

Detective Inspector Napoleon Bonaparte



Detective Inspector Napoleon Bonaparte:  
His Life and Times

By

Michael Duke

**CAMBRIDGE  
SCHOLARS**

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P U B L I S H I N G

Detective Inspector Napoleon Bonaparte: His Life and Times,  
by Michael Duke

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Dedicated to the Aboriginal peoples of Australia, the traditional owners and custodians of the land, and elders past and present, and to Arthur Upfield, without whom I would have been at a loss for words.

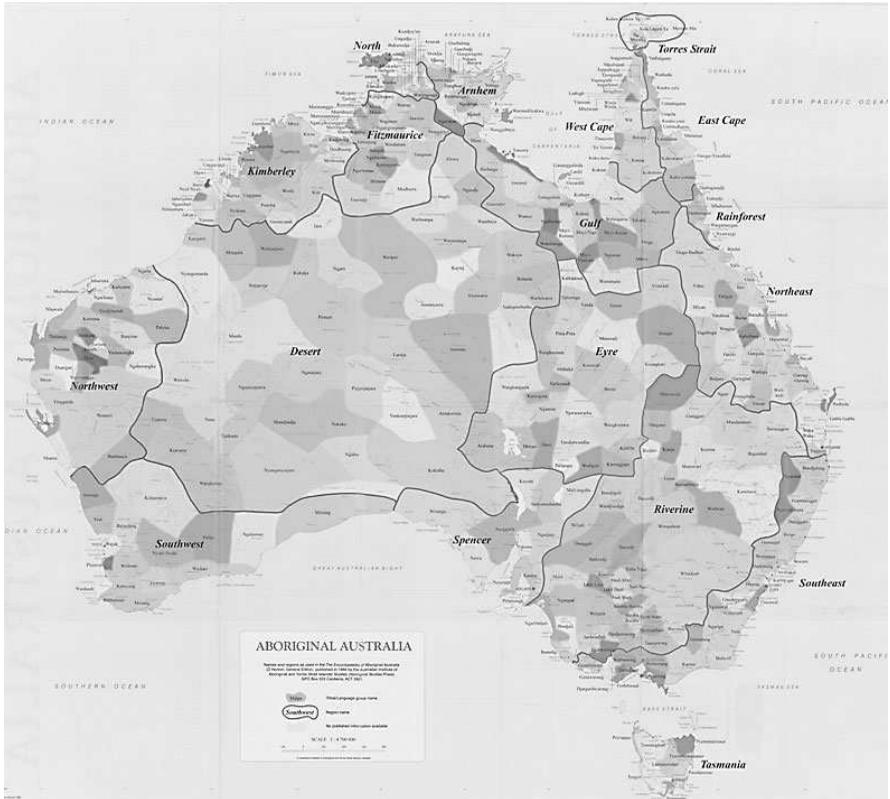


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# MAPS



Aboriginal Australia (Courtesy AIATSIS)



Australia with modern political boundaries

## LIST OF ILLUSTRATIONS

“Requiescat” by Briton Riviere (1888)

The Lives of a Bengal Lancer – poster

Love From A Stranger – poster

Woodbridge House

Pear’s Soap Advertisement

Spinifex People Native Title Painting 1998

## LIST OF ABBREVIATIONS

Suggested abbreviations for the names of the chronicled cases (in date order of publication):

The Barrakee Mystery	BARRA
The Sands of Windee	SANDS
Wings Above the Diamantina	WINGS
Mr Jelly's Business	JELLY
Winds of Evil	WINDS
The Bone is Pointed	BONEP
The Mystery of Swordfish Reef	SWORD
Bushranger of the Skies	BUSHR
Death of a Swagman	SWAGM
The Devil's Steps	DEVIL
An Author Bites the Dust	AUTHO
The Mountains Have a Secret	MOUNT
The Widows of Broome	WIDOW
The Bachelors of Broken Hill	BACHE
The Clue of the New Shoe	CLUEN
Venom House	VENOM
Murder Must Wait	MURDE
Death of a Lake	DEATH
Cake in the Hatbox	CAKEH
The Battling Prophet	BATTL
Man of Two Tribes	TRIBE
Bony Buys A Woman	WOMAN
Bony and the Black Virgin	VIRGI
Bony and the Mouse	MOUSE
Bony and the Kelly Gang	KELLY
Bony and the White Savage	SAVAG
The Will of the Tribe	WILLT
Madman's Bend	MADMA
The Lake Frome Monster	FROME
Wisps of Wool and Disk of Silver	WISP (the only published short story)
Breakaway House (fragment)	BREAK

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Bonaparte Holdings of Bowral has approved of this work.

