6. 'The Art of Cutting Stone': Aboriginal convict labour in nineteenth- century New South Wales and Van Diemen's Land

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The nation's understandings of its convict founders underwent a profound transformation in the late 1980s. Previously viewed as 'hardened and professional criminals' or 'prostitutes', convict men and women were no longer simply seen as 'prisoners undergoing punishment' but were reconfigured as 'a well-organised, efficient labour force' (Nichols 1988:viii; Nichols and Shergold 1988:3). Rewriting the convict period as a narrative about forced migrants and the labour they provided enabled the penal settlements, in the words of the then Prime Minister Bob Hawke, to 'become an integral part of the economic history of an immigrant society, rather than an unsavoury aberration that preceded free settlement' (Nichols 1988:viii). This timely re-imagining of the nation's past coincided with Australia's celebrations of its bicentenary in 1988.

Historians, taking what Ann Curthoys later termed an 'imperial approach', re-contextualised convict labourers within the networks of forced migration characteristic of the nineteenth century (2002:146). Research across imperial and colonial networks revealed the diversity of the convict population (Curthoys 2002:146). It became evident that rather than solely comprising white people, Australia's penal settlements had also been populated by numerous people of colour transported to the Australian penal settlements from places as diverse as the Cape Colony, Corfu, Bermuda, India, New Zealand and China (Nichols and Shergold 1988:32, 36; see also Duffield 1985, 1986, 1987, 1999a, 1999b; Duly 1979:39; Malherbe 1980, 1985, 2001, 2002a, 2002b; Pybus 2006). While the newly emerging transnational histories of transportation shed light on the nascent multiculturalism apparent in the Australian penal colonies, one small yet highly significant cohort of convicts continued to be overlooked.

Between 1805 and the 1860s, at least 60 Aboriginal men from New South Wales were transported as convicts. Exiled to some of the harshest penal stations such as Norfolk Island and Port Arthur in Van Diemen's Land, these men laboured alongside convicts from all over the British world. Others laboured on the penal islands at Port Jackson, or worked alongside other convicts, including Maori from New Zealand and Khoi from the Cape Colony, at the probation station on Maria Island off the east coast of Van Diemen's Land.

Aboriginal convicts were generally taken captive within the first decade or so of colonial contact in their respective districts of New South Wales as conflict was intensifying over competing land-use practices. Those captured were considered to have committed an offence against the person or property of a colonist or in some cases against the person of another Aborigine. In the early decades of the colonial incursion, this resulted in several Aboriginal men being exiled to penal stations at the behest of the Governor. What set these men apart from others similarly exiled was that their punishments were intended to be exemplary. Procuring their labour was a secondary consideration. For example, when banishing Duall to Van Diemen's Land in 1816 for having committed 'various atrocious Acts of Robbery, Depredation, and Barbarity on the Property and Persons of His Majesty's loyal Subjects residing in the Interior', Governor, Lachlan Macquarie, hoped this would deter other Aboriginal people from committing similar 'flagrant and sanguinary acts' (*Sydney Gazette*, 3 August 1816:1). The same rationale underpinned the transportation of Aboriginal men over the decades that followed.

The efficient management of convict labour was a key concern of the colonial authorities. Convict labourers were sometimes organised into work gangs but at other times work was allocated on an individual basis. Aboriginal convict labour was organised in the same way, with these men allocated to work gangs to labour alongside other convicts or assigned to individual positions. Determining the best match between convict workers and the available jobs was a crucial step in achieving efficiencies, yet this process could be subverted by men and women who were unwilling to reveal their particular skills to the colonial authorities. They could then market their specialities privately outside the set hours of labour that they were required to perform within the convict system, and thus earn a useful private income. Conversely, new convicts could claim skills they did not possess in the hope of securing a more favourable position within the system. Either way, in a domestic market characterised by labour shortages, possessing scarce skills gave convicts negotiating power despite their situation of forced servitude (Robbins 2000:147, 148).

Because the emerging colonial economy differed markedly from Aboriginal economies, Aboriginal convicts generally possessed few marketable skills and were thus most often relegated to the rank of 'labourer'. This annotation is written across virtually every extant convict record pertaining to these men in the space reserved for 'occupation';¹ however, one notable exception applied. Aboriginal trackers were utilised to recapture escaped convicts, with those outside the convict system paid for their work with goods such as 'maize and

1 See, for example, CON37/2, p. 588, Archives Office of Tasmania [hereinafter AOT]; CON 37/3, p. 625, AOT; and Convict Indent for 'Warrigle Jemmy', 47/453 4/2779.3, State Records of New South Wales [hereinafter SRNSW], Sydney.

blankets' (Bigge 1822:117). Other enticements to work as trackers were offered to Aboriginal men already held captive within the convict system, as will become evident in relation to Musquito.

