A QUESTION OF ACCESS: WOMEN, MARRIAGE AND LAND OWNERSHIP IN SOUTH-WESTERN AUSTRALIA

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If one thing can be said of the observers of Aborigines in Western Australia in the early nineteenth century, it is that they do not focus undue attention on the women. In fact, the part played by women in intergroup relations surrounding two vital and closely related institutions in Aboriginal society, marriage and land ownership, was almost entirely overlooked by early Western Australian observers. Very little was recorded of Aboriginal women by those best placed to do so, such as Captain T.T. Ellis of the 63rd Regiment Mounted Police, Superintendent of Native Tribes (1832-34); F.F. Armstrong, Native Interpreter (1835-39) and Chief Interpreter, Schoolmaster, and Moral Superintendent to Natives (1840-c.1872); G.F. Moore, bachelor farmer, lawyer, explorer and Advocate-General (1829-41); Robert Menli Lyons, bachelor farmer and moral crusader (1830-34); Alexander Collie, bachelor Colonial Surgeon (1829-35). A notable exception is Sir George Grey, officer, explorer, then Resident Magistrate, Albany (1839-41). Women were depicted almost exclusively in the role of food gatherers and as victims in marital disputes. They were seen as both the causes and targets of conflict between men in instances of wife stealing, widow claiming and other affairs of the heart.

As well, they were often the objects of retribution in chains of retaliatory actions between groups, initiated and maintained by the men. The importance of women in establishing, maintaining or changing relations between different groups can only be inferred from descriptive accounts which focus on the actions and motivations of the men.

Social mores which may have inhibited European observers from writing fuller accounts about Aboriginal women are only part of the explanation for the paucity of information surrounding the roles women actually played in their own society. Equivalence of status is also important, where observers such as those mentioned above sought out amongst the local Aborigines members of their own sex with whom to establish initial contact and create ties. Not only were European observers predisposed to record more of men's activity, but Aboriginal norms ensured that European men had greater opportunity to observe matters of concern to men than to women.

Thus, in 1832, Lyons confined himself on Carnac Island with Yagan, Dommera and Ningana, three young men, to attempt to convert them to Christianity;¹ Collie's particular friend and informant was Nakina, a young man of King George Sound;² Moore had conti-

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1 The Swan River Papers (SRP) 10/115-30.

2 SRP 9/110-21.

nuous contact with the Aborigines centred around his farm at Upper Swan, representing a broad cross-section of age and sex, and he was accompanied by Aboriginal guides on his many exploratory trips along and across the Darling Scarp. He occasionally describes his interaction with the women, such as the young Dukabung³ and the winsome Doodyeep,⁴ although he both approached and was approached by Aboriginal men far more frequently and knew many more of them by name. In his court work as Advocate-General, the vast majority of Aboriginal offenders to appear before him were male, although occasionally a woman appeared before the courts, such as Dilly's wife Monagur.⁵

Armstrong hardly, if ever, mentions women in his journals, although as Native Interpreter and schoolmaster for the Wesleyan missionary Smithies and his wife he must have had considerable interaction with them.⁶ Ellis mentions both men and women in his monthly journals, but his accounts are brief and confined to the context of his work as Superintendent of the Mt Eliza depot and Chief of Mounted Police.⁷

Moreover the norms of Aboriginal society determined on many occasions that men dealt with men. The clear division of roles between men and women was expressed in areas of traditional concern, where men hunted while women dug, foraged, gathered and harvested blossoms and other recurring resources, captured small land animals such as frogs, and caught fish. Women were often accompanied in these pursuits by men and youths. This separation of roles was expressed in interaction with Europeans where it was the men who approached Europeans in formal delegations, although women may also have been present. For instance, Yagan taking the leading role, together with several other men including Migo, Mulligo and Monday, approached Moore to seek information about the fate of Yagan's father Midgegooroo (already shot by firing squad) and about the friction between Aborigines and Europeans following Aboriginal displacement from their traditional resources.⁸ Groups of men, too, engaged in formal group retribution against Europeans, such as the fatal spearing of the Velvick brothers near Bull's Creek in which 50 or 60 men were involved,⁹ and the killing of Nisbet on the Murray in which 21 men ritually speared the victim.¹⁰

The Focus of Intergroup Relations — The Welcome.

The first clue to the importance of women in relations between Aborigines from different areas comes from a description of a corroboree held in Perth in December 1833. In his daily journal the Superintendent of Native Tribes based at Mt Eliza, Captain T.T. Ellis, records the visit of Monang, a man from the Murray (south of Perth), in whose honour the ceremony

³ 1884:213-20.

⁴ 1884:214; 1837:5-19.

⁵ Colonial Secretary's Office, Letters Received (CSR) 66/134, 71/np; *The Perth Gazette* (PG) 6 July 1839.

⁶ See Armstrong's journals and letters 1835-40, CSR vols 39-89; PG 29 October, 5 and 12 November 1836.

⁷ See CSR vols 29, 30.

⁸ Moore 1884:190-2.

⁹ PG 2 May 1833; CSR 27/71.

