

Frontier war on the ‘Port Phillip road’: colonisation and resistance in Benalla and north-east Victoria



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The author respectfully acknowledges the traditional Aboriginal owners of the land and waters and pays respects to their Elders past and present.

It is recognised that sovereignty over their country was never ceded and that the struggle for land, justice and self-determination continues today.

Solidarity Forever.

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A note on content and terminology:

1. Unfortunately, this history must recount incidents of violence and abuse that may be distressing to the reader.
2. Aboriginal people will be respectfully referred to as such and sometimes as Koorie people, a recognised collective name for Aboriginal people of Victoria and large parts of New South Wales.
3. Primary sources often use derogatory and racist terms to describe Aboriginal people. These are only quoted when necessary to the historical account and apologies are made in advance to the reader.
4. During the period of this study, in colonial terms, the region of present-day north east Victoria was called the Port Phillip District of the Colony of New South Wales.
5. This account will generally refer to the April 1838 "Faithfull Massacre" as the Broken River attack as this accurately describes what occurred; a deliberate attack by one group of armed men upon another group of armed men. Some subsequent incidents will be described as massacres because they involved the indiscriminate killing of both armed and unarmed men, women and children.

Cover Images: 1838 monument and nearby wooded grasslands of the Broken River.

Introduction

The town of Benalla in north east Victoria is located near the Hume Highway, the main overland connection between the eastern capitals of Sydney and Melbourne by Port Phillip Bay. It is sited on the Broken River, which today fills Lake Benalla, a product of mid-1970s civic progress. Alongside are other markers of rural prosperity; a Victorian era Botanic Gardens, cricket and football fields and a regional Art Gallery in a mid-20th century modernist building.

The region is closely associated with the dramatic conflict between bushranger Ned Kelly, his family, armed associates and the police authorities in the late 1870's. Rarely discussed is the dramatic period of hostilities between Aboriginal people and settlers that had occurred some forty years earlier.

A modest stone monument, erected by the Benalla and District Historical Society near the western shore of Lake Benalla states that;

Near this site, on Wednesday, April 11, 1838, eighteen of George and William Faithfull's men were attacked and their drays plundered by Aborigines. Eight of the Faithfull's men and one Aborigine died.

The attack by Aboriginal warriors upon settlers moving sheep and cattle overland has since become known as the "Faithfull Massacre". The facts as recorded on the plaque are correct but lack any real explanation or rationale, suggesting an isolated incident motivated by an intent to steal goods. The attack was in fact a key incident in a rising arc of frontier conflict across north-east Victoria.

The Broken River attack shocked colonial society, at that point being the highest number of settlers killed in such an incident on the frontier. The 1835 settlement at Port Phillip Bay had accelerated colonial expansion into the fertile lands of the Koorie peoples of central and north east Victoria. The settlers used force to dispossess the people of their lands but also faced resistance from Koorie people. Between the late 1830's and early 1840's a state of hostilities with all the features of frontier warfare existed across north-east Victoria.

The Broken River attack occurred on what was known by colonists as the 'Port Phillip Road'; a rough and isolated but strategically important route between the existing Colony of New South Wales and the new Port Phillip District. This geography heightened colonial anxiety about the attack and would shape the response of colonial authorities.

The colonial state responded to settler demands for protection by building 'military outposts' manned by Mounted Police detachments at key points along the Port Phillip Road. Simultaneously, settlers formed themselves into armed militias to conduct a campaign of punitive raids and massacres to terrorise and subjugate the Aboriginal peoples of the region.

This period of colonial frontier war had a devastating impact upon Aboriginal society while also being fundamental to the origin of towns such as Benalla and the colonial settlement of north-east Victoria.

Despite this fact, there is a certain amnesia about the early history of European settlement in 'Kelly Country'. To move forward as a society, we need to accurately understand and recognise the past. It's time to tell the whole story.

First People of the River

The Broken River rises in the Great Dividing Range and runs through expansive plains of wooded grasslands, before meeting the Goulburn River at Mooroopna-Shepparton. Around Benalla, the river breaks into a series of watercourses. The European names for the river (also previously Swampy River and Winding Swamp) derives from this natural tendency of the river to dry out in summer and break into separate waterholes.

In 1841 local Aboriginal people stated that the name of the river at Benalla was *By.en.good.der.re* and the crossing place by the large waterhole *Mer.ry.gan.der*¹. This permanent waterhole was also known as *Marangan*.

This country of rivers, wetlands and wooded grasslands was the valued estate of peoples belonging to local clans for tens of thousands of years. The local clan was the most important unit of society because it was the land-owning unit. The identity of people was defined by their connection to a specific area of country primarily through the familial clan and its kinship networks, ceremonial practices and connection to the ancestral beings of creation.²

This was a fertile environment providing habitation and livelihood from a range of sources according to seasonal cycles. The rivers and wetlands provided an abundance of fish, crayfish, mussels, turtles and ducks, obtained using the technology of fishing spears, woven nets, canoes and hunting boomerangs. The wetlands and adjacent grasslands also provided nutritious plant staples including; grass seeds, the shoots of various reeds and the tuber of the Murnong or yam daisy. From the open wooded grasslands came larger game such as wallaby, kangaroo and possum, which also provided the material for possum skin cloaks. Insects such as bees provided a source of sugar and in the summer and autumn the migratory arrival of Bogong moths provided another protein rich food source³.

Located in the centre of Benalla, on a bend in the river around the current bridge, was the permanent waterhole *Marangan*. This part of the river and the adjacent grassy riverbanks was a highly valued camping site and meeting place for large inter-clan gatherings. The local food sources were able to sustain larger groups of people for many days. These inter-clan gatherings were key element of traditional society and fulfilled a range of purposes. They enabled people to practise ceremonial duties, fulfil kinship obligations, including the reciprocal exchange of items, to plan marriages, resolve disputes, and to enjoy social interaction and cultural exchange in the form of stories, songs and performative dances.

In the autumn of 1837 an early colonist overland party led by Henry and John Howey came upon a gathering of 'no less than 800 Aboriginal fighting blacks camped on the banks of the river, on the slope between where Mr Sharpe's mill [stood]and the site of the bridge' and concluded that the river was an Aboriginal meeting place and that the purpose of meeting was to hold a 'bora' or ceremony⁴.

¹ G.A Robinson, Journal entry 23rd February 1841, in Ian D. Clark ed., *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate, Vol 2, 1998*, p.87.

² Diane Barwick, *Mapping the Past: An Atlas of Victorian Clans 1835 – 1904 Part 1, 1984*, pp. 105-107. According to Barwick, the clan of the Benalla local area were the Yeerun-illam-balluk, of the Taungurung language group, moiety Bunjil the eagle.

³ Gary Presland, *First People: The Eastern Kulin of Melbourne, Port Phillip & Central Victoria*, Museum Victoria Publishing, 2010, pp. 65-79. References to local use of Bogong moths in Jane Franklin's diary; Penny Russell, *This Errant Lady: Jane Franklin's Overland Journey to Port Phillip and Sydney, 1839*, National Library of Australia, 2002, p. 54.

⁴ *Ovens and Murray Advertiser*, 25 May 1869, *Leader* 19 May, 1894. Quoted in Judith Bassett, 'The Faithfull Massacre – A Case Study', Thesis, Deakin University, 1986, p. 21

April 11th 1838: Broken River attack

The complex society and cultural landscape of Koorie people was severely disrupted by the invasion of British colonisers. First came the exploration party of Hume and Hovell in 1824. They were followed in 1836 by the Surveyor General, Major Thomas Mitchell, who charted a course overland from the Riverina to the Bass Strait coast of Victoria. Mitchell's party was accompanied by Piper, a Wiradjuri man who provided invaluable guidance throughout the journey⁵. On their return northward, a member of the party James 'Tally-Ho' Taylor was drowned while seeking a crossing point of the 'Swampy' or Broken River in Benalla.

