ERRATA

Map 1: 'Selapui Island (pltn)' should read 'Selapiu Island (pltn)'.

Map 3: 'Maputi' should read 'Matupi'.

p. 373: omitted from page numbering, read from p.371 to p.373.

Map 7: 'Puraki' should read 'Purari' and 'Kainant' should read 'Kainantu'.
The administration of justice and the European residents of Rabaul and the Mandated Territory of New Guinea, 1921 - 1942.

Richard Geeves

Thesis submitted for the degree of Master of Arts at the Australian National University.

September 1979
This thesis is the work solely of the candidate except where due acknowledgement is made in the text.

Richard Fittler
24.9.79
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Abbreviations and method of annotation

AA Australian Archives
ADO (DDO) Assistant District Officer (Deputy District Officer)
Annual Report Report to the League of Nations on the Administration of New Guinea
CC Criminal Code
CCAO Criminal Code Amendment Ordinance
CNA Court for Native Affairs
CPD Commonwealth Parliamentary Debates
CPP Commonwealth of Australia Parliamentary Papers
CRS Commonwealth Record Series
DDSNA Director of District Services and Native Affairs
DSNA Department of District Services and Native Affairs
DO District Officer
f/n footnote
NAO Native Administration Ordinance
NAR Native Administration Regulations
NGAC New Guinea Advisory Council
NGEC New Guinea Executive Council
NGG New Guinea Gazette
NGLCD New Guinea Legislative Council Debates
NLO Native Labour Ordinance
P.I.M. Pacific Islands Monthly
PMB Pacific Manuscripts Bureau
PMC Permanent Mandates Commission
PO Patrol Officer
RSSILA Returned Soldiers and Sailors Imperial League of Australia
WO Warrant Officer

Notes

1. A full source citation is given at the first reference to any source in each particular chapter. Subsequent references to a source in the same chapter give author and title only, or, in the case of Archival material, the file number only,
together with the word 'above'. Where successive footnotes relate to the same source the second reference is given as 'Above' with a page number. References made to other parts of the thesis are indicated by page numbers followed by the words 'above' or 'below' as the case may be.

2. Correspondence between Administrators of the Territory and the Commonwealth Government is official unless individual's names are given. Administrators addressed their communications to the Secretary of the Prime Minister's Department except during the period July 1923 to December 1928 when they were received by the Secretary of the Department of Home and Territories. The shorthand 'Administrator to Department' has been used throughout the thesis with reference to such communications.

3. All references to Territorial legislation are made to the form of Ordinances appearing in The laws of the Territory of New Guinea 1921 - 1945 (Annotated), 5 Volumes, Sydney, 1947, unless otherwise indicated.

4. For an explanation of the term 'Press cuttings', frequently used in connection with quotations from Australian newspapers in the thesis, see the note under Newspapers and periodicals in the Bibliography.
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Maps prepared and drawn by Val Lyon, Department of Geography, School of General Studies, Australian National University. Map 3 drawn by Ted Deveson from an original supplied by Graham Mirfield of Mitcham, Victoria.
The peoples of New Guinea - a note

Any historian who attempts to write broadly of the peoples of Papua New Guinea is immediately confronted with the problem of selecting a suitable collective term to describe them. ¹ Although it is patently both an historical and geographical fiction, the term 'New Guineans' appeared to best fit the framework of this thesis. It must be stressed, however, that the use of such a word necessarily involves generalisations about New Guinean society which may well be criticised by specialists in particular fields of study, or in particular areas of New Guinea. New Guineans differ a great deal from place to place on the Island of New Guinea, and throughout the other islands of the Territory. They differ in their systems of belief, in religion, in the pattern of economic activities, in social organisation, and in many other ways. No general description of their common predicament can do justice to the range of these differences. When one generalises about their attitudes, the basis of this must be largely one's own impression of what the evidence indicates. ²

On occasions when the use of the broad term might be misleading, other words are used which relate to cultural groupings, administrative divisions or geographical criteria.

¹ See, for example, the resolutions of the problem in A. Inglis, Not a white woman safe, Canberra, 1974, p. 149 (f/n 1) and H.N. Nelson, Papua New Guinea: Black unity or black chaos? Ringwood, 1972, p. 8.

CHAPTER 1
Rabaul and the Mandated Territory of New Guinea, 1921-1942

On 9 May 1921 an Australian Civil Administration took up the government of 93,000 square miles of territory amongst the islands north of Australia. ¹ The bulk of this acquisition consisted of the north east portion of the main landmass of New Guinea but the most desirable prizes were the copra producing islands of New Britain and New Ireland in the Bismarck Archipelago. After some forty years of German ownership, the islands had achieved an enviable prosperity as commodity prices soared during the Great War.

The Council of the League of Nations had conferred a Mandate for the government of the Territory of New Guinea upon King George V in December 1920, on behalf of the Commonwealth of Australia, as part of the distribution of lands and peoples which followed Germany's renunciation of its colonial possessions under the Treaty of Versailles. With its anticipatory New Guinea Act of 1920 and in accordance with Article 22 of the Treaty, the Commonwealth sought to provide for the administration of the Territory "inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world". The Act was drafted to embody "the principle that the well-being and development of such peoples form a sacred trust of civilization". ² A certified copy of the

¹ See Map 1.

² A Selection of papers printed by the League of Nations relating to the Mandatory System (especially those relating to C Mandates) 1920-22, CPP, 1923-24, Volume 2, p. 5.
MAP I
The Mandated Territory of New Guinea, 1934
Mandate was received in Melbourne in April 1921 and the Governor-General issued a proclamation that the New Guinea Act would come into force on 9 May. General E.A. Wisdom, a former brigade commander of the First A.I.F., was despatched with his staff to supercede the Military Administration commanded by General T. Griffiths in Rabaul.

Seven years of Australian military occupation and five soldier-administrators had wrought little change in late German New Guinea. Uncertain of the Territory's future the occupiers became custodians who preferred to be guided in their inexperience by the order of German colonial practice and the notions of the established European colonists. Most German residents proceeded to mind their own businesses, encouraged by the favourable terms of the instrument of surrender, and finding that their increased incomes from the sale of copra to war-fuelled economies more than compensated for the occasional inconveniences of occupation.

The German residents of New Guinea continued unhampered in commerce and agriculture until the passage of the Expropriation Ordinance in September 1920 which rendered

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3 For the period of the Military Administration, see S.S. Mackenzie, The Australians at Rabaul, Sydney, 1937 (Volume X of the Official History of Australia in the War of 1914-18) and C.D. Rowley, The Australians in German New Guinea 1914-21, Melbourne, 1958. Mackenzie also stressed (pp. 251-256) that the Australians acted in accordance with contemporary principles of international law in their administration of the possession.

4 See S.S. Mackenzie, above, pp. 90-104.

5 See Appendix A, Copra Prices and Production 1910-1938.
the properties of German companies and individuals subject to confiscation. The measure had been recommended by Atlee Hunt, the Secretary of the Department of External Affairs, and Walter Lucas, the islands manager for Burns Philp, in their majority report of a Royal Commission on German New Guinea. The chairman of the Commission, the Lieutenant-Governor of Papua, J.H.P. Murray, presented a minority report in which he declared the expropriation of individual settlers to be unnecessary and unwise. His opinion was overruled by the Hughes Government.  

An Expropriation Board was established as a Commonwealth instrumentality under the Chairmanship of Lucas to maintain the properties until their disposal. Preference was to be given to returned soldiers when the lands were sold.

The German colonial government had, by 1914, divided the possession into seven administrative districts (bezirke) each under the control of a district officer (bezirkamtsmann). The district officers exercised a local jurisdiction and were charged with the maintenance of order and the supervision of tax collection throughout as much of their districts as they could cover. They were allocated a number of New Guinean police for the prosecution of their work. Revisions of the administrative boundaries and the creation of three new

---

6 Interim and Final Reports of Royal Commission on Late German New Guinea, CPP, 1920-21, Volume 3, pp. 43-45 (recommendations of Hunt and Lucas) and p. 67 (recommendation of Murray).

7 Report to the League of Nations on the Administration of the Territory of New Guinea 1914-1921, pp. 6-8.
districts had been carried out by the military during the occupation: the island of New Britain was divided into the districts of Rabaul, Talasea and Gasmata; New Ireland into Kavieng and Namatanai and the mainland into Aitape, Madang and Morobe. The Admiralty Islands to the west of Kavieng comprised the Manus District, while the easternmost island group in the Territory, chiefly the islands of Buka and Bougainville, made up Kieta. District nomenclature sprang from the town or station headquarters in the region with the exception of Manus, named for the largest island in the Admiralty group.

The overall non-indigenous population of the Territory in April 1921 was 3,173, 1,288 of whom were classed as Europeans. The balance of the non-indigenous population was composed of Chinese with a few Japanese, Malays and people of mixed race. The New Guinean population was estimated to be some 251,017, although this figure related only to the population of controlled areas and adjoining regions. It took no account of the large parts of the Territory which remained unexplored. Most of the Europeans and Asians lived in the

---

8 In 1917 the districts of Kokopo and South New Britain were added. The boundaries of Madang, Morobe and Kokopo were redefined in July 1917. Talasea District was constituted in September 1918 while the South New Britain District was renamed Ablingi and Kokopo District was absorbed by Rabaul. In May 1919, Ablingi was renamed Gasmatta (later Gasmata) and in August 1920 the boundaries of the Rabaul District were settled. Districts remained unchanged for the final eighteen months of military administration.

north east of New Britain on the Gazelle Peninsula or in two small towns and on the plantations on the east coast of New Ireland. A few scattered hamlets clung to the shores of the mainland with the largest, Madang, boasting a non-indigenous population of 272.\(^{10}\) The interior of the mainland was scarcely known. While a few Europeans had penetrated the green fastness of the Morobe hinterland in search of gold, occasional survey parties and recruiters of New Guinean labourers had nosed cautiously up the Sepik and Ramu Rivers and missionaries had pushed inland in the Madang and Morobe Districts to annex new pastures, official knowledge was confined to the coastal perimeter.\(^{11}\) Neither New Britain or Bougainville were any

\(^{10}\) Annual Report 1921-22, p. 138.

\(^{11}\) There had been several notable exploratory ventures by Lutheran missionaries before the advent of the Civil Administration, including an expedition up the Waria River, into the Bulolo-Watut Valley and back down the Markham by Leonardt Flierl and Georg Pilhofer in 1913: See I. Willis, "Who was first? The first white man into the New Guinea highlands", Journal of the Papua and New Guinea Society, Volume 3 Number 1, 1969, pp. 32-45 at p. 35. Radford records a walk by Lehner into the upper Markham Valley in 1919 and a later trip by Pilhofer in 1920: R. Radford, "Missionaries, miners and administrators in the Eastern Highlands", Journal of the Papua and New Guinea Society, Volume 6, Number 2, 1972, pp. 85-105 at pp. 87-89. The claims of Herman Detzner that he penetrated the highlands while avoiding capture by the Australian forces after 1914 have been discredited, see P. Biskup, "Herman Detzner: New Guinea's first coastwatcher", Journal of the Papua and New Guinea Society, Volume 2 Number 1, 1968, pp. 5-21.
exception to this rule. Inter-district, inter-territorial and international boundaries were often imaginary and usually quite academic from an administrative point of view; it was only the vast bulk of the towering peaks in the interior of the mainland which had been named by passing ships that lent the respectability of an occasional entry upon an otherwise blank map.

Administrator-elect Wisdom and seventy officials of the new regime embarked for Rabaul on the Burns Philp steamer Melusia in March 1921. Few members of the party possessed any relevant experience for the task they faced. The General himself, Chairman of the War Gratuities Board at the time of his appointment as Administrator, admitted to an applicant for the post of 'patrol officer' that he had no idea of what the duties of such an officer were.\(^1\) An American doctor, S.M. Lambert, travelling with the party later recalled that neither the Chief Medical Officer, a retired colonel, nor any of his staff were trained in tropical medicine.\(^2\) Nonetheless, an air of bravado kept the spirits of the incoming Administration as buoyant as the little Melusia as she steamed north from Samarai. They yarnd as they drank, speculating about their new careers and listening undaunted to Dr Lambert's lecture on the prevention of malaria. Almost all the men were returned officers of the A.I.F.; they had faced German and Turk, fire and heat and mud and were not

---


about to be intimidated by 'savages' or mosquitoes. They approached Rabaul with an affected boredom, a nonchalant confidence in their own ability to face up to any challenge, satisfied that it was fitting that those who had so recently saved civilization on the battlefields of the old world should now become its missionaries in the new.
The township of Rabaul boasted the largest concentration of European population in the Territory throughout the period of the Mandate. It was the seat of the Administration from 1921 until 1941 and the site of the New Guinea headquarters of the Expropriation Board in its early influential years. It played host to sittings of the New Guinea Legislative Council from 1933 to 1941 and to the Supreme Court, which heard few cases of importance away from Rabaul. From 1925 the town was served by a weekly newspaper, the *Rabaul Times*, the only unofficial local observer of Rabaul and New Guinea affairs until the late 1930s.\(^\text{14}\) Shipping, handling, light industrial and retail business began to expand to accommodate the needs and desires of the Administration and its workforce. Down the roads which linked Rabaul with the surrounding pockets of European plantations came the copra, the chief produce of the region, for shipment to Australian or European markets. The propinquity of the Administration, with its theoretical commitment to the principles of the Mandate, and a large number of private individuals engaged in businesses which directly or indirectly depended on cheap and abundant New Guinean labour for their viability, made for lively debate on the allocation of priorities in the development of the Territory and its peoples.

The Catholic and Methodist missions based in the area were

\(^{14}\) It was not until 1940 that a competitor emerged for the *Rabaul Times*, the *Morobe News*, published weekly in Wau. Missions also published broadsheets, the best known being the Methodist Mission's *A Nilai Ra Dovot*, published continuously since 1909. See my 'Notes on the *Rabaul Times* at the conclusion of this thesis for further information on the outlook of the paper in the period.
Rabaul and environs. (From S.S. Mackenzie, The Australians at Rabaul (Official history of Australia in the war of 1914-18, Volume X), Sydney, 1927, p. 46.)
never reluctant to join the debate if their motives or methods were called into question by either of the other parties.

The growth of European settlement in New Guinea in the late nineteenth century had centred upon the Gazelle Peninsula of the island of New Britain. The chief attractions of the locality were its areas of flat, accessible land and the hospitality offered shipping by Blanche Bay, a deep and secure anchorage formed in ages past by the flooding of a huge crater. The narrow margin of the Bay shore rose to ridges which rimmed the harbour, ending in three spectacular volcanic exclamation points, the Mother and Daughters, which towered above the buildings of Rabaul. The vestiges of the eruption of 1878 were quiet by 1921; Matupit Island, once tied to the greater volcanic peaks was slowly sinking, surrounded by water, while four miles across the Bay, Vulcan Island, once too hot to walk upon without heavy boots, was covered with a fierce growth of trees. Shipping found

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16 George Brown, above, p. 11.
passage into the Bay from St. George's Channel, sailed past a pair of volcanic plugs, the Beehives, which protruded some 150 feet above the water line, and entered Simpson Harbour at the western sweep of the Bay. European owned plantations were located on the Bay shore at Kokopo, twenty miles east of Rabaul, in the uplands above the former German capital and along the north coast of the peninsula. Numerous trading stations, established to receive coconuts grown by local villagers and sell to them a variety of goods, dotted the road network which linked Rabaul with coastal and hinterland villages.

Christian missions were firmly established in the region. The Mission Board of the Wesleyan Methodist Church of Australasia had despatched the Reverend George Brown to the Duke of York Islands in St Georges Channel in 1875. Brown remained in the islands for over three years in which time his hard working Fijian and Samoan teachers had extended the influence of the Mission to New Ireland and the coastal villages of the Gazelle Peninsula. The Methodists had been joined by Catholic missionaries of the Order of the Sacred Heart in 1882 and the competition spurred both denominations to greater effort. The Catholics selected a site at Kinigunan, near what was to become the settlement of Kokopo, for their base and named their choice Vunapope. The Methodists trans-

\[17\] See MAP 2.
\[18\] See MAP 3.
MAP 3

The Gazelle Peninsula, New Britain. (From a map enclosed in Sale of expropriated properties (first group) in the Territories of New Guinea and Papua, Melbourne, 1925)
ferred their headquarters from Watnabara in the Duke of York Island to Malaguna in 1915 and the Chairman of the New Britain District resided there until 1942.19

The people of Blanche Bay on the Gazelle Peninsula and of the Duke of York Islands, who came to be known as the Tolai,20 were contained by the sea to the north and east and by the mountainous Baining region to the south and west. They lived in small hamlets of two or three households which were organized into villages (gunan). Elders (lualua) of the villages directed meetings and presided over the settlement of disputes while a fight leader (luluai) directed hostilities against rival villages.21 There was little movement of people between villages although the practice of trade with inland people was firmly established. Antipathies along the shoreline of the Bay persisted well into European times; there was still no footpath around the foreshore even in the early years of the twentieth century.22

19 See Valentine, above, and N. Threlfall, One Hundred Years in the Islands, Rabaul, 1975.

20 A.L. Epstein notes that the people had no collective name for themselves or for their language. The earliest use of the term 'Tolai' he had discovered was in a letter written by a correspondent in Wau to the Rabaul Times in the 1930s. See A.L. Epstein, Matupit, Canberra, 1969, p. 13.

21 See T.S. Epstein, Capitalism, primitive and modern, 1968, pp. 5-6. Both T.S. Epstein and A.L. Epstein, above describe the collection of hamlets as "parishes", a term rejected by R.F. Salisbury for its inappropriate religious connotations. He also favours the term "village" because of its contemporary currency amongst the people of the region; see R.F. Salisbury, Vunamami, Melbourne, 1970, pp. 21-22 (f/n).

After several murderous exchanges with the Europeans, the Tolai began to engage in more peaceful intercourse with the settlers and traders. T.S. Epstein considers that the pacification of the area "re-channelled their fighting spirit into economic competition". Prestige had always attached itself to those who were able to accumulate wealth (in the form of tambu, a shell currency with distinct social implications for the possessor) and the Tolai quickly adapted to the cultivation of the coconut palm on a commercial scale. Nuts were sold to the traders and the firms, new stands of palms were planted and gardens were also cultivated with a view to the sale of the crops. They transformed their "primitive capitalism" to encompass a profitable trade with Europeans.

The production of copra by the Tolai in 1913 was estimated by T.S. Epstein at 4,000 tons out of a total of 5,000 tons produced by New Guineans throughout the Bismarck Archipelago. It brought a return of over £25,000 for the Tolai population of 19,000, or a per capita income of £1/7/-. Economic opportunities were also opened to the Tolai with the establishment of a school by the German Administration in 1906. Graduates took up minor clerical positions in the Administration and banking. While in receipt of such

23 T.S. Epstein, above, p. 7.
benefits as a result of the attraction of their region for European settlers, the Tolai had suffered severe encroach-
ment on their lands. Rowley noted that they had lost about 39% of their arable lands by 1914.  

The Official Handbook of the Territory of New Guinea published in 1937 noted an average annual rainfall of some 90 inches in Rabaul, most of it falling from December to May. The dry spell from June to October, under the prevailing south-easterly winds, was a trying season in which heat and dust caused the Europeans great discomfort. The breaking of the north-west monsoon late in the year was a welcome relief, even throwing up a small surf on north coast beaches to the delight of many Australian residents. Despite the pronounced dry season and an annual rainfall that was low by Territory standards, Rabaul always presented an attractive face to its visitors. It had the added advantage that many came to Blanche Bay after a call at Port Moresby. As Moresby was brown and parched, Rabaul was green and lush; as Moresby shambled down to the sea along hot, dusty streets, Rabaul graciously unfolded along shady avenues sporting rows of careening trees. The comparisons were as inevitable as they were unfailingly flattering to Rabaul which looked the part of a colonial capital, rather than a hurriedly transhipped northern Queensland beef or sugar town.

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Those who recorded their impressions of Rabaul at the inception of the Australian Civil Administration were struck by the obvious care with which the Germans had planned the town which they had chosen as their capital in 1910. The avenues were laid out on a grid pattern taking as their axes the two principle thoroughfares, Malaguna Road and Mango Avenue. The individual blocks were sufficiently large to accommodate the heavy and ornate wooden bungalows with their wide verandahs well back from the dust and noise of the motley traffic of the street. Tropical vegetation abounded; acacias, casuarinas, rain trees and frangipanni sprang forth, but there was no riotous growth, all were ordered and spaced. The town gave the appearance of solidity and appreciation for its builders increased when one was quickly informed that the site had been reclaimed from a swamp.

The main European residential and business quarters of the town flanked Mango Avenue. Housing for Europeans was always at a premium in Rabaul, rentals were high and hotel accommodation in short supply. Above the houses of the businessmen and junior public servants, upon the green eminence of Namanula Hill, were the residences of the public notables of the Administration. Government House had been constructed on the hill in German times, as indeed had all the other buildings of substance in the town. The Administrators of the Territory shared the breezes of their elevated position with a select few; the judges of the Supreme Court, senior

27 See MAP 4.
MAP 4

Plan of the town of Rabaul. (From an undated map, c. 1926, held by the National Library of Australia. Additional information from F. Cahill, The Chinese in Rabaul 1914-60, M.A. Thesis, University of Papua New Guinea, 1973.)
PLAN OF
THE TOWN OF
RABAUL
departmental heads and, in the sole concession to democracy, the inmates and staff of the European hospital.\footnote{28}

By April 1921 the non-indigenous population of the Rabaul District was 1,350 with more than half the number composed of Chinese, Japanese and Malays.\footnote{29} The considerable Chinese community had been contained by the Germans in their own cramped Chinatown within Rabaul's boundaries, a policy which Australian administrations military and civil had continued. Some Chinese kept shops in the town, opened to a mixed clientele, while a few select proprietors catered for European customers who sought fabrics, furnishings and miscellanies. Chinese artisans were employed in building, mechanical work and shipping. Others set up as tailors and launderers, restaurateurs and hoteliers. There was little contact between the Chinese and the Europeans beyond formal business relations; segregation was so emphatic that many Europeans accepted fantastic stories which circulated about the vast wealth and sexual licence which existed behind the dilapidated shopfronts and foul smelling lanes of Chinatown. The small Japanese population in Rabaul lived in the shadow of Isokide Komine, shipbuilder, trader, pearler and war-hero, a man who bore the honorific of Consul-General of

\footnote{28 Descriptions of Rabaul in 1921 are derived from M. Bassett, \emph{Letters from New Guinea 1921}, Melbourne, 1969; L. Overell, \emph{A Woman's Impressions of German New Guinea}, London, 1923; S.M. Lambert, \emph{A Doctor in Paradise}, above; G.W.L. Townsend, \emph{District Officer}, above and J. Lyng, \emph{Our New Possession}, Melbourne, 1919.}

\footnote{29 \emph{Annual Report 1921-22}, p. 138.}
Japan. His social credit was sound enough to secure him an invitation to Government House to celebrate the King's Birthday for the first time under the Mandate. A numerically insignificant minority of Malays remained in Rabaul in 1921, the residue of a labour force imported by the Germans in the 1890s who had chosen to stay in New Guinea rather than be repatriated at the conclusion of their contracts of service.32

The only New Guineans allowed to dwell within the town boundaries were the employees of private individuals, business or the Administration. Overwhelmingly young males, they worked as servants, general labourers, policemen and prisoners. Employees of the Administration were housed at Rapindik in police and labour barracks, the Native Gaol and Hospital. During the hours of daylight local women walked to the market place in town, opposite Chinatown, where they offered for sale fresh village-grown fruit and vegetables, fish, eggs and poultry. Other New Guineans ventured to town to drift around the streets and stores, examining the wares and observing the style of the place. Curfew provisions ensured that the streets of Rabaul were emptied of New

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Guineans at night so that the darkness could not cloak the
criminal peeping, prying and thieving which many Europeans
believed was inseparable from the black presence. The curfew applied with equal emphasis to those New Guineans
who did reside within the town; they had to remain in their
allotted quarters during the prohibited hours unless in
possession of a signed pass from their employer. New
Guineans always entered the town on sufferance, restricted
not only by legislation as to their dress and behaviour, but
by a range of social constraints which they had to observe
or risk abuse, assault or prosecution from whoever they offended. Rabaul was a white preserve and jealously guarded.

The development of Rabaul in the early years of
the Mandate was fitful. The Administration recorded its
cautious initiatives in Annual Reports, presented in accor­
dance with Article 22 of the Treaty. The Reports were reviewed
by the Permanent Mandates Commission, a consultative body
established by the Council of the League of Nations to
examine the progress of the "advanced nations" in their task
of tutelage. The slow pace of development stemmed from the
declaration by the Commonwealth Government that the Territory
would have to pay its own way. It proved as good as its word;
 apart from several grants of £10,000 to be expended on New

33 W.J. Hudson has written of Australia as a Mandatory power; "Australia's Experience as a Mandatory Power", Australian Outlook, Volume 19, Number 1, April 1965, pp. 35-46 and "New Guinea Mandate: the view from Geneva", Australian Outlook, Volume 22, Number 3, December 1968, pp. 302-316.
Guinean welfare and a loan of £67,000 negotiated in 1924, principally for repairs to the Rabaul wharf, the Commonwealth offered only a subsidised mail service. The inexperienced Administration busied itself in culling the many incompetent officers from the ranks of the public service, a task so tedious that Wisdom begged the Secretary of the Department of Home and Territories, J.G. McLaren, to persuade the Minister to extend him powers of summary dismissal over junior officials. The Australian press hounded the Administration

34 A grant of £10,000 was given for 'native welfare' in 1922-23 then made annually from 1926-27 until 1930-31 when it was halved. It was dropped entirely in 1931-32 and not resumed. The Administration's concept of what constituted 'native welfare' included the payment from the fund of the Government Anthropologist, E.W.P. Chinnery. Additional drains on the fund in 1930-31 were the salaries of Judge Phillips (£1,400), a translator and an additional officer (minimum of £400 each) engaged in inquiring into New Guinean land claims. Annual Report 1930-31, p. 82. The loan of £67,000 was to be distributed between the construction of a new wharf at Rabaul (£36,000), a new wharf at Kieta (£2,000) and other new works (£5,000). An additional £24,000 was loaned to enable the Territory to pay the Prize Court for German vessels captured at the occupation of Rabaul and since used by the Civil Administration. Report by Colonel John Ainsworth on Administrative Arrangements and Matters Affecting the Interests of Natives in the Territory of New Guinea (henceforth Ainsworth Report), p. 39, CPP, 1923-24, Volume 4. Ainsworth was strongly critical of the general parsimony of the Commonwealth Government and particularly of the decision to bind the Administration to pay for the German ships which had been in a derelict state in May 1921. It is of interest to compare the situation of Papua, which was subsidised to the extent of £50,000 a year by the Commonwealth. The Imperial German Government had also subsidised its colony to the tune of £52,000 per annum from 1905 to 1913 and had planned an increase in the amount, to £84,000 in 1914. See E.L. Piesse, "Financial Relations of the Territory of New Guinea with the Commonwealth" in F.W. Eggleston (ed.) The Australian Mandate for New Guinea, Melbourne, 1928, pp. 42-50.

35 "...it is lamentably true that in these cases, ambition appears limited to eating, drinking and sleeping."
Administrator to Department, (undated, c. June 1925) in AA, CP 290/13, item 7.
with allegations of an over-concentration of staff in Rabaul, its failure to maintain shipping and agricultural resources and the absence of a public works programme. Their correspondents claimed that Administrative lethargy had resulted in the lack of any sense of purpose amongst the European residents of Rabaul. Men wiled away the days in idle reminiscences about their war service, drinking to excess and offering little competition to the industrious local Chinese population who threatened to seize control of the Territorial economy. Symbolic of Administrative inefficiency was Rabaul's waterfront where three steamers of the former German government rotted at anchor beyond the charred and broken planking of the main wharf unrepaired after a fire in January 1923.

The Commonwealth Government appointed Colonel John Ainsworth to report on the state of the Administration of New Guinea in 1924. Ainsworth, an officer of the British colonial service with experience in East Africa, was particularly requested to examine how the New Guinean population was faring under Australian control. His report was presented and printed in September 1924.

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36 See series of articles by M.H. Ellis in the Sydney Daily Telegraph, 21 June to 11 July 1923 and series by F.M. Forde in the Sydney Evening News, 10 October to 22 October 1923, both in Press Cuttings 3. Many other Australian newspapers published articles in a similar vein as is apparent from the cuttings collected by the Department of Home and Territories and the New Guinea Trade Agent in scrap books now held by the National Library of Australia.

37 For example, H.S. Gullett, "The Insidious Chinese", in the Melbourne Herald, 18 April 1922 in Press Cuttings 2.

38 See fn 33, above, for citation.
The Ainsworth Report confirmed many of the allegations made in the Australian press about stagnation in Rabaul. He noted that many of the buildings owned by the Administration in the town required maintenance and that the surrounding roads were in need of "substantial repair". He added that only two sets of buildings had been constructed in Rabaul since the Australian occupation in 1914. The acute lack of funds for public works projects was in part due to the employment of Europeans at all levels of the public service and in most skilled jobs in private commerce. To pursue such a policy while attempting simultaneously to maintain and extend public facilities was patently "beyond the present financial capacity of the Territory". He advocated the induction of Asians into the lower ranks of the Administration to cut the heavy expenditure on salaries. His chief recommendations however concerned the attitude of the Commonwealth towards the Territory. In his opening remarks he stressed that the Administration should not be dependent upon the Commonwealth Government in its formation of policy, nor should the parent government begrudge it the funds needed for development. The Commonwealth should be prepared to

39 "Owing to a lack of funds for public works, there is, unfortunately, in many places a general atmosphere of retrogression". Ainsworth Report, p. 13.

40 The buildings for the New Guinean school and a block of bachelors' quarters, above, p. 7.

41 Above, p. 39.

42 Above, p. 5.
assist it financially by means of a grant-in-aid - not a loan, as the Territory, at this stage of its development, cannot afford to borrow money. These days no young country, and particularly a tropical country, with its primitive population, can carry out those essential public works which are vital to its economic progress without financial assistance, and in such case it is only natural that the necessary help should be rendered by the civilized Government responsible for its well-being.43

Wisdom frequently despaired at the lack of revenue available to his Administration.44 Effective government was also hampered by the squabbling between departmental heads for what money there was and by the inefficiency of some officers who held senior appointments. Wisdom had sharp disagreements with the Director of Public Health, R.W. Cilento, who, he confided to McLaren "verges on the crank in some things"45 and the Director of Agriculture, George Bryce, a former British Colonial Officer, whom Wisdom felt was "a bumptious egotist" with "an unhealthy mind warped by extreme megalomania".46 Cilento and Bryce had planned

43 Above, p. 39.

44 Wisdom maintained a private correspondence with the Secretary of Department of Home and Territories, J.G. McLaren, between 1924-29. Copies of the letters were filed amongst McLaren's papers which are now in the Australian Archives, Accession CP 290/13, item 7. Wisdom's earlier letters were full of complaints about the lack of finance; he talked of resignation in May 1924, explaining that if the constant starvation of funds continued, he would be unable to accept responsibility for the development of the Territory - see Wisdom to McLaren, 21 May 1924.

45 Wisdom to McLaren, 8 December 1925, in above.

46 Wisdom to McLaren, 12 January 1926 and 22 September 1926, in above.
elaborate schemes relating to village health and village
agricultural development respectively and resented the with­
holding of the large sums required to fund them. Wisdom
was relieved when they both resigned to accept better paid
positions. The Administrator also had to contend with the
inefficiency of his Director of Public Works, Fowler, and
the Crown Law Officer, Gerald Hogan. Wisdom ridded the
Territory of Fowler by the simple expedient of abolishing his
department but Hogan managed to survive despite a Board of
Inquiry, an appeal to the Minister and an attempt to have him
transferred to the Northern Territory.

Although it is not apparent from Wisdom's corres­
pondence with McLaren, it appears that he was heavily
reliant upon the advice and energy of the Government Secretary
H.H. Page. Page seemed to have served as the unofficial
coordinator-general of all public service business as well as
attending to matters that were the direct concern of his own
department; district services, the Central Court and Crown
Law Office, police and prisons. Ainsworth commented on the

47 Fowler was "a shocking waste of money" who was less
competent, in Wisdom's estimation, than his works foreman.
Wisdom to McLaren, 17 November 1925 and 7 October 1925,
in above.

48 J.K. McCarthy, who joined the Administration as a patrol
officer in 1927 and later rose to head the Department of
District Services in the Territory of Papua New Guinea
in the 1960s, recalled his earliest impression of the
administration of the Mandated Territory; "...Page and
Lonergan (the senior clerk) virtually ran New Guinea".
J.K. McCarthy, Patrol into Yesterday, Port Moresby, 1972,
p. 12.
encroachment of the Government Secretary on the business of heads of departments and noted that the senior officers themselves had circulated a round robin in May 1924 protesting against his interference. 49 The Minister for Territories at the time, C.W.C. Marr, later recalled in the Commonwealth Parliament that it had only been with the appointment of a successor to Wisdom that the Territory had ceased to have two Administrators. 50

The character of the town began to change in 1925. Copra prices were rising and Administration revenue increased accordingly. The confiscated German plantations were sold by tender in 1926 and 1927 after six years in the hands of managers appointed by the Expropriation Board. The Board had proved a major obstacle to Administrative progress while in control of the expropriated properties, employing over 300 Europeans and acting as a bar to the injection of private capital and energy into Territorial agriculture. 51 Rivalry

50 CPD, Volume 157, p. 125, 23 September 1938.
51 Wisdom's problems were increased by Board personnel in the Territory who thought that employment by a Commonwealth Government agency conferred upon them immunity from prosecution. The Administrator asked that the direction that all impending prosecutions against Board men be referred to the Minister be reversed. The direction meant, in effect, "that the Government has exempted its own commercial activities from prosecutions for breaches of the law, which it has itself passed for the protection of native labourers, of whom it employs (sic.) 60% of the total employed in the Territory". Administrator to Department, 21 March 1924, in CP 290/13, item 7. See also Report...by Yarwood, Vane, (below, f/n 56), pp. 22-23, for further commentary on friction between the Administration and the Board.
was the more pronounced for the consultative role Chairman Walter Lucas served in Australia as "Technical Adviser" to the Commonwealth Government on New Guinea affairs. Ainsworth appreciated the difficulty the public service experienced in its dealings with the Board which was practically a government concern, which, however, appears to have an existence apart from the Central Administration of the Territory. The result is a sort of imperium in imperio.53

Marnie Bassett put the relationship rather more bluntly, describing the Administration as the "2nd XI".

The caretaker employees of the Expropriation Board had been forbidden to bring their families to the islands but the successful tenders for properties were under no such restriction. Most of the men who took up plantations around Rabaul brought their wives and children from Australia to live on the properties and share in the social life of the town. They had secured their plantations in the first group of properties offered for sale and quickly discovered that their

52 Report...by Yarwood, Vane, p. 6.
53 Ainsworth Report, p. 42.
54 The Argus (Melbourne), 14 February 1921, in Press Cuttings 2. See also CPD, Volume 95, p. 8272, 11 May 1921, for acting Prime Minister Joseph Cook's explanation of the policy of the Board.
investment had been sound. As had been predicted in an audit of agricultural resources in 1923, the plantations of the Gazelle Peninsula came into full bearing in 1926-1927 after maturing during the stewardship of the Board. The maturation of the palms coincided with a boom in the copra market. The price per ton for Rabaul copra from 1926 to 1928 was not exceeded until after the Second World War. Production of copra in the Territory had doubled in the five years before 1928 and receipts for the Territorial output in 1928 were not matched for ten years.

The growth of Rabaul in the late 1920s was recorded in the town newspaper, the Rabaul Times. The first eight page issue appeared in April 1925 providing local news as well as information on events in Australia, the Empire and the rest of the world. The Rabaul Times recorded the material

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55 Competition for the first group of properties was not as intense as for those in the second and third groups and the official valuations were more conservative. See Smith's Weekly, 8 September 1928. Smith's Weekly ran a succession of feature articles alleging irregularities in tendering for the plantations; the leakage of official valuations, the 'dummies' put up by firms wishing to obtain properties on the favourable conditions granted to returned servicemen and the loans given by firms to tenderers on condition that they would have exclusive rights to market and ship the produce of the fledgeling planters. Marr read the articles and noted "The paper obviously has a friend somewhere who supplies information". Press Cuttings 5.


57 See Appendix A, Copra Prices and Production 1910-38.

58 See my 'Notes on the Rabaul Times'.
and social development of the town: the expansion of the retail facilities of Burns Philp, W.R. Carpenter and Rabaul's leading Chinese merchant Alois Akun; the building of Catholic and Anglican churches for European congregations; the opening of schools for the children of the European, Chinese and New Guinean populations; the construction of a £700 shed at the New Guinean market to shelter the produce and persons of the vendors and the long awaited replacement of the old wharf. The New Guinea Club was opened in the period and both Burns Philp and Carpenters had made clubrooms available for their employees by 1930. Numerous balls and dances were held at town hotels where guests were entreated to dance to the strains of the Tropical Troubadours or the Rabaul Jazz Orchestra. In November 1929 a theatrical group which was to become the Rabaul Dramatic and Musical Society mounted its first production. The performance was hailed by the drama critic of the Rabaul Times as a great success and was seen by packed houses.  

Sporting clubs were galvanised by the increased prosperity. Traditional games were able to be staged on a grander scale. A Rabaul representative cricket team travelled to Kavieng in 1929 to play the inaugural inter-island 'test'. Regular race meetings were held at Kinigunan near Kokopo and on the Lakunai course at Rabaul. Appreciative crowds of up

59 Editorial and review of "His Excellency the Governor", Rabaul Times, 22 November 1929.
60 Rabaul Times, 3 January 1930.
to 300 attended the early race days to watch horses brought in from as far away as Madang to compete. Spectators drove to the track in private cars and the Rabaul Times bragged that the level of motor car ownership in the Territory was the highest in the world.

The Administration also benefited from the wave of prosperity which the European population of Rabaul rode into the late 1920s. The export tax of 25/- per ton on copra netted some £30,000 in 1927-28 while the galloping material consumption of white residents made the substantial contribution of an ad valorem duty of 10% of the landed costs of all imported goods. The co-incidental penetration and exploitation of the Morobe goldfields, added the revenue obtained from a 1% royalty on all gold produced. The attitude of the Australian press to New Guinea altered dramatically as the magnitude of the new wealth became evident. The Mandated Territory, once a whipping-boy, had proved a Cinderella; "Prosperous New Guinea" the Melbourne Herald headed an article

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61 For example, Rabaul Times, 17 January 1930.
62 "Now, who says we are not a prosperous community". "Local and General", Rabaul Times, 30 November 1928. Car registrations had risen from 34 in 1923 to 288 in 1928 according to the Melbourne Herald, 9 January 1929, in Press Cuttings 5.
63 Annual Report 1927-28, p. 39, shows 62,285 tons of copra exported in the period at a duty of 25/- per ton. The total receipt of export duty was given as £82,963.2.5 (p. 43). Revenue from the 10% duty on all imports reached a peak of £129,440.19.11 for the year 1927-28, an amount not equalled until the mid 1930s (p. 43); see Appendix B, Some sources of Administrative Revenue, 1921-22 to 1939-40.
in January 1929, an "almost incredible improvement" admitted the Sydney Sun in September 1928.

There were rumblings of discontent amidst the prosperity over the manner in which the Territory was being governed. European residents felt that the Territorial Administration was being held in check by the Commonwealth Government which in turn was too firmly attached to the principles of the Mandate and too easily intimidated by criticism from the Permanent Mandates Commission. They wanted the Administration to have autonomy over matters of local concern and they wished such an Administration to be responsive to public (by which was meant European) opinion. Representations were made to visiting parliamentarians and missives despatched to Melbourne and Canberra on the subject by the Territory's two most influential pressure groups, the RS&SILA and the Planters and Traders' Association. The campaign for some form of representative Territorial Legislature was centred in Rabaul, the headquarters of the interest groups concerned and the source of the Rabaul Times. The paper, always a vigorous organ on matters of local import, had pressed the case for an elected Territorial Legislature from its earliest issues. It recorded the admission of

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64 Melbourne Herald, 9 January 1929, in Press Cuttings 5.
65 Sydney Sun, 12 September 1928, in Press Cuttings 5.
66 See, for example, the Report by Minister for Home and Territories on visit made by him to Territories of New Guinea and Papua during year 1927-28, published as an appendix to the Annual Report 1927-28, p. 74 and the interview of V.A. Pratt, president of the Rabaul branch of the RS&SILA and member of the Planters and Traders' Association with Sir Neville Howse, 22 March 1928, in AA, CRS A518, item J 836/2.
Minister for Home and Territories Marr in 1928 that the proposal was under discussion with great indignation;

Pumped by another member, the Minister let it be known casually that there is a proposal to create a Legislative Council for this Territory, but that finality had not yet been reached. In such a manner little scraps of information are circulated... 67

The measure eventually found form in the New Guinea Act Amendment Act passed by the Commonwealth Parliament in September 1932, the delay in its passage only exacerbating...

67 "Our Pacific Possessions", Rabaul Times, 1 June 1928. See also the Rabaul Times, 7, 14, 21 and 28 September 1928 for a record of European opposition to Marr's proposal for a nominated Council. A public protest meeting was held at the cinema, telegrames despatched to the Prime Minister and the Leader of the Opposition and a Committee formed to consider the draft bill. The newspaper announced on 28 September that the bill would be deferred. The Minister, Sir Neville Howse, admitted that postponement had resulted from the weight of criticism.

An earlier attempt to introduce two non-official representatives to the Administrator's Advisory Council had failed when Wisdom rejected a resolution of the Council to this effect. The events of 1928 followed the promise of Marr during his visit to New Guinea in July 1927 that some form of popular representation would be instituted after the disposal of the final group of expropriated properties later that year, "when the Territory became more stabilised". The reasons for the further delay of five years before implementation were, in the words of a subsequent commentator on Australia's administration of her Pacific dependencies, "somewhat obscure". Part of the explanation would appear to lie with the coincidental onset of the depression and two changes of Commonwealth Government which combined to relegate the subject of the Territory's constitutional development to an even lower priority.

See Administrator to Department, 23 November 1926 and NGAC Minutes, Meeting of 5 January 1927 in AA, CRS A518, item M 800/1/3/ part I; Report by Minister for Home and Territories on visit... to Territories of Papua and New Guinea during year 1927-28, above, pp. 73-74 and M.G. Jacobs, "The Australian native dependencies in the Pacific", Papers prepared for the British Commonwealth Relations Conference, 1938, Supplementary Papers, Senes E, Number 3, Sydney, 1938, p. 12.
the hostility which many of the European residents of New Guinea already bore the Commonwealth Government.

Part of the momentum for European representation in Territorial government stemmed from a belief that the Administration was dealing too lightly with criminality and indiscipline amongst the New Guinean population. The suspicion of Rabaul residents that officials were lax in this regard was confirmed in their own minds by the 'Rabaul Strike' in January 1929. The strike, involving several thousand indentured labourers, casual workers and New Guinean police has been extensively discussed elsewhere\(^8\) and will be considered in the context of the relationship of Rabaul's European population to New Guineans later in this thesis.

1929 also marked the start of a steady fall in the price of copra which continued until 1934 when the market bottomed at £4.11.0 per ton. The pleas of the RS&SILA and the P&TA secured many concessions for Territorial planters: the Custodian agreed to a moratorium on payments due on expropriated plantations from July 1930 to June 1936;\(^9\) the

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\(^9\) See "Mr W. Grose's Visit to Australia", *Rabaul Times*, 24 January 1930. A delegate from the Planters and Traders' Association had unsuccessfully visited Canberra in 1928 seeking a moratorium although assurance that a suspension of payments would be considered in cases of hardship was given to the Annual Conference of the P&TA in September 1929 by the Custodian of Expropriated Properties. The moratorium was lifted in 1936 when the Commonwealth was satisfied that profitability had returned to the industry.
Administration granted progressive reduction of the export tax on copra until it was dropped entirely in 1933\textsuperscript{70} and the large trading firms announced that they would suspend the interest due on loans to planters during the crisis.\textsuperscript{71} The collapse of the copra market did not stunt the development of Rabaul, however, as much as was forecast when prices had begun to drop in 1929. Rabaul owed its continued growth to the revenue generated by gold production.\textsuperscript{72} The royalty on gold had been raised to 5\% in 1928 and with the commencement of dredging operations in 1932 the Treasurer of the Territory, H.O. Townsend, was able to bring down a succession of surplus budgets throughout the 1930s.\textsuperscript{73} The Territorial public service expanded ensuring the continued profitability of retail businesses and light service industries in Rabaul. The advertising by local concerns in the \textit{Rabaul Times} was as spirited as ever in the early 1930s, there was no noticeable decrease in the pace of the social life of the town and the European populace gave little indication that they appreciated their good fortune at a time when the rest of the industrialised world was gripped by depression and convulsed by political

\textsuperscript{70} \textit{Rabaul Times}, 10 November 1933. The announcement by the Administration published in the paper stated that no export tax would be levied on copra while the price was below £10 per ton.

\textsuperscript{71} \textit{Rabaul Times}, 22 December 1933.

\textsuperscript{72} See Appendix B, \textit{Some sources of Administrative revenue, 1921-22 to 1939-40}.

\textsuperscript{73} The \textit{Rabaul Times} regularly complimented the Treasurer on the accomplishment; see, for example, "Our finances", \textit{Rabaul Times}, 11 March 1938.
agitation.\textsuperscript{74}

A town electricity supply was introduced with the opening of a generating plant by the Administrator in May 1932 and a year later the Rabaul Public School, for European children, was completed. Work was started on the sealing of Mango Avenue in 1935, the town's main retail thoroughfare now boasting a well stocked pharmacy next door to the established stores of Burns Philp and W.R. Carpenter. A European managed bakery and a dairy\textsuperscript{75} had begun trading in 1934 and 1936 respectively and by 1937 the dairymen, Bob Reed, had arranged with pharmacist Davies to supply sufficient milk to run the soda fountain in his shop. The Rabaul Dramatic

\textsuperscript{74} There were some complaints about the increased cost of imported foodstuffs which led to the suggestion that a Housewives Association be formed to press the large stores for reductions in prices, "Housewives Association", Rabaul Times, 27 April 1934. The Association petitioned Canberra for consideration, attaching a long list of comparative prices for household essentials in Rabaul and Australian cities; "Cost of Living-Rabaul", AA, CRS A518, item R 836/1. The firms maintained that they were simply passing on price increases in Australia, "Local and General", Rabaul Times, 22 November 1935. The protests seemed to disappear with the partial recovery of the copra market in 1936.

