

TUNNERMINNERWAIT AND MAULBOYHEENNER

THE INVOLVEMENT OF ABORIGINAL
PEOPLE FROM TASMANIA IN KEY
EVENTS OF EARLY MELBOURNE



CITY OF MELBOURNE

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The City of Melbourne respectfully acknowledges that it is located on the traditional land of the Kulin Nation. This special place is now known by its European name of Melbourne. Today, Melbourne is one of the great multicultural cities of the world, and a significant meeting place. For the Wurundjeri, Boon Wurrung, Taungurong, Djadja Wurrung and the Wathaurung which make up the Kulin Nation, Melbourne has always been an important meeting place and location for events of social, educational, sporting and cultural significance.

Tunnerminnerwait and Maulboyheenner: The involvement of Aboriginal people from Tasmania in key events of early Melbourne

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INTRODUCTION

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

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

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

Further, when placed in their full context, the stories of these five Aboriginal people from Tasmania offer vital insights into the very significant past, present and future of Melbourne and Victoria.

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

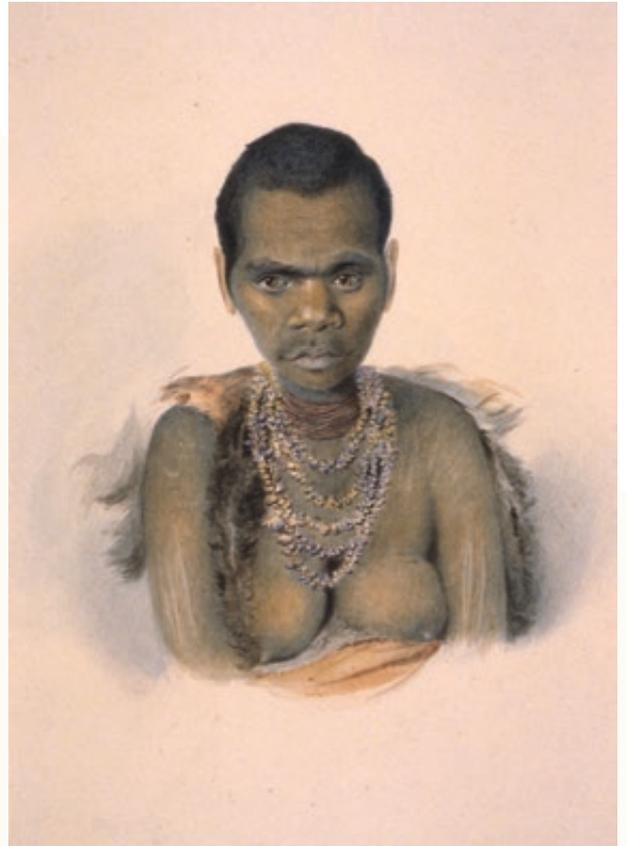
This booklet explains why this is one of early Melbourne's most important stories. It contains two maps designed to show the places and areas in Victoria and Tasmania (page 12) and in Melbourne (page 13) that this story relates to. Its companion document *Forms for Monuments to Complex Histories*, available online, discusses appropriate forms for monuments or public commemorations of histories that like this one are complex and, in important ways, unfinished.



TUNNERMINNERWAIT

Tunnaminnerwate (aka Jack),
[a Tasmanian Aboriginal man from Cape Grim],
Thomas Bock (1837-1847).
Drawing; graphite and watercolour.

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PLANOBEENA

Wortabowigee (aka Fanny),
Thomas Bock (1837-1847).
Drawing; watercolour.

Depicted is *Wortabowigee (aka Fanny)*
[aka *Planobeena*], a Tasmanian Aboriginal
woman from Port Dalrymple.

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MAULBOYHEENNER

Like *Mannalargenna*, the powerful *bungunna* (leader) of the clan he belonged to, *Maulboyheenner*, or Timmy, is depicted by Thomas Bock as having ochred hair and holding a lit firebrand. Cameron (2011: 37) suggests that firing the land was the business of men, and may also have been ‘the provenance of a select few who were, or would become, *bungunnas*’.

Maulboyheenner (aka Timmy),
Thomas Bock (1837-1847).
Drawing; watercolour.

© Trustees of the British Museum



TRUGANINI

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

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NOTE FROM THE AUTHOR

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

Several historians have addressed this question. For instance, Cox (2004) concluded that the group decided to launch 'mayhem against whites'. Rae-Ellis (1981) suggests that their apparent decision to abscond from Melbourne reflected their disenchantment with their 'Protector', George Augustus Robinson.

A story in the community that they may have been seeking revenge against men who were known to have abducted Aboriginal women holds weight, in part due to its persistence. Stevens (2010) finds evidence that they may have been attempting to forge an independent existence away from Melbourne.

Stevens (2010) also suggests, convincingly, that there were many good reasons for the group to leave Melbourne and to burn settlers' huts and take up arms.

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

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

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

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



PYTERRUNER

Charles Edward Stanley, 1847, *Natives at Oyster Cove, 1847*, National Library of Australia, an3069021.

