A QUASI-POLICING ABORIGINAL EXPEDITION

IN PORT PHILLIP IN 1838

Marie H. Fels

The Aborigines who left Melbourne on an expedition westward in April 1838 were mostly men who had been members of the first Aboriginal Police Corps in the Port Phillip District, set up in October of the previous year.¹ Some of them were to rejoin the second attempt to form a corps in October 1838, a third attempt in 1839, and a fourth and successful attempt in 1842: the Native Police Corps under Henry Edmund Pultney Dana, which lasted until 1853. The repeated willingness of the men local to the Melbourne area to enlist in these corps forms part of a wider pattern of co-operation with Europeans in Port Phillip, the histories of which have not been written.²

Since W.E.H. Stanner made his powerful statement that Aborigines had been left out of Australian history³ much work has been published, mostly histories of Aborigines as victims of oppression or heroic figures of resistance. These reflect accurately some substantial parts of the joint Aboriginal/European past. They do not however embrace all that past, for with-in it many examples are to be found of Aboriginal co-operation with Europeans;⁴ they need to be acknowledged and understood, for the past cannot be explained away in terms of a simple set of oppositional attitudes. It is more complex and subtle than that.

In the Port Phillip District, in the early years of contact, Aboriginal activities included the following: Aboriginal men made a treaty which exchanged limited rights to the use of some land for material things; they guided overlanders, exchanged names with English gentlemen, worked for Europeans in pastoral pursuits, led shooting parties, sold information to Europeans, minded Europeans, formed a boat crew for the Customs Department at Melbourne, placed their children in school in exchange for certain specific benefits, supplied the curiosity market with lyrebird feathers, possum skin rugs and artefacts, and the food market with eels. Aboriginal women worked for European men and formed liaisons with them. These are positive creative accommodations to the European's planting himself on their land, responses which are not yet fully researched.

Marie H. Fels, University of Melbourne, recently completed a doctoral dissertation on the Native Police of the Port Phillip District and is currently writing a small history of the Police Paddocks, Rowville (former HQ of the Corps), for the Department of Conservation, Forests and Lands. In 1987 she will be Johnston scholar in the History Department, University of Sydney.

¹ It was the first Aboriginal Police Corps in New South Wales, the later Queensland Corps emerging directly out of the success of its southern precursor.

² Aboriginal police work in Port Phillip forms an exception to the generalisation expressed in Hartwig (1978:132) that 'Aborigines found all but pastoral work, and some forms of work associated with maritime extractive industries, uncongenial'.

³ 'The great Australian silence', second Boyer Lecture of 1968 (Stanner 1968).

⁴ Recent examples of histories which examine some co-operative strategies include McGrath 1983, Attwood 1984, Penney in progress.

The successive Native Police Corps in Port Phillip provide another example of a co-operative strategy.⁵ The story seems to have little correspondence with that of the Queensland Native Police,⁶ except that the founding Commandant of the latter, Frederick Walker, recruited his initial force from the southern district of New South Wales, from the Murrumbidgee, Murray and Edward river area, from which the established Port Phillip Corps was recruiting at that time (1848-50).

Aboriginal action in the early contact years needs always to be examined first from the perspective of the social relationship of the actors. All the headmen of the sections of the Warwoorong and Bunerong tribes joined one or other of the four attempts to set up an Aboriginal police force. All told, well over a hundred men served with Henry Dana in his 1842 Corps⁷ in Port Phillip, and they came from all districts: the Melbourne area, Portland Bay, the Wimmera/Mallee, the Murray, Gippsland and the Omeo/Monaro district. They served in three areas: in the Portland Bay District where they were initially strangers, in the central region of Victoria where the powerful men in the Corps were connected by bonds of affinity and consanguinity, and in Gippsland where they were traditionally enemies. The story told here is peripheral to the main story of the Aboriginal Police of Port Phillip. It is worth telling because some of the actors were men of the various Corps.⁸

A convenient beginning to the story is April 1838, when the missionary George Langhorne recorded that there was a great number of the local people, of the Warwoorong and Bunerong tribes,⁹ living about his mission site.¹⁰ The meaning of his phrase 'a great number' can only be guessed at: a year later, when Assistant Protector Thomas took up his appointment, he performed the initial bureaucratic act and counted the people. His census identified 124 Warwoorong, with a covering note that there were perhaps twenty more whose names he had not included, plus eighty-three Bunerong.¹¹ The place where Langhorne situated his mission was a favourite camping spot known as Turruk.¹²

By the end of the story, seven individual lives are enmeshed in the bureaucratic machinery of the foreign justice system accountable to political decisions taken ten thousand miles away. One man Nanymoon, was committed on a charge of murder; another, Jin Jin or Woicom, on a charge of stealing potatoes, and six others on a charge of killing sheep: Mooney Mooney Senior, Bunia Logan, Mainger, Poen known as Murray, Murrummurumbeel

⁵ Fels 1986.

