

# ESCAPE CLIFFS:

The First Northern Territory

Expedition, 1864-66

Chapter 3

Derek Pugh

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## CHAPTER 3

### THE FIRST NORTHERN TERRITORY EXPEDITION

*“...an expedition—the nucleus, we predict, of as great and flourishing a settlement as any in Australia was fitted out ... has sailed for its destination. Composed of men who are well fitted to pioneer the way for civilization, the command has been entrusted to a gentleman in every way fitted for the position. Mr. Boyle Travers Finniss has been appointed the first Government Resident of North Australia” (Register, May 25, 1864).*



*Figure 1: Boyle Travers Finniss in 1880 (SLSA, B5833).*

Boyle Travers Finniss was born at sea on August 18, 1807, as the *Warbey* rounded the Cape of Good Hope on her way to India. His father was Captain John Finniss, a regimental paymaster. His mother, Susanna, died when he was fourteen years old. When he was fifteen, he entered the Royal Military Academy at Sandhurst, and he topped his class. He served with the military in Mauritius (as a surveyor), and in Ireland, but eventually sold his colonels commission and joined a proposed colony at Gulf St Vincent, in South Australia, arriving there in 1836 as deputy surveyor general. His first daughter was the first white girl to be born in the colony on 11 September, 1836 (ADB, 1967).

In 1837, Finniss assisted Colonel Light in laying out the new South Australian capital of Adelaide, and in 1839, he led the establishment of the city of Gawler. He had several business interests in flour and timber mills, but when they failed, Finniss re-joined the public service, becoming commissioner of police and a police magistrate in 1843, registrar-general and treasurer in 1847, and colonial secretary in 1852. He was an elected member of the

Legislative Council and the temporary Administrator in 1855. Then, on October 24, 1856, he was elected the first premier of South Australia. In 1857, he was elected to the new House of Assembly, but lost his position in August of that year; although he retained the position of treasurer in the Hanson ministry until he resigned his seat in October 1862. In 1864, when Finnis was fifty-seven years old, he was selected to lead the First Northern Territory Expedition as the 'Government Resident' on a salary of £1000 per annum<sup>1</sup>. As the *History of South Australia* reported in 1893:

*"The command of the expedition was entrusted to Lieutenant-Colonel B. T. Finnis, who received the appointment of Government Resident. The choice was considered an excellent one. Mr. Finnis was an old and highly respected colonist, who had held the office of Treasurer of the colony, and, when Sir Henry Young left Adelaide, was acting Governor pending the arrival of Sir Richard MacDonnell. He was one of the fathers of the volunteer movement, and had a thoroughly practical knowledge of surveying. It seemed that he was the man to fulfil every requirement, and when a banquet was given before the expedition started, everybody seemed pleased with everything and with one another, and the future was seen as in a golden glory" (Hodder, 1893).*

Finnis may have seemed an obvious choice when the government looked around for a leader as he was experienced both as a surveyor and a government leader, and he had, after all, held the post of the first Premier of South Australia<sup>2</sup>. Nepotism may have played a role also as Finnis's businesses were failing and he needed an income. The expedition was planned quickly, and Finnis's instructions were clear: he was to proceed to Adam Bay and establish a city. If Adam Bay were, in his opinion, unsuitable, he would look elsewhere. Port Darwin and the Victoria River were named as possible alternatives.

First, though, the South Australian Government had to gather together the expeditioners, so they advertised for men to join the colonisation party. Forty were chosen to join Finnis on the first expedition; ten officers and thirty men. No private settlers were permitted at this stage. Finnis was nominally in charge, but he had little choice in many of those selected to attend, something that he was to come to rue over the following months.

Finnis's second-in-command was to be James Thomas Manton, a surveyor, whose job description included promoting harmony and good feeling among the men.

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<sup>1</sup> Equivalent to about \$115,000 today.

<sup>2</sup> In retirement, Finnis wrote *The Constitutional History of South Australia*, published in 1886. He died on December 24, 1893, at the age of eighty-six. He had seven children by his first wife and one daughter by his second wife, Sophia Lynch.

The doctor, who would take care of the medical needs and welfare of the men, was to be Dr Francis Edward Goldsmith. He was also to be the 'Protector of Aborigines'.

Next in line of authority was twenty-eight year old Ebenezer Ward, clerk in charge, private secretary to the Resident, and accountant and postmaster to the community. Ward was born in Westminster in 1837 and was a reporter whilst still in England. He arrived in Melbourne in 1859 and became a theatre critic for the Melbourne Herald. By 1864, he was in Adelaide with a reputation for being a 'firebrand' journalist and a strong supporter of the South Australian Government. Some have suggested that he was placed on the expedition as Captain Hart's spy, and he did indeed later pass several secret messages to Hart and the Ministry. Finniss immediately disliked and mistrusted him, writing to the Chief Secretary even before departure that Ward was a 'troublesome and unscrupulous agitator ... with whom no one could work for twelve months' (O'Halloran, et al., 1866).



Figure 2: Seven Officers of the First Northern Territory Expedition. Finnis in the centre, Manton on top, then clockwise: Dr Goldsmith, Stephen King (snr), Davis, Pearson and Ebenezer Ward. Missing are the junior officers Hamilton, Wadham, Watson and Bennett (SLSA, B11347)

Several others in the party were members of Adelaide's finest families. They were so keen to be on the expedition that they ignored the low pay and took on the role of labourers or chainmen. These men, such as Patrick Auld, the McMinn brothers, and Bastin Boucaut<sup>3</sup> were there for the adventure, or were fortune hunters, hoping to be on the ground floor at the establishment of a great city of the north. One of them was the Government Resident's son,

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<sup>3</sup>Bastin Boucaut died on September 16<sup>th</sup>, 1864 of remittent fever, which the doctor claimed was "due to the deleterious effect of the water at Escape Cliffs" (Dr. Goldsmith). He was the son of Captain Ray Boucaut, an early colonialist, and a brother of (Sir) James Penn Boucaut, a parliamentarian.

Frederick Robe Finniss<sup>4</sup>. He was nineteen years old and was given the position of Private Secretary and Adjutant of Guard.

As a result of the selection, even before the expedition set out, there was public disquiet about the suitability some of the men, as fortune hunters and gentry with little experience of anything, seemed poor sorts for such an undertaking. In fact, with his vast leadership experience, Colonel Finniss was one of the few whose appointment did not raise eyebrows.

As for the others, they were also hoping to be on the ground floor of something big. Promotions and opportunities would no doubt be abundant, and so their futures in agriculture, gold mining, or other commercial ventures must have seemed assured. In all, the expedition included forty men from a variety of professions and trades. The useful members were surveyors, deputy surveyors, draughts-men, chainmen, survey hands, boatmen, bullock drivers, carpenters, labourers and a blacksmith (see table 1), but many others appeared to Finniss as less than useful. He later complained about the selection of some of them, saying that he'd had no say, and in his opinion, most were not suited to the type of work required in establishing a new colony, and on such men he 'had no means of enforcing (his) authority, but firmness and persuasion' (O'Halloran, et al., 1866).

