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***Art of the Insider:
Northern Territory Gaol Art in
The Late Nineteenth Century
and Since***

by

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ART OF THE INSIDER: NORTHERN TERRITORY GAOL ART
IN THE LATE NINETEENTH CENTURY & SINCE

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The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country.¹

Imprisonment and isolation have spurred men and women to find means whereby they can communicate over distance and time.²

Palmerston³ Gaol and Labour Prison, Fannie Bay ('Fannie Bay Gaol'), opened on 20 September 1883 and operated as the Northern Territory's principal institution for the detention, long-term incarceration and rehabilitation of convicted criminals until 1 September 1979.⁴ Located on a main road leading to East Point Recreation Reserve and facing a picturesque bay, the complex of surviving gaol buildings, enclosed by perimeter walls, today serves as a tangible reminder of a penal system which reflected the laws and mores of a frontier community in North Australia for nearly a century. Heritage-listed and managed by the Museum and Art Gallery of the Northern Territory (MAGNT), the Gaol as 'museum' has, in recent years, become a major local and tourist attraction on the

¹ Winston Churchill, in his famous 1910 admonition to the House of Commons, quoted in: Seán McConville, 'The Victorian Prison, England, 1865-1965' in: N. Morris & D.J. Rothman (Eds), *The Oxford History of the Prison – The Practice of Punishment in Western Society*, Oxford University Press, Oxford & New York, 1995, pp.131-165 at 165. The author argues that this passage by Churchill remains 'the best justification for the study of penal history'.

² J.H. Eedle, *Gaols and Goals*, Address to the Seventh Annual Conference of the Australian Reading Association at the old Fannie Bay Gaol Darwin, 30 August 1981, University of the Northern Territory Planning Authority, Darwin, 1981.

³ The original township of Darwin was known as 'Palmerston' or 'Port Darwin' during the period of South Australian administration, following survey and settlement in 1869. With the transfer of control to the Commonwealth in 1911, the name 'Darwin' was officially adopted.

town's historical map, and a venue for social functions, dramatic performances⁵, and even weddings.

Interpretation of the site's historical and architectural significance, and its key role in the history of the criminal justice system in the Territory, have drawn the attention of a range of scholars and experts – including heritage consultants, architects, historians, social scientists and archaeologists – all of whom have added another dimension to our understanding of the Gaol's enduring legacy. In her recently published history of Fannie Bay Gaol, Mickey Dewar (Curator, Northern Territory History, MAGNT) has noted that in general, social histories of prisons or prisoners are relatively uncommon and that penology is usually the province of social scientists.⁶ In the Northern Territory, documentary sources regarding both inmates and prison administrators, particularly in the 19th century, are scarce or uneven; more recent perspectives 'from the inside', including official prison records, are protected by confidentiality or the 'thirty year embargo' on government records.⁷ There does exist however, a rare body of work which was created by Aboriginal prisoners at Fannie Bay Gaol during the late 1880s, commissioned by the then Deputy Sheriff (John George Knight) and exhibited at the Melbourne Centennial International Exhibition in 1888-89 under the title 'The Dawn of Art', which has not until relatively recently received critical attention and public recognition.⁸ The circumstances which led to this unprecedented event, the nature of the work produced 'inside' and publicly exhibited 'outside', and the works' significance historically and art historically, are the main concerns of this paper. More recent examples of contemporary prison art,

⁴ Darwin Prison, Berrimah, opened (or closed ?) its doors on 1 September 1979: M. Dewar, *Inside-Out: A Social History of Fannie Bay Gaol*, NTU Press, Darwin, 1999, p.144. The author also discusses Gunn Point Prison Farm in Chapter 8.

⁵ During Law Week in 2000, the Law Society of the NT, together with members of the legal profession, the Office of the DPP and the criminal Bar, staged a performance of the trial reported in *R v Tuckiar* on-site at Fannie Bay Gaol. It was first performed at the CLANT Conference, Bali, in 1999.

⁶ There are however, numerous published accounts in Australia of individual institutions, famous legal cases or notorious prisoners. See: M. Dewar, *Inside-Out*: Introduction, p.vii, and references to other studies of Fannie Bay Gaol.

⁷ There is no 'freedom of information' legislation in place in the Northern Territory, although at various times over the last decade it has been the subject of (unfulfilled) election promises by the CLP.

⁸ In collaboration with the South Australian Museum, which holds the Knight collection of drawings, MAGNT has erected a prominent display, including copies of the drawings, in the maximum security section of the Fannie Bay Gaol complex.

most particularly by Aboriginal prisoners in the Northern Territory, will also be considered.

Four years before entering Pentonville and Reading Prisons in England, Oscar Wilde somewhat prophetically remarked:

As one reads history ... one is absolutely sickened not by the crimes the wicked have committed, but by the punishments the good have inflicted.⁹

Penal history in North Australia, including the control and punishment of its indigenous inhabitants according to an inherited British system of law and order bolstered by the concept of *terra nullius*, can perhaps be said to begin at the sites of three failed British military settlements off the coast of the Northern Territory – Fort Dundas, Melville Island (1824-28), Fort Wellington, Raffles Bay, near Croker Island (1827-29) and Victoria Settlement, Port Essington (1838-49). The first two short-lived settlements operated as little more than stockades with military lock-ups; encounters with the local Aboriginal population were in many cases marked by hostility or open combat, followed by punitive killing missions by the British. As Mickey Dewar has noted, ‘punishment by death was the most immediate and most final frontier response to challenges to settler dominance’.¹⁰ It was a response that was to mark black and white relations in South Australia’s Northern Territory in ensuing decades.

By 1838 at Port Essington, colonists and colonised had reached a stage where some degree of interdependence and mutual exchange could be said to exist – Aborigines living in and around the Cobourg Peninsula provided local information about food and water sources, as well as labour in construction of the settlement and domestic help, in

⁹ Quoted by Seán McConville, ‘The Victorian Prison, England, 1865-1965’ in: N. Morris & D.J. Rothman (Eds), *The Oxford History of the Prison*, Chapter 5, pp.131-167 at 165.