⁶ Skinner 1975.

⁷ And over forty more served in the earlier institutions of 1837, 1838 and 1839.

⁸ Most of the men comprising the expedition to the west had been in the Native Police (Lonsdale to Col. Sec. 8 May 1838, 38/46, Victorian Public Record Series (VPRS) 1:211).

⁹ Barwick has pointed out (1984) that these are not tribal names but terms bespeaking religious and political affiliation. I use them because the writers of the records so designated them at the time.

¹⁰ The present Botanical Gardens and a little to the east.

¹¹ Thomas's census of 20 November 1839 (VPRS 10, unit 1).

¹² For details of the mission see report, Langhorne to Col. Sec. 8 May 1838, 38/46, VPRS 1:211.

known as Mr Hill, and Moragine known as Jack Sloe.¹³ The actions which led to these charges took place in April-May 1838 within fifty miles of Melbourne.

The Events to the West of Melbourne.

On 4 April 1838, Nannymoon, Willymeluk and an unspecified number of Aboriginal men local to the area tomahawked and killed Terence McMannis, hut-keeper for Thomas Learmonth, at an outstation six miles from Learmonth's home station, just south of present Ballarat. According to the sworn testimony of Learmonth and his shepherds, Nannymoon had been living at Learmonth's hut for a considerable time. He wanted McMannis's pistols, had made an unsuccessful attempt to take them, and when thwarted had threatened to kill McMannis. As they left after the killing, the Aboriginal men took some bedding and a bag of flour and disappeared from European sight for a month, although not from Aboriginal knowledge, as will become clear.¹⁴

In the second week in April, Berruke/Gellibrand, an Aboriginal man of the Warwoorong tribe,¹⁵ led an expedition out of the settlement at Melbourne. The purpose was described variously to different people, perhaps according to the presumed interest of the listener. To the missionary, they gave the impression that the excursion to the west was connected with the disappearance of the two Europeans, Joseph Tice Gellibrand and George B.L. Hesse, who lost their way in February 1837 en route from Geelong to Melbourne, and who were believed murdered by Aborigines just west of the present site of Birregurra. To settler Kenneth Clarke, who had an interest in keeping his hut-keepers alive, the members of the expedition said they were going after Nannymoon, the man who killed Terence McMannis. To their own though, to Betbenje, Derrimut and Della Kal Keth, they said they were going to kill sheep.¹⁶ It may be the case that the twin aims of getting Nannymoon and/or the presumed killers of Gellibrand and Hesse were logically related, as these Kulin were traditional enemies of Nannymoon's Colac kin. The liberty of killing a few sheep on the way could have been considered as payment for services rendered. The 1837 Corps of Native Police did not last long enough for any field duty to be undertaken, but the terms of the contract spelled out clearly the men's expectations, in return for their services, of rations at the same scale as for European police. This expedition made no attempt whatsoever to conceal their taking of sheep to eat.

There were thirty to fifty persons in the party, which included women and children, among them the following named individuals: Old Mooney Mooney, his son also named Mooney Mooney, Bunia Logan and his wife, Warrawarock (Mr de Villiers), Moron, Callen,

¹³ 'Return of Trials of Aborigines' in NSW Leg Co V & P 1843. In the absence of an agreed convention regarding the spelling of Aboriginal names, the spelling used here is that of the original documents; it varies from document to document in original sources, and drifts further in copies or printed versions.

¹⁴ *Historical Records of Victoria (HRV)* vol.2A:288-91.

¹⁵ Not to be confused with Barbuddin/Gellibrand, also about twenty years old, but of the Watoworong tribe (Dredge, J. Census 20 March 1839, Robinson Papers, vol. 54, Mitchell Library (ML); photo in Massola 1969:20), a big Colac black whom J.W. Miller remembered at Geelong (Greig 1918:190). He died from natural causes at Glenmore, Bacchus Marsh, on 30 September 1861 (Sec. Central Board to Chief Sec. 9 November 1861, VPRS 1189, Box 737).

¹⁶ *HRV* vol. 2A:220; *ibid.*:296; *ibid.*:300.