# INTRODUCTION

## Apologia

I am a white man writing about an Aboriginal detective. This is a perilous venture as Aboriginal people appropriately claim the right to tell their own stories. The present task however, is one of some complexity as the original writer of the Bony books was a white man himself, Arthur Upfield. So I am reflecting upon a white man's version of a "half-caste's" version of a series of stories, which in their turn reflect the Australian ethos of the time. No Aboriginal person has yet, to my knowledge, made any comment upon the Bony character or stories. This may change, but a start should be made, even if it is a white person's start.

Arthur Upfield has to be acknowledged as the creator of the fictional Detective Inspector Napoleon Bonaparte, usually known as Bony. Like the aficionados of Sherlock Holmes, however, I have in this book made the playful assumption that Bony could be real.

My information has been collected from many sources. Nothing is divulged here that is not referenced or told to me by people knowing I was writing this book. Much is from people from the areas in the stories or from general publicly available material.

"Aboriginalism" is a construct which is defined as "stories about Aborigines which use only the white person's imagination". Some people object to "expropriation" such as this. In a similar vein, author Chinua Achebe objects to the expropriation of "Africa" when writing or speaking of Joseph Conrad and "Heart of Darkness". There is a counter-argument. Any author, of course, uses his or her imagination extensively. It would be a *reductio ad absurdum* to create fiction otherwise – one would have to actually be a Botswanan lady detective, like Precious Ramotswe, to write Alexander McCall Smith's delightful novels, for instance. A blend of personal knowledge and experience, research and calling upon informants is used by all authors.

It is said that the best way to learn about a subject is to write about it and I have taken this advice. All learners make faltering steps and I hope to have avoided the most egregious errors. Such errors as remain are my responsibility.

I arrived in Australia from England as a young white boy migrant with my family in 1957. I have lived in Queensland, New South Wales and Victoria and visited every other State and Territory except the Antarctic. I learned about my new land not only by direct experience but also by reading the local literature. In my youth the Mary Grant Bruce "*Billabong*" series, Ian Idriess' various books and Arthur Upfield's "*Bony*" series were my window into the Australia I was entering. I have never lost those visions, flawed or otherwise, but have had many, sometimes painful, real experiences over the past half-century to bring me up to date.

Since then I became a psychiatrist and have also had the privilege of working with the Victorian Aboriginal population for over twenty years. I have had thousands of personal contacts and wide reading around the area. So I started asking myself, why is there this incredibly popular author whose life seems to be of interest but his "immortal" creation, Detective Inspector Napoleon Bonaparte, seems to have vanished into anthropologist Bill Stanner's "great Australian silence" (title of Boyer Lecture 1968). This work is an attempt to bring Bony himself into the forefront of consideration.

The Bony stories were written at the end of the British period of imperial expansion. This somewhat threnodic period was a tumultuous one. Bony lived through the founding of Australia as a single nation, both World Wars and the era of decolonisation. At the beginning of Bony's life, Cecil Rhodes' "Englishman's view" would have been taken for granted – by Englishmen. "We happen to be the best people in the world, with the highest ideals of decency and justice and liberty and peace, and the more of the world we inhabit, the better it is for humanity". This is a very different idea from that expressed by Jonathan Swift in "*Gulliver's Travels*": "ships are sent...the natives are driven out or destroyed...a free licence is given to acts of inhumanity and lust, the earth reeking with the blood of its inhabitants; and this execrable crew of butchers employed in so pious an expedition, is a modern colony sent to convert and civilise an idolatrous and barbarous people" (AD 1726, although admittedly a satire).

