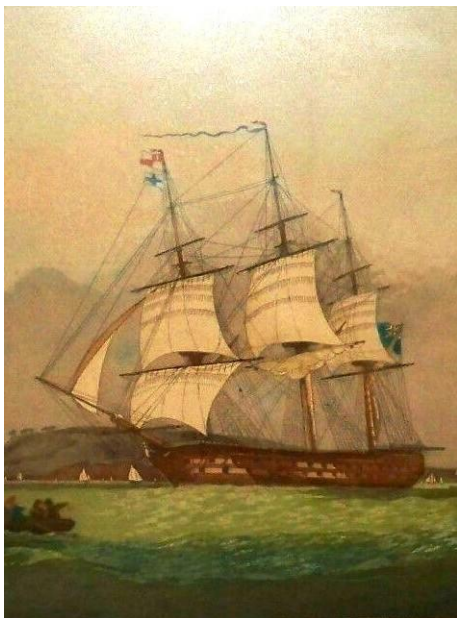


John Sterry Baker

Born 1798. Runaway convict saved by Aboriginal people.
Available online at www.livesretold.co.uk



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1. Introduction



H.M.S. Malabar, on which John Sterry Baker was transported to Australia in 1819.

This chapter was archived in 2021, with acknowledgement and thanks, from the Sterry Worldwide website at www.sterryworldwide.com.

John Sterry Baker lived an extraordinary life as a runaway convict from the Moreton Bay penal settlement near present day Brisbane who then went on to live with a local Aboriginal tribe for the next almost 15 years in the Darling Downs area. He was probably the first white man the local Aboriginals had ever met. They took him for the returned spirit of a deceased member of their tribe. He appears in the Registers of the Prison Hulks moored on the Thames where convicted felons sentenced to transportation were temporarily imprisoned at this time. The register states that he was convicted at the Assize Court at Bury St Edmunds, Suffolk on 19 May 1819. His offence was horse stealing and the sentence was for life. The Ipswich Journal published on Saturday 14 November 1818 records his arrest in Ipswich, Suffolk: "Wednesday last, Charles Rayner and John Sterry Baker were committed to the County Gaol, in this town, by Thomas J. Woodward, Esq. for having stolen a grey mare pony, the property of Samuel Satter, of Wortham."

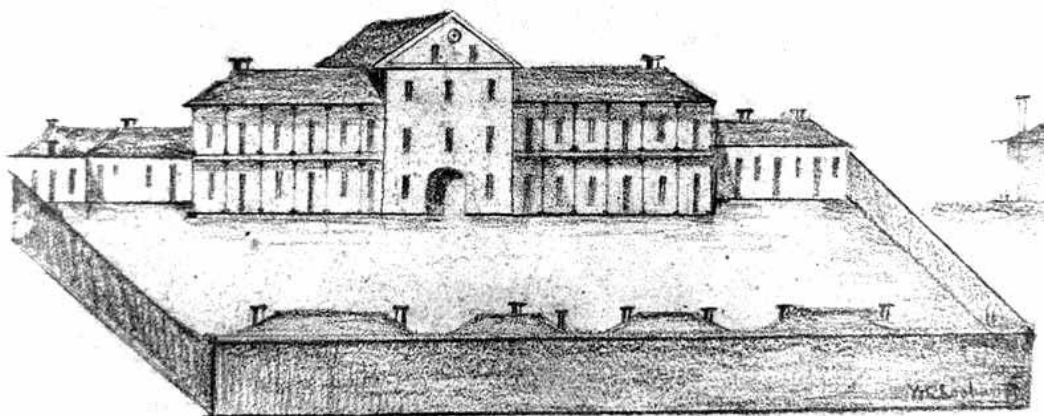
On June 7 he was sent for transportation to the penal colony at Sydney, NSW, Australia. He was aged just 22. The Convict Register for Sydney records his arrival on 30 Oct 1819 on the ship 'Malabar', a journey of some

four and a half months. The 'Malabar' set sail on 14 June 1819 with 170 passengers on board. A John Baker appears amongst them. The conditions on board ship had now greatly improved to earlier transport ships where the death toll on such long voyages was often very high and the conditions very harsh. However, the journey was still a very arduous one.