Nunupton (Billy Langhorne), Nerimbineck, Ningalobin (Captain Turnbull), Harrot, Bundon, Warwooror, Mainger, Morogine (Jack Sloe), Murrummurrumbean (Mr Hill), Poen (Murray), and two boys known to Europeans as 'Charles Ebdon's boys', brought down from the north.

The expedition was still within the bounds of Warwoorong country, and within the Europeans's settled district, when they called in on John Aitkin of Mt Aitkin station near Sunbury on 14 April. He claimed that he was attacked, but on his own sworn testimony it is difficult to describe the events as an attack. If what he related did indeed happen, the Aborigines walked up to him carrying spears and three muskets, whereupon he took fright, called up his convict servants and broke out the arms of the property. They in turn stopped in their tracks. When Aitkin called out as if he had yet more servants hitherto unseen, they retreated about a hundred yards behind a rock and watched. On horseback, with another European, presumably also mounted, Aitkin rode to within thirty yards of them, whereupon they levelled their guns. When he circled around behind them, they took the further step of cocking their guns. Aitkin managed to get close enough to get a hold on two of their guns, to which Warwararock responded by attempting to strike him with a tomahawk. So much for the attack as Aitkin experienced it. With only one gun still in their possession they departed. We can read anger and payback in their statement a week later, to Kenneth Clarke, that by and by they would spear some of Aitkin's sheep.¹⁷

Next day, Sunday 15 April, they were at the Saltwater River (Maribyrnong), where Samuel Jackson had sat down, sixteen miles from the settlement; they greeted him, and stopped over till the following Wednesday, when they left between ten and eleven in the morning, after a formal goodbye to him. They were in the habit of visiting him, he said later. It was only after they left that he discovered from his shepherd what they did after leaving him. It seems that about five of the party came up to the shepherd while he was watching the sheep, told him they were hungry and asked for food. He gave it to them in the only form he thought he had — the packed dinner which he had brought from his hut. They had another idea about what constituted a proper meal and, while this conversation distracted the shepherd, the rest of the party set about procuring it. They 'went down on the sheep shouting and setting their dogs upon the sheep', spearing a handful, and driving the rest away. The shepherd was deterred from intervening by their one gun, the musket. They cooked and ate some of the sheep, and when they were finished they sent back two of the party to the shepherd to inform him of the whereabouts of the rest of his flock. When he recovered and counted them he found that his master Samuel Jackson had lost about fifty.¹⁸

This kind of sheep-killing was to go on for years, the Europeans of the time labelling it as outrage, later historians often reading it as war. The men of this expedition may have been taking subsistence in return for the service they rendered to Europeans, but there are other, more general, ways of regarding sheep-killing from the Aboriginal viewpoint. At the trial in the Court of Quarter Sessions in Melbourne in January 1841, of ten men from the Goulburn accused of robbing Major Snodgrass's station on 17 March 1840, evidence was given by an eyewitness of a different logic, articulated by Windberry the leader. Windberry is quoted as asking for sheep, and when refused: 'He said the sheep eat the grass belonging to his kangaroo, and white fellow took kangaroo, and what for not give him sheep?' Windberry's logic is

¹⁷ Billis and Kenyon 1932:13, 247; *HRV* vol. 2A:291-2; *ibid.*:297.

¹⁸ Billis and Kenyon 1932:88; *HRV* vol. 2A:293-4.

internally consistent, and given the foundation premise of prior ownership of the land, it is irrefutable. If this attitude was widely held, it would explain many cases of the taking of sheep for food, presently interpreted as attacks and therefore evidence of war-like attitudes. A slight variant of this logic was recorded at the same time by Dr W.H. Baylie, a long-term resident, friend of the Aborigines of the Goulburn area and a careful observer. He believed that when they first saw cattle grazing in herds they imagined that they had the same liberty with them as they had with the kangaroo: 'What other use is the bulganna (cattle) but for eating never entered their heads.' What other use indeed: the European use and meaning of animals as wealth capital cannot be read from the sight of them.¹⁹

