

NARRAWONG HISTORY & LOCAL AUTHOR FORUM

25 June 2017

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Artist Statement: Walter Saunders

This is a copy of the statement I made at the History Talk at Narrawong Town Hall on 25 June 2017. It's regarding my musing about the history of Australia and is an element of the inspiration behind my design of the Cart Mountain sculpture that forms part of the Narrawong Kang-o-meerteek Small Town Transformation project.

To the literary experts and scribes, forgive my grammar and prose. To the self-professed and titled historians, read my musing on history as just as valid as that of any. My comments should be read and considered in conjunction with the previous statement made by me regarding the project:

The Cart Gunditj clan hold Cart Mountain, now known as Mount Clay, as one of fundamental importance to their lives, as do all fifty-nine clans of the Dhauwurd Wurrung. In particular, this elevated aspect gave the Cart Gunditj a vantage point from which to view the whole of Portland Bay. From their lookout, they could see the large pods of dolphins, bait-fish and tuna that hunt in the bay and the migrating whales that use the sheltered waters to calve and the bay's shallow rubble-bottom to clean their bodies of dead skin and parasites on their way east then north up the coast of Australia on their annual migration.

The first newcomers to Dhauwurd Wurrung country were white sealers and then whalers who aimed to harvest whales to supply colonial England's ever growing demand for oil. Fully aware of the encroaching invaders and the danger this presented to their livelihood, the Cart Gunditj struck a pact with whalers to protect their mountain from the encroachment that was sweeping the country. This pact saw them use their age-old vantage point to become spotters for the ever increasing whaling endeavours that were dotting the coast along the shores of Dutton Way and Portland. As a result, the Cart Gunditj were excluded from being killed or rounded up and placed on reserves and missions, like many of their countrymen were at the time, and their mountain and lands left alone.

This unwritten agreement saw the Cart Gunditj ignite a fire at their lookout whenever they spotted whales entering the bay. The consequence of which, underpinned the prosperity of the newcomers by benefitting their whaling endeavours while pragmatically giving the Cart Gunditj a limited delay in the destruction of their clan and the loss of their lands.

The massacre at the Convincing Ground in 1833 was to be the end of this protection and to everything that was understood between the Cart Gunditj and the newcomers in regard to sharing the natural bounty of Dhauwurd Wurrung country.

The creation of an artistic representation of this unrecognised and unreconciled past must include an idea of today and a future tomorrow that is both respectful of this history and forward thinking.

History Talks Speech, Narrawong Town Hall, 25 June 2017

Firstly, I wish to thank the Glenelg Shire for organising today's event; Susie Lyons for facilitating; Catherine Bailey for convening the event; and, all those who are present here today who, without your attendance, it would be pointless for the other speakers and me to be here.

I don't want to bore people with a chronology of events that has created the history of Australia but, instead I want to pick out certain dates and times that will allow me to give a potted history of events and to elucidate the impact that convenient colonial laws had at the time and how this has created the legacy that affects Aboriginal Australia today and how this in turn casts a pall over the view that Australia is a modern, generous and fair society.

In the fifteenth and sixteenth century all of Europe thought that the world was flat. However, there were theories that it could perhaps be a sphere and not flat at all. At this time, navigation techniques began to evolve with the invention of the compass and other instruments that fuelled exploration of the new world for economic needs; there was an imperative to find a sea route to and from India because the land based trade routes were controlled by the Arabs and Italians; and there were religious needs to promote Christianity and continue the fight against Islam which began with the nine crusades that occurred between 1096 and 1272.

Consider now that it is the 1700s, England's colonies were under pressure from the French in the Americas and the American colonialists were beginning to revolt against English taxes. There was also competition in the scientific arena with a lot of efforts being put in to observe the transition of Venus from various parts of the world in order to work out the exact length of an astronomical unit which gives us the metric measurements we use today.

Along with the scientific and navigational orders, Cook also received secret instructions issued by the military and the Royal Society of London. He was ordered to sail south to the fortieth latitude and then due west to find and chart the great southern land. The orders read in part: *'There is reason to imagine that a Continent or Land of great extent, [sic] may be found to the Southward'* and, *'You are likewise to observe the Genius, Temper, Disposition and Number of the Natives, if there be any and endeavour by all proper means to cultivate a Friendship and Alliance with them.'* His orders continue: *'You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain: Or: if you find the Country uninhabited take Possession for his Majesty by setting up Proper Marks and Inscriptions, as first discoverers and possessors.'*¹

