

# **Gomeroi and Wallaroi Resistance, Colonial News (1830s–1850s)**

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# Foreword

This collection includes colonial newspaper reports relating to colonial frontier conflict, wars and resistance in Gomeri and Wallaroi country between the 1830s and 1850s. This conflict focused on the Namoi, Gwydir, MacIntyre and Barwon Rivers.

Colonial sources include racist language and attitudes, and descriptions of extreme violence.

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This compilation is intended for research, to make information easily available to everyone, and to reliably inform public debate and for truth-telling.

## 1832-02-15 — Article 1

THE COUNTRY TO THE NORTH-WEST. (1832, February 15). The Sydney Monitor (NSW : 1828 - 1838), p. 4 (AFTERNOON). Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article32076934>

THE COUNTRY TO THE NORTH-WEST. George Clark, who was tried and convicted on Thursday week for horse-stealing, and cast for death, is the bushranger who succeeded in attaching himself to the Aborigines beyond Bathurst, so as to be adopted as a member of the different tribes with whom he travelled to a great distance into the interior. He speaks confidently of the discovery of a great river far to the north, and of a rich tract of country eligible for settlers to a great extent on the northern side of the river, extending to the sea coast. As Major Mitchell has been long absent to ascertain the truth of Clark's report, and as the public may shortly expect a report of his journey, a short account of Clark's route may not be uninteresting. The following is in his own words—"I always had a great desire to be free from all restraint, and the last time, which is the third that I took to the bush, I determined to proceed as far into the interior as I could get. I also thought, that by making important discoveries in the interior, I should have been pardoned, and have received encouragement from the Government. I soon effected a junction with a tribe of blacks at Liverpool Plains, and by acquiring their language and assimilating to their manners, I also acquired their good-will. They treated me as one of themselves. I quitted my European costume a little at a time, and felt no inconvenience whatever from the loss. As remaining with this tribe, although attached to me, was not my object, for fear of being recognised by my countrymen, I joined another tribe, and went with them to a place called in the native language Bresa, about 30 miles to the north-west of Liverpool Plains. I particularly remarked, that the natives, as soon as we got beyond the stations of the settlers, assumed a more active and cleanly appearance; indeed, the wild tribes in the interior are a much superior race to the blacks who frequent our stock stations. From Liverpool Plains I proceeded with a third tribe to Tuaubilla, about 200 miles north-west from that place without discerning any thing of note. The country was remarkably rich in pasture, well supplied with water, and covered with many large plains. A river, the Numeva, runs from Liverpool Plains to Tuaubilla, which is well supplied with fish. Proceeding down the Numeva, a short distance beyond Tuaubilla, the ground became boggy, and at last presented one vast bog or morass, the river holding its course through the centre. We crossed a range of mountains to the north, and after a few days, arrived at another river of some magnitude, named Keindooa. There I left the tribe I had come with, as they were returning, and I joined another who inhabited the country north-west of the river Keindooa. The country from this river, changed its aspect altogether. The land was low and level, with few mounts, and without any extended range of hills. The verdure was luxuriant, quite different to any I had before seen. Grass herbs in abundance, and in clear parts, a multitude of enormous sow-thistles. The grass there produces a large seed, which is gathered by the natives, pounded between stones into a pulp, and baked in the ashes as food. It was palatable, and resembled bread made from grown wheat. The Keindooa is divided from the Numeva (which last is known to my countrymen) by a range of mountains difficult of access. There are few passes over the mountains, but one of them, if improved, would afford an easy ingress to the flat country for drays and horses. The difficulty in crossing the range, consists in the scarcity of water, which, unless the springs be known to the traveller, would leave him exhausted and oblige him to return. The part where we made the river Keindooa (after crossing the range) was called Curribingee. Thence we proceeded down the river about west. About 250 miles to the north-west of Curribingee, there is a burning mountain called Coorala. The flame and smoke emitted from the mountain can be seen a great distance. I did not ascend the mountain. Round the base is a quantity of red stone, resembling pumice stone; also a substance resembling alum, which, dissolved in water, had the same taste. The natives say, it is to be had in large quantities. It is called by them Boullau. We proceeded down the river and at last made the sea, into which the Keindooa discharges itself with a broad mouth. The coast was rather low as far as we could see, and just in sight to the south-west we saw an island; but no other land to seaward. Along the coast, trees, the wood of which is of a deep red colour, had been felled apparently with a small blunt axe; the barrel of each tree (of a good length) had been cut out by a similar instrument, but was gone. The natives informed me, that people of a light colour came there with large boats, and took the wood away to the northward. I determined to keep with this tribe, until the return of the adventurers, and then to join them; but in the mean time, we again proceeded into the interior. The coast

presents a low bleak appearance, and about a mile and a half from the sea, the strand is bounded by a low range of mountains, which run along the coast. When this range is crossed, the country is fertile in the extreme, and very beautiful, as I have before described. There is another species of wood there, which I never saw before, milk white, with a very fine grain, but so hard, that it is difficult to cut it. The natives make their bumbarines and other instruments of war out of this wood, which never breaks; the leaf is in shape like that of the oak, but very rough. The trees cut by the strangers and removed, were low and very umbrageous; the leaf of a dark blue colour. The pine tree grows in abundance in this country, and is very tall and straight. The natives are remarkably cleanly, kind, and industrious; in nowise like the blacks about the settlements of the Colony. They are provided with tomahawks and knives made from a blue transparent stone, of uncommon hardness, seldom or never breaking. They grind them to a fine edge by means of other stones. The river Keindooa abounds with fish; one in particular being very fine, resembling a cod-fish, only having very large sharp fins. In the country at the upper part of the river is found stones of beautiful appearance, but what to call them I know not. There are no kangaroos in that country, but there is a small species of bush wallaby, very small; plenty of emu however and black swans, geese, ducks, and birds of fine plumage. In hopes of being able to provide myself with a few necessaries from my countrymen at Bathurst, I returned by another route to Mullala (250 miles from Bathurst), where I was captured by Serjeant Wilcox. As I never committed any crimes beyond those of theft; I was in hopes my sufferings and my discoveries would have induced the Governor to extend a pardon to me at once, when I would willingly have conducted a party to the places I now describe, and I would also have made other discoveries, which might have proved of service to my country.

GEORGE CLARK H. M. Gaol, Sydney, Jan. 1832.

## 1832-03-10 — Article 2

ADVANCE AUSTRALIA Sydney Gazette. (1832, March 10). The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article2205451>

SYDNEY GAZETTE SATURDAY, MARCH 10, 1832.

### MAJOR MITCHELL'S EXPEDITION.

WE have received, from the best authority except the Major himself, some particulars of the expedition of that gallant and able-minded officer. He is on his way to Sydney, and in a few days we shall have a full and authentic account of his interesting tour; but meantime, as we know how strong is the public curiosity on this subject, we proceed to lay before our readers all the information that can at present be gleaned.

It is generally known that a man of the name of CLARK, on being apprehended, some months ago, for cattle stealing, reported that he had fallen in with a large river in a remote part of the interior, and that the blacks had informed him it ran many hundreds of miles towards the north-west. His story was related with so much confidence, and appeared so clear and rational, that the Government thought it would be worth while at all events to ascertain its truth or falsehood; and Major MITCHELL, the Surveyor General, having volunteered his services as conductor of the enterprise, was accordingly entrusted with its execution. A fitter man, whether for professional ability, personal courage, or strong good sense, could not have been chosen.

In the month of November last, the Major left Sydney, and, accompanied by a sufficient number of assistants, proceeded on his long and precarious journey. At Segenhoe, the estate of Mr. POTTER MACQUEEN, in charge of Mr. SEMPILL, he received from the latter gentleman the loan of a very useful man of the name of BOMBELLI, who went along with the party, and in three or four weeks returned to Segenhoe, on his way to Darlington, with despatches for the Government. In returning from the Major, he met with Mr. Surveyor FINCH, who was going to the appointed depot with a ton of flour. Having delivered his despatches and returned to Segenhoe, Mr. SEMPILL immediately sent him again after the Major; and after travelling about 150 miles, he overtook Mr. FINCH and party, who were greatly in want of water. Mr. F. having, a day or two before, passed a place where water was plentiful, and it being only about nine miles behind them, determined on going back to it for a supply, and left BOMBELLI and the bullock driver in charge of the drays. Early on the following morning Mr. FINCH returned, when, to his indescribable horror, he found his two men stretched on the ground, mangled corpses, having been murdered by the Blacks, who had decamped with the whole of his flour. Mr. FINCH hurried with all possible speed after Major MITCHELL, whom he overtook far in the interior. The loss of the flour on which they were to subsist is naturally supposed to have induced the Major to return much sooner than he otherwise would, and thus prevented those farther researches which he was bent on accomplishing.

In a very distant part of the interior, the Major met with a "tame" black, who readily joined his party, and shortly afterwards with a "wild" one, whom his "tame" countryman prevailed on to fall in with the travellers. This "wild" fellow led them to the stock-yard described by CLARK under the name of "the barber's stock-yard," which they found surrounded by the skeletons of cattle, and by the vestiges of bark huts, or, as the natives term them, "gunnies." Here they put up their bullocks, and remained during the night; and next morning started, according to the advice which had been given by CLARK, in a north-westerly direction. After travelling about 80 miles beyond the stock-yard, they fell in with the river described by CLARK, called by the natives "Namoy". The river, at the part fallen in with by Major MITCHELL, is about forty yards wide and six fathoms deep, and abounds with fish of immense size, many of them being a yard in length. It runs, like all our other inland rivers, to the north-west. Major M. launched his canvass boats, which were found to answer admirably, but how far he proceeded is not yet known.

Here our story for the present ends. All that is known after the launching on the river is, that the Major found his way back to Segenhoe, where, when the last post left that place, he remained in good health, intending to start immediately for Sydney. He is expected daily.

Such are the rough particulars we have been enabled to collect respecting this most interesting and important expedition. We have not time for comment, and hope soon to have it in our power to give a more ample narrative.

## 1832-03-14 — Article 3

Government Gazette Notices (1832, March 14). New South Wales Government Gazette (Sydney, NSW : 1832 - 1900), p. 9. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article230388120>

COLONIAL SECRETARY'S OFFICE, SYDNEY, MARCH 13, 1832.

HIS Excellency the GOVERNOR has been pleased to order, that the following Letters, from the Surveyor-General, be published for general information.

By His Excellency's Command, ALEXANDER M'LEAY.

"Bullabalakit, on the River Nammoy, in lat. 30° 38' 21" S. long. 149° 30' 20" E.

23d December, 1832. "SIR, "I have the honour to state, for the information of His Excellency the Governor, the progress I have made in exploring the course of the interior waters to the northward of the Colony, with reference to the letter which I had the honour to address to Col. Lindesay, on this subject, on the 19th ult.

"On crossing Liverpool Range my object was to proceed northward, so as to avoid the plains and head the streams which water them, and avoiding also the mountain ranges on the east.

"I arrived accordingly, by a tolerably straight and level line, at Walamoul, on Peel's River; this place (a cattle station of Mr. Brown) being nearly due north from the common pass across Liverpool Range, and about a mile-and-a-half above the spot where Mr. Oxley crossed this river.

"I found the general course of the Peel below Walamoul to be nearly west; and after tracing this river downwards twenty-two miles (in direct distance), I crossed it at an excellent ford, named Wallamburra. I then traversed the extensive plain of Mulluba; and leaving that of Coonil on the right, extending far to the north-east, we passed through a favourable interval of what I considered Hardwicke's Range, the general direction of this range being two points west of north.

"On passing through this gorge, which, from the name of a hill on the south side, may be named Ydire, I crossed a very extensive tract of flat country, on which the wood consisted of iron bark and acacia pendula; this tract being part of a valley evidently declining to the north-west, which is bounded on the south by the Liverpool Range, and on the south-west by the extremities from the same. On the west, at a distance of twenty-two miles from Hardwicke's Range, there stands a remarkable isolated hill named Bounalla; and towards the lowest part of the country, and in the direction in which all the waters tend, there is a rocky pic named Tangulda. On the north, a low range (named Wowa), branching westerly from Hardwicke's Range, bounds on that side this extensive basin, which includes Liverpool Plains. Peel's River is the principal stream, and receives, in its course, all the waters of these plains below the junction of Connadilly (which I take to be York's River, of Oxley).

"The stream is well known to the natives by the name Nammoy, and six miles below Tangulda. The low extremities from the surrounding ranges close on the river, and separate this extensive vale from the unexplored country which extends beyond to an horizon which is unbroken between W.N.W. and N.N.W.

"The impracticable appearance of the mountains to the Northward, induced me to proceed thus far to the West, and on examining the country thirty miles North East by North from Tangulda, I ascended a lofty range extending Westward from the coast chain, and on which the perpendicular sides of masses of trachyte (a volcanic rock) were opposed to my further progress even with horses: it was therefore evident that the river supposed to rise about the latitude of 28° would not be accessible, or at least available to the Colony in that direction, and that in the event of the discovery of a river beyond that range flowing to the Northern or North Western shores, it would become of importance to ascertain whether it was joined by the Nammoy, the head of this river being so accessible that I have brought my heavily laden drays to where it is navigable for boats, my present encampment being on its banks six miles below Tangulda. From this station I can perceive the Western termination of the Trachytic range, and I am now about to explore the country between it and the

Nammoy, and the further course of this river, and in the event of its continuance in a favourable direction, I shall fix my depot on its right bank, whence I now write, and descend the stream in the portable boats.

"I have the honour to be, Sir, "Your most obedient Servant, T. L. MITCHELL, Surveyor-General." The Honourable THE COLONIAL SECRETARY." Peel's River, 29th February, 1832. SIR, I have the honour to inform you, for the information of His Excellency the Governor, that I have reached the left bank of this river with my whole party on my return from the northern interior, having explored the course of the river referred to in my letter of 22d December last, and others within the 29th parallel of latitude.

There was so much fallen timber in the Nammoy, and its waters were so low, that the portable boats could not be used on that river with advantage, and I proceeded by land in a North West direction, until convinced by its course turning more to the westward that this river joined the river Darling. I therefore quitted its banks with the intention of exploring the country further northward, by moving round the western extremities of the mountains mentioned in my former letter, and which I have since distinguished in my map by the name of the Lindesay Range. These mountains terminate abruptly on the west, and I entered a fine open country at their base, from whence plains (or rather open ground of gentle undulation) extended westward as far as could be seen. On turning these mountains I directed my course northward, and to the eastward of north, into the country beyond them, in search of the river Kindur; and I reached a river flowing westward, the bed of which was deep, broad, and permanent, but in which there was not then much water.

"The marks of inundation on trees, and on the adjoining high ground, proved that its floods rose to an extraordinary height; and from the latitude, and also from the general direction of its course, I considered this to be the river which Mr. Cunningham named the Gwydir, on crossing it sixty miles higher, on his route to Moreton Bay. I descended this river, and explored the country on its left bank for about eighty miles to the westward, when I found that its general course was somewhat to the southward of west. This river received no addition from the mountains over that part of its left bank traversed by me; and the heat being intense, the stream was at length so reduced that I could step across it.

The banks had become low, and the bed much contracted, being no longer gravelly but muddy. I therefore crossed this river and travelled northward, on a meridian line, until, in the latitude of 29° 2', I came upon the largest river I had yet seen. The banks were earthy and broken, the soil being loose, and the water of a white muddy colour. Trees, washed out by the roots from the soft soil, filled the bed of this river in many places. There was abundance of cod fish of a small size, as well as of the two other kinds of fish which we had caught in the Peel, the Nammoy, and the Gwydir. The name of this river, as well as we could make it out from the natives, was Karaula. Having made fast one tree to the top of another tall tree, I obtained a view of the horizon, which appeared perfectly level, and I was in hopes that we had at length found a river which would flow to the northward and avoid the Darling. I accordingly ordered the boat to be put together, and sent Mr. White with a party some miles down to clear away any trees in the way. Mr. White came upon a rocky fall, and found besides the channel so much obstructed by trees, and the course so tortuous, that I determined to ascertain before embarking upon it, whether the general course was in the desired direction. Leaving Mr. White with half the party, I accordingly traced the Karaula downwards, and found that its course changed to south, a few miles below where I had made it, and that it was joined by the Gwydir only eight miles below where I had crossed that river. Immediately below the junction of the Gwydir (which is in latitude 29° 30' 27", longitude 148° 13' 20") the course of the river continues southward of west, directly towards where Captain Sturt discovered the River Darling; and I could no longer doubt that this was the same river. I therefore returned to the party, determined to explore the country further northward.

"The results of my progress thus far were sufficient I considered to prove that the division of the waters falling towards the northern and southern shores of Australia is not, as has been supposed, in the direction of the Liverpool and Warrabangle range, but extends between Cape Byron on the eastern shore, towards Dirk Hartog's Island on the west; the greater elongation of this country being between these points; and intermediate, between the lines of its northern and southern coasts. The basin of the streams I have been upon must be bounded on the north by this dividing ground or watershed, and although no rise was perceptible in the northern horizon. The river was traversed by several rocky dykes, over which it fell



southward; their direction being oblique to the course, and nearly parallel to this division of the waters. I beg leave to state, that I should not feel certain on this point without having seen more, were it not evident from Mr. Cunningham's observations, made on crossing this division on his way to Moreton Bay. Mr. Cunningham, on crossing the head of this river, nearly in the same latitude, but much nearer its sources, found the height of its bed above the sea to be 840 feet; at about forty-five miles further northward the ground rose to upwards of 1700 feet, but immediately beyond, he reached a river flowing north-west, the height of which was only 1400 feet above the sea. He had thus crossed this dividing higher ground, between the parallels of 29° and 28°. It appears, therefore, that all the interior rivers we know of to the northward of the Murrumbidgee, belong to the basin of the Karaula; this stream flowing southward, and hence the disappearance of the Macquarie and other lower rivers may be understood, for all along the banks of the Karaula, the Gwydir, and the Nammoiy, the country, though not swampy, bears marks of frequent inundation; thus the floods occasioned by these rivers united, cover the low country, and receive the Macquarie, so that no channel marks its further course.

"That a basin may be found to the Northward receiving the waters of the Northern part of the coast range in a similar manner is extremely probable, and that they form a better river, because the angle is more acute between the high ground, which must bound it on the N.E. and the watershed on the South. I therefore prepared to cross the Karaula, in hopes of seeing the head at least of such a river, and to explore the country two degrees further Northward, but moving in a N.W. direction. My tent was struck, and I had just launched my portable boat for the purpose of crossing the river, when Mr. Surveyor Finch, whom I had instructed to bring up a supply of flour, arrived with the distressing intelligence, that two of his men had been killed by the natives, who had taken the flour, and were in possession of every thing he had brought—all the cattle, including his horse, being also dispersed or lost. I therefore determined not to extend my excursion further, as the party were already on reduced rations, and on the 8th instant I retired from the Karaula, returning by the marked line, which being cut through thick scrubs in various places, is now open, forming a tolerably direct line of communication in a N.W. direction from Sydney, to a river, beyond which the survey may be extended whenever His Excellency the Governor thinks fit.

"The natives had never troubled my party on our advance; indeed I only saw them when I came upon them by surprise, and then they always ran off. Their first visit was received at my camp on the Karaula, during my absence down that river, when they were very friendly, but much disposed to steal. Various tribes followed us on coming back, but never with any shew of hostility, although moving in tribes of a hundred or more parallel to our marked line, or in our rear, it was necessary to be ever on our guard, and to encamp in strong positions only, arranging the drays for defence during the night: three men were always under arms, and I have much pleasure in stating, that throughout the whole excursion, and under circumstances of hardship and privation, the conduct of the men was very good. I took an armed party to the scene of pillage, and buried the bodies of the two men, who appeared to have been treacherously murdered while asleep by the blacks during the absence of Mr. Finch: no natives were to be found when I visited the spot, although it appeared from columns of smoke on hills which overlooked it, that they were watching our movements.

The party has now arrived within a day's journey of Brown's station and I have instructed Assistant-Surveyor White (from whom I have received great assistance during the whole journey) to conduct it homewards, being desirous to proceed without delay to Sydney, and to receive the instructions of His Excellency the Governor.

"I have the honour to be Sir, "Your most obedient Servant, "T. L. MITCHELL, "Surveyor-General." "The Honourable "THE COLONIAL SECRETARY, "&c. &c. &c."

## 1833-06-08 — Article 4

SYDNEY. (1833, June 8). The Independent (Launceston, Tas. : 1831 - 1835), p. 2. Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article233686425>

SYDNEY.

From the Australian, of May 3.

Murder by the Aborigines. - A dreadful murder has been committed at Mr. Renkin's Station at Liverpool Plains, called the Barber's Stock Yard, the overseer and four assigned servants were found dead in the hut, and from the horrible manner in which their bodies were mangled, there can be no doubt but that the murder was committed by the natives. A quantity of ammunition and fire arms were in the hut which were not touched, every other portable article was carried off.

Unaccommodating Husband.— A person named John Colton, a resident of Parramatta, advertises a reward of fifteen shillings for the apprehension of his frail rib, who has absconded from her home, and gives the following ludicrous, though perhaps, faithful description of her person - "She has black hair, black eyes, a red face, and large nose, five feet one inch high, and marked with the letters A. B. on her arm." What would have been said to this in the ages of chivalry. Longevity.— A person of the name of Bond, a baker, residing in Pitt street, is now in his hundredth year. Mr. B. arrived in this Colony in the first fleet, (as it is called by the old hands,) and is the person who made the first loaf bread in Australia. On Saturday last, seven desperate characters made their escape out of the Sydney Gaol — four of them were retaken the same morning, one of whom made a desperate resistance, and severely wounded the constable who apprehended him.

Disgraceful as the state of the gaol is in every other respect, it has not the common merit of being secure.

Sydney Races. — On Wednesday, April 17, the first races were run on the new course, and a finer day's sport has not been witnessed for some time. The ground was covered with vehicles of all descriptions at an early hour, and the assemblage of the fair sex was most numerous and respectable. The day, though rather warm, was nevertheless exceedingly favorable, and induced several thousands of persons to witness the racing. Shortly after 12 o'clock, the horses to start for His Excellency the Governor's Cup were brought forward, and on the usual signal being given, away they went. Both heats were won by Mr. H. Bayly's imported horse Whisher. The second race, for the Trial Stakes, of 5■. each, with 20■. added from the Subscription Fund, was won by Mr. A. Badgery's Yoke, and the Maiden Plate by Mr. C. Smith's Chester. The running was good, and the arrangements made to preserve order on the Course reflected credit on the Stewards.

— Sydney Herald.

## 1833-11-16 — Article 5

Supreme Court. (1833, November 16). The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), p. 3. Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article2214789>

SUPREME COURT FRIDAY, NOVEMBER 15.

(Before Judge Burton and a Civil Jury.) James Finney was indicted for the wilful murder of a Black Native, called Black Jemmy, on the 21st of June last, the first count charged the prisoner with stabbing the deceased with a bayonet, the second count with suffocating or drowning him in the water, and the third count with killing a Black Native, whose name is unknown.

Patrick Dowling deposed that he was an assigned servant of Mr. Dangar's stationed at a sheep fold at Liverpool Plains. I know the prisoner, he was in the employ of Mr. Dangar in June last, he was employed as a shepherd; the prisoner told me he had lost a sheep, which was taken by three black men; he said he knew them all; one was Jemmy, one Wolf, and the other Porter; the prisoner and myself went and looked for the sheep; we found the three blacks; we made an attempt to take them; but two escaped; we caught one, which was Old Jemmy; we took him to the sheep station that night, and the next morning we went with Old Jemmy and another black, and he took us to where there were some blacks encamped, and showed us some parts of the skin belonging to the sheep; we then took Old Jemmy to the Overseer, and there I left him, the prisoner, Old Jemmy, and the Overseer together, saying I had done my duty, and I would have no more to do with it, I went out about sun rise, about 12 o'clock I heard the black (cooing) or crying out, I could not see Finney or his flock anywhere; I saw Finney about three o'clock; I asked him where was Jemmy; prisoner said he cried out and he let him go; about two days afterwards some blacks made an attack upon us, when we were in our hut, the blacks told us we were very stupid for taking Old Jemmy, and that they would make us tumble down for it; they then commenced making fires all round the hut, and remained near us all night, in the morning they went away.

John Hilton deposed - I was an assigned servant of Mr. Dangar's in June last; I was employed at Liverpool Plains; I was a watchman there; I know the prisoner Finney; I remember prisoner and Dowling bringing a black man to the hut; it was on Monday morning, the 21st June; the black man they called Old Jemmy; they charged him with stealing a sheep; the prisoner insisted upon taking the black man to Mr. Dangar, but the overseer said Mr. Dangar was not at home; the overseer told the prisoner to keep the black until the master came home; there were there the prisoner, overseer, and Dowling, they then tied the black's hands behind him; and the overseer told the prisoner to take care of him till Mr. Dangar came home; about twelve o'clock I heard the cries of a black man, and I said to Dowling, there is Finney beating the blackfellow, I suppose he will not go on; the prisoner came home about two o'clock and I asked him what he had done with the black fellow; prisoner said he had let him go; the day after, prisoner came to me, and said, Jack, I want you to do me a favour, the black jumped into the creek and drowned himself, and I want you to come with me and help to bury him, for fear the other blacks should find it out and kill us; so with that I considered a little, and then went with the prisoner to help to bury him, I saw the body lying in the creek; the black's hands were tied behind him, we got him out, and carried him upon two handspikes to a place and buried him; in burying him I discovered a wound in his side; I said to Finney, look at this wound, how did it happen? prisoner said it was the fish had done it; I said it was not the fish, but I thought it was done with the old bayonet; upon this Finney smiled, and said no more, but buried him; the next evening about ten or twelve blacks surrounded our hut, and made fires, and staid against the hut all night; during the night prisoner and Dowling ran off to Mr. Dangar's, and Mr. Dangar came to the hut next morning, with Finney and Dowling; Finney and myself were going over to the station, two days after, when the prisoner asked me who told Mr. Dangar; I said perhaps it was Patrick; prisoner said he would as soon blow his head off as he would a black fellow's; I had occasion to go every day from the hut to the creek where the black man's body lay; I never observed any blood on the grass or on the bushes, or on the body; I did not show Mr. Dangar where the body lay, for he never asked me.

By the Judge—Hilton, upon your solemn oath, do you know how the man came by his death?

Witness—I do not know how the deceased came by his death.

By the Prisoner—did I not tell you, that the blackfellow had jumped in, and that I had reported it to the overseer, and he had ordered me to fetch you.

Witness—Yes you did.

James Ralph deposed, I was overseer to Mr. Dangar in June last; I recollect the prisoner and Dowling bringing a black man to the hut, on the charge of killing one of the shepherd's sheep; the prisoner said, he would take him to Mr. Dangar; I told him Mr. Dangar was not at home; the prisoner said, he would take him into the bush and keep him till Mr. Dangar came home; the black man and the prisoner then went away together, and I went towards my own house.

By the Judge—Did you order the black's hands to be tied?

Witness—I did not.

By the Judge—Had the prisoner a musket or bayonet in his hand when the black man and the prisoner left the hut.

Witness—He had not I am certain, or else I should have seen it.

By the Judge—Is it true, that you, the black man and the prisoner, walked together towards the Creek.

Witness—It is not; for I went in a quite contrary direction.

Judge—Did you ask the black man any questions respecting the sheep.

Witness—I did; and he told me that himself and two others stole the sheep and ate it.

Judge—Prisoner, if you have anything to say in your defence, now is the time for you to speak.

Prisoner—I am as innocent of the crime laid to my charge as a child.

The Judge then summed up the evidence to the Jury, who returned a verdict of—Not Guilty.

## 1833-12-28 — Article 6

Domestic Intelligence. (1833, December 28). The Sydney Monitor (NSW : 1828 - 1838), p. 2 (AFTERNOON). Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article32145306>

... Two stockmen of Sir John Jamison, have been, cruelly slaughtered and mangled by the black natives, at his station 200 miles from Bathurst, at the further extremity of Liverpool Plains. It is suspected that one is a bushranger with a blackened face, as they were found to speak English better than the natives nearer at hand. ...

## 1834-03-31 — Article 7

HUNTER'S RIVER NEWS. (1834, March 31). The Sydney Herald (NSW : 1831 - 1842), p. 3. Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article12848997>

HUNTER'S RIVER NEWS.

... A number of respectable settlers on the Hunter are removing their herds and flocks to the neighbourhood of Liverpool Plains. The land in this direction is said to be peculiarly adapted for grazing purposes. ... The blacks are very troublesome about Liverpool Plains, amusing themselves with killing the settlers' cattle, &c. Barber, the noted bushranger, who naturalized himself amongst these savages, it is said, taught the natives the method of spearing the cattle.

## 1834-11-27 — Article 8

DOMESTIC INTELLIGENCE. (1834, November 27). The Sydney Herald (NSW : 1831 - 1842), p. 2.  
Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12850970>

... We are authorised to state, from the best source, that the bushranger, McDonald, has been shot. The event took place at the most distant station on the river Namoi, and was achieved by the stockmen of Sir J. Jamieson. There were four of McDonald's party with him, and he was shot through the head, it is supposed while asleep. A man named Linch was also killed, and a third, named Crawford, very badly wounded; but he effected his escape with his surviving companions. It is stated that seven of the gang were killed by the blacks. ...

## 1836-06-30 — Article 9

LIVERPOOL PLAINS. (1836, June 30). The Colonist (Sydney, NSW : 1835 - 1840), p. 4. Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article31718217>

LIVERPOOL PLAINS. WE have received intelligence of a dreadful outrage committed by the blacks at a station belonging to the Messrs. Hall of Pitt Town, situated on Liverpool Plains, on the banks of the River Apsley, one of the sources of the Gwydir. The Messrs. Hall have several stations on Liverpool Plains, but the increase of their flocks rendering it necessary to form another station for their accommodation, the spot which afterwards became the scene of the outrage was selected for that purpose, and a hut built which had been taken possession of only a few days before this occurrence. On the previous evening a party of blacks, about twelve in number, paid a visit to the station; where they remained for a few hours. On the following day, the Messrs. Hall, who were alone in the hut, their men having gone out to split timber in the bush, observed a party of blacks probably about fifty in number, armed with spears, waddies, and tomahawks approaching, and suspecting from their appearance and menacing gestures that their intentions were not the most amicable, it was thought advisable to make preparations for their reception, should they show any symptoms of a hostile disposition. While Mr. Hall was procuring a supply of powder and shot from the box in which they were kept, the blacks attacked the hut and launched several spears at himself and at his brother, one of which grazed his eyebrow, but fortunately did him no material injury. A shot was fired in return, which wounded one of the blacks, and seeing preparations for more they scampered off. Fearing from the direction in which they came, that the two assigned servants who were at work in the bush, had fallen victims to the barbarity of the savages—as soon as the party disappeared Mr. Hall went out to the place where they were at work. On his arrival he found his worst fears verified, the corpse of one of the men lay on the ground dreadfully mangled, scarcely a feature in his face being distinguishable, at a little distance lay the body of the other man, who, although severely wounded, they found was still alive and is expected to recover. The attack is said to have been originated by a tribe of blacks who are in the habit of visiting another station belonging to the Messrs. Hall, although they did not make their appearance at the scene of blood. The Messrs. Hall have been obliged to abandon the station, and to look out for another in some less dangerous locality.

...



## 1837-11-25 — Article 10

Sydney News. (1837, November 25). Bent's News and Tasmanian Register (Hobart Town, Tas. : 1837 - 1838), p. 2. Retrieved January 8, 2026, from <http://nla.gov.au/nla.news-article233324952>

Sydney News.

[From the latest Sydney Papers.] Intelligence has reached Sydney of a variety of outrages committed lately by the aborigines among the stock-stations at the outskirts of Liverpool Plains. Several tribes of the blacks, it appears, have for some time been congregated together in that vicinity and have speared a considerable number of cattle, the property of various persons. Two Stockmen, assigned servants of Mr. Bowman of Richmond, have fallen victims to their ferocity. We trust the Government will lose no time in dispatching some of the military to aid the residents in that vicinity in reducing the savages to order. The ship William Nicol arrived here on Friday, Oct. 27, from the Isle of Sky, having on board 311 emigrants, under the superintendence of George Roberts, Esq., Surgeon. R. N. This is the first vessel that has been chartered by the English Government for the conveyance of Highlanders to this Colony and we are happy to state, that the whole of them have arrived in the most healthy condition. They consist of the following description of trades, viz :—Farm overseers 2; farm servants 10; farm servants and stockmen 21; shepherds 19; blacksmiths 2; carpenters 2; cooper 1; cartwright and miller 1; stone mason 1; tailor 1. A vessel has been chartered in London by Government for the conveyance of one hundred and seventy boys, convicts for Sydney, and may be shortly expected. During the last week one hundred head of fat oxen have been disposed of at 2½d per lb. We are informed that the cattle at this rate will realize upwards of £9 per head. Owing to the unusually large quantity of Oil, at Sydney, Hobart Town, and at the various bay whaling establishments, together with what is expected from New Zealand, freight to London this year will be very high. This circumstance will tend to diminish still further the proceeds of the English wool sales. THE CROPS.—The crops up here promise to produce seventy fold, and the grass has grown so rapidly and rich, that it affects the young lambs, not a few of which have lately died, but the "panic" is now over, as scarcely any deaths take place. There was a heavy fall of rain about 12 or 15 days ago, which commenced about half-past six p. m., and in the course of three quarters of an hour, the Fish River had risen upwards of five feet. It continued raining for several days, but not so violently as the first. Finer crops than those now growing from Goulburn to the Murrumbidgee have not been seen for many years. It is affirmed that the crops look equally as well to the Southward of the counties of Murray, King, and Georgiana.

THE WEATHER.—Bathurst—We have had refreshing showers during the week, of short continuance, but greatly invigorating. The crops look fresh, and the grass is springing fast. Sheep washing is carried on vigorously, but the graziers are dull from the depressed price of wool.

MARKETS.—The prices remain the same as we last quoted.

## 1838-09-20 — Article 11

SYDNEY GAZETTE. (1838, September 20). The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), p. 2. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article2547293>

SYDNEY GAZETTE.

THURSDAY, SEPTEMBER 20, 1838.

The recent Massacre.

Our readers will do us the justice to acknowledge that for many months back we have never failed, when occasion served, to use every effort to set the Government in motion, so that some decisive steps might be taken towards putting a stop to the aggressions of the Blacks, and affording protection to the lives and property of the White residents in various parts of the interior. It must also be within recollection, that we have again and again warned His Excellency that an impression was abroad that there existed on the part of the Government a strong disinclination to extend that protection to the settlers it is their bounden duty to afford ; and that, consequently, there was much reason to apprehend that the Whites might ultimately consider themselves called upon to take up arms in self-defence, when such reprisals must follow as it was dreadful even to contemplate. In justice to the settlers, we must say that there existed but too much reason for the existence of this impression ; for, notwithstanding the many outrages that have been perpetrated by the Blacks during the last twelve months, and notwithstanding all the efforts that have been made by memorials to the Governor and Council, personal representations to His Excellency, and through the agency of the press, the utmost that has yet been done, that we are aware of, has been the creation of an additional force to the Mounted Police, which has not yet been ordered on active duty, the commandant being at this moment detained in Sydney awaiting His Excellency's commands.

What we have thus foretold has, at last, unhappily come to pass. It has been known to the Australian public by occasional intimations in the Sydney papers, that the Blacks in the vicinity of Liverpool Plains have recently been very troublesome. It appears from the subjoined account, that not fewer than fifteen Whites, principally convict stockmen and shepherds, have fallen victims to the blood-thirsty ferocity of the savages in that quarter ; besides which, great quantities of sheep and cattle have been wantonly speared and destroyed. No attempt, whatever, it appears, has been made to bring the perpetrators of these outrages to punishment, fifteen British subjects having thus been barbarously and wantonly murdered without a single individual having been brought to trial. Under such circumstances it is not to be wondered at that a strong spirit of hostility should manifest itself among the witnesses to these barbarous acts,—the more especially as each might calculate upon being himself made the next victim, —nor that such reprisals, as have unhappily occurred, should take place.

On this part of our subject we shall refrain altogether from comment, for we have no wish to offer any opinion which might have the effect of prejudicing either one way or other, the cases of the unhappy men, ten in number, who are under committal for murder and awaiting their trials at the next Criminal Session of the Supreme Court. It will be sufficient for our argument for us to state that reprisals of the kind we apprehended have taken place, and that twenty-eight individuals of the tribe domiciled on the banks of the Gwydir River, have been inhumanly massacred, and that ten persons now in the Sydney Jail and various others not yet captured are charged with being concerned in the outrage. To shew what the feeling on the subject is in the out-of-the-way district where the deed was committed we may mention that 200 guineas have been subscribed for the prisoners' defence.

What measures the Government will adopt at this crisis remain yet unknown. A deputation, we understand, waited upon His Excellency, on Tuesday, with a memorial on the subject, but we have not yet heard what reception they met with. His Excellency seems to look upon every application made by the Whites for protection from the aggressions of the Blacks, in the light of an attempt to induce him to wage a war of extermination against hordes of harmless savages. Sir George must pardon us for considering his views in this matter as in a high degree erroneous. We go as far as His Excellency can do in acknowledging the

claims which the original proprietors of the soil have upon the paternal care of the Government, but we cannot see the necessity for the Executive looking supinely on while the lives and the property of British subjects, who have equally as good a claim to the consideration of the Government, are being wantonly destroyed. It is as much due to the Blacks as it is to the Whites, that the measures of the Government for the suppression of outrages on either side should be prompt and decisive. Parties of the Mounted Police, or the Military, should without delay be dispatched to the various disturbed districts, under the command of experienced officers, with powers to adopt such measures as may be found necessary ; but above all things let there be no more repetitions of the ridiculous farce of dispatching Mr. George Stewart, with an armed force, to read the Riot Act to a parcel of untutored savages.

Since the above was in type we have been favoured with a copy of the subjoined Memorial, which was presented to His Excellency on Tuesday. The document is not couched in the most polished style in the world, but its object is good, and we trust will meet with the attention it deserves.

TO HIS EXCELLENCY SIR G. GIPPS, GOVERNOR-GENERAL, &c., &c.

May it please Your Excellency.

We, the undersigned, owners of live stock in the North Western Districts, and other interested therein, beg respectfully to approach Your Excellency with the warmest expressions of attachment and respect to your person and Government. And in the firm assurance of Your Excellency's anxiety for the well-being of the colony, humbly apply to you in time of difficulty and danger. Your memorialists deeply lament the extent to which the hostility between the Aboriginal Natives and the Europeans has arrived in the North Western District. And with the utmost earnestness, but most respectfully, press upon Your Excellency the imperative necessity of immediately putting a stop to the exasperating feeling now existing—equally checking the attacks and depredations of the natives and the retaliations of the Europeans. Your memorialists deplore the absolute necessity which has driven them to defend themselves, arising from the absence of any other power, in which they could apply for protection. [Vide Appendix A]. Men who feel their own strength will not easily submit to rapine and murder, and by destroying their legal protection they are driven to their own resources, and Your Excellency cannot but be aware of the fearful consequences likely to result from men acting under exasperated feelings and subject to no control, but rather hatred heightened by their fear, leading [even ourselves] to actions that must make every lover of good Government shudder. Who is it can more keenly feel these evils than ourselves, and who, therefore, more capable of appreciating peace and good order. [Vide Appendix B.] Most humbly, most earnestly, we pray Your Excellency to check this dreadful state of things. Let each party be kept in awe by a superior and responsible force. Let bloodshed cease.

The blacks have now collected in large numbers daily committing havoc among our stock, and, actuated by the most revengeful [spirit?] we believe, the removal of Mr. Day's party of mounted police to renew their aggression with increased fury. And while we have no fear of the ultimate result (even if left to our own unaided exertions) still we look with horror to the individual suffering, through which our deliverance must be accomplished - unless Your Excellency will humanely interpose, and with your wisdom and aid, avert the necessity of our again having recourse to our own strength and courage. We cordially agree in Your Excellency's desire to enquire into and suppress this violence; and we pledge ourselves not only to further so just a measure, but would most willingly furnish the means whereby their recurrence for the future might be guarded against, by the establishment of an Interior Police, to be paid from a revenue to be derived from a rent on lands held under license. And your memorialists, as in duty bound, will ever pray.

#### APPENDIX A.

List of Europeans killed by the Aboriginal Natives.

1832. Mr. Surveyor Finch had two men killed at the Big River, while on duty with Major Mitchell.

1835. About the end of this year a servant of Sir John Jamison's was murdered on the Namoi River.

1836. In April two men of Mr. Hall's were attacked (on the Big River) while splitting timber: one man was killed, and the other escaped with a spear in his leg. The natives then attacked the hut, and Mr. Thomas Hall received a spear in the head.

1837, September. Mr. George Bowman's hut (situated between the Namoi and Big Rivers) was attacked while the storekeepers were out, and two hut-keepers were killed.

1837, November. Two shepherds in the employ of Mr. Cobb, on the Big River, were murdered while attending their sheep in the bush.

1838, January. Two men belonging to Messrs. John and Francis Allman were murdered at New England, and their sheep taken away.

1838, March. Mr. Surveyor Finch had two men murdered, while in charge of a tent and some stores, at New England. Mr. Cobban apprehended these blacks with Mr. Finch's property in their possession.

1838, -----. Mr. Cruikshank, at New England, had a shepherd murdered in the bush; and when the flock was found sixty or seventy sheep were missing.

1838, April. Mr. Fitzgerald's hut-keeper on the Big River was killed, the hut stripped, and on the arrival home of the other men, they also were attacked but escaped, one having been speared through the leg, and another through the sleeve of his jacket.

The sacrifice of property has been immense, and the attacks upon the persons of Europeans innumerable, but none are mentioned except where loss of life occurred. And it is to be remarked, that not one of the perpetrators of any one of these fifteen murders has been brought to justice; although they have been going on since 1832.

#### APPENDIX B.

Proposed heads of a plan by which to pay an Interior Police.

That the present laws regarding Licenses for the occupation of Crown lands remain.

That, in addition to the ten pounds per annum for the Licenses, each individual pay a given sum per annum for every section occupied. Such lands to remain in undisturbed possession until put up for sale and purchase, and to be protected from the intrusion of each other.

The revenue thus derived, it is supposed, will be amply sufficient to maintain an efficient police, and also the Commissioners of Crown lands, which duties might be most advantageously combined.

## 1838-09-22 — Article 12

LIVERPOOL PLAINS. (1838, September 22). The Colonist (Sydney, NSW : 1835 - 1840), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article31721747>

LIVERPOOL PLAINS Most horrible accounts have reached Sydney of atrocities perpetrated on the Aborigines at Liverpool Plains, in retaliation for some outrages committed on the property of the settlers there; during which several whites fell victims to the ferocity of the savages. Ten individuals, principally the convict servants of settlers at Liverpool Plains, are now, we are told, under committal for murder, charged with being participators in an indiscriminate massacre of not fewer than twenty-eight blacks, whose mangled remains have been discovered on the banks of the river Gwydir. It is not for us to express any opinion on this matter, which may have the effect of prejudicing either one way or other the trials of the unfortunate men now under committal, but we cannot refrain from joining in the prayer of the subjoined memorial, that immediate steps may be taken by the Government, to guard against the recurrence of such horrifying catastrophes. The memorial was presented to His Excellency on Tuesday, by a deputation of the subscribers. 200l., it is said, have been subscribed for the defence of the unfortunate men on their trial:—

[Reprint of SYDNEY GAZETTE. (1838, September 20), memorial to Gipps beginning "TO HIS EXCELLENCY SIR G. GIPPS, GOVERNOR-GENERAL, &c., &c."]

...

## 1838-09-26 — Article 13

Australicus Again. (1838, September 26). Commercial Journal and Advertiser (Sydney, NSW : 1835 - 1840), p. 2. Retrieved January 4, 2026, from <http://nla.gov.au/nla.news-article226458475>

... A reward of £50 to any free individual, or a free pardon and a passage to England to any prisoner of the Crown has been offered by the Colonial Government, for the apprehension of one John Flemming, suspected of, and standing charged with the murder of a number of "defenceless and peaceable blacks, residing at the station of Mr. Danger, near the Big River." He is supposed to be concealed in the neighbourhood of Windsor, intending to make if possible his escape from the Colony. ...

## 1838-09-28 — Article 14

DOMESTIC INTELLIGENCE (1838, September 28). The Sydney Herald (NSW : 1831 - 1842), p. 2.  
Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12858812>

DOMESTIC INTELLIGENCE RELIGIOUS TRACT SOCIETY The Annual Meeting of this Society was held at the School of Arts on Tuesday evening, Alexander McLeay, Esq., in the Chair, when the following Resolutions were unanimously agreed to.

Moved by the Rev. William Gill; seconded by the Rev. Thomas Joseph - That the Report now read be adopted and printed for the general information of the Subscribers and Friends of the Society, under the direction of the Committee.

Moved by the Rev. John Saunders; seconded by Captain Innes - That this Meeting learns with very great satisfaction the increased and extended circulation of the publications issued from the Depository of this Society; and offers its grateful thanks to Almighty God for his favour so kindly vouchsafed.

Moved by the Rev. John Williams; seconded by Richard Jones, Esq., M.C. - That this Meeting being aware all the best designs and efforts of man alone cannot finally profit the soul, humbly prays that the divine blessing may accompany the books and tracts which are circulated by this Society.

Moved by the Rev. L. E. Threlkeld; seconded by T.C. Harrington, Esq., - That the thanks of this Meeting are due to the Officers and Committee for their attention to the interests of this Society during the past year; and that the following Gentlemen be the Officers and Committee for the ensuing year, viz:-

Treasurer, Richard Jones, Esq. Secretaries, Rev. William Cowper, and George Allen, Esq.

Committee, Mr. R. Bourne, Rev. W. P. Crook, Mr. A. Foss, Mr. R. C. Gordon, Captain Innes, Rev. J. McKenny, Mr. A. Saunders, and Mr. J.

Thomson.

Moved by the Rev. William Cowper, and carried by acclamation - That the thanks of this Meeting be respectfully offered to Alexander McLeay, Esq.

the Chairman, for his presence and obliging attention to the business of this evening.

CROWN LANDS. - Press of other matter compels us to postpone the report of the debate upon the Crown Land Occupation Bill, or Squatting Act as it is generally called. Colonel Gibbes and Mr. Macarthur wished to have some plan devised by which the occupation of a certain quantity of land can be secured to a person holding a license, for, as the law at present stands, when a person has a license he cannot prevent a person from coming and squatting close alongside of him. The Governor and other members fully agreed in the desirableness of such an arrangement, but were afraid that it cannot be carried into effect, as most of the stations are beyond the surveyed portions of the country. His Excellency alluded to the handsome conduct of the gentlemen residing in the neighbourhood of the Namoi, who have come forward and say that they will bear the expense of maintaining their own police, if the government will only assist them. Under these circumstances, the Governor said he has collected a body of eight Mounted Policemen at Jerry's Plains, who will accompany the new Commissioner of Crown Lands, Mr. Milne, into the district; but although he has taken this step with regard to one district, he cannot undertake to do so for all the districts in the Colony. With respect to the question of the conduct of the whites towards the blacks, and the blacks towards the whites in that district, His Excellency said he had forbore giving any answer to the memorial that had been presented to him on the subject, for a very obvious reason - there are ten men under committal for murder, and his answer might appear to be prejudging their case. All the Commissioners of Crown Lands are to be made Justices of the Peace.

...

## 1838-11-16 — Article 15

NEWS OF THE DAY. (1838, November 16). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32161892>

...

NEWS OF THE DAY. The eleven individuals committed for the massacre of the blacks at the Big River, near Dangar's station, were tried yesterday and acquitted. The prisoners were remanded at the request of the Attorney-General. A full report of the trial will appear in our next. We understand that £300 has been subscribed, by the Hunter's River settlers, to defray the expenses of conducting the defence of the eleven men who were yesterday arraigned for the murder of several of the aborigines.



## 1838-11-17 — Article 16

THE ABORIGINES. (1838, November 17). The Colonist (Sydney, NSW : 1835 - 1840), p. 3. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article31722052>

THE ABORIGINES. — On Thursday, the eleven men accused of being participators in the cold-blooded massacre of twenty-eight of the Aboriginal inhabitants of the colony, at Liverpool Plains, were tried in the Supreme Court, before the Chief Justice and a civil jury, and acquitted. The details of the case, (whoever may have been the murderers,) as they appeared during the trial, were beyond conception horrible, but we must refrain from expressing what we feel upon the subject, until it has ultimately been decided upon what is to be done with the prisoners, who were all remanded. We have in preparation a full and impartial report of the proceedings in the case, but we have thought it advisable to suspend its publication until a final decision has been come to on the subject, or, at all events, until our next number. The Attorney General, assisted by Mr. Therry, conducted the prosecution and Messrs. A'Beckett, Foster, and Windeyer, were retained for the defence. The trial excited great interest; notwithstanding the wetness of the day, the Court was crowded throughout to excess. \_\_\_\_\_ THE RAIN.—We have been favoured with a letter from a highly respectable gentleman at Penrith, dated the day before yesterday, in which he gives us the following gratifying intelligence: On Monday afternoon last, we had most refreshing rain, which lasted nearly three hours, and began again between 12 and 1 o'clock, A.M., and continued until 7, when it abated into showers with short intermissions. Those showers continued all day on Tuesday, and still heavier and more penetrating throughout the night. On Wednesday, occasional showers continued until about four o'clock, when a thunder-storm came on, and the rain fell in torrents, for the first half hour mixed with unusually large hailstones. At the end of three hours, the surface of the earth, on flats, was covered with water, and the water holes overflowing. This was a night which promised food for man and beast, (the latter suffering miserable deaths from starvation,) and called forth real thankfulness. It has penetrated the hardened surface of our hills about three inches, and our agricultural ground generally about twelve inches. The late wheat will yield half a crop, and much of that cut down will throw a crop from the roots; and if we have a dropping season, we shall have the prospect of a most extensive and abundant crop of maize, which, being the poor man's crop, will keep the market down." Juvenile School, Bathurst Street.—We are glad to learn that the Juvenile School, Bathurst Street, is to be re-opened on Monday the 19th instant, in the house formerly occupied for that purpose at the corner of Pitt and Bathurst Streets. Mr. William Horatio Walsh, who succeeds to the management, has recently arrived from the North of Ireland, where for some years back he has been engaged in teaching school established on the Lancasterian system, under the auspices of the British Government. Mr. Walsh brings with him high testimonials from several clergymen and other highly respectable individuals, resident in the vicinity of the scene of his former labours. THE ABORIGINES.—The Attorney General, on Thursday, addressing the Jury, in the case of the eleven men charged with being concerned in the brutal massacre of twenty-eight native blacks near the River Gwydir, said that a rumour had gone abroad that the prisoners were to be defended by an Association formed for the purpose of defraying all expenses in cases where white men might be arraigned for crimes resulting from coming into collision with the blacks. Such an Association, the learned gentleman said, was altogether illegal, and should proof of the existence of such a society be obtained, he would immediately institute legal proceedings for its suppression. A contemporary states not only that a society of the kind is in existence, but also that its funds already amount to 200l. THE PRESBYTERIAN CHURCH.—The colonial Presbyterian Church received an accession to its strength on Thursday, in the person of the Rev. Mr. Ross, from Sutherlandshire, in the North of Scotland. Mr. Ross arrived in the colony in the capacity of chaplain to the Highland emigrant ship, St. George, having been appointed to the Presbyterian establishment of the colony by the General Assembly's Committee on Colonial Churches. Mr. Ross, we understand, will preach in the Rev. Dr. Lang's Church, Church Hill, tomorrow forenoon. The Police.—Mr. Ryan Brenan, third Police Magistrate, Coroner, &c., has obtained leave of absence again. Mr. Kerr, the barrister, has obligingly undertaken to act as Coroner during Mr. B.'s absence, but the business of the Police Office we presume must devolve upon Mr. B.'s colleagues, Messrs. Wilson and Windeyer. Mr. Brenan's duties are so multifarious that it is not to be wondered at that he should want an occasional relief from his fatigues. We wonder whether a division of labour would benefit his

health? Carters' Barracks.—On Wednesday night six soldiers confined in Carters' Barracks as the House of Correction, pursuant to sentences of Courts Martial, effected their escape by picking a hole in a wall of the ward in which they were confined, communicating with the court; thence they must have escaped by clambering over the outer wall of the prison. The ringleader is supposed to be a troublesome fellow named Kelly, formerly a serjeant in the 28th Regiment, but put into the ranks for misconduct. Information of the escape of the prisoners was communicated to the Commander of the Forces immediately on the discovery. Parties of the Mounted Police and the military were despatched in all directions to the country in quest of the fugitives, but up to last night the search had proved fruitless.

THE ST. GEORGE.—The Highland emigrant ship St. George arrived in port on Thursday, bringing with her an addition to our population of upwards of 320 souls. The emigrants have principally been selected from the parishes of Kingussie and Laggan, in the pastoral district of Badenoch, Invernesshire. A few families are from Strathspey in the same county, and the remainder from Mull and Islay. The principal portion of the emigrants are shepherds, accustomed from childhood to the management of sheep: the remainder are farm labourers, and a few mechanics. Judging from appearances the emigrants by this vessel are as fine a set of men and women as have yet been landed among us, and gentlemen who have visited the ship and recognised old acquaintances among the passengers speak of them as a highly respectable, industrious people. The passage has been nineteen weeks in duration, including a week's detention at the Cape of Good Hope, but otherwise it has been a very fortunate one, the emigrants having arrived in excellent health and spirits, and the loss of life on the passage having been unusually small. The conduct of Captain Weakner is spoken of by the emigrants as having been kind and considerate throughout the passage, but the treatment experienced at the hands of Dr. M'Lean, the surgeon-superintendent, is loudly complained of, whether justly or not time will tell, as a formal complaint on the subject has, we are given to understand, been forwarded to His Excellency the Governor. Till that has been decided upon of course it would be unfair to say anything farther on the subject.

## 1838-11-17 — Article 17

LAW. (1838, November 17). The Australian (Sydney, NSW : 1824 - 1848), p. 2. Retrieved January 22, 2026, from <http://nla.gov.au/nla.news-article36859766>

LAW.

SUPREME COURT — Criminal Side.

THURSDAY. — Before His Honor the Chief Justice and the following Civil Jury: — Messrs Thomas Horne, Butcher, Foreman; David Hill, George Humphries, John Harris.

Joseph Hawson, J. Hooper, Charles Helmsley, Thomas Harper, William Howard, Andrew Higgins, and John Hall. Charles Kilmaister, John Blake, William Hawkins, John Johnstone, Charles Toulouse, Charles Lamb, Edward Foley, James Coates, James Parry, George Palliser and John Russell were indicted for wilful murder. The indictment contained nine counts, the first four, charging the murder of an aboriginal black, named Daddy, in various ways, by inflicting wounds with a pistol and a sword, of which he died; the next four counts charged the murder of a male aboriginal black, to the Attorney-General unknown, in the same manner, and with the same variations as the first four counts; and the ninth count charged the death of a male aboriginal black, by casting and throwing him into certain burning logs of wood, and timber, and compelling him to remain in the fire until he died. In the last count the whole of the prisoners were made principals in the first degree. The Attorney-General and Mr Therry appeared for the prosecution; and Messrs a'Beckett, Foster and Windeyer for the prisoners. The Attorney-General in a long and impassioned address to the jury, stated that the case they were assembled to try was one of no ordinary importance, and if the jury had had the misfortune (and a misfortune it was proved to be) of hearing or reading out of Court, the ex parte statements, and comments, which had gone abroad through the public press, he begged them to dismiss all previous impression from their minds, and in the consideration of their verdict, confine themselves to the evidence which would be laid before them. By the indictment they might suppose that the alleged murder was confined to two individuals, and for the sake of humanity, for the character of the colony, and for the honor of the British name, he wished that it had been — not so however, no fewer than twenty-eight human beings, men, women, and defenceless children, were inhumanly butchered in cold blood, and without provocation. (The learned Attorney entered into a long historical relation of the facts, and continued.) It was lamentable to see so many persons arraigned at the bar for so heinous an offence, but it was impossible not to notice, that they were to be defended by three talented gentlemen of the profession, at the instance of an association, to which were associated the names of many gentlemen high in rank, who ought to be ashamed of allowing their names to be made use of for such a purpose. He believed that many of the gentlemen whose names had been enrolled in the association, were not aware of the real intent of the association, which was virtually to protect the stockkeepers and shepherds in the extermination of the blacks. He was not aware of the acknowledged purposes of this association, but he had no hesitation in saying, that if they were what they had been described, the association was an illegal one, and if the proofs of its existence were to be obtained, the Crown officers would not be backward in doing their duty, by bringing the parties to justice. The law would not sanction an association formed for the express purpose of protecting the whites in their collisions with the blacks; such an association was calculated to encourage the commission of crimes, for which the prisoners were now arraigned — to encourage bloodshed. It could not be tolerated in any country, that gentlemen of rank should associate themselves together, to assume a power which they had put into their own hands, and to stretch a protecting hand over the convicts in their acts of aggression. Convict discipline was a string which had long been harped upon by the very gentlemen who report said had been united in this disgraceful association — by gentlemen who ought to blush at putting pistols and swords into the hands of their convict servants to destroy human life, and by encouraging them with a declaration that it was a meritorious circumstance to destroy the blacks. He had addressed himself thus pointedly to the Jury, not that he thought that any brutal or bloody article that appeared in a newspaper would influence their minds in the patient consideration of the case before them; nor did he think that such articles would operate on the minds of the public. If indeed he could suppose for a moment, that the newspaper to which he alluded, represented the

public feeling on this subject, lamentable indeed would be the fate of New South Wales. He had a better opinion of the community, and he hoped that the jury, by a conscientious verdict, founded on evidence, would dissipate any unfavourable impressions that might have got abroad. The jury would hear from the Bench that the blacks were in law equally amenable for a breach of the law as the whites, and were entitled to equal protection. The law made no distinction, and with these remarks he would leave the case in their hands. The following witnesses were then called: — Thomas Foster — I am superintendent to Dr. Newton at the Big River, beyond Liverpool Plains, and beyond the boundaries of the colony I have been there about fifteen or sixteen months; I was there in June last; Dr. Newton's station is about sixteen miles from Mr Dangar's; on Saturday the 9th of June, I went in company with William Mace to Mr Dangar's station; I slept there that night; I saw Anderson the hut-keeper, and a parcel of blacks, about thirty or forty in number, men, women, and children; I cannot state the proportions; I remained there that night and left on the following morning, when Mr Dight's overseer and ten of the blacks returned home with him, leaving the other blacks at Mr Dangar's; on my return home in consequence of information I received I sent the ten blacks that accompanied me back to Mr Dangar's, and I did not see them after; I saw them go in the direction of Dangar's; on the following morning about half an hour after sun rise, I saw a party of mounted men, some of them armed; there were about ten or twelve of them; two of them had pistols but I don't recollect seeing any more arms; they went to the men's huts, and I spoke to two of the party; the two were Oates and Kilmaister; Oates was called Hall's Jemmy; he was armed; I asked him what was the matter? and he asked me where were the blacks? I said, 'God knows where they are now,' and we spoke no more on the subject; the remainder of the party might have heard, but they all came galloping up to the place; some of the men got off their horses, and went into the hut; I saw the prisoner Johnstone pass by my door, and he appeared to be going to the stock-yard; I recognize Johnstone, Oates, Kilmaister, and Hawkins, amongst the prisoners, as being of the party at my place; Kilmaister and Oates were armed; the prisoner Russell was also there; I don't recollect having seen any other of the prisoners; I had a conversation with Kilmaister; I said, 'Well Kilmaister, are you after the blacks?' he said, 'Yes, they rushed my cattle yesterday.' I believe he is an assigned servant to Mr Dangar; they remained about a quarter of an hour at my place; they were at the men's huts and I don't know what he was doing; Sexton was my house servant; I do not know whether they left any one at my place; I saw no black gin there; when they left me they went towards Mr Dight's which is about two miles from my place; Dight's and Dangar's were not in the same direction; I saw a party of horsemen shortly after, but I could not swear they were the same; in two or three days afterwards I went to Mr Dangar's; I had business up that way; I saw Mr Hobbs, Mr Dangar's superintendent, and I accompanied him to a sheep station of my own, which was two or three miles from his station; I then parted with him but reached Mr Dangar's that evening and stopped there all night; next morning Mr Hobbs took me up half a mile from his house, upon a ridge, to see the remains of some blacks; Anderson's hut is almost adjoining Mr Hobbs's house; Anderson is an assigned servant to Mr Dangar; I saw the body of a black man with the head on and the limbs apparently burned off; I saw a head without a body, and two or three skulls so destroyed by fire as to render it impossible to say whether they were women or men; there was the remainder of a large fire; it appeared to be a recent fire, and I saw two or three skulls in the fire; there were two heads and a body that were not burned, and two or three skulls besides; I did not examine if there were any wounds upon them; I tracked some horses from Mr Dangar's to that place; there must have been several horses; I then proceeded home; I stopped about five or ten minutes at the place — the smell was very offensive and I found it overpower me; the place where I found the remains was on the side of a ridge about half a mile from Mr Dangar's, and the fire occupied a large space; I communicated the facts to several persons; I did not communicate it to the magistrates; Mr Hobbs was with me at the place where the skulls were; Mr Hobbs did not examine the bodies more closely, nor so closely as I did at that time; on the evening before, when I was at Mr Dangar's, Kilmaister, did not state to me that his cattle had been rushed; I saw him there. Cross-examined by Mr a' Beckett. — What Kilmaister said about rushing the cattle was in answer to a question I had put to him; I tracked horses part of the way towards the bodies; the tracks were on the public road; I don't think I tracked the horses all the way; it had been raining for two or three days and it was easy to track them; I only saw Oates and Kilmaister armed; it is very customary to meet people in their situations armed; and it is not unusual to see them mounted; I believe it is customary to go armed on account of the blacks; I have been more fortunate than my neighbours, as I

have never suffered from the blacks; my station is in a central situation; I am well surrounded by neighbours, and there is less danger to me, than others; there has not been any fight since I have been there; I heard that before I went they attacked Oates, but I do not know; I saw no children's skulls; I have enumerated all that I did see; Mr Hobbs did not then say that he wished all the blacks had been killed.

By Mr Therry. — The tracks were on what we call the public road, but it is very little travelled; it is usual to see a stockman mounted and armed, but it is not usual to meet ten or twelve; the blacks that I saw were not armed, and were quiet; I only wanted three boys, and I would much rather that the other seven had not followed; they were, however, quiet; I did not see any children's skulls. By Mr a'Becket. — I know Daddy, the black; his name is Daddy, at least Mr Hobbs called him Daddy; I never heard of a black called, Daddy Daddy; the blacks were unarmed with the exception of a tomahawk or two; I think there were three tomahawks; Daddy was a large bodied, but a short man. William Hobbs. — I am superintendent for Mr Henry Dangar; I have been with him about two years, at Big's River, and, I recollect the beginning of the month of June last, I left my station on the 7th of June, on a Thursday, to visit another station about 60 miles down the river; I left Kilmaister and Anderson in charge of the Mile Creek station when I went; there were about forty or fifty blacks — men, women and children, at the station when I left; there were ten or twelve children, and as many women, and the rest were men; the blacks had been ten or twelve days at my hut, and they behaved themselves quietly; if they had not, they would not have been allowed to remain there; I returned to the station on the 15th of June, I cannot say what day of the week it was; there was a black named Davey at the station when I left, I found him there when I returned; In consequence of information I received I sent for Kilmaister up to my house, and asked him what had become of the blacks; he said he did not know; I told him I had heard they were murdered, and he knew all about it; he said he knew nothing about it, and had no hand in it; I told him I heard he was down at Dr Newton's and Mr Dight's stations with the men who came to the station, and I asked him what he did then; he said he was looking after his cattle; I then spoke to the Black Davey but not in presence of Kilmaister; I asked Davey to go with me to where the blacks were, about half a mile from my station; I was directed to the place by the tracks of blacks' feet and horses' hoofs; there had been rain and the tracks were plain; the tracks I saw were more like shoes of blacks than white; there were children's foot marks; there were more than one or five; I could not tell how many horses there were; the horses tracks were on each side of the native tracks; the tracks were going in a westerly direction and took me to where I found a number of bodies lying; the stench was so great from them that I could not count them with accuracy; I endeavoured to count them but I made sometimes more than at others; I counted twenty eight heads and forms of bodies; a number of the heads had been burned; some of the skulls were quite burned, but the frame of it was sufficiently distinct to show that they were skulls; I can undertake to swear there were at least twenty human beings; the bodies were terribly disfigured; I knew a native of the name of Daddy; he was an old man and the largest man I ever saw in my life, either white or black; I saw a large body there, but it had no head on and I could not swear to it, but from the size of it I should say it was his; I left Daddy at the station with the other blacks when I left; I saw children's heads, — from ten to twelve quite distinct; there were also some of the children's bodies quite distinct; the bodies were disfigured, partly burned, and different members destroyed altogether; I was satisfied in my own mind that the large body I saw was that of Daddy the black; it was lying on its back, but I could not say how the head was taken off; there was a little flesh on the body; I believe it to be the body of a man, and the body of Daddy; I saw several heads with the flesh on them; I could not recognize any of them; there were some male and females; there were several heads of which the fire had not burned the hair; the heads appeared to me to have been taken off; I should say they were not burned off, because the heads were lying away from the bodies; I cannot say that they were cut off; no person but Davey was with me that evening, the 15th, but Mr Foster went with me on the 16th; I followed the tracks from Anderson's hut up to the spot where the bodies were lying; I dare say the tracks are there to this day; the fire covered a large space, half as large as the space enclosed in this Court; the remains of the fire were quite distinct; I saw several places all round, where the ground was stained with blood; I endeavoured to muster them as well as I could, but the stench would not suffer me to do it correctly; I went with Mr Foster the next day; he went close to it, but I did not go so close; I was unwell from the stench; I don't think Mr Foster looked at it so accurately as I did the day before; he did not stop more than a minute; I stopped a quarter of an hour the day before, examining them; the bodies were dragged about the second

day; the native dogs would diminish the number every hour; there were a great number of birds of prey about, eagle-hawks, and crows; when I returned home the second day, I spoke to Kilmaister about it; Mr Foster had left me and gone home; I told Kilmaister it was a very cruel thing for him to sanction the murder of these people, as he appeared to be on such friendly terms when I left; I also said that it was through him that the blacks were allowed to come to the station; Kilmaister was a confidential servant, and I always depended upon him; I told him I considered it my duty to report it to Government; he said he hoped I would not — not that he had any thing to do with it, but as he had been a long time with Mr Dangar, it might cause him to be removed and returned to Government; he appeared to be greatly alarmed about it; I told him I should report it to Mr Dangar, and I wrote a letter for that purpose; when I had written the letter I ordered all the men to come and hear what I had written, Kilmaister, Anderson, and my servant, Burrows; I read the letter, and Kilmaister appeared to be very uneasy about it, and I thought he would take the bush; he said, "I hope, Sir, you won't report, for Jesus Christ sake, don't report it;" he said that while I was away the blacks that were murdered had been rushing and spearing the cattle; he did not tell me this at first; I had to leave the station, and on my return I told Kilmaister that as he had stated the blacks had speared the cattle, and there were some on the run, he must go and show me where they were; I was out two or three days and could not find any, and I then thought he had been deceiving me, and I told him I should report the circumstance; the blacks I left at the station were brought to the station at the instance of Kilmaister himself; they were quiet and inoffensive people as far as I saw; I had conversations afterwards with Kilmaister; I observed on the cruelty of the act, and observed that they had not even the decency to bury the remains; he said that if I liked, he would go and bury them, but I told him as he had stated he had nothing to do with the murder, he had better not, as there was sure to be an enquiry about it, and it might be said that he went to bury the bodies out of the way; he always denied it to me, and I always thought he was innocent until I heard the depositions taken; not a day elapsed but he was dancing and singing with them when he came home from work; Kilmaister told me the men took the blacks away from the station; Kilmaister said he would not go with the men, and that Davy would prove it; Davy was present when he said this; he had my permission to carry a brace of pistols: I always carried them myself for safety; I was at Mr Eaton's station on the 20th; I saw Parry there, and in consequence of information I had received, I said "Jemmy, this is a bad job, and I am very sorry you are one of the number;" he said "it is, Sir, but I hope there will be nothing more about it;" I think it was in July when Mr Day came to the stations; he came there to investigate the murder; I forwarded my communication to Mr Day: I have not settled with Mr Dangar yet, but I believe I shall leave his employ in consequence of this business; I was at the station when Mr Day went there, and I showed him the place where the dead bodies had been; the bodies were not there then, but I don't know how they were removed; there were some rib bones, and children's jaws picked up; there were several small pieces of skull picked up; the heads had been removed; I never went to the place from the time I went with Mr Foster, until Mr Day came.

Cross-examination by Mr Foster — I was at Myall Creek the greater part of the time I was with Mr Dangar, except when I went to the other stations after cattle; Kilmaister always denied having any thing to do with the murder; I never went out without being armed; the place is beyond the boundary of the Colony; the arms were at the station for the protection of the men; I would not go out there myself without fire arms to protect myself against the blacks; I should think that no man would be safe, away back on the cattle runs, without arms; I question if there is a better servant in New South Wales than Kilmaister, and a quiet peaceable disposition; from his general quiet and peaceable character, I should not think him to be a man likely to be concerned in the murder; a black named Davy, showed me the place where the fire had been kindled; the place appeared to be much in the same state when I went with Mr Foster, as on the previous evening, with the exception of some of the bodies being removed by the native dogs; Foster had not the same opportunity of seeing the bodies so well as I had; he did not stop a minute; I saw one body, the large one, which was much disfigured, the flesh was off the legs and thighs, and there was flesh on the breast and trunk; I will not swear that the black called Daddy, is not at present in existence. By the Attorney General — I have never seen Daddy since; I never saw a female so large as the frame I speak of; I have never seen any of the tribe of blacks since then, and I have made enquiries for them. Mr E. Day, Police Magistrate at Musclebrook; I received information in the latter end of June which induced me to visit Mr Dangar's station; I reported the circumstance to the Colonial Secretary, as it was not in my district, and some time after I was directed to

proceed with a party of mounted police, and make enquiry into the report; I went to Mr Dangar's station, and on the evening I arrived, Mr Hobbs accompanied me to the place where a murder was reported to have been committed; I examined the spot which was about fourteen yards round, and there were a number of small fragments of bones; but the place had the appearance of having been swept, and the large cinders which would remain after a large fire had been removed; I found fragments of bones, some teeth, the jaw bone of a human being; I should say they were all human bones (Mr Day produced the bones in Court); I examined a great number of witnesses and committed the prisoners; the prisoner Parry was represented to me as having expressed great sorrow for the circumstance, and I asked him if he had any statement to make; he denied knowing any thing about it, and had nothing to say; I was out seven days in making this enquiry. George Anderson, an assigned servant to Mr Dangar — I was at the station Myall Creek as a hut-keeper; I was there nine months; Mr Hobbs is superintendent there; I recollect his leaving home to go to the Big River, in the beginning of June; there were native blacks at the station when he left; I don't know how many, but there were more than twenty; I won't swear there were not forty; about ten men came to the station about that time; they were on horseback and armed with muskets, swords, and pistols; they were all armed; they galloped up to the hut with their arms pointed at the hut; they were talking to Kilmaister; I know all the prisoners except two (Blake and Parry) they were all there; I cannot swear that the other two men were not there, but I don't recollect them; the blacks were all coupled together close to the hut, and the prisoners galloped up and surrounded them; I can't say who rode up first; this was about an hour and a half before sun-down; there were also plenty of women and children among the blacks; when the blacks saw the men coming they ran into the hut, and the men got off their horses; Russell had a rope round the horse's neck, and he began to undo it; whilst he was undoing the rope I asked what they were going to do with the blacks, and Russell said they were going to take them over the range to frighten them; Russell and some one or two of them went into the hut, and they tied the blacks; I cannot say who tied them as I was outside; I heard the blacks crying for relief to me and Kilmaister; they were crying and moaning the same as a lot of children would cry; there were many who could not walk; the whole party then went away taking the blacks with them; one went in front and took the rope to which the blacks were tied, and the rest followed after, and on each side; All the blacks were tied on this rope; I saw one pair of hand-cuffs; the rope was a long tether rope; they took all the blacks away except two little boys that made their escape by jumping into the creek; they left one black gin with me in the hut; they left her, because she was good looking; I do not know which said so; and they left another black gin with the black man that stopped with me called Davey; a little child which was at the back of the hut when they were tying the blacks; when they were all going away, I took hold of the child and stopped it from going; I had five blacks with me; I kept the child; they all went away with the exception of what I kept; there was an old man called Daddy amongst the blacks; he was the oldest of the lot; he was a very big tall man; there was another old man named Joe amongst them, and they were tied like the rest; some of the biggest of the boys were tied; but others who were not able to walk, were carried by the gins; whilst they were tying the blacks, Kilmaister got his horse ready; he had been talking to the other men before he went for his horse; I do not know what they were talking about as I was frightened; I know Oates, Jemmy as they call him, he was armed with pistols; there were a great many pistols amongst them; I know Foley, but I cannot say how he was armed; I saw him standing at the door with a pistol in his hand; I saw swords with them when they came galloping up; Kilmaister went away with them when they took the blacks away; after they went away, about a quarter of an hour or 20 minutes, I heard two shots fired; the report came from the direction they went in; I heard only two shots; I heard no other sounds; the same men came back to the hut on the next night; they were altogether except Kilmaister who was left behind; one of the party gave me Kilmaister's saddle off his horse; and Kilmaister came himself in about a quarter of an hour after they came; the party stopped there all night; the night they stopped there, me and Kilmaister slept together; all the men slept in the same hut; in the morning three of them took fire-sticks out of the hut, after breakfast, and went in the direction they had gone before; Russell, Fleming and Kilmaister were the men; when they were going, Fleming told Kilmaister to bring the leg rope home; they asked me for a leg rope and I gave it to them; they went in the direction they had taken the blacks; all the men but one went, and one was left with me as a guard; Foley was left with me; when I was in the hut with Foley after the rest were gone, and I asked him whether any of the blacks had made their escape; he said that none he saw, they were all killed but one black gin who was saved; before

the party came back, Foley drew a sword out of the case, and it was all over with blood; during that time, the black fellow Davey and his brother came to me and asked me to let him have a musket; he was going to cut a whip-stick; Foley would not let him have one, and he went without it; the party came back about an hour after they went, and I saw a smoke in the direction they had been; they got up their horses, and Fleming told Kilmaister to go up by and by, and put the logs of wood together, and to be sure that all was consumed; some of them were in the hut, and must have seen them; Kilmaister went away shortly after the party left the station, and stopped away all day; when he returned, he brought back the horse he had left the day before; I never went near the place; I did not like to go, after what Davey, the black fellow, told me; Kilmaister could not have been all the day looking for his horse; the horse was knocked up and could not go; there was a great smoke all the day in the direction where they had been; I was at home, when Mr Day and the Police came there; Kilmaister was also at home; on the morning after the party went away, I found a piece of an old sword, but I did not observe any blood on it; it did not belong to my station, it came with the party; I gave it to Mr Hobbs one night after the Police went away; when the Police came to the station, Kilmaister said, "for God's sake, mind what you say, and do not say I went with them but a quarter of an hour after;" that was not the truth, he went with them at the same time; they took the black gin that was saved away with them; the two boys, the child, and the two black gins I sent away with ten blacks, who came to the hut from Mr Foster's; the ten blacks who had been to Mr Foster's, came back about ten o'clock of the night that the party had taken the other blacks; I sent them away, because I did not want to keep them, for fear the men would come back and kill them. By Mr Windeyer. — I had gone to bed when the ten blacks came from Mr Foster's; I did ask for that gin to be left behind; I did ask them to leave one gin behind; Davey had been a good time at the station; I don't know why they spared Davey unless it was that Davey was a little more naturalised and belonged to the station; there was a gin left for me, although not the one I wanted; I wish they had left all with me; I wanted them to leave me a gin that I had had before; she was a black fellow's gin; I will swear that I did stay in the hut after they left; Davey stopped at the station with me; he did not go with the party; I never went to the place where the murder was committed; I did not see any bush fires about before that day; I only heard two shots fired and heard them quite plain; I can't recollect telling Mr Hobbs all that I have now told; I told him they had taken the blacks away and I could not help them; I told Mr Hobbs that I did not know who they were; I can't recollect any thing I said to Burrows; I don't recollect saying that I was sorry that I had not made it worse for Kilmaister; when I was first examined I only identified one man; I don't know how long it was before the magistrates came up; I swore to all of them by sight, but I did not know their names; I knew all of their faces a month after, and I know them now; Russell and Fleming I knew by name; I had a second examination; I did not say all at first; I said all I could recollect, and I recollected some things after that I could not recollect at the time; I have been five years in the colony and come here for life; I never said that I expected to get my liberty for this business; I don't expect any thing, and all I will ask for is protection; I don't recollect that the magistrates threatened to commit me for perjury; I said I did not think I could recollect the men, and the magistrate said that I might be committed for not thinking; I have been punished once for leaving the station; I never was in the bush; I was in New England when Mr Dangar had me punished; I do not think that I deserved punishment at the time; to speak the truth I did not deserve punishment, and if you like I will tell you all about it, and then you can judge for yourselves; I came down from New England to Patrick's Plains; I was eight days walking it; the charge against me was for not shifting the folds, and being away from my station; I came here for life for robbing my master; I was foolish and ignorant and led away by other people; I was guilty of what I was sent here for, but that was the only time I ever committed any thing; Foley was left to guard the arms that were left at the hut; I thought he was left there to make me believe anything; I have been frightened by the blacks; I was frightened once at New England; a black fellow came to my station, and I was frightened, but he went away when I spoke to him; I knew Joey, and King Sandy and his wife and all, they were all taken away; the gin I wanted them to leave was called Ipeta, she had no other name; there were two Sandys; I did not know the names of all the blacks; I knew Tommy and Joey, and Daddy and Sandy and his wife, and little Charley Sandy's son. By the Attorney-General — Davey the black who was left at the hut did not belong to that tribe. He belonged to the Peel tribe; he came with some stock from the Peel; he was completely domesticated at Mr Dangar's; when I told Mr Hobbs that I did not know any of the party I meant that I did not recollect having seen any of the party before, but I should know them if I saw them; the fire



place was covered with pistols; I counted fifteen. John Bates. — I am an assigned servant to Mr Dight, of Richmond, and I was stationed at the Big river; my station is about two miles from Dr. Newton's station; I was there in the early part of June; I saw a party of men like stock-keepers at Dr. Newton's station; there were about ten or twelve; they asked if there were any blacks there, and I told them none; I knew some of them, I knew a man of Mr Hall's, named, James (Oates), also Lamb, and Mr Eaton's man, (Parry), Hawkins, Johnstone; those are all I can recognise: they asked if there were any blacks cutting bark: I don't know who asked the question but it was one out of the party; they were armed with pistols and swords, and small guns, but I cannot say the individuals that were armed; they rode away from Dr Newton's station; on the Monday, the same party came to my station, and they had breakfast with me; they were sighted when I went into the hut; when I went in, a black gin was sitting by the fire; I had been in the hut a few minutes before, and the black gin was not there when I went out; both she and the men were there when I went back to the hut; the men I have already mentioned were there; there were 10 or 12 men altogether; Kilmaister and Hall's Jemmy were at my place with the party on Monday morning; some one said that they would call for the black women, but I do not know who it was that said so; Mr Eaton's man said that they had settled the blacks; I do not recollect saying any thing about its being a serious job; they stopped about an hour and a half; I have not heard of it at this time, and I never said any thing to them about Mr Foster's being gone to report it, because I did not know it before, and I cannot say how Parry happened to say what he did; I cannot recollect any conversation that passed then. Andrew Burrows, assigned to Mr Henry Dangar. — I was living there in June last; I went with cattle to the lower station before Hobbs left; there were a good many blacks at the station when I left; there were even women and children: I knew an old man they called him Daddy, he was a large man; I was away about ten days; I heard about the blacks before I arrived at the station — I arrived at the station three days after it had happened: I told Kilmaister that I had heard the blacks were taken away from the station, and I said that Mr Hobbs would be angry when he heard of it; Kilmaister told me to mind my own business, and that he knew nothing about them; he said a lot of men went to the hut and took them away, and he did not know what became of them: I was at Mr Bell's station, where Russell stopped, as I went down with the cattle; I saw some men there; I saw Hawkins, Toulouse, Russell, Foley, Pallister, and I think Johnstone, but I cannot swear positively to him: there was a man of his colour there: they were talking about the blacks: they asked me if the blacks were at one station, and I told them yes for four or five weeks, but that was a lie for they had not been so long there: they said they could not be the blacks who had done the depredation down the river; Russell was fixing some straps on his sword, and he was making a small pouch: some of them said they were going out to look after the blacks who had taken cattle away from some stockmen down the river: they said that they wished Jem Lamb was come: I did not hear them say what number of men they expected: they said they did not expect some men, but they did not state the number: after I had left Russell, I met a man armed with a fowling-piece and a sword slung by his side, but I do not know who he was: when I returned, I did not find Russell at home: I only called at the milking yard, and got a drink of milk: I heard after that that the armed man I had met was called Fleming. By Mr a' Beckett — It was not a very strange thing to meet stockmen armed: it is common for them to be armed there: I know Anderson, who frequently had a row with Kilmaister: one night when we were in bed, he said he was sorry for one thing he had done — he was sorry he had not told all the truth: he said if he had known as much as he did then, he must have made it worse for him: I do not know whether he had been examined twice. By the Attorney General — I was afraid, because Mr Day was making such enquiries, that I might have been brought into the business; I know that Anderson was on the bed when he was called up to be examined by Mr Day the first time; Kilmaister was taken away by the police at this time. William Mace, a ticket-of-leave man in Mr Dight's service — A party of men came to my station in June last, on the 11th of the month; some of them were armed, and they brought a black gin with them; the black gin was left there, but I don't know who by; there were from ten to a dozen men, and they had breakfast; I know Kilmaister, Hawkins, Johnstone, Toulouse, Foley, Black, and Oates; there was nothing said about the blacks; it is a usual thing to see men armed, but not ten or twelve; no one came for the black gin. By Mr Foster — It is a common thing for the stock-keepers to go armed, and in bodies when they go to a distant part of the bush; I am certain I saw King Sandy the day before; he came with Mr Foster; I know it was on the 10th of June; my place is about sixteen miles from Mr Dangar's. Charles Reid, a ticket of leave man in Mr Henry Dangar's employ; I took some bullocks from Myall

Creek to the lower station at the Big River, in June last; the distance is about sixty miles; we stopped at Russell's on the third day after we started from home; there was a man named Palliser, another named Hawkins, another named Foley, and Toulouse there; Burrows was with me; I don't recollect hearing any thing particular; they asked if there were any blacks up at our place, and we told them there were; I saw a musket and sword with Russell, who was putting a buckle on a strap, and they said that the blacks had been rushing the cattle down the river, but they could not see any; Russell was making a pouch such as stockmen use for ammunition; I stopped at the lower station and did not return; on the road we met the man Fleming. William Hobbs recalled — I sent Burrows and Reid with cattle to the lower station on the 5th June; Russell's station is about forty miles from our lower station; it was on the evening of the 15th, that I saw the skulls and bodies. Ambrose Foss, I am a dentist — I see a jaw bone which is that of a human being; there are two teeth in it; there are also several teeth which are also human teeth; they have been burned; I believe the bone to be the rib bone of a human being, but I cannot swear that it is; it is that of a child, not of an adult. This was the case for the prosecution. Mr aBeckett contended that there was no evidence on the first four counts, as the identity of the black, Daddy, had not been sworn to by any witness. On the remaining counts he contended that there had been no evidence that a male black had been killed or was dead, that none of the witnesses could speak as to the sexes which was left as a matter of doubt, and that according to the rule laid down by Lord Hale, that no conviction should take place unless the body was found, in consequence of two executions having taken place when the parties were alive, though missing, a conviction in this case would leave the parties in the same position. Messrs Foster and Windeyer followed on the same side. His Honor referred to his notes, and said that there was sufficient evidence to go to the Jury. The prisoners offered nothing in defence, but called witnesses - Mr Henry Dangar resides at St. Patrick's Plains — Knew the prisoner Kilmaister, who is in his service, and is a very trustworthy servant. Anderson the witness, was also in his service, and he would not believe him on his oath; he was extremely addicted to telling lies, and upon the most trifling occasion he had not been able to place the slightest reliance on him. Cross-examined by the Attorney General — He came into my service in 1833, and was under my immediate control for a length of time; he was under Mr Hobbs two years; he was punished more than once; he was in charge of a station and he went away and left the station for two or three days; I won't swear he was absent all the time: I visited the station when he was away, and I prosecuted him myself: if Kilmaister had left his station, I should have got him punished: I heard generally of the black affair: but Kilmaister was out of my power then: I have no ill-feeling towards Hobbs: he is about to leave my service, as his term has expired: it expired last month: I don't know that this business has accelerated it: I was at the place where the fire had been: I went with Mr Hobbs: he pointed out where the bodies had been: it was represented to me that Kilmaister had joined the party: I found Anderson generally unruly and troublesome, more than all my men, in being disobedient to orders, and telling me falsehoods: I can't recollect particular instances: the instances on which he has been very troublesome and telling me a lie: on the last occasion he said that he had been to look for sheep, and I knew he had not been: at the same time he was sent from one station with a cart to another, and he returned and stated he had lost the beast on the road: I afterwards heard that he had stopped at a station, and not stopped on the road: I am a subscriber to defending the men, because I have a faithful servant among them, and I don't think him guilty of murder. Mr James Cobb — I reside at Maitland: I know the prisoner Lamb: he has been in my service two years, and I consider him a quiet, inoffensive man. Mr Thomas Simpson Hall — I know the prisoner Oates; he has been three years in my employ, and he has stood as high in my opinion as any man in his situation I ever had. Mr George Bowman — I am a farmer and grazier at Richmond; Johnstone has been about five years and a half in my service: the last four years and a half I found him a steady quiet man, and did the confidential work: he is free by servitude. By the Attorney-General — He has been two years with Mr Cox, and I know nothing of him for those two years. Mr George Jolliffe, Superintendent to Mr Bell — I know Russell and Palliser, who have been under my charge for two years: Russell has been a very active, quiet, well disposed man: Palliser was as good a character. By Mr Therry— I don't know that there was much going after the blacks: at the time this happened I was in Sydney and know nothing of it. The case closed here. His Honor summed up at great length, recapitulated the whole of the evidence, and left the case with the jury, who after an absence of a quarter of an hour returned into Court and acquitted all the prisoners. The Attorney General applied to have the prisoners remanded to enable him to

prefer other charges against them. The prisoners were accordingly remanded, and the Court adjourned at ten o'clock.

