



Griffith Institute for
Educational Research

Working Paper Number 1

**Aboriginal Heroes:
Dundalli
a 'Turrwan' an Aboriginal leader
1842-1854**

**Dr Dale Kerwin
August 2007**

Griffith Institute for Educational Research
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Foreword

It is with pleasure that the Griffith Institute for Educational Research releases its first working paper. The paper is authored by Dr Dale Kerwin, the inaugural Post-Doctoral Fellow with the Institute. Dr Kerwin's research is centred on Aboriginal heroes in the pre-Federation period. The goal of the research is to document the stories of Indigenous heroes who made significant contributions to the history of Australia. Such stories are sadly lacking in the curriculum texts of Australian schools. Increasingly educators and policy makers are aware of the need to ensure a representation of the contributions made by the Indigenous people to the history of Australia. It is no longer appropriate to present the biased and ethnocentric view of Australian history that has been provided to young Australians. Dr Kerwin seeks to document a number of stories of Indigenous heroes from Queensland during his residency with the Institute. Further he seeks to have these stories to become part of the school curriculum so that a much richer representation of Australia's history is made available to all students. The research is timely as many of the oral histories are at risk of being lost so there is an imperative to document these significant contributions made by the original people of Australia. There will be a number of accounts to be forthcoming from Dr Kerwin's research. To facilitate these stories, or narratives, Dr Kerwin relies extensively on historical archives and the oral histories of families and community members who can retell the stories. Documenting such accounts requires considerable field work working across many communities, and trolling through many historical records in the libraries across Australia.

Dr Kerwin was a history graduate from Griffith University. His work in this area strongly aligns with educational research and has strong implications for curriculum. Many media have been interested in the work being undertaken by Dr Kerwin, seeing it as an important contribution to education policy, curriculum and reform. Dale was originally appointed by the Centre of Learning Research but with the formation of the Griffith Institute for Educational Research, he has become a researcher within the Institute. With a focus on Indigenous education, the Institute welcomes the contributions of Dr Kerwin to the scholarly work in this important area of educational research.

The Institute will commission a series of working papers each year around important and topical issues related to learning and social change. These will be available through the Institute.

Robyn Zevenbergen
Director

Painting on next page

A contemporary painting of Dundalli by Julie Dowling (2007), using the mediums of , red ochre and plastic on canvas 91x71 cm.

Acknowledgements

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Thanks is also expressed to the State Library of Queensland for their access to archival documents.

Thanks also to the families and people who have provided oral stories that have enabled a much richer account to be developed than would be possible through historical records.

Dundalli
a 'Turrwan' an Aboriginal leader
1842-1854



Dr Dale Kerwin
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Contents

| | |
|--|-----------|
| Introduction: British soil British law | 1 |
| The trail of Dundalli | 2 |
| Ritual feasting and meeting places | 5 |
| Mutual incomprehension | 8 |
| Dundalli | 11 |
| Conclusion | 15 |
| Bibliography | 17 |
| Appendix | |
| 1. <i>Queensland Gazette</i> 1854, The reported hanging of Dundalli | 20 |
| 2. <i>Queensland Gazette</i> 1854, The reported murders of Mr. Gregor and Mrs. Shannon | 22 |
| 3. Moreton Bay Courier Saturday October 21, 1846 . Horrible murders by the Blacks- of Andrew Gregor and Mary Shannon | 23 |
| 4. Moreton Bay Courier Saturday, November 14, 1846. The Duke of York come in to offer assistance and led to the place the murders were hiding. | 24 |
| 5. The Moreton Bay Courier Saturday June 10, 1854. Dundalli the murderer. | 25 |
| 6. The Moreton Bay Courier Saturday, November 25, 1854. Dundalli an Aboriginal native indicted for murder. | 26 |



Photo by Dale Kerwin 2007. Dundalli House at Windsor was opened by the Minister for Family Services and Welfare Housing the Hon. Peter McKechnie and the Brisbane Elders 22/11/1988.

Introduction: British soil British law

Queensland is the third oldest settlement in Australia and the last to be pronounced a separate colony with the separation from New South Wales on June 6, 1859. Brisbane is the third oldest established cities after Sydney 1788 and Hobart 1804. The first Governor, Sir George Ferguson Bowen, arrived in the newly formed colony of Queensland in December 1859 to formalise the states own representative Government. Mr Robert George Wyndham Herbert became the first elected Premier of Queensland in 1860. Queensland and more particular Brisbane Town was a Penal Settlement and military base from its establishment in 1824 and continued until late 1839. A 50-mile (30 kilometres) perimeter was established around the military base and penal colony with basically martial law imposed and no movement of any unauthorised people into the penal settlement. Evidence of this today remains with several names of streets such as Boundary Road is a testament to the 30 kilometre boundary (McPherson 1989:6-9).

The official end to Queensland as a penal settlement and the transportation of convicts to Moreton Bay was announced in May 22, 1840 with the proclamation excluding it from places where convicts can be transported. Governor Gipps' proclamation of February 10, 1842 announced that 'all persons what-soever may henceforth resort to Moreton Bay, as freely as to any other part of the Territory of New South Wales' (McPherson 1989:6).

Only the worst of convicts were sent to Brisbane Town, most were second time offenders. Those who were sentenced in Britain and condemned to transportation to New South Wales where they re-offended were sentenced to confinement in Moreton Bay. The law that applied to Moreton Bay was one of prison law and the superintendent or an overseer had custody of the convicts. The military commandant possessed jurisdictional powers, which were extensive. The military commandant also acted as the Justice of the Peace, however, the military commandant did not wield unlimited arbitrary power over those who were trusted in his care. Judicial authority in the penal settlement was entrusted to the Chief Justice of New South Wales, Sir Francis Forbes who visited Brisbane in 1824 and returned to Sydney Town in 1825 (McPherson 1989:6-9).

It would be another 25 years before another Chief Justice or Supreme Court Judge returned to Brisbane Town with the first circuit court from Sydney in May 1850. These circuit courts would visit Brisbane Town twice a year and in 1852 a barrister was appointed as the judge of the Circuit Court at Moreton Bay, this was known as 'the Circuit Judge for the Circuit District of Brisbane' (McPherson 1989:9). This was meant to improve the administration of justice in Brisbane Town and to relieve growing demands on the three Supreme Court Judges in the colony of New South Wales. Until 1850, judicial authority for the death penalty or capital offences rested solely with the Supreme Court, which sat in Sydney. All those who were tried were transported to Sydney by sea and the witnesses were also transported by ship to the courts (McPherson 1989:9).

Between the years 1839 and 1859, 'eleven death sentences were passed, of which nine were for murder, one for carnally knowing a child under 10, and one for bestiality'. Over this period six Aboriginal people had been hung and four convicts, none of these hangings generated as much public interest as Dundalli's. He was hung by the neck until dead (McPherson 1989:9).

The principal concern for this article is- the historical context that brought the first Australians into collusion of 'moral judgements' with the new Australians the British, and the episodes of consequences that were played out. In contextualising Dundalli and tracing the various motivations through written accounts of the period 1840 to 1855, when Dundalli was hung at the gallows, will provide a point for reconstruction of a period that has long since passed out of our imagination. The historiography of print based authors who detailed Dundalli's demise such as R. Therry Judge of the Supreme Court of New South Wales (1863), missionaries Nique and Hartenstein (1841), J.J. Knight (1895), W.W. Craig (1925), Thomas Welsby (1967), and many other authors. Who, lead a trail to contemporary authors such as; David Lowe (1994), Libby Connors (2005) and Stephen Sheaffe (2005), so to laying bare Aboriginal accommodation to the invasion by aliens. In this context, the research of print based information combined with Aboriginal oral history and the collection of various spatial memories, Dundalli can be imagined. Thus, providing a narrative of the post contact chronological historiography of Dundalli; an Aboriginal leader of his time 1840 to 1854.

The Trail of Dundalli

In addition to clearing the land of native population- in furtherance of which the stockman's gun has done heavy work- the courts of justice have added many victims to the scaffold in cases of well-established proof of guilt. Indeed, they may suffer loss of life for offences for which the white man only suffers transportation or hard labour on the roads. The natives, condemned by our tribunals, seldom endure the restraint incidental to sentences of close confinement....in a few months they pine away and die. (Therry 1863:286-287)

R. Therry on Tuesday, November 21, 1854, on his Circuit visit to Moreton Bay in Brisbane tried the case of Dundalli for murder. Dundalli was charged on the 2nd June 1854 and committed to trial for the 'robbery with violence at the Rev. J.G Haussmann's station in 1845; for the murder of Mr. Gregor and Mrs Shannon in 1846; for the murder of Bollar and Waller in 1847; for the murder of Charles Gray near Bribie Island; and for the murder of Mr. McGrath's shepherd' (Knight 1895:336). In which he was found guilty of two counts of murder and one of robbery with violence.

