced in years, and yet these oppressions won't cease. The Missionaries have for years written and their writings won't help. We are going to stand up for our own affairs. We shall show the settlers that we too are men. We are not against the Queen.²⁸

Later, in a letter to the Griqua leader Adam Kok, trying to persuade him to join the rebellion, Uithaolder wrote:

Forasmuch as we the poor oppressed Hottentot race are objects of the present war which is going on here, who have now been for a considerable time oppressed by the unrighteous English settlers, who have so continually petitioned the Government, by memorials, for consent and execution of irregular and oppressive laws, such as vagrant laws, which tend to oppression and complete ruin of the coloured and poor of this land, a land which we, as natives, may justly claim as our mother land, it is my aim and object, by this opportunity, esteeming it my duty, owing to all who are there as a nation and family of one house (although long delayed and neglected therewith), to give information that this war which is going on here, is declared against us Hottentots because we defend ourselves against above-mentioned laws, or will not let them pass. Thus it is my earnest wish and request to you (since the poor and ruined of our race here have employed me to represent to you this their deplorable condition) to hear your determination regarding this matter as a nation, and who ought to bear and feel with one another in hardship; and what your plans and intentions are, as the principal portion of our nation have earnestly requested me to entreat from you to favour them as soon as possible with an answer or decision.

Beloved, rise manfully and unanimously as a nation and children of one house to engage yourselves in this important work, a work which concerns your mother country, for not a single person of colour, wherever he may be, will escape this law. Trust, therefore, in the Lord (whose character is known to be unfriendly to injustice),²⁹ and undertake your work, and he will give us prosperity – a work for your mother-land and freedom, for it is now the time, yea, the appointed time, and no other.³⁰

Perhaps the most remarkable thing about the Kat River Rebellion, as it is always, and metonymically, known, is that in a certain sense it succeeded. Attempts to introduce a Squatters Ordinance, which would have had much the same effect as the Vagrancy Act, were abandoned, primarily because of the reality of the Khoekhoe uprising in the East, and the threat of its extension to the rest of the colony.³¹ Furthermore, as the war ended, the Cape adopted a constitution which allowed, for the first time, elections of a Representative Assembly. This was to be done on the basis of a franchise which was not only non-racial, as

was indeed required by Ordinance 50, but also based on a remarkably low, and thus inclusive, qualified franchise. The decision to institute the Assembly on these terms was explicitly taken as a way to placate Khoekhoe fears and feelings of rebellion. It was the Attorney-General, William Porter, who summed this up in a famous one-liner, when he announced that 'I would rather meet the Hottentot at the hustings voting for his representative, than meet the Hottentot in the wilds with his gun upon his shoulder'.³² In this sense, the actions of the rebels had not been in vain. They had forced the powers-that-be to take permanent cognizance of Khoekhoe opinion.

The cost, however was very considerable, and not just in terms of the lives that were lost in the fighting. For the Settlement itself, the Kat River Rebellion was an unmitigated disaster. The British officials decided that the experiment with a mono-ethnic Khoekhoe region had failed, and that the valley should have a leavening of whites. This was a not particularly subtle euphemism for the decision that the valley should be transferred into white ownership, as far as possible. The lands which had been held by the rebels were to be confiscated and transferred to new (that is, European) owners. It turned out that this measure was contrary to the Roman-Dutch law of the colony, and a commission was set up to investigate the claims which the dispossessed serfholders could make. The whole process was made extra problematic for the whites because the first claimant to get his land back was none other than Andries Botha who had been tried and found guilty of High Treason in South Africa's first high-profile political treason trial. However, the death sentence had been commuted to life imprisonment and after a few years in gaol the old man had been released, on the order of William Porter, the Attorney-General and the man who had led the prosecution against him. This shows just how convincing the evidence that Porter had presented really was. Botha indeed got his old land back, but in this he was in a minority. Only those who had had the good fortune to have their title deeds issued by the relatively tardy surveyors before the War of the Axe were confirmed in their possession. This was indeed little more than a lottery, in which very few of those who had had land, and had gone into revolt, were successful.³³

The attempt to break up the Settlement also had its effects on those who had remained scrupulously loyal to the British during the Rebellion. The process took two forms. First, a major effort was made to provide the remaining Khoekhoe with titles to their land. As a result, they became increasingly vulnerable to the pressure to make them sell the land, or to take out mortgages, which in effect was a delayed, and heavily underpriced, sale.³⁴ Secondly, those holdings which were not

sold tended to be divided between very many heirs, until they ceased to be economic units, and in effect turned parts of the valley into a rural slum.³⁵ By the end of the nineteenth century, there was little left over of the flourishing peasantry which had existed in the 1830s and 1840s. Nevertheless, despite this, and the pressures of crooked layers and so forth through the twentieth century, there were still a number of descendants of the original Kat River Settlers holding land in the valley up to the 1980s, although by this stage much of the land was, and certainly the best farms, in the hands of white farmers, growing tobacco, oranges and other fruit. In 1982, however, the valley was handed over to the Ciskei Bantustan, as part of the consolidation process of that putatively independent state. This allowed the leaders of the Ciskei to acquire farms of their own, as in the rest of the 'country' in principle all the agricultural land was held as communal property. However, for the Kat River the result has been a destruction of the agricultural system. There are a number of farmers who came into the valley as part of the Ciskeian dispensation who farm well, including the farm labourers who took over the land on which they had been living. In many cases the previous owners were expelled, and the new did not have the skills, or the desire, to exploit their new opportunities. Only slowly has there begun to be a resuscitation of the farming in the valley, often, interestingly enough, through bringing back into use the irrigation furrows which the original Kat River settlers had dug in the 1830s.

All in all, then, the valley has changed ethnic ownership five times in the last 200 years, from Khoesan to Xhosa, from Xhosa to Khoekhoe, from Khoekhoe slowly to white (with a certain interlarding of 'coloureds'), from that to Xhosa and finally since 1994 to the non-racial dispensation of post-apartheid South Africa. It is difficult to say who, as a group, has the most rightful claim to the area, in particular as there is no-one who can, or at least does, claim the valley on the basis of a San ancestry. There is a whole range of contingent histories in the valley, and only in a simplistic narrative would any one of these, even that of the Khoekhoe Kat River Settlers, be elevated above any other.

Notes

1. In general this article derives from R. Ross (2014), *The Borders of Race in Colonial South Africa: The Kat River Settlement, 1829–1856* (Cambridge: Cambridge University Press).
2. J. Parkington and S. Hall (2010) 'The Appearance of Food Production in Southern Africa: 1,000 to 2,000 Years ago', in C. Hamilton, B. Mbenga and R. Ross (eds), *The Cambridge History of South Africa, Vol. I* (Cambridge: Cambridge

- University Press), and also R. Ross (2010) 'Khoesan and Immigrants: The Emergence of Colonial Society at the Cape, 1500 to 1800', in *ibid*.
3. G. Harinck (1969) 'Interaction Between Xhosa and Khoi: Emphasis on the Period 1620–1750', in L. Thompson (ed.), *African Societies in Southern Africa* (London: Heinemann); J. Peires (1982) *The House of Phalo: a History of the Xhosa People in the Days of Their Independence* (Johannesburg: Ravan); R. Ross (1980) 'Ethnic Identity, Demographic Crises and Xhosa-Khoikhoi Interaction', *History in Africa*, VII, pp. 259–71.
 4. Peires, *House of Phalo*.
 5. Armstrong to Lowen, 12 December 1837, Cape Archives 1/BBF 6/1/1/1; John Bennie, 'Memoranda for His Excellency the Governor, Sir B. D'Urban', 2 January 1835, British Parliamentary Paper 503, 1837, 81.
 6. In the *South African Commercial Advertiser*, 6 September 1838.
 7. Peires, *House of Phalo*.
 8. J. Peires (2012) "'He Wears Short Clothes!'" Rethinking Rharhabe (c. 1715–c.1782)', *Journal of Southern African Studies*, 38 (2), pp. 333–55.
 9. T. J. Stapleton (1994) *Maqoma: Xhosa Resistance to Colonial Advance 1798–1873* (Johannesburg: Jonathan Ball).
 10. *Ibid*.
 11. A. Stockenström (1854) *Light and Shade, as Shown in the Character of the Hottentots of the Kat River Settlement and in the Conduct of the Colonial Government Towards Them* (Cape Town: Saul Solomon).
 12. The Cape term for sub-district.
 13. R. Ross (1993) 'Montagu's Roads to Capitalism: the Distribution of Landed Property in the Cape Colony, 1845', in Robert Ross, *Beyond the Pale; Essays on the History of Colonial South Africa* (Hanover and London: Wesleyan UP/UP of New England), pp. 192–211.
 14. S. Trapido (1992) 'The Emergence of Liberalism and the Making of "Hottentot Nationalism", 1815–1834', *Collected Seminar Papers of the Institute of Commonwealth Studies, London: The Societies of Southern Africa in the Nineteenth and Twentieth Centuries*, p. 17.
 15. See below.
 16. D. van Arkel, C. Quispel and R. Ross (1993) 'Going Beyond the Pale: On the Roots of White Supremacy in South Africa', in Ross, *Beyond the Pale*, pp. 69–110; V. C. Malherbe (1997) 'The Cape Khoisan in the Eastern Districts of the Colony Before and After Ordinance 50 of 1828', PhD thesis, University of Cape Town.
 17. This and subsequent quotations are taken from the reports of the meetings held in Philipton on 5 and 12 August 1834, and published in the *South African Commercial Advertiser*, 3 June, 6 September and 10 October 1838.
 18. I have changed the translation given in the original in one detail, changing 'ground' to 'land' which seems to me to more precisely replicate the meaning of the Dutch 'grond', which Stoffels undoubtedly used.
 19. W. M. Macmillan (1927) *The Cape Colour Question: A Historical Survey* (London: Faber & Gwyer), p. 249.
 20. Berkeley to Pottinger 23 March 1847, in B. Le Cordeur and C. Saunders (1981), *The War of the Axe, 1847: Correspondence Between the Governor of the Cape Colony, Sir Henry Pottinger, and the Commander of the British Forces at the Cape, Sir George Berkeley, and Others* (Johannesburg: Brenthurst Press), p. 89.

21. Stockenström, *Light and Shade*, p. 16
22. J. M. Bowker (1962) *Speeches, Letters and Selections from Important Papers* (reprinted Cape Town: Struik), pp. 124–5.
23. Cited in R. Ross (1999) *Status and Respectability in the Cape Colony, 1750–1870: A Tragedy of Manners* (Cambridge: Cambridge University Press, 1999), p. 63.
24. D. Shaw (2009) ‘Two “Hottentots”, Some Scots and a West Indian Slave: The Origins of Kaatje Kekkelbek’, *English Studies in Africa*, 52, pp. 4–17; P. R. Anderson (2012) ‘“Never Luff to Meddle Met Politics, Sir”: Errant Satire and Historical Gainsaying in A. G. Bain’s “Kaatje Kekkelbek, or, Life among the Hottentots”’, *Journal of Southern African Studies*, 28 (1), pp. 217–32, which also includes a transcript of the skit; also E. Elbourne (2011) ‘Sara Baartman and Andries Stoffels: Violence, Law and the Politics of Spectacle in London and the Eastern Cape 1810–1836’, *Canadian Journal of African Studies*, 45 (3), pp. 524–64.
25. Published in Accompaniment G to Despatch 154, by Sir Henry Pottinger to Earl Grey, 20 October 1847 (Grahamstown: Godlonton and White, 1847), pp. 37–41.
26. Stockenström to Montagu, 11 July 1850, in *The Trial of Andries Botha* (1969) (Pretoria: State Library, Reprints), p. 237.
27. Testimony of James Read Jr., *South African Commercial Advertiser*, 19 June 1851.
28. J. Read Jr (1852) *The Kat River Settlement in 1851: Described in a Series of Letters Published in the South African Commercial Advertiser* (Cape Town: Saul Solomon), p. 47.
29. Not, on the assumption of divine omnipotence, a proposition which is supported by the course of South African history.
30. Uithaolder to Kok, dated Amatola, 11 June 1851. It was published, in translation from the Dutch, in British Parliamentary Paper 1635 of 1853, p. 276.
31. E. Bradlow (1989) ‘The “Great Fear” at the Cape of Good Hope, 1851–2’, *International Journal of African Historical Studies*, 23, pp. 401–2; J. Marincowitz (1989) ‘From “Colour Question” to “Agrarian Problem” at the Cape: Reflections on the Interim’, in H. Macmillan and S. Marks (eds), *Africa and Empire: W. M. Macmillan, Historian and Social Critic* (London: Temple Smith for the Institute of Commonwealth Studies), pp. 155–60.
32. British Parliamentary Paper 1427 of 1852, pp. 218–19; In deference to nineteenth-century traditions of oratory, it should be pointed out that this one-liner was embedded in a speech which must have taken well over an hour to deliver.
33. This is based on a close analysis of the decisions of the Commission, which are published in *General Report of the Commission ... to inquire into claims for Compensation for the Loss of Erven in the Kat River Settlement*, Cape Parliamentary Paper, G18 of 1859.
34. J. Peires (1987) ‘The Legend of Fenner-Solomon’, in B. Bozzoli (ed.), *Class, Community and Conflict: South African Perspectives* (Johannesburg; Ravan), pp. 65–92.
35. Cape Parliamentary Paper, G27 1903, *Report on the Boedel Erven and Encroachments on the Commonage, Stockenström District*.

6

Discourses of Land Use, Land Access and Land Rights at Farmerfield and Loeriesfontein in Nineteenth-century South Africa¹

Fiona Vernal

This chapter examines the controversy over land use, land access and land tenure that engulfed two farms in the mid-to-late nineteenth century in South Africa: Farmerfield, an ethnically heterogeneous Methodist mission farm in the Albany district of the Eastern Cape; and Loeriesfontein, an independent farm occupied by 'Coloureds' ('Bastards') near Calvinia in the Northern Cape (see Map 4.1, p. 63).² Both farms eventually became isolated places, far from the view of major urban centres, off the radar of the government. Often, the question is posed about what relatively small, isolated places and the subaltern historical figure who usually occupy them have to contribute to the grand questions about the trajectory of South African history, or any other history, beyond their role as another accretion in the historical record. The dreaded shroud of the 'So what?' question and the shibboleth of 'historical relevance' and statistical significance can be used to frame historical inquiry in meaningful and constructive ways that challenge historians to write for a wider audience, with less jargon, more clarity and more relevance. Yet it can also disenfranchise voices in a historical field where the methodology and the extant sources continue to privilege certain voices over others, while subverting or muting others altogether. This chapter makes the plea for the importance of these two communities as locales on their own terms; as individual stages where the theatre of colonialism unfolded in mundane and sometimes more dramatic ways. The challenge of seeking a measure of economic, cultural, political and social security while coming to terms with the vagaries of what it meant to live under colonial rule was no less meaningful here than the experiences of any other group living through history. This chapter examines these Northern and Eastern Cape communities,

in the spirit of what their life experiences reveal about the questions of land and rights discourse in two distinct regional contexts, but also for what their individual stories reveal about the human condition.

Loeriesfontein and Farmerfield both survived attempts to terminate their existence as relatively independent entities. By any measure, the land questions that arose at these two farms, captured the tenor and gravity of strident debates about land and labour at the Cape and illustrate the insidious way in which race remained a crucial factor in determining Africans' life chances in South Africa. The history of these two African communities, however, does more than chronicle the axiomatic and seemingly inexorable narrative of racism where whites usurp African lands and exploit their labour. The struggles of these two communities also capture discrete ways in which Africans fashioned their tool kit of identities as Christians, landholders, tenants, farmers and pastoralists and navigated their ethnic, kin and racial identities in the wider colonial society. The residents of these two farms leveraged this tool kit to assert their rights claims and were victorious in holding on to their land access and rights in many individual cases as well as collectively. Agency and resistance for the denizens of these communities meant engaging a diverse range of interlocutors, protagonists and antagonists both intimately and from a distance. These two communities' attempts to defend their farms reveal nuanced discourses of rights and unearth complex conversations about the possibilities and limits of government and missionary patronage and trusteeship and white liberalism and paternalism, especially after the 1850s.³ These discourses and conversations had at their heart, issues that would later and more systematically be known as 'Native Question'.⁴

Although the twentieth century spawned the 'grand tradition' of inquiry into the 'Native Question' in South Africa, as Adam Ashforth and others have shown, nineteenth-century antecedents of this type of scrutiny paled only in scale.⁵ Coming in the aftermath of Union, the amplification of more formal segregation ideology, and the ascendance of apartheid, the 'grand tradition' of inquiry necessarily emphasized national paroxysms about labour and economic development in disparate territories seeking a consensus on pressing issues such as the franchise, land access, the distribution of labour, 'detribalization' and urbanization. Yet many of the broader issues of racial discrimination and African land access, labour and mobility surfaced in nineteenth-century government commissions and hearings as well, albeit in a less systematic fashion. What is powerful in both the nineteenth and twentieth-century iterations of these commissions and hearings is the

chorus of interlocutors involved in dialogue and the extent to which an air of technocratic, scientific and judicial impartiality was imparted to these performances.⁶ Here was another colonial theatre, with Africans and whites as subjects and as witnesses lending their testimonies to the production of colonial knowledge.

Sometimes the inquiries focused on particular policy issues such as the 1849 Master and Servants addenda which officially surveyed mission stations in the Cape with a view to making broader assessments about white colonists' rather shrill and incessant complaints about labour shortages and shiftless 'Colored laborers'.⁷ At other times the investigations focused on particular regions or districts, especially in relation to a particular war, rebellion or agitation such as the Kat River rebellion (see the previous chapter) or Bambatha's Rebellion.⁸ Even individual farms, such as the two that are the subject of this chapter, generated their own inquiries. Farmerfield and Loeriesfontein survived inquests that threatened to rescind their independent African access to land and to dictate the terms on which they entered the colonial labour market. These commissions privileged first-hand knowledge, especially from the proverbial man-on-the spot. 'Expert witnesses' provided testimony based on direct knowledge and experience, but this corpus of information proved no less biased. The communities' experiences demonstrate that the lineaments of discourses informing the thorny problems of African land access, labour and mobility in the twentieth century had deep roots in South Africa's nineteenth-century and earlier history of colonial occupation and racial prejudice. Race placed many Africans at a disadvantage, though not uniformly so. In the case of Farmerfield, the Methodist Church reconsidered its longstanding relationship and responsibility to the mission as a legitimate reason to maintain the community, albeit after making significant reforms. For Loeriesfontein, altruistic concerns about preventing a particularly egregious instance of racial injustice led to a remarkable government intervention and pronouncement. Concerned about playing a protective, paternalistic role, the Cape government lambasted local white farmers for attempting to sell the land in an underhanded manner and deprive the residents of their land rights, and issued an immediate interdict against the advertised sale.

In the half century before the South African War, a host of communities came under intense scrutiny and the colonial government was not the sole entity in an interrogative mood. Missionary societies, too, turned the lens on their own operations, whether they had been continually active since the 1790s like the Moravians and LMS

missionaries, or were those whose evangelical pitons had only been staked since the 1820s and 1830s, like the Methodists. At times, such as during the Methodist inquiry over whether to terminate the Farmerfield mission, the scrutiny was solely an internal institutional matter requiring little government intervention. In other instances, these organizational issues, such as the conversion of mission lands to freehold tenure, required cooperation with the government since these questions involved matters of legal jurisdiction and adjudication of legal claims.⁹ In either case, none of issues that arose in relation to independent African or 'Coloured' communities or those nominally or formally associated with missionaries can be analysed separately from wider debates in colonial society. Fundamental questions about African and 'Coloured' land use, land tenure, and land access all hinged on wider colonial processes that threatened to dispossess and impoverish these groups further and drive them onto the labour market while marginalizing them politically and curtailing their civil liberties.

For missionary societies metropolitan trends could and did impinge tremendously on the scope of local colonial actions and policy. British abolition legislation is the axiomatic example of this, but the same observation could be made about colonial issues as disparate as the disposition of Crown lands or indentured servitude.¹⁰ Parent missionary societies redrew their geographical priorities and advocated that their colonial churches become more independent and financially self-sustaining. In addition, the tenor and mid-century timing of this intensified scrutiny is particularly important, coming as it did when the pall of afro-pessimism threatened to blunt, if not undermine, the gains made by the powerful humanitarian movement that had culminated in Khoekhoe and slave emancipation in 1828 and 1834, respectively.¹¹

Providing land to former slaves and Khoekhoe was a crucial part of the economic debates in the post-emancipation Cape, but land had played an important role in the debates about the purpose of missions from the outset. Many of the ideas about mission stations as Christian oases and as islands of security from colonial domination and peonage were reinforced during the crucial pioneering period from the 1790s up to the 1840s when many missionaries, especially those of the LMS, championed the rights of the 'Coloured' and African populations at the Cape.¹² The missionaries' perceptions about land as a panacea to many of the problems of the African and 'Coloured' population also took shape during this same period, a time of heightened missionary activity and of unprecedented missionary impact on Cape politics. From the 1820s up to the 1840s missionaries were able to exert their influence

over politics at the Cape and to sway public opinion in a way they had not been able to do before or since.¹³ Most missionaries believed that if Africans had land access, along with religious instruction, then industry and civilization would eventually follow. Missionaries disagreed, however, on whether Christianizing and civilizing should proceed simultaneously or consecutively. Naysayers doubted the efficacy of both, as evidenced by John Mitford Bowker, diplomatic agent, who declared of missionary work beyond the Cape's official colonial borders:

The present enormous expenditure of money, talent, and zeal, wasted on mission stations in Kafirland, I pronounce to be a *perfect failure*. A *savage* is not to be made a Christian of, and civilization . . . must make great advances among them before they can ever understand or appreciate the doctrines of Christianity . . . it is a hopeless case, and a thankless office to endeavor to instill genuine Christianity into the mind of a thorough savage, such as the Kafir.¹⁴

Despite these negative sentiments towards their work, missionaries – in this case, the Methodists – forged ahead. The principle of Christianizing and civilizing remained a powerful impetus for pioneer missions among societies of all denominational backgrounds. It was in this spirit that the Methodists created a chain of six missions between 1823 and 1833. When several of these missions were razed during yet another outbreak of colonial war between 1834 and 1835, the exigent circumstances of their congregants as well as denominational competition led the Methodists to create Farmerfield in 1838.

The tide of land alienation that had accompanied colonial domination in the eighteenth and nineteenth centuries threatened the models of industry and male agricultural production missionaries envisioned as a crucial part of their agendas. Hence many missionaries and government officials came to view land access, with some advocacy of freehold tenure, as a key part of the solution for the various Coloured and African populations at the Cape. As Jane Sales so aptly put it, the LMS missionaries in particular 'believed firmly, along with most people of the time, that freehold ownership of property was the greatest blessing they could bestow upon the inhabitants of the missionary institutions'.¹⁵ A surveyor-general's report wondered whether 'general apathy, indolence, and the slow advance of civilization apparent in the aboriginal character cannot be attributed, in some measure, to the loose and unsafe common-age tenure by which they occupy their land, instead of that independent state of legal possession which greatly tends to impart and foster habits

of industry and the desire to improve'.¹⁶ The LMS desired to make these changes at the time when there were also crucial shifts in where they thought they should be expending their future evangelical efforts.

By the mid-nineteenth century a host of events coalesced, and prompted missionary societies to ask fundamental questions about the purpose of missions, ones which were ever-present in the missionary enterprise, but which took on a particular tone when humanitarian influence was on the decline. John Philip and James Read, Sr. who died in 1851 and 1852, respectively, represented a particular generation of missionaries dedicated to advocacy around the cause of 'Coloureds' at the Cape. The LMS mission enterprise at the Cape desired a shift in the geographical scope and emphasis of their mission resources away from Coloured missions to other African groups. The ever-present air of denominational competition that existed among the various missionary societies contributed to their respective strategies. By the 1850s then, especially in the face of this denominational competition, the LMS had cast its evangelical glance elsewhere.¹⁷ In the words of one of the LMS missionaries, Reverend T. Durant Philip stationed at Hankey for twenty seven years, 'The London Missionary Society having supported the institutions for a long period of years, considers that the time for continuing to do so is passed, and that the work should devolve upon the natives and the colonists, as Christian communities'.¹⁸

As various missionary societies grew disillusioned and waxed pessimistic about the lofty humanitarian ideals that had buoyed them in the 1820s and the 1830s, the nature of land access at mission settlement re-entered public discourse in a controversial way. Even as late entrants to the mission field were embarking on their pioneer romantic endeavours, the fundamental question was whether LMS missions had outgrown their original purposes. The tenor of these debates is best represented by an 1856 Select Committee on Granting Lands in Freehold to Hottentots and an 1872 Select Committee that investigated and reported on LMS missions.¹⁹ At one end of the continuum was a sense that the gains in civil rights and legal quality had now made these earlier missions to the Khoekhoe and former slaves outmoded. The more pragmatic assessments acknowledged that the humanitarian victories of the 1820s and 1830s failed to address the long-term economic aspirations and needs of the Khoekhoe. Another central axis of the argument was whether the existing tenancy arrangements hampered economic productivity.

In his testimony before the 1872 committee, LMS missionary W. Thompson, who had arrived in the colony in 1850, stated: '[T]he

welfare and prosperity of these institutions have been retarded. The people remain on the level formerly attained; their views of things and of the means of improvement are restricted.' Moreover, he added, '[T]hey lack that true and legitimate independence of mind which the possession of property and the habit of self-reliance usually give'.²⁰ The suggested solution was the granting of freehold tenure for the 'industrious', with committee members placing great hope on a class of what they termed 'superior natives'.²¹ Farmerfield's particular terminology was 'a select class of natives'. Elsewhere the Committee emphasized the importance of allowing class differentiation to occur more naturally so that such 'industrious' or 'superior' natives could be easily identified. At Loeriesfontein, the residents' degree of industry was judged harshly on whether and how much they cultivated and how much livestock they possessed. Finally, more extreme strands of the debates saw the LMS missions as stagnant and retrogressive, 'keeping the people in an undesirable state of pupilage'.²² The government also raised the concern that the 'LMS finds the charge of these institutions burdensome and desire[d] to shift that burden on the government at the expense of the public', an allegation their missionary representatives denied vehemently.²³

In the 1872 Select Committee hearing, the commissions heard testimony that a particular atmosphere of fear existed among mission inhabitants. While some impoverished and elderly residents were concerned about the survey and transfer costs, the vast majority of the people at the various institutions involved were anxious and suspicious. 'They are afraid that if the Bill passes they will in time be turned out of the place,' T. Durant Philip of Hankey testified. He pointed out that it was likely that debt would lead people to dispose of their land 'for a mere trifle'.²⁴ In the same way that the Methodist Church would ask difficult questions about their responsibility to and for Africans in the context of the Farmerfield mission, both the government and the LMS had to tread lightly on questions about their respective duties towards 'native races'. Thompson referred to a concern about breach of faith.²⁵ At Pacaltsdorp, a resident framed the discussion as the case of 'both the Government and the Society . . . withdrawing their compassion from them as a race'.²⁶ In less supportive circles some individuals questioned the rationale for these missions from the start. J. C. Chase stated his position: 'I am not even certain that they were necessary in former times, because I am one of those who deny the alleged ill-treatment of the Hottentot race – at least for the last fifty two years,' he clarified, meaning from the 1820s.²⁷

Questions of labour were never far from the concerns of the Committee members. Besides these issues of trusteeship and paternalism, Philip had also raised some concerns that separating residence from employment was one way to ensure that 'they may not be entirely at the mercy of the employers',²⁸ a charge which the committee members were quick to rebuff by asking whether it was the 'duty of the Government to protect against the employers of labor at the expense of the public'.²⁹ One common charge laid at the footsteps of the missions was that people were idle or 'indolent'.³⁰ J. C. Chase declared that 'they are very idle, they do nothing; and they do not supply labor to the farmers'.³¹ A central purpose of these locations, according to Chase, was to create a better supply of labour. The right to enter the labour market on their own terms featured nowhere in these assessments.

An important strand of 'rights' discourse emerged from the select committees, the Loeriesfontein debates and the review of Farmerfield. The Chairman of the committee asked whether the Coloured people, 'having lived so long upon these places . . . have a prescriptive right to remain there and no Parliament or Government would interfere with them'; to which Thompson replied, 'I think these people have a perfect moral, and I believe prescriptive right also, to occupy lands which have been so long in their possession as much so as if they were a part of the Dutch or English races'.³² One of the commissioners was unsatisfied to leave the matter there, asking, 'The fact that these lands have been held in trust for the people does not give them private rights, does it?' Thompson replied:

Let me say that the people have in some cases occupied these lands double the time³³ necessary to establish a prescriptive right, and in the other case, a longer period than is required by law to establish such a right. And undoubtedly they have a moral right founded on long possession with the sanction of the government, the improvement of the land, and the payment of rates. [It] would be impossible for any civilized Government to ignore these rights, and resume possession of these lands. These rights are private and cannot be disturbed without endangering the foundation of society.³⁴

The discourse of rights coming from the select committee, as well as the anxiety over labour, provide a segue to the discussion of the issues surrounding the review of Farmerfield and the threatened subdivision and sale of land at Loeriesfontein and the dispossession of the majority of inhabitants. Before doing so it is important to situate the farms in

their respective locales given the role of geography and regionalism in delimiting the debates, especially in relation to questions of appropriate land use and what counted as prescriptive or contractual land rights.

The Eastern and Northern frontiers: Farmerfield and Loeriesfontein situated

Trade, land, labour, and potential and sometimes fabled wealth, lay at the heart of European expansion at the Cape and in other colonial zones. On the eastern frontier it meant encountering formidable chiefdoms, many of whose members were willing or were called to fight to defend their territorial and cultural integrity. On the northern frontier, Europeans also met people fiercely committed to defending their rights, but without the societal cohesion and technological resources to maintain their territorial integrity. The Eastern Cape, with its own version of the hundred years war, as historian Christopher Saunders vividly put it, has generated a voluminous corpus of scholarly research. From its scorched earth policies, incessant series of wars and tragic and millenarian cattle-killing movement to its profaned and, in one instance, mutilated African chiefs, scholars have had good reason to fixate on the region's pivotal role in shaping South Africa's colonial history.³⁵ Despite its location in the Albany district in the Eastern Cape, Farmerfield merited only a mention in writings on the Eastern Cape as a frontier zone. Loeriesfontein fared not much better in the literature given its location on what Nigel Penn has rightly called the 'forgotten frontier' and the scholarly treatment of Khoesan experiences here as 'largely a sideshow of the eastern frontier'.³⁶

Long occupied by people identified as 'Bastaards', Loeriesfontein was granted a ticket of occupation on 22 November 1860 by Sir George Grey, with the proviso that 'it will not be alienated, but be held for the use of the persons of colour of mixed race'. Despite the relative isolation of this frontier, the experiences of the Khoekhoe at the Cape and the controversies over LMS work among them shaped the perception of the social and economic capacities of the inhabitants at this locale. Loeriesfontein's residents considered themselves independent and viewed the ticket of occupation as a *de jure* affirmation of their *de facto* rights as long-term occupants of this land, a victory in the tense atmosphere of the 1860s when whites continued to undercut the value of emancipation legislation for everyone who could be seen as 'persons of colour'.³⁷ African access to land at Farmerfield emerged through more circuitous circumstances. The Wesleyan Methodist Missionary Society (hereafter WMMS) purchased Farmerfield in 1838, thereby establishing their only exclusively African

mission on the colonial side of the border. Their congregants, many of them dispersed by war after 1835, sought refuge in Grahamstown and then sought a farm more suitable than the African location to which they were relegated in town which was wholly unsuitable for any kind of large-scale farming or pastoralism. A spirit of denominational competition compelled the Methodists to accede grudgingly to the request of their congregants. Methodist missionaries, especially given their parent society's policy of rotating their staff, remained the principal arbiter of land at Farmerfield, with the power to collect rent, mediate disputes and expel inhabitants. Those evicted had no independent tribunal which could hear an appeal and Farmerfield's residents had to accept the explicit authority of the missions. They did, however, defend the overall reputation of the mission's residents when missionaries levelled general charges of idleness, indolence, immorality, spiritual apathy and criminality at the institution throughout the nineteenth century.

Loeriesfontein, therefore, occupied a far more independent position than Farmerfield. In the voluminous correspondence on the attempted dispossession of the residents, older inhabitants assert that their territory was in a region divided between Little Namaqualand and Great Namaqualand in the eighteenth century. Namaqualand served 'as the southern gateway to the Orange River', which made it a site of violence, raids and reprisals between various groups of Africans and Europeans. African networks of kinship and friendship led to mostly 'cordial' interactions between the two groups in Great and Little Namaqualand.³⁸ The Namaqua remained undisturbed until the Dutch began engaging in the cattle trade and then setting up more permanent settlements from the 1750s onwards around farms in the region.³⁹ The correspondence on Loeriesfontein describes the farm as land set aside for a community of 'Bastaards', with no attempts to contextualize the meaning of this term, suggesting that the terminology was commonplace for the contemporary audience. Historian Nigel Penn provides a fascinating look into an open frontier period when 'The great distance and comparative isolation of Namaqualand and the Orange River from Cape Town seems to have encouraged behavior not normally acceptable in Cape society'. As a result, white settlers in the region married and consorted with local women and reproduced with them to produce a mixed-race group. The fortunes of this mixed-race group waxed temporarily in relation to the Khoekhoe and the San, yet theirs was a precarious existence and their status soon declined precipitously.⁴⁰

Children resulting from the union of European men and Khoekhoe women bore the unfortunate moniker of 'Bastaards' no matter how socially

acceptable the term became to seventeenth and eighteenth-century contemporaries. The fluidity of racial categorizations at the Cape on the one hand, and the stark disadvantages that accrued to those identified as slaves and Khoekhoe, made any process of whitening or passing a social and economic bargain, if only temporarily. For a time, 'Bastaards' were able to accrue some privileges from their white parentage, including the ability to acquire loan farms and take on their fathers' names, for example. The late eighteenth century bore little goodwill or good fortune for both Bastaards and 'Bastaard Hottentots', of slave and Khoekhoe parentage, and the northern frontier, even with its own declining fortunes, became a site of refuge from white encroachment, compulsory military service and de facto slavery. The consolidation of Bastaards and Bastaard-Hottentots into Oorlam groups led to fortune and longevity for some groups, but all groups on the frontier had to manage raiding and violence which threatened even the more successful groups.⁴¹ Legassick and others have shown that 'From this Bastaard nucleus there emerged in the early nineteenth century a series of communities . . . with a social identity which is most conveniently denoted as Griqua.'⁴² The correspondence maintains the 'Bastaard' appellation and for the purposes of clarity, this chapter will do so.

Gauging the economic vibrancy of Loeriesfontein between the 1860s and the 1880s proves challenging as the available data focus primarily on the 1880s when people were recovering from a drought and an outbreak of syphilis. While syphilis was brought under control, the rest of the recovery was slow. The evidence suggests that securing a place at Loeriesfontein was the pivot around which the inhabitants organized their economic lives. This appears to be true for the original inhabitants at the time the ticket of occupation was granted, as well as for other 'Bastaards' in the area. To a core group of original inhabitants already settled in 1860s were added an additional 43 people in 1873 who had received permission from the field-cornet at the time, Sydney Fryer. The land was expansive enough to accommodate a flexible pattern whereby residents would use 'as much land as he can clear for himself'. The carrying capacity of the farm was such that even in 1888, the former constable William J. Shawe stated that 'all the lands are not occupied by the people of the place'. 'Bastaards' therefore perceived Loeriesfontein as one prong in the range of economic strategies. It was just that, however – one among a diverse range.

Residents supplemented their meat supply with hunting, primarily of springbok. They also rented out portions of their land allotment to local white farmers, a revenue source that would eventually cause alarm and spark commentary about unnatural economic hierarchies. The Office of

the Field Cornet supervised the applications for settlement of the farm. Livestock was taken as one signpost of industry. Because the land was far more suitable for grazing small stock, sheep were the primary resource the residents focused on accumulating, followed by goats and cattle. People migrated seasonally with the stock then returned to plough and to harvest. If an adult male could secure good wages and find family members to herd his stock, then they opted to do so; this does not seem to have been a readily available option, however. The going wage rate of 8–12 sheep plus rations and clothing was insufficient to sustain a large family and meet minimum subsistence. The vast majority of residents exceeded this number of stock property and did not seem to consider labouring for white farmers as the primary means to accumulate property. Only those with young children who could be shepherds worked on local farms. If such service guaranteed a subsistence crisis for a year, it makes sense why so few adults saw this as an avenue out of their economic woes. Few of the white farmers providing their testimony made the calculus that labouring to remain in poverty was probably an ineffective selling point for recruiting labour. Lacking the power of coercion made them seek other avenues to pressure the residents of Loeriesfontein into the labour market.

From 1888 to 1892 the proposed sale of land at Loeriesfontein generated a dizzying array of correspondence between the inhabitants, several individuals to whom they had granted their powers of attorney, their lawyers, and many different levels of the colonial government: the House of Assembly, the Office of the Civil Commissioner, the Department of Native Affairs, the Colonial Office, the Department of Lands, Mines and Agriculture, the Commissioner of Crown Lands and Public Works, and the Office of the Surveyor-General. Emanating from the correspondence was a clear discourse of rights based on many prongs: irredentism, inheritance, ancestry and colonial edict. Residents claimed they had a right to remain at Loeriesfontein because they and their ancestors had occupied the land continuously. Incorporation into the Cape Colony had not abrogated these rights, but had in fact confirmed their *de facto* right to settle through the ticket of occupation, they asserted. Moreover, since the parents of the current inhabitants were original occupants, they had a right to claim ancestry and inheritance as justiciable grounds for securing undisturbed possession of the land.

Few of these nuanced arguments around rights were forthcoming in the discussions of Loeriesfontein's white neighbours. What had seemingly begun as a response to white complaints about theft of cattle and crops escalated into nothing short of a high-stakes verbal war that

eventually led to an investigative commission. In a state of affairs that left the Colonial Secretary's office nonplussed, three men who were assigned successively to the post of Civil Commissioner for Calvinia and tasked with the job of visiting and reporting on claims made about Loeriesfontein, came to starkly different and contradictory conclusions. J. C. Faure, J. W. Honey, and J. J. Watson seemed to not have anticipated the excitement unfolding on their northern frontier posting to Calvinia. The third civil commissioner declared that the entire correspondence can be explained by the 'Covetousness of the white man for as much of the property as he can get irrespective of the claim of others'.⁴³ The government was represented by men on the spot like the Civil Commissioner and the Surveyor-General, as well as officials like the Under Colonial Secretary hundreds of miles away. Colonial secretaries and their deputies relied on men on the spot who had or could acquire first-hand knowledge. Yet at the beginning of the investigation, even the local civil commissioner at Calvinia had never visited Loeriesfontein and was no more informed than his superiors.

Investigations into Loeriesfontein began in 1888 when Erasmus J. Visser, a farmer, and 56 other petitioners submitted a three-pronged complaint charging theft (primarily of stock, but also of grain and vegetables), indolence and squatting at Loeriesfontein. To these three initial complaints they appended additional grievances about the inhabitants' refusal to work in the area when there were severe labour shortages and the presence of syphilis at the farm. J. C. Faure, the civil commissioner who was stationed 70 miles away in Calvinia (a 12-hour journey) noted that he needed to visit the place in order to make a proper assessment and respond to the complaints. Faure had no reason to visit Loeriesfontein beforehand, but had first-hand knowledge of how other 'Bastaards' were faring in the general area: 'Very frequently complaints of oppression by their white neighbors have been brought to me by the people of this class,' he stated, 'and the want of a place where to locate those who have been much reduced in circumstances . . . has often been felt by me.'⁴⁴ Faure also noted that compared to white farmers, 'Bastaards' were 'much too poor to compete with the farmers at sales of leases of Crown Land'. Faure's comments applied generally to 'Bastaards' in the area and he used these observations to frame his response to the specific petition about Loeriesfontein.

Before his visit, Faure wrote to the Under Colonial Secretary to alert him about Visser's petition. His correspondence suggests sympathy toward Loeriesfontein's residents, stating: 'The Bastards were formerly a comparatively well-to-do people in this District and for whose use the

land has been reserved, are now reduced to great straits and their claim to protection at the hands of the Government cannot be overlooked.' The key difference between the struggles of 'Bastaards' in the area compared to those at Loeriesfontein was that they had sufficient land. Even before his official visit, Faure made it clear that since the petitioners wanted the ticket of occupation nullified, 'the alienation of the land in question will, therefore seriously affect the natives and the petition require[d] careful consideration'. Before he could answer the claims of Visser and others, Faure had to visit the farm.⁴⁵

Upon such a visit in 1888, Faure addressed the petitioners' claims item by item. The overall tone of his report was positive about the residents. Faure asserted that he had found a farm inhabited by a decent cohort of lawful inhabitants for whom seasonal migration was routine. Moreover, both black and white pastoralists engaged in this pattern of migration and the seasonal absences from Loeriesfontein were ordinary. While there was a problem with syphilis in the past, the outbreak of contagious diseases at Loeriesfontein had been under control for four years and the earlier instance had been addressed satisfactorily. Labour was available – in that he found evidence that people did provide labour to neighbouring farms, including working for E. J. Visser, the lead complainant. Faure recommended the removal of a handful of squatters who were troublemakers and suggested the appointment of a superintendent (with police powers) as a permanent solution to any future disciplinary problems. He had conducted his investigation with a keen sense that the petitioners had ulterior motives. His visit affirmed his view that the petition was framed to 'make the case appear as black as possible'.⁴⁶ The complaints, he found, certainly did not warrant alienating the land from the residents.

In addition to Visser, a chorus of voices impugned the character of Loeriesfontein's inhabitants. The witnesses fell into three categories: first, farmers who had property in the region; second, those self-identified as 'Trekkers', such as Daniel Gryffenberg, who declared, 'I am a trekker. I have no fixed residence'. The third group consisted of those with farms immediately adjoining (Koppies Kraal, Kobiesko, Isaacs Kraal also known as Kamdani).⁴⁷ All testified to their individual experience of theft as well as their knowledge of their neighbours' experiences. Upon examination of the evidence, however, Faure stated that while animal spoors were traced to Loeriesfontein from time to time, no one could provide incontrovertible proof that all stock thefts could be blamed solely on this one settlement. Even Visser, when cross-examined, stated that when he took his stock far away from Loeriesfontein, 'still,

I am being robbed'. Moreover, he declared, 'Personally, I have never traced a spoor of a head of horned cattle to Loeriesfontein'.⁴⁸ How then did Visser come to implicate the residents? He declared that the problem of theft could be linked to the squatters who found refuge at Loeriesfontein. Was it was guilt by association? No, Visser did not make even this facile leap. Since the people of Loeriesfontein faced subsistence crises, he could not 'come to any other conclusion than that the stock is stolen by people living in that place'. According to Visser, poverty automatically turned you into a criminal.

Such deductions found no quarter in Faure's assessment. He also doubted the validity of a charge of theft of 'a whole wheat harvest', especially since he was the commissioner who heard the original case to which the petitioners alluded. Faure listened to the testimonies of those who could trace spoors to Loeriesfontein yet found that even when some of the charges could be proven, no one had convinced him that land dispossession was the solution. Even Visser clarified that he did not advocate confiscation, since driving people off the farm would impoverish them and certainly exacerbate whatever problems of stock theft already existed. Individual testimonies about labour demonstrated that many farmers did indeed procure labour from Loeriesfontein. Yet the petition made it clear that most white farmers believed that labour was a right they should be able to arbitrarily demand of Africans who, though independent as farmers, should not be able to act autonomously. None of the farmers explained that earning 8–12 sheep, clothing and food for shepherds was a wage rate that was insufficient for many of the adults to sustain their families. As a result, inhabitants sent their children into service and opted to grow corn or herd their own stock rather than spend an entire year experiencing a guaranteed subsistence crisis.⁴⁹ 'All stock is customarily removed from all Hantam farms in or about the month of September, and sent northwards, where they are kept till the first winter-rains renders the home veld useful', the Surveyor-General noted in his testimony. There was, he further noted, a 'necessity of farming four months at home and eight months in healthy, if poor grazing districts'. Furthermore Loeriesfontein could carry '5000 sheep; but 1200 cattle would survive if kept on the estate for only a year. Rains here are accidental, and farmers have to turn over the ground as rapidly as they can, lest it becomes too dry to allow the seeds to germinate, and during the ploughing season they want more draught cattle than the Commission would allow them'.⁵⁰

Faure relied heavily on the testimony of William James Shawe, a constable in the employ of the Department of Native Affairs who

was stationed at Loeriesfontein for 13 years and thus would have had first-hand knowledge of the reports of stock theft. It was no surprise that he provided the lengthiest testimony given his professional connection to the farm. He detailed everything from the history of law and order to the specifics of who had a right to settle at the place. In the five years preceding the complaint, drought had created hardship for many people in the area and he lost his position because many people left the farm temporarily to save their livestock by pasturing elsewhere. While Shawe did not divulge his conflict of interest in being married to a Loeriesfontein woman, five residents corroborated his testimony. Faure found Shawe's statement reliable and when paired with his own visit, declared that even the lead petitioner's cross-examination did not support the scathing portrait suggested by the contents of the petition. J. C. Faure thus provided a staid final report on 25 May 1888 on what to him turned out to be rather shrill, alarmist but unfounded charges. His successor, J. W. Honey, vehemently disagreed with this sanguine assessment of Loeriesfontein.

In his assessment, Honey, the next civil commissioner, immediately declared his stance. The people are 'a most lazy and drunken set of thieves'; Dirk Van Rhyn called them a 'nest of idlers and vagabonds', and the field-cornet Petrus Abel Nel referred to the farm as a dwelling place of vagrants and idlers'.⁵¹ The verbal assaults on Loeriesfontein had begun with a familiar trope – *idleness* – though it did not end there. Questions of how Africans used their labour – in this case, by not providing it to local whites, were not far behind. Neither was the question of how residents chose to dispose of their land, whether leasing it to white farmers for a fee or leaving it fallow. The crescendo of outrage about this grew over the course of the correspondence to become a specious argument that the inhabitants had somehow forfeited their rights to land by making independent decisions over the disposal of their time, their property and their labour.

J. W. Honey defended his own report and stuck to his original plan to sell the property. Other individuals in the case were not particularly forthcoming at the outset with their conflicts of interest. The surveyor for example, Garwood Alston, perceived himself as 'acting for and on behalf of the Loeriesfontein people in opposition to the Government in this matter', and Shawe, the constable, was married to one of the inhabitants.⁵² Inconsistent, discrepant testimony from witnesses proclaimed all sorts of falsehoods such as the assertion by local field-cornet Petrus Abel Nel about 'great facilities for finding water'. Nel's statement contradicted testimony from Gert Nel who lived about two hours away

and asserted that the place was not suitable for division into individual private plots 'owing to the scarcity of water'.⁵³ To say that colonial official bureaucrats would have been nonplussed would be an understatement; the response was to try to elicit more accurate information through a new commission, which only led to more conflicting and discordant reports.

On 6 October 1890, the report of a commission affirmed Honey's impressions, suggested sale and went ahead with plans to advertise the land. The Surveyor-General raised an alarm about the exclusion of residents with legitimate claims, prompting government intervention once again. By 3 June 1892 a new civil commissioner, the third thus far, interceded by visiting Calvinia to investigate the petition of 25 claimants who were left out by Honey and the commission but whose claims the Surveyor-General advised be reconsidered. By 8 June 1892, Loeriesfontein's inhabitants expressed relief with this proceeding, articulated their disappointment with how Honey had conducted and depicted their affairs and forwarded a resolution saying as much. It became evident that it would not be so easy for Honey and others to impugn the character of the inhabitants; nor could they move forward with a sale on such a completely illegal pretext since the inhabitants' individual behaviour, whether idle or criminal, still did not forfeit the actual ticket of occupation for the entire farm.