## 1838-11-19 — Article 18

SYDNEY MONITOR & COMMERCIAL ADVERTISER (1838, November 19). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32161908>

SYDNEY MONITOR & COMMERCIAL ADVERTISER MONDAY MORNING, NOVEMBER 19, 1838

Nothing extenuate, nor aught set down in malice.—SHAKESPEARE.

Slaughter of the Blacks.

For the perusal of Mr Fowell Buxton, Sir George Gipps, and all Christian people.

The trial of eleven men for the slaughter of a company of Aborigines of both sexes and all ages, from sucking infants to hoary hairs, took place on the 15th inst. We stated in our last number that they were acquitted. Our readers will find a very full report of the trial in our Supplement of this day.

From the violent articles published by a contemporary during the last months against the black natives, we had been impressed with the belief, that not only had these slaughtered aborigines committed some wanton murders on our stockholders residing in their neighbourhood, but that their slaughter had been perpetrated in retaliation for such murders. But in all the evidence given on the trial, our readers will perceive, that the eight-and-twenty persons put to the sword by the eleven stock-keepers are not accused of committing any personal violence whatever, at any time, either on these eleven men, or on their neighbours. The only thing laid to their charge by the murderers, is, that they had committed a "depredation" on some sheep once; and had once "rushed" the cattle in charge of one of the prisoners. The nature and extent of the "depredation" on the sheep is not explained.

With respect to "rushing" of cattle, our readers lately arrived in the Colony will please to understand, that cattle when much left to themselves, "rush," that is, make off at full gallop to a great distance, and into glens and passes difficult of access to their keepers, on falling in with either blacks or whites. There is however an exception to this rule as regards such cattle as are inspected once a fortnight or so, by their stock keepers. On seeing their own keeper they will not "rush," unless his visits have been very few and far between. But if cattle see the Blacks, they are apt to rush on all occasions, even cattle that are reckoned to be pretty tame. If therefore the "rushing" of the cattle be in future to be considered as an apology for putting the Blacks to the sword, the whole race must soon be exterminated, inasmuch as they get their living, not by staying at home, but by hunting in their native wilds.

But the company or tribe of blacks put to the sword by these eleven men, had not only been innocent of all personal violence, but they had become domesticated among these very men. One of them (Kilmaister) had been the chief cause of their taking up their residence near his hut, and he himself seems to have formed a friendship for them; for, in an evening on his return from his journeys after his cattle, he was in the habit of playing and dancing with their children. One of the witnesses indeed states, that this man always denied being of the party. But the man made no attempt on his trial to prove an alibi; and other witnesses swore to his being of the party.

The Blacks, it appears, were residing at the hut of Kilmaister, in peace and confidence as usual, when a party of men, mounted, and armed with swords and pistols, galloped up to the place. From the manner of the party, the Blacks, who are by no means so deficient in intellect as they are represented in books, perceived danger, and ran for safety into the hut. They were taken out, and tied one by one to a long rope, used to catch cattle by the horns. Perceiving their fate, they began to weep and moan. The women, though tied, contrived to carry their infants in a net slung from their shoulders. Being all secured, men and boys, women, girls, and sucklings, one of the horsemen led their way, with the end of the rope attached to himself or horse. The other ten horsemen divided into two parties of five each, five placing themselves on one side the rope, one behind the other, and five on the other side. The funeral procession then commenced its march, amid the tears and lamentations of the victims.

It must have been a heart-rending sight to see the aged Black, named "Daddy," led to the slaughter—a man of a giant-like stature, and probably brave as he was magnificent in his form; the tears rolling down his aged cheeks at the sight of his wife, children, and relatives. The children perhaps scarcely knew their sufferings until the sharp steel had passed through their bodies and put a speedy end to their troubles.

Arrived at the place chosen for the catastrophe, the slaughter began. All, however, we can glean from the evidence is, that two shots were fired. The sword it should seem did the rest without noise, except the cries of the victims. Decapitation appears to have been considered the readiest way of despatching them, from the great number of skulls afterwards found.

After the slaughter, a fire composed of dead trunks of trees, and many yards in extent, was kindled, and the headless bodies and skulls were placed on the pile. But the party did not stay to see the bodies completely consumed. Perhaps they got alarmed, or were compelled to return home in a given time. It would however have been prudent in one or two of the party to remain at the fire another day. In the course of twenty-four hours every skull and every bone, even the little bones of the sucking children might, by diligent searching among the ashes, have been found and consumed, and then what yesterday formed eight-and-twenty living human beings, would have been mere [heaps] of ashes.

A report which is gaining ground, that these men were set upon this deed of darkness by others; a deed for which we cannot find a parallel for cold-blooded ferocity, even in the history of Cortez and the Mexicans, or of Pizarro and the Peruvians. The only monsters whose conduct will furnish us with a parallel, is that of the Buccaneers of the West Indies.

It is not improper that these eleven men should have had counsel hired for them. Three counsel however was rather a luxurious number. But while three gentlemen, (the masters of these men for instance,) might have hired one counsel each, privately, it is not to the credit of New South Wales that a general subscription should have been raised among the magistrates and graziers of Hunter's River to an amount much larger than even three counsel could demand. What was there in this murder of eight-and-twenty poor helpless betrayed men, women, and children, that should induce the magistrates and gentlemen of Hunter's River to hire Counsel for the murderers? Do they hire Counsel for other men when tried for murder? How will this fact tell in England, in France, in Austria, in Prussia, and in America? For we doubt not but there are men in the two Houses of Parliament who will now make the Colony known all over the world—in kingdoms and cities where it was scarcely heard of before.

The verdict of acquittal was highly popular! It was with exertion that the Chief Justice could prevent the audience from cheering—such was their delight! The aristocracy of the Colony, for once, joined heart and hand with the prison-population, in expressions of joy at the acquittal of these men. We tremble to remain in a country where such feelings and principles prevail. We have always dreaded an oligarchy. Should the new Act of Parliament take the government of this Colony out of the hands of the Queen, and place it in the hands of the illiterate Dutch money-making aristocracy of this Colony, we certainly shall begin to think of returning to Old England, or taking up our abode among the uncorrupted English Colonists of Australia.

For the verdict of Thursday shews, that only let a man, or a family, be sufficiently unpopular with the aristocracy and the prison population of this Colony conjoined (in this case), and their murder will pass unheeded; if not be matter of rejoicing. Money, lucre, profit—these are the guide. O Australia!

Associations, in support either of prosecutors or the prosecuted, are most abominable. Private subscriptions, if publicly collected, have the same tendency, of the same un-English spirit, and are equally unconstitutional. Illustrations of their bad tendency could be given without number; but we will give a practical one. In consequence of these eleven men being visited in prison, and otherwise "comforted and abetted" by the Magistrates and Gentlemen of Hunter's River, not one of them would turn 'King's evidence'! Now, without King's evidence, half, nay three fourths of the murders, rapes, burglaries, &c. &c. committed in this Colony, would never be brought to light.

What will the Colony come to if Gentlemen feel justified in soliciting subscriptions to pay Counsel to defend their pet murderers, and other pet ruffians?

Let not the above commentary on the dire deed perpetrated on a company of domesticated blacks—blacks in alliance with us—blacks more than in alliance with us, for they were friends—"strangers within our gates"—strangers adopted—strangers become part of ourselves—strangers who had sought our hospitality, protection, and adoption—strangers however by our usurpations, being the owners of the soil and whose proffer on this head had been accepted and ratified by domestic associations, being permitted to dwell with us in the same town, or, which is the same thing, the same "station"—let not, we say, this treacherous massacre be considered as committing our opinions on the protection that is due to the whites, by the just punishment of the blacks when the latter have been, or shall again be, the aggressors; as we know them to have been in the South with regard to Mr Faithful's men, and as we have heard and believe them to have been in one or more instances in the North and West.

But we will commit our opinions to writing, at once, to prevent either misapprehension or misrepresentation:—

We are of opinion then,

1—That the slaughter of Mr. W. Faithful's men was a savage, unprovoked, wanton, and treacherous murder, by a tribe of blacks in the south,

2—That Sir George Gipps in giving a cold not to say repulsive reception to the Argyle gentlemen who with great propriety waited on him on that occasion to seek redress gave great offence to the whole intelligent community, and particularly to the grazing community.

3—That it was the duty of Sir George to initiate a Bill before the Council then sitting without a moment's delay, authorising the Governor to pursue after such blacks, and to do so at all future times in every part of the Colony, and to issue orders at all such times of outrage to the commanding officer in pursuit to slay the adult males of the offending tribe, in case he should not be able to capture them.

4—That in consequence [of] Sir George's refusal to do any thing effective in the way of retributive justice on that occasion (Mr. Faithful's men) the present murderous spirit and wicked malignity generally prevalent among our graziers and settlers against the blacks of all tribes, horrible and disgraceful as it is to a civilized nation, may in a measure and remotely be attributed.

5—That the present active malignity towards the blacks, will not cease to rage, until such law is passed; and until summary vengeance shall have been taken in the judicial and legal form above described, on the murderers of Mr. Faithful's men, and shall have been published in the Official Gazette and thereby made known in every settler's hut in the Colony. Then they will be satisfied; but not before; for the whites will have satisfaction, legal and retributive for that murder.

6—That a law should also be made, authorising the Judge to examine, without oath of any kind Christian or Heathen, all natives of the Colony and other Heathen foreigners or natives, in all cases of felony, leaving it to the JURY to give what credence they may please to such evidence.

## 1838-11-19 — Article 19

Defence. (1838, November 19). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 1 (MORNING : SUPPLEMENT TO THE SYDNEY MONITOR AND COMMERCIAL ADVERTISER.). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32161915>

Defence. Mr. A'Beckett contended that the evidence before the court supported none of the counts of the indictment. Of all the counts, the four charging the prisoners with the murder of Daddy, the native black, were the only ones offered to the jury as affecting the prisoners. Mr. Hobbs would not swear that the mutilated frame he described was the body of old Daddy or any other MALE black, as set forth throughout the whole indictment; he had distinctly sworn, that he could not distinguish the sex of the trunk found. It was laid down by Sir Matthew Hale as an immutable rule, never to convict for murder or manslaughter, unless the body of the murdered person was found; or sufficient evidence adduced, of the death of the party to convince the Court that he was not then in existence. Messrs Foster and Windeyer supported the argument of their learned coadjutor. The following witnesses were then called for the defence. Henry Dangar—Is a grazier, and resides at St. Patrick's Plains; the prisoner Kilmaister was my assigned servant since 1834; he was a very trustworthy and obedient servant; I have not the same opinion of Anderson; I would not believe him upon his oath; he has been very troublesome, and upon the most trifling occasion, I have not been able to place the least belief in him. Cross-examined—Anderson has been in my employment since 1833; the two first years he was under my own immediate control. He was punished on a recent occasion for leaving the sheep-washing, and going away for two or three days; I was present myself; I took him to Patrick's Plains instead of Invermein, because it was more convenient. It was not reported to me that he (Kilmaister) was an absentee: I am neither pleased nor displeased at Mr. Hobbs giving evidence here. Mr. Hobbs' term has expired, that is the reason of Mr. Hobbs and I parting; this business has not expedited our separation; I saw the place where the fire was; I went there with Mr. Hobbs; Anderson is very much addicted to lying, and excessively troublesome and unruly, I am a subscriber to the fund raised to defend the prisoners because I have a faithful servant among them, whom I do not believe to be guilty.

John Cobb—Is a grazier; the prisoner Lamb has been my servant for two years; I have always considered him a quiet well-disposed man. Thomas Simpson Hall—I know the prisoner Oats; he has been three years under my superintendence; I have as good an opinion of him as any man ever had under me. Cross-examined—I superintend five stations; two of them are four hundred miles apart; I was not at the station where he was at the time of this affair. George Bowman, grazier, of Richmond—Johnson has been in my service five years and a half; during the last four years and a half I have found him a good trustworthy servant; he has been free about two years; he served his sentence with me. Cross-examined—I only knew him while in my service; he has been with Mr. Cox during the last two years. John Joliff, superintendent to Mr. Bell—I know Russell and Palliser; they have been better than two years under my superintendence; I have always found them quiet, active, well-disposed men. Cross-examined—I speak particularly of Russell; but they are both good men—I was in Sydney at the time they were said to be out after the blacks.

## 1838-11-26 — Article 20

Original Correspondence. (1838, November 26). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12861861>

Original Correspondence

To the Editors of the Australian and Monitor Newspapers.

GENTLEMEN,—In your numbers of date the 19th and 20th instant, you have most unsparingly dealt out your censure towards the settlers of the Hunter and Namoi Rivers, who you must recollect were complimented by the Government in Council the other day, for their laudable desire to end strife and bloodshed between the white and black inhabitants of those districts, for subscribing to defend eleven men accused of murder. You have without hesitation published your opinions to the world, that "these men were set upon this deed of darkness by others," meaning ourselves, that we have feed Counsel "to defend pet murderers and pet ruffians;" that we are associated for the purpose of defending all cases of murder of blacks by the whites. That it is most disgraceful to subscribe for defending men at all in such circumstances, and each of you have come to the conclusion that twenty-eight human beings have been murdered. This is but a sample of your rhodomontade, and which really would not be worth notice, but for the intention of the Attorney-General to arraign the eleven men again upon the same charge, but upon some counts, which on the trial of Thursday escaped him, and thus they are to be again brought up, notwithstanding a Jury of twelve men pronounced them "not guilty." Your ranting, therefore, can have no other intention than to influence the minds of a second Jury. Passing over both your accusations and your cant about "pet murderers," &c., I beg you will understand that which is notorious to the world, that we are not subscribing for any general purpose, but for the defence of this individual case. Our doing this, which cannot pervert justice, should it be necessary our justification will appear in proper time, and in the present case, as "Observer" justly says, we only give the accused the benefit of equal talent, to that which is arrayed against them. Your combined assertions that £600 has been subscribed for this purpose, is of a piece with your other statements, devoid of truth. And after all, Messrs. Editors, if precedent were wanting, it would refer to the trial of the Castle Forbes banditti, now four years since, when six or seven men were arraigned for an attempt to murder, and for numerous robberies. They were ably defended by R. Therry, Esq., who was retained by the Government for that purpose, and which, at the time you Mr. Australian greatly applauded. In reference to your statement that twenty-eight blacks were killed, let us see what the evidence says. Thomas Foster—I saw the body of a black man with the head on, but the limbs were apparently burnt off; I saw a head without a body, and two or three skulls; I could not tell whether these skulls were of men or women, I stopped about 5 or 10 minutes; I saw no children's skulls. William Hobbs says, I went with Dr. Newton's superintendent, to the spot where the remains of the blacks were; the stench was so great that I could not count the heads with great accuracy; but I counted eight and twenty; twenty was the least number I counted; the frames of some of them were not so much consumed as to be destroyed. I cannot say how many bodies there were, they were so disfigured; I saw children's heads quite distinct, I should say from ten to twelve in number; I was there on the evening of the 15th, a little before sundown with Davey the black, and between 8 and 9 o'clock the following morning with Mr. Foster; there was no difference that I observed in the place; on the following morning only it seemed that the bodies had been pulled about by the native dogs.—(Vide Monitor November 19.) Such is the evidence of the two principal witnesses, as reported by yourselves to the all important facts of who, or how many persons have improperly come by their death; one swears that he saw parts of four or five bodies—and the other to twenty or twenty-eight. Not an unimportant discrepancy, no doubt you will say, but not so in law, or to judge or jurors.

From Mr. Hobbs' swearing that he did not know whether there were twenty or twenty-eight bodies; surely the preference must be given to the evidence of Mr. Foster, who swears very distinctly as to what he said.

I am, Gentlemen, Your obedient servant, A Subscriber



## 1838-11-28 — Article 21

Law Intelligence. (1838, November 28). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 1 (MORNING : SUPPLEMENT TO THE SYDNEY MONITOR AND COMMERCIAL ADVERTISER.). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32162035>

Law Intelligence.

SUPREME COURT—CRIMINAL SIDE.

MONDAY, NOVEMBER 26.

Before Mr. Justice Burton.

Charles Kilmaister, James Oats, Edward Foley, James Parry, John Russell, William Hawkins, and John Johnson, seven of the men lately tried for, and acquitted of the murder of one of eight and twenty aborigines at Liverpool Plains, were arraigned on a similar charge for the murder of another black named Charley, and three children of the same tribe or company. The indictment contained twenty counts, and occupied upwards of an hour and a half in reading.

When the Clerk of Arraigns had finished reading the indictment, Mr. A'Beckett, on behalf of the prisoners, applied for the postponement of the trial until the following day, as the indictment contained an unusual number of counts, and having had no copy, and hearing them then for the first time, he had not sufficient time to consider of his plea.

The Attorney General said that of course his Honor was aware that the prisoners were in law, not entitled to a copy of the indictment.

The learned Judge replied, that he was aware of it, but he considered it but right that the counsel for the prisoners should have the time they applied for to prepare their plea.

The Attorney General then observed that it was his intention himself to apply for the postponement of the trial on another ground, namely, to afford him time to lay affidavits before the court, showing that certain articles had been published in the newspapers respecting this case, which had rendered it impossible to have it tried without prejudice until the excitement such articles had produced on the public mind should have subsided; and he called upon the Judge to issue an order to disallow on pain of the displeasure of the Court as the executor in such case of the law until the termination of the trial all publications on the present alleged murder. A newspaper (The Herald) had been put into his hand as he entered the Court, containing one of these prejudicial articles, and—Here the Attorney General was stopped by the learned judge, who observed that if the Attorney General had any affidavits to produce to the Court, he would hear him; but there was nothing before it at present, and he was not aware to what he alluded.

As to giving an order for the stoppage of any publication, he had his doubts as to the propriety of that measure, for he could not admit, he would not allow, and he did (conscientiously) not believe that, bad as was New South Wales, the articles in question would have the effect of prejudicing the case, or perverting the ends of justice. He was confident the Judges would discharge their duty impartially, and he believed that every jurymen would do the same, unbiassed by prejudice, and according to the dictates of his conscience. He, as Judge, therefore, would decline giving any order to suppress any printed publication.

The Attorney General, as the law-adviser of the Executive, might adopt what course he thought fit, but he would recommend him, not to proceed hastily, but to weigh well the consequences of any measure then in his mind.

The Attorney General said, he was guided by his present remarks by legal and constitutional precedent.

The postponement of the trial was then ordered, and the Court adjourned to the following day.

TUESDAY 27th November

Before Mr. Justice Burton and a Civil Jury.

Charles Kilmaister, James Oats, Edward Foley, James Parry, John Russell, William Hawkins, and John Johnson, were again arraigned for the murder of certain aboriginal native children to the Attorney General unknown, and one adult native known by the name of Charley. The prisoners' Counsel handed in the pleas of the prisoners, which were read by the Clerk of Arraigns. To the first five counts of the indictment they severally put in a demurrer, to the next five a plea of autrefois acquit and to the last ten they pleaded not guilty.

A question then arose, whether the present Indictment was in substance the same as the last, it being a principle of law that no man's life should be put a second time in jeopardy for the same offence. The question was laid before the Jury, and witnesses examined thereon. The jury retired and after an hour's absence decided that the present indictment was different to the former one. The prisoners were then compelled to plead afresh, and accordingly they pleaded, not guilty.

On the application of the Attorney General, grounded on an affidavit of the Crown Solicitor, the trial was postponed until to-morrow morning in consequence of the absence of Mr. Wm. Hobbs, a most material witness.

A full report will appear in our next.

## 1838-12-01 — Article 22

LAW. (1838, December 1). The Australian (Sydney, NSW : 1824 - 1848), p. 2. Retrieved January 22, 2026, from <http://nla.gov.au/nla.news-article36860246>

LAW.

SUPREME COURT— Criminal Side.

THURSDAY— Before Mr Justice Burton.

On the opening of the Court, when the Registrar called over the pannel, the following Jurors were severally fined for non-attendance, Messrs William and Robert Jenkins, Richard Kemp, William Kerr, James Kay, William Kearnes, Alfred Kennerly, Francis Kenny, Isaac Levy, Thomas Lockeyer.

The Attorney General observed, that out of the pannel of 48, only 28 remained to choose out of, and he begged that the Court would impose the highest fine on the absentees.

The Court did not think this a case which particularly called for the indiscriminate imposition of the highest penalty; and it did not think that imposing the highest penalty would bring the parties to the Court that day to remedy the inconvenience.

The Attorney General said, that although it would not remedy the evil then, it would prevent a similar evil occurring in future. The fine generally imposed was so small, that persons in any kind of business, would sooner forfeit the penalty than attend. He had frequently urged the necessity of extreme fines on the Court; and on his last complaint, Mr Justice Willis had stated that in future he would enforce the highest penalty.

The Court then ordered that the several parties who had been fined in the mitigated penalty, on calling over the pannel, should be severally fined £10, and that it should be notified that this course would, in future, be in general operation.

The Attorney General then suggested, that as the pannel was so low, the sheriff's officer could call on the parties who lived in town, and compel their attendance, as it was more than probable that a jury would not be returned after the prisoners had exercised their right of challenge.

The prisoners Charles Kilmaister, Edward Foley, James Oates, John Johnstone, William Hawkins, John Russell, and James Parry, were put to the bar.

[\* We fervently hope that Mr Burton does not consider himself an ALIEN in this country.

\* On whose veracity, Mr Burton, in a former part of his letter, says he places every reliance.]

The Jury were then called to be sworn, and the following jurymen were challenged as they came to the book:—William Jones, blacksmith; William Knight, publican, Sydney; Henry Linden, publican, Sydney; and William Johnstone, publican, Sydney, by the Crown; and Samuel King, shopkeeper, Sydney; N. L. Kentish, Sydney; Henry Lane, shopkeeper, Sydney; Edward Lord, merchant; Joseph Luke, boat-builder, North Shore; John Knox, cabinet maker, Sydney; Andrew Liddle, Sydney; Edward Lee, merchant; William Love, landholder, Concord; Solomon Levien, hotelkeeper, Sydney; John Lamb, merchant; Saul Lyons, shopkeeper, Sydney; Richard Lynch, shopkeeper, Sydney; William Lee, shopkeeper, Sydney; James Kay, brewer, Parramatta; and William Longford, boatbuilder, Sydney, by the prisoners.

The pannel having been gone through, the four jurors challenged by the Crown were returned to the box, and the following jury were sworn to try the case:—

George Sewel, of Sydney, foreman; Francis King, soap boiler, Sydney; John Little, publican, Sydney; Richard Leeworthy, tailor, Sydney; Benjamin Lee, landholder, Parramatta; Edward Hyland, landholder, Richmond; Alexander Long, publican, Sydney; William Knight, publican, Sydney; and William Johnstone, blacksmith, Pitt Town.

On Mr Henry Linden coming to the book, the Attorney General asked him whether he had not openly expressed an opinion on this case. His Honor would not allow the question; it was not fair, neither was it constitutional.

Mr William Humphries was called by the sheriff as a talesman, and the Attorney General having ascertained that he had been on the jury on the former trial of the prisoners, said "you may walk off," which expression the Court immediately checked, as casting an unnecessary reflection on a juryman.

The Registrar then charged the jury with the prisoners, and read through the indictment which contained twenty counts, as before stated, charging the prisoners with the murder of a black aboriginal child; the counts varying the person of the child, as a male, and a female child to the Attorney-General unknown, and as a black aboriginal named Charley. The information charged the murder as having been committed by shooting with a pistol, cutting with a sword, and beating, casting into a fire, and keeping the child there until death ensued, to which the prisoners pleaded not guilty.

The Attorney-General opened the case. They had (he said) already been put on their trial for murder, but for a totally different offence to the present charge; that point had already been decided by a jury of the country. This case was a peculiar one and he was aware that considerable feeling and excitement had prevailed in the public mind on the subject; and on this head he might receive blame, for not having, at the close of the last trial, obtained an order from the court to prevent the publication of the trial before the matter was finally terminated, as well as the comments that appeared in some of the public prints. That order, however, not being given, the trial appeared fully in the public prints and was commented on generally by every portion of the press according to their different opinions of the case. He did, however, hope that the jury came into the box uninfluenced and unbiased by any feeling but that of a determination to strictly observe the oaths they had taken, and conscientiously perform that duty which the stern justice of the country, and the sacred obligation of their oaths demanded at their hands. It could not be concealed, as it had already been disclosed in evidence, that twenty-eight human beings had lost their lives in a manner which was sufficient to move the most hardened and obdurate heart; it was not his intention, nor was it his wish to bias them against the prisoners, now put on their trial, but it was his duty as well as his custom to bring before them the enormity of crime, and to paint it in its most debasing colors. The vengeance of the law only fell upon the guilty, and if the crime now imputed to the prisoners was not brought home to them by the clearest evidence, he did not expect a verdict at their hands, nor did the law expect it. (The learned Attorney proceeded to state the circumstances of the case.) There was one circumstance, which had come out since the former trial which would clearly implicate Kilmaister, and shew that he, at any rate, was actuated by malice, in the share he took in the matter; it was his having, when spoken to of the motives which could have induced him to commit such a deed, replied that if it was known what the blacks had threatened to do to him, he would not be blamed. On the former trial eleven persons had been arraigned, and the jury would observe that seven only of the eleven, were now called to answer the present indictment and it would be competent for the prisoners to put those four persons into the box, to relieve them from the charges of which, having all been in company, they could not be ignorant; and, if they did not avail themselves of this, it would be presumptive proof of their guilt, as they might have called those who were present, to establish their innocence. He could not avoid declaring that the thanks of the country were due to Mr Day, the police magistrate, for the vigilance he had exercised in tracing this barbarous murder; and they were doubly due to him, as he had every obstacle thrown in his way by those who ought to have assisted him, and was strenuously opposed in the performance of his duty. But notwithstanding the unworthy opposition he received, he had fearlessly performed that duty, and had, although not without great difficulty, collected proofs which he (the Attorney General) thought, placed the matter beyond doubt. As he before observed, there was no doubt but that great prejudice existed in the public mind, on this matter, but he trusted that the jury would cast all from their minds, and return a verdict on the evidence which would be laid before them, to satisfy their consciences, and the justice of the country.

The following witnesses were then called.

Mr Thomas Foster, superintendent to Dr. Newton, was called, and gave evidence precisely similar to that contained in the report published in The Australian of the 17th instant.

Mr William Hobbs, also gave similar evidence with one or two exceptions; and continued: I knew a little boy named Charley whose father was called Sandy, and they both were with the party of blacks I left at Myall Creek, when I proceeded to the Big River; he was a very familiar and a forward boy for his age; I know his mother who was called Martha, and they were all at my station when I left. I saw the foot-marks of persons who appeared to have been engaged in rolling logs to the fire; they were not cut logs but dry timber; I found a basket such as is used by the blacks, on the road between my station and the fire; it contained various articles such as are carried by the blacks; it contained a piece of opossum skin, some pipe clay, which they use for painting, some belts, and some small crystal stones which the blacks set great value on; I have been told they worship these stones, and consider they possess a charm to cure them when they are sick.

Cross examined by Mr Foster. — I know that depredations had been committed by the blacks some time before this, but further down the river; and I recollect Kilmaister saying that he thought it was a good job that the blacks had come to the station, so that he could make friends with them; I did not say in my evidence, although I see it in the public prints, that Mr Foster stopped only a minute at the fire. By saying that the bodies and skulls were in the same state when I went with Mr Foster, as they were the evening before when I examined them alone; I did not mean with reference to the number of bodies, but to their state generally; I was close enough to see them; there was no fire, either on my first, or my second visit with Mr Foster; unless a person went close up and stirred about the ashes, he could not see the bones and skulls so well as I did; Mr Foster went closer to the fire than I did on my second visit; I will not swear that he did not remain ten minutes at the fire; on my first visit, I examined them very minutely, and I judged from the sizes of the heads and skulls as to their being children or adults; I left from forty to fifty blacks at my station when I went to the Big River; I think there were more, but I may safely say from forty to fifty; I cannot swear that the forty or fifty left are not living in any other part of the Colony, but I am quite sure they are not; I had a conversation with Mr Cormick at Mr Eaton's station relative to the murder; Parry was there, but I did not like to speak directly to him; Mr Cormick was begging me not to report it; I spoke to Parry of the matter about twenty minutes after, when Mr Cormick had left; he said he was sorry for it; I do not exactly know what Myall means, but I believe it is the name of some wood; I do not know that the term Myall Black means a savage ferocious black.

By the Court. — It was distinctly to be seen that the remains were those of blacks; the flesh in many parts remained on the bodies.

By the Attorney General. — I believe those blacks belonged to that particular district; Davy's brother who was named Billy, and came to my station after the murder; I do not think from the general habits of the blacks, that they would be allowed to go into another district.

By the Court. — The basket of things I found were not likely to be left by them, of their own accord; I also saw several other baskets that had been left by them at their camp; they all contained the articles generally used and carried by the blacks; I have always understood they worshipped the crystal stones, and I have seen a great many with them; I have got some of those left myself; I also found a Scotch cap, which an old man named Joey wore; it was a good cap, and had been given to him by a white man; when they were at my place, I used to give what food I could spare, and they went out every morning hunting, and returned at night with opossums, and other food enough to keep them; I found no food at the camp.

Mr E. Day, Police Magistrate, at Muscle Brook, gave nearly the same testimony as on the former trial, and added: I took Anderson under my protection, in consequence of the important information he had given me, and his being in an unprotected state. In the course of the examination, or rather at the close of the examination, and just as Kilmaister was leaving the room, I said that I was more surprised at Kilmaister than at any of the others on account of his great intimacy with them, when he turned round and said, "If you knew what they threatened to do to me, you would not be surprised." I did not make any further remark at the time; I did not state this on my former examination, but when the Chief Justice was summing up, I recollected the circumstances, and told the Attorney General of it at the time.

The Court keeper was called on to produce the bones found at the fire which had been in his custody since the last trial.

George Anderson, assigned to Mr Dangar, and hutkeeper at the Myall Creek Station, and John Bates, an assigned servant to Mr Dight, of Richmond, were examined, and the former underwent a tedious and very strict cross examination, but did not waver from the evidence he gave on the former trial.

Dr Robertson, colonial Surgeon, examined the bones produced, and pronounced them to be human bones ; the rib bones, apparently that of a boy six or seven years old ; the teeth were also human, but although there was a great difference in the formation of the bones of white and black people, he could not undertake to swear that they were the bones of black persons.

Robert Sexton sworn (this witness was not examined on the former trial), I am assigned to Dr Newton, and was at the station in June last, when a party of horsemen came to the station ; my master was not at home ; they were all mounted, and I knew Johnstone, Hawkins, Russell, Oates, Kilmaister, and a man named Lamb, who I do not see before the Court ; they asked John Bates if the blacks were there, and he said no ; they remained a few minutes, and rode off, saying, they were going to Mr Hull's station, which is eight miles distant ; this happened on the Saturday, and on Sunday Mr Foster came home and brought some blacks with him, but after they had stopped half an hour or an hour, they went away again ; Mr Foster told them to go away, because the party were out looking for them ; on the Monday morning following, the same party, with two others, came to the station ; they gave me a black gin, and said I was to take care of her until some one called for her; the overseer (Mr Foster) would not let me keep her, and they took her away and went over to Mr Dight's station ; Hawkins asked if the blacks were there, and when told no, he said it was a bad job they were not, and that they were driven away in order that they should not be caught ; a few days after, when I went up to Mr Hobb's station, I told Kilmaister it was a bad job about the blacks, and he said yes, but he was all right.

Charles Reid, a ticket-of-leave man, gave evidence to the same purport as on the former trial, and added : I saw the place where the murder was alleged to have been committed, and saw bodies and heads lying about, but I walked away as quick as I could ; Kilmaister appeared very angry when I spoke to him about it ; the blacks are generally treacherous, but this tribe was particularly peaceable, and had been about Mr Wiseman's and Mr M'Intyre's stations for some time.

By the Court. — This tribe was backwards and forwards from one station to another, and they had the name of being always in the district and very peaceable ; a month or two before this happened, I saw them at Mr M'Intyre's station.

The Attorney General proposed to call Mr Hobbs to speak as to Anderson's character, which had been impeached by the Counsel for the defence ; but His Honor said it would be open for the Attorney General to do so at a future stage of the proceedings.

Mr Foster re-called by the Court. — It had rained about the time of the murder ; I think it rained on the Saturday I reached Mr Dangar's station, but I don't think we had any rain on the Sunday.

Mr Hobbs re-called by the Court. — I believe that tribe of blacks to have been about Mr M'Intyre's station seven or eight months ; it must have been known that I was going to the Big River, ten or twelve days before I started, because I was collecting the cattle for that purpose, and I said that as soon as I could get one herd in, I should go.

This was the case for the prosecution.

Mr aBecket contended that there was no evidence of the murder of Charley, to which the jury must confine themselves, nor was there any thing amounting to a probability to put to the jury ; for although he did not pretend to deny that circumstantial evidence was sufficient to establish a case, as it was not always possible to get direct evidence; yet there must be some probability in the circumstances, which should be connected, and corroborated by the different facts. In this case the evidence was so loose and vague, as regarded the

murder of Charley, (and that was the offence charged against the prisoners) that it could not be put to the jury. The first point to be determined, was whether Charley had been killed, and what evidence was there that he was not now alive. It was distinctly laid down by Lord Hale, that no conviction should take place, unless the body was found, or on the testimony of an eye witness to the commission of the crime ; and a very remarkable case was reported in the books, which proved the extreme caution necessary in determining a case of murder. A sailor was heard to say that he would kill his captain, and asked one of his brother seamen to assist him, which he refused to do ; in the night, the sailor who had been asked to assist, heard a noise, and on going on deck, he saw the other sailor throw the captain overboard, but at the same time there was a billet of wood lying on the spot where the captain was, and the deck and the sailor's clothes were covered with blood. The man was convicted upon this evidence, and executed, although the body was not found. But here there was a conclusive hypothesis ; the jury were satisfied that the captain had been murdered before the body was thrown overboard, otherwise the authorities quoted would have entitled him to an acquittal ; but that case was not like the case quoted on the trial, which was that of a child, which was thrown into the sea by its parents, and because it might have been drifted by the flow of the tide, and have been picked up or otherwise saved, the parents were acquitted ; and he (Mr aB.) contended that the present was a much stronger case than that, where the alleged murdered person was a savage raving amongst his native hills and dales, and who might not be seen by any human being except his own tribe for years. He contended that proof of the corpus delicti was essential; it could not be disregarded; it was the very sub-stance and essence of the offence, and without such proof (and none had been given in the present case) there could not be a case for the jury. If the jury had any doubt of the murder of Charley, evidence which went to affect any other party was of no avail; and he again urged that there was not one tittle of evidence relating to Charley, except that of the man Anderson, who, although he saw him at the hut, did not see him go away with the party. He would quote another equally strong case, which showed the great caution which ought to be exercised before a conviction for murder took place, and in which the law was clearly laid down by Lord Hale, that no conviction should take place unless on view of the body, or the evidence of an eye witness of the fact. It was the case of a child, who was heard to say "good uncle, don't kill me;" the child was directly after missing, and the uncle was called on to produce the child by a certain day. In terror he procured a child of the same age, and greatly resembling the child missing; but the imposture being detected, he was put on his trial, convicted, and executed. Some time after, when the child became of age, it appeared to claim some lands, and it then appeared that on account of harsh treatment, the child had absconded. Upon all these authorities, he thought the Court would pause, before putting to the jury a case (which was much less supported than those he had quoted,) upon the principle that the mere abstract fact of the coincidence of an hypothesis was not sufficient, unless no other hypothesis could be arrived at. Now, in this case, he contended that not one only, but many reasonable hypotheses could be arrived at. He would put one case—This tribe might have gone, as was stated, in company with the whites; had been met and attacked by another body of blacks, and left in the way described; and were these men, merely because they happened to be in their company some time before, to be put on their trial for murder? However, many other and stronger cases might be put, but he contended that as this was a case dependent merely on vague circumstantial evidence, if any other case could be suggested, it must altogether fail.

Messrs Foster and Windeyer followed on the same side and exercised great ingenuity in argument.

His Honor said that he was of opinion that there was a case to go to the jury, but he should exercise great caution in putting it to them, and should pay due attention to the argument of counsel. Mr Henry Dangar was then called for the defence. He gave Kilmaister an excellent character, and stated that he would not believe Anderson on his oath, on account of his being greatly addicted to telling lies, and on account of his general bad character.

Cross examined by the Attorney General—I never saw Anderson take an oath, and I would not believe him on account of his bad character; he was under my immediate superintendence; he was a shepherd and had religious instruction, at least, I had prayers every sabbath day at my house; he was a shepherd; he was at prayers every sabbath when I was there; I had occasion to take him to court; I made two charges against him—one for absence from his station, and another for not removing his hurdles; he got fifty lashes for each

offence; they both occurred at the same time; he could not move his hurdle when he was absent; he was, at court once before, but I forget the circumstances; I don't mean to say that I would not believe a man on his oath because he neglected his business; he was two years at Patrick's Plains and I was about three miles from the bench of magistrates; Mr Hobbs said he was a cleanly man, but he could make no hand of him as a shepherd; I received a letter from Mr Hobbs a few weeks after the murder happened; by the time I had received Hobbs's letter, I heard that Mr Day had received orders to proceed and enquire into it; I did not discredit Mr Hobbs's statement that the blacks had been killed; sometimes letters are six or seven weeks getting down; It might have been three or four weeks after the murder I received Hobbs's letter; I asked Mr Day to recommend me in the proper quarter, that I should get a substitute for Anderson; if he had remained in my employ, I should have had to send him to a distant station, and I was fearful to do so; I was at the station after Mr Day was there; I did not believe Anderson's story; Mr Hobbs told me that he had seen twenty-eight bodies there; I did not altogether credit that there were so many, because Mr Foster's story was different, and he did not see so many; I enquired particularly of Mr Hobbs if the bodies were in the same state and numbers, as they were when he had seen them; I don't recollect him stating numbers, but he said in all other respects; another complaint against Anderson was about a cart; I did not see that myself but depended on the evidence of an overseer, named Ross, and I did not make the complaint against him; I was suspended from a public office, and I heard no more about it.

The Attorney General.—Were you not dismissed from your situation?

Mr Dangar.—I was suspended.

The Attorney General.—Were you not dismissed, I say sir? you know what I mean.

Mr Dangar.—I was suspended.

The Attorney General.—Answer me without equivocation, sir! Were you not dismissed, and not suspended, as you want us to believe? Mr Dangar addressed the Court, to know whether he was bound to answer that question. Mr Justice Burton replied that he was bound to answer the question.

Mr Dangar (in continuation).—I was a surveyor; I did not ask to be reinstated; perhaps the Secretary of State might have given orders that I was not to be reinstated; perhaps I received a public intimation; it is ten or twelve years ago, and I don't recollect what the particular order was; cannot recollect the contents of a letter of so remote a date; I was suspended.

His Honor Mr Burton—Mr Dangar, if you were not dismissed, you can have no hesitation in stating so without equivocation.

Mr Dangar—A suspension was tantamount to a dismissal. The Governor ordered my suspension, and perhaps the Secretary of State might have ordered that I was not to be reinstated; I would dismiss one of my servants for shooting a black man; on my oath I would; Mr Hobbs is not to remain in my service; his time is expired.

Mr Justice Burton—When an answer is given to a question, it is to be fully given without reservation. Was that the only reason of his leaving your service.

Mr Dangar—No your Honor, and I was going to add, he has not given me satisfaction in the care of my property, that is the only cause; I never did express any dissatisfaction at Mr Hobbs's conduct in this case; I expressed my dissatisfaction at his keeping me in town the other day; I never told him nor any one else that I was dissatisfied at his bringing this case forward; if this case had not happened, I would have discharged him; I had an intention, six months ago, of putting an end to his agreement, but I did not state so to him; he has been with me two years; I believe his term expired in October, and I gave him notice in October; I don't know to 500 head of cattle, how many I possess; I made up my mind six months ago to discharge him; I communicated that determination to my own family, but not to him; when I was going up to my station the last time, I stated to Mr Day that I was well pleased with Mr Hobbs; that was in September, a month before I gave him notice that I would terminate his agreement; I did not tell Mr Day that Mr Hobbs was a man of truth; I said



that Mr Hobbs was a respectable young man, and I was very glad Mr Day had found my station so regular; when Mr Hobbs agreed for a year, it was not imperative on me to give him notice; if he had asked me, I should have told him; I did not come in contact with him in the second year as I did the first when I renewed his agreement; I was about the Court this morning; some person told me he was arrested, but I did not know that he was to be arrested; I did not know that there was a scarcity of jurymen, and I swear I did not speak to any one to come into Court; I never spoke to any one, advising him to come here to get on the jury; I did not ask any one why he did not sit on the jury; I did not say to any one "why did you not sit on the jury, and why did you refuse": I swear I did not use these words before Mr Fisher, the Crown Solicitor, and Mr Justice Willis; I do not defray the expense of the defendants; I subscribed £5 in the month of July or August to defend my servant, who is a faithful one; it was simply because Kilmaister was my servant that I subscribed; I won't swear that I would not have subscribed if he had not been my servant; I subscribed before I heard the particulars of this matter; I gave Mr Hobbs notice two or three days after I got up to my station, or may be the next day; I spoke to Mr Ferris to-day; I said to him, "you have made haste back from the Hunter;" I saw him going off by the steamboat, and I was surprised at seeing him back so soon.

By Mr Foster—I considered it my duty to see my servant defended; I was suspended for purchasing a piece of ground from a grantee, sooner than the government regulations admitted; it was a common practice at that time; my Surveyor General did the same; there was another reason assigned for my suspension, which was the misappropriation of land; that was not true, and was set right by the Surveyor General at the time. That is the great moral offence I committed; the reason why I would not believe Anderson on his oath, is his general habit of lying.

By the Court.—Mr William Dunn was the grantee of whom I spoke; the land was selected at Invermein—800 acres; this was an additional grant for meritorious services; I bought the order for appropriation, before it was granted to him; I selected the land with his concurrence, he did not select it himself; I gave him five shillings an acre for it; the misappropriation charged against me was not that, but in measuring some land for my brother; Mr M'Intyre did make a complaint against me: the man, Finney, who was tried for the murder of Mr M'Intyre, was an assigned servant to my brother; it was at the Namoi River, in the same direction as the Big River.

Mr T. S. Hall was called and gave Oates a character.

Mr William Hobbs recalled.—I have been superintendant to Mr Dangar at the Big River; Anderson was under my immediate controul all the time I was there, except a few weeks when he was punished; I had no reason to doubt his oath; from his general character I should believe him on his oath; he was as good a servant as ever I met, and as good as Kilmaister in his station.

The case closed here.

Counsel on either side argued at some length on objections in law, which, as the points are to come on for the solemn decision of the three judges, when they will be fully argued, we have not given.

His Honor said that he would make a note of the objections, and reserve them for the decision of the full Court.

At eleven o'clock His Honor commenced summing up. Before he went into the particular facts that had come before the Court in evidence, he wished to impress on the jury the situation that they and himself were placed in, and he thought that by imparting to them what was passing in his own mind, there might be found a consonance of feeling on the subject. There was no doubt but a great crime had been committed, and the prisoners were charged with having committed it. They had been told that opinions had been formed, and inferences drawn from what had appeared in print, but the jury were, in the solemn situation in which they were then placed, between God, their country, and the prisoners, separated from the community; and they, as well as himself, were bound to hold themselves responsible to God and their country, and not to public opinion. The very form of the indictment, which stated the crime to be against the peace of God and the Queen, shewed that they were equally under the protection of God and the law, and the tribunal before which

they were placed was a solemn tribunal which should be supported by solemnity, and its operations conducted with a rigid regard to the laws of God, and the laws of the country. He knew how pleasant it was to have the good will of friends, and of the public, but in the conscientious discharge of the duty now imposed on them by the solemn oath they had taken to administer justice, they must discard all private feeling, and guard against the semblance of being biased by any consideration. There might have been persons who had endeavoured to influence the public mind on either side of the case; they were not however to be moved by the opinions of either party, but to do their duty to God and their country, as they were sworn to do so. Seven persons were charged with the murder of a human creature, and the circumstances of the case presented a fearful barbarity which perhaps had rarely been equalled; several persons had been tied together and shot, and cut and burned, in the most barbarous manner, and for one of these murders, the prisoners now were called to answer. The information contained twenty counts, varying the offence which had been considered necessary by the crown officers, and a good deal of solid argument had been addressed to him, from which he was strongly inclined to think that it was one and the same offence. The offence here was confined to the murder of children and the impression upon his mind then was, that the prosecutor should be restricted to evidence of the murder of Charley, on the principal that a party should not be put on his trial for two offences at the same time; and he should take on himself to direct them that in the first instance they must apply their minds to the murder of Charley alone; if they arrived at the conclusion that Charley had been killed and that the prisoners were the parties implicated in the murder, they would find on the last, five counts, and they would be relieved from the consideration of the other counts but if they did not find that fact, then they would apply their minds to the other counts which charged the murder of a black child unknown, and he would reserve the point taken by Counsel for the decision of the full Court, so that the prisoners might have the benefit of their solemn decision. Before he read through his notes in full, which he should feel it his duty to do, he would select such parts of the evidence which appeared to him to bear particularly on the case (His Honor then made lengthy extracts from the evidence, contrasting the various corroborative circumstances). With respect to the evidence of the man Anderson, it had been impeached strongly by Mr Dangar, who from some frivolous cause had stated that he would not believe him on his oath; but if it were allowed that men charged with some trifling disobedience of orders or neglect, were to be incapacitated from giving evidence, he was fearful that many crimes, and murders amongst the number, would go unpunished. However, they had heard Mr Hobbs' character of Anderson, and they had also heard Mr Dangar's reason for impeaching the credit of Anderson; they had heard circumstances relative to the misappropriation of land, and they had seen the manner in which Mr Dangar had conducted himself in the box, and it was for them to judge whether Anderson's testimony had been impeached, or whether Mr Dangar's testimony had not rather been impeached by himself. At all events, Mr Dangar had shewed the bias of his mind; he had shewn that his opinion had already been formed, and that he came before the Court prejudiced. In this case, it was clear that a human creature had been slain, and he hoped he need not impress on their minds that it mattered not, in the sight of God or of the law, whether that creature had a white or a black skin; they were equally liable to the protection of the law, and he could not help noticing (and he had waded through the evidence to find it if possible), that in this case there had not been the shadow of provocation given by the unfortunate blacks. If the pecuniary interests of gentlemen required that their servants should go armed, it ought to be impressed upon them that nothing but extreme necessity would warrant their using those arms against their fellow creatures; and if the community ever became so depraved, that lives of human creatures, whether whites or blacks, were considered of so little value, that it was to be supposed that the blacks might be indiscriminately killed, wherever they were seen, then, he said, that it was no wonder that the Colony should be visited by the displeasure, and heavy visitations of God. If outrages had been committed by other blacks down the river, this tribe had been represented as peaceable; they were in constant contact with the whites, and were peaceably encamped for the night, when they were led away to slaughter.

His Honor read through the whole of his notes, and left the case with the Jury, upon his former exposition of the law.

The Jury retired at a quarter past one o'clock and returned into Court at two o'clock, when the foreman delivered a verdict of Not Guilty severally as the names were called by the clerk.

A Juror stated to the Court that the foreman had made a mistake, and had not delivered the verdict of the Jury, which was Guilty on the first five counts — Not Guilty on the other fifteen counts.

This verdict was recorded, and the prisoners were remanded.

The Court adjourned at two o'clock, until twelve o'clock on Friday.

## 1838-12-05 — Article 23

Domestic Intelligence. (1838, December 5). The Colonist (Sydney, NSW : 1835 - 1840), p. 2. Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article31722156>

Domestic Intelligence. THE LIVERPOOL PLAINS MASSACRE.

It was originally our intention to have given, in our present number, a detailed report of the trial of the murderers of these blacks at Liverpool Plains, but as we found that the report would occupy more space than we could well afford to spare, we have resolved to give instead, a condensed summary of the evidence adduced, believing that we shall thus equally attain the desired object, and, at the same time, give more satisfaction to our readers.

The trial took place in the Supreme Court, on Thursday, the 29th ult., before his Honor, Judge Burton, and the following civil jury: —

Mr. John Sewell, Foreman; Mr. William Knight, of Castlereagh Street; Mr. Francis King, soap-boiler, King Street; Mr. John Little, publican, King Street; Mr. Richard Leworthy, tailor, George Street; Mr. Henry Linden; Mr. Benjamin Lees, Parramatta; Mr. E. Hyland, Redwood; Mr. W. Johnson; Mr. Alexander Long, publican, York Street; Mr. John Leary, publican, York Street, and Mr. William Jones, Pitt Town.

The prisoners arraigned at the bar on the present trial were Charles Kilmaister, James Oates, Edward Foley, John Johnston, John Russell, William Hawkins and James Parry. The indictment contained twenty counts, the first five charging the prisoners with the murder of an aboriginal child; the next five with the murder of a male aboriginal child, and the next five with the murder of a female aboriginal child, and the last five with the murder of an aboriginal boy named "Charlie." The case for the prosecution was conducted by the Attorney-General, assisted by Mr. Therry. The defence was conducted by Messrs. A'Beckett, Foster, and Windeyer, who had been specially retained for that purpose, by the Hunter's River Black Association.

The first witness called was Mr. Thomas Foster, superintendent on the estate of Dr. Newton, at the Big River, about 150 miles beyond Invermein. Mr. Foster deposed, that on Saturday the 16th of June he went to Mr. Dangar's station in company with Mr. Mace, superintendent to Mr. Dight, when he saw from thirty to forty blacks, men, women, and children, apparently on the most friendly terms with the men on the establishment. He remained at Mr. Dangar's during the night, and on the following morning returned home, taking with him ten of the blacks he had found at Mr. Dangar's. On the way home he received information which induced him to believe that some outrage was meditated against the blacks at Mr. Dangar's; he therefore dispatched the blacks, who had accompanied him, back to warn their companions of the threatened danger. Since that time the witness has never seen his messengers. About half an hour after sunrise, on the following morning, a party of men, twelve or thirteen in number, armed and mounted, rode up to Dr. Newton's, and enquired where the blacks had gone to, but witness gave them no satisfactory reply. Five of the prisoners now at the bar were of the party. The prisoner Kilmaister, one of Mr. Dangar's assigned servants, alleged that the reason why they were out after the blacks, was because they had rushed his cattle on the previous day. The party went from Mr. Newton's in the direction of Mr. Dight's station, which is on the opposite side of the river to Mr. Dangar's. At a later period of the day witness saw a mounted party proceeding towards Mr. Dangar's station, but it was too far off to be able to distinguish whether it was the same. Towards the middle of the same week Mr. Hobbs, Mr. Dangar's superintendent, came to Dr. Newton's station, where he stopped during the night. On the following day the witness accompanied Mr. Hobbs home, and next morning they went together to the place where the blacks had been slaughtered. The remains of the blacks had been in great measure destroyed by fire; but there were still visible the body of [a] black fellow, a head without a body, and two or three skulls. The fire, which was extinguished, had occupied a space about fourteen yards in circumference. The remains were in the centre of the space occupied by the fire and the stench they emitted was so intolerable that he could not remain long near the place. While thus occupied Mr. Hobbs was at some distance. The skulls witness believed to be those of men or women, but certainly not of children.

The next witness called was Mr. Hobbs, lately superintendent on the estate of Mr. Dangar, at the Big River. Mr. Hobbs deposed, that on the 7th of June last he left Mr. Dangar's station on the Myall Creek to take some cattle to the lower station on the Big River. At that time there were from forty to fifty blacks there, some living in the huts with the men, and others in a camp they had formed close by. They had been there for some time previous to his departure. Witness had been dissatisfied at having so many blacks about the place, but had been induced to allow them to remain by the representations of the prisoner Kilmaister who said that it was a good job to be on such friendly terms with them. An old man named "Daddy," and a little boy named "Charlie," the latter a great favourite from his familiar disposition, and the readiness with which he could speak English, were among the blacks left at the station. Witness did not return to the station until the 16th. On his way he heard it reported that the blacks had been massacred; Mr. Foster accompanied him home; witness found Kilmaister absent, but on his return, witness told him that he had heard of the slaughter, and should think it his duty to report it to the Government; Kilmaister denied

all participation in the crime, but earnestly in-treated witness not to report it, lest, being a prisoner, the Government should remove him from Mr. Dangar's service. Witness then wrote a letter, which he meant to have sent, but on calling the men together, and reading it to them, Kilmaister appeared so much agitated, and begged so earnestly that he would not send it, that he was induced to destroy it, being apprehensive if he sent it, that Kilmaister would take the bush; Kilmaister alleged, that the blacks had been spearing the cattle, but on examining the herds some days afterwards, he could not discover any signs of their having done so; on the 15th, he had observed the tracks of horses on the road between Mr. Dangar's and Dr. New-ton's, and the marks were distinctly visible all round the house at Mr. Dangar's station: a regular track had been formed by the horses' feet from Mr. Dangar's station, in a westerly direction; on the evening of his arrival at home, the witness, accompanied by a black fellow named Davey, who had been brought up on the station, followed the track; the marks of naked human feet were distinctly visible on the middle of the track, and those of horses on either side; at about half-a-mile distance, witness came upon the spot where the murders had been committed, and the bodies afterwards partially consumed; the place was literally strewed with human remains; around the fireplace the marks of shoes were visible, and also in the places whence the logs had been rolled, to form the fire; among the remains were the heads of from ten to twelve children some considerably less burnt than others; the heads had, in several instances, been severed from the bodies, so that it was difficult, especially under so overpowering a stench, to ascertain the exact number that had been slaughtered; witness reckoned twenty-eight, but could not state that as the precise number; there were at all events twenty-five; three of the heads had not been burned at all the hair being merely singed; there were the remains of children distinguishable, varying in age from two to seven years; some of the skulls were distinguishable as those of females, from the hair being still entire; it was in turning over one of these skulls, that the stench became so intolerable as to compel him to retreat. On the following morning witness accompanied Mr. Foster to the place of slaughter, but did not go so near as on the former occasion; the remains seemed to have been much dragged about in the interim by native dogs, and hundreds of birds of prey were congregated around the spot; on the track between the station and the place of slaughter, witness found a basket which had belonged to the blacks, which contained an opossum cloak, several belts, and some stones. Witness again visited the place of slaughter, in company with Mr. Day, the Police Magistrate, in the latter end of July; the place had, in the interim, been completely cleared, and every thing had been removed, with the exception of some pieces of bone. Since the time of his departure, to visit the lower Big River station, witness has never seen alive any of the blacks he left at the Myall Creek station; when returning from the former station, witness saw the prisoner Parry at Mr. Eaton's station, and spoke to him; witness said, that "this was a bad job, and he was sorry to hear that Parry was one of the number;" Parry acknowledged that it was a bad job, but trusted that there would be nothing more about it. In his cross-examination, the witness gave Kilmaister a very good character, but nothing was elicited to shake his previous testimony. In his re-examination, witness stated, that he afterwards visited the spot where the blacks had encamped, and found several baskets and some pieces of crystal used in their worship, which they set a great value upon, and always carry about with them.

Mr. Day, Police Magistrate, deposed that he went to Mr. Dangar's station in July last, and accompanied Mr. Hobbs to the place where the slaughter had taken place. The remains of a fire were manifest, and there were still on the place some fragments of bone which had been acted on by fire. Several of the largest of these fragments he had picked up and had produced on the former trial. One of these fragments was supposed to be the rib of a child. The enquiry occupied forty-seven days. When at Mr. Dangar's, witness expressed himself as more surprised at Kilmaister's being concerned in the murder than any of the others, on which Kilmaister replied, "You would not be surprised if you knew what they intended to do to me."

The next witness produced was a convict named Anderson, lately employed as hut-keeper on Mr. Dangar's station at Myall Creek. Anderson deposed that during Mr. Hobbs' absence at the lower station a party of armed men, mounted on horseback, came to the station while Mr. Foster and Mr. Mace were there. They afterwards went away, but returned towards the evening. Kilmaister had just finished his supper when the men came; he appeared to know them, and shook hands with them. Five of the prisoners at the bar, Oates, Foley, Johnston, Hawkins, and Russell, were of the party; but witness could not say whether Parry was one. The blacks, on seeing the party come galloping up, became alarmed, and took refuge in the hut. The men then got off their horses, and the prisoner Russell undid a rope from his horse's neck. The blacks were all tied with this rope, one end of which was given to one of the men on horseback. The cavalcade then started, the man holding the end of the rope going first, the blacks bound together went in the middle, and the horsemen on either side. Kilmaister got his pistol, mounted his horse, and accompanied the others. They left a black fellow, named Davy, and his gin, and another black gin they did not take with them, because they said she was good-looking. At a little distance from the hut two little black boys jumped down the bank of the creek and escaped. A little child that was playing at the back of the hut while the blacks were being bound, was running after its mother when witness caught it and pulled it back into the hut. These were all out of the whole tribe that escaped. The black fellows were fastened to each other by the wrists, and one had handcuffs on. The bigger boys were tied, and the little children were carried on their mothers' backs. The party went in the direction of the setting sun. They soon went out of sight of the hut. About a quarter of an hour afterwards witness heard two shots fired, one after the other, in the direction in which the party had gone. During the absence of the party the blacks who had gone away with Mr. Foster, came and took away the blacks that had been

spared. The party returned the same evening and remained in the hut during the night. In the morning, after they got up, witness asked the prisoner Russell, whether they were not going to bury the blacks? Russell said, "Yes, with a good fire." After breakfast they took a leg rope and several fire-sticks and went off in the same direction as on the previous evening, leaving Foley to take care of the fire-arms they left behind them. During their absence, Foley showed witness a sword covered with blood, and told him they had killed the whole of the blacks, with the exception of one gin. The party were absent about an hour; a smoke was visible in the direction in which they went. On their return they prepared to leave, and one of them told Kilmaister to be sure and go and put the logs together, and to see that all was consumed. Kilmaister promised to do so, and was absent the greater part of the day, on pretence of looking for his horse, which he said was knocked up. There was a great deal of smoke in that direction during the whole of the day; it was several days after this occurred, that Mr. Hobbs returned. When the party went away finally, they said they were going towards Mr. McIntyre's in search of some blacks who were there; after they had gone, witness found the broken hilt of a bloody sword in the hut where they had slept, which he subsequently gave to Mr. Hobbs. A tedious cross examination elicited nothing worth recording.

The next witness called was a convict, named John Bates, an assigned servant to Mr. Dight, of Richmond, and employed on his master's station at the Big River, about two miles from Dr. Newton's station. In the month of June last, witness saw a party of men mounted and armed, at Dr. Newton's, in search of the blacks some with pistols, and others with swords. The party consisted of from ten to twelve individuals. Johnstone, Hawkins, and Parry were of the number. They enquired for blacks, and finding there were none there, they rode off. On the Monday the same party came to Mr. Dight's station. Bates and Kilmaister had joined them, and they brought a black gin with them. Witness heard Parry say, "We have had a shot at the blacks."

Mr. Kinnear Robertson, Colonial surgeon, deposed that the bones produced by Mr. Day are a human jaw-bone, the rib of a child of about six or seven years of age, and the teeth of children. The jaw-bone is that of an adult.

Robert Sexton, an assigned servant to Dr. Newton, was also present in June last when the horsemen came and enquired whether the blacks were there. Johnstone, Russell, and Hawkins, the prisoners, were present, and another man named Lamb, not before the court. When they returned, Bates and Kilmaister accompanied them. It was Hawkins who enquired for the blacks, and on being told they were not there, he said it was a bad job that the blacks had gone away.

Charles Reid, a ticket of leave man, in Mr. Dangar's employ, deposed that he was at Mr. Bell's, about forty miles from Mr. Dangar's, when some armed men came there in search of the blacks. Russell and Hawkins were there; they said the blacks had rushed their cattle on the preceding day.

Andrew Burrows, an assigned servant to Mr. Dangar, deposed that on his way from Mr. Dangar's station on the Myall Creek, to the lower station on the Big River, he stopped, at the hut of the prisoner Russell, where he saw Hawkins, Foley, and a dark man like Johnstone; Russell was putting straps to a sword and making a pouch for ammunition; there were also guns and pistols there. They enquired whether there were any blacks at Myall Creek, and being told there had been some there for the last five weeks, they said they could not be the same ones that had rushed the cattle down the river. On his return to Myall Creek, witness saw where the fire had been; he saw a number of heads and bodies but cannot state how many. Witness fell in with the slaughter place, accidentally when looking for his horse. The blacks had been about five weeks at Mr. Dangar's station and were perfectly quiet. They had also been for a considerable time at Mr. Wiseman's station, and at Mr. McIntyre's station farther up the river.

For the defence Mr. Dangar was called.—He gave Kilmaister a good character, and said he would not believe Anderson upon his oath. Mr. Hall of Invermien was also called and gave Oates a good character.

Mr. Hobbs was recalled to rebut the evidence for the defence. He stated, that Anderson had for the last two years been under his immediate superintendence, with the exception of about three weeks when he was punished. During that time he had found him as good a servant as is usually to be met with. He should have no hesitation whatever in believing him upon his oath.

The learned Judge summed up at considerable length, and with his usual ability. At a quarter past one the Jury retired, and at two o'clock returned to Court, with a verdict, finding the prisoners guilty on the first five counts of the indictment and acquitting them on the last five. Some legal points having been reserved in favour of the prisoners at the close of the trial they were remanded to jail, and will again be brought up to Court this morning to receive sentence, should the decision of the Court be adverse.

## 1838-12-07 — Article 24

SUPREME COURT—CRIMINAL SIDE. (1838, December 7). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32162129>

SUPREME COURT — CRIMINAL SIDE

WEDNESDAY DECEMBER 5.

Before their Honors the three Judges.

Charles Kilmaister, William Hawkins, James Perry, Edward Foley, James Oates, John Russell and John Johnson, convicted during the present sittings of the wilful murder of an aboriginal black child, name unknown, were placed at the bar. The Attorney-General prayed the judgement of the Court, and the prisoners having been severally called upon to show cause why death should not be passed upon them, and execution awarded according to law, Mr. a'Beckett rose, and requested Mr. Justice Burton, who tried the case, to state to the Court the point reserved on behalf of the prisoners at the time of trial. Mr. Justice Burton said the point reserved was, whether the murder of two distinct individuals, at one and the same time, could be included in the same information. Mr. Foster and the other Counsel employed for the prisoners, wished to argue another point raised during the trial, which they had understood Mr. Justice Burton had taken a note of at the trial, relative to the boy Charley. His Honor had directed the attention of the jury particularly to the boy Charley, and thereby precluded the Attorney-General from proceeding in the case of the black "unknown," or they should at the trial have also argued that point. It would therefore not be fair towards the prisoners, who were acquitted of the murder of the boy Charley, but found guilty of the murder of an aboriginal black "unknown," to prevent them from now arguing that point. Mr. Justice Burton said in reply, that he would communicate to his brother Judges the point taken at the time of trial, and which he had then decided. (Here his Honour consulted with his learned colleagues.) Mr. Justice Burton in continuation remarked, that he had stated accurately to his brother Judges the point alluded to; the Court was of opinion that his decision at the time of the trial closed this point. The point supposed, was not really a legal objection of validity. Neither was there any thing in it of justice or conscience to make it so. The Court would be yielding too much, and stamp cavil and frivolity on its proceedings, if every objection not formally reserved was to be again mooted before a full Court to impeach verdicts. The Court was the judge of the law, the jury of the facts. He did not see any weight in the objection at the time, and therefore did not reserve it in his notes. In the summing up to the jury he told them that if Charley had not been murdered, then they were to enquire, whether any black black child, name unknown, had been murdered. He had intimated to the jury strongly, that they were joint and several murders, committed at one and the same time. The only question now was, whether the prisoners had been legally convicted. Loose and desultory argument would be of no avail, even if it were admissible, which it was not. The Chief Justice and Mr. Justice Willis coincided with his Honor in this view of the case. Mr. a'Beckett said that, if they were confined to the argument, that there were not two and distinct murders, they had nothing to say; he felt that by this decision of their Honors, they were kept from arguing that point upon which the prisoners were said to be convicted. Proclamation having been made to preserve silence, while sentence of death was being passed upon the prisoners, Judge Burton placed the black cap upon his head, and addressed them nearly as follows: Prisoners at the bar — You have been found guilty of wilful murder. A point had been reserved, whether your conviction was legal. Your counsel had wrongly supposed, that another point, taken also at the time of trial, had been received; but that point had been previously decided by me, at the trial. The former point has been abandoned by your counsel. Whoever is convicted of murder, is doomed by the laws of England to suffer death; and it is the duty of the Court now to pronounce this sentence on you. Death for murder is not only a human law, made in all countries to hold together the bonds of conventional society, but it is also the law of God, promulgated when there were but few men upon the earth; from whom all men are descended, of whatever color, tongue, or people, — "Whoso sheddeth man's blood, by man shall his blood be shed." It may be doubted, and I myself doubt, whether the law should ever depart from a law so imperatively imposed by the Almighty and the voice of nations. But there are circumstances in



your case of such singular atrocity, that you must long have expected the result which now awaits you. It is not the murder of a single individual, caused by provocation or drunken passion; nor is it a case in which men's lives and properties were in danger which tempted you to the bloody deed. In your case, the slaughter in cold blood without provocation, of men, women, and children had taken place — even of babes hanging at their mothers' breasts. Not fewer than thirty persons were inhumanly slaughtered by you, and their remains afterwards destroyed. These defenceless blacks were peaceably and unsuspectingly residing in the vicinity of a hut inhabited by one of you (Kilmaister) and under his protection. They were suddenly surrounded by an armed body of horsemen, among whom you seven prisoners at the bar were identified. There were also other armed horsemen; the company amounting in all to twelve or thirteen. At first there was some doubt as to one of you, but his subsequent expressions clearly proved him to have been present. The blacks being so surrounded, fled for safety to the hut of one of you, (Kilmaister.) This however, proved to be a net or mesh for their destruction. In that hut, their entreaties, groans, and tears, were of no avail; you tied them together, and with the exception of one woman, led them away to one common destruction. I am not recapitulating these points to aggravate your crime, but to point out to persons standing by and to society of which you are members, of what kind of offence you have been found guilty. What hardness of heart must those men have possessed who after slaying the father, the mother, and the infant, could surround the funeral pile, and consign their mangled bodies to the flames! Great pains were taken by you, or by some one of you, to burn the bodies, and afterwards to conceal the parts unconsumed — but God, in his just providence, was pleased in this instance to defeat your design. By some of you, or some one in your interest, the heap of human bones and cinders was removed bit by bit, and the ground carefully swept and blanched, as though no crime had been committed. But it happened, that numerous birds of prey hovered over the spot before the remains had been finally destroyed; and what man witnessing such circumstance, would not go to see whether his ox or his ass had perished there? At this last visit, a human rib, teeth, and jawbone were found upon the spot, bearing marks of fire. Although evidence of the murder had been so far removed, it pleased God the very night before you committed the act, that rain should fall and saturate the ground. There were in consequence traces on the road to Dangar's, and thence to the place of slaughter, of horses on two paths, and of naked feet in a centre path; a corroboration of the fact, that all the blacks but one were led away by you. That you had long premeditated this murder there can be little doubt, as you were seen by Burrows down the river eight or nine days before sharpening a sword, and otherwise preparing your weapons. Upon your march on the Saturday you called at Newton's station, where you enquired for the blacks; and on the Sunday evening, after employing that sacred day in searching for these unoffending people, you reached Dangar's station, captured them, and closed the Sabbath with their murder. I cannot think that men like you, educated in some principles of religion, would have been guilty of a crime like this, unless, you thought you would have been screened from public justice. You may have been flattered into the belief, that many would interest themselves in your belief, and conceal the crime of blood now providentially brought to light. Unhappy men! these observations are not meant to increase your anguish, but for the sake of those who stand by; that they may learn what the laws of England are; and that those laws regard the blacks as equal to yourselves; that on this point the laws go hand-in-hand; and that he who takes the life of any human being, be his colour, sex, or age, what it may, must suffer the penalty attached by the law to murder. If a hundred cases come before me, I shall always act the same, as if it were the life of a brother. I feel as a man the awful situation in which you are placed. Whatever motive could have induced you to commit this crime, unless it were that which is set forth in the information namely (the instigation of the devil) I know not. If others shall be discovered who pointed out to you, or advised the deed, they will be equally answerable to the law as you have been. I understand that you were all transported in this colony for offences committed against the laws in your native land. Although so far removed as one hundred and fifty miles from the nearest police station, and residing in a part of the colony where there was little protection either for yourselves or the unoffending blacks, that circumstance affords you no excuse. His Honour then passed sentence of death, to be put in force on such day as His Excellency the Governor might appoint. (The following Supreme Court proceedings not having been furnished us by our own reporter, through ill health, we copy from the Australian. — Ed.) The Attorney-General then went through the calendar and made the following explanations of names left on the list: — John Davis, a prisoner of the Crown, to be returned to Hyde Park Barracks, there not being sufficient

on the deposition to warrant a conviction. Francis Hoolaghan for the robbery of the Queanbeyan Post, to be returned to Hyde Park Barracks, the principal witness being away. Cranky, an aboriginal black, for sheep stealing, and for the murder of another black at Wellington, to stand over to next session. Mooney Mooney, an aboriginal black, for sheep stealing, to stand over to next sessions. Nunny Moon, another aboriginal black, for murder, was remanded to next sessions. (His Honour, Mr. Burton said, that he hoped every exertion would be used by the Crown officers to procure interpreters in these cases. He should very much regret if the cases were to fall for want of means of communication with the prisoners.) William Jones was discharged on his own recognizances, the prosecutor having left the Colony. Joseph Ralph, a prisoner, discharged to Hyde Park Barracks. John King, remanded by order of the Court, admitted to bail, himself in £100, and two sureties in £50 each. Mary Smith, Daniel Coffee, and Catherine M'Donald, were admitted to bail, the principal witness being gone to sea. John D[uddy], for perjury, remanded to the next sessions.

Thomas Humphries, for perjury, was ordered to be admitted to bail if he applied. Thomas Stone and John Brooks, convicts, for burglary, were sent to Hyde Park Barracks, the principal witness being gone to sea. Joseph Jennings, for a larceny at Melbourne, was discharged on his own recognizance, the witnesses not having arrived. George Kemp and Dennis Ryan, were sent to Hyde Park Barracks, the principal witness having been convicted and sent to Norfolk Island. Jane Brennan was ordered to be sent to the Factory, the deposition not having been forwarded by the Cawdor Bench. The Attorney-General, then read through the Country Lists as far as he was able, but he had not received the returns from Campbell Town, Parra-matta, or Windsor. — The Bathurst Gaol was clear, and the Maitland Quarter Sessions would commence on Monday next, after which the returns of the Newcastle Gaol would be forwarded. The Court adjourned to this morning, when the Registrar's claim to five per cent on the collection of insolvent estates will be argued.

## 1838-12-08 — Article 25

Law Intelligence. (1838, December 8). Commercial Journal and Advertiser (Sydney, NSW : 1835 - 1840), p. 2. Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article226460084>

### SUPREME COURT, CRIMINAL SIDE.

Monday, Dec. 5. — Before their Honors the Judges, in Banco. Kilmaister, Oates, Foley, Russell, Johnstone, Hawkins, and Parry, the seven men convicted on Thursday the 30th ult. of the murder of an aboriginal black, whose name was unknown to the Attorney General were then put to the bar, when the Attorney General prayed the judgment of the Court upon them. Mr. a'Beckett then rose to move an arrest of judgment, in accordance with the objection raised at the close of the trial, "that the prisoners having been acquitted on one set of counts, for the murder of Charley, they were improperly convicted on the other counts for the murder of a black unknown." Mr. Justice Burton, said that Mr. a'Beckett must confine himself to the point whether the prisoners, being acquitted on certain counts of an indictment, could be tried and convicted of the other, which charged them with a distinct murder, from that for which they were formerly acquitted. Mr. a'Beckett said if such was to be his mode of treating the case, he would not detain the Court. But, before taking his seat, the learned gentleman endeavoured to open an objection on the demurrer; the Court, however, after a long debate decided that that point had already been argued and decided by the Court. Upon which hearing Mr. a'Beckett sat down; and the proclamation was made to preserve order. His Honor Mr. Justice Burton then put on the black cap, and in an impressive manner addressed the prisoners at the bar preparatory to passing sentence of death upon the unhappy men. His Honor spoke of their having been found guilty of murder, and of the point which had been raised in their favour having been fully argued, and now decided against them by the Court. The law of God and the law of the Land was one and the same, and therefore whosoever was guilty of shedding the blood of man, by man should his blood be shed. These were not the simple words of the law, they were the voice of the Almighty. Their crime was not a single murder, they had exterminated, with the exception of one or two, a whole tribe of unoffending blacks— men, women, children, and infants at their mothers' breasts; and one of the murderers was a man whom they looked upon as a friend, who the evening previous to the murder, was in their company as a boon companion, and these creatures could not have looked upon him in any other light, than as a friend and protector. His Honor dwelt with great emphasis upon the horrible manner in which this tribe had been butchered in cold blood — for it was a premeditated slaughter. He was not speaking thus touchingly and forcibly to harrow up the feelings of the prisoners, but to impress upon the mind of the Court the necessity for their taking the steps they had done to bring to Justice the perpetrators of such a murder. It was the law of the land that compelled them to protect the blacks as well as the white population, and in no case would they (the Judges) scruple to carry the law into effect. His Honor trusted that they had acted solely by their own feelings in the consummation of this slaughter. His Honor then passed sentence of death upon the prisoners, without hope of mercy on this side of the grave, and they were removed from the bar.

## 1838-12-10 — Article 26

The Sydney Herald. (1838, December 10). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12859902>

The Sydney Herald.

MONDAY, DECEMBER 10, 1838 " Sworn to no Master, of no Sect am I."

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The men found guilty of the alleged murder of certain aboriginal natives have received sentence of death. Will the Executive government cause that sentence to be carried into execution? This, whatever may be urged on the other side, is a most important question at the present juncture. A contemporary of Thursday last announces his intention to go, at an early day, into a full discussion of what he terms "the whole aboriginal question." It needs no discussion: it may be summed up in a few brief sentences— "Are we to have equal laws? Are the white settlers and their servants, to be protected against the outrages of the blacks? Are blacks to be hanged for murder as well as whites? And if so, what steps have been taken to apprehend and hang the scores of black murderers who have shed the blood of white British subjects? There: we have discussed "the whole aboriginal question." We have now before us, the report from the Committee of the Legislative Council, on the Aborigines' Question, with the Minutes of Evidence," at page 44, of which we find the following "list of Europeans killed by aboriginal natives":—

1832.—Mr. Surveyor Finch had two men killed at the Big River, while on duty with Major Mitchell.

1835.—About the end of this year, a servant of Sir John Jamison's was murdered on the Namoi River.

1836.—In April, two men of Mr. Hall's were attacked (on the Big River) while splitting timber; one man was killed, and the other escaped with a spear in his leg. The natives then attacked the hut, and Mr. Thomas Hall received a spear in the head.

1837.—September.—Mr. George Bowman's hut (situated between the Namoi and Big River) was attacked while the storekeepers were out, and two hut-keepers were killed.

1837—November.—Two shepherds in the employ of Mr. Cobb, on the Big River, were murdered while attending their sheep in the bush.

1838—January.—Two men belonging to Messrs. John and Francis Allman, were murdered at New England, and their sheep taken away.

1838.—March.—Mr. Surveyor Finch had two men murdered, while in charge of a tent and some stores, at New England. Mr. Cobham apprehended these blacks with Mr. Finch's property in their possession. [Were they hanged? No.]

1838—Mr. Cruikshank, at New England, had a shepherd murdered in the bush; and when the flock was found, sixty or seventy sheep were missing.

1838—April.—Mr. Fitzgerald's hut-keeper, on the Big River, was killed, the hut was stripped, and on the arrival home of the other men, they also were attacked, but escaped, one having been speared through the leg, and another through the sleeve of his jacket.

"The sacrifice of property," the report goes on to say, "has been immense, and the attacks upon the persons of Europeans innumerable, but none are mentioned except where loss of life occurred. And it is to be remarked that not one of the perpetrators of these fifteen murders have been brought to justice; although they have been going on since 1832." Even if the matter rested upon this report and its concluding remark, enough has been shown to prove that the law is unequal, as respects the liabilities of blacks and whites—that is, unequal in practice. But it does not rest on this report, which does not detail one fiftieth part of the number of murders committed by blacks, and which are still unavenged. It states merely a few, which chance has

placed upon record, and which occurred in one portion of the Colony. All instances ought to have been stated, whether they occurred within or without the bounds of the Colony, in order that the nature of these savages might be fully known. Where, for instance, is there any notice in the "Report" of all the whites who were murdered by blacks at Liverpool Plains? Where of the dastardly murder of Mr. Faithful's men?—of Mr. Mackenzie's shepherds? Where of the murderers of Captain Logan? Where of the murderous wretches who cut off the crews of the Charles Eaton and the Stirling Castle? Are all these outrages to be enveloped in obscurity—is all this blood to be unavenged, and yet white men to be hanged for slaying blacks, perhaps in self defence, perhaps in retaliation for injuries previously sustained? We say nothing with respect of the particular case which has called forth these remarks. The men may be guilty—they may be innocent; but take which view of the case we may, the principle for which we contend is in no way altered. The law is unequal, and while it is so—while the murder of so many whites has been unavenged, it is nothing short of legal murder to take the lives of white men for the alleged slaying of blacks.

Upon the heads of the various governments of this Colony all this shedding of blood will fall. No attempt has been made, by means of a properly organised force on the frontiers of the Colony, to keep the blacks in subjection, by means, simply, of intimidation; and thereby protect the white settlers and their servants. Instead of this, we are treated to Protectors of blacks at salaries amounting from £250 to £500 per annum—and, to do what? The sums expended on these appointments would support a police force amply sufficient to "protect" blacks and whites; and we should like to know what amount of equivalent the services of the black "Protectors" will render? Black "Protectors," indeed! It is a proper police force, and not black "Protectors" which the settlers require, and which they will have, ere long. They will protect themselves against the blacks, instead of subjecting themselves to be hanged if they resist and put them to death. We tell the Executive Authorities, that the now proved inequality of the laws—the recorded fact that, since 1832, though murders have been constantly committed by the blacks, not one black has been brought to justice—will create a spirit of retaliation, will incite an actual war of extermination. Once arouse this spirit, and how is it to be checked? Where is it to stop? We say, therefore, to the Executive Authorities—"pause before you become the instrument of inflicting evils on blacks and whites which are frightful to contemplate." We have said that the laws, as affecting blacks and whites, are not equal, and we have had too many proofs of the fact. At the termination of the last criminal sessions, several blacks accused of murder and other serious crimes, were remanded, in order that interpreters might be procured. In all probability, notwithstanding missionary charges and black "Protectors" salaries, no interpreters will be forthcoming next sessions, and the black murderers and robbers will, as a matter of course, be turned loose to rob and murder again! And these be your equal laws, be they? Is it under such circumstances as these, that the settlers can possibly expect their Convict servants to remain unprotected at out-stations—with the chance, on the one hand, of being speared; and, on the other, of being hanged, should they resist and slay their savage assailants? No, the Convict servants will not submit to be placed in such jeopardy—nay, they ought not. We say that such is now the position in which they are placed—such the unequal justice to which they are amenable—that those of them who are employed as shepherds or stockmen, at lonely, remote stations, would be perfectly justified in repairing to the nearest magistrates, and respectfully declaring their determination to remain no longer at places where they could only remain at the peril of their lives. There is no law to compel even such men to risk their lives without a shadow of protection. And to this, we are satisfied, it will come, unless the government shall interfere vigorously to protect the white population.

We have, within these few days, heard of an instance of gross abuse of the emigration fund, and we feel it our duty to bring it at once under the notice of his Excellency the Governor. Three or four emigrants by a late arrival were, almost immediately on landing, engaged by a party in Sydney, and taken away to South Australia. Now, it is bad enough that individuals in the Colony, who have not contributed a fraction to the emigration fund, by the purchase of Crown lands—it is bad enough that they should be permitted to compete in the labour market with the very settlers who have created the fund. Still, even then, the labour is in the Colony; but it is monstrous that the emigration fund raised here should be appropriated to the payment of the passage of emigrants, in order that they may be taken off elsewhere. If this be just, why then we know not the meaning of the word. The colonists of South Australia import their own labourers; but, if such a transaction as

that to which we refer is allowed to become a precedent, they may save much expense by simply having an agent here to engage and send them emigrant labourers, whose passage has been paid by the settlers of New South Wales. Now, the way to prevent such gross injustice as this is by passing an Act of Council to do two things:—First, to prevent any person from taking away from the Colony any emigrant who has arrived here at the public expense, unless upon repayment to the land fund of the amount of passage money; and, secondly, to prevent any emigrant so arriving from leaving the Colony within a given time, except on the same condition. The settlers of New South Wales must not be cheated into importing labourers for other Colonies; neither must they be imposed upon by being made to pay the passage of persons who make this Colony a sort of "half-way house," where they stop awhile to look about them, and then take themselves off somewhere else. We trust that his Excellency Sir George Gipps will see the absolute necessity of taking prompt measures to remedy such glaring abuses as these. The appropriation of the land fund is a very pretty job already, without this addition to it.

## 1838-12-14 — Article 27

[?] MONITOR & COMMERCIAL (1838, December 14). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 1 (MORNING : SUPPLEMENT TO THE SYDNEY MONITOR AND COMMERCIAL ADVERTISER.). Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article32162214>

SYDNEY MONITOR & COMMERCIAL ADVERTISER FRIDAY MORNING, DECEMBER 14, 1838.

Nothing extenuate, nor aught set down in malice—Shakespeare.

The Aborigines.

The following is a list of the Europeans murdered by the black natives since 1832, as stated by the Sydney Herald: ---Mr. Surveyor Finch had two men killed at Big River, while on duty with Major O'Hall. -About the end of this year, a servant of Mr. Jamison's was murdered on the Namoi. -In April, two men of Mr. Hall's were killed (on the Big River) while splitting timber; one was killed, and the other escaped with a wound in his leg. The natives then attacked the hut; Mr. Thomas Hall received a spear in the head. September.—Mr. George Bowman's hut (situated between the Namoi and Big River) was robbed while the storekeepers were out, and two keepers were killed. -November.—Two shepherds in the employ of Mr. Cobb, on the Big River, were murdered attending their sheep in the bush. 1838.—January.—Two men belonging to Messrs. John and Francis Allman, were murdered at New England, and their sheep taken away. 1838.—March.—Mr. Surveyor Finch had two men murdered, while in charge of a tent and some stores, at New England. Mr. Cobham apprehended the blacks with Mr. Finch's property in their possession. [Were they hanged? No.] 1838.—Mr. Cruikshank, at New England, had a shepherd murdered in the bush; and when the body was found, sixty or seventy sheep were missing. 1838.—April.—Mr. Fitzgerald's hut-keeper, on the Big River, was killed, the hut was stripped, and on arrival home of the other men, they also were attacked, but escaped, one having been speared through the leg, and another through the sleeve of his jacket.