Therry, described Dundalli as 'the largest man' he 'ever looked upon', 'he was a giant and so formidable was he ferocious strength' he 'was a man of most savage ferocity', 'his crime of the deepest dye' (Therry 1863:287). Therry required that the sheriff 'to bring him from his cell in the goal, with his hands tied with ropes', (behind his back) and 'placed in the docks' and trial proceeded with Dundalli 'in this manacled condition' (pg.287-288). Dundalli's counsel Mr Faucett, objected to the heavy iron restraints and requested that they be lessened 'as Aborigines are bound to submit to the same laws as British subjects, they were also entitled to the same privileges and he should, therefore, make application that his fetters be at once struck off' (Moreton Bay Free Press Tues, November 28th, 1854:2).

However, the sheriff Mr Purefoy argued that they should remain because with the assistance of six constables he feared they would not be able to 'guard against the apprehended outbreak, and the dreaded exercise of his gigantic strength' (Therry 1863:288). William (James) Davis, who was an escaped convict and lived with the

'Kinkin' Aboriginal people (Gubbi Gubbi/Kabi Kabi and Waka Wakka people) for 14 years was sworn in as an interpreter even though Dundalli could speak English (Moreton Bay Free Press Tues, November 28th 1854 pg:2, Cilento and Lack n.d:20-21).

During the trial Dundalli recognised a settler. 'He beckoned' the settler to come and speak to him and asked the settler to 'lend me one sixpence, and I'll give it to that fellow up there (pointing to me [Therry] upon the bench), and he'll let me off' (Therry 1863:288). During a further stage of the trial Dundalli requested that Therry let him off and he 'would row me [Therry] down to Sydney in a boat for nothing' (Therry 1863:288). On hearing the evidence and receiving the guilty verdict from the jury, Therry sentenced Dundalli to be hanged for the murders of 'Mr. William Boller', 'Mr. Andrew Gregor', and as an accessory to 'Mrs Shannon' murder (Moreton Bay Free Press Tues, November 28th 1854 pg: 2). Dundalli's counsel Mr. Faucett stated that, 'the application of the criminal to the state of the Aboriginal blacks was a mockery of justice' (Moreton Bay Free Press Tues, November 28th 1854 pg: 2).

What was the mutual miscomprehension being played out in this court scene, Dundalli was a master of ceremony he over saw proceedings at the major ritual gatherings around the greater Brisbane region. In reading the interplay in the court was Dundalli trying to enter into negotiations with Therry, the Judge who was over seeing the proceedings of the court case by offering a bribe of six pence- a gift and therefore performing a ' ritual of diplomacy' for reciprocity (Mulvaney 1989:3-4). Was the offer by Dundalli to row Therry to Sydney an offer of conciliating 'if accepted the favours...the quarrel will not be pursued any further' as deemed in Aboriginal traditional law (Mulvaney 1989:2). Kenneth Maddock (1984) considered that in Aboriginal law the throwing of spears at the wrong doer ended the matter and satisfied the traditional legal process (Maddock 1984:226).

For over 10 years Dundalli attacked settlers, conducted robbery causing serious bodily harm and killed their stock. Aboriginal people see him as a resistance leader, but the new Australians saw him as a criminal and murderer. However, Dundalli was only fulfilling his role as a leader within a warrior society 'warfare is that of reciprocity: if a harm has been done to an individual or a group...they must repay...by an injury that at least equals the one they have suffered' (Mulvaney 1989:3). Mulvaney sums up the settler violence and Aboriginal retaliations as a 'suffocation of conscience' that lead to 'history of indifference' (Mulvaney 1989:7)

On the 5 January 1855 Dundalli was executed in the most brutal fashion Tom Petrie explains that,

The cap was pulled over his head then, the bolt was drawn, but owing to Green, the executioner, misjudging the length of rope according to the drop, the unfortunate man's feet came down upon the coffin beneath. Then as he bounded up in the air the coffin was taken away, and the executioner, catching him by the legs, bent and tied them upwards, and so hung him till he died. (Petrie 1981:175)

The hanging took place where the present day Post Office stands in Brisbane and spectators were arranged around Windmill Hill. A large crowd of people both Australians and new Australians attended the hanging. As Dundalli climbed up the ladder to the platform of the gallows he was calling out to his fellow Australians to continue the fight and to revenge his death. He shouted this out in his own language and kept repeating his call until he was hung (The Moreton Bay Courier 1855, Petrie 1981:175, Knight 1895:337).

The Moreton bay Courier (6/01/1855), reported on the hanging of Dundalli

The preparation having been completed, at a signal from Mr. Pront the Under Sheriff, the bolt was drawn and the murderer fell; but in consequence of some wretched bungling on the part of Mr. Green, the hangman, the feet of Dundalli fell firmly on top of his coffin, beneath the gallows. A turnkey quickly drew away the coffin, but still the feet of the hanging man touched the ground, and the spectators were shocked by the sight of Green lifting up the legs of the malefactor, and tying them backwards towards his pinioned arms, by ropes that passed through the pinioning. Death seemed to be almost instantaneous after the fall; richly as the blood-stained convict deserved the death he suffered, it was a most sickening sight to behold... (*The Moreton bay Courier* Saturday, January 6, 1855)

What were the events that led up to this execution of Dundalli and the demise of a Dalla-Djindubari man after being caught by Wumbungar, a Turrbal man in the employment of the police as a black tracker? I work backwards from the capture of Dundalli to the events leading up to his court hearing and hanging so to make sense of the mutual incomprehensible clash of cultures.

A brick maker named Massie engaged this man (Dundalli), and the 'darkie' was cutting down a tree for him when surprised. The scene was somewhere in the present Wickham Street, the Fortitude Valley, between the site of the Byrnes statue and Brunswick Street corner. The police had hidden nearby, and 'a blackfellow Wumbungar of the Brisbane tribe' was sent on to catch Dundalli. The pair had a struggle, and then the police who were hiding in the bush appeared on the scene, and after a great deal of trouble secured him (Petrie 1981:175).

Tomas Welsby (1967) provides a further narration to the capture of Dundalli. The soldiers played a waiting game with Dundalli hoping to draw him out in the open, this ploy worked. At a place now known as 'Bongaree, he called his crowd around him' and told the crowd he was 'going to Meginchin (Meanjin/Brisbane)'. He was counselled by the Elders not to go but declined their advice. Upon arriving at Meginchin he was engaged by the bricklayer Massie and contracted to cut trees located on the corner of 'Ann and Wickham Street where the old Union Hotel once stood'. Dundalli sitting on a log having a break was captured (Tomas Welsby 1967:383). So ended Dundalli's reign as a leader of the Aboriginal revolt against an alien invasion! Dundalli misreading the depth of British justice and the mutual misunderstanding of either law where by in Aboriginal law the attacks constituted full restitution and conciliation. Dundalli's attacks on the new Australians with the killing of settlers, spearing stock and confiscating material property satisfied the concept of payback and reciprocity.

It should be remembered that before the invasion of 1824, this was Aboriginal territory and Aboriginal law was the rule of the land. This may be seen in Dundalli's autonomous actions to confidently move into and about British soil without fellow warriors and against the advice of Elders, because Brisbane Town was simple that British soil. British law was the law of the land now. Dundalli was caught and put in irons and tried for murder and robbery. The Turrbal people in the pervious year came to an accommodation with the British by becoming native police (black trackers) a power play was occurring in the first Australian society for political dominance. J.J. Knight's (1895) narrative of Queensland pioneer history details the struggle for dominance between Dundalli and the Meganchin people (Turrbal nation) where Dundalli would raid York's Hollow and kill his adversaries.

Knight (1895) called it a 'deadly feud'. He concludes that whenever a Brisbane black would be captured by other Aboriginal people 'he would be killed' it was in retribution for assisting the British 'to capture the heads' of the Aboriginal rebellion (see appendix 4, pg. 41). This war was being waged all over the greater Brisbane area between the people of the Turrbal nation against the 'Ming-Mingy' (Ningy Ningy) and Bribie Island people (Joondobarrie people) (Knight 1895:311-312).

The Sun Sydney (01/10/1974), comments 'that no inducements, no threats, no active terrorism, could induce the Brisbane natives, the Meganchin, to forget their feud with the Ning-Ningy'. Any captured Meganchin warrior died on the spot and Dundalli himself led many ruthless raids on the Brisbane blacks' (*The Sun Sydney* 01/10/1974:14). The British settlers because of this war for domination by the first Australians were calling for protection from the deadly conflict that was raging around them (Knight 1895:311-312).

There was no conversation between the first Australians and the new Australians in regards to disputes or offences against either law, only 'narratives plotted in terms of British expectations of both themselves and the natives' (Clendinnen 2005:111). There was also little understanding of Aboriginal politics, traditional law and social order that had been maintained since the Dreaming begun, the web that held it together had now come apart with the Turrbal coming to an accommodation with the new Australians. The Turrbal had to accommodate these aliens because their nation felt the full impact of the invasion so as to survive.

