



Season 2 - Episode 2

The Mark's Murders

A Tale of One Squatter

Greg: [00:04](#) From 'Today's Stories' - this is 'The Mark's Murders' – a story of murder and mayhem told one episode at a time by myself, Greg and by Peter.

If you haven't listened to this series from Episode 1, we suggest that you stop listening now and go back to the very beginning.

Also, a warning. This series of podcasts discusses the murders of indigenous and non-indigenous people. It contains the names of Aboriginal people who have died. Whilst quoting original historical material, this series also contains:

- racist language,
- some language that would be seen as inappropriate today, and
- historical ideas that are offensive.

Peter: [00:55](#) Previously on the "Mark's Murders"It's 1847 – about 50 km north-west of modern-day Goondiwindi.

John Watts: [01:07](#) *"Marks was a splendid shot, and the blacks were very much afraid of him, and from information I obtained from the Beebo people, they had long been watching to kill him. They stole up and killed the boy, and having done so cut him to pieces with their tomahawks and placed the remains all along the log where he had been seated."*¹

Denise: [01:31](#) *Young described Marks's frenzied response, calling him 'a hater of all Aboriginals', 'shooting every native in sight'.*²

John Watts: [01:44](#) *"Some may say we had no business to take this country from the natives, and therefore it was natural they should try to drive us out of it."*³

Peter: [01:54](#) The murder of Mark's son and the subsequent murders of Aboriginal people started in 1847, around the modern-day town of Goondiwindi. We know the bare bones of the story from the *Personal Reminiscences* of John Watts, an early squatter on the Darling Downs, and from other historical accounts. But these accounts don't provide any context as to why the murders occurred and their aftermath. We want to tell the truth of what happened. To understand the murders, we need to

understand the social context of the time. For this story, this means understanding the “big picture” of the occupation of inland Australia by Europeans.

Greg: [02:34](#) Yes, we need to understand what was happening leading up to the murders. Anything else?

Peter: [02:40](#) We need to take something on board from our chat with Maurice in Episode 1. Maurice pointed out that we were educated during a period when “white triumphalism”⁴ was popular. We were taught that what the British squatters did was great, and we were told virtually nothing about the fate and history of the Aboriginal people. It won’t hurt, for us, to look again at the role of squatters in our history with fresh eyes.

Greg: [03:07](#) Agreed.

Peter: [03:08](#) So, in this episode, we’ll talk about how inland Australia, and in particular the McIntyre Valley, was occupied by Europeans by looking at the life and times of one squatter – John Browne.

Greg: [03:25](#) So, how was inland Australia occupied?

Peter: [03:28](#) The first thing that we need to understand is *terra nullius*.

Greg: [03:32](#) Many Australians have heard of that. It means that the land was unoccupied when the Europeans arrived, doesn't it?

Peter: [03:38](#) No, No – that’s a popular misconception. *Terra nullius* literally means “land belonging to no one”. It doesn’t mean that no one was there. *Terra nullius* is a long-standing legal concept.⁵ It essentially means that, if the land doesn’t belong to anyone, then it can be claimed, in Australia’s case, by the British. The big issue is around defining “belonging”. You can read reams and reams of legal stuff but, put simply, if there are no permanent buildings and / or no agricultural cultivation of the soil, then the land isn’t being used and therefore doesn’t belong to anybody – even if there are people there. So, following the advice of Captain Cook and Sir Joseph Banks,⁶ the English concluded that the Aboriginal people of Australia were just nomads with no permanent buildings and no agriculture. - So, the legal term, *terra nullius*, applied. This view justified acquisition of the eastern half of Australia by the British occupation without treaty or payment. This was a popularly held view at the time and was evidenced by these words of the early squatter whose words we used in the first episode - John Watts.

John Watts: [04:59](#) *“I am one of those who think this fine country never was intended to be only occupied by a nomad race who made no use of it except going from place to place and living only on the wild animals and the small roots of the earth, and never in any way cultivating one single inch of ground.”⁷*

Peter: [05:20](#) Of course, we now know that the fundamental assumptions of Cook and Banks were flawed and there is no better resource than Bruce Pascoe’s book – *Dark Emu*⁸ – to prove that. Eventually, the Mabo decision,^{9,10} in 1992, legally overturned the terra nullius claim. Nevertheless, when the British settled at Sydney Cove in 1788, the colonial government claimed all lands for the Crown. With the stroke of a pen, the English Crown suddenly took possession of the land.

Greg: [05:54](#) OK. So, what happened after the British arrived in 1788?

Peter: [05:59](#) Initially, the occupation of the area around Sydney occurred in a relatively orderly manner.¹¹ The Colonial Governors made land grants to various individuals. The British government had a policy of concentrated land settlement for the colony – everything close to Sydney. So, Governors tended to be pretty prudent in making land grants. They kept everybody close to Sydney and the Government. Generally, until 1813, colonists dutifully followed the rules. However, the small confines of the Colony were dramatically changed when Blaxland, Wentworth and Lawson¹² found a route for Europeans across the Blue Mountains. The newspaper reported that they brought back news of - and I quote - "*a prodigious extent of fine level country, lying in the direction they pursued, which time may render of importance and utility, a vast plain with scattered timber*".¹³ Expansion then proceeded in all directions around Sydney.

Greg: [07:07](#) Okay. You mentioned earlier John Brown. When does he come into the story?

Peter: [07:13](#) John was born in Sydney in 1803. His mother, Elizabeth McNamara, was a convict. She was transported to Australia on the Atlas arriving in 1802¹⁴. It's not clear who John's father was, but he may also have been a convict.¹⁵ Then, in 1820, following exploration by John Howe,¹⁶ the Hunter River valley - a locality north of Sydney and very important to our story – was opened up for pastoral expansion. John Howe and others obtained land grants there. Howe got 700 ac. This seemed to be a reasonable amount of land at the time. Two of the others who got land grants¹⁷ were John Brown, who got 60 ac and John Dight who got 850 ac. Over time, the Howe and Dight families would inter-marry and this family clan is also very important in our squatting story. It was then up to John Brown to choose where his 60 ac would be.¹⁸ He chose a site on what was called Patrick Plains. This is now Singleton. John called his home there – Macquarie Place. But there were strong economic reasons for even more land to be opened up for pastoral activities. The growing colony needed more meat and the Napoleonic Wars had created a huge demand for wool. Against government policy, some of the more enterprising colonists simply started moving into new areas and claiming new land, not waiting for a land grant.

This unregulated occupation of land was called "squatting". Free enterprise took its normal course.

Greg: [08:58](#) Okay, so squatting wasn't government policy. It was just simply free enterprise at work.

Peter: [09:03](#) Yes, but we also need to remember that there was one simple reason why a lot of people from England came to Australia – it was to own land – something that would always be denied to them in the old country.

But the Governors reacted and tried to take control of the situation. From 1824 onwards, there were various acts and regulations aimed at limiting squatting. Firstly, in 1826, the limits of location were defined.¹⁹ They were called the Nineteen Counties. According to the law, land beyond these limits couldn't be squatted on or subdivided or sold – or so the powers at be thought. Part of the rationale here was the expense of providing government services like police, and the difficulty of supervising convicts over a wide area.

