

A Nineteenth Century Rural Crime in Western Queensland?

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Abstract

In August 1895, Andrew Barton “Banjo” Paterson was visiting his fiancée at Dagworth Station near Winton in western Queensland, Australia, when he was moved to write a bush ballad that became more prominent than even he might have expected. The question arises as to what was or were the circumstances or events that stimulated the creative mind of Paterson to write such a spirited ballad. A rural crime was certainly committed down by the billabong in the ballad, but there were real events playing out throughout the western sheep grazing country of Queensland at that time and had been for some years. This research note argues that, in identifying crimes, we can observe a dichotomy of opposites with some boundaries being contained, while others are large and fluid. Each have a particular fragility as well as a strength. Contained boundaries have a placement that has strength, but vulnerability to encroachment by powerful forces: the need to protect is ever present. It is also argued that this ballad, which contextualises a rural crime, serves as an allegory symbolising a sense of injustice, of resistance against injustice and excessive use of power.

Keywords: Australia; rural crime; Waltzing Matilda; allegory; Australian history

Introduction

*Once a jolly swagman camped by a billabong, under the shade of a coolabah tree;
And he sang as he watched and waited till his billy boiled-
Who'll come a waltzing Matilda, (my darling) Who'll come a waltzing Matilda with
me...*

*Down came a jumbuck to drink at the billabong; up jumped the swagman and
grabbed him with glee;
And he sang as he stowed that jumbuck in his tucker bag-
Who'll come a Waltzing Matilda, (my darling) Who'll come a waltzing Matilda with
me...*

(Paterson, 1993 [1895])

In August 1895, Andrew Barton “Banjo” Paterson – who alongside Henry Lawson became one of a duo of legendary Australian bush poets of the late nineteenth to early twentieth centuries – was visiting his fiancée at Dagworth Station near Winton in western Queensland when he was moved to write a bush ballad that became more prominent than even he might have expected (Semmler, 1988).

The narrative of the ballad describes the snatching of a jumbuck – a sheep in the nineteenth century Australian vernacular – by an itinerant man – a swagman – along with some events that followed. The tale told is that the swagman, while watching his billy boil (referring to a metal cooking pot used to cook and heat water), reacts opportunistically to the appearance of a sheep that came to drink at the billabong (an original artwork depiction of the scene is offered in Figure 1). The swagman leaps up and seizes the sheep for food but, upon being discovered with the sheep in his possession by a squatter and then being confronted by troopers, he leaps into the billabong. After the stealing of property and being discovered with the evidence in his possession, and then to evade capture and prosecution, the swagman turns on his heels, throws himself into the billabong and tragically drowns himself. This ballad is of course the now world known ‘Waltzing Matilda’.

In this ballad, the swagman caught red-handed understands that the forces opposing him are insurmountable. Rather than submit and suffer the consequences empowered by the squatter class through the backing and support of the law of the state, he enacts the only course left other than to submit. He turns his heels and attempts to flee. What could have gone through his mind? Did he think ‘I will just drown myself?’. Did he leap into the billabong in a reactive search for a miracle? Would the billabong (a pooling of water from a water course, referred to in American English as a ‘backwater’), the basic and essential source of survival in this harsh place, give him comfort in hiding and save him? What he did succeed in doing, purposely or inadvertently, was to enable the billabong to envelop him. His space is now a quiet voice that hovers over the billabong. Through Paterson’s words, this spirit has taken a greater cultural space in the nation.



Figure 1: The ‘jolly swagman’ sitting by the billabong (Original artwork: Graham McBride, 2020; acrylic on canvas)

A jolly bush ballad as an allegory

In 1977, a national referendum was held to determine a replacement for ‘God save the Queen’ as Australia’s national anthem: from four choices, *Waltzing Matilda* was voted in second place with 28 percent support (Australian Electoral Commission, 2014). It is no doubt popular, but it is a shame that Paterson’s prose is sometimes interpreted as a jolly bush ballad, for it is really more so an allegory. For many generations it has symbolised and has been an expression of a sense of injustice, of resistance against injustice and excessive use of power – as a tool to pluck up courage to oppose seemingly insurmountable odds. As such, it has bought comfort, connectedness and resolve not to be overcome; not to be covered and not to be humiliated.