¹⁰ CSR 38/192-3.

was performed.¹¹ He describes how the spectators sat in a semicircle with a number of small fires in front to light the performance area or 'stage', where 18 young men repeatedly advanced, manoeuvred, retreated and came forward again in a single line. Almost in passing, Ellis notes that Gibban's wife also took part, directing the dancers by waving her arms 'as though to excite the performers'.¹²

Clearly Gibban's wife, known to Ellis only through her named husband, was taking a leading role in the event by consensus of all Aborigines present and involved, but to Ellis she ranks as hardly more than a curiosity, and one which he did not choose to dwell on. G.F. Moore also describes a corroboree in verse, probably written over the same period as Ellis's account and referring to the same event, since it appears in corresponding chronological sequence in Moore's Diary. However, Moore's focus of attention is entirely upon the young male performers; the women are the audience, admiring but passive:

While all the young lasses, as each dancer passes,
Keep stealing a peep at their favourite boys.¹³

Who was Gibban's wife, and what was her significance in the events surrounding the corroboree that caused her to be placed in such a central position? To glimpse an understanding of this, it is necessary to place the visit of Monang in social and political context.

Monang of the Murray River district was first recorded as visiting the Perth district in early December 1833, when the corroboree was held for him. A few days later he departed to return southwards to the Murray, accompanied by seven Swan River men. He returned shortly afterwards, bringing with him a young man of around 20 years of age, when Captain Norcott of the 63rd Regiment journeyed to Perth from the Military outpost on the Murray. Monang's second visit to the Swan River district produced very emotional scenes in which the old men wept and embraced the two, while the old women kissed them.¹⁴ Following on from this, the Perth Aborigines as a body, except for four boys who were too ill to go, escorted the Murray men northwards to meet other Aborigines there.¹⁵ After an absence of several days the group returned to Perth, and the widow Duredup¹⁶ eloped with a young Murray man,¹⁷ presumably the one who had accompanied Monang to Perth.

Other visits of Murray men followed. In mid-January more Aborigines arrived from the Murray,¹⁸ and then, in late February 1834, Galute returned to the Murray with his European-breed dog.¹⁹ Later in the same year he was to achieve notoriety for his part in the raid by Murray men on Georges Shenton's flour mill in South Perth.

It is obvious that this chain of visits was planned and organised from the outset. Monang

¹¹ In writing accounts of individual Aborigines I have drawn on work in progress by S.J. Hallam and myself for a volume of Aboriginal biographies 1829-40 in the series *Dictionary of Western Australians*.

¹² CSR 29/157-9.

¹³ Moore 1884:210.

¹⁴ CSR 29/163.

¹⁵ CSR 29/163-4.

¹⁶ See Endnote 1.

¹⁷ CSR 30/20-21.

¹⁸ CSR 30/98.

¹⁹ CSR 31/2-3.

acted as special emissary in the first instance to initiate the contact between the three groups of Aborigines concerned — the Murray River people, the Perth area people, and the northern group — and this encounter was carried out according to a ritualised formula, with special greetings and ceremony to mark the importance of the occasion. These visits were arranged in the season when group activities could be undertaken, including firing, fishing, wallaby hunting, and zamia nut and banksia blossom collecting, when available resources could and did support up to 100 people at Mt Eliza.²⁰

The formal nature of meetings between Aborigines and strangers, never regarded lightly or treated in an offhanded manner, and the ceremony involved has been documented by S.J. Hallam,²¹ drawing on material from Spencer and Gillen, who describe a meeting in 1901 in Central Australia between two groups of Aborigines, as well as on historical accounts of encounters between Aborigines and Europeans in nineteenth-century southwestern Australia.

A hint of the place of Gibban's wife as central to this north-south series of happenings comes from her brother-in-law, Byerman or Biarman, Gibban's brother.²² Byermann is described as a 'tall old man'²³ who had northern connections as the son of Nardooitch, the patriarch of the northern land group. Byerman was born about 1772 and so was in his 60s in the 1830s. Nardooitch is estimated to have been born about 1735 or earlier.²⁴

Hence Gibban also had northern connections, and so too did Gibban's wife through her marriage, if not also by descent. Byerman's age would have given him status, although his accustomed authority is hinted at in an incident in which he threw spears at the house of Morgan, the Government storekeeper, when a servant, Mrs Dalton, refused him flour and retreated inside the dwelling.²⁵ Gibban's wife, too, was acting with authority on the ceremonial occasion of the corroboree for Monang of the Murray. She was not a young woman and so also had status because of her age.

Details of any ties between Gibban's wife and the southern, or Murray, people are much more sketchy. Gibban is listed by Armstrong as a member of 'Yallagonga's Tribe', that is the group just north of the Swan River estuary, immediately south of the northern land group to which his brother Byerman is listed as belonging.²⁶ Dommera, also listed among 'Yallagonga's Tribe', is described as the son of a man from the Murray River district, much farther south.²⁷ Dommera's wife Ganiup was the widow of Midgegooroo, whose land was on the south bank of the Swan between the Canning River and the coast to the west.²⁸ Thus the chain of connections extended, through the operation of agnatic and cognatic kinship, from north to south. However, although there were ties between the Swan and Murray

²⁰ See Ellis's journal for the period, e.g. CSR 30/98.

²¹ 1983:134ff.

²² Gibban himself is a passive figure, known to history only as possessor of one wife and one brother and, seven years later, for being confined on Rottnest Island for petty larceny to do with food shortages. CSR 29/157-9, 30/96-7, 90/np.

²³ CSR 30/96-9.

²⁴ Armstrong, CSR 58/161; Grey 1841, II:247, 391.

²⁵ CSR 30/96-9.

²⁶ CSR 58/163.

²⁷ CSR 29/163-4.

²⁸ PG 7 September 1833.

people, and between the Swan and the northern people, Gibban's wife's northern connections were more important to events than any southern ties she may have had. Through her leading role in the corroboree she was charged with welcoming the Murray man Monang not only to Perth but also to the more distant lands to the north.

