

## Management report to Council

Agenda item 6.3

### Tunnerminnerwait and Maulboyheenner

Council

**Presenter:** Ian Hicks, Manager Community Strengthening

**17 December 2013**

#### Purpose and background

1. In 2009, the City of Melbourne commissioned Stage 1 of the Indigenous Heritage Study (IHS), a deliverable of the *Indigenous Framework 2007-10*. Stage 1 of the IHS was completed in December 2010 and referenced the story of Tunnerminnerwait and Maulboyheenner (T&M) and the events surrounding their deaths as an important event (place) for Melbourne (with reference to Old Melbourne Goal).
2. In August 2012, the Indigenous Heritage Action Plan (IHAP) was endorsed by Council. The IHAP outlined a number of actions to document places of importance and investigate ways in which Council could support recognition of those places, objects and stories of importance to Aboriginal and Torres Strait Islander communities. The acknowledgement of T&M through a memorial or marker was one of the actions identified in the IHAP.
3. In 2012-13 Council adopted as an Action and Initiative (A&I) to '*investigate the memorialisation of Tunnerminnerwait and Maulboyheenner and other known places of Aboriginal heritage significance*'.
4. On 20 January each year a community commemoration is held at Bowens Lane, Melbourne to remember the events related to T&M. This land is owned by Royal Melbourne Institute of Technology (RMIT).

#### Key issues

5. In accordance with Aboriginal cultural protocols, a working group was established in 2012 that included Traditional Owners and Aboriginal academics. A researcher was appointed to investigate and develop a comprehensive heritage literature study of the T&M event, with a view to reaching an agreed understanding surrounding the events and lives of T&M. The researcher's investigations include (but are not limited to) research into any known descendants of the two men and consultation with community stakeholders.
6. In September 2013, the final draft of the research paper (Attachment 2) was agreed by the working group. This paper is intended to become the key reference document for any further consultation or decision making processes related to the potential recognition of the events related to T&M.
7. The research paper summarises the findings of the working group with regard to commemoration and/or memorialisation. The working group, considered the forms that a 'monument' to such a history may take and unanimously agreed on a conceptual framework for commemoration suitable for a history of this nature, complexity and gravity. The research paper, in summary, notes that there are many possibilities for a 'living' event. These include commissioning a play, developing walking tours, annual talks or Melbourne Conversations, providing a workshop or open studio for members of the public to create their own monument to the histories concerned, and web-based forms. The adoption of more than one element for a public commemoration, including on-going opportunities for interpretation, has the advantage of addressing the problem that for histories of great complexity and significance, a single monument will not suffice.

#### Recommendation from management

8. That Council:
  - 9.1 acknowledges the research paper in regard to Tunnerminnerwait and Maulboyheenner and endorses it for publication on behalf of the City of Melbourne
  - 9.2 agrees to mark the events surrounding the lives of Tunnerminnerwait and Maulboyheenner with a permanent marker outside the Old Melbourne Gaol noting this would require agreement with the Old Melbourne Gaol
  - 9.3 RMIT considers whether it wishes to support any other 'living' event to mark the history surrounding the lives of Tunnerminnerwait and Maulboyheenner.

#### Attachments:

1. Supporting Attachment
2. Research paper

**Supporting Attachment****Legal**

1. There are no legal issues arising from management's recommendations.

**Finance**

2. There are no financial implications related to the recommendations contained in this report. Any cost implication arising from the recommendation would be considered as part of any future budget process.

**Conflict of interest**

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

**Stakeholder consultation**

4. Working Group Members: Clare Land (consultant/researcher); Alix Hill (National Trust) Genevieve Grieves (Aboriginal Oral Historian and Senior curator at Bunjilaka, Melbourne Museum); Tony Birch (Aboriginal historian and writer, University of Melbourne); Caroline Briggs (Boon Wurrung Foundation); Eddie Butler-Bowden (CoM); and Jeanette Vaha'akolo (CoM).
5. Consistent with cultural protocols and given the Tasmanian origins of Tunnerminnerwait and Maulboyheenner, consultation with Tasmanian Aboriginal stakeholder groups has also been undertaken and the responses of the groups that contributed are outlined below.

Tasmanian Stakeholder	Discussions / Outcome
Meeting with Tony (Tasmanian Museum and Art Gallery)	<p>Discuss use of Thomas Bock images within report – images have been approved for use by Museum Aboriginal Advisory Group</p> <p>Tony provided advice on the use of “correct names” – “timmy” and “pevay” – advised that as historically the men have been referred to Tunnerminnerwait and Maulboyheenner, this should remain as is in the report – but not correct names for Aboriginal protocols.</p> <p>Seek advice re permission to use Victorian State Library image – Tony will table image at next meeting with Museum Aboriginal Advisory Group and write back re outcome.</p>
Visit with Elder Aunty Patsy Cameron (Tasmanian Aboriginal Corporation & <i>melythina tiakana warana</i> Aboriginal Corporation)	<p>This was an all day visit in which Aunty Patsy provided detailed oral history on the Aboriginal people who were brought to Melbourne with A Robinson, and what was known of their fate. We were taken through Maulboyheenner country and its sea edge which allowed us to see the Flinders Island where Aboriginal people were rounded up and taken to until their removal to Oyster Cove.</p> <p>Aunty Patsy said that her organisation would love to be Tasmanian Patrons in supporting project. She and others would be interested to attend the anniversary in January 2014.</p>

Visit with Robert Anders ( <i>melythina tiakana warana</i> Aboriginal Corporation)	<p>Stephen as President of the committee will write an email in support of the research report and use of its images containing Aboriginal people.</p> <p>Finalise with Clare Land details of map – note additional places of importance.</p> <p>Made reference to the use of lower case in Aboriginal Tasmanian languages.</p>
Visit with Aunty Gloria Andrews ( <i>melythina tiakana warana</i> Aboriginal Corporation)	<p>Aunty Gloria is in support of the report and excited that Tunnerminnerwait and Maulboyheenner's story will be told. She is eager to be involved in the project and sharing the information within her family and networks.</p>

6. Consultation has also been undertaken with Elders of the Wurundjeri Tribal Land Council who have been provided the research paper and provided permission for use of a specific image within the document.

#### **Relation to Council policy**

7. The recommendations in this report are consistent with Council's Reconciliation Action Plan 2011-14 and Indigenous Heritage Action Plan 2012-14.

#### **Environmental sustainability**

8. In developing this proposal there are no environmental sustainability issues or opportunities to be addressed.

DRAFT

A Project on their  
Historical Significance

~  
and Forms for Monuments to  
Complex Histories

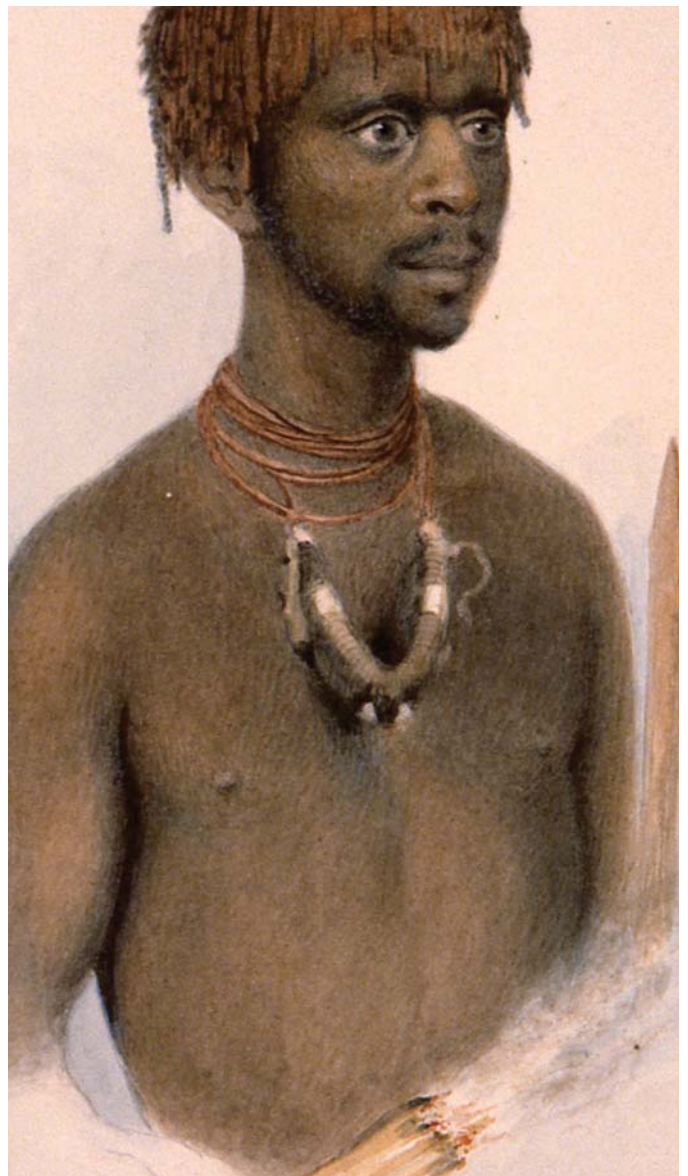
by Clare Land

Attachment 2  
Agenda item 6.3  
Council  
17 December 2013

# TUNNERMINNERWAIT & MAULBOYHEENNER



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# TUNNERMINNERWAIT & MAULBOYHEENNER

Historical  
Significance  
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and Forms for  
Monuments to  
Complex Histories

## TUNNERMINNERWAIT AND MAULBOYHEENNER

In 1841, only seven years after the colonial occupation of the Port Phillip District began, two Aboriginal men from Van Diemen's Land (Tasmania) were convicted of the murder of two whale-hunters in the Western Port area. On 20 January 1842 they became the first people hanged in Melbourne.

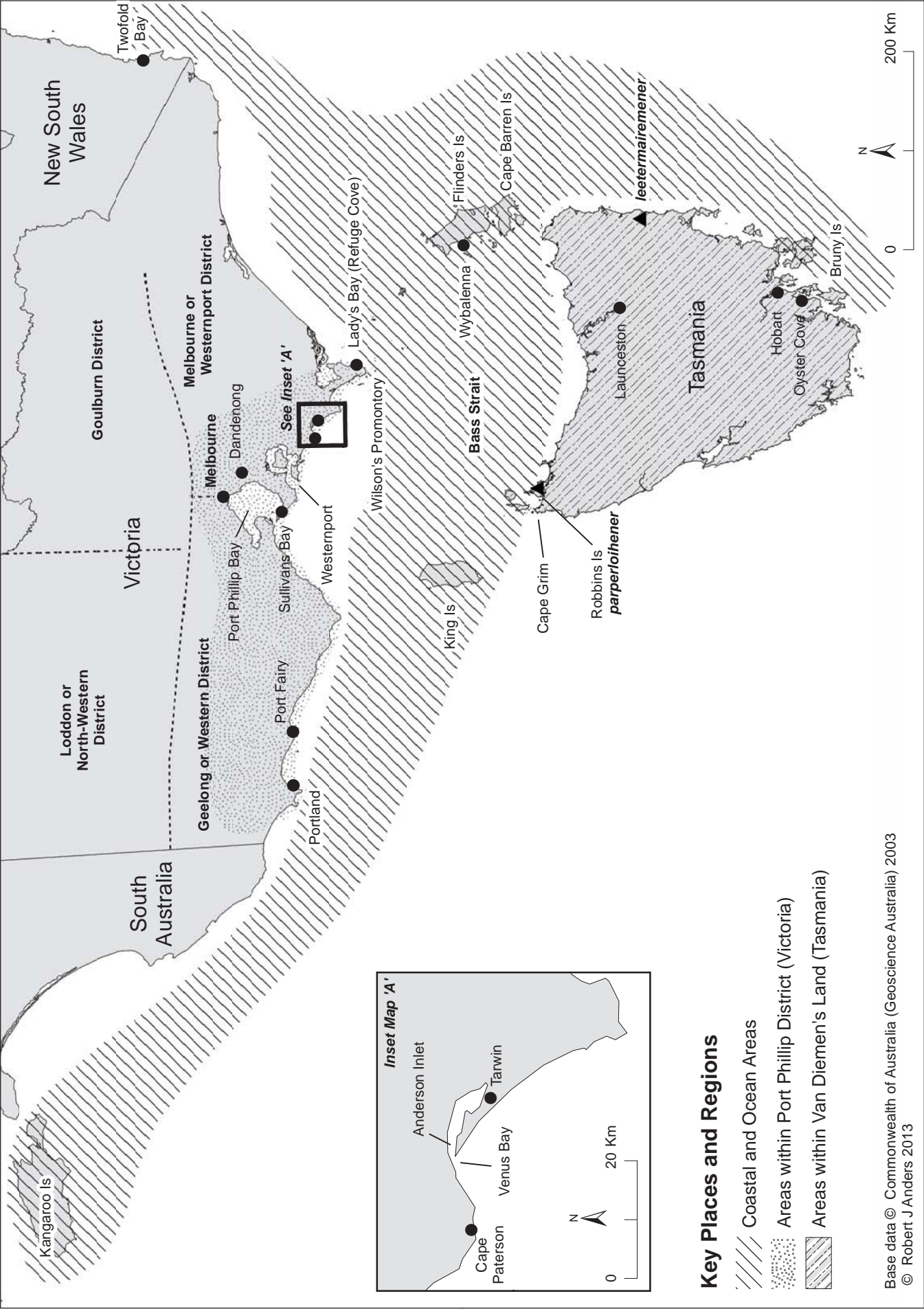
There are many events and stories connected to the hanging of these two men, Tunnerminnerwait and Maulboyheenner. Firstly, the men's stories are very important in their own right. The stories of the women who were tried with them, Truganini, Planobeena and Pyterruner, are also important in their own right.

