INVESTIGATION TWO

A 'GRAND' ATTACK AT WHOROULY, 1840-1844, RESISTANCE AND REPRISALS

LIST OF SOURCES:

- A contemporary newspaper report
- An eyewitness written record detailing the attack
- An official report on the attack

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- Recalling the attack at Whorouly: David Reid's Memories
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- Major Lettsom's report on the pursuit of suspects
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- In 2025, the Yoorrook Justice Commission reflected on the Lettsom raids

George Augustus Robinson's testimony:

- Witnessing a death in gaol
- Observing the trial, 6 January 1841
- Docker's letter complaining of aggression against First Nations Peoples, 31 December 1840
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- Receiving John Mackay's statement re the death of Mickey
- Receiving John Keefe's statement re the death of Mickey
- In 2025, the Yoorrook Justice Commission reflected on injustice in the 1840s

A 'GRAND' ATTACK AT WHOROULY

On 26 and 27 May 1840, about twenty First Nations warriors attacked Dr George Edward Mackay's run on the Whorouly Creek off the Ovens River, near Beechworth. They almost destroyed the station and killed a hut keeper. *The Colonist* reported it as 'a grand attack conducted it in a most masterly manner.'[1]

The attack on Whorouly occurred a few days after a threatening attack on Peter Stuckey's run, on a branch of the Broken River, followed by a fatal attack at John Chisholm's station at Myrhee, on the King River near Greta. A few days after the attack on Whorouly, there was another devastating attack killing two hutkeepers on David Waugh's run, near Mansfield. The destruction and loss of stock forced Waugh to abandon his run.

This series of four attacks, and other less threatening skirmishes were presumed to be made by the same or a similar party of First Nations warriors.[2] However, the attack at Whorouly was 'grander.' It was a long and spectacular demonstration of the terrifying force of First Nations Peoples' resistance. It drew loud squatter protests and was followed by government-condoned reprisals over the next eighteen months. Furthermore, the introduction of policing, founded patterns of uneasy interactions that persisted.[3]

LEAD QUESTIONS

QUESTION 1: Why would the Whorouly attack have been considered Important enough to prompt several inquiries in the 1840s?

QUESTION 2: Why might the attack and the subsequent reprisals be considered important in the 2020s?

QUESTION 3: Why would the reprisals after Whorouly seem to be condoned if not conducted by government?

QUESTION 4: How do accounts of retaliations illustrate the shortcomings of justice in post-contact times?

QUESTION 5: How might/do such accounts affect the perceptions the descendants of colonists and the descendants of First Nations Peoples have of the impact of colonisation?

SOURCE 1: A contemporary newspaper report

'The Colonist,' 24 June 1840

THE BLACKS —HUME RIVER, JUNE 2, — Accounts reached this place a few days ago of another murder committed by the blacks on the head of the Ovens River, at Dr Mackay's station. It is only a few weeks since one of Mr Chisholm's men was murdered by the **same party**. When they murdered Mr Chisholm's man they **carried off the firearms and ammunitio**n; since then, they have not been idle, they attacked Mr Stuckey's station and bailed up Mr Stuckey and his men, for a considerable time, kept firing at them with buckshot and challenged them to come out of the hut and fight. They have attacked Mr Smith's men on the King River, one of whom had a very narrow escape. After murdering Dr Mackay's shepherd, they went to his head station and made **a grand attack on it and conducted it in a most masterly manner**; they planted themselves behind trees close to the hut where there were seven or eight men and one woman and commenced firing on it. After having carried on for some time, they ordered them to turn out the white gin [woman, presumably Benjamin Reid's wife], but their request not having been complied with, **they continued to fire** at the place for a length of time (report says nearly two days), until by chance two stockmen came riding up to the place, when they made away; they killed three horses and a number of cattle. The police from the Broken River, were sent for to go after them, but they say they can do nothing, as **they are not allowed to fire at the blacks, unless they catch them in the act of committing murder.** Should they, (the police) find the very party, they cannot apprehend them without force of arms, and as they have positive orders not to fire on the blacks, it is not very likely that they will ride up and give the blacks the first chance of firing. **Our district is, in fact, in a most awful state of insubordination, both blacks and whites. Mr Bingham and his Border Police are not worth two-pence a-year.**

Additional resources:

- *Sydney Gazette* on 28 June 1840 published a letter from 'A friend to Justice' complaining that a party of young natives attacked Stuckey's, Broadribb's and Chisholm's stations. It was critical of the way Robinson, the Chief Protector of Aborigines, who was in the area, did not join the pursuit of the natives who attacked Chisholm's.
- *'Sydney Herald'* on 30 October 1840 published report from a correspondent, 'HUME RIVER. "THE POOR BLACKS" AGAIN' which praised Commissioner Bingham on his perseverance in pursuing the attackers.

QUESTION 1: Reports of the attack and its immediate aftermath appeared in several metropolitan newspapers. Why was it considered newsworthy colony-wide?

QUESTION 2: How, according to newspaper editors, did the attack reflect badly on the colonial government?

QUESTION 3: What was the difference in reporting the attack at Broken River as 'most furious' and the attack at Whorouly as 'a grand attack conducted in a most masterly manner'?

SOURCE 2: An eyewitness written record detailing the attack

On 14 February 1841 George Augustus Robinson met with John Scobie Anderson Mackay and took what he called 'a full statement of all the circumstances connected with the attack in May 1840 made by a party of Aboriginal natives' on the run he managed with his brother, Dr George Mackay, at Whorouly.

Statement of John Scobie Anderson Mackey, relative to circumstances connected with an attack, made by certain Aboriginal Natives on Dr Mackay's Station on 26 May 1840 at the Ovens River.

States, that between three and four o'clock of Tuesday 20 May 1840, a party of Aboriginal natives (men), about 20 in number, came to the head station; two natives first made their appearance in front of the hut; they had spears with them, and commenced 'cooing.' This was the first indication I had of natives being in the neighbourhood. At this time, I was in the hut, and on hearing the cooee, which I knew to be that of natives, I went out and saw the two men standing on a small hill.

I had a gun in my hand, and I advanced towards them. When I got near enough to speak to them I stopped. They called out 'What for you cooler (ie. sulky)?' I said I was not sulky, they replied 'What for you making musket?' I then asked them what they were doing **with spears**, and they immediately threw them towards a tree.

I subsequently learnt, when they came to the hut, that the person who spoke to me on the hill was Merriman; for the two men came to the hut, and the individual referred to gave me his name 'Merriman.' He was a short, well-built young man, slightly pockmarked. I have heard that he has been since apprehended. I have not seen him since he made the attack.

At the time I was speaking to Merriman in front of the hut, I saw a number of other blacks among the trees **holding spears, apparently drawn up in rank**. At that time, I was not aware of their numbers.

Merriman spoke good broken English. [He] wanted something to eat. I gave him food and he appeared satisfied. Whilst I was supplying Merriman with food, I saw the other natives running towards the hut **with tomahawks in their belts**; they had garments on them **but did not carry any spears**. I told Merriman to stop them. He said something to them which I could not understand, and they still advanced towards the hut.

When they came up, one of the blacks said, 'Make light wheel-barrow,' that is he saw a dray coming at this time. I counted 13 natives (men). One of the men belonging to the establishment came in [by horse] and, shortly afterwards, a dray belonging to Mr [Charles] Cropper arrived. It was in [the] charge of Mr McDonnell, Mr Cropper's overseer. There were at this time, belonging to the establishment, myself, Benjamin Reid and his wife, and Daniel Richins, [the] bullock-driver; and there was [after the arrival Johnson and the dray] Mr McDonnell (Mr Cropper's overseer), making in all **five white men**.

Whilst they were at the hut, Merriman was extremely inquisitive and was the spokesman for the rest. He said he came for **to strip bark**. I told him I did not want his service, and to **go away**. He wanted to come into the hut. I would not permit it. He said he always stopped at white man's gunyah (hut). He always stopped at Mr Brown's crossing-place at the Hume. Two of my men Richens and Reed knew him. I gave Merriman some clothes, and also a shirt to another man. In the dusk of the evening, about five o'clock, they went away.

About nine o'clock at night a black came towards the hut, with a **firestick** in his hand. I asked him what he wanted. He muttered something which I could not understand, and went to the [water] hole and drank water, then returned to his camp.

In the course of the evening, the cook returned with the cart from the sheep station.

I knew when they first made their appearance that **their intensions were hostile**. I judged this from the manner of their proceedings, and from the circumstance of their having no women or children with them. They camped in front of the hut 200 or 300 yards [metres] away. I saw their fires. I was **fearful** that they would make an attack in the morning, and I told the men if they saw **any signs of hostility** on the part of the natives to run into my hut.

At this time there was but **one gun** on the station, a double-barrel belonging to myself. The reason the establishment was so short of arms, and so scarce of men, originated in the circumstance of the dray and cattle having gone to Melbourne about three or four days previous.

I should observe, that, in the course of conversation, Merriman asked me whether I should have plenty of milk in the morning, as he would want some. He also asked me **where the sheep station was**.

On the following morning, the 27th about sunrise, they again made their appearance at the hut and asked for food; I gave them a supply of rice and sugar, which they boiled, and seemed perfectly satisfied, calling me **'Budgeree master,' that is 'good master.'** One party was at the hut, and another party in the bush; they told me the party that was in the bush was, stripping bark. They said it was very good bark and wanted me to go and see it. I would not go, for I felt persuaded their intention was to kill me. I saw plainly that the stripping of bark was a mere pretence for the purpose of getting me in their power.

Immediately after breakfast I dispatched one of the men on horseback to Mr Bowman's station, to **borrow firearms**. A few hours afterwards he returned with **three old horse-pistols**, which were perfectly useless … I ordered the cook to keep the natives out of the kitchen, lest he might be overpowered.