The Sydney Herald states these are not all. It says in commenting on the subject—Where, for instance, is there any notice in the report of all the whites who were murdered by the blacks at Liverpool Plains? Where of the cowardly murder of Mr. Faithful's men?—Where of Mr. M'Kenzie's shepherds? Where of the murderers of Captain Logan? Where of the murderous wretches who cut off the crews of the Charles Eaton and the Stirling Castle? Are all these outrages to be enveloped in obscurity—is all this guilt to be unavenged, and yet white men to be executed for slaying blacks, perhaps in self-defence, perhaps in retaliation for injuries previously sustained? &c.

The Herald insists that in consequence of these murders not having been avenged by the punishment of the blacks, the men lying under sentence of death for the slaughter of the Aborigines ought not to be executed.

We will give a few reasons why, in our opinion, the sentence ought to be executed.

1.—If a list of all the blacks who have been killed, in quarrels with the whites could be obtained, we suspect that in lieu of only fifteen, it would prove to be ten fifteens.

2.—But whatever may be said of all other murders of the whites by blacks or of blacks by whites, we would not excuse or delay punishing the present murder, because it was not a slaying in retaliation or in revenge for other murders. It was a murder done without cause. It was a murder not only done without cause, but committed upon friends; on a company whom the murderers had taken under their protection. The blacks in this instance had accepted the hospitality of the whites. We repeat it; the whites had long afforded them protection and hospitality. They had made them their friends; they played with their children, and had adopted them into their society.

3.—In killings by the blacks, we never heard of them murdering white women, nor white children. This also distinguishes the present murder from all previous murders, whether of blacks or whites.

4.—It is no justification if A murder B, that C should murder D. The murder in question had no relation to justice or retaliation. The murderers now in prison did not on the trial even plead any wrong or injuries they had received, either from the men, women and children they slaughtered, or from the tribe to which these men, women and children belonged.

5.—The manner of this murder was most revolting and unpardonable. It reminds one of the Buccaneers. Cortez and Pizarro would have had more compassion. The murderers now in jail took their victims from their own door, weeping and crying for mercy; and they killed them by thrusting their swords into their bodies in cold blood.

6.—Conscious of their wickedness, they attempted to conceal it, by burning the bodies of their victims. This proved their consciousness of guilt. It was all done deliberately; all perpetrated upon an organised plan of blood and murder.

We consider it a disgrace to the Colony that such articles as have lately appeared in the Sydney Herald, should have been published. But we trust, the hectoring style of that journal will have no effect on the Sydney Government. The eyes of all good and wise men in the Colony are upon it; and soon, very soon, the eyes of all England will be upon it and the Colony.

No, in spite of the false and infidel principles of the Sydney Herald, which seems to pay no attention to the primæval command of God, let these seven murderers die the death they so richly deserve. And let all (if there be any) who in any way, directly or indirectly, incited them to this deed, be tried, and if found guilty, let them also suffer death, as accessories before the fact. By justice of this kind alone, can the guilt of this foul and barbarous murder be washed out, and the character of New South Wales vindicated as a British Colony.

But then it would be the most disgusting cant to brag of justice in putting these seven ignorant convicts to death, and then screen others of gentle blood who had incited them to the deed, if such there be.

We are informed that Mr. Hobbs, one of the witnesses on the late trial, asserts, that it is rumoured at Liverpool Plains, and believed there, (himself being one of the believers,) that the massacre lately come to light and exposed to an astonished public, is the third of the same kind; that two former massacres preceded this; and that these last, being more domesticated, were at first intended to be let live; but success having attended the two first massacres, the murderers grew bold; and in order that their cattle might never more be "rushed," it was resolved to exterminate the whole race of blacks in that quarter.



## 1838-12-14 — Article 28

SUPREME COURT—CIVIL SIDE. (1838, December 14). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article32162234>

SUPREME COURT—CIVIL SIDE. Monday, 10th December. Before their Honors (in banco). Mr. Foster appeared to shew cause why an attachment should not issue against Thomas Douglas, and Edward Borton, butcher and publican, against whom the Attorney-General prayed for an attachment on account of their having insulted and abused Mr. Sewell, (the foreman of the jury on the second trial of Kilmaister, and others for the murder of the Aboriginal Blacks), being a contempt of court. The abuse alleged against the defendants was that in a conversation with Mr. Sewell, they said, "he was a b-----y rogue for finding white men guilty of murdering cannibals; and that he (Borton) would have sat for a month before he would have found the prisoners guilty." Mr. Foster counsel for defendants, produced the affidavits of Borton and Douglas. They did not deny their having said what was alleged against them, but deposed that it was said in a jocular manner, in a free and familiar way, in the house of one of the defendants; and that they and Sewell had been on terms of intimacy since the conversation. Mr. Foster produced precedents; shewing, that a person was not punishable for using abusive expressions, even against a Justice of the peace, except when he was acting judicially in court, much less a common citizen. In this case, Mr. Sewell was not under the protection of the court, the session being over when these expressions were made use of. He was of opinion that Mr. Sewell had been instigated by others to take this step. In order to make the most of it, he had not stated in his affidavit, where the expressions complained of were uttered, so that the court might have come to the conclusion, that it had taken place in the public street; in which case it might possibly have injured Mr. Sewell's character. The affidavit of William Hibbard, cabinet-maker, was then read by Mr. Foster, which stated, that he was present at the time of the conversation, and that so far from Mr. Sewell being offended at the expressions, he appeared to take them in joke, and proposed thereafter to exchange some property with one of the defendants. The affidavit of Mrs. Douglas, wife of one of the defendants, stated, that Mr. Sewell had called on Douglas since the expressions now complained of, and appeared on the most friendly terms. Mr. Foster therefore submitted, there was no ground for an attachment. The Attorney-General after impressing on their Honors the necessity of protecting jurymen, said, that under the circumstances, he would not press for an attachment. The Chief Justice said, the Court was of opinion, that an attachment could not issue, as the Jury was not, at the time the expressions were made use of, under the protection of the Court.—Rule discharged.

## 1839-01-09 — Article 29

COURT OF QUARTER SESSIONS. (1839, January 9). The Colonist (Sydney, NSW : 1835 - 1840), p. 3.  
Retrieved December 30, 2025, from <http://nla.gov.au/nla.news-article31722344>

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LIVERPOOL PLAINS.—Wednesday's Government Gazette contains the offer of 20l. reward to any free man or a conditional pardon to any convict who may give such evidence as will lead to the apprehension and conviction of the blacks who murdered Mr. Cobb's shepherds.

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## 1839-01-11 — Article 30

The Sydney Herald. (1839, January 11). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article12858307>

The Sydney Herald.

FRIDAY, JANUARY 11, 1839

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"Sworn to no master, of no Sect am I." BLACKS AND WHITES.

COMPARATIVE VALUE OF THEIR LIVES!

Colonial Secretary's Office, Sydney, January 2, 1839.

TWENTY POUNDS REWARD; OR, A CONDITIONAL PARDON.

Whereas it has been represented to his Excellency the GOVERNOR, that two Prisoners of the Crown, named Charles Walthall, per Susan, and John Davis, per Strathfieldsaye, employed as shepherds at the station of Mr. J. Cobb, on the Big River, were, at the early part of last month, murdered by a tribe of Aboriginal Natives, in that neighbourhood; Notice is hereby given, that a Reward of Twenty Pounds will be paid to any free person who may give such information as will lead to the apprehension and conviction of the Parties by whom the said murders were committed; or, if the informant be a Prisoner of the Crown, application will be made to her Majesty for her approbation and allowance of a Conditional Pardon to the said Prisoner of the Crown.

By his Excellency's Command, E. DEAS THOMSON.

The above notice appears in the Government Gazette of Wednesday week. It gives occasion for an interesting inquiry—namely, the comparative value of the life of a black man and the life of a white man. It is worthy of attention, also, in so far as it will remind the native youth of the Colony, that when the Government entered upon its laudable endeavour to bring to trial, and, if guilty to hang, one of their countrymen, named Flemming, for the alleged killing of a black native—the reward offered for the capture of this native-born Colonist was £50 and a free pardon. Away with cant! We are here presented with an instance of its hollowness. We have here an exemplification of the animus of the Government, as regards the white population, European and native. For the apprehension of black savages, guilty of the well-ascertained murder of white men, a reward of £20, or a conditional pardon is offered; whereas, for the apprehension of a white native Colonist, suspected of slaying a black, a reward of more than double the amount in money, with the addition of a free pardon, is offered! And that, we presume, is a specimen of the boasted equality in the administration of justice between the blacks and the whites in New South Wales! This munificent reward, too, is to be given to any one who may give such information "as will lead to the apprehension and conviction, &c," of the black murderers! Ha! ha! ha! Where are you to catch them? Where are the vagrant black murderers to be laid hold of? But this is no trifling matter. We earnestly call upon the European Colonists, and upon the native born, to watch this proceeding, with respect to black marauders, who have committed murders of the most barbarous description, and destroyed property to an immense amount throughout the Colony.

If the savages be caught and hanged—why well! But if not, where is the conscientious Colonist, sitting as a juror, who would convict a white man, and consign him to the gibbet, whilst the blacks may murder the whites with impunity? No; no; there must be an equality in the law—so far as the Government can make it equal, or (and it is as well to speak out) the settlers will take the law into their own hands. They will protect themselves, their servants, and their property—they will not be threatened, not preached into passiveness.

## 1839-01-12 — Article 31

THE HARMLESS, INTERESTING, AND INNOCENT BLACKS: (1839, January 12). Commercial Journal and Advertiser (Sydney, NSW : 1835 - 1840), p. 2. Retrieved December 30, 2025, from <http://nla.gov.au/nla.news-article226453868>

Commercial Journal and Advertiser (Sydney, NSW : 1835 - 1840), Saturday 12 January 1839, page 2 THE HARMLESS, INTERESTING, AND INNOCENT BLACKS.

Argyle River, December 23, 1838.

My Dear William,— We have finished our shearing pretty well, considering we were so short handed. I don't know when I shall be down; you have no doubt heard of the murder of Mr. Cobb's men by the Blacks, I hear he has lost about a thousand sheep, and nearly all his working bullocks,— I really pity poor Cobb, this is not the first loss he has sustained by these black wretches; I am afraid to come down, for if I was not here I don't think the men would go out with the sheep at all, they are so much frightened, and I do all I possibly can to allay their fears. The black boy who stops at the lower station, tells me the blacks say the Governor won't hurt them, they may do what they like, but if the white men shoot them, the white men will "manCurry Jong" (be hanged) which taunt I understand is used very freely by the blacks. I was very much shock'd to hear those poor men were hanged. If the Governor and Attorney General were sent here shepherding for three months, their opinions would alter strangely respecting the innocent blacks. It distresses me very much to see the poor shepherds going out of a morning when they know it is very likely they may never return. They say if the Government does not send protection shortly they will turn out in a body and scour the blacks, for it is better for them to run the chance of being taken to Sydney and hanged, than to stay where they are sure to be butchered. I advised them to stop at their stations and act only on the defensive, as the Governor said he was determined to hang any person who was found guilty of killing a black; they said it was useless two or three trying to defend themselves against two or three hundred. I think we had better not think of moving the cattle until the times alter, if we cannot get any fat cattle where they are, perhaps we can keep what we have got, and that is more than we can do if we bring them here; those persons who had cattle here cannot muster more than one-fifth of what they brought, God only knows where they are gone to, they are so frightened of the blacks that they run themselves almost to death. I am truly miserable here. I believe I have nothing more to say but remain Your affectionate brother, \_\_\_\_\_

Five armed bushrangers are out in the Black Creek district, and visited Mr. Martin's Inn, from which they took spirits, but to a very trifling amount; after which, they went to Hatagan, the property of Mr. Richardson, from whose house they took (without violence) goods, clothes, &c., to the amount of nearly £100. I have not heard of any other depredations committed by them, and it is supposed they have made a move further up the country. The Australian was in error when it stated that the murder at Black Creek on a woman and her son was done by soldiers. Though they have sins enough to answer for, they were not implicated in this horrible transaction. A man of Mr. Harper's, and two men attached to the iron gang (though not in irons) are in custody with strong circumstantial evidence of their guilt. The woman's daughter overheard the boy name one of the men (Mrs. Harper's) which she stated on the inquest, and on being taxed with the murder he said two men had given him some money, tobacco, &c., which he had planted; and his clothes which he was known to have worn on the day of the murder were discovered hid under a log in a water hole; there were also spots of blood on the other men's trousers. The house of the woman is a notorious sly grog shop, and a pest to the neighbour. The blacks are committing terrible devastation on the Nammoi and Gayden rivers, but there are so many reports in circulation, and I am afraid of the story of the gentleman who vomited three black crows which afterwards turned out to be something as black as a crow that I shall not repeat them. The Mounted Police are idle with five months pay in arrears, and Major Nunn, non est— it is time something should be done for the protection of our stock and stockmen, or that no leases be granted to depasture stock beyond the limits of the Colony. If the people in charge are not protected in their lawful avocations, verily a white man's life is of no value in comparison to a black one.— Maitland Correspondent.

"William Roger's" Crew.— Six of these men were again brought up to the police office on Monday last, found guilty of refusing to do duty on board, and sentenced to be mulct of eight days pay, (being double the number of days that they had refused to work,) with 5s. 10d costs, and £2 extra costs, to be deducted from the wages of these six seamen in a ratable manner. \_\_\_\_\_

## 1839-01-22 — Article 32

Sydney Intelligence. (1839, January 22). Colonial Times (Hobart, Tas. : 1828 - 1857), p. 6. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article8749353>

THE EXECUTION. On Tuesday morning, at nine o'clock, Kilmaister, Hawkins, John-son, Parry, Foley, Oates, and Russell, the seven men convicted of the murder of the blacks at Liverpool Plains, underwent the last penalty of the law at the rear of the goal. From the time they received sentence, even up to the morning of their execution, there were many persons who thought it probable that the sentences would not be carried into execution, and attempts were made by petitioning His Excellency to extend mercy to them ; but the reply was, that the law must be carried into effect. On the day previous (Monday) the belief that a reprieve would arrive for the unfortunate men, was even increased, when it became known that the Governor remained in Sydney the whole of that day for the express purpose of being on the spot in case anything should transpire respecting the men. And very early on the morning of the execution, the same opinion was entertained, a circumstance having then occurred that gave a degree of colouring to the belief. At five A. M. a message was despatched by His Excellency to Mr. Keck, the Governor of the Gaol, to wait upon him, and a letter was sent off at the same time to the Sheriff. Mr. K. accordingly waited upon His Excellency forthwith, and ascertained that his presence was required in order that arrangements be made to repress any violence, should any be attempted on behalf of the condemned men by the mob, which was not deemed improbable, on account of the degree of excitement which the case had occasioned in the public mind. The result of the conference was, that it was not thought necessary to have any addition to the military guard usual on such occasions. About eight o'clock a number of persons began to assemble on the Rocks, at the rear of the gaol, and shortly afterwards a few persons who had made application on the previous day were admitted within the walls. By orders of the Sheriff all persons were refused admission into the yard, at the time of the execution, with the exception of a few who had provided themselves with orders for their admission on the previous day. This arrangement no doubt gave offence to many persons who applied for admission, but the good effect was apparent by preventing the rush of the rabble, usual on such occasions. The mob outside was not so great as might have been anticipated from the degree of interest taken in the case, although larger than on any former occasion. Shortly before nine a guard of eighteen men of the 50th regiment, under the command of Lieutenant Sheaffe, arrived, and immediately afterwards the Sheriff. The men had been engaged in their religious exercises previously, and when the clock struck nine, the procession began to move. Kilmaister, Hawkins, Johnson, and Parry, Protestants, were attended by the Rev. Mr. Cowper and Mr. Hyndes of Sussex-street; and Foley, Oates, and Russell, Catholics, by the Rev. F. Murphy, Roman Catholic Priest. They seemed greatly dejected, and Russell was so much agitated, that he was obliged to cling to the Priest's coat for support. As soon as they had entered the yard, the High Sheriff read over to them the warrant for their execution, which he said, by a letter from His Excellency the Governor, had been appointed to take place that morning. When the warrant had been read over, Foley, the youngest of the culprits, addressed Mr. Macquoid, and requested permission to embrace his unfortunate companions, and the request being complied with, they kissed and shook each others hands, and with eyes streaming with tears, bade each other a last adieu. They shook hands with Mr. Keck, and embraced Mr. Hibbs, the principal turnkey, and then knelt down, and proceeded with their devotions, at the close of which they mounted the scaffold, attended by the clergymen, who continued to exhort them, while the final preparations were being completed. These done, the Rev Gentlemen, and the executioners descended from the scaffold, and in the short interval that followed previously to the falling of the drop, the cries of the men to God for mercy were, distinctly audible, and they were soon launched into eternity. Throughout the whole of the time they remained in the yard, they appeared to pay much attention to their devotions, and, although they expressed no contrition for the crime for which they were to suffer, their behaviour showed that they deeply felt contrite, in their hearts. The crime for which they were executed was almost without a parallel, and the punishment the greatest that could be inflicted, and we sincerely hope that it may strike a terrible warning among those, who, like these men, consider themselves out of the reach of the law.

## 1839-02-13 — Article 33

Original Correspondence. (1839, February 13). The Colonist (Sydney, NSW : 1835 - 1840), p. 2. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article31722545>

### BLACKS VERSUS WHITES

TO THE EDITOR OF THE COLONIST.

Gwydir, January 19, 1839.

SIR,—You would oblige us who live in this out of the way place, if you would inform us what the "Protectors" of the blacks are doing. It is reported here, but you will of course be able to tell us how far the report is correct, that one or two of these Protectors are still living in Sydney, while the rest of them are stationed in the neighbourhood of Port Phillip, where their services are not at all required, as the blacks have never been very troublesome in that part of the colony. My main object however, in this communication, is not to cavil at the manner in which these Protectors of the blacks are distributed, but to suggest the expediency of your now appointing some Protectors to the whites in this district. Surely the white population have (to say the least of it) an equal claim upon the Government for protection. They are fewer in number ; they are obliged from the very nature of their avocations to live widely apart from each other ; they are in most cases unacquainted with the localities of this remote district ; and, as was shown by the government in the late execution of the seven men from here, their hands are tied down so that they are prevented from defending themselves. The blacks know this very well ; and accordingly they have within the last few weeks declared that they are protected by the "Cabon Guberner" and by "Bugery Mr. Day" in waging a war of extermination not only against the sheep and cattle, but also against all the white men on the Big River. If the government had first done its duty by stationing an adequate force on the Gwydir, when the blacks became troublesome in that district, the horrible massacre which was perpetrated on them, and the subsequent execution of the seven stockmen in Sydney might have been all prevented. Matters have now arrived at such a crisis that the government must either afford us protection, or we must abandon our flocks and herds to the mercy of the blacks. It is true Mr. Mayne and a few mounted police have been recently stationed among us. But what are seven or eight policemen among such numerous and formidable tribes of blacks ? No man can entertain a higher opinion of Commissioner Mayne than I do. From what I know and have seen of him, and I had many opportunities of conversing with him and watching his movements here, I have no hesitation in saying that the government could not have made a more judicious selection. He seems determined to deal out even-handed justice to the whites and blacks indiscriminately. Yesterday morning he and his party started down the river in pursuit of some blacks who, it appears, had renewed their depredations there. He does not find it necessary to travel like —— with a couple of milch cows at his heels ; and I feel equally assured that if in his pursuit of the blacks he should be driven to the necessity of issuing to his men the command of "blaze away on them, my lads," he himself will never be found skulking behind under pretence of guarding the baggage. But notwithstanding all his activity and moral courage he can afford but very partial protection to the settlers. His hands are tied down by the Government. The instructions he has brought with him seem to have been framed almost entirely with a view to favour the blacks. It would appear that your Sydney authorities assume, as a fact, that the blacks of this district are a peaceable and harmless race, while on the contrary, the whites are little better than devils incarnate. I know this to be the creed of your Attorney-General, and of a few others whose names it would be improper to mention. The only thing that would change the views of those gentlemen, would be to witness among their own flocks and herds such slaughter as I have seen within the last few weeks among our flocks and herds in this neighbourhood. And I assure you that, so far are we (the white population on the Gwydir) from maltreating the blacks here, that we are doing everything in our power with a view to conciliate them. In my next communication, I shall describe to you the means we have employed and the degree of success which has already attended our exertions in this respect. In the mean time, I hope you will use your influence in order to induce the Government either to send us a large additional force to co-operate with Mr. Mayne and his party, or to vest in Mr. M., a power to shoot, without ceremony, every black who may be proved guilty of spearing men, cattle, or sheep. Your Sydney people talk of apprehending and bringing to

justice those blacks who may be guilty of committing depredations. How superlatively ludicrous ! You may as well talk of apprehending and bringing to justice the wild kangaroos on the Gwydir. But supposing that we did apprehend them ! What then ? They are brought to Sydney ; white men are in attendance as witnesses ready to prove them guilty of crimes which would hang any white man. But the Attorney-General will turn round and say, "that there being no interpreter, the prisoners must be discharged." They are accordingly discharged, and after a pleasant trip to Sydney, sent back to their tribe with a present of some blankets and tomahawks, and, of course, a virtual, though not expressed, permission to renew their depredation.

I remain, Sir, your obedient servant, STAT UMBRA.

Our Correspondent will find a few remarks upon his letter, in our leading columns.



## 1839-02-15 — Article 34

THE BLACKS. (1839, February 15). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 30, 2025, from <http://nla.gov.au/nla.news-article12856217>

### THE BLACKS.

The blacks have been lately committing depredations in the neighbourhood of the Gwyder and Peel's River. A few weeks ago several bullocks were found dead — having been speared at Mr Glennie's run at the Gwyder and at the station not very far distant no less than three horses were killed within a very brief period of time. A large party of blacks rushed out of the scrub near a sheep station on the Gwyder where some men who were splitting slabs but fortunately made their escape without having sustained any injury. The Police subsequently went in pursuit of the blacks, but did not succeed in coming up with them. Two or three days later a large party of blacks came to the same station and said they wanted to make friends. They remained a few days without committing any violence, and stated that the Peel blacks who had seen the Police pass, brought them word that they, in all probability, bearing in mind the dressing they got, at not a very remote place from the Police when Major Nunn was in the district, came to try and make friends. But there is no dependence to be placed upon them, for the very time this tribe was making professions of amity, another was committing depredations, spearing cattle and horses—at several stations down the river.

At the opening of the Court yesterday morning James Lamb, Charles Thoulouse, and G Palliser, were put to the bar, when the Attorney-General addressing the Chief Justice said it would be in the recollection of the Court that at the close of the last Session he applied for the postponement of the trial of these prisoners and another man named Blake, on affidavits forth that an aboriginal native named Davy [was a] material and necessary witness. This was months ago, and Davy was still in the [same] instructed state, and he did not think he was doing his duty if he asked the administration of justice by proceeding to trial without his [evidence]. These men had already been in gaol so [long]. He was aware they, by the rules of Court, [must] be discharged, as the Judges would not [allow] them to be postponed from session to session ad infinitum. Under these circumstances he could do nothing but place the matter in the hands of the Court, but he hoped that his Honor would see the necessity of making Palliser, [who is a] free man, find bail in an amount proportionate to the offence. The other two, being [residents], could be remanded to Government [stores], as they would be presumed to be in safe [custody]. He would put the information on the [record], any recognisance that the Court might order to be made in the usual form, to attend when called upon by the Attorney-General. There was another prisoner, named Blake, who was ready with the others, but not included with them in the indictment, because, from what appeared on the last trial, he did not consider there was sufficient evidence to include him.

The Chief Justice enquired whether the Attorney-General would say that he had made any progress in instructing Davy, so as to make him a witness.

The Attorney-General said he would not go so far as that, but there were no instances of aboriginal natives having been sufficiently instructed.

Mr. a'Beckett submitted that after the admission of the Attorney-General, and in the absence of any affidavit, showing that any steps had been taken to instruct Davy, the free man Palliser was entitled to his discharge, at any rate on his own recognizance.

The Chief Justice said, James Lamb, Charles Thoulouse, and George Palliser, the fortunate circumstances which has relieved you from the impending peril of being tried for murder will, [illegible] have a salutary effect upon you for the rest of your lives, if it should so happen you are not brought to justice for the offence with which you are charged. But in this circumstance, it is highly probable that sacrifices would have been made for that fatal sanguinary slaughter which has been [brought] before the Court. I earnestly warn you, if not brought to justice, to repent of your [crime]. A jury of your country has once pronounced you not guilty, and that verdict was delivered under the sanction of an oath in which the Almighty Omniscient God was called to witness the truth, the integrity, and the purity of that verdict. I have far too much veneration for that important

tribunal to presume to censure its proceeding. If they were in error therein, it will be visited by no earthly tribunal, and thus fortunate for you. Whether the still small voice in your own conscience echoes to the justice of the verdict is not for us to discover, that event is known to the Omniscient God; but if your consciences reproach you, I say, ease them in repentance. In the partial sacrifice that has been already made, human justice may be satisfied, for the law is not revengeful. If any barbarising delusion has pervaded the hard hearts of those who have sought to set up a distinction between God's [creatures], I trust that that delusion is now finally [ended]. Justice has been outraged, but to accept that she has been appeased. Public opinion will, I am confident, applaud the justice that has been done, and will not, I trust, censure the mercy that has been shown to you.

Lamb and Thoulouse were then sent to Hyde Park Barracks, and Palliser entered into a recognizance of £500 to appear with[drawn].

...

## 1839-02-16 — Article 35

Original Correspondence. (1839, February 16). The Colonist (Sydney, NSW : 1835 - 1840), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article31722571>

ORIGINAL CORRESPONDENCE BLACKS VERSUS WHITES. LETTER II. TO THE EDITOR OF THE COLONIST. Gwydir, January 21, 1839.

Sir,— I wrote to you from here two days ago, and I have every reason to believe from your known impartiality that you will insert at least the substance of that as well as of this communication. I am well aware that the views which I advocate are at present very unpopular in Sydney, and that their unpopularity is in no small degree to be attributed to the powerful influence exercised over the public mind in this colony by your own leading articles. I therefore anticipate a cold reception, if not direct opposition at your hands. You may possibly pour out upon me the vials of your wrath, for my having recommended, as I have done in my former letter, to vest in Commissioner Mayne, a discretionary power to shoot every black man or woman who may be detected in the act of spearing either man, cattle, or sheep. In opposition to this startling proposal, you will doubtless say that criminals, whether white or black, are to be punished only through the intervention of the Courts of Justice. But how, I ask, are we to apprehend these sable freebooters? First catch your fish, and then cook it. I believe, and I am not singular in entertaining the belief, that the whole British army could not apprehend even one tribe in the district of the Gwydir. So nimble are these Aborigines, so well acquainted are they with every thicket, reedy creek, morass, cave, and hollow tree, in which they can secrete themselves, and so inaccessible to a horse or any white man, are those rocky mountains to which the blacks generally betake themselves on being pursued, and from the summit of which they can unperceived take a deadly aim at their pursuers, that it is sheer nonsense to talk of apprehending them. You must either shoot a few of them by way of example, or you must abandon the country altogether. There seems to be no other alternative.

*Res dura et regni novitas nos talia cogunt*

*Moliri, et late finis custode tueri.*

I admit that it is only dire necessity that would justify the adoption of the former alternative—but as we are determined to retain possession of the country, there does exist the necessity of shooting the ringleaders among the Gwydir blacks. How many blacks did Colonel Arthur, late Governor of Van Diemen's Land, apprehend in 1830, when he sent out all his disposable force including the military, Government convicts, and volunteers, amounting to about 3000 persons, well armed, for the purpose of scouring the whole island, and driving all the blacks upon the peninsula? This force which was out two months "extended in a line over thirty miles of country, forming posts very near each other." At the close of this redoubtable campaign, they fell not in with a single native! How do you expect, then, that Mr. Mayne and his small party are to apprehend the blacks here? What is the amount of force you have sent to us? Not quite a dozen mounted policemen. And this force of about a dozen policemen is, forsooth, to protect all the white population in the district of Liverpool Plains, extending over a space which measures every way about 200 miles. Mr. Mayne and his dozen policemen are then to protect a district which measures not less than 40,000 square miles, and which is interspersed and surrounded by numerous and hostile tribes, many of whom have already given sad proofs of their ferocity and blood-thirsty disposition. You pocket 10/- from each of us for license to squat, and then you leave ourselves and property at the mercy of treacherous savages. And if our servants attempt to repel force by force, the law, armed with all its terrors, is ready to pounce upon the hapless individuals. Though on this subject your views are very different from mine, yet I know that you have candour enough to admit that our condition is truly a hard one.

Notwithstanding all that you may urge to the contrary, it is notorious that in their late proceedings the Government have shown a strong leaning towards the blacks. Look, for instance, at The Government Gazette. For the apprehension and conviction of Fleming, who is supposed to have shot some blacks, the Government offers a reward of 50l, while for the apprehension and conviction of the blacks who murdered

Mr. Cobb's shepherds, the Government offers a reward of only 20l. Every one knows that a reward offered in such cases is generally proportioned to the importance of the loss sustained. According to this rule, then, it appears that the value of the life of a black man, compared to that of a white man, is as five is to two. You will probably remind me of the fact, that His Excellency the Governor has manifested his sincere desire to afford us the requisite protection, by his having summoned a special meeting of the Legislative Council for the purpose of meeting the urgency of our case. But what have they done for us? Indeed it would require the members to be on the spot here in order to form an impartial opinion. You are sceptical in Sydney as to the magnitude and extent of the grievances of which we complain. I am glad to find that the views of Mr. Mayne, who arrived here impressed with the same sentiments which you seem to entertain on this subject, appear already to be undergoing some slight modifications. I lately accompanied him to the spot where Mr. Cobb's 4 or 500 young ewes were lying dead in one heap, having been all speared by the blacks. I also rode with him to the place where numbers of Mr. Glennie's cattle, and some of my own were lying speared by the blacks, who seemed to have been instigated to the commission of such deeds purely by a spirit of revenge and wanton cruelty, for they took away no part of the carcasses, except that in a few cases they cut off the fat from the kidneys. In some instances they merely hamstring the cattle with their tomahawks, leaving the poor animals to die in that helpless condition. As a proof of the deep policy of these fellows, I may mention to you that they have now turned their attention towards spearing the horses, as by destroying them they expect to be able more effectually to elude their pursuers.

When I quote these instances of the doings or rather misdoings of the blacks, and when I recommend as in my opinion the only means of checking such aggressions, to arm Mr. Mayne with greater powers than he seems now to possess, think not, Sir, that I belong to the party of those who would throw the shield of protection over the men who lately expiated on the gibbet for the part they acted in the horrible massacre at Dangar's station, or that I advocate the waging of an indiscriminate warfare on the swarthy inhabitants of Liverpool Plains. God forbid, that I should under any pretence lend my sanction to the shedding of innocent blood — no matter whether the victim be of a black or a white coloured skin — for the word of God recognizes no difference. In common, with you, I believe the blacks to be capable, under proper management of arriving at a high degree of moral and intellectual improvement; and we are bound as professing Christians to do everything in our power with a view to raise them in the scale of civilization and to impart to them the knowledge of the Gospel of Jesus. It is not to be denied that our coming among them has been productive of no good to them. We have taken possession of their lands. We have been the means of abridging their hunting and fishing grounds; and thus driving many of them back upon other hostile tribes; and without mentioning vices such as drunkenness, we have introduced among them various European diseases which have already proved fatal to many hundreds of them. I deplore these results; especially when I cherish the belief that had we first gone properly to work we might have secured the services of many of those blacks, who are now our formidable enemies. They make excellent stockmen. Mr. Charles Smith, whose station is on the Namoi, has had for some time two of them employed as stockmen. Mr. Wightman on the Manilla, has had for the last two years a native black boy as house servant. Mr. Drake, near the Gwydir, has now a black native as hut-keeper. At Mr. Bell's cattle station, there is a native black boy employed as a herd. Within the last few days I met at Hall's station, on the Big River, a native black employed as a bullock driver. He was just then on his way from Maitland, whence he had driven his team with a heavy load. At Mr. Brown's cattle station near the Peel, there is a smart native black boy who looks after Mr. B's. cattle. And near the Australian Company's Establishment on the Peel, there is now, and has been for some time past in charge of a flock of sheep, the black jin of Stumpy King of Wollomol. These instances, to which from my own personal knowledge, I could add many more, established two important facts; first, the practicability of rendering the black natives here useful as servants; and secondly, that we are desirous of availing ourselves of their assistance. It is not that I feel indifferent about the welfare of the blacks, but because I feel equally interested in the safety of our countrymen and servants, the whites, that I recommend the adoption of such severe measures as will at once put a stop to the system of mutual retaliation, and secure to both the whites and the blacks, of this district, the enjoyment of peace and tranquillity.

I am, Sir, your obedient servant,

STAT UMBRA.

The tone of this letter, as well as that of its predecessor, is so temperate and rational, that we have very little to offer by way of comment. We could wish our respected correspondent to be somewhat clearer in point of impartiality: in other words, to lose sight of the colours of the hostile classes, and to argue the right of summary punishment on the single ground of justice between Britons and Britons. Let him forget that the one class is black, and the other white, and regard them merely as fellow men and fellow subjects; and then say how far he conceives present emergencies would justify a deviation from the ordinary course of law.

## 1839-02-25 — Article 36

BLACKS VERSUS WHITES. (1839, February 25). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 6 (MORNING). Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article32163016>

BLACKS VERSUS WHITES. TO THE EDITOR OF THE COLONIST. Gwydir, January 21, ... [Content of letter reprinted from: Original Correspondence. (1839, February 16). The Colonist (Sydney, NSW : 1835 - 1840), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article31722571>]

\*[We have inserted this letter because it is the only one which towards the conclusion professes to be guided by the principles of Christianity. All other letters against the blacks, are in a style which would become the bloodthirsty disciples of the Atheistical Robespierre. But in describing the retaliatory conduct of the blacks, it was the duty of the writer to have used the following expression. "Do not notice these aggressions as mere wantonness on the part of the blacks. The fact is, they are at present in a state of hostility to us. They feel disposed to retaliate for the individual killing of them by our people, in their brutal contests with each other. For the cool deliberate murder of the tribe of friendly domesticated blacks at Dangar's, by the men who lately suffered death, they must naturally feel disposed to exercise every species of revenge in their power. If they did not feel this revenge, they would not be men, but idiots.—ED. SYD MON

## 1839-03-09 — Article 37

THE SQUATTING ACT. (1839, March 9). Commercial Journal and Advertiser (Sydney, NSW : 1835 - 1840), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226456194>

### THE SQUATTING ACT.

The Bill on this subject has from all that we can learn undergone great revision and improvements, such as but a very few will cavil at. The evidence upon this subject has been printed, and we give below a portion thereof, in order to show our readers what has taken place behind the scenes since we last observed upon the Bill. We shall continue the evidence piecemeal until finished.

SATURDAY, 10 FEBRUARY, 1840. William Ogilvie, of Merton, Esq., J. P.; called in and examined. I have read the Bill to amend the Act to restrain the unauthorised occupation of Crown Lands; I think that some amendment of that Act is necessary, but that the Bill proposed for that purpose requires modification; I think that the powers intended to be granted to the Commissioners are too great in certain cases; they are in fact, more than should be vested in any individual; I object to the principle laid down in the 24th clause, of appropriating the surplus of the tax to be levied under the proposed Act, to purposes unconnected with the protection of the Occupiers of the Crown Lands beyond the boundaries, by whom it is to be paid. I conceive that the hitherto unprevented grazing on Crown Lands has been one principal cause of the prosperity of the Colony, and that the use of those Lands as at present customarily practised, is essential to the welfare [of the] settlers. I cannot account for that matter.

It appears to me to be but just, that all aid should be afforded to parties occupying un-located lands beyond the Boundaries; such protection is an object of general interest, and if the amount raised by a reasonable assessment should prove to be insufficient for the purpose of affording that protection, the deficiency should be made up from the General Revenue of the Colony. The only unlocated district with which I have any acquaintance, is that of Liverpool Plains, which is understood to comprise the courses of the rivers Peel, Namoi, and Gwydir, and the lands adjacent thereto. I think that the present force or establishment with the Commissioner in the Liverpool Plains District is sufficient for the purpose required; I am of opinion, that if such an establishment had been in advance, to mediate between the Blacks and the Whites, all the unfortunate events which have occurred, might have been prevented; so much bad feeling had arisen out of these occurrences, that much more difficulty will now be experienced in establishing a good feeling—but I think by judicious management it may be still effected; with just, kind, and considerate treatment, the Blacks are easily conciliated, which I can say from personal experience. I think the taking or sending such Reports to the Commissioners as are required by the thirteenth section, would be attended with the greatest inconvenience to Settlers; it would be quite sufficient, if the persons in charge of stations should be obliged to give the lists, and notify any changes, when the Commissioners call or send for them. I have no objection to the Commissioner and his Party being entitled to a supply of three days' provisions, when the Settler has it to spare. I think that cattle should be assessed at four times as much per head as sheep; it would not be fair to assess horses; there are none outside the Boundaries of the Colony, but stockmen's horses; and you might as well assess the men as the horses; generally speaking, there is no food for horses in the country beyond the Boundaries, but grass; and we therefore find it cheaper to allow each stockman two horses, than to procure corn.—(To be continued.)

## 1839-03-09 — Article 38

Colonial Statistics. (1839, March 9). The Colonist (Sydney, NSW : 1835 - 1840), p. 4. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article31722693>

Colonial Statistics.

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### MINUTES OF EVIDENCE ON THE BILL TO RESTRAIN THE UNAUTHORISED OCCUPATION OF CROWN LANDS.

SATURDAY, FEBRUARY 16, 1839.

William Ogilvie, of Merton, Esq., J. P.— I have read the Bill to amend the Act: to restrain the unauthorised Occupation of Crown Lands; I think that some amendment of that Act is necessary, but that the Bill proposed for that purpose requires modification; I think that the powers intended to be granted to the Commissioners are too great in certain cases; they are, in fact, more than should be vested in any individual; I object to the principle laid down in the 24th clause, of appropriating the surplus of the tax to be levied under the proposed Act, to purposes unconnected with the protection of the occupiers of Crown Lands beyond the boundaries, by whom it is paid. I conceive that the hitherto unprevented grazing on Crown Lands has been one principal cause of the prosperity of the colony, and that the use of those Lands as at present customarily practised, is essential to the welfare of the settlers. It appears to me to be necessary, that protection should be afforded to parties occupying unlocated lands beyond the boundaries; such protection is an object of general interest, and if the amount raised by a reasonable assessment should prove to be insufficient for the purpose of affording that protection, the deficiency should be made up from the general revenue of the colony. The only unlocated district with which I have any acquaintance, is that of Liverpool Plains, which is understood to comprise the courses of the Rivers Peel, Namoi, and Gwydir, and the lands adjacent thereto. I think that the present force or establishment with the Commissioner in the Liverpool Plains District, is sufficient for the purpose required: I am of opinion that if such an establishment had been in advance, to mediate between the blacks and the whites, all the unfortunate events which have occurred might have been prevented; so much bad feeling has arisen out of those occurrences, that much more difficulty will now be experienced in establishing a good feeling; but I think by judicious management it may still be effected; with just, kind, and considerate treatment, the blacks are easily conciliated, which I can say from personal experience. I think the taking or sending such Reports to the Commissioners as are required by the thirteenth section, would be attended with the greatest inconvenience to settlers; it would be quite sufficient, if the persons in charge of stations should be obliged to give the lists, and notify any changes, when the Commissioners call or send for them. I have no objection to the Commissioner and his party being entitled to a supply of three days' provisions, when the settler has it to spare. I think that cattle should be assessed at four times as much per head as sheep; it would not be fair to assess horses; there are none outside the boundaries of the colony, but stockmen's horses, and you might as well assess the men as the horses; generally speaking, there is no food for horses in the country beyond the boundaries, but grass; and we therefore find it cheaper to allow each stockman two horses, than to procure corn.

Terence Aubrey Murray, of Lake George, Esq., J. P.— I have read the Bill to amend the Act to restrain the unauthorised occupation of Crown lands, and I consider that some amendment of that Act is desirable; but I think that the Bill, as it now stands, proposes to vest too much power in the hands of the Commissioners. I object to the fifth clause, giving to one magistrate the power of withdrawing a license. I am of opinion that a license should be given only to persons of approved character, and should be applied for through the bench of magistrates, who, from knowing the parties, would not grant it to improper persons; and, therefore, being once granted, it should not be taken away on light grounds, or on the opinion of a single magistrate. Notwithstanding the inconvenience or delay which might arise from the difficulty of procuring the attendance of a second Justice, I think that cases of cancellation of licenses ought invariably to be decided only by a Court of Petty Sessions. I object to the power proposed to be given to a Commissioner, of calling on persons



to attend him mounted and armed; at out stations there are only a sufficient number of men to attend to the stock, and their removal might be attended with very great inconvenience and loss to the proprietor. I do not think any such emergency as is referred to in the tenth section is likely to arise; as the fund which will be raised under the provisions of this Act will be fully adequate to support a police force strong enough for every emergency. I think it is very desirable that a police force should be established beyond the limits, as I know that the magistrates cannot, at present, properly attend to the numerous complaints which are brought before them. I am of opinion that, so far as the Blacks are concerned, there is nothing to apprehend in the Maneroo country, and banks of the Murrumbidgee as far as they are occupied; but I look upon the establishment of a police force as likely to be of the greatest service in the colony, in keeping order amongst the lower classes of Whites in those distant parts. I object to settlers being obliged to supply the Border police with tea and sugar, because persons calculate their supplies for a given time, and they might have their plans so disarranged, that no price would compensate them for the inconvenience they might be put to, which might even extend to the loss of their free shepherds. I have no objection to the supply of the produce of the station, but tea and sugar may without difficulty be carried by the party, as is now done by the Mounted Police. I object to the thirteenth clause, as it is contrary to the principle of the English Constitution that persons should be obliged to register themselves and families, and send notice of every change they make in their places of residence. I think it should be the duty of the Commissioner to make himself acquainted with the character of every person in his district, and to obtain himself such information as he may require. All the information which is required by this clause may be obtained through the ordinary laws now in force. I object to the destruction of cattle proposed by the fifteenth clause. If confiscated, let

them go to the general fund. I think that the assessment is too high; one halfpenny would be sufficient for sheep, and twopence for cattle. Horses ought to be exempt. I have made a rough estimate of what would be produced by those rates and the licenses, and I think the sum would amount to ten or twelve thousand pounds, which, in my opinion, would suffice to defray the expenses of the Border Police. Speaking generally, from my knowledge of the district, ten policemen for each Commissioner, would be sufficient for every purpose. Calculating that eight Commissioners will be employed, and there will be ten mounted men with each, their expenses could not amount to the sum above-mentioned, if forage is not supplied. I object to any fees being charged, except such as are payable by a party against whom a decision is given by magistrates in cases adjudicated by them.

MONDAY, FEBRUARY 18, 1839.

R. V. Dalhenty, Esq. J. P.—I approve of the object of this Bill generally, but I think there are many clauses that will prove vexatious, unless modified; very little alteration will, however, render them efficient. I object to the fifth clause; I think one Justice is not sufficient to declare the lease or license null or void, as that Justice may be the Commissioner; and I consider the holding of a license of such importance to the holder, that it should not be cancelled lightly or summarily; at any rate, not by less than two Justices. I also think that, in the tenth clause, too much power is vested in the Commissioner, when called on to settle any dispute respecting the boundaries of stations; I think it would be advisable for him to have the power of determining the limits of the station in dispute, and the person offending not instantly removing, to summon him to appear before the nearest Justice; who together with the Commissioner, may fine the offender in from 25■. to 50■.; and on such conviction, the party not removing his stock within one week, the Commissioner to drive off and impound them. I think, from the limited number of persons employed generally at these distant stations, that it would be highly inconvenient for the settler to want the services of any of his people for any time that the Commissioner might require them; and I should conceive the funds produced under the proposed Act, ought to be sufficient to provide an effective Police, without calling in other assistance, except on extraordinary occasions. I do not see the necessity of any other rations being issued than meat and flour, which it would be advisable that every one should be obliged to give; the latter in the proportion of the stock he may have on hand at the time; or may immediately require. I think every person occupying Crown lands outside the limits, ought, in the commencement of the operation of this Act, to cause to be delivered to the Commissioner a list of the names and descriptions of all persons then in his employment, and that he return the same on the first day of January every year; I think, after this, it should be the duty of the Commissioner to make himself

acquainted, if he requires it, with the movements of every person in his district. I object to the beasts being destroyed; I would propose instead, that they be impounded by the Commissioner, subject to a penalty on being returned to the owner, on his substantiating his claim to them. Instead of one penny per head for sheep, I should say a halfpenny per head for all above the age of six months would be sufficient; and two-pence for all cattle above the age of nine months, and nothing for horses; and that the said tax or duty should be payable to the Colonial Treasurer in Sydney, and not to the Commissioner. I object to clause twenty-one altogether, as I consider all fees to be vexatious, and the tax or duty paid by each person to be quite sufficient for all purposes. In clause twenty-four, I object to a part of the proceeds of this tax or duty being applied to any purpose but to the protection and security of all persons lawfully occupying Crown lands beyond the limits of location. I think a Commissioner, four policemen, and a scourger, would be sufficient for every purpose in the Wellington district; I presume that their expense would not exceed a thousand pounds a-year, exclusive of rations for the horses; I should say that the establishment for the south-western district would be nearly the same as that for the Wellington district. If there was a chief Commissioner appointed, and situated somewhere centrally, it would be very desirable, to see that the other Commissioners did their duty. I should say there must be at least two million of sheep without the boundary, and five hundred thousand head of cattle. I do not think that, under the present circumstances, any force is required in the Wellington district to keep the blacks in order; I have never heard of a single outrage being committed by them. If the number of stock outside the boundaries be as above-mentioned, I consider that one halfpenny per head for sheep, and two-pence per head for cattle, with the original license fee, will produce a revenue of upwards of 13,000■., which ought to be sufficient for all the purposes of the Act.

W. C. Wentworth, Esq.—I have read the Bill, and approve of the general principles of it, with the exception of the taxation part. I think the penalties in the third clause are much too high; they should be reduced to about one-third of the present amount; and I think the Justices ought to have some discretion in these cases. I think that if the taxation clause is kept in, a report of the quantity of stock every six months will be sufficient for the purposes of the seventh clause; and if the taxation clause is left out, once every year will be enough. I think that the office of Commissioner should be strictly a local appointment, in which the home Government should have no power to interfere, in order that none but qualified persons may be appointed; I think the amount of salary should be fixed by this clause; and that 500■. a-year would be a fair remuneration, doing away with fees of every description. I think the duty of the Commissioner, as laid down in the ninth clause, is not sufficiently extensive; he ought, in his perambulation, to visit the different stations, and exercise, in all instances when called upon, the usual jurisdiction of a magistrate; and for that purpose, he ought to have the means of holding a Court at any place he may visit in his district. I think the whole of the tenth clause should be struck out; let a sufficient assessment be levied for the necessary assistance of the Commissioner. I object to the beasts being destroyed; they should be sold for the purposes of the Act, unless the proprietor can establish his right, to the satisfaction of the Commissioner, within one month after the impounding; in which case, the proprietor to pay a fee of ten shillings. I object to the taxation clause, because the objects of the Bill might be obtained by a rent of sections; I think that thirty shillings for the frontage of every section on the banks of a river, creek, or chain of ponds sufficiently watered, would be a sufficient rent; and I am sure it would be enough for the purposes of this Act; I consider that the above frontage should entitle the occupier to run six miles back and that the Commissioner should have the powers given by the ninth clause to determine the boundaries in cases of dispute. If this clause is kept in, and sheep are one penny, cattle should be three-pence, and horses sixpence. The fees referred to in clause 21 ought to be abolished.

James Glennie, of the Gwydir, Esq.—I consider that some such Bill as the present is much required in my neighbourhood; we want protection; but I think that such might be obtained at less cost than is proposed as a tax on the sheep. One penny per head is too much for each sheep, but three halfpence is too little for each beast. I think each sheep should be one halfpenny, and each head of cattle from two-pence to two-pence halfpenny. The Liverpool Plains district, is the only one I am acquainted with. The district extends from the Liverpool Plains Ranges, to about 280 miles north-west; and its width may be about 100 miles. I have heard that from four to five hundred of the native blacks (unaccompanied by females) have been seen in one body in that district; I have, however, never myself seen more than one hundred blacks together; but I have not

been on the Gwydir, to where they are most numerous. I consider them as hostile to the whites, and I know of fifteen or sixteen murders having been committed on white men within two years and a half. They also commit outrages on stock; I was the first person who had a station on the Gwydir, and have suffered severely from their depredations. I have missed two hundred head of cattle, of which seventy-three were found speared or killed by the blacks. At first they consumed the flesh, but lately they have destroyed it, taking away the fat only; they also speared fourteen of my sheep; but my neighbour, Mr. Cobb, has lost upwards of nine hundred sheep by their acts. The Commissioner and seven mounted men would nevertheless be sufficient to keep these people at a distance, and to preserve the peace of the district. I can assign no satisfactory reason for the hostility of the blacks, for they were, to my knowledge, well treated at Mr. Bowman's and Mr. Cobb's stations; having been supplied with brass plates, tomahawks, and food; notwithstanding which, they watched an opportunity, and murdered the hut-keepers at both stations. I think that New England should be a separate district from the Liverpool Plains district, and have a distinct Commissioner. I think the Commissioner should have the power of hearing and determining complaints between masters or mistresses and their servants, and holding a court at any convenient station; and considering the many duties he will have to perform, I think five to six hundred a-year would not be too much. I should think that at least two-thirds of the stock of the colony are outside the boundary. There are some herds of horses outside the boundary; I myself know of three breeding herds, one consisting of seventy, one of one hundred, and one of forty or fifty horses; and I, therefore, think that horses should be assessed at sixpence per head. My horses live on what they can pick up, and do much work; perhaps they go fifteen and twenty miles a-day. We have no forage to give them, and therefore allow each stockman two horses which answers the purpose, though it sometimes happens that both horses are used the same day.

TUESDAY, FEBRUARY 19, 1839.

H. Fysche Gisborne, Esq., J.P.—I have read the Bill to amend the Act to restrain the unauthorised occupation of Crown Lands, and approve of the objects of it; but although I believe the assistance contemplated to be much wanted in some districts, in that in which I reside nothing of the sort is requisite; and I believe too, the immediate want of such a force is almost confined in that part of the colony for which it has been asked. With respect to the principle of the Bill, which is to fix a tax, I object to that in toto; and should think it preferable, if a fund is required, that it should be raised by renting the land. I disapprove of the fifth clause; I should object to leaving it in the power of one magistrate, who, I suppose would, in most cases, be the commissioner, to declare a license null and void, without any appeal being allowed; and what I think, more advisable, would be to require the commissioner to prosecute any parties for a breach of this clause at the nearest Petty Sessions. Consistently with my view of the tax being put upon the land, it would only be necessary to report stock and brands once a year instead of quarterly, as required by the seventh clause. I think that the encroachment alluded to in the ninth clause should, as a breach of this Bill, be punishable by a penalty in the event of the party trespassing refusing to remove his stock. I would not name any particular amount of penalty; but I would make a great difference between the highest and the lowest, in order that it might be in the discretion of the Petty Sessions to award according to the circumstances of the case—that is, that in a mere incidental breach of the law, the lowest fine might be given to vindicate that law; and where there was an outrageous breach, or much injury done to a party, the highest might be awarded, and a portion given to the party aggrieved. In any case where a party is fined above 20■., I would allow an appeal to the Quarter Sessions. The tenth clause I should wish to see struck out. The thirteenth clause I think might also be very well dispensed with. The word sheep should be struck out of the fourteenth clause; few, if any persons, brand sheep. The cattle should be collected and sold, and the proceeds carried to the general purposes of the Act. I have given my opinion on the sixteenth clause. The payment of the tax should be made in Sydney to the Colonial Treasurer. I approve of a certain fee being charged, as a check against persons wantonly calling for the services of the Commissioner. I think the fees in the schedule are extravagant. I think 500l. a-year a fair salary for the Commissioner. The men, if free, might be paid the same as constables; but I would recommend that the whole corps should be selected from prisoners at Hyde Park Barracks, having regard to good conduct, upon a system of reward by mitigation of sentence, after a service of a certain number of years. Men might be kept in training at Hyde Park, to keep up this force. I should protest against the surplus of any

revenue under this Act being applied to other purposes than to the payment of the Border Police. If a Border Police is appointed, a Commissioner and six or seven men would be sufficient for the Wellington district.

Thomas Icely, Esq., J.P.—I have read the Bill to amend the Act to restrain the unauthorised occupation of Crown Lands; I think such a Bill is necessary. The third clause I think of very little use, and might, therefore, be struck out. The power given to one Justice in the fifth clause is much too great; I think there would be no great difficulty in getting a second magistrate to assist the Commissioner, but if such should be the case, I would say the case should be carried to the nearest court of Petty Sessions. I think a report every six months for cattle and horses, and every three months for sheep, would be better than quarterly for all stock. I think the power of removing stock in cases of trespass, under the ninth clause, is too weak; they should be impounded, if not withdrawn within a very short time after receiving the order of the Commissioner. The tenth clause is most objectionable and unnecessary. I am of opinion that some limit should be made as to the number of days for which the party should be supplied with rations under the eleventh clause, which should not be more frequent than once in three months; three or four days, I should consider, would be enough. I think the Commissioner, under the thirteenth clause, should go or send for such returns as he may require; but that the occupier of Crown Lands should be compelled to give them. I disapprove of the cattle mentioned in the fifteenth clause being destroyed; I think they should be sold and the proceeds applied to the purposes of this Act. I think that if sheep are to be assessed at one penny per head, cattle should be charged three-pence and horses ought to be paid for at the rate of sixpence. I disapprove of the fees in the schedule, as being exorbitant; but I think one established fee should be charged for each case of enquiry and decision, to prevent the Commissioner being called upon to attend at distant places on frivolous matters. I think that the Border Police Force in the Bathurst district should be very strong, it being a neglected coun-try as regards Police, and consequently overrun with cattle-stealers. I wholly object to any part of the assessment being appropriated to purposes foreign to the support of the Border Police; if a surplus is left, reduce the assessment.

WEDNESDAY, FEBRUARY 20, 1839.

William Faithful, Esq.—I think the object of the Bill good, as some protection for the settlers outside the boundaries is absolutely necessary. I think the power of cancelling a license should not be given to a less number than two justices. I do not see the necessity of the tenth clause, as the common law is sufficient for the purpose. I disapprove of being obliged to furnish rations, as required by the eleventh clause, because it might put me to the greatest inconvenience; and I think no one would refuse to supply them voluntarily, if they could do so without much inconvenience to themselves. I object to the twelfth clause relative to impounding; I do not think the provisions of the Impounding Act could be carried into effect outside the boundaries, and would, therefore, prefer penalties from five to ten pounds being levied from any trespass. If the parties did not remove on being ordered away by the Commissioner, the penalty should be increased so much for every day. When the Commissioner may have occasion to remove stock, he should send them to a pound, within the limits of location. I would approve of unbranded cattle being taken and sold for the purposes of this Bill, but I disapprove of their being killed, as directed by the fifteenth clause. I have no objection to lists being given to the Commissioner under the thirteenth clause, when he calls or sends for them; but I object to send them to him (perhaps at a great distance) every time a hired servant leaves me. I think one penny for every head of sheep—threepence for every head of cattle—and sixpence for every horse, would be a fair assessment. I think a fee of 5s. should be paid to the Commissioner when called on to attend, whether the distance be short or long. I think the assessment should be paid into the Treasury by the party assessed, and that payments should be made half-yearly. I could never learn that any provocation was given to the native blacks who murdered eight of my men; I think they were distressed for food from the scarcity of kangaroos, and in consequence, tempted to seize the flour. Since that occurrence, and within the last month, they carried off one of my brother's shepherds, and kept him for several days, after stripping him of all his clothes. He however effected his escape, and got back to his station without injury. They are in large bodies in that district.

The Reverend David Mackenzie, of Sydney.—I have seen the Bill before the Council, and have no doubt that such a measure will be useful, but I do not feel myself sufficiently acquainted with the subject to offer any comments thereon. I have lately returned from the Gwydir, where Mr. Mayne, the Commissioner, formed a party of five mounted policemen and six gentlemen, besides himself, to go in pursuit of the blacks, who were reported as being troublesome in that neighbourhood; he returned, however, without coming in contact with any; and in the mean time, a man of the name of Kelly, stockman to Mr. Bell, having gone out in search of cattle, fell in with six or seven blacks, whom he induced to accompany him to my station, when Kelly and I agreed to go with them, unarmed, as guides to conduct us to their camp, which was situated at the distance of four or five miles from my hut; when we arrived at the camp, those six or seven blacks having given the signal, called out about eighteen or twenty of their tribe, the greater part of whom we conducted to our hut, where we entertained them with a good dinner; one of those blacks I carried naked behind myself on horseback to Mr. Mayne, who made him some presents; after which, we had no difficulty in getting them to come to us in large numbers; although previous to that time, many white men had been residing for two years on the Gwydir, and had never seen a black man. Their vicinity, however, was plainly marked by their spearing of cattle, and their places of encampment. I found them very serviceable to me in cutting bark for my hut, and in peeling the rafters; and have had as many as fifty about me at one time; several of them slept in my hut for several successive nights, and were on the most friendly terms; notwithstanding which, I should be afraid to trust them, from their known treachery; and I have warned my servants to be always on their guard against them. I accompanied Mr. Mayne to the place where four or five hundred of Mr. Cobb's sheep had been wantonly slaughtered, no part of them having been carried away by the blacks; affording a clear proof that they were not instigated to this act by hunger. This was on the banks of what they call the Big River. I also accompanied Mr. Mayne to see many cattle which had been speared by the blacks, who had left the carcasses untouched, except that they had eaten the fat from the kidneys; which is an additional proof that they were not in want of sustenance when they committed such acts. I had a further proof of seeing that they had abundance of food while they lived at my own station. They killed as many opossums, kangaroo rats, and snakes, as would have been sufficient for double the number of Blacks. I am of opinion that if Mr. Mayne's district is to be confined to within fifty miles each way from his station, the force he now has will be amply sufficient; but if it is to extend from Liverpool Range to where he now is, (a distance of fully one hundred and seventy miles,) it would, of course, be very inadequate. Mr. Mayne's station is not above ten miles distant from where the massacre of the Blacks took place; about five miles from where Mr. Cobb's sheep were speared; and about twelve from where his men were murdered. I think that if one or two Black natives were attached to the Commissioner's party, they would be very serviceable, as they would be a check upon the aggressions of their own tribes, and be able to trace them where no white man could see the least appearance of any footsteps. Notwithstanding what I said at first, I beg leave to offer a few observations on some of the clauses. First, on clause seven, I would observe that a return book, regularly kept by the proprietor, superintendent, or overseer, of the number of stock for the inspection of the Commissioner, would so far be a guarantee against false returns being made, and would also form a valuable statistical record by which the supply of emigrants might be regulated by the Government. The increasing demand for labour would be shown by the increase of stock, and would in consequence be a guide for procuring emigrants. Assuming that one penny per head for sheep is necessary, I think cattle ought to pay from fourpence to fivepence each per head; I have been regulated in this calculation by the statement published some years ago by the Geneva flockowners, who allow, during the severity of winter, from two and a-half pounds of hay for every full-grown sheep, while the usual quantity of hay for cattle daily is about 12 lbs. The produce of a tax on horses without the boundaries would be very trifling; but if they are to be taxed, I think stock horses should be included, otherwise breeding mares would be occasionally rode for the purpose of calling them stock horses, to avoid the tax. If the scale just mentioned should be decided on, I think horses should be paid for at one shilling per head; the relative value and the quantity of food they consume, making such charge a fair proportion. The sum to be charged for a visit by the Commissioner, as set forth in the schedule, I think, should be paid by the party proved to be in the wrong; this would prevent unjust encroachments, and at the same time, prevent unfounded complaints; for as the Bill now stands, it appears to be a pre-mium offered to aggressors—as the complainant who finds it necessary to call in the aid of the Commissioner, is alone

chargeable with the fine.

William Rutledge, of Field of Mars, near Parramatta, Esq.—I think the Bill before the Council is a measure highly necessary but re-quires some modification. On clause fifth, I have to observe, that the license should only be cancelled by two Justices. As to clause seventh, I think that a report made every six months would answer. I do not think that a Commissioner should singly determine disputes between parties; I suggest that it should be done by arbitration the Commissioner being the umpire; his decision in accordance with either of the arbitrators to be final. I disapprove of the whole of clause thir-teen, and propose in lieu, a report of such changes to be made quarterly; a return of stock should, in every case, be made by persons entering on a new run or station; the Commissioner being re-quired to send or call for such returns. I object altogether to clause fifteen; cattle should not be destroyed, but sold, and the proceeds applied to the purposes of the Act, unless any claimant within a given period prove any of them to be his property. Sheep should be charged one penny, and cattle about three pence per head; but if the license is also to be paid for, I think three farthings enough for sheep, and twopence halfpenny for cattle. On horses, I should say, fourpence or sixpence should be charged. I think certain fees should be charged, to prevent unnecessary litigation, and that it should be one and the same for every part the Commissioner might visit. But I object to the fees in the schedule. I am acquainted with the Port Phillip district; and I know the blacks to be hostile to the whites; they speared several of my sheep at different times, altogether about fifty, and on one occasion, murdered one of my shepherds. By a letter which I lately received from my brother, I learn that the blacks have again made their appearance in large bodies, as many as three hundred having been seen together; they refused to move or disperse, but on the appearance of one mounted policeman, they immediately disappeared. I think the Commissioner ought to be required to hear and determine complaints between master and servant, and to hold his Court at any station within his district. The force I should think necessary for the Port Phillip district, from the Hume to the Goulburn, would be fourteen mounted men, and from the Hume to the Murrumbidgee, four to be stationed at the latter river. I consider the Mounted Police not only the best force that can be employed, but that none but disciplined men will be effective for the purposes contemplated by the Act. I am of opinion that the following number of men and horses will be required in the Port Phillip district, and along the line of road to the Hume River:—

At Melbourne..... 4 Men

At Geelong..... 4 Ditto

To be stationed on the South-west Line of Road to Portland Bay..... 4 Ditto

Goulburn River..... 4 Ditto

Broken River..... 3 Ditto

Oven's River..... 3 Ditto

Hume River..... 3 Ditto

Total number of Men..... 25

And forty horses, being fifteen beyond the number of men. The probable expense of such establishment, I estimate as follows:

..... £ s. d.

One Commissioner..... 300 0 0

(If two are appointed, the salary ought not to exceed 250■. each)

Pay of 25 men, at 25■. each..... 625 0 0

Rations for ditto, at 25■. each..... 625 0 0

Clothing for ditto, at 10■. each..... 250 0 0

Equipment ditto, at 6■. each..... 150 0 0

Cost of 40 horses, at 40■. each..... 1,800 0 0

Three huts for men (house having been already built) at 60■.....180 0 0

Total..... £3,930 0 0

To meet this expense, I estimate that the following amount may be raised in the district:—

..... £ s. d.

500,000 Sheep, at one penny per head.. 2,083 6 8

35,000 head of Cattle, at twopence halfpenny ditto..... 364 11 8

500 Horses, at fourpence ditto..... 8 6 8

150 Licenses, at 10■. each..... 1,500 0 0

Total..... £3,956 5 0

The above is as correct an estimate as my time and information allow me to give of the expenses and receipts, and of the force which I think necessary for the peace and safety of the district. I have made no allowance for forage, as I do not think any will be necessary, in consequence of the extra horses recommended to be purchased.

## 1839-04-08 — Article 39

Original Correspondence. (1839, April 8). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12856027>

Original Correspondence.

THE BLACKS.

To the Editor of the Sydney Herald.

Sir - I am about to address you on a painful but important subject, and should feel much obliged that, if you think any portion of my letter worth publishing in your widely circulated Journal, you will be pleased to do so at your earliest convenience.

Yesterday I received a letter from my brother John, dated 21st March, who has been up on the Namoi for these last two months past; being, like most of his neighbours, obliged to remove his cattle for want of water, and from a new station which he has just accomplished at a distance of sixty miles from the lower stations at the Namoi, at a place named by him "Waterloo Creek." He informs me that at the next station to him, two of Messrs. Hector and Brown's men have been murdered by the black cannibals a week prior to the date of his letter; he and his men were out several days in quest of the murdered men - part of the skull (literally smashed) some ribs and the bones of the legs were found, and they have every reason to suppose that their flesh has been eaten. The blacks took their two horses and possessed themselves of two muskets, three pistols, and plenty of ammunition, together with every thing that was moveable in the poor fellows' hut.

My brother and his men fell in with a lot of "the brutes" as he termed them, and attempted to take some prisoners, in doing which he narrowly escaped being speared.

The savages do not appear to be the least intimidated, but have sent word that it is their intention to come and murder all the whites. My brother informs me that both he and his men are well prepared for them, and will not suffer themselves to be taken easily, though he expects a sharp encounter; he speaks confidently, but, perhaps, while I am writing the poor fellow lies butchered by those brutes, the proteges of Sir George Gipps and his minions.

Word has been sent to Mr Mayne, but if he travels at his usual rate it will be two months before he reaches the scene of murder; or as the protectors would say - scene of retribution.

What a prospect there would have been for us Sir, who have stations in the interior, if that clause in the new Act had passed relative to the pressing of rations from the adjacent stations by the Commissioner, We should all ere this have been pretty well cleaned out; for it takes no small quantity to supply the rapacious maws of the hundred cannibals at least that he is always surrounded by, and the least of whom can most conveniently devour the ration of any ordinary white man. What glorious times it would have been for the "poor blacks" if that law had passed—to follow in droves in the train of their "protector" and feast at every station. The great good resulting from Mr Mayne's appointment has not yet shown itself, to be sure he has busied himself a little to discover the murderers of some of his friends the "blacks," and some whites sent down by him are in Muscle Brook "Lock-up" on suspicion, but we hear of no attempts being made to discover who murdered the whites — Mr Cobb's men appear to be quite forgotten. This is the boasted equality of the law; the law itself may be equal, but the proportion in which it is administered is anything but that; the blacks get by far the greater share of the protective part at any rate—no one I think can deny that. We all suffer greatly from the bushrangers, great numbers of whom are out just now. The Namoi, Peel, and Big River, or Gwyder being infested with them — robberies are committed beyond the boundaries in open day; so daring have they become that they even attempted to force an entry into our hospital, directly opposite the huts of the chief constable and his followers. A few nights previously they did break into and rob the store of Mr. Maclaren. But we have no police to protect us; out of the four we have on the station one's duty it is to remain at home and protect the barracks and married women, whilst the others go about to deliver warrants or subpoenas which the well fed constables are too lazy to do or are idling at home in readiness to be called on as witnesses at



the different courts.

A short time since, while two of them were returning from an expedition they came upon a place where some bushranger had encamped; they captured three horses, and lots of mutton and some sheep — this is sometime since, and we have heard nothing more of the matter. Why was not a reinforcement sent out to endeavour to capture these fellows? We have work enough for twenty-four mounted police instead of four; they are the only effective men we have.

It is supposed that some bushrangers are out with the blacks at Waterloo Creek, and that it is they who are instigating the blacks to act so boldly. I have some more abuses to submit to your editorial investigation, but must defer them until next week.

I remain, Sir, Your obedient servant, D. T.

## 1839-04-08 — Article 40

DOMESTIC INTELLIGENCE. (1839, April 8). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12856008>

The Blacks.—I hasten to give you the first news from the Namoi, received last night. Two stockmen belonging to Mr. Hector and Mr. Brown, who have a station for cattle a little distance from mine, have been killed by the blacks, the body of one man has been found some distance from the hut, sadly mutilated, but the other cannot be found, the blacks took away a considerable quantity of property, then set fire to the hut, and took two horses with them.

## 1839-04-11 — Article 41

Another Black Massacre. (1839, April 11). The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), p. 2. Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article2552027>

Another Black Massacre.

Intelligence has reached Sydney of the discovery of a second edition of the Liverpool Plains Black Massacre, which is said to have taken place near the Big River, so far back as November last. The matter was brought to light in the first instance by the discovery of the dead bodies, nine in number, and subsequently by the confession of one of the parties concerned. The present massacre differs from the former in atrocity in so far as it does not seem that the victims were butchered in cold blood; the murderers, it appears, had gone out in search of the Blacks, and succeeded in finding nine of the unfortunate wretches, who, apprehensive of the fate which awaited them, attempted to defend their lives, but were overpowered and slain.

A person of some respectability, a superintendent on the estate of a gentleman in the neighbourhood, is said to be one of the parties implicated in this affair. Mr. Day has instituted an inquiry into the transaction, and several of the parties it is said have been committed for trial.

## 1839-05-22 — Article 42

ACCIDENTS, OFFENCES, &c (1839, May 22). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12861846>

ACCIDENTS, OFFENCES, &c THE NORTHERN DISTRICT.

Extracts from letters received from the Hunter.

"We shall soon see how the Attorney-General will act with the live blacks that Mr. Mayne has taken down. A demand should be made that Darby and three other men at the head of the cattle-killing mob be taken and tried, as there are several persons who could identify them, and saw them in the act of killing cattle. The men were at my hut while I was there, and Darby told me he had killed a great many of my cattle, but did not intend to kill any more. I expect in a few days we shall hear of some more white men being killed on the Big River; I did not like the appearance when I left. I think they are only waiting till Mr. Mayne was far enough out of the way, and then they intend to begin again. The day before I left, about fifty came to one of my sheep stations, all armed with spears, boomerangs, and waddies, but fortunately I had several men there drafting sheep; and after looking for some time, they put down their spears and came to the hut, if the watch had been alone they would have killed him, because he would not give them all the meat and flour he had in the hut the night before. The men can be taken for Mr. Cobb's last murder, but the overseer says they are quiet now, and he cannot interfere. Mr. Rain knows the Blacks. I never saw any of the Gwyder blacks before this trip, and never saw such an ill-looking set. The five men that Mr. Mayne has taken down are from a different tribe from those that have been committing the depredations on the Gwyder. I fear there will be a great deal more blood shed before they are quiet. We have as much to fear from the bushrangers now as from the blacks; there is hardly a person goes up or down without being molested in some degree by them. For several months past, two men and a black girl have been on the road between the Peel and the Namoi, robbing huts and taking people's horses. On my way up I stopped one night at ——'s station, and turned my horse out without hobbles, fortunately for me, for I learned afterwards that two men had slept about a quarter of a mile from me. I loaded a rifle and double-barrelled gun that night, and I think they must have seen that I was prepared for them, for Mr. —— and myself were awakened up in the night by ——'s dogs barking fiercely near my cart.

In the morning the horse was not to be found, and it was eleven o'clock before ——'s man found them, as they had been driven over a range. On my way down, I saw where they were at camp, their horses turned out, and slept that night about four miles from them. I do not know what the police are doing; there has been no attempt to take these men." "Mr. Mayne is on his way to Sydney with five black prisoners, I hope he will not be long away, for he has certainly done something towards quieting the blacks, and I am afraid they may break out again in his absence. I hope that it is intended, a scourger should form one of his staff for the future, one is much wanted at such a distance from any court."

## 1839-06-01 — Article 43

Original Correspondence. (1839, June 1). The Colonist (Sydney, NSW : 1835 - 1840), p. 2. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article31723153>

Original correct provenance. THE BLACKS. TO THE EDITOR OF THE COLONIST. Sydney, May 28, 1839. Sir,—You will oblige me by inserting in your to-morrow's COLONIST, the following extracts from a letter which I have just received from the Gwydir, (Liverpool Plains). The letter is dated May 1, 1839, and is written by a gentleman on whose veracity you can safely depend. "The Blacks are again very troublesome to the shepherds, they steal their rations, and when remonstrated with, threaten the lives of our men, and we have no assistance—there are only two policemen down this river, and they do not come this way at all. A few days ago the blacks, because they were not allowed to carry away such articles of property as they coveted, endeavoured to set fire to Captain Mayne's hut; and they have threatened to take the life of Mr Mackenzie's overseer, because he refused to give them as much flour as they wanted." Now, Sir, I ask you as one who has always espoused the cause of the black population of this colony, what are we, the whites, to do? Are we quietly to submit to have our cattle speared, our huts burnt, and our servants murdered by a set of desperate freebooters? Must we passively submit to all this catalogue of injuries, merely because the parties who inflict them happen to differ from us in the colour of their skin? If the same atrocities were perpetrated by white bushrangers, we should have some chance of obtaining redress. You yourself would agitate the subject and stir up the government. But as matters stand, we are almost abandoned to our fate. The question regarding the blacks has been completely mystified. It appears to me that the arguments employed in advocating their claims are based on a specious fallacy which it behoves you as a lover of truth to expose. In every discussion on this head it has been assumed that the blacks are British subjects, and that they have an inalienable right to be treated accordingly. The inference would be unavoidable, if the premises were left unchallenged. But I deny the premises. I deny that the blacks are British subjects. When have they become British subjects? When have they taken the oath of allegiance? When have they in any way recognised the supremacy of British laws? In any disputed question between the respective tribes, have they ever claimed your interference or submitted to your decision? From what act of theirs do you infer that they acknowledge their subjection to the British Crown? In short, have you any proof that they ever regarded us except in the light of intruders whom it is both their duty and interest to exterminate? Every act of theirs shows that nothing is farther from their minds than to believe or wish themselves to be British subjects. Early have they assumed the attitude of open hostility, setting the laws at defiance, and scorning your interposition. They are rebels in open arms, and we ought to treat them in no other light. The colonial public have been misled by those plausible and ingenious arguments which have occasionally appeared in the Sydney papers, and which served to mystify the question of those "interesting blacks." To men who have no property at the mercy of those sable ruffians such arguments are doubtless very palatable. It is easy, for those who have nothing to lose, and who live snug in Sydney, to make long-winded speeches and to talk very feelingly on the subject of the Aborigines. But if such generous and humane speechmakers were themselves to suffer from those swarthy inhabitants of the forest, it would make an amazing difference. In this case we should hear much less of their cant and mawkish humanity. The blacks are British subjects! If they are so, they will of course acknowledge it. Go then and read the riot act (translated into their own language) to them, when you find them tumultuously assembled for the purpose of committing some depredations—and then tell me what effect you have produced on them. They will put up a horse-laugh, and shaking their waddies in your face, will probably add—"bael you budge-y—white fellow all gammon." They are to be regarded as British subjects only in the same light as a gang of armed bushrangers whose course is marked by rapine and bloodshed, and whom the laws will justify you in taking either dead or alive. Matters have now arrived at such a pitch that unless we receive some additional protection from the Government, we must either abandon all the out stations or immediately concert some effectual plan for repelling force by force. Commissioner Mayne's activity, zeal, and perseverance, no man can entertain a higher opinion than I do. The squatters on the Gwydir are under deep obligations to that gentleman for the manner in which he has hitherto discharged the duties imposed upon him. I have been an eye witness to his proceedings in that district, and I have the means of knowing that he has already done much good. But Commissioner Mayne is not endued with the

attribute of ubiquity. He cannot be everywhere. He is now unavoidably detained in Sydney, waiting the issue of the trial of those blacks recently brought down accused of the murder of some white men. In the meantime the white population together with their flocks and herds on the Big River are left unprotected, in the midst of numerous and hostile tribes. And I confess that I can see no other way of curbing these rebels, but by granting permission to every hut keeper, shepherd, and stockman, situated beyond the limits of the colony, to shoulder their muskets, and shoot every black that may be detected in the act of either spearing cattle, setting fire to our huts, or threatening the lives of our servants. Depend upon it, this step, harsh as it may at first sight appear, will after all be found to be the wisest as well as the most humane as regards the blacks themselves. If the whites whose lives are in constant jeopardy are not allowed openly to shoot them, I shudder at the result. Many of the whites will in all probability have recourse to their old horrible stratagem—the poisoned damper, which has already proved, in some districts which I could name, so fearfully fatal. Every feeling of humanity recoils at such a horrid device. It is the very acme of wickedness to present under the guise of friendship, a deadly poison to unsuspecting creatures who come to your door soliciting bread. But the sin of such a foul deed must partly lie at the door of those who have left to the squatters no other alternative. It is not to be expected that men who are virtually abandoned by the Government, and who are in constant dread of their lives should be very particular as to the legality of any means of defence against their enemies. *Dolus, an virtus, quis in hoste requirat?* The public are anxiously waiting the result of the forthcoming trial of those five blacks who are now in Sydney gaol for the murder at Liverpool Plains. We shall by-and-bye see whether the laws are equal—whether the lives of white men are deemed of equal value with those of the blacks. We shall see whether, in the event of the guilt of those five blacks being clearly established, any of the authorities will attempt, by means of some technical objection or legal quibble, to defeat the ends of justice by preventing the law from taking its due course. The fate of those blacks (supposing them to be found guilty) will either confirm or completely shake the opinion which I know to be now entertained by a large portion of the colonial public.

I remain, Sir,

Your constant reader,

STAT UMBRA.

Correspondent's Correspondent, in denying that the Aborigines are British subjects, is either ignorant, or silly, or dishonest. If ignorant, we must tell him that they are British subjects *de jure*, for they have over and over again, been pronounced so by the Supreme Court; and *de facto*, for they have been solemnly recognised as such, not only by the Local Executive, but by Her Majesty's Government and the House of Commons. If silly, we must tell him that when a nation takes possession of a territory, whether by force of war, or by treaty, or by peaceable incursion, the inhabitants of that territory necessarily become the subjects of the successful state. If dishonest, we must tell him that this is not the way to advance the cause on which he seems so intent. But whether he is or is not ignorant, silly, or dishonest, he is at least inconsistent, for if the Blacks are not subjects, how is it possible they can be rebels? As to their not having taken the oath of allegiance, we suppose this is the case with more than one in every hundred thousand of Her Majesty's subjects. For our own part, we have never sworn allegiance to the Queen, and we will be bound neither our Correspondent nor his Correspondent has done so. Are we, on that account, excluded from the pale of British subjects?

## 1839-08-17 — Article 44

LAW. (1839, August 17). The Australian (Sydney, NSW : 1824 - 1848), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article36862666>

LAW.

SUPREME COURT— (Criminal Side.) THURSDAY— Before the Chief Justice.

Sandy, Billy, Jemmy, and King Jacky, were put to the Bar charged with a robbery committed at a new station between the Namoi and Gwyder rivers.

A man named John Huggart, who had been a long time resident amongst the blacks, and who appeared to be perfectly conversant with their language was sworn in as interpreter, and explained the nature of the indictment to the prisoners, who severally pleaded not guilty, and selected a civil jury, stating that they did not like the soldiers. At the suggestion of the Attorney-General, Mr Ogleby, who came into Court, after the interpreter was sworn, was also appointed to watch the examination, as he stated, that he had a knowledge of the language. The Attorney-General stated, that Mr Justice Stephen was unwell, as was also Mr Justice Willis, in consequence of which only one Court would sit, and the military jury might withdraw until one o'clock. A civil jury was sworn in, and by desire of the Court, Mr Richard Windeyer consented to defend the prisoners, at short notice, and was furnished with a copy of the indictment. The indictment charged the prisoners with stealing two carbines, three pistols, wearing apparel, seven blankets, a quantity of flour, and other articles to the value of £5, the property of John Brown, John Hector, and John Trimmer, at the Gwyder river on the 16th of March last. The Attorney-General addressed the jury and said, that although the prisoners were placed at the bar to answer the charge of stealing to the amount of £5, there were other circumstances connected with the case which would have to be stated, but which were not to prejudice the jury against the prisoners in the consideration of the present indictment. It was true that blacks were seldom brought before the Court, and when they were, the reports of aggressions committed by them in the bush were not to be allowed to prejudice the minds of a jury against them. They were equally amenable as they were entitled to the protection of the laws which made no distinction between blacks and whites. In this case the prisoners had all been well acquainted with the whites and had constant intercourse with them. Messrs Hector and Brown had had stock and sheep stations at Liverpool Plains where the blacks had been in association with the whites, and in consequence of those gentlemen having made large purchases of stock, it was found necessary to establish stations further in the interior. For this purpose the men proceeded to a place between the Namoi and Gwyder rivers, where they were well received by the blacks who evinced the most friendly disposition towards them, and assisted to build their huts by stripping bark from the trees. About the 15th or 16th of March it was necessary for one of the men to go to the head station for supplies of meat and other things, and at the time this man, named Taylor, started, he observed that there was a marked alteration in the disposition of the blacks, but did not take much notice of it and started off leaving two shepherds and the prisoners at the station. He returned on the 17th of March, and on arriving at the hut, he observed, that it was deserted, and presented the appearance of having been plundered; and he also observed two hats belonging to the shepherds lying at the door, which made him conjecture that the men had been murdered. In consequence of this he did not dismount from his horse, thinking that the blacks might be concealed in the bush to surprise him, but he looked into the hut, saw everything in disorder, and observed a spur, a whip, and some other small articles hanging up. He immediately rode away to the nearest station, reported the circumstance and obtained assistance, with which he returned to the hut, and he then found that his conjectures had been correct, as the articles he had seen hanging up in the hut when he first went had been removed during his absence by some person who must have been lying in ambush near the spot. On examining the place on his return, he found that all the articles, consisting of carbines, pistols, blankets, and flour, had all been carried off, with the exception of a tomahawk and a cross-cut saw which were planted and had not been found. The two hats he knew to have belonged to the shepherds, who he immediately concluded were murdered and a search was made for the bodies. After a long search they at length found the bones of a human body which, however, were so mutilated that it was impossible to say whether they

belonged to a black or to a white person. The thigh bones were broken and the skull appeared to have been fractured at the back; in fact, they had no doubt on their minds that they were the bones of one of the shepherds, but, as the jury from their long experience in courts of justice, must know, parties were never put on their trials for murder unless the body could be identified, and as it was impossible to say whether the bones were those of a white or a black person, that was the reason why the prisoners had not been put on their trials for a more serious offence. No trace had been found of the second body so that it was impossible to say whether the man was alive or dead, but there was the fact, that when Taylor left the hut to proceed to the lower station, the carbine, pistols, and waistcoat, were in the possession of the shepherds at the hut, and they had afterwards been found upon the prisoners, and as was always presumed, that, articles missed and found in the possession of other parties were dishonestly come by, until they accounted for the possession of them. The prisoners had been put on their trial for the stealing to the amount of £5, which was a distinction the law made, to admit of a greater punishment than was accorded in smaller offences. He had not been able, in stating the circumstances, to disconnect the facts of the supposed murder from the robbery, nor would the witnesses in giving evidence be able to do so, but the jury would bear in mind that that supposed fact was not, in any way, to bias their minds either one way or another. Most of the prisoners could speak and understand English well, and had had constant intercourse with white men, and they had made no secret of the articles found upon their persons, when captured, belonging to the shepherds who had been left with them at the hut while Taylor left. He felt it due to Mr Mayne, to state, that it was entirely owing to that gentleman's activity and good management that the prisoners had been apprehended, which had always been a matter of great difficulty in consequence of the facility of escape which the blacks had over the white people. It was always difficult to identify the blacks from the great similarity of their features, but when they are identified as, in this case, they were satisfactorily, the law must take its course, and he hoped, if the prisoners were found guilty that their punishment would have a salutary effect upon the tribes of blacks and put a stop to the aggressions which were generally attributed to them. The interpreter was called forward and Mr Windeyer, on behalf of the prisoners, objected to his competency, and demanded that the evidence, as given, should be communicated to the prisoners in the form of question and answer, in order that they might be made acquainted with what was sworn against them. The Attorney-General objected to this, and said it was quite unnecessary, seeing that the prisoners were defended by counsel, who was supposed to be in full possession of the facts, and in his experience in Ireland where prisoners, who could not speak one word of English, were put on their trial and defended by counsel, such a course was never adopted. The Chief Justice said, that at the Old Bailey such a practice was always allowed whether the prisoner was defended or not, and there could be no doubt of the justice of instructing prisoners in what was sworn against them. If it were not so, the prisoners might as well be kept in the gaol, and the trial conducted in their absence. The Attorney-General wished His Honor to make a note of his objection and Mr Windeyer also objected that he had not been employed or instructed by the prisoners, but assigned by the Court, and that the prisoners were entitled to know the evidence. Haggatt, the interpreter, examined by Mr Windeyer — I am produced at the instance of Mr Mayne and not at the instance of the prisoners; I can make them acquainted with the nature of the charge preferred against them, but I could not communicate every question that may be asked; I come a great distance from the prisoners, as their language is in some things the same as that I learned; I have not been accustomed to converse with the natives of their part of the country; when first I conversed with the prisoners, I asked them if they understood me and they said, they did a little; I could understand some natives of their part of the country although not all; the prisoners talk the Comleroi dialect which is spoken in a great extent of this country, but it varies in different parts; I am a Scotchman and their language varies as much as broad Scotch and English; I do not speak the native language perfectly, nor do I understand the prisoners perfectly; I would not like to swear to a whole conversation of theirs; I can undertake to swear that I know the term in that language which indicates robbery; I cannot converse with the prisoners as well as I can with the natives of my own part, and I cannot converse with them perfectly. Mr Windeyer objected to the interpreter as not competent. The Chief Justice said, that the Court must get the best information it could. All that was necessary was, to make the prisoners acquainted with the substance of the charge and evidence. Mr Windeyer applied to the Court to assign an attorney for the prisoners, as the Court must be aware, that counsel could not communicate with the prisoners personally, and there might be questions to put to them.