An imperial perception of the utility of deploying Aboriginal trackers in the Australian penal colonies was neatly encapsulated in the 1817 report of John Thomas Bigge (1822:117), the Commissioner dispatched by the British Government to New South Wales to report on the state of the colony:

By the extraordinary strength of sight that they possess, improved by their daily exercise of it in pursuit of kangaroos and opossums, they can trace to a great distance, with wonderful accuracy, the impressions of the human foot. Nor are they afraid of meeting the fugitive in the woods, when sent in their pursuit, without the soldiers; by their skill in throwing their long and pointed wooden darts they wound and disable them, strip them of their clothes, and bring them back as prisoners, by unknown roads and paths, to the Coal River.

The favourable impression Bigge formed as to the utility of Aboriginal trackers in retrieving convict absconders led to Aboriginal people being employed as trackers for convict establishments at Bathurst, Wellington Valley, Port Macquarie and Moreton Bay (Roberts n.d.:1). Aboriginal convicts were also deployed as trackers, with extant records confirming their use in Van Diemen's Land.

Before the Supreme Court of New South Wales was established in Sydney in 1824, several Aboriginal men from the Hawkesbury and Cowpastures respectively were transported at the behest of the colonial Governor. They represent the first incidences of labour being extracted from Aboriginal people within the colonial convict system. The earliest extant records pertain to two men known to colonists as Musquito and Bull Dog, both of whom provide an illustrative example of Aboriginal men forced to labour amongst the lowest ranks of convict society. Musquito's skills as a tracker, however, coupled with changes in the ways in which convict labour was being managed, later saw him occupy a more favourable position within the convict system.

Musquito and Bull Dog were involved in actions to repel the colonial incursion at the Hawkesbury River before being taken into custody and later shipped to Norfolk Island. The Governor of New South Wales, Philip King, wrote to the Acting Commandant at Norfolk Island on 8 August 1805, telling him:

The two Natives Bull Dog and Musquito...are sent to Norfolk Island where they are to be kept, and if they can be brought to Labour will earn their Food—but as they must not be let to starve for want of subsistence—they are to be victualled from the Stores.²

After arriving at the penal station on 5 September 1805, they were put to work as assistants to the convict charcoal burners and continued in this position for the next seven years (Nobbs 1988:192, 198). This job was amongst the lowest that could be allocated to convicts, but was nevertheless important to the daily functioning of the penal station, as charcoal was essential to the process of infusing iron with carbon (Maxwell-Stewart 2008).

According to former convict charcoal burner William Derrincourt, he was provided with two barrow men to assist him in his job (Derrincourt 1975:78). The charcoal burner and his assistants worked to ensure that the wood being reduced to charcoal did not burn too quickly, as this would ruin the process. The men were required to gather tree limbs and form them into a pyramid shape, which was then covered in wet sand. Once the wood was set alight, constant monitoring was required. Any smoke issuing from the top of the structure indicated to the men that they needed to add more sods and wet sand to it to slow the burning process sufficiently for it to result in the desired charcoal (Maxwell-Stewart 2008:30, 31).

By December 1810, the number of convict charcoal burners resident at Norfolk Island had decreased from five to only one (Nobbs 1988:125). This diminishing number reflected the declining general population of convicts on the island—a phenomenon resulting from a decision dating back to 1806 to close the penal establishment there as it was being kept up ‘at very great expense’.³ Bull Dog’s fate following the closure of Norfolk Island is uncertain. The archival record is more complete in relation to Musquito, who was transferred to Van Diemen’s Land in 1813. During this period, convicts were routinely being assigned to private individuals and put to work as their servants. As was the case for many other convicts, Musquito was assigned sequentially to several different settlers as their convict servant, working as a stock-keeper in return for a roof over his head and ‘rations and cloathes equal to that issued from the [government] stores’.⁴ While in Van Diemen’s Land, Musquito was required to work as a tracker. He was so effective against the bushrangers who continued to plague the island colony that he was later described as ‘an admirable bloodhound’ (Bonwick 1969:93).