By the time of the last published novel, the *weltzeit* had changed utterly in

very many ways. It may be the post-colonial embarrassment about this Rhodian viewpoint that has hampered study of Bony's life and deeds. Nowadays Indigenous peoples are in general more respected. For instance the 1994 United Nations declaration on "Discrimination against Indigenous Peoples" gives Indigenous peoples "the right to maintain, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies" and this is being implemented very slowly across Australia.

Expatriate Englishman Arthur Upfield (known as Hampshire or 'Ampshire to his Australian bush companions) came to Australia in 1911. After extensive bush experience he wrote twenty-nine novels and one short story about the "half-caste" Aboriginal detective Napoleon Bonaparte. Another revised Bony novel, "*Breakaway House*", was partially complete when Upfield died. This book is an attempt to generate, from within the material in the novels only, from personal exploration and public domain information, a biography of this extraordinary man, Napoleon Bonaparte.

Nowadays an Australian Aborigine is defined as follows: (a) can demonstrate Aboriginal forebears; (b) claims to be Aboriginal and (c) is accepted by the Aboriginal community as Aboriginal. On this system Bony would obviously these days be called Aboriginal or Murri (Queensland Aborigine) not "half-caste" or other obsolete nomenclature. I use the old word only in quotations hereinafter.

In the mostly autobiographical work "*Follow My Dust*" (William Heinemann 1957) (6) officially written by his de facto Jessica Hawke, Arthur Upfield told of meeting Aboriginal Tracker Leon Wood upon whom he said he based Bonaparte, but the creative act became thereafter sui generis. Dr Travis Lindsey (ibid) adds that Upfield had other un-named people whom he used to help create his written character. He later (p86) hypothesises that Tracker Leon Wood was fictional. Therefore Leon Wood was possibly derived from a real Bony!

Andrew Milnor says in his recent biography of Upfield (7) that Upfield met lots of Aborigines and travelled with some Aboriginal (Paakintji – River Darling Aborigines) people for several months (p 142). Bony was not among them, nor the hypothetical Tracker Leon, but Upfield learned a lot about bush skills himself from these people, which enabled him to have a better understanding of how good Bony's skills were.

Milnor also asks “But was the Tracker real, a composite, or imaginary, a muse who would lead into his life’s work and success?” (p142). He makes some attempt to find the “real” Tracker Leon, but does not succeed. It seems just as likely that Bony is real as imaginary, and “Tracker Leon” is based on him.

Lindsey further {op cit, pp88-89} has suggested that Bony’s traits as written are substantially derived from the character Nanka in Catherine Martin’s book “*The Incredible Journey*” (1923). Upfield himself, although “*The Barrakee Mystery*” was not published until 1929, did seem to have been working upon it since 1921, so this precedes, not follows, “*The Incredible Journey*”. It is argued by Lindsey that “*The Barrakee Mystery*” originally had a white detective and that Bony was introduced after Martin’s book, but it is possible that the white detective was fictional and the real Bony put back into the final version of “*The Barrakee Mystery*”.

William Antony S. Sarjeant has written a useful synopsis about Bony, called “The Great Australian Detective” in *The Armchair Detective* 12:2, Spring 1979 99-105 with an erratum from pp358-9 being a map with chronology. I do not agree with all he says, and my own conclusions are the ones expressed in this book.

Upfield himself is quoted by Milnor as saying (p144) that “Bony is only twenty per cent fiction”. This sensible position is that which I follow: if it is good enough for Upfield, it is good enough for me! Whether or not Bony is fictional, he has acquired a life of his own among the immortals. He is the first minority group detective in fiction and among the best.

Thus, in the present work, it is assumed that Bony could have been a real person, and to have a relationship with Upfield, like Dr Watson had with Sir Arthur Conan Doyle, his Literary Agent. Bony has the experiences, records them or tells them to Upfield who creates the written novels. This is similar to the relationship, say, that the biographer Tim Heald had with John Steed of “The Avengers” in his 1977 volume 1 “*Jealous in Honour*”.