In admitting visitors to land, restricted access to the resources therein was being granted, and also limited immunity to hostilities and dangers associated with travel from one's own hearth into the domains of more distant people less closely connected by kinship.

Land Occupancy, Ownership and Access.

While marriage establishes a context for access to land and its scarce resources, this is not the same as the inheritance of rights in land. The question arises of the relationship between access to land, land inheritance patterns, and the part played by women in land usage.

In 1837 Armstrong recorded his census of Aborigines of the Swan River Colony (Perth and immediate surrounds), usually listing husband first, then wife or wives, sons and daughters, grouped into loose 'tribes' based on locality and identified by patrihead or location.²⁹ For example, 'Yallagonga's Tribe' — Yallagonga being the most senior male member of this land-occupying grouping; Armstrong writes 'First North Tribe' to describe the group associated with land to the north of Yallagonga's. The Aboriginal names for these groupings mostly translate ethnocentrically to Armstrong's informant or informants. Cordall Kalla or 'Yallagonga's Tribe' may translate as *kalla* — fire or hearth; *kardil* — one of the trees used for making wooden shields.³⁰ Djeeralkalla or 'Monday's Tribe' translates as *djeeral* or *djarryl* — mahogany trees growing in sandy districts and poor soil in the hills; or *djerral* — the north.³¹

On an expedition in 1839 eastwards towards York in the depths of the July winter, when groupings of people were at their most fragmented and nuclear-based families hunted and foraged on land in which individual members held access and usage rights, Armstrong describes the 'tribes' or hearths he contacted in terms of father and sons, or clusters of brothers; hence, the 'Waddarock men', that is, Moondagun, Yaljat, Boorar, Yoonap and 'the old father Kalgyle', and other similar clusters of men (with unnamed women and children) on their land in relation to neighbouring like-clusterings.³²

However, Charles Symmons, Chief Protector of Aborigines, repeating Armstrong's census in 1840, identified tracts of land as belonging to both men and women, so that, for example, Monday and his wives Bugup and Kogan are described as 'owning' one tract of land, Yallagonga, his wives Windan and Yangan, his sons Elal and Dua (or Dower), and daughters Daleer, Gargap and Morap, as 'owning' another.³³ The groupings are still under male heads, but the difference between Symmons and Armstrong is that the former lists wives along with husbands, sisters together with brothers, as people in whom rights, be they ownership or access, are vested. For both men and women the mechanisms of marriage and descent are working

²⁹ CSR 58/158-62.

³⁰ Moore 1846:39, 41.

³¹ Moore 1846:21.

³² CSR 75/np.

³³ CSR 89/np.

here, but the two are confused and the rules not enunciated, although women's proprietary rights to land are not in doubt.

This view of women as landowners is confirmed by 'Delta',³⁴ who states that both males and females were allotted a portion of land at birth. This gave them proprietary rights to resources such as zamia nuts, yams, pheasants, emu eggs and meat, although not exclusive use of the land as such. Children inherited rights from their mother as well as their father. When an individual was absent from his (and by implication, her) own land, other close kin had temporary rights until the individual returned and asserted his (or her) claim. 'Delta' counters Moore's statement that land descended in the male line only, although he argues a case for women having lesser rights in land through inheritance than their male counterparts, because they married out. In order to avoid excessive land fragmentation, 'Delta' reasons, women must inherit smaller areas of land than men. Presumably he meant that the tracts they did inherit were not large enough to be worth fighting over.

However, the earlier consensus was that land ownership rights were inherited patrilineally. Armstrong writes: 'The land is apportioned to different families, and is not held in common by the tribe'. He lists clusters of men 'owning' different tracts of territory and states:

These co-proprietors appear equally interested in their respective districts, and equally ready to revenge any trespass . . . land is beyond doubt an inheritable property among them, and they boast of having received it from their fathers' fathers, etc., to an unknown period back. All the sons appear to succeed equally to their father's lands.³⁵

He might have added: all the daughters, too.

Moore concludes that as hunting ground and property descends in the male line, it never stays in the same 'family name' for two generations.³⁶ By 'family name' Moore was referring to the name of the father. The same point is made by George Grey and his correspondent J.D. Lang. Grey writes:

I have given . . . a short genealogical list, which will show the manner in which a native gives birth to a progeny of a totally different family name to himself, so that a district of country never remains for two successive generations in the same family.³⁷

Both Moore and Grey found it odd that ownership rights could descend patrilineally without an accompanying name to identify the patrilineage as a corporate body. In effect both observers confused the European system of nomenclature with the Aboriginal system of named marriage classification by referring to the latter as 'family name'. Marriage classification reflected eligibility for marriage of members of different categories, but not ownership of land.

Roth in 1902, drawing on surveyor Austin's accounts, writes that each family of the tribe had a more or less defined area of country: 'a kind of heritage, its rights over such tracts were respected, as any infringements regarded in the light of trespass',³⁸ and 'each family in the

³⁴ *The Inquirer* 19 December 1848.

³⁵ *PG* 29 October 1836.

³⁶ 1884:3-4.

³⁷ 1841, II:231.

