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*Brisbane:
The Aboriginal
presence 1824-1860*

Edited by Rod Fisher



*Brisbane History Group
Papers No. 11
1992*

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First published 1992

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National Library of Australia

Cataloguing-in-Publication data:

Brisbane: The Aboriginal presence 1824-1860

Bibliography

Includes Index

ISBN 0 9587826 9 5

[1]. Aborigines, Australia – Queensland – Brisbane – History. [2]. Aborigines, Australian – Queensland – Brisbane – Treatment. 3. Racism – Queensland – Brisbane – History. 4. Brisbane (Qld) – Race relations. 5. Brisbane (Qld) – History – 1824–1900. I Fisher, Rod. II Brisbane History Group. (Series: Papers (Brisbane History group); no. 11).

305.8991509431

Edited by Rod Fisher

Designed and produced by ÆBIS Publishing, Brisbane

Printed by Moore Print, Brisbane

Published by Brisbane History Group Incorporated

PO Box 12 Kelvin Grove

Q 4059 Australia

UG 93 - 08784

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Preface

The Brisbane History Group published several seminar papers on the Aboriginal presence in the Brisbane region before Australia celebrated its Bicentenary in 1988. Since then the historical interest in race relations has intensified, especially regarding frontier society.

For this reason the BHG conducted a further seminar on contact history during the pre-separation period (Saturday morning 26 October 1991). To the four papers given on that occasion have been added two on the same theme which were delivered at the previous seminar in 1985 and published in BHG papers no.5 on *Brisbane: Aboriginal, alien, ethnic* (now out of print).

The Aboriginal papers which remain in that volume for further reading are:

'Mi-an-jin: A re-creation of Aboriginal lifeways', by Peter Lauer

'A short prehistory of the Moreton Region', by J. Hall

'The earliest photographs of Queensland Aborigines? Amalie Dietrich's collection for Museum Godeffroy 1863-72', by Ray Sumner

This new volume of papers hardly offers a full coverage of race relations in the region, let alone Aboriginal history. While providing overviews of the convict and early settlement period, it considers selected incidents and issues which offer insights into relations between Aborigines and Europeans.

It is the first volume of papers to be published in a new format by the Brisbane History Group. Illustrations were provided by various sources, especially the John Oxley and Mitchell Libraries. Shirley McCorkindale assisted with the index and Barry Shaw with the cover design. The Aboriginal design on chapter openings is used-by permission of John Graham. We are indebted particularly to the authors, repositories, editor, printer and producer for this contribution to the history of race relations in Australia and of Brisbane's past.

Contributors

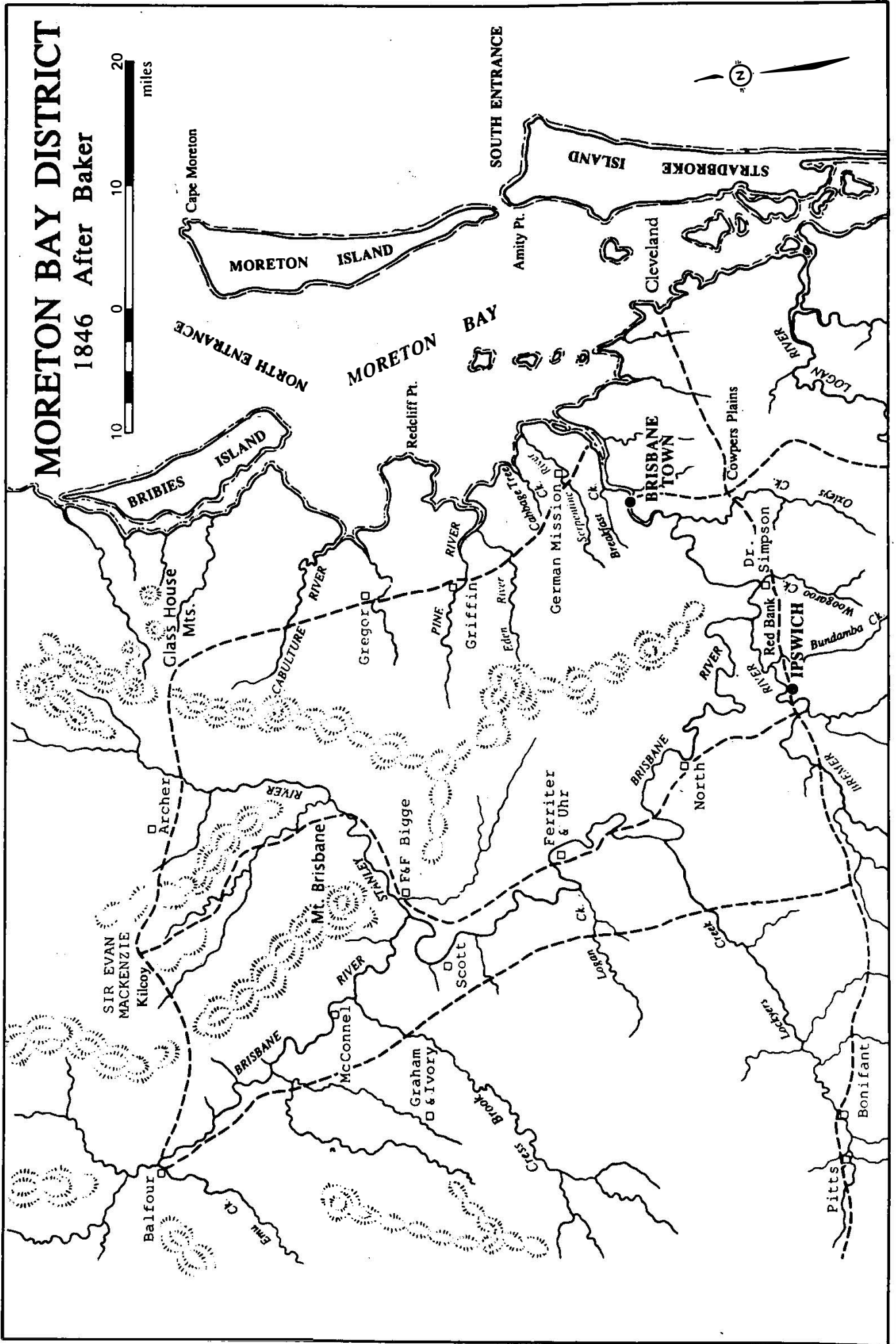
Libby Connors, a lecturer in history at the University of Southern Queensland, has completed a doctoral dissertation on law and punishment in early Brisbane and published on the impact of world wars in Queensland.

Denis Cryle, a lecturer in history and media studies at the University of Central Queensland, has published on the colonial press in Queensland, the Petrie family and his own university.

Raymond Evans, a reader in history at the University of Queensland, has published widely on war and society, race relations and social conflict in Queensland.

Rod Fisher, a senior lecturer in history at the University of Queensland and publication coordinator for the Brisbane History Group, teaches English and applied history and publishes on Brisbane's past.

John Mackenzie-Smith, a school guidance officer and Master of Arts graduate of the University of Queensland, has published on Sir Evan Mackenzie of Kilcoy and other early settlement history.



▲ Illustration 1: Map of Moreton Bay district 1846 (after Baker)

Chapter 1

The mogwi take mi-an-jin:

Race relations and the Moreton Bay penal settlement 1824-42



Raymond Evans

The recollection, that we were now on the utmost verge of that part of the British dominions, inhabited by its white subjects, and that these were the very outcasts of civilized society, and that we were surrounded by uncivilized tribes of Blacks, often passed my mind, with a feeling I can hardly describe ... (James Backhouse 1843).¹

Early in February 1940, while the ANZACS were disembarking once more in Egypt and the USSR was pursuing its invasion of Finland, a Wynnum fisherman uncovered a curious token of another earlier invasion in the sandhills of Moreton Island. This 'relic of aboriginal days', noted the *Courier-Mail*, was a brass crescent 'between five or six inches across', engraved with the words 'Moreton Bay Toggery, from Captain F. Fyans, 4th or King's Own Regiment' and surmounted by the images of a kangaroo and an emu. Commenting upon the find, the director of the Queensland Museum explained breezily that the plate had been awarded to the Aboriginal 'king' Toggery in 1835 by the commandant of the penal settlement, whose chosen hobby involved 'making engravings on brass and presenting them to the Aborigines'.²

No *Courier* readers, prompted by either curiosity or superior knowledge, responded to this small news item, however. For one reason there were many matters of far greater moment to discuss in 1940 than the origins of a peculiar artefact, fortuitously uncovered in the sands of Moreton Bay. For another the image of a kindly if somewhat eccentric penal commandant, fashioning well-meaning gifts for accommodating local Aborigines, seemed at this time unexceptionable. Indeed it was very much in keeping with the prevailing view of a certain kind of Queensland past which dominated popular consciousness. For in that same week, white residents of southeastern Queensland were also

celebrating the centenary of European settlement on the Darling Downs. Far more column inches were being devoted by the *Courier* to the arrival of squatters onto those plains in 1840 than to the Moreton Island find, with Clem Lack writing expansively of picturesque pioneering types, with constitutions like 'wire and whipcord', taking up vast land holdings 'over miles of rolling downs' and creating there enduring wealth as they simultaneously established harmonious labour relations. On Saturday 17 February 1940, at the Warwick showgrounds, a stirring tableau about the origins of this pastoral 'El Dorado' was enacted. 'Native' performers brought in from the Woodenbong Aboriginal Settlement, 'who fled at the approach of the white invaders', reported the *Courier*, 'added a realistic touch'.³

The intricacies of Queensland's convict and Aboriginal past thus seemed to be more safely buried in 1940 than the Moreton Island name-plate itself. The initial moment of 'free settlement' occasioned a week of intense celebration, whilst sixteen preceding years of convict occupation went conveniently unmentioned. The skeletons of Queensland's earliest frontier of racial contact remained locked away in the same cupboard of forgetfulness. To some extent, however, these centenary representations did reflect one kind of truth about early race relations in the region. Aboriginal people of Moreton Bay and the Downs *had* often maintained a cautious distance between themselves and the incomers; and sufficient rapprochement *had* occurred in the area of gift bestowal and labour service to rescue the partial analyses of a century later from the realms of absolute fantasy. Allan Cunningham's party, for instance, with their pack-horses and hunting dogs, had personally encountered so few 'Indians' on the Downs in 1827 that the explorer had erroneously concluded 'a few wandering families may be said to make up the total of its population'.⁴ In fact, considerably more than 3000 people resided there.⁵

As for the mysterious Moreton Island crescent, we find in Captain Fyans' memoirs that Toggery - far from being a so-called Aboriginal 'king' (or elder) - was a young Nunukul male around seventeen years of age and 6 feet 2 inches in height. With a younger companion - a 'kipper' named Peermudgon - he had stowed away at Amity Point on board the schooner *Isabella* in July 1837 as it transported the former penal commandant back to Sydney at the end of his term of office. Although Fyans was initially greatly annoyed to find the two blacks on board, he subsequently warmed greatly to Toggery who was treated in Sydney like a latter-day Bennelong or Bongaree, decked out in a pseudo-military uniform and spurs, and paraded as an entertaining curiosity around the city. He was finally presented to the Governor Sir Richard Bourke, who subsequently awarded him with 'an ornament like a half-moon, made of bright brass', and probably fashioned by a convict engraver.⁶ Fyans' actual hobby, we discover, was making easy chairs, tastefully wrought, for his Sydney patrons and friends.⁷

Such images of inter-racial caution and intimacy, however, are situated at the two thematic extremes of the Moreton Bay race relations experience; and the space between them signifies those ongoing processes of commission and suppression which have defined the character of Queensland race relations ever since. Left uncontextualized they stand like isolated bookends upon an empty library shelf. To fill that gap, to begin with, the intervening volumes of

determined conflict and often painful accommodation must be re-catalogued. Furthermore the consequences of colonial intrusion, of mutual cultural incomprehension and of the crucial power differentials which existed between incomers and indigenes to order social relations or to predict and determine social outcomes must be flagged and studied. Too exclusive an emphasis upon such factors as Captain Fyans' jocular indulgence of 'Major Toggery' in August 1837 provides us with no insight into the reasons behind his successor Sydney Cotton's sombre reflection upon local frontier relations only a month later that 'looking over the records of this settlement, it is seen that numerous have been the instances of unprovoked murder and outrage in its vicinity ...'.⁸

Before delving more deeply into this matter, however, a preliminary comment upon the present state of such records themselves is necessary. For in perusing the official archival and manuscript sources on Moreton Bay penal settlement one cannot help but notice the comparatively sparse and tentative nature of relevant race relations data when compared, for instance, with the rich and detailed lode of information from this same era in Van Diemen's Land,⁹ the Portland Bay and Gippsland districts of Port Phillip,¹⁰ or the central coast region of New South Wales.¹¹ Until very late in the convict era, Moreton Bay lacked any sensitive, persistent and literate observer of racial interaction. Even when the newly arrived missionaries J.C.S. Handt, Christopher Eipper and William Schmidt began filing intermittent reports in 1837-38, these continued to lack the fine detail and percipient comment associated with the accounts prepared contemporaneously by such careful chroniclers as G.A. Robinson and L.E. Threlkeld further south.

Tragically for the historian, the situation could so easily have been otherwise; for the loquacious Lancelot Threlkeld in late 1824 was poised to become resident missionary to the Aborigines at Moreton Bay. Encouraged by reports from rescued castaway John Finnegan, who lived for 230 days among the Ngugi of Moreton Island, the Nunukul of Stradbroke and the Ningy-Ningy of the Redcliffe region in mid-1823, that 'at Moreton Bay the blacks were in thousands; - that they were far more advanced in civilized life than the Aborigines about Sydney; - that they dwelt in regular built huts, forming a sort of village ...', Threlkeld expended hundreds of pounds towards establishing a new northern mission. In January 1825, however, after Governor Brisbane's visit to the original convict station on the Redcliffe Peninsula, he was prevented from proceeding. As the New South Wales attorney-general Saxe Bannister privately informed Threlkeld, there were 'strong enemies behind the curtain' and 'an undercurrent at work which effectively prevented the attempt being made at Moreton Bay'.¹²

The historian Neil Gunson speculated that military pressure upon Brisbane's administration had forced this outcome, due to an earlier exposé of penal severity at Port Macquarie by a fellow missionary. A bitterly disappointed Threlkeld was directed instead to the Newcastle region, beginning his mission at Lake Macquarie in early 1825.¹³ But for this peremptory administrative intervention, Threlkeld's detailed ethnographic and social observations, his work on linguistics and his withering reports upon white settler excesses against local Aboriginal clans between 1825 and 1859 might otherwise have illuminated our understanding of race relations at Moreton Bay. As it stands,

however, for much of the period between 1824 and 1842 we possess mainly sketchy official accounts which tend to fall curiously silent at crucial moments; to indicate significant information only cursorily or in passing; to record events partially without assigning plausible causes; or to report black aggressions without registering the white aggravations which probably provoked them, nor the white reprisals mounted in response. Compounding the difficulties of this fragmentary and biased record, we find as usual that untarnished Aboriginal voices are themselves seldom if ever heard. Nevertheless by attentive application to the sources themselves, broad outlines of interaction can be traced, illuminating biographical details can be interpolated, inconsistencies in white reportage and possible black motivations can be adduced and an - at times - startlingly suggestive racial scenario can be historically posited.



▲ *Illustration 2: Native huts, Moreton Island 1848, watercolour by Owen Stanley*

Although Governor Brisbane had returned from Redcliffe Peninsula in early 1825 claiming that John Finnegan's assessment of the northern coastal tribes was a 'great exaggeration',¹⁴ subsequent archaeological and anthropological research has generally supported the cedar-cutter's impressions. The Moreton Bay region, it is believed, sustained bountifully more than 5000 people, with the coastal clans living 'a relatively sedentary lifestyle due to the rich littoral and marine food resources of the Bay'.¹⁵ Finnegan, Pamphlet and Parsons had dwelt on Moreton and Stradbroke Islands in small fishing settlements composed of several 'large huts' and had travelled from place to place, there and upon the mainland, utilizing well-defined water-craft. They had attended several ceremonial, celebratory and gladiatorial events where many hundreds - perhaps thousands - of Aboriginal people were present. In November 1823, at the Redcliffe 'kippa-ring', one of at least 120 *borra* grounds

identified in the region, Finnegan commented that the number of huts erected was 'so numerous I could hardly count them' - each clan occupying its own designated, residential area.¹⁶

Similarly on Bribie Island Frederick Strange, a European naturalist, would later record of the Jindoobarrie people living there:

Unlike most of the natives of Australia as yet discovered, they have fixed habitations, dwelling in little villages of six or seven huts in a cluster. Some of them are of great length, extending upwards of eighty feet, and covering a considerable space of ground One of them was in the form of a passage, with two apartments at the end. The arches were beautifully turned, and executed with a degree of skill which would not have disgraced an [sic] European architect.¹⁷

Some forty years earlier, in July 1799, Matthew Flinders (or 'Midger Plindar' as the Jindoobarrie called him) made similar observations of the black settlement near Skirmish Point, where the first known inter-racial clash in the region between his crew and the indigenes had just occurred. He also recorded impressions of elaborate fishing weirs and nets, both upon the island and the mainland near Woody Point.¹⁸

Further inland, along the course of the Brisbane River, the results of millenia of Aboriginal firestick farming to facilitate hunting and gathering activities were readily apparent. Travelling along the river in September 1825, upwards from the Brisbane penal station (or Edenglassie, as it was then designated), Major Edmund Lockyer commented upon the 'park-like appearance' of the surrounding countryside. 'The natives had lately set fire to the long grass', he wrote, 'and the new grass was just above ground making this plain appear like a bowling green I saw plenty of kangaroo and wild turkies... this fine piece of land ... was at least 6 to 7000 acres in extent....'¹⁹ Some two years later on the Darling Downs, Allan Cunningham also observed on the banks of the Condamine river, several Barunggan people 'firing the dried herbage'. He did not directly associate this activity, however, with the 'extraordinary luxuriance of growth' of 'the finest meadow pasture I have seen in New South Wales' across vast reaches of adjacent territory.²⁰

What was more clearly discerned by Europeans at Moreton Bay, however, was the territorial integrity of each tribal group. 'They generally keep ... within their territories', noted missionary Handt, 'which they have distinctly marked out between themselves'.²¹ 'The lands of each tribe are everywhere distinctly defined', echoed Commandant Cotton in November 1837:

... they are so jealous of encroachment from one another that it is more than probable - unless the intermediate tribes have a friendly feeling towards us in common with the more distant, that the latter would not venture to traverse the lands of the former in our service, however well they might be disposed to do so.²²

All this serves to demonstrate that the original inhabitants of Moreton Bay could hardly have appeared as a peripheral consideration to the white invaders. Even at its numerically most advanced in 1831-32, the size of the penal settlement population was dwarfed in the ratio of at least five to one by the immediately surrounding Aboriginal population; and this does not include the many thousands more to the immediate north, south and west of the region, intelligence of whom was returned to the settlement regularly by timber-

12 Brisbane: The Aboriginal presence

getters, soldiers, recaptured convict bolters and shipwrecked mariners. The white toeholds of occupation, first at Redcliffe Point, then upon the Brisbane River, Stradbroke Island and Limestone were like tiny migrant enclaves, surrounded by the societies of the 'indigenous others'.²³ A presentiment of siege among the incomers seems unavoidable in these circumstances. In August 1824, following a reconnoitring report by W.L. Edwardson that Aborigines were 'too numerous to risk a landing except on the islands' in the Bay,²⁴ Governor Brisbane surmised that it might prove necessary to form the penal establishment upon one of these to maximize the 'difficulty of attack by the natives'. In the event of the settlement being established on the river, he added, a 'fort or forts for the defence of the same' might be needed.²⁵

Even though this sense of foreboding would diminish considerably as time passed and as racial interaction grew, it never entirely vanished. At Brisbane Town itself in October 1836, Commandant Fyans reported that even though 'the natives frequenting us' had now been sufficiently brought 'under authority', the more distant tribes were 'so bad and lawless' that all watchmen at the settlement needed to be provided with arms. If not, he predicted, 'in one night not a single stalk [of maize] would be left standing and the men murdered for their clothes'.²⁶ Even as late as December 1839, convicts assigned to a surveying party north of Brisbane town were 'afraid to venture out of sight of their tents' for fear of Aboriginal attack.²⁷

Apart from superior numbers, however, the palpably evident transformative impact of Aborigines upon the local environment, the visual and aural evidence of their villages and camps, as well as their constant movements, ceremonial events and combative gatherings could hardly have escaped the notice of even the most inattentive white sojourner.²⁸ Yet any sense of trespass was muted, among civil and military officials at least, by a sense of manifest mission and superior right. That latter sense, indeed, seemed as incontestable to them as the 'obvious' primacy of clothing over nakedness, of agriculture over hunting, of christianity over heathenism, of reason over hedonism, of civilization over savagery and of primed flintlocks over ironbark and rosewood spears. Only in relation to the starkly superb physicality of the Aboriginal presence may we detect a flicker of white inadequacy and envy - and even this was mediated by confidence in the primacy of a refined God-given sensibility over the crude undisciplined body.

During July 1829 in the upper Brisbane Valley, Allan Cunningham noted laconically that three young men whom his hunting dogs had chased were 'of the ordinary stature of the Aborigines of Moreton Bay (viz. about six feet) ... very athletic persons, of unusually muscular limb, and with bodies much scarified, in exceedingly good case'.²⁹ Similarly at Toowong Reach in 1824, John Oxley had considered the Turrbal men he encountered 'about the strongest and best-made muscular men I have seen in any country'; whilst the previous year at Bribie Island he had recorded:

The women that I saw were far superior in personal beauty to the men, or indeed to any native of any country whom I have yet seen. Many of them are tall, straight and well-formed; and there were two, in particular, whose shape and features were such as no white woman need have been ashamed of.³⁰

It would not be long, however, before the white usurper would succeed in turning the muscularity of the men and the shapeliness of the women, like the natural bounty of the land itself, to their own account.

Yet whereas the blacks' 'stark physicality' may have dominated the intruders' initial gaze, Aboriginal observers first perceived the squat and costumed incomers as though in a dream - a 'pai-abun' in which the dead returned to deliver an injunction or portent of some kind to the living.³¹ To them the spiritual and physical realms were always inter-penetrative, the unseen world of the dead both complementing and infusing the animate landscape. When whites in small groups appeared on large seacraft with billowing sails or suddenly materialized individually out of the bush, sometimes alongside or even riding upon other strange creatures which accompanied them like hunting dogs, they were perceived to be spirits who had again assumed corporeal shape. Their skin colour denoted their revenant nature, for they were as pale as corpses prepared for burial after the dark outer skin had been stripped back, revealing the delicate sub-cutaneous flesh beneath.³²

Nevertheless these reincarnated spirits, who looked and behaved and smelled so strangely, needed to be recognized for who they were - as ancestral friends or enemies, though one could never be entirely sure: 'The dead, after all, did not always have the best interests of the living at heart'. They needed, therefore, to be treated with great caution. Sometimes the newcomers were recognized as departed kin, similar evidently with the case of the Chauve people of the New Guinea highlands who first encountered Europeans in the 1930s:

... when the strangers gestured to their bodies, they interpreted this as a dead person telling of the wounds that had killed him. Any gesture of familiarity was seized upon, but also the reverse ... when the white men looked at them and then looked away, it was assumed to be deliberate: the dead were attempting to move about without being recognized by their living relatives.³³

An extended residence in the spirit world had seemingly compounded their deviousness. Thus, even as returned clansmen (or women), their presence provoked intense worry, uncertainty and speculation, for they undoubtedly now possessed unpredictable powers which might be turned to either beneficial or destructive ends. To the Aboriginal peoples of Moreton Bay, therefore, the visitors were initially seen as 'mogwi' - as the disembodied spirit made flesh; as the incarnate rendered suddenly corporeal. To the Ngugi on Moreton Island these ghosts were 'targan'.³⁴ 'Human well-being depended upon their continued goodwill'.³⁵

Initially many of the portents seemed good. The mogwi brought gifts - items of strange shape, colour and texture, or of exotic taste - from the spirit domain which they distributed freely, sometimes without even requiring goods in reciprocation. They seemed to behave with an open, if somewhat stilted friendliness, and furthermore they did not stay very long. They came, they gave and they left. But there were disturbing undertones nevertheless. Only their light tinted faces and hands clearly revealed their origins. For the rest, instead of a normally dark skin decorated with clay, flowers, fur or plumes, they were covered in odd colourful stuff which camouflaged their sex, yet came away from them like the skin of a reptile. Among the colours they wore,

shades of red and white - the tones of death and mourning - often predominated. They had forgotten how to speak properly and the sounds they now made, instead of being soft and pleasing, were raucous and harsh - an alarming language, full of sibilants and fricatives like the hissing of snakes.³⁶ And they had seemingly also forgotten how to behave. They were oblivious to the rules of social intercourse, of how to hunt and gather or to sing and dance. Nor did they seem greatly to care. They moved about awkwardly and appeared to be lost. When touched they stiffened and seemed to recoil. Altogether they were wondrous and potentially monstrous. For whenever angered their displeasure was terrible. If the living attempted to sample their many spirit-possession without direct invitation - for instance to take from their heads a receptacle that appeared ideal for gathering honey - infernal weapons which could wound or kill from a distance without leaving their hands were suddenly pointed and unleashed, with a terrifying burst of noise, fire and smoke. Both Flinders' men in 1799 and Oxley's party at Breakfast Creek and Toowong in 1824 fired on the blacks, wounding several, because of their initial theft of cabbage-tree hats.³⁷

Just how long the Aborigines continued to perceive the incomers as something more than human as they, ironically, were increasingly regarded as something considerably less is impossible to estimate. Perhaps observing mogwi performing normal bodily functions planted early seeds of doubt. Yet Aborigines seemed to hold with some variant of this spectral interpretation throughout the convict era at least. John Graham explained in his narrative how he managed to deliver Eliza Fraser from the Kabi in 1835 by convincing them that she was his spirit wife, sent to rejoin him.³⁸ Of the Turrbal and Ningy-Ningy, missionary Christopher Eipper wrote in 1841:

... they seem to hold that after death they will be like whites, and that all white men have been black fellows before. Since they have heard of England, they imagine that is the place of their regeneration or metamorphosis.³⁹

At Redcliffe Point in 1824 and at 'mi-an-jin', the subsequent site for Brisbane, in 1825 the number of spirit-beings arriving continued to grow. The dead were returning en masse it must have seemed, as if through a tear in the cosmos; and they had begun to settle in. The curious Ningy-Ningy at Redcliffe were, within a fortnight of Bishop and Miller's landing there, being 'driven off as much as possible' from this part of their own lands, due to their alleged 'pilfering' activities, as race relations rapidly deteriorated.⁴⁰ When Aborigines took a steel axe from convicts and soldiers felling timber at Yebli Creek, North Pine, one of their number was shot. In retaliation according to Dalaipi, Tom Petrie's informant, the tiny white settlement was attacked and two convicts speared.⁴¹ Soon afterwards the mogwi left and the Ningy-Ningy came down in jubilation to fire the 'dead houses'.⁴²

When the mogwi re-appeared in increasing numbers near mi-an-jin and once more began to alter drastically the appearance of the land alongside the river called 'mairwar',⁴³ the Turrbal people tended to keep gingerly away. They had already experienced casualties when Oxley and Lieutenant Butler had fired upon them in late September 1824. Obviously too there was a mounting sense of horror about the way the mogwi behaved towards each other in their camp. There appeared to be no women and children among them, nor little joy or affection. Some with weapons, who wore the blood-red

warrior's colour, guarded others in chains who were forced to dig in the ground and cut down most of the trees. Many of the chained ones were miserably treated, poorly fed and beaten publicly and excessively, as the mogwi rapidly transformed mi-an-jin into something Aborigines had never before experienced - a village of torment and bloody spectacle. At 2pm on Saturday 10 September 1825 Major Edmund Lockyer noted:

... several natives were seen on the side of the river opposite to the settlement. I was informed ... that they had not appeared there before in numbers, except one or two, and that very seldom. On this occasion I think there were upwards of thirty men, women and children ... I learnt [later] ... that they swam across higher up ... but could not be persuaded to approach the settlement nearer than 2 or 3 hundred yards, where they remained looking at the buildings and the cattle for about an hour, and then they went off, and were not seen again.⁴⁴



▲ *Illustration 3: Moreton Bay settlement from the southside c.1835, pencil sketch by Henry W. Boucher Bowerman with windmill on upper left (MLS)*

Undoubtedly the Turrbal found even the sight of livestock and such ambitious architecture as well as the general noise and movement about the settlement a daunting enough confrontation in itself. They tended to continue providing the place with a wide berth, hoping that the unwelcome spirits would eventually decide to leave. More than four years later Commandant Patrick Logan observed:

Although we are at present on the most friendly terms with them - and of late they have made themselves useful in bringing in Bushrangers, we cannot prevail on them to remain at the Settlement more than a few hours at a time, and as soon as the Maize crops begin to get in a forward state they will become as hostile as formerly and seize every opportunity to commit depredations.⁴⁵

Two parallel ongoing processes are highlighted by Logan's statement. First, both the Ningy-Ningy and the Turrbal people had become involved in catching convict runaways and returning them to their captors. Indeed as early as February, 1825 they were mentioned as being employed 'in the public service' in this regard. To the penal authorities therefore they served as a kind of semi-

official subsidiary policing force; whilst for the Aborigines the process resulted in the attainment of desirable material rewards - sugared water, blankets and metal hatchets in particular.⁴⁶ This repayment was material confirmation, in turn that the mogwi largely desired to remain in a certain place and would punish those who wandered. The reciprocal process thus engendered soon became increasingly sophisticated and comprehensive. The botanist Charles Fraser, searching for plant species at Breakfast Creek in July 1828, recorded in his journal:

While following the line of the creek, I met with the females of a tribe of aborigines who, on seeing me, set up a dreadful yell. Their cries brought the men, who, observing however that I was not a runaway convict, offered me no violence⁴⁷

The Turrbal's surveillance system had become so effective by the summer of 1836 that Commandant Fyans reported:

At this season of the year many prisoners take [to] the bush in preference to working and in the hope of escaping ... for the apprehension of each Prisoner, I give ... to the native blacks one small hatchet or an old Blanket I find the Natives so sharp and assiduous, aided by Constables, that I have no apprehension of any prisoners escaping.⁴⁸

Yet, although aiding the penal administration in this regard, they seemed paradoxically to be assailing it in their constant assaults upon the ripening maize crops. The first recorded incident of this kind occurred in May 1827 when large numbers of blacks, encouraged by two convict runaways, raided the maize fields and speared the guard. Soldiers and constables, sent to prevent a further assault, fired upon the Aborigines, possibly of the Coorpooroo clan, killing at least one of them.⁴⁹ The following January, Aborigines raiding the fields on the south bank of the river were fired upon again by watchmen, and another was shot. After two of the guards, Samuel Myers and Mike Malone, absconded they were consequently speared and killed. A third runaway Francis Reynolds, who witnessed the incident, was wounded in the shoulder but escaped. An Aboriginal man was seized as responsible for the violence in early February 1828 and, after being held in custody for six months, was finally forwarded on the *Isabella* to Sydney for trial.⁵⁰ Much later, young Tom Petrie was told by convicts how one of the Aborigines, shot while plundering corn at Kangaroo Point, was 'skinned, then stuffed and put among the corn to frighten the rest'.⁵¹ Whether this story is apocryphal or not, in early 1829 the attacks recommenced and seem to have occurred annually, save for the years 1833 and 1835 when the crop failed due to severe drought.