It has intuitively touched a vein of anti-authority that has flowed through the developing Australian character, possibly more so than now, just as the tale of infamous bushranger Ned Kelly has captured an anti-authority sentiment (see for example Tranter & Donoghue, 2010). It was at a time when the rawness of the convict history plus the iniquitous

system of land allocating was very present (see for example Woollacott, 2015). The essence of the ballad represents the desire to act with spirit – the desire for individual spirit to remain free. It is a call to not submit; to be emancipated. The human spirit can only be free if it is allowed to express itself unbound by injustice and persecution. There is a personal question here many of us living more fortunate lives may sometimes ponder – at what point or under what conditions would you be prepared to sacrifice your existence?

Humans have essential requirements for existence, as Maslow (1954) identified: need for shelter; food; freedom of thought and expression; and so on. In this context, then, why is it that an individual or an institution with power necessarily has legitimacy to exclude and deny others of an essential need? Is there a moral right in this case to share some surplus wealth which land and nature produces? It is possible to take the position that the squatter and the troopers were being overzealous and uncompromising in their narrow view of what occurred. He was not stealing a jumbuck for material gain. The man wanted a survival necessity, and so there was a possibility, if this were acknowledged, that an understanding and a compromise may have been found. We can imagine several alternative mindsets which the swagman may have had when caught with the jumbuck in his possession, but negotiation was not one of them.

There is another side to this which is about the allocation of the sense of feeling guilty. The swagman reacted with full acceptance and digestion of where guilt under the law was allocated. In other words, he accepted the legitimacy of the ownership of property, and this determined his reaction. He held no hope a broader view would be considered. Those enacting the rules of law can do so when their consciences and the legitimacy of what they are claiming are not up for examination. This could be seen as slicing the salami – or lamb perhaps in this case – but ultimately it can be said that the land was stolen anyway.

In the context of the Indigenous people, too often and for too long casually and purposefully omitted and overlooked in the history of colonial settlement in Australia, this was a monumental and horrendous process. There were a myriad number of local and rural crimes enacted upon the original inhabitants adding up to a national tragedy – still occurring and unravelling to this day. In essence, Australia, occupied for many thousands of years by Aboriginal people, was forcibly possessed by squatters in the name and authority of the colonising and then colonial state. Adoption of the doctrine of *Terra Nullius* (i.e., a territory without ownership) by the British government under Colonial law (Bonyhady, 2002; Banner, 2010) was the framework that authorised the settlement of Australia. This was a blatant cover to not accept any legitimacy of Aboriginal land ownership. It effectively gave permission to eliminate those who lived there. What more needs to be said than a crime approaching genocidal proportions took place in Australia upon which all other crimes are layered.

The process of transforming from what the settlers saw as a space into a place that gave familiarity and comfort reminiscent of what they dreamt or where they came from, was largely unsentimental and brutal. The settlers took possession of this ‘empty’ land, this so-called *Terra Nullius*, placing boundaries on it and calling it their own. Almost universally the

settlers slowly, sometimes suddenly, degraded and destroyed the natural systems. They divided the land, fenced off their entitlements, claimed the waterholes – and in so doing killed off and subsumed humans and animals that threatened their desires. Settlers brought their unsuited European animals to graze upon the fragile landscape. For economic gain they pushed the boundaries of the landscape, breaking down the land's resilience.

A rural crime contextualised

So, the question arises as to what was or were the circumstances or events that stimulated the creative mind of Paterson to write such a spirited ballad. A rural crime was certainly committed down by the billabong in the ballad, but there were real events playing out throughout the western sheep grazing country of Queensland at that time and had been for some years.

