

RELATIONS BETWEEN ABORIGINES & WHITE SETTLERS

IN

NEWCASTLE & THE HUNTER DISTRICT,

1804 - 1841

with special reference to the influence
of the penal establishment.

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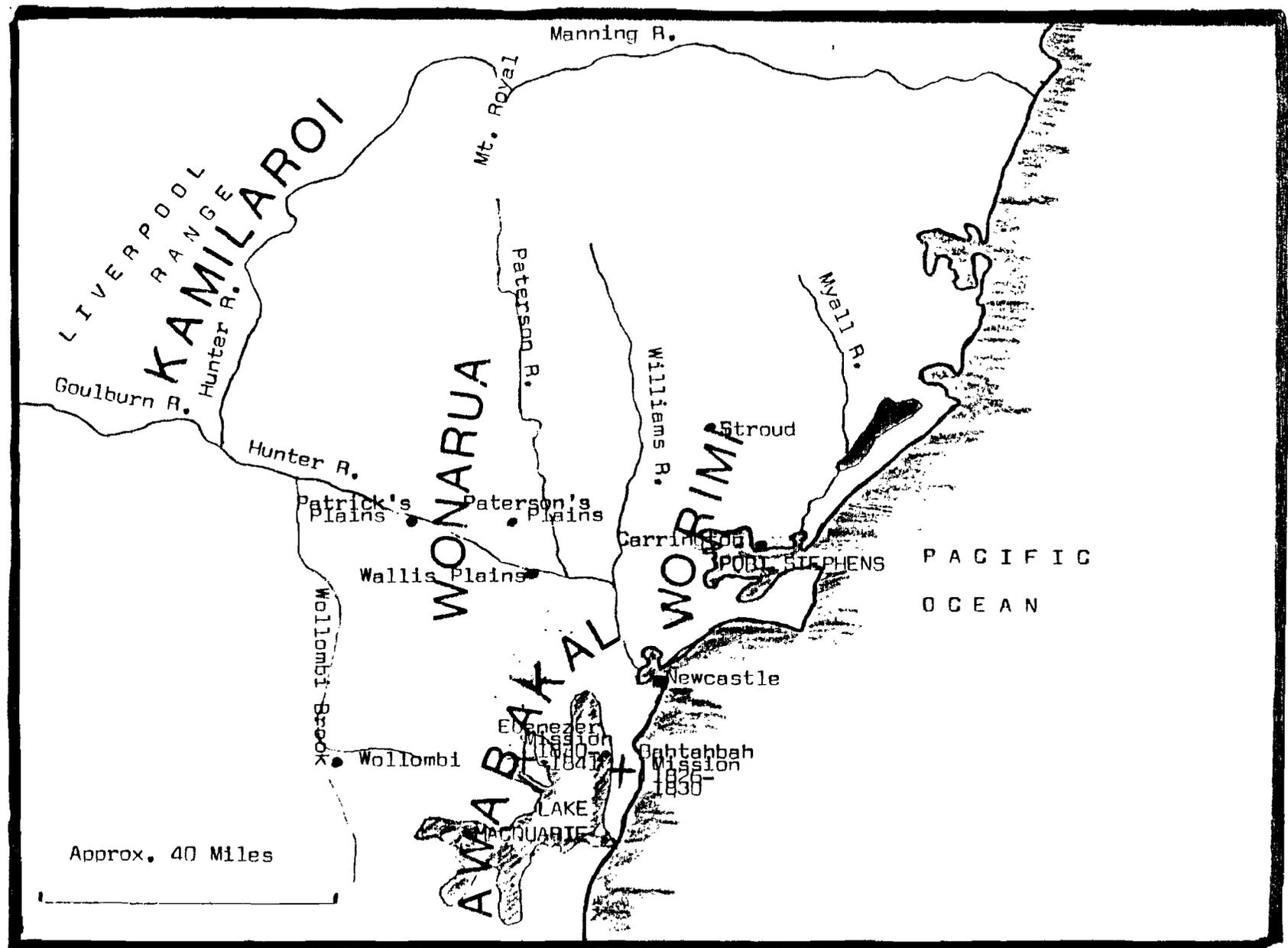
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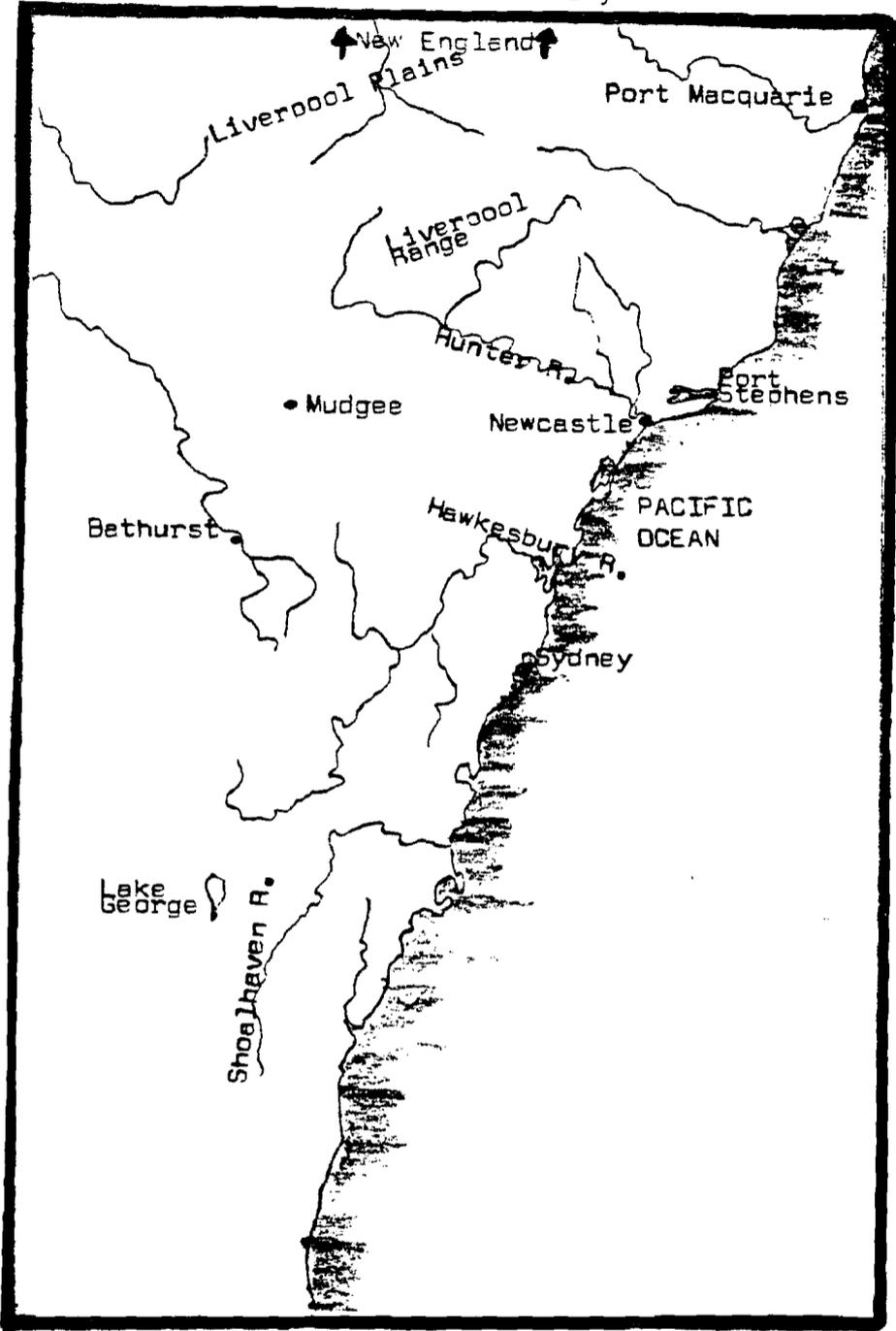
Abbreviations

<u>Bigge Evidence</u>	J.W.Turner (ed.), <u>Newcastle as a Convict Settlement: The Evidence Before J.T.Bigge in 1819-1921</u> , Newcastle, Newcastle Public Library, 1973.
C.S.I.L. Newcastle	Colonial Secretaries' In Letters Re Newcastle.
C.S.I.L. Port Macquarie	Colonial Secretaries' In Letters Re Port Macquarie.
<u>H.R.A.,I.</u>	<u>Historical Records of Australia</u> , Series I.
<u>H.R.N.S.W.</u>	<u>Historical Records of New South Wales</u> .
<u>Journal of Banks.</u>	J.C.Beaglehole (ed.), <u>The Endeavour Journal of Joseph Banks, 1768-1771</u> , Vol.II, Public Library of New South Wales, 1962.
<u>Journal of Cook.</u>	J.C.Beaglehole (ed.), <u>The Journals of Captain James Cook on his voyages of discovery. Vol.I, The Voyage of the Endeavour, 1768-1771</u> , Cambridge, Hakluyt Society, 1955.
M.U.P.	Melbourne University Press.
<u>R.A.H.S.J.</u>	<u>Royal Australian Historical Society Journal</u> .
<u>Sydney Gazette.</u>	<u>Sydney Gazette and New South Wales Advertiser</u> .
<u>Threlkeld Papers, I & II.</u>	Niel Gunson (ed.), <u>Australian Reminiscences & Papers of L.E. Threlkeld</u> , Canberra, 1974, Vol.I & II.
<u>V.& P., N.S.W. L.C.</u>	<u>Votes and Proceedings of the New South Wales Legislative Council</u> .



Map One: Hunter Region showing tribal areas

Map Two: New South Wales, places referred to outside the Hunter Valley



Introduction

This study examines the relationship between the Aborigines and white settlers in Newcastle and the Hunter district between 1804 and 1841. The chronological limits of the study are chosen to include the earliest contact between the races at the penal establishment of Newcastle, the period of frontier contact in the Hunter Valley and the subsequent decline of the Aboriginal population of the area. In 1804 a small penal establishment was formed at the mouth of the Hunter¹. In 1841 the Rev. L. E. Threlkeld closed the Aboriginal mission at Lake Macquarie because of a sharp decline in the population of the Awabakal tribe². This decline was paralleled by falling Aboriginal numbers in the Hunter Valley as a whole³. The decimation of the Hunter Valley tribes meant that there were very few Aborigines left in the valley in 1841, and because of the disparity in numbers between Aborigines and settlers and the invasion of Aboriginal hunting grounds, those that were left were reduced to a state of despised dependence.

The geographical area covered by the study includes the banks of the Hunter River from its estuary at Newcastle to its source in the Mount Royal Range. To the north it includes the four-sided figure on the northern and eastern banks of the river, bounded by the Hunter and Manning Rivers and the Pacific Ocean. To the south it covers the triangular figure formed by the Hunter, the coastline to the southernmost tip of Lake Macquarie, and a line formed from the lake through Wollombi Brook to the confluence of the Hunter

1. King to Hobart, 16th April 1804, Historical Records of Australia, Series I, Vol. IV, p. 612.
2. Threlkeld to Colonial Secretary, 30th December 1841, Niel Gunson (ed.), Australian Reminiscences & Papers of L. E. Threlkeld, 2 Volumes, Canberra, 1974, Vol. I, p. 168.
3. Threlkeld to Colonial Secretary, 30th December 1837, ibid., Vol. I, pp. 136-137.

and Goulburn Rivers⁴. These limits encompass the main settlements for which Newcastle, and later Wallis Plains, was the administrative centre.

The period covered divides itself naturally into two phases. The first settlement at Newcastle was exclusively a penal station, for the reception of persons convicted of crimes in New South Wales⁵. A very small area of land granted as farms to officials and well-behaved convicts made a negligible impact upon the tribal lands of the Hunter Valley⁶. Thus the story of race relations in the first twenty years of white settlement at Newcastle is essentially the story of the contact between Aborigines and the penal establishment. The first commandant at Newcastle early developed a friendly relationship with the local Aborigines, a relationship in which the latter participated by helping to prevent escapes from the settlement⁷. Later commandants were to follow the precedent. This put the Aborigines of the district in the position of enemies of the convicts at Newcastle.

In 1822, J.T. Bigge's Report of the Commissioner of Inquiry into the State of the Colony of New South Wales recommended the removal of the convicts at Newcastle to a more isolated settlement⁸, and thereafter followed a transition period in which free settlers poured into the valley and the penal establishment was disbanded. Newcastle was formally freed from military control in 1827⁹. From the early eighteen twenties, the story of racial contact in the district is increasingly that of the interaction between Aborigines of the Hunter Valley and the fast encroaching agricultural settlements. The two phases of contact cannot be viewed separately. Though most of the convicts were removed to the more isolated location of Port Macquarie¹⁰, the Aborigines who had seen the inmates and activities of the penal settlement remained. So too, especially during the transition period, did some of the officials and convicts who had seen the relationship

4. See Map 1, p.1.

5. J.W. Turner (ed.), Newcastle as a Convict Settlement: The Evidence before J.T. Bigge in 1819-1821, Newcastle, 1973, p.13.

6. J.W. Turner, When Newcastle was Sydney's Siberia, Stockton, 1980, p.8.

7. Menzies to King, 14th May 1804 (in King to Camden, 30th April 1805), H.R.A., I, V, pp.411-412, and The Sydney Gazette and New South Wales Advertiser, 9th September 1804, p.2 b & c.

8. J.T. Bigge, Report of the Commissioner of Inquiry into the State of the Colony of New South Wales, [1822] Adelaide, 1966, p.165.

9. J.F. Campbell, 'The Genesis of Rural Settlement on the Hunter', Royal Australian Historical Society Journal, Vol. XII, Part II, 1926, pp.77-78, and Darling to Bathurst, 20th June 1807, in D.O'Donnell (ed.), The History of Early Newcastle, Documents & Illustrations 1800-1870, [Newcastle] n.d., p.28.

10. Morisset to Goulburn, 25th February 1823, Colonial Secretaries In Letters Re Newcastle, 1804-1826, 10 volumes, 4 Rolls Microfilm (Mitchell Library in Association with Newcastle Public Library), Local History Library, Newcastle Public Library, Vol.6, Roll 2.

which developed between the Newcastle tribes and the penal establishment. The contact between the races during the first years of free settlement when settlers and their assigned servants spread throughout the valley was particularly violent. The principal argument of this study is that the role assumed by Aborigines as trackers of escaped convicts left an indelible mark upon the minds of the convicts in the district. This in turn led to an especially violent clash between black and white men when convicts were allowed relative freedom as assigned servants. This basic relationship was modified and in some ways encouraged by the attitudes and interests of the free settlers in the Hunter Valley, and by the conditions of the frontier.

The first white men in Newcastle and the Hunter Valley were conditioned in their approach to the local Aborigines in two ways. They brought with them to New South Wales their knowledge of European experiences and concepts of the rest of the world and their awareness of the special position of Britain as a European nation. Those that came to Newcastle brought with them the experience of contact with Aborigines in the earlier settled parts of the colony.

Two opposing strands of philosophical thought on the state of uncivilized man affected a white man's approach to newly discovered lands and their people in the eighteenth century. French philosophers, particularly Jean Jacques Rousseau in his Discours sur L'inégalité (1754), developed the concept of the Noble Savage, man in a primitive society which was better adapted to the achievement of happiness than the highly organised society of Europe. It was a mode of thought which was especially influential in relation to the people of the South Pacific.¹¹ It had been borne out by the observations of travellers such as Denis Diderot who portrayed Tahiti as a prelapsarian paradise

11. Norman Hampson, The Enlightenment, Harmondsworth, 1968, p.210, and Bernard Smith, European Vision and the South Pacific, A Study in the History of Art and Ideas, London, Paperback edition, 1969, p.6.

on earth,¹² and by Captain Cook who concluded that the natives of New South Wales were 'far more Happier than we Europeans; being wholly [sic] unacquainted not only with the superfluous but the necessary Conveniences.'¹³

Many early settlers in New South Wales were disappointed when they measured the ideal against the reality of Aboriginal life and found little in it that was noble. Europeans were disgusted by the Australian Aborigines' standards of hygiene and material comfort and their bloody methods of settling disputes.¹⁴ First Fleeter Captain Tench found 'a savage roaming for prey...unsoftened by the influence of religion, philosophy and legal restraint.'¹⁵ This was not a new way of looking at uncivilized man. The seventeenth century philosopher Thomas Hobbes thought that the life of the savage was 'poor, nasty, brutish and short.'¹⁶ It was an attitude which was well established amongst traders in the Pacific in the seventeenth century,¹⁷ and it was lent weight by the remarks of William Dampier on the Aborigines of the west coast of Australia,¹⁸ - made long before the arrival of the enlightened Captain Cook. Such men as Captain Tench described were, like the west coast Aborigines, no fit subject for the admiration and envy of the settlers.

The experiences of European colonists and traders in other parts of the world had tended to give them a feeling of superiority from which they slipped easily into an authoritative, even exploitative role. Robinson Crusoe's first action when he met Friday was to teach the man to call him master.¹⁹ The Spanish in South America and the English in India had been seen to dominate even civilized nations.²⁰ In Africa, where Englishmen went not to settle but to trade in goods and people,²¹

12. Hampson, *op.cit.*, p.209.

13. J.C.Beaglehole (ed.), The Journals of Captain James Cook on his Voyages of Discovery, Vol.I, The Voyage of the Endeavour, 1768-1771, Cambridge, 1955, p.399.

14. David Collins, An Account of the English Colony in New South Wales, 2 Volumes [1798 & 1802], edited by Brian H.Fletcher, Sydney, 1975, Vol.I, pp.488-489, and Captain Watkin Tench, Sydney's First Four Years, being a reprint of a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson, [1789 & 1793], Sydney, 1963, p.47.

15. *ibid.*, p.291.

16. Quoted in J.H.Hexter (ed.), The Traditions of the Western World, Vol.I, Antiquity through the Early Modern Period, Chicago, 1971, p.478.

17. D.J.Mulvaney, 'The Australian Aborigines 1606-1929: Opinion and Fieldwork, Part I, (1606-1859)', Historical Studies, Vol.8, No.30, May 1958, pp.133-134.

18. C.M.H.Clark, A History of Australia, 4 Volumes, Carlton, Paperback edition 1979, Vol.I, pp.39-41.

19. Daniel Defoe, Robinson Crusoe, [1719], New York, 1963, p.215.

20. V.G.Kiernan, The Lords of Human Kind, London, 1969, pp.10 & 25.

21. Winthrop D.Jordan, The White Man's Burden, New York, 1974, p.14.

they encountered exotic and primitive life-styles and men of a blackness startling against their own whiteness. The blackness became associated with the way of life²², and was already associated in the English mind with spiritual degradation and divinely ordained inferiority to white men²³. Black men were called slaves in British colonies until the anti-slavery legislation of 1833²⁴. Early observers of the Australian Aborigines were struck by their dark skins²⁵. Thus the white settlers of New South Wales could compare the Aborigines to the inferior beings of the West Indian plantations.

Attempts to initiate Aborigines into the mysteries of the superior European civilization were apt to reinforce this view of the innate inferiority of the race. Some attempts were made by white men at Port Jackson to bring up Aboriginal children in their own households, but these experiments tended to end with the children returning to tribal life²⁶. Adults who had been befriended by white settlers seemed to acquire only the very worst habits of their benefactors²⁷. Thus the settlers came to despair of being able to improve the condition of the Aborigines²⁸.

Some of the disillusion which Europeans felt was a product of misunderstanding of the Aboriginal way of life. To the Englishman of the early industrial age, the material culture of the Aborigines was hopelessly primitive, and their control of the land non-existent. English theories of land ownership were based upon the political thought of John Locke, who claimed that the land belonged to those who worked it²⁹. White settlers at Port Jackson were completely unaware of the way in which Aborigines fired the bush in order to replenish the flora and

22. Philip D.Curtin, The Image of Africa, London, 1965, p.30.

23. Jordan, op.cit., pp.6-10.

24. Oliver Furley, 'The Humanitarian Impact', in C.J.Bartlett (ed.), Britain Pre-eminent, London, 1964, p.138.

25. Journal of Cook, pp.301,312,358,395, and Tench, op.cit., p.47.

26. Clark, op.cit., p.256, and Jean Woolmington, 'Early Christian Missions to the Australian Aborigines', Historian, No.26, October 1974, p.2.

27. Clark, op.cit., p.145.

28. ibid., p.168.

29. Hexter, op.cit., pp.484-485.

fauna and maintain tracks³⁰. Joseph Banks misinterpreted the numerous fires along the coastline as a means of frightening kangaroos³¹. The settlers at Port Jackson were also unaware that moving or destroying seemingly unimportant items such as trees and stones could disturb the food supply and violate sites of spiritual significance³². Thus the settlers failed to comprehend the Aborigines' attachment to the land. One of the consequences of this misunderstanding was that the Aborigines became branded as lazy and parasitical. When, as Keith Willey has shown, the Sydney tribes realised the permanency of the invasion and the futility of attempting to maintain their former way of life, the white settlers became used to the sight of Aborigines as 'scroungers and buffoons on the fringes of settlement'³³.

If the Aborigines around Port Jackson were hungry as a result of the European presence, so too were the colonists, at least for the first year or two of settlement. Convicts who stole food from the stores were flogged or hung³⁴. Sometimes too they stole fishing gear and hunting equipment belonging to Aborigines³⁵, for which lone unarmed white men were attacked in retaliation. These attacks came to be interpreted by settlers as treachery on the part of the Aborigines³⁶. The conviction of Aboriginal treachery was confirmed by the experience at the first agricultural settlements, where attacks by Aborigines on settlers and their crops appeared to the white men to be without motive³⁷. The necessity of securing the food supply of the colony led the authorities to use the military as the most effective means of dealing with these attacks³⁸.