Pyterruner, or *Maytepueminner* (also known as Matilda), does not appear in the series of portraits of Aboriginal people made by the artist Thomas Bock. In fact one historian has said that '*Maytepueminner*, of whom little is known, constantly resists historians, owing to her low visibility in the record' (Stevens, 2012). Matilda does appear in this drawing by Charles Edward Stanley made in 1847, yet Steven's comment is supported by the way Matilda is standing (far right); she perhaps resists her capture by the artist. This watercolour depicts Matilda after she had returned to Van Diemen's land following the eventful time in Melbourne. Mary Ann, who also went to Melbourne and returned, is also depicted in the drawing.



PROBELATTENER

Probelatter (aka *Jemmy* or *Problatena*), [Native of Hampshire Hills], Thomas Bock (1837-1847).

Drawing; graphite and watercolour.

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DETAIL OF HISTORICAL SIGNIFICANCE

CRIME AND PUNISHMENT

Tunnerminnerwait and *Maulboyheenner* were the first people to be hanged by the Government in the District of Port Phillip, in 1842. A total of six people were hanged that year. The six hangings of 1842 remain the only judicially approved public executions in Melbourne's history, giving them particular historical significance.

EARLY PUBLIC HANGINGS IN MELBOURNE

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

In later years, once the 'enormous grey gaol' on Russell St (Old Melbourne Gaol) was completed, executions were conducted inside its walls, although only small crowds were admitted to watch these. The six hangings of 1842 remain the only judicially approved public executions in Melbourne's history, giving them particular historical significance.

The artist Wilbraham Liardet made a watercolour drawing called, *The first execution* which depicts *Tunnerminnerwait* and *Maulboyheenner's* departure from the gaol to the site of their execution, Gallows Hill, although details such as their clothing are not strictly accurate when compared to the available written records.

Nevertheless, the image is evocative of the time and the fact that it was drawn in 1875 (some 33 years later) shows that the event was looked back upon as noteworthy. Thomas O'Callaghan, a former Chief Commissioner of Police and amateur historian, commented on the significance of *Tunnerminnerwait* and *Maulboyheenner's* execution in a paper read before the Royal Historical Society of Victoria in 1920. Parts of their story have also been re-interpreted in at least two novels: Mudrooroo's *Doctor Wooreddy's prescription for enduring the ending of the world* (1983) and Robert Drewe's *The Savage Crows* (1976).

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

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

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

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

THE BIGGEST STORY IN THE NEWSPAPERS OF THE DAY

The execution of *Tunnerminnerwait* and *Maulboyheenner* was attended by thousands of spectators. For months the public had followed the case. Reports of their activities, their capture and then their trial was the biggest story of the day in the newspapers (Stevens, 2010).

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

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

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

By all accounts, the execution was a mismanaged debacle, overseen by the executioner, John Davies, a convict who also worked as a warder at the prison, and his assistant, John Styleman, who later became the colony's official hangman and flogger. The gallows were in-expertly built by the Clerk of Works, and, it seems, did not efficiently perform their function. For the next execution, a much more costly gallows was constructed by a contractor and numerous rehearsals were carried out using a straw man (MacFarlane, 1984).

BURIAL AT THE OLD MELBOURNE CEMETERY - NOW QUEEN VICTORIA MARKET

The burial of *Tunnerminnerwait* and *Maulboyheenner* was controversial. They were placed in an unconsecrated section of the Old Melbourne Cemetery that had been set aside for Aboriginal people three days before the execution (Robinson & Clark, 1998; see also the *Argus*, 27 December 1877). This site, later built over and still unmarked, is now the site of the Queen Victoria Market.

About 9000 people were probably buried in the Old Melbourne Cemetery between 1837 and 1917. The remains of only about 950 bodies were exhumed and reburied in Melbourne General Cemetery and Fawkner Memorial Park when the market was first established and then extended.

It is not entirely clear whether the remains of *Tunnerminnerwait* and *Maulboyheenner* were exhumed and reburied elsewhere or whether they are still at the