2 King to John Piper, 8 August 1805, New South Wales’ Colonial Secretary’s Office Correspondence, Reel 6040, p. 41, AOT.

3 Right Honourable William Windham to Governor William Bligh, 30 December 1806, *Historical Records of Australia* [hereinafter HRA], Series I, Volume VI, p. 70.

4 King to Portland, 28 September 1800, Enclosure No. 5, ‘General Orders’, HRA, Series I, Volume II, p. 624.

Surviving correspondence indicates that Musquito was to have been repatriated to Sydney, possibly as a reward for his services as a tracker; however, this never transpired. Instead, he went on to have an illustrious career as a leader of a group of Tasmanian Aborigines dubbed 'the tame mob'. Ultimately, their acts of resistance against Vandemonian settlers resulted in several of their number being tried and executed, including Musquito, who was hanged on a scaffold 'erected within the Gaol-walls, but in view of the town' of Hobart on 25 February 1825 (*Hobart Town Gazette*, 25 February 1825:2).

It has been suggested that Musquito was assisted in his work as a tracker by another Aboriginal convict, a Dharawal man from the Cowpastures known to settlers as Duall (Wise 1983:3).⁵ He was transported to Van Diemen's Land in 1816 at the behest of Governor Macquarie, who instructed the Commandant at Port Dalrymple that the 'Black Native' Duall was 'to be kept at Hard Labour and to be fed in the same manner as the other Convicts'.⁶ Despite extensive research, I am yet to locate any primary sources that demonstrate Duall worked as a black tracker. Nevertheless, his situation is of particular relevance because Macquarie's rationale for having Duall transported has survived and (as indicated above) sheds light on the sort of thinking that underpinned such decisions during the early colonial era.

Duall was taken captive during the punitive expedition ordered out by Macquarie during 1816 following a series of altercations between Aboriginal people and colonists in the districts of Airds, Appin and Bringelly to the west of Sydney. Despite close friendships with notable settlers such as Hamilton Hume and Charles Throsby, Duall was labelled a 'hostile native' after being implicated in the retaliatory killing of some settlers several years earlier. Macquarie's strategy in dealing with Duall was embedded in a policy of exclusion.⁷ Duall was removed not only from colonial society at the Cowpastures, but also from his tribe. The punishment was meant to be exemplary, as explained in the *Sydney Gazette* when Duall's banishment was announced:

The banishment of the native *Dewal*...may possibly produce a greater dread in the minds of his predatory associates than if he had been killed when in the act of plunder. The doubt of what may be his fate, when absent, is likely to excite a dread which may render them less liable to a similar treatment. (*Sydney Gazette*, [Supplement], 3 August 1816:2)

⁵ Duall belonged to what settlers termed the 'Cowpastures' tribe—a collective that some anthropologists have concluded spoke the Dharawal language. See Liston (1988:49).

⁶ Macquarie to Brevet-Major James Stewart, 31 July 1816, *HRA*, Series III, Volume II, p. 471.

⁷ Lachlan Macquarie, 'List of hostile natives', New South Wales Colonial Secretary's Office Correspondence, Reel 6005, p. 44, AOT.

Fear and intimidation excited through the apparently inexplicable absence of Duall's body were meant to ensure that his kinsmen desisted from attacking colonists and their property. Clearly, there were also economic consequences. As Aboriginal people traditionally lived in small groups, depriving a group of a young man such as Duall reduced its capacity to hunt and to defend itself.

As it happens, Duall was eventually repatriated to the Cowpastures in January 1819, as he was required to work as a translator for an exploratory expedition led by Throsby to find a direct route from the Cowpastures to Bathurst. In recognition of his exemplary service to the expeditioners, Duall received some blankets and a brass breastplate.⁸ He was therefore also repatriated to the subject position of 'friendly native' that he had occupied prior to the outbreak of hostilities at the Cowpastures and went on to work with other expeditionary parties.