Everything, including the facts surrounding the investigation at Loeriesfontein, seemed to be at stake and disputable – from the actual size of the farm to whether any specific landholder had committed a crime. There was a dispute about whether the farm was 9559 morgen or 11,232 morgen.⁵⁴ Two civil commissioners assigned to investigate the situation came to vastly different conclusions about the character of the inhabitants and the potential solutions to the problem. The higher the chain of command, the more removed the colonial staff became from the situation, but in this case the desire of those higher in the chain to get to the truth allowed the residents to prevail in the end. The shrill, alarmist petitioners hired an attorney to underscore what they thought was the government's failure to protect their interests. Loeriesfontein's residents did the same but in a far quieter way, and this eventually led to the cancellation of the plan to sell off the farm and an affirmation of their rights. Loeriesfontein's inhabitants battled spurious accusations, character assassination, guilt by association, sinister plotting to thwart notions of due process and a belief in the innate criminality of people who were not white. In the process a discourse of rights emanating from a variety of sources won out: ancestry, work, long-term occupancy, hard work, and even a willingness to work for whites, but on their own terms.

Farmerfield's Review

The Review of 1884: Farmerfield at a crossroads

In 1842 John Mitford Bowker, a former diplomatic agent of the colonial government and descendant of the 1820 settlers (also mentioned in the previous chapter), pronounced Christian missionary work a 'perfect failure and a misguided use of financial resources'.⁵⁵ Although extreme, Bowker's opinion reflected many of the settlers' perspective and by the mid to late nineteenth century even missionaries expressed their disappointment about the progress of Christian evangelism. The extreme distrust of missionaries that had punctuated the work of individuals like Johannes van der Kemp, James Read and John Philip, and the LMS legacy of political advocacy for Africans still sullied the missionary reputation in the 1880s. For those missionary societies that tried to distance themselves from the LMS legacy (the Wesleysans for example) or entered the missionary field long after the controversy of the early nineteenth century (the Anglicans, for example), the figure of the 'political missionary' continued to inform general opinions about Christian evangelism. Long after the controversies of the 1820s and 1830s, missionaries still found themselves on the defensive. Yet by the 1880s, missionary defensiveness had given way to pessimism and disillusionment. The review of Farmerfield in 1884 captures this mood succinctly. The Methodists had founded Farmerfield specifically to address the perceived problems of 'nominal' Christianity and 'incipient civilization' rampant at their pioneer missions, but considered Farmerfield a failure by the 1880s. The Methodists who had showcased Farmerfield as the best of Christian evangelism now considered the fastest and most diplomatic way to terminate the mission.

While the review hinged on the perceived failure of Farmerfield in the spiritual and economic realms, this particular moment in Farmerfield's history was symptomatic of the larger missionary enterprise. Evangelical disappointments of the last half of the nineteenth century and the creation of an independent Conference of the South African Methodist Church in 1883 reflected a new pessimism and a call for self-supporting evangelical enterprises. The problem of 'nominalism and syncretism' the committee denounced at Farmerfield existed at the beginning of pioneer Methodist work and stemmed from the outcome of the missionary's rigid view of Christianity and peremptory treatment of certain African cultural practices as obstacles to evangelization. These views were now leveraged to question the authenticity of African Christianity.

The committee's report advised the sale of Farmerfield based on their perception that Africans failed to take advantage of the prime arable

and grazing land available to them. Such a recommendation would inevitably transfer Farmerfield to white ownership and leave hundreds of African families landless since few could raise the large sums of money necessary to purchase a 6000-acre farm. This recommendation, like those relating to Loeriesfontein, drew on the pervasive belief that Africans were indolent and wasteful instead of addressing the actual socio-economic disadvantages and hardships that Africans faced in the Eastern Cape. Any independence Africans exhibited in the use and allocation of land was treated as a contravention of white authority over Farmerfield. Although the committee settled on a compromise by evicting the tenants they identified as problematic, the remaining tenants emerged from the review as a chastened group who knew fully well that their livelihood depended on the discretion of the Methodist Church of South Africa. The review set the stage for a heightened surveillance of the tenants' Christian lifestyle and land use until the apartheid government razed the community in 1962.

The Methodist Conference of 1883: the precursor to the review

In 1883 Methodist South Africa officially separated itself from the parent organization of the Methodist Church in England and got its own Conference, a local self-governing body.⁵⁶ An independent Methodist Conference in South Africa was on the horizon for some time before the 1880s, so the break with the parent organization was an anticipated and welcomed denouement. In fact William Shaw, the former General Superintendent of Wesleyan Missions in South Africa who had established Farmerfield, had suggested independence for the Methodist Church in South Africa as early as the 1860s.⁵⁷ It was conventional for the WMMS to grant independence to colonial circuits as they matured – as their congregations, means of financial support and local ministries grew. When the independent Conference was finally granted to South Africa officials of the Methodist Church resolved that it was a step that would 'draw more closely together and to consolidate the forces of Methodism . . . by giving more voice in the management of our affairs to influential resident lay men, as well as to ministers'.⁵⁸ From the South African perspective then, the need to exercise more autonomy in their fiscal and administrative affairs and to execute decisions without deferring to the parent organization in England made the official declaration of 1883 historic.

The ratification of South Africa's local Conference was preceded by an inquiry into the state of Wesleyan affairs in South Africa. In 1880, the mission committee in England sent the Reverend John Kilner on

a year-long investigation into the claim for a separate conference.⁵⁹ Kilner's extensive tour bolstered the local argument that decisions affecting missionary work needed to be made with an understanding of the idiosyncrasies and complexities of South Africa. The parent society was often seen as too paternalistic and high-handed in its interaction with local missionaries and it was inevitable that rifts and misunderstandings would develop. The same situation manifested itself in religious as well as more secular affairs at the Cape. Local government officials at the Cape were often at odds with their imperial counterparts in England, whom they did not believe understood the situation on the ground. It was precisely over matters of financial expenditure, deploying manpower and mediating relations between Europeans and Africans that both the missionary society and the Colonial Office in England negotiated and disagreed with their local representatives and counterparts.

The 1884 review, which came one year after South Africa created its own Conference, was an unparalleled administrative examination that threatened to destroy the Farmerfield mission station.⁶⁰ Although the 1883 Conference resolved to sell the Farmerfield mission, they wanted to conduct an investigation before they made any final decisions.⁶¹ The investigative committee consisted of various church officials acting in the capacity of administrators and managers of the estate. After considering the original purpose of the mission settlement, the committee concluded that the people of Farmerfield had diverged considerably from William Shaw's model of a prosperous, Christian, peasant community. The committee presented a report to the Conference that recommended the sale and dissolution of the mission community for the first time since its inception in 1838. The future of Farmerfield lay with the Conference. If they followed the committee's recommendations, Farmerfield would be discontinued with little input from the actual residents.

By the time of the review in 1884, Farmerfield's residents had faced 46 years of intermittent droughts, cattle epidemics, war raids and locust infestations. The tenants' response to these challenges had been varied. Some people endured these problems and remained at the mission. Some people left the settlement altogether in search of better opportunities elsewhere at other mission settlements or in town. Many of the people who remained at Farmerfield were teetering on the brink of certain economic disaster by 1884. Far from the prosperous peasants who had brought their surplus agricultural goods to the market in Grahamstown in the early years of the settlement, the tenants at the mission farm were struggling to maintain basic self-sufficiency and to pay rents, taxes, ticket

money, school fees and church offerings by the 1880s. Farmerfield had a boom and bust cycle that challenged even the most industrious person. In some ways this was typical of Farmerfield, not because of the residents' shortcomings but because the climate and topography of the Albany district, as well its location on the edge of a disputed frontier, made it extremely vulnerable. It was not for lack of trying that Farmerfield's residents faced economic impoverishment. Drought, cattle epidemics and locust infestations followed the losses sustained during the wars of 1846–7 and 1850–3. This unfortunate succession of disasters undercut economic subsistence at Farmerfield. Long-term residents at Farmerfield got accustomed to this cycle and tried to minimize their risk by supplementing their agricultural endeavours at Farmerfield by working in the local area and sometimes by temporary migration to town. At other mission stations in South Africa and among Africans in general, the late nineteenth century also presented a picture of economic hardship coupled with discriminatory legislation that made it difficult for Africans to own land or compete with their white counterparts.

Historian Norman Etherington has argued that in Natal, for example, the first generation of African converts had better opportunities for benefiting from their position as Christians than did their progeny. Even if they had gained the education and acquired the skills necessary to compete with whites, African Christians faced a barrage of colonial legislation that made them second class citizens.⁶² At the Edendale mission in Natal even those who held title deeds to the mission found that they had to struggle for acceptance in colonial society; property ownership was an insufficient guarantor of prosperity when their livelihoods were so closely integrated with the wider colonial society. Blue Book reports leading up to the review of 1884 detailed the economic depression and scarcity of food that Africans throughout the Albany district faced.⁶³ Legislative and economic pressures made significant inroads on whatever degree of peasant prosperity existed throughout South Africa in the latter part of the nineteenth century and especially in the Eastern Cape.⁶⁴ Farmerfield's early prosperity in the 1840s and 1850s and its recovery from two destructive wars had gradually given way to more modest gains in the 1860s. An insidious cycle of poverty, closely linked to frequent bouts of violence and intermittent wars, eroded the quality and security of Africans throughout the Eastern Cape by the 1870 and 1880s.

The gradual impoverishment of Farmerfield's residents provided the church with a powerful leverage against the tenants because tenure was based on paying rent. Church administrators reminded the tenants of

their discretionary powers to evict anyone who contravened the rules, yet seldom acted on their threats. Long-term residents, for example, were often granted grace periods to pay arrears; people were given ample warning before any summary decisions about eviction. The settlement faced a more severe threat of dissolution from poverty rather than any deliberate action of the Methodist Church. Only with the review and the potential closing of the estate did the tenants realise for the first time that an executive decision of the Conference could terminate the mission farm. The threat was very real because the Conference's proposed sale of the estate was exactly what had prompted them to put an investigative committee together.⁶⁵ The nature of tenancy thus provided one of the major areas of the committee's investigation and developed into the most contentious issue for the tenants.

While the committee's report mentions the existence of 'industrious tenants', the overall assessment of how people were using the land at Farmerfield was negative. According to the committee's report, the questionable character of some of the inhabitants and the lack of active occupation of the land contributed to the economic malaise of the settlement. At Farmerfield, the committee asserted, 'Unworthy persons were introduced, transfers in [land] were effected with the connivance of the headmen. Rents were allowed to deaccumulate [sic] to considerable amounts and the defaulting holder decamped'.⁶⁶ The committee dated these crucial developments to the departure of Daniel Roberts, the resident supervisor in 1848, and the transfer of the Watson Institute from Farmerfield to other sites. Richard Walker succeeded Roberts in managing the estate, but white supervision of Farmerfield ceased after Walker's death in 1867.⁶⁷ With this lacuna, the committee declared, 'Men of influence monopolized vacant land for which they paid no rent', and complained that 'idleness and criminality more or less prevailed' at Farmerfield.⁶⁸

The disapproving tone of the committee's report continued with complaints about how the tenants misused, or did not use, their land allotments. In the committee's view, access to mission lands remained a privilege not a right and the residents of Farmerfield flouted the rules without censure. 'Not only is there little industry in the settlement on the part of many of the tenants,' the report stated, 'but some of the tenants make a simple convenience of their holdings'.⁶⁹ The committee made no attempts to explore why the tenants had long needed and engaged in a variety of strategies besides agriculture to maintain their livelihoods. After 40 years of farming and grazing on the same lands, it is likely that the soils of Farmerfield were less fertile, if not exhausted.

Moreover, protracted periods of drought made it at times impossible for tenants to plough the land and prepare for the planting season.

Working elsewhere while maintaining a residence at a mission station was a strategy that successive tenants at Farmerfield had used from the 1830s to maximize their access to cash while holding on to a piece of land. Instead of acknowledging this as part of a deliberate strategy to minimize risk, the report decried the tenants' attempts to supplement their agricultural base with wage labour in the towns:

They leave their families at Farmerfield and proceed to Port Elizabeth, Grahamstown and other places where they earn considerable sums of money. This absenteeism and idleness have smitten the settlement with poverty and demoralization . . . Enterprising and industrious natives are persecuted and discouraged by their lazy neighbors.⁷⁰

The committee's report glossed the cause and effects of the poverty and demoralization evident at Farmerfield, misrepresented the nature of Farmerfield's economic decline and exaggerated the indiscipline at the mission. Indeed the annual reports documented absenteeism and depressed economic conditions, yet indicate in a much more convincing manner that people were forced by dire circumstances to leave the mission to find food and employment. If they could not feed themselves or earn a living, tenants could not remain at the mission for long before they were forced to accept any employment. The committee criticized how much Farmerfield had veered from the idealized peasant hamlet of carefully screened residents, and just how much power had devolved from the Methodist Church to the tenants. At the time of the review in the 1880s, the Methodist Church would no longer cite Farmerfield as an example of the success of Christianity and peasant industry in south-eastern Africa.

The gripe about land tenure and land use at Farmerfield was not limited to this particular mission station. The strategy of using the mission station as a base from which one could periodically enter the wage economy was one that was common during the pioneering days of the late eighteenth and early nineteenth century. For the missionaries, the power to allocate land was one of the grounds on which they were able to compete with African chiefs, even when those same chiefs had initially given the missions permission to settle.⁷¹ In the Albany district, physically removed from the chiefly politics, the restrictions on African land access also allowed missionaries to use land access as leverage. In fact, African land access in Albany was limited since few

other options existed besides living in overcrowded locations where subsistence agriculture was virtually impossible. Issues of land allocation, use and tenure, therefore, shaped the balance of power between missionaries, their potential African converts, white settlers and the colonial government.

While the Methodist Church did not grant freehold tenure to Farmerfield residents and did not undertake any attempts to do so, its mission residents could secure access to land by paying rent at available mission plots. Rent tenancy remained the best arrangement Africans could secure from Methodist missions, yet was qualitatively better than becoming a tenant on white farms. At the mission, land allotments were larger, sharecropping arrangements were not mandatory, and residents had more control over their labour, disposal of their crops and their families. Many tenants at Farmerfield used these advantages, maximized their access to land and maintained long-term residence at the mission rather than opting to live on white farms. Expulsion from the mission farm was much less arbitrary than working on white farms. Moreover, mission residents were expected to send their children to school while there was no guarantee that there would be a school in proximity to a white farm or that the parents would be the ones to make the decision about their children going to school versus working.⁷²

Despite its potential advantages over conventional labour tenancy on white farms, mission residency at Farmerfield meant adopting a particular Christian lifestyle. At some missions, the population was differentiated between church members and residents without any formal attachment to Christianity, whereas at Farmerfield missionaries strove to limit the number of 'heathen' inhabitants.⁷³ What the missionaries envisaged for the Farmerfield settlement was the established, inflexible version of mission Christianity they had been unsuccessful in propagating at the pioneer missions. The review of 1884, therefore, is significant for what it reveals about this rigid formulation of Christianity at Farmerfield and for its outlook on general missionary work. It brings into focus some of the major problems that missionary societies at the Cape faced towards the last half of the nineteenth century as they evaluated the outcomes of decades of Christian evangelism.⁷⁴ What occasioned Farmerfield's review was particular to the mission farm and what the Methodist Church saw as its ongoing shortcomings by the 1870s. Yet the kinds of questions the review raised about African Christianity and missionary evangelism were typical of the reflective missionary mood in South Africa and throughout the world.

The Conference decides the future of Farmerfield

The committee that investigated and reported on the status of the mission estate in 1884 consisted of four key individuals. Reverend John Walton, the chairman of the Grahamstown District, presided over the committee. The other three were the resident minister of the Salem and Farmerfield circuit, Reverend Henry Cotton, Simon Amm, a local farmer, and William Henry Dawson Matthews. Dawson Matthews, whose father William Henry Matthews was the local justice of the peace for Salem and dealt with the civil disputes at Farmerfield, took a keen interest in the mission's affairs in a similar capacity.⁷⁵ The composition of the committee certainly affected their stance on the mission station. Of the four, Walton was perhaps the most far removed from the daily affairs at Farmerfield, yet had to keep the general interests and reputation of the Methodist Church in mind.

The Reverend Cotton came in at the end of the committee because he was only stationed at Farmerfield from 1885 and could add little to the proceedings besides the information he could glean from the previous annual reports. His presence on the committee was a formality that added little substance to the committee's report. Even if Cotton had been stationed in the circuit before 1884, he still would have been somewhat removed from the daily affairs of the community. Since Wesleyan ministers changed their stations frequently, it was difficult for any one missionary to really develop a deep understanding of the community. Cotton arrived in 1885 and left the circuit at the end of 1887, hardly enough time for the tenants' resentment of the recommendations and new rules of the committee to abate. Cotton's departure from the circuit after only three years, leaving his successor to deal with a disgruntled community, was exactly the sort of discontinuity that made it difficult for the people of Farmerfield to trust that their local missionaries could advocate for their best interests.

Simon Amm and William Henry Dawson Matthews were local to the Salem area and had a longstanding relationship with the Methodist Church. They also came to have a longstanding relationship as in-laws when their children (Simon George Amm and Amy Matthews) courted then married.⁷⁶ As locals they were both very familiar with affairs at the mission estate. Simon's father helped the Church to manage affairs at Farmerfield and Simon inherited this role.⁷⁷ As a farmer who undertook agriculture on a commercial scale, Amm was in a good position to assess Farmerfield's agricultural potential. At his farm, Lindale, Amm reared cattle, raised ostriches for feathers and cultivated a wide range of crops such as wheat, barley, citrus, peas, corn and pumpkins.⁷⁸

From his perspective, perhaps these were the same agricultural pursuits that the people of Farmerfield should have been engaged in if they were indeed the industrious peasant farmers that William Shaw had envisioned. Amm therefore could imagine what would happen at Farmerfield if an English farmer such as he owned the place instead of impoverished African tenants. Whatever the shortcomings of the local tenants, the Amm family had many opportunities to interact socially with Farmerfield's residents. They attended concerts, anniversary celebrations and fundraisers and Simon's mother often wrote about the 'excellent tea', the children being 'beautifully and fashionably dressed' and singing 'beautifully'. Perhaps these social interactions tempered the assessments of the residents.

William Henry Dawson Matthews was intimately involved with Farmerfield's affairs, since his father adjudicated cases there and he took over the role as special Justice of the Peace for Salem. The senior Matthews had dealt with cases ranging from assault to adultery over the years, and was perhaps in the best position to question the Christian character of the community. Some of the tenants appeared before Matthews for repeat offences, perhaps contributing to the charge of 'criminality'. Dawson Matthews preserved his father's judicial notebook. It is likely that the Farmerfield cases Dawson Matthews and his father adjudicated made an impression as he deliberated the fate of the farm. With the committee constituted as it was, with people who had both close and loose ties to the mission, it seemed likely that the termination of the estate would be included in the recommendations.

To remedy the decline of the Farmerfield settlement, the committee suggested three possible solutions. In light of the committee's complaints, the first proposal – the sale of the estate – was the most predictable suggestion. 'It is certain that in such a case' the report stated, Farmerfield 'would fall into the hands of an English farmer, and the native community would at once be dissolved.'⁷⁹ Farmerfield was indeed 'choice' property, and the perception that the African tenants simply made a 'convenience of their holdings' did not encourage a decision in the tenants' favour. Since part of the reason, if not the primary reason, for why many people had come to the mission station was because of the access to land, the committee did not understand why the land was not being farmed by the occupier. In the Eastern Cape and elsewhere, the African clamour for land was growing. Land appropriation by the state and white settlers had created escalating land hunger among Africans. From this perspective, the committee suggested that the behaviour of the tenants should have reflected their gratitude and dependence on the Methodist Church for access to

land. Instead the committee asserted that Farmerfield's tenants were wasteful of the land and their lack of industry proved they lacked the agricultural expertise to take advantage of their land allotments.

The committee refused to relinquish the vision of industrious African peasants they had in mind and refused to acknowledge that most of the tenants did not have the means to fulfil what was expected of them. By the 1880s, access to land and agriculture were but basic resources that people needed to fulfil the external demands placed on them in the form of various taxes and living expenses, such as clothing and school fees. As discussed, the people of Farmerfield had combined agriculture with off-farm employment to maintain their subsistence and pay their various cash obligations from the beginning of the settlement. As Christians, their cash obligations had grown since residence at the mission required 'European' dress and the enrolment of children at school. The attempt to build houses in more 'European styles' and to acquire items like plates and utensils, clothes, coffee and tea only increased the need for cash. That Farmerfield's residents could not undertake commercial farming on any enlarged scale was more a reflection of their meagre resources, lack of markets and the unsubsidized state of African commercial farming than it was an index of their lack of industry or absence of desire to engage in such enterprises.

The second suggestion for ameliorating the existing problems at Farmerfield was the division of the estate into 20-acre plots for sale to Africans. Such a scheme would allow 40 male household heads to obtain land at Farmerfield. The option of selling the land to Africans and thereby cementing the legality of their land ownership was the most surprising proposal of the committee. In fact, it was a far-fetched idea and not a course the Methodist Church wanted to pursue or had ever pursued at their missions. In this instance the main issue was the advisability of allowing Church property to become African freehold land. The committee concluded that if they sold to Africans, 'no legal restriction whatsoever could provide for difficulties which might arise in the case of troublesome and criminal native proprietors and it is essential that we should retain total control of the settlement if it is to be a native Wesleyan community'.⁸⁰ Given the existing concerns with rent tenancy at the settlement, the committee thought freehold tenure would exacerbate the problems because the tenants would have total autonomy from the Methodist Church. Granting freehold tenure to Africans was hardly a feasible option at that point in Farmerfield's history. The opportune moments earlier in the nineteenth century were gone. Although the LMS took steps to grant freehold tenure to their

mission residents up to the 1870s, this was not within the Methodist mission tradition in South Africa. The growing trend at the Cape, beyond mission stations, was to undermine African land rights, not buttress them.

It was precisely the longstanding pattern of land alienation and the resulting immiseration of Africans in the Cape Colony that made the representatives of the Methodist Church carefully consider the plans to sell and therefore dissolve the mission. The committee stated that they were hesitant to destroy the mission 'in these times when our people are being driven from their lands by the actions of the government'.⁸¹ Since the colonial government played an active role in facilitating and supporting the dispossession of African people, the Methodist Church did not want to be implicated in that process. If they took any steps to end the settlement, the Society would be following in the footsteps of the government. So although they considered Farmerfield an eyesore, there was just no decent, Christian way to get rid of all the tenants without calling into question the ideas about the innate altruism of the church and notions about the mission as a refuge from the politics of land alienation. In considering this question the Methodist Church suppressed some of their doubts about whether missions were still necessary in late-nineteenth-century South Africa.

Since the representatives of the Methodist Church did not want to give Africans freehold tenure any more than they wanted to be complicit in the alienation of land from Africans, only one option remained. After reviewing the history of the mission station, the committee decided that since there was no feasible way they could get rid of the mission station, the next best solution was to reorganize it. The settlement would continue and realistic solutions to the existing problems of criminality and the misuse of land would be explored. The committee supported its decision by highlighting the original blueprint of the mission estate. The factor that served as a saving grace for the tenants in the 1880s was exactly William Shaw's original plans that the tenants had found difficult to live up to. Since William Shaw had played such a pivotal role in the evangelization process by establishing a Methodist missionary sphere of influence in south-eastern Africa, giving Farmerfield another opportunity would perhaps salvage a part of Shaw's vision. After serious consideration the Committee granted the residents of Farmerfield another chance to fulfil the 'original design' of the settlement. This was the only palatable solution to the dilemma that Farmerfield presented to the Methodist Conference.⁸²

A concrete solution for the overhauling the estate included plans for getting rid of all 'unworthy occupiers'. The land would be divided into 40 plots comprising 20 acres each, at an annual rate of £8 to £10 per year; grazing rights for ten head of cattle would be provided. The committee made it expressly clear that such cattle had to belong to the tenants, this having not always been the practice up to the 1880s. These plans encompassed the second option discussed above, but without freehold tenure. Instead of being sold to African tenants, the land would be rented at a high rate, and most importantly the Methodist Church would retain ultimate ownership of the property. A resident minister, for whom a 'cottage and of land shall be provided', was also strongly recommended. Up to the 1880s Farmerfield's minister lived in Salem and divided his time between several churches; only in the few years before the review did Farmerfield receive a resident, African minister. By the time these final proposals were publicized in 1885, widespread discontent and anxiety were rampant at Farmerfield.⁸³

Reorganizing Farmerfield: the aftermath of the review

The investigation and decision of the Conference prompted a general atmosphere of anxiety among the tenants primarily because the people thought their tenure was secure. Although the tenants signed an agreement upon moving to the estate, a part of which was three months' notice of eviction if the rules were broken, it was mostly a formality. The representatives of the Church and Society had a right to enforce the rules of the estate and they often exercised this right with the threat of removal. However, since people were evicted only for the most egregious breaking of rules such as stealing or serious arrears of rent, most of the people felt secure in their settlement on the estate. Farmerfield had a longstanding history and the settlement had never faced an investigation and overhauling of this manner before.

The tenants of Farmerfield spent much of 1885 discussing the terms by which the mission community would be reorganized. They were particularly disgruntled about the insecure nature of land tenure, the prohibitive rate of rent, the small number of cattle allowed, and the reduction of the number of plots to 40. Reporting on the atmosphere at Farmerfield in 1885, the committee stated that they had 'experienced considerable difficulty with the present occupiers'. Many of the tenants believed in the perpetuity of access to land at Farmerfield and did not realize until then that an executive decision of the Methodist Conference could dissolve

the community. 'A number of the oldest and most industrious tenants,' the *Report* continued,

strongly held the opinion that the estate was virtually theirs . . . Several of the older men state that they were assured by the earliest missionaries that so long as they paid the rent and kept the regulations they would be left undisturbed; that they and their families would remain in possession of the land for ever [sic].⁸⁴

The committee went to great lengths to disabuse the tenants of this idea and called a meeting to clarify the nature of rent tenancy at the estate and discuss the new rules. During the meeting, Farmerfield's tenants set forth their views vociferously; they tried to renegotiate the rent and the amount of cattle each resident was allowed to graze and undoubtedly wondered who would be most affected by the reduction of the number of plots to 40.

The committee made it clear to the tenants that tenure at Farmerfield was based on paying an annual rent and abiding by the church rules. Moreover, the tenants were told that this type of rent tenancy was characteristic of the settlement since its foundation in 1838, was always subject to the control of the Methodist Church and would never devolve into permanent occupancy rights. The issue of tenancy was not one that could be altered whatever the objections of the oldest residents. The tenants were not successful in changing the terms of their occupancy or increasing the number of plots. They were, however, successful in getting the committee to increase the number of cattle allowed from ten to 15 head, and in getting the rent reduced to £6. The committee agreed to present these terms to the next annual conference of the Methodist Church. These small concessions were wrought by compromise and pragmatic assessments on the part of Farmerfield's residents about just how reliant they were on missionary patronage.

The review of 1884 was a momentous occasion in the history of Farmerfield. The mission's purported failure was placed under a lens for the Methodist Church to examine in fine detail and then decide the fate of several hundred people. Farmerfield was conspicuous as a failure from the missionary viewpoint because its design was an overly ambitious evangelical plan based on a rigid, limited notion of Christianity and civilization. Farmerfield's blueprint failed to acknowledge the limits of African economic independence in a colonial society that was extremely prejudicial to African aspirations in any guise. The tenants' position at Farmerfield serves as an economic and evangelical

microcosm of the experiences of many African Christians throughout South Africa and captures the mood of reflection and reorganization that characterized many missionary societies in the last half of the nineteenth century. The review set a precedent for how problematic tenants would be handled on the estate. The idea of culling the residents was the solution the representatives of the missionary society fell back on when the tenants at Farmerfield became 'troublesome and criminal native proprietors'. After the review, the autonomy and fixity of land rights remained the primary issues on which the tenants of Farmerfield clashed with the representatives of the missionary society and the church. They negotiated their position at the estate and tried to fulfil the original design of the settlement. The Methodist Church threatened that if an industrious, Christian peasantry was not forthcoming with the changes they had made since 1884, then perhaps what Farmerfield needed was a European overseer, further changes in the number of tenants, and even stricter rules.

Residents and missionaries, the two primary parties in the ongoing, uneven, complicated conversation at Farmerfield, realized that this mutual relationship would continue to involve bargaining and manipulation. Even as missionaries reminded their congregants that they would continue to supervise the mission in a strict manner, when other interlocutors, such as the colonial government, entered the scene, their stance shifted to a more protective one. Missionaries acted as shields for their congregants in relation to the more onerous policies of the segregation and apartheid-era governments. For Loeriesfontein, the shield and the spear came in the same office of the civil commissioner – one condemning the residents, the other defending them. The willingness of the civil commissioner to cast local whites as 'covetous' was a crucial wedge that spawned an investigation that belied all of the aspersions cast at Loreiesfontein's inhabitants by neighbours who resented their independence.

Colonial governments and missionary bureaucracies spawned knowledge and administrative networks that allow us a glimpse of the past that helps us frame the meaning of land, agency, autonomy, then and now. For isolated places, these two communities certainly generated unusually rich reams of information through which it becomes evident that in spite of colonial oppression, the outcome was contingent, not inexorable. Communities sometimes found it possible to secure land, push for autonomy and participate in an uneven contest where their alternative models of moral economy and moral responsibility influenced the colonial government in effective ways.

Notes

1. This chapter includes extracts from F. Vernal (2012), 'The Review of 1884: Farmerfield at a Crossroad', in F. Vernal, *Farmerfield Mission: A Christian Community in South Africa, 1838–2008* (Oxford: Oxford University Press), Chapter 6, pp. 164–90, by permission of Oxford University Press.
2. The term 'Bastaards' presents a minefield for the contemporary South African scholar. The term denotes mixed-raced individuals with Khoekhoe, slave, and European ancestry and the particular group referred to here, suggests European-Khoekhoe parentage, with European men taking great latitude in their sexual relationships with slave and Khoekhoe women. Those of mixed-race ancestry and former slaves then is glossed into the general category of 'Coloured', by the 1850s, though this term subsequently became problematic. Both terms will be used in quotation marks throughout this chapter. I will use the term Africans to refer to the groups collectively. On Farmerfield, see F. Vernal (2013), *The Farmerfield Mission: A Christian Community in South Africa, 1818–2008* (New York: Oxford University Press).
3. S. Trapido (1980) "'The Friends of the Natives': Merchant, Peasants and the Political and Ideological Structure of Liberalism at the Cape, 1854–1910', in S. Marks and A. Atmore (eds), *Economy and Society in Pre-Industrial South Africa* (London: Longman); P. B. Rich (1993) *English Speaking Intellectuals and South African Politics, 1806–1976* (London: I.B. Tauris); A. Bank (1995) 'Liberals and their Enemies: Racial Ideology at the Cape of Good Hope, 1820–1850', PhD dissertation, Cambridge University; S. Dubow (2006) *Commonwealth of Knowledge: Science, Sensibility, and White South Africa, 1820–2000* (New York: Oxford University Press); R. Elphick (2012) *The Equality of Believers: Protestant Missionaries and the Racial Politics of South Africa* (Charlottesville: University of Virginia Press); R. Ross (2013) *The Borders of Race in Colonial South Africa: the Kat River Settlement, 1829–1856* (New York: Cambridge University Press).
4. Reverend T. Philip Durant framed his answers before an 1872 Select Committee on missions as 'part of the native question'; Cape of Good Hope (1872), *Report of the Select Committee Appointed to Consider and Report on the Missionary Institutions Bill* (Cape Town: Saul Solomon), p. 42.
5. A. Ashforth (1990) *The Politics of Official Discourse in Twentieth Century South Africa* (New York: Oxford University Press).
6. S. Dubow (1995) 'The Elaboration of Segregationist Ideology', in W. Beinart and S. Dubow (eds), *Segregation and Apartheid in Twentieth Century South Africa* (London: Routledge), pp. 164, 166; W. Beinart (1994) *Twentieth Century South Africa* (Oxford: Oxford University Press), pp. 84–108; B. Schmidt (1996) *Creating Order: Culture as Politics in 19th and 20th Century South Africa* (Nijmegen: Third World Center, University of Nijmegen), p. 142; S. Dubow (1986) 'Holding "a Just Balance between Black and White": The Native Affairs Department, c. 1920–33', *Journal of Southern African Studies* 12 (2), pp. 217–39.
7. Cape of Good Hope (1849) *Master and Servant: Addenda to the Documents on the Working of the Order in Council of the 21st July 1846* (Cape Town: Saul Solomon).
8. Ross, *The Borders of Race*; B. Carton (2000) *Blood From Your Children: The Colonial Origins of Generational Conflict* (Charlottesville: University of Virginia Press).
9. Cape of Good Hope, *Report of the Select Committee*.

10. A. J. Christopher (1984) 'Crown Land Disposal in the Cape of Good Hope', *Historia*, 29 (1), pp. 40–54.
11. R. Price (2008) *Making Empire Colonial Encounters and the Making of Imperial Rule in South Africa* (New York: Cambridge University Press); R. L. Watson (2012) *Slave Emancipation and Racial Attitudes in Nineteenth Century South Africa* (Cambridge: Cambridge University Press); T. Keegan (1997) *Colonial South Africa and the Origins of the Racial Order* (Charlottesville: University of Virginia Press).
12. Cape of Good Hope, *Report of the Select Committee*, pp. 5, 9.
13. J. S. Marais (1939) *Cape Coloured People, 1652–1937* (London: Longman), p. 155; E. Elbourne (2002) *Blood Ground: Colonialism, Missions and the Contest for Christianity in the Cape Colony and Britain, 1799–1853* (Montreal: McGill-Queens University Press), pp. 238, 258.
14. J. Bowker (1864) 'Extract of a Letter', 1842 in J. Bowker, *Speeches, Letters, and Selections from the Important Papers of the Late John Mitford Bowker* (Grahamstown: Godlonton and Richards), pp. 109, 110.
15. J. Sales (1971) *The Planting of the Churches in South Africa* (Michigan: William B. Eerdmans Publishing Company), p. 64.
16. Cape of Good Hope, *Report of the Select Committee*, p. 57.
17. *Ibid.*, p. 10; J. Sales (1975) *Mission Stations and the Colored Communities of the Eastern Cape, 1800–1852* (Cape Town: A. A. Balkema), p. 5.
18. Cape of Good Hope, *Report of the Select Committee*, p. 28.
19. Cape of Good Hope (1856) *Select Committee on Granting Lands in Freehold to Hottentots, Minutes of Evidence taken before the Select Committee on Granting Lands in Freehold to Hottentots* (Cape Town: Saul Solomon); (1872) *Report of the Select Committee*.
20. Cape of Good Hope, *Report of the Select Committee*, p. 4.
21. *Ibid.*, p. 39.
22. *Ibid.*, p. 7.
23. *Ibid.*, p. 18.
24. *Ibid.*, p. 38.
25. *Ibid.*, p. 2.
26. *Ibid.*, p. iii.
27. *Ibid.*, p. 52.
28. *Ibid.*, p. 40.
29. *Ibid.*, p. 41.
30. *Ibid.*, p. 28.
31. *Ibid.*, p. 48.
32. *Ibid.*, pp. 9–20.
33. Thompson noted that it was a third of a century.
34. Cape of Good Hope, *Report of the Select Committee*, p. 21.
35. For a historiographical treatment of frontiers in South Africa, including the Eastern Cape frontier, see M. Legassick (1980), 'The Frontier Tradition in South African Historiography', in S. Marks and A. Atmore (eds), *Economy and Society in Pre-Industrial South Africa* (London: Longman), pp. 44–79; for a comparative perspective on the frontier see, H. Lamar and L. Thompson (eds) (1981), *The Frontier in History: North America and Southern Africa Compared*, (New Haven and London: Yale University Press); for early historiographical treatments of the Eastern Cape, the Xhosa and Khoekhoe

- experience of colonial encroachment as well as issues such as education, and the role of missionaries, see: J. S. Galbraith (1963), *Reluctant Empire: British Policy on the South African Frontier, 1834–1854* (Berkeley: University of California Press); C. Saunders and R. Derricourt (eds) (1974), *Beyond the Cape Frontier* (London: Longman); H. Giliomee (1979), 'The Eastern Frontier, 1770–1812', in R. Elphick and H. Giliomee (eds), *The Shaping of South African Society, 1652–1840* (Middletown: Wesleyan University Press), pp. 421–71; J. Milton (1983), *The Edges of War: A History of Frontier Wars, 1702–1878* (Cape Town: Juta); S. Newton-King (1999), *Masters and Servants in the Cape Eastern Frontier* (Cambridge: Cambridge University Press); B. MacLennan (1986), *A Proper Degree of Terror: John Graham and the Cape's Eastern Frontier* (Braamfontein: Ravan Press); N. Penn (2006), *The Forgotten Frontier: Colonists and Khoisan on the Cape's Northern Frontier in the 18th Century* (Athens: Ohio University Press); M. Legassick (2010), *The Politics of a South African Frontier: The Griqua, the Sotho-Tswana and the Missionaries, 1870–1840* (Basel: Basler Bibliographien).
36. Penn, *The Forgotten Frontier*, p. 1.
 37. R. Ross (1999) *Status and Respectability at the Cape, 1750–1860, A Tragedy of Manners* (Cambridge: Cambridge University Press).
 38. *Ibid.*, pp. 157–9.
 39. *Ibid.*, pp. 159–60.
 40. *Ibid.*, pp. 164–5; for a similar case of the waning of 'Bastaard' fortunes, see D. Nell (2005), '"Treating People as Men": Bastaard Land Ownership and Occupancy in the Clanwilliam District in the Nineteenth Century', *South African Journal*, 53 (1), p. 124.
 41. Penn, *The Forgotten Frontier*, p. 165.
 42. Legassick, 'The Northern Frontier to 1840', p. 364.
 43. Cape of Good Hope, Department of Lands, Mines and Agriculture (1893) *Selections from the Correspondence relating to the Settlement of Loeriesfontein in the Division of Calvinia* (Calvinia: W. A. Richards and Son, Government Printers), p. 67.
 44. Civil Commissioner of Calvinia to the Under Colonial Secretary, 13 March 1888, Cape of Good Hope, *Selections from the Correspondence*, p. 1.
 45. Cape of Good Hope, *Selections from the Correspondence*, p. 1.
 46. 'The Civil Commissioner to the Under Colonial Secretary, 25 May 1888', Cape of Good Hope, *Selections from the Correspondence*, pp. 3–4.
 47. *Selections from the Correspondence*, pp. 5–7.
 48. Investigation held this day before me J. C. Faure, C.C. into complaint of farmers regarding Loeriesfontein, and requesting withdrawal of ticket of occupation, 2 May 1888, *Selections from the Correspondence*, p. 5.
 49. Testimony of Daniel Gryffenberg, 3 May 1888; Testimony of William James Shawe, *Selections from the Correspondence*, pp. 5–8.
 50. 'Surveyor General to Assistant Commissioner', 16 February 1892, *Selections from the Correspondence*, p. 58.
 51. *Ibid.*, pp. 46, 49.
 52. *Ibid.*, p. 46.
 53. *Ibid.*, p. 49.
 54. *Ibid.*, p. 27.
 55. Bowker, *Speeches, Letters and Selection*, 'Extract of a Letter' 1842, pp. 109–10.

56. J. Whiteside (1906) *History of the Wesleyan-Methodist Church of South Africa* (London: Elliot Stock); L. Hewson (1950) *Introduction to South African Methodists* (Cape Town: Standard Press); W. C. Holden (1877) *A Brief History of Methodism, and of Methodist Missions in South Africa* (London: Wesleyan Conference Office).
57. Whiteside, *History of the Wesleyan Methodist Church*, p. 408; L. Hewson, *Introduction to South African Methodists*, p. 81.
58. Cory Library (hereafter CL), WMMS, Synod Minutes, South Africa, 1880–1881, Grahamstown District Resolution, RE: Formation of an Annual South African Conference.
59. CL WMMS, Synod Minutes, South Africa, 1880–1881, Summary Report by John Kilner, Deputation to South African Mission Field.
60. CL, MS 15 880, Records of the Farmerfield Estate, Report of the Committee appointed by the Conference of 1884.
61. CL, WMMS, Correspondence, South Africa, 'The first South African Conference, April 1883'.
62. Etherington, *Preachers, Peasants and Politics*, pp. 176–9.
63. G. 8 of 1883, Blue Book on Native Affairs, Report of the Civil Commissioner of Albany.
64. Bundy, *Rise and Fall of a South African Peasantry*; For the Eastern Cape see Crais, *White Supremacy and Black Resistance* and Switzer, *Power and Resistance in an African Society*.
65. WMMS, Correspondence, South Africa, 'The first South African Conference, April 1883, Conference authorizes the president to prepare a scheme for the sale of the Farmerfield estate and to take any action which may be necessary before the next Conference'.
66. CL, MS 15 880, Records of the Farmerfield Estate, 'Report of the Committee appointed by the Conference of 1884'.
67. CL, WMMS, Synod Minutes, South Africa, 'Grahamstown Minutes, 15 January 1868; Report of the Salem and Farmerfield Circuit, 1867'.
68. CL, MS 15 880, Records of the Farmerfield Estate, Report of the Committee appointed by the Conference of 1884.
69. *Ibid.*
70. *Ibid.*
71. A. Gibson (1891) *Eight Years in Kaffraria, 1882–1890* (London: Wells, Gardner, Darton), p. 168.
72. C. Manona, (1988) 'The Drift from Farms to Town: A Case Study of Migration from White Owned Farms in the Eastern Cape to Grahamstown', PhD dissertation, Rhodes University, pp. 72–5, 94–5.
73. See Gibson, *Eight Years in Kaffraria*, p. 150, for his interesting perspective on non-Christian residents at two local Wesleyan stations. Gibson's is an Anglican missionary commentary on some distinctions between Anglican and Methodist missions.
74. D. Williams (1960) 'The Missionaries on the Eastern Frontier of the Cape Colony, 1799–1853', PhD dissertation, University of Witwatersrand.
75. Many thanks for Rodney Davenport who steered me clear on the Matthews family genealogy and Jeff Peires of the Cory Library and Fleur Way-Jones of the Albany Museum for tracking down the references; CL, B. Davenport (2010), 'A History of the Matthews Settler Family of Salem and Woodstock',

- Alice, South Africa. 1820–1950' (privately published, Cape Town), pp. 40–1; Albany Museum, Bowker Library, Journal of Mrs S. E. Amm.
76. CL, Simon George Amm, *Journal*, 1886 to 1957 [19 June 1895 entry]; Albany Museum, Bowker Library, Diary of S. Amm.
77. Ibid.
78. Ibid.
79. CL, MS 15 880, 'Records of the Farmerfield Estate, Report of the Committee appointed by the Conference of 1884'.
80. Ibid.
81. Ibid.
82. Ibid.
83. Ibid.; CL, MS 467, *Report of the Committee on the Farmerfield Estate*, 11 March 1886.
84. CL, MS 15 467, Report of the Committee on the Farmerfield Estate, 11 March 1886.

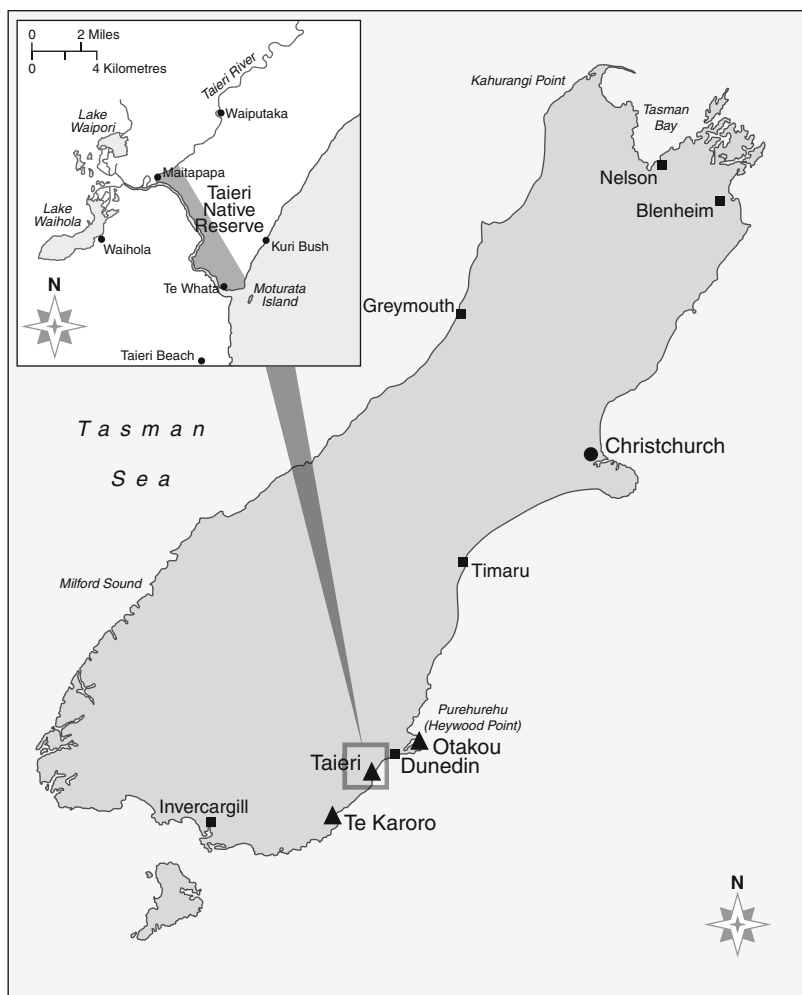
7

Living on the Rivers' Edge at the Taieri Native Reserve

Angela Wanhalla

Histories of settler colonialism often equate dispossession with land loss, but for many indigenous communities erosion of fishing rights and loss of wetland environments constitute a significant part of their colonial experience. For the residents of the Taieri Native Reserve, located in southern New Zealand (see Map 7.1), the impact of drainage technologies on local indigenous food gathering and cultural practices underpins their colonial story, for it resulted in the eventual loss of the local wetland, effectively eroding any possibility of sustaining family and community life at the reserve. Between the 1870s and 1920s the fate of the river and wetland was debated and contested in multiple forums: local councils, drainage boards, board of conservators, as well as in a series of government inquiries, which culminated in the Taieri River Improvement Act 1920. This law extinguished Māori fishing rights over Tatawai, a shallow tidal freshwater lake that formed part of the wetland system, in the name of 'improvement' and 'progress'.

Historical assessments of Māori land dispossession in New Zealand concentrate on the Native Land Court, which began operating on a national basis in 1865, as the key mechanism of colonial governance and land administration.¹ South Island Māori, notably the Kāi Tahu iwi (tribe) engaged with the Land Court, but were dispossessed of their land much earlier. By 1864, a year before the Land Court began operating, the majority of Kāi Tahu land had disappeared through a series of large New Zealand Company and Crown land purchases. In 1844 a native reserve was created out of the New Zealand Company's Otago Purchase. It was one of three reserves set aside for Otago Māori, and became known as the Taieri Native Reserve. Kāi Tahu sought to retain this block of land because of its strategic location. It is a vital entry point to the Taieri River, as well as to inland lakes and a wetland vitally important



Map 7.1 The location of the Taieri Native Reserve, New Zealand

to the survival of this community, but it was equally essential to the livelihood of local farmers who sought to change its direction and drain the associated waterways. For colonists the river was a barrier to economic development, but they gave little thought to the impact of flood control measures or drainage schemes upon the one community that depended upon the river, lakes and wetland for survival.²

Water was, and remains, a highly political issue in New Zealand.³ Focusing on how waterways were understood, utilized and debated at Taieri illuminates the importance of rivers to colonial development and improvement, and demonstrates the destructive impact of local authorities and government legislation upon Māori rights to key food resources known as *mahika kai*.⁴ Close studies of communities, such as Taieri, also broaden our understanding of how colonialism was practised at the local level by turning the spotlight on agents of colonial governance not normally accorded much attention in colonial history: drainage boards, river boards and local councils.⁵ Dominated by local colonists, landowners and farmers, these entities were significant forums for advocating indigenous dispossession of wetlands, lakes and rivers. Dispossession, as it was practised at Taieri, demonstrates how colonialism was also enacted through the governance and administrative practices and processes of local authorities who advocated for the eradication of fishing rights in the name of economic 'progress' and 'advancement' in rural districts. For these reasons, water and how it was to be managed in Otago became a site of conflict in colonial political life, shaping the lives of the families that lived near it, but particularly local Māori who required access to the river and the wetland to ensure their basic survival.

