

SYD1794

Bench of Magistrates, Minutes of Proceedings Feb 1788 – Jan 1792, State Records N.S.W., SZ765

Murder of a Native Boy

Bench of Magistrates

**Collins J.A., 17 October 1794**

[375] Examination of the persons supposed to have murdered a Native Boy at the Hawkesbury, and the Evidence against them.

**ALEXANDER WILSON** says that Robert Forrester informed him that he had shot a native Boy, and that he was induced to it from motives of humanity. The Boy having been previously thrown into the River by the neighbouring settlers, with his hands so tied, that it was impossible he could swim to the opposite side.

**ROBERT FORRESTER** says that a large party of natives having appeared at the back of his Farm he alarmed his neighbours and went out to observe them. That in the road to the natives they met a Native Boy who they supposed was coming in for the purpose of discovering what arms they had. That they made him a prisoner; tied his hands behind his back [376] and delivered him to **MICHAEL DOYLE** to take to his [?].

That he was soon after alarmed by a cry from Doyles that the boy was escaped and had jumped into the River. That he and **TWYFIELD** immediately ran to the river and saw the boy swimming. That he then was prevailed on to shoot the boy by the importunities and testacies of all around. That the boy should get back to the natives and induce them to an attack by discovering there was no more than one musket in the whole neighbourhood. That the boy was not ill treated with his knowledge in any other manner than he was declared, and that the declaration of Wilson as far as it varies from this is false.

**ROGER TWYFIELD** corroborates the foregoing.

Parramatta and .. [378] Murder of a Native Boy, 1794[?] 17 Oct

Respecting the Murder Of a Native Boy

Source: Historical Records of N.S.W., Vol. 2

[329] From the Hawkesbury were received accounts which corroborated the opinion that the settlers there merited the attacks which were from time to time made upon them by the natives. It was now said that some of them had seized a native boy, and, after tying him hand and foot, had dragged him several times through a fire, or over a place covered with hot ashes, until his back was dreadfully scorched, and in that state threw him into the river, where they shot at and killed him. Such a report could not be heard without being followed by the closest examination, when it appeared that a boy had actually been shot when in the water, from a conviction of his having been detached as a spy upon the settlers from a large body of natives, and that he was returning to them with an account of their weakness, there being only one musket to be found among several farms. No [330] person appearing to contradict this account, it was admitted as a truth; but many still considered it as a tale invented to cover the true circumstance, that a boy had been cruelly and wantonly murdered by them.

The presence of some person with authority was becoming absolutely necessary among those settlers, who, finding themselves freed from bondage, instantly conceived that they were above all restrictions; and, being without internal regulations, irregularities of the worst kind might be expected to happen.

Decisions of the Superior Courts of New South Wales, 1788-1899; Published by the  
Division of Law Macquarie University

SYD1797

Court of Criminal Jurisdiction Minutes of Proceedings, 1788-1815, State Records  
N.S.W, 5/1147B

R. v. Millar

R. v. Bevan

Court of Criminal Jurisdiction

Atkins J.A., **9 or 10 October 1797**

[353] **WILLIAM MILLAR and THOMAS BEVAN:**

Were brought before the Court for that they not having the fear of God before their Eyes but being moved and seduced by the instigation of the desire on or about the sixth day of October in the Thirty fourth year of the Reign of Our Sovereign Lord George the Third now King of Great Britain &c. with force and arms on the North-shore in county aforesaid in and upon a Native commonly known by the name of **TOM ROWLEY** in the peace of God and our said Lord the King then and there being feloniously, willfully and of their malice afore thought did make an assault. And that the said William Millar a certain Gun value 70L then and there charged with Gunpowder and pistol balls of slugs, which given he the said William Millar then and there had and hold to against and upon the said Native then there feloniously, willfully and of his Malice aforethought did shoot and discharge, and that the said Millar with the pistol balls or slugs aforesaid out of the Gun aforesaid then and there by the force of the gunpowder shot and sent forth as aforesaid the afore said Native in and upon the right thigh of him the aforesaid Native then and there with the pistol balls or slugs aforesaid out of the Gun aforesaid by the said William Millar aforesaid shot discharged and sent forth feloniously, willfully and of his malice afore they did strike, penetrate and wound, giving to the said Native one mortal wound , of which wound he languished and languishing did die and that the aforesaid Thomas Bevan then and there [354] feloniously, willfully and of his malice before thought was present aiding, helping aletting, comforting assisting and maintaining the said William Millar the felony and murderer aforesaid in manner and form aforesaid to do and commit against the peace of Out Sovereign Lord the King his Crown and dignity.

Acquitted for want of Evidence.

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