During the absence of the messenger to Mr Bowman's they were **exceedingly troublesome**. One of the blacks, a very, tall, powerful man, came and **demanded, in good broken English, powder and shot,** which I refused. He likewise made **a demand of a shirt**, which I also refused. He was very insolent, and, said 'Bad Gammon.' He then went away to the camp muttering. They had been employed **grinding their tomahawks** and reconnoitring the main hut.

Whilst I was getting my dinner, they were **exceedingly threatening and audacious.** [They] forced themselves into the kitchen, and snatching everything that was within reach. I watched my opportunity and got Reid and his wife into my hut, and I also got the white men to bring everything out of the kitchen into my hut. I then **loaded the three pistols**. The natives saw me do this. They also saw the pistols hanging to the man's belt when he returned [bringing them from Bowman's].

I then went out, **determined that they should leave**, and told them to go away. They then appeared as if they wanted to rush on me. I had **my gun in my hand** and was on my guard. McDonnell came out at this time with a **pocket pistol** in his hand. I then **raised my gun**, and they all ran away in different directions towards [their] camp. I ran after them for about 30 or 40 yards [metres], and then made for [their] camp, for the purpose of securing their weapons.

I knew they had firearms, as Mr McDonnell had been to their camp in the forepart of the day with Johnson [M Cropper's bullock driver] and had seen one. Merriman and another black (a tall man) told them **they had guns** in the bush concealed, and had wanted them [Johnson and McDowell] to go further into the bush to see the guns, which they declined. **No weapons** were at [their] camp when I arrived, excepting four or five unfinished spears. The blacks had been before me and had left.

Presently I saw them at about 200 yards distant, coming towards me in a hostile manner, **shouting the war whoop coming from tree to tree**. I immediately ran towards the hut; the blacks followed me about 100 yards. Soon after I saw the natives go into the paddock and round up the horses and bullocks and immediately gave orders to one of my men to run them out of the paddock. The natives tried to intercept the man, and attempted **to spear him,** when I ran out with my gun and saved him. They then tried to surround me, and to cut me off from the hut; the man and myself made good our retreat, and got in. I then saw them **round up the horses and saw them spear a valuable mare and a colt. They also speared a bullock,** which fell dead on the spot. The horses then broke away and got out of the paddock.

The blacks then appeared to hold a consultation, and immediately afterwards advanced towards the main hut, in **hostile array, in a semicircular form, and enclosed the buildings**. One of the party, a very tall man, then advanced, **brandishing his weapons**, and gave what I suppose to be the **war-dance**. They advanced towards the hut in silence immediately after the termination of the dance.

I saw one man go to the mare which had been spared in the paddock and was at this time lying down in sight of the hut and thrust his spear into it twice. The mare walked a short distance and died; the black then went to the man's but and rifled it of its contents, consisting of **wearing apparel, blankets, money, and provisions**, which they tied up and took away with them. They also amused themselves by **spearing the poultry** … Afterwards [they] **set fire to the hut** and burnt it down, and from 25 to 30 bushels of wheat [600 to 800 kg in the hut].

Merriman then advanced to the front of the hut and held up one of the men's black hats in his hand. He was at this time dressed **in a very good suit of clothes belonging to one of the men**; he called out to the men to **send out the 'bloody long master'** to fight for the hut. Whilst he was attracting our attention, the others sneaked into the kitchen and robbed it.

They continued about the premises until dusk when they retired. Myself and people kept in the hut watching them. The natives arrayed **themselves in men and women's clothing gowns bonnets etc.**

On the following morning the 28th about sunrise, they again made their appearance **all dressed out in clothing belonging to the station**.

The first thing I saw was a tall man advancing towards the kitchen with an arm-full of wood, for the purpose, as I suppose, of **setting it on fire**. The dogs prevented him. **I presented my gun at him through the slabs, where another black fired at me**. Whilst this was going on, others were amusing themselves in catching a calf, which they **killed.** They also attempted to **spear a foal** but did not succeed.

They then endeavoured **to set fire to the hut** by throwing lighted bark and rotten wood on the top of the bark roof. In doing this one party was employed in gathering rotten wood, whilst another party was throwing it on the roof. At this time, **I got a shot at one of them**, a tall man, who appeared to me to be most active. And I think it took effect, as they desisted, and a silence ensued.

A few minutes afterwards they renewed the attack, and Merriman called 'Baal Gammon today.' They again endeavoured to fire the hut, and a party that had possession of the stable, and who had firearms, **fired occasional shots at our party** whenever they saw them. I then **fired two shots at the stable** and they went away. Mr McDonnell and myself then went out and took the fire off the roof. About this time, they **killed a horse** which they had previously fastened to the fence. One man came afterwards in front of the hut and **snapped his piece at me four or five times, when it misfired.**

Nothing further took place at the head station. The same afternoon they went to the sheep station, about six miles distant, and **robbed** it of its contents, and **murdered the hutkeeper in a most barbarous manner**. His body was afterwards found in a mangled state. Amongst the other things they took away [were] **three muskets and some ammunition belonging to the hut**. They burnt the hut down, and to the best of my belief they took away sheep. The shepherd, James Farmer, in his evidence before Major Lettsom and Mr Bingham stated that he distinctly heard the hutkeeper say, 'Lord have mercy on my soul!' The hutkeeper was an emigrant and had but recently come up the country. On Monday, 8th November, they robbed the wool-shed hut at the same place but did no further mischief. The shepherds were out at the time.

Assisted by the Black [tracker from George Faithfull's run], I followed their tracks, which took direction towards Hunter and Watson's country [near Mansfield]. The natives told me they were the tracks of two men and one or two women. **The natives had never been seen at the head station (since) it was formed until they made their attack**.

QUESTION 1: In what ways was this 'a grand attack'? Why did it appear to be well planned?
QUESTION 2: In what ways did the attackers seem intent on destroying rather than robbing the station?
QUESTION 3: John Mackay was making a sworn statement to a Justice of the Peace. What questions would a sceptical lawyer have posed to Mackay in a cross-examination, if the statement had been produced in court?
QUESTION 4: Why did Mackay try to convince readers the attackers used firearms?

Lord Stanley, Under-secretary for Colonies in London, received Mackay's statement at the same time as letters from Rev Joseph Docker advising that Docker employed first Nations shepherds. Stanley contrasted the ways Mackay and Docker related to First Nations Peoples from the same area. He praised Docker to Gipps. He advised Gipps:

> I cannot divest myself of the apprehension that the fault in this case [at Whorouly] lies with the colonists rather than with the natives. It was natural, that conduct so harsh and intemperate as that of the Messrs Mackay should be signally visited on them, and probably also on wholly unoffending persons, by a race of uninstructed and ignorant savages. [4]

QUESTION 5: Why did Lord Stanley develop that 'apprehension'?
QUESTION 6: What impressions was Mackay anxious to portray of his role in defending the station?
QUESTION 7: What were Mackay's main impressions of the warriors involved?
QUESTION 8: How did they try to win favour before they attacked?
QUESTION 9: Why did Mackay insist they were strangers?
QUESTION 10: How did the attackers read Mackay's attitude to them?
QUESTION 11: In what ways did the attack have a 'performative character'?

Stephen Gapps establishes the colonists' fear that First Nations Peoples were gaining access to and using firearms.[5] Winberri had flourished an emblematic gun several times. The attackers at Chisholm's property stole firearms which again they flourished to settlers' dismay. At Whorouly and again at Waugh's station, they asked for powder and shot. Megan Carter, a Waywurru, historian, suggests the attackers may have brandished guns but did not have shot or ammunition to use them. Mackay reports a misfire, but also shots. Henry Bingham does not mention the attacking party firing guns.

QUESTION 12: Does it matter whether the warriors used firearms or not?

SOURCE 3: An official report on the attack

Commissioner Henry Bingham was the first government official to investigate the Whorouly affray. He took evidence from the Aboriginal people as well as station hands.[6]

Affray between Dr Mackay's Men and Black Natives.
Head Quarters Tumut River October 13, 1840.

Sir,

I have the honour to report to you, for His Excellency the Governor, information on my return last night after two months absence on Circuit duty in the vicinity of the Hume & Ovens Rivers, that having carefully examined all the parties at Warouley [Whorouly], Doctor Mackay's station, on the Ovens river, as to the affray that took place there between the Aboriginal natives and young Mr Mackay and his men; that I have **issued warrants for the apprehension of the Ring-Leaders who can be identified,** and I trust will eventually be secured: – and I have forwarded to the Attorney General the depositions taken before me in the case.

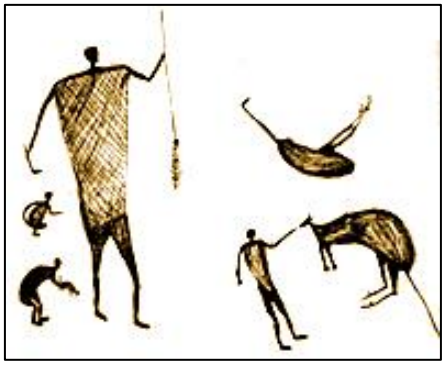
It becomes imperative on me however to remark, that on reviewing the evidence in this case I consider was **a great want of prudence and sound judgement displayed by Mr Mackay under the circumstances in which he was placed**, and though I have no reason to doubt from my information that the natives had rather **hostile intentions** lurking in there [sic] minds from **latent causes** against certain parties at Warouley: yet the scene that followed **might have been prevented had a more courteous line of conduct been acted on**. The evidence of fear and alarm displayed itself to the Blacks at the very onset "and quick indeed are they at observation." They were **not courteously received.** They were told when they proffered their services to cut bark "which was a sign of peace" that none was wanted, and to be off. They **came unarmed to the huts** and Mr Mackay and a second person prematurely **rushed after them with arms in their hands** in order to frighten them away and tried to gain their Camp before the natives, but failed in doing so, when they did come up, **broke their spears** and took some of them away. This roused all the proud feeling of the savage, and then, for no greater insult can be offered them than that and killing their hunting dogs, commenced the scene of retaliation. The Blacks told Doctor Mackay at the Murray River sometime before that they were going to visit his station, and Doctor Mackay told them not to go, as they would **frighten his cattle**. Now this reply would displease the natives, though I have no doubt, not meant for such.