Setting the scene: Taieri and its people

At 318 kilometres the Taieri is the third longest river in New Zealand. It stretches from the mountains east to the sea, flowing through a catchment area of 5650 square kilometres constituted of three zones: the upper, strath and lower Taieri. From the coastline, the river flows through a narrow gorge before entering the lower Taieri Plain where it meets the Waipori River. It is at the point where the two rivers meet that Maitapapa, the main settlement of the Taieri Native Reserve, is located. Situated on the northern bank of the river, the 2310-acre reserve stretches from the main settlement to the coast with the river acting as a natural boundary line. Much of the reserve consists of steep hills, with the only habitable area being the 68-acre piece of flat land located at the elbow of the two rivers, in addition to a few pockets of low-lying land situated on the edge of a tidal river prone to regular flooding. From the 1840s until the 1930s, when many of the families migrated elsewhere, residents of the reserve struggled to make a living out of their poor quality land, while also seeking to sustain a way of life based on the resources of the river, the inland lakes as well as a wetland that was initially much larger than it is today.

Prior to the systematic colonization of the region in the late 1840s Kāi Tahu occupied the lower Taieri on a seasonal basis. Tu Paritaniwha near Momona, Maitapapa the flat land below Omoua Pā and Takāihitau were occupied on a semi-permanent basis,⁶ while there were also a number of villages located along pockets of flat land on the northern and southern banks of the Taieri River, including the fishing village Te Au Kukume as well as Manuwhakarau.⁷ Another small village, Kanuhaka or Kaihoaka, was located at Excelsior Bay.⁸ Further inland was the village of Waiputaka.⁹ While very little is known about the history of these villages, they usefully demonstrate a pattern of coastal and inland settlement, providing a map of Kāi Tahu mahika kai trails that testify to the use, occupation and the exercise of resource rights in the Taieri region.¹⁰

A small community of about 20 people lived at Maitapapa in 1844. In July that year 533,600 acres of Otago land was purchased by William Wakefield on behalf of the New Zealand Company from 21 Kāi Tahu chiefs and principal men for £2400.¹¹ The New Zealand Company's Otago Purchase was the first phase in a planned colonization scheme known as 'New Edinburgh'. Although this was a New Zealand Company purchase, the Lay Association of Members of the Free Church of Scotland undertook the responsibility of colonization.¹² These two entities formed the Otago Association, with the Scottish Lay Association in charge of promoting settlement and selecting the migrants, and the New Zealand Company taking responsibility for the survey of the land.¹³

Along with Te Karoro and Otākou, Taieri was one of three areas excepted from purchase at the request of Kāi Tahu chiefs. These leaders wanted to retain the lower Taieri because the river was a key point of access to inland lakes and the wetland, which were rich in essential foods and the raw materials for cultural practices.¹⁴ During the eighteenth and nineteenth centuries Kāi Tahu migrated to the region seasonally to obtain food to store for the forthcoming winter, as it was rich in eels, was a centre of duck-hunting and weka-hunting as well as tī-sugar production.¹⁵ The river and inland lakes were abundant in fish life, notably pātiki (flounder) and inaka (whitebait).¹⁶ Added to this, the Taieri plain contained the only large swamps south of the Waitaki River (the boundary of north Otago) that grew both harakeke (flax) and raupō (bulrush), the raw materials needed to make kete (baskets), apparel, rope, mats and fishing nets.¹⁷ Lakes Tatawai, Potaka and Maramatetaha, as well as other numerous eeling sites, such as Kaokaoiroroa near the Waiholā township, Owiti near the village of Clarendon and Kawhakatuatēa north of Waiholā, were located in the immediate vicinity of the reserve.¹⁸

Kāi Tahu also sought to retain access to their food cultivations and gardens located on the banks of the river.¹⁹ Apart from maintaining control over mahika kai, the area was also of broader cultural significance, for it was the site of a traditional urupā (burial-place).²⁰

In the context of settler colonialism the word 'reserve' conjures up a history of the social, economic and political marginalization of Indigenous peoples. It is a term associated with draconian practices designed to undermine autonomy and independence, such as pass systems, and it brings to mind bounded locations set apart from European settlement where Indigenous communities were subjected to a range of state practices, policies and regulations that restricted Indigenous populations to small areas of land, reduced access to traditional resources and imposed a new economic system and ways to use the land.²¹ Unlike the United States, Canada and Australia, Taieri lacked the presence of government agents or missionaries living in close proximity. Residents were not under surveillance nor were they legally required to live on the reserve; in fact they were free to live where they pleased and they were not restricted from engaging in seasonal hunting and fishing activities off the reserve.²² Nevertheless, over time the community and its lands came under the control of the Native Land Court system, and other agents of government such as the Native Reserve Commissioner and the Native Agent, both servants of the Native Department, the government agency that had oversight of Māori land purchasing.

Of most significance is the Native Land Court. It aimed to turn communities into individual landholders through the issue of Certificates of Title. These delineated new individual rights, including the rights of land disposal and alienation as part of a broader process to 'improve' and 'civilize' Māori, but to also make it easier for the Crown or private individuals to purchase Māori land in the future. In 1867 the reserve was brought before the court, and split into three blocks, and sections marked out in each, thus beginning the process of individualizing ownership to the land. It was in Block A where most resided, for it was in this block that Maitapapa was located, and where the land was most suitable for settlement, the remainder being steep and inaccessible.

Living on land that had limited viability for agricultural development on a large scale, and restricted to making use of the 68 acres of the village land, the families established an economic cycle consisting of seasonal farm labour, bartering goods and stock with local traders, and utilizing their limited space to run stock and grow their own food. In 1852, 23 people resided on the reserve. They owned three cattle;

20 tame pigs; cultivated one acre of wheat and three acres of potatoes; had three canoes; one boat and a handmill.²³ Nine years later the population of 30 individuals had 30 fenced acres and 29 acres in cultivation, they owned 28 horses, 97 horned cattle and 20 pigs.²⁴ Families also combined subsistence agriculture with a limited engagement with the cash economy through local markets, such as those that operated at Taieri Ferry, located directly across the river from the kāika (village), in the early 1860s.²⁵

By 1868, Taieri Kāi Tahu were described as living in 'eight or ten dilapidated huts' with only a few acres under cultivation as the remainder of the reserve consisted 'of steep hillsides, and broken ground, only adapted for grazing'.²⁶ Little of the reserve was suitable for agricultural development, so they were 'trying to let the hill ground to some of the neighbouring settlers'.²⁷ The situation of the Taieri whānau (families) in 1868 exemplifies that of Kāi Tahu generally in the 1860s, attempting to negotiate two different economies, living off poor quality reserve land, while maintaining access to mahika kai sites and left with 'sufficient land only for bare subsistence with no opportunity to turn, as European settlers soon did, to pastoral farming on a relatively large scale'.²⁸ With their land coming under increasing pressure, having access to the resources in rivers, wetlands and lakes enhanced survival but Kāi Tahu families soon came into conflict with colonists, colonial officials and local authorities over the local waterways.

Rivers, lakes and wetlands

The river, lakes and wetland shaped settlement patterns and economic development at Taieri. Colonists were attracted to the lower Taieri region because of the abundance of raw materials, such as timber, while the river gave them a natural highway; plus the soil was heavier and more fertile at the southern end of the plain.²⁹ At the end of 1855, 459 colonists had settled on the plain, with most of the population concentrated at the townships of Henley, Otokia and Waihola, as well as Taieri Ferry. Immediately across the river from Taieri Ferry was Maitapapa, positioned in the centre of bustling settlement and trade. With the discovery of gold at central Otago in 1861, the river settlements flourished with numerous accommodation houses and hotels established around Taieri Ferry and Henley to take advantage of the boost in the economy and increase in river traffic.

Despite the abundance of raw materials at Taieri, colonists encountered a landscape in need of management in order to make it 'productive'.

They found themselves faced with a plain, described in 1844 as 'brownish yellow, broken only by the black hue of one or two patches of wood, and by the glitter of the water, which seemed in some places to form lagoons, in others to wind about with many sinuosities'.³⁰ Running through the region was a series of rivers, Taieri being the largest, forming a scroll plain wetland that was an impediment to agricultural settlement. Some doubted anything could be done because of the lower Taieri's marshy landscape was littered with grass-tree swamps 'through which canals of black sluggish water wind in various directions and interspersed with stagnant lagoons' in addition to the fact that 'its level is not above that of the sea', while 'the tide ebbs and flows in the Taieri river for many miles up the valley, and in the lagoons with which it communicates'.³¹

Despite these difficulties, colonists and local authorities quickly advocated controlling the course of this tidal river, for it shaped their economic fortunes, particularly for those colonists living on the low-lying Taieri plain who experienced flooding on a regular basis. Waterways connect, but they also divide, quickly becoming a source of conflict in the political and economic life of colonial communities. After experiencing their first major flood in 1868 the residents of Henley, Taieri Ferry, Taieri Mouth, Waiholā, Otokia and Outram organized to manage the local waterways. Local authorities advocated draining the wetlands and redirecting the route of the river in order to manage the impact of flooding, so as to give greater economic security to farmers and to advance economic progress. Heated debates emerged, which divided the east from the west, pitting colonist against colonist. In January 1878 a public meeting at Outram attracted 100 settlers to discuss a proposal to establish a united river district under one Board of Conservators to 'protect the district' from the 'overflowing of the Taieri River' and to 'keep the Taieri River within bounds'. A dam was proposed, as were floodgates to control the tides. Although there was agreement that the overflowing of the river 'was a great evil to the district', the differences between the east and west sides of the river could not be overcome.³² The placement of embankments sparked angry letters to local newspapers. William Adam junior, who farmed at Waiholā, questioned the wisdom of the West Taieri embankments in 1889, which had the effect of sending water to the north and east. Adam explained:

the Taieri river runs across the plain from corner to corner and it cuts it in two; the western half is protected by an artificial bank which forces its share of the water to the eastern side. At Otokia the river

having crossed the plain runs close to the hills; so between the river embankment on one side and the hills on the other an artificial gorge is formed, through which the West Taieri River Board hope to force the river during its highest floods. Right in the throat of the gorge – the neck of the bottle so to speak – lives your humble servant. Is it any wonder that when I see banks built higher and stronger than ever they have been, and which if they answer the purpose for which they are intended can only have the result of sweeping all my buildings, and probably myself and my family, out to sea – is it any wonder that I complain?³³

In the event of a flood matters would not be so bad if they had easy access to the west side of the river. Adam proposed a solution to ease the danger of any future floodwaters:

so far as the east side is concerned – [which] would be to procure an old cannon, some stone balls to fit, and a few kegs of blasting powder, and when the danger begins to get serious a few well-directed shots, so as to take the bank between wind and water, would right things; cannon balls could not be kept back with pitchforks as a boat party might be. Then the West Taieri River Board could go to the law about their broken bank and learn whether they have a right to drown stock, damage property, and cause danger to human life.³⁴

Adam's complaints stemmed from the long-standing attempts of the different local authorities to manage the river, which would only be resolved through the intervention of the central government. Earlier another major flood in 1870 initiated government inquiries into the river and plans for its management, in the form of drainage work and stop banks that would alter the landscape permanently. These matters would be thoroughly investigated by the Rivers Commission (1880), established in response to the weight of petitions from colonists for assistance. River management authorities were established, but very rarely did they consult with Māori interests and so flood control became a significant part of Taieri Kāi Tahu narratives of dispossession, for drainage schemes and flood protection works robbed them of access to food and ultimately led to the loss of significant cultural sites.

Dispossession

Like their neighbours, residents of Maitapapa also had to deal with the impacts of flooding and high tides. For instance, in June 1881, high

tides had 'backed up the river to such an extent that it flooded a portion of Henley and the Maori Kaik, completely submerging the strip of low land on the east side of the Taieri bridge'.³⁵ They also participated in a local economy that revolved around the river, benefiting from improved access to trade goods and new industries as more settlers poured into the region.³⁶ Even though the Henley correspondent to the *Otago Witness* uncharitably wrote that the people of Taieri Ferry suffered from a 'want of amusement and change' an energetic social and cultural life was evident at the river communities, in which Kāi Tahu families were active participants.³⁷ Annual picnics were held on New Years Day at Taieri Beach, and a domestic tourist industry developed as summer river trips became increasingly popular in the 1870s and 1880s.³⁸ They partook of local church services, such as Reverend Allan's thanksgiving sermon at Taieri Ferry for the harvest of May 1872,³⁹ and attended school events, local lectures, picnics, concerts and weddings.⁴⁰ But for the reserve families the river was an essential part of their lives in a different way: they farmed their land to supplement what they caught in the river, its lakes and tributaries, while the loss of the wetland and the environmental degradation of the river affected them in ways that were remarkably different from their settler neighbours.

In the 1840s the residents of Taieri lived on tuna, which were of a 'large size, and very delicate flavour', in addition to fern root, potatoes and korau (wild turnip), known to be found along the banks of the river.⁴¹ During the summer months they fished for eels, caught ducks and hunted wild pigs.⁴² Mid-century and afterwards agricultural work on the farms of local settlers offered steady employment and income for the families. They continued to farm their limited reserve land, but fishing remained an essential food gathering practice. During October and November they set whitebait nets in the river. Before restrictions on nets were introduced, the families used to set their nets in the river permanently.⁴³ Mere Kui used to take her children to lakes Tatawai and Waiholā to catch pātiki and eels.⁴⁴ According to Thomas Brown, who grew up at Maitapapa, when work on local farms was scarce 'the Kaik people would often go to the lakes to spear eels' and catch game.⁴⁵ Along with lakes Waiholā and Waipori, Tatawai attracted native birds, which were caught in a 'duck drive'. In 1887 one local settler recollected how there were 'acres of ducks resting on these waters in great black swarms numbering many thousands. At that time, when the teal ducks were moulting, the Maori from the Henley village used to go into the shallow water with canoes and dogs and capture canoe loads of the birds'.⁴⁶ Access to traditional foods was essential to basic sustenance.

William Brown, for instance, may have kept sheep on the hills, but he also relied on the fact that there was 'plenty of fish and game in the river and swamplands'.⁴⁷

But this way of life was constantly under threat from local authorities and farmers. Originally the plain formed a wetland that extended from Wingatui to Waihola, but by 1867 around 28,000 acres was under cultivation in the form of wheat, barley, oats, grasses and potatoes, while sheep and dairy farming were also being established.⁴⁸ The fortunes of the river communities ebbed and flowed with the introduction and completion of the railway in 1875, as well as improvements made to roads and bridges.⁴⁹ With the railway pushed through the plain, new economies developed. Henley became a key location for pleasure boat trips down the river to Taieri Mouth and the beaches, which 'offer much attraction for picnic parties from town and elsewhere' particularly over the summer.⁵⁰ The most important economy of the region, however, was dairy and sheep farming. Draining the plains took on increasing importance from 1882 as local farmers sought to take advantage of the new technology of refrigerated shipping, which enabled the easy export of New Zealand meat and dairy products to the British market.⁵¹

Development happened at pace. While in 1875 there were up to 400 acres 'of unimproved land in the immediate vicinity of Taieri Ferry', by 1881 'not a rood of unfenced land' remained.⁵² The advent of greater settlement and industry brought by the gold rushes, along with the processes of mining, sluicing, deforestation and cultivation, saw the lakes become filled with silt, increasing the depth of the water. Increasing settlement encouraged further drainage, which would radically alter the landscape, with three lakes – Potaka, Tatawai and Maramatetaha – disappearing completely.

Environmental historians have drawn attention to the pragmatic and ideological forces that directed the transformation of wetland environments in New Zealand.⁵³ Often regarded as unhealthy and dangerous places, and as 'empty' uninhabited 'wastelands', the drainage, management and control of wetlands were widely supported in New Zealand and other settler societies to aid economic and social progress.⁵⁴ New Zealand's wetland environments, though, have the distinction of having almost disappeared as a result of the rapid application of drainage practices across the country. According to Geoff Park, 85 per cent of New Zealand's wetlands have disappeared since European settlement, a transformation that is 'one of the most dramatic known anywhere in the world' and is 'far higher than the countries in which modern agriculture began large-scale draining of swamps and marshes', such

as the 60 per cent decline recorded in the United Kingdom and the Netherlands.⁵⁵ Introduced technologies, such as drainage, constitute a part of what Alfred Crosby described as 'ecological imperialism', a process supported and enacted through key governance structures, including local councils and central government.⁵⁶

Drainage practices had already begun to alter the landscape by the 1880s. In 1887 the travelling reporter for the *Otago Witness* described the impact of drainage efforts at the lower Taieri where

a considerable area of this rich plain is still as nature left it. Particularly is this the case down the central part of the plain and towards the lower end, in the vicinity of Henley, where there is a great scope of undrained swamp covered with Maori head tussocks [that] mars the beauty of the Taieri's summer green. Well I remember the time when most of the plain represented this untoward appearance, when the Maoris fished for eels and captured teal ducks where smiling home-steads now stand, and when a fire with a nor'west gale behind it swept the plain from Maungatua to the river the native rats could be seen in thousands plopping into the river and seeking the other shore for safety from the devouring element. But we have changed all this, and the native rat has disappeared along with the teal duck, the eels, and quails that kept him company.⁵⁷

By 1891, the progress made towards eradicating the 'interminable swamp', as Taieri was described, attracted acclaim. Now

smiling homes with fertile farms have replaced the swamp. Instead of coots and other waterfowl and slimy eels there are lusty bovines and sleek milch cows browsing in clover up to the knees. Two dairy factories, almost contiguous, testify to the richness of the Henley pasture. The old wayside accommodation house, too, has been superseded, and the White House Hotel takes its place. Part of the original tenement, formerly owned by the late Mr John Jones, still stands, an ancient landmark in a sea of modern things.⁵⁸

Even Maitapapa, noted the writer, with its 'well-built houses and neat surroundings bespeak a new order of things'.⁵⁹

Just as drainage was radically altering the landscape, Lake Tatawai, located one mile north-east of the Berwick settlement, became a focal point of conflict, as local authorities and settlers sought to drain the final vestige of the wetland. Reserve families, led by Tiaki Kona and

supported by their local MP Tame Parata, fought valiantly to retain the lake as a fishing reserve. In 1885 Tiaki Kona petitioned the government seeking Tatawai be 'returned to them'.⁶⁰ Three years later, in 1888, the lake was placed under their control so they 'may take fish for use of himself and family, at any time, and in any way he pleases'.⁶¹ But with access to sources of mahika kai increasingly restricted by the encroachment of settlers' holdings, further action was required.⁶²

In 1891 the community requested Parata's support to have a small landing reserve next to the lake be 'given to us for the purpose of cultivation because the Europeans are always running after persons who go there to grow food. I request that the "mana" [authority] over this portion of land be given to us. The name of this portion is Tatawai'.⁶³ They also gained the support of Alexander Mackay, native reserves commissioner and native land court judge, who recommended a reserve to guarantee their access to the lake after having 'been sent away by the Europeans whenever they go there'.⁶⁴ Mackay thought reservation would also guarantee their access to a source of food as 'they are prevented from fishing in the Taieri, owing to that river being stocked with imported fish' and furthermore, the 'acquisition of the place alluded to would be a great boon to the people of the settlement, as they are very poorly off and have very little to depend on for a living'.⁶⁵

Taieri families were granted a landing reserve next to the lake. This was in no way controversial because neither the government nor local authorities claimed the land for any utilitarian purposes. The only points of controversy were over its size, which the Taieri families believed was four acres, in addition to encroachment by local settlers, which thwarted their plans to build a shelter upon it, fence it and generally improve it.⁶⁶ These conflicts were brought to the attention of the Commissioner of Crown Lands. As he did not 'think there is ever likely to be any dredging operations to prevent the Natives pursuing their avocation of fishing for eels' in the lake, he recommended the request for reservation of Tatawai's waters be completed.⁶⁷ In 1901 the 121-acre lake was set aside as a fishing reserve, specifically for the Māori residents of Taieri, under the Public Reserves Act 1881.⁶⁸ Immediately after this the community organized to protect Tatawai. On the advice of Mackay they appointed a committee to act as trustees for the lake.⁶⁹ This committee – Tiaki Kona, George Brown, Henry Martin, William Palmer and Robert Bryant – would lead the battle to retain the lake in the face of a number of interest groups, ranging from drainage boards to recreational sporting associations.⁷⁰

While the Maitapapa community had successfully gained the legal reservation of Lake Tatawai by 1901, as well as a small landing reserve

where they could camp when fishing or hunting, they were soon to feel the pressure of moves to drain the wetlands under government statute.⁷¹ As the twentieth century proceeded 'a mesh of contour channels, diversions, bridges, embankments, drains and pumping stations was thrown over the plains to keep them dry', but in making land available for settlement and 'productive' farming, local bodies and the government ignored Māori fishing rights.⁷²

In the first two decades of the twentieth century a number of petitions from local settlers and Kāi Tahu were received, inquiries were held and a series of acts were passed that affected the future of the river and lakes. Although Tatawai was legally set aside as a reserve in 1901, by 1903 Parata 'had received many communications from Natives in the locality stating that the local body desired to appropriate this lake'.⁷³ Pressure from local authorities and settlers continued, culminating in a government-appointed investigation, which reported in 1906. The Taieri River Commission recommended centralization of drainage management under the authority and control of one board. As a result, the Taieri Land Drainage Act 1907 was passed into law. Designed to simplify the management of drainage on the Taieri, it vested the beds of lake Waiholā and Waipori in the newly created Taieri Drainage Board, which was empowered to grant leases, set the rent for local farmers and to undertake works on the lakes for the purposes of flood control.⁷⁴ The following year 23 Maitapapa residents signed a petition, which was put before the government's Land Committee, protesting the plans to drain lake Tatawai.⁷⁵ While this petition resulted in public confirmation that the lake and landing reserve were indeed set aside for Māori, local settlers had their petition concerning drainage of the plain heard by the Lands Committee, which led directly to the Taieri Land Drainage Act 1910. This act established the Western Taieri Land Drainage Board, and put in place a rating system to finance flood protection, but local Māori derived no benefit from this new rating system. In fact the 'work of the Drainage Board had been silting up the river and flooding the Natives out of their homes in times of flood'.⁷⁶

Mahika kai rights to Tatawai were again the subject of debate amongst the Maitapapa community in April 1911, when they held a meeting at Tiaki's Kona's house to discuss the 'interference' of the local drainage board. Tame Parata also attended, bringing the attention of local media to the small community. It was concluded that 'the Natives are entitled to catch native fish by any means they choose on their own side of the river from the boundary – White House Hotel to the Taieri Mouth'.⁷⁷ Everyone agreed they had the right 'to take from the river what native

fish they wanted for their own use, and to do so by what means they choose, nets or otherwise'.⁷⁸ In 1912, these rights were threatened by a proposal to drain 25,000 acres of the Taieri plain, including Lake Tatawai, under the Taieri Land Drainage Bill. A clause in the bill placed Tatawai in danger. That clause promoted the cutting of a channel into lakes Waipori and Waiholā via Tatawai. Parata responded by introducing Clause 8 in order to protect Māori fishing rights at the lake, which Otago politicians objected to 'because that clause would allow the whole drainage of the plain to be held up'.⁷⁹ Parata outlined its necessity:

From the swamps adjoining the lake the food came for the fish in the lake and if the swamps were dried up by the carrying-out of the drainage scheme there would be no food for the fish, the fish will die, and then there would be no food for the Maoris. . . . It [clause 8] was not inserted for the reason stated by the leader of the [Legislative] Council [to halt drainage]. The Maoris wanted their fishing rights to remain undisturbed. The engineers had arranged that the drainage should pass through the part of Tatawai Lake. He was certain that there were routes by which the country could be drained other than through Tatawai Lake. It was suggested in the proposed new clause that the Maoris should attend the Native Land Court and prove their rights to the Lake. Why was that necessary? By Proclamation in the [Government] Gazette the fishing rights were preserved to the Natives by the Crown.⁸⁰

There was little sympathy for Māori fishing rights amongst Otago's politicians in the House of Representatives. Many agreed with the sentiment expressed by a contributor to the *Wanganui Chronicle* that the 'right to catch a few eels in a lake or lagoon is becoming a menace to the progress of settlement and the productiveness of the country'.⁸¹ Parata, however, won the right to have Clause 8 retained in the bill in recognition that fishing rights to Tatawai were not only of economic importance but represented the maintenance of cultural links. But in 1920 this was to change.

In 1920 Kāi Tahu fishing rights to the lake were extinguished and the lakebed was vested in the newly created Taieri River Trust without any consultation with local Māori.⁸² That trust was given all the powers of a river board under the River Boards Act 1908, and the powers of a drainage board as outlined within the Land Drainage Act 1908. The Taieri River Improvement Act 1920 evolved out of a 1919 River Commission established to investigate ways to prevent and alleviate damage to productive land from the periodic flooding of the Taieri

River. The commission recommended a drainage scheme that had been presented and partially begun in 1910, but

abandoned, owing, it is stated, to opposition by the Maoris to the drying of the lake over which they have, or are alleged to have, fishing-rights. Your Commissioners cannot conceive that such a consideration as fishing-rights in a lake which is almost dry, and which could therefore have no commercial value to any one, should be allowed to weigh against the enormous benefits, financial and otherwise, which would accrue to the settlers and the State if the Maori Lake were utilized for the purposes herein indicated, and in which capacity it would be doing a service infinitely greater than ever it will do as a fishing-ground for Natives. Your Commissioners are of opinion that the lake is of no financial value to the Natives; but, even so, it would be better to waive this point, and even in opposition to strict justice, to take the lake and pay the Maoris some compensation in order to wipe out their opposition for ever. If their demands are extortionate, then by the provisions of a special Act their rights should be extinguished and Parliament should fix a sum, which should be a purely nominal one, to be paid to any Natives who could establish the fact that at present they are making any substantial use of the lake.⁸³

While compensation was offered to Taieri Kāi Tahu for the loss of the lake any claims had to be lodged within six months, 'after which the rights of the Natives ceased for all time'.⁸⁴ In its findings the Waitangi Tribunal found the failure of the Crown to consult with Kāi Tahu or provide any compensation for the loss of the lake 'showed scant regard for Maori fishing rights'.⁸⁵ The Crown, stated the Tribunal, breached its duty in the care and protection of special fishery reserves, such as Tatawai.⁸⁶

Tatawai's loss impacted upon the remaining Taieri families into the 1920s. In 1921 Thomas Brown wrote to the Lands and Survey Department claiming the channel, which was designed to let the flood waters escape, 'caused the fish we relied on to disappear. Flat fish are now practically extinct while trout and perch are fairly plentiful in this channel and very rarely are any caught within the lake'. Lacking access to food they were using a small piece of land three kilometres away from their village for grazing purposes. Brown requested they be granted formal possession of this land so as 'to continue to use it as we have'.⁸⁷ Although only a few families remained at the reserve, they laid a claim before the Native Land Court in 1923, claiming their fishing rights

were being impinged upon, but without success.⁸⁸ They took their final stand against the act in 1924, resolving that a committee be selected by the Taieri families to 'petition the House of Parliament for remedial legislation to enable them to lodge claims'.⁸⁹ Very little was achieved until the 1998 Ngāi Tahu Deed of Settlement was agreed upon and signed by the Crown, which returned the wetland, of which Tatawai was a crucial part, to Kāi Tahu as compensation for historic injustices.

In its finality, the Taieri River Improvement Act 1920 encapsulates colonial life for Kāi Tahu living in the Otago region, which was tied to ideas of 'improvement' and 'progress'. The life of the river and wetlands throughout the second half of the nineteenth century was entwined with a desire to control it: settlers wanted to prevent flooding, and sought to control the river and its course, what they referred to as its 'destructive force'. Control was a central point of debate in local politics, which played out in daily life, in the columns of local newspapers and eventually emerged as an issue of national importance in the first two decades of the twentieth century. Residents at Henley, Taieri Beach, Otokia and Taieri Ferry created a world organized around the river, but often in spite of it. The realities of daily life for those at Maitapapa, who literally lived on the rivers' edge, though, was very different to that of their neighbours. Drainage robbed them of the resource-rich wetland environment, local bodies controlled the fate of the river and lakes to suit the needs of farmers, who were supported by central government legislation that disempowered Kāi Tahu. The result was mobility: Taieri Kāi Tahu, no longer able to access the food and resources necessary to maintain their families, moved away to find work from the mid-1920s, and ever since then nobody has lived on the Taieri Native Reserve.

Notes

1. The key study of the land court is D. Williams (1999), *'Te Kooti Tango Whenua': The Native Land Court, 1864–1909* (Wellington: Huia); also see C. Hilliard (2012), 'The Native Land Court: Making Property in Nineteenth-Century New Zealand', in S. Belmessous (ed.), *Native Claims: Indigenous Law against Empire, 1500–1920* (Oxford: Oxford University Press), pp. 204–22.
2. See A. Wanhalla (2004), 'Transgressing Boundaries: A History of the Mixed Descent Families of Maitapapa, Taieri, 1830–1940', PhD dissertation, University of Canterbury, New Zealand.
3. On the politics of water in New Zealand see N. R. Wheen and J. Hayward (eds) (2012), *Treaty of Waitangi Settlements* (Wellington: Bridget Williams Books); L. Te Aho (2011), 'Waikato: River of Life', in J. Ruru, J. Stephenson and M. Abbott (eds), *Making Our Place: Exploring Land-Use Tensions in Aotearoa New Zealand* (Dunedin: Otago University Press), pp. 145–58.

4. See Michael S. Strack (2008), 'Rebel Rivers: An Investigation into the River Rights of Indigenous People of Canada and New Zealand', PhD dissertation, University of Otago, New Zealand.
5. On this point see, T. Ballantyne (2012), 'Water and the Dynamics of Colonial Domination in Southern New Zealand', Keynote Lecture, Empires from Below Symposia, 6 April, University of Illinois at Urbana-Champaign; and P. Wood (2005), *Dirt: Filth and Decay in a New World Arcadia* (Auckland: Auckland University Press), pp. 40–8.
6. G. Tipa (1999), *Environmental Performance Indicators: Taieri River Case Study* (Wellington: Ministry for the Environment), pp. 6–7; G. Sutherland (1962), *Coast, Road and River: The Story of Taieri Mouth, Taieri Beach, Glenledi and Akatore* (Balclutha: Clutha Leader Print), p. 7; R. J. Stuart (1981), *Henley, Taieri Ferry and Otokia: A Schools and District History* (Outram: School Jubilee Committee), p. 17.
7. W. A. Taylor (1952) *Lore and History of the South Island Maori* (Christchurch: Bascands), p. 181; S. Bray, G. Thomas and V. MacGill (1998) *Under the Eye of the Saddle Hill Taniwha: Maori Place Names and Legends as Viewed from Saddle Hill, Extending From Green Island South to Taieri Mouth and Across to Maungatua, Then North to the Silverpeaks* (Mosgiel: Nga Tutukitanga o Taieri), p. 8; Sutherland, *Coast, Road and River*, p. 9.
8. Bray et al., *Under the Eye*, p. 6; Sutherland, *Coast, Road and River*, p. 9.
9. Bray et al., *Under the Eye*, pp. 33–4.
10. Hoani Korehe Kahu, 'Pukapuka o Wahi Mahika Kai', in J. H. Beattie Papers, MS 582/F/11, Hocken Collections, Dunedin.
11. Waitangi Tribunal (1991), *The Ngai Tahu Report 1991* (Wellington: Tribunal), pp. 281–2.
12. A. H. McLintock (1949) *The History of Otago: the Origins and Growth of a Wakefield Class Settlement* (Dunedin: Otago Centennial Historical Publications), p. 203.
13. McLintock, *History of Otago*, pp. 206–7.
14. C. Wilson (2002), 'Tatawai, Kai Tahu and the Claim', BAHons Research Essay, University of Otago, p. 1.
15. A. Anderson (1987) *Otakou Evidence for the Ngai Tahu Claim Before the Waitangi Tribunal* (WAI-27), pp. 6–7.
16. Tipa, *Taieri Case Study*, p. 6.
17. G. F. Davis (1974) 'Old Identities and New Iniquities: The Taieri Plain in Otago Province 1770–1870', MA dissertation, University of Otago, New Zealand, p. 58.
18. Folder 1, Box 1, p. 121, W. A. Taylor Papers, Canterbury Museum, Christchurch.
19. 7 June 1844, J. W. Barnicoat Journal, MS-0440/01, Hocken Collections.
20. George Clarke Junior to Commissioner of Land Purchases, 7 April 1880, Appendix 33 in Minutes of Evidence, Smith-Nairn Commission, MA 67/8, Archives New Zealand, Wellington.
21. E. J. Peters (2000) 'Aboriginal People and Canadian Geography: A Review of the Recent Literature', *The Canadian Geographer*, 44 (1), p. 46.
22. Few historians have investigated the lived experience on native reserves in New Zealand. One exception is L. Bolton (2004), 'Native Reserves, Assimilation and Self-Determination: Te Atiawa, the Crown and Settlers, North Taranaki, 1840–1875', MA dissertation, University of Canterbury.

23. 'Census of the Native and Half-caste Population Resident in the Southern Portion of the Middle Island as taken by Mantell in 1852', in A. Mackay (1873), *A Compendium of Official Documents Relative to Native Affairs in the South Island*, Vol. 1 (Wellington: Government Printer), p. 275.
24. Appendix to the Journals of the House of Representatives (AJHR) (1861) E-7, pp. 37–8.
25. W. Parkes and K. Hislop (1980) *Taieri Mouth and Its Surrounding Districts* (Dunedin: Otago Heritage Books), p. 19.
26. Alexander Mackay to Native Minister, 7 February 1868 in A. Mackay (1872), *A Compendium of Official Documents Relative to Native Affairs in the South Island*, Vol. II (Wellington: Government Printer), p. 148.
27. Donald McLeod to Chief Judge Fenton, 26 September 1868 in Taieri Native Reserve Block Files (Block A), Box 263, Te Waipounamu Maori Land Court, Christchurch.
28. Tribunal, *Ngai Tahu Report*, p. 340.
29. Davis, 'Old Identities', p. 79.
30. Dr Munro, 'Notes of a Journey through a Part of the Middle Island', 20 July 1844, in T. M. Hocken (1898), *Contributions to the Early History of New Zealand (Settlement of Otago)* (London: Sampson, Low, Marston and Company), p. 245.
31. *Ibid.*, p. 246.
32. *Otago Witness*, 5 January 1878, p. 9; *Bruce Herald*, 1 January 1878, p. 6.
33. *Otago Witness*, 28 November 1889, p. 41. See *Otago Witness*, 11 July 1889, p. 17 for a discussion of the 'Taieri skeleton in the closet [which] is, as you know, the river'.
34. *Otago Witness*, 28 November 1889, p. 41.
35. *Otago Witness*, 18 June 1881, p. 18.
36. *Bruce Herald*, 5 November 1880, p. 6.
37. *Bruce Herald*, 4 July 1882, p. 3.
38. *Bruce Herald*, 5 January 1886, p. 3.
39. *Bruce Herald*, 1 May 1872, p. 7.
40. *Bruce Herald*, 5 November 1880, p. 6; *Otago Witness*, 17 September 1881, p. 19.
41. E. Shortland (1851) *The Southern Districts of New Zealand: A Journal, With Passing Notices of the Customs of the Aborigines* (London: Longman, Brown, Green and Longmans), pp. 170–1.
42. Munro, 'Notes of a Journey', p. 246.
43. L. B. Campbell to Under-Secretary, Native Department, 14 August 1941 in David Armstrong Supporting Papers, Ngai Tahu Claim Crown Papers, S10, Vol. 2 (WAI-27).
44. T. Smith (1941) *Tai-ari Ferry and Henley 'Our Native Place': A Souvenir of the Schools Jubilee, 24th–27th January, 1941* (Dunedin: Otago Daily Times and Witness Newspapers), p. 13.
45. Thomas Brown Ms, undated, unpaginated, Private Collection.
46. *Otago Witness*, 29 July 1887, p. 15.
47. Brown Ms, unpaginated.
48. Wilson, 'Tatawai', p. 6.
49. See *Otago Witness*, 27 May 1882, p. 13.
50. *Otago Witness*, 27 December 1873, p. 11.
51. G. Park (2002) "'Swamps Which Might Doubtless Easily be Drained': Swamp Drainage and Its Impact on the Indigenous', in T. Brooking and

- E. Pawson (eds.), *Environmental Histories of New Zealand* (Oxford: Oxford University Press), p. 162. Also see G. Park (1995), *The Groves of Life – Ngā Ururoa: Ecology and History in a New Zealand Landscape* (Wellington: Victoria University Press) and M. Hatvany (2008), 'Environmental Failure, Success and Sustainable Development: The Hauraki Plains Wetlands through Four Generations of New Zealanders', *Environment and History*, 14, pp. 469–95.
52. *Otago Witness*, 1 October 1881, p. 12.
53. K. Pickles (2003) 'The Re-Creation of Bottle Lake: From Site of Discard to Environmental Playground?' *Environment and History*, 9, pp. 419–34.
54. See H. Goodall (2008), 'Riding the Tide: Indigenous Knowledge, History and Water in a Changing Australia', *Environment and History*, 14, pp. 1–31.
55. G. Park (2006) *Theatre Country: Essays on Landscape and Whenua* (Wellington: Victoria University Press), p. 180. Also see A. Clark Hill (1949), *The Invasion of New Zealand by People, Plants and Animals* (New Brunswick: Rutgers University Press).
56. A. W. Crosby (1986) *Ecological Imperialism: The Biological Expansion of Europe, 900–1900* (Cambridge: Cambridge University Press).
57. *Otago Witness*, 29 July 1887, p. 15.
58. *Otago Witness*, 15 January 1891, p. 32.
59. *Ibid.*
60. *AJHR* (1885) I-2, p. 24.
61. *Otago Daily Times*, 8 April 1911, p. 15.
62. Minutes of Evidence, 26 February 1891, in Middle Island Native Land Claims Commission, MA 72/1, Archives New Zealand.
63. Kona to Parata, 28 August 1891 in Tatawai Fishing Reserve, LS 1/41749 (Box 398), Archives New Zealand.
64. Alexander Mackay to Native Office, 16 September 1891 in LS 1/41749 (Box 398). Mackay had a long association with Kāi Tahu, beginning with his appointment to the region as a Resident Magistrate and Native Reserves Commissioner in 1864.
65. *Ibid.*
66. Kona to Parata, 29 September 1897, Kona to Parata, 23 July 1899 and Kona to Parata, 4 September 1899 in LS 1/41749 (Box 398).
67. Commissioner of Crown Lands to Surveyor-General, 11 December 1899 in LS 1/41749 (Box 398).
68. *New Zealand Gazette*, 9 January 1902, p. 12.
69. Kona to Mackay, 13 May 1901 in Judge Mackay Inwards Letters, MLC 8/1, Archives New Zealand; Tatawai Lake Committee Book, Private Collection.
70. Lobbying from recreational hunting and shooting associations resulted in Lake Tatawai being set aside as a animal sanctuary under the Animals Protection Act 1907. This effectively outlawed local Māori from gathering food from the lake. They petitioned the government to have this protection rescinded in 1908, but without success.
71. Park, "'Swamps'", p. 156.
72. J. Hunt (2007) *Wetlands of New Zealand: A Bitter-Sweet Story* (Auckland: Random House), p. 185.
73. New Zealand Parliamentary Debates (NZPD) (1903), Vol. 124, p. 424.
74. Section 14 Taieri Land Drainage Act 1907, *New Zealand Statutes* 1907, p. 200; Wilson, 'Tatawai', p. 19.

75. NZPD (1909) Vol. 148, p. 1283.
76. NZPD (1911) Vol. 156, p. 1301.
77. *Otago Daily Times*, 8 April 1911, p. 15.
78. Ibid.
79. NZPD (1912) Vol. 161, p. 535.
80. NZPD (1912) Vol. 161, p. 535.
81. *Wanganui Chronicle*, 8 November 1912, p. 2.
82. Waitangi Tribunal (1995) *Ngai Tahu Ancillary Claims Report 1995* (Wellington: Tribunal), p. 216.
83. AJHR (1920) D-6d, p. 12.
84. Taieri River Improvement Act 1920, *New Zealand Statutes 1920*, p. 699.
85. Tribunal, *Ancillary Claims Report*, p. 218.
86. Ibid., p. 219.
87. T. Brown to Under-Secretary, Lands and Survey Department, 5 April 1921 in LS 1/41749 (Box 398).
88. The matter was adjourned until 1924: South Island Maori Land Court Minute Book (SIMB) 23, 26 June 1924, p. 109.
89. SIMB 23, 26 June 1924; SIMB 24, 9 June 1924, p. 47. The committee were: Ernest Sherburd, George Karetai, T. M. Ellison, W. D. Barrett and George Martin.

8

Designing Dispossession: The Select Committee on the Hudson's Bay Company, Fur-trade Governance, Indigenous Peoples and Settler Possibility

Adele Perry

In 1857 the Select Committee on the Hudson's Bay Company [SCHBC] met in London. In many ways, this committee was much like the other boards of inquiry that investigated colonial governance around the nineteenth-century British Empire. It sat for over 40 days, heard testimony from more than 20 witnesses, and produced a weighty tome of a report. All this was undertaken with the goal of evaluating 200 years of the specific sort of colonial governance exercised by a private fur-trade enterprise, the Hudson's Bay Company [HBC] over the North American territory spanning between the Great Lakes to the east, the Pacific Coast to the west, the Arctic to the North and a ragged, moving, and not entirely fixed or understood line separating American from British territory to the south.

The work of the SCHBC was undertaken in the interest of *designing* the specifics of Indigenous dispossession and non-Indigenous settlement. By the mid-1850s, these twinned processes were largely reckoned as desirable and in any case inevitable in the sort of transimperial circles that produced the SCHBC. *How* these processes of colonialism would play out within the particular context of HBC territory was very much in question. Royally chartered companies like the HBC had been critical to the British Empire from the late sixteenth century onwards. The East India Company and the HBC were the two royally chartered companies that persisted after the remaking of British Empire in last half of the eighteenth-century.¹ This was not without reservations on either side of the Atlantic. The HBC's expansive and never clearly defined sort of colonial authority over a large portion of northern North America had long been a concern and the object of parliamentary inquiry in the metropole.²

The question of whether the authority of colonial rule ought to be delegated to a private trading company was never wholly absent, and it again moved to the foreground in the middle of the nineteenth century. More than two decades had passed since the abolition of slavery in 1833. The 1837 *Report of the Parliamentary Select Committee on Aboriginal Tribes* had articulated the 'problem' of Indigenous peoples and settler colonialism, and concerns for the experience of Indigenous people circulated around Britain.³ In North America, one particularly powerful manifestation of the HBC's authority, its grant to the colony of Vancouver Island, was set to expire in 1859. The settler colonies of the Canadas were interested in transforming the territories to its immediate west into colonies of their own and tangible symbols of a newly claimed settler nationhood that would be realized with confederation in 1867. Britain had interests in consolidating its claims to the parts of the North American West that remained theirs after the 1846 *Oregon Treaty* ceded the territory south of the 49th parallel to the competing settler empire of the United States. In this context, it was time to evaluate 'the vast regions which are under the administration of the Company' with a particular eye to the kind of settler ambition that the Committee registered as 'the growing desire of our Canadian fellow-subjects that the means of exertion and regular settlement should be afforded to them over a portion of this territory'.⁴

The SCHBC is reasonably well-known to historians of Canada, who have regularly returned to its report for information about Indigenous peoples and colonial governments. For the most part, these scholars have situated the SCHBC as a moment in the complicated and at time fractious transition from HBC to Canadian rule.⁵ The SCHBC is less known to historians of the British Empire, for whom the lengthy and particular history of the fur trade in northern North America remains something of an outlier. This chapter offers a reading of the SCHBC as a revealing moment in the history of Indigenous dispossession and colonization in the nineteenth-century British Empire. More particularly, I draw attention to how Indigenous peoples and governance were represented in the *Report of the Select Committee*. I argue that the SCHBC heard a range of evidence about Indigenous peoples and colonial governance but was unable or unwilling to hear that which departed from a few predictable scripts. The SCHBC opted to hear that which confirmed what they expected and laid the groundwork for the takeover of Rupert's Land by Canada. In this way, the SCHBC suggested the possibility of a different future for Indigenous peoples and settlers in Northern North America and then foreclosed it.

The SCHBC investigated the large portion of northern North America administered by the HBC. At midcentury, this included at least three different kinds of territorial claims: land held by charter (mainly Rupert's Land), land held by licence and marked by the HBC's monopoly on trade rather than any decisive imperial control (referred to in a number of ways, including 'the Indian Territory', the 'pays d'en haut', or the upper country), and one colony under HBC licence, Vancouver Island, established as a hybrid sort of crown colony under HBC jurisdiction in 1849.⁶ Whatever the arrangements of state and possession, these territories sat far outside of general mid-nineteenth-century expectations of what a British colony ought to look like. The non-Indigenous population was small, almost entirely male and largely tied to the HBC. There was, as HBC Governor George Simpson explained, 'no fixed seat of government'. No newspapers were printed, and there was no printed set of laws.⁷

The SCHBC was a response to metropolitan concerns about these kinds of colonial arrangements. In Britain, there were longstanding concerns about the scope and character of HBC rule, concerns that were taken up to particular effect by the Aborigines' Protection Society (APS). The APS's interest was balanced by its belief that the cause of Indigenous peoples in northern North America was a tough sell in mid-nineteenth-century Britain, one that was unlikely to garner the attention that slavery and abolition had. 'We do not at present see our way clear to engaging in any very public agitation on the subject,' explained APS recording secretary Frederick Chesson in 1856. 'It is one of those questions upon which it would probably be rather difficult to move large masses of the English people.'⁸ Throughout the mid-1850s the APS wrote to Canadian and British newspapers, published articles on HBC in their newspaper, *The Colonial Intelligencer*, and lobbied sympathetic MPs. Chesson recorded a July 1856 trip to the Foreign Office where the APS's delegation 'plead [sic] for the Indians in the Hudson's Bay Territory who under the rule of that Company, are kept in a degraded condition.' The under-secretary for the Dominions 'hemmed and ah-ed over the address, and was as slippery as an eel' but Henry Labouchere, Secretary of State for the Colonies, was more sympathetic.⁹ Given his modest expectations for the interest of the British public in these questions, Chesson was surprised when in early 1857 he heard that a 'special Committee on the Hudson's Bay Question' would be called. The SCHBC met between February and June of that year, and the *Report* was published in the same year.¹⁰

The SCHBC was about colonial space but its origins were metropolitan and it remained a profoundly metropolitan endeavour. The Committee

was made up of 19 members of British parliament. They were carefully chosen to represent a range of opinions about the HBC within Britain, and the Committee had 'almost equal representations of friends and enemies of the Company'.¹¹ Unlike inquiries of state that involved the movement of inquiring minds from metropole to colonies, this one remained in London and with the expertise they could find there. The result was an inquiry and a document that most clearly reflected the views of British men and to a lesser extent settlers resident in Canada or, less often, HBC territories.

