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Jacky Jacky and the politics of Aboriginal testimony

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One obstacle to writing detailed histories and rounded biographies of Aboriginal guides who participated in nineteenth-century exploration is the dearth of source material, especially accounts provided by Aboriginal guides themselves. Within the epistemology of exploration, Indigenous guides and other intermediaries were rarely accorded the status of author, an honour preserved for the expedition leader or expedition scientists and naturalists.¹ Published exploration narratives sometimes disavowed Aboriginal guides and their contributions, a situation influenced by the premise that scientific knowledge was gained by an explorer's unmediated and unfettered encounters with places and people.² Even though intermediaries were indispensable to many expeditions, the knowledge and labour they provided became 'hidden' or 'invisible' (or only 'partially visible') within exploration texts, as Felix Driver and Lowri Jones have shown.³ And although it was quite common for Aboriginal guides to be given some form of public recognition once an expedition was completed, such as monetary reward or public testimonials

1 Kennedy 2013: 2.

2 Kennedy 2013: 193–194; Driver and Jones 2009: 11.

3 Driver and Jones 2009: 5.

(see Bishop and White, this volume), this did not usually extend to making a lasting record of their own lives and exploration experiences.⁴ It required exceptional circumstances for that to happen.

An exploration narrative produced by an Aboriginal guide under exceptional circumstances is the focus of this chapter. Jacky, also known as Jacky Jacky (often spelt Jackey Jackey), accompanied the expedition led by E.B. Kennedy to Cape York in 1848.⁵ His account of its last phase is one of the few, perhaps the only, exploration narrative recorded by an Australian Aboriginal guide in the nineteenth century.⁶ The exceptional circumstance – or crisis – that provided the catalyst for his account to be produced and preserved was Kennedy's death. According to Jacky's testimony and other evidence, it is believed that Kennedy died from spear wounds inflicted by some Aboriginal men encountered in the Cape York region of Queensland.⁷ As the only member of the 13-man strong expedition to witness the demise of its leader, Jacky's account of what happened gained currency, not only to titillate colonial audiences hungry for stories about tragic hero-explorers, but for legal purposes as well. Kennedy's death required explanation.⁸ As eyewitness, Jacky's account had evidential value, but the question of its veracity and faithfulness, and by extension Jacky's reputation as trustworthy guide, would come to be determined according to the terms of imperial and colonial knowledge, commentary and assessment, and in which the courts and the press were highly influential institutions.

As survivor, Jacky found himself in a nebulous position. Returning to colonial society as a young Aboriginal guide, a long way away from his own 'place' and people, and without his employer, made his verbatim testimony especially charged. This is also what makes it particularly fruitful for engaging with questions about the terms on which he (and intermediaries like him) could negotiate the intricate social situations they faced, not only within expeditions but also in the colonial contexts to which they returned.

Recent scholarship on intermediaries – or brokers or go-betweens – has stressed qualities such as ambivalence, ambiguity and doubleness. David Turnbull has argued, for instance, that the mark of the go-between is fluidity in character and attachments, but he notes that subtly shifting alliances and deft political

4 Reynolds 1990: 5.

5 Beale 1977 [1970]: 145–146; Paice 1976.

6 Kennedy (2013: 299, footnote 11) notes that for his chapter on intermediaries the 'only verbatim testimony by an Aboriginal intermediary I have found is that of Jackey Jackey'.

7 The most detailed history of E.B. Kennedy's expedition to Cape York is Beale 1977 [1970].

8 For discussion of storytelling provoked by catastrophes in the context of imperial exploration, see Driver 2004: 89–90.

machinations can be difficult to represent. 'The narration of cultural encounters and the interpellation of actors in those stories are profoundly problematic', he writes:

Acts of translation and betrayal, oppression and resistance occur on both sides of the encounter and in its *narration*. The figure of the go-between is always two-sided, always both enabler and betrayer; but the duality and the centrality of their role is suppressed in the narration of colonial history. In this duality and denial the nature of the go-between is like that of the contemporary historian, who as a teller of narratives, a crosser of boundaries, is also, something of a jester or a trickster.⁹

Drawing on contemporary scholarship of Aboriginal 'texts', colonial knowledge, and the production and politics of archives, my suggestion is that closer attention to the making of Jacky's exploration narrative and its circulation and treatment within interlocking colonial sites of evidence-gathering, knowledge production and 'truth-making', is a useful way to engage critically with the 'slipperiness' that is so often ascribed to intermediaries.¹⁰ By tracking the production and circulation of Jacky's accounts of his exploits, some of the processes – political, cultural, discursive – of his 'becoming', as well as negotiation, however limited, of the subjectivities and speaking positions that were available to him, come to the fore.