The natives of the Ovens River from their recent communication to me, and I have seen many of them, and of whose **rude productions** at their native camps, I enclose a specimen, in order to show their quick perception and intelligence, as the **Portraits of the Ring-Leaders** in this affray.
They [natives of the Ovens River] have **a strong dislike** to Doctor Mackay's stockkeeper a man named **William Thomas**. The Gins have been heard singing their war-song at Barwidgee Creek near the Ovens River describing "William Thomas as a saucy fellow set his Dogs at poor Black fellow and one of them fastened on him and the black native speared the Dog and rejoiced." This man did live with Mr Faithful and was with some of the party in the rear at the time of the affray at the Broken river, and a second person named **Benjamin Reid** who was at Warouley a servant at the time of this outrage, and now living with Mr Bowman. They nave have likewise a great enmity to, and it may be here further remarked that in the case of the recent murder at Mr Chisolm's station, a Man named **William Brown** was living there and he was with Mr Faithful's party in the rear when that affair took place before alluded to and this melancholy scene of violence on Mr Faithful's men in the vicinity of the Broken River arose from the highly improper conduct of a person named **"O'Brien"** the overseer, who had one of the Black Gins and promised her a Lamb – and then would not give it, and her blackfellow was beat. This has been clearly stated by a man named Samuel, who was a stockkeeper with the said Mr Faithful, and I have no doubt of the fact.

Mr Mackay's men imprudently **shot one of the Aboriginal Natives' Dogs** near the Broken River, on going down to Melbourne, prior a short time to the attack. I have been particular in the detail of those circumstances, as I am confident that **unless a liberal, courteous and friendly line of Conduct be pursued by the settlers to the native Blacks that outrages will occur notwithstanding the greatest vigilance of the Police.** Two of my Mounted Troopers were on duty at Warouley, Doctor Mackay's station, the very day before the attack by the natives.

The Blacks have further stated to me, that **on the first settlement of the whites on the Ovens River that they (whites) killed and shot many of them**. This has been stated by one of their Chiefs [Simon] at Wagra on the Hume River [near the Mitta Mitta River].

[Bingam included an attachment of rough sketches made by informants to help identity the ringleaders that may have been helped First Nations people with identification with totem associations but did not match European portrayals].



Additional source

In response to a directive from La Trobe, the Superintendent of the Port Phillip District, Frederick Powell, the Crown Lands Commissioner (Western Port, which covered the middle Murray) also visited the area. He reported that there were increased hostilities through the winter of 1840. [7]

'I consider that the present position of the settlers with regard to the natives is far from satisfactory. **Whether the aggressions lately committed by the natives have arisen from occurrences that may have taken place at the commencement of the settling of this district, I am not prepared to say.** Wherever the fault may originally lie, at the present moment the conduct of the aborigines is **decidedly hostile and treacherous**, when an opportunity offers, owing to the defenceless state of some of the out-stations … I have little doubt but that, in most instances, the **same natives, or nearly so**, perpetrate these acts of violence on the Ovens, Broken River, Mount Batty Country [Mansfield], and the Goulburn, that whenever an act of aggression is to be committed they collect some of **the most daring characters from the neighbouring tribes.** Though I have no proof on the subject, it is my opinion that the same natives, or a part of them, who attacked Dr Mackay's station, also murdered Mr Waugh's men, and have lately been spearing the cattle on the Goulburn.'

QUESTION 1: Why would the Governor and the Superintendent be uneasy about what the Commissioners of Crown Lands was saying?

QUESTION 2: In what ways does Bingham's report show he consulted with First Nations People?

QUESTION 3: How does Bingham's account of the attack differ from John Mackay's account? Do the discrepancies matter?

QUESTION 4: What is the difference between an official report and a statement made to an investigating officer?

SQUATTERS' MEMORIES

SOURCE 4: Recalling the attack at Whorouly: David Reid's Memories

A scribe recorded David Reid reminiscences of his life in 1905 and published them privately in 1907. Reid's memories included taking up a run at 'Carrargarmungee,' near Wangaratta in 1838, about the same time that his near-neighbours Mackay, Faithfull, Docker and Bowman arrived. Reid was a farmer rather than a pastoralist. He found it profitable to grow wheat and make flour. He said he could always find plenty of blacks to assist with the mechanical work of grinding the grain, for which they 'received plenty of food.'

Note the basic assumption that the land owned by Aboriginal peoples had become Crown Land and colonial governments could make decisions about licensing colonists to use it. Note also that the scribe who edited the memoirs refers to Reid in the third person.

LEAD QUESTIONS

QUESTION 1: Why might David Reid have recorded his memories of these events?

QUESTION 2: In what ways is the memoir self-indulgent?

QUESTION 3: What part do peoples' published memories play in reaching understandings of the past?

QUESTION 4: How and why did Reid's reminiscence, recorded 47 years after the attack on Whorouly, differ from John Mackay's statement, recorded 14 months after the attack? What were the major differences in emphasis?

Reid claimed to have interviewed Merriman (Minnup) regarding 'the management for the attack' at Whorouly and an encounter in his wheat fields. He begins and ends his account with observations about Merriman.

Merriman was the chief leader of the attack upon Dr Docker's station and no doubt had also been the leader in the encounter at Reid's. This blackfellow had been several years amongst the whites on the Hume River and therefore was to some extent a half civilised black, the most dangerous, because from being brought up amongst white people he had the opportunity for **judging as to their means of defence, and their customs were familiar to him.** [After describing the attack, Reid reflected further on Merriman's involvement] It was a well-known fact that the most dangerous amongst the aboriginals were those who had been brought up amongst the whites and who always deserted after a time and re-joined their tribe. These tribes very often fraternised together when there was work to be done against their common enemy the white man.

QUESTION 5: Why did Reid consider Merriman dangerous?

QUESTION 6: Does Merriman seem to have influenced Reid's account of the attack? How?

[Reid recalled being told that at Whorouly a party of First Nations warriors] made an open attack, surrounding the establishment and besieging the place. At that time Dr Mackay himself was absent on a visit to Yass, and the only inhabitants were Mr John Mackay, Dr Mackay's brother, and one stockman [Ben Reid] and his wife, the other stockmen being away. The blacks commenced operations by burning a shed containing some wheaten hay, a stockman's hut and other outbuildings. Mr John Mackay, his stockman and his wife barricaded themselves in the principal hut where they lived, and in

which they were kept to two or three days, the natives **surrounding the place and precluding any means of communication being adopted with the outside stations**. At night the blacks had fires all round the place so as to make the least chance escape impossible …

Merriman during the siege came within speaking distance of the hut wherein the whites were detained, crying out 'turn out **white gin along with blackfellow**, blackfellow then all gone cooler,' meaning by 'cooler' all anger gone. They were it appears very anxious to obtain possession of the white woman. [During this verbal exchange] **Mr John Mackay would not fire to shoot this black nor allow any of the others to do so**.'

[On the second night Ben Reid bravely escaped and went to get help from Faithfull's statio*n*]. The blacks then to prevent any further attempt to escape … appeared and **tomahawked every horse in the paddock**.

One of Mr Reid's stockmen happened to be at Mr Faithfull's station at the time. He at once returned and conveyed the news to Mr Reid who immediately ordered a party to be got ready consisting of three stockmen besides himself, who proceeded at once to join Mr Faithfull's party at his station and as quickly as the horses could carry them made tracks for Whorouly station.

[At the sheep station the two parties found the body of an unnamed hutkeeper tomahawked and his kidney fat removed. Reid went on to give an account of how a border policeman and one of Reid's stockman located at Howlong an Aboriginal man, Jemmy Charlie, for whom there was a warrant. They chased him into a hut, but he climbed up the chimney. The stockman shot up the chimney but Jemmy Charlie was not killed and made good his escape. He remained a cripple thereafter.]

Mr Reid does not remember if any of these blacks were ever punished for the murder of the hutkeeper at Dr Mackay's station. Some were apprehended but were not identified. **Sending the police to apprehend these men was a farce and nothing more**. Men totally unaccustomed to the country and the habits and ways of the natives would affect nothing …

More attacks and murders were committed after about two years [after] the occupation of the country than there were at the beginning, and which well establishes fact that **all these plans and schemes for the assaults upon the whites were connected in nine cases out of ten by these half-civilised blacks.**

QUESTION 7: In what ways does Reid's account confirm, unsettle or extend the account given by John Mackay, the eyewitness? Do any discrepancies matter?

QUESTION 8: Why did Reid, but not John Mackay, mention a blackfellow sheltering in the hut and whom the attackers wanted? Why might John Mackay report that they wanted him, as master? Why might they have wanted Benjamin Reid's wife, as David Reid and the *Colonist* newspaper reported?

QUESTION 9: How might First Nations Peoples interpret Reid's version of events?

SOURCE 5: Dr George Edward Mackay's recollections [8]

The blacks were not numerous, but **very hostile**. They murdered a number of white men and destroyed a great many cattle and horses.

In May 1840, 21 of them **all armed with guns**, beside their native weapons, attacked my station in my absence. They **murdered one of my servants and burned my huts and stores, and all my wheat** … Flour cost £100 per ton in Melbourne at that time. Four horses, each worth £100 were killed, and only seven head of cattle, out of nearly 3,000 were left alive on the run. One hundred and eighty head of those found dead were totally lost. The rest were recovered, at such expenditure of money and personal energy, as have left me an invalid for life, and to this day comparatively a poor man.

My demand for compensation was treated with contempt by the Governor of New South Wales. He said I **had voluntarily placed myself beyond the boundaries of police**, and must take the consequences, although I was then paying an assessment upon stock for the very purpose of assuring police protection beyond the boundaries.