Bony is the first Aboriginal detective in fiction. His adventures brought Arthur Upfield fame and some fortune, but also drew attention to Australia’s anomalous treatment of its Indigenous peoples. Upfield’s anti-authoritarian and egalitarian streaks show strongly in his portrayal of Bony. Bony leaps from the pages of the novels as a clearly defined

character, with whom the reader can often identify. This is an enormous accomplishment. In his lack of significant apparent aging over the forty year span of the novels, Bony also assumes mythic status.

## Twenty-Nine Novels

Now we can start upon the adventures of Bony. I make the assumption here that Bony is a real person whose exploits are reported upon by Arthur Upfield. It would appear that Upfield may have met Bony in 1925 when they were both working on Albemarle (now Windalle) Station, on the Darling River (2, p83-84). They would have had a number of “yarns” about life and events. Upfield’s version of Bony’s early case, “*The Barrakee Mystery*”, was the outcome of this seminal series of meetings. They must have stayed in touch, as cases recorded by Upfield then continue until 12<sup>th</sup> February 1964, the day of Upfield’s death in Bowral, New South Wales.

In “*The Devil’s Steps*” Upfield caricatures himself in the persona of Clarence B. Bagshott – Bony and he interact without signalling any prior relationship, but this is necessary for the plot and does not argue against the idea of earlier relationship with Upfield, as distinct from Bagshott.

Bony and/or Upfield would have disguised Aboriginal sacred practices and locations from the readership, so it may be impossible to be certain about some conclusions drawn in this book by myself, a white author.

Upfield had available to him W Baldwin Spencer (1860-1929) and Francis James Gillen’s (1855-1912) two volume book “*Across Australia*” (8) about many of the Aboriginal tribes, but apparently used this not only to explicate but also to disguise material told him by Bony. Some of this anthropological work has been useful but there has been much work done with and by Aboriginal people since.

In any case, Bony himself would not have told Upfield everything about his own life and practices, as some Aboriginal knowledge is secret. Upfield himself then added his own gloss, so the resulting books are highly refracted from any original events.

It is true that every inhabited landscape is a palimpsest, as Jonathan Rabat says (London Review of Books 5<sup>th</sup> November 2009 p 39) but Aboriginal Australia is even more so, given its 40,000 years or more of continuous

inhabitation by the same peoples. It seems incredible that so many of these Aboriginal stories have been lost or ignored. Over-writing by white people does obscure but cannot erase these stories and I attempt to uncover some of these as the Bony books are examined.

Upfield assumes the omniscient author position, frequently giving the thoughts and emotions of various characters, not just what is known to Bony. This is a traditional authorial position although often not followed nowadays. Having said that, Upfield is sometimes unreliable, even about himself, so this must be taken into account in any reading of the novels.

Some biographers use different methods: C Northcote Parkinson's "*The Life and Times of Horatio Hornblower*" (Penguin 1973) adopts a similar third person approach to mine, although with more talent. John Pearson's biography "*James Bond: the authorised biography of 007*" (Sidgwick & Jackson 1973) is probably closer, and he claims to have met James Bond.

In the higher zones of biographical literature is Marguerite Yourcenar's "*Memoirs of Hadrian*" (Farrar, Strauss and Giroux 1951) and at the lower end the hilarious "*Me Cheeta*" by James Lever (Fourth Estate 2009). In the middle, perhaps, is "*Long John Silver*" by Bjorn Larsson (The Harvill Press, London 1999). I do not use the pseudo-autobiographical approach of these authors.

## Structure of this Book

Biographies are probably the most traditional of books. Modern literary theory has not altered this form. There are certain exceptions such as the biography of Charles Dickens by Peter Ackroyd where the author invents dialogues between himself and his subject. I shall put the biography in sections: birth and early life, schooling and other education, working life, marital life, and so on, putting each section into the Australian historical context. Then each novel will be separately considered.

## Dating the Chronicled Cases

It is difficult to get a chronology of the twenty-nine completed Bony novels. Date publishing order is no guide, except in the sense that none of them are futuristic, so all events written about must be in the past from the date of publication. Locations are often disguised to some degree, and a pioneering attempt by Ray B Browne (9), an American, in "*The Spirit of*

*Australia*” to discover these has some flaws. For instance, “*The Battling Prophet*” is said by Browne to be set in Mount Gambier, whereas the small town of Nelson on the magnificent Glenelg River is far more likely. Upfield himself published a Christmas card with a map on the reverse with the supposed locations of most cases, but these are not all correct from my reading of the books themselves.