³⁸ 1902:50.

tribe had its own territorial division, its own ka-la or "fireplace" to which it had a prior right, the land being divided ultimately among the sons upon the death of the owner'.³⁹

Bishop Rosendo Salvado, founder and Abbott of New Norcia, Victoria Plains District, 1846-1900, writes that each Aborigine had his own land for hunting and gathering purposes, and regarded the incursion of others onto it as trespass, although resources were shared freely with neighbours.⁴⁰

Daisy Bates, from her research in 1905-06, describes land 'belonging to Balbuk's [a female informant's] people', identifying tracts of land 'belonging' to her great grandfathers and great-grandmothers, and to her fathers (presumably all the people Balbuk called by those kin terms). Daisy Bates identifies land on the 'opposite side of the Swan' belonging to a kin group including several sisters and brothers and their uncles. Thus, both men and women are seen as 'owners' of land, but Daisy Bates puts emphasis on patrilineal descent through fathers and uncles.⁴¹ She also draws a map of Jubyché's (a male informant) father's land, plotting several specific places.⁴²

With general reference to the Australian continent, anthropologists Ronald and Catherine Berndt note that typically the local descent group is defined in relation to patrilineal descent and to a specific tract of land. That is, through birth, individuals belong to the local descent group whose focus is through its associated spiritual sites within the particular territory. They go on to state that this forms an exogamous unit in which the male members have particular ritual obligations towards the special sites.⁴³ This is not the same as rights of access for economic usage, which extend to a much wider group.⁴⁴ However, Diane Bell⁴⁵ shows clearly that ritual responsibility is shared by women and men in the Central Desert region, the work of Bell and Pamela Ditton⁴⁶ illustrates the co-operation of brothers and sisters as joint owners in the practical and economic management of land at a Central Desert outstation. Kenneth Maddock surveys the literature on the question of ownership versus occupancy of land, stressing the importance of sites within a territory in defining the area of land associated with a patrilineal group.⁴⁷

Drawing from mid twentieth century and earlier sources, Maddock notes that traditionally, on the Beswick Reserve in Arnhem Land, descent groups were connected in the male line with a number of totemic sites within a geographical area or clan estate. While the members of residential groups camped and foraged on several adjacent estates, making in all a range, most of the members of a residential group belonged to one or another of the clan estates.

³⁹ 1902:55.

⁴⁰ 1851:131.

⁴¹ Daisy Bates, 'Geographical notes, additional southwest information', Notebook 20, p.198, National Library of Australia (NLA) 365-4/172.

⁴² Daisy Bates, 'Jubyché's father's land', Notebook 21, pp.2, 39, NLA 365-4/191.

⁴³ 1964:139.

⁴⁴ Berndt 1982:11.

⁴⁵ 1983:110ff.

⁴⁶ 1980:59.

⁴⁷ 1982b:33ff.

comprising that range.⁴⁸ That is, members of one patrilineal clan associated with a particular area of land tended to marry into a limited number of adjacent like-units. In this way they gained and kept access and usage rights to a wider area of land while at the same time granting access and usage rights in their own clan land to these other groups. Residence then was not restricted to the patrilan estate of either husband or wife, but was spread over a wider area encompassing that of both parties, plus land to which access was gained through their mothers and fathers.

Annette Hamilton's work on bestowal arrangements in Arnhem Land⁴⁹ illustrates the input made by members both of the girl's matrilineage and patrilineage. This underscores the importance of the marriage arrangements to both sets of kin. David Turner writes of the East Arnhem Land area for the period 1925-40 that members of any particular local patrilineal group were organised into bands or residential groups based on the nuclear family, which ranged over the local group area of brothers, their wives' and mothers' local group countries, and their wives' mothers' and fathers' mothers' local group country.⁵⁰ Diane Bell⁵¹ illustrates how, for the Arandic and Warlpiri systems, rights and responsibilities of 'owners' or *kirda* and 'worker/managers' or *kurdungurlu*, enmesh people in complementary roles which validate their rights to country. An individual is *kirda* for father's, and father's father's country; and *kurdungurlu* for mother's, and mother's father's, country.

Little is recorded of female land occupancy for the south-west of Western Australia, except indirectly, resulting from the patrifocal bias in the source material. Catherine Berndt⁵² gives a number of examples to show how the European propensity to see women as chattels and nuisances brought about a distortion of perception by such observers as G.F. Moore, Bishop Salvado, E.M. Curr and his contributors, and Daisy Bates, as well as by more recent field workers. Hence, in the Perth area Migo was closely associated with his mother and, as her first husband was dead and her current husband Marungo was described as belonging to 'Monday's Tribe' between the Canning River and the Upper Swan River, it seems likely that Migo was in his mother's own country based on the Perth and Monger's Lake areas.⁵³ Dommera's father was from the Murray, but he lived in the Perth area along with his brothers Edar and Ningana, possibly also with his mother, or on land to which he had access rights through her.

Referring to the recent Arnhem Land situation again, Nicolas Peterson argues convincingly that a couple's residence pattern oscillates between living with wife's kin and living on husband's patrilan land, and that this is due to economic factors. Ageing men with elderly wives need the labour of young women. While their daughters remain unmarried this is no problem, and on the marriage of a daughter it is to her father's advantage for the couple to remain with her parents for as long as possible, thereby adding to the group the advantage of son-in-law's labour as well. When father acquires a second, younger wife he no longer needs his daughter's labour.

48 1982a:56.

49 1978:28-35.

50 1976:184.

51 1983:139.

52 1979:28-37.

53 CSR 58/164, 59/157-64; Grey 1841, II:310.

Moreover, as men get older it is important for them to live as much as possible on their patrician estate in order to attend to ritual there, and to die there, so men move back to their own land as a regular residence pattern. An older woman, when her husband dies, tends to move towards residence with her daughter on her daughter's husband's land, thereby securing the advantages of daughter's labour again.⁵⁴ She also regains the pleasure and comfort of her daughter's company and, so far as patrician membership is also shared with daughter's husband (in the case of cross-cousin marriages), the older woman too is returning to her own patrician estate.