In 1835 land hungry businessmen and pastoralists from Van Diemen's Land arrived in Port Phillip Bay and founded a colonial settlement. Pastoralists with large flocks of livestock began following 'Mitchell's track' southward, 'overland' along what became known as the Port Phillip road, claiming vast tracts of fertile country for grazing.

The British colonisers did not recognise or respect the land custodianship and sovereignty of Koorie people. They trespassed on traditional lands, violated cultural laws and used force to assert their land claims. This led to widespread conflict on the colonial frontier, including in northeast Victoria, between Aboriginal people and British settlers.

In early 1838 a party of eighteen men working for the pastoralists George and William Faithfull travelled with stock overland from Goulburn in NSW to claim lands south of the Murray. George Faithfull took land on the Ovens River near present day Wangaratta and was present with the party. William Faithfull remained in NSW and entrusted his flock of 3,472 sheep and 395 cattle to overseer James Crossley. The majority of the party were either assigned convicts or ticket of leave men (conditionally paroled convicts).

When the Faithfull party was at the Ovens River there was conflict with a group of Aboriginal people who had speared two of the cattle. In response, the settlers "fired at them and they disappeared into the scrub"⁶. It is likely that some Aboriginal people were injured or killed at this point.

There were also reports of the mistreatment of Aboriginal women by stockmen employed by George Faithfull at the Ovens river. In 1840, Henry Bigham, Crown Lands Commissioner for Murrumbidgee District, stated that he had been told the attack on Faithfull's party had been caused by the 'highly improper Conduct' of an overseer named O'Brien toward an Aboriginal woman. Bingham also stated that Aboriginal people particularly disliked two other stockmen who had been 'with Mr Faithfull's party at the rear'. Bingham reported that according to Aboriginal people, when the first stations were formed on the Ovens, 'the whites shot and killed many of them'⁷.

After stopping at the Ovens River, the Faithfull party departed for the Broken River intending to take pastoral land further south. Possibly they were also seeking to avoid reprisals following their shooting of Koorie people. They arrived at the Broken River on Friday and Saturday the 6-7th April and initially camped at the Aboriginal meeting place on the north bank of the river by Marangan waterhole.

Also camped there were about ten Aboriginal men. It is likely that preparations were being made for a large ceremonial gathering at the site. In April- May 1838 senior men from Kulin and Waveroo clans, accompanied by their wives and children were travelling throughout central and northeast Victoria to attend a series of male initiation rites and inter-clan gatherings⁸.

⁵ Henry Reynolds, *Black Pioneers*, 2000, p. 34, pp.43-45

⁶ Statement by surviving member of overland party William McKay, 1853. In Judith Bassett, 1986, p. 26.

⁷ Bingham to Thomas 13.10.1840, cited in Roger Millis, *Waterloo Creek: the Australia Day Massacre of 1838, George Gipps and the British Conquest of New South Wales.*, McPhee Gribble, 1992, pp.821-822.

⁸ Diane Barwick, 1984, p. 120.

According to later accounts by Faithfull's party, some of the Aboriginal men present had spent time among Europeans, wore some western clothes and spoke some English. Among them was a man named Charlie who said he was from Port Phillip and was described as a leader of the group.

On Sunday 8th the Faithfull party crossed the river and set up camp on the south side, near the present-day railway bridge crossing. This move followed the loss of eight sheep and suspicion that the Aboriginal men present were responsible. Nonetheless, the two groups continued interacting, 'we gave them food and showed them our arms' stated the bullock driver William Walker.

On Monday 9th April about ten more Aboriginal men joined the group. Tensions rose when an Aboriginal man took a sheep in view of the shepherds and when a cache of about twenty spears were found stored among the rushes. Ticket of leave man Thomas Bentley believed that an attack was likely, apparently warning, 'We shall all be killed if we do not send these blacks away'⁹.

On Monday night, in a sign of deteriorating relations, overseer James Crossley ordered the whole group of Aboriginal men around the camp to lay on the ground within sight while William Walker stood 'mounting sentry' over them through the night¹⁰.

On Tuesday 10th April the stockmen spoke with the Aboriginal man Charlie. As described by ticket of leave man William Read; 'We desired him to take his tribe away. They would not stir. I and two other men...then drew back with our muskets. They then walked toward the spot where the spears had been concealed, and not finding them sent up a shout and ran away'¹¹

On the morning of Wednesday 11th April, the Faithfull party was preparing to leave the camp site. Crossley sent shepherds ahead with their mob of sheep, while others remained to pack and yoke the bullock drays. At about ten o'clock they heard one of the shepherds shouting "Murder! A man has been speared!". Crossley and five or six of the men ran south toward the shepherds, who were about half a mile ahead.

As William Read recounted, 'About 20 blacks met us before we reached the shepherd and began to shout and throw spears at us. Thomas Bentley then fired, and I took a gun from the overseer and fired also as the blacks approached us.'¹² The stockmen were relatively poorly armed, with three muzzle loading muskets between them that had initially been left in the drays. Thomas Bentley killed an Aboriginal attacker, before he himself was speared. William Read also fired toward the attackers and was speared three times and beaten before being left for dead. While badly injured, Read would survive the assault.

In fear of their lives, most of the party continued running to the south, pursued by the Aboriginal warriors. The convict William Walker recounted, 'They threw spears at us, and not being armed we ran away with the overseer and several others. I saw John Freeman speared, then Bass, then John Hargrave, and after, Joseph Smith. We were running all this time together.'¹³

In all, eight stockmen and one Aboriginal man were killed in the attack. The survivors broke into small groups and fled in different directions; overseer James Crossley with Michael Welsh and Daniel Balmain travelled a considerable distance south to Clarke's station on the Goulburn River, while the two convicts William Walker and John Brown went west and then north to Bowman's station on the Ovens River.

⁹ William Read, sworn statement, Melbourne Court Register 22 April 1838, in in Michael Cannon, *Historical Records of Victoria Vol. 2A The Aborigines of Port Phillip 1835-1839* (Victorian Government Printing Office, 1982), pp. 316.

¹⁰ James Crossly, Sworn Statement Melbourne Court Register 14 April 1838, in in Michael Cannon, *Historical Records of Victoria Vol. 2A The Aborigines of Port Phillip 1835-1839* (Victorian Government Printing Office, 1982), pp. 314.

¹¹ William Read, in Cannon, 1982 p. 316.

¹² William Read, in Cannon, 1982 p. 316.

¹³ William Walker in Cannon, 1982, p. 317.

There is some uncertainty about the actual number of Aboriginal men involved in the attack. About twenty men had been present at the camp in the preceding days and this figure has generally been accepted by historians. This was also the number of warriors the injured survivor William Read recalled as having directly attacked the party.

However, other members of the Faithfull party recalled seeing much larger numbers. James Crossley stated that he saw 'from 150 to 200 natives in all directions round in a threatening attitude' and later 'about 40 of the natives made for the drays and commenced ransacking them'. Daniel Balmain recalled the shepherds 'followed by about 200 blacks who were throwing spears at them.' William Walker stated that he 'saw between 200 and 300 natives.'¹⁴

There are different possible explanations for this discrepancy in accounts. Members of the Faithfull party, had due to the attack, lost both lives and two very large and valuable groups of livestock. It may have been in their interest to exaggerate the threat faced to help explain these heavy losses to authorities and to their employers. However, it is also possible that there was in fact a larger number of people involved in the attack, either directly or in formation at some distance behind the main party of warriors, as indicated by Crossley's description – 'in all directions round in a threatening attitude'.