Ritual Feasting and Meeting Places

In the 1840's, the Aboriginal landscape of Queensland and in more particular south eastern Queensland was criss-crossed with pathways that linked ritual exchange centres where stories, songs and theatrical performances were exchanged. Further to the exchange of drama- political alliance would be consummated and judicial affairs concluded. These gatherings would also be used to initiate young Aboriginal males and women into their roles within the society in which they lived, the laws and rules of behaviour would also be instructed upon. The gathering of Aboriginal nations at these centres would normally be held in conjunction to seasonal appearance and abundance of flora and fauna species and harvesting of the food would be used to sustain the gathering until the completion of the meeting. Derek Mulvaney (1989) a pre-historian description of the scale of the gift exchange networks and the social obligations of those that attend is worth to quote here. 'Despite a fear or distrust of the unknown ...networks of ceremonial gift exchange stretched across the continent...Participation in these cycles imposed long term reciprocal obligations (Mulvaney 1989:2).

It is at one of these ritual meetings that Dundalli would be initiated into the leadership role of a Turrwan. I spend some time below to provide a narrative to the importance of these places and how Dundalli was able to move around the landscape of south eastern Queensland to seek restitution for the many outrages the new Australians the British perpetrated on Aboriginal people. In British law ignorance is not a defence in criminal proceedings so too, in Aboriginal law it is not accept as a defence, the new Australians were ignorant to traditional Aboriginal law.

The bunya (bonyi bonyi) fest is one such mutual feasting place where the ritual exchange of cultural material and intellectual property occurred where Aboriginal nations

gathered. The bunya nuts grow in the Black Butt Mountain Range the highest peak being Mt. Mowbollar (Mobolon) west of Kingaroy in Queensland. These trips became tri-annual events based on the growing cycle of the nut that matured and fruited every three years. There would be also reciprocal visits, with bunya seed being traded for goods such as baskets and fishhooks and intellectual property of story, song and dance. Political affairs and alliances would be consummated and law matters discussed and finalised.

Tom Petrie's father travelled with a group of Aboriginal people from Brisbane to the Bunya Mountains in the early 1840s:

They travelled from Brisbane, a party of about 100, and camped the first night at what is now Enoggera. The third night they camped at Caboolture (a place of the carpet snake) and the next day started for the Glass-house Mountains. On the fourth day of this at about 4pm the party arrived at Mooloolah....The party apparently arrived at the beginnings of the Blackall Ranges on the fifth day. Another days travelling took them to where the tribes were all assembling from every part of the country. Some hailing from the Burnett, Wide Bay, Bundaberg, Mt. Perry, Gympie, Bribie, Fraser Island, Kilcoy, Mt. Brisbane. (Petrie, 1981:11-17)

Further to the Bunya fest other sites for 'mutual feasting' would occur in various locations along the Brisbane River. Shane Coghill, a Koenpal man from Stradbroke Island and an anthropologist, spoke about the trading and economics of his people on a trip to his country in 1999.

We were a sedentary mob, we had a varied diet. Not only did we have the vegetation on the island, but the rainbow lorikeet, when gathering on the Brisbane River would mean the mullet have come. We would travel across the bay and meet with the mob over on the mainland and catch the mullet and partake in festivals. In our calendar we have the movement of crabs, shellfish, tailor, and bunya nut to add to our diets. (Shane Coghill pers. comm., 1999)

Not only were 'mutual feasting' places used to settle political disputes and alliances but 'ritualised fighting' areas such as bora rings. Bora grounds are an Aboriginal institution that was used for many purposes and for many functions they were generally located close to resources such as water and food. They are represented by a large ring and a small ring with tracks connecting them. Most are circular with the centre of each ring scooped out and cleared of vegetable matter. In southeast Queensland there were 120 known bora rings. Bora, or kuppa rings are important and significant areas to Aboriginal people as these sites are used for council and political deliberations, courts, judicial hearings, and for trade; they are important Aboriginal institutional and ceremonial areas and were used up until the late nineteenth century (Colliver 1970:3). They could be an arrangement of stone, a circle of earth rings (mud rings) and be as large as 60 metres in length; they could have several little kuppa rings connected to the largest ring. They would also have trees incised with lines and geometric shapes and have clay or wooden sculptured figures standing near them (Colliver 1970, Steele 1983, Kerkhove 1985).

Steele (1983) has plotted these sites in the Brisbane landscape and found they had several things in common, such as well-defined paths connecting them across distances. One of these sites was located at Musgrave Park, in West End, Brisbane, but it has since been destroyed (Steele 1983). In 1824, when John Oxley was surveyor-general, he drew one such 'Aboriginal Ceremonial Ground' (Colliver 1970:3). F.S. Colliver (1970) also undertook a survey of these grounds, and noted that 'these earth works have been likened to our modern university' (Colliver 1970:3).

Clem Lack (1966) describes the 'Burung' ceremony which was practiced by numerous tribes from the Murray to the Barwon in describing the meeting of Aboriginal people at a bora ring in New South Wales observed that 'a messenger, or messengers, went to neighbouring tribes. A message stick, 'dharal', on which symbols were carved' would be relayed to other people of the area as an invitation to attend (1966:120). They were meeting places and ceremonial centres, and messengers with invitations would be sent out along tracks that linked people across the landscape. The major purposes of these ritual meeting places were significant in the very fact that they contributed to maintaining the social connection and order of people across the landscapes of Aboriginal Australia.

At Bestman Road, Toorbul Point in Queensland, there is a well preserved bora ground (see Illustration). The missionaries, Nique and Hartenstein, recorded that in 1841 over 2,000 Aboriginal people attended a ceremony there, and among them were people from the 'Noosa area and Bonya natives' (in Steele 1983:170-171).

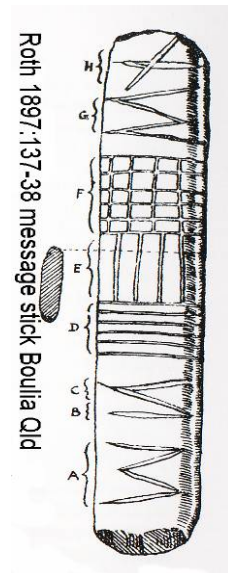
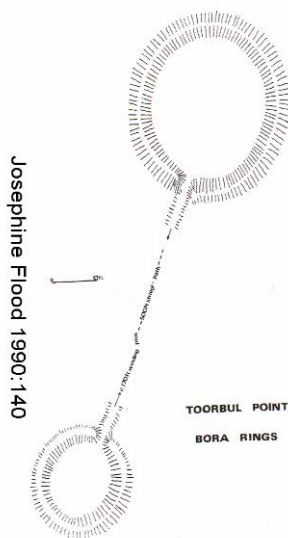


Illustration . A message stick from Boulia Qld in Roth 1897:137-38.

Steele's research on Aboriginal pathways highlights several Aboriginal roads that connect bora rings/grounds across the Brisbane greater area.

Illustration . An example of a Bora ground/rings in Flood 1990:140.



A bora ring has survived near Sandy Creek at Camira, south of Goodna....The ring is about one kilometre east of the Old Logan Road....That road may well have followed an earlier track made by Aboriginals. ...The Old Northern Road from Brisbane via Cash's Crossing and Young's Crossing passed two kilometres west of Petrie. This road, marked out by Tom Petrie, probably followed an Aboriginal road (Steele: 1983:137 & 129).

At a place close to Mooloolaba and the connecting road to the Bruce Highway, was another path that is now overlaid by old Gympie Road. Steele suggests that this is where there was a bora ring, and was also an important meeting place from where travellers would head off through Bald Knob to the bunya festival (Steele 1983:175). At Cooloola a path travels south from Double Island Point for 41 kilometres along the beach, where it then branches off at a waterhole known as Nemberthan. Here a path heads to

Lake Cootharaba, and to a place called Wa-Wa where a bora ground is located. Travellers around this area used the beach to move around the Noosa Lakes to the Wide Bay area (Steele 1983:182-84). A path also leads over the mountains and across the range to a bora ring on the Conondale Range near Mt Langley, 10 kilometres from the Kilcoy-Jimna road. The Bellthorpe road overlays an Aboriginal path that takes travellers from Kilcoy to the Maryborough area; the path follows Sandy Creek and

descends to the Mary River five kilometres from Conondale. This is a major route to Kenilworth from Kilcoy .