How did the Aborigines view these experiences? They learnt that a race of men who often committed acts of brutality on their own kind³⁹

30. Rhys Jones, 'Fire-Stick Farming', Australian Natural History, Vol.16, No.7, September 1969, pp.225-226.
31. J.C.Beaglehole (ed.), The Endeavour Journal of Joseph Banks, 1768-1771, Vol.II, Sydney, 1962, pp.131-132.
32. W.E.H.Stanner, 'The History of Indifference thus begins', Aboriginal History, Vol.I, No.I, 1977, p.9.
33. Keith Willey, When The Sky Fell Down, Sydney, 1979, pp.118-119.
34. Clark, op.cit., p.114.
35. Tench, op.cit., pp.186, 221, and Phillip to Grenville, 17th June 1790, H.R.A., I, I, p.179.
36. G.B.Barton, History of New South Wales, Vol.I, Sydney, 1889, pp.124-125.
37. Collins, op.cit., Vol.II, p.25.
38. Paterson to Dundas, 15th June 1795, H.R.A., I, I, pp.499-500.
39. Tench, op.cit., p.145.

had come and meant to stay. That where they stayed they crowded out the Aborigines' hunting grounds making it necessary to be assimilated into the invader's way of life or to resist.⁴⁰ They became acquainted with the potential of the European's firearms, and learned to elude those who possessed them, while taking revenge for the wrongs done to them on the unprotected.⁴¹

How did the convicts respond to the indigenous people of the harsh and unfamiliar land in which they found themselves against their will? Fear of the unknown would have coloured their attitude before they even arrived in New South Wales. Few would have read Captain Cook's accounts of the shy and thinly scattered natives of New Holland.⁴² They soon learnt that convicts who strayed far from the confines of the settlement were vulnerable to attacks by Aborigines, and that such attacks could frustrate attempts to escape.⁴³ In short, the Aborigines would have been viewed with fear, a view which was reinforced by the transfer to the lonely penal station at Newcastle where Aborigines were encouraged to prevent convict escapes.

To understand the development of relations between settlers and Aborigines in Newcastle and the Hunter district, it is necessary to appreciate the nature of the penal settlement at the Coal River, as it was at first known, and the conditions which prevailed there. Both the character of the convict population, and the privations attendant upon life in an insignificant outpost created for the purpose of punishment, produced an atmosphere in which friendly relations between black and white were least likely to flourish.

The Hunter River, which flows into the Pacific Ocean about one hundred miles north of Sydney, was officially discovered in 1797 by

40. Willey, op.cit., pp.70-71, 118-119.

41. ibid., p.60, and David Denholm, The Colonial Australians, Harmondsworth, 1979, pp.35-40.

42. Journal of Cook, pp.312,332,357,359-361.

43. A.T.Yarwood, 'Convicts and Aborigines: a fresh look at the causes of violence on the Australian frontier!'; unpublished article, University of New England, June 1980, pp.22-23.

Lieutenant John Shortland who had been sent in pursuit of a party of seafaring escapees⁴⁴. From the point of view of the colonial government, the most interesting aspect of the discovery was the presence of coal on the beach at the mouth of the river⁴⁵. This was at a time when the authorities were becoming increasingly aware of the need to provide New South Wales with a source of export income to balance the import of a wide range of goods from Britain⁴⁶. Thus began the exploitation of the coal resources of the Hunter region. Ships called at irregular intervals in the succeeding years to pick up coal, and the cedar which was to be had in abundance on the Hunter and its tributaries⁴⁷. In 1801, Governor King attempted to form a permanent coal mining settlement at Newcastle⁴⁸, but it was abandoned after only a few months because, according to King, the choice of a supervisor had been unfortunate⁴⁹. For the arrival of a lasting white settlement Newcastle awaited needs even more pressing than that of economic advantage.

The second settlement at the mouth of the Hunter was formed in April 1804, when Governor King was looking for a place to which he could remove some of the Castle Hill rebels who had not deserved hanging⁵⁰. From this auspicious beginning, Newcastle retained its penal function for twenty years, as a place to which convicts committing crimes after their arrival in New South Wales could be sent⁵¹.

The choice of the site of Newcastle was based upon its inaccessibility. Natural barriers of ocean and bush gave it, at first, the advantages of an island as a place of confinement. The only way to get to and from the settlement was by ship, and then only with a pass from the Commandant, or the Governor in Sydney⁵². Moreover the extremely stringent

44. Collins, op.cit., Vol.II, p.35.

45. Hunter to Portland, 10th January 1798, H.R.A., I, II, p.118

46. J.W.Turner, 'Coalmining and Manufacturing in Newcastle, 1797-1900', Ph.D. Thesis, Newcastle, 1977, pp.1-2.

47. Collins, op.cit., Vol.II, pp.146-147, and James Jervis, 'Cedar and the Cedar Getters', R.A.H.S.J., Vol.25, Part 2, p.33, and King to Hobart, 9th May 1803, H.R.A., I, IV, p.84.

48. Turner, op.cit., p.8.

49. King to Hobart, 9th May 1803, H.R.A., I, IV, p.231.

50. King to Hobart, 12th March 1804, H.R.A., I, IV, p.564.

51. W.C.Wentworth, A Statistical, Historical and Political Description of the Colony of New South Wales, London, 1819, p.55.

52. See instructions of commandants, e.g. Instructions to Purcell in D.D'Donnell(ed) The History of Early Newcastle, [Newcastle], n.d., p.15.

port regulations which applied at Newcastle made it very difficult for anyone thinking of dispensing with the formality of a pass by becoming a stowaway.⁵³ There was no land route to the settlement until after the exploratory journeys of Benjamin Singleton and John Howe between 1817 and 1819.⁵⁴ Thereafter settlers in increasing numbers, including the first chaplain to the penal settlement, the Rev.G.A. Middleton, who was responsible for what the convicts dubbed affectionately the 'Parson's Road', brought stock overland to the Hunter, to the despair of the commandants. An exasperated Major Morisset, forwarding a long list of escapees to the Colonial Secretary, commented that John Blaxland was said to have marked the trees along the way.⁵⁵ It is not hard to imagine how quickly the word must have spread amongst the convicts, nor the effect it would have had on morale. After the existence of the overland route became common knowledge, it was increasingly difficult to contain the inmates of the penal settlement. For this reason those most likely to try to escape were transferred to Port Macquarie in 1823.⁵⁶

Who were the convicts who were sent to Newcastle, and how did they affect the tone of the settlement? The initial establishment consisted of thirty four Irish convicts implicated in the Castle Hill rising, and fifteen free men, who were officials and soldiers.⁵⁷ King apparently found the Irish particularly difficult to deal with, and evidently these thirty four pioneer Novocastrians, whose slogan had been 'Death or liberty, and a ship to take us home'⁵⁸ were considered dangerous enough to be placed where there was no hope of their ever getting home. Subsequently, the new settlement was used for the detention of those convicts requiring exemplary punishment. In the light of

53. Government and General Order, 24th March 1804, Historical Records of New South Wales, 7 volumes, Sydney, 1892-1901, Vol.V, pp.363-364.
54. James Jervis, 'The Route to the North. An Exploratory Journey performed by Benjamin Singleton in 1818', R.A.H.S.J., Vol.22, Part 5, 1936, p.73, and J.F.Campbell, 'John Howe's Exploratory Journey from Windsor to the Hunter River in 1819', ibid., Vol.14, Part 4, 1928, p.232.
55. Morisset to Goulburn, 7th September 1821, 18th December 1821, C.S.I.L. Newcastle, Vol.4, Roll 2.
56. Morisset to Goulburn, 25th February 1823, C.S.I.L. Newcastle, Vol.6, Roll 2.
57. King to Hobart, 16th April 1804, H.R.A., I, IV, p.612.
58. R.W.Connell, 'The Convict Rebellion of 1804', Melbourne Historical Journal, Vol.5, 1965, pp.33-35.

A.G.L.Shaw's research into the backgrounds of the convicts transported to New South Wales - that they were predominantly drawn from the criminal elements of England's towns, and that the majority had been convicted of an earlier offence before their transportation⁵⁹ - it may be concluded that those who got as far as Newcastle were the intractables, the crème de la crème of the criminal world.

The officials who had anything to do with Newcastle during its days as a penal settlement found plenty of scope for their vituperations against the corruption of the convicts. Describing Newcastle in 1806, King referred to it as a 'place for the reception of desperate characters'⁶⁰. Lieutenant Menzies, the first commandant, evidently agreed with the governor. Because of attacks by natives on cedar-getters up the river, Menzies found he had to arm these parties, and commented on the risk he was taking in so doing:

I am necessarily obliged to put Arms in their hands for their protection and Your Excellency is well aware of the Characters here.⁶¹

In an official despatch of 1810, commandant Purcell pleaded with the Colonial Secretary not to be sent anyone else suffering from Venereal Disease. He had had great difficulty in overcoming what had amounted to an epidemic of the disease, and in enforcing 'something like morality at this place.' He saw Newcastle as the 'Hell of N.S.Wales.'⁶²

The official perception did not alter with the passing of time. In 1822, Major Morisset described the people of Newcastle as 'the worst description of People on the face of the earth.'⁶³ The Rev.L.E.Threlkeld, arriving in 1825 to establish a mission at Lake Macquarie, commented that

Newcastle having but just immerged [sic] from being a penal settlement the most choice rogues are of course here.⁶⁴

59. A.G.L.Shaw, Convicts and the Colonies, Carlton, 1978, pp.150-154.
60. 'Newcastle 1806', in H.R.N.S.W., Vol.VI, p.9.
61. Menzies to King, 5th November 1804 (in King to Camden, 30th April 1805), H.R.A.,I,V, p.424.
62. Purcell to Campbell, 5th May 1810, C.S.I.L: Newcastle, Vol.I, Roll 1
63. Morisset to Goulburn, 14th January 1822, C.S.I.L. Newcastle, Vol.5, Roll 2.
64. Journal entry, 9th May 1825, Threlkeld Papers, Vol.I, p.88.

Making a certain allowance for the inevitable bias of the official standpoint, and of an Evangelical such as Threlkeld, it would nevertheless appear that the convict population of Newcastle was made up of some very unpromising human material.

If the convict population of Newcastle was of the roughest, it appears that the conditions of life there were no less so. For a long time - well into the eighteen twenties - a mere village,⁶⁵ Newcastle had little to offer in the way of the amenities and society of town life to make life pleasant for anyone there. John Turner, in Newcastle as a Convict Settlement, has pointed to one of the parallels between the early settlement at Newcastle, and that at Port Jackson, when the latter became the coloniser.

Newcastle was to suffer from neglect and misunderstanding at the hands of the colonial administration in much the same way that the infant colony itself had suffered at the hands of the imperial authorities.⁶⁶

Shortages of even essential supplies were not uncommon, as indicated by the evidence of Assistant Surgeon Evans before the Bigge Inquiry.⁶⁷ According to Alexander Harris, convicts working at the lime-kilns frequently sold their blankets and clothes to the Aborigines in exchange for possums and kangaroos to supplement the meagre diet⁶⁸ - this is quite plausible in the light of Evans' remarks to Bigge on the convict diet. Even without shortages, the rations at Newcastle were smaller than elsewhere in the colony.⁶⁹

From the point of view of the convict, perhaps one of the greatest privations of life at Newcastle was the difficulty of obtaining spirits. Although by 1824 the settlement of Newcastle and its rural satellites had grown to an extent that smuggling was difficult to prevent,⁷⁰ the importation of alcohol was before that time very strictly

65. Robert Dawson, The Present State of Australia, Second edition, London, 1831, p.377.

66. Bigge Evidence, p.9.

67. Evidence of Assistant Surgeon William Evans, ibid., pp.104,107,109.

68. Alexander Harris, The Secrets of Alexander Harris, [1858], Sydney, 1961, pp.109-110.

69. Bigge Evidence, p,15.

70. Gillman to Goulburn, 5th July 1824, C.S.I.L. Newcastle, Vol.8, Roll 3.

controlled, none to be landed without the permission of the commandant, and none at all to be given to the convicts.⁷¹ While the convicts did in fact obtain some spirits from time to time,⁷² a strict enforcement of the exclusion policy was not impossible for an efficient administrator like Morisset, whose success in this matter, and the good discipline at Newcastle, were praised by J.T. Bigge.⁷³

Convicts sent to Newcastle might be employed in a number of ways - in the coal mines, at the limeburners' gang on Stockton beach, cutting timber up the river, or on various public works around the settlement.⁷⁴ Contemporary opinion varies as to the hardships of being set to hard labour at Newcastle. According to a convict, John Slater, in a letter written in April 1818,

On their landing at Newcastle, both legs are put in irons, they are set to work in the Coal Mines, and about the Lime-kilns, and are looked after with the strictest scrutiny - A man at this place cannot earn anything by labor, as all the work is on account of Government, and thus depending on his 7lbs of Meat and Flour, out of which he has to defray his lodging, washing etc,⁷⁵ he is reduced to the lowest state of Indigence and poverty.

Some at least of this account is simply not true. The leg irons to which Slater refers appear to have been used only for those who had a record of 'running', or who had committed offences while in Newcastle.⁷⁶ The picture of a life of unremitting hard work may have arisen from the incidental conditions, rather than the work itself, and from the monotony of life in a backwater. Work on the limeburners' gang and in the mines carried the risk of a number of health problems,⁷⁷ while the timber cutters and their guards were isolated up-river for months at a time,⁷⁸ subjected to meagre rations⁷⁹ and the threat of attack by the Aborigines.⁸⁰

71. Government Order, 24th March 1804, C.S.I.L. Newcastle, Vol.I, Roll 1
72. Evidence of Assistant Surgeon William Evans, Bigge Evidence, p.113.
73. ibid., p.292.
74. ibid., pp.19-25.
75. Letter from John Slater to his wife Catherine, manuscript copy by Catherine in the Mitchell Library, As 168.
76. Bigge Evidence, p.24.
77. Evidence of Assistant Surgeon William Evans, ibid., pp.104-105.
78. Thompson to Campbell, 24th July 1815, C.S.I.L. Newcastle, Vol.2, Roll 1.
79. Bigge Evidence, pp.14-15 .
80. Menzies to King, 5th November 1804 (in King to Camden 30th April 1805), H.R.A., I, V, p.423,

How were convicts at Newcastle treated by officials and overseers ? Alexander Harris thought that 'some of those extra-penal settlements must have been fearful places⁸¹, and gave an account of a convict attempting to get his revenge on a one-time overseer at Newcastle who had done

nothing more than the other overseers, so far as I heard; but certainly that was enough, when we come to consider; for men are men, and not beasts, let 'em be ever such thieves.⁸²

In a Government Order of 15th July 1805 Charles Throsby complained of 'much improper and abusive language' being used to overseers and watchmen, and warned that it would be punished, at the same time urging convicts to report any ill-treatment by overseers⁸³. In May 1810 commandant Purcell wrote to J.T.Cambell that he had been obliged to discipline his head overseer 'for excessive Tyranny...a System that never answered any other end than turning the men into the Bush.⁸⁴' Towards the end of Newcastle's time as a penal settlement, discipline was ameliorated and regularised by the efficient administration of Major Morisset, despite the tradition, perpetrated by free settlers who were almost certainly biased against him, that he was a tyrant.⁸⁵

For whatever reasons - harsh and arbitrary treatment and hard work, a poor diet and the complete lack of any luxuries or comforts, or simply the monotony and isolation of life there, Newcastle was a place to get away from, inhabited by men who were the most likely to try to do so by 'running' rather than by sticking their sentences out. The convicts' attempts to escape, and the efforts of the commandants to prevent them, led both into a special relationship with the Aborigines, a relationship which will be examined in the following chapters for its influence upon contact between Aborigines and Europeans in Newcastle and the Hunter district.

81. Harris, op.cit., p.107.
 82. Alexander Harris, Settlers and Convicts, London [1847] Carlton, 1977.
 83. Government Order, 15th July 1805, King Papers, Vol.9, Further Papers, Mitchell Library A1980-3, p.4.
 84. Purcell to Cambell, 5th May 1810, C.S.I.L. Newcastle, Vol.1, Roll 1.
 85. Bigge Evidence, pp.32-34.

Chapter 1

Aborigines and the Officials of the Penal Establishment

The authorities were represented in penal settlements such as Newcastle by a commandant, a military officer with the rank of lieutenant or captain, whose business it was to control the affairs of the settlement under military law¹. As a representative of the colonial government and in turn of the British government, he was therefore responsible for implementing such areas of colonial and imperial policy as were relevant to his command. At the same time he had the difficult task of maintaining the good order, discipline and security of the men under his control. This chapter argues that the commandants established very early a good relationship with the Aborigines of the area; but that the day to day exigencies of keeping the Novocastrian convict in his place led the commandants to use that relationship in a way which was to prove hostile to the general intentions of imperial policy regarding the Australian Aborigine.

What was the policy towards the Aborigines, and how was it implemented during the first forty years of white settlement in New South Wales, to the time when Newcastle ceased to be a penal station? Captain Cook was instructed by the president of the Royal Society to 'exercise the utmost patience and forbearance with respect to the Natives...'² While exploring the east coast of Australia he attempted to make friends with the Aborigines and offer them gifts³. The journals of both Cook and Banks indicate that they were not very successful, because of the timidity of the natives, and their lack of material wants⁴. But both observers gave a favourable interpretation of the way of life of the Australian Aborigine⁵, and would have given the first settlers little reason to expect hostility from them, especially as they were

1. King to Menzies, 15th March 1804, Historical Records of New South Wales, 7 volumes, Sydney, 1892-1901, Vol.V, p.362.
2. Keith Willey, When The Sky Fell Down, Sydney, 1979, p.25.
3. J.C.Beaglehole (ed.), The Journals of Captain James Cook on his voyages of discovery.Vol.I, The Voyage of the Endeavour, 1768-1771, Cambridge, 1955, pp.304,312,357.
4. ibid., pp.306,355,357,396, and J.C.Beaglehole (ed.), The Endeavour Journal of Joseph Banks, 1768-1771, Vol.II, Sydney, 1962, pp.90-92,125
5. Journal of Cook, p.399, and Journal of Banks, p.130.

seen in such small numbers⁶.

Governor Phillip was instructed to see that all His Majesty's subjects lived in 'amity and kindness' with the natives⁷, instructions which remained unchanged in their wording up to and including Governor Brisbane⁸. The substance of the instructions to Governor Darling in 1825 was unchanged, but more details were included, such as the need to

promote Religion and Education among the Native Inhabitants of Our said Colony...and that you do especially take care to protect them in their persons, and in the free enjoyment of their possessions; and that you do by all lawful means⁹ prevent and restrain all violence and injustice against them...

These instructions are indicative of the fact that by 1825 the dream of living in harmony with the Australian Aborigines had faded.

The early attempts to implement official policy, by Governor Phillip, involved bringing Aborigines into the settlement at Port Jackson, both by persuasion and force¹⁰, and teaching them the English language and English manners. Bennilong, for instance, was taught to drink the loyal toast¹¹, a practice which reflects the Englishman's desire to fashion the rest of humanity in his own image, and one which is a parody of the intention behind the official policy.

The practice of attaching Aborigines to white households in an attempt to domesticate and educate them was continued by interested individuals such as Samuel Marsden¹², but Governor Macquarie was the first of the governors to make a planned attempt to educate and 'improve' the Australian Aborigine with the establishment in 1815 of the Native Institution at Parramatta¹³. In 1822 Macquarie made a typically extravagant statement on the success of the venture -

It has had the good effect of completely conciliating the good will and friendship of all the native tribes to the

6. Journal of Banks, p.122.
7. Instructions to Phillip, Historical Records of Australia, Series I, Vol.I, p.13.
8. Instructions to Brisbane, H.R.A., I,X, p.598.
9. Instructions to Darling, H.R.A., I,XII, p.125.
10. David Collins, An Account of the English Colony in New South Wales, 2 volumes [1798 & 1802], edited by Brian H.Fletcher, Sydney, 1975, Vol.I, pp.40,71, and Captain Watkin Tench, Sydney's First Years being a reprint of a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson, [1789 & 1793], Sydney, 1963, p.139,184.
11. ibid., p.179.
12. A.T.Yarwood, Samuel Marsden, Carlton, 1977, p.52.
13. Macquarie to Bathurst, 8th October 1814 and 24th March 1815, H.R.A., I,VIII, pp.369,467.

British Government, and securing the most friendly and social intercourse with them.¹⁴

If this was indeed the result of Macquarie's Aboriginal policy, one wonders why he found it necessary to issue a proclamation forbidding any Aborigine to bring arms within one mile of a white settlement, and restricting the size of groups attached to farms to six in number.¹⁵ The fact was that however many institutions the government might create, it could not follow everywhere that white settlement spread. The developing relationship with the Aborigines was not a simple bilateral one, but had as many aspects as there were white settlers.