But the “sheep and cattle” mania of 1826 changed a slow trickle of squatting into a full-blown land rush to claim unoccupied Crown Land without obtaining a land grant. In 1833, the Governors appointed Commissioners of Crown Land²⁰ who had a responsibility in their district to control squatting. This also didn’t stop the rush.

Greg: [10:24](#) So what was John Brown doing during this period?

Peter: [10:29](#) John had married Elizabeth Alcorn in 1825 and started family life near Singleton – with a vengeance.

Elizabeth had children – Elizabeth 1827, Frances in 1828, John in 1829, Emma in 1831, Richard and Edward in 1832, James in 1834, Thomas in 1836. In total, Elizabeth would have 15 children.

Greg: [11:00](#) Whoa! What was John doing while this was happening?

Peter: [11:05](#) John was starting his career as a businessman in Singleton. By 1832, he was the Postmaster and the Pound-keeper²¹ at Patrick Plains, and also in 1832, he got a licence to run the Governor Burke Inn²² which he held until 1836.

It is also about this time that he added an “e” to his surname. Ordinary old John Brown becomes a different John Browne (with an e on the end).

Over time, Browne was active in local affairs and was, amongst other things, a member of the first council of the Municipality of Singleton,²³ and on committees of the Benevolent Society and the local Mechanics Institute and others.

Greg: [11:49](#) I assume that while John and Elizabeth are having their family in the Hunter, squatting continued. How did these squatters know where to go?

Peter: [11:58](#) If you remember in school, we were taught that the exploration of inland Australia was carried out by those noble and glorious explorers such as John Oxley and Allan Cunningham and Major Mitchell and Burke & Wills and Ludwig Leichhardt and all the others.

For our story, Allan Cunningham’s trek in 1827 is most important. Cunningham’s discoveries provided extra impetus for the rush for inland stations to the north. Going inland from the Hunter Valley, Cunningham crossed the Liverpool Range and travelled north - parallel to the Great Dividing Range – crossing the westward flowing rivers – the Namoi, the Peel, the Gwydir and the McIntyre. Eventually, he reached what is now known as the Darling Downs, which he described as a fine natural pasture area. We now know that the pastures that he saw were not natural – they were a landscape created and managed by the Aboriginal people with burning and with other land management practices. In fact, there is a *Dark Emu* moment here. The following is an account of Cunningham’s discovery of the Darling Downs taken from Cunningham’s own diary. On 5 June 1827, he notes in his diary:

Allan: [13:18](#) *“Upon accomplishing a journey of thirteen miles [the last one] we stopped on the left bank of a small river that comes from the S.E., which appeared likely to give us trouble to pass, as . . . there was very deep water . . . with a current flowing to the N.W. While the men fished there during the afternoon, at a spot half a mile above the*

encampment, they noticed three natives in the bush on the opposite bank burning the grass. They showed no signs of alarm, but afterwards walked away at a leisurely pace and passed out of sight in the forest.”²⁴

Peter: [13:56](#) So, Cunningham actually records in his diary that the Aboriginal people of the Downs were intentionally burning pastures but, to my knowledge, he does not connect this activity with the creation and management of the wonderful pastures of the Darling Downs. He believes that the pastures are completely natural. We now know better. In fact, it's claimed that the Darling Downs Aboriginal people were sometimes called “Gooneburra”²⁵ (or the fire blacks²⁶) by their coastal neighbours because of their infernal habit of regularly firing the grasslands. Nevertheless, Cunningham returned to the south with great reports of what he'd seen and a land rush to the north and the Darling Downs started.

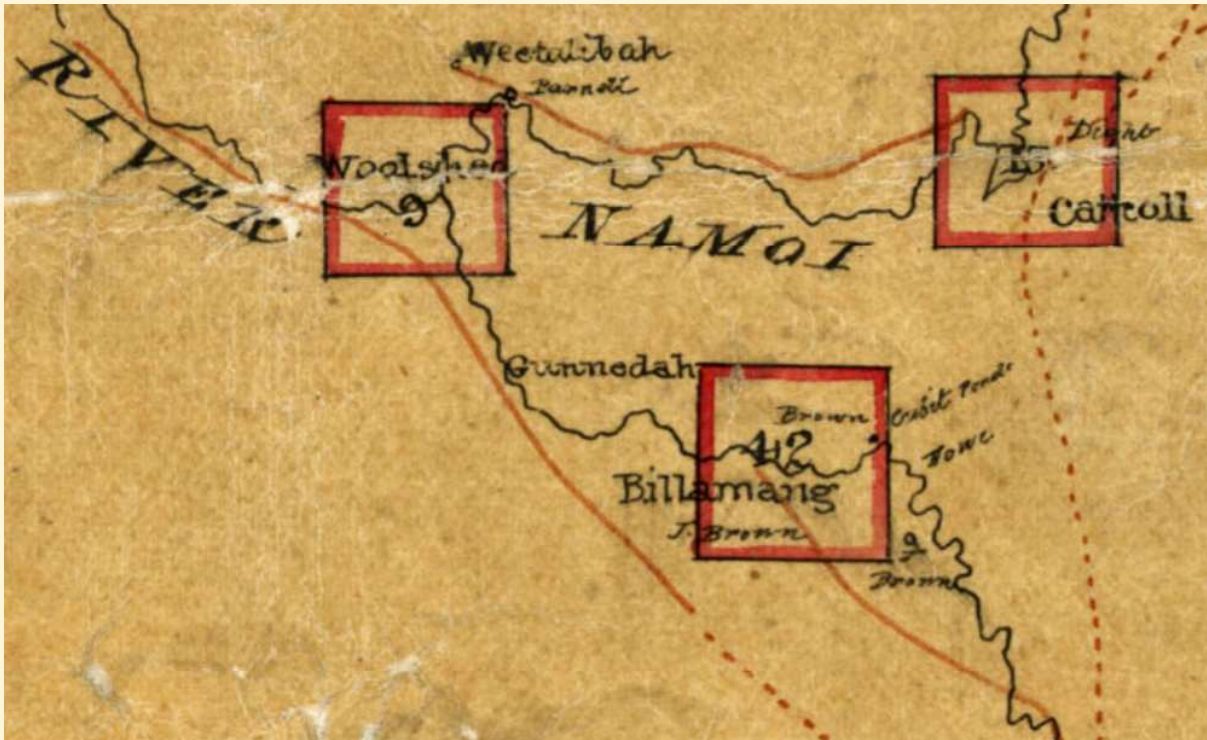
Greg: [14:41](#) So did the squatters follow Cunningham's route?

Peter: [14:44](#) Yes. Squatters soon started occupying land along his route. They crossed the Liverpool Range near modern-day Murrurundi and many of them followed the Mooki River north. The Mooki becomes the Namoi River near present-day Gunnedah.