\textsuperscript{75} The owners of both businesses stressed that all bread and milk was prepared by Europeans. "Patronize the European Bakery and Know What You Eat", the proprietor, one Brodie, urged. To emphasise his point, the newspaper ran an assurance three weeks later that "Systems have been introduced there which eliminate any ingredients (sic.) of the loaves being touched by the native staff". Rabaul Times, 6 July 1934. For a similar claim from the dairy, "Local and General", Rabaul Times, 20 October 1936.
and Musical Society continued to offer occasional performances although the advent of 'talkies' at the Regent Theatre in September 1932 provided stiff competition for the amateur players. The movies were perhaps the most popular diversion for Rabaul's Europeans, especially after insulating material was added to the ceiling which meant that dialogue was audible even over drumming of the fiercest tropical downpour on the corrugated iron roof. At the conclusion of the evening's screening, patrons could stroll over for a late supper at "The Palms", a restaurant cum night spot opened in 1932 with reputedly "the biggest and coolest (dance) floor in the Territory".

General Griffiths returned to New Guinea in 1932 to act as Administrator upon the retirement of Wisdom. He was the only one of the three Administrators of the Mandated Territory with relevant experience for the job having served as Military Administrator of New Guinea in 1920-21 and as Administrator of Nauru from 1921 to 1927. He was popular amongst European residents in Rabaul where his breezy inform-

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76 The residents complained in August 1938 that the quality of programmes at the Regent Theatre had been poor due to a preponderance of British made films. The management promised that they had secured a batch of recent Warner Brothers features including, to the interest of many older residents, New Guinea's own former recruiter and prospector, Errol Flynn, in Captain Blood. "Local and General", Rabaul Times, 5 August 1938.

ality contrasted with the starchy aloofness that had characterised many of Wisdom's dealings with the settlers.78 Griffiths took an intense interest in the work of the District Staff, despatching a stream of patrol reports to the Minister during his term to demonstrate the quality of the young Australian service.79 His age prevented a further extension of his appointment in 1934 and he was succeeded by General W.R. McNicoll. Although his background as a backbench member of the Commonwealth Parliament and former headmaster of Presbyterian Ladies College, Goulburn, scarcely seemed to fit him for the job, McNicoll proved a tireless traveller and a conscientious Administrator. He enjoyed the trappings of office and, assisted by his wife, "a Norwegian lady of nobility...(who) likes to be taken as to belong to the Haute Volée", Government House became the centre of a lively social round.80

78 The Rabaul Times wished him a happy birthday in 1933 in a conspicuous notice while a correspondent went so far as to recommend him for a knighthood in February 1938 when his appointment to the Site Selection Committee was announced. "Birthday Greetings", Rabaul Times, 29 September 1933 and "Correspondence", Rabaul Times, 28 February 1938.

79 Most of the surviving manuscript reports of patrols conducted in the Mandated Territory not in private hands are held in Australian Archives, Accession CP 708, 13/26, bundle 2, numbers 13-59. Griffiths had despatched reports to the Minister during his two years in office out of admiration and enthusiasm for the work of the officers who carried out the patrols. One former Assistant District Officer recalled that Griffiths liked to meet in person all field officers of the District Staff who passed through Rabaul, so great was his interest in their work; Interview with J. Read, Kavieng, 28 October 1975.

By 1937 the residents of Rabaul could look with confidence upon the future of the town. Copra prices had started to climb, the Rabaul Times having noted in late 1936 that returns were higher than at any time since 1930, and in an optimistic editorial, "Turning the Corner", in the first issue for 1937, Gordon Thomas articulated the hopes for recovery that the market statistics had sparked. In late January the New Guinea Club celebrated the opening of its new premises with a cocktail party for 400. By early April work had begun on a swimming pool for Europeans for which £1,000 had been raised by public subscription. The crowning of King George VI was celebrated in mid May with street parades, a commemoration church service and a grand ball at "The Palms" which was attended by 300 guests. The restaurant was decked out with red, white and blue bunting for the occasion, as were most of Rabaul's business houses. There were loyal toasts, a speech from the Administrator, the spectacle of well-frocked ladies dancing to an orchestra under flapping punkahs and an absence of the congestion normally associated with such events due to the thoughtful provision of three bars. The following week the Rabaul Times ran reports of the coronation celebrations which had

81 Rabaul Times, 20 November 1936.
82 Rabaul Times, 1 January 1937.
83 Rabaul Times, 29 January 1937.
84 Rabaul Times, 2 April 1937.
85 Rabaul Times, 21 May 1937.
been mounted in the various districts of the Territory.86 That edition of the paper had barely been distributed when Rabaul was first shaken, then engulfed, with volcanic ash from the eruption of Vulcan Island and Matupit.

Rabaul was evacuated at the direction of the acting Administrator, Judge Phillips, most of the residents taking shelter at Kokopo after being ferried across the Bay.87 The task of cleaning up the town was the harder for the heavy rains which fell during the eruption transformed the ash into rivers of mud. Over 400 lives were lost in the disturbance, chiefly in the villages of Valaur and Tavaua,88 although Europeans in the region tended to count casualties in terms of white losses which were light.89 Speculation as to the future of Rabaul when its residents returned was temporarily shelved during the visit of the Governor General Lord Gowrie in August. With the departure of the vice-regal party, the debate on the prospects of the town was resumed in earnest.

The likelihood of the transfer of Administrative headquarters and the prospective sites were the dominant

86 Rabaul Times, 28 May 1937.


89 J.K. McCarthy, Patrol into Yesterday, above, p. 176.
topics of conversation in Rabaul for the next four years. Popular interest was intense, the issue of the Rabaul Times which contained an official notice from the Government Secretary based on the findings of a vulcanological investigation of the Rabaul region achieved the highest street sales in the history of the paper. As a result of the report of vulcanologist Stehn and geologist Woolnough, the Commonwealth Government decided that the Administrative capital would be transferred and a Site Selection Committee was despatched to New Guinea in February 1938. To satisfy himself of the attractions of the various sites, the Minister, W.M. Hughes, paid a visit to the Territory in June 1938. He disappointed an association of businessmen of Rabaul who were lobbying for the retention of their town as the Administrative centre by insisting that a new site would be

90 Possible sites were discussed by the editor and by contributors to the Rabaul Times. They ranged from alternative sites on the Gazelle Peninsula (Toma, Bita Paka) and coastal towns on the mainland (Madang, Morobe, Lae, Salamaua) to settlements in the interior (Wau). One cynical correspondent suggested the choice of site was immaterial as the administrative capital of the Territory would remain where it had always been – in Canberra. Rabaul Times, 18 February 1937.

91 Hoogerwerff to Mouton, 5 December 1937, in PMB 603, above.

92 The Committee consisted of General Griffiths, W.C. Thomas (of the Commonwealth Treasury) and L. Thornton (engineer, of the Commonwealth Department of the Interior). The Commonwealth's omission of a Territorial resident from the Committee demonstrated its insensitivity to the aspirations of Europeans in New Guinea.
chosen. 93

In the twelve months which had elapsed between the eruption and the visit of Hughes the debate over the site for a capital had hardened into a contest between Europeans who had settled on the mainland of New Guinea and the residents of Rabaul. The miners, and individuals involved in businesses which supported them in Salamaua, Wau and Lae, had long felt that a cabal of planters and merchants from Rabaul had dominated the non-official positions on the Legislative Council and the pressure groups which had purported to represent the interests of all the people of the Territory. 94 They were convinced that it was only the profitability of mining enterprises which had sustained the Territory as a whole through the depression. The New Guinea Mining Association was established in 1937 to put the case of the mainlanders to the Administration and the Commonwealth Government. The primary aim of the Association had been to achieve the linkage of the goldfields to the coast by road, cutting the high cost of

93 "Local and General", Rabaul Times, 10 June 1938. Some residents attending a meeting called to hear a speech from Hughes were so indignant at his intransigence on the issue that they formed the Rabaul Business and Property Owners' Association to lobby for the retention of Rabaul as the administrative centre.

94 The non-official members of the Legislative Council to that date had been J.C. Mullaly, planter, of Rabaul; A.N. McLennan, lawyer, of Rabaul; W.E. Grose, planter, of Kavieng; V.A. Pratt, planter and accountant, of Rabaul; B.B. Perriman, business manager (W.R. Carpenter), of Rabaul; N.P.H. Neal, miner, of Morobe; R.L.C. Clark, civil engineer, of Rabaul; R.C.A. Ollerenshaw, lawyer, of Rabaul and F.G. Lewis, clergyman (Methodist), of Rabaul.
aerial transport, but they quickly adapted their platform to accommodate the proposal of Salamaua as the new capital. A delegation from the Association journeyed to Australia in June 1938 to press their case.\textsuperscript{95}

Within a week of his return from the Territory and after an interview with H.T. Allan and C.C. Judd of the Mining Association, Hughes announced that he had selected Salamaua as the new site. He estimated the cost of establishing the headquarters around the narrow isthmus upon which the present town stood at £350,000 for the improvement of harbour facilities and an additional £150,000 for the construction of a toll road linking Salamaua with Wau.\textsuperscript{96} Hughes was roundly attacked for his choice in Australia and New Guinea.\textsuperscript{97} The \textit{Rabaul Times} was livid; Hughes had come to Rabaul, availed himself of the hospitality of the residents while all the time intending to betray them into the hands of the mainlanders. It was an unsurpassed example of dictation from Canberra.\textsuperscript{98} Hughes' selection was even more puzzling in the light of the Report of the Site Selection Committee which plumped strongly for Lae, having rejected Salamaua along with Madang, Wau and Morobe.\textsuperscript{99} The Europeans

\begin{itemize}
  \item \textsuperscript{95} "Local and General", \textit{Rabaul Times}, 15 July 1938.
  \item \textsuperscript{96} "The Capital Site - Salamaua Selected...", \textit{Rabaul Times}, 24 June 1938.
  \item \textsuperscript{97} The former Minister for Territories, Sir Charles Marr, for example, vigorously attacked Hughes' choice on the floor of the House; \textit{CDP}, Volume 157, p. 127, 23 September 1938.
  \item \textsuperscript{98} "Mr Hughes Makes a Choice", \textit{Rabaul Times}, 1 July 1938.
\end{itemize}
at Salamaua found the decision difficult to comprehend;\textsuperscript{100} the isthmus had been rocked by an earthquake and swamped by a tidal wave two months before causing damage estimated at £1,000.\textsuperscript{101} Government Secretary Page declared himself opposed to the Minister's choice in a Legislative Council meeting in August 1938.\textsuperscript{102}

Probably embarrassed by Hughes' precipitate selection, the Commonwealth Government announced the suspension of work on the road and the preparation of Salamaua in October 1938 due to the delicate international situation.\textsuperscript{103} The newly appointed Minister E.J. Harrison gave notice of a further delay in November, pleading that it would be premature to continue while a new Committee investigated the practicality of an administrative amalgamation of the Mandated Territory

\textsuperscript{100} "Salamaua Notes", Rabaul Times, 15 July 1938.

\textsuperscript{101} "Local and General" Rabaul Times, 20 May 1938. The wave had washed over the foreshore road and Page had made arrangements for emergency relief. A camp had been set up on higher ground near the isthmus.

\textsuperscript{102} NGLCD, Eighth Session, 24 August 1938, pp. 11-12. Page was praised by the Rabaul Times for his "manly declaration in view of the fact that it is diametrically opposed to the Minister's suggestion". "The Eighth Session", Rabaul Times, 26 August 1938.

\textsuperscript{103} Rabaul Times, 7 October 1938.
and Papua. With the outbreak of World War in Europe and the Middle East, all plans were shelved. Although a Road Loan Bill was approved by both the Commonwealth and Territorial Legislatures, disputes over the route it should take and delays in completing detailed survey work prevented a start being made before September 1939 when it became impossible. The headquarters of the Administration remained at Rabaul until late 1941, when the upper echelon moved to Lae. The bulk of the Administration service remained in the town despite further severe earthquakes in January and June 1941 and were taken prisoners of war by the Japanese invaders in January 1942.

104 "In the News Again", Rabaul Times, 2 December 1938. The committee of F.W. Eggleston, H.O. Townsend and H.L. Murray rejected the proposal to amalgamate the Territories and endorsed the Griffiths' committee's recommendation of Lae as the most suitable site for the relocated headquarters of the Administration of the Mandated Territory. Report of committee appointed to survey the possibility of establishing a combined Administration of the Territories of Papua and New Guinea..., CPP, 1937-38-39-40, Volume 3, p. 5 and p. 7. In an assessment of his father's term as Administrator, R.R. McNicoll contends that indecision over the selection of a site for an administrative headquarters between 1937 and 1941 had a "stultifying effect. The effect on public finance and public works was direct; but even more important was the way it distracted the administration from its normal and proper activities". R.R. McNicoll, "Sir Walter McNicoll as Administrator of the Mandated Territory", in The History of Melanesia, Canberra, 1971, pp. 113-134 at p. 124.

105 The Eighth (August 1938), Ninth (September 1938), Tenth (March 1939) and Eleventh (Meeting Number 2, September 1939) Sessions of the Legislative Council spent much time debating the construction of the road. Neal, the sole mining man amongst the non-official members, became increasingly critical of the lack of progress.

106 See Hoogerwerff to Mouton, 3 July 1941, in PMB 603, above.
Rabaul recovered from the eruption despite fears that all central administrative personnel would be withdrawn. Residents seized upon the symbol of the frangipanni, which had doggedly bloomed again as usual though choked with volcanic mud, and made it the theme for the traditional New Year Ball at the New Guinea Club to herald 1938. Buildings had been restored and sports fields exhumed; by September 1938 a correspondent to the Rabaul Times observed that both Burns Philp and W.R. Carpenter were constructing new, larger stores in the town, that the Pacific and Cosmopolitan Hotels were renovating at a cost of £1,00 apiece and that the European swimming pool was going ahead. The following November a mass meeting of 300 residents was held at the Regent Theatre to discuss speculation over the return of the Mandated Territory, as a former German colony, to Hitler as part of the policy of appeasement. Held under the joint sponsorship of the Public Service Association, the RS&SILA, the Citizens' Association and the Rabaul Business and Property Owners' Association, the meeting affirmed its loyalty to the Empire and to the Commonwealth Government and concluded with a resolution that representatives of all districts of the

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107 Rabaul Times, 7 January 1938.

108 "Correspondence", Rabaul Times, 30 September 1938. Not all businesses survived the uncertainty which followed the eruption. In July 1938 a prominent car-hire and garage enterprise went into voluntary liquidation, self-confessedly unable to carry on under the "existing conditions". "Notice of Liquidation, John L. Peadon", Rabaul Times, 22 July 1938.
Territory should meet in Rabaul the following January to emphasise their determination to hold New Guinea. It was as much an affirmation of confidence in the future of Rabaul as in the future of an Australian Territory.¹⁰⁹

The proclamation of war was read to the Legislative Council by McNicoll on 5 September 1939. He had earlier sought and obtained permission from the Commonwealth Government to raise a volunteer defence force of riflemen and machine gunners, to a complement of twenty officers and 400 other ranks, from the European residents of the Territory. The headquarters of the force, the New Guinea Volunteer Rifles, was to be established in Rabaul with depots in Wau, Salamaua and Lae.¹¹⁰ The next meeting of the Legislative Council, in April 1940, heard that the ranks of the NGVR had been filled and an additional fifty-five recruits had sailed from the Territory to enlist in the AIF in Brisbane.¹¹¹


¹¹⁰ NGLCD, Eleventh Session, Meeting Number 2, 5 September 1939, p. 4.

¹¹¹ NGLCD, Twelfth Session, Meeting Number 1, 2 April 1940. It was an interesting comment on the relative prosperity of recruits from New Guinea that when one man reported his Territory of origin to a marshalling officer at the Brisbane Exhibition Ground, he was promptly told to go away and spend his money. Recruits from New Guinea in the force with money had been found to cause problems, it was explained. Most of the recruits from New Guinea were posted to the 2/25 Battalion and monopolised the Redbank Hotel with their stocks of cash. Interview with Laurie Pearson, Kavieng, 26 October 1975.
N.P.H. Neal, a miner and mainlander appointed to the Legislative Council in 1933, had resigned his office by April 1940 to join the AIF and it was left to his replacement, Harold Taylour, to press the case for the goldfields road.

Taylour claimed that the mining industry had been for too long a "milking cow" with little to show for its unstinting contributions to Territorial revenue\(^{112}\) while another mainlander, A.J. Bretag, later declared that all the mining industry had for the promises to build the road in 1938 was £20,000's worth of survey work.\(^{113}\) Nevertheless gold production continued until the war came to New Guinea, interrupted only in mid 1941 when Europeans on the field took strike action in support the contention that some of the workings were unsafe.\(^{114}\) Unlike the gold-miners the Territory's copra producers quickly discovered that the health of their industry was of little consequence to those who shaped war economies. An initial shortage of shipping was followed by the closure of markets. A relief scheme was introduced in 1940 to enable the planters

\(^{112}\) NGLCD, Thirteenth Session, 24 September 1940, p. 34.

\(^{113}\) NGLCD, Fourteenth Session, 22 April 1941, p. 36.

\(^{114}\) See A.M. Healy, Bulolo: A History of the Development of the Bulolo Region, New Guinea, Canberra, 1968, pp. 88-90. The strike followed the fatal fall of a mining cage, killing two Europeans employed by New Guinea Goldfields. It developed into an argument over whether unionism should be introduced to the field and what arbitration machinery was appropriate.
to maintain the condition of their holdings and continue to pay their labourers. Sustenance allowances would also be paid to support planters and their families although it was objected that the Commonwealth might better have served them by buying and storing their copra than by reducing them to dependency upon a dole which was later to be repaid at 4%. By July 1941 a Copra Control Board had been established to coordinate the marketing of the entire production in the Territory and additional sheds were constructed in Rabaul to store the pooled copra.

The European civilian population of Rabaul declined in the two years before the Japanese invasion. Apart from the men who had gone down to Australia to enlist most women and children had been evacuated by late 1941. The number

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115 See NGLCD, Thirteenth Session, 24 September 1940, pp. 4-5, for details of the scheme and the speeches on adjournment for the comments of the non-official members.

116 Members of the Board were Hogan, J.C. Archer (delegate of the Custodian of Expropriated Properties) and F.J. Mackenzie (manager of the Commonwealth Bank, Rabaul).

117 Between meetings of the Legislative Council in April and September 1940, a further 40 public servants had left the Territory to enlist, while another 33 were refused permission. A total of 162 men had enlisted in the Territory for the A.I.F. and many more had departed for Australia to join up there. See NGLCD, Thirteenth Session, 24 September 1940, p. 3 and p. 6.

118 J. Gerstadt, The jungle was our home, London, 1957, p. 205 describes the "Tarmen" in Rabaul as women and children from outstations gathered for evacuation.
of patients visiting Rabaul's dentist had dwindled to such a degree by November 1941 that he applied to the Executive Council to create a position of dental surgeon in the Territorial Service if it wished him to remain in Rabaul. He pleaded that his income was not sufficient to allow him to stay on in private practice. Rabaul was rapidly assuming the character of a garrison town, part of Australia's threadbare forward defence. Many residents of New Guinea, and Papua, had long shared the belief that Japanese ambitions in the Pacific included their own island territories and it was generally understood that Superintendent of Police Walstab had Japan in mind when he referred to "the enemy" in the plan he drafted for resistance in the event of an attack upon the Territory. By January 1942 there were some 1400 troops in Rabaul to meet the Japanese attack, principally members of the 2/22 Battalion of the AIF, their support staff and an anti-aircraft battery of militiamen who had arrived in Rabaul in July 1941. A small body of troops were also stationed at Kavieng, while a handful more at Manus and Buka Passage completed the total Australian military commitment to the Mandated Territory.

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119 NGEC Minutes, Meeting number 20, 24 October 1941, pp. 334-5 in AA, GRS A518, item R 800/1/3, part 7.

120 J.K. McCarthy, Patrol into Yesterday, above, pp. 184-85.

121 D. Selby, Hell and High Fever, Sydney, 1971, p. 34.

After a series or reconnaissance flights in December 1941 the Japanese launched the first aerial attack on Rabaul on 4 January 1942. Japanese marines and infantry landed on 23 January and the Australian defenders, outnumbered and outgunned, retired in confusion after brief exchanges along the beaches. A few parties of civilians and soldiers managed to escape through the bush to be picked up by small vessels from beaches on the north and south coasts of New Britain. Most of the Europeans were rounded up by the invaders and spent three days camped on the Rabaul Baseball Oval before being temporarily quartered in the Kuo Min Tang Hall in the town. For many Australians, previously only dimly aware that their government exercised any sort of authority in New Guinea, the fall of Rabaul sent them to their atlases for the first time and impressed upon them the proximity of the Territory they had ignored.

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123 D. Selby, above, pp. 15-40.
124 E.L.G. Thomas, "Rabaul, 1942-1945 (An account of four years as a war prisoner of the Japanese)", pp. 20-21, PMB 36.
Criminal justice in the Mandated Territory was administered at the outset under laws and by institutional structures which were either inherited from the German colonial regime or borrowed from Australia or Britain through the medium of Papua. With the growth of a permanent European population and the gathering of experience by the Administration, those laws and institutions began to assume a character of their own. An account of the creation and evolution of the Territory's laws, courts, prison systems and police force will introduce the discussion of the operation of criminal justice in New Guinea which follows.

The Laws

Under the Australian military occupation, all inhabitants of the islands\(^1\) were subject to the metropolitan laws adopted by the German Governors and those colonial proclamations on matters of local concern as had been in force on the eve of the invasion. Few significant amendments were made to this body of law apart from continual tinkering with the regulations relating to the recruitment and employment of New Guinean labourers. The principal Native Ordinance was four

\(^1\) Save the Australian troops, subject to military discipline, S.S. Mackenzie, *The Australians at Rabaul*, Sydney, 1937, pp. 253-54.
times consolidated between 1917 and 1920.\(^2\)

The proclamation of Civil Administration on 9 May 1921 brought into force the fundamental ordinances for the government of the Mandate which had received the anticipatory assent of the Governor-General in Council. Included amongst them was the Laws Repeal and Adopting Ordinance directing the cessation of all German law from that date and its replacement with a synthesis of Commonwealth and State statutes, Papuan Ordinances and English principles of common law. Commonwealth provisions relating to certain crimes and evidence, the Queensland Criminal Code and Queensland's laws on frauds, limitation and succession were adopted, together with Papua's amendments to the Queensland Criminal Code and its own Criminal Procedure Ordinance. All the courts of the Territory were to be guided in their practice by the rules of English common law and equity. Subsequent amendment or revision of the adopted legislation and

\(^2\) Early changes were made to the labour regulations in July 1915 based on draft proposals intended by the German Administration for implementation that year. Some 30 Ordinances were introduced by the Military Administration to improve the "welfare of natives". An example of this altruism, of which great public play was made, was the total prohibition of flogging (except as ordered by a court of law) in 1919. Other amendments bore on hours of work, rates of pay, the provision of medical attention for labourers and a tightening of regulations to lessen the dangers of population decline due to over-recruitment. In the estimation of the compiler of the Report to the League of Nations on the occupation, these measures had achieved for the indigenes "a fuller protection of personal liberty and ...property, and a keener solicitude and a higher regard on the part of the Government for the sanctity of human life"


principles by the Parliament or Court of their origin would have no force unless specifically ratified for New Guinea by the Governor-General.\(^3\)

Ordinances were made for the Territory by the Governor-General in Council at the recommendation of the Administrator. Although Papua had possessed a Legislative Council since 1906,\(^4\) the European residents of New Guinea were denied representation for the first eleven years of Civil Administration. The New Guinea Act Amendment Act, finally passed by the Commonwealth Parliament after lengthy and uninformed debate in November 1932, provided for two Councils. To the chagrin of an element who supported a limited franchise,\(^5\) the European community was denied an elective Legislature. It was to consist of the Administrator, the eight members of his Executive Council and seven appointed

\(^3\) So the abolition of the capital punishment provisions of the Queensland Criminal Code (hencefore QCC) by the Queensland Parliament in 1922 had no force in New Guinea.


\(^5\) The campaign for an elected Legislature was led by the Rabaul Times, which championed the cause from 1928. See, for example, its Editorials of 8 June and 7 September 1928.
non-official members representative of various commercial interests. One of the Non-officials was to be chosen by his colleagues as their delegate to the Executive Council. The Legislative Council was primarily an advisory assembly and although empowered to initiate and pass ordinances, it required the assent of the Administrator to see their legislation given force. Certain classes of ordinances could not be assented to by the Administrator and had to be referred to Canberra to the Governor-General in Council.

The majority of criminal prosecutions in the Mandated Territory were made under the Queensland Criminal Code (Adopted), the Police Offences Ordinance, the Native Administration Regulations and the Native Labour Ordinance.

The Criminal Code was amended several times under the Mandate, most significantly in relation to sexual offences and in the latitude allowed judges of the Supreme Court to order whippings. The Criminal Code Amendment Ordinance set out most of these provisions tailored for the circumstances of the Territory. An amendment of 1923 provided a maximum penalty of twelve months gaol and a whipping for the offence of being on premises with intent indecently to insult or offend a female occupant. Four years later, culpability was extended to those who might be apprehended upon the

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6 The Executive Council, with the exception of the non-official delegate, was effectively the same body as the Administrator's former Advisory Council. The Rabaul Times reported its foundation in its issue of 5 March 1926.

7 As, for example, the Territorial budget each year.

8 Criminal Code Amendment Ordinance, No. 19 of 1923.
curtilage of a dwelling with similar intent. The 1927 amendment also introduced the innovation that charges of carnal knowledge could not be sustained where a New Guinean victim could be proved to have attained puberty. The Criminal Code's limitation on the ordering of whipping, where applicable, to offenders serving sentences of two years or less was revised to allow the whipping of those sentenced to up to five years imprisonment in 1934. Provision was also made for whippings to be given in two sessions. The final amendments to the Code were passed in 1937. The penalties for rape, attempted rape, carnal knowledge and indecent assault were all greatly increased as were the punishment of those convicted of trafficking in obscene literature.

None of the amendments relating to sexual offences, bar the removal of the age of consent provision in cases of the carnal knowledge of New Guinean girls, openly discriminated between the race of offenders or victims. The animus behind the passage of the amendments however, discussed in a subsequent chapter, was embodied in the introduction in 1934 of a provision which rendered European women who permitted a New Guinean male to have carnal knowledge of her liable to punishment of twelve months imprisonment. Any New Guinean, other than a man married to the woman, who availed himself


10 Criminal Code Amendment Ordinance, No. 26 of 1934.

11 Criminal Code Amendment Ordinance, No. 29 of 1937.
of such an opportunity was also guilty of an offence.\textsuperscript{12}

The Police Offences Ordinance was greeted with approbation by the Rabaul Times when it took effect in 1926. The editorial stated that the Ordinance

"...places in the hands of the Police an instrument which will allow them to uphold a high standard of morality in the Territory and empowers them to enforce decent behaviour, sobriety and good order".\textsuperscript{13}

Persons charged under the Ordinance could be tried summarily in a District Court or, if resident in Rabaul, appear before the Stipendiary Magistrate.\textsuperscript{14} The Ordinance set out a comprehensive catalogue of offences and relevant penalties touching primarily on general disorderliness and petty crimes not defined in the Criminal Code. It directed the attentions of the police to the passing of valueless cheques, the playing of two-up, the possession of machine-guns or silencing devices, those who would engage in prize-fighting or brothel keeping and to street musicians reluctant to move away from the dwellings of the sick. More prosaically, it set out the penalties for drunkenness\textsuperscript{15} (£2 or 7 days on the first occasion, £5 or 14 days if repeated), obscene or threatening language (£10 or one month)\textsuperscript{16} and hours of

\textsuperscript{12} Above. There appears to have been only one prosecution under this amendment, of a European woman, noted in Annual Report 1937-38, p. 15. See chapter 4, below, for further comment on this amendment.

\textsuperscript{13} "A New Ordinance", Rabaul Times, 8 January 1926.

\textsuperscript{14} See f/n 77, this chapter.

\textsuperscript{15} Police Offences Ordinance, section 28.

\textsuperscript{16} Above, section 30.
trading. It also defined the status of vagrants, rogues and vagabonds, and incorrigible rogues rendering those in all categories liable to deportation should the court make such a recommendation to the Administrator.

The provisions of the Police Offences Ordinance point to its function, the ordering of life in the towns of the Territory. The Rabaul Times expressed the hope that at least the demeaning spectacle of white men brawling in Chinatown before audiences of New Guineans would now cease. It applauded the drafting of the Ordinance for the social climate of New Guinea rather than the simple transposition of the Victorian statute on which it was based; "our conditions...are entirely different from more southern latitudes". New Guineans could be prosecuted under the Ordinance, indeed a later amendment was directed exclusively at them, but a far more extensive set of regulations had been drawn up under a parallel ordinance for the prosecution of New Guineans for sundry petty offences.

Under the Native Administration Ordinance the Administrator was empowered to make regulations "with regard to all matters relating to, or affecting, the good government and well-being of the natives". The consequent Native

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17 Above, section 67.
18 Above. Sections 68, 70 and 71 define the conditions, section 73 sets out the procedure for removal.
19 "A New Ordinance", Rabaul Times, 8 January 1926.
20 Police Offences Ordinance, No. 21 of 1941. The new provision, section 9A, empowered any member of the European Constabulary to enter upon and search any premises or land ordinarily occupied by New Guineans without warrant.
21 Native Administration Ordinance, section 4.
Administration Regulations, promulgated in 1924, were drafted on the lines of similar regulations which had been in force in the Territory of Papua for many years and which have been found to provide a satisfactory method of dealing with simple native offences..."

Breaches of the Regulations or disputations arising under its civil provisions were heard by the Court for Native Affairs established under the principal Ordinance, in which the presiding senior field officer of the Administration present would deliver judgment. Parties found guilty of an offence faced fines of 5s. to £5 and/or prison sentences ranging from seven days to six months. Imprisonment was the norm as few New Guineans could hope to muster the ready cash, although some employers, not wishing the service of particular employees to be interrupted by order of the court, paid the fine on their servants behalf. The outlay was usually recouped through appropriate deductions from wages due the law-breaker.

E.P. Wolfers has provided a thorough survey of the many offences and forbidden acts delineated in part VI of the Regulations. The legislative net was cast as

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23 Native Administration Ordinance, section 2.

24 This practice was formally recognised in an amendment to the Native Labour Ordinance, No. 29 of 1936.

widely as possible. Many of the sections were obviously aimed at the punishment of crime and the prevention of disease but there were many other quite diffuse provisions embracing sorcery, adultery, cruelty to animals, the obstruction of watercourses, taking part in the production of motion pictures and the wearing of clothes. A glance at the various prohibitions reveals that despite their avowed aim of bringing a happy orderliness to the lives of New Guineans, the Administration paid as much heed to the desire of European communities to be insulated from the annoyance and distress caused by the free movement of black people. In particular, the residents of Rabaul, Kokopo, Kavieng, Lorengau and Madang were shielded from the activities of New Guinean musicians, footballers, singers, dancers and itinerants, in fact, any outbreak of *joie de vivre* during the night hours between 9pm to 6 am.\(^{26}\)

District officials were instructed by the Regulations to give credence to local customs in the determination of civil claims, problems of succession and in marriage or divorce proceedings.\(^{27}\) Members of the Court were required to become conversant with the customs of the peoples of their regions, recording and filing accounts of the conventions at the district office.\(^{28}\) In addition, Courts were directed to

\(^{26}\) Native Administration Regulations (henceforth NAR), section 80.

\(^{27}\) NAR, parts III, V and VI respectively.

\(^{28}\) NAR, section 57(i).
take judicial notice of all native customs, and give effect to them, save in so far as they are contrary to the principles of humanity, or conflict with any law or ordinance in force in the Territory. 29

Unfortunately, the ready application of such intelligence was obstructed by the tendency of different members of the Court to view the "principles of humanity" in somewhat different ways.

Like the Police Offences Ordinance and the Regulations, the Native Labour Ordinance was framed according to the contemporary view of how the races should be ordered in a Territory such as New Guinea. It was, however, of special significance in that it sought to regulate the most common arena of contact between the European and the New Guinean—as master and servant in the houses, plantations, mines and business enterprises in the Mandated Territory. The 'labour question' was a perennial topic of discussion where ever Europeans congregated and the Ordinance was the most criticized, most amended and, probably, the most often evaded, of all the laws of the Mandate. So cluttered had it become through constant modification in the 1920s and early 1930s that a complete consolidation was drafted in 1935.

The Civil Administration had decided to persevere with the system of indenture upon its assumption of authority despite the awareness of the Commonwealth that "in other parts of the world similar systems formerly prevalent have now been abandoned". An assurance was given that

29 NAR, section 57(ii). The same principle was to be applied in the matters of marriage and divorce, section 65(i), and in succession, section 70.
the working of the indenture system in New Guinea and its effects on the welfare of the natives are having the anxious attention of those responsible for the Administration. The most immediate problem was the depopulation which often occurred in regions frequently visited by recruiters, a concern which sprang from the contemporary belief that a general decline in Melanesian populations was concomitant with the growth of contact with Europeans. Together with stabilising New Guinean populations, the Administration was anxious to protect indentured labourers from European or Asiatic employers who might exploit or abuse them. The Ordinance set out maximum work loads, minimum wage scales, health requirements and the responsibility of employers for the repatriation of finished time labourers. The penalty which could be imposed upon employers convicted of assaulting a labourer was far more severe than the corresponding provision


31 The opening sections, 10-31 of the Native Labour Ordinance (henceforth NLO) regulated recruitment by the licencing of European recruiters and their New Guinean assistants (£5 and 5s. respectively), limiting the payments of cash or kind made to induce recruits, banning the use of New Guinean representatives of the Administration by recruiters in their work and imposing conditions relating to the age, sex and health of prospective recruits. All New Guineans had to undergo medical examination and confirm their willingness to enter the contract to district officials before they could bind themselves. The Administration could, and frequently did, issue notices under the Ordinance banning recruitment in areas seriously depopulated. For a summary of the official view of the depopulation problem, see Annual Report 1921-22, pp. 33-39.

32 NLO, sections, 48, 57, 62-66 and 86.
of the Criminal Code. The Administrator was empowered to make additional regulations under the Ordinance relating to the issue of clothing and other entitlements, transport, hours of work, housing and medical care.

In return for such protection, labourers were expected to fulfil their commitment made at the time of recruitment to work for the one, two or three years of their contract. Desertion could be punished with a prison sentence of up to three months, added to the term of their contract. Labourers were also forbidden to barter their rations or material issues and could be brought to book for refusal to work, for failure to obey a legitimate order or for not displaying "reasonable diligence". The only punishment which employers themselves could impose on refractory labourers was to withhold their issue of tobacco. Records of each such suspension had to be kept for inspection by visiting officials. Should this penalty prove ineffective, the

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33 NLO, section 111(2). Before the Ordinance was consolidated in 1935, the penalty for such an assault ran to £50 or six months gaol. The maximum penalty was raised to £100 or 12 months imprisonment with the redrafting. Most cases heard under the relevant section were usually adjudged "minor" assaults and brought fines of £1 or £2. The maximum penalty for assault under the QCC was £20 or two months (section 343). The attention of the League was drawn to the discrepancy in the Annual Report 1921-22, p. 63.

34 Native Labour Regulations, sections 25 to 29.

35 NLO, section 67.

36 NLO, sections 104 and 109.

37 NLO, section 50.
Employer's only legal recourse was to the courts.

Breaches of the Ordinance were punished by the courts with fines or imprisonment. Frequent criticism of these penal sanctions by commentators outside New Guinea\(^{38}\) motivated a Territorial Commission to rise to their defence in a report tabled in the Legislative Council in September 1941. The Commission found that the penal sanctions could "be justified not only from the point of view of the employer, but also from that of the native".\(^{39}\) Because New Guineans had no fear of unemployment and compensation for the employers' loss of labour could not be exacted from them under the civil law, only by the threat of criminal proceedings could the courts inculcate respect for the obligations of the contract. The Commission enumerated the advantages of indenture and concluded that the penal sanctions "must of necessity remain for a long time yet".\(^{40}\)

Plantations, mining and business labour lines were to be regularly inspected by field officers of the Administration. Inspecting officers could descend at any reasonable time and freely question the whole line; any hindrance or duplicity by the overseer or employer would constitute an offence under the Ordinance.\(^{41}\) As an ultimate sanction, the

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\(^{38}\) See, for example, I. Hogbin and C. Wedgwood, Development and Welfare in the Western Pacific, 1943, (Australian Institute of International Affairs), p.8.

\(^{39}\) Report of a Commission appointed to inquire into the matter of native labour in the Territory, 1939, p. 78.

\(^{40}\) Above, p. 19.

\(^{41}\) NLO, section 124.
Administrator could publish an order in the New Guinea Gazette preventing an individual from employing or taking charge of New Guinean labourers. The section was invoked on a number of occasions and was tantamount to a deportation order as it rendered the subject virtually unemployable in the Territory.

A miscellany of ordinances containing criminal sections were responsible for a small but significant number of prosecutions not mounted under the Ordinances detailed above. These included the Explosive and Gaming Ordinances, the Arms, Liquor and Opium Prohibition Ordinance, the Licences, Prisons, Motor Traffic, Fisheries and Uncontrolled Areas Ordinances. The often spirited application of the Arms, Liquor and Opium Prohibition Ordinance in response to the concern frequently expressed by the League of Nations' Permanent Mandates Commission resulted in a train of con-

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42 NLO, section 128, which carried a maximum penalty of twelve months imprisonment for defying the prohibition.

43 For some, it made life itself in the Territory quite impossible - witness the plea from a Queensland gaol of one R.J. Morrison, serving a three year sentence for a crime of rape committed in Kavieng in 1927. He wrote to the Minister for Home and Territories asking that the prohibition be removed; "You will understand that when this ban is placed on a man it is practically compelling him to leave the Islands, as no man can live there without having at least personal servants". Letter of 19 November 1928 in AA, CRS A518, item D 242/3/2.

44 See, for example, item IV of "Questionnaire intended to facilitate the preparation of the Annual Reports from the Mandatory Powers" and the reply of the Australian representative, Sir Joseph Cook, to the question to the Permanent Mandates Commission, Sixth Meeting, 3 August 1922, in A Selection of papers printed by the League of Nations relating to the Mandatory system (especially those relating to C Mandates) 1920-22, CPP, 1923-24, Volume 2, p. 27 and 45.
victims. Prominent amongst those charged under this Ordinance and the Gaming Ordinance were many Chinese, a community whose members were infrequently charged under the umbrella of the Criminal Code and the Police Offences Ordinance.

The Courts

The courts appointed to hear criminal cases resembled the German colonial judiciary perpetuated by the Australian Military Administration from 1914 to 1921. The German structure consisted of seven regional magistrates' courts presided over by the district officer and a central Imperial District Court sitting in Rabaul under a judge. The German model for a colonial judiciary included an Imperial Supreme Court for appeal and review but the New Guinea dependency had been considered not sufficiently advanced for such recognition by the outbreak of the war. Appeals lay from the regional courts to the judge in Rabaul and ultimately to the Governor. The Military Administration made only nominal changes to this structure, renaming the Imperial District Court the Central Court in 1915 with right of appeal to the Administrator. Australian officers delegated regional commands assumed the magisterial powers of

45 At Rabaul, Kaewieng, Namatanai, Kieta, Friedrich-Wilhelms Hafen (Madang), Eitape and Morobe.

46 Appeal to the Administrator was discontinued in 1918 when provision was made for an Appeals Court.
their German predecessors, coached in their inexperience by local residents more familiar with established legal practice. The judge in Rabaul remained in office for a few months until his resignation in protest against the treatment of German nationals by the Administration. Amongst the Australians who subsequently filled his office was S.S. Mackenzie. Mackenzie held the position between 1915 and 1920, also serving as acting Administrator for two periods, a precedent to be followed under the Mandate where judges of the Supreme Court frequently acted for the Administrators during their absences from the Territory.

The Judiciary Ordinance, taking force from the first day of the Civil Administration, defined the rules and jurisdiction of the courts in existence at the commencement of the Mandate. A Central Court (henceforth Supreme Court) was established as a court of record sitting in Rabaul with a civil and criminal jurisdiction equivalent in authority to the Supreme Court of Queensland. Its judge was to enjoy the same status as a state Supreme Court justice but was charged

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47 The Judge, Weber, resigned in December 1914 as did a number of German officials, in protest against Adm. Holmes' ordering the flogging of several German residents. The culprits had participated in a drunken assault on the Rev. Cox, a British missionary. See C.D. Rowley, New Guinea 1914–21, above, p. 7.

48 S.S. Mackenzie, above, p. vi.

49 An amendment to the Judiciary Ordinance, No. 2 of 1934, altered the name of the court and it was known as the Supreme Court in all of its subsequent dealings and in all legislation.
with the added responsibility of sitting as a jury as no provision had been made in the legislation for jury trial. His court exercised universal criminal jurisdiction for the Territory, checked only by the requirement that capital sentences had to be referred to the Administrator for confirmation. A potential check on this absolute power of a judge arose in 1925 with the passage of the Central Court Assessors Ordinance. It permitted citizens to sit on particular cases to tender advice to the bench. The Assessors however could make no direct contribution to either the verdict or the sentence. The Ordinance remained hypothetical; extant records fail to record one case in which Assessors served the Court.

Courts of record were also established in the districts under the presidency of the District Officer in the exercise of a limited civil and criminal jurisdiction over offences committed within its district. The District Courts initially operated within the constraints that civil settlement did not involve sums greater than £15 or that the punishment metered out to criminal offenders did not exceed six months gaol or a fine of £15. Should the District Court

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50 Clause 21 of the Papuan Criminal Procedure Ordinance of 1889, adopted for the Mandated Territory under the legislation of 1921 provided for trial by a judge sitting without a jury on indictable offences.

51 Section 13 and 13(A) of the Judiciary Ordinance. Under section 13(A), the Administrator was also empowered to remit a sentence or portion of a sentence imposed by a court of the Territory exercising criminal jurisdiction.

52 The device was in force under the German Administration before the occupation, see S.S. Mackenzie, above, pp. 265-66.

53 Judiciary Ordinance, section 32.

54 Report to the League...1914-21, p. 20.
choose to hear cases beyond these limits, its decision were
perforce laid before the Supreme Court for confirmation;
it could, however, try all criminal offences save those
carrying a capital penalty. The third tier of the judicial
structure of the Territory, the Courts for Native Affairs,
were established under the Native Administration in 1921.
The separate Courts which existed in each district of the
Territory were recast into a Territorial Court in 1924
with the passage of the Native Administration Regulations.
The Court for Native Affairs had previously dealt with
simple offences by New Guineans under other ordinances,
but from its reconstitution, it was confined to hearing cases
arising under the Regulations. The critical limitation
placed on the jurisdiction of the Court was that the business
of the Court concerned matters "between natives and over
natives". This exclusiveness was maintained to the point

55 Ainsworth observed that a peculiar procedure was followed
when sentences of the District Court were layed before the
Supreme Court for confirmation. The Supreme Court only
had power to confirm or completely cancel the sentence and
and could not, for example, reduce a term of imprisonment
it felt was too severe to a lesser period. Ainsworth
Report, p. 23. The anomaly was removed with the passage
of the District Courts Ordinance in 1924.

56 As, for example, sundry petty infringements of the NLO.
Section 7 of the NAR granted the Court for Native Affairs
competence in all civil matters and all criminal offences
short of capital offences.

57 Native Administration Ordinance, section 6.
that a "person who is not a native may give evidence, but cannot be compelled to do so".\(^5\) Courts for Native Affairs could be held at such a time and place as designated by the officiating member or members of the Court and exercised a criminal jurisdiction where the accused resided or was found within the district of the Court or had committed the offence within the district.\(^5\) Members of the Court were appointed by the Administrator and included all field officers of the District Staff of the Administration and the Commissioner for Native Affairs. The Regulations detailed the nature of proceedings, the employment of interpreters, imprisonment and the power of warrants. Amongst the sections relating to imprisonment was a blanket provision that; "Every sentence of imprisonment imposed shall be deemed to be with hard labour unless it is expressly enacted that the imprisonment shall be without hard labour".\(^6\)

Amendments to the Judiciary Ordinance in 1922 and 1923 increased to £50 the limit of the District Court’s jurisdiction and enabled the Administrator to appoint any District Officer competent to act in District Courts other than his

\(^5\) Native Administration Regulations (henceforth NAR) section 22(i). Whether the prospective witness was in fact a "native" was the subject of legislative attention. The Ordinances Interpretation Ordinance defined a native as an "aboriginal native...of any part of the Mandated Territory of New Guinea, Australia, Papua, the British Solomon Islands Protectorate or other parts of the Pacific Islands)...who follows, adheres to or adopts the customs or who lives after the manner of the aboriginal natives of the Territory; and includes also any person who is wholly or partly descended from any aboriginal native or natives aforesaid and who follows, adheres to, or adopts the customs or who lives after the manner of the aboriginal natives of the Territory...".

\(^5\) NAR, sections 9 and 12.

\(^6\) NAR, section 48.
own with equal authority. Further amendment came with the District Courts Ordinance in 1924 which declared a District Court to be constituted by the presence of a District Officer, or by two or more Justices of the Peace or by a Stipendiary Magistrate. Assistant or Deputy District Officers, or officials acting at this rank, were also empowered to preside over the Court. The ceiling on its civil jurisdiction and its capacity to award damages in cases of assault was raised again, to £100. The Court's criminal jurisdiction in general had been circumscribed to the extent that no longer could it enter judgment or pass sentence on indictable offences, it could only sit as a court of committal, establishing a prima facie case for reference to the Supreme Court. An exception was made for those indictable offences triable summarily which could be settled in the District Court if so desired by the accused. The effect of the District Courts Ordinance was to give the District Courts of the Territory the character of Australian courts of summary jurisdiction.

