



Objection 58

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6 pages

Submission to the AEC calling for the electorate of Batman to be renamed

Introduction

One of the principal AEC guidelines for naming an electorate after a person is that, "...divisions should be named after deceased Australians who have rendered outstanding service to their country."¹ It is on failure to meet this guideline that I submit my objection to John Batman continuing to be honoured with the name of an electorate. Batman was a key player from 1829 in a genocidal war against Aboriginal people in Van Diemen's Land (now Tasmania). In 1835 he made false claim to vast tracts of land around Port Phillip based on a dubious 'treaty' with the Wurundjeri people, which was quickly overturned by the Crown.

The Black War - Van Diemen's Land

At the commencement of the Black War (1828-1832) in Van Diemen's Land it is estimated that only 1000 Aboriginal (Palawa) people remained following 25 years of colonisation. Historian Nicholas Clements estimates that between 400-600 of these people were directly killed during the Black War, with only 100 remaining by the end of the war after internal conflict, disease and natural deaths are also considered.² The relatively small Aboriginal population just before the war places into context the brutal effectiveness of the state-sanctioned and commissioned genocidal acts undertaken by John Batman and others.

Looking at the first month of John Batman's activities in September 1829 (see newspaper extracts in Appendix 1) there are reports of 11 or 12 Aboriginal people who were captured; just two young men, along with women and children. It can be inferred that the men from this clan group were killed or dispersed by John Batman's party. Batman's party continued capturing and killing in this vein for at least a year. It is horrible to contemplate that his party not only included convicts, but also Aboriginal men taken from the Port Jackson area (now known as Sydney Harbour) whose skills as hunters and trackers were used against the Palawa people.

In September 1830, the Lieutenant Governor of Van Diemen's Land, George Arthur, awarded Batman 2000 acres of land in recognition of his "pursuit of the Aborigines" (sic) and the "zeal" with which he undertook this task.³

GOVERNMENT NOTICE.
(No. 177.)
Colonial Secretary's Office, Sept. 9, 1830.

MR. JOHN BATMAN having served the period of twelve months, in pursuit of the Aborigines, the Lieutenant Governor placing every confidence in the certificates of James Simpson and William Geay, Esqrs., J. P., as to the zeal which he has manifested, has directed a grant of 2000 acres of land to be made to him.

The following rewards are also to be extended to the men who have served under Mr. Batman's orders, during that period :—

- To James Yorke (Juliana), a Conditional Pardon.
- James Clarke, Phoenix, a Ticket of Leave.
- Howell Baxter, Prisons of Orange, ditto.
- James Gumm, Arab, ditto.
- William Gould, Arab, ditto.

By Command of the Lieutenant Governor,
J. BURNETT.

National Library of Australia

Colonial Times (Hobart, Tas. : 1828 - 1857), Friday 10 September 1830, page 1

Batman's 'treaty' - Land surrounding Port Phillip

Batman's 1835 'treaty' related to around 500,000-600,000 acres of land in the Port Phillip area which he claimed to have purchased with, "...20 pair blankets, 30 tomahawks, 100 knives, 50 pairs of scissors, 30 looking glasses, 200 handkerchiefs, and 100lbs. of flour, and six shirts..." from Wurundjeri men from a clan group comprising of 55 people. Tribute was to be rendered on an annual basis.⁴

There are four important points to note about the 'treaty': 1) It is most likely that the Wurundjeri Elders agreed to an arrangement that amounted to safe passage throughout the area, not permanent alienation of the land, which they had no authority to sell;⁵ 2) some historians believe that the 'signature' marks upon the 'treaty' document were forged by Batman;⁶ 3) a newspaper editorial in the *Sydney Gazette*, 17 March 1836, provides contemporaneous evidence of outrage against the presumption that "private adventurers" could claim, and sell at speculative rates, such vast tracts of land [see Appendix 2]; 4) such deals were not valid due to the prior claim of the Crown (although its own claim was based on the fiction of *terra nullius*).