¹⁰ M. Dewar, *Inside-Out*, Appendix 1, pp.153-158 at 154.

return for exotic foodstuff and other materials.¹¹ Commandant of the settlement, Captain John McArthur, unlike many of his predecessors, was known for maintaining greater control over government officials and settlers in the context of race relations. He has also been credited with 'careful tact' in his official dealings with local Aborigines. The settlement, which took up such a small portion of Aboriginal land, never needed to be fortified against them.¹² It would also appear that at Victoria Settlement, for the first time in North Australia's history, north coast Aborigines were studied 'with real interest and care' by Catholic priest Father Angelo Confalonieri, and linguist and draftsman George Windsor Earl. Both men learnt and transcribed local languages and dialects, noting the geographic location of each.¹³ Furthermore, the first paintings on bark by unknown Aboriginal artists (Iwaidja language group) ever to be collected by Europeans, emanate from the region of Port Essington. They were removed from bark shelters on or before 1878, prompted perhaps by the growing demand by private individuals and public institutions for 'specimens' of the art and material culture of what was perceived to be a 'dying race'. Whether as artefacts of ethnographic study or the stock-in-trade of the curio trade, many such works found their way into public and private collections in Australia and abroad, and were publicly displayed in many of the intercolonial and international exhibitions of the mid to late 19th century.¹⁴

Black and white relations at Victoria Settlement were not however, without incident. Port Essington may well have been the first place in North Australia where Victorian England's system of penal laws were given form in a purpose-built prison. In a

¹¹ Ibid; A. Powell, *Far Country – A Short History of the Northern Territory* (Centenary Edition), Melbourne University Press, Victoria, 2000, pp.62-4.

¹² A. Powell, *Far Country*, pp.62-3.

¹³ Confalonieri died in 1848, following a malaria epidemic at Victoria. He wrote vocabularies for seven Aboriginal dialects and drafted a map indicating the spread of language groups. G.W. Earl was responsible for identifying four language groups on the Cobourg Peninsula, three of which were later identified by N.B. Tindale: A. Powell, *Far Country*, pp.63-4.

¹⁴ It is difficult to date the Port Essington bark paintings and there appears to be no extant documentation as to who collected them and when. It is thought they were painted in the 1870s. They are part of the holdings of the Macleay Museum, Sydney and were first mentioned in: Linnean Society, *The Proceedings of the Linnean Society of NSW*, Vol. III, Pt 2, Sydney, 1878. E-mail communication with Susie Davies, Macleay Museum, 16 June 1999. And see: J. Ryan, *Spirit in Land – Bark Paintings from Arnhem Land*, National Gallery of Victoria, Melbourne, 1990, p.14; P.G. Jones, 'A Box of Native Things': *Ethnographic Collectors & the SA Museum, 1830s-1930s*, Unpublished Doctoral Thesis, University of Adelaide, December 1996.

letter to Captain John Washington RN, Captain Owen Stanley reported to the Colonial Office in London of a new development he had observed at the settlement in 1841:

With the natives of Port E we are on the best of terms; the building of two solitary cells has even put a stop to thieving; two days confinement having more effect upon them than any corporal punishment however severe. They seem to be afraid of some bad spirit coming to them when they are alone in the tank.¹⁵

Stanley's sentiments echo those of Port Essington resident G.W. Earl the previous year:

We get on famously with the natives. McArthur manages them well. They pilfer occasionally, for which they are punished with a caning, or a confinement for a week in irons, the latter they consider as the greatest punishment ... The natives themselves sometimes bring in the offenders.¹⁶

The early discovery that incarceration, particularly solitary confinement, had a potent deterrent effect on potential and actual Aboriginal offenders – often with tragic consequences – was a fact which would shape the history of prison administration and policy-making in the Northern Territory in ensuing years.¹⁷ Since at least the 1980s, with the Royal Commission into Aboriginal Deaths in Custody, through to the public debate from the mid-1990s onwards concerning the passing of controversial mandatory sentencing laws in the Northern Territory, it is a fact which has been forcefully reiterated in the on-going battle for prison reform.

¹⁵ Quoted in: M. Dewar, *Inside-Out*, Appendix 1, footnote 5, p.154.

¹⁶ *Ibid*, Appendix 1, footnote 3, p.154.

¹⁷ Prison design at Fannie Bay Gaol was adapted in later years to accommodate Aborigines in Sydney Williams' style 'communal cells' as a means of alleviating the acute anxiety and depression they are known to experience in confined, solitary enclosures: see D. Carment, *Looking at Darwin's Past – Material Evidence of European Settlement in Tropical Australia*, NARU, Australian National University, Darwin, 1996, p.30.

Penal history is littered with unfulfilled promises, abandoned hopes, discarded institutions, and punishment is a process that most people find unpleasant to contemplate.¹⁸

Following the Northern Territory's annexation to South Australia from New South Wales by Letters Patent on 6 July 1863, a Survey Party headed by G.W. Goyder arrived in Port Darwin (1868-69) to establish the new township. Although the first stone dwelling erected in 1870 was Government House, a Courthouse, Town Hall and other civic amenities were not built until much later. A stone lock-up, proclaimed the Palmerston Gaol in 1872, was built almost immediately.¹⁹ Conditions were cramped, sanitation was poor and security was apparently so lax that W.J. Sowden, a member of the 1882 South Australian Parliamentary Party, remarked in his written account of the trip:

The whole establishment is surrounded by a nine feet iron fence, over which prisoners can get as easily as an astute lawyer can go through an Act of Parliament. Not long ago an Afghan threw himself over it; and shortly afterwards a Chinaman, who was undergoing sentence, was found in the street one night. He was asked to explain, and remarked with an air of injured innocence ... 'What for you holdee me? Leavee go. I only go out post him letter'.²⁰

Between September 1873 and November 1875, John George Knight (1826-1892) was employed as Secretary and Accountant to the Government Resident in Palmerston, with additional duties as Architect and Supervisor of Works. Born in London, he had trained as an engineer and architect before arriving in Melbourne in February 1852. Over the following two decades, he distinguished himself as one of Victoria's best known

¹⁸ Seán McConville, 'The Victorian Prison, England, 1865-1965' in: N. Morris & D.J. Rothman (Eds), *The Oxford History of the Prison*, Chapter 5, p.131.

¹⁹ M. Dewar, *Inside-Out*, Appendix 1, pp.154-155: the first Palmerston Gaol was located on Lot 533, corner of Mitchell Street and the Esplanade.

