

An Encounter with the First People of Northern Van Diemen's Land

A Particularistic Mindset

By Ian Pattie, July 2021

Abstract

When Lieutenant-Colonel William Paterson brought a group of white settlers – soldiers, convicts, and farmers – to Port Dalrymple, Van Diemen's Land, the English were in a mindset of domination or mastery over other races.

Britain was the world's naval power, the coming industrial power, the greatest empire builders and affectionately described amongst themselves as the chosen people and the Protestant Protectors.

They were the great slave traders, the continuing justifiers of slavery, the explorers, and indefatigable claimants of territory and in all egotistical senses, the masters, even though they had lost part of North America to a group of rebels disparagingly called Americans.

Despite this loss, they had, in Hegelian terms, a concept of Self as superior, and a concept of Others as inferior and, in order of inferiority there were other Protestants, Roman Catholics light-skinned coloured races and black races.

The extension of the Master - Other mindset was that even white convicts of British birth, must be masters of black aboriginal people, wherever they were.

The political, theological, and commercial mindset of the British Master created the disturbing thesis called Terra nullius, not only in Australia but also in North America.

The failure of the British to fulfill the Hegelian 'Self and Other' contract was not only an unjust imposition on the First Australians but a lost opportunity to discover how to live at ease in a new land.

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The Timeline for A Particularistic Mindset

Date	Event
1394 - 1460	Prince Henry the Navigator, a titular idiom: he was not a seaman but a Portuguese patron of oceanic exploration and founding father of the transatlantic slave trade (De Sousa) Late 15 th century – end of Medieval period
1420 - 1620	The Age of Enlightenment
1444	Angolan slaves are transported to Lagos, Portugal
1491 - 1547	Reign of King Henry VIII
1494	7 June; The Treaty of Tordesillas divided the “New World” between the then superpowers of Portugal and Spain.
1497 - 1502	Vasco da Gama discovers a sea route to India and the trading potential of Southern Africa.
1553 - 1558	Reign of Queen Mary I
1558 - 1603	Reign of Queen Elizabeth I
1588	Late May: a fleet of 130 ships, later to be known as the Spanish Armada, sailed from Lisbon in defence of Roman Catholicism to overcome English Protestantism. They were defeated by more manoeuvrable English ships and foul weather.
1603 - 1625	James VI of Scotland became James I of England & Scotland
1605	5 November; failed attempt to blow up the houses of Parliament in The Gunpowder Plot.
1607	The first English colony in the Americas, established at Jamestown, Virginia
1620	21 November; the Mayflower dropped anchor near Cape Cod, Massachusetts, landing 102 people to form a Puritan colony in North America.
1642	24 November: Abel Janszoon Tasman sights the west coast of a land he was to call Van Diemen's Land. He never realized it was an island.

1651 - 1658	Oliver Cromwell era: Lord Protector of the Commonwealth of England
1669	1 March; adoption of the first of the Fundamental Constitutions of Carolina, an expanse of land from Virginia to Florida.
1680 - 1790	The Age of Enlightenment
1686	20 March; Pope Innocent XI condemned slavery.
1707	1 May; Great Britain created: the Acts of Union in the English and Scottish Parliaments effected to create a united kingdom.
1760 - 1820	Reign of George III The era known as The Industrial Revolution.
1770	April: Lieutenant James Cook sights the East Coast of New Holland and, after arriving in Botany Bay, claims the land for Britain in the name of George III.
1775	Start of the American Revolutionary War
1776	13 colonies of North America declare independence from Great Britain
1777	24 April: Captain James Cook anchors in Adventure Bay, Van Diemen's Land.
1783	Formal recognition of the independence of the American colonies
1788	26 January: the First Fleet arrives in Sydney Cove, for the establishment of a penal colony in New South Wales
1804	Establishment of a British colony in Port Dalrymple to safeguard Van Diemen's Land from a French settlement William Blake wrote Jerusalem: And did those feet in ancient time. The poem was published in 1808.
1807	Abolition of the Slave Trade Act becomes law in Britain
1837	Abolition of Slavery Act in Britain

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A Particularistic Mindset

When Europeans colonized Terra australis, they were in a mindset that evolved in The Age of (European) Exploration - between 1420 and 1620. It was a time when “Europeans learned that all seas were one; that seamen, given adequate ships and stores, skill and courage, could, in time, reach any country in the world which had an ocean coast and – what was more important – return home.”¹

At the beginning of the era, Southern Europe, with superior maritime technology, reigned supreme and developed a self-awareness that was politically and aggressively Roman Catholic. Portugal and Spain were wanting to explore new lands, uncover trade opportunities and proselytize Roman Catholicism among people totally unlike themselves.