Either Bony or Upfield is also careless with dates, for example two stories set several years apart say Bony is aged 43.

### **Earlier Literary Criticism**

Ray Broadus Browne is to be commended for starting the academic study of Bony, but has often only the most elementary ideas about Aboriginal people. For instance, he describes the “walkabout” as a “pastime” (op cit, p 177) and as “an activity of the tribe when they simply decide that it would be pleasurable to move to another part of the country, in search of food (this out of necessity) or simply to see new territory”. This is quite wrong. Aboriginal people traditionally have their own estates, and moving between locations within these is as normal as moving from the dining room to the living room in their own house would be for a white person. Nonetheless, these movements are not capricious or whimsical, but may be decided upon or ordained as appropriate occasions for ceremonies, rites and corroborees. For instance, even after white invasion, an initiation of young men may require a boree ground (as in “*Bony and the Mouse*”) or a sacred area remote from a white station owner’s eyes or black women’s eyes. “Ceremonies of increase” to maintain or enhance the numbers of game animals or plants held in very specific locations or to maintain the land are part of the normal travelling pattern of the year.

Browne also has a “racial” classification which lists “yella-fellas” as the same as “half-castes”, which again is quite wrong. In the old racial categories, now used in very special ways only, a “yella-fella” is a person of multiple and mixed ancestry, perhaps an eighth Aboriginal, mixed with Malay, Chinese, Melanesian, Polynesian etc. An example from the novels is the character Marcus Clark from “*Murder Must Wait*”. (This name is a sly joke for Australians as the “real” Marcus Clark is the well-known author of an Australian classic “*For the Term of His Natural Life*”). Nowadays of course this racial classification is obsolete and Aborigines call themselves what they want to, for instance Paakintji or “blackfella” etc.

Phil Asdell wrote the “*Bony Bulletin*”, a thin magazine, for about ten years. He sought to identify locations, do a chronology and provide other “fanzine” data. It was published about once every 4 months by this American from Frederick, Maryland starting with No 1 in November 1981 to No 33 in July 1990. About 200 copies of each edition were produced and distributed.

Marsupial Mutterings was a similar but less frequent fanzine edited and published by Jan Howard Finder of Albany, NY from No 1 in November 1994 to No 5 in July 2000. There is a complete set in the National Library of Australia [<http://www.nla.gov.au/>].

The first Bony novel both in terms of publication date but not in terms of when it is said to have occurred is agreed to be “*The Barrakee Mystery*” and the last, posthumously published, “*The Lake Frome Monster*” (excluding “*Breakaway House*” with Bony in it – not the published 1987 version - which is fragmentary).

Reconciling and teasing out the fact and the fiction in these novels is a key task. Each novel is considered in the light of this important process.

## Aboriginal Content

Not every novel has major Aboriginal content. Those without such are “*Mr Jelly’s Business*”, “*The Winds of Evil*”, “*The Mystery of Swordfish Reef*”, “*Death of a Swagman*”, “*The Devils’ Steps*”, “*An Author Bites the Dust*”, “*The Mountains Have a Secret*”, “*The Widows of Broome*”, “*The Bachelors of Broken Hill*”, “*The Clue of the New Shoe*”, “*Venom House*”, “*Death of a Lake*”, “*The Battling Prophet*”, “*Bony and the Kelly Gang*”, “*Bony and the White Savage*”, and “*Madman’s Bend*”. I have visited thirteen of these locations: the other three have grossly altered natural features since the time of the cases.

Those with major Aboriginal content are: “*The Barrakee Mystery*”, “*The Sands of Windee*”, “*Wings Above the Diamantina*”, “*The Bone is Pointed*”, “*Bushranger of the Skies*”, “*Murder Must Wait*”, “*Cake in the Hatbox*”, “*Man of Two Tribes*”, “*Bony Buys A Woman*”, “*Bony and The Black Virgin*”, “*Bony and the Mouse*”, “*The Will of the Tribe*” and “*The Lake Frome Monster*”. I have visited locations for six of these and spoken to local people.