²⁰ W.J. Sowden, *The Northern Territory As It Is: A Narrative of the South Australia Parliamentary Party's Trip* (facsimile edition), W.K. Thomas & Co., Adelaide, 1882, p.139. Quoted in: *Ibid*, p.155.

architects and as a successful organiser of the colony's exhibits at intercolonial and international exhibitions during the 1860s, a task he would repeat on the Northern Territory's behalf in May 1875 for the Victorian Intercolonial Exhibition in Melbourne later that year.²¹ During his first stint in Palmerston, Knight presented a comprehensive 'review of Government Works and Buildings' and a 'Report on Building Materials' in the Territory to the Government Resident (11 March 1874), which was forwarded to Adelaide. The structures for which he had responsibility and for which he recommended improvement included the police and trooper's quarters, the first police station and the gaol. The latter was the subject of particular criticism for its lack of security, a fact necessitating the use of leg irons on prisoners. By the end of his tenure however, he had been largely responsible for providing the areas of European settlement with the beginnings of an 'adequate infrastructure' – including the building of basic gaol cells, which together with a solitary confinement section, were nevertheless primitive by any standards.²²

Knight's contribution to the improvement of prison architecture, and therefore to prisoner living conditions in the Northern Territory, was first apparent in the planning stages for the construction of Fannie Bay Gaol in the early 1880s.²³ During this decade, his numerous official posts included Clerk of Palmerston Court, Clerk of the Licensing Bench, Registrar, Accountant, Official Receiver and Returning Officer, Crown Prosecutor, Special Magistrate, Coroner, Justice of the Peace, Curator of the Property of Convicts, and most significantly in terms of the design and administration of Fannie Bay Gaol, Deputy Sheriff.²⁴ The old gaol was generally considered to be too close to the town centre and beyond structural repair. In a memo to the Government Resident in May 1885, Knight recalled how in 1880 he had 'made out a very strong report on the

²¹ D. Carment, 'Knight, John George' in: D. Carment, R Maynard & A. Powell (Eds), *Northern Territory Dictionary of Biography, Volume One: To 1945*, NTU Press, Darwin, 1990, pp.171-172. D. Carment, H.J. Wilson & B. James, *Territorian – The Life and Work of John George Knight*, Historical Society of the NT, Darwin, 1993, p.28.

²² D. Carment et al., *Territorian – The Life and Work of John George Knight*, pp.23 & 27; M. Dewar, *Inside-Out*, p.155.

²³ Plans to establish a gaol site further away from town had however been made as early as 1878: M. Dewar, *Inside-Out*, p.155.

²⁴ D. Carment, 'Knight, John George' in: D. Carment et al. (Eds), *Northern Territory Dictionary of Biography, Volume One: To 1945*, pp.171-172 at 172.

inefficiencies of the old gaol accompanied by a plan of the cells and other information'. On his account, what followed was that the old gaol was pulled down and a new one erected at Fannie Bay, some five kilometres from the township.²⁵ Due to an anomaly in South Australian legislation at the time, Knight, as Deputy Sheriff, was answerable to the Governor of the Colony of South Australia, not the Government Resident.²⁶ The power to control prisons and regulate the care and conduct of Northern Territory prisoners was therefore ultimately in Knight's hands, not the Government Resident's. He would exercise his discretion, particularly in relation to the Gaol's labour programme, with some degree of self-interest, but not, it seems, without humanitarian consideration.

Although Knight was strongly associated with Fannie Bay Gaol from the early 1880s onwards, he was probably not responsible for the design of the original 16-cell stone block which constituted the Gaol's first component.²⁷ Available documentary sources do however strongly infer that he either designed or supervised various subsequent improvements to the Gaol complex. In late 1884 for example, he sent the Government Resident a schedule of additions he believed were required at the Gaol, together with a plan which included an infirmary, a solitary cell, provision for two female prisoners in a separate enclosure, an office for the gaoler, a room for debtors and a store room. The infirmary, eventually built in 1887 and still standing today, closely resembles his suggested designs of 1884 and 1886, and was ascribed to him by the *Northern Territory Times*.²⁸ Related issues which would concern Knight were poor sanitation and over-crowding, taken up by the local newspaper after four prisoners died whilst serving sentences in 1886.²⁹ He also continued to support the Gaol Keeper's (Frederick E. Becker) earlier written requests for better and more consistent pay scales for prison employees as a means of acquiring more and better-trained reliable staff.³⁰

²⁵ Quoted in: D. Carment et al., *Territorian – The Life and Work of John George Knight*, p.47.

²⁶ M. Dewar, *Inside-Out*, p. 12.

²⁷ M. Dewar, *Inside-Out*, p.2: it was probably designed by O.F.C. Reichardt under instructions from G.R. McMinn, Supervisor of Works. The building contract was awarded to V.V. Brown.

²⁸ During his term as Warden of the Goldfields in the NT (1876-80), Knight had contributed to the welfare of miners in the Yam Creek district by establishing a hospital in a former hotel, often tending to the sick himself: D. Carment et al., *Territorian – The Life and Work of John George Knight*, pp.34 & 47.

²⁹ *Northern Territory Times & Gazette (NTTG)*, 16 March 1889. Knight had instituted a 'bucket latrine' system of sanitation c.1886. See: M. Dewar, *Inside-Out*, pp.9-10.

³⁰ *Ibid*, p.9.

The difficulty of defining the proper role of labour in the prison provides a clue to the basic dysfunction of the prison itself ... it is hard to train for freedom in a cage.³¹

One of the key reasons the Palmerston Gaol and Labour Prison had been relocated to the site at Fannie Bay was its proximity to the Darwin Botanic Gardens, where prison labour was made available to the then Government Gardener, Maurice Holtze. Holtze was principally engaged in experimenting with agricultural crops and commercially-viable fibre plants, as part of the South Australian government's drive to ensure the Northern Territory's economic sustainability. A six-day work programme was established at Fannie Bay Gaol whereby prisoners (with the exception of those under sentence of death) were involved in the building and maintenance of the township – bamboo cutting, wood collecting and chopping, clearing the rifle range and racecourse, clearing tracks and roads in the area (including East Point Road), and building the swimming baths at Lameroo Beach.³² Community expectations of the nature of punishment, reiterated in the Gaol's system of penal servitude, involved not only the deprivation of liberty, but the notion of hard labour at the service of civic needs. In Palmerston, moral and economic imperatives combined – a belief in work as a means of reform and rehabilitation, coupled with the fact that the small population of European settlers required a labour force to establish and maintain the township and environs.

