

Australian Aboriginal law

Aboriginal law had existed in Australia for more than 60,000 years when the British arrived. This law was passed down from generation to generation under the guidance of the elders. It dealt with the land, which is sacred in Australian Aboriginal belief, and the people's relationships with each other.

Although Aboriginal people did not mine or farm the land, they took their shelter, food and clothing from the land. This meant that they needed to move around within a large district so that the plants and animals which they needed had time to regrow and multiply before they came back to that same place. Their beliefs and their stories were full of messages about how the land had to be respected and about how it was part of them, not something separate from them. Because of this way of life and these beliefs, no individual 'owned' land.

British law and the land

In British law the land is not sacred. Instead, British law says that land is something which is owned by people and many people believe that it should be used to produce as much as possible.

The British believed that you could show that you owned the land by the fact that you farmed it. Because Aboriginal people did not have farms as the British did, the British thought that the land wasn't really being used. They said that no one really owned the land in Australia; that it was just as if it was uninhabited.

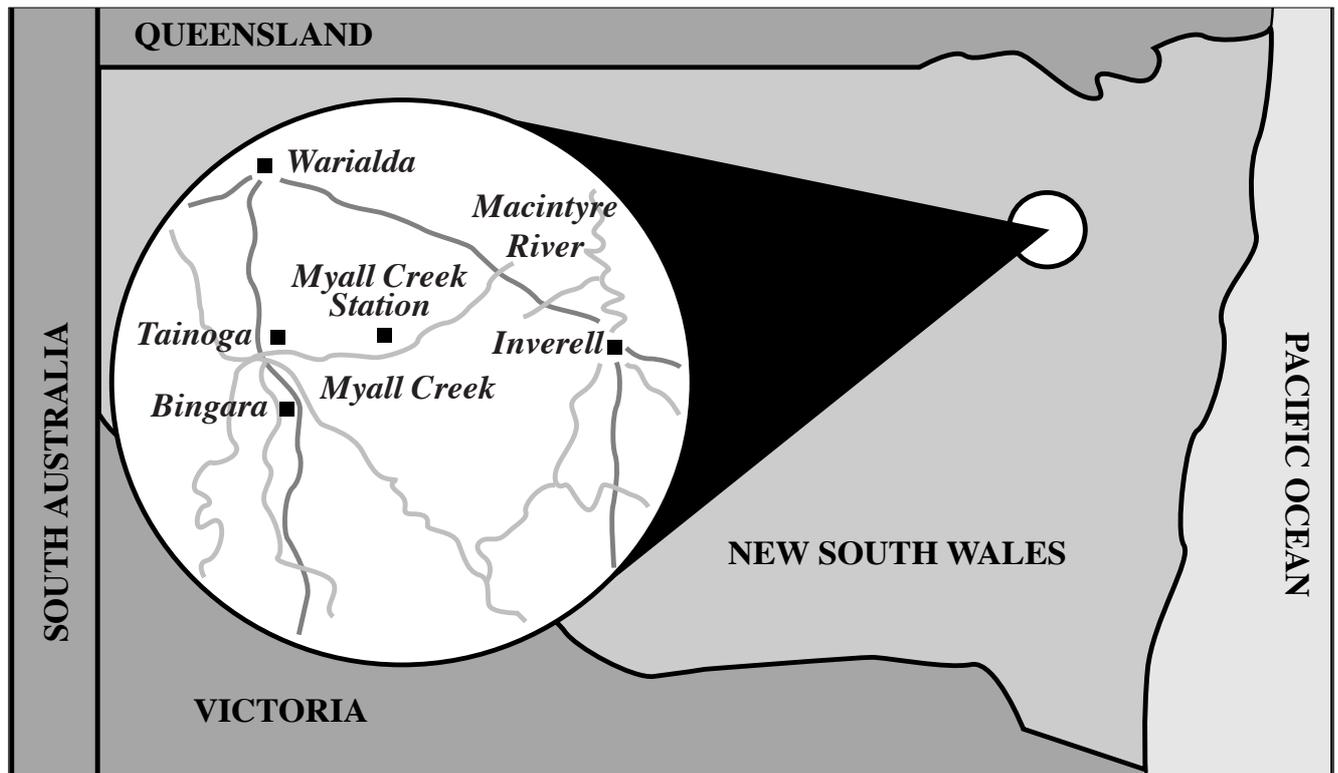
From the point of view of the settlers, land was needed for farms. They believed that people could own land, livestock and property, that trespassing is against the law and that taking an animal owned by someone else is stealing.

These were two completely different ways of seeing the world.

As the colonists began to develop the land conflicts soon arose between the original inhabitants and the new settlers. Many colonists took the law into their own hands. Myall Creek is one of the massacres that took place in colonial times.

The Myall Creek massacre 1838

In 1838 a vicious attack on some Aboriginal people happened at Myall Creek, north of Sydney. Some settlers, outraged at an attack on their cattle, wanted revenge.



Location of Myall Creek, New South Wales.

On Sunday 10 June 1838, over 30 Aboriginal men, women and children were surrounded by a group of stockmen, tied up and then almost all of them were murdered.

Governor Gipps had been ordered by the British Government to protect all people. Despite an outcry from many of the settlers and the press, he ordered that the settlers who had murdered the Aborigines at Myall Creek should be found and brought to justice.

There were two trials following the massacre.