In March 1836 the Quaker missionaries, James Backhouse and George Washington Walker, visiting Moreton Bay found that the attacks were continuing and suggested that an allowance of millet, distributed to the blacks as a form of land rental, might solve the problem.⁵² This advice does not appear to have been heeded however, for in December that year William Adams, a Moreton Bay constable, shot and killed an Aborigine whom he was attempting to apprehend for plundering the maize crops.⁵³ Then again in July 1839, Yilbong Jemmy, a budding resistance leader of the Ningy-Ningy, was apprehended while taking flour from the windmill seemingly as a form of tribute for the white usage of Aboriginal land. On being apprehended he attempted to stab Constable William Thompson, who beat him with a stave.⁵⁴ Tom Petrie

remembered as a young boy watching Yilbong being flogged the following morning.⁵⁵

The behaviour of the Aborigines, apparently co-operative and aggressive in turn, must have frustrated and perplexed the penal authorities. Yet it possessed its own culturally coherent internal logic. For both processes were calculated to contain the spread of the mogwi and to keep them accountable to their uneasy hosts. To some extent the seizure of maize may have been a forcible extraction of Turrbal land dues; but the persistent thefts also carried an undertone of 'notice to quit'. If the Aboriginal capture of runaways had the demonstrable effect of keeping the settlement's strange population within certain proscribed bounds, then so too did raids on the more distant maize fields carry warnings against undue geographical spread. In April 1828 cultivation on the south bank was curbed for a time due to Aboriginal attack; whilst in late 1836 Foster Fyans observed that 'at the present time ... the natives have not the same temptation for the plunder of maize, as we grow it more about the settlement than formerly ...'.⁵⁶

If the central penal complex, guarded at times by more than 100 armed soldiers, seemed too formidable to be successfully assailed, at least its peripheries could be monitored and white attempts to move beyond them countered. In this regard, convicts felling timber at 'kurilpa' (West End) or fishing in the river north of Brisbane town would be attacked. In mid-1829 convicts working at quarrying and wood-cutting near the settlement were targeted; while the following year three men in a fishing crew on the river (Robert Smithson, Samuel Foster and Richard McHugh) were all killed.⁵⁷ Attempts to establish outstations in other tribal territories also encountered dramatic rebuffs. In 1827 convicts sent to construct a kiln at Limestone were driven away by the Garumngar people and required a guard of four armed soldiery to re-establish themselves.⁵⁸ After a military post was established at the Tweed River near Point Danger in October 1828 to apprehend runaways, a rupture between the troops and the Morrung Moobar people led to its closure.⁵⁹ In May the following year, cedar-cutting gangs were also attacked on three occasions near the Tweed River and driven back to Brisbane;⁶⁰ while, in the Upper Brisbane Valley in June and July, members of the Yuggera attacked Cunningham's exploration party on four occasions. Only his hunting dogs and guns kept them at bay.⁶¹

Isolated individual convicts were also stalked and killed. In March 1829 Thomas Flood, the former post office clerk, was speared near Brisbane.⁶² Then in June, Sean O'Reilly, a convict boatman from Dublin, was also murdered near the Bay.⁶³ Again, during 1832 Chief Constable James McIntosh and a convict trustee named James Turner, out chasing runaways, were severely injured by Aborigines near the Cabbage Tree Creek estuary and only rescued by the arrival of a larger party of whites.⁶⁴

Information about these deaths and woundings is scanty and motivations remain unclear.⁶⁵ So too are the details of penal Commandant Patrick Logan's death in October 1830. Yet, like the killing of surveyor Granville Stapylton a decade later, intrusion into forbidden territory seems to have been a major precipitant. Dungibara warriors called to Logan, 'Commidy Water!', as he crossed the upper Brisbane River, 'intimating thereby ... he should go back

over the water'.⁶⁶ After he was killed he was buried in a shallow, carefully prepared grave, but his feet were left exposed.⁶⁷ Similarly, Aborigines left Stapylton's corpse with 'the right foot from below the ankle removed'.⁶⁸ Both actions appear to have been intended as signifiers of trespass.

Yet it is likely that reasons other than those of simple encroachment may have been involved in such attacks. Information exists for instance of Aboriginal burial sites being ransacked, and skulls, bones and other artefacts stolen near Breakfast Creek and Limestone by soldiers and predatory amateur ethnologists.⁶⁹ Secondly, disputes arising between convict bolters and Aborigines sometimes rebounded upon settlement personnel. Thirdly, sexual interference with Aboriginal women by European men became a burgeoning problem.

Although certain researchers have emphasized traditional Aboriginal liberality and cordiality in the bestowal of female sexual favours,⁷⁰ it seems clear that Aborigines at Moreton Bay attempted, from the earliest inter-racial encounters, to eschew such contacts. For even though Aboriginal women may have been offered under certain conditions to visiting strangers, perhaps an inhibiting consideration here was 'Could the living, with impunity, undertake sexual congress with the spirits of the dead?' Thomas Pamphlet noted of the Nunukul people in 1823 that, although they were extremely kind and generous to the three castaways, 'they would not ... suffer us to approach the huts in which their women were, for the first five or six days; and at night five or six of the younger men would sleep in front of our hut ...'.⁷¹ Richard Parsons added that the only time he considered himself in danger during the many months he spent with the Moreton Bay peoples was when 'A female brought him some fresh fish and he attempted a little familiarity with her, when on a sudden a great number of natives started up, and in a menacing attitude called out to him to let her alone'.⁷² More than a dozen years later, Quaker Backhouse noted how Turrbal women were kept away from Brisbane town by their menfolk and allowed only to show themselves at the Eagle Farm female factory, where there were 'no male Prisoners or Soldiers to molest them'.⁷³

Despite such precautions, however, white male interference with Aboriginal women was no doubt common, as the spectacle of 'naked female flesh in the open landscape' aroused the lust of men - both soldier and convict - enduring an extended absence from white female society. The degree of coercion or otherwise can only be guessed at. Ann McGrath comments on early sexual interactions at Port Jackson, that 'state and private violence were outstanding features of convict society, with pack-rape of women common'.⁷⁴ Although the information is scantier, the same might be inferred about Moreton Bay which, if anything, was a considerably more violent outpost. In total some 150 white female convicts were re-transported northward, and their numbers were relatively insubstantial until the early 1830s. Sexual interchanges between such convict women and the white males (especially soldiers and civil officials) appear to have been considerable, despite the commandant's attempts to enforce rigid gender segregation. Nevertheless the sexual imbalance in itself was sufficient for Aboriginal women, and 'the tantalizing combination of nudity and timidity' they represented, to be increasingly targeted for intimate attention.⁷⁵ Indeed 'native' women were invariably seen as 'fair game' by the

conquering, colonizing white man. Convict constables at Brisbane, punished for imprisoning Aboriginal females for sexual purposes in 1841, stated in their defence that they 'did not think it much harm to have a Black Gin'.⁷⁶

It is quite likely that 'disputes' between runaways and Aborigines, which were resulting by mid-1830 in numbers of the former being killed to the north of the settlement, were being sparked by such sexual rivalries.⁷⁷ For in February 1832 Allan Cunningham informed a British House of Commons select committee into secondary punishment centres that 'a general hostility on the part of the natives towards Moreton Bay convicts' had been induced specifically by 'liberties having been taken with the women'.⁷⁸

At Brisbane itself the chaining and surveillance of convicts as well as the military disciplining of soldiers may have minimized such interference. At the less supervised outstations and among boating and timber-felling parties, however, the opportunity for sexual indulgence was considerably enhanced. It is highly likely for instance that inter-racial conflict on Stradbroke and Moreton Islands during 1831 and 1832 was sparked by sexual misunderstandings - and as this conflict represents the most prolonged escalation of racial violence during the convict era, it warrants our closer attention.

On 10 July 1831 a convict named James Wood was speared and killed by Nunukul warriors in the garden at Dunwich as revenge for 'injuries suffered from Europeans'. Around the same time a soldier was also killed, probably in the vicinity of Amity Point. The 'injuries' alluded to were unspecified, but it is likely that they did arise from intimate interactions between Nunukul women and the dozen or so white males normally stationed upon the island at Dunwich and Amity.⁷⁹



▲ *Illustration 4: Pilot station, Amity Point 1847, watercolour by Owen Stanley (MLS)*

From the beginnings of the Amity pilot station in 1825, the Nunukul had extended their hospitality, just as they had to the stranded cedar-cutters in 1823, bringing the soldiers a catch of fresh fish daily.⁸⁰ Yet this hospitality was abused. The Reverend Thomas Atkins, visiting the pilot station in January 1837, discovered that three pubescent female Aborigines 'as naked as they were born ... [were] evidently under the protection of the pilot and his staff'.⁸¹ The killings of the convict and the soldier in 1831 were probably prompted by similar abductions, as Aboriginal oral tradition upon this struggle suggests.⁸²

The subsequent spiral of conflict which these deaths engendered is also a matter of some speculation, but may be tentatively pieced together by attending to subsequent recollections of these events given by Nunukul and Ngugi elders to Thomas Welsby and George Watkins later in the century, as well as to the somewhat embroidered account of J.J. Knight's convict informant, John Goodwin.⁸³ Two pieces of correspondence from Commandant James Clunie, which detail European casualties but neither Aboriginal fatalities nor motivations, also help to unravel the complex series of events.

It would seem that, following upon the two white deaths in 1831, personnel at the pilot station killed a Nunukul elder after inducing him to go fishing with them. A convict hutkeeper, William Reardon, whom the Aborigines called 'Chooroong', then allegedly decapitated the old man. Consequently Nunukul males attacked the pilot station on two separate occasions. As Captain Clunie reported the matter in January 1833: '... some time ago, the ... tribe wantonly attacked the guard at the Pilot's quarters, when they wounded two soldiers and one prisoner severely, and probably would have done more, had not a detachment which happened to be on board ship landed and come to their assistance ...'. The two soldiers injured were Corporal Robert Cain and Private William Wright, both of the 17th Regiment; the convict was Thomas Kinchella. Clunie then personally interceded with the Nunukul, 'warning them of the severe measures which would follow any act of aggression on their part'.⁸⁴

Soon afterwards, however, a second assault was launched. Clunie wrote, 'the first time after when the natives observed the boat's crew absent, and only the guard remaining, they again attacked them, and being obliged to fire to save their lives, one native was killed and one wounded'. Clunie thereupon ordered further retaliatory action. Commandant Cotton later alluded to this in 1837 when he recalled, 'Captain Clunie of the 17th Regiment was compelled to send out armed parties to punish them summarily and a number of natives were killed'.⁸⁵ In one such sortie conducted at dawn, soldiers surrounded a camp of Ngugi on the banks of a fresh water lagoon near the southern end of Moreton Island, killing up to a score of them. George Watkins wrote:

... nearly all were shot down. My informant, a young boy at the time escaped with a few others by hiding in a clump of bushes. Affairs of a similar kind took place on Stradbroke [sic], one in the neighbourhood of Point Lookout, and another farther to the south. A genuine stand-up fight came off west of the Big Hill on Stradbroke, where the blacks were badly beaten.⁸⁶

Such violence continued to flare on Stradbroke, partially because the Nunukul were intent upon avenging the death of their decapitated elder by killing 'Chooroong'. Ultimately, William Reardon was ambushed by them some twenty yards from his hut and waddied to death on 25 November 1832.⁸⁷

According to Welsby's informant, Aborigines camped upon Pyrrnn-Pyrrnn-Pa (the little sandhill at Amity), observing his movements, 'stole up behind him' and secured him with their 'tow-rows' (fishing nets) before killing him. Consequently, soldiery and Nunukul again clashed north of Dunwich in a swampy region near the mouth of Coorooing-Coorooing-Pa Creek. Some Aborigines were wounded by musket balls and soldiers were struck down with waddies. No-one, however, was killed, the soldiers being hampered in their manoeuvres by the 'quagmire of black mud' into which the Nunukul had led them.⁸⁸

The following month Chief Constable McIntosh, returning by ship from Port Macquarie with a party of constables sent there to secure Moreton Bay runaways, was also attacked on the beach south of Amity.⁸⁹ McIntosh was slightly wounded and two other men, a convict constable named Charles Holdsworth and a convict bolter named James O'Regan, were seized by the blacks. Clunie again ordered out a reprisal party 'to try to recover the men and if possible to take prisoners some of the natives most implicated in the proceedings'.⁹⁰ The corpses of the two kidnapped men were discovered on 20 December 1832 and McIntosh, reinforced by constables and soldiers, once more clashed with the Nunukul. Clunie claimed, 'the natives having attacked the party with their spears, they were obliged to fire at them in self-defence, when some of the natives were killed or wounded ...'. Thus between July 1831 and December 1832, in a zig-zagging escalation of conflict embodying a possible ten or more violent incidents, five Europeans had been killed and at least four others wounded. Probably between thirty and forty Ngugi and Nunukul people had similarly been hurt or slain in these military engagements. The scale of violence can best be appreciated when it is remembered that normally only a dozen or so whites were stationed upon the island, though that number had seemingly been reinforced by other troops and constables in order to conduct reprisals.

These island clashes of 1831-32, along with the killing of Captain Logan in October 1830, mark the highest point of racial conflict during the convict era. Significantly they also accord with the years in which European numbers peaked at Moreton Bay - a total of 1241 men, women and children in 1831 - and when the acreage devoted to cultivation and outstations reached its greatest geographical spread.⁹¹ Thereafter as the settlements began to shrink in terms of number, size and personnel, much of the conflict subsided. Convict numbers fell from an annual average of 826 in 1832 to 368 in 1836. By late 1838 there were only 345 whites remaining at Moreton Bay, 234 of whom were prisoners;⁹² that is less than a third of those present seven years previously. By the close of 1834 land was passing out of cultivation due to insufficient convict hands to work it. The 500 acres under tillage with maize, wheat, sweet potatoes and other vegetables in 1835 had fallen to 150 in 1837 and to only 50 in 1838 - a mere tenth of the land under crop just three years before.⁹³ Aborigines, observing this dramatic shrinkage, must have concluded that the mogwi were at last gradually leaving as mysteriously as they had come. Doubtless it would have seemed to them as if their policing of the peripheries, their return of runaways and their intermittent assaults upon the strangers were at least being crowned with success.

Assaults upon whites did not entirely cease, however. Nor was there 'a period of truce' between October 1830 and May 1840 as has been recently claimed.⁹⁴ For instance, in June 1835 Caleb Atkins, a convict shepherd, was killed by the Garumngar at Limestone, possibly for some sexual transgression.⁹⁵ But most of the subsequent casualties occurred among convicts sent to rescue the survivors of the Stirling Castle in 1836,⁹⁶ and of the whaling vessel Duke of York in 1837. They as well as a number of the crew on board these vessels were speared by members of the Kabi and Butchala peoples, hundreds of miles to the north of Moreton Bay.⁹⁷ Around the settlements themselves - at Brisbane, Eagle Farm and Amity - an increasing degree of rapprochement was evident, underlaid by an ongoing modicum of unease. In April 1836 Dr Robertson, the penal surgeon, would report worriedly that the six miles long road between Brisbane and Eagle Farm lay through 'the fishing ground of a tribe of aboriginal natives; at seasons of the year they are very dangerous and troublesome, when from their activity, a foot passenger alone, should they attack him, would have no chance of escape ...'⁹⁸

Yet by November 1837 Commandant Cotton could report:

The tribes which occupy the lands immediately adjacent to Brisbane Town, after an acquaintance of several years, come amongst us in confidence, a good understanding prevails between them and us, both within and without the limits of the Settlement; amongst these are the tribes which live near Amity Point, and on the banks of the "Brisbane" beyond the Settlement. These tribes were formerly extremely hostile

Encouraged by this, Cotton began to lay plans to send out armed parties to contact the tribes further to the north, to present them with 'Tomahawks, Fishhooks and Blankets' and to let them know 'not only our good feeling towards them, but *our power to redress grievances if we chose to exercise it*'.⁹⁹

Yet this balance between conciliation and control, which Cotton's report reflects, did not impact as an unmixed blessing upon what now remained of the local Aboriginal clans. Instead the very processes of detente tragically carried within themselves the seeds of inexorable black decline. Indeed in a relatively static 'limited settlement' like the Moreton Bay penal station - in contrast to the rapidly expanding pastoral frontier soon to engulf the Darling Downs - the main cause of Aboriginal destruction was not the violent impact of the musket ball or of poisoned flour, but rather the more invisible, though equally insidious, donation of disease and cultural decay.

Preparing annual reports upon the condition of local Aborigines in late 1841, both missionaries Christopher Eipper and J.C.S. Handt noted how Aboriginal numbers around Moreton Bay were now considerably in decline. In a melancholy analysis of the reasons underlying this, Handt wrote:

One of the principal causes of their decrease is the diseases to which they are subject, and particularly that which providence has ordained to be the scourge of excess and debauchery and from which even the children are not exempted [venereal disease]. Some of them have died of consumption and dropsy. Another principal cause in their decrease is the prostitution of their wives to Europeans. This base intercourse not only retards the procreation of their own race; but it almost always tends to the destruction of the offspring... for they generally kill the half-caste children as soon as they are born. The number of Children is consequently very small¹⁰⁰

Virtually echoing Handt's concerns, Eipper reported from the German Mission Station upon the Ningy-Ningy, to whom he attempted to administer:

The condition of the female part of the natives population has ... become decidedly worse than it was before ... they are now made prostitutes ... and have thus been the means of bringing diseases among them which were formerly unknown; especially the shocking malady which Divine Providence has wisely ordained as the due reward of profligacy. This disease is producing sad effects among them; and at a certain age their children are all more or less affected by it, and often become ... [its] victims¹⁰¹

If such testimonies ring accurately we must conclude that the chief destroyer of the Moreton Bay clans was venereal disease, principally syphilis, broadcast among them by white male soldiers, convicts and seamen. The disease death toll was also affecting the Aboriginal gender balance, for by 1841 there were one-third less women than men according to Handt. As early as April 1836, Quaker missionary James Backhouse had commented upon how much of 'a scourge' venereal disease had become to the Moreton Bay blacks,¹⁰² and had noted specifically how the Nunukul at Stradbroke had lately been infected by the sailors of an 'American whaler'.¹⁰³ This was undoubtedly the crew of the whaling vessel Elizabeth which had stopped at Amity during March 1835.¹⁰⁴ As we have seen, however, sexual intercourse between male soldiers, convicts and Aboriginal women was also an ongoing phenomenon which, with the passage of time, became a more permissible activity. Perhaps this was because the mogwi now demanded such services in return for the goods they had previously bestowed more freely - goods like sugar, tea and tobacco, which soon became addictive delights. Perhaps the increased toleration was also partly generational, for younger blacks possibly did not view whites so unequivocally as unapproachable spirits; and no doubt after the severe clashes of 1831-32 some of the fight had gone from the Nunukul over such matters. Additionally from 1835 at Brisbane town itself, under the superintendence of Foster Fyans, increasingly effective restrictions were being placed upon white male access to convict women.

Thus from 1835 there is increasing evidence of white males having sexual relations with black women and girls. For instance in late August 1835 convict John Phillips of the Amity boat crew was flogged for keeping an Aboriginal woman in his hut all night and for replying impertinently to the pilot that he would 'have one every night he wished to ... the woman was not diseased'. Less than a fortnight later a fellow crew member John Smith was similarly punished for 'contracting venereal disease and communicating it to a black native girl' - a mere child.¹⁰⁵ Though the Amity pilot initiated these punishments, it is reported that he too fathered several children by an Aboriginal woman and that another unidentified white man stationed there also sired 'two half-caste sons'.¹⁰⁶ Indeed, during 1840 assistant surveyor Robert Dixon accused the last Moreton Bay commandant Owen Gorman of sexual interaction with Aboriginal women after the latter had ventured to Amity with his son to meet the Nunukul in early February that year. Though this accusation was the outcome of a personal altercation, other witnesses inferred that Gorman's behaviour had been questionable, and even Governor Gipps, the commandant's staunch supporter, admitted that his relations with both convict and Aboriginal women had been 'very unguarded'.¹⁰⁷

In the environs of Brisbane, evidence of contractual sexual interaction - and white abuse of the same - is similarly available. In December 1840 a convict constable named James Fennelly was charged with illegally using a boat to abduct a young female named Turpin from the Breakfast Creek Aboriginal camp. The matter only came to light when another convict Edward Davies complained that an Aboriginal man named Glory had promised Turpin's sexual services to him. Turpin seemed to display no resistance as Fennelly took her away, Davies reported, 'but her mother shouted out to her not to go and this caused the noise that took place at the camp'. As a result Fennelly was dismissed from the constabulary.¹⁰⁸ A month later, however, when overseer Alex Donaldson was reported by another convict for keeping several black women including a favourite called Poly around his Eagle Farm hut, nothing was done to reprimand him, possibly through a lack of corroborative evidence. Instead the convict informant James Murphy was himself punished for insubordination.

Other extant cases reveal convict servants conveying venereal disease to Aboriginal women; and of reneging on contractual agreements with Aboriginal males for the sexual employment of females.¹⁰⁹ A sawyer named Andrew Evans was nearly speared in December 1840 by a black man named Jacky Jacky, after keeping the latter's 'young black gin' in his possession for several months and refusing to release her. The following year two Moreton Bay constables, Robert Giles and Abel Sutton, were flogged after detaining two Aboriginal women in a locked solitary cell where the latter were found 'covered up with straw'. A Turrbal man named Maul Reuben, who came to rescue the women, challenged the whites to combat with a waddy. The constables selected a convict called Richard Jones, who was nick-named Bullock, to represent them, but he refused to cooperate. A fellow convict, John Usher exclaimed: 'It was a shame to see a white man cowed by a black. I told Jones he ought to take an axe and cut him down, as he was encouraged to do it'.¹¹⁰

Such insights into early Queensland's inter-racial sexual relations thus demonstrate that prostitution and venereal disease loomed dramatically as major destroyers of the Moreton Bay clans. Another scourge was smallpox. Its main wave of devastation had preceded the coming of the penal colony by at least a generation however. Andrew Petrie at North Pine in the early 1840s met Aboriginal elders heavily pock-marked by the epidemic which had killed off 'numbers of their comrades'. 'Pock marks they called "nuram-nuram"', recorded Constance Campbell Petrie: '(From this Neurum Neurum Creek, near Caboolture, gets its name.) The scourge itself was "bugaram" ... something to be spoken of in a whisper and with bated breath'.¹¹¹

Yet smallpox was also present at the penal establishment. In August 1831 a convict named Richard Skyrme, afflicted with smallpox, absconded from the station and, after undergoing terrible privations, was found by a large body of Trial Bay and Point Plomer Aborigines, who carried him for more than forty miles to Port Macquarie. The commandant there reported in late September to the colonial secretary:

I am induced to bring to your notice ... the circumstance of a number of the Natives to the amount of not less than thirty who have arrived at this settlement infected with (to every appearance) the smallpox in all its

character and stages and in very many instances one mass of pustule. They are from Trial Bay and Point Plomer and universally impressed with the conviction that they have imbibed the disease from a Runaway from Moreton Bay ... of the name of Scarm [sic] who I observed ... bore evident marks of the smallpox.¹¹²

Tuberculosis was also making its inroads by the close of the decade. In March 1839 a correspondent to the *Australian* noted that an Aboriginal elder named Toongoomberoo, whom he had met two months previously in perfect health, was now dying of chronic pulmonary consumption at Oxley Creek.¹¹³

Evidence of Aboriginal numbers surviving at the close of the penal era, however, is inexact and vacillating, according more with the individual guesswork of the white observer than with any claim to statistical accuracy. Commandant Gorman, for instance, reported in November 1839 that there were 2010 Aborigines in the adjacent regions: 370 upon the Moreton Bay islands; 740 in the hinterland; 700 at the Glasshouse mountains; but only 120 around Limestone and a mere 60 remaining near Brisbane.¹¹⁴ Four years later, despite substantial population decline due to disease, falling birthrates, infanticide and an upsurge of frontier violence associated with early pastoral expansion, the commissioner of crown lands Dr Stephen Simpson made another 'rough estimate' that: 'The whole of the Aborigines of this District cannot be much under 5,000' - 3,000 on the sea-coast; 1,500 on the Dividing Range; 200 or so around Limestone and Woogaroo and fully 200 close to Brisbane. Two years afterwards both Simpson and Captain Wickham, the police magistrate, concurred that numbers were still above 4000 in the region. Yet in 1846 the Reverend John Gregor told a New South Wales select committee that there were merely 2000 now remaining, which was a return to Gorman's original figure for 1839.¹¹⁵

Little that is dependable can be drawn from these figures, save that if Simpson's and Wickham's estimates are more accurate than those of Gorman and Gregor (and there is reason to suggest, from the former's considerable interaction with the Aborigines, that they were), then we can infer that original population numbers at Moreton Bay were *considerably* above the 5000 or so conventionally quoted. For by the 1840s local Aborigines were considerably less healthy and were dying much earlier than they had been fifteen years before, due to dietary changes, sickness and violence; procreation had also been seriously diminished by prostitution, venereal disease and infanticide.

Those inhabitants who came from May 1837, offering the 'blessings' of christianity, merely contributed further to this cultural and social decline. Aborigines strongly resisted missionary proselytising from the outset, much as they had the imposition of the penal colony itself. The Reverend Handt in September 1837 complained that the Turrbal were 'very unteachable', utilizing him only as a food supplier. 'I have not been able, as yet, to induce any to stay with me', he lamented:

I hope the Lord will bless them with a beam of Divine light, that the future days may not prove so impropitious. Had I a sufficiency of food to gratify their craving appetites, I should be more frequently visited by them; and in this case they would allow me to instruct them a little while before they receive their meals; and, in fact, this is the only way of instructing them, and also of teaching them industry.

The 'beam of Divine light', however, did not descend, and Handt soon found that the vice-hardened convicts were a more propitious field for missionary endeavour than the Turrbal.¹¹⁶

When the German missionaries began arriving in March 1838, they were first driven from Redcliffe Point by the Ningy-Ningy much like the penal authorities before them had been.¹¹⁷ After re-establishing themselves at Zion's Hill (Nundah) in June, they had by late November induced local Aborigines to break up some eighteen acres of ground for cultivation, using simple hoes like the 'croppies', upon the promise of repayment in rations. Yet the party of thirty Germans at the mission were themselves continually in a state bordering on starvation due to poor pastoral support from the Presbyterian Church, and could only offer their workers 'two or three biscuits' each for a full day's labour.¹¹⁸ The blacks eventually left in disgust. In March 1840 they began raiding the ripening potato crop 'night after night' and armed sentries were posted. On the evening of 21 March these sentries opened fire upon a raiding party of Turrbal and Ningy-Ningy carrying spears and firebrands, believing they had attacked not only to plunder food but to burn down the 'little township' or 'umpie dakir' (the strangers' houses) as the Aborigines called it. Several blacks were shot, further souring social relations.

Early the following year Commandant Gorman conveyed a general opinion among whites at Moreton Bay that the German Mission:

... will never be able to render any benefit to the Blacks. The Revd. Mr. Handt who has been nearly four years here on the Church Mission Establishment and exerted himself much has been unable to make any progress towards the civilization of the Blacks and as he could not do it I much fear the German missionaries are less likely to accomplish that desirable object.¹¹⁹

Speaking years later with the naturalist Richard Craig, one of these missionaries Pastor Godfrey Hausmann, tended to concur. The sole, pitiful outcome, Craig was informed in 1876, was that 'to this day, in Brisbane ...[t]here are some blacks ... who, for a glass of grog, will kneel down, clasp their hands and say the Lord's Prayer without a mistake'.¹²⁰

These failures at assimilation were due, in some respects, to the fact that Aboriginal people felt perfectly sustained by their own cultural and spiritual practices; but the failure was compounded by the additional problem that acculturation into white society did not imply anything like comprehensive socialization. Intimate personal contacts with Europeans (apart from the peremptory sexual utilisation of black females) were usually denied. A minimal degree of seemingly meaningless rote learning (called 'education') might be instilled, but Aborigines could never become 'fully fledged members of a family group'.¹²¹ They were kept, instead, relatively powerless and impecunious, and seen as fit only to perform the lowliest work and to experience the least rewarding of social relationships. Their assimilation thus largely advantaged whites rather than themselves. Furthermore, in many respects this positively disadvantaged them, relative to the lifeways they had previously enjoyed.

In early 1837 the Reverend Thomas Atkins witnessed Turrbal males at Eagle Farm:

... entirely naked, employed in the carrying of wood and water to the houses of the government officers, in which were British white women of respectability. But the sight of those naked men about their house became so common that their presence excited no more notice than that of a domestic animal.

Atkins himself considered the Turrbal and the Nunukul to be 'among the lowest in savagery and the most degraded of the human species'.¹²² Commandant Cotton was more generous in his estimation. He found the Turrbal 'tolerably intelligent' in relation to performing the task of 'wood and water joeys' for which he employed them about his quarters. The most challenging work in the service of Europeans to which an Aborigine could aspire, it would seem, was to be chosen for training as a boat's crew member at Amity, or to be selected by George 'Black' Brown, the Ceylonese expirée, as one of the three black constables recruited to bring in runaways and 'bushrangers' after February 1839.¹²³ Notably this latter group stand as precursors to the Aboriginal component of Stephen Simpson's border police of 1843,¹²⁴ and the native police force of several years hence. Aboriginal women were simply engaged as prostitutes, domestic servants, or agriculturalists at the German mission, and paid always with rations. Given the largely demeaning and unrewarding nature of these employment options, it is little wonder that missionary Handt could report in 1841:

The Aboriginal Natives of these parts are less tractable than those who have been longer among civilized people; many of them, however ... are useful in doing any rough work on the premises or in the garden, if they are constantly looked after. The middle aged and old men will in general do some work ... but it is seldom that the young men are willing to do anything¹²⁵

The truncated options provided for all Aborigines being assimilated into white society stand in stark contrast to the occasional hospitable acceptance of usually lone Europeans into Aboriginal social orders. More than 500 convicts are known to have absconded from Moreton Bay (on approximately 700 occasions) and most would have experienced some interaction with Aboriginal people. Many were simply captured by the Turrbal, the Jindoobarrie or the Nunukul and returned to Moreton Bay for material rewards. An impressive number of runaways who evaded this dragnet and journeyed southward were then usually taken by Trial Bay blacks to Port Macquarie. Only the occasional escapee actually reached Sydney. Yet as Mamie O'Keeffe indicates, 98 or approximately one-fifth of the bolters simply vanished.¹²⁶ Perhaps a considerable number of these perished from starvation, drowning or other misadventures in the unfamiliar bush. Doubtlessly others were killed by Aborigines further to the north, south and west of the settlement. James Davis, for instance, named four or five runaways killed by the northern tribes.¹²⁷

But other convicts, recognized as returning spirit ancestors, were welcomed 'back into' the community, with all their kinship relations and social status 'restored'. This is the process which American anthropologist Irving Hallowell terms 'transculturation', 'whereby individuals under a variety of circumstances are temporarily or permanently detached from one group, enter a web of social relations that constitute another society, and come under the influence of its customs, ideas and values to a greater or less degree'.¹²⁸ A notable

minority of escapees such as James Sterry Baker, George Mitchell, James Davis, David Bracewell, Richard Craig, Joseph Banks, Garrett Farrell, Richard Bowden, Samuel Derrington, John Graham, the Ceylonese George 'Black' Brown and the Indian 'Shiek' Brown lived for many years with Aboriginal clans. They shared in ceremonial activities, sometimes becoming tribal initiates, intermarrying and producing families.