To contextualise the existence of *Waltzing Matilda*, it is beneficial to flesh out how western Queensland colonial settlement came about. Queensland separated itself from New South Wales in 1859 (Queensland Government, 2018) and with this independence as a separate colony came the need to grow and establish economic viability and strength. In trying to maintain both control and foundational economic growth, land was released in stages for settlement (Evans, 2007).

It is not necessary here to articulate how the land was controlled and released (but refer to, for example, Morgan, 2011; Evans, 2007), other than to note it was often those who got there first and staked out a claim who became the powerful elites in an area. These were what became known as the squatters, later 'the squattocracy', and most went on to gain legal title by distorting government ballots with multiple applications. Government set lenient conditions for taking up the land tenure, which was essentially the ability to clear and stock the land within a year. This, of course, was to ensure land was not left unused, as establishing economic viability and income for the state was paramount (see for example Dutton, 1985; Panza & Williamson, 2019).

In the early 1870s, pastoral districts of north western Queensland in the Winton region, supported by very favourable reports by the explorer Thomas "Major" Mitchell, were declared open for settlement. This attracted southern landowners, especially from Victoria where most pastoral land was already allocated and where the government had subsequently introduced a land tax (Kiddle, 1961). Indeed, much of the grazing properties established around Winton in central Queensland, then known as Pelican's Waterhole, were settled by people from around Warrnambool in south-western Victoria (Corbin, 1975). There was a tendency for families to either relocate to Queensland or they sent members of the family on to expand there. Others took on managerial roles on properties owned by banks or rich city-based businesspeople. Cattle and sheep were driven up from the south, but it soon became clear that the land was highly suited to sheep grazing given the abundance of tall native grass, referred to as (and still called) Mitchell grass (Kiddle, 1961).

A burgeoning wool industry and the Shearers' Strike

Into the 1890s, sheep numbers had increased dramatically and with it the need to have fleeces shorn and wool sent to market. To achieve this, teams of shearers would travel from property to property and shear the sheep at a rate set by the property owner or manager. The shearers tended to be nomadic, moving between properties in the season. This was skilled and physically arduous work, but the shearers were paid very poorly for their labour and worked under extremely tough conditions. Their accommodation, for want of a descriptive term, was often merely a rough isolated shed, sometimes with forms of beds and sometimes with facilities to cook meals. Of course, there was some variation in the attitudes of the station owners or managers along with the conditions the shearers were provided or not as the case may be. The shearers were well aware of the wealth being generated and clearly felt their labour was being abused (Svensen, 2008; Semmler, 1969; Rogers, 2014). With most pastoralists being strongly resistant to improving rates of pay and conditions, the situation became increasingly confrontational resulting in shearers forming a Shearers Union, resolving to withhold their labour by calling rolling strikes (Martin, 1990; Markey, 1985). These were what became known as the great shearers strikes of the 1890s.

Events heated up into some extreme forms of violence, particularly between more militant shearers and rigid pastoralists. The government ignored the shearers' demands and viewed the strikes as a threat to the viability and right of graziers to have their sheep shorn (Clark, 1993). Strikes were deemed by the government to be illegal, and it supported the newly formed Pastoralist Association attempts to break the strikes using non-unionists or 'scabs' (Ward, 1958). These, more often than not, were unskilled men, and were railed in with the State deploying hundreds of special armed police (troopers) to separate the strike breakers from the striking shearers. Specifically, the aim was to aid the pastoralists in getting the wool shorn and generally to destroy the striking shearers' resolve (see also Randell, 1983).