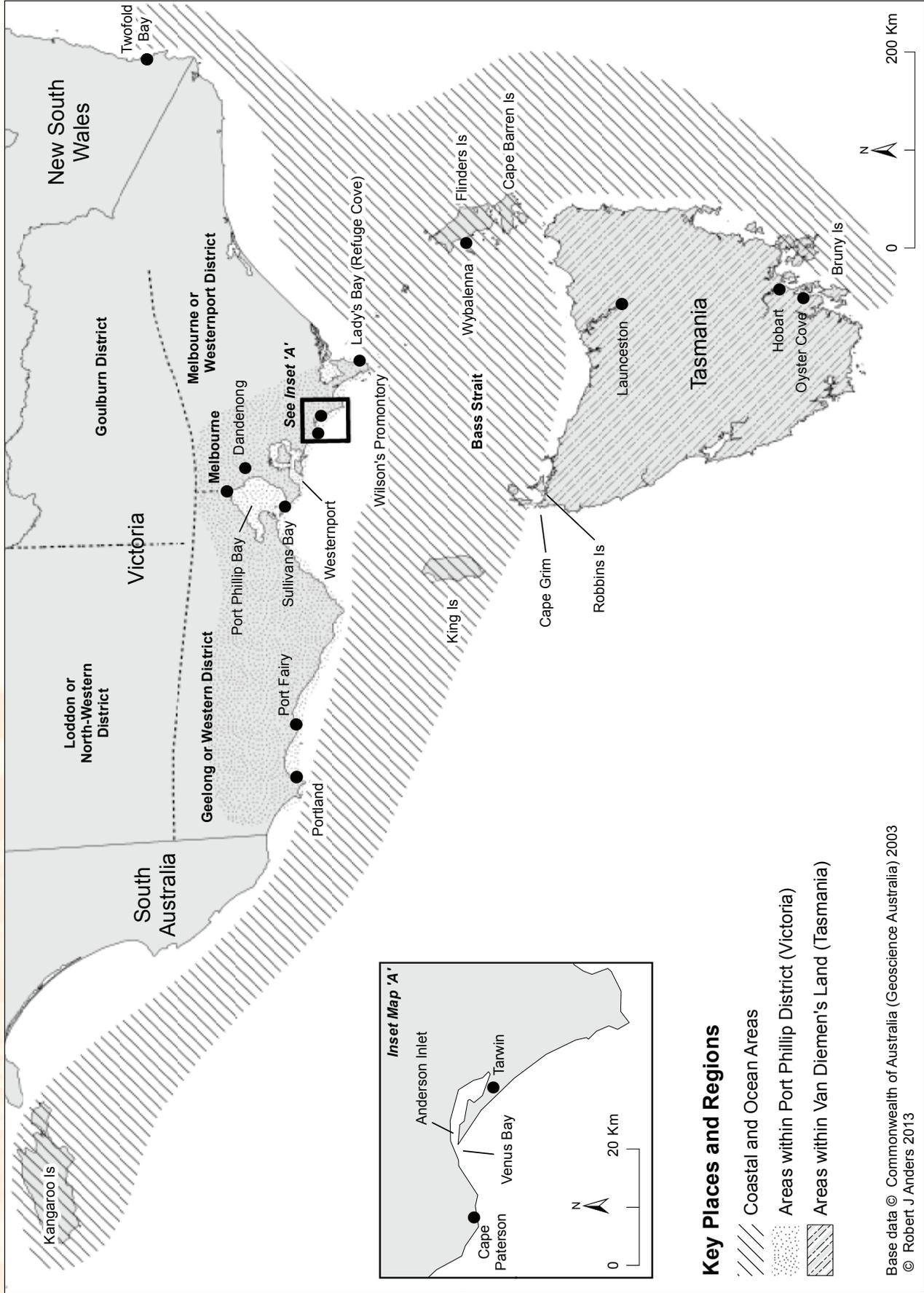
original burial site, near the Queen Street end of the surviving original cemetery wall which runs east-west through the present day market (see map on page 12; see also Sparrow and Sparrow, 2001).

Sometimes the relatives of people hanged were granted permission to have the body returned to them, as in the case of George Melville, hanged in 1853 (Porter, 1999). This was not the case for *Tunnerminnerwait* and *Maulboyheenner*.

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

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

KEY PLACES AND REGIONS RELATING TO TUNNERMINNERWAIT AND MAULBOYHEENNER



SITES IN MELBOURNE RELATING TO TUNNERMINNERWAIT AND MAULBOYHEENNER



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

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

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

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

Only men 'between 21 and 60 years who had an income of at least £30 per annum from personal property' had the right to sit on juries at that time (Davies, 1987: 316, footnote). Nineteenth century voting rules were similar.

In court, accused were not allowed to give evidence in their own defence and not at all if they were 'ignorant' of a 'Supreme Being' - God (Davies, 1987: 317).

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

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

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

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

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

HISTORY OF CAPITAL PUNISHMENT IN VICTORIA

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

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

Over time, public outcry over the death penalty steadily increased in Victoria, up until and including on the occasion of the last woman - Jean Lee in 1951 - and

the last man executed - Ronald Ryan in 1967.

Ronald Ryan was also the last person executed in Australia (Porter, 1999, 88).

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

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

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

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

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

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

Another watercolour drawing by Liardet (*An escape from the first gaol: 1875*) depicts this escape, and indicates the atmosphere of desperation and violence of the early years of Melbourne. Though some conflicts between Aboriginal people and settlers did make it to court, Aboriginal people were not permitted to give evidence, stacking proceedings against them.

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

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

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

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

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

THE RE-ESTABLISHMENT OF THE NATIVE POLICE

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

There had been attempts to recruit Aboriginal people as Native Police in 1837 but the Corps was established with much greater formality in 1842 and operated for 11 years until being disbanded in 1853 (Fels, 2011).

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

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

BIGGER LEGAL QUESTIONS

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

RETROSPECTIVE ENDORSEMENT OF THE 'SETTLEMENT' OF PORT PHILLIP

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

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

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

SOVEREIGNTY

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

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

Crucially, the Bonjon case dealt with crime among Aboriginal people; in Bolden, it was crime by white against black. In the former case Judge Willis discharged Bonjon, who had been accused of murdering a fellow Aboriginal person, arguing that he was 'not amenable' to the Law of the Colony for offences committed against another Aboriginal person. Bonjon's defence counsel argued that Aboriginal people were not subjects as they had not entered into a treaty nor 'submitted themselves to the British Crown'. However, there had been an earlier case in the NSW Supreme Court and a statement by the Governor in which Aboriginal people were proclaimed to be subjects, and therefore able to be protected and

prosecuted under English Law for crimes against whites or blacks (MacFarlane, 1984: 18). Willis' request that Governor Gipps in Sydney ask Lord Stanley, the British Secretary of State for War and Colonies in London, to consider the rectitude of asserting sovereignty and jurisdiction over Aboriginal people in the absence of a treaty, was rejected by the Governor (Davies, 1987).