James Davis complained bitterly that 'three of his adopted brothers' were killed in the Kilcoy poisoning of 1842, and is also reported to have had a part-Aboriginal son whom he later trained to be a bullock driver.¹²⁹ Both George Brown and Shiek Brown had wives and families to whom they kept returning by repeatedly absconding from Moreton Bay. Shiek Brown stated that the Aborigines with whom he resided were 'altogether so handsome that he ... is an ugly fellow when compared with them ... [they] do not know what it is to tell a lie'. Of George Brown, Major Sydney Cotton wrote in March 1839:

He ... became conversant with the manners and customs of the natives and obtained, that which he now possesses, a most remarkable influence over them. He appears to be a sort of Chieftain, his influence extending to a great distance in all directions.¹³⁰

Thus unlike Aborigines acculturated by whites, these 'transculturites' into Aboriginal society, once accepted were seemingly inhibited by no restrictive social boundaries. With socialization and the acquisition of language came total immersion into the intricate web of human relationships which structured these societies.

When the majority of male and female convicts, soldiers and officials still residing at Moreton Bay boarded ships in early 1839 and left *mi-an-jin*, it must have seemed to many of the Turrbal that the time of occupation was almost over. More than 100 whites remained behind, however, to protect the establishment, with its flocks and herds. Then others began arriving once more surveyors, shepherds, engineers, assigned servants for the new white officials and, in early 1840, first through the hinterland and then via Brisbane town itself, squatters and their labour forces, their drayloads of supplies, bullock teams and vast numbers of sheep and cattle. Within a year more than 100,000 sheep and 5000 cattle had invaded the Upper Brisbane Valley and the Darling Downs.¹³¹ Around forty wealthy individuals, with their respective corps of workers upon more than a score of sprawling pastoral holdings, had seized control of the territories of many thousands of Aboriginal peoples and widescale frontier warfare had consequently erupted. Whereas the penal settlement had successfully grazed some 5000 sheep, 900 cattle as well as scores of goats and swine at Limestone, Redbank and Coopers Plains without losing a single animal to Aboriginal depredation over the previous decade,¹³² the Yuggera of the Upper Brisbane Valley and the Giabal of the Downs now began to capture and drive off the squatters' flocks in their hundreds and thousands, to kill and terrorize their shepherds, to attack their dray convoys and to lay siege to their head-stations in a concerted resistance campaign to drive the invaders out. The expansive rapidly mobile frontier from 1840 was thus vastly different qualitatively from the sedentary, moderately increasing, then rapidly contracting frontier that had typified the penal years, and thereby called for quite distinct responses from the beleaguered Aborigines.

On Friday 2 July 1841 two Aboriginal males - an elder named Mullan and a younger man named Ningavil - were taken from the cells of the old convict barracks in what was soon to become Queen Street to a gallows platform constructed by Andrew Petrie next to the treadmill on Windmill Hill.¹³³ They were to be publicly hanged that morning from one of the sails of the windmill itself, the most prominent landmark of the penal settlement, for the murders of surveyor Granville Stapylton and William Tuck, a convict assistant, as well as for the wounding of James Dunlop, another convict servant at Mt Lindsay, some 80 miles south of Brisbane town in May of the previous year. The *Sydney morning herald* reported:

... the eldest of the two (Mullan) cried very much when he knew that he was to be hanged; but the younger Nungavil [sic] appeared to be quite indifferent until he came within view of the place of execution, on which he became very downcast, and tears were observed to be falling from his eyes.¹³⁴

Some three hundred Aborigines had been gathered to witness this salutary spectacle of terror and they emitted a great howl of outrage as the trapdoor fell.¹³⁵ Young Tom Petrie was taken by the hand by an old convict and was shown the staring eyes and protruding tongue of one of the dead men as they lay in their rough-hewn coffins. The horror of the sight always remained in his memory.¹³⁶ Mullan and Ningavil had proclaimed their innocence until the end - and well they might have, for they were seemingly blameless.¹³⁷

At their trial in Sydney for the murder of William Tuck on 14 May 1841, several witnesses from the surveying party had attested to their guilt. Nevertheless James Dunlop, the injured convict who possessed the only eye-witness testimony, had stated clearly that neither man had committed the offence. Apparently they had not even been at the scene of the crime until days later when a group of blacks had arrived to plunder the abandoned camp site. Peter Finnagan, another member of Stapylton's surveying team, also deposed that both prisoners were unknown to him. The all-white jury, after retiring for half an hour, however, returned with a verdict that, if the two accused had not actually committed the crime, then they undoubtedly must have been accessories to it 'present at the time of striking the blow'.¹³⁸ The judge Mr Justice Burton then passed sentence of death upon them, delivering as he did so an extended homily upon the need to uphold British justice, even at colonial outposts. He would not comment in detail upon the case itself, he added, for 'the two prisoners could not distinguish him in one word in any observation he might make'. James Sterry Baker, the former convict runaway who, as Boraltchou, had lived the longest of all the bolters with the Wide Bay people and had been sent by Commandant Gorman as interpreter to the trial, then conveyed the outcome to the prisoners. 'On its being explained to them', reported the *Australasian chronicle*, 'the elder prisoner said, "Let them hang me". "What of that?", Ningavil chimed in, "Let them hang us!"'¹³⁹

Stapylton's surveying party, scientifically recording the contours of the debatable land, were direct harbingers of the new wave of white expansion which would engulf the Aboriginal clans. The deaths in that party were the result of trespass. The deaths of Mullan and Ningavil, in turn, were determined white reprisals for those original deaths. And so the frontier story would unfold, with even less pretence about the conventions of British justice as time passed. The mogwi were not sojourners. They had permanently occupied

mi-an-jin and indeed would now use it as a staging ground for the occupation of lands soon to become Queensland. By the mid-1840s the surviving Turrbal people no longer spoke so often of mi-an-jin, the place of the blue water lilies, but of 'umpie korumba', the place of many buildings.¹⁴⁰ Even more significantly they no longer referred to white people as the mogwi. As the naturalist James Craig was informed by a teacher at the Brisbane Normal School in 1875, who was attempting under great difficulty to piece together a single, local native dialect, the Aborigines of Moreton Bay had long referred to the white man by the name of 'muthar'. That word, he explained, 'means murderer. It also means a spider'.¹⁴¹



▲ *Illustration 5: Aboriginal man with spear, Brisbane c.1869 (JOL)*

Chapter 2

From depredation to degradation

*The Aboriginal experience at
Moreton Bay 1842-60*



Rod Fisher

Kipper Billy first came to my attention about a decade ago. Rummaging through inquests at the archives, I stumbled upon a desperate story of theft, rape, shooting and grave-robbing around the time of Separation.

After some years of intimidating settlers in the Ipswich and Brisbane area, Kipper Billy was convicted in 1862 of raping a white woman. He was lodged in the Petrie-Terrace jail to await execution, but attempted a daring escape by scaling the timber fence. He was shot dead by warder Armstrong when a reprieve from the governor was on the way.

Kipper Billy was buried in the North Brisbane cemetery, probably in the Aboriginal section now part of the Hale Street ringroad. But Thomas Warry, a Queen Street chemist and prominent citizen, procured his head from the grave. Though Warry was interested in the fashionable science of reading mental states from skull shapes known as phrenology, it was rumoured that he displayed the head at dinner parties. On hearing this, the churchwardens of St Johns, who had oversight of the burial ground, objected to the government, resulting in executive council action of little effect upon the unrepentant Warry.

The skull remained for many years in the hallway of the Bailey family house, to the terror of an impressionable child, who wondered why there was no apparent bullet hole.

Recognizing the makings of an exceptional vignette of early Brisbane, I followed the trail through the newspapers, gaol records and judges' casebooks, but reached an impasse. How common were cases of Aboriginal rape of white women? Were they a sporadic or concentrated phenomenon of early

settlement? What were the causes? Were they cultural (black treatment of black women), learned (white treatment of black women), retaliatory (white conflict with black), moral (deterioration of black values), social (campaign against all deviance), racist (fabricated accusations) or simply personal (lust)? Though I could have narrated the tragic tale of Kipper Billy regardless, no historical explanation was possible without the context.

Consequently this paper considers the Aboriginal presence around the free settlement and the changes which may be discerned from 1842 to 1860. The principal sources at this stage are the *Sydney morning herald* 1842-60, *Moreton Bay courier* 1846-60 and *Moreton Bay free press* 1852-60. Only the most significant references have been cited from research files of these sources.

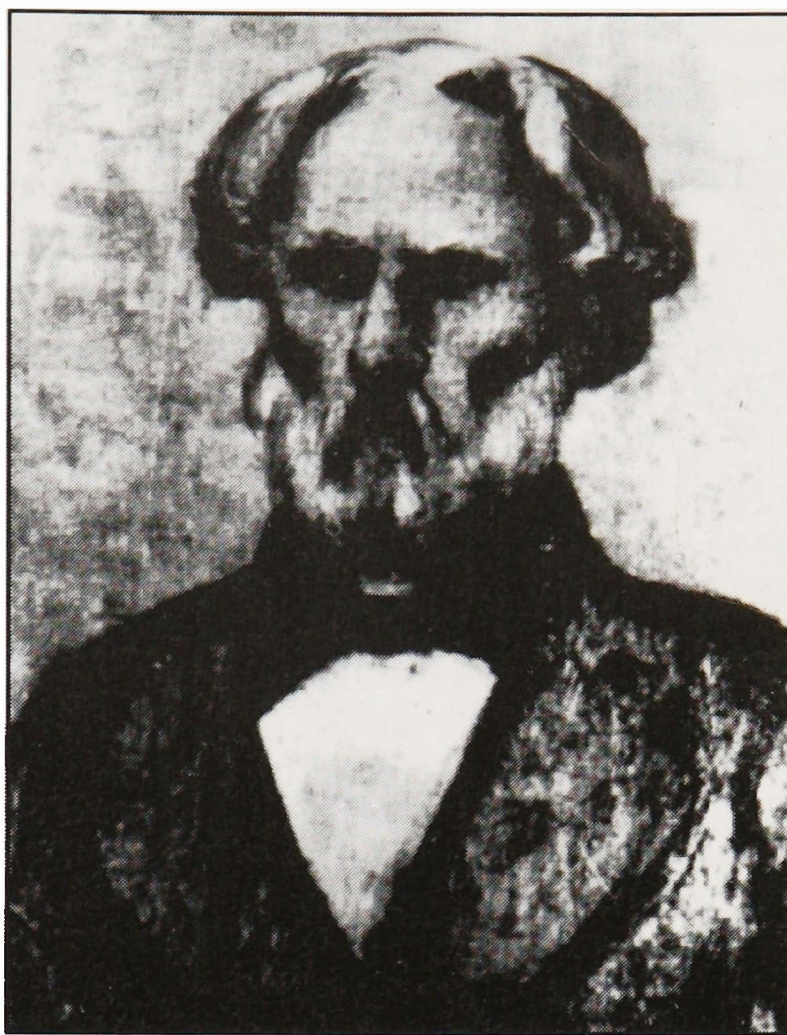
In 1859 the *Courier* reported that about 200 whites had been murdered by blacks within fifteen years.¹ To these so-called 'outrages' may be added countless raids on stock, crops and huts. The prevalent opinion was that punishment should be according to the British system of justice. This was generally impracticable, since Aboriginal evidence was legally inadmissible, witnesses were often reluctant to appear, especially while hearings were held in Sydney, and the southern courts were inclined to give the benefit of the doubt. Justice in the north was often dispensed on the spot, particularly from the barrel of a gun. These reprisals were rarely recorded in any detail. Yet the murders, ruthless raids, government neglect, legal inadequacies, court leniency, misguided philanthropy and northern sense of grievance were fully aired in the newspapers for all to see.

The picture conveyed by these sources is one of fierce but diffuse Aboriginal resistance to European intrusion its timing, location and extent being determined by the spread of pastoralism and the degree of force. In 1842-45 the main arena was Ipswich to the Darling Downs, followed by the upper Brisbane River valley 1842-46, the Logan district 1844-53, Pine River 1845-58, Wide Bay-Burnett 1850-59 and Sandgate 1853-59. Individual Aborigines emerged with notoriety amongst the whites and standing amongst blacks who harboured them, particularly Omilly (1848), Make-i-light (1851-52), Mulrobin (1852) and Dundalli (1847-55). Since sporadic attacks also occurred on Moreton Bay, Brisbane was enveloped by Aboriginal unrest.

Conflict was inevitable and endemic from the beginning of free settlement, considering the racist presuppositions of the first colonists and race relations during the previous seventeen years of convict settlement.² A further element was the isolation of habitation on the bend of the Brisbane River, surrounded by an alien environment of forest and foe. The resulting fear or siege mentality was epitomized by Tom Dowse, the later agent, auctioneer and chronicler of early Brisbane. When he arrived in July 1842, 'The presence of a Military force was absolutely necessary, the surrounding country, was in those early days, swarming with wild aboriginal savages, making it unsafe to go far from the settlement, unless in Company and well arm'd.'³

Nevertheless the contemporary perception of conflict was not necessarily constant, universal or official. Dr Stephen Simpson, the chief commissioner for crown lands and protector of Aborigines, gave quite a different version in his annual reports to the New South Wales government. He acknowledged that 1846 was a crisis year throughout the district, while 1852 was particularly

Illustration 6: Stephen Simpson, commissioner for lands and protector of Aborigines (JOL) ▶



‘troublesome’ in the vicinity of Brisbane and the north coast. Nevertheless for most of the period he conveyed an impression of relative peace.⁴

In contrast the newspapers portrayed continual conflict between black and white interspersed with quiet periods. Each attack was fully described, especially the killing of Andrew Gregor and Mrs Shannon at Pine River (1846) and three Bay fishermen (1859). Each was an outrage against European life, property and sensibility by seemingly treacherous, immoral, irreligious and irredeemable savages. Each required justice, if not retribution, by the government, police, courts and citizens. As stated in 1859, ‘Between the two races, white and black, there is enmity which nothing but the continual advance of civilisation can cure’.⁵

Not only were these depredations abhorrent in themselves, but they were also detrimental to property, immigration and settlement in the northern districts. During the 1850s, investors in land at Sandgate were at a loss, including Thomas Dowse who wrote his own celebrated story in 1853 as correspondent for the *Sydney morning herald*:

A purchaser who last week went to take possession of an allotment in the recently sold village of Sandgate, was set upon by some twenty or thirty aboriginals, whose intention seemed to be to rob him of his stores. They were driven back on their first appearance, but returned again as the whites, apprehensive of a second visit, were removing their effects to the boats preparatory to returning to Brisbane. The head of the party received a blow from a waddie on the back part of his head, and one of his sons, a young lad, was struck by a spear a little above the knee. Two shots were then fired, one of which was seen to take effect on a blackfellow, but whether mortally is not known. Under cover of this fire the party escaped without further damage. Their

wounds turned out on inspection to be of a very trifling nature. In no other settled part of the colony have the inhabitants suffered so long from the depredations of the aborigines as they have done in this district.⁶

In the Sandgate area the Aborigines were cleared out by the native police from 1857 onwards and this became a fashionable seaside resort. However, the economic threat lay even closer to home.

Throughout this early settlement period, Aborigines raided produce and dwellings in the vicinity of Brisbane, including Doboy Creek (1846), Norman Creek (1846), Moggill (1851), Kangaroo Point (1852), and Luggage Point (1853). Most seriously affected were the small farms from Breakfast Creek to Eagle Farm and the German Mission Station at Zion Hill (now Nundah). The most concentrated period was 1845-54 when whole crops might vanish, especially when foraging tribes mustered near Brisbane for traditional battles and blanket days. Such an episode occurred in 1850, when 31 Aborigines armed with spears and waddies descended on Breakfast Creek and dug up the potatoes of Martin Frawley, the former convict miller turned farmer, who craftily identified the culprits by hiding inside a cask.⁷ In calling for action, the Sydney correspondent lamented that 'not a season passes that they do not commit extensive ravages in the gardens and cultivated grounds, even in the close vicinity of the town'.⁸



▲ *Illustration 7: Towards Breakfast Creek and Newstead from the Hamilton hills c.1873 (JOL)*

Though raids continued during the late 1850s, a significant change had occurred in the character of offences committed by Aborigines. During the early 1850s, personal theft became more common than corporate raids. But these offences were increasingly outnumbered by cases of drunkenness, disorderliness and interpersonal violence, and by related complaints which reached a crescendo by the late 1850s.

Many Aboriginal males, including Johnny alias Stinkabed, appeared continually drunk on the streets before being haled before the courts and lodged in jail. Known as 'an old offender' and 'a notorious scoundrel', Johnny's spells in prison were interspersed with bouts of drunkenness and theft about the town (1852-60). One of his female counterparts was Eliza, who was frequently in court and ultimately in jail for being drunk and disorderly (1858-60). Considered to be 'one of the greatest pests about the town', she was lucky to receive only a reprimand when caught in bed 'for immoral purposes' with a ticket-of-leave man, the negro cook of St Patricks Tavern.⁹

During the 1850s there was also an escalation of violence between Aborigines. This included domestic and other detrimental affrays which spilled over from the camps onto the streets. Most serious was the knife fight between Billy and Jemmy which occurred near the Fortitude Valley bridge in 1857. Billy's arm was half cut off to the bone by an 8 to 9 inch wound, while Jemmy had two 4 inch wounds in his back down to the ribs. Both were committed to jail for three months.¹⁰

It was also from the late 1850s onwards that offences against white women were first recorded. These include: the rape of a schoolgirl in the Eagle Farm area by Dick alias Basket in 1856; the murder of a German woman near the Logan by Nelson in 1857; the attempted abduction of a German missionary's wife at the German Station by four seacoast blacks in 1857; sexual insults to women at Fortitude Valley in 1858; an attempted rape at Ipswich in 1859; the rape of a German woman by Dick and Chamery at a Logan station in 1859; and the rape and knifing of a woman by Billy at Ipswich in 1860. Though most of these offences took place outside of the Brisbane area, they were committed by blacks who were well known about the town. Each case was also amply reported in the newspapers, without the offensive detail, especially the trial and execution of Dick and Chamery in 1859.¹¹

By the late 1850s the increase in sexual offences, together with drunkenness, theft, disorder and violence resulted in widespread complaint and stricter prosecution against Aborigines. In 1857 the problem from the white point of view was put squarely by the *Courier*:

The blacks have been very troublesome for some time past in the neighbourhood of Brisbane and Fortitude Valley, where they have been more than usually numerous. At Eagle Farm they have committed constant depredations on the crops of the small farmers, and we learn that insults of a vile character have been offered to females, insomuch that it is not safe for them to be abroad after nightfall. These savages have been within the suburbs, if not actually within the town boundary at night. It is impossible for our small police force to maintain the regulation, and drive them out. We learn that they gave the police considerable trouble on Wednesday evening last, in the western suburbs. Early in the afternoon they were seen fighting with knives on the river bank, near to the residence of Mr. Grimes. Some of them were in a state of drunkenness, so that they must have been supplied with grog by some one. We understand that the Native Police cannot be employed within the town to drive them out. The Magistrates are therefore obliged to make the best use they can of the Town Police, when any disturbance occurs. The depredations of the blacks have been chiefly confined to articles of food, "black mail" having been levied even upon little children, when walking out under the care of their nurses. This nuisance

occasions alarm, and growing bolder by success, the blacks are likely to become seriously dangerous. Many of them are from the Wide Bay district, and have no occasion to be in this remote part. They ought to be off to their own hunting grounds - blanket time is long past, and we think the Government Resident might venture on their dispersion, without much fear of the straightlacing of 'red tape'. The inhabitants would materially assist this end, if they would refrain from giving them food or money. Those who get the "waddie" of the blackfellow exercise a poor economy.¹²

In this way the *Courier* reflected the increasing repression of social deviance during the late 1850s. This campaign affected not just the Aborigines but all alienated minorities in Brisbane.¹³ Thus social tension about the town as well as racial conflict on the frontier was characteristic of relations between Aborigines and settlers. A third element which also appears in the press, but not as well broadcast, was the involvement of Aborigines in the town activity and economy.

As blacktrackers, guides and interpreters, Aborigines accompanied exploratory, rescue and retrieval parties, and acted as informants against troublesome blacks, especially those from other tribes. On Brisbane River and Moreton Bay they not only were the main suppliers of fish, turtle, dugong and shell, but also served the fishermen, pilot, harbourmaster and others as boatcrew. For scientifically-minded gentlemen such as squatter David McConnel (1847) and customs official William Duncan (1848) they were collectors of plants, seeds and curiosities. For town purposes they performed a wide range of jobs, including cutting timber, stripping bark, chopping firewood, tending stock, drawing water and running errands. They also worked as servants, including one at Connolly's in South Brisbane (1847), another at Grenier's South Brisbane hotel (1853), four for gentlemen at Kangaroo Point (1853) and the whole staff at Cassim's Cleveland Hotel by the sea (1857). Further afield they were employed as shepherds, bullockies, farmhands and members of survey teams and police parties.

On occasions Aborigines also hit the headlines for their sterling contributions to community life. Survivors were saved from shipping disasters, including the *Perseverance* (1844), the *Sovereign* (1847) and the lifeboat of the *Argyle* (1852), and the immigrant ship *James Fernie* was guided safely into the Bay when lost in the south passage of Moreton Bay (1856). Goods were retrieved from the sunken *Experiment* (1848) and bodies searched for in waterways (1848, 1855, 1858). Fires were extinguished on the ship *Courier* (1854) and in town (1860). An injured shooter was carried home by his companion and other Aborigines (1849). An Aborigine won the greasy pole competition at the South Brisbane Christmas sports (1851); some ran footraces at the May races (1856); and others competed in annual regattas, both in their own division and against whites. When the first governor of Queensland, Sir George Bowen, and his wife Lady Diamantina arrived, the Aborigines staged separate corroborees for their edification (1860).

While these exploits were appropriately reported, the full economic role of Aborigines was rarely acknowledged except by sympathetic correspondents, such as 'Humanitas' in 1857:

They would also be useful as neighbours, whose services might be made available as shepherds, stockmen, and bullock-drivers, - in all which occupations we have seen them acquit themselves satisfactorily; and as servants to the bushmen when travelling they are invaluable. In short, we have known them

to be useful in thrashing wheat, corn, &c., milking and shingle splitting, also in fencing and fishing, and we think ... that they might, in the neighbourhood of towns, be taught in such a manner as soon to make the produce of their labour pay the expense incurred.

In this regard the writer believed Aborigines to be faithful and trustworthy if trained and civilly treated.¹⁴

While holding a similar view regarding the character of Aborigines, Stephen Simpson reported in 1846 that the cost of keep far exceeded the produce of their labour.¹⁵ Moreover most of the known examples of Aboriginal employment derive from cases of petty crime, such as Maria who was charged with theft when she worked about the house of Mrs Ann Clark (1852). Aborigines who embraced European ways were characterized as 'those conceited "dandies" one sometimes meets with on our stations and elsewhere, with their fine suits, their fluent English, and their haughty manners', who soon returned to their 'wallowing ways'.¹⁶ The Brisbane epitome was Tetaree alias James Alexander, an Amity Point youth who returned after seven years in Britain, sang Ethiopian airs at a School of Arts soiree and was feted around the town, but enticed by drink (1852). When the redemption of Aborigines was debated during the 1850s, the dominant opinion was that whereas the children might be trained, the adults were lazy, degenerate, uneducable and therefore doomed. In such a status-ridden and work-oriented culture, Aborigines were hardly accepted as equals. They were relegated at best to serve as menials, well beneath the dignity of the working classes.

Though some local Aborigines dwelt on private premises around the town, they mostly formed blacks' camps on the northern fringe of the settlement. During the 1840s the clan headed by their Duke of York camped at Yorks Hollow, now the well-drained Exhibition Ground and lower Victoria Park. There they fished, hunted, corroboreed and fought, apparently occupying the site until the early 1850s when forced out by white encroachment, including the brickmakers and police action. Northwards stretched the territory of the North Pine clan, who were river fishermen. The region south of the Brisbane River was occupied by the Coorpooroo clan, whose principal campsites stretched along watercourses such as Norman Creek.¹⁷

Several camps appeared during the 1850s, such as Doboy Creek (1851), Fortitude Valley (1854), Moggill (1855-56) and One-Mile Swamp (Woolloongabba). On the northside the principal habitation, known as the Breakfast Creek camp (early 1850s) or Eagle Farm camp (late 1850s), was evidently across the creek and along the river road towards Eagle Farm. By 1860 three adjoining camps were known: the first, comprising some 25 gunyahs, was on the riverside about half a mile from the bridge; the second, across the road on the crown of the hill, had 50 to 60 gunyahs; while the third, of a similar size, lay partway down the lower side of the hill.¹⁸ Though the origins of these encampments are obscure, one might have sheltered remnants of the Duke of York's clan, but more likely the Bribie Island, Ningy-Ningy (Toorbul Point to Redcliffe) and Wide Bay Aborigines who were losing their traditional territory further north. These clans appeared at Brisbane as early as 1845 and assembled regularly for tribal battles and blanket days thereafter. They were often hostile towards the Duke of York's clan, particularly during the 1850s when they were believed to be conducting a war of extermination against the Brisbane blacks. They were also were blamed for much of the trouble around the town and further afield.¹⁹



▲ *Illustration 8: Affray of Aboriginal tribes at Norman Creek 1853*
(Illustrated London news cf. Steele 1984, 33)

Between 1841 and 1850 various battles were reported which involved the Duke of York's clan and others, usually taking place on the outskirts of the town. Some of the principal features were well conveyed in 1845:

A large concourse of blacks has been assembling for some days past in the vicinity of Brisbane, for the purpose of having a great pullen-pullen (fight), the Wide Bay and Sea Coast Blacks being pitted against the Brisbanites. Upwards of 200 engaged a few days since with spears and boomerangs; several on both sides were carried off the ground wounded. A number of townspeople went out to see the battle, one of whom unfortunately got struck on the cheek with a boomerang. Although no little danger is incurred by being a spectator of those fights, still it is worth the risk to see those dusky sons of the soil in their native wilderness attacking and repelling each other in the barbarous mode of warfare, and yelling with savage fury and delight when any advantage was gained by either party. Some of the gardens about the township were visited by the dark gentlemen during their sojourn, and, for lack of other food, they made free with pumpkins and melons found therein. One woman lost nearly all the wearing apparel she had in her house to wash, a couple of them having watched her leaving the premises for a few minutes.²⁰

Because of the continual plundering and other slights, as well as increasing signs of degradation, curiosity about Aboriginal ways became outweighed by repression. In 1845 the issue was put bluntly by the Sydney correspondent:

As past experience has shewn that whenever an assembly of blacks takes place, either for a corroboree or pullen-pullen, depredations on the white man's property are sure to ensue, owing to their hunger, from fasting the most of the time the dance or fight lasts; it certainly would be advisable for the authorities to put a stop when practicable, to these meetings, and as we have a military guard down here, the sight of a few bayonets, and an explanation through an interpreter of the unlawfulness of their meetings, would cause them to have the fear of the white man's anger in their heads.

The Brisbane tribe, generally speaking, from their intercourse with the white population, are pretty honest, and many of them daily frequent the township to perform sundry jobs for the inhabitants - fetching wood, water, &c.; but the strange tribes are a complete pest - when they are known to be in the vicinity nothing is too hot or too heavy for them to carry away, if in the eating line.²¹

As early as 1847, prospective fighting between Amity Point and Brisbane blacks at Yorks Hollow, following a corroboree at Kangaroo Point, was broken up by Captain John Wickham who called in the constables.²²

On the southside the Coorpooroo clan continued to occupy its watercourse campsites during the 1850s, though other clans from surrounding areas and as far afield as Ipswich and Moreton Bay migrated towards South Brisbane. Such was the great affray of 1853 at Norman Creek, between the Ningy Ningy, Bribie Island, Amity Point and Logan clans, that the account from the *Moreton Bay free press* reached the pages of the *Illustrated London news*.²³ Nevertheless very little about Aboriginal activity on the southside was reported by the local press compared with north of the river.