The Court requested Mr David Chambers to act as attorney, which was accepted by that gentleman. Mr Windeyer requested that the interpreter might convey to the prisoners, that Mr Chambers was their friend, and that they might tell him any circumstance in their favour which would be confidential, and for their good. The interpreter Haggatt said, that he could not make known to the prisoners, that the counsel and attorney were their friends. The Attorney-General suggested, that the Court should be adjourned for an hour, in order to give Mr Chambers and the prisoners, time to consult together, so that they might be impressed with the conviction that they had a friend in their attorney. The witness Taylor said, that the prisoner Cooper understood English well, as could be proved by a witness present. The Court said, that as the jury was charged with the prisoners, one could not now be selected to be placed separately on his trial. The Attorney-General said, that in the exercise of his public duty, he should make time against the objections taken by counsel, and could not suffer a spurious humanity to interfere between the prisoners and public justice. The Chief Justice said, that he could not allow Mr Attorney to use such a term as 'spurious humanity.' The prisoners were placed on their trial, which would be conducted upon the principles of English law, and they would meet full justice from the Court. The Attorney-General said, that he did not intend to apply the term to the Court, but to the objections taken by the counsel which he could not but regard as spurious. After some further discussion, the Court was adjourned for an hour, to enable Messrs. Windeyer and Chambers to consult with the prisoners. The Court re-opened at one o'clock, and Alexander Taylor, the stockman, who was from the new station where the robbery was said to have been committed, to the old to fetch supplies, leaving the prisoners and the two shepherds together, was called and gave evidence which corresponded exactly with the Attorney-General's opening speech, with the addition that the bones found about forty rods from the hut were naked, putrid, and broken to pieces; the skull had several wounds on it, and a hole on the forehead, evidently done with a spear; the bones were quite green and apparently newly stripped of the flesh; the thigh bones were broken and the marrow taken out; two saddles and two bridles which were hanging up in the hut were also taken, and two horses were missing; he was of opinion that the men had been murdered, as they would not have left their clothes behind them if they had run away; there were plenty of black people's tracks about the hut and signs of scuffling on the ground; those missing and supposed to have been murdered wore boots, and there was no tracks of boots among those of the naked feet of the blacks; witness believed the skull to be that of one of the white men, in consequence of the formation of the teeth which are totally dissimilar to black people's teeth; there were twenty or thirty black women amongst the tribe and some of them went to the hut but were never admitted to the witness's knowledge; the place the hut was erected, was the usual place of the residence for the prisoner, who continued there on the lower part of the creek with the rest of the tribe constantly; there were from fifty to sixty blacks, and they had all gone away when I returned from the other station; the station was about two hundred miles beyond the boundaries.

Mr William Macdonald — Was superintendent to the Clover Leaf Company, which consists of Mr John Brown, Mr John Hector and Mr Edmund Trimble, who were in partnership in the stock, and their brand was a clover leaf which gave rise to the name of the company. This witness was called to corroborate the evidence of Taylor, and to prove the value of the articles stolen, which he could not satisfactorily do. The most particular fact which struck his attention was, the bones were all broken at the joints, and the marrow appeared to have been taken out. Witness gave his deposition before a Magistrate, but the prisoners were not present, and had not an opportunity of cross-examining him. No trace of the horses, bridle and saddles which were lost, had been found to this day; witness heard that there were bushrangers out to the northward and eastward of this station, who had committed several depredations, but he never heard that they were mounted; witness had since sent cattle up to that station, but they did not do well as he thought, because they were frightened away by the blacks, to whom they had an antipathy.

William Anderson, sergeant in the Mounted Police, was with Mr Mayne, at the Big River above Liverpool Plains, in March last. He apprehended the prisoners with the assistance of Mr Mayne and Mr Ogleby, on the 10th March near Mr Fitzgerald's station, called Walter's Creek, which was about 150 miles from the hut where the robbery was committed; the prisoners Billy and Cooper gave witness two muskets now produced, and stated that they had tumbled down two white men; they also gave up some blankets, similar to those produced, also a waistcoat like that shown; some of the natives assisted the witness in capturing the

prisoners, who had previously voluntarily given up the property produced.

Mr Mayne, J. P., Commissioner of Crown Lands, and a partial protector of the blacks. Although not a regular appointed protector, which is a special appointment; when he went up to Liverpool Plains in February last, he found the district greatly disturbed in consequence of an outrage committed on two of Mr Cobb's men; had heard of the outrage on Mr Brown's men, but received no official report until the 23d March; witness succeeded in conciliating the blacks, and at the time the report was made by Mr Macdonald, between six and seven hundred of the tribe to which the prisoners belonged, were with him, two or seven of which had blankets; which was a suspicious circumstance, as none then had been issued in the district; the blankets, muskets and pistols, were given up to the witness; the prisoners were captured a fortnight after the property was given up, which happened in consequence of witness not being able to mature his plans sooner; witness arrested the prisoners on the information of their own tribe who pointed them out as the men who had committed the robbery, and on Mr Macdonald's deposition on which witness issued a warrant; witness was present when Taylor's deposition was taken before Mr Day, and the deposition was not read over to them, nor was there any interpreter sworn to communicate the nature of it to them, so that they might make a defence to the charge; witness thought that he had forwarded Mr Macdonald's deposition to the Attorney General before he issued the warrant; no communication was made with the prisoners, except through a black named Georgy, who interpreted between them.

This was the case for the prosecution.

Mr Windeyer objected that the information which laid the stealing in a dwelling-house to the value of £5, was not sustained by the evidence; the only articles sworn to being the muskets, which were below the value of £5. He took the objection because it would affect the sentence on the prisoners, if convicted, which would be varied from fifteen years transportation to two years imprisonment, or seven years transportation; secondly, that it did not appear to be within the jurisdiction of the Court, it having been sworn to have occurred two hundred miles beyond the boundary of the Colony, which in the ordinary acceptation of the term must be beyond the jurisdiction of the Court. It did not matter what the Court might be in possession of, and the evidence was in favour of the point, as the term had not been otherwise explained. He also objected that there had been no proof to connect Sandy with the robbery, and he requested that the Court would discharge him at once, and allow of his being put into the witness box, which was in the discretion of the Court; he also contended that it was possible that the men who absconded, joined the marauders abroad in that part of the country, and that the property had come into the possession of the blacks in some other way; he also contended that there was no proof, to whom the property belonged, as none of it had been sworn to as laid.

The Court overruled the objections taken by Mr Windeyer, and called on the prisoners for their defence.

The prisoners, through their interpreter, stated that they received the muskets from two blacks named Annidilly and Wollorri, who also gave them the blankets.

The witness Taylor was recalled, and swore positively to the five prisoners being those he left at the hut when he went to the head station; the distance between the hut and the place where the property was found by the policeman was eighty miles.

The prisoners had no witnesses to call, and at half-past four o'clock Miss Hogor commenced summing up, impressively cautioning the jury against allowing any out-of-doors observations which might have reached their ears, to influence them in the cool consideration of the case — which was simply that of robbery, unconnected with the fact of murder about which much had been said, and stated in evidence, from which it could scarcely be separated.

The jury retired for half an hour, and brought in a verdict of Guilty, with a recommendation to mercy, on the ground of their being unable to make any adequate defence, as they had no means of getting witnesses, or preparing for the trial in the usual way.

The prisoners were remanded for sentence.

The trial occupied from ten to six o'clock, and the Court was crowded all the day.

FRIDAY—Before the Chief Justice and a Military Jury.

Richard Young was indicted for shooting with a musket, with intent to murder Joseph Fleming at the Big River, on the 20th of May last, and William Allen, John Rose, alias Henry Ellis, Thomas Spencer, and an Aboriginal native, named Mary Ann, were charged with aiding and abetting. A second count charged Richard Young with shooting at the said Joseph Fleming with intent to prevent the legal apprehension of his person, he being a prisoner of the Crown, illegally at large; and the other prisoners were charged as accessories.

The circumstances of this case, which have already been before the public, are these; Mr Fleming, a native of the colony, and a settler on the Big River, heard that an armed party of bushrangers were on his farm, and he immediately went to his neighbours and procured the assistance of Messrs Freer and Brown, who with three men, named Clarke, Pearson, and Histed, in Mr. Fleming's service, started in pursuit of the bushrangers determined to capture them. They proceeded on Sunday morning to the hut of a Mr Scott, which was on one side of the river, and immediately facing Mr Marshall's hut on the other side of the river, where the prisoners had taken up their quarters. On their arrival at Scott's hut some of the prisoners were parading up and down before it, all well armed, and Mr Fleming hailed, and told them that they had come to capture and were determined to take them dead or alive. The prisoners answered, that they would never be taken alive, and called Mr Fleming and his party cowards because they would not go forward. Some of the prisoners were in the act of riding away when they were fired at by Fleming's party, and they returned three shots, but no person could be sworn to distinctly as having fired the shots. After the first firing the prisoner Young was seen deliberately to level his gun across the back of a horse and fire at Mr Fleming, the shot hitting the slabs of the hut near which he was standing. The prisoner Allen then rode away having a gun slung at his back, and two men were despatched after and secured him. By this time some of Mr Fitzgerald's men arrived and strengthened the party, and shortly afterwards the Mounted Police who had been sent for, also arrived, and the prisoners surrendered to the Mounted Police, stating, that they would not yield to the settlers. In the hut occupied by the prisoners were found, one pair of holsters, three double barrel guns, two single barrel rifles, two single barrel fowling pieces, three brace of pistols, all loaded, a large quantity of gunpowder, balls, shot, swords, saddles, bridles, eight horses, every convenience for cooking, and a complete camp stock. The black girl, who was sixteen or eighteen years of age drove the horses, but took no further active part with the prisoners.

Mr Ryan, the Chief clerk in the Principal Superintendent's Office, proved that the prisoner Young was a convict, and a runaway from the service of Major Innes, at Port Macquarie.

For the defence, the prisoner Allen contended, that Mr Fleming had sworn to his person solely from having seen him at a distance of one hundred and fifty yards, and then not by his features but simply by his height.

The prisoner Rose, called a witness named Paddy Magee, who swore that the prisoner hired himself as a free hut-keeper, but the moment he heard of Mr Mayne and the mounted police arriving in the neighbourhood, he bolted.

His Honor summed up at length, and the jury retired for ten minutes and returned a verdict of guilty against the male prisoners. Mary Ann, the aboriginal native, not guilty.

The Attorney-General said, that he had several other cases which were in course of investigation against the male prisoners and Mary Ann jointly, and he required them to be remanded, which was ordered.

## 1839-08-17 — Article 45

No title (1839, August 17). The Australian (Sydney, NSW : 1824 - 1848), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article36862670>

Rather an extraordinary circumstance came out on the trial of the five aborigines for the robbery at the Namoi River, on Thursday. It is a well known fact, that the native blacks have an aversion to riding on horseback, and yet amongst the articles taken from the hut, were two saddles and bridles, and two horses were missing from the station, which have not since been seen or heard of. On Taylor's first visit to the hut, after returning from the head station, he perceived, through an aperture, a whip and a pair of spurs, which upon his return with Messrs Macdonald and Brown, were removed, which was clear evidence that some person had been there in the interim. It also appeared that a gang of bushrangers were abroad in that neighbourhood, and although minute search was made all round the hut, no trace could be found of the second man who was missing. The property being found on the persons of the blacks, was clear evidence that they were concerned in the robbery; but there is also strong presumptive evidence that some white men were at the hut at some time, and helped themselves to the horses and saddles, as the tribe to the number of seven hundred were collected by Mr Mayne, by whose instrumentality the property was discovered, and who certainly would have become acquainted with the fact, if the horses had been taken by them. Their not having been seen since that time, allows of the inference that the second man joined the bushrangers who are yet at large. Much stress was laid upon the bones being broken and marrowless, by which it might be inferred that the murderers of the man had eaten his body; but with all their faults, it has never yet been insinuated that the natives in any part of the colony are cannibals. ...

## 1839-08-19 — Article 46

THURSDAY, AUGUST 15. (1839, August 19). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article32165244>

THURSDAY, AUGUST 15.

Before Sir James Dowling and a Civil Jury.

Five aboriginal natives of the Namoi and Big River tribes, named Sandy, Billy, Jemmy, Cooper, and King Jackey, were indicted for stealing from the dwelling-house of John Brown, John Hector, and Edward Trimmer, situate between the Namoi and Gwydir Rivers, on the 16th of March last, 1 waistcoat, 2 carbines, 3 pistols, 7 blankets, a quantity of gunpowder and bullets, and flour, the property of the said John Brown, John Hector, and Edmund Trimmer, of the value of £5.

An interpreter having been sworn, and the prisoners (through his medium), having been made to understand the charge against them, they pleaded not guilty, and chose a civil jury. Mr. Windeyer undertook their defence at the Judge's request.

The Attorney-General, in stating the case to the jury, observed, that although it was unusual to place aboriginal natives at that bar, he hoped that no distinction would be made between them and white people, in the administration of justice. Although the prisoners had been only indicted for stealing in a dwelling-house to the value of £5, the circumstances of the case afforded presumptive proof of a heavier crime against them. The two men in charge of the hut when it was robbed, had disappeared. The bones of a human being were found near the place, and the waistcoat and pistols stolen, were found on the prisoners; but the difficulty of identifying the skeleton, was the reason why they were indicted for stealing in a dwelling-house only. Most of them spoke and understood English well, and displayed as much intelligence as many white people in the colony; and they had admitted, that the muskets and things found on them, belonged to the hut they were charged with robbing.

Alexander Taylor sworn.—I am stockman to Mr. Hector, of the firm of Brown, Hector, and Trimmer. (Mr. Windeyer objected to the evidence being proceeded with, without the questions and answers being interpreted as they were put and answered. The Attorney-General objected, and said, it was not the practice in Ireland, especially in the county of Mayo, where half the prisoners did not understand English. The Judge was of opinion, the prisoners had a right to have the questions and answers answered as they were put. The Attorney-General requested His Honor to take a note of his objection, as similar prosecutions might be embarrassed by the practice now permitted. Mr. Windeyer begged the Judge to take a note also of his disclaiming having received any instructions, being assigned by the Court as the prisoners' Counsel. The Attorney-General pressed his objection, and His Honor said, although he did not question the respectability of the Irish Bar, these men had to be tried by English and not Irish law. The interpreter was again sworn and examined by Mr. Windeyer.—I came here at the instance of Mr. Mayne, and not at the instance of the prisoners; I cannot understand all the prisoners say, nor they all that I say, but I can make them sensible they are charged with a felony; the prisoners speak the Commerini dialect, which is the one I speak; it is extensively spoken, and it differs as much as broad Scotch and English in some parts; I do not speak perfectly, but I can make them understand; neither can I understand them perfectly even in the part where the dialect is spoken; I would not undertake to swear to a whole conversation of theirs; I can swear I understand the term in the language which indicates robbery.

Mr. Windeyer submitted to His Honor, that the interpreter was not a competent one. He did not think it his duty to raise frivolous objections; but an interpreter ought to be found who can perfectly understand the prisoners, or they must stop at every question, to ascertain whether they understood or not. Mr. Henry Chambers was assigned as attorney to Mr. Windeyer, at that gentleman's request. Mr. Windeyer then requested, that the interpreter should make the prisoners understand, that himself and Mr. Chambers were their friends, and that all they told them was sacred and in confidence, and for their advantage. The interpreter said, he could not explain that to them.

Mr. Windeyer then submitted, that it was impossible to undertake their defence. The Attorney-General said, it should be done in private; and suggested, that the Court might be adjourned for a short time, to make them sensible of the duties of Attorney and Counsel. The Attorney-General said, he felt bound to resist a practice arising out of a spurious humanity.

His Honor said, he could not allow such words as "spurious humanity" to be applied to Mr. Windeyer, who had undertaken the prisoners' defence by assignment of the Court. His Honor then adjourned the Court for one hour, to afford an opportunity for Mr. Chambers to communicate with the prisoners.

On the re-assembling of the Court, Alexander Taylor was recalled and examined.—I am stockkeeper to Messrs. Hector, Brown, and Trimmer—I resided at the head station about nine months—a new station was formed about 40 miles from the head station, between the Namoi and Gwider Rivers, about the 8th of March last—there were three of us stationed there—I was the stockkeeper, and the other two men were hut-keepers. We lived there in a hut made of saplings—made skilling-fashion, high in the front, and low in the back—there were no windows, and but one door. I had been living there about 14 days when I left (on the 14th,) to go for rations. I slept there eight nights with the other men, Burns and Jemmy—I left them there. Possession was taken for my masters—the hut was intended as a homestead for the station for the cattle—it was Government ground. When we first arrived we saw five native blacks. The prisoner Jemmy went with us from Mr. Hobler's station—he carried a cross-cut saw and led a pack-horse for us—we had seen him once before at Mr. Hobler's station—he could understand a little English, and I could understand him—he did not speak many words—he understood when I told him to carry the saw, for which I promised him some bread. He seemed on good terms at Hobler's—they called him a wild black—he was the only one that accompanied us to the station; when we got there, five other blacks come (Jockey, Sandy, Billy, and Cooper); on the following morning, while we were at breakfast, a native called Tallboy was the fifth; these are names we gave them; Jackey was the king of the tribe; they showed friendship to us, and sat down talking in their own language; they brought wood and water; we gave them some tobacco, and bread and meat; what we could spare in order to keep them quiet; they were unarmed when they came; they assisted us in making the hut, by carrying the saplings in; we had in the hut five stand of arms, 2 cut down muskets, 3 pistols, 2½ cannisters of gunpowder, 60 musket balls, and some buck shot, about 28lbs. of flour, and some sugar; we were out of meat at the time; those things we kept in the hut in sight; I left these things in the hut with the other men when I left on the 14th; I was gone 3 days; I returned on the 17th; I left the prisoners there, with Jemmy and Byrnes (the two white men), in the hut when I went away; we were all on good terms with the prisoners all the time that I was there; I saw no change in them while I was there; we never had any thing to do with their women; they used to come to the huts; there were more than fifty in the tribe; I saw no improper intercourse with the women and our men; they knew I was going for rations, for they saw me take the horse and the bag; on my return on the 17th, as I was sitting on my horse, I saw two men's hats about five or six yards from the door of the hut; they were cabbage tree hats belonging to Byrnes and Jemmy; I looked through a hole in the end of the hut, and saw a whip and spur hanging up, and the bedticks emptied out opposite the door; I then went back about three miles to look for one of the horses, which I could not find; I then went back to Hobler's station, about twenty-five miles off, and reported the circumstance to Mr. Macdonald, Mr. Hobler's overseer; on the 20th I came back with Mr. Macdonald and Mr. Brown, to look for the bodies; we went into the hut and missed the spur and whip, and one of the men's hats; we searched for the bodies of our companions, and found some human bones about forty rods from the hut, on the ground against some trees; all the flesh was off; the bones were scattered about; we saw a skull broken on each side, a hole in the forehead, and a piece knocked out of the back; the brains were out; we took the bones away; the thigh bones were broken in two; the bones were green; there was no sign of flesh either on the bones or skull; I have not seen either of my companions since; I believe both of them to be dead; I found the saddles and bridles gone; I saw the muskets at Muscle Brook, at Mr. Day's, the Police Magistrate, and some blankets similar to those left in the hut; we found in the hut, a cross-cut saw and an axe lying on the floor; every thing else had been taken away; The men had no other hats than those found near the hut. This waistcoat in my opinion was Jemmy's. I have seen him wear such a waistcoat, he had it on the day I left. The prisoners did not come back; they had gone away altogether. On going for my horse, I did not see one track. I understood that was the place they were in the

habit of always stopping at. We saw plenty of tracks near the skull, and signs of scuffling about the spot. We saw no tracks of boots nor shoes there; they were the tracks of naked feet. I saw the teeth in the head; they were not like black men's teeth; their teeth are smaller and cleaner than ours; these teeth were hollow teeth in the skull; Jemmy or Byrne had hollow teeth. These five blacks remained about the place more than any of the others; they used sometimes to get small quantities of bread and meat. They never handled the firearms. They saw me once fire at a crow and kill it, and they ate it.

Mr. William Macdonald called:—I am Superintendent to the firm of Messrs. Brown, Hector & Trimmer. Their head station was half way between the Namoi and that part of the Big River called the Gwydir. In the beginning of March I established another station and also sent three men there. I recollect Taylor coming down and telling me that a murder had been committed; I went up with Taylor to the new hut. (This witness corroborated the evidence of Taylor in every other particular, except that he saw the impression of footmarks of shoes, and he had no doubt that the prints were those of the shoes of the men supposed to be murdered.) The prisoners were not present when I was examined at Mr. Maine's.

Cross-examined—I will not swear that the blankets produced were those stolen, but they were of the same pattern. I never heard of the two horses which were lost—never heard of natives taking horses—I have heard of bushrangers committing many depredations in the north-easterly direction. I will not undertake to say whether the bones found were those of a black man or white man, or of a black or white woman.

William Anderson called—I am Sergeant in the Mounted Police—I was stationed at Mr. Maine's in March last, beyond Liverpool Plains. I apprehended them with the assistance of Mr. Ogleby's and Mr. Maine's men. I took them between Mr. Fitzgerald's and Walter's Creek, about one hundred and fifty miles from where the hut stood that was robbed. This carbine is the one that the prisoner Billy gave me on the 23rd March. Billy and Cooper came to me, and gave me two muskets, and told me "they tumbled down two white fellows." I took the muskets and gave them up to Mr. Maine. On the 24th I got seven blankets, powder and balls from the five prisoners, and two more black men. I was near Mr. Maine's tent at the Big River when they brought them to me. This waistcoat was given up at the same time. I had an interpreter (a black) with me. Billy spoke the best English; it was he that told me they had tumbled down two white fellows, when he and Cooper gave me the muskets.

Cross-examined—We gave blankets to such blacks as assisted in taking the prisoners. There might be nine or ten more black fellows together with the five prisoners and two others. Billy said "they tumbled down two white fellows, and not we," when he and Cooper gave up the muskets. What was taken down before the Magistrate against the prisoners was not interpreted to them. Never saw any blankets given to black fellows up there. I heard Cooper speak a little English coming down on the road. A black named Georgy was Mr. Maine's interpreter, who spoke first to the prisoners.

Mr. Edward Maine, called and sworn—I am Commissioner of Crown Lands at Liverpool Plains, and also a Magistrate, and I also hold the office of Protector of the black natives. This latter duty is included in my office as Commissioner. I found the upper part of the District in great disorder when I went up in January, between the blacks and whites. That feeling of hostility began to abate after I got up. On the 21st or 22nd of March the loss of Messrs. Browne, Hector and Trimmer was reported to me. I proceeded up the River. I was then getting the wild tribes in, and establishing a friendly intercourse. Mr. Macdonald and Mr. Ford, (the original superintendent of the estate) made the report to me. I saw this tribe with blankets, and set on foot an enquiry to ascertain how they came by them. I knew that no blankets had been issued to blacks in this country.

Cross-examined—I took Mr. Macdonald's deposition relative to the murder. I did not read these depositions over to the prisoners when apprehended. Mr. Macdonald's deposition was the only legal ground work for the prisoners' arrest. I issued a warrant for their apprehension and they were taken. I brought them down to Mr. Day. I did not examine them when apprehended. Mr. Macdonald's deposition was not read to them; it was with the Attorney General. Taylor's deposition was not read over or explained to them—no interpreter was sworn to assist them in their defence. I think I sent up the deposition upon which the warrant was issued against them before they were taken. Georgy, the interpreter, was down in Sydney since the affair, but he is

gone back to Liverpool Plains.

Mr. Windeyer took an objection to the information, which charged the prisoners with stealing to the value of £5, which would subject the party convicted to fifteen years transportation, and property to the amount of three pounds only had been sworn to. Another objection was, that it had been proved, that this took place two hundred miles beyond the boundaries of the Colony, and there was no evidence that the locality was within the jurisdiction of the Court. Neither was there any evidence of property belonging to any of the firm of Browne & Co. As there was no evidence against Sandy, he submitted that he ought to be discharged, and put into the box as evidence for the other prisoners. It did not at present appear that he was an incompetent witness, and he was entitled to him as a witness under the circumstances. The same circumstances under which they were acquitted of the murder, would also acquit them of the theft. There was no presumption against them, but what there was an equally strong one in their favor. He urged the illegal manner in which they had been committed, whereby they had been precluded from preparing their defence.

His Honor was of opinion, that the case ought to go to the jury as it stood.

The prisoners, through their interpreter, stated, that they received the muskets and blankets from two other native blacks, named Wollandi and Worrondilli.

His Honor, in summing up, impressed upon the minds of the jury the right the prisoners had to the same consideration at their hands, as if they were of the same complexion as themselves, and exhorted them to dismiss all prejudice which they might have imbibed against the prisoners from reports out of doors. He also charged them to dismiss from their minds all that had been said casting the suspicion of murder upon them; with that they had nothing to do; the prisoners had been simply charged with a larceny, and whether they were guilty of that, or not, was the only matter for inquiry. He also pressed on them the disadvantages under which the prisoners came to their trial, in consequence of the depositions taken against them not having been read over and explained to them by the committing magistrate. The jury retired for half an hour; and on returning delivered a verdict of 'guilty' against all the prisoners, but recommended them to mercy, in consequence of the disadvantages under which they had laboured in their defence on their trial. Remanded. Court adjourned.



## 1839-08-19 — Article 47

SUPREME COURT -- CRIMINAL SIDE. (1839, August 19). The Sydney Standard and Colonial Advocate (NSW : 1839), p. 2. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article251535795>

SUPREME COURT— CRIMINAL SIDE.

...

Thursday, August 15.

Before the Chief Justice and a Civil Jury.

Sandy, Jemmy, Billy, Cooper, and King Jackey, aboriginal natives, were placed at the dock, charged with a robbery committed at a station between the Namoi and the Gwydir Rivers.

A man named Haggait, long a resident amongst the natives, and fully conversant with their language, was sworn in as interpreter, and the prisoners on being arraigned severally pleaded not guilty, and chose a Civil Jury, saying they did not like the soldiers.

The Attorney-General suggested that Mr. Ogleby should also be sworn as an interpreter to watch the proceedings, as he had a knowledge of the language, which was accordingly done.

The Attorney-General stated that Mr. Justice Stephen and Mr. Justice Willis were both unwell, consequently only one Court could sit. The Military Jury were informed they might withdraw until one o'clock, when their services would probably be needed.

A Civil Jury was sworn in, and Mr. Windeyer undertook, at the request of the Court, to defend the prisoners, and was furnished with a copy of the indictment.

The indictment charged the prisoners with stealing two carbines, three pistols, wearing apparel, blankets, flour, and a quantity of other articles, the value of which was laid at 5l., the property of John Brown, John Hector, and Edmund Trimmer, at the Gwydir River, on the 16th of March last.

The Attorney-General stated the particulars of the case to the Jury. He said, that although the prisoners were now placed at the bar charged only with stealing property to the amount of 5l., there were other circumstances connected with the case which must be stated, but at the same time must not be allowed to prejudice the prisoners in the consideration, by the Jury of the present offence as laid in the indictment. The black natives were seldom brought before a Court of Justice in this colony, although there were many reports of crimes and depredations committed by them, whether as aggressors or defenders of their rights it was not easy at all to discover, but these reports ought not to weigh with the Jury against the prisoners now at the bar. These blacks, however, were as answerable for violation of the laws as they were entitled to protection from them. In the Supreme Court there could be no distinction of colour or of race. The black man and the white man must be dealt with alike according to their deeds. The prisoners at the bar were well acquainted with the whites; they had been in constant intercourse with them. The gentlemen in whose name the property was laid in the indictment had stations at Liverpool Plains. The blacks there were in constant intercourse with the whites; it was found necessary from the increase of their stock to establish stations still farther in the interior, and for this purpose men were sent to a place between the Namoi and Gwydir Rivers to establish a station. The blacks received them well, stripped bark to build their huts, and evinced every possible friendly disposition towards them. However, on the 15th of March it was found necessary for one of the three men to proceed to the head station to procure supplies of meat and other articles which were wanted. Before this man, Taylor, went he observed that a change had come over the blacks; there was positive indication of change in their disposition, but as they did not proceed to actions he took no notice of it but left the station with two shepherds and the prisoners now at the bar. On the 17th of March he returned, and on arriving at the hut he found it was deserted, and presented the appearance of having been plundered. Two hats which had belonged to the shepherds whom he left in charge of the station were lying outside the hut, and he at

once conjectured that the men had been murdered. Fearing that the blacks might be concealed, he did not dismount, but looked into the hut and saw that everything was disordered. He also perceived hanging against the wall a spur and a horse whip which had belonged to the shepherds. He was afraid the blacks might only be watching to surprise him and rode off to obtain assistance, with which he returned to the hut and found that his conjectures had been well founded, as the articles which were hanging in the hut when he looked in had been removed during his absence by some one who must necessarily have been concealed near the spot. On examining the interior of the hut he found that all the portable articles, consisting of pistols, carbines, blankets, and flour, had been removed, with the exception of a tomahawk and a cross cut saw, which had escaped observation, having been purposely hidden. The two hats also he knew to have belonged to the shepherds whom he before concluded had been murdered. Search was made for the bodies and after a considerable time the bones of a human body were found. They were disjointed and mutilated in such a manner that it was impossible to decide whether they belonged to a white man or to a black; the thigh bones were broken, and the skull was fractured. There existed no doubt in Taylor's mind, or in the minds of those with him, that these were bones of one of the unfortunate victims; the other never was discovered. The Jury must be well aware from their experience in the jury box, that unless a body was identified a party could not be charged with murder, and this was the only reason why the prisoners were not now charged with another and more serious offence. No trace other than this had been discovered of the unfortunate shepherds. Whether they had actually been murdered, or whether they were yet living none but the prisoners could know, but there was the fact, that when Taylor left the hut the shepherds were there, and the prisoners were there, and the property which was afterwards found in possession of the prisoners was there also, and in charge of the shepherds. It was but a natural conclusion that when property which had been stolen was found in the possession of a party immediately after the robbery, that that party was the guilty one, or at all events should be put upon their trial for the offence. The five prisoners at the bar had been placed on their trial for stealing to the amount of 5l., in order to bring them within the distinction which the law makes between lesser amounts, and that specified, and to render them liable to the greater punishment. In stating the case to the Jury he had not been able to separate the facts of the supposed murder and the robbery alleged in the information, nor would the witnesses in giving evidence be able to do so, but the Jury should not be biassed in one way or the other by what might come out as to this supposed fact. Most of the prisoners could both understand and speak English; they had been in constant intercourse with white men, and they made no secret of the articles found upon them having belonged to the shepherds whom Taylor left in charge of the station. It was difficult for the common observer or one who was not acquainted and in the daily habit of seeing these blacks to distinguish and identify them, but when identified the law must take its course, and if these men were found guilty, the punishment they would undergo would doubtless be communicated to their tribes, and the effect he (the Attorney-General) trusted would be efficient in preventing the future commission of crime such as had hitherto been complained of. The Attorney-General felt that it was due to Mr. Mayne to state that it was entirely owing to his exertions that the whites and blacks were on the terms of reciprocal friendship which now existed amongst them. When Mr. Mayne first went amongst them they were at open war, and it was also in consequence of this gentleman's active exertions that the prisoners were apprehended and brought to justice. The prisoners had been apprehended and identified; the property had been found in their possession, and the law must take its course, and the effect of their trial might put a stop to the aggressions which were said to be committed by them.

The interpreter was then called; but Mr. Windeyer in behalf of the prisoners objected to him as incompetent, and submitted that the evidence should be communicated to the prisoners in the form of question and answer, in order that they might be made more fully acquainted with every circumstance which was sworn against them.

The Attorney-General objected to this mode of proceeding, as the prisoners were defended by Counsel who was supposed to be in their perfect confidence and in possession of the facts of the case. The Attorney-General stated that in his experience in Ireland, when prisoners who could not speak one word of English were put on their trial, and defended by Counsel, such a course was never adopted.

The Chief Justice said that in the Old Bailey this practice was always admitted whether the prisoners were defended by Counsel or not, and if the prisoners were left in ignorance of the facts sworn against them, they might as well be left in gaol, and the trial gone on with, and sentence passed against them in their absence.

The Attorney-General wished his Honor to make a note of his objection.

Mr. Windeyer further said that he had not been employed by the prisoners, but assigned by the Court and that the prisoners were entitled to know the evidence adduced against them.

The interpreter Haggart was then examined by Windeyer. He said, I am here at the instance of Mr. Mayne, and not at the request of the prisoners; I can make them acquainted with what is said against them, but I may not be able to communicate every question that is put: I come from a great distance from the prisoners, but the language is mostly the same; when I first conversed with the prisoners I [found] they understood me, they said they did a little; I would understand some of the natives of their part of the country, but not all they said; they speak the Comleroi dialect, which is spoken in the greater part of their country, but it is varied in some parts. I am a Scotchman; their language varies as much as broad Scotch and English; I do not speak the native language perfectly, nor do I understand the prisoners perfectly; I can undertake to swear that I know the terms in their language which indicates robbery; I cannot converse with the prisoners as with the natives of my own part, and I cannot converse with them perfectly.

Mr. Windeyer again objected to the interpreter's competency.

The Chief Justice said the Court was bound to get at the best information it could. All that was necessary was, to make the prisoners acquainted with the substance of the charge and evidence given against them.

Mr. Windeyer applied to the Court to assign an attorney to the prisoners, as it might be necessary to have frequent communication with them, and the Court was aware that the counsel could not communicate with the prisoners personally.

The Court requested Mr. David Chambers to act as attorney, and the office was undertaken by that gentleman.

Mr. Windeyer then requested that the interpreter might convey to the prisoners an intimation that Mr. Chambers was their friend, and that any communication made by them to him would be sacred, and used only in their favour.

The interpreter said he could not undertake to do this.

The Attorney-General suggested that the Court should be adjourned for a short time, for the prisoners to consult together, and he informed that Mr. Windeyer and Mr. Chambers were appointed to protect them, and to endeavour to impress them with the idea that those gentlemen were their friends.

The man Taylor, who was in the witness box, stated that one of the prisoners, Cooper, understood and could speak English, which fact could be proved by a witness present.

Mr. Windeyer said, if this could be proved the man might be put upon his trial separately, and he should have no objection to the trouble.

The Chief Justice said the Jury was now charged with the prisoners, and one of them could not therefore be selected to take his trial apart from the others.

The Attorney-General said, that in the exercise of his office he thought it his duty to make a stand against the objections taken by counsel, as he could not suffer a spurious humanity to interfere between the prisoners and public justice.

The Chief Justice said he could not allow the Attorney-General to use such expressions as spurious humanity. The prisoners were placed upon their trial, which would be conducted according to the English law, and they would meet full justice from the Court.

The Attorney-General said he did not intend to apply the term to the Bench but to the objections.

The Chief Justice said the objections were not spurious, but matter of fact and sound objections. It was agreed to adjourn the Court to one o'clock, when it re-opened and the case was gone on with.

Alexander Frazer, deposed—That he went with two others to form the new station where the robbery was committed. He detailed the circumstances which were stated by the Attorney-General, and identified the prisoners; the skull which was found about forty rods from the hut, he believed to have been a whiteman's, from its form and from the teeth, which are different in the white and the blacks; there were also several wounds which looked like spear wounds; the bones were quite green and newly stripped of the flesh; there were tracks of black people about, and also marks of a scuffle on the ground. (The witness was closely examined by the Chief Justice as to whether any quarrel had arisen in consequence of the women, of whom there were about twenty with the tribe.) The place where the hut was settled was the usual residence of these blacks, at least they said so; there were between fifty and sixty blacks; they had never asked for provisions but the stockmen had given them some occasionally; the prisoner Jemmy guided the stockmen there; they asked where there was water, and he said he knew plenty; Jemmy had been stopping at Mr. Gobbler's; the station is about one hundred miles beyond the boundary.

Mr. William M'Donald, superintendent to the Clover-leaf Company (so called from their brand resembling a clover-leaf; the company was a common partnership, consisting of Mr. John Brown, Mr. Hector, and Mr. Edmund Trimmer), deposed — that he determined on forming a new station, and went on to detail the facts already stated; Mr. M'Donald went on to say that Taylor came for provisions and afterwards returned and reported the murder; Mr. M'Donald went and found the hut deserted, and all the property taken; the men had two carbines, and three or four pistols, and a quantity of ammunition issued out to them before they went, and some clothing; Mr. M'Donald identified a waistcoat found with the blacks as the property of one of the missing men; on being examined as to the value of the property Mr. M'Donald could not state it; Mr. M'Donald has only been in the colony seven months, and has always been accustomed to sheep farming and agriculture; the missing men were very steady characters and not likely to run away; Mr. M'Donald said that he was no anatomist, but the skull was fractured, and all the long bones were broken and had been completely scooped. On cross-examination Mr. M'Donald stated that the prisoners were not present when the depositions were taken; two horses had been lost and a saddle and two bridles but they had never been heard of since; there were mounted bushrangers to the eastward of the stations since this affair; they have been committing depredations in that direction, cattle have been sent to the station since, but they have not done well; Mr. M'Donald suspected they were harassed by the blacks.

Sergeant Anderson of the mounted police, deposed — that in March last, he was stationed with Mr. Mayne, on the Big River, above Liverpool Plains; he apprehended the prisoners with the assistance of Mr. Ogleby, and Mr. Mayne and his men; they were taken near Mr. Fitzgerald's station at a place called Walker's Creek, about one hundred and fifty miles from where the robbery was committed; the witness identified the firearms, one carbine was given him by the prisoner Billy, and another by Cooper; the rest of the property was also given up by the blacks. Anderson could not positively identify the blankets or the waistcoat, as he had not put a mark on them. Some of the blankets were given to the blacks who were naked, to cover them; he could however swear to the bag in which the blankets were produced; after the prisoners were ironed, the blankets were given to those blacks who had assisted in taking them; when Billy gave up the muskets he said, "this tumble down two white fellow," not we. The evidence taken before the magistrates against the prisoners was not interpreted to them; if the natives had chosen they might have kept the property, there was not a sufficient force to apprehend them openly.

One of the Jury asked for an explanation from the [sentence cut off in original]

Mr. Windeyer objected, as it was not evidence, witness as to what he understood by "they tumble down."

The Attorney-General then re-examined the witness on this point. Cooper was the man who spoke to him; Billy did not speak English; Cooper could speak English a little.

Mr. Mayne, Commissioner of Crown Lands for the district of Liverpool Plains, J. P., protector of the blacks pro tem., deposed — That when he first went up in December he found the district very much disturbed; there had been a very serious outrage committed on Mr. Cobb's station; the feeling of hostility was much abated after witness went up. On the 22nd March Mr. Mayne heard of Mr. Brown's men being missing; Mr. Mayne proceeded up this river; he was then engaged in collecting all the wild tribes of the blacks for the purpose of making them fully aware of the inevitable consequences which would follow a continuance of their outrages. At this time some five or six hundred of the tribe to which the prisoners belonged were encamped with Mr. Mayne; he had suspicions amounting almost to certainty that a murder had been committed by this tribe; when Mr. M'Donald made the report, Mr. Mayne caused an enquiry to be made amongst the tribe relative to some blankets and other property which some of the blacks had, and which Mr. Mayne knew had never been issued to them; Mr. Mayne employed his interpreter to communicate with the blacks; a fortnight intervened before Mr. Mayne could mature his plans so as to take the prisoners. The depositions of Mr. M'Donald were taken in the absence of the prisoners; it was on those depositions they were arrested; they were not read over to them afterwards; these men were pointed out by the natives of their tribe; there was no other sworn deposition (than Mr. M'Donald's); they were taken upon [a] warrant issued on that information; they were taken before Mr. Day; Mr. M'Donald's deposition was not read to them; Taylor's deposition was not read or explained to them; there was no interpreter sworn in to enable them to make a defence; there were no depositions taken from those of their tribe who had pointed them out; this is not the first opportunity they had of clearing them from this charge through Georgy (Mr. Mayne's interpreter.)

Cross-examined — Mr. M'Donald's information was on oath, it was made before Mr. Mayne got particular information relative to the prisoners; the prisoners were taken from eighty to ninety miles from where Mr. M'Donald was.

This was the case for the prosecution.

Mr. Windeyer said, before the prisoners were called on for their defence he had an objection to make.

The property was laid in the information as the property of certain parties, but the only portion of that property which had been identified was the muskets, and as the information laid the property stolen to be worth 5l., for which, if found guilty, the prisoners would be liable to be transported for fifteen years, but as no proof had been brought forward of this value, the information must fail in both counts as to the most serious part of the charge at all events. The next objection was as to the locality. There was no proof that the offence was committed within the jurisdiction of the Court. His Honor could have no judicial knowledge of Liverpool Plains; it might be in South Australia or any other colony. Mr. Windeyer submitted that there was no evidence to go to the Jury, that property to the amount of 5l. had been stolen.

Mr. Windeyer further applied to the Court to release Sandy, and have him in the box as a witness, as no attempt had been made to prove the waistcoat found on him was the property of Mr. Brown, or any one else. The learned gentleman also submitted that these men had given the property voluntarily, and as there was no count for receiving it, they might have had no more to do with the stealing, than the other fifty, or sixty men and women who were with them; there was nothing to show that one of the stockmen did not murder the other, or that they both went off with the horses to join the bushrangers in New England. There was no presumption against these men which could not be met with another presumption, equally in their favour. Mr. Windeyer therefore urged that Sandy be examined as a witness, more especially on account of the manner in which the prisoners had been brought to trial, without being aware of the charge between them.

The Attorney General objected to the statements which Mr. Windeyer was making, and of which there was no proof.

The Chief Justice said the Jury would consider Mr. Windeyer's objections, but his Honor considered there was sufficient evidence to go to the Jury, and he therefore would not discharge the prisoner Sandy to the witness box.

The prisoners in defence stated, through the interpreter, that they received the muskets from two native blacks, Arundilli and Woolondt; they also received the blankets from the same parties.

His Honor the Chief Justice asked the first witness Taylor, if any other black men were in the habit of coming to the hut, or if he knew the natives named by the prisoner? he answered in the negative. His Honor then summed up the evidence. The first count charged the prisoners with stealing in a dwelling house to the amount of 5l, and second with felony. His Honour stated that he was bound from and in his place, on his oath, to tell the Jury that these men were to be tried by the same rules as the white man. The situation of the white man was much more advantageous than that of the black from that knowledge which he must acquire. There had no doubt been prejudices abroad against these men, but those prejudices must not weigh against them. From political reasons these men, although apparently savages, were rendered amenable to British laws, and thus were entitled to every benefit which the law allows to white men in their situation. His Honor further charged the Jury to dismiss from their minds any thing relative to the supposed murder, as although intimately connected with the circumstance in fact, yet it had no legal connexion with the charge on which the prisoners were now tried. His Honor further said that these men had no adequate defence. The men from whom they said they received those articles were not now present, and were they here they would probably not be found fit to be admitted as witnesses for them. His Honor made some remarks on the manner in which the prisoners had been committed, and said it was another of the disadvantages under which the prisoners laboured from their ignorance of the English language. His Honor put strongly to the Jury whether a white thief would have come forward and given up stolen property in the way these men had, if not, they should have the benefit of this circumstance.

The Jury retired for about half an hour, and returned a verdict of Guilty against all the prisoners, recommending them to the mercy of the Court, in consideration of the disadvantages under which they laboured in their defence. Remanded.

Friday, August 16.

Before the Chief Justice and a military Jury.

Richard Young was charged with shooting at Joseph Fleming, with a musket, with intent to murder him, on the 25th of May last, at the Big River, and William Allen, John Rose, alias Henry Ellis, Thomas Spencer, and a black aboriginal native woman, with aiding and abetting him.

In a second count the prisoner, Young, was charged with being a convict illegally at large, and armed for illegal purposes, and the other prisoners with preventing his apprehension.

Mr. Therry stated the case to the Jury; the prisoners were part of a gang of bushrangers who infested the district of Liverpool Plains, and had committed a series of depredations in that neighbourhood. Mr. Fleming, a respectable settler in that part of the country, heard that they were near his stations and determined to capture them. Accordingly a party was formed consisting of Messrs. Fleming and four men, Brown, Clark, Pearson, and Isted, free servants in Mr. Fleming's employ, and they armed and went in pursuit. Mr. Therry said the highest praise was due to the individuals who had succeeded in capturing these men. Shots had been exchanged between them and the prisoners, and the bravery with which they had acted throughout the whole affair entitled them to the highest praise.

Mr. Fleming, being called, deposed that he was one of the party who went in pursuit of the gang of bushrangers, who had been reported as committing great depredations in his neighbourhood, it was reported that they had a black gin with them, who carried their arms. The prisoners refused to surrender to any one but the police; they returned the shots which were fired, but gave themselves up to the police, who arrived in the afternoon. The following is the list of articles found in their possession:—Three double-barrelled guns, two single-barrelled rifles, two single-barrelled fowling pieces, three brace of pistols, one double-barrelled rifle pistol, one sword, seven saddles, seven bridles, nine canisters of powder, a quantity of ball, shot, and caps, two powder flasks, two shot belts, tomahawk, spurs, horseshoes, rugs, saddle cloth, watch, watch-guard, purse, blank checks on Bank of Australasia, and numerous appendages of a camp. All the arms were loaded

with balls and slugs except one pistol. The black woman was away with the man Rose looking for the horses when they first discovered the party; they came up together, and then the firing commenced; the black gin is about seventeen or eighteen years of age, and speaks and understands English perfectly. The prisoner Young declined cross-examining the witness, and the other prisoners elicited nothing which could tend to their favour. The mounted policeman corroborated the whole statement, and the prisoner did not cross-examine him. Mr. Everitt was called to identify some of the firearms and other property, which had been stolen from his station, and also identified two of the prisoners as those who had stood over him and his servants while their companions were robbing his station.

The Crown Prosecutor thought there was sufficient evidence on the first count, without going on with the second. The Chief Justice differed. There was only proof of a mutual firing. Mr. Therry said a witness would be here from the Colonial Secretary's Office in a few minutes to prove the second count.

Mr. Thomas Ryan, Chief Clerk in the Principal Superintendent Convict's Office, deposed that the prisoner Young was illegally at large from the service of Major Innes; he was identified at Hyde Park, and admitted the fact himself to Mr. Ryan.

The prisoner Young made no defence. Allen grounded his defence on the distance at which he was first seen by Mr. Fleming, and on the impossibility of his recognizing him at the distance of one hundred yards, and afterwards at three hundred. The prisoner had no witnesses to call. The prisoner Rose called Paddy Mahy, assigned to Mr. Smith, butcher, employed at a station on the Big River; deposed, that he knew all the prisoners at the bar; he also knew the prisoner Rose; the prisoner came to the station and represented himself as a ticket-of-leave man, "but soldiers come to Big River and he bolt;"

His Honor said this evidence could not do much good. Spencer said nothing, and called no witnesses, neither did the black woman.

His Honor addressed the Jury, he said that by a late Act the capital punishment which was formerly the consequence of the crime with which the prisoners were charged was done away with; it now rendered them liable to be transported for life. The second count had been introduced for mere caution. Although the principal witness in the case was Mr. Fleming, it appeared that there were many others who had behaved in a very meritorious manner in this transaction. His Honor then read over the evidence at length, and the Jury returned a verdict of Guilty against the four male prisoners, and Not Guilty for the prisoner Mary Anne. Remanded.

The Attorney-General said there were several other cases against the female prisoner. There was one information for house robbery, which had been attended with loss of life.

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## 1839-08-19 — Article 48

LAW INTELLIGENCE. (1839, August 19). The Sydney Herald (NSW : 1831 - 1842), p. 2 (Supplement to the Sydney Herald). Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article12863243>

LAW INTELLIGENCE.

SUPREME COURT—Criminal Side.

Wednesday, August 15—Before the Chief

Justice and a Civil Jury.

James Charles Russell, Druggist, of Pitt-street, Sydney, was indicted for a misdemeanor.

...

Thursday.—Before the Chief Justice.

The Attorney General stated that he had placed an information upon the file against five aboriginal natives charged with robbery, and he had an interpreter in attendance. The prisoners were then placed at the bar, and a man named John Haggard was produced as an interpreter.

In answer to questions put by His Honor, Haggard said that he did not know their dialect perfectly, but could make them understand; he had never seen them until he saw them in Gaol as their part of the country is distant from where he has been stationed, he could not make them understand everything, but could make them know the nature of the charge. The interpreter was then sworn well and truly to interpret between the Queen and the prisoners, according to the best of his skill and knowledge.

The prisoners were then indicted by the names of Sandy, Billy, Jemmy, Cooper and King Jack, for stealing one waistcoat, the property of the Queen, two carbines, three pistols, seven blankets, one waistcoat, a quantity of gunpowder, six bullets, and a quantity of flour, the property of John Brown, John Hector and Edward Turner, from their dwelling-house at the new station, between the Gwydir and Namoi Rivers, on the 16th March. The prisoners, when the indictment was explained to them, denied the charge, upon which a plea of not guilty was entered. When asked whether they would be tried by a Civil or a Military Jury, they said they did not like soldiers, upon which the Court directed a Civil Jury to be sworn and charged.

Mr. Windeyer was assigned to the prisoners as Counsel.

The Attorney-General stated that Mr. Frederick Ogilvy, who was in attendance, and had some knowledge of the native language, would assist the interpreter.

The Attorney-General then opened the case for the prosecution. He said the prisoners, as you have heard, are charged with stealing from a dwelling-house above the value of £5, but the indictment does not inform you of the entire charge against the prisoners, and I shall now state that charge to you without making any observations that may be calculated to prejudice the prisoners. It seldom occurs that we see aboriginal natives at the bar of this Court although we not unfrequently hear of many acts of outrage committed by them, but whether these acts are committed in resisting aggressions we have no means of ascertaining. But the prisoners are not to be prejudiced by this circumstance any more than white men who are tried in this Court for robbery are to be prejudiced because bushrangers have been committing outrages. When once they are in this Court, there is no distinction between blacks and whites—in this Supreme Court, there is but one law for all Her Majesty's subjects. I will now briefly state the circumstances of the case. In the month of March last, Messrs. Hector and Company, from the great increase of their sheep and cattle, found it necessary to establish another station, and men went to a place between the Namoi and Gwydir Rivers, where they erected a hut. The blacks, among whom were the prisoners, received the men in a very friendly manner and assisted them in stripping bark. They lived together very friendly for several days, when Taylor, one of the men, went away to the lower station for provisions. They were treated with great kindness by the



men, but the day on which he left the station, Taylor observed something in their manner which was altered, and they did not appear so friendly as they had been, but he did not attach much importance to that. When Taylor left the hut, he left two white men there, and the prisoners at the bar were all there. When he returned to the hut on the 17th, he observed that the door was closed, and saw two hats lying together outside; this made him suspect that something was wrong, and without dismounting he rode up to the hut, and looking in, he saw everything in disorder, as if the place had been plundered; his impression was that the men had been murdered by the natives, and he would not dismount for fear any of them should be in ambush, but rode off to the nearest station for assistance. When he first looked into the hut, Taylor saw a spur and stock whip, and when he returned with other men he observed that these articles were gone which clearly showed that the parties who committed the robbery and the murder were not far distant. Upon going into the hut, Taylor found that everything was gone but a tomahawk and a cross-cut saw. The men who were left in the hut could nowhere be found, but after considerable search, the bones of a human being were found, but they were entirely separated from each other, and the parties who found them could not tell whether they were the bones of a white or of a black man. The thigh bones were broken, and the skull was fractured, and there could be no doubt that the murder had been committed through this wound on the head, and they, of course, thought that they were the remains of one of the unfortunate men who had been left in the hut.

From your attendance in this Court as Jurors, gentlemen, you must be aware that to substantiate a charge of murder, it is necessary that the body be identified, which in this case was impossible, and that is the reason perhaps that the prisoners are not on their trial for another offence—indeed it is the reason. The remains of the other man have never been found, and whether he is alive or [dead] is not known by any one, as no trace of him has ever been discovered. When Taylor left the hut, there were some pistols, carbines, flour, and other articles in the hut, which were gone upon his return, and the articles were found upon the prisoners, when they were apprehended, and a waistcoat belonging to one of the men was found upon one of the prisoners. This shows that the prisoners must have been connected with the robbery, as in law, persons with whom, immediately after a robbery, stolen property is found, are considered guilty until they show themselves to be otherwise. The prisoners are indicted for stealing from a dwelling-house above the value of £5, which subjects them to a greater punishment than if the articles stolen did not come up to that value. The facts that I have stated are what I intend to adduce as evidence, to show that the prisoners are the persons who plundered the station. The other crime to which I have alluded, is so intimately woven with this offence, that I could not avoid stating the circumstances, nor will the witnesses, in giving evidence, be able to separate the cases, but still the charge of robbery against the prisoners is the only one you have to enquire into. Some of the prisoners, I understand, can speak English very well; they were treated with confidence by these men, and showed that they were not inferior in intelligence to many white men. When the blacks were taken, they at once admitted that these articles did belong to the hut. A great deal of good has been done in this part of the country by Dr Mayne the Commissioner of Crown Lands, through whose instrumentality, peace was restored between the blacks and whites—for up to the time that he went there they were at open war. There is much greater difficulty in apprehending an aboriginal native than a white man, after an offence has been committed—and this, in fact, is the only difference between them. There is also, unfortunately, not the same facility for identifying a black, that there is a white; they are all naked, and to an eye not used to black people, it is impossible to see the difference. But, gentlemen, when blacks are identified they are punished the same as white men, and I hope that the punishment of these men, when it is made known to their tribe, will have a salutary effect. We all know that white men are often tried in this Court for robberies and other offences, when there is good ground for suspecting that they have committed murder, but for want of proof of that offence, they are not put upon their trial—and it is in this way that I have put the prisoners upon their trial, not for murder, but for an offence which I can prove.

Alexander Taylor was then called and sworn, when Mr. Windeyer submitted that every question must be interpreted to the prisoners. I The Attorney General said, that he was confident that he had witnessed a thousand cases of this kind in Ireland, especially in the county Mayo, where very few of the inhabitants spoke English, but wherever the prisoner was defended by counsel, the evidence was not interdicted to the prisoners.

The Chief Justice said that in every case of this kind, which he had seen either at the Old Bailey or on Circuit, every question was interpreted to the prisoner whether defended or not.

The Attorney General said that he must beg His Honor to make a note of his objection to this course, and he did so from having seen the course pursued in the country, where it is a matter of every day occurrence, and there if a prisoner is defended, an interpreter is not considered necessary, and it is well known that some of the Judges of Ireland would have been an ornament to any country.

The Chief Justice said that he was not saying anything against the respectability of the Irish Judges—he would make a note of the Attorney General's objection, but he was quite clear and decided upon the point.

Mr. Windeyer begged His Honor also to make a note, that he (Mr. Windeyer) had had no communication with the prisoners, but had been assigned to them as Counsel by the Court.

The Attorney General said that no overstrained humanity must be considered in the case, the prisoners must be dealt with the same as foreigners.

The Chief Justice said that he must deal with them the same as with a deaf and dumb man—he must deal with them by the law of England, which is the law of this Colony—not the law of Ireland.

Haggard the interpreter was then examined by Mr. Windeyer as to his competency. He said that he was not accustomed to speak the prisoners' dialect, but could make them understand many things, the dialect in that part of the country is called the Comleroy, and extends a great distance, but there is as much difference in some parts of it as there is between broad Scotch and English; even in the part with which he is accustomed, he is not so perfectly acquainted with the language as to be able to understand every word of a conversation between two natives; he could tell the prisoners that they were charged with a robbery.

Mr. Windeyer submitted that this was not sufficient.

The Chief Justice said, that a perfect interpreter was not necessary, all that he wanted was a person who could bring home to the prisoners' minds the substance of what was going on.

Mr. Windeyer said, that he wished to speak to the prisoners, and as he could not communicate with them himself, he hoped that His Honor would appoint an attorney for the prisoners.

His Honor appointed Mr. David Chambers, who was the only attorney present.

Mr. Windeyer requested the interpreter to inform the prisoners, that the Court had appointed an attorney to conduct their case, and that anything that they told him would be sacred and not used against them.

The Chief Justice told the interpreter to inform the prisoners that those two gentlemen were their friends, and would conduct their defence, and they might place sufficient confidence in them.

The interpreter said, that he could not interpret this.

Mr. Windeyer said, that this showed that the interpreter was not competent.

The Attorney-General said, that no spurious humanity should be allowed to interfere—counsel might take Johnson's dictionary in his hand, and pick out all the hard words and ask the interpreter to translate it.

The Chief Justice said, that he would not allow the term spurious humanity to be used; the objection was a lawful one, and one, which, if the prisoners had had no counsel, he (the Judge) would have been bound to take. Were it a mere technical objection he would not uphold it for a moment, but this point was of the vital substance of the case.

The Attorney-General said, that the case appeared to him to be exactly analogous to the Irish cases, which he had seen tried repeatedly without an interpreter.

It was then agreed that the case should be adjourned for an hour, in order that Mr. Windeyer and Mr. Chambers might have an opportunity of communicating with the prisoners.

At the re-assembling of the Court the examination of the witnesses was proceeded with, all the leading facts in the case being translated to the prisoners by the interpreter, who appeared to speak the language fluently.

Taylor swore to the facts as stated by the Attorney-General in the opening speech. In cross-examination he said, that two saddles, a bridle, and two horses were stolen from the station at the same time, which have never since been heard of. From the evidence of Mr. Commissioner Mayne and Sergeant Anderson, it appeared that a rumour of the murder having been spread; they went to the blacks who were assembled to the number of five or six hundred, and through an interpreter got them to deliver up the property which came from the hut. They brought six or seven blankets of a similar description to those stolen, and one of them had on a waistcoat like that worn by one of the men, who are supposed to have been murdered; two of the prisoners brought a carbine each which they gave to the Sergeant, saying "tumble down white fellow," but it could not distinctly be understood whether they meant that the guns had killed white men, or that they, (the blacks) had killed white men. A few days afterwards the report of the murder having taken place was ascertained to be correct and the property identified, upon which Mr. Mayne issued his warrant and the prisoners were decoyed into his tent and apprehended. They were then taken before Mr. Day and committed to take their trials, but the depositions of the witnesses were not interpreted to them.

Mr. Windeyer took several technical objections, all of which were overruled by the Court.

The prisoners were then called upon for their defence, and each of them stated, that they received the guns and blankets from two blacks named Arrodiilly and Wolloruy.

The Chief Justice summed up at considerable length. He said that the prisoners must be tried upon the same principles, and the same rules of evidence as if they were white men, and he invoked the Jury not to suffer their minds to be prejudiced by anything that they had heard out of doors, but simply agree upon their verdict according to the evidence adduced. In forming their verdict they must also consider the helpless and prostrate condition of the prisoners—they could not understand what had been said against them, and from the depositions taken before the Magistrates not having been interpreted to them, they were entirely ignorant of the charge upon which they had been committed. The prisoners had no adequate means of defence; they said that they received the property from two other blacks whom they had no opportunity of subpoenaing and who, if they were present, from their unhappy state of ignorance and darkness their evidence would not be admissible. That the hut was plundered there was no doubt, and the question for the Jury to determine was whether or not the prisoners were the plunderers. His Honor then went through the whole of the evidence commenting upon it as he went along, and concluded by solemnly invoking the Jury to deal with the prisoners exactly as if they were white men placed in the same unfortunate condition. The Jury retired about half an hour, and returned a verdict of guilty against all the prisoners, who were remanded.

The case lasted until six o'clock in the evening. Friday—Before the Chief Justice and a Military Jury.

Richard Young was indicted for shooting at Joseph Fleming, with intent to murder him at the Big River, on the 26th May, and William Allen, John Rose alias Henry Ellis, Thomas Spencer and Mary Ann, were indicted for being present aiding, assisting and abetting. A second Count charged, that Richard Young being a convict illegally at large fired at Fleming to prevent his apprehension, and then charged the other prisoners as accessories.

This case was very simple. Mr. Fleming, a stockholder in the Liverpool Plains district having heard that a party of bushrangers, who had been committing many outrages, were in a hut on the banks of the Big River, made up a party consisting of himself, Mr. Freer, Mr. Brown and three free men named Clark, Pearson, and Istead. The bushrangers were in a hut belonging to a Mr. Marshall, on the banks of the Big River and immediately opposite to it was a hut belonging to Mr. Scott, to which Mr. Fleming and his party went. On their way to the hut the party fell in with three servants belonging to a Mr. Smith one of whom Mr. Fleming sent to the nearest police station, and another to Mr. Fitzgerald's station for further assistance. When they arrived at

the hut Allen was walking up and down outside. Young came out of the hut with a gun in his hand and asked Mr. Fleming if they wanted them; Mr. Fleming replied that they came for the purpose of taking them. Young said that they would never be taken, every man of them would be shot before they would be taken, to which Mr. Fleming replied that they were determined to take them dead or alive. Young called them cowardly dogs for standing behind the hut, when Mr. Freer said that if they would come half way across to meet them they would see whether they were cowards. Young and Allen then went into the hut and Allen shortly afterwards came out with a great coat on, and a belt with a gun on each side of him, a sword and a gun in his hand. Allen kept parading up and down in front of the hut and Young kept going in and out of the hut sometimes with one gun and sometimes with two. The prisoner Rose and the black woman were out looking for horses, and after the party had been watching the hut several hours, they came up with some horses. Allen, Young and Spencer then came out of the hut with a bridle and gun in their hands and made towards the horses which the man and woman were driving. Mr. Fleming then called upon the prisoners to stand but they still pushed on, upon which the party fired and the shot was immediately returned by Allen, Spencer and Young, but no person was hurt on either side. The horses took fright at the firing and the three men returned to the hut and Allen and Spencer went in, but Young levelled his piece across the back of a horse that was standing near the hut: he levelled at Fleming who was standing alongside Mr. Freer at the door of the hut and the ball passed close over their heads; Mr. Fleming and Freer fired at the same instant but missed and Young went into the hut. Rose and the black woman who were both on horseback galloped to the back of the hut and remained about four hundred yards off until a slab was cut away at the back of the hut, and Rose and the woman got into the hut that way. A man was then sent round to see that the people did not get away, but before he could get round Allen got on the black woman's horse and rode away. Two men were then sent to intercept him but they missed him and returned without him as he got into a brush and they were afraid he might conceal himself behind a tree and fire at them before they saw him. Two men were then sent to a flat in the neighbourhood across which Allen must pass to get away and there he was apprehended. By this time some of Mr. Fitzgerald's men had come up and asked the prisoners if they would surrender, when Young came out of the hut and said that he supposed that the police had been sent for and when they arrived they would surrender but they would not be taken by settlers. About four o'clock the policeman arrived and the prisoners then surrendered. In the hut there was plenty of blankets and clothing and the following supply of arms, three double barrelled guns, two rifles, two fowling pieces, three brace horse pistols, one double barrelled rifle pistol, one sword, nine canisters of gun powder, two shot belts, bullets, slugs, &c. There were also eight horses, seven saddles, half a dozen horse shoes, hammers, pincers, shoeing knife, a tomahawk, leather, needles, &c. All the fire arms were loaded except one small pistol.

Young and Spencer made no defence. Allen said that Mr. Fleming was mistaken in his identity and that he was only going up to the hut when he was apprehended.

The Chief Justice told the Jury that in the eye of the law all the persons who are present and engaged in an unlawful act are equally guilty of any felony that may be committed in the pursuance of their common design although they may not be aware that it will be committed. He invited the particular attention of the Jury to the case of the female prisoner, and if they had any doubts as to her participation in the offence to give her the benefit of it. The Jury acquitted the female prisoner and found the others guilty.

The Attorney General said that there were several other charges against the prisoners in the course of investigation and he wished that they should be remanded. Remanded.

John Brown and William Brown were indicted for assaulting and robbing Thomas Dunhulty at Maitland on the 11th July. Not Guilty.

SATURDAY.—Before the Chief Justice.

Thomas Parry, convicted of an unnatural crime on a former day had sentence of death passed upon him.

Richard Young, Thomas Spencer, John Rose alias Henry Ellis, and William Allen convicted of shooting at, with intent to murder, were placed at the bar. The Attorney General in praying judgement stated that those

men had been in the bush a long time and committed many depredations, but he did not think that any of them were capital offences. There were several charges of robbery in a dwelling house and putting in fear but no case of extreme violence. The Chief Justice said that there were no circumstances of mitigation in the prisoners' cases; fortunately for them the Imperial Parliament had taken off the capital punishment for this crime or else it would have been his duty to pass sentence of death upon them and strongly recommend the Executive to carry the sentence into effect. Had it not been for the meritorious conduct of the young gentleman, who gave evidence against them and the spirited young men who assisted him, the prisoners might still have been at large committing their depredations. In the place to which they were going they would have plenty of time to repent and he hoped they would do so, and perhaps after a series of years of good conduct they might be allowed to return back to a civilised part of the world. The sentence of the Court was that the prisoners be transported to a penal settlement for the term of their natural lives.

Court adjourned to Monday.

## 1839-08-20 — Article 49

Supreme Court. (1839, August 20). Australasian Chronicle (Sydney, NSW : 1839 - 1843), p. 4 (Morning). Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article31726268>

... Five Aboriginal natives were placed at the bar, charged with robbery. They were indicted by the names of Jemmy, Billy Sandy, Cooper, and King Jack. An interpreter, named Haggard, was in attendance, and sworn. The prisoners were charged with having, on the 16th of March last, stolen two carbines, three pistols, seven blankets, a waistcoat, some powder and shot, and a quantity of flour from the station of Messrs. Brown, Hector and Trimmer, between the Gwyder and Namoi rivers. The interpreter explained the nature of the indictment to the prisoners, and upon their denying the charge, a plea of not guilty was recorded. Mr. Windeyer was appointed by the Court to conduct the defence, and Mr. Chas. Chambers acted as attorney. The Court permitted the case to be adjourned for an hour, to afford counsel an opportunity of communicating with the prisoners as to their defence. The Court having re-assembled, the leading points in the examination were communicated to the prisoners by the interpreter, as the trial proceeded. Alexander Taylor proved that a hut had been erected by him and two other men; that the prisoners were present and assisted in stripping bark—that the two fellow servants of Taylor were left by him at the hut, while he went to another station for provisions; the blacks were also there when he went away. He returned on the 17th March, and found the two men absent, and that the hut had been plundered. He did not then see the blacks. He observed a spur and stock whip in the hut when he returned; he did not get off his horse; he went to another station, and procured assistance. When he again came to the hut, the spur and whip were gone. The bones of a man were afterwards found near the hut. Two saddles, a bridle, and two horses, were also missing from the station—they had never since been heard of. Mr. Commissioner Mayne, and Sergeant Anderson proved that a few days after the robbery they went to where the blacks were encamped, and through an interpreter requested them to deliver up the stolen property. There were about five or six hundred of the natives present. The prisoners brought some blankets and two carbines, and one of them had on a waistcoat, similar to that which had been stolen. Mr. Mayne afterwards caused the prisoners to be taken into custody, and they were committed by Mr. Day. The prisoners stated in their defence, that the guns and blankets had been given to them by two blacks named Arosilly and Wooleroy. The Chief Justice carefully summed up the evidence, and desired the jury to give a due consideration to the disadvantages under which the prisoners laboured, in not being able to conduct their defence, except through the medium of an interpreter; and that they could not bring forward the men from whom they state they received the stolen articles. The Jury found the prisoners Guilty. ...

## 1839-08-30 — Article 50

The Courier. (1839, August 30). The Hobart Town Courier and Van Diemen's Land Gazette (Tas. : 1839 - 1840), p. 4. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article8747292>

The Courier THURSDAY EVENING AUGUST 29, 1839.

The "Sydney Colonist," of the 14th instant, contains a report of the trial of five Aboriginal natives, which we insert at the conclusion of these remarks. This proceeding is neither unimportant in principle, nor uninteresting in its details. The contrast between the Chief Justice who presided on this occasion, and the Attorney General who prosecuted, was very strongly marked. Without a single particle of the spirit of that eminent philanthropist, who sympathises for the persecuted and needy knife-grinder, "whose hat had got a hole in it," Sir James Dowling saw the exact situation of these men, and he very fairly described it. They were—His Honor said—to be tried by the same rules as white men; and in summing up the evidence to the Jury, Sir James further remarked, that the prisoners "had no adequate defence." Their defence Mr. Windeyer had most kindly undertaken, and in conducting it he appears to have acted with the independence of an English Barrister, and with undoubted ability; but he was not furnished with a copy of the indictment until the Jury had been sworn, and of the facts he knew nothing.

At the close of the Attorney-General's opening address an interpreter was called, to whose skill in the Com-le-roi dialect, Mr. Windeyer was indisposed to assent. Haggart—a modest Scotchman—probably undervalued his own attainments; but all he could be prevailed upon to say for himself was, that "he knew the terms in the language of the prisoners which indicated robbery." This gentleman, in the judgment of the Attorney-General, seems to have been a linguist omni exceptione major. The proposition of Mr. Windeyer that "the evidence should be communicated to the prisoners in the form of question and answer" was opposed by the Attorney-General, on grounds not quite fair to the unpremeditated situation in which Mr. Windeyer was placed, although we have no doubt perfectly accurate in its historical reminiscences, not indeed of Com-le-roi, but of Con-na-mara justice.

If, however, there be a harmless levity in the allusions of the voracious gentleman to "the Wild Spots of the West," he amply atones for so unusual an indulgence in the uncle Brutus vein in which he subsequently triumphs.

The man Taylor, who was in the witness box, stated that one of the prisoners, Cooper, understood and could speak English, which fact could be proved by a witness present.

Mr. Windeyer said, if this could be proved the man might be put upon his trial separately, and he should have no objection to the trouble.

The Chief Justice said, the Jury was now charged with the prisoners, and one of them could not therefore be selected to take his trial apart from the others.

The Attorney-General said, that in the exercise of his office he thought it his duty to make a stand against the objections taken by counsel, as he could not suffer a spurious humanity to interfere between the prisoners and public justice.

The Chief Justice said he could not allow the Attorney-General to use such expressions as spurious humanity. The prisoners were placed upon their trial, which would be conducted according to the English law, and they would meet full justice from the Court.

The Attorney-General said he did not intend to apply the term to the Bench but to the objections.

The Chief Justice said the objections were not spurious, but matter of fact and sound objections.

So then the spuriously humane objections consisted in Mr. Windeyer's having suggested that Cooper should be tried separately—at no slight additional trouble to himself—seeing that Cooper understood and could speak English. It would have been a reflection on the administration of justice amongst the remote and

uncorrupted people of Con-na-mara to have yielded to such an unprecedented application.

The verdict of the Jury, if not exactly what we should have expected, was we think rightly received by the Chief Justice. It is substantially an acquittal. The Jury, it is true, found the prisoners guilty, but recommended them to mercy "in consideration of the disadvantages which they laboured under in their defence." We venture to predict that they are never called up for judgment. What, pass sentence upon men in whose case the interpreter was, by his own admission, incapable of communicating to them, that Mr. Windeyer and Mr. Chambers were their friends? It is out of the question. The mind of Mr. Herbert Plunkett—notwithstanding the poetical tendency of his patronymic—is not of a dramatic cast. He may be capable of appreciating the motives which reluctantly compelled the author of *Ion* to abandon poetry for the exercise of his profession, but when can he comprehend Sergeant Talfourd's description of a trial? "Like a tragedy—it is thus he writes a momentous trial embraces within a few hours an important action—condenses human interests and hopes and passions within its anxious circle—is restrained, wounded, and dignified by solemnities and forms which define it as a thing apart from the common succession of human affairs—developes sometimes affecting traits of generosity, or is graced by the beauty of suffering—and is terminated by a catastrophe anticipated with quivering expectation, which may decide character, fortune, or life itself—with sometimes a background of public interest, where the struggle of principles, and the fate of parties, may be seen in the intellectual perspective." Thursday, AUGUST 15.

[This article reprints text from of SUPREME COURT -- CRIMINAL SIDE. (1839, August 19). The Sydney Standard and Colonial Advocate.]



## 1839-11-13 — Article 51

POLICE IN THE RURAL DISTRICTS. (1839, November 13). The Sydney Herald (NSW : 1831 - 1842), p. 2 (Supplement to the Sydney Herald). Retrieved December 30, 2025, from <http://nla.gov.au/nla.news-article12857227>

Sydney Herald (NSW : 1831 - 1842), Wednesday 13 November 1839, page 1 POLICE IN THE RURAL DISTRICTS.

Your Committee now proceed to notice the alterations they beg to recommend in the Police of the rural districts. It is proposed that the Police Magistrate of Liverpool should be discontinued, as there are a sufficient number of unpaid Magistrates to do the duty; and there being the Police Magistrates of Parramatta on the one side, and of Campbelltown on the other, resident at distances of nine and twelve miles respectively, your Committee are of opinion that a paid Magistrate is unnecessary.

Your Committee recommend that the Police Magistrate at Campbelltown should be required to hold a Court once a week at Narellan, which has been pointed out as a central situation, where there is a considerable number of inhabitants, who are daily increasing in number. As soon as this arrangement takes effect, your Committee recommend that the Court at present held at Cawdor should be discontinued.

The attention of your Committee has been drawn to that part of the Police District of Stonequarry called Burragorang, which is represented to be the resort of cattle stealers, and other disorderly persons, being used as a thoroughfare by bushrangers, from Cumberland to the heart of the southern country, through the county of Georgiana, where hitherto there has been no resident police. Your Committee recommend that the Police Magistrate of Stonequarry should be required to visit Burragorang periodically, to see that the constables stationed there do their duty, and to endeavour to put down the evils complained of. Your Committee think it unnecessary for the Police Magistrate of Goulburn, to hold any Court in future at Bungonia, there being a sufficient number of unpaid Magistrates resident in the district to form a petty sessions.

It has also been proposed to discontinue the appointment of Visiting Justices, and in order therefore to provide for the Magisterial duties of the southern and eastern parts of the county of Saint Vincent, to establish a Petty Sessions at the township of Browlee on the coast which it will be perceived, has been converted into a Police District adjoining that of Braidwood on the western side, and extending to that of Illawarra, on the north.

Your Committee beg to refer to the Memorial from two Magistrates resident in the District of Browlee praying the appointment of Petty Sessions at that place.

Your Committee have ascertained that a Police Magistrate for the District of Penrith will be unnecessary, as the number of resident unpaid Magistrates is considerable, some have been recently appointed.

Your Committee's attention has been diverted to the urgent want of a resident Police Magistrate in the Southern parts of the County of Bathurst, and the Southern and Western parts of the County of Georgiana, and the inadequacy of the uncertain calls of the Visiting Justices to provide for the control and discipline of the convict population and the repression of crime. Your Committee have therefore proposed to form the part of the Country into a separate Police District, and as there are no unpaid Magistrates, whose services could be rendered available in holding Courts, they recommend that a Police Magistrate should be appointed, whose residence should be at the Village of Corcar, which is represented to be the centre of a considerable population and the most eligible spot for this purpose.

His Excellency the Governor was pleased to refer to your Committee two Memorials from landholders and inhabitants of the District of Mudgee, urgently pointing out the necessity for the appointment of a Police Magistrate and permanent Police Force, and representing the inadequate assistance derived from the casual visits of the Officer of Mounted Police who performs the duty of Visiting Justice in this part of the country, but whose party has been temporarily withdrawn, as no person was able to continue the necessary supplies of

Forage in consequence of the late severe drought. It will be perceived that your Committee have duly attended to the prayer of these Memorials, as they consider that the growing importance of the District in question requires an adequate and permanent Police Establishment.

Your Committee have had much difficulty in determining upon the necessary Police Establishment for the Districts of the Lower Hunter. There are at present no less than five Police Magistrates in the part of the Country, all resident within a short distance of each other; and your Committee have therefore endeavoured to ascertain whether a reduction could not be made, as they consider that it would be impossible to maintain so many, consistently with a due regard to the wants of other parts of the Colony, and the unavoidable expense they entail. Your Committee have therefore proposed to divide the District of Raymond Terrace, Seaham and Butterwick, between the adjoining Districts of Newcastle, Dungog and Paterson, and to require the Police Magistrates of the first-mentioned District, to hold a Court once a week at Raymond Terrace. They propose also, that a Police Boat should be allowed, and the expense of a District Constable and two free Boatmen provided for, to form a Water Police for the Lower Williams River. By this arrangement a considerable saving will take place, and your Committee think that the wants of the District will still be adequately provided for. Your Committee have received a letter from Colonel Snodgrass, C. B., proposing a different distribution of the duties of the Police Magistrates of Paterson and Raymond Terrace, but which, under the arrangement now proposed, they regret cannot be carried into effect.

The Governor has also been pleased to lay before your Committee an extract from a Memorial to His Excellency from the inhabitants of Maitland, representing the inadequacy of the present Police force to the wants of the District. Your Committee regret that it is impossible to meet the pressing demands for additional Police Establishments made from all parts of the Colony to their full extent. They trust, however, that by maintaining the full establishment of the Constabulary force now authorised for the district of Maitland alone, notwithstanding the proposed separation from the District of Wollombi, it will be found adequate to the duties to be performed, more especially when the proposed measures for relieving the Constables from such frequent absence on escort shall have been carried into effect.

The Committee of 1835 recommended the appointment of a Police Magistrate for the District of the Wollombi, but which has never taken place. Your Committee have reason to believe that the population of that part of the Colony has since that period considerably increased, and that the absence of any Magisterial authority has been attended with the usual evil consequences, for it invariably happens that the Districts where there is no Police become the resort of bushrangers and other lawless characters, who are thus enabled to carry on their depredations with comparative impunity. Adjoining the District in question, is that of the Macdonald River, with a considerable population on its banks for thirty miles from its junction with the Hawkesbury. The Governor has laid before your Committee a letter from His Honor Mr. Justice Willis, representing the want of a resident Police in that part of the country. Your Committee have proposed to unite these two Districts, and to appoint a Police Magistrate and permanent Police force, to maintain order amongst the population, as they conceive it impossible for the Police Magistrates of Maitland and Windsor adequately to attend to that duty. The residence of the Police Magistrate should probably be fixed either at the Village Reserve of Wollombi, or at Laguna, but your Committee have not been able to obtain sufficient information to enable them to pronounce a definite opinion upon that point.

It has been represented to your Committee, that much convenience would arise to the settlers on the Upper Paterson if the Police Magistrate was required to hold a Court there weekly. Your Committee therefore recommend that he be instructed to do so.

His Excellency the Governor laid before your Committee a Memorial from the inhabitants of the District of Invermein, praying the appointment of a Police Magistrate at Scone. Your Committee would also beg to refer to the evidence of Mr. Day the Police Magistrate for the united Districts of Muswell Brook, Merton, and Invermein, representing the impossibility of his adequately attending to the wants of the latter District. Mr. Mayne, the Commissioner of Crown Lands for the District of Liverpool Plains has also pointed out the advantage which would accrue from a Court being held at Murrurundi, Page's River, which is represented to be the principal outlet to the Stations beyond the boundaries, to the Northward. It will be perceived that your

Committee have therefore proposed to separate the Districts of Muswell Brook and Merton from that of Invermein, and to appoint a Police Magistrate to the latter, who should reside at Scone, but should be required to hold a Court at Murrurundi at least once a fortnight.

#### VISITING JUSTICES.

On the recommendation of the Committee of 1835, as already explained, three Visiting Justices were appointed to provide for the Magisterial duties in those parts of the Colony where there were no Police Magistrates, or resident Magistracy. For this purpose in January, 1836, the Mounted Police Corps was augmented by three officers, six troopers and three dismounted men. Three additional Police Stations were accordingly formed, at each of which one subaltern, two troopers, one dismounted man, and one scourger, were stationed viz: 1st. At Mudgee, on the Cudgong River, in the County of Wellington.

2nd. On the River Abercrombie, near to the confluence of that River with the Narrawarra, in the County of Georgiana, but subsequently moved to the banks of the River Lachlan.

3rd. At the Junction of the Queanbeyan and Molonglo Rivers.

The beat of the officer appointed to the first Station was through the upper parts of the County of Brisbane, with the Counties of Phillip, Wellington and Bligh. Of the second, the upper part of the County of Bathurst, with the Counties of Georgiana, and King. And of the third, the Counties of Murray, and St Vincent.

Your Committee are of opinion that from the very uncertain periods at which the Officers in question were enabled to make their visits to the different farms and stations on their beats, and being frequently required to proceed in pursuit of bushrangers, the good effects anticipated by the Committee of 1835 from their appointment, in adjudicating in summary Convict cases at the stations which they were required to visit, have not been realized. By the establishment also of Police Magistracies at Cassilis, and Wellington, and as intended at Mudgee, the duties required of the First Officer will be wholly provided for. The appointment of a Magistrate for the upper part of the County of Bathurst, and a part of the County of Georgiana, and the appointment of the Police Magistrates at Yass and Queanbeyan, and the establishment of Benches at Braidwood and Broulee, will supersede the necessity for the second and third. Your Committee are therefore of opinion that, if the alterations proposed by them be carried into effect, the services of the Visiting Justices may be dispensed with, without inconvenience to the public, and recommend that the Mounted Police force, and establishment authorised for them, be also reduced.

#### MOUNTED POLICE.

It appears from the evidence of Major Nunn, the present Commandant of Mounted Police, that the Corps now consist of one Commandant, four Officers in command of Divisions, three Visiting Justices, one Serjeant Major, sixteen Serjeants, thirteen Corporals, one hundred and seven Mounted Troopers, and twenty Dismounted Troopers.

The following is the distribution of the force according to present orders, viz. :

#### FIRST DIVISION.

Officers. Mounted Troopers. Dismounted Troopers.

At Sydney \_ 1 11 1

At Longbottom \_ 0 4 0

At Parramatta - 0 5 1

At Windsor \_ 0 3 0

At Emu Plains \_ 0 4 0

At Weather Board 0 3 0

At Liverpool \_ 0 4 1

At Campbelltown \_ 0 4 1

At Wollongong \_ 0 3 1

..... 1 41 6

#### SECOND DIVISION.

Mount Vittoria \_ 0 3 1

Bowens Hollow \_ 0 4 1

Bathurst \_ 1 14 1

Lachlan \_ 1 2 1

Wellington \_ 0 4 0

Mudgee \_ 1 2 1

Dabie \_ 0 4 1

..... 3 33 6

#### THIRD DIVISION.

Bong Bong \_ 0 4 0

Goulburn \_ 1 9 1

Yalbreth \_ 0 3 0

Braidwood \_ 1 3 1

Yass \_ 0 5 0

..... 2 24 2

#### FOURTH DIVISION.

Maitland \_ 0 5 0

Jerry's Plains \_ 1 9 1

Muswell Brook \_ 0 5 1

..... 1 19 2

#### FIFTH DIVISION.

Hume River \_ 0 5 1

Broken River \_ 0 4 1

Goulburn River \_ 1 4 1

Melbourne \_ 0 4 1

Geelong \_ 0 3 1

..... 1 20 5

It appears that the Corps is now complete with the exception of ten dismounted men; the parties have however been temporarily withdrawn from Wellington, Mudgee, Yalbreth, and Yass, in consequence of the exorbitant rate of Rations and Forage, or the impossibility of obtaining Contracts, during the present season.

It has been already explained that the expense of this Corps is to be borne in future entirely on the Colonial Treasury. The average expense per day, of each private of the Mounted Police including his pay, rations, clothing, equipment, and forage for his horse, but exclusive of the cost of the same, was during the year ended 20th June last, nine shillings, the total expense of the Corps including all the above items, repairs of Buildings, and every other expense during the same period, having been about £19,000. It is proper, however, to remark that the price of provisions and forage having been during the period in question exorbitant, the above does not afford a fair average of the expenses.

