

14. The Rebellion: 1912–1922

The Storm Clouds

The year 1910 had finished well for Grampa. There had been warm recognition – from Aboriginal and non-Aboriginal people – of his tireless contributions to education, healing and community service. And the tensions at Cummeragunga seemed to have lifted a little with the transfer of manager Harris soon after Grampa's complaint against him, the APB's investigation and final report in August 1910.

But the storm clouds were still gathering. It had been Protection Board policy changes – rather than Harris' personal decisions – which had led to so much heartache when the family farms were grabbed in 1908. So even though Mr Harris and his family had left, the Protection Board did not let up in its goal of breaking up the community.¹

When the APB began trying to take land away in 1907, and children away in 1912, they trialled these things at the biggest and most independent of the stations, at that time – Cummeragunga.

Cumma was the first reserve in the state to have family farms taken away, but by the 1910s other missions and reserves, like Warangesda and the farms on the North Coast, were also facing land grabs of the same sort. Aboriginal parents at Cummeragunga had refused to agree to voluntary removal and indenture of their children and so were alarmed by press reports in May 1912 that the Board was seeking powers of summary removal. Their anger and distress was apparent to a State Children's Relief Department Inspector, J.T. Jenkins, who visited Cummeragunga two weeks after the newspaper coverage of the Board's planned new powers. He reported to the APB on 28 May 1912 that:

It was impossible to see all the children. A 'mulga wire' had preceded me and on my arrival the camp was in a state of consternation. An impression was abroad that children were to be taken from their parents – 'babies from their mothers' breasts' so it was said; some of the old hands were in tears and the women were lowering and sullen. Most of the boys ran off into the bush and were not seen by me during the day.

Yet when Board member Thomas Garvin visited the station in June, he recommended (in his report to the APB on 9 June 1912) the removal of 52 children

1 This chapter draws on Heather Goodall, 1996, *Invasion to Embassy*, Chapter 11 'Dispossessions', pp. 149–177.

he classed as 'quadroon' and 'octroon'. On Garvin's list were the children of some of the earliest block-holders, a likely tactic of authorities to hone in on families who were block holders, as a way of disempowering them. In this report, Garvin suggests that he had expected that there would be difficulties because most of these children were:

'living with their parents, who are apparently looking after them', yet he felt it 'a pity to have children who are almost white brought up on a 'Blacks' reserve. Far better that they should be taken away from it and gradually merged into the general population'.

He warned that more legislative power was needed: 'as there will be great heart-burning and opposition to the separation of children from their parents, who will not give them up unless compelled by law to do so'. The Board began removing children in 1912 and each year they took more and more. Cummeragunga people remember children running into the bush and mothers swimming the Murray River clutching their children and they remember the physical confrontations with the Board's officers as they tried to leave with the children they had managed to grab. This practice left mothers and fathers broken hearted, suffering over the loss of their children, and powerless to do anything about it. Today everyone knows someone that was taken back then. We can never forget.

The Rebellion and Punishment

Our people's distress, fear and anger over the taking of children added to the troubles which had continued since the farm blocks were taken away. The Board's records show that there was an increasing level of open conflict at Cummeragunga, which was very different from other managed stations over the period.

Various APB reports and letters between 1911 and 1914 highlight great unrest on Cummera. After the land was taken, the police were called in to 'keep the unruly elements within bounds'; there were expulsions of 'a number of undesirables' for 'misconduct'; and there continued to be prosecutions for breaches of the peace such as 'abusive language' and 'disorderly conduct'. But our people's resistance to Board control did not end there, and at least one person from the station – Leonard Kerr – took legal action in 1914 to appeal against an expulsion order and won the case!

The list of convictions gives an important indication of the tactics being used by our mob. Many of them were for trespass, an offence against the NSW Aborigines Protection Act 1909 which carried a heavy fine or a month in gaol. As mentioned earlier, the offence of 'trespass' was about being ON a Reserve for the Use of Aborigines.

