4. Claiming the Moira

A common belief that surrounds Edward M. Curr is that he was unusually sensitive to the plight of Australian Indigenous people. Justice Olney implied such a view in his *Yorta Yorta* judgement when he noted that Curr had ‘clearly established a degree of rapport with the local Aboriginal people’.1 Earlier, historians had regularly followed the lead of the *Australian Dictionary of Biography* and asserted Curr’s ‘sympathetic understanding’. To a certain extent, this view was justified: Curr was both observant and curious, and evidently acquainted himself with Aborigines more than the average pastoralist. He described some aspects of Indigenous culture with a dignity that distinguishes him from many contemporaries, even if he also insisted that Aboriginal life was savage and violent. Moreover, Curr apparently strove to avoid violent confrontations with the people whose land he usurped.

The mainstream view of Curr’s attitudes towards Aborigines appears to derive, however, from his own account in *Recollections of Squatting in Victoria*, with little consideration of alternative sources. In certain passages Curr portrayed himself as one who protected the Aborigines wherever possible. He recounted, for example, his visit to a convict hut-keeper at Wyuna, whom he reprimanded for the ‘cowardly and barbarous act’ of shooting at an unarmed Aboriginal man. Curr surmised that his concern for Aboriginal welfare was unusual for the time: ‘Ever after, I dare say, he [the hut-keeper] looked on me as a sort of dangerous lunatic for troubling myself about the lives of a few Blacks’.2 Harley Forster observed in his introduction to the abridged *Recollections of Squatting in Victoria* in 1965: ‘About the white interlopers, [Curr] is usually gently ironic, sometimes shocked, and occasionally angry.’3 Although Forster provided a good summary of the attitudes to frontier violence expressed by Curr in his 1883 memoir, he did not adequately explore alternative accounts of Curr’s pastoral activities. In this way, the view of Curr as sympathetic to Aborigines is primarily a function of Curr’s own writings about himself. When *Recollections of Squatting in Victoria* is considered within the context of other primary evidence from the 1840s a more complicated picture emerges.

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1 *Members of the Yorta Yorta Aboriginal Community v Victoria* (1998) FCA 1606, [53].
2 Curr 1883: 95.
3 Forster 1965a: vii.
The Moira

On Christmas Day 1842 Edward M. Curr arrived at Tongala ahead of a flock of 2,000 sheep, which he was moving north from the Currs’ station at Steele’s Creek, near Kilmore. Richard Curr, who had been managing Tongala, reported to his older brother that valuable grazing land was unoccupied to the north in the region known as ‘the Moira’. In *Recollections of Squatting in Victoria* Curr recounted his first visit to these valuable flood plains east of the Murray River: ‘under water for several months of the winter and spring, it abounded in summer in excellent sheep feed … and was usually as green as an emerald from November till March’. Curr briefly noted another crucially important characteristic of the Moira:

As we learned afterwards, its extensive reed-beds were the great stronghold of the Bangerang Blacks, whom, as will be told presently, my brother had found somewhat troublesome during my absence at Steele’s Creek; and owing to the plentiful food supply, it was a favourite place of meeting for all the tribes in the neighbourhood. Hence, it had advantages and disadvantages.4

In his book Curr does not immediately elaborate on how his Indigenous neighbours had become ‘troublesome’. Two chapters later the reader learns that as many as 200 sheep had been speared by the Bangerang in two separate incidents that Curr characterised as childish naughtiness rather than organised resistance. The sheep spearing occurred about a year after Curr had first arrived at Tongala and preceded his decision to expand his pastoral lease into the Bangerang stronghold. Reading between the lines of *Recollections of Squatting in Victoria*, there appears to be more at stake than Curr suggests; in fact, contemporary evidence confirms an extremely tense relationship between the Currs and the Bangerang.

Shortly after Curr’s return to Tongala in late December 1842, he and Richard rode north to the Moira in search of pastures. In Curr’s memoir the sense of discovering an untouched paradise is strong. After crossing the Towro sandhill, the brothers passed the Madowla lagoon, where ‘an Aboriginal belle’ sang joyfully: ‘The notes rang clear and silvery on the still morning air; the songstress … infusing into her lay the vivacity and abandon of life’s springtime.’5 Continuing north to the Baala Creek, Curr arrived at the Moira for the first time, where a Bangerang presence was evident in the ‘camp fires smouldering under the shade of a spreading tree’. He viewed the Moira as a picturesque wilderness and was quite taken with its natural beauty: ‘The grass under foot, as yet undefiled by flock or