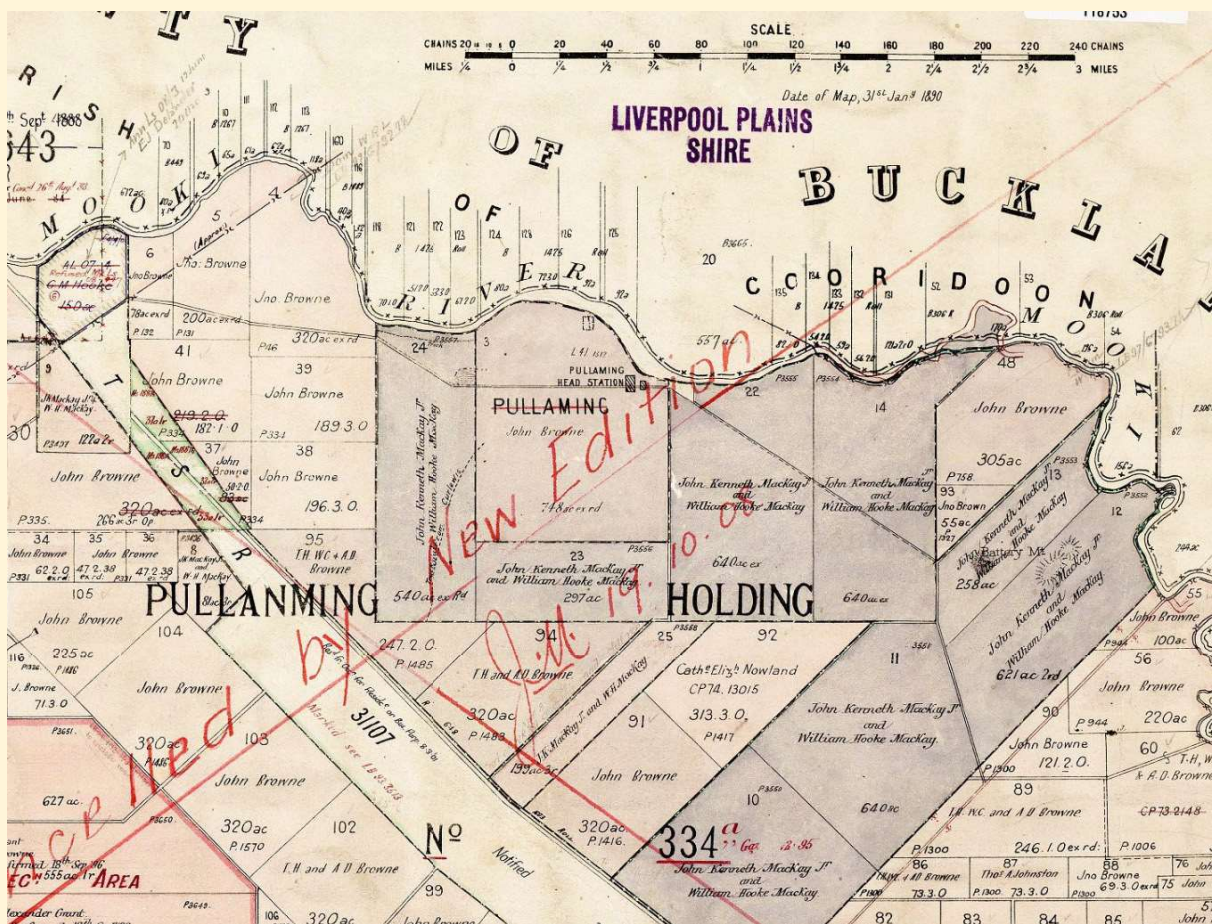
Sometime about the time of Cunningham's expedition, John Browne's brother-in-law, Edward Alcorn,²⁷ claimed land on the Mooki River just upstream of its junction with the Namoi and he claimed it in John's name. Browne had claimed 102,000 acres (that's 41,000 ha) for a run on the Liverpool Plains and he called it - *Pullaming*.²⁸ It was about 8 km south of modern-day Gunnedah. Now, in the 1830s, official record-keeping of squatter's activities was poor, and this continued for many years. I've found many station names spelt differently, all over the place, even though they're apparently pronounced the same. *Pullaming* is no different. I've seen it recorded as *Pullamon* and *Billamang*. Interestingly, an adjoining neighbour at Pullaming was the Howe-Dight clan from the Hunter, whose run was called *Carroll*.²⁹ This association between John Browne and the Howe-Dight clan would occur elsewhere.

Having employed a good manager at *Pullaming* and had some convict labour assigned to him, John Browne, along with other squatters, then moved further and further north - past modern-day Gunnedah, Warialda and North Star – looking for more land. Browne claimed a stake on *Copymurrimbilla*³⁰ (39,000 ha) which is about 30 km south of Goondiwindi and it was bounded on the east by another of the Howe-Dight properties, Merawah. In 1840, he claimed a run that he called *Tingun*,³¹ another 13,000 ha, which was about 20 km north-west of Goondiwindi.

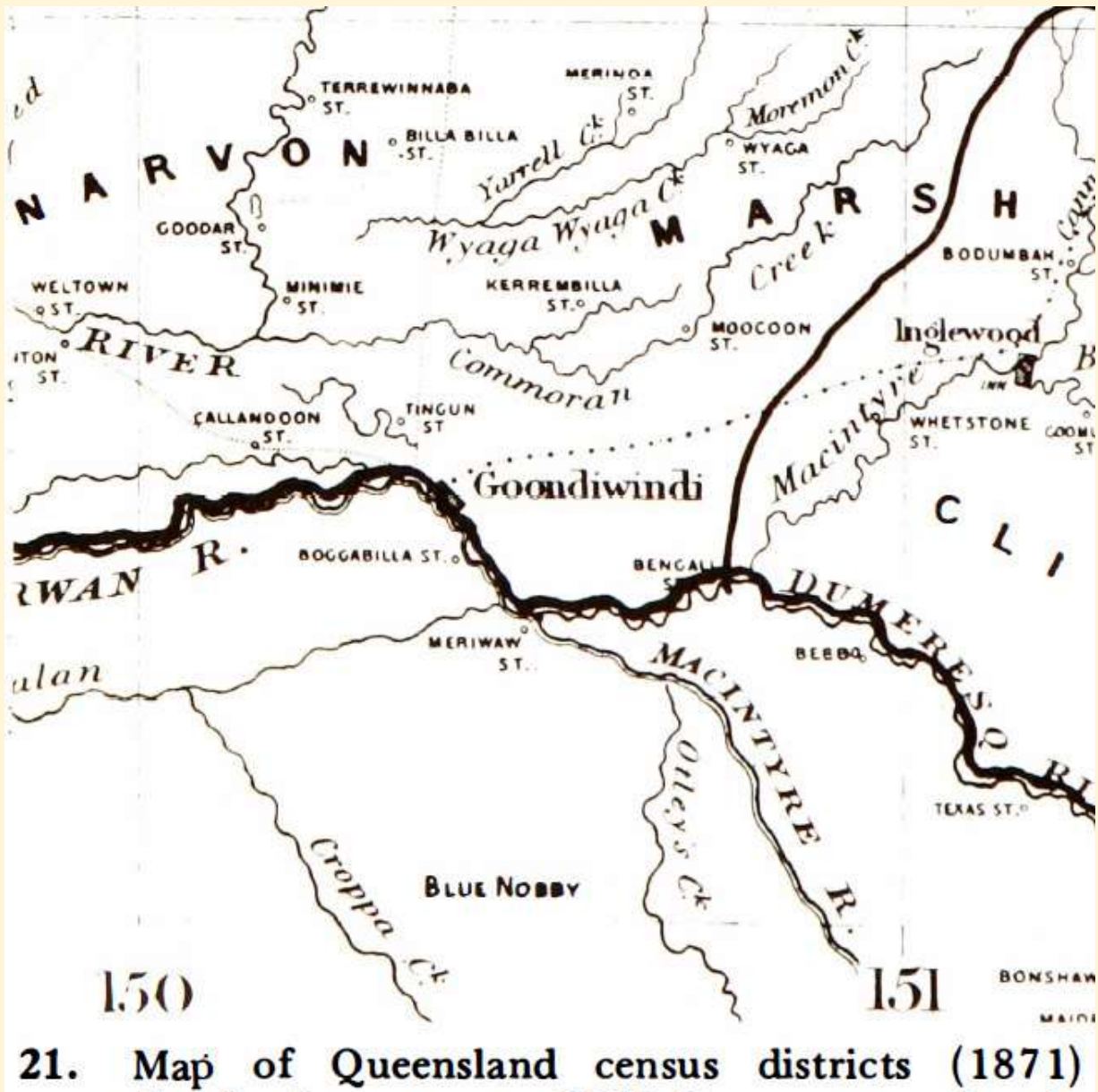
So, within a few years, John Browne – businessman from Singleton - had claimed over 230,000 ac. That's 93,000 ha or 360 sq. miles or whatever. Whichever way you want to look at it – that's a lot of land. It's not even known whether John Browne ever visited any of these stations. He had a long career as a businessman in Singleton and was very busy having 15 children and running an inn. Like many others, he was an absentee landlord. But there's lots of stuff here about squatting that I don't understand. It's time to talk to Maurice again.