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61 Annual Report 1921-22, p. 49.
62 District Courts Ordinance, section 29.
63 Above, sections 28 and 30.
64 Annual Report 1926-27, p. 18.
65 Both the District Courts and the Court for Native Affairs were confined to punishing offenders convicted of criminal offences with fines or imprisonment. The only variation came with the passage of amendments to the District Courts Ordinance (No. 17 of 1934) and the Native Administration Ordinance (No 26 of 1934) which allowed them to order a whipping in lieu of imprisonment for juveniles under the age of fourteen. The amendment attempted to keep young New Guineans out of prison to prevent them from forming associations, both criminal and sexual, with experienced older inmates.
Appeals lay from both the Court for Native Affairs and the District Court to the Supreme Court but were rarely entertained. The criminal cases reported in the Rabaul Times and recorded on the files on the Territory at Australian Archives do not reveal a single appeal by a New Guinean against conviction in either of the lower courts. The Judicial Ordinance provided for appeal from a decision of the Supreme Court to the High Court of Australia. It was not until 1935 that the first criminal case was taken on appeal to the metropolitan court as the cost of organising such an appeal, securing the transcripts of the Supreme Court hearing and the services of counsel in Australia, forestalled prospective appellants. In response to requests from European residents and a suggestion from the Permanent Mandates Commission that a Court of Appeal should be established in the Territory, Chief Judge Wanliss wrote a memorandum for

66 District Courts Ordinance, section 227 and Native Administration Ordinance, section 3(i).
67 Judiciary Ordinance, section 24.
68 R.V. Sutherland; see 52 Commonwealth Law Review at p. 356.
69 See the claim by W.C. Abbie, whose conviction and sentence of twenty-one months imprisonment by the Territory's Supreme Court was quashed by the High Court in 1937, that he had to spend seven months in gaol before he could organise the financing of his appeal. Abbie to W.M. Hughes, 12 March 1938, in AA, CRS A518, item AZ 242/3/2.
70 The request was made by the Planters and Traders' Association in 1929; see the memorandum "Court of Appeal - New Guinea", 28 September 1932 in AA, CRS A518, item AD 800/1/3.
the Administrator and Canberra in January 1932. He considered the demands that a Court of Appeal would make on finances, time and manpower of the Crown Law Office and the Judiciary would be too great for the Territory at that stage of its development. He pointed out that the Administrator always had the power under Section 13A of the Judiciary Ordinance to remit a portion or the whole of any sentence passed by a Territorial court exercising a criminal jurisdiction.\(^{72}\)

The Supreme Court sat exclusively in Rabaul for much of the period of the Mandate. Although a limited circuit was in existence in the early 1920s,\(^{73}\) no cases were heard away from Rabaul between 1924 and 1934 apart from brief excursions by Wanliss to Kieta (six days in June 1925), Kavieng (four days in February 1926) and Namatanai (four days in November 1927).\(^{74}\) A meeting in April 1931 between Wisdom, Wanliss and Crown Law Officer Hogan discussed representations received from European residents for the introduction of a Supreme Court circuit. The proposition was dismissed on financial and professional grounds as impracticable.\(^{75}\) The

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\(^{72}\) Wanliss's memorandum was summarised in "Court of Appeal - New Guinea", above.

\(^{73}\) NGLCD, Fourth Session, p. 78, 16 January 1935; non-official member W.E. Grose recalled that the Court had left Rabaul on circuit in 1920, 1921, 1922 and portion of 1923.

\(^{74}\) Reference was made to the movements of Wanliss in F.B. Phillips to Administrator, 9 December 1937 in AA, CRS A518, item D 852/1/10.

\(^{75}\) See memorandum "New Guinea Judiciary. Circuit Courts", 28 September 1932, compiled in the Prime Minister's Department, in item AD 800/173, above.
growth of the European population in the goldfields region in the next three years, however, evidently prompted the Administration to reconsider its verdict as in August 1934 Wanliss travelled to Salamaua to hear a number of cases. The question of a regular circuit was raised in the Legislative Council in January 1935 and later that year the Judiciary Ordinance was amended to allow the Supreme Court to be held at such times and in such places as the Administrator appointed. Visits of the Court to Salamaua and Wau became more frequent with the passage of the amendment, although the majority of cases continued to be heard in Rabaul.

The first two judges of the Supreme Court were selected from a large field of contenders and their appointments were gazetted in April 1921. Colonel D.S. Wanliss, late commanding officer of the Fifth Battalion, First AIF, was appointed Chief Judge, to be assisted by Karl Drake-Brockman, a young West Australian who was also a returned man.

76 Rabaul Times, 24 August 1934.
77 NGLCD, Fourth Session, p. 78, 16 January 1935, speech by W.E. Grose, above.
78 Judiciary Ordinance, No. 35 of 1935.
79 The Supreme Court visited Salamaua and Wau in August 1935, November 1935, January and February 1937, July 1937 and January 1938. The Court continued to hear cases from other districts in Rabaul. The reluctance of the Supreme Court of New Guinea to travel was in marked contrast to the course followed in Papua where Murray, as Lt. Governor and Judge, incorporated tours of inspection with an extensive circuit.
80 Commonwealth of Australia Gazette, 7 April 1921, in item D 852/1/70, above.
Drake-Brockman left the Territory in 1924 with the abolition of his position of puisne Judge. Wanliss continued alone, although he was assisted from 1926 by Rabaul's Stipendiary Magistrate, F.B. Phillips, who several times acted as a judge. Phillips was appointed to the judiciary in February 1928 after completing an inquiry into claims that forced labour was being worked in the Morobe District. Soon after his promotion he was set the task of conducting a Special Court for the investigation of New Guinean land claims and during his absences from the Supreme Court, Wanliss was occasionally relieved by the new Stipendiary Magistrate, S.J. Shillington.

Wanliss came to New Guinea aged fifty-six with over thirty years experience at the Victorian bar. In his early years as Chief Judge he participated in the social life of the town, chiefly through his association with the Cricket

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81 The abolition of Drake-Brockman's position was first mooted in May 1924 and approved by the Minister, Sir George Pearce in July. Drake-Brockman's protestations that he could not be dismissed at the stroke of the Minister's pen were only overcome after reference to the Attorney-General for advice and the gazettal of the abolition of the post was delayed until October 1924. See correspondence in item D 852/1/10, above.

82 For details of Phillips' appointments, see AA, CRS A518, item AK 826/1/3 ("Trials by Judge Phillips").

83 Shillington was appointed Stipendiary Magistrate upon the elevation of Phillips to the bench in 1928. He remained in the Territory until a few months before his death was recorded by the Rabaul Times, 12 June 1931. The Assistant District Inspector, W.B. Ball acted as Stipendiary Magistrate with Shillington's departure, relieved on occasion by District Officer D. Waugh. Waugh handed over to G.V. Maunsell-Turner, formerly of the Crown Law Office, in May 1936. Maunsell-Turner remained as Magistrate until the position was abolished in September 1937.
Club and the Caledonian (athletics) Society, but by the 1930s he had withdrawn to lead a more private life. Wanliss attributed his reluctance to mix freely to his conception of the responsibilities of high office; "It is not the role of a judge to seek friendships, I have never done it; fortunately they have come to me...". He did preside over the Rabaul Club for several years although he would usually drink alone at a side table. He never breasted the bar with fellow members, occasionally inviting someone across to sit with him. His retirement in 1937 was marked by a gathering of Rabaul's notables at the Club. Wanliss was remembered by Rabaul residents as a gruff individual, most often seen, but rarely met, walking to work or to the Club from his home on Nananula Hill. He strode along, moustache bristling, carrying a black umbrella against the rain or bright sunshine.

Wanliss bore the office of Chief Judge conspicuously and regarded the Supreme Court as his personal province, to be shared only with his brother judges. He insisted that his Court should remain immune from Executive interference. Giving no sign that he doubted his own capacity to judge others, his remarks upon sentence were often delivered with fire and conviction that would have done credit to a tent-

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84 "Chief Judge Wanliss - farewell in Supreme Court", Rabaul Times, 27 August 1937.

85 Interview with Mr and Mrs G. Mirfield, Melbourne, 16 June 1976.

86 See his letter to the incoming Administrator, Griffiths, on his dissatisfaction with the liberties he felt that Wisdom had taken with the authority of the Supreme Court, 10 October 1932, AA, CRS A518, item A 242/3/1.
show Barker. His dogmatism, tinged with alcohol according to town gossip, increased with his advancing years and not even members of the legal profession were above criticism. In 1929, at an age when most Europeans would have been contemplating quitting New Guinea, if they had not already done so, Wanliss accused the acting Crown Law Officer of incompetence in conducting the prosecution of a murder suspect. His language was so strong that the man immediately tendered his resignation and left the Territory. The disposition of the Chief Judge was not improved in later years by frequent bouts of illness and an unsuccessful second marriage. His professional pride was probably dented as well. The High Court drastically reduced the sentences he had passed on two missionaries in 1936 when they took their cases before it on appeal. The heartiness of his farewell, by

87 Rabaul residents in 1934 were also gossiping about the association of Wanliss with a local typist. McNicoll deplored this "close liaison" in a letter to his son, explaining that the behaviour of the Chief Judge "doesn't do in small communities". W.R. McNicoll to R.R. McNicoll, 23 December 1934, McNicoll papers, folder 35.

88 See "Peterson case concluded", Rabaul Times, 15 November 1929. The acting Crown Law Officer, A.B. Welshman, after listening to the tirade by Wanliss, stuck his thumb under a pile of papers on the bar table, flung them into the air and stalked out as they settled around the courtroom. Interview with J. Read, Kavieng, 28 October 1975. Wanliss subsequently expanded his criticism of Welshman's conduct; "akin to disgraceful...showing a total disregard of the ethics of his profession...the Crown made no attempt to frame an intelligible case..."; "Peterson case concluded", above. For other outbursts directed at lawyers, see "Another spleen case", Rabaul Times, 27 March 1936 and "Brother Lucidius acquitted", Rabaul Times, 21 August 1936.

89 The cases of Cranussen and Foege, see chapter 7, below.
many who had not known his more attractive younger personality, was no doubt moved by a sense of relief that the more popular Phillips would succeed him as head of the Territorial judiciary. 90

'Monty' Phillips had been quick to settle into Rabaul society after his arrival in 1925. He played cricket with an enthusiasm which compensated for his inability to score runs, opened his house for dinners of the old boys of Victorian public schools and frequently played the genial host as befitted Rabaul's most eligible bachelor. 91

From 1929, Phillips spent much of his time on an assignment to investigate the claims of New Guineans on land, a task for which he was well fitted having spent four years at similar work in the Solomon Islands before his appointment to New Guinea. He had demonstrated in the Solomons that he was not afraid to tackle influential Europeans and his inquiries

90 The death of Wanliss in Australia in 1943 was noted in a perfunctory obituary in the Pacific Islands Monthly, "Judge Wanliss dead", October 1943, p. 7. In common with many other important officers of the Administration of the Mandated Territory who did not return to New Guinea after the war, he appears to have been forgotten. Despite his sixteen years as Chief Judge and periods of service as acting Administrator, Wanliss was not accorded an entry in the first edition of the Encyclopaedia of Papua and New Guinea, Melbourne, 1972.

91 It was Phillips, for example, who provided the young American artist Caroline Mytinger with her first commission in Rabaul when she and a companion arrived in a penurious state in 1928. Phillips graciously refused to let the artist draw him again saying that he was quite happy with the original although Mytinger knew that the portrait, painted while recovering from an attack of dysentery, was of poor quality. Caroline Mytinger, Headhunting in the Solomon Islands around the Coral Sea, New York, 1942, pp. 338-39.
in the Mandated Territory also proved even-handed. Phillips returned to regular criminal sessions at the Supreme Court in 1934, relieving Wanliss of the arduous duty of travelling to Salamaua and Wau to hear cases on the limited circuit established by 1935.

Wanliss retired after sixteen years as Chief Judge of the Territory in 1937. Phillips had to wait until April 1938 before his promotion to Chief Judge was confirmed and in the meantime dealt with the increasingly heavy stream of criminal business in the Supreme Court without assistance. His pleas for relief were finally heeded when the Commonwealth Government appointed a second judge in May 1939. The appointee, the Solicitor-General of Tasmania P.L. Griffiths, was selected only after two other candidates had been rejected and the Commonwealth had weathered a blustering campaign by Hogan to secure the position for himself.

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92 I am indebted to a fellow student, Mr Kim Jackson, for bringing to my notice Phillips' clash with the Rev. J.F. Goldie on the question of Islanders' land claims. See the comment of R.F. Salisbury on the action taken by Phillips to secure Vunamani land against encroachment by Europeans, Vunamani, Melbourne, 1970, pp. 81-82. Phillips' openness of mind was also demonstrated in his seeking out the best known ex-Governor of German New Guinea, Dr. A. Hahl, and anthropologist Margaret Mead during a twelve months overseas trip in 1933 and 1934. Rabaul Times, 29 June 1934.

93 "Our Chief Judge", Rabaul Times, 27 August 1937.


95 Phillips to Administrator, 9 December 1937 in item D 852/1/10, above.

96 The two candidates who were considered by the Commonwealth W.A. Sharwood, a former Commonwealth Crown Solicitor, adjudged too old at 66, and F.W.E. Whitlam who was endorsed by Cabinet but never took up the six months temporary appointment approved. For Hogan's claims, see his letter to the Administrator, 23 May 1938 in item D 852/1/10, above.
Phillips was granted war leave in 1940 to join the RAAF, the volume of Supreme Court business having declined since the outbreak of war in Europe. Griffiths was appointed acting Chief Judge in November 1940.  

Europeans charged before the Supreme Court could choose one of the number of lawyers who practised in Rabaul to defend them. Europeans tried at sittings of the Court at Salamaua or Wau from 1934 onwards could obtain counsel from members of the profession in Wau. The defence of a New Guinean accused was undertaken by officers of the Department of District Services and Native Affairs. New Guineans were rarely defended by private practitioners although Europeans convinced of the innocence of an employee, or who placed sufficiently high value upon his services, were known to pay for independent counsel.

Prosecutions in the Supreme Court were undertaken by the Crown Law Office which maintained a small legal staff. The Crown Law Officer himself was responsible for the drafting of Territorial legislation and provided the Administration with legal advice as would an Attorney-General in an Australian state. The position of Crown Law Officer was initially occupied by Colonel L.F.S. Hore, the last judge under the Military Administration. Hore resigned to take up a plantation in New Ireland and was replaced in 1922 by Gerald Hogan who served as Crown Law Officer until the Japanese occupation.

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97 See Memorandum of 24 September 1940 in above.

Officers of the District Service who presided at sittings of the District Courts were frequently criticized in the early years of the Mandate for their sketchy knowledge of the law. M.H. Ellis contended that their ignorance often led them to convict defendants of non-existent crimes. There was a blurring of their roles of policeman and magistrate and they tended to see the law as a means for the achievement of ends desirable from a law-enforcement point of view. While Ellis was primarily concerned with abuses which arose in the trials of Europeans, Ainsworth found that his allegations applied with greater force when the defendant was a New Guinean. He produced evidence of many convictions of New Guineans in which the official record of proceedings omitted to record the plea of the defendant or even the briefest notes of evidence. Ainsworth discovered many other blatant irregularities in procedure in the District Courts of Kavieng, Kieta and Madang, concluding that

To place very extensive magisterial powers in the hands of any one, particularly untrained men, without having their work subject to a regular system of review seems to me to be most undesirable.

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101 Above, p. 25.

With the introduction of a cadet scheme for the training of district services personnel in 1925, probationary Patrol Officers undertook a course in New Guinea on elementary criminal procedure. The Annual Report 1926-27 also noted that all District Officers of the Territory were required to possess a "thorough knowledge" of the laws of New Guinea while Patrol Officers were expected to be fully acquainted with the Native Labour Ordinance and the Native Administration Ordinance and Regulations. The establishment of the Department of District Services and Native Affairs in 1932 brought plans for the institution of formal examinations in law which all officers desirous of promotion beyond Patrol Officer would have to pass. The Public Service Regulations were amended in late 1933 to this effect and the Rabaul Times described the scope of the examinations in October 1933. They were to include papers on common law, criminal law, evidence and procedure, torts, contracts and Territorial regulations.

104 Above, p. 82.
106 "Examination of Magisterial Officers", Rabaul Times, 6 October 1933.
The Police

A substantial force of New Guinean police was established under German rule and maintained by the Australian Military Administration to publish the law of the regimes in the Territory and enforce its order. For most of the police, all that the conquest demanded was a nominal change of allegiance. The confidence of the commanders of the ANMEF in the force was no doubt influenced by the publicised success of Papua's Native Police, conceived by MacGregor and jealously sponsored by Murray, and by the time-tried practice in British colonial government of enlisting an armed, disciplined body of nationals in the administration of territories vast in area and thin in ready white men. Although the New Guinean police were 620 strong at one time during the occupation, the establishment in May 1921 was 440, the majority having been farmed out to outstations. The Report submitted to the League summarising the period 1914 to 1921 delineated the responsibilities of the force as the bringing of new territory under Government control, the suppression of cannibalism and intertribal warfare, and the enforcement of law and order among tribes already under Government influence.

107 "The German Native Police with their native NCO & I believe OIC of Police Commissioned Rank were allowed to carry on maintaining law and order and were very useful & gave great help the police force at Rabaul were all Bukas fine crowd of men". Handwritten notes by John Fox, AL F792 1 in the New Guinea Collection, University of Papua New Guinea Library, Pt. Moresby. Fox added that the German trained police drilled better than the ANMEF contingent. See also C.D. Rowley, New Guinea 1914-21, above, pp. 206-12.

108 Report to the League...1914-21, p. 23.
It added that the average native responds very quickly to systematic training, and the raw bushman after completing the course of training develops into a smart and well set up police boy. 109

Police patrols outside town boundaries were commanded by district officials but it was the body of New Guinean police who escorted them who gave weight to the roving parties. White police officers were few in number and confined to Rabaul town.

The Police Force Ordinance was passed in 1922 to formalise the structure and activities of the force. The establishment remained much the same with one third of the strength stationed in Rabaul. A high proportion of these men were raw recruits from all districts of the Territory funnelled into a training depot for the transformation to "smart and well set up" constables. Of the balance, 40 were stationed at the New Britain outposts of Gasmata and Talasea, 135 through the islands of New Ireland, Bougainville and Manus with a meagre 120 spread over the three huge districts of the mainland. Apart from their accompanying Administrative officers on patrol, the police were detailed to supervise New Guinean prisoners, guard duties and carry out maintenance work. The Native Constabulary bore rifles on patrol, for psychological reasons at most times as ammunition was only supposed to be issued to them if their European commander apprehended an attack on his party. 110

109 Above, p. 23.
European Constabulary in the early 1920s resided in Rabaul. The establishment consisted of a Superintendent, a drill instructor for the depot, a handful of Warrant Officers who policed the town and a clerk. The appointment of two European police officers to the Morobe gold-fields was announced in the Annual Report for 1923-24. The Superintendent of the Force was made responsible to the District Inspector (as Senior Inspector of Police) with the creation of the position in 1925. In 1928 the District Inspector assumed the position of Superintendent of Police and the officer in charge of the Force in Rabaul was given the title of Inspector of Town Police.

Amongst the early occupants of the position of Superintendent of Police were Page, until his appointment to the post of Government Secretary in April 1923, and W.E. Grose. Grose left the Administration to take up a plantation in New Ireland but returned periodically to Rabaul in the 1930s as a non-official member of the Legislative Council. Colonel John Walstab became head of the Force with his elevation to District Inspector in 1925 and remained in charge until he joined the AIF in 1940. After the abolition of the post of District Inspector in the reorganisation of District Services and Native Affairs in 1932, he served purely as Superintendent.

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112 Above, p. 57.
113 Annual Report 1924-25, p. 11.
Colonel Walstab had returned from the war to manage a bank in Melbourne's Elsternwick when he answered an advertisement for a position in the New Guinea service. After several months wait he was informed by W.M. Hughes of his appointment as District Officer, an office he took up at Kavieng in 1921. He impressed Bassett as a "slight, nervous, conscientious, kindly creature whom everybody likes but nobody approves as D.O...". The Europeans of Kavieng felt that he was not sufficiently firm with New Guineans. His conscientiousness irked Townsend who accompanied him on an expedition up the Sepik River in 1924 shortly before his appointment as Superintendent of Police. Walstab insisted on strict military security, to the extent of carrying from Rabaul, at great inconvenience, rolls of barbed wire to encircle his campsites. Townsend added that it was Walstab's attitude that had prevented the expedition from becoming "punitive".

In his reports on both the Sepik and later Nakanai expeditions, Walstab revealed himself as a man who took pride in following instructions to the letter. As Superintendent of Police, and District Inspector, he also

116 Above, p. 71.
117 G.W.L. Townsend, District Officer, Sydney, 1968, p. 102. See also comments on the Sepik expedition in Chapter 3, below.
118 Above, p. 108.
held the law in absolute respect and this inflexibility led many of the residents of Rabaul to hold him up as the personification of the policy of molly-coddling the natives which they believed the League of Nations and sentimentalists in Australia had stamped upon the Administration. The hostility which they harboured against Walstab was voiced in 1926, over the composition of the Nakanai police party, and after the strike of 1929. On each occasion Wisdom staunchly defended him. The Administrator recognised his good fortune in having a man like Walstab amongst his senior staff, so many of whom had resented executive scepticism about their ambitious plans. Walstab may have been unimaginative and uninspiring but he was loyal and industrious. The caution and probity of the suburban bank manager which Bassett had feared would prevent him from being a successful District Officer made him a perfect Superintendent of Police.

By mid 1927 there were 588 men in the force and ten European officers in Rabaul. Some 200 recruits were receiving training at the depot in drill musketry, guard and sentry duties, prisoner supervision, fire prevention the prevention of crime and the apprehension of criminals (New Guinean) in towns. On completion of these preliminaries

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119 For a record of the events surrounding the Nakanai expedition see chapter 6, below. On the Rabaul strike, see Acting Government Secretary (Walstab) to Administrator, 24 January 1929 and Wisdom to McLaren, 29 January 1929 in AA, CP 290/13 item 7.

120 Wisdom admitted to McLaren, 30 March 1924, in above, that there was no man other than Walstab to whom he would have entrusted the command of the Sepik expedition.

121 Annual Report 1926-27, p. 89.
in Rabaul they were drafted to outstations to gather experience in patrol work under district services personnel. District services officers had been admitted to auxiliary police rank by the Ordinance to enable to command New Guinean police on patrol: District Officers were accorded the auxiliary rank of Inspector, Patrol Officers that of Warrant Officer. Discipline and unswerving obedience to orders was stressed from the recruits' earliest training at the depot and in the field. The result, in the estimation of the Annual Report for 1926-27, was a high standard of efficiency.

Despite the enthusiasm of the Report, the European population of the Territory, particularly Rabaul residents, displayed a notable lack of confidence in the force in the 1920s. The ebb and flow of public confidence was reflected by articles and correspondence printed in the nascent Rabaul Times. The reporting of criminal offences committed by New Guinean policeman and comment on instances of alleged impudence and arrogance towards Europeans led to a belief that

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122 Police Force Ordinance, section 25.
123 Annual Report 1926-27, p. 89.
124 The Rabaul Times commenced publication on 1 May 1925 and within four months had printed a story on four native constables who had each been awarded six months hard labour for drinking alcohol and reported the case of a former policeman sentenced to two years hard labour and a whipping of twenty strokes for the rape of a small New Guinean girl. Rabaul Times, 10 July and 14 August 1925.
petty criminal activity in Rabaul went on with the connivance of the police. The European branch of the force afforded little more comfort as a stream of dismissals, shock resignations and periodic restructurings punctuated its operations from year to year.\textsuperscript{125}

Popular reservations did not slow the expansion of the force which grew steadily until the Rabaul strike. Large numbers of trainees led by senior NCO's joined the walkout which so alarmed the European population of the Territory. The Commission of Inquiry appointed to investigate the phenomenon reported that policemen played a major role in the affair, implicating Sgt-Mjr Rami as one of the two prime

\textsuperscript{125} The Rabaul Times reported the resignation of European members of the Force in an editorial of 13 April 1928 with the observation that "rumour has been active, and extravagant tales are told". Six months later the paper ventured that it would "come as a very great surprise to residents to learn that the probationary service of two of our most popular officers...have been terminated". ("The Town Police"; Rabaul Times, 9 November 1928.) The Rabaul Times, claimed the men thought their dismissal most unfair, but it broke its promise to print the facts about their case the following week. The reasons for the dismissals were revealed by Walstab soon afterwards. He had sacked two men in March, and transferred two others to outstations, for their complicity in "European police 'graft' in Chinatown". Walstab persuaded Patrol Officer J.L. Taylor, who had previous police experience, to accept the position of Inspector of Town Police. In November Walstab acted again, to dismiss two new Warrant Officers after receiving information about their part in an unauthorised opium raid in Chinatown which savoured strongly of 'graft'. Taylor was sent south on leave with an eye for replacements for the depleted force and in his absence Walstab appointed Assistant District Inspector Ball to act as Inspector. Ball reported to Wisdom that several attempts had been made by Chinese to bribe him in his short period as an Inspector. Such was the state of the European Constabulary on the eve of the Rabaul strike. Walstab to Administrator, 24 January 1929, (Report on the strike by Walstab in his capacity of Superintendent of Police.), in AA, CP 290/13, item 7.
The Strike was answered with a judicial backlash which gaol ed some 200 policemen for sentences ranging from six months to three years and the closure of the training depot. Volunteer European "Special Constables" were appointed to protect the town and keep a watchful eye for any lingering spirit of mutiny. The establishment of European constabulary trebled immediately after the Strike in response to the caustic criticisms aired at meetings of citizens on the inadequacy of the existing contingent. Attempts by the populace to secure the suspension of Walstab and W.B. Ball pending an inquiry were rebuffed by the acting-Administrator. Although the two senior officers were subsequently acquitted of charges of incompetence and ineptitude by the Commission, the Rabaul public, anxious to pin the Strike down to European bumbling rather than to New Guinean resolution, were less gracious.


127 190 members of the Force were convicted of desertion under the Police Force Ordinance; sixteen were charged with conspiracy to desert and conspiracy to evade their obligations to work under their articles of enlistment. Thirteen of those in the latter category, amongst them two Sergeants-Major, the highest rank attainable by a New Guinean in the force, four sergeants and seven corporals, received sentences of three years hard labour. See "Central Court", Rabaul Times, 15 February 1929.

128 In his report on the events surrounding the strike, acting Government Secretary Walstab records the names of nineteen "Specials"; Walstab to the Administrator, 24 January 1929, enclosed in Wisdom to McLaren, 29 January 1929, in AA, CP 290/13, item 7.

129 See the Rabaul Times for the months of January and February 1929 and pp. 165-70, below.
A general overhaul of the Police Force Ordinance in 1930 was aimed at the restoration of public confidence and service morale. The force was divided into a European Constabulary, an auxiliary European Constabulary and a Native Constabulary plus the district services officers holding ex officio rank. In 1931, Regulations were gazetted for "the organization, administration, control and management" of the force. The amendments were apparently directed chiefly at those critics who had advocated a "gingering up" of the force in the aftermath of the Strike.

Under the new Ordinance and Regulations, recruits to the Native Constabulary received pay of 8/- per month after enlisting for a period of from three to five years. A bonus of 10/- was added for each year of enlistment and the same inducement was offered constables who re-enlisted for a second term. The highest rank to which members of the Native Constabulary could aspire was that of Sergeant-Major First Class, the office carried a renumeration of 5½/- per month. After twelve years of service, New Guinean members of the force were eligible for a pension of £1 per annum, with slightly higher rates for retired non-commissioned officers.

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130 Police Force Ordinance, No. 3 of 1930.
131 Annual Report 1931-32, p. 94.
132 IFG Downs, "The Police and Prison Systems of Papua and New Guinea - II", South Pacific, Volume 2 Number 3, November 1947, p. 60. The pay for New Guinean policemen before the Ordinance of 1930 had been at the rate of 6/-, 7/- and 8/- per month for the first three years of service by a constable; and 16/- per month for a Sergeant-Major with annual increments of 4/- per month to a maximum of 30/-. Police Force Regulations, 1922 in NGG, 16 July 1922, p. 61.
An NCO training programme had been established in Rabaul on the site of the former depot, closed after the Rabaul strike. Graduates of the course were despatched to outstations where they assisted in the instruction of freshly recruited men. The failure of the scheme was announced after four years, the Rabaul depot reverting to its original function. Police recruits of the mid 1930s received tuition in infantry drill, riflery, elementary written and spoken English and practised callisthenics, swimming, boat-drill, and tent-pitching. A regulation which increased the minimum height and weight qualifications for recruits was blamed for a fall in enlistments but the reintroduction of the former minima was expected to boost the total New Guinean complement to over 600.

A development in police policy was briefly mentioned in the Annual Report for 1932-33: the administrative device of establishing base camps in recently contacted areas far from district headquarters. Of the fifteen camps noted, eleven were placed in the charge of an NCO of the Native Constabulary, a measure of the increasing recognition of the capacities of the New Guineans in the force.

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135 Above, p. 102.
136 Above, p. 28.
amendment to the Police Force Regulations in 1933 allowed skilled New Guineans to enlist in the force. Two carpenter constables and one plumber were inducted to maintain the police barracks and the prisons of Rabaul, while all police vehicles were turned over to New Guinean drivers.\footnote{Annual Report 1933-34, p. 102.}

The command of the force underwent a nominal change at this time with the replacement of the District Inspector by the Superintendent.\footnote{Above, p. 102.} There was no change in fact, as Walstab was already discharging the duties of both positions, but it did allow him more time for police activities. His immediate subordinates were the Inspectors of the police districts of Rabaul and the newly created district of Wau.\footnote{I.G.P. Downs, above, p. 58.} The Auxiliary members of the Force, the officers of District Services, also reported directly to the Superintendent on police matters.\footnote{Annual Report 1934-35, p. 97.} The Annual Report for 1934-35 put the strength of the European Constabulary at thirty four.\footnote{Annual Report 1934-35, p. 97. A subsequent amendment of the Police Force Regulations enabled more Warrant Officers to be appointed. The Force was by this time also formally in charge of fire fighting in Rabaul. A trailer fire engine purchased in 1934 had been placed at their disposal and under the Fire Brigade Ordinance the Inspector of Town Police filled the position of Area Fire Officer. (Annual Report 1936-37, p. 127.)
The specialist members of the Native Constabulary by mid 1939 numbered one Sgt-clerk typist, 5 constable-clerk typists, one armourer-sergeant, one constable armourer, one L/Cpl. plumber, one constable plumber and six constable drivers. Further opportunities for specialist appointments arose with the formation of a police brass band. Twenty-three bandsmen joined in its first two years, all graduates of Malaguna Technical School. By July 1939 there were 31 members of the band which, under the direction of Bandmaster W.O. Crawley, had achieved standards of dress, drill and performance far exceeding the expectations of the sceptics amongst Rabaul's European population. Higher rates of pay were subsequently introduced for specialist policemen.

The final Annual Report prepared for presentation in Geneva listed the strength of the European Constabulary at 37 and the Native at 1,078.

The Prisons

The passage of the Prisons Ordinance in 1923 laid the legislative foundation for the prison system of the

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143 Above, p. 40.
144 Interview with Somu Sigob, one of the bandsmen of 1938, Port Moresby, 7 October 1975.
145 Police Force Ordinance, No. 7 of 1939.
146 Annual Report 1939-40, p. 129.
147 See Appendix D, Police Establishment, 1922-40.
Mandated Territory. The Department of the Government Secretary assumed responsibility for Territorial prisons, the Superintendent of Police became the Head Gaoler and officer in charge of Rabaul's prisons while District Officers took charge in their districts. Prisons were staffed by European "gaolers" and New Guinean "warders", a discrimination made necessary by the establishment under the Ordinance of three species of Territorial gaols - for Europeans, for Asiatics and for New Guineans. Warders were appointed only to prisons of the last category. A special branch of the Native Constabulary staffed the gaol for New Guineans in Rabaul while regular policemen performed the duty at the outstations.

The Prisons Ordinance also set out the method of appointment, the duties and the powers of visiting justices, together with the punishments of dietary restrictions, pack drills and additions to sentences which they could impose on inmates for breaches of prison discipline. The District Officers exercised similar powers in their districts. Regulations drawn up under the Ordinance required the maintenance of extensive prison records which were to be available for the inspection of the visiting justice. All prisons were to be declared by notice in the New Guinea Gazette although a rider was added to the section enabling the District

149 Prisons Ordinance, sections 29 and 34.
150 Prison Regulations, section 57.
151 Prisons for New Guineans were promptly declared at Rabaul, Gasmata, Talasea, Kavieng, Namatanai, Manus, Kieta, Buka Passage, Buin, Morobe, Lae, Madang, Aitape, Marienberg, Wewak and Vanimo.
Officer to order imprisonment in any other place in lieu of a declared prison. This was a necessity when New Guinean prisoners were being detained or were at work away from a post and also sanctioned a suitable discretion in the handling of white men awaiting trial or transhipment to the Supreme Court as the only European prison in the Territory was at Rabaul.

The Removal of Prisoners (Territories) Act of 1923 permitted Territories to despatch convicted Europeans to serve sentences of imprisonment in the gaols of Australian states. The Administration in Rabaul promptly made arrangements with the Queensland Government for the reception of a first batch of prisoners who were removed to Townsville in January 1924. The subsequent practice was that all Europeans sentenced to imprisonment for more than six months were transferred. A similar agreement was concluded with New South Wales in 1929 and most of the Europeans removed after that date were sent to Sydney. As a result, few Europeans serving long sentences had to be maintained in Rabaul gaol which became a despatch depot for southward bound felons awaiting the arrival of the next B.P. steamer. The expulsion of European prisoners from the Territory was

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152 Prisons Ordinance, section 44.
155 See my chapter 8 for an account of the procedure of removal and the attitudes of Queensland and New South Wales to receiving Territorial prisoners.
officially considered "a much more satisfactory arrangement than that previously in force". 156

New Guineans, invariably serving sentences with hard labour, carried out "work of a public character" 157 supervised by their warders or the police of the district, the District Officer being responsible for the variety and direction of their labour. The Annual Report for 1925-26 includes a note from Gasmata that prisoners attended to the daily disposal of sanitary pans into the sea 158 while the following Report suggested that, in future, convicts might profitably be set to pit-sawing. 159 Notice of the supercession of the "bucket type of sanitary pan...by the standard type which is hermetically sealed while in transit" in Rabaul in a later Report was accompanied by the announcement that indentured labourers were now employed in their collection. These men, volunteers for the task of clearance, were proving far more satisfactory than the prisoners who would in future be confined to "the burying, the washing of buckets and the cleansing of public latrines". 160

Throughout the Territory New Guinean prisoners were employed in the construction and maintenance of roads, often accommodated in field camps near the work sites. Temporary employees of the Administration, styled "roadmasters", directed activities until their replacement by Warrant

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157 Above, p. 57.
159 Annual Report 1926-27, p. 80.
Officers or experienced NCO's of the expanding Police Force. The Annual Report for 1929-30 made mention of a saw-camp at Wau and of road camps' for prisoners in the Kokopo region. Outlying posts frequently numbered amongst their prisoners New Guineans recently contacted by the Administration. Their prison experience introduced them to European implements, pidgin English and the social order of the white regime, fitting them to serve as emissaries of all that was unfamiliar upon their return to their village at the completion of their sentences.

The Prisons Ordinance was oft amended; in 1928 the Superintendent of Police was replaced as head gaoler for the prisons of Rabaul by the Inspector of the Town Police. Amendments in 1930 and 1931 empowered the Administrator to appoint head gaolers, gaolers and other prison officers from without the public service and District Officers to delegate to an A.D.O. any of his functions as head gaoler.

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162 Those investigating the murder of the prospector Helmuth Baum in 1931 were severely handicapped by the difficulties experienced in communicating with the Kukukuku people suspected of the killing. This was due to the "total absence of natives qualified to act as interpreters... an endeavour was made to supply this need by teaching several detained male native inhabitants of the area 'pidgin'". Annual Report 1931-32, p. 89.
163 Prisons Ordinance, No. 30 of 1928.
164 Prisons Ordinance, No. 13 of 1930 and Prisons Ordinance No. 24 of 1931.
In 1934 the Superintendent of Police was appointed Chief Inspector of Prisons for the Territory. The following year saw provision made for the punishment of prison offences by gaolers and warders and rendered male inmates guilty of such offences liable to receive a caning, to a maximum of 10 strokes, at the impost of a visiting justice. The 1935 amendment also entitled the Administrator to specify any town, in addition to Rabaul, where the District Officer would not be head gaoler.

The Ordinance had required the inspection of prisons by judicial and health authorities from the outset. The "justices" who visited were the Stipendiary Magistrate in Rabaul and the District Inspector and his Assistant throughout the districts. The judges of the Supreme Court and the Commissioner for Native Affairs (until the office was abolished in 1932) were appointed *ex officio* Visiting Judges for all Territorial prisons. It was officially claimed that all prisons were visited by one of these officials at least annually. Weekly medical inspections were carried out to apparent effect - as the *Annual Report* for 1932-33.

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165 Prisons Ordinance, No. 11 of 1934.
166 Prisons Ordinance, No. 15 of 1935.
167 Such a specification was made in the case of Wau; I. G.F. Downs, above, p. 56.
168 Prisons Ordinance, section 20.
noted, it had "been observed that, as a general rule, the health of natives improves while they are in prison". Perhaps it was no coincidence that in the same Report figures were first given on the frequency and causes of morbidity in the gaols of the Territory, apparently to allay anxiety expressed by the Permanent Mandates Commission.170

The number of New Guinean prisoners in the Territory's gaols rose steadily from 1921. The official explanation was given in the Annual Report for 1937-38 in answer to a question put by the P.M.C.

In other words, the growth should be interpreted as evidence that the Administration was doing its job; the figures were rather an index of the advance of civilization than a sign that New Guineans were being unduly harrassed.172

170 Annual Report 1932-33, p. 95.
172 See Appendix E, Prisoners serving sentences imposed by Territorial Courts, each 30 June, 1922 to 1940.
CHAPTER 3

The Europeans in Rabaul

Despite their penchant for the phrase 'the white community', the European residents of Rabaul rarely displayed the civic energy usually associated with the term 'community'. The description of the lack of public spirit given by Dr. Phyllis Cilento in an interview with the Adelaide Register in 1925 remained as applicable in 1937 when the Rabaul Times, despairing of the inactivity of local residents in the debate over the selection of a new capital site, declared resignedly "we are an apathetic community". Colonel Ainsworth's confident prediction that the establishment of a municipal authority would overcome the inertia of European residents was never tested. Neither his Report, nor the revival of his suggestion in the 1930s stimulated residents to even apply to the Administration or the Commonwealth for the constitution of such a body.

The Rabaul Times attributed European languor to a combination of factors which included the general high standard of living, a lack of identification with the future of Rabaul and

1 Adelaide Register, 17 March 1925 in Press Cuttings 5.
2 "Correspondence", Rabaul Times, 18 February 1938.
the Territory, the "temporary mentality", and the reluctance of many residents to assert themselves publicly for fear of appearing to be "putting on side". It should also be noted that European society throughout the period, for all its overt prosperity and its many comforts, was essentially restless. To a great degree this restlessness was the result of political and physical challenges to the Administration and white society which are detailed later in the chapter, but it also stemmed from the fact that most of the Australians in the region had had no prior experience of life as white men and women in a colonial situation. The constant surveillance of the Commonwealth Government, the Australian press and the League of Nations brought out an acute sense of self-consciousness amongst Europeans which permeated the European society growing up in Rabaul.

Symptomatic of the restlessness was the brief attention span of Rabaul's Europeans; the history of social and cultural innovations in the town is a tale of promising beginnings which gave way to familiarity, then to unsuccessful struggles on the part of the principals to recapture a measure of the initial enthusiasm. The Rabaul Dramatic and Musical Society, as it came to be known, affords a typical example. Its first production

5 "That temporary atmosphere", Rabaul Times, 1 September 1933.

6 The large proportion of returned servicemen amongst the European residents may have contributed to restlessness of the society. Bill Gammage notes that many returned men, "In religion and in politics, at work and at play ... found dull what others thrilled to". The Broken Years, Canberra, 1974, p. 275. Returned men amongst the Australians in the Territory put forward their war service when seeking financial concessions from the Commonwealth Government (particularly in relation to payments due on plantations), clemency from the courts and greater latitude from the Administration for employers to discipline their labourers.
was much acclaimed and well attended, yet within two years the Society had to publish itemised accounts of its earliest offerings to counter gossip in Rabaul that tickets had been sold at a price calculated to fill the pockets of its members. A year later the leader of the Company, Major E.B. Ayris, was moved by his disgust at the "wretched audiences" at the Society's presentation of "Hay Fever" to denounce from the stage the apathy of local residents and threaten the winding up of the group. The Society went into decline, fewer productions were staged and it was only in the aftermath of the eruption, which closed many alternative venues of amusement, that it regained a shadow of the support it had enjoyed in its earliest days.

The fate of the Dramatic Society was shared by many other enterprises which attempted to introduce a little colour into the lives of Rabaul residents. So wasted away 'The Palms' restaurant and nightspot, 'The Coconut' tearooms and the Wunawutung Hotel, launched as a dancehall in 1931, with its panatrope, specially prepared dance floor and carpark for 200 vehicles. Even sporting clubs, which always drew strong allegiance from their members, were not secure against the fickle public appetite. Although their activities were at various times

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7 "H.E. the Governor", Rabaul Times, 22 November 1929.
8 Rabaul Times, 2 April 1931.
9 Rabaul Times, 24 March 1932.
11 Rabaul Times, 21 May 1937.
12 Rabaul Times, 21 August 1931.
features of Rabaul's social life, the Rabaul Times recorded the demise of the Caledonian Society, the Rabaul Athletic Club, a shooting competition and a swimming and life-saving club. Many of these clubs owed their vitality to the presence of a particular individual and quickly became moribund when he or she was transferred from Rabaul or left the Territory.

Concomitant with self-consciousness was a lack of self-confidence which led residents to buttonhole every European visitor to their town for their opinion on how the Mandated Territory stood up against comparable countries. Only a modicum of experience in such countries was required to give credit to the impressions of the visitor. Mrs Simon Hickey, for example, arriving in August 1927 to show a collection of frocks to the ladies of Rabaul, was quoted at length on the state of indiscipline she perceived to be rife amongst the New Guinean population. Mrs Hickey was described as having "travelled in many of the Eastern countries, and has had an opportunity to study conditions there". Commentators such as Mrs Hickey, whose views accorded with Rabaul residents own estimation of the scenic beauties of their region or the laxity of the Administration with regard to upholding discipline amongst the New Guineans, always had their pronouncements broadcast with pathetic eagerness. The reasoned criticism of experienced men who held up the European population in an unfavourable light conversely brought a stream of invective upon the head of the critic. The Professor of Anthropology at Sydney University, A.P. Elkin, escaped comparatively lightly when reported in late 1936 to have stated that the programme of the Administration for New Guinean education was inadequate. The

13 "Local and General", Rabaul Times, 19 August 1927.
Rabaul Times did not damn Elkin as a bolshevik or as an ignorant traitor to Australia as it had done other critics, but it was not prepared to yield an inch to the force of his opinion; "we can hardly believe that the Professor was correctly reported when he is credited with such remarks". The Professor had, as will subsequently be seen, merely drawn attention to the obvious. The reaction of the paper to both Mrs Hickey and Elkin indicates the state of mind of many of the Europeans it served; craving any reassurance, too loudly indignant when attacked.

The residents of Rabaul were equivocal about the image they wished to present of themselves to the outside world. They coveted the label 'pioneers', which was advanced as a justification for features of their society ranging from heavy drinking to the absence of income tax, but they also presented Rabaul to visitors as a town in step with the stylish cities of the white world. When forced to strike a compromise between modernity and their conception of what constituted correct behaviour for whites living amongst a black population, their dilemma was painful. An editorial in the Rabaul Times in 1935 attempted to explain to visiting tourists that some fashions in female attire were altogether too provocative to be worn by white women in Rabaul. Instead of having confidence to state his case bluntly, the editor became almost apologetic about the request made of the visitors. He pleaded that the request not be considered to indicate the prudery of Rabaul's Europeans, rather should it be seen as one of the exigencies of life in a 'native Country'.

14 "Our uneducated natives", Rabaul Times, 13 November 1936.
15 "Welcome Oronsay", Rabaul Times, 8 August 1935.
Many residents took refuge from self-consciousness and self-doubt by expending their energies in the cultivation in Rabaul of the features of the societies they had known in their home countries. The European population of the Territory doubled between 1925 and 1933, most of the new arrivals being received in either the Morobe Goldfields region or Rabaul. The incoming white men and women quickly became aware of the class stratification which existed amongst Rabaul's Europeans. At the apex of the social pyramid were the senior officials of the Administration, managers of the trading firms and banks and the plantation owners. Within the town itself, class boundaries were stiffened by the allocation of Administration or company houses in particular areas according to the level of income of the public servant or employee. European residents moved in social circles which were prescribed by the pockets of housing in which they lived.

Class distinctions in European society in Rabaul were emphasised at most activities; the assembly at Rabaul's European Methodist Church was described by one of its former Ministers as more in the nature of a procession than a congregation. The

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16 See Appendix C, Table of population 1921-40.
18 See M. Matches, Savage Paradise, New York, 1931, pp. 36-37; "In Rabaul, a cannibal island, a "clerk's" wife is not invited to tea with an executive's wife, who is herself on but a nodding acquaintance with the "administration crowd", and the Governor's wife, high on Namanula Hill, "speaks only to God".
hallmark of respectability was membership of the exclusive Rabaul Club, presided over for many years by Wanliss. Prospective members were carefully vetted by the Club committee after nomination by a current member with due attention being paid to their occupation, antecedents and their reputation and standing within Rabaul society. The sponsors of candidates found unsuitable were discretely informed so that nominations might be withdrawn before they were put to a vote of members. Two men were rejected after a vote had been held: the first, because his lawyer father had been struck off the roll; the second, a well-known Kokopo planter, because his grandmother had been a Samoan and his father and grandfather Germans. His rejection was especially churlish as he had lived in New Guinea practically all his life and had played cricket vigorously for Kokopo for over a decade.

Club life for Europeans of lesser means was offered by the New Guinea Club which, explained the *New Guinea Handbook*, "opens it membership on a more popular basis". Its members included the more junior officials of the Administration, employees of banking and commercial enterprises, small businessmen and tradesmen. A feature of the New Guinea Club's activities

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20 Interview with Mr and Mrs G.B. Mirfield, Melbourne, 16 June 1976. The Rabaul Club moved into commodious new premises adjacent to the recreation reserve in 1931. The new building offered accommodation for outstation members, a ladies lounge, a billiard room and a huge dance floor of imported jarrah. The main lounge was an octagonal room with a high ceiling for coolness. Electric lights and telephones completed the appointments. "The new Rabaul Club", *Rabaul Times*, 24 July 1931.

was an annual Christmas Party for European children which was first staged in 1928. Each occasion was preceded by a series of advertisements in the Rabaul Times in the form of messages from Father Christmas to "the White Children of Rabaul".  