In his journal, Cook records his first sighting of the east coast of Australia when he viewed the Kurnai peoples' country in Gippsland at a place which he named Point Hicks. He then continued to travel up the east coast, along the way giving English names to 110 places, until he gets to Possession Island where he claimed all of what he saw and named up the east coast in the name of King George III. This included almost everything: The entire bounty of the country, *'its beauty rich and fair'*²; and the country itself but not

¹ Secret Instructions to Captain Cook, 30 July 1768. www.foundingdocs.gov.au/resources/transcripts/nsw1_doc_1768.pdf

² Australian National Anthem. www.australia.gov.au/about-australia/australian-story/austn-national-anthem

the people. Despite his orders and despite his observations and the comments he makes in his journal: *'Those I saw were about as tall as Europeans, of a very dark brown Colour, but not black, nor had they woolly, frizzled [sic] hair, but black and lank like ours; and, 'I landed in 2 places, one of which the people had but just left, as there were small fires and fresh Muscles broiling upon them; here likewise lay Vast heaps of the largest Oyster Shells I ever saw.'*³

When he returned to England, he presented his findings to the military and the Royal Society and they in turn reported to the Crown. The Crown declared the land vacant, empty devoid of people; terra nullius. Despite all evidence to the contrary. The affect of this decision was devastating; we were treated as sub-human. After all there were no people here. The land was vacant. We are not people.

With the newcomers came all forms of exotics from animals and steel, to pathogens and alcohol, which spread across the country decimating the people. Compounding this was the right of these newcomers to claim huge tracks of land. Some of the largest around here encompassed 113,000 and 44,000 acres⁴; the lands of the Cupponenet Gunditj, the Bonedol Gunditj and the Bokerer Gunditj. All from the Dhauwurd Wurrung language group, the same language group as my family.

By the 1840s, the western district supported 242 sheep 'runs' compared to the next most fertile area Gippsland that had only forty-four 'runs'⁵. By 1845 a squatter named Benjamin Boyd had risen to the rank of the most important land holder in Australia next to the Crown. In the Riverina alone he controlled over one million acres, on which he grazed eight thousand head of cattle and over 140,000 sheep. On the Monaro plateau, the Monaro peoples' land, Boyd's holding amounted to over half a million acres, on which he held eighteen thousand sheep and thirteen thousand cattle. At one time Boyd controlled thirteen hundred square miles of land; 832,000 acres or 336,698 hectares, including land around Port Phillip Bay. He was elected to the New South Wales Legislative Council for the Electoral district of Port Phillip in September 1844, a position he held for eleven months. During his time in the Legislative Council, he began to bring slaves from New Caledonia into Australia to work for him on his huge holdings and in his whaling endeavours. This slaving practice was known by the innocuous term of 'blackbirding' and was carried out by squatters across Australia.⁶

The Victorian Legislative Council was established in 1851, which separated Victoria from NSW. The electors to the Council were male British subjects over the age of twenty-one years, who owned freehold land valued at £100 or a householder paying rent of £10 per year.⁷ So, leading up to the beginning of the state of Victoria as we know it, you had the likes of the Boyds and other squatters, now holding seats on the highest law making committee of the day.

³ James Cook's log, State Library of New South Wales. www2.sl.nsw.gov.au/archive/discover_collections/history_nation/voyages/discovery/endeavour/cook/index.html

⁴ Glenelg Shire Heritage Study (Vol. 1, 2002), p. 37. www.glenelg.vic.gov.au/files/Glenelg_Shire_Heritage_Study_Stage_1_dated_December_2002.pdf

⁵ Maggie MacKellar, *Strangers in a Foreign Land: The Journal of Niel Black and Other Voices from the Western District* (The Miegunyah Press, 2008), p. 7.

⁶ Boyd, Benjamin (Ben) (1801–1851), *Australian Dictionary of Biography* (Vol. 1, MUP, 1966).

⁷ Victorian Electoral Act 1851, New South Wales Government. www.legislation.nsw.gov.au/acts/1851-3a.pdf

The rush to procure these huge tracts of land in 'runs', as they were called at the time, included the massacres and murders of Aboriginal people – some, but not all of which, were documented. Just west of here is the convincing ground which was the site of the murder/massacre of sixty to ninety Kilcarer Gunditj people in 1833 or 1834,⁸ my clan group.