From the Saltwater River the expedition party walked to the Pentland Hills on the Upper Werribee river, arriving on Friday 20 April at Kenneth Clarke's station. He was out, but on returning to his hut he caught sight of them and the hollow place between him and his hut where they had concealed their weapons – their spears, the musket, two pounds of shot and a canister of gunpowder. On his way he picked up the European weapon and its paraphernalia, and they saw him do so. They asked for it back. He replied 'By and bye'. When they laid hold of the gun, he threw away its priming. It was then that they produced a written authority signed by Captain William Lonsdale, Police Magistrate and Superintendent of the district, allowing Warrawarock to carry a musket. Having read it, Clarke inquired where they were going, to which they replied that they were going after the native who killed Mr Learmonth's shepherd (Nanymoon). They volunteered further that they were going to bring back Nannymoon's ears, which must have satisfied Clarke, as he returned Warrawarock's musket, gave them ten pounds of flour and told them to be off as it was getting late. He expected them to travel on to his upper station, and next morning he went to call on them there, but by eleven o'clock they still had not arrived, so he left without seeing them. He went to Melbourne that day. Clarke's servants had their own expectations, though of a different nature: they expected that some sheep would be driven off, so they brought in their flocks and counted them. Their expectations were fulfilled. On Sunday morning they found three ovens and three fires and the remains of eighteen carcasses. Later the group was to deny responsibility for this particular incident, agreeing that they were present at the time, but claiming it was their dogs which did the damage.²⁰

For a fortnight after this the expedition's whereabouts are unknown, there being no cries of outrage from the settlers. By this time they were within a day's walk of Buninyong, where Nanymoon had killed Terence McMannis eighteen days previously, but there is no hint of whether or not they caught up with him. They reappeared within the settled district on 6 May, on the land which Joseph Gellibrand acquired as Number 1 shareholder in the Port Phillip Association's treaty with the Jika Jika brothers and their associates three years earlier, land which Dr Jonathon Clerke managed following Joseph Gellibrand's disappearance. According to Clerke's shepherd, who witnessed the incident, his flock was attacked by a great many dogs, encouraged by Aborigines who stood back some little distance away. This shepherd estimated a loss of twenty sheep; his master counted twelve sheepskins.²¹

¹⁹ *Port Phillip Gazette* 16 January 1841; *Port Phillip Magazine* 1843:189.

²⁰ Billis and Kenyon 1932:46; *HRV* vol. 2A:294-7; *ibid.*:220.

²¹ *HRV* vol. 1:373; Captain Phillip King's Diary, *HRV* vol. 1:116; Governor Bourke's Journal, *HRV* vol. 1:102; *HRV* vol. 2A:297.

The Events Within the Settlement of Melbourne.

In the second or third week of April, around the time that Beruke led the expedition out of Melbourne, missionary Langhorne began to suspect that the people from his mission were taking potatoes from John Gardiner's potato field.²² He could never actually discover any in their possession, but he warned them against theft according to the European legal and moral code. Several of them promptly decamped, moving their *mia-mias* to the eastern boundary of the mission reserve, which adjoined Gardiner's potato field. Potatoes were a food they enjoyed, eaten undoubtedly as a substitute for the traditional *murnong* (plant with edible root), which was disappearing rapidly from some areas as introduced stock trampled and polluted it.²³

In the third week of April, while Gardiner was reading Sunday prayers to an assembly of his family and convict servants, he was interrupted by screams and cries of 'murder' from outside. His dairyman William Underwood had received the fright of his life when he came upon Jin Jin, Tullymarine and three other Aboriginal men and boys taking bags full of potatoes from his master's field. They put a gun to his head, laughed, and said he would be 'boomed', i.e. shot. However, they let him go. An armed party from the house chased the Aborigines across the creek and then across the Yarra, shooting and being shot at in return by the Aborigines. The pursuing party managed to get close enough to Tullymarine to knock him down with the butt of a musket, but claimed ignorance as to whether they hit anyone with their fire. None of them was hit.²⁴

On that same Sunday, just a little later, Langhorne had almost finished his prayers at the mission when the Aborigines came to him 'in a great body', crying and sobbing that three of their number had been shot while stealing potatoes. They stayed close to the mission all Sunday, excited and threatening to destroy Gardiner's house with fire and kill his men. On Monday Jin Jin was caught and appeared with Tullymarine before the Police Magistrate, who committed them both to Sydney to stand trial. In this instance, sending the Aborigines to Sydney was merely a technical device to get the two men out of Lonsdale's district: he did not expect that they would be proceeded against in Sydney, but considered that banishment for an extended period would teach the others a lesson. Tullymarine, however, was not prepared to go to Sydney. He burned the gaol down on Monday night, collected his wife and child from the mission and fled to the remote part of his country. Jin Jin escaped with him during the fire but was recaptured and returned to gaol. The whole group who had been living at and around the mission then took their children out of school and departed from Melbourne, and Langhorne was left with few pupils, including three whose parents were in gaol. This sending of the children by the community to Langhorne's school could have been seen by its members as an act of reciprocity.²⁵

When Beruke's party returned from the west, sixteen of them went straight to the mission

²² John Gardiner's station was on the site of the present Scotch College, with Gardiner's creek between his station and the mission station.