Saxe Bannister, one time Attorney General of New South Wales and a very vocal critic of government policy towards Aborigines was not impressed with the record of race relations in the early years of the colony. He felt that the 'amount of exertion by His Majesty's government does not deserve notice', and saw any attempt to get on good terms with the Aborigines as doomed to failure by the very nature of convict society.¹⁶ His opinion is verified by the very early accounts of relations between the Aborigines and the convicts. Commentators such as Watkin Tench, David Collins and Governor Phillip refer to specific examples of provocation by convicts, such as the theft of fishing gear, as well as supposed aggression by convicts in cases of unexplained attacks by Aborigines.¹⁷

In the case of Newcastle, one can see the contradiction expressed by Saxe Bannister being aggravated by the fact that the settlement contained some of the worst characters in convict society who were as likely to ill-treat and antagonise any of God's other creatures as they were the Aborigines. Amongst the predictable misdemeanours such as

14. Macquarie to Bathurst, 27th July 1822, H.R.A., I, X, p.677.
15. Macquarie to Bathurst, 8th June 1816, H.R.A., I, IX, p.142.
16. Saxe Bannister, Humane Policy, [1830], London, 1968, pp.ccxxxix-ccxl.
17. Phillip to Sydney, 30th October 1788, H.R.A., I, I, p.96, and Tench, op.cit., pp.186,221, and Collins, op.cit., Vol.I, pp.13,18, 24,47,139.

laziness and insolence to overseers which appear in the Return of Punishments for Newcastle, were crimes of violence against men and animals and crimes of sexual exploitation.¹⁸

Early contact between Aborigines and the establishment at Newcastle appears to have been characterised by an ambivalent attitude on the part of the commandants; on the one hand was the desire to please and to establish friendship, and on the other hand the fear of the consequences of encouraging too many Aborigines around the settlement. In this context it should be remembered that few of the commandants were satisfied with the size of their military detachment, either as a means of guarding the convicts or of warding off native attacks.¹⁹ A very early communication from the first commandant, Lieutenant Menzies, shows that he was keeping on good terms with the Newcastle tribe with handouts of food to a strategic member of the native community, with a view to maintaining future security.

We always have been and still continue on the most friendly terms with the numerous Natives here, to preserve which I have directed the Storekeeper to victual Bungaree. He is the most intelligent of that race I have as yet seen and should a misunderstanding²⁰ unfortunately take place he will be sure to reconcile them.

The fear of possible retaliation by the Aborigines apparently effected the economic development of Newcastle and was one reason for the late settlement of the Hunter Valley. In April 1804 Governor King instructed Menzies to concentrate on the production of coal and cedar rather than on agriculture, as 'it would require a Guard to protect settlers up the River from the numerous Natives'.²¹

Menzies efforts to keep on the most friendly terms with the local Aborigines evidently extended to sending some of them on a visit to

18. Returns of convicts' punishments: Newcastle: 1810-1825, Archives Office of New South Wales, 4/1718, pp.27,85,109,181,184,189.
19. e.g. Morisset to Goulburn, 3rd December 1821, Colonial Secretaries' In Letters Re Newcastle, 1804-1826, 10 Volumes, 4 Rolls Microfilm (Mitchell Library in Association with Newcastle Public Library), Local History Library, Newcastle Public Library, Vol.4, Roll 2.
20. Menzies to King, 15th June 1804 (in King to Camden, 14th August 1804), H.R.A., I, V, p.113.
21. King to Menzies, 30th April 1804, (in King to Camden, 30th April 1805), H.R.A., I, V, p.409.

20.

Sydney to get a taste of the life there. Relations with King were as friendly as with the commandant, as indicated by King's despatch when returning them.

Six natives of your neighbourhood having come here soon after you settled, they now return with Bungaree in the Resource, I have directed them to be victualled for Six Days and given them a Jacket, Cap, Blankets, and 4lbs of Tobacco each; the latter Article is sent to you to divide among them. I hope the observations these People have made will when they arrive with their Friends be of use, and am much gratified to learn that you continue on such good footing with them...

Notwithstanding such good impressions, however, King added that he did 'not think it would be advisable to let more than one or two Strange Natives come up at a time²².'

The evidence is not plentiful, but what there is indicates that in general the Aborigines remained on fairly good terms with the commandants throughout the period of the penal establishment, and that groups of Aborigines were not discouraged from congregating around the town and, in the course of time, the inland settlements. The Aborigines could at times be a source of valuable information to government - no doubt it was expected in return for official patronage. In 1816, Captain Wallis reported that a number had lately been at Newcastle with accounts of a ship, beached to the north of Port Stephens which, as far as one can gather from Wallis's execrable handwriting, he conjectured to have been taken by a party of escaped convicts. Wallis referred the Colonial Secretary

for any further information to W. Ross Master of the E. Henrietta and one of his crew named Watson who understands the native Language and has had some conversation with the natives on the subject.

As the Elizabeth Henrietta was constantly employed on the coastal trade

22. King to Menzies, 24th May 1804 (in King to Camden, 30th April 1805), H.R.A., I, V, pp. 413-414.
 23. Wallis to Campbell, 29th December 1816, C.S.I.L. Newcastle, Vol. 3, Roll 1.
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between Newcastle and Sydney,²⁴ it would be reasonable to suppose that Captain Wallis made use of Watson's interpreting skills at other times, especially as the evidence suggests that Wallis had quite a lot of individual contact with the Aborigines.

Captain Wallis's report with the tribe around Newcastle was such that it was not even damaged by the murder of Private Connachton²⁵ by three Aborigines in 1817. The guilty parties were brought in by their compatriots, upon which Wallis released a number whom he had been holding hostage,²⁶ presumably for the good behaviour of the rest. In 1818 Wallis informed the Colonial Secretary that he was sending an Aboriginal boy to Sydney for the Native Institution, with the consent of the father,²⁷ an action which suggests a high degree of trust between the commandant and the parents - Parramatta being so much more remote from the Newcastle Aborigines than from those of the Sydney area.

When Macquarie visited Newcastle in 1818 and again in 1821, meetings with the local tribes were arranged as part of the official program, a token of the interest of both governor and commandants in their relationship with the Aborigines. During the earlier visit, Macquarie noted in his journal that

Burigan, King of the Newcastle native tribe, with about 40 men women & children of his tribe came by Capt. Wallis's desire to the Govt. House between 7 & 8 o'clock at night, and entertained with a Caraberee in high stile for half an hour... I ordered them to be treated with some grog and an allowance of maize.

One wonders how convicts used to the shortages at Newcastle, would have reacted to this and other gratuitous handouts; probably with the same bitterness as the forger Thomas Watling in his comments on the Aborigines of Sydney who were 'allowed, what is termed, a freeman's ration of provisions for their idleness,' while convicts were 'frequently denied

24. Macquarie to Bathurst, 10th December 1817, H.R.A., I, IX, p.534.
 25. Depositions of Henry Ravenscroft and George Little, 13th May 1817, C.S.I.L. Newcastle, Vol.3, Roll 1.
 26. Wallis to Campbell, 14th May 1817, C.S.I.L. Newcastle, Vol.3, Roll 1.
 27. Wallis to Campbell, date illegible but falls between 16th September 1818 and 23rd October 1818, C.S.I.L. Newcastle, Vol.3, Roll 1.
 28. Lachlan Macquarie, Journals of His Tours in New South Wales and Van Diemen's Land, 1810-1822, Sydney, 1956, p.137.
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the common necessities of life!²⁹

During Governor Macquarie's later visit to the Newcastle area, Macquarie called at Wallis Plains, and recorded that Bungaree, his family, and thirty other tribesmen were waiting at Government Cottage, having come on purpose to meet the official party, and that once again the latter were entertained with a corroboree.³⁰ Some months before, King Burrigan of the earlier visit was murdered by an escapee from Newcastle, and became the first Aborigine to be avenged by the hanging of the murderer. His status with the Newcastle tribe, and his relationship with the authorities were almost certainly factors in the successful conviction of a white man for the murder of an Aborigine.³¹

If there was obedience to instructions, and a genuine personal interest in the approach of governors and commandants to the Newcastle Aborigines, there was expediency too. It has already been shown that the commandants had a motive for treating the Aborigines well in the fear of a large scale attack on the settlement. This motive would hold good for all new and relatively unprotected settlements. A much more positive and significant motive, however, existed in the need to discourage and prevent escapes by convicts from Newcastle. All the evidence indicates that the commandants of Newcastle, from a very early date, regarded the Aborigines as natural allies against the convict deserter. This approach was especially calculated to foster dislike and distrust between the Aborigines and convicts which had already been aroused by the friendly relationship between officials and the natives. By the very nature of New South Wales society, convicts were likely to distrust anyone whom the authorities favoured.

Such an approach by the commandants of Newcastle involved both an active and a passive exploitation of the Aborigines as a human resource.

29. Quoted in Willey, op.cit., pp.102-103.

30. Macquarie, op.cit., p.219.

31. A.T.Yarwood, 'Convicts and Aborigines: a fresh look at the causes of violence on the Australian frontier.' Unpublished article, University of New England, June 1980, p.16.
See also Chapter 2 here, pp. 41-43.

The prospect of what might become of an escapee who fell into the hands of the Aborigines was used as a threat to deter escapes, an expedient which occurred to the first commandant within the first months of settlement, as indicated by a despatch from Lieutenant Menzies on the subject of one James Field.

On the 29th ultimo James Field one of the three persons who run [sic] off with Sergt. Day's boat from Sydney gave himself up; he was quite naked, speared and beat in several places by the Natives, and had not eat [sic] anything for five days.

Menzies would have liked to keep him in Newcastle because of the effect of the account of his sufferings on the other convicts, - Field could tell a tale of his two companions having been killed by Aborigines. This commandant apparently had little regard for the personal dignity of James Field in his zeal to prevent escapes, for he reports that he 'took him just as he came in and showed him to all the Convicts.³²

Captain Wallis welcomed in the same way as Lieutenant Menzies the treatment which deserters received at the hands of the Aborigines.

Two runaways during Capn. Thompsons command namely Jack Sullivan and Thos. Kienan returned on the 23rd both badly speared the former not expected to live.

Three men who deserted from here on the 20th have just returned all spear'd namely John Leas and Isaac Walker Thos. McCarty who ran also at the same time they report to have been killed by the natives, I consider all this fortunate for the Settlement.

The threat of capture, spearing and possible death by the Aborigines was one which even received official recognition by being set down in government and general orders. Charles Throsby, the second commandant at Newcastle, received intelligence that some convicts were going to attempt the overland route to Sydney in time for the King's birthday and the hope of a pardon, and responded with the following order.

As I have no doubt there is [sic] still several restless Characters in this Settlement; whose intention it is to

32. Menzies to King, 15th June 1804 (in King to Camden, 14th August 1804), H.R.A., I, V, pp. 112-113.
33. Wallis to Campbell, 24th August 1816, C.S.I.L. Newcastle, Vol. 3. Roll. 1.

runaway [sic] , For the purpose of getting to Sydney by the 4th of June...They may rest assured, should they escape the Fury of the Natives, no such lenity will be shewn them.³⁴

Similarly, in a Government Order of 12th October 1817 Captain Wallis assured 'the prisoner that all runaways from hence will be brought back, killed by the Natives or hanged.³⁵'

It should be clear that to utilise and encourage the convicts' fears of dying at the point of a native spear was the least likely method of creating a relationship of 'amity and kindness' between convicts and Aborigines, either then or for the future. If the contradiction ever occurred to them, the commandants probably thought they were justified by the fact that they had a job to do as best they could with the materials at hand.

The commandants of Newcastle went further than simply using the Aborigines as a threat to prevent escapes. Within two months of Lieutenant Menzies' arrival with the Castle Hill rebels we find reference to co-operation between the authorities and Aborigines in the control of the convicts. The master card which could be played by a commandant on good terms with Aborigines was the latter's intimate knowledge of the terrain, and their ability to detect the presence of men in the bush. Lieutenant Menzies seems to have had an agreement with some Aborigines to report any unusual movements around the settlement.

With respect to the Convicts at Castle Hill attempting to liberate those here I am certain it is a plan that can never be accomplished; in the first place I shall have timely notice of their approach from the numerous Natives...³⁶

Further evidence of Menzies' working relationship with the Newcastle Aborigines is contained in an entry in the Ship News in the Sydney Gazette of 9th September 1804, which shows that he included an Aborigine in a search party at least once during his command. The notice was perhaps meant to sound a warning for any convict in New South Wales who

34. Government Order, 30th May 1805, King Papers, Vol.9, Further Papers, Mitchell Library A1980-3, p.3.
35. J.W.Turner (ed.), Newcastle as a Convict Settlement: The Evidence before J.T.Bigge in 1819-1821, Newcastle, 1973, p.193.
36. Menzies to King, 14th May 1804 (in King to Camden, 30th April 1805), H.R.A., I, V, pp.411-412.

was contemplating escape.

A prisoner made his escape into the woods shortly after landing at Newcastle; but was immediately pursued by a file of the Military, accompanied by the Native [?] who would doubtless overtake him before he could proceed to any very considerable distance: should it unfortunately happen otherwise, the consequences of his impetuosity must fall dreadfully upon himself...as it is scarcely possible that he should long pass unperceived by the Native hordes, no other prospect can remain to his rashness but that of inevitable death by famine or assassination.³⁷

Very little of the correspondence from Newcastle before 1817 has survived, and thereafter the Aborigines hardly receive a mention in the despatches until Wallis's time. However it would be reasonable to assume that the relationship established by the first commandant was followed through. Even if it was not, it was certainly resumed to good effect in the latter part of Macquarie's governorship, as it is mentioned consistently from Wallis's time onwards. Wallis and Morisset both spoke of escapees being brought back by Aborigines,³⁸ and Morisset and his successors formally included Aboriginal trackers in their search parties.³⁹

The frequency of the contact between Aborigines and the commandants in the later years of the penal establishment may be inferred from the number of convicts who tried to escape in a samole one year period. In 1820, forty nine floggings were administered for escaping or aiding an escapee.⁴⁰ This does not take account of the successful escapes, so that the number of times that the military and the trackers were sent in pursuit would be greater than forty nine. The significance of this point is that escape attempts must have occurred on average at least once a week, and were therefore everyday occurrences. It follows from this that the part Aborigines played in bringing back escapees would have been well known to the convicts of Newcastle, and constantly emphasised.

37. Sydney Gazette and New South Wales Advertiser, 9th September 1804, p.2 b & c.
 38. Wallis to Campbell, 14th November 1817 and 2nd April 1818, C.S.I.L. Newcastle, Vol.3, Roll 1, and Morisset to Goulburn, 16th May 1823, ibid., Vol.6, Roll 2, and evidence of Morisset, Bigge Evidence, p.73.
 39. e.g. Morisset to Campbell, 4th January 1819, C.S.I.L. Newcastle, Vol.4, Roll 2 and Owen to Goulburn, 3rd January 1825, ibid., Vol.9, Roll 3.
 40. Returns of convicts' punishments: Newcastle: 1810-1825, Archives Office of New South Wales, 4/1718, pp.95-119.
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The most comprehensive description of what had developed into a regular system by the time of Morisset's command is contained in Commissioner Bigge's description of the 'Settlement of Hunter's River'.

The native blacks that inhabit the neighbourhood of Port Hunter and Port Stephens have become very active in retaking the fugitive convicts. They accompany the soldiers who are sent in pursuit, and 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 convicts in the woods, when sent in their pursuit, without the soldiers; by their skill in throwing their long and pointed 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.

They are rewarded for these enterprises by presents of maize and blankets, and notwithstanding the apprehensions of revenge from the convicts whom they bring back, they continue to live in Newcastle and its neighbourhood...⁴¹

It was not only in Newcastle that Aborigines were used as trackers - their superiority in that role to white men was obvious to anyone faced with a security problem, as in Van Diemen's Land and other penal settlements. The effect on relations between Aborigines and the convicts was, as in the case of Newcastle, detrimental.⁴² The system was one which certainly benefited the authorities and, in the short term, the trackers they employed. But in the long term the spirit of vengeance which it encouraged in the convicts was to do the very opposite for the Aborigines, as will be seen in the following chapter which examines the developing hostility between Aborigines and convicts during Newcastle's penal period.

41. J.T.Bigge, Report of the Commissioner of inquiry into the state of the colony of New South Wales, 1822, Adelaide, 1966, p.117.
 42. R.H.W.Reece, Aborigines and Colonists, Sydney, 1974, p.56.
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Aborigines and Convicts

This chapter seeks to examine the relationship between Aborigines and convicts in the Newcastle area from the earliest contact up to the end of the penal establishment. It will be argued that the local tribes were well motivated in allowing themselves to become a tool of restraint against the convict inmates of Newcastle, partly because of early experience of ill-treatment by convicts and partly because convicts were more in evidence than other whites as disturbers of the environment. The role which the Aborigines chose to adopt in the penal settlement created in turn a grudge in the mind of the convict which had a deleterious effect upon relations between the two groups, and which may have a part to play in explaining later frontier violence in the Hunter Valley as well as further afield.

It would be a gross oversimplification to see convict dislike of Aboriginal trackers as the only factor determining friction between the races. Convicts at penal stations were the skimmings of the criminal class - men like John Kirby, transported to Newcastle for a vicious attack on a woman¹. Witnesses before a British parliamentary inquiry in 1836 gave evidence that wherever white settlement went, indigenous peoples were disadvantaged by the vices of Europeans, and the self-seeking nature of European colonisation², but that, according to the Rev. J. D. Lang, the sufferings of the Australian Aborigines were

greatly aggravated...as a race of savages, living in contact with a community of civilized men, when the latter consisted for the most part of the off-scourings of all things...

It follows that the convicts were generally from that social class with least access to education, whose attitudes towards non-Europeans would have been unsoftened by any romantic notions of 'uncivilized' life. Henry Reynolds suggests that the prevailing attitude amongst convicts would have been unconsciously Hobbesian⁴, that the life of the savage was 'poor, nasty, brutish and short'⁵, and led to the belief that the

1. A. T. Yarwood, 'Convicts and Aborigines: A fresh look at the causes of violence on the Australian frontier.' Unpublished article, University of New England, June 1980, p.18.
2. Evidence of T. Hodgkin, Minutes of Evidence before the Select Committee on Aborigines in British Settlements, British Parliamentary Papers, Anthropology: Aborigines, Vol. I, Session 1836. Irish University Press Series, 1968, pp.454-455.
3. ibid., p.682.
4. Henry Reynolds, 'Racial Thought in Early Australia,' Australian Journal of Politics and History, Vol.20, No.1, April 1974, p.51.
5. Quoted in J. H. Hexter (ed.), The Traditions of the Western World, Vol.1, Antiquity through the Early Modern Period, Chicago, 1971, p.478.

savage himself was a creature of no importance. Thus one source of brutality against Aborigines was a cultural factor independent of the situation in which the convicts found themselves. David Denholm suggests that 'it is not impossible that it could be the normal brutality the strong visit upon the weak⁶,' and the convict may well have relished the opportunity of finding himself in a position of strength as in some ways his situation was that of a slave. The course of events in the Newcastle district formed part of a worldwide experience in which non-Europeans suffered from the intrusion of European society, and the Australian Aborigines in particular suffered from the ill effect of transportation.

The function of the Aborigine as an obstacle to escapes or other misdemeanours on the part of convicts did not spring into being with the foundation of Newcastle as a penal colony, nor did it stop there. A.T.Yarwood has indicated how the convict's attitude towards the Aborigine as 'part of a hostile and repressive environment' would have begun to develop during the earliest years at Port Jackson, as a result of frustrated escape attempts or information passed on to the authorities by individual Aborigines⁷. The motivation for convict hostility towards Aborigines was carried through to the settlement at Newcastle and later to Port Macquarie. Some of the attacks on convicts reported in commandants' despatches from Newcastle and in other contemporary sources, were not on deserters from Newcastle, but on those trying to make their way south from Port Macquarie⁸. When Captain Allmen went to form the northern settlement in 1821, M'Gill of the Awabakal tribe and two other Newcastle Aborigines accompanied him as bush constables⁹. Further afield, in Van Diemen's Land, the black tracker Musquito earned himself the nickname of 'hangman's nose'¹⁰, an indication of how the convicts there must have

6. David Denholm, The Colonial Australians, Harmondsworth, 1979, p.30.

7. Yarwood, op.cit, p.23.

8. Morisset to Goulburn, 15th May 1823, Colonial Secretaries' In Letters Re Newcastle, 10 Volumes, 4 Rolls Microfilm, Mitchell Library in Association with Newcastle Public Library, Local History Library, Newcastle Public Library, Vol.6, Roll 2, and Francis Shortt to Goulburn, 21st January 1825, Colonial Secretaries' In Letters Re Port Macquarie, Archives Office of New South Wales, 4/1816, pp.42-43, and Robert Dawson, The Present State of Australia, Second edition, London, 1831, pp.41-42.

9. R.W.H.Reece, Aborigines and Colonists, Sydney, 1974, p.56.

10. loc.cit.

felt about him.

The interaction between Aborigines and convicts in the Newcastle area, then, may be taken as a case study of a relationship in which the inroads of European settlement upon tribal society were sharpened by an active antagonism on the part of the convict. The atrocities of which the Rev.L.E.Threlkeld wrote -

the ripping open the bellies of the Blacks alive; - the roasting them in that state in triangularly made log fires...together with many other atrocious acts of cruelty, which are but the sports of monsters...¹¹

the unspeakable nastiness of such crimes requires a more complex explanation than is contained in accounts of the white settler ridding himself of an obstacle in the path of agricultural success, or asserting a simple belief in racial superiority. It is suggested that the source of this unnecessary and arbitrary brutality with which the convict, especially the assigned servant in the interior, approached the Aborigines, was partly in the role which the latter were seen to fill in a hated system of confinement and oppression.