In his journals, Niel Black, who was to become a member of the Victorian Legislative Council, describes on 9 December 1839 and on 4 and 18 January 1840: *'The best way [to procure a run] is to go outside and take up a new run, provided the conscience of the party is sufficiently seared to enable him without remorse to slaughter natives right and left. It is universally and distinctly understood that the chances are very small indeed of a person taking up a new run being able to maintain possession of his place and property without having recourse to such means – sometimes by wholesale... (9 December 1839). A month later he went on: '... to tell the truth I believe it impossible to take up a new run without doing so, at least the chances are 50 to one' (4 and 18 January 1840).*⁹

Henry Meyrick, Squatter, near Dromana: *'The blacks are very quiet here now, poor wretches, no wild beast of the forest was ever hunted down with such unsparing perseverance as they are; men, women and children are shot where ever they can be met with, some excuse might be found for shooting the men by those who are daily getting their cattle speared, but what they can urge in their excuse who shoot the women and children I cannot conceive. I have protested against it at every station I have been in Gibbs [Gippsland] in the strongest language but these things are kept very secret as the penalty would certainly be hanging... I remember the time when my blood would have run cold at the bare mention of these things but now I am become so familiarised with scenes of horror, from having murder made a topic of every day conversation. I have heard tales told, and some things I have seen that would form as dark a page as ever you could read in the book of history – but I thank God I have never participated in them – If I could remedy these things I would speak loudly though it cost me all I am worth in the world, but as I cannot I will keep aloof and know nothing, and say nothing.'*¹⁰

Francis Tuckfield a Wesleyan Missionary, said in 1837: *'The Government is fast disposing of the land occupied by the natives from time immemorial. In addition to which settlers under the sanction of government may establish themselves in any part of this extensive territory and since the introduction of the numerous flocks and herds... a serious loss has been sustained by the natives without an equivalent being rendered. Their territory is not only invaded, but their game is driven back, their murnong and other valuable roots are eaten by the white man's sheep and their deprivation, abuse and miseries are daily increasing.'*¹¹

In his 1839 journal, Assistant Protector William Thomas included an extract from an overlander named Hill regarding his experience of the disposition of squatters towards Aborigines. Hill reported that, *'nine cases out of ten [the attitude] was that of enmity, in more stations than one, three or four he could mention where they openly avowed their*

⁸ Ian Clark, *Scars in the Landscape: A Register of Massacre Sites in Western Victoria 1803-1859* (Australian Institute of Aboriginal and Torres Strait Islander Studies Press, 1995), p. 17.

⁹ MacKellar, *Strangers in a Foreign Land*, p. 107.

¹⁰ *The letters of Henry Howard Meyrick*, May 1840 - November 1841 and January 1845 - April 1847 (JJB Publishing, 1997).

¹¹ Tuckfield Journal, Manuscript 655 (State Library of Victoria), pp.138-140.

willingness to destroy them... at many of the stations blacks would not partake of bread, flour or milk [from fear of poisoning].'¹²

These killings weren't only committed by squatters and shepherds but also by police and the military in declared war. On 9 April 1816, the Crown's representative and Governor of NSW Lachlan Macquarie, which included Victoria at the time, ordered: *'On any occasion of seeing or falling in with the Natives, either in bodies or singly, they are to be called on, by your friendly Native Guides, to surrender themselves to you as Prisoners of War. If they refuse to do so, make the least show of resistance, or attempt to run away from you, you will fire upon and compel [sic] them to surrender, breaking and destroying the spears, clubs, and waddies of all those you take Prisoners. Such Natives as happen to be killed on such occasions, if grown up men, are to be hanged up on trees in conspicuous situations, to strike the Survivors with the greater terror. On all occasions of your being obliged to have recourse to offensive and coercive measures, you will use every possible precaution to save the lives of the Native Women and Children, but taking as many of them as you can Prisoners.'*¹³

What is known as the last massacre of Aboriginal people in Australia was the Coniston Massacre; many Aboriginal people call it the Coniston Muster. This was the massacre of men, women and children from the Warlpiri, Anmatyerre and Kaytetye clans, killed throughout a large area north west of Alice Springs in 1928.¹⁴

Fed up with the goings on in the colonies of the Pacific, in 1872, Queen Victoria issued supreme orders to the colonies. She describes her orders as: *'An Act for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean.'* In section 2 of the Act under the Definition of terms she states: *'The term "Governor", shall include the officer for the time being administering the government of any of the Australasian Colonies, and "Governor in Council", shall mean the Governor acting by and with the advice of the Executive Council of the Colony under his government: The term "Australasian colonies" shall mean and include the colonies of New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia.'*¹⁵ In short this Act prohibited the carrying of any Natives on English or Colonial vessels and was designed to stop the slave trade. However, as the British were having problems with slavery in their American colonies as well as in the colonies of other countries in both Africa and the Pacific, Queen Victoria used the term, 'The Kidnapping Act' to describe it.