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5 Curr 1883: 167–168, emphasis in the original.
herd, was as green and fresh as Eden.’ Nonetheless, as Curr later wrote, ‘we were just then intent on sheep feed, and not on scenery’; consequently, the brothers found a tall red gum and climbed to its high branches, from where they could view the surrounding country and ‘discuss its capabilities at our leisure’.\(^6\)

Returning to the Bangerang camp, Curr enlisted the aid of Tommy, ‘a rather civilised Black’, who agreed to guide him down the Murray River in a canoe from the Baala Creek (Broken Creek) to Pama (Barmah). In his recollections, Curr delighted in describing this river journey, which took him through unexplored territory: ‘Stately and hushed, old Tongala flowed on through his trackless woods!’ Tommy explained to Curr the territorial boundaries of the various Bangerang clans: the Wongatpan (Tommy’s people) occupied the east bank of the Murray, while the Moitheriban (Moira people) occupied the west bank, ‘a numerous tribe, [which] had plenty of fish and thousands of spears’. Curr also recalled in minute detail the information Tommy provided regarding individual ownership of fishing weirs constructed at the mouths of creeks: ‘these were evidently very important matters with Tommy’.\(^7\)

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\(^7\) Curr 1883: 173–175.
In one of the better-known passages in *Recollections of Squatting in Victoria*, Curr then related his memorable encounter with a Bangerang fishing party. One member of the party, an elder who Curr surmised was 90-years-old, initiated a sustained protest against Curr’s invasion:

His fishing spear quivered in his hand, and, after an abortive attempt at a war-like caper, he howled, abused, and spat at me, in senile fury, asking, as Tommy afterwards explained, why I came to the Moira? What I wanted? That I was a demon from the grave! That the water, the fish, and the ducks belonged to his tribe. That he spat at me and hated me. That I was Pekka (a ghost), but that man or devil he would spear me!8

Meanwhile, the rest of the fishing party implored their elder to retreat, fearful Curr would raise his gun, ‘of which weapon they well knew the use’. According to Curr, a middle-aged man then forced a ten-year-old girl to fetch the old man to safety, clearly assuming that ‘white men did not war with children’. According to his recollections, Curr responded in a way that clearly conveys his paternalistic attitude:

Curious to test the temper of the people, I whispered to Tommy to be silent, that I should not hurt her; and raised my gun to my shoulder. The child, now not many yards off, noticed the action, looked me full in the face, and without altering her course, gathered her opossum-rug tightly about her, and with somewhat stately step, passed close before the gun to the gibbering old savage. Addressing him in a low soft tone, without further notice of me, she took his hand in hers.9

Curr watched the girl lead the old man to safety then instructed Tommy to proceed down the river, as he was ‘unwilling to annoy these people further’. Rounding the next bend Curr reviewed the incident with his guide:

‘Well, well!’ said Tommy, ‘big one stupid ole man! No gammon!’ ‘What name belong to young girl?’ said I. ‘Undyärning,’ replied Tommy. Good nerves, Undyärning, thought I, and a good representative of her race in that particular; and we again floated silently down our liquid road, between grand old gum trees, abundance of couch-grass, and clumps of reeds, up which climbed convolvuli in waste luxuriance.10

In his memoir Curr proceeded to outline in detail the multitude of birds in the area (a sign, no doubt, of its untapped potential) and finally concluded: ‘Being satisfied with what I had seen, I shortly after applied for, and obtained about

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8 Curr 1883: 176–177.  
9 Curr 1883: 178.  
eighty square miles of Moira country, which turned out very valuable." For Curr, the furious entreaties of a ‘senile’ old man to leave his country counted for little alongside the ‘wasteful’ abundance that, to him, was readily apparent.

Curr’s narrative implies that the Bangerang people at the Moira were living in a state of nature, hitherto unaffected by the Currs’ pastoral endeavours to the south. He noted that ‘they never had the curiosity to have a look at my party, not fourteen miles off’. Curr did not link the protests of the ‘tribal grandsire’ with the prevalent sheep stealing that preceded his visit to the Moira. A close reading of Curr’s text reveals, however, that the elder’s son Warri was a ‘ringleader’ in one of the earlier incidents. The chapter arrangement of Curr’s memoir masks the reality of strong Bangerang resistance to his family’s pastoral enterprise. In Chapter 16 he refers only obliquely to the Bangerang being ‘troublesome’, preferring to describe his discovery of the Eden-like Moira flood plains. Chapter 17 consists of tangential observations regarding ‘Changes in Connection with Flora and Fauna’. When Curr returns to the sheep spearing incidents in Chapter 18, the strong link with his experience at the Moira is largely obscured. It is nonetheless certain that the hostility of the Bangerang was well known to Curr before his trip down the river with Tommy, and before his decision to expand his run to include 80 square miles of the Moira.