Hitherto the men of the Mounted Police have belonged to the Regiments serving in the Colony, but by a recent order from the General-Commanding in Chief, an important alteration has been directed to be made in the constitution of the Corps. The men are still to be chosen from these Regiments, and to be borne on their strength, but are to be considered as supernumeraries, receiving no military pay or clothing. They are to continue to be amenable to military law, and on the Regiment to which they are attached, leaving the Colony, they are to be transferred to the Regiment which may have newly arrived. They will thus be made a permanent Corps, and the inconvenience which has been experienced of their being withdrawn on their Regiments proceeding to India, when they have become qualified to perform their duty efficiently in the Corps will be obviated. On the other hand, there will not be the power to remove any inefficient or ill-conducted men from the body. It will be necessary therefore, that the greatest caution and circumspection should be used in the selection of the individuals, as directed by the General Commanding in Chief.

It appears by a Return furnished by Major Nunn, that the number of Runaways and Bushrangers apprehended by the Mounted Police in the year ended 20th June last, was 322, of whom 39 had arms in their possession.

Your Committee have been led to conclude that the efficiency of the Mounted Police, which was first embodied for the purpose of apprehending Bushrangers and Runaways, and of acting upon information of robberies, &c. has been considerably impaired by their employment in serving subpoenas, and summonses, and in furnishing Escorts for Prisoners. The committee of 1835 recommended that they should not be employed in these duties, or in any other service than that of the Police, and your Committee fully concur in the propriety of that recommendation, as they cannot conceive a more expensive mode of providing for the services in question, whilst their withdrawal from their more appropriate duties is obviously calculated to impair their efficiency.

Your Committee's attention has also been drawn to the necessity for the Mounted Police to obey with alacrity any orders they may receive from the Civil Magistrates, as this appears to be a point at present not sufficiently understood, although noticed in Article 3 of their instructions. It is obvious that their efficiency will much depend on the rapid execution of any orders they may receive from the Magistrates, on their obtaining information of robberies and other outrages requiring the prompt pursuit of the offenders. It has been also suggested to your Committee, that much benefit would arise if the Non-commissioned Officers and Troopers were required to report themselves to the Magistrates when passing their residence in the Country Districts, an opportunity would thus be afforded to the Magistrates of giving them any necessary directions, or information, and a salutary check would be imposed on the conduct of the men.

In consequence of the very heavy expense of this portion of the Police Force, your Committee have anxiously enquired whether it could with safety be reduced, and they have arrived at the conclusion that they may be discontinued in the county of Cumberland, with the exception of the usual number employed as Orderlies, but that in the distant parts of the Colony no diminution can with propriety be made. In order to render their services more available, your Committee recommend that small detachments of the Mounted Police should be stationed at the Head Quarters of each of the Police Magistrates or Benches in the Interior, who will thus be enabled more promptly to direct their proceedings. "Rapidity of movement," Mr Day

observes, "especially in so widely dispersed a population, is of course a most essential requisite in an efficient Police, and is the chief benefit to be derived from the employment of Mounted Men." Captain Coghill states, "The Police, whether mounted or on foot, should have resting places where, if necessary, they may receive both rations and forage, these places should be near to, or at the different Court-houses, where, if necessary, they might also receive instruction from the Resident Magistrates for any particular duty." Major Nunn has recommended that an additional station should be formed at Gundagai, on the Port Philip road. It will probably be necessary also on the formation of the intended Police station at Portland Bay, that a small detachment should be placed there. By the discontinuance of the Mounted Police in the County of Cumberland, and the three visiting Justices with the parties attached to them, it is hoped that a reduction of three Officers, and twenty-five Mounted Troopers may be made—and that a sufficient number will yet remain to carry into effect the above recommendation of your Committee, and to provide generally for these services on which they are required.

Major Nunn observes, that some of the stations, which are commanded by Corporals and Lance-Corporals, and that he thinks it necessary they should be commanded by sergeants. He therefore proposes that the latter should be increased to 16, and the former reduced to thirteen, which will only cause an increase of expense of 1s 6d a day and which your Committee recommend should be adopted. He also proposes to reduce the number of dismounted men from twenty to sixteen, and to assign a convict as a stableman to each of the officers in command of divisions, by which a saving of two shillings a day will be effected, and which is also recommended for adoption.

**BORDER POLICE** Your Committee took advantage of the presence of such of the Commissioners of Crown Lands beyond the boundaries of location, as happened to be in Sydney during the progress of their enquiry, and they beg to refer to the Evidence given by Mr. Mayne, Mr. Gisborne, and Mr. Cosby. Your Committee trust that considerable advantages will be obtained by the Establishment of the Border Police in preventing outrage, and repressing crime on the part of the White Population and the Aborigines.

The Establishment can as yet be considered only as experimental, and it would therefore be premature for your Committee to express any opinion as to the working of the system, until it shall have been longer in operation. From all the information, however, which your Committee have obtained, they are decidedly of opinion that it is essentially necessary as Establishments extend in the interior, that they should be followed by adequate appointments of Police, to prevent the aggressions which, in the absence of legal control, have invariably been found to occur between the Aboriginal inhabitants and the Settlers.

As shewing the good effects which have already arisen from the appointment of the Border Police, your Committee beg to quote a passage from the evidence of Mr. Mayne:—"I issued a notice cautioning the stockmen from appearing with arms; it was obeyed, and acknowledged by themselves generally to be attended with the best effects. I caused it to be explained to the Blacks, and it tended much to a more friendly and confidential feeling between both parties than had yet been exhibited. Previous to this, there were few of the runs that the Blacks dared to shew themselves upon, without being either fired at, or hunted off like native dogs, nor were they permitted to approach the rivers without being subject to attack. I have scarcely ever seen joy more strongly depicted in any countenances than in those of the Blacks, when I assured them they might again fish quietly in the rivers without being driven away." Mr. Hardy states:—"It is sufficient to know that the Blacks have as much to fear as the Whites from the absence of control, and that insecurity to both parties will naturally follow such a state of things. The question is the remedy, and it is very simple, let there be ever so small a force of Police within a moderate distance, let the Whites know themselves to be watched, as well as guarded, by the law;—let the Blacks know that there is a power to protect as well as punish, and there will want nothing more to secure quiet. It requires neither the force of an example, nor the maintenance of a large force; a demonstration, and not an act, will be sufficient." Your Committee would also beg leave to refer to the evidence given by Mr. Day, who was employed on an investigation on an outrage committed upon the Aborigines of the Liverpool Plains District, which led to the execution of no less than seven white men. Your Committee are convinced from the general tenor of the information they obtained, that in the absence of control individual cases of aggression occur, which lead to general and indiscriminate acts of

reprisal and revenge between parties of both races, in which the innocent as well as the guilty become the sufferers. Your Committee are unable to propose other means better calculated to prevent the recurrence of scenes so disgraceful to humanity than the providing a force, which, by its presence and energy in the outskirts of the Colony, might be ready to overawe the guilty and shield the innocent.

PORT PHILLIP Your Committee have not taken any evidence with respect to the necessary Police Establishments for the Districts of Port Phillip, because they have not thought it possible to obtain such correct data and information here as would have enabled them to judge correctly of what would be requisite for the proper protection of the inhabitants, and the repression of crime in that important part of the Colony. Your Committee have therefore considered it more consistent with its interest, to recommend that His Honor the Superintendent should be requested to enter upon an investigation of the present state of the Police Establishment already authorised, and as to the necessity for any alteration or increase. In order, however, to prevent present inconvenience, they recommend, that the Estimate laid before the Council by His Excellency the Governor, may be adopted and passed.

#### GENERAL ESTIMATE OF PROPOSED EXPENDITURE FOR POLICE.

Your Committee will now proceed to state the Establishment they would recommend for each District.

##### GENERAL SUPERINTENDENCE.

General Superintendent .. .. £1,000 0 0

One Clerk, £150 .. .. 150 0 0

Messenger, at 1s 9d per day .. .. 31 0 0

Incidental expenses .. .. 50 0 0

Total....£1,331 0 0

##### SYDNEY.

One Police Magistrate .. .. 600 0 0

Allowance for Forage for two horses,

at 1s 6d per day each .. .. 91 5 0

Second Police Magistrate .. .. 500 0 0

First Clerk (2nd class) .. .. 300 0 0

Six Clerks (3rd class) .. .. 968 17 11

Two Assistant Clerks, 219 0 0

Two Messengers, at 1s 9d per day each,

and one Housekeeper, at £50 per annum 83 17 6

Chief Constable .. .. 150 0 0

Superintendent .. .. 100 0 0

Three Inspectors, at 5s per day each .. 273 15 0

Six Sergeants, at 4s duty, ditto .. 438 0 0

Eighty Constables, at 3s 6d ditto ditto .. 5,110 0 0

Clothing for 86 men, at 3d per day each, 406 1 3

..... 9240 10 8

WATER POLICE.

One Magistrate .. .. 300 0 0

One Clerk .. .. 125 0 0

One Conductor at 4s per day .. 73 0 0

Two Coxswains at 3s per day each .. 73 0 0

Sixteen Boatmen, at 1s 11d per day each 535 8 8

Hammocks for 16 men, at 1d per day each.. 326 10 0

Incidental Expenses .. .. 50 0 0

..... 1484 16 8

SYDNEY OUT STATIONS.

One District Constable, at 3s per day .. 54 15 0

Eight Constables, at 3s 1d per day each 401 10 0

Clothing for 9 men, at 3d per day each.. 41 1 3

..... 497 6 3

TOTAL FOR SYDNEY.

Town Police .. .. 9740 16 8

Water Police .. .. 1486 16 8

Out Stations .. .. 497 6 3

..... 11222 19 7

PARRAMATTA.

One Police Magistrate .. 300 0 0

One Clerk .. 150 0 0

One Chief Constable .. 130 0 0

Five Watchhouse-keepers, at 3s per day  
each .. .. 275 15 0

Sixteen Constables, at 3s 9d per day each 805 0 0

One Scourger, at 2s 6d per day .. 45 12 6

Clothing for 16 men, at 3d per day each 75 0 6

1,775 7 9

LIVERPOOL.

One Clerk .. .. 100 0 0

One Chief Constable .. .. 130 0 0



Three District Constables, at 3s per day each .. .. 164 5 0  
Nine Ordinary Constables, at 3s 9d per day each .. .. 451 13 6  
One Watchhouse keeper, at 3s per day.. 54 15 0  
One Scourger at 2s 6d per day.. .. 45 12 6  
Clothing for 11 men, at 3d per day each 54 15 0  
1,001 1 0

CAMPBELLTOWN.

One Police Magistrate .. .. 250 0 0  
One Clerk .. .. 100 0 0  
One Chief Constable .. 100 0 0  
One District Constable at 3s per day .. 54 15 0  
Ten Ordinary ditto, at 3s 9d per day each 501 17 6  
Three Watchhouse keepers, at 3s ditto .. 104 5 0  
One Scourger, at 2s 6d ditto .. 45 12 6  
Clothing for 11 men at 3d ditto each .. 50 3 9  
1,265 11 9

STONEQUARRY.

One Police Magistrate .. .. 250 0 0  
Forage allowance at 3s 6d per day .. 45 12 6  
One Clerk .. .. 100 0 0  
One Chief Constable .. 75 0 0  
One District Constable, at 3s per day .. 54 15 0  
Eight ordinary Constables at 3s 9d ditto  
each .. .. 401 10 0  
Two Watchhouse keepers at 3s ditto each 109 10 0  
One Scourger at 2s 6d ditto .. 45 12 6  
Clothing for same men at 3d ditto each .. 41 1 3

ILLAWARRA.

One Police Magistrate .. .. 250 0 0  
Forage Allowance at 3s 6d per day .. 45 12 6  
One Clerk .. .. 100 0 0  
One Chief Constable .. .. 75 0 0  
One District Constable at 3s per day .. 54 15 0

Six ordinary Constables at 2s 9d ditto each .. .. . 301 2 6

One Watchhouse keeper at 3s ditto .. 54 15 0

One Scourger at 2s 6d ditto .. .. 45 12 6

Clothing for seven men, at 3d ditto each 31 18 9

958 15 3

BERRIMA.

One Police Magistrate .. .. . 250 0 0

One Clerk .. 100 0 0

One Chief Constable .. .. . 75 0 0

One District Constable at 3s per day .. 54 15 0

Six ordinary Constables at 3s 9d ditto

each .. .. . 301 2 6

One Watchhouse keeper at 3s ditto .. 54 15 0

One Scourger at 2s 6d ditto .. .. 45 12 6

Clothing for seven men at 3d ditto each 31 18 9

913 3 9

GOULBURN.

One Police Magistrate .. .. . 300 0 0

One Clerk .. 150 0 0

One ditto .. 100 0 0

One Chief Constable .. 100 0 0

Two District Constables at 3s per day

each .. .. . 109 10 0

Ten ordinary Constables at 2s 9d per day

each .. .. . 501 17 6

Three Watchhouse keepers at 3s per day

each .. .. . 164 5 0

Two Scourgers at 2s 6d per day each .. 91 5 0

Clothing for twelve men at 3d per day

each .. .. . 56 15 0

1 371 12 6

BRAIDWOOD.

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

Three ordinary Constables at 2s 9d per day each .. 150 11 3

One Watchhouse-keeper at 3s per day 54 15 0

One Scourger at 2s 6d ditto .. .. 45 12 6

Clothing for three men at 3d per day each 13 13 9

639 12 6

BROWLEE.

One Clerk .. .. . 100 0 0

One District Constable at 3s per day .. 54 15 0

Two ordinary Constables at 2s 9d per day each .. .. . 100 7 6

One Watchhouse keeper at 3s per day .. 54 15 0

One Scourger at 2s 6d per day .. .. 45 12 6

Clothing for three men at 3d per day each 13 13 9

39 3 9

QUEANBEYAN

One Police Magistrate .. 250 0 0

Forage allowance at 2s 6d per day .. 45 12 6

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

One District Constable, at 3s per day .. 54 15 0

Eight ordinary Constables, at 5s 9d per day .. 401 10 0

Three Watchhouse-keepers at 3s ditto .. 166 5 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for nine men at 3d each ditto .. 41 1 3

Total .. 1,177 16 3

YASS

One Police Magistrate .. 250 0 0

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

Three Ordinary Constables at 3s 9d per day each .. 130 11 3

One Watchhouse-keeper at 3s per day .. 54 15 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for three men, 3d per day each .. 13 13 9

Total .. 689 12 6

#### WINDSOR

One Police Magistrate .. 300 0 0

Forage Allowance at 3s 6d per day .. 45 12 6

One Clerk .. 150 0 0

One Assistant Clerk .. 50 3 0

One Chief Constable .. 180 0 0

Six District Constables 3s per day each .. 328 10 0

Eighteen Ordinary ditto at 2s 9d each .. 903 7 6

One Watchhouse-keeper at 3s .. 54 15 0

One Scourger at 2s 6d .. 45 12 6

Clothing for 36 men at 3d per day each .. 109 10 0

Allowance for Two Boatmen .. 50 0 0

Total .. 2,167 11 3

#### PENRITH

One Clerk .. 150 0 0

One Chief Constable .. 75 0 0

Two District Constables 3s per day each .. 109 10 0

Thirteen Ordinary Constables 3s 9d ditto .. 652 8 9

Two Watchhouse keepers at 3s ditto .. 109 10 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for 15 men at 3d per day each .. 68 8 9

Total .. 1,510 10 0

#### HARTLEY

One Police Magistrate .. .. 250 0 0

Forage Allowance at 3s 6d per day .. 45 12 6

One Clerk. 100 0 0

One Chief Constable .. 75 0 0

Five Ordinary Constables 2s 9d per day

each .. .. .. 250 18 9

One Watchhouse-keeper 3s per day 54 15 0

One Scourger 2s 6d per day .. 45 12 6

Clothing for five men at 3d per day each 22 16 3

844 15 0

#### BATHURST

One Police Magistrate .. .. 300 0 0

Forage Allowance at 2s 6d per day .. 45 12 6

One Clerk .. .. . 150 0 0

One Chief Constable .. .. . 100 0 0

Two District Constables 3s per day each 109 10 0

Ten Ordinary Constables at 2s 9d ditto, 501 17 6

Four Watchhouse keepers 3s per day do. 219 0 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for 12 men at 3d per day each 54 15 0

1526 7 6

#### CARCOAR

One Police Magistrate .. 250 0 0

Forage allowance at 2s 6d per day .. 45 12 6

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

Three ordinary Constables, at 2s 9d per day each .. 150 11 3

One Watchhouse-keeper at 3s per day .. 54 15 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for three men at 3d per day each .. 13 13 9

735 5 0

#### WELLINGTON

One Police Magistrate .. 250 0 0

Forage allowance at 2s 6d per day .. 45 12 6

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

One District Constable at 3s per day .. 54 15 0

Three ordinary Constables at 2s 9d per day each .. 150 11 3

One Watchhouse-keeper at 3s per day .. 54 15 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for four men at 3d per day each .. 18 5 0

794 11 3

## MUDGEES

Police Magistrate .. 250 0 0

Forage allowance at 2s 6d per day .. 45 12 6

Clerk .. 100 0 0

Chief Constable .. 75 0 0

Three ordinary Constables at 2s 9d per day each .. 150 11 3

Watchhouse-keeper at 3s ditto .. 54 15 0

Scourger at 2s 6d ditto .. 45 12 6

Clothing for three men at 3d ditto each .. 13 13 9

705 5 0

## BRISBANE WATER

Police Magistrate .. 250 0 0

Forage Allowance at 2s 6d per day .. 45 12 6

One Clerk .. 100 0 0

Chief Constable .. 75 0 0

District Constable at 3s per day .. 54 15 0

Five ordinary Constables, at 2s 9d per day each .. 250 18 9

Two Watchhouse-keepers at 3s ditto .. 109 10 0

Scourger at 2s 6d per day .. 45 12 6

Clothing for six men at 3d per day each .. 27 7 6

958 16 3

## NEWCASTLE AND RAYMOND TERRACE

Police Magistrate .. 250 0 0

Forage Allowance at 2s 6d per day .. 45 12 6

Two Clerks at £100 each .. 200 0 0

Chief Constable .. 75 0 0

Two District Constables, at 3s per day each .. 109 10 0

Ten ordinary Constables, at 2s 9d per day each .. 501 17 6

Three Watchhouse-keepers, at 3s per day each .. 164 5 0

Two Scourgers, at 2s 6d per day each .. 91 5 0

Clothing for twelve men at 3d per day each .. 54 15 0

1,491 0 0

## DUNGOG AND PORT STEPHENS

Police Magistrate .. 250 0 0  
Forage Allowance at 2s 6d per day .. 45 12 6  
Clerk .. 100 0 0  
Chief Constable .. 75 0 0  
Five ordinary Constables, at 2s 9d per day each .. 250 18 9  
Two Watchhouse-keepers, at 3s per day each .. 109 10 0  
Two Scourgers, at 2s 6d per day each .. 91 5 0  
Clothing for five men at 3d per day each .. 22 16 3  
945 0 6

#### MAITLAND

One Police Magistrate .. 300 0 0  
Forage Allowance at 2s 6d per day .. 45 12 6  
One Clerk .. 150 0 0  
One Chief Constable .. 100 0 0  
Two District Constables at 3s per day each .. 109 10 0  
Eleven ordinary Constables at 2s 9d ditto .. 552 1 3  
Two Watchhouse-keepers at 3s ditto .. 109 10 0  
One Scourger at 2s 6d per day .. 45 12 6  
Clothing for 11 men at 3d per day each .. 59 6 3  
1,471 13 6

#### WOLLOMBI AND McDONALD RIVER

One Police Magistrate .. 250 0 0  
Forage Allowance at 2s 6d per day .. 45 12 6  
One Clerk .. 100 0 0  
One Chief Constable .. 75 0 0  
One District Constable at 3s per day .. 54 15 0  
Two Watchhouse-keepers at 3s per day .. 109 10 0  
Eight ordinary Constables at 2s 9d each per day .. 461 10 0  
One Scourger at 2s 6d per day .. 45 12 6  
Clothing for 9 men at 3d per day .. 41 1 3  
1,123 1 3

#### PATERSON

Police Magistrate .. 250 0 0

Forage Allowance at 2s 6d per day .. 45 12 6  
Clerk .. 100 0 0  
Chief Constable .. 73 0 0  
District Constable at 3s per day .. 54 15 0  
Eight Ordinary Constables at 2s 9d per day each .. 401 10 0  
Two Watchhouse-keepers at 3s ditto .. 109 10 0  
Scourger at 2s 6d per day .. 45 12 6  
Clothing for 9 men at 3d each ditto .. 41 1 3  
1,123 1 3

#### PATRICK'S PLAINS

Police Magistrate .. 250 0 0  
Forage Allowance at 2s 6d per day .. 45 12 6  
Clerk .. 100 0 0  
Chief Constable .. 75 0 0  
District Constable at 3s per day .. 54 15 0  
Seven Ordinary Constables at 2s 9d per day each .. 351 6 3  
Watchhouse-keeper at 3s per day .. 54 15 0  
Scourger at 2s 6d per day each .. 45 12 6  
Clothing for 8 men at 3d per day each .. 36 10 0  
1,013 11 3

#### MERTON AND MUSWELL BROOK

Police Magistrate .. 300 0 0  
Forage Allowance at 2s 6d per day .. 45 12 6  
Two Clerks at £100 each .. 200 0 0  
Chief Constable .. 75 0 0  
District Constable at 3s per day .. 54 15 0  
Eight Ordinary Constables at 2s 9d per day each .. 401 10 0  
Two Watchhouse-keepers at 3s ditto .. 109 10 0  
Scourger at 2s 6d per day .. 45 12 6  
Clothing for 8 men at 3d each ditto .. 41 1 3  
1,273 1 3

#### SCONE AND MURRURUNDI

Police Magistrate .. 250 0 0



Forage Allowance at 2s 6d per day .. 45 12 6

Clerk .. 100 0 0

Chief Constable .. 75 0 0

District Constable at 3s per day .. 54 15 0

Three Ordinary Constables at 2s 9d per day each .. 150 11 3

Two Watchhouse-keepers at 3s ditto .. 109 10 0

Scourger at 2s 6d per day .. 45 12 6

Clothing for 6 men at 3d ditto each .. 18 5 0

849 8 3

#### CASSILIS

One Police Magistrate .. .. 250 0 0

Forage Allowance, at 2s 6d per day .. 45 12 6

One Clerk .. 100 0 0

One Chief Constable .. 75 0 0

One District Constable, at 3s per day .. 54 15 0

Three Ordinary Constables, at 3s 9d per day each .. 150 11 3

One Watchhouse-keeper, at 3s per day .. 54 15 0

One Scourger at 2s 6d per day .. 45 12 6

Clothing for 4 men, at 3d per day each .. 18 5 0

794 11 3

#### PORT MACQUARIE

One Police Magistrate .. 300 0 0

Forage Allowance at 2s 6d per day .. 45 12 6

One Clerk .. 150 0 6

One Chief Constable .. 100 0 0

Four District Constables, at 3s per day .. 219 0 0

One Watchhouse-keeper, at 3s per day .. 54 15 0

One Scourger, at 2s 6d per day .. 45 12 6

Clothing for 4 men, at 3d per day each .. 18 5 0

933 5 0

#### MOUNTED POLICE

One Major Commandant, at 7s 6d per diem .. 13 17 6

Three Officers, at 6s each ditto .. 219 0 0

One Serjeant-Major, at 2s 10d ditto .. 51 14 8  
 Thirteen Serjeants at 6s 6d each ditto .. 354 11 8  
 Thirteen Corporals, at 4s 1½d each ditto .. 415 3 9  
 Eighteen Mounted Troopers, at 1s 2d each ditto .. 389 5 0  
 Sixty four ditto, at 1s each ditto .. 1166 0 0  
 Fifteen Dismounted Troopers, at 1s each ditto .. 273 15 0  
 One Clerk, at 3s 6d ditto .. 63 17 6  
 One Veterinary Surgeon, at 1s ditto .. 18 3 0  
 3,283 9 7

#### BORDER POLICE

Two Commissioners, at £500 each per annum .. 1,000 0 0  
 Six ditto, at £450 ditto .. 2,700 0 0  
 Forty Men..Rations, Clothing and Equipment, say £40 each .. 1,600 0 0  
 Total .. 5,300 0 0

#### RECAPITULATION

General Superintendence .. 1231 18 9  
 Sydney - Town .. 9260 16 8  
 Water Police .. 1486 16 8  
 Out Stations .. .. 497 6 3  
 Rural Districts .. 31218 0 0  
 Mounted Police .. .. 3282 9 7  
 Border Police .. .. 5300 0 0  
 General Total .. 52416 7 11

It will be observed that the expense of the Establishments only, has been included in the foregoing Estimates, with the exception of the Rations, Clothing, and Equipment of the Border Police, who receive no pay. It will be necessary that the contingencies should be provided for according to a corresponding scale. The Estimates for Port Phillip, as already explained, cannot be made out until the Report of His Honor the Superintendent shall have been received.

## 1840-07-28 — Article 52

No title (1840, July 28). The Australian (Sydney, NSW : 1824 - 1848), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article36848909>

It is with great satisfaction that we perceive the unanimous passing of the second reading of an Act by which any parties furnishing the Aborigines with fire-arms are liable to a severe fine. The colony has already sustained much injury from the circumstance of an enactment similar to the present not having been passed long ago. The attention of Government seems to have been more particularly drawn to the mischievous effects of such a bill not having been in existence, from the proceedings of Mr Robinson, one of the Protectors of the Aborigines, at Port Phillip. The measures adopted by this protector, on the score of his humanity, were ably and justly animadverted upon by the Bishop, in the course of the debate upon this bill. These measures, it must be clear to every one, were not more visionary than they were dangerous: and after so obvious a proof of the incompetency of Mr Robinson to achieve the very delicate duties imposed upon him, we trust, that he will no longer be permitted to retain his situation. What could have induced this functionary to recommend that any portion of the Flinders Island blacks should be landed in the district of Port Phillip, we cannot conceive; and moreover, this recommendation having been acceded to, with a limitation, by the Governor, how came Mr R. to venture to transgress the said limitation of his Excellency? It is really alarming that the lives and property of settlers should be in any degree dependent upon the measures of so injudicious a person as Mr Robinson. In addition to numerous letters from correspondents on the Port Phillip frontier, we have the direct testimony of his Excellency that, in many of the remote districts of the colony, the blacks possess fire-arms to an alarming extent. And it is consistent with our knowledge to state, that they are quite capable of using these weapons fatally. It is notorious that severe contests, attended in several cases with loss of life, have been entered into, from motives of self-defence, by the outlying settlers; contests which, in any case, would have been serious, but which are ten times as much so, when the aggressors are furnished with fire-arms. There is a clause in the very proper bill of which we are now speaking, which authorises all persons to deprive the Aborigines of these weapons, whenever it can be done without inflicting bodily injury upon them. We will trust that the effect of this measure will be to put an end to these alarming outbreaks; and that our accounts from, for instance, the Namoi or the Murray Rivers, may be free from the detail of occurrences which are both disgraceful to humanity, and injurious to the prosperity of the settlers. The consideration of this subject has induced us to turn to the published statement of the revenue of the colony for the year 1839, in order to be enabled to say exactly what sums of money have been devoted to that which is usually phrased the 'Protection of the Aborigines.' We find that this item of expenditure amounts to no less a sum than £6,852 11s 5d, inclusive of the aid to missions. Of this sum, we perceive, that the salaries of the 'chief and four assistant protectors,' amount to £1,533 6s 8d, and their provisions and allowances to upwards of £600 more. These sums do not comprehend any money or other benefits given to the blacks, but are expenses bestowed simply upon these gentlemen protectors themselves! Now, we would ask, what good have these five individuals done, and what are they doing, which may fairly be balanced as an equivalent, against the receipt of their £1,200 per annum? Where, we say, is the beneficial result of their labours? Where can we lay our finger upon one single solid, permanent, or even temporary benefit that they have conferred upon the colonists in exchange for their salaries? The ingenuity of the people has vainly been exercised to discover one tittle of advantage wrought by these officers. Sinister reports have, truly, been circulated to which we are very unwilling to give credence, purporting to say that they are slothful in the discharge of their salaried duties, that instead of dwelling among the Aborigines they have been prone to linger in towns, or at the stations of settlers, eating and drinking of the best that could be found, and behaving towards these settlers, not alone with discourtesy, but with something that approaches to insolence. We say, we are unwilling to credit these reports. But an explicit and public denial should be given and openly circulated, if these rumours are untrue. And, in the absence of such publicity, but one conclusion can be drawn, and that very unfavourable to Mr Robinson and his coadjutors. No one more than ourselves is willing to grant, that the mode of proceeding, as regards the protection of the Aborigines, and the melioration of their condition, involves a problem of difficult and arduous solution. And, happy should we feel, if anything like a sound and efficient system could be devised. In the carrying out of any excellent or

practicable view no money should be grudged. It is a question far superior to any pecuniary obstacle. But we maintain that we have a right to know, it is only decent and proper that the public should be made acquainted, accurately, with all that has been done by those 'Protectors.' They have, or ought to have been, labouring in the field for several years, and if success has not crowned their zeal and their efforts, we ought to know the why and the wherefore. In the absence of such knowledge, while we are kept in the dark, we protest against this expenditure; we consider it unjust to give salaries to inefficient public workmen, and we think that system bad which will not bear the pressure of inquiry. It is possible that some of our Port Phillip correspondents can throw some authentic light upon the proceedings of these protecting functionaries. We shall be very glad to hear from them on a subject which is of such grave importance, and upon which the eyes of our brethren in England are fixed, let our readers be assured, with deep interest and curiosity.

## 1840-08-12 — Article 53

LAW INTELLIGENCE. (1840, August 12). The Sydney Herald (NSW : 1831 - 1842), p. 1 (Supplement to The Sydney Herald ). Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12865268>

...

Tallboy, alias Jackey, an aboriginal native, was placed in dock, and an interpreter, named William Jones, sworn, who deposed that he had lived at Mr James Walker's station, at the Myall Creek, district of Cassilis, beyond the Wurrumbungi Mountains, where he had become acquainted with the prisoner, who could converse in four different languages, with one of which the interpreter was acquainted, and could make himself understood through it, by the prisoner. The indictment was then read, which charged the prisoner with having, on the 19th June, 1837, at Narang, on the Namoi, in Cassilis, murdered one Fredrick Harrington, a stockkeeper in the employ of the late Rev. S. Marsden, by inflicting several deadly wounds on his head, by striking him with a tomahawk. Another count charged him with having been present at the said murder, and aiding and abetting others in the perpetration of it, with a blunt instrument unknown to the Attorney General. The indictment having been read, and explained to the prisoner, he informed the Court—through the interpreter—that he did not do the deed, but that it was done by two other black-fellows, when he (the prisoner), was at Wang, and that the two black-fellows who did it were since dead. The interpreter stated, that Wang was about fifteen miles from Narang. The Court then enquired if the prisoner understood that he must plead either guilty or not guilty; when the interpreter said, he denied that he had done it, for it was done by two other black fellows when he was near Murramong, which is about ten miles from Narang, and five miles from Wang. The prisoner was then told, that the Jury who were then in the box, were the persons who were to try him, and as they were sworn, he might object to them; he was also informed that the counsel, Mr. Callaghan, would speak for him, as he was alone; on which the prisoner appeared to be satisfied.

In opening the case to the jury Mr. Therry stated, that the present was only one of many outrages that had been committed on the whites by the aborigines in that distant part of the colony, and that it was necessary for the safety of society, that the aborigines should be made responsible to the laws for such improper acts of outrage as they were guilty of; it was a well known fact that not only the property of the settlers in the distant parts of the colony had been assailed by them, carried off, and wantonly destroyed, but a number of whites had from time to time fallen victims to the savage fury of the blacks. It was only twelve months since no less than seven white men had been tried for, convicted and executed for having been concerned in an outrage on the blacks, and that too, in what in his opinion, was less direct evidence than that which he was about to offer. He had to lament that after all the pains that had been taken to obtain the testimony of the hut-keeper who, it was alleged, had been present at the outrage, the officers for the Crown had not been able to discover him, but then the evidence which he had to present, although merely circumstantial, was, in his opinion, such as would fix the crime charged in the indictment. It was true there was no coroner's inquest held on the body of deceased, but that was impossible in the distant part of the Colony where the transaction took place: he had also to caution the Jury against being led away by the popular error, that it was not right in a Jury to convict on circumstantial evidence. Were this the case it would hardly be possible to get a conviction against a single murderer in the colony, as it seldom happened that any one saw the blow struck; he also reminded the Jury of their duty to themselves, and their fellow colonists, as it was for the purpose of protecting their lives and property, that they were called on to give their time and their talents to the consideration of such cases as the present, and he trusted that they would carefully attend to, and weigh the whole of the evidence, both for and against the prisoner.

The first witness called was James Nobbs, Stockkeeper. In June 1837, he was in the employ of the Rev. Samuel Marsden, at his station, on the Namoi. On the 17th of June, 1837, five or six aborigines came to the hut in which the witness, a hut-keeper named "Big Bill," and the deceased lodged, where the blacks received some food, &c. from the inmates; they continued hanging about the place till the third day after, when about nine in the morning, the witness, having to go several miles to another station, took the saddle and bridle down, and asked the deceased to go with him to where the horse was, and help him to get the horse ready;

he left "Big Bill" and a black or two in the hut; after witness had got on the horse he rode off and the deceased returned in the direction of the hut; and the last time the witness saw him alive was when he was within a rod or two of the hut door. The witness returned about two hours and a-half after, on horseback, and when he came in sight of the hut, he saw two or three black fellows at a fire, with a pan roasting some meat; when he was seen by them, one of the blacks at the fire went into the hut, and came out again, followed by two or three others, among whom was the prisoner, who had on an opossum cloak. The prisoner came up to within a yard of where the witness was sitting, on the horse - he had his spear in his right hand; the other one was under his cloak, which happening to open and the witness, saw the back of the hand under the cloak; it was covered with blood, and in it he held a pistol belonging to the witness, which he had left in the hut about two hours and a half previously. The witness immediately suspected that something was wrong, and the prisoner, observing him looking at his left-hand, immediately stepped back about a yard, and suddenly wounded him in the right temple; he immediately spurred his horse and afterwards broke off the shaft of the spear, which was still sticking in his temple. He got to another station, to which "Big Bill," the hut-keeper had got before him; but although they had arms there, they had no ammunition. He then proceeded to another station, where the witness was obliged to remain, from weakness caused by loss of blood, and also to get the wound dressed. On the following day, a party having been collected, they repaired to the hut where the outrage had been committed; and found the deceased lying dead and covered with blood; and, on examining his head, they discovered four or five wounds which had apparently been inflicted with some sort of a blunt instrument, such as a tomahawk which had been in the hut up till that day. On examining the wounds, they appeared clean cuts, and very severe, one of them having gone right through the skull; they also found that all the rations, clothing, and, in fact, whatever was moveable, had been carried off, but none of the blacks were to be seen. This witness recollected, distinctly, the prisoner being among the blacks on the morning in question, as before he mounted, he asked him to take the others with him, and each get him a sheet of bark, which he promised to do. They buried Harrington on the same day, that they discovered his remains, and he had never seen the prisoner from the 19th of June, 1837, until about six months ago, when he was called on to identify him at Cassilis. The prisoner remarked when the testimony of this witness was being interpreted respecting his hand being bloody, that the witness told a lie; he also said respecting his being employed to get the bark, that he then went off to get it. The witness said that there were two others among the blacks, particularly Goodmorning and Chattie, but he had never seen them since.

John Millar, a stockman, who resided about thirty miles from where the murder took place, deposed that on the day after, the prisoner and five or six other blacks came to his place, when he saw the prisoner with a clasp knife in his hair, which he immediately recognised as being the property of the deceased, he having frequently seen him with it, and the last time, only a few days previous to his being murdered; another of the blacks, named Millbellow, was also dressed in a pair of trowsers and a jacket, which he recognised as being the clothing of Nobbs, the preceding witness; he also recollected Goodmorning being among the others; he suspected what they had been after, and for his own safety, got away from them as soon as possible, and heard nothing of any of them since; and it was only in February that he again saw the prisoner; he was then in custody of the police at Cassilis, when the witness identified him; he knew him perfectly well, as he had before then frequently visited and stopped at the station on which the prisoner was; they used to speak together; the prisoner not being altogether ignorant of the terms used in the English language, the way in which they conversed, was in broken English.

Mr. Callaghan, through the interpreter, cautioned the prisoner as to saying anything when called on for his defence, to which he replied that he would be still; he was next asked if he would like any one to speak for him, when he stated he did not want any one to speak for him. Mr. Callaghan said he would respectfully submit that there was a variance between the mode alleged in the information, in which the murder had been committed, and that proved by the witness. For ought that had appeared, it might be that the deceased died a natural death, and the wounds inflicted after death, or it might have been, that the deceased was murdered by another tribe, and, therefore, as the case had not been proved against the prisoner he was entitled to the benefit of the doubt. His Honor said he would take a note of the objection, should Mr. Callaghan deem it necessary at a future period to bring it before the court. He also remarked, that as the prisoner had declined

saying anything in his behalf, he thought the safe plan for Mr. Callaghan to pursue in regard to his client, was to leave the evidence as it at present stood, to the jury.

Mr. Therry said if Mr. Callaghan made any observations on the case, he should for the prosecution, claim the right of reply, on which the prisoner's counsel said, he would not press the matter.

His Honor then summed up and complimented the counsel on both sides for the way in which they had conducted the case, at the same time he considered it his duty to caution the jury against being led away by anything that had fallen from Mr. Therry about seven white men having been executed for an outrage, of which it had been stated they had been guilty against the blacks. If such had been the case he had no doubt but that the parties who had suffered had been properly convicted there was but one law for the black man as well as the white, and he considered it as much for the benefit of the blacks as for the whites that the laws should be strictly enforced in punishing them, when guilty of outrages against the white portion of the inhabitants as, unless this were done, it might be that the sufferers would, by not knowing that justice was done, become influenced by the spirit of revenge, and thus go on from crime to crime. He then briefly went over the principal points of the evidence, and left it to the jury to find whether the deceased had come by his death in consequence of the wounds described on his head; it was not necessary for the jury to find that the wounds had been inflicted by any particular instrument, as a murder might be committed as well by a stick, as by an axe or a tomahawk. He also left it to the jury to find whether the deceased had not been murdered by the prisoner, he having been seen shortly after with blood on his hands, and also with three deadly weapons in his hands; and what he had been engaged in might, to a certain extent, be inferred from the attack which he made on Nobbs, after his return. The jury were also instructed, that, if the deceased came to his death by the prisoner or any of those with him when they were about to perpetrate an unlawful act; still, although they had not originally designed to go the length of committing murder, yet, in the eye of the law, the taking away of human life, in such circumstances, amounted to murder. He also stated that it was the province of the jury to find whether or not the prisoner had struck the blows, or any of them, and also whether they had been struck in his presence.

The jury retired for about half an hour, and returned a verdict of not guilty on the first count, but guilty of the second count, which charged him with being present aiding and abetting.

His Honor desired the prisoner to be remanded until he should consult with the other judges, as to whether sentence of death should be passed on the prisoner, or merely sentence of death be recorded; as, in either case, it would depend upon the representations that might subsequently be made to the Governor, whether the prisoner's life was spared or not.

The crown prosecutor said, the prisoner would again be put on his trial for attempting to kill and murder the witness Nobbs, if sentence of death was not passed on him, when His Honor ordered him to be brought up to-day. The Court then adjourned till to-day, when there are but two cases ready for trial.

## 1840-10-19 — Article 54

ABORIGINES. (1840, October 19). Launceston Courier (Tas. : 1840 - 1843), p. 3. Retrieved December 30, 2025, from <http://nla.gov.au/nla.news-article84674621>

Launceston Courier (Tas. : 1840 - 1843), Monday 19 October 1840, page 3 ABORIGINES.

We have been favored with a report of the Mission to the Aborigines, at Lake Macquarie, New South Wales from which we make a few extracts. The Aborigines have so far advanced in the scale of civilization as to choose employment most congenial to their own habits and tastes, in order to supply their own scanty wants. In town they readily engage in fishing, shooting, boating, carrying wood and water, acting as messengers or guides, in which services, their numbers being so few, they find full and constant employ: so much so, that now the difficulty is to find a black when required. The survivors of the tribe of the lake have taken up their abode for the present at Newcastle, having at this place not a single resident tribe; and we are only now occasionally visited by the small remnant of the inhabitants of the lake. In a very few years, the race of the Aborigines within the limits of the colony, will be seen only in the same proportion, or less than the gipsey race in Great Britain, abating therefrom the women and children. Of those in the interior it is difficult to form a judgment, but it may fairly be presumed that the numbers are considerably overrated, because, whenever the blacks assemble in order to retaliate for some injury, real or supposed, which they conceive they have received from Europeans, their numbers seldom are rated at more than a hundred or two, or four, or five hundred at most; when it is certain, that all their forces are accumulated. It occupies days and weeks, to convey intelligence to, and collect the scattered people by their messengers, and when they are assembled their means of subsistence (hunting) compels them speedily to separate, unless they supply themselves, from the flocks and herds in the vicinity with animal food. It is not possible for savages to know by intuition the good intentions of Great Britain towards them, unless there be institutions established into which the blacks may be invited, where ocular demonstration will manifest in the treatment used towards them, that when they ask for bread, they will not receive poison; or for their own women, and be answered with a musket ball. The present state of excited feeling on the part of those individuals who have suffered in their sheep and cattle attended with the loss of human life, in the attempt to extirpate the aborigines from their sheep and cattle runs, in the interior, is principally confined to one class of the colonists, the graziers, who suffer the most in consequence of our national measures; nor can the aborigines be absolutely condemned for their resistance, they being placed by Britons, precisely in a similar position as ancient Britons were, who acted upon the same principles of resistance to all-conquering Rome whose claims to the British Isles, was as just and right in principle as that of Great Britain to New South Wales. But heathen Rome had her laws of war and peace, and would have blushed at the cold hearted, bloody massacres of the aborigines in this Colony by men called Christians, and that those who could boast of their exploits in popping off a black the moment he appeared without regard to his innocence or guilt. The indiscriminate slaughter which has blotted the Colony with the foul stain of innocent blood, has been committed in open defiance of the Laws of Nations, or of the more high authority, the law of God; and the gallantry displayed in the engagements with rude barbarians had better been displayed in the field of honor; with more equal enemies, and is a much more noble and righteous cause. On reference to the minutes laid before the Committee of the Legislative Council on the Aboriginal question, it appears that during six years, fifteen Europeans were killed; making an average of not three persons a year, who were unfortunately deprived of life. While on the other hand, a secret hostile process, encouraged and carried on against the Blacks by a party of lawless Europeans until it had gained confidence and then unblushingly and openly appeared to the loss of upwards of five hundred Aborigines within two years, including the numerous massacres of men, women and children, and the two or three hundred, said to be slaughtered in the engagement which it is reported took place between the horse police, commanded by Major Nunn and the Aborigines in the interior. We shall refer to this subject next week, and endeavour to show that the fifteen murders were not occasioned by mere wanton attacks of the Aborigines which would deserve punishment but arose from circumstances which will account in some measure, for such lamentable transactions.



## 1841-08-14 — Article 55

LOCAL INTELLIGENCE. (1841, August 14). Geelong Advertiser (Vic. : 1840 - 1845), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article92679720>

LOCAL INTELLIGENCE. THE BLACKS.—The dead body of an aboriginal black was discovered on Saturday last, between the Barrarbool Hills and Lake Modewarre. He had been shot, and there is a train of circumstantial evidence against a black youth named Bon Jon, although, in the present state of the law, he will most probably escape justice. Bon Jon was at one time attached to the Border Police, and several months ago he seduced the lubra of the deceased, who belonged to the Colac tribe. The injured black kept on the trail of Bon Jon for a long time, and prowled around the camp of the police, watching for an opportunity to be revenged. The two enemies had probably met in the bush, when Bon Jon shot the deceased, but whether wantonly or in self-defence will probably never be cleared up. It is not known how the black became possessed of the fire-arms. The prompt and careful manner in which the affair has been investigated, reflects great credit upon the Commissioner. The body was even exhumed for the inspection of the government surgeon; but nothing further is likely to be elicited. On Tuesday last, an inquest was held at the weatherboarded hut, near the Leigh, by Captain Fyans, Crown Commissioner, accompanied by Dr. Clerke, on the body of a man who was found dead in the bush about three miles from the hut. One of Mr. Fisher's servants found the body on the Sunday previous; at first he thought it was a man who had fallen asleep, and he tried to awake him. The body was found at a short distance from the road, lying with its face downwards, and no marks of violence could be found upon it. The man had evidently met his death from natural causes. It is supposed that he was going up the country in company with some teams of Mr. Wells's; that he had lingered behind, and perhaps gone to sleep; but of course the exact circumstances of his death can only be matter of probable conjecture. Accident.—On Wednesday evening a party of sportsmen sailed down the Barwon, with the intention of spending a day or two on the lakes; on Thursday, however, a melancholy occurrence took place, by the accidental discharge of a loaded piece. The party were in the act of landing on the shore of the lake, when, in the hurry of handing out the fowling pieces, the lock of one of them (it is supposed) caught upon a thwart of the boat, the gun went off, and the shot struck one of the party, named Kirk, under the chin, and shattered his lower jaw in a dreadful manner. Great hopes, however, are entertained of his recovery. No real blame can be attached to anyone; but the occurrence is another proof that the greatest precaution should be used in handling firearms, and especially in not leaving them cocked and capped. THE CONCERT.—This entertainment, through some want of arrangement, has been postponed for another week; but we have every reason to believe that it will be given out Monday, the [23rd], without fail. The public will, we are sure, forgive the want of punctuality in the present instance, and will patronize the Concert not the less heartily when it does take place. Monsieur and Madame Gautrot deserve to be well supported, not only on account of their talents, but for the very spirited manner in which they have hazarded their success in so limited a community. MARCH OF INTELLECT.—The following paragraph appeared in the Port Phillip Herald of Tuesday last. Verily, the schoolmaster is abroad! "The Coriair got aground on Monday night at some distance from the present encampment, at Corner Inlet, which, however, was attributed to the depth of the water being considerably affected by the eclipse of the moon, which our readers may remember was on that evening totally obscured for some time." [We wonder if this was penned by the ex-Secretary of the Mechanics' Institution.] THE JETTY.—We have often had occasion to complain of the listless manner in which this piece of work was conducted; but of late, we must admit that it has "made way" considerably. The enormous blocks of stone, some of them nearly a ton weight, which have been conveyed from the quarry to the beach, show that the gang have not been idle. We must still, however, condemn the local authorities for their neglect in not superintending its progress, and directing the energies of their underlings in a more efficient manner. The exertions of private individuals in forwarding this good work, ought to put the officials to the blush. The wharf is now blockaded with masses of stone, which cannot be easily handled with the rude instruments which are in use; and we understand that proper tools are lying idle in Melbourne, which ought to be procured immediately. SHOOTING.—There is an unusual quantity of game to be found at present within a short distance of Corio. The late rains, and the flooded state of the creeks, by dislodging the waterfowl from their haunts, may be supposed to be one of the causes of this

abundance. Captain Grey has entirely and unconditionally abolished the Scab Act in South Australia. Being a "newchum," he does not know what he is about. The settlers have petitioned him to pass some sort of enactment in lieu. MIDNIGHT MARAUDERS.—We had hopes that this gang of mischievous youths had been broken up; but we have heard of a number of their gallant exploits lately, which redound greatly to their credit. If the police would only keep a sharp eye upon them for a few nights, and lay a few of them fast by the heels, the spirit of "brickism" would soon be broken.

## 1841-11-24 — Article 56

Peel's River. (1841, November 24). The Sydney Monitor and Commercial Advertiser (NSW : 1838 - 1841), p. 2 (MORNING). Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article32191516>

Peel's River. OUTRAGES BY THE BLACKS AND BUSH-RANGERS. WANT OF RAIN. PROGRESS OF DISCOVERY IN THE INTERIOR TO THE NORTHWARD. TO THE EDITOR OF THE Sydney Monitor and Commercial Advertiser.

Sir,—I am happy to learn that refreshing rains have fallen in most parts of the colony; but I regret to say, although a small quantity dropped here, the country presents a very sickly appearance. The wheat is so short that it will have to be mown instead of reaped; and unless we are favoured with more rain, we must give up all hopes of having much grass this season. The once-celebrated district of Liverpool Plains has not had a blade of grass for months, and the melancholy consequence is, that the mortality among the cattle has been very great. The whole course of the Mackie is full of dead bullocks, and I have heard that the skeletons of two hundred bullocks are bleaching on one camping ground. The river at the present time has much less water in it than it had the last dry season.

The blacks, I am sorry to say, are more mischievous than ever: they destroy both cattle and sheep with perfect impunity, except in the immediate neighbourhood of the commissioner's quarters. They have been heard to say (for most of them can now talk a little English) they shall kill them as long as a head remains on the Big River. These remarks apply to the country on the Big River, the Boomi, the Macintyre, Frazer's Creek, and the Severn, also the Bundara country and the northern part of New England.

The young Assistant Commissioner to Mr. Mayne may be brave, but if he intends to capture the blacks he must oppose cunning to cunning; and plant himself and police rather more cleverly than he did lately, when his ambuscade was so thoroughly Hibernian that all the country was aware of it, not excepting the blacks, who to a man, knew the whereabouts of the party in ambush, and were laughing heartily at the abortive attempt to overreach them.

A Mr. Bloxam, of Sydney, has been stopped by a bushranger on foot, in the Moonboys, and had his horse and sundries taken from him. I understand he has communicated the circumstance to the Colonial Secretary, remarking at the same time upon the absence of the police from the great roads, and of the general inefficiency of the corps as at present constituted: as a protection to the settler, it is perfectly ridiculous.

These are 'brave' tidings for the new chums, and should they influence those that arrive in the colony with capital, to remain in Sydney, it will, in my opinion, be none the worse to the parties who so resolve.

I do not remember whether Sir T. L. Mitchell discovered the source of the Darling (it is always called Barwen here, for that is the native name), but several gentlemen here have informed me the Macintyre is its head; others, that the Condamine, the Darling Downs River, is the parent stream. Some who have ridden 60 miles beyond the apparent termination of the Condamine informed me they could not discover any channel or continuation of it. It is not at all surprising that the Barwen along its whole course should present such a deep channel and high banks, as it is fed by all the rivers and creeks running westward between this river and the stony range thirty-five miles from the Condamine, comprising an area of three hundred miles.

Those who have been to Darling Downs inform me that they cross seven principal rivers, besides innumerable creeks most of which have water in them (no advertisement!) during the driest seasons. I believe there is no doubt, that all the stations on Darling Downs have been taken up. Parties who now want runs go over the range to the Moreton Bay side. The New England Commissioner claims no jurisdiction over them, but I presume the Government will not neglect them; I understand there is a fine river about one hundred miles to the northward of Moreton Bay called White Bay River which is navigable for a considerable way upwards for large vessels, so that this will no doubt be the next rush.

I hear that several of the Darling gentry are meditating excursions to it with a view to occupation; and, as all rivers in this Colony take their rise from ranges, runs for sheep and cattle will more than probably be found

there. The settlers are anxiously expecting Moreton Bay will be thrown open.

I am, Sir, Yours, &c., T. A. Peel's River, November 9th, 1841.

## 1841-12-10 — Article 57

ORIGINAL CORRESPONDENCE. LIVERPOOL PLAINS. (1841, December 10). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article12872726>

ORIGINAL CORRESPONDENCE, LIVERPOOL PLAINS.

To the Editors of the Sydney Herald.

GENTLEMEN,—Having read in one of your late papers that we have been visited at this place by a heavy fall of rain, to prevent any false hopes among the proprietors of stock inside, I have taken the liberty, as a resident on the spot, to say that such has not been the case—the general rain, which appears to have been down the country, not having reached farther than the main range. We had a partial rain on the 2nd and 4th instant, which barely made the grass spring, since when it has been entirely parched up with excessive heat. This place has not been visited with any beneficial rain since November, 1840, and the destruction which has occurred among the stock from the long drought is very great. I can safely assert, that no less than five hundred head of cattle have died from want in the immediate vicinity of the Mooki; the banks of the water holes are literally covered with dead carcasses, which have been taken out of bog by the stock-keepers, being unable to again rise. By the brands the principal sufferers are Messrs. Allan, Reynolds, Nowland, and the A. D. Cattle, &c. The destruction among the sheep of Messrs. Uhr, Richards, &c., is very great, the latter gentleman has succeeded in getting the flocks he had left away, having lost a great number, together with his crop of lambs—the stockholders are necessitated now to wait till some rain does come, when it is their intention to remove what stock they may have left; but should the weather continue as it is at present, there will not be left many to move; for they are reduced to that state of poverty, that they would not stand to be drove to a yard. We have heard with much regret that Mr. F. Parmeta, superintendent to Benjamin Singleton, Esq., who was speared by the blacks on the M'Intyre River, died on his road up for medical assistance, and has been interred at the station of Mr. Dight. Should you think these few remarks worthy of your notice, you can make what use you think proper of them.—I am, gentlemen, &c.

J. S. W.

Mooki, Liverpool Plains, November 27.

## 1842-02-03 — Article 58

SCONE. (1842, February 3). Sydney Free Press (NSW : 1841 - 1842), p. 4. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226357770>

A fine looking aboriginal black passed down yesterday, committed by Mr. Commissioner Mayne for spearing cattle, and I believe also under a charge of murder. He was chained round the neck. It is to be hoped he will be tried, as generally they are allowed to escape for want of an interpreter, and are not brought to trial (as white men have been, and executed, for similar offences,) but are turned adrift well clothed, and tomahawks given to them. This treatment must lead them to believe that they have done a very meritorious action, as is indeed proved by their conduct, which is generally worse than ever. We hope a different course will be followed in this instance.

Cattle are still dying. Not a drop of rain has fallen. We shall all be ruined— that is the graziers, and if they are so the rest must follow. Thousands of sheep and cattle are dead, and others are fast dying, both inside and beyond the boundary. Sir John Jamison, I am told, has lost five hundred head of cattle at his station on the Namoi. ...

## 1842-02-12 — Article 59

OUTRAGES BY THE BLACKS. (1842, February 12). The Hunter River Gazette; and Journal of Agriculture, Commerce, Politics, and News (West Maitland, NSW : 1841 - 1842), p. 3. Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article228141238>

### OUTRAGES BY THE BLACKS.

Under the head of Scone we have given in our Correspondent's communications, the particulars of an aggression committed by the Aborigines, on the station of Mr. Drake, in the course of which two men were barbarously murdered, and property to a considerable value carried away. Since then we have been favoured with the perusal of a letter received by Mr. James Howe, from his station on the McIntyre River, describing a succession of outrages committed by the Blacks, who appear on the occasion to have proceeded in such a systematic and deliberate manner, as seemed to infer the most perfect confidence from molestation. We give an extract from the letter to which we have alluded, and shall in next publication, make some remarks on the increasing audacity of the Blacks, especially in the remote districts. "Sir, — I have to inform you of the arrival of the dray, on the 19th ultimo., and also that the blacks are very troublesome; they are continually rushing cattle, and have speared Bonny Boy so severely, that I expect he is dead by this time, and also one of Mr. Brown's horses that was along with him, but the latter has recovered. They have murdered old Dick Twine and his hut-keeper, both employed by Mr. Drake, and taken everything out of the hut, including seven stand of arms, and a quantity of ammunition. One horse also is missing, and three dogs have been killed. On the evening of the 15th they took from Mr. Hargrave's station two horses, one tethered and the other in hobbles; on the 16th they rushed the men at the hut, but they were repulsed without damage on either side; on the 17th they renewed their attack, knocked down two panels of the stockyard, at a point where the men could not play upon them from the hut, and killed one calf in the yard and let the cattle out. On the same evening, myself, and two of the Police named George and Taylor, a servant of Mr. Dight's, and Mr. M'Dougal's stockman, went down, by Mr. Hargrave's station, next to Mr. Yeoman's, but the blacks had burnt that hut which was uninhabited, and when we arrived at the other hut they had been gone about three hours, but no damage was done to the hut or men. The next morning we went in pursuit of them, and fell in with them about five miles lower on the river, in a very heavy scrub, where it was impossible for us to do anything, as they would not come within shot and took shelter behind the trees, and kept hooting and telling us they were not frightened, calling us white b s and telling us to come on; we left them as we found them, our force being inadequate to engage them in the scrubs. On the 20th they killed Mr. Dight's horse Schemer, cut his head off and two of his legs, and hung his entrails out from bush to bush; Mr. Dight's stockman's grey mare was with him at the same time, and she is missing. My old friend the native black, whom I took to the Peel, and who was committed, but as usual was allowed to go at large without being tried, is now on the river again, and also two of the fourteen that were sent down for trial shortly after. McIntyre River, Jan. 20, 1842."

## 1842-02-15 — Article 60

SCONE. (1842, February 15). Sydney Free Press (NSW : 1841 - 1842), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226358766>

SCONE.

From the Hunter's River Gazette, Since my last, we have been favoured with a delightful day's rain. On this day week it rained the whole day, and the favourable change in the appearance of the country in consequence is now perceptible. The holes on the Dartbrook are well filled with water, and the grass is springing fast in the immediate neighbourhood, but I am fearful that without a repetition, we shall reap little advantage from it; a week's rain would not be too much. We are thankful for that received, and trust more will come soon. Although it rained pretty heavily here, none reached further than Murrurundi, so that the Peel, Liverpool Plains, and Namoi districts are as badly off as ever, and the loss in stock is immense, so much so that many persons will be totally ruined. News from beyond the Boundaries. — From accounts recently received, we learn the blacks are very troublesome on the M'Intyre. Two men at Mr. Drake's station on that river, were beaten to death by those savages a few weeks ago. They also killed the poor victims' dogs by running their spears through them, and afterwards placing them on the deceased men's heads. When the stockman returned from a neighbouring station he found every article of rations, slops, &c., carried off, even to the nails which were used in making the hut, and his comrades in the melancholy condition above described. The blacks knew of the dray having arrived, with rations a few days before, and the tribe must have been very numerous, since they carried off rations and various articles, weighing from 20 to 30 cwt. Some are of opinion, that they must be accompanied by one or more white men, who counsel and assist them in their murders and robberies. The dismay occasioned by this and similar outrages, is such, that servants will not stop on the stations on the M'Intyre, where their lives are placed in constant jeopardy. Since writing the above, I have heard that two men have also been slaughtered on the M'Intyre, at Mr. Singleton's station, in all probability by the same party of blacks. These murders have all been attended with such circumstances of brutality as convinces me that the blacks have assistants with them. I have also heard of another white man having been butchered about the same time, on a gentleman's station near the M'Intyre. These atrocious outrages must be stopped, or the stations beyond the boundaries will be abandoned. The blacks convey away the salt they pilfer from these stations to cure the cattle which they spear on the distant plains. The new commissioner, assistant to Mr. Mayne, is a very fit gentleman to follow the natives into the bush. He is the same person who did such good service in suppressing bushranging in the New Country. A melancholy accident occurred lately at Messrs. Dight and Rowe's station, on the M'Intyre. Their superintendent, a Mr. Dines, shot one of his servants as he was entering through an aperture in his hut. Mr. Dines naturally supposing the intruder to be a black or a bushranger, as the occurrence took place in the night; when he perceived the man forcing a passage through the slabs, he fired at him and killed him, I believe on the spot. Mr. Dines had only hired him during the same day, and of course had no animosity against him. He was a colonial youth, and from the reports, the occurrence appears to have been entirely accidental. Immediately after it happened, Mr. Dines hastened to the commissioner and related all that had taken place. He was finally committed and refused bail although tendered, and has been sent down the country in charge of a policeman. He will no doubt be tried at the ensuing Circuit Court.



## 1842-02-15 — Article 61

Commercial Remarks. (1842, February 15). The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article2555763>

Murder by the Blacks - Country Correspondent informs us that on the 8th of January last, as Richard Turner and his comrade Brown, both in the employment of Mr. Drake, at his station on the M'Intyre, were going early in the morning of that day to the stockyard, they were set upon by a party of blacks and barbarously murdered, the savages disfiguring their bodies in a most shocking manner. The perpetrators of this wanton murder have not yet been apprehended.

## 1842-02-16 — Article 62

COUNTRY NEWS. (1842, February 16). The Colonial Observer (Sydney, NSW : 1841 - 1844), p. 7.  
Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226359804>

### COUNTRY NEWS.

The loss of stock in the Peel and Namoi districts has been so great that many persons will be entirely ruined. — The blacks on the Macintyre continue very troublesome. Two men who had a dray with provisions in charge were beaten to death by them, and the provisions carried off. It is supposed that their predatory excursions are aided and abetted by bushrangers. Two other men were murdered by the same party at Mr. Singleton's station, and another at a station adjoining; all of which murders were accompanied with circumstances of the grossest brutality. ... — The blacks on the Macintyre, besides the murders already mentioned, have been in the habit of spearing the horses and cattle whenever they can find an opportunity. Several of the settlers have suffered considerably from these depredations. ... — The country on the Namoi is described by a person who had recently visited it, as being in a fearful state from the effects of drought. Cattle are lying in thousands in a state of putrefaction, and the water, when any is to be found, in such a putrid state as to render it almost unfit for use. ...

## 1842-03-12 — Article 63

MACINTYRE RIVER. (1842, March 12). The Hunter River Gazette; and Journal of Agriculture, Commerce, Politics, and News (West Maitland, NSW : 1841 - 1842), p. 3. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article228141094>

MACINTYRE RIVER.

(From the Hunter River Gazette.) THE following letter describes a series of outrages committed by the blacks of the M'Intyre River, on the property of settlers in that district, of a more extensive description than we ever recollect to have heard of. It will be perceived, that from one station they had driven off the entire herd of cattle, and placed those at defiance who came to rescue them. We shall allude to this subject at greater length in our next publication.

Sir,—I wrote by the bullock driver, informing you of the state of the River up to that time. I am sorry to state that things are getting much worse, and that the blacks are increasing their atrocities to such a pitch, that at present even life is not secure. There are but two policemen on the River, and their exertions are but of little avail, as the blacks now go in mobs to the amount of hundreds.

The day before yesterday, the police, with Mr. G. Dight's stockman, went to Mr. Yeoman's station, and about an hour after their arrival, an immense number of blacks approached to the station, keeping the opposite side of the river, and even dared the men to approach them; previous to that, they drove away the whole herd of cattle, and compelled the men to take the hut for their own safety. They however were driven down the river by the police and George, uttering the most dreadful shouts. It is most probable they would that day have attacked the hut, but for the arrival of the police, who also went down the following day and found that they had speared the stock horse; they found his body on the other side of the river, not far from the hut: shortly afterwards, the police were on their way up the river to my hut, as the blacks' tracks shewed in that direction, and on approaching within about two miles of the hut, they fell in with the mob, who thought to surround them as their number was but two, which, but for their contiguity to the plain, they might have effected; however, the police escaped to our place uninjured; The blacks then took the plain in the direction of Brown's hut, slaughtering a few head of cattle on their way. I, and Mr. Drake's stockman were then on our way from Brown's, bringing with us a mob of cattle, all Drake's but one; they approached and made us relinquish the cattle; we being unarmed, we rode back to the hut as fast as possible for our arms, and fortunately the police had their horses in the yard, so we four set off immediately after them; we fell in with them about the spot where we left the cattle, they attacked us, and we them, but could not compel them to take the Plain in consequence of their number. We engaged them until the close of the evening compelled us to depart; but with what effect we know not, as the place they got into was surrounded by trees. You, Sir, may easily imagine how we are circumstanced, afraid even to let our horses leave the hut, where there is scarcely any feed for them, excepting what few reeds we can collect, and they are almost eaten up.

I remain, Sir, your obedient servant.

F. CRAMPTON.

February 9, 1842.

P. S. Feed is exceedingly bad on the run, for want of rain, consequently there are few cattle on it, and it is out of my power to go after them.

## 1842-04-05 — Article 64

ORIGINAL CORRESPONDENCE. (1842, April 5). The Australian (Sydney, NSW : 1824 - 1848), p. 2.  
Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article36849733>

ORIGINAL CORRESPONDENCE.

THE BLACKS. To the Editor of the Australian.

SIR, — Having observed in your paper of 15th instant, a letter headed Outrages by the blacks, giving an account of recent affairs, by these cannibals of the McIntyre River, I was induced to pen these few lines, in order to shew that the McIntyre is not the only place beyond the limits, these lawless ruffians carry on their atrocious crimes.

I have just returned from the River Barwin (which the Namoi junctions, and I suppose is about three hundred miles in a north westerly direction from Maitland and has not been occupied much more than three years), where the blacks are only just commencing their depredations, murders, &c.; report says, they have killed four or five men there, and speared numbers of cattle belonging to various individuals; the only authenticated report I can give you is, the one of a man of Mr. Lawson, senior, of Prospect, being killed by the blacks. It would appear from the man's own story, who was a stockman employed on the Barwin, that about three weeks since, between eight and nine o'clock at night, one-hundred-and-fifty or more blacks, came to his hut, rushed at the door without uttering a word, and flung at him some half-dozen of spears or so, one of which struck him in the neck; he and his mate then immediately took to their fire-arms, and fired two or three volleys, and think they must have wounded one or two, from their shouting, &c., but from fear and alarm they did not wait to ascertain. On their finding the blacks immediately dispersed, the wounded man and his hut keeper then proceeded to the head station, distant about ten miles, without any delay, reported the circumstance to their Superintendent who, next morning, with all hands, and two or three neighbouring gentlemen, got on the tracks of the blacks and went in pursuit, but to no purpose, as their horses knocked up on the second day, when they were compelled to return, and they then found the man who had been speared, had died from the injuries received.

The second instance of murder, as reported to me (I cannot vouch for its correctness), is a man of Mr. White, on the Barwin, who, about a month since was murdered by the blacks. The following are the particulars as stated to me: the stockman was out on the run, tailing (to use the Colonial bush phrase) weaners, when from seventy to eighty blacks came up to him, and surrounded him, they asked him for tobacco, which he gave them. Immediately after receiving the tobacco, they let fly a spear or two at him, but doing no harm, they made him dismount, killed his horse on the spot, and partook of some of the blood, and walked to his hut, distant about two miles. On arriving there, they insisted upon flour, &c., being given them, which they got, or rather took, and left; they returned to the hut again in about an hour, and deliberately murdered the man, who was in the very act of telling his mate what a miraculous escape he had had from the spears; they, no doubt, would have served his hutkeeper in like manner, but that he contrived to make his escape to a neighbouring station, whilst the blacks were too busily employed rifling the pockets of the deceased and the hut; two spears were thrown at this man, but whizzed past him.

This hut keeper returned next morning with eight or ten others, well armed, and found the hut had been completely ransacked of flour, tea, sugar, and tobacco; also many other things carried off. The party then endeavoured to trace the blacks, but a thunder storm coming on erased the tracks, and stopped their further progress.

I heard the day previous to my leaving the Barwin (on 28th ult.), that a man of Mr. Robertson, also a man of Mr. Cox, had shared the same fate as the two unfortunate individuals abovementioned, but I could not glean the particulars from any source worthy of credence.

The blacks at the Barwin have commenced the spearing cattle system; about ten or twelve of Mr. Nelson Lawson's; eighteen or twenty of Messrs. G. and H. Cox's, and numbers of others belonging to different

persons, have been found dead on the runs, some with parts of the spear still remaining in them, and the death of numerous others on examination of the wounds, fully bearing out that it was the act of the blacks.

I understood Mr. Commissioner Fry was to be stationed on the Barwin, and I have since heard that he is ordered to the Clarence; but it behoves the Governor to immediately send a Commissioner and a strong party of police to be permanently stationed on the River Barwin, or the loss of property and life, I make no doubt, will be immense, now these blood shedders and cattle spearers have commenced their depredations and murders, and no force down here in any way to intimidate them.

We, on the Barwin, all know that Mr. Mayne's district is much too large for any one individual; and were a Commissioner appointed for the Barwin, it would leave Mr. Commissioner Mayne plenty of work to perform, and the Barwin Commissioner would not be idle, i.e. if he did his duty, and not as I hear some of the Commissioners do, never stir from their snug quarters, or even go their periodical visits or rounds, except the usual quarterly visit or round to Sydney.

If his Excellency is against appointing a Commissioner expressly for the Barwin, on the score of expense, I would suggest, these retrenching and economical times, the propriety of adding it to the Bligh district, which is very small indeed, and by far the smallest district of any, and increasing the present Bligh police force, and forming a depot on the Barwin; say for instance, increase the Bligh division to twenty men strong, and send half that number to the depot on the Barwin, which would be the only increase in the shape of expense, as the present Commissioner's salary would be most ample; and with occasional visits (I fear they would be like angels, few and far between), from the Commissioner, who would then be a great man entirely, might render the settlers in that quarter some little security, and in some measure put a stop to further outrages, but which would entirely depend on the visits of the Commissioner, to see that his men were, with their arms in proper order, &c.

This letter is more lengthy than I intended on my outset, but by your insertion of it in your columns, in an early number of your valuable journal, you would greatly oblige the inhabitants of the Barwin River, and none more than

Your obedient Servant,

A BARWIN SQUATTER,

AND

SUFFERER BY THE BLACKS.

Pine Ridge, March 26, 1842.

P.S. — Should anything further, worthy of publication transpire, I will forward you all particulars. — B.S.

## 1842-07-11 — Article 65

PEEL'S RIVER. (1842, July 11). The Sydney Herald (NSW : 1831 - 1842), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12876084>

PEEL'S RIVER.

June 20.—I observe, from your paper of the 10th instant, that you are still in the dark as to the wretched state of the district of Liverpool Plains, for want of feed and water. I have travelled over the greater portion of it lately, and seen persons from the Namoi, Manilla, Gwydir, and other parts of this district, and am sorry to say, that no rain has fallen in this quarter, to do any good, for the last fifteen months; the country is, of course, in the most deplorable condition: for instance, there is not a blade of grass or a drop of water to be seen between this and the Page's River, a distance of ninety miles, and I only saw alive, eighteen head of poor starved cattle in that space, where thousands were formerly visible. Low down the Namoi they have not suffered so much from want of feed as from want of water, until lately, as some two months ago, two days' rain fell, which brought good feed, but such swarms of grass-hoppers came soon after, that it was completely cut off in a few days, and they are now in the same miserable state there as we are on Liverpool Plains. At the Barwon, they do not suffer from want of water, but the grass-hoppers have done their work in the same style as up the Namoi; they are described to me as like a thick snow-drift, and as being almost impossible to get a horse to go ahead among them. The country is in a most distressing state, quite incredible to any but eye-witnesses. Those settlers who are landed proprietors, are scraping together the few stock they can, and taking them within the limits; but the greatest proportion, not being landholders, have not this in their power, and must, therefore, quietly submit to let the stock they have left, die before their eyes, as the Commissioner, Mr. Mayne, says, "He has received the most positive instructions from the Governor, to allow no new stations to be formed farther into the interior, and to drive in those squatters, with their stock, who make any complaints of receiving annoyance from the blacks," so that settlers need no longer "dream of bright days to come;" and, I am sure, you will feel as much surprised as myself, at their apathy, in a matter touching their interests so keenly! for surely, His Excellency would listen to a moderate petition on the subject; as, if the settler is to be hemmed in, his positive instructions acted up to, as is at present the case, you will find many "filing their schedules," who, two months ago, never dreamed of such a thing, and when asked, on their examination, the cause of failure, their answer will be, Sir George Gipps' "positive instructions." I have endeavoured to ascertain the decrease of stock in this district, as near the truth as possible, and find all agree that, exclusive of increase, 150,000 sheep have died, and at least 15,000 head of cattle; the cattle are a mere guess, and are as likely to be as many more. But all this could be very easily ascertained by a reference to the returns to be sent to the Commissioners on the 1st July, if possible to get a sight of them.

There will not be a sufficient supply of fat stock from the northern districts this season for the consumption of Maitland and neighbourhood, and I fear they will be obliged to buy and drive fat cattle from the Sydney market there, so that the Southerners are likely to have their own price for beef this winter.

Among the greatest sufferers from the death of cattle, is Sir John Jamison, and his loss is estimated to be from 1200 to 1500 head; and a gentleman, while I am writing, has just come in, who says, he will be well pleased if his is not more, I could go on in this strain of melancholy long enough, without exaggerating; but as a fortnight's rain will do more good than wearying you farther, I will close, trusting that it may have commenced before this reaches you, and of which, I will give you the earliest information.

## 1842-09-13 — Article 66

Maitland Circuit Court. (1842, September 13). Australasian Chronicle (Sydney, NSW : 1839 - 1843), p. 3. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article31737155>

MAITLAND CIRCUIT COURT. (From our Correspondent.) His Honor Sir James Dowling, Chief Justice, arrived at Maitland on Sunday, the 4th instant. He was followed by a large assembly of the inhabitants from the steamer at Morpeth to Mrs.

...

Wellington, an aboriginal black, was sentenced to ten years to a penal settlement, for being found, with others of his own tribe, killing a cow belonging to Mr. William Scott, of Richmond. The man was brought all the way from the Gwydir, as was also an interpreter, and another aborigine named Fryingpan, who was acquitted for want of sufficient evidence. These two men cost the government a great sum of money, and, as the Judge remarked, without any return of good to the public. His Honor commented largely on the difficulty of trying these blacks by the English laws, which they could not understand, and said that sending one man from a tribe was like a grain of sand from the seashore, and had no salutary effect on the remainder of his race. The witness against these blacks, who appeared to be an intelligent person, said that within this month the blacks had killed 13 head of cattle, and made no use of them, but cut their tongues out, leaving the whole of the carcase on the ground; he also said that one gentleman had lost about 350 sheep, which were speared by these ungovernable blacks, who are now as outrageous as ever.

...

## 1842-10-03 — Article 67

The Sydney Morning Herald. (1842, October 3). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12417873>

The Sydney Morning Herald.

MONDAY, OCTOBER 3, 1842.

"Sworn to no Master, of no Sect am I." OUTRAGES BY THE BLACKS.

Our paper of this day unfortunately contains evidence, that in the two most widely separated districts of the colony, Portland Bay and the Namoi, the native blacks have been, and still are, committing outrages of the most distressing character. At Portland Bay, there is proof that the blacks kill the cattle out of mere wantonness, while Mr. DOYLE'S letter, which will be found in another column, shows that the blacks to the north-westward are actuated by the most destructive propensities. They do not kill cattle or sheep because they want meat, they have not even that excuse, poor as it would be, for after slaughtering a bullock, they seldom eat more than the tongue and the kidney fat, leaving the other portions of the carcass to be destroyed. When we consider the immense number of murders and robberies that are committed by the blacks, and the few that are even captured, much less brought to justice, it is evident that some radical change in the law is necessary. It is the height of absurdity to talk of the blacks being dealt with by English law: they are not so dealt with, nor do we think it possible to deal with them according to English law, and do justice both to whites and blacks. This is a highly important subject, and one which we shall take an early opportunity of returning to, for some special laws for the protection as well as the punishment of the native blacks are urgently required. There is a question connected with this matter, to which we wish to draw the attention of the Government: it is the conduct of the Commissioners of Crown Lands and Protectors of Aborigines, who, as our various correspondents inform us, take much more trouble to impress upon the natives the idea that let them commit what crimes they may, the whites must not injure them, than to inform them of the punishment they are liable to if they steal the white man's property or take his life. The fact is, that the Commissioners imagine that His Excellency's philanthropy for the blacks is so great, that he cares very little for the whites, and places the bullock of the white man on the same footing as the kangaroos, placed by the Almighty in the wilderness, which belong to the first person who can subdue them. A circular from the GOVERNOR to set the Commissioners right on this point would be beneficial; but we fear that little permanent good can be done until the Legislature make laws applicable to the circumstances of the natives.



## 1842-10-03 — Article 68

Namoi RIVER. (1842, October 3). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12417858>

NAMOI RIVER.

THE following extract from a letter, dated September 7th, from Mr. B. Doyle to his father, shows the pitiable state which the licensed graziers in the Namoi district are in, in consequence of the outrages of the blacks.

"Now that there is a little feed for the cattle, the blacks are killing them on all the back runs.

"The persons are suffering much from them about here : Sir John, at Ban Ba. Mr. Gale came on them at the mountains, and they had one cow dead and two more tongues in their bags ; they all ran away, and he burnt their accoutrements. Messrs. Bowman, Bettington, Brown, R. Wiseman, H. Eckford, and all other persons on the Mial Creek, Waterloo, Galalatheral Creeks, Mr. Wentworth and some few stragglers of ours amongst them. The stockmen of the said gentleman left here this morning ; they are gathering cattle which were driven by the blacks from the Big River, and the aforesaid places over here ; they tell me that there is immense numbers of cattle killed by the blacks about the Galalatheral Plains. Mr. H. Eckford went up to the blacks when they were chasing the cattle, and they asked him what he wanted, and rifled his pockets and took whatever to-bacco and pipes he had ; he has gone to Maitland, and he will tell you all about it ; he passed while I was at the mountains. The blacks had a bora, as they call it, which signifies a meeting, and they danced with fat upon their heads and beef upon their spears. Unless the stockholders make some effort to prevent it, they will lose all their cattle ; the blacks tell the men that they are afraid to shoot them, as the Commissioner will hang them, (Black Billy is one of the ringleaders of them). Mr. Coxen's stockman came on the blacks at Nandar and they had their mongers loaded with fat beef, which he supposed to be either his or ours. They have driven all cattle on the river now."

## 1842-10-26 — Article 69

LIVERPOOL PLAINS. (1842, October 26). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article12412689>

LIVERPOOL PLAINS.

October 11. —The blacks have of late been particularly troublesome on the Gwydir and M'Intyre Rivers. On the latter they have killed four white men within about two months, as well as having hunted Mr Hargrave's men away in sight of the huts, and speared his three horses. In fact, unless some such active person as Mr Fry be sent there, who would keep the blacks in order without unnecessary severity, the squatters will have to turn out in self-defence. No person wishes to treat the unfortunate wretches with harshness, but it is indispensable that they should be taught to respect property, and at present there is little or no prospect of that being accomplished.

## 1842-11-21 — Article 70

NEWS FROM TH[?] INTERIOR. (1842, November 21). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12409734>

NEWS FROM THE INTERIOR.

(From our various Correspondents.) LIVERPOOL PLAINS.— THE BLACKS.

Another of those cases of foul murder and depredation on the part of the blacks, which unhappily are become so frequent of late as probably to diminish the public interest and attention at their recital, has been perpetrated at Mooney Creek, in Mr. Commissioner Mayne's district, and calls for serious animadversion. We give below the particulars, as contained in a letter received by the proprietor of the station, C. M. Doyle, Esq., a few days since, being the second loss which that gentleman has experienced within a very short period. It betrays a state of things alarming in the extreme and points out that immediate steps must be taken to put an end to such outrages on the persons and property of the squatters. How perseveringly has it been maintained, that the aboriginal native is ignorant of the rights of property, that his crimes are the momentary impulses of revenge for injuries sustained, and that conciliation can effect everything. But rather, how true is it, as proved by this and a thousand other examples, that the largest share of ignorance rests with the white man, who is apt to be deluded with a belief of his personal safety by the ties of an apparently friendly intercourse; and in a moment of confidence and fancied security falls a sacrifice to his temerity, and a martyr to that cold-blooded scepticism which is preached by authority, as the cause of justice to the "poor blacks." Well, the murder is committed in open day, the objects of its perpetrators are easily carried into effect, the station is ransacked, the horses destroyed (of course, to hinder pursuit), and the body of black robbers and murderers retreat unmolested with their booty, and come forth again and again to make fresh aggressions, according as they find some of their numbers, who have ingratiated themselves with the white men, ready to betray their trust, and lead their brother savages to plunder and slaughter. This then, is justice — this is the protection which the border police are paid and pensioned to afford the stockholders of New South Wales!

The trials of the two blacks, Wellington and Fryingpan, at the last Maitland circuit gave the squatters some hopes that the Governor would at length be convinced of the real state of the case as exhibited by the evidence given on these trials, particularly as the Chief Justice expressed very warmly his surprise and horror at the sufferings and dangers which are undergone. Their trials were to be followed up by a petition, which after some unavoidable delay, has at length been transmitted to His Excellency, and it can hardly be doubted that the applications therein made shall be complied with as soon as arrangements will admit. The position of the Commissioner on the Peel at the border of his district is not such as could render his services even if they were energetically applied to the duties of his office, of that effect which they are expected to yield. His immediate removal to the centre of the district is therefore very properly urged. The appointment also of a few magistrates from among the most respectable and educated squatters, to whom not less than three convict men should be assigned, and whom the stockholders propose to support, would have the effect of making the blacks aware of the presence of a force at all points of the district, ready at all times to protect the stations, and bring the perpetrators of these outrages to account.

Having, therefore, pointed out the means by which the required protection can be afforded and without increasing any additional expense to the Government whatever— nay, effecting a saving, by giving support to these extra convict police, there can be no apology for withholding the proposed measures that is, consistent with the wants of the squatters and their lawful claims as subjects of her Majesty.

[illegible]

Meanwhile, having been supplied with a few queries, we desire to put them, as we think they involve matters of first rate importance to the stockholders in the colony.

Is it true that the "poor blacks" are killing the cattle at the old established stations on Gwyder, Namoi and Barwan rivers, and no protection afforded by the Commissioner?

Is it true that the mounted police were escorting a valuable entire horse through the districts, when they ought to have been on duty, protecting the property of the stockholders?

Is it true that two of Mr. Doyle's men have been speared, at his station on the Mooney, and no steps taken in the matter, although one of the men is dead and the other not expected to survive!

The blacks are in the habit, all over the district, of bailing up the hut-keepers, plundering the huts of all provisions, clothing, &c.; and most of these depredations are committed by blacks who have been reared by the whites.

Extract of a letter from Mr. Doyle's overseer, to Mr. B. Doyle, dated Mooney Creek, 9th October, 1842: "On the 1st of the month, as the men John Leahy and Henry Hunt were working at the stock-yard, about eight o'clock in the morning, the blacks were planted in the scrub at the back of the hut, when one of the blacks, Paddy Tye, went down to the creek to bathe, he came back to the corner of the stockyard; Leahy went within two yards of the hut, when there was a shout from the blacks; the two blacks, Toby and Paddy Tye, then took the two guns and ran, Tye presenting the piece at Hunt, and Leahy shouting "here they come," telling Hunt to bring his gun, that lay against the post in the stockyard—they were both gone. Hunt made for the hut; there was a peg in the hasp of the door which delayed him! one spear grazed him on the left side, and another went into his right side, and closing the door the spear broke in his back. Looking out of the port-hole he saw Leahy running along the stockyard and Toby and Paddy Tye following him: they killed him in the scrub where the rails were cut. Hunt heard the report of a gun in the scrub. The blacks came to the hut again, and they all stopped around it for ten hours, throwing boomerangs and waddies at the hut.

I was out in the bush and heard the report of a piece four times, coming home; it was Hunt firing to bring me home; I asked what was the matter? He said that he was speared, and asked if I had seen Leahy. I put the cattle in the yard, and tied my horses to the hut all night. When we were bringing up our horses we found the man on the bank of the creek, I had to leave him as he was, after rolling him up in a blanket and throwing dirt and boughs over him. I then started from the station, went to Eaton's station, where I have the cattle mixed with his cattle, and herding them altogether. The sooner you send me more help the better. My horses are both unable to work; the quicker the cattle are taken away the better. The blacks have taken the rations. I expect Hunt will not live one moment."

## 1843-01-21 — Article 71

BIG RIVER. (1843, January 21). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 4. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article658210>

BIG RIVER.

We have been kindly favored by a gentleman of this neighbourhood with the following letter from a resident on the Big River, which we have no doubt will be read with great interest by many of our readers.

Reedy Creek, December 29, 1842.

Sir—From the interest you took in the affairs of the bush when I was at Maitland, and your readiness to exert yourself when called upon, perhaps some information relative to this part of the country may not prove uninteresting. During my residence at Maitland I declared, on more than one occasion, my opinion that the blacks, from the little opposition they found from government, would become more bold and determined: I regret to say every day's experience is confirming the correctness of that opinion. I have to add another victim to the violence of the blacks, and the absurd notions and measures of the government, in Mr. Beddington's stockman, who was riding down his run, in company with another man, and when within about three miles from the hut a black stepped from behind a tree, and threw a spear at him, which passed through his chest; he lived only about two minutes. This run has been formed nearly six years, and the perpetrator of the deed was a civilised black. I will forward a report to the commissioner, but his instructions are of such a positive nature that I do not believe he can give us the assistance we require.