Koorie resistance

The attack on Faithfull's party followed days of interaction, which indicates that this was not an impulsive action. It was a deliberate action by a group of Aboriginal warriors, acting in accordance with the cultural norms and social practices of their society.

The Aboriginal warriors are likely to have been carrying out socially sanctioned vengeance for the earlier mistreatment of their people at the Ovens River and elsewhere on their country. This would fit with the traditional formation of warrior parties to avenge serious breaches of customary law. Such actions were often taken by Aboriginal people on the colonial frontier in an attempt to discipline the anti-social actions of white colonists¹⁵.

Members of the warrior party seem to have had previous contact with British settlers. They were likely to have known about European weaponry and the capacity of the settlers to use lethal force. Given this, the guerrilla style tactics of careful observation, surprise ambush and retreat were a logical tactical choice¹⁶.

The arrival of the Faithfull party at the Broken River threatened to disrupt a large ceremonial gathering. Driving away the settlers and scattering their livestock would leave the site free for traditional uses and may have provided an additional motive for the attack.

The least likely motive for the attack, although one often suggested by the settlers, was the simple desire to steal food and goods. It is true that after the attack the drays were plundered and some goods taken. However, it was unnecessary to mount an attack to achieve this goal. It was possible to gain food and goods through interaction or exchange and livestock could easily enough be taken without the risk of a frontal attack.

The attack by Koorie warriors on the Faithfull party was not an isolated incident, but part of a rising cycle of conflict across the expanding frontier in central and north east Victoria. Aboriginal people were facing the forcible occupation of their lands, violent assaults and massive disruption to their way of life. Faced with

¹⁴ Cannon, Historical records of Victoria, Vol. 2A. pp.314 - 317

¹⁵ Henry Reynolds, 1981, pp. 72-78 and 100-101.

¹⁶ Judith Bassett, "The Faithfull Massacre – A Case Study", Thesis, Deakin University, 1986, p. 23

these circumstances, some Koorie people had decided to resist the colonial occupation with armed attacks on pastoral stations, stock and workers.

The colonists believed that there was a group of 'hostile' or 'troublesome' Aboriginal people in central and northeast Victoria. They were sometimes referred to as the 'Ovens and Broken River Tribes' or the 'Goulburn River Tribe'. The cycle of conflict had started in late 1837 when the overland settlers Mundy and Smyth established the first stations on Taungurung country around Pyalong. There was a drought and the settlers were approached by Aborigines wanting food. Mundy gave them flour, and whilst they were baking it, he and his men rode down upon them, shooting as many as they could¹⁷.

Ownership of the Pyalong station changed hands in January 1838, by which time Koorie warriors had begun to make a series of raids on it and surrounding stations, presumably in response to the massacre of their kin. The raids upon settler stations were ongoing. In July 1838, Captain William Lonsdale, the Port Phillip Police Magistrate, would state of the Pyalong raids that he was 'inclined to think these blacks are some of those who were concerned in the attack upon Mr Faithfull's party'¹⁸.

Koorie warriors had conducted raids on the settlers Bowman and Mollison's stations around Pyalong on the Saturday before the attack at the Broken River. It is likely that members of this group were the same men who joined with those already at the Broken River on Monday 9th April, to conduct the attack there.¹⁹

The Koorie warriors who formed the party is likely to have included the following men; Charlie ²⁰, Wellington or Walledigun ²¹, Merriman or Min-nup ²², Jackendebby ²³ and Wul-kidja-duwil or Michie ²⁴. These men were from clans across central and northeastern Victoria, including the Taungurung, Waveroo and Bpangerang language groups.

This reflects the extensive kinship, cultural and social connections among peoples of the Eastern Kulin and related language groups. These bonds existed between the Woi-Wurrung of the Yarra River, the Taungurong and Ngurai-illam Wurrung of the Goulburn River and Central Victoria, and the Waveroo of the Ovens and King Rivers. There were also connections with groups further west and north including the Bpangerang and Wiradjuri peoples.

These social bonds were strengthened by shared language features, moiety totem systems and marriage laws. Each of the Eastern Kulin clans was either associated with the Bunjil (Eagle) or Waa (Black Crow) ancestral spirit or totem. According to kinship laws, young people married spouses from a different clan with the opposite moiety totem Bunjil/Waa. In addition, people from clans north of the Dividing Range generally took spouses from clans south of the Divide and visa versa. Women moved to live with their husband's clan.

¹⁷ Assistant Protector of Aborigines at the Goulburn River, James Dredge, Diary unpublished manuscript, State Library, 8 December, 1839, quoted in Judith Bassett, 1986, p.41. According to Bassett, Dredge was told of the massacre by one of the survivors, Bulgetheroon and heard corroborative evidence from Mundy himself.

¹⁸ William Lonsdale to Colonial Secretary, July 2 1838, in Cannon, vol. 2a, p.340.

¹⁹ Judith Bassett, 1986, p. 42

²⁰ Charlie named by overland party members Read and Walker in Cannon, 1982, pp316-317 quoted in Judith Bassett, 1986, p. 24

²¹ Wellington named by JC Bourke, Recollections, April 1838, RHSV Manuscript Collection quoted in Bassett, 1986, p. 24.

²² Merriman named by squatter David Reid, in Recollections, unpublished transcript by JCH Ogier, LaTrobe Collection, SLV, p 64 quoted in Bassett, 1986, p24.

²³ Jackendebby named in Bassett, 1986, p24, uncited.

²⁴ Michie recorded in GA Robinson journal 8th February 1841 in Ian Clark ed., *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Protectorate, Vol 2.*, Heritage Matters, 1998, p. 72. quoted in Durrant, 2020. and Jacqui Durrant, "First Nations 'Kings' of Benalla", in blog "Life on Spring Creek", 2020.

Marriage extended the kinship relationships, rights and obligations of people across the whole region. Furthermore, kinship bonds facilitated communication, movement, cultural exchange and social-political coordination among people of different clans and countries²⁵.

According to the structures of the traditional clan societies, it is likely that the warrior party was formed intentionally for the purpose of acting against the settlers. Clans were governed by collective decision making in which influence was held by experienced elders who were highly respected and knowledgeable in cultural and spiritual matters. Each of the Kulin clans also had one or two clan-heads or *Ngurungaeta*, who provided leadership and also represented the clan in wider 'council' meetings with other clan-heads.²⁶

The warriors who attacked Faithfull's party would likely have done so based on decisions made collectively by the clans and leaders, following discussion of the transgressions of the colonists and the appropriate sanctions to be enacted.

The earlier decision of George Faithfull's men to shoot Aboriginal people at the Ovens River provided a clear motive for the attack by warriors at the Broken River. Aside from the attack itself, there is evidence that the Koorie warriors felt specific animosity toward the Faithfull party. A contemporary report noted that 'Many of the natives spoke English, and whilst in pursuit called out after the men several well-known English oaths'²⁷. James Crossley was more specific, recounting three days later that whilst fleeing the attack, 'The rest kept going with the blacks hard on their heels calling after them "White bastards!"'²⁸

A year later, in April 1839, Lady Jane Franklin passed through Benalla and was told by a Mounted Policeman that Faithfull's men 'had been associated with blacks coming before' and 'some offence given' before the attack. She noted that 'The black's campaign is lasting – at last counting Faithfull's sheep 600 were missing – he is now at his 3rd station since his men were killed, & is going to shift again on account of the blacks.'²⁹

Settler reprisals

The Aboriginal attack on Faithfull's men caused shock in colonial society, and as word spread, it was reported in the Sydney press. While many Indigenous people had been killed, the deaths of eight settlers was at that point the largest loss of European lives in frontier conflict and was described as 'a most daring outrage' by Goulburn Mounted Police Commander Lt William Waddy. The incident caused alarm at the highest levels of colonial government and Governor Gipps oversaw the official response.³⁰

At the Broken River itself, in the immediate aftermath of the attack, a sense of desperation and confusion reigned. A heavy mist often settles on the Broken River on cooler mornings and one senses that, among the camouflaged barks of the river red gums, a similar 'fog of war' was present in April 1838.