▲ *Illustration 9: Blanket day outside the police office and former female factory, Queen Street, Queen Victoria's birthday 24 April 1863. Mrs D. Menzies, The Bungalow, Gympie, who forwarded this photograph to the Courier in 1912, remembered that 'All were arranged in front of the old Court House, with the fire bell to the left. The blacks were seated in the centre and the school children on the right, to sing the National Anthem. What was then considered a very large crowd of people was congregated on the pretty green bank running down to Queen-street, where the grey horse in the dog-cart stands. There may be some, like myself, who were among the children that day still able to recall the time and place where as children we spent many happy play hours' (BC 12 October 1912, 12).*

Judging by the dearth of newspaper reports, these local festivities lapsed during the early 1850s, or else the whites lost interest, and they became superseded by the annual distribution of blankets which was resumed in 1848. On these occasions North Brisbane was virtually besieged by hundreds of Aborigines, as in 1856:

On Saturday last, her Majesty's birth-day, the annual distribution of blankets to the aboriginal natives took place in the Court-house yard, at North Brisbane [now the GPO site]. On this occasion the attendance of natives was larger than had ever been known before, about three hundred and fifty men, women, and children being ranked up in the court yard where they very patiently awaited the expected presents. The following articles were distributed amongst them, viz.: 295 blankets, 98 pairs duck trousers, 19 pairs woollen trousers, 49 duck frocks, and 100 shirts. It was remarked that none of the Brisbane blacks were present, the whole of the recipients belonging to tribes who do not ordinarily remain about the town. After the delivery of the clothing, in the course of which some of the least civilised of the old men might be observed making painful efforts to work themselves into their new dresses, the natives dispersed, with loud cheers. Many of them were afterwards met in outskirts of the town, carrying their spears, boomerangs, &c., which they had secreted before coming into Brisbane. With regard to the assembling of the blacks in Brisbane, it has frequently been a cause of complaint that, after separating, as after the dispersion of the grand gatherings at the bunya season [at Bunya Bunya mountains], many outrages are sometimes committed by the blacks while returning to their own districts.²⁴



▲ *Illustration 10: Blanket day 1863, stylised and romanticised engraving (Illustrated Melbourne post 20 August 1864, 9).*

During the late 1850s the local blacks were seen less frequently at blanket days, due to dwindling numbers and inter-tribal hostility. At the same time the other clans were more in evidence about the town, as they were being squeezed out of their traditional regions, especially by the native police, and attracted to

the relative security of town camps. This applied particularly to those of the Sandgate-Pine River area from 1857 onwards.²⁵ As early as 1851 'Humanity' argued in the *Courier* that free blankets were the very least compensation for a dispossessed and dying race.²⁶ However, the more favoured view was that such handouts should be decentralized regionally and that regulations excluding Aborigines from the town on Sundays and at night should be enforced.²⁷

On rare occasions hardly a single Aborigine could be seen on the streets, especially when an 'outrage' became known or the police were around. Most of the time, however, the Aboriginal presence was felt in no uncertain terms. In addition to individual cases, the newspapers stated continually that there were large numbers of blacks about the town. As early as 1845 the Sydney correspondent noted after an attack at Breakfast Creek that 'Since the occurrence, the deuce a black-fellow has shown himself in the township, although at other times they swarm in the streets'.²⁸ These included children, especially after the failure of the early mission at Dunwich, when it was observed that 'The black children at present roving about the town are very numerous'.²⁹



▲ *Illustration 11: Queen Street c.1860 (JOL)*

Some individuals drew particular attention to themselves, including: Timothy, an errand boy who was notorious for reciting the Lord's prayer as well as pilfering; Long Wogan, who appeared near the police office in his 'Sunday clothes' painted red; and 'crazy' old Kobong Tom, who retaliated injuriously by throwing a stone at taunting schoolboys on the river bank at the top of Queen Street.³⁰

In appearance the Aborigines were quite distinctive, especially when they went naked about the town, which the whites thought particularly offensive. In 1847 several inhabitants of Kangaroo Point complained regarding 'the natives being permitted to perambulate the streets in a state of nudity'. The nuisance had become so annoying that respectable females did not venture beyond their dwellings.³¹ This was still common practice in 1857 according to one correspondent:

The blacks to whom I now refer, reside at present in the immediate vicinity of our township. One's heart is fired with indignation at the filthy and indecent manner in which these wretched specimens of humanity are permitted to parade our streets, and to come into contact with our families. Many of them now enter our town with scarcely a rag upon their backs. It is a common sight as you walk up and down Fortitude Valley to witness men and boys playing at marbles, &c.- in a perfectly nude state.- surrounded by numbers of our own boys and girls. The appearance, too, of the women is often most sickening and disgusting.

The only way to prevent such 'demoralizing scenes' was to call in the police.³²

Whenever the Aborigines stepped out of line they attracted undue attention: a drunken fight (1848), a confrontation with the newly-arrived Chinese (1849) and a domestic quarrel over a woman (1850) in Queen Street; whirling of boomerangs in town (1850) and stick throwing on a Sunday at Kangaroo Point (1853) to the detriment of passers-by; knife-fighting in the Valley (1857); drunken squabbling and fighting in and around town during the festive season (1854) and 'black mail' of the whole town by thirty Aborigines to contribute to a Christmas corroboree which turned out to be another alcoholic spree (1859).

From 1857 onwards it was the number of drunken Aborigines and violent fights on the streets which attracted the most attention, especially within striking distance of the route from town to Eagle Farm via Fortitude Valley. By the late 1850s such behaviour was no longer acceptable in Brisbane:

Now that we are fast merging into a highly respectable and responsible state of civilisation, it behoves all to lend their aid in dis-countenancing by all means in their power, the opportunities afforded to the aboriginals of obtaining grog. The scenes which nightly take place in the vicinity of the town, when the blacks are wending their way to their camps, are sufficient to make the most demoralised pause before they accept any of the onus consequent upon the violation of propriety. The residents in the more immediate parts of the town are not acquainted with a tithe of the outrages which are committed; and for the sake of those who live on the outside prompt measures should be taken to ensure the exit of every aboriginal before evening sets in. There are a few blacks whose intimacy with the town has not bettered their morals, who are constantly in the habit of seeking their camps long after nightfall; and it is far from pleasant for the wives and children of the outside settlers to encounter these barbarians when they are in a state of grog. As the town is known to be quiet, it would not be amiss if special service was made by the police for a few weeks in the outside of the town after five or six o'clock in the afternoon.³³



▲ *Illustration 12: Queen Street c.1864 (JOL)*

Such was the demand for law and order that a mounted police patrol was called in to 'traverse the road leading from the Valley towards Eagle Farm, for the protection of unprotected wayfarers, and the repression of outrage by the aborigines'.³⁴ More repressive action was soon to follow.

Even if the actual number of Aborigines camped around Brisbane was quite small, this was a significant minority amongst the white population, which numbered little more than 6000 by 1861.³⁵ It was a most conspicuous and concentrated minority which expanded at certain times and clustered at particular locations. Furthermore its deviant activities were well covered by the press throughout the period. Consequently the Aboriginal impact on white perception was disproportionately greater than warranted numerically.

Despite the obvious presence of Aborigines around the town, it is difficult to gauge their exact numbers from discrepant accounts. They were hardly included in censuses, though this was privately proposed.³⁶ In 1841 a missionary at the German Station calculated that 'On the right bank of the river are the Amity Point, Malurbine [Lytton], and Moppe's tribe, who number, together, about 200; on the left are, the Duke of York's tribe, the Pine-river natives, the Ninge Ninge, Umpie Boang [Redcliffe] and Yun Monday tribes, which including the mountain tribes in their neighbourhood, amount to about 400 souls'.³⁷ Two years later Dr Stephen Simpson reported that the total population for the Moreton Bay district was almost 5000, but less than 4000 by 1847 and declining rapidly thereafter.³⁸ His initial total comprised some 3000 for the seacoast from Tweed River to Wide Bay and 1500 for the Dividing Range eastwards, with 150 at Limestone (Ipswich), 40 near his property at Woogaroo (Goodna) and 200 at the Settlement (Brisbane).

Though the total Aboriginal population was large compared with whites in the region, the local groups were quite small. The number per clan evidently varied from 50 to 100 adults.³⁹ Eye-witnesses stated that there were at least 50 persons at the Yorks Hollow camp in 1850 and over 100 at the Breakfast Creek camp in 1859, compared with estimates in 1860 of 30 to 50 at Eagle Farm and 50 to 60 at each of the two camps on Loudons Hill in 1860. There were larger gatherings at times, such as almost 100 sighted at Fortitude Valley in 1857, but particularly during corroboree, battle and blanket days when numbers swelled to several hundreds.

Altogether these figures indicate that Aborigines inhabiting the settled area on the northside probably ranged from 100 to 200 at the most. This total seems to have remained relatively stable throughout the period, since the dwindling number of local blacks was augmented by others from further afield. In May 1861 Captain Richard Coley, a Brisbane businessman, informed the select committee into the native police that the 'Brisbane tribe' were 'all extinct'.⁴⁰ However, the chemist Ambrose Eldridge, who learnt all he could about Aborigines, stated in 1856 that 'The influx of all these various tribes caused much hostility among them and the Meeanchin natives are even now away towards Moggill Creek, not having dared to show themselves at the distribution of blankets'.⁴¹



◀ *Illustration 13:
Aboriginal woman
with child in
blanket, C.E. Bevan's
studio, Brisbane
1867 (Pers.)*

That the remnant of the Duke of York's clan became increasingly dispersed rather than extinct is also suggested by settler Richard Westaway's statement in 1883 that there were descendants at Mooloola.⁴² Nevertheless the clan was mentioned decreasingly after 1850, and from that stage onwards observers had no doubt that the Aborigines were a dying race. Their view was put succinctly by Simpson in his report for 1852:

Upon the whole, therefore, I may venture to assert that the Aborigines of the Moreton District are quickly succumbing to the influences of civilization - I regret however to add that both in their moral & physical qualities they are undergoing a rapid deterioration - they are becoming daily more indolent & dissipated - Congregating in the vicinity of Ipswich & Brisbane in great numbers, they chiefly subsist by begging & thieving & can scarcely be induced to work for their living & as a natural consequence they are rapidly diminishing in numbers; so that in a few years there is every probability that this Race will be nearly extinguished - ... there are neither Schools nor other public institutions for the Aborigines in this District⁴³

The reasons for this decline, particularly the ravages of disease and drink, were amplified during 1858-59 in a series of letters to the *Courier* by Dalinkua and Dalipia, two Balonne River mission-trained delegates of the Breakfast Creek camp.⁴⁴ However, the causes were best itemized as early as 1851 by 'Humanity', as 'the usurpation of their lands, the persecution of their race, the destruction of their game, and the introduction among them of artificial wants, with disease and vice'.⁴⁵ He might have been more specific about the impact of sexual intercourse with the whites, at a time when the ratio of Aboriginal men to women was quite high (possibly 3:2), not to mention venereal disease. By 1858 the consequences were lamentably obvious at the annual blanket day:

Among those miserable savages could be distinctly traced the effects of vices introduced by the white man. One blackfellow was a hideous object and several of the children had evidently the virus of a loathsome disease in their blood. One little half-caste girl with light brown hair and a well-favored intelligent face excited some interest among the bystanders. It was pitiable to see this fine child with a face remarkably fair, even in her then unwashed condition, passing away again with the degraded savage. We are a generous christian people - we take a continent from its first possessors, and pay them with the curses of our civilization (without its attendant alleviations) with an annual blanket and with what is, perhaps, under such circumstances a real boon - the annihilation of their race.⁴⁶

The realisation that the Aborigines were in dire straits, resulted in a protracted debate in newspapers, meetings and congregations during the 1850s on their inherent nature, whether they were educable and the possibility of industrial schools for children. It also produced a belated missionary effort by the Aborigines Friends Society and Reverend W. Ridley in 1856-57 - but to no avail apparently. In the lead-up to Separation the obsession with profit and progress, bolstered by racist assumptions and repressive actions, proved far stronger than good intentions and pious hopes.

Though compensatory measures were discussed during the 1850s, they were overridden by the demand for justice. This entailed two complementary forms of action - punishment and repression.

As stated by the *Courier* in 1853, following the Dowse attack at Sandgate, 'Kindness is only an encouragement to crime, and mercy is seen by them as an evidence of fear'. The 'true policy' against such bloodthirsty and depraved

savages was that 'of visiting every outrage of law and order with the most severe and summary punishment'.⁴⁷

For misdemeanours such as drunkenness, a day or two in jail in lieu of a fine was the common penalty, while more heinous offences merited two or more years of hard labour in a NSW jail. These means were used throughout the period, but particularly during the later 1850s to counteract deviant behaviour. Though the death penalty was favoured for the most serious crimes, legal deficiencies ensured that only a handful of Aborigines were executed, namely Davey (1854) and Dundalli (1855) for murder, and Dick and Chamery for rape (1859). Since the blacks were to be taught a lesson, executions were usually witnessed by assembled Aborigines, from Windmill Hill if not the jail yard itself.⁴⁸ During the preceding decade several culprits were killed in trying to elude capture, including Milbong Jemmy (1846), Jackey (1846), Horse Jemmy (1847) and Omilly (1848).

Repression also took various forms, the simplest being the presence of military and police personnel. This was demanded by settlers throughout the period, but only spasmodically effected until the arrival of the native police in 1852. The police and then the native police put down resistance in the Sandgate-Pine River area during the late 1850s, including destruction of the Pine River camp in 1858.⁴⁹

Closer to town some official attempts to capture Aboriginal offenders resulted in official raids upon the blacks' camps. These expeditions sometimes ended in death and injury to Aborigines and destruction of their property, such as: the shooting of blacks at Yorks Hollow by a party of constables and survey men in 1845;⁵⁰ likewise by a party of soldiers in 1849; and the burning of gunyahs at Breakfast Creek by a party of constables and inhabitants in 1852.

At other times Brisbane citizens and police took strong action themselves, including: shooting at the Duke of York in a public street by a constable in 1847; firing at Aborigines by Thomas Duffy of Kangaroo Point in 1848; shooting at timber-getting Aborigines by two constables who claimed to be practising on stumps at Three Mile Swamp (Newmarket) in 1855; assaulting Grenier's servant at South Brisbane by a constable in 1856; and pumping buckshot into the camp at Breakfast Creek by unknown individuals in 1859.

Fear and revenge were elements of these actions, as they generally followed an Aboriginal attack. The principal exception, however, was the shooting and destruction which occurred at the three Breakfast Creek camps when raided by a party of police and volunteers in October 1860.⁵¹ According to the chief constable, this was caused by repeated complaints regarding the conduct of Aborigines along the road, which the *Courier* attributed primarily to a single 'extensive individual'.⁵² By that time law and order were sufficient reasons for the repression and dispersion of Aborigines about the town.

Aboriginal outrages and raids continued to occur during the 1850s as settlement expanded north and west. Nevertheless it was the perceived degeneration of Aborigines, bolstered by the prevailing racism and general optimism regarding the future of Brisbane, which also hardened the hearts of white inhabitants against either economic or educational opportunity for Aborigines. In a town which aspired to capital city status within the new colony of Queensland, the blacks and other deviant minorities had no legitimate place.

If this interpretation is true, the conviction, death and grave-robbing of Kipper Billy in 1862 exemplifies that stage of punishment and repression whereby Aborigines were removed from Separation society in Brisbane. Perhaps Kipper Billy and his ilk derived their predatory attitude towards European women from both black and white behaviour; neither culture had a proud record within living memory. Perhaps they acted in revenge for evident wrongs, including the white rape of Aboriginal women; though it is difficult to envisage such retaliation by earlier leaders such as Dundalli and Mulrobin. Perhaps they simply enjoyed the moment, when all of the cultural barriers were down. However, the fact that this kind of behaviour did not surface until the late 1850s, when tribal structures were deteriorating, town blacks were becoming increasingly deviant and white repression was on the ascendant, indicates that these men were really victims of social, economic and cultural change which was beyond their determination.

The plaintive confession of Chamery in 1859 says it all: 'What a stupid head mine must be to ravish a white woman'.⁵³



▲ *Illustration 14: Aboriginal offspring, Brisbane c.1869 (JOL)*

Chapter 3

The theatre of justice

Race relations and capital punishment at Moreton Bay 1841-59



Libby Connors

When my father was nine or ten years old, he saw the first execution by hanging in Brisbane - that of two Aborigines After it was over a prisoner, taking young 'Tom' by the hand, drew him along to have a look in the coffin. Stooping, he pulled the white cap from the face of the dead blackfellow, exposing the features. The horror of the ghastly sight so frightened the child that it set him crying, and he could not get over it nor forget it for long afterwards. As a man he remembers it still.¹

Constance Campbell Petrie's account of her father's memory of the first public execution at Brisbane in 1841 was written some sixty years after the event. While evoking a child's natural reaction, this also reflected the moral sensibility of the later Victorians who were revolted by such displays and believed they brutalized the crowds who came to view them.

For the first sixty years of white settlement in Australia, the public execution had a very different meaning. Hundreds of public executions were carried out between 1788 and 1855 in the eastern colonies, as public punishment was treated as the essential expression of the law. What became treated as a brutal and barbaric display was regarded as proof of justice and of the law's power. Rather than revulsion or rejection of the law, public punishment reinforced its acceptance. It was the culmination of a series of rituals which expressed the majesty and power of the law. According to Douglas Hay 'The death sentence ... was the climactic emotional point of the criminal law - the moment of terror around which the system revolved'.²

Through the theatrical and emotionally-powerful rituals of the criminal justice system, the idea of the rule of law was effectively inculcated to an illiterate and unruly population. In the convict colonies of Australia the same rituals were employed to convince the offcasts of British society, as well as a

non-literate indigenous population, of the benefits of British law. Any historical assessment of official punishment of Aborigines must be seen in this context; the intention of punishment was not gratuitous violence but an expression of the rule of law.

It is important too not to transpose the unequal patterns of legal relations which operated in post-separation Queensland retrospectively, without examining the earlier period in its own right. Rather than bringing the blessings of English justice to the indigenous inhabitants, the colonization of Queensland proceeded on the basis of systematic extermination by a quasi-legal paramilitary force. The historiography on Queensland race relations is emphatic on this point.³ The ideology of law clearly failed in the later nineteenth century, but it is ahistorical to assume that this was always the case.

In the 1820s and 1830s, humanitarians in England campaigned against the officially-accepted violence of the colonial frontiers by arguing that Britain could not be at war against its own subjects. British law must apply even on the extremes of the frontier.⁴ Although Aborigines would suffer enormous disadvantages before British courts, their inclusion within the framework of the law was a humanitarian victory, over those who urged military engagement with the indigenous inhabitants. Tragically the inclusion of Aborigines within British jurisdiction meant that they were also subject to its ultimate penalty.

Nevertheless the humanitarian victory was short-lived. By the 1850s the attempt to impose British legal process on frontier relations was under attack from both the Aborigines and majority white racists. The public executions of Aborigines, however brutal, did not cause this failure. They do, however, indicate the failure of British ideology in the face of deteriorating race relations, and thus provide important insights into later colonial developments.

Since the public execution was a symbol of legitimate authority, the community response was of great significance. Because of the public nature of the hanging, the state could not monopolize its meaning completely. Hangings became a point of contestation between blacks and whites and between racists and anti-racists. On this northern frontier of New South Wales the morality of capital punishment was also present as a secondary debate.

In the two decades prior to the separation of the colony of Queensland, there were 10 legal executions at Brisbane. The condemned crossed race lines: there were 3 Europeans, 1 Asian and 6 Aborigines. The Aboriginal hangings make important historical case studies. They symbolised not only the transformation of the criminal justice system which was taking place throughout the Australian colonies in these years, but also initial attempts to incorporate Aborigines into the British legal structure. This same symbol of legal execution was used by the Murri community to express rejection of the legitimacy of British law. But the final official execution in this period marked the submission of the defeated local tribes to the law - not as willing subjects before the principle of justice but as a powerless people under an instrument of repression.

The six Aboriginal deaths took place on only four separate occasions:

Aboriginal death sentences carried out at Moreton Bay 1839-59

(Source: Connors 1990)

1841 Mullan and Ningavil

1854 Davey

1855 Dundalli

1859 Chamery and Dick

This paper focuses on white intentions and black responses to the 1841, 1855 and 1859 executions which epitomize three distinct phases in Aboriginal-European legal relations.

The first case is that of Mullan and Ningavil, who were executed by public hanging at the Brisbane windmill in 1841 for the murders of Assistant Surveyor Stapylton and his convict William Tuck.⁵

For officialdom the task of implanting British law on a new frontier involved two strategies. One was to impress the local tribes with the power and terror of British law. The other priority was to convince them that the law would be used to defend them as well as to punish. The instructions to Commandant Owen Gorman and to the commissioners of crown lands were quite explicit on this point. The law must apply equally to blacks and whites.⁶ For both parties to accept the authority of British law, legal processes had to be shown to be effective.

In practice, however, the authorities had to prove that they were capable of dealing with crimes of violence. Failure to punish the murder of a public official would have been seen on both sides as proof of the weakness of British legal procedure. In this case the public function of law as the only legitimate authority would override the principle of individual rights. Mullan and Ningavil became the tragic victims of a policy which was designed to convince the northern tribes of the legitimacy of British law.

The theatre of this particular hanging was chosen to display the power and terror of the law to the Aborigines. The Sydney court passed the sentence of death but the actual site of the execution was left to the decision of the Moreton Bay commandant. Consequently the men were returned to Brisbane, a journey of some 600 miles, for their final role in the legal process. Gorman decided upon the most prominent landmark in the district, the windmill which could be seen for many miles.⁷

The siting of this execution was directed specifically at the Aboriginal tribes of the Moreton Bay region. This was not necessarily a racist decision but was perfectly consistent with the practices of the time. Convicts found guilty of capital offences at one settlement were sometimes executed elsewhere. Nevertheless carrying out the death penalty at the scene of the crime was generally believed to enhance the salutary lesson for the rest of the community, and many such hangings were carried out in townships and rural settings in New South Wales in the 1830s and 1840s.⁸ Criminal justice based on the deterrent model placed less emphasis on individual responsibility and more on conveying a lesson to the population at large. Consequently the ancient image of the gallows was intended to cross the language and cultural barriers and make a moral statement to the tribal Aborigines en masse.



▲ *Illustration 15: Aboriginal warriors with windmill backdrop, Brisbane 1860s (JOL)*

By today's standards many aspects of the case seem particularly barbaric. Of the three Aboriginal men who were originally arrested for the murder, Bunmatter died in custody before Mullan and Ningavil were tried in Sydney. Although two convict witnesses swore on oath that these defendants were not among the group of Aborigines which attacked the surveying party, other convicts were prepared to claim the opposite. According to an 1875 account, these convicts were driven by the reward which had been offered for the capture of Stapylton's murderers.⁹

It would be easy to speculate about excessive zeal being applied because of the race of the condemned men. The question of individual identity, the preparedness to convict on the basis of testimony given by convicts in exchange

for rewards, and the return of the men to Brisbane to be hanged from a public building are all disturbing elements. Given these inconsistencies it would appear that the authorities had little concern either about the letter of the law or about convincing the Aborigines of the justice and reasonableness of British law. Yet this case was also consistent with the legal practices of the time. These dubious characteristics were all inherited from the eighteenth century and a criminal code based on deterrence rather than uniformity and certainty.¹⁰

Commitment to the ideal notion of justice overrode concern about its precise application. Even when errors were made, the white community continued to accept and to celebrate the law. The strength of these notions even in the convict colonies of Australia is remarkable.

A brief discussion of the conviction and hanging of a European from Moreton Bay in 1849, illustrates how deeply held these beliefs about the law were. The case of William Fyfe was another notorious trial which embodied traditional legal practices. He was hanged in Sydney for a murder committed at Kangaroo Point in 1848. At the time of the killing this ex-convict was only a newcomer to Moreton Bay. Without friends or money he was unable to pay the costs of bringing his defence witnesses to Sydney in time for the hearing and was found guilty on circumstantial evidence alone.¹¹ Fyfe maintained throughout his trial and imprisonment that he was innocent and some years later, according to Brisbane folklore, another man confessed to the crime.¹²

Fyfe's case might be dismissed as another tragic example of the barbaric unreformed criminal justice system; but what makes it significant was his gallows speech. He had prepared a written speech in the traditional pattern which was confiscated on his way to be hanged. 'I cast no reflection on the judge who tried my case', he is reputed to have written, 'as he cannot tell the inward thoughts of man. I think had my case been tried at Moreton Bay ... where the awful deed was committed the jury would have taken a different view'¹³

Fyfe pleaded his innocence without success; yet he continued to proclaim the legitimacy of the legal system to the end. The occasional error was regarded as less important than allowing murder to go unpunished. Justice had to be seen to be done. Given the strength of these beliefs within the white community it is not surprising that officials would assume that the gallows would also be a powerful lesson for the Aborigines.

With the benefit of hindsight it is easy to describe how ill-fated this plan was. But was it necessarily doomed to failure? Certainly the cultural gap between the representatives of the English ruling class of the mid-nineteenth century and the Aborigines of Moreton Bay was vast, but then so was that between the English ruling class and the riotous crowd of the eighteenth century. The spectacle of the gallows and the majesty of the law had proved an extraordinarily effective lesson in the unreceptive environments of eighteenth century England and convict Australia.¹⁴ It was assumed that this would also be a persuasive instrument on the frontier.

Like eighteenth century England and convict New South Wales, traditional Aboriginal society was also steeped in notions of law. Henry Reynolds has shown that Aborigines responded to European aggression on the basis of tribal law and that many attacks on whites were judicial killings.¹⁵ From the settlement at Western Australia in the 1840s, however, Captain Grey reported on his

difficulties in convincing local Aborigines of the efficacy of British justice. Aborigines were prepared to explain the intricacies of their law to Grey, but he was not always capable of justifying British law in return.¹⁶ Nevertheless there was some commonality between both cultures' notions of law. For Aboriginal society, as in the archaic deterrent model of the British, the priority was not so much individual culpability as the select infliction of pain as retribution. Consequently the Aboriginal response to the windmill execution may not have been as alienated as we might expect.

Furthermore there is evidence to suggest that local Aborigines attempted to use the British legal system in the 1840s to 1850s. The disadvantages that they suffered under were great, but their participation in court rooms suggests a sophisticated understanding of legal procedure.¹⁷ Their preparedness to approach the courts indicates the diversity and adaptability of Aboriginal resistance.

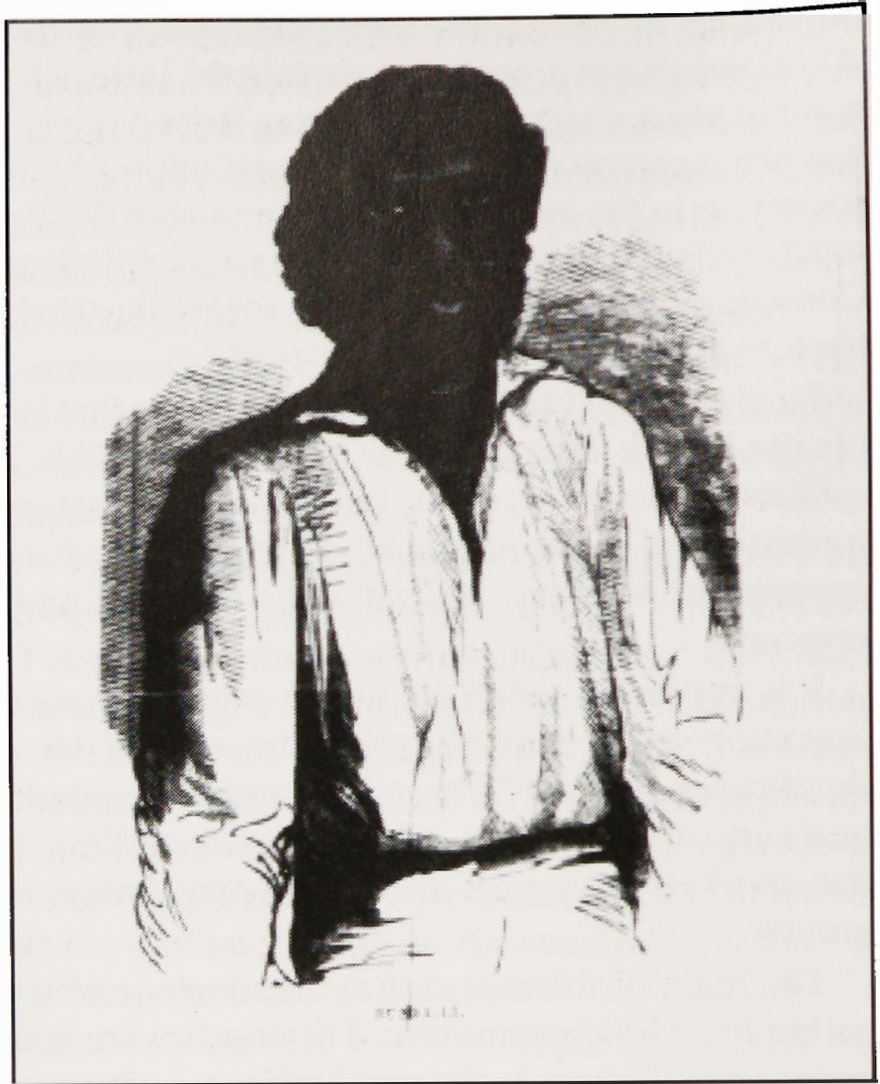
It is important therefore not to over-emphasize the brutality of the public execution as an expression of the rule of law to the exclusion of other significance. The public execution and any exemplary public punishment could be a very effective cross-cultural message. While particular laws were alien to one another, notions of justice and punishment were common to both racial groups.

The main problem was that the ideology of law came to be assailed from within the white community. The courts were generally aware of the need to appear equal when dealing with offences of racial violence and were cautious when sentencing the other major non-British group, the Chinese. But the most vocal opposition to the application of the rule of law to Aborigines came from the local whites. They resented the mediation of police and the courts in their racial conflicts and openly called for 'Anglo-Saxon justice' - a euphemism for swift and immediate retribution.¹⁸ Moreover the administrators of the criminal justice system rarely took action against whites for the murder of Aborigines.

The changes to the squatting regulations of 1847 accelerated white incursions into Aboriginal territory at an enormous rate and extended far beyond the reach of legal authority. But it was the expanded political power of the pastoral interests rather than geographical spread which actively thwarted legal authority in the 1840s. Under these pressures, Aboriginal interests were increasingly excluded from the court's domain. Consequently tentative experiments with British law by Aborigines in the 1840s were replaced by total rejection in the 1850s. Despite initial approaches to the courts, by the 1850s Aborigines were cynically treating the court system as nothing but a charade.

It is this rejection which makes the second case study, the public execution of Dundalli in January 1855, significant. Dundalli was a famous Aboriginal leader who was hated and feared by the white community because of his leadership of guerilla attacks around the Moreton Bay region for many years. When he was finally arrested in 1854 he adopted the usual Aboriginal strategy of denying his identity; once before the court he attempted to bribe Judge Therry and facetiously promised to row the judge back to Sydney in exchange for his release.¹⁹

Dundalli was contemptuous of his sentence of death and it is easy to see why. Since 1850 five Aborigines brought before the supreme court on circuit to



► *Illustration 16:*
Dundalli (Illustrated
Sydney news 16
December 1854, 440)

Brisbane had either escaped or been discharged for lack of witnesses or identification, two had received the death sentence and been reprieved, and seven had been sent to Sydney for either imprisonment or labour on the roads. The only prisoner executed was Davey who was hanged in August 1854 during Dundalli's time in custody awaiting trial.²⁰ Dundalli maintained throughout his incarceration that the authorities would relent and merely send him to Sydney; but once he was brought to the scaffold he called to his tribe who had gathered on the hill opposite the jail to avenge his death.²¹

Dundalli's gallows speech of 1855 is a stark contrast to William Fyfe's of 1849. Fyfe's prepared words were penitent and forgiving, a moral endorsement of the court's authority; Dundalli's spontaneous appeal was vengeful and hostile, a rejection of British law. From 1852 onwards, following the incarceration or execution of local Aborigines, the Brisbane area tribes showed their hostility to the legal process by waging retributive campaigns against the white community.²² Contempt for British law was more forcefully articulated by the tribes further north in the wake of the arrest of another Aboriginal 'ringleader' Billy Dorobbery in 1854. The coastal tribes surrounded the town of Maryborough vowing to release Dorobbery and to burn not only the headquarters of the commissioner of crown lands but the whole town as well.²³

Dundalli's execution was representative of the rejection of British law by the northern tribes as well as the inherent weaknesses of the public hanging as a symbol of state power and legitimate authority. In Britain, increasing public opposition and the state's loss of control of the spectacle accompanying executions resulted in its curtailment in the late eighteenth century. In 1783 the

processional to Tyburn was ended and thereafter hangings took place at the entrance to Newgate Jail.²⁴ In Australia, however, the ritual of public executions continued into the 1850s. In Port Phillip in 1842, for example, the execution of two Aborigines was preceded by a procession of the condemned in a horse drawn cart accompanied by the chaplain, sheriff and jailer and a crowd of 6000 townspeople.²⁵ At Brisbane there was no official procession of the condemned and officials through the town; but since the jail was on the later General Post Office site in the main thoroughfare of Queen Street, little of the public display was lost.