Numbers of strike leaders were arrested for breaking the law and sentenced for significant terms of imprisonment. The feeling was they were being persecuted and being subject to enforced inequity. Evidence would say the government supported property owners, in recognition of political backing by the pastoralists and to consolidate economic advantage for the state. This action was effectively treating shearers as expendable and subservient, reminiscent at the time of the quite recent convict era (Clark, 1993). The ramifications of the hard line on the shearers led to the rise of collectivism in the form of unionism as an opposing force to the 'squatter class'. Evolving out of the unionised workers was a political wing that went on to the election in Queensland of the first Labor government in the world in 1899 and the first National Labor government internationally in Australia in 1904 (Clark, 1993). The fact that the 'right to withhold labour' is now entrenched in law is an illustration that, while many laws were once deemed appropriate, attitudes and laws do evolve and change. What was once seen as unlawful, can be seen with distance as having been unjust and myopic in their application.

An event at Dagworth Station

Evidence of an event during the 1894 shearers strike was clearly visible to Paterson when he visited in 1895. This was the remains of the burnt down shearing shed on Dagworth Station. There was certainly a crime committed against property here. On the evening of 1 September 1894, a violent confrontation occurred between a group of striking shearers and the property owners who had built a makeshift stockade in anticipation. It was reported there were around 40 rifle shots fired that evening and 140 lambs were burnt to death when the gang of strikers set fire to the shearing shed (The Morning Bulletin, 1894). The next day the body of a shearer was found beside Four-Mile Billabong between Dagworth station and the settlement of Kynuna. There is uncertainty about the actual events that occurred down by Four-Mile Billabong near Dagworth Station on or just prior to 2 September 1894, or even if a crime was committed (Evans, 2007; O’Keefe, 2012). Was it an act of self-harm, was it an accident, was it the result of earlier injuries or was it the man murdered?

An enquiry was held into his death which entailed much confused and conflicting reports. One report suggested he was wounded during the confrontation the night before; however confused and variable evidence by others of the striker gang, stated he committed suicide by shooting himself (Department of Justice, 1894a). Later studies cast strong suspicion on the squatter and constabulary in relation to the strike leader’s death, and that some deal was done between them and the remaining striker gang. The dead strike leader and another were known to have been strongly involved in previous burning down of shearing sheds and both had criminal records (Department of Justice, 1894b).

If the man did commit suicide, it is interesting to consider various reasons why he would have done so. Perhaps he fell into despair from frustration, hunger, worry, a feeling of failure, a sense that the power within the squatter community had become insurmountable? If he had been wounded, then the pain from his wound may have pushed him to this action. The man was identified as being one of two of the leaders of the gang of striking shearers who confronted the squatters the previous night (O’Keefe, 2012). As a leader, he knew that strength was with numbers, so perhaps he was abandoned by the other strikers. Perhaps he was subjected to some form of discriminatory tension or perhaps inner demons could have tortured him. Whatever the possible or probable combination of reasons, emotional or physical, that could have led to him possibly killing himself, evidently his existential boundaries were breached. If he was murdered, then very different boundaries were violated, and a very severe crime was committed. He either died of wounds he received the previous evening (unlikely as he had a gunshot wound to the head); took his own life; was murdered by another shearer or by someone of the squatter class or State of Queensland police. It is difficult for us to tell.

There is another interesting issue Paterson drew upon, and that is to do with the background of the dead striker. His name was Samuel Hoffmeister, a German but nicknamed ‘Frenchy’, probably because he came from the Alsace-Lorraine region of France (O’Keefe,

2012). This was land that had been a contested area and was won by Germany in the Franco-German war of the early 1870s. In other words, the land was seized by a superior force by breaking or ignoring settled boundaries rather than by legal agreement. Perhaps the fight to find a place for himself became too much and he succumbed to the external forces and struggle to survive. Alternatively, his militancy may have been motivated from those earlier experiences, and this led him to develop a reputation as an active shearing shed destroyer.

These along with many other questions we will never know the answers to. Whatever the reason he placed himself on the friction line between two stubborn adversaries, the result was tragic for him. If there was a rural crime committed at Four-Mile Billabong, it is now impossible to know. Many boundaries have been challenged, broken or were heavily contested both with the writing and events surrounding and influencing the creation of *Waltzing Matilda*.