Further, when placed in their full context, the stories of these five Aboriginal people from Tasmania are very significant to past, present and future understandings of Melbourne and Victoria.

They are also a window into the full complexity of the colonial history of Tasmania.

Overall, to learn about Tunnerminnerwait and Maulboyheenner is to learn one of the most important stories of early Melbourne.

This booklet explains why this is one of early Melbourne's most important stories. Further, it includes a discussion of appropriate forms for monuments or public commemorations of histories that like this one are complex and, in important ways, unfinished.

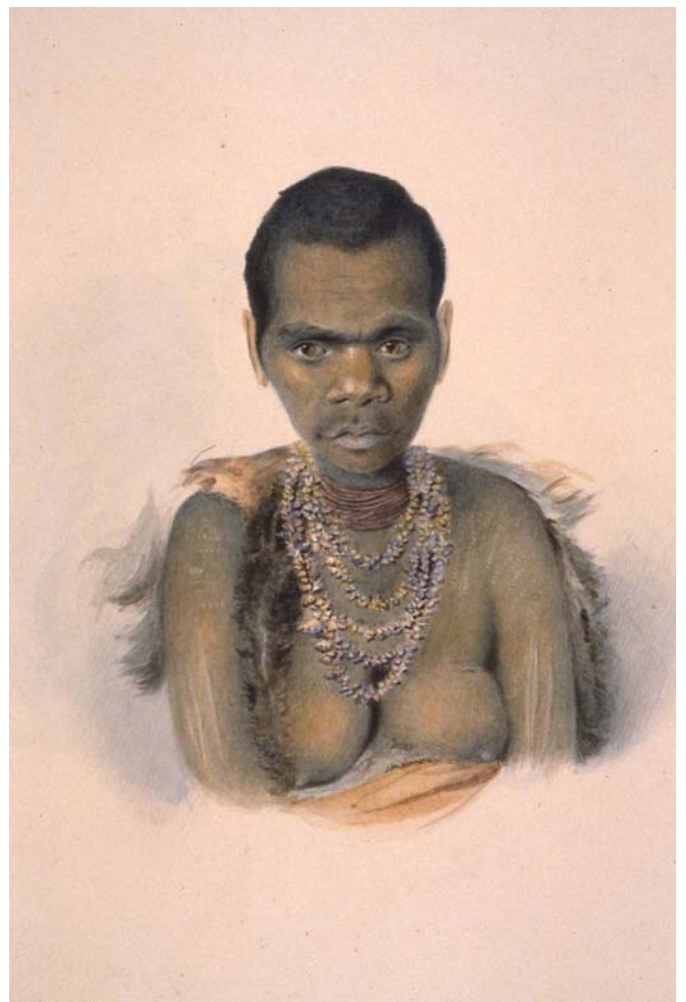




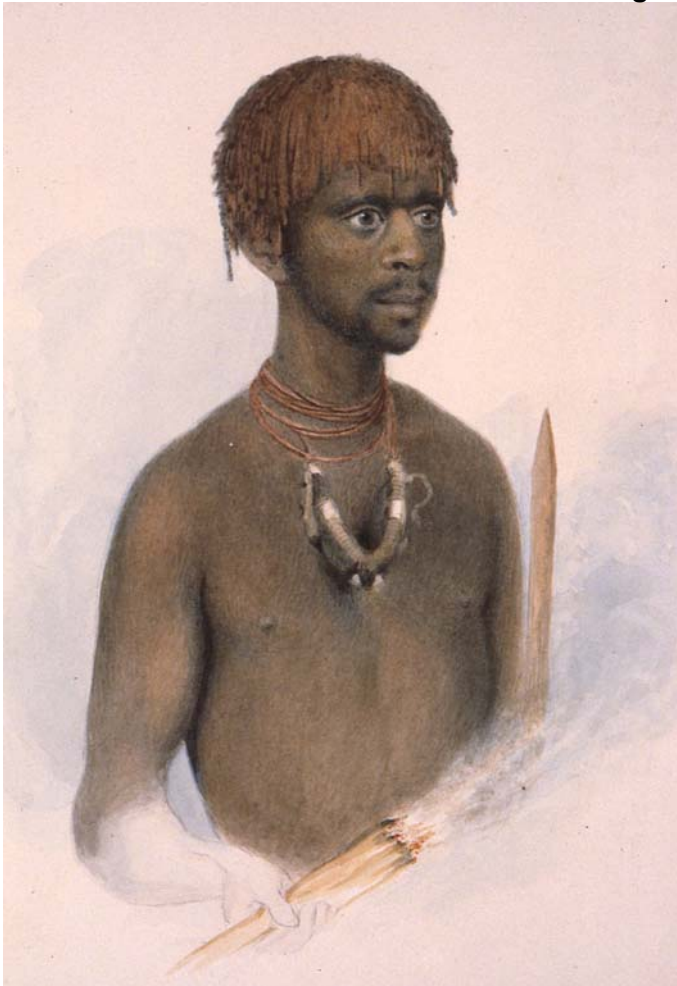
## Tunnerminnerwait

*Tunnaminnerwate (aka Jack),*  
[a Tasmanian Aboriginal man from Cape Grim],  
Thomas Bock (1837-1847).  
Drawing; graphite and watercolour.  
© Trustees of the British Museum

## Planobeena



*Wortabowigee (aka Fanny),*  
Thomas Bock (1837-1847).  
Drawing; watercolour.  
Depicted is Wortabowigee (aka Fanny) [aka Planobeena],  
a Tasmanian Aboriginal woman from Port Dalrymple.  
© Trustees of the British Museum



## Maulboyheenner

*Maulboyheenner (aka Timmy),*  
Thomas Bock (1837-1847).  
Drawing; watercolour.  
© Trustees of the British Museum

## Truganini



*Trugernanner (aka Truggernana or Truganini),*  
[a native of Brune Island],  
Thomas Bock (1837-1847).  
Drawing; graphite and watercolour.  
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## NOTE FROM THE AUTHOR

**T**he research undertaken for this booklet has revealed an apparently new element in the complex answer to the central mystery of the case of Tunnerminnerwait and Maulboyheenner: why did the group of five embark on their fateful journey into Western Port?

Several historians have addressed this question. For instance, Cox concluded that the group decided to launch 'mayhem against whites'. Ellis suggests that their apparent decision to abscond from Melbourne reflected their disenchantment with their 'Protector', George Augustus Robinson.

A story in the community that they may have been seeking revenge against men who were known to have abducted Aboriginal women holds weight, in part due to its persistence. Stevens finds evidence that they may have been attempting to forge an independent existence away from Melbourne.

Stevens also suggests, convincingly, that there were many good reasons for the group to leave Melbourne and to burn settlers' huts and take up arms.

The fact that the five embarked on their expedition immediately after Tunnerminnerwait returned from a journey of several months with George Augustus Robinson witnessing testimony about violence in the Western District also appears highly significant. Robinson, accompanied and assisted by Tunnerminnerwait, investigated the Convincing Ground massacre during this journey, in which between 60 and 200 members of a Gunditjmara clan were killed by whale-hunters at Portland Bay.

There may not have been consensus amongst the group; each person may have had a range of reasons for setting out on the journey to Dandenong and on to Western Port.

The motive or motives of the five members of the group that set out to Western Port—Tunnerminnerwait and Planobeena, Maulboyheenner, Truganini, and Pyterruner—may, in fact, never be known. The importance and specific detail of Tunnerminnerwait's experiences in the Western District for the later actions of the group in Western Port deserves more detailed research.

Finally, the element that has not attracted attention until now is the involvement of a sixth person, Pyterruner's husband, Probelattener.

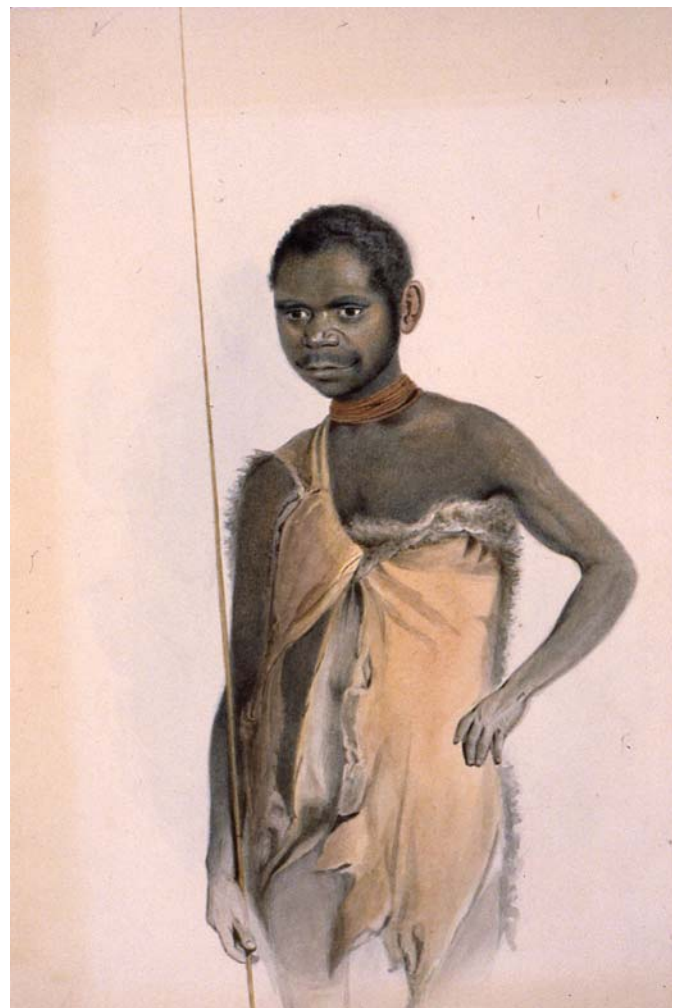
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## Pyterruner

'Maytepueminner [Pyterruner], of whom little is known, constantly resists historians, owing to her low visibility in the record.' (Stevens, 2010).

## Probelattener

*Probelatter (aka Jemmy or Problatena),*  
[Native of Hampshire Hills],  
Thomas Bock (1837-1847).  
Drawing; graphite and watercolour.  
© Trustees of the British Museum



# Detail of Historical Significance

## Crime and Punishment

### EARLY PUBLIC HANGINGS IN MELBOURNE

**T**unnerminnerwait and Maulboyheenner were the first people to be hanged by the Government in the District of Port Phillip, in 1842. A total of six people were hanged that year, including one other Aboriginal person. The three non-Aboriginal people to hang in 1842 had been charged with bushranging: Charles Ellis, Martin Fogarty and Daniel Jepps were all hanged together in June 1842.

In later years, once the 'enormous grey gaol' on Russell St (Old Melbourne Gaol) had been completed, executions were conducted inside the walls of the gaol, although smaller crowds of the public were admitted to watch these. As the only judicially approved public executions in Melbourne's history, these six hangings are of particular historical interest and significance.

The artist Wilbraham Liardet made a watercolour drawing called, 'The first execution' which depicts Tunnerminnerwait and Maulboyheenner's departure from the gaol to the site of their execution, Gallows Hill, although



**Above:** *The first execution*, Wilbraham Frederick Evelyn Liardet [1875] 1799-1878. Drawing: watercolor, pencil, pen and ink. State Library of Victoria.

details such as their clothing are not strictly accurate when compared to the available written records.

Nevertheless, the image is evocative of the time and the fact that it was drawn in 1875 shows that the event was looked back upon as noteworthy. Thomas O'Callaghan, a former Chief Commissioner of Police and amateur historian, commented on the significance of Tunnerminnerwait and

**As Judge John Walpole Willis said, their punishment was designed to inspire 'terror...'**

Maulboyneenner's execution in a paper read before the Royal Historical Society of Victoria in 1920. Parts of their story have also been re-interpreted in at least two novels: *Mudrooroo's Doctor Wooreddy's prescription for enduring the ending of the world* (1983) and Robert Drewe's *The Savage Crows* (1976).

The other Aboriginal person to be hanged in 1842 was known to the colonising population only as 'Roger'. He was from Mount Rouse, in western Victoria, and was charged over the death of a farm employee in 1840. That death occurred as part of a series of conflicts over land appropriated by John Cox for sheep farming in which several Aboriginal people were killed (Sparrow and Sparrow, 2001).

The hanging of Tunnerminnerwait and Roger was intended by their judge to communicate a political message to Aboriginal people considering armed resistance to colonisation.

As Judge John Walpole Willis said, their punishment was designed to inspire 'terror... to deter similar transgressions': 'Aborigines from the surrounding districts had watched the sentence take effect... It must surely have been hoped that the chastisement of the wrong-doers would have a sobering effect upon them' (Davies, 1987: 319).