It is safe to assume that the earliest experiences of the Aborigines north of the Hawkesbury of white settlement were by word of mouth, reports by the tribes of Port Jackson and the agricultural settlements carried on hunting trips and visits to relatives. Thus the Aborigines around Newcastle and the Hunter Valley knew about the European settlers before they ever saw a white man. What was known about the intruders can of course only be guessed at. The first actual contact with Europeans was with convict deserters, and whatever the Aborigines may have heard about them, some at least were treated kindly. David Collins recorded that five convicts who ran from Parramatta in 1793 were shipwrecked at Port Stephens, and when four of them were discovered in 1796, they spoke 'in high terms of the pacific disposition and gentle manners of the natives...' The latter had seen the escapees neither as a threat, nor as a means of obtaining a handout, but as 'unfortunate strangers thrown upon their shore from the mouth of the

11. Threlkeld to Colonial Secretary, 30th December 1837, Niel Gunson (ed.), Australian Reminiscences & Papers of L.E.Threlkeld, 2 volumes, Canberra, 1974, Vol.1, p.139.

yawning deep, and entitled to their protection¹². They had seen them in the light of a visitation, for, says Collins

The natives who inhabit the harbour to the northward, called by us Port Stephens, believed that five white men who were cast away among them...had formerly been their countrymen, and took one of them to the grave where, he told me, the body he at that time occupied had been interred.¹³

Later escapees from Port Jackson brought the Newcastle Aborigines their first taste of some of the products of European civilization. It seems obvious that the convict reckless or desperate enough to take to the bush depended for his survival, especially if he were unarmed, on the goodwill of the Aborigines, which he may well have tried to buy with whatever goods were at his disposal. Colonel Paterson, who explored the Hunter in 1801, noticed that trees had been cut down

with a much sharper edged tool than their [the Aborigines] stone maza is, and from their shyness, I have little reason to doubt¹⁴ but that some of the European deserters are among them.

Paterson's assumption that the natives would be shy because they harboured convicts is probably more indicative of his role as an officer than anything else, but what is factual in his account indicates that there was indeed some traffic in the possessions of the escapees. No doubt the planned escape included the packing of some rum. Mr. Mason, the supervisor of the abortive first settlement at Newcastle in 1801, reported a drunken native stealing from the miners' camp, and commented, 'The mistry [sic] is where he got the sperits [sic] ...we suspect there are white men with them.'¹⁵ The degree of co-operation between Aborigines and convicts suggested by these two accounts did not long survive the formation of the permanent settlement as the evidence presented in the previous chapter has shown.

12. David Collins, An Account of the English Colony in New South Wales, 2 Volumes [1798 & 1802], edited by Brian H. Fletcher, Sydney, 1975, Vol. I, p. 357.

13. ibid., p. 454.

14. Paterson's Journal and Discoveries at Hunter River, 5th July 1801, Historical Records of New South Wales, 7 Volumes, Sydney, 1892-1900 Vol. IV, p. 451.

15. Mason to King, ibid., p. 628.

Before proceeding to trace the consequences of the co-operation between authorities and Aborigines for the relationship of the latter with the convict population, it is necessary to look for motives on the part of the Aborigines. Why did the Worimi tribe of Port Stephens and the Awabakal tribe to the south of Newcastle put themselves in the position of becoming a tool in the hands of the commandants? Perhaps the pay-offs from the commandant were more to be relied on than any bribe offered by a deserter and then perhaps withheld, so that a materialistic motive may have been part of the picture. What other considerations might have persuaded these Aborigines to act as a human prison wall to the penal settlement, and even to take pleasure in so doing? According to Major Morisset's Superintendent of Public Works, Sergeant Evans, the Aborigines enjoyed tracking convicts, and were 'full of spirits when they think they are near them'.¹⁶

What little evidence there is of the interaction between the earliest runaways and Aborigines does not point to any ill-treatment of the latter, indeed it was in the convict's interest to stay on their best side, but there were other convicts besides escapees in the Hunter Valley before the establishment of a settlement. There were those who came to take what the environment had to offer and then leave. David Collins recorded that a fishing boat which had called in at Newcastle and picked up coals returned to Port Jackson with two casualties, because 'these people having conducted themselves improperly while on shore, two of them were severely wounded by natives...'.¹⁷ Collins does not specify the nature of this improper conduct, nor whether the persons concerned were convicts. However we may assume that a fishing party would have consisted of convicts and their guards.

Before the formation of the settlement at Newcastle in 1804, Governor King wrote that 'Occasional supplies of coal and cedar for buildings were got from thence both by government and individuals'.¹⁸

16. J.W.Turner (ed.), Newcastle as a Convict Settlement: The Evidence before J.T.Bigge in 1819-1821, Newcastle, 1973, p.95.

17. Collins, op.cit, Vol.I, p.402.

18. King to Hobart, 1st March 1804, Historical Records of Australia, Series I,IV, p.486.

Good quality cedar was available throughout the coastal area of New South Wales, and the white settlers were not slow to exploit it.¹⁹ To the reader who knows something of the impact of the cedar trade upon white-Aboriginal relations, the opening words of James Jervis's article 'Cedar and the Cedar Getters,' are heavy with irony.

With the passing of the cedar industry, a romantic and colourful chapter of our history has closed. Doubtless some day a novelist will arise who will find useful material in the story of the cedar trade and the cedar getter.²⁰

Insofar as their relations with the Aborigines are concerned, the cedar getters of the Hunter Valley, especially of the Paterson River and Port Stephens area, would provide a novelist with colourful material, certainly, but scarcely romantic. The record of hostilities begins early. Lieutenant Menzies reported to Governor King in November 1804 that he was suspending the operations of private cedar parties, after an assigned servant working for Underwood and Cable had been 'severely beat by a party of Natives up Paterson's River...'²¹, though Menzies does not suggest a motive for the attack. Menzies spoke of the need to arm the cedar parties,²² and it is probable that this practice was continued, as it is mentioned again in 1819 by Governor Macquarie, on a tour of the Lower Hunter,²³ and in Morisset's evidence before the Bigge inquiry. Morisset stated that the woodcutters were accompanied by a guard, both to prevent escapes and to protect them from the Aborigines who were sometimes 'both troublesome and formidable.'²⁴ In 1824 the commandant at Newcastle was bothered by two incidents of assigned servants absconding from cedar parties. The declarations of the escapees gave fear of attack by Aborigines following the death of a companion as the motive for being

19. James Jervis, 'Cedar and the Cedar Getters,' R.A.H.S.J., Vol.25, Part 2, 1940, p.131.
 20. loc.cit.
 21. Menzies to King, 5th November 1804 (in King to Camden, 30th April 1805), H.R.A., I, V, p.423.
 22. ibid., p.424.
 23. Lachlan Macquarie, Journals of His Tours in New South Wales and Van Diemen's Land, 1810-1822, Sydney, 1956, p.132.
 24. Evidence of Morisset, Bigge Evidence, pp.58-59.
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absent without leave²⁵.

Robert Dawson, who arrived in Newcastle in 1825 to become the first agent of the Australian Agricultural Company's holding at Port Stephens, established an extremely close relationship with the Aborigines there. He may be seen as the closest of any settler to a mouthpiece for the Worimi tribe. From what he was told about the contact between Aborigines and white men before his arrival in the area, Dawson was left in no doubt about the origins of the hostility towards Europeans.

The timber-cutting parties...were the first people who came in contact with the natives in the neighbourhood of the sea; and as they were composed of convicts and other people not remarkable either for humanity or honesty, the communication was not at all to the advantage of the poor natives, or subsequently to the settlers who succeeded those parties.²⁶

The consequence of the behaviour of the cedar getters

was, that the natives inflicted vengeance upon almost every white man they came in contact with, and as convicts were frequently running away from the penal settlement of Port M'Quarie [sic] to Port Stephens...numbers of them were intercepted by the natives and sometimes detained, whilst those who fell into their hands and escaped with life, were uniformly stripped of their clothes.²⁷

While Dawson's account indicates that the native retaliation for ill-treatment by cedar getters was wrought upon all whites whether convict or free, it should be borne in mind that the majority of whites up-country before Dawson's arrival were convicts of one category or another, either settled on small holdings on the Lower Hunter,²⁸ employed in cedar gangs, or escaped from Newcastle or Port Macquarie. Thus the Aborigine would create a hostile association in the mind of the convict, especially those deserters from Port Macquarie of whom Dawson spoke, and more particularly if an individual

25. Declarations of assigned servants absent without leave, 24th January and 7th February 1824, C.S.I.L. Newcastle, Vol.7, Roll 3.
 26. Dawson, op.cit., p.41
 27. ibid., pp.41-42.
 28. Bigge Evidence, p.27.
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convict had done nothing himself to invite reprisals.

Dawson's account also shows that the Aborigines were sometimes prepared to co-operate with and work for the cedar getters, but that the latter were hard and treacherous taskmasters.

Several boys and women were shown to me whose fathers and husbands were shot by these marauders for the most trifling causes; one, for instance, for losing a kangaroo dog, which had been lent him for the purpose of supplying the white savages with game.²⁹

It is too simple, however, to attribute all the blame for poor relations between Aborigines and cedar getters to any overt and hostile behaviour by the latter. The encroachment of economic exploitation upon the integrity of Aboriginal land is recognised today as a moral issue involving a question of human rights, as indicated by the controversy over conflicting rights to the Noonkanbah pastoral lease.³⁰ The hostility of Aborigines on the lease to the arrival of mining interests has a recognisable motive, whichever side one happens to be on. But the early settler in New South Wales did not understand the spiritual communion between man and land which he was disturbing by his very presence.³¹ David Collins, telling of the hostile reception which Henry Hacking met when he visited the Hunter in 1799, explained it in terms of the character of the Aborigine.

Our people having frequently visited this river for coals, and always treating with kindness and civility the natives whom they met, this behaviour was not to be accounted for except by its being allowed that all savages are under the dominion of a sudden impulse; which renders it impossible to know when to trust them.³²

Earlier experiences at Port Jackson of apparently unmotivated attacks³³ made it easy to dismiss Aboriginal hostility in this way. But it is possible, indeed highly likely, that without ever transgressing the bounds of kindness and civility as Collins and Hacking would have

29. Dawson, op.cit., p.41.

30. Newcastle Morning Herald, 26th August 1980, p.3 b & c.

31. W.E.H.Stanner, 'The History of Indifference thus begins,' Aboriginal History, Vol.1, No.1, 1977, p.9, and A.P.Elkin, 'Reaction and Interaction. A food gathering people and European settlement in Australia,' American Anthropologist, Vol.53, No.1, 1951, p.165.

32. Collins, op.cit., Vol.II, p.147.

33. G.B.Barton, History of New South Wales, Vol.I, Sydney, 1889, pp.124-125.

understood those words, the first white men on the Hunter did nevertheless offend the Aborigines simply by disturbing the environment, whether by hunting game, or in the process of collecting coal, or most of all by felling trees. We can only guess at the extent of the dismay caused by the sight of great numbers of trees, some of them no doubt of totemic significance, being cut down and removed for no apparent purpose. This would be a sufficient motive for hating the convicts of cedar gangs, without any provocation on the part of the latter. An incident which occurred in the early days of the settlement at Port Macquarie helps to illuminate this point. Commandant Allman reported to the Colonial Secretary in November 1821, that two convicts had been speared by natives while cutting timber.

The act of treachery on the part of those Savages was greatly aggravated by their appearance of friendship having partaken the Evening previous to it, of the Supper of the poor fellows who became their Victims...taking advantage of the long Grass and thick scrub on the banks of the Hastings they were able to come close to the party unobserved, and matching the opportunity that offered by the men being Engaged in felling a Cedar tree committed the Murder.³⁴

Characteristically, the attack was explained in terms of unmotivated treachery, and the cutting of the cedar tree seen as the opportunity for the murders rather than the occasion of them. Perhaps it is also significant that the attackers stole an axe and a saw, the tools of the cedar getters' trade.³⁵ Keith Willey is right to point out that the Aborigines of Port Jackson were probably attracted to the superior quality of metal tools,³⁶ but perhaps they were also sometimes stolen in a vain attempt to halt the destruction of the trees.

John Bingle, a settler who arrived in the Hunter Valley during Morisset's command, commented on the practice of appointing gamekeepers to provide a sufficient supply of kangaroos and duck for

34. Allman to Goulburn, C.S.I.L. Port Macquarie, p.35.

35. ibid., p.36.

36. Keith Willey, When The Sky Fell Down, Sydney, 1979, p.64.

for the commandant's and officers' quarters. Six convicts were assigned to the work, and were given daily quotas to reach. According to Bingle, the chance to work as a gamekeeper was considered a social favour and the quotas were often exceeded.³⁷ One wonders how often the zeal of the hunter earned the hatred of the Aborigines on whose land he was a poacher. One such hunter, George Little, was wounded by a party of Aborigines in 1817. It is interesting that, although in general the Aborigines around Newcastle were said to have got on better with the military than with the convicts,³⁸ and on at least one occasion saved the life of a soldier attacked by escapees,³⁹ George Little's hunting companion Private Connachton was also speared during the same attack and later died. The deposition of George Little suggests nothing in the way of a motive for the spearings,⁴⁰ and we may speculate that they were a retaliation for shooting kangaroos. This incident is a reminder of the earlier murder of the gamekeeper McIntire at Port Jackson, a murder which appeared to be quite unprovoked although the Aborigines were known to dislike the man.⁴¹ While the convict hunter or cedar getter simply saw himself to be doing a necessary job, to the Aborigine he was a destroyer and plunderer, although it is important to remember that someone else was responsible for putting him in that position.⁴²

But if the convicts were not responsible for the kind of work they were required to do, they were responsible for the conduct of their leisure time activities. The Rev. L. E. Threlkeld, who like Robert Dawson arrived in the Newcastle area as the penal settlement was being disbanded, found a motive for Aboriginal hostility towards the convicts in the latter's treatment of their women. Peter Cunningham, who spent some time in the Hunter Valley at the

37. John Bingle, Past and Present Records of Newcastle, New South Wales, Newcastle, 1873, p.12.
38. J.T. Bigge, Report of the Commissioner of inquiry into the State of the Colony of New South Wales, [1822], Adelaide, 1966, p.117.
39. Morisset to Goulburn, 18th December 1821, C.S.I.L. Newcastle, Vol.4, Roll 2.
40. Deposition of George Little, 13th May 1817, ibid., Vol.3, Roll 1.
41. Collins, op.cit., Vol.I, p.118, and Captain Watkin Tench, Sydney's First Four Years, being a reprint of a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson, [1789 & 1793], Sydney, 1963, pp.205-206.
42. Denholm, op.cit., p.44.

beginning of free settlement, wrote of 'husbands disposing of the favours of their wives to the convict-servants for a slice of bread or a pipe of tobacco.'⁴³ The practice of exchanging women temporarily for food and tobacco had begun at Port Jackson within a few years of the first settlement, and became quite common throughout the mainland and Van Diemen's Land. This traffic operated amicably as long as both parties understood and fulfilled the obligations implied, but could result in conflict if, for instance, Europeans failed to return the women.⁴⁴ It is not unlikely that the convicts of Newcastle, especially the cedar getters who were the most isolated from white female company, took advantage of the trade in women. Somewhere along the way, the formality of an agreement was dispensed with by some of the convicts of Newcastle. Soon after his arrival in 1825, Threlkeld wrote of hearing

at night the shrieks of Girls, about 8 or 9 years of age, taken by force by the vile men of Newcastle. One man came to me with his head broken by the butt⁴⁵ end of a musket because he would not give up his wife.

Naturally such brutality provided a powerful motive for retaliation by the offended husbands and fathers. Threlkeld's Second Half Yearly Report to the London Missionary Society, dated June 1826, mentioned a convict who had been seen abducting an Aboriginal woman. According to the missionary, 'This very man the Blacks told me they would spear if he did not mind himself better.'⁴⁶ It is hardly surprising then that the Aboriginal tracker should take delight, as Sergeant Evans claimed, in running down the convicts who interfered with his women and were seen to disturb his natural world.

What happened to the convict of Newcastle or Port Macquarie when he came up against the Aborigine in the role of tracker? He was

43. Peter Cunningham, Two Years in New South Wales, [1827], Sydney, 1966, p.186.
44. Lyndall Ryan, 'The Aborigines in Tasmania, 1800-1974, and their problems with the Europeans,' Ph.D.Thesis, Macquarie University, December 1975, pp.49-50, and Willey, op.cit., p.119.
45. Journal entry, 14th December 1825, Threlkeld Papers I, p.91.
46. Threlkeld to London Missionary Society, 21st June 1826, Threlkeld Papers, II, p.205.

likely to be caught, as the Aborigines were efficient and reliable in their work. Indeed the commandants would hardly have bothered to encourage them if this had not been the case. Major Morisset reported sending search parties in pursuit of a number of escapees in January 1819 and stated that he felt confident of the outcome of the search because of the presence of black trackers in the search parties.⁴⁷ Sergeant Evans felt the same, as he told the Bigge inquiry that he 'would rather have natives with him than soldiers in the pursuit...'⁴⁸ In 1824 the commandant at Port Macquarie made special mention of one of his trackers to the Colonial Secretary.

Yarrowbee (chief of the Camden Haven tribe) has frequently gone in pursuit of runaways and has the good opinion of Captain Allman, I therefore beg particularly to recommend him to His Excellency for an Honorary Badge.⁴⁹

To the convict, such a badge must have been the mark of the greatest infamy.

Having been apprehended by a tracker, the escaped convict could not expect consistent treatment. From the official point of view, the theory of the system was that the parties of trackers wounded the escapee with spears in order to immobilise him and make it easier to bring him back to Newcastle.⁵⁰ Sometimes the injuries proved to be more than superficial, as in the case of a deserter from Port Macquarie, whom Morisset reported to have died in hospital after being brought in by Aborigines.⁵¹ When the Aborigines concerned were not acting in any official capacity, to be killed outright was probably an even greater likelihood, and Sergeant Evans said that once the Aboriginal trackers got into the mountains at a distance from the settlement, they killed their quarry,⁵² perhaps because it was not worth going back to the settlement to claim a reward. The convict who was lucky enough to escape after being attacked by an

47. Morisset to Campbell, 4th January 1819, C.S.I.L. Newcastle, Vol.4, Roll 2.

48. Evidence of Sergeant Evans, Bigge Evidence, p.95.

49. Rolland to Goulburn, 20th April 1824, C.S.I.L. Port Macquarie, p.340.

50. See chapter 1, p.26.

51. Morisset to Goulburn, 16th May 1823, C.S.I.L. Newcastle, Vol.6, Roll 2.

52. Evidence of Sergeant Evans, Bigge Evidence, p.95.

Aborigine was likely to be left without food or clothing⁵³, and faced the alternatives of dying of hunger and exposure, or saving his life but not his pride by returning ingloriously to Newcastle.

The deserter therefore faced the prospect of having his escape attempt thwarted in a number of ways by Aborigines, and it is easy to see that this could create a 'shoot first ask questions later' attitude to any Aborigine the convict might happen to encounter while escaping, as well as a generalised antipathy on the part of all convicts, reflective of their loyalty to each other as a class⁵⁴, to anyone who betrayed a mate. The result was, predictably, that Aborigines suffered at the hands of the convicts, either while the latter were escaping, or as a result of the known or 'supposed' activities of individuals. Lieutenant Menzies reported the murder of a native by a party of runaways in October 1804⁵⁵, an incident which occurred after the commandant had begun to use the fear of attack by Aborigines as a weapon against potential absconders.⁵⁶

Alexander Harris provides us with an anecdote to illustrate what might have happened to the Aborigine unfortunate enough to be overpowered by convicts on the run. In The Secrets of Alexander Harris he wrote of an Aborigine whose own tomahawk had been used to kill him. He was then eaten by his murderers, a gang of escapees from Newcastle⁵⁷. Writing of a similar incident in Settlers and Convicts Harris commented on the fall from humanity which such stories represented.

It is impossible to determine whether this story was true or false; but I heard it told with my own ears, and if it shows nothing else, it shows how depraved men must have become who can relate or listen to such things as very good jokes, and as the ground⁵⁸ of a claim to the admiration of those around them.

53. Menzies to King, 15th June 1804. (in King to Camden, 14th August 1804), H.R.A.I,V, p.112, and Wallis to Campbell, 24th August 1816, C.S.I.L. Newcastle, Vol.3, Roll 1.
54. Russel Ward, The Australian Legend, Melbourne, illustrated edition, 1978, pp.92-93.
55. Menzies to King, 17th October 1804 (in King to Camden, 30th April 1805), H.R.A.,I,V,p.423.
56. Menzies to King, 15th June 1804. (in King to Camden, 14th August 1804), ibid., pp.112-113.
57. Alexander Harris, The Secrets of Alexander Harris, [1858], Sydney, 1961, p.108.
58. Alexander Harris, Settlers and Convicts, [1847], Melbourne 1977, pp.197-198.

How were convicts dealt with if crimes of violence against Aborigines came to the attention of the authorities? The question of punishment is extremely important, for the law and its administrators contributed to a situation in which the white offender could regard the life of an Aborigine as worthless. Crimes of assault could come under the heading of breaches of discipline and the commandant could use his summary powers to sentence a convict to the lash. For instance, in October 1820 three convicts at Newcastle were sentenced to one hundred lashes between them for an assault on an Aborigine. The motive behind the assault is of great significance. The Return of Punishments describes the crime as 'inhumanly ill treating and cutting a black native and intimidating him against bringing in bushrangers⁵⁹.' In a similar case in 1821, a convict by the name of Henry Langton received seventy five lashes⁶⁰. Although these sentences were by no means severe by colonial standards - some of the Castle Hill rebels received five hundred lashes⁶¹ - they would have added to the reasons for resentment against Aborigines.