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

ABORIGINAL PEOPLE FROM VAN DIEMEN'S LAND IN PORT PHILLIP

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



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

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

A brief history written by the Tasmanian Aboriginal Centre (TAC) – in a booklet on repatriation – provides an Aboriginal perspective. It states that of the 1803 population of perhaps 4000 Aboriginal people, 'by 1860, only 15 of the tribal people were left alive, herded together in concentration camps, first at Wybalenna on Flinders Island and finally at Oyster Cove, in the south

of mainland Tasmania. About a dozen women escaped the camps. Most of these had been captured to work for British sealers living in tiny enclaves in the Furneaux island group off the north east tip of Tasmania.

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

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

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

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



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



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

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

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

The short time between March 1839 and mid-1842 that these 15 Aboriginal people spent in Melbourne and the wider colony was extraordinarily eventful. By the end of that period five of the group, including *Tunnerminnerwait* and *Maulboyheenner*, were dead, and another six had returned to Van Diemen's Land when *Truganini*, *Planobeena* and *Pyterruner* were sent back following their trial. Another countryman, John Allen, returned then too - he had come to Port Phillip with John Batman, who had himself since died (Roberts, 1986). At least two of the Aboriginal people Robinson had brought over from Van Diemen's Land remained in the Port Phillip District after 1842 - Peter Brune and

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

Johnny Franklin (Roberts, 1986: 95). However Peter Brune died in 1843 and was buried in the grounds of Robinson's house in present day Prahran, along with Rebecca who died in 1841 (Clark & Kostanski, 2006).¹ More research would be needed to get clearer information on the fate of each person in that group of 15; even the exact numbers in the group and their various arrival dates are currently hard to determine (see Appendix 1; see also Cameron, 2011; TPIC website).

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

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

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

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

In her book *Jack of Cape Grim*, Jan Roberts recounts how many of the Van Diemen's Land Aboriginal people used to abscond frequently from Robinson's supervision and how the group of five probably came to be assembled in the bush in the Dandenong-Western Port area by August-September 1841. There was nothing eventful about the first few weeks of their journey. However, after their first raids on settler huts were reported, for about six weeks they managed to evade the large and numerous parties that were sent out to catch them. Once they were brought to Melbourne they initially appeared before Police Magistrate Major St John Twelve who committed them to trial – *Tunnerminnerwait* and *Maulboyheenner* for murder, and *Truganini*, *Planobeena* and *Pyterruner* as accessories.²

The group was tried on 20-22 December 1841, having spent nearly a month in jail following their arrival in Melbourne on 26 November. Judge Willis' notes of the trial are at the archives of the Royal Historical Society of Victoria and are reproduced in the British House

of Commons Parliamentary Papers. Unfortunately the records of the Standing Counsel for the Accused, Redmond Barry – a future chief justice of Victoria – appear to have survived only in newspaper reports of the trial. As their defence counsel, Redmond Barry attempted to get the group's case heard by a jury of their peers, but this was rejected. Redmond Barry also invoked the Black War as a motivation for their attacks on settlers in what was both a credible explanation for their anti-colonial style raids and an attempt to reduce the punishment they would receive.

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

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

WHAT WAS THE GROUP'S BUSINESS IN WESTERN PORT?

Many historians and commentators have attempted to uncover the group's motives for leaving Melbourne, conducting numerous raids on settlers' huts and gathering the not insignificant arsenal discovered when they were eventually caught (this is Stevens' particular focus in her 2010 article; her analysis is impressive). Further, the group's motive for killing the whale-hunters has been a key issue. A story has circulated in the community that the group killed the whale-hunters due to their prior mistreatment of Aboriginal women. The persistence of the story and the long association of seal-hunters and whale-hunters with many parts of the coast on both sides of Bass Strait, including Western Port, gives it some weight. The fact of the violence the three women had witnessed or experienced at the hands of sealers in the past is well established. Judge Willis was aware that *Planobeena* and *Pyterruner* 'were emancipated from the sealers in Bass's Straits' (Willis' Note Book, RHSV). As well as experiencing violence at the hands of sealers herself and witnessing violence against her family, *Truganini* had various interactions with whale-hunters on Bruny Island in the late 1820s and early 1830s (Ryan, 2012).