**Sheep Stealing**

Curr’s account of the Bangerang attacks on his sheep is accurate in many of its details, but silent on several issues of importance; furthermore, its light-hearted tone belies the tense relations outlined in other accounts from the period. Curr described two incidents that occurred a few days apart; although he gives no specific date, he implies that they occurred a short time before he returned to Tongala in December 1842. Contemporary press reports reveal, however, that they occurred several months earlier in July 1842. The first incident occurred in the section of Curr’s pastoral station north of the Murray River, which was in the vicinity of the Moira lease he subsequently acquired. According to Curr’s narrative, an apparently friendly Bangerang man (or ‘gentle savage’) visited a remotely stationed shepherd (‘of an altogether unwarlike spirit’) and requested some tobacco; during the exchange the Aborigine took the shepherd’s carbine, which Curr explained had been left ‘lying against a tree’ nearby. A party of 70 Bangerang men, whose safety was now assured, emerged from the scrub and speared one sheep each to carry off for feasting. Curr’s recollected account

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11 Curr 1883: 179.
12 Curr 1883: 175.
suggests a case of simple trickery of a careless shepherd, but a deposition given by the shepherd at the time suggests that his assailant ‘got behind him and took forcible possession of the gun [and] at the same moment another black levelled a spear at him’.¹⁵

A few days later two troopers from the border police force arrived at Tongala on their usual patrol. The troopers responded to reports of the incident by imprisoning an Indigenous man who happened to be at Tongala. The following day they forced him to guide them in search of the suspected sheep stealers; when the man tried to escape, not wishing to betray his people, the troopers shot him and he died shortly afterwards ‘without a word or a groan’. Placing the dead man in a canoe, the troopers sent him down the river, presumably to be seen by his comrades. Curr later wrote: ‘I always regretted this catastrophe.’¹⁶ Shortly afterwards the Bangerang took another 120 stray lambs for a feast lasting three days. Curr concluded: ‘Such feasting and greasing of heads had never probably been known in the history of the Bangerang, and no doubt the tribe was merry and witty at the expense of the “white-pella.”’¹⁷

Edward Curr had been away at Steele’s Creek during these events but heard of them from Richard Curr when he returned several months later. It was in this context that the Curr brothers visited the Moira in late December 1842. Meanwhile, reports of the incidents had reached the highest level of government in the Port Phillip District: on 31 December the Commissioner of Crown Lands, F.A. Powlett, reported the theft of ‘a few’ sheep from Curr’s station.¹⁸ In February 1843 Captain Henry Dana of the Native Police Corps reported the number of sheep stolen as ‘upwards of two hundred’.¹⁹

In March 1843, while visiting the Currs at Tongala, the Chief Protector of Aborigines, George Augustus Robinson, recorded some further information, which helps explain how the animosity between the Currs and the Bangerang had grown. After making inquiries he noted that neighbouring pastoralists had not had any sheep stolen and were ‘on good terms with the blacks’. One neighbour also provided an explanation as to why the Currs did not enjoy the same harmonious relationship:

Mr. Irwin said, ‘when Curr first went to the Murry [sic] the natives were friendly and assisted them with the sheep, but one of the natives’ dogs got among the sheep and could not get out’. The natives tried to get it

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¹⁵ ‘Black outrage’, *Port Phillip Gazette*, 25 February 1843: 2; see also Committal before Frederick Berkley St John [Police Magistrate], 24 February 1843, PROV, VPRS 30P, Box 186, NCR 77, (reference kindly provided by His Honour Paul R. Mullaly QC).
¹⁶ Curr 1883: 196.
¹⁷ Curr 1883: 197.
¹⁸ F.A. Powlett to Charles La Trobe, 31 December 1842, PROV, CO 201/332, Item 46.
¹⁹ Henry Dana to Charles La Trobe, 2 February 1843, PROV, VA 473, VPRS 19, Box 41, 43/293.
out but could not. It at last got out and the elder Curr tried to shoot it. The natives drove it into the river and the young brother shot it getting out. The natives howled and cried for their dog.\textsuperscript{20}

Edward Curr did not record his own version of this event, although he mentioned in an earlier chapter of \textit{Recollections of Squatting in Victoria} his shooting of a mangy dingo at ‘The Deserted Camp’ of his Wongatpan neighbours.\textsuperscript{21} Robinson also recorded evidence of conflict between Curr’s shepherds and the Bangerang:

Curr related a story this evening: a native was clearing out a sheep yard, a ruffian white man threw dung at him. The native did the same. The white man then flew in a passion and threw a stick at the native. The native then took a spear. The white man went to his hut got his gun fired but missed the black. The native jumped into the river.\textsuperscript{22}

Robinson’s diary suggests a level of conflict and disagreement between the Currs and the Bangerang that Edward Curr’s own memoir generally avoids.