1840 Map showing location of Pullaming (spelt Billamang) south of Carroll (owned by Howe-Dight)



1890 Map of central section of Pullaming³²



Locality Map from 1871 showing Stations

<u>Station Name</u>	<u>Owner / Manager (1847)</u>
<i>Texas</i>	Howe – Dight Family
<i>Beebo</i>	Tinker Campbell
<i>Bengalla</i>	Captain Scott
<i>Meriwaw (Merawa)</i>	Howe – Dight Family ³³
<i>Boggabilla</i>	Yeomans and Baldwin ³⁴
<i>Tingun (Umbercollie)</i>	Jonathan & Margaret Young
<i>Callandoon</i>	Augustus Morris
<i>Minimie</i>	Part of <i>Ellangabba</i>
<i>Goodar</i>	James Mark



Copymurrumbilla still exists as a station today

Greg: [17:32](#) Sounds like a good idea!

Peter: [17:35](#) Good morning, Maurice. We've continuing to look into the Mark's Murders, and we need to understand more about the squatting boom. We have a few more questions for you.

Within a few years, this John Browne fellow, who I believe is tagging along with John Howe and other explorers from the Hunter, has claimed 230,000 ac of land. So, then I also have found the description of the boundary of *Pullaming*. And the boundary of *Pullaming* says "bounded by Johnstone on the north and west by a marked tree line on the west, dividing it from John Howe senior station and on the south by Eales' Long Point Station to a marked tree thence to a bearing southwest and then along a dry creek on the plains." So, the description given of John Browne's property, *Pullaming* - the fancy description going from here to there over past a marked tree and along the creek, that's pretty typical of their description of their properties, wasn't it?

Maurice: [18:40](#) Yeah, absolutely. Before 1848, there are no official boundaries to any squatting station. Before that, they're all, you know, what I can get away with, basically. Let's put squatting in context. The squatting movement really boomed from the 1830s onwards. I mean, there was some squatting before that, but it was on a minor scale. The boom starts in the late 20s, early 30s, when there's this explosion along what I call "The Fertile Crescent" from Western Victoria to the Darling Downs.

Peter: [19:15](#) So, it was literally a gold rush, wasn't it?

Maurice: [19:18](#) It was a gold rush for land or for grass basically because they were after good grazing land for sheep because it's Merino wool, which is in demand. In the early 1830s, there's absolutely no control of them, which is why they called squatters. Squatters means an illegal person using somebody else's land, in this case, Crown Land. In 1836, Governor Burke brings in a Squatting Act.³⁵ The purpose of that was two-fold. Firstly, to get revenue because these people were using crown resources without any return to the Crown. So, they brought in a £10 licence fee and an assessment-on-stock fee, which was like a farthing per sheep sort of thing. Now, but for that £10, squatters could occupy as much land as they wanted to or could hold. And that's all they had to do was pay the £10 licence fee. Now the Squatting Act of 1836 was only for 10 years, so it was due to expire in 1846.

Peter: [20:13](#) So John Browne's activity of taking up 102,000 ac near the Namoi River near Gunnedah cost him £10 a year. Seems like value for money to me?

Maurice: [20:22](#) Oh, that's right! That's why when the Governor Gipps tried to impose a more regimented system. In the 1844, prior to the Act expiring, he said a squatting run shall be 20 square miles and for that you will pay £10. So, for every 20 sq. miles, whether it's contiguous or separate, you pay £10 annually. The big squatters, like these people who had a hundred thousand acres or 40 square miles or a hundred square miles, that sort of thing, they said "#\$%@" and there was almost civil war in Australia in 1844 - a frontier civil war because the big squatters were not going to put up with this. They used their influence in London. They got rid of the Gipps, basically. He went home a ruined man and to some extent, they had some justice to them because they said, look, we've invested all our resources into this sort of proposition, and we can't really afford this. What Gipps also said though, that if you do pay your £10 annually, every five years you can, you can acquire 320 ac freehold, which is fine, except he said you have to bid for it at a public auction. So that of course was probably unreasonable. And they said, No, well look, we can lose the whole thing to some Johnny-come-lately. And so, what actually happened was that when Gipps went home, Fitzroy came back, they had the Orders-in-Council in 1847 which said a squatting run shall be 20 sq. miles or a carrying capacity of 4,000 sheep or 500 cattle. And the crucial thing is pre-emptive purchase, that every five years, you can buy 320 ac at £1 an acre. And if you don't do it, it will go to auction. But you have that option of pre-emptive purchase. So that satisfied everybody basically.

Peter: [22:15](#) So was there any requirement for the squatter himself to live on the land? Because as far as I can work out with this John Browne fellow, and I assume he is typical, he was a businessman in Singleton. He would claim the land, whatever the phrase is for occupying it as a squatter, then he'd put a manager in place and then he'd lop off to the next place.

Maurice: [22:34](#) No, No requirement for a residence. No obligation.

Peter: [22:38](#) Yeah. So, this sounds like just free enterprise gone mad.

Maurice: [22:44](#) Oh yes, it is and that's what Gibbs was trying to control.

Peter: [22:48](#) So the real point though is when the land becomes valuable, because if I go back to my great grandfather, John Watts, he arrived in Australia on the Darling Downs with about £300 in his pocket in 1847. But by 10 years later, he's asked to buy half share in *Eton Vale*, which puts him in debt by £13,000 pounds,³⁶ which he pays off in five years. So, this is a big turnaround in money, but *Eton Vale* was taken up by Hodgson at no value and then 10 years later, he can sell half of it for £13,000 pounds. So, at some point, freehold title must be granted. Ownership must be recognized under the law.

Maurice: [23:32](#) From 1848, when the Orders-in-Council are implemented, boundaries were officially surveyed, although there was a lack of surveyors to do the job. But it was really up to the Commission of Crown Lands to say, yes, I accept that, you know, this is *Eton Vale's* boundary. And I mean Rolleston. When Rolleston first arrived, the only way he could determine boundaries was he said, I'll ride my horse in a straight line that way for 200 miles or you know, for 20 miles and that way for 20 miles, and if there's

a creek, that helps and if there's a marked tree that somebody may or may not have marked. That's what it is.