The European residents who had been educated at Public Schools in Britain or Australia wore their old school ties as loudly in Rabaul as ever their fellows at home might have done. Dinners for old boys of Victorian Public Schools were held each boat race eve from 1929 under the enthusiastic patronage of the Territory's most prominent old Wesleyan, Judge Phillips. As guests awaited the result of the race, relayed to them through the Bitapaka wireless station, they were entertained with sentimental speeches, indulgent reminiscences and hearty renditions of old favourites like the Eton Boating Song. Most of the speakers expressed the hope that more public schoolboys would come to New Guinea in the future, where, as Wisdom put it, 

one expects him to do well; and this, not because of any snobbish feeling, but because of the training and discipline which he had experienced.

The dinner concluded, the old boys drove home and the night "re-echoed with the old college cries and songs that the occasion had brought once more to mind".  

"As usual wherever Australians make their homes, sport is very much in evidence" stated the New Guinean Handbook in

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22 See, for example, Rabaul Times, 14 December 1928.
23 "Boat-race dinner", Rabaul Times, 24 May 1929.
24 "Victorian public schools", Rabaul Times, 16 May 1930.
1937. At the date of the publication of the Handbook, Rabaul residents could participate in organised cricket, baseball, golf, bowls and tennis competitions or in horse racing, swimming, motor sport and billiards. Teams for the competitions were raised from Administrative departments, commerce and industry, the New Guinea Club and, from the Kokopo region, the Kokopo District Sports Club. There were two rounds of competition in the major sports each year, the games drawing many European spectators. The Clubs which administered individual sports built up stocks of equipment and facilities for their members. The Rabaul Cricket Association employed a full-time New Guinean groundsman by 1937 who busied himself in and out of the seasons keeping down the growth of grass on the oval with a 14 inch mower.

A sketch of the development of horse racing in Rabaul in the 1930s illustrates the determination of European residents to recreate Australia in New Guinea. The Rabaul Amateur Turf Club established a course at Lakunai south of the township which

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25 New Guinea Handbook, p. 146. The residents of Rabaul viewed the prospect of participating in sport with New Guineans with horror. It was inconceivable that an event such as the celebrated cricket match which took place in Port Moresby in 1929 between a Papuan team from the Kwato Mission and a European XI could happen in Rabaul. A year before the Port Moresby game, the Rabaul Times had deprecated the actions of visiting white sailors in taking on a group of New Guineans in a scratch game of football. The sailors obviously had "no idea of how to treat kanakas...authorities should provide heavy penalties for breaches of this kind, as it has a very bad effect on the morale of natives". "Mixed football", Rabaul Times, 30 March 1928. See also Annual Report (Papua) 1928-29, pp. 10-11 and E.P. Wolfers, "Games people play", New Guinea, Volume 6 Number 1, April 1971, pp. 43-55.

26 Rabaul Times. 20 November 1936.
was opened by General Wisdom in May 1930. The facilities at the course included a grandstand with a capacity of 120, a judge's box, jockeys' and weigh-in rooms and a stewards' stand. The Europeans involved in the foundation of the Turf Club had not been intimidated by either the expense involved or the chronic shortage of horses. What horses there were came from the stables maintained by local planters on their properties and jockeys were drawn from suitably qualified European residents. Patrons of racing at the time were Wanliss and Bishop Vesters, of the Sacred Heart Mission at Vunapope. The patronage of the Bishop cleared the way for Kokopo meetings to be held at Kinigunan on lands belonging to the Mission.

Whether at Lakunai or Kinigunan, race meetings were festivals for the Europeans of the region. The Kinigunan races of September 1930 were preceded by a Grand Race Ball at the Kokopo Hotel and the racing correspondent for the Rabaul Times subsequently recorded his delight at the numbers of women who attended the meeting the following day, for

Without women and fashion there would be no season. Kinigunan is but a green stage where every woman and girl is a leading lady in the limelight. For this day she will live in a terrestrial paradise. Tripping over the lawn; gazing with pleasant curiosity at the other superbly dressed women; laughing and talking with friends, and every man a more or less happy super.

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27 Rabaul Times, 4 April and 2 May 1930.

28 One of the more accomplished jockeys was the versatile police drill instructor and thespian, Major E.B. Ayris. He also owned and trained horses, carrying off the New Guinea Cup of 1935 in all three capacities with a'Rivir.

29 Rabaul Times, 11 September 1930.
Race meetings were often scheduled to coincide with the visits of Pacific and Orient Line tourist vessels. Souvenir race-books were printed for such occasions and visitors were also entertained with performances by New Guinean dance troupes on the track in front of the grandstand.  

The enthusiasm which had attended the early years of racing in Rabaul, particularly the first runnings of the annual New Guinea Cup from 1930 to 1932, began to evaporate in 1934. Small fields, rough riding tactics and poor handicapping were blamed for the declining attendances in late 1935 and 1936 but the overshadowing of the Rabaul races by meetings conducted by the Morobe Turf Club and the criticism of the conducting of events by tourists from the Otranto in June 1936 seemed to undermine the pride of the residents in the meetings. Gossiping began

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30 For the race meeting held to entertain tourists from the Oronsay in August 1935, souvenir race books were printed for sale at 1/6, while programmes of the ceremonial dancing were distributed free. "Local and General", Rabaul Times, 26 July 1935. A new loudspeaker had been installed to broadcast music between events and the meeting was filmed by Fox Movietone; Rabaul Times, 16 August 1935.

31 See Rabaul Times, 1 February 1936 (low attendances) and 14 February 1936 (rough racing). At the subsequent General Meeting of the Rabaul Amateur Turf Club, it was regretted that the honorary handicapper had been "out of touch"; Rabaul Times, 7 August 1936.

32 The Morobe Turf Club held the first of their annual Christmas meetings in 1933. The feature event, the Morobe Gold Cup, offered £30 and a gold cup to the winner. The prize money for the programme on the mainland was considerably greater than the RATC offered at their New Guinea Cup meeting. Rabaul Times, 13 October 1933.
about the incompetence of members of the Club, as it had with the Dramatic Society in 1931, and there was a defensive tone about the Annual General Meeting of August 1936. The usual Australia Day meeting was not held in 1937 and shortly afterwards the course was buried by the eruption of Matupit. Not until August 1938 was there any suggestion that the track should be reopened and racing never recovered from the loss of public confidence and the natural disaster. 33

European sportsmen and women never lost their interest in golf, however, and in 1941 they rose to preserve their links against encroachment. The Club had been founded with the opening of the town golf course in January 1931 34 and had proven its durability with a remarkably quick recovery from the devastation of the eruption. 35 It boasted the largest, and most respectable, membership of any sporting club in Rabaul when it was threatened with the loss of six of its nine holes through the need to construct a radio installation for the RAAF. The members of the Executive Council were presented with a choice of two possible sites for the structure,

33 "Local and General", Rabaul Times, 19 August 1938.

34 The first moves to form a golf club were made in February 1930 under the leadership of Dr Brennan, the Principal Medical Officer, and Mr E. Banks, a Rabaul publican. The first equipment arrived three months later and Griffiths agreed to be the patron of the club. The Rabaul Times expressed satisfaction that Rabaul would now possess a links like all other Pacific dependencies. Competition play commenced in March 1931. Rabaul Times, 7 February 1930, 16 May 1930, 16 January 1930 and 6 March 1931.

one of which would impair the only golf course available to residents of Rabaul and the other would necessitate the alienation of about 5 hectares of land at the expense of the Matupi natives who have much less land than is considered requisite to their needs.

The Council adjourned to inspect the sites accompanied by an officer from the Post Master General's Department who advised members that the golf course site was a 10% better proposition than the Matupi land for a combination of financial and technical reasons.

Debate was resumed in the Administrator's office later in the day. Non-official member A.N. McLennan pointed out the heavy expense incurred in the preparation of the links and that its resumption would entail the "possible loss of a means of healthy exercise and mental recreation now available to the 170 members of the Golf Club, both male and female..." McLennan was supported by the Crown Law Officer who was "of the opinion that the result of the loss of the five hectares to the Matupi natives is outweighed by the result of the loss of the golf course to the Europeans..." The Director of District Services and Native Affairs, Robert Melrose disagreed. While the loss would be a "severe blow" to Europeans, the Matupi, he pointed out,

had been deprived of considerable areas through alienation...and if they continued to lose land ...it would not be long before they became purely urban and dependent on Rabaul which would produce political problems in the future.

The decision was then made, over the objections of Melrose and the Director of Agriculture, and the Matupi land would be
acquired.\textsuperscript{36}

Some residents of Rabaul complemented the transplantation of Australian social idioms by playing out their own conceptions of the role of the white colonist in a tropical dependency. This was manifested in various ways: their dress, in the "severest whites"; an affectation of boredom, constantly complaining of "colourless week-ends and Monday mornings that are almost a relief",\textsuperscript{37} and a widespread abhorrence of physical exertion in any form other than competitive sport. The everyday life of unemployed European women in such a context was particularly arid. Servants performed all the household duties, and apart from the New Guinea Book Club, the United Women's League and the Dramatic Society, there was little to do but rest or join verandah parties for cards and gossip. A few women played

\textsuperscript{36} NGEC Minutes, 16 April 1941 in AA, CRS A518, item R 800/1/3 part 7. The decision to erect the radio complex on Matupit land was made the more unreasonable by the history of European encroachment. By 1935, a compound for New Guinean labourers, a Native Hospital, Native Cemetery, race-course and golf links had already been established in the Rapindik-Lakunai area. A controversy broke in 1935 when the Administration proposed to add an aerodrome. Matupi protests were vigorous and the Administration appointed W.B. Ball to report on whether the land in question was essential to village welfare. Ball reported that it was and the Administration withdrew. In doing so, it avoided a confrontation with the Permanent Mandates Commission which discussed the aerodrome issue in 1936 after receiving a petition on the subject. In 1938 the Administration occupied the land and commenced construction of the airstrip with little attempt to justify its action. A hearing of the claims of the Matupi on the lands acquired by the Administration of the Mandated Territory, conducted in 1955-56, found the official case for the 1938 seizure a thin one. This summary of events from A.L. Epstein, Matupit, Canberra, 1969, pp. 47-50. The 1941 decision was, of course, taken in war time when the Administration was no longer accountable to the League. The Rabaul Times observed during the 1935 controversy that New Guineans, if they wanted to enjoy the benefits of civilisation, should be prepared to accept some of its responsibilities which included the alienation of land for development. "The aerodrome site", Rabaul Times, 27 September 1935.

\textsuperscript{37} "Life in Rabaul", Rabaul Times, 6 July 1928.
tennis, golf and bowls but the majority took no part in sports.38

Lack of exercise rendered Europeans of both sexes liable to illness and depression. 'Touches of fever' were common ailments in Rabaul39 and the consumption of alcohol was high.40 The contention that alcohol could keep fever at bay, though dismissed by the New Guinea Handbook as "sheer sophistry", enjoyed considerable support. Although the incidence of public drunkenness was not high, as inebriates well knew that they were

38 Women were often urged to take up sport to provide them with an opportunity for exercise. See the suggestion that a hockey competition be established in "Sports", Rabaul Times, 15 November 1929. Many of the former European residents of Rabaul recalled in interviews in 1975 and 1976 that the health of European women in the town was generally poor for the want of exercise.

39 Both Wisdom and McNicoll fell victim to mild attacks of malaria; see Wisdom to McLaren, 12 September 1925 in AA, CP 290/13 item 7 and McNicoll to his son, 17 June 1939, McNicoll papers /3285/.

40 Early visitors to the Mandated Territory were appalled by the extent of drinking: see, for example, L. Overell, A woman's impressions of German New Guinea, London, 1923, p. 186; M. Bassett, Letters from New Guinea 1921, Melbourne, 1969, pp. 58 and 63 and S.M. Lambert, A doctor in paradise, Melbourne, 1942, p. 83. Overell was so alarmed by the excesses that she advocated total prohibition, both in her book (p. 218) and in a letter written to the Sydney Morning Herald (29 July 1921, in Press Cuttings 2) shortly after her return. In 1933 the Rabaul Times estimated the consumption of beer and ale at twenty-five gallons per annum for each non-indigenous resident, men, women and children. A later estimate set consumption of beer and ale at twenty-four gallons with an additional two gallons of spirits per head. "Did you know", Rabaul Times, 22 December 1933 and "The commentator", Rabaul Times, 22 October 1937. An examination of the drinking habits of the European residents of Papua and New Guinea between the wars is offered in M. Togolo, "Our beneficent rule", M.A. Thesis, University of Papua New Guinea, 1975.

likely to be summarily deported, many heavy drinking habits were nursed surreptitiously for years. One of the first community groups to be established in Rabaul, the Territory of New Guinea Aid Society (TONGAS), aimed at assisting indigent Europeans to raise the passage money needed to return to Australia.

Europeans in Rabaul like the populations of many small towns enjoyed gossiping about their fellow residents. The nursing staff at the European hospital, comprising a good percentage of Rabaul's single white women, was a popular target and the matron had to be dismissed in 1924 when stories about her various affairs became common knowledge around the town. Rabaul's social news was broadcast so reliably by the gossips that the Rabaul Times recorded its amazement in February 1929 that two well known residents had managed to keep secret their impending marriage. The intimacy of the society, particularly at the managerial level of public service and private business, also made it difficult to escape the hostilities which flared up between individuals. It must have been embarrassing for Wisdom, for example, to preside over an Advisory Council half of whose members, on his own admission to McLaren, he either intensely disliked or believed were incompetent.

As C.A. Valentine points out, Europeans in Rabaul and the Mandated Territory were unable, however, to apply principles of social organisation from their societies of origin to their

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42 Wisdom to McLaren, 9 July 1924 in CP 290/13 item 7, above.
43 Rabaul Times, 1 February 1929.
dealings with New Guineans. Their attitudes and assumptions on race relations were shaped by their desire to preserve the social and economic benefits which flowed to them in their position of privilege. They came to believe that the maintenance of a pool of cheap and compliant labour was a fair return due to government officers and settlers engaged in the tutelage of backward people in the values of the civilized world. All Europeans regarded themselves as secular missionaries, none doubting that the New Guinean population would ultimately benefit from their presence. Most considered that the degree of privilege they enjoyed was only a reasonable compensation for their choosing to live and work in an environment inimical to their physical and mental well-being.

This social contract, race privilege in return for tutelage by active example, was expressed in the dogma of white prestige. Theoretically, white prestige was an imposition upon the individual European to behave in a manner which would never compromise the authority of his race in the minds of the people whom it governed and instructed. Prestige was the instrument through which, to the mind of one Rabaul resident,

In several parts of the globe a handful of whites hold in subjection several million of turbulent black people whose character has been moulded through centuries of the unchecked sway of primitive passions.


45 "The kid-glove policy", Rabaul Times, 28 August 1925.
Despite the frequency with which 'prestige' was employed, or perhaps because of it, the term lacked definition. Those who invoked it usually enlisted half-baked theories of the mental, material and moral superiority of the white race to justify its application. S.W. Reed, an American anthropologist who visited the Territory in the late 1930s, illustrated the flexibility of the notion with an anecdote about two recruiters of labour in the Sepik District. The first had no reservations about villagers calling him by his name but would go to great lengths to bathe in private: the second would unabashedly expose himself to a whole village while insisting that he never be addressed as anything other than masta. Each man felt that the other lowered white prestige and neither was shaken in his belief in the principle by the discrepancy.  

Local theorists in the 1920s based their defences of white prestige on the obvious material and technological disparities that existed between Europeans and New Guineans. They accepted the gap as proof of the mental inferiority of the black population. Europeans did not bother to distinguish between New Guineans from different cultures in the picture they built up of the archetypal 'native'. He was a man with the intelligence of a European child, with little control over his passions. He was innately lazy and the personification of ingratitude. He interpreted humanitarian treatment as a sign of weakness, and reserved his respect for those who exhibited their strength. European contempt for 'the native' reached its peak in the

aftermath of the Rabaul strike. Three weeks after the event the Rabaul Times published an article entitled "The education of the native" written under the pseudonym 'Criticus'. 'Criticus' maintained that

The local native has very small intelligence, and in the greater number of cases what little intelligence he has is used for criminal purposes...Left to their own resources the natives are so lazy that it would only be a matter of very little time before every inch of ground would be overgrown...

Yet the strike, while it brought a spate of derisive articles, forced Europeans to overhaul many of the assumptions upon which white prestige had been based. The Commissioner who had investigated the event had come to the disconcerting conclusion that it had been New Guinean intellects and New Guinean energies which had directed the entire action.48

A correspondent to the Rabaul Times eighteen months after the strike signalled the change of attitude when he made the qualified admission that the "native of this territory has far more intelligence than we give him credit for, although he does not show it openly".49 The old comparisons became increasingly difficult to draw in the 1930s. New Guineans demonstrated that they could achieve literacy in English and

49 "Correspondence", Rabaul Times, 21 November 1930.
make their mark at school in Australia, while standards of tradesmanship of the students at the Malaguna Technical School was endorsed by the purchase of their work by European residents. New Guineans were increasingly seen behind the wheels of cars and trucks and had shown sufficient enterprise to save the money to buy a vehicle and engage in a taxi business. Despite the scepticism of the town's Europeans, a police brass band successfully performed at public functions only four months after its formation. Progressively less was

50 W.C. Groves, an anthropologist who had formerly supervised the first school for New Guineans established under the Mandate, sponsored two boys at a school in Australia. Their headmaster attested to the scholastic and sporting abilities of Salin and Lue, see Annual Report 1928-29, p. 22. Salin and Lue returned to New Guinea to teach at the Malaguna elementary day school where they "appeared to exercise good discipline over their classes, nor did they appear bumptious or arrogant as a result of their Australian training". "A.B.C. of the T.N.G.", Rabaul Times, 8 April 1932.

51 In the year 1929-30 the sale of work realised over £1,200 of the £7,697 expended on education in the Territory. Above.

52 See below, p. 162.

53 "Local and General", Rabaul Times, 21 October 1938. The band had been trained by W.O. Dan Crawley who had chosen to disregard the advice of older European residents that New Guineans could never be taught to read or play music. The members of the band were graduates from the Nodup and Malaguna elementary schools, twelve in 1937-38 and eleven in 1938-39; Annual Report 1938-39, p. 40. The band is still remembered with pride by older Tolai for the skill and appearance of the bandsmen and for their proving wrong the sceptics amongst the European residents. Interview with Samuel Tiluk and Joel ToMarua, Rabaul, 23 October 1975, translated by Alan Leadley.
written about their innate laziness and meanness of intelligence in light of these developments; champions of white prestige turned instead towards emphasising their 'moral inferiority.

In the forefront of those who sought to restate the bases for white prestige was the planter and journalist Gordon Thomas who returned to the editorship of the Rabaul Times in 1933 after an absence of six years. Thomas had worked on two newspapers in Canada before arriving in German New Guinea in 1911 to take charge of the printing press owned by the Methodist Mission. He supervised printing operations at the mission station at Watnabara in the Duke of York Islands, tutored at the George Brown College there and married a mission sister.\(^5^4\) He left in 1912 for employment with the major German plantation company Hamburgische Suedsee-Aktiengesellschaft (HASAG), moving to the British owned Choiseul Plantations the following year. After service with the AIF in France, and several years of plantation management at war's end, Thomas accepted the job of editor of the Rabaul Times at its inception in 1925. He stayed with the paper until 1927, then returned to Buka as a planter. During his second period of editorship, which lasted until the Japanese invasion, he contributed the editorials, local and social news, court reports and such snippets of international news as he picked up on his radio. He also opened an agency in Rabaul and his clients included the Pacific Islands Monthly for which he acted as Rabaul correspondent.\(^5^5\)

\(^5^4\) N. Threlfall, One hundred years in the islands, Rabaul, 1975, p. 85.

\(^5^5\) Biographical details from the obituary for E.I.G. Thomas in P.I.M., Volume 37 Number 8, August 1966, pp. 9-10.
Thomas stands revealed by his editorials as a man who prided himself on his urbanity, understanding of human nature and his long association with New Guinea. He believed that good manners and civility were the making of a civilized man and stressed that 'all Europeans were duty bound to maintain white prestige through the example of their individual lives. He viewed the New Guinean population with mixed feelings; while displaying a fondness for them which at times bordered on respect, his expressions of concern for their welfare inevitably led to his suggesting that their economic development, acquisition of skills and access to education be limited. He championed the summary corporal punishment of New Guineans for minor offences from his earliest editorials in 1925 until the 1940s, often supporting his case with references to his experience of conditions under German administration.

He was, according to the manager of the Rabaul Printing Works, a popular editor of the town newspaper. He also filled positions on the committees of both the Planters' Association and the Citizens' Committee. By 1937 he was posing as an eminence grise on Territorial affairs, particularly in regard to race relations, and anticipated appointment to the Legislative Council when nominations were called that year. He failed to win selection. His values were expounded in greatest detail by Donald Fraser, the hero of his novel *Tropic Equations*, published in 1933 under the pseudonym 'Don Gordon'. Fraser boasted that he had never struck a labourer in his last

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57 Hoogerwerff to Mouton, 25 December 1936, above. Hoogerwerff claimed that Thomas had also been nominated in 1933.
twelve years in the islands,

It's weakness, Dave, when you have to maintain discipline by force of arms. Though I'll admit there are times when a birching is a good thing - if so, let him have it - but in the approved style. Do it before the mob and let another boy give him the birching. 58

He lectured Dave Evans, a young medical assistant, on "thinking native"; succeeded where the mission had failed in transforming local villagers into an industrious and well-ordered community and exposed in a climactic courtroom scene the folly of the inexperienced and self-important young kiap who takes the word of a New Guinean above that of a white man.

To Thomas, the need to preserve prestige was even greater when the colonial administration renounced the use of violence in extending its authority over a subject population in favour of "moral suasion". 59 He culled many of his ideas from anthropological work on Territorial peoples which he often reviewed in the generalities columns of the paper. Where some critics of anthropologists dismissed them as dilettantes with no appreciation of the significance of European enterprise in an undeveloped country, Thomas borrowed some of their jargon to lend an academic air to his own theories. He began to draft defences of white prestige in terms of the problems of "culture contact", suggesting that the pace with which New Guineans were acquiring technical skills, garnering income and acquiring material possessions should be slowed down.

59 "White and black fashions", Rabaul Times, 6 July 1934.
Thomas argued that the New Guineans' own culture did not equip them with the responsibility and restraint necessary to prevent their new acquisitions from becoming threats to life and property.

Thomas expounded his theories in a series of editorials in 1935 and 1936. He urged that "a checking up on their appreciation of principles governing social and economic responsibilities" should take place, involving an evaluation of the "perspectives" of those New Guineans who were proceeding along the "Westernised road". He did not specify the method or the agency by which such "perspectives" could be checked to "see that they are correct and not out of plum". He concluded with a prediction that

the time will not be far distant when native shop-keepers will be competing with Chinese and Europeans even as they do today in the taxi business; and then a step onwards to more ostentatious residences and other privileges which it will be necessary to deny them.60

The warning note sounded by Thomas in his prophecy was reminiscent of an earlier editorial in which he had stressed that

A Black Country is a Black Country and it will always remain such; no matter how civilized the indigenous population may become. In fact, the higher civilized the indigine (sic) becomes, the greater is the necessity for prestige.61

In retrospect, Thomas seems to be admitting that, despite the intellectual polish he attempted to give the dogma of prestige, the ultimate factor upon which European privilege would rest

60 "Hold your horses", Rabaul Times, 29 March 1935.
61 "White and black fashions", Rabaul Times, 29 March 1935.
once all the disparities of income, education and experience had been levelled was the fact of whiteness.

European residents of Rabaul were quick to find fault in those whites whom they felt to be undermining race prestige through thoughtless or unseemly behaviour. There was the "disgusting sight" of visiting European sailors "fraternising with coloured men emanating from some islands in the Pacific" which so appalled 'Onlooker' that he was moved to write to the Rabaul Times in protest in 1928. New Guinean and Chinese passers-by observed the scene through the doors of the hotel;

Heaven knows our prestige is low enough at the present time, and it is high time that the police took a hand to prevent this kind of thing in the future...The color line must be drawn somewhere...

Many of the instances of familiarity between Europeans and New Guineans were thought to stem from the ignorance of recently arrived Australians. They did not realise that such actions brought confusion to the minds of New Guineans who had accepted the superior status of the white and the degree of deference they should display. Despite the effective indoctrination of newcomers by old hands on the correct way to deal with New Guineans, letters and articles published in the Rabaul Times repeatedly urged that the Administration should prepare an

62 "Prestige" by 'Onlooker' in "From our mail bag", Rabaul Times 20 January 1928.

63 See, for example, "Why coons become contrary", Rabaul Times, 11 May 1928 and "Correspondence - Our behaviour", Rabaul Times, 22 May 1936.
In the cases of those Europeans who simply did not maintain a standard of living in keeping with the status of their race,

a watchful administration steps in and provides him with a free passage to a country where his degradation will not be such a danger to his caste as it is in a Black Country.

Difficulties arose when the need for Europeans to present an image of respectability and moderation impinged upon their social and business lives. Although strongly condemned by a correspondent to the Rabaul Times in 1935, "beer parties", at which drunken Europeans were served by New Guinean barmen, continued to be held and European women still attended the cinema in revealing dresses. The visits of tourist vessels to Rabaul also posed a dilemma. The passengers, unaware of the conventions which governed the relations between the races, unwittingly offended local residents. Their throwing money into the harbour for children to dive for and their paying exorbitant prices at the New Guinean market was feared would lead servants and labourers to believe that their masters could

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64 The suggestion that a brochure be prepared was put repeatedly, from a letter by 'Green Diamond' to the Rabaul Times, 23 April 1926 to the editorial "Three causes", Rabaul Times, 16 April 1937. No booklet was ever prepared despite the widespread agreement that it was needed. Only with the publication of You and the native: notes for the guidance of members of the forces in their relations with New Guinea natives in 1943 was an attempt to instruct Europeans in their behaviour towards New Guineans.

65 "Definitions of distress", Rabaul Times, 8 December 1933.

66 "Correspondence - Native and European culture", Rabaul Times, 14 June 1935.
afford to raise their wages without any great sacrifice.  
There was also the frequent spectacle of drunken tourists  
staggering back to their boat surrounded by a curious crowd.  
These undesirable features had to be weighed against the business  
the visits generated in the town and the satisfaction of having  
Rabaul chosen as a port of call. Despite the reservations of  
the Rabaul Times, their appeal to town businessmen and the  
collective ego carried the day and the visits continued.  

Apart from those Europeans who thought, like Hubert  
Murray, that they could earn their prestige through good  
example, there were others who treated New Guineans with a  
measure of respect. Missionaries had long been suspected of  
broadcasting dangerous ideals of equality amongst their congregations  
but such heresies were not confined to the servants of  
God. The Rabaul Times saw fit to issue a warning in 1937 that  
a lot of well meaning though misguided people  
resident in the Territory at the present time  
...unfortunately endeavour to place the native  
on the same plane as themselves, forgetting  
the vast disparity in the respective cultures.  

67 "Why coons become contrary", above.  
68 "Oronsay day in Rabaul", Rabaul Times, 16 August 1935.  
70 "A number of whites in New Guinea have no racial prejudice  
and regard skin pigmentation with indifference. They are  
found in all classes but are most common amongst the  
missionaries and, to a lesser extent, the officials and  
independent miners. These last usually have a small labour  
line and appreciate the native as a human being by working  
at his side". H.I. Hogbin, Transformation Scene, London,  
1951, p. 277.  
71 "Our new arrivals", Rabaul Times, 8 October 1937.
A more common attitude, particularly amongst white men heavily reliant on the skills and perseverance of their New Guinean subordinates, was to brush aside the more odious aspects of the code with cynical indifference while accepting whatever it offered which assisted them in getting their jobs done. Nonetheless, a majority of Europeans, and certainly a majority of the white residents of Rabaul, whose only real contact with New Guineans was in their households, embraced the code without reservation. They responded energetically when they believed their positions to be under threat.

Correspondents to the Rabaul Times and the paper's editorials throughout the 1920s and 1930s constantly hearkened back to a past era when prestige had been at its apogee. It was a nostalgia based upon a myth; the Europeans never seemed to realise that they had been writing as spiritedly about the parlous state of prestige in the 1920s as when they hailed those same years a decade or more later as some kind of golden age. The repetition of the claim fixed in European minds the belief that the prestige of their race was in steady decline, a decline that would have to be halted before their positions became untenable and the Territory "drifted into chaos". While prestige became synonymous with the extent of European privilege and any administrative or social initiative which threatened the status quo was viewed as a dangerous erosion of prestige. Similarly, any self-assertion by New Guineans was seen to constitute impingement. In essence they came to believe that the maintenance of white prestige was irreconcilable with the aim of the Mandate, the advancement of the peoples of New Guinea until they could "stand by themselves under the strenuous
conditions of the modern world". The pledge of the Mandatory power was interpreted by the European residents to mean the progressive sacrifice of social and economic privilege as New Guineans graduated firstly, from plantation labourer or houseboy to employment as a skilled artisan or junior clerk, then further along what Thomas had described as the "Westernised road". Although colonial administrations in other parts of the world were slowly coming to realise that the colour bar could not be impermeable, the Europeans in New Guinea were not prepared to make concessions. Reed observed in the late 1930s that, "Cloaked in undefined slogans and spurious rationalizations discriminatory practices are as strong at present as they have ever been". He added that the Europeans excused their resistance to the social and economic progress of New Guineans with the plea that such development was incompatible with the maintenance of prestige.

The first comprehensive attempt to describe the state of race relations in New Guinea published in the Rabaul Times, contributed under the pseudonym 'Quis', was entitled 'The black peril'. 'Quis' detected a lamentable lack of respect of the black race for the white throughout the Territory and after criticising the Administration and the Commonwealth Government for their "native policy", he urged European employers to assess their own behaviour towards New Guineans. The successful maintenance of prestige, he argued, depended on constantly

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72 S.W. Reed, above, p. 245.

73 "The black peril", by 'Quis', Rabaul Times, 3 and 10 July 1925.
stressing that the relationship of the white man to the black
was one of master to servant. Once the relationship had been
firmly established, the European should never allow himself or
his labourers to compromise the distinction. Instances of
familiarity on the part of the European were as inadvisable as
instances of brutality as both cast doubt into the mind of the
servant as to the superiority of the master. Only by keeping
his distance could the white man inculcate "a sense of respect
on the part of the inferior... One old and well-worn motto is
'Never allow a native to forget that he is your inferior'". It
was a question of face and, as blemishes are less noticeable
at a distance, Europeans best served themselves by insisting
on rigid segregation, "concealing our own failings and weak­
nesses from the eyes of the native population as far as possible".74

Although Europeans designed a round of business,
social and private activities which eliminated contact with
New Guineans as far as possible,75 the reality remained that
neither public nor private enterprise, nor their comfortable
lifestyles, could survive without New Guinean labour. The
majority of New Guinean labourers were employed under indenture,
paid a monthly wage between the minimum of 5/- and maximum of
10/- prescribed by the Native Labour Ordinance. They usually

74 Above, 10 July 1925.

75 Valentine refers to the European, Asian and Native populations
as 'castes' (as does Reed, above, p. 245 ff.) and includes
tables of marriages and procreation based on the returns in
the Annual Reports of the Mandated Territory to illustrate
the rigidity of the barriers between the races. C.A.
Valentine, above, pp. 262-78.
received about 2/- each month in hand, the balance being
defered and paid at the completion of their contracts.\textsuperscript{76}

An increasing number of men were employed as casual labourers
in the Rabaul region in the 1930s, particularly after an
amendment to the Labour Ordinance in 1933 which allowed such
an arrangement where the place of work was not more than
twenty-five miles from the employee's permanent residence.\textsuperscript{77}

C.A. Valentine has compiled tables which show that the indent-
ured workforce in the Rabaul region fluctuated between 6,000
and 9,000 during the period, depending on the condition of the
copra market. The total number of indentured labourers in
the Territory in the period increased from 20,000 to over
40,000.\textsuperscript{78} Valentine notes that there were some 2,400 casual
workers in the Territory in 1939 and many of these men would
have been employed in the Rabaul region.\textsuperscript{79}

Anxious that the supply of labour to Rabaul plant-
ations and businesses should be maintained, town residents
began to express concern over the growth of the mining industry
on the mainland in 1928. Reports that recruiters were receiving
up to £15 for labourers from miners brought support from

\textsuperscript{76} Indented labourers were also exempt from payment of the
annual 10/- head tax.

\textsuperscript{77} Payment of casual labourers was made on a daily basis. A
contributor to the Rabaul Times claimed that some Matupit
casual labourers were demanding 3/- a day plus meals in
December 1928; "Labor" by 'Criticus', Rabaul Times, 21
December 1928. C.A. Valentine, above, p. 199 notes that
the ruling rate of pay was 1/- daily with no food or issues.
Valentine's figure is confirmed by S.W. Reed, above, p. 230
who records that casual labourers called an unsuccessful
strike in 1937 in an attempt to raise the rate from 1/-
to 2/- per day.

\textsuperscript{78} C.A. Valentine, above, pp. 185-86.

\textsuperscript{79} Above, p. 198.
planters for the introduction of Asian labourers under contract to work their holdings.\textsuperscript{80} Other suggestions to boost the labour supply were aimed at overcoming the innate laziness which Europeans believed afflicted New Guineans. One contributor to the \textit{Rabaul Times} argued that increasing head-tax from 10/- to £10 a year would have the desired effect; he also wished to extend the length of the contract of indenture and make it compulsory for all New Guineans to serve at least one three year term.\textsuperscript{81} Calls for the introduction of Asian labour were again voiced in the 1930s as references were increasingly made to the shortage of New Guinean labour.\textsuperscript{82} A Commission appointed by the Legislative Council to investigate the subject in 1939 found, in a majority report, that no serious difficulties in obtaining New Guinean labourers existed despite the complaints.\textsuperscript{83} A minority report however favoured the importation of Asian labour to contain the rising price of recruits.\textsuperscript{84} All members of the Commission doubted that New Guineans were ready for widespread employment as casual labourers as they had yet to appreciate the obligations of an agreement which was not supported by penal sanctions.\textsuperscript{85}

Europeans tended to think of New Guineans as the 'units of labour' by which all manual tasks were performed.

\textsuperscript{80} "Editorial", \textit{Rabaul Times}, 21 December 1928.
\textsuperscript{81} "Rabaul Topics", by 'Criticus', \textit{Rabaul Times}, 8 June 1928.
\textsuperscript{82} "The native labour question", \textit{Rabaul Times}, 25 September 1936.
\textsuperscript{83} Report of a Commission appointed to inquire into the matter of native labour in the Territory, 1939, p. 10.
\textsuperscript{84} Above, p. 23.
\textsuperscript{85} Above, pp. 40-41.
With the arrival of a trailer fire-engine in Rabaul in 1934, it was naturally assumed that the appliance would be moved to the scene of the fire by New Guinean labourers. It was not until an emergency exercise was held that it was discovered that

a more satisfactory method of transporting the engine to the scene of the fire than being dragged and pushed by natives, would be to attach it as a trailer to some light motor truck. This would allow the suction hose, float and other paraphernalia (sic) being placed on the truck and arriving simultaneously at the scene of the action with the engine. 86

To preserve a distance between themselves and the New Guineans who performed the manual tasks on their plantations and in their homes, the Europeans followed an elaborate etiquette in their dealings with black men and women. A plantation manager of the late 1930s, who landed in Rabaul as a boy of fourteen in 1929, vividly recalled his first encounter with the compromise which Europeans made between keeping their distance and availing themselves of service. Soon after his arrival he observed a strapping young European male striding off for a game of tennis, decked out in spotless whites. He was trailed at a respectful distance by a small New Guinean boy who was loaded down with racquets, balls and a large tin of cigarettes. As the sportsman finished his smoke, he would cry for his boy who would dash forward, proffer the tin, then retire with his bundle to trot along behind his employer. 87

86 "Local and General", Rabaul Times, 1 June 1934.
87 Interview with Lorrie Pearson, Kavieng, 26 October 1975.
Within European homes the compromise was most marked; in no other place might it be expected that Europeans would achieve the distance from the New Guinean population they coveted, in no other place were they so closely attended. New Guinean servants prepared their food, laundered their clothes, kept the premises clean and supervised their children. "The average bungalow home requires from three to five native servants" advised the New Guinea Handbook in 1937. The essentials were a cook, laundry boy and house boy. Householders preferred to employ servants under contracts of indenture although, in the later years of the Mandate, men from the communities of Matupit and Nodup, recognised as the best servant material, began to insist that they be retained as casual labourers at higher rates of pay. The Handbook put the minimum monthly cost of maintaining a servant at 30/-, excluding expenditure on medical treatment and special clothing, warning new arrivals "to give gratuities and favours only with the greatest exercise of caution". Many employers disregarded the advice as labour became more difficult to attract in the late 1930s and the practice of giving extra issues of clothing and food at Christmas, passes to the cinema on Thursday nights and even bicycles, to induce a servant to resign a contract of labour, became widespread.

The standing of a European within white society was enhanced if he or she possessed a disciplined and decorous staff. The talents of servants were often on show at the

89 Above, p. 143.
numerous private dinner parties which were a feature of social life in Rabaul. Senior officers of the Administration and leaders of the business community paid considerable attention to the selection and training of their servants. Both Wanliss and Phillips, as befitted their station, were well attended while Gordon Thomas, champion of racial politesse and social graces, had trained his servants to the point where they shuttled back and forth with finger bowls for guests.  

The lengths to which European residents were prepared to go to establish a distance between themselves and the New Guinean servants who worked in their homes gave rise to what Reed labelled the "bizarre theory" that the original German settlers had introduced pidgin English as the medium for inter-racial communication so that they could converse in German and not be understood by their servants. Reed attributed the currency of the theory to "an emotionally based opposition to allowing natives access to European, culture through the medium of a common (European) speech". Reed was undoubtedly correct although the Europeans whose motive he

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91 See, for example, "Lingual misunderstanding", Rabaul Times, 15 February 1935.
92 S.W. Reed, above, p. 271 f/n.
93 The languages of colonial powers often became "symbolic of alien cultural worlds and antipathetic societies...so that a member of a dominant race may insist that subordinates address him in their own language or in a debased form of it, even though the subordinates are quite fluent in the language of the dominant race". L. Kuper, Race, class and power, London, 1974, p. 17. For a graphic account of the operation of language as the "cultural shibboleth" described by Kuper, see F. Fanon, Black skin white masks, (translated by C.L. Markmann) London, 1970, pp. 13-30.
claimed to have uncovered would certainly have replied that he had credited them with a greater respect for the capacities and aspirations of New Guineans than they actually did possess. They believed themselves to exercise a proprietary right over pidgin, that its vocabulary and syntax were frozen in the context of the mode of communication between master and servant. Older residents enjoyed showing off their command of pidgin to newly arrived Europeans little realising that the language was alive and constantly evolving, outside the confines of the masta-boi relationship, in the hands of New Guineans from different parts of the Territory who depended upon it for their social intercourse with one another. The organisation of the Rabaul strike was evidence of the vitality of pidgin, yet, such was the association between the language and the New Guineans state of subservience to the European mind that its role was not even remarked.

A measure of distance was also maintained between the European and New Guinean populations under the Native Admin­istration Regulations and other Territorial legislation described in the previous chapter. This written law was reinforced by a range of social, cultural and economic conventions. For the European residents of Rabaul segregation became a fetish and the web of discrimination was regarded as a guarantor of continued
European employers were often advised, for example, in the much cited article in the Rabaul Times entitled "How to succeed as a coconut planter in New Guinea", not to allow their labourers to approach them directly on any matter. A rationale for such a caution was offered by E.R. Stanley in a publication of far greater sobriety than the Rabaul Times,

Do not fraternize with a native, for sooner or later he will believe that he is on the same level as you. Far too many visitors to the country make this mistake. I find it a good policy to say as little as possible to my carriers. All my instructions are given to one reliable boy, personally selected, who is given to understand that he is wholly responsible.

A correspondent to the Rabaul Times in 1935 objected to hire cars being available to both Europeans and New Guineans; "it would be interesting to learn whether car-owners take any steps to adequately disinfect and thoroughly cleanse these vehicles after...trips (by natives) have been made. It is not unusual for some of the native passengers to have ring worm and other diseases...Is it not possible for car-owners to set aside certain cars for the exclusive use of native patrons?" In a memorandum to the Government Secretary written in February 1937, W.E. Ball, acting as Police Superintendent, supported the reservation of cars for the use of Europeans only. He admitted however that, so attractive was the custom of New Guineans because "bad debts are practically non-existent...(that) the effect of the legislation asked for might possibly produce, would be the setting aside of a second or third rate car for Europeans while the best cars would be used for natives and those who don't mind". "Correspondence - Native joy-riders", Rabaul Times, 1 March 1935 and a/Superintendent of Police to Government Secretary, 3 February 1937 in AA, CRS A518, item G 840/1/5.


The avoidance of "fraternization" demanded also that the New Guinean never directly approach a European to whom he wished to speak. New Guineans were expected to stand to the side quietly until noticed, or, perhaps, attract attention to themselves with a discreet cough or shuffling of feet.

New Guineans who ventured into Rabaul during daylight had to observe certain niceties; they had to stay clear of the footpaths, which were reserved for Europeans and Asiatics, and walk along the roadway. Males had to take care that they did not accidentally brush against a white woman crossing the street, their action would be interpreted as something more sinister by the woman and the police. They even had to take care not to luk strong at a white misis. Motor vehicles, too, had to be avoided in case one left the imprint of a palm on the shiny duco. Some New Guinean house servants hurried to the large Burns Philp or Carpenter's stores in Mango Avenue, where they shopped for their employer. They did not enter the front door but queued up outside the 'boys' window' to present their written orders to the staff inside. If they happened to be customers at one of the lesser shops, they waited until all Europeans had been attended to before stepping forward to be served themselves. On Thursday night, labourers with signed passes from their employers could pay sixpence to see a programme of carefully selected films at the cinema; for the rest of the week Europeans only were admitted.


98 'Don Gordon', Tropic equations, above, p. 79.
Business enterprises which did not take sufficient care to ensure segregation were quickly taken to task. In April 1936 the E & A shipping line caused heated comment over its failure to provide a separate gangplank for European passengers and visitors to their vessel the Nankin. The company failed to heed public criticism and the next of their ships which put in at Rabaul also lowered only one gangplank. The matter was resolved in January 1937 when it was announced that a European constable would henceforth preside over the movement of passengers to and fro from all overseas vessels. The Rabaul Times gave its approval;

This will ensure a control of traffic on the gangways provided for Europeans and natives. These gangways, we understand will be suitably marked and Europeans will assist in the general control by only using the gangway provided for them.

The request made in the item was also a necessary reminder for those residents of Rabaul who regularly boarded visiting ships to drink in unfamiliar surroundings and left late at night somewhat the worse for wear.

Segregation was not forgotten at times of crisis. When plans for the evacuation of Rabaul in the event of another volcanological disturbance were announced in 1937, provision was made for separate sites for Europeans, Asiatics and New Guineans. With a Japanese invasion imminent in January 1942, Europeans

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100 "Oats for goats", Rabaul Times, 17 April 1936.
101 "Local and General", Rabaul Times, 15 May 1936.
102 "Local and General", Rabaul Times, 15 January 1937.
103 Rabaul Times, 12 November 1937.
and New Guineans took refuge from enemy bombers in segregated dug-outs. A member of the New Guinea Volunteer Rifles recalled the consternation of several AIF soldiers when they discovered his New Guinean assistant sheltering inside their trench.\textsuperscript{104}

Central to the distinction maintained between white men and black was the division of certain types of labour according to race.\textsuperscript{105} The canard that Europeans could not perform manual labour in a tropical climate without deleterious effects to their health lent weight to the division. Those Europeans who through ignorance flouted the convention were quickly informed of their indiscretion. Successive Methodist Ministers to the Rabaul congregation were unwitting transgressors. The Reverend Gil Platten was trimming his hedge when a prominent member of his congregation, H.H. Page, happened to walk past. Page suggested that Platten should cease such work if he valued his own and his church's standing in white society.\textsuperscript{106} Platten's successor, Alec Pederick, determined to impress his congregation with his enthusiasm for his new ministry, climbed onto the roof of the European church shortly after his arrival in Rabaul to strip and repaint the iron. He was assisted by a number of New Guineans. He was confounded by the reception

\textsuperscript{104} B.G. Challis, "Rabaul 1942", \textit{Stand To} (the journal of the A.C.T. Branch of the R.S.L.), Volume 10 Number 6, October-December 1966, p. 4.

\textsuperscript{105} "It has been truthfully written that "the function of the white man in a tropical country is not to labour with his hands, but to direct and control a plentiful and efficient supply of native labour and assist in the government of the country, or to engage in opportunities for trade and commerce from an office desk in a bank or commercial firm". \textit{New Guinea Handbook}, p. 328.