This self-awareness or self-consciousness has been characterized by German philosopher George Hegel (1770-1831) simply as a ‘Self’ which, when fully realized, demanded an appreciation of an ‘Other’. Only with this understanding of the conflict of opposites would both the ‘Self’ and the ‘Other’ realize their potential. Where the Self fails to recognize the equality of the Other there exists the possibility of a Master and Slave² relationship.

The Southern European ‘Self’ was so dominant and so dismissive of the concept of ‘Other’ that a Master and Slave relationship was established from the mid-15th century, when Portugal began an international slave trade.³ Portuguese explorers and traders exercised naval power from their home base in Western Europe, through India, Africa, and South America. The transatlantic slave trade began in 1444, when the first African slaves were landed in Lagos, Portugal.⁴ Then, in 1494, Portugal’s King John II and Spain’s King Ferdinand and Queen Isabella met to sign the Treaty of Tordesillas. The meeting, mediated by the Borgia Pope Alexander VI, divided the world in halves, on the 135th parallel – Asia and Africa to the Portuguese and the Americas, apart from Brazil, to Spain.⁵ These two countries were superpowers in their era and unknown to both powers, the line of longitude would have neatly divided the Australian continent on the Western Australia – South Australia/Northern Territory border. This division of the globe by the Southern Europeans, ignored the maritime prowess of the Dutch and Swedes. The ‘Master’ mindset was so pervasive that “by the mid-16th century ... around 10,000 Africans were living in Lisbon making up 10% of the population” many of whom were enslaved and most of the others had working lives of extreme hardship.⁶

This Southern European ‘Self’, first intrigued and fascinated by discovering indigenes in Asia, South-East Asia, and the Americas, presumed that European technology was superior, the arts culture more refined, and the religious deity more worthwhile. This ‘Self’ had whiter skin.

The Master-Self and Slave-Other developed early in the Age of Exploration and continued through the following era, The Age of (European) Enlightenment, a term used by the German philosopher Immanuel Kant, in 1784, to explain the era of “man’s emergence from his nonage’ ... or immaturity caused not by a ‘lack of intelligence but lack of determination and courage to use that intelligence without another’s guidance.”⁷

At the beginning of the Age of Enlightenment - a period of rapid advances in science, mathematics, the arts, and education - in 1642, the Dutchman, Abel Janszoon Tasman, sailing from the Dutch colonies in the East Indies, sighted the west coast of the island that came to bear his name, Tasmania. He was the first of several European explorers to encounter the First People of Van Diemen's Land. This was 100 years before the rise of English naval power and before English seamen partnered other European powers in the West African trade in "goods such as ivory, gold, pepper, dyewood and indigo."⁸ From trader partners, the English became dominators of the trade that increasingly included slaves from Africa to the New World, the Caribbean and the colonies of the Americas.⁹

British involvement in the slave trade began in 1562, with John Hawkins, and did not finish, officially until 1838¹⁰ with the passing of the Slavery Abolition Act.¹¹ In contrast, in Portugal, slavery was abolished in 1761.¹²

Hawkins entry to this market followed King Henry VIII's defying the Pope, establishing the Church of England, and challenging the superiority of Southern Europe. The martyrdom of Protestant common people during the reign of Queen Mary I, and the restoration of Protestantism under Elizabeth I, continued the creation of a dynamic which was celebrated with the English defeat of the Spanish Armada. This rampaging, increasingly Protestant North, expanded internationally and tormented the declining Catholic South which withdrew into itself to become a quite isolated culture.