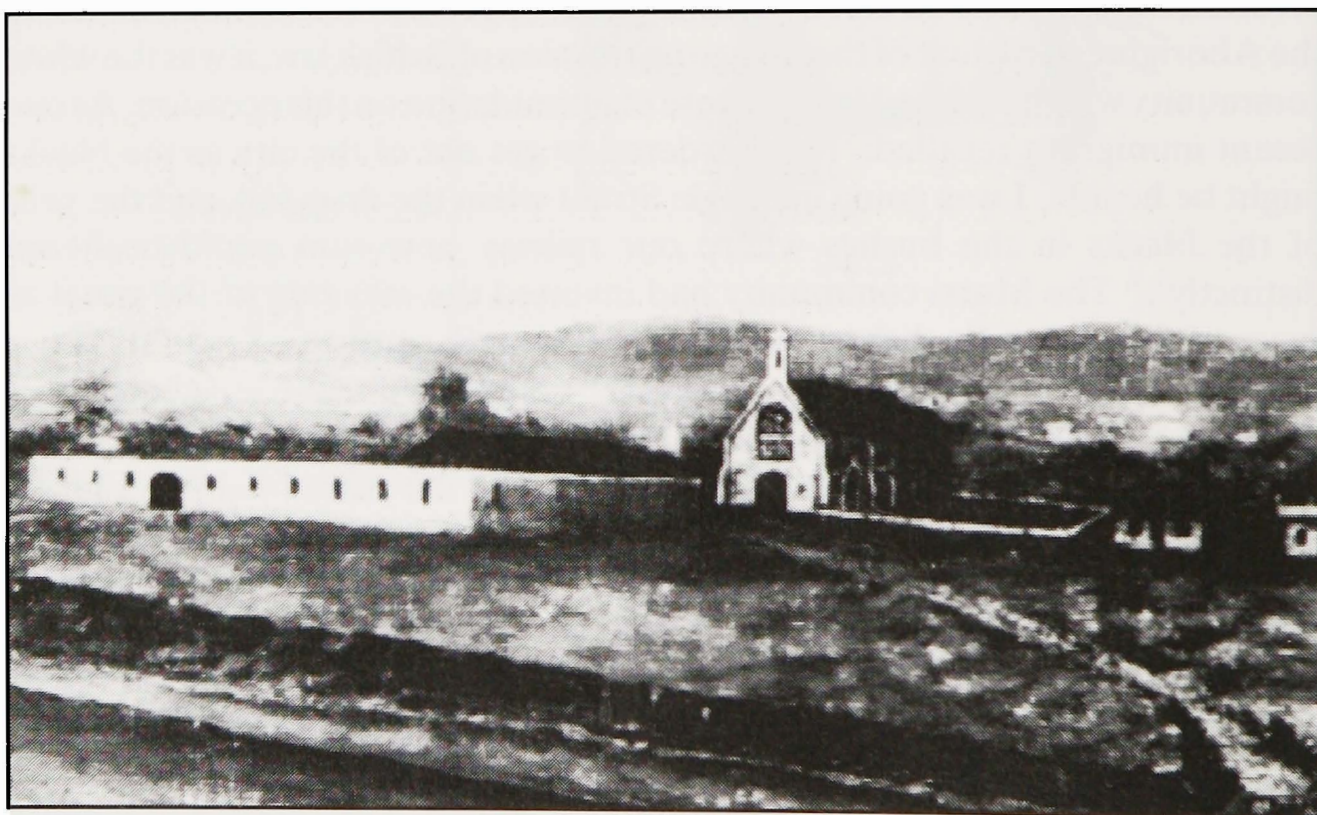
When Dundalli was executed in January 1855 the local Aborigines succeeded in reversing the role of the spectacle. A large number from Brisbane and the surrounding districts gathered in the scrub, which then existed near the present-day site of Central Railway Station and all the way up Wickham Terrace, to view the execution at the jail entrance. Dundalli's refusal to play the part of the penitent sinner not only failed to legitimize the procedure but inverted the spectacle so that it became an act of protest. Rather than instilling the Aborigines with fear of the savage retribution of British law, it was the white community which suffered from a sense of intimidation on this occasion. As one recent immigrant recalled: 'I was ordered to get out of the city as the blacks might be hostile. I was going up Eagle Street when the drop fell, and the yells of the blacks in the bushes where our railway now runs could be heard distinctly'.²⁶ The Murri community had inverted the meaning of the ritual as successfully as any English crowd of the eighteenth century.

This execution was probably the lowest point of the deterrence model of justice in New South Wales. Not only did it fail to convey the appropriate moral message of deference and obedience to the law to the assembled Aborigines; it also failed as a 'fair' hanging within this model's terms. Dundalli's was one of the last executions conducted by Alexander Green, the public executioner for New South Wales from 1828 to 1855, who is said to have hanged 490 people. Green was a tragic character; frequently harassed, his cottage outside Darlinghurst Jail was eventually set alight by a mob and he was forced to reside inside the jail walls. An alcoholic and often inept at his duties, he tragically bungled many executions, including Dundalli's, but was always retained because of the difficulty in filling such an ignominious position.²⁷ On this occasion he apparently made the rope too long and, as Dundalli was over six feet tall, the executioner had to hold on to his legs and drag on the body until he gagged.²⁸

The criminal justice reformers of New South Wales belatedly confronted the issue of public executions. By the 1850s a ritual which had been intended to convey a moral lesson to the community, as well as the state's defence of the moral order, was now being reinterpreted as moral degeneracy. Public executions at Moreton Bay had always attracted a great deal of community interest, including many female and juvenile spectators, a factor which was commented on adversely in the press.²⁹ The criticism of female interest, even enthusiasm, at hangings was that it was proof of the depravity of the ritual. In March 1855 the NSW government abolished public hangings throughout the colony. The main mouthpiece for abolition of this public spectacle in the north was the *Moreton Bay free press*. It supported what was termed 'private' executions, meaning inside the gaols, with nominated witnesses to ensure publicly that the state

carried out the procedure with due process and that the right person was executed. When William Teagle, a European condemned for the murder of his de facto wife, was hanged in 1857, the editorial supported the first private execution at Brisbane as the initial step towards abolition of the death penalty.³⁰

Despite legislative change to ensure that state executions were carried out behind jail walls, officials at Brisbane continued to make the hanging of Aborigines a public affair. According to the newspaper report of Teagle's hanging, the gallows had been erected 'in the outer court of the gaol, but within the walls'. The problem was that the Brisbane Jail of 1850-59 had been converted from the former female factory of penal settlement days.³¹ Owing to the lowness of the surrounding wall, the workmen had to drape the scaffold with cloth, 'so that the spectacle could not be witnessed by those without the walls'.³² When two Aborigines were hanged in 1859, however, the authorities failed to adhere to this procedure.



▲ *Illustration 17: Former female factory and old St Stephens church (QN)*

Thus the final case-study is that of Chamery and Dick from the Logan River region. In 1859 Sheriff William Brown reported to the colonial secretary on the special arrangements he had made for their execution:

Three Aboriginal Natives were admitted inside the gaol to witness the Execution. There was also from thirty to forty looking on from Windmill Hill, and in order that they might have a good view I caused the top part of the Scaffold, to be left open, in place of black cloth being put around it.³³

Sheriff Brown's ready and confident non-compliance with official policy needs to be seen in the context of the northern frontier. There the re-organised native police force *encouraged* the breakdown of law and order and the escalation of racial warfare.³⁴ The intensification of frontier violence, combined with the confidence and aggression of northern political interests as separate colonial status approached, fostered a lethal mix of white fear and deep hostility.

A public symbol of the power of the state was once again called upon to reassure the white population and terrorize the remnant Aborigines. The sheriff justified the departure from official policy by using the traditional argument that it would be a salutary lesson and would deter further Aboriginal attacks. His report continued:

I am also happy to be able to state that Some of the Aborigines understood the whole case, and admit the justice of the punishment ... - there can be no doubt that they will communicate it to the neighbouring tribes, and it is to be hoped, that having a knowledge that their lives will be forfeited, they will cease to perpetrate a crime, which of late has been so frequently committed in the Logan District.³⁵

Sheriff Brown's optimistic conclusion was totally unjustified. In terms of modern sensitivities, this final hanging was probably the least offensive, but the most brutal in actual practice. The contrast between the threatening gathering of the tribes to witness Dundalli's execution and the apparent acquiescence of the few who were marshalled together in 1859 is remarkable. In the intervening years the native mounted police had been using a form of quasi-legal terror to intimidate the tribes in the immediate vicinity of Brisbane.

This last hanging of the period also took place during the new enlightened era of reformed criminal justice, but its seemingly minor breach of procedure was symptomatic of the failure of the rule of law to transcend racial lines. If in one sense the first Aboriginal hanging was a sign of humanitarian victory, this last one marked defeat. The intimidatory and oppressive aspects of this ritual were proof of the total failure of British law to attain legitimacy in Aboriginal eyes.

The Aboriginal response to official punishment between 1841 and 1859 suggests a pattern of initial accommodation followed by contestation and rejection and finally powerless submission. The psychically- and emotionally-powerful ritual of the public hanging failed to convince the tribal Aborigines of the northern frontier of the legitimacy of British law by the mid 1850s. The failure lay not so much with the rule of law as with its uneven application.

Later in 1859, following the execution of Chamery and Dick, there was a vigilante attack upon the Aboriginal camp at Breakfast Creek, the last refuge of the Brisbane area blacks. The hypocrisy of British law was clear to the town Aborigines: 'You hang blackfellow Brisbane gaol; Why no hang whitefellow when he kill blackfellow?', members of the camp asked the journalist.³⁶ Within a matter of months the Brisbane police destroyed this last camp under the sweeping powers of the Vagrants Act.³⁷

The misapplication of the rule of law across racial lines was objected to by a few dissident anti-racist whites, but the process was well under way by 1859. Unequal treatment before the law would be enshrined legally in the years following separation of the colony - its racial legislation actually seen as a model by other states and the Commonwealth in the new century.³⁸

For white racists this inferior legal status would be a point of self-congratulation, but its legacy has been long and painful and difficult to redress. The alienation of Aborigines from the key institutions of European society has run far deeper in Queensland than in many other colonial settings. Alienation from the criminal justice system in particular remains to this day.

Chapter 4

The Kilcoy poisonings

The official factor 1841-43



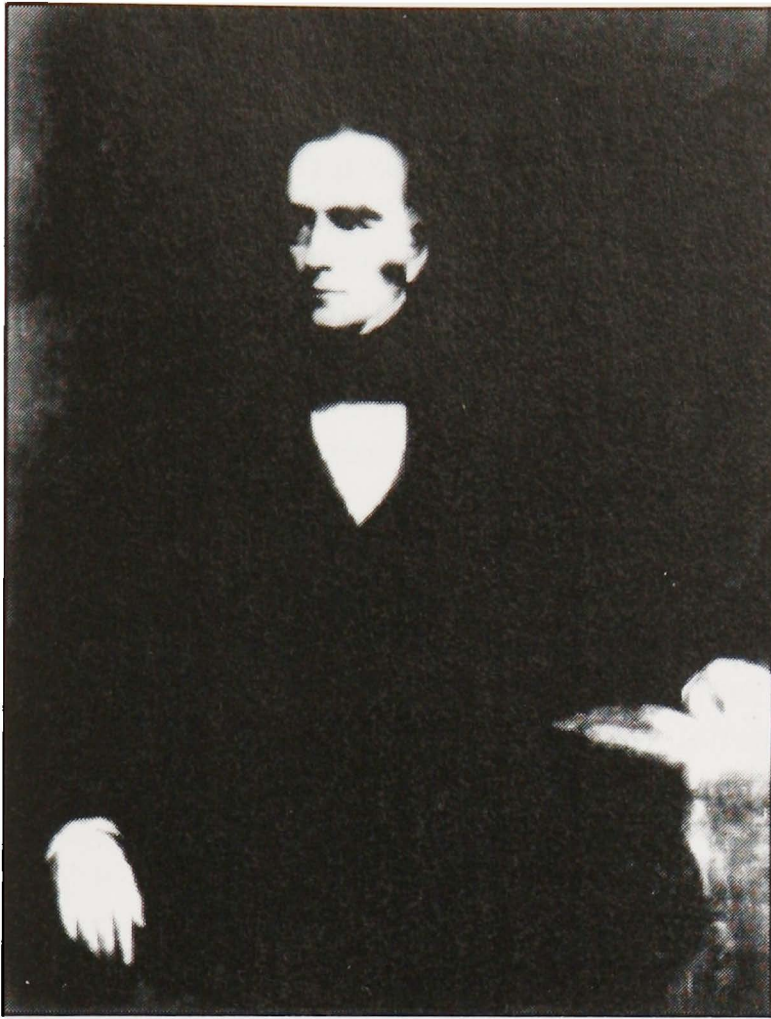
John Mackenzie-Smith

In his book *Caledonia Australis* Don Watson concluded that ‘It is one of the greatest ironies in Australian history that Governor Gipps’ determination to see justice equally administered between blacks and whites did nothing to halt the flow of blood on the Australian frontier’.¹

This paradox arising from Sir George Gipps’ administration was as valid for the Moreton Bay district in the 1840s as it was for Gippsland at the other end of the continent. On the colony’s northern frontier it was plainly evident that equitable administration of justice between Europeans and Aborigines was a figment of the imagination of parliamentary draughtsmen and the governor’s rhetoric. This was brought home dramatically in the wake of one of Australia’s most infamous and callous genocides at the isolated Kilcoy run in February 1842.²

Critics of Gipps, foremost of whom was the Reverend John Dunmore Lang, have assessed that the governor was found wanting at that time when the administration of justice required firm timely action. In fact it was claimed that he actively perverted the course of justice, departing from his former principles which prevented the bestowal of advantage or favour. Consistency and fairness went to the wall even after March 1842, when the official magisterial structure had been finally put in place to enforce that law and order which had been circumvented by the squatters during the last throes of the penal era. Concurrently Gipps displayed his major weakness which virtually ensured the success of northern tactics of obstruction, and indirectly fuelled the black war. Therefore some were to view it as poetic justice when Lang mercilessly exposed this major lapse and viciously attacked the dying ex-governor in a widely circulated publication five years later.³

To give him his due, Sir George Gipps did his legislative best to ensure that European occupation of crown land or, in reality, Aboriginal dispossession was effected with the minimum of bloodshed. Indeed, catholic sources lauded



◀ *Illustration 18: Sir George Gipps, Governor of New South Wales (JOL)*

him for his christian and humane approach to Aboriginal policy. Within the squatting districts of New South Wales he envisaged that peaceful relations would be maintained between Europeans and Aborigines by commissioners of crown lands backed by contingents of border police. He demonstrated that he meant business, with the working classes at least, by relentlessly pursuing every legal means to execute eight who callously murdered a large number of Aborigines at Myall Creek in 1838.⁴

Beyond the limits of location in the Moreton Bay district, well out of reach of the nearest commissioner of crown lands at Armidale, Gipps' control and protection were virtually ineffective. Between 1841 and the first few months of 1842, before Dr Stephen Simpson was appointed commissioner for Moreton Bay, an authority vacuum existed in the northern districts. Most of the squatters and their workers were swift to take advantage of this situation at great cost to the Aborigines who naturally resented eviction from their sources of sustenance, ancestry and spiritualism.

Yet Gipps had every reason to believe that frontier settlement in the north would be less likely accompanied by the usual bloodshed and atrocity as two diametrically different groups clashed over coveted land in a bitter struggle for survival. After all, such outrages were traditionally perpetrated by unscrupulous Europeans possessing the basest moral values and habits. Thus Gipps took heart in the knowledge that most of those squatters who were heading north in 1841 to take up land east of the Dividing Range were unlike the commonplace frontiersmen. They were young, well connected men of the highest social standing, many in fact belonging to his own social caste. Expecting gentlemanly behaviour from this unique group of squatters who

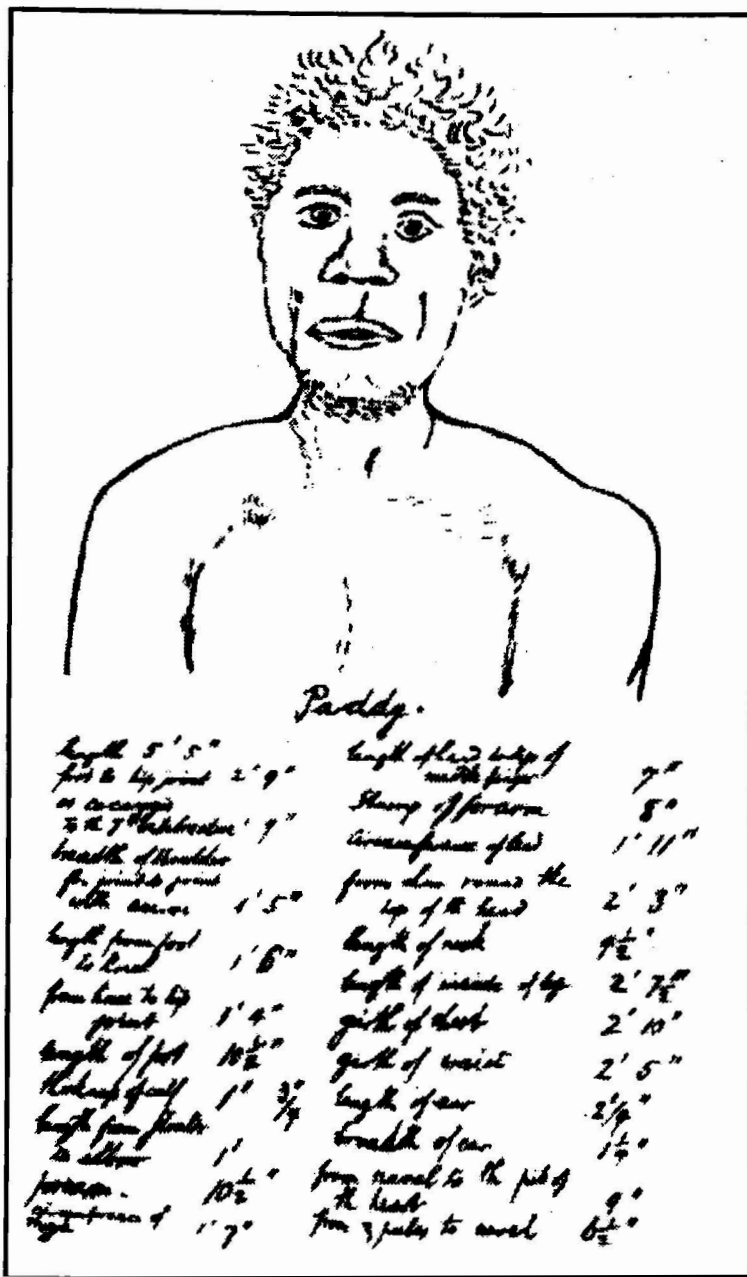
could be relied upon to keep their workers in order, Gipps was content merely to give each of these aspiring pastoral capitalists a stern warning before they set forth to the interior. The squatting parties were informed in no uncertain terms that they would be encroaching upon dangerous territory; they could expect no protection from the government and would be accountable for any Aboriginal loss of life. This was reiterated by Commissioner G.J. McDonald as the droving parties traversed the New England district.⁵

It is difficult to believe that Gipps was naive enough to expect that the opposing parties in the north would 'shake down into peaceful and joint occupation without regulation or much interference', given the bloody history of the dispossession process to that point of time. Yet in October 1841 the governor gave short shrift to Brisbane River valley squatter John Balfour when he complained bitterly about the loss of his sheep and station, and the extent of European casualties during the resistance mounted by the local Colinton clan. Despite written support for Balfour from Lieutenant Owen Gorman, commandant of the penal settlement at Brisbane. Gipps testily reminded the lessee of Colinton of the conditions under which he was permitted to form his station beyond the limits of location. The governor virtually told Balfour that he was not interested to read about his problems with the Aborigines and had better work out a non-violent solution. For good measure, and reflecting the mere official cupidity for which he was despised in the north, Gipps instituted petulant inquiries, after a further complaint, to determine whether Balfour had paid for his squatting licence.⁶

Offended by government apathy to their plight on the one hand and impossible expectations on the other, the northern squatters took matters into their own hands. Too much was at stake, in the form of human lives and large capital investment, if the impossible process of uneasy co-existence was pursued. The squatters saw no reason to share the land and the Aborigines certainly were not willing to sit back and watch it taken from them. Moreover the Aborigines had already hit at the achilles' heel of the pastoral industry. The physical and psychological warfare waged by the original inhabitants had taken its toll on European workers. It was impossible to engage shepherds to serve in the dangerous Brisbane Valley at any price. Those under contract left for the settlement immediately after serving their time in the bush.⁷

Isolation from apathetic authority by distance and time was turned to the advantage of the squatters, who adapted the precedent set by the commandants of the penal station. Traditionally Moreton Bay was an outpost which on occasions only minimally informed the government of local action. Often official approval was sought after initiative had been taken. Sydney was frequently presented with an irreversible *fait accompli*. Embittered squatters who paid their licences for protection which was unforthcoming were more than capable of accommodating this practice into their style of operation. In desperation they took the law into their own hands by para-military initiatives and engineered a conspiracy of silence throughout the district.

Thus the squatters ensured that government officials and southern journalists remained ignorant of the real state of affairs as they took over the land. Despite the elaborate legal and administrative framework under which the colony of New South Wales operated, it would appear that homespun adages



▲ Illustration 19: Paddy of Durundur station, upper Brisbane Valley 1844, sketch by Ludwig Leichhardt (MLS)

such as 'out of sight, out of mind' and 'no news is good news' formed the basis of government interaction with the 'end of the line' between mid 1841 and early 1842. While Gipps had his head in the sand, protected by distance, regulations and lack of official intelligence, the blood of two antagonistic forces flowed profusely on the northern frontier.

It was on his visit to Moreton Bay in March 1842, to prepare for free settlement, that Gipps was rudely awakened from his contrived ignorance about the nature of inter-racial relations of the district. At that time rumour was rife in Brisbane society concerning a heinous crime perpetrated on Aborigines at an unnamed northern station adjoining the Bunya Mountains. Later described by colonist William Coote as 'one of those almost incredible crimes which disgrace our efforts at colonisation', it was eventually revealed that up to sixty Aborigines had been

poisoned at an out-station of the Kilcoy run held by Evan and Colin Mackenzie, sons of the highly connected and influential Sir Colin Mackenzie of Kilcoy.⁸

Sensing that he would have to adopt double standards, in addition to feeling disappointment with his peers, Gipps hardly took this unwelcome and unexpected news in his stride. He did not want to hear about it. Evan, the elder brother, had been a British magistrate and was front-runner for a similar position at Moreton Bay. Along with the commissioner of crown lands, Mackenzie would be responsible for the protection of Aborigines.

It was left to the newly appointed incumbent to the position of commissioner of crown lands to break the unwelcome news to Sir George. Dr Stephen Simpson was convinced that such a crime had been committed, as the Limestone (later Ipswich) Aborigines had reported the facts to him directly, describing exactly the distressing signs of arsenic poisoning.⁹ In a state of angry denial, Gipps reacted testily to this information, exclaiming that this intelligence had been got up to annoy him.¹⁰

Northerners expected an immediate inquiry but were not entirely astonished that Gipps demonstrated reticence to institute proceedings against such

a likeable member of his caste who was held responsible for all matters concerning his run. Nevertheless evidence was needed to confirm that such a crime did in fact take place, and witnesses were required to testify before charges could be laid. At that time officialdom had no irrefutable knowledge of the identity of the victims, the exact location of the crime, the murder instrument or the motives, let alone the identity of the murderers. The northern wall of silence and official tardiness would ensure that no inquiry was forthcoming and no charges laid. The squatters would ensure that no witnesses or further informants came forward. In addition, official subterfuge, effected by following the letter of the law, subverted any hopes that the details would ever be known. Indeed, John Dunmore Lang accused Gipps as having black blood on his hands by his protection of the murderer(s) through lack of official action.¹¹ Although modern defenders of Gipps argue that the governor could not act without evidence and his behaviour was technically correct,¹² contemporary opponents such as Lang, a member of the legislative council, argued that governor was 'particeps criminis'.

The northern campaign of obstruction swung into action. Potential witnesses were identified and silenced. All possible obstacles were placed in the way of setting up an immediate inquiry, the hope being it would be delayed so far into the future that all clues would be erased. A conspiracy of silence, which included all settlers from convict shepherds to the pillars of society, ensured that even to this day mere conjecture held sway.

The first semblance of an enquiry directly attributable to Sir George Gipps arose upon the steamer *Shamrock* on the vice-regal return voyage to Sydney at the beginning of April 1842. John Ker Wilson, an ex-squatter who helped the Mackenzies found Kilcoy, brazenly 'took the first boat out of town' after the news broke in Brisbane. E. Mereweather, the governor's private secretary, questioned Wilson, who confided that this was the first time he had heard about the massacre. Wilson expected officialdom to believe that he had never come into collision with Aborigines during Kilcoy's formative period.¹³

Also attempting to distance himself from involvement in a possible enquiry was Evan Mackenzie. After being appointed as magistrate within a fortnight of Gipps' departure, he embarked upon six month's rest and recreation to Sydney. Mackenzie and Simpson were the only officials empowered to hold an enquiry on the production of evidence. As Mackenzie was co-owner of the ill-fated run, the investigative task fell to Simpson. However, the former's absence ensured that the latter was overworked and unable to find time to disentangle himself from copious paperwork to investigate the Aboriginal claims.¹⁴

Within Kilcoy, with its large proportion of free labourers loyal to the Mackenzies, silence from station personnel was ensured. The evidence of the shepherds of convict origin who manned the frontier posts was not admissible in colonial courts of law. Nor was that of Aborigines. However, there was one other group which could direct authorities to the murderers by bargaining their knowledge for their lives if captured. Although the evidence of runaway convicts was inadmissible, authorities would assuredly use this information to commence legal proceedings. As the members of this group were reported to have led the Aboriginal attacks against European stations with attendant



◀ *Illustration 20: Evan Mackenzie of Kilcoy (Pers.)*

casualties, they would surely hang after trial.¹⁵ Hence the hidden agenda of Andrew Petrie's expedition to Wide Bay in May 1842 was to unearth two runaway convicts, James Davis and David Bracewell, and then to silence them with the promise of immunity from prosecution on return to Brisbane.

The runaways' account of the poisonings provided more details on the crime; but little useful evidence that could be used to set up an inquiry was forthcoming. Davis recounted with chilling fervour the deaths of the Aborigines who were mainly from his adopted clan, the Giggabarahs living at the base of Mount Bauple. He lost three adopted brothers by poisoning at Kilcoy, while his adopted father Pamby Pamby was in possession of a watch taken from the body of one of the two Kilcoy shepherds killed during late February in retaliation for the murders. Henry Stuart Russell, a Darling Downs squatter and member of the Petrie expedition, cryptically accused Davis of having more than a vicarious role in the murder of these Europeans: 'Strange, I thought, that we should be first apprised of the white men's crime by a white man in the midst of their murderers'.¹⁶

Bracewell recounted without contradiction before an antagonistic Davis that shepherds at Kilcoy had been harassed not by local clans resisting dispossession, but by a combined force of nine or ten 'wild' Wide Bay clans bent on 'outrage and spoil'. Intending to use terror tactics, the combined clans hatched their plan at the triennial bunya feast to demand flour, tobacco and sugar which 'their southern counterparts had spoken of with such gusto'.



▲ *Illustration 21: Kilcoy homestead 1852, sketch by Conrad Martens (Pers.)*

‘Rations or whatever struck their fancy’ were there for the taking from two lone terrified shepherds. Finally, after conferring with Petrie’s party and the runaways, Simpson reported that the Aboriginal deaths were caused by mutton which white men brought to their camp where it was consumed with horrendous effects.¹⁷ Thereafter, with possibly one exception, Davis and Bracewell kept their knowledge to themselves.

It was safe to presume for local consumption that the two shepherds who paid with their lives for this heinous crime at the hands of Aborigines were the culprits and that justice had been done. Yet those locals who knew that Aborigines indiscriminately killed any Europeans in revenge had their doubts that the criminals had been despatched. A strong possibility existed that the murderer(s) were still alive, shielded by northern settler society.

It was Rev. John Dunmore Lang who eventually brought matters to a head in December 1842. Lang’s disclosure of the massacre in the Sydney press created a public furore, accompanied by demands for an immediate official inquiry to bring the murderer(s) to justice. Gipps had fallen into Lang’s hands. The governor had sent back to Lang, without taking action, the Rev. William Schmidt’s journal of his missionary tour to the Bunya Mountains in June 1842. Therein Schmidt had reported the poisonings and Gipps had certainly noted the revelation. He had underlined in red the offending passage which would have provided the attorney-general with a starting point for an inquiry. Out of public duty and hatred of Gipps, Lang seized the opportunity to bring the crime and official dereliction of duty to public attention by publishing Schmidt’s journal in three instalments in his *Colonial observer*.¹⁸ Schmidt’s dramatic revelation was printed in italics as the final paragraph of the first episode. This action produced the desired effect, putting Gipps on the defensive to rationalize his apparent malfeasance to an angry public.

Gipps' attempt to scapegoat Schmidt for 'non interference with the administration of the law' backfired. Schmidt correctly reported that he was apprised of the news of the poisonings at the same time and at the same place as Gipps - in Brisbane in March 1842.¹⁹ Hence Gipps was more culpable than Schmidt who had no duty to see that the wheels of justice were put into motion when the governor possessed the same information. He merely reported in his diary what the Durundur Aborigines had told him.