Three special commissioners were sent one after another, to examine into the matter. Major Lettsom of the 80th Regiment, Mr Bingham, Commissioner of Crown Lands for the district, and Chief Protector Robinson. The whole drift of their inquiries seemed to me to prove that the cause of the attack on my station by the blacks was an **improper treatment of the native women** by my servants. This was shown to be totally without foundation, for the natives had no women with them, and it was their first visit to the station. It was also their last.

I followed them for **eighteen months**, and apprehended **seventeen** of them, and though they were **discharged** from Melbourne gaol almost as soon as they entered it, **their capture had such a good effect that their depredations have since been confined to a few cattle for food.** There have been none of their former wholesale slaughterings and no murders of white men since then.

These, Sir, are the salient points of my experience as a squatter. I have lost my capital. I have lost my health. I have lost fifteen years of the best period of my life. **I have undergone many hardships, exposed myself to many dangers and am now a poorer man than I was when I became a squatter** …

SOURCE 6: George Faithfull's recollections [9]

The Government during all this time gave **no help**, no assistance of any kind, and at last **threatened to hang anyone who dared to shoot a blac**k, even in protection of his property, and appointed Protectors to search about the country for information as to the destruction of the natives. These gentlemen resorted to the most contemptible means to gain information against individuals whom the tongue of **falsehood** had branded as having destroyed many of these savages. Thus, instead of doing good, did much evil.

People formed themselves into bands of alliance and allegiance to each other, and then it was **the destruction of the natives really did take place**. I however, never troubled myself to go off my own run. I had no need of help and had no desire for destruction of the wretched men, but I would not undergo the same injuries, annoyance, and anxiety again for ten times the quantity of land I hold.

QUESTION 1: Why did Dr Mackay and George Faithfull feel unsupported by government?
QUESTION 2: Why are there few records of retaliatory actions?

MAJOR LETTSOM'S MISSION

On 28 August 1840, Governor Sir George Gipps ordered Major Samuel Lettsom of the 80th regiment to investigate the attack and to arrest men suspected of being involved in it. This was to be a thorough investigation and he set Lettsom the task of reporting on **'the nature of the communications between the settlers and the blacks in the district between the Murray and the Ovens Rivers.**' Lettsom's investigative mission transformed into an infamous raid and a mass arrest near Melbourne, leading to a questionable trial and a successful prisoner escape in January 1841.

SOURCE 7: Initiating Major Lettsom's investigation

Gipps advised the Colonial Office in London that he initiated a special investigation. [10]

[The attack at Whorouly] appeared to me rather to have been **a preconcerted measure of revenge or retaliation, [rather] than an ordinary act of rapine committed for mere wantonness, or under the pressure of hunger.** The natives came suddenly on the station, and as suddenly disappeared. They **had firearms and used them with considerable dexterity**: and another remarkable circumstance was that the attack seemed to have been purposely made at a time when the proprietor (Dr Mackay) was absent.

Not many weeks after the information of this attack had reached me, a gentleman, who has recently settled in that part of the country, and who is a young man of **highly respectable family and connexions in England**, waited upon me, and put into my hand a paper headed 'The Blacks' of which l enclose a copy. All these circumstances combined, induced me to think it would be [wise? -illegible] to send someone to whom I could implicitly confide to the district where such irregularities, or atrocities rather, were said to prevail …

THE BLACKS

I would submit the following facts, as they now actually exist. The stockman probably may be 250 miles [400km] from court, or perhaps 150 miles [240km] from the commissioner. He **sees his cattle speared daily and driven off the run**. He possibly may be out in the bush for weeks looking for them, and in bringing them home the same thing occurs again. His master then finds fault with him because he cannot muster the cattle. Possibly he may take a black to court, where, for want of evidence, he almost invariably is let go. Supposing he is committed, the stockkeeper would have to leave his business to come down to prosecute; but as he only knows his own run, he cannot be spared, else the cattle will run away, and before his return may be killed by other blacks and driven all over the country.

Driven to desperation, the stockkeeper, who is generally an emancipist, and who c**onsiders killing blacks no murder, having no religion, and no fear of God,** in many instances, doubtless, does **put the blacks to death,** when he can get a chance. The blacks then kill the whites, and generally eat them, and then after that probably a great number are destroyed immediately in the vicinity. This leads to more murders of whites, and more slaughters of blacks, till they gradually disappear from the country, with the exception of a few miserable crawlers about the huts.

This is not an overdrawn picture, and **until blacks can be summarily punished on the spot**, where the crime, or the spearing of cattle is committed, it will remain so. I think that possibly if all respectable stock-holders resident in those parts were made magistrates over the aborigines, with a **power to flog**, with a limited number of lashes, blacks for taking the cattle and sheep, and also in cases of murder of white men, to be allowed to try by a jury of white men hastily summoned, whether the prisoners at the bar were present at the murder, or whether they belonged to the tribe that

committed the murder, and there and then **hang one**, these atrocities would cease. The stockkeeper would not then take vengeance himself on them, being certain that one black at least would be hanged. **But as it is, the blacks will disappear before the settlers, and are fast doing so, and every successive murder of white men will thin their numbers.**

QUESTION 1: Why did Gipps think the Whorouly attack needed special investigation?
QUESTION 2: Why would the report from 'a young man of highly respectable family and connexions in England' worry Gipps?
QUESTION 3: An adage declares 'Justice delayed is justice denied.' Why did the stockmen have difficulty in seeking immediate justice for stock theft? How might that have been remedied?
QUESTION 4: Why did they think killing First Nations Peoples was not murder?
QUESTION 5: What might happen if the government did not extend law and order?

SOURCE 8: Instructing Major Lettsom

Gipps had the Colonial Secretary carefully prepare instructions for Major Lettsom to follow. [11]

Sir,
I am directed by the Governor to inform you, that it having appeared to him necessary to send a magistrate **to inquire into the state of the country, and into transactions which are alleged to have occurred in the neighbourhood of the Hume [Murray] and Ovens rivers**, his Excellency has selected you for the purpose, and to request that you will proceed in the most expeditious way you can to Yass. [You are to take an interpreter and four mounted policemen from Yass and another four from the Murray. You are free to call on further men from Crown Lands Commissioners and the Superintendent of Port Phillip.]

His Excellency directs me to furnish you with the accompanying papers … which relate to the attack made in June last on Dr McKay's station, and also the copy of a paper headed "The Blacks," which has been put into his hands by a person whose name is not to be brought forward, and to say that he has too much reason to fear that the account given in it is but a too faithful one of the proceedings in the parts of the country which you are about to visit.

The principal object of your mission is to obtain authentic information of the actual state of the district between Yass and the Goulburn River, and to ascertain the nature of the communications which are kept up between the settlers and the blacks. If, in the course of your inquiries, you should collect evidence which can be made available in a court of justice, you are to take care to take the same in the regular form of depositions on oath, and if sufficient evidence be collected against any person whatsoever to justify the commitment of them for trial, you will use your utmost endeavours to apprehend them, and when apprehended commit them to gaol …

In executing these orders, however, his Excellency desires me to warn you that you are to act only as **a civil magistrate, and not in a military capacity***;* and you will also bear in mind that the black natives of New South Wales are in every respect to be considered as **subjects of the Queen**, and not as aliens against whom the Queen's troops may exercise belligerent rights. **No act of indiscriminate reprisal**, such as is proposed in the paper, headed "The Blacks," **can be permitted**, nor any proceedings which the law of England would not tolerate if the parties proceeded against were white men. The only exception that can be made, is that you may, in case it should appear to you necessary, detain as hostages for the good conduct of any tribe a reasonable number of individuals belonging to it, if the actual perpetrators of any outrage cannot be apprehended; and in the selection of such

hostages it will be proper for you to endeavour to secure the persons of some of the chiefs of the tribes, or of the sons of the chiefs.

The Governor wishes you to ascertain and to report whether the practice exists of **harbouring or detaining black women** at the stations of the whites, either with or without the consent of the women themselves, or of their husbands, or friends. I am directed to enclose a copy of the Parliamentary paper, headed, "Australian Aborigines," ordered by the House of Commons to be printed on the 12th August 1839**,** also copies of the different notices which have been issued by this Government on the subject of the blacks; and to remark to you that a perusal of these papers will sufficiently inform you of the sentiments of the imperial as well as of the local government, in respect to the treatment of the aborigines.

QUESTION 1: What was to be Major Lettsom's mission? What were Gipps' prime concerns?
QUESTION 2: How were the instructions written to ensure they did not displease the Imperial Government?

Additional source
Superintendent La Trobe gave instructions to Major Lettsom on 10 October 1840.[12]

> … it was your duty to endeavour to gain possession of the persons of certain natives of the Goulburn and other tribes, accused of being implicated in the recent robberies and murders in the "Goulburn" and 'Ovens" River district …
> Force, in ordinary cases, shall never be adopted with my sanction, as long as there remains any hope that friendly and peaceable actions can be secured by other means. I have, therefore, at Mr Robinson's particular request, declined urging upon you the propriety of employing your force in taking the firearms and ammunition from the party now in the vicinity of [Melbourne]: unless it can be effected without violence … [It seems best that you employ] the means at your disposal in such as manner as to overawe opposition, and thus secure [your goal] at once. I need scarcely remind you, and the gentlemen who accompany you, that nothing but extreme and imperative necessity can palliate the shedding of blood.

QUESTION 3: How did La Trobe's instructions differ from those given by Gipps? How were they similar?

SOURCE 9: Major Lettsom's reports on interactions between First Nations Peoples and colonists and the pursuit of suspects
Major Lettsom lodged two reports on 23 October 1840. In one he answered the questions the Governor had set him about relations between settlers and natives in the district. In the other he explained how he pursued suspects and how that pursuit expanded.

[At Whorouly] The parties had not been in presence of each other except on one previous occasion, and they then parted on good terms. No previous hostility had been shown, nor was there any apparent cause for it on this occasion. It must, therefore, have been **an act of rapine only**, and not any retaliation for any wrong or supposed wrongs on the part of the blacks. The blacks had no women with them at the time of the attack. I have no grounds for supposing that any other party that has traversed the same road has ever earned any black women with them, or had any intercourse with them, on the passage.