In reading this book you may care to take it in two stages. The first stage is the nine chapters of pure biographical material which can be read stand-alone. The second stage is where the cases are considered and you may wish to have the relevant novel to hand when perusing this part of the text. It is all up to you as the reader deciding what is most enjoyable for you.

## CHAPTER ONE

### WHAT'S IN A NAME?

What a reverberant name to give an Australian! Corsican arriviste, eventually Emperor of the French, Napoleon Bonaparte was the bogey for all England for twenty years, a generation. He was feared, hated, respected, and sometimes loved and revered. So it is of significant interest that there were several other real Aboriginal Napoleon Bonapartes.

**“Jack Napoleon”**, a Tasmanian Aborigine (Palawa), led the resistance to white invasion at Port Phillip, Victoria, in 1839. (“Six Australian Battlefields” Al Grasby and Marji Hill; p50) (10). His real name was Tunnerminnerwait (waterbird), and his companion, called “Bob” was really called Maulboyheenner.

Tunnerminnerwait was also known as Peevay, or “Jack of Cape Grim”, a name and also book title by Jan Roberts (11). Peevay had met “the protector” George Augustus Robinson at Robbins Island in June 1830, when he began a long and complex relationship with the “friendly mission”. Robinson spoke of him as ‘an exceeding willing and industrious young man’, who was ‘stout and well made, of good temper, and performed his work equal to any white man’. Robinson is best known for persuading the remaining Tasmanian Aborigines to surrender after the civil war in Tasmania between 1824 and 1831 between whites and Aborigines. Thereafter the survivors were placed on Flinders Island off the coast of Tasmania. Robinson was assisted by the local Palawa woman Trucanini and others in this task.

Peevay may have hoped to use his association to outwit Robinson and the colonizers generally. Two Aborigines, Peevay and his brother in law, were together in Robinson's excursion to the Tasmanian Big River people. In October 1835 Peevay went with Robinson to Flinders Island. Among the few survivors of the tragic settlement at Wybaleena of Flinders Island, both Peevay and his wife Fanny went with Robinson when he became

chief protector at Port Phillip – the original name for what is now the State of Victoria. Their apparent closeness with Robinson continued until winter 1841, but in September (the Australian spring) Peevay, Fanny and three others, including Trugernanner (also called Trucanini) and Maulboyheener, also known as Timme, (called “Bob” above), formed a band which attacked Europeans in much the same style as had earlier prevailed in Van Diemen's Land (now Tasmania).

After his capture, the Port Phillip Supreme Court found Peevay ('Jack Napoleon Tarraparrura') and Timme ('Robert Timmy Jimmy Small-boy') guilty of the murder of two whalers. Peevay was reported as saying that 'after his death he would join his father in Van Diemen's Land and hunt kangaroo; he also said that he had three heads, one for the scaffold, one for the grave, and one for V. D. Land'. The convicted men were hanged on 20 January 1842, the first offenders to be executed at Port Phillip.

“Bob” and Peevay’s three female companions in arms, including Trucanini, were imprisoned on Flinders Island and not hanged.

Another “**Boney**” was one of the four war leaders of the Wiradjuri of the Riverina area of New South Wales during their war from 1838 to 1841 against the English invaders, along with “Brian Boru”, “Big Peter and “Davey”. (Grasby and Hill op cit p 43).

The third known Aboriginal named Napoleon Bonaparte appears after the southeastern Australia wars of the mid nineteenth century. He is present in the family tree created by Glenda Andrew in her autobiographical “*River Girl*” (12). This book says that (p vii) Philip John Voko was the son of a white father from Kiel in Prussia who jumped ship and an Aboriginal mother. Philip John was formerly known as **Napoleon Bonaparte** but realised that people were making fun of him and changed his name to Charles Bonney then Philip John Voko. He bought land and farmed near Point Macleay (Raukkan Mission) in South Australia. This was back in the 1880s. Nonetheless it is not uncommon for names or nicknames to reverberate down the generations in Aboriginal families. I note that Bonney was one of “our” Bony’s aliases. As far as we know, however, they are unrelated. In Richard Broome’s important book, “*Australian Aborigines: a history from 1788*” 4<sup>th</sup> Edition (13), he calls this man Napoleon Bonney, which is a half-way name.

