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[Australian Marriage Laws]

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THE PRESIDENT made the following remarks before reading extracts from a letter on the subject of Australian Marriage Laws :—

This communication, addressed to me by the Rev. Lorimer Fison, and dated Levuka, Fiji, August 17th, 1879, is of interest to Anthropologists as tending to clear up a problem which has somewhat perplexed them since the publication of Mr. L. H. Morgan's important work, "Ancient Society." At p. 54, on the strength of observations by Mr. Lance communicated by Mr. Fison, Mr. Morgan brings forward the Australians as presenting in their social system a remarkable approach to promiscuity. The class marriage system of Australia, under which a man of a particular class may only take a wife of a particular class, has long been well known; indeed, one variety of it is described by Mr. Forrest, the explorer, in his letter, from which extracts will follow this. Thus among the Kamilaroi, it is well understood that a man of the class Kubbi can only marry a woman of the class Ippata. But Mr. Morgan considered it to be part of the system that every Kubbi is husband to every Ippata, having a recognised right to treat as his wife any woman belonging to this class whom he might meet, and so with the other classes, there being four male and four female classes. In his words "one quarter of all the males are united in marriage with one quarter of all the females of the Kamilaroi tribes." As, however, it seemed to me that such a social system would scarcely hold together, and that probably the information on which it was asserted might prove to bear a less extreme interpretation, I took an opportunity of inquiring by letter of Mr. Fison, as to the latest information on the subject. It will appear from his reply that the native marriage system, though lax, is in fact confined within manageable limits. Mr. Fison's letter, which contains also interesting information on collateral points, runs as follows :—

"With reference to the point mentioned in your letter as to 'marriage between whole male and female classes,' I may say that the information given to me by Mr. Lance has been confirmed by not a few other competent observers. Mr. Morgan, however, seems in his 'Ancient Society,' to treat that fact as showing actual present-day marriage of that kind, whereas present usage in Australia as elsewhere is considerably in advance of ancient rule. But this fact remains. We have

traced the classes from the extreme west (N.W. Cape) to the extreme south (Mount Gambier) through New South Wales and Queensland up to Port Darwin in the north, and turning aside to a Telegraph Station almost in the centre of the continent. Nearly everywhere among those tribes\* the classes have the same arrangements, though the words used to designate them are widely different, and *a man of any class is admitted to the marital privileges of his class in any tribe other than his own*, that is, if the other tribe be one of those which have a like organisation. Thus, say that A and B are two intermarrying classes. Then, if a Kamilaroi native from the Darling River, belonging to class A, visited a tribe at Port Darwin, he would be provided with a woman from class B in that tribe, as his temporary wife. In the gesture language of the aborigines there is 'a peculiar folding of the hands,' which denotes a request for, or an offer of, this right, as the case may be. This I give on Howitt's own authority. You are doubtless aware that he is a well known Australian explorer, and has seen much of the wild tribes.

"The classes being thus spread over the continent, and the marital rights of A being acknowledged and granted without respect to locality, it seems probable that the various tribes are the result of the expansion of one tribe whose old regulations they have kept up. It seems to me that among savages of the Australian type we have to keep fast hold of the fact that there is no such thing as personal individuality, if I may so speak. The class is the individual. It is married to another class. Its child is the whole class resulting from that marriage, and is the successor of its mother's, not its father's, class. That seems to me the fundamental idea. But usage gradually departs from the old rule, and when we get to descent in the male line the progress is very rapid. This is saying very much in a very few words, and taking many things for granted. I cannot write at length now, because being away from home, I have not access to my notes. . . .

"I may, however, note the following facts bearing upon the point mentioned by you. 1. The right of a class irrespective of tribal locality. 2. The fact that what appeared to Eyre to be promiscuous intercourse is strictly regulated by the class rules. 3. A warrior taking a woman in war, or stealing a woman from another tribe, cannot have her to wife if she be of a class prohibited to him. 4. In the Kuruai tribe (which is an extremely interesting exception to the ordinary class-tribe, to use a short term) marriage, as a general rule, cannot be effected

\* We have found other tribes not having the Kamilaroi class arrangement. Of these more by-and-by.

otherwise than by elopement. But the man must give previous notice to those males who are his *pares* (I do not know how otherwise to designate them without going into a long explanation) and they must meet the woman in the bush and use her as their wife, before he can elope with her.