The blacks are daily becoming more audacious, and unless some very active and prompt measures are adopted speedily, the Big River will be untenable. What was a peaceable and safe part of the country two years ago, is now, from want of proper measures, and from depredations being allowed to pass unheeded and unpunished, becoming most alarming and dangerous: our cattle are destroyed, and our men murdered, with impunity, while we must stand passive observers, and witness the destruction of our property, or run a very good chance of losing our lives, either by the gallows or the spear. If the blacks intend adopting this system of warfare it will be impossible that either ourselves or our men can move from our huts without the utmost danger, and of course, under such circumstances, our herds will fall an easy prey to them. The blacks are quite aware of this, and, from what I have heard from a very intelligent blackfellow, I have every reason to believe they will destroy all the horses, and thus disable the men from attending to the cattle; and that man who offers the slightest interruption in their depredations on the cattle may make up his mind to be killed, and if he moves out they will take care that opportunity shall not be thrown away. The herds have suffered most severely from Mr. Gally's downwards—my own, Mr. Crawford's and Mr. Beddington's, I think, the worst; but it is impossible at present to say to what extent.

I am happy to state we have had some rain, and from all I hear it must have been pretty general. We have had two freshes in the Big River, one from the rain about the Bundarra, and the other a few days after, from the Gwydir; the first extended two miles in the main branch, to Mr. Baldwin's, and in the other branch to its very extremity; and I trust the second fresh will reach to the lowest stations on the main branch. The rain was not so heavy below Mr. Baldwin's as above it, but I trust sufficient to give us both grass and water. The quiet blacks of the Namoi are turning out and killing cattle at Rocky Creek. The commissioner is now on the McIntyre, and will visit the Big River in about three weeks, but I know not what he can do; words will no longer suffice, we must have measures, or withdraw. The men's argument is very correct: they say, if we shoot the blacks we shall be hanged, if we interrupt them we shall be speared; we will leave the service. I expect we shall have to give enormous wages, or herd our cattle. On my return, if I find there is sufficient grass, I shall commence collecting, and herd for safety; fat cattle are out of the question; and if most other herds adopt the same course we shall be able to give some account of our losses.

You are quite at liberty to make what use you please of this letter; I write for the information of all parties interested; and if it tends to awaken the settler from his apathy, and rouse him to exertions for the benefit of himself and fellow graziers, I shall consider my time well spent. — I am, &c., \* \* \* \*

## 1843-01-28 — Article 72

NAMOI RIVER. (1843, January 28). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article658325>

Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), Saturday 28 January 1843, page 2 NAMOI RIVER.

We have been kindly favoured with the following extract of a letter from Mr. B. Doyle, of the Namoi, to his father, C. M. Doyle, Esq., dated January 19th : -

" We arrived here perfectly safe, and had the pleasure of finding the country looking much better than I expected. Nurraby and all around us presents a beautiful appearance. Our cattle and sheep are doing very well indeed, having abundance of grass and water; you may consequently expect a goodly number of fat cattle shortly ; indeed I wish much that we had not removed any part of our stock, and particularly not to the Mooney, which you are aware is at least 240 miles beyond this. I regret to say that Bolin, your principal stockman at the Mooney, arrived here yesterday with the unwelcome news that the blacks on the 2nd instant had taken three horses from the hut where they were fastened, killed them, and let our cattle on the station (amounting to 500 head) out of the yards, and driven them away. Bolin says he has not a beast left. You have consequently four men at present up there at heavy wages for no purpose, as they dare not stir out on the run ; the blacks coming opposite the hut and daring the men to go out, saying they had killed all the horses, and would kill or drive all the white fellows off the Mooney, McIntyre, and Barwin Rivers. They have now destroyed four of our horses, which cost £129 ; killed one of our men, and wounded another so much that I fear he will never recover ; besides destroying the huts, and plundering the station of six months' supply. I really know not what to do in the matter, having no horses to spare from this station, and the men are afraid to venture down the Mooney any more, as they are entirely without protection. I am informed that a policeman has never yet been seen in that quarter. Pray are we likely to receive any benefit from the petition presented to his Excellency some time back, and so respectably signed, or is it the intention of the government to suffer all the stockholders to be totally ruined. The tribe that killed Mr. Bettington's man crossed over from the Big River a few days back, and attacked our sheep on the run, but fortunately the shepherd was armed, on seeing which they ran off. I forgot to say the blacks have also driven away 1100 head of Messrs. Eaton and Onus's cattle on the Mooney. I send the overseer Quinn down for instructions and more horses, to enable us, if possible, to recover some of the cattle, "

## 1843-02-01 — Article 73

THE BIG RIVER. (1843, February 1). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article12423705>

THE BIG RIVER.

EXTRACTS from letters received by Mr. C. M. Doyle, showing the state of the north-western districts -

Reedy Creek, December 29, 1842 - From the interest you took in the affairs of the bush when I was at Maitland, and your readiness to exert yourself when called upon, perhaps some information relative to this part of the country may not prove uninteresting. During my residence at Maitland I declared on more than one occasion my opinion, that the blacks from the little opposition they found from Government, would become more bold and determined - I regret to say every day's experience is confirming the correctness of that opinion. I have to add another victim to the violence of the blacks, and the absurd notions and measures of the Government, in Mr Biddington's stockman, who was riding down his run, in company with another man, and when within about three miles from the hut, a black stepped from behind a tree and threw a spear at him, which passed through his chest: he lived about two minutes. The run has been formed nearly six years and the perpetrator of the deed was a civilised black. I will forward a report to the Commissioner; but his instructions are of such a positive nature, that I do not believe he can give us the assistance we require. The blacks are daily becoming more audacious, and unless some very active and prompt measures are adopted speedily, the Big River will be untenable: what was a peaceable and safe part of the country two years ago is now, from want of proper means, and from depredations being allowed to pass unheeded and unpunished, becoming most alarming and dangerous. Our cattle are destroyed, and our men murdered with impunity - while we must stand passive observers, and witness the destruction of our property, or run a very good chance of losing our lives either by the gallows or the spear. If the blacks intend adopting this system of warfare, it will be impossible that either ourselves or our men can move from our huts without the utmost danger; and, of course under such circumstances, our herds will fall an easy prey to them. The blacks are quite aware of this: from what I hear from a very intelligent black-fellow I have every reason to believe they will destroy all the horses and thus disable the men from attending to the cattle, and that man who offers them the slightest interruption in their depredations on the cattle may make up his mind to be killed the first opportunity, and if he moves out, they will take care that opportunity shall not be thrown away. The herds have suffered most severely from Mr. Gally's downwards, myself - Mr Crawford's and Mr Biddington's I think the worst, but it is impossible at present to say to what extent. I am happy to state we have had some rain, and from all I hear, it must have been pretty general, there have been two freshes in the Big River, one from the rain about Bunburra, and the other a few days after from the Gwyder; the first extended two miles on the main branch, below Mr Baldwin's, and in the other branch to its very extremity, and I trust that the fresh will reach to the lowest stations on the main branch, the rain was not so heavy below Mr Baldwin's as above it, but I trust sufficient to give us both grass and water. The quiet blacks of the Namoi are turning out and killing cattle at Rocky Creek, the Commissioner is now on the McIntyre, and will visit the Big River in about three weeks; but I know not what he can do, words will no longer suffice, we must have measures, or withdraw. The men's argument is very correct: they say, if we shoot the blacks we shall be hanged, if we interrupt them we shall be speared - we will leave the service. I expect we shall have to give enormous wages, or herd our cattle, on my return, if I find there is sufficient grass.

Extract of a letter, from Mr B. Doyle, of Nurrabry, Namoi River, to his father, C. M Doyle, dated 19th January instant: "We arrived here perfectly safe, and had the pleasure of finding the country looking much better than I expected to have seen, the station and all around us presents a beautiful appearance, our cattle and sheep are doing very well indeed, having abundance of grass and water; you may consequently expect a goodly number of fat cattle shortly. Indeed, I wish much that we had not removed any part of our stock, particularly to the Mooney Creek, which you are aware is at least two hundred and forty miles beyond this; and I regret to have to inform you that Bolin, your head stockman at the Mooney, arrived here with the unwelcome news that the blacks, on the night of the 2nd instant, during a violent thunder storm, had taken the three horses from

the hut, where they were fastened, for protection, and killed them at some distance on the run, they let the cattle out of the yard (500 head) and drove them away. Bolin says he has not a beast left on the run, you have consequently four men there at heavy wages doing nothing, as they dare not venture to stir out on the run; the blacks came opposite the hut the following day, and the fellow that killed poor John Lehey and wounded Hunt, called out that they had killed all the horses or yarramen, and would kill or drive all the white fellows off the Mooney, McIntyre, and Barwan Rivers, he challenged the men out to fight. They have now killed four of your horses, which cost £129, killed one of our men, and wounded another so badly, that I fear he will never recover, besides destroying the huts and plundering the station of six months supplies, and have now our whole herd of cattle at their disposal. I really know not what to do in the matter, having no horses to spare from this station, and the men are afraid to venture down to the Mooney anymore, as they are entirely without protection. I am informed, that the face of the Commissioner or a Police Magistrate has never yet been seen in that quarter. Pray are we likely to receive any benefit from the Petition presented to His Excellency some time back, (which was so respectably signed), or is it the intention of the Government to suffer all the stock-holders to be totally ruined. The tribe that killed Mr Bettington's man, crossed over from the Big River a few days back, and attacked our sheep on the run, but fortunately the shepherd was armed, on seeing which, they ran off. I forgot to say the blacks have also driven away 1100 of Messrs Eather and Oness's cattle, and killed one horse on the Mooney. I send Overseer Quinn down for instructions and more horses, to enable us, if possible, to recover some of the cattle. It is reported there are two white fellows, bush-rangers of course, with the blacks on the Mooney and Boolooney Rivers.



## **1843-02-11 — Article 74**

HUNTER RIVER DISTRICT NEWS. (1843, February 11). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article658577>

Beyond the boundaries of location the country here looks well, plenty of grass and water, and favourable accounts are arriving from all quarters, the Namoi, Peel, Macintyre, Big River, &c.; and the blacks are now quiet.

## 1843-02-25 — Article 75

THE MOONEY AND BARWIN RIVERS. (1843, February 25). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article658887>

THE MOONEY AND BARWIN RIVERS.

We have been favoured by C. M. Doyle, Esq., with the following extract of a letter from his son:—

"Nurraby, Namoi River, 5th February, 1843.

"Messrs. Single and Williams's stockmen are now here, on their way to report that the blacks have killed six of their horses since my last, and driven all the cattle off the Mooney Creek. They went to our hut, and killed Bolen's stock dog after he left. They have now grown so impudent that they sent word to Mr. Eckford's station that they would kill their horses next. It is their intention to kill or drive all the whites with their cattle from the Mooney and Barwin. Mr. Eckford's stockman is now here. I am also informed that the blacks are committing great depredations on the Big River, more particularly on Captain Mayne's station; the superintendent finds it necessary to send for more men and horses.

"I am happy to inform you that all stock here are doing as well as it is possible for cattle and sheep to do, having abundance of grass and water. A little rain would be acceptable notwithstanding, to ensure us a good winter.

"I have just received information that a considerable number of our cattle taken from the Mooney station by the blacks had made their escape, and are now at Mr. A. M'Dougall's station on the Big River, about seventy miles from this.

"B. Doyle."

## 1843-02-28 — Article 76

STATE OF THE COUNTRY. (1843, February 28). Southern Australian (Adelaide, SA : 1838 - 1844), p. 3.  
Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article71616328>

... Beyond the boundaries of location the country here looks well, plenty of grass and water, and favourable accounts are arriving from all quarters, the Namoi, Peel, Macintyre, Big River Sec.; and the blacks are now quiet. We may therefore expect more fat cattle from these districts this season (for the Maitland and Sydney markets) than have been driven down for three years past, as until recently there has been no grass to fatten them and the country about Liverpool Plains was so badly off for feed that it was impossible to bring them to market in good condition. ...

## 1843-03-25 — Article 77

NAMOI AND BARWIN. (1843, March 25). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article659439>

NAMOI AND BARWIN.

There has been some beautiful rain, and the creeks and rivers are all full, even past Daldoon and Waterloo creeks. Grass very swardy, and in some places enough to mow. In about two months it may be expected that fat cattle will be down for slaughter in abundance, and they will no doubt meet with a ready sale. It is astonishing how fast the cattle improve. We might now expect to do some good were it not for the outrages of the blacks, who are destroying life and property wholesale, so that it has become very difficult to get stockmen and hutkeepers, except at a rate of wages which we cannot afford to pay. We are not well used by the government: we have no commissioner, no border police, and we cannot take the law into our own hands for fear of the gallows. We are thus compelled to see our men butchered and our property destroyed without redress. We are made to pay taxes, and have in return no protection from the government. Mr. Mayne never visits us.

March 14.

## 1843-04-01 — Article 78

THE POOR BLACKS V. THE WHITE MEN. (1843, April 1). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 4. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article659585>

THE POOR BLACKS v. THE WHITE MEN.

To the Editors of the Maitland Mercury.

GENTLEMEN—From recent accounts which have been received from the Namoi and Barwin rivers, the melancholy intelligence has reached this place of a most daring outrage, attended with loss of life, committed by the blacks at a station belonging to Mr. Samuel W. Cook, of Scone. A man named Thomas Rhodes, attended by a black boy, were in pursuit of their master's stock, when they fell in with a tribe of blacks in the act of spearing the cattle, and before the two unfortunate creatures could escape they were surrounded and a shower of spears sent upon them. The two were thus murdered, and their horses killed. The inhuman wretches, who were the assailants, then burnt the bodies of their victims to ashes. Rhodes bore the character of an excellent servant, and it is supposed that he came upon the murderers with fat cattle in their possession, which they had just speared. My informant says Rhodes was not a man of a revengeful disposition, and that at the time of his murder he was in conversation with the blacks, and had no means of escaping from their treachery. This information has been derived from the blacks themselves.

If such murders are allowed to go unpunished, life and property will never be safe beyond the boundaries. It is daily growing worse, and it is painful in this state of things to reflect that some time ago seven white men suffered the penalty of the law for a murder on the blacks.

We hear of frequent murders committed by these savages on white men, with a great destruction of property, and I know of several persons who were very vindictive against the whites who were executed, who are now great sufferers, and are convinced that they were wrong, and that it is difficult to civilize the blacks. In some instances the murderers are captured, but in scarcely any are they convicted or punished; but frequently discharged for want of an interpreter, or some other cause; and after having been for some time, well fed and clothed, return to their tribe with a tomahawk and other warlike weapons, to murder the first white man who ventures to contradict these black worthies.

When engaged in spearing cattle or horses it is no uncommon thing for them to dare the owners to interfere with them, boldly asserting that if they do the Governor will hang them with conagong, as the seven other white men were. They defy the stockmen to come out, saying, "bail we care for any white fellow." They are as crafty as possible, and altogether so treacherous that not the least dependence can be placed upon them. Some of the more civilized amongst them are intelligent enough, and speak of the white fellows' forbearance (meaning the government) with contempt; they describe the baggere tricki meted out in Newcastle and Sydney gaols—no work with plenty of clothes and food. The Glendon case is even worse than the one about which I am writing, as the blacks were more civilized, and very well knew the difference between right and wrong.

The squatters are heavily taxed and not protected as they ought to be, and if some of those half religious gentlemen who cry out against the whites, and seem to urge the blacks on, would only act as stockmen on the Namoi, Barwin, and M'Intyre rivers for a few months, they would be inclined to retract their opinions. I should like to see a party of government officers with his Excellency at their head compelled to act in this capacity for a month only, without the blacks having any notice of their coming, and then if they returned at all to Sydney it would be with a different tale. Hanging the seven white men was a severe shock to the squatters. The blacks, who are now and then tutored by a bushranger, imagine every white man must be hanged who molests them. The blacks ought at all events to be punished in the same ratio.

I trust the new council will look into this matter when it meets, and protect the squatting interest.

I am, &c. JUSTITIA.

Scone 27th March 1843.

## 1843-04-01 — Article 79

BIG RIVER. (1843, April 1). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article659594>

BIG RIVER.

We have been kindly favoured by C. M. Doyle, Esq., with the following interesting letter addressed to him by a gentleman from a station on the Big River : Moree, Big River, Feb. 22nd 1843.

SIR—I believe you have a station on the Mooney Creek, adjacent to the Barwin River. I much regret to say all the stations in that part must have suffered severely from the blacks. The cattle are coming into the Big River runs in droves of forty or fifty. Nothing but such an immense number of strangers have saved our herds from absolute destruction by the blacks. They have killed all Mr. Single's horses, and left only nine milking cows on the station; but the object of this letter is to direct your immediate attention to your herd on the Mooney Creek. I suspect you will find them scattered all over the country. I have seen a large number on the Big River, but there is a large tract of country between Mr. McDougall's station and the Barwin unoccupied. The last fresh in the river sent water into that part, but I should say from the strange cattle constantly coming in, there must be a large quantity laying there. Mr. Baldwin's superintendent was thirty miles below Mr. McDougall's, and he saw a large number of cattle tracks coming into the river; but, what is more conclusive, George Bull, the bearer of this letter, was in that part looking for his cattle which had been rushed, and his description of the way in which the blacks are slaughtering the cattle in that part is really frightful. The destruction on the Big River has been immense, and is still going on. No description of property is safe: they appear to kill for amusement. They commit murder without interruption. It is only within this three weeks that two policemen have made their appearance. Around Mr. Fitzgerald's lower station the country becomes very swampy, and there are large beds of sags, which from the late rains have grown so tall and rapidly as to afford shelter to the blacks. No horseman can approach them, and the policemen and party were not courageous enough to charge it on foot. How long are such unpardonable outrages to be winked at by government or do they, like the blacks, find amusement in the destruction of the property of the settlers and the lives of their men. As we now stand, we are sacrificed to the savages. Upon what grounds such a measure can be justified I plead my ignorance; Unless the blacks receive an immediate check, it will soon be impossible to retain our position on this river. It is folly to buoy yourself up with the idea that the men will shoot them. After that cold blooded murder of Mr. Beddington's stockman it became absolutely necessary for their and our safety to assume the appearance of determination, but they received an immediate check. It is absurd to suppose a man will put his head into a rope for £30 a year, or run the hazard of being speared.

We have had four days rain, and the face of the country is beginning to assume its wonted appearance. I do hope and trust every stockholder on this river will insist on having his cattle mustered. If such a plan is adopted we shall be able to form some idea of the quantity killed within the last twelve months, and I will engage to say the defalcation will be enormous. It ought to be known and made public. The government will play and temporize with these blacks until you will have the whole district in a state of rebellion, and there must be a great sacrifice of human life or we must give up the country. There is no doubt that had only two blacks been taken two years ago you would not have heard of one half the depredations. The black who speared Mr. Beddington's man can be sworn to by the man who saw him do it. He reported the news to myself. The black is still at large; no further notice is taken of it. The man cannot go to obtain a warrant; if he leaves the station all the cattle will be rushed. Within these last few days they have killed a horse, mare, and foal at Mr. Fitzgerald's. They have in no case missed to put their long spoken of threat into execution, that is, to kill the horses. It is impossible for me to condense all their depredations in a letter. The bearer, George Bull, a stockman, will give you them more at large, and I would earnestly recommend you to convene a meeting to hear the evidence of that man, that ignorance may no longer be pleaded as an excuse on behalf of the settlers.

I scarcely believe the commissioner does all in his power to relieve us, but his instructions relative to the preservation of the blacks are peremptory. Why is not a body of evidence collected, and Mr. Macarthur asked

to present a petition in Council praying for the examination of witnesses to be heard by the Council; so that the Governor could no longer plead ignorance; and we could at once know to what quarter we are to look for relief; for unless relief comes speedily we shall be all murdered or ruined.—I am, &c,



## 1843-04-05 — Article 80

HUNTER'S RIVER. (1843, April 5). The Colonial Observer (Sydney, NSW : 1841 - 1844), p. 6. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226361291>

... The Blacks — The blacks are continuing their depredations in the districts of the Namoi, Barwin, and Big Rivers, with a degree of system and perseverance which promises ere long to relieve the government from the trouble of interfering in the matter. A stockman named Rhodes and a black boy have been added to the list of human victims. ...

## 1843-04-15 — Article 81

SYDNEY. (1843, April 15). Melbourne Times (Vic. : 1842 - 1843), p. 2. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article226925116>

SYDNEY.

The members of the late Legislative Council presented a complimentary address to the Governor last week. Edward Alcock late printer and publisher of the Colonial Observer was found guilty of publishing a libel against the administration of justice in the colony but without seditious intention. He was bound over to appear to receive judgment on the first day of term. The appointment of a Sydney Trustee to the estate of H. N. Carrington had been confirmed in the Insolvent Court by Mr. Justice Burton. The Blacks are committing serious depredations in the Districts of the Namoi, Barwan and Big Rivers. A stockman named Rhodes and a black boy have lately been murdered by them.

## 1843-04-29 — Article 82

THE SQUATTERS AND THE GOVERNMENT. (1843, April 29). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article659985>

THE SQUATTERS AND THE GOVERNMENT.

To the Editors of the Maitland Mercury.

GENTLEMEN—It has often struck me, in noticing the course adopted by our fellow colonists on public matters, that in very many instances either "bounce" or "gammon" (most expressive words in Australia) may be clearly traced through all their proceedings, while in comparatively few are their acts marked by that honest, straightforward firmness of purpose which would lead most directly and certainly to the object sought.

Perhaps in few instances can the infusion of a large proportion of the first named principle be more readily discerned, and in none are its mischievous effects more to be deplored, than in the steps taken by the squatters, as they are termed, on different occasions, in representing their grievances to the government. As a case in point, I would refer you to the steps taken respectively by the Governor and the squatters respecting the withdrawal of his license from Mr. Lee (of Bathurst Plains) by the Governor, because Mr. L.'s stockmen had trespassed on land expressly reserved by his Excellency for the use of the aborigines, on the ground that water was so scarce in that neighbourhood that if the whites intruded on it the blacks would naturally resent it, and bloodshed would follow. The Governor's opinion proved to be quite correct, and bloodshed did follow. Now when his Excellency withdrew Mr. Lee's license, so far as regarded squatting in that particular district, there followed a very silly exhibition of "bounce" on the part of the friends of Mr. Lee, which produced in return nothing but a firmer expression of determination on the part of his Excellency to make Mr. Lee obey him, and a very intelligible expression of the opinion he had gradually formed, that the squatters seemed to imagine themselves almost beyond the reach of authority, but that he would teach them a different tale.

Now, all this, or most of this, was very much to the detriment of the squatters themselves, and of the colony at large. Without conceding the whole of what some of the sheeholders and graziers claim, that their interests only are worth regarding, and that on their success depends entirely the prosperity of the colony, no one can reasonably deny that they do form a very important class, and that their success or depression affects very materially the state of the country. Viewing their interests in this light, I cannot but regret that their proceedings in the above case were not marked by more temperate expressions, more perseverance and firmness of purpose, more deeds and less words. Sir George Gipps bears the character of being a reasonable man, and one on whom truth and fair argument, temperately urged, have great effect. Doubtless many things might have been put forward in Mr. Lee's favor on that occasion, and it is a great pity that a public meeting was not held of his friends and the squatters of the district, a temperate memorial prepared and signed, and a deputation sent to Sydney to present it personally to the Governor, composed of parties who were not only interested in the favorable reception of the memorial, and well acquainted with all the facts, but men of temperate deportment, and who would have trusted more to convincing his Excellency than foolishly attempting to frighten him.

The evil effects of the contrary course are, I think, still operating on the interests of the squatters in the apparent cold indifference of the government to their losses or their success. I see by letters and articles which have appeared in your journal lately that a very extensive and well concerted system of depredations is now being carried on by the aborigines on the Big, Namoi, Moonee, and Barwin rivers. Loss of life, and great destruction among the cattle, are repeatedly recorded, and the end openly sought by the blacks seems to be of very probable fulfilment before long—the forced retreat of the whites from these rivers. Graziers will scarcely persist in sending cattle and horses to stations where they must soon fall a prey to the blacks; and, even if they do, stockmen and hutkeepers will certainly not continue to go to places where they know well they will soon be attacked and speared, and where, in the present state of the law and of public opinion, they

dare not defend their employers' cattle, and hardly even their own lives, for if one black man falls in so doing, they are subject to the charge of murder.

It is possible some of these outrages may have been perpetrated on stations that are not only far beyond the bounds of the colony, but that are not held under license or permission from the government. In all such cases I think the government cannot fairly be called on to defend either life or property, but that the man who sends his herd beyond the pale of British authority has no just right to ask for British protection. He must defend himself as he best can, with the pleasant conviction that while the law sleeps on quietly when the blacks attack him, it is broad awake and all powerful to reach him if he dares oppress them. But, where the outrages have been committed either in the bounds of the colony, or on stations occupied by license from the government, it is clearly the duty of the government to protect the squatter, his servants, and his property.

And here it is that I imagine the mischievous effects of the "bouncing" system are most fatal. The assistance of the government is greatly wanted, and the very course is being adopted that is least likely to obtain it. I have seen no letters from the disturbed districts, I have heard of no steps being taken to bring these depredations before the notice of the government, that are not more or less marked and marred by this unhappy tone. And if I may be allowed the freedom, the last article on the subject in your paper was tinged by it also. In the midst of all this talk, this firing off of big guns and little guns against the government, have any practical steps been taken on the subject by the men most interested, by the squatters who have stations on these rivers? I have heard of none.

Surely the lesson read them in Mr. Lee's case can hardly yet have faded from their minds—they cannot really believe that talking and letter writing is sufficient to cure the evil. Is there no man amongst them all who will take the first step in calling a public meeting, to draw up a memorial, and send a deputation of their best men, of their moderate men, to bring the matter officially before his Excellency? Is there no man amongst them all who can devise a practical plan for the government to adopt and carry out—a plan both effective and cheap? for it is no use asking for expensive assistance now. The graziers and sheepholders—the squatters, in short—are suffering: the squatters themselves are the only men who can act efficiently to remedy the evil. If they are too indolent, too proud, or too indifferent to step forward like men, and represent their grievances in a manly fashion to the government, they deserve to suffer.

—I am, gentlemen, yours, &c., JOHN JOHNSON.

April 27th, 1843.

## 1843-08-26 — Article 83

HUNTER RIVER DISTRICT NEWS. (1843, August 26). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 3. Retrieved December 31, 2025, from <http://nla.gov.au/nla.news-article661681>

THE CROPS, &c.—There is scarcely anything of importance passing in this district at present. The pleasing prospect of a fine spring and an abundant harvest has dispelled those fears which have of late years been so harassing to the agriculturist. The wheat crops look beautiful; indeed, I have never seen them surpassed. The early sown wheat is, if anything, too forward: should frost prevail after earing the result may prove fatal to it. There has been an abundant fall of rain on the Liverpool Plains and Namoi districts, the rivers being slightly flooded. It is rumoured that the blacks have again been committing depredations among the stock on the Big, Macintyre, and Barwin rivers; several lives are reported to have been sacrificed to the vengeance of these lawless savages. August 15th, 1843.

## 1843-09-12 — Article 84

THE BLACKS ON THE BARWIN. (1843, September 12). The Sydney Morning Herald (NSW : 1842 - 1954), p. 3. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article12413305>

### THE BLACKS ON THE BARWON.

(from the Maitland Mercury.) INTELLIGENCE has been received in town during the week of a serious affray between the squatters and the blacks on the Barwon River, which has been attended with a most melancholy loss of life. Our information on the subject is as yet very imperfect; but, as far as we can ascertain, the following are the particulars of the affair.

A party of whites, twenty-three in number, were out after a tribe of wild blacks, who had been committing depredations at several stations on the Barwon. They were camped for the night, and had lighted a fire and, two of the party remaining upon guard, the remainder retired to rest, thinking themselves quite secure from an attack, as it is very unusual for the blacks to carry on their aggressions in the night. The party were, however, surprised by the blacks, who commenced the attack by throwing in a shower of spears and clubs, and kept up the fight for a considerable time in a similar manner, carefully avoiding close quarters; until they were eventually beaten off. It had not been ascertained whether any of the aborigines were killed. Of the whites, one, a stockman had his brains dashed out, another, Mr Hallen, superintendent to Mr Lawson, M. C., was speared in the back, and died from the effects of the wound in five days after; while three others were wounded, one dangerously in the thigh, though it was hoped his wound would not prove fatal and the other two slightly. Considerable anxiety is felt in Maitland, in the absence of authentic intelligence as many of the party are connected with several families in the town and neighbourhood. We have reason to fear that the above melancholy event is only one of a series of fatal encounters that have occurred between the squatters and the aborigines on the rivers in the northwest, during the last six months. We are not in a position at present to be more explicit, but we have strong grounds for believing that during that period at least fifty human lives have been sacrificed. The whites appear to have grown weary of submitting without resistance to the outrages of their savage neighbours, and to have at length determined to afford themselves and their property that protection which the Government is either unable or unwilling to extend to them. As must ever be the case where private vengeance is allowed to take the place of public justice, scenes of bloodshed have occurred which it is sickening to contemplate, and which we trust for the sake of our common humanity, will shortly be repressed. We feel bound, however, to state our belief that the whites have acted throughout with a degree of forbearance which, under the circumstances of extreme provocation, could hardly have been expected.

Things have now assumed too serious an aspect to be hushed up any longer. The government must at least be made responsible to public opinion for its conduct, in reference to the aborigines and the squatters. The representatives of the district, one and all, will be wanting in their duty to their constituents, and to the country at large, if they do not take immediate steps to secure a searching and impartial inquiry into the subject in all its bearings, in order that the wretched effects of the present system may be made too apparent to be any longer tolerated.

## 1844-09-30 — Article 85

MURDER BY THE BLACKS. (1844, September 30). Geelong Advertiser (Vic. : 1840 - 1845), p. 2 (Morning.). Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article92679108>

MURDER BY THE BLACKS.—A most horrible and cold-blooded murder was committed by a tribe of wild blacks, upon a boy who was shepherding a flock of sheep within fourteen miles to the westward of Corio, on the sea coast; of which the following are the particulars:—On Saturday last, a boy named James Saunders, aged fourteen years, went out in charge of his sheep in the morning, and about three o'clock in the afternoon, his brother William Saunders, who was working at a distance of about a mile, began to think that something had happened to the boy, as the sheep were straying on a part of the run which was set apart for the cattle. He went out to search for him, and found the sheep scattered in all directions. After tracing and gathering together all the sheep, and seeing nothing of his brother, he returned to the hut, took his gun, and went out again to search, but it was not until the evening that he found any traces of what had become of him; at last his body was found lying face downwards, having had all the clothes stripped off; there were several wounds on his head, any one of which might have caused death, especially one on the back of the neck evidently caused by the blow of a tomahawk, by which the head was nearly cut off. Several blacks were seen about the hut in the morning, and they had threatened to kill the mother and sister of the deceased. They were again seen in the evening by a man named Mathers, from whom they attempted to steal some clothing. The deceased had taken a gun with him in the morning, but it is supposed that the blacks had stolen close to him before they had displayed any hostility. The blacks were a wild tribe, and could not speak English; they did not belong to the Barrarbool tribe although within their bounds; but had come from the westward, about Cape Otway, probably the same tribe by whom Mr Gellibrand is supposed to have been murdered. Unfortunately the greater part of the Border Police force is stationed near the Glenelg, where the blacks have always been the most troublesome; but as soon as a sufficient force can be collected, it is the intention of the Commissioner to follow the Cape Otway tribe into their haunts, with a view to the discovery of the murderers. An investigation into the cause and manner of the boy's death will be made upon the spot by the Commissioner to-day. The blacks appeared to have committed the horrid deed merely for the sake of the boy's clothing; as none of the sheep were missing. The scene of the outrage was the farthest off station to the west of the mouth of the Barwon.

## 1846-09-30 — Article 86

Hunter River District News. (1846, September 30). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article685044>

### LIVERPOOL PLAINS.

The present has been the finest season known for some years in this district. There has been an abundance of rain, generally, throughout the whole of this immense tract of country; and in some parts of it, such as the Lower Macintyre, almost a super-abundance. Some of the great plains on this river have been literally sheets of water; not from the overflowing of the river itself, which has been nearly bank high, but owing to the deficient drainage in this vast stretch of level country. The Big River also has had its full allowance of the watery element, and its flats and ranges will be crowned with grass and herbage for the summer. The Peel, the Upper Namoi, and the Gwydir, have equally shared in the dispensation, and there is every reason to believe that the Lower Namoi and the Barwin experience no deficiency of moisture. It has been long supposed that the Macintyre River and the Barwin were one and the same; but the supposition is now placed beyond a doubt, as the settlers pushing down the Macintyre have joined issue with those pushing up the Barwin, and there is now no unlocated country betwixt them. It is either all being stocked, or at all events has been secured for that purpose.

The blacks in that locality have been quiet now for a long time, as far as the molesting of men is concerned; but their ideas of meum and tuum still remain as loose and undefined as ever; their taste for beef "improves by what it's fed on." The settlers would not grudge them a bullock now and again, if they would be contented with beef in moderation, but they waste and wantonly destroy more than they consume, and rush and disturb the cattle most distressingly.

The "fair round bellies" of the citizens of Sydney, and the denizens of Maitland, ought to be shrinking in fearful anticipation of a lack of nourishment. There is, comparatively speaking, little fat stock left in this district, and it will be a few months ere the present young feed will fatten lean kine up to the sticking point. Tell it not to aldermen, publish it not amongst district councillors, that as far as fat beef is concerned, a fearful coming is before them for the next three months; they may by possibility be reduced to the starving point, unless short commons of fish and pork and poultry be brought to the rescue.

There is an intolerable nuisance spreading over the length and breadth of the Liverpool Plains district—and that is the selling of grog upon the sly, under cover of a "hawking license." This again is engendering a frightful amount of forgery and fraud, as men in the bush will go any lengths to obtain grog, and the sly-grog-selling hawker is not particular as to the paper he takes in payment, nor over fastidious in enquiring whether the wool, or the sheep-skins, or the tallow he receives is honestly come by. And, more than that, the villainous compound of drugs which these fellows dispense, is, from many instances that have come to my knowledge, deleterious to an extreme degree. It strikes us forcibly that the "Hawking Act" was never intended to apply to the districts beyond the boundaries of location; and if the Court of Quarter Sessions, by a lax interpretation of the Act, chooses to legalise hawking, by granting licenses for these districts, without a sufficient police surveillance to control their lawless practices, the squatters as a body are determined to petition the legislature on the subject of its total abolition outside the boundaries. How long "hawking" outside the boundaries has been permitted, we know not; but when Mr. Mayne was commissioner (and he was then single handed), such an evil as sly-grog-selling was scarcely known. It behoves, therefore, the two gentlemen who now hold office here, to endeavour to keep this district more orderly than it has lately been in this respect. It is to be hoped that as they are young and active, they will not lay smoking about Tamworth, but that one of them at least will itinerate, for the purpose of repressing all such illegal traffic.

If lambing, sheep-shearing, and other bush avocations appertaining to this particular season, do not prevent me, I may, as opportunities offer, drop you a few lines now and again. I have many topics—houses of accommodation—bush licenses for wine and beer—the colonial wine trade here, which is merely stealing a



march upon the sly-grog seller, and that by magistrates too; but it is well established now that they can do no wrong.

12th September, 1846.

## 1848-09-13 — Article 87

Classified Advertising (1848, September 13). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 3. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article709141>

... WANTED, STOCK ON KEEP, by the proprietor of an extensive, well watered, fattening, open run, known as "Welburn," situated between the Gwydir and Macintyre Rivers. THE TERMS ARE— For Mixed Herds, in numbers not less than 300 (calves under 12 months old not included), at per head per annum.. 3s. For Lean Bullocks and Steers, at per head per annum.. 5s. The above charge is exclusive of driving stock either to or from the Station; but if the owners of cattle feel disposed to pay the usual charges of driving fat cattle into Sydney (at per head 3s. 4d.) or the Maitland market (at per head 2s. 6d.) to the undersigned, he will engage to send them with experienced steady hands. N.B.—The Station has been established 8 years, and the blacks, up to the present time, have never shown any disposition to spear or otherwise interfere with the cattle on it. All letters (pre-paid) addressed to MR. C. J. JOLLIFFE, 1388 Warialda, Gwydir District. ...

## 1848-10-21 — Article 88

THE NATIVE BLACKS. (1848, October 21). The Moreton Bay Courier (Brisbane, Qld. : 1846 - 1861), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article3713517>

### THE NATIVE BLACKS.

EVER since Moreton Bay was opened to the settlers, the question of aboriginal rights, has been in continual agitation, as connected with the means of restraining the natives from crime. Surrounded, as this question is, by difficulties of the greatest magnitude; it has from time to time been grappled with by those whose constant exposure to danger has rendered its consideration of the deepest interest to them. On one hand the adventurous men who first peopled these wilds were harassed by incessant murders and robberies, committed by a cruel and faithless race: by the difficulty, and, as some supposed, the danger of protecting themselves by force of arms:— and by the unwillingness of labourers, from their knowledge of those circumstances, to engage for remote stations excepting at enormous wages. On the other side, the settlers had to contend with the absurd anomalies of the criminal law as applicable to such cases, and with the outcry raised in favour of their inveterate enemies, by persons who were themselves secured from danger. This class consists of two parties: some are influenced solely by charitable feelings, and only err from want of personal experience: but a large number have not reflected upon the subject: their paramount desire being to gain a sickly popularity by identifying themselves with what they affect to think the weaker side. From these causes, combined, the settlers found it necessary to adopt measures which have, in some instances been successful in preventing the effusion of blood. On many establishments the blacks were not permitted to approach the whites. This interdiction has doubtlessly operated as an additional impediment to the civilisation of the natives,— supposing that to be practicable,— but no other means existed of checking those fearful atrocities which have so frequently occurred at Moreton Bay; it being well known that the natives who are most indulged and cherished on the stations are, almost invariably the prime agents in the barbarities committed, by the race. Notwithstanding these precautions, many murders continued to occur; particularly hutkeepers and others. We attribute those crimes in some degree to a want of due watchfulness on the part of the men; and to the mistaken dread of defending themselves, which we have before alluded to. With regard to the first of those errors the men should never forget that they have to deal with a race of wily, treacherous and cruel beings; who may crawl upon them like snakes, in the moment of their greatest fancied security, and dash out their brains before they have time to breathe. Well as this is known to the bushmen, they are but too apt to overlook it after a few months of deceitful quiet on the part of the blacks. The men should never give them a chance where it can be avoided. They should be always watchful and vigilant: and, if the natives evince a desire to approach, keep them back. In order to arrive at the means of doing this effectually, and fearlessly, it will be necessary that we review, as briefly as possible, the causes that have led to such timidity on the part of labourers in the bush. In doing so we would be understood as addressing ourselves particularly to that class. We are well aware that the settlers themselves are fully competent, from bitter experience, to select the best course of proceeding that is open to them, and we are equally assured that they have given the subject their most serious attention, with a view as well to the protection of the natives as to their own security. Knowing this, we have been the more disgusted at the slanderous imputations conveyed in the statements of persons ignorant of the subject:— as if a whole community, formed chiefly of young men, but newly separated, from the gentle and humanising influences of their own family circles, could suddenly become a horde of lawless ruffians, and heartless butchers.

It will be remembered that some years ago several men were executed for a wholesale murder of the blacks on the Big River. Upon that occasion the Attorney-General thought it his duty to prefer a second indictment against the prisoners, after they had been acquitted on the first. In our opinion he was fully justified in doing so. If the evidence, given on the trial of those men was the truth, a more cold-blooded atrocity it would be difficult to imagine: and the wretched perpetrators richly merited the fate that befell them. Many men in the bush, however, who heard but a confused account of the trials, and of the arguments on both sides, became impressed with an idea that the Government, and in particular, its principal legal adviser were determined to support the aboriginals whether they were right or wrong. Unfortunately events subsequently occurred which

have tended to strengthen that opinion. There were innumerable instances of native blacks being committed for trial, and afterwards discharged without punishment. Murders, and other outrages were committed upon the whites and scarcely an enquiry was made upon the subject; while upon the slightest rumour of injuries having been done to the blacks, a solemn inquisition would be instituted. Two unoffending white men were slaughtered by the natives on the Pine River, and the Government tardily offered a reward of £25 for the apprehension of the murderers: which reward, however, has been withheld from those who assisted at the capture of one of the ruffians. As a contrast to this we now find that in consequence of a report that a black gin has been murdered by the whites on the McIntyre River; a reward of £50 is offered for the criminals. To a chance observer, a white man's life would thus appear to be less valuable by seventy-five percent than that of an aboriginal; without taking into consideration the greater difficulty of tracing and seizing the savages. This was not all. An American is hanged for rape— an aboriginal is spared. A white man is sentenced, to seven years labour for an attempt,— an aboriginal for a similar offence, under more aggravated circumstances, is afforded an opportunity of escaping with two years imprisonment although this description of offence is becoming most alarmingly familiar to the blacks, — no wonder indeed, that it should have appeared to influence the Government on all occasions where the natives were concerned; and, coupling those circumstances with the threat of the gallows so liberally held out by the late Governor to those who ventured to defend their lives or their property in the bush, the labourers have at length come to look upon Her Majesty's Attorney General as a sort of Tristan L'Hermite to the black fellows,— walking about with a greased rope in his pocket; and anxious to slip it over the head of any person who resisted his pets. To remove those erroneous impressions,— to dispel such an idle bugbear — are now our objects.

In all transactions with the natives we would strongly impress upon white labourers the necessity of extreme caution. If it should be found impossible to keep the blacks off the stations; or if they suddenly make their appearance in considerable numbers; it would be highly impolitic and dangerous to shew the least fear of them; and you may with a gun in your hand, keep them at bay. The prevailing characteristics of the blacks are cruelty and cunning:— and the best mode of dealing with them is to assume a superiority to them in the latter quality. If they attempt to surround you by dodging from tree to tree, let them see that you are aware of it; and laugh them to scorn for such a shallow manœuvre. This has often been known to deprive them entirely of confidence; and,— as they are as cowardly as barbarous,— to send them away without bloodshed. Above all things care should be taken never to place yourself in such a situation that you may be attacked without the first assailant falling. Follow their every motion with your eyes:— and, when they see that one of themselves must die before you can, they will rarely brave the danger.

We must inquire now what is to be done in the event of an attack being made:— or seriously threatened: and, in order to answer that question, we must understand the relation of the white labourers and the aboriginals to each other. The occupants of Crown Lands are sanctioned in the tenure of their runs by the Queen: and they pay a rental and assessment for the privilege they enjoy. Their right is thus clearly recognised; and, consequently, they and their men are entitled to protect it by force of arms if need be.

The natives being allowed the full protection of our laws are also supposed to be amenable to them; and must be considered as liable to the same treatment as other British subjects who render themselves dangerous to society. If, then, a party of men of whatever country or colour, trespass on any portion of such property as may be held by a legal title subject "in the peace of God and of our Sovereign Lady the Queen then and there being found"—the course for such a person to follow is perfectly clear, if he have the means of the defence at hand. Down with the nearest of the lawless vagabonds whether he be white or black:—shoot him through the head if you can. Neither the Attorney-General nor the best of the Queen's subjects can lawfully injure a hair of your head for doing so.

## 1848-12-23 — Article 89

COLONIAL EXTRACTS. (1848, December 23). The Moreton Bay Courier (Brisbane, Qld. : 1846 - 1861), p. 4. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article3715284>

COLONIAL EXTRACTS.

ABORIGINAL MANAGEMENT.—THE COERCIVE SYSTEM.

IN the Advertiser of the 16th, we outlined a plan for the management of the Aborigines, of which the main principle was the absolute restraint, control, or coercion of their personal movements and destinies. We proposed that the natives, for this purpose, should be divided into three classes—first, the old, infirm, and invalided, who should be fed, clothed, and kindly dealt with, so long as they lived; secondly, the children, who should be educated, trained in industrial courses, and settled in life by properly appointed guardians; and, thirdly, the able-bodied adults, who should be drafted into the police force, where their services, either on land or water, could be made the most of, both for their own benefit and that of the Colonial Treasury.

But the question here arose, whether these forcible measures were justified, even if satisfactory proof were forthcoming, that such were alone calculated to effect the civilization and general welfare of the blacks; and we answered, that every other plan having not only failed to ameliorate their condition, but actually aggravated the evils under which they are silently wasting away, the Government had a right to adopt a law by which the black aborigines would be placed in the light of bondmen as regarded the state, although not as regarded individuals of that state. To uphold this doctrine, instead of wading through the metaphysical or ethical depths of abstract arguments, we prefer to advance a precedent, the agent in which was no less a person than the celebrated Sir Stamford Raffles, the predecessor of the now equally celebrated Sir James Brooke, in the settlement and civilization of the Malayan Archipelago or Spice Islands.

Sir Stamford, as is well known, commenced his political career in Java, where, finding a native population whose capacities for the enjoyment of civilised laws and liberties were remarkably large, he carried his views for their emancipation and improvement to the extreme of liberality; subsequently, upon the restoration of that magnificent island to the selfish Dutch, he accepted the government of Bencoolen, in Sumatra, where in some respects the spirit in which he commenced his reforms was the same as that which had presided over his administration in Java; yet he found it necessary, in regard to the control and management of the aboriginal races, to pursue a diametrically opposite practice.

"I have found the Sumatrans," he says, "a very different people from the inhabitants of Java: they are, perhaps, a thousand years behind them in civilization, and consequently require a very different kind of government. In Java, I advocated the doctrine of the liberty of the subject and the individual rights of man. Here, I am an advocate for despotism. The strong arm of power is necessary to bring men together, and to concentrate them in societies, and there is a certain stage in which despotic authority seems the only means of promoting civilization." What a healthy practical mind we see manifested in such sentiments as these; a less practical man would have persisted in applying to Sumatra the system which had been found to work well in Java, without any regard to the difference of the two countries, or the condition of their native inhabitants.

We would not wish to spoil the force of such a precedent, by any further commentary of our own, and will therefore merely add that of its author it has been well said by his biographer, that he was "a man not more remarkable for his benevolence of disposition than his comprehensive abilities and sound practical views, while his successful institution of new and vigorous states of society in Java, Bencoolen, and Singapore, marks alike the profoundness of his judgment, and the dauntless integrity of his character.—Geelong Advertiser.

LOWER McINTYRE RIVER.—We have been favoured with the sight of a letter from Andrew Doyle, jun., Esq., to his uncle, John Frederick Doyle, Esq., dated Lower McIntyre or Barwan River, Nov. 6, containing an account of further depredations by the blacks. The following extract gives all the new information in the

letter:—"I am sorry to inform you that the blacks have driven off all our horses. They are now ten times more troublesome than they have ever been. They have been in hundreds on our run and slaughtering our cattle tens at a time; Mr. Wightman and I found nearly forty head killed, independent of a large quantity carried off. It is the McIntyre blacks that are doing all the mischief. Mr. Wightman saw above two hundred blacks on the Boomi, six miles above our hut, all loaded with beef; when they saw him they gave chase, and ran him a considerable distance, more than a mile. Six of us went out armed for the purpose of driving them from our neighbourhood and came up with them encamped in a dense scrub on the wear, about twenty-five miles from our hut. They appeared to be about four hundred strong, and several times endeavoured to surround us, but we kept too much on our guard to be entrapped; nor could we do anything at all with them by way of intimidation. On the contrary, the threats they used of killing all our horses first, and then the men, accompanied by the most dreadful yells and shouts, had the effect of striking terror into the minds of some of our party; so that we had to return home as we came, leaving the blacks in possession of their camp, and no doubt a plentiful supply of beef. I fear, unless some prompt steps are adopted by the government for our protection, that the blacks will carry out their threats of either killing or driving off all the whites from the Barwan and McIntyre Rivers. The country down here (the Barwan) looks very bad indeed; not a blade of grass that the sheep will eat; they are consequently badly off, and must be much worse unless rain comes very soon; and to help to make our situation the more miserable the blacks have driven off our working bullocks as well as our horses. I have been as far as the Namoi in search of our horses, and have only recovered two."—Maitland Mercury, Nov. 25.

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## 1849-06-29 — Article 90

LEGISLATIVE COUNCIL. (1849, June 29). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article12912959>

LEGISLATIVE COUNCIL.

Wednesday.

ABORIGINAL NATIVES' EVIDENCE BILL.

THE ATTORNEY-GENERAL, in moving the second reading of the above Bill, said, that he was quite alive to the great importance of the subject, and was sure that the House would give it a most mature consideration. This Bill was drawn up almost in the very words of that which was formerly rejected on a division by the former Legislative Council, and he had taken this form, not because he thought it a perfect one, but because it was sufficient to determine the principle; and if the House agreed to the principle in any shape, the necessary alterations and amendments might very easily be made in Committee. From papers which had been laid before the House, it would be seen that this matter had occupied the attention of the Government so far back as the 31st August, 1839. At this time, they would see, there was a suggestion from the then Secretary of State, Lord Normanby, with reference to the necessity of some measure of this nature, which suggestion had been anticipated by the passing of such a measure through the local legislature. The Bill thus passed, however, was found so repugnant to the law of England, that it was not open to any colonial legislature to pass such a measure, unless under authority of the Imperial Parliament. Accordingly a statute had been passed by the Supreme Legislature to meet this difficulty, and it was now open to them to pass such an Act as would render the evidence of aboriginal witnesses admissible, so far as it was confirmed by other and legal testimony. The object in view was one of vital importance to the cause of humanity. The Act which was passed upon this subject in the old Council, although it did not come into operation and [was] beneficial [in] the Liverpool Plains district and elsewhere. When the white man knew that a law was actually passed, although unconfirmed, which would allow the black man to give evidence as to the manner in which he was dealt with, they refrained from coming into hostile collision with these before persecuted races. The cases which would be affected by the admission of native testimony were cases in which there could be no moral doubt whatever as to the guilt of the parties, and where only a link was wanting to complete the necessary chain of legal evidence, which links the testimony of aboriginal witnesses alone could supply. He might introduce many instances of this nature to convince the House of the necessity of this measure. There was one instance where tribes of the natives had been deliberately shot at by the white people,—shot at in the scrub whenever they were found, and without any sort of attack on their part upon the settlers. The dead bodies of the victims were found in the particular places where they were pointed out by others of the same race, and on examining them they were found to have been killed by gun shot wounds on the head, breast, or body, exactly as the natives themselves had described. The stories of all the natives agreed as to the mode and nature of death in these cases.

Messrs. LOWE and HAMILTON: Where was this?

The ATTORNEY-GENERAL: This was at the Liverpool Plains. He referred to the evidence of Mr. Day before the Police Committee in 1839 or 1840. A case too had recently occurred where several persons had sworn that poison was deliberately administered to a tribe of blacks. It was currently spoken of about the station that the blacks were going to get a dose. The blacks received flour in which something taken from a paper was mixed, and although they were all in perfect health when this took place, many of them were dead within three days. Some damper was found near their bodies, which appeared to have been used by them up to the time of their death, and some of the witnesses knew by the peculiar feel of this damper that it contained poison. One of them said that he gave a portion of it to a dog by way of experiment, and the animal died in a few hours. The bodies were too far decomposed for the contents of the stomachs to be examined, but some of the damper found near them was sent up to town to be analysed, and was found to be impregnated with arsenic. Here was a case where justice was entirely evaded because native testimony could not be admitted,

to show that it was the use of the flour which had caused death. All the natives agreed to the same story, so that there could be no moral doubt, taking their tale in connection with that of the European witnesses, that the flour was given deliberately to destroy the blacks. It was the legal evidence only that was wanting, and for want of this the parties whose guilt was well known, escaped the hand of justice. Many cases, too, occurred in which white people were murdered by the aborigines, and the latter escaped from justice because the testimony of their fellows could not be taken against them. There was one case in which Mr. Gregor was murdered in this way. The wife of a shepherd with him was murdered at the same time, the husband escaping because he was enabled to defend himself with a double-barrelled gun; but he was so frightened and confused that he could not recognise any of the murderers. They therefore escaped wholly unpunished, although they were well known to a black boy who had been living about the place, and to other aborigines. He might enumerate many other instances of a similar kind, and for all this there was no remedy but that of admitting the testimony of aboriginal witnesses. They would be examined in the first instance before the committing magistrates, and if there was any variation between the story which they told on that occasion and that told by them on the trial, it would be a reasonable ground for discrediting the whole. He asked no more than that their testimony should go for what it was worth, and so far as it was corroborated by the evidence of white persons.

He would candidly confess that he was one of that school which did not place great reliance upon oaths administered in Courts of Justice. The system of imposing these oaths was often the cause of very great profanation, and was often of no greater obligation than if the parties had not been sworn at all. The evil of adhering too rigidly to this and other restrictions of a similar nature had been a good deal seen of late. Formerly no convicted felon could be examined as a witness; but on the trial of the persons accused of robbing the Bank of Australia in 1829, a question was raised as to the legality of the conviction, because of this kind of evidence having been taken. This question was solemnly debated, and it was decided by a majority of the Court, that the evidence was legal, inasmuch as it was absolutely necessary for the ends of justice in a society so constituted as was that of New South Wales at the time alluded to, that this kind of evidence should be legalised. If the exigency of the case was deemed a sufficient warranty for a departure from the ordinary usages in this respect, the same exigency pleaded no less powerfully for the admission of aboriginal testimony. The principles of law with reference to the swearing of witnesses, and oaths in general, had been much relaxed of late years. Any person who had a definite idea as to the existence of a future state, of rewards and punishments, was now admissible, and was sworn in any way binding upon his conscience. The system of requiring oaths in Custom House proceedings was abolished, and declarations were substituted. Mere declarations were also admitted as sufficient in judicial proceedings by members of many religious persuasions. When, therefore, he saw so wide a latitude allowed on these points, he could not conceive how a measure so essentially necessary to the ends of justice as this was, could be fairly opposed upon the ground of its being in contradiction to some of the principles thus departed from. This Bill was only intended to apply to criminal proceedings; but if the Council thought fit to give it a trial, it might, if it was found advantageous in its working, be subsequently altered so as to render the evidence of aborigines admissible in civil cases. He was not prepared at that moment to argue as to whether or not the Europeans who had taken possession of this country had done their duty towards their sable brethren who originally held it, by providing them with sufficient instruction. He could only say, that during his seventeen years' experience he had never known an instance in which an aborigine had been admitted as a competent witness. There was one memorable instance, indeed, which would almost seem to show that these aborigines were incapable of perfect education. It was, that a native named Macgill, who had been under the tuition of Mr. Threlkeld, a missionary, from boyhood to manhood, and who could read and write as well, perhaps, as any member of that House. This man had been of material aid to Mr. Threlkeld in making translations of the New Testament; and, indeed, the Gospel of St. Luke was admitted by Mr. Threlkeld to have been principally translated by Macgill himself. In spite of all this, however, when this man was examined for upwards of an hour by Mr. Justice Burton, his notions as to a future state of rewards and punishments were found to be so vague and confused that the Judge could not regard him as a competent witness, and he was consequently not sworn. There was one other single reason why this Bill should be passed. The native police had been admitted on all hands to have answered most admirably, yet their usefulness was almost destroyed, because of the



members of that corps not being admissible as witnesses. No constable could give evidence as to his own acts, and such testimony could only be procured by sending a white constable with the natives whenever they had any process to execute. A member of the native police might also be assaulted with perfect impunity, notwithstanding the protection which the law threw around him in his character as a constable.

Mr. LOWE had opposed this Bill when it was brought forward by the hon. and learned Attorney-General in 1844, and he should again oppose it, his aversion to its principles and his conviction of its inexpediency remaining unaltered. Notwithstanding the dextrous speech and dextrous Bill of his hon. and learned friend, that speech indeed had perhaps served to draw the attention of hon. [illegible] could meet this question. Whether it was by kissing a book or breaking a saucer was a matter perfectly indifferent. In this respect he admitted that the views of the Attorney-General were wise and liberal; but what the English law did require was this, not that any man should be sworn upon the Evangelist or in any other particular form, but that he should be sworn in some manner to make the oath binding on his conscience. This was what the law required, and, the English law had fixed the test by which a man's conscience could be bound in his belief in a future state of rewards or punishments. Thus, the Moravians, Quakers, and Separatists, were not sworn on oath, but their affirmation was taken, because it was believed to be equally binding on their consciences, and if they should affirm falsely they would suffer for it in a future state. There was, therefore, something very insidious in the Act and the speech of his honorable and learned friend.—"And whereas it is found expedient and necessary for the purposes of justice, and the more effectual prosecution of crimes and misdemeanors, that the testimony of the aboriginal natives of the colony of New South Wales, should be receivable before magistrates, and in all courts of criminal jurisdiction: Be it therefore enacted by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, that every aboriginal native, or any half-caste native, brought up and abiding with any tribe of aboriginal natives of the said colony, shall be permitted to give his or her testimony, in such manner, and subject to such forms, as the court or magistrate before which or whom such testimony shall be given shall viva voce direct or prescribe, instead of an oath, in any criminal proceedings that shall be instituted in the said colony; and that the evidence so given shall be of so much weight only, as corroborating circumstances may entitle it to; and if any such aboriginal or half-caste native, giving such testimony, shall be lawfully convicted of having, in the course of such testimony, falsely and corruptly deposed to any matter or thing which, if the same had been on oath in the usual form, would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures, as by the laws and statutes of England, are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding." Now, he doubted very much, whether all that was deemed expedient and necessary in this Act, was not the law at present. Any person could be examined, under any form that was binding on his conscience, but that point was not met by the Bill, what the Bill should have provided would have been something as follows:—"Whereas the law has hitherto provided that no witness should be examined on oath without having a knowledge of a future state of reward and punishment, and whereas it is expedient to deprive the civilised inhabitants of New South Wales of the safeguard thus afforded them by law—be it enacted that the unsworn testimony of the aboriginal natives of the colony who have been found utterly unable to comprehend any idea of a future state, shall be received in Courts of Justice." (Hear, hear.) The Attorney-General's bill would not accomplish the object of binding the mind and conscience of the aboriginals. The objects which the Attorney-General had were, first to put a stop to the murders and other outrages on the blacks; and, secondly, to enable them to give evidence as to such murders in the Courts of Justice—but did not every member of that House know well how the system of poisoning and secret murder of the blacks had sprung. Was it not notorious that it had originated in the measures taken by the Government, with respect to this race of people. The Government had sought to surround them with protection, by giving them liberties and privileges they could not appreciate. It had endeavoured to place them on an equality with civilised man, when it was utterly impossible that their darkened minds could be controlled or restrained by any other emotion but fear. The late Governor had sought to put the aboriginal natives, inhabiting the remote districts of the colony on the same footing, on the same rules as if they were in the streets of London. What had been the consequence of this absurd and impolitic system? That the protection had fearfully recoiled upon the blacks. The white people knew that if they repelled the aggression of the whites they would be dealt with by the law. They could not carry on open

war. They dared not treat them as open enemies, so this system of poisoning was resorted to. The whites, in self-defence, betook themselves to the miserable arts of the assassin, the blacks were shot wherever they were met with, where there were no witnesses present. Living as this race did on the very borders of civilisation, collision was inevitable; and far better, far more humane would it have been, had the whites been allowed to have shown how immeasurably superior they were in every way, and fear would then have worked its own salutary lesson. He (Mr. Lowe) believed that the blacks themselves would be the first to reap the ill effect of this measure; there was an old proverb, "dead men tell no tales," and if the whites were exposed to the danger which this Bill would subject them to, they would in all probability take very good care to put these witnesses who knew too much out of the way very effectually. (Hear, hear.) The wisest policy they could adopt was to leave the blacks and the settlers to fight it out between themselves. Such a course might not accord with the morbid philanthropy of Exeter Hall, but it was the course which humanity pointed out. Let these benighted tribes be taught how immeasurably inferior they were in every respect to civilised men. Both humanity and justice pointed out this as the wisest plan: for if they were certain of the consequences that would follow aggression, the blacks were quite keen enough to know how futile any resistance would be. He must say too, that he thought it was a somewhat extraordinary feature in this Bill, that it should first provide that this evidence should be received, in charges involving a man's life, and he supposed it would afterwards be introduced into Courts of Requests and Petty Sessions. Who could state what weight might be attached to the evidence of these black fellows? It was well known that they were cunning enough to contrive a very plausible tale, and their faculty of memory enable them minutely to remember the statement they made. Such statements related with all the seeming artlessness and simplicity belonging to untutored savages, would have great weight in many instances. And under what sanction would they make these statements? He cared not for the form of the oath, whether it was taken as by the Kaffir, holding up the thimble, or by the Chinese breaking a saucer. How could they make it in any way binding on the blacks of this colony? This was the whole question. It could not be by any knowledge of a future state, for not only had they no knowledge whatever of a future state, but it had been admitted by the honorable and learned Attorney-General himself that they could not be taught it. He had illustrated this fact by the case of the man Macgill, but what was the inference drawn by the learned Attorney-General from this case? That as it was found utterly impossible to instil any idea of religion into these unhappy beings, as it was found utterly impossible to bind their consciences in any way, the law should be altered to admit their evidence without the sanction of an oath at all. But as the Attorney-General admitted that the blacks could not be bound by any law of religion, by what law were they to be bound, in the testimony they might give? It could be only in some notions of morality which the Attorney-General might imagine them to entertain. But he would ask if the history of the world did not prove that in all barbarous nations religion must precede morality. Without religion there could be no morality. The latter was refinement of civilization, arising out of the former. The first notion that primitive nations entertained, was, that of an evil spirit; the second was the notion of a good and evil being; and, thirdly, but much further on in the progress of civilization, the sense of merit or demerit, independent of a state of future reward or punishment. It must be, then, that it was intended that this testimony should be given under some notion of morality which should guide the black. It [was] not pretended that he would [be guided] by any principle of religion. It was [not claimed] that he had any knowledge of a future state, that he had any idea whatever of the existence of the soul after death. And yet indissolubly connected as these must be with every principle of morality, he was to be bound by ethical principles and ethical distinctions. If they could adopt the absurd and ridiculous idea that the savage could understand such principles and such distinctions, then indeed he could in some measure understand the Bill; if not, then he would ask the Attorney-General how evidence such as it were sought to legalize could be sanctioned? Then again the proposition to make them subject to the law of perjury was most cruel and unjust. What law would they break which they understood?—what principle would they infringe which they could comprehend? How should they know what was perjury—how could they charge their consciences with the crime of making false statements? Let the House tell him how the native blacks know the distinction between truthfulness and falsehood, right and wrong, and then there might be some justice in submitting them to the penalties of perjury. He had yet to learn that the telling of lies was looked upon as a crime amongst the aboriginal tribes of this colony. Let the blacks first be made sensible of the crime they were committing, let some binding and intelligible sanction be

given to their evidence, and then, when that sanction was violated, it would be time enough to resort to punishment. He could conceive no spectacle more cruel, more disgusting, and more degrading, than to see these poor creatures punished for infringing a law they could not possibly understand—for a crime of which they were perfectly unconscious. (Cheers.) If the question of the punishment of perjury was to be discussed, if it were to determine whether the practice of taking oaths in Courts of Justice might not well be set aside, let it be brought forward boldly, and he for one should be prepared to meet it. But he would impress upon the House the danger, the fearful danger, of risking the lives and liberties of the community, by taking from them the defence, which was given, by making a solemn and intelligible obligation, necessary to sanction the testimony of any man. Pass this Bill, and take the case of a white and a black native brought up in the bush of this colony. Both untaught, both ignorant of religion, both unconscious of the binding of an oath, the testimony of the black would be received, while that of the white would be excluded. He must most strongly protest against such injustice, and believing it as he did to be fraught with danger to the safe and pure administration of justice with peril to the whites, and deadly evil to the blacks, he should strenuously oppose the Bill.

Mr. FOSTER rose to object to the Bill, and he did so because he thought it would be impossible to place any safeguard on the evidence of the blacks. They were so utterly debased a race, that they had no knowledge of truth or falsehood. The vices of our race were with them virtues, and our virtues vices.

If a black took the life of one of a hostile tribe, he considered it a virtuous notion, and they looked on the whites as a hostile tribe. But if even the whites took the lives of blacks of one tribe, those of another hostile to the slain applauded the whites for it. The very taking of life by poison had been treated by the blacks of hostile tribes as a good joke. No one in that House would not execrate such practices, but he could only see their perpetration in this Bill. It was admitted by all, that the minds of this race were incapable of entertaining one scintilla of anything like religion, and how was it possible they should be restrained from giving false testimony. No doubt many barbarous murders had been committed; but he had never known such outrages to have been committed, and every settler round the neighbourhood not to be accused by the blacks as being the perpetrators of it. And then, if it was known or suspected who did it, the tribes hostile to those murdered, declared him to be a very fine fellow, and that it was a great pity he did not poison all. Allusion had been made by the hon. and learned Attorney-General to the intelligence of the native police in the Port Phillip district. Now he did not think that any of these men had been called on to give evidence in Courts of Justice, neither did he think much reliance could be placed on their testimony if they were called on. No doubt they had been of service: they were found to be very good bloodhounds—active in the detection and apprehension of any one in search of whom they might be set; but this was all. He did not see that any case had been made out by the Attorney-General; nor could he see why the lives of white men should be entrusted to evidence like theirs.

Mr. DICKSON thought that the hon. gentleman who spoke last certainly very much underrated the merits of the native police, when he regarded them as mere bloodhounds. He thought they had displayed much intelligence and sagacity, and he certainly imagined that they were capable of giving evidence in a Court of Justice.

Mr. NICHOLS: If the evidence of aboriginal natives was at present admitted in Courts of Justice, then no doubt there could be no necessity for this Bill. There was no doubt that the blacks had been very much neglected and ill-treated by the Government of this country; but they were a most debased and degraded race, and their desires extended only for trifling matters. He found in one report from the Government that the utmost ambition of the king of the tribe was "to have a long-tailed coat, a cocked hat, and to be a swell." (Laughter.) There was no doubt that such a race as this must give way before the march of civilization; they could not be instructed, and must eventually perish from the earth, as white men approached to occupy it. There were very many objections to this Bill, particularly with respect to the punishment for falsely and corruptly deposing. How could they possibly know, or be made to understand that they were committing any crime by such a course? From what they knew of them, falsehood was looked on as a virtue amongst them. He remembered seeing the man M'Gill, alluded to by the honorable and learned Attorney General a short

time before his death; he could safely say that he had no idea of a future state. The Bill of the Attorney-General included half-caste natives; but he would ask if they were to be admitted, what was to become of the quadroons? he had seen natives here as white as the Attorney-General himself, and he had also seen them examined as witnesses in cases of murder, but they were first examined as to their moral and religious perceptions, and then admitted.

Now with regard to the poisoning matter alluded to by the honorable and learned Attorney-General, he (Mr. Nichols) happened to have some knowledge of that matter, and he would explain to the Council how that disgraceful affair arose. No doubt that a number of aboriginal natives were found dead in the vicinity, and the remains of some damper which they had been eating—and a gentleman was accused of having given them this damper, containing arsenic, with the deliberate intention of murdering them. But the reason he was thus accused was, that he had rendered himself obnoxious to the magistrates, whom he interfered with, on account of certain matters relative to the females of his family. The accuser was his servant, and at the time was in prison for horse-stealing. He had no hesitation whatever in stating, from the facts that had come to his knowledge, that it was a trumped up case; and he had no doubt if the murder was committed, that it had been committed by his accusers for the purpose of getting him into trouble. The very magistrates who committed him had themselves been removed from the commission of the peace, at the instance, he supposed, of the Attorney-General for slaughtering these people. No doubt great difficulty did exist with respect to this question—that much cruelty was practised; but he thought that any measure they could take would only increase the difficulty, and that it would be wiser and more humane to leave the law as it now exists. To imagine that they could bind these people by any sacred obligation was a perfect absurdity. If they passed this Bill, it would apply to the aborigines generally; and where would they find an interpreter fit to perform the necessary duties? It would be almost impossible to do so.

The language of the Botany tribe differed from that of the Sydney tribes—that again from the tribe at Broken Bay, who also varied in many respects from the natives round Wollongong. It was true that it had been said by Mr. Threlkeld, that these savages were teachable, and the same reverend gentleman professes to have a knowledge of their language. But he for one, looking as he must to his own experience amongst them, must regard this assertion with great caution. He did not believe that any man was, or could be acquainted with all the varieties of dialect which prevailed amongst the different tribes, and he certainly must believe it to be utterly impossible to instill into the minds of the aboriginal natives of this colony, any religious belief at all; they had no idea, no conception, of any religious responsibility, and, therefore, no dependence could be placed upon their evidence. He therefore felt bound most strenuously to oppose the bill.

Mr. LOWE would beg to state that he had been informed that morning by a gentleman recently arrived from the Cape of Good Hope that hundreds of families were leaving that settlement on account of the admission of evidence of the Kafirs in criminal cases.

Mr. BERRY would apologise to the House for the observations he felt bound to make on this question. He had had great experience amongst the blacks, and he must say he had never found one amongst them who had not some idea of a future state. For himself he could say that when he had often felt distrust of the whites, he had placed the greatest confidence on the blacks, and had seldom been deceived by them.

Mr. JAMES MACARTHUR believed that there were many people amongst the aboriginal natives of the colony who might be examined in courts of justice, and who might also be made to understand the nature and responsibility of an oath. He could, moreover, state, as a magistrate, that such persons had given evidence in various cases, and that such evidence had not only been admitted in preliminary examinations, but had carried weight with the courts of justice. In more than one case had this occurred; but he especially remembered one case, in which the authority of a learned Judge, which would hardly be disputed here or elsewhere (the late Sir Francis Forbes), could be cited in support of it. The case occurred during the Attorney-Generalship of Mr. Banister. In that case the evidence of an aboriginal native was taken, but it was the evidence of a very intelligent man—a man who showed that he knew there was a future state of reward and punishment. In such a case no doubt the evidence of the black was admissible; but to give admission indiscriminately to the testimony of all these blacks, would be fraught with danger. He was one who

would, except when some imperious necessity pressed upon them, stand upon the ancient ways of the English law. He would prefer the wisdom they had gathered, rather than the experiment of the moment, save only where the expediency was obvious, or the necessity urgent. He could not look upon the circumstance of the present case in that light ; and even if he did so, he could see neither wisdom nor policy in the measure. The whites who went to settle in the remote districts could only look upon the blacks as hostile tribes, and they again were regarded by the blacks in the same light. True it was, that this might be morally wrong, but such was in fact the case. The blacks would naturally be guilty of aggression on the whites, and the whites as naturally would repel those aggressions. But the law of the blacks was very different to the law of civilized men. They would resent the injury done to any of their tribe, not upon the individual aggressor, but upon the tribe ; they would not stop to consider whether he was guilty or not ; and once invest them with the power which this Bill was intended to give them, and they would soon learn to make use of the leave to give false evidence as an instrument of malice and revenge.

Mr. PARKER supported the Bill, and could not help but think that the main question had been much lost sight of. That question was, whether the evidence of the aborigines should go for as much as it was worth. Whether the Bill was framed satisfactorily or not he would not say : probably it might be amended ; but in fact the only question they had now before them was whether this evidence should be taken for what it was worth ? He believed that in many cases such evidence would prove most valuable, and would advance the ends of substantial justice.

Mr. WENTWORTH : Were he only to revert to the origin of this Bill, it would be sufficient in his mind to warrant suspicion of its objects and effects,—to those who had looked into the matter with which it was connected, it would be seen that, although an Act had been framed by the Parliament of England, authorising the introduction of such a measure, that the attention of Parliament had not been directed to it. That whatever of good or evil predominated in the measure, was not in its ultimate source to be regarded either as the act of the Minister, or the vote of Parliament, but the pervading influence of that clique who had for years past wrought the destinies of the colony for evil— the influence of Exeter Hall. (Cheers.) But from whatever motives the Parliament of England had been influenced, they, the Legislative Council, had, or ought to have, no participation in such influences. With the Imperial Act of Parliament, so far as he could consider it, they had nothing more to do than to reflect upon the place from which it originated. It had originated from that institution—the disturbance without exception of all the colonies— Exeter Hall. There it was that this measure had its root ; from thence it sprung and passed through Parliament, aided in its gestative growth only by the recipients of the salaries and the conductors of the powers of that institution. (Hear, hear.) The Act on which this Bill was founded, was introduced into the House in silence ; it had been passed in silence, under the influence, the dominant influence, to which he had before alluded, and which for twenty years past had been the bane of the colonies. But when he looked upon this Bill—when he saw that it was in fact the same Bill which was proposed to the House in 1844, and rejected, he must express his surprise that it should be again attempted to force it on the House. He could only look upon it as a sign that, acting under the influence to which he had before alluded, such a measure would be attempted to be forced upon the Council again and again. (Cheers.) It had been urged that this was a measure of necessity. He denied this altogether ; and although it had been attempted to show a precedent for the admission of the evidence now sought to be introduced into court of justice, he contended that no such precedent was established. The evidence which had been referred to by the Attorney-General of the deposition of a convicted felon was no evidence at all. It was evidence improperly admitted. It was long since he (Mr. Wentworth) had had any connexion with the bar ; but he would say, without fear of contradiction, that the evidence then taken was inadmissible—that it was admitted improperly—and that instead of forming a precedent of law, such an instance only afforded precedent of infraction of the law. (Cheers.) But he denied the policy of Government interference in this matter altogether. He could not see if the whites in this colony were to go out into the land and possess it, that the Government had much to do with them. No doubt there would be battles between the settlers and the border tribes ; but they might be settled without the aid of the Government. The civilized people had come in, and the savage must go back. (Cheers.) They must go on progressing until their dominancy was established, and therefore he could think that no measure was wise or merciful to the blacks which clothed them with a

degree of seeming protection, which their position would not allow them to maintain. He must say the policy proposed to be pursued now seemed to him very different, to that pursued by the Government in the older days of the colony. He could remember when the Cowpasture tribe made an inroad upon the settled lands, and on that occasion what was the course adopted by the Government ? The military were ordered out by the Government—they opposed these savage marauders, and a slaughter, numerically considered very inconsiderable, ensued. But the force of the bullets and bayonets of the English forces prevailed, and peace and quiet was for ever obtained. It was not the policy of a wise Government to attempt the perpetuation of the aboriginal race of New South Wales by any protective means. They must give way before the arms, aye ! even the diseases of civilised nations—they must give way before they attained the power of those nations. The measure had been described by his honorable and learned colleague as an insidious measure. He must say, that he fully concurred in such an assertion, and he did not see exactly what its object was. It appeared that these black fellows were to give collateral testimony only—to make the evidence of direct witnesses clear. But he must submit, that in the case of murder, if there were the decisive testimony of white men, it would be sufficient ; and if not decisive, the corroborative testimony of one thousand of these black men would not tend to a conviction. And if they could only do this, what advantage would they afford ? Let them come forward in any number, they could do no more than corroborate the testimony of white men ; they could not corroborate what was admitted to be the doubtful testimony of their own tribe, and therefore, except in cases where their evidence might be dispensed with, it would be utterly worthless. Therefore it appeared to him, that there must be some secret and covert object in the Bill, which had not been discovered to the House by the honorable and learned Attorney-General ; and that object he took to be this—that the use of the evidence would be that whenever a scintilla of evidence appeared against any white man, it was hoped by the admission of this evidence that the Crown law officers would be enabled to obtain a conviction—that the ultimate tendency and design of the Bill was, that any deficiency in the evidence on oath in any case concerning them, should be made up by the testimony of these black fellows ; and bolstered up in this manner, such a case was to be left to the jury. It was to be left to them under what circumstances ? Under the testimony of witnesses who, though not believed by conscience, possessed in the most remarkable degree the facility of memory. Their remarkable acuteness in this one faculty, was, it was well known, not confined to the natives of this colony. It prevailed amongst all savage tribes. He had lately seen and conversed with a lady who had resided in New Zealand, and seen much of the habits and manners of the natives, and she had told him that there the natives would sit down to discuss any subject for three days together, and yet any one would narrate faithfully all that had taken place during such discussion. Now, if this faculty of memory were so strong, what was to prevent some forty or fifty natives hearing the same story, and repeating it in almost the same terms. The narrative of one would be the narrative of them all. But in such a case, what would be the effect on a jury, if forty or fifty natives concurred in the same tale; although that tale might have been made up, must it not have its effect on a jury? There did also appear to him to be another insuperable difficulty in the way of passing this Bill, and that was, that it could not be put in effect, because, as had been suggested by his honorable friend the member for the Northumberland boroughs, the variety of dialects would render impracticable the appointment of any competent interpreter. It was a notorious fact, that tribes inhabiting districts within fifty or sixty miles of each other were unable to understand each other in conversation. How then was it possible that interpreters could be procured who could have the confidence of all parties? No doubt Mr. Threlkeld had been employed to interpret on many occasions; but he (Mr. Wentworth) must be permitted to say that he very much doubted his competency for any such office, even as regarded the tribe amongst whom he had dwelt so long. But, he believed it perfectly impossible to find any man who could interpret for all; and therefore he considered this was a valid objection to the Bill, that it could never be pretended to carry it into effect, most probably through the medium of some scoundrel who had learned a smattering of the dialect of the natives near to whom he had resided. (Hear.) Another objection he had to the Bill was—that in any criminal case it might be possible that the witnesses on behalf of the Crown might be brought down. But he would like to ask how the defendant was to get his witnesses of the same class into court? (Hear, hear.) At whose expense were they to be hunted out and brought down to Sydney, and how were they to be compelled to come to Court. Any idea of serving subpoenas on such people was perfectly absurd. What avail to go to serve a wild man, called Chicky Chicky or Chocky Chocky, and thrust a piece of

parchment in his fist to require his attendance at the Supreme Court. Would all the pains and penalties of contempt bring the savage from his hunting grounds, and his life in the forest, to the Courts of Sydney? (Cheers.) This therefore he considered another objection to this Bill, which could not be got over. But he was most of all disposed to oppose this measure, from the broader and more general aspect of the question. When he recollected what had occurred in this country with regard to the collisions between the blacks and the Europeans; when he recounted the numerous instances of oppression, and injustice towards the whites, which had taken place, from the morbid and ill directed sympathy with the aboriginal races, he could not help looking on this measure as most dangerous. When he recollected the trial which took place, consummated by what he would most emphatically call a judicial murder—when all law was set aside, in pretended sympathy to these savages,—he must set his face against the measure. He could look upon it only as emanating from that body of morbid philanthropists who, under the disguise of philanthropy, had shed more blood in the English colonies than all others combined, the shutting their eyes to the real position of the races, had submitted to be misled by a sympathy with savage tribes, which experience in their manners and habits could never justify.

He therefore would call upon the Council and the colony to scout this measure—to scout it as most unjust and most iniquitous. A measure most fatal to the natives themselves—most cruel to the white inhabitants. He, for one, would oppose it in every way; for never should it be said of him that he should lift his hand to aid in the passing of a law he believed in his conscience to be so utterly unjust, and so entirely impracticable.

Mr. BOWMAN, in a short speech, opposed the Bill.

Mr. HAMILTON: In addressing himself to this question, [he] should confine himself to very few remarks; nor was it necessary that he should detain the House at any length. The speech of the honorable and learned member for Sydney (Mr.

Lowe) was, he thought sufficient to determine the merits of the question. That speech was not more distinguished by its present eloquence than it was by the vigorous and practical philanthropy which it breathed from beginning to end; a philanthropy—the more healthy, the more effective when placed in contrast to the sickly sympathies of Exeter Hall. (Cheers.) The speech of the honorable and learned member had fairly exhausted the argumentative part of the subject, and it had been followed up by the speeches of other honorable members whose confirmation of the opinions of the honorable member, from their own practical experience, had rendered those arguments conclusive. It was rather a remarkable fact, that the Attorney-General was the only member of the Government who came forward to support this Bill. Whatever the reason might be—so it was; the Attorney-General had before introduced this measure, and it had been rejected by the House. Now he again attempted to cram it down their throats—but how was he seconded? Not a word in its favour from the Government benches. The Colonial Secretary, known and acknowledged in the House as the organ of the Government, had not advanced one word in favour of or in support of this Bill. What was the inference to be drawn from this? That the Attorney-General stood alone in his advocacy of this measure; that he was the prime mover of it; and that he had been so, the predilections in favour of the aboriginal natives, which his career betrayed, fully proved. All that had been done in respect to this measure on the present occasion seemed to have been done without the concurrence of the Government at all. No doubt on the urgent solicitation of the Attorney-General the hon. Colonial Secretary had consented to the Bill being brought forward, knowing that as it was sure to be thrown out, its discussion could do no harm (hear, hear)—and that thus it might serve to pacify some of the Exeter Hall philanthropists. (Hear hear.) But he would refer to the case adduced by the hon. and learned Attorney-General, himself with regard to the poisoning at the Clarence River. Now, he would ask the Council to look at the aspect in which this case presented itself before them. They had heard from the hon. member from the Northumberland boroughs who, in his professional capacity must be believed to be acquainted with the facts of the case, that the accused party, Mr. Coates, was innocent. Now, if it had been the case of a white man who had been murdered, would the conduct of the delinquent, he asked, have been prejudged as in this case? Why, in the face of the statements made that evening to the Council by the hon. member for the Northumberland boroughs a despatch had been sent home from the Government here, relating the horrible particulars of the charge

against Mr. Coates ; and it was only the other day he had seen the account borrowed from such despatch paraded in the Times newspaper, stating, no doubt for the benefit of the old ladies of Exeter Hall, that Mr. Coates had poisoned some dozens of the natives. What was the result of the course thus adopted by the Government ? that the man, whom they either could not, or would not bring to trial here for a crime they supposed he had committed, was to be branded, at their instance, not only here but at home, with the infamy attaching to such a crime : his character, his good name, was to be irretrievably thrown away, before any case was made out against him. If this was to be the conduct of the Government, he certainly would be very careful not to invest them with more power against the settlers, as he thought they had sufficiently shown that they had already far too much. (Hear, hear.) The honorable and learned member for Sydney had referred to the origin of these differences between the Government and the settlers—namely, on the trial of the men for the murder of the blacks at the Gwydir River, in the year 1839. At that period seven men were tried twice, and were hanged—and he would add his own deliberate opinion to that of the honorable and learned member for Sydney, that these men were judicially murdered. He believed that all the powers that were then possessed by the same honorable and learned gentleman who now proposed this Bill were exerted in order to make those powers reach these men, and now they were asked to invest that honorable gentleman, who still seemed actuated with a similar spirit, with greater powers. To invest him with powers, which he would emphatically assert would place in jeopardy the lives of the white settlers. Which if granted would effectually put a stop to the carrying on of the present pursuits of industry in the interior of the colony. Which if granted no man could go to bed safe. But it was argued in excuse of this Bill, that the testimony thus taken was only to be received in corroboration. But he would ask what corroboration could there be of a fiction ? What more avail would be the evidence of twenty than of one to a made up tale ? But this was the desire in which the measure originated : it was the wish of making up evidence against the whites. Look at the despatch of the late Governor to the Secretary of State on the subject. That despatch said—"The measure was introduced at the desire of the Attorney-General, in consequence of the difficulty in obtaining convictions which he experienced in several cases wherein native blacks have been concerned, either as the accused or injured party, and the dissatisfaction which has been expressed in the colony when a criminal has escaped." The whole of the despatches and papers, indeed, served only to show that the feeling which induced this measure was that of a morbid philanthropy—that the honorable and learned Attorney-General was wedded to this measure. It was to the same honorable and learned member that was to be ascribed the second trial and conviction of the seven men who were executed in 1839, and which had been truly described by his honorable and learned friend the member for Sydney as a judicial murder ; and which he most fearlessly pronounced to be the blackest item on the criminal calendar of New South Wales. (Hear, hear.) They would find that this Bill originated entirely with the philanthropists—or would be philanthropists—of Exeter Hall. With these gossips—male and female—who having much of leisure and little of information, had, from feelings good enough while exercised in their proper sphere, extended to objects with which they were utterly unacquainted. The House would give him credit, he believed, for not having taken up this subject to-day from any motives of self-interest. But he had strong opinions on the subject ; and those opinions he had expressed when this Bill was formerly introduced, and they had not changed since.