The best-preserved bora ground close to Brisbane is located at Samford. Tom Petrie described this as having a well-defined path over a thousand metres long. Also along the path could be found images made from clay and grass, and designs incised in trees. Steele suggests that people from Ipswich, Cressbrook, Mount Brisbane, and Brisbane used this bora ground (Steele 1983:248-49). Further, at Gatton, west from Brisbane, Steele inspected a gallery of rock engravings south of the town near a place called Black Duck Creek. He pointed out that there is 'an Aboriginal route over the Dividing Range to the Downs' (Steele 1983:154). Another major path led from the South Burnett to Mt Mowbullán – Dalby – to the Bunya Mountains. A significant Aboriginal camping site and bora ground is located along this track. Another major path which is near Wengen Creek led to Wengenville, is a major camping and ceremonial site ('wengen' meaning old woman ghost) (Steele 1983:273-274).

The purpose of providing the above information is to provide evidence to contextualise Aboriginal meeting places and the ability of Aboriginal people for movement around the southeast corner of Queensland. Dundalli learnt these paths and participated in meetings at these ritual gathering places. He undertook initiations and was instructed in the various attributes of the first Australian law. Knowing these ritual places he had the ability to unite the distant nations of Aboriginal people and instruct people in enforcing traditional law. The European records of movement of the first Australians around the landscape indicate that the ritual and cultural life was not disrupted until the late 1860's.

Mutual Incomprehension

History tells of no people or tribe, however small or weak, submitting tamely to the insolent intrusion of strangers, nor is the Savage of Australia, however despicable some may deem him, so utterly devoid of courage as to yield without a struggle that country which he claims as his own...and to which he is undoubtedly attached. (Wiseman 1855 in Lowe 1994:27)

The following is what Inga Clendinnen (2005) terms as a 'conflicting version to construct a narrative' to reveal the true richness and complexities of cross-cultural relations during Queensland's colonial era. To highlight, the cultural complexities for the play of humanity in coping with a new order where the spiritual and cultural were maintained within a complex indifferent white intrusion. The discussions contextualise the experiences of Dundalli and his social order within a warrior society for the purpose of creating an identity and personality for Dundalli.

As the year of 1841 was playing out the wheels of the first Australian's justice was beginning to assert its authority over its domain. In September 1841 with minor legal punishment for encroachment on traditional homeland estates by the new Australians, the Yuggera and Gubbi Gubbi nations began to spear sheep on the newly established pastoral lands. It was reported that 'over 3500 warriors participated in the raids of the stock' (Connors 2005:113). Denis Cryle (1992) suggests that the Ningy-Ningy people and the mobs that lived in the mountains surrounding Brisbane Town were very aggressive and any gathering of large mobs was a source of alarm. Cryle mentions that 'mobs', some of whom came from the Blackall Ranges to the north, would descend on Brisbane for ceremonial and

bartering purposes (Cryle 1992:73). The new Australians saw this as intimidation and set in train a series of events that can be seen as 'settler vigilante justice' and one of these was the poisoning of flour (Clendinnen 2005:258). In 1842, the northern districts were opened up for free settlers and around Kilcoy on January 1842 a large number of Aboriginal people were poisoned by shepherds on the newly formed sheep station of Sir Evan MacKenzie. As a reprisal for the killing of an out rider and the spearing of a prized bull the old man Mackenzie added arsenic to the flour and this flour was left out for Aboriginal people to eat (Elder 1988:111).

It was reported that 'nine of ten tribes suffered', and estimated that at least sixty people died (Coote 1882:46). Not one person was brought to trial for this massacre; the new Australian justice was not concerned with the atrocities being perpetrated on the original Australians. However, some time after the poisoning of Aboriginal people by strychnine a Select Committee was appointed and evidence to the fact that this was a common practice by shepherds and others 'when Aborigines made too frequent visits' to stations (Knight 1895:102). The Committee was a farce because it determined that all Aboriginal people were cannibals and that Aboriginal people stealing sheep that were affected by a scabby caused the deaths of Aboriginal people. The only treatment for sheep afflicted with scabby in 1840-1860's was strychnine/arsenic that would be pasted on the skin of the sheep. It was deemed that poisoning occurred because Aboriginal people ate the stolen sheep and hence become poisoned (Knight 1895:103-104).

William Coote (1882) in his narration of the colonial history of Queensland comments on the practice of poisoning of Aboriginal people;

I allude to the poisoning of a considerable number of blacks by the admixture of arsenic with food given them for the purpose-a crime so atrocious in every aspect as to appear almost incredible. I am afraid that, to disgrace of humanity, the accusation was in this, as in not a few cases, too true. (Coote 1882:45)

Derek Mulvaney (1989), commenting on the 'ethnocentric contempt' and totally lacking of understanding of 'the social bases for Aboriginal law, resulting in many encounters proving fatal', this mainly occurred when Europeans occupied lands and displaced Aboriginal people without any thought to the consequences of these actions on the first Australian. If Aboriginal people 'were armed and noisy' an attack was feared imminent and 'the gun would be used to silence the noise' (Mulvaney (1989:7).

In May 1842, several Aboriginal nations met at Tiaro the ex convict James (Jack) Davis who lived with Aboriginal people in the Burnett region reported that people came from far and wide to discuss 'legal restitution' and vow vengeance on the perpetrators (Connors 2005:109). At this ritual inquest it was determined that Aboriginal law demanded justice and satisfaction. Aboriginal law is based on a warrior culture that is based on a system of law where various punishments are dealt out according to the degrees of the offence. This required 'graduated degree of violence' according to 'the ranked social aggression' (Clendinnen 2005:255).

Aboriginal law required that justice had to be restored. An interpretation and reading of the meeting where Aboriginal nations came together from locations as far as '400 kilometres across the South eastern corner of Queensland' to the Bunya mountains for the Bunya fest, indicates the seriousness of the incident and the magnitude of problems the invasion was causing (Connors 2005:109). The wrong had to be righted by pay back. Dundalli was chosen as the Turrwan (Yuggara word for great man/leader) to conduct restorative justice. At this point in the colonising history of Queensland there was 'significant territorial division among' the first Australians 'marked by ritualised fighting,

mutual feasting and ritual obligations', and ritual exchange of cultural material and intellectual property (Clendinnen 2005:290).

Thomas Welsby (1967) narrative and description of the Ningy Ningy people attending the Bunya Fest in 1842, where hundreds of Aboriginal people would travel from Bundaberg to Bribie Island would gather to 'feast and gorge themselves' on the bunya nut. At these ritual feasts an 'undeclared, but accepted armistice' was enforced where 'no fighting took place'. Welsby further comments that after these meetings the Aboriginal warriors led by the 'Turrwan' would become 'bombastic and war inclined' and the warriors would perform a corroboree and the men and youths would do battle with much 'bad blood, and often killings would take place' after the tribes 'dispersed to their particular land holdings'. Welsby further states that after the ritual meeting of Aboriginal nations at the bunya fest in 1846 ended and people were heading homeward along their tracks. That Andrew Gregor and Mary Shannon, the hired servant of Gregor were murdered at North Pine, on Gympie road (Welsby 1967:381-382).

Welsby's narrative misreads the performance and significance of the meetings at the bunya fest. Not only was the meetings for sharing of resources but for legal council where deputed would be legally tried by councils of Elders and a warrant for the execution of justice would be issued. The ritual instruction and reading of Aboriginal legal statutes would be performed by the Turrwan and other senior Aboriginal men all would be painted according to their stature and office in their communities. Through corroboree the Turrwan led the instructions for the initiation of the Kippa (youths) into the intimacies of Aboriginal law and the warrior code of honour. John Lang's (1847) also describes Aboriginal government as,

Their form of government is rather democratical than patriarchal or kingly. Their internal polity, however, is far from being arbitrary, being very much regulated by certain traditional laws and institutions, of which the obligation is imperative upon all, and the breach of which is uniformly punished with death. (Lang 1847:393-394)

John Dunmore Lang (1847) narrative of Cooksland and Aboriginal political and tribal law saw it as similar to that 'of the chiefs of ancient Germans' where 'heroism and success in battle constituted the only title to chieftainship' which being recognised by the Aboriginals. The 'influence and authority' of the chief are 'acknowledged only in time of war' (Lang 1847:393). War it was in 1843 with the days of trust being over as the reputation of the whites preceded them. As we have seen with the indiscriminate shooting and poisoning of Aboriginal people by vigilante settlers and the retaliation by Dundalli to these atrocities, British law did not protect Aboriginal people from vigilantly law. Libby Connors (2005) makes the point that the murders of the first Australians at Kilcoy by poisoning 'were relatives of the Djindaubari, Gubbi Gubbi and Ningy Ningy people, and the attacks made on Durundar, Eales were talion to these murders' (Connors 2004:115).