I feel happy in having it in my power to say, that I consider the account headed "The Blacks," to be **highly exaggerated,** as so glaring a murder could not, I conceive, have been perpetrated without its having come to my knowledge during my late visit to the interior.

ln regard to the practice which is said to exist of **harbouring or detaining black women** at the stations of the whites, either with or without the consent of the women themselves or their husbands or friends, I have to state that at the different stations which I visited, the existence of such a practice was **invariably denied**, but I have reason to believe that blacks have frequently been known to offer their gins to the whites, and judging from the scale of diameter of the men to whom such offers may have been made, viz. assigned servants, shepherds, and from a scarcity of white females, I think it more than probable that they would not meet with refusals. I only know of one case where such transactions are said to have taken place **with the sanction of the master**, but from what I have since learnt, I feel myself bound to receive the statement with **very great caution**.

In regard to a paragraph in my instructions from his Excellency the Governor, wherein I am expressly warned that I am **"to act only as a civil magistrate, and not in a military capacity"** I fear that His Excellency **may be displeased with me for having in some degree disobeyed his orders**, in my taking command of the party in the neighbourhood of Melbourne, at the capture of the tribe of blacks; but at the same time I beg leave most respectfully to point out to his Excellency's notice, that learning that the blacks **mustered in some force, were well armed, and that they were the individuals of whom I had been in search for some time, I felt that I could not with credit to myself refrain from acting as I did**; my rank (being-myself present) naturally gave me the command. Before leaving the mounted police barracks, and afterwards when I halted the military, I gave them particular orders **not to fire till the last extremity,** and I trust that it will appear to His Excellency that **no unnecessary bloodshed has ensued**. Should what I have stated not prove satisfactory to his Excellency, it remains for me to express to him **my deep regret** for acting as I have done, which was solely attributable to the peculiar position in which I was then placed.[13]

QUESTION 1: How far could Gipps rely on Lettsom's 'authentic information' on the nature of the communications which are kept up between the settlers and the blacks'?
QUESTION 2: How and why does Lettsom's account of the attack differ from that by Commissioner Bingham?
QUESTION 3: Why was his report apologetic?

SOURCE 10: Major Lettsom's report on the pursuit of suspects

In his second report Lettsom explained to Gipps he had made two raids in search for suspects on a native encampment at a Yarra River ford near Melbourne. This was with the concurrence of La Trobe, the Superintendent of Port Phillip, who was anxious about so many First Nations Peoples were gathering close to Melbourne. La Trobe authorised Lettsom to 'secure' those people who were accused of being the leaders or associates of the parties involved in the murders and robberies not only in the distant Ovens River district, but also the Goulburn River district, closer to Melbourne. In doing so, Lettsom was to avoid bloodshed but should use the power at his disposal 'to **overawe opposition**.'[14]

The first raid, Lettsom confessed was a failure. The second he made at dawn with an augmented force of an additional 37 men, making a total force of 45 armed men. The raid resulted in the mass arrest of 400 people who were marched into Melbourne. A selection of 33 were secured in a gaol but the majority of them escaped from the gaol. Settlers who had been attacked were invited to identify culprits amongst the remainder. A group of ten faced trial. None of them had been involved in the

Whorouly attack. Nine were sentenced to transportation to Sydney. All but one escaped while being transferred to a transport ship. At least one was shot dead.

Lettsom's mission, then, ended ignominiously with a mass arrest which caused much resentment among First Nations Peoples and calls for vengeance made worse by its eventual outcomes.

[Raid 1] The blacks dispersed before we could come up with them, and they effected, their escape by taking to a particularly dense scrub, and swimming across the river, with the exception of a few old men, and a considerable number of women and children … My party succeeded in securing three muskets, one pistol, and a quantity of ammunition. The blacks whom I was immediately in search of were amongst those who effected their escape, being the same who on a former occasion had fired at [a civilian and soldiers] in the month of May last, on the banks of the same river.

[Raid 2] On my arrival I learnt from information on which I could rely, that the blacks of whom I was in pursuit had formed an encampment within a few miles of the town. I therefore, **with the knowledge of his Honor the Superintendent**, marched for their position on Sunday, so as to arrive there a little after daylight. I was accompanied by Captain Smith and Lieutenant Vignolles, 28th Regiment, with a detachment of 25 men, and Lieutenant Russell of the mounted police accompanied me, with as many of that corps as we could muster amounting to [another] 12 or 13 men.

I **succeeded in surrounding the whole cam**p before the natives appeared to be aware of my advance, and made them all prisoners, without any loss, except in one case (that of Winberry), who was shot, by one of the mounted police, in the act of attacking Lieutenant Vignolles with a waddy.

I marched the whole of them (amounting in all, men, women, and children, to nearly 400) into Melbourne and reported my proceedings to his Honor the Superintendent without loss of time, who went immediately to the Chief Protector's hut, and thence with me to the encampment. I pointed out to his Honor the man who was shot, and he was identified as Winberry by Mr Powlett, Crown Lands Commissioner, who had arrived there since I left.

A number of blacks, amounting to **33 in number, were secured in gaol**, others by order of his Honor released, and the remainder lodged in a government store, from which by far the greater part escaped during the night, owing to the gross negligence of the constable on duty (one of them was shot by a soldier who was disturbed by a shot from the constable's firelock). The remainder, chiefly consisting of old men, women and children, were released by order of his Honor, and the others in gaol are now awaiting **to be identified by the different settlers whose stations have been attacked**, and there they will remain to be dealt with as his Excellency the Governor may be pleased to direct.

QUESTION 4: Why might Lettsom have extended his mission by raiding the camp twice?
QUESTION 5: What might historian Marguerita Stephens have meant when she accused Lettsom of 'adventurism'?

SOURCE 11: Gipps' report on Lettsom's investigative mission

Your Lordship will be gratified in observing that Major Lettsom considers the account given in the paper marked 'The Blacks' to be a very highly coloured, not to say exaggerated one, and that his reports are generally favourable to the settlers.' [Gipps had more to report on Major Lettsom's mission for Lettsom had relentlessly pursued the suspects south, all the way to Melbourne]. [15]

Near [Melbourne], however, a tribe of blacks belonging to the country through which Lettsom had passed (and called the Goulburn Blacks) happened to be assembled for the purpose of forming a junction with another tribe, before proceeding to make war upon a third; and it appearing that a considerable number of these Goulburn blacks could be identified as the perpetrators of many outrages, Major Lettsom, with the full concurrence, and, indeed, **acting under the direction of Mr La Trobe**, put himself at the head of all the force that could be collected, and by surprising them in their encampment, captured **the whole of the two tribes**. The greater part of them were set at liberty the following day, but about 30 were detained in custody until discharged by order of the Attorney General.

Your Lordship will perceive that **two blacks lost their lives** on these occasions; one was killed whilst aiming a murderous blow at Lieutenant Vignolles, of the 80th regiment, the other was shot as he was attempting to escape out of prison.

Although Major Lettsom, on taking on himself the military command of the party by which the blacks were arrested, **departed in some degree from the instructions, which I had given to him**, I do not consider that he exceeded the discretionary powers with which any person acting in such circumstances ought to consider himself invested, and as moreover acted with the full concurrence, and indeed under the orders of Mr La Trobe. **I have signified to him my approval of his conduct**.

QUESTIONS 6: How was Gipps defensive of Lettsom's mission? Why did it need defending?

Lord Russell was not as forgiving as Gipps. After he received the reports he wrote to Gipps saying, 'I approve of your employment of Major Lettsom on that service; but on a perusal of that officer's report, I cannot comprehend the mode in which he executed his duties.' [16]

QUESTION 7: Why did the Whorouly attack seem nothing more than an act of plunder to Lettsom?
QUESTION 8: Why did Gipps draw a different conclusion?
QUESTION 9: How does Lettsom explain why he departed from his original instructions?
QUESTION 10: Why do Lettsom and La Trobe insist on telling Gipps they consulted with Robinson?

SOURCE 12: In 2025, the Yoorrook Justice Commission reflected on the Lettsom raids

The Yoorrook Justice Commission report 'Truth Be Told' gave attention to the Lettsom raid and subsequent trial as part of a wider reflection on injustice that 'remains unreckoned.' [17]

Far from haphazard, the colonisers' violence was often **sanctioned by authority**. Government officials, soldiers and police led expeditions of death and destruction. In 1840, Governor Gipps issued orders to Major Lettsom of the 80th Regiment. There had been conflict on Taungurung Country, and Lettsom was sent to restore order; not for the sake of peace – such directives were never for peace – but **to enforce settler rule**. He and four soldiers travelled the Sydney Road towards naarm/Melbourne, searching for those the colonisers had branded as troublemakers. Finding none, they pressed on, arriving in the shadow of the town, where Kulin Nations people had gathered. There were no warrants, no charges – only Lettsom's determination to make an example of them.

His authority was soon **legitimised** by Superintendent La Trobe, who granted him permission to launch the raid. Lettsom, having returned to naarm/Melbourne, summoned reinforcements: Lieutenant

Russell of the Mounted Police; twenty-seven soldiers of the 28th Regiment; and another twelve or thirteen mounted troopers. It was a force swelled by numbers, by power, by the certainty that whatever they did would go unpunished. They found the gathering and struck. Around 200 Kulin men, women and children were estimated to have been captured and forced into submission. Wurundjeri leader Winberri stood against them, refusing to surrender his people. He was murdered for his defiance. That night, some managed to escape. But not all. As a man named Narrokemulloke ran for freedom, a shot rang out. Another life taken. Another body left behind.