When the crime was one which required the accused to stand trial, the situation was different. Aborigines, as non-Christians, were not in a position to give sworn evidence⁶², and thus in a situation where the only witnesses to a crime were Aborigines, it was extremely difficult to get a conviction. The opinion of the Judge Advocate Atkins in 1805 was that

the Natives of this Country (generally speaking) are at present incapable of being brought before a Criminal Court, either as Criminals or as Evidences...⁶³

Lack of sufficient proof was given as Menzies' reason for not sending for trial the escapees who had murdered an Aborigine in 1804⁶⁴. Even where a conviction was obtained, the authorities hesitated to apply the extreme penalty for the murder of Aborigines. This happened in 1799 when five Hawkesbury settlers were found guilty

59. Prisoners punished at Newcastle, 28th October 1820, Bigge Evidence, p.250.

60. Prisoners punished at Newcastle, 18th September 1819, ibid., p.237.

61. R.W.Connell, 'The Convict Rebellion of 1804,' Melbourne Historical Journal, Vol.5, 1965, p.32.

62. C.D.Rowley, The Destruction of Aboriginal Society, Harmondsworth, 1972, p.35.

63. Atkins, 8th July 1805 (in King to Camden, 20th July 1805), H.R.A., I,V, p.504.

64. See footnote 55.

of the premeditated killing of two Aboriginal boys.⁶⁵ Governor Hunter apparently acted in the first place with great energy, judging it 'highly necessary to have the murderers taken immediately into custody, and a court...immediately ordered for their trial.'⁶⁶ The verdict, however, was referred to London and, after a lapse of two years, the murderers were pardoned.⁶⁷

Thus it may be seen that while the colonial government preached of amity and kindness towards the Aborigines, the actual conditions at penal settlements such as Newcastle were such as to foster distrust and hatred towards them. At the same time, the administration of justice in the colony as a whole ensured that those emotions could be expressed with relative impunity. In only one case during the period of the penal establishment at Newcastle was a white man executed for the murder of an Aborigine, indeed he was the only man to be executed for that reason before the Myall Creek case of 1838,⁶⁸ though not the only one to be convicted of murdering an Aborigine before that time.⁶⁹

The case of John Kirby is illustrative of the role played by Aborigines in the discipline of the penal settlement, and of the antagonism created in the mind of the convict. On the 31st October 1820, Major Morisset reported an escape attempt by John Kirby and James Thompson which had resulted in the wounding of King Burrigan of the Newcastle tribe, while the former were being returned to the settlement.⁷⁰ Burrigan later died of the wound inflicted by Kirby.⁷¹ Morisset expressed concern that 'as the crime was committed only in the presence of Black Natives...it would be extremely difficult to procure such evidence as would convict them,' and requested instructions on whether the men should be punished at

65. C.M.H.Clark, A History of Australia, 4 Volumes, Carlton, paperback edition, 1979, Vol.I, p.145.

66. Hunter to Portland, 2nd January 1800, H.R.A., I, II, p.401.

67. Clark, op.cit., p.167.

68. Yarwood, op.cit., p.16.

69. Evidence of Saxe Bannister, Minutes of Evidence before the Select Committee on Aborigines in British Settlements, British Parliamentary Papers, Anthropology: Aborigines, Vol.1, Session 1836, Irish University Press Series, 1968, p.176.

70. Morisset to Campbell, 31st October 1820, C.S.I.L. Newcastle, Vol.4, Roll 2.

71. Morisset to Campbell, 10th November 1820, ibid.

Newcastle.⁷² Ten days later Morisset had sent depositions to the Judge Advocate to discover whether there was sufficient evidence to secure a conviction.⁷³ On 22nd November, Morisset informed J.T.Campbell that he was sending James Wells, constable, to Sydney with 'Crown evidence' in the case.⁷⁴ The lapse of twelve days suggests that new evidence had become available, and supports the theory that perhaps Thompson had been persuaded to betray his friend.⁷⁵ Kirby was subsequently found guilty⁷⁶ and executed on 18th December.⁷⁷

The details of the thwarted escape attempt indicate the degree of involvement of Aborigines acting in groups rather than as individuals. This may be considered to be of significance if we are arguing that the hostility of the convicts became directed towards Aborigines as a group. The black tracker M'Gill reported being with the party of Aborigines who took Kirby and Thompson prisoner and stated that 'the said runaways were kept confined until daylight next morning when he with the other Natives, brought them on towards the Settlement.' Isaac Elliot, the Superintendent of Public Works, told the court that an Aboriginal woman had arrived with information...of two men being taken up by some natives, who were conducting them into town.' Probably the woman had been sent to get help. Elliott went in the direction of the party of Aborigines and then reported seeing Kirby from a distance as he inflicted the mortal wound. Constable Wells corroborated Elliott's evidence that Kirby was seen to raise his arm to the deceased, at the same time as the natives were heard to cry out that their prisoner had killed Burrigan. The same witness heard Kirby express in strong terms his regret at not having cut his victim's head off.⁷⁸

The expedition with which Kirby was convicted and executed, in contrast to the Hawkesbury murderers in 1799, requires an explanation. From a technical point of view, Kirby must have been convicted on the

72. Morisset to Campbell, 31st October 1820, *ibid.*

73. Morisset to Campbell, 10th November 1820, *ibid.*

74. Morisset to Campbell, 22nd November 1820, *ibid.*

75. Yarwood, *op.cit.*, p.17.

76. *Sydney Gazette*, 16th December 1820, p.3 b.

77. *ibid.*, 23rd December 1820, p.4 a.

78. Report of the trial, *ibid.*, 16th December 1820, p.3 b, and depositions of Isaac Elliott, James Wells, John Mentzlowe, M'Gill in King v. Kirby, Clerk of the Peace Depositions, Archives Office of New South Wales, T133 20/80.

73.

purely circumstantial evidence of the two white witnesses Elliott and Wells or, alternatively, this evidence in conjunction with that of Thompson. The character and record of Kirby, as well as Macquarie's interest in promoting equality for Aborigines,⁷⁹ would certainly have been factors in bringing about this unusual execution. Further light is thrown on the subject by referring to what is known about the victim, who appears to have impressed some colonists at least with certain qualities they did not usually attribute to Aborigines. In the report of Kirby's trial in the Sydney Gazette Burrigan is described as a 'useful and intelligent chief'.⁸⁰ Six years later when Francis Shortt appealed to Governor Darling on behalf of four assigned servants found guilty of the murder of an Aborigine, he justified the execution of Kirby in very interesting terms. Besides the fact that Kirby had a very unsavoury record, and that he had committed the murder 'under peculiarly atrocious circumstances', the murder victim had been 'a Constable and comparatively civilized'.⁸¹ The implication is obvious, and is particularly damning of one way in which the colonists regarded the Aborigines - Burrigan deserved to be avenged by the execution of a white man not because he was a man, but because he was like a white man. From the official point of view, the execution must indicate the seriousness with which escapes were viewed, and the degree of dependence on native help to prevent them. What Kirby's fellow convicts at Newcastle thought of the matter we can only guess at. It is inconceivable that Morisset should not have made the fact known. It may well have exacerbated already strong feelings against black trackers.

To conclude, some at least of the convicts had given the Aborigines around Newcastle reason to dislike and distrust them. The Aborigines in turn brought upon themselves the hatred of the desperate characters of Newcastle by their co-operation with the authorities,

79. Yarwood, op.cit., pp. 17-18.

80. Report of the trial, see footnote 78.

81. Shortt to Darling, 8th October 1826, C.S.I.L. Newcastle, Vol.10, Roll 4.

a situation which helps to explain the violence which manifested itself on the Hunter and elsewhere in New South Wales when convicts were released from close control and sent out as assigned servants. Some of them may have been getting revenge for specific injuries⁸², many simply reacting to a perception of the Aborigines as natural enemies, the more so as the activities of black trackers did not cease with the winding up of the penal establishment. The remaining chapters look at the relationship between Aborigines and white men when the Hunter Valley was made available for free settlement and convicts found themselves working in the valley as assigned servants.

82. Yarwood, op.cit., p.22.

Chapter 3

Aborigines and the Settlement of the Hunter Valley

I - Officials and free settlers

In his report on the penal settlement at Newcastle, J.T. Bigge had alluded to the revenge which the convicts there would have liked to take on the Aborigines of the district who acted as trackers¹. During the time that Newcastle was a penal settlement the inmates were under sufficiently strict control to prevent any serious outbreak of racial violence arising from this situation. There were only isolated incidents of convicts taking out their anger on Aborigines². When the Hunter Valley was made available for free settlement, this situation was changed. Convicts as assigned servants were now in a position to encounter the Aborigines without the watchful eyes of the commandant and the military. During the first years of settlement the contact between the races was particularly violent. The Hunter Valley was not the only theatre of racial violence in the eighteen twenties - the spread of settlement to the west and south of Sydney brought clashes between black and white in the Bathurst area, and on the middle reaches of the Shoalhaven River³ - but the violence in the Hunter Valley was the most prolonged. The concluding chapters will examine the nature of race relations in the Hunter Valley in the first twenty years of free settlement, by looking at the interaction between Aborigines and the government and free settlers, and by showing how the convict population and the Aborigines responded to each other within the framework of free settlement. The white men's involvement in the rapid decline of the Aboriginal population in this period will also be indicated.

The potential of the valleys of the Hunter River system as agricultural and grazing land had been recognized some years before J.T. Bigge recommended making the area available for free settlement. An entry in explorer John Howe's journal for 5th November 1819 noted

1. See chapter 1, p.26.
2. See chapter 2, pp.40-43.
3. Brisbane to Bathurst, 3rd November 1824, Historical Records of Australia, Series I,XI, p.409, and Darling to Bathurst, 6th May 1826, ibid., I,XII, p.269.

that, 'it is the finest sheep land I have seen since I left England⁴.' In the same year William Charles Wentworth wrote that the Hunter district

contains the strongest inducements to colonization. It possesses a navigable river, by which its produce may be conveyed to market at trifling expense,...it surpasses Port Jackson in the general fertility of its soil, and it at least rivals it in the salubrity of its climate...⁵

Closer acquaintance with the Hunter Valley confirmed these early judgements. Robert Dawson, who had been appointed in 1825 as the agent of the Australian Agricultural Company's grant at Port Stephens⁶, wrote in 1831 that 'the district of Hunter's River...may truly be said to be the garden as well as the granary of New South Wales.'⁷ Given the avidity with which J.T.Bigge found the free settlers of New South Wales clamouring for land⁸, and the interest with which New South Wales was viewed by potential immigrants from Britain⁹, it is not surprising that between 1821 and 1825 almost 400,000 acres of this prime land was granted away.¹⁰ At the time of the census in 1828, this had risen to over half a million acres not counting the Australian Agricultural Company's grant of one million acres.¹¹

What sort of relationship existed between the Aborigines of the valley and white men before this massive alienation of tribal lands? The first agricultural settlers in the Hunter Valley had been granted small portions of land on the fertile river flats at Paterson's Plains in about 1812¹² and Wallis Plains in 1818.¹³ Settlement was

4. J.F.Campbell, 'John Howe's Exploratory Journey from Windsor to the Hunter River in 1819,' Royal Australian Historical Society Journal, Vol.XIV, Part 4, 1928, pp.239.
5. W.C.Wentworth, A Statistical, Historical, and Political Description of the Colony of New South Wales, London, 1819, p.59.
6. C.M.H.Clark, A History of Australia, 4 Volumes, Carlton, paperback edition, 1979, Vol.II, pp.63-64.
7. Robert Dawson, The Present State of Australian, Second edition, London, 1831, p.377.
8. John Ritchie, Punishment and Profit, Melbourne, 1970, p.194.
9. ibid., pp.91-93.
10. J.F.Campbell, 'The Genesis of Rural Settlement on the Hunter,' R.A.H.S.J., Vol.XII, 1926, Part 2, pp.79-87.
11. T.M.Perry, Australia's First Frontier, Parkville, , 1963, p.137.
12. J.W.Turner (ed.), Newcastle as a Convict Settlement: The Evidence before J.T.Bigge in 1819-1821, Newcastle, 1973, p.27.
13. Perry, op.cit., p.61.

permitted as an incentive to well-behaved convicts, as patronage of officers¹⁴, and presumably as a means of supplying Newcastle with some fresh garden and dairy produce. At the time that J.T. Bigge was collecting evidence in Newcastle, there were twenty three of these farms, only five of them held by unconvicted persons¹⁵. The size of the holdings ranged from eleven to sixty acres¹⁶. As the convict grantees held their land on the basis of good conduct, it is hardly surprising that, according to Major Morisset, the settlers were well-behaved and co-operated with the military in catching runaways¹⁷. This would necessarily have involved co-operation with Aboriginal trackers, though Morisset does not say so. John Allen, who was constable at Wallis Plains, informed Bigge that, while the settlers were 'much annoyed' by Aborigines at harvest time, in general the settlers were on good terms with them, Aborigines occasionally labouring for the settlers¹⁸. Morisset said that military detachments were kept at the two settlements with a dual function, 'to assist the constables there in keeping order and to protect them against the blacks¹⁹.' It is impossible to say whether the threat of attack by the Wonarua tribe was imagined or real, there is so little evidence of this early period of settlement. It is safe to assume that relations cannot have been too acrimonious, or, considering the degree of official surveillance and control, it would have been mentioned in despatches.

If relations between Aborigines and settlers in this early period were on the whole friendly, three reasons may be advanced to explain this: the relatively small amount of land alienated from Aboriginal use, the degree of official control over settlers' activities, and the good conduct of the grantees. Though this chapter concerns itself with events in race relations after the arrival of free settlers, the point is worth making, for it can be argued that the violence which broke out between Aborigines and white settlers in the years following widespread settlement of the valley was a

14. Bigge Evidence, pp.27-28.

15. ibid., p.27.

16. Perry, op.cit., p.62.

17. Evidence of Morisset, Bigge Evidence, p.75.

18. Evidence of John Allen, ibid., p.150.

19. See footnote 17.

function of the occupation of large areas of land, the lessening of government control over individuals, and the character, attitudes and experiences of the white men both resident and non-resident in the Hunter Valley. The emphasis in this study is upon the two latter factors.

The absence of control over a frontier population was not a new problem for authorities attempting to regulate settler contact with Aborigines. Governor Hunter had to caution settlers on the Hawkesbury River to co-operate with each other and to use restraint with firearms when they were not supported by the military in their dealings with Aborigines.²⁰ The reduction of control over persons resident in the Hunter Valley in the eighteen twenties and thirties was a result of several factors. In part it was caused by increased population in the area. In 1820, the total population of the penal establishment had been under one thousand,²¹ and all but a handful were concentrated within the few square miles of the township of Newcastle. This had risen to 1,673 in 1825, and 3,260 in 1828.²²

Distance was another factor. The grants on the Upper Hunter, where the worst racial violence occurred, were up to seventy miles from the nearest military detachment at Wallis Plains, and in times of crisis reinforcements had to be brought all the way from Newcastle.²³ The same problem limiting the swift movement of the military to trouble spots was also an impediment to the prosecution of offenders in incidents of racial violence. The instigation of legal proceedings could involve a witness in a journey of several days length to make depositions before the nearest magistrate. Even the Rev.L.E.Threlkeld, who was most active in pursuing justice in relations between black and white, was conscious of the inconvenience caused when he or his assigned servants had to be absent on legal business, such as in the case of the disappearance of three Aboriginal women in 1838. Threlkeld was first asked to send an assigned servant to Patrick's Plains, a

20. Government and General Order, 22nd February 1796 (in Hunter to Portland, 12th 1796), H.R.A., I, I, p.688-689.

21. Bigge Evidence, p.13.

22. Perry, op.cit, p.130.

23. Lt.de la Condamine to Capt.Foley, 7th September 1826 (in Darling to Bathurst), 6th October 1826, H.R.A., I, XII, pp.615-616.

distance of sixty miles from the Ebenezer Mission at Lake Macquarie. Threlkeld was then asked to attend at Patrick's Plains himself, and commented on the 'expenses attached to such long journeys [sic] to private individuals²⁴.' It is obvious that a settler's willingness to inconvenience himself in this way depended on his view of the seriousness of a crime and the need to report it.²⁵

The dangers of distance, and the importance of individual settlers' attitudes are illustrated when we consider an incident in 1826 which involved the Mounted Police. In 1825, the Executive Council recommended the formation of a body of Mounted Police to suppress bushranging in the Bathurst and Hunter districts.²⁶ In practice, the Mounted Police came to be used when settlers were under attack from Aborigines, and they often acted in a way which negated the official desire to conciliate Aborigines and treat them fairly. In the Hunter Valley, the Mounted Police earned the fear of the Aborigines²⁷, sometimes provoked rather than averted violence,²⁸ and in one case the commanding officer of a detachment of Mounted Police was prosecuted for murder after illegally overstepping his authority.

In July 1826, when the disturbances between Aborigines and white settlers on the Upper Hunter were at their height, the Attorney General Saxe Bannister wrote to Governor Darling that he had

received information relative to the killing of a black native at Hunter's River by the military in circumstances which, if truly stated, deserve exemplary punishment.²⁹

An entry in the Rev. L. E. Threlkeld's journal for 16th August 1826 provides corroboration of Bannister's suspicions. Threlkeld wrote of a party of Mounted Police calling at his house in Newcastle with two Aborigines in custody. One other had been shot, apparently while attempting to escape. Threlkeld described

24. Threlkeld to Colonial Secretary, 18th July 1838, Niel Gunson (ed.), Australian Reminiscences & Papers of L. E. Threlkeld, 2 Volumes, Canberra, 1974, Vol. II, p. 267.
25. See the case of Tommy, chapter 4, pp. 73-78.
26. Members of the Council to Brisbane, 6th September 1825 (in Brisbane to Bathurst, 8th November 1825), H.R.A., I, XI, pp. 898-899.
27. Threlkeld to Archdeacon Scott, 16th July 1832, Threlkeld Papers, I, pp. 115-116.
28. Threlkeld to Bannister, 4th September 1826, ibid., I, p. 93, and Threlkeld to Burder and Hankey, 4th September 1826, ibid., II, pp. 213-214.
29. Bannister to Darling, 2nd July 1826, Colonial Secretaries' In Letters, Re Newcastle, 1804-1826, 10 Volumes, 4 Rolls microfilm, Mitchell Library in Association with Newcastle Public Library, Local History Library, Newcastle Public Library, Vol. 10, Roll 4.

this as 'the fourth summary execution of the Blacks in as many weeks.'³⁰ Such arbitrary action was certainly not in the minds of the authorities in Sydney as a suitable means of solving the problems of interracial strife. The response by the Attorney General's department was to prosecute Lieutenant Nathaniel Lowe, the commanding officer of the Mounted Police in the Hunter Valley, for one of these incidents of the murder of a prisoner in safe custody.³¹ Threlkeld's prediction that Lowe would be exonerated³² proved correct - he was acquitted on the grounds that the prosecution witnesses were not entitled to credit. There seems little doubt that there was indeed a charge to answer. In his summing up, the judge said that 'the case still lay under circumstances of mystery...It was quite clear that there was something³³ in the case, but what was that something was too wide for conjecture.'

Why then was Lowe acquitted? The attitude of settlers of importance was crucial in determining the outcome of the trial. It was extremely difficult to construct a case for the prosecution because of the difficulty of tracing witnesses, mostly assigned servants on the move,³⁴ without the co-operation of the resident magistrates. Governor Darling complained of 'every class being at least indifferent to the fate of the Natives, and unwilling that anyone, that has been actuated by the same feelings, should be made answerable for his conduct.'³⁵ Threlkeld claimed that

all the magistrates here had previously signed a letter thanking him [Lieutenant Lowe] for his conduct in taking upon himself the responsibility of shooting his prisoner while in his safe custody.³⁶

It is not surprising then that the first magisterial inquiry into Lowe's conduct was found to be quite unsatisfactory - for instance, no deposition was taken from Lowe himself.³⁷ As a result, the acting

30. Journal entry, 16th August 1826, Threlkeld Papers, I, p.93.
 31. Trial of Lieutenant Nathaniel Lowe on 18th May 1827, reported in Sydney Gazette and New South Wales Advertiser, 21st May 1827, p.2 e & f - 3 a & b.
 32. Threlkeld to Burder and Hankey, 11th September 1826, Threlkeld Papers, II, p.214.
 33. Sydney Gazette, 21st May 1827, p.3 a & b.
 34. Moore to Colonial Secretary, 22nd January 1827 (in Darling to Bathurst, 4th June 1827), H.R.A., I, XIII, p.403.
 35. Darling to Under Secretary Hay, 23rd March 1827, H.R.A., I, XIII, p.179.
 36. See footnote 32.
 37. Moore to Close, 9th January 1827 and depositions at second Magisterial Inquiry, 12th January 1827 (in Darling to Bathurst, 4th June 1827), H.R.A., I, XIII, pp.406-411, especially p.407.
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Attorney General W.H. Moore went to Wallis Plains in January 1827 to supervise a second inquiry, which proved to be no more enlightening than the first. Moore was particularly critical of the obstructive conduct of Lieutenant E.C. Close, and wrote to the Colonial Secretary that

I was not a little mortified to find that I, who was an entire stranger in the neighbourhood, was obliged to give up all hopes of having any assistance rendered to me by a person who, from his local knowledge of the place was so capable of giving it, and which, however unpleasant it might be, I conceived it was his duty to do without hesitation.³⁸

As a result Governor Darling relieved Close of his position on the Bench.³⁹

This has an interesting parallel in the case of the Myall Creek murderers, the eleven-stockmen who were put on trial for the killing of a party of Aborigines in the New England district. One of those magistrates who according to Threlkeld had condoned the shooting of Aborigines in safe custody was the Robert Scott who presided over the inaugural meeting of the Hunter River Black Association in 1838, when £300 was raised amongst settlers for the defence of the accused.⁴⁰ Governor Gipps was unable to find fault with the idea that 'the Accused should have Counsel employed for their defence,' but was displeased that 'Scott made himself a party to their defence to the very last.'⁴¹ Scott, like Close before him, was removed from the bench. If one accepts that the actions of these two men were prompted by feelings of indifference or outright hostility towards the Aboriginal victims of racial violence, and that they were responsible men in responsible positions and that others felt as they did, it says much for the iceberg of which they were the tip.