Sometimes these sorts of witnesses brought relatively thick local knowledges. John Rae drew on his two decades of service with the HBC. Most of these were spent as surgeon at Moose Factory, but it was Rae's controversial role in the ongoing and failed searches for John Franklin's party in the 1840s and 1850s that he would have been known for in London.¹² Other witnesses knew little of the places whose fates were being deliberated and about which they spoke with confidence and authority. The first witness's testimony began with the declaration that he had never 'been further westward than Lake Superior'.¹³ Others had only old colonial stories to offer: unhappy memories a brief, unsatisfactory governorship of Vancouver Island, or stories from a journey of exploration from 22 years before. Others witnesses had fresher knowledge but found that the circumstances of the inquiry made it difficult to share. James Cooper, a colonist and member of the Legislative Council in Vancouver Island, appeared before the committee, but only by happenstance and with clearly strained patience. Cooper had many opinions, but was 'not prepared to give them to-day', having completed the long journey from Vancouver Island just hours before.¹⁴

Indigenous people were a small and revealingly complicated part of the conversation orchestrated and documented by the SCHBC. Most critical in both highly visible and less easily legible ways was Alexander Kennedy Isbister. Isbister was born in 1822 in Rupert's Land, the eldest son of an Orcadian clerk of the HBC and his elite Métis wife, Mary Kennedy. Isbister was educated in Red River Colony, and spent a few disappointing years in the HBC service and teaching in Red River before he moved to Great Britain. In Edinburgh and then London, Isbister took LLB and MA degrees, became a barrister, a writer and a stalwart in liberal humanitarian circles, including serving on the executive of the APS from 1856 until the late 1860s.¹⁵ Isbister's was an unusual colonial route, but not a wholly singular one in the nineteenth-century imperial world. A growing scholarship maps the histories of cosmopolitan, mobile and bourgeois Indigenous subjects whose histories

mirrored those of other elite colonial subjects who found audiences and opportunities in the metropole.¹⁶

Isbister had done much to put the question of HBC jurisdiction in northern North America on the agenda of a wider imperial sphere in general and the APS in particular. In many ways, the SCHBC was evidence to his labours and their successes as well as to the kind of complicated transnational routes that characterized the nineteenth-century imperial world. 'The Hudson's Bay Company is now the only survivor of the numerous exclusive bodies which at one time depressed almost every branch of British commerce,' Isbister explained in his influential 1846 pamphlet; 'Occupying a territory comprising a superficial area nearly one-third larger than all Europe, it reigns supreme over 50 native tribes of Indians, who are the slaves of its laws and policy.' Isbister added that 'the Charter under which it claims this right of despotic sway is *illegal*'.¹⁷ Isbister's arguments shifted the interests of the liberal-humanitarian activists in Britain, and caught the attention of observers in fur-trade territory. 'Young Isbister, the Red River Roebuck-ling, has to do him justice, created as nice a little row as one would wish to see on a summer day,' reflected a fur-trader in 1849.¹⁸

Isbister appeared twice before the SCHBC. The first time he situated himself as an Indigenous person who knew about the places the SCHBC was concerned with:

2391. *Chairman*. I believe you have directed your attention for some time past very much to the affairs of the Hudson's Bay Company? – I have.

What is your personal connexion with that country? I am a native of that country, and passed the greater portion of the first 20 years of my life in that territory.¹⁹

Isbister redoubled his identity claim with one of advocacy. He explained his long history of activism, explaining that his 'chief object, in connecting myself with this movement at all, was to improve the condition of the native and half-caste Indians in the Red River Settlement'.²⁰ At least some members of the Committee tried to show that his interests in fur-trade territory were vested, asking if he had left the HBC 'in consequence of any dispute' if he had real estate interests in Red River.²¹ Here Isbister's kin ties to and personal history within Red River becomes a liability rather than a resource. Local knowledge was a kind of compromised knowledge.

Isbister was present at the formal proceedings of the SCHBC and the informal politicking that surrounded it. Chesson's diary recalls their regular meetings, strategizing and activity on the fringes of the formal proceedings: teas, dinners, walks and visits to hotels. Isbister complained about some witnesses in ways designed to maximize the sort of bourgeois British authority he sought to exercise. In June 1857 Isbister wrote to Chesson, urging him to undermine the authority of certain witnesses. This included Canadian jurist William Henry Draper. 'Mr. Isbister came to dinner. Talked over & read portion of Chief Justice Draper's evidence. He greatly distrusts the man,' Chesson recorded in his diary.²² Isbister damned the Canadian representative with faint praise and urged Chesson to make Draper's shortcomings clear to a wider British public:

There is no doubt of Mr Draper being a very able man: but the more I see him the more I am concerned that the Government of Canada have acted most unwisely in sending over here as their Commissioner, a man who is not only ignorant of the country (having been by his own confession never nearer to the Eastern Extremes of Lake Superior about 1000 miles from Red River) but ignorant of his subject to which he had probably never turned his attention until he was sent over here. Think of the representations of Canada stating to the Committee that for all or the chief part of his knowledge of the Hudson's Bay Territory ... It will not do to bring out all the names detailed in your public letter but I think that either it or your private letter some allusion should be made to it.²³

Here Isbister drew attention to Draper's disconnection to the places about which he spoke, describing him as a man 'ignorant of the country' and 'his subject'. Isbister devoted similar kinds of attention to other parts of the proceedings, writing letters to newspapers about other witnesses, and was cheered when those he supported made a favourable impression and took a predictable kind of satisfaction when witnesses loyal to the HBC failed to impress.

Isbister was largely alone here, as he would be at other times in his adult life. He was the only witness to appear before the SCHBC who was clearly identified as Indigenous, if only in politely indirect terms. The small amounts of other Indigenous testimony that made it into the *Report* came through mediated and circuitous means that confirmed, mapped out and reinforced its marginality to the exercise. The appendix of the *Report* included a letter from Peguis, the Annishnabeg leader

whose history was inseparable from that of Red River Colony in the first half of the nineteenth century. The inclusion of Peguis' letter reflected the advocacy the APS, which had argued that it was 'it is the only direct testimony of the feelings of the Indians which has yet been brought before them'. The SCHBC had heard from the HBC and from Red River settlers, 'but the Indians so far have been altogether unrepresented'.²⁴ But no-one seems to have suggested that Peguis might appear before the committee as a witness who might speak at length, answer questions, and follow up as needed. Peguis' testimony thus remained fundamentally lesser, static and mediated through the interlocutor of British advocates who procured the letter, presented it to the Committee and argued successfully for its inclusion as evidence.

Peguis' testimony was thus literally frozen in time, located in a version of what Anne McClintock famously dubbed the 'anachronistic space' carved out for non-European peoples in colonial discourse.²⁵ Within the pages of the published report, the illustrious and by then elderly Annishnabeg leader was represented as both dubious and spectacular at the same time. Peguis' letter was accompanied by old letters from Lord Selkirk and Simpson vouching for his loyalty and good character, to his status as a 'steady friend' to colonial authorities.²⁶ Isbister was likely behind the particular connection, but Chesson was the one to act as Peguis' interlocutor. Chesson explained that Peguis' letter had been written by his son, but should still be regarded by the Committee as 'credible proof of Indian capacity'.²⁷ Peguis' letter represented the unexpected intrusion of an Indigenous voice into the SCHBC, but one that was different, lesser and never entirely trusted.

For all of this Peguis' letter was a powerful one that offered a range and depth of knowledge which stood in contrast to most of the SCHBC's live and participatory witnesses. Peguis' letter offered a cogent analysis of four decades of colonialism that named the HBC, local settlers and British officials in the process of dispossession. Here was a story familiar to the imperial world: stolen land, unfulfilled promises and powerful demands for reciprocity and justice. Peguis explained that that in 1812 land along Red River was 'taken possession of without permission of myself or any tribe by a body of white settlers'. They had allowed them to remain for 'the sake of peace' and found that the treaty negotiated with the Earl of Selkirk in 1817 had gone largely unfulfilled. The 'small quantity of ammunition and tobacco' that had been 'preliminary to a final bargain' was all that the Annishnabeg had received, and the land they had lost was nearly double to what they had thought was at stake. Peguis' analysis invoked the language of kinship and reciprocity that

was shot through the politics of treaties around the prairies, folding the British Queen into Annishnabeg networks of mutuality and obligation. 'We wish to practice these good rules of the whites, and hope the Great Mother will do the same to us, and not only protect us from oppression and injustice, but grant us all the privileges of the whites.' Peguis also raised questions about the sort of process the Committee was engaged in. 'When the Home Government has sent out questions to be answered in this country about the treatment of the Indians by the Company, the Indians have been told if they said anything against the Company they would be driven away from their homes.'²⁸

The Commissioners struggled to understand the histories and spaces that witnesses like Peguis, Isbister and, in different ways, John McLaughlin, David Anderson and George Simpson, spoke about. They had little or no familiarity with a northern climate and struggled to imagine what it might be like. 'In Colonel Lefroy's evidence he speaks of the frozen ground; and says that the soil is never thawed; that it is permanently frozen; can you explain what he means by that?,' a perplexed Charles Fitzwilliam asked Isbister. The Committee followed with more questions about what grew and could grow in a land they had never been to and could not seem to fathom. Did trees 'not sink into' the frozen ground? When did the soil thaw? Did timber grow, and where?²⁹ Behind all these questions was the core one about colonialism and its capacity to remake Indigenous space, in North America or elsewhere: could this space, with its own histories, resources and demands, be transformed into one where the kinds of people who mattered most to the metropole could live and prosper in ways that were recognizable to that metropole?

Like the place, the people of northern North America could not be easily accommodated by the readily available frameworks in mid-nineteenth-century Britain. Most of the questions asked at the SCHBC were underwritten by a fairly static reckoning of what Indigenous people and British people were like, and what happened when they came into contact with one another. Indigenous peoples of the Americas and the Antipodes were understood to be inherently and characteristically vulnerable, and necessarily both diminished and damaged by contact with Europeans. In the words of the 1837 *Report of the Parliamentary Select Committee on Aboriginal Tribes*, contact was 'a source of many calamities to uncivilized nations', including that 'their territory has been usurped; their property seized; their numbers diminished; their character debased; the spread of civilization impeded'.³⁰

This reading of colonial contact could not easily accommodate the history of Métis people. By mid-century, this was a community with two

centuries of history.³¹ For members of the Committee, the most readily available framing device was a language of 'racial mixing'. but this could not easily contain the thick local histories that witnesses to the SCHBC spoke of. Witnesses to the SCHBC spoke of Métis peoples regularly and at length. Rae was asked: 'Is there much union of the English and the Indian races going on?' His answer began simply, and concluded with a more complicated point about enduring communities and long histories. 'There is: it arose from the Company's servants and people marrying Indian women; there is not so much of it now as there was originally, because many of the half-breeds are growing up, and they intermarry with them instead.'³² David Anderson, a returned Anglican missionary, also spoke of long histories and of Indigenous elites. When Anderson was asked about the 'intelligence' and 'thriftiness' of the 'half-caste population at Red River' and if there were 'many intellectual persons', he replied that 'all have their farms' and some 'have made a large amount of property'.³³

The Commissioners' questions about Indigenous peoples tended to circle back on a durable and profoundly moral reading of empire and its histories and potentials in North America, one shaped by the broad contours of liberal humanitarian discourses of empire and by particular anxieties about recent histories in the American west. The commodities of liquor and ammunition were the subject of persistent interest to the Committee members. In the *Report* the word liquor appeared at least 99 times and the word rum at least 12 times; the word ammunition at least 55 times, gun at least 32 times. As objects of concern, the quotidian details of life paled in comparison: the report mentioned labour only about 61 times, and food 66 times. Liquor and ammunition were of such enduring interest because they served as talismans of empire gone awry by the terms of British, liberal humanitarian discourse. The spectre of recent American wars with Indigenous peoples to the south of HBC territories lent new gravitas to these fears. The wars between Indigenous peoples and colonizers in the Great Basin and Oregon were themselves complex, but these complexities were mainly lost in a self-consciously British discourse that treated these histories as examples of what they might become and were hoped not to.³⁴

Witnesses who had lived and worked in HBC territories for the most part accommodated the endless questions about liquor and guns. They were less willing to accept the Committee's commitment to a racial discourse that situated Indigenous people within a capacious, trans-imperial and distinctly racial sort of category of the 'brown' or, less often, the 'red' race and held that it necessarily diminished in the face

of non-Indigenous settlement. The Commissioners' questions about this were not even really questions, but ritual invocations of presumed truths that tolerated no real objections. 'Is it not a known fact that the brown race disappears in proportion to the coming of the white race?,' asked one member, making clear the limited range of possible answers.³⁵ Sometimes the question was phrased a little differently but with all the same meaning. Inquiring about what he called the 'red man on the continent of America', Charles Fitzwilliam asked former Vancouver Island governor Richard Blanshard, 'Are you not aware that he invariably disappears as the civilized man comes on?'³⁶ Blanshard, of course, was.

Testimony to the SCHBC could confirm these kinds of brittle truths, but it could also complicate it. Some witnesses insisted on reading the issues as economic and political rather than moral. HBC Governor George Simpson refused to disaggregate the category of 'Indians' from that of 'labour'. At mid-century Simpson had been Governor of the HBC for almost 40 years, and he gave the impression that he was none too pleased to be called before a parliamentary committee. The APS scrutinized his testimony closely, watching him for confirmation of the HBC's shortcomings as a body of colonizers. Simpson answered the Commissioner's questions in ways that disputed the categories that governed the inquiry. When asked how many servants the HBC had, Simpson provided an aggregate number. The Commissioners followed with a series of questions that attempted to sort the Governor's numbers along racial lines that presumed that 'Indians' could be hunters and population but not labourers.³⁷ Here Indigenous people were reckoned as a very particular and distinct category of human beings, one that was incommensurate with other possible identities and futures.

To Isbister, the threat of colonization was not inherent but particular to the HBC's singular political arrangements, and more particularly to its monopoly of trade and both undefined and sweeping sort of imperial authority. Isbister argued forcefully that it was the particularity of HBC monopoly rather than settlement that posed dangers to Indigenous people. 'In short,' the Committee's Chair summarized, 'in your opinion, the interests of the red man would not suffer if the whole territory was thrown open to white men, without any restriction or control.' Isbister agreed, adding only the codicil that a 'guarantee that spirituous liquors should not be introduced into the territory'.³⁸ Another witness who had lived at Red River for about five years and worked politically with Isbister made an even clearer argument for the capacity of Red River's Métis community to manage settlement. 'Would you entertain any apprehension, in the event of the country being thrown open, of the

half-breed race disappearing?' the commissioners asked McLaughlin. 'Not the slightest,' he replied, adding 'I rather think that they would leave the others in the shade; that they would have the preponderance; that they would intermix ...'³⁹

For all their differences, witnesses like these provided a different sort of reckoning of the past and possibility of Indigenous North America, one that refuted some but certainly not all of the racial thinking that did heavy political lifting around the nineteenth-century British imperial world. Their visions were far from egalitarian, and were rooted in their own sorts of hierarchies and schisms. For Simpson, the most critical were those between labour and capital. For Isbister, the most relevant distinction was between Christian and settled Indigenous peoples and non-Christian and mobile ones and, to a lesser extent, between French-speaking Roman Catholics and English-speaking Protestants. In a number of ways, the SCHBC provides more evidence for the argument Damon Salesa has made elsewhere, namely that mid-nineteenth-century discourse on racial crossing was at once highly mobile and distinctly local.⁴⁰

But these local and divergent readings of colonial societies were left largely to hang in the air. Ultimately, the *Report* functioned instead to make a certain kind of settler colonialism seem both possible and desirable and to fundamentally rework the process of dispossession in this part of the imperial world. Over the next two decades the authority of the HBC was diminished and the architecture of a more conventional settler society established between the Great Lakes and the Pacific coast. The HBC's lease of the colony of Vancouver Island was allowed to expire in 1859 and Britain made it, like the newly proclaimed adjacent colony of British Columbia, a kind of settler colony under direct British control.⁴¹ A decade later Britain and Canada began to remake the spaces east of the Rocky Mountains that had been under the putative authority of the HBC for two centuries. Under pressure from Great Britain, the HBC literally sold Rupert's Land to Canada in 1869 for £300,000, one-twentieth of the fertile lands, and title of its posts. There was no consultation of local peoples who the SCHBC had struggled to recognize as anything other than stock tropes in mid-century imperial melodrama and, as a mid-twentieth-century historian famously put it, 'One of the greatest transfers of territory and sovereignty in history was conducted as a mere transaction in real estate.'⁴²

When people in Red River took up arms and created their own government under the leadership of Louis Riel, Isbister and his allies in London were unsurprised. From London, they argued that the 'country has been transferred to Canada, without their being consulted in the transaction',

that Canada had begun to 'establish a Government which could not command the confidence of the people'. Further, the 'Indians' had it 'that their lands would be taken from them', and that 'the inhabitants of the Red River Settlement are ... as much qualified to enjoy self-governing institutions as the inhabitants of British Columbia or Prince Edward Islands'.⁴³ The 'opening up' of Indigenous territory had costs well beyond what Isbister and McLaughlin had optimistically imagined when they spoke before the SCHBC a generation before. A regime of Indigenous dispossession in the name of nation-making proceeded: treaty-making, a reserve system, a programme of mandatory residential schooling, the passage of the carceral *Indian Act*, and the political crackdown that followed the Northwest Rebellion.⁴⁴ As Sarah Carter documents in Chapter 9, settlers, mainly from Ontario, arrived in meaningful numbers in what had been Red River in the 1870s and 1880s. The Manitoba Act of 1870 may have extended some of the core constitutional and political rights usually accorded to settlers to the Métis, but it was limited in scope and failed to deliver even the limited rights to land that it promised.⁴⁵ This began a long and complicated history whereby Métis people argued for their resources and recognition, most especially to land in what is now present-day Winnipeg (see Map 9.1). The federal court's findings in their favour in the 2013 *Manitoba Métis Federation Inc vs Canada*, will certainly shift what is by now a long and contentious history over the ongoing implications of this dispossession.⁴⁶

The SCHBC is a revealing chapter in the history of dispossession in the nineteenth-century British Empire. It documented and enshrined the uneven flows of knowledge and authority in the mid-nineteenth-century imperial world. Its existence makes clear that the core questions about the feasibility of settler imperialism to remake Northern North America remained very much questions in the 1850s. At the same time, the SCHBC also reveals how little real room there was for creating futures that did not simply reenact the exploitation and violence of Indigenous dispossession and settler possession. At the meetings in London it was hard to see that things had been different. In the three decades that followed the SCHBC it became clear that it was even harder to make a future that departed from what was by then the well-worn script of Indigenous dispossession and settler possession and governance.

Notes

1. E. Mancke (2005) 'Chartered Enterprises and the Evolution of the British Atlantic World', in E. Mancke and C. Shammas (eds), *The Creation of the*

- British Atlantic World* (Baltimore: Johns Hopkins University Press), p. 238. Also see P. Girard (2014), 'Imperial Legacies: Chartered Enterprises in Northern British America', in S. Dorsett and J. McLaren (eds), *Legal Histories of the British Empire: Laws, Engagements, and Legacies* (London: Routledge, forthcoming).
2. G. Williams (1970) 'The Hudson's Bay Company and its Critics in the Eighteenth-Century', *Transactions of the Royal Historical Society*, 5 (20), pp. 149–71.
 3. Great Britain (1837) *Report of the Parliamentary Select Committee on Aboriginal Tribes, (British Settlements)* (London: Aborigines Protection Society), p. 3. On this, see E. Elbourne (2003), 'The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates Over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire', *Journal of Colonialism and Colonial History*, 4 (3); M. D. Blackstock (2000) 'The Aborigines Report (1837): A Case Study in the Slow Change of Colonial Social Relations', *The Canadian Journal of Native Studies*, XX (1), pp. 67–94.
 4. Great Britain (1857) *Report from the Select Committee on The Hudson's Bay Company; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index* (London: House of Commons), p. iii.
 5. See, on the inquiry, A. A. den Otter (1999), 'The 1857 Parliamentary Inquiry, the Hudson's Bay Company, and the Rupert's Land Aboriginal People', *Prairie Forum*, 24 (2), pp. 143–69; D. Owram (1992), *The Promise of Eden: The Canadian Expansionist Movement and the Idea of the West, 1856–1900*, 2nd edition (Toronto: University of Toronto Press).
 6. Great Britain, *Report from the Select Committee*, p. iii.
 7. George Simpson, in *Report from the Select Committee*, pp. 44, 71.
 8. Frederick Chesson to Rev E. Corbett, 14 October 1856, Aborigines Protection Society Letter Book, The University of Manchester, The John Rylands University Library, Raymond English Anti-Slavery Collection, REAS/13. Hereafter APS Letter Book.
 9. Frederick Chesson Diaries, REAS 11/4, The University of Manchester, The John Rylands University Library, Raymond English Anti-Slavery Collection, 14 July 1856. Hereafter Chesson Diaries.
 10. *Ibid.*
 11. J. S. Galbriath (1957) *The Hudson's Bay Company as an Imperial Factor: 1821–1869* (Berkeley: University of California Press), p. 341.
 12. J. L. Richards (1990) 'Rae, John, 1813–1893', *Dictionary of Canadian Biography*, Vol. 12, accessed at www.biographi.ca/009004-119.01-e.php?id_nbr=6386.
 13. John Ross, in Great Britain, *Report from the Select Committee*, p. 1.
 14. See testimony of George Back, p. 184, Richard Blanshard, p. 285; James Cooper, p. 190, all in Great Britain, *Report from the Select Committee*.
 15. See B. Cooper (1988) *Alexander Kennedy Isbister: A Respectable Critic of the Honourable Company* (Ottawa: Carleton University Press), Chapters 1 and 2.
 16. See, for instance, C. Morgan (2008) 'Creating Interracial Intimacies: British North America, Canada, and the Transatlantic World, 1830–1914', *Historical Journal of the Canadian Association*, 19 (2), pp. 75–104; C. Thrush (2014), 'The Iceberg and the Cathedral: Encounter, Entanglement, and Isuma in Inuit London', *Journal of British Studies*, 53 (1), pp. 59–79.
 17. A.K. Isbister (nd[1846]) *A Few Words on the Hudson's Bay Company; with a Statement of the Grievances of the Native and Half-Caste Indians, Addressed to the British Government through Their Delegates in London* (London: C. Gilpin), p. 1.

18. James Anderson to A. C. Anderson, 2 April 1849, James Robert Anderson, 'Notes and Comments on Early Days and Events in British Columbia, Washington and Oregon, Including an Account of sundry happenings in San Francisco; being the Memoirs of James Robert Anderson, Written by himself', British Columbia Archives, MS 1912, Box 9.
19. Great Britain, *Report from the Select Committee*, p. 120.
20. Testimony of Alexander Isbister, Great Britain, *Report from the Select Committee*, p. 121.
21. *Ibid.*, pp. 120, 129.
22. Chesson Diary, REAS 11/4, 8 June 1857.
23. A. K. Isbister to Frederick Chesson, 1 June [1857], Papers of the British and Foreign Anti-Slavery and Aborigines Protection Society, Rhodes House Library, Oxford, Anti-Slavery Society Papers, Chesson Hi-I, C 138, File 9.
24. F. W. Chesson to S. Christy, 19 June 1857, APS Letter Book.
25. A. McClintock (1990), *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge), Introduction.
26. Selkirk, 20 July 1817, and George Simpson, 1 January 1835, in *Report from the Select Committee*, Appendix 16, p. 446.
27. F. W. Chesson to H. Labourchere, 7 June 1857, in Great Britain, *Report from the Select Committee*, p. 444. On Peguis, see H. A. Demsey (1976), 'Peguis', *Dictionary of Canadian Biography*, 9, accessed at www.biographi.ca/en/bio/peguis_9E.html, 18 March 2014.
28. Peguis to Aborigines Protection Society, undated, in Great Britain, *Report from the Select Committee*, Appendix 16, pp. 445–6. On languages of kinship and treaty, see J. Friesen (1986), 'Magnificent Gifts: The Treaties of Canada and the Indians of the Northwest, 1869–1876', *Transactions of the Royal Society of Canada*, 5 (1), pp. 41–51.
29. Great Britain, *Report from the Select Committee*, p. 136.
30. Great Britain, *Report of the Parliamentary Select Committee on Aboriginal Tribes*, p. 3.
31. See, recently, N. St-Onge, C. Podruchny and B. Macdougall (eds) (2010), *Contours of a People: Métis Family, Mobility, and History* (Vancouver: UBC Press: 2010); B. Macdougall (2009), *One of the Family: Métis Culture in Nineteenth-century Northwestern Saskatchewan* (Vancouver: UBC Press); H. Devine (2005), *The People Who Own Themselves: Aboriginal Ethnogenesis in a Canadian Family, 1660–1900* (Calgary: University of Calgary Press).
32. Testimony John Rae, in Great Britain, *Report from the Select Committee*, pp. 30–1.
33. Testimony of David Anderson, Great Britain, *Report from the Select Committee*, p. 246.
34. See, for instance, N. Blackhawk (2006), *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, MA and London: Harvard University Press); G. H. Whaley (2010), *Oregon and the Collapse of Illahee: US Empire and the Transformation of an Indigenous World, 1792–1859* (Chapel Hill: University of North Carolina Press).
35. Question of John Roebuck, Testimony of J. H. Lefroy, Great Britain, *Report from the Select Committee*, p. 23.
36. Question of Charles Fitzwilliam, Testimony of Richard Blanshard, *Report*, p. 291.
37. Question of Arthur Kinnaird, Testimony of George Simpson, Great Britain, *Report from the Select Committee*, p. 57.

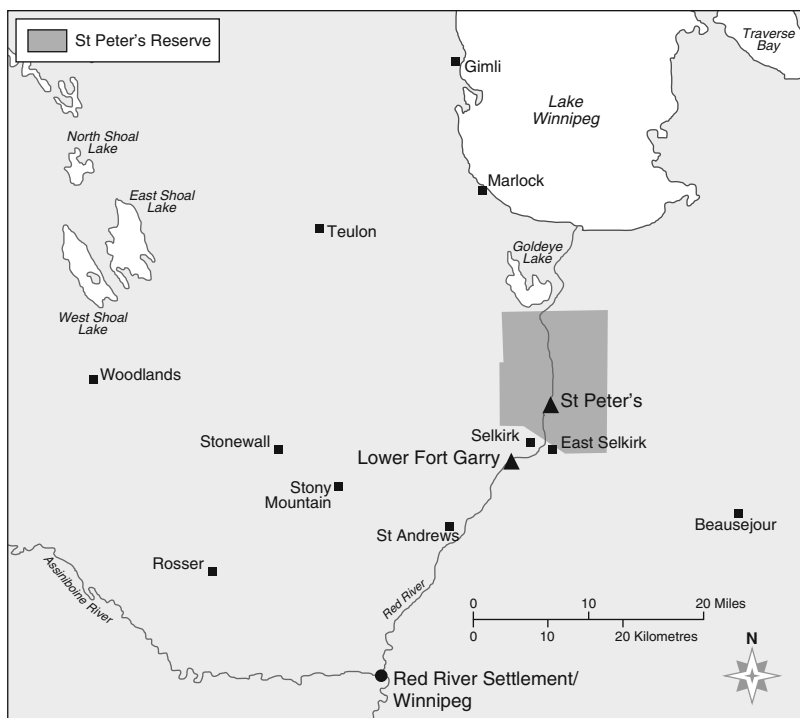
38. Great Britain, *Report from the Select Committee*, p. 123.
39. Ibid., p. 278. On McLaughlin, see www.mhs.mb.ca/docs/people/mclaughlin_j.shtml.
40. D. I. Selesa (2011) *Racial Crossings: Race, Intermarriage, and the Victorian British Empire* (Oxford: Oxford University Press).
41. See S. Royle (2011), *Company, Crown, and Colony: The Hudson's Bay Company and Territorial Endeavour in Western Canada* (London: Macmillan).
42. W. L. Morton, quoted in G. Friesen (1987), *The Canadian Prairies: A History* (Toronto: University of Toronto Press), p. 117.
43. Aborigines Protection Society (1870) *The Red River Insurrection: Three Letters and A Narrative of Events* (London: the Aborigines' Protection Society), p. 2.
44. See here S. Carter (1999), *Aboriginal People and their Colonizers in Western Canada* (Toronto: University of Toronto Press).
45. See D. N. Sprague (1988), *Canada and the Métis, 1869–1885* (Waterloo: Wilfrid Laurier Press).
46. See the ruling at <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/12888/index.do>.

9

‘They Would Not Give Up One Inch of It’: The Rise and Demise of St Peter’s Reserve, Manitoba

Sarah Carter

St Peter’s, the most northerly parish on the Red River, was surveyed as Indian Reserve One following the negotiation of Treaty One in 1871. It was an agricultural community of *Saulteaux* (Ojibway or Anishinabe), Cree, and Métis that long pre-dated the treaty (see Map 9.1). Although praised in the late 19th century by the Canadian government and missionaries as a splendid example of the capacity of Aboriginal people to farm, it was deliberately dismantled and dissolved in 1907, after relentless and intense pressure, and the residents were unwillingly removed to the new Peguis reserve in the Interlake region of Manitoba. St Peter’s was a community that tried to stay grounded in the midst of colonization, the residents demonstrating the tenacious adaptation that is a dominant theme of this volume. Their tenacity, persistence and adaptation, however, posed a profound challenge to the settler order. St Peter’s was the test station and crucible for the new policies and laws introduced by the Canadian government intended to draw clear distinctions between the ‘Indians’ and ‘settlers’, that were introduced in the preceding chapter. The ‘Indians’ were expected to demonstrate limited interest in large-scale agriculture that would require more land. By contrast the ‘settlers’ would be the true farmers, and would have easy access to land. The St Peter’s residents complicated, clouded and crisscrossed these categories as they were farmers and settlers. In the late 19th century (and beyond) they challenged and defied efforts to fix lines, to categorize them, and to confine and restrict their freedoms and opportunities. Yet at the same time they stressed their First Nations identity and status as treaty people. They were among the earliest of the Western Canadian First Nations to articulate a treaty rights position, and to assert that these rights must be recognized. They also insisted that their own understanding and oral record of treaty negotiations was as valid and legal as the written document.



Map 9.1 The location of St Peter's Reserve, Canada

This chapter traces and analyses the short life of St Peter's as a reserve (1873–1907) from its beginnings when it was feted as a model agricultural community, the pride of government authorities and missionaries, to its demise in 1907 when it was condemned as a drain on the prosperity of the district and a stain on the landscape that needed to be removed. Throughout these decades the St Peter's treaty people were determined to defend their land base and treaty rights, and to protest the restrictions of the Indian Act. They also demonstrated their attachment and loyalty to Britain and Canada. They fashioned lives that defied the dichotomies of 'Indian/primitive' and 'settler/modern'. Their situation was exacerbated by conflicts over property, a complication that was unique to their reserve in Canada, and that was recognized as an acute problem as early as the survey of the reserve. This is also a study of a persistent and pervasive settler mentality that begrudged and coveted desirable land when in the hands of Aboriginal

people. It was profitable to insist that Aboriginal people were incapable agriculturalists and not legitimate custodians of that land, despite clear evidence to the contrary.

A cemetery and stone church on the Red River five kilometres north of East Selkirk marks the site of what was once the St Peter's reserve. The largest headstone marks the grave of Chief Peguis, who died in 1864.¹ There are also graves of his children and grandchildren, the Princes, some of whom were also chiefs. Peguis and his Saulteaux people had occupied this region on both sides of the river, farming, hunting and fishing, well before 1833 when the Anglican Church Missionary Society (CMS) located at St Peter's, further encouraging and assisting agriculture. Known for years as the 'Indian Settlement', and then as St. Peter's parish, the residents were joined by people of diverse ancestries including Swampy Cree, Métis and Europeans. Farming at St Peter's reflected a mixture of Aboriginal, mission, fur-trade and settler influences. Large quantities of 'Indian corn' were raised, as well as potatoes and barley, and they had cattle and other livestock.

The settlement was typically described in idyllic terms. Reverend John Smithurst of the CMS, who was appointed to this mission in 1839, described it in his annual report of 1841:

When approaching the Indian Settlement, I was highly gratified to see the neat Indian Church, with its white spire over-topping the trees by which it is environed, cottages surrounded by cultivated fields, and the banks of the river covered with cattle belonging to the infant community, the members of which have been converted from barbarism to Christianity during the last ten years.²

While the CMS was active in the community, Saulteaux leadership systems remained in place, although there were divisions and fissures exacerbated by missionary work. Chief Peguis initially had a stormy relationship with the missionaries but by the late 1830s had reason to seek an alliance with the CMS and agreed to baptism. There were political, economic, spiritual and material dimensions to the relationship between the Saulteaux and the missionaries. Alliance with the CMS 'provided some prestige and political clout for the band within the Red River colony...'³

Many of the residents of St Peter's had titles to their land. Chief Peguis had granted title to land allotments, known as 'Peguis deeds', and these had subsequently been inherited, bought and sold through generations. Like other parishes on the Red River, the land was divided into long,

narrow river lots, and owners included Aboriginal and non-Aboriginal people. Peguis believed that he had the right to grant deeds to land as he understood the 1817 Selkirk Treaty to have recognized First Nations' exclusive land rights. This was a treaty concluded between the Saulteaux and Cree of the Red River district and Thomas Douglas, the fifth Earl of Selkirk. This treaty set aside a two-mile strip along the Red and Assiniboine Rivers for an agricultural settlement of non-Aboriginal people. At the request of Peguis the most northerly of the river lot parishes was set aside as a reserve for his people.⁴

The practice of granting title to land allotments at St Peter's was continued by a son of Chief Peguis, Henry Prince or 'Red Eagle' (Mis-koo-kenew) (1819–1899) who was chief at the time of Treaty One, and was one of the seven chiefs who signed the treaty.⁵ Under the terms of this treaty, 160 acres of land for each family of five was to be set aside as a reserve for the 'sole and exclusive use of the Indians'. St Peter's, with its well-established system of land tenure and many individually owned lots, including some owned by non-treaty people and Europeans, was surveyed as a reserve in 1873–4.⁶ The reserve contained some 37,915 acres, but as there were 1746 band members in 1874 paid annuities, they should have been entitled to a much larger reserve of 55,872 acres.⁷

The fact that a settlement of individually owned lots in a parish should be surveyed as an Indian reserve was unique in Canada, and it was viewed by some at the time as knavish, shady and ominous. 'Humanity', the author of an 1873 letter to the editor of the *Manitoba Free Press*, warned that if rumours of the survey of St Peter's as a reserve were true that 'a greater wrong has surely never been done to the Indians, under the British flag'. He wrote that 'the Indians of St. Peter's hold their lands by purchase from the Indian Chief [Peguis] and this being the case, by what process can those lands be taken by the Government and made a reservation?' The author predicted, correctly, that the residents were to be reduced to the status of minors or 'lunatics' under the law once their land was declared a reserve. They would no longer be able to vote: Yet these men have already exercised the rights of men of full age, of free and sane men ...'.⁸

The St Peter's reserve occupied a desirable location. It was at the headwaters of navigation on the Red River, and was a distributing point to the north, to Lake Winnipeg and Hudson's Bay. In the 1870s, it was also on every map of proposed routes of the transcontinental railway, promised to British Columbia in 1871.⁹ East Selkirk, on the southern edge of the reserve, was chosen in 1871 as the place where the railway would cross the Red (although this route was abandoned in 1879).

It was predicted even after the change in route that East Selkirk would be the Chicago of the north, commanding the trade of that portion of the continent.¹⁰ For this reason alone St Peter's was coveted, but it also contained prime agricultural land. There was early and widespread settler envy of reserve land that was not confined to St Peter's or prairie Canada as described in an 1873 report of the Indian Branch of the Department of the Interior:

The fact cannot be disguised that in too many quarters an intolerance of Indians as a race is continually manifested, and the limited number of acres which a humane care of them demands, are begrudged them; and efforts to effect their removal from the reserves guaranteed them by solemn treaty and contract are not infrequent. The knowledge which reaches them of attempts made to transfer them from their reserves to remoter localities, is to them both harassing and prejudicial. Fortunately, they are protected by Statute. But they are not unaware that law does not always remain the same.¹¹

Initially all seemed rosy, at least on the surface. In the late 19th century Canada's Department of Indian Affairs (DIA) celebrated St Peter's as the sterling example of the wisdom of its Indian policy as it was a flourishing agricultural settlement. Comfortable, whitewashed log homes were surrounded by cultivated fields and vegetable gardens. At the treaty negotiations Lieutenant-Governor Adams Archibald praised St Peter's, describing it at some length in order to inspire other First Nations to devote themselves to agriculture:

I drove yesterday through the village below this Fort. There I saw many well-built houses, and many well-tilled fields with wheat and barley and potatoes growing, and giving promise of plenty for the winter to come. The people who till these fields and live in these houses are men of your own race, and they show that you can live and prosper and provide like the white man.

What I saw in my drive is enough to prove that even if there was not a buffalo or a fur-bearing animal in the country, you could live and be surrounded with comfort by what you can raise from the soil.¹²

Indian agent Alexander Muckle boasted in 1885 that St Peter's people were 'more prosperous and make more money in a year than thousands of people in the older provinces'.¹³ They also had livestock, including 900 head of cattle in 1890.¹⁴ Missionaries, too, took credit; one wrote

in 1895 that St Peter's afforded 'satisfactory proof of the success of missions. Here I found a thousand Indians living as happily, decently, and almost as comfortably as would live a thousand white people under similar circumstances. All have been Christianized with the exception of a dozen ...'¹⁵

While St Peter's was promoted and celebrated as 'the most progressive of all of the Bands which have been party to Treaty No. 1', the treaty relationship was fraught from the start. Government officials were confronted with concerted challenges to the colonial rule they were trying to establish over this community.¹⁶ St Peter's people posed vexing problems, as they did not conform to the expected behaviour of 'Indians'. They were farmers, they owned land individually, many could read and write, and some spoke several languages including English. Yet it was vital to the project of establishing colonial rule in Western Canada to cast 'Indians' as the antithesis of agriculturalists, as hunters, incapable and ignorant of farming, and thus having no concept of true land ownership.¹⁷ The St Peter's band blurred these distinctions, and they refused to quietly conform and comply with the new regime categories.

The entire Red River Settlement, however, was a challenge for dichotomous colonial categories. An observer from the US wrote in 1874:

The population is of the most motley sort – English, French, Highland Scotch, Lowland Scotch, Orkney Isle men, Chipewas, Crees, Assiniboin, English-Cree half-breeds, French-Cree half-breeds, Scotch-Cree half-breeds, French-Chippewa half-breeds, English-Chippewa half breeds ... Orkney Isle-Assiniboin half-breeds; and so on through every possible permutation of the series of white and red races.¹⁸

He found that the 'social distinction of Manitoba divides the world into two classes; the "Shingle-roofs" and the "Thatch".' The 'most refined' and 'best educated' woman he met was a 'half-breed', married to a missionary who had been educated at Red River and whose father was a distinguished Scottish explorer, and her mother a 'full Indian'.

Beginning in 1872 St Peter's residents were among the most vocal and strident of the treaty people in insisting that the written text of Treaty One did not reflect the treaty they had made in 1871. They barraged government officials with 'constant complaints and demands', regarding promises of schools, tools for building, implements and draught animals for agriculture, seed wheat, potatoes and garden seeds, a farm instructor, carpenter, and a supply of medicines.¹⁹ In 1872 a deputation from St Peter's wanted to visit Ottawa

but permission was denied (the Indian Commissioner wrote that the authority of the government would be 'entirely destroyed ...' and that 'the Department would be subjected to endless applications from Indians for receptions at Ottawa'.)²⁰ They refused to accept their annuities in 1873 because treaty promises had not been fulfilled.²¹ In 1874 the chiefs wrote to the Minister of the Interior David Laird, stating that they had not received what had been promised in their treaty, and 'We are getting dissatisfied and we begin to doubt the white man truthfulness'.²² In 1874 they submitted a petition of their grievances to Ottawa.²³ Their protest was to some extent successful as a number of so-called 'outside promises', those that were made orally by the commissioners but not recorded in the written text of the treaty, were recognized and granted in 1874.

Henry Prince was the most persistent and outspoken of St Peter's leaders. He signed his name with an 'X' and had an interpreter with him during his many meetings with officials, but he also left a substantial paper trail of letters and petitions to officials and to the press. In 1872 Prince wrote to Lieutenant-Governor Alexander Morris about his criticisms of Treaty Commissioner Wemyss Simpson.²⁴ Prince was also a critic of the conduct of Indian Commissioner J. A. N. Provencher.²⁵ (In 1878 Provencher was dismissed as he was found guilty of fraud as well as general incompetence and neglect.)²⁶

Prince wrote letters that were published in the *Manitoba Daily Free Press*.²⁷ He was at the forefront of the 'outside promises' protests, insisting that at treaty talks they were promised much more than was in the written text.²⁸ Prince and other leaders were well informed, reading the annual reports of government departments and speeches of Members of Parliament on Indian affairs.²⁹

In 1877 Chief Henry Prince met with the Minister of the Interior David Mills and Minister of Agriculture Charles Pelletier at a meeting in the council chamber of the St Peter's band. As reported in the *Free Press*: 'Chief Prince ... welcomed the ministers to the reserve in the most kind and flattering terms, and proceeded in a speech of between four and five hours duration to state the grievances of himself and his band.' Deputations from St Peter's were given permission and did visit Ottawa in 1884 and 1889.³⁰ Henry Prince was 'deposed' in 1882 by government officials (but later served another term).³¹ His successor and brother William Prince (who was first an Anglican catechist and later a Baptist missionary) organized the 1884 delegation to Ottawa after letters to Prime Minister John A. Macdonald resulted in no attention to their claims and no redress.³²

The many constraints of life under the Indian Act of 1876, which consolidated and amended earlier pre-Confederation legislation, only slowly became clear to the St Peter's people. They were accustomed to the freedoms, opportunities and advantages of other settlers at Red River. That the federal government had exclusive authority to deal with them and their land through the Indian Act was not explained at treaty negotiations. They were not aware that they were no longer permitted to vote, that only through a protracted process of 'enfranchisement', requiring them to give up their 'Indian status', would they be permitted the franchise. Many St Peter's male band members voted in the 1870s for Members of Parliament and the Legislature of Manitoba before it was learned that they were disqualified and struck off the voters' lists. This came as a surprise even to those in the judiciary of Manitoba. In 1875 the Chief Justice of Manitoba, hearing a case that related to voting rights, remarked to a witness 'that he did not see why when Indians live in houses and cultivate lands they should be cut off [the voters' list] just because they get \$3 per year' in treaty annuities.³³

Despite the new constraints, St Peter's band members tried to function as if, and to demonstrate that, they were like other settlers. Although the reserve was not governed under municipal law, in the late 1870s the chief and council decided to adopt the same laws as the surrounding municipality in matters of impounding cattle, the destruction of weeds and statute labour. Like other settlers of the municipality, the St Peter's band members performed statute labour on roads and bridges.³⁴ In 1886 St. Peter's became the first band in Western Canada to accept the Indian Advancement Act of 1884, 'conferring certain privileges on the more advanced Bands of the Indians of Canada'.³⁵ It provided for the yearly election of a chief and councillors, who had the power to make by-laws, rules and regulations regarding schools, public health, 'intemperance and profligacy', the subdivision of land, and building of roads and bridges.

From the time of Chief Peguis, the St Peter's people had demonstrated and performed their Britishness, and their loyalty to the British Crown and the Hudson's Bay Company (HBC). Peguis was on good terms with the HBC, and had assisted the Scottish Selkirk settlers who arrived in 1812. Peguis and family were featured in missionary publications as exemplars of intense loyalty to the church, the Queen and as supporters of British civilization and colonization.³⁶ In 1869–70 Henry Prince did not side with the Métis in the resistance; he warmly welcomed the troops under the command of Colonel Garnet Wolseley in 1870 and sent St Peter's men to assist the 'loyal party'.³⁷

Governors-General were hosted at St Peter's beginning with the 1877 visit of Lord Dufferin. Joseph Prince said in his address to Dufferin that

... we present to you our homage and loyalty, and the unalterable attachment of our race to the Great Mother ... as we point to the centre of heaven, the seat of the Great Spirit, we offer our united voice of thanksgiving for safely conducting you ... As we present the stem and pipe of peace to your Lordship, we point also to the rising sun – towards the throne of our Great Mother, as the emblem of our devotedness to the Queen's sacred person.³⁸

The Princes further demonstrated their loyalty in 1884 when Chief William Prince and a group of 30 St Peter's voyageurs accompanied Colonel Wolseley up the Nile for the rescue of General Charles Gordon at Khartoum.³⁹ (This was described in an English journal in 1898 as 'surely the strangest contact between East and West that the world has ever seen ...')⁴⁰

As 'Indians', however, the St Peter's treaty people were treated very differently than other settlers, particularly with regard to property rights, and this issue was the focus of the problems and protests. In early 1875 they insisted to federal authorities that it was agreed in treaty talks that the land that was individually owned at the time of the treaty 'should be considered their own property' and that the reserve was to comprise enough land to give each family 160 acres exclusive of and in addition to 'any land [they] held as settlers at the time of signing'.⁴¹ They also claimed the right to sell the land they individually owned at the time of the treaty, as they understood it was their property absolutely.⁴²

There was discussion among government officials about whether Manitoba First Nations were promised reserve land in the treaties in addition to what they already owned as individuals, and the initial consensus was that this *was* promised.⁴³ Yet it was also decided that those who held property that became part of a reserve had a limited right to sell that land: only to another treaty band member and reserve resident, and only with the consent of the government.⁴⁴ The 1876 Indian Act further complicated the situation of prior ownership of what became reserve land in Manitoba. After treaties and according to the Indian Act, the legal title to all reserve land was 'in the Crown' and was set aside for the use or benefit of a particular band. Plots of land owned and improved before treaties that then became part of a reserve were *not* truly owned by the individual, although individuals had the right to occupy the land through a 'location ticket'.⁴⁵ A location ticket

permitted an individual to occupy the land, and it could be passed down to heirs. The land was 'transferable' but only 'to an Indian of the same band', and only with the consent of government authorities.⁴⁶ Further ensuring that no outsider could purchase, use or live on land on a reserve, the Indian Act further stipulated that 'No person, or Indian other than an Indian of the band, shall settle, reside or hunt upon, occupy or use any land ...' Transgressors could be evicted, removed and punished if they returned.⁴⁷

It was further determined by the late 1870s that all those defined as 'Indians' could not, and therefore did not, actually own land as individuals, either before or after the treaties. One rationale was that they were not 'persons', like new settlers. Through an 1875 amendment to 'An Act Respecting the Appropriation of Certain Dominion Lands in Manitoba', 'persons' who occupied land prior to Canada's acquisition of Manitoba and the North-West (on 15 July 1870), were entitled to 'receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple'.⁴⁸ It was decided in 1877, however, that 'an Indian does not come within the word "persons" in the Act referred to ... and cannot therefore claim a Patent for land of which he was in occupation at the time of the transfer of the territory'.⁴⁹ DIA officials in Ottawa, in particular Deputy Superintendent General Lawrence Vankoughnet, believed that acceptance of treaty deprived an Indian of private property rights, and converted all land then occupied into reserve land. Anyone defined as 'Indian' had no right to any property cultivated or occupied prior to the treaty.⁵⁰

The Proclamation of 1763 was another rationale for not recognizing the individual ownership of land by Indians prior to treaties and consequently denying them the right to sell that land. According to the Proclamation all sales and leases could only be made through treaties with the Crown; no private person could presume to make purchases from Indians.⁵¹ In 1876 Minister of the Interior David Laird referred to 'an old proclamation' during debate about the Indian Act in the House of Commons when the issue of land owned and sold by Indians of Manitoba emerged.⁵² Manitoba MPs such as Donald A. Smith (Lord Strathcona) supported the rights of Indian owners of land to buy and sell.⁵³ Laird replied:

... this would be opening up a wide field. If they admitted the right of giving titles to the Indians, they would probably find the whole North-West in the hands of other persons. He found in an old proclamation of the British Government that purchases of lands from

Indians were strictly forbidden. It was understood that Indians could not dispose of land except by treaty to the Crown. If an Indian occupied a piece of land outside a reserve, although he was allowed to enjoy the results of his improvements he had no right to sell the property.⁵⁴

St Peter's was described by one DIA official in 1884 as 'in a turbulent state, a seething cauldron of conflicting elements'.⁵⁵ Tensions became acute between the band members and the non-treaty people, who included non-Aboriginal people, and Métis. There were factions, including those who wanted to sell their land, and those who protested all such sales. From 1871 Henry Prince objected to all sales of land on the reserve to outsiders. He regularly published notices in Manitoba newspapers protesting the purchase of parcels of land on the St Peter's reserve by outsiders. This 1871 notice was repeated many times over many years:

In an issue of the Manitoba News Letter, dated Dec. 17, I saw an advertisement of the purchase by a Canadian gentleman from a native half-breed of a portion of land in the Indian Reserve. I hereby protest against all such purchase, by or for any person or persons, other than Indians or halfbreeds, within the limits of the Indian Reserve.