The bunya fest in 1846 is significant because it marked the beginning of an Aboriginal offensive at 'the unprovoked outrages committed by unprincipled individuals', Dundalli after uniting dissenting voices from other Aboriginal nations begun an offensive mounting a well-executed attack on the Gregors homestead (Clendinnen 2005:95-96). Cilento and Lack's (1959), narrative of the black wars details the meeting of tribes from the south Queensland area travelling to the bunya festivals in 1841 and 1844 to discuss native affairs at the 'triennial Parliamont'. The old men 'the Senate of assembled tribes' broadcasted the orders 'to ambush and slaughter every white man and their flocks and

herds until the land was freed from them' (Cilento and Lack 1959:184). Over 250 new Australians were killed in a nineteen year period however, there are no estimates for the loss of Aboriginal lives for this period (Cilento and Lack 1959:185). Henry Reynolds (1981) estimates that in north Queensland that over 10,000 Aboriginal lives were lost. 'Peaceful blacks were shot down in their hundreds...The general opinion was that the entire race should be exterminated' (*Daily Mirror* September 27, 1978:54).

Dundalli

Tomlawary's chief of the Hunter River Aborigines
song of an Aboriginal hero.

Ngaan nubang dhuraa?
Barrabooriong gil-waa!
A warrior lies in yonder dell,
His eye-lids closed for ever!
Heroes! I slew him, and he fell
Near Warragumby river.
Who is he ere we dig his grave?
Come tell me in song.
Oh, he is like a warrior brave,
Bold Barrabooriong.

(Translation of an Aboriginal a song from the
Hunter River region of NSW by Lang 1847:450)

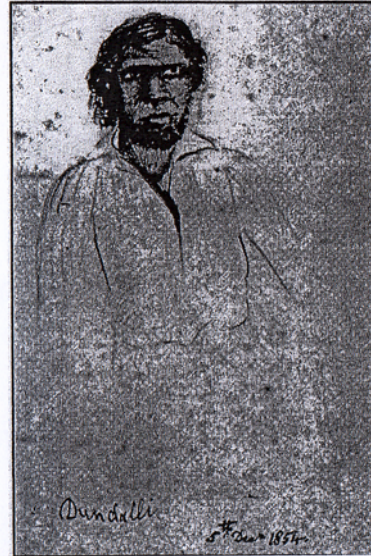


Illustration. Portrait drawn by Silvester Diggles 5 December 1854, Dundalli 'as the most notorious Aborigine in the north' (in Sheaffe 2005:690).

There are two recorded pictures of Dundalli the first is a lithograph published in the *Illustrated Sydney News* on the 16 December 1854, and the above drawing by Diggles (in Sheaffe 2005:688).

Dundalli is an Aboriginal word for the wonga-wonga pigeon and was born into a warrior culture, where Aboriginal people prided themselves on honour and bravery. He was born on his traditional homeland estates of the 'Conondale Ranges' and that of the Dalla people (Connors 2005:1). Through the social and political gatherings at the many ceremonial bora rings located throughout the Southeastern region of Moreton district. Dundalli would pass through the many gladiatorial rights as well as political instructions that set Dundalli on the path as a leader. He learnt the diplomatic protocols, the moral precepts, the doctrines of kinship relationships and the way of the feather footman (law person), which governed Australian societies.

Dundalli was a Turrwan, he was educated in Australian law, he was a leader of men, he was able to unite all the nations of Aboriginal people in the Southeastern corner of the state. He was chosen to arrest the 'destabilising' effects of the new Australians on the first 'Australians social order' (Clendinnen 2005:261). In Thomas Welsby's (1967) narrative of Dundalli he provides a descriptive to his character as 'one dreadful man' a native of Bribie Island 'a robber and murderer'. He was feared 'by white folk and also by the natives' he was neither afraid of the 'dark or of travelling by night' an 'escapade here', a 'murderous attack' here, a 'robbery' at another place and afterwards 'miles

away'. The 'troopers and soldiers were after him-he was a wanted man' (Welsby 1967:383).

However, Welsby also makes a comparison between Dundalli to that of Lawrence of Arabia (Welsby 1967:383). In a daily newspaper *The Sun Sydney* in 1974 reported him as an 'Aboriginal Crusader' he was 'a hero to his black brothers', he was 'their inspired crusader and an instrument of vengeance for the violation of the bunya pine taboo' (1 October 1974:14). *The Sun Sydney* (01/10/1974) also reported that Dundalli was a suspect in the murder of the surveyor G.C Staplyton on May 14, 1840 who was killed in an 'avalanche of spears'. This can be seen as the beginning of Dundalli's resistance to the invader the British. This also marked the beginning of Dundalli's rise to becoming a leader of men and achieving the impossible; 'welding the warring tribes into a strong arm' (*The Sun Sydney* 01/10/1974:14).

The first reported meeting of Dundalli and the whitefella's was at Toorbul where the German missionaries had established an outstation of the mission at Nundah. Nique and Hartenstein reported this meeting in their diaries, 'Anbaybary and Dundahli (Dundalli) of the Bonya Tribe, said- "Now we see you are missionaries, and no liars: you have come as you promised. How many hoes have you brought with you? Have you also corn for seed with you? Our women shall labour, and we will hunt for you, that you may have something to eat" (Nique and Hartenstein 1841). Dundalli then offered Nique and Hartenstein a 'large piece of kangaroo flesh'. Was this an offering to consummating a contract between the missionaries and Dundalli and a ritual giving which required the offering of respect to be returned by the missionaries (Nique and Hartenstein 1841).

At Nundah is located a bora ceremonial ground where the German missionaries had set up on Zion Hill. The missionaries established their settlement on an important Aboriginal institution, one of extreme importance. To read the cultural interplay happening here in the above narrative, had Dundalli signalled a truce with the missionaries as his people were in the care and under the protection of the two missionaries. Was the offer of providing the women as labourers a conscious action to protect the bora ring. Was Dundalli by offering of a kangaroo hind quarter making a 'formal contract of recompense' which under Aboriginal law is recognition of an obligation a contract held between two parties (Clendinnen 2005:123). Dundalli was a master of ceremony and through his apprenticeship and trials of initiation recognised the power of the spiritual leaders of Aboriginal society and their importance. Nique and Hartenstein, the two missionaries were religious leaders and commanded and held a position of authority in the new Australian society. To read the ritual of gift giving by Dundalli and his question in regards to the seeds and hoes and his offer of providing labour was meant to demonstrate that Dundalli was the leader of his people.

Dundalli the Turrwan organised and oversaw the warrant that legalised the enforcement of the penalties. The whitefella's broke many laws and they had to face the full force of Australian justice. Libby Connors (2005), in her discussions of Aboriginal law and payback made the point that 'attacking someone who had been deemed guilty of murder, even if a friend, was obligatory under traditional law' (Connors 2005:114). This saw the responsibility of organising the obligatory payback fall on Dundalli to 'gain the support of kin and take redressive action' (Connors 2005:114).

In March 1843, Dundalli in the company of Cambyo as prescribed by Australian law killed a shepherd on Durundur station, Dundalli and Cambyo were pursued to a camp on

the coast and eluded the police (Sheaffe 2005:697). Dundalli then killed four shepherds at Eales station on the Mary River in July of the same year. Dundalli then moved onto Bribie Island to organise and instruct the enforcement of penalties where Mr. Gray near Bribie was killed. In March 1845, with support of the Ningy Ningy people Hausmann a lay missionary, was clubbed and speared. The assault on Pastor Hassmann, at Burpengary began when his 'dog attacked and bit Dundalli savagely on his legs', which caused him to fall, and in response kill the dog and attacked the Pastor. The Pastor in fending off the assault turned and ran to the safety of his hut while being pursued by colleagues of Dundalli (Cilento and Lack 1959:186). To read this attack as a payback for past indiscretions by the new Australians and to read the events leading up to the attack it becomes clear that Aboriginal people were mobilising and going on the defensive.

The events as published in newspapers indicate that a large meeting of Aboriginal people upwards of 200 from the 'Wide Bay and Sea Coast' assembled near Brisbane for the 'great pullen pullen' ritual gathering (Connors 2005:115). The *Brisbane Town News* in 1844 describes that the meetings of the first Australians for these festivals are arranged for the purposes of 'devising new plans to carry out their depredations upon the whites' (*Brisbane Town News* in 1844:71). The above meeting for the 'pullen pullen' occurred a week before the attacks on Hausmann and involved a large number of Aboriginal people, men, women and children. Who proceeded to dismantle Hausmann's hut and run off with blankets and flour before setting fire to the hut. Hausmann escaped to a gully in the bush (Libby 2005:114).

THE NATIVES.—A few days ago, a number of blacks surrounded the huts occupied by the Germans, at Eagle Farm, and forcibly carried off a large quantity of provisions, consisting of flour, potatoes, and other articles. The natives have taken advantage of the pacific dispositions of the Germans, to fleece them on several occasions, and the probability is, they will renew their outrages the first favourable opportunity, knowing well, as they do, that they are sure to come off scatheless.

