

Blood in the Murray River

On 10 December 1840 two First Nations men died. One faraway in a gaol in Melbourne, the other mid-river in the Bungambrawatha Crossing.

Both were from what colonists called the Hume River district. Both were allegedly involved in a 'grand attack' that almost destroyed Whorouly station. Both were prisoners escorted from the Hume to Melbourne by mounted policemen.

Jaggerrogrer (aka Harlequin) died in a Melbourne gaol from 'excessive exertion'. He had been brought on foot, with a chain around his neck and cuffs on his hands, running beside –or strictly speaking being dragged forward – by a horse-mounted policeman. The last 130km were covered in two hot days.



George August Robinson, the Chief Protector of Aborigines, sketched the cruel way Jaggerrogrer (Harlequin) and his brother and fellow accused, Minnup (Merriman), were each force marched to Melbourne. Picture supplied.

On the same day, back at the Hume River, three other suspects known as Mickey, Larry and Simon had just begun a similar forced march from Albury to Melbourne by three mounted men. The leader of the escort was John Mackay, a special constable and brother to Dr George

Mackay who co-owned the Whorouly station that had been attacked. He was being helped by John Keefe, an assigned servant, and Peter Byers, one of the mounted policemen appointed to guard the road through the Murray River Crossing.

While the party of six was crossing the river at the start of their journey, Mickey tried desperately to escape. Mackay shot him.

Mackay claimed He acted in self-defence and to prevent the prisoners being rescued by a group of First Nations people who, he alleged, had gathered on the Wodonga side of the river,

Governor Gipps reported the homicide to London. Lord Stanley, the Secretary of State for War and the Colonies, thought the shooting of an unarmed and well-fettered prisoner 'utterly indefensible'. Stanley directed Gipps to find out if it was practicable to bring proceedings against Mackay.

At the inquiry, John Keefe confirmed Mackay's story and added two flourishes. First, that Mickey was trying to pull Mr Mackay off his horse and drown him. Second, that Mackay had turned to both the escorts and asked them if they feared for their lives.

No one else was nearby. As Larry and Simon were First Nations men, they could not give evidence. The mounted policeman was not called on to testify.

Governor Gipps advised Lord Stanley 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'. No charges were made.

The story highlights the shortcomings of frontier justice.

The colonial government was over-stretched in maintaining law and order so far from Sydney. It had appointed squatter magistrates like the vengeful Dr Mackay, who, in turn, has appointed his brother as a special constable.

This local incident of state condoned violence accords with the observation in The Truth be Told report of the Yoorrook Justice Commission that. '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.'

There are stories to be told, the report says, which enable healing for First Peoples and healing between First Peoples and the broader community.

On hot summer nights, well-lit by moonlight, it is possible, for those willing to listen, to hear in the crossing a desperate threshing in the water, three neighing horses, and a shot fired point blank into a securely shackled First Nations man.

In the grim arithmetic of war, the loss of a single life, or even two lives, may not be regarded as of great moment. Except, in this instance, the recorded killing in the crossing questions the familiar creation stories that the settlement town established at this river crossing had blood-less beginnings. The incident raises questions about the kind of law and order that arrived in the district with the newly built police hut at Bungambrawatha in 1838.

Mickey's blood in the river was swiftly washed away. It left no stain, perhaps no shame. Deaths in police custody were to continue for years.

The story of the homicide supports a new determination to uncover and share recorded stories of colonisation midst the stories of place creation.

It goes towards meeting the challenge posed by Stephen Gapps in his new book Uprising. Gapps suggests local community historians might try to unravel and share stories of resistance and reprisals in their localities, for local studies will provide the foundational knowledge that gives authority to wider stories.

Both local and wider stories are needed with State and Australian governments sharpening curriculum requirements for all students to learn about First Nations Peoples' experiences of colonisation.

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