From the inception of the law courts in New South Wales in the 1820s, Aboriginal men began appearing before the colonial judiciary on charges ranging from murder and wounding with intent to kill to robbery and the theft of sheep. Other men, too, appeared on such charges. What distinguished the actions of Aboriginal defendants from those of other prisoners, though, was that many of these acts were explicit attempts to drive the colonial intruders from their lands. For example, in January 1843 a large party of Aborigines attacked C. Doyle's station in the Mooney district. They killed a stockman, destroyed the huts, removed the horses, drove off the entire herd of cattle and took six months' supplies from the station. Doyle's workers were in no doubt as to Aboriginal motivations as they were 'coming opposite to 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, M'Intyre, and Barwin Rivers'.⁹

Despite various arguments put forward in the colonial law courts by solicitors like George Nichols, who argued before Chief Justice, Francis Forbes, in the Supreme Court of New South Wales that conflict between settlers and Aborigines near the Williams River had amounted to 'open warfare', in the absence of any official declaration of war, Aboriginal men were classed as criminals.¹⁰ Complicating the matter further, because Aborigines were considered to be British subjects, it was thought that they could not be at war with other British subjects. Aboriginal men were therefore put on trial as British subjects with the only concession to their obvious disadvantage under the newly imposed colonial legal system being the provision of a court interpreter. As Justice Alfred Stephen told the

8 Throsby, 'Journal of a tour to Bathurst through the Cow Pastures', Reel 6038, p. 89, AOT.

9 'Namoi River', Extract of a letter from Mr B. Doyle, of the Namoi, to his father, C. M. Doyle, Esq., 19 January 1843, *Maitland Mercury*, 28 January 1843, p. 2.

10 *R v Jackey 1834* in Kercher (n.d.)(<http://www.law.mq.edu.au/scnsw/Cases1834/html/r_v_jackey__1834.htm>).

Maitland Circuit Court in 1843, 'the same measure of justice, and in the same scales' applied to all alike 'whatever the offender's colour' (*Maitland Mercury*, 16 September 1843:2).

During the late 1820s, some Aboriginal prisoners appeared before the colonial judiciary but tended to be discharged (sometimes to the Benevolent Asylum) for want of an official interpreter. Very few of these men were transported.¹¹ From the 1830s onwards, particularly following the hangings of six white men and one man described as a 'mulatto' after the Myall Creek Massacre, increasing numbers of Aboriginal defendants received guilty verdicts in the colonial law courts.¹² Some were sentenced directly to transportation, while others were transported following the commutation of their death sentences by the Executive Council.

In the middle decades of the nineteenth century, the colonial rationale for incorporating Aboriginal men into the convict system became more nuanced. The emphasis on imposing exemplary punishments remained, but was tempered with the idea that captivity provided an excellent opportunity to try to Christianise and civilise Aboriginal convicts. This shift is amply illustrated by the outcome of a series of trials held in Sydney after a period of frontier warfare north of the settlement in the early 1830s. These trials involved 18 Aboriginal defendants who represented about 10 per cent of the combined Aboriginal force that waged war against colonists in the Brisbane Water district.¹³

One of the Aboriginal defendants, known as Mickey, was hanged; however, most of the remaining prisoners were sentenced to transportation. Governor, Richard Bourke, tried to arrange for these Aboriginal convicts to be sent to Van Diemen's Land. On 14 February 1835, he wrote to the Lieutenant Governor and told him that 'they are more than half civilized and will make decent herdsmen'. Bourke might have been inspired to suggest this after observing Khoi working with their cattle at the Cape Colony.¹⁴

11 For example, the blanket-clad Binge Mhulto who was described in *The Australian* as being 'in a state of near nature' was remanded in custody for want of a suitable interpreter. As staging a trial seemed to involve insurmountable difficulties, it was recommended that he simply be sent into exile. See *R v Binge Mhulto* 1828 in Kercher (n.d.) (<http://www.law.mq.edu.au/scnsw/Cases1827-28/html/r_v_binge_mhulto__1828.htm>). For the release of Aboriginal prisoners to the Benevolent Asylum, see Plomley (1987:582).

12 For the trials held in the aftermath of the Myall Creek Massacre, see *R v Kilmeister (No. 1) 1838* (<http://www.law.mq.edu.au/scnsw/Cases1838-39/html/r_v_kilmeister__no_1__1838.htm>) and *R v Kilmeister and Others (No. 2) 1838* (<http://www.law.mq.edu.au/scnsw/Cases1838-39/html/r_v_kilmeister__no_2__1838.htm>) in Kercher (n.d.).