Mothers and Marriage Categories.

Traditionally, marriage was both the instrumentality of inheritance and the means of groups of kin gaining access to land owned by other like groups. Strictly enforced rules for marriage cut across territorial divisions and placed people into various categories each of which could marry only with certain other categories but not with all other categories. Moore refers to these as 'great families', thereby successfully confusing the issues of land inheritance, access to land, and kin and marriage classification. The marriage classifications, in contrast to land inheritance rights, were passed through a woman to her own children, and through her daughters in turn to their daughters and sons, and so on through the female line over succeeding generations. Moore listed four 'principal families' further again subdivided into many local subdenominations. The total number of divisions (principal families and subdenominations together) are then grouped into 'common stocks', or *matta gyn*, 'of one leg', and Moore lists three clusters to form three 'legs', apparently cutting across the 'family' divisions, so that his account is not intelligible. The wife, Moore says, 'is usually taken from the *matta gyn* or common stock or 'leg', but from a different subdenomination within it from that of the husband',⁵⁵ implying a generally endogamous system.

Grey also describes the system of marriage laws, naming five classes or denominations as matrilineally inherited classifications.⁵⁶ Salvado⁵⁷ lists six 'families' or classes for the Victoria Plains area. Bates⁵⁸ decides on a simple four-section model, which she refers to as four subdivisions of two primary divisions or phratries, extracting what is consistent between Grey, Moore and Salvado and ignoring the rest. 'Delta'⁵⁹ teases out two moieties subdivided into five and three families respectively, each with various local names, and states that each family may marry near relatives or others with the same family name. He is frankly baffled about what he means by this, and gives up at this point, claiming 'to trace their relationship to each other would puzzle the most erudite herald who ever lived'.

While the rules governing preferred and prohibited marriage are not clear from any of these accounts, what does emerge from Moore, Grey and Salvado is that an individual never

⁵⁴ Peterson 1978:23-5.

⁵⁵ 1946:4.

⁵⁶ 1841, II:391-4.

⁵⁷ 1864.

⁵⁸ 1985:74-5; see also White 1985:73.

⁵⁹ *The Inquirer* 19 December 1849.

married within his or her own, and mother's own, marriage category; and further that membership of a marriage category was inherited matrilineally so that children bore the same named classification as their own mother.

As Moore and Grey correctly point out, in a polygynous system ownership rights to a man's land then could pass to several sons (and daughters), all bearing a different 'family name' (but not patriline) signifying different marriage classifications, because their mothers were members of different marriage categories. These siblings, or half-brothers and half-sisters, in turn looked to different marriage categories for their respective wives. The net effect of this was to have, within any one family unit, a host of individuals with different but overlapping, and potentially conflicting, alliances based on membership of different marriage categories. These categories criss-crossed the entire society, and individuals owed allegiance to them at certain times when so called on. Within any one local area, land was occupied by clusters of people related on the one hand to each other by ties of blood and marriage, and on the other hand to others outside that territorial area by obligations resulting from the various corporate identities comprising the marriage categories.

Evidence that the marriage categories demanded loyalty of members who acted in a corporate fashion on occasion, cutting across family ties and ties formed by other marriages, is provided by Grey. He gives a detailed account of the death of Mulligo and subsequent dispute over who should have responsibility for, and the favours of, the two young widows. Migo, uterine brother of the deceased and therefore of the same marriage category through their mother, stood in the favoured position to inherit rights to both women. However, Bennyyowlee, of the same marriage category as Migo's mother's husband Marungo (Grey spells this Mooroongo), claimed one of the widows, and so the matter had to be resolved. Caught in the centre of the conflict situation was Marungo, stepfather to one claimant but of the same 'family' or marriage category as the other. He went to the Canning River, from Monger's Lake, to procure spears, although Grey is a little unclear which claimant he intended should have use of the weapons when he brought them back. Bennyyowlee also went to the Canning to get spears.

The spatial organisation of the camp at Monger's Lake reflected the marriage classes and alliances along marriage category lines, so that Bennyyowlee and Marungo were camped in the same area, with Marungo's wife (Migo's mother) taking up residence in her husband's camp, while Migo (of the same marriage category as she was) camped apart with his supporters. However, again Grey is not clear on whether marriage category was the only factor determining this spatial arrangement, as territorial association may have been reflected in it too. Concern was expressed that the 'Murray Men', a classification based on locality and not marriage categories, which would have cut across such a territorial division, were also rumoured to be planning to abduct the widows. By absenting himself from the scene on a legitimate errand, Marungo laid the way open for Migo's mother to exercise her influence and express her interests in the outcome of the dispute. Largely through direct action on her part the young widows were both installed in her own son Migo's hut.⁶⁰

Here once again, as in the case of Gibban's wife, there is an example of a woman at the focal point of relations between groupings of people with converging but different interests, or similar but conflicting concerns, depending on how the situation is seen.

⁶⁰ Grey 1841, II:316-29.

Nardooitch's Genealogy, or Kandowree's Family.