Governor Macquarie (right) records the arrival in his Journal. "Saturday 30th October 1819. This forenoon anchored in Sydney Cove, the vessel Malabar, Commanded by Cap. William Ascough, with 170 male prisoners from England – whence She sailed on the 17th. of June last (touching at Rio Janeiro, which she left on the 17th. of August); Mr. Evan Evans R. Navy, being Surgeon Sup and the Guard consisting of 31 men of the 89th. Regt. commanded by Lieut. Ashhurst of the 34th. Regt. The Guard and Convicts have all arrived in good Health, none of either having died on the Passage. This Ship brings no Dispatches or Passengers. She left the Regalia Private Merchant Ship, at Rio Janeiro."



In 1825 Baker got into trouble again and was sentenced to another life sentence. He was then 27, of medium height, and described as of dark complexion. With others he was sent to the new penal settlement of Moreton Bay, which had been established in 1824. Only hardened criminals and recidivist prisoners were sent to the Moreton Bay Convict Settlement (below). It acquired a reputation for violence and death from disease. The following year John Sterry Baker 'went bush' and was not heard of again for the next 15 years.



The Truth newspaper published in Brisbane in 1951 tells the story of his return. [Trove National Library of Australia]

'Then, one day in 1840, Government officials were astonished when a wild-looking man, with a thick matted beard and long, unkempt hair entered the settlement. Except for his lighter skin, he could have passed for an aboriginal. Haltingly, as if the English words he spoke were rusty from disuse, he announced that he was a runaway convict and had come to give himself up. He could not tell the non-plussed officials how many years had passed since he had run away because he had no record of time. In the years since he had escaped there had been great changes. Convictism had officially come to an end. Most of the long-term convicts had been shipped back to Sydney, and the era of free settlement was at hand.

The officials did not know what to make of Baker. After carefully examining the records for many years back, they found his name. He had been missing 14 years and nine months. They decided to keep him on the establishment. He was granted manumission and, because he had a thorough knowledge of the aborigines, he was appointed an interpreter.

2. Bushranging

The following chapters were archived in 2021, with acknowledgement and thanks, from the Moreton Bay and More website at www.moretonbayandmore.home.blog.



Detail of “View upon the Nepeans” 1825, by convict artist Joseph Lycett, depicting bushrangers with guns in the bush.

“Bushranging” was a term invented around 1805 to describe the actions of escaped convicts who took to the bush, often leading violent outlaw lives to secure food and avoid capture. Absconding became an attractive option in the penal settlements of Sydney (est. 1788) and Van Diemen’s Land (est. 1803). Food was scarce, rations were strict and punishments harsh. In the first few years, absconders took to living with the indigenous people; later, as free settlers began to form townships, a bushranger and his confederates could raid nearby farming hamlets for provisions.

The Moreton Bay penal colony was different. It was established in 1824, first at Redcliffe, then Brisbane, and it was designed to be isolated. No free settlement meant that there were no townships or farms to raid for food. If a man wanted to survive in the bush, he needed help. That help, at first, could only be provided by the indigenous people.

The first prisoner to abscond from Moreton Bay was Edward Mullens, who took to the bush on 16 June 1825. He was retaken and put right back on the barque “Lucy Ann” for Moreton Bay in April 1828. The second escapee, Henry Drummond, a 17 year old from England, absconded on 13 November 1825, never to be heard from again. It’s doubtful that the young man got very far. The third was John Sterry Baker, who ran on 08 January 1826, and handed himself in to a suitably astonished Commandant Gorman on 04 August 1840. Baker had been living with the indigenous people of the region, and had been accepted as Boraltchou, the return of a much-beloved deceased tribesman. James Davis or Duramboi was another

convict runaway fortunate to become a valued member of an indigenous group.