Crisis and testimony

It is often at moments of crisis that Indigenous people become visible in the records of exploration. They come into view, for instance, when they abscond or obstruct, or when they cause (or are blamed for) trouble.¹¹ A similar observation might be made regarding what it takes for an Aboriginal guide to become the 'author' of an exploration narrative. It requires, in the Australian context at least, special circumstances. As already noted, the crisis that provided Jacky with a rare opportunity to speak on record about his exploration experiences was the expedition leader Kennedy's premature and violent death.

From the outset, Kennedy's expedition had been difficult – and perhaps doomed. For the last desperate stretch of it, Kennedy and Jacky travelled alone because they had been forced to leave behind the other 11 men, all sick, exhausted or injured, at two separate camps – eight at one and three at another. Kennedy and Jacky pressed on together, desperately attempting to reach the supply ship,

9 Turnbull 2009: 388 (emphasis added).

10 See Johnston 2011; Burton 2005; Paisley and Reid 2014; Stoler 2009; Ballantyne 2013.

11 See Kennedy 2013: 179.

the *Ariel*, which was waiting for the expedition at Port Albany near the tip of Cape York. Near the mouth of Escape River, not far from their destination, Kennedy was fatally speared by some local (Yadhaykenu) men. After burying him, Jacky proceeded to Port Albany, where he found the *Ariel* still at anchor, and so was rescued.¹²

This is the juncture that marks the beginning of Jacky's public storytelling. Immediately upon coming aboard the *Ariel*, he assumed a privileged position as the sole source of knowledge about what had happened during the expedition and, in particular, to Kennedy and the other men. Deaths under violent or mysterious circumstances require explanation. The death of a young, promising and celebrated explorer – killed 'in the line of duty' – was of heightened interest.¹³ Like other catastrophic failures in the course of colonial exploration, the death of Kennedy and the demise of his expedition 'had first to be represented, and then accounted for'.¹⁴ It was inevitable it would become the subject of public and judicial inquiry. It is not surprising, then, that as soon as he came on board the *Ariel*, and despite his seriously weakened state, Jacky's account was coaxed from him and taken down in the form of a deposition. Depositions are verbatim transcriptions of information given orally, often in response to a standard set of questions (at least in part), which can be used to inform a legal investigation.¹⁵ Less an account prepared for posterity, Jacky's statement was created with a specific future purpose in mind: to establish the circumstances surrounding Kennedy's killing and to identify, if possible, those responsible. Matters of causality, negligence and blame would be paramount. The story he told would need to work as evidence.

Initiating this evidence-gathering and storytelling process was a man named Adoniah Vallack, a medical doctor and coroner, who had sailed to Port Albany with the *Ariel* in expectation of joining Kennedy's expedition.¹⁶ As a coroner, he was familiar with procedures regarding inquiries into deaths, including preparation of depositions, and given the circumstances, he was particularly anxious to get a statement from the key witness. Later explaining his procedure, Vallack said that he had taken down the bulk of the statement the same day Jacky came aboard and on the next, and that the urgency was borne of fear 'that anything might happen to him [Jacky] from overexcitement'.¹⁷

12 Beale 1977 [1970]: 205–223.

13 Kennedy (2013: 242) notes that: 'Explorers who had died or disappeared during their journeys stirred especially strong passions in settler communities. They became public martyrs in the colonial struggle to conquer a harsh and intractable continent.'

14 Driver 2004: 90.

15 Depositions and other transcripts of oral evidence are rich sources in histories of non-literate or subaltern people. See, for instance, Anderson 2012; Frost and Maxwell-Stewart 2001; Atkinson 1997, esp. chapter 8. See also Zemon Davis 1987.

16 Sullivan 2003: 106–120. See also Beale 1977 [1970]: 146.

17 Carron 1849: 89.

As chiefly verbatim accounts, depositions are one type of text within the broader colonial archive through which it is possible to hear, with less interference than usual, Aboriginal voices. In a critical survey of various modes in which Aboriginal speech was rendered in writing during the first 60 years of British colonisation, Penny van Toorn emphasises the part played by 'white' scribes and editors in rendering, and sometimes imagining, Aboriginal speech as writing. Of Jacky's statement, she says it 'was less encumbered with literary flourishes' than comparable examples.¹⁸ She contrasts it, for example, to the ways in which in his published expedition journals the explorer and later governor George Grey presented the verbal account given to him by Warrup, an Aboriginal guide on his expedition, about, as it also happens, the death of a white man. In Grey's hands, van Toorn argues, 'Warrup's "testimony" drifts between fiction and fact, prose and poetry, scientific reportage and literary narrative', and concludes that ultimately 'readers engage with little other than Grey's literary stylisations of Aboriginal speech'.¹⁹ The judgement is perhaps overly harsh, but nevertheless she detects much less stylisation in the written version of Jacky's testimony, although she does not offer any reasons for this. One difference might be that, unlike George Grey with his literary and professional ambitions, Adoniah Vallack did not see himself as explorer-author and was not seeking publication (nor promotion). His task was more prosaic. As medical man and coroner, he was intent on getting the details down and the facts straight.