The Moreton Bay Courier
Saturday, October 3, 1845

On October 1846, at the station of Andrew Gregor, Dundalli and his supporters attacked Andrew Gregor and a female servant Mary Shanon's who was subsequently killed (Connors 2005:116). To read the events that lead up to the attack by the first Australians it was reported that a large number of Aboriginal people attacked the station and people from the 'saltwater' participated in the attack. The attack was premeditated and 'cut across Indigenous-European social relation' in order to consummate obligations demand by Aboriginal law (Connors 2005:116). Libby Connors (2005) suggests that the attacks were a fact of geography as the station lay at the southern limits of the Kabi Kabi people's boundary and an 'ideal location' to settle debts for the number of grievances the first Australians had against the new Australians (Connors 2005:116). Conner also suggests that legal restitution was satisfied by the ritual letting of blood with the attack at the homestead of Gregor by the 'Dalla, Ningy Ningy, Yaggera, Turrbal and Djindubari' people (Connors 2005:116).

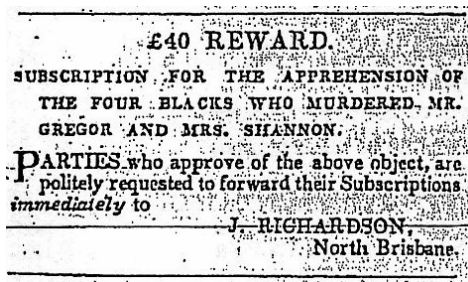
We see the main actor of this drama being Dundalli who had ritual authority over the proceedings, as witnesses identified Dundalli as the main character providing the instructions and overseeing the attack. Connors described Dundalli as the 'police magistrate or judge...as the elder ensuring the traditional legal penalties were enforced and directed those responsible in their duties' (Connors 2005:116-117).

Dundalli also orchestrated an action that cut the main dray road between Ipswich and Toowoomba on the Westbrook road, which was a new major communication path for the town in 1842. As a consequence of this action a military post was established at Helidon (Toowoomba) (Grassby & Hill 1988:63). 'That it was war now in earnest...that their

intention was first to spear all the commandants [soldiers], then to fence up the roads and stop the drays from travelling, and also to starve the jackeroos' (Hothouse in Robinson and York 1977:41)

In September 1847, Dundalli and his men attacked Sawyers at Pine Creek, north of Brisbane and in this attack Waller and Bollar were killed and inflicted grievous bodily harm to James Smith. After this attack the media played a role in bringing public attention to Dundalli and his accomplices by reporting the attack.

when suddenly he found the saw come back at him, on looking up, observed his mate making signs and calling to the natives, who immediately threw a shower of spears, one of which hit him on the shoulder. He then jumped off the log, and retreated to the hut...with five spears sticking in his body. The blacks then rushed up to the pit, threw spears at Smith...As he was striving to make his way out, a native, named Dundalli, hit him on the back of the head with a waddie, and knocked him senseless into the pit. On recovering himself...Dundalli threw another waddie, which struck him on the cheek. (Moreton Bay Courier 18/9/1847)



The Moreton Bay Courier posted a reward for the arrest and apprehension of Dundalli and three others who assisted in the attack. These rewards appeared in several additions. Dundalli's reputation spread widely and the naturalist Frank Strange made a public statement that he was 'anxious to seize him' it was reported that Dundalli sent Strange a personal invitation to fight, Strange declined the offer (Knight 1895:305). In 1852, it

was reported that Dundalli attacked a shepherd after a 'request for tobacco was refused'. It was also reported that Michael Halloran a shepherd of Mr McGrath's was killed. Halloran's goods a 'tweed coat, money, tobacco and serge frock' was distributed amongst those who participated (Sheaffe 2005:697). On another occasion which seemed to be Dundalli's last raid before being caught, a station belonging to Mr. Cash on the Pine River north of Brisbane was attacked and robbed of provisions and bedding. Dundalli having worked out the means of gunfire crept into the station poured water down the barrels of the men's guns rendering these ineffectual. Dundalli and his men made a successful escape from this raid without being fired upon (Lowe 1994:29). This seems to be the last reported attack made by Dundalli before his capture.

There seems to be some dispute in regards to the capture of Dundalli local legend has him painting himself in the traditional colours of the Turrbal people and slipping into town to single handedly rescue one of his men (Lowe 1994:29). However, the Moreton Bay Courier paper of the day and Tom Petrie's account bring the story of the capture into fact not fiction.

Upon Dundalli's capture and until he was sentenced to death for two of the four murders he was charged and also found guilty of one count of robbery with violence. Dundalli was kept in solitary confinement and in chains for seven months it was stated that 'this was a precaution' and necessary 'because they feared escape or rescue by the Australians' (Connors 2005:107).

Dundalli the Murderer- This incorrigible ruffian is nearly as troublesome in goal as he was at liberty. Although ironed on the legs, his behaviour is most violent...The Governor

General should issue a Special Commission to try this prisoner forthwith, and the colony could scarcely begrudge the expense. (Moreton Bay Courier 10/6/53)

On the day of Dundalli's public hanging every member of the Brisbane town police was on duty, a detachment of native police were on hand to ensure that supporters of Dundalli did not rebel. 'The hanging took place where now the Post Office stands ...Wind Mill (Observatory) hill was simply lined with blacks' (Petrie 1981:175). In regards to the many comments about the demise of Dundalli, Libby Connors (2005) makes the salient point. That 'the authorities were unstinting in their pursuit of the execution of Dundalli makes more sense when it is viewed not as a legal execution of one man but as an attempt to destroy the ancient legal system of' the first Australians (Connors 2005:117). Dundalli was attributed with killing 13 new Australians (*The Brisbane Courier Saturday, June 18, 1921*).

Conclusion



Illustration Photo by Dale Kerwin (2007). Dundalli Street West Chermide, Brisbane Queensland

The telling of this story of what happened when Brisbane Town was casting off the yoke of a military and penal colony and the first Australians were coming to the realisation that the new Australians were here to stay and the reaction of the original owners of the land now called Queensland. This narrative has its origins in the location of the Brisbane area and the person of Dundalli where analysis of a number of sequential events that needed explanations to cement concepts of Aboriginal law in the text. As time passes the memory of Dundalli has passed out of our conscious memory but has remained in our cultural and spatial memory. Within the spatial memory of Brisbane the person of Dundalli is remembered, he has left a foot print in both the memory of Aboriginal people and non Aboriginal. We can see this by typing

into a web search engine 'Dundalli' it will bring forward 73 search results. A trip around Brisbane we can find street signs with his name inscribed on it, we also can find Government service providers using his name- such as Dundalli Youth Services.

Aboriginal people have also named their children after him. One of such is the late departed John Dundalli Jones and Elder activist from the Dalongbarra people Fraser Island.

Current day Australians both Aboriginal and non-Aboriginal have erected signage and named buildings after Dundalli, Aboriginal people have painted portraits of him. In life Dundalli was an enigmatic figure that drew dread in both societies which has had authors polarised in the distant past and as well as contemporary scholars as Stephen Sheaffe (2005) label Dundalli as a criminal. On the other side of the narration of Dundalli authors have labelled him as a hero and resistance leader such as Libby Connors (2005). However, to Aboriginal people he

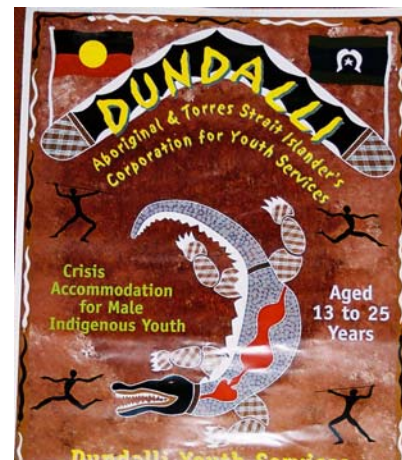


Illustration poster advertising Dundalli Youth Service 2007.

was a Turrwan a leader of men that sought justice for Aboriginal people when British law did not.

The biography of Dundalli has brought to life an Aboriginal person who played a role in challenging the settlement process of Queensland history and importantly has provided a cultural reference point for all Queensland people. That has been raised from the embers of a dying fire and our cultural memory. The article has used a dominant cultural framework, which constantly questioned Aboriginal beliefs, law and protocols, which also requires proof and original sources to quantify evidence. Otherwise it relegates these stories to the pages of fiction. This presents a series of dilemmas that I think have been answered in the attempt to add an Aboriginal voice to the pages of Queensland history with identifying both the spatial and cultural memory of Dundalli. The contested grounds of the convict and settler history of Brisbane compared to that of the Aboriginal knowledge of history provide a point of comparison. It should also be stated that the first Australians have never conceded ownership of this contested space, to construct the human social order and to reconstruct the scene of human reaction for the maintenance of social activities and survival. Thus, providing a vehicle and motivation whereby the description of the Aboriginal accommodation to the invaders the new Australians, by Dundalli an Aboriginal leader in 1840 to 1850's.