However, these were not the last hangings of Aboriginal people. Two more Aboriginal men known as Ptolemy and Bobby were hanged in 1847, charged with killing the settler Andrew Beveridge who had established land holdings near Swan Hill despite the fact he had been denied permission to do this by the colonial authorities (Sparrow and Sparrow, 2001). A third Aboriginal man, Bullet-eye, who had also been charged but acquitted over that killing apparently used nooses to kill three Murray River settlers not long after he was forced to witness the hanging of Ptolemy and Bobby and then released (Sparrow and Sparrow, 2001). This use of the technology of hanging was probably not the lesson the judge wanted Bullet-eye to learn from watching the execution of his countrymen.

**Two more  
Aboriginal men  
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## THE BIGGEST STORY IN THE NEWSPAPERS OF THE DAY

The execution of Tunnerminnerwait and Maulboyheenner was attended by thousands of spectators. This followed several months during which their activities, apprehension and trial were the biggest stories in the newspapers of the day (Stevens, 2010).

The execution was recounted in an 'anecdotal history' of Melbourne published in 1888, which remarked on the crowd of 6000 and the 'shocking mismanagement' of the execution itself (Chronicles of Early Melbourne, 1888).

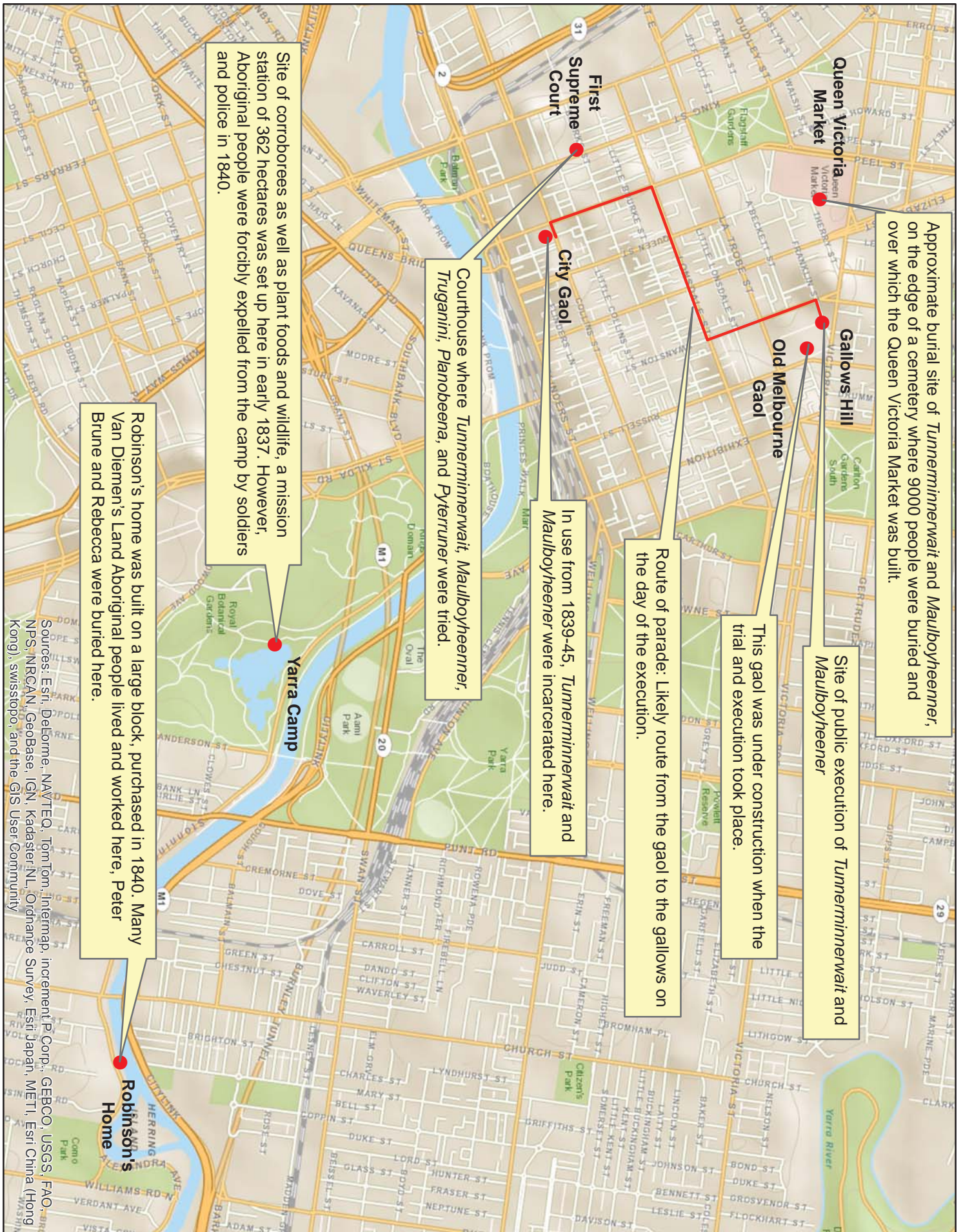
James Dredge, who had briefly been an Assistant Protector of Aboriginal people, attended the hanging and recorded an eye-witness description in his diary. Dredge noted that the curiosity of the public was heightened by the fact that Tunnerminnerwait and Maulboyheenner had 'commenced a course of crime' after having been attached for 13 years to George Augustus Robinson, the Chief Protector of Aborigines in Port Phillip, and before that Van Diemen's Land.

Of their execution, Dredge wrote, 'Such an affecting, appalling, disgusting, execrable scene my eyes never saw. The unhappy victims were bunglingly and cruelly consigned to their fate'.

The executioner was a convict, John Davies, who also worked as a warder at the prison. His assistant on the day, John Styleman, later became official hangman and flogger (MacFarlane, 1984: 13, 60).

Many had applied for the job of executioner – the inducement promised by authorities in Port Phillip was £10 and a 'ticket of leave' – the right to work locally (MacFarlane, 1984: 59). However, this was not honoured by NSW who favoured a payment of £5 per occasion or £20 per annum (MacFarlane, 59-60).

Davies protested and was eventually granted his ticket of leave in 1843. The gallows were in-expertly built by the Clerk of Works (MacFarlane, 1984: 130). For the next execution a much more costly gallows was constructed, by a contractor. Numerous private rehearsals were carried out using a straw man (MacFarlane, 1984: 330).



## BURIAL AT THE OLD MELBOURNE CEMETERY – NOW QUEEN VICTORIA MARKET

The burial of Tunnerminnerwait and Maulboyheenner was controversial. They were placed in a newly declared, segregated Aboriginal cemetery (Robinson & Clark, 1998), next to the general cemetery. This site, later built over and still unmarked, is now the site of the Queen Victoria Markets.

The exact site of Tunnerminnerwait and Maulboyheenner's burial is thought to be 'just outside the fence at the north-eastern corner of the ground' which came to be used as the area where Aboriginal and Quaker dead were buried (Sparrow and Sparrow, 2001).

About 9000 people were probably buried in the old general cemetery between 1837 and 1917. The remains of only about 950 bodies were exhumed for a decent reburial in Melbourne General Cemetery and Fawcner Memorial Park when the market was first established and then extended.

It is not entirely clear whether the remains of Tunnerminnerwait and Maulboyheenner were exhumed and reburied elsewhere or whether they are still at the original burial site, near the Queen Street end of the surviving original cemetery wall which runs east-west through the present day market.

The relatives of people hanged sometimes managed to get permission to have the body returned to them, as in the case of George Melville, hanged in 1853 (Porter, 1999).

This was not the case for Tunnerminnerwait and Maulboyheenner.

The practice was discontinued after Mrs Melville caused controversy by displaying her husband's corpse in their oyster shop, apparently in a bid to drum up business, which was, incidentally, successful (O'Callaghan, 1920).

Subsequently, executed people were buried inside the gaol and lime was added to their graves to hasten the process of decomposition (O'Callaghan, 1920).

## ESTABLISHMENT OF POLICE, COURTS, PRISONS AND CRIMINAL LAW IN PORT PHILLIP

Prior to 1841 the only court in Melbourne was a Police Magistrate's Court, so people accused of relatively serious crimes in Port Phillip had to be sent to Sydney to be tried, and some were hanged.

Nevertheless, the first local hanging was significant and has been consistently remarked upon as such. The trial and hanging in Melbourne is also significant in relation to the bid for official support of the very colonisation of the lands of the Kulin people. The very first government official sent to the District to act as police magistrate, Captain William Lonsdale in 1836, represented the beginning of the retrospective sanctioning of a colonisation that had begun as trespass by business interests from Van Diemen's Land (Boyce, 2011). Each development in the legal system represented further solidity and deeper roots for the colony.

At the time when Tunnerminnerwait and Maulboyheenner were imprisoned and tried, the justice system had certain notable and historically interesting features. The facilities of the gaol were basic; conditions in 1841 were described by a fellow prisoner as 'dreadful' (MacFarlane, 1984: 13).

Only men 'between 21 and 60 years who had an income of at least £30 per annum from personal property' had the right to sit on juries at that time (Davies, 1987: 316, footnote). Nineteenth century voting rules were similar. In court, accused were not allowed to give evidence in their own defence and not at all if they were 'ignorant' of a 'Supreme Being' - God (Davies, 1987: 317).

**...conditions in 1841 were described by a fellow prisoner as 'dreadful.'**

Interestingly, courts considered husband and wife to be 'one and the same person' and unable to give evidence about the other (Mullaly, 2008: 172). All these rules were applied to the disadvantage of Tunnerminnerwait and Maulboyheenner.

On the other hand, it seems Truganini, Planobeena and Pyterruner were advantaged by the available defence that women were in a relationship of coercion to their husbands.

It was claimed during the trial that the women in the group were totally controlled by the men; this was probably a ploy to have the women spared (Roberts, 1986).

In this instance, the assumption that men dominated women in Aboriginal culture was successfully deployed by the defence. It fell on eager ears and worked to the benefit of the women.

In 1840, eleven of the twenty-six people recorded as being in custody were Aboriginal, an over-representation that appears to presage present day criminal justice statistics (Sparrow and Sparrow, 2001).

## HISTORY OF CAPITAL PUNISHMENT IN VICTORIA

The fact that Tunnerminnerwait and Maulboyheenner received capital punishment is cause for reflection on the history of the contentious issue of capital punishment in Victoria and nationwide.

Public executions were forbidden in Victoria in 1854, but capital punishment was not abolished for another 121 years (Roberts, 1986, 101; MacFarlane; Porter, 1999). Public sentiment about capital punishment appeared to waver during Tunnerminnerwait and Maulboyheenner's actual hanging, due to the apparent feelings of Maulboyheenner and the obviously inexperienced and cruel technique.

There was ever-increasing public outcry over the death penalty in Victoria, including on the occasion of the last woman – Jean Lee in 1951 – and the last man executed – Ronald Ryan in 1967. Ronald Ryan was also the last person executed in Australia (Porter, 1999, 88).

Even at the first hanging, according to Davies, the Port Phillip press (the Gazette and the Patriot) voiced 'strong opposition to the principle of capital punishment and its application to Aborigines'. That said, they 'did not question the justice of the sentence itself' (Davies, 1987: 318). Tunnerminnerwait and Maulboyheenner were subjected to capital punishment at a time in history when race relations were characterised by guerrilla war and, at times, martial law. Their execution therefore has a particular meaning and function in relation to war and colonisation that does not attach to most hangings of non-Aboriginal people at that time.

**Public executions were forbidden in Victoria in 1854, but capital punishment was not abolished for another 121 years.**

# THE 'RULE OF LAW' AND COLONIAL VIOLENCE OF THE TIME

In the lead up to the concerted colonisation of present-day Victoria (1835 onwards), slavery had been abolished across the British Empire and there was a growing 'mood of philanthropy' in England.

The London-based Aborigines Protection Society, founded in 1837, was an expression of this. However, London was a long way from Port Phillip where a war over land was underway.

## THE RE-ESTABLISHMENT OF THE NATIVE POLICE

According to historian Jan Roberts, 'the role of Aboriginal trackers in catching the Tasmanians gave impetus to the idea of setting up a Native Police Corps. Twenty Aboriginal men were recruited the month after Bob's and Jack's execution.'

There had been attempts to recruit Aboriginal people as Native Police in 1837 but the Corps was established with much greater formality in 1842 and operated until being disbanded in 1853 (Fels, 2011).

Only their boss, a squatter, received pay; the Native Police officers received only rations. The force was 'based at Dandenong and operated almost exclusively against Aborigines for the ten years it existed' (Roberts, 1986: 102).

This shows that the events surrounding Tunnerminnerwait and Maulboyheenner were intertwined with significant developments in the subjugation of Aboriginal people in Victoria. policing and subjugation of Aboriginal people in Victoria.

'Summary justice' – indiscriminate murder and massacre of Aboriginal people by settlers in revenge against presumably Aboriginal perpetrators of sheep theft – was 'not uncommon on the frontier' (MacFarlane, 1984: 39).

In Melbourne, three Aboriginal people were shot dead for helping themselves to potatoes; several more jailed in the same incident but escaped by burning down the jail (Boyce, 2011, 182).

Another watercolour drawing by Liardet depicts this escape, and indicates the atmosphere of desperation and violence of the early years of Melbourne. Though some conflicts between Aboriginal people and settlers did make it to court, Aboriginal people were not permitted to give evidence, stacking proceedings against them.

Indeed, in Melbourne during Judge Willis's time between 1841 and 1843 several settlers suspected of murdering Aboriginal people were set free (MacFarlane, 1984: 3-4).