These trespass cases were happening because our people were standing up against the Board's authority by refusing to obey expulsion orders. The fact that these charges were laid at all indicates the struggle that the Board was having to enforce its control over the station. The anger about losing the land was obviously an extremely important element, with a number of the men convicted of trespass being original blockholders, like Bagot Morgan, a man who had worked hard for Daniel Matthews in bringing the people in to Maloga Mission, and who, over the years, had committed his life to supporting families and building homes at Maloga, Cummeragunga, and on other reserves in New South Wales. My wife Brenda often told me stories about her Grandfather Bagot being a man who helped young couples get started by building homes for them. And now, how anguished he must have felt in the midst of the heartbreak, turmoil, and destruction of families by the removal of their children.

The options open to Aboriginal people in the surrounding area were also important. With so much farming all around, there were few places for Aboriginal people to go if they were forced off the mission. The only other station to have such a high proportion of trespass charges was the place of my mother's birth Brungle Mission, which was also located in an intensive agricultural area which offered few alternative places for Aboriginal people to live. For Aboriginal people at Warangesda and at Brewarrina, there were enough pastoral properties in the area to offer at least a temporary camp away from the reach of the Board. But the big disadvantage of the camps was that there was no schooling, which made them less useful for parents of young children. With the new policies of removing children, schooling – and particularly high quality schooling like Grampa had established at Cummeragunga – was one of the few ways to protect children, at least for a while. Everywhere, Aboriginal people were finding that to defy the Board in open confrontation increased the risks that their children would be noticed and taken away.

For our people on Cummeragunga there were no options, and so they were forced into the most confrontational forms of resistance. The Board was forced in response to strengthen its powers to prosecute for trespass and in 1915 to create the new offence of 'harbouring any expelled Aborigine'.² Violent disturbances continued on Cummera, however, into 1917 with the manager, who was armed with a revolver, reporting: 'the unsettled state of some Aborigines, and breaches of discipline, requiring numerous expulsion orders and this is well documented in APB Minutes from May to August 1917'.

The latest manager resigned after failing to restore order although he had called for and received police assistance from Moama. The new manager, however, was confronted with the same situation and dealt with it in a similar way: by firing on residents, by disciplinary expulsions for 'assaulting the manager', 'general

2 APB Out Letters, 14/6/1915, New regulations 28(A) and (B).

bad behaviour', 'insolence' and 'defiance of the Board's authority' and by police prosecutions. The continuing unrest, as well as police concern about the manager's use of his gun, forced the Board to dismiss this manager in late 1918.

By 1919 the population of Cummera had declined significantly due to expulsions and removals of children by the Board and by the response of our people in taking their children away from the station. This process however had been even harder for the Board than at Warangesda, because our mob at Cummeragunga were more desperate in the defence of their right to live without harassment on the station. Even with the great reduction in population, the residents that remained on Cummera were by no means subdued.³

In May 1919, in response to further conflict and the flight of more families across the river to escape removals of their children, the Board decided that to quell the unrest it must make some concessions to Aboriginal people. Its minutes show a decision to try more actively to gain the consent of parents, and to allow them funds to visit their children once a year, although it is not clear that any Aboriginal parents were told of this policy. Further concessions were made in June 1919. The community was promised renovations to all the huts and allocations of larger plots around each hut so that vegetables could be grown, but the major concession was that for the first time the Board decided to allow girls taken away to service to return to their families 'for a time' after completion of their 'apprenticeship'.

Yet while the Board made some concessions at Cummera in 1919, they were only a change of tactics: the dispersal program was to be slowed down but not abandoned. The intention was that 'all except full-bloods and half-castes were to be removed from the station', but that this was now to be done 'quietly'. In addition, the Board decided that wages should be paid only to 'full-bloods and half-castes', which meant that those men who had worked farm blocks but whose skin colour led them to be classified as 'quadroon' or 'octroon' were now no longer even to have the opportunity of earning wages for working on what they believed to be their own land.