**Captain Dana**

Meanwhile, Superintendent Charles La Trobe had responded to reports of the sheep stealing by despatching Captain Dana and his Native Police Force to Curr’s station. Dana reached Tongala on 29 January 1843 and explained (according to Curr) that he had been instructed ‘to put himself at the head of his present force, apprehend all troublesome blacks, and restore quiet to the disaffected district’. In his recollections Curr derived considerable humour at Dana’s expense, although he did not reveal the name of the ‘officer’ he so mercilessly parodied. He wrote that Dana’s manner and general deportment ‘tickled my fancy so much … that I have not yet forgotten it’. The historian Marie Fels describes Curr’s account as ‘witty and erudite … [but] also patronising and distant, leaving him quite definitely on the side of the angels, bountiful and merciful in his relationships with Aborigines in general, and only a little bit just’.\textsuperscript{23} It is a reasonable critique, particularly when Dana’s official record of his activities is compared to Curr’s recollection. While Curr chose to trivialise the events and mock Dana’s self importance and military precision, Dana’s account to La Trobe portrays a virtual state of war. It is worth reproducing at length:

\begin{itemize}
\item \textsuperscript{20} G.A. Robinson, Sunday 26 March 1843, in Clark 2000, vol 3.
\item \textsuperscript{21} Curr 1883: 148–150.
\item \textsuperscript{22} G.A. Robinson, Monday 27 March 1843, in Clark 2000, vol 3.
\item \textsuperscript{23} Fels 1988: 159.
\end{itemize}
Sir,

I have the honor to report that I arrived with the Police under my command at Mr Curr’s Station near the junction of the Goulburn and Murray on the 29th Ulto.

Mr Curr informed me that the natives were assembled in large numbers on the southern bank of the Murray in the vicinity of his substation and daily threatening the lives of his men and attempting to take the sheep, and that the three ringleaders of the many, who a short time ago attacked the shepherd and took away his gun and sixty five sheep were among them. I accordingly proceeded on the 1st February in the direction of the native encampment, a distance of about twelve miles, accompanied by Mr Edward Curr, Corporal Rolfe of the Border Police, and Trooper McGregor of Native Police who I ordered to disguise themselves and carry no arms except pistols. We found the natives to the number of about 200 or upwards on both sides of the Murray near to Lake Moira, now an immense plain of high reeds. I sent Mr Edward Curr forward to see if he could identify the three natives who had taken a shepherd’s gun and the sheep. He returned to me with a number of the natives following him, and pointed out the men. One of the Ring Leaders named Warri was taken by the troopers after a strong resistance, and in endeavouring to hold one of the others my horse shied, threw me, sprained my wrist. This man and the other escaped into the Murray and swam across. The other natives took to their spears and seemed inclined to attack us, and threw some spears, upon which I ordered Mr Edward Curr and trooper McGregor to fire across the river but the distance was too great to have any effect. The natives then ran into the reeds and thinking they were gone I dismounted and went up the River a short distance alone, but to my surprise a number of the natives rushed out of the reeds and threw several war spears at me, one of which struck me in the thigh, and at the same time Mr Edward Curr had a narrow escape of being speared in the side. I fired a small pistol into the reeds but without any effect. Several of them came on the banks of the river with their weapons in their hands and made violent gestures as if wishing to renew the skirmish. I called to them and told them if they would go away I would not fire on them any more, but they still kept their ground in a very determined manner. I then made a demonstration to swim across the river which had the effect of driving them into the reeds. I remained a short time longer and then returned to Mr Curr’s station with Prisoner Warri in charge of the two Troopers.
Mr Richard Curr informed me that some of the natives attempted to take sheep the night previous out of the yards but hearing the noise he got up and distinctly saw them run away from the folds.

The number of sheep taken by the natives from Mr Curr within these last few months is upwards of two hundred.