By 1848, five Aboriginal people from Port Phillip had been hanged; nine Europeans were tried but only one convicted for killing Aboriginal

people – and this person only got two months imprisonment (see Davies, 1987: 320). In fact, the due to the degree of conflict in 1838, the NSW Governor suggested deferring for a year the publication of regulations ensuring equal legal status for Aboriginal people (Boyce, 2011: 167).

## Aboriginal people were not permitted to give evidence, stacking proceedings against them.

The ground-breaking verdict against non-Aboriginal stockmen (but not their leader, a squatter) for the Myall Creek Massacre in northern NSW in 1838 was well known to settlers in the Port Phillip District and was said to have greatly increased their animosity to Aboriginal people, and their secrecy about their own deeds (Roberts, 1986; SLV ergo website). The Myall Creek case was a widely reported and 'sensational example of white men being found guilty and hanged for their crimes' (Wood, 2009: 67); the first time in Australian history that non-Aboriginal people had been executed for killing Aboriginal people.

**Below:** *An escape from the first gaol*, Wilbraham Frederick Evelyn Liardet [1875] 1799-1878. Drawing: watercolor, pencil, pen and ink. State Library of Victoria.



# Bigger legal questions

The trial of **Tunnerminnerwait, Maulboyheenner, Truganini, Planobeena** and **Pyterruner** took place at a time when questions about sovereignty, jurisdiction and treaty were being debated.

## RETROSPECTIVE ENDORSEMENT OF THE 'SETTLEMENT' OF PORT PHILLIP

**M**elbourne was established by a group of businessmen from Van Diemen's Land. Their attempt to establish land holdings in areas that were officially off limits without the permission of the Colonial office in London or Sydney was a gamble that largely paid off.

The 'Port Phillip Association' group that launched this gamble included John Batman, often regarded as the founder of Melbourne and best known as the author of Batman's Treaty. Batman was also a significant figure in the history of Van Diemen's Land, where he led parties that pursued and killed Aboriginal people. This is documented in detail in Batman's own diary from that period, and is subject of cultural interpretation in the 2011 novel, *The Roving Party*. Once they had arrived in the Port Phillip District, and a sizeable settlement had been established, the well-connected members of the Association managed to secure retrospective endorsement of their illegal actions (Boyce, 2011). Even though the treaty the Association had drawn up was rejected by colonial officials and administrators, the officials soon agreed to provide policing services to the settlement.

At this point, government approval of the colonisation of Port Phillip was secure and, with the establishment of the policing and legal system, the extension of practical sovereignty in the area

began (Attwood & Doyle, 2009). Following this expression of government approval, a frenzy of land selection was unleashed. The impact on Aboriginal people was severe. As James Boyce observes, 'Port Philip had become such a terrible place for Aborigines that within fifteen years of the founding of Melbourne almost all of them were dead. This does not diminish (but rather magnifies) the extraordinary achievement of those who somehow survived the onslaught' (Boyce, 2011: 192).

## SOVEREIGNTY

**R**ecent scholarship points to the continued relevance of the history of how Melbourne was established for what it tells us about notions such as terra nullius, sovereignty and treaty in present-day Australia. The Judge in the case of Tunnerminnerwait and Maulboyheenner, John Walpole Willis, was involved in some of these debates. Judge Willis drew attention and criticism for his behaviour and decisions in a number of cases, including his acquittal of white settlers for murdering Aboriginal people.

Judge Willis' most interesting comments from a legal point of view were those regarding sovereignty and jurisdiction, for instance in the 'Bonjon' and 'Bolden' cases (MacFarlane, 1984; Roberts, 1986; Attwood & Doyle, 2009).

Crucially, the Bonjon case dealt with crime among Aboriginal people; in Bolden, it was crime by white against black. In the former case Judge Willis discharged Bonjon, who had been accused of murdering a fellow Aboriginal person, arguing that he was 'not amenable' to the Law of the Colony for offences committed against another Aboriginal person. Bonjon's defence counsel argued that Aboriginal people were not subjects as they had not entered into a treaty nor 'submitted themselves to the British Crown'. However, there had been an earlier case in the NSW Supreme Court and a statement by the Governor in which Aboriginal people were proclaimed to be subjects, and able to be protected and prosecuted under English Law for crimes against whites or blacks (MacFarlane, 1984: 18). Willis' request that Governor Gipps in Sydney ask Lord Stanley, the British Secretary of State for War and Colonies in London, to consider the rectitude of asserting sovereignty and jurisdiction over Aboriginal people in the absence of a treaty, was rejected by the Governor (Davies, 1987).

In the Bolden case, Judge Willis acquitted a Western District settler of having shot dead an Aboriginal person, on the grounds that he had exclusive possession of his land and could rightfully expel trespassers, white or black, from it. Judge Willis also stated that by contrast with the Bonjon case, in Bolden the court had jurisdiction. Bolden's acquittal for murder was greeted with concern by Superintendent of the Port Phillip District Charles La Trobe who thought it gave carte blanche to settlers to kill Aboriginal people on sight (MacFarlane, 1984: 19).

# Aboriginal people from Van Diemen's Land in Port Phillip



**Left:** *George Augustus Robinson*, 1853, Bernardino Giani. ML 27, a928041, Mitchell Library, State Library of New South Wales.

1860, only 15 of the tribal people were left alive, herded together in concentration camps, first at Wybalenna on Flinders Island and finally at Oyster Cove, in the south of mainland Tasmania. About a dozen women escaped the camps. Most of these had been captured to work for British sealers living in tiny enclaves in the Furneaux island group off the north east tip of Tasmania.

'There they established a cohesive and self-sufficient family based community from whom most of today's Aboriginal population descend. Two other Aboriginal women, one of them the sole survivor of Oyster Cove, were married to European men on the Tasmanian mainland; their families complete our community. None of the Aboriginal men survived' (TAC, 1997: 5).

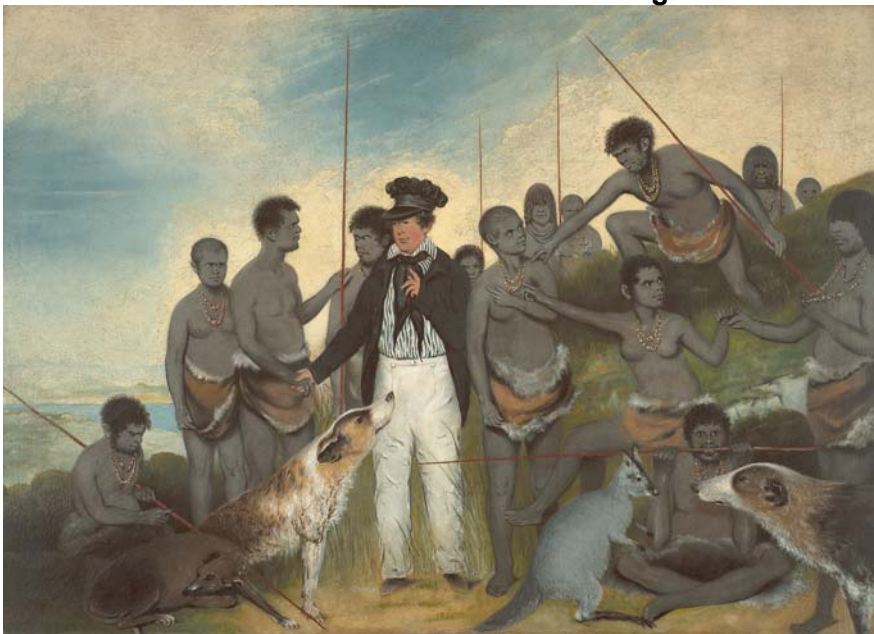
## LIFE IN PORT PHILLIP – ANOTHER EXPERIMENT BY ROBINSON, THE 'PROTECTOR'

The story of Tunnerminnerwait and Maulboyheenner is inextricable from the story of the treatment of Aboriginal people in Van Diemen's Land overall. Their close association with George Augustus Robinson, 'Protector of Aborigines' and a key figure in that story, makes this obvious. The archaeologist Rhys Jones, although controversial for his account of Tasmanian Aboriginal culture, summarised the treatment of Aboriginal people in that state as characterised by 'psychopathic sadism' and 'punitive man hunts', little different from My Lai and Buchenwald (Jones, cited in Taylor, 2008).

A brief history written by the Tasmanian Aboriginal Centre (TAC) – in a booklet on repatriation – provides an Aboriginal perspective. It states that of the 1803 population of perhaps 4000 Aboriginal people, 'by

Tunnerminnerwait and Maulboyheenner were members of a group of Aboriginal people brought to the Port Phillip District by George Augustus Robinson. All were 'survivors of the notorious Black Wars' (Sparrow and Sparrow, 2001). During the 'Black War' Robinson, who had attained the title 'Protector' of the Aborigines, travelled around Van Diemen's Land on a so-called 'Friendly Mission' to arrange the exodus of all the Aboriginal people from the mainland island to a smaller, offshore island in Bass Strait called Flinders Island. As a method of 'protection', Robinson's experiment failed, resulting in a rapid and disturbing death rate at Wybalenna. However, for the work of organising the exodus, Robinson had already been richly rewarded in wages and land. In late 1838 he was appointed Chief Protector of Aborigines in the District of Port Phillip, a position he held until 1849.

As soon as Robinson's 'friendly' mission was accomplished and the mainland of Van Diemen's Land was almost entirely emptied of Aboriginal people, the value of land in Van Diemen's Land skyrocketed (Roberts, 1986). Soon, Robinson proposed to bring all 89 surviving Aboriginal people from Wybalenna to Port Phillip.



**Left:** *The Conciliation*, 1840, Benjamin Duterrau (1767 - 1851). Oil on canvas. Collection: Tasmanian Museum and Art Gallery.

**Below:** *Residence of George Augustus Robinson at Prahran on the Yarra*, 1843-1848, [attributed to G. A. Gilbert]. Oil painting on canvas. ML 307, a128811, Mitchell Library, State Library of New South Wales. Two Aboriginal people from Van Diemen's Land are probably still buried at the site.

Authorities in Van Diemen's Land were enthusiastic about the remaining Aboriginal people of Tasmania being taken to Port Phillip. Those in New South Wales were not (MacFarlane, 1984: 5). Robinson said they were civilised and peaceful (MacFarlane, 1984: 8) and argued that they would be 'most useful auxiliaries in conciliating the natives of Australia' (Boyce, 2011: 140).

However, Planobeena, at the time of her emancipation from sealers, had been known to say that 'she would teach the black fellow to kill plenty of white men' (this comment was recorded in 1839, see Stevens, 2010: 20). The fact that she was the sister of the formidable resistance fighter Eumarrah has been highlighted in support of the theory that a similar spirit of resistance also motivated Planobeena.

Eventually Robinson gained permission to bring 'one family' with him to Port Phillip. However, Robinson interpreted the notion of family broadly, handpicking those he wanted to bring. The NSW Governor only reluctantly supplied Robinson with rations for four of the 15 Aboriginal people who he brought to Melbourne.

The time that these 15 Aboriginal people spent in Melbourne and the wider colony was extraordinarily eventful, but it was shortlived, beginning in March 1839 and being largely over by mid-1842. By that time five of the group, including Tunnerminnerwait and Maulboyheenner, had died, another six of the group returned to Van Diemen's Land in 1842 when Truganini, Planobeena and Pyterruner

Peter Brune and Johnny Franklin (Roberts, 1986: 95). However Peter Brune died in 1843 and was buried in the grounds of Robinson's house in present day Prahran, along with Rebecca who died in 1841 (Clark & Kostanski, 2006).<sup>1</sup> More research would be needed to get clearer information on the fate of each person in that group of 15; even the exact numbers in the group and their various arrival dates are currently hard to determine (see Appendix 1).

The story of the larger group of Aboriginal people who came to Port Phillip from Van Diemen's Land with George Augustus Robinson is yet to be told.

**Robinson said they were civilised and peaceful and argued that they would be 'most useful auxiliaries in conciliating the natives of Australia.'**



<sup>1</sup> Robinson's home, known as Terneet, was on 8 acres of land, apparently located on the south side of the Yarra River at the northern end of Chapel Street (Clark & Kostanski, 2006).

# THE GROUP'S 'DEPREDATIONS' IN THE DANDENONG AND WESTERN PORT AREA

In October 1840 Robinson was 'released' from responsibility for the Van Diemen's Land group. However, they remained very much associated with Robinson's household. Indeed, Tunnerminnerwait accompanied Robinson on an extensive tour of the Western District from March to August 1841 immediately prior to forming the group of five that was eventually tried for murder (Robinson & Clark, 1998). Robinson had been ordered by La Trobe to conduct the tour and to 'establish a friendly communication with the strange tribes'. This reflected the Superintendent's concern about the frontier violence besetting the area; violence that was obvious during the tour.