If the official authority in the shape of the magistrate, the police and the military was not always available, or willing, to supervise day to day contact between the settlers in the Hunter Valley and the Aboriginal population, neither was the unofficial authority of the employer of convict labour. New arrivals in the colony, of which

38. Moore to Colonial Secretary, 22nd January 1827 (in Darling to Bathurst, 4th June 1827), H.R.A., I, XIII, pp.400-401.

39. Darling to Bathurst, 4th June 1827, ibid., p.400.

40. Gipps to Glenelg, 20th December 1838, H.R.A., I, XIX, p.704.

41. ibid., pp.704-705.

there were a number in the Hunter Valley, such as the Blomfields or the Closes near Wallis Plains⁴², were more likely to be resident on their land than the colonial upper class of the Macquarie decade, who had had time to build up other interests elsewhere. Nevertheless the absentees, perhaps represented on their grants by an overseer or a son⁴³, were sufficiently numerous to have a negative influence on the life of the valley. Lieutenant Breton, who toured New South Wales between 1830 and 1833, commented of the Wollombi Brook district that 'only one or two of the owners reside upon their property; of society therefore there is none.'⁴⁴

The implications of the right sort of white presence in country areas were clear in the mind of Governor Darling when he had to deal with the prolonged outbreak of racial violence in 1826. A Government order of 6th July requested settlers 'to subdue any unfriendly Feeling which may exist in the Minds of the Natives, by Acts of Kindness and Humanity.'⁴⁵ When such action proved either ineffective or unforthcoming, and a group of eleven Hunter Valley landholders applied to Darling for the retention of military protection on the Upper Hunter, Darling replied that

Vigorous measures amongst yourselves would more effectively establish your ascendancy than the utmost power of the military, as, when the latter is withdrawn, and the circumstances do not permit of their being detached for any length of time, the chance is that, no longer fearing⁴⁶ the Settlers, the Natives will renew their depredations.

Darling also noted the high proportion of Sydney residents amongst the signatories, and that not one had been on the spot at the time of the alleged destruction by Aborigines of stock, crops and servants, and commented that

Your presence and personal example would tend more to this object than any measure of the Government. It would have the effect of preventing irregularities on the part of your own people, which I apprehend is in many instances the cause of the disorders committed by the Natives.⁴⁷

- 42. Charles E. Blomfield (ed.), Memoirs of the Blomfield Family, Armidale, no date, p.32, and Cecily Joan Mitchell, Hunter's River, Newcastle West, 1973, p.31.
- 43. H.J.C.Green, 'The Pioneer Settlement of the Hunter River Valley 1821-1831,' M.A. Thesis, University of Newcastle, 1975, p.iv.
- 44. Lieutenant Breton, Excursions in New South Wales, Western Australia, and Van Diemen's Land, London, 1833, p.94.
- 45. Sydney Gazette, 8th July 1826, p.1 a.
- 46. Darling to Hunter Valley landholders, 5th September 1826 (in Darling to Under Secretary Hay, 11 September 1826), H.R.A., I, XII, p.577.
- 47. loc.cit.

It is certainly true that the presence of well-disposed persons capable of taking the initiative could defuse situations which threatened to get out of control. The familiar story of the attacks on the Ogilvie property at Merton and Captain Lethbridge's nearby is illustrative of this. Contemporary accounts all agree on the significance of Mrs.Ogilvie's courage in confronting a large party of Kamilaroi tribesmen who had been enraged by the activities of the Mounted Police.⁴⁸ Darling wrote that

On their presenting themselves, Mrs.Ogilvie, who appears to have acted with much judgement and spirit on the occasion, immediately went out and talked with them, their numbers being as she supposed about 200; she then gave them some Maize and a little Tobacco, and they left⁴⁹ the Premises without being guilty of any irregularity.

Having been put off by Mrs.Ogilvie, a small number of the party moved on to the farm of Captain Lethbridge, this time not under the supervision of the owner and his wife, but an overseer. The failure of any of the white people present to take a decisive initiative is indicated in the deposition of an assigned servant present at the time, and may be seen as a contributing factor in the bloody conflict which ensued.

...came home about 12 o'clock and found about 14 or 15 Blacks had just arrived. They were all armed. There was no one at home at that time, except Mrs.Allcorn (the overseer's wife) and a little boy. This boy was sent for two men, who were working near the house; a Black followed the boy to see which way he went. The two men came with the boy, and the Black with them. Mrs.Allcorn desired me to give the Natives some Kangaroo to keep them quiet, which I did; and they roasted it at the fire and eat [sic] it. They then wanted Bread and Maize, and we told them we had not any. A few only came into the house; the others were at a fire they made to roast the Kangaroo. The Natives stayed about the place without offering any violence either in word or deed, until about 4 o'clock when the overseer Allcorn came home.

We then consulted together, and thought it would be dangerous to allow so many armed Blacks to remain about

48. Journal entry, 4th September 1826, Threlkeld Papers, I, p.93. Peter Cunningham, Two Years in New South Wales, [1827], Sydney 1966, p.199.
- Report of Robert Scott and Alexander Macleod, 3rd October 1826 (in Darling to Bathurst, 6th October 1826), H.R.A., I, XII, pp.610-612, p.612.
49. Darling to Under Secretary Hay, 11th September 1826, H.R.A., I, XII, p.574.

the place, and accordingly ordered them to go away to the Bush, and not remain about the Hut; this was told to two or three, who were in the Hut with us at the time... The Natives, who we desired to go away, immediately cried out to the others, who began to talk loudly among themselves; and the little boy, who was looking out of the door, cried out the Blacks were coming.

Two assigned servants were killed and the overseer wounded in the confrontation.⁵¹

Who were the free settlers in the Hunter Valley in the first twenty years of settlement, and in what other ways did they contribute to the developing relationship between black and white? While there were men and women⁵² who were actively concerned to promote good relations with the Aborigines, the interests and attitudes of the majority worked against the avoidance of racial violence or any effort to secure for the Aborigines a significant and dignified role in the development of the district - as elsewhere in the settled districts of New South Wales, by the end of the eighteen thirties those Aborigines who were left in the valley had accepted a subservient and demoralised position amongst the white settlers.⁵³

The free settlers of the Hunter Valley were not a distinct social class. They ranged from the wealthy and well-connected such as T. Potter McQueen at Segenhoe⁵⁴ to the free settler of more modest means like John Laurio Platt of Iron Bark Hill⁵⁵ near Newcastle and the emancipist smallholders on the Lower Hunter.⁵⁶ The majority, however, particularly the new arrivals in the colony, were men of means. Over sixty per cent of the holdings in the valley in the twenties exceeded five hundred acres, and by 1828 nearly fifty per cent of the holdings exceeded one thousand. One of the consequences of this was a high proportion of convicts in the valley compared to other parts of the colony - most of the Hunter Valley properties were too large to be worked without the aid of assigned servants.⁵⁷

50. Deposition of John Woodberry, 29th August 1826 (in Darling to Bathurst, 6th October 1826), H.R.A., I, XII, p.613.
51. ibid., p.614.
52. Judith Murray-Prior, 'Women Settlers and Aborigines,' B.A. (Hons.) Thesis, University of New England, 1973, p.33.
53. R.W.H. Reece, Aborigines and Colonists, Sydney, 1974, pp.4, 17-20.
54. Mitchell, op.cit., p.93.
55. Australian Dictionary of Biography, Vol.II, 1788-1850, I-2, p.337.
56. Mitchell, op.cit., p.9.
57. Perry, op.cit., pp.74-75.

This high proportion of assigned servants in the valley had very important implications for relations with Aborigines, as will be demonstrated in the next chapter.

Whatever their means or social standing all the settlers had in common the not unnatural desire to see their flocks and herds multiply, and their fields and gardens bear fruit. For some settlers the first year's harvest was crucial.⁵⁸ Any threat to stock, harvest or supplies was a threat to a settler's viability or even his existence on the land. Between the depredations of convicts and Aborigines John Platt challenged anyone 'to prove that I have receiv'd [sic] three pounds from my farm, the crops of maize were with the exception of a few bushells entirely swept off by the blacks.⁵⁹' As had happened at other farming settlements,⁶⁰ the Aborigines of the Hunter Valley rapidly acquired a taste for the garden produce of the white men, and where the farmers sowed, they gathered.⁶¹ The Rev. L. E. Threlkeld noticed that such thefts were often carefully planned.

Punishments, as they are termed by Europeans, are often made the mere pretext for plunder, in such cases always choosing [s] the site of their courts of Justice contiguous⁶² to a corn field or nigh at hand to an unprotected Settler.

Perhaps no one in the Hunter Valley was as outspoken as the settler 'who recommended at a public meeting at Windsor that the blacks were only fit to make manure for the ground,⁶³' but Platt talked of making severe examples of those who stole his corn,⁶⁴ and even Threlkeld conceded that the most effective way to prevent such thefts was to sport a gun,⁶⁵ a sentiment which was in the earliest tradition of the colony's farming settlements.⁶⁶ One Hunter Valley settler, finding an Aborigine stealing his corn, shot him and suspended him from a

58. Green, *op.cit.*, p.vii.

59. Platt to Colonial Secretary, 11th December 1824, C.S.I.L. Newcastle, Vol.8, Roll 3.

60. Captain Watkin Tench, Sydney's First Four Years, being a reprint of a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson, [1789 & 1793], Sydney, 1963, p.215, and Paterson to Dundas, 15th June 1795, H.R.A., I, I, p.499.

61. Reminiscences 1825-1826, Threlkeld Papers, I, p.66.

62. Threlkeld to W.W.Burton, 2nd March 1836, *ibid.*, p.258.

63. Threlkeld to W.H.Moore, 6th January 1827, *ibid.*, p.95.

64. See footnote 59.

65. See footnote 61.

66. See footnote 60.

tree, as a warning to others.⁶⁷ Only on the largest grants, such as that of the Australian Agricultural Company at Port Stephens, was it relatively easy to avoid bloodshed, partly because the bigger concerns could better afford to lose a little of the crop, and partly because of the labour force at their disposal.⁶⁸

Why did the Aborigines become a nuisance to the settlers in this way, rather than a labour force? The failure of European settlement in New South Wales to provide a self-supporting role for the Australian Aborigine within white society was partly due to differing views on both sides as to the nature and value of work.⁶⁹ It was also in part a result of the peculiar nature of white society in New South Wales, where unskilled labour came very cheap. In other British colonies where the settlers worked for themselves or brought their own labour force, as in New England and New Zealand, there was no ready-made role for the original inhabitants to step into, and thus they were disadvantaged at the outset.⁷⁰ So too were the Australian Aborigines. In 1839 Archbishop Broughton commented that the availability of convict labour had tended to depreciate the value of the Aborigines as workers.⁷¹ Where convicts were not available, such as in the occupations of whaling and sealing, Aborigines were treated quite well.⁷² A study of this question in relation to the Hunter Valley indicates two things - first, that the myth of the Aborigines being unemployable was just that and second, that the attitudes of settlers and the method of remuneration when they did employ Aborigines were decisive factors in determining the outcome of the relationship.

Aborigines were employed in a variety of capacities in Newcastle and the Hunter Valley. In common with the first Europeans throughout the continent who received invaluable help from the bush skills and local knowledge of Aborigines,⁷³ explorers such as Dangar and settlers such as James Mudie were helped to find their way or their land.⁷⁴

67. Reminiscences 1825-1826, Threlkeld Papers, I, p.49.
68. Sir Edward Parry, Early Day of Port Stephens, extracts from Sir Edward Parry's diary, prepared by Dungog Chronicle, no date, pp.16-17.
69. C.M.H.Clark, A History of Australia, 4 Volumes, Carlton, paperback edition, 1979, Vol.III, pp.130-131.
70. Philip Mason, Patterns of Dominance, London, 1970, p.132.
71. Reece, op.cit., p.190.
72. Keith Willey, When The Sky Fell Down, Sydney, 1979, p.184.
73. Henry Reynolds, 'The Land, the Explorers and the Aborigines,' Historical Studies, Vol.19, No.75, October 1980, pp.215-217.
74. John Atchinson and Nancy Gray, Henry Dangar, Scone, 1974, p.8, and Mudie to Goulburn, 25th January 1823, C.S.I.L. Newcastle, Vol.6, Roll 2

Aborigines were also employed as messengers, shepherds, stockmen, sawyers, babysitters, deckhands, and in picking and sorting the wool clip, to name but a few of the tasks they performed in the Hunter Valley.⁷⁵ The asset which Aborigines could be to settlers is illustrated in an incident related by Robert Dawson. After the murder of an important Aborigine of the Worimi tribe, the majority of the tribe deserted the Australian Agricultural Company's settlement at Carrington and the Europeans had no one to carry water, cut wood, or build huts.

In short, the value of these poor, inoffensive people, was never so highly esteemed as when they were gone; and their return was consequently⁷⁶ hailed as a benefit restored to the settlement at large.

In his general remarks on Aborigines in Settlers and Convicts, Alexander Harris suggested that the solution to the problem of race relations in New South Wales was for the lower class agricultural settlers to employ Aborigines as farm labourers when they 'cannot afford to pay white labourers.'⁷⁷ As we have seen, an Aborigine was not worth as much as a white man before the law,⁷⁸ and neither was he worth as much from the point of view of an employer. This was the case from the very beginning of white settlement in New South Wales, when Aborigines were often not paid in cash, and were sometimes even kidnapped and used as slaves.⁷⁹ The slave-like condition of the other available workforce in New South Wales, such as at James Mudie's property in the Hunter Valley,⁸⁰ obviously served to lower the value of Aboriginal labour. So too did the status of black men in other British colonies. Although Britain outlawed the slave trade in 1807,⁸¹ slavery in British possessions was not made illegal until 1833.⁸² The idea of paying a black labourer in the same way as a white man was a novel concept.

75. Dawson, op.cit., pp.29-30,35,39,85-86,88,100,106-107,291, and Australian Agricultural Company, Fourth Annual Report, London, 1828, p.22, and James Backhouse, A Narrative of a Visit to the Australian Colonies, London, 1843, p.389, and Reminiscences 1825-1826, Threlkeld Papers, I, pp.57,69-70, and L.E.Threlkeld, A Statement chiefly relating to the Formation and Abandonment of a Mission to the Aborigines of New South Wales, Sydney, 1828, typescript in Local History Library, Newcastle Public Library, p.11, and Reece,op.cit., p.190.

76. Dawson, op.cit., p.88.

77. Alexander Harris, Settlers and Convicts, [1847], Carlton, 1977, p.233.

78. See chapter 2, p.40.

79. Willey, op.cit., p.185.

80. Clark, op.cit., II, p.204.

81. Oliver Furley, 'The Humanitarian Impact,' in C.J.Bartlett (ed.), Britain Pre-eminent, London, 1969, p.129.

82. ibid., p.138.

Some settlers in the Hunter Valley treated Aborigines fairly but this treatment was exceptional and many settlers expected too much and gave too little, thus contributing to a situation in which the labour of the Aborigine was despised as unreliable. Peter Cunningham spoke of Aborigines being employed at harvest time

on being rewarded with a good feast of boiled pumpkin and sugar for their labour.

You must give them nothing, however, until the day's work is over; as⁸³ the moment their appetities are satisfied, they leave off...

Some settlers failed to pay Aboriginal labourers altogether, and there was little that the aggrieved party could do about it. The rule about the inadmissibility of Aboriginal evidence applied to civil as well as criminal cases.⁸⁴ Where Aborigines were conscientiously and fairly paid, as Henry Dangar noticed was the case at the Australian Agricultural Company's establishment under the management of Robert Dawson, they were hard working and reliable.⁸⁵ The Rev.L.E. Threlkeld summed up the situation with characteristic scorn for the attitudes of the average settlers.

Ask one of these sable lords of God's creation to take the axe, the saw, the hoe, and work, and slave, and toil, for your pleasure, to shew he is not lazy, and if the reward be not according to his taste, he will mock at your offer, and laugh your philosophy to scorn when you upbraid him with his indolence.⁸⁶

Of the men in the Hunter Valley who attempted to establish good relations with the tribes in their vicinity and to create a place for the Aborigines, the most outstanding efforts were those of the Rev.L.E.Threlkeld with the Awabakal tribe of Lake Macquarie, and Robert Dawson with the Worimi of Port Stephens. In the long term, their efforts were wasted, for as Saxe Bannister put it, 'what individuals have done has failed for want of support, proportioned to the requisites of the case,⁸⁷' although both men made an invaluable contribution to the history of Aborigines in the Hunter Valley in their writings alone. Their positions were quite different. Dawson was

83. Cunningham, op.cit., p.118.

84. Threlkeld to Colonial Secretary, 31st December 1839, Threlkeld Papers, I, p.158.

85. Henry Dangar, Index and Directory to a Map of the Country Bordering upon the River Hunter, London, 1828, pp.112-113.

86. Reminiscences 1825-1826, Threlkeld Papers, I, p.53.

87. Saxe Bannister, Humane Policy, [1830] London, 1968, p.ccx1.

effectively speaking a settler, though he was an employee rather than a landowner, but a settler with humanitarian convictions and a scale of operations which removed some of the causes of inter-racial violence. The population of the Worimi tribe was in the vicinity of four hundred⁸⁸, while the white population on the Australian Agricultural Company's grant in 1827 was three hundred and eighty one⁸⁹, a fact which must have removed some of the sense of insecurity felt by lone settlers. In his relations with the Worimi Dawson stated his aims to be

To maintain a friendly intercourse with them - to humanize them, as it were; to do them all the kindness in my power in return for our interference with their country; and to receive an equivalent in their labour for the food which was given them, were all⁹⁰ I aimed at and the result fully equalled my expectations.

Given the poor reputation of white men in general in the Port Stephens area as a result of the activities of cedar getters⁹¹, some credit must certainly be given to Dawson for the relatively peaceful invasion by the Australian Agricultural Company, especially as it was taking place at a time of great racial tension in the Hunter Valley. Dawson set great store by his influence with the Worimi and his ability to act as a mediator. He did not for instance take the easy way out and issue firearms to company servants when they feared Aboriginal attacks⁹². Dawson's influence, however, lasted only as long as his presence at Port Stephens. He was replaced by Sir Edward Parry who took none of Dawson's personal interest in the Worimi, rarely referred to individual Aborigines by name⁹³ and discharged his charitable duties by putting on a feast for them once a year⁹⁴. The missionaries Backhouse and Walker commented in 1836 on the paltry efforts of the company on behalf of the local tribe.⁹⁵

As a missionary, Threlkeld's interest in the Aborigines of the Lake Macquarie region was much deeper than Dawson's. Established originally

88. B.A.Sokoloff, 'The Worimi: Hunter-Gatherers at Port Stephens: An Ethnohistory,' B.A.(Hons.) Thesis, University of New England, 1973, p.45.
89. Australian Agricultural Company, Fourth Annual Report, London, 1828, pp.22-23.
90. Dawson, op.cit., p.157.
91. See chapter 2, pp.31-33.
92. Dawson, op.cit., p.84.
93. Parry, op.cit., pp.14, 53, 60, 69, 119, 137, 147.
94. ibid., pp.118, 167, 168.
95. James Backhouse, Extracts from the letters of James Backhouse, London, 1838, p.77.

under the auspices of the London Missionary Society⁹⁶ and part of the nineteenth century drive to take Christianity to the heathen⁹⁷, the aim of the Lake Macquarie Mission was to provide a setting in which Threlkeld could learn the Awabakal language. Eventually he would be in a position to translate the gospel into the native tongue of the Aborigines, and use this translation as the basis of his teaching. In the short term, he aimed to employ as many of the tribe as possible in fishing and farming, so that they would remain around the mission and there would be someone from whom to learn the language⁹⁸. A detailed account of the mission⁹⁹ is not appropriate within the scope of this study, but certain aspects of the story are relevant to some of its themes. The indifference of settlers to the condition of the Aborigines of the Hunter Valley to which Darling referred when commenting on the Lowe case became outright hostility towards someone attempting to improve that condition. Threlkeld knew 'that there were many who would banish me from the Colony and prevent every attempt of a Missionary nature.'¹⁰⁰ Besides the opposition of the free settlers, Threlkeld also had to cope with the presence of the convicts. Perhaps his assigned servants felt, as did those of the missionary G.A. Robinson in Van Diemen's Land, resentment at the attention lavished upon Aborigines.¹⁰¹ Threlkeld's

96. Deed of Trust to the Aboriginal Mission (in Brisbane to Bathurst, February 1825), H.R.A., I, XI, pp.512-514.
97. Niel Gunson, Messengers of Grace, Melbourne, 1978, pp.11-12.
98. Threlkeld to Broughton, 17th November 1829, Threlkeld Papers, I, p.109.
99. See B.W.Champion, 'Lancelot Edward Threlkeld. His Life and Work. 1788-1859,' R.A.H.S.J., Vol.XXV, 1939, Part 4, pp.279-330 and Part 5, pp.340-411, and Keith Clouten, Reid's Mistake, [Soeters Point], 1967, pp.21-35.
100. Threlkeld to Burder and Hankey, 4th September 1826, Threlkeld Papers, II, p.213.
101. N.J.B.Plomley (ed.), Friendly Mission, [Hobart], 1966, p.60.

assigned servants sometimes acted in a way which undermined the role of the Lake Macquarie Mission as a place of refuge - like Michael Riley who conspired with the overseer to arrest an Aborigine for whom a reward was offered.¹⁰² Threlkeld complained in 1838 of the intractable behaviour of his assigned servants, and blamed it upon the 'present assignment system of assigning notoriously bad characters to small establishments, far from police protection.¹⁰³ Of greater significance was the proximity of Newcastle, the high concentration of convicts there even after the penal establishment was disbanded,¹⁰⁴ and the opportunities which the town offered for the wrong sort of contact with Europeans.¹⁰⁵

Another factor which hampered Threlkeld's efforts to evangelize the Awabakal tribe was the lack of official understanding of the needs of the mission. It was very difficult to provide work and wages for Aborigines within the mission's budget, which in turn made it difficult for Threlkeld to persuade them to stay near the mission. One could be forgiven for thinking that the directors of the London Missionary Society wanted to do something for the Australian Aborigines, but only if it cost nothing.¹⁰⁶ The financial wrangles involved the mission in a change of location and of sponsorship during its fifth year.¹⁰⁷ In the end though, it was not settler opposition or lack of finance which closed the mission in 1841, but a sharp decline in the population of the Awabakal tribe.¹⁰⁸ Threlkeld was preaching to an empty house.