An over-arching or additional explanation for the raids conducted prior to and after the encounter with the whale-hunters is that it was a form of anti-colonial resistance. The journey into the bush of *Tunnerminnerwait*, *Maulboyheenner*, *Truganini*, *Planobeena* and *Pyterruner* and their raids against settlers occurred during one of the most intense periods of frontier violence in the history of the Port Phillip District. Their activities were very similar to the forms of resistance employed by Aboriginal people at that time in all areas of what is now Victoria, including Geelong, the Western District, Gippsland, Swan Hill and along the Murray and Goulburn Rivers, and to forms of resistance employed back in Van Diemen's Land. Estimates of the number of Aboriginal people murdered by Europeans around 1835-1850 range from a minimum of 400 to around 2000 (Davies, 1987: 320, citing Christie, Nance). Aboriginal people

allegedly killed at least 8 colonists in the Western District between 1836 and mid-1837 (Davies, 1987: 320). Massacre and murder was regularly occurring in all districts prior to and following their raids, as discussed by various historians and noted by the Governor of the day (Davies, 1987; Roberts, 1986). Guerrilla warfare and settler attacks went on for about 13 years, until the 1850s – the time of the Gold Rush (Roberts, 1986; 105).

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

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

CONFLICT BETWEEN ABORIGINAL PEOPLE AND MEN OF THE SEA

In addition to general anti-colonial revenge or resistance, there may have been a more specific reason for the group's journey to and activities in Western Port than historians have so far uncovered.

It remains possible that the whalers were killed because the group knew they had previously attacked Aboriginal people in massacres and/or abductions.

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

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

The activities of seal-hunters and whale-hunters impacted on the southern coast of Australia from Western Australia through to the south coast of New South Wales. Western Port was a regular port of call for sealers from the 1802 to the 1820s (Bowden, 1970). People involved with

sealing were often also involved with whaling and wattle bark stripping – a source of income in the whalers' off season (Gooch, 2008: 44, 49). The occurrence of abductions of Aboriginal women and children by sealers and whalers along these same coasts is well established by historians.

That said, there may be important local nuances in relationships between Aboriginal women and colonial men on the south east coast of Australia and Bass Strait. The men who settled on the eastern Bass Strait islands from the 1810s onwards have often been painted as brutal abductors and enslavers. However Patsy Cameron (2011) has re-read the encounter between a particular 'cohort' of men, the Eastern Straitsmen, and the *tyereelore*, the Aboriginal women who came to marry them. She finds that the Straitsmen had close relations of mutual exchange with the Coastal Plains clans of north east Tasmania between 1812 and 1827, resulting in a unique lifestyle and blend of two cultures in the nearby islands. Cameron's research demonstrates the need for detailed attention to time and place in analysing colonial relations.

Given the heavy traffic across Bass Strait and along the southern coast of Australia in the 1800s-1840s it is easy to imagine that the group of five recognised the whalers personally, or recognised them as the kind of visitors who tended to abduct women. As Stevens points out, 'All three women had been abominably treated by these rough-and-ready men of the sea, and *Tunnerminnerwait* as a child had witnessed a notorious massacre at their hands' (2010).

The fact that the five embarked on their expedition immediately after *Tunnerminnerwait* returned from a journey of several months with George Augustus Robinson witnessing testimony about frontier violence in the Western District also appears highly significant. It is known that Robinson, accompanied and assisted by *Tunnerminnerwait*, investigated the Convincing Ground massacre of 1833/34 near Portland Bay during this journey. This was the first recorded massacre in Victoria's history, so documenting its occurrence may have suggested to Robinson and *Tunnerminnerwait* that Victorian Aboriginal people were undergoing an attempted extermination similar to that Tasmanian Aboriginal people – at the hands of essentially the same group of people (Boyce, 2011).

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

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

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

WE 'MEANT TO HAVE SHOT WATSON'

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

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

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

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

Tunnerminnerwait,
Maulboyheenner, *Truganini*,
Planobeena and *Pytterruner*
had a reason for killing someone
at Cape Paterson, but perhaps
not specifically the two whalers.

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

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

On 6 November 1841, the day the whalers were shot, the group had been 'engaged in firefight' with Watson but they did not leave the area; they may even have been lying in wait for Watson when the whalers wandered past. When captured, *Tunnerminnerwait* 'told police they had murdered the sailors in the belief that they were Watson and his son-in-law who had shot at them when they robbed their house only a few hours previously' (Rae-Ellis, 1981: c102-109).

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

Probelattener, who was also known as Isaac and Lacklay,³ was the creator of the only surviving/known drawing created by an Aboriginal person from Tasmania in the nineteenth century, the sketch titled 'Cockatoo', which depicts a Tasmanian native hen (Sayers, 1994). The drawing was made in about 1835. It is thought that Lacklay (also spelt Legallé) was born around 1819 and died around 1840 – but no place of death or exact date of death is known (Sayers, 1994). In 1840 *Probelattener* would have been 21 years old. Ryan's (2012) description of the group who came to Port Phillip with Robinson in 1839 suggests that Isaac/*Probelattener* and Matilda/*Pyterruner* were by then a couple.

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

There is a portrait of *Probelattener* by Thomas Bock, the same artist who made the now-familiar portraits of four of the other protagonists (see page 9).



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

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

WHALE-HUNTING: HARD, DANGEROUS WORK

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

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

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

the historical record (Pybus, 2002). In addition to the two whalers who were killed, the two settlers (Bates and Westaway) who were most severely wounded by the group of five reportedly took some years to recover or never recovered fully.