Knight came under strong public criticism when he used Aboriginal prisoners to build his mansion on Darwin Harbour ('Knight's Folly') in 1883, in light of a ruling at the time that Aboriginal inmates were not to be used for work duties outside the gaol walls unless the circumstances were 'exceptional' and they were strictly supervised.³³ Not only was it clear to prison administrators at the time that solitary confinement had a particularly distressing effect on Aboriginal prisoners, but their record of attempted

³¹ N. Morris & D.J. Rothman, *The Oxford History of the Prison*, Introduction, pp.vii-xiv at ix & xii.

³² M. Dewar, *Inside-Out*, p.4. The concept of prison labour as a key tenet of punishment and a means of making recompense to society was already in place at the old Palmerston Gaol: Ibid, p.156.

³³ Ibid, p.12. 'Knight's Folly' burnt down in December 1933.

escapes was widely acknowledged. Knight's decision to override the ruling may be regarded as purely pragmatic, but his decision nevertheless offered a degree of public proof of the possibility of Aboriginal prisoners' potential for reform and usefulness to the community:

I am going to try to build the wall of stone with prison labour; it will involve a good deal of personal trouble to teach blackfellows the rudiments of masonry, but I am not afraid of the result.³⁴

Knight's reputation as both Crown Prosecutor and Special Magistrate often drew comments from the press regarding his fairness and commonsense; he was sometimes criticised for his leniency, particularly in relation to Chinese and Aboriginal offenders.³⁵ No doubt he sympathised with Justice Dashwood's comment in 1894 that 'it is very unsatisfactory, to ... try a case against two creatures who stand there utterly ignorant of what is going on', and with the local paper's description of 'the average trial of natives' as a 'weird farce'.³⁶ It is understandable then, that he should turn to other means to deal with the 'Aboriginal problem' of over-representation in the Gaol; their reform through training in European trade work was only one possibility. Through his experience as an exhibition organiser, he would have appreciated educated connoisseurs' and anthropologists' interest in the art and artefacts of Australian Aborigines – and what better way to prove to the local community that the 'wild savage' was less of a threat than generally perceived, and that under his careful supervision, had been sufficiently rehabilitated to produce 'works of art' inside the prison walls which would appeal to the informed outside ?

Though it is impossible, on available records, to determine the precise nature of the prison population during Knight's tenure as Deputy Sheriff at Fannie Bay Gaol, the commonly held assumption that Aborigines consistently comprised the majority of

³⁴ State Records of SA, GRS1 193/1883, J.G. Knight, Letter from Deputy Sheriff to Government Resident, 19 Feb 1883; quoted in *Ibid*, p.12.

³⁵ D. Carment et al., *Territorian – The Life and Work of John George Knight*, p.51.

³⁶ *NTTG*, 10 August & 28 December, 1894.

prisoners has been recently disputed. Aborigines formed the majority of the general population in the Northern Territory until the 1950s (with the exception of the World War II period)³⁷, although their presence in Port Darwin during the late 19th century was confined as far as possible to town camps. By far the largest ethnic group in the Northern Territory in 1888 (at just over 7000) was the Chinese, outnumbering Europeans by a ratio of more than four to one.³⁸ These figures were, it seems, reflected in the prison population in December 1888: of 37 prisoners held at the Gaol, 19 were Chinese, 10 Aboriginal, 6 European and two were of unidentified ethnic groups.³⁹ Between 1888 and 1913 however, by far the majority of prisoners serving commuted life sentences or long-term sentences for murder or manslaughter were Aboriginal. Despite at least seven documented executions of convicted Aboriginal offenders between 1893 and 1913, Aboriginal inmates were a consistent presence in the prison population.⁴⁰ The second recorded execution in the Northern Territory during this period (25 July 1893) was of an Aborigine known as Wandy Wandy, who had been convicted of murder. During Knight's tenure as Deputy Sheriff in the 1880s, Wandy Wandy had been serving a ten year sentence for manslaughter. He produced one drawing for Knight's 'Dawn of Art' collection during 1888, three years before his release.⁴¹

We do not know whether Knight, like Geoffrey Bardon at the government settlement of Papunya nearly a century later, was alerted to the possibility of commissioning Aboriginal prisoners to use European art materials in the execution of traditional designs and motifs, as a consequence of seeing them drawing in the dust of the gaol yard. We do know however, that some time in early 1878, when he acted as the Northern Territory's first resident Special Commissioner to the 'Exposition Universelle'

³⁷ M. Dewar, *Inside-Out*, p.viii: Paradoxically, Aborigines did not necessarily form the majority of prisoners in NT gaols until after they became a minority in the NT as a whole.

³⁸ A. Powell, *Far Country*, pp.99 & 113.

³⁹ M. Dewar, *Inside-Out*, pp. 1 & 31.

⁴⁰ *Ibid*, pp. 25 & 32.

⁴¹ A. Sayers, *Aboriginal Artists of the Nineteenth Century*, Oxford University Press (in association with the National Gallery of Australia), Melbourne, 1994, p.116.

(Universal Exhibition) in Paris (May-November 1878), Knight requested Police Inspector Paul Foelsche⁴² to obtain a:

good collection [of] native weapons, fibres, nets, bags, etc. and *drawing on bark*, also two or three skulls male and female. These are much valued by ethnologists. (my italics)⁴³

The date of the commission coincides with the collection of bark paintings from Port Essington, and Foelsche is known to have made at least several trips to the area at the relevant time.⁴⁴ In any case, it is sufficiently clear that Knight had, for at least a decade, been aware of the artistic practices of Northern Territory Aborigines and of the potential value of their traditional 'drawings' as items of interest (ethnographic or otherwise) in exhibitions. When he resumed his duties in 1887 as 'Commissioner for NT Exhibitors' at the Adelaide Jubilee International Exhibition (1887-88) and subsequently as 'Commissioner Representing the Northern Territory' at the Centennial International Exhibition, Melbourne (1888-89), he was well placed to organise a special exhibit of Aboriginal art which emanated from his own domain as Deputy Sheriff – one which did not need the intermediary assistance of frontier collectors such as Foelsche.⁴⁵

Another possible explanation behind Knight's commissioning of 'The Dawn of Art' drawings may be that he witnessed Aboriginal inmates using available materials to create sketches or murals on their cell walls during the 1880s. In 1886, the visiting doctor to the gaol (Dr Wood), made the following observation:

⁴² Resident in Palmerston from the early 1870s and in active service until 1903, Foelsche was one of the first and most prominent collectors of natural history and Aboriginal ethnographic material at the behest of the SA Museum.