The apparent, and often real, conflict of interests inherent in marriage and the ensuing extension of access rights to tracts of land on the one hand, and inheritance of ownership rights to land on the other, is contained through the operation of the marriage regulations as illustrated in the genealogy of Nardooitch. This is the genealogy of a northern patriarch which emerges when two different listings of Aborigines are combined: Grey's genealogy for people north of Perth taken around 1839, and Armstrong's listing of the 'First North Tribe' as part of his census compiled in 1837.⁶¹ The approaches of these two recorders are different but, as it turns out, complementary. Armstrong's listing appears to be a reflection of the people he knew personally, or knew of through his informants. Hence, he lists husband, wives and unmarried sons and daughters where he knows of these various relatives. He does not note relationships between the male heads of family groupings; for example, in the 'First North Tribe' three men who are in fact brothers are listed with some of their family respectively, and then the two sons of one of these brothers are listed complete with their wives, sons and daughters.⁶² A list of unattached males is also included where in fact some of these turn out to be married men from other areas, apparently on visits.⁶³ Armstrong does not make clear the family connection between these individuals, and evidence for this is obtained elsewhere.⁶⁴

Grey systematically compiled a genealogy in order to illustrate how, when children belong to the same marriage category as their mother, over three generations several marriage categories could be represented in the same patrigrpoup. This genealogy incorporates a number of the individuals listed by Armstrong, making explicit the relationship between them. Grey does not always realise the relatedness of some individuals and so may list a person twice, as a daughter of one man a wife of another, without connecting the two as being the same person; for example, Wandil or Wundaile. Moreover, between 1837 and 1839 one central figure in this family, Helia, died, and by combining the two accounts of Grey and Armstrong it is possible to see the system of levirate operating in which two of Helia's widows then become wives to one of his surviving brothers Beewullo (or Weeban or Webanjer).

⁶¹ CSR 58/161; Grey 1841, II:391-4.

⁶² CSR 58/161.

⁶³ The most vivid description of camp layout is provided by Gyallipert, an Aborigine from Albany, who in 1832 drew a map of a camp, showing married men's quarters and, quite distinctly apart, the camp of the single men and boys. The 'unattached' in Armstrong's lists would seem to be those living in the single men's camp.

⁶⁴ S.J. Hallam and Lois Tilbrook, work in progress utilising Colonial Secretary's Office records and *The Perth Gazette* (see note 11) and various journals.

Figure 1 Part of Nardooitch's genealogy

Nardooitch, or Moreli, born about 1735, had one brother and at least two wives and eight children. One of these wives, Kandowree, had two children. When Nardooitch, her first husband, died she married his brother. Three of her children were fathered by one brother and two by the other. While the family structure was obviously established before Nardooitch and his brother, it is only from them that subsequent offspring and marriages are recorded by Grey. Thus they appear to be at the beginning of what was, in reality, a continuing pattern. For the majority of individuals little, or no, information is recorded.

The most striking feature to emerge from the Nardooitch genealogy is the number of genealogically close marriages over succeeding generations. At Nardooitch's generation level the system of levirate operated for the wife Kandowree. In addition, Nardooitch had children by a second wife, Bolyeree, including Byerman (and presumably also Gibban). At the next (second) descending generation level, parallel-cousin marriage took place between Kogaree, Kandowree's daughter by Nardooitch's brother, and Jeebar, the son of Nardooitch and Bolyeree. Beerytejoop, Kandowree's son by Nardooitch, married two apparently unrelated women and had three daughters by them. At the third descending generation level, brothers Helia and Beewullo, the sons of parallel cousins Jeebar and Kagaree, married Booyeenung and Djoobeenung, the daughters of Beerytejoop and Yowatung.

That is, Helia and Beewullo married their half-parallel-cousins, for their father Jeebar was the half-brother of Beerytejoop through the common father Nardooitch, or alternatively, they married their half-cross-cousins, their mother Kagaree being the half-sister of the girls'

WOMEN, MARRIAGE AND LANDOWNERSHIP

Figure 2 Marriage loops

father Beerytejoor through the common mother Kandowree. It is possible that, tracing through Kandowree, a parallel-cousin relationship also existed between Kandowree and Nardooitch to mirror that traced through Kagaree and Jeebar but, understandably, information is lacking to substantiate this suggestion.

When this series of actually plotted marriages is related to the system of marriage categories, it is clear that it conforms to the rules. All the marriages are between people of different marriage categories traced matrilineally. Beginning with Kandowree, the matrilineage flows through her daughter Kagaree to her grandsons Helia and Beewullo. We can trace no further, for information is lacking about Kagaree's daughters' marriages. This probably indicates that they were outside the territorially-based group. The patrilineage, however, apparently may extend indefinitely from Nardooitch through Jeebar to brothers Helia and Beewullo, and then on to their sons, and so on, in this territorially-focused grouping.

The most remarkable point to emerge when descent through the patrilineage is traced, is the extent to which marriage takes place within the male descent line. Thus, at the second descending generation Jeebar and Kagaree are members of the same patrilineage, and at the third descending generation brothers Helia and Beewullo and their respective and then shared wives are all members of the same patrilineage. Put differently, Kandowree's three granddaughters by her son marry her two grandsons by her daughter and stepson.

This system also had the effect of reducing the number of relatives an individual had at the grandparent level; for example, sisters Booyeenung and Djoobeenung share with their

husbands, the two brothers Helia and Beewullo, two grandparents Nardooitch and Kandowree. All have a maximum of six, not eight, grandparents. A very tight group indeed.

This is not to suggest, by any means, that all marriages occurred within the patriline, and information is lacking to trace the relationship between spouses of other members of the Nardooitch genealogy to see to what extent this turning inwards was general.⁶⁵ However, the notion that this pattern may well have been more extensive does gain strength when it is related to the joint questions of land ownership and inheritance, and of acquired access rights through marriage.