The life of a whale-hunter involved hard, dangerous work and mobility between a variety of coastal areas or open ocean, depending on the whale species sought. Some Aboriginal men became involved in whaling (Russell, 2008; Lawrence, 2006). An Aboriginal whaler, James Imlay, worked for the Imlay brothers at their station at Two Fold Bay near Eden in southern NSW. William Lanney, who was captured with his family in northwest Tasmania as a boy and taken to Flinders Island, also worked as a whaler. Beginning this work at the age of fourteen, Lanney 'appears to have found greater acceptance amongst his seafaring mates than any of his compatriots could expect from the colonists' (Ryan, 2012: 265). The pall bearers at Lanney's funeral in 1869 included mates from his whaling work, and were of many nationalities. Ryan (2012) details how leading surgeons and scientists in Tasmania schemed and jostled in order each to steal parts of William Lanney's body after he died. By breaking into the morgue, digging up Lanney's grave, cutting off Lanney's head, hands, feet, ears and parts of his skin, and either keeping these body parts for personal use or depositing them in a variety of institutions in Tasmania and abroad, scientists and collectors thoroughly mutilated and desecrated Lanney's body (Ryan, 2012; Lawrence, 2006).

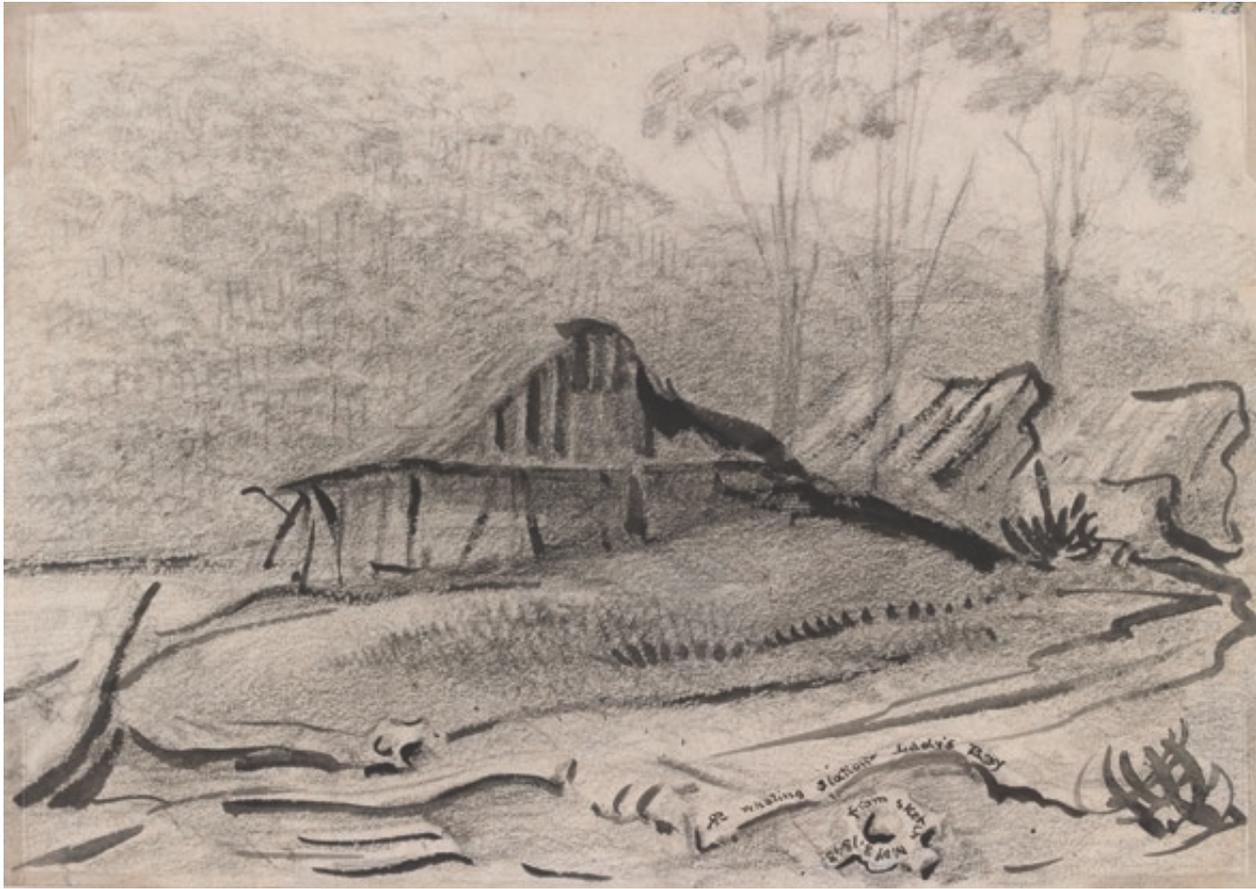
RETURN TO VAN DIEMEN'S LAND AND THE FIRST ABORIGINAL PETITION

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

Tragically, *Wooraddy* died en route. Those that did make it back to Flinders Island were later influential in orchestrating the earliest known Aboriginal petition to the British Sovereign (Attwood & Markus, 1999; Van Toorn, 2006; Gamboz, 2012; Reynolds, 1995). Walter

Arthur was the leading signatory, and David Bruny and Jack Allan also signed the petition.