Peter: [24:13](#) So John Browne has gone from being a little businessman in Singleton to having full title to 200,000 ac simply because he wandered out there and put a stake in the ground.

Maurice: [24:25](#) Well not full title to it. He wouldn't have any title to it at all in the legal sense before 1848. All he had the right to was to pay the annual licence fee and assessment fee for grazing stock on Crown Land. But from 1848 onwards, he could freehold 320 ac, the rest of it was still leasehold.

Peter: [24:48](#) So how and why can John Watts buy half of *Eton Vale*?

Maurice: [24:53](#) He's not buying the freehold; he's buying the business operation.

Peter: [24:57](#) Ah, I got it.

Maurice: [24:58](#) Well, including the sheep and the on-going improvements, but he's not buying the freehold of the land.

Peter: [25:05](#) But nevertheless, this clearly is a mechanism by which the squatters could start with very little and end up with a heck of a lot ten years later.

Maurice: [25:11](#) Yes. But it's a risky exercise. Arthur Hodgson, one of his most memorable quotes is that he arrived in 1840 and he left in 1855 leaving Watts in charge. He said, the first five years, I went backwards. In the second five years, I just about broke even and in the third five years, I made a fortune. Now the third five years, it's 1850 to 55. That's when, you know, both the political problems are solved. There's a depression in the early 1840's. That problem is solved. The 1850s are the boom time, not despite the gold rush. It's partly because of the Gold Rushes because, if you couldn't make money off getting wool off the sheep's back, you could sell the meat to the gold fields.

Greg: [26:03](#) Good. Maurice has explained how squatting went from an illegal activity to a system where land tenure was eventually secured. Maurice says that they had to pay £10 for an annual pastoral lease. Do you know what £10 was worth in today's money?

Peter: [26:18](#) Ah. The monetary conversion. It is very difficult to equate the value of £1 in 1830 to dollars today because living standards are different, etc. But throughout our series, we will be referring to various monetary values of items in the mid 1800s and it is useful to have some idea of a reasonable conversion.

The best estimate is that £1 sterling back then is worth about \$150 today.³⁷

So, a £10 annual lease-to-occupy is about \$1500 per year initially but when it was changed to £10 for every 20 sq. miles, John Browne would have been paying \$27,000 per year for all his runs – if he actually paid the fee, which apparently many squatters didn't.

Also, John Watts. He arrives in 1847 with £300 in his pocket but after a few years later on, he can manage to pay £13,000 for a half-share in *Eton Vale*. Applying the conversion to these figures, this means that when John Watts arrived, he had about \$45,000. This was his early inheritance. But, later on, he can pay \$1.95M for half of *Eton Vale*, just 5 years later.

Greg: [27:46](#) Wow! The value of *Eton Vale* is amazing. There certainly were big profits to be made out of squatter's runs when they were legalised and you could sell them.

Peter: [27:55](#) Yes! That's for sure. Once again, we should return to John Browne. As we've said, he probably spent his whole life in the Hunter – in Singleton where he first got his first 60 ac land grant. When John Browne died, his estate was worth £110,000. That's about \$16.5M today. So, the son of a convict becomes a multi-millionaire. I don't think that he made all of that from running a pub in Singleton. Today, he would be regarded as a successful property developer.



John Browne

Greg: [28:31](#) So, for many years, the squatters had been breaking the law by just claiming land for themselves. Strictly speaking, at that time, they were criminals, weren't they? What was the general opinion of squatters?

Peter: [28:43](#) Well, many of the Colonial Governors were not much impressed with them, but John Watts had a different view.

John Watts: [28:50](#) *"I know there are many who think the original settlers, the squatters, pastoralites, or whatever they may be called, were a great nuisance, and never should have been permitted to take up this beautiful country, and that they have stood in the way of settlement, but I ask the question - what would Australia have done without them? If it had not been for them the great interior of this great continent would never*

have been known. By their pluck and indomitable perseverance, risking their lives, their capital, and all as much for advancement of others as well as themselves.”³⁸

Peter: [29:29](#) Of course, we must remember that, due to *terra nullius* in Australia, there was no need for any treaties or agreements with local Aboriginal people – the squatters just moved in and occupied the land. So, in that sense, they weren’t breaking any laws.

Greg: [29:46](#) Yes, we haven’t talked about the Aboriginal people yet – the long-term custodians of that land. Who were they and what happened to them?

Peter: [29:54](#) For most of the area that we are talking about - the Liverpool Plains and areas further north -the Kamilaroi³⁹ were the traditional owners. Not surprisingly, they didn’t respond well to these intruders. Local Kamilaroi groups resisted the occupation of their traditional lands almost immediately. Typically, a squatter would claim a large area of land and then bring livestock, shepherds and hutkeepers onto the run. As there was no fencing, the shepherds had to stay close to the flocks and the flocks were moved around looking for better pastures. As a result, the shepherds and hutkeepers were dispersed, across each run, in small groups. This made them relatively easy targets for attack.

But often there was some interaction between the Aboriginal people and the Europeans. Sometimes this was simple curiosity. Sometimes it involved European men seeking the company of Aboriginal women. But eventually, the Kamilaroi realised that the Europeans planned to stay and this was not acceptable. Tensions rose and conflict began. In the early 1830s, a number of Europeans and Kamilaroi were murdered and some stations abandoned.

Now, in 1981, Eric Rolls wrote a book called *A Million Wild Acres* – an insightful book, well ahead of its time. He followed the tracks of the squatters who crossed the Blue Mountains and headed to central and northern New South Wales and he researched their progress. After burying himself in state archives over a period of years, his meticulous research revealed the early interactions between squatters and Aboriginal people. This is what Eric says:

Eric Rolls: [31:43](#) *“From the beginning of settlement, there was an astonishingly close relationship with the Aborigines. It was rare for a white man to be killed by unknowns. When a shepherd in a lonely hut was speared, if he saw the man who threw it, he knew him by name. And, when stockmen rode out to shoot Aborigines in retaliation, they counted the dead by name. But the names they called them were cursory and degrading: Bobby, Saturday, Sunday, King Billy. Most Europeans could not be bothered learning to pronounce Aboriginal words and in choosing names for Aboriginal acquaintances, they took less trouble than teamsters in naming their working bullocks.”⁴⁰*

Peter: [32:32](#) Eric saw that the killings on both sides were quite personal, not just random attacks.

Greg: [32:39](#) I wonder if we’ll find the same happening around Goondiwindi when we get more details of the Mark’s murders? I wonder if James Marks knew the Aboriginal man who killed his son?

Peter: [32:48](#) Yes. It will be interesting to see if that occurred but back to central New South Wales. As a result of these killings, Liverpool Plains squatters demanded military protection. In response to their demands, Lieutenant-Colonel Snodgrass, who was the Acting Governor of New South Wales at the time, sent a large Mounted Police party north to take action.

