



Environmental Defenders Office

Our Ref: S3052

17 March 2022

Stephen Barry
Planning Director
Independent Planning Commission

C/O Casey Joshua
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Dear Mr Barry

Glendell Continued Operations Project (SSD 9349) and Mount Owen Continued Operations (SSD 5850) Modification

We refer to your letter dated 11 March 2022 requesting the provision of information in response to questions taken on notice by our client Mr Scott Franks during the meeting with the Independent Planning Commission on 8 March 2022. These questions and answers are set out below.

1) Archive source of British dispatches detailing the conflicts at Ravensworth Estate (referred to as 'Volume 12' during the meeting with the Commission)

The source is the *Historical Records of Australia*. These records are available through the National Library of Australia's Trove archive at <https://nla.gov.au/nla.obj-442186184>. Volume 12 is available at <https://nla.gov.au/nla.obj-476838109/view?partId=nla.obj-476970139>.

Specific records alluded to during the 8 March 2022 meeting include those below, and are attached to this letter.

WARNING: We note that the extracts below describes the deaths of Aboriginal and non-Aboriginal persons and may be distressing to some readers.

1. Despatch 75- Governor Darling to Earl Bathurst (6 October 1826) (vol XII, pp 608-622)

'Report on outrages by natives near Hunter River', which details in the despatch itself and in eight enclosures a series of attacks, reprisals, and police and military actions in the Hunter Valley and specifically on Ravensworth (described as Dr Bowman's property) and neighbouring estates.

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“The outrages, which they have been guilty of, deserve the severest chastisement; and it may be mercy in the end to check by decisive measures the disposition, which they have manifested on the late occasion. But I fear the conduct of the Natives has not been altogether unprovoked; and being strict observers of the Law of retaliation, I am informed that they never fail to exact blood for blood” (p 609)

1.1 Encl 1: A report by district Magistrates, Mssrs Scott and MacLeod on ‘outrages by Natives near the Hunter River’ (pp 609-612)

“After this, the party of Mounted Police were reinforced and succeeded in taking one of the Natives, who murdered Dr Bowman’s Watchman, who was shot. Shortly after, several more Natives were taken by the Police, three of whom were shot as stated in a report to His Excellency by three Magistrates of Hunter’s River. About the same time, two more Blacks, suspected of being concerned in the murders at Mr Greig’s and at Booty, were apprehended and lodged in Newcastle Gaol: one of those has since been liberated.”

“[O]n the alarm being given at Mr Glennie’s, the Mounted Police went in pursuit, but did not find the Natives. Two days after this, a party was formed consisting of a Magistrate, five Military and four Europeans, and four friendly Native Blacks, who came up with the murderers on the morning of the third day, when a skirmish took place and one European was speared in the face, and it is supposed that two of the murderers were killed, and some more wounded, as reported by a Black woman, who was taken prisoner.”

1.2 Encl 2: Depositions of J Woodbury, R Scott, and J Glennie (pp 613-615)

At inquest into deaths of two European men at Allcorn’s hut.

1.3 Encl 3: Lieutenant de la Condamine to Captain Allman (p 615)

Ordering a detachment to the district “to repel those aggressions, and to put an end to the violence of the Native Inhabitants”

1.4 Encl 4: Lieutenant de la Condamine to Captain Foley (pp 615-616)

Giving further similar orders.

“[T]he district of Newcastle is much disturbed by the conduct of the Natives, who are said to have assembled in considerable numbers, and to have murdered two men, the servants of Mr Lethbridge. I am in consequence instructed to desire that you will immediately proceed, leaving the subaltern of your detachment in Newcastle, with 20 or 25 men in addition to those already detached by Captain Allman, in order to repress the hostile incursion of the Native Inhabitants, and to punish the outrages which have been recently committed; to which effect, you will oppose force by force, and repel those aggressions without waiting for further Orders.

“It is desirable that you should proceed with promptness and act with decision as the most likely means of intimidating these people and putting an end to their further violence. The Detachment of Mounted Police will be under your Orders and you will be pleased to communicate with the Magistrates of the District, from whom you will receive every support and information.”

1.5 Encl 5: Lieutenant de la Condamine to Captain Foley (pp 616-617)

Giving orders to “seize the eleven men alluded to, and disperse the general Body by force of arms” (pp 616-617).