The Trouble Maker Principle

In the midst of all the mayhem was Grampa, still trying to do his work, maintain some stability, advocate on behalf of our people, and provide guidance and support as much as possible. However, at the same time, and on the old assumption that all this disruption must be the work of individual 'trouble makers' rather than arising from deep and widespread distress, the Board shifted their focus to Grampa. The Board tried to transfer Grampa; they blamed

3 Population figures from APB Reports for Cummeragunga: 1908: 394; 1909: 286; 1912: 243; 1915: 230.

him for the conflict, and claimed that his presence: ‘would continue the friction and strife which had been prevalent’. APB minutes of 1919 contain lengthy entries about all their decisions at this time.

More disturbances led to the sacking of yet another manager in January 1921 and to another inspection by a member of the Board, this time B.J. Doe, MLA. Again, there were some concessions designed to reduce the level of tension. The Board suspended some of its expulsion orders and withdrew its objection to Grampa as teacher – temporarily.

But just like what was happening at other missions such as Brewarrina where resistance to Board policies was occurring, the chaos caused by the Board’s actions had disrupted attempts to work the land for the Board’s profit. So, despite the heavy capital investment which the Board had made in machinery, Doe’s report recommended the complete abandonment of farming on Cummera. The Board agreed and proceeded to sell off the stock and machinery. It then leased the major portion of the 2800-acre reserve to whites and allowed a local white sawmiller the rights to timber from the remaining wooded areas.

This was the last step! Prior to that, Aboriginal men had been employed working the blocks for the profit of the Board – which meant they had still had access to the land they had previously considered their own. But in 1921, the community was actually fenced off and the land was rented out to the local whites, and Cummera people were not allowed to go onto the land at all.

According to APB minutes of 12 January 1921 the Cummera community were ‘herded’ onto a 14-acre corner of the reserve, and were forced to watch the land they had cleared and farmed now being used for the profit of whites.

It’s not surprising that this decision led to further conflict and more disciplinary expulsions. By December 1921, although the population had been significantly reduced in size (to 51.8 per cent of its 1908 total of 394), the rebellion had not ended. The Board decided to act in two ways. Those people it called ‘undesirables’ were to continue to be ‘weeded out’, but as the level of discontent was so high, the Board reconfirmed its 1919 decision to carry out this process only ‘gradually’.

But that didn’t last long. In a final attempt to restore order on the station, the Board decided to act aggressively and remove the veil of civilian government. Board minutes from December 1921 to March 1922 clearly show that for three months, a police station was established at Cummeragunga and the Aboriginal community there were ruled by a resident police officer. This show of force had an effect; the remaining residents were subdued, temporarily. Over the next ten years, the degree of conflict was notably reduced and no shootings or violent disputes between the manager and the residents were reported.

But the resistance was not over, it just took less confrontational forms. More and more families escaped with their children and in 1927 the Board was so concerned that it sought legal advice on how it could regain control over children taken across the Murray into Victoria by their parents. These Aboriginal tactics appear to have been very successful: the Board's *Records of Wards* show that no children were taken from Cummeragunga between 1922–28 when the records cease. Whether that means anything I don't know.

Forced Retirement

At the end of his teaching career Grampa was not seen in great favour by the APB nor the Department of Education, nor was his son Shadrach who was overtly politically active; no doubt father and son rattled the conservative elements within the Department of Education who did not want their teachers assisting students to agitate for reform.

APB Minutes between January and August 1921 clearly show that despite all Grampa's efforts to keep the peace and to remain at Cummera, the Board again acted against him. Calling him a 'troublemaker', the Board moved to end Grampa's employment on the grounds that it was 'not in the best interests of the Aborigines for him to stay'. But Grampa wouldn't go easily – it took the Board approximately two years to successfully move Grampa out, forcing him to resign in December 1922 – although the Board feared that Aboriginal people at Cummera would take their children away from the school in protest.

Eventually his desire for 'over educating' members of the Aboriginal community and an active commitment to the community itself brought about Grampa's demise and subsequent forced retirement/dismissal by the department in 1922.

However, this slight on his professional career is meaningless when one considers the impact he had on his students and the Maloga and Cummeragunga communities as a whole. Not to mention the broader community who we have seen also loved, respected and valued him.