The Mounted Police party was led by Major Nunn⁴¹ and composed of about 20 troopers. They reached Liverpool Plains in January 1838. What occurred after they arrived remains somewhat unclear,⁴² but at Waterloo Creek, which is about 50 km southwest of modern-day Moree, they encountered a large party of Aboriginal people camped by the creek. In the ensuing melee, many Aboriginal people were shot. The exact number killed is unknown but estimates vary anywhere from 40 to several hundred.⁴³

Major Nunn's Campaign (as it was known in the district) didn't stop further conflict. More stockmen were killed. In the following months, stockmen from stations along the Gwydir River organised themselves into armed groups and scoured the countryside in what is described as quote - "*a concerted campaign to get rid of all the Aborigines in the district.*"⁴⁴ At this time, large numbers of livestock were also being killed by the Kamilaroi – cattle, sheep and horses. This has often been portrayed as simply being a matter of hunger but in the early days of contact, this was not the case. There were many reports of cattle and horses being killed and not being eaten. The Kamilaroi were not motivated by hunger but by a desire to drive out the squatters and they recognised that the livestock was the major asset owned by the squatters. So, this was a form of economic warfare.

Greg: [34:47](#) Now I've heard about another incident that happened in the Liverpool Plains - the Myall Creek Massacre. What happened there?

Peter: [34:54](#) Well, this was a truly ugly incident but important to our story. Myall Creek is about 30 km south of modern-day Warialda. This event is well documented, so we won't discuss the massacre in detail here - just a quick summary.

In June 1838, a group of about 35 Aboriginal people were camped beside station huts on Henry Dangar's Myall Creek Station. They were Kamilaroi people. They'd been camped at the station for a few weeks after being invited in by one of the stockmen to come to their station for their safety and protection from the gangs of marauding stockmen who were roaming the district slaughtering any Aboriginal they could find. That day, a group of eleven stockmen arrived at the station. They tied the Aboriginal people together to a long tether rope and led them away. They took them to a gully on the side of a ridge about 800 m to the west of the station huts. There they slaughtered them all⁴⁵ except for one woman who they kept with them for the next couple of days. They murdered 28 people - mainly women, children and old men. Most of the people were slaughtered with swords. A hue and cry occurred throughout the colony afterwards. The offenders were arrested and tried. Testimony was later given at the trial⁴⁶ that the children had been beheaded while the men and women were forced to run as far as they could between the stockyard fence and a line of sword-wielding stockmen who hacked at them as they passed.

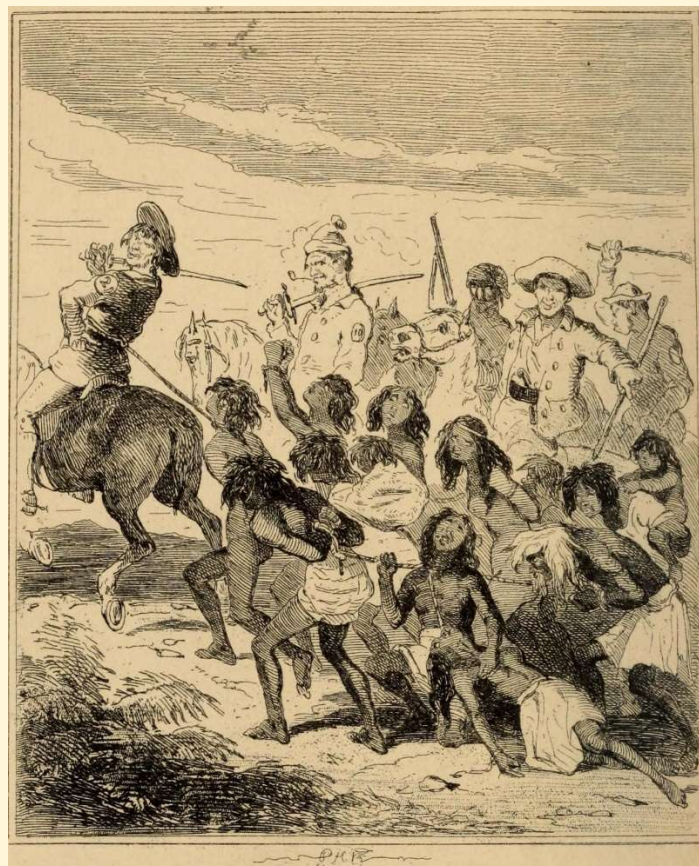
Greg: [36:28](#) So why is the Myall Creek Massacre relevant to our story?

Peter: [36:33](#) The Myall Creek case led to significant uproar among sections of the population and the media. The new Governor – that's Governor Gipps – was determined to make an example of the perpetrators and ordered that they be brought to trial. In response to this, local squatters – including a group called the Black Association⁴⁷ - provided the funds for the defence and took steps to disrupt the court process. The leader of the Black Association was one, Robert Scott.⁴⁸ He is the brother of Captain Scott who we discussed in the previous episode.

So, a trial was held and 11 defendants were found not guilty.⁴⁹ Gipps ordered a second trial and seven of the gang were found guilty.⁵⁰ They were sentenced to death⁵¹ and hanged.⁵² The Myall Creek Massacre and the subsequent trial and hanging of some of the offenders had a profound effect on the "outside" squatters - those on the frontier - and their dealing with Indigenous people throughout all sections of the frontier. Most squatters did not agree with this verdict.

So, for our story, there's several important consequences of the Myall Creek Massacre, its trial and verdict.

Firstly, the obvious one was that Europeans could be held culpable for the murder of Aboriginal people. Many didn't believe that this would ever be so. But the second thing was clear – the killing of Aboriginal people did not stop because of the trial. It simply went underground and was not publicly reported. A conspiracy of silence was agreed upon by the squatters and their stockmen when these events occurred.



‘Australian Aborigines slaughtered by convicts’
[Illustration of the Myall Creek massacre, 1838]. [Flickr.com/Wikimedia Commons](https://www.flickr.com/photos/wikimedia-commons/)