In her book *Jack of Cape Grim*, Jan Roberts recounts how many of the Van Diemen's Land Aboriginal people used to abscond frequently from Robinson's supervision and how the group of five probably came to be assembled in the bush in the Dandenong-Western Port area by August-September 1841. There was nothing eventful about the first few weeks of their journey. However, after their first raids on settler huts were reported, they managed for

about six weeks to evade the large and numerous parties that were sent out to catch them. Once they were brought to Melbourne they initially appeared before Police Magistrate Major St John Twelve who committed them to trial – Tunnerminnerwait and Maulboyheenner for murder, and Truganini, Planobeena and Pyterruner as accessories.<sup>2</sup>

The group was tried on 20-22 December 1841, having spent nearly a month in jail following their arrival in Melbourne on 26 November. Judge Willis' notes of the trial are at the archives of the Royal Historical Society of Victoria and are reproduced in the British House of Commons Parliamentary Papers. Unfortunately the records of the Standing Counsel for the Accused, Redmond Barry – a future chief justice of Victoria – appear to have survived only in newspaper reports of the trial. As their defence counsel, Redmond Barry attempted to get the group's case heard by a jury of their peers, but this was rejected. Redmond Barry also invoked the Black War as a motivation for their attacks on settlers in what was both a credible explanation for their anti-colonial style raids and

an attempt to reduce the punishment they would receive.

While the jury found Tunnerminnerwait and Maulboyheenner guilty, its recommendation of mercy with regards to their punishment was ignored (MacFarlane, 1984: 10). Judge Willis, Superintendent Charles LaTrobe and the Governor in Sydney Sir George Gipps all agreed no mercy would be shown (MacFarlane, 1984: 11) and by mid-January, the sentence of death was certain. A priest, Reverend Thomson, visited them prior to their hanging to conduct prayers (MacFarlane, 1984: 14). Truganini's step-son Peter Brune, along with Robinson, attended their burial. There are presumably a range of reasons for Peter being the sole member of the Van Diemen's Land group to attend, and the fact that Tunnerminnerwait's widow and their other loved ones did not attend. The overseer of the mine where the killings took place, William Watson, attended the execution and the burial and his wife. William Watson took the chance to ask Robinson for compensation for clothes the group had stolen from him.

<sup>2</sup> Pyterruner was injured when they were captured. She was apparently treated by Hugh Anderson, a settler and doctor, although in Horton's account of the Anderson family's story it was Truganini he treated (Horton, 1983: 80).

## WHAT WAS THE GROUP'S BUSINESS IN WESTERN PORT?

Many historians and commentators have attempted to uncover the group's motives for leaving Melbourne, conducting numerous raids on settlers' huts and gathering the not insignificant arsenal discovered when they were eventually caught (this is Stevens' particular focus in her 2012 article; her analysis is impressive). Further,

the group's motive for killing the whale-hunters has been a subject of interest. A story has circulated in the community that the group killed the whale-hunters due to their prior mistreatment of Aboriginal women. The persistence of the story and the long association of seal and whale hunters with many parts of the coast on both sides of Bass Strait, including Western Port, gives it some weight. The fact of the violence the three women had witnessed or experienced at the hands of sealers in the past is well established. Judge Willis was aware that Planobeena and Pyterruner 'were emancipated from the sealers in Bass's Straits' (Willis' Note Book, RHSV). As well as experiencing vio-

lence at the hands of sealers herself and witnessing violence against her family, Truganini had various interactions with whale hunters on Bruny Island in the late 1820s-early 1830s (Ryan, 2012).

An over-arching or additional explanation for the raids conducted prior to and after the encounter with the whale-hunters would be anti-colonial resistance. The journey into the bush of Tunnerminnerwait, Maulboyheener, Truganini, Planobeena and Pyterruner and their raids against settlers occurred during one of the most intense periods of frontier violence in the history of the Port Phillip District. Their activities bore close similarity

# The Killing of the Whalers

to the forms of resistance employed by Aboriginal people at that time in all areas of what is now Victoria, including Geelong, the Western District, Gippsland, Swan Hill and along the Murray and Goulburn Rivers, and to forms of resistance employed back in Van Diemen's Land. Estimates of the number of Aboriginal people murdered by Europeans around 1835-1850 range from a minimum of 400 to around 2000 (Davies, 1987: 320, citing Christie, Nance). Aboriginal people allegedly killed at least 8 colonists in the Western District between 1836 and mid-1837 (Davies, 1987: 320). Massacre and murder was regularly occurring in all districts prior to and following their raids, as discussed by various historians and noted by the Governor of the day (Davies, 1987; Roberts, 1986). Guerrilla warfare and settler attacks went on for about 13 years, until the 1850s – the time of the Gold Rush (Roberts, 1986; 105).

Two things strongly point to the conclusion that the group was a part of – and saw themselves as part of – the widespread Aboriginal armed resistance to colonisation of the day. First is the context of the prevailing war over land which threatened the complete extermination of Aboriginal people. This context was well-known to the group. Second is their friendship with many local Aboriginal people and the group's presumed solidarity with their situation.

The views and knowledges of Aboriginal people in New South Wales, Port Phillip and Van Diemen's Land about their own colonisation and that of each other is an important part of this story. How much did Tunnerminnerwait find out about the bloodshed in the Western District when he travelled there with Robinson in 1841? How much interaction did he and the other Tasmanians have with local Aboriginal people? And did the Tasmanians share their stories of their earlier colonisation with local people, warning them of what was to come?

In addition to general anti-colonial revenge or resistance, there may have been a more specific reason for the group's journey to and activities in Western Port than historians have so far uncovered. It remains possible that the whalers were killed because they were known by the group to have previously attacked Aboriginal people in massacres, abductions or both.

The killing of the two whalers for which Tunnerminnerwait and Maulboyheenner were convicted of murder occurred in a time and place in which conflict between Aboriginal people and Europeans was well-known. Around 1824 in Western Port, 'A stowaway on the Caledonia... recorded that the Aborigines were harmless, but had been provoked by "some sealers" to kill four men and severely wound a fifth, who subsequently died... the incident had been precipitated by the attempted abduction of native women' (Gooch, 2008: 16). The Europeans killed in the 1820s incident were amongst the very first Europeans to be buried in the region. This background context suggests that interaction between Aboriginal people and visiting sea-farers had included conflict in the past. (Other evidence for this include accounts such as, 'Westernport bark strippers shoot Aborigines', 1836, and 'similar outrages have been committed upon the Aborigines at Portland Bay and other whaling stations', found in the official Historical Records of Victoria: Vol 1).

There had also been contact between Aboriginal people from Van Diemen's Land and Aboriginal people from the Western Port area in the first few decades following 1800. According to one historian, 'Around 1820, two Van Diemen's Land Aboriginal women brought to Western Port by the sealers were reported to have gone off with the local tribe...' (Gooch, 2008: 15-16).

The activities of seal and whale hunters impacted on the southern coast of Australia from Western Australia through to the south coast of New South Wales. Western Port was a regular port of call for sealers from the 1802 to the 1820s (Bowden, 1970). People involved with sealing were often also involved with whaling and wattle bark stripping – a source of income in the whalers' off season (Gooch, 2008: 44, 49). The occurrence of abductions of Aboriginal women and children by sealers and whalers along these same coasts is well established by historians. Given the heavy traffic across Bass Strait and along the southern coast of Australia in the 1800s-1840s it is easy to imagine that the group of five recognised the whalers personally, or recognised them as the kind of visitors who tended to abduct women. As Stevens points out, 'All three women had been abominably treated by these rough-and-ready men of the sea, and Tunnerminnerwait as a child had witnessed a notorious massacre at their hands' (2010).

The fact that the five embarked on their expedition immediately after Tunnerminnerwait returned from a journey of several months with George Augustus Robinson witnessing testimony about violence in the Western District also appears highly significant. It is known that Robinson, accompanied and assisted by Tunnerminnerwait, investigated the Convincing Ground massacre of near Portland Bay during this journey. This was the first recorded massacre in Victoria's history, so documenting its occurrence may have suggested to Robinson and Tunnerminnerwait that Victorian Aboriginal people were undergoing an attempted extermination similar to that Tasmanian Aboriginal people – at the hands of essentially the same group of people (Boyce, 2011).

Between 60 and 200 members of one of the Gunditjmara clans were killed in the Convincing Ground massacre, leaving only two survivors. Robinson interviewed the well-known early Portland squatter Edward Henty and the local police magistrate James Blair and took testimony from Gunditjmara people about this. The massacre was perpetrated by whale-hunters (Clark, 2011; Newton, 2013).

The theory that the killing of the whalers was linked to their own histories of violence against Aboriginal people remains credible, though evidence of the whalers' personal histories so far remains elusive (see Appendix 2). The importance and specific detail of Tunnerminnerwait's experiences in the Western District for the later actions of the group in Western Port deserves more detailed research.

**'...women had been abominably treated by these rough-and-ready men of the sea, and Tunnerminnerwait as a child had witnessed a notorious massacre at their hands.'**

# We 'meant to have shot Watson'

The atmosphere around the time of the shooting was tense. Watson, the overseer of the coal mine at Cape Paterson where the two whalers were shot, seemed prepared to shoot on sight anyone he encountered that day. In the account given by Samuel Evans, one of the whalers, 'I met Mr Watson the Miner and two of Mr Anderson's men. I held up my hands for fear they would fire at me; one of them fired over my head' (VPRS 30, Whalers Case). It is possible that the group of five shot the whalers in self-defence, knowing they could be shot on sight themselves if they met anyone.

Disparate sources when viewed together point to the possibility that Tunnerminnerwait, Maulboyheenner, Truganini, Planobeena and Pytterruner had a reason for killing someone at Cape Paterson, but perhaps not the two whalers. They had a reason for killing, but perhaps not of the two whalers. They might have been intending to shoot William Watson.

Pytterruner's husband, Probelattener (Isaac/Lacklay/Legallé) had disappeared in the Western Port area in May 1840 (Fels, 2011: 262), and there is evidence that Truganini, with Charlotte and perhaps other women went out looking for him on several occasions, including in June and July 1840 and in late 1841 (Robinson & Clark, 1998; Roberts, 1986: 60, citing 'Note', undated, series 11, unit 7, doc.291, PROVic). Robinson went on a long expedition throughout the Western District in 1841, taking Tunnerminnerwait with him. Upon their return, Tunnerminnerwait, Maulboyheenner, Truganini, Planobeena and Pytterruner left Melbourne. Perhaps this is because Probelattener was still missing and they wanted to find him – or find out what happened to him.

There is some evidence that the group of five found out that Probelattener had been killed, and went searching for his assailant. While in jail awaiting trial Maulboyheenner had a conversation with Robinson which Robinson mentioned in his diary: 'Bob said Mr Horsefold told them Watson shot Isaac and he meant to have shot Watson' (Robinson & Clark, 1998: journal entry of 2 December 1841). According to Ian Clark, who edited and annotated Robinson's Port Phillip diaries, Horsefold is 'presumably James Horsfall, superintendent for HG Ashhurst, Blanarring'. In the Judge's notes of the trial, according to evidence given by William Johnson of the Border Police, Maulboyheenner had also said to Johnson when asked why he shot him, that 'he had thought it was Mr Watson.'

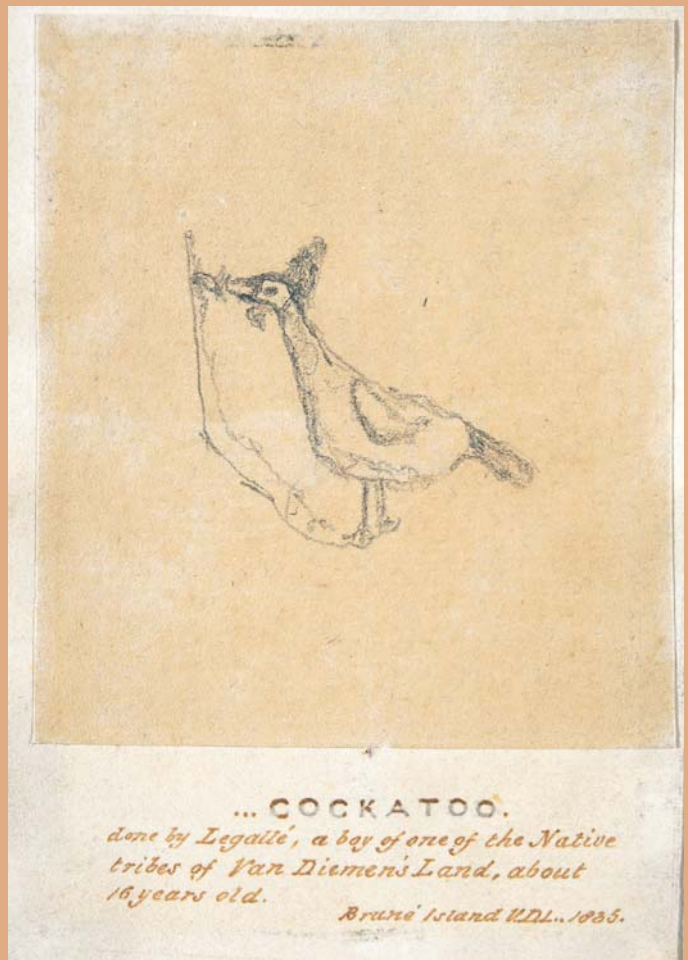
It seems significant that the group made no 'trouble' for the first couple of weeks of their journey, and that they then 'stole a gun from a Mr Horsefal of Dandenong' (Rae-Ellis, 1981: c102-109; McFarlane, 2001: 300; *Port Philip Herald* 26 November 1841). The group's first incendiary action seems to have been was to stealing a gun from Horsefal; this may well have been immediately after he apparently told them that Watson had killed Isaac. The group may then have determined to find, confront or kill Watson – himself a possible murderer. It was necessary to obtain a gun.