⁴³ P.G. Jones, *A Box of Native Things*, pp.197 & 216. Jones describes Foelsche as one of several 'gatekeepers' to the northern frontier's supply of museum exhibition and research material, part of a network which spanned Australia and abroad.

⁴⁴ See generally: P.G. Jones, *A Box of Native Things*; e-mail communication with author, nd.

⁴⁵ Knight took leave of absence from the NT on 5 May until early December 1887 to attend to the NT display at the Adelaide Jubilee International Exhibition. That year, the SA Branch of the Royal Geographic Society of Australia in Adelaide exhibited a collection of 5 bark paintings collected by Captain Carrington in 1884 from Field Island, about 80 km from Oenpelli. These works resemble the earlier Port Essington barks in their rudimentary composition and simplicity of style: T. Womsop, (compiled & collated), *The*

There have been three deaths in the gaol this half-year – Ah Kit ... and two aboriginals – Nango, a Daly River murderer, from beri-beri; and Harry, or Nym, from fright. All the aboriginals became frightened at Nango's death, and thought that the devil was in the gaol, but though others became ill, and assured me that they must die, by giving them some food, which they refused for a time, they have now got quite well again.⁴⁶

At the inquest of Harry's (Nym's) death, Wood concluded that he had probably died of 'natural causes'.⁴⁷ At some time during the course of compiling material for his book, *The Prehistoric Arts, Manufactures, Works, Weapons, Etc., of the Aborigines of Australia* (1897), Thomas Worsnop collected two reproductions of drawings executed by 'native prisoners' at Palmerston Gaol on their cell walls.⁴⁸ The first 'mural' sketch depicts emus, a snake and fish (in black), a kangaroo (in red), flora, and a human figure with outstretched arms (in white). The subject of the second 'mural' sketch is of particular interest in the context of Wood's account of Harry's (Nym's) death; it may also provide a clue to the beginnings of gaol art in the Northern Territory, more specifically to Knight's commission of drawings in 1888. Worsnop describes the mural as depicting 'some of the representations of the mythical beings which, amphibious and otherwise, tend to raise the greatest dread in the aboriginal mind'.⁴⁹ The second reproduction of the prison mural sketches was donated to the South Australian Museum in 1958, together with Knight's collection of Aboriginal drawings from Fannie Bay Gaol, via Paul Beadle, Principal of the South Australian School of Arts.⁵⁰ It is not clear how both items came to be in the collection of the South Australian School of Arts prior to their donation, or why they

Prehistoric Arts, Manufactures, Works, Weapons, Etc., of the Aborigines of Australia, C.E. Bristow (Government Printer) Adelaide, 1897, p37; J. Ryan, *Spirit in Land*, p.14.

⁴⁶ P.M. Wood, Gaol 1886, *Government Resident Half-yearly Report on Northern Territory to 31 December 1886*, SA Government, p.21. In: M. Dewar, *Inside-Out*, p.23.

⁴⁷ M. Dewar, *Inside-Out*, p.23.

⁴⁸ T. Worsnop, *The Prehistoric Arts Etc.*, p.37 & Plates 19, 20.

⁴⁹ *Ibid*, p.37.

⁵⁰ SA Museum, Item AA169; Letter from K.R. Clarke, Curatorial Officer, Anthropology, SA Museum, to Assoc. Prof. David Carment, NT University, 15 August 1991.

should be transferred as one group to the South Australian Museum; nor is it clear who created the reproduction of the Aboriginal prisoner's mural sketch and its annotation.⁵¹

The drawings on paper commissioned by Knight, 18 of which are now housed in the anthropology collections of the South Australian Museum, were by five Aboriginal prisoners incarcerated at Fannie Bay Gaol in 1888 for various offences [Appendix 1, Artists' Biographies]. They were probably first exhibited at the Centennial International Exhibition in Melbourne (1 August 1888-31 January 1889), although it has been suggested that they may have been shown in Adelaide first.⁵² The works were executed on sheets paper, of roughly the same size (approximately 34 x 51 cm) in plain and coloured pencil – materials apparently supplied by Knight. For the purposes of the Melbourne Exhibition, Knight had the works framed and displayed within the Northern Territory Court, the Official Exhibition Catalogue noting:

Northern Territory of South Australia

I. WORKS OF ART

Class 2 – Various Paintings and Drawings

1. Knight, J.G., Deputy Sheriff, Palmerston -

'The Dawn of Art' – Sketches and Drawings made by aboriginal [natives] at Port Darwin, [executed] without aid of a master.⁵³

The description is significant for three reasons: it makes reference to Knight as a collector with official duties at the gaol in Palmerston, it emphasises the independent artistic

⁵¹ In the Preface, T. Worsnop acknowledges G.T. Pank Esq for many of the drawings he prepared for the lithographer, as well as 'other drawings by contributors': *The Prehistoric Arts, Etc.*, p.vii.

⁵² P. Jones, 'Perceptions of Aboriginal Art: A History' in *Dreamings – The Art of Aboriginal Australia*, Viking in association with The Asia Society Galleries, New York, 1988, pp.143-179 at 165. But see: A. Sayers, *Aboriginal Artists of the Nineteenth Century*, p.137. The 'Dawn of Art' collection was described by the local newspaper as an 'additional exhibit' for the Melbourne Exhibition, to those previously submitted by the NT to the Adelaide Jubilee Exhibition in 1887: *NTTG*, 23 June 1888. Part of the NT Court at the Melbourne Exhibition was subsequently displayed at the SA School of Mines, Adelaide in 1889: *North Australian*, 1 June 1889.