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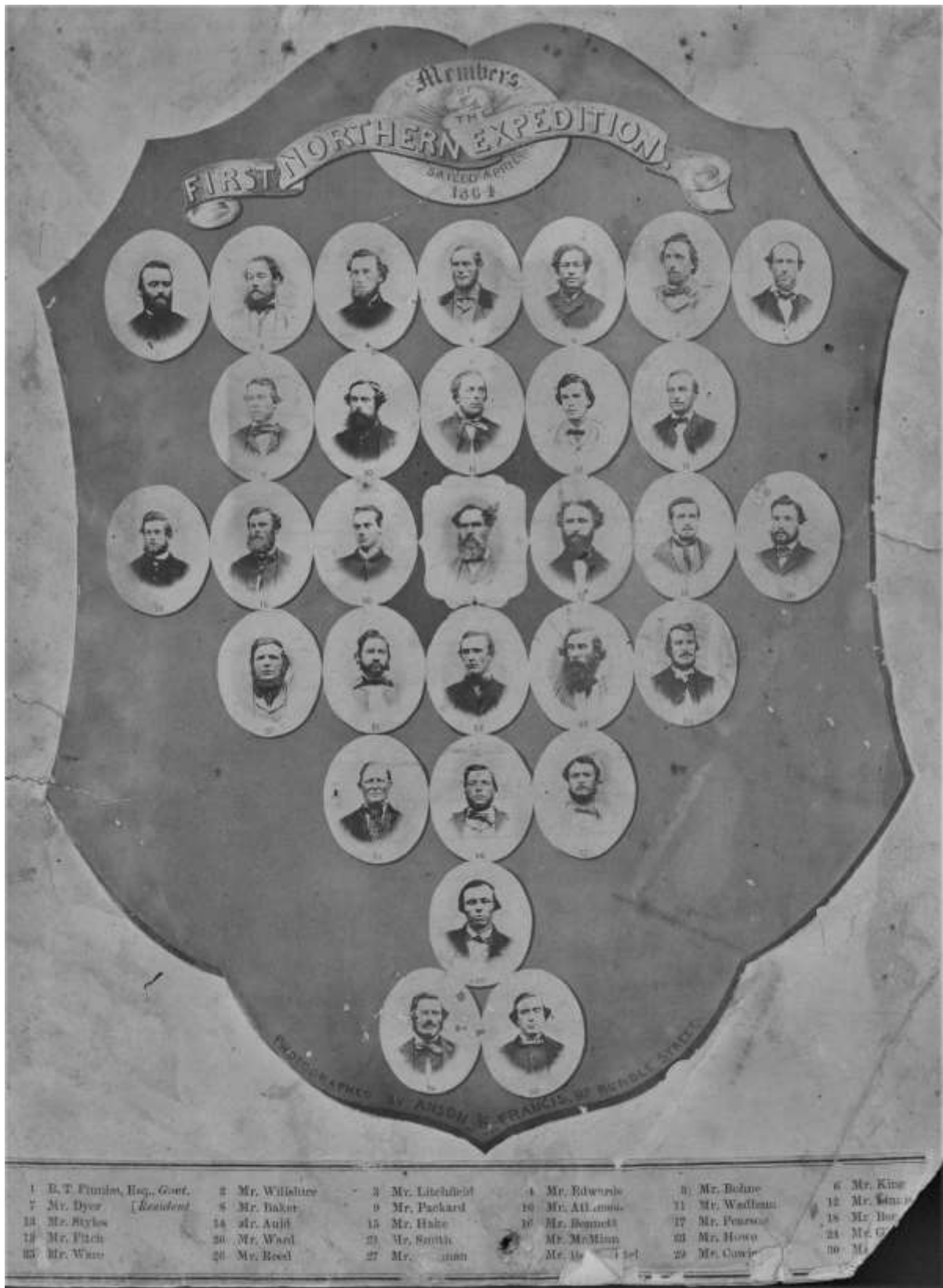


Figure 3: Thirty of the forty-one members of the First Northern Territory Expedition 1864 (SLSA, B10363).



## The First Northern Territory Expedition, 1864.

### Officers:

1. Boyle Travers Finniss, in command. Government Resident, salary £1,000 p.a.
2. James Thomas Manton, second in charge, gang-man, engineer and surveyor £500 p.a.
3. Dr Francis Edward Goldsmith, surgeon and Protector of Aborigines. £400 p.a.
4. Ebenezer Ward, clerk in charge, private secretary, accountant and postmaster, £350 p.a.
5. John William Olgivie Bennett, sergeant of the guard, draftsman £120 p.a.
6. John Davis, assistant storekeeper, £200 p.a.
7. William Pearson, surveyor, general of the guard, £350 p.a.
8. Stephen King, storekeeper and superintendent of Stock, £280 p.a.
9. Richard Watson, draftsman, £160 p.a.
10. A.R. Hamilton, junior surveyor, £120 p.a.
11. James Wadham, junior surveyor, £120 p.a.

### Men:

12. Frederick Robe Finniss, private secretary, adjutant of guard, 6s/day
13. John Cowie, body servant, shoemaker and labourer, 6s/day
14. Heinrich Baumgartel, cook to Finniss, labourer and miner, 5 s/day
15. Frederick Henry Litchfield, stores/labourer, 5 s/day
16. W. Patrick Auld, labourer, 5 s/day
17. Francis J. Packard, chain-man, 6s/day
18. Charles W. Machell, chain-man and able seaman, 6 s/day
19. Samual Baker, labourer, 5 s/day
20. John Dyer, labourer and bullock driver, 5 s/day
21. Alaric Ward, labourer, 5 s/day
22. David Bowen Wiltshire, chain-man and able seaman, 6s/day
23. William Reid, chain-man and able seaman, 6s/day
24. John Bohn, labourer and able seaman, 5s/day.
25. Michael E. Fitch, chain-man and able seaman, 6s/day
26. Stephen Chandler, labourer, 5 s/day
27. William Stephen Murray, stores/labourer, 5 s/day
28. Tom King, labourer and able seaman, 5s/day.
29. Bastin Boucaut, labourer, 5 s/day.
30. Henry Thomas Styles, labourer, 5 s/day.
31. Francis Edwards, labourer, 5 s/day.
32. Robert J. Ware, boat crew/labourer, 5 s/day.
33. James Gilbert, labourer, 5 s/day.
34. William Smith, labourer 5 s/day
35. John F. Roberts, stores/labourer, 5 s/day
36. Charles Hake, stores/labourer, 5 s/day
37. W. McMinn, chainman, 6 s/day.
38. J. Railton Atkinson, chainman, 6 s/day.
39. John A. Howe, carpenter chainman, 7 s/day.

*Table 1: Members of the First Northern Territory Expedition 1864.*

On departure from Adelaide, the little fleet separated and took different routes around the continent. Their arrival was therefore staggered, with the *Beatrice* taking the easterly route and arriving first on May 31, 1864, the *Henry Ellis* via the west coast, on June 21, and the *Yatala* struggling in with a broken keel and rudder from the east on June 29.



Figure 4: HMS Henry Ellis (SLSA, B10361).

Most of the expeditioners that travelled on the *Henry Ellis* had suffered through the longer western route, rather than Torres Strait, because, according to Frederick Finniss, the insurance companies had refused to insure her through the straits. There was much drama during their voyage when the ship became becalmed, and many of the sheep destined for the new settlement died of exhaustion in extreme heat. Also, the crew protested a brutal American ship's mate, rejected him, and twice they withdrew their labour. As punishment, they were ordered below on bread and water.

Finniss also caused disquiet among the expeditioners, by forcing them to undertake military drills, in squads of ten, which included sword fighting and target shooting off the stern. He made them wear bright red garibaldi, much to the delight and mockery of the ship's company. Ebenezer Ward later said that their 'position was so ridiculous, that the men used to laugh at us, and the officers' squad was nicknamed the *Pretty Squad*'. It was during this time, that BT Finniss was renamed the B.T.F. for 'Bloody Tom Fool', a moniker Finniss took great objection to (O'Halloran, et al., 1866).