The majority of settlers in the Hunter Valley helped to create an unfavourable framework for the development of the relationship between Aborigines and convicts. As landowners and farmers, they were likely to find the territorial claims of Aborigines a nuisance at the very least. They were unlikely to feel sympathy when Aborigines

102. Threlkeld to M'Leay, 20th June 1835, Threlkeld Papers, II, pp.256-257.
103. Threlkeld to Thomson, 24th July 1838, ibid., II, pp.268-269.
104. A.P.Elkin, The Diocese of Newcastle, Glebe, 1955, p.133.
105. Circular Letter, April 1827, Threlkeld Papers, I, p.96, and Threlkeld to Scott, 28th December 1833, ibid., I, p.119.
106. Circular Letter, April 1827, Threlkeld Papers, I, p.96, and L.E.Threlkeld, A Statement chiefly relating to the Formation and Abandonment of a Mission to the Aborigines of New South Wales, Sydney, 1828, typescript in Local History Library, Newcastle Public Library, passim.
107. Clouten, op.cit., pp.27-28.
108. Threlkeld to Thomson, 30th December 1833, Threlkeld Papers, I, p.168.

supplemented their dwindling food resources from the settlers own crops. As employers of cheap convict labour, the settlers did not have sufficient need of Aboriginal workers to integrate large numbers of them into the labour force of the Hunter Valley, an arrangement which would have required adjustments in outlook on both sides. As local officials, important settlers were unwilling to uphold the government's policy of equal treatment for Aborigines, probably because of their prejudices as farmers and pastoralists. This was the example set by the masters of assigned servants. The following chapter aims to show how the relationship between assigned servants and Aborigines in the Hunter Valley grew within this background.

The encounter between the races in the Hunter Valley in the early years of free settlement was particularly violent. The purpose of this chapter is to examine the relationship between Aborigines and the convict element in the settlement of the Hunter Valley for its bearing upon the intensity of the racial conflict.

Captain Foley, the officer in charge of the military detachment at Newcastle during the Aboriginal attacks of 1826, wrote to the Military Secretary that

all those acts of outrage have been committed without exception by Natives, who are domesticated on the very estates, where they have occurred, and not by the incursions of unknown or wild tribes; every one of these is perfectly and intimately known by names, they have received amongst the Settlers, near whom they have dwelt.

This situation was not peculiar to the disturbances of 1826, of which Foley was speaking. In his evidence before the 1838 Committee on the Aborigines Question, Robert Scott said he had known many Aborigines return to tribal life after being with white men,

and what is still more lamentable, these very persons have almost invariably been the instigators of, and leaders in, the aggressions committed upon Europeans;...

Robert Scott is expressing a belief in the untrustworthiness of the Aborigines which had begun to develop in the mind of the settler from the earliest contact with Aborigines at Port Jackson, and which continued to influence settlers' actions into the latter half of the century. In north Queensland in the 1860s, for instance, there was a common belief that some Aborigines would always be treacherous, and that it was necessary to keep them away from cattle runs so they would not be able to take advantage of the white man's numerical inferiority.

1. Foley to de la Condamine, 22nd September 1826 (in Darling to Bathurst, 6th October 1826), Historical Records of Australia, Series I, Vol. XII, p.619.
2. Evidence of Scott, Report from the committee, on the Aborigines question, 1838, Votes and Proceedings of the New South Wales Legislative Council, pp.16-17.
3. N.A.Loos, 'Aborigines and Pioneers at Port Denison,' in Henry Reynolds (ed.), Race Relations in North Queensland, Townsville, 1978, pp.55-57.

What were the origins of this belief that domesticated Aborigines were dangerous? Richard Sadleir, who like Scott was a resident of the Hunter Valley⁴ but unlike Scott was a sympathetic observer of Aborigines, put the problem down to the treatment which they received at white settlements.

We see stock stations extended amongst them where there have been but a very few white persons, and those persons having shown a spirit of conciliation, have not been molested; whereas, in other instances, where, in all probability a different spirit had been exhibited, aggression has followed.

This situation was not peculiar to the Hunter Valley. The Everetts of Ollera station in New England approached the Aborigines with sympathy and respect, learned their dialect and employed them as stockmen and servants. In consequence they lived at peace with the Aborigines at a time of great racial violence in the New England district⁶. Attacks by Aborigines on white settlers in the Bathurst area and Argyle County in 1826, similar to those in the Hunter Valley, were attributed to ill-treatment by stockmen and bushrangers⁷.

What was the composition of the white population in these pioneering districts? Throughout the colony, there was a greater concentration of convicts in the country areas than in the towns, a distribution which tended to impose convict attitudes and patterns of behaviour more firmly on the way of life on the edge of settlement⁸. In the Hunter Valley this tendency was accentuated by the higher than average percentage of convicts in the adult male population than anywhere else in the colony except the Bathurst district, which was only slightly greater⁹. To this must be added the legacy of the penal establishment at Newcastle where a tradition had been developed of a harsh administration, and, as far as race relations are concerned, co-operation between that administration and the Aborigines against the inmates.

Commandants' despatches indicate that during the transition period

4. A.P. Elkin, 'Some Early Chaplains and Churches in the Hunter River Valley,' Royal Australian Historical Society Journal, Vol. XXIII, Part 2, 1938, p.414.
5. Evidence of Sadleir, Report from the committee, on the Aborigines question, 1838, V. & P, N.S.W. L.C., p.28.
6. I.C. Campbell, 'Settlers and Aborigines: The pattern of contact on the New England Tableland 1832-1860,' in I. McBryde (ed.), Records of times past, Canberra, 1978, p.9.
7. Government Notice (in Darling to Bathurst, 6th May 1826), H.R.A., I, XII, p.270.
8. Russel Ward, The Australian Legend, Melbourne, illustrated edition, 1978, pp.93-98.
9. T.M. Perry, Australia's First Frontier, Parkville, 1963, p.136.

from penal establishment to free settlement, the commandants had the local responsibility of assigning and withdrawing servants of settlers in the valley.¹⁰ The significance of this is that, while not all the convicts in the valley in the 'twenties would have been recidivist Novocastrians, some at least would have seen the system of discipline which operated in Newcastle, and the role played in it by Aboriginal trackers.

The motivation for mutual hostility has been established,¹¹ and a study of the situation in the 'twenties and 'thirties indicates that nothing had changed. In evidence for a select committee on the Aborigines in 1845 David Dunlop, magistrate for Wollombi, noted the continued aversion of the local tribe to anything connected with convicts.

The men have an insuperable objection to wear any slop clothing that resembles the convict dress; as an instance, six pairs of trousers having the government brand, were distributed by order of His Excellency, I could find none in use at the end of one week; and the only¹² answer to my inquiry was, 'no good, all same like croppy. [convict] .'

Old aversions died hard. The spectre of the convict as the despoiler of their women played a part in this. The later correspondence of the Rev.L.E.Threlkeld provides evidence that the abduction of Aboriginal women by convicts which he witnessed in his first years as a missionary in the Hunter Valley was a continuing practice, and others agreed with him. The women concerned were not always under constraint - for instance the Rev.William Cowper requested permission to marry an Aboriginal woman to an employee of the Australian Agricultural Company at Stroud.¹³ However, cases of abduction seem to have been more numerous. Governor Bourke believed it was the chief cause of racial violence in the colony as a whole, and in 1837 issued an order prohibiting whites from forcibly detaining Aboriginal women.¹⁴ The servants of the Australian Agricultural Company were

10. Gillman to Goulburn, 8th September 1824, Colonial Secretaries' In Letters, Re Newcastle, 1804-1826, 10 Volumes, 4 Rolls microfilm, Mitchell Library in association with Newcastle Public Library, Local History Library, Newcastle Public Library, Vol.8, Roll 3.
11. See chapter 2, pp.31-44.
12. Evidence of Dunlop, Select Committee on the Condition of the Aborigines, 1845, Votes and Proceedings of the New South Wales Legislative Council, p.972.
13. R.H.W.Reece, Aborigines and Colonists, Sydney, 1974, p. 206.
14. ibid., p.53.

particularly implicated. Sir Edward Parry mentions several examples of ill-treatment of Aboriginal women in 1832 and 1833.¹⁵ In 1838; to the consternation of the directors, Gipps warned that the company's servants would be withdrawn if Bourke's order were not strictly enforced.¹⁶ That there was some substance in Gipps' complaints is indicated in a letter written by Threlkeld in May 1838, relative to the alleged abduction and murder of three Aboriginal women taken from near Patrick's Plains to the Liverpool Plains by a company drayman.¹⁷ No wonder convicts were feared by the Aborigines with whom Threlkeld came into contact. When he first arrived in Newcastle the missionary commented that many chose to camp around his house at night for protection.¹⁸

The tribes of the Hunter had other reasons for fearing the convicts. In the earliest years of settlement the Hunter Valley was a lawless and dangerous place to live. A contributing factor was the inability of the existing administrative machinery to keep pace with the influx of population. Lieutenant Close complained in 1823 of the rapid increase in magisterial business and his inability to cope with both this and his own work.¹⁹ The authorities caught up with abuses in the assignment system eventually, but in the meantime much damage could be done. In 1824, Commandant Gillman informed the Colonial Secretary that William Hickey had been deprived of all his government men for failing to feed them, so that they had been forced to support themselves elsewhere, by fair means or foul. Other settlers had allowed their servants to work for themselves. The results of these irregularities were 'great depredations on the better regulated farms.'²⁰

The most serious irregularity was the presence of bushrangers, who were a problem for Hunter Valley settlers throughout the period. At least two settlers demanded an increase in the strength of the constabulary on the Upper Hunter in 1825, to protect against the

15. Sir Edward Parry, Early Days of Port Stephens, extracts from Sir Edward Parry's diary, prepared by Dungog Chronicle, no date, pp.87 & 124.
16. Reece, op.cit., p.179, and Brownrigg to Glenelg, 22nd December 1838 (in Glenelg to Gipps, 12th January 1839), H.R.A., I, XIX, pp.745-746.
17. Threlkeld to W.W.Burton, 29th May 1838, in Niel Gunson (ed.), Australian Reminiscences & Papers of L.E.Threlkeld, 2 Volumes, Canberra, 1974, Vol.II, pp.266-267.
18. Reminiscences 1825-1826, ibid., I, p.45.
19. Close to Brisbane, 11th December 1823, C.S.I.L. Newcastle, Vol. 6, Roll 2.
20. Gillman to Goulburn, 8th September 1824, ibid., Vol.8, Roll 3.

excesses of assigned servants and bushrangers²¹. In 1847 the Rev. L.E. Threlkeld complained to the Colonial Secretary of a party of bushrangers who were running riot in the Lake Macquarie district.²²

What is the relevance of the presence of bushrangers to relations between Aborigines and assigned servants in the Hunter Valley? It may well be that the anti-social activities of bushrangers were sometimes directed against Aborigines, and that in turn the latter were driven to exact vengeance on assigned servants in general. Commenting on attacks by Aborigines in the Hunter Valley in 1826, Governor Darling feared that the conduct of the natives had 'not been altogether unprovoked; and being strict observers of the Law of retaliation, I am informed that they never fail to exact blood for blood.'²³ This sentiment is echoed by a Bathurst settler who attributed the loss of lives in that district to the Aborigines' 'great dislike of bushrangers'.²⁴ It seems rather facile to accept, as some historians have²⁵, the explanation for Aboriginal attacks on the Hunter offered by the magistrates Robert Scott and Alexander Macleod,

that the first cause of ill blood originated in a communication between the Mudgee Natives and those on Hunter's River. The Mudgee Blacks, it may be recollected, were one of those tribes concerned in the outrages in the Bathurst Districts.²⁶

Communication between the Mudgee and Hunter tribes may have had a triggering effect, but the first cause of Aboriginal hostility was much more likely to have been similar conditions of lawlessness in both parts of the colony. It is important to be aware of the

21. Scott to Brisbane, 24th June 1825, McIntyre to Brisbane, 3rd September 1825, C.S.I.L. Newcastle, Vol.9, Roll 3.
22. Threlkeld to Colonial Secretary, 22nd October 1847, Threlkeld Papers, II, p.281.
23. Darling to Bathurst, 6th October 1826, H.R.A., I, XII, p.609.
24. Australian, 14th October 1826, p.3 d.
25. Barry J. Bridges, 'On the Frontier of Racial Conflict: The Hunter Valley in the 1820s,' Unpublished article, 1967, pp.4-5, and J.F. Campbell, 'The Genesis of Rural Settlement on the Hunter,' R.A.H.S.J., Vol. XII, 1926, Part 2, pp.106-107, and M.M. Rule, 'Relations Between Aborigines and Settlers in Selected Areas of the Hunter Valley and the Liverpool Plains 1800-1850,' B.A. (Hons.) Thesis, Newcastle, 1976, p.23.
26. Report of Scott and Macleod, 3rd October 1826 (in Darling to Bathurst, 6th October 1826), H.R.A., I, XII, pp.610-612, p.610.

sequence of events to appreciate this point. Attacks by bushrangers in 1825 had been in the later months of the year.²⁷ The ringleaders were captured by December.²⁸ Scott and Macleod's report on the racial violence of 1826 is dated 3rd October and states that 'these circumstances have all occurred within the last ten months.'²⁹ In other words, attacks by Aborigines began on the heels of a serious outbreak of bushranging in the Hunter Valley.

The very earliest gangs of bushrangers in the Hunter Valley in the 'twenties consisted of assigned servants without leave and escapees from the penal establishments at Newcastle and Port Macquarie,³⁰ men who had good reason to fear the sight of any Aborigine as a potential captor. The latter continued in the established role of trackers which had been assumed under the commandants at Newcastle and Port Macquarie. It would be tedious to enumerate in detail all the evidence of Aborigines assisting police and individual settlers to capture bushrangers and escaped servants. Suffice it to say they made themselves very useful throughout the district,³¹ thus perpetuating the perception of the Aborigine as the convict's enemy. The response of the bushranger is predictable. In his annual report on the Ebenezer mission in 1840, the Rev.L.E.Threlkeld mentioned the indiscriminate hostility of the gangs of bushrangers on the loose in the Hunter Valley, who 'avowed their intention of shooting every black, lest they should track them out.'³² The determination which lay behind this declaration of intent may be inferred from the treatment which this gang, the 'Jewboy Gang,' dealt out to white men who had earned their hatred. They are said to have flogged a Mr.Macdougal because 'he had been very fond of flogging whilst an overseer of a chain gang,' indeed they made a practice of flogging anyone they came across who had ill-treated convicts.³³ A story from Van Diemen's Land

27. See footnote 21, and members of the Council to Brisbane, 6th September 1825 (in Brisbane to Bathurst, 8th October 1825, H.R.A., I,XI,pp.898-899.

28. Acting Governor Stewart to Bathurst, 12th December 1825, H.R.A., I,XII, pp.85-86.

29. Report of Scott and Macleod, (see footnote 26), p.612.

30. W.Allan Wood, Dawn in the Valley, Sydney,1972, p.82.

31. J.F.Campbell, op.cit., pp.105-106, and Clouten, op.cit., p.58, and Parry, op.cit., pp.28, 63-64, and Threlkeld, Circular Letter, 8th October 1828, Threlkeld Papers,I, pp.99-100, and Threlkeld to Thomson, 29th December 1840, ibid., II, p.287, and Robert Dawson, The Present State of Australia, London, 1831, p.299.

32. Threlkeld to Thomson, 31st December 1840, Threlkeld Papers, I, p.167.

33. Pat Hampton, 'The Convict Bushranging Era in the Hunter Valley,' Research paper, University of Newcastle, 1979, p.7.

provides a parallel to the reaction described by Threlkeld and indicates how a fear of being apprehended could arouse a fierce and active antagonism which went beyond simply countering a threat. While on the run from Port Arthur, the bushranger Martin Cash learnt that the government had sent for two black trackers from New South Wales to hunt out himself and his companion. Cash determined accordingly 'to rid the colony of the black demons at all events...'³⁴ Given the popularity of the bushranger as a hero figure for more law-abiding or less desperate convicts,³⁵ it is reasonable to assume that some of the bushranger's hostility towards Aborigines rubbed off onto his convict admirers. Assigned servants often helped bushrangers to commit crimes,³⁶ Aboriginal trackers hindered. We can conclude that stories of bushrangers and assigned servants ill-treating Aborigines are likely to have been well-founded and that some of the motivation sprang from the help Aborigines gave the authorities in catching escapees.

So far the experiences shaping attitudes of convicts and Aborigines to each other are not essentially different from the forces at work during the period of the penal establishment at Newcastle. When the convict became a shepherd or stockman responsible to a master, new pressures were exerted upon both Aborigines and convicts. A shepherd might find himself responsible for a quantity of valuable livestock, in unfamiliar surroundings where companions were few or none. The Aborigine in turn found his familiar hunting grounds invaded by the white man's strange animals which competed with the native fauna for the food supply.³⁷ In 1821, there were just 236 head of cattle and 376 sheep in the Hunter Valley. By 1828 these numbers had risen to 46,805 and 119,391 respectively.³⁸ The Hunter Valley was a green and fertile region and supported an abundance of game and in

34. Martin Cash, Martin Cash, Hobart, 1870, [1961 reprint], pp.104-106.
 35. Ward, op.cit., pp.177-183.
 36. Threlkeld to Colonial Secretary, 20th November 1840, Threlkeld Papers, II, p.284, and Hampton, op.cit., p.7.
 37. A.P.Elkin, 'Reaction and Interaction. A food gathering people and European settlement in Australia,' American Anthropologist, Vol.53, No.1, 1951, p.166.
 38. Perry, op.cit., p.132.

turn a relatively high population of Aborigines³⁹, until the arrival of the white settler. The dispossessed Aborigines retaliated, according to Alexander Harris,

as there is more or less opportunity of retaliation...
Consequently, those chiefly exposed to their violence
are those who live farthest inland⁴⁰ where the white
population is extremely scattered.

The attacks by Aborigines during the violence on the Hunter in 1826 were confined to the more isolated settlements inland, and thus fell more heavily upon assigned servants than free men⁴¹. The effort of calling the military from Newcastle was wasted, for by the time the detachment arrived the Aborigines responsible had vanished⁴². This was not a unique experience in the history of European contact with Aborigines⁴³, and it was a situation which rendered military protection useless unless it was constant. How insecure must the stockmen and draymen have felt who set out, to borrow Robert Scott's evocative phrase, 'travelling the long and lonely road from Dr. Bowman's upwards'⁴⁴.

How did isolated convict workers react to such attacks? In the early settlement period, it was not unknown for a shepherd to be punished with the lash for the loss of a sheep⁴⁵, so that even a theft was of personal concern to the assigned servant. When an Australian Agricultural Company watchman was speared at one of the outstations in 1830 after refusing to give flour to a party of about twenty Aborigines, the insecurity of the assigned servants at Port Stephens was such that they asked Sir Edward Parry to double the flocks. Parry not only acceded to the request, but gave the shepherds muskets as well⁴⁶. The consequences of frightened men entrusted with firearms have been described by David Denholm - violence became more, not less, likely⁴⁷, - and Parry had not heard the last of attacks on shepherds⁴⁸.

