

Warrigal Creek and R.L. Bell

by Peter Gardner



Robert Lewis Bell (image Susan Kennedy)

In December 2020 Quadrant published a long article by Wayne Caldwor which attacked my work on frontier conflict in general, and in particular, attempted to cast doubt on the Warrigal Creek massacre. In reply I wrote an equally long essay (9000+ words) answering Caldwor point by point, which I have published online.¹ However in his essay he produced one very interesting, and from my perspective, new piece of information - a letter from R.L. Bell in the Melbourne Age on the 8 August 1874 which specifically named Warrigal Creek as a massacre site.²

Bell's long letter is about the Patrick Coady Buckley³ will case and the claim to the estate made by Thomas Maher, which he supported. Buckley died intestate but Maher claimed that Buckley had made a will in his favour during the early 'troubled times'. The court apparently queried Maher's claim, which they supposed was a forgery. He was held in jail awaiting trial for perjury when he died. According to Bell "the theory introduced by the partisans of the Crown is why should Buckley have left the property to Maher? The blacks of Gipps Land were not dangerous..." which Bell then refuted with the quote below.

"The historic pen of Victorian settlement would paint with truth the horrors of many a scene of Gipps Land life; and it was in 1843 (the year the will was dated) that the aggressions of the blacks were so

frequent. Shepherds worked in pairs, armed, as if in an enemy's country, to resist them; and it was 1843 that ended by wholesale destruction, the massacres at Warrigal Creek and Bundalaguah Swamp, where only one aboriginal was left to tell the story of how they died and the history of his race.”⁴

Bell's account appears to be the earliest published reference to the Warrigal Creek massacre⁵ which took place in August 1843. It seems likely that all the published accounts, including Gippslander and Dunderdale, gleaned their knowledge of Warrigal Creek and other atrocities around the same time – 1860 to 1870 – and that these events were common knowledge and freely spoken about at the time, though not published until Bell's letter in 1874, Dunderdale's *Book of the Bush* in 1898 and Gippslander's account in the 1925 Gap Magazine.⁶

According to Maher's testimony the will had been through a series of locations and had been water damaged. In part it read “and having a cattle station at Merrymans Creek Gipps Land and as the Aboriginal Blacks are very dangerous or Should the Almighty call on me I doeth make this my last Will and Testament” and “Provided allways (sic) and under these Express Conditions that the said Thomas Maher and his wife doeth if I am Killed by the Aborigines or the Lord should call on me to see that my remains are buried alongside my mother the the (sic) Late Mrs. Ellen Buckley in the vault for that Purpose...at (the) Roman Catholic Churchyard near the Poor House Parramatta...”⁷

The will was supposedly written on 10 March 1843 and a few months before the Warrigal Creek massacre. It implies that Buckley was already at Merrimans Creek taking up his run, which he named Coadyvale. This is quite possible as he was at Tongio in 1838 and well aware of the parties passing through in 1840 including those of Strzelecki and McMillan, and with regards the latter the continual coming and going of members of his party, and the movement of stock south. It would be surprising then if Buckley had not made a number of reconnaissance trips into Gippsland proper in 1841-2. As Susan Kennedy noted William Montgomery met PC Buckley “near Sale in the spring of 1843 and then a few days later... at Merriman's Creek...Between then and the following January he brought about 200 head of cattle to Merriman's Creek”⁸ and that he had claimed his run in July 1843⁹. This leaves us with the likelihood that Buckley was in Gippsland at the time of the death of Macalister and the Warrigal Creek massacre - possibly even a participant in it¹⁰.

The validity of the will remains a problem. As Bell indicates the early 1840s certainly were troubled and threatening times and therefore it is quite plausible that Buckley would write a will. Likewise the suggestion that the Kurnai were peaceable is unfounded and there are a number of the other objections to the arguments that questioned the will's validity. Of two historians I consulted on the matter one thought the will claim unlikely - the other that it was quite possible¹¹. However even if the will was a forgery it does not alter the Warrigal Creek event or the claims in Bell's letter.