The English took a strongly Old Testament interpretation to its rising resistance to the Roman Catholic Church and its power over Catholic forces. By the middle of the reign of Elizabeth I many Protestant English and Scots could look back to the Roman Catholic dissidence of John Wyclif (1326 -1384) and their having overcome immense international Catholic political pressures and could see themselves as a chosen people.¹³ There was a rising feeling that the two kingdoms of England and Scotland were the new Israel and Judah¹⁴ and by the time that the Commonwealth era of Oliver Cromwell was over, the monarchy restored with Charles II, and the 1603, reasonably smooth transfer of monarchy to James I to a united Scotland and England, the land had already become "the Israel which God favoured."¹⁵ The failure of the Gunpowder Plot in 1605 reinforced the idea that God was guarding the English so that by 1653, an Englishman could write, "The elect are nowhere else but here in England."¹⁶

The Protestant English, "the chosen people" were not only in England but in North America's New England and had with them the sense of an "elect" amongst the "chosen". These settlers, the Puritans, identified themselves as the "New Jerusalem"¹⁷ Here was an outpost of the Protestant Revolution where "the chosen" could enforce a morality on the ungodly who were not only the dissidents among English settlers but also the native people who, "if they failed to shed their traditional cultural habits, to accept the standards of the English settlers"¹⁸ could be punished as dissidents. The Master - Slave attitude of the "English Elect" in the New World was more than 100 years old and ingrained by the time Lieutenant James Cook, in 1770, planted a British flag on the East Coast of New Holland and claimed it in the name of George III.

This attitude of a European settler religion disempowering a non-European religious practice was part of the 16th Century Portuguese culture where "the conversion of Africans to Catholicism was a pillar of slavery."¹⁹ The conversion process involved the creation of Black Brotherhoods which, although they were meant to reinforce the subjugation of Africans

through religion, became some of “the earliest organized agitators against slavery ... to purchase the freedom of slaves.”²⁰ In Portuguese history, the Master-Slave relationship was being imposed by both Europeans and Africans against Africans, but conversion to a new religion for a peaceful outcome did not work where slavery was involved. There arose, in the slave colony of Brazil, an Angolan abolitionist, with the Portuguese name of Lourenco da Silva Mendonca. He was deported to Portugal in 1673 to stop his becoming involved in a slave uprising.²¹ In Portugal, he studied in a monastery, became a member of a Black Brotherhood, started an anti-slavery petition and lobbied Pope Innocent XI (1676 – 1689). In 1684, Mendonca went to the Vatican and accused nations involved in the slave of crimes against humanity, 100 years before the British abolition movement. “Mendonca's supplications to Pope Innocent XI and a corroboration by Capuchin (Franciscan) missionaries led to the condemnation by the Holy Office on March 20th, 1686, of the gravest opprobria of the Atlantic slave trade. Vested interests in church and state all over Europe and Africa and in the Americas, however, ensured that the papal condemnation was practically disregarded.”²²

In the Master - Slave domain, Britain consolidated its position transporting an estimated 3.1 million slaves (2.7 million of whom arrived) between 1640 and 1807 “to the British colonies in the Caribbean, North and South America and to other countries.”²³ The Master - Slave mindset was deep for, by the time the Abolition of Slave Trade Act was passed in 1807, Britain had amassed 46 000 slave owners, enacted laws to deem slaves as property and, with the Slavery Abolition Act, enacted laws to have the British taxpayer compensate British slave owners for the loss of their property.²⁴

Slavery is an anathema but slave-owning Christians of the period, whether Roman Catholic or Protestant, could fall back on the Bible as a justification for the practice. Genesis IX, 18 – 27 established a grandson of Noah as a slave, Exodus XXI, 1 – 11 established the conditions of slave ownership and in the New Testament, Ephesians VI, 5-7 exhorted servants to be obedient to their masters.²⁵ Justification for slavery came in curious forms with Bishop Stephen Elliott (1806 – 1866) of Georgia, at the time of the American Civil war could say that millions “have learned the way to heaven ... (and) been made to know their Saviour through the means of African slavery.”²⁷

In the mindset that the British were the naval power, the empire builders, the looming industrial giants, and the chosen people, after 200 years of disrespect for other cultures, especially black, and a desire to dominate, Lieutenant Cook contacted the First People of Terra australis. Within a decade, in this Age of Enlightenment, the Great South Land became the penal province of choice for a British government that had filled its gaols and prison hulks, lost the American colonies in the War of Independence, found South Africa to be unacceptable as a prisoner dumping ground, and needed another place to put its most undesirable citizens. That Terra australis had been claimed for Britain by Lieutenant Cook in 1770 and was so far away that the undesirables could not return easily, was a welcome realization.