Aboriginal society has contributed to the fabric of Australian society not only with well-maintained land resources but both culturally and socially, but historically by adding another voice to the one sided mono-Anglo telling of history by providing a plurality to this telling.

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Appendix 1

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Compiled by JEAN SINCLAIR

QUEENSLAND GAZETTE



VOLUME 1

No. 15

Executions in Queen Street

Pto.

Brisbane Town, 1854: Many women and children were among the spectators who witnessed the horridly bungled execution of Dundalli, the Aboriginal whose name for eight years past has been connected with nearly every murder or outrage perpetrated by his race against the white community.

Native police, assisted by other Aborigines, effected his capture and Dundalli was brought up and committed for trial for robbery with violence at the Rev. J. G. Haussmann's mission station in 1845; for the murder of Mr. Gregor and Mrs. Shannon at the Pine River in 1846; for the murder of timber-getters Boller and Waller in 1847 at North Pine and for the murder of Mr. McGrath's shepherd.

The gallows was surrounded by police to avoid the possibility of escape, and a great gathering of Dundalli's people lined Windmill Hill.

Dundalli, who up to the last had believed that he would not hang, cried piteously to all around to save him. Then as if recognising that his

entreaties were unavailing he shouted in his native tongue to the crowd of blacks.

It is believed this was an appeal to his wife and other members of his tribe to avenge his death. In the midst of this tumult the bolt was drawn, but owing to some unpardonable bungling on the part of Green the executioner, the feet of Dundalli firmly fell on the top of his coffin beneath the gallows.

A constable quickly drew away the coffin, but the feet of the hanging man then touched the ground and the spectators were shocked at the sight of

old Green lifting up the legs of Dundalli and drawing them backwards towards his pinioned arms by the rope that passed through the pinioning cords.

A second Aboriginal to be hung in Queen Street this year was Davy, for the murder of Mr. Trevelthan at Wide Bay. Mr. Trevelthan actually was making presents to the blacks when Davy killed him. At the trial a legal point was raised, and the death sentence was temporarily held in abeyance.

But later the point was decided against Davy, and he too was executed.

The reported hanging of Dundalli reported in the *Queensland Gazette* 1854, Vol. 1, No.6- compiled by Jean Sinclair for the *Telegraph* Saturday, May 31, 1975

Appendix 2

Compiled by JEAN SINCLAIR

QUEENSLAND GAZETTE

VOLUME 1

No. 6

Two dead after vicious attack **BLACKS** **MURDER** **GREGOR**

October, 1846

The sad end of Mr. Andrew Gregor, murdered by blacks at his homestead on the North Pine, has thrown the settlement into a state of horrified excitement.

Several parties went out in search of the perpetrators of the crime. For all the success that attended their efforts, however, they might have remained at home.

One of the murderers, Jackey, was seen by several persons and even captured, but although his captor hung on to him by his hair and his

limbs he exhausted their strength and at length got free.

The late Mr. Gregor had sent four blacks, Jemmy, Millbong, Jemmy, Dick Ben and Jackey to cut bark in the bush.

During their absence some score of sable intruders gathered about Mr. Gregor's hut, evidently wanting provisions. Some were given food and all were ordered away, but their obstinacy necessitated their being driven off by Mr. Gregor.

When the four blacks returned with the bark they were joined by other natives and Mr. Gregor, who had begun to inspect the bark, was dealt many blows on the back of the head and quickly deprived of life.

Another native then attacked Mr. Gregor's servant, Mrs. Mary Shannon, who was standing in front of the hut and met the same fate as Mr. Gregor.

Her husband, hearing her cries for help, dashed from a waterhole 200 yards away to be met with a shower of spears. He set off on horseback for his neighbor, Captain Griffin, but after a four-mile gallop met Mr. Haly, who took the news to Griffin, who with his three sons set off armed for the scene.

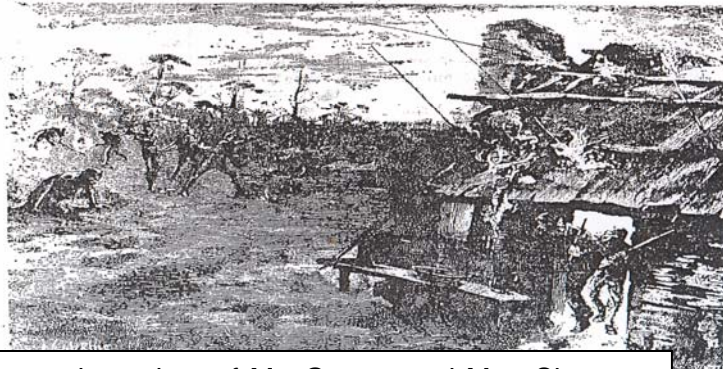
Here they found two of the blacks helping themselves to flour, but these at once took off for the bush. At the hut the rescue party found the three Shannon children standing in the doorway, scarcely aware of the seriousness of the proceedings.

Both badly mutilated bodies of Mr. Gregor and Mrs. Shannon were moved into the hut where they were examined by Dr. Ballou and the police magistrate, Captain Wickham.

That the murder was premeditated is obvious from the fact that a few days before its committal the natives informed a black boy, who was engaged on the station and who saw the whole affair, but was too much afraid to interfere, that they would kill "Gregor, white woman and children" because they would not give them food.

This statement was corroborated by another native, and strangely enough Gregor had been informed of their murderous intentions, but refused to believe that his life was in danger.

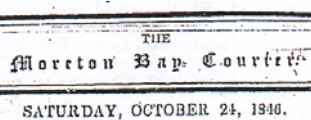
The incident is taken as sheer treachery on the part of the natives, since Mr. Gregor had a reputation for trying to be friendly with the black people.



The reported murders of Mr. Gregor and Mrs. Shannon in the *Queensland Gazette* 1854, Vol. 1, No.6- compiled by Jean Sinclair for the *Telegraph* Saturday, May 31,

31, 1975

Appendix 3



Moreton Bay Courier Saturday
October 21, 1846 . Horrible murders
by the Blacks- Andrew Gregor and
Mary Shannon