The feeling that an attack was at any moment imminent was no doubt responsible for much of the bad blood between assigned servants and

39. David R. Moore, 'The Prehistory of the Hunter River Valley,' Australian Natural History, Vol.16, No.5, March 1969, p.166, and John Oxley, Journals of Two Expeditions into the Interior of New South Wales, [1820], Adelaide, 1964, p.296.
40. Alexander Harris, A Guide to Port Stephens in New South Wales, the Colony of the Australian Agricultural Company, London, 1849, p.71.
41. Report of Scott and Macleod (see footnote 26).
42. Foley to de la Condamine, 22nd September 1826 (in Darling to Bathurst, 6th October 1826), H.R.A., I, XII, p.617.
43. David Denholm, The Colonial Australians, Hermondsworth, 1979, p.35.
44. Report of Scott and Macleod (see footnote 26) p.610.
45. Wood, op.cit., p.240.
46. Parry, op.cit., p.37.
47. Denholm, op.cit., p.39.
48. Parry, op.cit., p.104.

and Aborigines. Such fear, however, cannot be used to explain a particularly horrible incident which was brought to light in the Port Stephens area. On Wednesday 12th September 1826, in the Sydney Supreme Criminal Court, John Ridgway, Samuel Chipp, Edward Colthurst and Thomas Stanley (the latter in his absence) were indicted for the wilful murder of Tommy, an eight year old Aboriginal boy, at Myall River. All four, including Stanley who stood trial later, were found guilty.⁴⁹ The story of the murder, the trial, and the sentencing of the murderers of Tommy is an appropriate way in which to conclude this study of relations between Aborigines and assigned servants in the Hunter district. It illustrates the way in which the relationship operated within the context of official and free settler attitudes and practice and provides a parallel to incidents elsewhere in the Hunter Valley and beyond.

The four men were assigned servants in the employ of Simeon Lord,⁵⁰ and were working in the Port Stephens area as cedar getters, a class which had early acquired a reputation for brutality against Aborigines.⁵¹ Unlike the first cedar getters in the area who had been under armed guard,⁵² these men were merely under the control of a superintendent, Mr. Joseph Pennington,⁵³ and had sufficient freedom of movement to plan and carry out the murder of the boy whom Pennington 'had domesticated in his hut.'⁵⁴

On the day of his disappearance, Tommy had been fetched from Pennington's hut by Edward Colthurst with a promise of food. According to Pennington, Tommy followed Colthurst to the men's hut, and then agreed to go kangarosing. Tommy got into the boat with Stanley and Chipp, at which point Pennington overheard one of the two men remaining on the bank say, 'take care or the little Bugger will jump over the bow of the Boat.' One of those in the boat replied, 'We will take damned good care of that.' Ridgway and Colthurst then

49. Sydney Gazette and New South Wales Advertiser, 23rd September, 1826, p.3 a & b.
50. Francis Shortt to Darling, 8th October 1826, C.S.I.L. Newcastle, Vol.10, Roll 4.
51. See chapter 2, p.33.
52. Evidence of Morisset, J.W.Turner (ed.), Newcastle as a Convict Settlement: The Evidence before J.T.Bigge in 1819-1821, Newcastle, 1973, p.58.
53. Dawson, op.cit., p.42.
54. loc.cit.

disappeared into the bush 'towards the direction the Boat would necessarily take down the River, as if to meet it -.'

Pennington's evidence regarding the remarks made as Stanley and Chiop were embarking with Tommy was corroborated by Pennington's assigned servant Daniel Woodhill. Woodhill provided other items of evidence which indicated the men's guilt. He had been in the men's hut before they set out, and said that Stanley had 'brought in some wet curryjung Bark, saying to Chip [sic] will this do, Chip [sic] answering, Yes that will do, if there is enough of it.' The report of the trial described this to be 'a bark used instead of rope for various purposes.' When Woodhill later offered to accompany Colthurst and Ridgway into the bush, the offer was declined.

The suspicions of both men were aroused, Pennington's when the four men returned within an hour, without Tommy, and Stanley was overheard to say, 'don't say anything to him about it.' Stanley had read Pennington well, for it was he who eventually reported the suspicious circumstances to the magistrate Robert Dawson, when some days later the body of Tommy was found in the river. Woodhill claimed to have become suspicious a few days after Tommy's disappearance, when a man of the boy's tribe called to ask for him, and seemed dissatisfied with Stanley's reply.⁵⁵ It was on the evidence of these two witnesses and another assigned servant, that the four cedar getters were eventually found guilty. In this case, the existence of white witnesses had made the prosecution possible.

There really can be no doubt that the four convicted men did commit the murder. Joseph Pennington had actually overheard one of the accused say, on the day of the murder, 'let us drown this little Bugger'.⁵⁶ A letter to Saxe Bannister the Attorney General, written by Simeon Lord's business partner on behalf of the men tacitly acknowledged their guilt.

...from the great numbers of our Countrymen who have been wantonly murdered and eaten by the savages at Port Stephens (of which I could furnish a fearful list,) an unhappy, tho' certainly a mistaken notion has prevailed among the Whites in that quarter, that it is no crime to kill these wild people - Mr.Dawson will if required, confirm what I have said relative to the prevalence of the delusion.⁵⁷

55. Depositions of Pennington, Woodhill and Burns, King V. Ridgway, Chipp, Colthurst and Stanley, Clerk of the Peace Depositions, Archives Office of New South Wales, T620/109 26/145, and report of the trial, Sydney Gazette, 23rd September 1826, p.3 a & b, and Dawson, op.cit., p.42.
56. Deposition of Pennington, see footnote 55.
57. Francis Shortt to Bannister, 26th September 1826, C.S.I.L. Newcastle, Vol.10, Roll 4.
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The implication is that Chiss, Stanley, Ridgway and Colthurst did kill Tommy thinking it no crime to do so.

A significant aspect of the case was the apparent absence of any motive for the murder. At the trial, the judge 'observed that the court had in vain looked for anything like a motive which could have induced them to perpetrate the crime,⁵⁸' and Saxe Bannister who was the public prosecutor said later that 'a more unmitigated case was never presented to a court of justice...⁵⁹

The age of the boy, together with the fact that the men were four in number, and not the only whites resident on the Myall River, rules out the possibility that the murderers were motivated by fear of attack by Tommy. The cool way in which the decision to murder Tommy was announced, the boy lured into the hut, and the piece of rope prepared, make it clear that the murder was committed in a pre-meditated, coldblooded way. Dawson's explanation of the killing was that Tommy had been put out of the way, on the confession of the murderers because 'they were at variance' with the natives, and wanted to prevent Tommy 'telling tales.'⁶⁰ I am inclined to doubt this explanation. There is no mention of such a motive in the depositions taken before Dawson, nor in the report of the trial nor in Francis Shortt's representations on behalf of the murderers. If the latter could have claimed that they feared Tommy would have betrayed their whereabouts to an ambush, for instance, they might have received more sympathy from the court. Presumably such a motive would have gone better with them than none at all.

Nevertheless, Dawson's statement that the four men were 'at variance' with the Port Stephens Aborigines in a general way probably comes close to the truth. The poor relations between cedar getters and the Aborigines, especially the Worimi of Port Stephens, have been established.⁶¹ So too have the activities of these same Aborigines in picking up escapees from Newcastle and later Port Macquarie.⁶²

58. Report of the trial, Sydney Gazette, 23rd September 1826, p.3 a & b.

59. Saxe Bannister, Humane Policy, [1830], London, 1968, p.ccxlii.

60. Dawson, op.cit., p.43.

61. See chapter 2, pp.31-35.

62. See chapter 2, pp.33,38-39.

What might not Stanley, Chiop, Ridgway and Colthurst have witnessed during their time on the Myall River ? or even themselves experienced ? It was not unknown for the cedar getters of Port Stephens to try to take to the bush or the high seas.⁶³ It is possible, as A.T.Yarwood has argued, that acts of indiscriminate violence against Aborigines such as the killing of Tommy, may have been the product of the runaways' 'vivid dreams of the vengeance they would exact one day if Aboriginal victims came into their power.'⁶⁴ It is also possible that the motive of personal vengeance was not necessary - given the cohesive nature of convicts as a social group, a generalised hostility and the perception of the Aborigines 'as part of a hostile and repressive environment'⁶⁵ may have been motive enough for the murder of Tommy.

What were the consequences of the murder of Tommy for white-Aboriginal relations in the Port Stephens area ? Clearly the Aborigine who had questioned Stanley on the disappearance of Tommy had taken work back to his relatives and the process of punishing a member of the white man's tribe went into effect. Robert Dawson reported that at a hut on the Myall River, he had found a white man who 'had been hewn almost to pieces' as revenge for the murder of Tommy.⁶⁶ This is an example of an 'outrage' committed by Aborigines acquainted with Europeans. How many other attacks on white men were similarly motivated ? As Governor Darling suspected, the Aborigines of the Hunter may not have been 'altogether unprovoked',⁶⁷ and Dawson claimed that apparently motiveless acts of violence were a common occurrence and were the direct cause of Aboriginal attacks in the Port Stephens area.⁶⁸

Commenting on the case of Tommy, Saxe Bannister said 'that the partial influence of local white feelings prevents the execution of justice by us.'⁶⁹ How did white men in the Port Stephens district

63. Mirfield to Superintendent of Convicts at Newcastle ; 18th January 1824, declarations of 7 assigned servants, 24th January 1824, declarations of 11 assigned servants, 7th February 1824, C.S.I.L. Newcastle, Vol.7, Roll 3.
64. A.T.Yarwood, 'Convicts and Aborigines: a fresh look at the causes of violence on the Australian frontier,' unpublished article, University of New England, June 1980, p.22
65. ibid., p.23.
66. Dawson, op.cit., pp.79-80.
67. Darling to Bathurst, 6th October 1826, H.P.A., I, XII, p.609.
68. Dawson, op.cit., p.80.
69. Bannister, op.cit., p.ccxlii.

affect the course of justice in this case ? It was through the actions of Joseph Pennington and Robert Dawson that the four men were prosecuted in the first place. Pennington had taken the trouble to report his suspicions, despite his fear of the murderers.⁷⁰ Dawson had taken the trouble to go up the Myall River to make inquiries and arrests.⁷¹ Both considered the effort worthwhile and necessary on behalf of an Aborigine. How different to the obstructive attitude of the magistrates in the Lowe case, an attitude which was a decisive factor in the failure of the prosecution.⁷²

It is ironic that Robert Dawson should have been partly responsible for delays which prevented the execution of the original sentences on the four men. Initially, Chipp, Colthurst and Ridgway had been sentenced to death, but the sentence on the two latter men was commuted to transportation for life.⁷³ The execution of Chipp was suspended until the arrest and trial of Stanley, who was also in due course condemned to death.⁷⁴ The platform for the executions had already been erected at Port Stephens, when circumstances arose which prompted Dawson to ask the governor to postpone the executions. During an intertribal dispute on the Myall River, one shepherd had been speared and another robbed. In the interests of impartiality Dawson felt it was necessary to find the offenders.⁷⁵ Dawson's expedition was unsuccessful, and on returning to Port Stephens he was informed that Chipp and Stanley had been spared,⁷⁶ the Executive Council having decided in April 1827, after a delay of seven months since the trial of Chipp, that 'both prisoners should be removed to the hulk to await the decision of H.M. the King.'⁷⁷

In the event, no executions were carried out. Bannister was particularly critical of the parts played by Robert Dawson and Governor Darling.⁷⁸ The criticism of Dawson seems unfair. Darling,

70. Dawson, op.cit., p.43.

71. ibid., p.76.

72. Chapter 3, pp.50-51.

73. Darling to Bathurst, 8th October 1826, H.R.A., I, XII, p.632.

74. Note 77, H.R.A., I, XIII, p.858.

75. Dawson, op.cit., pp.232-233.

76. ibid., p.259.

77. Note 77, H.R.A., I, XIII, p.858.

78. Bannister, op.cit., p.ccxliv.

on the other hand, seems to have been influenced by the interest which the public took in the case,⁷⁹ rather than a concern for impartiality which prompted Dawson's actions. The indecision of the governor was clearly a decisive factor, when this case is compared with that of John Kirby, who was tried and executed in less than two months from the date of his crime.⁸⁰ Both cases illustrate how the consequences of the violence between Aborigines and convicts depended upon the actions of persons not involved in the relationship.

Another important comparison is with the case of Nathaniel Lowe.⁸¹ Although both events took place in the Hunter Valley, the outcome of the two trials was of significance for race relations in New South Wales as a whole. The acquittal of Lowe, and the reprieve of Stanley and Chipp were close enough in time to have had a significant impact on the minds of the colonists. Saxe Bannister thought that 'with such practices prevailing, in regard to the highest order of crime, towards the natives,' it was not surprising that convict settlement should have proved 'fatal to their existence.'⁸² I cannot agree with Barry Bridges that the effect of the trials of Lowe and others was to introduce restraint into the white man's relationship with Aborigines.⁸³ On the contrary, the message of the trials was surely that Aborigines might, despite official policy, be killed with relative impunity. No wonder the seven stockmen executed for the Myall Creek murders in 1838, while not denying their guilt, 'thought it extremely hard that white men should be put to death for killing Blacks.'⁸⁴

Although the story of the Myall Creek Massacre does not belong to the geographical limits of this study, no study of race relations in New South Wales in this period can afford to ignore it since it was a product of conditions common to all the country districts, and has

79. Darling to Bathurst, 13th May 1827, H.R.A., I, XIII, p.301.

80. Chapter 2, pp.41-43.

81. Chapter 3, pp.49-51.

82. Bannister, op.cit., p.ccxli.

83. Bridges, op.cit., p.21.

84. Gipps to Glenelg, 19th December 1838, H.R.A., I, XIX, p.704.

a particular relevance to race relations in the Hunter Valley because of the proximity of the valley to the New England district. There are interesting similarities between the Myall Creek case and the Tommy case. Both occurred in places where indiscriminate violence against the indigenous population was a well-established tradition. The Rev. L. E. Threlkeld gave evidence to the 1838 Committee on Aborigines of a number of massacres by whites in the Liverpool Plains and New England districts.⁸⁵ Both the Tommy case and the Myall Creek case involved convicts as the perpetrators. Stanley and his mates were all assigned servants. Of the twelve Myall Creek murderers, one was free and unconvicted, the rest were assigned servants or ex-convicts.⁸⁶ In both cases the murders were committed against peaceable and defenceless people. Tommy was no physical threat to the cedar getters, and the victims of the Myall Creek Massacre were mostly women and children.⁸⁷ Both cases appear to have differed from others in the same districts only in that they were brought to light by the unusual concern and effort of free settlers. In the Myall Creek case Pennington was paralleled by Superintendent Hobbs, who informed Henry Dangar, on whose run the massacre had occurred, and the magistrate at Muswellbrook, Edward Denny Day. Like Dawson, the latter proceeded up country to investigate, despite the enormous distances involved.⁸⁸ Far from being unique, the murderers were merely unlucky that the circumstances which in general permitted convicts to vent their hostility towards Aborigines unchecked, had not for once operated.

Given the similarities between these two cases, and the reasonable conclusion that they were quite representative of the convict response to Aborigines, what conclusions can be drawn about the influence of convict attitudes in the Hunter Valley on race relations in the later settled district? The Liverpool Plains and New England were the

85. Evidence of Threlkeld, Report from the Committee, on the Aborigines Question, 1838, V. & P., N.S.W. L.C., p.23.

86. Yarwood, op.cit., pp.13-14.

87. ibid., p.11.

88. Brian W. Harrison, 'The Myall Creek massacre and its significance in the controversy over the Aborigines during Australia's early squatting period,' B.A. (Hons.) Thesis, University of New England, 1966, p.12.

logical place for Hunter Valley settlers to extend with their flocks and herds in times of drought, or when stock numbers increased.⁸⁹ Hunter Valley settlers such as Henry Dangar, Joseph Threlkeld, and the Australian Agricultural Company continued in the Northern district what had been begun in the valley.⁹⁰ With them went their assigned servants, like the Australian Agricultural Company drayman suspected of murdering one or more Aboriginal women on his way north.⁹¹ There seems to have been a constant movement of men and stock across the ranges from the early 'thirties. The Australian Agricultural Company, for instance, established a practice of bringing sheep down from the Peel River to be shorn at Stroud.⁹² With them the assigned servants took the hatred of Aborigines which had been learnt in person or by report from the experiences of the penal establishment and the early settlement period in the Hunter Valley.

It cannot be argued that violent contact between assigned servants and Aborigines either in the Hunter Valley or elsewhere in the colony was entirely the result of the Aborigines' role as trackers of escapees. Fear of isolation and ambush, fear for the safety of the master's possessions, the desire to vent one's own humiliations on men seen as inferiors, and the indifferent attitude of many free settlers all played a part in determining the assigned servant's response to the dispossessed and demoralised Aborigine. These factors held true for the colony as a whole. What distinguished the Hunter Valley as the most violent arena of racial contact in the pioneering period was the edge given to the convict's hostility by traditions established at Newcastle, and which may well have become part of the convict's invisible luggage when he went elsewhere in New South Wales.

89. Dawson, op.cit., p.382, and H.J.C.Green, 'The Pioneer Settlement of the Hunter River Valley 1821-1831,' M.A.Thesis, University of Newcastle, 1975, p.vi.
90. E.C.Rowland, 'The Life and Times of Henry Dangar,' R.A.H.S.J., Vol.XXXIX, 1953, Part 2, pp.57 & 63, and Threlkeld Papers, II, p.331, and J.F.Atchison, 'Port Stephens and Goonoo Goonoo - A Review of the Early Period of the Australian Agricultural Company,' Ph.D. Thesis, Australian National University, 1973, pp. 193-200.
91. Chapter 4, p.66.
92. Atchison, op.cit., p.204-205.
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Conclusion

In 1823, J.T. Bigge predicted that in New South Wales 'the black population will undergo a gradual diminution in proportion to the advances of the white population into the interior¹.' This prediction proved as accurate for the Hunter Valley as for anywhere else in the colony. At the end of 1839, the Rev. L.E. Threlkeld said that he had heard of only one Aboriginal birth in the district during the year, and the child had been a half-caste². In the demoralisation of the Hunter tribes which had followed on the white invasion of the valley, tribal populations had dropped dramatically, decimated by disease and alcohol and by the abduction of women of childbearing age³. Those that remained were reduced to the status of menial workers and hangers on around the towns and bigger estates, partly or entirely dependent on handouts of food, clothing and blankets⁴. The object of the settler's indifference and contempt, and the convict's hatred had virtually disappeared from the valley.

Only in the short term had the contact between the races been beneficial for anyone involved. The officials of the penal

1. J.T. Bigge, Report of the Commissioner of Inquiry, on the State of Agriculture and Trade in the Colony of New South Wales, [1823], Adelaide, 1966, 83.
2. Threlkeld to Colonial Secretary, 31st December 1839, Niel Gunson (ed.), Australian Reminiscences & Papers of L.E. Threlkeld, 2 Volumes, Canberra, 1974, Vol. I, p.160.
3. Threlkeld to Colonial Secretary, 30th December 1837 and 31st December 1838, Threlkeld Papers, I, pp.137 & 144, and James Backhouse, Extracts from the letters of James Backhouse, London, 1838, p.124, and K.E. Tait, 'The Decline of the Aborigines of the Lake Macquarie Region in the first half of the 19th Century,' Research paper, University of Newcastle, 1979, pp.2-3, and W. Allan Wood, Dawn in the Valley, Sydney, 1972, p.157, and Emily Caswell to Catherine Jackson, 19th October 1841, Caswell Family Correspondence, manuscript, Mitchell Library, Ac.147.
4. Backhouse, op.cit.; p.77, and the Rev. William Cowper, 28th September 1838, Report from the Committee, on the Aborigines Question, 1838, Votes and Proceedings of the New South Wales Legislative Council, p.57-58, and evidence of James Henry Grummer, Select Committee on the Aborigines, 1845, V. & P., N.S.W. L.C., p.971, and Threlkeld to Colonial Secretary, 31st December 1840, Threlkeld Papers, I, p.167, and B.A. Sokoloff, 'The Worimi: Hunter-Gatherers at Port Stephens: an Ethnohistory,' B.A. (Hons.) Thesis, University of New England, 1973, p.10.

establishment, forced to cope with an unruly and discontented convict population, had exploited the potential of the Aborigines of the district as a means of preventing convict escapes. The Aborigines in turn had benefited materially from the patronage of the commandants at Newcastle, while at the same time becoming the object of the convicts' fear and desire for revenge.

When the inevitable exploitation of the Hunter Valley as farming land occurred, Aborigines became more of a nuisance to the authorities than an asset. Although Aborigines continued to help track escaped convicts and bushrangers, they reacted as elsewhere in New South Wales to the presence of settlers on tribal lands. The prejudices of most of the settlers and the availability of cheap convict labour worked against the possibility that settlers and Aborigines might become economically useful to each other, and it is probable that many settlers gave their tacit approval when assigned servants and the military removed the nuisance by acts of violence.

The convict had learned to see the Aborigines as allies of the authorities, and to hate them for it. After the Hunter Valley was opened up to free settlement the tradition was reinforced when black trackers helped to eradicate gangs of bushrangers from the valley. The response of assigned servants and bushrangers to this co-operation between Aborigines and the authorities helps to explain the intensity of the clash between black and white in the Hunter Valley. Distance from settlement, and the attitudes of free settlers, compounded the problem. It may well be that part of the motivation for convict brutality against Aborigines in New South Wales generally can be traced to the role which Aborigines assumed at penal settlements like Newcastle.

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