The surprise attack had been swift, bold and carried out with deadly effect. The Faithfull party had either fallen as casualties or run in fear of their lives. Surviving party members either fled south, a distance toward the Goulburn River or north to stations on the Ovens River.

Accounting for the aftermath of the attack, and the response of those settlers most closely involved, requires a diversion into the historiography of the incident. The first historian of the "Faithfull massacre" was Samuel Uren, a State School teacher in Benalla in the early 1900s. Uren developed an interest in the incident

²⁵Diane Barwick, *Mapping the Past: An Atlas of Victorian Clans 1835 – 1904 Part 1*, pp. 105-106. Gary Presland, *First People: The Eastern Kulin of Melbourne, Port Phillip & Central Victoria*, Museum Victoria Publishing, 2010, p.15, 33-37.

²⁶ Gary Presland, op cit., p.18.

²⁷ Dr Andrew Gibson, JP Goulburn to Thompson May 11 1838, in Monitor 18.5.1838, in Roger Milliss op cit., p.820.

²⁸ Crossley, deposition 14.4.1838, Lonsdale to Thompson, Letters from Port Phillip, in Roger Milliss op cit., p.249.

²⁹ Penny Russell, *This Errant Lady: Jane Franklin's Overland Journey to Port Phillip and Sydney, 1839*, NLA, 2002, journal entry Monday 15th April.

³⁰ John Connor, *The Australian Frontier Wars 1788-1838*, UNSW Press, 2002, p.119.

of some sixty years earlier and sought oral testimony from locals. He interviewed Jim Brown, the son of John Brown, a surviving member of the Faithfull party. The tangible connection to a survivor is indicated by a 1906 local press article on the subject, in which John Brown is described as having “until recently” lived in Benalla³¹.

In 1906, the Department of Education invited Uren to write an account of the attack for display in an exhibition and this account was also published in the local press. Uren’s history provided an account of both the initial attack and claimed retaliatory shootings of Aboriginal people by settlers at the Broken River in the days following.

Uren’s work has been dismissed by local historian Judith Bassett, due to errors of detail, including the names of certain participants and the number of casualties. Given that contemporary accounts of the incident were themselves often confused and contradictory, such errors can readily be explained by the passage of time and its corrosive effect on the accuracy of recollection. Having taken account of this, Uren’s account may still be considered a legitimate source of historical information.

Uren’s account describes John Brown fleeing the scene of the attack west along the river with a man named ‘Glenn’ and pursued by Aboriginal warriors for some distance. The convict William Walker stated that he and John Brown had run together, that the ‘blacks followed us about half a mile’. Ticket of leave man Daniel Balmain also stated that Walker and Brown ran together ‘to the right’ – or in a westerly direction.³²

While Uren’s account incorrectly names Walker as ‘Glenn’, other key details are in accordance with Walker and Balmain’s contemporary statements;

They went parallel with the river, but at some distance from it, as the reeds stood thick along its banks and formed an excellent cover for the aborigines. They ran in a westerly direction towards Upotipotpon. Their enemies had made up their minds that none should escape, and so followed in hot pursuit...

The two fugitives outlasted the aborigines. They left their boots as soon as possible to make the task of tracking them more difficult. They continued running until they were almost blind from exhaustion...They crossed the North Winton Swamp, which was dry. A fire had been through the rushes that had grown in it, and when the men tried to cross the blackened soil they got their feet dreadfully cut.

They camped that night in the ranges at a spot known as the Kangaroo Gap, near the swamp... They reached the station in a very wretched condition, and found blacks alone there. When they arrived, these called out to the white men, "Blackfellow been marmum (catch him)." "Marmum again tonight." This shows that they knew of the massacre.

Five men shortly afterwards rode up, and the natives ran away. The seven returned to Benalla as soon as Brown and Glenn had been properly clothed and fed. They found the murdered white men, and buried the seven bodies in what is now known as the cockatoo paddock, close to the Goomalibee road. All the blacks seen by the seven white men around Benalla were shot³³.

³¹ Uren located buried skeletal remains in the vicinity of the attack site which he supposed to be the burial site of some of Faithfull’s party. Uren attempted to gain civic interest in erecting a monument to the deceased ‘pioneers’ but this did not eventuate. A report about a public meeting for this purpose stated, ‘The event is one of undoubted historic interest, being as it was one of the most notable fights that took place in the early days of the colony between the Squatters and the blacks.’, *The Standard* newspaper 16/8/1907.

³² William Walker, sworn statement, Melbourne Court Register, 22nd April, in Historical Records of Victoria, Vol. 2A p.317.

³³ *BENALLA STANDARD* newspaper, 9/10/1906, article “History of Benalla’. Uren has mis-recorded the number of European casualties buried at the scene, which was in fact four.

The description of interaction with people at the station indicates communication and knowledge among Koorie people about the rising conflict. It is both possible and likely that the settlers returned to the Broken River and killed Aboriginal people in reprisal for the attack. This would fit with patterns of conflict and 'punitive raids' that were common on the colonial frontier of New South Wales. Many of the ticket-of-leave men and convicts assigned to work for the settlers had prior experience of frontier conflict in places such as the Hunter Valley or Riverina. Such experiences produced a dangerous combination of anxiety, capacity for violence and self-justification for actions - all bolstered by a strong sense of racial superiority.

The King River massacre

There were other reprisal massacres of Aboriginal people by settlers at key sites across the region, for which there is a stronger record in primary evidence. For this history we can turn to the accounts provided by two very different government officials; a career military officer and the man assigned to conduct the first 'overland' postal service.

One of the first officials on the scene was Lieutenant George Smyth of the 80th Regiment who was sent from Port Phillip by Captain Lonsdale to investigate the Broken River attack. He arrived at George Faithfull's station on Sunday April 22nd, where he took statements from survivors. His initial report to Lonsdale includes an interesting description of the camp site and encountering Aboriginal people near the Broken River;

I reached the Swampy River about midday yesterday and on examining the spot, which is to the left of the usual crossing place about half a mile on the southern bank of the river, found only some flour and tobacco lying about. The shed under which the men had slept in was standing but no particular evidence of any affray.

After crossing the river I fell in with some eight or ten blacks armed with spears and quite naked. The policeman and myself rode up to them and asked them whence they came. One of them replied Port Phillip and said they were on their way to the Murrumbidgee. We ordered them to lay down their spears. One of them did so but the others remained in threatening attitude. After asking a few more questions, the answers to which we could not comprehend, we proceeded...

Smyth wrote this first report to Lonsdale on the night of Sunday April 22nd while staying at the station of Colonel Henry White. In this letter he expressed his fear about violent settler reprisals;

A large combined party of heavily armed men will reach here tonight, but they are well prepared. The settlers in this part are in great consternation and highly exasperated. I much fear that should they encounter the natives there will be great slaughter³⁴

Col. Henry White had been residing by the Ovens River for about four months and intended to take land near the junction with the King River. Also staying at Col. White's station was John Conway Bourke, a convict who was the first postman who regularly delivered mail between Melbourne and Yass. John Bourke had an offer of recommendation for pardon if he would successfully complete this service for one year.