The COLONIAL SECRETARY: It was certainly not his intention to have spoken on this question, but after the observations which had fallen from the last speaker, he felt compelled to offer some reply. It was not because he had not strong opinions in favour of the Bill before the House, that he had refrained from expressing those opinions; but because he believed those opinions would be better and more ably treated by his honorable and learned friend the Attorney-General. But he would distinctly state, that the Government did not in any way shrink from the recognition of this Bill. He should think it most unworthy of them if they did, notwithstanding the opposition it had met with. It could not be denied

—it was not attempted to be denied—that murders most revolting to every sense of humanity had been committed upon the blacks, and he must contend, in spite of all that had been urged, that it would be unworthy of a humane and just Government—it would be unworthy of a Christian Government, if these murders were allowed to be continued, without any effort to repress them. There had been a good deal said about the trial of the men who were convicted for the murder of the blacks on the Gwyder River. In that



massacre, twenty-seven human beings were inhumanly slaughtered. In the first instance, the prisoners were charged with the murder of one individual only, and when acquitted on a technical point on that ground, they were put upon their trial, not for the murder of the same person, but for another murdered at the same time; and so, had the indictment failed the second time, they might have been put on their trial for the murder of the whole of the twenty-seven persons. No doubt the Bill proposed by his honorable and learned friend was a deviation from the English law. That it was intended to admit the testimony of these aborigines without the sanction of an oath, which it was admitted from the absence of all knowledge of religion they were utterly incapable of taking. But the Bill expressly provided, that the evidence so taken should not be conclusive, but corroborative only. He, for one, believed that the very knowledge of such a Bill being passed would be a measure of deterring from outrage and crime. A good deal had been said as to the competency of these witnesses; but he must say he disagreed from the very low estimate that had been formed of the mental capabilities of the aboriginal race. From the information which he received from the Commandant of the police force at the out-stations, he should say that many of those people were perfectly competent to give evidence. Nor could he after all apprehend those great dangers from this Bill which seemed to spring up in the minds of some hon. members. Even allowing this evidence to be taken for what it was worth, a defendant could only be convicted by a jury of his own peers, and would be probably defended by ingenious counsel, who would sift all the evidence against him to the bottom. Allusion had been made to a report sent home, and the honorable member for Cassilis had referred to a despatch on the subject. He could only say, that he, as an individual member of the Government, did not know of any such despatch; and he had also referred to a report of such a matter having appeared in the English newspapers; but he must say, though he believed the honorable member to have spoken truly, that he had no knowledge of the circumstances at all. He felt bound to say thus much in defence of the Bill of his hon. and learned friend, because though it was not brought forward as a Government measure, it was a measure which the Government would not shrink from supporting. It was erroneously stated this measure had been indignantly rejected by the House on a former occasion. He found that on the occasion of its former appearance before the House, its second reading had been negatived by a majority of fourteen to ten, showing plainly that the principles were not so very objectionable as they had been stated to be. On these grounds, the Government was not averse to the renewed discussion of the Bill, and he believed that in supporting the introduction of this Bill, the Government had done its duty. Whether it should pass into law remained with the Council—the power lay with them and not with the Government—and they would exercise it as they thought fit. Many objections had been urged against the details of the Bill, and no doubt the Bill in its integrity would not be passed by the House; but he believed that it might be amended so as to meet all the objects desired.

Mr. FITZGERALD, notwithstanding the time the debate had occupied, could not give altogether a silent vote on this question. He had heard with attention the recital of all the murders committed by the blacks; but he must say that in all the measures that had been taken for the protection of these poor creatures, the Government had not acted the part of a merciful Government. He believed that the measures of the Government had been actuated by a false philanthropy—that it had ended in inducing the whites to shoot the blacks in scrubs, or wherever they could find them, when no one was nigh. He could have no doubt that to preserve the blacks they must be convinced of the superiority of the white race. They must feel and acknowledge that superiority, and then they would be deterred from the commission of acts of aggression. While the Government so decidedly and unequivocally sided with the blacks, there was little chance of this question being settled. No doubt many of the natives had been slaughtered at the Gwyder River in the event referred to by the honorable and learned Attorney-General, but he (Mr. Fitzgerald) recollected that he about the same time had a white servant murdered; but of this murder no notice was taken; but no sooner was the murder of the blacks made known, than the police of the whole district was put in motion. As for the evidence of these people, he quite agreed with the honorable and learned member for Sydney, that they would never be able to get witnesses up from the country unless compelled by the power of the Crown; and then, of what value would their testimony be worth? Men who would sell even their wives for a fig of tobacco. He believed, as had been before argued, that the wisest plan was to let the two races settle it between themselves. Once convince the blacks in any district of their inferiority to the whites, and they would hear no more of their being shot. He therefore thought no good could accrue from the Bill, but that it would be productive of incalculable

mischievous to both races, and consequently he felt bound to oppose it. (Hear, hear.)

Mr. COWPER should not trouble the House with many observations on this question, but as he felt compelled to vote against the Bill, he did not feel justified in giving an entirely silent vote upon it. He would not join in the condemnation of the Government with regard to the condemnation of the seven men in 1839 for the murder of the blacks at the Gwyder River, for he must believe that those men suffered justly, and that it was impossible for the Government to interpose its power to prevent the law being carried into effect. But it was the principle of this Bill to which he objected, and the grounds of his objection were much better stated, in the opinion of the Attorney and Solicitor Generals of England than in any words which he could use. That opinion was as follows:—"To admit, in a criminal case, the evidence of a witness acknowledged to be ignorant of the existence of a God or a future state, would be contrary to the principles of British jurisprudence, and the Act is so loosely worded with respect to the admission of such evidence, and the weight to be given to it, that we do not think it could be attended with any advantage. We should have supposed that the aboriginal native might have been sufficiently instructed before being produced as witnesses, to render their evidence admissible, according to the established rules of law, which do not define the distinctness of religious ideas, or to what degree the belief in a future state is to be fixed to qualify a witness to take an oath." He must say he fully concurred in this opinion, and he would recommend those who were so desirous to have this description of evidence introduced, to turn their attention more seriously to the amelioration of the condition of the aborigines. At present, he must say that he should view with horror the idea of any human being placed on trial for his life and subjected to the evidence of the aboriginal natives of this country. To show how little the evidence of these people were to be regarded, he would mention a circumstance which had just been communicated to him by a member of that House. In 1826, a shepherd in the employ of Mr. Jamieson was shot, and the gins of the blacks in the neighbourhood having a prejudice against one particular black, accused him of the crime, with such particulars of circumstantial evidence as induced his apprehension. He was apprehended and was taken down the country, but while stopping at Sutton Forest in the custody of Mr. Jamieson, he contrived to make his escape from a window. An alarm was given, and the black was fired upon and killed by Mr. Jamieson, who was afterwards committed for trial for the act, and it was afterwards discovered that this black, who had been deprived of his life in this way was entirely innocent of the crime imputed to him. The whole circumstances of the case had been got up by the gins to gratify their own prejudices. He did not think that juries would attach that weight to the evidence of these people which some hon. members seemed to suppose. He believed, indeed, that generally prisoners got off too easily in this colony from technical objections. Few he thought were sent for trial to the superior Courts who were not really guilty, and yet many, very many escaped. But if by the amelioration of the condition of these savages they could be brought to a sense of right and wrong, he should be glad to receive their evidence; he must say he should be sorry to see the lives of the white settlers placed in jeopardy by any testimony which might be given by such a capricious race of beings.

Mr. ALLEN thought that if the anecdote which had been related by the last speaker went for anything, it went at least as far on the other side of the question as that in support of which it had been adduced. It certainly was not uncommon to find that white men had been accused to gratify the prejudice or revenge of their own race. He could not concur in the opinion that the blacks should be put down by force; let them come in and make their own statement, and then the Courts would take that statement for what it was worth. He must state, that so far from blaming the Government for the part it took in reference to the trial of the men for the murder of the twenty-seven men at the Gwyder river, he commended them for it. A more atrocious murder never was committed. The blacks were fastened together with a rope, and butchered in cold blood. Some, indeed, after being hacked and maimed, being thrown alive into the fire. How could he, with the circumstances fully in his memory, allow it to be said that these murderers were twice tried for the same offence. They were, it was true, acquitted on the trial for one murder, but they were put on their trial for a second; and he believed that the example afforded by the punishment of those men was necessary, and had been productive of much good. He would say one or two words in reply to the many sneers that had been thrown out against those whom the taste of certain hon. members of that Council designated the old ladies of Exeter Hall. He would fearlessly assert that the motives which actuated those persons were more pure and

disinterested than those of the parties who now condemned them—and he could only wish the principles of Christian charity which actuated individuals in Exeter Hall prevailed more generally amongst members of that Council.

The ATTORNEY-GENERAL (in reply): After the remarks that had fallen from various hon. members in the Council in this debate, [he] felt it incumbent on himself, not only as a man but a member of the Government he had the honour to serve, to offer some observations in reply. And he would first allude to the charge brought against him by the honorable member from Cassilis—a charge of judicial murder, on which he (the Attorney-General) was stated to be the prime mover and agent. He must be permitted to say, that this charge had been brought against him in language which he was not accustomed to hear in that House—in language, which should be well weighed and considered before indulged in by any honorable and learned member. He would venture briefly to narrate the circumstances attendant on the event, which originated this so called judicial murder. A party of twelve or thirteen stockmen having received some molestation from the blacks, went out, and rode about the country in search of no particular tribe of blacks, but of any tribe that might have the ill fate to fall into their hands. They happened to come up to a tribe of tame blacks—blacks who were in a manner domesticated, and were useful in their own way to the settlers around. They carefully surrounded this tribe, and captured, with the exception of some one or two children, the whole of them, amounting to twenty-seven in number. They then fastened every member together by the limbs with a rope, which they then bound round the whole, confining them in a compact mass. In this situation they were fired at by the party, with guns, with pistols, and with blunderbusses. The party were completely armed with cutlasses, and with these they hacked the limbs of their victims, who were then thrown, some while yet living, on a fire, several of the atrocious band remaining for several days to see them burned. One little girl escaped from this dreadful scene, and the ruffians, having been indicted for the murder of a child, were acquitted. But although the murder was proved as clear as possible, it was not difficult to see how they were acquitted. There was a party of conspirators to defeat the ends of justice on this occasion, and it came to his (the Attorney-General's) knowledge that they had taken measures which effectually obtained this end. The jurors were summoned as usual, alphabetically, but they were all waited upon, many frightened either into accordance with the views of the conspirators, or to stay away. When the trial came on only twenty-four or twenty-five jurors attended, and the whole number allowed by him twenty, were challenged by the defendants. The court being packed with the creatures of the conspirators, a Jury was selected who returned a verdict of not guilty, to the great surprise, he would venture to say, of every one who had heard the evidence on that occasion.

Mr. WENTWORTH: There should have been an end of it.

The ATTORNEY-GENERAL: He did not agree with the honorable and learned gentleman. He did not think that he should have deserved to hold for one moment the position he occupied in the country, if he let the matter stop there. The Council would remark that these men had been indicted for the murder of a child. They were subsequently indicted for the murder of the father of this child—a man so remarkable in his formation that his identity was indisputable. He stood upwards of six feet high, and so peculiar was the structure of his head that numbers who had seen him were ready to swear to the skull, even without the hair. This man was named Daddy, and for his murder the prisoners were again indicted. The counsel for the prisoner, Mr. Foster, Mr. a' Beckett, and Mr. Windeyer entered a plea of autre fois acquit. This plea was demurred to by the law officers of the Crown, and was argued for a whole day; and then, on the decision of Mr. Justice Burton, whose authority as a criminal Judge could scarcely be disputed, the demurrer was affirmed, and the case proceeded to trial. Seven of the parties were condemned and sentenced to death. He appealed to the House, under the atrocious circumstances he had related, could any Government be justified—could it maintain its place, as a Government in the civilized world, if it refused to put the law in effect, and make an example of these men. He would say, too, that every one of these seven men, before their execution, acknowledged the justness of their sentence. They declared that they had been guilty of this atrocious crime attributed to them; and yet this was the proceeding which was characterised by the honorable member for Cassilis as a judicial murder. He (the Attorney-General), loud as the outcry might be against him, would be ashamed of himself as a man, and as a public officer, if he had taken a different course on this occasion. (Hear, hear.) The honorable member for the Northumberland Boroughs, who had alluded to

himself as a self-constituted protector of the aborigines, had not shown himself much of a defender of their interest or rights. Could they understand it? The blacks might well apply to his advocacy the maxim "Save me from my friends." He would place them irrevocably without the pale of civilization, and would see them swept from the face of the earth, in quiet composure. The honorable member, too, had alluded to the case of poisoning; and he might say, that the honorable member had a client in that case. But he (the Attorney-General) would state that the witnesses in that case concurred in a statement that was most probable. And if this committal that had been complained of was so unjust, why not prosecute for conspiracy on the part of those witnesses. But he must say that the exclusion of the evidence of the aborigines in this instance was unjust to the party accused. They were seen eating the damper and died from it, and the survivors alone could furnish the evidence how they came by it, and the circumstances under which it was given. It had also been urged that the policy of the Government had urged on these outrages between the blacks and the settlers; but where was this displayed? In the civilized parts of the country where something like law prevailed, no aggressions by the blacks took place. It was indeed stated that the late Governor would not touch a black, for any fault or crime he might commit. It was complained, forsooth, that he was made the equal of white men. The Government he believed had done right in taking this course; had they done otherwise they would have only made themselves participators in the murders which had been committed. The English law placed every man on a level, and he had only endeavoured in this Bill to prove that principle. He remembered a case where two magistrates of the country went out armed with guns and pistols—a shot was heard behind a hill, and the body of a black native found. The circumstances were brought before him (the Attorney-General); all the blacks gave corroborative testimony of the strongest kind against the suspected party. They stated that in the first instance the other party aimed, but that his gun missed fire. That the other white man then fired, and that the ball entered the breast precisely as it was proved to have done. But when charged with this gross murder, the parties did not deny it, but merely asked the magistrate to prove it, knowing the evidence of the aborigines would not be taken. This was a sample of the outrages committed on these poor savages. But the honorable member for Sydney (Mr. Lowe) said let them go on, till they were themselves out, till all were murdered, for he could mean nothing less. Here was a sentiment to be propounded in a Christian assembly, by a Christian legislator, and a Christian philosopher. When he (the Attorney-General) reflected that each of these benighted beings had a soul to be saved—that each had stamped upon him the image of his Creator, he could not but believe that the treatment that had been visited on these blacks, was sufficient to call down the vengeance of Heaven. He admitted that the measure he proposed might be inartificially drawn, but the drift of it showed that the evidence it was desired to introduce could only be introduced in cases of necessity. That when white men's evidence was obtainable, this inferior evidence would not be resorted to; prisoners here who had been convicted over and over again at Norfolk Island, were admitted as competent witnesses, because they chose in too many cases to desecrate the holy book, and to add the crime of perjury to other crimes which they had already committed. He never meant to contradict what had been stated by the hon. member for Sydney that children, before they could be sworn, were supposed to have the full power of distinguishing good from evil, but owing to the brief and simple way in which this knowledge was enquired into, it was impossible that any very accurate knowledge could be obtained as to whether the child to be examined was really qualified or not; for the answers were made by rote in the same way as any well trained parrot could make them. The hon. and learned member for Sydney (Mr. Wentworth) had stated that the decision of the Supreme Court had never received confirmation from home; but he would find, upon enquiry, that it had received such confirmation since his retirement from the profession. This confirmation would be found plain on reference to Mr. Callaghan's Book, page 493. He would repeat what he had before most distinctly asserted on the belief founded upon his own professional experience, namely, that in a great majority of cases it was not the solemn obligation of the oath, but the fear of temporal punishment, which actuated witnesses, and he did not believe that the ends of justice would sustain any serious injury if every species of oath was wholly abolished. He had advocated the measure in performance of his duty, as an honest man and as a public officer, having no sinister ends in view, but conscientiously believing that it was a measure absolutely needed. (Hear, hear.) The measure was one introduced by the head of the Executive in this colony under the sanction and direction of the Imperial Government. In moving for its second reading, and in supporting that motion to the best of his ability, he had

relieved his own conscience and performed his public duty. (Hear, hear.) If it was thrown out, and if any evil consequences arose from such rejection, the guilt would rest upon the heads of those who defeated it.

The Council then divided upon the matter, with the following result:—

Ayes, 9, Noes, 10.

Colonial Secretary .. Mr. Hamilton Attorney-General .. Mr. Oakes Collector of Customs .. Mr. Lowe  
Auditor-General .. Mr. Wentworth Mr. Berry .. Mr. J. Macarthur Dr. Dickson .. Mr. Bowman Mr. Macintyre ..  
Mr. Fitzgerald Mr. Allen .. Mr. Nichols Mr. Parker, (Teller.) ... Mr. Icely  
.. Mr. Cowper, (Teller.) The Bill was consequently thrown out.

## 1849-07-02 — Article 91

LEGISLATIVE COUNCIL. (1849, July 2). The Sydney Morning Herald (NSW : 1842 - 1954), p. 3. Retrieved January 3, 2026, from <http://nla.gov.au/nla.news-article28646745>

LEGISLATIVE COUNCIL FRIDAY. The speaker took the chair at twenty-five minutes past three.

THE ABORIGINES.

Mr. FOSTER rose to move, that a Select Committee of five members be appointed to enquire into the state of the aboriginal inhabitants of this colony, more especially with regard to the success or failure of the present protectorate system in Port Phillip: the Committee to consist of Dr. Dickson, Mr. William Macarthur, Mr. Murray, and Mr. Hamilton. In bringing forward this motion he must beg, he said, to state that he was not actuated by any feeling of hostility towards the aborigine, for on the contrary he believed that the investigation which he sought for would be a great kindness to that race, inasmuch as it would show that nothing effectual had yet been done for them. He believed it would be proved that the system was a mere wet blanket

—a thing that threw dust in the eyes of the real friends of the aborigines, and of all philanthropists. A strong reason for this enquiry at the present was, that the Moravians, as he understood, were about to form a mission to the aborigines, and it would be well that the failure of the present system should be proved and known. In the first place it was enormously expensive—it had cost the country £70,000 in all, yet the Government would not be bold enough to say that one single black had been Christianized or civilized through its operations. It would be injudicious, at the present time, to go into any detail of the circumstances which convinced him that the system was a perfect failure. But as one proof of this, he might mention that he had seen natives brought up for trial at Melbourne, remanded time after time, because the Protector did not even sufficiently understand their language to act as interpreter. There would be some little difficulty as to the mode of enquiry, as almost all the witnesses were at Port Phillip, but it would be sufficient, he thought, to send a circular to the ministers of religion, magistrates, and other gentlemen capable of affording information. Perhaps, also, the Executive Government might be able to furnish them with some correspondence which would throw a light upon the matter.

Dr. DICKSON seconded the motion, but remarked, that it would, in his opinion, be better if two or three other members were added to the Committee.

The COLONIAL SECRETARY suggested that a ballot would be the more convenient course.

The ATTORNEY-GENERAL said, that it was his intention to move an amendment, that the Committee be appointed by ballot. He would candidly state as the reason why he adopted this course, and without meaning any disrespect to his honorable friend opposite (Mr. Hamilton), that he did not conceive any gentleman who advocated such doctrines with reference to the aborigines, as that honorable member had broached during the last debate upon this subject ought to be selected to form one of this Committee. He would take advantage of the present opportunity to expose before the House and the public, the calumnious falsehoods which had been widely circulated through the medium of a book which he held in his hand, and which he had just accidentally met with in the library of the Council. This book was one of Mr. Bentley's publications, and was called "Twelve Years' Wanderings in the British Colonies, from 1835 to 1847." The authority was stated to be a Mr. J. C.

Byrne. Who Mr. J. C. Byrne was he had not the slightest idea, but his book contained the most abominable falsehoods. He would beg the attention of the House while he read one or two short pages from this book, which contained as great a bundle of lies as were ever got together in so small a space. The author is alluding to the massacre of the blacks at Myall Creek. The aboriginals had in the neighbourhood of New England Plains, and many other parts near the frontiers, become extremely troublesome about that period, committing many depredations and murders on the white settlers and their servants. In consequence of these outrages, and from there being no efficient police force to protect them, the servants of the squatters took the law into their own hands and a number of them arrested part of the tribe, from thirty to forty, at a

place called Myall Creek, the station of a Mr. Dangar, and led them out, deliberately to execution, shooting them and afterwards burning the bodies. The fact got bruited abroad, ultimately reaching the ears of the authorities at Hunter's River, and seven suspected parties—all of whom were then or had been convicts—were accordingly arrested and forwarded for trial to Sydney. The case came on there before the Judges of the Supreme Court; but from the facts chiefly resting on the evidence of some aborigines who were incapacitated by law from giving evidence, the accused were acquitted by the jury. This, however, did not satisfy Sir George and the Executive. The men were retained in custody; the aboriginal witnesses were committed to the care of competent instructors; and the Legislative Assembly, then consisting of Crown nominees, passed an Act, proposed by the Governor himself, authorising Courts to receive, and rendering legal under certain circumstances, the evidence of aboriginal natives. Then, after a lapse of a few months, the accused were once more placed on their trial, for in reality the same offence, but with the counts of the indictment varied and altered to meet the case; and the plea of previous trial and acquittal having been overruled by the presiding Judge, the same unfortunate men were found guilty, and sentenced to death. No resident of the colony imagined for a moment that the sentence would be carried into effect; more particularly as the Act of Council, provisionally in force, legalising the evidence of aborigines, under certain circumstances, had not as yet received the sanction of the Crown. But Sir George Gipps was moved by the representations of philanthropic individuals at home, who had heard of, and bewailed the sufferings of the Australian aborigines. And the law was carried into effect, by virtue of his sign manual, on the seven unhappy wretches; notwithstanding the petitions and remonstrations of the settlers, the protest of the first jury who tried them, and the recommendation to mercy of the second, who had found them guilty. A few months rolled on, the seven victims of the law were in their cold narrow graves, when a despatch arrived from the Colonial Office at home, refusing the sanction of the Crown to this Act for legalising the evidence of aboriginal natives. The mischief was done, the men could not be recalled to life, and the onus of the sacrifice of seven men yet lies at the door of him who was thus so anxious to stretch the law to reach the lives of these men, and take the responsibility on himself.

Their crime may have called for, and deserved exemplary punishment for the cruel and wholesale nature; yet no Governor should have the power to call into existence, to answer a temporary purpose, laws affecting the lives of his fellow-beings, and have the right to carry them into effect, even before the approbation of the Crown could be conferred on them, and sacrifice the lives of individuals who were in reality, legally innocent.

He should be able to show that there was scarcely a line of truth in this whole statement. In the first place there was no need of aboriginal evidence at the first trial. Not a link was wanting in the chain of legal evidence, as taken before the Jury, to render the case conclusive. The assertion therefore that "the case chiefly rested upon the evidence of some aborigines" was one lie. The statement immediately following, that the men were detained in custody while the aborigines were instructed, was another lie. The first trial took place on the 15th of November, 1838; the second trial took place on the 27th of the same month, and there was never the slightest intention of committing any aborigines to the care of instructors for the purpose of qualifying them to give evidence in this case. [The honorable and learned gentleman was here called to order upon the ground that the matter with reference to which [he was] speaking, was not relevant to the motion before the House, but after a brief discussion was allowed to proceed.] Mr Byrne went on to assert that the then Legislative Assembly passed an Act to legalise the evidence of aborigines with reference to this very case. Now, although it was true that the Governor did afterwards bring in such a Bill, nothing could be more false than that it had any reference to the trial in question. The Bill, in point of fact, was not brought in until nearly a year afterwards, which they might see by reference to their own records. It would be found upon making such reference that the Act was passed on the 8th of October, 1839. His only object in referring to this falsehood was to show that a gross libel had been extensively circulated against the Council who passed that Bill; - a libel too upon the memory of one whose memory he would respect and vindicate as long as he had breath in his body; - a libel upon himself as the officer who conducted the prosecution; - a libel upon that able and amiable Judge, Mr. Burton, now Sir William Burton, who tried the case; - and a libel upon the Jury who returned a verdict of guilty at the second trial. The charge at the first trial was the murder of an aboriginal male adult called Daddy. The charge at the second trial was the murder of a child called Charley; and

although seven were found guilty of this second offence, but six of them were executed. One of the prisoners was a young man; it was thought that he might have been led into the crime against his better nature by the influence and persuasion of the others, and his life was therefore spared. He had no objection to the appointment of the Committee moved for by his honorable friend the member for Port Phillip. He deemed such an inquiry necessary and he hoped the gentlemen who might be appointed would enter upon their task with a determination to enquire into the truth - and to take the truth alone as their guide. He hoped they would take no one-sided views, but would deal even-handed justice to the blacks as well as the whites.

Mr. HAMILTON regretted that the Attorney-General had been permitted to go irregularly into a matter which he had an ample opportunity of alluding to in the previous debate, but as this permission had been accorded, and as his name had been brought prominently forward by the honorable and learned gentleman, he trusted that he should be treated with the same forbearance if he should be somewhat irregular in his reply. He felt particularly grieved that he should be held out as unfit to sit upon a committee on the aborigines. He should like to know what he had ever done as an employer of labour, or in any other capacity, to deserve this blame, and he would fearlessly defy the Attorney-General to point out any act of his which would show that he was in any manner disqualified from sitting as an impartial judge on any enquiry of this kind.

The honorable and learned gentleman had thought fit again to open up the subject of the dreadful trial of 1838. He (Mr. Hamilton) had never denied the guilt of these men; but their guilt or innocence was not the question at issue. The question was whether they were legally convicted; and the charge against which the Attorney-General ought to defend himself was, that having been once acquitted they were again placed upon their trial for substantially the same offence, and were then, contrary to one of the most vital principles of British law, condemned and executed. Heinous as was the crime of these men, the mode in which their punishment was brought about was no less detestable, and in this light it was generally regarded. Had he been the attorney general, instead of stretching the law against these unhappy wretches, he would have endeavoured to get at the persons of higher station who were understood to be involved in the affair. He (Mr. Hamilton) had never had anything to do with any murder of the blacks; he had never injured them, and he had never felt any sympathy with those who were hostile to this race, but he could not stand tamely by and see men illegally hanged. It was this reason alone that influenced him. He objected to place any extra power in the hands of those who had thus stretched the law on one occasion; but he denied that there was any want of kindly feelings on his part towards the aboriginal race of this country.

Mr. DONALDSON was not in the House on the last occasion when this subject was debated, but he heartily concurred in the rejection by the Council of this dangerous measure, which the Government sought to have passed into a law; a measure which would deprive the residents beyond the boundaries of every chance of protection, and would eventually render the bush uninhabitable. He recollected the terrible events of 1838 which had been alluded to, and the conduct of the Executive Government on that occasion. Magistrates of the territory, who took an interest in those unhappy men, and watched the proceedings for them, were struck out of the commission of the peace by the Government of that day in its anxiety to bow to the powers of Exeter Hall. Yet at that time but a few years had elapsed since a regular military expedition, headed by the Governor of Van Diemen's Land, had marched through that island, forming as it were, a cordon for the extermination of the blacks; and forcibly removing all those who remained to a distant island. Again, within the lapse of a few weeks of the same term, a Major (Nunn) and a Lieutenant (Cobban), of Her Majesty's Service, who had both since died, had slaughtered the blacks as cruelly as the men who were executed. The lieutenant had told him (Mr. Donaldson) that he ran his sabre through an unarmed black who was endeavouring to make his escape up a tree.

While these doings on the part of the Executive Government and those under its control were passed unanswered, these wretched convicts — whose tears and adieus on taking leave of each other at the scaffold it was terrible to behold — who felt that they were sacrificed, were pushed on to death even at the expense of a violation of law, merely to satisfy the views of the clique at Exeter Hall. He fully concurred in the present motion. The protectorate was altogether a delusion. It had never answered the objects for which it was intended, and it was time to abolish it. Many instances might be quoted in which it had been productive



of the most serious evil. One reverend protector, for instance, in the north, got hold of some discontented shepherds, and upon some lying statements of theirs, he got up an accusation of poisoning the blacks, upon which accusation the Government instituted a private enquiry, and this charge which was doubly and trebly a lie — as false as hell — was sent forth to be made an engine in the hands of the clique alluded to, for blackening the character of respectable gentlemen. This was his first acquaintance with the protectorate of the aborigines, and was a pretty strong evidence of its worse than uselessness. He trusted that the inquiry would terminate in the immediate abolition of the protectorate.

Mr COWPER did not think that there was any difference of opinion as to the necessity of appointing this Committee with a somewhat larger number of members. He regretted however that there should have been any implied limitation to Port Phillip, as its introduction tended to deprive the enquiry of somewhat of its general character, and it was a general and comprehensive investigation of this subject which was much needed. The lamented member for Durham (Mr. Windeyer) had obtained a similar Committee, but he found the task so difficult that he never framed any report. He hoped that the mover of the present resolution would be more successful; but he would find that he had taken upon himself a very delicate and arduous duty. He trusted that the committee would grapple with the whole subject and see if anything effectual could be done in this matter. He was satisfied that the expense of the Port Phillip Protectorate would be found a total waste of money, and the Government, who were bound to make the best efforts in their power to ameliorate the condition of the aborigines, would doubtless be ready to adopt a better course so soon as it should have been pointed out to them. There was one gentleman now in the colony whom he hoped to see examined before the Committee, as he could afford them some very valuable information. This gentleman (the Rev. Mr King) had been for several years in Western Australia, where his attention had been chiefly directed to the education and training of the aborigines.

Many allusions had been made during this present debate to the unfortunate case of 1838, and he would state with reference to this case, that he for one should have no objection to be placed in the position of the Attorney-General. The honorable and learned gentleman had done no more than his duty in the case, and this duty he would have neglected if he had failed to follow up the perpetrators of this atrocious crime night and day, and until he brought them to punishment. He was himself aware that the Executive Government of that day did all that it could to save these men. He was personally aware that Sir George Gipps was much anxious to do so. On the morning of their execution, Sir George rose before day, and sent an orderly to a person who could afford him the necessary information, in order to ascertain if there was the least sign of penitence on the part of these unhappy men. If the result had been in accordance with what were evidently his most anxious wishes, he would have saved them even at the last moment; but under all the circumstances he did not dare to do as his feelings prompted him. His duty to humanity, and to his country, demanded from Sir George Gipps the punishment of these men, and notwithstanding what had been said to the contrary, the country was well satisfied with the course he had taken. No doubt it would have been better if the Government could have got at the persons who were behind the scenes on this terrible occasion, but all their efforts to do so failed. No doubt, also, magistrates were dismissed from the commission of the peace; and this step was all that the government could take to mark their opinion of those who, from whatever motives they acted, went to the men in gaol, even at the last moment, and assured them that their lives should be saved if they would stick together, and keep their own counsel. He could see no reason whatever why a person acquitted of one murder should not be re-tried for a second, notwithstanding all that had been urged against the legality of the conviction of these men. It had been strongly urged the other night, that the Government ought to strike terror into the aborigines by military operations, to drive them back when they became aggressors, and thus prevent the disastrous consequences of continuous collisions, but when they did so operations of this nature were quoted as charges against the Government, as had been done by the honorable member for Durham.

Mr. NICHOLS regretted the reference which had been made during the present debate to the trial of 1838, but he did complain that the Government had taken no cognizance of the proceedings of Major Nunn, although fully debated before the Executive Council, while at the same time they were pressing the prosecution of those men who had acted upon their example.

The COLONIAL TREASURER said, that he had heard of Major Nunn's proceedings casually in Sydney, but they never came before the Executive Council.

Mr. NICHOLS would show that the honorable gentleman was mistaken. That he, and the honorable and learned Attorney General, had slumbered over the fate of these unfortunate people. He would read to them from the Parliamentary papers the evidence on oath of Major Nunn before a meeting of the Executive Council, at which the Colonial Treasurer was present. Well might the aborigines cry, "save me from my friends" with reference to such friends as the Attorney-General; for he would maintain that the officers who had thus acted, although employed by the Executive Government, ought to have been brought to condign punishment. The statement of Major Nunn was as follows : In consequence of instructions, I gave immediate orders to assemble a party at Jerry's Plains from which place I proceeded on or about the 29th of the same month (December) with a detachment consisting of one subaltern, two sergeants, and twenty troopers. I marched direct for the Namoi; on my arrival there I heard very distressing accounts from the stockmen in the neighbourhood of the outrages committed by the blacks. On the evening of my arrival, I sent sergeant McNally to Mr. Baldwin's station, to ascertain of the people there if these reports were quite correct, and that the blacks were at that time assembled in great numbers at a place lower down the River Namoi. I immediately ordered the party to mount, and guided by Mr. Baldwin's stockman, proceeded at once towards the place mentioned. After marching all night, we came upon a tribe of blacks on the river bank. After disposing of my men so as to prevent the escape of the blacks, and giving them orders not to fire at all, but if necessary to defend themselves with their swords. I succeeded in capturing the whole tribe without any violence. With the assistance of a black boy who went with us I communicated to the tribe that they were charged with murder, spearing cattle, and all manner of outrages, and demanded that the actual perpetrators of these acts of violence should be delivered up to me. On this, fifteen men of the tribe were pointed out to me by their comrades as the guilty parties, these were taken into custody, and the rest of the tribe, amounting to about one hundred persons, were set at large, and treated kindly by me; so much so that they remained with the party until evening. Amongst the fifteen prisoners two were pointed out to me by the tribe as the murderers of Mr. Hall's man, some time before. Above two hours before sunset, I returned to my former camp with the fifteen prisoners; the two men charged with murder were secured by handcuffs, and placed in charge of two sentries. It was my intention to leave these two men under a guard until Mr. Hall could see them and identify them; but I regret to say that they succeeded in slipping their handcuffs after nightfall, and attempted to escape, and were shot by the sentry while in the act of running away. It is, however, satisfactory to know that the tribe itself gave up the murderer of Mr. Hall's servant. The other thirteen prisoners were subsequently liberated, all except one, whom I retained with me as a guide. From this camp I proceeded to Mr. [illegible]'s station on the Gwydir; Mr. [illegible] was at the station, and begged of me to remain a few days at the station for their protection, and was in a state of great alarm from the depredations the blacks had been committing; I remained there [illegible] days, then proceeded to Mr Cobb's station; where I was very anxious to arrive. In consequence of the reports I had received of the outrages of the black natives in that direction; so arriving there I found everything in the greatest confusion, the shepherds and people all afraid to leave the vicinity of their huts, and the sheep all crowded round about, and not a man could be induced to take them out to pasture until I had sent parties [to scour] the country and ascertain that the blacks were not in the neighbourhood. Lamb, the superintendent at the station, informed me of the particulars of the murder of the two men by the blacks at this station; [illegible] on hearing this I [felt it] my duty to pursue the tribes who had committed these outrages, and having provisioned the party for fifteen days, I began my march. On the fourth day after leaving Marshall's station, which was then the largest station on the Big River, I came upon a native black, asleep under a tree, against which I saw four spears leaning; the [black] man got up the tree, but we succeeded in getting him down; after explaining to him through our black boy that we did not intend to hurt him, he told us that his party consisted of four more blacks, three women and some children; these blacks we found the same day; they were all brought to me in the camp. From these people I obtained all the information relative to the murder of Mr Cobb's men. They confirmed they had been present at it with the rest of their tribe, and had partaken of the sheep that had been driven off. They offered to remain with us and conduct us to the tribe. The next morning, under the guidance of the blacks, the direction of our march was quite changed; we were led by them for two days. About noon of the second day I was riding in the rear of the

party when I heard, on a sudden, the words "black-fellows" in front; I was perhaps about fifty yards to the rear at the time; I rode up immediately, and the first thing I noticed was Corporal Hannan returning from the front, speared through the leg; he appeared to be in great agony, and cried out "I am speared, I am speared"; at the same moment I heard several shots fired in rapid succession; Mr. Cobban was in the front at the time; the men charged, and separated in such a manner that I was perfectly unable to collect them at the moment; I did so as soon as possible, and we succeeded in extracting, with the assistance of a black man, the spear from Hannan's leg; the wound was a very bad one and I apprehended that mortification would come from the very great [severity] of the [wound] at the time. I am satisfied Hannan was wounded before a shot fired, and that if he had not been wounded not a shot would have been fired." I certainly never gave my men any orders that could warrant their firing upon the blacks, unless in self-defence. After the firing ended I rode through the wood, and saw four or five dead bodies of the blacks; I am positive that I saw four.

This, it must be remembered, was only the report of Major Nunn. Gentlemen who visited that place some time afterwards, reported that some 60 or 70 of the blacks were killed - that some of them were shot like crows in the trees. The Government were not so idle when their own officers were not concerned; but their love of even-handed justice did not extend so far as to cause a rigid enquiry into the circumstances of the case. He apprehended that the result of this enquiry would be to show fully that justice had not been done to the aborigines under the existing system, but that the funds had been uselessly spent which ought to have supported them. That nothing in short, had been done for the money which had been laid out on the protectorate system.

Mr. SUTTOR had great pleasure in supporting the appointment of the Committee, because, although he was not over sanguine as to the result of their labour, something might still be done towards improving the condition of the aborigines. He had had as much experience among the blacks as any one, and he had never known of a single collision in which the whites were not the aggressors. The subject of poisoning had been alluded to, and he had no hesitation in saying that the blacks were poisoned by thousands. A man in his own employ told him that "he had been to the northward and knew how the trick was done," this man said that "As he was not afraid of the blacks, for he understood how to deal with them." From this individual, he, Mr. Suttor, took several pounds of arsenic, which if he had not interfered, would doubtless have been administered to the blacks. He would relate another circumstance which illustrated the present state of things.

Some few months ago a relative of his own went with a party to rescue cattle from a tribe of blacks who had come into the neighbourhood from another part of the country. The intention was to drive these people back to whence they came, but when they overtook them in an angle of a river, the whole party applied for leave to tie the miserable blacks on a string and shoot them all. Of course such a proposition was rejected with horror, and the party then prayed for leave to shoot one. But this being refused them, they grumbled sadly, and some of them complained that their master's cattle ought not to be stolen by these "vermin," without the latter being shot. He, Mr. Suttor, on arriving at the spot, asked them if they thought that every man who stole a bullock deserved to be shot, adding, that if this was to be the case, very few of themselves, or indeed of any stockmen in the country, would escape with life. Had he (Mr. Suttor) been in the House the other evening, he would have voted for the bill to admit the evidence of the aborigines in certain cases; for, although he did not approve of the Bill in its original shape, he had no doubt that, in Committee, it might have been rendered a useful measure.

The COLONIAL SECRETARY regretted this discussion, and the personal allusions to which it had given rise. Much reference had been made to the celebrated case of 1838, and he would maintain that, with reference to this case, the Government had done no more than its plain duty. He for one had never in a single instance or particular regretted the advice which he gave to the Government on that occasion; he should never have slept in peace if he had acted otherwise than he did. Twenty-seven black men were most barbarously murdered, and for this murder six white men were executed; not only were these men most properly punished, but their punishment had had a most salutary effect in preventing the perpetration of similar crimes by others. The case of Major Nunn and Lieutenant Cabban had at first escaped his memory, but from the reading of the Major's evidence he now perfectly recollected it. A complaint had been made by Mr. Park,

formerly a candidate for the representation of Durham, of depredations committed by the blacks, and a party of mounted police was despatched for their protection, with instructions to disperse the aborigines, but not to fire upon them unless they were attacked. It was clear from the report that there was no attack upon the natives until a trooper had been speared, and it became necessary to order the attack in self-defence. The Government had never attempted to deny that persons actually attacked by blacks had a perfect right to defend themselves, and no more was done in this case. The practice was, whenever there was a collision between the officers of the Government and the aborigines, to institute a magisterial enquiry upon the spot, and to forward the depositions taken at that inquiry to the Attorney General, in order that the latter might take further steps if the case seemed to require it. It was utterly impossible at this distance of time, and amidst the multiplicity of other matters, to recollect the minute details of a particular case; but he must conclude that the usual course had been taken here, and there was nothing in the case which, in the opinion of his honorable and learned friend the Attorney-General, called for any further steps. All who recollected the kind-hearted Major Nunn must know that he was utterly incapable of the cruelty laid to his charge, and that he could only have acted as he had done in self-defence. The subject more immediately before the House was one which had occupied the attention of the Executive Government. There had been a good deal of correspondence upon the subject, and the Government, after going at length into the enquiry, and receiving the opinion of the Superintendent of Port Phillip, had arrived at a conclusion that the protectorate might be abolished. He did not wish, however, that the present motion should be withdrawn, for he thought much good might result from the enquiry, and there were many documents among the records of his office which would materially assist the labours of the Committee. Past experience had shown that it was almost an hopeless attempt to civilize the adult aborigines; but perhaps some plan might be devised of educating and training the youth of these tribes by separating them from the older savages.

Mr WENTWORTH said, that the remarks of the Attorney-General had rendered it necessary for him (Mr. Wentworth) to make some allusion to the case of 1838, and he was glad to have an opportunity of doing so, in consequence of the triumphant tone which the hon. and learned gentleman had used with reference to this matter in his reply the other evening. The Attorney-General was no doubt right as to the plea of *autre fois* acquit having been overruled by the Judge who tried the case, but he (Mr Wentworth) could not concur in the warm eulogium which had been passed upon that Judge by his hon. and learned friend. (No Judge could strain a case harder against prisoners than did that gentleman. Again, they never had among them a Judge who was so intimately connected with the Exeter House clique as he. It was believed to be through their influence that he had been appointed to a more lucrative situation, and it was thought that it was his proceedings in reference to the very case under discussion which led to that exercise of that influence. His (Mr. W.'s) own conclusions therefore were the very opposite of those arrived at by the Attorney-General; for he thought that the very talents of the Judge had been productive of injustice. When a person so talented cast all his sympathies in the scale against the prisoner, it would naturally require a strong mental effort on the part of the Jury to resist his influence. The House would remember, too, that on a former occasion when this matter was under discussion, his lamented friend Mr Windeyer, who was counsel for the prisoners in this memorable case, openly and distinctly charged that learned Judge with having committed something like fraud at that trial against the accused. It would be remembered too that at the time this charge was made Sir William Burton was in the colony, and he never ventured to contradict or reply to it. It was not true that the offence with which the men were charged at the second trial was a different offence from that with which they were charged at the first.

The indictment at the first trial was not, as had been stated, confined to an adult aboriginal named Daddy, but was an indictment under which the men might have been convicted of the murder of any black among the whole number that were killed. The indictment contained nine counts, and it was only in four of these counts that the prisoners were charged with the murder of a black named Daddy. In the remaining five counts, the person they were charged with having murdered was variously described as an aboriginal black, whose name was to the Attorney-General unknown, and an aboriginal male black, name unknown. He would ask the Attorney-General as a lawyer, whether proof that the prisoners had killed an aboriginal male child, as they were charged with doing at the second trial, would not have been sufficient to sustain any one of these

counts in which the name of Daddy was not mentioned? In the second indictment there were twenty counts, in which the offence was variously charged as the murder of an aboriginal child (sex not stated), name unknown; an aboriginal male child, name unknown; an aboriginal female child, name unknown; and an aboriginal child named Charley. To the first set of counts, in which neither name nor sex were stated, there was a demurrer in which the Crown joined, and to the remainder of the indictment in which the case turned there was a plea of *autre fois acquit*. With any Judge but one who was determined to press the case to the death against the prisoners this plea would at once have put an end to the prosecution. The offence, then, was precisely the same, and if the prisoners could have been tried twice, they might have been as many times as there were persons killed, and that under the same indictment. The Attorney-General had alluded to rumours relative to the first Jury—and he would now tell that honorable gentleman what had been said of the second. It had been said that all the Exeter Hall men—persons who had been missionaries in these seas—were seen hobbling towards the box on this occasion; and that the Jury was in fact packed to ensure a conviction.

The ATTORNEY-GENERAL said that the Jury were taken alphabetically.

Mr. WENTWORTH: Then the only complaint against the first Jury was, that they had conspired to keep out of the way, and that a Jury had to be partially chosen from the bystanders, who were as likely to be unfavourable to the prisoners as otherwise. The account of the trial from which he had quoted was taken from the Judge's own notes, and from this it appeared that the prisoners were found guilty under the counts charging them with the murder of an aboriginal child, name unknown, acquitting them, in fact, of the murder of a child named Charley. A case had been decided at Westminster, to the effect that no second trial could take place for an offence which had been included in the first indictment, unless the circumstances were wholly different, and the Judge who tried the case ought at once to have directed an acquittal under the plea of *autre fois acquit*. Looking at the [illegible] policy of the Government in protecting the black man alone, and neglecting to punish his aggressions—as for instance in the case of Mr Faithful, a man on the road between Sydney and Port Phillip—it seemed to be the sole desire of the Executive to please their masters of Downing-street, and the masters of both at Exeter Hall; he was glad therefore that they had been refused the means of shedding more blood to please this clique. He would cordially support the motion, as he thought it would be productive of much good, and the protectorate had been proved utterly useless.

Mr. DARVALL : It was a somewhat remarkable thing, that the House should choose to arrive at the same conclusion by so many different paths. He could not understand why members had chosen to travel so far out of the question, to visit severe personal remarks on particular individuals. Had the hon. and learned Attorney-General been content to have confined his observations to the motion, the House would have been saved those several personalities - the annals of the Supreme Court would not have been evoked to find ground for censure, and animadversion - the characters of the dead men who had been alluded to would not have been aspersed, and those who were absent, worthy or unworthy, would have never been assailed. He did believe the Council had done wrong in the course it had adopted, whether the remarks which had fallen from honorable members were true or false. The persons who had been attacked were not present to defend themselves, and he thought it particularly unfortunate for the reputation of that House, that it should be "necessary to impugn the acts and character of any man behind his back. Whatever steps the Government had taken with regard to this subject, they were bound to believe that they had originated in pure motives. That they at least were well disposed, although the measures they had taken for the protection of those tribes had turned out singularly unfortunate, not only for the welfare of the aborigines, but for the civilized people. It was but two days ago, when a Bill was brought in to enable these natives to give evidence in Courts of justice, and he could not but reproach himself with his absence from the House on that occasion, as his presence might possibly have saved that Bill from the defeat it sustained. It had been stated that these miserable beings might be picked off in twos, or threes, but yet they were not to be allowed to give evidence. What was the state of the law now. They admitted the evidence of men who had been convicted of perjury; men in whom that crime was doubly [heinous] because it could not be pretended that they did not understand the nature of an oath, or the effect of the evidence they gave. They knew that the testimony they gave might influence the lives or the destinies of their fellow-creatures. The House, he would admit, had been most

forcibly addressed on this question by the honorable and learned member for Sydney, (Mr. Wentworth,) and he would also say that the legal arguments which had been used by that honorable and learned gentleman had made a strong impression upon his mind. But the particular case to which he had addressed himself so ably and so purposefully, did not at all arise out of the motion before the House. But all the arguments that had now been urged against the courses adopted in that case, were urged before a bench of competent judges, and they were only bound to admit that the motives and feelings of the judges were as pure as their own. And looking at the nature, of the case - would any member of that House say, that for such a crime, a conviction having once been arrived at, it was not the duty of the Judge to see that sentence carried out? It was urged, indeed, by some honorable members, that the massacre of this degraded race had, to a certain extent, been permitted by the Government but was it to be allowed in that House, that whatever had been previously done should form a ground for sweeping this race from the earth. He considered, therefore, in common with the country at large, that in the trial that had been alluded to, the ends of justice, had been fulfilled. Was it, he asked - whether the directions of the learned Judge who tried those men were right or not - was it worthy of English gentlemen to attack the gentleman, now in his absence, after twelve years had elapsed, and to proclaim his act a judicial murder? why, if he had committed this great crime; why not take him red-handed when the offence was upon him? If the [men] who [offended] in 18[illegible] were tried before; why was it not complained of before? But the ingenious quibble by which it had been sought to get them out of their offence failed, and he believed the hon. and learned Attorney-General both deserved and obtained the thanks of the people at large for the course he had adopted. To say that, in the taking and hanging of these men, that substantial justice was not done, would not hold for one minute, Why then bring the case forward to charge the Attorney-General with having been the means the instrument of a judicial murder - a charge which, if proved against him, not for one moment would he desire to occupy the proud position which his honorable and learned friend at present filled, not only in the Government, but in the respect and estimation of the community; and had he strained the law, to bring the unfortunate but guilty men who then suffered to punishment, not for one hour ought he to be allowed to occupy that position. It had been further urged that the Government was unwilling to enquire into the murder of the whites. If even this were so - the cases of murder on the whites, and murders on the blacks were not parallel. The murder of the whites by the blacks must necessarily be looked on with much indulgence: the crime on their part was infinitely less. When they remembered the encroachment of the whites on their rights - their means of livelihood - how could they wonder that the blacks should repel them with fierceness? He could not see why their attacks on the flocks and herds of settlers was any more an inroad on the rights of those settlers, than was the destruction of the kangaroo and emu an inroad on the rights of the natives. True it was that these things did not, according to civilized laws, justify the taking of life; but they would, in all events, if well considered, show that the blacks were entitled to great forbearance, and to say that the aggressions thus committed, the thefts and pilfering of a poor naked body of blacks, was on all occasions to be met with the musket and gun was unworthy the spirit of Englishmen. Some statements had been made that evening which he could not but believe were calculated to do much injury to the colony, relative to the poisoning of the blacks. He should not longer detain the House, further than to state that he sincerely agreed with what seemed to be the general wish of the House, that the protectorate should be abolished - they were found to be useless and worse than useless. The Government had endeavoured to throw round these creatures a shield of protection, which was found utterly ineffectual to defend them.

MR ALLEN: From the arguments of many hon. members who had addressed the House that evening, it would appear that because it was found impossible to get at those men, who, behind the scenes were no doubt the instigators of the murders of the blacks, that the men found guilty of the actual murder were not to be punished at all. Now he must entirely differ with this opinion, and he could not but consider that great good had been effected by the punishment of the men alluded to. It was an act of mercy and an act of justice to the black race. It had been said that the efforts to civilize the blacks, and to instil into them any religion had entirely failed. He could not concur in this, as he himself had had the honour of presiding at a public meeting which was addressed by an aboriginal native, and in which the fundamental truths of Christianity were fairly explained. But he did hope that the object of the honorable mover of this resolution would be carried out, as he considered the sum of money now expended for the protection of the blacks might be laid out in a much

more useful manner. He remembered when a school was established for these natives [in] Sydney, on which the Government spent some hundreds of pounds annually, but from the way in which it was conducted it was entirely useless. He could not suppose that any honorable member could for one moment believe that in the collisions that had taken place between the races the whites had not been the aggressors. They had encroached upon the land which the blacks had been accustomed to call their own and when they were expelled, they wantonly butchered the helpless people who were only asserting their own rights. He must protest against the course which this debate had taken. Had any strangers happened to have come in while this debate on a simple motion for returns was going on, he could have thought that nothing less than the impeachment of the Attorney-General or Mr. Justice Burton was the subject matter of the discussion. Notwithstanding all that had been said against these honorable and learned gentlemen, he believed they acted rightly, and he believed that their conduct had at least the hearty approbation of the citizens of Sydney. Where was the man bold enough to say that the prisoners tried for the murder of the blacks at the Big River were not guilty? and being guilty, they ought to be punished? It was said that these men were indicted twice; but he thought it had been clearly shown by the honorable and learned Attorney General, that the second indictment was not the same as the first - that the murders charged were separate and distinct. Some reflections had been thrown out by the honorable and learned member for Sydney (Mr. Wentworth), on the Jury who convicted these prisoners. He had stated that they were picked from the saints of Sydney. He could, at all events say, from his own knowledge, that there were some on that Jury, though most anxious to obtain a conviction, who had no pretension to the character of saints.

Mr. LOWE did not intend to make a speech on this subject: but as a legal member he felt bound to give his opinion on the matter of law. What he understood to be the case was this: the prisoners were first indicted for killing a black native child and were acquitted; they were then indicted for killing a black native, and pleaded *autre fois acquit*. It therefore appeared to him that the same evidence which would support one charge would support the other, and therefore that it ought not to have been entered into a second time. The second indictment in fact comprehended the first.

Mr. HAMILTON expressed his wish not to sit upon the Committee after the attack that had been made upon him by the Attorney General.

Mr. FOSTER would only say, in reply, that he had not the slightest objection to the amendment of the honorable and learned Attorney-General he was by no means wedded to the names he had selected for a committee, should have arisen in the course of the debate; but he rejoiced that all honorable members seemed to agree that the protectorate system was a humbug, that it had in fact turned out a total failure.

The question on the amendment was then put and passed, and the Committee appointed by ballot, namely, Dr. Dickson, Mr. William Macarthur, Mr Hamilton, Mr Suttor and Mr Cowper.

## 1849-07-11 — Article 92

THE NATIVE POLICE.—THE BLACKS ON THE MACINTYRE RIVER. (1849, July 11). The Maitland Mercury and Hunter River General Advertiser (NSW : 1843 - 1893), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article701935>

THE NATIVE POLICE.—THE BLACKS ON THE MACINTYRE RIVER.

We have been favoured by a gentleman residing in Maitland with a letter and enclosure he has recently received, dated Macintyre River, June 15th, giving a brief and graphic account of the proceedings of the native police force under the command of Mr. Walker, since their arrival at Boogabilla, on the Macintyre, on the 10th May.

It appears that when the native police reached Boogabilla on that day the Macintyre was running half bank high, and they crossed it in a bark canoe. They then proceeded in search of the marauding blacks, who were then engaged in driving off and spearing the cattle of Messrs. Dight and Howe. The police came up with these blacks in the midst of a brigalow scrub, but the police being fatigued with a long journey the blacks got away from them, leaving behind their arms, tomahawks, opossum cloaks, and a steer of Mr. Dight's, which fell into the possession of the police. The police on this occasion pursued the blacks some distance, and Edward, one of the police, sent a ball within three inches of Pulldown, one of the most notorious and desperate of the Severn blacks. Two days afterwards the police saved the dray of a carrier, named Smith, from being robbed, and no doubt the lives of the two men themselves. Cockatoo on this occasion was shot through the thigh by a trooper already mentioned in the Mercury, Larry (not Laing).

On the return of the police to Boogabilla they started in pursuit of the notorious mob who have killed so many men, but after six days, two of which they were without food, they were obliged to give it up, owing to the treachery of the guides. They now took a few days rest, after their journey of 1,200 miles.

On the 9th June a detachment of police, with the Commandant, Mr. Walker, went in pursuit of the Bubera mob, who had been committing great depredations on the cattle on the river for the previous month. The police came up with them three miles above Mr. Larnach's hut, and an attempt was made to capture Cranky (the black who some time since wounded Holmes, one of Mr. Yeomans's men,) and two others, when the police met with a desperate resistance; several of the blacks were wounded, and Cranky was killed, after a chase of three miles; he had speared Mr. Rens's horse, and nearly hit Mr. Rens himself with a second spear; Mr. Walker had also a narrow escape.

After giving the above detail of the services of the native police, the writer states that Mr. Walker had received instructions to proceed to the Condamine, on account of the late outrages there, but that the settlers on the Macintyre had joined in a letter to Mr. Walker, earnestly requesting him not to leave that neighbourhood immediately, for reasons stated in the letter (which will be found below), and that Mr. Walker had acceded to their request, and would proceed the next day in search of the fearful mob of blacks which had united—(the writer was credibly informed no less than three hundred)—a larger body than the friendly blacks on the Macintyre remembered having ever collected previously. The writer thought there was little doubt that they would offer a desperate resistance, but no fear was entertained of the result, for a finer and more gallant lot of men he had never seen than the native police, very different from the blacks about the Macintyre. Corporal Logan, one of the force, he relates, behaved in the most gallant style in the brush after Cranky. The writer adds that Mr. Walker, in thus acceding to the joint request of the stockholders on the river, had rendered them the most essential service, for the blacks had now assumed such a united and determined aspect, that if his force left, the settlers might as well quit the river at once, the blacks who committed the last outrages on the Condamine having joined the Macintyre blacks, and being, when the letter was written, within twenty-five miles of Goondawindi, while not a day passed without cattle being killed by them.

The letter alluded to as having been jointly sent to Mr. Walker, is as follows:—

"M'Intyre River, June 10, 1849.



"SIR—Intelligence having been received from the few friendly blacks in the neighbourhood that the two principal tribes of blacks here have united for the purpose of destroying cattle, and with the evident intention of opposing the police under your command by force, we, the undersigned, earnestly request you will delay your departure for the Condamine until you have made an attempt at apprehending the ringleaders, including the murderers of Bradley, Mr. Yeomans's bullock driver, and Mr. Verrier's men. We have also to state that should you think it your duty not to accede to our request, that considerable damage will be done to our property, and we fear also some loss of life, as these men, who are already sufficiently desperate, will naturally conclude that your police force is leaving this part of the country from fear.—We are, sir, your obedient servants, "R. P. MARSHALL.

RICHARD DINES. THOMAS YOUNG.

RICHARD KING, jun.

E. RENS.

JOHN GOODFELLOW.

ROBERT JEFFRY, overseer. S. W. CHAPMAN. S. Y. MARSHALL.

JONATHAN YOUNG. — JOHNSTON.

"J. Walker, Esq., Commandant Native Police."

## 1849-07-14 — Article 93

GWYDIR DISTRICT. (1849, July 14). The Sydney Morning Herald (NSW : 1842 - 1954), p. 3. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article12902582>

GWYDIR DISTRICT. - July 2. You will no doubt be surprised to hear that this part of the country, the M'Intyre, is so greatly in want of labour. The late arrivals of immigrants and prisoners have had no beneficial effect on the labour market here, but quite the contrary; men, to be sure, are plentiful enough, riding about the country in droves, pretending to be in want of employment, but not one of them will work: the half of the men in this quarter are idle, wishing hourly for the sheep-shearing season; there were so many as eighteen men stopping one night lately at a station on the Severn. The men are really in a most excited state, in consequence of the news of the arrival of so many immigrants and prisoners in the colony; many of them declare that they will sooner go and plunder than they will take what they consider low wages. I am aware of the fact, that thirty pounds a year wages has lately been refused by men who pretend that they were looking out for work. There are, however, a good many old hands going about, invalids, who really cannot work, who are taking lower wages at sheep stations, say from £16 to £23 a year: but we want here men who will really work. We need never expect much work from the riding gentlemen, all these men who keep their riding horses, nine of them more than one, who ride about nine months of the year, and only work during sheep shearing. The Maitland Mercury, in one of its late numbers, mentions that there was some delay in getting some of the immigrants by late arrivals employed, and also expressed regret that there were a good many mechanics by some of the late ships. It would appear to me that there should be no delay in getting these men employment, nor any occasion for expressions of regret about the arrival of mechanics. There is now enough for them all and to spare, if the Government will only look after them. Why does the Government not send a small lot of them up here, where they would soon be employed, we have but very few mechanics in this quarter and when men who only pretend to handle tools refuse fifty pounds a-year during the dull winter months, a few good working carpenters need not fear getting well employed. We have a long way to travel to get any blacksmiths' work done, which is generally very indifferently done, and very highly charged; six shillings, I believe, are still charged for shoeing a horse, and slop boots for shepherds are never lower than twelve shillings a pair. These prices and rates of wages combined with the fact that you cannot at present hire any working men at any reasonable wages—in fact any wages are scarcely enough inducement for working men and mechanics coming to this district. I intended to have requested my agent in Sydney to send me a good rough carpenter, some working men, and a couple of young lads of light weight for riding after stock; but I must delay until I have an opportunity of being in Sydney myself, as I am afraid they would never reach me, they would be picked up on the road, or frightened out of their wits with stories about blacks. The Government should not forget these out of the way parts; they should send us a few immigrants, and above all, they should send us a sufficient police to protect us against the whites; who, if I mistake not, will shortly be more dangerous than the blacks.

Mr. Walker's police would keep the M'Intyre quiet enough if left there constantly, for some time at least; but if they are to travel the circuit, which the Government contemplated, we shall not derive much advantage from them coming amongst us.

I have pointed out the great want of labour in this part of the country, and I hope that this will be an inducement for all classes of men to come to this district, as they will find ready employment at good wages.

## 1849-07-14 — Article 94

THE ABORIGINES' EVIDENCE BILL. (1849, July 14). The Moreton Bay Courier (Brisbane, Qld. : 1846 - 1861), p. 2. Retrieved January 2, 2026, from <http://nla.gov.au/nla.news-article3708864>

### THE ABORIGINES' EVIDENCE BILL.

ON the 27th day of the last month, the Attorney-General proposed to the Legislative Council that the Bill for legalizing the evidence of aboriginal natives of this colony should be read a second time. The motion was rejected by a majority of one, and the Bill was consequently thrown out. Here we might pause, contented that so dangerous a measure had failed; but there are some circumstances connected with the discussion that took place which demand a more extended notice.

In moving the second reading of this Bill, the Attorney-General took occasion to revert to two cases, in which, according to his statement, the ends of justice had been defeated, in consequence of the disability of the blacks as witnesses. The first case was one which had occurred at the Clarence River, and in which a gentleman had been charged with wholesale murder by poisoning the blacks with arsenic. This charge had been brought forward by a man who had lived in the service of the accused individual, and who at the time was in prison on a charge of horse-stealing.

After much inquiry, and, no doubt, the most strenuous exertions to make the charge assume an appearance of truth, the Attorney-General failed to make out a case against the accused, who was therefore discharged without an indictment having been preferred against him. He was discharged, in fact, without having been accused at all, in a legal point of view; for a man may only be placed in charge of his country for trial, after he has been accused by his country. In this colony the Attorney-General performs the functions of a grand jury in that respect, and if that experienced officer, with all his strong sympathies for the blacks, could not conscientiously accuse the gentleman referred to before a jury of his peers, was it fair or just to accuse him by implication, before the legislature of his country? That such an accusation was really made will be seen from these words of the Attorney-General's speech, as reported in the Sydney Morning Herald—"Here was a case where justice was entirely evaded, because native testimony could not be admitted." \* \* \* \* It was the legal evidence only that was wanting, and for want of this the parties, whose guilt was well known, escaped the hand of justice." The statement is, that the guilt of the parties was well known, and that they evaded justice! It is an accusation of murder, made by the first law officer of the crown, and grounded on the statement of a horse-stealer, supported by evidence which the country has wisely decided shall be no evidence at all. "The natives"—so said the honourable and learned gentleman—"all agreed to the same story, so that there could be no moral doubt" on the subject. Would all moral doubt be removed by the fact that one tale was agreed in by a number of notorious liars? Like all other savages, the aboriginal natives of New Holland look upon extreme cunning as a virtue, and a thing to be proud of. It is one of the necessary qualifications of a warrior amongst them, as is sufficiently proved by their usual mode of warfare with the whites. Let us recall to mind the dreadful murders that have been perpetrated around us by those savages during the past few years, and, in almost every instance, it will be found that the most consummate duplicity has marked the crime. Persons who have been kind and generous to the natives, have been watched with the deadliest purpose, until a safe opportunity has presented itself for their slaughter, and then it has been effected. Witness the bloody graves of Mr. Stapylton, Mr. Uhr, Mr. Gregor, Mrs. Shannon, and a host of others whose deaths have not yet been atoned for. About five years ago, a man named Worthington was murdered at Helidon, a station on Lockyer's Creek. The blacks had appeared at this poor man's hut a few hours before, and he had given them bread and meat. He went out with his sheep, and, as afterwards appeared, the cruel traitors, whose wants he had relieved, crawled upon him, and beat out his brains while he was sitting down in the shade of a tree. We have not space to enumerate a tithe of the cases which could be brought forward to prove that cunning is really regarded as a virtue by these savages. A fair statistical account of the murders committed by them will, perhaps, never be obtained; but the few (comparatively) that are on record show sufficiently what reliance should be placed upon the honesty of the natives. After the commission of murder, we have seen walking about this town, in all the security of previous precaution, the

very blacks of whose guilt there could be no "moral doubt." Notwithstanding this depth of cunning in those debased creatures, it is assumed by the Attorney-General that their evidence would have been valuable in corroboration of the statement of a man under committal for horse-stealing; and, because the law refused to sanction such evidence, the honourable and learned gentleman, under the shield of the legislative privilege, attempts to fix the brand of guilt upon a person whom he had refused to indict before a jury. Well might Mr. Hamilton say—

"If this was to be the conduct of the Government, he certainly would be very careful not to invest them with more power against the settlers, as he thought they had sufficiently shown that they had already far too much." The second case adduced by the Attorney-General in support of his Bill, was that of the murder of Mr. Gregor and Mrs. Shannon by the natives at the Pine River. It was asserted by the honourable gentleman that the murderers escaped unpunished because the evidence of natives could not be received against them. This is a most disingenuous statement. The villains escaped punishment because we had no police to apprehend them, and because fear of the Attorney-General deterred private individuals from attempting it.

Two of the murderers have since been killed in attempting other outrages, but no thanks are due to government protection for such retribution. If we had had an efficient police to seize the perpetrators of that cruel deed, the evidence of Mr. Haly, of Messrs. Griffin, of Shannon, and of his children, would have been sufficient to have convicted them before any British jury, even supposing that the black boy referred to by the Attorney-General as having witnessed the murders, had not been sufficiently instructed to make his evidence legal. As this boy had been in the service of the late Rev. Mr. Gregor, for a sufficient period to warrant the supposition that he had a knowledge of a future state, it is quite possible that, he might have proved himself a competent witness; or, if not, he might have been taught, as is allowed by law. The question, as in nearly every other case of the kind, was never tried.

Another argument used in favour of this attempt to legalise an illegality was that, at present, blacks employed in the native police are incompetent to give evidence. So it should always be, unless, as Mr. Lowe observed, we can devise a means for making an oath binding on their consciences. Those men should not be sent alone on detachment duty. Their chief value exists in their ability to follow a trail, and for such purposes only is it safe to use them. The specious arguments of the Attorney-General were well combated by Messrs. Wentworth, Lowe, Foster, Nichols, J. McArthur, and Cowper. We must here insert an anecdote told by the last-named gentleman, in proof of the faithlessness of the blacks :—

In 1826, a shepherd in the employ of Mr. Jamieson was shot, and the gins of the neighbourhood having a prejudice against one particular black, accused him of the crime, with such particulars of circumstantial evidence as induced his apprehension. He was apprehended, and was taken down the country, but while stopping at Sutton Forest in the custody of Mr. Jamieson, he contrived to make his escape from a window. An alarm was given, and the black was fired upon and killed by Mr. Jamieson, who was afterwards committed for trial for the act, and it was afterwards discovered that this black, who had been deprived of his life in this way, was entirely innocent of the crime imputed to him. The whole circumstances of the case had been got up by the gins to gratify their own prejudices.

It is not our intention to follow the arguments of the various speakers on this momentous subject.

The injustice of prosecuting natives for perjury, which they could not believe to be a crime—the difficulty of conducting such prosecutions—the uselessness of serving a subpœna upon a wild blackfellow—and the impracticability of correct interpretation in all cases, were sufficiently expatiated upon, and proved to demonstration the unadvised character of the proposed measure ; but we desire to abide by the broad principle of its injustice, without reference to questions of mere expediency. We cannot agree with the strictures that fell from Messrs. Wentworth and Hamilton, with regard to the execution of certain persons who had been convicted of murdering the blacks at the Gwydir river. Those men did not deserve the sympathy of any person. The crime was fully proven, and afterwards confessed by them, and we unfeignedly believe that they merited their fate, and that the Attorney-General performed his duty justly in that matter. There was another fallacious argument, however, in the speech of that officer, which demands a passing notice. He said

that "in the civilised parts of the country, where something like law prevailed, no aggression by the blacks took place." What does this prove ? What but that in the "uncivilised" parts the inhabitants are left without that protection which it is the duty of the Government to provide.

We feel a pleasure in placing on record here, the names of the members who voted against this mischievous bill. They are as follow :—Mr. Hamilton, Mr. Oakes, Mr. Lowe, Mr. Wentworth, Mr. J. Macarthur, Mr. Bowman, Mr. Fitzgerald, Mr. Nichols, Mr. Icely, and Mr. Cowper. It will be seen that the name of Colonel Snodgrass does not appear in this list. That gentleman was not present in the Council Chamber on this occasion, or, if he was, he did not speak on the question, or vote in the division. We would ask his constituents and our readers if this is as it should be ? A great question is brought forward—one involving considerations of life and death to a large number of the colonists—and the individual selected by them to advocate their interests is not at his post to perform his duty. The bill, as we have already stated, was rejected by a majority of one only. Under such critical circumstances, the absence of our representative demands some explanation. We have not yet had an opportunity of judging how much we should have gained by an expression of the gallant Colonel's sentiments on this subject, but his vote would have been valuable for the purpose of an approximate estimate, and it might have been absolutely necessary for the decision of the question. Notwithstanding the deep respect which every person must entertain for Colonel Snodgrass individually, his constituents must begin to feel his inefficiency as their representative.

Since the above was in type, we have had an opportunity of reading the discussion on Mr. Foster's motion for a committee of inquiry on the Protectorate system ; and the remarks we have made above are fully justified by the report of that discussion. Mr. Darvall and Mr. Sutton both regretted their absence on the occasion of the second reading of the Aborigines Evidence Bill, for which they would have voted. These votes would have exactly turned the scale. Some notion of Mr. Sutton's frame of mind may be formed from his statement in the House, that "he had no hesitation in saying that the blacks were poisoned by thousands !" He adds that a man in his own employ told him that "he had been to the northward, and knew how the trick was done." So these slanders are to go forth on the ipse dixit of Mr. Sutton's "man who had been to the northward," (probably a penal settlement was "at the northward at that time,") and there is no representative of the northern districts present, to throw back the assertion in the teeth of him who makes it.

WE are compelled to omit several items of local news, in consequence of a press of advertisements at a late hour.

## 1849-12-14 — Article 95

REMARKS MADE BY A GENTLEMAN DURING A JOURNEY TO THE MACINTYRE RIVER AND BACK. FROM 17TH NOVEMBER TO 9TH DECEMBER. (1849, December 14). The Sydney Morning Herald (NSW : 1842 - 1954), p. 2. Retrieved January 13, 2026, from <http://nla.gov.au/nla.news-article12913871>

REMARKS MADE BY A GENTLEMAN DURING A JOURNEY TO THE MACINTYRE RIVER AND BACK, FROM 17th NOVEMBER TO 9th DECEMBER.

(From the Maitland Mercury.) STATE OF THE COUNTRY AND STOCK.—Nothing can exceed the beauty of the country. Travelling up the valley of the Hunter, across Liverpool Plains, the Gwyder, the Big River, and from thence on to the fertile banks of the McIntyre, the eye rests everywhere on abundance of grass and water. Cattle and sheep are becoming very fat, and from these districts alone, many thousands will be sent to the boiling pot before four months are over. The lambing has been good: and the clip has averaged fully  $\frac{1}{4}$ lb. more than usual. On the McIntyre we had a thunder-storm and twelve hours heavy rain during the night of the 20th ultimo; and on Liverpool Plains, and the Upper Hunter, a thunderstorm of six hours duration saturated the ground, and made all those creeks to run on the night of Thursday last. The season has indeed been most favourable.

THE NATIVE POLICE.—The writer was much gratified whilst on the McIntyre to see the good this force has already effected, and the order and cleanliness in which they are kept by their commander, Mr. Walker. Only one short year ago, and you would scarcely see a hut-keeper on the river go out for water without having his carbine slung over his back, whilst a pail was carried in each hand! It is widely different now, for at each station visited by the writer, and they were not a few, from 50 to 100 of the aborigines with their wives and children were encamped within a few hundred yards, and were on the most friendly terms with their white brethren. This change has not however been brought about without some severe lessons having been read to them by the police; but they are now so sensible of their kind treatment, and of punishment in the event of their committing any mischief, that the most perfect order has been restored, and such a thing as spearing cattle is not thought of. Whilst on this subject, I should mention the affection with which Mr. Walker, the Commandant of the Native Police, is regarded, not only by his troopers but by the natives generally. The former he treats as if they were his children, and in return they are most obedient to him; while the latter know that he will not allow any stockman to interfere with them. The horses and accoutrements of the police force are kept in excellent order, notwithstanding they have scarcely an idle day; but the present force is much too small to do the duty; and if, as I am informed, FitzRoy Downs and Wide Bay be added, five times the present number will scarcely perform the duty efficiently. I believe however that Mr. Walker is coming down to Sydney immediately, with a view to recruit his band from the south country, in which case, and if he be properly aided by the colonial government, a more effective and less expensive force could not possibly be brought to the assistance of the settlers in the distant districts. Where these men have already been, they have given universal satisfaction; and the commandant is much respected by all classes.

HOLDSWORTH COMMISSIONERS.—These gentlemen are now sitting at Tamworth and Warialda and for the time create some excitement in these districts. On Liverpool Plains the decisions of Mr. Gibbs appear to have given dissatisfaction to many squatters, who are appealing to the Governor. Captain Scott is now sitting at Tamworth, and Mr. Boyd at Warialda. The act under which they are investigating is, however, very imperfect: and unless the disputes are settled amicably, may, in many cases, lead to much litigation.

...

Policy of the Government beyond the Boundaries.—It appears to be the policy of this Government to take as much as they possibly can get, while in return they give as little as they possibly can. On the Balonne the blacks are at their old tricks of spearing Mr. Ogilvie's cattle, and dispersing them all over the country, while, with the exception of Mr. Walker's small force, no attempt whatever has been made to afford any assistance to settlers on that river. On the same river, Mr. Hall, out of a herd of 6000, can now, I understand, scarcely muster 2000. The cost of forming a new station is enormous, and the writer could not wish any thing better

for the country than that the Colonial Secretary were placed in his position, and be obliged to sell a station with 3000 head of cattle for about the same amount as the cost of its formation.

...

## 1853-10-13 — Article 96

THE NAMOI DISTRICT. (1853, October 13). Empire (Sydney, NSW : 1850 - 1875), p. 2 (Supplement). Retrieved January 1, 2026, from <http://nla.gov.au/nla.news-article61328704>

THE NAMOI DISTRICT.

(From our own Correspondent.) On my journey down the Bundarra and the Barwan to this point, some objects have attracted my attention which I think would awaken general interest.

The change of scenery which meets the eye of one travelling down the Bundarra is worthy of remark. At the bend of that river, there called "the Rocky" (the site of a gold field known by that name to all newspaper readers in the colony), the rivulet and the rugged rocks form a series of very picturesque landscapes. As one descends the rocks are separated into ridges, between which are spread out beautiful pastures. About 80 miles below the gold diggings the rocks disappear altogether; for a short distance gravelly hills bound the narrow valley through which the river flows, and then for 100 miles stretches a wide level, for the most part thinly covered with inial (myal) trees.

To the botanist the variety of trees and herbs in this district would afford matter for long and interesting research. To any Briton the unwonted fragrance, which sometimes recalls the memory of the cowslips and violets of his fatherland, is delightful.

Within a fortnight from my passing over frozen snow near the Hanging Rock, and shivering in the piercing winter's wind on Branga Plains, I was scorched by the burning rays of a summer's sun, in the sultry clime of the Mitti (a branch of the Bundarra, which divides and reunites enclosing a flat island about 40 miles long and 25 broad). As I came to a warmer climate, one kind host after another entreated me to make a hearty feast on vegetables, as I was likely to see no more until I returned to Tamworth, after 300 or 400 miles journey. One set before me a pleasant and doubtless costly dish of preserved potatoes, from Maitland. After these warnings I was surprised and gratified to find, 150 miles below the Rocky diggings, a garden well stored with peas and beans, potatoes, cabbages, carrots, onions, and radishes, besides peach trees, which were planted last year, and have borne blossoms this spring, and thriving vines. Everyone who travels by Wollomol must own that great credit is due to Messrs. Farnell Brothers, whose labours are preparing in a solitary wilderness a most pleasant home. These gentlemen have succeeded in a much more important task than the cultivation of vegetables in their garden. They have so managed the blacks as to obtain very valuable aid from them, and just now about twenty blackfellows are labouring hard, with only occasional intermissions, under the direction of one of the Messrs. Parnell, clearing off heavy brush timber, and fencing in the cleared ground. They have at present no other servants. So far has the influence of their management gone, that the blacks after working in their employer's garden have dug one for themselves, and stocked it with vegetables. It has often been said that blacks would never learn to cultivate the ground for themselves. At Wollomol they are doing so.

When the Messrs. Parnell first came to this run (Tyreel and Wollomol), nine years ago, it was considered almost valueless on account of the ferocity and mischievous habits of the black inhabitants, many of whom had been slain. The very spot where they have just put up a new house was the scene of a most sanguinary conflict and mutual slaughter. When these gentlemen first came they made a harmless but impressive display of their skill in the use of firearms, bringing down snipes with unerring aim, and sending bullet after bullet from a revolver through a target. This display of power, they accompanied with kindness and generosity toward their wild neighbours; and thus, without inflicting a wound, made themselves secure, and soon obtained useful aid from those who had been reckoned implacable foes.

Shortly after their taking the run, a large band of armed blacks from the M'Intyre came down upon their station. Only one of the Parnells and a stockman were there; these two rode round the blacks, discharging firearms in rapid succession, and by the influence of the intrepid boldness they displayed of their apparently matchless skill in the use of the musket and pistol, and of their commanding words, quite overawed the savage troop, and made them give up all their spears. The next day the spears were restored, and the



submissive band conducted on their way to their usual abode, impressed with a salutary conviction of the impossibility of overcoming such Englishmen, but without a single wound to excite their desire for revenge.

The Messrs. Parnell are now, in fact, the kings of the tribe that encamp near them. When blackfellows are sent by them a few days away from home, after cattle, they choose to put their wives under the protection of their employers, rather than to leave them in the camp; and any one who dares to harm them, is sure to be chastised by "the master." A few days before I called, a blackfellow having beaten a poor "gin" (woman) was chastised and banished by Mr. Parnell's authority and had sent repeated humble requests to be allowed to return to the camp.

Mr. Parnell assured me that he found he could trust the blacks without any danger; they would neither injure him nor his property, nor fail in any duty they undertook. As there was no inclosure, except the garden, at the station, where I arrived after sunset, he sent one of the blacks to another station a mile distant where there is a stockyard with my horse, adding an injunction to stay there the night, and bring back the horse early next morning; and before I looked out in the morning the black had returned with my horse. But they are often sent on errands requiring much more confidence than that, and never abuse the trust placed in them.

Would that a like combination of true courage and humanity were more common among the colonists! A coward well provided with firearms can shoot scores of blacks; but to act in the manner above related requires manliness. Since I left Messrs. Parnell's station, I have fallen in with three stockmen, who related that about a month ago a party of Golleon blacks came to attack the station where they were living, and as the highly satisfactory result of a sharp contest, they stated that they saw "nineteen blackfellows doubled up" in the agonies of death.

We cannot condemn men for defending their own lives; but we may and must regret in such cases, the absence of that command which would have made self-defence practicable without such butchery. Though some shoot a black fellow with as little regret as they would a bear,

A man's a man for a' that, For a' that, and a' that; It's coming yet, for a' that, That man to man the world o'er, Shall brothers be, and a' that.

It is not likely I can add anything to your information as to the business of the country.

Probably you know that shearing is finished in several places on the Cairns, and begun in the Bundarra or Gayndah district; that scores of shearers have gone down to dig in the New England gold fields, and many more will soon follow; that the diggers have nearly all left Bingera, as already too dry; and that great numbers have been arriving at the Hanging Rock, where the prospect of a comparatively dry season fills all with great hopes.

1st October, 1853.

Colonial usage confines the word "plain" to a level without trees.\*

## 1853-12-03 — Article 97

LECTURE ON THE KAMILAROI BLACKS. (1853, December 3). *Empire* (Sydney, NSW : 1850 - 1875), p. 3. Retrieved January 18, 2026, from <http://nla.gov.au/nla.news-article60146903>

### LECTURE ON THE KAMILAROI BLACKS.

The following interesting lecture, embracing a narrative of a tour among the Kamilaroi blacks, with some account of their social organisation, language, and characteristics, was delivered to the Young Men's Christian Association, in the Theatre of the School of Arts, on Wednesday evening, November 30th, by the Rev. William Ridley.

It is with much pleasure and sanguine hope that I come before an association of young men, uniting for purposes worthy of the Christian name, and directed by the wisdom of honored fathers in the christian churches, to argue the practicability of a design which, if it were known to be practicable, would at once enlist the sym-pathy and zeal of Australian Christianity. The chief purpose of this lecture is to prove to you that it is practicable to bring the soul-saving truths of the gospel intelligibly before the minds of hundreds and thousands of the unhappy hea-then race who inhabit this island continent: and I invite your candid judgment to decide on the value of the evidence to be adduced in favour of that conclusion.

Looking only to well known obvious facts, we may see much ground for earnest and hopeful effort. We see that a numerous heathen race has been preserved by the hand of God, in spite of the destructive practices which have prevailed among them, through a long course of dark ages, until Christian Churches have been planted in the land. Has the Preserver of men watched over this rebellious and degraded race, and saved them from so many dangers, just that they might melt away and perish before the eyes of civilised and Christian people? Has our merciful and glorious Guide brought us here to behold un-moved the miserable end of a nation that has long forgotten Him, and has consequently sunk to a fearful depth of moral degradation? Or has He preserved the heathen race until the coming of a Christian people that we might bring to the remnant now ready to perish the Word of Salva-tion? Surely disciples of Him who came not to destroy men's lives, but to save them, cannot hesitate in adopting the latter alternative as the true solution of the historical problem. This thought, with a conviction that "we certainly shall fail if we do not try," led me to undertake a missionary tour to the blacks: and having learnt from personal observation and general report that those about the Barwan River were superior in natural ability to most others. I resolved to visit that district first. In pursuance of this design I was at Warialda on the 22nd September. There Mr. Commissioner Bligh kindly supplied me with valuable information about the country over which I was to pass, and the dialects spoken by the blacks; among other things I learnt from him what I have since had abundantly confirmed, that the Kamilaroi is spoken over a wider extent and by a larger number of blacks than any other dialect, at least in that part of the country; and I then resolved to confine my attention for a time to the Kamilaroi. At Warialda, and to the East and North Wolroi is spoken; but just be-low that town we come on Kamilaroi speaking blacks.

September 23.—I travelled to Mosquito Creek, and finding 20 men assembled for sheep-washing, I took the opportunity of preaching to them.

24.—Rode on the Moree, where there is a post-office, on the post line from the Wee Waa to Warialda. From the time I left Warialda till I reached Barraba on my return I came only to single and widely scattered houses. There is a house just 5 miles from Moree, so there are neighbours unusually near' and on the following day, being sabbath, I had a small but attentive congregation, and when the services were over, began the study of Kamilaroi, under the tuition of a clever but idle blackfellow, who goes by the name "Dicky."

26.—Went over to Wollonol, on the southern branch of the Bundarra, which divides a few miles above Moree, and reunites 40 or 50 miles lower down. This river is called "the rocky river" at its head, where an extensive gold field has been discovered; lower down it bears for 50 miles the name of Bundarra, then it is called "the Big River," and below Moree it is called the "Mai"; besides these, the Surveyor General has applied to the whole of it the name of "Gwydir," a name which the country people give to one of the tributaries. For

convenience sake I apply to the whole of it, which with all its wind-ings must be more than 300 miles, the name Bundarra. At Wollonol I found very interesting proofs of how much may be accomplished in the management of the blacks by a union of kindness and firmness. Two gentlemen of the name of Parnell took possession of a cattle run here about nine years ago. At that time it was said by many that it was impossible to keep cattle there on account of the destructive attacks of the savages. A short time before this, there had been a sharp encounter between a party of white men and the blacks; in which many of the latter and some of the former had been killed, near the spot where Mr. Parnell's house now stands. The blacks, incensed at the loss of their comrades, were constantly watching to wreak their vengeance in the destruction of the property and lives of the colonials.

The Parnells resolved to maintain a resolute defence without inflicting any injury on the blacks. They began by shewing their wild neighbours in a day's snipe shooting, what unerring aim they could take; and astonished them still more by pouring bullets from a revolver in rapid succession through a target. Having thus impressed them with a salutary conviction of the impossibility of withstanding them in war, and so prevented the dreadful necessity of bloodshed, they treated them with generosity, liberally rewarding every act of service. It required a good deal of courage and skill for a time to ensure their safety: any appearance of trepidation would have emboldened the blacks, who were fifty times their number, to attack them—any fatal or serious wound would have awakened an unconquerable thirst for revenge; but, by a persevering course of firmness and kindness, they succeeded in winning their friendship. Just now, when it is almost impossible to secure the services of white men, the blacks are rendering very valuable aid in this management of the cattle and the cultivation of a piece of uncommonly rich brush land, which, but for their labour, would be still lying waste. Outside a garden of Mr. Parnell's, well stocked with a variety of the most useful vegetables and fruits, a very rare sight within a hundred miles of the place, I saw a garden belonging to the blacks, the result of their own efforts, in tending which they have shown a measure of that patience and perseverance of which the whole race is sometimes said to be utterly destitute. So decided is the attachment of blacks to their real friends, that several have left neighbouring stations, giving up 5s. a week to go and work without wages for Mr. Parnell.