Much of the formal correspondence between John Batman and agents of the Crown regarding the 'treaty' is usefully reprinted in *The Hobart Town Courier*, 31 March 1837, from which I have extracted the Proclamation of Major-General Sir Richard Bourke [see Appendix 2].⁷ Governor Bourke's Proclamation declared such private treaties with Aboriginal people invalid and stated that anyone found in possession of lands without the authorisation of the Crown would be dealt with as trespassers. In summary, John Batman stole large tracts of land from Aboriginal people and/or the Crown and then made huge profits through land speculation.

Even Batman's designation as the so-called 'Founder of Melbourne' (as shown on the AEC profile of the electoral division)⁸ is contested by historians who assert that the title could easily be ascribed to John Fawkner, whose party was first to arrive in the relevant location.⁹

Conclusion

According to the 2016 Census there were 1,279 Aboriginal and/or Torres Strait Islander people living within the seat of Batman. What does it say to them that a man, who caused pain and suffering to countless Aboriginal people, could continue to be given a place of honour within their electorate?

What is the "outstanding service" that John Batman has allegedly provided to his country that would justify naming a seat after him? Is it for his state-sanctioned genocidal acts during the Black War? Is it for his work in opening the Port Phillip area to settlement by being the first white man to steal land from local Aboriginal peoples? These would be terrible reasons indeed.

There is not one thing that I can find about John Batman's life that reasonably fits the AEC's own naming criteria for a seat.

The AEC has recently recommended renaming the electorate of McMillan, whose namesake is well known for his murderous exploits against the Gunai and Kurnai peoples. It would be consistent to do the same in relation to the seat of Batman.

Serena O'Meley

[REDACTED]

16 April 2018

APPENDIX 1

SAMPLE OF NEWSPAPER REPORTS ABOUT JOHN BATMAN - AUGUST- SEPTEMBER 1829

24 August 1829: "We learn from good authority that Mr. John Batman is to be employed for some time as conductor of a party of ten Crown Prisoners, part of whom are to receive emancipation and part tickets of leave if they behave well. Their task is to capture all the Aborigines, or as many as they possibly can.

We understand that some of the Aborigines from New South Wales to the number of five or six, with their gins (wives) are to be invited from Sydney to join in this highly useful undertaking; no possible means could ensure the desired effect better than the use of the Sydney Blacks, their dexterity in the use of their spear, their quickness in guarding themselves from any spear wound by means of their shield, (made of the iron bark tree) their keen sight, both for tracking and discovering living objects, as also their usefulness in providing themselves and company with game render them the most desirable auxiliaries.

Mr. J. Batman is very well fitted for this office, from his knowledge of the bush from his early habits, and from his great capability of enduring fatigue and privation. We expect much valuable inform from his tour through the island, and that he will find many valuable tracts of land. We trust he will be successful, and We doubt not that Lieut. Governor Arthur will reward his services in his usual generous manner."¹⁰

12 September 1829: "There are now 7 complete parties organised in pursuit of the blacks, viz 3 under Mr. Gilbert Robertson to the east, 1 under Mr. Batman in the north, and 3 under Jorgenson to the west."¹¹

14 September 1829: "We learn that a party of Blacks passed near Ross bridge last week, and also that Mr. John Batman is in vigorous pursuit of them, having an eye at the same time upon the most probable places at which these armed rangers may be likely to be found. If ever he gets on the track of Blacks or Whites, there is little fear but he will give a good account of them."¹²

25 September 1829: "On Monday last, Mr Batman and his party returned again from the bush. They brought in 12 live natives, shot 17 dogs, and took a number of other articles from the tribe."¹³ In another report of the incident, dated **28 September 1829** it's written, "Mr. John Batman has been again actively in pursuit of the Blacks for several days, he has captured 11 of them and sent them to Hobart town, he also destroyed 17 large dogs, and took from them between Oyster Bay and Break-of-day plains a quantity of blankets, knives, jackets, &c. This will give security to the settler for some time."¹⁴

29 September 1829: "Eleven of the Aborigines captured lately by Mr. Batman, were this day brought here under an escort of a party of the 63d regiment and constables from Oatlands. Two of them are very young men, the remainder women and children (some of them at the breast).