Figure 5: Ebenezer Ward (SLSA, B11347)

When the *Henry Ellis* was in sight of Adam Bay, on June 20, she became stuck on a reef for a number of hours. She leaned over so far that the men could not cross the deck without handholds, and she wasn't re-floated until the return of the tide. Luck rather than good management averted disaster, because the weather and the seas stayed fine.

When they finally arrived in the bay, they met up with the crew of the *Beatrice*. The captain of the *Henry Ellis* was wary of reefs now, so he would not come close to the coast and moored about three miles off. The trip had cost the lives of a number of the livestock, and one of the crew, who was cleaning the ship's side on Sunday 3 July. He 'was a small hump-backed landsman who fell overboard from the mizzen chains, the day after the ship anchored, and was seen no more' (Finniss, 1865).

The smaller *Beatrice* was then needed to ferry everything to shore. The first order of business was to find a source of water for the stock, before losing any more, and Finniss decided to set up a temporary depot some forty miles up river, where Commander Hutchison of the *Beatrice*, who had not wasted his time whilst awaiting the rest of the fleet, had discovered fresh water.

Moving the stock to the upriver depot, and unloading all the stores, the prefabricated buildings, tents, cannons and everything else the expedition brought with them, and using the *Beatrice* took a great deal of time. The *Yatala*, under Captain Francis Humbert, arrived but was nearly useless, crippled without a keel or rudder after hitting a reef off Cobourg

Peninsula. The *Yatala* had been destined to be stationed at the settlement, ready for victualling trips to Koepang, and explorations of the local coast. Her loss was felt greatly.

Finniss complained to Ayres that the recalcitrant *Henry Ellis* captain's insistence on staying in deep water cost the settlement £464 for a month's extra charter (Finniss, October 6, 1864).

The settlers had to work hard to meet their early needs of shelter and protection. Finniss chose Escape Cliffs to establish a camp as its convenient beach made for easier unloading, and the cliffs gave them an elevated position. The new settlement was always referred to as either Escape Cliffs, or Adam Bay, by the diarists of the time, but was later to be called Palmerston<sup>5</sup>.

Finniss appreciated the cliff site, mainly for its climate, and saw the mangroves as unhealthy. His city needed a 'salubrious climate', and after much thought, he decided that the elevated cliffs on the eastern bank of the Adelaide River mouth would do very well. In fact, he had been ordered to 'avoid swamps, mud banks, and landlocked harbours' and the cliffs certainly did that. He eventually concluded that he had 'chosen the best site on the north-west coast, having seen quite sufficient of the country to come to this conclusion' (Finniss, 1865) .

Later, when new arrivals claimed they could immediately see the inappropriateness of the site for development of a future city, Finniss would not change his ideas, or move the settlement, nor listen to the advice of his officers. In his mind, the great Adelaide River would give access to the interior where timber and building materials were sure to be found in large quantities, and large regions suitable for agricultural would be there for the taking.

Despite being nicknamed 'Bloody Tom Fool' on the journey north, it seems the inter-relationships between Finniss and his officers, if not friendly, were manageable when the expedition arrived. But remarkably quickly, Finniss's style of leadership perceived

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<sup>5</sup> This book uses the name *Escape Cliffs* for the settlement throughout. The name *Palmerston* was first requested with the arrival of the second party (Cross, 2011). Using the name "Escape Cliffs" also avoids confusion with the other Palmerston, settled in 1869, which is the first name for what is now called Darwin. A third City of Palmerston now exists some twenty kilometres south of the City of Darwin, as the latter's satellite city.

favouritisms, selfishness, and his innate military stubbornness started to grate with a number of them.

For example, the relationship between Finniss and Dr Goldsmith soured early on: one of their early altercations involved the drinking water that the settlers drew from two wells, dug into the land behind the cliffs. Goldsmith, who was looking for any excuse to goad Finniss, and despite the fact that he had approved of the water when they first arrived, now found it unpotable and complained loud and long about it in the mess. His complaints about the water were numerous. For example: it had a metallic taste; it coated clean knives with something of a 'green character'; it tarnished silver; it blackened brandy if mixed with it; and it caused 'severe nausea and irritability of the stomach ... after imbibing it' (Goldsmith, 13 April, 1865).

Goldsmith's campaign created alarm and anxiety among the settlers. Finniss was furious and complained to Ayers that the doctor 'frightened many of the men into sickness.' At one point, Goldsmith pinned a notice on a tree near his tent, warning the others to drink as little water as possible. Several men put themselves on the sick list, and a general feeling of despondency spread throughout the settlement. Michael Fitch later said:

*"Dr. Goldsmith ... told us to avoid drinking it unless it was filtered or boiled. He said he was sure there would be sickness and mortality unless we did that" (3369 (O'Halloran, et al., 1866)).*

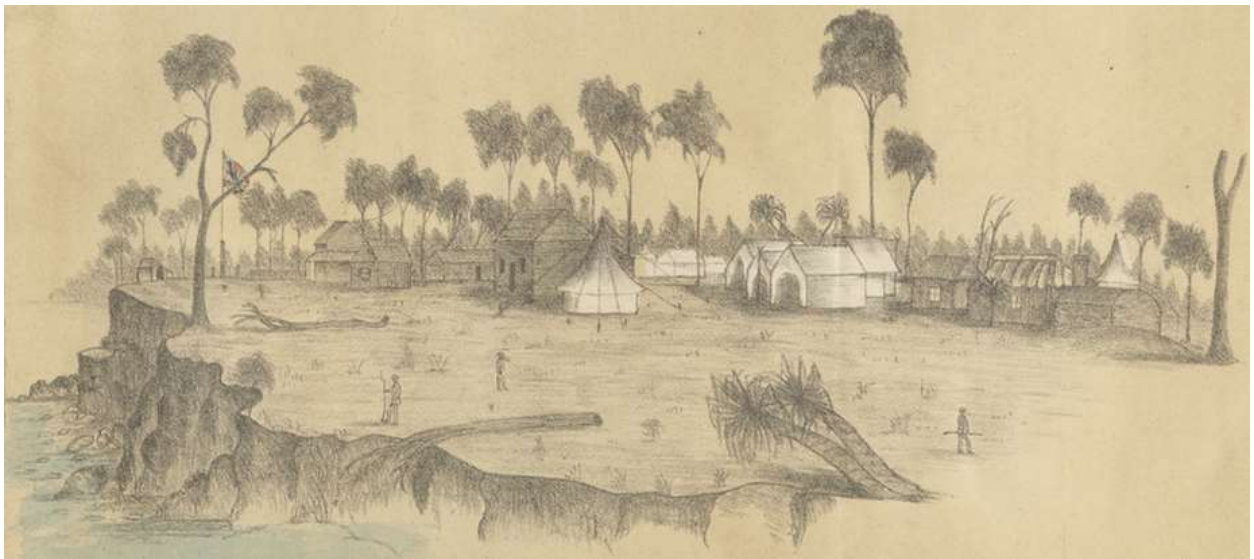
Finniss lost his temper and vowed never to accept medical help from Goldsmith again. He sent a sealed bottle of the water to Adelaide for proper analysis, and it was found to be perfectly fine (Register Feb 14, 1865), so Goldsmith might have been deliberately causing trouble. Finniss requested the government to replace Goldsmith.