I deem it necessary to wait for Mr Curr’s dray for a few days, by which I propose sending down the prisoner and the shepherd who can identify him.²⁴

In *Recollections of Squatting in Victoria* Curr referred to Dana’s official report, which he apparently read before Dana sent it to La Trobe. Curr focussed on some ‘omissions’ in Dana’s account, which mostly related to the apparent ineptitude of Dana and his men and the farcical failure of the whole operation. He recalled the moment when Dana was speared:

At this juncture, I recollect, the officer, who was leisurely scanning the opposite bank of the river, across which he had driven the enemy in such masterly style, received a slight wound in his sword arm from a spear hurled by a blackfellow from the opposite side. ‘Hit at last!’ was his laughing exclamation, as he handed me a white handkerchief, the corner of which I had noticed peeping from his shell-jacket, to bind up what he termed the ‘scratch.’²⁵

While Curr’s account is certainly entertaining reading, it omits any mention of his own ‘narrow escape’ from a spear and the fact that he fired shots across the river upon Dana’s instruction. Both Curr and Dana also implied by omission that no Aborigines sustained injuries during the altercation. An alternative account by Assistant Protector William Le Souëf, who visited the Moira a fortnight later, suggests otherwise; he discovered several injured Aborigines hiding in the reed-bed, one of whom was not expected to live.²⁶

Continuing his comic account of the events, Curr focussed on the arrest of Warri, the so-called ‘ringleader’ of the sheep stealers. As mentioned, Curr had earlier identified Warri as a son of the ‘gibbering old savage’ who had harangued Curr at the Moira a month earlier. Curr recalled that Dana’s troopers secured their prisoner by means of a rope ‘one end of which was round his neck and the other made fast to a trooper’s horse’. The troopers detained Warri at Tongala for three days using ‘handcuffs round his ankles’ and Curr recalled the ‘wonderfully

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²⁴ Dana to La Trobe, 2 February 1843, PROV, VPRS 19, Box 41, 43/293.
²⁵ Curr 1883: 200.
²⁶ Cannon 1990: 140.
Sometimes, too, he would come and seat himself before the door of my hut, when little dialogues like the following would ensue:–

Warri.– ‘Well, massa!’
A.– ‘Well! Warri, my boy, sit down.’
W.– ‘Give me smoke? (I gave him some tobacco). Where police take me now?’
A.– ‘I believe to Melbourne.’
W.– ‘Melbourne, eh? What will the whitefellows in Melbourne do to me?’
A.– ‘Well, can’t say. I don’t know.’
W.– ‘I believe they’ll hang me – eh?’
A.– ‘I believe so.’
W.– ‘Well! (with a loud cluck) well! why are you stupid? Why do you get your own blackfellows hung?’
A.– ‘Well! why do the Blacks eat up my sheep?’
W.– ‘Stupid! Stupid! Blackfellow.’

Warri would then hobble off in the most comical way, with shortened stride, his pipe in his mouth, to seek sympathy elsewhere.27

Curr proceeded to explain why he had deliberately allowed Warri to believe he would be executed: ‘My object in frightening the poor fellow was, of course, to impress on him thoroughly, and eventually through him on his tribe, the disagreeable consequences of sheep-stealing.’28

28 Curr 1883: 203.
The Rehabilitation of Warri

Captain Dana took Warri to Melbourne and on 24 February 1843 he was committed to stand trial for sheep stealing. A magistrate took depositions from William Barker, the shepherd concerned, and from Curr himself, who stated that Warri had confessed his guilt to him. George Augustus Robinson was also present and recorded in his journal that the assigned translator spoke ‘not a word of Aborigine’. Robinson further noted that ‘Young Curr’ provided assistance with translation, an unsatisfactory arrangement given that Warri was charged with an offence against the property of Curr’s father. Warri was incarcerated pending his trial. On 16 March he appeared before Justice Willis of the Supreme Court, but the case was adjourned because the intended translator, the assistant protector William Le Souef, had ‘excused himself on the plea of having been bitten by a dog’. Willis recorded in his case notes that Warri was ‘not at present of sufficient capacity to understand the nature of the proceedings’. When Le Souef again failed to appear on 7 April, Justice Willis dismissed the case on the grounds that it was impossible to instruct the defendant. The judge then placed Warri in the care of the assistant protector William Thomas.

Curr’s own account of Warri’s trial portrays vividly the peculiar form of justice that surrounded frontier conflict in the 1840s, but once again his tone is light-hearted. Regarding the judge’s concern that the accused did not understand the nature of the charges, Curr wrote whimsically: ‘the expression of the prisoner’s face whilst this point was being discussed was certainly strongly corroborative of the judge’s view’. Written 40 years after the events it describes, Curr’s account is also inaccurate on a number of points. He wrongly suggests that after the trial was aborted Warri remained in prison, and that in this context he emerged as Warri’s saviour:

Seeing that nothing was done, and that Warri had become a law-point incarnate, and was neither to be tried nor set at liberty, I lost all interest in the matter and returned to Tongala. Being in Melbourne again, however, some three months later, I visited the prisoner in his cell, and found him in bad spirits and ill-health. He was delighted to see me …

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29 Committal before Frederick Berkley St John [Police Magistrate], 24 February 1843, PROV, VPRS 30P, Box 186 NCR 77.
31 ‘Supreme Court (Criminal Side), 16 March 1843’, Port Phillip Gazette, 18 March 1843: 4.
33 Port Phillip Gazette, 8 April 1843: 3.
34 Curr 1883: 204.
So, as I pitied the poor fellow, thought he had been punished enough, and was of the opinion that his return to Tongala would add to the security of property there, I bestirred myself to get him released.  