They halted at the court house. A native man and woman taken by a party of the 40th regiment with Mr. Robertson's party in the month of November last, and a woman taken lately by Mr. Batman were sent for from the gaol - immediately on their coming in sight of the newly arrived party, the cry of welcome was evinced, and on coming near each other the feeling portrayed on either side would have done honour to the most civilized - the two women long confined clasped to their arms children and grandchildren each shedding floods of tears of joy."¹⁵

APPENDIX 2

NEWSPAPER EXTRACTS IN RELATION TO BATMAN'S 'TREATY'

26 June 1835: "Mr. Batman arrived yesterday from Port Phillip, and reached his home from thence within little more than 48 hours. We are informed that he has purchased 500,000 acres of land, taking his boundaries from a short distance in the rear of Port Phillip. Almost immediately after landing, Mr. B fell in with a tribe of forty, who at first evinced a disposition to oppose him, but after a short parley, the natives he had with him effected an understanding, and he was received by them with open arms, and every manifestation of good feeling. The peaceable disposition shown, on the part of the holders of the new country, enabled Mr. Batman to execute the object of his visit effectually, and speedily. A fine athletic fellow, the chief of the tribe, after being made acquainted, with Mr. Batman's wish to purchase land, and his means to pay for it, proceeded with him and his party, accompanied by his tribe, to measure it off.

At each corner boundary, the chief marked a tree, and taboed it, and at the same time, explained to his tribe the nature of the treaty, and the positive necessity on their part to observe it inviolable. Mr. Batman was provided with deeds in triplicate, the nature of which he explained to the chief as the fashion upon such an occasion in white man's country, who readily signed them, and received one to preserve. The payment of the land in part consisted of 100 blankets, tomahawks, knives, flour, &c., and it was mutually agreed, that a certain quantity of food, clothing, and arms, were to be paid each year. The amount of them about 200l sterling. "Mr. Batman reached the hill marked out by Mr. Hume, on his expedition with Howell [Hovell], and from his outer boundary he saw an immense tract of open country. He describes the whole of the land he noticed, as being well watered and luxuriant in kangaroo grass, and so lightly timbered and level, that (to use Mr. B 's own expression) a horse might run away with a gig for 20 miles an end, without fear of upsetting from inequality of ground." - Cornwall Chronicle."¹⁶

17 March 1836: "Similar wholesale bargains were effected by others—and they sold by piecemeal to others again, at about ten thousand per cent. advance. Thus the thing went on to the speculators entire content. The first lucky adventurers have got possessed of millions of acres of the best arable and pasture lands within many miles, for a mere song ; and they are ready to share out their respective bar-gains with any who may come after, at a handsome profit. In a short time, at this rate, there will not be an acre left un-claimed, and we shall have the whole territory, North, East, West—South of Yass, and down to Bass's Straits, and from Cape Howe to Port Phillip, in the hands of a score or two of private adventurers."¹⁷

26 August 1836:

"PROCLAMATION

By His Excellency Major-General Sir Richard Bourke, K.C.B, commanding His Majesty's Forces, Captain-General and Governor-in-chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c &c.