Interestingly, some other researchers, aware of the quote from Maulboyheener that links Isaac, Horsefal and Watson, have not made a connection between the quote above and the encounter with Horsefal early in the group's Western Port experiences. Is it the same Mr Horsefal? If not does it matter? The quote suggests a motive for finding or even killing Watson; they had some chance to talk to Mr Horsefal prior to setting out in the direction of the Cape Patterson coal mine; and Probelattener disappeared in the Western Port area in 1840 and is presumed by historians to have died while in Port Phillip (Roberts, 1986).

On 6 November, the day the whalers were shot, the group had been 'engaged in firefights' with Watson but they did not leave the area; they may even have been lying in wait for Watson when the whalers wandered past. When captured, Tunnerminnerwait 'told police they had murdered the sailors in the belief that they were Watson and his son-in-law who had shot at them when they robbed their house only a few hours previously' (Rae-Ellis, 1981: c102-109).

The scenario explored above points to the value of further detailed research into this case. The fact that Probelattener came to Port Phillip with Robinson and disappeared, possibly prompting Pyterruner and her four friends to set out looking for him, is an important story in its own right. Further his part in the story of Tunnerminnerwait and Maulboyheener is of particular additional historical significance because of the fact that he was an artist, only one of whose drawings survives.

Probelattener, who was also known as Isaac and Lacklay,<sup>3</sup> was the creator of the only surviving/known drawing created by an Aboriginal person from Tasmania in the nineteenth century, the sketch titled 'Cockatoo', which depicts a Tasmanian native hen (Sayers, 1994). The drawing was made in about 1835.



**Above:** *Native Hen*, 1835, Legallé [aka Probelattener] (born 1819). Pencil. Collection: Tasmanian Museum and Art Gallery.

Design and Art Australia Online suggests Lacklay (also spelt Legallé) was born around 1819 and died around 1840 – but no place of death or exact date of death is known (see also Sayers, 1994). In 1840 Probelattener would have been 21 years old. Ryan's (2012) description of the group who came to Port Phillip with Robinson in 1839 suggests that Isaac/Probelattener and Matilda/Pyterruner were a couple then.

While this account has been based on an assumption that Probelattener disappeared having been killed, it is possible that he went underground and joined with Aboriginal people in Gippsland or elsewhere, becoming part of a community with living descendants.

There is a portrait of Probelattener by Thomas Bock, the same artist who made the now-familiar portraits of four of the other protagonists.

<sup>3</sup> Clark & Kostanski state that Isaac is Lacklay/Probelattener in their 2006 report to Stonnington Council.

# Conflict between Aboriginal people and Men of the Sea

The whalers who were killed had been working at the whaling station at Lady's Bay on Wilson's Promontory, now known as Refuge Cove. A group of eight whalers left that station, heading for Melbourne by foot, due to a shortage of provisions. While more than one company frequented Lady's Bay, the whalers' huts built there were owned by the Imlay brothers, Peter, George and Alexander. There is a drawing of these huts which was made by Robert Russell, the surveyor of Melbourne, during a visit made by boat to Wilson's Promontory in 1843.

The Imlays used a number of boats; Lady of the Lake and Brougham worked in Lady's Bay. Whale-oil was rendered down on-shore (Horton, 1983). The Imlay brothers were prominent in the whale-hunting word, and were not averse to hiring convicts – to the annoyance of the Government (Australian Dictionary of Biography).

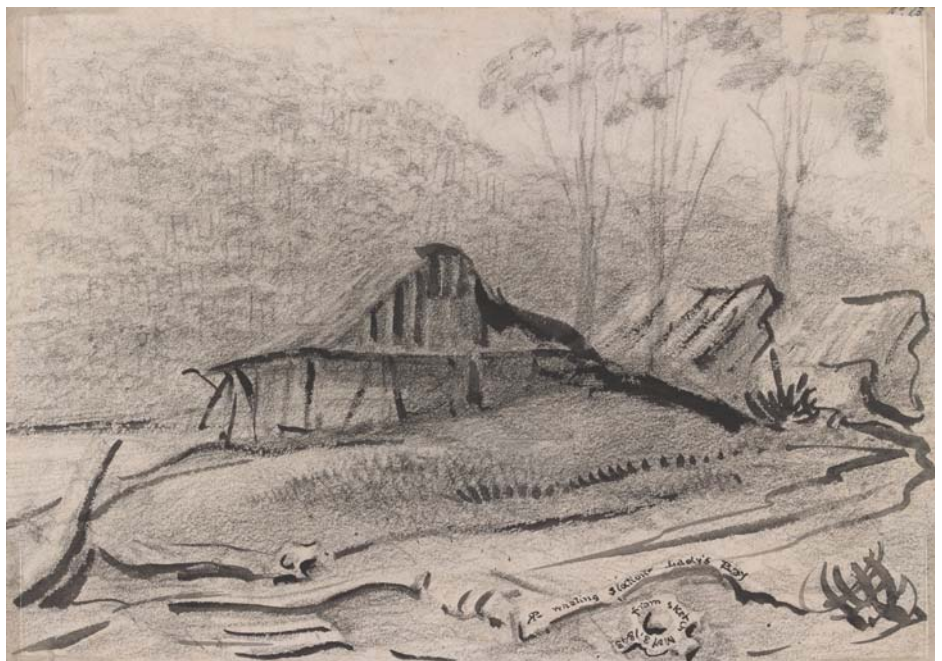
Little has been uncovered about the biographies of the two who were killed, William Cook and Yankee, nor about the other whalers they were travelling with (see Appendix 2). William Cook was described at the inquest into their deaths as a Sydney native, but Yankee was apparently only known by his nickname. There is a record of the birth of a William Cook in Sydney in 1802; but this may not be the same person. The name Yankee is a strong hint that this whale-hunter was American. In 1841 there were 'nearly 300 American and French whalers along the southern coast of Australia', doing both bay and deep-water whaling (Dakin, 1977: 58). It is unknown whether the Yankee that was murdered was a member of a particular group of 'Yankees' who came to Australia as political prisoners. Of the 92 Yankee Patriots transported to Van Diemen's Land, many returned after their sentences, and 15 fell from the historical record (Pybus, 2002).

The lives of whale-hunters are generally understood to have included hard, dangerous work and mobility between a variety of

coastal areas or open ocean, depending on the whale species sought. Some Aboriginal men became involved in whaling (Russell, 2008; Lawrence, 2006). An Aboriginal whaler, James Imlay, worked for the Imlay brothers at their station at Two Fold Bay near Eden in southern NSW. William Lanney, who was captured with his family in northwest Tasmania as a boy and taken to Flinders Island, also worked as a whaler. Beginning this work at the age of fourteen, Lanney 'appears to have found greater acceptance amongst his seafaring mates than any of his compatriots could expect from the colonists' (Ryan, 2012: 265). The pall bearers at Lanney's funeral in 1869 included mates from his whaling work, and were of many nationalities. The story of what happened to William Lanney's body after he died is an example the worst behaviour of scientists and collectors in that era (Ryan, 2012; Lawrence, 2006).

In addition to the two whalers who were murdered, the two settlers (Bates and Westaway) who were most severely wounded by the group of five reportedly took some years to recover or never recovered fully. One of their descendants, Shirley Westaway, has spoken to ABC Radio about the events.

**Below:** Whaling Station Lady's Bay, Wilsons Promontory, Robert Russell (1843). Pastel and ink on paper. State Library of Victoria.



## RETURN TO VAN DIEMEN'S LAND AND THE FIRST ABORIGINAL PETITION

Truganini, Planobeener and Pytterriner returned to Flinders Island, Van Diemen's Land, in July 1842 with five other Aboriginal people: Wooraddy, Davy Bruny, Water and Mary Ann Arthur and Jack Allen.

Tragically, Wooraddy died en route. Those that did make it back to Flinders Island were later influential in orchestrating the earliest known Aboriginal petition to the King of England (Attwood & Markus, 1999; Van Toorn, 2006; Gamboz, 2012; Reynolds, 1995). Walter Arthur was the leading signatory, Davey Bruny and Jack Allan also signed the petition.

As Henry Reynolds argues, 'The petitioners of 1846 gave voice to a political tradition which was carried forward by the community on the Bass Strait Islands... [and] re-emerged in the land rights movement of the last generation. The continuity of people, belief and rhetoric is striking' (1995: 191).

# Truganini's Involvement

Truganini is one of the most famous Tasmanian Aboriginal people ever known. Yet her involvement in a party which departed Melbourne for Western Port and ended up in court for murder during Melbourne's very earliest years is almost completely unknown. Following this eventful journey and narrow escape from the gallows, Truganini lived for another 34 years after returning to Van Diemen's Land. She died in 1876.

The way in which Truganini is mostly remembered tends to lead to closed-ended and fixed claims of the extinction of the Aboriginal people of Tasmania. This predominant way of presenting her story largely prevents a rich or sophisticated understanding of Truganini's life and its historical context and significance, and that of the present-day Tasmanian Aboriginal community. TAC has called this notion that the death of Truganini 'marked the end of the race' a 'widespread and influential fallacy' (TAC, 1997: 6).

## REPATRIATION OF ANCESTRAL REMAINS AND CULTURAL PROPERTY

Truganini was aware of the activities of scientists who had dug up the graves of recently-departed members of her community at Oyster Cove Aboriginal cemetery. They removed the remains of 11 people for research. This practice occurred in the 1830s on Flinders Island and continued until early in the twentieth century, when three skeletons and 34 skulls were dug up from the cemetery at Oyster Cove (TAC, 1997: 24). Truganini wanted to be buried at sea so that this could never happen to her. Against her express wishes, when Truganini died in 1876 scientists dug up her grave, performed research on her skeleton, and displayed it in the museum of the Royal Society of Tasmania (renamed the Tasmanian Museum). Her remains were even brought to Melbourne twice to be put on display in 1888 and 1904 (Roberts, 1986: 98).

Truganini was not laid to rest until 1976, when Aboriginal people finally won a long-fought battle for her repatriation. She was cremated and her ashes scattered in the D'Entrecasteaux Channel – the place she had chosen a century before. Aboriginal people in Victoria have also suffered the removal of ancestral remains to museums and other institutions in Australia and around the world. Efforts to have these materials returned to Aboriginal control and laid to rest are ongoing. Repatriation also relates to cultural materials which were removed in large amounts from Aboriginal people to whom they remain important.

TAC points out that much of the material held in British museums – both cultural objects and remains of recently departed ancestors – was actually collected by G. A. Robinson himself: ‘As the people died in the camps Robinson, who had been given the title of Protector of the Aborigines, cut up their bodies as presents for his friends, various military officers and representatives of the Crown’ (TAC, 1997: 7). Robinson took peoples’ talismans even where they showed reluctance, and passed on items that that Aboriginal people gave him – things given ‘as gifts, to try to please him’ (TAC, 1997: 8).

In this way, the story of Tunnerminnerwait and Maulboyheenner in Port Phillip is directly related to the painful and controversial issue of scientific research on ancestral remains without consent, and the struggle by descendants to repatriate ancestral remains and lay them to rest.

For TAC: ‘the whole point’ of repatriation ‘is so we are able at last to put to rest... the spirits of our ancestors who were disinterred from burial grounds or killed in the bush’ (TAC, 1997: 9). TAC highlights that the process by which ancestral remains and cultural materials ended up in museums around the world involved unfair and illegitimate exchanges with ‘a powerless people preyed on at their most vulnerable time’. Some items still in museums were made at Wybalenna on Flinders Island – they have a special significance ‘because of the beauty our people created in the most wretched circumstances’ (TAC, 1997: 18). Further, ‘it is precisely because there are so few cultural items that they are of such vital importance to us’. On a visit to Europe in 1997, a TAC delegation told a gathering of Museum representatives, ‘When we visit your museums this week, it will be the second time only that Aborigines from Tasmania have seen the relics of our dead, for instance, or the canoe models made by tribal people at Wybalenna’ (TAC, 1997: 17).

**‘the whole point’ of repatriation ‘is so we are able at last to put to rest... the spirits of our ancestors who were disinterred from burial grounds or killed in the bush.’**

# Links between colonisation of Port Phillip and Van Diemen’s Land

The story of Tunnerminnerwait and Maulboyheenner is integrally connected to the strong links between the colonisation of Port Phillip and Van Diemen’s Land. This history is not widely understood publicly. However, recent scholarship has drawn greater attention to the early history of colonisation of the areas now known as Melbourne and Victoria: this is shown to be significantly inter-linked with the colonisation of Van Diemen’s Land (Tasmania), not only with that of that of New South Wales, which was the ‘administrative’ centre of the British colonial project in Australia. The lives of Tunnerminnerwait and Maulboyheenner reflect this history.

## ENVIRONMENTAL HISTORIES

Quietly in the background of the eventful lives and experiences of Tunnerminnerwait and Maulboyheenner are hints to the way the environment both shaped and was shaped by the early years of Victoria and Tasmania. It is obvious that in Victoria, knowledge of and meanings of country differed greatly between Aboriginal people and colonists.