I also do hereby appeal to the authorities to protect me and my people, the Indians of Red River, from the encroachment of such persons upon our patrimony. Henry Prince. His X Mark. Chief, St. Peter's, Indian Settlement, Red River ⁵⁶

Some of the St Peter's band members decided to withdraw from treaty and take Métis scrip, but they did not wish to vacate their property at St Peter's, in fact they hoped the move could strengthen their claim to their individual property on the reserve. The leaders at St Peter's were not willing to part with any of their reserve and they increasingly clamoured to have non-treaty people evicted. Chief William Prince declared in 1887 that '... they would not give up one inch of it ... that they would lay down their lives in the highway by the white-man, before they would give it up'.⁵⁷

The land question at St Peter's proved vexing, intricate and varied. In 1879 it was decided after an inquiry to eject all of the non-treaty people but they refused to leave their farms and homes.⁵⁸ It was then decided that all of these 'trespassers' could present a claim under the Manitoba Act and this proved to be a lengthy and complicated procedure. In 1884 a commission was appointed to investigate and settle disputes

at St Peter's, and in an 1885 report it was decided to eject those who had taken Métis scrip. In 1887 warrants were issued, and one couple bodily evicted. Steps were then taken to evict any non-treaty residents of St Peter's, but then a legal decision threw doubt on this process.

The case involved William Thomas, a St Peter's band member, who hoped that if he withdrew from treaty, he could retain rights to individually owned land on the reserve. Thomas received annuities as a treaty Indian for the first three years after the 1871 treaty, along with his wife and daughter.⁵⁹ He stopped accepting annuities in 1874. Thomas was a farmer and carpenter, a warden of the church, and he had been a Justice of the Peace before the treaty. In 1864 he purchased a lot on what became the St Peter's reserve. At the time of the 1871 Treaty negotiations, Thomas had asked Indian Commissioner W. Simpson if taking treaty would prejudice his right to his land and was informed it would not. But Thomas subsequently learned this was not the case, and he believed that if he shed his treaty status he could retain his land. In 1876 he withdrew from treaty as a 'half breed' and took scrip. Thomas was granted a patent to his land on the St Peter's reserve, but the 1885 report of the commission to examine the issue of land on St Peter's rejected the claim of Thomas and others and he faced eviction from the reserve and an annulment of his patent.⁶⁰ In 1888 Deputy Superintendent of Indian Affairs Lawrence Vankoughnet wrote that in his view Thomas was not entitled to a patent, as he 'was a member of the band to which the St Peter's Reserve was allotted, and the improvements made thereon by him were made when he was an Indian ... and having subsequently withdrawn from Treaty to accept half-breed scrip any claim on his part to the plot of land was abrogated by such withdrawal ...'⁶¹

The 1891 decision of the Exchequer Court of Canada in the case of *The Queen vs. Thomas* threw the St Peter's land question into turmoil once again. It also demonstrated that legal and government officials did not agree on the definition of an 'Indian'. Justice Burbidge found in favour of Thomas and his right to a patent to his land on the reserve. Burbidge concluded that Thomas was not and never had been an 'Indian', challenging Vankoughnet's view that Thomas had been an 'Indian' at the time of making the improvements to the land on the reserve and thus had no property rights. Burbidge demonstrated the point of view that a farmer and carpenter could not be an 'Indian'. Burbidge found that Thomas '... lived after the manner of white men, and never according to the mode and habits of life of the Indian. He is by trade and occupation a carpenter and farmer ...' Burbidge decided that the 1876 Indian Act, that gave a treaty person the right to only a 'location ticket' (not ownership but the

right to occupy the land) for land on a reserve, did not apply to Thomas, and could not be used to deprive him of his property as it was not enacted until 1876, and from 1874 Thomas was no longer a treaty Indian. The broader implication of the decision was that a treaty person could not be deprived of his (or presumably her) land acquired before treaty.

Despite this decision the Department of Indian Affairs continued to insist that sales of property by 'Indians' were illegal and invalid, as they were not regarded as having owned the land to start with.⁶² The DIA resumed its former course, insisting that by becoming treaty Indians, anyone who occupied land at the time of the treaty surrendered that land to the Crown and ceased to have any claim on that land. But the decision in *The Queen vs. Thomas* had convinced the non-Aboriginal and Métis of the district that any claims to land they had at St Peter's had been decided in their favour, and they began to demand that their claims be validated.⁶³

It is curious that while officials of the DIA worked assiduously and for decades to prevent any land ownership by individuals defined as 'Indian', either on or off reserves, and began to take steps to eliminate the 'problem' of St Peter's through the surrender of the entire reserve, they were contemporaneously extolling the virtues of private ownership of property. Private property would undermine the 'tribal' system, encourage pride and industry, and create law-abiding citizens, according to Hayter Reed, Indian Commissioner (1888–1893) and later Deputy Superintendent General of Indian Affairs (1893–1897). In Reed's view individual ownership of land would foster an independent, proprietary spirit, and prevent protest and revolution as 'the lawless and revolutionary element is to be found among those who have nothing to lose but may perhaps gain by upsetting law and order'.⁶⁴ From the late 1880s steps were taken to subdivide many prairie reserves into small plots for individual farmers and their families. A 'peasant' farming policy, introduced at the same time, directed reserve farmers to step into the past, to limit their acres under cultivation to one or two, and to use only the most rudimentary implements. They were to aim for self-sufficiency rather than a surplus for sale. This plan would also have the benefit of squeezing reserve residents into one condensed area, leaving some reserve land 'vacant' that could then be surrendered and sold to non-Aboriginal farmers.⁶⁵

The existence of the St Peter's reserve was troubling to an official such as Hayter Reed, and not only because of the turmoil of the land question. St Peter's band members were outspoken and effective in protesting, challenging, remonstrating and objecting to the DIA and Indian

Act regime. Reed demanded rigid discipline and strict adherence to rules and regulations and did not tolerate insubordinate behaviour. The St Peter's people were the 'lawless and revolutionary element' that Reed feared and deplored. They were also capable farmers, with a history of individual land ownership. In his reports, letters and speeches, Reed cast Indians as 'ignorant savages', as having no concept of property, and as lazy and incompetent workers, incapable of farming.⁶⁶ The St Peter's people defied these representations. Reed did not believe that his 'wards' should have any of the rights of other Canadians and recent immigrants. He was indignant at the suggestion, for example, that Indians should have the right to make decisions for themselves: 'As well might the Christian or civilized parent allow his children to follow uncurbed the dictates of the blind promptings of their own unregenerate human nature and grow up the outcasts of society, as leave an ignorant savage to determine his own course for himself.'⁶⁷

Although in turmoil, and despite the vexing challenge band members posed to the DIA, the St Peter's reserve survived the Hayter Reed and Conservative era. Under the Conservatives, the non-treaty interests on the reserve were not permitted to take precedence. The victory of the Wilfrid Laurier Liberals in the federal election of 1896, however, brought a set of politicians to power who were determined to develop the resources of the West, and to enhance the economic well-being of new settlers, many of whom clamoured for Indian reserve land to be thrown open for purchase, speculation and settlement. Aboriginal people were seen as impediments to the progress of rural and urban districts, and as having an overabundance of land. DIA officials became zealous and relentless in pursuing reserve land alienation, using questionable and often fraudulent tactics. Officials of the DIA also speculated in and profited from the sale of reserve land. Rarely, however, was an entire reserve surrendered, as was the case with St Peter's.⁶⁸

Clifford Sifton was the new Minister of the Interior in 1896 and Superintendent General of Indian Affairs, and he was also a Manitoba Member of Parliament. Sifton was determined to resolve the situation at St Peter's and he was sympathetic to the non-Indian claimants to land on the reserve. Very quickly under the Liberal regime it was determined that the best approach was not a time-consuming investigation of the individual and conflicting claims but a comprehensive settlement. A 'plan' to get the entire reserve surrendered was proposed in 1900 by T. G. Rothwell, under instructions from Sifton. Rothwell was a law clerk for the Department of the Interior. He reported: 'From what I have been informed as to the Reserve and its present members I consider ... that it

would be in their interest and in the public interest if an arrangement could be made with them in accordance with which they would surrender all lands in the Reserve to her Majesty ...' Rothwell suggested that those 'who will prefer to remain Indians ... be given a Reserve elsewhere ...' while those who wanted title to their land could be given patents but would have to also give up their treaty status.⁶⁹

The St Peter's people were utterly opposed to these plans. In a 1901 letter to *The Selkirk Expositor* acting Chief David Prince wrote that at the treaty the Queen promised reserves that were to stand:

... forever until the sun shines, and the water to run the streams and at that time we agree that our great mother the Queen to make Her laws to protect us in our said Reservation, and we fully expect to stand our reserve as it was agreed upon, and therefore we want no person or persons to interfere for our reserve as it was only a piece of land that we have kept for our childrens for the use of the lifetime, and if any body says that the Indians wants to be removed to the other place, tis not true that we will not have a least idea to give up our reserve ... and therefore the public must know that we will not be consent give up our reserve, and if the Government consent to break our reserve that the treaty will have to break, then we will demand our country to come back to us again [sic] ...⁷⁰

Prominent people of Selkirk, a town that began to undergo an economic 'boom' after the turn of the century, campaigned for the surrender of the reserve, and the removal of the Indians far away from the town.⁷¹ By 1905 the DIA jobs of Indian Agent and Inspector of Indian Agencies responsible for St Peter's were given to men in favour of opening the reserve to speculation and settlement. DIA officials claimed it would be better for Indians of St Peter's to be removed to a remote location.⁷² In 1905, Sifton was replaced by Frank Oliver in the position of joint Minister of the Interior and Superintendent of Indian Affairs, and Oliver was even more determined than his predecessor to actively pursue reserve land surrenders.

The scheme to secure the surrender of the entire reserve was fully developed by 1906 in a decision made by Oliver.⁷³ The plan was to give the 'full blooded Indians' a reserve elsewhere, and the 'Half-breeds to be given scrip and patents for the small parcels of land in the Reserve they ... reside upon'.⁷⁴ A commission comprised of Liberal friends of the government was appointed in 1907 to pursue this goal. Commissioner Hector Howell insisted throughout the hearings that treaty Indians had no right to property while non-treaty claimants did have rights.

Meanwhile Howell met privately with Chief William Prince and Council to pressure for surrender of the entire reserve and to offer what they would receive in return, including a new reserve.⁷⁵

In April 1907 Howell held a meeting at St Peter's to discuss the surrender and found the people unanimously opposed. At a second meeting about a month later, the proposal was also rejected. The offer was enhanced but at a June meeting it too was soundly rejected. More incentives were added. At a September meeting the Deputy Superintendent General of Indian Affairs, Frank Pedley, presided and announced that he had \$5000 to distribute as an advance on the sale of the land if they agreed to surrender. Following two days of meetings in late September the DIA declared that they had secured a surrender of the reserve, although the vote was haphazard. There was confusion about what 'line' to stand in (one 'for' and one 'against', with those 'for' being told they would get \$90 each). There was no written list of voters and no recounts. There was not enough room in the old schoolhouse where the meeting was held for all of the people present and many stood outside. The vote was announced as 107 in favour and 98 against. There were 233 eligible voters on the reserve so the vote did not carry with a majority of total voters.⁷⁶

As St Peter's was dissolved and the people removed, another model Indian agricultural settlement was being created by the DIA in Saskatchewan. The File Hills Colony, founded in 1901, was populated by carefully selected graduates of industrial schools and they were kept under the strict supervision of DIA agents and farm instructors. It was deliberately devised as a showpiece of Aboriginal farming, to which visiting dignitaries and journalists could be taken and given the (erroneous) impression that reserve farmers were happy and contented on small plots of land. Its founder, DIA agent and later Indian commissioner W. M. Graham, boasted in 1907 that the colony was a 'success', and the results 'phenomenal'. He wrote: 'No white community has made such a showing as these young people have. The style of farming here is not surpassed in any of the farming districts in the country.'⁷⁷

Similar praise used to be heaped on the St Peter's reserve, but the very year Graham wrote glowingly about the File Hills Colony, the DIA secured the surrender of the entire St Peter's reserve, using tactics that garnered public attention, debate and censure both immediately and for the next hundred years. The surrender was declared invalid in 1911 by a commission composed of three country court judges who found that inadequate notice was given of the vote, that the meeting was held when people were away fishing, that only half of those present could fit inside the school where the vote took place, that the surrender agreement was not read, terms were not

translated, and that additions were made to the agreement after the vote was taken.

The DIA completely ignored the commission. The rationale and explanation provided by officials and absorbed as part of a settler mentality was the fiction that the St Peter's people willingly sold and 'abandoned' their land, that they realized it was in their best interests, that they were much better off in a more isolated locale, and that this outcome was inevitable.⁷⁸ (This fiction was presented at historic plaques at St Peter's as recently as the 1980s.)⁷⁹

According to a romantic description from 1910, the time had arrived when, for this 'hapless remnant of a once powerful tribe ... in the interests of the town and surrounding country, as well as the Indians themselves, they should be transferred to a more remote section, beyond the immediate contact with the temptations, the vices, and the whiskey of civilization which have been a blight upon their race'.⁸⁰ One of the 'old grizzled survivors' of St Peter's was quoted: 'We cannot fight now; we must bow our heads in obedience to the white man's power. When he orders us to leave the home of our childhood and the graves of our fathers because he wants our land, we must go.' The article concluded with the 'vanishing Indian' theme:

They belong to the other era, and will soon be forgotten in the haunts which have known them for a hundred years. They must pitch their tents on new camp grounds, even though in the course of human events the time is at hand when they must follow the shades of their forefathers on the lone trail, the sands of which show no returning footsteps from the Happy Hunting Grounds.

There were no roads, houses, schools, churches or roads, and no broken land on the new reserve. Their nearest town, Gimli, was 75 miles away, which was also their post-office. Their own band funds were used to pay for their relocation to this reserve.⁸¹ There were however, 'returning footsteps'. The people did not bow their heads in obedience and quietly shuffle off the scene. They protested this injustice immediately and for decades afterward. Although it was not until 2008 that the Canadian government recognized that the reserve was unlawfully taken from them without their consent, and \$126 million was offered in financial compensation by the federal government to the Peguis First Nation, the descendants of the people of St Peter's.⁸²

Reserve land was dramatically diminished throughout Western Canada in the period from 1896 to the early 1920s, but rarely was an entire reserve dissolved. It might seem particularly curious that St Peter's was one of those, as this community had for years served as the model of

Aboriginal agriculture in Western Canada. Yet from the inception of colonial rule in Western Canada the St Peter's people tested and contested the boundaries of the new rules they were to observe, challenging the representations aimed at fixing and defining them. They proved particularly troubling to authorities as they defied the compartmentalization that was vital to the establishment of a settler colonial population. They were to be part of the past, not the future, and they were to be the 'Indians', not the 'settlers'. The foundation of colonial authority was the maintenance of boundaries between colonizers and Aboriginal people, but it was not easily accomplished. As historian Keith D. Smith has written,

Though the categories 'Indian' and 'White' appeared to represent a fixed and natural division, both the line of demarcation and the categories were artificial and necessarily flexible. If the boundary was threatened by the exposure of some contradiction in policy or its application, by the emergence of a successful economic or political adaptation on the part of an Indigenous person or nation ... the boundary was shifted in order to maintain the exclusion of these people and so keep the White/Indian binary intact.⁸³

In his essay 'Of Mimicry and Man', Homi K. Bhabha wrote that the colonized subjects who mimicked the colonizer were the most menacing.⁸⁴ They 'threatened to disclose the ambivalence of the discourse of colonialism which the use of stereotypes anxiously tried to conceal.' The 'worrying threat of resemblance' collapsed the oppositional distinctions between 'us' and 'them', between the 'settlers' and the 'Indians'.⁸⁵ The St Peter's people defied colonial categories. That they were "almost the same but not quite" ... is in Bhabha's thinking, a source of anti-colonial resistance in that it presents an unconquerable challenge to the entire structure of the discourse of colonialism.⁸⁶ The menace that the St Peter's people posed, combined with the complicated and competing land claims on the reserve, and the fact that they occupied valuable coveted land was finally addressed and solved through the disappearance of the reserve in 1907.

Notes

1. D. Sutherland (2003), *Peguis: A Noble Friend* (St Andrews: Chief Peguis Heritage Park Inc.); D. Sutherland (2012) 'Peguis, Woodpeckers and Myths: What Do We Truly Know?' *Manitoba History*, 71, pp. 48–54.
2. Quoted in T. C. B. Boon (1952–3) 'St. Peter's Dynevor, the Original Indian Settlement of Western Canada', *Transactions of the Manitoba Historical Society*, 3 (9).

3. C. Podruchny (1996) "'I Have Embraced the White Man's Religion': The Relations Between the Peguis Band and the Church Missionary Society, 1820–1838', in D. H. Pentland (ed.), *Papers of the 26th Algonquian Conference* (Winnipeg: Algonquian Conference), p. 376.
4. A. J. Ray et al. (2000) *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queen's Press), pp. 21–31.
5. P. Paul Burrows (2009) "'As She Shall Deem Just": Treaty One and the Ethnic Cleansing of the St. Peter's Reserve, 1871–1934', MA thesis, University of Manitoba.
6. A. Morris (1880/1991) *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Saskatoon: Fifth House Publishers), p. 314.
7. Tyler, Wright and Daniel Ltd. (1979) 'The Alienation of Indian Reserve Lands During the Administration of Sir Wilfrid Laurier, 1896–1911: The St. Peter's Reserve #1', Vol. 1, A Report Prepared for the Manitoba Indian Brotherhood, July, pp. 77–8.
8. *Manitoba Free Press*, 1 March 1873, p. 5.
9. J. Warkentin and R. Ruggles (1970) *Historical Atlas of Manitoba* (Winnipeg: Manitoba Historical Society). See plates 118, 121, 205.
10. Anon (1883) *East Selkirk Manitoba* (East Selkirk Board of Trade).
11. Canada. *Sessional Papers*, Report of the Indian Branch of the Department of the Minister of the Interior for the year ended 30th June, 1873. Available at www.collectionscanada.gc.ca/databases/indianaffairs/001074-119.01-e.php?page_id_nbr=281&PHPSESSID=t50ahbsjh8bb5jbive5ntucms2
12. Morris, *The Treaties of Canada*, p. 29.
13. Quoted in S. Carter (1989), 'St. Peter's and the Interpretation of the Agriculture of Manitoba's Aboriginal People', *Manitoba History*, 18, p. 49.
14. Anon (1890) *The Canadian Indian*, 1 (1), p. 24.
15. Rev. P. L. Spencer (1895) 'The Camera in the Mission Field', *The Canadian Photographic Journal*, 4 (2), p. 39.
16. Report on St. Peter's Band for 1875. In Canada *Sessional Papers*, Annual Report of the Department of the Interior for the Year ended 30 June 1875, p. 38.
17. S. Carter (1990) *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press), pp. 16–18.
18. Anon (1974) 'Recollections of Manitoba: From an American Point of View', *Once a Week*, 13, pp. 345, 702.
19. Minutes of a meeting of the Board of Indian Commissioners, 13 March 1874. Indian Affairs. Record Group (RG) 10 volume 3608, file 3117, Library and Archives Canada (LAC).
20. Wemyss M. Simpson to Jos. Howe, 12 December 1872 in *Copies of all Communications From Indians or Others in Manitoba, with the Government: on the Subject of the Dissatisfaction Prevailing among Chiefs, Head-men, and Indians Treated with in Manitoba: and Adjacent Territory in the Year 1871* (Ottawa: Department of the Secretary of State, 1873), p. 8.
21. Letter, J.A.N. Provencher to _____ Ottawa, 16 July 1873, RG 10, file 3604, file 2202, LAC.
22. Letter to David Laird from St. Peter's Chiefs (last page missing), 28 September 1874, R G 10, vol. 3613, file 4057, LAC.
23. Petition to David Laird from the St. Peter's Band, 28 February 1874, RG 10, vol. 3608, file 3182 LAC.
24. Henry Prince to Alexander Morris, 23 June 1872, RG 10, v. 3598, LAC (online).

25. R. J. Talbot (2009) *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris* (Saskatoon: Purich Publishing Ltd.), p. 122.
26. B. Titley (2009) *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873–1932* (Edmonton: University of Alberta Press), pp. 14–36.
27. See, for example, letters to the editor from Henry Prince in the *Manitoba Daily Free Press* of 6 January 1881, and January 21 1881.
28. Molyneux St John to Col. J. A. Provencher, 22 October 1873. Canada *Sessional Papers*, vol. 7, 2nd session of the 3rd Parliament: pp. 8–60.
29. *Ibid.*
30. *Manitoba Free Press*, 5 February 1884 and 15 November 1889.
31. A. M. Muckle's report on the St Peter's reserve, in Annual Report of the Department of Indian Affairs for the Year Ended 31 December 1882. Canada, *Sessional Papers*: p. 35.
32. H. G. Mellick (1909) *The Indians and Our Indian Missions* (Winnipeg: H.C. Stovel), pp. 85–6.
33. *Manitoba Free Press*, 15 February 1875.
34. Report of the Superintendent-General of Indian Affairs John A. Macdonald, in Annual Report of the Department of Indian Affairs for the Year ended 31 December 1881, Canada *Sessional Paper*, p. 40.
35. S. Venne (ed.) (1981) *Indian Acts and Amendments, 1868–1975: An Indexed Collection* (Saskatoon: University of Saskatchewan Native Law Centre), pp. 102–6. See also Report of agent A. Muckle for the Clandeboyne Agency, 11 October 1886, Annual Report of the Department of Indian Affairs for the Year ended 31 December 1886, Canada, *Sessional Papers*, p. 120.
36. G. J. Mountain (1845) *The Journal of the Bishop of Montreal* (London: Seeley, Burnside and Seeley), p. 180.
37. W. Butler (1873) *The Great Lone Land* (London: Sampson Low, Marston, Low, and Searle), p. 126.
38. *Manitoba Free Press*, 20 August 1877.
39. A. P. Michel (2006) 'To Represent the Country in Egypt: Aboriginality, Britishness, Anglophone Canadian Identities, and the Nile Voyageur Contingent, 1884–5', *Social History/Histoire Sociale*, 39 (7), pp. 45–77.
40. 'A.W.' (1898) 'The Problem of the American Indian', *The Speaker: The Liberal Review*, 16 July, p. 76.
41. 'Extract from report of Mr. Commissioner Provencher', dated 31 December 1873. RG 10, v. 3614, file 4311, LAC.
42. *Ibid.*
43. Memorandum in reference to understanding with Indians under Treaties Nos 1 & 2 as to the proprietary right of Indians in property held by them prior to the negotiation of the Stone Fort or No. 1 Treaty. By Molyneux St John. No precise date; 1875. In *Ibid.*; and Wemyss Simpson to E.A. Meredith, 15 February 1875, in *Ibid.*
44. Extract from report of Mr Commissioner Provencher, dated 31 December 1875. In *Ibid.*
45. Venne, p. 27. (The Indian Act, 1876. S.C. 1876, co. 18 (39 Vict.)
46. *Ibid.*
47. *Ibid.*, pp. 28–9.
48. An Act to amend 'An Act respecting the appropriation of certain Lands in Manitoba.' 1875 vol.1 (Canada – 38 Victoria, 3rd Parliament, 2nd Session) Chapter 52, p. 292.

49. Memorandum by Chief Surveyor J. S. Dennis, 6 June, 1877. RG 15, vol. 236, file 7052, LAC.
50. Tyler et al., *The Alienation of Indian Reserve Lands*, p. 99.
51. See the text of the Royal Proclamation of 1763 at <http://www.bloorstreet.com/200block/rp1763.htm>
52. Canada. *Debates of the House of Commons*. 3rd Session, 3rd Parliament. 1876: 872.
53. Ibid.
54. Ibid.
55. Quoted in Tyler et al., *The Alienation of Indian Reserve Lands*, p. 92.
56. *Manitoba News-Letter*, 1 April 1871, p. 4.
57. Quoted in Tyler et al., *The Alienation of Indian Reserve Lands*, p. 103.
58. Ibid., pp. 77–105.
59. All of the information on this case is from *The Queen v. Thomas* (1891), 2 Exchequer Court, pp. 246–50.
60. Peguis First Nation Inquiry Treaty Land Entitlement Claim (2001) *Indian Claims Commission Proceedings Reports* 14 ICCP (Ottawa: Indian Claims Commission), pp. 203–4.
61. Quoted in Tyler et al., *The Alienation of Indian Reserve Lands*, pp. 106–7.
62. Peguis First Nation Inquiry, *Indian Claims Commission Proceedings Reports*, p. 205.
63. Tyler et al., *The Alienation of Indian Reserve Lands*, p. 112.
64. Carter, *Lost Harvests*, pp. 146–7.
65. Ibid., chapters 4 and 5.
66. Quoted in Ibid., p. 143.
67. Ibid.
68. See Tyler et al., *The Alienation of Indian Reserve Lands*; P. Martin-McGuire (1998), 'First Nation Land Surrenders on the Prairies, 1896–1911', Prepared for the Indian Claims Commission, Ottawa; and Carter, *Lost Harvests*, pp. 193–258.
69. Martin-McGuire, 'First Nation Land Surrenders on the Prairies', p. 211.
70. Quoted in Tyler et al., *The Alienation of Indian Reserve Lands*, pp. 128–9.
71. Ibid., p. 193.
72. Ibid., p. 212.
73. Ibid., p. 196.
74. Quoted in Ibid., p. 196.
75. Ibid., p. 209.
76. Ibid., p. 289.
77. Quoted in Ibid., p. 243.
78. 'Mr. Oliver's Reply to Mr. Bradbury', *The Globe*, 15 April 1910, p. 2.
79. Carter, 'St. Peter's', pp. 46–52.
80. *Raymond Rustler*, 2 September 1910, p. 2.
81. A. E. Thompson (1973) *Chief Peguis and His Descendants* (Winnipeg: Peguis Publishers Ltd.), pp. 46–8.
82. See www.canada.com/story_print.html?id=f16b00fd-f899-4404-9af1-f7f1f0bcee74&sponsor=
83. K. D. Smith (2010) *Liberalism, Surveillance and Resistance: Indigenous Communities in Western Canada, 1877–1927* (Edmonton: Athabasca University Press), p. 19.
84. H. K. Bhabha (1990) 'Of Mimicry and Man: The Ambivalence of Colonial Discourse', in H. K. Bhabha, *The Location of Culture* (London and New York: Routledge), pp. 85–92.
85. J. McLeod (2000) *Beginning Postcolonialism* (Manchester and New York: Manchester University Press), p. 55.
86. Ibid.

10

Site of Dispossession, Site of Persistence: The Haudenosaunee (Six Nations) at the Grand River Territory in the Nineteenth and Twentieth Centuries

Cecilia Morgan

It appears to me to be the finest country I have yet as seen . . . The habitations of the Indians are pretty close on each side of the river as far as I could see, with a very few white people interspersed among them, married to squaws and others of half blood, their offspring. The church in the village is elegant, the school house commodious, both built by the British government, who annually order a great many presents to be distributed among the natives; ammunition and warlike stores of all the necessary kinds; saddles, bridles, kettles, cloth, blankets, tomahawks, with tobacco pipes in the end of them; other things, and trinkets innumerable, provisions and stores; so that they may live, and really be, as the saying goes, as happy as the day is long.¹

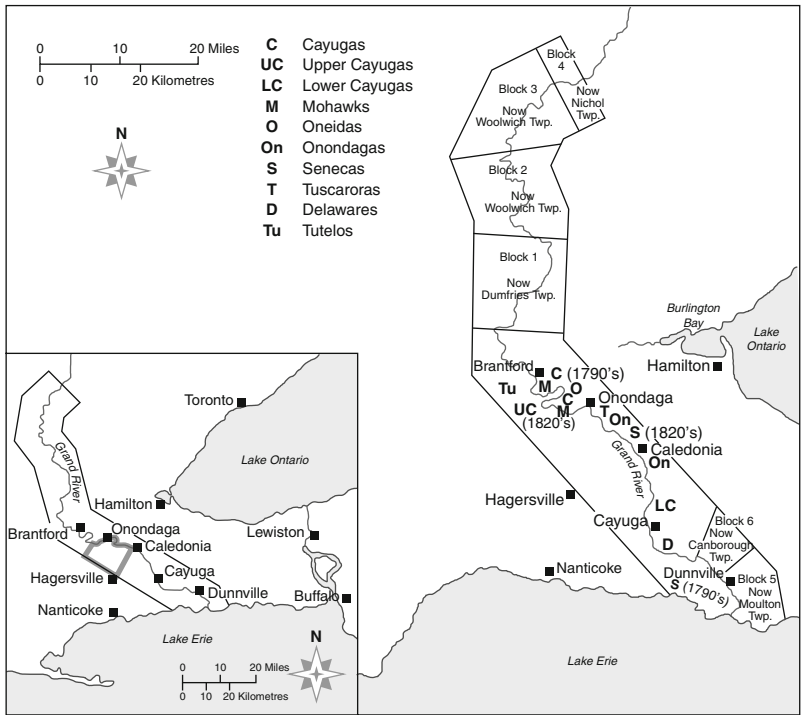
Described as ‘one of the most important accounts’ of late-eighteenth-century British North America, Patrick Campbell’s 1793 *Travels in the Interior Inhabited Parts of North America* was written to assure curious – and perhaps nervous – Britons that these colonies would be suitable places in which to create new homes. As well as assessing colonial topographies, economic conditions, and New Brunswick’s settlements for disbanded soldiers, Campbell also was struck by the community created by the Haudenosaunee people, those members of the Iroquois Confederacy who had moved to British territory in the wake of the American Revolution.² At the Grand River Campbell was struck by

the charm, politeness and hospitality afforded him by Captain Joseph Brant and his family, not to mention the good looks of the 'handsome young squaws' whom, it seems, he met wherever he went (but who also refused his offers of Madeira and rum during a vigorous after-supper dance).³ What is most striking about Campbell's account is his impression of a community in which Haudenosaunee practices and material culture existed alongside those of the Confederacy's British allies. War and Serpentine dances were followed by Scotch reels, calumets could be found with double-barrelled pistols, older men farmed while young men hunted deer, and Captain Brant's 'European manners' were offered to his guests in the presence of his wife, who was 'superbly dressed in the Indian fashion' and whom Campbell found so striking that she eclipsed the other women present, whether Indian or European.⁴

Although Campbell was one of the earliest visitors to express in written form a fascination with the Grand River territory (see Map 10.1) and its inhabitants, his would not be the last such account. Over the course of the nineteenth century, the reserve attracted the attention of a range of individuals and organizations, including colonial and imperial officials, humanitarian sympathizers, missionaries, ethnographers and a diverse collection of Indigenous people, African-Canadians and Europeans who saw it as place of refuge from the depredations of colonial policies and settler society's growing racism. For its first wave of Indigenous residents, the reserve was an asylum from the maelstrom of the American Revolution; their descendants saw it as traditional territory, a home that helped protect, nurture and defend the Six Nations' history and legitimacy, one marked by its residents' persistence on the reserve. It also, though, was a site with a history of negotiations, struggles and contestations, ones that took place both externally, with imperial and colonial authorities and European settlers, and internally, as different groups within the reserve had different visions of the territory's future and their place within it. The reserve was marked, too, by its proximity to Ontario's commercial, industrial and political centres, a location that facilitated continuous forms of traffic that included a range of networks: military, humanitarian and those of early anthropological and historical knowledge. Such networks represented both continuities of the Six Nations' history of interaction with imperial and colonial officials; they also, though, embodied those 'new social and spatial assemblages' of the nineteenth century highlighted in this collection. Moreover, an overview of these networks at the Grand River demonstrates how Indigenous communities were, as Alan Lester and Zöe Laidlaw point out in their introduction to this collection, both

local and trans-local, ‘articulated not only by the governmental, settler, humanitarian, scientific, financial and other circuits of discussion and debate that constituted the extensive imperial networks through which colonizers communicated, but also by emerging indigenous campaigning networks and circuits of solidarity’.⁵

As historians have demonstrated, the outcome of the American Revolutionary War had catastrophic results for the Haudenosaunee. Members of the Confederacy had been divided over the question of alliances: the Onyot.ka (Oneida), along with some members of the Ska-rue-ren (Tuscarora), chose to side with the revolutionary forces, while the majority allied with the British. Matters became even more fraught with the 1783 treaty that ended the Revolutionary War, as Britain did not honour earlier promises that the Confederacy would see its rights and property restored but instead left Indigenous people to negotiate their own fate with the new United States government, an



Map 10.1 The location of the Grand River Territory, Canada

(Original from *Handbook of North American Indians*, vol. 15: *Northeast*, ed. Bruce G. Trigger [Washington, DC: Smithsonian Institution], p. 526, by permission of the publisher. Copyright 1978 Smithsonian Institution.)

entity that many had fought against. For those allied with the British, remaining in the Confederacy's traditional territory of Iroquoia or the Mohawk Valley was no longer an option. While both Joseph Brant and fellow Kanienkehaka (Mohawk) chief John Desorontyon were offered territory by the British government at the Bay of Quinte, at the Eastern end of Lake Ontario, Brant decided that the valley of the Grand River was preferable. It offered the possibility of connections with western Indigenous tribes, easier access to the Confederacy for those who had stayed in New York, proximity to transportation routes and major centres, and better farmland. For his part, Desorontyon decided to remain at Quinte and establish a separate, much smaller community.⁶ Yet the Grand River territory was not unoccupied 'empty space', as it had been home to the Anishinabe people for almost a century; Frederick Haldimand, the Governor of Quebec, bought 240,000 hectares from them. In 1784 almost two thousand Haudenosaunee people moved to the Grand River, with the largest group being the Kanienkehaka, followed by the Gayogoho:no (Cayuga), Onondage'ga (Onondaga), Delaware, Onodowahgah (Seneca), and a smaller group comprising Onyot.ka (Oneida), Ska-rue-ren (Tuscarora), Tutelo, Nanticoke, Creek and Cherokee. All those locations and patterns of settlement that closely resembled those they had established in the Mohawk Valley.⁷

The 'Haldimand Grant' and its terms would become the subject of considerable dissension, one that lasted well into the twentieth century; it has been one of most-studied aspects of Six Nations' history at the Grand River.⁸ A recurring dispute between the Six Nations, particularly Brant, and the imperial and colonial governments was over Indigenous title to the land. Brant interpreted Haldimand's proclamation that the land was conferred on the Kanienkehaka "and others of the Six Nations in Consideration of [their] early attachment to his Majesty's Cause" to mean that the territory belonged to the Six Nations, to use and dispose of as they saw fit. However, imperial and colonial authorities insisted that those "Indians" who enjoyed the "King's Protection" could only convey land with the Crown's permission and that the Six Nations were not able to alienate their lands, as being able to do so would expose them to the unscrupulous greed of "land jobbers". Colonial officials also were concerned about the future disposal of reserve land and, too, argued that the Iroquois, as Crown wards, could not have whites as tenants.

In return, Brant responded that the Six Nations could protect themselves, that land sales were possible as the territory was too large to be farmed only by the Six Nations, and that the income from them might prove to be crucial in the coming years. Moreover, Brant wished to sell

lots to sympathetic whites whom he hoped would serve as agricultural role models to male members of the Confederacy, work customarily performed by Haudenosaunee women, a shift Brant felt was vital as wild-life declined in the Grand River territory. Furthermore, Haudenosaunee people were linked to settler society by family and kinship ties: maintaining and cultivating these ties through land sales allowed Brant to continue to deploy a long-standing Haudenosaunee political strategy, thus maintaining autonomy and independence.⁹ Other members of the Confederacy, though, were worried about whites' effect on Indigenous culture; after failing to oust Brant over the issue, Isaac and Aaron Hill and their followers decided to leave the Grand River for Desorontonyon's settlement. The question of land use, ownership and disposal would remain a stubborn and persistent one, as British authorities continued to insist that the land was not the Six Nations' to sell or dispose of as they wished. Despite trips to London in 1804 by John Norton, Teyoninhokarawen, the Scots-Cherokee-Kanienkehaka soldier and translator, and in 1821 by John Brant, Tekarihogen (Brant's son), to lobby on this issue – and to find a copy of Haldimand's deed – the question of Indigenous land title was not resolved. After the War of 1812, which saw some members of the community fight against the threat of continued American incursion into Indigenous lands, the imperial government transferred responsibility for British North America's Indigenous people to the civilian authority.¹⁰

As settler society spread in the 1830s, its expansion directly affected the Grand River territory. Over the decade the community made a number of major land surrenders to deal with settlers' continuing inundation and the expansion of the nearby village of Brantford; land also was turned over unofficially to individuals, either through sales or through the occupation of plots by squatters. After a special review of the sales in 1835, many were ratified and given formal recognition.¹¹ However, whites' further incursions into the reserve isolated their Indigenous neighbours and left them vulnerable to further depredations, developments that worried both Six Nations' leaders and the colonial government. In November 1840 an order-in-council declared that, except for a bloc of land reserved exclusively for Indigenous use, the remaining Six Nations land would be surrendered to the Crown, assessed for its market value and sold: the money from the sale to be 'earmarked for the Indians' betterment'. Although a number of chiefs signed the agreement the following January, the plan was not without its opponents, as other Six Nations people argued that the chiefs had acted hastily and had ignored traditional protocol. While the amount of land set aside

for the reserve increased (from 8000 hectares to 22,000), nevertheless the sale brought to a head tensions between different groups on the reserve, ones that would continue well into the twentieth century.¹² An earlier financial transaction with the Grand River Navigation Company, headed by Upper Canadian businessman and canal promoter William Hamilton Merritt, had also angered Confederacy members. With the support of the colonial government, their funds had been invested in the Company by individuals unauthorized by the Council and had subsequently been lost.¹³

Despite the depletion of their territory, increased government oversight and pressure from settlers, the Six Nations narrative involves more, though, than declension and loss. The new reserve, created in 1847 out of the national villages along the Grand River, was the most heavily populated one in Canada and the largest Iroquoian settlement in North America. Governed by the representatives of the entire Confederacy (unlike other Iroquoian communities on both sides of the border), it also was the wealthiest reserve in nineteenth-century Canada. From the land sales from the 1830s to 1853 the Six Nations were able to set up a fund of over \$800,000, out of which they paid their superintendent's, interpreters', doctors', forest wardens' and teachers' salaries. Although much was made, both by outside observers and by certain members of the Confederacy, of the adoption of Christianity and men's engagement in farming, the community also included members of the Longhouse religion. These men and women followed the code of Handsome Lake, a late-eighteenth-century spiritual leader who led a revival movement aimed at resurrecting and protecting traditional Haudenosaunee beliefs and practices.¹⁴ Furthermore, at the invitation of the Six Nations, in 1847 the Anishinabe Mississauga people established the New Credit reserve on the Grand River reserve's south-east corner, a movement sparked by government and settler pressure on their successful farming communities. Grand River, then, was a multicultural and multinational community.

The reserve's consolidation and financial basis, though, did not leave it immune from the kinds of tensions experienced by other Indigenous communities in the nineteenth century. For one, consolidation meant yet more movement and, too, more conflict for the Haudenosaunee. Colonial officials continued to be concerned about the future disposal of reserve land and argued that as Crown wards the Iroquois could not have whites as tenants. They left their separate villages, with their cleared fields and log cabins, for forested land on the south side of the Grand River, land that needed to be cleared both of trees and a number of white squatters, who had moved onto reserve land in the early 1840s.

Despite their illegal occupation of reserve land, squatters were not only compensated for their losses but also petitioned the colonial government and launched suits in the colony's courts to receive more money from the Confederacy. While most had been evicted by 1853 – a process that at times was violent – moving them off the reserve cost the Six Nations band funds £8000.¹⁵ As well as creating practical and financial problems for the Confederacy, squatters' attitudes and behaviours suggest settler disregard (and possibly ignorance) of the agreement between the Haudenosaunee and the imperial government that these lands were designated for the former.

To be sure, the mid-nineteenth century was marked by the establishment of the Confederacy as the reserve's governing body, one with considerable powers of autonomy and self-determination. The Confederacy chiefs tended to take the advice of the Grand River superintendent, David Thorburn, when it suited them; when it did not, they adhered to their own principles. The latter included the practice of appointing chiefs based on their hereditary status and, in the case of self-made 'Pine Tree' chiefs and war chiefs, also on their abilities, oratorical skills and judgement.¹⁶ By the late 1850s, though, the Confederacy's power came under attack from a number of levels. For one, the impact of the colonial government's 1857 Enfranchisement Act, aimed at providing Indigenous men with a means of relinquishing their legal status as state wards, gaining political rights (such as the franchise) and joining – at least ostensibly – settler society, was felt on the reserve. The chiefs opposed the enfranchisement of three Kanienkehaka men, as the Act removed their power to determine band membership (it also allowed those who became enfranchised to receive 20 hectares of reserve land). Although very few Six Nations people applied for voluntary enfranchisement in the nineteenth century, nevertheless the Act represented a direct challenge to Indigenous determination of community membership and the state's wish to assimilate Indigenous people.¹⁷

The 1862 arrival of a new and more activist superintendent, Jasper Gilkison, also created new challenges. While not opposed to a number of Gilkison's initiatives – road improvements, a new council house, a more systematic census, a better land-registry and better medical care – his authoritarian style, coupled with his proximity (Gilkison lived nearby in Brantford, while Thorburn had lived further away and visited the reserve infrequently), irritated and at times angered the chiefs. Another source of contention was the 1869 Indian Act, legislation passed by the new Dominion government that, amongst other provisions, set up procedures to replace hereditary chiefs with elected

ones and sought to undermine the Six Nations' position as a historically ally of the British Crown, not a dependent subject. Although historians debate the extent to which changes on the reserve, particularly around the question of who could hold land and receive annuity payments, were shaped by disputes within the Confederacy or by external pressures, in the long run the Indian Act would be detrimental to the Six Nations' case for sovereignty.¹⁸ In the years before and after World War One, conflicts over Six Nations men's participation in the Canadian military, a shortage of available farm land for younger men and increased assimilationist pressures from the Canadian government led to the seizure of the Confederacy's wampum and council records by the Royal Canadian Mounted Police, the removal of their council by the Department of Indian Affairs and the imposition of an elected council. Although the community had been divided over its members' enlistment in the Canadian military, the majority supported the hereditary council and many were displeased with the Dominion government's aggressive and imperious behaviour towards the Confederacy.¹⁹

The reserve's history encompasses not just struggles over land and political governance, critical though those areas were. For one, like other Indigenous communities in the early nineteenth century, it was a site in which different denominations competed for Indigenous souls. However, Christianity had a long history amongst the community, as Brant and a number of his fellow Kanienkehaka were Anglicans and attempted to consolidate those ties at the Grand, building the Church of St Paul (or, as it became popularly known, the 'Mohawk Chapel'). Brant also translated the Gospel of St Mark into Mohawk and included it on a new edition of the Mohawk Prayer Book. Brant's efforts to maintain Christianity among the Kanienkehaka were supported by John Norton, who translated the Gospel of St John into Mohawk. Yet Brant's hope for a resident Church of England missionary at the Grand was not realized; while the reserve was visited by the ministers John Stuart and Robert Addison, their visits were not as frequent as Brant wished. Both men complained of the distance, although it is possible that Stuart did not find his Indigenous charges as receptive to his ministrations as did Addison.²⁰

After the War of 1812, others arrived: in the 1810s and 1820s the American-based Episcopal Methodists (who also made considerable inroads in converting the Mississauga), set up missions among the Onyot.ka. The Anglican presence continued on the reserve, though; in 1827 the London-based New England Company sent the Reverend Robert Luggier to the Grand River. Working with Joseph Brant's son

John, Lugger prepared a Mohawk grammar and in 1831 established the Mohawk Institute. Set up initially as a day school to teach Haudenosaunee youth agriculture, basic trades and domestic science, the Institute became a boarding school in 1835, its mandate that of training teachers for the reserve. Although Lugger was not successful in converting the Onodowahgah, Onondage'ga and Gayogoho:no – most of whom adhered to the Longhouse religion – and had to compete with the Methodists, the Mohawk Institute lasted as a school until 1970; over its lifespan it took in students from a number of other Ontario bands. By the late 1830s the Anglicans became the most influential Christian denomination at the Grand River, although the church's prominence and power did not prevent the eruption of controversies in the late 1840s between the missionaries Abraham Nelles and Adam Elliott, and Superintendent Thorburn over the former's neglect of agriculture and formal education; Thorburn also was angered by the missionaries' efforts to acquire land for a manual training farm on a permanent basis, which was not permitted by the Indian Department. In turn, the missionaries accused the Indian Department of being too supportive of the Longhouse faith and demanded that the Anglicans be the only group allowed to operate at the Grand. Thorburn reacted angrily to the first statement, retorting that reserve members had a right to choose their own religion, and rejected the second, as he had been impressed with the Methodists' work (particularly that of Mississauga missionary Peter Jones) at the New Credit Reserve. While the New England Company expanded its reach in the 1850s, as it built a number of schools on the reserve, it placed the schools where demand for them existed and – following the Confederacy chiefs' instructions – not among the Longhouse people, who did not welcome missionaries.²¹ By the end of the nineteenth century, though, the Anglicans numbered half of the Christians at the Grand River; Six Nations men and women taught in the reserve's Sunday Schools and held lay offices in the church, such as wardens, deacons and elders.

Yet the Longhouse religion also persisted: its ceremonies were conducted in Iroquoian languages and followed the agricultural rhythms of the year, such as the Midwinter Festival of late January, the spring seed planting and maple sugaring festival, and the Thanksgiving or Harvest Ritual. Membership in the Longhouse brought with it healing practices and medicine societies; it also involved a clear moral code that stressed care of own's family, spousal fidelity and abstinence from gambling, gossiping and drinking alcohol.²² Like other Indigenous communities, then, the Six Nations' relationship to Christianity was a

complicated one, as it ranged from the Longhouse rejection of it to a clearly expressed desire to participate in the church. To what extent the latter encompassed more syncretic expressions of identity has yet to be explored, as Indigenous Anglicanism in nineteenth-century Ontario has not received as much attention as its Methodist counterpart.²³

Voluntarism also played an important role on the reserve. Men and women actively participated in organizations such as the Temperance Society and the Agricultural Society, which staged a yearly agricultural show and ploughing match. On Bread and Cheese Day, a celebration of Queen Victoria's birthday initiated by the council in the 1860s, the Six Nations reminded themselves and settler society that their historic relationship to the Crown was that of a loyal ally. Moreover, as Alison Norman's research has shown, Haudenosaunee women also were active in multiple societies and causes, as they formed the Oshweken Women's Institute, the Red Cross during World War One, the (short-lived) Moral Reform League, and fundraised for the schools, social welfare, community improvements and public health initiatives. By the early twentieth century Haudenosaunee women also formed the majority of teachers in the reserve's day schools: as Norman argues, although charged with implementing an education designed to prepare Indigenous children to work as farmers, in trades or as domestic servants, some of these women seized the opportunity to teach their charges about Haudenosaunee history and cultural beliefs.²⁴

Conflicts with both fellow Haudenosaunee, the colonial government, and settler society over land and political governance; missionaries who at times meddled and sought (albeit unsuccessfully) to convert Haudenosaunee traditionalists to Christianity; tensions between the different nations and, too, between those who saw different paths as crucial to community survival: many of these aspects of the reserve resonate beyond its borders, as other communities studied in this volume have similar histories. Yet, as the description of the Mohawk Village that opened this chapter suggests, there also is more to the Six Nations' history, and to those of other communities here, than simply the erosion of land rights, attempts to fend off settler incursions in governance and the pursuit of sovereignty. The community's narrative also includes continuous engagement with multiple, often intertwined, networks and connections: it would not be too much of an exaggeration to state that the Grand River has been – at least partially – constituted of such networks, ones that encompass the imperial military, humanitarianism, the production of knowledge about the Haudenosaunee and political activism.