From Wollonol I went down that branch of the river by Kumbaddelo, Wathagar, and Tella-rago, and thence across the island to the northern branch. Being misled by a dray track of which I had not been informed, I went too far to the west, passing out of sight of the house I was in search of; and the river, which 100 miles higher up is a considerable stream, is so much reduced that I crossed it without knowing that it was anything more than a muddy ditch. The chief reason of this curious decrease of the rivers is, that the country through which they flow is one vast level, on which the water which falls from the clouds stands until evaporated by the intense heat of the sun and west wind, so that the rivers have scarcely any feeders; besides, the clouds are generally drawn off to the hill country before they discharge their burden. When the sun was near setting, I became sure that I had missed the way, and was anticipating a night in the bush without supper, when I saw two or three blacks before me; as I rode up to them more and more came in sight, till about sixty appeared. They were most of them armed with spears; their heads were adorned with feathers, and their bodies with red colouring: it was evident that some public business had called them together. Half a dozen of them came running up to me, and were apparently amused at the alarm with which I turned my horse's head and endeavoured to keep them all on one side so as to leave room for a retreat. However, they made no attempt to injure me, and one of them asked in plain English where I was going, and offered to go with me as guide for a shilling. He accompanied me three miles, and on the way told me that they had met to fight, that a man of his tribe had been killed by one of another tribe, and they were seeking to avenge his death. Though accoutred as a savage warrior, my guide had been much in the company of civilised men, and had travelled in the service of a neighbouring squatter to this city. He was a muscular well shaped man, and unquestionably possessed of a good share of shrewdness. On describing him, by his blind eye and other particulars, I was informed that he is well known by the colonists in the neighbourhood by the name Denis; that seven years ago he killed a white man. Denis and another black were detected in the attempt to steal cattle, and two stockmen pursued them and shot at them. Denis's comrade fell dead; but he himself escaping the ball aimed at him, turned and with fatal effect threw his spear at his pursuer. General opinion passed a

verdict of justifiable homicide on this deed of self-defence; and Denis lives on a peaceful and useful man. He guided me to within 4 miles of Gornal, which I reached before dark. Goonal is occupied by a wealthy flockmaster, Mr. Brown, who has at least 20,000 sheep, all, day after day, entrusted to black shepherds. A regular supply of flour and mutton and an occasional gift of clothes (of which they generally wish only for a blue shirt) are wages enough to satisfy them, and experience has proved that they may be safely trusted with the flocks. The women usually render most service; the men having been used from time immemorial to treat their wives as slaves, take their ease, and in the evening appropriate a share of the poor women's earnings, but some of the black men also are very active and useful servants.

28.—Left Goonal and rode down the river, pass-ing the scene of the blacks' gathering I found that their war ended as usual in the clashing of angry words. At Birriadool, I was surprised to find a little family in a situation as desolate as can be imagined. At most of the stations in this part of the country there are only two or three stock-men; but at Birriadool I found a young mother with three little children, her husband being long away with a herd of his cattle, her only company and assistance in the management of her house and children were two black women, one of whom was quite blind with ophthalmia.

Between Birriadool and Kollemungul, the next station, there is no continuous track; but steering due west, by compass, and observing occasionally a bend of the river on my left, I reached the last named place before sunset; making the day's journey about forty miles.

Kollemungul is a pleasant house built near a lagoon, which of old bore that name. Kolle means water, and mungul mosquito; the name describes the lagoon as infested by those gnats. The blacks' camp in the neighbourhood furnishes Mr. Greenway, the owner of Kollemungul, with some useful servants. One of these, known among the whites by the name "Simon," on my return accompanied me forty miles in order to lead back his master's horse which I had bor-rowed. He is active, intelligent, and trust-worthy. At Kollemungul I made considerable additions to my stock of Kamilaroi words.

29. -I went down the Barwan river by Pokotaroo and Bundarrbarina to tho Brothers. Brother is the old name of the spot where a cattle station is now erected; it is said to be the name given by the blacks to a species of ant; and to have been affixed to the place in consequence of the large number of these insects there.

At the Brothers I heard the details of a lament-able and recent slaughter of blacks. Some stock-men who were driving a herd of cattle down from Mooni Creek to tho Murrumbidgee, related that on coming to a station of Mr. Pearce's on Mooni Creek, they saw nineteen blackfellows "doubled up," that is lying dead in the writhing attitude of their last agony. They had been killed the evening before by a party of black police and some white men belonging to the station. The stockmen who described the event, said that the wild blacks who were shot were coming down to attack the station; chiefly for the purpose of killing the blacks who had settled there; so that the charge which laid them prostrate was a necessary act in defence of those, blacks, who had a claim on the protection of their employers. It is quite true that the wild blacks often entertain bitter enmity against those of their race who have beoome somewhat civilised by association with the whites; just as among our own forefathers, when the savage Danes found their kindred tribes the Angles and Saxons bereft of their ferocity by the influence of Christianity, they hated them with intense hatred for their softness. But in this case I afterwards heard, on better authority, that the wild blacks had made no attempt on the station, or on the lives of the blacks connected with it; that the only plea for this act of butchery was that they had been spearing cattle, and it was surmised that they meant to attack the station; so the police and their instigators, having tracked them to a spot near the station, came unawares upon them, and poured their death volley into the midst of them.

Even those who sought to justify the deed by the plea of necessity, spoke with such undisguised gratification of the result, as to show plainly that they welcomed it as a gain instead of enduring it as a dire necessity. The murderous spirit-no other epithet would correctly describe it-the murderous spirit in which not a few rejoice at the frequent slaughter and anticipated extinction of the blacks is appalling. If, while the bru-talized and ferocious delight in such deeds, and resolve to repeat them, those who have still the feelings of men keep silence on the subject and so wrap it up, will not the Lord, the Righteous Judge of all, make inquisition for

blood, and be avenged on a nation where such crimes are winked at?

At Terrabi I forded the Barwan, and rode to Gundalla, 2½ miles. There I was agreeably surprised to find, in the roughest bush attire, and with the usual bush ornament, beards exulting in the banishment of the razor, two gentlemen of education, sons of Irish protestant clergymen, whose society was most refreshing to me.

As the path to the next station was not very distinct, they sent a blackfellow with me. He was lately come from the Narran; and like most of those who have not been long used to the sight of civilized men, wore not a stitch of clothing, and seemed quite unconscious of the use of such an encumbrance.

After resting awhile at Komilla, I went on to Warana, on the south bank of the Namoi, a mile above its junction with the Barwan. Walgett, which on the maps appears in all the dignity of a post-town, is one deserted house, just at the junction, the post-office being now kept at Warana.

At Warana I met Billy, one of the Namoi tribe, differing very much in features and expression from the Barwan blacks. I have met on the Paterson River, another Namoi black very closely resembling Billy. Their features are much more after the Hindoo cast than those of other Australians. Billy has been to this city with Mr. Newman, the owner of Warana: he is obliging in his manner and useful. He gave me much help in the language.

October 1.-Having arranged to preach on the Sabbath at Warana and Gundalia, I only rode down the Barwan to Yuroka, five miles below Warana. The blacks there and lower down speak a dialect called "Wailwun," so that I had reached the boundary of the Kamilaroi, and thought it better to return without going further.

The scenery along the Bundarra and Barwon is pleasing. To within a short distance of the river "Maial" trees occupy most of the country, growing generally twenty yards apart, and leaving here and there open plains of two to forty miles breadth. The Maial in shape resembles the weeping willow, in size it is seldom larger round than a man's thigh, in colour it is more dingy than most Australian foliage. The wood is very close, heavy, dark coloured, and retains for years a rose-like smell. I wonder it is not manufactured into chairs and bedsteads in Sydney: at present its chief use is to supply handles for stock-whips. Near the rivers there are various trees, some of considerable size and dark green foliage. The channel of the Barwan is deep, serpentine, and in some parts broad. Though the winter had been unusually dry, there was a good stream of clear water, and many spots might be pointed out as truly picturesque.

Having in this brief narrative reached the extreme point of my tour, I will now detain you no longer with my daily travel, but at once lay before you the results of my inquiries concerning the Kamilaroi blacks.

And first, with respect to the extent of country over which Kamilaroi is spoken. Already it has been mentioned that Warialda, on the north-east, and Yuroka, on the south-west, are on the boundaries of the district wherein this dialect prevails. These places are 200 miles apart.

Kamilaroi is spoken along 100 miles of the Bundarra, on Mooni Creek, and at least eighty miles of the Barwan; all down the Peel and Namoi; over Liverpool plains, and even on this side of the great dividing range about Murru-rundi. It is also spoken on the Balloon, where the blacks are still very numerous. From personal observation I know there are hundreds, and various concurrent reports leave me no room to doubt that on the country just mentioned there are several thousands of blacks speaking Kamilaroi. The names of adjoining dialects are Wolroi or Wollaroi spoken on the Bundarra above Warialda, Wailwan spoken on the Barwan below the junction of the Namoi; Barrabinya and Kuno at different distances down the Barwon; and Wirathere (Wiradjuri) on the Castlereagh.

Allow me now to call your attention to some specimens of the language. There is an idea current among some of our friends from Britain, that the blacks have no organised language at all, but only a half-brutish half-human jargon through which they convey their meaning, much in the same way as the chattering laughing jackasses. I will, without wearying you with a long catalogue of words, prove that they use declension of nouns, conjugation of verbs, and intelligent combination of terms; that they even display taste, refined ear, softening their compound words by alliteration like the Hebrews and the Romans.

1. Declension. They have two nominative case, one simply naming the object, the other designating it as an agent.

The existence of this 2nd nominative was proved in a variety of sentences, repeated to me at different places. For instance; mullion is an eagle, an eagle killed a kangaroo, is thus rendered mulliondu nimmi bundarr. Billy dug a hole, is Billida moane beru. Marri is a blackfellow. A blackfellow lighted a fire is Murrilla wiullanubbi.

Millimumbul is a swallow. "A swallow built a nest," is millimumbuldu gangan wollai.

These examples sufficiently prove that da is a suffix expressing agency. I ought to state that before I made any enquiries into the Kamilaroi, I had read the Rev. L. E. Threlkeld's grammar of the dialect spoken at Lake Macquarie, and the expectation of discovering a similar grammatical structure in Kamilaroi directed many of my enquiries. Although not one word in a hundred of Kamilaroi is the same as the Lake Macquarie dialect, there is such a similarity of structure, that Mr. Threlkeld's exposition of the language is a very valuable aid to the study of Kamilaroi; and probably would be found equally serviceable in the acquisition of any other Australian dialect. At the same time, the statements I make concerning Kamilaroi are entirely derived from the sayings of those who speak that dialect. Having already discovered some striking points of agreement between the Kamilaroi and Mr. T.'s grammar, I expect to find the same completeness of inflection in the former as in the latter.

Hitherto I have not been able to distinguish a possessive or genitive case of nouns in Kamilaroi; but in the personal pronoun it is manifest-ngaia is "I," and ngaiama is "my."

The suffix go signifies motion to: thus kunii is a house; kundigo, to a house or homewards. "Harry drove cattle to Sydney," was thus rendered, yarridu kanne kattle Sidnego.

The suffix -kunda signifies with, i.e. at rest with. Here I may mention that in the Lake Macquarie dialect, as Mr. Threlkeld shows, there are two suffixes for with, one implying motion, the other rest. Thus, korekoa is with a man-going along with him; korekaba, is with a man, stopping with him. The suffix meaning "along with," in kamilaroi, I have not yet ascertained; but kunda, which is not unlike kinta and kaba (the suffixes to which Mr. T. assigns that meaning), means "stopping with."

Thus, Greenwakunda means at Mr. Green-way's; Brounkunda, at Mr. Brown's.

The following pronouns are in use among them:-

Ngaia ..... I. nginno ..... thou. kanungo ..... all. Ngaiama and ngati my. ngindai .. ye.

Ngulle ..... we two. Ngeane .... we.

They have verbs of every variety of physical action, the following are specimens:-

See ..... ngummi. jump .... parri.

Hear ..... winungi. pinch ..... nimmolli. eat ..... tali or taldonna. bring or drive ..... kanne

Drink ..... ngarugi. open ..... diomalla.

Bite ..... yildonna. shut ..... gundowalla Walk ..... yunne. run ..... punagai.

In the Australian dialects there are very numerous modifications of the verbs, expressing very minutely shades of difference. The following is an example:-

Ngummi ngaia, I see; I can see, ngummilda ngaia; I cannot see, kamil ngaia ngummilmela.

Here the suffix -lda answers to can. Kamil is the negative; but not content with using a separate adverb, the Australians also add a negative suffix to the verb. This peculiarity is pointed out by Mr. Threlkeld; the above example, kamil ngaia ngummilmela, shows that it prevails in Kamilaroi.

There are three modifications of the future in the Lake Macquarie dialect. (See Threlkeld's Grammar.)

As a specimen of the composition of words: muga is blind, and binna is the ear; the term they use for deaf is muga binna, blind-eared. In the words meaning "open" and "shut" there is evidently a composition, the latter part of each being the same "diomalla," "gundowalla."

In their numeration table, short as it is, there is a composition of terms:-1 mal, 2 bular, 3 gul-liba. Then 4 is bularrmal (2 1), i.e., 2 once repeated. 5 is bullarr bullarr, i.e., 1 more than bullarrmal. One would think bularr bularr should mean 4, and bularrgulliba 5 ; but on re-peated enquiries I always received the same answer, making bularrmal 4.

Tin is the elbow, and tinbir the knee, the elbow of the leg. Adi is a suffix expressive of blood-relationship, and forms part of several titles: mother, is ngumbadi; brother, daiadi; sister, boadi; nephew, wurumingadi; niece, ngamurngadi; Uncle, is kurodi; son, wurumunga; daughter, ngummunga; from nguru, night, is derived nguruko, morning.

Surely these are decisive proofs that the race who speak Kamilaroi have capacity for derivation and composition of words.

Alliteration, a proof of refinement, is common in their inflections. This is strikingly shown in the Lake Macquarie dialect, in the declension of pirriwul, a chief, as compared with kore, a man. The second nominative of kore is koreko, by analogy pirriwul would make pirriwulko, but the form in use is pirriwullo, the dative is korekako, but instead of pirriwulkako it is pirriwullako. The same alliteration prevails in Kamilaroi. To Bun-darrbarina, they told me was Bundarrbarinago, to Komilla, Komillago; but to Walgett was not Walgetgo, but Walgetto.

In the names of animals, they do as it is said Adam did when called on to name the beasts in Eden. They often name them from the sounds peculiar to them. Thus the crow is called waru, a night bird which utters a cry like its name murgu; and the laughing jackass bird, gorra-worra, kukkuworra, or kukkuraka.

On the subject of the language, I will now add a few sentences, which I learned from the blacks. This sentence meaning "I saw a black fellow run up a tree," was at once understood, and received with a laugh of pleasure by every black to whom I repeated it. -Murri ngaia ngummi dulu gulliwondai.

"Billy found a black fellow half dead in the bush," Billidu murri ngummi bollundi beru; "he brought him home, gave him water to drink," Wombali ani kundigo kolle woane ngarugi; "Nurrai brought us some meat," Nurraidu ngeanengo ti kanne.

The following translations of scripture doubtless require careful revision; but as some blacks

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\* Na is the root meaning "see," at Lake Macquarie Nakilli is the infinitive "to see."

Nakillikolang (participle future), "just going to see." Nakillikin, "going to see by and by, to-morrow morning."

Nukillinnan, "going to see at any future time." Cor-responding to these are the three future participles of the reciprocal conjugation.

Nakillenn bali, is "we (you and I) see one another." Future participles:

Nakillaikolang, "just going to see one another."

Nakillaikin, "going to see one another presently."

Nakillunnun, "going to see one another at any future time."

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to whom I repeated them re-translated into English, to a gentleman who accompanied me, a part of them; they are already correct enough to convey to the mind of the blacks, some idea of the meaning of the original:-

Taiyana ngununda kanungo ngindai ingila

Come unto me all ye weary,

ngindai kudan meya biang ngaia nginnu

ye heavy upon you; I to you

wurri burru.

will give rest.

Baindulu wurumunga ngadeli bialmani

The Father the Son sent

yadmala wurmi moron kanungo giwit.

in order to give life to all men.

Warumungu giwit taiennun yadmala

The son of man came in order kirumegu giwit wurru yanoendai.

to seek men gone astray.

Ilambel wurramelda Eloim mayabilda

In the beginning God made

gunagulla, yarai, gille, mirri, doun. Doun

sky, sun, moon, stars, earth. Earth

morere; nguru wurugi ngulu ukko.

chaos; night on the forehead of the water.

Rin Eloim kanne warugi ngulu

Wind of God moved upon the forehead

ukko.

of the water.

As it has been often said that Australian blacks have no kind of rule or social arrangements, many of you will probably be surprised to learn that a complete social organization, by which the whole people are divided into four castes, prevails among the Kamilaroi blacks, and many neighbouring tribes. The castes are distinguished by peculiar names. There are four names of men ippai, murri, kubbi, and kumbo: and four of women-ippata. mata, kapota, buta. Every block has one of these names by birth. There is one variation. In some tribes baia is used instead of murri; and it is much more convenient for murri, is a general word for blackman; and murri is apt to be confounded with it.

In one family all the sons are called ippai, the daughters ippata; so that if you find a black man's name is ippai, you may be sure all his brothers are ippai, and his sisters ippata.

In another family all the sons are murri or baia, all the daughters mata. If you ask a mata the names of her brothers, you will find they are all murri or baia, and all her sisters mata.



In another family all the sons are kubbi, and the daughters kapota.

In another family all the sons are kumbo, the daughters buta.

By the foregoing names all the blacks are divided into four classes.

The following rules of inter-marriage are most strictly observed:-

I. Ippai may marry an ippata (of another family), or any kapota.

II. Murri may marry only buta.

III. Kubbi may marry only ippata.

IV. Kumbo may marry only mata. "

Any attempt to infringe these rules would be unanimously resisted, even to bloodshed; but it seems they never dream of attempting to trans-gress them.

Polygamy is allowed, and is common; but how many soever a black man's wives may be, they all have (and that from their birth) the right name.

The following rules of descent prevail:-

I. The children of ippai by ippata are all

kumbo and buta.

II. The children of ippai by kapota are all

murri or baia and mata.

III. The children of murri or baia are all ippai and ippata.

IV. The children of kubbi are all kumbo and buta.

V. The children of kumbo are all kubbi and kapota.

By tracing out the effect of these rules, you may perceive that descendants of every family come, in the course of a few generations, into the privileged class of ippai; while the sons of these aristocrats inherit not their father's rank, but belong to the kumbo or murri caste.

They have commonly distinctive names added to their family titles, these distinctive names are often taken from animals; and when they asso-ciate with the whites they adopt another name, by which they are known among them. Many blacks are much averse to letting white people know their peculiar names, although they at once tell their family name. Simon of Kollemungul has the family name Ippai, and the cognomen Nurrai, which means a brown snake. Simon would not tell me his name Nurrai, but another black, perhaps owing Simon a grudge, whispered it to me as a great secret. Another black, known among the whites as Jacky of Goonal, has the names Kubbi mute (mute meaning opossum); his father was of course Kumbo, also called Dinoun (emu).

From what has been said you will not be sur-prised at the assertion, that the Kamilaroi blacks possess a high degree of mental acumen. Of this the facility with which they learn English is a strong proof. In learning much of the business of stock keeping they give other evidence of the same capacity. The quickness of their senses is well known; the sureness with which they follow up the track of a wandering animal, even when imperceptible to a European, is quite marvellous. Of the few who have had the advantages of regular school training some have made wonderfully rapid progress. For imitation generally they have great talent. Their most serious intellectual defect is in what phrenolo-gists term "concentrativeness." It seems im-possible to got them to fix their minds steadily on one subject.

They are very generous: gifts or wages put into the hands of one are speedily distributed and that with a good will. Unhappily a frequent reward for their services to colonists is a bottle of rum: it has repeatedly been observed that a black, on receiving such a reward, has called as many of his race as he could find, and handed round the bottle among them; and with un-broken good humour has seen every drop drunk off by his comrades without his tasting it. It is the same when clothes are given them: when a black gets a present of a coat or a pair of trousers it is afterwards seen successively in the use of nearly all his neighbours. They are often very kind and attentive to their aged and infirm men, carrying them with the tribe, and waiting upon them. There are some sad exceptions to this rule: and with respect to their aged women cruel neglect is the rule. Indeed the greatest general moral defect of the blacks is their unjust and cruel conduct toward their wives; while in their vigour, they are treated as the slaves of the men; and when infirm through age are left to die alone. At the sheep station I have mentioned, it is the black women who shepherd the sheep: the men afford occasional help to the owner of the station but spend much of the day in idleness, and at evening come to claim a lion's share of the rations which their wives receive as wages.

They have their peculiar superstitions. I did not observe among the Kamilaroi tribes that worship of the sun, moon, and star, which is prevalent in some parts of Australia: but I found that they have faith in sorcerers. Priestcraft, which in all civilised countries where it has not been banished by the knowledge of true religion, enslaves the minds of men, exerts a formidable sway over the souls of Australian savages. Their sorcerers profess to work miraculous cures, and even to raise the dead. At a place which I visited on the Barwon, after a pitched battle between two tribes of blacks, one man was found apparently dead with a spear in his chest. An old Krodgi observing signs of life, allowed his companions to dig a grave and lay him in it: before they covered him with earth he bade them draw back and he would raise the dead man to life: then sucking his body he produced a number of pebbles which he pretended to have extracted from the corpse: and when the patient opened his eyes the whole party fled in terror at this display of unearthly power and thenceforward regarded the Krodgi with increased awe. The pride and power of these sorcerers will prove, I think, the chief obstacle to any attempt to instruct the tribes.

Though exceedingly perverted and deadened, conscience still lives, and occasionally displays itself in these savages. The following strange illustration of that conflict between light and darkness, of which every human breast is the scene, was related to me. -A black man on the Bundarra, who had been seven years the constant companion of a stockman, was riding, as usual, behind him, when suddenly he begged the white man not to allow him to ride behind him any more, for he felt so strongly inclined to kill him, that he feared he might do it, in spite of a desire to restrain himself, if the opportunity were still before him. The white man took the warning; always made the black ride first; and the latter never attempted to injure him. In more than one or two cases a like acknowledgment has been made by blacks.

I have mentioned proofs of their gratitude. I will now only add an instance of their pity toward a helpless stranger. A gentleman, who for several years has occupied extensive runs in different parts of the colony, had lost his way, and was discovered in an exhausted state by a party of blacks, who carried him to the nearest station; and thus, as he takes a pleasure in relating, certainly saved his life.

The way in which I propose to set the truth of God before their minds is first to get portions of Scripture and Gospel tracts printed in the Kamilaroi language, then to teach a few of the most intelligent blacks to read them, and get them to read these proclamations of Divine mercy to tribe after tribe of their fellow countrymen. From the small but unquestionable success which I have had in my first few weeks attempt at speaking Kamilaroi, I expect in a few months or a year at most, to have a considerable amount of correct Bible translations. There are few Kamilaroi blacks who can read English, and it is a common remark (of which Mr. Watson's school furnishes many illustrations) that when blacks are put early to school, they learn very quickly. Now, surely those who can read English would very soon read, with greater fluency, their own language in English characters-especially as in writing Australian words we always spell them as they are pronounced. So that it seems practicable to have, in a short time, a number of black Scripture readers, making known to hundreds of their countrymen the soul-touching story of the love of Emmanuel to poor lost sinners.

Can there be any doubt as to the duty of the Christian Churches in this colony towards these heathens? When men have heard and rejected the Gospel, perplexity and gloom may naturally oppress those who seek their good; but with re-spect to the race in whose behalf I plead, there is no such difficulty. There is no doubt but that sinning without God's law, they perish without law; their lives are wearing away beneath pesti-lential darkness, through which no ray of Gospel light penetrates: from present degradation and coming despair they are not saved, because they call not upon the name of the Lord. And how can they call on Him in whom they believe not? How can they believe in Him of whom they have not heard? How can they hear without a preacher? How can they preach except they be sent?

If those who dwelt amid the sanctuaries of God, where heavenly streams of light and bless-Ing flow continually through the proclamation of the Gospel, make no attempt to open up channels for the conveyance of Gospel blessings to the heathen at our boundaries, will they not have cause to fear lest the blood of those who are perishing for lack of knowledge be laid to our charge?

## 1854-05-24 — Article 98

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THE ABORIGINES OF AUSTRALIA.

No. XV.

The Myall Creek Massacre The outbreak mentioned in the foregoing number of these papers was but the climax to a state of things which had continued in a mitigated degree for some years previously. The event which is now to be described was, in fact, an occurrence in what may be termed a previous outbreak of the whites. For a considerable period, the settlers in the remote districts had suffered to some extent from the depredations occasionally committed by the blacks, when the latter, driven by necessity, assailed the flocks and herds of the former, for the purpose of obtaining the ordinary means of subsistence. In the encounters which resulted from these depredations, lives were sometimes sacrificed, and not unfrequently shepherds, hut keepers, and stockmen, paid with their existence their fidelity to the interests of their employers or masters. This course of events could not long continue to progress unchecked. The evils which the settlers suffered, and which every resident in the interior more or less felt, were too severe for endurance, much less were the men, who at that period formed the bulk of the country population, likely to remain passive spectators, while their companions and neighbours were slaughtered, and their property destroyed—no matter under what circumstances. The instinct of self-preservation gave rise to a general feeling, on the part of the Europeans, that something must be done to show the aborigines that they acted at once contrary to good policy, and contrary to European law, in assailing the lives and properties of the colonists—that they were assailing those who possessed the power to retaliate in a fearful manner. Accordingly, after the settlers had recovered from the panic into which they had been thrown by the first attacks which they sustained, a general system of armed defence, which sometimes proceeded as far as retaliation and aggression, was adopted.

It may be mentioned here that, in pursuance of the requirements of the Protectorate, established in 1839, many of the settlers and squatters deprived their men of all fire-arms and other weapons which might be used in an offensive manner against the aborigines. Nothing it was alleged by the partisans of the settlers could have been more unwise than this course. The shepherds and others, finding themselves completely at the mercy of their enemies, the blacks, became more fearful of them, and, as a natural consequence of their fear, contracted an inveterate hatred towards the entire race. On the other hand, the knowledge of the disarmament of the men at the stations, which soon spread throughout the interior, rendered the aborigines more audacious in their depredations. The result was that the Europeans, deprived of the ordinary means of resistance, had recourse even to extraordinary means of retaliation and resentment. Some poisonous drugs used in the treatment of diseases among sheep and cattle, were mixed in the flour of "dampers," and these being divided among the more troublesome or more ferocious of the hostile or suspected tribes, produced in a more quiet manner the same fatal results as powder and ball. This latter mode of proceeding has been strongly denied on the part of the settlers and their men, and as strongly re-asserted on behalf of the aborigines. To an unbiassed mind, however, the charge does not appear by any means unfounded or improbable, when it is considered to what a height the evil passions of the whites had been excited by the aggressions of the aborigines, and by the deprivation of those arms, by which alone they could hope to defend themselves in open and fair fight.

Be the truth of these matters as it may, it is certain that the settlers and their servants, at length driven to extreme courses by the dread under which they lived, and by the sanguinary attacks which they sometimes had to sustain, resolved to take the most effectual course for putting an end to the evils which they endured, and arming themselves as best they could, formed parties of offence and defence. An expedition made by one of those parties, which ended in the "Myall Creek Massacre," is what is now to be described. Myall Creek is situated in the Hunter River District, and the transaction in question took place in 1839. The circumstances of the case are briefly these: A number of stockmen and shepherds in the district, being enraged at some

depredations committed among the cattle and sheep for which they were held responsible, sallied out in force, and coming on an obnoxious tribe at their camping place, on a squatter's station, seized the entire body, and marching them to a lonely spot, put them all to death, under circumstances of most appalling atrocity. The magistrates in the district, being made aware of the circumstances, had the men supposed to be implicated arrested and sent to Sydney, where, on a second trial, having been previously acquitted, they were, seven in number, found guilty of murder, and executed. The following evidence, adduced on one of the trials which took place in Sydney, contains the chief particulars of the transaction which was marked by such terrible consequences:—

"George A\_\_ deposed: I am assigned servant to Mr. D\_\_; I was at his station at Myall Creek as hutkeeper in June; Mr. H\_\_, who lives there as Superintendent, left home to go to the Big River in the beginning of June; when he left there were some native blacks there; I have said there were twenty, and I am sure there were that number and upwards; I would not swear there were not forty; while master was away, some men came on a Saturday, about ten; I cannot say how many days after master left; they came on horseback, all armed with muskets, swords, and pistols, I was at home when they came, with the stock-keeper; I was sitting with Kilmeister the stock-keeper in the hut; I saw them coming up; they came up galloping with guns and pistols pointing towards the hut; I did not attend to what they said; they were talking to Kilmeister outside. I know Russell, Salouse, Foley, Johnstone, Hawkins, Kilmeister, Palliser, Lamb, and Oates; Blake and Pany I do not know; about ten came up to the hut as near as I could tell; I will not swear Pany was not of the number, but I did not see him; I never saw any of them before then except Kilmeister; I cannot say which came up first; they were all spread about; the blacks were all encamped, ready for the night; they were not more than two yards from the hut; this was about an hour and a half before sundown; there were plenty of women and children amongst the blacks. The blacks, when they saw the men coming, ran into our hut, and the men then all of them got off their horses, and Russell had a rope which goes round a horse's neck, and began to undo it, whilst the blacks were in the hut. While he was undoing it I asked what they were going to do with the blacks, and Russell said, 'We are going to take them over the back of the range to frighten them;' Russell and some one or two went in; I only took notice of Russell going in while the blacks were in; I remained outside; one of them remained in; I heard the crying of the blacks for relief or assistance to me and Kilmeister; they were moaning the same as a mother and children would cry; there were small things that could not walk; there were a good many small boys and girls; after they were tied, I saw Russell bring the end of the rope out they were tied with, and give it to one of the men on horseback; the party then went away with the blacks; the man who took the rope from Russell went in front, and the others behind; all the blacks were tied fast together with the rope; they were tied by the hands, and one black fellow had on a pair of handcuffs; the rope with which they were fastened was a very long tether rope for horses in a field; they brought out the whole except two, who made their escape when the men were coming up; they were two little boys, and they jumped into the creek close to the hut; there was no water in it, and they escaped at a dry part; one black gin they left with me in the hut; they left her because she was good looking; they said so; another black gin they left that was with Davy, another black fellow who was with me; there was a little child at the back of the hut, when they were tying the party, and when the blacks and party were going away, this little child, as I thought, was going to follow the party with its mother, but I took hold of it, and put it into the hut, and stopped it from going; I had two little boys, the small child, two gins, and Davy and Billy; they all went away except these; the child was going after its mother. There was an old man named Daddy, the oldest of the lot; he was called old Daddy; he was an old, big, tall man; this Daddy, and another old man named Joey, they never tied along with the rest; they were crying, and did not want to go; they made no resistance. Some of the children were not tied; others were; they followed the rest that were tied; the small ones, two or three, were not able to walk; the women carried them on their backs, in opossum skins; the small children were not tied, that followed the mob; they were all crying, in and out of the hut, till they got out of my hearing; they went up towards the west, from the hut, the road way; Kilmeister got his horse ready, after he had done talking to them, and just before they were going to start, he went with them on horseback and took the pistol with him; he was talking to them five or ten minutes; I did not take notice what he said; I was frightened; I did not pay any attention to what they were talking about; Oates had a pistol; I know Foley; he had a pistol in his hand, standing at the door while the blacks were inside. I did not take any notice of swords and pistols at first; at a distance, when they were

galloping up, I saw swords and pistols; they were not in sight above a minute or so after they went away; in about a quarter of an hour, or twenty minutes at the outside, I heard the report of two pieces, one after the other; the reports came from the same direction they went; the second was quite plain for any one to hear. I only heard two; I did not hear anything else but these two; it was just before sundown. Next night after, the same men came back to the hut where they took the blacks from; they were all together of a lump, except Kilmeister, who was left behind; one of the party gave Kilmeister's saddle off his horse, and I asked him where Kilmeister was; he came in about twenty minutes after; they stopped all night; I and Kilmeister slept together in one berth; the rest all slept in the hut; they were talking; I cannot recollect what they said; next morning, three of them after they had breakfast, took firesticks out of the hut, Russell, Fleming, and Kilmeister; before they took the firesticks, Fleming told Kilmeister to bring the leg-rope with him that ropes the cows; Kilmeister asked me for the leg-rope, and I gave it to him, and they went in the direction that they took the blacks, and then I heard the two pieces. One of the men was left behind, and all the rest went with those who had the firesticks; one was left with me as guard, named Foley. While they were away, Foley and I were in the hut together, and the rest away: during the time they were away, I asked Foley if any of the blacks had made their escape; he said none that he saw; he said all were killed except one black gin. Before the party came back, Foley drew one of the swords out of the case and showed it to me; it was all over blood. During that time Davy and Dilly came to the hut; in about an hour the other man came back to the hut; I saw smoke in the same direction they went; this was soon after they went with the firesticks. I do not recollect what they said when they came back; they got upon their horses, and Fleming told Kilmeister to go up by and by and put the logs of wood together, and be sure that all were consumed; I do not recollect his saying anything; some of them were in the hut, and must have heard it. Kilmeister, directly after the party went from the station, went in the same direction, and brought back the horse he had left behind; the smoke was up from the creek, up the ranges; never went to the place; I did not like to go; Davy went, and he came back. Kilmeister was away in the middle of the day; he said the horse was knocked up, and not able to walk; I saw him; he could catch him anywhere. I saw the smoke pretty well all day; at first there was a great smoke; in the after part of the day there was not much. I was there when Mr. D. came; Kilmeister was at home when the police were coming; in the morning after they went away a piece of a broken sword was found; I saw no blood on it; it did not belong to my station. When the police came Kilmeister was at home, and said, 'for God's sake mind what you say, and not say I went with them, but in a quarter of an hour after them.' They brought back no black gin they saved; the gins they left, and the two boys and the child I sent away with ten black fellows who went away in the morning. The same evening the ten black fellows came back whom Foster had taken away in the morning, and I turned them (five) away along with those ten; I sent them away as I did not like to keep them, as the men might come back and kill them." Whatever cause of complaint the settlers may have had, and however much may be conceded to them on the ground of provocation, here is a circumstance described with a most painful certainty which puts the Europeans completely "out of court" in respect of their treatment of the aborigines at the period in question. Why, the destruction of all the pastoral wealth of the entire colony would not afford sufficient justification for "the unparalleled, the unnatural act of inhumanity, detailed above by a Christian witness on his oath. The histories of conquests and of warfares—the wars of [illegible], and the wars of races—furnish instances of atrocity and of cruelty in abundance; but it would be very difficult indeed, to find any deed in the history of warfare, surpassing in atrocity the Myall Creek massacre. "I heard the crying of the blacks for relief or assistance; they were mourning the same as a mother and children would cry; there were small things that could not walk. . . . There was an old man named Daddy, the oldest of the lot; he was an old, big, tall man; this Daddy, and another old man named Joey they never tied along with the rest, they were crying, and did not want to go; they made no resistance. . . . The small ones, two or three, were not able to walk; the women carried them on their backs, in opossum skins." Such are a few of the expressions occurring throughout this dismal detail, which suggest the frightful nature of the entire transaction, and the fiendish spirit of the times. Again, "I saw smoke in the same direction they went." That smoke contained the "voice of a brother's blood, which cried to heaven from the earth," and it is a glorious consolation to know that even then it did not cry in vain—that even when such a fratricide was committed there, there was a power which could and dared avenge it. It is consoling, in fine, to know that this country has not now to atone for such an atrocious deed.

It has been said that the execution of the culprits had the effect of making the aborigines throughout the colony more audacious. But should it not rather be inferred that the hostility on their part which followed was the result of the supposed inadequacy of the punishment—allowing that the legal proceedings and their consequence were understood by the aboriginal tribes? Is it not more probable that the aborigines throughout the colony, learning from various sources the nature and extent of the terrible onslaught made on their brethren, were in their subsequent hostility rather actuated by a desire to revenge their death than encouraged by the punishment of their slayers to aggravated deeds of violence?

It was alleged, on the part of the settlers, at the period in question, that the police protection of the colony was insufficient, and that therefore the Europeans were entitled to take the law into their own hands. Indeed, the doctrine was seriously laid down by the most influential journal in the colony, in 1830, that as matters then stood, the slayers of the blacks could not be held responsible. "If," said the Sydney Gazette in December of the above year, "the police force be insufficient for the due protection of property necessarily exposed to the incursions of the savages, the Government may expect that the law of nature will supersede the statute law; and if lives are sacrificed in the collision, we cannot see by what principle of justice the slayer of his assailant can be held accountable." It can readily be conceived that such sentiments as those, circulating throughout the country, and misconstrued, or imperfectly understood by those who were ready to seize on the slightest pretext for committing violence, must have been productive of the worst consequences. Whatever of justice or reason, moreover, may appear at first sight, to be contained in such doctrines, at once disappears when the other side of the question is glanced at. In an official report on the police of the colony, published also in December, 1839, a gentleman holding a high official appointment states, in evidence, that for a considerable time previously the blacks had been "hunted and fired at, like native dogs" by the Europeans at the distant stations. The report further shows that not only were the aboriginal tribes reduced to extreme famine by the encroachments of the colonists on their hunting grounds, and by the extinction of those animals on which they had previously subsisted, but they were utterly debarred from the only other source of subsistence to which they could resort without infringing on the property of the whites, namely, the fish to be found in the rivers and lagoons. For it appears it had become a settled understanding, that whenever the aboriginals appeared in the neighbourhood of a river or creek, they were to be fired at as though they were beasts of prey—the obvious reason being that those places were the favourite resorts of the flocks and herds of the settlers. So much had the blacks felt the hardship of this exclusion, that when by the regulations of the Protectorate the right to frequent the localities where fresh water was to be found, was restored to them, their joy and gratitude knew no bounds. Thus the conclusion forces itself on every unbiased mind that, whatever of natural right the aborigines might have had on their side in their occasional acts of aggression, the Europeans were justified by no law in resorting in retaliation to a war of extermination, or to those extreme acts of vengeance which appear to have been of frequent occurrence.

In a discussion which took place in the Legislative Council on the 23rd of August 1840, in which the right of the blacks to frequent the water holes and rivers was discussed, the late Bishop of Sydney, Dr. Broughton, not only maintained that the blacks had a superior claim to the possession of those natural reservoirs, which were so necessary to their sustenance, but held that they were justified in defending them against the inroads of the whites, and their flocks and herds. And no one can deny that the arguments of the Bishop were founded on the immutable principles of right and justice. The following were his words:—"The aboriginal natives of the colony, as far as they choose to use it, have an equal, nay, a superior right to the white men, to subdue and replenish the soil; and any one who goes among the aborigines and interferes with their natural right of procuring the necessaries of existence, is an aggressor, and whatever proceedings may arise out of those acts, are chargeable upon him who first gave the provocation. I entertain a hope that one benefit resulting from this discussion will be, that we shall never again hear a whisper of the question whether men or animals are to be preserved."

## 1855-12-14 — Article 99

REPORT, (1855, December 14). The Sydney Morning Herald (NSW : 1842 - 1954), p. 3. Retrieved January 18, 2026, from <http://nla.gov.au/nla.news-article12977663>

REPORT,

LAI D BEFORE THE MORETON BAY ABORIGINES' FRIENDS SOCIETY, OF A JOURNEY ALONG THE CON D AMINE, BARWAN, AND NAMOI RIVERS, BY WILLIAM RIDLEY, MISSIONARY.

[THE important news from Europe has set aside this report for several days. In publishing it we have much pleasure in bearing testimony to the zeal and per-severance with which Mr. Ridley has prosecuted his arduous labours.]

A public meeting of the Moreton Bay Aborigines' Friends Society was held in the Brisbane School of Arts, on Wednesday evening, 21st November, 1855.

The attendance was numerous.

The chair was taken by Mr. D. R. Somerset, of Bris-bane, the treasurer of this society.

The Rev. A. W. Sinclair opened the meeting with a psalm, scripture, and prayer.

The Rev. W. Ridley read the report of his late tour among the aborigines in the West. After which

It was moved by the Rev. N. Turner, seconded by the Rev. Charles Smith, and carried unanimously, "That the report now read be adopted by this society." Moved by the Rev. THOMAS BELL, seconded by Mr. JAMES SPENCE, and carried:- "That the report now read be sent to the editors of the Sydney Herald and Empire newspapers, with a request to publish it therein ; and be also published in a separate form, to be forwarded on behalf of this society to various Christian communities in this land and in Britain."

Moved by the Rev. W. J. K. PIDDINGTON, seconded by Mr. GRIMES, and carried:—"That this meeting record their solemn conviction of the duty devolving on the Christian colonists of Australia, to make known the Gospel to the aborigines of the land."

Report laid, before the Moreton Bay Aborigines'

Friends Society, on Wednesday, November 21st, 1855, by William Ridley, missionary:—

The objects of this journey were to ascertain how far in the interior the "Turrubul" dialect used in Brisbane is understood by the aborigines; to learn what dialects are spoken along the Condamine, espe-cially to find where "Kamilaroi," the language of the Namoi, begins to be spoken; and, of course, to de-clare the glad tidings of salvation wherever it was practicable.

"I left Brisbane on Saturday, 21st July last. The next day, after preaching to the colonists at Moggil, on the Brisbane River (fifteen miles above this town), addressed about thirty aborigines, who were en-camped there, in Turrubul, which they understood.

As most of the aborigines are quick at learning the letters (though they have no alphabet of their own), I prepare and distribute among them, whenever I visit them, small spelling-books or tracts, containing their own words in English characters. These tracts con-tain a brief statement of creation, of man's sin, of God's anger at sin, and of Christ's interposition on behalf of sinners. The name Immanuel is used, be-cause few aborigines can sound the letter S, while a word ending in a liquid, having indeed no consonant but liquids, is quite in accordance with the smooth sound of their usual speech; and because Immanuel is a word which I can literally translate into the aboriginal language, as I could not at present do with the names "Jesus" and "Christ." ["ngeane kunda Baime," in Kamilaroi, means "with us God."] I prepared and distributed at Moggil six tracts in "Turrubul."



On the road to Warwick, on the 26th, I met an aboriginal native of the Hunter River district, who had been to Scotland. He speaks both English and Gaelic with great accuracy and fluency; and can read and write the former but he said he had forgotten his mother-tongue.

The few blacks I met at Warwick and on Canning Downs understood the Brisbane dialect, and have the same family names as those on the coast of Moreton Bay.

There are generally as many as forty about that quarter, the head of the Condamine, but I could not fall in with more than eight.

From Killarney, a flourishing wheat farm on the head of the Condamine, I followed the course of that river for 450 miles, going almost in a semicircle north, then west, then south.

On the Darling Downs, through which the Condamine flows for 100 miles, I saw very few aborigines; and most of those few spoke dialects with which I was unacquainted. But on Western Creek, the head of the Weir, which rises within 12 miles of the Condamine, I found some who spoke "Kamilaroi," and bore the family names used on the Namoi, 200 miles to the southward.

The family or clan names at Moreton Bay are "Bundar," "Bandur," "Barang," and "Derwain," with the corresponding feminine names, "Bundarun," "Bandurun," "Barangun," and "Derwaingun;" every aboriginal native of Moreton Bay bears one of these names; all brothers have the same, and all sisters have a name corresponding to their brothers, the sisters of "Bundar" being all "Bundarun," and so on. The names of the Kamilaroi speaking blacks and surrounding tribes are "Ippai," "Murri," "Kubbi," "Kumbo," and the feminine names "Ippata," "Mata," "Kapota," "Buta."

These names are the means of a comprehensive classification of the people, on which are based definite and unalterable rules of marriage and descent. One cannot help thinking that this classification, and the laws based upon it, were the invention of sagacious and comparatively civilised men among the remote forefathers of this savage race.

The blacks at Western Creek were shy, and at first pretended not to understand the dialect in which I spoke to them; but a word of Kamilaroi which I used having offended the chief man among them, he answered me angrily in the same language, and thus gave me the information I was seeking.

Though they could speak Kamilaroi, their proper language is "pikumbul" (peekumble), a dialect in which some few words are the same as in that of Brisbane, and some the same as in Kamilaroi.

At Warrawarra, 100 miles northward from Warwick, I met in a party of ten blackfellows, three who had been on the Namoi, and conversed with me in the language used there. At several stations along the river I met aborigines who had a few words in common with the language I had previously learnt on the Namoi: but found very few who understood that language till I came to Surat, 300 miles down the river from Warwick.

At Surat and Yambukal, a mile down, I found twenty-five aborigines who understood Kamilaroi, and after a time became attentive and communicative. Two young blackfellows began in earnest to learn to read the tracts which I prepared and illustrated with paintings for them. As they had been taught by the stockmen to distinguish the brands of cattle, they were the more ready at learning the letters. And when, after a few mistakes, they found themselves able to distinguish correctly one letter from another, it was pleasing to observe the glow of satisfaction expressed in their countenances.

20th August.—Left Surat, accompanied by two black policemen, whom Lieutenant Fulford kindly sent to attend me down the river, there being 70 miles without any inhabited station, where it is not considered safe to travel unprotected. We arrived early that day at Wiraburn, 15 miles below Surat, where a dozen aborigines having heard that a white man was coming who could speak their language, came up to the hut as soon as they saw me, and listened very attentively to my discourse.

Among this party was a greyheaded blind man. Although the lot of a blind savage might be deemed cheerless, this old man's countenance, bright with smiles, seemed as if no evil passions or melancholy ever

beclouded it. Both his own kindred and the white men at the station pay kind attention to his wants, and he is easily pleased. It happened that while I was near him he called to his people to guide him to their camp, and as no one of them noticed him, I took one end of the old spear which they use in leading him, and, handing him the other end, guided him thither. The old man laughed heartily, shouted to his friends to see the white stranger leading him, and warmly thanked me with his repeated "Murruba inda" (Good are you) for this little attention.

The next day we came a long journey to a deserted hut, Warru. As one of my guards was from the Mur-rumbidgee, and the other from the Dawson, I could not converse with them in any Australian dialect, but they were pretty well acquainted with English; and I spent the evening in attempting to explain to them the elements of gospel truth. When, after speaking of the ascension of the Redeemer, I said, "he will come again," one of them instantly asked, "when will he come?"

Another long day's ride brought us to Bulgora. The presence of the police may have been a necessary safe-guard at Warru, but their appearance very much interfered with my object at Bulgora, by striking terror into the hearts of the unoffending blacks there.

It was some time before they could be persuaded that one who came attended by a policeman had no hostile intention. But the next day, the men in charge of the station, who are good friends to their black neighbours, having come home, and the police being gone, I found them much more accessible. There were about 40 aborigines there.

Their native dialect is Uolaroi; and that being very much like Kamilaroi, they understood and conversed with me in the latter. The suffix -aroi in these names signifies possession, like our suffix -ful; and "uol" and "kamil" mean "no" in these dialects respectively. Most of the dialects of the interior with which I am at all acquainted, are named after the negative for instance, "wirairai" is the dialect in which "wirai" is "no;" "wailwun" (wile-wun), that is which "wail" is "no." By the report of a lecture by Mr. Parker, M.L.C., of Victoria, we are informed that in that part of Australia also, the dialects are named after the negative.

In one dialect, however, "pikumbul," spoken on the Weir, the affirmative "pika" (yes) gives a name to the dialect. This is just as it was in France, where "Langue d'oc" and "Langue d'oui" were the two dialects in which "oc" and "oui" respectively were the affirmatives. The French have preserved the name of one dialect on their map, and the substance of the other in their modern speech.

Some of the aborigines I met at Bulgora speak Kogai or Kogurre (that is Ko speech), the language spoken on the Maranoa and over a large extent of country westward of the Condamine. It bears very little resemblance to either of the dialects with which I am acquainted; yet there are connecting points. The pronouns ngai, nginda (I, thou) are the same in Kogai as in Kamilaroi, and the mode of forming the feminine of names by adding un or gun (answering to our as and ess in princess and authoress) is the same in Kogai as in the Brisbane language.

The river, which higher up bears the name Condamine (in honour of M. de la Condamine, aide-de camp of Governor Darling) retains here the native name Balun (Baloon). From Surat down to Kui, 100 miles, it is a fine broad stream, abounding in fish, one species of which (the cod) frequently attains to 40 lbs. weight. The pasture about it is luxuriant, some of the trees large and shady; and numerous birds of brilliant plumage, some with melody of song, contribute to the gratification of the traveller.

Below Kui the channel of the river is diminished; and 120 miles below Surat it divides, the Culgoa leading off to the S.W., and not far down the other branch again divides into three, the Narran, Bokhara, and Balandoon; and the four channels, except in flood time, convey no stream to the Barwon, to whose deeper bed they lead. The Narran, the principal of the four, is lost in a swamp.

On the 26th August, I crossed the Culgoa, and went about ten miles below it to the lowest station on the Balun, Karawilda. Between Bulgora and Kara-wildai, that is 50 miles, I met with about 100 aborigines. Large assemblies of them are frequently seen on this river; but I did not fall in with more than 40 together. Most of

those I met understood Kamilaroi; a few who had come from the westward knew only Kogai; one who spoke both these languages gave me a list of Kogai words.

No minister of the gospel had ever before visited the colonists scattered along the last 200 miles of this river, which has now been occupied nine years. It is true there are but four families, and perhaps not more than 60 white people altogether along that line of 200 miles; and no one seems settled there for life, (though some have found that when they went down the Condamine it was to spend the remainder of life there); but surely some effort should be made by those who enjoy the privilege of regular religious instructions and ordinance to secure the occasional sounding of the gospel trumpet to the scattered population of fellow-colonists all along the western boundary of our colony. At present there is a very large extent of country which pastoral enterprise has for years occupied, but to which Christian zeal has not as yet sent messengers of the glad tidings.

I must say that I was received at every station on the Balun with kind hospitality, and heard with respectful attention.

On this river the effect upon the aborigines of the occupation by European of the country was vividly presented.

Before the occupation of this district by colonists the aborigines could never have been at a loss for the necessities of life. Except in the lowest part of the river there is water in the driest season; along the banks game abounded, water fowl, emus, parrot tribes, kangaroo, and other animals might always, or almost always, be found. And if at any time these failed to supply food for the human tribe, the fish furnished a sure resource.

But when the country was taken up, and herds of cattle introduced, not only did the cattle drive away the kangaroos, but those who had charge of the cattle found it necessary to keep the aborigine away from the river, as their appearance frightened the cattle in all directions. In fact it is said that while troops of aborigines roam about the runs, and especially if they go near the cattle camps and watering places, it is impossible to keep a herd together.

After some fatal conflicts, in which some colonists and many aborigines have been slain, the blacks have been awed into submission to the orders which forbid their access to the river. And what is the consequence? Blackfellows coming in from the west report that last summer very large numbers, afraid to visit the river, were crowded round a few scanty waterholes, within a day's walk of which it was impossible to get sufficient food; that during the hottest weather the great red ants in that dry locality were so formidable that neither men nor even opossums could rest night or day, except for an hour or so at noon; that owing to these combined hardships many died. This is only blackfellows' report; but when we know that people have been cut off from four-fifths of their usual supply of food, and reduced to a scanty supply of bad water, is it an incredible report that sickness and death have fallen upon them?

As might be expected, partly from the pressure of real want, partly out of anger at the interference of the white man with their prosperity, they skulk about spearing cattle.

How can such evils be prevented? The squatter has a license from the Crown to occupy the country with his cattle, and unless his cattle are secure from the visits of blacks they will not stay on the run. He argues thus: "The license entitles me to make sure of the benefit to be derived from depasturing the run; and the run is useless while blacks roam over it as they please, so that the license, if worth anything, includes the right to order them away from the river."

The question then arises whether it is not the duty of the Government, on assuming the ownership of the land, by granting licenses to occupy it, to see that the human beings who have been wont to get their living off the land thus taken up, have at least a supply of food provided for them equal to that of which they are deprived.

To those blacks who volunteer to become servants to the occupier of the station, liberal supplies of food and clothes are generally given. But where they are as numerous as they are on the Balun, it is impossible for more than a small proportion of them to be so employed; and whether they become servants to the colonists or not, surely the tribes who are deprived of their chief means of subsistence have a right to some compensation from the government which takes to itself the responsibility of owning the land, and lets it to others for purpose inconsistent with their accustomed free occupation of it.

On the 31st August I left the Balun, and came over a dry country, thirty miles, to the Mooni Creek, at a spot called Indu Gully. Thence I proceeded down the creek to the Barwan River, and nearly one hundred miles down the Barwan to the junction of the Namoi.

Between the point at which I reached the Mooni and the junction of the Namoi I visited 18 stations, at all of which I found a few resident blacks; at several as many as eight or twelve. All these speak "Kamilaroi" as their native tongue, and consequently could understand me much better than the Uolaroi tribes on the Balun. One poor fellow on the Mooni addressed me in a long and pathetic harangue on the wrongs which his people have suffered at the hands of the white man, and urged upon me, as I had been telling the blackfellows not to do evil, to go round and tell the white men not to wrong the blacks, especially not to take away their wives.

When I came near the junction of the Mooni with the river Barwan, at a station called Gundabului, I met two or three blacks who had seen and heard me on the Barwan in May, 1854. They remembered me, though I did not recognise them; and after asking the squatter (who had brought them on horseback to aid in a muster of cattle, and who was sending them out to a distance to watch a herd) to allow them to stay and hear me, they brought eight or nine others with them into the room where I was, that they might all hear me speak in Kamilaroi. And in their own tongue I delivered to them "this faithful saying, worthy of all acceptance, that Christ Jesus came into the world to save sinners." After travelling 700 miles on ground quite new to me, and having to struggle with the shyness of aborigines to whom I was stranger, this recognition and willing audience gave me much pleasure. And in my way down the Barwan I found at every station the advantage of old acquaintances. The Kamilaroi spelling books, with pictures of kangaroos, &c., which I distributed, were apparently much prized; more than one of these blacks being already well acquainted with the English alphabet.

At Burudtha, on the Barwan, I met a company of forty blacks engaged in a ceremony in which amusement was combined with some mystical purpose.

A chorus of twenty, old, and young, were singing and beating time with boomerangs. Though the words and notes of their song are few, six or eight words with three or four variations of the same number of notes being repeated for hours. They observe very correct time and harmony.

There were a dozen more looking on. Suddenly, from under a sheet of bark, darted a man with his body whitened by pipe clay, his head and face coloured with lines of red and yellow, and a tuft of feathers fixed by means of stick two feet above the crown of his head. He stood about twenty minutes perfectly still, gazing upwards. An aboriginal who stood by told me he was watching for the ghost of dead blackfellows. At last he began to move slowly, and soon rushed to and fro at full speed, flourishing a branch as if to drive away some foes unseen to us.

When I thought his pantomime must be almost over, ten more, similarly adorned, suddenly appeared from behind the trees, and the whole party joined in brisk conflict with their invisible assailants. The music waxed louder, as, now and then, the actors came stamping up to the choir, and at last after some rapid evolution in which they put forth all their strength, they rested from the exciting toil which they had kept up all night, and for some hours after sunrise, they seemed satisfied that the ghosts were driven away for twelve months. This is an annual custom.

When their excitement had somewhat subsided, I went round to the several groups, to tell them of the only true deliverer from evil demons, and from "sin, the source of mortal woe."

September 14—Left the Barwan, and came up Telaba Creek to Oreeel; thence by Paian Creek to the Namoi River at Bucklebone.

The remainder of this month I spent on the Namoi, where I had many favourable opportunities of addressing both colonists and aborigines on the all-important topic of salvation. Though the number of aborigines is very much reduced since the occupation of this district, sixteen years ago, by colonists, there are still a few at almost every station; and as there are two or three stations within every ten miles, along 200 miles of the river, the aggregate is considerable.

The Namoi blacks are useful, and even indispensable members of society; without their services in stockkeeping and shepherding, and especially at sheep washing and shearing time, the business of this district could hardly be carried on.

In my way up the Namoi I met a blackfellow from the Barwan, who had several times heard me speak of religion; who, as I was passing, followed me out of hearing of his companions, and then told me that a white man on the Barwan had taken away his wife. He asked me to write and threaten the offender that I would send the constables after him, if he did not restore her, and added, as if this seemed to him the most powerful argument, "You tell him the Great Master in heaven is very angry with him about it."

October 1st, went from the Namoi up one of its tributaries, the Muckai. The few blacks who are left in this locality speak Ualaroi and Kamilaroi like those of the Balun. From the plains at the head of the Muckai, I went over the great dividing range to Murrurundi.

In church there, on the Sabbath, I observed an aboriginal who regularly attends on the ministry of the Rev. A. Black, and has attained to some understanding of Christian doctrine. This man's native tongue is Kamilaroi, and he furnished me with a very important and satisfactory confirmation of a phrase I had employed. One of the most important problems I had to solve in conveying the element of truth to the aborigines was, how to describe sin. After much thought, I adopted for this purpose these words—"Ngeane kanungo warawara yanani, ngeane kanungo kagil ginyi," (literally, "We all crooked have gone; we all bad have become.") When I repeated these words to the aboriginal at Murrurundi, and asked him to tell my friend what they meant in English, he replied at once, "We all have sinned."

From Murrurundi I returned northward to the Peel River, and followed that river to the Namoi. Leaving the Namoi at Gulligal, I proceeded over a mountain range northward to Lindsay, on the head of the Gwydir, where I arrived on the 19th October.

F. T. Rusden, Esq., of Lindsay, has twenty aborigines regularly employed on his run, some of them engaged by written agreements. He spoke in high terms of their trustworthiness and usefulness. Mr. Rusden showed me one of my printed Kamilaroi tracts which he had read to the blacks, and interlined with notes of variations in dialect. He said also that the aborigines understood the narratives, and listened with interest to them. Some years ago a man in Mr. Rusden's service having lost his way in the bush, was found by the blacks half dead with hunger and fatigue; and when they had fed and nursed him till he was strong again, they brought him to his master.

I came down the Gwydir to the Bundarra, and over that river to Wialda on the 22nd. The aborigines I met at Wialda, 12 in number, speak Kamilaroi; but they were the last I met who spoke to me in that language. A day's journey north of Wialda I found blacks speaking Yukumba; and on the Macintyre, 70 miles from Wialda, Pikumbul is the prevailing language.

On the 27th I reached Calandoon, on the Macintyre, the upper part of the Barwan. A fortnight before 360 blacks had been assembled there, chiefly natives of the Balun and Mooni. They had gone away westward again, and though I followed them 30 miles I could not come up with them. I found about 40, who are constant inhabitants of Calandoon. They could understand a good deal of my "Kamilaroi," which they proved by translating it into English; but

I could not understand their "Pikumbul."

The Pikumbul blacks were for some years the most

determined and troublesome foes the colonists have met in this country. And though now on friendly terms with the white people, and useful in the busi-ness of the stations, they are more ferocious in their

fight one with another than most of the aborigines; stabbing and maiming, and even fatal wounds are fre-quent results of their quarrels. The features of these

blacks are sharper, their expression more cunning, and their bodies more slender than others.

On Sabbath (28th), while I was preaching to the owners of the station and their men, the blacks assem-bled in the verandah to hear; and having seen their "masters" listening to me, were afterwards much more attentive when I tried to make them understand in Kamilaroi the import of my message.

Thence I came up the Weir, a tributary of the Macintyre. At four stations thereon, met about forty blacks, all speak Pikumbul, and know something of Kamilaroi.

From the head of the Weir I again crossed the Downs by Yandilla, where I found nearly a dozen blacks who speak "Paiamba," a dialect containing a few words like those of the Brisbane tribes, but

which was for the most part quite strange to me.

After leaving Yandilla I met but very few blacks on the way, by Drayton and Ipswich, to Brisbane, which

I reached on the 13th November. Thanks and praises be to Him whose goodness and mercy has followed me throughout this long journey.

Since leaving Brisbane, 21st July, I have travelled in all 1850 miles; and for 1000 miles of that distance I was among aborigines who understood "Kamilaroi," which is also the language of the Hunter River blacks for 70 or 80 miles below Murrurundi, and is, I am told, spoken at several places between the junction of the Namoi (where I turned eastward) and the Mur-rumbidgee, 300 miles south.

Between Surat on the Balun, and Walgett on the Barwan, little more than 200 miles, a missionary would, I believe, in the course of a few months meet about one thousand aborigines, and would, besides, have an opportunity of preaching the Gospel to seventy

or eighty colonists, who are beyond the labours of settled ministers; so that he would occupy an important field of labour. Beginning with Kamilaroi, which is spoken all along that line, he might soon acquire from

some of the Balun blacks, the Kogai dialect spoken by many hundreds to the westward of the Balun.

Again, along the course of the Namoi, in 250 miles, one would find over 100 aborigines all speaking Kami-laroi, engaged in the service of the squatters, and more accessible to instruction than those further west. A missionary on this line would also be able to preach to nearly 200 colonists.

Also, at Calandoon, on the Macintyre, and for 60 miles along that river, and 80 miles up the Weir, some hundreds of Pikumbul-speaking blacks may be met with; and in this district a missionary would be wel-come as a preacher of the Gospel by many colonists.

So that if men suited to the work, and the neces-sary resources were forthcoming, there are three positions

\*This is the first name occurring in this report since Warwick that indicates anything more than a single station. The aborigines have given names to every turn of rivers, every hillock and

gully; so that wherever a house is built, the spot is found

to have some distinct name.

which present themselves as favourable for missionary enterprise.

Throughout the whole of my journey I have received, as a traveller, kind hospitality, and as a minister of the Gospel courteous attention. Even those colonists who doubt the possibility of doing any good to the aborigines, express a desire for frequent visits of ministers to themselves and their countrymen.

It gave me great pleasure to meet on the Downs a missionary sent out by the "Colonial Church and School Society," whose evangelic labours among a widely-scattered people will, I trust, prove abundantly effective.

On comparing the field for missionary labour to which this report refers, namely the country west of the dividing range, with the coast, it is to be observed,

that the aborigines are in much larger number along the coast; but their languages are spoken over a very much

less extent than those of the interior. The coast blacks

also are generally more ferocious than those of the interior. A missionary can itinerate with much more safety and find more ready access to the aborigine in the interior; but if once a stationary mission could be established near the coast, it would, on account of the numbers located within a comparatively short distance, be a more favourable position than a station in the interior.

#### NOTE ON THE TRADITIONS OF THE ABORIGINES.

Wherever I have conversed with aborigines I find they have definite traditions concerning supernatural beings.

On the Barwan and Namoi they say there is one who made all things, whom they never saw; though they hear his voice in thunder. They speak of this being by the name "Baime;" and those who have learnt that God is the name by which we speak of the Creator, say that "Baime is God."

Some of them say that Baime formerly appeared to their fathers; and white man assured me that the blacks had told him of laws given by Baime to their forefathers. But I never heard them speak of Baime as a Ruler, nor ascribe wisdom and goodness to him.

They also believe in the existence of many demons, of whom Turramullan is the chief. They say that Turramullan is the author of disease and of medical skill, of mischief, and of wisdom also; that he appears in the form of a beautiful serpent at their great assemblies (boras).

It is remarkable that they have everywhere applied to white men the word originally meaning "ghost," or supernatural being. At Moreton Bay "makoron" is ghost, demon, or white fellow; a little way from here "magui" bears these meanings; and on the Barwan "wunda" stands for the same.

There is in all parts of the country a traditional system of initiation into the right of manhood. Young men are not allowed to eat certain food, nor exercise other privileges, until they have passed through a series of boras. The bora is a great assembly, from which women and foreigners are excluded; at which the young men are with various mystical rites (over a great part of the country knocking out a front tooth is an essential part of the proceedings) admitted to the rank of men. Fasting and silence are part of the preparation for attending a bora, enforced on the young men who are to be initiated.

Even aborigines who have been accustomed to associate with white men cannot be dissuaded from attendance on this hereditary custom; and youths who have been brought up among civilised men dare not neglect the mysterious rites through which their forefathers all passed.

## 1891-08-08 — Article 100

THE TOURIST. (1891, August 8). The Sydney Mail and New South Wales Advertiser (NSW : 1871 - 1912), p. 292. Retrieved January 18, 2026, from <http://nla.gov.au/nla.news-article162173463>

THE TOURIST.

The Grave and Bones of Cumbo Gunerah. The Legend Chief of the Kamelroi. (Kamilaroi)

Bv J. F. H.

(OUR OWN TRAVELLING CORRESPONDENT.)

The town of Gunnedah is a beautiful quiet village in the Liverpool Plains. Its people have formed themselves into a collection of happy cliques, each trying to tell the other what to do, but eventually helping them to do it. Its large main street seems to have been laid out and planted to inspire poetry and court the mind to leisure and lull it to rest. Some excellent buildings break the unpleasant monotony of the small rookeries that housed the pioneer fathers of the happy homes that make this the substantial easy going place it is.

The 'city of the Dry Plains,' as Gunnedah is known by the whites, or the ' Home of the Father less and Motherless,' as its name implies in the nomenclature of the Kamelroi blacks, is inhabited by some 1200 people, and has a reputation for cattle and sheep growing second to but very few places in this colony or out of it.

This 'city' is destined, by its location in a large and fertile district, to some day make a name in the commercial and industrial history of the white man commensurate with that it held in the annals of the blacks, who now transmit its history in their descending legendary song.

As the archaeology and ethnology of the abori-ginal tribes of Australia, are always interesting, I took the pains to search out all authentic information I could relating to a great chief whose deeds I have so often heard related elsewhere. The finding of Cumbo Gunerah's grave and bones, with all the marks to verify the traditional tales and songs of his prowess, is an interesting item in aboriginal history.

I am indebted to Dr. Haynes for very valuable assistance in collecting the information in this article. Dr. Haynes is a brother of Mr. John Haynes, M.L.A. for Mudgee. He is Government medical officer, Surgeon to the hospital, captain of the rifle corps, and Mayor of Gunnedah — a perfect encyclopaedia of industry. In his capacity of medical officer, he has a lot to do with the blacks in the district. These blacks now belong to two different tribes that speak different Languages. These languages are the languages of the old tribe, but those now in existence are themselves a mixture or aggregate of many remnants of other tribes.

The story of Cumbo has been drawn piecemeal from old Maggie, who is now about 91 years old, and others who verify it. Cumbo's grave was discovered by Dr. Haynes himself upon information obtained. I prefer letting him tell the story ; here it is: —

"Since my arrival here, I have spent much time in drawing from the old blacks some account of the tribes before the white man came among them. I could buy but little information, and found that kindness drew the most from them. They are cautious about divulging their race traditions, being considered tribal secrets and sacred to the tribe. I could never get a full account of Cumbo Gunerah, whose bones you see there, until old Maggie — who has lived here for years, sometimes going down the Mooki to Breeza — gave it to me.

"It appears that, from the accounts given by the old blacks (and there are some 70, 80, and 90 years old about here), Gunnedah, being pretty well surrounded by mountains and on the edge of a great plain, was selected as the seat and main camp of the powerful Kamelroi tribe.

"I looked out to the north of the town, about 15 miles, and met the bold, precipitous Warram bungle Range, and, standing out in bold relief from this range is ' The Rock,'\* a huge block of sand stone such as checked the great Hannibal in his descent upon the inland plains. To south-west is Black Jack, the bold, lone



mountain of coal, joining, by its spurs, a bit to the west, the Sugar Loaf Mountain and Binalong Range. Here, in this fortress valley, were gathered the helpless, the old and infirm, the women and children, where they could be easily defended, and left with tolerable safety, while the chief led his warriors to battle, or away in the more peaceful hunt for wallaby, turkey, or emu. The plain and the hillside scrub were well supplied with food and water, thus fairly entitling Gunnedah to its name, 'the Home of the Fatherless and Motherless,' or as the black fellow puts it, 'no fader, no moder.' The wallaby, wallaroo, bandarra (Kamelroi for kangaroo), and the delicious opossum of Gunnedah were noted far beyond the ranges for their flavour and tenderness. The o'cow and o'sheep have taken up the running, and do no discredit to their indigenous fore-runner, the opossum. To the head camp all the old people and the widows and orphans of those who fell in battle were sent. It seemed that those who suffered by some misfortune were principally housed and defended in this Eden. All along the banks of the Namoi existed camps of Cumbo's followers. Wherever there was a 'bri' there was a camp. Bri means plentiful supply of water. Hence we have Boggabri (long water), Narrabri (shallow water), Therrabri (swampy water), and so on. From all these bris were collected the inhabitants of the main camp whose qualifications were something like the following - years of residence on the river, having grown old and infirm, or having displayed great valour as a warrior, or great skill as a game-catcher, and being unable to further practise these avocations. There are records of certain great epochs handed down in the legendary stories or songs. One of these is the great flood that must have happened about 1750, when, through a protracted wet winter, many of the old hands died off with a cough, or what medical science would call an epidemic pneumonia. This is fairly inferred, as those who were moved across the river to a drier and healthier spot, known afterwards as the "Wietalabah," lost the cough. But the continued rain and the reported prophecy of a great flood by the old blacks caused all the people to be moved to the hills. It is said that no sooner had this been done than the flood came. It deluged the whole country, and even the camp fires at 'Wietalabah' were submerged. Hence the name 'Wietalabah,' meaning 'fires all gone out.' There are unmistakable traces and evidences that the Mooki and Namoi have changed their courses, which, doubtless, happened at the time of this great flood.

"The other epoch marks the reign of the powerful and faring chief or king, Cumbo Gunerah, who lived before the great flood, and to whose prowess may be attributed the superiority of the Kamelroi tribe, which for over a hundred years, according to aboriginal tradition, had possession of the country from Singleton to above Narrabri, and whose power was dreaded by all the adjacent tribes. His deeds, exploits, name, and fame have been banded down in the camp legends, songs, and traditions of the Kamelroi and surrounding tribes to this day. That fact alone would make the great warrior the Napoleon of his times, as there is a custom among the blacks of Australia that when a man dies his name is never again spoken by the tribe, and no one is permitted to take such a name. To thus preserve a name is tantamount to saying that the man was practically worshipped or feared as a god in his day. Old Maggie said that so great was the fear of Cumbo, to this day his name was used to frighten or hush children to sleep; she spoke as a mother. Her story is confirmed by the old blacks of the other tribes about, and they also state that his illustrious name was used to fortify the warrior and cheer him on to battle as late as the advent of the white man among them, and until aboriginal warfare ceased among themselves. That was in her and their early days. The legends relate that Cumbo won every battle, was in the front rank of attack, and by personal valour and prowess urged his men on to victory. The old traditions state that this soldier king had both arms broken, his thigh speared, many body bones (ribs) smashed and wounds in the head from the tomahawk or battle-axe.

Having been engaged on the surgical staff of Prince Alexander, the gallant Roumanian Sovereign, in his brilliant campaign against the then King (Milan) of Servia, the doctor became much interested in old Maggie's story of the historic war of her tribe. So was I. Having been very kind to her, the story she and the other blacks refused to divulge, flowed freely. She would never more give the burial place, and no one else would. It was sacred to the tribe, and the power of Cumbo still lived in the spirit of the black.

A few days before the old woman's death, when the doctor's kindness with a little stimulating rum had won her confidence, she divulged the site so many generations a secret in the tribe.

This is her story put in plain English. 'I am now about 91 years old by blackfellows' way of counting. When I was a girl we used to go to the grave and put out possum rugs over it every evening at full moon (a custom she could not exactly account for; only it had been the traditional custom of the blacks, who were then old when they were young, too, a kind of reverence she thought to inspire the young). There are very few of our tribes left now. We are mixed up with the Coonbri. When the Walleri or Big River Blacks fought us they killed a great number of our tribe, but when the white man came we began to die right out (or in her own words white feller swell kill all Murri blackfellers). Long before she was born, her old man black feller (father) said the Coonbri tribes around Terry hi-hi were very powerful, and had made many depredations on the Kamelroi tribe about Narrabri. To avenge these hostile attacks, Cumbo Gunerah led his warriors against them, and slaughtered every warrior of the Coonbri tribe that fought him. In this battle his arm was broken badly, and a spear-wound in the thigh crippled him, and he died at Gunnedah 20 moons before the great flood. This would be about 1745. His grave,' said the old aboriginal, 'is near the courthouse, for when I was there about 10 years ago, getting blankets, we were afraid that the white people would build a house over Cumbo's grave.'

## FINDING THE GRAVE

The great secret having been drawn out, and the legendary story confirmed by talks and queries among the male members of the old tribes now living, the interesting search for the grave began.

In front of the Wesleyan Church, and near the courthouse, on the street crossing the main street of Gunnedah, stood a peculiarly marked old stump. 'There was a boomerang cut on each side with a yeliman at the bottom. The tree seemed to have been down for years. The carvings were in the bark, but the second growth around it showed the growth of many years of development in the tree since the engraver had been there. The search was conducted with a black of another tribe. On reaching the stump he stopped, pointed at the crude headstone and said, 'Great man him; big chief that feller.' Indicating a place near the street, he continued, 'You dig him here all round about two feet, you find him somewhere. Keep out from roots. Blackfeller no put grave where root is, for water get in by root.'

The excavating was begun, but no price or persuasion could induce the, that, or any black to assist in looking for the bones of this ancient chief, whose name and burial-place have been sung and known for generations. Soon the remains were found. - By carefully digging around so as not to disturb the original posture of the remains, the illustrious black was discovered in a sitting posture, as if squatting, with his face to the east, and his tomahawk at his feet.

So much for the grave mark of the illustrious black, and the confirmation of Maggie's story about the grave.

'Now,' said Dr. Haynes, 'we will go through the bones and see if they give the evidences of strength and valour related by those who never saw Cumbo. The legends say that both arms were broken. Several of these bones are nearly, and some completely petrified. This is the bone of the right arm. It is broken. The crude way in which it is spliced is very interesting, as showing the crude surgery of the blacks. It is shortened, as you see at least 3 in. by this break. Now here is the right arm (similar) bone of an Englishman — an anatomical subject, and they are selected from large and well-made men. By measuring them you see that the black's bone is still as long as the one you hold. It was thus at least 3 in. longer unbroken. You will notice another extraordinary thing, that the black's bone is larger than this, and the tubercles show that he was a man of powerful nerves and muscles. He was simply a giant. Take the left arm (following up the traditions of him). Both bones of the forearm of the left arm have been broken, but, as very little shortening has taken place, a better comparison can be instituted. It is much longer than the other. That would show him to be about 4 in. longer in the reach, and with a more powerful arm than the white subject. There is a spear wound in the thigh bone, showing that a fearful abscess had formed over it, and that the bone was diseased by some poison. The two lower bones of the next leg were also fractured. Here are two broken ribs. They have knitted well.' Picking up the skull I ventured to remark that Cumbo was an animal, and not an intellectual development; that he lived by main strength or prowess and not by intellect. 'Yes,' said the doctor, 'he has a low sloping forehead and narrow across the temples, but the back of his head is a perfect mountain, and he

had a neck you couldn't break by pulling. The camp fire stories say he was clouted, and he has the record. His skull has been opened over the left eye, and has been bashed by some blunt instrument behind.' I laid this skull down convinced that if Cumbo was not great I wondered how much more it took to make a man great. 'This man,' the genial surgeon remarked, 'is reputed to have been over 6ft. high. Here is the thigh bone of a big, powerful, white man who was one of the first to be run over by the Sydney trams. Being a large, well-formed man, this bone, after amputation, was kept as a study. Now measure them. That blackfellow's bone is 1 1/2 in. longer than this one. If you follow the proportion you will get 1 1/2 in. from ground to knee, and over 2in. from the hip up; or in other words, he was approximately, about 5in. taller than this man, who was about 5ft. 11 1/2 in. high, so Cumbo must have been about 6ft. 3in. or 4in. high. His thigh bones are larger than that of this large white man, and he is built like an athlete across the hips." The grave, the size of the man, and the body marks on the skeleton all verify the legendary history of this mighty nigger. I looked in his mouth and found all his teeth there at burial, which goes to show that he lived prior to the Deborrah custom of knocking out the first bi-cuspid tooth as an announcement of the passage of the boy to man hood. This custom has been in existence ever (since the advent of the white man, so far as I am able to learn. Dr. Haynes has kindly consented to send the skeleton of Cumbo to the Sydney Museum ; also the stump headstone. The word Cumbo means, in Kamelroi, cousin.

The blacks here lived largely on the nardoo plant, which was ground into a powder by a kind of stone pestle and mortar mill. One of these is now in existence in the Lands Office, Gunnedah. The explorers, in passing through here, lived, by the assistance of the blacks, on this plant. Many of the grinding beds, where the warriors sharpened and made their stone tomahawks, are still to be seen down the banks of the Namoi River. The Government should make some effort, in the interest of ethnology, to trace out, while some of the old hands still live, all the historic matter that can be gathered from them.

I wish here to thank the people of Gunnedah for much generous assistance given me. Mine host, Mr. Wm. Miller, of the Courthouse Hotel, placed his generous self, his hotel, his horse and. buggy, and the whole township at my disposal. He housed me well and fed me well, and actually gave me the blues at having to leave. A lot of hotelkeepers in bigger towns than Gunnedah should drop over and sneak a lesson or two on the quiet how to look after visitors.

I like the rural town of Gunnedah and its genial people, and as soon as I can save up the price of a drink I shall drop in again and snake and shout with Graham, and Hogg, Bacon, and 'Tyson,'" and Haynes, and Miller, and Higgins, and— well, just as long as my 6d lasts.

## 1949-10-20 — Article 101

THE EARLY HISTORY OF MOREE AND ADJACENT DISTRICTS. (1949, October 20). North West Champion (Moree, NSW : 1915 - 1954), p. 10. Retrieved January 22, 2026, from <http://nla.gov.au/nla.news-article184173250>

THE EARLY HISTORY OF MOREE AND ADJACENT DISTRICTS.

(By C. F. BOUGHTON).

(No. 8). THE WILD BLACKS.

No history of our early days would be complete without reference to the wild blacks. They roamed this favoured land in complete freedom from interference, that is, within the area the different tribes regarded as their own.

They objected to another tribe trespassing on their domain, and their resentment at the intrusion of members of the white race was openly hostile, or sullen and deep, and only in isolated cases was the 'live and let live' attitude of mind displayed, but whenever these lovers of peace have stood against aggressive action on the part of their tribe, they have been honoured by our authorities. Manly was named after such a man, a native peacemaker of the first order. The story of black versus white starts long before my time, so, I must refer to such old records as are available. My father came on to the Namoi in 1860, to the Mehi in 1863, and to the Gwydir, or Big River as it was then called, in 1869. He learnt the blacks' language, and had a good knowledge of their laws and customs and passed some of his knowledge on, though very little of it was ever written down. Also the early explorers have given many accounts of encounters with wild blacks, all of them, we may take it, true to facts, and while some of the accounts picture the native in a very favourable light, others give an adverse impression. The first white men killed in this district by wild blacks were two members of Mr. Finch's party when he was trying to overtake Major Mitchell with supplies. The tragedy occurred near Mount Fraser, and was on land which was afterwards part of Terry Hie Hie Station. One victim's name was Bombelli, the other man's name has not been handed down, as far as I know. The tale that Mr. Finch told was that, on one of the Major's dry stages, they had suffered much more than the first party had. Mr. Finch's horse and some of the bullocks died before they reached water and it was only by halving their load, then unloading and returning for the balance, that they managed to reach the ponds. Finch knew that under such difficulties they could not expect to overtake the explorers, so he left two men to guard the supplies, and, hoping against hope that the Major's party would be found not far ahead, went forward with one companion on foot, but finding they were not as near as he had hoped, returned a few days later, and found the camp in almost indescribable disorder—the tent slashed and cut, goods strewn around, and most dreadful sight of all, beneath a pile of pack-saddles, bullock yokes, various articles of camp equipment, and precious provisions the legs only of the two murdered men were visible, whilst two bullocks were noticed to be peacefully grazing nearby. Evidently panic-stricken Finch and his companion hastily filled a haversack with pork and flour, and put as great a distance as possible between the gruesome scene and their resting place that night. We have been told how Finch came into his leader's camp out on the Barwon with the bad news, but we know nothing whatever of his hardships and difficulties and the fears that assailed him throughout his long trek through a country teeming with aborigines, but we are told that on the return journey the dead men were buried, and that it was difficult to collect all the pieces of skull bones, so viciously had they been battered to death, evidently in their sleep. Thus briefly is the story of the first murder by blacks of white men in this district. From the time that the first squatters came here (and they followed much closer on the heels of the explorers than official records show) until, we may say, the middle 60's men carried their lives in their hands to use a common expression, but the dangers were then rapidly diminishing.

My father's people in Richmond were deeply concerned and very anxious about his safety when he first came up to the Namoi, and when asked if he was in as much danger as they feared, he replied, 'One needed to be always cautious,' and he mentioned how he had once been warned by a friendly native. 'Don't you walk in front of me, or I might kill you' this friendly blackfellow said, and he was simply alluding to the temptation

that he knew would come upon him, a blackfellow, to deal it out to a white fellow who was so careless as to disregard a black hunter's natural lust to kill. The story of the murder of Cunningham, the botanist who accompanied Major Mitchell on his trip to the Darling in 1833, shows how easily the aborigine succumbs to this temptation to kill. Cunningham had strayed away from the party, and when in a weak and exhausted condition, he was given food in an aborigines camp—treated in quite a friendly way—but probably because of illness he rose several times during the night. This was said to have aroused the natives' suspicions and so he, like the Finch party, was killed, not in his sleep, but stricken down from behind. In searching for additional material for this series of articles I have come across many interesting records and when they come from such an authority as Major Mitchell, I feel that they can be quoted from with every confidence, and Mr. T. McCumstie, of Mosquito Creek, Warialda, drew my attention to an article which appeared in 'The Land' some time ago and reprinted in the 'Warialda Standard.' The identity of the writer is hidden under the pen name of "Yarnbaraba." This article also bears the hallmark of absolute fidelity to the days of our pioneers, and it bears out the truth of the statement earlier made, that in those days a man carried his life in his hands. The district in which the events occurred (about to be mentioned) adjoins our own, and I quote from this article because almost similar conditions existed here. 'Yarnbaraba' wrote: "My grandfather, John McMillan, of Oregon, near Warialda, took up a run, "Jones' River", near Callandoon, about 1846. A few months after moving stock there his shepherd was murdered by the blacks only a short distance from the hut and the body frightfully mutilated. "During these early years the settlers were greatly troubled by the McIntyre tribe of blacks, who had threatened to drive all the white people off the McIntyre and Barwon Rivers. Seven persons were murdered in sixteen months in the Callandoon district. The settlers called upon the Government to send them police protection, without result. "A correspondent, writing to the 'Maitland Mercury' about this time, said: 'The moment a blackfellow is murdered, the hue and cry is raised, warrants issued and constables despatched in all directions, but notwithstanding the repeated complaints from settlers of the insecurity of their lives and property, the authorities seem to take the matter very quietly.' (End of quote from 'Mercury'.) 'The settlers' patience was really tried when the nine-year-old son of a settler, James Marks, was speared by blacks while he was shepherding sheep, roasted while still alive, and portions of the body left lying where the ghastly deed was done.

"A number of settlers, with their stockmen, taking the law into their own hands, carried out reprisals against the McIntyre tribe at 'Umbercollie,' for which deed they were arrested and tried. 'The Government was now forced to move in the matter and Commandant Walker and his native police arrived from the Condamine, where they had been dealing with a rising of the Mookadilla tribe which had previously forced the settlers around Mount Abundance to abandon their runs. The native police were successful in capturing 'Gibber,' the murderer of young Marks." From the above quotation from 'Yarnbaraba' we learn the reason for the 'Umbercollie' reprisal, although the settlers failed in revenging themselves for the murder of the little shepherd boy, it was typical of reprisals in general, and the innocent suffer whilst the guilty escape. I have mentioned the foregoing facts because they give a better understanding of what led up to the Slaughterhouse Creek massacre, that, like the Umbercollie attempt to settle differences, was a reprisal on a larger scale than any other that we have any knowledge of in this district. It was undertaken by district squatters and their stockmen. By the use of slashing whips, and with guns in reserve, the natives were driven into a yard and then shot. From my father, who got the story from those who came to the district before him, I understand that a large number of natives were slaughtered, and in my early boyhood heard men say that bones were still to be seen strewn around the scene of the massacre. My father told us that those guilty were brought to trial, and on some fault in the indictment were acquitted, but on a second trial were found guilty and condemned to death. The creek and the run on which these things occurred now bear the name of Slaughterhouse Creek. The Gwydir Highway crosses this creek about a mile eastward from Biniguy, but the tragedy took place several miles upstream from where the highway crosses the creek. The last relic I remember seeing of those old days was the remains of an old slab hut, close to the bank of the river about half-a-mile below the present Pallamalawa Bridge. In the 90's the slabs in the old hut seemed stout and strong, but pierced with big loopholes through which defenders could shoot if attacked. There are other relics near Yagobie of the black men of the old stone age, which, if vandals don't have their way, will last as long as time shall last. I allude to a spot which in the old days we knew as 'The Grinding Stone.' The grooves in the

sandstone mark the places where the natives once upon a time ground their old stone tomahawks. (To be continued).