Monopolisation of Land and Resources.

Assuming that south-western Australia conformed to the general Australian pattern, land — as noted above — was inherited from father to son to son's sons, and to daughters, so that a particular patrilineage was associated with a specific tract of land and the scarce resources on it. Access to similar tracts of land with different scarce resources was gained through marriage, a husband gaining access to his wife's land on marriage, and vice versa. The children of the union had access rights in both areas, but ownership rights to pass on to their own children in their father's lands only, and then only if they were sons of the union.

The inherent danger in this system lay in the potentially wide dispersal of rights to resources. This could be avoided only if the number of ties by marriage with outside groups could be controlled, and one way of achieving this, consistent with Aboriginal cultural norms of infant betrothal and early marriage for women, was through marriage within the land-owning unit. In this way, the rights of access normally acquired through marriage coincided with those of ownership through inheritance, so that access to and rights over resources remained confined to a few. This close marriage within the land-owning unit was possible so long as a sharp distinction was made between the principles of matrilineage on the one hand, and patrilineage on the other, and as long as the system of matrilineally inherited marriage categories was enforced rigorously. Hence, in the Nardooitch genealogy, Booyeenung and Djoobeenung, Helia and Beewullo (and Wandil, wife to both brothers successively), all shared ownership and access rights in the patriclan land through the fathers Jeebar and Beerytejoor (half-brothers) and their father Nardooitch.

However, while patriclan endogamy restricted the number of possible marriages with other outside groups, it did not operate to inhibit this altogether. The marriages of Booyeenung and Djoobeenung and their half-sister Wandil, with Helia and Beewullo, represent a remarkably neat example of endogamy. At the parental level (the first ascending generation level) the mothers of the wives (that is, Beerytejoor's wives Kopan and Yowatung) were apparently from outside the patriclan, although the mother of the grooms, Kagaree, married within the patriclan. Again, at the grandparental level (third ascending generation level) the women Kandowree and Bolyeree were also apparently drawn from outside. Moreover, in the case of senior men of secure standing, the operation of polygyny permitted ties to be established with a number of other groups over a considerable geographical area. For example, Beewullo had a total of seven wives after his brother Helia died, two of the marriages known to be endogamous but several of the others being, presumably, exogamous unions. It is also significant that, on his brother's death, Beewullo took as wives the two half-sisters Wandil and Djoobeenung, members of different matrilineal marriage categories, and thereby

⁶⁵ See Endnote 2.

retained access to two lots of land and resources. He does not appear to have assumed any responsibility for Booyeenung, the full sister of Djoobeenung, whose lands would have coincided with those of her sister.

In summing up, then, marriage by male and female members of the patriclan with women and men from outside the patriclan meant an extension of alliances and liaisons with other land-based groups. The system of polygyny provided male members with more scope. This also worked the same way for members of the matriline. However, the important point for marriage was an individual's marriage category, which was determined matrilineally, the patrilineage being ignored. People who belonged to the same patrilineage could fall into different marriageable matricategories. This meant that a number of marriages could take place within the patrilineage, thereby reducing the number of alliances with outside groups, strengthening the patrilineal group as an inward-looking and cohesively bonded group, and also preserving for the group the scarce resources in the land area. Thus, the marriage rules elegantly determined a balance between two opposing principles: an ever-increasing number of alliances with outside groups – presenting the danger of fragmentation; and the tendency to look within – with its attendant dangers of restricting too severely the available scarce resources and isolation in a potentially hazardous world.

Land occupancy and ownership was vested in the patrilineage, but where rights to land through both mother and father coincided with the patrilineage it localised all the members of the group to a particular tract of land. Other marriage liaisons with individuals from other patrilineages meant that rights of access to other resources were established and/or maintained.

However by frequency and intensity of usage the tract of land 'owned' by the patrilineage was to all intents and purposes the life-blood of the group, giving it its local connotation and meaning, vested in locality, and also enabling one group to monopolise a scarce resource and then to use this as a lever in relations with other like groups to gain the 'best' social and political terms. Hence, the importance of the labels used to identify groups: for example, *kardil kalla*, the place where wood suitable for making shields is to be found,⁶⁶ or Yallagonga's land (Yallagonga was another important patriarch in the Perth area).

This then enabled the men and women of the patriclan unit to act as a social and political unit with a territorial base, while at the same time constricting the interests of the unit to that same tract of territory. This latter point is important in understanding the Aboriginal response to dispossession of land following European colonisation as, once made landless, the small patriclan unit lost any vestige of political identity and had nowhere else to turn, no other like units which it could call on for access to resources or for identifying purposes.

The coherence of the patriclan unit also made sense of observer's references to land as being patrilineally owned, or held, although it would have been more correct to describe it as held by all members of the patriclan, rather than by the men to the implied exclusion of the women. However, the importance of women as possessors and bestowers of land usage rights should not be lost in this general labelling. When women married outside the patrilineage they extended their own rights to their husbands and children, and so provided a crucial means whereby members of other patrilineages could justifiably penetrate into the patriclan territory in a limited fashion, working as a counter-balancing force to the strong isolationist pull of the patriclan and also against the tendency towards total monopolisation of a resource by any one patriclan.

⁶⁶ Moore 1884:41.