As other studies of imperial and transnational networks have demonstrated, individuals and families were significant, if often complicated,

nodes of influence, junctions in which the interplay of a range of identities and worldviews were juxtaposed.²⁵ The Brant family have been perhaps one of the best-studied examples of the ways in which the Confederacy was linked to British and settler society: through Indigenous and imperial diplomacy, the military, and ties of intimacy and intermarriage.²⁶ As Patrick Campbell's account suggests, fascination with Joseph Brant's combination of European material culture and Iroquoian hospitality was not merely the product of late-twentieth-century scholars' interest in linkages and cultural mixing, for the Mohawk Village attracted the attention of a range of imperial and settler observers.²⁷ Although in 1805 the Village lost its role as the link between the Six Nations and the outside world once Brant moved to Burlington, the type of 'fierce Iroquois identity'²⁸ embodied and performed by Brant, one that entailed connections to both Haudenosaunee and European society, was displayed in the life and career of John Norton. Norton's trip to Britain to lobby imperial authorities on behalf of Brant and his supporters involved drawing on both Brant's diplomatic ties and Norton's own links to the British military, as Norton hoped to fight in Europe against Napoleon.

As well as enjoying links to the British aristocracy and military sociability that marked Brant's life, Norton also was introduced to humanitarian and reform networks, ones embodied by individuals such as William Wilberforce and Robert Allan. Although Norton had already carved out a career for himself as a translator for the Indian Department, his experiences in London and Cambridge solidified his desire to make Christianity more accessible to the Grand River, to bring new forms of technology – a printing press, for example – to the community, and to continue Brant's campaign to 'improve' agricultural practices among the Haudenosaunee, as he met and discussed changes in farming techniques with their English advocates. Norton's world at Six Nations thus expanded to include a transatlantic world of polite sociability and affection, one described in loving detail in his letters – those 'cold means' of communication, as he dubbed them – sent across the ocean. Yet Norton's links to the British military continued to form an important part of his life; he commanded Six Nations warriors in the War of 1812 and in 1815 made another trip to Britain, both to place his wife and son in school in Scotland and to have his rank in the military raised to that of Major.²⁹

Although Norton's life at the Grand River ended unhappily with his self-imposed exile from the community in 1823, John Brant continued to seek the consolidation of his father's diplomatic and political ties with Britain. However, as a number of historians have pointed out,

Brant was not successful in his endeavours: shifts in Britain's political and military priorities meant that the Haudenosaunee were no longer seen as important military allies but, rather, as subjects of the Crown whose lives were – at least theoretically – to be shaped by settler governments and their priorities.³⁰ John Brant's election to the Upper Canadian legislative assembly in 1830 was disallowed on the basis of his not being a landowner; his death from cholera in 1832 deprived the community of a skilled and respected negotiator.³¹ Yet if the imperial, colonial and (eventually) Dominion governments preferred to forget or downplay the Haudenosaunee's history of military alliance with Britain, the Six Nations themselves did not. Ian Radforth's study of the Prince of Wales' 1860 tour of British North America demonstrates the ways in which the community perpetuated a collective memory of military alliance with Britain, a memory staged in meetings with the Prince in which rituals were used to invoke that tradition and which, as we will see, was carried into the twentieth century.³²

The Prince's visit also suggested, though, how the filaments of other kinds of networks, ones that had been developing over the course of the nineteenth century, were intertwined. During that visit the Oxford professor and physician, Henry Acland, who was touring with the royal party, met two Indigenous men at Niagara Falls who were wearing ceremonial dress; Acland asked them to pose for a sketch and struck up a conversation with one of the men, Oronhyatekah or 'Burning Cloud' (he also was known as Peter Martin). Oronhyatekah was not a newcomer to western culture, as he had attended the Mohawk Institute and then (after having had his head examined by a visiting phrenologist at Six Nations) went on to study at Massachusetts' Wesleyan Academy. On returning to the Grand River, Oronhyatekah worked as a teacher and then decided to obtain medical training at Kenyon College in Ohio, where he completed two years before his funds ran out, after which he taught at the Tyendinaga reserve. (During the Prince's visit to Ontario, Oronhyatekah was chosen to represent the Six Nations and delivered a two-minute speech.) His conversation with Acland determined Oronhyatekah to travel to England and enrol in medicine at Oxford. Although his stay was short-lived, he subsequently completed medical training at the University of Toronto and there met Daniel Wilson, recognized as the founder of Canadian anthropology.³³

Oronhyatekah is known by Canadian historians for his political activism on behalf of the Conservative party and, too, as the founder of the Independent Order of Foresters, a fraternal organization that specialized in insurance, for which he travelled around the world. His narrative,

though, also opens up yet another set of networks that from the mid-nineteenth century would play an important, if at times controversial and contentious, role at Six Nations, those of anthropologists, collectors and (more generally) men and women interested in Six Nations history and culture: in short, networks that focused on the gathering, collecting and dissemination of knowledge about Haudenosaunee culture and history. Although Oronhyatekha spent the rest of his life living off the reserve, he remained an advocate for Indigenous people, particularly concerning the Indian Act and its restrictions of land ownership and band membership based on marital status. Moreover, Oronhyatekha also was an avid collector, both of the countries he visited and of Eastern Woodlands and Great Lakes Indigenous peoples. As museologist Trudy Nicks has noted, his collection of the latter tended to focus on periods and contexts in which Indigenous people had acted as sovereign nations, artefacts that were 'symbolic of nation-to-nation meetings, agreements, or alliances'.³⁴

Oronhyatekha was not alone. Historian Michelle A. Hamilton has demonstrated just how keen interest was in collecting Aboriginal artefacts in Ontario, one expressed by both the founders of archaeological societies and the general public. Although that interest can be traced to the early decades of the nineteenth century, it intensified and spread from the mid-century on, partly because of improved transportation and communications, the growth of the province's middle class, and the foundation of institutions and societies devoted to the study of history and the natural sciences.³⁵ Moreover, as Oronhyatekha's narrative suggests, Indigenous people also were active participants in creating knowledge about their communities. Although it would be an exaggeration to claim that the Grand River community was the only one involved – Mississauga members Peter Jones and George Copway published histories of their people in the 1850s and 1860s³⁶ – the Six Nations received a great deal of attention from archaeologists, anthropologists and historians and acted as critical linchpins in those networks devoted to generating knowledge about southern Ontario's Indigenous communities. Ellen Smith, for example, a young Kanienkehaka woman born in the Mohawk Village in 1830, saw a steady influx of visitors to her family's home; her stepmother, Charlotte Brant Smith, was one of Joseph Brant's grandchildren and Ellen's grandfather, Peter Smith, had been the Kanienkehaka interpreter to the Six Nations Council in the 1840s and 1850s. American ethnographer Henry Morgan called upon the Smiths in 1850, along with his assistant, the Iroquois Ely Parker; Morgan published his study, *League of the Ho-Dé-No-Sau-Nee*, in 1851,

a book that would be seen as a foundational text in the field.³⁷ The Smith family's work with Morgan was no means an anomaly. By the end of the nineteenth century, a number of individuals, such as John Brant-Sero and Chief Alexander G. Smith, had advised the provincial archaeologist, David Boyle. In the 1880s Smith also provided information to anthropologist Horatio Hale to help him understand a condolence ceremony held at the reserve.³⁸

Yet their work was more than just fulfilling the role of the 'local (in this case Indigenous) informant' or helpmate to settler society's production of knowledge about Indigenous society, a role sometimes seen by nineteenth-century observers as one of passive acquiescence to western curiosity, wherein a 'static' remnant of a dying race passed on arcane lore. As Hamilton points out, Indigenous collectors had their own rationale for sharing knowledge of their history and culture. At the 1911 Six Nations Agricultural Fair, for example, members of the reserve displayed archaeological items, ranging from axes to pottery, that in their Agricultural Society's view demonstrated "'industry, patience, economy, endurance, originality, and skill'" – qualities that, as Hamilton points out, were ones that early-twentieth-century Canadian society was loath to recognize as characterizing pre-contact Indigenous communities. Such a desire was not simply a product of late-Victorian conditions on the reserve. Although a detailed description of long-standing Haudenosaunee efforts in such 'public' education is beyond the scope of this chapter, as archaeologist Neal Ferris suggests, the displays of identity Joseph Brant performed for Patrick Campbell in 1792 – symbolized in the tea, fine china, hand organ, beds with sheets and blankets and uniformed black slaves, coupled with Indigenous hospitality and a war dance – demonstrates Brant's expectations that Campbell would write about the Iroquois for a British audience, 'part of a marketing campaign of sorts, demonstrating to the broader, emerging colonialities of the region the vibrancy of the Iroquois nation to be autonomous within and without the colonial world'.³⁹ During his 1804 visit to England John Norton participated in a similar exercise, as he regaled an audience at Cambridge with stories of the Haudenosaunee and performed a war dance, while simultaneously enjoying both domestic and public hospitality with his new circle of humanitarian friends.⁴⁰

Such presentations continued into the mid-nineteenth century, although they might take a slightly different form. In the 1870s and 1880s, the Onondage'ga chief Seth Newhouse collected traditional knowledge at both the Grand River and in upstate New York and Quebec, producing in 1880 a narrative that described the Confederacy's

formation. While Newhouse also provided information to anthropologists such as Horatio Emma Hale and Edward Sapir, he clearly had his own political and intellectual reasons for gathering information about the Haudenosaunee. Titled 'Cosmogony of De-ka-an-wi-da's Government', Newhouse's history was, as his biographer notes, a response to potential political changes in Haudenosaunee government, a defence of the hereditary council and a reflection of his own interest in his community's history. Newhouse would go on to write longer versions of his history in 1885 and 1910 and sought support for their publication. His work, though, was not appreciated by the Council chiefs, who did not agree with his interpretation of the council's practices; nor did the Department of Indian Affairs wish to help him (Newhouse had been an ardent campaigner for land claims, having been involved in a number of petitions, and had challenged the Dominion government's authority over the Six Nations, asserting their rights to self-government). Newhouse found a home for his work with the anthropologist Arthur Castle Parker of the New York State Museum; along with other material, Parker published Newhouse's research in his museum's 1916 *Bulletin*.⁴¹ Newhouse's was not a lone voice, though, since at the end of the century the chiefs authorized Onondage'ga chief John Alexander Gibson to record oral histories of the community, which they treated as its official history.⁴²

As well as these written narratives, other members of the Six Nations presented their histories for audiences outside the reserve in a range of genres. One of the best-known members of Six Nations, the Kanienkehaka-English writer E. Pauline Johnson, took up performance for white audiences across Canada, the United States and England, reciting her poetry (which often targeted white injustice towards Indigenous people, particularly women) on concert stages and in the drawing rooms of the British aristocracy. Johnson was noted for appearing in, first, Indigenous dress and then changing into a western evening gown, making the point that she – and by extension her people – could move between these different worlds smoothly and with grace.⁴³ Her Six Nations Kanienkehaka contemporary, John Ojijatekah Brant-Sero, also played with racially inflected boundaries of culture and knowledge. Not content with advising David Boyle and sitting on the Ontario Historical Society's executive board, Brant-Sero embarked on his own lecture and performance tours in North America and Britain, speaking about Six Nations history and culture. After being refused active service in the South African war, he returned to Britain, where he read a paper before the British Association for the Advancement of Science and was elected

a fellow of the Anthropological Institute of Great Britain and Ireland (a position he resigned from in 1902, however). Brant-Sero's career was a mixture of the serious and the flamboyant. Not only did he enjoy translations and transgressions – startling audiences with his recitals of *Othello* in both English and Mohawk – he also was an aspiring actor and showman, appearing as Bill Morley, a white character in a Wild West show, *On the Frontier*, which toured England.⁴⁴

Although their choice of venues differed, Johnson and Brant-Sero also used their ties to various circuits of influence in Britain. For her part, Johnson developed contacts with prominent members of both British society and the Dominion government's representative, Canadian High Commissioner Lord Strathcona (Donald Smith) and his wife, Isabella Hardisty Smith. The couple offered her their patronage, a gesture which led Johnson to perform at the Imperial Institute, have tea on the House of Commons terrace and meet Sir Arthur Pearson, the newspaper magnate who commissioned her to write a number of articles for his *Daily Express*. Although Brant-Sero did not move in such elite circles, as we have seen he was connected to anthropological and historical circles in southern Ontario, ones which gave him a degree of legitimacy and authority for white audiences when he began his international career. Furthermore, his 1896 marriage in England to Frances Baynes Kirby, the wealthier – and older – widow of an English clergyman, gave Brant-Sero a degree of greater financial security and, quite likely, further links to the world of collectors of Indigenous culture, as Kirby herself was an avid collector. Not only had she amassed material from the Kanai and Siksika people of the Canadian prairies before meeting Brant-Sero, it is perhaps telling that Brant-Sero's career as an adviser and self-made anthropologist began to flourish after the couple returned to Ontario.⁴⁵ Just as Johnson's English mother helped provide her with the informal education needed to move within elite circles of settler and British society, domestic and intimate ties also played a role in Brant-Sero's career.

These networks did not end with the nineteenth century. Although political activism was not a new phenomenon at the Grand, after World War One the community saw two of its members – the Kanienkehaka military veteran, author and journalist Frederick Ogilvie Loft and the Gayogoho:no chief and farmer Deskaheh (Levi General) – become involved in, respectively, the 1918 formation of the League of Indians of Canada and in travel to Britain in 1921 and then to the League of Nations in 1923 to argue for Six Nations' sovereignty.⁴⁶ Others, such as Bernice Loft (Fred Loft's niece) and the Kanienkehaka Ethel Brant Monture, forged careers as performers and public educators, attempting

both to make a living and instruct settler society about Haudenosaunee and other Indigenous peoples' history, culture and present status.⁴⁷

While imperial warfare brought the Six Nations to the Grand River, a disaster then followed by the 'catastrophic bureaucracy' of the Canadian state,⁴⁸ the narrative of dispossession is, then, a complex one. It is tempting to argue that those embedded in the networks and circuits I have examined either demonstrated an uncomplicated stance of the refusal of colonialism or, conversely, acted as 'collaborators' with imperial and settler power. However, like so many other Indigenous people caught up in the expansion of the nineteenth-century British empire, their identities and experiences were intricately figured, not least because they lived in a heterogeneous community marked by its own internal divisions and disagreements about the most effective ways to contend with settler society and imperial power. Yet the history of the Six Nations in the nineteenth century also reminds us of the ways in which Indigenous people have, in Lester and Laidlaw's words, 'reworked' colonial assemblages, whether through attempts to sell land, appoint their own superintendent, run their own day schools, govern themselves through the Confederacy Council and shape networks, both locally and beyond, in which they insisted their voices be heard and respected.⁴⁹

Notes

1. P. Campbell (1793) *Travels in the Interior Inhabited Parts of North America in the Years 1791 and 1792* (Edinburgh: John Guthrie), pp. 209-11.
2. P. M. Chiasson (2003) 'Campbell, Patrick', in *Dictionary of Canadian Biography*, vol. 6, (University of Toronto/Université Laval), www.biographi.ca/en/bio/campbell_patrick_6E.html [accessed 31 October 2013].
3. Campbell, *Travels in the Interior*, p. 207.
4. *Ibid.*, p. 207.
5. This volume, p. X.
6. A. Taylor (2007) *The Divided Ground: Indians, Settlers, and the Northern Borderlands of the American Revolution* (New York: Vintage Books), pp. 121-2.
7. C. M. Johnston (1994) 'The Six Nations in the Grand River Valley, 1784-1847,' in E. S. Rogers and D. B. Smith (eds), *Aboriginal Ontario: Historical Perspectives on the First Nations* (Burlington: Dundurn Press), p. 170.
8. For example, Johnston, 'The Six Nations'; J. S. Hagopian (1997), 'Joseph Brant vs. Peter Russell: A Re-Examination of the Six Nations Land Transactions in the Grand River Valley', *Histoire sociale/Social History*, 30, pp. 299-333; S. Harring (1998), '"A Condescension Lost on Those People": The Six Nations' Grand River Lands, 1784-1860', in S. Harring, *White Man's Law: Native People in Nineteenth-century Canadian Jurisprudence* (Toronto: University of Toronto Press); D. Doxtator (1996), 'What Happened to the Iroquois Clans? A Study of Clans in Three Nineteenth Century Rotinonhsyni Communities', PhD

- thesis, University of Western Ontario. Unfortunately Susan Hill's book, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (University of Winnipeg Press) was not out at the time of writing.
9. J. W. Paxton (2008) *Joseph Brant and his World: 18th Century Mohawk Warrior and Statesman* (Toronto: James Larimer), pp. 66–7; E. Elbourne (2005), 'Family Politics and Anglo-Mohawk Diplomacy: the Brant Family in Imperial Context', *Journal of Colonialism and Colonial History* 6 (3), at: http://muse.jhu.edu.myaccess.library.utoronto.ca/journals/journal_of_colonialism_and_colonial_history/v006/6.3elbourne.html
10. C. Benn (1998) *The Iroquois in the War of 1812* (Toronto: University of Toronto Press).
11. Johnson, 'The Six Nations', p. 179.
12. Ibid.
13. Ibid., p. 178.
14. Ibid., p. 176; A. M. Anrod Shimony (1994), *Conservatism among the Iroquois at the Six Nations Reserve* (Syracuse: Syracuse University Press); Doxtator, 'What Happened to the Iroquois Clans?' p. 254.
15. S. Weaver (1994) 'The Iroquois: Consolidation of the Grand River Reserve in the Mid-nineteenth Century, 1847–1875', in Rogers and Smith, *Aboriginal Ontario*, pp. 183–5.
16. Ibid., p. 189.
17. Ibid., p. 200.
18. Weaver, 'The Iroquois,' pp. 207–9; J. Evans, P. Grimshaw, D. Philips and S. Swain (2003), *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830–1910* (Manchester: Manchester University Press), pp. 51–3. For a more nuanced view, though, see Doxtator, *What Happened to the Iroquois Clans?* pp. 244–57.
19. Weaver, 'The Iroquois: The Grand River Reserve in the Late Nineteenth and Early Twentieth Centuries, 1875–1945', in Rogers and Smith, *Aboriginal Ontario*, pp. 212–57, 249; E. Brian Titley (1986), *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press).
20. Robert Addison, report to the Society for the Propagation of the Gospel, 27 August 1795, as quoted in Johnson, *The Valley of the Six Nations*, p. 238.
21. Weaver, 'The Iroquois: Consolidation of the Grand River Reserve', pp. 197–9.
22. Ibid., pp. 214–17.
23. D. B. Smith (1987) *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and the Mississauga Indians* (Toronto: University of Toronto Press); J. Webster Grant (1984) *Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1534* (Toronto: University of Toronto Press).
24. A. Norman (2010) 'Race, Gender and Colonialism: Public Life among the Six Nations of Grand River, 1899–1939', PhD thesis, University of Toronto.
25. For example, E. Elbourne (2005), 'Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: the Politics of Knowledge', in P. Buckner and R. Douglas Francis (eds), *Rediscovering the British World* (Calgary: University of Calgary Press), pp. 59–85.
26. Elbourne, 'Family Politics.'
27. N. Ferris (2009) *Native-lived Colonialism: Challenging History in the Great Lakes* (Tucson: University of Arizona Press), p. 127.

28. *Ibid.*, p. 130.
29. C. F. Klinck, J. J. Talman, and C. Benn (eds) (2011) *The Journal of Major John Norton 1816* (Toronto: The Champlain Society); also C. Morgan, 'John Norton's Transatlantic Voyages', Chapter 1 in 'Colony and Metropole: Indigenous People and Travel, British North America to Britain, 1775–1920', manuscript in progress.
30. E. Elbourne (2012) 'Broken Alliance: Debating Six Nations' Land Claims in 1822', *Cultural and Social History Journal*, 9 (4), pp. 497–525.
31. *Ibid.*
32. I. Radforth (2003) 'Performance, Politics, and Representation: Aboriginal People and the 1860 Royal Tour of Canada', *Canadian Historical Review*, 84 (1), pp. 1–32.
33. T. Nicks (1996) 'Dr Oronhyatekah's History Lessons: Reading Museum Collections as Texts', in J. S. H. Brown and E. Viberts (eds), *Reading Beyond Words: Contexts for Native History* (Peterborough: Broadview Press), pp. 483–508.
34. *Ibid.*, pp. 499–500.
35. M. A. Hamilton (2009) *Collections and Objections: Aboriginal Material Culture in Southern Ontario* (Montreal and Kingston: McGill-Queen's University Press).
36. For Copway's and Jones's histories, see Smith, *Sacred Feathers*.
37. B. Loft Winslow (1995) *Iroquois Fires: The Six Nations Lyrics and Lore of Davendine* (Bernice Loft Winslow) with introduction and afterword by G. Beaver, B. Winslow Colonel, D. Smith and R. Stacey (Ottawa: Penumbra Press), p. 12.
38. Hamilton, *Collections and Objections*, pp. 98–9.
39. Ferris, *The Archaeology of Native-Lived Colonialism*, p. 130.
40. Klinck et al., *The Journal of Major John Norton*, p. liv.
41. S. Trevithick (2003) 'Newhouse, Seth (Dayodekane)', in *Dictionary of Canadian Biography*, vol. 15, (University of Toronto/Université Laval), at: www.biographi.ca/en/bio/newhouse_seth_15E.html [accessed 16 December 2013]; W. J. Campbell (2004) 'Seth Newhouse, the Grand River Six Nations and the Writing of the Great Laws', *Ontario History*, 96 (2), pp. 183–202.
42. Hamilton, *Collections and Objections*, p. 129.
43. The historiography on Johnson is extensive. See V. Strong-Boag and C. Gerson (2000), *Paddling Her Own Canoe: The Times and Texts of E. Pauline Johnson (Tekahionwake)* (Toronto: University of Toronto Press).
44. For Brant-Sero and Johnson in England, see C. Morgan (2003), "'A Wigwam to Westminster': Performing Mohawk Identity in Imperial Britain, 1890s–1900s", *Gender and History*, 25 (2), pp. 319–41.
45. A. Brownstone (2005–6) 'Treasures of the Blood: Collecting North American Indian artifacts', *Rotunda*, 38 (2), p. 22; C. Morgan (2008) 'Creating Interracial Intimacies: British North America, Canada, and the Transatlantic World, 1830–1914', *Online Journal of the Canadian Historical Association*, New Series, 19 (2), pp. 75–104; Hamilton, *Collections and Objections*, p. 118.
46. D. B. Smith (2003) 'Loft, Frederick Ogilvie', in *Dictionary of Canadian Biography*, vol. 16 (University of Toronto/Université Laval), at: www.biographi.ca/en/bio/loft_frederick_ogilvie_16E.html [accessed 17 December 2013]; D. B. Smith (2003) 'Deskaheh', in *Dictionary of Canadian Biography*, vol. 15 (University of Toronto/Université Laval), at: www.biographi.ca/en/bio/deskaheh_15E.html [accessed 17 December 2013].

47. C. Morgan (2005) 'Performing for "Imperial Eyes": Bernice Loft and Ethel Brant Monture, Ontario, 1930s–1960s', in M. Rutherford and K. Pickles (eds), *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past* (Vancouver: University of British Columbia Press), pp. 65–89.
48. Ferris, *The Archaeology of Native-lived Colonialism*, p. 136. Ferris's phrase encapsulates quite succinctly the colonial and then Dominion state's approach to Indigenous people in Canada, one also exemplified by Sarah Carter in Chapter 9 in this collection.
49. Lester and Laidlaw, 'Indigenous Sites and Mobilities', Chapter 1 in this volume.

11

Potawatomi Allotment in Kansas

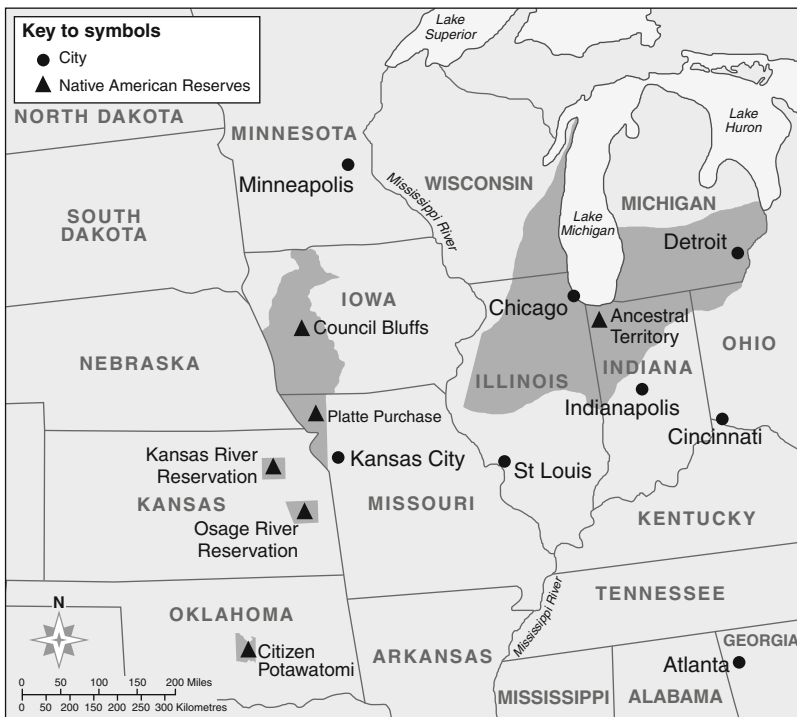
Kelli Mosteller

Land figures prominently in scholarship on Native Americans, and it is a critical component in virtually every aspect of the historical narrative of North America's Indigenous peoples. The information an average American student will learn about the modern period follows a common trajectory. Before the arrival of Europeans, the use of land and natural resources, migration and settlement patterns, and territorial conflicts shaped the lives and relationships of American Indians. Beginning in the seventeenth century, explorers, missionaries and settlers left their homes in Europe in search of a promised land of opportunity and plenty. When they reached the 'New World' conflict inevitably arose over the territory settlers, and by extension colonial powers, hoped to control. Indian wars and Indigenous participation in colonial struggles dominated American history during the late eighteenth and early nineteenth centuries. By the 1830s, systematic dispossession of Native Americans' homelands by the means of treaties and forced removals was well-established and expropriation continued under the policy of allotment.

The general tone of this story is historically accurate. The struggle over, and eventual loss of, land touched the lives of every tribe in America. However, this land-centric declension narrative fails to fully examine the methods some Native Americans employed to minimize, delay or stave off land loss to Euro-American settlers. The history of Native American land loss had a direct and significant role in the history of the Potawatomi. From the 1830s to the 1850s a significant portion of the tribe experienced forced removals from the Great Lakes region of the United States. Just as the larger history of Indian removals is varied and unique to each tribal community, there is no single, master narrative of Potawatomi removal. Instead, the peoples known

collectively as the Potawatomi endured dozens of removals, each predicated by circumstances unique to each village or geographic area. Some removals consisted of only a few dozen family members, while others uprooted several whole villages.

The strain placed on tribal members as a result of their displacement in the removals of the early nineteenth century led to three decades of chaos, uncertainty and struggle to survive while living in two worlds. The tribe's history during these post-removal years is dominated by a narrative of tribal members' attempts to rebuild their lives utilizing coping strategies that blended resistance and accommodation. In the 1860s, a majority of the Potawatomi removed to Kansas (see Map 11.1) agreed to a treaty that included stipulations for the allotment of their reservation. Many of these individuals wanted the social status and assurance of protection against encroachment by Euro-American settlers



Map 11.1 The locations of Potawatomi ancestral territory, reserves and allotments, USA

that private land ownership promised. Others felt they had no choice and signed the treaty because they were afraid they would be removed again as punishment for refusal to participate. Allotment was only successful for a small portion of the tribe and can generally be classified as a failed policy. The process of executing the treaty stipulations and allotting the reservation did, however, serve to reshape and in many ways strengthen the tribal governance structure and illustrates the resilience of this community in the face of ceaseless assault by Euro-American settlers and the federal government.

Potawatomi life before removal

The Potawatomi, or Bodewadmi, were part of an immense group of Algonquian-speaking peoples who migrated inland from the eastern shores of North America to settle throughout the Great Lakes before the arrival of Europeans. This group is traditionally known as the Neshnabek, a branch of an historic confederacy that also included the Ojibwe and the Odawa.¹ The Potawatomi survived primarily by hunting and gathering, but also practised limited agriculture. They fished year round and were well known for their proficiency at spear fishing, night fishing (in which a torch was attached to the canoe) and ice fishing. The semi-sedentary lifestyle of the Potawatomi was aided by harvesting wild rice, the cultivation of a host of domesticated crops, including beans, corn and squash (known as the Three Sisters), as well as gathering wild berries, nuts and vegetables.²

The Potawatomi social structure included a strong communal lifestyle in which individuals were bound together through ties of kinship, custom and mutual necessity. Communities built their villages around clan systems and extended families. Traditionally, individual communities were led by village-approved councils and headmen whose power stemmed from their relationship with, and influence over, the people. Leaders who wielded authority enjoyed the privilege because people respected their opinions enough to heed their advice. The ideal headman possessed characteristics such as prowess in battle, oratory skills and generosity to family and neighbours. Leaders used this authority and power for moral suasion to create alliances and build relationships with councils and headmen of other Potawatomi communities and neighbouring tribes. Numerous village leaders, as well as individuals from religious and warrior societies, often comprised village and regional councils.

The first record of the Potawatomi came from a report written by French explorer Samuel de Champlain in 1615 from Lake Huron.³ The Potawatomi

first experienced direct European contact a few decades later when Jean Nicolet, a French trader and adventurer, arrived on the shores of Green Bay in 1634 seeking a water passage to Asia. Soon after Nicolet made contact more Frenchmen arrived including other trappers, explorers and Catholic missionaries.⁴ The European newcomers carried goods, including steel knives, axes, copper kettles and firearms, into the interior in exchange for furs trapped and prepared by Neshnabek men and women.⁵ These items made daily life easier for the Indigenous peoples with whom they traded. From the end of the seventeenth century through the middle of the eighteenth century, the Potawatomi met and negotiated with French traders and trappers as equals, leading to a generally agreeable relationship. As a result of this perceived equality, both groups were open to cultural adaptation and to the influences of the other. The traders came for opportunity and profit, which required the active assistance and cooperation of trustworthy Native Americans to help acquire furs.⁶

Over time, the arrival of more European settlers allowed new alliances and lucrative avenues of trade to develop, yet it also caused new conflicts over territory and resources, resulting in a diaspora by the native population to avoid the detrimental conditions that accompanied political and social instability.⁷ Infighting, destruction of old alliances and significant constraints on movement greatly hindered these options and turmoil ensued. Tensions also escalated between the Potawatomi, their Indian neighbours and settlers once European colonial forces, particularly the British and French, began fighting one another for territorial control and pressuring native communities to choose sides. The Potawatomi and their Neshnabek brethren were accomplished warriors. As such, colonial military forces from both sides sought them out as mercenaries and reached out to village leaders to form alliances.⁸ These leaders consistently made decisions about alliances based on the potential advantages each colonial entity could provide them and their kinsmen.

Throughout early American history, European colonies generally dealt with Native American tribes as separate nations with some legal title or claim to ownership of their lands, though they did not recognize absolute ownership. As a result, most government officials agreed that title could not be extinguished without voluntary cession by members of the tribes. Each European colonial power had its own policy for dealing with Indian nations. Regardless of the details of their Indian policy, virtually all colonial governments viewed Native Americans through a lens of ethnocentrism and placed upon them a stereotype of the noble or ignoble savage.⁹

After the American Revolution, the US government worked to gain large land cessions from tribes. As unorganized lands became colonies, territories and eventually states, the Native American inhabitants who refused to conform to new laws clashed with settlers and civil authorities. While acknowledging Native Americans' unique condition as prior inhabitants of North America, political and cultural elites continued to insist that North America's original inhabitants could not be 'civilized' and were doomed to extinction as Euro-American civilization flourished and expanded.¹⁰

Removal

When Congress passed the Indian Removal Act in 1830, public and political opinion weighed heavily against any tribes east of the Mississippi River staying in their homes.¹¹ Increased tensions between Indians and settlers in the Great Lakes region, requests by officials from the Office of Indian Affairs [OIA] and the outbreak of conflicts and skirmishes reinforced the urgency of removal. On 26 and 27 September 1833, Potawatomi from the St Joseph River, some from northern Indiana and the Potawatomi of the Prairie, along with headmen and chiefs from the Ojibwe and Odawa tribes, signed the Treaty of Chicago.¹² It proved to be a watershed agreement in the dealings between the Potawatomi and the US government. Prior to this treaty, land cessions were relatively small and included land set aside as private reserves for certain signatories. The Treaty of Chicago, however, ensured a substantial land cession of roughly five million acres that were inhabited by all three groups around the Great Lakes and the removal of a majority of Potawatomi to lands west of the Mississippi River. Signatory bands were given five million acres along the banks of the Missouri River, in what became Iowa and Missouri, in exchange.

The land reserved by treaty for the Potawatomi west of the Mississippi River was not the land of abundance OIA officials and missionaries promised. Adding to the already daunting challenges of starting over in a new place, the Potawatomi also found that the climate, wildlife, soil conditions and other elements that influenced their daily lives were different from those of the Great Lakes. Wild rice, a key food staple, did not grow on the central plains and, besides deer, most of the large game they hunted in the winter did not migrate that far south. They were neither free from the constant presence of American settlers, traders and whisky peddlers, nor allowed to live life unrestricted by the oversight and limitations of the OIA. The Potawatomi headman Queh-que-tah

petitioned President Andrew Jackson in 1835 protesting against removal to Iowa. He argued: '[w]e have been told that the white people want the land on the Platte. If we were to settle on the Missouri River above them, perhaps they would wish to extend their settlements there also.'¹³ Queh-que-tah's assertion is evidence that many Potawatomi feared that the government would subject them to continuous removals as settlers pushed west. The recent history of Potawatomi removals, and what they experienced and witnessed happening to Indians around them for years, suggested that settlers desired Indian land simply because it was inhabited by Indians. Spite may have been a real motivation for some settlers to desire Indian land; for most, however, successful Indian land tenure provided proof that land was fertile and could support a family.¹⁴ Regardless of the catalyst, this form of incursion onto the land of Indigenous communities with the intention of driving them out is characteristic of settler colonialism in other areas of the globe.

By 1846, the federal government sought to consolidate a single Potawatomi reservation in a place they thought the tribal members would be out of the way. The federal government increased pressure on the Potawatomi removed to Council Bluffs, Iowa, to move west, hoping they would join their kinsmen who were removed to the Osage River reservation in Kansas, but their leaders refused.¹⁵ They argued that they did not like the sparsely forested land around the Osage River. The removed Indians had already been forced to adapt to a landscape that was drastically different than their densely forested Great Lakes homeland. It is not surprising that the availability of resources like water and timber became important when considering a new reservation.¹⁶

After a great deal of debate it was decided that both groups of Potawatomi would move to a new reservation that lay in the fertile lands of northeast Kansas, along the Kansas River. In June of 1846, both the Council Bluffs and Osage River Potawatomi agreed to the terms of the removal treaties and began making arrangements for the migration to their new reserve.¹⁷ Commissioner of Indian Affairs, William Medill, noted in his 1848 annual report that it was rare to see Indians remove from their 'old homes' as peacefully and without disorder as the Potawatomi had.¹⁸ While the government attributed the orderly removal to the new 'Indian system' it is more likely that the Potawatomi put up little fight because they did not think of southern Kansas or Iowa as 'old homes'.¹⁹ The government had forced them to remove from their real homelands the decade before and they had only lived in the western territories for a few years. Their experiences also told them that

resistance to removal could be costly; as a result, most removed from their reserve within the time allotted by the treaty.²⁰

Land allotment in Kansas

Despite the federal government's claim that placing the disparate Potawatomi bands on a single reservation would 'restore and concentrate said tribes to a state so desirable and necessary for the happiness of their people', for the Potawatomi, life on the Kansas River carried on much as it had on their separate reservations.²¹ Reports from OIA officials and missionaries for the rest of the 1840s and all of the 1850s tell a consistent narrative, echoing criticisms and insights from one year to the next. According to these accounts the Potawatomi showed few signs of advancing to assimilation in American society, and what 'progress' they did exhibit was achieved solely by the faction labelled as the Mission Band and not the smaller subset known as the Prairie Band. The agents lamented that whiskey sellers and undesirable non-native American settlers were a constant plague on the reservation during this period, and that there was never enough money or manpower to adequately encourage the 'civilization' of the Potawatomi.²²

While the Potawatomi struggled to live up to the standards of acculturation and progress set by Indian agents and missionaries, they did slowly increase the number of acres under cultivation and started businesses. By 1857, the Kansas River reservation supported a wagon maker and his assistant and two full-time blacksmiths. These positions were funded by the OIA and generally filled by non-Indians. A few tribal members also succeeded at business; several dozen Potawatomi-owned ferries operated on the Kansas River, and Jude W. Bourassa ran a profitable grist mill.²³

From 1847 to 1861 the condition of the Potawatomi in Kansas can be summarized as follows: as a people they survived, but they did not thrive and they largely adapted to a sedentary lifestyle, adopting a sort of hybrid identity, but they did not assimilate to the degree desired by the federal government. Most were resigned to their fate of living on a government-assigned reservation for the rest of their lives and simply wanted to be left in peace and in one place. Federal officials also had to accept that removing Indians to Kansas, away from concentrated areas of settlement, did not solve any problems; it just moved them across the Mississippi River. The opinions of many in the OIA at this time are conveyed by the sentiments of Superintendent Alexander Cummings. In 1856 he reported that '[t]he remnants of the once large tribes of Indians

that resided east of the Mississippi have been forced, by the pressure of civilization, step by step across the continent to their last homes and graves in the Territory of Kansas; beyond this point they cannot well be driven, as there is no longer any outlet for them'.²⁴ There had to be an alternative means of approaching US/Native American relations. In 1861 some of the Potawatomi entered into the experiment of allotment and US citizenship with the hope that it would finally be the answer.

Government motives

In the second half of the nineteenth century the allotment of individual plots of land that would be privately owned by Native Americans was touted as the panacea to Indian dependency. It was conceived with the hope that Native Americans could be assimilated into the dominant Euro-American society and become self-sufficient farmers, organized in nuclear families rather than tribes, who would then cease to be reliant on government aid and annuities. While the government's proclaimed goal for allotment was the assimilation of Native Americans, there was little doubt from those involved that the OIA's ulterior motive was to drastically reduce the land base of tribes in the West.²⁵

In 1861, the OIA told the Potawatomi Nation they could sign a treaty agreeing to take allotments and accept US citizenship, or they could sell all of their lands to the railroads and move again. OIA officials urged, and even threatened, to allot the land for years, so the government's insistence on a new treaty that would allot the reservation met with varying degrees of willingness by the Potawatomi on the reservation in northeast Kansas. Some Potawatomi welcomed the notion of private land ownership and the legal restrictions titles would presumably place on emigrants and squatters who encroached on their property, and a handful of tribal members already ran successful businesses and carried out significant improvements to their homes and fields in the 15 years they had lived on the reservation. Others did not want to further engage in negotiations with the US government. They wanted to be left alone and see past treaty agreements made with the federal government honoured.

Regardless of what individual Potawatomi wanted, all of the Potawatomi were ultimately subject to the will and whim of the OIA. Assimilation was the ultimate goal of the federal government's 'Indian policy' – a concept that was vague enough to be used as a weapon against any tribe found wanting. Essentially, no Indian, in favour of allotments or against, knew whether their acceptance of the government's wishes

that they become private land owners and US citizens would save them from further removal. All of the Potawatomi understood that if they remained at the Kansas River reservation it was possible, or even probable, they would face destitution and dispossession once again to make room for settler communities.

Missionaries and the Potawatomi's Indian agents occasionally mentioned the possibility of a new policy of allotment in their early years on the Kansas reservation, though the idea of Indians as private landowners was still underdeveloped.²⁶ As a result, there was correspondence about the topic between agents in the field and officials in Washington, DC for years before any action was taken. The OIA wanted to enact the privatization of land with a tribal community that felt prepared for the responsibility. In 1855, the year after Kansas organized as a territory and two years after Congress formulated a plan for an Indian Territory, the Indian agent for the Potawatomi, who was a strong supporter of allotment, began to plead with them in earnest to actively support the allotment of land to the tribe. In that year Potawatomi agent George W. Clarke expressed, in the most explicit terms, his hope that the OIA would finally enact allotment when he reported that 'their only salvation is in a treaty, by which their lands will be run out, sectionized, and each individual assigned his own tract'.²⁷ Though favour for an allotment policy was growing within the federal government, the OIA did not act on Clarke's suggestion immediately.

Dr Johnston Lykins, a Baptist missionary, suggested that allotment was the only means of preventing serious violence and difficulties between the Potawatomi and their non-Indian neighbours. He optimistically (and arguably naively) insisted that surveyed lands with distinct boundaries would deter settlers from crossing them.²⁸ Similarly, in 1859, Agent William E. Murphy wrote in his Annual Report to the Commissioner of Indian Affairs that '[t]heir preservation and permanency on their present reserve can only be effected by citizenizing them, and granting them title in fee simple to the land'.²⁹ His sentiment was echoed by A. M. Robinson, the Superintendent of Indian Affairs, who also wrote in 1859 that allotment would be beneficial to 'a people whose destiny for the last half century has been such that they could not say, to-day, where on earth their homes would be to-morrow'.³⁰ Whether the OIA officials made these statements out of true concern for the preservation of the Potawatomi or they were veiled threats to force the acceptance of an allotment policy is unclear. What is certain is a majority of Potawatomi perceived their lives in Kansas as increasingly

unstable. A letter written by a Potawatomi, Rufus H. Waterman, to Assistant Commissioner Mix in 1859 (the same year that Agent Murphy made the above claim) states:

... first then what is the policy of the government in regard to reserves ... is it to sectionize and give each their quota of land? Or, to move us again to some unknown region? This question is important, as many of us have [made] extensive improvements, and are prepared to make much more, such as setting out orchards, buildings, barns, etc. Can we be assured that we will be permitted to hold our farms, and not be liable to be sold out as heretofore?³¹

Clearly, the Potawatomi were concerned about the permanence of their homes in Kansas and remained cautious. Each lived through the trauma of dispossession and removal from the Great Lakes. Kansas was not their ancestral home, but many of the Potawatomi did everything they could to make a comfortable existence for their families. Maintaining tenure on the reservation was a key element to their survival, but if they could not retain their lands, they needed to be prepared for whatever course of action the OIA presented to them.

A majority of Potawatomi felt that taking allotments would help them improve their condition or at least save them from the uncertainty of another removal. These individuals lived through a tumultuous period in which the encroachment of Euro-American settlers forced them from their homelands, and led them to struggle to survive in unfamiliar territory and interact daily with non-Indians who wanted nothing more than to rid them of their 'Indianness' and their land base. Most of these individual members were confident that they could be successful farmers because a large percentage of the band already practised agriculture. Essentially, the Mission Band of Potawatomi had limited faith that the government would follow through on treaty agreements, but they had a great deal of confidence in their abilities to adapt and survive if they knew what they were facing. It was plausible that they could improve their lives by accepting allotments.

Allotment

On 15 November 1861, eight designated 'chiefs' and more than 70 other men and women of the Potawatomi Nation met with federal agents to sign the treaty that would forever alter the community's relationship

with the US government.³² The 1861 treaty stipulated that tribal members decide whether they were among the 'numbers of those desiring lands in severalty' or part of the faction who wished to continue holding their lands in common. In 1861 there were 2170 Potawatomi living on the 576,000-acre reservation in Kansas, most of whom had endured two or more removals in the previous 30 years.³³ Of this number 1400 ultimately chose to take land allotments and the rest chose to continue holding their land communally on a reservation reduced to eleven square miles.³⁴

The two years following the signing of the treaty seemed to unfold as the government hoped. Many individuals made efforts to claim their allotments and advance toward citizenship, including improving their land by building houses and tilling new fields. William Ross, the Potawatomi's Indian agent, reported in September 1862 that 'within the last nine months there has been erected on the reservation, by individual members of the tribe, between sixty and eighty log dwelling-houses, and hundreds of acres have been reclaimed from their native state and made to teem with the products of the husbandman'. By the end of the year there were roughly 2000 acres under cultivation.³⁵

The two-pronged process of acculturating the Potawatomi through allotment and US citizenship was supposed to be straightforward. The treaty of 1861 proposed a specific order of events meant to allow tribal members to establish a source of income and stability before taxation began. Unfortunately, the actual process of allotment was far more complicated and the order of events did not occur as stipulated by the treaty.

The proposed first step in the post-treaty process was to survey the land on the reservation in the same manner as public lands. Specific acreage in the northeast corner of the former territory was set apart for the Prairie Band's reduced reservation and the remainder was available for the portion of the tribe that agreed to allotments (who quickly became known as the Citizen Band) to select as their plots. Then, the Potawatomi's agent, William Ross, conducted a census of everyone on the reservation and divided them into separate lists according to their decision to become allottees or move onto the common reservation set aside for the Prairie Band. The individuals who wanted an allotment then chose the plot of land they wanted. The number of acres they could receive was determined by their status within the tribe and their family (headman, chief, head of family, for example). The Commissioner of Indian Affairs was then supposed to issue the individual a certificate noting the location of his/her plot and stating their inability to claim rights to any other allotment or land on the common

reservation. According to the treaty, the individual land was not to be taxed, levied or sold. If the allottee wanted to sell the land they could only conduct the transaction with the US government or another Potawatomi, and they had to have the permission of the President of the United States. Mechanically, the process promised to be streamlined and fair. Unfortunately for the Citizen Band, the reality proved to be full of exceptions and pitfalls, and the process of allotment was marred by battles over who qualified for allotments, squabbling between the allotting agent and the Potawatomi, and disregard of the proposed order of events by the federal government.

Commissioner of Indian Affairs, William P. Dole, appointed Edward Wolcott as a special Commissioner to manage the process of allotting the Citizen Band, in January of 1863.³⁶ Virtually all early allotments followed the same pattern. After surveyors divided the reservation into plots, the 1400 tribal members on the allottee census met with the agent and selected the parcel they wanted. The agents allotted the land as follows: for each chief, one section (640 acres), each headman, one half-section (320 acres), heads of the family, one quarter-section (160 acres), and to all others, one-eighth of a section (80 acres).³⁷ The special agent and his staff allotted a total of 152,128 acres to the Citizen Band and allocated 77,358 acres to the Prairie Band.³⁸

According to Mr Wolcott's statements, even the straightforward cases took a great deal of time because most of the allotting had to be done on the ground, since 'this tribe is more than ordinarily intelligent, know the value of land and select personally every tract'. They did not need non-Indian supervision to make sound decisions. The nature of the process required him to travel about the large reservation visiting each site proposed by a Potawatomi to be their future allotment.³⁹ For some Potawatomi the question of where they would take their allotment was simple. Those who settled, built homes and improved parcels of land naturally chose plots that incorporated their current homes. As heads of households, they took allotments there and chose conjoining or nearby parcels for their wives and children.⁴⁰ Others settled closer to St Mary's mission to allow their children to attend school and be close to home.⁴¹ Since the ultimate goal of allotment was to make successful farmers out of Indians, agents considered improvements and an adequate portion of timber 'as far as practicable'.⁴² Those who had not made extensive improvements also followed a general pattern of choosing land with good sources of timber and water, near their kinsmen.

Much to the dread of the executives for the Leavenworth, Pawnee and Western Railroad, the railroad company that intended to purchase

the tribe's surplus lands, the Potawatomi chose the most coveted land in the reservation for their allotments. Tribal members overwhelmingly selected land along the rivers and streams where most of the available timber was located and along the railroad's planned right-of-way. The railroad hoped to open the lands they did not use for the track for resale to settlers and for commercial development. With the most valuable plots of land taken up by 152,128 acres of Potawatomi personal allotments, the railroad feared they would not be able to make a substantial profit. Even though their railroad line would have to deviate from the planned path to avoid the Potawatomi's reservation, the LP&W Railroad forfeited their right to purchase the surplus land.⁴³

Article III of the 1861 treaty contained the provisions that had the largest impact on the lives of each individual who chose to join the Citizen Band; it stipulated the conditions for conveying fee-simple titles to the allotted lands and US citizenship.⁴⁴ The article specified that only males who were the head of their household and allottees could submit a request to the President to receive a fee-simple patent. Before making this request the individual had to appear in the district court of Kansas and take the same oath of allegiance required by all naturalized aliens and show proof that they were 'sufficiently intelligent', had 'adopted the habits of civilized life', and had supported themselves for at least five years. If the man met all of these conditions he received his portion of the monies held in trust for the tribe by the federal government and the proceeds from the sale of the land under the provisions of the 1861 treaty. After he made his oath, proved his worthiness and received his payment, the man ceased to be a member of the Potawatomi Nation and became a United States citizen.⁴⁵ The allotment process was slow, but steady, and by 1866 the OIA made final allotments.