A few years later on 2 August 1875, she enacted The Pacific Islander Protection Act 1875, which she describes as, *'An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty,'* which refers to the 1872 Pacific Islander Protection Act, *'for the prevention and punishment of criminal outrages upon the natives of the islands in the Pacific Ocean.'*¹⁶ Again she lists the colonies that the act refers to: New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia. All the Australian colonies gazetted and made these laws in the respective colonies. Specifically, section 7 of the 1875 Act, which

¹² Marguerita Stephens, *The Journal of William Thomas: assistant protector of the Aborigines of Port Phillip and guardian of the Aborigines of Victoria 1839 to 1867* (Victorian Aboriginal Corporation for Languages, 2014).

¹³ Michael K. Organ, 'Secret Service: Governor Macquarie's Aboriginal War of 1816' (University of Wollongong, 2014). <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1496&context=asdpapers>

¹⁴ Coniston Massacre, National Museum of Australia. www.nma.gov.au/exhibitions/first_australians/resistance/coniston_massacre

¹⁵ Pacific Islander Protection Act 1872, *Victorian Government Gazette*, August 30, 1872. gazette.slv.vic.gov.au/images/1872/V/general/60.pdf

¹⁶ Pacific Islander Protection Act 1872.

*states: 'Saving of rights of tribes. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session.'*¹⁷

But, successive governments have not given us our sovereignty. Instead, we were shot, poisoned and those that survived were rounded up and placed on 'Aboriginal Reserves' which were nothing short of concentration camps where they stole our languages, our way of life and our children, and carved up the land that had been ours for over two thousand generations.

So, in a nutshell, what we have is Cook claimed possession of the east coast of Australia for Britain under the doctrine of 'terra nullius' when he landed on Possession Island in the Torres Strait on April 30, 1770, despite his orders and his observations that the land was inhabited. In doing so, did not carry out his orders. According to military law, by failing to carry out direct orders, the offender must be court-martialed. According to the international law of Europe in the late eighteenth century and the conventions at the time, there were only three ways that Britain could take possession of another country:

1. If the country was uninhabited, Britain could claim and settle that country. In this case, it could claim ownership of the land;
2. If the country was already inhabited, Britain could ask for permission from the Indigenous people to use some of their land. In this case, Britain could purchase land for its own use but it could not steal the land of the Indigenous people; or,
3. If the country was inhabited, Britain could take over the country by invasion and conquest — in other words, defeat that country in war. However, even after winning a war, Britain would have to respect the rights of Indigenous people.

Britain did not follow any of these rules in Australia. Since there were already people living in Australia, Britain could not take possession by 'settling' this country, which is what they would have you believe. However, from the time of Cook's arrival the British Crown/Government acted as if Australia were uninhabited. So, instead of admitting that it was invading a land that belonged to Aboriginal people, Britain acted as it were settling an empty land. This is what is meant by the myth of terra nullius.

In finishing, I contend that every act or policy created for or against Aboriginal people since 1875, whether it is one created under the guise that it is for our own benefit like the Native Title Act, is illegal. Every government agency and individual who has ever implemented a policy or an act over the past 142 years, have been acting illegally.

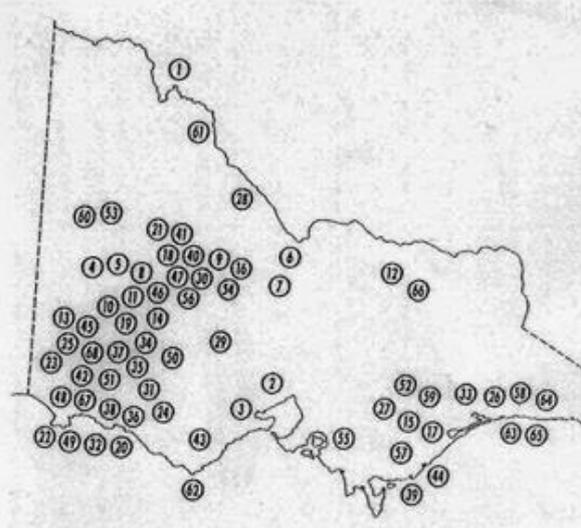
Walter Saunders, 25 June 2017

¹⁷ Pacific Islander Protection Act 1875, *Victorian Government Gazette*, 5 December, 1879. gazette.slv.vic.gov.au/images/1879/V/general/117.pdf

MASSACRE MAP.

This map shows the location of known killings of aborigines by Europeans for the 18 years between 1836 and 1853. The deaths of several thousand people are represented. Many thousand more died beyond prying eyes.