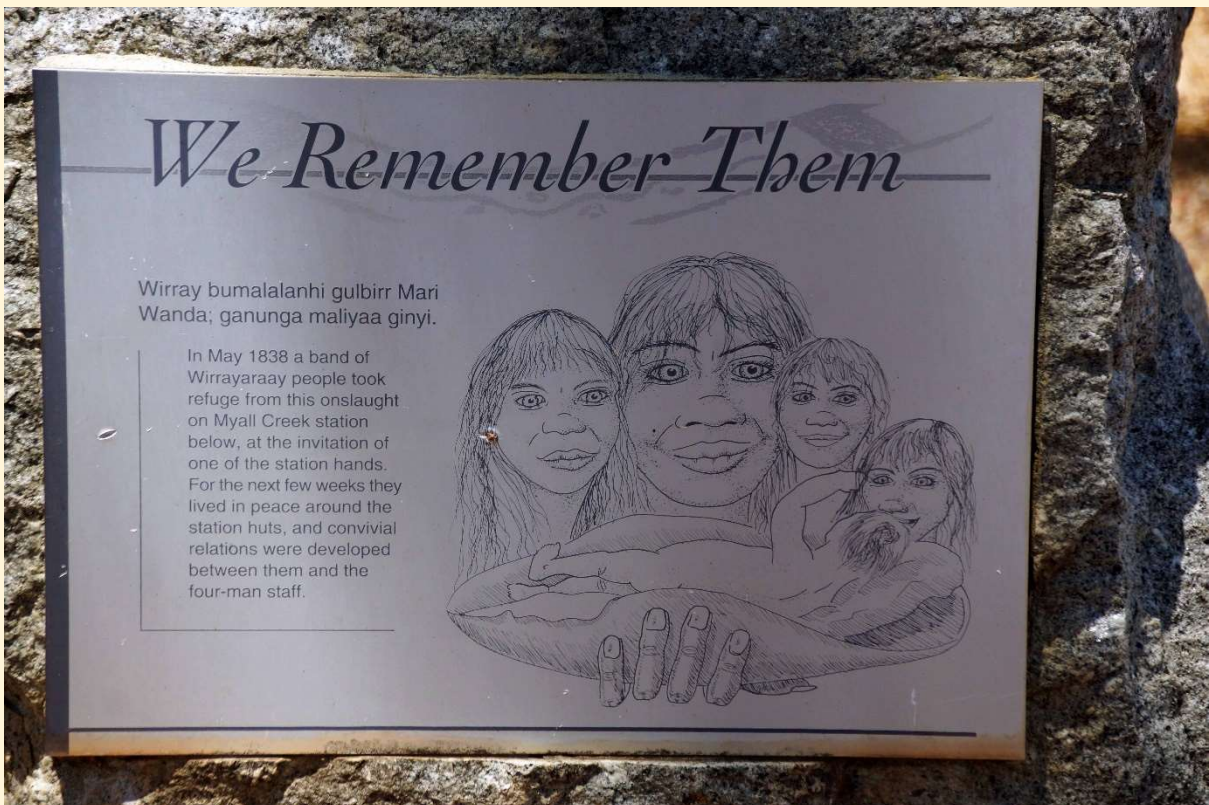
Entrance to Myall Creek Memorial Site⁵³



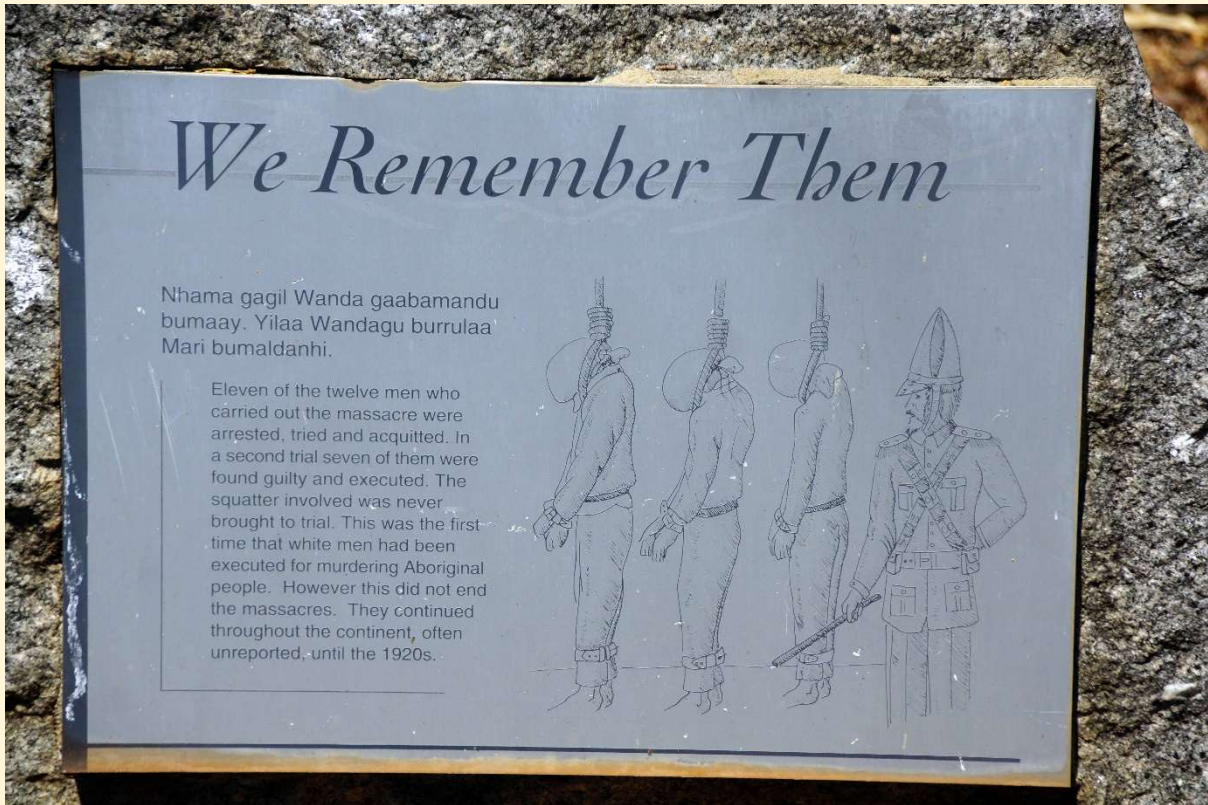
Two basalt blocks mark the beginning of the memorial walkway which is a 600-metre winding path in red gravel that leads through woodland and grasses. At various stages along the walkway there are seven oval shaped granite boulders which contain plaques with etchings and words in English and Gamilaroi. These plaques tell the story of the Myall Creek massacre.



Walkway through the site



Plaque with etchings and words in English and Gamilaroi



Plaque with etchings and words in English and Gamilaroi



At the end of the walkway is a memorial is set on a rise over looking the site of the massacre

Greg: [38:17](#) Won't this make it difficult for us to find documented evidence of any murders by James Mark when he took his "terrible revenge"?

Peter: [38:24](#) Yeah. We will need to be fortunate in finding squatters or government officials who were sympathetic to the plight of the Aboriginal people and recorded relevant information because it's very likely that James Mark and other squatters with similar views won't have kept any written records of any these killings.

Greg: [38:44](#) Did anything else come out of Myall Creek?

Peter: [38:47](#) Yes, there was an Aboriginal stockman who witnessed the Myall Creek killings. He could have identified the perpetrators in the trial. However, at that time, Aboriginal people could not give evidence in court – because it was believed that Aboriginal people had no belief in God or any higher being and therefore could not swear on a Bible.⁵⁴ Governor Gipps tried to have laws introduced to allow Aboriginal people to testify^{55, 56} but this was unsuccessful. Hence, Europeans knew that they could kill Aboriginal people and leave some Aboriginal witnesses with no risk of prosecution. Another outcome was that Governor Gipps formed the Border Police.⁵⁷ This was a mounted force aimed specifically at bringing law and order to the frontier areas.⁵⁸ We'll talk more about the Border Police in later episodes.

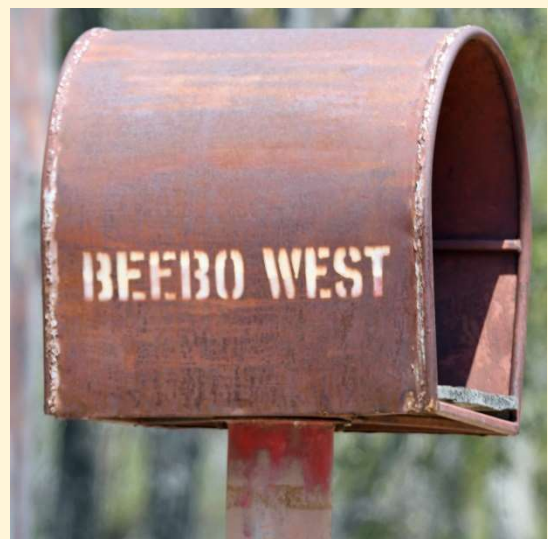
Greg: [39:45](#) OK. That's the big picture of squatting but we need to get back to our interest in the Mark's Murders. Where did these murders happen?

