

Address	Church Street, BENALLA		
Heritage Overlay	<i>HO number to be allocated</i>		
Heritage Overlay Map (proposed)			
Designer/s		Dates	
Significance	Local	Builder/s	
		Survey Date	March 2024



Group of three elm trees (*Ulmus* sp) Pioneer Cemetery Benalla

Assessment against criteria

The following analysis is based on Victorian Government Planning Practice Note 1: Applying the Heritage Overlay (August 2018).

Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

Criterion C: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).

Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Statement of Significance

What is Significant?

The Pioneer Cemetery located on the east bank of the Broken River and at the termination of Church Street Benalla is significant.

Significant fabric includes, but is not confined to landscape features such as trees and the lightly grassed areas.

The three elm trees contribute to the significance of the cemetery.

How is it Significant?

The Pioneer Cemetery on the east bank of the Broken River and at the termination of Church Street Benalla is of Aboriginal cultural heritage significance and is a place of shared historical cultural heritage significance.

Why is it Significant?

The Pioneer Cemetery on the east bank of the Broken River and at the termination of Church Street Benalla is of historical significance as one of the first established colonial sites, pre-dating the founding of the township of Benalla. Criterion A

The Pioneer Cemetery on the east bank of the Broken River and at the termination of Church Street Benalla is of Aboriginal cultural heritage significance and is a place of shared historical cultural heritage significance as the cemetery once held the bodies of both Europeans and Aboriginals. Once the new cemetery was established the European bodies were exhumed and the Aboriginal bodies stayed on the river bank. Criterion A

The former cemetery is significant for its potential for further research. The location is expected to contain the remains of a number of Aboriginal people who died during colonial occupation of the area. The site and the people buried there provide an opportunity greater understanding of the events that happened locally at the time of European occupation and to understand the impact that these events had on Aboriginal people. Criterion C

The site is significant for its association with Wulkidgaduwil, also known as King Michie, who is buried there. Wulkidgaduwil was a prominent indigenous person at the time of European occupation and was one of the leaders of the Faithfull massacre of April 1838. Criterion H.

Additional Controls

External paint controls apply	Yes
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Internal alteration controls apply	Yes
Tree controls apply Three elm trees (<i>Ulmus</i> sp)	Yes
Outbuildings or fences not exempt under Clause 43.01-4	No
Included on the Victorian Heritage Register under the Heritage Act 2017	No
Prohibited uses permitted	No
Aboriginal heritage place	No
Solar energy system controls apply	Yes

Place History

In General

The following history was produced by historian Dr Jacqueline Durrant.

The Pioneer Cemetery site, located at what could now be described as the lakeside end of Church Street, is one of the earliest European sites in Benalla (in addition to the original police barracks), pre-dating the actual township. It was first indicated as an area cut out from the police paddock on Thomas Townsend's survey of the Broken River crossing place from 17 September 1839, which also marked the site of police barracks.¹ [Figure 1] This same area appears on Thomas Wedge's first survey of the township of Benalla from 1848, outlined but otherwise unlabelled.² [Figure 2]

The Pioneer Cemetery is also a place of shared European and Aboriginal heritage. In 1856, a new Cemetery site was reserved on the outskirts of town,³ which remains the current site of Benalla Cemetery. However, a booklet for the *Benalla Centenary Celebrations* of 1936,⁴ reports that: 'Previous to this, the burial ground, for whites and blacks alike, was on a site near the present Benalla butter factory, but when the new cemetery was ready, the bodies of the whites were unostentatiously exhumed and removed to it. The blacks were left undisturbed to sleep by the river where their lives had been spent.'⁵

Although there were clearly a number of Aboriginal burials on the site, the only known Aboriginal individual to be buried there was Wulkidgaduwil, also known as King Michie.

King Michie was one of the leaders of the Faithfull massacre of April 1838. In 1841, Chief Protector of Aborigines for the Port Phillip District, George Augustus Robinson, had been told by his most reliable Aboriginal informant in the region, Pallangan-middang-Wiradjuri man, Mul.lo.nin.ner (a.k.a. 'Joe'), that 'Wool-gid-yer-dow-well alias Big Micky killed Faithfull's men.'⁶ Michie was also purportedly involved in a number of other attacks on local pastoral stations, including having been implicated in the murder of a station-hand at Grey's Pelican Lagoons just out of Wangaratta, leading the *Port Phillip Patriot and Melbourne Advertiser*, to conclude that 'Old man Micky has been the ringleader in all the depredations committed on the whites in that quarter for several years back.'⁷

¹ 'Survey of the ground near the crossing place, Broken River,' surveys by Thomas Townsend, 17 September 1839; map held in a sub collection of VPRS 8168 Historic Plan Collection, Public Records Office of Victoria.