Hence, Gibban's wife and Migo's mother played opposite, but complementary, roles as the foci of intergroup relations. Gibban's wife perhaps stood in the position of the wife married into the patrilineage from outside, the bridge between her own and her husband's land group, welcoming strangers to Gibban's lands and opening the way for mutually beneficial relationships between the two groups. Migo's mother's interests were in maintaining the balance and status quo within the group, in acting as a force to prevent a disruption to relationships and rights established through marriage, by ensuring that the system of levirate operated so that she, and her son and daughters-in-law and the rest of the members of her family, suffered minimal disruption on the loss of one member; that the social universe remained intact and the group retained its inward-looking emphasis; and that its existing boundaries were preserved.⁶⁷

Endnotes.

1. It is extremely unlikely that the 'widow' Duredup (as Ellis describes her) was really a widow of two years' standing. Responsibility for a widow would have been assumed by her husband's brother, or by others standing in the correct marriage relationship to the woman, almost immediately after her husband's death. For example, see Grey's account of a man's claims to the two widows of his brother Mulligo as soon as Mulligo died and before the stipulated three days' mourning had passed (1841, II:316-29). Midgegooroo's older widow was taken care of by Monday immediately after Midgegooroo's death, whilst a dispute raged between Yellowgonga and Dommera over his younger wife Ganiup; it ended in Dommera's favour (*PG* 7 September 1833). Ellis was probably unaware of Aboriginal marriage customs and may have assumed incorrectly that Duredup had remained widowed and single. There is no conflict recorded between Perth and Murray Aborigines over this period, suggesting (although the records are far from complete) that her elopement met with tacit approval, and may even have been a correction of an anomaly or imbalance in relationships brought about by her former husband's death two years earlier and the consequent marriage and family realignments at that time.
2. This patrilineage endogamy is apparently at variance with the findings of Daisy Bates (1985:83, 85, 118) that cross-cousin marriage was prohibited, marriage with immediate cross-cousins was against the rule, and 'blood relationship is always a bar to marriage amongst all the native tribes of the West'. One explanation may be that as her information was gathered more than 80 years after European colonisation of Western Australia began, her few informants were looking to a European-inspired patrifocal model in discussing marriage with her. Moreover, they had all been exposed to immense changes during their own and their parents' and grandparents' lives, and may have been recalling an overgeneralised ideal picture.
3. One final point needs to be made concerning the role of these two senior women. In his descriptive vocabulary Moore describes briefly the system of formally bestowing senior status on certain older women, the *mony* ceremony. This ceremony acknowledged the political and social influence of these women and their roles both as peacemaker and as proponent of war and retaliation. A senior man officiated at the ceremony and the woman offered gifts to him and his wives in the form of implements of war and orna-

⁶⁷ See Endnotes 3 and 4.

ments. Following this, the woman was immune from retribution and the threat of wife capture, and she was even empowered to disarm potential combatants if she saw fit (1846:56; see also Bates 1985:145-6). This ceremony, then, was a recognition of the greater participation by older and experienced women in the political affairs of the group. Related to the tendency towards patrilineage endogamy, which actually reduced the number of grandparents an individual could have, it is not surprising that seniority in years was accompanied by seniority in status for, accumulated wisdom notwithstanding, the aged were a scarce resource.

4. Note by Isobel White, editor of Daisy Bates's *The native tribes of Western Australia*. National Library of Australia, Canberra, 1985.

Lois Tilbrook's research into the history of the Aborigines of the south-west of Western Australia has coincided with my own work on the Daisy Bates manuscript collection in the National Library of Australia. I therefore find most interesting the difference between the findings of the writers of the 1830s and 1840s and those of Daisy Bates, whose studies were 60 to 70 years later. Before discounting Bates's writing, we should take into account her method of fieldwork. For many years she camped with her Aboriginal friends and came to know them well. They were mostly old men and women in their sixties and seventies who had grown up before traditional customs had been seriously eroded.

One of Bates's discoveries was that descent of the marriage classes was patrilineal along the southern coast from Esperance to the Williams River and for some distance inland, whereas earlier investigators had assumed that the matrilineal descent found around Perth extended over the whole of the south-west. Bates describes in detail the two main divisions (moieties) of all the south-west people: Wordungmat (*wordung* — crow) and Manitchmat (*manitch* — white cockatoo), and their subdivisions, Ballaruk and Nagarnook (Wordungmat), Tondarup and Didarruk (Manitchmat). Bates lists (1985:76) some other names for these subdivisions (including Ngoogunyuk, which is presumably Tilbrook's Nogonyuk). Bates regards these as further divisions of the four subdivisions. In my notes to Chapter 2 of *The native tribes of Western Australia* I wrote that this would today be called a semi-moiety system (with direct descent), not a section system (with indirect descent) as Tilbrook suggests that I called it.

Bates found a firm rule against the marriage of real first cousins, though the preferred marriage was to a distant cross-cousin; parallel cousins were never allowed to marry (1985:80, 82-3). A number of the marriages in the genealogies reproduced by Tilbrook would be illicit according to the rules told to Bates nearly a hundred years later, because they would have been between persons closely related and would have broken the rule of moiety exogamy. It is possible that 70 years of European contact had caused the Aborigines to adopt much stricter rules against marriages of closely related individuals. Mrs Bates's old friends were either unaware of the change or perhaps ashamed to tell her about their ancestors' close marriages; or, as Tilbrook suggests, they were quoting ideal rules rather than actual practice.

I wrote in my introduction to *The native tribes of Western Australia* that Bates was ambivalent in her attitude to Aboriginal women (1985:21). While repeating the view commonly held at that time that they were downtrodden chattels of their menfolk, she often described their importance in economic, family and religious life. She stressed particularly the importance in decision-making of the older women. Unfortunately she did not follow up these findings.

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