\textsuperscript{106} Interview with Mrs Dorothy Pederick, Melbourne, 14 June 1976.
he received at his first service for the Europeans until he discovered that they were disappointed in him and felt he had let their church down by being seen at manual labour with New Guineans. 107

The rigid adherence in Rabaul to the principle that Europeans should not perform manual labour survived despite an abundance of inconsistencies. Although it was not fitting that the town's Methodist minister should clip his own hedge, teams of Europeans could engage in furious games of soccer, rugby and Australian rules without question. Neither was there any doubt as to the propriety of district staff undertaking arduous patrols nor of miners and recruiters who spent weeks combing the interior in search of mineral or human resources. Clearly the belief that Europeans could not engage in physical toil had come to an acceptance that, in certain circumstances, they should not. 108

The convention that Europeans should not perform manual labour was complemented by a conviction that New Guineans should not be allowed to blur the distinction between the races by acquiring the skills and experience necessary to lay claim to jobs reserved for Europeans. From his observations of the


108 Gordon Thomas expressed the humiliation felt by the European civilians taken prisoners of war in Rabaul in 1942 when set to manual labour by the Japanese. Their experience was the more galling for an audience of New Guineans who laughed at the Europeans at work. Thomas - Gordon - Rabaul 1942-1945. (An account of four years as a war prisoner of the Japanese.) PMB 36.
operation of European enterprise in the Territory, S.W. Reed argued that the white residents strove to prevent the New Guineans from gathering sufficient expertise in the course of his employment to be able later to claim he was fully trained in some specialty. He found that the Bulolo Gold Dredging Company

consciously rotates the boys working in its machine shops lest they acquire particular skill. This is a Territory-wide phenomenon which indicates that Europeans are seeking to prevent the formation of occupational class stratification among the native population...Natives may be chosen for particular tasks on the basis of their capabilities, but, in general, they are not selected and trained for the ulterior purpose of assisting the total population to rise above its present level of existence. 109

The attitudes of the Territory's planters were not greatly different. Although they boasted throughout the period that a term of indenture was the best practical education a New Guinean could receive, 110 apart from rudimentary hygiene and the discipline of a daily routine, the educative value of the experience was slight. Most of the tasks performed were repetitions of agricultural inanities with which the labourer was already familiar in village life. When New Guineans attempted to put into practice what they had learned about the preparation

109 S.W. Reed, above, p. 230.

110 "The only real education available to the native at present is provided in the homes of the colonists, in the workshops, on the ships, in the Christian Missions, and particularly on the plantations and trading concerns of the planting community". "Statement by the Planters' and Traders' Association to the Commonwealth Government" in F.W. Eggleston (ed.) The Australian mandate for New Guinea, Melbourne, 1928, p. 60.
of copra, the construction of driers, for example, the local planters were their most vociferous opponents.\textsuperscript{111}

The system of New Guinean education established by the Administration reflected the apprehension of European residents in private enterprise of the challenge which skilled black men posed to their social and economic position.\textsuperscript{112} After the opening of three schools in the Rabaul region in 1922 and the planning of an educational complex at Malaguna which was to cost some £20,000,\textsuperscript{113} the Administration allotted a low

\textsuperscript{111} See J.K. McCarthy, \textit{Patrol into Yesterday}, Port Moresby, 1972, pp. 79-83. McCarthy angered planters in the Kavieng sub-District in 1932 when he encouraged local villagers to build copra driers. He considered that his actions had brought about his subsequent transfer to the mainland. See also the reflection on this instance of the Administration's refusing to assist the economic progress of these New Ireland villagers by W.C. Groves, "Anthropology and native administration in New Guinea" in \textit{Oceania}, Volume 6 Number 1, September 1935, p. 98 (f/n). Complaints that a former editor of the \textit{Rabaul Times}, T.V. Wallace, and his mother, were engaged in similar activities in the Rabaul region brought him before the Rabaul District Court in 1937. Wallace was convicted under the Natives Contracts Protection Ordinance of the offence of supplying materials to a "North Coast chief" on credit. He was fined £2. "Local and General", \textit{Rabaul Times}, 19 March 1937. See chapter 9, below.

\textsuperscript{112} "The hostility of the non-official white residents of the Territory to any system of native education was the most surprising of many interesting features noted in connection with life in the Territory. The prevailing belief is that any such training makes the native more cunning, generates and develops evil qualities, makes him disinclined to work, and renders him a less pliant instrument in the hands of his master". \textit{Education in the Territory of New Guinea - Report of the Under-Secretary to the Queensland Department of Education Z.B.J. McKenna}, published as Appendix C to the Annual Report 1929-30, p. 127.

\textsuperscript{113} Annual Report 1922-23, pp. 29-30.
priority to the development of further institutions.\footnote{114} All that had been accomplished by 1942 was the opening of five more elementary schools, only two of them beyond the Rabaul region, and the provision of an experimental agricultural station, sometimes euphemistically called an 'agricultural college' at Keravat.\footnote{115} The schools had provided a handful of clerks for the Administration, a slightly larger number of recruits for the police force and several assistant teachers.\footnote{116} The opportunities for employment in which the graduates could utilise their education were severely limited. When W.C. Groves returned to New Guinea a decade after his resignation as head teacher of the initial school he inquired as to what had befallen

\footnote{114}{The ambitious plans announced in the \textit{Annual Report 1926-27}, p. 35 for the establishment of Administration elementary schools in every district and a secondary school at Malaguna were never realised. The Administration's yearly expenditure on education averaged £10,000 from 1922 to 1928, but fell to £6,000 from 1930 to 1938. The Administration's programme was funded until 1935 by taxes levied firstly, on New Guineans themselves in 1921-22 and 1922-23, then by a tax of 1/- per month per indentured labourer on employers. The revenue raised was held in the Native Education Trust Fund. From 1930 to 1934, the amount of money held in balance in the Fund equalled the amount actually expended. The unpopular 'education tax' levied on employers was lifted in 1933 (\textit{Annual Report 1932-33}, p. 99) after constant complaints by European employers and the cost of maintaining the existing schools was henceforth met from general revenue. Even by 1940 the annual expenditure on education had not regained the levels reached in the mid 1920s.}

\footnote{115}{\textit{Annual Report 1939-40}, p. 41.}

\footnote{116}{The Annual Reports recorded the number of graduates from the Malaguna and Nodup (from 1931) elementary schools and from the Malaguna technical school who found employment with the Administration or with other Europeans from year to year. Apart from the twenty-three students who joined the police band between 1937 and 1939, the number who were employed at skilled jobs never reached double figures in any one year.}
his old class of forty. He discovered that only three of the men had become teachers, the vocation intended for all his former pupils. Of the balance, some were in gaol, some had signed on as indentured labourers and the rest had returned to life in their villages.  

The Missions carried on most of the education of New Guineans. They claimed that nearly 40,000 children were receiving instruction in their institutions by 1930, a figure which had risen to some 65,000 by 1940. The curricula followed in mission schools were heavily weighted in favour of religious material, their teachers were often ill-trained and their standards fluctuated widely. A number of attempts were made by the Administration to hammer out an agreement with the Missions so it could exercise some influence upon their schools.

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117 W.C. Groves, Native education and culture-contact in New Guinea, Melbourne, 1956, p. 73.
120 This was due, in many instances, to the practice of many mission schools of teaching in a vernacular language in which the only published materials were parts of the bible, hymn books and the like which had been prepared and printed by the missions themselves.
121 See the comparison drawn by Hogbin between the Lutheran and Seventh Day Adventist Schools operating in the Busama village area (near Lae) before the Second World War; H.I. Hogbin, Transformation scene, above, p. 236.
programmes but, in 1935, it was announced that plans for a network of Administration-subsidised Mission schools had been abandoned. The Annual Report for the following year disclosed that a Special Committee of the Legislative Council had been appointed to further investigate the subject of New Guinean education. The Committee was first delayed by the desire of its members to study the papers presented to the Honolulu Education Conference, then it lapsed when it outlived the first Council and was not re-established at the inception of the second Council in 1937. In the same Annual Report which recorded the demise of the Special Committee, the Administration hedged that it was not its purpose...to formulate a definite policy in connexion with native education before the matter has been fully investigated. It is essential that true foundations be laid if success is to attend any policy so formulated, and it is realised that progress must be slow if there is to be any definite achievement.

122 Annual Report 1934-35, p. 37. An attempt had been made at a conference between mission representatives and the Administration in 1927 to achieve a measure of cooperation but the missions had jibbed at opening their schools to official inspection and teaching in English which the Administration had made the condition of its subsidies. Griffiths was enthusiastic about the takeover of all New Guinean education by the missions and his policy was announced in the Annual Report 1932-33, p. 45. His proposals would have brought the Mandated Territory into line with Papuan practice (see D. Dickson, "Murray and education", New Guinea, Volume 4 Number 4, pp. 15-40). Griffiths' plan was reversed by McNicoll, himself a former headmaster, who concluded that mission schools were of too poor a standard to provide the basis for future development. R.R. McNicoll, "Sir Walter McNicoll as Administrator of the Mandated Territory" in The history of Melanesia, above, pp. 118-21.

123 Annual Report 1935-36, p. 36.


125 Annual Report 1937-38, p. 46.
The official Australian assessment of the role of the Administration in New Guinea education was confirmed by the education specialists on the Permanent Mandates Commission, Mlle. Dannevig. She ventured that "she knew of no other territory under mandate in which native education progressed so slowly". There was a minor response to her criticism; the Administration opened new schools in Chimbu, Tavui and Pila Pila and the Australian representative before the Commission announced future good intentions. The Administration was still, however, able to state with accuracy and fine ambiguity at the outbreak of the war in Europe that

On the whole the natives are singularly fortunate, for in a world rent by the calamities of war, they enjoy that tranquillity of ignorance and backwardness which is denied to the more civilized peoples of the world. It is the aim of the Administration while the war lasts to preserve this condition as far as possible.

Many Europeans not only feared the social and economic consequences of the education of New Guineans, they believed it to be a catalyst in the development of the qualities of venality, arrogance and indiscipline amongst the black race. Planters and other employers of indentured labourers always maintained that they would sooner sign on a 'raw bush native' than a man with a smattering of education. Labourers in the latter category were supposed to taunt their employers in the

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126 Quoted in W.J. Hudson, "Australia's experience as a mandatory power" in Australian Outlook, Volume 19 Number 1, p. 41.


128 W.J. Hudson, above, p. 42.

knowledge of the protection which they enjoyed under the Native Labour Ordinance. Gordon Thomas summarised the dangers of expanding the education system too rapidly in response to criticism that the Administration was failing to fulfil this aspect of the sacred trust:

in the more civilized areas it is the general opinion that natives have become excessively educated, with the effect that we have sophisticated indigines (sic) being charged with drinking alcoholic liquors, dangerous driving, obtaining monies under false pretences and, the latest criminal activity, stealing mail from the post-office. Such crimes are the direct result of the careless blending of the cultures and an undue haste to europeanize the natives entrusted to our care. Let us regulate this educational diet ourselves.¹³⁰

The resolute refusal of the residents of Rabaul to countenance the social and economic development of the New Guinean peoples was also motivated by their own sense of insecurity over the status and future of the Mandated Territory. They were confused by the apportioning of governmental power between the Territorial Administration and the Commonwealth and were worried that both authorities paid too much attention to the League of Nations in its role as invigilator. They were equally uncertain of their own identities; whether they were Australians abroad consolidating a Territory which would later become part of the Commonwealth or whether they were simply trustees preparing the land and its peoples for independence at some distant date. Some residents developed an aggressively imperial outlook in the period, likening their position to that of members of the British colonial order in Africa and Asia.

¹³⁰ "Our uneducated natives", Rabaul Times, 13 November 1936 and see also the remarks of McKenna, f/n, above.
The union jack was often more prominently displayed than the southern cross and no opportunity was lost to impress upon New Guineans that their deepest respect should be reserved for the Kings George as the rulers of their country.\footnote{There was, and still is, widespread use of the term 'English' amongst pidgin speakers to describe the European population, chiefly Australian, of the Mandated Territory. Worsley ascribes the currency of the term to the practice of German missionaries of so describing all whites from English speaking countries to distinguish them from themselves. P. Worsley, The trumpet shall sound, London, 1970, pp. 135-36. The usage was reinforced by the contact of New Guineans with Australian troops during the islands campaign, white soldiers whose attitude towards black men and women bore little resemblance to those displayed by the pre-war settlers. See K.S. Inglis, "War, race and loyalty in New Guinea, 1939-45" in The history of Melanesia, Canberra, 1971, pp.514-16 and V. Eri, The crocodile, 1970, pp. 149-50. When Paul Hasluck visited the Territory of Papua and New Guinea in 1951 he discovered that the pre-war administrations of both Territories had made great play of the imperial connection and their former officers were persisting with the use of the Union Jack as a backdrop for official occasions. P. Hasluck, A time for building, Melbourne, 1976, pp. 176-77.}

Their confusion was manifested in the generic terms they used to describe themselves. Sometimes they were 'whites' and 'Europeans', a practical identification with their fellows in other 'black' or 'native' countries. Some never thought of themselves as anything other than Australians, and New Guinea as anything other than an Australian territory: others stressed that they were, above all, British. They rarely employed terms which directly connected them with the country in which they resided, although 'Territorians' was occasionally seen. A thoughtful exception was Eric Feldt, an officer of the Territorial Service who rose from the Public Health Department through District Services to become Warden of the Morobe Goldfields before the Second World War. He suggested that 'Islanders' was the best description of European residents of
New Guinea, Papua and the Solomon Islands but conceded that it did not have a wide usage. One became an Islander, according to Feldt, after four or five years residence in the region, when one "was more at home in the islands than anywhere else...".132

The earliest anxieties of the Australian Administration and the Australian residents were over the presence of large numbers of Germans still in New Guinea in 1921 and of the Chinese population which had entered the Territory under the German administration.

Although the expropriation of German planters and traders had removed most of them from the Territory, many others remained, chiefly missionaries of the Catholic and Lutheran Churches.133 The few non-mission Germans still resident were suspected of supplying information to Australian newspapers that published articles critical of the Administration of the Mandate. The Commonwealth Government and the Administration blamed the Germans, who had protested bitterly during the confiscation of their properties, as fresh disclosures always seemed to coincide with the review of the Territory's Annual Reports by the Permanent Mandates Commission.134

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133 See Appendix C, Table of population 1921-40. Most of the Germans were missionaries; the number of non-mission Germans in Rabaul declined from 221 on 9 May 1921 to 164 on 30 June 1921 and to 50 in June 1922. Melbourne Herald, 9 December 1922 in Press Cuttings 2.

134 See statement of Wisdom in an interview with the Sydney Morning Herald, 27 November 1923 in Press Cuttings 1.
concern, too, about the possible infiltration of German capital into New Guinea when the expropriated properties came to be sold. The initiatives of an investment syndicate headed by the Duke of Mecklenberg in Dutch New Guinea in 1926, widely reported in the Australian press, was seen as confirmation of continued German interest in the islands.  

Wisdom, his fellow members of the Administration and the Australians and Britishers amongst the non-official population displayed a pronounced prejudice against the Germans, clearly a legacy of the recent military and propaganda campaigns against the German nation. The Administrator himself, realising that the reacceptance of Germany amongst the international community would shortly follow the Great War, took pleasure in stating in 1926 that he had been able to "induce several hundred (Germans) to leave before the change in sentiment...began to take place". He feared that a "rush of Germans" would swamp the Territory if their free entry was allowed and urged the Commonwealth Government not to extend to

135 See, for example, The Bulletin, 29 May 1924 in Press Cuttings 5. The Commonwealth Government had received an earlier warning from the British Government, through one of its observers in Berlin, that German interests were seeking to re-enter New Guinea surreptitiously. See Secretary of State to Governor-General, 24 February 1922 in AA, CRS A518, item P 822/1.

136 See, for example, the reference by Royal Commissioners Lucas and Hunt to the "characteristic Teutonism" of German residents of New Guinea. That they would regard the defeat sustained by Germany as only temporary was a reason for the recommendation by Lucas and Hunt that all Germans should be expropriated. Interim and Final Reports of the Royal Commission on Late German New Guinea, CPP, 1920-21, Volume 3, p. 25.
New Guinea the repeal of the prohibitions on Germans entering Australia proclaimed in December 1925. The Australian population of the Territory at the time was small, Wisdom pointed out and an influx of German nationals could so disrupt the Administration that Territorial affairs would constantly be taken before the League of Nations, robbing Australia of effective control. His advice was accepted by McLaren and Sir George Pearce. They succeeded in delaying the entry of Germans to New Guinea until November 1927 when the Commonwealth Government gave way. Germany had by then been admitted to the League and the German Consul-General in Australia, who had been pressing for the concession from late 1925, could no longer be denied without the risk of the matter being raised in Geneva.

Australian residents of the Territory continued to look nervously for signs of German interest in its former colony. The Sydney Daily Telegraph ran an article in July 1928 which reported a panic amongst the residents of Rabaul after an alleged sighting of Dr Hahl in Chinatown. The Pacific Islands Monthly questioned the firmness of the grip of Australia and New Zealand on former German territories in March 1933. The rise of Hitler and the policy of appeasement adopted by

137 Administrator to Department, 17 May 1926 in item P 822/1, above.

138 See six letters of the German Consul-General, H.C. Busing, to the Prime Minister between December 1925 and June 1927 in item P 822/1, above.

139 Daily Telegraph, 28 July 1928, in Press Cuttings 5.

140 "Germany's claim for the return of Pacific island colonies", P.I.M., 23 March 1933, p. 25.
Britain and other European powers to lessen the likelihood of war intensified anxiety. To the consternation of Empire loyalists, there was also talk within the Territory by Europeans in private enterprise that perhaps their businesses would benefit from a return to German administration. They apparently felt that German officials would pay less heed to the criticism of the League and be more responsive to the problems of European enterprise. There was an irony in the admiration of the strong-arm tactics believed used by the Germans before the Australian occupation as it had been argued in the early years of the Mandate that the suppression of the harsh practices of German settlers was one of the great benefits of Australian rule.

A visiting member of the House of Commons, William Teeling, noted speculation about the advantages of a return to German control in 1935. In October 1938, against the background of European tension, the Rabaul Times assured its readers that now the impotence of the League had been proved, the Australian administration in the Territory could be more forthright and no great benefits would accrue from a German takeover. Residents of Rabaul and Wau held public meetings shortly afterwards at which they affirmed their loyalty to Australia and the Empire. Within a year of the meetings the Empire was again at war with Germany and many Australians

141 "Now, what about this?", Rabaul Times, 24 June 1938.
143 "The colonial question", Rabaul Times, 21 October 1938.
144 "A mass meeting", Rabaul Times, 4 November 1938.
channelled their anxiety into enthusiastically rooting out Nazi sympathisers amongst a largely inoffensive German minority.\textsuperscript{145}

Whereas the Australians in Rabaul and New Guinea perceived the German threat as primarily political, antagonism towards the Chinese population was firmly based upon the economic challenge they presented. Australian journalists visiting Rabaul in the early years of the Mandate noted that while their fellow countrymen were apathetic and indifferent to the economic potential of the region, the Chinese were industrious and ambitious. Although no immigration had been allowed under the Australian occupation the Chinese community was growing due to a high birth rate and the number of their children who played in the lanes of Chinatown was reckoned to augur ill for the future of European enterprise.\textsuperscript{146}

Rabaul was the focal point of competition as the bulk of the Territory's Chinese population resided there. The town's newspaper, from its inception, carried editorial comment and correspondence from European residents warning of the threat posed by the Chinese to European businesses.\textsuperscript{147} Their arguments


\textsuperscript{146}See Chapter 1.

\textsuperscript{147}P. Cahill, "The Chinese in Rabaul 1914-1960", M.A. Thesis, University of Papua New Guinea, 1972 deals at length with the relations between the Chinese community and the Administration and non-official European population. See his Chapter four, "The search for identity", which details the climate of suspicion and prejudice in which the Europeans formed their attitudes towards the Chinese.
were couched in general assertions about the character of the Chinese race, laced with numerous references to "chows", "kong-kong", "celestials" and "yellows". The Chinese were claimed to be at an advantage as their lower living standards enabled them to undercut their European competitors, forcing them either to accept ruinously low returns or leave the market place. The profits the Chinese did win were often sent out of the Territory rather than reinvested in it, continued their critics, and they hoarded money instead of spending it and thus made little contribution to Administrative revenue. A European correspondent to the Rabaul Times in January 1929 claimed that the refusal of the Chinese to improve the squalid condition of their housing unless harassed by the Public Health Department resulted in Chinatown's becoming a "cesspool of filth and a half-mile square of nauseating and disgusting smells". A subsequent letter carried the fight against the Chinese impingement on European privilege into the Dress Circle of the Regent Theatre in Rabaul. Previously reserved for Europeans it was to be opened to the Chinese and 'Dim-Dim' recommended that all Europeans boycott the Theatre until the management realise that the white man in this Territory will stand side by side with those in other parts of the world to hold up the prestige of the white race.

148 "Correspondence", Rabaul Times, 11 January 1929.
148a At one of the final meetings of the Advisory Council Page read a paper on the removal of Chinatown to an alternative site where the Chinese would not be "occupying ground in a location eminently suited for further expansion of that European community". NGAC Minutes, 19 January 1933 in AA, CRS A518, item M 800/1/3 part 3.

149 "Correspondence", Rabaul Times, 25 October 1929.
Individual Chinese responded to the European correspondents with spirit and dignity in letters of their own. The likelihood that they could break down European prejudice was remote but they could at least take consolation in the achievements won within their own community. Schools were established in Rabaul with cooperation from the Catholic and Methodist Missions. A teacher was imported from China, after some difficulty with the immigration restrictions, with the financial support of the Methodist Mission. The Chinese community also built the Kuo Min Tang Hall as a meeting place and it served as a venue for projects to raise money for their schools and for the Nationalist Government in China to carry on war against the Japanese. Individuals rose to prominence in the business world; Alois Akun owned the largest store in Chinatown, Ah Chee was the genial and celebrated proprietor of the Chee Jour Gnee Hotel and T.C. Wee sat on the board of directors of Rabaul Recreations Ltd. and sent two sons south to be educated at Wesley College in Melbourne. The success

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150 A letter from 'One of the kongs', Rabaul Times, 28 December 1928 claimed that some European residential areas were as untidy and dirty as Chinatown. He added that the Chinese community would be far better off if Europeans settled their debts more promptly. The cavalier attitude of some Europeans towards paying their debts to town businessmen was the object of criticism in "The big question of small debts", Rabaul Times, 20 July 1934. McCarthy recalled his introduction to the casualness of Europeans in a conversation he had with Rabaul's Assistant District Officer about his tailor's bill. J.K. McCarthy, Patrol into Yesterday, above, p. 13.

151 See P. Cahill, above, pp. 103-32.

152 "Local and General", Rabaul Times, 22 January 1937 and personal communication with Mary Jenkins, 30 March 1976.
of such men moved a correspondent to the *Rabaul Times* to favour the transfer of the capital in 1938 for the simple reason that Chinese could be excluded from the new site to give European businessmen a chance to develop their enterprises without competition.  

The frequency with which Australian settlers glanced nervously over their shoulders increased in later years as the European population became more stable. The advent of the soldier planters, the development of the mining industry and the consolidation of the public service introduced an element amongst the European population unknown since 1914, a white community whose lives were bound up with the future of the Territory. After a short period of physical, social and economic acclimatisation, they began to formulate their own ideas as to what was best for the Territory and resented the dictation of the Commonwealth Government and the suggestions of the League of Nations when the pronouncements of those bodies did not reflect their own priorities.

The Europeans in Rabaul were frustrated and angered by their exclusion from the processes by which administrative policies were made for the Territory. The early optimism

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153 "Correspondence", *Rabaul Times*, 21 January 1938.

154 Eric Feldt summarised the character of many of the European residents; "Constant dealing with, and authority over, natives gave the Islander a habit of command, but no habit of obedience...Most Islanders were in an economic position above the average, paid well enough and reasonably secure. This encouraged an independence of mind, even a certain amount of arrogance...". *The coastwatchers*, above, p. 13.
which accompanied the opening of the Legislative Council evaporated when it became clear that the Legislature was little more than a debating society in which the Administration only accepted the views expressed by the nominated non-official minority when they were compatible with its own thinking or the instructions it had received from Canberra on a specific subject. The question of whether the official members of the Council were required to vote en bloc on policy matters was raised by non-official members on four of the five days of sittings of the second session of the Council in February 1934. Non-official member J.C. Mullaly, a planter from the Rabaul region and the sole non-official representative on the Territory's Executive Council, declared that the work of the Legislature would be futile if official members were not allowed to vote according to their own judgment. He took little comfort in the assurances of Crown Law Officer Hogan that non-official comment would always be carefully weighed even though it might not be endorsed by a majority in the Legislature.

The impotence of the Legislative Council was conclusively demonstrated at its sittings in February and August 1936. Despite the passage of a resolution sponsored by Mullaly in 1934 that shipping within and from the Territory should be unrestricted, the Administration introduced an Ordinance under direction from the Commonwealth Government to reserve intra-

\[155\] NGLCD, Session 2, 1934, 5-13 February, pp. 4-6, 13, 31-32, 50-51 and 101-02.

\[156\] Above, pp. 4-6 and 13.

\[157\] Above, pp. 75-82.
island shipping for Australian vessels. After despatching a telegramme to Canberra in protest against the measure on behalf of the non-official members and criticising the official members for their betrayal of the Council's earlier resolution, Mullaly stormed out of the Chamber, followed by three of his colleagues. He tendered his resignation the next morning.158 The Rabaul Times, having attacked the Legislative Council in November 1935 for its indifference to the future of European enterprise,159 fuelled European dissatisfaction with an editorial on the Shipping Ordinance. The legislation had been "pitch-forked" through the Council in

a flagrant example of disregard of public opinion, the flouting of the recorded policy of the Council and individual expression of opinion.160

The Legislative Council came to be seen as just another part of a remote decision making process in which there was little opportunity for Europeans outside the upper echelons of the Territorial Public Service to initiate or influence policy. Interest groups such as the Planters' Association and the RS&SILA which had suffered declines in their memberships after the inauguration of the Legislative Council regathered momentum as the Council foundered. It was through such bodies, and through public meetings, that the European populace of Rabaul put its views to the Administration and to Canberra on the Territory's economy, the rate of crime amongst New Guineans,

158 NGLCD, Meeting Number 1, 1936, 26 February, p. 46 and 28 February, p. 67 and 80-81.

159 "Community of interest", Rabaul Times, 15 November 1935.

160 "The shipping bill", Rabaul Times, 6 March 1936.
the selection of a capital site and the political future of New Guinea.

The greatest anxieties of the Europeans were, however, reserved for the influence which the Commonwealth Government and the League of Nations exercised over the Territorial Administration. They deeply resented that some 3,000 miles away from Rabaul sat parliamentarians and bureaucrats, men with little, if any, first hand experience of Territorial conditions, who presumed to dictate policy to the local Administration. Debates in the Commonwealth Parliament on Territorial matters revealed that members were abysmally ignorant of even basic facts about the Territory, Ministers visited New Guinea infrequently and for those same Ministers, conditions in the Mandate were of minor significance compared with the more weighty responsibilities which crowded their bulging portfolios.

The firm denial by Senator Pearce, as Minister for Home and Territories, of the claims by Ainsworth that the Commonwealth was exercising an overriding influence in New Guinea set the pattern for the subsequent reception of such charges. See Labour Daily, 13 May 1925 in Press Cuttings 3 and Ainsworth Report, p. 5.

Pearce, the responsible Minister between 1922 and 1926 and later from 1934 to 1937 has little to say in his memoirs about his involvement with New Guinea. The only incident he considered worthy of recording was his role in directing Australia's accredited representative before the Permanent Mandates Commission not to make a certain speech. G.F. Pearce, Carpenter to cabinet, Melbourne, 1951, p. 181.

Some residents of the Territory felt that representation in the Commonwealth Parliament, as granted to the Northern Territory, would allow their case to be more forcefully put. See, for example, "Wanted - M.P. for New Guinea", Rabaul Times, 10 June 1938.
The *Rabaul Times* catalogued a succession of Commonwealth decisions which infuriated European residents: the instructions despatched to regulate the conduct of a police expedition in New Britain in late 1926; the wrangle over the constitution of the Legislative Council, at its most heated in 1928; the rumours of amalgamation with Papua which surfaced in 1928, 1932-33 and was the subject of a report by a Commonwealth committee in 1939; the Shipping Ordinance of 1936 and the indecision over the selection of a capital site which hamstrung Territorial development between late 1937 and the Japanese entry into the War. Serious though these differences were, the most consistent cause of indignation amongst the Europeans in the period was the 'native policy' of the Administration which they believed was shaped in Canberra by politicians and public servants under the spell of the League of Nations.

Europeans in New Guinea believed that the pre-occupation of the members of the Permanent Mandates Commission with the fulfilment of the "sacred trust" by the Mandatory power had blinded them to the importance of maintaining the health of non-indigenous enterprise which, in the case of New Guinea, bore practically the full cost of the Administration. The Commonwealth authorities were felt to have absorbed the priorities of the Permanent Mandates Commission, or to have been too timid to buck them, with regard to the pursuit of impossibly high standards of health, education and general welfare for New Guineans. Neither Geneva nor Canberra realised that their liberal and well-meaning policies were, according to the European residents, producing a social climate which threatened
to ruin the New Guinean population rather than uplift it. The emphasis on humanitarian methods of government, they claimed, was often misconstrued by New Guineans. The modification of labour and criminal law, for example, replacing summary corporal punishment with gaol sentences or fines was interpreted by New Guineans as a sign of weakness and only incited them to commit further offences.

The Europeans closely followed the decline of the international standing of the League in the hope that the Commonwealth Government would slough off the influence of the "pin-pricking observations of a cosmopolitan commission in Geneva". They had been alarmed by the critical reception the Permanent Mandates Commission had accorded the Annual Report 1927-28 and awaited the review of the next few Reports with trepidation. Letters were written to the Rabaul Times bemoaning the ineptitude of Australia's accredited representatives to the Commission whose poorly prepared submissions and uninformed answers to questions from the Commissioners appeared to detract

164 "A timely pronouncement", Rabaul Times, 18 November 1938.

165 See the defensive official reaction in the "Replies to observations. . . by Members of the P.M.C." in Annual Report 1928-29, pp. 119-124 and the Rabaul Times, 17 October 1929 which blamed the poor reception of the Report on the activities of a member of the Commonwealth Parliament. The P.M.C. had obtained a copy of a letter from a 'high authority' which was critical of the conduct of the Administration of the Mandated Territory and confronted the Australian representative with it. It was subsequently confirmed that the source was a personal letter from Hubert Murray to his brother Gilbert. Gilbert Murray, an active supporter of the League of Nations in Britain, passed the letter to Lord Lugard for his information with no intention that it should be brought up at an official level. See National Archives of Papua New Guinea, Accession G 69, 1/20, folios 1-19.
from the real achievements under Australian control. New Guinea's Europeans did not conceal their relief when the inactivity of the League during the crises in Manchuria, Ethiopia, China and Spain showed it to be moribund. The Rabaul Times saw the Anschluss as the mortal blow to the League which would free both the Commonwealth Government and the Territorial Administration from the hands of the Commissioners.

Australian policy has been so over-ridden by the League of Nations that the Administration has felt it must pander to the PMC who preview the Annual Report. This policy has been detrimental to the normal commercial progress of the Territory. This pandering can now cease.

The "pandering" to the League by both the Commonwealth Government and the Administration was blamed by authors of articles appearing in the Rabaul Times for the state of indis­cipline which existed amongst New Guineans. So apprehensive were Canberra and Rabaul of criticism from Geneva, claimed many residents, that the Administration had refused to sanction the reintroduction of corporal punishment or toughen the penalties in other ways for New Guinean law-breakers. The result had been that New Guineans had concluded that the Administration was weak and had lost their respect for all

166 See, for example, the letter of 'Doxby', "Correspondence", Rabaul Times, 1 April 1933. 'Doxby' drew attention to the reply of the Australian representative to a question by Lord Lugard as to the difference between copra and dessicated coconut. Sir Donald Cameron explained that copra was the fibrous exterior of the nut whereas dessicated coconut was produced from the interior, shredded and dried. 'Doxby' ventured that, in view of Cameron's response, perhaps the low returns currently being achieved by New Guinean planters was due to the fact that they had been despatching the wrong part of the nut to Europe for years.

European authority. Symptoms of indiscipline were displayed throughout the Territory but were most marked in Rabaul. There were New Guineans who failed to show respect for the white man by not standing to attention at the side of the road when a car drove past and others who neglected to remove hats, cigarettes or wads of betel nut when answering a question. Some did not even rise from their seats at the conclusion of the programme at the Regent Theatre when a picture of the King was flashed on the screen and the national anthem was played. Others were surly and arrogant in manner or presumed to adopt a familiar tone when conversing with Europeans. The men who operated the Rabaul telephone exchange were often cited as examples of the last tendency. One irate subscriber felt that only an application of the cane to the "Kanakas" who manned the exchange would prevent the use of "familiar slang such as "Righto", "Goodo", and bad language...to the white man".

Indiscipline was also claimed to be responsible for a wave of crimes committed by New Guineans. They had become inveterate thieves, were turning in increasing numbers to the sexual intimidation and assault of European women and had even murdered Europeans working in isolated areas. European

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168 See, for example, "It costs nothing", Rabaul Times, 1 July 1932.
169 "Correspondence - Native respect needed", Rabaul Times, 5 October 1934.
170 "Hello worries" by '0 yez! O yez!' Rabaul Times, 26 February 1926. There were frequent complaints over the next ten years until the operators were replaced with European women in 1937.
Residents believed that disrespect was more prevalent amongst New Guineans who had received a rudimentary education or who had been appointed to positions of responsibility than it was amongst untutored labourers or men with little experience of western lifestyle. Furthermore, the European superiors of mission teachers and labourers, members of the Native Constabulary and village officials were oblivious to the problem as their charges never displayed to them the offensive manners they inflicted upon Europeans in the community at large. Villagers living beyond European settlements were alleged to confine their displays of deference to the white man to the brief periods when the kiap was actually in their village. Europeans in private employment attributed the reluctance of the Administration and the missions to acknowledge the existence of indiscipline to the fact that they only ever encountered the "official native", never realising that beneath the respectful exterior lurked the "non-official native" who reverted to type when kiap or missionary returned to their station.

Europeans who believed that a 'native problem' existed were agreed that only action under the law or its agencies could the situation be remedied. The law had to be taken beyond the mere protection of person and property, it had to be extended to

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171 It may have merely been, as Reed points out (p.243), that the "mission native's greater sophistication...which... kept alive the universal dislike for his type. He is less subservient...". Mission education's certainly enabled New Guineans to avoid being cheated at trade stores; they were the customers who always waited for the change due to them after a purchase. Interview with Rev F.G. Lewis and Mrs Lewis, above.

172 See, for example, "Manners and the man", Rabaul Times, 29 September 1933.
reinforce the principles of the dogma of white prestige. European policemen were despatched to patrol Chinatown to clear New Guineans from the footpaths\(^\text{173}\) and were posted at the bung during the visits of tourist vessels to prevent passengers from parting with too much money for fruit and curios.\(^\text{174}\) While the Europeans often protested that there were too many laws and regulations in the Territory, they were quick to suggest legislation to prevent Europeans drinking with visiting blacks\(^\text{175}\) or from playing sport against teams of New Guineans.\(^\text{176}\) The Rabaul Times went so far in 1929, shortly after the strike, as to propose that the police build up a record of the "fingerprint of every individual free or indentured Kanaka...irrespective of whether or not he has been previously arrested".\(^\text{177}\)

Many Europeans were not content with the degree of control over New Guinean social behaviour exercised by the

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\(^\text{173}\) "It costs nothing", Rabaul Times, 1 July 1932.

\(^\text{174}\) "Local and General", Rabaul Times, 22 June 1928.

\(^\text{175}\) "Prestige" by 'Onlooker', Rabaul Times, 20 January 1928.

\(^\text{176}\) "Mixed football", Rabaul Times, 30 March 1928. Wisdom later confided to Canberra that there had been occasional instances of "a few merchant sailors attempting to join in a native football match, but they have always desisted when quietly asked to do so by the European police". Administrator to Department, 16 December 1930 in AA, CRS A518, item B 840/1/3 part 1.

\(^\text{177}\) "Local and General - A suggestion for the police", Rabaul Times, 8 March 1929.
Native Administration Regulations. They saw in the question of the access of New Guineans to motor transport a threat to the cultural and material distance so carefully preserved between the races. It became a rallying-point, letters to the Rabaul Times complained about the recklessness and irresponsibility of New Guinean drivers and the use of cars for criminal purposes. In July 1935 a Matupit man walked into a European store and bought a late model sedan for use as a taxi with money he had accumulated from a successful laundry business. Payment was made in cash, carried in a copra sack. Europeans who had been warned in advance about the impending purchase had taken the matter to the Executive Council two months before. The Council had been unable to decide on a course of action but the intention of the Europeans was clear. Two years later a young New Zealand geologist recorded their sentiments in a letter to his father,

There has been terrible outcry against the Administration in Rabaul because some natives have been allowed to save up enough money to buy cars and actually ply them for hire... They want the Administration to stop it. That is the common attitude.

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178 "Correspondence - Native joy-riders", Rabaul Times 1 March 1935.

179 "Local and General", Rabaul Times, 19 July 1935.

180 NGEC Minutes, 7 May 1935. The man named in the Minutes as the purchaser was Vincent ToPopat and the Administrator informed members that other New Guineans were intending to buy "schooners, launches and lorries for the purposes of engaging in trade". In AA, CRS A518, R 800/1/3 part 1.

181 B.W. Collins to his father, 29 October 1937 in Collins, B.W., Letters. The Motor Traffic Regulations had been amended the previous March to punish with a fine of up to £5 any New Guinean, not being the driver of a car, to sit on the driver's seat.
Further examples of the use of the law and the police to regulate New Guinean society are discussed in subsequent chapters. The emphasis which the Europeans of Rabaul placed upon the embodiment of inequalities in the law indicates that they were realistic enough to admit that the force of technological and moral superiority, no matter how eloquent the example, could ever guarantee the continuation of the lifestyle they enjoyed.

Valentine has argued that European societies in New Britain were divided into occupational segments rather than stratified according to social class. He categorises the Administration, the Missions and the planting and trading communities, adding the important qualification that these divisions "should not be overemphasised, for all Europeans remained united on the overriding values and goals of the dominant caste". Valentine had foreshadowed his qualification with earlier extensive quotation of the published views of Bishop Scharmack on the intelligence and character of the 'average' New Guinean. There appears to be little difference between the generalisations of the Bishop and the picture of the typical New Guinean which emerges from a series of extracts from the Rabaul Times which Valentine sets out in the same chapter.

The Rabaul Times often deplored the propensity of the European residents of Rabaul to divide along occupational lines as it feared that disunity prevented whites in the

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183 Above, p. 354.
184 Above, pp. 320-24.
185 Above, pp. 325-30.
Territory from exerting a greater degree of influence upon Canberra. Later commentators have tended to set the history of European settlement in the Mandated Territory against the framework of the contrary points of view of the groups described by Valentine. In doing so, there is a risk that the common ground between them is neglected. While it is true that there was the major difference that most missionaries and some officials looked upon the New Guineans as human beings whereas many Europeans in private enterprise thought of them as merely as 'units of labour', there were important areas of agreement. The value of the indentured labour system was generally conceded, all Europeans shared the conviction that the New Guinean was mentally inferior to the white man and that he had little capacity for self-restraint. While some Europeans murmured vaguely about the establishment of peasant proprietorship in the New Guinea of the future, most were confident of many more years of white administration before the black man began to participate in the administration of his country. The differences in emphasis which appeared so critical to the Europeans at the time seem, in retrospect, less important than the areas of consensus. The commonness of purpose of all Europeans in the Rabaul region was demonstrated in their reaction to the Rabaul strike. The strike also brought to the surface a final anxiety harboured by Europeans which heavily coloured their attitude towards the law throughout the period.

186 See, for example, "Our problems", Rabaul Times, 29 May 1936.
That an initial panic should have occurred when it was discovered that some 3,000 labourers and policemen had absconded was scarcely surprising, but the continuation of bitter recriminations for months afterwards points to the depth of European anxiety. At public meetings in the Rabaul Picture Theatre and in a series of interviews with the acting Administrator, Phillips, many of the residents lashed out blindly at individuals who had come to personify the forces which they considered were compromising European social and economic domination. Proceeding from the assumption shared by all Europeans that no New Guinean could have been the author of the strike, the residents caste about for the white man or men who had betrayed their race in fomenting the strike. Their choice of culprits was predictable. The assembling of the strikers at the Catholic and Methodist mission stations at Malaguna was seen as confirmation of the complicity of the missionaries in the action. Two senior officials, Walstab and William Ball, were also singled out as exemplifying the 'pro-native' stance the Administration had adopted at the behest of Canberra and in the shadow of Geneva.

Phillips met frequently with delegations of the Citizens' Committee in the days following the strike. The Committee pressed for the blood of Walstab and Ball, an assurance that the missions would not in future "interfere in the functions of the government", the reinforcement of Rabaul's European Constabulary, the prompt punishment of all strikers and
the introduction of measures to permit European employers to inflict corporal punishment on their labourers for breaches of discipline.  

Phillips stood firm before these extravagant protestations. He rejected the calls for the resignation of Walstab and Ball and the proposal that an Australian warship be summoned to Rabaul. He resisted the suggestion of a Committeeman that "all natives should be "biffed" as they returned" or that a detachment of Sikh police should be imported to replace the mutinous Native Constabulary. The Citizens' Committee was finally placated with the promise that an inquiry would shortly be held into the affair.

Wisdom despatched reports to McLaren on the strike and the activities of the European residents in its aftermath at the end of January. He included summaries of the discussion at the frequent meetings held between Phillips and the Citizens' Committee in the days immediately after the strike. Although the Administration, missionaries and private citizens differed on the nature of the penalties which were considered appropriate in the circumstances, there was a good deal of common ground. Phillips had summoned J.H. Margetts, a Methodist missionary, to his office on the morning of the strike to hear his account of events at his station at Malaguna. Margetts completely dis-associated himself from the strike. He told Phillips that he

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188 Letter from C.I.H. Campbell, Secretary of the Citizens' Committee to the acting Administrator, 3 January 1929 enclosed in acting Government Secretary to Administrator, 26 January 1929 in AA, CP 290/13 item 7.

189 Acting Administrator's Memorandum of 5 January 1929 in above.

190 Acting Administrator's Memorandanda of 3 January 1929 in above.

had selected the leaders from the assembly at the mission and lectured them on the responsibilities of a contract of labour before attempting to lead a party back to the town. Phillips' interview with Margetts was completed as a deputation arrived from the first public meeting. Margetts remained to hear their charges against him which he, in turn, refuted. The deputation accepted his version and did not press him further. The Rev. Father J.G. Madigan, stationed at Matupit, vigorously denied the involvement of Catholic missionaries in the strike. After all, the Catholic Mission maintained extensive plantations which depended on New Guinean labour. He added that he hoped the Administration would do what it could to prevent the widespread bashing of returning labourers by indignant employers.

Acting Administrator's Memoranda of 3 January 1929, above.

Memorandum of interview with Reverend Father Madigan, 4 January 1929 in above. Madigan was not directly involved with the events of the strike as few Tolai from his parish participated in it (see A.L. Epstein, Matupit, above, p. 29). The senior Catholic missionary at Malaguna was Father George Boegershausen who gave evidence on the gathering of the strikers at his mission station to the Commission of Inquiry. Boegershausen's attitudes towards New Guineans were not as liberal as those of Madigan, see W.L. Gammage, "The Rabaul Strike, 1929", above, p. 16.

Boegershausen told the Commission that the mission employed about 1,000 indentured labourers. Transcript of Evidence given to the "Commission of Inquiry...into the causes of the native disturbances at Rabaul on 2nd and 3rd January 1929", p. 23.

Madigan later wrote a stinging letter to the Rabaul Times in which he blamed the poor example of the Territory's European residents for cases of New Guinean indiscipline and excess. He also observed however that New Guineans were "of admitted low mentality even among native races". He explained that the education policies of the Missions to what "the present mental capacity of the native has the power to receive. A skilful cabinet-maker may make something useful from a heap of knotty and twisted timber, but he could not turn out first-class work". "Correspondence", Rabaul Times, 23 February 1934.
It is misleading to categorise 'the Administration' as a distinct division within European society. Junior officers based in Rabaul were just as likely to subscribe to the views held by the planter trader group. Phillips record of the discussion which took place between himself and the Council of the Public Service Association on 5 January noted a degree of dissent from the actions he had taken as acting Administrator. Phillips shrewdly asked the Council for its attitude on the threat of "direct action" made by the Citizens' Committee. The Council immediately pledged its support for the Administrator in the face of such an attempt at dictation and their initial nervousness subsided. The sole public servant on the Citizens' Committee resigned by 11 January as the crisis had passed and the Committee had started to become too extreme.

Wisdom returned to New Guinea from Australia in mid-January. In his assessment of the reaction of the Europeans of the town he deplored, with all the contempt of an old soldier for panic amongst the faint-hearted, "the most unfortunate spectacle of white people showing actual fear in the face of a quite peaceful demonstration of natives". Wisdom suspected that Rabaul's business community had harnessed popular indignation after the strike itself had been broken in an attempt to embarrass "the officers most closely concerned in the enforcing of the provisions applying to their labour". The Administrator included himself among the officers who were the targets for

196 Memorandum of interview with Members of the Public Service Association, 5 January 1929 in above.

such agitation. He liked to describe his own policies as caste in the mould of Sir Hubert Murray and rarely lost an opportunity in his letters to McLaren of presenting himself in such a light. His analysis of the deleterious effects of white hysteria on the New Guinean population reveals however that even the self-styled progressive fell back on tired generalisations about the 'native race' when under threat. One must look into the native mind. The fear of the white man is an inherent and necessary factor in the administration of native races. Once that fear goes or is modified we have an entirely changed problem; as for instance in India where the fear is going. The native is naturally at first afraid of the white man and then if and when he finds the white man makes his position of life more comfortable he is also friendly, but in the first place he is only friendly because he fears.

The fact that a mass of New Guineans, who had assembled with no intention of violent action, had seen the disturbance which their combination brought to Europeans might easily be the crystallisation in the native mind of the idea that the white men were frightened. I do not think that this will occur to the average native, but it surely will to a few of the most intelligent and such ideas may spread. The trouble is accentuated by the fact that we cannot punish between 2,500 and 3,000 natives adequately without bringing the social and economic business to a standstill. In this connection, my recommendation regarding whippings by order of a magistrate is the only solution.

Wisdom was thus prepared to sanction the corporal punishment of the strikers to which Phillips had taken exception, and which measure, when advocated by the Citizens' Association, has been subsequently held up to demonstrate their extremism.\textsuperscript{198}

\textsuperscript{198} Wisdom to McLaren, 29 January 1929 in AA, CP 290/13 item 7.
The strike had led many Europeans to make their declarations of fear. It had touched a nerve; there was speculation about how easily all Europeans might have awoken with their throats cut and wild proposals that all whites should be issued with firearms by the Administration. It came as an awful realisation that, no matter how carefully the fact was masked, Rabaul was a white enclave surrounded by thousands of New Guineans. There was little talk of the finer principles of white prestige in the wake of the strike. Confidence that the material and moral superiority of the white race was sufficient to intimidate and exact obedience from the New Guinean population collapsed like a pricked balloon. The induction of over 100 European volunteer constables to maintain a twenty-four hour surveillance of the town and the clamour for the severe punishment of the strikers, within and without the courts, was an admission that European hegemony rested upon the use of the law as an instrument of coercion and social regulation. There was also the nagging thought that while New Guineans could manage without the Europeans, white settlement could not survive without New Guinean labour. The agitators who tried to exaggerate the malevolence of the strike in the early months of 1929 were pleased later to play it down. It was not even enlisted as an example in subsequent campaigns for the greater regulation of New Guineans; it was too uncomfortable to remember the nakedness of European Rabaul and the unity and organisation of the strikers.