In the chaos that followed the raid, men were taken by force – their presence in naarm/Melbourne **transformed from a sacred meeting into a crime scene.** These were the Goulburn River clans, Djilamatang, Ngurai-illam Wurrung, and Taungurung men who had travelled south for ceremony and to maintain kinship ties, as they had done for generations before the colony rose around them. Now they were cast as trespassers on their own land. Assistant Protector Edward Stone Parker managed to secure the release of all but thirty of the captured Goulburn men, yet ten were dragged before the court on 6 December 1840 and made to sit before a judge who would decide their fate – not as men upholding ancient law, but as criminals beneath colonial rule. In the courts, justice was swift and indifferent. **No lawyer to argue their case, no interpreter to explain the accusations laid against them, no support from the gallery.** Nine of the accused were sentenced to **ten years' transportation – not for violence, but for theft. The trial made a mockery of British law, which claimed to extend its protections to all subjects. Aboriginal people were expected to obey the law, but were denied its rights**.

The raid and its aftermath revealed the truth: in the colony's eyes, their guilt was assumed and their defence was irrelevant. It was clear that to be Aboriginal was to have suspicion cast upon you. Governor Gipps, receiving news of the events, acknowledged that Lettsom had 'departed in some degree from the instructions given to him.' But there was **no reprimand, no inquiry, no consequence.**

QUESTION 11: What is the purpose of the *Truth Be Told* report? How has that purpose shaped the account it gives of the Lettsom raids?
QUESTION 12: How far does this account share themes and substantiate other accounts?

GEORGE AUGUSTUS ROBINSON'S TESTIMONY

Through October 1840 George Augustus Robinson, Chief Protector of the Aborigines of Port Phillip, met frequently with Major Lettsom and with Superintendent La Trobe prior to and after the Lettsom raids. He pestered them with questions about the legality of the raids and the mass arrest. In his journal Robinson noted that Lettsom was 'headstrong,' 'did not take advice' and was 'rude.' Moreover, Lettsom relied on a white man brought from Sydney to be his interpreter.[18]

Robinson was in Melbourne for the hot summer of 1840-1841 and frequently attended the gaol where he met with and ministered to arrested Aboriginal men. Toward the end of the year, he met the two ringleaders of the attack on Whorouly, Jag.ger.rog.rer and Minnup (endowed names Harlequin and Merriman) after they were brought to the gaol singly on foot by mounted police. In the new year, he met Tarr.ang.ger, Wine Jer.ring and Mole.min.ner (endowed names Simon, Larry and Joe) who were brought by Border Police to gaol shacked in a cart. All protested about the cruel ways they had been brought to gaol.[19]

Robinson also met Dr George Mackay, who had travelled to Melbourne to identify suspects among those arrested by Major Lettsom. He noted that neither Dr Mackay nor his stockman recognised any

of the people who had been apprehended in the Lettsom raid.[20] The accused appearing in court, first on 5 December 1840 and then a month later were involved, instead, in an earlier armed attack on Peter Snodgrass' property at Yea on the Goulburn. They were not the men Lettsom set out to pursue for the attack on Whorouly on the Ovens. What is more, Snodgrass had been 'very conspicuous and busy' amongst the settlers selecting men to be tried from the 300 Lettsom had arrested in his broad sweep of Aboriginal miscreants.[21]

As Chief Protector, Robinson was called on to investigate and report on three matters related to the Whorouly attack: the death of Jag.ger.rog.rer (Harlequin) in police custody; a report of aggression against First Nations People; and the homicide of Mickey.

SOURCE 13: Witnessing a death in gaol
Robinson was upset by the death of Jag.ger.rog.er (conferred name Harlequin). He made a record in his journal.

Thursday 10 December 1840
An Aboriginal black named Jag.ger.rog.rer [from Waywurru country between the Broken and Murray Rivers]. This informative young man, 19 years, Jag/ger/rog/rer had been taken into custody by native police at the Hume, simply because his name was 'Harlequin.' I cannot learn that he had been sworn to as identified. He died of bad fever and which, according to the statement of Kerick, one of the troopers examined, was brought on by excessive exertion during the extreme hot weather forced upon him in travelling on foot from the Hume to Melbourne, a distance of 200 miles [321 km], 80 miles [129 km] the distance from the police barracks on the Goulburn to Melbourne having been done it two days, the prisoner being at the time handcuffed and a chain around his neck by which he was led of rather dragged by the native policeman The man was in bad health when the policeman took charge of him at the Goulburn. **This was a cruel case … I cannot but condemn this wicked and barbarous mode of conveying a prisoner**. When I asked the policeman if he was mounted, he said 'of course,' but the black was being dragged on foot was [for] him a matter of course. The watchhouse keeper said he could scarcely stand when he was delivered up to him.

'[Minnup, conferred name] Merriman was apprehended in the same manner under similar circumstances and escorted in the same manner…. [Minnup] complained of being dragged with the chain around his neck and showed the position he walked thus.'[22]

Robinson protested and La Trobe ordered him to investigate Jag.ger.rog.rer's death. Thomas Connock and Michale Goodwin, the troopers escorting the prisoner from the Goulburn were indicted for manslaughter. The court heard that no white prisoners were secured with a chain around the neck. It was told that the first escorts from the Murray, then the second escorts from Broken River had allowed Jag.ger.rog.rer to ride on the back of a horse for at least some of the way where the country was rough. However, from the Goulburn the prisoner walked the whole way and at an increased pace across the Divide to Melbourne in two days. Connock and Goodwin, the third set of escorts, were instructed to move him quickly as he was not well. Summarising proceedings, Judge Willis told the jury that there were no 'culpable excesses' in the way the escorts had carried out their orders. Indeed, they had 'conducted themselves very fairly and creditably throughout the journey.' The jury brought in a verdict of not guilty without retiring.[23]

SOURCE 14: Observing the trial, 6 January 1841

Robinson complained about the unjust proceedings in court. The ten men charged with offences had been gathered crudely, identified imprecisely and brutally conveyed to court for trial. Robinson doubted the capacity of the accused to comprehend the proceedings. They did not understand that taking livestock and goods was a punishable wrongdoing. The court did not accept the evidence of Aboriginal people so the prisoners were not allowed to give evidence or to answer any accusations. [24]

Robinson made several entries in his personal journal:

Wednesday 6 January 1841
The ten blacks charged with robbery at Mr Snodgrass's station [at Yea] were tried on this day ... In a private conversation before the trial, Croke [the Crown Prosecutor] stated to me that he had only a case against one man − I think, Larm.bid.der.ruc who thrust the pistol into the mouth of Samuel Dayton [one of Snodgrass' shepherds]. He thought he would be convicted and the others discharged. Great was my amazement therefore when I heard that he intended not only to indite this man but intended the other nine as **accessories**. If this is to be the practice of the court whole tribes in future can be indited and deported …

The [court appointed] interpreters were totally **unfit and incompetent**. [They] had acquired few words of the Port Phillip dialect, but very few, and knew nothing of the Goulburn language … The jury was not challenged. The greater part of the jury were squatters, as was the bench … The whole procedure was **a farce** and it was got through with indecent haste. The words were not interpreted to the Aboriginal natives. The bench evidenced a violent feeling. They said they thought [the sentence] would have a good effect on the natives. How could they know what effect be produced on the community of natives?

Thursday 7 January 1841
Visited the natives in the gaol, they declaimed very much about Snodgrass men, how they gave them sheep, flour, sugar for their women. Said the white men used to say come on Sharlotte, come on Mary Ann &c. They complained utterly of the way they had been treated.

Thursday 4 February 1841
[In accord with court procedures at the time] The Aboriginal evidence not admitted, an Aboriginal jury not allowed … Great objections ought to have been taken: 1 Their **ignorance** of our law. 2 If they really understood the law, the justice of trying the case … They were **not tried by their peers but by interested parties**.

Robinson's criticisms of the trial were eventually acknowledged as being well founded.[25] His championship of the legal rights of Aborigines has won him the approval of historians.[26]

To cap it all, the sentences were poorly executed: those found guilty escaped before they could be transported to Sydney; one was killed and another wounded in the escape.

QUESTION: In what ways are Robinson's journal entries helpful in understanding how First Nations Peoples and colonists interacted with each other?

SOURCE 15: Docker's letter complaining of aggression against First Nations Peoples, 31 December 1840

Rev Joseph Docker, a pastoralist at Bontherambo on the Ovens, wrote to Governor Gipps complaining about aggression against Aboriginal people. [27] Gipps ordered Robinson to go to the

Ovens River to inquire into the Docker's complaints and to collect **'further information respecting the condition of the aborigines**, in the neighbourhood of the River Ovens.'[28]

In consequence of the unfortunate occurrence which took place at the stations of Messrs Mackay and Chisholm, both near neighbours of mine, and of rumours of murders and depredations elsewhere committed by the blacks, it has lately been extremely difficult, I may say almost impossible, to procure free labour here at any price … I determined to employ the aboriginal natives as shepherds and watchmen. I cultivated a more intimate friendship with them in September last; I gradually employed them, found them to be **excellent shepherds, faithful and-honest**. And I now have the pleasure to report that they have the sole charge of my sheep, consisting of between 6,000 and 7,000, young and old. Thus engaged, **14 men receive regular supplies of food and clothing,** and eight or ten more are occasionally employed and fed.

It is painful to me to be compelled to inform your Excellency that the **retaliatory proceedings** in which Mr Mackay has recently been so warmly engaged have almost destroyed those sanguine hopes I had entertained of introducing, on an extensive scale, a species of labour never before contemplated. Parties of the mounted police, sometimes alone, and sometimes headed by Mr Mackay, are **constantly scouring** this river. As soon as the natives get a glimpse of them **they flee** to the hills for safety, and thus are my sheep scattered and left in the bush without shepherds …

I proceed to inform your Excellency that Mr Mackay has candidly apprised me of his intention to repeat his visits, and his stockman has threatened that **he will not leave me one black on the spot**. I do not mean to insinuate that the former is acting improperly in seeking redress for the wrongs he has suffered but I do think, that as a considerable quantity of black men's blood has already been shed, and the ring leaders Harlequin and Merriman have been taken, it would tend more to the peace and safety of the district if hostilities should cease, and a general pardon were called to all the other offenders on certain conditions which could be explained to them by their protectors. Besides, I do not see what danger is to be apprehended from a black, while he is following **the peaceful and harmless occupation of a shepherd**, could it even be shown that heretofore he had kept bad company.