Convicts would take to bushranging in pairs – Newman and Pittman on 14 January 1826, Butler and Fagan on 04 October 1826 or in small groups, such as Longbottom, Welsh and Smith. Two or three men might be able to survive and gather food, whereas if a convict was out alone, his chances of survival diminished.

Convict absconding became a thorn in the side of various Commandants over the years. Solutions suggested included being returned to Moreton Bay with no hope of release, increased lashings and being sent to the penal colony of last resort – Norfolk Island. None of this seemed to work, and in 1830, two escapees suffered very harsh penalties for their crimes on the run.

There was a certain kind of bushranger who would disappear off for gradually increasing periods, honing his skills as a bushman, gaining the trust of the indigenous people before dropping off the radar for years at a time. One of this class was a clever young man with a fondness for larceny. Sheik Brown or Browne made his way – dishonestly – from India to London, and then to Botany Bay and Moreton Bay. He absconded within a week of arrival on 02 June 1826.

Browne would make an art of absconding – at one point convincing a Sydney newspaper via an in-depth interview – that he was an explorer named Jose Koondianas, who had conquered Australia overland. The military authorities were not so easily taken in, and Mr Browne was returned to Moreton Bay. Until he decided to leave again.

Sheik Browne spent a lot of his time on the run with the indigenous people, but as the years wore on, he became less welcome. By 1837, a deputation of Bribie Island leaders had become so frustrated with the presence of four Moreton Bay convicts in their midst that they informed on them to the authorities in Brisbane Town. Sheik Browne, George Brown, James Ando and William Saunders had been staying on the Island, and paying way too much attention to the young women and girls. Commandant Fyans sent Saunders to Norfolk Island, and the rest were returned to Moreton Bay. Sheik Browne eventually met his end after the convict era, working in the Pine Rivers area, killed by the indigenous people there, either for forbidden love (according to Constance Campbell Petrie), or as part of the frontier skirmishes (according to the Moreton Bay Courier).

George Brown parleyed his ability to speak the local languages – gained whilst on the run – into a job as a constable. His knowledge of the local landscape led to a spot of cartography (see illustration), but the Commandant came to believe that he was leading the aborigines to

rebellion, and George Brown's briefly respectable career ended with a one-way trip to Sydney. Brown's behaviour came the closest to the more traditional idea of the bushranger, and in later life, Brown became a real bushranger in New South Wales.



George Brown's map of Brisbane Town.

The Moreton Bay Convict settlement was broken up in 1839, and Brisbane Town was thrown open to free settlement in 1842, just in time for two convict absconders to be located and brought back with Andrew Petrie. Both men had lived as part of the indigenous groups of what is now the Fraser Coast, and had not been involved in skirmishes with the law. They were Davis (Duramboi) and David Bracewell (Wandi). Davis became a well-known merchant in Brisbane, and Bracewell went to work for the Commissioner of Crown Lands, where he died in a tree-felling mishap in 1844.

Settlers were gradually moving into the lands north of the Tweed River, but bushranging would not become widespread in Queensland for decades. A few skirmishes here and there, but the main focus for law enforcement for many years would be the brutal war of attrition between the indigenous people and white settlers.

3. John Sterry Baker



John Sterry Baker was one of the earliest Convict runaways in Queensland and he was the first to live among the indigenous people for a significant number of years (14 in all). His story is not as well known as those of James Davis (Duramboi), David Bracewell (Wandi) and Sheik Brown, because he returned to Brisbane quietly, attracting no press stories or entries in official memoirs. His life after absconding was also quiet – giving some public service as an interpreter, before vanishing from the public record.

John Sterry Baker was born in 1798 in Norfolk, and in 1819 at Suffolk, received a sentence of transportation for life for theft. His occupation was Shepherd, which would prove his undoing in the Colony of New South Wales.