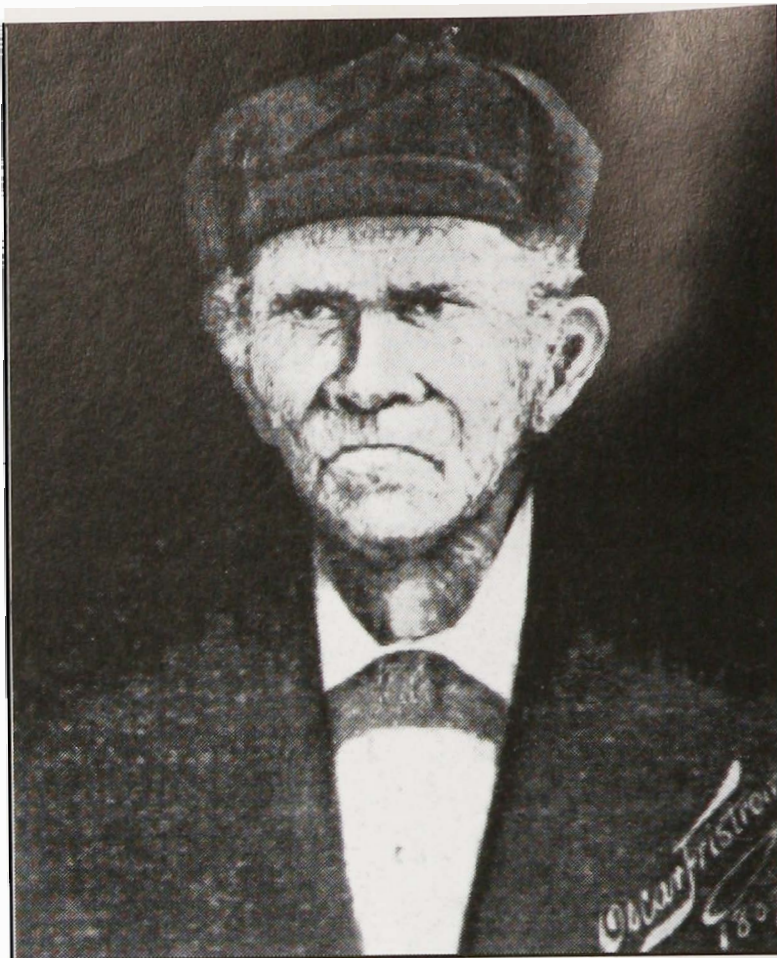
Apparently Lang knowingly martyred Schmidt not only to initiate the process of justice but also to set Gipps up and to assuage his own conscience. After all, the journal was six months old when published. With the tables turned on Gipps, Schmidt's southern supporters then engaged in newspaper correspondence aimed at appeasing the northern squatters. Their colleague appeared to be in imminent danger of meeting the fate of an informer.²⁰ Unwittingly, the reverend gentleman from Zion's Hill had broken the code of silence.

In April 1843, fourteen months after the crime, Simpson was finally in a position to conduct the inquiry set in train by Lang's actions. He travelled to the Bunya country via the Brisbane Valley, interviewing the station personnel. However, he was unable to locate the Giggabarah clan. When he returned to Brisbane, he offered a theory 'that was so improbable that it [had] more of the appearance of bounce than truth'.²¹ Simpson, probably with significant squatter input, developed further the theory he initially proposed to Gipps in May 1842. He now hypothesized that the Aborigines met with accidental death after consuming the carcasses of sheep treated with arsenic for scab.²² To Gipps that was the end of the matter. This was the verdict he wanted to hear from a man who after all was a medical practitioner. In 1980 Dr J. Tonge, Queensland Government pathologist, put this theory to rest. He advised that 'each victim would have to eat 6-12 kilograms of liver and kidney from sheep dying from arsenic or 40-6 kilograms of these organs after ingesting arsenic'.²³

It appears that justice was aborted by lack of evidence, vice-regal tardiness, squatter obstruction, official complicity and community discipline. Angry and frustrated by this travesty, Lang decided to conduct his own enquiry when he visited Moreton Bay in November 1845. Andrew Petrie refused to give Lang an oral elaboration of his Wide Bay journal and the curtain of silence once more descended on the community. Petrie was reported to have been put under pressure by the 'Head of a colonial Government' to let the matter of the poisonings pass into oblivion.

However, Lang came upon James Davis by chance at Captain Griffin's Pine station and received new evidence which may have explained the elaborate cover-up. During their brief conversation, Lang probably was given the unexpected information which he published in *Cooksland* without incurring legal action. Lang asserted that the Aborigines had been 'poisoned with arsenic knowingly and designedly administered by the squatter'.²⁴ This theory is quite plausible as a desperate action may well have been necessary to remove hundreds of menacing Aborigines who would confront Mackenzie's second and more reticent intake of Scottish workers on their arrival at Kilcoy via Dundee, Sydney and Brisbane.

*Illustration 22: James Davis ►
alias Durramboi 1889,
painting by Oscar Fristrom*



It was just a short impulsive step from Lang's inference to lay the blame for the Kilcoy poisonings on Evan Mackenzie. Official editing of Captain Richard Coley's evidence some fourteen years later to a select committee on native police virtually sealed Mackenzie's guilt. Coley recalled a conversation with Colin Mackenzie who said that poisoning was one of the means used to deal with the Aboriginal 'menace' at Kilcoy. An official footnote to this evidence apparently inferred that Evan Mackenzie was the poisoner. This official endorsement seemingly put Evan Mackenzie's guilt beyond doubt:

Mr Mackenzie received a note from Mr Plunkett, the Attorney-General of New South Wales stating that he had received accounts of his having destroyed the blacks, cautioning him at the same time that if the complaint were brought before him officially he would have to take notice of it.²⁵

Certainly Evan Mackenzie, in common with most of the pioneer settlers, shot Aborigines in the process of taking their land or avenging murders of shepherds and dispersal of stock. He was singled out because he boasted of his actions to high officials in a temper outburst. However, he was not a poisoner. It can be demonstrated that he was in Sydney during the first week of February 1842 when the poisonings occurred - the only occasion that this ghastly method was used on Kilcoy station. John Ker Wilson at the same inquiry emphatically denied that poisoning was official policy at Kilcoy and later William Coote protested that Evan Mackenzie would never have condoned it.²⁶

Hence the culpability for this horrendous crime against humanity lay elsewhere among the squatting fraternity - if Lang was correct. There were several people of squatter status present at Kilcoy when the genocide of February 1842 occurred, including Evan Mackenzie's relatives. The whole elaborate cover-up may well have been implemented to protect a squatter with high connections. After all, the Mackenzies and their peers were not the types to go to such lengths to protect a couple of colonial workers. Rev. John



▲ *Illustration 23:*
Rev. Dr. John Dunmore Lang (JOL)

Saunders, member of the Sydney-based management committee of the German Station, apparently had inside information when he invoked his wrath upon the Kilcoy poisoner. Saunders threatened, 'As a gentleman ... let him not think that either birth or education is sufficient reason to absolve a man of suspicion of wholesale murder: or that the gentle blood of a squatter can exculpate his station, or his servants in accusations connected with established facts gentlemen have swung on Tyburn tree ...'.²⁷

If Lang's theory of a squatter-poisoner is warrantable, a cunning campaign of obstruction to the course of justice was conceived and implemented in Moreton Bay during 1842. Initially it was proposed that shepherds, possibly victims of later revenge actions, killed up to three score predatory

Aborigines in self defence. The second explanation, death by feasting upon sheep which ingested arsenic in the dipping process, really only possessed the status of a first line strategy promoted by squatters and embraced by officialdom. This unlikely theory, accepted only by the impressionable, was effective in that it parried legal investigation. Both explanations were possibly red herrings to divert attention from the real killer of apparently high social standing who mixed flour and arsenic in large quantities to create a deadly damper mixture.

It could be postulated that officialdom laid another false trail in 1861. Knowing that Evan Mackenzie was innocent of the Kilcoy poisonings, the squatter-dominated committee took action which set up the elder brother as a decoy by inserting Plunkett's letter as a footnote to Coley's evidence. Even if this measure was intended to confirm that Aborigines were indeed killed in large numbers at Kilcoy and the Mackenzies were involved, the immediate and long-term effects were to brand Evan Mackenzie as the Kilcoy poisoner. Consequently for the last 130 years the baying hounds have been scurrying after the wrong quarry in their attempt to unearth a scapegoat for European excesses in the pioneering period.

Poisoning has been regarded as the extreme of cruelty and cowardice on the colonial killing scale. Although Mackenzie's actions were indefensible according to any civilized values, he should be placed appropriately in the broad average band along with most of his pioneering colleagues. Ultimately, by taking the heat off those squatters who were equally as guilty of Aboriginal

genocide as Mackenzie, the committee of 1861 ensured that the real object of the Kilcoy hunt was protected from the erratic chase. His scent has been erased by time.

It is time that historians overcame the knee-jerk reaction to identify Evan Mackenzie as the shadowy Kilcoy poisoner. Although he may well have been offered up as a sacrifice by the squatting forces in the colonial establishment to protect the guilty, it could be claimed in a perverse way that he was a man of honour. In silence he shouldered the blame for this crime throughout his life and beyond to protect the poisoner who could even have been one of the members of his family or close friend. Colin Mackenzie's movements, after arriving ahead of his brother in Brisbane in late January 1842, could warrant scrutiny; John Ker Wilson provided most suspicious evidence to the governor's secretary and the committee of 1861; John McDonald, the Kilcoys' cousin, was apparently on the run at the critical time; an unknown overseer, replaced by Alexander McDonald, appeared only too willing to give the Aborigines 'a dose';²⁸ and it is not improbable that a squatting neighbour came to the assistance of the younger panic-stricken Mackenzie who was but nineteen years old. Basically Evan Mackenzie was caught in a cleft stick. He had no option but to remain silent. His attitude and actions towards the Aborigines, along with those of kith and kin, would not stand up to close scrutiny if legal action were taken.

Ultimately the Aborigines cared not a fig for white man's justice and its charades. There was no room for hypocrisy and subterfuge in the indigenes' immediate and direct processes of law. Finally both parties paid dearly as they became locked in a bloody cycle of vicious pay-back killings. Unfortunately for the sake of humanity in the Moreton Bay District, revenge and retaliation were just as much a part of the Highlanders' psyche as the Aborigines'. Sir George Gipps, his commissioner of crown lands and the border police could not or would not stem the slaughter on the pastoral outskirts. In the final count the long arm of the law proved to be ineffective in an isolated situation and an emotionally charged atmosphere where blood, blue and black, proved to be thicker than water.

Chapter 5

'Snakes in the grass'

The press and race relations at Moreton Bay 1846-47



Denis Cryle

For the purposes of local history, the pages of early newspapers provide unique insights into the lives and attitudes of the first European settlers. Until recently, when it became apparent that the contribution of the press to the colonizing process was somewhat ambivalent, it was customary for amateur and local historians to endorse and even applaud the harsh attitudes espoused by pioneer editors. Many contemporaries still appear oblivious to the sinister implications of this widely-held historical view.¹

By stressing the role of the colonial newspaper as the mouthpiece of virulent racism and white supremacy, historians of race have, on the other hand, forced a revision of these uncritical assumptions.² It has become clear that, in not a few instances, pandering to anti-Aboriginal feeling and condoning collective acts of white violence were as much a part of the editorial mission as raising subscriptions for the local hospital and school of arts. By proclaiming itself the scourge of the black population, the press sought to encourage an embryonic sense of community, albeit with tragic results.

Throughout 1846-47 the *Moreton Bay courier*, the first publication to appear in the northern districts, exerted itself in this direction. Nevertheless it should not be forgotten that the racial issue was sufficiently volatile and complex to create deep divisions within the white community itself. These divisions were exposed in press polemics between 'persecutors' on one hand, and 'protectors' on the other.

That the local racial incidents of 1846-47 were extensively reported and amplified in metropolitan Sydney journals suggests they were quickly integrated into a broader debate about legal protection for Aborigines. This debate had intensified during the Gipps period (1838-46) and culminated on the

northern frontier with the celebrated case of Frederick Walker during the mid 1850s. Arguably, such divisions are as much a part of the colonial press as the vindictive utterances of frontier editors. The 'Snakes in the Grass' to which the *Moreton Bay courier* referred were both black *and* white.

And what of the local Aboriginal people? The press, generally a meagre source of information in this respect, reveals occasional glimpses into the fragile existence of the depleted North Brisbane clan.³ In particular the admission of Aboriginal testimony sets apart the incident to be examined here from a predictable pattern of official discrimination by the frontier police and the provincial courts.

The Brisbane career of Arthur Sidney Lyon, pioneer editor and proprietor of the *Moreton Bay courier*, invites a reassessment of the frontier press ethos. First published from a garret in Albert Street on 20 June 1846, the *Courier* was full of high-flown lyricism for British enterprise and energy. Lyon recapped a few months later:

We have often dwelt with interest and delight on the recorded toils and triumphs of early colonisation - the struggles and sufferings of those adventurous spirits who, in seeking to extend the blessings of civilization, have enlarged the limits of British dominion and heightened the lustre of the British name.⁴

In the same issue the editor hailed news of the Port Curtis experiment as 'the first symptom of the victory which Sciences and the Arts were about to achieve over barbarous ignorance'.

One corollary of the *Courier's* Enlightenment rhetoric was a deeply engrained belief in the inferiority of the indigenous race. Although a somewhat elusive figure for biographers, Lyon did succeed in stamping his personality on his local publication. A common function of the earliest provincial weeklies was the listing of Aboriginal 'depredations' throughout the district. Various offences - pilfering and spearing of cattle being the most common - were faithfully reproduced in the *Courier's* columns.

At Moreton Bay a convict machinery still operated to punish such misdemeanours. Aboriginal offenders could therefore expect lashing and confinement in the manner of the convicts themselves. Despite its self-appointed task of monitoring the legal process, the *Courier* found little cause for complaint with the old convict ways. Lyon, in his newspaper, applauded rough justice for the Aborigines and passed disparaging comment as individual cases came to light. When Mulrobin, the head of the South Brisbane tribe, was brought to jail in 1846 and charged with complicity in the murder of a squatter, Lyon remarked sharply:

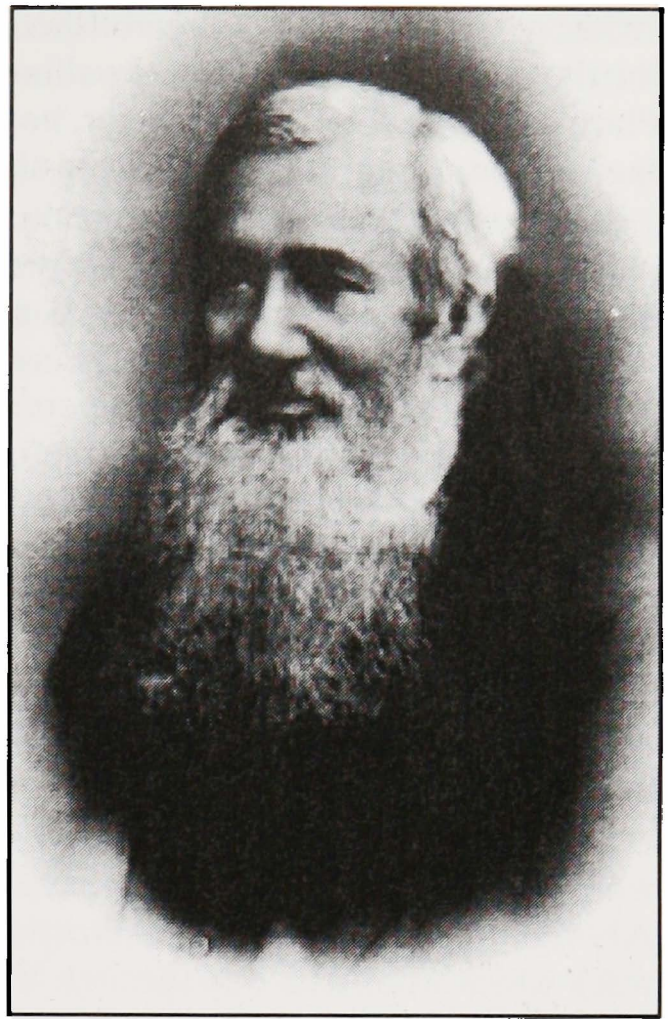
It is satisfying to learn that he will be out of his power to do anyone mischief for some time to come - we hope forever. He has long been known as a most dangerous character and should not be suffered to go at large.⁵

In its early years the *Moreton Bay courier* thrived on such provocative racial comment. Lyon's willingness to uphold the frontier values of pragmatism and ruthlessness may well have stemmed from his personal experience as superintendent to Captain Living on Burrandowan station earlier in the decade. He was in fact regarded with a mixture of amusement and contempt by his former employees. Yet as literary champion of the squatters and founder of the

district's first four papers, he was to play a decisive role in shaping racial attitudes along the troubled northern frontier.

The fledgling *Courier* was for some years the only local publication available in the settlement. Most of its 1000 inhabitants dwelt on the north side of the river in what has become the city centre. In 1846 Moreton Bay had still not shrugged off its reputation as a sleepy and somewhat dilapidated convict settlement, although its recognition in that year as a port of entry marginally improved its prospects and encouraged a growing bureaucracy.

Prominent in the establishment of a new customs department was William Augustine Duncan, a political writer and catholic scholar of some reputation in New South Wales.⁶ Precipitated into insolvency during the depression years, Duncan



▲ Illustration 24: William Duncan (MLS)

was now forced to eke out a living as a civil servant in order to repay personal debts of 600 pounds. His elevation to the post of collector of customs at Moreton Bay, a position for which Governor Gipps had recommended him, was the subject of explicit local comment, most of it adverse. For a variety of reasons, Duncan found himself a very unpopular figure in his provincial environment.⁷ The squatters for example wanted Cleveland as a port of entry in preference to Moreton Bay and circulated a petition to that effect.

To aggravate matters, Duncan's political and press activities in Sydney had been decidedly liberal and pro-Gipps. As editor of two important metropolitan papers, the *Australasian chronicle* (1839-42) and the *Weekly register* (1843-45), he had supported Gipps' unpopular land measures and his proposed bill for legal protection of the Aborigines.⁸

Duncan's strong racial views were consequently anathema to the local squatters and to their editor. Lyon lost no time in sniping at his press adversary, and commented pointedly on the 'impertinent interference' of new customs officials.⁹ In what now appeared a one-sided contest, Duncan, after his arrival at Moreton Bay in mid 1846, was exposed to the vehement anti-Aboriginal propaganda which emanated regularly from the *Courier*.

The newly-established customs department, under the direction of William Thornton, another Gipps' appointee, temporarily occupied a section of the old Commissariat Stores in William Street. Not until 1849 did the department move its operations to the site at the other end of Queen Street where the substantial customs building was erected forty years later.¹⁰ In his early years at Moreton Bay, Duncan dwelt in close proximity to his workplace. During the

1850s, when he became an established community figure, he was responsible for the construction of a fine dwelling, Dara, on Duncan's Hill (now Kemp Place). Prior to this time, however, he lived in a cottage on Queen Street near the old convict barracks and future site of the first town hall.

Duncan's early period of residence in the township appears to have heightened his awareness of the racial problem. Friction within the settlement usually took the form of small but regular confrontations between black and white. Street brawls over women were a common occurrence.¹¹ However, the settlers, egged on by the *Courier*, were equally incensed by the pilfering of stores and the breaking of contractual obligations as servants. The North Brisbane people, who dwelt closest to the settlement, were an obvious if unwilling source of labour. Duncan took some trouble to study their customs and language. He soon employed several Aborigines on a casual basis as woodcutters and befriended a local notable, the Duke of York. As a result he was called upon to protect them from a zealous constabulary which enforced an unwritten curfew in the township and was not averse to firing indiscriminately at departing blacks.

The proximity of extensive tracts of bushland, especially at North Brisbane where clearing had barely begun, heightened a sense of anxiety about the Aboriginal presence. The Old Northern Road was little more than a rough track which wound its way through Yorks Hollow, the future site of Victoria Park and the Exhibition Ground. Remarks by several early observers suggest strongly that this was a site of some religious significance to the Aborigines. It was moreover a useful food-gathering spot where prawns and fish were available, along with the mangrove vegetables, bangwall and imboon. The sound of hammers, which the native women used to pound the swamp roots before roasting, was one indication of a nearby encampment. It was here in the 'wilds of Bowen Hills', that Tom Petrie spent memorable childhood moments observing and participating in Aboriginal life.¹²

A regular camping site for the North Brisbane tribe, Yorks Hollow (or Barrambin to the Aborigines) took its name from the Duke of York, the acknowledged elder of the local clan. Foster Fyans, the Moreton Bay military commandant who met the Duke ten years before Duncan, described him favourably as a 'stout looking old fellow' upward of forty years - a proud and skilful fisherman as befitted the leader of a riverine people.¹³ As members of the Turrbal tribe, the Duke of York and his clan fished and hunted over territory as far north as Sandgate and Pine River, and west to the Enoggera Ranges. Estimates of the size of his clan vary from fifty to sixty members in all (Eipper) to between fifty and sixty males (Fyans, Simpson).¹⁴

This small group of Aborigines, previously kept at a distance from the convict settlement, was by 1840 the focus of missionary activity at Zions Hill (now Nundah). German missionaries, recruited by the Reverend Dr John Dunmore Lang, struggled to impart the virtues of agriculture and observance of the sabbath to a curious but unreceptive congregation. Raiding the mission's vegetable garden became a regular nocturnal occurrence until Aborigines, including members of the Duke of York's clan, were fired on and wounded by the indignant occupants. This incident jeopardized the missionary effort and racial harmony. Reporting the shootings to his Sydney superiors in 1840, a

military officer, Lieutenant Gorman, deplored the collision on the grounds that relations with the Aborigines in the immediate vicinity of the settlement had been relatively harmonious.¹⁵

At Moreton Bay the Turrbal people had not gained the reputation for aggressive resistance that characterized the coastal Ningy-Ningy to the north nor the mountain people to the west. Yet the occasional presence of large gatherings of blacks at places like Yorks Hollow was a source of alarm to white settlers at North Brisbane. Tribes from as far away as the Blackall Ranges made periodic visits to Moreton Bay for ceremonial and bartering purposes. Tom Petrie, who alleged that Yorks Hollow was one of the headquarters of the Brisbane tribe, estimated that as many as 800 Aborigines gathered on the site at one time.¹⁶ Christopher Eipper, one of the Nundah missionaries, wrote a detailed description of preparations for a big fight: with hairs of the body being singed off, plumage of parrots appended, the hair of the head left loose and greased, scarves wound round the waist and red ochre or clay smeared on the limbs and thighs.¹⁷ The youthful Tom Petrie, suitably overawed, noted that, despite the large number of participants, these fights or corroborees were rarely fatal.¹⁸ Stephen Simpson, the crown lands commissioner and an acquaintance of Tom Petrie's father, confirmed that these 'pullums' were the equivalent of our medieval tournaments and consequently had little detrimental impact on the native population.¹⁹ Eipper's estimate of inter-tribal fights involving 200 to 300 Aborigines, based on his own experience, was considerably less than Petrie's. In addition he was more inclined to view the prolonged singing and dancing in the native camps during the evenings as ungodly and demonic, and went on to stress the violence which erupted between Aborigines in the camp over competition for their womenfolk.²⁰ At the same time he deplored the treatment meted out to local Aboriginal women and likened their position to that of slaves and prostitutes.

The occasional intrusion of whites into the camps for sexual or violent purposes was an added source of acrimony. During the late 1840s and early 1850s Yorks Hollow was the scene of several such incidents, one of which is to be related here. In times of growing racial friction, the camps rather than the bush itself became the target of white vigilantism, during which the congenial clan of the Duke of York bore much of the blame for the transgressions of neighbouring northern tribes.

A destabilizing factor in local race relations was the pattern of renewed resistance to pastoralists pushing forward into the Pine River and Caboolture districts. In 1846 the near north coast and the Brisbane Valley were still insecure and somewhat remote parts of the Moreton Bay frontier. In the years 1845-55 black resistance accounted for the deaths of a dozen whites, while Aboriginal casualties, invariably higher, went unrecorded.²¹ A series of incidents, rather than a single bloodbath like Hornet Bank or Cullin-la-Ringo, these clashes were nevertheless profoundly disturbing for the Moreton Bay settlers and the Brisbane tribe.

Probably the most dramatic episode of the decade for the whites was the murder of the squatter Andrew Gregor and a female servant Mrs Shannon on 18 October 1846 at a North Pine property. The drama of the event and its aftermath have been alluded to, albeit briefly, in pioneer reminiscences: Petrie

mentioned it; Knight deplored it; and Captain Richard Coley described it.²² The *Moreton Bay courier*, which tended to regard Aborigines as uniformly savage and hostile, observed indignantly at the time that 'The Brisbane and Pine River tribes have become so daring in their depredations that no person now ventures to trust himself unarmed beyond the precincts of the town'.²³

A siege mentality operating within the settlement was heightened by the recent withdrawal of a military detachment from Helidon and a significant reduction in number of the border police. Stephen Simpson, the crown lands commissioner, visited Gregor's abandoned property with his remaining troopers a few days afterwards. However, efforts to track the offenders, believed to have been members of the warlike north coast tribe, proved no more successful than those of the military had been. Simpson's brief report of the episode reflected the pragmatism of frontier life. He deplored the inadequate security arrangements on Gregor's station and admitted he had foreseen this occurrence:

The want of ordinary precaution on the part of Mr. Gregor seems to have been the real cause of the catastrophe - where there is an accumulation of Stores, there is no safety from attack but in the presence of sufficient force to protect them & two men are indispensable for this purpose - I had some time previously warned Mr. Gregor of the danger, having found the Station in the charge of a single hutkeeper.²⁴

Simpson's perception of racial conflict around the settlement contrasted with the more forceful approach which the town residents adopted on these occasions. The murders of October 1846 had serious repercussions within the township, since Andrew Gregor's brother was the resident Anglican clergyman.²⁵ The three homeless daughters of Mrs Shannon were brought to the township and paraded before the congregation as part of a moral crusade against the blacks. Confused evidence by the children, the only witnesses to the event, implicated several Brisbane blacks as participants in the Gregor raid. Thereupon press and pulpit vied with each other in pronouncing the collective guilt of the Turrbal tribe. Lyon, writing for the *Courier*, was prepared to jettison the 'cumbrous panoply' of British justice in favour of more drastic measures:

We know enough of the aborigines to be aware that, as is customary among all savages, all projects of love or war or expeditions of an unusual nature are first debated by the whole adult males of the tribe. Consequently, according to our law, for every outrage committed, they are all accessories.²⁶

After several more parties had failed to apprehend the suspects, rewards of 10 pounds a head were offered for their capture dead or alive.

In the outbreak of white vigilantism which followed, the Duke of York's people bore the brunt of recrimination. A spate of shootings took place in the surrounding camps including one at Yorks Hollow. While the *Courier* reported the reprisals with 'something like satisfaction', Duncan recorded a very different private impression. In a premonition of G.D. Lang's chilling Maryborough letter after the Hornet Bank reprisals, the newly appointed customs official recalled that:

The murder of a white settler by a tribe living about forty miles from the settlement was the signal for a sort of general rising to hunt down the unfortunate blacks, several of whom were deliberately fired upon and killed. A "peaceable old man" [the Duke of York] who was in the habit of

cutting wood for me was fired at by a constable in the public street, his camp was attacked by another party of whites and one man was shot dead, another wounded in three places; the camp was burnt, furniture carried off and a woman who was with child so terrified that she died in a few days.²⁷

Duncan's resolution not to engage in local politics after his civil service appointment proved premature. Less than six months after his arrival at Moreton Bay, he was drawn into a press controversy over the *Courier's* handling of the Gregor reprisals. His involvement appears to have been motivated primarily by a paternal concern for the safety of the Duke of York and the threatened remnants of his North Brisbane clan.

To denounce what he considered a flagrant injustice, Duncan assumed the literary personality of Junius, the anonymous but outspoken advocate of British fair play. In the absence of a sympathetic local paper, he opted to use his contacts with the Sydney press to arouse public opinion and to alert Sydney authorities. On 26 December 1846 an unidentified correspondent in the *Sydney chronicle* alleged that with the connivance of the *Courier* and local officials, Moreton Bay blacks were being 'shot in all directions'.²⁸ Similar charges were brought by one 'Philanthropos' in the *Sydney morning herald*.²⁹ Both these correspondents urged that a full inquiry be instituted into the recent Moreton Bay shootings.

The *Courier* riposted by labelling the writers, 'butchers of the truth' and 'assassins of the facts'.³⁰ Lyon, not unreasonably, suspected Duncan's intervention; the *Courier* claimed that only one writer was involved and challenged the 'snake in the grass' to come forward and support his case. The nineteenth century tactic of sending anonymous letters to the press was invariably contentious, even in small colonial communities where the author's identity was soon exposed. Duncan had used the only available source open to him in an unfriendly provincial settlement. In addition he had taken the precaution of writing to the New South Wales attorney-general to demand an inquiry.

By these means the unidentified correspondent elicited sufficient editorial comment for the Sydney government to take up his recommendation. When news of a second Aboriginal death at Moreton Bay within a fortnight reached Sydney - that of Jacky Jacky shot down by a surveying party during a nocturnal raid on Yorks Hollow - the *Herald's* editor asked what proof existed that the victim had been present at the Gregor-Shannon murders.³¹ The dearth of evidence implicating Jacky Jacky and the other Aborigines in the Pine River killings was another reason for the instigation of a local investigation under Captain Wickham in February 1847.

The quarrel between the *Moreton Bay courier* and the Sydney press continued in January 1847 with the publication of further correspondence in the *Sydney chronicle*. Under the heading 'A Moreton Bay Man', the *Chronicle* writer challenged Lyon's paper to deny that only the reputed murderers had been shot in recent weeks, and predicted a rebuff for the *Courier* in the event of an inquiry.³²

The establishment of a local investigation later in the month gave little immediate satisfaction to the *Courier's* critics. Most of the witnesses called before Police Magistrate Wickham were either constables or surveyors who had been active participants in the Aboriginal raid. Consequently little evidence of indiscriminate brutality or violence was forthcoming. The *Moreton*

Bay courier opposed the inquiry in principle and argued that no such privilege had been accorded to white casualties. Nevertheless it published the unambivalent evidence triumphantly 'for the edification of the *Chronicle* and the Moreton Bay Man' and castigated both the attorney-general and the Sydney press for giving credence to reports by 'anonymous sycophants and place hunters'.³³

Duncan was clearly the target for these jibes but Lyon wisely refrained from naming him, probably for fear of legal action. Instead the *Courier* continued to discourse upon the savagery of the blacks and echoed the prevailing pessimism about the effectiveness of a local missionary effort. The editor drew his own conclusions from the failure of the Nundah and Stradbroke Island missions in the previous year and maintained that semi-civilized Aborigines like Milbong Jemmy and Jack Jacky were, in effect, far more dangerous than their untamed brethren. For this reason Lyon advocated that the nomadic activity of the Moreton Bay tribes be confined as much as possible to specified areas, and that those caught moving outside the proscribed boundaries be prosecuted under the Vagrants Act.³⁴

In defiance of the *Courier*, Duncan decided to shed his clandestine role as the 'Moreton Bay Man' and to intervene more directly in the affairs of the local bench. He strongly suspected Wickham, John Kent and other police magistrates of organizing and tacitly applauding the raid on Yorks Hollow. Moreover he had gone to considerable trouble to verify the Duke of York's statements during oral interviews with other North Brisbane blacks, and had received further confirmation through an on-the-spot report by his batman McAllister. Armed with this information Duncan demanded a parallel investigation to the Wickham inquiry, using different witnesses including the Duke of York and himself.³⁵

Duncan's action, tantamount to a vote of no-confidence in the Moreton Bay bench, was predictably censored by most of the resident officials. Stephen Simpson, replying to the colonial secretary's observation that the offer of reward did not justify 'an indiscriminate attack on the inhabitants', dismissed the newspaper charges as 'utterly false' and exonerated the squatters from imputations of improper revenge. However, Simpson's knowledge of the Yorks Hollow incident was less precise than Duncan's perhaps, because he resided at some distance from the township. Simpson did acknowledge that the Gregor incident had sparked 'considerable excitement in the township' and added elsewhere that friction between the settlers and local tribes produced 'frequent collisions, the result of which it is difficult to ascertain'.³⁶

Departmental correspondence to Sydney over the incident confirmed the deep divisions which the inquiries had created within the Moreton Bay bureaucracy. Heads of the various government offices, like James C. Burnett (surveying) and William Thornton, were embroiled in the controversy surrounding Duncan's supplementary investigation.³⁷ Burnett, in his lengthy report to Wickham, accused Duncan of slandering both himself and his department by basing grave accusations upon 'the bare assertions of a lying black fellow'.