There exists unfortunately among most of the settlers around me, **a most inveterate and deadly hatred of the Aborigines**, which I cannot account for. For my own part, **I dread the visits of the police more than I should those of the wildest savages of the bush.**

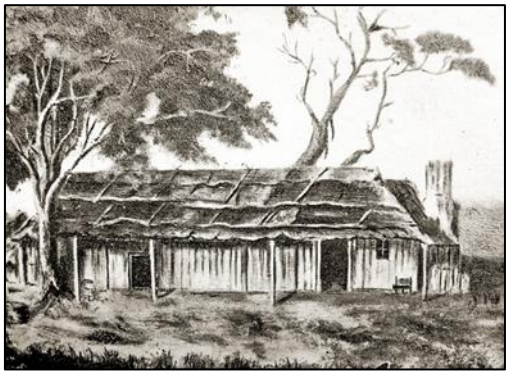
I conclude by earnestly requesting that conciliatory measures may be recommended and speedily adopted. Should any other course he pursued, the blacks will be driven to desperation, and fresh outrages may be expected.

For the trouble I have taken in their behalf, I ask no other favour than that Mr Bingham may be instructed to grant me a liberal run for my stock, as it is well known, that where the Aborigines are allowed to congregate and make their appearance, a greater extent of country is necessary. The fruits of their labours, coupled with the satisfaction of having proved that they can be made useful, shall be my reward.

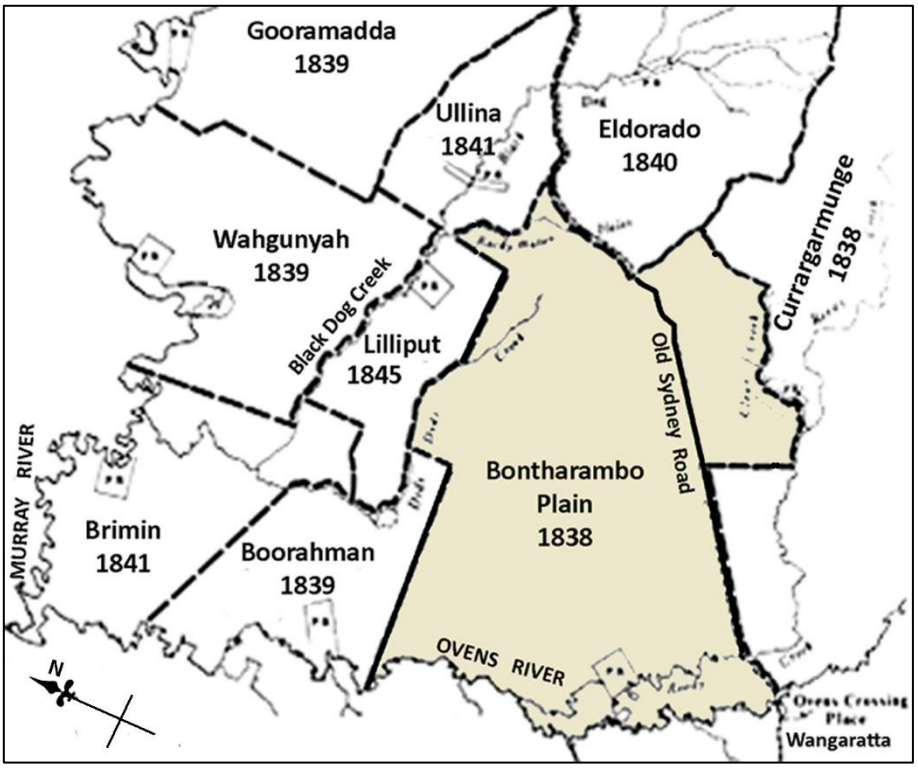
QUESTION 1: Why might Docker's neighbours 'have a most inveterate and deadly hatred of the Aborigines'? Why didn't he?
QUESTION 2: Why did he fear visits from the police?
QUESTION 3: What compensation did he seek for employing First Nations Peoples?

Additional information

Docker made a statement in which he complained about the way Benjamin Reid and another man apprehended 'Joe' [Moleletninner] 'an intelligent and well-conducted young man who was at that time in my service: he rendered me valuable assistance.'[29] Robinson's report quotes Docker as saying, 'Reid was 'extremely insolent and swore he would shoot every bl—dy black on the river.[30]



Docker took up Bontherambo Plain when George Faithfull abandoned it after the attack at Broken River. He built a substantial homestead. He argued frequently with David Reid about the boundaries of their adjoining runs across the Sydney Road.[31]



SOURCE 16: Gipps' comments on Robinson's report

On receipt of Robinson's report, Gipps advised his superiors in London he had received a 'satisfactory' report from Robinson.[32] Gipps added comments explaining something of Rev Joseph Docker, the promise he saw in Docker's work and reporting one consequent action he had taken. He was silent about Robinson's recommendation that an Assistant Protector be appointed at the Ovens.

- 'The Reverend Mr Docker is, as I have stated, a clergyman of the Church of England, but he has at present no cure of souls in the colony.'
- 'The fact that Mr Docker has numerous flocks of sheep, amounting it is said, to 7,000, under the care of aboriginal shepherds, is a very encouraging one; and I venture to allude to it, in [earlier advice I have sent] respecting the possibility of getting the blacks of this country to work for wages.'
- 'I have ordered the man named Benjamin Reid, whose conduct towards the aborigines is complained of by Mr Robinson, to be sent to Sydney, and his ticket-of-leave to be cancelled.'

QUESTION 1: Why did the Governor consider the report 'satisfactory'?
QUESTION 2: Lord Stanley read Robinson's report and advised Gipps to consider the appointment of an Assistant Protector. Is there a possible explanation why Gipps decided to take no action?

ROBINSON'S INVESTIGATION OF THE HOMICIDE OF MICKEY

On the Wodonga side of the Murray River crossing, on 10 December 1840, John Mackay, a newly sworn special constable, shot dead Mickey, an Aboriginal man he was escorting southward to face charges in Melbourne of 'murder, shooting with intent &c.'

There are two witness accounts of the homicide:

- On 14 February 1841, Robinson first reported the homicide after he took a deposition from John Mackay on the Whorouly attack.
- On 15 November 1842, Robinson took a deposition from John Keefe, an assigned servant accompanying Mackay.

Robinson took no deposition from the other men present. The Aboriginal prisoners being escorted could not provide evidence a court would accept. He strangely took no deposition from Peter Byers, the Mounted Policeman present. Perhaps nearly two years later, Byers had finished his term of mounted police duty, returned to his regiment and been posted overseas.

LEAD QUESTIONS

QUESTION 1: How do the witness statements match each other? Is it possible to account for any differences or similarities?
QUESTION 2: Does it affect John Mackay's credibility to know he had been made a special constable a week before these arrests by his brother, Dr George Mackay, who, in turn, had only been appointed a magistrate in 1840?
QUESTION 3: Should John Mackay have been brought to court?
QUESTION 4: How might First Nations Peoples view the failure to try him?

SOURCE 1 7: Receiving John Mackay's statement re the death of Mickey[33]

Before George Augustus Robinson, Esq, Chief Protector of Aborigines and one of Her Majesty's Justices of Peace for said Colony appeared the 14th day of February 1841 John Scobie Anderson Mackay to give evidence in the case of certain Aboriginal Natives, charged with felony, and being duly sworn, deposeth:

That on the morning of Friday, the 4th of December 1840, six blacks, who were captured by the police, **under the orders of Dr Mackay**, were brought to the head station. They were detained in custody, with the exception of Tommy, who was discharged. Soon after daylight the following morning the other five blacks made their escape. I was sworn in as special constable, and received a warrant the same day to apprehend the aboriginal natives [Jacky Jacky; Billy O'Rourke; Jimmy, the Blanket; Old man Larry; Ogle-eyed Jemmy; Jemmy, brother to Jacky Jacky; Mickey or Larry brothers; Billy, messmate to Merriman; and Old man Billy] charged with the crime of murder, and shooting with intent, &c, on the information of Daniel Richins and J S A Mackay. I proceeded immediately in company with Kenyon, who had been sworn in, to Mr Huon's station on the Little River [Kiewa River, close to modern day Yackandandah] River, when I apprehended two natives, named Mickey and Larry.

From thence proceeded to the police barracks for the purpose of delivering them up, but there was no person to take charge of them. On Tuesday, another black, named Simon, was apprehended by a policeman and brought to the barracks on Wednesday night.

I left the Hume [Murray] with the prisoners for the purpose of **escorting them to the Broken River**. On reaching the opposite side of the river the natives made **a desperate attempt to escape. The neighbourhood swarmed with natives ready to rescue the prisoners.**

To save myself and party, consisting of a man named Keefe and a policeman who accompanied us across the river, and prevent the other two prisoners from being taken from us, I fired, and one of the prisoners named Mickey, who was the most desperate, was **shot dead.** I gave orders to the policeman to have [Mickey's] body interred, and the other two prisoners I delivered up to on the 11th of December to two of Commissioner Bingham's [border] police, whom I met on the road near the Ovens.

Robinson was concerned that John Mackay's self-incrimination taken under oath might not satisfy the law. However, within the privacy of his journal, he noted that Mackay had 'shot the man in handcuffs etc. There were three men to guard. Not much necessity to shoot a man I think.'[34]

Lord Stanley, the Secretary of State for War and the Colonies, reviewing the evidence sent to him in London in October 1841, did not have qualms about self-incrimination. He declared the shooting '**utterly indefensible.'** Stanley directed Governor George Gipps to ascertain if it was practicable to bring proceedings against Mackay.[35] Governor Gipps ordered Robinson to make the further inquiry.