²³ *HRV* vol. 2A:213; *ibid.*:174.

²⁴ *HRV* vol. 2A:213-9.

²⁵ Lonsdale to Col. Sec. 23 April 1838, *HRV* vol. 2A:324; Lonsdale to Col. Sec. 11 May 1838, *ibid.*: 222.

to find it virtually deserted, while the rest proceeded up the Yarra River about fifteen miles. Lonsdale heard immediately of their return, and on 7 May he crossed the Yarra to question them at the mission about the killing of sheep. He took with him Christiaan de Villiers, the man who had been the Superintendent of the first attempt to set up a Native Police in the previous year and who would be Superintendent again a few months later in the 1838 attempt. Lonsdale and de Villiers knew the men they went to interview, as some had been police, and some were particular friends of de Villiers. After questioning the men, Lonsdale left de Villiers with them and recrossed the Yarra to fetch witnesses to identify the killers of sheep. Before the witnesses arrived, however, de Villiers followed Lonsdale back with the news that the sixteen men intended to be off early the next morning. Being certain in his own mind of their guilt, Lonsdale decided not to wait for the witnesses but to proceed immediately with a handful of soldiers of the 80th Regiment and bring them in; the soldiers were not mounted.²⁶

There are two versions of the capture. One comes from Langhorne, who was alarmed by the sound of shots and arrived at the scene when it was almost over, but wrote a lengthy report nevertheless alleging police brutality. The other is Lonsdale's own account. Lonsdale informed Governor Bourke that he had made a particular point of being present at the capture himself, and of taking de Villiers, because the men to be captured were his own friendly acquaintances and true friends of de Villiers, and the last thing that either of them wanted was that any Aborigine should be hurt by the soldiers.²⁷ It was after seven in the evening but still quite light when the soldiers approached. When the Aborigines saw them coming they stood to their spears: they did not flee nor did they attack – they simply took the measured step of going on guard. When grappled by the soldiers they attempted to wrest the soldiers' guns from them. There was a struggle; two Aboriginal men were hit on the head with musket butts and there were some shots fired by mistake, but not even the missionary asserted that anyone was hit by gunfire. Lonsdale himself was bitten on the hand. Old Mooney Mooney and another were captured and placed in gaol with Jin Jin.²⁸

On 9 May, two days after this capture attempt, de Villiers led another party of soldiers fifteen miles up the Yarra to capture the rest of the expedition members. Acting on information from Betbenje, he took five, put them in irons, and left them in the charge of Corporal Isaac Slade while he went still further upriver in pursuit of the rest. At three or four o'clock in the morning of 10 May, friends of the prisoners guarded by Corporal Slade surprised him and succeeded in freeing some of the captives, suffering in the process one man wounded by ball fire. There is no record of whether de Villiers captured any others.²⁹

The end result of this busy period was a total of eight men captured, of whom two were discharged by Lonsdale as not implicated in sheep-killing, while six were committed for trial in Sydney like Jin Jin: Mooney Mooney, Bunia Logan, Mainger, Murrummurumbel, Poen and Moragoine.

²⁶ *HRV* vol. 2A:220; Lonsdale to Col. Sec. 15 May 1838, *VPRS* 1:218-9.

²⁷ That he took the soldiers on foot tends to support this.

²⁸ *VPRS* 1:218, *HRV* vol. 2A:220, 224-5, 297-8, 301-2; *VPRS* 4, unit 4, 38/101, *HRV* vol. 2A:221-2.

²⁹ *HRV* vol. 2A:298-9.

Voyage to Sydney and Further Captivity.

The seven men spent a week together in the Melbourne gaol awaiting passage to Sydney before being placed on board the 76-ton revenue cutter *Prince George* with other prisoners (European) under the escort of Sergeant Leary of the 80th Regiment. Where the Europeans were housed on this small vessel is not stated, but the Aborigines were housed on the deck with a small upturned boat for shelter. When the *Prince George* ran into a heavy gale outside Port Phillip heads the captain, Commander Scott, decided to turn back as the Aborigines on deck were constantly under water and suffering from cold, cramps and seasickness. He landed them at Williamstown with a recommendation that they be transported to Sydney in a more suitable vessel.