² 'Survey of the ground near the crossing place, Broken River, 1848', surveyed by Thomas Wedge; map held in a sub collection of VPRS 8168 Historic Plan Collection, Public Records Office of Victoria.

³ 'Benalla Parish Plan', Dept. of Lands and Survey, Melbourne, 1953, provides a gazette date on the map; this is a Parish plan from VPRS 16171 Regional Land Office Parish and Township Plans Digitised Reference Set, Public Records Office Victoria.

⁴ This date was chosen probably on the misguided assumption that the Faithfull Massacre had occurred in 1836, not 1838.

⁵ *Benalla Centenary Celebrations Official Souvenir and Programme, Easter 1936, April 9-16.*

⁶ Ian Clark (ed.), *The Journals of George Augustus Robinson, Chief Protector, Port Phillip Aboriginal Protectorate, 1839-1852*, Ian Clark, Melbourne, 2014, entry for: 8 February, 1841.

⁷ 'The Blacks,' *Port Phillip Patriot and Melbourne Advertiser*, Thursday 29 September 1842, p.2.

For a number of years after European invasion Wulkidgaduwil lived at the Black Swan Inn at Benalla with his wife Polly.⁸

King Michie was the father of Birdarak, also known as Tommy Banfield and Tommy Michie, who was a significant historical and political figure in his own right, chosen by Kulin leader William Barak to be one of his three successors as Kulin Ngurungeitā (head man), with Robert Wandin and Thomas Dunolly.⁹ Birdarak was also an informant for the Taungurung language to early ethnographer John Mathew.¹⁰

King Michie died and was buried, 'wrapped in his opossum-skin rug and put into a hole in the then burying ground, at the corner of Barrack and Mair streets' in the early part of 1853.¹¹ It is likely that his wife, Polly, who died shortly after King Michie in 1854,¹² was also buried in the same location.

During the 20th century, ancestral remains of Aboriginal people were accidentally disturbed on this site. In 1938, the *Benalla Standard* reported on the 'recent discovery of the skeleton of the aborigine near the Benalla Butter Factory'.¹³ Another article in the *Benalla Ensign* in 1960,¹⁴ reported that a sewerage worker had unearthed a skeleton of man 'about two feet six inches from the surface', at a site 'near L[awrence] Ledger's Church Street property adjacent to the Butter Factory.'¹⁵

⁸ See for example: Joseph WORTHINGTON Death Inquest, Cause of death: Visitation of God; Location of inquest: Broken River; Date of inquest: 19 Jan 1847, Public Records Office of Victoria, VPRS 24/ P0 unit 4, item 1847/75 Male

⁹ Alfred William Howitt Papers, 1837-1930, 'Notes by Howitt on Kulin from Barak', MS 9356, Box 1053, Folder 2(b), State Library of Victoria.

¹⁰ John Mathew, interview with informant Betrark — Tommy Michie, recorded at Coranderrk, 19 April 1892, MS950, Section (B) Linguistic Research, Number 74, Australian Institute for Aboriginal and Torres Strait Islander Studies.

¹¹ 'RECOLLECTIONS OF BENALLA. (by AN OLD RESIDENT.)' *The North Eastern Ensign*, Friday 28 July, 1893, p.3.

¹² 'RECOLLECTIONS OF BENALLA. (by AN OLD RESIDENT.)' *The North Eastern Ensign*, Friday, 14 July 1893 p.3.

¹³ 'MOSTLY TALK ABOUT BLACKS Benalla's Old-time Notables,' *Benalla Standard*, Friday 28 January 1938 - Page 8.

¹⁴ 'Sewerage Workers Find Skeleton — Link with Faithfull Massacre,' *Benalla Ensign*, 14 March, 1960.

¹⁵ 'Sewerage Workers Find Skeleton', *Benalla Ensign*, 14 April, 1960.