Goldsmith asked Michael Reid to fill a canteen for him with water from the *Beatrice's* tanks after she had returned from Timor. Reid agreed, but filled it from a tank that had been filled at Escape Cliffs before the ship had sailed to Timor. Goldsmith was more than delighted with the water, believing it to come from Timor: 'There, I call that water fit for a Christian to drink,' he had said (4133-34 (O'Halloran, et al., 1866)).

Goldsmith might also have been concerned for more personal reasons. He was planning to marry the daughter of a pastoral family, Emma Hallet, which was looking to invest in good land in the north. Goldsmith had concluded that the settlement was in the wrong place and

the nearby land useless, so his future as an agent for his prospective in-laws was in jeopardy. Only by forcing Finniss to move from the settlement would he feel secure.

Ebenezer Ward was the postmaster, accountant, clerk in charge, and private secretary to the Resident. Finniss had distrusted him on first sight and known of his reputation as a journalist, actor, and vocal supporter of Captain Hart's government. Ward claimed that Finniss had insulted him, even before departure, in the way that he'd told him to get on board the ship, and at the settlement had told him not to 'finger' his mail, or turn them over to see who they were from (1692 (O'Halloran, et al., 1866)). Finniss resented Ward's conscientious objections to working on Sundays, and the way he would sit and read Shakespeare instead.

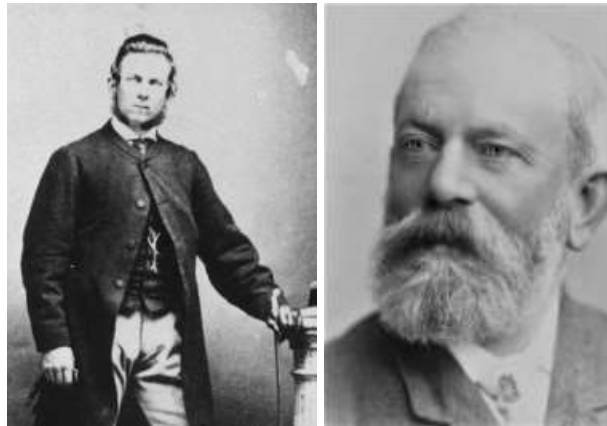


*Figure 6: Escape Cliffs: Illustrated Sydney News Saturday September 15, 1866 (SLSA, B8960\_1).*

Some of the expeditioners sided with Finniss, and there was always a contingent of people who were loyal to the Government Resident. The twenty-four year old 'labourer', William Patrick Auld was one of them. In December, he wrote a letter to his father telling him how Finniss had been 'unfortunate in his officers', and except for Stephen King, they were a hindrance to him. He also admitted that the officers were 'down' on him because he had been given command of exploring parties, and thus was being treated better than some of the officers.

He might have been favoured, but Auld clearly thought more of the Resident than many of his peers. Originally, he had thought him a 'cold, proud man', but saw a different side of him

when he was invited into the colonel's tent and Finniss would chat 'away like fun' (Auld, 1864).



*Figure 7: Explorer William Patrick Auld, as a young man [SLSA, B 60171] and in later years (SLSA, B3622)*

Auld had accepted employment as a labourer on five shillings a day, as the only way he could get on the expedition. He was a trained surveyor, with immense bush experience, and was from one of 'Adelaide's finest families'. He was undoubtedly one of the most experienced men among the settlers, as he had already made his name as a twenty-one year old assistant on John MacDouall Stuart's successful expedition in 1862, which had crossed Australia from south to north and back again. Auld had signed on the day before the expedition had left, then had, in fact, led the party back south as Stuart's eyesight failed<sup>6</sup>.

At Escape Cliffs, and now twenty-four years old, Auld was looking for adventure and excitement and the potential gains from being among the first settlers. He certainly wasn't there for the salary<sup>7</sup>.

The upriver depot split the expedition. Some sixty kilometres up-river, it was the home for twenty men, and the animals, for the first few months after arrival, as the stock recuperated after their shipment. James Manton, Finniss's second-in-command, took the leadership of the depot, supported by Ebenezer Ward, Dr Goldsmith, Stephen King, Watson and Wadham. The depot appears to have initially delighted the local Wulna tribesmen. Two men visited one day in July and accepted the friendship offered. A dozen came the next day, and a few days later, about forty men visited and openly helped themselves to the resources of the

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<sup>6</sup> Stuart's health was poor and he was carried the last 960 kilometres on a stretcher strung between two horses, whilst Auld navigated.

<sup>7</sup> About \$60 per day in modern dollars.

camp, until politely dissuaded by the settlers. Soon after, seventy Wulna and their families turned up and gladly gave a demonstration of their prowess with spears, hurling them accurately at targets over a hundred metres away. In the still of the night, they could be heard in the bush around the camp, catcalling and instilling fear and alarm among the settlers. The sentries were doubled. Manton drew a circle around the camp and told the Wulna they weren't allowed to cross the line.

By the beginning of August 1864, relationships with the local Aborigines along the Adelaide River became strained. Mostly the Wulna were curious to watch the strange new pale arrivals and sample any goods of theirs they happened to leave lying around. A huge pile of stores, including some belonging to the *Yatala*, were stacked up under cover of a sail on the riverbank, some two hundred metres from the camp, ready to be transported back down river. These had to be guarded. Finnis shared the alarm and fear of the Wulna, but being an army colonel, responded in the only way he knew how. He sent explicit instructions to the camp, in military parlance, telling them how to guard the camp and respond to the threat (Ward, 1864). The image of guards marching up and down with rifles over their shoulders in such an isolated spot seems strange, and the Wulna thought so too. Some of them were seen marching up and down, with sticks over their shoulders, copying the newcomers, amid much hilarity.

The tensions might have been increasing, but all was still well at the camp on Friday August 5, when some unarmed water collectors were surprised by an armed party of Aborigines who did nothing other than repeat 'very good, very good' to them (Webling, 1864-66).

Most of the camp's stores left on the river's edge were sacks of grain or flour and tins of meat. A couple of Wulna men showed some interest in them during the afternoon of August 7, but were warned off by John Roberts, who was guarding them. Roberts claimed one of the men threatened him with a spear, but left quickly enough after he had called for help and two settlers ran down in support. Then, as no sign of the Aborigines was seen for the rest of the day, Manton allowed the guard to return to the camp in the evening for dinner.

Within half an hour, a crowd of excited Wulna men were back. They were caught cutting open and emptying the sacks and throwing the flour away. Gunfire from Fred Litchfield chased them off, but they returned again the next night. They were again fired at before



they had time to carry anything off, but they had destroyed sixteen bags of flour and several bags of sugar, oats, and bran. They had also cut up the *Yatala's* sail (1544-45 (O'Halloran, et al., 1866)). Then things went from bad to worse. At seven the next morning, Manton sent several men, including Pearson and Litchfield, out on horseback to see what stores they could recover. Entering a swamp, the party was attacked by as many as sixty Wulna. Spears were thrown and guns were fired. Pearson's horse, unused to having a carbine fired close to his ears, shied, and Pearson was caught in vines and pulled off. Whilst on the ground, he was attacked and wounded with four spears. Litchfield was also wounded, grazed by a stone spear-head on his arm. Hearing the noise, the rest of the settlers came running to assist, and the shepherd, Alaric Ward, was confronted with a Wulna warrior ready to spear him. He fired his pistol and the man fell, shot in the head, and seeing this, his countrymen fled.

At the same time, the *Beatrice* arrived at the camp with the tide. They heard the gunfire, and they saw the flour and oats strewn around the river bank. At first, they expected to find the settlers massacred, but were relieved to find that only two had been injured. Crew members recognised the dying Aborigine, as having been aboard ship several times.

