

# 1 - Sandy aka Dandy

## Language and Content Warning

This file contains language contained in colonial records that is offensive to Aboriginal people today. It also contains descriptions of Aboriginal people who have passed away, and documents colonial frontier violence and incarceration.

Sandy, who was also known as Dandy, was arrested in March 1839 alongside four other Aboriginal men (Billy, Jemmy, Cooper, and King Jackey). The five men were charged with stealing from a dwelling house belonging to John Browne, John Hector, and Edward Trimmer in the area of the Gwydir and Namoi Rivers. All five men were convicted and sentenced to five years' transportation. Sandy arrived on Cockatoo Island on 3 October 1839 and died in the General Hospital on 17 November 1839, only six and a half weeks into his sentence.

## Sandy's Trial

The case of Sandy, and the men Billy, Jemmy, Cooper and King Jackey is discussed in the book *Aboriginal Convicts* by author Kristyn Harman (2012). Harman describes that the five men were defendants in the case *R v Sandy and Others* in 1839 after being suspected of murder following the disappearance of two convict shepherds, although the charge was later downgraded to robbery when the remains could not be positively identified (Harman, 2012, p. 126).

Sandy, Billy, Jemmy, Cooper and King Jackey were taken into custody in late March 1839 by Commissioner of Crown Lands William Mayne, who "decoyed" the prisoners into his tent. Mayne's dual role as Commissioner and "partial protector" of Aboriginal people raised questions about his capacity to act in either office. Nevertheless, he was credited with restoring peace to the newly "settled" area between the Gwydir and Namoi Rivers that had been in "open war" (Harman, 2012, p. 127).

The men were indicted for "stealing one waistcoat, the property of the Queen, two carbines, three pistols, seven blankets, one waistcoat, a quantity of gunpowder, six bullets, and a quantity of flower, the property of John Browne, John Hector and Edward Trimmer, from their dwelling-house at the new station, between the Gwydir and Namoi Rivers, on the 16 March" (Harman, 2012, p. 126). The "new station" where the alleged crime occurred had been established that very same month because the co-owners found it necessary to supplement their original landholding on the Liverpool Plains due to the great increase of their sheep and cattle. The hut housing the convict shepherds and their overseer was built adjacent to a creek where "fifty or sixty blacks" usually camped, a group that belonged to a larger contingent of about 500 to 600 people. The events that led to charges being brought against the five Aboriginal defendants occurred as their land was being usurped (Harman, 2012, p. 126).

The men spent five months awaiting trial because of the lack of an interpreter. Despite his incomplete knowledge of the men's language, eventually John Haggard or Haggart, a servant, filled the role (Harman, 2012, p. 127). In an article from *The Sydney Gazette* (1839, August 22, p. 2), it was also noted that: "The prisoners were then asked, through the interpreter, if they had anything to say in defence. They all said they had received the property from two natives named Wollori and Wolladilli."

Harman (2012) examines the case background and trial proceedings for the five Aboriginal men. Chief Justice Dowling presided over the Supreme Court hearing on 16 August 1839. She describes the trial as follows (pp. 126-127):

Sandy, Billy, Jemmy, Cooper and King Jackey pleaded "not guilty". Responding to a question about whether they preferred a civil or military jury, they said they "did not like soldiers" (p. 127). A civil jury was sworn, as was Haggart. Doubt was expressed as to the interpreter's capacity to fulfil his role. Chief Justice Dowling told the Attorney General to deal with the Aboriginal defendants "the same as with a deaf and dumb man" and reminded the jury to deal with the

prisoners "exactly if they were white men placed in the same unfortunate condition" (p. 127). The case against the defendants was complicated by rumours about the murder of the convict shepherds whose hut the men allegedly robbed.

The Sydney Monitor, reporting on the 15 August 1839, reported that the interpreter, John Haggard, admitted under examination that he "cannot understand all the prisoners say, nor they all that I say," and that he "would not undertake to swear to a whole conversation of theirs." Mr. Windeyer, assigned as defence counsel by the Court, submitted that "the depositions taken against them not having been read over and explained to them by the commuting magistrate" and that "no interpreter was sworn to assist them in their defence" during the commitment proceedings. He further objected that the alleged crime occurred "two hundred miles beyond the boundaries of the Colony" and that only three pounds worth of property had been proven stolen, not the five pounds charged. His Honor, in summing up, "impressed upon the minds of the jury the right the prisoners had to the same consideration at their hands, as if they were of the same complexion as themselves" and "charged them to dismiss from their minds all that had been said casting the suspicion of murder upon them; with that they had nothing to do." The jury "retired for half an hour; and on returning delivered a verdict of 'guilty' against all the prisoners, but recommended them to mercy, in consequence of the disadvantages under which they had laboured in their defence on their trial." The Attorney-General expressed hope that their punishment "when it was made known to their tribe, will have a salutary effect" (Sydney Monitor and Commercial Advertiser, 1839, August 19, p. 2).

The Sydney Gazette then provided a shorter summary of the case on the 22 August 1839.

Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), Thursday 22 August 1839, page 2



Figure 1. From *The Sydney Gazette* (1839, August 22).

Drawing on the article in *The Sydney Gazette* (1839, August 22, p. 2), which includes the case *R v Sandy and Others*, Harman (2012) describes the trial as follows:

Because of the impossibility of the court receiving Aboriginal evidence, nobody could attest to the defendants' claims to have received the stolen property from two other Aboriginal men. The six-hour trial ended with the jury retiring for half an hour, and returning a guilty verdict. The defendants were sentenced to ten years' transportation to Cockatoo Island. They seemed "greatly depressed", exhibiting countenances that displayed "a most woebegone and wretched expression, as if expressing death in its most horrid form". On having it explained that they would be sent across the sea for ten summers', the men "brightened up". The Attorney General expressed the hope that their punishment "when it was made known to their tribe, will have a salutary effect" (Harman, 2012, p. 129).