Transcribing spoken words, shared in dialogue, is always a complicated process. All texts of this kind are best described as 'co-productions', the result of many small negotiations over the narrative, the order in which details will appear, the ways in which dialogue and other speech will be rendered in writing, and so forth.²⁰ In this particular instance, the fraught process of textual production might have been smoothed by the fact that the interlocutors – the speaker and the scribe – shared a past. There is some suggestion that they were already acquaintances before they encountered each other on board the *Ariel*.²¹ Both men came from the Hunter region near Sydney, and Vallack's own records indicate that he drew on this bond when eliciting Jacky's statement. In his personal journal, he recorded that he had been 'conversing with Jackey, taking down in pencil what he had to say, changing the subject now and then by speaking of his comrades at Jerry's Plains. I did so as he told me what kept him awake all last night was thinking about Mr Kennedy'.²² No doubt needing to reinforce

18 van Toorn 2007: 172.

19 van Toorn 2007: 172.

20 van Toorn 2006; Paisley and Reid 2014.

21 Sullivan 2003: 110. See also Paice 1976: 18.

22 Enquiry relative to death of Kennedy, Vallack's evidence, 6 March 1849, E. Wise's papers, Mitchell Library, ML A857, p. 77; *Sydney Morning Herald*, 7 March 1849; Papers collected by Sir William Dixson relating to Edmund Kennedy, Mitchell Library, ML CY4279.

the authenticity and veracity of Jacky's statement, Vallack later claimed that 'it was taken down in my own handwriting'. A journalist claimed 'it is nearly as possible exactly the narration of the black'.²³

Even so, Penny van Toorn suspects some editorial intervention. '[Jacky's] narrative of Kennedy's final days', she writes, 'is lucid and engaging, if perhaps rendered melodramatic by a white editorial hand'.²⁴ While much of Jacky's statement is recounted in a rather matter-of-fact manner, it certainly has some dramatic sections, especially when it comes to the scenes leading up to and describing Kennedy's spearing. Reported deathbed dialogue between Kennedy and Jacky ('"Mr Kennedy, are you going to leave me?" and he said, "Yes, my boy, I am going to leave you"'); bracketed descriptions to Jacky's mimicry of actions (i.e. 'Jackey rolling his eyes'); and expressions of emotions ('I then turned around myself and cried; I was crying a good while, until I got well'), all add to the pathos. This was, in fact, a quality that was noted, approvingly, at the time. For instance, when it was first published in the *Sydney Morning Herald*, Jacky's statement was prefaced with the journalistic comment that 'anything more affecting than the simple description of poor Kennedy dying in the wilderness, and Jackey crying over him until he got better, we never read'.²⁵ But rather than ascribe this quality solely or primarily to a 'white editorial hand', my preference is to contemplate the contribution Jackey might have made, because circumstances demanded it, to the narration of his story in this affecting way.

Arriving alone at Port Albany without Kennedy, nor any of the other 11 expedition members, Jacky was, it must be said, in a delicate position. He was the sole witness to what had happened. In that situation, he was surely not free from suspicion; Aboriginal guides rarely were. Their loyalties, actions and motivations were always open to question. They provoked ambivalence. Historian Dane Kennedy suggests that this was because a 'common thread' among intermediaries was that 'they were deracinated figures, wrenched from their families, friends, communities and localities by traumatic events such as war, slave raids, colonial conquest, and other forms of social violence'.²⁶ Since they were adrift in the world, with few or only weak personal attachments to other people or places, this could make them, he says, 'fairly fluid in their

23 *Sydney Morning Herald*, 7 March 1849.

24 van Toorn 2007: 172.

25 *Sydney Morning Herald*, 6 March 1849.