For the British, the land was at times experienced as inhospitable and deadly, rather than a plentiful, carefully tended home. Attempted official settlement in the Sorrento area in 1803 was beset by a failure to derive food from the area, in particular the failure to catch many fish or kangaroos. The settlement was impeded by ‘hunger, illness and hostile Aborigines’, as well as the commander David Collins’ difficulty in managing an ‘under-manned and rebellious British military’ to effectively secure the settlement against



the resistant local Aboriginal people (Boyce, 2010: 26-27). In early 1804 Collins evacuated the area in favour of the 'well-known refuge' of Van Diemen's Land. Van Diemen's Land was already known, from a colonising perspective, as an easier place to reside, with many locations boasting plenty of game and fresh water. As Bill Gammage's research would suggest (2011), the delightful tracts of astoundingly park-like grasslands were not a matter of luck or providence, but evidence of Aboriginal manipulation of the landscape.

Colonisation of Victoria was re-attempted in the early 1830s, beginning with seal and whale hunting operations in Portland and Western Port, and an attempted settlement at Western Port in 1826. Once the Port Phillip Association and other early squatters established their settlement on the Yarra in 1835

**Above:** MELBOURNE (Port Phillip), John Adamson (1841). Lithograph, hand col. State Library of Victoria.

and gained endorsement from Sydney in 1836, Melbourne grew rapidly. The environment had already changed dramatically by the time Tunnerminnerwait and Maulboyheenner were hanged five years later.

By the early 1840s, the 'once bountiful and healthy' Yarra camp and river was heavily polluted by sewerage and slaughter-house refuse and 'old-world' diseases such as dysentery, typhoid had appeared amongst Melbourne's inhabitants (Boyce, 2011: 160). Indeed, it was dysentery that claimed the life of Truganini's step-son Peter Brune in 1843.

The population and early buildings in the city were initially concentrated along the Yarra, with

**...the delightful tracts of astoundingly park-like grasslands were not a matter of luck or providence, but evidence of Aboriginal manipulation of the landscape.**

the site of Tunnerminnerwait's and Maulboyneenner's execution in 1841 occurring on the bushiest corner of the city grid's north eastern corner. Local Aboriginal people, slightly apart from the thousands of other Melbournian spectators, climbed nearby gum trees to watch the events (*Chronicles of Early Melbourne*, 1888).

# CONNECTIONS BETWEEN ABORIGINAL PEOPLE OF VICTORIA AND ABORIGINAL PEOPLE OF TASMANIA

There is community knowledge of connections between Aboriginal people of Victoria and Aboriginal people of Tasmania. This is both very old, preceding the separation of Tasmania from mainland continent, and newer and continuing. The stories and events connected to Tunnerminnerwait and Maulboyheenner form part of this connection.

Ian Anderson has written of the contribution of Tasmanian Aboriginal people 'to the ongoing development of Aboriginal communities in Australia in places such as Kangaroo Island, Aboriginal reserve communities (such as Coranderrk in Victoria and Cummeragunja in New South Wales) and many more' (2008: 68). Further, Aboriginal people from mainland Australia were 'imported' into Tasmania (Taylor, 2008: 113) as helpers and go-betweens providing, perhaps, another conduit for community and kin connections, although such visitors were ambivalently situated as facilitators for invading Europeans.

Aboriginal people from Tasmania came or were brought to the mainland, and Aboriginal people from the mainland were taken to Tasmania under a variety of circumstances, including abduction by sealers. As noted earlier, Aboriginal people sometimes chose to take up sealing and whaling work and travelled widely in the South Pacific, perhaps as a choice which enabled greater freedom and even friendship within in the experience of colonisation (Russell, 2008; Ryan, 2012). There are also examples of Aboriginal people emigrating to Aotearoa/New Zealand in the nineteenth century (Russell, 2008).

Two of Truganini's sisters were taken by sealers to Kangaroo Island off

the coast of South Australia (Taylor, 2008). A sizable group of Aboriginal women and children were abducted by sealers from Western Port Bay in 1824. Pyterruner had actually been involved in this abduction as she was living with sealers in Bass Strait at that time (Fels, 2011). Members of the Port Phillip Association, appar-

## **Aboriginal people from Tasmania came or were brought to the mainland, and Aboriginal people from the mainland were taken to Tasmania under a variety of circumstances...**

ently honouring their treaty, advocated for justice to be done in relation to these crimes against Aboriginal people in the Western Port area (Boyce, 2011), and some Protectors made unsuccessful attempts to return abducted women to the Port Philip District (Fels, 2011). This speaks to the contingent application of the British rule of law to prosecute crimes against Aboriginal people in the early days in Port Philip.

In Kangaroo Island, off the coast of South Australia, there was by 1826 a 'significant settlement' of about thirty men (mostly English) and forty Aboriginal women, as well as 'numerous progeny' (Taylor, 2002: 24-25). The women originated – often having been violently abducted – from Van Diemen's Land and the nearby South Australian mainland, including Cape Jervis and Encounter Bay (Taylor, 2002: 28). The Island was spiritually significant to but not inhabited by the local Ngarrindjeri Aboriginal people (Taylor, 2002: 20).

Rebe Taylor has found records of about twenty-two named women who 'appear to have been taken to Kangaroo Island from Tasmania. There were possibly many more who cannot be accounted for'. Many were from the northern coast (including from Tunnerminnerwait's community at Cape Grim) and three were from the south – including Truganini's sisters. Some returned (Taylor, 2002: 34-37). This all happened prior to Kangaroo Island being proclaimed part of a new colony – the colony of South Australia (1834). Taylor suggests that the seal hunting community was then displaced by the 'official' settlers.

The stories of Tunnerminnerwait and Maulboyheenner relate to the various connections between Aboriginal communities either side of Bass Strait. The visit of the Aboriginal people who came to Melbourne with Robinson may even have resulted in marriage and children, given the length of time spent in Port Phillip and the fact that some of those who came across with Robinson stayed in Port Phillip. Aboriginal women abducted from mainland Australia certainly became part of the Bass Strait community from whom many of today's Tasmanian Aboriginal people descend.

**...at least  
twenty-two  
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from Tasmania.**

# Conclusion:

## High Degree of Historical and Contemporary Significance

To learn about Tunnerminnerwait and Maulboyheenner is to learn a set of significant things about early Melbourne. The stories and events connected to Tunnerminnerwait and Maulboyheenner, understood through the historical context in which they occurred, are able to tell those who live or visit present-day Melbourne key aspects of Aboriginal history in the city and beyond. Their stories, along with those of Truganini, Planobeena, Pyterruner and, it seems, Probelattener, touch upon the history of crime and punishment in early Melbourne; the establishment of Melbourne in its wider context of conflict over land; important legal questions debated at the time, such as in what circumstances British law should be applied to Aboriginal people; the treatment of Aboriginal people in Tasmania; the many historical and community links between Port Phillip and Van Diemen's Land; and not least the extraordinary story of the Aboriginal people who came to Port Phillip from Tasmania.

The stories and their significance go well beyond the three years from 1839 to 1842 that most of the Aboriginal people who came to Port Philip with George Augusts Robinson spent in Melbourne. They stretch back to at least the 1820s in Van Diemen's Land, to the time of the first

encounters Aboriginal protagonists of this story had with sealers, whalers and settlers. Importantly, they stretch forward to the repatriation of Truganini's remains in 1976, and further to the ongoing struggle for cultural, political and land rights of Aboriginal people in Tasmania and Victoria today.

The 1846 petition authored and signed by Aboriginal people on Flinders Island, including those who returned to Tasmania after the eventful years in Melbourne, is a key moment in this long history of struggle, which encompasses armed resistance and political campaigning. The Aboriginal people on Flinders Island are recognised as instigating the history of Aboriginal political activity in Australia from the late 1830s onwards. Here in Victoria, Aboriginal people on Coranderrk reserve are regarded as 'probably the first to sustain a political campaign' (Attwood & Markus; 1999). There is continuity between the political expression of the authors of the 1846 petition and that of the present generation of Aboriginal people in Tasmania. The contemporary political agendas of Aboriginal people in Victoria include the need to have these important stories known, and through that, to ask what knowing these stories could set in train.

# Forms for Monuments to Complex Histories

The booklet to this point has discussed the historical significance of the stories connected to Tunnerminnerwait and Maulboyheenner. It has established that their lives are connected to key aspects of Aboriginal history in the city and beyond.

Because they are so historically significant, there is a strong case that these stories should be interpreted to the public through some form of commemoration and related community education activities. The community-based Tunnerminnerwait and Maulboyheenner Commemoration Committee has held a commemoration at the sites of their execution and burial each year on 20 January for the last eight years and has advocated for the City of Melbourne to support a permanent commemoration.

The working group which advised the research for this booklet considered the forms that a 'monument' to such a history may take and unanimously agreed on a conceptual framework for commemoration that is suitable for a history of this nature, complexity and gravity. This framework takes into account developments in the ways that publicly important histories can be commemorated. The reinvention of the monument by artists and some architects over time has offered interesting and engaging forms for monuments. If it were recommended to publicly commemorate these stories, the issues detailed below should be considered. They could be used in a brief to artists and part of a process of commissioning a work.

Further, there are a several factors which suggest a cross-platform response by Council would be appropriate. These factors are: the low level of existing public knowledge; the relevance to multiple aspects of the city's history; and the extraordinary content of the history itself. A cross-platform approach could include the following: commissioned monument/site-specific installation, online, book, theatre, exhibition, open studio, educational materials and lectures.

# The Reinvention of Monuments

There are many ways to commemorate people or events. Familiar forms for monuments include large, heavy, authoritative monoliths or figures located in one central public location. This 'language' has generally been deployed for subject matter such as official history and particular types of people: long-serving governors, explorers, founding fathers and so on. However, over time, a greater variety of people and histories have been the subject of public commemoration. The forms that monuments have taken has also changed, so that commemoration can be expressed in ways other than a figurative statue of a notable person.



This evolution in the forms and subject matter for monuments has at times sparked controversy, but has also generated greater public interest in and knowledge about cities' histories. Some observers have pointed out that nineteenth century monuments, while familiar, are non-neutral in that they project a certain view of the past and admit no questioning. While ubiquitous in the city, many monuments are barely noticeable (Morris, 2001). This may be because in some monuments, the intended meaning is straightforward and they don't ask anything of the public. The reinvention of monuments is therefore a welcome response to the great challenge of creating something that generates ongoing interest in and engagement by the public.

Artists as well as architects have always been at the forefront of finding new forms for monuments and new ways to express commemoration. New forms and ways to commemorate can challenge which histories are remembered and how we commemorate them. The relationship of new to

conventional monuments is sometimes expressed in terms of subject matter, by bringing hidden and marginalised histories into view, and/or in terms of form, by being small, multiple, dispersed and relatively open-ended in terms of the 'take home message'. They are sometimes temporary or ephemeral if that is appropriate to the subject matter. The importance of open-endedness in the meaning conveyed by a monument is that it invites debate and ongoing interpretation rather than being didactic. This promotes a sense of something living and on-going that can pose questions to and continue to stimulate passers by over time. That said, the trait of permanence in a monument can be important for conveying the sense that the history they deal with matters.

For narratives and stories that are about resistance or alternatives to grand imperial events and histories, the new language for monuments is appropriate. They offer an interesting and engaging view to members of the public and can provoke people to think differently about the places they inhabit and frequent.

Examples of non-figurative monuments in the conventional language abound throughout Victoria and include the Pioneer's monument in Flagstaff Gardens, the Monument to Angus McMillan in Bairnsdale, and the monument "In memory of the Aborigines of this district..." in Camperdown Cemetery. All of these have the same basic shape of a square, stone base and a vertical column which tapers slightly as it rises to about 3 to 5 metres in height.

# Examples of monuments to related histories

Of the approximately 525 monuments erected in Melbourne, there have been five related to Indigenous people (see Monument Australia website). Two of these have been partially or wholly de-commissioned or moved to less prominent sites. Likewise in Tasmania, the number of monuments to Indigenous people is far outweighed by the number of monuments to settlement, exploration and colonial government.

The City of Melbourne has previously supported a commemoration of the hanging of Tunnerminnerwait and Maulboyheenner as part of the 'Another view walking trail: Pathway of the rainbow serpent,' constructed in 1995.<sup>4</sup> The walking trail project, realised by artists Megan Evans, Ray Thomas and researcher Robert Mate Mate, received significant material support from the City of Melbourne in the form of coordination, funding and maintenance until it was de-commissioned some years later. This support from Council was a response to the first report of the Council on Aboriginal Reconciliation. That said, the City of Melbourne apparently struggled to balance competing views of the history represented in the walking trail, which it reportedly modified prior to construction (Morris 2001). The walking trail intended to provoke debate about the way in which the city's history was represented in existing



monuments by installing alternative representations next to those monuments. Some installations along the trail also fell into varying degrees of disrepair prior to being decommissioned. Council considered advice that the interpretation of the hanging of Tunnerminnerwait and Maulboyheenner offered by the Another View Walking Trail could have been more in-depth.

Fiona Foley's *The Lie of The Land* is one of the best examples of a new monument, or counter-monument, that Melbourne has experienced and deals with the early years of the city. Monumental-scale slabs of stone, inscribed with the words blankets, flour, knives, scissors, tomahawks, referring to the items John Batman claimed he exchanged with Wurundjeri elders under the terms of his Treaty, were installed

**Above:** *Lie of the Land*, Fiona Foley (1997), sandstone. Photo Colin Boggars. The work, monumental scale slabs of stone, is shown in its temporary location in front of the Melbourne Town Hall, Swanston St, Melbourne, where it included an element by the sound artist Chris Knowles. The work is permanently housed at Melbourne Museum.

outside the Town Hall, becoming that building's counter-monument. The monument provoked questions about the meaning, interpretation and relevance of the Treaty in the present and future life of the city. The work is now located at Melbourne Museum, a site which does not serve to accentuate the meaning, intensity and visibility of the work (Attwood).