199 Acting Government Secretary to Administrator, 26 January 1929 in above.
A correspondent to the Rabaul Times in 1933 aptly conveyed the situation of many Europeans in Rabaul and the Territory in the period when he described them as living in a glass-house.²⁰⁰ Their behaviour was subject to inspection by the Administration, debate in the Commonwealth Parliament, review by the Permanent Mandates Council and the scrutiny of the New Guineans with whom they came into contact. The constitutional status of their adopted country was uncertain, their loyalties were diffuse and it was only through the definition of the position of their own race in relation to the Asian and the Melanesian that they could raise any sense of identity. The most active agent in this process of definition, the guarantor and promisor of achievements past and future, were the laws of the Territory and the institutions which administered them.

²⁰⁰ "Correspondence - Publicity", Rabaul Times, 11 August 1933.
CHAPTER 4

New Guinean crime and the European reaction

In seeking to continue its control of New Guinea after the Great War the Australian Government was motivated by its anxieties over the security of the region, prospects of economic advantage and by its desire to display a maturity as a nation amongst nations in a time of peace as it had so recently done in a time of war. Neither the Commonwealth nor the Administration was prepared to offer a justification for the Australian presence as regards the New Guinean population in more detail than that given to the League of Nations in the first Report on the Territory;

Australian control has meant for the natives of New Guinea a fuller protection of personal liberty and of tribal and communal property, and a keener solicitude and higher regard...for the sanctity of human life. The natives have been brought into closer and more confident relations with the Administration, and have been encouraged to continue such of their local customs as tend to develop their social organization along lines of advancement consistent with the highest principles of the government of a subject-race.¹

An equally vague list of good intentions was submitted to the League the following year.² The Europeans of the Territory saw little need to publish even these platitudes. They believed that British colonial methods were the most enlightened in the

² The Administration undertook to preserve New Guinean customs, so long as they were not repugnant to the principles of civilization; to improve New Guinean health and hygiene; to train in agricultural methods; to educate them and to provide encouragement and protection for New Guineans engaged in work for Europeans. Annual Report 1921-22, p. 51.
world and held it to be self-evident that New Guineans would benefit from exposure to the example of white industry and social order.

Although differences of opinion soon arose between the Administration, Europeans in private enterprise and the Missions over the allocation of priorities in development, on one object of colonial government all were in agreement. The Administration had a duty to promulgate British law and establish British justice throughout the Territory and, until this had been accomplished, its task could not be considered complete. They also believed that New Guineans had to accept and display a respect for the law before they could be admitted to the full enjoyment of the attractions and benefits of western civilization. Some Europeans were no doubt sincere in their conviction that the quality of New Guinean life would be improved by the imposition of the rule of British law. It would stamp out barbarous practices, break down the terror of sorcery, eliminate the constant internecine warfare and protect them from exploitation by unscrupulous whites. Other Europeans were more pragmatic. They looked to the law as the guarantor of safety for their persons and property and as the embodiment of the position of economic and social privilege which they enjoyed.

The application of the laws of the Territory in the Supreme and District Courts and the Court for Native Affairs was summarised each year in tabular form in the Annual
Reports. The tables recorded the frequency with which Europeans, Asiatics, New Guineans and those of mixed race were charged with various offences before each court and whether such cases resulted in conviction or acquittal. The Annual Reports do not, however, disclose the range of sentences awarded by the courts. In the absence of court records, the only information available on sentences is contained in the court reports published in the Rabaul Times. Naturally, the most dramatic cases, hence the most newsworthy, tended to occur in the Supreme Court but the paper often briefly noted the mundane proceedings of the Rabaul District Court and Court for Native Affairs. The paper's reports also extended greater coverage to cases in which Europeans were involved, as defendants or as

The compilers of the Annual Reports eventually settled upon a standard form for the presentation of court statistics in the Report for 1927-28. The tables set out the number of prosecutions, convictions and acquittals in the Supreme and District Courts for the three racial groups. Small tables for 'Half-caste' offenders in the Annual Report 1929-30 separated them from the 'Native' offenders with whom they had previously been included. The Annual Reports before 1927-28 had offered some breakdown of Supreme Court business according to race but the categories used in the reporting of District Court cases had been geographical, giving the total number of cases heard in each district without regard to the race of the defendants. The change in presentation was logical: the fact that the population of the Territory was divided into three racial groups was always more important to the law than that the Territory was comprised of seven administrative districts.
the victims of crime.\footnote{The comprehensiveness of the Rabaul Times' coverage of the activities of the courts in Rabaul varied greatly from year to year. In particular years, for example 1932 and 1933, its reportage was diligent enough to allow an estimate to be made of the proportion of the total number of cases heard in the District Court and Court for Native Affairs in the Territory which were dealt with by Rabaul's lower courts. The Rabaul District Court seems to have contributed between 25\% and 50\% of the Territorial total at that level while the town's Court for Native Affairs heard about 15\% of prosecutions in New Guinea under the Native Administration Regulations. The proportion of cases heard in the two lower courts in Rabaul to the Territorial total was highest in the late 1920s. The Rabaul Times noted that the District Court heard 690 cases in the calendar year 1938 while the Rabaul Court for Native Affairs heard 439; "Local and General", Rabaul Times, 13 January 1939.}

Obviously neither the tables in the \textit{Annual Reports} nor the \textit{Rabaul Times}' coverage are a reliable index of criminal activity in the Territory as they merely record that proportion of offences which were detected and which the police or district staff felt confident of placing before the courts. Many European offenders, for example, who could have been convicted, escaped the courts through the indulgence of the police or the intimidation of New Guinean witnesses.\footnote{See chapter 7, below.} There is much evidence to suggest that New Guineans also viewed the courts as a last resort when their own processes for settling disputes had reached an impasse or when penitence or compliance could not be extracted.
from an individual by traditional sanctions.6,7

There were devices favoured by field staff when prosecuting New Guineans which should also be borne in mind when considering the official statistics. For officers in remote areas there was an especial temptation to tailor local solutions for local problems. Laying a serious charge under the Criminal Code, for example, required an initial committal hearing at District Court level, holding an accused and witnesses until a vessel was available to transport them to

6 See H.I. Hogbin, Transformation scene, above, pp. 166-82. Hogbin's description of the informal assemblies of the villagers of Busama held to discuss and resolve disputes bears many similarities with the procedures analysed by M. Strathern, Official and unofficial courts, (New Guinea Research Bulletin No. 47), Canberra, 1972. No official magisterial function had been conferred upon New Guineans before 1942 and the Administration's attitudes 'on the question are the subject of a section of a subsequent chapter, below. The Rabaul Times occasionally reported the prosecution of a Lulual for holding an illegal court. See, for example, "Local and General", Rabaul Times, 28 March 1934 for the sentencing of Paramount Lulual Amos to one month's imprisonment for such an offence. Amos had taken receipt of nine fathoms of tambu and 12/- in cash from defendants who had appeared before him.

7 There are also many instances of missionaries in the Territory regarding crimes committed by members of their own flocks as a matter for adjustment within the mission itself, not for reporting to the Administration for action in the courts. Several instances of sodomy amongst youths in the Methodist mission school at the Pinikidu station in New Ireland were dealt with by the Rev. Ira Mann by dismissing the participants from the school. He had not considered calling in a kiap from Kavieng. See Mann's entry of 30 April 1921 in PMB 630 Mann, Rev. I.J. - Diary and papers 1919. Also from an interview with Rev. Mann, Melbourne, 15 June 1976. Even as emotive a case as interference with a white sister at Watnabara in about 1925 was dealt with by the Mission; by the closure of the George Brown College, then at Watnabara, until the guilty student was discovered and expelled. The Rev. W.B. Davies, the headmaster of the College, like Mann, had regarded the assault as a matter which had to be resolved by the mission. Interview with the Rev. W.B. Davies, Adelaide, 23 June 1976. See also the cases of Cranssen and Foege in chapter 7, below.
the Supreme Court in Rabaul, then the unpleasant possibility of having to arrange a hanging should the crime be considered serious enough to warrant such a display. Patrol Officer Jack Read, stationed at Ambunti in 1932 and 1933, dealt with villagers arrested for murders committed in traditional feuding on the Sepik River by reducing the charge to one of assault and proceeded to award sentences of six months imprisonment. The brevity with which such cases were recorded had not changed since its description and criticism by Ainsworth and no one in Rabaul ever detected Read's method when reviewing and filing his regular submissions of court papers.

The idiosyncrasies of field officers also influenced their application of the law, particularly the Native Administration Regulations. The offences of sorcery and adultery triggered different responses, to the confusion of peoples who suffered regular changes of kiap. J.K. McCarthy explained that he found the imprisonment of sorcerors to be counter-productive as it was seen by many as an official endorsement of the potency of magic. Bertram Calcutt, in his unpublished memoirs, remarked

8 See chapter 2, p.77, above.
9 Interview with J. Read, Kavieng, 28 October 1975. Townsend followed a similar procedure in a case of rape which was heard at Ambunti in 1925. Both the aggrieved woman and her husband, knowing that a rape case would mean their absence from the river for several months, requested that the offence be reduced to assault and disposed of by Townsend himself at Ambunti. G.W.L. Townsend, District officer, Sydney, 1968, p. 125
10 J.K. McCarthy, Patrol into yesterday, above, p. 153. The question was a vexed one; Hubert Murray argued the case of the administrator with anthropologist Reo Fortune in 1928, coming down on the side of retaining penal sanctions (see F. West, Hubert Murray, Melbourne, 1968, p.218). A detailed anthropological survey of the issue was offered by H.I. Hogbin, "Sorcery and administration", Oceania, Volume 6 Number 1, September 1932 pp. 1-32. He notes all points of view but concludes in agreement with McCarthy.
that he preferred to chide adulterers rather than imprison them, although the figures for convictions for this offence show that many of his contemporaries viewed the offence more seriously.\footnote{B. Calcutt, "Stone age and steel", (unpublished MS.), p. 211. H. Thurnwald recorded sentences ranging from one to six months imprisonment for adultery during field work on Bougainville, "Women's status in Buin society", Oceania, Volume 5 Number 2, December 1934, pp. 142-170 at p. 152. Of the cases of adultery reported in the Rabaul Times, one brought a sentence of three months imprisonment, two others resulted in seven days gaol and two more attracted fines of 10/- each. That adultery was an offence for New Guineans under the Native Administration Regulations which could be punished by imprisonment while there was no corresponding prohibition for Europeans smacks of discrimination. It should be noted however that "the Papua New Guinean definition of adultery, as trespass on sexual rights established by marriage, means that the offence generally has much wider social repercussions than it does in western societies...adultery is often of considerable public significance, and, with a few exceptions regularly requires some form of judicial (or political) resolution". M. Strathern, "Report on questionnaire relating to sexual offences as defined in the Criminal Code", (Prepared for the Department of Law), Port Moresby, 1975, p. 62.}

Even where there were no direct contradictions between the kiap's interpretation of specific prohibitions, many officers stressed some types of offences to the exclusion of others. One kiap might establish a reputation amongst New Guineans as being obsessed with the state of village latrines, another with the alignment of village houses which he might insist be rebuilt in strictly ordered rows like a body of properly dressed men on parade or a pile of blankets awaiting inspection.\footnote{H. Thurnwald, above, p. 154 and C.H. Wedgwood, "Report on research on Manam Island, Mandated Territory of New Guinea", Oceania, Volume 4 Number 4, June 1934, pp. 373-403 at p. 382. Many field officers in the 1920s, as ex-officers of the AIF, brought to their duties an exaggerated discipline and ceremony.} The distribution of his prosecutions reflected his priorities.

From the overall picture of the activity of the courts which emerges from the official statistics, the case
reports and correspondence columns in the *Rabaul Times* and the
details of individual cases which survive in Australian Archives
in Canberra, it is possible to make generalisations about the
attitudes of the judiciary, the executive and the European
residents of the Territory to New Guinean crime. The remainder
of this chapter attempts to examine European reactions to
New Guinean crime and attitudes towards the punishment of New
Guinean criminals from these sources.

In his paper on the reception of European law by the
people of Mowehafen in south west New Britain,\(^{13}\) Australian
anthropologist J.A. Todd set out five categories of New
Guinean offences.\(^{14}\) The first four categories related to actions
in which New Guineans are both offenders and victims: there were
crimes which endangered peace and good order and which were
repugnant to western morality (warfare, homicide, rape and the
like); a second category which Todd described as "native torts",
in which the Administration aimed at "mediation backed by
authority rather than punishment" (disputes over land and those
arising from traditional economic practices); thirdly, a "very
important class which stands in between these (first) two"
which were directly punished by the Administration (theft,
assault and adultery, for example) and, fourthly, offences
against Ordinances and Regulations designed to direct and control
New Guinean lifestyles (tax and census requirements, health

\[\text{\textsuperscript{13}}\] J.A. Todd, "Native offences and European law in south-west

\[\text{\textsuperscript{14}}\] Todd's categorisation is followed by S.W. Reed, above, p. 175.
measures, prohibitions on drinking alcohol and gambling, the Police Offences Ordinance and the Native Administration Regulations). In Todd's final category were crimes committed by New Guineans in which a European was the victim.\(^5\) This chapter deals with the work of Territorial courts chiefly in relation to crimes drawn from the first, fourth and fifth categories described by Todd.\(^6\) It also includes a study of offences of New Guineans against European women, a class of crime to which white societies took vigorous exception, and of European attitudes towards the punishments handed out to petty criminals by the lower courts of the Territory.

\(^{15}\) J.A. Todd, above, p. 443.

\(^{16}\) For a discussion of Administrative practice in dealing with customary matters and minor crime, see chapter 9, below.
1. The Supreme Court

The offences committed by New Guineans most frequently tried by the Supreme Court fell into four categories. The first, and largest, group comprised all offences relating to homicide; the second consisted of all sexual offences and the third, crimes against property. In the final category appeared a number of offences which can be collectively styled crimes of conspiracy and combination. Table 4.1 below, shows the distribution of convictions in the Supreme Court for crimes defined by the Criminal Code and the Criminal Code Amendment Ordinance.

Crimes of homicide can be ranked in order of increasing gravity from manslaughter to murder, then to wilful murder. The Annual Reports reveal that convictions of New Guineans for wilful murder made up 60% of all convictions for homicide. By contrast, the crime of manslaughter accounted for 60% of the convictions of Europeans for homicide. The rate of conviction for homicide over the years shows little variation apart from a remarkable increase in the period 1930 to 1934. Many of the convictions in these years arose from incidents in the Madang and Morobe Districts where pressure from miners and missionaries anxious to extend their activities further inland forced the Administration to bring large tracts of Territory under hasty control. 17

17 For McNicoll's anxieties about the inability of the Administration to keep up with the pace of penetration of uncontrolled areas in Madang, Morobe and the Sepik set up by miners and missionaries and his attributing killings in these areas to their precipitate entry, see Administrator to Department, 1 February 1935 in AA, CRS A518, item G 852/1/5.

* All tables not appearing in text are at conclusion of chapter, pp. 276-285.
In their sentencing of most New Guineans who appeared before the Supreme Court, the judges tempered the punishment according to the degree of acquaintance with European law. This could perhaps be best described as the practice of making punishment fit the criminal. The judges, like most of the European residents, recognised that to punish all New Guineans without discriminating between those who had long been exposed to the workings of the law and recently contacted bushmen could only bring the administration of justice into contempt. There were, of course, cases in which theory was abandoned in the interests of administrative expediency.

Of the 67 convictions of New Guineans for wilful murder noted by the *Rabaul Times*, in all bar four cases sentence of death was passed. (See Table 4.2 below) Capital sentences were often passed by the judges with no intention of their being carried out; sentence of death would be recorded, then the judge would order a term of imprisonment appropriate to the case.

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18 Judge R.T. Gore of Papua set out his conception of this principle in *Justice versus sorcery*, Brisbane, 1965, pp. 73-75 and in a memorandum "The punishment for crime among natives" appended to the Papuan Annual Report for 1929-30, pp. 20-22. Gore joined Phillips on the bench of the Supreme Court of Papua and New Guinea after the Second World War where both men were observed by Hasluck to administer justice with an eye to the familiarity of Papua New Guineans with European law; P. Hasluck, *A time for building*, Melbourne, 1976, p. 177.

19 "It is difficult to combat native customs with regard to homicide, for they are deeply rooted. However, the system now adopted of impressing upon natives the enormity of the offence by the pronouncement of the death sentence, and, in suitable cases, the subsequent commutation of the sentence and the imposition of a heavy term of imprisonment upon the offender, is already bearing fruit, and the native mind is gradually becoming imbued with the idea that his own "eye for an eye" policy must not be continued". *Annual Report 1921-22*, p. 50.
Imprisonment of several years could be imposed but, on the other hand, in a case which came before the Court in 1930, sentences of six months, three months and one month were passed.\textsuperscript{20} Sentences of death which were not recorded were referred to the Administrators under section 13A of the Judiciary Ordinance for confirmation or commutation. The majority of capital sentences considered by the Administrators resulted in commutation, to terms of imprisonment ranging from twelve months to 'life'. Griffiths reported to Canberra in 1932 that of 102 sentences of death referred to the Administrator from June 1927 to June 1932, fifteen had been carried out, in two instances sentence was remitted, two men had died in custody, one had escaped and the remaining eighty-two had been imprisoned.\textsuperscript{21}

It is difficult to measure from the Rabaul Times\textsuperscript{'} reports how much more seriously the Court regarded a conviction for wilful murder than for murder. The newspapers usually reported only that sentence of death had been passed, rarely mentioning whether it had been commuted or the term of imprisonment imposed. Some indication is offered by the proportion of murder cases in which capital sentences were passed - just over 60\% in convictions for murder compared with the 95\% for wilful murder. Those found guilty of manslaughter usually received far shorter gaol terms, although occasional cases brought sentences comparable to those awarded for murder or wilful murder.\textsuperscript{22}

\textsuperscript{20} "District Court" (sic), Rabaul Times, 11 July 1930.

\textsuperscript{21} Acting-Administrator to Department, 21 July 1932 in AA, CRS A518, item FO 112/1. See also chapter five, below.

\textsuperscript{22} See the discussion of the punishment of New Guinean murderers in the following chapter.
Sexual crimes tried by the Supreme Court included rape, attempted rape, various counts of carnal knowledge (distinguished by the age of the victim), indecent assaults upon women, and a number of homosexual offences — unnatural offences (previously sodomy), indecent practices and indecent assaults upon males. Table 4.1 reveals that there was little variation in the frequency of specific offences in the period with the exceptions of a decline in the number of prosecutions for homosexual crimes and an increase in the number of convictions under the Criminal Code Amendment Ordinance for being on or about dwellings with intent indecently to offend a female occupant. The 'decline' in homosexual offences is illusory; many of the cases which would have come before the Supreme Court in the late 1930s were diverted to the Court for Native Affairs (see Table 4.9). This may have been brought about by the common feeling amongst Europeans that homosexuality was an inevitable accompaniment of the Territory's labour system. The fluctuations in the annual number of convictions for trespass with intent indecently to insult or offend are discussed in a later section of this chapter.

The sentences passed on sexual offenders were set apart from those awarded other criminals by the whippings which were usually ordered with imprisonment. There was a lively debate throughout the period on the administration of whippings (see below pp. 266 – 275). The Rabaul Times recorded sentences

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24 Whippings for sexual offences could, in theory, be administered to Europeans but in no case of sexual assault by European males on New Guinean females or males was the punishment inflicted.
of whippings ranging from five to forty-eight strokes. The generalisation can be made that whippings ordered for homosexual offenders were generally less severe than those for males who committed sexual crimes against women. The imprisonment awarded tended to be for two years or less.

The punishments imposed on New Guineas convicted of sexual assaults on European women appear, from the Rabaul Times' reports, to be only marginally higher than those awarded offenders against black women; see Table 4.3, below. It should be stressed, however, that many of the offences against European women and girls were not cases of serious assault. Where a direct attack did take place the Supreme Court reacted strongly; the Bougainville labourer Lapin was sentenced to ten years imprisonment in 1934 for an assault on a white woman in Rabaul.

Most of the convictions of New Guineans for offences against European women were obtained under the provisions of the Criminal Code Amendment Ordinance relating to being on or about premises with intent indecently to insult or offend female inhabitants. The application of these provisions by the Court, and the reaction of the European residents to crimes of this order are the subjects of a later section of this chapter.

25 The only case reported by the Rabaul Times in which a whipping of more than 36 strokes was ordered was that of Niu, sentenced to 23 years imprisonment (several of the gaol terms were concurrent and Niu was actually to serve twelve years) and 48 strokes on four counts of abduction and rape of New Guinean women. Wanliss stated that the actions of the accused were the most brutal he had ever encountered. Rabaul Times, 12 April 1935.

26 "Native assaults white woman", Rabaul Times, 12 October 1934.
Most of the New Guineans who appeared before the Supreme Court charged with offences against property had stolen from Europeans. Of the thirty-three cases of breaking, entering and stealing reported by the Rabaul Times, 75% of the offenders were sentenced to two years imprisonment or more, 50% to three years or more. Thefts from European residences or business premises inevitably involved a breaking and the Court appeared to regard evidence of breaking and entering warranted an additional twelve months imprisonment to the term which might be imposed for theft. European concern over crimes of this nature was signalled by an application from Griffiths in 1934 to amend the Criminal Code in relation to burglary, house-breaking and entering a dwelling house with intent to commit a crime. He wished the Supreme Court to be able to order the whipping of persons convicted under the relevant sections, 419 and 420, in addition to imprisonment. His request did not meet with approval from the Commonwealth Attorney-General. The attitudes of the European residents to offences against property are noted in the section on the work of the District Courts which follows.

Offences falling within the conspiracy and combination category were infrequent: isolated incidents would throw up small groups of accused every few years to face the Supreme Court. The celebrated exception was the Rabaul strike for which thirty-three men, convicted in the Supreme Court of

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27 Memorandum "Whipping of natives", 7 March 1934, drawn up in the Prime Minister's Department in AA, CRS A518, item AT 840/1/3 Wisdom supported the introduction of corporal punishment for those convicted of being in a dwelling house with intent to commit a crime in 1929; NGAC Minutes, Meeting of 5 July 1929 in AA, CRS A518, item M 800/1/3 part 1.
conspiracy to desert, were handed fiercely punitive sentences of imprisonment with hard labour ranging from two to three years. The sentences awarded the few other New Guineans convicted on similar charges mirrors the treatment of the strikers.

Two cases of conspiracy, in which seven New Guineans were sentenced to terms of imprisonment ranging from two to three years, were heard by the Supreme Court in 1925 and 1927. Many Europeans extracted features of the cases and held them up as representative of New Guinean attitudes to the law. In August 1925 Wanliss presided over a case which had arisen after the Madang District Court had convicted and imposed a fine of £10 upon a European plantation overseer named Frazer for an alleged assault on one of his labourers. Wanliss accepted evidence that the indentured labourer, Anum, had actually been beaten by Kalop, the Luluai of a village whose gardens Anum had been raiding during a period when he had been at large as a deserter from Frazer’s plantation. Frazer had taken Anum into custody to be tried for desertion when Anum concocted the story that Frazer had beaten him and, with the support of the perjured evidence of four other New Guineans, had succeeded in pinning the assault on the overseer. Anum had told his witnesses that he was acting to protect Kalop as black men "must, above all, protect their own village folk, even at the expense of the whiteman". Wanliss obsolved Frazer of guilt and imposed a sentence of three years imprisonment on Anum. One of his fellow conspirators

28 "Central Court", *Rabaul Times*, 15 February 1929.
also received three years, two others two and a half years and
the fourth, two years.30

The second case, "an illuminating instance of the
perils the white population have to face in this Territory",
sprang from information supplied by Kasanet and Maruel which
led to proceedings against a European in the Namatanai District
Court for the rape of Maruel. The charge against the European
was withdrawn after a brief hearing and the informants were
charged with conspiracy. Wanliss and Hogan, in Kavieng at the
time, travelled to Namatanai to hear evidence in the case and a
week later in Rabaul, judgment was delivered and sentence passed.
Kasanet and Maruel each received two years hard labour.31

In an editorial response to the Anum case entitled
"White protection", the Rabaul Times drew the conclusion that
unqualified reliance should never be placed on New Guinean
evidence. The "conspiracy stunt" was frequently practised and
the Court should recognise that the white man often needed as
much protection from the law against the New Guinean as the New
Guinean did against the white.32 Wanliss was adamant that
New Guineans should realise that they could not treat the law
lightly.

The natives had deliberately conspired to pervert
the course of justice and to punish an innocent
man, and if the natives once retained the idea
they could do such acts without being punished
life would become intolerable for the white man,
if they did not realise the gravity of their
offence they must be made to understand.33

30 "Central Court", Rabaul Times, 14 August 1925.
32 "White protection", Rabaul Times, 7 August 1925.
33 "Central Court", Rabaul Times, 14 August 1925.
The challenge to European authority implicit in the conspiracy cases was made manifest in a riot which broke out on a plantation near Rabaul only two days after Wanliss had sentenced Anum and his fellow conspirators. Wangaramut plantation and its force of indentured labourers from Aitape and Madang was being managed at the time for the Expropriation Board by one Robertson. Trouble began after an old man and a boy from a neighbouring village were chased and beaten by eight labourers from the plantation. Spurred on by their Luluai ToPetep and a former Luluai, Tombun, 100 villagers marched on the plantation to exact revenge. A pitched fight took place, the combatants armed with spears and bayonets. Four villagers were wounded and one killed in the fracas while the labourers suffered three wounded. Robertson attempted to intervene but had ridden to Rabaul for assistance when threatened by the mob.  

An inquiry into the incident by a party of officials with a representative of the Board and a police investigation resulted in the appearance of sixty-one men before the Rabaul District Court. Forty-seven men were gaol’d for two months, eight were fined £1, ToPetep and Tombun received six months and four men were committed to the Supreme Court. Wanliss subsequently sentenced three of the men, who had threatened Robertson, to three years imprisonment apiece for riot under the Criminal Code - "They could not continue in this manner, His Honour concluded, fighting, murdering and threatening white

34 "Native trouble", Rabaul Times, 7 August 1925.

men". The Chief Judge had enumerated the men's crimes in an interesting order of priority. Wanliss added that similar incidents would bring sentences of ten or twelve years imprisonment with the possibility of hanging. On the remaining charge of wilful murder, against Yangan, an indentured labourer accused of throwing the spear which had killed the villager, the Court returned a verdict of not guilty.

Several letters to the Rabaul Times followed the Wangaramut riot. 'Q.E.A.' was disturbed by the "armed attack on a European plantation, ten miles from the main settlement in the Territory" which he blamed on the Administration, "old women in trousers...whose knowledge of bush kanakas is gathered from the main roads of our cities or comfortable deck chairs on schooners..." 'Crusader' contributed "The kid-glove policy" in which he drew on his wartimes experiences of life in Egypt to advocate the regular beating of New Guineans to impress their station upon them. 'Devon' asked how white men in positions of isolation could hope to remain secure if the Administration could not even control the villagers of the Rabaul region, with fifty years experience of European authority and mission education. He concluded that, despite European efforts in "moulding the lives of the natives, we find today, beneath his skin, the savage and cunning associated with his colour throughout the

36 "Central Court", Rabaul Times, 11 September 1925.
37 "Central Court", Rabaul Times, 16 October 1925.
38 "Our dear black brother" by 'Q.E.A.', Rabaul Times, 21 August 1925.
39 "The kid-glove policy" by 'Crusader', Rabaul Times, 28 August 1925.
The debate on the riot, culminating in the Rabaul Times' editorial "A big question", was based not upon the motives of the participants, nor of the injuries which had been inflicted, but upon the contempt for white authority which they had displayed by their breach of the peace.

Two later cases, both springing from incidents on plantations in the New Ireland District in 1933, further illustrate the sensitivity of European residents to New Guinean conspiracy and combination. The first case, heard by Wanliss in May, had been preceded by an item in the "Kavieng Notes" column in the Rabaul Times in March that:

The Native Labour position in this district is definitely serious. Complaints of insubordination and general laxity drift in almost daily from every corner of the district, and it has become common to hear of assaults on employers by natives. There is a strong movement well forward for the formation of a Citizens' Protection Society.

Five labourers were charged with assault and conspiracy to assault H.J. Murray on his plantation Lakuramau, some fifty miles south east of Kavieng. The case was argued for twenty days before Wanliss convicted four of the defendants (one having died during the case) and sentenced them to imprisonment.

The evidence in the case was absorbing and confusing. G.M. Turner, for the Crown, admitted in his opening address

40 "Be prepared" by 'Devon', Rabaul Times, 14 August 1925.
41 "A big question", Rabaul Times, 4 September 1925.
42 "Kavieng Notes", Rabaul Times, 24 March 1933.
that Murray, finding himself some fifty miles from the nearest authority

was forced occasionally to adopt the mild use of the cane. Also he occasionally adopted a system of punishment giving his unruly labourers certain doses of disagreeable medicine, i.e., half a packet of salts (Epsom) to half a cup of water, a teaspoon of liquid quinine with water and castor oil.\footnote{"Central Court", \textit{Rabaul Times}, 19 May 1933.}

He also ordered labourers he considered to have been lazy to work on Sundays. The assault on which the charges were based, however, arose when Murray admonished a labourer for failing to perform a certain task. When Terapit raised the hoe he was carrying as if to strike his employer, Murray promptly struck him with a "heavy stick which ... (he) habitually used, partly as a walking stick and certainly partly as a weapon of punishment".\footnote{"Assaults by native labour", \textit{Rabaul Times}, 23 June 1933.} In blocking a counter blow aimed at him by Terapit, Murray also deflected the blade of the hoe onto the labourer's head. Murray told Terapit to go to the plantation hospital and the labourer retired for treatment for his cut head. Meanwhile his fellow labourers discussed the incident and Murray's methods in general over their lunch break. Led by the 'boss-boy' Misirilla, a kinsman of Terapit, they decided that, on the next occasion on which Murray committed an assault on one of their number, they would rally and give him a beating in return.\footnote{Above.}
Their resolution was put to the test the following morning after Murray ordered three labourers who had not completed their allotted tasks to report to the plantation hospital for a punitive dose of salts. Two men did not comply with the order and when Murray encountered one of them, Kali, later in the morning, the labourer shaped up for a fight. As they traded blows, the other accused joined in. Murray escaped from the melee, bruised and shaken, to lay charges against his assailants in the District Court at Kavieng. 46

Wanliss convicted the four defendants on both charges. He rejected the argument of ADO Calcutt, for the defence, that Murray had offered provocation sufficient to excuse the assault upon him. Wanliss dismissed Murray's evidence however as a "fantastical caricature of what had taken place". He added that the planter's story had not only failed to clear up the confusion, it was no more reliable than the testimony of any of the New Guinean witnesses. Wanliss sentenced Misirilla, Kali, Wagas and Butpatok to eighteen months imprisonment for their parts in the conspiracy and a further twelve months apiece for the actual assault, the sentences to be served concurrently. 47

A month later, seventeen indentured labourers of Selapiu plantation appeared before Wanliss on charges of assault and doing bodily harm to J.C.K. Melville, the plantation manager. After a lengthy adjournment, the case resumed for

46 Above.
47 Above.
the three defendants Morun, Soro and Awi in mid August. In attendance was R.C.A. Ollerenshaw, a Rabaul solicitor, who informed Wanliss that he held a watching brief on behalf of the Citizens' Association of New Ireland. He explained that the Melville case involved "the whole question of native labour in New Ireland. There is considerable unrest over there". The Crown Law Officer objected to the Court recognising Ollerenshaw's brief. To do so would be to invite publicity from uninformed critics outside the Territory who were unaware of the difficulties in seeing that

justice is done to all without distinction of colour and ... in ... which it is at times impossible to avoid some action which may appear to the employer of native labour to be likely to undermine his authority.

Hogan interpreted the action of the New Ireland Association as an attempt by Territorial residents to become involved in the agitation in support of Europeans convicted of offences against New Guineans which had previously come mainly from Australia. Wanliss agreed, stating that, while the Court was open to anyone interested enough to attend, to recognise Ollerenshaw might be seen as a sign that it had been intimidated by public pressure.

The Rabaul Times reported the proceedings in unusual detail, including the full text of Melville's evidence. As he

48 "Central Court", Rabaul Times, 14 July 1933. The case was delayed when Wanliss found that the acting-District Officer had incorrectly recorded pleas of guilty in the cases of three of the defendants. The Crown entered a nolle prosequi in one other case.

49 "Natives charged with assault", Rabaul Times, 18 August 1933.
had done in Murray's case, Turner, for the Crown, stressed the isolation of Melville's plantation. Selapiu was on an island situated nineteen miles and a minimum of fifteen hours by boat from Kavieng. Melville claimed that his Aitape labourers had repeatedly defaulted in their work and on the morning of the attack he had berated one Atunai for laziness. He alleged that Atunai had responded impertinently and stated that he had jumped down from the verandah of his house and struck the labourer across the shoulders with his cane (walking stick). Melville asserted that he was then set upon by a group of labourers who had witnessed the incident and that they had kicked and punched him until he gained the safety of the house and laid hold of his shotgun.  

ADO Gregory, for the defence, opened his address with a condemnation of Melville's striking Atunai; it was "definitely illegal (vide Sect. 57 and 72 of N.L.O.)." He continued that Melville habitually assaulted his employees with a cane and argued that Atunai's fellow labourers had been justified in coming to his assistance after Melville had struck the first blow. The stroke of the cane, which Melville had testified had not drawn blood, left a scar which remained for weeks and a doctor had given evidence that it must have broken the skin.

50 "Native assault case", Rabaul Times, 8 September 1933.

51 Above. Gregory had elicited from Melville in cross-examination that he had assaulted another labourer with his cane a few days before he struck Atunai. The victim of the earlier assault had fainted from the two blows, delivered in the presence of the Aitape labourers.
Gregory contended the labourers only used force to restrain Melville from pressing his assault and emphasised that there had been no conspiracy. They had been on their way to work when the assault took place and their action had been spontaneous;

Stress has been from time to time laid on the necessity for punishment which will act as a deterrent in such cases, but I suggest that it be remembered that in cases such as this, directly or indirectly, it is the conduct of the European that has brought about the result. 52

Turner portrayed Melville to the Court as a man in a dilemma. Confronted with gross insult and "great provocation" if Melville did not promptly do something to assert his authority he would have been regarded by his whole labour line as utterly impotent. And remembering his situation on that island and the fact that he was the sole white person there, can he be blamed for promptly taking the course he did?

Turner argued that Melville's assault upon Atunai was a reasonable response to the gravity of the labourer's insult and, because it was reasonable, the action of the other labourers was unlawful. He maintained that the plea that the labourers acted in defence of their colleague, even if it was of initial relevance, failed if the Chief Judge accepted that the assault continued well after Atunai had been rescued. Wanliss accepted Turner's arguments. He sentenced one of the labourers to six months imprisonment, another to nine months, seven to eighteen months, four to two years and two to two and a half years, all with hard labour. 53

52 Above.
53 Above.
The New Ireland cases emphasised the gravity with which the Supreme Court viewed offences of conspiracy and combination by New Guineans against whites. Both sets of defendants were charged with offences other than assault, for which the maximum penalty was only twelve months gaol, so that exemplary sentences could be imposed. That the 'conspiracy' against Murray was planned only the day before the incident in an attempt to stop consistent ill-treatment did not sway the Chief Judge. Neither did Wanliss' own admission that much of Murray's account appeared to have been tailored. Scant notice was paid in Melville's case to the fact that the 'bodily harm' done to him seemed little more serious than the wound he inflicted upon Atunai with his cane. The Crown and the Court were bent on making light of any evidence of extenuating circumstances. Furthermore, as Father J.G. Madigan observed in a letter to the *Rabaul Times* a year after Murray's case, although

the Chief Judge strongly pointed out
... (that) natives were illegally thrashed, forced to work on Sundays, and were forced to drink, for punishment, bitter medicines; yet no prosecution (of the employers) followed, as far as I am aware.

The residents reacted excitedly to the cases which were seen as illustrative of the perils facing the white pioneer in the Territory. Despite the heavy sentences

54 "Correspondence - Administration and missions", *Rabaul Times*, 23 February 1934.

55 It would be only reasonable to assume, however, that New Guinean labourers could suffer at the hands of their employer in isolated areas where the district staff patrols were rare just as easily as vice versa.
passed on the sixteen defendants in the Melville case, the Rabaul Times could prattle

At the moment there is no means of redress available to a whiteman who may be openly flouted, insulted or subjected to indignities which should never be tolerated for a moment in a Black Country. 56

The formation of the Citizens' Association of New Ireland in response to the cases, amidst reports of general anxiety amongst employers, reveals the sensitivity of Europeans to such offences by New Guineans. In their readiness to leap to the conclusion that an epidemic of such crimes was imminent is a confession that, in many cases, they had fallen victim to their own propaganda that white prestige had fallen so low as to be threatened at every turn. Most residents would have taken heart from the sentences imposed in these cases, relieved that the Supreme Court was conscious of the need to punish firmly any direct challenge by New Guineans to white authority.

56 "The ever outstretched hand", Rabaul Times, 10 November 1933.
2. The District Courts

The development of the constitution and jurisdiction of the District Courts has been sketched in an earlier chapter. New Guineans who appeared before the District Courts during the period were charged under a variety of Territorial Ordinances, Regulations and the Queensland Criminal Code (Adopted). Most offences under the Criminal Code could be heard to their conclusion in a District Court and, for the remainder, the Court sat to establish a *prima facie* case for reference to the Supreme Court. Table 4.4, below, sets out the numbers of New Guineans convicted in the District Courts each year from 1927-28 to 1939-40, and the legislation under which they were prosecuted. The usual penalty imposed upon offenders convicted in the District Court was a sentence of imprisonment with hard labour, although minor offenders could be offered the option of a fine.\(^{57}\) The Court could order juvenile offenders to be

\(^{57}\) See, for example, the case of seven men convicted of being abroad during the prohibited hours; five of the men were fined 2/- in default seven days imprisonment, another was imprisoned for 24 hours while the third, Tondongun, with two previous convictions for the offence, received the maximum sentence of two months imprisonment. "Local and General", *Rabaul Times*, 20 April 1928.
whipped and, on rare occasions, accepted good behaviour bonds from New Guineans instead of imposing a penalty.

The only extensive evidence available of the sentences passed by a District Court on New Guinean offenders lies in the reports published in the Rabaul Times of cases heard by the Rabaul District Court. The Rabaul Court must had been an atypical District Court purely from its location in a region of the Territory which had a longer history of European contact than any other. Many of the New Guineans who appeared charged before the Court were Tolai who earned significant cash incomes and whose lifestyles and aspirations were intimately

58 Whippings could be ordered for juveniles in lieu of imprisonment after amendments to the District Courts Ordinance and Native Administration Ordinance in 1934 - see below, p. 270, f/n 23. For an application, on the unlicenced bicycle rider Tokakeni, see Rabaul Times, 31 January 1936.

59 See, for example, the case of Bugin who was given a three-months suspended sentence and a twelve month good behaviour bond when convicted of stealing by the Rabaul District Court in 1929. Bugin was employed by the Principal Medical Officer who appeared to give evidence as to his good character. "District Court", Rabaul Times, 18 October 1929.

60 Some fragmentary materials survive in Australian Archives on the operations of the Rabaul District Court; see "Some materials on Papua and New Guinea law held in Australian Archives" in B.J. Brown, Fashion of law in New Guinea, Sydney, 1969, pp. 253-54.

61 It also was in the unusual situation of having allegedly qualified Stipendiary Magistrate presiding over its affairs; see above, p. 71, f/n 83. During the years in which the appointment was vacant, the Assistant District Officer in Rabaul presided over all sessions. Normal practice appeared to be for the Magistrate to hear cases brought against Europeans and Asiatics, and the more serious charges against New Guineans, while the ADO disposed of routine cases involving New Guineans.

linked with the presence of Europeans and their industries. Most of the migrant labourers who came before the Court would also have been able to pay fines rather than accept imprisonment. 63

Sentences of imprisonment imposed in the Rabaul District Court varied from twenty-four hours to the maximum of six months, but tended to be for less than one month. Fines ranged from 2/- to several pounds, depending, largely of course, on the nature of the offence, although some fines appeared to have been calculated according to the capacity of a particular accused, or his employer, to pay. 64 There was no set relationship between the amount of a fine and the length of the term of imprisonment which was to be served if it was not paid. First offenders were always more likely to be given the option of paying a fine in less serious offences.

Table 4.4 shows that prosecutions under the Native Labour Ordinance accounted for the majority of convictions obtained against New Guineans in the District Courts. From 1927-28 to 1935-36, charges under the NLO comprised about 50%

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63 A measure of this exceptional character can be made through the comparison of Rabaul's lower courts between the wars with the lower courts in Mount Hagen in 1970. Strathern states that the Court for Native Affairs in Mount Hagen found few defendants able to pay fines due to the small amount of cash in circulation. M. Strathern, Official and unofficial courts, above, p. 51. Most of the District Courts in the Mandated Territory must have been in similar positions.

64 Fines imposed upon New Guineans convicted of offences under the Motor Traffic Ordinance were usually in the order of £2 to £3. The fines imposed upon the leaders of a group of New Guineans from Ratavul and Karavia who uprooted survey pegs laid down on the site of a planned hospital in 1938 were evidently set in recognition of the prosperous state of the villages. Three men were fined £10 each, 49 others £5 each and the nine others £3 apiece. "Direct action", Rabaul Times, 30 September 1938.
of District Court cases, the proportion rising to 66% within two years and remaining at that level until 1940. Of specific offences defined by the NLO that of desertion supplied more convictions than any other until it was displaced by the blanket charge of neglecting duty in 1934-35. The NLO was redrafted in 1935 and a number of charges were introduced to replace the former offence of neglecting duty. The new offences, absence without leave, failure to perform work or to show reasonable diligence and behaving in a threatening or riotous manner, continued, in combination, to provide more convictions than the provision for desertion. The changing proportion to the total number of convictions obtained annually under the NLO of these provisions and convictions for desertion suggests that the contemporary observers who felt that employers of labour were gradually abandoning administering their own rough justice on their plantations or mining sites in favour of court action were probably correct. The distribution of convictions under the NLO is summarised for the period 1927-28 to 1939-40 in Table 4.5, below.

The reports carried in the Rabaul Times of offences under the NLO show a great preponderance of neglecting duty and absent without leave cases. The number of prosecutions for the latter offence reflects the concern of the police and the residents to keep the European residential and business areas clear of loiterers whom they felt were at the root of many of the crimes against persons and property which occurred in the town. The smaller number of convictions for desertion probably

66 See below, pp. 201-05.
stems from the fact that much of the labour force in the region was imported from the mainland. Table 4.6 below shows that sentences of imprisonment were generally for fourteen days or less. The exceptions are desertion and other offences which struck at the contractual basis of labour, rather than merely arising from some quibble over its obligations. Of the 52 cases of this nature reported in the *Rabaul Times*, 32 offenders were sentenced to imprisonment for one month or more and in no instance was the option of a fine extended. Labourers convicted of neglecting duty were usually imprisoned; those convicted of absence without leave usually fined. The inference appears to be that the Court regarded offences which injured the employer, in the sense that he was denied the full value of the wages paid to indolent employees, as more serious than a simple breaking of bounds by a labourer.

Common crimes under other laws which attracted the heaviest sentences from the Rabaul District Court were assault, stealing and receiving (all under the Criminal Code); possession of property suspected of being stolen and being found within an enclosed area without lawful excuse (Police Offences Ordinance) and the possession, consumption or provision of intoxicating liquor (Arms, Liquor and Opium Prohibition Ordinance). The *Rabaul Times* reported many cases of stealing heard by the District

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67 Tables compiled by Valentine from the Annual Reports reveal that the majority of labourers employed in the Rabaul region were not from New Britain in the 1920s. Further figures for the 1930s, available only for the District of New Britain, show that the number of labourers recruited in the district was approximately equivalent to the number imported. C.A. Valentine, An introduction to the history of changing ways of like on the island of New Britain, PhD Thesis, University of Pennsylvania, 1958, pp. 185-86.
Court, no doubt because many of its European readers felt threatened by such offences as they were usually the victims of thieves. The most common sentence of imprisonment was one month, although over 33% of the sentences were for three months or more, and some 15% of offenders received six months. In only two of the cases was the option of a fine presented. The more serious thefts were referred to the Supreme Court where penalties were uniformly severe. Receiving, from the small sample of cases recorded, appears to have brought heavier penalties than theft, in accordance with the view which the Supreme Court took of the two crimes. The sample of cases of assault under the Criminal Code heard by the Rabaul District Court is too small to draw conclusions with any confidence, particularly as the sentences in such cases turned largely upon the race of the victim of the assault.68

The offences of possessing property suspected of being stolen and being upon enclosed premises without lawful excuse were usually punished with imprisonment from one to three months. They were similar in that sentences were given less for the actual offence as for the suspicion that the convicted men had participated in, or were contemplating, a more serious crime. In the case of the trespass, the Court perceived a veiled threat in the action of the criminal against property, or, even more disquieting, if there were European women residing in the premises in which the offender was discovered, that he was intending to insult or assault them. It may have been

68 Most of the cases of assault heard by the District Court involved Europeans or Asiatics as an assault by a New Guinean on another New Guinean could be heard by the Court for Native Affairs.
apprehension of this nature which led the Rabaul Court to sentence three individuals convicted of this charge to three months hard labour apiece for what was superficially no more than a trivial trespass.\textsuperscript{69}

Complaints about the activities of New Guinean thieves were common in the correspondence columns of the \textit{Rabaul Times}. There appeared to be a general acceptance amongst Europeans that one of the characteristics of New Guineans was that they were inveterate thieves. That their assumption was not always justified was demonstrated by the police investigation into a series of thefts from parked cars in Rabaul in 1933. Despite the confidence of correspondents to the \textit{Rabaul Times} that New Guineans were responsible, confessions were eventually obtained from two Malays.\textsuperscript{70} Instances of honesty were dismissed with cynicism by the newspaper,\textsuperscript{71} or, as in a case in January 1934 when a New Guinean handed in a bank note he had found to the Rabaul Police Station, attributed to sound administrative methods;

 \begin{quote}
     the number of these cases of native honesty, where bank notes are concerned, are frequent, which points to the wisdom of the policy adopted in not allowing notes to be circulated freely amongst natives.\textsuperscript{72}
 \end{quote} 

\textsuperscript{69} See the case of Mane (\textit{Rabaul Times}, 7 September 1928), Raema (\textit{Rabaul Times}, 23 December 1932) and Naurumba (\textit{Rabaul Times}, 3 February 1933).