Curr implies that Warri had been languishing in prison for three months, neglected and forgotten, but on this matter his recollections are at odds with contemporary records. From the day of his committal hearing on 24 February and throughout the court proceedings, Warri was entrusted to the special attention of assistant protector William Thomas, who described his duties in a quarterly report to Robinson: ‘I have been engaged, per your orders, visiting and endeavouring to teach the black in gaol, in order to prepare him for his trial, which I feel I am incompetent to accomplish, not knowing a syllable of his language.’  

For six weeks Thomas attended Warri in prison ‘mostly two or three times a day’ and he accompanied Warri to the Supreme Court on 16 March.  

George Augustus Robinson’s journal entry for that day reveals that Thomas was quite insistent that Warri ‘be instructed and made acquainted with the proceedings against him’. Thomas continued his daily visits to Warri until his second court appearance 8 April, when the court committed Warri to Thomas’ care. For the next five weeks Warri accompanied Thomas on his daily duties, residing with him for much of this time at the protectorate station at Narre Narre Warren or at Thomas’ son’s farm at Moonee Ponds. Thomas firmly believed that Warri would happily have remained with him, if only his wife and children were brought to the protectorate station. Warri’s desire to return home prevailed, however, and he left Thomas on 17 May. Describing Warri’s departure Thomas recorded: ‘he looked back once or twice ere he got out of sight, and in his last look waved his hand, evidently not unmindful of the kindness he had received’.

35 Curr 1883: 204–205.  
39 Thomas grew very fond of Warri and probably drew the sketch reproduced in Figure 11. Strangely, the annotations to the sketch record that the Native Police captured Warri in the Grampians, but in other respects the annotations fit Warri’s encounter with Thomas. No other Aborigine named Warri appears in Thomas’ personal journal.  
By contrast, in *Recollections of Squatting in Victoria* Curr asserted his own central role in Warri’s saga. He did not mention Thomas at all, and claimed that he suggested to the authorities that Warri be released from prison. Furthermore, when this decision was reached Curr apparently conveyed the happy news to Warri:

I visited Warri once more in his cell, and, after a little delicate badinage on the subject of hanging, informed him that he was to be set free … Poor Warri stared at me with all his eyes, and was some time before he could believe that I was in earnest, and that his difficulties were to come to so pleasing an end; and it was only after I had shown him a blanket, tomahawk, and a small supply of food, which I had brought for him, that he allowed himself to believe that what I said was the fact.\(^{41}\)

\(^{41}\) Curr 1883: 205.
Although it is quite possible that Curr recommended the charges be dropped, his account overlooks the fact that Warri’s release was the result of proper legal process and the established principle that a prisoner must understand the charges against him. Furthermore, he greatly exaggerates the time Warri spent in prison. Curr recalled that after the court hearing on 16 March he returned to Tongala, but lobbied for Warri’s release from prison when back in Melbourne three months later. In fact, Warri had been released into Thomas’ care only three weeks after the first trial hearing and had left Thomas to return home on 17 May.

Although Warri’s motives and his understanding of the trial are difficult to discern, a Bangerang perspective is apparent in a report addressed to Charles La Trobe and written by a police officer at Narre Narre Warren on 27 April 1843: ‘I beg to inform your Honor that yesterday afternoon a large party of Goulburn Blacks arrived here … [and their] intentions are to try and steal away the Black which Mr Assistant Protector Thomas has in his charge’. While this report hints at Bangerang resistance to the legal regime of the pastoral frontier, for the most part any understanding of these events must be gleaned from the self-serving accounts of Edward M. Curr and William Thomas, each of whom asserts his own central role in the rehabilitation of Warri. Their accounts of Warri’s trial also serve to convey their views regarding the management of Aboriginal people, Thomas emphasising Christian instruction and Curr focussing on the need for good-natured but firm discipline. Curr concluded his description of the episode as follows:

‘Ever after [Warri] and I were the best of friends, as he ascribed his release entirely to me; whilst the sage Bangerang, who firmly believed that unnumbered police troopers and officers in shell-jackets would be sent to the Moira to punish any undue indulgence in mutton on their part, became henceforth quite reclaimed characters.’