The surveyors rested and sought help from the crew of the *Beatrice*. Alfred Webling, who wrote much of the events in his journal, was one of the men who went to the Wulna camp to collect stolen items. They found 'two kegs of white paint, a quantity of nails and canvas' and 'where the nigger fell was a pool of blood' (Webling, 1864-66).

Manton wrote that two other Aborigines were injured that day. One man had apparently floated across the river on a piece of bark and died in the reeds. A second, he said, had a shattered hip. These men were not mentioned again and seem to have been ignored by other diarists, so Manton may have been mistaken (Manton, 1864). But the man who was mortally wounded by Alaric Ward with a ball in his head took four hours to die.

Ebenezer Ward and Doctor Goldsmith now saw an opportunity to embarrass the Government Resident. They would hold an inquiry and place the blame for the dead Aborigine squarely at Finniss's feet. First, Dr Goldsmith, as both doctor and the Protector of Aborigines, did a post-mortem, using a mallet and chisel to dig the bullet out of the man's skull. The body, severely mutilated, was then buried in a shallow grave.

Ebenezer Ward had a growing enmity with Finniss, and he cajoled his fellow officers into preparing a rider to the inquest, blaming the location of the camp as being the cause of the skirmish. And, as it was placed there on Finniss's orders, he was to blame. Stephen King (snr) was the foreman of the inquest, but he seems to have little say in the matter. The other, more forceful characters pushed the proceedings. The Board exonerated Alaric Ward from any crime and called the man's death a 'justifiable homicide'. Alaric must have been relieved, but he felt so bad about the incident that he refused to carry a firearm again, even when alone in the bush tending the sheep (Register 16/5/1865), and this might have contributed to his own death a year later. Alaric wrote to his parents on August 9, but did not tell them that it had been he who had killed the man:

*"...Mr pearson Litchfield murrey and Dyer went to get the Bags Back wen thay got speared so that we had to fire on them and after killing one thay made of But they toock the things thay had got with them so I think that is lickly that thay will pay us an other visit in a Day or tow..." (sic) (Ward, 1864)*

After the inquiry, Ebenezer Ward gleefully packed up the paperwork and bore it down river to present to Colonel Finniss. 'Now we have him,' he is supposed to have said (SAC 1832).

Finniss was furious. He reported the officers to Adelaide and suspended Ebenezer Ward. In a way, this made things worse, because the man had nowhere to go. He hung around the camp unemployed for months, stirring up dissension among the officers, whilst Fred Finniss and William Bennett did his duties instead. Ward wrote long letters of complaint to the ministers in Adelaide, and started writing a book about the settlement, calling Finniss lazy, brutal, and small minded. He read out to the mess, and possibly wrote, a camp newsletter called the *Court Circulars*, which criticised Finniss mercilessly. Finniss repossessed Ward's tent and ordered the mess not to feed him; he was reduced to begging off his fellow officers until he found passage home on the *South Australian* in December, 1864. The Government agreed with Finniss about Ward's suspension, and finally revoked his commission on November 11, but he was paid full wages up until then. Finniss was reproached regarding the length of time it had taken to remove Ebenezer Ward from the settlement:

*"It is a matter of regret that the suspension of Mr. Ward from his duties as Clerk in Charge, &c, did not follow immediately on your being made aware of the action he took as a juror, as it might have had the effect of checking the insubordination which afterwards appeared among some of your other officers. His subsequent suspension by*

*you has been supported by the Government, who revoked his commission on the 11th ultimo as and from the 11th December last. It was not without surprise that the Government learned from your Despatch No. 12, of 4th October last, that you were prejudiced against Mr. Ward before leaving Adelaide, and that you thought there was not a more unfit person for the post he undertook, or for any Government post; because, if such were your opinions respecting him at that time, you should have communicated them to me, as you did not hesitate to do in regard to many applicants for employment in the expedition" (Ayers, 10 February, 1865).*

Colonel Finniss managed to get the Government to agree that the value of half of those wages go to both Fred Finniss and Bennett, although the expenditure had to be treated as an 'excess'.

All the expeditioners were brought back to the Escape Cliffs depot during August after the affray with the Wulna up river. The tension in the camp was rising, and many of the settlers began to fear attacks. If the Aborigines could form themselves into a well organised army, like the Maoris of New Zealand, there was a real threat of war. The camp was armed with a number of cannons of varying sizes, and crews practised firing them. An on-going problem was the ease of access to the camp's stores. A huge amount was still stacked on the beach below the cliffs. Some had been destroyed during particularly high tides, but there were not enough storehouses yet built to house them. The frames of prefabricated houses, which had been left on the beach at Charles Point for several months, were warped from water damage and were later quite difficult to erect.



*Figure 8: Escape Cliffs in early 1865. These buildings were outside the stockade. The stone structure to the right is the oven for the bakehouse (Hamilton and Hake SLSA, B-7196).*

A few nervous weeks went by until September 7, when a horse came back into the Escape Cliffs camp with a spear sticking out of its rump, and that evening, unseen thieves plundered some of the stores left on the beach. Colonel Finniss was warned of a party of red-daubed warriors gathering in the bush nearby. All the settlers were now in the fortified settlement, and Finniss expected an attack. A mounted party went out to collect all the horses, and they

discovered a second had been speared three times. The speared horses were the final trigger. His military training told him the settlers should go on the offensive.

Finniss also wanted stolen property returned: bottles, hats, lamps, a corkscrew, whip-thongs, nets, an electroplated ladle, knives and forks, and other things listed by Fitch as having disappeared (SAC 3351 (O'Halloran, et al., 1866)). The jib of the *Julia* was also missing, taken from the river camp. In the evening, there was an alarm in the camp when some Aborigines were seen crawling up to the stores in the night. Chandler called out 'Look out there' and fired his gun. It is likely that no one was hurt, but they found the intruders' tracks the next morning.

'The attitude was that of war,' the Colonel wrote to Ayers. 'I determined at once to give the natives a lesson, and to treat them as armed bushrangers acting against the laws and property of the men of the expedition' (Finniss, September 5, 1864).

On September 8, Finniss 'sent out a retaliatory party to clear the peninsula of the natives by destroying their camp, and in an affray which took place, another native was shot dead, a noted chief and thief, to whom I had shown the greatest kindness' (Finniss, 1865). This man was known as 'Dombey<sup>8</sup>', and at one stage he had been a regular visitor to the settlement.

The retaliatory party was split in two. Seven mounted men were under the command of the Colonel's son, Frederick Finniss, and a second party of nine men on foot followed, marching in 'double file through the scrub' under William McMinn<sup>9</sup>, who had recently been promoted

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<sup>8</sup>"Dombey" is unlikely to have been the man's real name, but one given by the settlers as *Cape Dombey* is a headland (named by Baudin in 1819) near the Moyle River mouth in western Northern Territory. Also, a novel by Charles Dickens, *Dombey and Son*, may have been popular in the camp, and several diarists mention much time spent reading novels. A comment about shooting "Dombey and son", mentioned in the proceedings of the South Australian Commission, may thus have sprung from flippancy (SAC 1295 (O'Halloran, et al., 1866)). At the inquiry into his death he was also called "Tombey" (Howard, 1865).