The fourth “**Boney**” was the paternal grandfather of the famous “Mum

Shirl” (Colleen Shirley Perry, later Smith, 1924 to 1998). Daniel Joseph Boney, also called Budjarn, was a Wiradjuri man who was born in western New South Wales near Cowra. He was later assigned the surname “Perry” after Perry’s Circus. He was a crucial influence on the young “Mum Shirl” as she grew up. “Budjarn” is said by Mum Shirl in her autobiography (*“Mum Shirl: an autobiography with the assistance of Bobbi Sykes”* {Heinemann Educational Australia, Richmond, Victoria 1981}) to mean “the sun, moon, stars, rain, all natural things, with togetherness”. In the word lists I have seen it means “birds” or “bats” and may be his totemic group. “Mum Shirl”, MBE, OA, was herself a tireless fighter for Aboriginal rights. She had unrestricted access to any prison in NSW to visit Aboriginal detainees. Mum Shirl and some friends (including eye surgeon Fred Hollows) were involved with several important Aboriginal projects. They established the Aboriginal Medical Service, the Aboriginal Legal Service, the Aboriginal Black Theatre, the Aboriginal Tent Embassy, the Aboriginal Children’s Services, and the Aboriginal Housing Company.

Despite Upfield’s **Bony** giving a story of his being named for his eating a volume of Abbott’s biography of Napoleon Bonaparte as an infant, one cannot be sure this was not a cover story for the real reasons. The Atherton Tableland in Queensland was only invaded in 1886, which area had its Aboriginal (Murriss) tribes’ survivors sent to reserves or missions at Yarrabah, Woorabinda, Monamona and Palm Island. If Bony came from or was reared around the Atherton Tableland area, which is possible as Upfield corresponded with people from both Cape Bedford and Woorabinda, then Bony may well have been the infant of a woman from that area who was killed in the war.

Another area Bony was fond of was the area around Boulia and Mt Isa in western Queensland. When we consider that the Kalkadunga people were invaded in the 1870s and their last big battle occurred against the invader in 1884, where six hundred Aboriginal warriors died, then it is also possible that Bony came from that redoubtable people. If Grasby and Hill’s illustrations are to be believed (op cit p258-9), then the women and children were hunted down and killed afterwards. Bony could be a survivor of that killing time.

Nonetheless it seems that he was named by a white person, his kindly matron, whose name we never learn, and we never learn Bony’s post-initiation Aboriginal name. This lack of our revealed knowledge of even a

“real” name for Bony, the person who is the subject of this book, is emblematic of the large gaps that will have to be managed in this biography.

## CHAPTER TWO

### L A W, L.A.W.:

# THE LEGAL CONTEXT OF THE PERIOD OF THE NOVELS

(MAINLY FROM THE 1920S TO THE EARLY 1960S)

When white people settled (invaded in Aboriginal terms) what is now called Australia in 1788 there were probably about 500,000 to 2 million Aboriginal people with over 300 tribes and 500 dialects spread throughout the length and breadth of the continent (see map at the start of this book). Each group had its own laws. Over the ensuing “slow invasion” from 1788 to the 1980s when the final group of Aboriginal people came into contact with white people for the first time, their population fell to a nadir about 1900 and then gradually recovered. Some peoples survived nearly intact for many years and some were actually or nearly exterminated. Only after this early period was law usually considered.

Australia was settled, in international law terms, as “terra nullius”, waste or unoccupied land despite everyone knowing that there were indigenous inhabitants. This assertion was put in legal terms about the 1830s when Aboriginal people started claiming civil rights and sovereignty in their own land. Ironically it may have been the only treaty ever signed with Aboriginal people, by Batman in Victoria, that prompted the flurry of counter-claim about the Aborigines’ lack of ownership over their own lands. This “terra nullius” false doctrine was only overturned in the 1980s and the ramifications are still being worked out.