⁵³ *Centennial International Exhibition Catalogue, Melbourne, 1888-9, Official Catalogue of the Exhibits, with Introductory Notices of the Countries Exhibiting*, Vol II, Introduction to Fine Arts Court, M.L. Hutchinson, Melbourne, 1888, p.153. See also: *The Northern Territory of South Australia – Centennial*

capabilities of the artists, and it refers to their work as 'art', not artefact or ethnographic curiosity.⁵⁴ As Philip Jones has noted, this was unusual for the time, and perhaps the first occasion in Australia that Aboriginal art was not described in terms of 'ornament' or 'decoration'.⁵⁵ Andrew Sayers has further stated that 'The Dawn of Art' exhibition was the first time ever that *drawings on paper by Aboriginal artists* were publicly displayed in Australia, something perhaps repeated on only one other occasion between 1888 and 1929.⁵⁶

The South Australian Museum's collection of 'Dawn of Art' drawings are, according to Philip Jones, 'reminiscent of the delicately painted rock art of the Arnhem Land region', and in this sense may be compared to some of the earliest known bark paintings collected in North Australia during this period.⁵⁷ The subject matter chiefly consists of a wide range of animal and bird life, fish, insects, plants and fruit, as well as hunting implements and water-craft ('tomahawk', 'canoe'). The repetition⁵⁸ of animal motifs (such as a series of kangaroos) and their schematic portrayal as quarry lain on a flat surface before butchering, is also typical of the rock art and bark painting style of Western Arnhem Land. So too is the compositional placement of the figures. They are not grounded in perspectival space, but 'float', like the abstract motifs in a painting by Klee, forcing us to adjust our vision within the confines of the paper. Although animals' body parts are decorated realistically or abstractly, there is no recognisable *rarrk* or cross-hatching to indicate possible references to the subjects' mythological significance. There is one drawing of men in a canoe, and more significantly, two drawings of men adorned for ceremony, with details of body painting and ceremonial garb. One drawing by

International Exhibition, Melbourne, 1888, Northern Territory of South Australia – Catalogue of Exhibits, Item 67, p.12. The same entry also includes: 'native canoe'.

⁵⁴ F.E. Becker, Keeper of Palmerston Gaol and Labour Prison, contributed a 'collection of native weapons made by aboriginal natives in the gaol' to the Melbourne Exhibition in 1888, for which he was awarded a bronze medal. These items were catalogued under 'Textiles, Fabrics, Clothing and Accessories'. See: *Centennial International Exhibition Catalogue, Melbourne, 1888-9, Official Catalogue*, Vol 1, pp.99-101; *The Northern Territory of South Australia – Centennial International Exhibition, Melbourne, 1888*, Northern Territory of South Australia – Catalogue of Exhibits, Item 61, p.12.

⁵⁵ P. Jones, 'Perceptions of Aboriginal Art', p. 165.

⁵⁶ A. Sayers, *Aboriginal Artists of the Nineteenth Century*, pp.81 & 85.

⁵⁷ P. Jones, 'Perceptions of Aboriginal Art', p.166

Billiamook depicts an 'ancestor figure' with a trunk-like torso from which other figures emerge. Knight's annotation for this figure is 'God'.

It is not known whether the artists drew the works in isolation, or in the company of other artists; nor is it known whether they were responding to particular requests for subject matter made by Knight. In anticipation of their public display, Knight carefully annotated the names of each of the subjects in the artists' language, also adding a European approximation. In his study of the drawings, Sayers states, somewhat sweepingly, that they have no 'apparent narrative intent', but are more akin to 'descriptive, informal collections of objects', and further:

they have none of the sense of pattern inherent in 20th century works which explicitly illustrate Dreaming stories and reflect the cohesiveness of an Aboriginal world-view.⁵⁹

It is not surprising that, in the context of Fannie Bay Gaol, the drawings may appear to lack a 'cohesive Aboriginal world-view' – in the 19th century, this 'world view' was under siege, and it is a testament to Aboriginal resilience and determination that it has survived and continues to be expressed through their art. If we fail to understand (rather than appreciate) the 'Dawn of Art' drawings, it may at least be partly due to the fact that the subject matter of Aboriginal art, no matter how carefully explained in anthropological terms, is sometimes simply beyond our ken.

In a letter reporting on the success and acclaim which the Northern Territory display attracted at the Melbourne Exhibition, published in the local newspaper in 1888, Knight noted:

⁵⁸ Repetition of figurative images (of animals) in some examples of Aboriginal art is sometimes thought to indicate that the artist is a young initiate and is practising in order to refine the 'correct' and appropriate way to depict a subject.

⁵⁹ A. Sayers, *Aboriginal Artists of the Nineteenth Century*, pp.81-2.

As I predicted the drawings made by Billamuc, Davey, Jemmy Miller, Paddy, Wandy, and other native artists attract almost undue attention, especially from real artists. The other evening Mr Folingsby, a painter of some renown, after careful inspection of these original works, declared that the executants were all worthy of being made honorary members of the Australian Academy of Arts. I have had the sketches mounted, and put into *six frames*, each 6 ft by 2 ft 6 in, with *six pictures in a frame*.⁶⁰ (my italics)

Ever the exhibition impresario, Knight went to particular trouble to promote his collection of drawings as being unique in aesthetic terms, thereby defending his description for them. A report in *The Argus* in 1892 recalls Knight 'enlarging with quaint humour upon his pictorial exhibits' which illustrated 'what he called 'The Dawn of Art''. The writer continues:

With a merry twinkle in his eye, and selecting the worst effort of the whole, he exclaimed, parodying the lines of Gray –

'Let not the critic mock their art grotesque,
Their pigments few and drawing incorrect;
I tell you that this work is picturesque,
And for it, praise unstinted I expect'.⁶¹

It is apparent from Knight's letter of 20 October 1888 that the 18 drawings which found their way into the South Australian Museum are only half the number he exhibited in Melbourne in 1888. According to the local newspaper, Knight sent 'some of the framed pictures executed by aboriginals at the Fannie Bay Gaol' to the 'Hamburg Exhibition' at the close of the Melbourne Exhibition in 1889.⁶² The writer continues:

⁶⁰ *NTTG* 20 October 1888.

⁶¹ *The Argus*, 12 January 1892. This extract appears in Knight's obituary. The reference to (Thomas) Gray may refer to lines 29-32 from 'Elegy Written in a Country Churchyard'.

one collection of pictures, by the aborigines, has been presented to Mr Grimwood, the Commissioner for Lancashire, who has had them photographed on slides, for the purpose of illustrating a series of lectures to be delivered in England.⁶³

On his return to Palmerston in early 1889, Knight was appointed Acting Government Resident and Judge, and was subsequently formally appointed Government Resident.⁶⁴ In May 1890, he held a 'Conversazione and Exhibition of Minerals' at the Residency, which included 'the display of drawings made by aboriginals of the Northern Territory', described by the local newspaper reporter as 'an unique feature of the collection of novelties' which Knight made available for inspection to his guests.⁶⁵ The reporter continues:

These naturally provoked much comment, and if it were possible to pass an opinion on such artistical ravings without having the slightest idea what many of them were intended to represent, the popular verdict would be that the nigger possesses a vast deal more genius than he is credited with. Four large drawings – three representing steamers, and the fourth a couple of yachts under sail – were exceptionally good works of aboriginal art, executed by a member of the Larrakeyah tribe who has had the advantage of a Sydney Harbour experience. His forte is of the maritime order, and in this, with the assistance of a teacher, he might blossom into a thorough native artist.⁶⁶

⁶² *NTTG* 30 March 1889. I have found no record of an international exhibition in Hamburg after 1888; perhaps the reporter was referring to a public institution in that city.