1.6 Encl 6: Captain Foley to Lieutenant de la Condamine (pp 617-619)

Report of the above, noting that he had stationed seven military men in the district, divided between Mr Bowman’s [Ravensworth Estate], Mr Glennie’s, and Mr Chilcott’s farms, as well as a small detachment of mounted police and “I have given him instructions to use every means to secure the surviving men of the Tribe, known to be implicated in the late affair.”

1.7 Encl 7: Lieutenant de la Condamine to Captain Foley (pp 619-620)

Notes “the Lieut’t General’s desire that the soldiers, who are stationed with the settlers, may be ordered not to act offensively against the Natives under present circumstances, but to protect the Establishments and repel them, should they make incursions and disturb the Country.”

1.8 Encl 8: Lieutenant de la Condamine to Captain Allman (p 620)

Notes “[i]nformation has reached the Lieut’t General through a private channel that the Natives in the neighbourhood of Illalanny have killed two shepherds on Dr. Bowman’s property, and committed other depredations. His Excellency desires that you will immediately put yourself in communication with Mr. Close and the Magistracy of the District, and that you will render its inhabitants every assistance necessary for the protection of their property and the preservation of their lives. The Detachment of Mounted Police will at once be the most efficient and most convenient body of Troops to engage in this service.”

1.9 Encl 9: Captain Allman to Lieutenant de la Condamine (pp 621-622)

Informs that one, not two, of Dr Bowman’s shepherds was killed and that this “was committed at a distance of nearly fifty miles from Illalanny”.

1.10 Encl 10: Lieutenant de la Condamine to Captain Allman (pp 622)

“[T]he Lieut. General desires me to request that you will place a few more men at the disposal of Lieut. Low, should you consider the late proceedings of the Natives to require it. Lieut. Low’s Detachment will shortly be reinforced from Head Quarters by men now drilling for the purpose.”

1.11 Encl 11: Captain Foley to Lieutenant de la Condamine (pp 622)

Notes that the Infantry was not necessary, requests reinforcements of Mounted Police and horses.

1.12 Encl 12: Captain Foley to Lieutenant de la Condamine (pp 622-623)

Notes that “no acts of violence have been committed by the Aborigines in this District for some weeks past; and, from the persevering exertions of Lieut. Low and his Detachment, there is every reason to hope for permanent tranquility”.

2. Governor Darling to Earl Bathurst - despatch marked ‘separate’ (6th October, 1826) (Vol XII, pp 623-628)

Reporting of the shooting in custody of one of the Aboriginal men allegedly involved in the above attacks, and the Inquiry into the deaths of a further three Aboriginal men. Contains 3 enclosures, including depositions taken at the Inquiry and the report of the Magistrates.

“[A] report having reached me that a Native, who was apprehended by the Mounted Police, as having been concerned in the proceedings above alluded to, had been shot, while in custody; I immediately gave orders that the matter should be investigated by the Magistrates of the District. This order, after some delay occasioned by the absence of Lieutenant Lowe, the Officer commanding the Mounted Police, was acted on; the accompanying Report was received; but, as the Native in question was not one of the three mentioned in this Report, it appeared advisable to bring the subject of his death under the consideration of the Executive Council, together with the other events, which had taken place.”

“There can be no doubt of the criminality of the Natives, who have been concerned in the recent outrages; but, though prompt measures in dealing with such people may be the most efficacious, still it is impossible to subscribe to the massacre of prisoners in cold blood as a measure of justifiable policy.”

2.1 Encl 1: Colonial Secretary McLeay to Captain Allman. 28 August, 1826 (p 624)

In relation to Captain Allman’s previous communication, “reporting that three Native Blacks had been shot by the Mounted Police, under the command of Lieut. Low, I am directed by His Excellency the Governor to request that you will, in conjunction with Messrs. Close, Webber, and Scott, assemble and enquire into the circumstances of the killing of the Natives, alluded to, so that Government may be enabled to determine whether it will be necessary to institute any proceedings in consequence;”

2.2 Encl 2: Captain Allman to Colonial Secretary McLeay. 15 September 1826 (pp 624-625)
Noting that the Inquiry had taken place.

2.3 Encl 3A: Depositions at the Inquiry (pp 625-626)

Deposition of James Glennie, 13 September 1826 (p 625)

“This Deponent states that he was on his farm, when the Mounted Police came there in pursuit of some Blacks. Four were secured, and one got into a tree. This tree was fallen, when he came to the ground and he was secured. Deponent then went with the party to Chilcott’s, where they were said to have robbed the hut, and to have attempted to get a musket from a man. The Men recognised the whole party, as having been concerned, one of them more particularly, who had stolen a cake of bread and attempted to get a musket from one of the men by force. This Black Cato was one of those afterwards shot.”