‘Auf der Waltz’

The dead shearer and strike leader’s name and German background was significant in the vernacular Paterson drew on in penning the words of *Waltzing Matilda*, particular the use of ‘Waltz’ and ‘Matilda’. Waltz comes from the German practice called ‘auf der Waltz’ whereby, as a final part of their training, newly qualified tradesmen or artisans were required to travel outside their hometown finding work to broaden and refine their skills before returning home. The swagman was an itinerant man travelling the bush tracks in search of sustenance either by work or hand-outs. The swagman only had his willingness to venture; his swag with bedding (his Matilda or ‘bluey’) to keep him comfortable at night; a billy to make tea; a tucker bag to carry provisions and a water bag: probably little else, as they travelled by foot. Bluey was named by the colour of the standard groundsheets, while Matilda was borrowed by Paterson from the name of the women who followed the German armies during the religious war from 1618 to 1648, known as the 30 year war, providing both food and bodily comfort to the soldiers.

Maybe this was not quite ‘auf der Waltz’ that Paterson made a parallel with, but it did have the roaming pattern motivated by economic sustenance. The resistance the swagman encountered in his search contrasted with the social acceptance in Germany of the newly qualified tradesman embarking on his travels. Of course, there was an adventure element to this but there was a maturing element in which young tradesmen were learning to stand on their own two feet. The culture was to refine themselves in their skills, to satisfy the yearning of young men for adventure and prepare them physically and emotionally to settling down to life as a skilled man in their home community, thereby consolidating the strength of the community. Is that what the striking shearers were about in their desire for respect both socially and economically? The shearer possibly had little more in resources than the swagman, but he did have special skills and tools of trade that gave him an impetus to challenge the economic and social constraints he encountered trying to ply his trade.

Dagworth station is located about 160 kilometres from present day Winton and about 30 kilometres from Kynuna on the Diamantina River in Queensland. Pelican Waterhole was moved to higher ground in 1876 after a flood and renamed Winton by the local Postmaster, who came from Winton in Dorset in the United Kingdom (Corbin, 1975). The reason for Paterson to visit this remote part of Queensland in 1895 that facilitated him to fuse and blend the pertinent social, political and physical aspects into a culturally significant song was to visit his fiancée. His fiancée of eight years, Sarah Riley, was up from Warrnambool in Victoria visiting relatives, staying in Winton with her brother and his wife. While there, Sarah met a friend Christina Macpherson, with Paterson subsequently joining the Riley's in a visit to Dagworth Station where Christina was up from Victoria visiting her four brothers. These neighbourly visits typically went on for some days. The squatter Robert 'Ben' Macpherson was the owner of Dagworth Station. He was first generation Australian of Scottish ancestry who first settled near Warrnambool (see May, 1944). Paterson formed an attraction to Christina on this visit while she played on the piano a tune she somewhat remembered hearing at a horse race meeting in Victoria. Paterson spent quite some time with her around the piano, evidently flirting, and was moved to write the words to what became known as *Waltzing Matilda*. The tune Christina played had a Scottish origin called 'Craiglea' (Manifold, 1964). While this is not a stealing of property, it certainly was a crossing of boundaries.

An upshot to all this was the 'friendship between Christina and Banjo became more involved, resulting in his relationship with his host family being fractured and he being clearly told to depart (O'Keefe, 2012). Paterson had form a reputation as being known to be quite a womaniser and a 'cad' (Roderick, 1993). In this instance he was at the least inconsiderate and casual in how he engaged with both women's feelings. One could say there was firstly an abuse of an agreement and empathy for Sarah plus what could be considered a moral crime in his treatment of both women because of his indulgence and indiscretion. It resulted in both women being socially scarred and emotionally hurt, neither ever marrying (see Semmler, 1966).

