

Chapter 9 Wild & Woolly Law in Beardy Land

Beardy Plains was home for ages to the Ngorabul¹ people² whose kinship groups included the nearby Aniwani³, the Kamilaroi people⁴ of the plains to the West and the Bundjalung⁵ peoples on the coast to the East.⁶ Two stockmen, Chandler and Duval, called Beardies⁷ because of their well-endowed facial hair, guided early squatters (c.1838) to the flat plains around the present town of Glen Innes. Even twenty years before the limits of location were officially abandoned⁸ by the colonial Government in 1861 the best runs were already established in the plains that came to be known as the Beardy Plains in The Land of the Beardies.⁹ The native name for the district was Eehrindi identifying the place where wild raspberry grew.¹⁰ Many grasses and seeds were eradicated from the plains by invading flocks of squatters stock. Deprived of such grassy staples invisible to the colonials, indigenous clans had additional motivation in attacking these foreign animals than just the making of a meal. White reprisals were carried out within a conspiracy of silence. When the law of the land was applied to the local 1838 Myall Creek massacre it led to the conviction and hanging of only some of the white murderers, and only those that were exconvicts. Within ten years the Native Police Force¹¹ had formed under the command of Frederick Walker.¹² Commandant Walker's avowed work was the extinction of aboriginal groups in NSW and the newly formed state of Queensland. Behind a screen of official silence the killings continued long into the next century.



Glen Innes Court House May 24 1865 Q BD gift to Aboriginals

Never officially identified as Royal, the Native Mounted Police plainly knew nothing of Queen Victoria's 1838 ordinance on the rights of Aborigines as subjects: 'where there is a violent death in consequence of a collision with white men, an Inquest or Inquiry is to be held in the same way as if the deceased had been of European origin'.¹³ So proclaimed the Queen of the global British Empire and of the future Queensland. Was Her Majesty not aware of the atrocities committed by Her subjects at the edge of Her far flung empire. It would be interesting to have insight into Her corridors of power to determine if Victoria's statement, in just the second year of her reign and at the tender age of 19 years, was a response to knowledge of that Antipodean massacre, just to the West of Inverell. Her royal proclamation ultimately had a reverse effect for it sealed the lips of colonials in a conspiracy of silence. Our squatocracy suppressed events that may otherwise have been whispered in her Royal ear, telling of dark deeds indeed. Silently black bones bleached white in the sand as black blood dried into dust. Their silent scream for justice was denied an inquest due to lack of witnesses willing to speak.

Remnants of the destroyed nations shared in Victoria's magnanimity in the form of blankets doled out to survivors. Such abundance of Royal largesse to aboriginals still surviving in the Beardy Plains is evident in an 1865 photograph taken on the occasion of

her majesties forty-sixth birthday, May 24th. Under the sheltering verandah of the first Glen Innes Court House, aboriginal survivors of the terror received Her Majesty's gift. Even so extermination continued apace across the inland plains and along the coast as colonial 'civilisation' made its way north into Victoria's own Queen's land.¹⁴ As at the court house in The Glen, instead of justice, the law dispensed just a mere pittance.

Mum it was, made sure we knew the facts of life and of death on the frontier. It wasn't that she wanted to burden us with all the worries of the world. But she could see that even as children, with me just turned 10, we needed to understand the attitudes of some of our neighbours to the local peoples. Why was it that some settlers so spurned those two who had given evidence at the Myall massacre inquiry? You would think that George Anderson and William Hobbs would have been applauded for their stand against such slaughter. Those murderers, the seven hanged, ex-convicts all, claimed they were only doing what they were told to do. Their masters, three free settlers, escaped hanging in '38. They had no difficulty in totally avoiding police, evading capture through the support of many fellow squatters.

Hobbs, for his evidence of the murders, was sacked by his boss, Henry Dangar. If, as claimed by those hanged, their bosses had encouraged the massacre, those three free men directly involved, escaped scot-free. Governor Gipps did not pursue these matters to their logical conclusion as he was keen not to further provoke landowners. He was painfully aware of the long history of conflict between the government and those who considered themselves the aristocracy of the colony, dating back even earlier than the 1808 rum rebellion. This squatocracy represented by W. C Wentworth,¹⁵ barrister for the accused, considered themselves above the law, above the Governor and secretly above the Royal will. Some even went so far as to organise an anti-black association to support the murderers.



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Coat of Arms show free Roo and Emu supporters both cannot move backwards.

All this happened before I was born but the consequences played out across the country right through into the next century. Mum, an avid reader, was appalled at the attitudes expressed in most of the newspapers of the time. And from her scrap book she showed me a favourable clipping from the Sydney Monitor that she had preserved for nearly a decade by the time I read it. I still remember its contents and the ominous undertone of mob rule that it decries.