Whereas it hath been represented to me that divers of His Majesty's subjects have taken possession of lands of the Crown within the limits of this colony, under the pretence of a treaty, bargain, or contract, for the purchase thereof, with the aboriginal natives; now, therefore, I, the Governor, in virtue and in exercise of the power and authority in me vested, do hereby proclaim and notify to all His Majesty's subjects and others whom it may concern, that every such treaty, bargain and contract, with the aboriginal natives, as aforesaid, for the possession, title or claim, to any lands lying and being within the limits of the government of the Colony of New South Wales, as the same are laid down and defined by His Majesty's commission, that is to say, from

the northern cape, or extremity of the coast, called Cape York, in the latitude of 10 degrees 37 minutes south, to the southern extremity of the said territory of New South Wales, or Wilson's Promontory, in the latitude of 39 degrees 12 minutes south, and embracing all the country inland to the westward, as far as the 129th degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitude aforesaid, and including also Norfolk Island, is void as against the rights of the Crown ; and that all persons who shall be found in possession of any such lands as aforesaid, without the license or authority of His Majesty's Government, for such purpose first had and obtained, will be considered as trespassers, and liable to be dealt with in like manner as other intruders upon the vacant lands of the Crown within the said colony.

Given under my hand and seal, at Government House, Sydney, this 26th day of August 1835.

(signed) Richard Bourke. (By His Excellency's command,)

(signed) Alexander M'Leay.

God save the King ! ¹⁸

Endnotes

¹ AEC Website. Web. 15 Apr 2018.

<<https://www.aec.gov.au/Electorates/Redistributions/guidelines.htm>>

² Clements, Nicholas (2014), *The Black War*, Brisbane: University of Queensland Press, pp.329 331.

³ "Advertising" *Colonial Times (Hobart, Tas. : 1828 - 1857)* 10 September 1830: 1. Web. 15 Apr 2018 <http://nla.gov.au/nla.news_article8645354>.

⁴ "OFFICIAL CORRESPONDENCE" *The Hobart Town Courier (Tas. : 1827 - 1839)* 31 March 1837: 1 (Supplement to the Hobart Town Courier.). Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article4172739>>.

⁵ Batman's Treaty. Web. 15 April 2018. <http://ergo.slv.vic.gov.au/explore/history/colonial/melbourne/pioneers/batmans_treaty>.

⁶ Ibid.

⁷ "OFFICIAL CORRESPONDENCE" *The Hobart Town Courier (Tas. : 1827 - 1839)* 31 March 1837: 1 (Supplement to the Hobart Town Courier.). Web. 15 Apr 2018 <http://nla.gov.au/nla.news_article4172739>.

⁸ Profile of the electoral division of Batman (Vic). Web. 15 Apr 2018. <<https://www.aec.gov.au/profiles/vic/batman.htm>>.

⁹ Melbourne's founders. Web. 15 April 2018. <http://ergo.slv.vic.gov.au/explore/history/colonial/melbourne/pioneers/melbournes_founders>.

¹⁰ "POLICE INTELLIGENCE." *Launceston Advertiser (Tas. : 1829 - 1846)* 24 August 1829: 2. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article84776236>>.

¹¹ "THE TRANSPORTATION QUESTION." *The Hobart Town Courier (Tas. : 1827 - 1839)* 12 September 1829: 3. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article4213848>>.

¹² "FROM THE GAZETTE OF SATURDAY." *Launceston Advertiser (Tas. : 1829 - 1846)* 14 September 1829: 2. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article84774049>>.

¹³ "The Natives." *Colonial Times (Hobart, Tas. : 1828 - 1857)* 25 September 1829: 3. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article8644524>>.

¹⁴ "FROM THE GAZETTE OF SATURDAY." *Launceston Advertiser (Tas. : 1829 - 1846)* 28 September 1829: 2. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article84774279>>.

¹⁵ "THE HOBART-TOWN COURIER." *The Hobart Town Courier (Tas. : 1827 - 1839)* 3 October 1829: 2. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article4213363>>.

¹⁶ "MISCELLANEOUS NEWS." *The Hobart Town Courier (Tas. : 1827 - 1839)* 26 June 1835: 4. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article4180501>>.

¹⁷ "ADVANCE AUSTRALIA Sydney Gazette." *The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842)* 17 March 1836: 2. Web. 15 Apr 2018 <<http://nla.gov.au/nla.news-article2203279>>.

¹⁸ Op cit. Endnote 4.