‘The classical account of frontier conflict’

Curr’s account of the Bangerang sheep stealing and Warri’s arrest and trial was intended, of course, to entertain the readers of his nostalgic memoir, not to provide an accurate and disinterested account of the events. Elsewhere, however, Curr provided a very detailed and valuable description of the typical process of dispossession, which Henry Reynolds has described as ‘the classical..."
account of frontier conflict’. The passage to which Reynolds refers does not appear in Recollections of Squatting in Victoria, but rather in Curr’s more serious ethnological work, The Australian Race, published in 1886:

In the first place the meeting of the Aboriginal tribes of Australia and the White pioneer, results as a rule in war, which lasts from six months to ten years, according to the nature of the country, the amount of settlement which takes place in a neighbourhood, and the proclivities of the individuals concerned. When several squatters settle in proximity, the country they occupy is easy of access and without fastnesses to which the Blacks can retreat, the period of warfare is usually short and the bloodshed not excessive. On the other hand, in districts which are not easily traversed on horseback, in which the Whites are few in number and food is procurable by the Blacks in fastnesses, the term is usually prolonged and the slaughter more considerable. ...

Hence, the meeting of the White and Black races in Australia, considered generally, results in war. Nor is it to be wondered at. The White man looks on the possession of the lands by the Blacks as no proper occupation, and practically and avowedly declines to allow them the common rights of human beings. On the other hand, the tribe which has held its land from time immemorial ... suddenly finds not only that strangers of another race have located themselves permanently on their lands, but that they have brought with them a multitude of animals, which devour wholesale the roots and vegetables which constitute their principal food, and drive off the game they formerly hunted.

Certainly, this oft-quoted passage supports Reynolds’ contention that Curr wrote the best overview of frontier conflict. His summary of frontier violence also included a frank, honest and disturbing description of the massacres occurring in 1880s Queensland at the hands of the Native Police Force. Curr described in clear and insightful language the shocking impact of British invasion on Australia’s Indigenous peoples, thus leaving an enduring legacy to Australian historiography. As later chapters will show, he was in a possibly unique position to understand the typical pattern of conflict, due to both the formidable network of remotely stationed correspondents he assembled when conducting his ethnological research and to his own leading role in the pastoral industry of the Australian colonies. Many of Curr’s correspondents were pastoralists who were familiar with the hostility of the frontier; as such, they were probably better placed to describe inter-racial violence than they were to

provide the vocabularies and ethnological data that were the principal focus of Curr’s project. Nevertheless, it is important to consider why Curr wrote such an excellent summary of the typical pattern of frontier violence. Was it because (as the Oxford Dictionary of National Biography suggests) Curr was ‘atypically sympathetic’ towards Australia’s Indigenous people? Or rather, was Curr so committed to the righteousness of settler colonial endeavour that he viewed frontier violence as inevitable and unsurprising? A close reading of Curr’s life and published works leads logically to the second conclusion.

In 1968 W.E.H. Stanner coined the term ‘the Great Australian Silence’ to describe the reluctance of Australians (principally in the twentieth century) to address the reality of frontier violence and the dispossessions of Australia’s Indigenous people. Curr wrote his books before Stanner’s ‘cult of forgetfulness’ had taken hold of the Australian people, which in part explains their value. Moreover, unlike other more liberal minds of his generation, Curr appears less shocked by the brutal reality of the frontier. This is not to say that he advocated violence, but rather that he found ‘well-intentioned’ protests against the treatment of Aborigines tedious and irritating. Before he wrote the ‘classical account of frontier conflict’ that so impressed Henry Reynolds, Curr addressed the general issue of frontier violence in Recollections of Squatting in Victoria, where his tone was light-hearted and irreverent. It is here that his personal attitude to colonial violence is more clearly evident. He explained that an important function of the commissioners of crown lands in the 1840s was ‘to adjust the frequent differences which occurred between the original lords of the soil and the Anglo-Saxon parvenus’.

With more than a hint of irony, Curr described the usual way in which such differences were reported:

Generally the first intimation the Commissioner got of a case was a letter from a stock-owner complaining that after having treated the Blacks with uniform kindness and consideration for a length of time, they had suddenly killed one of his shepherds under circumstances of peculiar atrocity, and roasted and eaten two hundred of his flock.