ts, HORRIBLE MURDERS BY THE BLACKS.—It is
n- our melancholy duty to record the particulars of
ice to two of the most brutal cases of murder that per-
the haps ever occurred in this part of the colony,
ice and which were perpetrated by the natives on the
ice Pine River, on the morning of Sunday last. The
ess victims are Mr. Andrew Gregor, a settler, and
sm Mary Shannon, his hired servant. It appears
t that the unfortunate gentleman sent four blacks
t named Jemmy, Millbong, Jemmy, Dick Ben, and
t Jackey into the bush to cut bark, on the morning
t in question. During their absence about twenty
t other blacks came to the hut, and were driven
t away by Mr. Gregor. About an hour after, the
t four blacks returned, and the others subsequently
t joined them. The murderous work then com-
t menced. Dick Ben and Jackey went to the stock-
t yard, where Mr. Gregor was inspecting some bark,
t and struck him on the back of the head with their
t waddies, and quickly deprived him of life. A native
t named Moggy Moggy and Millbong Jemmy then
t attacked the poor unfortunate woman while she was
t standing in front of the hut, and killed her by
t striking her on the neck and head with similar
t weapons. While this was taking place near the
t hut, the husband of the woman was at a water-
t hole, about two hundred yards distant, and on
t hearing screams he immediately proceeded towards
t the house, when he was attacked by the blacks,
t who threw their spears at him. On account of
t the great number of natives about the premises,
t he had taken the precaution of carrying a gun
t with him, and fired it at one of the blacks. He
t then ran away in the direction of Captain Griffin's
t station, pursued by about a mile by one of the
t wretches, who appeared determined, if possible,
t to take his life. Fortunately, he happened to meet
t Mr. W. Haly, about four miles off, who on being
t informed of the fate of Mr. Gregor, immediately
t galloped back to Captain Griffin's station, and
t reported the circumstances. Captain Griffin's
t three sons instantly armed themselves, and ac-
t companied by Mr. Haly proceeded to Mr. Gregor's
t station, where they found two of the blacks filling
t their "dillies" with flour. The scoundrels then
t made off with the scrub, pursued by the horsemen,
t one of whom attempted to arrest their flight by
t firing at them, but they both managed to reach
t the scrub. On returning to the hut, they found
t "Shannon's" three children standing at the door,
t and on asking for Mr. Gregor the eldest girl
t made answer, "Oh, he is dead." She was then
t asked where her mother was, when she replied,
t "Oh, she is dead too," and pointed out the places
t where the bodies were lying. The party then
t placed them on some bark, and removed them to
t the hut. The head and face of Mr. Gregor were
t covered with blood, the left eye had been driven
t from the orbit, and there were numberless frac-
t tures of the skull, more particularly one on the
t left side, extending from the orbit to behind the
t ear, and another on the right side, through which
t the brain protruded. The head and face of the
t murdered woman were also covered with blood,
t and on the left side there was a large open wound
t extending from the orbit to behind the ear,
t exposing the brain, which appeared to have been
t inflicted by a tomahawk. It is painful to add
t that she was far advanced in pregnancy. As
t soon as intelligence of the murders reached Bris-
t bane, the Police Magistrate, accompanied by Dr.
t Ballou, immediately proceeded to the spot, and
t held an inquisition on the bodies, when the
t foregoing facts were deposed by the witnesses.
t From the evidence of a black boy, named Ralph
t William, it appears he had overheard the
t blacks say, two days before the murders were
t committed, that they would "numcull" (kill)
t Gregor, white woman, and the children, because
t they would not give them food. He communi-
t cated what they had said to Mr. Gregor. Another
t black, named "Constable," who had been living
t with Mr. Gregor, and who left the station two
t days previous to the occurrence, had also told the
t boy "that the blacks would kill Mr. Gregor,"
t which was also communicated to him. At the
t time these murders were being committed, the boy
t was on horseback on the opposite side of the
t Creek, and witnessed the whole of the dreadful
t proceedings, but did not attempt to run away.
t The black named Dick Ben had always been well
t treated, and had been in the habit of bringing
t fish to the hut. On Wednesday, one of the blacks
t named Jackey, who, as we have already stated,
t was one of the murderers of Mr. Gregor, and
t who had taken a letter to him from his brother,
t the Rev. J. Gregor, on the previous Thursday,
t was seen in the town. As soon as he was re-
t cognised a hue and cry was raised, and a number
t of persons, including the Chief Constable, started
t off in pursuit. The villain, however, managed to
t elude the grasp of the whites that came up with
t him, notwithstanding that he was held by the hair
t of his head, while others laid hold of him by the
t arms and legs. He struggled so violently that
t they were completely exhausted by the efforts made
t to secure him, and at length he effected his escape.
t The deplorable fate of Mr. Gregor and his hapless
t servant has caused the greatest excitement; and
t the enormity of the crime has given rise to feelings
t of execration against the natives, which will not
t soon be allayed. It seems scarcely necessary,
t after these facts, to impress upon the Government
t the pressing necessity for increasing the mounted
t police force in the squatter districts. At the
t present time life and property are entirely at the
t mercy of ruthless savages, who require to be
t promptly checked in their destructive career. It
t is the bounden duty of Government, in this ex-
t treme emergency, to take decisive measures against them.
t The matter will not brook delay. On Monday,
t Dr. Simpson, the Commissioner of Crown Lands,
t and two mounted policemen went in pursuit of
t the blacks; but it is feared that, owing to the
t scrubby character of the country, his efforts to
t capture them will not be successful. We would
t strongly recommend that the Government should
t offer a handsome reward for their apprehension.—
t [Since the above was in type, we have learned that
t one of the blacks, named "Constable," who was
t present with the others, has been captured, and
t placed in the Lock-up.]

Colonel Barker.—We understand that the
t suspension of Colonel Barker's appointment as
t Superintendent of North Australia arose from
t some arrangement at the Horseguards which pre-
t vented him from selling his commission in the
t army while holding a civil appointment, but the
t commission having been since sold, the objection
t has ceased to exist. A letter has been received in
t town mentioning that it had been determined to
t appoint Colonel Barker Superintendent of Port
t Phillip, but we cannot say upon what authority the
t statement was made.—Sydney Morning Herald.

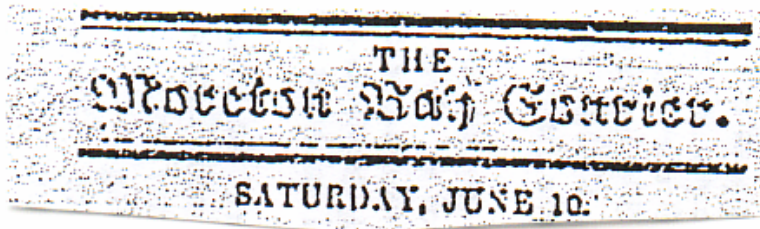
Appendix 4



THE NATIVES.—Since the murder of the unfortunate Mr. Gregor and Mrs. Shannon, the blacks have retired into the bush, and, until Tuesday last, scarcely a solitary native has been seen in the township. The death of Millbong, Jimmy—one of their pet chiefs—has struck terror into their hearts, and may perhaps lead to the capture of the other murderers. On the day above-mentioned, an old aborigine, named Duke of York, came into the settlement for the purpose, as it is supposed, of ascertaining whether the whites were still "coolhar" (angry). The wary old fellow insisted to several of the inhabitants, that if they would accompany him into the bush, he would lead them to the place where the murderers could be found; that they could not be apprehended without the assistance of the whites. No person giving credence to his statements, and finding himself discountenanced, he left the settlement, along with two or three more blacks, who had ventured in to reconnoitre. The course pursued by the inhabitants, in our opinion, was a very proper one. The blacks must be made to feel their dependence on the whites for such luxuries as tobacco, pipes, and groceries; and the necessity there is for their abstaining from all depredations and acts of atrocity for the future. Nothing will deter the natives so much from committing excesses as the knowledge that they are vigilantly watched, and that the whites are continually on the alert to oppose any movements they may feel inclined to make. Until they furnish such correct information as can be depended on, as to the whereabouts of the ruffians, against whom warrants have been issued, or, bring them into the settlement, the other natives should be prohibited from having any intercourse with the white population. A circumstance came

Moreton Bay Courier Saturday, November 14, 1846. The Duke of York came in to offer assistance and led to the place the murderers were hiding.

Appendix 5



DUNDALLI THE MURDERER.—This incorrigible ruffian is nearly as troublesome in gaol as he was at liberty. Although ironed on the legs, his behaviour is most violent. He has assaulted his fellow prisoners, and even declared his intention to murder one of them; and a few mornings back he seized and attempted to overpower one of the turnkeys who was opening the ward door, and who had to shout for assistance. He has since threatened the life of this man. The Governor-General should issue a Special Commission to try this prisoner forthwith, and the colony could scarcely begrudge the expense.

The Moreton Bay Courier Saturday June 10, 1854. Dundalli the murder.

Appendix 6

THE
Moreton Bay Courier.
SATURDAY, NOVEMBER 25.

Dundalli, an aboriginal native, was indicted for the wilful murder of William Boller, at the Pine River, in the month of September, 1847. Mr. Faucett appeared for the defence.

The circumstances out of which this trial arose have been so very frequently before the public in this journal, that a brief digest of the evidence will be sufficient on the present occasion.

James Smith deposed that in the latter part of the year 1847 he was sawing in a scrub at the Pine River, the deceased William Boller holding the top of the saw, and witness being in the pit; when the top sawyer let go the saw, and on looking up, witness saw a number of blacks around the pit. Boller was running away, and a black speared him. Witness tried to get out of the pit, when the prisoner Dundalli threw a waddy at him, and knocked him back. At length he got out, and called to the blacks to know why they were angry. Dundalli made some reply, and threw a spear at witness, which, however, missed him. Witness found Boller in the hut, wounded. With some difficulty he was got to the neighbouring station of Mr. Griffin, and thence removed to Brisbane hospital, where he died. Witness was quite confident of the identity of the prisoner, whom he had seen several times. Had seen him since at the Deception River, when he answered to the name of "Dundalli," and called witness by the name of "Bunta," which the blacks usually called him. [During the examination of this witness in Court the prisoner frequently addressed him as "Bunta."]

John Griffin, settler, at the Pine River, deposed that he saw the deceased Boller on the day alluded to. He had several spears sticking in his body, and was staggering. Witness had him removed to the station, and rode towards Brisbane to give information, when he met the Police Magistrate and Doctor on the road. Boller was subsequently removed to the hospital. Witness had seen the prisoner Dundalli occasionally, and knew him particularly, as he was a strange black, and not belonging to the tribe about witness's station.

Dr. Cannan deposed to having attended the deceased, Boller, in company with the late Dr. Ballou. Deceased had several flesh wounds, but death was caused by inflammation resulting from a wound in the cavity of the abdomen. Death was the necessary result of this wound.

Mr. Faucett made an eloquent and powerful appeal to the jury on behalf of the prisoner, and closed his address with some strong comments upon the insufficiency and the mockery of the protection said to be thrown around the blacks by the British Government.

His Honour, in charging the jury, expressed his emphatic dissent from these sentiments of the learned counsel for the defence. The Government and the law, his Honour said, throw every practicable protection around the Aboriginal natives, and crimes committed against them by the whites were visited with certain punishment.

His Honour then proceeded to comment carefully on the evidence, and left the case to the jury, after retiring for about a quarter of an hour. He found a verdict of Guilty.

The Moreton Bay Courier Saturday, November 25, 1854. Dundalli an Aboriginal native indicted for murder.