Tribal governance

A paradox of the 1861 treaty was the effect it had on the structure of the Citizen Band's government and the fact that it expanded the legal rights of women and unmarried men. Historians and Native Americans often critique allotment agreements because the acceptance of US citizenship and the supremacy of US laws came at the expense of tribal citizenship and traditional forms of governance. On paper this was true for the treaty of 1861 as well, but in many ways it had the opposite effect. As previously noted, the Potawatomi did not have a cultural tradition of rigid hierarchy as a tribe. Leadership developed at the village or regional level, centered on clans and religious societies. Groups of

Potawatomi met for general councils on their own, or with their Indian Agent, and occasionally sent a list of approved chiefs and headmen. Even in these cases each village or faction could and would only speak for itself. Instead of trying to achieve consensus, the government relied on appointed 'government chiefs' who rarely had the approval or the best interest of the tribe as a whole in mind when signing treaties or making agreements.⁴⁶ As the OIA's preparation for the treaty of 1861 advanced it became increasingly necessary for Indian agents and policy-makers to have an organized representative body for the Potawatomi with whom they could negotiate. In September of 1861, two months before members of the Potawatomi signed the treaty, Commissioner of Indian Affairs, William P. Dole, ordered Agent Ross to create an organization 'whereby a written record of their proceedings could be kept, and the wants of the tribe made known' as well as to deal with the issues that arose in relation to treaty negotiations.⁴⁷ The year before Commissioner Dole's suggestion, in 1860, several Potawatomi assembled and appointed a six-man committee to transact business between the Potawatomi Nation and the United States government. The OIA officially recognized the Business Committee as an authoritative body on 3 December 1862.

The Business Committee facilitated the delivery of community grievances, and it did not replace the Indian Agent in the hierarchy within the Indian Department, but a grievance signed by a panel of six elected officials was more difficult to ignore than the rant or plea of a disgruntled individual. Most requests still filtered through the local Indian Agent to the Superintendent of Indian Affairs in St Louis, or in some cases directly to the Commissioner of Indian Affairs in Washington, DC. The Committee, on the other hand, accepted grievances and was not hesitant to circumvent their agent and directly approach the Commissioner or the President of the United States. With the organization of the Business Committee, the Potawatomi began to take on a structure that they never before employed. It would be years before the Business Committee became organized enough to be forceful advocates for the rights of the Potawatomi of either band.

In the spring of 1866, recognizing the need to expand the provisions of Article III to more members of the tribe, members of the Potawatomi Business Committee insisted on an amendment that changed the language to secure the beneficial provisions of the 1861 treaty for all adult members of the tribe, without distinction of sex or whether the individuals were heads of household.⁴⁸ The modification of treaty language opened the possibility for women and men who were not heads

of a family to acquire patents to their allotments and become United States citizens. The amendment allowed the treaty guidelines to more accurately reflect Potawatomi social norms. Women and younger men who earned the respect of their community had always been allowed to voice their opinions in councils, play an active role in community decision-making and sign treaties.⁴⁹ The measure was also supported by the Potawatomi's Indian Agent, Luther Palmer, who reported in 1866 that '[m]any of the most competent persons of the tribe are of this class of adults, male and female, but not heads of families'.⁵⁰

In reality, the 1861 treaty provided neither the security nor basic rights for which the Citizen Band hoped; additionally, it did not achieve the federal government's goal of assimilating the Citizen Potawatomi. By 1867 a majority of those who accepted allotment and citizenship were dispossessed of their land and nearly destitute. A number of factors contributed to their downfall, including the unclear process of reaching their new status and a lack of safeguards written into the legislation. Most detrimental were the taxes required of the Citizen Potawatomi because the state of Kansas began taxation in contradiction to the terms of the treaty and many of the Potawatomi did not understand the system.

The federal government ignored the treaty article that allowed for the provision of farm implements and other supplies before levying taxes. The Citizen Potawatomi were taxed almost immediately upon choosing an allotment and before they were given money for supplies.⁵¹ Unable to pay these taxes, these difficult circumstances forced many individuals to sell their acreage to either the railroads or white settlers who were eager to buy the land at a reduced price. In his monthly report Agent Palmer lamented that the Citizen Band desperately needed the promised funds to buy supplies and provisions to improve their land. Without the money, he argued 'the receiving of patents only lays them liable to be regarded by the state authorities as already citizens and to be harrassed by assessors and collectors of taxes without having the necessary means to improve their land and to raise the wherewith to support their families and pay their taxes'.⁵² That year Commissioner Cooley addressed the issue of Potawatomi taxation before they were citizens by arguing that 'courts sustained the right of the State to tax lands which had been patented to Indians, whether they had become citizens or not ...'⁵³ Essentially, once a member of the Citizen Band received their patent for their land, state authorities considered them liable for the taxes on said property, even if they were not yet eligible for any of the protections provided to citizens.

The 30-year period from the 1830s to the 1860s thrust drastic and often traumatic change on the Potawatomi in Kansas. They endured

multiple forced removals, disease outbreaks, harsh weather with too little food, and the near total domination of every aspect of their lives by government officials and missionaries. As a result of their troubling circumstances in Kansas, in the 1870s many members of the Citizen Band made a decision that they hoped would benefit their families. They decided to leave Kansas and take up residence on a new reservation more than 300 miles south in Indian Territory. Unlike several of the removals from the Great Lakes, the Potawatomi did not enter into the treaty that arranged this move because of trickery or coercion. Instead, the 1867 treaty and resulting move was the product of a discouraging combination of broken promises, bad conditions, poor choices and a resolve to try something new in hopes of a better life. The circumstances may have been different from previous removals, but the tribal members who made the move to Indian Territory had similar fears and questions as their parents and grandparents, removed a generation earlier. They had no idea what to expect but all hoped to make the most of this backhanded opportunity.

The Citizen Potawatomi did not choose to accept allotments and citizenship, as set forth in the treaty of 1861, in a political, cultural, social or economic vacuum. They understood that the flood of emigrants and settlers invading their homes would likely continue to grow and they realized there was very little chance they would ever rid themselves of the omnipotent Office of Indian Affairs. The demands of non-Indian settlers and the expansion of the railroad greatly reduced all tribal land holdings in Kansas. By choosing to take allotments and US citizenship the Citizen Potawatomi hoped to attain more control over their lives by acquiring fee-simple titles to property, which promised to extend the same protections of state and federal laws that applied to the non-Indian settlers swarming around them. They adapted to survive.

Notes

1. These tribes are also known as the Chippewa and the Ottawa respectively.
2. R. D. Edmunds (1987) *The Potawatomis – Keepers of the Fire* (University of Oklahoma Press), pp. 15–16; R. E. Ritzenthaler and P. Ritzenthaler (1991) *The Woodland Indians of the Western Great Lakes* (Waveland Printing, Inc.), pp. 19–28.
3. For a more extensive examination of Potawatomi history in the colonial and early republic periods see Edmunds, *The Potawatomis – Keepers of the Fire*; Murphy, *Potawatomi of the West*; J. P. Bowes (2007), *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (Cambridge: Cambridge University Press); For a discussion of Native Americans, including the Potawatomi, in the colonial Great Lakes region see J. Peterson and J. S. H. Brown (eds) (2001), *New Peoples: Being & Becoming Métis in North America* (Minnesota: Minnesota Historical

- Society Press); K. DuVal (2007), *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press).
4. J. A. Clifton (1994) *Potawatomi* (New York: Chelsea House Pub (T)), pp. 20–3. Nicolet's exploration trip was recounted by Father LeJeuene in E. Kenton (ed.) (2006), *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in North America 1610–1791* (Whitefish: Kessinger Publishing), pp. 47–8.
 5. J. A. Clifton (1998) *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665–1965* (Iowa City: University of Iowa Press), p. 3.
 6. Susan Sleeper-Smith refers to the interaction between Frenchmen and Indians of the Great Lakes region as 'a laboratory of social experimentation' and generally draws on the thesis of Richard White's *The Middle Ground* that both Indians and French traders evolved in their relationships with one another. They first regarded one another as foreign and 'Other', ultimately coming together to create new meanings and understandings as a way to coexist and flourish. The relationship eventually became one in which Native Americans were forced to bend to the will of Europeans and Americans. Native Americans became more dependent on technology and goods provided by Europeans for dominance over neighbouring villages and tribes, and even their basic survival. As a result they were pushed into a role of outsider or alien in their own homelands allowing European empires and the American government to take more control. For several decades, however, the game was played on a field the Potawatomi and other Native Americans recognized as their own. S. Sleeper-Smith (2001) *Indian Women and French Men* (Amherst: University of Massachusetts Press), p. 2; R. White (2010) *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge: Cambridge University Press).
 7. Clifton, *Potawatomi*, pp. 35–6.
 8. *Ibid.*, pp. 93, 101.
 9. For more on colonial and early American Indian policy, see F. P. Prucha (1970), *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790–1834* (Lincoln: University of Nebraska Press); R. F. Berkhofer (1979), *The White Man's Indian: Images of the American Indian from Columbus to the Present*, 1st Vintage Books ed. (New York: Vintage).
 10. For more on colonial and early American understanding of Indians in larger American society see W. Cronon (1983), *Changes in the Land: Indians, Colonists and the Ecology of New England* (New York: Hill and Wang, 1983); B. W. Dippie (1991), *The Vanishing American: White Attitudes and US Indian Policy* (Lawrence: University Press of Kansas). The 1823 Supreme Court Justice John Marshall ruled that Indians have rights to their land because of preexisting use in *Johnson v. M'Intosh*.
 11. Jackson's Removal Act was passed by Congress on 28 May 1830. It gave Native American tribes the option to trade their land in the East for land west of the Mississippi River. The law was drafted primarily to bring about the removal of the Southeastern tribes and despite the wording of the act, very few tribes had the option of staying in their homelands. Prucha, *The Great Father*, p. 206.
 12. G. J. Garraghan (1938/1984) *The Jesuits of the Middle United States* (New York: The American Press, reprinted Chicago: Loyola Press), p. 424. Some of the headmen that signed include Topinabee, Kewasay and Wabaunsee.

13. Murphy, *Potawatomi of the West*, p. 15. This community of Potawatomi faced pressure to move north of their reservation in Missouri to a piece of land in Council Bluffs, Iowa. They were eventually forced to make the move.
14. It also provided the new settlers with land on which most of the heavy work of clearing had been completed. The settlers moved onto the land under the false belief that it was 'virgin land'. In the preface to the 1880 book *History of St Joseph County, Indiana*, the publisher laments that the 'Trials, sufferings and struggles which were experienced in converting even this fertile land from its virgin wilderness into the luxuriant and densely populated country now existing can never be fully portrayed'. The land referenced was the same area the Potawatomi were forcefully removed from four decades before. Anon (1880) *History of St Joseph County, Indiana* (C.C. Chapman & Co.), Preface.
15. A Native American population that was too large was a reason to deny statehood. It was used as evidence of primitivism.
16. It is also likely that the headmen from Council Bluffs did not want to move onto the reservation for political reasons.
17. Kappler, *Indian Affairs: Laws and Treaties*, II, p. 558. By the terms of Article IV of the 1846 treaty, the Potawatomi paid a total of \$87,000 for their reserve on the Kansas River. This amount was deducted from the \$450,000 value placed on their former lands in Iowa and Kansas.
18. National Archives, Records of the Commissioner of Indian Affairs (hereafter RCIA), 1848, 448.
19. 'Indian system' was a term used in government correspondence to reference the reservation system and other methods used by the OIA to regulate Native Americans. Many of these modes of control were new in the 1840s and greatly expanded in the 1860s. Prucha, *The Great Father*, pp. 462–78.
20. Some left and went to live among friends or relatives from other tribes instead of moving to their newly assigned reservation.
21. Kappler, *Indian Affairs: Laws and Treaties*, II, p. 557.
22. RCIA, 1847–1859.
23. R. D. Edmunds (1867) 'Indians as Pioneers: Potawatomis on the Frontier', *Chronicles of Oklahoma*, 65, p. 349; RCIA, 1857, p. 174.
24. RCIA, 1856, p. 70
25. E. J. Danziger (2009) *Great Lakes Indian Accommodation and Resistance during the Early Reservation Years, 1850–1900* (Ann Arbor: University of Michigan Press). Danziger's work examines how Great Lakes tribes worked against the federal government's assimilation efforts. In 1854–1855 Commissioner George W. Manypenny negotiated cession treaties with the Delaware, Shawnee, Iowa, Sauk & Fox, Kickapoo, Miami, Wyandot and Odawa in Kansas for a total of more than thirteen million acres. Clifton, *The Prairie People*, p. 349. Kappler, *Indian Affairs: Laws and Treaties*, II, pp. 614–18, 618–26, 628–31, 631–3, 634–6, 641–6, 677–81, 725–31. Of these treaties, a stipulation for US citizenship was only included in the treaty with the Wyandot.
26. One of the first mentions of the Potawatomi possibly becoming citizens can be found in a letter from November of 1853 from Baptist Missionary Robert Simerwell who worked among the Potawatomi.
27. RCIA, 1855, p. 97.
28. Garraghan, *The Jesuits of the Middle United States*, p. 670. In 1859 the Superintendent of Indian Affairs, A. M. Robinson, wrote to the Commissioner

- that the harmony between the Indians of the Central Superintendency (which included Kansas Territory) was 'seriously disturbed' and resulted in the death of several Indians and the wounding of a non-Indian. He claimed that the violence was the result of the trespassing of 'unprincipled white men upon the property of the Indians' and by 'the depraved and starving Indian upon the property of the whites'; RCIA, 1859, p. 112.
29. RCIA, 1859, p. 148.
 30. *Ibid.*, p. 112.
 31. Waterman to Mix, 26 July 1859, enclosed with Robinson to Greenwood, 3 August 1859, OIA-LR, roll 682.
 32. A chief was a designation applied by the government officials conducting the treaty negotiations. It indicated that the men listed were to receive the largest land allotments allowed; it does not necessarily indicate an equivalent status within their own community.
 33. RCIA, 1862, p. 119.
 34. G. Mitchell (1996) *Stories of the Potawatomi People from the Early Days to Modern Times* (Shawnee: privately printed), pp. 39–40. J. A. Clifton (1998) *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665–1965* (Iowa: University of Iowa Press), p. 352.
 35. RCIA, 1862, p. 119.
 36. Edward Wolcott to Commissioner Dole, 16 January 1863, OIA-LR, roll 684.
 37. Kappler, *Indian Affairs: Laws and Treaties*, II, pp. 824–5.
 38. Clifton, *The Prairie People*, p. 351.
 39. Edward Wolcott to Commissioner Dole, 10 May 1863, OIA-LR, roll 684. This statement suggests that Mr Wolcott generally believed Native Americans to be of inferior intelligence and to have little or no understanding of the value of their land.
 40. E. C. Richerter, 'A History of Silver Lake, Kansas', Manuscript, 1910, Kansas State Historical Society; R. Stremlau (2011) *Sustaining the Cherokee Family* (Chapel Hill: University of North Carolina Press).
 41. Garraghan, *Jesuits of the Middle United States*, pp. 501–29.
 42. Kappler, *Indian Affairs Laws and Treaties*, pp. 824–5.
 43. Gates, *Fifty Million Acres*, pp. 131–2.
 44. A fee-simple title grants outright ownership of land to the title-holder, including the right to sell or lease the land if they so choose.
 45. Kappler, *Indian Affairs: Laws and Treaties*, II, pp. 824–5.
 46. Gates, *Fifty Million Acres*, pp. 81–106.
 47. Agent Ross to Commissioner of Indian Affairs Dole, 19 January 1863, OIA-LR, roll 684; Murphy, *Potawatomi of the West*, p. 244.
 48. Kappler, *Indian Affairs: Laws and Treaties*, II, p. 916.
 49. Women had roles of authority in the clan system of the Potawatomi and female village leaders signed four separate treaties in 1836. Kappler, *Indian Affairs: Laws and Treaties*, II, pp. 457–8, 470–1.
 50. RCIA, 1866, p. 264.
 51. Article 7 of the 1861 treaty provided that the interest on the tribe's improvement fund would be spent on machines and implements to assist the Potawatomi in their farming efforts. Kappler, *Indian Affairs: Laws and Treaties*, II, pp. 824–5.
 52. Agent Palmer to Commissioner Cooley, 1 November 1866, OIA-LR, roll 686.
 53. Commissioner Dennis N. Cooley, 1866, OIA-LR, roll 686.

12

Law, Identity and Dispossession – the Half-Caste Act of 1886 and Contemporary Legal Definitions of Indigeneity in Australia

Mark McMillan and Cosima McRae

Introduction

As Aboriginal and Torres Strait Islander Social Justice Commissioner Michael Dodson stated in his 1994 Wentworth lecture, '[s]ince first contact with the colonisers of this country, Aboriginal and Torres Strait Islander people have been the object of a continual flow of commentary and classification. Since their first intrusive gaze, colonising cultures have had a preoccupation with observing, analysing, studying, classifying and labelling Aborigines and Aboriginality.¹ In the previous chapters, dispossession has largely been seen in terms of land. This book is also fundamentally about self-identity and the refusal of settler governments to recognize the way that people define themselves. This refusal has material repercussions of various kinds, most acutely the loss of land. In this chapter, we address another dispossession, that of the right to self-identity, examining the role of colonial legal definitions in this dispossession. The colonial preoccupation with defining Aboriginal identity in legislation is evident in the number of laws containing definitions of Aboriginal persons.² Since the arrival of the British in Australia in 1788 colonial and, after Federation in 1901, State and Federal governments have enacted over 70 separate pieces of legislation containing definitions of Indigeneity.³ The purpose of these definitions has almost invariably been for the management and assimilation of Aboriginal people. Legal definitions are a powerful part of the ideological framework of a colonial state acting upon and controlling Indigenous peoples.⁴ Overwhelmingly, the legal definitions of Aboriginality in such laws used descent, or 'blood quantum' to define Aboriginality.⁵ Commonly, these definitions used offensive terms such

as 'full-blood' and 'half-caste',⁶ and were included by colonial legislatures intent on the assimilation and cultural genocide of Aboriginal people.⁷ Laws that defined Aboriginality according to 'blood quantum' are evident in colonial legislation from 1886. Such definitions continued well after Federation as the newly formed Australian States made laws to implement policies to control and to perpetuate inequality between Aboriginal and settler people.⁸

In this chapter, we discuss the impact of the first of these laws enacted in Australia, the Victorian *Aborigines Protection Act 1886* ('1886 Act'), on the Indigenous people of Victoria. The impacts of the 1886 Act are well documented in written and oral histories, contemporary and historical. These histories explain the role that legal definitions of Aboriginality played in the dispossession of land, and the denial of basic civil and political rights including freedom of movement and association and access to the protection of the State. We draw on these histories to argue that a further, fundamental dispossession occurred as a result of the law – that the 1886 Act dispossessed Indigenous Victorians of their *very identity* as Indigenous peoples. We argue that the laws that contained definitions of who is Indigenous have acted to dispossess people both of land and rights and their identity as Indigenous peoples.

In the second part of the chapter, we discuss a second, dispossessing consequence of the control of Aboriginal identity at Federation. The role of the States in controlling Indigenous identity had significant consequences for the relationship between Indigenous Australians and the Commonwealth. We contend that the legal history of colonial legislative definitions of Aboriginal people contributed to the failure of the newly formed Commonwealth to recognize Indigenous Australians. When delving into the history of Indigenous legal identity in Australia, little attention is given to the pre-Federation histories of the colonies and their individual and very particular relationships with Indigenous peoples (and politics). Further, little attention is given to the period following Federation and the structural impediments that prevented the newly formed Australian Commonwealth forming relationships with Indigenous peoples. Australia's Constitution excluded the Commonwealth from a lawful relationship with Indigenous peoples until it was amended by referendum in 1967. Until 1967, state governments retained the power to make laws for Indigenous Australians. The control of the legal identity of Aboriginal people by the States dispossessed Aboriginal people from a relationship to the Federal government for over half a century. We contend that the process of dispossession established under colonial rule continued through Federation, resulting in the dispossession of a legal

relationship between the Commonwealth and Indigenous Victorians (and Indigenous Australians, more generally) in the period from 1901 to 1967. By legal relationship, we mean that the Commonwealth government did not have power to 'make laws for' Aboriginal people, as this power was retained by State governments.

Finally, in the third section of the chapter, we argue that a glaring remnant of colonial laws remains in the contemporary legal test used by courts of law in Australia to determine Indigenous status, if this is an issue that is to be determined by a judge or tribunal member. As we have seen in preceding chapters, especially perhaps those by Sarah Carter (Chapter 9) and Cecila Morgan (Chapter 11) on British North America, definitions of Indigeneity were critical in affecting the relationship between people and their land in the nineteenth and early twentieth centuries. In Australia, there is a contemporary three-point test for Indigeneity that can be utilized by a court or tribunal when determining a person's Indigenous status at law. The entire test, a legal construct, is controversial.⁹ While there is contention about whether all elements of the test are required *at law*, the test has three elements: the self-identification of that person as an Aboriginal or Torres Strait Islander person, the recognition of this status by that person's community, and Aboriginal descent. It is the third, descent element that we argue demonstrates that in legal terms, and in popular thinking, Australia has not completely relegated the notion of 'race' from a conception of Indigeneity. We argue that the retention of the descent element of the test has the potential for dispossession; in certain circumstances, the test has the potential to dispossess a person of the right to self-identify, and for this to be recognized at law. Further, we argue in our conclusion that the test is a non-Indigenous construct imposed on Indigenous people. It is fundamentally out of step with contemporary debates about identity by Indigenous people in Australia. For this reason alone, the test, a remnant of past policies, should be abandoned.

In writing about colonial attempts to legislate about identity we aim to draw attention to acts of colonial governments that have had the effect of dispossession and to show their continuity through time and key historical moments in Australia's colonial history. Our second aim in writing about non-Indigenous attempts to define and control Indigenous identity is also to highlight the resistance by Indigenous people to these attempts to control identity through law. We begin the chapter by looking at a significant historical moment in the mid 1880s in Victoria.

The 1886 Act – definitions and dispossession in Victoria

The Victorian 1886 Act was the first in a wave of legislation in the colonies of Australia that used definitions aimed at controlling Indigenous identity. Such laws created a state of 'legal apartheid, preceding that of South Africa by more than two generations, and continued on a different, but parallel course for another three'.¹⁰ The long title of the Victorian Act is: *An Act to amend an Act intituled 'An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria 1886'*. Then, and now, the Act was more commonly referred to as the 'Victorian Half Caste Act'. As the precursor of similar laws in the colonies of New South Wales, Queensland and South Australia, the 1886 Act created a distinction between Aboriginal people living in the state of Victoria as 'full-blood' or 'half-caste'. Earlier Victorian laws had until 1886 only distinguished between Aboriginal and non-Aboriginal people. The 1886 Act created new, highly strategic distinctions. It created new legal categories of Aboriginal people by distinguishing Aboriginal people deemed to be 'half castes as well as all other persons whatever of mixed Aboriginal blood' and persons of 'full blood'. Full-blood Aboriginal people were defined in section 4 of the 1886 Act as follows:

Every aboriginal native of Victoria; Every half-caste who habitually associating with an aboriginal within the meaning of this section has prior to the date of coming into operation of this Act completed the thirty fourth year of his or her age; Every female half-caste who has prior to the date aforesaid been married to an aboriginal within the meaning of this section and is at the date aforesaid living with such aboriginal; Every infant unable to earn his or her own living the child of an aboriginal within the meaning of this section living with such aboriginal; Any half-caste other than is hereinbefore specified who for the time being holds a licence in writing from the Board under regulations to be made in that behalf to reside upon any place where any aboriginal or any tribe of aborigines may reside.

The purpose and intent of creating the new definitions in the 1886 Act was explicitly assimilationist. In amending the Act to include the new distinctions, the Victorian government aimed to implement the policy of the Victorian Aboriginal Protection Board, the statutory body that controlled every element of the lives of Aboriginal Victorians. The Board's aim was that Aboriginal people in Victoria of 'mixed descent' would, over time, be assimilated into non-Aboriginal Australia. In the

years after the invasion of Victoria, frontier violence, massacres, disease and dispossession of land killed many Aboriginal people. The surviving Aboriginal people of Victoria were then segregated by being moved on to a series of reserves or missions, under the control of the Protection Board. The Board was financially responsible for residents of the missions and reserves.

In time, however, the Board wanted to disown the very financial and protection obligations it had created under statute for all Aboriginal people. To relieve itself of this obligation, the government made a series of legislative changes, making further distinctions under the 1886 Act. In creating distinctions based on eugenicist concepts of 'blood quantum' the Act evidences the brutal financial imperatives of the Board and the government to remove financial assistance and protection, by attaching rights of protection and financial assistance only to 'full-bloods'. The 1886 Act stated that 'half-castes' were now denied financial support and would be removed from Aboriginal reserves and missions.¹¹ Evident in the public statements of the Board was a second motive; by removing protection and assistance to 'half-caste' Victorians, the Act could fulfil the demise of Victorian Aboriginal people, finality thus being attained.¹² By creating legal distinctions between people, and imposing conditions based on these definitions, the Act allowed the Board to forcibly remove people from the reserves and missions, separating families and removing men aged between 14 and 34, placing children with white families as servants or transferring children to institutions.¹³

The 1886 Act demanded the manipulation of an Aboriginal person's identity so that they could be moved away from their lands. This fundamental act of dispossession has had the intergenerational effect of separating Aboriginal people from their land, each other and their distinct cultures. Those cultures, which are rooted in laws and customs,¹⁴ form the basis of Indigenous peoples' understanding of the dimensions of the attachment to land. As we have seen in the case studies set within other settler colonial contexts in this volume, this understanding is at odds with the concept of land ownership that pervades settler states, which instead has the requirement of an authority to grant ownership to others as a mechanism for legitimizing 'ownership'. One purpose of the 1886 Act was to move Aboriginal people off the missions that had been established in Victoria. As we saw in Chapter 2, during the 1870s the Aboriginal peoples at the Coranderk station mission in Victoria routinely made deputations to the Executive of the colony relating to their 'rights' and conditions. These deputations, and other issues, were relevant to the establishment of the public inquiry in 1881 about the treatment and issues relating to

Coranderrk station. The public inquiry found that the Aboriginal people residing on the mission were not being treated properly – and that would have to be rectified. The 1886 Act was a direct response to the 1881 public inquiry into the Aborigines Protection Board's management of Coranderrk mission. The inquiry had found that the mission itself should not be closed nor the very valuable land (it was one of the best hop-production farms in the colony at the time) be sold or granted to settlers.

The removal of people from land created catastrophic rifts between families and kinship groups. Katherine Ellinghaus and Jessica Horton have identified the particular harm to Indigenous women wrought by the 1886 Act.¹⁵ Although Victorian law was silent as to the marriages of Aboriginal women, in fact the Act enabled the control of marriage by allowing the Board to control who could live together on the reserves or missions.¹⁶ Historical records to show that the unofficial but almost always enforced policy of the board was to prevent the marriages of people determined by the Act to be 'full-blood' to those deemed 'half-caste' by refusing to allow men and women from these categories to live together on reserves or missions.¹⁷

Aboriginal people actively resisted and fought against the control of the 1886 Act, most prominently in the large number of petitions made to the Board by Aboriginal women against the removal of their families.¹⁸ In a meeting with members of the Victorian Parliament at the Lake Tyers Mission, Elizabeth Jennings appealed against the removal of her daughter Elsie Barrett, arguing that she was 'a pure black girl'.¹⁹ In a study of letters written to the Board after the enactment of the 1886 Act, Clare Land identifies that Aboriginal people worked strategically and tirelessly from within the confines of the legal system to appeal against removals and to protest denials of marriage.²⁰ In 1910, the *Aborigines Act 1910* superseded the 1886 Act and brought 'half-castes' once again under the control of the Aborigines Board. In its Report of 1910, the Board stated that this change was largely caused by the 'constant receiving of petitions from half-castes'.²¹ As we discuss further below, highlighting further examples of resistance, the petitioning of the Board in the early 1900s is an early and indicative example of the resistance by Victorian Indigenous people to colonial attempts to control their identity.

Post-Federation control of identity – who is indigenous and why?

Indigenous identity remained a dominant issue at law in the years following Federation. Although Federation created a Commonwealth of Australia, the newly created tier of federal parliamentary government

was expressly forbidden by the Constitution from a relationship with Indigenous peoples. The transcripts of the constitutional conventions in 1880 clarify why the constitutional drafters denied this relationship. Strikingly, the convention debates reveal the influence of the Victorian colony delegates in promoting the policies driving the 1886 Act – that Aboriginal people (full-bloods) would die out because of their inherent deficiencies. Half-castes on the other hand were deemed to possess a semblance of humanity and sophistication. Because half-castes could have such attributes of humanity they could be useful for such things as labour. Under the Commonwealth power and government structure established at Federation, it was the States that were to oversee the extinction of Aboriginal people. The States were to ‘smooth the pillow of the dying breed’.²² Half-castes by (legal) definition were not Aboriginal people and so the policies of forcible removal from Aboriginal missions – their lands, their families, their language and their culture – continued. Full-bloods on the other hand required care and benevolence. The protection/removal binary of the 1886 Act and the very name of the Act symbolize the problem with legislating Indigenous identity. Full-blood Victorian Aboriginals needed protection. Half-castes did not. Under the 1886 Act, half-castes are not really Aboriginal ... so says the law.

After Federation the extent of Indigenous classification proliferated across state boundaries. The intent of these classifications was uniform and clear. Full-bloods would die out and their lands would revert back to the rightful owners – the Crown. Half-castes were people and could not reside on reserves set aside for the ‘protection’ of Aborigines. Identity was heavily regulated. Mission managers were required to keep away half-castes.²³ The Stolen Generations – half-caste children forcibly removed from their Aboriginal parent/s (usually mothers) – is etched in Australia’s legal, political, social and moral psyche. The stories of inter-generational trauma are well known. Removal of children in Australia continued until the 1960s. In 1997, 110 years after the 1886 Act was created, a Federal government inquiry called the *Bringing Them Home Report* was the culmination of a Federal public inquiry into the *Separation of Aboriginal and Torres Strait Islander Children from Their Families*.²⁴ At the core of the Report are the consequences of classifying Indigenous peoples and the use of those classifications to remove and to dispossess Aboriginal people of their identity.

The control of Indigenous identity is also the attempt to deny Indigenous sovereignty. Prior to the federation of the colonies there was resistance to a conception of sovereignty from an Indigenous people’s perspective. The resistance at its core was based on the unwillingness of Indigenous peoples to give up their identity as Indigenous people and their resistance to colonial attempts to control and define this identity.

The impact of legal classifications was that once classified you could never be anything else.²⁵ Once a classification was attributed to an individual, they were subject to the control and 'protection' measures implemented by the Protection Board. Critically, this classification also meant that those Aboriginal people were unable to hold title to land. As mandated by the 1886 Act, full-blooded Aboriginal people were forced to live on reserves and missions and their movements were controlled by Aboriginal 'protectors'. This control constantly reinforced the reality that they were dispossessed of their lands. This dispossession was ongoing, a constant reminder that they could never be returned and could not have a relationship with their lands, their essence.

Despite the ongoing physical and cultural (attempted) dispossession Aboriginal peoples have always rejected such attempts and organized politically to challenge dispossession by challenging the very nature of the 'acquisition of sovereignty' over them and their land and places. The political challenges to the idea of ceding sovereignty really gathered pace after Federation and especially after the First World War when the Commonwealth of Australia was also moving away from the sovereignty of the British to its own. In particular the Imperial Conference in 1926 and the passing of the Statute of Westminster in 1931 effectively established the 'sovereign independence of the Dominions. Some Aboriginal activists saw this devolution of governing sovereignty within the Commonwealth as an opportunity to assert Aboriginal rights specifically and the rejection of political sovereignty (in governing) of the British'.²⁶ Aboriginal people agitated for the recognition of a relationship between the new nation and Indigenous peoples. In particular the Australian Aborigines League led by William Cooper petitioned the King and the Commonwealth and State crowns in 1937. He also called for a 'Day of Mourning' on the 150th Anniversary of settlement. The Aborigines Progressives Association led by Sir Douglas Nicholls and Jack Patten penned a manifesto describing the conditions of Aboriginal peoples.²⁷

At the time of its enactment the Constitution contained a second clause that denied the existence of Indigenous peoples. As well as the absence of a head of power to legislate with respect to Indigenous peoples, in deference to the states the Constitution denied the existence of Indigenous peoples for the purpose of the Australian national census. This is indicative of how Indigenous peoples were seen as people. Section 127 of the Constitution stated that Indigenous Australians (as defined by the States and controlled by the States) must not be counted in the census for the purpose of determining the elected representatives of the bicameral Commonwealth Parliament in the House of Representatives

and the Senate. At the Federal level Indigenous people did not require protection or removal – they just did not exist. This section was in place until 1967, when it was deleted by ‘the people’ at the 1967 referendum to alter the Constitution.

The contemporary test for Indigeneity

Legislatures are obligated to legislate for a particular purpose. Rooted in time, the purpose of passing the first law to ascribe classification of Indigeneity might seem far-fetched through modern lenses looking at a modern legislative agenda. However, the historic justifications and realities that shaped the thinking about Indigenous identity and classification remain in the contemporary test. Despite Indigenous activism that has brought about the rejection of assimilationist policies in Australia, the concept of ‘part-Aboriginality’ and resistance against the ‘creation of Aboriginality for and about us’,²⁸ remnants of the past remain. It is now well recognized that identity is a fluid, hybrid and dynamic thing. Today’s debates about identity are now driven by Indigenous people, with incredible complexity, challenges and myriad perspectives.

In the 1980s the Commonwealth Department of Aboriginal Affairs proposed a new, three-part definition for an Aboriginal person. This is: ‘a person of Aboriginal descent, albeit mixed, who identifies himself as such and who is recognised by the Aboriginal community as Aboriginal.’²⁹ In certain cases, the concept of descent has been characterized by a court as biological descent, undermining the role of social descent and a history of ‘inadequate colonial record keeping, past policies of removal and other consequences of the historical discrimination against Aboriginal people’.³⁰ In this volume, writers have attended to social descent in a way that courts have at times ignored, or marginalized. The retention of the descent element in the three-part test is at odds with international best practice; the UN Working Group on the Rights of Indigenous Populations recommended against adopting a formulated definition imposed by governments and advocated self-identification. In Australia, there is evident judicial discomfort in applying the test. The Chief Justice of Australia’s High Court stated that ‘legal discourse in courts is probably the least promising field in which to explore concepts of identity ... [because this] projects interrelated individual and communal realities on to a pointillist landscape of disputes and “matters”’.³¹ In spite of the recommendations of the UN Working Group and commentary by eminent judges, there is an identified tendency for the courts to distort the three-part test by placing undue emphasis on the descent element.³²

The problems of the contemporary test were highlighted in a case concerning eligibility of Indigenous Australians to vote in elections for the Australian Aboriginal and Torres Strait Islander Commission. The case of *Shaw v Wolf* concerned the eligibility of voters in the state of Tasmania, eligibility being contingent on a voter being an Aboriginal or Torres Strait Islander person.³³ In the case, the Indigenous identity of certain people was challenged, highlighting the difficulties in obtaining documentary evidence of Aboriginal descent, even when self-identification and community recognition are not at issue. Justice Merkel of the Federal Court stated his evident discomfort with the matter: 'It is unfortunate that the determination of a person's Aboriginal identity, a highly personal matter, has been left by a parliament that is not representative of Aboriginal people to be determined by a court which is also not representative of Aboriginal people.'³⁴

The retention of the descent element of the three-part test is also based on entirely groundless understandings of race. Current scientific research finds there is 'no meaningful genetic or biological basis for the concept of "race"'.³⁵ The notion of race based on genetic or biological factors, rather than as a social construct, is now universally regarded as obsolete.³⁶ In Australia, a legal test that clings to this notion also ignores Australian history, the impacts and effects of colonization and past government policies.³⁷ The retention of the descent test raises the spectre of genetic information to 'prove' Indigeneity, and this may cause the refusal of access to benefits or rights to people who both identify with and are recognised by their communities as Indigenous.³⁸

The current legal test for Indigeneity, retaining as it does the element of descent, stands at odds with international and Australian understandings of identity. Further, the test is implicated in the history of legal definitions that have dispossessed Indigenous people – of land, community, culture and identity. It is a legal test *for* Indigenous people, *by* non-Indigenous people. This stands in contrast to the discussions and debates about identity of Indigenous people by Indigenous people. This debate is about reconnection to each other and reconnection to our places. It is not about definitions at law. It is now accepted that irrespective of one's skin colour, where you live or your cultural identity, there is a uniqueness of voice and story.

As one of us, Mark McMillan, has recently so eloquently written, Indigenous people do not need to prove anything to people outside of family and community about who they are, or their identity.

As a western-trained lawyer, I (Mark McMillan) know that there is a legal test for 'Aboriginality' developed by non-Indigenous people to

classify and label me and every other blackfella. I have fulfilled those requirements at law because the Federal Court of Australia has said so. So I am a court-ruled Aborigine. That does not make me 'black'. Nor does that 'legal' test make anyone a blackfella. What makes me black and gives me that identity as a Wiradjuri man is my family, my community and the Wiradjuri nation.³⁹

The remnants of those colonial legal classifications that were aimed at the control of Indigenous identity and land remain today. The persistence of binary thinking about Indigenous identity is a colonial, settler legal construct. Those laws that denied and dispossessed people of land and culture were integral parts of the settler justifications for taking land. That a remnant of these remain in contemporary law in Australia is troubling; that there is even a legal test that may require more than self-identification is troubling. The definition of Indigeneity by non-Indigenous people is an anachronism. At all stages, Indigenous people have resisted and rejected their identity being decided for them.

Notes

1. M. Dodson (1994) 'The Wentworth Lecture – The End in the Beginning: Re(de)finding Aboriginality', *Australian Aboriginal Studies*, 1 (1), p. 2.
2. Y. C. Paradies (2006) 'Beyond Black and White – Essentialism, Hybridity and Indigeneity', *Journal of Sociology*, 42 (2), p. 355.
3. J. McCorquodale (1986) 'The Legal Classification of Race in Australia', *Aboriginal History*, 10 (1), pp. 1, 7.
4. Dodson, 'Wentworth Lecture', p. 7.
5. Ibid.
6. C. Land (2006) 'Law and the Construction of "Race": Critical Race Theory and the Aborigines Protection Act 1886, Victoria, Australia', in P. Edwards and S. Furphy (eds), *Rethinking Colonial Histories: New and Alternative Approaches* (Melbourne: Melbourne University Press), pp. 137–55.
7. Dodson, 'Wentworth Lecture', p. 7.
8. Land, 'Law and the Construction of "Race"'.
9. N. M. Nakata (2013) 'Identity Politics: Who Can Count as Indigenous?', in M. Harris, N. M. Nakata and B. Carlson (eds), *The Politics of Identity: Emerging Indigeneity* (NSW: UTS e-Press), pp. 125–46.
10. McCorquodale, 'The Legal Classification of Race', p. 15.
11. K. Ellinghaus (2001), 'Regulating Koori Marriages: The 1886 Victorian Aborigines Protection Act', *Journal of Australian Studies*, 25 (67), pp. 22, 23.
12. Statement of the BPA, 7 May 1884, VPRS 10265, Unit 266, Public Record Office of Victoria (VPRO), quoted in B. Galligan and J. Chesterman (1997), *Citizens without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press), p. 1.
13. Ellinghaus, 'Regulating Koori Marriages', p. 24.

14. *Mabo v Queensland* [No. 2] (1992) 175 CLR 1, Justice Brennan's judgment that recognizes the Meriam's peoples attachments to their lands and thereby setting the 'test' for the proof of the Common Law right of Indigenous Australians to native title.
15. Ellinghaus, 'Regulating Koori Marriages', p. 24; J. Horton (2010) 'The Case of Elsie Barrett: Aboriginal Women, Sexuality and the Victorian Board for the Protection of Aborigines', *Journal of Australian Studies*, 34 (1), p. 1.
16. Horton, 'The Case of Elsie Barrett', p. 3.
17. Ellinghaus, 'Regulating Koori Marriages', p. 26.
18. Land, 'Law and the Construction of "Race"', p. 147.
19. Horton, 'The Case of Elsie Barrett', p. 10.
20. Land, 'Law and the Construction of "Race"', p. 146.
21. Ibid.
22. H. Irving (ed.) (1999) *The Centenary Companion to Australian Federation* (Melbourne: Cambridge University Press), p. 328.
23. G. Nanni and A. James (2013) *Corranderk – We Will Show the Country* (Canberra: Aboriginal Studies Press).
24. Australian Human Rights and Equal Opportunities Commission (1997) *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Canberra: Commonwealth of Australia).
25. McCorquodale, 'The Legal Classification of Race', p. 15,
26. Commonwealth of Australia (2012) *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel* (Canberra: Commonwealth of Australia), Chapter 9.
27. Australian Institute of Aboriginal and Torres Strait Islander Studies, Day of Mourning Exhibition, available online at: www.aiatsis.gov.au/collections/exhibitions/dayofmourning/resources.html [accessed 9 December 2013].
28. Dodson, 'Wentworth Lecture', p. 7.
29. *Commonwealth v Tasmania* (1983) 158 CLR 1, 274 (J. Deane).
30. Australian Law Reform Commission (ALRC) (2003) *Essentially Yours: the Protection of Human Genetic Information in Australia* (ALRC Report 96/36), 36.34.
31. Chief Justice Robert French (2011) 'Aboriginal Identity – The Legal Dimension', *Australian Indigenous Law Review*, 15 (1), p. 18.
32. Professor Larissa Behrendt, quoted in Australian Law Reform Commission, *Essentially Yours*, 36.36.
33. *Aboriginal and Torres Strait Islander Commission Act 1989* (Cth), section 101.
34. *Shaw v Wolf* (1998) 163 ALR 205, pp. 211–12.
35. University of Minnesota Centre for Bioethics, *Genetics and Identity*, as quoted in Australian Law Reform Commission, *Essentially Yours*, 36.48
36. I. F. Haney-Lopez (2013) 'The Social Construction of Race', in R. Delgado and J. Stefancic (eds), *Critical Race Theory: The Cutting Edge* (Philadelphia: Temple University Press), p. 238.
37. Australian Institute of Aboriginal and Torres Strait Islander Studies, Submission G286, 16 December 2002.
38. NSW Anti-Discrimination Board, Submission G157, 1 May 2002.
39. M. McMillan and P. West (2014) 'Indigenous Identity Is Settled and Must Be Seen as a Positive', *The Conversation*, 9 July 2012, available online at: <http://theconversation.com/indigenous-identity-is-settled-and-must-be-seen-as-a-positive-28886>

Bibliography

- Aborigines Protection Society (1870) *The Red River Insurrection: Three Letters and A Narrative of Events* (London: the Aborigines' Protection Society).
- Anderson, C. (2012) *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge: Cambridge University Press).
- Anderson, P. R. (2012) "'Never Luff to Meddle Met Politics, Sir': Errant Satire and Historical Gainsaying in A. G. Bain's 'Kaatje Kekkelbek, or, Life among the Hottentots'", *Journal of Southern African Studies*, 28 (1), pp. 217–32.
- Anon. (1883) *East Selkirk Manitoba* (East Selkirk Man: Board of Trade).
- Anon. (1880) *History of St Joseph County, Indiana* (Chicago: C.C. Chapman & Co.).
- Anrod Shimony, A. M. (1994) *Conservatism among the Iroquois at the Six Nations Reserve* (Syracuse: Syracuse University Press).
- Ashforth, A. (1990) *The Politics of Official Discourse in Twentieth Century South Africa* (New York: Oxford University Press).
- Atkinson, W. (2000) '19 Seconds of DungudjaWala (Yorta Yorta Word for Big Flood): Reflections Paper on The Yorta Yorta Native Title Judgment', at: <http://waynera.files.wordpress.com/2010/10/19seconds.pdf>
- Attwood, B. (1999) *My Country: A History of the Djadjja Wurrung 1837–1864* (Clayton: Monash Publications in History).
- Attwood, B. (2003) *Rights for Aborigines* (Sydney: Allen & Unwin).
- Attwood, B. (2009) *Possession* (Melbourne: The Miegunyah Press).
- Australian Human Rights and Equal Opportunities Commission (1997) *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Canberra: Commonwealth of Australia).
- Balint, J. (2012) *Genocide, State Crime and the Law: In the Name of the State* (London: Routledge-Cavendish).
- Banivanua Mar, T. (2013) 'Imperial Literacy and Indigenous Rights: Tracing Transoceanic Circuits of a Modern Discourse', *Aboriginal History*, 37, pp. 1–28.
- Bank, A. (1995) 'Liberals and Their Enemies: Racial Ideology at the Cape of Good Hope, 1820–1850', PhD thesis, Cambridge University.
- Barry, D. (2005) 'A Mallorcan in New Norcia: Missionary Brother Romualdo Sala', *New Norcia Studies*, September, pp. 42–53.
- Barwick, D. (1998) *Rebellion at Coranderrk* (Canberra: Aboriginal History Inc).
- Behrendt, L. and Watson, N. (2007) 'Shifting Ground: Why Land Rights and Native Title Have Not Delivered Social Justice', *Journal of Indigenous Policy*, 8, pp. 94–102.
- Beinart, W. (1994) *Twentieth-Century South Africa* (Oxford: Oxford University Press).
- Beinart, W., P. Delius and S. Trapido (eds) (1986) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850–1930* (Johannesburg: Ravan Press).
- Belich, J. (2009) *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford: Oxford University Press).
- Belmessous, S. (ed.) (2012) *Native Claims: Indigenous Law Against Empire: 1500–1920* (Oxford: Oxford University Press).