SOURCE 18: Receiving John Keefe's statement re the death of Mickey[36]

Before George Augustus Robinson, Esquire, Chief Protector of Aborigines, and William Le Souef Esquire, Assistant Protector of Aborigines, two of Her Majesty's Justices of the Peace for the said Colony:

John Keefe, an assigned servant of Mr George Faithfull, this day of 15th November 1842, to give evidence in the case of a certain Aboriginal native, shot at the River Hume, on or about the 10th day of December 1840, and being duly sworn deposeth that:

He and a mounted policeman, named Peter Byers, were assisting Mr John Scobie Anderson Mackay, in escorting the aboriginal natives [Mickey, Larry and Simon] from the police barracks to the Broken River. That in attempting to cross the River Hume, the blacks repeatedly attempted to escape. And that Mickey, the most desperate of the three, **nearly succeeded in pulling Mr Mackay off his horse, and attempted by to draw him under the water.**

That they used every exertion to get the prisoners forward. It was moonlight, and the natives, assembled on the opposite bank of the river were preparing to rescue the prisoners. **We considered ourselves in danger** and expected every moment to receive a volley of spears, when Mr Mackay turned round and asked us whether we also considered ourselves in danger, he being himself apprehensive of an immediate attack. Keefe and Byers stated that they were quite of the same opinion, when **to save himself and his party** Mr Mackay fired, and Mickey fell dead.

Mr Mackay had previously requested Byers to take charge of Mickey at the barracks, which he was fearful of doing, in consequence of the **large number of blacks congregated** in the neighbourhood, who had made use of threatening language. Before the party quitted the barracks, they **had heard several guns discharged,** which they supposed be fired by the natives, who were known to be in **possession of firearms**, and there were no huts nor any station near the barracks and they also distinctly heard voices of the natives after they had quitted the barracks.

Signed with his mark X

Governor Gipps referred the report to the Crown Prosecutor for an opinion. He then advised London that:

The homicide was committed by Mr Mackay, under circumstances such as, in the opinion of the Crown Prosecutor … would have rendered [a prosecution] a justifiable one **had "Mickey" been a white man.**[37]

In effect, that meant no charge would be made as it was unlikely that a white jury would have found Mackay guilty of a crime. No prosecution was made.

QUESTION 1: How does Keefe explain they were acting in self-defence?
QUESTION 2: What questions might a cross-examiner put to Mackay and to Keefe if their statements were made in court?
QUESTION 3: Did either of the two eyewitnesses see the would-be rescuers with firearms?
QUESTION 4: Is the use of firearms understandable, even excusable, if opponents possess or threaten with firearms?
QUESTION 5: Why was Robinson careful to note in his journal that George Faithfull, Keefe's employer, claimed not to have spoken with Keefe about the case?[1]
QUESTION 6: Would it be reasonable to consider this incident as an example of government sanctioned violence?
QUESTION 7: Why is there still general disquiet about deaths in custody?

SOURCE 19: In 2025, the Yoorrook Justice Commission reflected on injustice in the 1840s
The Yoorrook Justice Commission report 'Truth Be Told' gave attention reflected on 'the injustices that remain unreckoned.' [38]

The Crown's law was not meant to serve First Peoples. It was meant to remove them. **To this very day, not one law enforcement official has been charged over the death of an Aboriginal person. The colony started as it meant to go on.** This was how control was maintained. Not just by the mounted police or the gun, but by the **quiet, bureaucratic sanctioning of violence.** A poisoned meal, a raid at dawn, a report filed away whose careful phrasing obfuscated the reality. Aboriginal lives were statistics; their deaths inconveniences noted in passing. The colony moved forward, indifferent to the blood that greased its wheels. In the twenty-four years since Henty and Batman had staked their respective claims on Gunditjmara and Kulin land, so much had changed. By the time of the colony's founding as Victoria in 1851, its First Peoples numbered just 2,000, their population having been 15,000 at the point of contact in 1834.

Justice, as meted out by the colony, existed to protect settlers, not hold them to account. For Aboriginal people, that same justice system has always been a weapon. From the earliest days, when the first arrests were made and ceremonies criminalised, the law was wielded to surveillance, control and remove. Aboriginal men, women and children became targets of the legal system.

This legacy continues, **evinced in the grim statistics that remain largely unchanged.** Today, First Peoples are overrepresented in every corner of the justice system in Victoria and across the continent, from child protection to youth detention to adult imprisonment; yet they remain the least protected from harm. The scars of this system are not just physical. They linger in the stories of Country, in the whispered memories passed down through families, in the absence of justice that **echoes across generations**. They are written into the **unfinished reckoning of a nation** still reluctant to face its past. Until these truths are acknowledged – until justice is not only promised but delivered – **that reckoning remains incomplete**.

QUESTION 1: In what ways was there a 'quiet, bureaucratic sanctioning of violence'?
QUESTION 2: Why might the nation still be 'reluctant to face its past'?
QUESTION 3: Why does what happened yesteryear matter today?

FURTHER READING

Anon, 'Lettsom Raid,' *Wikipedia*, https://en.wikipedia.org/wiki/Lettsom_raid

Hamish McPherson, '*"Original Rights": Colonial invasion and Aboriginal resistance in Benalla and northern Victoria, 1838-1858,'* Benalla, 2023, 'A state of hostilities' and 'Docker's dilemma' pp.18-23.

Stephen Gapps, *Uprising: War in the colony of New South Wales*, 1838-1844, NSW Press, Sydney 2025, Chapter Ten, 'Come on you white buggers!,' pp. 196-205.

Marguerite Stephens & Fay Steward-Muir, *The Years of Terror, Banbu-Deen, Kulin and Colonists at Port Phillip, 1835-1851,* Australian Scholarly Press, 2023, Chapter 9, 'Like a Drove of Cattle,' pp. 131-154.

Ray Kerkhove, *How they Fought: Indigenous Tactics and Weaponry of Australian's Frontier Wars,* Boolarong Press, Tingalpa, 2024.

ENDNOTES – INVESTIGATION TWO: A 'GRAND' ATTACK AT WHOROULY, 1840-1844, RESISTANCE AND REPRISALS

[1] *The Colonist,* 24 June 1840.
[2] Dr George Edward Mackay in Robinson, *Journals*, 23 November 1840; Rev Joseph Docker to Gipps, 31 December 1840, *BPP*, p 107.
[3] 'George Edward Mackay,' T F Bride ed. *Letters from Victorian Pioneers*, Public Library, Melbourne, 1898/1969, pp. 211-212.
[4] Lord Stanley to Gipps, 5 October 1841, 'Papers relevant to Aborigines' *British Parliamentary Papers (BPP),* p 113.
[5] Gapps, *Uprising*, pp. 196-198. See also Historical Records of Victoria, 2B, pp 723-736.
[6] Henry Bingham, 'Affray between Dr Mackey's men and Black Natives,' Commissioner of Crown Lands to Colonial Secretary in letters, 1826–1982, Item Number: 4/2486.1, 1841.
[7] Powlett to La Trobe, 18 September 1840, *BPP,* p 88.
[8] 'George Edward Mackay,' Bride ed. *Letters* pp 211-212.
[9] 'George Faithfull,' Bride, *Letters,* pp 219-221.
[10] Gipps to Lord Russell, 3 February 1841, *BPP, pp* 85-87.
[11] Thomson to Lettsom, 28 August 1840, *BPP*, p 92.
[12] La Trobe to Lettsom, 10 October 1840, BPP p 95.
[13] Lettsom to Gipps, 23 October 1841, *BPP, p* 85.
[14] La Trobe to Lettsom, 10 October 1840, *BPP,* p 95.
[15] Gipps to Lord Russell, 3 February 1841, *BPP.*
[16] Lord Russell to Gipps, 11 August 1841, *BPP.*
[17] Yoorrook Justice Commission, *Yoorrook: Truth Be Told*, 2025, 'Massacres and the Dawn of Injustice,' pp 46-60.
[18] Robinson, *Journal*, 14 February 1841.
[19] Robinson, *Journal*, 9 and 16 November; 7, 10 and 11 December 1840; 2 January 1841.
[20] Robinson, *Journal*, 3 November 1840.
[21] Robinson, *Journal*, 16 November 1840.
[22] Ian D Clark, *The Journals of George Augustus* Robinson, Heritage Matters, Melbourne, 1998, Figure 12.1, p 48.
[23] 'Supreme Court', *Port Phillip Patriot*, 20 May 1841.
[24] Robinson, *Journal,* 6 January 1841, pp 51–57.
[25] La Trobe to Gipps, 3 July 1846, quoted in MF Christie, *Aborigines in Colonial Victoria 1835-86,* SUP, Sydney, 989, p 111.
[26] V Rae-Ellis, *Black Robinson*, Melbourne University Press, 1996, pp 205–208.
[27] Docker to Gipps, 30 Dec 1840, *BPP, p* 107.
[28] Gipps to Russell, BPP, pp 106-107.
[29] Docker statement, 12 February 1841, *BPP*, p 110.
[30] Robinson to La Trobe*,* 27 February 1841, *BPP,* p 111.
[31] J M McMillan, *The Two Lives of Joseph Docker*, Spectrum, Richmond, 1994, pp 194-195, p 226. Image of homestead: a painting by Frank Gilbet reproduced in Arthur Andrews, *The First Settlement of the Upper Murray,* Albury, 1921,
[32] Gipps to Lord Rusell, 9 April 1841, *BPP,* p 107.
[33] John Mackay, 14 February 1841, *BPP,* p 110.
[34] Robinson, *Journal*, 14 February 1841.
[35] Lord Stanley to Gipps, 5 October 1841, *BPP p 113.*
[36] Keefe's statement in Gipps to Stanley, 22 December 1842, BPP, pp 237-239.
[37] Gipps to Lord Stanley, 4 December 1842, *BPP.*
[38] Yoorrook Justice Commission, *Truth Be Told*, pp 58-60.