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



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

TRUGANINI'S INVOLVEMENT

Truganini is one of the most famous Tasmanian Aboriginal people ever known. Yet her involvement in a party which departed Melbourne for Western Port and ended up in court for murder during Melbourne's very earliest years is almost completely unknown. Following this eventful journey and narrow escape from the gallows, *Truganini* lived for another 34 years after returning to Van Diemen's Land. *Truganini* died in 1876. She and several of the people mentioned in this booklet lived at Oyster Cove, the ex-convict settlement south of Hobart, from 1847 until 1874, following 15 years' incarceration at Wybalenna on Flinders Island. In 1995, after a decades-long struggle by the Tasmanian Aboriginal Centre and Aboriginal community members, Oyster Cove was returned to the community. It is now known as *putalina*.

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

REPATRIATION OF ANCESTRAL REMAINS AND CULTURAL PROPERTY

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

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

The TAC points out that much of the material held in British museums – both cultural objects and remains

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

of recently departed ancestors – was actually collected by G. A. Robinson himself: 'As the people died in the camps Robinson, who had been given the title of Protector of the Aborigines, cut up their bodies as presents for his friends, various military officers and representatives of the Crown' (TAC, 1997: 7). Robinson took peoples' talismans even when they showed reluctance to part with them, and passed on to others items that Aboriginal people gave him – things given 'as gifts, to try to please him' (TAC, 1997: 8).

Through its connection with *Truganini*, the story of *Tunnerminnerwait* and *Maulboyheenner* in Port Phillip is directly related to the painful and controversial issue of scientific research on ancestral remains without consent, and the struggle by descendants to repatriate ancestral remains and lay them to rest.

For the TAC: 'the whole point' of repatriation 'is so we are able at last to put to rest... the spirits of our ancestors who were disinterred from burial grounds or killed in the bush' (TAC, 1997: 9). TAC highlights that the process by which ancestral remains and cultural materials ended up in museums around the world involved unfair and illegitimate exchanges with 'a powerless people preyed on at their most vulnerable time'. Some items still in museums were made at Wybalenna on Flinders Island – they have a special significance 'because of the beauty our people

created in the most wretched circumstances' (TAC, 1997: 18). Further, 'it is precisely because there are so few cultural items that they are of such vital importance to us'. On a visit to Europe in 1997, a TAC delegation told a gathering of museum representatives, 'When we visit your museums this week, it will be the second time only that Aborigines from Tasmania have seen the relics of our dead, for instance, or the canoe models made by tribal people at Wybalenna' (TAC, 1997: 17).



Charles Edward Stanley, ca 1849, *Oyster Cove, an old convict station, now inhabited by the few remaining Aborigines of Tasmania*, National Library of Australia, an3083294. The title of this 1849 watercolour reflects a belief that, though inaccurate, was widespread at the time. In fact there were also Aboriginal people then living on the eastern Bass Strait islands, independent of the 'protection' system. Their descendants survive to this day.

LINKS BETWEEN COLONISATION OF PORT PHILLIP AND VAN DIEMEN'S LAND

The story of *Tunnerminnerwait* and *Maulboyheenner* is integrally connected to the strong links between the colonisation of Port Phillip and Van Diemen's Land. This history is not widely understood, as most people associate the colonisation of Melbourne and what became Victoria with that of New South Wales, which was the 'administrative' centre of the British colonial

project in Australia (Boyce, 2011). However, recent scholarship has revealed significant inter-linking between the colonisation of Port Phillip and Van Diemen's Land (Tasmania); a history reflected in the lives of *Tunnerminnerwait* and *Maulboyheenner*.

ENVIRONMENTAL HISTORIES

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

For the British, the land was at times experienced as inhospitable and deadly, rather than a plentiful, carefully tended home. Attempted official settlement at Sullivan's Bay (near present day Sorrento) in 1803 was beset by a failure to derive food from the area, in particular the failure to catch many fish or kangaroos. The settlement was impeded by 'hunger, illness and hostile Aborigines', as well as the commander David Collins' difficulty in managing an 'under-manned and rebellious British military' to effectively secure the settlement against the resistant local Aboriginal people (Boyce, 2010: 26-27). In early 1804 Collins evacuated the area in favour of the 'well-known refuge' of Van Diemen's Land. Van Diemen's Land was already known, from a colonising perspective, as an easier place to reside, with many locations boasting plenty of game and fresh water. As Bill Gammage's research suggests (2011), the delightful tracts of astoundingly park-like grasslands were not a matter of luck or providence, but the result of careful Aboriginal manipulation of the landscape.

Colonisation of Victoria was re-attempted in the early 1830s, beginning with seal and whale hunting operations in Portland and Western Port, and an attempted settlement at Western Port in 1826. Once the Port Phillip Association and other early squatters established their settlement on the Yarra in 1835 and gained endorsement from Sydney in 1836,

Melbourne grew rapidly. The surrounding environment had already changed dramatically by the time *Tunnerminnerwait* and *Maulboyheenner* were hanged five years later.