1. 1836-may-24	Mt dispersion Near euston	Several shot by major Mitchell and his party
2. 1836-july	Werribee River	10 shot by Henry Batman and others
3. 1837	Geelong area	4 shot
4. 1837	Western Victoria	3 killed
5. 1837-1841	Western Victoria	43 killed
6. 1839-july	Campaspe plain	40+ shot by mounted Police
7. 1839-july	Mt Alexandra	13 shot
8. 1839-nov-11	Western district	15 killed by Mr. Taylor
9. 1839	Pyrenees	5+ shot group shot or
10. 1839	Western district	Poisoned
11. 1839	Western district	almost all Tantgort People "butchered"
12. Early 1840's	Wangaratta	20+ shot by George Faithfull and his men In 6 hr battle
13. 1840-mar-10	Konong-Woontong Station	Between 20 & 40 shot by white brothers
14. 1840-jul	Western District	3 or 4 shot by party led by Foster Fyans
15. 1840-oct-dec	Nuntin,Gippsland	unknown number killed by Angus McMillan's men
16. 1840-dec-21	Pyrenees bonny point Gippsland	3 shot
17. 1840-dec-22		Angus McMillan & his men took a "heavy toll" of Aboriginal lives
18. 1840	Grampians	1 killed by J.F.Francis
19. 1841	Mt Bainbridge	3 shot
20. 1841	Port Fairy	1 killed by George Bolden
21. 1841	near lake Lonsdale	20 shot by station owners, cooks & shepherds
22. 1841	Portland	7 poisoned on Henty brothers Property
23. 1841	Glenelg river	51 killed
24. 1841	Glenormiston	35 - 40 shot
25. 1841	Junction of Wannon & Glenelg River	15 - 17 poisoned
26. 1841	Butchers Creek Gippsland	35 - 40 shot by Angus McMillan's men
27. 1841	Maffra	unknown number shot by Angus McMillan's men
28. 1841-aug-25	Murray River	30 shot by government troops
29. 1841-aug	Mt Emu	3 shot
30. 1841-aug	Mt William	1 shot by station storekeeper.
31. 1841-oct	Leighton station Hopkins River	2 beaten & shot
32. 1841-dec	Port Fairy	20 or more shot by Mr. Taylor. station overseer
33. 1842	Skull Creek Gippsland	Unknown number killed
34. 1842-feb	Caramut	several killed by station hands
35. 1842-feb-24	Mustons Creek	4 shot
36. 1842-feb	Port Fairy	10 or more shot by station hand.
37. 1842-oct	Mt Rouse	9 killed
38. 1842-dec-10	Port Fairy	9 killed
39. 1842	Bruthen creek Gippsland	'hundreds' killed
40. pre-1843	Grampians	5 killed
41. pre-1843	Grampians	2 or 3 killed
42. pre-1843	Darlot	3 killed
43. pre-1843	Lake Colac	1 killed
44. 1843-jun	Warrigal Creek	between 60 & 180 shot by Angus McMillan and his men
45. 1843-aug	Wannon River	17 shot by captain Dana and the Aboriginal police
46. 1843-aug	koroiite station Wannon River	7 - 8 killed
47. 1843	Grampians	4 killed by Captain Dana and the Aboriginal Police
48. 1843	Fitzroy River	8 - 9 killed by Captain Dana and the Aboriginal Police



49. 1843	Portland Bay Area	4 Killed
50. 1843	Western District	2 killed
51. 1842-44	Eumeralla River Area	200 Or more gunjitmara People shot or poisoned
52. 1844	Maffra	unknown number killed
53. 1845	Wimmera district	2 shot by troopers
54. 1845-jul	Mt Arapiles	3 killed
55. 1845-dec	Western Port	7 killed
56. 1845	Grampians	1 killed
57. 1846-nov	Gippsland	14 killed
58. 1846-dec	Snowy River	8 killed by Captain Dana and the Aboriginal Police
59. 1846-47	Gippsland	50 + shot by armed party hunting for white woman Supposedly held by Aborigines. Never found
60. 1847	Mt Talbot	1 killed by Mr. stokell
61. 1848-feb	Murrumbidgee station, Murray area	7 - 8 poisoned
62. pre-1848	Cape Otway	20 killed by government survey party
63. 1850	Gippsland	15-20 killed
64. 1850	Murrindal near Orbost	16 poisoned
65. 1850	Brodribb River near Orbost	15-20 killed
66. 1853	Wangaratta	2 killed
67. 1840's	port fairy Portland area	3 or more killed
68. Unknown	Mt Eccles	30 or more killed

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Source: www.cv.vic.gov.au/stories/aboriginal-culture/indigenous-stories-about-war-and-invasion/massacre-map/