<sup>9</sup> There were two brothers named McMinn at Escape Cliffs. William McMinn, a surveyor but employed as a chainman, and Gilbert Rothgate McMinn who came with the second party, also a surveyor, but employed as a labourer until promoted to surveyor on 16 shillings 6 pence per day. William sailed with Stow on the *Forlorn Hope* and was later employed as a surveyor for the northern part of the Overland Telegraph Line and as an architect in Adelaide. He died in North Adelaide on February 14, 1884, aged 40 years. Gilbert McMinn stayed with Manton until the expedition was recalled and returned in 1869 with Goyder to assist with laying out the new town. He eventually became the Northern Territory's senior surveyor and designed the old Court House, Cell Block and Police Station on The Esplanade. He was surveyor in charge of several of the central sections of the Overland Telegraph Line and for fourteen months acted as Government Resident of the Northern Territory. He owned land in the Darwin Rural area. McMinn Street in Darwin is named after him. He died from heart failure in Victoria on 18 October, 1924, aged eighty-three. (ADB, 1967).

to the position of surveyor (SAC 1612). Those on horseback arrived at Chambers Bay earlier than the foot party, but men in McMinn's party still managed to shoot, several times, at Aborigines on the beach from a distance—without identifying first who they were. McMinn had asked Frederick what they were to do, and according to McMinn's testimony at the South Australian Commission, he was ordered to 'shoot the natives if we came in contact with them' (SAC 1616 (O'Halloran, et al., 1866)). In fact, Frederick's words, corroborated by several witnesses, were that they were to 'shoot every bloody native' they saw (SAC 1556 (O'Halloran, et al., 1866)).

The Aborigines shot at by McMinn's party 'were not within range at the time the shots were fired', claimed McMinn (SAC 1615), and he also said he tried to stop them from firing as they were, after all, about a mile away down the beach.

The horsemen were more mobile, and they came into the camp quite unexpectedly. People fled into the bush, but one old man was shot before he could get away.

Finniss reported the event to the Advertiser:

*"The Blackfellows fled at their approach; one of the Blackfellows was shot, and their camp pillaged. A number of articles stolen from the expedition at the old depot on the river were recovered and a quantity of things belonging to the blacks themselves were taken possession of by our men. The native who was killed was left on the ground where he was shot".*

The shooter was William Patrick Auld<sup>10</sup>, the 'labourer' who had taken charge of several explorations. Two other riders, William Dougall and Stephen Chandler, were there too, but Frederick Finniss and the others were spread out. The foot party, under William McMinn, were within earshot, but still not close enough to engage.

Dr. Goldsmith, as Protector of Aborigines, immediately requested the Government Resident hold a magisterial inquiry into the case, to which Finniss refused. Goldsmith then went to Manton, who was a Special Magistrate, and the 'Stipendiary Magistrate' of the colony, but Manton was no fool. He would not go against his superior officer in this matter, and Goldsmith withdrew.

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<sup>10</sup> Auld's behaviour here probably didn't surprise him; he had already been involved in the shooting of an unknown number of Aborigines on John McDouall Stuart's continent crossing expedition (Bailey, 2006).

But seven months later an inquiry into the death was ordered by a despatch from Ayers. It was subsequently held on April 12 and 13, 1865, in the Government Resident's tent, and chaired by Captain Howard, of the *Beatrice* (Howard, 1865).

The ship had returned to Escape Cliffs only a few days before. As soon as she came to in Adam Bay and received a 'temporary salute' from the cliffs, the postmaster boarded to collect the mail, among which was the order from the Government to hold the inquest. The Board of Inquiry included Robert Edmunds and Dr Belgrave Ninnis, and involved taking depositions from all available witnesses of the events. Not surprisingly, many of the accounts varied.

Auld believed he was innocent of any crime, because he was just following orders. He gave a forthright account:



Figure 9: Captain Howard, RN, in April 1865 (SLSA, PRG 1513/3/15).

*"After parting from the main body, we were riding along when a party of natives sprang out of the grass, there were about 10 of them. I galloped on, Dougall and Packard followed me. I tried to cut the natives off to head them towards the beach, then I got stopped by a boggy creek. I came up to where Dougall and Packard were, with one black about 15 or 20 yards in front of them. I fired at once without any parley. Packard said he had fired and thought he had shot him in the leg. There were 50 or more niggers in the belt of scrub to our right coming upon us, they were armed, they had their spears with them.*

*"I told Dougall to go back and tell the party that the Natives were coming on to us. The Natives still kept coming up to us, we kept our ground but not firing, then we heard shots on the beach, & thinking that the party on the beach were being attacked, we tried to make for them but were unable to go through the scrub.*

*"The main party came through on a Native track, and the natives with the exception of one or two disappeared directly; we then went back to the beach in a body and recovered the stolen property.*

*"Being excited, I did not hear any suggestion about taking the natives prisoner until I had fired; He ran 20 or 30 yards when I had fired. He was facing me when I fired, and I was not aware that he had a yam stick in his hand, I thought it was a spear.*

*"Dougall fired at him afterwards with a fowling piece but I don't know whether he hit him, I do not think he did for he saw no mark; we were all much excited. Soon afterwards Dougall fired he fell. I saw him afterwards from my horse but did not get off; he was lying on his stomach, the ball seemed to have gone right through.*

*“Some of the party were going to examine the body & cut off a small piece of his beard, but I got off and told them to stop. He was between 30 and 40 years of age. I saw no spears thrown, but they had them ready for it.*

*“My orders were to get between the natives and the land for the purpose of driving them onto the beach; the orders were given hurriedly. Before leaving the Camp at Escape Cliffs, the Govt. Resident told me we were going out to recapture stolen goods and if we met with any resistance we were to treat them as enemies or words to that effect.*

*“I only fired twice during the day, once at the native and once when the pistol went off by accident” (Auld in (Howard, 1865)).*

Francis Packard had a different view, and his deposition provided strong evidence against both Auld and Dougall:

*“When we, myself, Auld & Dougall, left the party of the beach, the main party kept the beach, went along the inside the narrow belt of scrub for about a mile, when about 8 natives crossed our back from the beach to the scrub, they ran across. We cantered after them. Auld discharged his pistol two or three times – when they were about 50 yards off.*

*“At this time I fired once in the direction they were running, no one fell.*

*“I rode after 2 or 3 running together. I did not come up with them. Dougall called out to me so I went back to him. When I came back Dougall was on horseback with a native standing in front of him; he said to me let’s take this man prisoner. Auld, who had been after some others, came up. Dougall told Auld that we had better take him prisoner, back to the Government Resident. I said I thought it was no use taking him back to the Govt Resident as he was too old, & that he would be a great trouble and would be most likely let go. Auld said the Governor’s orders were to shoot them, he then shot him with a revolver in the breast. The Native made no resistance (sic), but tried to follow his companions; he was slowly walking away after being shot. Dougall said it was a pity to see him suffering like that, he then fired at him with a fowling piece & hit him in the back of the head; he was about 25 yards off him. The Native still walked on without falling, he walked a few paces more and after standing a minute stopped. Auld was standing by the side of him when he fell.*

*“Auld told Dougall that he had better go back and tell the other party where we were and that a native was shot. As Dougall was leaving us we saw about 50 coming round, armed with spears – coming towards us. I and Auld cantered down the scrub to find an opening to the beach. When we were cantering up and down the scrub the natives kept closing around us” (Packard in (Howard, 1865)).*

But William Dougall played down his role in the death, and Stephen Chandler claimed he had no real part in it at all:

*“The natives were running in a continuous string out of this belt of scrub. I crossed the creek and galloped in front of a black fellow he not being able to pull up my horse quick enough he dodged me; I told him to stand. I then saw a mob of 30 to 50 blacks coming towards us in a body. I called Packard to come over the creek & give us a hand; I heard a shot or 2 directly after than behind me. I was then facing Packard. I looked round and*