The Bush Lawyer

Once Grampa and Granny Ada moved to Barmah, problems started for some of their children who remained on Cummera. Uncle Shady was declared by local authorities such as the police to be Indian NOT Aboriginal, and therefore he was not permitted to stay on Cummera nor speak for Aboriginal people.

Uncle Shady had been getting more vocal, along with other students of Grampa's, about the rights of Aboriginal people not only in New South Wales but in other

states, so he was considered too dangerous to be allowed to stay on Cummera. In fact, Uncle Shady's nickname in those days was 'Bush Lawyer', because he knew the law well and represented himself on a couple of occasions and won.

When the Protection Board issued an expulsion order against Uncle Shady he continued the Cummeragunga tradition and refused to comply with the order; instead he sought legal advice. The Board was forced in turn to ask the Crown Solicitor's advice and had to rewrite the expulsion order within the NSW Aborigines Protection Act 1909, in different terms in an effort to beat Uncle Shady and to protect itself from court proceedings. The political nature of the expulsion is clear from the Board's insistence throughout that: 'The presence of [Shadrach] James on the Station is a menace to the good government thereof.' Uncle Shady however still refused to leave the station and according to APB minutes the Board prosecuted him for trespass. He was eventually expelled from Cummeragunga and at some stage soon after, decided to leave the area to study Law in Melbourne.

In Retirement

Over the years I had been told by a number of our Elders, including Nanny Priscilla Mackray and Kenny Briggs, that the NSW Education Department in fact purchased a home for Grampa just over the Murray River at Barmah, to ensure that he did in fact leave Cummeragunga; and I guess, as a backhanded thank you for his 41 years contribution to Cummeragunga Mission. Grampa lived in that home for a short time and went on to purchase a block of land for each of his surviving children, alongside the home he now shared with Granny Ada – so most if not all of their children followed them to Barmah where they all lived side-by-side.

The Row of Houses

Valda Doody (nee McGee) tells us today that after the Cummeragunga walk-off, she was aged about ten years old and living at Barmah with her family. Each Sunday they would head to Sunday school with the missionaries, a couple of women who ran services at Barmah. On their way there, they would walk past a row of houses which she always knew to be the James' houses. She remembers that Grampa and Granny Ada were in one house, and many of their adult children in the other houses including Nanny Pris and her children.

Grampa's Land

One day between 1938 and 1940, when Dad had finished some work up at the Moira Lakes near Barmah, we headed into the township of Barmah and camped

on the empty block of land beside the Barmah shop, just as we had many times before. But this time, I told Dad, 'We can't camp here!' Dad replied: 'Yes we can, this is Grampa's land'. He went on to explain that Grampa owned this block of land. It seems that Grampa had bought quite a bit of land around Barmah township, but sadly today we are told that the rates on those blocks are so high that no one could ever afford to pay them and take possession.

A Great Old Fella

When staying at Barmah from time to time during his retirement, Grampa loved to go fishing. Alf Turner (William Cooper's grandson) remembers his Uncle Thomas James:

He was a great old fella – a real gentleman. Always properly dressed and spoken. He was loved by everyone over there. He reared most of those kids and people himself.

He always had to walk past our place, when he was coming and going fishing. I remember he used to do a lot of fishing because he was retired then. And he would always pull up and have a yarn with Mum when he was going past. I was always at their place too playing around and what not.

Everybody had a horse and cart. Uncle Thomas and Aunty Ada had a grey horse named 'Withamurra'. I never knew what that meant. We used to drive across here to Mooroopna in horse and cart, and pitch a tent down the Flat, in the fruit season. We first came to the flat in 1935.

Don't Teach Them Too Much

In the period following Grampa's retirement the NSW Department of Education's approach to the education of Aboriginal children at Cummeragunga changed significantly from the days when they celebrated Grampa's high standard of education and level of success in his teaching of Aboriginal children in his school.

Valda Doody (nee McGee) was attending Cummeragunga School after Grampa's retirement, and remembers clearly what an inquisitive child she was. So much so that whenever men in suits arrived at the school, she would meander around listening in on their conversations. She vividly recalls one occasion when those men in suits firmly ordered the school teachers: 'Don't teach them too much. We don't want them to be too clever'.