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

The population and early buildings in the city were initially concentrated along the Yarra, with the site of *Tunnerminnerwait's* and *Maulboyheenner's* execution in 1841 occurring on the bushiest corner of the city grid's north eastern corner. Local Aboriginal people, slightly apart from the thousands of other Melbournian spectators, climbed nearby gum trees to watch the events (*Chronicles of Early Melbourne*, 1888).

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



MELBOURNE (Port Phillip), John Adamson (1841). Lithograph, hand col. State Library of Victoria.
This shows what Melbourne would have been like when *Tunnerminnerwait* and *Maulboyheenner* were alive.

CONNECTIONS BETWEEN ABORIGINAL PEOPLE OF VICTORIA AND ABORIGINAL PEOPLE OF TASMANIA

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

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

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

Two of *Truganini's* sisters were taken by sealers to Kangaroo Island off the coast of South Australia (Taylor, 2008). A sizable group of Aboriginal women and children were abducted by sealers from Western Port Bay in 1824. *Pyterruner* had actually been present when this abduction took place as she was living with sealers in Bass Strait at that time (Fels, 2011). Members of the Port Phillip Association, apparently honouring their treaty, advocated for justice to be done in relation to these crimes against Aboriginal people in the Western Port area (Boyce, 2011), and some Protectors made unsuccessful attempts to return abducted women to the Port Phillip District (Fels, 2011). This speaks to the contingent application of the British rule of law to prosecute crimes against Aboriginal people in the early days in Port Phillip.

...at least twenty-two women were taken to Kangaroo Island from Tasmania.

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

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

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

CONCLUSION: HIGH DEGREE OF HISTORICAL AND CONTEMPORARY SIGNIFICANCE

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

The stories and their significance go well beyond the three years from 1839 to 1842 that most of the Aboriginal people who came to Port Phillip with George Augustus Robinson spent in Melbourne. They stretch back to at least the 1820s in Van Diemen's Land, to the time the Aboriginal protagonists of this story first encountered sealers, whalers and settlers. Importantly, they stretch forward to the repatriation of *Truganini's* remains in 1976, and further to the ongoing struggle for cultural, political and land rights of Aboriginal people in Tasmania and Victoria today.

The 1846 petition authored and signed by Aboriginal people on Flinders Island, including those who returned to Tasmania after their eventful years in Melbourne, is a key moment in this long history of struggle, which encompasses armed resistance and political campaigning. The Aboriginal people on Flinders Island

are recognised as instigating the history of Aboriginal political activity in Australia from the late 1830s onwards. In Victoria, Aboriginal people on Coranderrk reserve are regarded as 'probably the first to sustain a political campaign' (Attwood & Markus; 1999). There is continuity between the political expression of the authors of the 1846 petition and that of the present generation of Aboriginal people in Tasmania. The contemporary political agendas of Aboriginal people in Victoria include the need to have these important stories known, and through that, to ask what knowing these stories could set in train.

For a discussion of forms for monuments to or commemorations of a history of this nature, complexity and gravity, please see the online document *Forms for Monuments to Complex Histories*.

APPENDIX 1

ABORIGINAL PEOPLE FROM VAN DIEMEN'S LAND BROUGHT TO PORT PHILLIP BY ROBINSON, AND THOSE WHO RETURNED

	Name	Comment
1	<i>Truganini</i>	Returned
2	<i>Wooraddy</i> (partner of <i>Truganini</i>)	Died on the return journey
3	Peter Bruny/Brune (<i>Wooraddy's</i> son)	Died in Port Phillip District 1843
4	David Bruny/Brune (<i>Wooraddy's</i> son)	Returned
5	<i>Tunnerminnerwait</i> /Jack of Cape Grim/Pevay	Executed
6	<i>Planobeena</i> /Fanny (partner of <i>Tunnerminnerwait</i>)	Returned
7	Walter Arthur	Returned
8	Mary Ann (partner of Walter Arthur)	Returned
9	<i>Probelattener</i> /Isaac/Lacklay	Disappeared 1840
10	<i>Pyterruner</i> / <i>Maytepueminner</i> /Matilda (partner of <i>Probelattener</i>)	Returned
11	<i>Maulboyheenner</i> /Bob/Timmy/Timme (Semeramis/Jenny, <i>Maulboyheenner's</i> wife, was to go to Port Phillip but died on the eve of departure)	Executed
12	Charlotte/Kalloongoo (Kurna woman/'New Holland sealing woman')	Stayed in Port Phillip District
13	Johnny Franklin (Charlotte's son)	Stayed in Port Phillip District
14	Rebecca (full name not known)	Died in Port Phillip District 1841
15	Thomas Thompson	
16	Jack Allen (brought by John Batman)	Returned

Note on names used

There are differing names, spellings and conventions regarding italicisation used by community members and organisations to refer to people named in this booklet. As far as possible this report uses the names and spelling used in the most recently published Tasmania-wide research (ie Ryan, 2012).

APPENDIX 2

LIST OF WHALERS IN THE PARTY FROM LADY'S BAY

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

APPENDIX 3

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***Tunnerminnerwait* and *Maulboyheenner*:**

The involvement of Aboriginal people from Tasmania in key events of early Melbourne

Map (key places and regions): Robert J. Anders

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