⁶³ *Ibid.*

⁶⁴ D. Carment, 'Knight, John George' in: D. Carment et. al, *Northern Territory Dictionary of Biography, Volume One*, pp.171-172 at 172.

⁶⁵ *NTTG* 16 May 1890.

⁶⁶ *Ibid.* Another collection of drawings by an Aboriginal artist (Charlie Flannigan) incarcerated and eventually executed at Fannie Bay Gaol in 1893, also in the SA Museum collections, portrays similar maritime subject matter. Alfred Searcy (Sub-Collector of Customs, Port Darwin), who collected Flannigan's drawings and attended his execution, was also present at the *Conversazione* at the Residency.

Had Knight made much progress in convincing the Palmerston community that Aboriginal art, as art, was worth patronage and support? How far had he come in promoting the concept that as artists, rather than as the objects of scientific study or a potential menace to civic order, Aborigines could be said to be endowed with universal human qualities and were therefore capable of 'reform'?⁶⁷ It is hard to say, but it would appear that he had at least he tried. By offering an opportunity for Aboriginal prisoners to engage in artistic practice within the regime of penal servitude at Fannie Bay Gaol, Knight demonstrated considerable foresight. It was a policy which did not receive official attention within the prison system in the Northern Territory until many years later.

Although Aboriginal prisoners incarcerated at Fannie Bay Gaol were permitted by prison authorities to produce paintings and artefacts during the 1970s⁶⁸, it was not until 1996 that an adequately funded arts programme was established at Darwin Prison, Berrimah, as part of a national scheme. Entitled 'Inside Art Out', the aim of the project was to target those locations in Australia with the highest recorded incarceration levels, and 'to assist prisoners through the medium of visual arts to claim, control and enhance their cultural inheritance'.⁶⁹ Joint funding was made available from the Federal Government (through the Aboriginal and Torres Strait Islander Arts Unit of the Australia Council), and from State/Territory Governments (through respective Department of Correctional Services' Institutional Programme Branches). Darwin's contemporary art space, 24HR Art, was successful in securing the tender. This significant pilot project was co-ordinated by local Darwin artist Franck Gohier, who was assisted by several

See: A. Sayers, *Aboriginal Artists of the Nineteenth Century*, p.136; A. Searcy, *In Australian Tropics*, 1909, (facsimile edn), Hesperian Press, 1984, Preface by E. Whittington, p.ix.

⁶⁷ See the particularly vitriolic attacks in the *NTTG* (Editorial) concerning the removal of several 'serious' Aboriginal offenders to Adelaide Gaol in late 1886 for reasons of security. The notion of a tough penal system at the service of 'frontier justice' was contrasted with the more 'liberal' attitudes thought to prevail in South Australia: 16 October 1886 & 1 January 1887. It was even suggested that the gallows from Fannie Bay Gaol be displayed at the Adelaide Jubilee Exhibition in 1887. Was Knight's commissioning of 'The Dawn of Art' drawings a response to this? And see: M. Dewar, *Inside-Out*, p16.

⁶⁸ M. Dewar, *Inside-Out*, p.134.

⁶⁹ S. Fox, 'Inside Art Out', room brochure, Raintree Aboriginal Fine Arts Gallery, 24 July – 11 August, 1996.

indigenous artists invited from 'outside' to act as tutors for Aboriginal prisoners from various regions in the Territory.⁷⁰ Two to three-week workshops were divided into specific Aboriginal cultural groups according to 47 participating prisoners' backgrounds, which resulted in the production of art, in various media, stylistically typical of Western Arnhem Land, Groote Eylandt and North East Arnhem Land, Port Keats and Tiwi Islands. The work was later exhibited at Raintree Aboriginal Fine Art Gallery, in Darwin, between July and August that year.

The general consensus, of both prison artists and administrators, was that the programme had been most successful in achieving its stated aims.⁷¹ Several inmates at Berrimah Prison in 1996-97 enrolled in the Education Programme also entered art and handcrafts in the 1997 Fred's Pass Show, winning first, second and third prizes in painting, and first prize in leatherwork. Entries were also submitted to the 14th National Aboriginal and Torres Strait Islander Art Award.⁷² Steve Fox, then Director of 24HR Art, noted at the time of the 'Inside Art Out' exhibition in Darwin that one of the most valuable components of the project was the instruction offered in traditional painting techniques by older artists who participated as tutors. The exhibition, he said, 'portrays a fascinating image of Territory Aboriginal art through the eyes and hands of those on the INSIDE to us mob on the OUTSIDE'.⁷³ A significant result of the project, and a 'testimony to its success', has been the on-going development of an art workshop programme at Berrimah Prison (NT Correctional Centre), as well as an extension of the programme to Alice Springs.⁷⁴

Another recent initiative in this field is 'Ending Offending - Our Message', in which over 150 male and female prisoners and juvenile detainees in Darwin and Alice

⁷⁰ Ibid: 'Older artists' who acted as tutors for the project were Neville Marrday from Namarnagaradu homeland near Oenpelli, Murrabuda Wurramarra from Bickerton Island near Groote Eylandt and Richard Barnes, a Larrakia artist from Darwin.

⁷¹ *Northern Territory Correctional Services Annual Report, 1996/97*, p.74. The participants were accredited with having successfully completed modules from the Certificate in Art and Craft.

⁷² Ibid.

⁷³ S. Fox, 'Inside Art Out', room brochure, 20 June 1996.

⁷⁴ M. McKinnon, *The Hottest Gallery in the World - 10 Years at 24HR Art - Northern Territory Centre for Contemporary Art (1990-2000)*, 24HR Art, Darwin, 2001, p.56.