Peter: [39:53](#) These murders all occurred in the area around modern-day Goondiwindi. Gundy is about 625 km north of Sydney and 300 km south-west of Brisbane. Gundy lies on the northern side of the McIntyre River, but the murder and mayhem happened on both sides of the river. The river now forms the border between New South Wales and Queensland but at the time of the murders, the locality was in New South Wales (as Queensland didn't exist as a separate colony until many years later). In this story, the locality is often simply described as "The McIntyre". The McIntyre is north of the Liverpool Plains and north of Warialda, which was the administrative centre at the time.

Greg: [40:38](#) OK, the squatters had now reached the McIntyre. What happened there?

Peter: [40:42](#) The history of squatting in the McIntyre happened effectively in two phases. Initially, there was a rush northward following Cunningham's route. The first squatter to take up land along the McIntyre was John Howe and members of the extended Howe-Dight family soon followed. All were initially residents of the Hunter.

In 1837, they took up *Yetman Station* and *Merriwa*. Other stations were claimed in the names of other family members including *Boonal* and *Tucka Tucka*. *Tucka Tucka* was not held long by the Dight family as the Aboriginal people – the Bigambul - were very hostile. One of the station hands – a man called Parmenter⁵⁹ – was speared and died. *Tucka Tucka* was abandoned. But by 1840, in the big Land Rush, squatters had claimed stations all along the McIntyre and into modern-day Queensland – i.e. north of the McIntyre River. John Browne had claimed *Coppymurrimbilla* and *Tingun*. However, many of these runs were abandoned by 1843.



Current Property and other signs south and east of Goondiwindi

Greg: [41:51](#) Why? What happened to them?

Peter: [41:53](#) Well, there's a few factors at hand here. Firstly, these runs were a long, long way from civilisation, from any towns – this was the very edge of the frontier and hard to service. Then, in 1842-3, there was a major economic recession and many squatters went broke. But the major factor was that the traditional landholders – the Bigambul. They forced most of the early McIntyre squatters out of the area using violence, is the only word.

I think that this might best be demonstrated by looking at the experiences of two of the squatters who arrived in about 1840 on the McIntyre – Captain Scott and Tinker Campbell. We'll discuss the Tale of Two Squatters in our next podcast as well as some discussion about the original inhabitants – the Bigambul.

But – the push and power and wealth of the squatters was too strong. Eventually, by 1847 when the Mark's Murders started, the squatters had returned.

Greg: [43:04](#) OK. So, we're continuing on our journey, seeking the truth of John Watts' 700 words.

Peter: [43:09](#) Yes, we are – in the next episode, we need to look into the Tale of Two Squatters who took up runs on the McIntyre - Captain Scott and Tinker Campbell. Their story has never really been told before and their story gives us insight into the mayhem that finally occurred with Mr Marks.

Greg: [43:29](#) We would like your views on this topic. If so, please contact us on email or comment on our Facebook - contact details are on our webpage – www.todaysstories.com.au. Full details of this story are available on our website. Please remember to subscribe to our podcast.

For this podcast,

- Your hosts were Greg and Peter
- Research by Peter and Maurice
- Voice actors were Mark, Denise and Mick
- Original music and Sound Engineering by Pete Hill
- IT solutions by Shelly

Thank you very much for listening



Citations

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10 Browne John. Name of run, Pullaming. Estimated area, one hundred and two thousand four hundred acres. Estimated grazing capabilities, seven thousand sheep. Bounded by Johnstone on the north and west, and by a marked tree line on the west dividing it from Mr John Howe, senior, station, known as Carroll; on the south by Eales' Long Point station to a marked tree, from thence bearing south west, and on the west by Sumner station and Melville Plains to a dry creek on the plains.
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52. Dight Hannah. Name of run Carroll. Estimated area, twenty-three thousand acres. Estimated grazing capabilities, four hundred cattle and three thousand sheep. South side of Namoi, commencing at Carroll Hut, running in a south-easterly direction about seven miles to a place known as the Gap : thence about six miles to a marked line on the Peel about a mile and a half above its junction with the Namoi, and bounding Cobcroft's run: on the north side commencing at the junction of the Peel and Namoi, running in a northerly direction for about seven miles and from that point by a line running in a westerly direction towards a place about half a mile above the Springs ; thence to the Namoi a distance of about four miles and a half; bounded by the run of John Howe, Esq.
80. Howe John. Name of run, Carroll. Estimated area, thirty thousand acres. Estimated grazing capabilities, six hundred and thirty cattle, or six thousand two hundred sheep. Five miles frontage on the south side of the Namoi River, the western boundary extending from a known point on that river to the Mooki River, and thence up that river two miles to a point one mile above the Battery Mountain; from thence the southern boundary line runs to Oaky Creek in the Dury range, and to a known point ; thence the eastern boundary to the Carroll hut, also three miles on the north side of the Namoi River, the side lines extending from marked trees on the river to the Namoi Range which forms the northern boundary on that side.
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5.— BROWNE JOHN, Name of run, Coppymurrambil. Estimated area, 96,000 acres, Estimated grazing capabilities, 1,200 cattle Coppymurrambil station, bounded on the north by Carback station and a boundary on Morella; on the south by a brigoli brush; on the east by Messrs. John and James Howe's station Medwar; on the west by a large plain.
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6.— Browne John. Name of run, Tingun. Estimated area. 32,000 acres. Estimated grazing capabilities, 4,000 sheep. Tingun station, bounded on the north and west by Edward White's, Esq., station: on the east by a brigoli brush; and on the south by Gundiwinde station.
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52.—HOWE JAMES. Name of run, *Merawa* Estimated area 64,000 acres. Estimated grazing capabilities 2300 cattle. Eight miles frontage, on the south side of river by ten back, and ten miles frontage, on the north side by two back, and remainder being a thick scrub. The lines are supposed to run at right angles

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- with the river, bounded on the east by the run of Messrs George and S B Dight, on the west by Mr G. Yeoman's; and on the south by Mr John Browne, the lines between the two last mentioned persons were confirmed by Commissioner Mayne, in January, 1843.
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92. Yeomans and Baldwin, per G. Yeomans. Name of run, *Boggabilla* or *Bugobilla*. Estimated area, 64,000 acres. Estimated grazing capabilities, 1200 cattle. A perfectly flat country, alternate brigalow and forest plains; nearly the whole of the river front is a belt of barren scrub; a back watercourse running nearly parallel with the river at about five miles distance; the westerly portion of the run very scrubby. Boundaries determined by Mr. Commissioner Mitchell, and subsequently by Mr. Bligh, as follows.:— on the east a marked tree line commencing at a tree on the south bank of the McIntyre River, half a mile eastward of the Bugobilla Hut, and running thence by compass due south ; on the north by the McIntyre River from the said tree to a tree on the bank of the said river, marked Y, and distant from Bugobilla Hut about nine and a half miles westward ; and on the west a marked tree line running from the last mentioned tree due south by compass.
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