When giving evidence Maher detailed his boyhood association with the Buckleys and claimed he was for some time part of their family. As a young adult he travelled with Edmund Buckley to the Monaro who later took up the Beloka run¹². The Beloka run was in the current Dalgety district at Wullwye Creek (called by Maher 'Woolways') about 20 kilometres further east near Jindabyne. Maher's somewhat disjointed account also claims he

stayed with Buckley for 6 to 8 weeks in 1865 – but this is not mentioned in Buckley’s diary. Maher died in the Melbourne Gaol Hospital in July 1874 whilst awaiting charges of perjury to be heard by the courts.

Bell was an obvious supporter of Maher. He answered most of the other crown arguments and his conclusion “after a careful review of the evidence”, and with the purpose to shield Maher “from the charge of forgery”, was that the ‘balance’ was ‘in favour of the claimant.” When Bell penned his strong letter of support Maher was already dead. This letter was the second that Bell had written on Buckley’s estate. The first he had written two years earlier about the sale of Woodside station by the estate solicitors and published in the Gippsland Times ¹³ indicating he was clearly well informed on this part of Gippsland and Buckley’s estate.

Bell himself was only 9 years old at the time of the Warrigal Creek massacre, still living in Scotland, and appears to have arrived in Victoria in 1852. Born Robert Lewis Bell in 1834 he married Robina Carstairs in Victoria in 1860; they had a large family and for most of that time resided on the Mount Mercer ¹⁴ run south of Buninyong. Bell was the youngest brother of squatters John and James Bell and nephew to John Calvert. Individuals of the family held large stations across the western district ¹⁵ and were connected to well-known families such as the Chirnsides.

Bell seems well informed about Gippsland and his statement that the Woodside run was also part of Coady Buckley’s estate is correct ¹⁶. In the letter that most concerns us - on the Buckley will case - Bell gives his address as “Gipps Land”. It is possible that he had some property or business in the district, and this is where he gathered his information, although he was resident for most of his time in the colony at Mount Mercer. Another possibility is that Bell had one or more close associates from Gippsland, either as a member of a social group, club (the Melbourne?) or political acquaintance. It is even possible that he knew Coady Buckley who was a regular visitor to Melbourne in the last years of his life.

Bell was killed by lightning when returning to the Mt Mercer station with his wife on 7 December 1881. He was aged 47 and left an estate valued at over £83,000. An obituary in the Ballarat Courier noted he was “a colonist of thirty years standing” and that “Very few men possess the courage of expressing their opinions in the fearless and blunt manner that was so characteristic of the deceased gentleman.” ¹⁷ Bell’s politics appear to have been radical, which was most unusual coming from someone of his social standing. In his early letter on the Woodside station to the Gippsland Times Bell is a supporter of free selection. He railed against the “craftiness of squatterdom or dummyism” and advocated that Woodside should be sold in 22 separate lots rather than as a single block ¹⁸. Bell was a councillor in the Leigh Shire for many years and his brother John Bell was a Member of the Legislative Assembly 1856-9.

It is of note that Bell uses both the location ‘Warrigal Creek’ and the term ‘massacre’ and he mentions another massacre at Bundalaguah Swamp, possible one of at least two massacres in the Maffra district ¹⁹. The gist of the Bell letter remains that stories about these events –

Warrigal Creek and Bundalaguah - were common knowledge. But Bell's main task was to defend the claim of Maher rather than to provide any more detail of frontier conflict in Gippsland than was necessary to bolster his case. Bell's was a passionate plea for the Maher cause and he obviously believed the claim was true. His letter can now be added to the body of evidence supporting the Warrigal Creek massacre.