This was not the only time that the land far away from both Europe and the Americas was seen as a desirable place for settlement. Around 1784-1785, before the establishment of the British penal colony at Sydney Cove, Henri Peyroux de la Coudreniere,²⁸ an army officer serving in Spanish Louisiana recommended to the Spanish Crown that Van Diemen's Land would be a good place for a settlement. Receiving no response, he made the same proposal to

the French Government at a time when the British and French governments were both seeking European and overseas empire dominance at each other's expense.

The British Government's drive to be the greatest European power in international politics was not to be daunted by the Anglo-French Wars which ran from 1756 to 1802 or the Napoleonic Wars that followed immediately. The need for a gaol colony outweighed the conflicts in Europe, and the desire to be the preeminent international power meant that the British, once they had entered New South Wales, were in no mood to share the continent, no matter how large it was.

The eventual British victory over the French in Europe and Canada only added to the sense of Master-Self that had developed in the mindset of the colonizers of New South Wales, who proclaimed it a Protestant European "discovery". The British 'Self' believed it was superior in technology, crafts, and trade, and it had a Protestant god. When the Master-Self colonized New South Wales, even the riff-raff population saw itself master of those already living on the land. The indigenous 'Other' were regarded as having a lesser technology, crude crafts, lesser agrarian accomplishments, and ineffective gods. The 'Other' was also non-White and whilst not forced into slavery, in the North American sense, the Master-Self acted as if the 'Other' were slaves. What the Master-Self mindset failed to see was that the Slave-Other had 60 000 years of evolved living in the land and deep-rooted ceremonies to complement its learned lifestyle.

In the first 15 years of contact with the First People, the Master-Self showed little awareness of the Slave-Others' diversity of culture, language, and skills for living in the Southern Hemisphere continent where firing the land was an elemental consideration. Like Hegel's Master and Slave relationship, both parties became losers in the paradox. By not accepting the fullness of the Other, the British Self's consciousness was lessened, and the Other's consciousness not maximised.²⁹ The British Self did not come to learn from the indigenous Other, it came to demonstrate mastery.

This sense of Mastery was not new for the English justified colonial possession in North America and dispossession of Indian lands by "appealing to theology, sovereignty and natural law".³⁰ This three-pronged justification, in the hands of Puritan colonizers of North America spawned an even more controversial doctrine "vacant soyle".³¹ From this rose, "[on] very slender evidence ... that vacuum domicilium [devoid of inhabitants] was used in the 1630s...; the earliest documented occurrences are in the private journals and reminiscences of Governor John Winthrop of the Massachusetts Bay Colony (serving intermittently from 1630-1648)." ³² Winthrop was a Native American slave owner ³³ who "pictured the Massachusetts colonists in a covenant with God ... divinely ordained to build a 'Citty upon a hill"³⁴ and who, in 1641 "helped write the Massachusetts Body of Liberties, the first legal sanctioning of slavery in North America."³⁵

There is a distinct reach to Australian colonial history in Winthrop's Vacuum domicilium for he "invoked [the term] only when the governing council refused to certify *de facto* land sales between Indians and individual colonists."³⁶ Reach forward 200 years, or thereabouts and the Proclamation of the British Governor of New South Wales, Sir Richard Bourke, on 10 October 1835, that "all people found occupying land without the authority of the government would be considered illegal trespassers."³⁷ The proclamation of Terra nullius was made on

hearing that John Batman had attempted to buy land from the Aboriginal people of Port Philip through a treaty. The proclamation “effectively quashed the treaty.”³⁸

There were now three terms for the dispossession of the land of native people of North America and New South Wales: vacant soyle, *Vacuum domicilium* and *Terra nullius*, the latter “two sometimes being used interchangeably”.³⁹ *Vacuum domicilium* does not appear in Roman law, Thomas More’s *Utopia* nor in legal dictionaries and “can only be traced to the idiosyncratic and inconsistent usages by John Winthrop ...”⁴⁰ The vacant land theory is often supposed to be John Locke’s through his *Second Treatise of Government* (1690), but this is vigorously contested by Paul Corcoran who says that “Locke’s central responsibility for conceiving and promoting the idea, is essentially pure fiction. Worse, it is bad scholarship.”⁴¹ Among the reasons for contesting the long-held Lockean theory of possessing native lands are that:

- The treatise was written some 60 years after the vacante soyle proposition was expounded.⁴²
- The treatise was written some 20 years after Locke had been secretary to Anthony Ashley Cooper, Lord Shaftesbury, in the writing of the Fundamental Constitutions of Carolina which proposed religious freedoms and religious tolerance to idolaters such as Indians and heathens, but which also proposed the right of freemen to own slaves.⁴³
- Locke presented “a robust defence of native rights to lands and possessions, rights that survive succeeding generations.”⁴⁴ In section 192 of the treatise, Locke wrote that even in a just conquest ‘the inhabitants of any country who are descended and derive a title to their estates from those who are subdued and had a government forced upon them against their free consents retain a right to the possession of their ancestors ... for the first conqueror never had a title to the land.’⁴⁵
- In second treatise’s paragraph 194 he adds that even in a just conquest, “Their persons are free by a native right, and their properties, be they more or less, are their own, and at their own dispose, and not at his; or else it is no property.”⁴⁶

It is not the purpose of this paper to argue against the theory of vacant land being attributed to John Locke or to promote Locke’s appeal to native rights and possession of the land being misunderstood but rather to insist that British colonizers arrived in New South Wales with a mindset of Master - Self and Slave – Other.

It was with an established mindset of mastery that Captain Matthew Flinders and Dr George Bass set out on a voyage of discovery and came to the realization that Van Diemen’s land was an island and there were people living in the Port Dalrymple area. They did not meet the First People Van Diemen’s Land and could not have communicated with them in depth to discover if their storytelling revealed their knowing of the separation from mainland clans for 12 000 years. The First People of Van Diemen’s Land had been visiting this land for 40 000⁴⁷ years and largely domicile in it for at least 23 000 years. They had a story to tell and a lifestyle to share with anybody that could conceive of them as an equal in the Self and Other mindset.

Bass and Flinders realization of the Van Diemen’s Land island-status was just 10 years after the penal colony of NSW was established, and to keep the French at bay, during the Napoleonic Wars, two outpost colonies were established in the island – one in the South at Risdon Cove, 1803, and the other at Port Dalrymple in the North, 1804.

Lieutenant-Colonel William Paterson was charged with forming the British military outpost-cum-settlement in Northern Van Diemen's Land, arriving in late 1804, the year in which William Blake wrote an ironic masterpiece *Jerusalem: And did those feet in ancient time*. Blake looked back on the medieval myth that Jesus of Nazareth, with Joseph of Arimathea visited England in the years between his childhood and teachings – a period not revealed in the New Testament.⁴⁸ This poem, a criticism of the Church of England – similar criticism that caused the Puritans to flee England more than 100 years previously and establish religiously-based colonies in North America - was also in praise of the French Revolution, which was much despised by the upper and military classes of Britain. The deeply religious Blake looked back on a time when England was a Jerusalem – a God-created heaven – and looked forward to a time when there would be a new Jerusalem in the land. The years between were the years of the industrial revolution, in which “dark satanic mills” both secular and religious, had created an enormous social upheaval resulting in an upsurge of petty crime, a sanctimonious response from the courts and the imposition of harsh penalties that filled goals, hulks and created a need for a land for the convicted. The poem emphasises the difference in mindset between a Master – Self and Slave – Other, although, in the poem, the Slave – Other are the British underclass, thousands of whom were destined to transportation to the penal colony of New South Wales, where the worst of whom could be further transported to the penal hell of Van Diem's Land. “Blake strongly detested the nationalist sentiment that was rife in (some classes) in England at the time”⁴⁹ and the Christian belief that existed when the French, through revolution, had created a republic founded on reason.⁵⁰

The 15-year gap between the establishment of the Sydney Cove, NSW, colony and the two Van Diemen's Land colonies were 15 years of opportunity lost. The years of contact with the First People of New South Wales, observations of how they lived and organized themselves, how their culture created meaning and how they survived in a climate which, for Northern Europeans, was harsh, could have been years of mutual discovery and gainful respect but the Self and Other mindset of the British would not accommodate this. The new colonies in Van Diemen's Land were established on the same Self and Other mindset as the establishment of the penal colony at Sydney Cove and North America.

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