\textsuperscript{70} See "Correspondence - Pilfering from cars" and "Petty thieves caught", \textit{Rabaul Times}, 21 July 1933.

\textsuperscript{71} See, for example, the tone of surprise with which it reported a New Guinean turning in a watch he had found; "Local and General", \textit{Rabaul Times}, 29 August 1929.

\textsuperscript{72} "Local and General", \textit{Rabaul Times}, 19 January 1934.
Black men found in possession of paper money were sometimes prosecuted for being in possession of property suspected of being stolen despite evidence heard in other cases that many New Guineans were legitimately in possession of notes. Other New Guineans faced similar charges when found with goods, such as bone-handled knives, which the police and the courts considered they would not normally own.

The Rabaul District Court reserved its heaviest hand for those New Guineans convicted of possessing or drinking alcohol. In twenty-two of the thirty such cases reported by the Rabaul Times, the maximum sentence of six months imprisonment with hard labour was imposed. In only one of these cases did the Court see fit to pass sentence of less than one month.

3. The Courts for Native Affairs

The constitutional peculiarities of the Courts for Native Affairs, which resulted in their hearing charges against New Guineans only, and under a single set of regulations (the

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73 See the case of Walumi, sentenced to three months hard labour for the possession of seven £1 notes. "Local and General", Rabaul Times, 22 November 1940.

74 See the prosecution of a group of labourers from Manus and Aitape on gambling charges who had one £1 note and two 10/- notes in their possession, Rabaul Times, 6 October 1933.

75 Interview with Joel ToMarua and Samuel Tiluk, Malmaluan, Rabaul, 23 October 1975, translated by Alan Leadley.

76 The most celebrated example of the operation of the presumption took place when Papuan and New Guinean carriers and troops returned to their villages after the defeat of Japan. Many of the men were stripped of issues, souvenirs and gifts from European soldiers by zealous officers of the pre-war administrations. See E.P. Wolfers, Race relations and colonial rule in Papua New Guinea, Sydney, 1975, p. 112 and V. Eri, The Crocodile, Ringwood, 1973, pp. 168-170.
Native Administration Regulations), has been described in chapter 2. Despite these limitations the Courts for Native Affairs were, for all bar two years, the busiest in the Mandated Territory and by 1940 were dealing with almost twice as many cases as the District Court and the Supreme Court combined. In Rabaul itself, the anomaly persisted of the town’s District Court hearing more cases than its Court for Native Affairs, but this was due to the concentration of indentured labourers in the region, the relatively high European population and the prosecution of many New Guineans under Ordinances which regulated their behaviour in the town which could not be tried by a Court for Native Affairs.

A comparison of the official statistics for each tier of the Territory’s court structure reveals that the chance of acquittal in the Courts of Native Affairs was consistently less likely than in the Supreme Court or the District Court. By the late 1930s the percentage of those tried who were acquitted had settled below 2%. The common situation where the presiding officer of the Court had himself undertaken the apprehension and charging of an accused ensured that many proceedings were rapid. The officer would effectively have weighed the case against an individual before putting him up before the Court.

77 For the calendar year 1938 the Rabaul District Court heard 690 cases to the Rabaul Court for Native Affairs’ 439; "Local and General", Rabaul Times, 13 January 1939.

78 The figure is derived from the Annual Report 1939-40. Comparative percentages for the Supreme Court and the District Court (excluding committal proceedings) are 18% and 2% respectively. Despite the equality of the figures for the Court for Native Affairs and the District Court on the statistics for 1939-40, the Court for Native Affairs had returned a smaller percentage of acquittals in every other year since 1930-31.
where he would make public the conclusions he had previously drawn. In cases where the officer was acting on information and advices from village officials, the kiap would be less likely to conduct a thorough inquiry than to accept the testimony of influential local personages. A later Australian Minister for External Territories described the situation, which had changed little when he made his first visit to Papua and New Guinea in 1951;

> When I continued the conversation with the officer about the cases to come before the court on the morrow, I was told with some exactness the details of each case, the sentence the officer proposed to give, and the good effect the sentence would have in serving the aims of the administration of the district. He had worked it out in his own mind, without waiting to hear the case, that some of the people would expect such and such a penalty and might take revenge into their own hands if they did not get it, and others would hope for a much lesser penalty and become 'cheeky' if they managed to 'get away with' anything so light. We would fix one that would be neither too hard nor too light but would leave no lasting grievances. 79

Prosecutions under some sections of the Native Administration Regulations which contributed substantially to the business of the Courts of Native Affairs had their equivalents in legislation to which Europeans and Asiatics were answerable. The offences of stealing, assault and threatening behaviour, for example, contributed some 20% of the number of convictions each year. The bulk of the offences defined by the Regulations had no such equivalents; New Guineans alone were liable to be prosecuted for breaking the curfew in designated towns, failing to tend crops, adultery and seduction, refusing medical attention,

79 P. Hasluck, *A time for building*, above, p. 177.
spreading false reports, sorcery, gambling and the consumption of alcohol.

The number of convictions for the commonest offences show little variation with the passage of time with the exception of the curfew provisions and the prohibitions on drinking and gambling - see Table 4.9, below. All three offences provided a constant level of convictions until the mid-1930s when they suddenly leapt. Gambling offences rose most dramatically, from a mere five convictions recorded in the Annual Report for 1935-36 to 846 four years later in the Report for 1939-40. The number of New Guineans convicted of breaking the curfew reached a peak of over 1,000 in 1938-9, a figure which represented some 20% of all convictions of New Guineans in all the courts of the Territory. The upswing in prosecutions under these three offences coincided with the Rabaul Times' editorials which emphasised the responsibility of the Administration towards the moral development of New Guineans, and followed the mobilisation of the townspeople of Rabaul in late 1936 over sex offences against white women and general concern over indiscipline amongst the New Guinean population. The increase in prosecutions appears to have reflected a common European opinion that social problems could be solved through a more vigorous application of existing laws.

The curfew, signalled at 9p.m. each night in Rabaul by a ringing of bells, was introduced as "a safeguard from petty-

80 See chapter 3, pp. 118-121, above.
81 See this chapter, pp. 223-224, below.
thieving and the pad of feet on the bedroom floor at night-time" 82: a declaration that Rabaul, and the other white settlements in the Territory gazetted as towns under the Regulations, were European preserves. New Guineans arrested for being abroad during the prohibited hours were liable to a maximum punishment of two months gaol or a fine of £1. Provision was made for employers or the District Office to issue passes to New Guineans who, for social or business reasons, were out of their quarters during the night. 83 By an amendment to the Regulations in November 1932 passes issued for social reasons were only valid until 11 p.m., although written authority from an employer could be given to employees engaged on work for him after that hour. 84 The Regent Picture Theatre assisted in the attempt to control New Guineans out of hours by issuing special dated passes to men returning from Thursday night screenings which would allow them reasonable time to return to their labour quarters without being arrested by the police. 85

Senior officers of police firmly believed that a rigorous enforcement of the curfew would contain petty crime

82 "Night prowlers", Rabaul Times, 13 December 1929.
84 Occasional exceptions were made to allow New Guineans to stay out later on festive occasions; see Griffiths' initiatives to permit New Guineans with passes to stay out until 2 a.m. on the nights of 24/25 December and 31 December/1 January 1933 and 1934, Rabaul Times, 22 December 1933.
85 "Local and General", Rabaul Times, 31 March 1933.
and the intimidation of white women. A squad of "specially-selected native police" were "placed on plain-clothes duty for the purpose of keeping a much needed watch on native night-prowlers" in November 1935 to lessen the likelihood of attacks on white women. Each member of the party had a special identity pass and European residents were requested to assist them if called upon.86 The police, however, felt that their efforts were being frustrated by the carelessness of European employers and the failure of the courts to deal sufficiently seriously with convicted offenders. Employers too often issued passes without good reason, and then merely wrote their employee's name of a piece of paper above their own scrawled signature.87 Some employers issued a single slip to a group of employees where the law called for individual passes.88 A suggestion by the police that employers in Rabaul draw up and post on the walls of labour quarters a list of all those New Guineans who slept there had to be repeated time and time again.89 European negligence, in

86 "Local and General", Rabaul Times, 1 November 1935.

87 See the evidence of Rev. J.H. Margetts to the Rabaul strike inquiry in 1929. Margetts told of how he had encountered the first of the strikers on his verandah at Malaguna on the evening of 2 January and inspected the pass carried by one of the men. It carried the names of three men above the signature 'McLennan' (A.N. McLennan, Rabaul solicitor and later non-official member of the New Guinea Legislative Council). W.E. Grose, for the Citizens' Association, expressed his surprise that the pass did not contain details of when the men were expected to return or for what purpose the pass had been issued but Margetts was adament. Commission of Inquiry appointed to inquire into the causes of the native disturbances at Rabaul on 2nd and 3rd January 1929, Transcript of evidence, p. 8.

88 "Local and General", Rabaul Times, 2 March 1934.

89 See, for example, "Night prowlers", Rabaul Times, 13 December 1929 and Rabaul Times, 16 April 1937.
failing to instruct newly arrived labourers of the laws which they had to obey, was also blamed for many of the offences.  

The acting-Superintendent of Police, W.B. Ball, complained in 1929 that the Rabaul District Court was failing to punish curfew breakers heavily enough. Many offenders escaped with a small fine despite the resolution by the Court the previous February, at the height of European indignation over a succession of offences against white women, that it would gaol all curfew breakers without the option of a fine. When the subject of extending the hour of the commencement of the curfew from 9 p.m. to 10 p.m. was discussed by the New Guinean Advisory Council in 1932, Walstap advised that he agreed with the extension but advocated increasing the penalty for breaches of the curfew to £5 or six months imprisonment or both.

Valentine recorded that New Guineans he spoke to in the early 1950s remembered with great resentment both the curfew provisions and the prohibition on males wearing clothing on their upper body. The application of the dress regulation by European officials, however, was of an entirely different

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90 "Master and servant", Rabaul Times, 29 April 1938.
91 Ball's remarks quoted in acting-Government Secretary to Administrator, 24 January 1929 in AA, CP 290/13, item 7.
92 "Local and General", Rabaul Times, 3 February 1928.
93 Opinion of Superintendent of Police recorded in NGAC Minutes, Meeting of 4 May 1932 in AA, CRS A518, item M 800/1/3 part 3.
94 C.A. Valentine, above, p. 173. The District Officer for New Ireland mentioned in his report for the Advisory Council's discussion, above, that there was already resentment amongst educated New Irelanders in 1932 over the curfew in Kavieng which they considered "an institution to deprive them of their liberty".
character to the policing of the curfew. In the thirteen years for which the Annual Reports published statistics, only eighty-eight convictions were recorded under Section 11OA of the Regulations. Sixty-five of these resulted from a single incident in January 1937 when Rabaul police, anxious to stop the passage of overloaded trucks on the town roads, arrested all the occupants of one such vehicle. The passengers had not broken any other law, so they were each fined 2/- apiece for wearing shirts in the Rabaul District Court. The significance of the prohibition on clothing will be summarised at the conclusion of this section.

The Rabaul Times began regular reports of the outcome of cases in the town's Court for Native Affairs in 1931. They continued for two years before lapsing into occasional notices between 1934 and the invasion. The result has been a small sample of 524 cases, 306 of which were breaches of the curfew. The sentences of the Court for Native Affairs in Rabaul reflected priorities similar to those of the town's District Court. Fines were the common penalty for breaches of the curfew but repeated offences brought terms of imprisonment. Stealing was usually punished with imprisonment, with 66% of the sentences for one month or more. The consumption or possession of alcohol brought sentences of one month or longer on nearly every offender. From the small sample, New Guineans convicted of sorcery were also dealt with severely. The preponderance of prosecutions for breaches of the curfew would be expected from

95 "Local and General", Rabaul Times, 8 January 1937. Although the Rabaul Times reported the charges to have been heard in the District Court, they show up in the returns for the Court of Native Affairs in the Annual Report 1937-38.
the Rabaul Court as might the relatively high number of convictions for possession of alcohol. The names of the men convicted of drinking shows that most were Tolai, who, having accustomed themselves to other facets of the European lifestyle, had no doubt decided to sample the liquors around which so much of white Rabaul's social life revolved.

Some of the acts prohibited by the Regulations obviously constituted breaches of the peace while others were drafted to protect the white residents of the towns from nuisances caused by New Guineans. There were a number of prohibitions, however, which did not fall into either category. The prohibition on the wearing of clothes on the upper body by New Guinean males, for example, was maintained until 1942. As has been noted, prosecutions were infrequent. It was generally understood that Luluais could wear shirts or singlets and that any New Guinean male might dress for Sunday service. Some Europeans defended the prohibition on the ground that New Guineans were likely to become ill through wearing wet or dirty clothing. The argument was specious; a Japanese soldier subsequently observed that New Guineans given clothes by the Japanese invaders actually improved in health. In any case, if clothes were a health risk, why was the prohibition not

96 CPD, Volume 134, p. 54 and p. 1156, 27 April and 23 May 1932.

extended to black women as was the case in Papua? 98

The reason for retaining the law appears to have been the same as that which aroused the anxiety of the European residents over the extent of New Guinean drinking in the late 1930s. Keen to preserve the distance between races, many Europeans saw such objects as shirts and alcohol as symbolic of the line of demarkation. Any concession to New Guineans would only cloud that distinction, already under threat in the Rabaul region in the late 1930s by the expansion of European-style enterprises run by Tolai villagers. 99 It is particularly relevant to note that the only time correspondents to the Rabaul Times voiced concern over New Guineans illegally wearing shirts was shortly after the Rabaul strike 100 and that the prosecution of the truck passengers came at the height of the protests over the safety of white women. These were the two occasions on which the European population of the town displayed its greatest apprehension of the New Guinean presence.

98 Some contributors to the Rabaul Times did favour extending the prohibition, both on health and aesthetic grounds (claiming that the blouses favoured by the women were usually dirty and rumpled); see, for example, "Correspondence", Rabaul Times, 13 October 1933. Murray cited the opinion of his Chief Medical Officer to R.F.H. Green on the question in November 1932. Whereas Dr Strong had believed clothes to be a threat to health in former years, explained Murray, he now saw little danger from them. Murray added that his policy was to forbid clothing except where Papuans had shown that they could keep it dry and clean. J.H.P. Murray to R.F.H. Green, 8 November 1932 in AA, CRS A518, item AD 800/1/3.

99 See pp. 594-631, below.

100 See "Correspondence", Rabaul Times, 8 February 1929, for the letter by 'Master' who had seen New Guineans wearing shirts for "the first time...since their trouble started, and it looks as though they have forgotten the matter, and are getting back into their habit of trying to be "ALL THE SAME WHITE MAN". See also "Kokopo items", Rabaul Times, 22 February 1929.
Apprehension seemed to lie at the root of much of the residents' concern over the incidence of petty crime. There was a general belief that strictly enforcing the laws regulating the movements of New Guineans would have the effect of lessening the opportunities for crime and preserving the order of society which they found most comfortable and conducive to the efficiency of business. In the face of the progress made by the villagers around Rabaul during the latter half of the period, they were more inclined to stiffen these discriminatory laws rather than to relax them. They saw a definite tendency towards a point where the differences between black and white would become less a matter of fact than of definition.¹⁰¹

¹⁰¹ See the comments of Gordon Thomas in Rabaul Times' editorials quoted pp. 120-21 in chapter 3, above.
4. Offences by New Guineans against European women.

The New Guinean criminals most fiercely condemned by Europeans in the Territory were those convicted of offences against European women. Waves of intense indignation at such crimes swept over the European population at regular intervals even though the offences rarely involved violence and often did not admit physical contact of any description between the offender and his victim. Prosecutions were made under the Criminal Code and the Criminal Code Amendment Ordinance (henceforth CCAO). Amendments to the Code itself were introduced in 1937 while additional offences were defined by the CCAO in 1923, 1927 and 1934. The punishments which could be awarded offenders were increased in 1934 and 1937.\textsuperscript{102} The criminal law of New Guinea made no special provision for cases of sexual assault in which the victim was a European female. A draft 'European Women's Protection Ordinance' along

\textsuperscript{102} See chapter 2, pp. 51-52, above. Whippings were administered with a cane, although the Court could order that juveniles should be whipped with a leather strap. A single case was reported in May 1925 where a whipping of fifteen strokes was administered with the cat of nine tails for a sexual offence committed by one Tawup. (Rabaul Times, 29 May 1925.) In addition to the punishments provided by legislation, it was administrative practice to deport convicted offenders to their village of origin after they had served their sentences. If their village was in the vicinity of a European town, they were removed to an alternative, more remote location. (See Memorandum of the Director of District Services and Native Affairs, 24 December 1936 quoted in Administrator to Department, 9 April 1937 in AA, CRS A518, item G 840/1/3.)
the lines of Papua's White Women's Protection Ordinance of 1926,\(^{103}\) intended to serve as a greater deterrent to those who would assault European women was approved by the New Guinea Executive Council and the Commonwealth Government in 1937. The new Ordinance was subsequently dropped when the Council agreed that further amendments to the Criminal Code could satisfactorily embody the draft provisions.\(^{104}\)

\(^{103}\) For a comprehensive study of the operation of Papua's White Women's Protection Ordinance, see A. Inglis, *Not a white woman safe*, Canberra, 1974. The work of Inglis on the questions of offences against European women and the tide of European opinion in Papua was of great value in the account of the parallel situation in the Mandated Territory which follows.

\(^{104}\) The Crown Law Officer was instructed to draw up legislation along the lines of the Papuan Ordinance by the New Guinea Executive Council in May 1937. This draft bill, with the same title as the Papuan ordinance, was debated by the Council in July and several alterations were made. A power of discretion was conferred upon Judges in the passage of sentence of death upon rapists replacing the mandatory penalty of capital punishment in the draft. A proposal that whippings could be administered in three installments was rejected, by six votes to three, but a second motion was carried by the same margin removing the limitation on whippings to sentences of five years or less. The draft bill was also retitled the 'European Women's Protection Ordinance'. The debate closed when the Crown Law Officer was asked to investigate whether the substance of the bill could be incorporated in the Criminal Code itself, by amendment. (NGEC Minutes, 19 May and 27 and 28 July 1937 in AA, CRS A518, R 800/1/3 part 3.) The amendments to the Criminal Code finally assented to by the Administrator in August 1937 raised the maximum penalty for rape from life imprisonment to capital punishment; for attempted rape from fourteen years to life imprisonment; for indecent assault on females from two years to fourteen years imprisonment; for indecent dealing with girls under seventeen from two to seven years and for similar offences against girls under twelve from three years to fourteen years. These provisions were not as severe as the punishments set out in the Papuan White Women's Protection Ordinance. It prescribed death for rape and attempted rape and life imprisonment for all other offences. Inglis, above, p. 145, suggests that pressure from Australia may have resulted in the dropping of the European Women's Protection Ordinance but there is no record of Commonwealth intervention in the correspondence file on offences against white women (item G 840/1/3, above) or on the bill file itself (AA, CRS A518, item A 846/1/115).
It is not possible to determine the exact number of crimes of sexual assault against European females from the official statistics as they did not, until 1935-36, distinguish the race of the victims in such incidents. From the Rabaul Times and the correspondence of the Administrators with Canberra however, it appears that no New Guinean was charged with the rape of a European woman in the period and only one conviction for attempted rape was recorded. Several convictions were obtained for the attempted carnal knowledge of European girls and a small number of indecent assaults were also proved.

Most of the convictions of New Guinean offenders against European women resulted from the operation of two amendments to the Criminal Code introduced by the CCAO in 1923 and 1927. The first defined the offence of being found within a dwelling with intent "indecently to offend" a female inmate while the later amendment added the offence of being upon the curtilage of a dwelling with intent "indecently to insult" a female inside. After 1927, the amendments were

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105 Most of the convictions of New Guineans for offences against European women were also reported from the white towns in the Territory, Rabaul, Kavieng, and later Salamua, Wau and Lae. See however the experience of a Mrs Huson of Tulaen Plantation, Buka Passage in 1931 reported in Smith's Weekly, 6 January 1934 in the wake of the celebrated Mamadeni case in Port Moresby (Inglis, above, pp. 119-35), and the offence at Watnabara, this chapter, f/n 7.

106 A similar provision had been in force in Papua since 1920. Murray explained in September 1925 that it was designed to meet cases where "a native comes into the room merely to gloat over the woman, but commits no assault...". He observed that there had been no prosecutions under the section in its first five years of operation, an experience which contrasts dramatically with the situation in the Mandated Territory. Lt.-Governor to Department, 10 September 1925 in AA, CRS A518, item D 840/1/5.
generally grouped together in the minds of Europeans as what might be described as a kind of sexual trespass. An offender was liable to imprisonment for up to twelve months with a whipping on either charge. Although a dramatis criminae of black intruder and white female occupant was only one of many racial permutations possible under the sections, that combination was featured in most prosecutions. The frequency with which the provisions were applied is indicated in Table 4.11, below.

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* 12 of these offences against white women or girls.
+ 9 of these offences against white women or girls.

Table 4.11: the operation of the 1923 and 1927 amendments to the Criminal Code relating to 'sexual trespass', from the Annual Reports, 1927-28 to 1939-40.
The amendments were borrowed from Papuan law, there being no corresponding provisions in the criminal law of any of the Australian states. Their application in the Supreme Court confirmed that the Territorial Judiciary, like the European public, had little hesitation in associating the fact of trespass with a sexual intent. Wanliss explained that he presumed an intent indecently to insult or offend when presented with evidence of a trespass. He convicted Wasanata and ToMari (or ToMarie) in 1928 even though he accepted the evidence that the two men had entered a bedroom of the Rabaul Hotel, occupied by two European women, to remove a New Guinean woman servant who was sleeping under one of their beds. In sentencing them to twelve months hard labour and eighteen strokes of a cane and two years hard labour and thirty strokes respectively, Wanliss argued that the "fact that the natives were not there to assault the white occupants did not minimise the offence. They had no right to be in the room at all".\(^{107}\) A Rabaul Times editorial on the case endorsed the stand taken by the Chief Judge; a native has only himself to blame if his motives are mistaken, and the natural conclusion drawn from his actions in entering a bedroom at night-time.\(^{108}\)

The European population of Rabaul was readily aroused by any dramatic case which was reported. A year never passed without some comment in the Rabaul Times upon the perils of life for white women surrounded by black men. When indignation was at its loudest, as it was in 1928 and 1936–37, bodies which

\(^{107}\) "Whippings awarded to natives", Rabaul Times, 19 April 1929.

\(^{108}\) "Editorial", Rabaul Times, 5 April 1929.
represented non-official opinion and individual citizens attacked the Administration in letters to the newspaper or to Australian parliamentarians. The Administrators defended themselves and their officers in despatches to the Minister. The pattern of charge and countercharge was repeated many times in the late 1920s and the 1930s.

Cases of sexual offences against white women were reported in the Rabaul Times from its earliest issues.109 There was an outcry in December 1927 after a spate of offences and two well-publicised prosecutions.110 A report on the subject111 was called for by the Minister from the Administrator in January 1928 following a letter of complaint from the wife of the Territory's Crown Law Officer.112 Marr received reports from Wanliss (as acting-Administrator) in January113 and from Wisdom in May.114 Wisdom admitted that there had been fourteen cases in the previous

109 See, for example, "Facts to be faced", Rabaul Times, 12 February 1926 which reported a case of interference with a European child in Kokopo and a curtilage case from Rabaul.

110 Weira, for spying on a European woman while she took a bath, received twelve months imprisonment and twenty-five strokes with a cane. ToMina, for entering the room of a white sister at a convent in Rabaul and putting his hand in her bed, was awarded twelve months and thirty strokes.

111 Department to acting-Administrator, 18 January 1928 in item G 840/1/3, above.

112 Stella Hogan to C.W.C. Marr, 20 January 1928 in above. On the same day Mrs Hogan wrote to Marr, the Rabaul Times published a strongly worded editorial alleging administrative inaction over the assaults.

113 Acting-Administrator to Department, 30 January 1928 in above.

114 Administrator to Department, 22 May 1928 in above.
nine months but claimed that extensive police patrols had contained the problem. Wisdom wrote again in November, in response to accusations by the *Rabaul Times* with the information that only two cases, both of interference with children, had occurred in the six months since his first report. The controversy was shortly afterwards interrupted by the Rabaul strike, and eased further with a change in the editorship of the town newspaper.

The later controversy began with a letter to the *Rabaul Times* by J.C. Mullaly in response to the conviction of four New Guineans for curtilage offences by the Supreme Court in November 1936. Mullaly suggested a meeting be held to express concern, convened it, at the Rabaul Hotel, and chaired it. The meeting elected a Citizens' Committee which drafted a set of proposals which were forwarded to the Administrator on

115 "A clumsy lie", *Rabaul Times*, 24 August 1928. The article was written in response to a story which appeared in the *Melbourne Age* claiming that the problem of assaults on white women was not as serious as other southern press reports had suggested. The *Age* based its story on a press release from the Department of Home and Territories which had relied heavily on Wisdom's report of the previous May for its statement.

116 Administrator to Department, 1 November 1928 in item G 840/1/3, above.

117 See the 'Note on the Rabaul Times', below. In his report on the Rabaul strike, Walstab quoted the opinion of acting-Inspector Ball of the Rabaul town police that it had been the extensive policing of the town in the aftermath of the cases of 1927 and early 1928 which had eliminated offences of this kind. Acting-Government Secretary to Administrator, 24 January 1929, AA, CP 290/13, item 7.

118 "Correspondence", *Rabaul Times*, 20 November 1936, and see "Supreme Court - November criminal sessions", *Rabaul Times*, 6 November 1936 for details of the four cases against European women and other sexual offences which raised Mullaly's ire.

119 "The public meeting", *Rabaul Times*, 4 December 1936.
behalf of the Citizens' Association. The official exchanges between the Citizens' Association and the Administrator, published in the Rabaul Times in January and February 1937, lapsed when McNicoll refused to answer a communication addressed to him in April. He considered it too disrespectful. The volcanic eruption a month later raised more pressing questions for the Administration and the non-official population of Rabaul alike.

The Administrators viewed the reaction of the residents as alarmist and out of proportion to the real nature of the offences: the European public was convinced that the Administration was refusing to take the problem seriously enough for fear of the embarrassment it would suffer if it admitted that it had been at fault in letting the situation develop in the first place. The Administrators confined their comments on the

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120 The Committee of twelve consisted of Mullaly and R.L. Clark (both non-official members of the Legislative Council), Gordon Thomas, and other planters, professional men and businessmen. There were no women members. Their proposals were published a week later. Included amongst them were requests for a re-drafting of the Territory's 'native policy' by a suitably qualified officer of the British Colonial Service; deportation for a minimum of ten years to a remote island for all convicted sex offenders; increases in the number of strokes which could be inflicted upon offenders and that whippings should be administered in public; that "greater discretionary power and authority be granted to District Officers and Police Officers in the investigation and punishment of minor offences by natives"; that the punishment of pack drill in prisons should be carried out under European supervision and that the regulations governing the movement of New Guineans in towns be more rigorously enforced. "Citizens' Committee", Rabaul Times, 11 December 1936.


122 See Administrator to Department, 9 April 1937 in G 840/1/3, above.
offences to the immediate character of the crimes and the best measures to be taken against New Guinean "sex perverts": the spokesmen for European popular opinion extrapolated from the offences to make general criticisms of the Administration's incapacity to deal firmly with the whole question of regulating and controlling New Guineans in the vicinity of European towns and impressing upon them the absolute authority of white order. The Administrators maintained that Europeans themselves, through carelessness, were responsible for many of the offences to which they so vigorously objected: the Europeans felt that it was the responsibility of the Administration to protect them and to secure their lifestyles against the prying eyes and sexual appetites of black men.

The controversy over the offences generated obstinacy and inconsistency on both sides of the debate. If the European population was sincere in its horror of the offences, why were the simple precautions prescribed by the Administrators so rarely taken? If the Administrators believed the majority of the offences to be innocuous, why did it support the fiercely punitive amendments to the already harsh penalties provided under the Criminal Code and the CCAO? Why did all sections of the European population, official and non-official alike, support the increases in penalties when there was ample evidence that they had little deterrent effect? The role of the Supreme Court should also be examined to assess the degree to which its judges capitulated to popular pressure in imposing severe sentences for apparently trivial crimes of the 'peeping' variety.
The Administrators were able to point to many cases which had arisen because of the laziness and carelessness of European residents. After a series of offences in late 1927 and early 1928 which had received publicity in Australia, Wisdom argued that many of the incidents could have been easily avoided. Of the fourteen offences against European women reported between August 1927 and May 1928, five had been what he termed "latrine cases". Despite the case that such assaults were common knowledge, European women had persisted in visiting outside lavatories at night without first asking their husbands to check that there were no intruders. Furthermore, none of the complainants had taken the simple precaution of nailing up the trap-door at the rear of the lavatory and having the sanitary labourers remove the pans through the front door. Other residents had refused the stationing of New Guinean constables in the vicinity of their houses, claiming that they were likely to pry upon their wives. The Crown Law Officer, whose wife had written to Marr after she had been the victim of a latrine assault, had himself driven away a constable on such flimsy grounds, while a second European had actually been prosecuted for throwing stones at a policeman on duty.

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123 "Sex crimes", Sydney Evening News, 21 March 1928 in above.
124 The "latrine cases" were offences in which New Guineans hid behind the outdoor lavatory sheds on the grounds of European residents. The sheds were built with a rear trapdoor through which the cans were collected by the sanitary labourers. The prowler opened the trap, reached inside and touched the woman.
125 Administrator to Department, 22 May 1928 in G 840/1/3, above.
Wisdom repeated his charges in relation to later offences. Two cases of interference with European girls, from Namatanai and Rabaul, which were tried in 1928 had only occurred, he stated, when the parents had left their children in the care of New Guinean 'nurse-boys' for lengthy periods without any supervision. Further evidence of carelessness was given in a report of December 1930, written to forewarn Commonwealth authorities of a curious case of alleged assault upon a visiting female missionary. Wisdom gave details of two cases culled from police records in which European women had been out alone on the streets of Rabaul at night. In the first instance, the woman had been mistaken by a Native Constable for a New Guinean prowler and he had only discovered her true identity when he sprang out from behind a tree to effect an arrest. The woman, dressed in black, screamed at the apparition and, "perhaps fortunately for the native constable, his European officer happened along at the time and averted further misunderstanding". In the second case a labourer with a pass for the evening had reported at the town police station with a story that he had collided with a European woman on a darkened street. He had feared that the accident might have been construed as something more sinister and had told the police in case a complaint was lodged. Wisdom felt that the woman in each instance was taking liberties that she would scarcely have dared in Sydney or Melbourne, let alone Rabaul.

126 Administrator to Department, 1 November 1928 in above.

127 Administrator to Department, 30 December 1930 in above.
The class of offence which Europeans seemed most reluctant to guard against was that introduced by the CCAO of 1927. European residents blithely neglected to repair holes in floors and walls which could invite the attentions of 'peepers'. Bathrooms were often not separate rooms at all, merely sections of a larger room closed off by a screen or partition which left a convenient gap below the roof for inquisitive eyes to peer over. McNicoll quoted from a report prepared by the acting-Superintendent of Police to stress the contribution of many Europeans to their own embarrassment. A curtilage case which occurred in Kavieng brought a sentence of twelve months hard labour upon the young ToBila. The complainant was drying herself after a bath at the Kavieng Club when she noted an eye to the crack in the floor beneath her;

The point is that the "peeping" could not have happened had reasonable precautions been taken. The bathroom is above the ground level, there are holes and cracks in the floor, and although it is forbidden for any native to go underneath the bathroom, there is nothing whatever to prevent it.... That those responsible were aware of the possibilities of white women being seen naked by natives is clear from the instruction that was given to the effect that no native was allowed underneath the bathroom. The Administration is blamed and the natives are 'undisciplined' because when temptation is put in their way they fall. 128

The acting-Superintendent had also included details of the case of Maronget, awarded twelve months hard labour and two whippings of eighteen strokes for a peeping offence. Maronget

128 Memorandum of the acting-Superintendent of Police, 17 December 1936 quoted in Administrator to Department, 9 April 1937 in above.
had gone into a closet next to the bathroom, climbed to the top of the partition, and looked at his mistress taking the bath he had just prepared for her. McNicoll lamented that his employer, "a prominent resident of the town", had not ensured that his bathroom was fully enclosed. 129

Quite apart from the instances of carelessness described by the Administrators, the European residents of Rabaul seemed reluctant to implement safety measures which were prescribed by those amongst their own number. The most common suggestion was that New Guinean women be employed in households where white women and girls resided to reduce the opportunity for peeping and molestation. Some Europeans thought priority in the education of New Guinean and mixed race girls by the missions should be given to the training of efficient servants for Rabaul's homes. 130 Those who supported the principle generally believed that the employment of married women under indenture was the best method of obtaining female servants. 131 The Territorial manager of W.R. Carpenter & Co.

129 Administrator to Department, 9 April 1937 in above.

130 "The white woman's burden", Rabaul Times, 23 February 1934.

131 Reservations were often expressed about the employment of single women after cases of intrusion came before the Supreme Court in which the trespasser had ventured into the house in pursuit of the unattached servant rather than her European mistress. (See, for example, "With intent to insult", Rabaul Times, 23 November 1934.) The New Guinea Handbook, p. 141, summarised the position. "The native population of Rabaul being so predominantly male the question of "followers" becomes serious with the employers of native girls. It is most convenient to recruit, where possible, married couples, if a woman servant is required. European women are advised to employ, if possible, native women as domestic servants".
and non-official member of the Legislative Council B.B. Perriman put the proposal on a more formal footing in a written submission to the Council in 1934. He cited his own Company's figures on the disparity between the sexes of their recruits over a twelve month period to show the potential for the recruitment of married couples. Both Perriman and Gordon Thomas, who supported his submission in an editorial entitled "The white woman's burden", thought it the responsibility of the Administration to instruct its field officers to encourage wives to follow their husbands into indenture.

The Administration was not unsympathetic. It could not countenance any significant increase in the numbers of married women recruited as their continued presence in the village was one of the chief defences to the high level of male recruitment it allowed. Nevertheless, the Native Labour Ordinance had been amended in 1933 to permit the signing on of single women by recruiters approved by a District Officer, providing they were acting on behalf of a European woman.

There was little increase in the number of women employed as domestic servants in the 1930s; even the activities of the Citizens' Association in 1936-37 brought about no change. During the trial of ToLati in the Supreme Court in

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132 NGLCD, Session 2, 13 February 1934, p. 92.

133 Perriman stated that of approximately 700 males recruited by W.R. Carpenter in the previous twelve months, only fifteen had been accompanied by their wives.

134 Rabaul Times, 23 February 1934.

135 Native Labour Ordinance, number 14 of 1933.
March 1937, the defence counsel ADO F.W. Mantle criticised the inertia of Rabaul’s citizenry in persisting with the employment of adolescent youths as personal attendants to European women. ToLati was sentenced to a short term of imprisonment and twenty strokes with a leather strap – he was under fifteen years of age. Mantle reflected upon the carelessness of ToLati’s employers before asking why it was that Europeans in New Guinea could not follow the example of colonial communities in other tropical countries and add 'mary' to the vocabulary of domestic service – ayah, amah and mammy.  

The Rabaul Times considered that female servants were difficult to obtain but added that if the European residents were sincere in their deprecation of sexual offences, they should import suitable labour from abroad. McNicoll dismissed the claim that there was a dearth of female labour. It was a matter of economics, he wrote to Canberra, quoting again the remarks of the acting-Superintendent of Police.  

The facts are that residents have been accustomed to getting their servants for nothing that the prospect of paying a recruiter the proper fee for a married couple meets with no approval and ...the Administration is blamed because there is not a supply of cheap female labour.  

The Territorial Commission appointed to inquire into labour matters in 1939, in its majority report, agreed with McNicoll

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136 "Supreme Court" and "Peeping toms", Rabaul Times, 12 March 1937.

137 "Peeping toms", above.

138 Memorandum of acting-Superintendent of Police, 5 April 1937, cited in f/n 107, above.
that economic factors were the chief inhibitions on the employment of New Guinean women. 139 The statistics included in the Report of the Commission in the Annual Report showed that only a marginal increase in the signing on of women in the period 1930 to 1940. 140

The ambivalence of the European residents was further demonstrated by their objection to proposals that New Guineans journey to Australia for educational or vocational training. They argued that such men would come into contact with Australian women of dubious virtue and so lose their respect for all women of the white race. 141 Yet, as they damned such isolated Administrative efforts, some of them fought to retain

139 Report of a commission appointed to inquire into the matter of native labour in the Territory, 1939, pp. 29-31. Employers were obliged, by the Native Labour Ordinance, to provide issues, housing and medical attention for the wives of indentured labourers and to pay monthly wages as well if the women were indentured. The Commission reported that "many employers cannot afford a large percentage of uneconomic units". (p. 30)

140 At 30 June 1939, there were 338 married women under indenture, while another 949 had accompanied their husbands to their place of work. Report, above, p. 29. Annual Reports for 1929-30, 1934-35 and 1939-40 give the total number of New Guineans in domestic service as 91, 80 and 135 respectively.

141 "One need only cast the mind back over the last few years here and realise the number of outrages that have been committed by natives upon white women and children, and in some cases it is a well-known fact that the natives who committed these crimes had at some time or other been in Sydney, either as members of ships' crews or with white residents". "The education of the native", Rabaul Times 25 January 1929.
the privilege of taking their servants with them on leave or holiday in Australia. Their explanation was no doubt that the activities of their servants would be closely supervised, but the official account of the visit of the Papuan medical students to Sydney, for example, reveals that they had no opportunity to sample forbidden fruit of any description in southern ports.

Punishments inflicted by the Supreme Court on convict-ed offenders were always harsh. The frequency with which curtilage cases came before the Court, and the general concern over them, resulted in the sentences awarded in many of these cases being recorded. Table 4.12 sets out the penalties awarded in cases of this nature for which details are available.

Amongst the names of those granted permission to take servants to Australia are those of J.J. Gilmore, a vocal critic of the Administration in the aftermath of the Rabaul strike and a constant opponent of the missions, and V.B. Pennefather, former ADO and subsequent member of the Citizens' Committee in 1936. See the returns of permits issued for New Guineans to leave the Territory in AA, CRS A518, item BB 840/1/3 part 1.


Many Europeans claimed to have solutions for the problem of New Guinean offences against European women. Some saw the answer in herding all black men at night into patrolled compounds ("On trial" by 'Tobalaki', Rabaul Times, 23 October 1925), others in the installation of street lighting (Stella Hogan to C.W.C. Marr, 20 January 1928, above). Films were blamed for the problem and Europeans were urged to prevent New Guineans peering through windows or hanging around doorways when uncensored films were being shown to a white audience ("Natives and the flix" by 'Pakasea', Rabaul Times, 19 February 1926). Some recommended keeping dogs "of a good breed ... fed, not by a native, but by some white member of the household" ("Night prowlers", Rabaul Times, 13 December 1929) or having a police whistle on the premises ("Local and General", Rabaul Times, 14 December 1934). A suggestion repeated several times during the period was the establishment of brothels for New Guinean labourers, in accordance with the prevailing notion that it was sexual frustration which led to attacks on European women (see, for example, "The Permanent Mandates Commission", Rabaul Times, 16 October 1936).
*Includes one case against a Chinese, Gezong, who committed the offence against a European woman in the Morobe District in 1931. He received 12 months and 20 strokes.

Table 4.12: sentences of imprisonment and whippings passed by the Supreme Court upon men convicted under the 1923 and 1927 amendments to the Criminal Code.

<table>
<thead>
<tr>
<th>Total cases tried</th>
<th>Acquitted</th>
<th>3 months or less</th>
<th>6 months</th>
<th>9 months</th>
<th>12 months</th>
<th>10 strokes</th>
<th>12 strokes</th>
<th>15 strokes</th>
<th>16 strokes</th>
<th>18 strokes</th>
<th>20 strokes</th>
<th>24 strokes</th>
<th>over 24 strokes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>58*</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>1</td>
<td>42</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>23</td>
<td>9</td>
</tr>
</tbody>
</table>

(Note that the maximum imprisonment for the offences was 12 months.)

The facts of a number of these cases have been noted (Wasanata, ToBila, Maronget and ToLati) which indicate the general character of the offences which drew the punishments tabulated above.

In dealing with New Guineans convicted of crimes of indecent assault, attempted rape and attempted carnal knowledge, both Wanliss and Phillips initially found themselves in a dilemma. While wishing to impose exemplary sentences of imprisonment they could only award a whipping in addition to gaol terms of two years or less. In December 1932 Phillips opted to pass sentence of two years hard labour and a whipping of twenty-five strokes upon the fifteen year old Sario. Phillips considered the interference of Sario with a European girl under twelve years of age to be
a shocking case and that it was impossible to over-rate the gravity of such an offence by a native against a white child. The Court cannot take a light view and should impose the severest penalty possible under the law.

The Judge completed his remarks with a reference to the limitation of whippings to sentences of two years, that no allowance was made for whippings to be administered in instalments and that whippings of over twenty-five strokes could not be ordered where the guilty party was under the age of sixteen. In a previous case of interference with a European girl by four Namatanai youths, Phillips had imposed sentences of imprisonment ranging from seven to eleven years upon the three men convicted.

145 "Central Court", Rabaul Times, 9 December 1932. Wanliss had earlier expressed his dissatisfaction with the restraints placed upon the ordering of whippings by the Court in the cases of Wasanata and ToMari; see above, p.221. The Rabaul Times had suggested that the administration of whippings, up to the maximum allowable 30 strokes, might be "more effective and impressive" if given in three instalments; editorial note appended to Court report, "Whippings awarded to natives", Rabaul Times, 19 April 1929.
He rejected the plea of the defence counsel for Hari that the youth of his client should be taken into account. Phillips was satisfied that it had been Hari who had led the others and the punishment of eleven years hard labour was thus justified.\footnote{146} Phillips' thinking appeared to be that, while prepared to limit sentences of imprisonment to two years in most cases so that a whipping could also be awarded, in the more serious cases he would pass sentences of imprisonment of a length that would compensate for the lack of accompanying corporal punishment.\footnote{147}

Amendments were introduced in late 1934 to allow the Bench greater latitude in the corporal punishment of sex offenders. Wanliss and Phillips immediately began to order all sentences of whipping to be carried out in two instalments. There were a number of subsequent applications of a new provision which raised from two to five years the maximum sentence of imprisonment which could be accompanied by a whipping.\footnote{148}

\footnote{146} "Namatanai assault case", Rabaul Times, 9 November 1928; "Central Court", Rabaul Times, 16 November 1928 and "Central Court", Rabaul Times, 30 November 1928.

\footnote{147} This thinking was displayed in his sentencing of Lapin to ten years imprisonment for the attempted rape of a European woman in 1934. Phillips explained that the "duty of the Court in my opinion is to see that any such attempt is punished - rigorously - in a way that will effectively deter a repetition of the offence. A sentence that was not severe would certainly be misinterpreted by natives". "Native assaults white woman - smart work by police", Rabaul Times, 12 October 1934.

\footnote{148} The Rabaul Times reported 26 cases in which sentences of over 2 years were accompanied by whippings. The most severe of these was the sentence of 5 years imprisonment and whippings of 24 strokes for 18 labourers convicted of rape. "Local and General", Rabaul Times, 12 February 1937.
The attitude of the Supreme Court to the offences throughout the period was consistent. Although Phillips did express concern that Europeans were failing to take precautions which could avert offences, the sentences which they imposed upon New Guineans were as high as the frequency of their acquittal was low. The maximum sentence of twelve months hard labour was passed in over 75% of the curtilage cases recorded, while from July 1927 to June 1940, only six of the 152 New Guineans charged with the offence were acquitted. Neither Wanliss nor Phillips was ever criticised for regarding the offences too lightly by even the most hostile critics of the Administration. Their sentences must have impressed the gravity of the offences upon the minds of European residents who might otherwise have rejected the emotive arguments put by some of their fellows.

The official attitude, as represented by the despatches of the Administrators, is puzzling. Wisdom and McNicoll were both scornful of the reaction of many European residents of Rabaul during the 'crisis' of 1928 and 1936-37 and agreed that they often brought trouble upon their own heads. The Administrators pointed out the innocuousness of the incidents; Wisdom stated in 1928 that police were convinced "some

\[149\] He warned Europeans that "in a native country...(they had) to be more circumspect in many ways than is necessary in a White country, if they wish to avoid putting temptation in a native's way. Modes of behaviour, dress, etc., that involve no untoward consequences in a White country may have very different reactions if adopted in a native country". "Native assaults white woman", Rabaul Times, 12 October 1934. Thomas wrote an editorial "The gentle art of being circumspect", based on Phillips' remarks, which appeared in the Rabaul Times, 9 November 1934.

\[150\] Some of the remaining 25% of these cases would not have related to offences against European women.
of the cases reported are mythical and due to hysteria". He continued that

It will be noted that as soon as the woman calls out, the native invariably runs away, and that there have been no instances of rape or violent attempts at rape. 151

When McNicoll set out to de-bunk the alarmists in the Citizens' Association in 1937 he stated bluntly

One might imagine that rape was rampant, not that a careless woman having a bath had neglected to shut a door or have mended a hole in the wall. 152

Public indignation in 1928 and in 1936-37 was also partially blamed upon the agitation of individuals who sought to profit through the discomforture of the Administration. Acting-Administrator Wanliss saw the hand of the Crown Law Officer behind the indignation of 1928 153, while McNicoll was convinced that Mullaly was seeking to embarrass the Administration in 1936 because official approval had often been denied to suggestions he had made in the Legislative Council. 154 In all

151 Administrator to Department, 22 May 1928 in G 840/1/3, above.
152 Administrator to Department, 9 April 1937 in above.
153 Acting-Administrator to Department, 30 January 1928 in above. Wanliss believed that Hogan wished to see the control of the Police and Prisons Departments removed from the Government Secretary and added to his own demesne.
154 "Mr Mullaly is imbued with the idea of venting his spleen in any direction likely to embarrass the Administration. In a moment when drink had so far dulled his brain as to cause him to lose his sense of proportion he so informed Mr. S.A. Lonergan, Chief Clerk of this office". McNicoll added that "Mr Mullaly is not concerned with offences against white women or the growing lack of indiscipline amongst natives ...." Administrator to Department, 9 April 1937 in G 840/1/3, above.
their correspondence on the issue, the Administrators belittled the claims of the Rabaul Times or the citizens' lobbies that the offences were symptomatic of a wider disrespect for European authority in the Territory.