Deposition of Mr. John Larnach, 13 September 1826 (pp 625-626)

Describing the shooting of an Aboriginal man called Cato on Ravensworth (Dr Bowman’s property) and the hanging up of his body “as a terror to the other Blacks”.

“Deponent observed the Black about ten yards from the Soldiers endeavouring to escape, when he was fired at and killed, and left there. Had the Soldiers permitted him to have gone a little further, he would have escaped altogether. All this took place, whilst the party were looking over the spot, where the fencers had been speared. The Black seemed to be well aware of the spearing; and the impression in Deponent’s mind was that he was a party concerned. This Black had been identified as one of the spearers at Dr. Bowman’s. This Black was a very singularly formed man, and the soldiers had taken him from the

description, that was given by the Fencers, before he was brought to Dr. Bowman's to be identified.

The body of this Black was hung up by the Men on the Farm as a terror to the other Blacks."

2.4 Encl 3B: Examinations at Inquiry (pp 626- 628)

Examination of Lieut. Nathaniel Low [sic], 13 September 1826 (p 626)

Describing the orders that he gave to his detachment of Mounted Police to shoot any prisoners that escaped

Examination of Sergeant Lewis Moore, 13 September 1826 (p 626-627)

"This Examinant states that, about the 12th of August, his Party apprehended several Blacks, who had been named to him, and who were taken about to the different places, where Depredations had been committed, and identified. In marching these Prisoners down the country, three Blacks broke the ropes, with which they were secured, and fled. Examinant and party did all they could to persuade them to return; but they continued their flight; under these circumstances the party were obliged to fire on them..."

"Answers to questions from the Bench. —Two out of the three Blacks were shot in one day, and the other on a different day. All three of these Natives were shot in making their escape; and, if the body of a Native is hanging in the Forest, the Mounted Police did not do it."

Examination of George Castles, private in the Mounted Police, 13 September 1826 (p 627)

"On being questioned by the Bench, Examinant denies that the Party shot any man except in the act of escaping, and knows nothing of a Black being hung."

Examination of John Lee, private in the Mounted Police, 13 September 1826 (p 627)

"Examinant denies the common report that one of these Blacks was hanged by the party, and knows nothing of such a circumstance. Repeats that the Blacks were shot, after having freed themselves from the cords, endeavouring to escape."

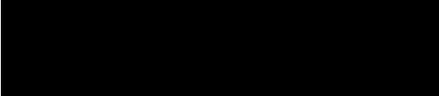
Examination of James Fielding, private in the Mounted Police, 13 September 1826 (p 628)

"Examinant states that he was with Serjt. Moore escorting Blacks. Three of the Blacks were shot endeavouring to escape. They were as well secured as the Cords they had would allow. They freed themselves by biting them in two. ... Examinant knows nothing about hanging a man; is aware of a report that a black man was hanged, but it was not done by their party. The body of one of the Blacks, shot by the escort, might have been afterwards bung up, but Examinant is not aware when it was done."

2) Map showing the areas of Aboriginal cultural value referred to in the meeting

To clarify, the context in which this map was requested was a discussion of Mr Franks' family association with the Mount Olive Estate, and locations on that estate known as "Grandma's Garden" and the "Tocomwall Paddock", as well as the St Clair Mission, relative to the Ravensworth Estate. A map setting out these locations is attached.

Yours faithfully
Environmental Defenders Office



Rachael Chick
Solicitor

ATTACHMENTS

1. ***Historical Records of Australia*, vol XII, pp 608-622: Despatch 75- Governor Darling to Earl Bathurst 6 October 1826**
2. ***Historical Records of Australia*, vol XII, pp 623-628: Separate Despatch - Governor Darling to Earl Bathurst 6 October 1826**
3. **Map showing Ravensworth Homestead, Mount Olive (Franks Residence, Charlie Franks' Residence, Grandma's Garden, Tocomwall Paddock), St Clair Mission**



Ravensworth Homestead

Franks Residence
St Clair Mission
Charlie Franks
Grandma's Garden
Tocomwall Paddock

0 1 2 km

A horizontal scale bar with a black segment on the left and a white segment on the right, marked with 0, 1, and 2 km.