26 Kennedy 2013: 164. For his discussion of the conditions in Australia that contributed to 'deracination' of Aboriginal youths, see pp. 174–175. There is little biographical information about Jacky regarding his life before and after Kennedy's expedition, so it is not possible to know the extent to which he conformed to this description of 'deracination'. The fact that Vallack spoke to him about his 'comrades' at Jerry's Plains suggests that he was not completely severed from his community. See also Tiffany Shellam's chapter in this volume. The point here, though, is less about Jacky as an individual, and more about the ways in which Aboriginal people could easily become suspects in violent deaths of white men.

loyalties'.²⁷ Their faithfulness to fellow travellers could be contingent and fleeting, lasting only for as long as it suited them. And when that time came, they exercised their autonomy, another trait that Dane Kennedy identifies as evident within the employment category of guides. Their independence, he suggests, was enabled by their superior and much-needed knowledge and skills.²⁸ More broadly, though, it was not unprecedented for an Aboriginal man – or youth – to be wrongly accused of a white man's death at this time in colonial New South Wales or to be sent to trial for murder on hearsay and flimsy evidence. A number of such cases had occurred within living memory.²⁹ Suspicion of Jacky – or merely the whiff of it – surely, then, required of him a mode of storytelling that not only provided a credible narrative, but also one that would work to exonerate him.

Given the opportunity to speak, Jacky would have to use his words carefully to create a viable space for himself in the immediate aftermath of Kennedy's death. The scope and options available to him were quite circumscribed. Aboriginal guides were either regarded as loyal and faithful, or they were damned as unreliable and treacherous. Dane Kennedy points out that 'most of the indigenous intermediaries whose contributions generated public praise were portrayed as "highly sentimentalized emblems of fidelity, loyalty and obedience"'.³⁰ And those who absconded, caused trouble, were deemed difficult to 'manage', or committed (or were suspected of committing) violent acts were cast in equally heightened terms as unreliable, irredeemable and treacherous. Although it has become common in the scholarship to portray Aboriginal guides as occupying a 'middle ground',³¹ a metaphor that emphasises in-between-ness, when it came to judgements about their character, whether individually or collectively, less leeway was given. In appraisals and portrayals of Aboriginal guides, there was, it seems, little scope for appreciating human complexity. Keeping in mind the very real constraints faced by Aboriginal youths in colonial New South Wales, then it makes good sense for men like Jacky to convey an image of themselves that conforms with the idea (or ideal) of the loyal and faithful companion and guide. Essentially, these were the only terms available to Jacky under the circumstances. This is not to say that what he described to Vallack about what had happened, what he had done, and what he had thought, was a complete fabrication. Nor is it to diminish the ways in which Vallack might have massaged Jacky's story to accentuate these particular

27 Kennedy 2013: 192.

28 Kennedy 2013: 162.

29 See Johnston 2011: 186–209; Harman 2012.

30 Kennedy 2013: 190, and citing Pettitt 2007: 142.

31 White 2005 [1991].

personal qualities. It is rather to point out that to shore up innocence and to secure a future, Jacky's own actions and reactions could not be cast as anything much less than self-sacrificing service.

At the same time, Jacky's statement portrays the expedition leader E.B. Kennedy as partly responsible for his own demise because, as he tells it, the explorer's mistake was to misjudge the motivations of the local Aboriginal men who allegedly speared him. Explorers were prone to mistakes of this order. According to Jacky, Kennedy had believed the local Aboriginal men they encountered were 'friends' when it turned out they were foes.³² And Kennedy's fatal error, as Jacky saw it, was to fail to heed his Aboriginal guide's advice. 'I told Mr Kennedy that very likely those blackfellows would follow us, and he said, "No, Jacky, those blacks are very friendly;" I said to him, "I know those blackfellows well, they speak too much."' ³³ Soon after this exchange, Kennedy and Jacky were 'ambushed', and it was at that point that Kennedy was fatally wounded.

Shipboard talk

As already explained, the main portion of Jacky's account was taken down during the first two days he was taken on board the *Ariel* at Port Albany.³⁴ This narrative spanned the period from when Jacky, E.B. Kennedy and three others (Luff, Dunn and Costigan) had continued on after leaving the other eight men of the expedition behind at a camp near Shelbourne Bay. When Jacky came aboard, the *Ariel* departed from Port Albany almost immediately, and on the way back down the coast, he was able to pinpoint the location of the Shelbourne Bay camp, where miraculously two survivors were found, although in a dire state.³⁵ These two men – the expedition's naturalist William Carron and a labourer named William Goddard – were rescued, taken aboard the *Ariel*, and gradually recovered. Their accounts of their own experiences would be added to Jacky's already recorded statement, creating a piecemeal archive of the expedition to substitute Kennedy's own journals and records.

32 One of Kennedy's maps, later retrieved, has marked on it 'friendly natives' and 'unfriendly natives'. See Edmund Kennedy Papers on an expedition from Rockingham Bay to Cape York in 1848, Mitchell Library, ML, MAV/FM3/72. The landscape that explorers encountered was not just mapped by them in terms of geographical features, but also in terms of the features of human presence. An analogue to this is the ways in which Aboriginal people living in colonised landscapes 'mapped' the terrain through which they moved in terms of friendly and hostile whites. For a discussion of this, see Byrne and Nugent 2004.