"I may also add that the *privilege of Ipai*, noted by you in your work on 'Early Institutions,' does not *upset the entire arrangement*, as it appeared to you to do. This, if I remember rightly, is your view of it. It simply permits the marriage of Ipai with some, though not with all, of his paternal half-sisters. I think it is only a local infringement of the class-rule. It never sanctions marriage with the uterine half-sister. When Mr. Lance brought it under my notice, I pointed out its importance to my friend Mr. Ridley, as showing the probability of subdivisions of the classes distinguished by totems. Mr. Ridley was soon afterwards commissioned by the Government at the instance of Professor Max Müller to make certain philological inquiries among the tribes with which he was acquainted. I went to his house, and drew up a memorandum on the subject for him to take with him, suggesting what the probable marriage arrangements would be found to be. He made the inquiry, and found that not Ipai only, but all the other classes of males also in that tribe, or those tribes, had the same privileges, and that the regulations were based on totemic subdivisions."

The following extracts, also relating to Australian marriage laws, were read from a letter addressed to Sir Charles Nicholson, Bart., by Mr. John Forrest, Acting Surveyor-General of West Australia:—

"Perth, West Australia, September 7th, 1879. . . . I take the opportunity of forwarding a few notes, taken down by me last year when on the north-west coast, near Nichol Bay. The facts I am about to give can be thoroughly relied on and are well understood in the country by all the natives. They are as follows:—

"There are four families, viz., 'Boorunggnoo,' 'Banigher,' 'Kimera' and 'Paljarie.' The two former may intermarry, as also the two latter, but no other alliance is allowable.

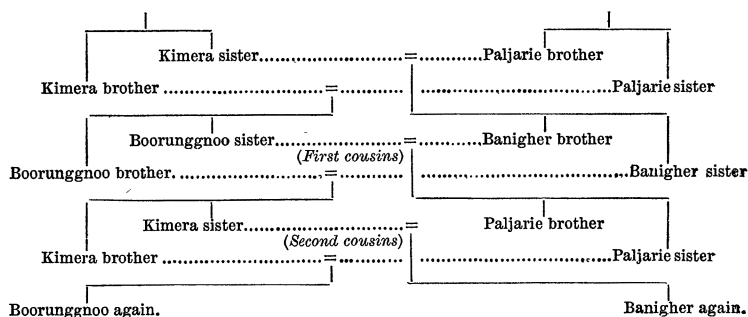
|                        | Offspring.     |
|------------------------|----------------|
| Boorunggnoo (male) ..  | } Kimera.      |
| Banigher (female) ..   |                |
| Banigher (male) ..     | } Paljarie.    |
| Boorunggnoo (female).. |                |
| Kimera (male) ..       | } Boorunggnoo. |
| Paljarie (female) ..   |                |
| Paljarie (male) ..     | } Banigher.    |
| Kimera (female) ..     |                |

"But as among the natives the Kimera and Paljarie are said to be the parent stock, I have supposed it to have been as follows :—

"In the beginning there were four persons, viz., a brother and sister of the Kimera family, and a brother and sister of the Paljarie family. They intermarried, the Kimera man taking the sister of the Paljarie man, and giving his sister to the Paljarie man. We will suppose that these two marriages produced each a boy and a girl.

"The Kimera man and Paljarie woman would produce Boorunggnoo,' and the Paljarie man and Kimera woman would produce 'Banigher.' These would be first cousins, and on their marrying, their offspring would be second cousins, and so on, so that the longer the period elapsing from their commencement, the more distant would be the relationship.

"I have not studied the subject much farther, but will also attach a diagram, showing what I mean, and I should be very willing to give any further information on the subject that might be required.



"I shall be glad if you will use this information in any way you please, and I hope it may interest some of your friends. If it is only examined casually, it will be at once noted how singular and fixed is the law, and it would seem as if it had a wise object, and that it is not mere chance. To see such well defined rules amongst a barbarous and illiterate people is to me a great subject for reflection."

The following paper was read—