In January 1825, two lambs went missing from Mr Mudie's run, eventually found in the possession of John Earl the local pound-keeper. John Baker, one of Mudie's shepherds, had sold Mr Earl the sheep. Mr Mudie had been told by Baker that the animals had been killed by dingoes, but the sheep at Mr Earl's were distinguished by markings as belonging to his run.

The Supreme Criminal Court of Sydney took a very dim view of that kind of offending, and John Baker was sentenced to death on 12 August 1825. His sentence was commuted to life and he was sent to Moreton Bay in late 1825, where the authorities noted his description – 27 years of age, 5 feet 7, with a dark complexion, dark brown hair and hazel eyes.

Christmas at the sweltering, partially-constructed penal colony must have been rather miserable, and the prospect of a lifetime of same enough to make a man take matters into his own hands.

On 08 January 1826, Baker escaped the settlement, and took his chances in the bush. He later related that he was near death with starvation and exposure, when a group of Indigenous people at the Upper Brisbane region found him, and recognised him as one of their own, Boraltchou, returned from the dead. He was welcomed and accepted into the group, who saved his life.

In the early 19th century in rural South-East Queensland, few indigenous people had encountered Europeans directly, and Baker was thought to be Boraltchou, returned, “scraped” of colour from the dead. This belief also benefited a later escapee, James Davis, who was recognised and accepted by another group as Duramboi, the late son of the leader Pamby-Pamby.

Boraltchou must have had to live by his cunning for the first few months, learning the language and customs of his new family, and being integrated into the group as a whole. From January 1826 until August 1840, Boraltchou lived as an indigenous man.

On August 4, 1840, Baker surrendered to the Commandant at Moreton Bay. The convict settlement had been decommissioned, and all but 39 prisoners sent back to Sydney. It would be another 2 years before the place would be open to free settlement, and the few officials still there would have been bemused by the sudden appearance of a naked, wild-haired man who wanted to surrender.

After some confusion as to dates, his paperwork was found, and rather than being lashed, Baker was shaved, dressed and sent to Sydney, where his proficiency with Indigenous languages – particularly those of South East Queensland – led to him being employed as an interpreter for indigenous people before the Courts.

Baker interpreted for Merridio and Neugavil in 1841 in the Sydney Supreme Court (where he was still described as being a prisoner of the Crown). Merridio and Neugavil were indigenous men, charged with the murder of William Tuck, who was killed alongside Assistant Surveyor Stapleton at Mount Lindsay in May 1840. The two men were eventually found guilty and returned to Brisbane, where they were executed in June 1841, publicly hung from the Windmill on Wickham Terrace. The Government was keen to make an example of indigenous people who killed white men, and the horrible business of the execution took place before a crowd of locals, black and white.

Baker received a Ticket of Leave, which was cancelled in 1850 for being absent from the area of Moreton Bay. Again. Some people never learn.

Baker gave details of his time away from Moreton Bay to the Rev. John Dunmore Lang and explorer Alan Cunningham, which show that communication between indigenous groups gave him information on the

whereabouts of other convict absconders, exploration of the region and the closing up of the Penal Settlement at Moreton Bay.



4. Murder at Mount Lindesay

On June 15 1840 Dr Ballow gave his report on oath to Commandant Gorman, and a week later, having reviewed the evidence thus far, Gorman issued an order to apprehend the men believed to be responsible for the deaths of Stapylton and Tuck, and the attempted murder of Dunlop.

Colony of New South Wales, to wit. Brisbane Town Moreton Bay this 22nd day of June in the year of our Lord 1840. Whereas the five aboriginal natives named and described as follows stand charged upon oath before me Owen Gorman Esquire, one of Her Majesty's Justices of the Peace for the said Colony with the murder of the late Granville Chetwynd Stapylton, an Assistant Surveyor in the Surveyor General's Department of the aforesaid Colony, and the late Prisoner of the Crown William Tuck "Portsea" near Mount Lindsay in the district of Moreton Bay on the 31st of May in the year aforesaid.