33 Enquiry, Jacky's statement, 6 March 1849, ML A857: 82.

34 Enquiry, Vallack's evidence, 6 March 1849, ML A857: 77.

35 Enquiry, Dobson's evidence, 6 March 1849, ML A857: 120–121.

The *Ariel* took about two months to make its way back to Sydney, and this provided necessary time for further accounts of Kennedy's expedition to be assembled. Carron compiled a day-by-day narrative from the start of the expedition up until his rescue, drawing on some of his own journals that were salvaged when he was found. Goddard recorded a shorter, less detailed account, for which he did not have the advantage of recourse to written records.

The voyage to Sydney also provided an opportunity for Jacky to recollect and share further details of his experiences.³⁶ This extra section, which Vallack included separately from the narrative he had transcribed over those first two days, reads something like a compendium of random thoughts. For example, one section reads:

he [Jacky] planted [sic] Mr K's saddle-bags and papers until he got so weak that he could not carry them further leaving some things 5 miles from where Mr Kennedy was buried, and planted them. Mr K once got into a bog after leaving Pudding-pan Hill up to his shoulders and was like a pig in mud. Jacky says he lifted him out – He tried to bring the barbs of the spears which he cut out with him, but lost them – The blacks he says were very saucy in far from the coast, but very civil at Rockingham Bay – When the spears came from all quarters at Escape River Jacky would break them in pieces when he came across them ...³⁷

This small extract gives a sense of the brevity of description, the shifts from topic to topic, and the almost complete absence of any temporal coordinates. Despite this, or because of it, it offers some revealing glimpses into Jacky's experiences, his exploration methods and the nature of the relationship he had with Kennedy. For instance, one part provides a catalogue of things Jacky buried (i.e. planted) after Kennedy's death: 'Jacky planted a sextant and a Macintosh Cloak of Mr K's – also gloves ... Jacky says he planted besides the Papers, a Looking Glass Comb dress brush and bone of a steel pen a pair of Compasses Kettle lots of paper.'³⁸ Vallack interpolated: 'It appears Jacky would have with him latterly a pencil and paper to describe rudely any mountain he might see when on a tree, &c.'³⁹ As though to prove the utility of the method, Vallack immediately adds: 'In passing Escape River in the vessel [i.e. the *Ariel*] Jacky knew the place well.'⁴⁰ Here, then, are provided, almost incidentally, details about Jacky's own exploration methods, and what emerges is a portrayal of him as a partner in Kennedy's explorations. In respect to the conditions of his employment, this appended section of his deposition includes the detail that:

36 Enquiry, Vallack's evidence, 6 March 1849, ML A857: 77, notes: 'I took the statement produced from Jacky the Aboriginal Native on that [i.e. first] day and the following, principally, except the latter part which was taken on the voyage to Sydney.'

37 Enquiry, Jacky's statement, 6 March 1849, ML A857: 87–88.

38 Enquiry, Jacky's statement, 6 March 1849, ML A857: 89.

39 Enquiry, Jacky's statement, 6 March 1849, ML A857: 89.

40 Enquiry, Jacky's statement, 6 March 1849, ML A857: 89.

'Mr K. told Jacky, from Shelbourne Bay that he would give him 5/- per week to look out for opossums for him, and Jacky did so all the way to Escape River.'⁴¹ Later on it records that 'Mr Kennedy promised to take Jacky to England with him on his return', and Vallack adds 'and appears to have made a Companion of him during the latter part of the journey'.⁴² With Kennedy's death, neither of these promises would be fulfilled, emphasising the vulnerability of Aboriginal guides and the uncertainty of their employment conditions.

In this non-linear section of his deposition, one encounters Jacky quite directly, as he mentions matters that clearly concerned him. He gives bare details that shed some light on his own experiences of exploration, and which he was not recalling or marshallng solely to give an account and explanation of Kennedy's death. Here, within the more leisurely, less pressured context of ordinary shipboard talk, Jacky asserts some further authorial control over his story. For this section, Vallack did little, almost nothing it appears, to turn the text of the deposition into a coherent narrative, although he is quite present in the text as interlocutor. Vallack appears simply to have written down the various titbits in the order in which he heard them. And rather than incorporate them into Jacky's original statement, even though some of them deal directly with Kennedy's death, Vallack instead simply appended this additional section to the original statement. In this form, these extra details do not threaten the integrity of the main part of Jacky's deposition. But for that very reason, this section became the most disposable part of Jacky's account. It is published the least often, especially when his testimony was mobilised for popular, colonial storytelling about Kennedy and his fate.