Burnett was here referring to the prominent place Duncan had given Aboriginal testimony in his own investigation. The admission of Aboriginal evidence was highly unusual in the frontier context, since the biblical oath was

considered to be meaningless for non-Christians. However, the Duke of York, as the elder of the North Brisbane tribe, was seen by Duncan as an important omission from the Wickham inquiry, especially as his pregnant daughter Kitty was among the alleged victims of the Yorks Hollow raid.

Burnett's resentment of Duncan's interference arose primarily from the leading role played by surveyors in the raid. In evidence at the fresh inquiry the Duke of York made a series of potentially damaging allegations against Burnett's ex-convict employees, accusing them of regular intercourse with the camps for sexual purposes. According to the North Brisbane chief, members of the surveying department had previously come armed to the Yorks Hollow camp and abducted two Aboriginal women. In the latest incident the pregnant Kitty had been raped, being 'taken in child-birth and very sick'.³⁸ Both mother and child died shortly afterwards. Burnett was able to counter these allegations by producing other Aboriginal witnesses who were prepared to state that Kitty had been attacked and killed in the same locality by a Limestone (Ipswich) black. This account was strenuously denied by the Duke of York who proceeded to make further allegations of abduction against sawyers and convicts from the pilot station.

The question of frontier promiscuity was a sensitive one. Duncan observed in his autobiography that the promise of 'gins' was used to bribe witnesses at the inquiry and that in general the local watchhouse was used as a point of distribution for white and black alike. Wickham, in his systematic condemnation of Duncan's actions, stated to the colonial secretary that the connection between white men and Aboriginal women was 'well known' but 'impossible to prevent', in so far as it was actively sought by the blacks themselves.³⁹ The Aboriginal women of Moreton Bay, already outnumbered by their menfolk, were particularly vulnerable to a white backlash in and around a small township.

Although inconclusive for this specific case, Eipper's observations about their deplorable situation are of interest. The same Nundah missionary had commented on the harsh treatment to which black women were subjected by their male counterparts. To this 'species of slavery' within the tribe was added the prostitution of womenfolk to white Moreton Bay settlers and its devastating consequences.⁴⁰ Venereal disease, as much as the rifle, appears responsible for the decimation of the Duke of York's people. By the late 1850s the North Brisbane clan and much of the Turrbal tribe to which it belonged, was virtually extinct.

The Yorks Hollow affair was still the subject of sporadic comment in the Sydney press during February 1847. Duncan now wrote openly to the *Sydney Morning Herald* to comment on evidence extracted from the *Moreton Bay Courier* and sought to correct some of the report's 'very many inconsistencies'.⁴¹ The *Courier*, in a series of pungent editorials and satirical sketches, continued to cast aspersions upon Duncan's conduct and recommended that he be ostracized from the community.⁴² At Sydney the *Australian*, imitating the example of the *Chronicle*, took up a strong pro-Duncan stance and set out to expose the bias of the *Courier* and racism prevalent among 'the mighty white public of Moreton Bay'. To this end it extracted from the *Courier* a recent incident in which an Aboriginal woman had been abducted from a South

Brisbane dwelling by an indignant white settler who had proceeded to assault both her and her new master. The *Australian* contrasted Lyon's editorial silence over this episode with his regular attacks on Duncan. Taking up the epithet which Lyon had hurled against the 'Moreton Bay Man', the Sydney editor recorded with satisfaction that 'one of the Snakes in the Grass, who stand up for the blacks is Mr Duncan, talented, upright proprietor and editor of the *Weekly register*'. The *Australian*, stressing the moral courage exhibited by the Moreton Bay correspondent, issued a rebuff to Lyon and his subscribers:

In quarrels between blacks and whites, our brethren of the broadsheet should always recollect that, as the rich have many friends, so the whites have many friends when plaintiffs against their sable brethren. Their knowledge of their own language gives them an immense superiority over the blacks when the former are plaintiffs and the latter are defendants. They have the Press, too, at their command. The blacks are ignorant of the language of our Courts of Law; they have no press. But the whites have also the sympathy of the governing and more intelligent powers Now if, in such circumstances, a white man step forward on behalf of the poor blacks and act for them as interpreter or as attorney or as editor, we think such a one does himself honour and that he is entitled to the thanks of every good Christian it betrays a bad spirit to call an anonymous correspondent who advocates the cause of the blacks "a snake in the grass".⁴³

In spite of the *Courier's* call to ostracize him from polite society, Duncan emerged as an important figure at Moreton Bay. During the following decade he held a number of honorary appointments and even participated in the affairs of the local bench. Perhaps his most significant contribution, before his return to Sydney in May 1859, was his service as president of the School of Arts (1853-54) and his writing on education. Duncan's progressive pamphlet on the need for national and compulsory education was the first publication of its kind in the northern settlement.

Amid growing public responsibilities Duncan still found time to reflect on the plight of the Aborigines. On 22 January 1852 he wrote to the NSW secretary of the National Education Board suggesting that a school be established for both races at Moreton Bay. On the basis of a 'careful study of the Aboriginal character', Duncan expressed confidence in the capacity of Aboriginal children for instruction and claimed that, in this respect, they were 'quite equal to white children'. Tom Petrie would have applauded such sentiments. In a fleeting reference to the events of five years before, Duncan deplored the enmity of those white pioneering families who sought to reduce their enemy to 'the level of brutes':

I have no such injuries to resent and no affection to bias me on the other side, except that arising from regret at seeing a race of intelligent beings gradually swept from the earth by disease and violence, whilst all counter efforts to ameliorate their condition have proved abortive.⁴⁴

The Duke of York was probably dead when Duncan wrote these words. In June 1853 the *Courier* had published an unrepentant obituary to the 'oldest black in the district'.⁴⁵ Though this was evidently a false alarm, he was, affirmed the *Courier*, 'a most notorious liar'. By this time Lyon, the first proprietor and editor, had started the rival *Moreton Bay free press*, but the racism which he had fostered had not diminished.

Illustration 25: ►
Yorks Hollow
later Victoria
Park 1864 (JOL)



Throughout the 1850s Yorks Hollow was steadily depleted of its Aboriginal inhabitants. The early immigrants from J.D. Lang's ships settled not far from the site before establishing themselves in Fortitude Valley. For the majority of white arrivals, the land and the Aborigines themselves were regarded as an eyesore and an obstacle. By the late 1850s the open forest of Bowen Hills was being cleared for farming purposes and Herston was becoming a fashionable area for new estates and urban land speculation. By 1860 any survivors of the North Brisbane clan had shifted camp to Breakfast Creek or Enoggera. Witnesses from the Separation period observed that Aborigines were still relatively numerous around Brisbane but that most spoke the Wide Bay or Kabi language.⁴⁶

Despite the increased tempo of urban settlement, the large Victoria Park reserve, bounded by the new Brisbane Hospital (1867) and Gregory Terrace, remained sparsely inhabited. The Brisbane municipal council, determined to convert the area into parkland, grappled with the substantial task of filling some ten acres (four hectares) of wetland and lagoons. At the hospital end the Exhibition Ground made its first appearance within the Acclimatisation Garden by 1876. It is ironic in retrospect that Yorks Hollow, after serving as a dumping ground, quarry and a water supply, should once again be used as a place of ceremony and nocturnal amusement - this time, and until the present, by whites.

Chapter 6

'Wanton outrage'

Police and Aborigines at Breakfast Creek 1860



Raymond Evans

Oh, the old days are gone with the blacks. You can't give them a bloody razzle-dazzle like you used to be able to do.¹

As Matt Foley notes in a recent study on Aborigines and the law, 'Much has been written about distrust and hostility between police and Aborigines, but little empirical research has been done'.² Historically, most of the relevant research on the colony of Queensland has focused exclusively upon the activities of native mounted police on rural frontiers, while the behaviour of conventional police forces towards blacks, as well as race relations interactions generally in specific urban settings, has been largely ignored.

What follows will cast a narrow light into this empirical void by a contextual examination of a particular conflict incident, which occurred between civil police and relatively sedentary Aborigines in Brisbane in late 1860, shortly after Queensland had achieved its political separation.

In the *Moreton Bay courier* of September 1860 a Scottish presbyterian resident of Brisbane, the Reverend Charles Ogg, suggested that Queensland Aborigines 'of a dangerous kind' might be combatted by an appeal to the home government to despatch companies of riflemen to the newly-formed colony to provide the 'nuclei for towns' scattered along the coast line. Referring to recent massacres of white boatcrews, Ogg cautioned, 'The sooner every man awakens to a sense of danger that threatens us, so much the better'. Advocating a comprehensive sweep against the offending blacks and their 'deeds of darkness', Ogg proposed that the British sharpshooters should be joined by native police detachments and white volunteers from the existing towns, and that 'every man capable of bearing arms in the bush ought to be enrolled'. 'Let us have this', he demanded, 'and this will prevent robberies and murders.' Having 'now done

with the troublesome blacks', Ogg concluded, his next essay would deal with 'the quiet ones' - a problem of much greater difficulty.³

Exactly one month later - before that next essay had appeared - a party of Brisbane police, aided unofficially by several white 'volunteers', moved against three 'quiet' Brisbane fringe camps of pacified Aborigines in a manner distinctly reminiscent of Ogg's drastic frontier remedies. The camps in question were situated adjacent to Eagle Farm road, about half a mile from the Breakfast Creek bridge on the Hamilton side. The first camp, consisting of some twenty-five 'mia-mias' or gunyahs, and inhabited by between thirty and fifty Aboriginal men, women and children, was built on the riverbank, only two yards from the roadside. Across that road lay Loudons Hill; on the crown of this a second camp was pitched, and partway down its nether side a third. These 'two distinct camps' combined were composed of a further fifty or sixty habitations, but the number of blacks residing there is difficult to gauge, for they had all dispersed when they saw or heard the police commotion below at the riverside camp that afternoon. One constable guessed that the Loudons Hill camps had possibly housed fifty or sixty more people, for the encampment was 'a very large one'.⁴

Just who were these Aborigines whom the police had so violently dispersed?

The site adjacent to the 1860 camps, at the rainforested mouth of Breakfast Creek, had evidently been a place of especial spiritual and ceremonial significance to the North Brisbane blacks. These were referred to by white settlers as 'the Duke of York's clan' and by Archibald Meston, with the aid of Aboriginal informants, as the 'Bo-obbera', speaking a Kabi dialect called 'Churrabool'. The lower creek was to them the 'Youggera', meaning a place of corroboree, and it was here that Oxley and Cunningham had observed their 'wild dance' and 'extravagant gestures' in 1824, before providing the blacks with firesticks 'to rekindle their own fires' at their 'distant bivouacking ground'.⁵ In 1860, how-



▲ *Illustration 26: Breakfast Creek and Newstead 1848, watercolour by Owen Stanley (MLS)*

ever, the firesticks of the police would be used for a far different purpose - to burn the encampments down rather than to succour them. Closer to the creek's mouth, near a place called 'Garranbinbilla', where the vine grew which interlaced the framework of their dwellings, also lay a burial site where the botanist Charles Fraser had discovered 'hollow logs filled with the bones of blacks of all sizes' in 1828. Trees there, as J.D. Lang observed in 1845, were scored with the tribal or totemic markings of the dead.⁶ And near the opening where the creek flowed into the river was a favourite fishing spot - the sand beach of 'Mooroo-Mooroolbin' - where men using heartshaped tow-row nets harvested the shoals of mullet.⁷

Yet by October 1860 it is problematical how many of the original Bo-obbera people had survived. In May 1861 Captain Richard Coley told a select committee into the native police that the 'Brisbane tribe' were now 'all extinct', killed off by a combination of disease, violence and alcohol - though he was later contradicted in this by Richard Westaway, who claimed that there were survivors of the North Brisbane people at Mooloola as late as 1883.⁸ Some of the blacks dispersed on 6 October 1860 were possibly remnants of the Bo-obbera therefore - but who were the others?

The presence of the three camps seems to indicate the likely proximity of three different clans or tribal remnants - and here Captain Coley provides a significant clue when he states in 1861, 'The present [Brisbane] blacks are the offspring of the Ningey-Ningey and Bribie Island tribes'. Members of the neighbouring Bribie or Jindoobarrie people and the mainland-based Ningy-Ningy people were present in North Brisbane as early as 1853 when, according to John Steele, they had combined in 'a great fight' against the Amity and Logan clans.⁹ The ongoing presence of the native police from this time, operating out



▲ *Illustration 27: Towards Hamilton and Bulimba from the hills c.1873 (JOL)*

of Sandgate across the Moreton Bay region, may well have kept these two groups remaining within what seemed the safer environs of Brisbane Town - or 'Umpie Korumba' as the blacks termed it. All this is rather speculative - but it does help explain the presence of three different camps, inhabited by a relatively large number of Aborigines, possibly around 100, near Breakfast Creek as late as 6 October 1860.

At approximately 3.30pm that Saturday, why were these blacks being approached by a party of five foot police, armed with carbines loaded with ball cartridges and under orders to 'Go out to the camp, chase the blacks from there, set fire to the camp and let those carbines be discharged'?

The architect of these orders, who did not attend at their execution, was Thomas Francis Quirk, police inspector and Brisbane's chief constable. Quirk, according to the *Moreton Bay courier*, was a man of vaunting ambition, given much to organizing displays of military precision for his police force. 'He wishes to be Police Magistrate, Bench, Inspector-General and Drill Master, all in one', its incensed editorial charged on 20 October 1860, 'and as he is not now permitted to take the men into the outskirts of the town, to form them into ridiculous squares, to fight with imaginary foes, and to waste gunpowder for his own amusement, he seeks a little recreation for them in ordering them out in storming party style to attack a camp of blackfellows'.

In his defence at a magisterial enquiry mounted into the affair, Quirk argued that he had ordered the raid because of 'repeated complaints' regarding 'their indecent behaviour and bad conduct all along the public road to the camp'. He charged them likewise with being 'very riotous', exposing 'their persons' and otherwise behaving 'in an unbecoming manner'. Yet only one specific example - 'fighting opposite Cameron's' - was proffered of this allegedly 'most indecent' behaviour.¹⁰

Most of the complaints, the *Courier* charged, had 'emanated principally from an extensive individual', whom they did not name, 'whose idea of himself renders him superior to the authorities, and we do not believe that if longer resident inhabitants of the locality nearest the camp were consulted they would be found to join in the outcry'. In any case, the *Courier* added, the Aboriginal camps were situated 'a mile or so away from the nearest dwellinghouse', owned by a Mr Gericke.¹¹

Despite the *Courier's* protestations, however, the general relationship between Brisbane's blacks and whites at this time could only be described as no better than an uneasy truce. An incident recounted by Francis Grundy, who came to Brisbane as a government surveyor in the late 1850s, bears this out well. Whilst rowing on the river near Eagle Farm with some Brisbane colonists, Grundy was startled when one of his companions 'leapt ashore, rushing away for [his] house like one demented':

Presently he produced a revolver and fired several shots amongst a knot of black objects near the house, squatted on the ground; these thereupon jumped up and made off at speed. No one seemed to be hit. The man walked round the house and came back to us His explanation was that he knew his people were to be at Brisbane that day, and felt sure that the blacks would take the opportunity to rob the place; but that they had a good fright now and would not return. This seemed to me rather summary treatment but quite customary with him, seemingly¹²

In several of his later writings Archibald Meston was fond of painting a pre-contact scene in the region of Breakfast Creek of the people enjoying pristine conditions of material abundance and happiness, before what he termed 'a vampire civilization' descended upon them. But the Aborigines of 1860, camped beside a convict-built road, were now at the opposite end of that process. Venereal disease, spread initially from the convict settlement and an American whaling crew in Moreton Bay, had ravaged them. In 1846 the Anglican Rev. John Gregor of Brisbane claimed a deathrate of one-sixth of the local black population in three years from what he termed 'licentious intercourse of their females with Europeans' - and the further deaths locally of 50 Europeans and at least 300 hundred Aborigines during incessant 'collisions of aggression, defence and retaliation' in the new district.¹³ European liquor had accelerated this decline, added Captain Coley in 1861.

During the later 1840s and 1850s the *Moreton Bay courier* had reported a number of violent clashes between blacks, white police and civilians in Brisbane, including attacks on the blacks' camp near Breakfast Creek in 1852 and 1857, following alleged thefts.¹⁴ In the most recent assault, which had occurred during the night of 3 September 1859, a party of whites had fired 'several volleys of buckshot', into the encampment of some 100 Aborigines, killing a woman and injuring several others. The action was allegedly in retaliation for an attempted robbery by Aborigines of two of Petries' quarrymen earlier that evening. 'You hang blackfellow Brisbane Gaol: why no hang whitefellow when he kill blackfellow?', one of the aggrieved residents of the Breakfast Creek camp demanded, to little avail. Although Aborigines claimed to have 'a clear impression' of the perpetrators and a reward of 50 pounds was posted for their apprehension, no arrests were made. Local whites clearly remained unsympathetic to the Aborigines' plight.¹⁵

Thus whatever the number of white residents who had really complained to Inspector Quirk may have been, it seems that no whites officially protested to either the colonial secretary or the letter-columns of the *Moreton Bay courier* against police conduct following the 1860 raid - despite the *Courier's* arresting headline of 'WANTON OUTRAGE' which publicised the incident of 6 October.

A magisterial enquiry, prompted by the *Courier* expose, opened on 11 October, however, presided over by William Brown, the police magistrate, John Petrie, Brisbane's first lord mayor and brother of Aboriginal advocate Tom Petrie, and T.B. Stephens, the liberal, nonconformist proprietor of the *Moreton Bay courier* himself. At this investigation Quirk, along with members of the police squad, Sergeant Apjohn and Constables Balfrey, Bourke, Cox and Dunning, presented such confused and contradictory evidence that the police magistrate himself finally admonished Inspector Quirk: 'I hope we shall not have many robberies or felonies as some of your constables seem to be endowed with very bad memories'; and the *Courier's* editor, T.P. Pugh, added that it all made 'one wish that a prosecution for perjury took place every now and then'.¹⁶

Largely motivated by a zeal to cover their respective tracks, the police witnesses disagreed amongst themselves on virtually everything: the nature of the original orders; whether the carbines were loaded or not before they

reached the camp; the manner in which the blacks were ordered to leave; how much time elapsed between this order, the firing of the camps and the discharge of the carbines; how much Aboriginal property was destroyed in the blaze or afterwards taken; in what direction and at what targets the guns were fired; and how many balls were discharged altogether.

Because of their lack of legal status, no Aboriginal witnesses were called to the enquiry to recount the incident from the position of the victims. Nevertheless a party of gentlemen, out riding near the camp, who observed part of the affray and gave mutually coherent evidence, as well as one of the constables, whose testimony was largely in agreement with theirs and in itself partially self-incriminating, provide us with enough insight to recreate with some accuracy what had transpired. Constable Dunning was the odd man out among the police, because he was the only one not part of a recently formed penal guard to watch over the jail. Sergeant Apjohn had been promoted to head this guard, ironically enough, for extinguishing a fire at a white man's home.

The party of four horsemen first encountered the armed squad of police at Breakfast Creek bridge, as they attended to one of their number who had met with a riding accident. Two Aborigines accompanying them from the river camp were peremptorily told by Sergeant Apjohn that they were 'about to turn them out'. Soon after, the riders, seeing smoke rising and hearing shots fired, galloped back to the devastated settlement where 'all the huts were on fire'. In the meantime Apjohn, leading his constables into the riverside camp, had ordered the 'greatly alarmed' residents 'to remove' - and when they did not seem to comprehend this, Constable Cox translated, 'We burn camp - you go set down bush'. As he did so Apjohn took up a firestick and set alight a gunyah. According to majority police testimony, however, ample time was allowed - up to three quarters of an hour - for the Aborigines to remove their effects and leave, before the burning began. Yet this does not accord with the short timelapse noticed by the horsemen, nor with the precise testimony of Constable Dunning who stated:

there was hardly any time given between the order to remove and the setting fire to the camp. I burnt one of the gunyahs myself and I am certain there was not sufficient time for the blacks to remove all their property

The blacks were leaving in panic along the road and up Loudons Hill, whilst a few attempted to carry a sick old man into a bark canoe. This man died the following day. One Aboriginal male came menacingly from a gunyah with a spear, but Dunning disarmed him. It was then that Apjohn ordered his men to commence firing their carbines, less than three minutes after their appearance at the camp. Again, to quote Dunning, 'there were eight or nine shots fired altogether ... and I took part in it'.

Apjohn and the others attempted to argue that they were merely engaging in target practice at a tree, rather than purposefully accelerating Aboriginal terror by their actions. But the first shots were fired in the direction of the river where the bark canoe of blacks was pulling away - and at an Aboriginal dog which Constable Cox killed. Interestingly, a similarly dubious excuse - 'firing at a post' - had been given by Brisbane police after an incident in 1855, when they were reprimanded for shooting at Aboriginal employees at Newmarket.¹⁷

With the river camp afire, the police then proceeded rapidly up the hill towards the second - possibly still shooting - and here they were joined by the three gentlemen riders, Messrs Chancellor, Higginson and South, as well as a fourth white civilian, Mr Black. The second and third camps were understandably deserted, but all around lay signs of a hasty retreat into the surrounding scrub; blankets, clothing, weaponry, implements, nets and food were widely scattered about. The only sign of life was another dog which emerged as police began pulling down and igniting the gunyahs.

As Mr South stated: 'I saw no shots fired at a tree. The shots I saw fired were at the dog as it was running down the hill - I heard it yell'. From this point, indiscriminate loading and discharging began, with most of the whites now joining in. Dunning testified that 'A sharp, brisk fire commenced as fast as they could load I do not know what they fired at. They were slapping away in every direction'. Then, with the hillside camps also ablaze and 'everything belonging to the blacks' consumed or souvenired, the whites withdrew, their task completed.

In the sum of colonial atrocities upon Aborigines, this attack on the Breakfast Creek camps no doubt registers a modest enough total: a sick, elderly and terrified Aboriginal man who afterwards died, a couple of dogs shot, some eighty or so Aboriginal habitations burnt down and an unknown quantity of other belongings destroyed. And of course a hundred or so Aborigines further traumatised and displaced. Although they tried to cloak their use of carbines, the police, with the notable exception of Dunning, otherwise saw little wrong in their actions. To quote from their testimony:

There was no harshness or cruelty shown to them We only dispersed them and destroyed their gunyahs.

The *Moreton Bay courier* was of a contrary opinion, however. Although 'Mr Quirk and his satellites' regarded these extreme measures with 'such indifference', it raged, 'A more cowardly and dastardly act never was perpetrated, even at Maryborough where the life of a black boy is valued at no more than a bottle of rum or a 1/4 lb. of tobacco' - a reference to both the killing of Maryborough Aborigines by local police and citizenry after the Hornet Bank massacre in late 1857 and, more recently, in February 1860, the massacre of blacks in Maryborough's main street by native police under Lieutenant John Bligh.¹⁸

On 20 October the magisterial inquiry also ruled:

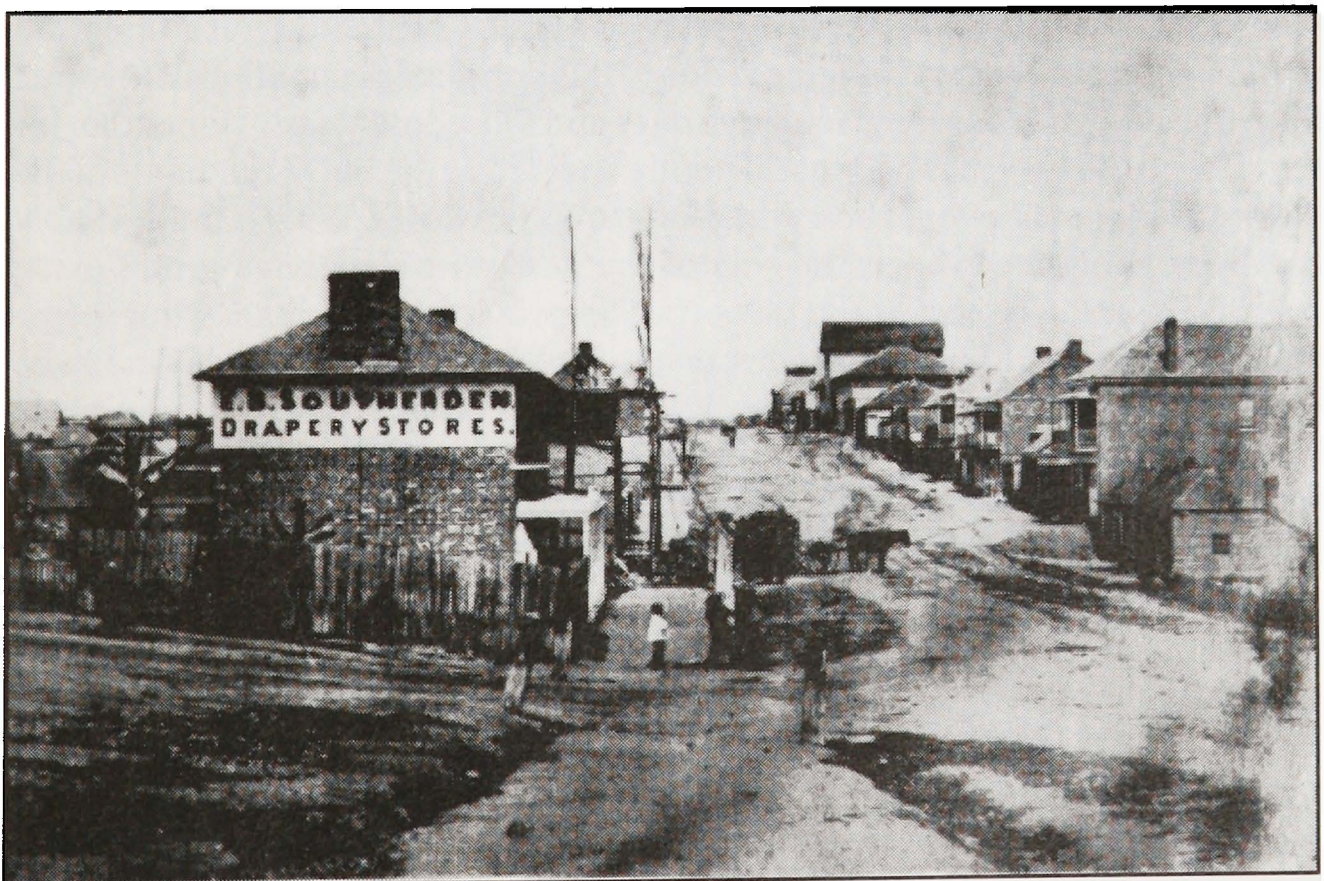
That in forcibly removing a camp of Blacks in such a hasty manner, destroying their property and intimidating them by firing, the Police acted most injudiciously and unwarrantably - such an act of aggression is calculated to foster that spirit of revenge which is usually vindicated upon some unoffending person. All this might have been avoided by giving the Blacks notice to remove to some other locality; by removing them at all, the Chief Constable acted wrongly

Indeed, most of the blame was sheeted home to Chief Constable Quirk for despatching 'a special patrol without the police magistrate's orders', and for not checking their ammunition nor supervising their actions. As the investigation closed and Police Magistrate Brown turned sharply upon Quirk for a somewhat unrelated matter of 'systematic' and 'tyrannical treatment of the men under his control', it seemed too that the chief constable's days in office were numbered.¹⁹

It may have been that the inquiry's fears of black retribution were warranted, for in May 1861 Captain Coley spoke of the Aboriginal murder of a white boat crew in Moreton Bay while, in November, native police and the Brisbane mounted police were both active in dispersing Aborigines for 'intimidating the inhabitants' at Bulimba and Cairncross.²⁰ Yet there is an ironic and novel reprise to the Breakfast Creek conflagration which must also be told.