Barwick refers to the education and influence of Grampa James on Cummeragunga in an article 'Aunty Ellen – The Pastor's Wife' in the book *Fighters and Singers*:

The Lives of Some Australian Aboriginal Women. She makes specific reference to statements made by J.G. Danvers during his time as mission manager from 1934: 'Danvers praised the sophistication and ambition of the Cumeragunga folk, attributing this to their superior education under Thomas James.' It is interesting to see that a mission manager made such direct reference to Grampa's influence at least twelve years after Grampa's forced retirement.

The Exodus

In 1939 our people had finally had enough and walked off Cumeragunga settling across the Murray River at Barmah for some time. In a letter to the Australian Native's Association on 4 July 1939, A.G. Pettit, Chief Inspector, reported that:

regarding conditions of the Aboriginal station at Cumeragunga I am directed to inform you that the statement that over 200 of the residents have crossed the river it is not in accordance with the facts. The position of this station was that several months ago, a visit was paid by agitators who disseminated among the residents false statements to the effect that on a certain date [6 February 1939] it was the Government's intention to declare the station a "closed compound on Queensland lines, and to take the children from them". Allegations were also made that the people were starving and being victimized and intimidated ... Only one hundred people left the station to camp on the Victorian side of the river ... Consequently the majority of the absentees have since returned to the station.

Pettit's reporting was false and misleading in an effort to cover up what had occurred. He was probably hoping that the community members would return to Cumeragunga before he was 'found out'. Eventually some of those now living at Barmah moved to Melbourne where they joined the nucleus of political activity which had begun in Melbourne during the early 1920's with Grampa, Uncle Shady -- joined by others from around Victoria. Some moved to Shepparton where they settled on 'The Flat' between Shepparton and Mooroopna and found seasonal work fruit and veggie picking and in the fruit canneries. Others moved to Echuca so they could be closer to essential services⁴ such as the doctor and hospital. Some moved to Deniliquin and further afield, most likely to the areas where their families may have stemmed from before being moved to Maloga or Cumeragunga. Some chose to stay at Barmah. And a very small number returned to Cumeragunga as the only place they had ever known as their home.

4 Melva Johnson personal interview 2013.

The Cummeragunja Walk-Off, 1939

In February 1939, 150 Aboriginal people at Cummeragunja packed their bags and walked off the Station, crossing the Murray River and setting up a strike camp on the river bank at Barmah. They vowed not to return to Cummeragunja until the Manager was sacked and they had received justice after years of oppression.

They had been struggling for decades to get back the farming lands which the Protection Board had taken away from them in 1908. The Depression had led to severe overcrowding on all Government stations, including Cummeragunja, and to a worsening of conditions there. A sympathetic manager, J.G. Danvers, had been at Cummeragunja in the worst years of the Depression, but even he had not been able to find the funds to meet demands by Aboriginal people to allow them to begin farming the blocks again. Then a harsh new Protection Board manager, A.J. McQuiggan, had arrived, having just been forced by the police to leave Kinchela Boys home because of cruelty to the young boys there. The Protection Board just moved him from one place to another. Once at Cummeragunja, he treated the Aboriginal community with contempt and disparaged their attempts to repair the water supply to the homes and farms and to begin farming again. He threatened and humiliated and oppressed the people till they had had enough. This was when the Walk-Off took place.

The strike camp continued for nine months, through the cold and mud of a bad winter. In the end, manager McQuiggan was transferred so the community felt it had won at least some of its demands. But many refused to go back. Some went to Melbourne, but others wanted to stay on the river. So they moved to Shepparton and camped along the Goulburn River on 'The Flat'. Even though camps like this suffered from the danger of flooding and there were no facilities extended from the townships, our people preferred to live in places where they would be free of the hated NSW Protection Board control.