'The aristocracy of the Colony, for once joined heart and hand with the prison population, in obstinate expressions of joy at the acquittal of these men. (All were acquitted at the first trial). We tremble to remain in a country where such feelings and principles prevail. We have always dreaded an oligarchy. For the verdict (the first on Nov 18 1838) of Thursday shows, that only let a man, or a family, be sufficiently unpopular with the aristocracy and the prison population of this Colony conjoined (as in this case), and their murder will pass unheeded; if not be matter of rejoicing. Money, Lucre, Profit these are thy guide. O Australia!'¹⁶

Mum also pointed out that, on the Monitor's heraldic achievement, the supporters were faced outward, away from the central escutcheon. She explained that if the emu and kangaroo supporters faced forward they would be trapped. As neither animal can move backwards, they would no longer be free to move, just like the obstinate squatters. After

the black nations were suitably subdued by terror, the kangaroo and emu populations were then targeted for elimination from the landscape.

Of course there were colonists who supported the aboriginals and lamented the treachery of their treatment. Richard Windeyer who was a member of the Aborigines Protection Society¹⁷ ensured that any native account of proceedings at Myall Creek, if any souls had survived, could be admitted in future trials as unsworn statements. Aboriginal evidence prior to that was excluded in trial proceedings.

'Aborigines were not allowed to give evidence in the courts on the grounds that they could not understand the nature of an oath.'¹⁸ 'The Myall Creek case went to court twice, as the first time Aboriginal people were not allowed to be witnesses in the New South Wales legal system without being Christian, as they had to make an oath on the Christian Bible'. Windeyer's attention had been attracted to aboriginals legal disadvantages in an earlier 1836 trial of an Aborigine, Murrell. Jack Congo Murrell and Bumarree murdered a man under Aboriginal law. The judge decided that the case be dismissed as it was decided that British law had no jurisdiction over Aboriginal law'.¹⁹

Thirty years later the exploits of Captain Thunderbolt during six years in the north west of NSW was another famous occasion when the Traps were embarrassed by their inability to apprehend a felon. Many in the New England region were somewhat amused at the ineffectual efforts of the law to apprehend this bushranger, Fred Ward. Not just a few colonials secretly applauded the dash and derring-do of Thunderbolt. Being deeply involved with the local aboriginals, he had secret and intimate knowledge of the land. Some even supposed that he used his knowledge not only to evade capture, but also to secrete his takings in caves and crannies throughout the bush.

The power of the law did eventually prevail over the bushranging exploits of this self styled Captain Thunderbolt. After seven years preying on the people of the tableland, the law finally caught up with him in the form of Constable Alexander Binning Walker. A native of the colony, Walker claimed he shot and killed Thunderbolt as he lunged toward him in Kentucky Creek on the afternoon of May 25 1870. At a terrific pace, Walker had been lead for over half an hour on a wild circuitous chase from Blanche's Inn near Split rock. This vantage point for observing travellers on the road south of Uralla had often been used by 'Thunderbolt' in his plundering. Ward ended up on foot after he left his horse to swam the creek. Walker then shot the abandoned beast. After a brief verbal exchange Thunderbolt proclaimed he would die before surrender. 'All right, you or I for it', were Walker's final words to Ward as he faced his horse into the water.



Thunderbolts Rock



Kentucky Ck Death Scene 27th May 1870

'Whether it was the sudden fall, or, as Walker supposed, his horse went on his knees, it so happened that his horse went right under head and shoulders, and whilst in that position Thunderbolt jumped towards Walker and receive his death wound, for Walker at once fired, the ball entering under the left collar bone near the arm-pit, and travelling direct downwards and backwards to about three inches below the right shoulder blade, where it came out. Both lungs were pierced'.²⁰

The magisterial enquiry on the day following did not identify the body on the table in Blanche's Inn. The middle aged balding corpse²¹ hardly fitted the 1869 Police Gazette description of Fred Ward 'as 35 years old 5ft 8ins high, dark complexion, and dark beard

with sandy points & short curly hair.¹²² Two days later Walker, suddenly promoted to Senior Constable at Uralla, rewrote his statement confirming that Fred Ward had been the object of his pursuit. Within a week 'Constable Walker, for his gallant conduct in shooting the notorious Thunderbolt, has been promoted to senior constable, and placed in charge of the Glen Innes police station, as a mark of the approval of the Government of his zeal and bravery'. Dad informed me that after his rapid promotion, Walker was often seen at Tattersall's Hotel and Billiard Parlour in the Glen, not as a drinker but as keeper of the peace. Actually he had been 'a member of the Belmore Division of the Sons of Temperance at Uralla. They were very proud of him, for showing that alcoholic stimulants are not required to give a man dash and pluck.'¹²³

For his undoubted bravery in this 1870 incident Walker received a public subscription and a hard money reward of £200.²⁴ If he had been at Glen Innes races a few months earlier he may have met Fred Ward in the flesh. Then during the six hour enquiry on the day following the shooting he would have been in a position to make a more positive identification of Thunderbolt. Races held on in the Glen on Wednesday March 30 may have been attended by Ward, for on the day before, he robbed the down mail from Tenterfield to Sydney. He bailed it up near the start of its run outside Deepwater, 25 miles north of Glen Innes. 'Following his usual course the bushranger opened all the letters, taking what money they contained, and returning the cheques and promissory notes.'²⁵ At Tattersall's on the evening following the second day of racing the pub was abuzz with the news of the bail up. Some wag even commented to Dad that Thunderbolt must have lost his famed eye for good horse flesh as the mighty Captain Thunderbolt had backed the wrong horse.