Decades later, John Bourke would write letters to friends about the various challenges he faced in traversing the then isolated and dangerous Port Phillip road. This included his experiences in April 1838 as he travelled the route in both directions.

³⁴ Smyth to Lonsdale, 22.4.1838, Historical Records of Victoria, 2A pp 321-2 also quoted in Roger Milliss op cit., p. 250, see also Endnotes p. 821.

In these letters he recounts that *about ten days after* the Faithful massacre the colonist Peter Snodgrass arrived with a large armed party to Colonel White's station and commanded this group as they sought vengeance for the attack on Faithfull's party. In the first of two letters he wrote that;

Peter Snodgrass was at the Murray he waited for others and wended his way towards the scene of those atrocities...Reached the Ovens a sight to see and a number of people were collected there with long lances and sharp instruments...

Mr Snodgrass and a score of others had given the darkies a drubbing ... this party dropped across them and galloped them into the country where the whites were and dispatched several of them including Wellington and the ringleaders of the Faithfull slaughter.

The weather had become very rainy and the blacks with their swags of plunder took to the King River hills of mountains... when they approached the King River they plunged in at once and many of them never reached the opposite bank for they were shot dead³⁵.

In a second letter about the same incident Bourke explained that, 'one of William Faithfull's men who escaped and 5 others [who escaped] were under Snodgrass's leadership, it can easily be imagined they would not show much mercy to the savages.'

Bourke recounts that Peter Snodgrass and his men 'galloped furiously towards them ... they crowded together for what they thought was protection and they got well riddled. Many of them jumped into the King River very few escaped ... for every man who attacked them was armed with guns and horse pistols.'

Some of the Indigenous people escaped the slaughter in the river and sought shelter in a stockman's hut. Here Snodgrass lectured the terrified people on the penalty awaiting them if they ever again misbehaved towards the white man saying, 'they would be shot like dogs.'³⁶

This indiscriminate massacre on the King River was a brutal vengeance, intended to terrorise the whole Aboriginal people and clans of the region into submission. But the settlers were not to prevail so quickly. A frontier war now existed across north east Victoria as Koorie people continued to resist the settlers with a series of armed raids on life and property. However, it was a sporadic and asymmetrical warfare, with the settlers always willing to use superior weaponry and more indiscriminate and overwhelming violence to achieve their aims.

On May 1st Aboriginal warriors attacked Faithfull's King River cattle station. On May 2nd they attacked Faithfull's Ovens River sheep station, causing Faithfull and his remaining men to abandon their claim and retreat north of the Murray River. Patrick Drain, a convict assigned to William Faithfull, stated that upon hearing of the raid, 'we all ran away; I swam the Ovens River in company with four other men...we were in dread of our lives.'³⁷

John Bourke wrote that a great fear swept through the area and no colonists dared travel between the Murray and the Goulburn rivers for some weeks. Overlanders massed at the Murray and travelled in convoys that stretched over several miles.³⁸

Armed resistance by Koorie people would continue across north east Victoria into the mid-1840s; characterised by surprise raids on stations and stock. Attacks were made against; George Faithfull's station

³⁵ John Conway Bourke, Letters to Edmund Finn, 9.7.1886, The Royal Historical Society of Victoria, Melbourne.

³⁶ John Conway Bourke, Letters to Edmund Finn, 21.1.1888, The Royal Historical Society of Victoria, Melbourne.

³⁷ Statement by Patrick Drain, Yass, 1 June 1838, in Cannon, p.330.

³⁸ JC Bourke, op cit.

(August 1838: shepherd killed), David Reid's Currargarmonge Station, Rutledge and Forster's Station on the Goulburn River (November 1838), Richard Clarke publican at Broken River (early 1839), Docker's "Bontharambo" station (April 1839: shepherd killed), Mackellar and Black's Lima Station (late 1839), Mackay's Whorouly Station (May 1840), Cumberland Creek station (1841), Gray's 'Pelican Lagoon' station (1842: 'American Black' station hand killed) and the Jameson brothers Tallarook station and in the Goulburn River area (1845)³⁹.

The most notable of these raids was against George Mackay's Whorouly Station on May 27th 1840. Twenty-one Aboriginal men, led by Merriman and armed with guns and spears, attacked and devastated the station. As Mackay stated; 'They murdered one of my servants, burned my huts and stores and all my wheat.... Four horses each worth £100 were killed, and only seven head of cattle out of nearly three thousand were left alive on the run.'⁴⁰ The majority of cattle had been dispersed into the bush and were only recovered with great difficulty.

The servant killed was Benjamin Read, who was well known for his mistreatment of Aboriginal people including women. George Robinson, Chief Protector of Aborigines, would later state that Read had, 'had several collisions with the natives and it [was] feared many have been of a fatal character to the Aborigines...and there [was] reason to suppose that he was a cause, if not the principal one, why they attacked'.⁴¹

Following the raid on Mackay's Station, Major Lettsom was sent by Governor Gipps to investigate the attack and committed himself to apprehending 'the Goulburn blacks' responsible for the attack. This eventually led Major Lettsom to attack a large ceremonial gathering and camp of Koorie people by Merri Creek in Melbourne, on October 11, 1840.

Lettsom assembled a force of forty to fifty soldiers and police and charged the Aboriginal camp. A young man named Winberry resisted the authorities and was shot dead. Some 400 men, women and children were driven by force into town. An eyewitness Mr Wilkinson recounted to Chief Protector George Robinson that slower moving members of the group 'were goaded with bayonets by the soldiers and hit with the butt end of their muskets or cut with the sabre of the native police' and that he was 'shocked at the cruelty of the military and police'. At the police stockade Robinson stated that, 'Thirty-five men and boys were chained, two by two, and separated from the rest. Their wives and children and mothers were there and witnessed a harsh and heart-rending scene and I may add illegal proceeding'⁴².

The authorities claimed to have arrested seventeen of the twenty-one men responsible for the raid on Mackay's property in this brutal assault on the Koorie people. Those arrested, including Merriman, would either escape or later be released when the illegal character of the assault could no longer be officially denied.

Military outposts and the Mounted Police

The colonial state played an active role in responding to the armed resistance of Koorie people in north east Victoria. Following the Broken River attack the colonists of Port Phillip applied greater pressure for state intervention. In June 1838 over forty Port Phillip settlers petitioned Governor Gipps to take strong coercive action against 'hostile tribes' in the region. The petition stated that;

certain tribes on the road to and in the neighbourhood of Port Phillip have lately assumed a hostile attitude toward the settlers and have committed many murders and outrages upon them...they are

³⁹ Bassett, 1986 p. 44, Cannon HRV, pp.334

⁴⁰ G.E. Mackay, Statement in Bride, p. 211.

⁴¹ G.A. Robinson, Protector of Aborigines, report to LaTrobe, 27th February 1841, PRO, in Bassett, 1986 p. 43.

⁴² GA Robinson journal 11th October, 1840, in Ian Clark (ed.),1998, pp. 7-10 and Roger Milliss, 1992, pp.708-709.

assembled in large numbers armed and attacking such persons who are most unprotected and within their reach so that many have been obliged to abandon their stations leaving in some cases their flocks and herds at the mercy of hostile tribes...the intercourse by land between this part of the territory and Port Phillip... has become one of imminent danger to life and property.