*saw Auld on my right. The blackfellow was standing then, I said I would jump off and take him prisoner, we had now come together.*

*“Packard & Auld said there was no use in that, he is shot - I then looked and saw a wound in his right breast, he would be about 40 yards off. The black fellow went a few yards along the other side of the creek and fell. At this time the main body were pressing on to us – they were about 80 yards off. Auld sung out to me to go through the scrub and get assistance as we thought the natives were going to surround us” (Dougall in (Howard, 1865)).*

Chandler, however, was mentioned by John Roberts as having played a rather grisly role in Dombey’s death:

*“While waiting there, Fitch, Chandler, and myself went over to see the body of the Native that had been shot. The body was lying on its back, with a short stick in one hand with one sharp end. A very small basket was suspended from the neck which contained a few roots. When I first saw the body he was still living. He had a small circular wound through the right breast, at that time I saw no other wounds.*

*“Chandler took out his revolver and said let us finish him at once and put him out of his misery, or words to that effect. I remonstrated with him & he put his revolver back. Fitch and I left the body and left Chandler standing there.*

*“Chandler came up afterwards. I asked if he was dead, he said yes. I heard no shot in the meantime. It was asked of him what he had done, he said he put the heel of his rifle to his throat and stopped his breath” (Roberts in (Howard, 1865)).*

Chandler, unsurprisingly, said nothing about this. Frederick Finniss, who was in charge of the whole operation, was too far away to be a part of the shooting, denied any role in ordering his men to shoot Dombey, and didn’t even bother getting off his horse:

*“Dougall said the Natives were as thick as crows and one had been shot. The detached horse party were told to keep the natives in sight if they attempted to get into the bush. I gave no orders about shooting them. On reaching the Camp and seeing our goods which had been stolen, I gave orders to fire – but the natives were about six or seven hundred yards distant.*

*“The men were then collecting the stolen property belonging to Government, it was then that Dougall came and told us that a native had been shot. The native, when I first saw him, he was lying on his back; I cannot say that he was dead. I was on the horse close to him. There was one wound on his breast – apparently a bullet wound. I did not see any other wound, he had in his right hand a stick about 3 or 4 feet long pointed at one end. Dougall took the body and straightened it, turning it on its face. I saw a wound on his back which appeared as if a bullet had gone through his breast and come out at his back. We then left the body. I saw about 6 to 12 natives at once, they were going at a fast walk.*

*“This was just after leaving the body of the Native. In the excitement of the moment I may have given the order to shoot them down, it was on the occasion of Dougall coming*



*up, I asked him if they showed fight, he said they do. On visiting the native a second time I saw no difference to the other.*

*"I gave no orders respecting the native who was shot. My orders were to beat up the Camp of the Natives & recover stolen property, and to destroy their Camp, to take one of the men prisoner, if possible, if they resisted to fire on them" (F. Finniss in (Howard, 1865)).*

William McMinn described how the foot party had arrived at the camp and started helping themselves to 'anything they could find', when Dougall turned up and asked them for help because a native had been shot. When they arrived, the man was still alive, with wounds in his chest, back, head and one of his legs, meaning he had been shot four times. He died soon after McMinn got there (McMinn in (Howard, 1865)).

A few weeks later, on October 7, 1864, with the imminent departure of the *Beatrice* for Adelaide because of the ill health of Commander Hutchison, Auld wrote his version of the story to his father:

*"We have been again troubled with the natives. On the 7th of September Young King came into the camp with a piece of jagged spear sticking through his back<sup>11</sup>, and soon after another horse was brought in with a spear sticking in his shoulder; he had also two spear wounds in his near foreleg. The Colonel then gave orders that seven horsemen were to be in readiness to start next morning and try and find the native's camp, and recover goods they had stolen from us, and to treat them as felons. I went over to Chambers Bay with two men, acting as scouts. Fifty tried to surround us. I shot at one, and sent one of the men to tell the footmen to come to our assistance. They were showing real fighting. Directly the footmen made their appearance the blacks disappeared like magic into the scrub. We recovered a quantity of the stores and goods. The Doctor<sup>12</sup> I believe has brought a charge against me for shooting the black. He sent it to the Governor, but he would not receive it; so I hear he intends sending it to Adelaide. It is only done out of ill-feeling for the Colonel. He is a capital fellow. He often calls me into his tent, and sometimes we have a glass of colonial wine" (Auld, 1864).*

Auld sailed back to Adelaide on the *Bengal* on May 5, 1865 and was arrested but released on a two thousand pound bail on May 22.

When the depositions arrived in Adelaide, the Crown Solicitor decided that there was a case for Dougall and Chandler to also answer for, and they should be tried with Auld. He duly sent Police Trooper Potter to Escape Cliffs to bring them back on the *Ellen Lewis* in November. Their fellow passengers were Finniss and more than thirty other Escape Cliffs

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<sup>11</sup> The spearing of King was not mentioned at the South Australian Commission. It may never have happened.

<sup>12</sup> Dr Goldsmith, Protector of Aborigines

settlers. Perhaps, as prisoners, Dougall and Chandler might have avoided the fifteen-pound fare, equivalent to two month's pay, which the others had to pay.

Their trial was the first murder trial in what would become the Northern Territory. Whilst both Dougall and Chandler were charged, they were soon acquitted (to loud cheering of the crowd). Auld's case lasted twelve months and it raised many questions about the legality of South Australian powers in the north. It received a lot of public interest, but it was a mess. The prosecution never brought any evidence against Auld; there were rumours put about that Dombey was in fact still alive, and the three witnesses who were to speak against him never took the stand: Francis Packard drowned in the Murray River soon after his return to the south; Chandler was killed in a brawl in a Flinders Street brothel, and Dougall, perhaps wisely, left the country. Auld's major defence was that he was following Finniss's orders, and as Finniss's command had already come under great criticism, especially regarding rumours, he had several times given orders to shoot every 'black in sight'. The court tended to believe him, and he was acquitted<sup>13</sup>. Crown Prosecutor Wray took into account the 'danger to the explorers of being overwhelmed by the blacks', and the expense and annoyance Auld had suffered, and as there was precious little evidence he could use in a prosecution, he requested the judge acquit him (Wray, 1866).

As Government Resident, Finniss was highly criticised about the murder and his role as leader. When the party returned, *The Register* reported that he had apparently said, 'Well done, Freddy, I knew you'd teach them a lesson. Gentlemen, will you take a glass of sherry?' (Dec 16, 1864). In the Commission of Inquiry, Finniss justified his actions as the only ones that would work. He had given his son free reign to do whatever was necessary. He:

*"... did not fetter him with written instructions, but I told him that he was, if possible at all hazards, to get in contact with the natives whom he must treat as armed bushrangers and felons, and pursue and capture, or kill if he could not capture. In giving these instructions, I fully realized the possibility that they would lead to the killing of one or more natives, and I deliberately accepted the responsibility. In fact, matters had arrived at such a state that it was absolutely necessary to prove practically to the natives that we were the more powerful, or to abandon the enterprise. I was compelled, in obedience*

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<sup>13</sup> Auld continued in the wine business his father had started at the Auldana Vineyard. He married in 1886 and became President of the South Australian Vignerons' Association, a founder of the Adelaide Hunt Club and a council member for the Adelaide branch of the Royal Geographical Society. He was listed in attendance at Finniss' funeral in 1893 in Adelaide. He died in 1912 at the age of seventy-two. According to the NT Place Names Committee Auld was the "chief mover" of annual celebrations held in Adelaide to commemorate the planting of the flag by Stuart on the north coast of the Territory, July 25, 1862.