13 See *R v Monkey and Others 1835* (<http://www.law.mq.edu.au/scnsw/cases1835-36/html/r_v_monkey__1835.htm>); *R v Mickey and Musclee 1835* (<http://www.law.mq.edu.au/scnsw/cases1835-36/html/r_v_mickey_and_musclee__1835.htm>); *R v Long Dick, Jack Jones, Abraham, and Gibber Paddy 1835* (<http://www.law.mq.edu.au/scnsw/cases1835-36/html/r_v_long_dick__1835.htm>) in ibid. See also Justice Burton, Notes of Criminal Cases, 2/2420, Volume 19, pp. 4, 6, SRNSW.

14 Governor Richard Bourke to Lieutenant Governor George Arthur, 14 February 1835, in *Arthur Papers*.

Rumours abounded that the Aboriginal prisoners would be bound for Van Diemen's Land. This proposal attracted public opprobrium, with *The Australian* newspaper printing: 'It has been supposed by some persons, but we have reason to believe without foundation, that these poor wretches are to be worked in irons—or at least subjected to some form of "prison discipline"; the idea is too monstrous for belief' (*The Australian*, 17 February 1835:2).

In any case, the colonial authorities in Van Diemen's Land strongly opposed receiving a group of Aboriginal convicts. They had, after all, only recently resolved what they saw as their own 'Aboriginal problem' by exiling the remnant Aboriginal population to an island in Bass Strait. This did not, however, preclude individual Aboriginal convicts being transported to Van Diemen's Land well into the 1840s where they were put to hard labour (Harman 2008).

Given the Vandemonian position, Bourke arranged to transport the Brisbane Water men—Lego'me, Toby, Whip-em-up, Currinbong Jemmy, Tom Jones, Little Freeman, Monkey, Little Dick and Charley Muscle—to Goat Island at Port Jackson. He engaged a Wesleyan Methodist catechist, George Langhorne, on a salary of £100 per annum to instruct the men. Langhorne was to teach them 'elements of the Christian Religion' as well as the English language.¹⁵ In colonial New South Wales, the penal station became the site par excellence for the state in its endeavours to produce the civilised native. The suspension of any legal rights that Aboriginal captives had notionally been entitled to claim as free British subjects meant, as Satadru Sen (2000:89) explained in a different colonial context, that 'the state's power to coerce, to manipulate, and to experiment was relatively unimpeded by its own constructed limits'.

The Government's treatment of these Aboriginal convicts was once again denounced in the columns of *The Australian* newspaper: 'To teach religion and literature to these poor wretches is absurd—the one it is impossible that they should understand—the other cannot be accomplished without putting a force upon the inclinations of the adults, to which they would never submit' (*The Australian*, 6 March 1835:2).

Despite the misgivings expressed in *The Australian*, Bourke intended for the men to be worked in irons for two years on Goat Island and housed in the prison hulk *Phoenix* that lay at anchor nearby.¹⁶ By day, the Aboriginal convicts were taken off the hulk to be put to work on Goat Island cutting stone 'under charge

15 Bourke to Secretary of State, *HRA*, Series I, Volume XVII, p. 718. It is unclear why Bourke mentioned eight Aboriginal convicts when there were nine intended for Van Diemen's Land. Possibly one of the men had already died in custody prior to the rest of the cohort being sent to Goat Island.

16 George Langhorne to the Colonial Secretary, 30 August 1835, Reel 2204, Bundle 4/2322.2, SRNSW.

of one of their own kindred' (*The Australian*, 1 May 1835:3). Sandstone was required for the construction of a powder magazine on the island where more than 200 convicted men were put to hard labour.

Aboriginal men certainly had some insight into the colonisers' urge to civilise them and the role that jail played. An exchange between William Speed at the Brisbane Water district and his Aboriginal employee Charley later cited by Charles Swancott illustrates this point: 'Old Conkleberry Charlie, was in the bad books with the boss one day, who told him to "run away Charlie, you're only a bloody Myall". Charlie got very indignant and corrected [him] "Me no Myall, Boss, me been breakum stone along Wyndham gaol"' (Swancott 1953–61:Part 4, p. 67).

Swancott (1953–61:Part 4, p. 67) rounded off this anecdote with the exclamation 'He'd been civilized!' This phrase neatly encapsulates Charlie's understanding of the purpose of the jail's disciplinary regime and the outcome sought in relation to Aboriginal inmates.

Their harsh existence took its toll on the Aboriginal convicts. During their first year of captivity, several died. The missionary Langhorne speculated that one of these men was 'perhaps among the first...of the New Holland Tribes gathered in to the Kingdom of God'.¹⁷ Aboriginal convicts generally exhibited a high mortality rate in colonial custody, being 10 times more likely to die than non-Aboriginal male convicts transported to Van Diemen's Land in the early 1840s.