As soon as the *Ariel* arrived back in Sydney, Jacky's testimony became incorporated into colonial modes of truth-making and storytelling, some of it sensational, about the dead Kennedy, and in that process only certain sections of it were to be valued. The newspapers and the courts would play a pivotal role in storytelling about Kennedy and the survivors of his expedition. These two sites were, as literary scholar Anna Johnston points out, especially powerful institutions in colonial Sydney for producing and arbitrating truth, for discursively constructing and authorising certain kinds of subjectivities and subject positions, and for creating and destroying reputations.⁴³ Initially, Jacky's return to Sydney was heralded by the publication on page two of the *Sydney Morning Herald* of his entire statement – the two parts of it (as discussed above). On that occasion, it was published on its own, as the sole, authoritative account attesting to Kennedy's fate.⁴⁴ Reinforcing its veracity, it was introduced with this

41 Enquiry, Jacky's statement, 6 March 1849, ML A857: 87.

42 Enquiry, Jacky's statement, 6 March 1849, ML A857: 90.

43 Johnston 2011: 8–13, 181–182.

44 *Sydney Morning Herald*, 6 March 1849: 2.

retraction: 'We are glad to find that the first reports of the fate of poor Kennedy's expedition were so far incorrect, that the black natives are only answerable for one death, that of Mr Kennedy himself, and that the other unfortunate men died from other causes.'⁴⁵ Jacky's eyewitness account was, then, presented as a corrective to rumour and hearsay, those other currencies in which newspapers so often traded. And it came with unequivocal endorsement, both of its literary quality ('anything more affecting ... we have never read') and of the worthiness of its author ('we hope some means of giving Jackey a small annual pension will be devised').

However, this would, it appears, be one of the very few, perhaps the only, times when Jacky's statement was published on its own and in full. The next day it was published in the same newspaper as part of the suite of evidence that had been presented at the judicial inquiry into the circumstances of Kennedy's death. An editor noted on this occasion: 'We ... have arranged [the evidence] in order different to that in which it was taken, to give intelligibility and consistence to the facts it narrates.'⁴⁶ In what would quickly become convention, the account provided by William Carron, the expedition's naturalist, and based largely on his salvaged journal notes, led. This placement made sense chronologically, given that Carron's account began with the expedition's commencement at Rockingham Bay, but it also gave him authorial precedence, establishing a hierarchy in which Carron would become the lead, indeed only, author of the expedition's narrative. And while Carron's evidence given to the judicial inquiry was published in full in the newspaper, only the first part of Jacky's statement appeared.⁴⁷ As would become increasingly common, it was missing its second section. For colonial readers, the first section ended more appropriately with the reported comment that Jacky was 'murry murry glad when the boat [i.e. the *Ariel*] came for me', a remark expressing due gratitude. The second section, by contrast, concluded with the detail that [a]fter Mr K had been bogged his feet were swollen much', a less than edifying image of a hero-explorer.

More consequentially, though, this politics of publication represented the diminution of Jacky as authority, a process that had begun during the judicial inquiry held into Kennedy's death.⁴⁸ Under colonial court procedures, Jacky, as an Aboriginal man, had been forced to remain almost completely silent. Legal procedures in New South Wales created Aboriginal people, as a category, as unreliable witnesses. Law courts denied them the right to be sworn in as

45 *Sydney Morning Herald*, 6 March 1849: 2.

46 *Sydney Morning Herald*, 7 March 1849: 2.

47 *Sydney Morning Herald*, 7 March 1849: 2.

48 The inquiry was held at the Water Police Court on 6 March 1849, and presided over by J.L. Innes and H.H. Browne. It heard sworn testimony from Goddard and Carron, Vallack and the *Ariel's* captain William Dobson. Jacky's deposition was tendered as part of Vallack's evidence. Transcripts of proceedings are in E. Wise's papers, Mitchell Library, ML A857.

witnesses.⁴⁹ Indeed, upon reviewing the evidence presented to the inquiry, the NSW Attorney-General stated in a memo (22 March 1849) that '[t]his melancholy case furnishes an additional proof of the necessity that exists for altering the law of evidence so as to allow the Aboriginal natives to be competent witnesses in the court of Justice of the colony'.⁵⁰ Aboriginal people were disqualified from acting as witnesses ostensibly for not being Christian. As Johnston notes, 'even if Aboriginal witnesses could use English competently, their evidence was inadmissible because, unless baptized Christians, they could not swear to the truth of their testimony'.⁵¹ This was the narrow reasoning behind the convention, but this prohibition went to larger questions about hierarchies of knowledge, judgements about Aboriginal capacity, and the status of oral evidence in an increasingly literate and text-based culture and society.⁵² In a general sense, these were the same kinds of issues that shaped the epistemology of exploration, which also largely denied Aboriginal people a speaking part. As Paul Carter notes, 'Australia's indigenous population ... rarely enjoy any narrative status' in Australian exploration literature,⁵³ to which 'authorial' status can be added as well.