This protest showed the strength and organisational skills of Aboriginal people and their supporters. Many Aboriginal people from other rural communities in NSW and Victoria and from Melbourne and Sydney rallied behind the Walk-off, collecting food and provisions and transporting them up to the Murray River to the protestors. People like Margaret Tucker and Jack Patten were able to gain good press coverage and this meant that Protection Board officials were embarrassed when the media began carrying stories about the conditions Aboriginal people were living under. The Cummeragunja Walk-off had a major effect in bringing changes to the Aborigines Act of New South Wales.

For further information on the Walk-off, see Heather Goodall, *Invasion to Embassy*, Chapter 20, 'The Cummeragunja Strike'.

City Life

When Grampa and Granny Ada moved to Melbourne it was to provide more support to Uncle Shady while he was studying law at university. I can't tell you exactly when they moved but, as mentioned in Chapter 2, Nanny Pris moved to Melbourne to live with them when Grandfather George died in November 1923.

Nanny Pris told me that while in Fitzroy, Grampa still had his followers as he did at Cummera and Barmah. Various people were coming to his home, seeking counsel, discussing politics, getting his assistance and advice regarding political approaches and letter writing, almost like another Scholars Hut. It was also reported in the Melbourne *Sun* and *Herald* during the period April to June 1929 that Grampa was leading a group of politically minded, mission-educated Aborigines who were hoping to meet with the Prime Minister to discuss their needs including better 'opportunities to obtain land', and the 'removal of restrictions to Aboriginal employment in government departments'.

Grampa was nearing the age of 74 in 1933 when his brother-in-law Uncle William Cooper arrived in Melbourne. As Andrew Markus states in his book *Blood from a Stone: William Cooper and the Australian Aborigines League*, Uncle William continued on the fight for better conditions for our people, becoming the 'leading figure'. Uncle William took the lead and 'his philosophy and objectives closely paralleled those of Thomas and Shadrach James'. Eventually Grampa faded into the background and moved to Mooroopna with Granny Ada to settle in his final years.

In fact it is noted in the book *William Cooper – Gentle Warrior* by Barbara Miller that some of the:

Early formative influences on William were: the mission schooling which provided him with the skills to become a prolific letter writer; his Christian faith; Matthews' championing of Aboriginal rights; William's time working for a politician; and the influence of Thomas James and his son Shadrach James.

It is noted in both texts that Grampa and Uncle Shady influenced Uncle William in his activism. I have no doubt that this is true. But I am also certain that they influenced and supported each other from that point forward working side by side to fight for the improvement of conditions for our people nationally. Clearly these three men were a formidable force, along with some of Grampa's former students including Pastor Doug Nicholls, Bill Onus, Jack and George Patten, and Margaret Tucker, and others such as Bill Ferguson.

Aside from stoking the fire that was Aboriginal politics, Grampa continued his work as a herbalist and masseur in his home in Melbourne, and it is during this time he also published a book on Aboriginal culture called *Heritage in Stone*. Sadly, to date, no one has been able to locate a copy of this book.

Unfortunately, Uncle Shady became unwell while studying law in Melbourne and had to withdraw from his course; he eventually moved with his family to Mooroopna in the Goulburn Valley to obtain employment in the fruit-picking and canning industry. He took a position at the Ardmona Fruit Products Co-operative Co Ltd. Because of his education and capacity for public speaking, he was elected secretary of the local branch of the Food Preservers' Union and vice-president of the Goulburn district council. To the local Aboriginal people he became spokesman, lobbyist, legal adviser, representative, organiser of functions and letter writer.

Uncle Shady continued to stir the pot, writing numerous letters to federal politicians as honorary secretary (1928–55) of the Aboriginal Progressive Association of Victoria. He persisted with his appeals, with letters constantly sent from his home at Alexander Street, Mooroopna, seeking justice for Aboriginal people around the nation. On the departmental copy of one response sent to him, a staff member had scribbled: 'S. L. James is not an Aboriginal ... His father is an Indian and his mother is a half-caste Aboriginal' – as if this gave them the right to decline his requests!

Uncle Shady died of myocardial infarction on 7 August 1956 and was buried in Mooroopna cemetery.