Springs have produced a collection of stories, paintings, songs, a music CD and interactive website (www.ourmessage.org) addressing the issues of offending, violence and alcohol and drug abuse. Throughout this programme, participants receive nationally accredited training in areas such as literacy, music and 'art industry' skills, computing, woodwork and trades. Work produced thus far has been successfully exhibited in Darwin, Alice Springs and Melbourne, and feedback from the public via the website and exhibitions has been 'positive'.⁷⁵ One of the local public institutions involved in the training component of the programme is Northern Territory Libraries and Information Services in Darwin, which recently exhibited some of the participants' art works in the mezzanine of the Library. The 'Our Message' programme is applied in the Northern Territory with Aboriginal communities particularly in mind, seeking to work collaboratively with community members and prisoners.⁷⁶

Much of the contemporary art work produced (or at least, made public) and exhibited under the banner of Northern Territory prisons' rehabilitation programmes, does not depict controversial subject matter directly referring to the circumstances of the offence or crime committed by prisoner. The programmes themselves do not appear to be structured to allow for this; they target causes for offending, and offer solutions through creative endeavour, albeit controlled. In at least one case in Darwin however, art independently produced by a long-term prisoner at Berrimah Gaol convicted of murder, was exhibited at a local commercial gallery in Darwin, attracting publicised criticism from the family of the victim. It was not so much the sci-fi, futuristic comic strip nature of the work which seemed to offend, as the fact that the prisoner in question was being treated as an 'artist', and that he had been thereby given an opportunity to commune, through his art, with the 'outside' world. A similar case was reported in the *Northern Territory News* (5 April 2001), concerning a 'serial killer's portrait of Princess Diana' exhibited in New York at an annual exhibition by inmates entitled 'Corrections on Canvas'. Public outcry from the victims' families and other members of the public led New York Governor George Pataki to ban 'violent criminals' from entering the

⁷⁵ *Northern Territory Correctional Services, Annual Report 1999/2000*, p.69.

⁷⁶ 'Our Message - An Exhibition of Northern Territory prisoners artwork', NTLIS room brochure, 2001.

exhibition in future. A family member of one the victim's was recorded as saying, 'It is totally wrong. I get so mad when I hear this stuff. They do all this for him and they forget the victims'.

It is difficult to assess the 'success' of art at the service of prison reform, both in the past and present – by any standards, and from all perspectives – be they of prisoners, prison administrators, victims of crime, or 'innocent' spectators. Art critics such as Robert Hughes, as opposed to prison reformers, deplore the notion of art at the service of any agenda, the sort of art that 'addresses issues' such as racism, sexism, AIDS, or politics – unless, at the very least, it satisfies established criteria of aesthetic excellence. To address an issue, he argues, is not to address a public as art can and should.⁷⁷ The problem in America, according to Hughes (and it could equally be applied in this country), is the belief that 'the main justification for art is its therapeutic power'. He notes:

We know, in our heart of hearts, that the idea that people are morally ennobled by contact with works of art is a pious fiction ... There is just no generalising about the moral effects of art, because it doesn't seem to have any. If it did, people who are constantly exposed to it, including curators and critics, would be saints, and we are not.⁷⁸

In this respect, those who have managed to remain law-abiding citizens, and who are fortunate enough to live in a free society, are in no better position than the prisoner in his cell – the supposedly 'therapeutic' effect of art on the 'inside' is no different from that on the 'outside'. In asking the question 'who are prisoners and what can they reasonably expect of the institution?', an English historian has noted:

⁷⁷ R. Hughes, 'Art and the Therapeutic Fallacy' in: *Culture of Complaint – The Fraying of America*, Oxford University Press, Oxford, 1993, pp.155-203 at 185.

⁷⁸ *Ibid.*, p.177.

The inmates are the best and worst among us ... There is no point in cataloguing the worst. Prisoners are ourselves writ large or small.⁷⁹

⁷⁹ N. Morris & D.J. Rothman (Eds), *The Oxford History of the Prison*, Introduction, p.xiii.

Appendix 1 – ARTISTS' BIOGRAPHIES

Billiamook (Billy Muck or Gapal) was a Larrakia man born about 1853. The Larrakia are the traditional owners of the Darwin area. In 1870 Billiamook was taken with two other Larrakia men to Adelaide as emissaries to show them 'the number and power of the white races'. After they returned to Palmerston, Billiamook, who spoke English well, worked as an interpreter for the police. A powerful and handsome man, he was imprisoned in Fannie Bay Gaol on minor charges throughout the 1880s. At the time the 'Dawn of Art' drawings were assembled, he was serving six months with hard labour for receiving and partaking of stolen liquor. One of his co-offenders was **Paddy**. (*North Australian* 17 March 1888; *NTTG* 17 March 1888.)

Jimmy Miller (Jemmy Miller or Ilon-Tereba) was born about 1851 of the Wuwulan people of the Mary River-South Alligator River region. In 1881 Miller, with two others, stood trial for the manslaughter of R.E. Holmes. The three men attacked and killed Holmes after he refused to give up a Wuwulan woman, known as Mary, who was living with him. Miller was subsequently sentenced to life imprisonment at Fannie Bay Gaol.

Wandy Wandy was born around 1846, and was a member of the Iwaidja people of Mount Norris Bay on the northern coast of the Northern Territory. He was sentenced to ten years' hard labour for a revenge killing of a trepanger called T.H. Wingfield after he had shot Wandy Wandy's friend. It was during this time that he sketched the drawing for Knight. Wandy Wandy was released early from Fannie Bay Gaol but re-arrested in 1892, along with five others, after the murder of five men near Bowen Straits, off the Cobourg Peninsula. The five had their sentences commuted but Wandy Wandy, because of his previous conviction, was hanged at Malay Bay on 25 July 1893.

Davie (Davey or Guilemaine) was imprisoned in Fannie Bay Gaol on 23 May 1888 for two years and probably produced the four drawings at Knight's behest at this time.

Paddy (Mindilpildil), along with **Billiamook** and two other offenders, was imprisoned at Fannie Bay Gaol on or about 17 March 1888, after being convicted of receiving and partaking of stolen liquor. He was serving a prison sentence of six months with hard labour.

[References: Andrew Sayers, *Aboriginal Artists of the Nineteenth Century*, Oxford University Press in association with the National Gallery of Australia, 1994; M. Dewar, Copy transcript of text panels for 'Dawn of Art' display at Fannie Bay Gaol.]