Although the court had denied Jacky a speaking part, it had in effect, and in tandem with the colonial press, accorded him a speaking position. The judicial inquiry had valorised Jacky's statement as a *true* statement of what happened, even if it could not admit him as a reliable witness. It had treated his deposition as evidence, and on par with the evidence given by the other two survivors. And the court endorsed Vallack's claim when he presented Jacky's statement that he had 'reason to believe [it] to be true'.⁵⁴

From the time the *Ariel* returned to Sydney, and as public interest in Kennedy and his failed expedition grew apace, it was almost impossible to tell its story without some reference to Jacky's statement. But it was also the case that rarely would Jacky's account of Kennedy's final days appear on its own. As the judicial inquiry had demanded, and as colonial expectations enforced, Jacky's account – as the testimony of an Aboriginal man – would be presented and framed by others. The truth of it was not self-evident; its veracity would have to be established every time it appeared. A common method for doing this was to attest to Jacky's own character as faithful, contributing to his growing reputation as the exemplary loyal guide. This is evident when William Carron's narrative was published. In the wake of the inquiry, it quickly became the substitute official

49 See Johnston 2011; Smandych 2004.

50 Papers ... relating to Edmund Kennedy, ML CY4279.

51 Johnston 2011: 80.

52 See Atkinson 2002.

53 Carter 1992: 11.

54 Enquiry, Vallack's sworn evidence, 6 March 1849, ML A857: 77.

account of the expedition, following a tradition in which scientists could be authors but Aboriginal guides not. Within Carron's published account, Jacky's statement, minus its second section, was the first in a series of appendices.⁵⁵ Although Jacky's statement in essence completed Carron's interrupted exploration narrative, interrupted because he was not able to continue with the expedition, it was not part of it. Carron alone was the book's author. And in that role, he could commend to his readership Jacky's statement in ways that sought to emphasise its credibility by reference to Jacky's own virtues. To preface it, Carron wrote: 'it would ill become me to add anything to the artless narrative of the faithful and truehearted Jackey, who having tended his [i.e. Kennedy's] last moments, and closed his eyes, was the first, perhaps the most disinterested, bawler of his unhappy fate.'⁵⁶ This is just one of many such endorsements which, along with other modes of memorialisation, contributed to the mythologisation of Jacky as the exemplary Aboriginal guide, a legacy that he has not been able to shake, and which has obscured those other more complex aspects of his identity and experience.⁵⁷

Tracking back

Even though he could not speak as a sworn witness, the silence imposed on Jacky during the judicial inquiry was not total. He was accorded one small and limited opportunity to speak at the conclusion of the day's proceedings, when he was asked to identify remnants of things brought back by the *Ariel*. They included a patch of fabric, a piece of iron, a small strap of leather and a strip of sinew; they had been wrested from some local Aboriginal men near Port Albany, violently it turns out.⁵⁸ The story of this incident is too complicated to tell for the purposes of this chapter. The point I want to make is that these scraps of things would become another means by which Jacky could make his case. These ordinary objects, the detritus of encounters with Europeans, became, in the wake of Kennedy's death, apparently damning evidence, and thus also part of the archive. When shown a piece of blue cloth, Jacky said it was part of Kennedy's trousers; a scrap of leather from a bridle; and a strip of sinew from a horse.⁵⁹ Here, Jackey was being cast in the role of tracker, one of the 'authorised' positions available to Aboriginal men within mid-nineteenth-century colonial courts and policing procedures.⁶⁰ Although he could not speak

55 It is also published in later exploration texts, such as MacGillivray 1852.

56 Carron 1849: 79. See also *NSW Government Gazette*, 9 March 1849.

57 Other modes of memorialisation include a portrait of Jacky, a silver breastplate, and a monument stone in St James Church in Sydney.

58 Enquiry, Vallack's sworn evidence, 6 March 1849, ML A857: 93–94.

59 Enquiry, 6 March 1849, ML A857: 121.

60 See Richards 2008: 120; Langton 2006: 55–56; Finnane 2013: 407–408; Fels 1988: 42.

directly to his own experience, as an Aboriginal guide-cum-tracker, and one who had survived a harrowing journey when a dozen or so others had not, he was acknowledged as an accomplished interpreter of signs.