Concluding remarks

In identifying crimes, we can observe a dichotomy of opposites with some boundaries being contained, while others are large and fluid. Each have a particular fragility as well as a strength. Contained boundaries have a placement that has strength, but vulnerability to encroachment by powerful forces: the need to protect is ever present. Whereas fluid boundaries bring flexibility and broader connectiveness but have vulnerability to exclusion; again, by powerful forces. Marginal loss of space with either leads towards marginalisation. Both boundary patterns exist, and need to co-exist, and can do so if there are rules, regulations and methods to protect either from curtailing the existence of the other. Cultural changes bring changes of outlook along with changes in rules and laws. If excessive containment is normalised, it seems human nature rebels and friction along boundaries can fester into larger conflict.

This all exists beyond the narrative of *Waltzing Matilda*. The ballad relates what is undoubtedly a rural crime, but it does not take much digging to realise that this apparent simplicity overshadows complex and complicated social, moral, economic and political issues and uncertainties. Here the sheep was a boundary object that entered contested, at least economic, space. The gleeful grabbing of the straying sheep by a jolly swagman is clearly a cover for much more.

Was there a more abstract crime that forced the itinerant man to go out on 'the wallaby' in the first place? Was it a crime that men were forced to work in appalling conditions for meagre return from those who were fortuitous enough, through timing or endeavour or favour, to have holdings and capital? Not much difference in principle to the swagman with the sheep, but very different in scale and significance.

The shearing shed at Dagworth Station was burnt down in a violent confrontation on the evening of 1 September 1894, with 140 lambs burnt to death. There was a crime against property here and a cruel crime against animals. Furthermore, what of the event beside Four-Mile Billabong? Was there a murder by some person or some people unknown? Was it a crime for hard working people, often on a financial brink, in attempting to forge a more prosperous and secure existence use everything they had at their disposal to protect their assets and property? What sort of rural crime was this? Not all was what it seemed. Again, there is the very great unspoken and unacknowledged crime underneath all of this, which is the legally unrecognised matter of the historical owners and guardians of the land, and the ramifications that flowed from it. There are boundaries everywhere here that cross, touch, impose, challenge and contest. But this is a ballad....

The ballad is also a metaphor for Paterson's own world. It seemed he was a man pulled between city and the bush – the nature-culture divide in some sense. He was also in competition with Henry Lawson, the other prominent bush poet – pushing boundaries once again. Furthermore, in another way, it was a love song between Banjo Paterson and Christina Macpherson. This was later disguised by the elimination of the words 'my darling' from the chorus line. Here there was an expression of human attraction that played into the realm of normal flirtatiousness and fantasy, turning into regret and sadness verging on a moral crime enacted by an indulgent man upon an innocent impressionable woman. In another sense it was an allegory of human expression of independence and resistance to excessive containment. Banjo Paterson was on the one hand decrying the imbalance where excessive use of force was forcing boundary friction, festering violence and harm for all. This was a theme easily felt, and readily adopted by Australians who recognised and remembered how they were meant to be kept 'in place'.

On the other hand, he was rebelling against a social constraint he personally felt having to conform, to settle with, and as such contain his urges. It seems he was contained in an engagement, eight years at the time, which he had no heart for yet saw no easy way out. All this burst out in an act of creativity expressing love, rebellion, need for space, yearning

for the place which was the egalitarian Australian bush where he most liked being. Here is a story of human frailty; in the difficulties we have in connecting to each other and to the land we live in and care for. Crimes are often seen in the eyes of the beholder and the actors involved. Paterson here has shown that the spirit can rise above the specific and engender uncertainty and connectiveness. The abstract is important. Isn't this mystery what culture is about?

The fact the ballad's adoption and subsequent significant growth in prominence led it to be considered Australia's national song bears testament to something over-riding, bordering upon intuitiveness. The spirit captured in a simple bush ballad, itself a hybrid of cultures and sources, articulated a national characteristic that served to bind a people together and very much overrides the consideration of a simple act of European sourced rural criminality. This is a song for the spirit of national connectedness.

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