On shore Bunia Logan made a successful bid for freedom, holding his rope-bound wrists over a fire until the rope burned through. His burns became infected and the Colonial Surgeon who treated him, Dr Patrick Cussen, pronounced him unfit to travel. Only six men then were placed in the schooner *Sarah*, an even smaller vessel of 46 tons, when she left Williamstown bound for Sydney on 30 May. The men were admitted into Sydney Gaol on 9 June, processed as follows: 'hair black, eyes black, colour black, no connections or past history'.³⁰

In the same week in June as these six men were admitted to Sydney Gaol to await trial in the Supreme Court, Nannymoon, who had killed Terence McMannis in April, reappeared within the settled districts near Geelong and was arrested by Police Magistrate Foster Fyans. Under police escort he was sent by ship to the Melbourne gaol, where he met up with young Mooney Mooney, whose father was one of the men in Sydney Gaol. Together, on the night of 12 July, they cut through their chains with a file supplied by persons unknown and escaped. Young Mooney Mooney got clean away, but Nannymoon was retaken by a Melbourne Aborigine. It was not his country and local Aborigines felt no solidarity with him. He arrived eventually in Sydney Gaol, but by what ship and when is not clear from extant records. Also in that week, Willymeluk, who was Nannymoon's associate in killing Terence McMannis, was sighted at the Leigh River near Geelong. Pointed out as a murderer, he jumped into the river, where he remained about an hour, dying on the riverbank after being pulled out by his friends.³¹

Not one of these Aboriginal men went to trial in the Supreme Court in Sydney. Mainger died in gaol at seven o'clock on the morning of 9 October, having been under medical treatment for a considerable time. It could have been an illness arising out of the cold, cramp and sickness he endured during that brief period on the *Prince George*, or a pre-existing condition, but his wife told Assistant Protector James Dredge in Melbourne that he died of a broken heart. An inquest was performed in Sydney but the findings do not appear to be extant.

³⁰ HRV vol. 2A:302-3; Shipping Arrivals and Departures Sydney 1826-1840. Entrance Book to Sydney Gaol, reel 853, Description Book, reel 856 (Archives Office (AO) of NSW). In Sydney the men were recorded as Jen Jen, Mooney Mooney, Mainger, Murry Embal, Jack Sloe and Murrygin or Poen.

³¹ HRV vol. 2A:280; HRV vol. 2B:652; HRV vol. 2A:303; *ibid.*:290-1.

Two unnamed men from among the six appeared before the Court in August, where Attorney-General John H. Plunkett begged their discharge, and the discharge of three others from the Wellington Valley in New South Wales, on the ground that there was no interpreter present and therefore no possibility of justice being done.³² In the case of the others, precedent was followed, the committal bill was ignored, and they were discharged to the Sydney Benevolent Asylum. Their lives are lost there. Of the forty-five volumes of House Committee Minutes of this institution, the one volume crucial to this story is missing.

From the Benevolent Asylum Poen either walked out or was discharged, for he turned up at Langhorne's mission on the Yarra on 13 October 1838, having walked back from Sydney through all that foreign country. He received, as can be well imagined, an ecstatic welcome. Murrummurumbel got back — Dredge had a conversation with him in May 1839, and he enlisted subsequently in Dana's Native Police Corps of 1842, serving for four years. Dana described him as very determined but tractable, and was pleased with his service. He died on 16 September 1849. Moragoine too returned — Thomas talked with him in September 1839. Jin Jin simply disappears from knowledge at the Benevolent Asylum. Mooney Mooney and Nannymoon remained in Sydney Gaol for twelve months, their case coming before a criminal session of the Supreme Court in June 1839, when it was decided to return them to their districts in the usual manner under escort with prisoners to the interior, i.e. with convicts on assignment. By a remarkable irony, Mooney Mooney travelled back to Melbourne with the man whose ears he had been going to cut off some eighteen months earlier. Their journey was complicated, as they were sent under escort to a ship which refused to board them without correct travel documents, returned to gaol, and finally completed their journey to Melbourne in the *Pyramus* with Superintendent Charles Joseph LaTrobe on his way to take up his new appointment in Port Phillip. They landed in Melbourne to a nine-gun salute.³³

Insomuch as an arbitrary beginning and end must be assigned to any story, this story ends here. Out of a cast of perhaps hundreds of actors involved directly and marginally in the killing of sheep, the taking of potatoes and the killing of a European, only seven men were deemed finally by Europeans to be accountable for their actions. The rest escaped imprisonment and banishment, and in one case death in a foreign country, through a variety of factors, which included their own determination to avoid capture, their skill in escaping from captivity, Lonsdale's delicate sensibilities, sheer administrative foul-ups, European inability to distinguish one 'savage' from another, but mostly through the incongruity of British law, which defined Aboriginal persons as accountable to it but prohibited them from giving evidence in the courts on the ground that as they did not recognise the existence of the one true God, they could not swear to tell the truth on the book which contained His word.