The remaking of him as tracker did not end in the courtroom. Once the judicial inquiry was over, the colonial government commissioned a recovery voyage to attempt to retrieve Kennedy's body and his books and papers, many of which Jacky had buried or hidden, in a bid to salvage something remotely useful from this failed expedition. Jacky was commandeered to lead the search party and, in a sense, to *track* his own movements. Drawing on Ludwig Leichhardt's writings, Paul Carter argues that the key distinction between guide and tracker was that:

The tracker operated in familiar territory; in any case, he was not responsible for finding his way back by the same route. On the other hand, the guide was taken along in order to make sense of the unfamiliar. Hunting animals, interpreting signs of Aboriginal occupation, he acts as tracker; but in addition, he is the expedition's spatial memory, connecting up the changing views into a coherent track. While the tracker might be skilled at interpreting broken branches, it is the guide who needs to be able to recognize 'Trees peculiarly formed'.⁶¹

Jacky's exploration skills, especially as the expedition's memory, and his verbatim evidence about what had happened, recently presented in court, were to be put to the test. He passed. By recognising the evidence of his previous travels, and by successfully retracing his route, Jacky was able to lead the party to where he had buried and hidden Kennedy's things, his books and papers especially, and to the place where he had interred him, although his body was not found. In this way, the recovery voyage served – and perhaps was even designed by the colonial government – to corroborate Jacky's original evidence as he 're-enacted' his story for a small audience. One newspaper report, announcing the return of the recovery party to Sydney, noted that:

The Captain and some of the crew who went with Jacky-Jacky to the spot, were unremitting in their exertions *to ascertain the truth of his statement* as regarded the unfortunate gentleman, and to recover his papers, and they speak in the highest terms of the intelligence and assiduity of the Aboriginal, the last companion of Mr Kennedy.⁶²

The captain and crew on this second expedition became another source of testaments to Jacky's character, contributing further to his reputation as the exemplary faithful servant and true character.⁶³

61 Carter 1992: 47.

62 *Bell's Life in Sydney*, 7 July 1849: 2 (emphasis added). See also Sheridan 2009: 120, in which she notes that 'It seems to have been an unstated purpose of the expedition to confirm the truth of Jackey's account'.

63 See, for instance, Carron 1849: 97. See also Sheridan 2009: 118–122, for her discussion of Simpson's narrative.

Jacky did not give an account of the return voyage and recovery expedition, even though he was apparently asked for one. One local newspaper reported that when he eventually returned home to the Hunter region, after two strenuous journeys in Cape York in quick succession, Jacky was ‘too weak and ill to give an account of his last trip’.⁶⁴ He was willing, however, to testify to, even boast about, the acuity of his memory when it came to locating ‘the spots where he had buried or “planted” Mr Kennedy’s papers’.⁶⁵ His remembrance was, according to the report, ‘so clear, that on the landing of the recovery party, he at once struck inland for them in a direct line, and on reaching their neighbourhood had just to study the bearings for a few moments, when he at once found them’.⁶⁶ Happy to lay claim to his own proven ability as guide, explorer and tracker, he would now leave the storytelling – about Kennedy and about himself – to others.

Negotiations and struggles over his narrative, as well as his authority or otherwise to speak, reveal efforts to suppress or contain any ambiguities and anxieties that Jacky might have provoked in his immediate circle, and in colonial society more broadly. It also suggests a fair amount of self-fashioning on his own part as he sought to manage the invidious position in which he found himself in the wake of Kennedy’s death. Close attention to these processes and performances provides, I suggest, the material from which to create an alternative portrait of Jacky, one less starkly drawn than his enduring reputation as ‘faithful follower’ – and its obverse ‘race traitor’.⁶⁷ An approach that focuses on the creation of his unique exploration archive shines a sliver of light on the ways in which Jacky engaged with the limited ‘subject’ and speaking positions available to him, not only within the context of Kennedy’s expedition but also in its aftermath. This necessarily situates questions about the archives and epistemologies of exploration within the broader politics of knowledge production and subject formation in mid-nineteenth-century Australian colonial society. While Jacky’s composite statement is, in a very real sense, an exploration narrative, the story of its production and publication also tells us much about the constraints that Aboriginal guides faced, not least of all to have their experiences recorded and their voices heard, once an expedition was over. In this way, it serves as a good reminder, somewhat paradoxically, for why there are so very few verbatim accounts from Aboriginal guides to draw on in attempts to tell new cross-cultural histories of Australian exploration; and why the few that do exist demand interpretive approaches that go beyond treating them merely as archival sources to be mined for content.

64 *Maitland Mercury*, 25 July 1849: 2.

65 *Maitland Mercury*, 25 July 1849: 2.

66 *Maitland Mercury*, 25 July 1849: 2.

67 See, for instance, Maloney 2008: 74; Langton 2008: xxiv.

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