No. 1: Carbon Bob. About 25 years of age and about 5 feet 7 inches high. The great toe of his right foot turned very much towards the left, with the two next toes deformed and turned a little towards the great toe.

No. 2: Merry Dio. About 32 years of age and about 5 feet 5 inches high with a broad face and sulky look.

No. 3: Boguee. A stout man about 26 years of age and about 5 feet 7 inches high, his left eye very sore and disfigured.

No. 4: A smart black man name unknown about 25 years of age and about 5 feet 5 inches high who appears to want a tooth or open space between the teeth in the front part of his mouth.

No. 5: A straight smart black man about 26 years of age and about 5 feet 9 inches high. Name unknown.

This is to direct and require that all Constables and others Her Majesty's subjects to use their utmost exertions to apprehend each and all of the persons described aforesaid and bring thereto any of them before me at Brisbane Town and for so doing this shall be your sufficient Warrant and Authority. Given under my hand and seal at Brisbane Town in the District of Moreton bay the day and year aforesaid. Signed, Owen Gorman, JP.

He then added thoughtfully:

As a reward for the apprehension of any of the abovementioned aboriginal natives, I do hereby promise that I will use my utmost endeavours to obtain through His Excellency the Governor a remission of sentence or a Conditional Pardon for any Prisoner of the Crown who may bring to Justice any or all of these persons. Signed, Owen Gorman, JP.

That ought to do it. Stapylton was a difficult man in life, but no Englishman deserved to die that way. Only weeks before, Gorman reflected, he had been run ragged conducting trials of the convicts who had managed to irritate Stapylton in the course of previous expeditions. As if he didn't have a settlement to run.

Granville William Chetwynd Stapylton was interred in the North Brisbane cemetery, now E.E. McCormick place, with as much ceremony as the small settlement could muster. His aristocratic status and terrible death made him seem a martyr to early Brisbane Town. There was great concern when the old cemetery was closed and the land sold off – would his grave go unmarked, or be built over? Fortunately, the council heard these concerns, and his grave was relocated to the General Cemetery at Toowong, where his memorial ID is 76186875.

By the 10th of July, Gorman had his men, or at least some of his men. He sent Constable Thompson and a well-armed party of eight men (including some survivors of the Stapylton camp) back to the Mount Lindesay area to locate, identify and capture the killers. They found three indigenous men that Pat Kelly, William Gough and William Burbury identified as having been at the Stapylton camp that day and found items of clothing and other kit on them that came from the dead men.



A committal hearing was held at Brisbane on the 10th of July 1840. A prisoner named Peter Glen was sworn in to interpret the proceedings to the indigenous men. The Court heard that William Burbury was sure that the three men before the Court – named as Merridio, Nengavil and Birramatta

– were at the Stapylton camp on the day of the murders, and was able to identify Stapylton’s black cloth waistcoat, shirt, knife and other items in Merridio’s possession.

Abel Sutton was also positive in his identification of the three men before the Court. James Dunlop was only able to swear to his being hit on the head with a waddy by Carbon Bob, who was not present. Peter Finnegan maintained that he could swear to the identity of the aborigines at Mount Lindesay on 31st May but was positive that none of the men in the dock had been at the camp. Any further evidence of Patrick Kelly and William Gough was not recorded in the Trial Book for Moreton Bay.

Merridio, Nengavil and Birramatta were committed to take their trial at the Supreme Court in Sydney and were forwarded there in February 1841. Perhaps there were further investigations made at Moreton Bay before the Crown was ready to make its case, but that was an unusual delay from committal to being sent to Sydney. None of the three accused had ever seen a town or city before – Brisbane Town was a few barracks and some houses – this place had hundreds of white men and women walking around free, and numerous large buildings. The building they got to see most of was of course, the prison.

Three men arrived at Sydney Gaol, but by the time of the hearing three months later, Birramatta had died in custody.

