

BATMAN'S SECOND BOGUS TREATY

Jimmy Dawson was an early settler in Warrandyte who arrived in 1840 and moved to Port Fairy in 1844. Jimmy became fluent in at least four Aboriginal languages and in 1880 wrote a book 'Australian Aborigines' which set out many of his understandings of Aboriginal culture.

In 1980 a facsimile edition was produced to celebrate the centenary of its publication and although I was able to photocopy some chapters, I was never able to get my own copy. However a while ago I had a stroke of luck. A friend was moving into a retirement village and gave me her collection of books on Aboriginal heritage. I couldn't believe my eyes when it included a copy of Jimmy Dawson's epic book.

As I flipped through the pages I came across a fold-out replica of Batman's 'Treaty', but when I read it I was completely gobsmacked. It was not the treaty for the purported purchase of land in Melbourne. It was a **second** treaty for the purchase of land in the Geelong area.

I had never seen or heard of such a document, so I checked it carefully and compared it to the copy I had of the first treaty. Sure enough there were key differences in the description of the two tracts of land. The description of the Melbourne area was much more elaborate, but crowded into the same space occupied by fewer words on the second document.

The second treaty described the land being purchased as ***'All that tract of country situate and being in the Bay of Port Phillip known by the name Indented Head, but called by us as Geelong extending across from Geelong Harbour about due south for ten miles more or less to the Heads of Port Phillip'***.

What was immediately apparent was that both documents had been prepared before Batman came to Port Phillip in mid-1835. Appropriate legal jargon had been used, but spaces had been left to fill in later with descriptions of each particular area of land.

This confirmed what historians such as Rex Harcourt had previously known. The Port Phillip Syndicate lawyer, Joseph Gellibrand, had in fact prepared the documents before Batman left Tasmania in May 1835, leaving Batman to fill in the blank spaces.

There has since been much controversy over whether the Aboriginal people involved had any concept of selling the land. After all, their cultural belief was that the land owned **them**, not the other way around. Land was simply not a utility that could be bought and sold by individuals.

Universal Aboriginal cultural practice would also have required any visitor to bring gifts. Batman was therefore seen as simply bringing gifts of scissors, axes, shirts, blankets and suchlike. Batman had a lifetime of relationship with Aboriginal people and had seven Sydney Blacks with him, acting as guides and interpreters, so he knew aboriginal protocols well and used his knowledge cynically.

The real point is that in the second treaty document, Batman purported to have purchased land from the **Woiwurung** people in Melbourne that actually belonged to the **Wathurong** people in Geelong. It is an impossible proposition that even Batman recognised by withholding knowledge of the second 'treaty'.

The treaty signing ceremony that Batman described was therefore a masquerade. The idea of holding such a ceremony had been conceived because Britain had finally abolished slavery in the British Empire only two years before, in 1833, and was giving more consideration to the rights of native people facing colonisation. Batman's Syndicate therefore tried to emulate the process employed in 1681, when William Penn had established Pennsylvania by purchasing land from the native people.

Penn had used the medieval ceremony of Feoffment, which involving receiving a sod of earth followed by the ritual of 'beating the bounds'. The British government subsequently approved Penn's purchase, so Batman pretended to conduct a similar ceremony in Melbourne.

The emergence of the second treaty document therefore clearly shows that the claimed land purchases in both Melbourne and Geelong were fraudulent. In fact, Batman could not have taken the documents to the meeting. They were instead left on his boat moored at Melbourne, to be filled in when he returned. After doing this he dropped his three men off at Geelong, along with five of his seven Sydney men, before returning to Tasmania with the deeds.

We know this because the same parts of the two documents are written in different handwriting. Also, the purported signatures of the eight Aboriginal leaders were practised by Batman on his diary cover on the trip over, so had seemingly been given to him by his Sydney men.

However, a third point is the most telling. Neither of the documents had a single smudge, ink spot, fingerprint or raindrop on them. They were in pristine condition and so had not been carried by Batman on any jaunt through the Australian bush, or signed on a log in the middle of winter.