Tattersal's Hotel and Billiard Parlour. Original replaced in 1875

As fate would have it, six years further down the track, April 3 1876 found the newly promoted Sergeant Walker again facing a felon with a gun, this time at Bald Nob, NE of the Glen. A two time escapee, Black Tommy was frustrated in his attempt to draw a revolver stolen from a constable from whom he had previously escaped. Caught by Walker and partner, he was tried and acquitted on the grounds that there was no evidence that a gun, aimed in a previous altercation over a kangaroo dog, had been loaded. Eighteen months later, Tommy went bush in the Yarrow Creek area near Kingsgate to the east of town after shooting a member of the Oban blacks named One-eyed Billy. Eventually Tommy was shot dead at Bald Nob.²⁶ Walker's career had been on the up and up ever since being well rewarded, apparently not simply for his valour in that previous pursuit of Thunderbolt. The case against Fred Ward was closed when Walker's rewritten statement identified him as the person he shot in Kentucky Creek. Was a colonial code of silence on the part of the police also closing in around this episode in our history?

Indeed law enforcers must have been complicit in concealing many of the frontier wide massacres of black people. It was clearly in the interest of law to publicise an ignoble end for this renegade. However it is widely held in the tableland that Ward's links to the local aboriginal remnants in the region had enabled him to evade the traps for so long.

Rumours grew that Fred Ward, even months after the reported death in Kentucky Creek, had been seen towards Oban, dancing with locals as he escaped to the coast down the precipitous descent near Ward's mistake. The bridge trail may have been the one local aborigines named as their double mistake. Their song line trail over Mistake Mountain had originally been the path along which locals guided cedar cutters into the tableland from the coastal forests. The story goes that Ward escaped to north America with his mother. According to this version of the facts or fiction that is history, the body interred in Thunderbolt's grave in the Uralla cemetery is Harry Ward, Fred's uncle.²⁷

The Glen was growing fast back then, fed by abundant produce of crops and flocks, cows and ploughs as depicted in the new crest. Centred on the crest was a miner proclaiming that central to the towns exploding growth was a mining boom. The region entered boom times with the discovery in 1872, of tin at Vegetable Creek, the first of many ventures to tap the abundant same year, June 17 saw the Glen Innes. A new basalt court built in '73 to replace the old one newspaper The Glen Innes 1874 in a fine single story with parapet. It originally sported a Street, later Bourke Street.



mineral wealth of the region. The formation of the Municipality of house with granite dressing was in service since 1858. A town Examiner, was established in Italianate rendered brick building post supported awning on Store Telegraph Hotel on the SE corner

of Meade and Grey Street, our oldest hotel, was demolished and replaced with the two-story Great Central very much in the centre of town. Airey's Royal Hotel, on the corner of Ferguson and Grey had been built about 1860 and still stood as the oldest existing Hotel in the Glen. 1875 saw Munro's emporium added to Grey Street diagonally across from where the old Telegraph Hotel had stood.

Further down towards the southern end of Grey Street, just past Store street, renamed Bourke street fifteen years later, the rustic charm of Tattersall's single story public house and billiard hall were demolished. Replaced in '75 by a magnificent Victorian two-story verandah hotel, it was reputed to sport the best accommodation outside of Sydney Town. The building boom continued well into the next century and turned Glen Innes into one of the more substantial towns on the Tableland.



Old Telegraph Hotel Glen Innes. Original replaced by Grand Central c1875.

The world wide wires of the electric telegraph brought the whole wide world into the heart of the Tablelands after the local lines were connected to the overland telegraph in 1872. Sydney was connected to Liverpool in 1857, to Melbourne by 1858, and to Brisbane by 1861²⁸. In the ten years since 1866 when the Glen became part of the colonial telegraphic network its population had grown from near three hundred and fifty to about fifteen hundred citizens. During this decade Glen Innes became wired to the world via the expanding world wide telegraphic network. With its own newspaper and seven substantial stores serving both town and country, the growing community was well served by a post office, court house and police barracks. Our family was set to flourish as the future was looking bright and prosperity, as always appeared to be within reach of even the hoi polloi.

Chapter 9 Endnotes.

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