Merridio and Nengavil faced the Supreme Court together in May 1841, charged in relation to the murder of William Tuck. They were alternatively charged as accessories, a move that showed that the Attorney-General had concerns with the identification of the offenders, and the strength of the eyewitness evidence.

This time, their interpreter was John Sterry Baker, or Boraltchou, who had escaped the Moreton Bay settlement in 1826 and lived with the indigenous people of the Region until in August 1840, when he surrendered to the Commandant. Unclothed, deeply tanned and unshaven, Baker managed to recover enough English to identify himself to an astonished Gorman, who ordered the oldest Chronological Register to be dusted off and examined to see if this strange fellow was telling the truth. He was. Since then, Baker had interpreted for the Crown, while the Crown figured out what to do with him.

Legal argument took up the first part of the hearing. Mr Cheeke, for the defence, sought directions as to whether the defendants should be tried by a jury of at least half of their peers – that is, indigenous people, who spoke the language and knew their customs. Cheeke also sought rulings on the applicability of English law to the men, who could have no knowledge of it.

The Bench rather testily replied that these questions had been raised and disposed of before. There was precedent, which made Merridio and Nengavil British subjects, thank you very much, and subject to the same laws and penalties.

While all of this was being argued, and Sterry Baker no doubt trying to impart the meaning of their Britishness to the men, Merridio made a request. His name was not Merridio, he explained, it was Mullan.

The prosecution witnesses gave their accounts of the day of the murders and the capture of Mullan and Nengavil. Abel Sutton remained convinced that the men in the dock were two of the men at the camp on the 31st of May 1840, William Gough agreed, as did Pat Kelly.

James Dunlop, the only member of the surveying party to be present during the attack, denied knowing the prisoners, and on cross-examination, denied receiving food from the aborigines over the six days following the killings.

Cross-examined.- Neither of the prisoners at the bar was Merrydio nor Carbon Bob, nor Bogee. Witness never saw the old man at the bar before the Friday after the murder was committed. Merrydio and that old man were both there together.

By the Attorney General.- Witness considered that but for Merrydio Carbon Bob would have put him on the fire. He thought he owed his life to him, but he would not on that account favour Merrydio. The prisoner at the bar was not him.

Dr Ballow gave his evidence on the injuries of the dead men, and of the condition of James Dunlop when found on the 6th of June. On cross-examination, he asserted that Dunlop could well have survived those days alone. As for Dunlop, he had the meagrim in his head, so he couldn't elaborate. Peter Finnegan gave evidence that neither prisoner had been at the camp on 31st of May 1840.

The Judge summed up, pointing out that there was genuine conflict in the evidence about the identity of the prisoners. The jury deliberated, and gave guilty verdicts. As the Judge put on the black cloth and ordered Mullan and Nengavil to die, Sterry Baker frantically interpreted the result to the prisoners. Their response, translated back to the Court, was "What of it? Let them hang us!"

And so it eventually came to pass. Mullan and Nengavil were taken from Sydney Gaol in those heavy chains the white men kept putting on them, and sailed back to Brisbane Town with a fellow called Mr Keck. There they were put in the Gaol they'd been in earlier to await whatever 'hanging' meant. They weren't to know that Mr Keck had forgotten to take the Warrants of Execution with him when he escorted the prisoners to

Brisbane. Gorman considered the cost of sending another vessel to Sydney and back, and privately wished Mr Keck could be strung up alongside the aborigines. This sentiment increased when Mr Keck's omission was reported in the Sydney papers.

Eventually the paperwork came, and the second execution in Queensland's history was carried out. Mr Petrie, the Superintendent of Works, was directed to create a scaffold on the Windmill at Spring Hill, as public a place as possible. The idea was to make the deaths of Mullan and Nengavil an example to the local indigenous people. This is what happens when you kill a white man. Never mind that we've been shooting you in our cornfields for years. That doesn't count.

Accounts of the hanging describe Nengavil as weeping copiously, and Mullan only becoming downcast when he realised what was to be done to him. Others noted that about one hundred local aborigines watched in silence.