- Burrows, P. (2009), "'As She Shall Deem Just': Treaty One and the Ethnic Cleansing of the St Peter's Reserve, 1871–1934", MA thesis, University of Manitoba.
- Benn, C. (1998) *The Iroquois in the War of 1812* (Toronto: University of Toronto Press).
- Berkhofer, R. F. (1979) *The White Man's Indian: Images of the American Indian from Columbus to the Present*, 1st Vintage Books ed. (New York: Vintage).
- Bhabha, H. K. (1990) *The Location of Culture* (London and New York: Routledge).
- Birch, T. (2007) 'The Invisible Fire: Indigenous Sovereignty, History and Responsibility', in A. Moreton-Robinson (ed.), *Sovereign Subjects: Indigenous Sovereignty Matters* (Sydney: Allen & Unwin).
- Black, C., S. McVeigh and R. Johnstone (2007) 'Of the South', *Griffith Law Review*, 16 (2), pp. 430–3.
- Blackhawk, N. (2006) *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, MA and London: Harvard University Press).
- Blackstock, M. D. (2000) 'The Aborigines Report (1837): A Case Study in the Slow Change of Colonial Social Relations', *The Canadian Journal of Native Studies*, 20 (1), pp. 67–94.
- Bolton, L. (2004) 'Native Reserves, Assimilation and Self-determination: Te Atiawa, the Crown and Settlers, North Taranaki, 1840–1875', MA thesis, University of Canterbury, New Zealand.
- Boon, T. C. B. (1952–3) 'St. Peter's Dynevor, the Original Indian Settlement of Western Canada', *Transactions of the Manitoba Historical Society*, 3 (9).
- Bowes, J. P. (2007) *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (Cambridge: Cambridge University Press).
- Bowker, J. (1864/1962) *Speeches, Letters, and Selections from the Important Papers of the Late John Mitford Bowker* (Grahamstown: Godlonton and Richards, reprinted Cape Town: Struik).
- Bradlow, E. (1989) 'The "Great Fear" at the Cape of Good Hope, 1851–2', *International Journal of African Historical Studies*, 23, pp. 401–21.
- Bray, S., G. Thomas and V. MacGill (1998) *Under the Eye of the Saddle Hill Taniwha: Maori Place Names and Legends as Viewed from Saddle Hill, Extending from Green Island South to Taieri Mouth and across to Maungatua, then North to the Silverpeaks* (Mosgiel: Nga Tutukitanga o Taieri).
- Brock, P. (1993) *Outback Ghettos: Aborigines, Institutionalisation and Survival* (Cambridge: Cambridge University Press).
- Brock, P. (2000) 'Mission Encounters in the Colonial World British Columbia and South-west Australia', *Journal of Religious History*, 24 (2), pp. 159–79.
- Broome, R. (2005) *Aboriginal Victorians: A History Since 1800* (Sydney: Allen & Unwin).
- Broome, R. (2006) "'There Were Vegetables Every Year Mr Green Was Here": Right Behaviour and the Struggle for Autonomy at Coranderrk Aboriginal Reserve', *History Australia*, 3 (2), pp. 43.1–43.16.
- Brownstone, A. (2005–6) 'Treasures of the Blood: Collecting North American Indian Artifacts', *Rotunda*, 38 (2), p. 22–31.
- Buckner, P. and R. D. Francis (eds) (2005) *Rediscovering the British World* (Calgary: University of Calgary Press).
- Bundy, C. (1979) *The Rise and Fall of the South African Peasantry* (Berkeley: University of California Press).
- Burton, A. (2005) 'Introduction', in A. Burton (ed.), *Archive Stories: Facts, Fictions, and the Writing of History* (Durham and London: Duke University Press).

- Butler, W. (1873) *The Great Lone Land* (London: Sampson Low, Marston, Low, and Searle).
- Butlin, N. (1983) *Our Original Aggression: Aboriginal Populations of South-eastern Australia, 1788–1850* (Sydney: Allen & Unwin).
- Campbell, P. (1793) *Travels in the Interior Inhabited Parts of North America in the Years 1791 and 1792* (Edinburgh: John Guthrie).
- Campbell, W. J. (2004) 'Seth Newhouse, the Grand Rive Six Nations and the Writing of the Great Laws', *Ontario History*, 96 (2), pp. 183–202.
- Carey, J. and J. Lydon (eds) (2014) *Indigenous Networks: Mobility, Connections and Exchange* (London: Routledge).
- Carter, P. (2007) 'Public Space: Its Mythopoetic Foundations and the Limits of Law', *Griffith Law Review*, 16, 2, pp. 430–3.
- Carter, S. (1989) 'St. Peter's and the Interpretation of the Agriculture of Manitoba's Aboriginal People', *Manitoba History*, 18, at: www.mhs.mb.ca/docs/mb_history/18/manitobaaboriginalagriculture.shtml
- Carter, S. (1990) *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press).
- Carter, S. (1999) *Aboriginal People and their Colonizers in Western Canada* (Toronto: University of Toronto Press).
- Carton, B. (2000) *Blood from Your Children: The Colonial Origins of Generational Conflict in South Africa* (Charlottesville: University of Virginia Press).
- Castree, N. (2004) 'Differential Geographies: Place, Indigenous Rights and "Local" Resources', *Political Geography*, 23 (2), pp. 133–67.
- Chiasson, P. M. (2003), 'Campbell, Patrick', in *Dictionary of Canadian Biography*, vol. 6 (University of Toronto/Université Laval).
- Christopher, A. J. (1984) 'Crown Land Disposal in the Cape of Good Hope', *Historia* 29 (1), pp. 40–54.
- Clark Hill, A. (1949) *The Invasion of New Zealand by People, Plants and Animals* (New Brunswick: Rutgers University Press).
- Clifton, J. A. (1994) *Potawatomi* (New York: Chelsea House Pub (T)).
- Clifton, J. A. (1998) *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665–1965*, rev. ed. (Iowa City: University of Iowa Press).
- Cole, A., V. Haskins and F. Paisley (eds) (2005) *Uncommon Ground: White Women in Aboriginal History* (Canberra: Aboriginal Studies Press).
- Commonwealth of Australia (2012) *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel* (Canberra: Commonwealth of Australia).
- Cooper, B. (1988) *Alexander Kennedy Isbister: A Respectable Critic of the Honourable Company* (Ottawa: Carleton University Press).
- Cronon, W. (1983) *Changes in the Land: Indians, Colonists and the Ecology of New England* (New York: Hill and Wang, 1983).
- Crosby, A. W. (1986) *Ecological Imperialism: The Biological Expansion of Europe, 900–1900* (Cambridge: Cambridge University Press).
- Cruikshank, J. (2008) 'To Exercise a Beneficial Influence Over a Man': Marriage, Gender and the Native Institutions in Early Colonial Australia', in A. Barry, J. Cruikshank, A. Brown-May and P. Grimshaw (eds), *Evangelists of Empire?: Missionaries in Colonial History* (Melbourne: University of Melbourne eScholarship Research Centre).
- Cruikshank, J. (2011) 'Mother, Teacher, Advisor and Missionary: Matilda Ward in North Queensland, 1891–1917', in F. Davis, N. Musgrove and J. Smart

- (eds), *Founders, Firsts and Feminists: Women Leaders in 20th Century Australia* (Melbourne: eScholarship Research Centre, University of Melbourne).
- Curthoys, A. (2012) 'Indigenous People and Settler Self Government: Introduction', *Journal of Colonialism and Colonial History*, 13 (1).
- Curthoys, A. and M. Lake (2005) 'Introduction', in A. Curthoys and M. Lake (eds), *Connected Worlds: History in Transnational Perspective* (Canberra: Australian National University E Press).
- Curthoys, A. and J. Mitchell (2012) "'Bring This Paper to the Good Governor": Aboriginal Petitioning in Britain's Australian Colonies', in S. Belmessous (ed.), *Native Claims: Indigenous Law Against Empire: 1500–1920* (Oxford: Oxford University Press).
- Curthoys, A., S. Genovese and A. Reilly (2008) *Rights and Redemption: History, Law and Indigenous People* (Sydney: University of New South Wales Press).
- Danziger, E. J. (2009) *Great Lakes Indian Accommodation and Resistance during the Early Reservation Years, 1850–1900* (Ann Arbor: University of Michigan Press).
- Darwin, C. (1871/2004) *The Descent of Man and Selection in Relation to Sex* (London: Penguin).
- Darwin, J. (2012) *Unfinished Empire: The Global Expansion of Britain* (London: Allen Lane).
- Davis, G. F. (1974) 'Old Identities and New Iniquities: The Taieri Plain in Otago Province 1770–1870', MA thesis, University of Otago.
- De Costa, R. (2006) 'Identity, Authority and Moral Worlds of Indigenous Petitions', *Comparative Studies in Society and History*, 48 (3), pp. 669–98.
- De Costa, R. (2006) *A Higher Authority: Indigenous Transnationalism and Australia* (Sydney: UNSW Press).
- Dempsey, H. A. (1976) 'Peguis', *Dictionary of Canadian Biography*, vol. 9, at: www.biographi.ca/en/bio/peguis_9E.html (accessed 30 March 2014).
- Den Otter, A. A. (1999) 'The 1857 Parliamentary Inquiry, the Hudson's Bay Company, and the Rupert's Land Aboriginal People', *Prairie Forum*, 24 (2), pp. 143–69.
- Devine, H. (2005) *The People Who Own Themselves: Aboriginal Ethnogenesis in a Canadian Family, 1660–1900* (Calgary: University of Calgary Press).
- Dippie, B. W. (1991) *The Vanishing American: White Attitudes and US Indian Policy* (Lawrence: University Press of Kansas).
- Dodson, M. (1994) 'The Wentworth Lecture – The End in the Beginning: Re(De) Finding Aboriginality', *Australian Aboriginal Studies*, 1 (1), pp. 2–13.
- Doxtator, D. (1996) 'What Happened to the Iroquois Clans? A Study of Clans in Three Nineteenth Century Rotinonhsyni Communities', PhD thesis, University of Western Ontario.
- Dubow, S. (1986) 'Holding "a Just Balance between Black and White": The Native Affairs Department, c. 1920–33', *Journal of Southern African Studies*, 12 (2), pp. 217–39.
- Dubow, S. (1989) *Racial Segregation and the Origins of Apartheid in South Africa 1919–36* (Basingstoke: Macmillan).
- Dubow, S. (1995) 'The Elaboration of Segregationist Ideology', in W. Beinart and S. Dubow (eds), *Segregation and Apartheid in Twentieth-Century South Africa* (London: Routledge).
- Dubow, S. (2006) *Commonwealth of Knowledge: Science, Sensibility, and White South Africa, 1820–2000* (New York: Oxford University Press).

- DuVal, K. (2007) *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press).
- Eagle, M. (2002) 'Monop of New Norcia and the Victoria Plains', *New Norcia Studies*, 10, pp. 49–56.
- Edmonds, P. (2010) *Urbanising Frontiers: Indigenous Peoples and Settlers in 19th-Century Pacific Rim Cities* (Vancouver: University of British Columbia Press).
- Edmunds, R. D. (1987) *The Potawatomis: Keepers of the Fire* (University of Oklahoma Press).
- Edmunds, R. D. (1987) 'Indians as Pioneers: Potawatomis on the Frontier', *Chronicles of Oklahoma*, 65, pp. 340–53.
- Elbourne, E. (2002) *Blood Ground: Colonialism, Missions and the Contest for Christianity in the Cape Colony and Britain, 1799–1853* (Montreal: McGill-Queens University Press).
- Elbourne, E. (2003) 'The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire', *Journal of Colonialism and Colonial History*, 4 (3).
- Elbourne, E. (2005) 'Family Politics and Anglo-Mohawk Diplomacy: The Brant Family in Imperial Context', *Journal of Colonialism and Colonial History*, 6 (3).
- Elbourne, E. (2005) 'Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: The Politics of Knowledge', in P. Buckner and R. D. Francis (eds), *Rediscovering the British World* (Calgary: University of Calgary Press).
- Elbourne, E. (2011) 'Sara Baartman and Andries Stoffels: Violence, Law and the Politics of Spectacle in London and the Eastern Cape 1810–1836', *Canadian Journal of African Studies*, 45 (3), pp. 524–64.
- Elbourne, E. (2012) 'Broken Alliance: Debating Six Nations' Land Claims in 1822', *Cultural and Social History Journal*, 9 (4), pp. 497–525.
- Ellinghaus, K. (2001) 'Regulating Koori Marriages: The 1886 Victorian Aborigines Protection Act', *Journal of Australian Studies*, 25 (67), pp. 22–9.
- Elphick, R. (2012) *The Equality of Believers Protestant Missionaries and the Racial Politics of South Africa* (Charlottesville: University of Virginia Press).
- Erickson, R. (1971) *The Victoria Plains* (Osborne Park: Lamb Patterson).
- Etherington, N. (2001) *The Great Treks: The Transformation of Southern Africa 1815–1854: Black and White Migration and the Making of South Africa* (London: Longman).
- Evans, J., A. Genovese, A. Reilly and P. Wolfe (eds) (2013) *Sovereignty: Frontiers of Possibility* (Honolulu: University of Hawaii Press).
- Evans, J., P. Grimshaw and A. Standish (2003) 'Caring for Country: Yuwalarraay Women and Attachments to Land on an Australian Colonial Frontier', *Journal of Women's History*, 14 (4), pp. 15–37.
- Evans, J., P. Grimshaw, D. Philips and S. Swain (2003) *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830–1910* (Manchester: Manchester University Press).
- Ferguson, N. (2003) *Empire: How Britain Made the Modern World* (London: Penguin).
- Ferris, N. (2009) *The Archaeology of Native-Lived Colonialism: Challenging History in the Great Lakes* (Tucson: University of Arizona Press).
- Flagg, S. (2008) *Footprints: The Journey of Lucy and Percy Pepper* (North Melbourne: Public Records Office Victoria).

- Ford, L. and T. Rowse (eds) (2010) *Between Indigenous and Settler Governance* (London: Routledge).
- Fox, K. (2011) *Māori and Aboriginal Women in the Public Eye: Representing Difference, 1950–2000* (Canberra: Australian National University E Press).
- Fox, K. (2012) 'Globalising Indigeneity? Writing Indigenous Histories in a Transnational World', *History Compass*, 10 (6), pp. 423–39.
- Frankel, O. (2006) *States of Inquiry: Social Investigations, Explorations, and Print Culture in Nineteenth Century Britain and the United States* (Baltimore: Johns Hopkins University Press).
- French, R. (2011) 'Aboriginal Identity – The Legal Dimension', *Australian Indigenous Law Review*, 15 (1), pp. 18–24.
- Friesen, G. (1987) *The Canadian Prairies: A History* (Toronto: University of Toronto Press).
- Friesen, J. (1986) 'Magnificent Gifts: The Treaties of Canada and the Indians of the Northwest, 1869–1876', *Transactions of the Royal Society of Canada*, 5 (1), pp. 41–51.
- Furphy, S. (2010) "'Our Civilisation Has Rolled over Thee": Edward M. Curr and the Yorta Yorta Native Title Case', *History Australia*, 7 (3), pp. 54.1–54.16.
- Furphy, S. (2013) *Edward M. Curr and the Tide of History* (Canberra: ANU EPress).
- Galbraith, J. S. (1963) *Reluctant Empire: British Policy on the South African Frontier, 1834–1854* (Berkeley: University of California Press).
- Galbraith, J. S. (1957) *The Hudson's Bay Company as an Imperial Factor, 1821–1869* (Berkeley: University of California Press).
- Galligan, B. and J. Chesterman (1997) *Citizens without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press).
- Garraghan, G. J. (1938/1984) *The Jesuits of the Middle United States* (New York: The American Press, reprinted Chicago: Loyola Press).
- Gibson, A. (1891) *Eight Years in Kaffraria, 1882–1890* (London: Wells, Gardner, Darton).
- Giliomee, H. (1979) 'The Eastern Frontier, 1770–1812', in R. Elphick and H. Giliomee (eds), *The Shaping of South African Society, 1652–1840* (Middletown: Wesleyan University Press).
- Gillison, J. 'Ann Fraser Bon', Australian Dictionary of Biography, at: <http://adb.anu.edu.au/biography/bon-ann-fraser-5284>
- Girard, P. (2014) 'Imperial Legacies: Chartered Enterprises in Northern British America', in S. Dorsett and J. McLaren (eds), *Legal Histories of the British Empire: Laws, Engagements, and Legacies* (London: Routledge).
- Goodall, H. (2008) 'Riding the Tide: Indigenous Knowledge, History and Water in a Changing Australia', *Environment and History*, 14, pp. 1–31.
- Great Britain (1837) *Report of the Parliamentary Select Committee on Aboriginal Tribes, (British Settlements)* (London: Aborigines Protection Society).
- Great Britain (1857) *Report from the Select Committee on the Hudson's Bay Company; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index* (London: House of Commons).
- Green, N. and L. Tilbrook (eds) (1989) *Aborigines of New Norcia, 1845–1914: The Bicentennial Dictionary of Western Australians*, Volume VII (Western Australia: University of Western Australia Press).
- Grimshaw, P. (2011) 'Rethinking Approaches to Women and Missions: The Case of Colonial Australia', *History Australia*, 8 (3), pp. 7–24.
- Grimshaw, P. and J. Evans (1996) 'Colonial Women on Intercultural Frontiers: Rosa Campbell Praed, Mary Bundock and Katie Langloh Parker', *Australian Historical Studies*, 27 (106), pp. 79–95.

- Haebich, A. (1988) *For Their Own Good: Aborigines and Government in the South West of Western Australia, 1900–1940* (Western Australia: University of Western Australia Press).
- Haebich, A. (2009) 'Unpacking Stories from the New Norcia Photographic Collection', *New Norcia Studies*, 17, pp. 55–62.
- Hagopian, J. S. (1997), 'Joseph Brant vs. Peter Russell: A Re-Examination of the Six Nations Land Transactions in the Grand River Valley', *Histoire sociale/Social History*, 30, pp. 299–333.
- Hall, C. (1993) 'White Visions, Black Lives: The Free Villages of Jamaica', *History Workshop*, 36, pp. 100–32.
- Hamilton, C., V. and G. Reid (2002) 'Introduction', in C. Hamilton, V. Harris, J. Taylor, M. Pickover, G. Reid and R. Saleh (eds), *Refiguring the Archive* (Dordrecht: Kluwer Academic Publishers), pp. 7–18.
- Hamilton, M. A. (2009) *Collections and Objections: Aboriginal Material Culture in Southern Ontario* (Montreal and Kingston: McGill-Queen's University Press).
- Haney-Lopez, I. F. (2013) 'The Social Construction of Race', in R. Delgado and J. Stefancic (eds), *Critical Race Theory: The Cutting Edge*, 3rd ed. (Philadelphia: Temple University Press).
- Harinck, G. (1969) 'Interaction Between Xhosa and Khoi: Emphasis on the Period 1620–1750', in L. Thompson (ed.), *African Societies in Southern Africa* (London: Heinemann).
- Harper, M. (1999) 'British Migration and the Peopling of Empire', in A. Porter (ed.), *The Nineteenth Century*, Oxford History of the British Empire, vol. 3 (Oxford: Oxford University Press).
- Harring, S. (1998) *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press).
- Harris, R. C. (2002) *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: University of British Columbia Press).
- Hasluck, A. (ed.) (1963) *Remembered with Affection: A New Edition of Lady Broome's 'Letters to Guy', with Notes and a Short Life* (Melbourne: Oxford University Press).
- Hatvany, M. (2008) 'Environmental Failure, Success and Sustainable Development: The Hauraki Plains Wetlands through Four Generations of New Zealanders', *Environment and History*, 14, pp. 469–95.
- Hewson, L. (1950) *An introduction to South African Methodists* (Cape Town: Standard Press).
- Hill, S. (forthcoming) *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Winnipeg Press).
- Hilliard, C. (2012) 'The Native Land Court: Making Property in Nineteenth-Century New Zealand', in S. Belmessous (ed.), *Native Claims: Indigenous Law against Empire, 1500–1920* (Oxford: Oxford University Press).
- Holden, W. C. (1877) *A Brief History of Methodism, and of Methodist Missions in South Africa* (London: Wesleyan Conference Office).
- Horton, J. (2010) 'The Case of Elsie Barrett: Aboriginal Women, Sexuality and the Victorian Board for the Protection of Aborigines', *Journal of Australian Studies*, 34, pp. 1–18.
- Horton, R. (2005) 'The Inclusion of the Non-European World in International Society, 1870s–1920s: Evidence From Global Networks', *Global Networks*, 5 (3), pp. 239–59.

- Hunt, J. (2007) *Wetlands of New Zealand: A Bitter-sweet Story* (Auckland: Random House).
- Hunter, A. (2012) *A Different Kind of 'Subject': Colonial Law in Aboriginal-European Relations in Nineteenth Century Western Australia 1829–61* (North Melbourne: Australian Scholarly Publishing).
- Irving, H. (ed.) (1999) *The Centenary Companion to Australian Federation* (Melbourne: Cambridge University Press).
- Isbister, A. K. (n.d. [1846]), *A Few Words on the Hudson's Bay Company; with a Statement of the Grievances of the Native and Half-Caste Indians, Addressed to the British Government through Their Delegates in London* (London: C. Gilpin).
- Johnson, M. (2008) 'Making History Public: Indigenous Claims to Settler States', *Public Culture*, 20 (1), pp. 97–117.
- Johnston, C. M. (1994) 'The Six Nations in the Grand River Valley, 1784–1847', in E. S. Rogers and D. B. Smith (eds), *Aboriginal Ontario: Historical Perspectives on the First Nations* (Burlington: Dundurn Press).
- Keegan, T. (1997) *Colonial South Africa and the Origins of the Racial Order* (Charlottesville: University of Virginia Press).
- Kenny, R. (2010) *The Lamb Enters the Dreaming: Nathanael Pepper and the Ruptured World* (Melbourne: Scribe).
- Kenton, E. (ed.) (2006) *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries In North America 1610–1791* (Whitefish: Kessinger Publishing).
- Klinck, C. F., J. J. Talman and C. Benn (eds) (2011) *The Journal of Major John Norton 1816* (Toronto: The Champlain Society).
- Laidlaw, Z. (2014) 'Indigenous Interlocutors: Networks of Imperial Protest and Humanitarianism in the Mid-nineteenth Century', in J. Carey and J. Lydon (eds), *Indigenous Networks: Mobility, Connections and Exchange* (London: Routledge).
- Lamar, H. and L. Thompson (eds) (1981) *The Frontier in History: North America and Southern Africa Compared* (New Haven and London: Yale University Press).
- Land, C. (2006) 'Law and the Construction of "Race": Critical Race Theory and the Aborigines Protection Act 1886, Victoria, Australia', in P. Edwards and S. Furphy (eds), *Rethinking Colonial Histories: New and Alternative Approaches* (Melbourne: Melbourne University Press).
- Latour, B. (2007) *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford: Oxford University Press).
- Le Cordeur, B. and C. Saunders (1981) *The War of the Axe, 1847: Correspondence between the Governor of the Cape Colony, Sir Henry Pottinger, and the Commander of the British Forces at the Cape, Sir George Berkeley, and Others* (Johannesburg: Brenthurst Press).
- Legassick, M. (1980) 'The Frontier Tradition in South African Historiography', in S. Marks and A. Atmore (eds), *Economy and Society in Pre-industrial South Africa* (London: Longman).
- Legassick, M. (2010) *The Politics of a South African Frontier: The Griqua, the Sotho-Tswana and the Missionaries, 1870–1840* (Basel: Basler Bibliographien).
- Lemon, B. (2008) 'In her Gift: Activism and Altruism in Australian Women's Philanthropy, 1880–2005', PhD thesis, University of Melbourne.
- Lester, A. and F. Dussart (2014) *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth-century British Empire* (Cambridge: Cambridge University Press).

- Loft Winslow, B. (1995) *Iroquois Fires: The Six Nations Lyrics and Lore of Dawwendine* (Bernice Loft Winslow) with introduction and afterword by G. Beaver, B. Winslow Colonel, D. Smith and R. Stacey (Ottawa: Penumbra Press).
- Macdougall, B. (2010) *One of the Family: Metis Culture in Nineteenth-century Northwestern Saskatchewan* (Vancouver: UBC Press).
- MacFarlane, I. and B. Fensham (1999) *Ten Victorian Women* (Melbourne: Public Records Office Victoria).
- Mackay, A. (1873) *A Compendium of Official Documents Relative to Native Affairs in the South Island*, vol. 1 (Wellington: Government Printer).
- MacLennan, B. (1986) *A Proper Degree of Terror: John Graham and the Cape's Eastern Frontier* (Braamfontein: Ravan Press).
- Macmillan, W. M. (1927) *The Cape Colour Question: A Historical Survey* (London: Faber & Gwyer).
- Madden, H. (1976) 'The Loddon District Aboriginal Protectorate', BA Honours thesis, History, La Trobe University.
- Magee, G. and A. Thompson (2010) *Empire and Globalisation: Networks of People, Goods and Capital in the British World, c. 1850–1914* (Cambridge: Cambridge University Press).
- Mahuika, N. (2009) 'Revitalising Te Ika-a-Maui: Māori Migration and the Nation', *New Zealand Journal of History*, 43 (2), pp. 133–49.
- Malherbe, V. C. (1997) 'The Cape Khoisan in the Eastern Districts of the Colony Before and After Ordinance 50 of 1828', PhD thesis, University of Cape Town.
- Mancke, E. (2005) 'Chartered Enterprises and the Evolution of the British Atlantic World', in E. Mancke and C. Shamas (eds), *The Creation of the British Atlantic World* (Baltimore: Johns Hopkins University Press).
- Manona, C. (1988) 'The Drift from Farms to Town: A Case Study of Migration from White Owned Farms in the Eastern Cape to Grahamstown', PhD dissertation, Rhodes University.
- Marais, J. S. (1939) *Cape Coloured People, 1652–1937* (London: Longman).
- Marincowitz, J. (1989) 'From "Colour Question" to "Agrarian Problem" at the Cape: Reflections on the Interim', in H. Macmillan and S. Marks (eds), *Africa and Empire: W. M. Macmillan, Historian and Social Critic* (London: Temple Smith for the Institute of Commonwealth Studies).
- Martin-McGuire, P. (1998) 'First Nation Land Surrenders on the Prairies, 1896–1911', prepared for the Indian Claims Commission, Ottawa.
- Massam, K. (2012) 'Cloistering the Mission: Abbot Torres and Changes at New Norcia 1900–1910, *Australasian Catholic Record*, 89 (1), pp. 13–25.
- Matthew, H. (2003) *The Widow of Wappan* (Mansfield: MMuDS Project).
- Maynard, J. (2005) '"In the Interests of Our People": The Influence of Garveyism on the Rise of Australian Aboriginal Political Activism', *Aboriginal History*, 29, pp. 1–22.
- McClintock, A. (1990) *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge).
- McCorquodale, J. (1986) 'The Legal Classification of Race in Australia', *Aboriginal History*, 10 (1), pp. 7–24.
- McGregor, R. (2007) 'Looking across the Tasman: New Zealand Exemplars in Australian Indigenous Affairs, 1920s–1970s', *History Compass*, 5 (2), pp. 406–26.
- McLeod, J. (2000) *Beginning Postcolonialism* (Manchester and New York: Manchester University Press).

- McIntock, A. H. (1949) *The History of Otago: The Origins and Growth of a Wakefield Class Settlement* (Dunedin: Otago Centennial Historical Publications).
- McMillan, M. and P. West (2014) 'Indigenous Identity is Settled and Must be Seen as a Positive', *The Conversation*, at: <http://theconversation.com/indigenous-identity-is-settled-and-must-be-seen-as-a-positive-28886>
- McVeigh, S and S. Dorsett (2013) 'Section 233 and the Shape of Native Title: The Limits of Jurisdictional Thinking', in L. Ford and T. Rowse (eds), *Between Indigenous and Settler Governance* (London: Routledge).
- Mellick, H. G. (1909) *The Indians and Our Indian Missions* (Winnipeg: H.C. Stovel).
- Michel, A. P. (2006) 'To Represent the Country in Egypt: Aboriginality, Britishness, Anglophone Canadian Identities, and the Nile Voyageur Contingent, 1884–5', *Social History/Histoire Sociale*, 39 (7), pp. 45–77.
- Milton, J. (1983) *The Edges of War: A History of Frontier Wars, 1702–1878* (Cape Town: Juta).
- Mintz, S. (1987) 'The Historical Sociology of Jamaican Villages', in C. V. Carnegie (ed.), *Afro-Caribbean Villages in Historical Perspective* (Kingston: African-Caribbean Institute).
- Mitchell, G. (1996) *Stories of the Potawatomi People from the Early Days to Modern Times* (Shawnee: privately printed).
- Mitchell, J. (2004) "'Country Belonging to Me": Land and Labour on Aboriginal Missions and Protectorate Stations, 1830–1850', *ERAS Journal*, 6, November, at: <http://artsonline.monash.edu.au/eras>
- Mitchell, J. (2011) *In Good Faith: Governing Indigenous Australia through God, Charity and Empire, 1825–55* (Canberra: ANU E Press).
- Morgan, C. (2003) "'A Wigwam to Westminster": Performing Mohawk Identity in Imperial Britain, 1890s–1900s', *Gender and History*, 25 (2), pp. 319–41.
- Morgan, C. (2005) 'Performing for "Imperial Eyes": Bernice Loft and Ethel Brant Monture, Ontario, 1930s–1960s', in K. Pickles and M. Rutherford (eds), *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past* (University of British Columbia Press).
- Morgan, C. (2008) 'Creating Interracial Intimacies: British North America, Canada, and the Transatlantic World, 1830–1914', *Online Journal of the Canadian Historical Association*, New Series, 19 (2), pp. 75–104.
- Morris, A. (1880/1991) *The Treaties of Canada with the Indians of Manitoba and the North-west Territories* (Saskatoon: Fifth House Publishers).
- Morrison, E. (1965) *A Successful Failure, a Trilogy: The Aborigines and Early Settlers* (Castlemaine: Graffiti).
- Mountain, G. J. (1845) *The Journal of the Bishop of Montreal* (London: Seeley, Burnside and Seeley).
- Munro, Dr (1898) 'Notes of a Journey through a Part of the Middle Island', in T. M. Hocken (ed.), *Contributions to the Early History of New Zealand (Settlement of Otago)* (London: Sampson, Low, Marston and Company).
- Murphy, J. F. (1988) *Potawatomi of the West: Origins of the Citizen Band* (Ann Arbor: Michigan).
- Nakata, N. M. (2013) 'Identity Politics: Who Can Count as Indigenous?', in M. Harris, N. M. Nakata and B. Carlson (eds), *The Politics of Identity: Emerging Indigeneity* (NSW: UTS e-Press).
- Nanni, G. and A. James (2013) *Coranderrk: We Will Show the Country* (Canberra: AITSI).

- Nell, D. (2005) "'Treating People as Men": Bastaard Land Ownership and Occupancy in the Clanwilliam District in the Nineteenth Century', *South African Journal*, 53 (1), pp. 123–45.
- Nelson, E., S. Smith and P. Grimshaw (2002) *Letters from Aboriginal Women of Victoria, 1867–1926* (Melbourne: University of Melbourne Department of History).
- Newton-King, S. (1999) *Masters and Servants in the Cape Eastern Frontier* (Cambridge: Cambridge University Press).
- Nicks, T. (1996) 'Dr Oronhyatekah's History Lessons: Reading Museum Collections as Texts', in J. S. H. Brown and E. Viberts (eds), *Reading beyond Words: Contexts for Native History* (Peterborough: Broadview Press).
- Niezen, R. (2000) 'Recognizing Indigenism', *Comparative Studies in Society and History*, 42 (1), pp. 119–48.
- Norman, A. (2010) 'Race, Gender and Colonialism: Public Life among the Six Nations of Grand River, 1899–1939', PhD thesis, University of Toronto.
- Owram, D. (1992) *The Promise of Eden: The Canadian Expansionist Movement and the Idea of the West, 1856–1900*, 2nd edition (Toronto: University of Toronto Press).
- Paisley, F. (2012), *The Lone Protestor: A. M. Fernando in Australia and Europe* (Canberra: Aboriginal Studies Press).
- Paradies, Y. C. (2006) 'Beyond Black and White – Essentialism, Hybridity and Indigeneity', *Journal of Sociology*, 42 (2), pp. 355–67.
- Park, G. (1995) *The Groves of Life – Ngā Ururoa: Ecology and History in a New Zealand Landscape* (Wellington: Victoria University Press).
- Park, G. (2002) "'Swamps which Might Doubtless Easily Be Drained": Swamp Drainage and Its Impact on the Indigenous', in T. Brooking and E. Pawson (eds), *Environmental Histories of New Zealand* (Oxford: Oxford University Press).
- Park, G. (2006) *Theatre Country: Essays on Landscape and Whenua* (Wellington: Victoria University Press).
- Parkes, W. and K. Hislop (1980) *Taiari Mouth and Its Surrounding Districts* (Dunedin: Otago Heritage Books).
- Parlington, J. and S. Hall (2010) 'The Appearance of Food Production in Southern Africa: 1,000 to 2,000 Years ago', in C. Hamilton, B. Mbenga and R. Ross (eds), *The Cambridge History of South Africa*, vol. I (Cambridge: Cambridge University Press).
- Paxton, J. W. (2008) *Joseph Brant and his World: 18th Century Mohawk Warrior and Statesman* (Toronto: James Larimer).
- Peguis First Nation Inquiry Treaty Land Entitlement Claim (2001) *Indian Claims Commission Proceedings Reports 14 ICCP* (Ottawa: Indian Claims Commission).
- Peires, J. (1982) *The House of Phalo: A History of the Xhosa People in the Days of Their Independence* (Johannesburg: Ravan).
- Peires, J. (1987) 'The Legend of Fenner-Solomon', in B. Bozzoli (ed.), *Class, Community and Conflict: South African Perspectives* (Johannesburg: Ravan).
- Peires, J. (2012) "'He Wears Short Clothes!'" Rethinking Rharhabe (c. 1715–c.1782)', *Journal of Southern African Studies*, 38 (2), pp. 333–55.
- Penn, N. (2006) *The Forgotten Frontier: Colonist and Khoisan on the Cape's Northern Frontier in the 18th Century* (Athens: Ohio University Press).
- Perry, A. (2005) 'The Colonial Archive on Trial: Possession, Dispossession, and History on Delgamuukw v. British Columbia', in A. Burton (ed.), *Archive Stories: Facts, Fictions, and the Writing of History* (Durham and London: Duke University Press).

- Peters, E. J. (2000) 'Aboriginal People and Canadian Geography: A Review of the Recent Literature', *The Canadian Geographer*, 44 (1), pp. 44–55.
- Peterson, J. and J. S. H. Brown (eds) (2001) *New Peoples: Being & Becoming Métis in North America* (Minnesota: Minnesota Historical Society Press).
- Pickles, K. (2003) 'The Re-creation of Bottle Lake: From Site of Discard to Environmental Playground?', *Environment and History*, 9, pp. 419–34.
- Podruchny, C. (1996), "'I Have Embraced the White Man's Religion": The Relations Between the Peguis Band and the Church Missionary Society, 1820–1838', in D. H. Pentland (ed.), *Papers of the 26th Algonquian Conference* (Winnipeg: Algonquian Conference).
- Price, R. (2008) *Making Empire: Colonial Encounters and the Making of Imperial Rule in South Africa* (New York: Cambridge University Press).
- Prucha, F. P. (1970) *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790–1834* (Lincoln: University of Nebraska Press).
- Pybus, C. (2006) *Black Founders: The Unknown Story of Australia's First Black Settlers* (Sydney: University of New South Wales Press).
- Radforth, I. (2003) 'Performance, Politics, and Representation: Aboriginal People and the 1860 Royal Tour of Canada', *Canadian Historical Review*, 84 (1), pp. 1–32.
- Ray, A. J., J. Miller and F. Tough (2000) *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queen's Press).
- Read Jr, J. (1852) *The Kat River Settlement in 1851: Described in a Series of Letters Published in the South African Commercial Advertiser* (Cape Town: Saul Solomon).
- Reed, L. (2005) 'Mrs Bon's Verandah Full of Aborigines: Race, Class, Gender and Friendship', *History Australia*, 2 (2), pp. 39.1–39.15.
- Reynolds, H. (1989) *Dispossession: Black Australians and White Invaders* (Sydney: Allen & Unwin).
- Reynolds, H. (1990) *With the White People* (Melbourne: Penguin).
- Reynolds, H. (1992) *The Law of the Land* (Melbourne: Penguin).
- Reynolds, H. (1998) *This Whispering in Our Hearts* (St Leonards: Allen & Unwin).
- Rich, P. B. (1993) *Hope and Despair: English-Speaking Intellectuals and South African Politics, 1806–1976* (London: I.B. Tauris).
- Richards, J. L. (1990), 'Rae, John, 1813–1893', *Dictionary of Canadian Biography*, Vol. 12, at: www.biographi.ca/009004-119.01-e.php?id_nbr=6386
- Ritzenthaler, R. E. and P. Ritzenthaler (1991) *The Woodland Indians of the Western Great Lakes* (Waveland: Waveland Printing).
- Rose, D. (2002) 'Reflections on the Use of Historical Evidence in the Yorta Yorta Case', in M. Paul and G. G. Gray (eds), *Through a Smoky Mirror: History and Native Title* (Canberra: Aboriginal Studies Press).
- Ross, R. (1980) 'Ethnic Identity, Demographic Crises and Xhosa-Khoikhoi Interaction', *History in Africa*, 7, pp. 259–271.
- Ross, R. (1993) 'Montagu's Roads to Capitalism: The Distribution of Landed Property in the Cape Colony, 1845', in R. Ross, *Beyond the Pale; Essays on the History of Colonial South Africa* (Hanover and London: Wesleyan UP/UP of New England).
- Ross, R. (1999) *Status and Respectability at the Cape, 1750–1860, A Tragedy of Manners* (Cambridge: Cambridge University Press).
- Ross, R. (2010) 'Khoesan and Immigrants: The Emergence of Colonial Society at the Cape, 1500 to 1800', in C. Hamilton, B. Mbenga and R. Ross (eds), *The Cambridge History of South Africa*, Vol. I (Cambridge: Cambridge University Press).

- Ross, R. (2013) *The Borders of Race in Colonial South Africa: the Kat River Settlement, 1829–1856* (New York: Cambridge University Press).
- Rowse, T. (2010) 'The Identity of Indigenous Political Thought', in L. Ford and T. Rowse (eds), *Between Indigenous and Settler Governance* (London: Routledge).
- Rowse, T. (2011) 'Global Indigenism: A Genealogy of a Non-Racial Category', in A. Holland and B. Brookes (eds), *Rethinking the Racial Moment: Essays on the Colonial Encounter* (Newcastle upon Tyne: Cambridge Scholars).
- Royle, S. (2011) *Company, Crown, and Colony: The Hudson's Bay Company and Territorial Endeavour in Western Canada* (London: Macmillan).
- Russo, G. (1977) *Lord Abbott of the Wilderness: The Life and Times of Bishop Salvado* (Melbourne: Polding Press).
- Sales, J. (1971) *The Planting of the Churches in South Africa* (Michigan: William B. Eerdmans Publishing Company).
- Sales, J. (1975) *Mission Stations and the Colored Communities of the Eastern Cape, 1800–1852* (Cape Town: A. A. Balkema).
- Salesa, D. I. (2011) *Racial Crossings: Race, Intermarriage, and the Victorian British Empire* (Oxford: Oxford University Press).
- Saunders, C. and R. Derricourt (eds) (1974) *Beyond the Cape: Studies in the History of Transkei and Ciskei*. (London: Longman).
- Schmidt, B. (1996) *Creating Order: Culture as Politics in 19th and 20th Century South Africa* (Nijmegen: Third World Center, University of Nijmegen).
- Shaw, D. (2009) 'Two "Hottentots", Some Scots and a West Indian Slave: The Origins of Kaatje Kekkelbek', *English Studies in Africa*, 52, pp. 4–17.
- Shortland, E. (1851) *The Southern Districts of New Zealand: A Journal, With Passing Notices of the Customs of the Aborigines* (London: Longman, Brown, Green and Longmans).
- Sibley, D. (1995) *Geographies of Exclusion: Society and Difference in the West* (London: Routledge).
- Sleeper-Smith, S. (2001) *Indian Women and French Men: Rethinking Cultural Encounters in the Western Great Lakes* (Amherst: University of Massachusetts Press).
- Smith, D. B. (1987) *Sacred Feathers: The Reverend Peter Jones (Kahkewaquaonaby) and the Mississauga Indians* (Toronto: University of Toronto Press).
- Smith, D. B. (2003) 'Deskaheh', in *Dictionary of Canadian Biography*, vol. 15 (University of Toronto/Université Laval).
- Smith, D. B. (2003) 'Loft, Frederick Ogilvie', in *Dictionary of Canadian Biography*, vol. 16 (University of Toronto/Université Laval).
- Smith, K. D. (2010) *Liberalism, Surveillance and Resistance: Indigenous Communities in Western Canada, 1877–1927* (Edmonton: Athabasca University Press).
- Smith, T. (1941) *Tai-ari Ferry and Henley 'Our Native Place': A Souvenir of the Schools Jubilee, 24th–27th January, 1941* (Dunedin: Otago Daily Times and Witness Newspapers).
- Spencer, Rev. P. L. (1895) 'The Camera in the Mission Field', *The Canadian Photographic Journal*, 4 (2).
- Sprague, D. N. (1988) *Canada and the Métis, 1869–1885* (Waterloo: Wilfrid Laurier Press).
- Standfield, R. (2012) 'Protection, Settler Politics and Indigenous Politics in the Work of William Thomas', *Journal of Colonialism and Colonial History*, 13 (1).
- Stapleton, T. J. (1994) *Maqoma : Xhosa Resistance to Colonial Advance 1798–1873*, (Johannesburg: Jonathan Ball).

- Stephens, M. (2010) *White without Soap: Philanthropy, Caste and Exclusion in Colonial Victoria 1835–1888: A Political Economy of Race* (Melbourne: University of Melbourne Custom Book Centre).
- Stockenström, A. (1854) *Light and Shade, as Shown in the Character of the Hottentots of the Kat River Settlement and in the Conduct of the Colonial Government Towards Them* (Cape Town: Saul Solomon).
- St-Onge, N., C. Podruchny and B. Macdougall (eds) (2010) *Contours of a People: Métis Family, Mobility, and History* (Vancouver: UBC Press).
- Storman, E. J. (1977) *The Salvado Memoirs: Historical Memoirs of Australia and Particularly of the Benedictine Mission of New Norcia and of the Habits and Customs of the Australian Natives by Rosendo Salvado, 1851* (Western Australia: University of Western Australia Press).
- Strack, M. S. (2008) 'Rebel Rivers: An Investigation into the River Rights of Indigenous People of Canada and New Zealand', PhD thesis, University of Otago.
- Strong-Boag, V. and C. Gerson (2000) *Paddling Her Own Canoe: The Times and Texts of E. Pauline Johnson (Tekahionwake)* (Toronto: University of Toronto Press).
- Stuart, R. J. (1981) *Henley, Taieri Ferry and Otokia: A Schools and District History* (Outram: School Jubilee Committee).
- Sutherland, A. (1888) *Victoria and Its Metropolis: Past and Present*, vol. 2 (Melbourne: McCarron, Bird & Co.).
- Sutherland, D. (2012) 'Peguis, Woodpeckers and Myths: What Do We Truly Know?', *Manitoba History*, 71, pp. 48–54.
- Sutherland, D. (2003) *Peguis: A Noble Friend* (St Andrews: Chief Peguis Heritage Park Inc.).
- Sutherland, G. (1962) *Coast, Road and River: The Story of Taieri Mouth, Taieri Beach, Glenledi and Akatore* (Balclutha: Clutha Leader Print).
- Talbot, R. J. (2009), *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris* (Saskatoon: Purich Publishing).
- Taylor, A. (2007) *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Vintage Books).
- Taylor, W. A. (1952) *Lore and History of the South Island Maori* (Christchurch: Bascands).
- Te Aho, L. (2011) 'Waikato: River of Life', in J. Ruru, J. Stephenson and M. Abbott (eds), *Making Our Place: Exploring Land-use Tensions in Aotearoa New Zealand* (Dunedin: Otago University Press).
- Thompson, A. E. (1973) *Chief Peguis and His Descendants* (Winnipeg: Peguis Publishers).
- Thrush, C. (2014) 'The Iceberg and the Cathedral: Encounter, Entanglement, and Isuma in Inuit London', *Journal of British Studies*, 53 (1), pp. 59–79.
- Tilbrook, L. (1983) *Nyungar Tradition: Glimpses of Aborigines of South-west Australia, 1829–1914* (Western Australia: University of Western Australia Press).
- Tipa, G. (1999) *Environmental Performance Indicators: Taieri River Case Study* (Wellington: Ministry for the Environment).
- Titley, B. (2009) *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873–1932* (Edmonton: University of Alberta Press).
- Titley, E. B. (1986) *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press).
- Trapido, S. (1980) '"The Friends of the Natives": Merchant, Peasants and the Political and Ideological Structure of Liberalism at the Cape, 1854–1910', in

- S. Marks and A. Atmore (eds), *Economy and Society in Pre-industrial South Africa* (London: Longman).
- Trapido, S. (1992) 'The Emergence of Liberalism and the Making of "Hottentot Nationalism", 1815–1834', *Collected Seminar Papers of the Institute of Commonwealth Studies, London: The Societies of Southern Africa in the Nineteenth and Twentieth Centuries* (London: University of London).
- Trevithick, S. (2003) 'Newhouse, Seth (Dayodekane)', *Dictionary of Canadian Biography*, vol. 15 (University of Toronto/Université Laval).
- Tyler, Wright and Daniel Ltd. (1979) 'The Alienation of Indian Reserve Lands during the Administration of Sir Wilfrid Laurier, 1896–1911: The St Peter's Reserve #1', Vol. 1. A Report Prepared for the Manitoba Indian Brotherhood, July.
- Van Arkel, D., C. Quispel and R. Ross (1993) 'Going beyond the Pale: On the Roots of White Supremacy in South Africa', in R. Ross (ed.), *Beyond the Pale: Essays on the History of Colonial South Africa* (Hanover and London: Wesleyan UP/UP of New England).
- Venne, S. (ed.) (1981) *Indian Acts and Amendments, 1868–1975: An Indexed Collection* (Saskatoon: University of Saskatchewan Native Law Centre).
- Vernal, F. (2012) *Farmerfield Mission: A Christian Community in South Africa, 1838–2008* (Oxford: Oxford University Press).
- Waitangi Tribunal (1991) *The Ngai Tahu Report 1991* (Wellington: Tribunal).
- Waitangi Tribunal (1995) *Ngai Tahu Ancillary Claims Report 1995* (Wellington: Tribunal).
- Wanhalla, A. (2004) 'Transgressing Boundaries: A History of the Mixed Descent Families of Maitapapa, Taieri, 1830–1940', PhD thesis, University of Canterbury (New Zealand).
- Ward, K. (2008) *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge: Cambridge University Press).
- Warkentin, J. and R. Ruggles (1970) *Historical Atlas of Manitoba* (Winnipeg: Manitoba Historical Society).
- Watson, R. L. (2012) *Slave Emancipation and Racial Attitudes in Nineteenth Century South Africa* (Cambridge: Cambridge University Press).
- Weaver, J. C. (2003) *The Great Land Rush and the Making of the Modern World, 1650–1900* (Montreal and Kingston: McGill-Queen's University Press).
- Weaver, S. 'The Iroquois: Consolidation of the Grand River Reserve in the Mid-Nineteenth Century, 1847–1875', in E. S. Rogers and D. B. Smith (eds), *Aboriginal Ontario: Historical Perspectives on the First Nations* (Burlington: Dundurn Press).
- Webster Grant, J. (1984) *Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1534* (Toronto: University of Toronto Press).
- Whaley, G. H. (2010) *Oregon and the Collapse of Illahee: US Empire and the Transformation of an Indigenous World, 1792–1859* (Chapel Hill: University of North Carolina Press).
- Wheen, N. R. and J. Hayward (eds) (2012) *Treaty of Waitangi Settlements* (Wellington: Bridget Williams Books).
- White, J. (1985) *Heracles' Bow. Essays on the Rhetoric and Poetics of Law* (Madison: University of Wisconsin Press).
- White, R. (2010) *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (New York: Cambridge University Press, 2nd edition).

- Whiteside, J. (1906) *History of the Wesleyan-Methodist Church of South Africa* (London: Elliot Stock).
- Williams, D. (1960) 'The Missionaries on the Eastern Frontier of the Cape Colony, 1799–1853', PhD dissertation, University of Witwatersrand.
- Williams, D. (1999) *'Te Kooti Tango Whenua': The Native Land Court, 1864–1909* (Wellington: Huia).
- Williams, G. (1970) 'The Hudson's Bay Company and its Critics in the Eighteenth-Century', *Transactions of the Royal Historical Society*, 5 (20), pp. 149–71.
- Wilson, C. (2002) 'Tatawai, Kai Tahu and the Claim', BA (Hons) research essay, University of Otago.
- Wolf, E. (2010) *Europe and the People without History*, 2nd edition (Berkeley: University of California Press).
- Wolfe, P. (1994) 'Nation and MiscegeNation: Discursive Continuity in the Post-Mabo Era', *Social Analysis*, 36, pp. 93–152.
- Wolfe, P. (2001) 'Land, Labor, Difference: Elementary Structures of Race', *The American Historical Review*, 106 (3), pp. 866–905.
- Wood, P. (2005) *Dirt: Filth and Decay in a New World Arcadia* (Auckland: Auckland University Press).
- Young, R. (1994) *Colonial Desire: Hybridity in Theory, Culture and Race* (London: Routledge).

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