The Port Macquarie missionary Launcelot Threlkeld took a keen interest in the Goat Island experiment. He visited the island to assess the progress of the surviving Aboriginal convicts. Threlkeld later reported that 'under the superintendence of Mr Langhorne they were improving fast in their English reading'.¹⁸ Langhorne told him that 'on asking the Blacks who made all things, one of them immediately to his surprise replied, God! and on being further questioned as to his source of knowledge he replied it was at Lake Macquarie'.¹⁹ This clearly gratified Threlkeld.

In November 1836, with their sentences about to expire, the surviving Aboriginal convicts were transferred to Threlkeld's mission at Lake Macquarie.²⁰ Threlkeld showed the prisoners a large hut put aside for their use. He planned to build a small fishing boat for them.²¹ In return for their catch, the men could get rations of flour, tea, sugar and clothing, but were prohibited from buying alcohol or tobacco. They were also not to leave the mission without a pass.

17 George Langhorne to the Colonial Secretary, 30 August 1835, Reel 2204, Bundle 4/2322.2, SRNSW.

18 Threlkeld, Fifth Report, in Gunson (1974:122).

19 Threlkeld to Parker, 15 November 1836, in *ibid.*, p. 132.

20 Threlkeld, Fifth Report, in *ibid.*, p. 122.

21 Threlkeld, Sixth Report, in *ibid.*, p. 133.

Threlkeld noted that 'to all this they appeared cordially to agree', providing him and Langhorne with 'much gratification on the prospect of carrying into effect a plan long contemplated'.²²

The missionaries' gratification was short lived. Their Aboriginal charges escaped during the night, leaving their clothes behind. Threlkeld's assessment of the outcome of this experiment in Christianising and civilising Aborigines in captivity is illuminating:

The mere mechanical external operation of human instruction, is too transitory in its effects to calculate upon, as was clearly exemplified in the Aborigines confined at Goat Island, who whilst under coercive instruction, rapidly advanced in their respective attainments of reading, writing and arithmetic, repeating prayers, singing hymns, and the art of cutting stone, in which they exhibited much skill; but when removed from under restraint, proved to Man, that coercive religious instruction is of no moral avail, however much we may deceive ourselves with specious appearances of success during compulsory education.²³

The missionary later heard that the men had returned to the Brisbane Water district. Whether they agreed with Conkleberry Charlie's view that breaking stones in jail meant they were no longer 'myalls' is not recorded, but when some of the former prisoners were asked to engage in stone-cutting in return for payment they refused on the grounds that it had been their punishment (Swancott 1953–61:Part 4, p. 67).

Over time, Indigenous peoples adopted, and adapted, some of the methods introduced by colonists. When such changes were entirely their own initiative, these innovations did not always meet with the colonists' approval. Such was the case in the circumstances leading to the transportation of Yanem Goona.

Between 1838 and 1840, the lands adjacent to the Grampians in the Port Phillip District of New South Wales occupied by neighbouring peoples of Djab Wurrung and Jardwadjali were subject to what Ian Clark (1990:94) has termed a 'squatting invasion'. The white intrusion resulted in violence, with between 30 and 40 men of the Konongwootong gundidj section of Jardwadjali killed by the Whyte brothers in March 1840 (Clark 1990:239). Both Djab Wurrung and Jardwadjali engaged in what was later described by a settler who lived in the area between 1841 and 1842 as 'guerrilla warfare'. Nearby Mount Arapiles—a natural fortress—provided an ideal base from which to launch their attacks.²⁴

22 Threlkeld to M'Leay, 17 November 1836, in *ibid.*, pp. 258–9.

23 Threlkeld, Eighth Report, in *ibid.*, p. 144.

24 Hall to La Trobe, 6 September 1853, in *Bride* (1898:222).

Economic sabotage was one of the principal means of resisting white encroachment onto Aboriginal lands. As had been the case elsewhere in New South Wales, here, the Indigenes deprived the squatters of large numbers of their stock and flocks. In this particular locale, however, reports began to emerge as early as 1840 that highlighted the ways in which local Aboriginal peoples were adopting new practices, particularly in relation to animal management. Blending their traditional practices with methods adapted from observing squatters at work, Djab wurrung were found to have constructed an extremely well-built bush fence to enclose the numerous sheep they had taken from Trawalla, a station owned by Kirkland and Hamilton. In a similar way to which a kangaroo would have been dealt with, they also broke the legs of the sheep to prevent them from straying, thus keeping the animals in close proximity for when they might be required for food (Clark 1990:34).