³² By coincidence, Assitant Protector William Thomas was in court prior to taking up his appointment in Melbourne the following year. He recalled the discharge of these men years later (Thomas to Resident Judge Therry, 14 May 1845, VPRS 11, Box 10/607).

³³ Principal Gaoler to High Sheriff, 9 October 1838, and Principal Gaoler to Coroner Brennan, 9 October 1838 (Sydney Gaol, Letters Sent, 1831-1881, AO of NSW); Journal of James Dredge, January 1839 (Box 16, LaTrobe Library, State Library of Victoria); NSW Leg Co *V & P* 1843; House Committee Minutes, General Committee Minutes and Acting Committee Minutes, Benevolent Society Records, ML; VPRS 4, unit 5, 38/229(a); Dredge Journal, 5 May 1839; Thomas Journal, 17 September 1839 (uncat. MS, set 214, item 1, ML); Sydney Gaol, Letters Sent, 1831-1881, 22 June, 9 July, 10 and 11 September 1839, reel 2727, (AO of NSW); Gurner 1968:49; Nannymoon was still alive in Geelong in 1840 (Fyans to LaTrobe, 5 October 1840, 40/10679 in AO of NSW, 4.2511).

A Comment on the Story.

This little story raises a number of issues, perhaps most immediately the possibility of writing Aboriginal history about individuals according to the same canons that dictate the writing of European history. It is possible to rescue individual lives from the general category 'The Aborigines', avoiding thereby the objectification that necessarily results when a group of people is reduced to the status of a category.³⁴ This story was written from original documents in 1983, before the publication of vol 2B of *Historical Records of Victoria*, but in subsequent re-writing, the references have been changed to the printed version for the convenience of the reader. The publication of this series should result in the abandonment of contact history written mainly from newspapers and second-hand sources.

The account raises questions about theories of war. On a superficial reading of newspaper accounts of events such as those described, it would be easy to amass evidence to support a theory of guerilla war, based on European descriptive terms such as 'attack' and 'outrage'. This would be simple-minded, however, as it would imply the uncritical acceptance of the language of the reports. It might be asked: when is an 'attack' not an 'attack'? And answered: when the word describes an event such as happened at John Aitkin's in this story. Or when is an 'outrage' not an 'outrage'? To accept without question the language of the reports is merely to hear a statement about the feelings of the Europeans whose interests (usually commercial) were harmed by the event. Clearly, though, all killing of sheep is not a declaration of war, nor is all killing of Europeans. In this story, there are good grounds for supposing that this expedition was a quasi-policing operation that did not quite come off as intended. Later, in a discussion about land, two influential men, Benbow and Betbenje, related to Assistant Protector Thomas 'all the good services they had rendered to Europeans'.³⁵ Thomas elected to record only two of all the good services, but in any narrative history of co-operation, the self-explained actions of this expedition would probably fit, together with the co-operation by Aboriginal men in the search for the killers of Mr Franks and his shepherd, Flinders, in July 1836.³⁶ Co-operation and collaboration are not necessarily to be read as synonymous with betrayal of past practice — they can also be interpreted as strategies offering survival in conditions not of Aboriginal making.

The story further raises questions about the role played in instances of cross-cultural conflict by lonely and isolated shepherds. Later, in the Western District, Commandant Henry Dana investigated in minute detail some shepherds' accounts of attacks, only to find they never happened but were fabrications dreamed up for two reasons: the shepherds were lonely and wanted to come in from their outstations, or they were careless and lost some of their

³⁴ See Fels 1986: Appendix C, for recovered biographical details of the men of the Corps.

³⁵ Thomas Journal 13-15 September 1840, (uncat. MS, set 214, item 1, ML).

³⁶ Mr Charles Franks and his convict servant known as Flinders were killed by Aborigines near Mt Cotterill, about twenty miles northwest of Gellibrand's Point (now Williamstown). The killings occurred in the area covered by the land treaty signed by local landowners with Batman. Four Aboriginal men joined the search parties for the killers of the two Europeans: Benbow, Bethengai, Ballyan and Derri-mut. They were all men of influence; the first three subsequently joined one or other of the four attempts to set up Aboriginal Police Corps. The killers of Franks and Flinders were known, though not captured by the search parties. They subsequently reappeared in the streets of Melbourne, and local Aborigines offered to 'get' them for Europeans.