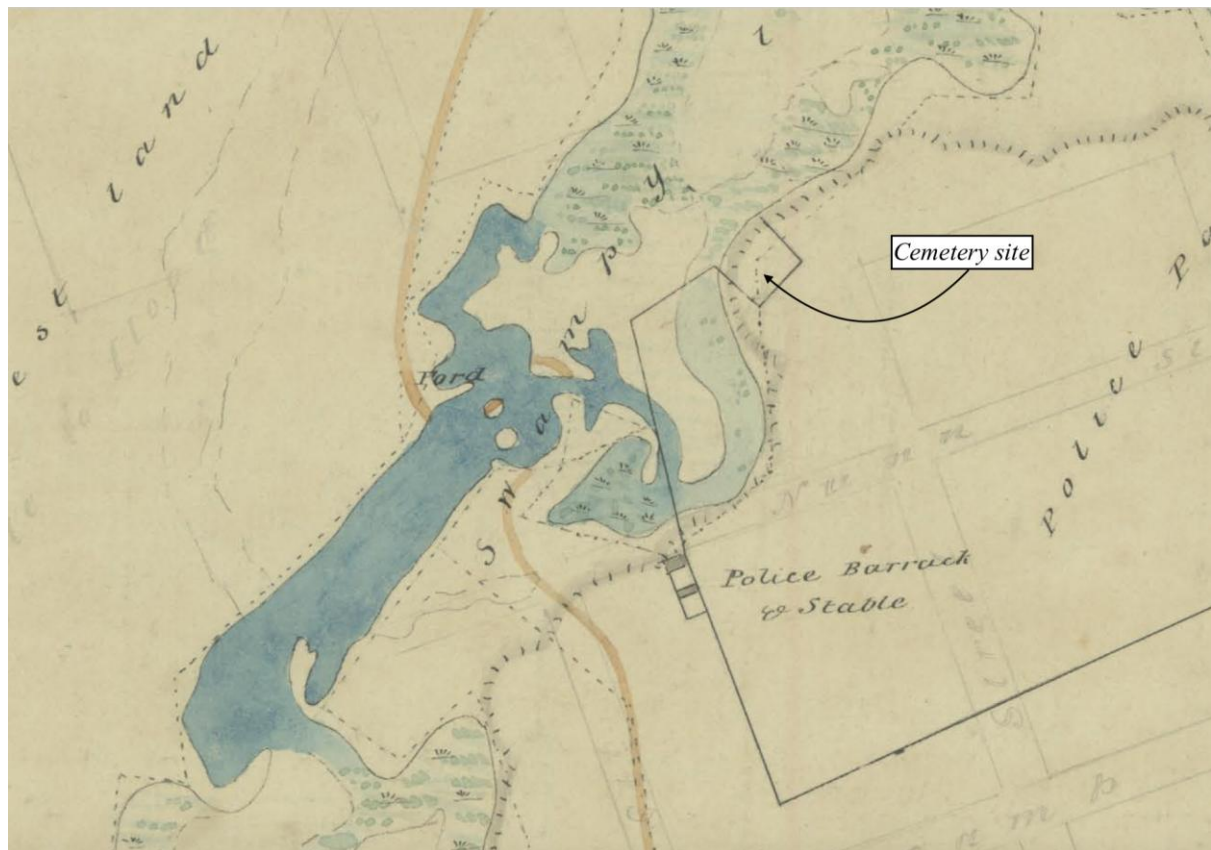


Figure 1. Townsend 1839



Figure 2. Wedge 1848

Comparative Analysis

21 Old Wier Road (Murchison Cemetery) Murchison, Greater Shepparton City HO63

The two graves (mid 1870s) at the Murchison Cemetery are the only known burial sites of members of the Ngooraialim tribe. Located within the general cemetery, the graves are a significant reminder and recognition that these individuals were the last of their tribe and are unusual for their inclusion in a European burial setting. They are also associated with the Goulburn Valley Aboriginal Protectorate, located near Murchison from 1840 to 1851.

This place has not been identified as an Aboriginal Place. However, it is clearly an Aboriginal heritage place with shared cultural values.