All five men were convicted, and their original sentences were halved to five years' transportation (Harman, 2012, p. 129). Sandy arrived on Cockatoo Island on 3 October 1839. As a convict he would have laboured hewing stone and may have been involved in digging silos, excavations in solid sandstone rock shaped like large bottles. Any convicts considered insufficiently productive were denied meals and left in the silos until their rate of work increased (Harman, 2012, p. 129). The harsh regime at the penal institution took an extraordinarily high toll on Aboriginal inmates. Within two months of their arrival on Cockatoo Island, all five Aboriginal men had died (Harman, 2012, p. 129). Sandy passed away in the General Hospital on 17 November 1839, barely six weeks into his sentence.

## Sandy's Time on Cockatoo Island

Sandy was incarcerated on Cockatoo Island from the 3 October 1839 and subsequently died in the General Hospital on 17 November 1839. Sandy appears on the first list of Aboriginal men incarcerated on Cockatoo Island, arriving on the 3 October 1839, with four other men Billy, Jemmy, Cooper and King Jackey.

*A Return shewing the number of Aboriginal Blacks who have been received on Cockatoo Island from the 1<sup>st</sup> of January 1839 to the 16<sup>th</sup> December 1850*

| No | Name               | Sentence | When received    | When discharged  | When discharged          | Remarks |
|----|--------------------|----------|------------------|------------------|--------------------------|---------|
| 1  | Sandy              | 5 Years  | 3 October 1839   | 17 November 1839 | Died in General Hospital |         |
| 2  | Billy              | "        | "                | "                | D <sup>o</sup>           |         |
| 3  | Jemmy              | "        | "                | 27 December 1839 | D <sup>o</sup>           |         |
| 4  | Cooper             | "        | "                | 30 November "    | D <sup>o</sup>           |         |
| 5  | King Jackey        | "        | "                | "                | D <sup>o</sup>           |         |
| 6  | Toby               | 3 Years  | 11 February 1840 | 3 December 1841  | Died on Cockatoo Island  |         |
| 7  | Murphy             | "        | "                | 11 February 1840 | To Hospital at Newcastle | Free    |
| 8  | Tall Boy or Jackey | Life     | 11 Sept. 1840    | 28 November 1840 | Died in General Hospital |         |
| 9  | Maude Billy        | "        | 13 February 1841 | April 1841       | D <sup>o</sup>           |         |
| 10 | Wellington         | 3 Years  | 15 October 1842  | 31 May 1843      | D <sup>o</sup>           |         |

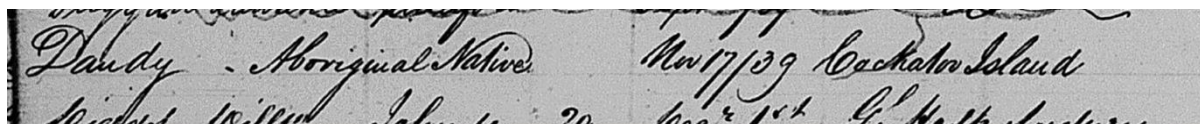
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**Figure 2.** A list of Aboriginal Men on Cockatoo Island with reference to Sandy, from the Colonial Secretary's Correspondence (1850, December 16).

The return is included in a letter from the Visiting Magistrate, who reports to the Colonial Secretary that Aboriginal men imprisoned on Cockatoo Island over the past five years have mostly died soon after their arrival, noting that confinement in ordinary penal institutions severely harms their health and leads to "decay and death." He forwards an official return of these prisoners as instructed by the Governor.

## Sandy aka Dandy

The name Dandy was also identified in the *Convict Death Register* (n.d.) held by the State Archives and Records NSW. The date of death matches the earlier records for Sandy. No remarks are provided; however, Dandy is listed as “Aboriginal Native” in the column referring to the name of a convict ship.

[illegible]

**Figure 3.** From the *Convict Death Register* (n.d.) entry listing “Dandy” as Aboriginal Native.

## Transcript – Dandy

The following excerpt is based on a transcription of the original document.

[Part of table referring to Dandy]

| Name  | Ship              | Age          | Date of Burial | Parish          | Remarks |
|-------|-------------------|--------------|----------------|-----------------|---------|
| Dandy | Aboriginal Native | [Left blank] | Nov 17/39      | Cockatoo Island |         |

## Community Links

## Gamlaraay - Gwydir and Namoi Rivers

## References

Colonial Secretary's Correspondence. (1850, December 16). *A return shewing the number of Aboriginal natives who have been received on Cockatoo Island from the 1st of January 1839 to the 16th of December 1850* [Manuscript]. State Archives and Records NSW (Series 4/3379, letter 50/12485), Sydney, Australia.

Convict Death Register. (n.d.). *Convict Death Register. Dandy* [Manuscript]. State Archives and Records NSW (Series 4/4549; Reel 690, p. 059), Sydney, Australia.

Harman, K. (2012). *Aboriginal convicts: Australian, Khoisan, and Maori exiles*. UNSW Press.

The Sydney Gazette. (1839, August 22). *The Sydney Gazette and New South Wales Advertiser (NSW: 1803 – 1842)*. Supreme Court - Criminal side [Court report], p. 2. <http://nla.gov.au/nla.news-article2540368>

The Sydney Monitor and Commercial Advertiser. (1839, August 19). *The Sydney Monitor and Commercial Advertiser (NSW: 1838 - 1841)*, p. 2. <http://nla.gov.au/nla.news-article32165244>