*to my instructions, to show the natives that while anxious to gain their goodwill by kindness and judicious liberality, I was able to repel and punish aggression.*

*... I had no fear that any wholesale slaughter would ensue—in fact, I thought it more probable that the whole would escape; but I relied upon the demonstration as showing them that we had the superior power and that we were determined to use it for our own protection, and thus to awe them into quietude, if not into submission”.*

And anyway, said Finniss, the action worked, as it was nearly eight months before the Wulna came back (O'Halloran, et al., 1866). Finniss felt he had little choice other than to react with force, as his testament to the Commission of Inquiry makes clear:

“It was not for me to inquire whether or not we had the right to enter their Territory and to occupy it against their will. I had been sent there for the purpose of forming a settlement, and I could not allow myself to be defeated by their hostility...” (See Appendix 2)

So far, though, two Wulna men had been killed and a couple of the South Australians had been speared. This was not a good start for the new capital of the Northern Territory. But the trouble didn't stop there. The family of the man killed by Alaric Ward, in August, 1864, had collected the body from its shallow grave to perform correct funerary rites and placed the body in a tree. They must have been shocked when they saw the mutilations made on the man's head and face with a 'mallet and chisel', by Dr Goldsmith, in the process of the post mortem. The 'justifiable homicide' declaration of the inquest would have meant nothing to them, even if it could have been communicated. 'Pay back' is an integral feature of Aboriginal Law in many parts of Australia, and almost exactly a year later, on August 1, 1865, the Wulna took their revenge on Alaric Ward, spearing him. His body was found stripped naked and 'horribly mutilated about the lower jaw by tomahawk or some other weapon' (Howard, 1866), mirroring Goldsmith's mutilations of their countryman. Dr Ninnis probed the spear wounds and declared them not to be the cause of death, and 'He must have been clubbed to death for his hands and arms were entirely smashed, as if he had been warding off blows. The whole front of his head was cut off and certain parts of his body ...' (Webling, 1864-66).

Finniss was up-river at the time, so Manton sent out two well-armed parties looking for revenge; one overland to Chambers Bay and one along the river in the *Julia*. They were unsuccessful and no one was caught, but it was possible for the murderers to stay hidden

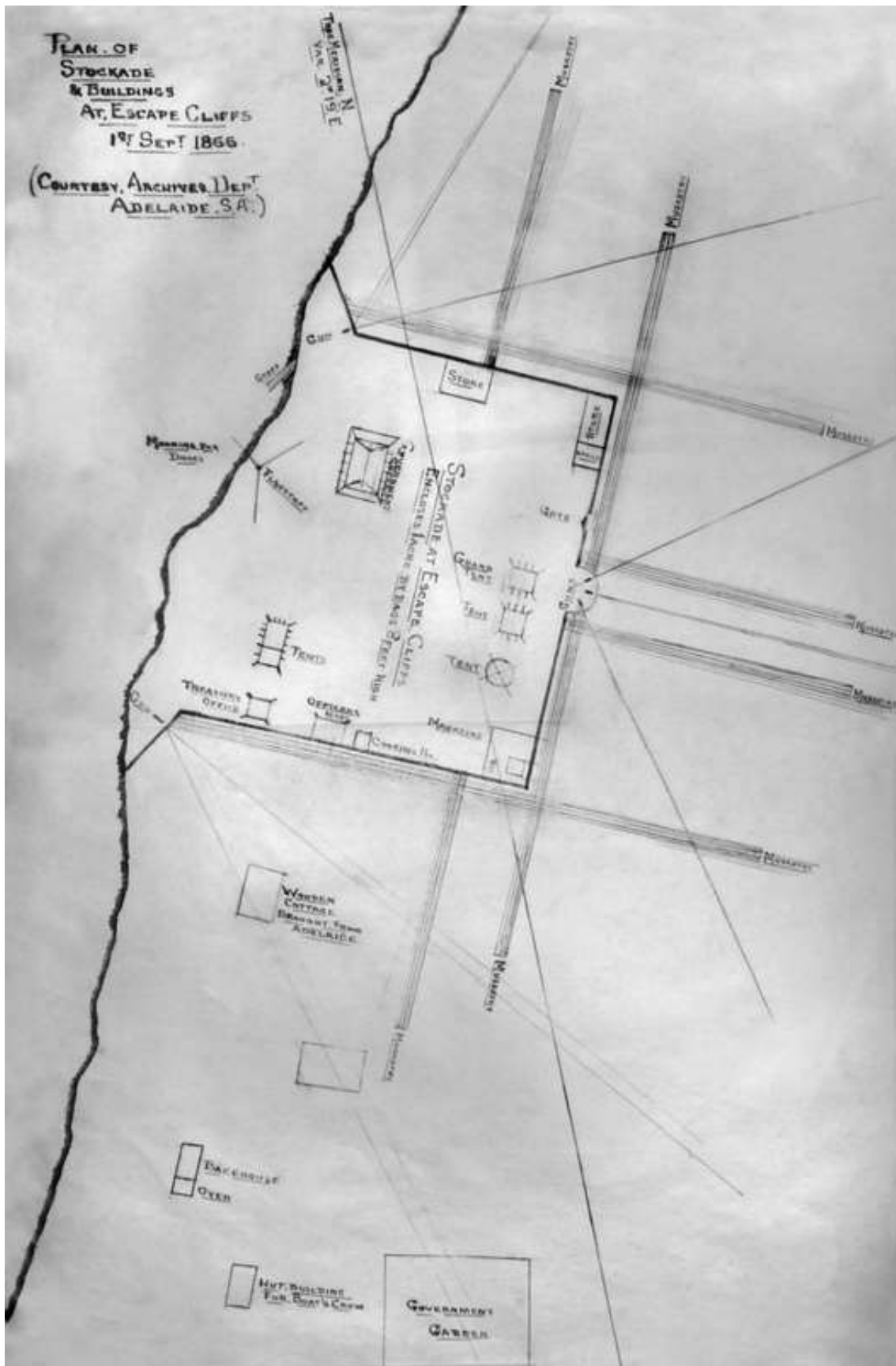
close to camp, because John Young<sup>14</sup>, from the land party, surprised three natives as he returned to his empty hut. He fired at them, to no avail, but claimed that one of them had a pair of trousers he thought belonged to Alaric Ward.

Finniss ordered any men whose tents were outside of the stockade to quietly shift them in. They had started building the stockade in mid-1865. It was a rectangle on the cliff, with walls made of ironbark piles, over three metres high, and platforms upon which shooters could stand to fire at the enemy. Several cannons, whose field of fire was inland instead of out to sea, were mounted at strategic places (see map 4). These included 'a 24 pounder mounted to command the bush, and two or three smaller guns for each wing' (Webling, 1864-66).

Finniss, with his hut surrounded by the tents of the men, felt safer inside.

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<sup>14</sup>John Young joined McKinlay's exploration party and finally left the colony when it was closed on the *Eagle*. On February 2, when the ship was moored in Port Phillip Bay, Young was searching for his dog and lost his footing on the stairs. His leg was caught in the banister, and he fell and hit his head. He died within minutes. An inquest held in Melbourne the following day declared the death an accident. He was forty-four years old and left a wife and children and was "generally respected for his straightforward and industrious character" (Register, Feb 26, 1867).



Map 1: Sketch plan of the Escape Cliffs stockade, September 1, 1866, just before Finniss was recalled. Note it shows fields of fire for the cannons facing inland (NLT, Peter Spillett file).