Henry Dana and his contingent of Native Police discovered one such bush yard when they were deployed to track a flock taken from a station in the Wimmera. Dana later described how, during the ensuing melee between the Native Police and 'natives', 'the Ringleader of the party was cut down after a long resistance... and made a prisoner of; he is badly wounded'.²⁵ The 'ringleader' referred to by Dana was Yanem Goona, also known as Yanengoneh ('spring from the earth') or Old Man Billy Billy.²⁶

Yanem Goona—described as being 'almost grey with age'—was lodged in Melbourne Gaol to await trial (*Geelong Advertiser*, 7 August 1845:3). Eventually, he was charged in the Court of the Resident Judge on 17 October 1845 with 'having on the 10th of July last, stolen fifty wethers, fifty ewes, and fifty lambs, the property of Mr. Bailey and another, of Colkennett, in the District of Port Phillip' (*Melbourne Courier*, 17 October 1845:2). At the conclusion of the trial, Justice Roger Therry controversially found 'that if this black was a member of the community where the sheep were found altho he had no hand in the actual stealing or killing, yet as a member of that community was equally guilty' (Clark 1990:244). The prisoner was sentenced to 10 years' transportation to Van Diemen's Land.²⁷

After arriving in Van Diemen's Land on 29 December 1845, Yanem Goona was required to serve three years of probation and was sent to join a convict gang stationed at Norfolk Island. Less than two years later, an ailing Yanem Goona was transported back to Van Diemen's Land where he arrived on 18 August 1847. After spending the night in the prisoners' barracks in Hobart, he was forwarded to Saltwater River, near Port Arthur, to complete the remainder of his

25 Dana to La Trobe, July 1845, 45/1379 4/2741, SRNSW.

26 For the English interpretation of Yanem Goona's name, see Rose to La Trobe, in Bride (1898:148).

27 Robinson, Saturday, 18 October 1845, in Clark (1998:336).

three years' probation.²⁸ This was the site of one of Van Diemen's Land's convict-worked coalmines, which was established following the discovery of coal on the Tasman Peninsula in 1833 (Tuffin 2008:43).

By the 1840s, four shafts had been sunk at the Coal Mines at Saltwater River and more than 120 prisoners laboured there under trained miners and the watchful eye of their guards (Tuffin 2008:44). The work involved in bringing out the coal was dirty and exhausting. The former convict Derrincourt (1975:57) described how when working at the Coal Mines he and his workmates were 'tired, dirty, and as black as any devils through crawling in slush and mud, made up of wet coal dust'. Derrincourt (1975:53, 54) explained that at the bottom of the mineshafts, men in groups of three, nicknamed 'Devon donkeys', were required to be harnessed to, and haul, trucks of water:

They were, because of the lowness of the drive, almost on all fours, holding on and dragging with their hands on the rails. Some of them had boots, and some of them, who were not yet due for 'slops,' had none. They were puffing and blowing, and reeking and steaming from their exertions. The poor donkeys were forced to make every effort to get their work over by a certain time. The sooner this was done the sooner they were allowed on top; while, on the other hand, if any should lag, he and his companions would have to wait down without food while the next two shifts were being hauled up.

The harshness of this existence took its toll on the already unwell Yanem Goona. Little more than a year after being sent to the Coal Mines at Saltwater River, he died in the nearby hospital for convict invalids at Impression Bay on Tasman Peninsula.

Aboriginal convicts filled a wide range of occupations as convict labourers working alongside other convicts. They were identified as 'labourers', and their work as charcoal burners, stock-keepers, coalmine workers, sandstone cutters and land clearers took its toll on their health. Despite utilising transportation as a means towards quelling Aboriginal resistance in New South Wales, there is no evidence to suggest that the colonial authorities achieved this objective through sending Indigenous men into exile to labour as convicts. There is also no evidence to suggest that utilising the convict system as a means through which to educate some of the Aboriginal convicts about Christianity and to inculcate the Protestant work ethic was at all effective. To the contrary, some of the very few to survive custodial sentences dismissed convict labour as having formed part of their punishment rather than having equipped them with new skills with which to exploit the labour market.

28 CON37/2, p. 588, AOT.

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