<https://hermesorion.heritage.vic.gov.au/places/156238>

The Aboriginal Protectorate 3 – 23 Willoughby Street Murchison Greater Shepparton City HO334

The central station of the Goulburn River Aboriginal Protectorate District at what is now Murchison operated from 1840 until 1853, and is a significant post-contact Aboriginal site on the Goulburn River. It was the focus of interaction between Aboriginal communities, particularly the Ngurai-illam wurrung, Daungwurrung and Yorta Yorta peoples, government officials and settlers during the early years of contact in the Port Phillip District. The site continued to hold significance to Aboriginal people after the 1850s, linking pre- and post-contact histories and geographies. It has been recognised as an Aboriginal Place.

https://hermesorion.heritage.vic.gov.au/places/200581/historical_notes

Mooroopna Flats part of the Shepparton Regional Park Midland Highway Mooroopna (Mooroopna Flats) Greater Shepparton City HO312

The area known as 'The Flats' was an early site of Aboriginal occupation of the Shepparton-Mooroopna area. By the 1870s, when the district was being selected under the 1869 Land Act, few Aboriginals remained, disease and dispossession as elsewhere having ravaged the local groups.

In February 1939 The Flats became home to a large number of Aboriginal families who were involved in the 'Walk Off' from Cummeragunja Settlement near Barmah. The first ever mass strike of Aboriginal people, the Walk Off was due to many factors. From 1928 Aboriginal people were being thrown out of work due to new Workers' Compensation regulations, and the Award wages which now had to be paid to Aboriginals. Wages for labour had come to an end at the settlement in 1929, and there were restrictions on the ability of Aboriginals to farm for themselves at the site. Children were being increasingly removed, and restrictive controls imposed upon the movement and activities of the people, both on the part of the Aborigines Protection Board and by a repressive manager who arrived in 1937. Rations were poor and treatment cruel. The prejudice and ignorance of the wider community, including those in local towns, was a constant. A productive and exemplary farm in its hey-day had turned into more of a concentration camp, Professor Heather Goodhall observed in her book on Aboriginal politics, *Invasion to Embassy: Land in Aboriginal Politics in NSW, 1770-1972*.

The walk-off was led by Jack Patten, with the help of William Cooper. Patten was an experienced Aboriginal activist then living in Sydney; born at Moama, he had attended Cummeragunja school as a child. Both Jack Patten and William Cooper were spokesmen for the dispersed Aboriginal communities of central Victoria and western New South Wales. Patten received a gaol sentence for encouraging Aboriginals to leave the reserve.

The particular site at The Flats at Mooroopna was chosen as Aboriginals had had an extended traditional association with environments in close proximity to rivers such as the Kaiela (Goulburn). In addition, The Flats had been home to some Aboriginal families prior to the Walk Off.

<https://hermesorion.heritage.vic.gov.au/places/197664>

Wangaratta Cemetery, Tone Road, Wangaratta

The Wangaratta Cemetery includes a number of Aboriginal graves which are largely unmarked. These graves include the remains of many men, women and children most of whom had connection to the Wangaratta region.

Summary

The cemetery at Murchison is comparable to the Pioneer Cemetery at Benalla. Both cemeteries contain the remains of early tribal leaders and both places include the graves of important cultural leaders in an European manner. However, only Murchison has the graves marked in a traditional nineteenth century character with cast iron fencing and headstones. The graves at the Pioneer Cemetery, Benalla are unmarked. Both places are important to Aboriginal people today.

The Aboriginal Protectorate at Murchison and the sites of the former settlement at Mooroopna Flats all demonstrate how colonial and later Government practices contained early Aboriginal life during the nineteenth and twentieth century. These places demonstrate the impact that European settlement had on early Aboriginal communities from the beginnings of European settlement and how Aboriginal communities were detained. The flats also demonstrate how these practices continued well into the mid twentieth century.

Wangaratta Cemetery like many other cemeteries in Victoria is representative of the how many Aboriginal people were buried within their confines but without any recognition as to who they were.

All of these places are testimony to colonial practices that had little consideration of traditional Aboriginal cultural practices. Even the adoption of European burial practices saw many graves left unmarked. Benalla is representative of this practice as following the exhuming of the European remains the Aboriginal graves were left without any formal recognition. This practice is symptomatic of European colonisation.

Relevant Historic Themes as identified in the *Benalla Rural City Gaps Heritage Study: Thematic History*
Prepared by Dr Robyn Ballinger

8. Building community life

8.6 Preserving traditions and commemorating

8.7 Marking the phases of life

Physical Description

The Pioneer Cemetery lies on the edges of the east bank of the Broken River. The area is grassed and includes a number of trees. The location of the graves is thought to be near to the lake.