masters' sheep, blaming the Aborigines as a convenient scapegoat. His findings do not stand alone; they are supported by frequently published corrections in the Port Phillip papers of earlier stories based on rumours which turned out to be untrue. Usually they come in the form of station owners' denials — they write saying something like 'It was reported in your newspaper of such and such a date that the Aborigines attacked my station on such and such a date and carried off so many of my stock. I should like you to know that such is not the case: the Aborigines have been quiet around here for six months'. In one case, which involved one of the actors in this story, the *Port Phillip Gazette* published a retraction itself along the lines of 'Sorry . . . in our last number we were misled by rumour . . . actually the blacks and Gellibrand extinguished the fire, not lit it'.³⁷

What Dana could not find out, and what is probably lost forever because never recorded, is the sequence of events that led up to a confrontation or a collision between these lonely shepherds and the Aborigines on whose land they lived. What requires explanation is why the shepherds were not *all* killed, given the fiercely held proprietorial rights to their land by Aboriginal groups. That the shepherds survived at all points to some kind of private accommodation made between the owners of the land and the occupiers.

Not raised in the story is one of the most important determinants of conflict — the seasonality factor. The whole rhythm of the annual pattern of policing in the Western District, the Lower Murray and Gippsland revolved around the expectations of attacks on stock in the winter months because the Aborigines were hungry. The Native Police Corps underwent intensive training and re-equipment in the autumn, was reviewed by LaTrobe, and despatched by him to the area deemed most threatened in May or June. In November they were recalled for more intensive training and outfitting prior to one of the gala events of the Melbourne social calendar — the annual review conducted by LaTrobe at Melbourne in late December. After the review, furlough and station rebuilding occupied the summer months till the cycle started again.

In winter, out in the field, the men were placed at the stations of respectable squatters simply to be there, their presence constituting the deterrent to attack. When attacks on stock came, they never occurred on a property where the police were stationed, but always on a station some distance away. If that squatter was influential, two Native Police would be moved to stop a while on his property, leaving the former station unprotected. In this way an umbrella of cover was extended to a large area, but within that cover Aboriginal groups could still pick off properties to raid at the maximum distance from protected properties, or the minimum distance from a safe place to hide. Understanding the pattern of policing helps to explain the patchy nature of reported conflict. The fundamental determinant, though, was hunger in the winter months.³⁸

³⁷ 19 January 1842.

³⁸ The correspondence between the Commandant and LaTrobe regarding disposition of detachments of the Corps is conducted in terms of the seasonality factor. Settlers' letters Commissioner of Crown Lands' reports and LaTrobe's reports to Sydney display the same concern. See for example 'Return of Duties', 1849, VPRS 4466, unit 1: 12 April - 1 Officer, 1 Corporal and 10 Troopers started for Gippsland to be stationed in that district for winter; 15 April - 1 Officer, 1 Corporal and 12 Troopers

This pattern prevailed for ten years, from 1842 to 1852. Any war theory which does not take into account the seasonality factor is based on only a part of the surviving evidence. Cross-cultural historiography of the early period is probably ready to take the next step away from mere recitations of events, attacks and outrages towards rigorous examination of the complex processes of relationships between Aborigines and Europeans.

proceeded to the Lower Murray to be stationed in that district for the winter. See also Dana to LaTrobe, 24 Oct 1844 (VPRS 19, Box 64, 44/1876), reporting that he had just completed a second tour of the district: 'from observation and information this part of the Province is perfectly free from anything like outrages by the blacks . . . fine weather seems to have set in and as there is now plenty of food for them in all parts of the bush . . . do not anticipate any further trouble . . .', and requesting permission to return to HQ at Nerre Nerre Warren to prepare for the annual inspection. See also C.C.L. Smythe's fears of renewed attacks in the winter months in Smythe to LaTrobe, 15 Dec 1843 (43/2823, enc. to 44/6179 in AO of NSW). See also H. Jamieson to LaTrobe, 24 Sep 1849 (VPRS 4466, unit 1) - when the country is flooded is the very time that depredations are always committed. See also LaTrobe to Col. Sec., 25 May 1844 (44/4125 in AO of NSW), reporting a killing by Aborigines of a European Thomas Casey and stating that such attacks must be expected during the coming winter. This was understood in Sydney by the Government (Col. Sec. to LaTrobe, 12 Jul 1847, VPRS 19, Box 94/47/1329) which approved distribution of the Native Police for the winter months. Any detailed examination of the seasonality factor must take into account too that winter was a slack time for Europeans on the stations, that it was the time they moved up their drayloads of supplies, the time kangaroos were scarce and the time Aborigines hunted for lyrebirds. It is a complex matter.

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