Although Curr offers this as a fictional but typical example, he subtly suggests a link to his own experience, as 200 was almost exactly the number of sheep taken from his flocks by the Bangerang in 1842. Continuing his summary, Curr painted a vivid picture of the summary nature of frontier justice:

Strange to say, the Blacks habitually neglected to give their version of the tale, though we know that they had constantly very serious charges to advance against shepherds, in connection with their conduct towards

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47 Stanner 1969.
48 Curr 1883: 119.
49 Curr 1883: 120.
the females of the tribe. As the Blacks, therefore, neglected to appear before the Commissioner in what might be termed his judicial capacity, nothing was left for him as guardian of the public peace but to appear before them, which he did at a gallop, sabre in hand, surrounded by his troopers industriously loading and discharging their carbines.

In writing this passage, Curr implicitly invites the reader to observe the extra-legal nature of the commissioner’s actions, before offering his own views on the matter:

Now, it may seem strange to the reader that there were a few well intentioned visionaries, at the time, who made the Government policy, as carried out by the Commissioner, a subject for unfavourable comment.50

Although he does not identify these ‘visionaries’, Curr was surely referring to the Aboriginal protectors and the few supporters they had in the settler community. Curr dismissed their various complaints, which included the lack of any statute to govern the troopers’ actions, the inability of Aborigines ‘to represent wrongs’ due to language barriers, and the meagre evidence required ‘to condemn a tribe to destruction’. This list of complaints was, according to Curr, ‘as tedious to answer as it is trifling in itself’. Curr proceeded to address the charge of mistaken identity, which he confirmed occasionally occurred when white authorities responded to Aboriginal aggression. In a revealing passage, Curr justified the shooting of innocent Aborigines with an ironic reference to ‘a law in force in our tribes’:

But though one must always regret occurrences of this sort, it is consolatory to remember now – a fact of which we were ignorant at the time, – that whilst our troopers were busily shooting down in mistake individuals who had not injured us in any way, but whose acquaintances had, that we were absolutely acting – by fluke, no doubt – in accordance with a law in force in our tribes, which makes vengeance fall not only on an offender, but equally on the first of his tribe or kind who may come to hand. From this we see how constantly our busybodies were in the wrong.51

Curr’s discussion of frontier justice in Recollections of Squatting in Victoria hardly evinces a predictable attitude for one who was ‘atypically sympathetic’ to the Aboriginal cause. It is the Aboriginal protectors and other critics of Empire (Curr’s ‘busybodies’) who most deserve this reputation.

50 Curr 1883: 120.
When writing generally about the causes of frontier conflict Curr displayed both considerable insight and a refreshingly frank acceptance of the reality of horrific violence. His account of his personal experiences must, however, be read with caution, as his own involvement in frontier conflict is downplayed. Curr’s account of his early years at Tongala implies a rapidly developing ability on his part to manage peacefully his relationship with Indigenous people in the area. The importance of creating such an impression in his memoir derives from the need to boost his credentials as an Aboriginal administrator, a role that occupied much of his time in later life. While Curr does not deny that violent acts took place on his runs (he records two Aboriginal deaths by the rifle), his autobiographical account paints him in the best possible light. He alludes to his strained relationship with the Bangerang at the Moira only obliquely and deflects personal complicity by playfully parodying the government’s response to the sheep stealing. Based on the available evidence, there is no reason to doubt Curr’s implication that he avoided violence wherever possible; but it must be stressed that his apparent concern for Aboriginal welfare never weakened his resolve to acquire vast tracts of land for pastoral purposes. Moreover, the protection of his sheep flocks always remained his paramount concern. Although he recognised that the pastoral invasion had dire consequences for Aboriginal people, he firmly believed that these consequences were justifiable, because Aboriginal land use constituted ‘no proper occupation’.  

Curr’s interpretation of the Bangerang sheep thefts of 1842 reveals a disjuncture between his general account of frontier violence and his record of his own experiences. He described the spearing of 70 of his sheep as ‘probably a trivial matter in their estimation, as no doubt it would appear to them that we white men had far more live mutton than we were able to make use of’. It is not clear why Curr did not interpret these actions as hostile, particularly since he had impressed upon the Bangerang ‘the heinousness of sheep-stealing’ when he first encountered them in 1841. Furthermore, in his general account of frontier conflict in *The Australian Race* Curr noted the inevitability of Indigenous resistance to the pastoral invasion. In *Recollections of Squatting in Victoria*, on the other hand, Curr portrayed the sheep thieves as no more than ‘naughty children, who should have been well flogged and locked up for a month’. In this mood, it was natural that he would parody the military tactics of the government authorities. It must be noted, however, that it was the Currs who requested government intervention against the Aboriginal people of the Moira, and that Edward M. Curr guided Captain Dana to the Bangerang camp.

52 Curr 1886, vol 1: 103.
53 Curr 1883: 194.
54 Curr 1883: 86.
56 Curr 1883: 205.