On Monday 15 October 1860, while the inquiry was still sitting, a seemingly uncontrollable fire began in an Elizabeth Street furniture factory, backing onto Queen Street dwellings. With a fitful southerly wind blowing, timber buildings 'as dry and inflammable as touchwood', 'large flakes of fire ... falling in all directions' and the town possessing, as yet, no fire brigade, it seemed miraculous that 'half of Brisbane' was not engulfed in flames. In the midst of consternated white locals fighting the fire, including the police under Inspector Quirk and the commissioners, Mayor Petrie and Magistrate Brown, a number of Breakfast Creek Aborigines were also apparent, energetically combatting the blaze. 'We must say that there were no workers more earnest ... or more courageous than the blacks, who rendered most material help in doing all that was to be done', the *Courier* reported: 'White men set fire to the gunyahs of the blacks, but when the house of a white was in flames, there were none more active ... in their efforts to extinguish the conflagration than those very Aborigines....'²¹

It may well have been, as the *Courier* had argued in its first 'WANTON OUTRAGE' report, that 'in instinct and moral principle' the Aborigines were 'immeasurably our superiors'. 'You live like a bird of prey', two missionary trained Breakfast Creek blacks, Dalinkua and Dalipia, had admonished whites in the late 1850s, 'and if you amass wealth, you soon become a bird of passage ... you do not seek the good of the land where you dwell'.²²



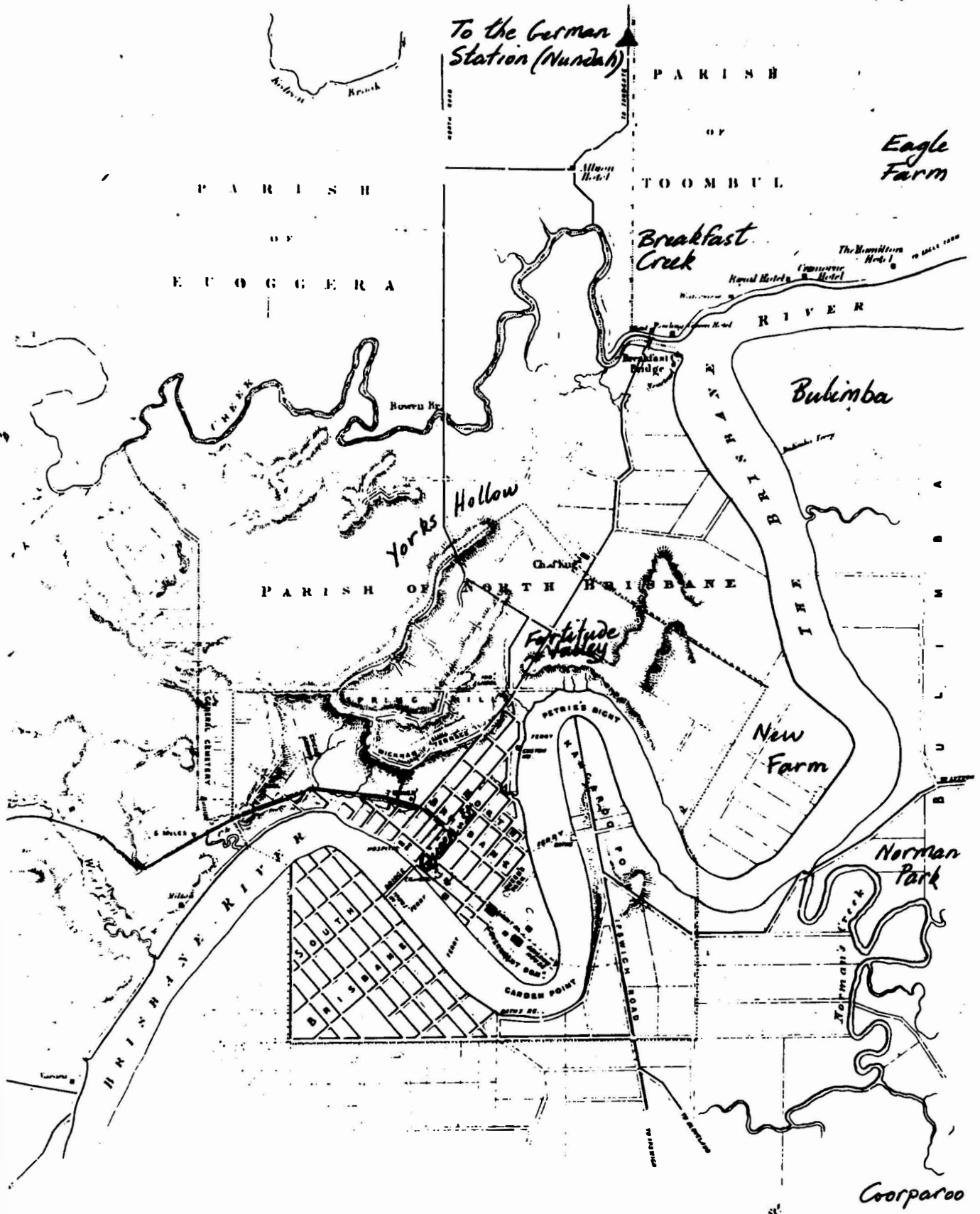
▲ Illustration 28: Queen Street 1860 (JOL)

For whites in Queensland's colonial towns, the problem remained of keeping Aborigines at a sufficient distance to contain them as a perceived social and moral liability, whilst maintaining them near enough, as a cheap expendable labour force. In solving this problem the metropolitan police became a vital ingredient - allowing Aborigines into the township for desultory and dirty labour by day, then driving them out at 'curfew' times each evening - and in the process further souring relations between the two groups. According to immigrant Carl Lentz, even in the late 1870s mounted troopers would ride about Brisbane 'after 4pm, cracking stockwhips' as a signal for Aborigines to leave town.²³

Just what became of the blacks forced from the Eagle Farm Road camps is difficult to trace. A young Samuel Griffith recalled Aborigines driven after curfew into a camp at Bowen Hills in the later 1860s,²⁴ whilst Colliver and Woolston mention a camp at nearby Hamilton where twenty men, women and children resided in 1869.

Thanks to the help of Denis Cryle, it has been easier to discover what became of the land adjacent to where the camps had stood. Several months after the police onslaught some seventy acres (twenty-eight hectares) of land between Victoria Park and Breakfast Creek were purchased by Robert Herbert, former private secretary to Governor Bowen, shareholder in the Bank of Queensland, suburban land speculator, first colonial secretary and premier of the colony of Queensland. The bushland was razed, orchards planted and cattle grazed. 'Land near Herston is becoming very valuable for purpose of sale', Herbert noted in September 1863.²⁵

Could it be, one wonders, that R.G. Herbert was the same more lately arrived and 'extensive individual' whom the *Moreton Bay courier* had considered it more prudent to hint at, than directly to name? Was it perhaps he who had formally approached the over-zealous Chief Constable Quirk upon the matter of 'the nuisance Aborigines', due to their original occupation of the site? Such questions are purely speculative ones and must doubtlessly remain so, for the track to the truth has been as diligently covered as the burnt remnants of the black encampments would be by the ploughs of the whites. What is indisputably engraved here, however, is the role of the new state's coercive arm, flexing collusively at the behest of the powerful, 'improving' white man, whoever he may have been. Additionally such scenes of tawdry mayhem were bound to be replicated over the decades by white police in colonial towns and by black troopers operating under white officers in the countryside, as material reinforcement to Wordsworth's much-repeated colonial dictum, that 'they should take, who have the power/ And they should keep who can'.²⁶



▲ Illustration 29: Map of Brisbane by 1866 (MLS)

Abbreviations

AA	Australian Archives, Canberra
ADB	Australian Dictionary of Biography
AGPS	Australian Government Publishing Service
AHU	Applied History Unit, University of Queensland
BC	Brisbane Courier
BHG	Brisbane History Group
BMC	Brisbane Municipal Council
CM	Courier-Mail
CSL	Colonial-Secretary NSW, Letters from Moreton Bay
DM	Daily Mail
FL	Fryer Library, University of Queensland
GSQ	Genealogical Society of Queensland, Brisbane
HRA	Historical Records of Australia
JOL	John Oxley Library, State Library of Queensland, Brisbane
MB	Moreton Bay
MBBT	Moreton Bay Book of Trials, 1835-42, JOL
MBC	Moreton Bay Courier
MBFP	Moreton Bay Free Press
MLS	Mitchell Library, Sydney
MS	Manuscript
NLA	National Library of Australia, Canberra
NSWAO	New South Wales Archives Office, Sydney
NSWGG	New South Wales Government Gazette
NSWPP	New South Wales Parliamentary Papers
NSWVP	New South Wales Votes and Proceedings (Parliament)
PERS	Personal communication
Q	Queenslander
QDG	Queensland Daily Guardian
QFHS	Queensland Family History Society
QGG	Queensland Government Gazette
QN	Queensland Newspapers Pty Ltd
QPARLT	Biographical Register of the Qld Parliament 1860-1929
QPP	Queensland Parliamentary Papers
QRGO	Queensland Registrar-General's Office
QSA	Queensland State Archives, Brisbane
QVP	Queensland Votes and Proceedings (Parliament)
RHSQ	Royal Historical Society of Queensland, Brisbane
SG	Sydney Gazette
SMH	Sydney Morning Herald
TS	Typescript
UQP	University of Queensland Press, St Lucia
UP	University Press

Notes

Note the format used below for volume number/issue number: page number

Chapter 1: Raymond Evans. *The mogwi take mi-an-jin*

- 1 Backhouse 1843, 357.
- 2 CM 10 Feb. 1940.
- 3 CM 17 & 19 Feb. 1940.
- 4 A. Cunningham, 'Journey overland to the Darling Downs', Nov. 1827, CSL micro. 4.
- 5 French 1989, 20.
- 6 Fyans 1986, 191-3.
- 7 Atkins 1859, 49.
- 8 Major Sydney Cotton, 7 Sept. 1837, CSL micro. 9.
- 9 Ryan 1981; Plomley 1966.
- 10 Critchett 1990; Watson 1984.
- 11 Gunson 1974.
- 12 Gunson 1974, 43-4,84.
- 13 L.E. Threlkeld, Lake Macquarie, to the Council for World Mission, London, 16 Oct. 1824-2 July 1825, School of Oriental and African Studies, London, Council for World Mission records, Journals, box 1.
- 14 Gunson 1974, 84.
- 15 Hall 1990, 176.
- 16 Steele 1972, 77.
- 17 MBC 17 June 1848.
- 18 Steele 1972, 191.
- 19 Steele 1972, 201.
- 20 Cunningham, 'Journey', 1827.
- 21 J.C.S. Handt, 'Report of transactions, relative to condition of the Aborigines in the district of Moreton Bay for the year 1841', 27 Nov. 1841, CSL micro. 12.
- 22 Cotton, 14 Nov. 1837, CSL micro. 10.
- 23 Horvath 1972, 47.
- 24 Steele 1972, 48.
- 25 Governor Thomas Brisbane, Sydney, to John Oxley, NSW Surveyor-General, 20 & 30 Aug. 1824, CSL micro. 6.
- 26 Captain Foster Fyans, 12 Oct. 1836, CSL micro. 9.
- 27 S.A. Perry, Surveyor-General's Office, 16 Dec. 1839, CSL micro. 10.
- 28 Petrie 1904.
- 29 Steele 1972, 331.
- 30 Steele 1972, 47,98.
- 31 Petrie 1904, 63.
- 32 Evans & Walker 1977, 41.
- 33 Connolly & Anderson 1987, 38; cf. Reynolds 1981, 25-32.
- 34 Petrie 1904, 274.
- 35 Connolly & Anderson 1987, 36.
- 36 Steele 1972, 32; Petrie 1904, 3.
- 37 Steele 1972, 15,134,147.
- 38 'Narrative of John Graham', 1837, CSL micro. 9.
- 39 Steele 1975, 287.
- 40 Steele 1975, 14,15; Johnston 1988, 55; Bateson 1966, 44.
- 41 Petrie 1904, 188-9.

- 42 Steele 1975, 26; Johnston 1988, 19; Gunson 1974, 14.
- 43 Lauer 1987, 9.
- 44 Steele 1972, 186.
- 45 Captain Patrick Logan, 27 Oct. 1829, CSL micro. 4.
- 46 Gov. Thomas Brisbane to Lieut. Miller, 27 Aug. 1824; Alexander Macleay to Capt. Bishop, 8 Feb. 1825; Bishop at Moreton Bay, 14 March 1826, CSL micro. 2 & 3.
- 47 Fraser, 'Journal of a residence on the banks of the Rivers Brisbane and Logan from the 30th June to 6 September 1828', CSL micro. 3.
- 48 Fyans, 6 Jan. 1836, CSL micro. 8.
- 49 Col. Sec. to Logan, 21 August 1827, CSL micro. 2.
- 50 Steele 1975, 91-2; Johnston 1988, 56.
- 51 Petrie 1904, 232.
- 52 Fyans, 29 Sept. 1836, CSL micro. 9; Governor Richard Bourke, 'Report of Backhouse and Walker, Moreton Bay and Lake Macquarie', 26 May 1836, CSL 4/2325-4.
- 53 'Deposition of William Adams (Countess of Harcourt) before Captain Foster Fyans', MBBT 23 Dec. 1836.
- 54 'Deposition regarding an Aborigine commonly called Ilboo', MBBT 8 July 1839.
- 55 Petrie 1904, 167-8.
- 56 Fyans, 12 Oct. 1836, CSL micro. 9.
- 57 O'Keefe 1975, 7-11; Johnston 1988, 56; Steele 1972, 352.
- 58 Steele 1972, 73-4, 281.
- 59 Steele 1975, 95-6, 164.
- 60 O'Keefe 1975, 7-8.
- 61 Steele 1972, 331.
- 62 Steele 1975, 200.
- 63 Sean O'Reilly (Countess of Harcourt), 28 Sept. 1826 - 4 June 1829, JOL MS Chronological register of convicts at MB.
- 64 MBC 2 Jan. 1847.
- 65 Captain James Clunie, 12 Aug. 1834, CSL micro. 8.
- 66 Steele 1972, 356-7.
- 67 Bateson 1966, 168.
- 68 Steele 1975, 271.
- 69 Evans 1987; Steele 1972, 231, 241, 305-6.
- 70 Anderson 1983, 473-98; McGrath 1987, 68-94.
- 71 Steele 1972, 64-5.
- 72 Steele 1972, 85.
- 73 Backhouse 1843, 354.
- 74 McGrath 1990, 189-90, 203.
- 75 McGrath 1990, 197.
- 76 'Deposition regarding Constables Robert Giles and Abel Sutton having a Black Gin in the Barracks', MBBT 16 Dec. 1841.
- 77 Steele 1972, 352.
- 78 Steele 1975, 164.
- 79 Captain James Clunie, Dunwich, to Col. Sec., 10 July 1831, CSL micro. 5.
- 80 Steele 1972, 203; Steele 1975, 203.
- 81 Steele 1975, 239.
- 82 Borella 1949; Welsby 1967, 2:107.
- 83 J.J. Knight's unnamed convict informant was John Goodwin (of Speke 3), judging by his record, 20 Feb. 1836, CSL micro. 9.
- 84 Clunie, 12 Jan. & 27 Feb. 1833, CSL micro. 7 & 8.
- 85 Cotton, 14 Nov. 1837, CSL micro. 10.

- 86 Watkins 1892. 43; cf. Knight 1895, 36.
- 87 William Reardon (Connada), 14 Jan. 1819 - 25 Nov. 1832, JOL MS Chronological register of convicts at MB (weekly register).
- 88 Welsby 1967. 287-8.
- 89 Major Sullivan, Port Macquarie, 10 & 26 Dec. 1832, CSL micro. 7.
- 90 Clunie, 12 Jan. 1833, CSL micro. 8.
- 91 Johnston 1988, 31.
- 92 O'Keeffe 1974, 5.
- 93 Clunie, 2 Dec. 1834; J. Parker, Supt of Agriculture, Eagle Farm, to Fyans, 1 Dec. 1835; W. Miller to E. Deas Thomson, 1 May 1837 & 22 Nov. 1837; Cotton, 22 June 1838, CSL micro. 8, 9 & 10.
- 94 French 1989, 101.
- 95 Caleb Atkins (Sir William Bensley), 17 June 1835, JOL MS Monthly register of convicts at MB; Petition of Caleb Atkins, 14 Jan. 1833, CSL micro. 7.
- 96 Fyans 1986, 165.
- 97 Fyans, 8 Nov. 1836; Cotton, 20 Aug. & 7 Sept. 1837; Petition of Alexander McPherson, 17 July 1837, CSL micro. 9. The group sent from Brisbane to contact survivors of the Duke of York helps explain how the Brisbane tribal elder, the Duke of York, obtained his pseudonym.
- 98 Dr Robertson, Brisbane Town to James Bowman, Inspector of Hospitals, 1 April 1836, CSL micro. 9.
- 99 Cotton to Col. Sec., 14 Nov. 1837, CSL micro. 10 (my emphasis).
- 100 Handt, 'Report', 1841.
- 101 Steele 1975, 288.
- 102 Gunson 1974, 124.
- 103 Backhouse 1843, 376.
- 104 A. Brownruff, Charlotte Place, to Col. Sec., 26 March 1835, CSL micro. 8.
- 105 John Phillips (Vittoria) 20 August 1835 and John Smith (Agamemnon 1819), MBBT 3 Sept. 1835.
- 106 G. Rahmleben, Cutting Books on Stradbroke Island, Moreton Bay, 1:335, FL.
- 107 Lieut. Owen Gorman to Col. Sec. 18 Feb. 1840; Robert Dixon to Col. Sec., 1 June 1841, CSL micro. 11 and special bundle micro. 7.
- 108 Constable John Fennelly, MBBT 20 Dec. 1840.
- 109 James Murphy (Waverley) 21 Jan. 1841, James Hayes (Blenheim) 2 July 1840, Thomas Downey, MBBT 3 Sept. 1840.
- 110 Andrew Evans 21 Dec. 1840, Constables Robert Giles (Exmouth) and Abel Sutton (Portsea), MBBT 16 Dec. 1841.
- 111 Petrie 1904, 65.
- 112 Petition of Richard Skyrme, n.d., Captain H. Smyth, Port Macquarie, to Col. Sec., 24 Nov. 1831, CSL micro. 6 and 7.
- 113 *Australian* 21 March 1839.
- 114 Gorman to Col. Sec., 18 Nov. 1839, CSL micro. 10.
- 115 Simpson 1979, 12-13; French 1989, 113.
- 116 Handt to Col. Sec., 13 Sept. 1837, CSL Micro. 9.
- 117 Steele 1975, 259.
- 118 Craig 1908, 155.
- 119 Gorman to Col. Sec., 8 Feb. and 30 March 1840, CSL micro. 11.
- 120 Craig 1908, 155.
- 121 Hallowell 1963, 527.
- 122 Steele 1975, 239.
- 123 Cotton to Col. Sec., 14 Nov. 1837, Gorman to Col. Sec., 29 July 1839, CSL micro. 10.
- 124 Skinner 1977, 16.
- 125 Handt, 'Report', 1841; cf. Fisher, ch.2 below on community involvement.

- 126 O'Keeffe 1976, 70.
 127 Simpson 1979, 2.
 128 Hallowell 1963, 523.
 129 Simpson 1979, 2; *Truth* 23 May 1915.
 130 Cotton at Liverpool¹, to Col. Sec., 3 July 1839, CSL micro. 10.
 131 C. Pemberton Hodgson, Australian Club, Sydney, to Col. Sec., 11 Nov. 1841, CSL micro. 12.
 132 W. Miller, Memorandum to Col. Sec., 22 Nov. 1838, CSL micro. 10.
 133 William Whyte, Clerk to the Bench, to Col. Sec. 15 June 1841, CSL micro 12.
 134 SMH 27 July 1841.
 135 Laurie 1959, 157; *Truth* 14 March 1911.
 136 Petrie 1904, 245.
 137 *Australasian chronicle* 7 July 1841.
 138 *Australian* 15 May 1841.
 139 *Australian chronicle* 15 March 1844, *Truth* 14 March 1911; cf. Connors, ch.3 below.
 140 Lauer 1987, 9; Evans 1987, 36.
 141 Craig, 1908, 152. I would particularly like to thank William Thorpe, Jennifer Harrison and Bruce Rigsby for help in preparing this paper.

Chapter 2: Rod Fisher, From depredation to degradation

- 1 MBC 2 Feb. 1859, 2.
 2 See Fisher 1987; Evans, ch.1 above.
 3 Dowse, *Reminiscences*, 3:27, cf.30,47; see BHG 1993.
 4 Simpson 1979, 16,19,23-25,29,33,38,43,51.
 5 MBC 2 Feb. 1859, 2.
 6 SMH 14 Dec. 1853, 7.
 7 MBC 27 April 1850, 3; cf. Fisher 1991a, 170-1.
 8 SMH 14 Dec. 1853, 7.
 9 MBC 17 July 1858, 2.
 10 MBC 21 Feb. 1857, 3.
 11 See Connors, ch.3 below.
 12 MBC 3 July 1857, 3.
 13 See Fisher 1987, ch.7.
 14 MBC 14 March 1857, 2.
 15 Simpson 1979, 24.
 16 MBC 3 July 1860, 2.
 17 Steele 1984, ch.10.
 18 Evans 1987, 35-6.
 19 E.g. SMH 13 March 1845,2, 22 March 1845,2, MBC 7 Feb. 1852,3; cf. Steele 1984, ch.12.
 20 MBC 13 March 1845, 2.
 21 SMH 22 March 1845, 2.
 22 MBC 19 June 1847, 2.
 23 Steele 1984, ch.10.; see Illustration 8.
 24 MBC 31 May 1865, 3.
 25 MBC 24 Oct. 1857,2, 23 Jan. 1858, 2.
 26 MBC 31 May 1851, 2.
 27 MBC 8 Oct. 1853,3, 26 May 1856,2, 26 Sept. 1857,2, 3 July 1858,3, 20 Dec. 1859,2.
 28 SMH 8 April 1845, 2.
 29 SMH 17 July 1847, 3.
 30 MBC 8 Dec. 1849,3, 27 April 1850,3, 4 April 1857,2.
 31 MBC 1 Sept. 1847, 3; cf. 4 March 1848, 3.

- 32 MBC 26 Sept. 1857, 2.
- 33 MBC 20 Dec. 1859, 2.
- 34 MBFP 19 July 1859, 2.
- 35 Fisher 1987, 63.
- 36 MBC 26 May 1856, 2.
- 37 In SMH 28 April 1841, 2.
- 38 Simpson 1979, 13,25,33,43,52; cf. Evans, ch.1 above.
- 39 Cryle 1987, 26; Steele 1984, ch.10.
- 40 In Evans 1987, 36.
- 41 MBFP 26 May 1856, 2.
- 42 Evans 1987, 36.
- 43 Simpson 1979, 43.
- 44 Esp. MBC 12 Dec. 1858, 2.
- 45 MBC 31 May 1851, 2.
- 46 MBC 3 April 1858, 2; see Evans ch.1 above.
- 47 MBC 10 Dec. 1853, 2.
- 48 See Connors, ch.2 above.
- 49 MBC 24 April 1858, 2.
- 50 Cryle 1987, ch.3.
- 51 Evans 1987, ch.4.
- 52 MBC 20 Oct. 1860, 2.
- 53 MBC 1 June 1859, 3.

Chapter 3 Libby Connors, The theatre of justice

- 1 Petrie 1904, 245.
- 2 Hay & others 1975, 28.
- 3 Evans & others 1975; Loos 1982.
- 4 Rowley 1972, 19-20, 23; Reece 1974, 113; Yarwood & Knowling 1982, 110-12.
- 5 As with many other Aboriginal cases from Moreton Bay, there was dispute about the identity of the defendants. The inquest and deposition papers all refer to the first Aboriginal defendant as 'Merrydio' whose name is spelt differently in different sources. But the returns of prisoners list that sentence of death was passed on Mullan and Ningavil.
- 6 Moreton Bay penal establishment, 1832-42, CSL 39/32, 4/3795 NSWAO; Committee on police and gaols, NSWVP 1839, Appendix, 5-7.
- 7 Heap 1983, 8; BHG 1991a, pt 4 'The Windmill'.
- 8 Beckett 1980, 78-81; Sturma 1983, 3.
- 9 MBBT 10 July 1840; Campbell 1875; cf. Evans, ch.1 above.
- 10 Beattie 1986, e.g. 'blood money', 53-5.
- 11 Petition of William Fyfe and correspondence, CSL 48/5961, after M7662 & Sheriff and jailers, 1848, 48/7193, 4/2826.3 NSWAO.
- 12 Russell 1888, 395; Knight 1898, 240-1; Brisbane cutting book, JOL.
- 13 In Knight 1898, 242-3.
- 14 Hay & others 1975, 58; Thompson 1977, 262; Neal 1992.
- 15 Reynolds 1981, 58-62, 70; Atkinson & Aveling 1987, 395-6.
- 16 HRA 21:37.
- 17 Connors 1990, 333-6.
- 18 MBC 21 Nov. 1846; Connors 1990, 210-22,339-49 on this issue and the courts' treatment of Chinese. The one execution of a Chinese in this period at Moreton Bay was for the murder of a fellow Chinese servant.
- 19 Knight 1898, 336; Therry 1863, 287-8.
- 20 Supreme Court, criminal jurisdiction judgment books, Brisbane Circuit Court 1850-4, 4 5748 NSWAO.

- 21 Brisbane cutting book, JOL; Petrie 1904, 175; MBC 13 Jan. 1855.
- 22 Knight 1898, 312,336.
- 23 Special bundles: Letters from Wide Bay, 54/51931, 4/7173 NSWAO.
- 24 Ignatieff 1978, 88-9.
- 25 Davies 1987, 318.
- 26 BC 18 Jan. 1919.
- 27 Beckett 1980, 156-9,185.
- 28 Petrie 1904, 175.
- 29 James Porter Papers, JOL, 8: MBFP 3 & 10 May 1853.
- 30 MBFP 27 May 1857, 29 July 1857.
- 31 See Connors 1990, 55-111 on the jail.
- 32 MBFP 29 July 1857.
- 33 Prisons Dept, Letterbook of the sheriff 1857-59, 59,101, PRI G62 OSA.
- 34 Connors 1990, 240-54.
- 35 See no.33. The crime was rape.
- 36 MBC 10 Sept. 1859.
- 37 Evans 1987, 37.
- 38 Rowley 1972, 186.

Chapter 4: John Mackenzie-Smith, The Kilcoy poisonings

- 1 Watson 1984, 166-7.
- 2 See Mackenzie-Smith 1992a, ch.5: cf. Milliss 1992 on Gipps.
- 3 Lang 1847, 279.
- 4 SG 20 Dec. 1838, 2.
- 5 CSL 41/2000 NSWAO.
- 6 CSL micro. A2.12, 121.
- 7 CSL micro. A2.12, 121.
- 8 Coote 1882, 45.
- 9 Simpson 1979, 2, 30 May 1842.
- 10 Lang 1847, 279.
- 11 Lang 1847, 279.
- 12 Langevad 1980, 92.
- 13 QVP 1861, 71.
- 14 CSL 42/5931 NSWAO.
- 15 SG 22 March 1842.
- 16 Russell 1888, 266.
- 17 Russell 1888, 279; Simpson 1979, 2.
- 18 *Colonial observer* 3 Dec. 1842, 651.
- 19 CSL 43/4515 NSWAO.
- 20 SMH 7 Dec. 1842, 2.
- 21 SMH 19 Jan. 1843, 2
- 22 Simpson 1979, 5.
- 23 Langevad 1980, 90-1.
- 24 Lang 1847, 279-80.
- 25 QVP 1861, 424-7.
- 26 QVP 1861, 71.
- 27 SMH 19 Jan. 1843, 2.
- 28 QVP 1861, 71.

Chapter 5: Denis Cryle, 'Snakes in the grass'

- 1 See Cryle 1989.
- 2 e.g. Evans & others 1975; Reynolds 1978
- 3 See Reynolds 1981 for the Aboriginal viewpoint.
- 4 MBC 3 April 1847, 2.
- 5 MBC 21 Nov. 1846, 2.
- 6 William Duncan. Autobiography. MS A2877. MLS: ADB.
- 7 Duncan MS., 66ff.
- 8 Reece 1974. 180.182.
- 9 MBC 15 Aug. 1846, 3.
- 10 Brisbane cutting book. JOL. 3: BHG 1991b, 9.
- 11 Knight 1898, 193.
- 12 Petrie 1904, 27.118.
- 13 Steele 1984, 127.
- 14 See Evans 1992, Fisher 1992 above.
- 15 Steele 1975, 268.
- 16 Petrie 1904, 164-5.
- 17 Eipper 1841, 7-8.
- 18 Petrie 1904, 164-5.
- 19 Simpson 1979, 31 March 1847.
- 20 Eipper 1841, 8-10.
- 21 See Taylor 1967.
- 22 Petrie 1904, 155; Knight 1895, 190-1; QVP 1861, 426.
- 23 MBC 21 Nov. 1846, 2.
- 24 Simpson 1979, 21 Dec. 1846.
- 25 See John Mackenzie-Smith 1992b.
- 26 MBC 21 Nov. 1846, 2.
- 27 Duncan MS., 67.
- 28 MBC 26 Dec. 1846, 2.
- 29 9 Jan. 1847, 3.
- 30 MBC 26 Dec. 1846, 2.
- 31 SMH 28 Dec. 1846, 2.
- 32 MBC 6 Feb. 1847, 2.
- 33 MBC 6 Feb. 1847, 2
- 34 MBC 31 June 1846, 2; cf. 6 Feb. 1847, 2.
- 35 Duncan MS., 69.
- 36 Simpson 1979, 20 Feb. 1847.
- 37 Duncan 13 Feb., Thornton 13 Feb. and Burnett 15 Feb. 1847 to Wickham MS. Ad. 81 47/25342, Dixson Library, Sydney.
- 38 MBC 13 Feb. 1847, 2.
- 39 CSL 25 Feb. 1847.
- 40 Eipper 1841, 10.
- 41 SMH 23 Feb. 1847, 2-3.
- 42 MBC 6 March 1847, 2, 24 April 1847, 2.
- 43 *Australian* 25 Feb. 1847, 2.
- 44 In native police inquiry report, QVP 1861, 560.
- 45 MBC 4 June 1853, 2,3.
- 46 E.g. QDG 8 May 1863, 2; G.D. Lang in J.D. Lang letters, MS. JAF 158/354-5, NLA; cf. Fisher, ch.2 above.

Chapter 6: Raymond Evans, 'Wanton outrage'

- 1 *In Report of the Committee of Inquiry into the enforcement of criminal law in Queensland* 1977. Brisbane, 78-9.
- 2 Hanks & Koen-Cohen 1984, 181
- 3 MBC 6 Sept. 1860.
- 4 Report on destruction of blacks' camp, Breakfast Creek, 20 Oct. 1860, COL/A8 60/1952, QSA.
- 5 Steele 1984, 123.
- 6 Steele 1984, 125.
- 7 A. Meston, 'Black Man to White Settlement', DM 1 Dec. 1923.
- 8 QVP 1861, 18-21.
- 9 See Fisher, ch.2 above.
- 10 Blacks' camp report, 20 Oct. 1860; cf. Fisher, ch.2 above.
- 11 MBC 20 Oct. 1860.
- 12 Grundy 1879, 262-3.
- 13 'Replies to a Circular Letter Addressed to the Clergy of all Denominations on the Condition of the Aborigines'. NSWVP 1846, 2:16-17.
- 14 MBC 3 June 1848, 15 June & 16 Oct. 1852, 8 Oct. 1853, 7 & 14 July 1855, 1 Aug. 1857 (pers. from Rod Fisher).
- 15 MBC 10 Sept. 1859; *Brisbane truth* 12 Dec. 1915.
- 16 MBC 20 Oct. 1860.
- 17 MBC 7 July 1855.
- 18 Evans & Walker 1977, 57-65.
- 19 The above account is based on: Blacks' camp report, 20 Oct. 1860; MBC 18 Oct. 1860; QDG 13 Oct. 1860.
- 20 F. Wheeler to R.G. Herbert, 26 Nov. 1861, COL/A21 61/2922, QSA.
- 21 MBC 16 Oct. 1860.
- 22 In Thorpe 1985, 16.
- 23 In Colliver & Woolston 1978, 64.
- 24 Evans 1974, 14.
- 25 Herbert 1977, 16-17,72.
- 26 William Wordsworth, 'Rob Roy's grave'.

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