Notes

1. <https://petergardner.info/wp-content/uploads/2022/01/Warrigal-Creek-Massacre-a-reply-to-Wayne-Caldow.pdf>
2. R.L Bell letter in Age 8.8.1874
3. See my chapter 3 "The Successful Squatter" in *Through Foreign Eyes* (CGS, Churchill, 1988) for a more detailed account of Buckley's relations with the Kurnai.
4. R.L Bell letter in Age 8.8.1874
5. I have been criticized that I did "not include" Bell's "much earlier reference to the massacre" and Caldow relates how he discovered the letter with a quick search on TROVE, neglecting to inform his audience that my research on this event had all been done in the pre TROVE era and almost all my original research was completed by 1988. Searching for information on frontier conflict in old newspapers (film or hard copy) was the proverbial "needle in a haystack" task - time consuming and exhausting with few rewards.
6. 'Gippslander' alias William Uriah Hoddinott, was born in 1857, a younger son of Uriah and Martha Hoddinott. Uriah Hoddinott officially took up the Sunville run, adjacent to Warrigal Creek, in 1847, but was probably there two years earlier and definitely in South Gippsland by April 1845. George Dunderdale did not arrive in Gippsland until 1869. For more on Dunderdale see <https://petergardner.info/wp-content/uploads/2012/11/George-Dunderdale-and-the-Kurnai.pdf>
7. Copy of will from Susan Kennedy. I am indebted to her for answering many of my questions, providing additional information and some illustrations. She is the author of *On the Prospect* (2016) a detailed history of the Seaspray district and is currently the most reliable source on PC Buckley.
8. Susan Kennedy *On the Prospect*, 2016 p.7
9. Ibid p.10
10. The Gippslander account of the 'Highland Brigade', implying a retaliatory group of Scottish ethnicity, would suggest otherwise.
11. Robert Kerr and Susan Kennedy.
12. This is somewhat confusing as the Benambra run in the Omeo district was located at Beloka about 15 kilometers north-east of Benambra and obviously named by Buckley or his stepfather.
13. Gippsland Times 19.10.1872
14. Billis & Kenyon. *Pastoral Pioneers of Victoria*, Stockdale Press, Melbourne, 1974: Mt Mercer Cattle Station 20,000a 1863 combined with Mt Mercer 18,400a and subdivided into Mt Mercer, Mt Mercer Cattle Station, Mt Mercer Cattle Station A and Spring Creek. Mt Mercer R.L. Bell 1863; Mt Mercer Cattle Station A, R.L. Bell 1863-75; Spring Creek R.L. Bell Aug 1863- Oct 1863.
15. *ibid* note the following John Bell (with John Calvert his brother in law) Watch Hill 1842-1850; alone 1850-1854; Wirimbirchip 1853; Lake Bolac 1853-8; Mount Mercer and Warrambine 1854-64; Jas Bell Glenmore 1851-7; with D.M. McNab 1858-9. John Bell Snr (1790-1841) old colonist and Tasmanian, brother-in-law to John Calvert, uncle to John Bell "Two relatives had followed him to the colony. John Calvert (1807-1869) had managed Bell's properties for him before settling at Port Phillip, and John Bell (1821-1876), nephew of Bell and Calvert and a trained surveyor, joined him after surveying for some time in Van Diemen's Land. Together they owned Irrewarra of 68,000 acres (27,519 ha), later divided between them into Watch Hill and Lake Colac. Bell finally built Bell Park, Geelong, and John Calvert, Morongo." ADB accessed 12.10.21 <https://adb.anu.edu.au/biography/bell-john-1763>
16. *ibid*. The listed holders in Billis and Kenyon of this run in 1873 – Huon and Mitchell – were solicitors for the Buckley estate. Huon and Mitchell became leaseholders of Woodside in March 1869 three years before Buckley's death and therefore qualifying as Bell's 'dummies'. The sale in 1875 fits the estate disposal timescale of Coady Buckley's properties. Woodside is not listed as having ever been held by Buckley.
17. Ballarat Courier 15.12.1881
18. Gippsland Times 19.10.1872
19. Current day Bundalaguah is about half way between the cities of Sale and Maffra. In correspondence with Gippsland historian Linda Barraclough she noted "I think there are two Maffra massacres, and both have had other locations suggested - one a bend in the river near the current sugar beet museum, the other the swamp below Powerscourt, which I don't think could be called Bundalaguah. But one out Bundalaguah way would be a better explanation of the remains found at Powerscourt siding."