The settlers called on Governor Gipps to;

take such energetic and effectual steps as will for the present repress and for the future prevent the aggression of these hostile tribes, and protect the lives and properties of Her Majesty's subjects...⁴³

What they meant by 'energetic and effectual steps' was explained by Governor Gipps in a letter to Colonial Secretary Glenelg in July 1838;

some of the gentlemen who signed this memorial had previously waited upon me and requested that I should either myself levy war against the blacks, or sanction the enrolment of a militia for that purpose and allow them to be supplied with arms and munitions of war from Her Majesty's stores...⁴⁴

Governor Gipps advised the settlers that troop reinforcements including additional Mounted Police would be sent to the Port Phillip district and that 'discretionary powers had been given to the Police Magistrate at Melbourne to cause parties of infantry to advance, if necessary, into the interior'⁴⁵

Governor Gipps also made the significant decision to establish military posts on the overland route;

In order to keep open the communication between Sydney and Port Phillip, it is my intention... to establish military posts on the road...[at] the places where the road crosses the following streams on the way, viz., the Murray, the Ovens, the Violet Creek, and the Goulburn⁴⁶.

In September 1838 Major James Nunn of the 80th Regiment was commissioned to lead an expedition of Mounted Police south to supervise the construction of the stations. In practice it was decided to build three police stations at the crossing points of the Murray, Broken and Goulburn Rivers (but not the Ovens River and Violet Creek).

These stations were manned by the Mounted Police who were a division of the British Army in NSW, recruited from and paid by military regiments. The Mounted Police were commanded by Major James Nunn, who in early 1838 had conducted a notorious two-month operation along the Gwydir and Namoi Rivers in northern NSW to violently suppress resistance by the Gamilaraay people. This culminated in the Waterloo Creek massacre, where his mounted troopers shot dead between 40 and 50 Gamilaraay people.

An official inquiry into Nunn's campaign was long delayed and eventually the colonial Executive Council decided to recommend that Governor Gipps not proceed with charges against Nunn or the other military figures involved in the massacre. Nunn continued to command the Mounted Police as they expanded their operations in the south of the colony⁴⁷.

⁴³ Phillip G. King et al. to Sir George Gipps, Sydney, 8 June 1838, in Michael Cannon, *Historical Records of Victoria Vol. 2A The Aborigines of Port Phillip 1835-1839* (Victorian Government Printing Office, 1982), pp. 349-351.

⁴⁴ Sir George Gipps to Lord Glenelg, 21 June 1838, in Michael Cannon, *Historical Records of Victoria Vol. 2A The Aborigines of Port Phillip 1835-1839* (Victorian Government Printing Office, 1982), pp. 354-356.

⁴⁵ Col. Sec. to Phillip G. King et al, 23 June 1838 in Michael Cannon, *op cit.*, pp. 352.

⁴⁶ Sir George Gipps to Lord Glenelg, 21 June 1838, in Michael Cannon, *op cit.*, pp. 355.

⁴⁷ Roger Milliss, *Waterloo Creek: the Australia Day Massacre of 1838, George Gipps and the British Conquest of New South Wales.*, McPhee Gribble, 1992, pp., 175-77 and 666-670. and Ryan, Lyndall; et al. *Colonial Frontier Massacres in Australia 1788-1930* Newcastle: University of Newcastle, 2017-2022, <http://hdl.handle.net/1959.13/1340762> , <https://c21ch.newcastle.edu.au/colonialmassacres/>

The Broken River Police Station was constructed in March 1839 on a site between present day Mair and Church Street, which was originally named Barrack Street⁴⁸. This was the first European building constructed in Benalla. It was a rudimentary four room barracks building with stables. The station was under the command of Corporal Thomas Whitmill of the 17th Leicestershire Regiment with four constables. According to a local police history, their main function was to “keep the road between Melbourne and Sydney safe for travellers along their section. They would also respond to the needs of any squatters who reported trouble with the natives”⁴⁹. The police also sought to apprehend ‘runaway’ labourers or prisoners and were paid a bonus for successfully doing so⁵⁰.

In April 1839, Lady Jane Franklin, (wife of Van Diemen’s Land Governor, Sir John Franklin) made an overland journey from Port Phillip to Sydney and stayed overnight at the recently constructed Broken River police station. Her diary provides numerous examples of the colonist’s sense of fear following the attack on Faithfull’s party, alongside racist attitudes toward Aboriginal people and examples of the active role of the police in defending settlers. Lady Jane spoke with the local police Corporal, who candidly ‘told us also of another Black a very wild man they took, so wild they were obliged to tie him to a tree every night & drive him before them in the day – he was at last quite subdued...’⁵¹

Docker’s dilemma

The role played by both Mounted Police and armed settlers in the frontier conflict of this period is illustrated by the experience of settler Joseph Docker, previously an Anglican clergyman, who took possession of land at “Bontharambo” on the Ovens River near present day Wangaratta in 1838.

In April 1839 there was an Aboriginal raid on “Bontharambo” station in which a shepherd James Doyle was killed, a bullock speared and several men stripped of their clothes and items taken from their huts. In April there was a second encounter, in which about forty Aboriginal men had approached the station, causing alarm among the workers. A message was sent to the Broken River station and several mounted police arrived the next day and ordered the Aboriginal men to leave the station.⁵²

In November 1839, Joseph Docker acted as a spokesperson for about a dozen settlers along the Ovens River, writing a letter on their behalf to the Port Phillip Superintendent Charles LaTrobe. In the letter he complained of the difficulty retaining stockmen, who due to fear of Aboriginal raids or offers of higher pay, could easily ‘escape’ along the Port Phillip Road. With the nearest Magistrate in Melbourne, the chances of prosecution under the Master and Servants Act were remote. In addition, the letter stated that the Ovens was the meeting point for large numbers of Aborigines who were ‘daily committing depredations on our flocks and herds’.

In his letter Docker called for the appointment of local Magistrates and the establishment of a police station on the Ovens, noting that the Broken River ‘with its one solitary settler had a barrack and police establishment’⁵³. La Trobe sought the advice of Governor Gipps in Sydney, who responded to Docker’s letter. Gipps declined to establish a new police station due to the expense, but did appoint official Magistrates; the settlers Dr. George Mackay at the Ovens River and Ct. William Fury Baker at nearby Eldorado.

⁴⁸ There is also Nunn St and Faithfull St in Benalla.

⁴⁹ G.J. Elliot, *Call the Cops: A Brief Outline of Police in Benalla 1839-2003*, Benalla and District family History Group, 2003, p.3.

⁵⁰ Penny Russell, *This Errant Lady: Jane Franklin’s Overland Journey to Port Phillip and Sydney, 1839*, National Library of Australia, 2002, p.48; ‘Policemen get 20 shillings for every runaway they take & 30 shillings for a man escaped from irons.’ This enforced provisions of the 1823 Master and Servants Act which penalised employees for leaving employment without permission.

⁵¹ Penny Russell, op cit., 2002, pp. 47- 54.

⁵² JM McMillan, *The Two Lives of Joseph Docker*, 1994, p.172

⁵³ J. Docker, letter to Latrobe, November 1839, in JM McMillan, op cit., pp. 173-5

Joseph Docker was soon to face a dilemma, partly arising from his successful lobbying for local police authorities. In contrast with the other Ovens settlers, he had been willing and able to establish more friendly relations with the local Aboriginal people who lived on their country around Bontharambo station. By early 1840, faced with continued labour shortages, Docker was employing a large group of Aboriginal men as shepherds. As he described it;

[having] cultivated a more intimate friendship with them in September last, I gradually employed them, found them to be excellent shepherds, faithful and honest and have the pleasure to report that they have sole charge of my sheep, consisting of between 6000 and 7000 young and old. Thus engaged 14 men receive regular supplies of food and clothing and eight or ten more are occasionally employed and fed⁵⁴.