In most of the early years of Australia’s history between 1788 and the 1890s, therefore, on the frontier, Aborigines were not acknowledged as having human rights. If bullets failed, poisoning, starvation, disease (accidentally or deliberately introduced), alcohol and other means did reduce the Aboriginal population. The frontier was a horribly violent place. There were well-meaning and kind people, of course, but the overall

feeling from the other side of the frontier, the Aboriginal side, was one of relentless dispossession with any means used to enforce this.

Bony, however, born a century later than the first white settlement, is a lawman. The big question here is whose law? Each of the Aboriginal peoples written about in any of the novels has their own well-established system of law. To borrow one Aboriginal word, this Tjurrkupa is (a) oral, (b) taught in hermetic segments to appropriate persons only, (c) linked to natural features of the people's country and (d) was to a large degree exterminated along with the lawmakers and keepers in many areas of Australia. Some of the Bony tales seem to have people with a nearly intact law system (for instance "*The Bone is Pointed*", "*Cake in the Hatbox*", "*Will of the Tribe*", "*Bony Buys a Woman*").

Bony is in his adult life an initiated Worcair man from Western Queensland and has knowledge and responsibilities within his Aboriginal law system.

Nonetheless Bony is also an upholder of the white law and holds an assigned rank within this system. He is able to carry both handguns and rifles, something Aboriginal people were banned from in various places and times. Sometimes he makes his own laws or rules (for instance in "*The Clue of the New Shoe*" and "*The Mystery of Swordfish Reef*") and sometimes he seems to subvert the Aboriginal law to the detriment of black or white characters (for instance in "*Bony and the Black Virgin*"). Sometimes he seems just carried along with the mixed law (for instance "*Bushranger of the Skies*"). Sometimes he seems to acquiesce to the black people's law (for instance "*Bony and the Mouse*"). All this is despite his avowed anti-authoritarian stance.

I now turn to these white people's laws. This information is predominantly adapted from "*Indigenous People and the Law in Australia*" by Chris Cunneen and Terry Libesman (14). The entire legal framework during this period makes the false assumption that the land was "terra nullius", empty or unused land, and that the Aboriginal people had no sovereignty over their own lands. I do not cover legislation outside the period of the novels or their characters.

Each State in Australia had different legislation, as Governor John Forrest of Western Australia had insisted on powers over Aboriginal people being left out of the Constitution of the Federation to be called Australia as a

condition for Western Australia joining the new Commonwealth. This entity, the Commonwealth of Australia, was created in 1901 (“*The Black Eureka*” by Max Brown (15) among other references, and common knowledge among Australians). The legal situation in each state and territory in the period covered by the novels is covered below. Aborigines were not counted as Australians in the Constitution and any laws about them were made by the States only for many years.

The general aim of the legislations passed in the various states seemed to be remove Aborigines from their valuable land assets and to enable governments and missionaries to control their lives with cultural obliteration and neglect combined. Any successful Missions were dismantled so they ceased being self-supporting farms and became ration stations. Protectors, reserve or Mission managers had extraordinary powers of coercion. For instance inhabitants of reserves had to do 32 hours of unpaid labour for the Superintendent. The reserves also acted as a method of having labour on hand for peak periods which could be disposed of when troughs came.

### **Commonwealth of Australia (founded 1901)**

As an example of the lack of or even anti-Aboriginal Commonwealth legislation, the Commonwealth Invalid and Old Age Pension Act 1908 excluded all Aborigines from social security – this was not rescinded until the 1940s. Moreover the 1941 Child Endowment Act did not allow endowment to be paid to “nomadic” or dependent Aborigines.

A critical national conference was held in 1937 whereby assimilation, sometimes called “breeding out the black”, replaced protection as the new goal for all States and Territories. This occurred when it finally became obvious that Aboriginal people were not to be exterminated nor die off “naturally”.

In 1948 the Commonwealth Citizenship and Nationality Act gave a category of Australian citizenship to all Australian including all Aborigines for the first time.

In 1949 the Commonwealth Electoral Act extended the franchise to Aboriginal ex-service men. Aboriginal men had volunteered for military service in World War 1, World War 2 and beyond but were never granted