Other Aboriginal artists who are engaged in similar practices include Brook Andrew and Jonathan Jones. Brook Andrew's *Jumping Castle War Memorial* is a full-scale jumping

<sup>4</sup> The trail places 'provocative small-scale installations or trail markers in proximity to various kinds of urban "monuments", in an attempt to deface a colonialist representation of Melbourne's history and present. 'The installation [relating to T and M] itself is comprised of a small group of metal and wood-en poles in the style of traditional Aboriginal burial poles. On the metal poles, which feature transparent perspex sections filled with dioramas and an assortment of objects, screenprinted images depict the first public hanging in the colony of Victoria, on 20 January 1842. [A noose] sits behind perspex inside one of the metal poles that make up the installation.' Its situation outside the Old Melbourne Gaol and the old Russel St police station brings issues of violence endured by aboriginal people at the hands of the justice system in both the colonial and contemporary eras into play. Brian Morris – Meanjin, p 98.



**Left:** *Library*, 1995, Bebel pl. Berlin, Micha Ullman (1995).

**Right:** *Stolpersteine*, Gunter Demnig (1997). Photo Karin Richert.

**...the monument  
is always moving  
and different,  
according  
to the sky,**

castle that mixes fun and macabre elements. It presents a garish provocation to jump up and down on the subject matter, the memory of those Aboriginal people who died in the war of resistance to colonization.

Jonathan Jones proposed to plant a corridor of wattle trees all the way along the Yarra River between the National Gallery of Victoria in central Melbourne and the site of the Coranderrk reserve, near Healesville, as an artwork to honour the Wurundjeri leader and artist, William Barak and to serve as a constant reminder of important histories. The annual flowering of the wattle is a way to remember Barak's death, which, as he predicted, would occur when the wattle bloomed. Barak and larger delegations of people from Coranderrk walked to Melbourne several times, particularly during their campaign of the 1880s.

The form of Jones' proposed monument – the way that the boundary between the monument and the real world is not clear – suggests that there is also no clear line between our lives and our past. Jones' as yet unrealised work is an example of another development in artists' thinking about forms for

monuments: that of the living, always changing botanical form.

Seven Thousand Oaks, a work by the German artist, the late Joseph Beuys, is perhaps the most famous of such botanical monuments. It began as a huge pile of basalt stones arranged in the shape of an arrow, pointing to a single oak tree planted by the artist, with the announcement that the stones could not be removed unless more trees were planted. It now consists of 7000 oak trees and a reduced mass of stone, and like many other monuments based on the idea of tree planting, both invokes the long tradition of planting trees as memorials and in its scale, and has involved significant public participation. While this is never stated by the artist, Beuys' monument is understood as being about the German historical experience of the twentieth century.

The Japanese artist Tatsuo Miyajima amplified the work of a tree-doctor to turn an accidental monument to the revival of the city of Nagasaki after the atomic bomb of 1945 into a world-wide, growing project for peace. The Revive Time Kaki Tree project involves propagating and planting trees that originated as cuttings from a lone, surviving kaki tree

from Nagasaki. Kaki trees have now been planted in at least 136 places in 20 countries in a living, expanding project involving thousands of school children.

There are many other international artists currently active in creating and thinking about new forms for monuments. This work has generated some of the most interesting and effective commemorations of difficult histories. For instance, several of the best examples deal with the histories and legacies of Nazi Germany.

Built into a plaza, this underground room of empty bookshelves is a memorial to the 1933 Nazi book burning, the 'Night of Shame', which took place at that site. The thick glass sheet through which the room is visible in part reflects the sky, so the monument is always moving and different, according to the appearance of the sky, and the room itself appears ghost-like, amidst the reflection of clouds and the image of onlookers. Unlike the classical monument, whose vertical appearance is designed to accentuate its visibility, Ullman's monument is only noticeable at a distance indirectly through the clusters of people gathered together, looking downwards, and only becomes visible directly at a more intimate viewing distance.

Stolpersteine ('stumbling blocks' or 'cobble stones') are small, cobblestone-sized brass memorials. Each one is a memorial to an individual victim of Nazism, mostly Jews but including all those who were persecuted. Stolpersteine are set into the pavement in front of the last address of choice of the victim and records the fate of those deported. It is an ongoing project with over 30,000 Stolpersteine laid in several countries in Europe so far, making the project the world's largest memorial.

Both of these examples are monuments that are deliberately horizontal rather than vertical

student volunteers, engraved with the names of the 2146 Jewish cemeteries that were in use in the country before the Second World War, and replaced, engraved side down. The work was initially conducted without any kind of permission, but retrospectively gained the approval of the provincial parliament, which renamed the square The Square Of The Invisible Monument (Platz des unsichtbaren Mahnmals). In its own deliberate invisibility Gerz finds a way with this monument to deal with a history that was about making something invisible: obliterating all Jewish people, and through the destruction of most

**...monuments  
that are  
deliberately  
horizontal  
focus attention  
on the ground  
on which we  
walk**



like a classical monument or statue, and focus attention on the ground on which we walk: what is fundamental to us, what has happened there, and how we cannot escape being involved in the implications of these events through our inhabitation of the place where they happened.

Another such monument is the challenging Jochen Gerz work, which is set into the square in front of the parliament of a provincial German town, Saarbrücken. The work is invisible, but everyone knows it is there. It consists of 2,146 cobblestones which were secretly dug up from the square by the artist and many

of those 2146 cemeteries, all traces of their long existence as Germans. The monument also works very differently from the classical form for monuments which are designed to be highly visible. The reinvention of monuments into these radically different contemporary forms addresses the insight that that because classical monuments supply the viewer with an obvious and completed message they ironically attain invisibility: we simply walk past them. Gerz's work relies on the interaction between a public space and a mental space – the place of imagination – as the means for his work, perhaps reflecting the place where these histories most powerfully live and act upon us: in our thinking.



**...we cannot  
escape being  
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implications of  
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the place where  
they happened.**

# Monuments and Rituals

A feature of public commemoration that has survived the many changes in form and subject matter for monuments is their association with other rituals. For example, the unveiling of a monument may be celebrated with the commissioning of a piece of music or the delivery of a speech or the planting of a tree. Monuments may be activated annually via a procession or march.

The Shrine of Remembrance and the Australian War Memorial are the locations for annual dawn services. A commemorative service is held annually at the site of the monument to the Myall Creek Massacre (a plaque on a large granite rock, unveiled in 2000) each June long weekend. By placing and adding stones there, people have created a cairn alongside the monument.

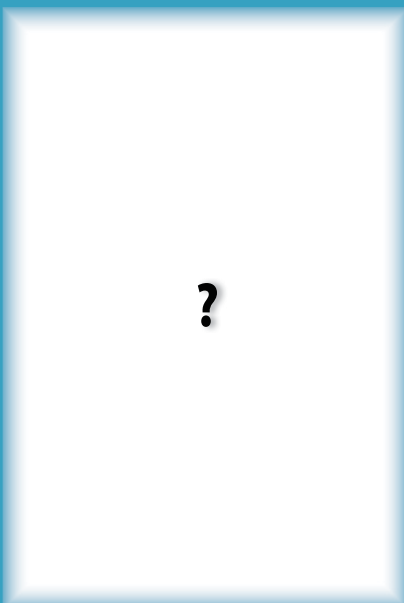
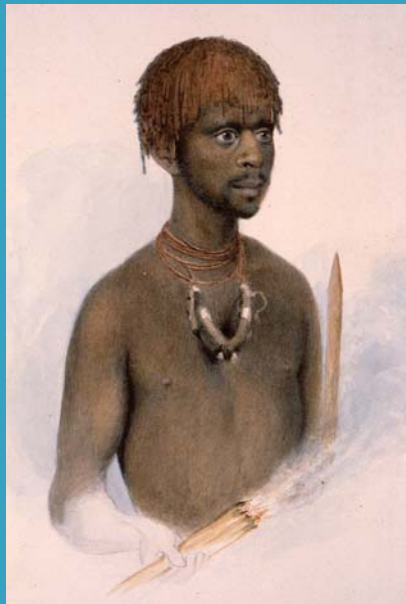
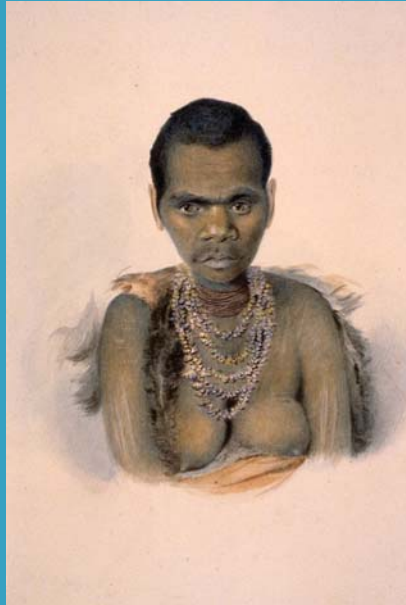
Israeli artist Yael Bartana's monument to the Holocaust and what it means for all who live in Germany today exists only as a ritual. Inspired by the Israeli national holiday and memorial day that commemorates the victims and resistance fighters of the Holocaust in which sirens blast and the entire population observes two minutes of silence, Bartana transposes the ritual to the major German city of Cologne. The meaning each individual makes while they undertake Two Minutes of Standstill is up to them, but everyone is provoked to think (or refuse to think) about the consequences of the Holocaust in the present day.

There are many other possibilities for a living, on-going ritual associated with a permanent work. These include commissioning a play, developing walking tours, annual talks or Melbourne Conversations, providing a workshop or open studio for members of the public to create their own monument to the histories concerned, and web-based forms yet to be imagined.

The adoption of more than one element for a public commemoration, including on-going opportunities for interpretation, has the advantage of addressing the problem that for histories of great complexity and significance, a single monument will not suffice.

# Conclusion

This booklet has explained both the importance of the stories connected to Tunnerminnerwait and Maulboyheenner, and has established a conceptual framework for their commemoration which could deal with these stories' complexity. It is intended as a step towards greater public knowledge of these stories and their eventual substantial commemoration.



# Appendix 1

## Aboriginal people from Van Diemen's Land brought to Port Phillip by Robinson, and those who returned

Note that various authors give different numbers, names and details. Therefore this list remains provisional.

1	Truganini	Returned
2	Wooraddy (partner of Truganini)	Died on the return journey
3	Peter Bruny/Brune (Wooraddy's son)	Died in Port Phillip District 1843
4	Davy Bruny/Brune (Wooraddy's son)	Returned
5	Tunnerminnerwait/Jack of Cape Grim	Executed
6	Planobeena/Fanny (partner of Tunnerminnerwait)	Returned
7	Walter Arthur	Returned
8	Mary Ann (partner of Walter Arthur)	Returned
9	Probelattener/Isaac/Lacklay	Disappeared 1840
10	Pyterrunner/Maytepueminner/Matilda (partner of Probelattener)	Returned
11	Maulboyheenner/Bob Timmy (Semeramis/Jenny, Maulboyheener's wife, was to go to Port Phillip but died on the eve of departure)	Executed
12	Charlotte/Kalloongoo (Kurna woman/ 'New Holland sealing woman')	Stayed in Port Phillip District
13	Johnny Franklin (Charlotte's son)	Stayed in Port Phillip District
14	Rebecca?	Died in Port Phillip District 1841
15	Thomas Thompson	?
16	Jack Allen (brought by John Batman)	Returned

# Appendix 2

## List of whalers in the party from Lady's Bay

1	William Cook	Killed in Western Port. A Sydney native (according to Watson's evidence). Could be the William Cook born to Benjamin and Ann in 1802 in NSW, baptised 1804 (Births Deaths and Marriages records).
2	The Yankee	Killed in Western Port. Not known by any name other than Yankee.
3	Samuel Evans	Absent for trial but gave a statement for the deposition.
4	Thomas Robins	Gives evidence at trial.
5	Howard	Nothing more known.
6	Ned	Nothing more known. There is always a chance it could have been Ned Tomlins, a whaler with an Aboriginal parent who worked at Portland and New Zealand.

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Telling Places in Country (TPIC) project website:  
<http://www.utas.edu.au/telling-places-in-country/home>

State Library of Victoria Ergo educational website:  
<http://ergo.slv.vic.gov.au/explore-history/rebels-outlaws/law-enforcement/melbournes-first-gaols>

Encyclopaedia of Melbourne online (Capital Punishment):  
<http://www.emelbourne.net.au/biogs/EM00290b.htm>

Monument Australia (information on the public monuments and memorials in all Australian States and Territories):  
<http://monumentaaustralia.org.au/>

The Companion to Tasmanian History:  
[http://www.utas.edu.au/library/companion\\_to\\_tasmanian\\_history/A/Art.htm](http://www.utas.edu.au/library/companion_to_tasmanian_history/A/Art.htm)

Culture Victoria: Stories-Collections-Places:  
<http://www.cv.vic.gov.au/stories/contemporary-artists-honour-barak/12451/jonathan-jones-transitions/>

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## **Tunnerminnerwait and Maulboyheenner**

### **Clare Land**

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