Docker employed an Aboriginal overseer, Mole-le-min-ner or Joe, who was well respected and able to communicate and lead the other men. However, this arrangement was soon jeopardised by events following the Aboriginal raid on newly sworn Magistrate George Mackay's station at Whorouly in May 1840.

George Mackay acted swiftly by swearing in a group of settlers as Special Police Constables, as he was empowered to do so as a Magistrate. Mackay and the Special Constables, who included his brother John Mackay, were determined to apprehend a group of Aboriginal men they accused of participating in the raid.

For the next six months, the Special Constables, assisted by the Mounted Police, ranged across the Ovens and nearby valleys and ranges in search of Aboriginal men and violently harassing the Koorie clans.

In December 1840 John Mackay arrested a suspect named Micky at the River Murray, and shot him dead as he tried to escape. In the same month, the Police made three raids on Bontharambo and adjoining stations. Such was the state of fear, most of the Aboriginal people fled Bontharambo and hid in the bush. During one of these raids the settlers and Police fired shots at an Aboriginal man Tickoneedle, who was reaping grain for Docker.

On Christmas Eve, the Police arrested Mole-le-min-ner, who was roughly treated, handcuffed, 'necktied' and sent to Melbourne for trial, accused of involvement in the Mackay raid. Docker was outraged, believing Mole-le-min-ner to be innocent and also because, in response to the arrest, all the Aboriginal shepherds had returned the sheep and left the station, stating that they feared for their lives.

Docker wrote to Governor Gipps explaining the situation;

It is painful for me to have to inform your Excellency that as a result of...the retaliatory proceedings in which Mr Mackay has recently been so warmly engaged...parties of mounted police, sometimes alone and sometimes headed by Mr Mackay are constantly scouring the river: as soon as the natives get a glimpse of them they flee to the hills for safety, and thus are my sheep scattered and left in the bush without shepherds.

Docker called for steps to be taken to end the hostilities;

I do think that as a considerable quantity of black men's blood has already been shed, and the ringleaders, Harlequin and Merriman, been taken, it would tend more to the peace and safety of the district if hostilities should cease, and a general pardon were offered to all the other offenders, on certain conditions ...I conclude by earnestly requesting that conciliatory measures may be

⁵⁴ J.Docker, letter to Gipps, 1840, in JM McMillan, op cit., p.175

recommended and speedily adopted; should any other course be pursued, the blacks will be driven to desperation and fresh outrages may be expected.⁵⁵

While Joseph Docker sought peace based on conciliation this was unfortunately a minority position amongst the settlers. The majority of settlers instead sought a peace based on the demonstration of overwhelming force and violence against the Koorie clans and people.

Faithfull's massacre on the Ovens River

By mid-1838 George Faithfull had returned to north east Victoria and taken possession of a large tract of land around Oxley. He, along with other "Victorian Pioneers", later wrote a statement about this period at the request of the Victorian Governor Charles La Trobe. This is a remarkable account of conflict on the frontier and the willingness of settlers such as Faithfull to use indiscriminate violence against Aboriginal people.

Faithfull begins by describing the state of tension and ongoing conflict;

The country was left to us for some years in consequence of the hostility of the blacks, which became so unbearable that I could not keep shepherds, although well-armed, without employing a horseman, in addition to myself, to keep continually perambulating the woods lest the natives might cut them off.

During my employment in this way my cattle were destroyed in numbers within the short distance of only six miles from my hut. I once found fourteen head of slaughtered cattle in one pond of water. They had been driven in by the natives... Thus I and my men were kept for years in a perpetual state of alarm. We dared not move to supply our huts with food and water without a gun, and many of my men absconded from my service...

He then makes a lengthy and self-serving complaint about the supposed lack of support from colonial authorities before stating of his fellow settlers;

People formed themselves into bands of alliance and allegiance to each other, and it was then that the destruction of the natives really took place.

George Faithfull openly describes his own willingness to use murderous violence against Aboriginal people gathered by the Ovens River on his Oxley station. His attempt to portray this as an ambush by hundreds of warriors to which he responded defensively lacks all credibility. By his own account there were women and children present and he happened to have enough arms and ammunition for a six hour "battle" in which sixty rounds were fired.

Based on his own evidence, it is more likely that George Faithfull and his men made a deliberate and premeditated attack upon a group of people assembled for a large gathering;

At last, it so happened that I was the means of putting an end to this warfare. Riding with two of my stockmen one day quietly along the banks of the river... we were at once met by some hundreds of painted warriors with the most dreadful yells I have ever heard... The natives rushed on us like furies, with shouts and savage yells; it was no time for delay.

I ordered my men to take deliberate aim, and to fire only with certainty of the destruction to the individual aimed at... I fired my double barrel right and left, and two of the most forward fell... I had time to reload and the war thus begun continued from ten o'clock in the morning until four in the

⁵⁵ J.Docker, letter to Gipps, 1840, in JM McMillan, op cit., pp.179-81

afternoon. We were slow to fire which prolonged the battle, and 60 rounds were fired, and I trust and believe that many of the bravest of the savage warriors bit the dust.

It was remarkable that the children, and many of the women likewise, had so little fear that they boldly ran forward, even under our horses' legs, picked up the spears, and carried them back to the warrior men...The fight I have described gave them a notion of what sort of stuff the white man was made, and my name was a terror to them ever after.⁵⁶

In his account George Faithfull provides blatant evidence of his willingness to use violence to dispossess Aboriginal people and enforce his ownership of their land. It is interesting to note that he describes the general situation as 'warfare' and complains that later settlers were 'considered peaceful men, as well they might be after the war was ended'. He twice describes the Aboriginal men fighting back as 'warriors'.

Faithfull's account along with the squatter's petitions and letters shows that many colonists viewed the situation as a generalised conflict akin to a state of warfare. The historical record itself shows that there was persistent armed conflict between groups of settlers and Aboriginal people in central and northeast Victoria between 1837 and the early-1840s. The conflict was sporadic but ongoing; with repeated instances of 'guerrilla' style attacks on stations, pastoral workers and stock followed by wholesale and indiscriminate attacks on Aboriginal people by armed settlers and police. This state of conflict existed uneasily alongside other relationships between settlers and Aboriginal people including dual occupation of country and employment as shepherds and domestic workers.

While both sides engaged in frontier warfare, the most powerful force were the armed settlers, backed by police, who asserted their land possession and dominance through widespread indiscriminate attacks on Aboriginal people. This violent campaign was intended to instil fear and submission and to lay the basis for the 'peaceful' occupation and settlement of Aboriginal lands.

Survivors living on country

The settlers were to grow wealthy from grazing the fertile valleys of the north-east. Their punitive expeditions had made the country dangerous for the Koorie land owners, but safe for their valuable flocks of sheep and cattle. The settlers could now turn their attention to accumulating the capital, social status and political power of a respectable land-owning class.

Koorie survivors of this colonial war would remain living on country as best they could into the following decades. Some lived with family and clan members on the fringes of the new colonial townships, others worked as labourers or servants on pastoral stations, or sought refuge by moving to neighbouring regions or living on Aboriginal Protectorate reserves.

Koorie people continued living with family and clan members by the King and Ovens Rivers in Oxley and Wangaratta and where possible maintained cultural practices. Evidence for this may be found in 'pioneer accounts' published by local history groups. The settler's wife Mary Vincent stated that up to 300 Aboriginal people camped near the river at Wangaratta in the late 1840s. Mrs Elizabeth Jones, who grew up in Oxley in the 1860s, recounted 'blacks camps all around...every now and then they would hold corroborees along the banks of the river at night...when a death occurred among them they would shift camp to another part. We used to see a lot of their graves around the township and went through their camps to school.'⁵⁷

⁵⁶ George Faithfull, Wangaratta (Oxley's Plains, Ovens and King Rivers, at Oxley), 8 September, 1853, in Thomas Bride, *Letters from Victorian Pioneers: A series of papers on the early occupation of the colony, the Aborigines etc*, Government Printer Melbourne, 1898, pp. 218 – 222.

⁵⁷ Leitch. B, "Through Women's Eyes at Pioneering Days.", B.P.W Club Wangaratta, 1985.

There is similar anecdotal family history from Goomalibee, on the Broken River west of Benalla. According to a descendant of the early settler Carey family, in the early 1870s Aboriginal people ‘camped alongside the river and were friendly with the Careys. They taught the children their skills, art and lore. The Careys often looked in on the corroborees held on a moonlit night on a picturesque clearing in the bush.’⁵⁸

Koorie people continued to live on country by the Broken River in Benalla. Significantly, among them was Wul-kidja-duwil or ‘King’ Michie, who was clan-head or Ngurungaeta of the local Yeerun-illam-balluk clan of the Taungurung people. Michie had been involved in the attack on Faithfull’s men and possibly other raids also.⁵⁹ He lived in a campsite by the Broken River with clans-people, including his wife ‘Queen’ Polly who worked as a domestic servant at the Black Swan Hotel. In 1853 Wul-kidja-duwil died and was buried in the original town cemetery site.

Wul-kidja-duwil’s son Branky inherited the Ngurungaeta role and hence the name ‘King’ Branky. Branky lived with his wife ‘Queen’ Sally at the town campsite and is recorded as making a living fishing, shooting ducks, chopping wood, stripping bark and making possum skin rugs. The campsite of Koorie people is recorded as being in the centre of the early township, nearby the present Royal Hotel and Botanic Gardens area. Following his untimely death in 1860, Branky was wrapped in a possum skin rug and buried in the traditional manner, next to a waterhole on the Broken River⁶⁰.

A harsh reality prevailed; the whole pre-existing and ancient social, material and spiritual world had for ever been overturned by the violent rupture of colonial settlement. Koorie people would survive but it would be an ongoing, decades long-struggle to maintain life, family and culture in the hostile world of colonial Australian society.

⁵⁸ James Flynn, written account provided to author, 2022. James recalls hearing this story from his Great-grandfather Patrick Carey, before he passed away aged 92 in 1956.

⁵⁹ Chief Protector George Robinson’s Diary 8th February, informed by Mole-le-min-ner (Joe) at Wangaratta. Michie was also named as a suspect in the attack on MacKay’s station.

⁶⁰ Jacqui Durrant, First Nations ‘Kings’ of Benalla, <https://lifeonspringcreek.com/category/benalla/>

Appendix A: Faithfull's PartyGroup A with Cattle: 8 men

| Name | Status | Post-attack | Destination | Result |
|-------------------------------|----------------------|---|-----------------------------------|-----------------|
| Thomas Thatcher | Freed man: In charge | A distance from attack. Rode horse and escaped to the north | Faithfull's station | Survived |
| Daniel Balmain | Ticket of leave | Had musket Escaped to the south | Clarkes station on Goulburn River | Survived |
| William Read (or Reid) | Ticket of leave | Speared and seriously injured. | Faithfull's station | Survived |
| William Walker | Assigned convict | Escaped to the north | Bowman's Station | Survived |
| John Brown | Assigned convict | Escaped to the north | Bowman's Station | Survived |
| John Clay | Assigned convict | Hid in reeds and then escaped | Faithfull's station | Survived |
| John Hackett | Assigned convict | Escaped | Sturt's camp | Survived |
| Michael Welsh | Assigned convict | Escaped to the south | Clarkes station on Goulburn River | Survived |

Group B with Sheep: 10 men

| Name | Status | Post-attack | Destination or Notes | Result |
|--|--------------------------------------|---|--|-----------------|
| James Crossley | Freed man: Overseer for W. Faithfull | Had musket. Escaped to south. | Clarkes station on Goulburn River | Survived |
| Thomas Bentley | Ticket of leave | Had musket. Shot and killed attacker. Speared. | Body found by Faithfull. | Killed |
| James McCann | Ticket of leave | | | Killed |
| William McKay | Assigned convict | Escaped | Faithfull's station | Survived |
| John Bass | Assigned convict | Speared in shoulder | Spearing witnessed by W. Walker | Killed |
| John Freeman (Lannon or Fannan) | Assigned convict | Speared in the back. | Spearing witnessed by W. Walker. Body found by Faithfull | Killed |
| Joseph (John or William) Smith | Assigned convict | Speared | Spearing witnessed by W. Walker | Killed |
| John Hargrave | Assigned convict | Speared | Spearing witnessed by W. Walker | Killed |
| Edward Laycock | Assigned convict | | | Killed |
| Thomas Nicholls | Assigned convict | | | Killed |

Appendix B: The Warrior Party

The following is known about some of the men who formed the warrior party at Broken River in April 1838;

Charlie was considered by the overland party to be a leader among the group, he wore some European clothes and spoke some English. He stated that he was from Port Phillip⁶¹.

There is less known about Wellington. It has been speculated that his name may in fact have been *Walledigun*, the name of a Bpangerang clan from the junction of the Campaspe and Murray Rivers.

Both Charley and Wellington were shot and killed by white settlers during a retaliatory massacre at the King River in early May 1838⁶².

Michie, (aka Big Micky, Old Man Micky) was clan-head of the local Broken River/Marangan people. His actual name was Wool.gid.yer.dow.well (phonetic Wul-kidja-duwul). In February 1841, George Augustus Robinson visited Benalla and the Oven River. Here he was informed by his most reliable Aboriginal informant that "Wool.gid.yer.dow.well, alias Big Micky killed Faithfull's men"⁶³.

Following the cessation of hostilities, Michie was accorded the title 'King' Michie by the colonists and would live on his country by the Broken River in Benalla with his wife 'Queen' Polly until his death in 1853 from accidental medical poisoning.

Merriman was a young man of the Waveroo - Pallanganmiddang clan whose actual name was Minnup or Al.low.wer.row. GA Robinson recorded that 'Merriman's ground or country is at Bowerman's station' which was around Tarrawingee in the Ovens valley. In 1841 Minnup was reported as being 18 years old. His father was Hone.ne.ap, a respected Waywurru Elder, known as King Billy of the Barwidgee⁶⁴.

In early 1838 when Minnup was 15 years old he frequented the Mungabareena or Wodonga crossing of the Murray. He had learnt to speak English, wore some European clothes and was employed by the storekeeper Robert Brown to use his canoe to ferry goods and passengers across the river here and further west at Howlong⁶⁵.

Merriman was associated with other attacks on settler's properties, in particular the May 1840 Aboriginal raid on George Mackay's Whorouly station in which buildings were ransacked, burnt and a hut keeper killed. This raid led to a further escalation in conflict, culminating in Major Lettsom's mass arrest of Aborigines in Melbourne on 11 October 1840.

⁶¹ Overland party members Read and Walker in Cannon, 1982, pp316-317 quoted in Judith Bassett, 1986, p. 24.

⁶² JC Bourke, Recollections, April 1838, RHSV Manuscript Collection quoted in Bassett, 1986, p. 24

⁶³ GA Robinson journal 8th February 1841 in Ian Clark (ed.), 1998, p. 72.

⁶⁴ GA Robinson journal 23rd February 1841 in Ian Clark (ed.), 1998, pp. 86- 91.

⁶⁵ Arthur Andrews, *First Settlement of the Upper Murray 1835-1845*, 1920, quoted in anon., *Finding Merriman*, website.

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