Yet Wisdom and McNicoll expressed no reservations about the severity of the penalties imposed by the Supreme Court for the offences which they so carefully explained away as imaginary or perfectly harmless. McNicoll also accepted amendments to the Criminal Code in 1934 and 1937 which substantially increased the range of punishments available to the Supreme Court. The Administrators steered a course of expediency through the most turbulent periods. They realised that European indignation was of unusual intensity, and, perhaps even more unusual, an indignation that was common to all classes and vocations. McNicoll's appeasement was of a more active character although he may have been the readier to accept the amendments of 1937 for the shrewd reason that few cases were likely to

Wisdom at least conceded that the sentences were "very tough" in his report of May 1928. W.B. Ball, the acting-Superintendent of Police in early 1937, was the only senior officer of the Administration whose dissatisfaction at the sentences is recorded in the documents which survive. "Whilst I consider the whippings to be of a terrible nature, it is my opinion that severe sentences will never stamp out this class of offence; a sexual offence committed in nearly every instance by youthful males acting under the influence of the sex impulse. The solution does not lie in punishment but in prevention". Ball's recipe for prevention included the taking of reasonable precautions by Europeans, the education of both labourers and employers as to the standards of behaviour which should be observed, the employment of female servants and a prohibition of the employment of males under the age of thirty for domestic duties. Memorandum of the acting-Superintendent of Police, 5 April 1937 in Administrator to Department, 9 April 1937 in G 840/1/3, above.
arise in which the new penalties could be applied. His approval of the provisions also dispersed the potentially disruptive alliance of non-official opinion in Rabaul and removed the stick with which Mullaly was beating his Administration. Both Wisdom and McNicoll appeared less intent that justice was done in such cases as that it was seen to be done by the aggrieved residents in the hope that they might cease to be so critical of the Territorial authority.

Wisdom and McNicoll wrote of the harmlessness of many of the curtilage cases with a detachment that befitted an Administrator; but occupying high office was apparently no proof against the assumptions about sex and race which prevailed amongst the Europeans in the towns of the Territory. Similarly, Hubert Murray, a year after his sane and sympathetic description of the nature of Papuan curtilage cases, secured the passage of the highly discriminatory White Women's Protection Ordinance. Murray acted not only to appease the indignant European community in Port Moresby; Wisdom and McNicoll would undoubtedly have agreed with his own justification for imposing heavy sentences on offenders that "there is a great difference between a white man's country like Australia...and the territory of Papua, where a small white community is surrounded by a barbaric population hardly out of the stone age...." 156

The pattern of race relations under the Australian Administration of the Mandated Territory was founded upon constantly emphasising the distance between white and black.

156 Lt. Governor to Prime Minister, 5 April 1930 in AA, CRS A518, item D 840/1/5
Distance was maintained, as has previously been described, by convention and etiquette, by restricting the access of New Guineans to education and technical training and by neglecting to encourage their progress in economic activities in which they might compete with European interests. Offences against European women threatened this segregation at the most intimate and emotive level. They were also seen as evidence of increasing New Guinean indiscipline and disrespect which many Europeans were claiming was undermining the prestige of the white race.

In his book *Sex and racism* sociologist Calvin Hernton discusses the bases of inter-racial sexual mores in the southern United States. White men treat black women as sexual objects, viewing them with a mixture of fascination and loathing, and their relationships with women of their own race are poisoned by feelings of guilt about their liaisons with the black women. The degree of guilt they feel is measured in the extent to which they eulogise the qualities of the white woman, setting her on a pedestal above and apart from their own sordid world. Both white men and women come to fear the black man; they develop "rape complexes" although "the actual danger of the southern (white) woman being violated by the Negro has always been...much less, for instance, than the chance that she would be struck by lightning". 157 European men in New Guinea frequently took New Guinean sexual partners, 158 though not to


the extent of white males in the southern states of America where the practice was almost institutionalised, and probably not to the extent of white settlers in many other colonial societies.\textsuperscript{159} Hernton's 'guilt' theory does not appear to fit the Territorial situation but other elements of his description are apparent. There certainly was a sexual fear of the New Guinean male in some quarters,\textsuperscript{160} and a general emergence of a rape complex. There was support for the belief that an attack upon a white woman was an offence against the race: as Hernton states "When a Negro is intimate with one white woman, in the minds and emotions of the white man, that Negro is intimate with all white women".\textsuperscript{161} The black man is also guilty of defying white men, because, in the context of the multi-racial society, they regard all white women as belonging to them. The position was almost admitted in legislation passed by the New Guinea Legislative Council in 1934.

The amendment to the criminal law introduced by the CCAO in 1934 was a revealing statement about European attitudes towards sex and race. It outlawed sexual intercourse between white women and black men, even if the woman was a consenting party, where they were not a married couple. Both participants

\textsuperscript{159} See the assessment of S.W. Reed, above, p. 249 (f/n).

\textsuperscript{160} There was concern, for example, about the manner in which lava lavas were being worn by New Guineans in the late 1930s. Underlying the letters of complaint published in the Rabaul Times is the hint that Europeans were disturbed by the sexual implications of the fashion. "Correspondence - Lava lava length", Rabaul Times, 24 December 1936 and "Local and General", Rabaul Times, 4 November 1938.

\textsuperscript{161} C.C. Hernton, above, pp. 106-7.
could be imprisoned for twelve months. The prohibition passed through the Legislative Council to the unanimous approbation of the members. W.E. Grose applauded the measure "because for crimes such as this to be countenanced would undermine the whole moral fabric of the Territory". He added that deportation of the woman was essential. The Crown Law Officer closed the debate on the amendment by assuring Grose that the sordidness of a prosecution would not commonly result because "as far as possible the section would be used merely as a lever to get rid of such people". Apart from a desire to prevent such liaisons, the emphatic connotation of the legislation and the debate was that no respectable European woman would consider sexual relations with a black man.

A further illustration of the depth of feeling on the subject was the response of the European residents of New Guinea to news of the murder of a young European woman in Wau in 1941. Jean Wilson, a twenty-eight year old nurse, died some hours after being attacked in the bedroom of her brother-in-law's house by a man with an axe. Her brother-in-law claimed she had told him shortly before her death that her assailant had been a New Guinean and the murder weapon

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162 Criminal Code Amendment Ordinance, Number 26 of 1934.
163 NGLCD, Session 2, 8 February 1934, p. 82.
164 Above, p. 83. Hogan told fellow members that equivalent prohibitions existed in Kenya and Tanganyika. Only one prosecution was made under the section, of a European woman, noted in the official returns of the Court for 1937-38. No record of this case appears to have survived.
and a black lap-lap were later found in the vicinity. The local European population reacted in a frenzy of hysteria. A Morobe Citizens' Association was formed at Wau and branches sprouted in other mining towns of the region. Although there was no evidence that the dead woman had been sexually assaulted, many of the resolutions and suggestions made by the branches of the Association were made as though it had been a case of that description. The Edie Creek branch of the Association argued the need to execute New Guineans convicted of major sex offences against white women and children and to inflict sterilization as the minimum penalty for minor offences of that nature. Suggestions made by other branches included a ban on white women wearing shorts or slacks, for all New Guineans to have their lap-laps, axes and knives branded with the name of the owner, the segregation of all New Guineans employed as labourers in towns under Administration between the hours of 8 p.m. and 5.30 a.m. and the banning of dark coloured lap-laps which rendered the wearer difficult to see at night. The trials of sex offenders should be held in camera to encourage complainants to come forward and New Guineans convicted of such crimes to be branded on the forehead with a suitable indelible mark. Papuan police should be rotated with New Guinean constables to avoid collusion with criminals, and European officers should be authorised to enter and search premises occupied by New Guineans without a warrant if they had a
The Wau branch offered to assist the acting Inspector of Police in the town with the interrogation of any suspects in the case. Should a charge be laid in the case it was suggested that the culprit should be tried, and, if convicted, be publicly hanged in Wau.  

The European residents of Wau reacted to the Wilson murder as had those in Rabaul to the cases of 1928 and 1936. They did not look upon the incident in isolation; it was seized upon as the grounds for an indictment of the weakness of the Administration's 'native policy'. As the European residents discussed such cases as part of a general need to regulate and control the movements of New Guineans, senior officials in Rabaul insisted upon treating them as specific criminal acts. When Europeans exaggerated the features of the crimes in an attempt to force the authorities around to their point of view, they only succeeded in creating a climate of hysterical indignation which prevented any real dialogue.

The residents chose their vocabulary of complaint to lend their representations an air of urgency. They cloaked the fact that the majority of cases related simply to peeping through walls and floors by referring to all incidents as "offences against white women". McNicoll took exception to this evocative description. They also played on the

165 The Morobe News, 5 July 1941. Clippings from the paper are attached to the file opened in Canberra on the case, AA, ORS A518, AG 836/3. The final proposal by the Edie Creek branch of the Association was written into the Police Offences Ordinance in 1941.

166 Administrator to Department, 11 July 1941 in AG 836/3, above.

167 Administrator to Department, 9 April 1937 in G 840/1/3, above.
ignorance of fellow residents, spreading fear by inventing facts and distorting evidence. Their rhetoric was loaded with references to New Guinean offenders as "beasts", "sexual degenerates", "skulking, marauding natives with nefarious and abominable designs" and so on. Mullaly employed such tactics in his speech to a public meeting at the Rabaul Hotel which he had convened to protest at the inability of the Administration to deal with the problem;

under the bedroom or bathroom floor of some unsuspecting European family...armed with augers and bits for the purpose of creating "peep-holes", the participants could thoroughly enjoy themselves hatching evil designs of assault, insult and ignominy against some unfortunate woman or child of our European community. 169

168 The use of such deception was best illustrated by the publicity which attended the case of an alleged indecent assault upon a European woman in December 1930. A letter by 'Lubon' appeared in the Rabaul Times in January advocating increased penalties for New Guineans who assaulted white women in the wake of the "brutal assault" on the visiting missionary nurse. ("Correspondence", Rabaul Times, 6 January 1931.) The facts of the case, as related by the Administrator, showed the complainant to have been an unreliable witness; her description of the incident itself was quite fantastic and her demeanour during the police inquiry into it had led the Director of Public Health to suspect that she was a drug addict. Her stay in Rabaul culminated in her feigning sickness to avoid appearing in court, and, when taken there in a taxi, she buried her head in her hands and refused to look up or make any statement. (Administrator to Department, 30 December 1930 in G 840/1/3, above.) 'Lubon' claimed that it had been the "hysterical and highly strung" nature of the woman that had prevented the police from sustaining a conviction in the case. Wisdom's report suggests that no attack had been made; the likelihood was that a collision had occurred and imagination had done the rest. It was certainly not brutal. The effect of the letter, however, and the editorial comment which was appended, was to implant the belief that a violent assault had not only occurred, but that it had gone unpunished. This could only lead to New Guineans thinking that they could insult and assault European women with impunity.

169 "The public meeting", Rabaul Times, 4 December 1936.
In such a charged atmosphere, few Europeans stopped to test many of the wild claims which were made against their own common sense or experience. The wife of the Crown Law Officer expressed a common belief in a letter to Marr in 1928; amidst the shocking state of affairs...no woman feels safe from molestation....There is no doubt that the natives feel that they can insult and offend white women with impunity. 170

Present day New Guinean informants are adament that the laws on the subject were well known and the punishments feared. The action of the labourer who reported to the police station in 1930 after a collision with a white woman supports their contention. 171 Yet, as offences continued, the Europeans pressed for the imposition of progressively heavier penalties. Letters to the Rabaul Times always spoke of the "growing incidence", "alarming growth" or the "potential menace" of such offences as though an epidemic was just around the corner. It needed only a glance at the official statistics of the Supreme

170 Stella Hogan to Marr, 20 January 1928, above.

171 See f/n 149, above. Note also the remarks by Phillips in sentencing Lapin in 1934: "I cannot believe that any native, working in Rabaul, imagines that he may attempt to rape any woman with impunity". "Native assaults white woman", Rabaul Times, 12 October 1934. Some New Guinean servants followed an elaborate procedure when the mistress of the house wished to bathe. All the necessary items, soap, towels, mats and clothes, were placed in the bathroom and checked. If an item was omitted the servant might have to take it into the room and run the risk of being accused of peeping. Something forgotten might also be construed as a deliberate attempt to be later called into the room. Once the woman had entered the room, the servant yelled out to make sure everything was in its place. Interview with Joel ToMarua, Mmaluan, Rabaul, 17 October 1975.
Court in the Annual Reports to see that the frequency of the offences followed closely the growth of the European population of the Territory. The Rabaul Times noted this relationship in a moment of candour in 1934 in support of the greater use of female servants. 172 There was nobody at the public meeting at Rabaul in 1936 to make a similar declaration, or to point out to those who favoured public whippings and deportation for ten years 173 that the amendments to the corporal punishment provisions of 1934 had brought no apparent decrease.

In the midst of all the indignation the European women were silent. They did not speak at the public meetings and never organised a protest on their own behalf as their counterparts in Papua had done. 174 Books written by women in the Territory during these years reveal one of three responses; a complete absence of concern over the issue, a commonsense attitude which admitted the existence of the problem and took precautions or an anxiety which bordered on paranoia. 175 Although it is difficult to generalise on the basis of the few

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172 "The white woman's burden", Rabaul Times, 23 February 1934.
173 See the initial proposals of the Citizens' Committee, f/n 99, above.
174 The European women of Port Moresby and Samarai signed a petition of protest after the reprieve of Semesi, sentenced to death in 1930 for the attempted rape of a white woman. Inglis, above, p. 116.
books, it would appear that the more independent and open-minded of the authors were able to live quite comfortably with the 'black peril'. It was an interesting departure from the official attitude to offences against European women held in Papua that women were rarely blamed for bringing the crimes upon themselves by carelessness in dress or demeanour. Occasional comments of this nature were made but, in general, the Europeans in New Guinea did not pursue the argument which Murray found so attractive.

The European residents' response to the offences was extravagantly disproportionate to the degree of physical or psychological harm done by them to individual women, or, for that matter, to the individual criminals. In addition, they steadfastly refused to take the reasonable precautions prescribed by the Administration and the Court, or follow the suggestions of correspondents from amongst their own number whose letters appeared in the *Rabaul Times*. The inference can be drawn that they regarded the offences themselves as less dangerous than the challenge which they posed to European authority. The fear generated by the Rabaul strike was not so exceptional; beneath the hysteria observed by Wisdom in 1928, the strong popular support won by Mullaly in 1936-37 and the frenzied response to the Wilson murder in Wau in 1941 lies a similar apprehension. If the New Guineans were turning more

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177 See A. Inglis, above, p. 80.
frequently to the assault and intimidation of European women, as most white residents were easily convinced was the case, how long could the order so essential to industry and agriculture be maintained? The public readily accepted the need for a more punitive administration of justice; the Citizens' Association quickly broadened the scope of its activities from matters directly related to sex offences in December 1936 to presenting a whole range of recommendations on social and economic issues in January 1937. Some measure of the success of their campaign can be gauged from the debate of the Executive Council in August 1937 on whether to approve the principle of extending the power to inflict corporal punishment on adult males to lower courts. It was a proposition for which employers had clamoured for years but which the Administration had always refused to concede. When the motion was put it required the casting vote of the Administrator to prevent its passage; his opposition tied the voting at five-all.

When Europeans looked at offences against white women by New Guineans they saw what they expected to see. The eyes which peered through cracks in the bathroom floor were not drawn by curiosity, they were, as Mullaly put it, "hatching ...assault, insult and ignominy". The Europeans proceeded from

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178 See "Citizens' Committee", Rabaul Times, 7 May 1937. Issues raised included the regulation of the use of hire-cars and trucks, third party insurance, court procedure, the punishment of New Guineans by lower courts and unrest amongst villagers on the North Coast. At their meeting in September, the Citizens' Association attacked the Administration for not having formulated and publicly announced a 'Native policy'; "Citizens' Association", Rabaul Times, 17 September 1937.

179 NGEC Minutes, 20 August 1937 in AA, CRS A518, R 800/1/3 part 3.
the stereotype of the New Guinean as a creature totally bossed by his passions, without the benefit of the social constraints built into white men and women by hundreds of years of civilization, to fit all his offences against European women and children into a pattern of sexual brutality. The subject was such an emotive one that no criminal offence involving a white woman, from the trespass of Wasanata and ToMari to the murder of Jean Wilson, could be discussed without a sexual connotation. The Europeans in New Guinea were as impassioned about the offences at the close of the period as they were at any time during the Mandate. The penultimate session of the Legislative Council was dominated by the subject, in the wake of the Wilson case, while war raged in Europe and the Middle East, while Japan threatened war in the Pacific, while the administrative capital of the Territory was being relocated and while the copra industry collapsed and gold production was seriously hampered by industrial disputes. The Honourable A.J. Bretag, a non-official member from the Morobe District, spoke for twenty years of fear and prejudice in his closing remarks:

I cannot escape the observation that the customary modesty and delicacy as exercised by our womenfolk in a more civilised community is not sufficient in a country where lascivious attentions are continually being directed against them by the animal instincts of perverted savages who have such a narrow span bridging the gulf between them and civilisation. 180

180 NGLCD, Fifteenth Session, Meeting Number 1, 8 July 1941, p. 9.
5. European attitudes towards the punishment of New Guineans by the District Courts and Court for Native Affairs

Europeans in Rabaul and New Guinea viewed the administration of justice to New Guineans as part of the relationship between the white race and the black. Their attitudes were coloured by the expectations and anxieties associated with the maintenance of white prestige and the preservation of white privilege described in the previous chapter. The Administration's frequent declarations that it would rely on the sanctions provided by the law and applied by the courts to contain crime and keep order guaranteed intense European interest. The constant concern over New Guinean crime and 'indiscipline', perceived as challenges to European authority, meant that the administration of justice was under constant scrutiny from residents throughout the period. In approving or disapproving of the work of the courts, the Europeans were, in effect, assessing how effectively their procedures and sentences enhanced their own social and economic positions through impressing New Guineans with the supremacy of European authority.

As in all their dealings with New Guineans, Europeans felt that it was imperative the courts always appear to act from a position of strength. "...we cannot expect to get good results if we are weak in our treatment to those who would naturally look up to us" wrote 'Pioneer' to the Rabaul Times in 1925.181 While Europeans had come to respect the law

181 "Correspondence", Rabaul Times, 7 August 1925.
from an appreciation of the benefits and protection it afforded them, the mentality of the New Guineans was limited to the extent that his respect could only be gained through fear. The New Guinean mentality was likened to that of a child, unable to appreciate the finer principles of western law which he regarded as indulgent and signs of weakness. He had little comprehension of the significance of giving evidence on oath. His innate cunning led him to attempt to deceive the courts by manufacturing evidence and suborning witnesses. Any concessions offered to a New Guinean accused by a court would only be turned to his own advantage. Taking legal notice of customary law and practice, for example, would only afford an opportunity for those New Guinean accused who had a thorough understanding of western law to escape penalties which should justly follow. In the context of this

182 "Regard for the law can be procured in two ways, either by promoting affection for it or by inculcating fear of breaking it. There is overwhelming evidence that the former plan in New Guinea has broken down, it is the business of Magistrates and Judges to try the other". "Correspondence", Rabaul Times, 30 November 1928.

183 "The thieving kanaka is getting bolder and there is now no limit to their impertinence....Last week one of the houseboys reported he had seen a strange boy in the bungalow and he had removed an overcoat. This was corroborated by a second boy and a certain aristocrat picked out from a line of half a dozen. When accused he promptly said "What time you see me? You look my box, you no find". He put up a four deep alibi and - So what's the use". "Local and General", Rabaul Times, 3 July 1925.

184 "Native customs and the law", Rabaul Times, 14 August 1925.
stereotype of the New Guinean conjured up by the European imagination, the acquittal of any New Guinean raised the spectre that the court had been misled. The acquittal of a New Guinean who was in fact guilty would bring the court into contempt. The European residents displayed remarkable facility in attaching a general significance to particular events; the acquittal of a guilty party, from the worried tone of many of the correspondents to the Rabaul Times, would echo throughout the black population and swell the tide of New Guinean indiscipline.

The belief of Europeans that New Guineans did not fully appreciate the intricacies of court procedure caused them anxiety when an accused was acquitted on a legal technicality. The acquittal of ToAnot, charged with the theft of a raincoat before the Rabaul District Court in 1935, was received with disgust by the Rabaul Times. The Court found that evidence of theft had not been established as ToAnot had intended to return the coat and had been delayed by a flat tyre.

An incident like this should not be allowed to go unpunished as it creates a dangerous precedent amongst house-boys, many of whom are only too ready to take advantage of such loop-holes in our laws.

185 "We are told that the Australian aboriginal is the lowest of all things in human form, but one doubts this statement when it is remembered what splendid stockmen the aboriginals are...and compare him with the Kanaka - the lazy ways of the latter, his indolence, his crafty and theiving ways and ingratitude - one is forced to the conclusion that the aboriginal is somewhat higher up the grade scale than the Kanaka". "Editorial - Crime", Rabaul Times, 21 June 1929.

186 "Local and General", Rabaul Times, 22 November 1935.
There was little place for legal argument in the defence of New Guineans appearing before the courts to the mind of the editor of the Rabaul Times in July 1929. He argued that the presentation of incriminating evidence by the police should be sufficient grounds to sustain a conviction. In an editorial entitled "The boy", he maintained that the Police Department is doing its duty in bringing all offenders to book, and it is hard to understand why certain white masters should see fit to go to the expense of employing counsel to defend their kanaka employee. 187

The editor considered that the engagement of counsel, in a case of being unlawfully upon premises, rather than serving to protect the accused, "baulked (the police) in the performance of their duty". In both his original editorial on the case, and a comment appended to letters of protest received from the solicitor who appeared in the action and the employee of the accused, 188 the editor not only stated that there was no place for legalism in the trial of New Guineans, but that they should be presumed guilty if the police had felt confident enough to prosecute them.


188 The solicitor, E.V. Hayes, took vigorous objection to his description in the editorial as a "white kanaka" and stated his belief that "every one, even a "kanak" has the right to the services of a solicitor, and that it is the bounden duty of a solicitor to accord such services". The employer of the accused, T.G. Kenward, who had engaged Hayes, protested at the editorial and justified his action by declaring his belief in the innocence of the servant. He had been complimented by Shillington, the Magistrate, on his interest in the welfare of his employee. "Correspondence", Rabaul Times, 12 July 1929.
Objection was also taken to the length of time it took to dispose of simple cases against New Guineans. The dilatoriness of the procedure was criticised in a Rabaul Times editorial of 1936.\textsuperscript{189} It described the plight of an employer who took court action against an employee for neglecting duty; although the labourer pleaded guilty, the case was two and a half hours in the hearing,\textsuperscript{190} the employer spent that time away from his work and was then deprived of the services of the labourer for the seven days of the sentence of imprisonment he received. An early suggestion made to overcome this problem was that employers themselves be given authority to impose punishments for minor offences,\textsuperscript{191} but by 1936, when the white residents recognised the Administration's commitment to the courts, this course had been discarded in favour of support for their summary punishment by magistrates. There was no doubt however, that beneath the article's claim that it was "absurd to contend that all the legal paraphernalia of blue papers and court routine should be required in dealing with minor offences"\textsuperscript{192} the author was advocating different

\textsuperscript{189} "Neglecting justice", Rabaul Times, 26 June 1936.

\textsuperscript{190} The practice of the Rabaul District Court was to hear the evidence in individual cases even if the accused pleaded guilty as charged.

\textsuperscript{191} It was argued that many of the Australian employers in the Territory had served as officers in the AIF and "by virtue of that position were considered fit and proper persons to pass sentence upon their white brothers. Yet, should these same men to-day put a hand upon some "cheeky" kanaka... he would be fined". "As others see us - an extract from North Queensland Register", Rabaul Times, 29 January 1926.

\textsuperscript{192} "Neglecting justice", Rabaul Times, 26 June 1936.
standards of procedure, and protection, for black and white defendants. 193

The reservations which European residents expressed about court procedure were mere quibbles compared to their dissatisfaction with the punishments which were imposed on New Guinean criminals. The abolition of corporal punishment by the Military Administration in 1919 as a sanction which could be imposed by a magistrate had left imprisonment as the only penalty which could be imposed by the lower courts. 194 For the next twenty years the European residents of the Territory built many of their theories about New Guinean crime upon the premise that imprisonment was an ineffective punishment; not only did it fail to deter criminals, it was held in such contempt by New Guineans that it acted as a positive incitement to crime. They believed that Territorial gaols were seen by New Guineans as congenial places where they were provided with regular meals, free clothing, and accommodation more comfortable than they knew in their own villages. Their assumption neatly fitted their other belief, that New Guinean crime was on the increase and that the Administration was powerless to contain it.

Critics of the prison system rarely offered details of the shortcomings of the institutions. Apart from an early

193 A similar suggestion was made, under the guise of a plea for greater judicial notice to be taken of local customs, in "A matter of ethics", Rabaul Times, 28 September 1934.

194 Private employers had been deprived of their authority to administer whippings in August 1915; see S.S. Mackenzie, The Australians at Rabaul, Sydney, 1937, p. 233.
suggestion that a system of classification be introduced to prevent younger prisoners being influenced by hardened criminals, most of the indictments simply charged that no onerous work was performed and that discipline was lax. When a specific allegation was made, the rejoinder of the authorities usually betrayed the ignorance of the critic. The Citizens' Committee pointed in 1937 to the transporting of prisoners by lorry to their work in the Rabaul quarry as an example of the pampering of New Guinean convicts. McNicoll answered them with a detailed outline of the prisoners' daily routine supplied by the acting-Superintendent of Police. The quarry gang mustered at 5.30 a.m., spent over ten hours at heavy work each day with a break only during the hottest part of the day. The Public Works Department was satisfied with the output of the prisoners despite their being supervised by New Guinean warders whom the Citizens' Committee had claimed were indifferent taskmasters. The lorry had been used so that the prisoners could spend more time each day at heavy labour - the quarry was almost an hour's walk from the gaol.

The Administration also attempted to restore public confidence in the prison system by tightening discipline. With the reshuffling of the Police Force in 1931, new Regulations were introduced which allowed prison officers to assign

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195 "The black peril", part 2, by 'Quis', Rabaul Times, 10 July 1925.

196 Acting-Superintendent of Police to Government Secretary, 3 February 1937 in G 840/1/3, above.
shorter service prisoners to pack drill.\textsuperscript{197} The amendments had been passed at the instigation of Walstab\textsuperscript{198} who, as Superintendent of Police, was often criticised in Rabaul for his lack of toughness in dealing with New Guinean criminals. With the re-organisation appeared to come a recognition of the need to improve the public image of the Department of Police and Prisons. Inspector Steeples had succeeded J.L. Taylor as the officer in charge of the town police in Rabaul and in December 1932 he invited Gordon Thomas to inspect the Native Gaol. Thomas was impressed;

The Rabaul gaol for native offenders has in the past been often referred to by local house-boys as a "home from home". Of late however, this impression has been changed; punishment is now being meted out as laid down in the Regulations, and from what I myself have seen...the local native employees will have a far greater respect for Rabaul calaboose than ever before - and not before it was time. \textsuperscript{199}

The comfortable knowledge that discipline was being enforced at the town gaol lasted until 1935. Sir George Pearce, the

\textsuperscript{197} Pack drill had been introduced in 1925 and its provisions were outlined in the Rabaul Times in 10 January 1936. Prisoners serving sentences of less than fourteen days could be ordered to perform the drill on two-thirds of the number of days of their sentence, those sentenced to between fourteen days and a month could spend half their sentences doing drill while longer serving prisoners were only eligible for drill on one-third of their terms. The drill was carried out wearing packs weighted with sand or earth. The weight was varied according to the prisoner's physical development, but for mature males a forty pound pack was shouldered. Prisoners could be drilled, by marching in quick time with the weighted packs, for two hours in the morning and one in the afternoon, with rests after each half hour.

\textsuperscript{198} See "Southern press reports challenged", Rabaul Times, 15 November 1935.

\textsuperscript{199} "Things I've noticed", Rabaul Times, 9 November 1932.
Minister for Territories, visited New Guinea in August of that year and Thomas reported that he had been encouraged by the Minister's refusal to pass comment or make promises about the future of the Territory. He was a welcome change from previous Ministerial visitors who had raised the hopes of European residents by displaying sympathy and concern for their position, then returned to Canberra and done nothing. Unbeknown to Thomas, however, the taciturn Pearce had instructed the Administrator before he left that pack drill was to cease in Territorial gaols.

The Ministerial direction became common knowledge about two months later. The Rabaul Times had published editorials in intervening weeks protesting the extent of Commonwealth ignorance of Territorial affairs and received the news of the abolition of pack drill as the last straw. Pearce probably had had no idea that the subject was a touchy one, let alone that it could be described as having "a vital bearing on the maintenance of discipline throughout the whole Territory...." The residents of Rabaul attached such

200 "Deeds not words", Rabaul Times, 23 August 1935.

201 See, for example, "A Ministerial explanation", Rabaul Times, 25 October 1935 in which Pearce and Archdale Parkhill were criticised for their statement that the residents of Rabaul had not wanted an Australian warship to call at their town because food was in short supply. Their statement was "absolutely wrong" and "cast a slur" upon the residents of the town, who prided themselves on their hospitality.

202 "Administrative freedom", Rabaul Times, 6 December 1935.
significance to prison discipline that Pearce's instruction triggered off an examination of the whole structure of authority under which New Guinea was governed. Sympathy was extended to seasoned local officials whose considered opinions could be overridden by inexperienced Ministers, who themselves were regularly switched by the party or at the hands of the Australian electorate. Thomas suggested the appointment of a permanent non-political head of the Territories Department who, working closely with Territorial officials, might achieve some continuity and consistency of policy.\(^{203}\) The episode demonstrated the extent of Commonwealth influence on administrative method as well as the sensitivity of Europeans on the subject of the punishment of New Guineans.

European residents also maintained that imprisonment was ineffective because New Guineans did not attach the same social stigma to a prison sentence as did Europeans. A *Rabaul Times* editorial in January 1936 attacked the prison system on this ground. Citing no less an authority than Sir Hubert Murray the editorial argued that

> those officials who are candid with themselves, and realise that existing abyss, between White and Black customs, freely admit that the same punishment for Blacks as has been, and is, meted out to Whites does not by any means meet the case. \(^ {204}\)

Murray was reported to have hopes of increasing the impact of imprisonment by adding ridicule to the sentence, by a means

\(^{203}\) Above.

\(^{204}\) "The abyss in between", *Rabaul Times*, 10 January 1936.
which was not explained. The *Rabaul Times* noted that ridicule and indignity were horses of the same colour and that there were few greater indignities imaginable than a summary caning.205

Although some Europeans believed that New Guineans felt the loss of their freedom less keenly than the white man, most confined their comparative criticism to the contention that Europeans were punished as much by their reception by society when they emerged from gaol as from imprisonment itself.

Imprisonment was such a routine experience for New Guineans in the Rabaul region during the period that expressions of social distaste for ex-convicts, or their ostracism from society, was a practical impossibility. Many people were imprisoned for trivial breaches of the law: was it reasonable to expect that a man who had been unnecessarily cruel to a pig, stolen fourteen bananas, or a saucepan206 should be shunned because he was imprisoned for their offences? The assertion that Europeans convicted in the Territory were ostracised by fellow residents was dubious. Representations from individual citizens and from interest groups were made on behalf of many Europeans convicted of some of the most serious crimes in the Criminal Code.207 When orders were gazetted forbidding some of

205 Or, as an earlier editorial had put it, "If we cannot hurt his pride, then let us hurt his hide." "Editorial", *Rabaul Times*, 17 May 1929.

206 Reports of these cases from the *Rabaul Times*, 11 November, 25 November and 2 December 1932, respectively.

207 For numerous examples, see chapter 7, below. Perhaps the best example was C.M. Rouse, sentenced to twelve months imprisonment and a fine of £200 by Wanliss in 1930. By 1937, Rouse, a plantation owner, was president of the Madang branch of the Citizens' Association.
them from employing indentured labourers, the men affected were keen to return to New Guinea to seek withdrawal of the prohibitions despite the barriers which fellow white residents would supposedly erect against them as ex-convicts. 208 Wisdom confessed in April 1932 that

extraordinary as it may seem amongst a certain section of Europeans in the Territory there appears to be no social stigma attached to a man who has served a term of imprisonment locally, and convicted persons are fully aware of this...in instances, to a lesser degree, this applies to convicted persons who have served a sentence in Australia, and who subsequently return to the Territory. 209

A few Europeans conceded that imprisonment was as odious for the New Guineans as for the European. When defending himself against charges that the Administration was treating offences against white women in too cavalier a fashion, Wisdom stressed that allegations that New Guineans regarded prison sentences as a joke were untrue. 210 Todd discovered that the people of Mowehafen disliked going to gaol because of the hard work demanded and the separation from their kin which

208 For example, the campaigns carried out by the friends of M.L. Wilson and G. Chester to have orders prohibiting their employment of labourers under indenture rescinded. Wilson had been convicted of manslaughter in 1930 and sentenced to imprisonment for six months and a fine of £50. Supporters of Chester were still attempting to have the ban on his employing labourers lifted four years after his release from a two year sentence of imprisonment imposed on him for unlawful killing in 1934. See AA, CRS A518, item AP 840/1/3 for the correspondence on Wilson, AA CRS A518 item U 242/3/2 for Chester.

209 Administrator to Department, 7 April 1932 in AA, CRS A518, item A 242/3/1.

210 Administrator to Department, 22 May 1928 in G840/1/3, above.
was entailed. 211

Older New Guineans today remember the sentences of
imprisonment they served before the Japanese invasion as most
unpleasant. Their hair was cut short, back to the skull in
some cases, apparently in an effort to induce shame and
penitence, and they were given prison lap-laps to wear. They
were set to work at grass-cutting, clearing undergrowth, road
work or, in Rabaul, in the collection of sanitary pans from
European houses and the burial of the contents. Warders,
usually New Guineans, were quick to encourage the slower
workers with kicks, punches or slaps with their buckled
belts. 212 When gangs of prisoners were at work, other New
Guineans had to keep well clear and it was expected that they
would avert their eyes if a line of prisoners was marched by.
Smoking and the chewing of betelnut were forbidden. One
Tolai informant, sentenced to two weeks imprisonment for
absenting himself from his duties as indentured house servant,
recalled that policement and warders from the mainland were

211 J.A. Todd, "Native offences and European law in south west
New Britain", above, p. 458. Hogbin noted that "the fear
of imprisonment or hanging tends to act as a restraining
influence" amongst the people of the Schouten Islands in
the mid 1930s: see H.I. Hogbin, "Social reaction to crime
...Schouten Islands" in Journal of the Royal Anthropological
Institute, Volume 68, 1938, pp. 223-63 at p. 245.

212 Evidence of a prison beating came before Phillips in 1936
in the case of Malongo, convicted of indecently insulting
and indecently assaulting a European female. "His Honour
said that the evidence brought out that the accused had
already been beaten, apparently very severely, and there­
fore the Court could not order a flogging in addition to
the punishment he had already received". No mention was
made of any action to be taken against those who beat
Malongo and the Rabaul Times does not report any criticism
of their actions by Phillips. "Local and General", Rabaul
Times, 11 December 1936.
inclined to single out Tolai prisoners for beatings.\textsuperscript{213, 214}

The belief that "the Kanaka regards imprisonment as a holiday"\textsuperscript{215} provided a neat explanation for 'native crime'. It allowed Europeans to avoid examining the social consequences of Territorial legislation or the contribution Australia's colonial methods made to the crime rate. It became ingrained, an article of faith, which led white men otherwise reluctant to accept generalisations about New Guineans to concede its force. J.K. McCarthy could quote with approval the remarks of the Kokope gaoler Tom Walker in 1927 that no New Guinean prisoner would escape from gaol unless he was mad and forget that in the case being tried at the same time in the Supreme...

\textsuperscript{213} Compiled from interviews with Aniolum Barabua, Karasol and Uliap at Kaindi village, Wewak, 3 November 1975; Joel ToMurlua and Samuel Tiluk at Malmaluan, Rabaul, 17 October 1975; Ephraem ToMarit and John Kapilis, Malmaluan, 17 October 1975; Somul Sigob, Port Moresby, 7 October 1975; John ToGuni, Malmaluan, 23 October 1975 and Siau at Lorengau, 30 October 1975.

\textsuperscript{214} Female prisoners were often assaulted. The male and female gaols were usually adjacent and, in Wewak for example, male prisoners of influence could sometimes gain access to the women; interview with Aniolum Barabua, Karasol and Uliap, above. New Guinean policemen sometimes abused their positions of responsibility: three constables stationed at Aitape obtained the keys to the female gaol and indecently assaulted the inmates in 1927. They were subsequently sentenced in the Supreme Court to imprisonment for six months with hard labour for one Aikup, and twelve months with fifteen strokes of a cane for Mejon and Kaima. A brief report of the case was published in the Rabaul Times, 16 September 1927. Cases of sexual assault by European gaolers and policemen were occasionally heard by the Supreme Court. Morison and Nicholls were convicted under these circumstances in 1927 after committal in Kavieng on charges of rape; see AA, CRS A518, D and E 242/3/2. Two further well known cases in which evidence of intercourse was accepted but in which convictions for rape were not sustained were those concerning Warrant Officer Geen at the Rabaul gaol ("The King v. Geen", Rabaul Times, 30 March 1928) and Warrant Officer Walker at Manus in 1936 ("Acquitted of rape", Rabaul Times, 6 March 1936).

\textsuperscript{215} "Editorial", Rabaul Times, 17 May 1929.
Court, fourteen of the sixteen accused had broken out.216

The reform most commonly suggested to make penalties more effective was the re-introduction of corporal punishment. Its advocates pointed to the crime rate as evidence of the failure of imprisonment to contain crime and claimed corporal punishment would rescue the situation. Correspondents to the Rabaul Times in its early years stated that the Administration's ban on whipping, by employers or the lower courts, was responsible for the New Guineans' assessment that Australian government was weak where the pre-war German rulers had been strong. Disrespect bred crime: if corporal punishment was brought back, respect would also return.217 Errant New Guineans would suffer physical pain for their misdeeds, they would learn that the law was not to be trifled with and their employers would not be penalised by the loss of their labour while they served prison sentences.

Non-official opinion on the subject was shaped by the Rabaul Times which campaigned throughout the period for a restoration of whipping.218 Gordon Thomas had experienced the

216 J.K. McCarthy, Patrol into yesterday, Port Moresby, 1972, pp. 15-16 and 20-26. McCarthy attended the trial of five men for the murders, four of whom had escaped only to be recaptured. He recorded that the other eleven had already been sentenced to death in the previous week (p.25). In fact, they were all free at the time and six of them were never recaptured; see AA, CRS A518, item L 840/1/3.

217 See, for example, "Correspondence - Be prepared" by 'Devon', Rabaul Times, 14 August 1925 and "Correspondence - Privileges to natives", by Edith Kaumann-Juker, Rabaul Times, 21 August 1936.

218 From "Waking up in time", Rabaul Times, 9 October 1925 to "To find a cure", Rabaul Times, 10 January 1941.
German practice, the Disziplinar-Erlaubness, whereby employers who were considered responsible were permitted to whip their labourers for breaches of discipline. Records had to be kept of all such punishments for inspection by an inspecting official. Thomas harped on the decline in New Guinean respect for Europeans and the deficiencies in existing standards of court procedure and punishment in articles with titles like "Spare the rod...." and "Bring out the slipper".\(^{219}\) In his contributions he equated the status of the New Guinean with that of a European child;

European school-children are not placed beyond the curriculum of the school on having committed some breach of discipline; they are soundly spanked and sent back to their lessons. This is exactly what should be done with native offenders and the employer with the intricacies of Codes, ordinances and regulations, which occupy valuable time and - in minor offences - do not obtain the object desired.\(^{220}\)

Thomas was quick to deplore abuses of corporal punishment. He was restrained and responsible when discussing cases of the beating of New Guinean labourers which had ended with their employer on trial in the Supreme Court for murder or manslaughter. Such excesses were to be regretted; "It is the "prompt blow" and "whip" artists who make it the more difficult for others".\(^{221}\)

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\(^{219}\) "Spare the rod...." and "Bring out the slipper", Rabaul Times, 28 October 1932 and 3 May 1935.

\(^{220}\) "Bring out the slipper", above.

\(^{221}\) "Newspaper clippings", Rabaul Times, 8 January 1932.
The sort of men who gave whipping a bad name. 222

Confusion over the definition of corporal punishment was blamed by Thomas for the reluctance of some authorities to introduce the measure. Residents of Rabaul who wrote to the Rabaul Times referred variously to 'caning', 'birching', 'good sound spanking', 'flogging' or even to 'the lash'. Thomas believed 'flogging' to be the "bogey word", guaranteed to arouse the watchdogs in Geneva and the left-wing press in Australia. Local authorities would never be permitted to approve corporal punishment while Canberra politicians labour under the delusion that a "caning" given to a native is anything more than the punishment meted out to their own children in the schoolroom. It is this continued misinterpretation of the word "caning" which is responsible for the present unsatisfactory system and which is, by no means a deterrent but which should be the principal object in meting out punishment. 223

A spirited correspondence on the harmlessness of canings took place in the newspaper following the editorial in which Thomas put this point of view. After letters from Dorothy Fay which protested against the discrimination involved in the caning

222 Thomas was even able to turn one instance of brutal corporal punishment, the Larkin case (see below, chapter 7), to the credit of his own theory. Larkin was sentenced to ten years hard labour for murder in 1931 when one of his labourers died after a flogging he had ordered, and partly administered. Had Larkin, or planters and miners in similarly isolated areas, the power to cane their labourers then their employ­ees would have good cause to fear their authority. In every labour line, Thomas claimed, were one or two 'hard cases' who knew that they could report their employer to the kiap should he strike them and they delighted in driving mastas to the edge of frustration secure in the knowledge that only a short term of imprisonment would result if their employer reported them.

223 "The abyss in between", Rabaul Times, 10 January 1936.
of New Guineans and the severity of the punishment, several replies were published which supported an extension of the practice. A resident of forty-five years standing defended corporal punishment on the grounds that it had a commendable certainty about it which the New Guineans accepted and understood. It was immediate and established a definite connection between the offence and its punishment. Parents had often visited her upon the indenturing of their children to request that their offspring be caned should they be found lying or stealing. The opponents of corporal punishment were invariably new arrivals in the Territory who had yet to realise that the New Guinean had no capacity for gratitude, was an inveterate thief and that "his brain is that of a child".

The strength of support amongst the non-official Europeans in private enterprise for corporal punishment can be gauged from the declarations on the subject by representative bodies. The Planters and Traders' Association registered their approval on a number of occasions and it was at the heart of the recommendations made by the Citizens' Association in 1936-37. There had been general satisfaction in 1927 when it had been reported in the Rabaul Times that a Mission

224 "Correspondence - The law in T.N.G." by Dorothy Fay, Rabaul Times, 21 February and 20 March 1936.

225 "Correspondence - The law in T.N.G." by 'Housewife' and "Correspondence - Much ado about nothing" by 'S.O. Brutal', Rabaul Times, 13 and 27 March 1936.

226 "Correspondence - View of an old resident" by Edith Kaumann-Juker, Rabaul Times, 6 March 1936.

227 See, for example, Administrator to Department, 14 September 1933 in AA, CRS A518, item AT 840/1/3.

Conference recently concluded in Rabaul had also endorsed the principle. A journalist who had visited New Guinea in 1933 was confident that if the question had been put to the European population in a referendum, it would have been "carried by a very large majority...." There was considerable agreement amongst senior officials that corporal punishment should be extended to the lower courts. Wisdom had responded to a letter published in the Melbourne *Argus* in 1925 which advocated the punishment be introduced with a review of Australian achievements in the administration of justice. Although he characterised the German regime as brutal and boasted that his Administration had brought humanitarian reforms, he agreed with the

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229 "Waking up at last", *Rabaul Times*, 25 November 1927.

230 Hubert Murray to Gilbert Murray, 16 November 1933 in F. West, *Selected letters of Hubert Murray*, Melbourne, 1970, p. 762. Representations that corporal punishment should be introduced more widely were recorded by Marr in his "Report on Territory of New Guinea, 1927-28" in *Annual Report 1927-28*, p. 75.

231 The only extension of the powers of the lower courts in this direction came with amendments to the District Court Ordinance (No. 17 of 1934) and the Natives Administration Ordinance (No. 26 of 1934) which allowed the courts to order offenders of fourteen years or under to be given up to six strokes of a cane in lieu of imprisonment. The first two Stipendiary Magistrates in Rabaul, W.J. Townsend and F.B. Phillips, both had recommended the introduction of the penalty by 1927. Phillips' memorandum on the subject was of additional interest because he felt the measure would also be useful if "non-native juveniles" appeared before him. This is the only occasion in the official correspondence which survives in Australian Archives where the prospect of a European being whipped is contemplated. Phillips (Stipendiary Magistrate) to Government Secretary, 13 August 1927 in NGAC Minutes, 10 May 1929, AA, CRS A518, item M 800/1/3, part 1.


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correspondent that a properly regulated scheme of corporal punishment could serve a constructive purpose.

The native has a great respect for corporal punishment, and in some cases it is the only effective deterrent....The widening of powers in this direction, as recommended by me, would have an excellent effect....

No official record of such a recommendation by Wisdom exists before 1929. In the wake of the Rabaul strike, a number of proposals were put before the New Guinea Advisory Council which would have substantially altered administrative practice.

A meeting of the Advisory Council in May approved a resolution that

District Officers nominated by the Administrator should be empowered to order whippings up to 10 strokes in all cases dealt with summarily; such whippings to be administered with a cane on the buttocks, with the prisoner placed over a box. The cane not to be of greater diameter than half an inch.

The only dissentient was the acting Treasurer. Wisdom's approval of the resolution was communicated to the Council in July, as was his endorsement of the Council's recommendation.

233 "Natives in New Guinea", Rabaul Times, 11 December 1925. Wisdom had responded to Jackson's arguments in a letter to Sir Walter Marks, M.H.R., which had been taken as the basis for a second article in The Argus, 12 November 1925.

234 Although in a meeting with a delegation from the Citizens' Association in March 1929 at which he indicated his support for corporal punishment Wisdom claimed to have already made two earlier recommendations for its introduction "New Guinea Citizens' Association", Rabaul Times, 22 March 1929.

235 NGAC Minutes, Meeting of 24 May 1929 in AA, CRS A518, item M 800/1/3 part 1.
that whippings could be administered in public at the
discretion of the District Officer. Although neither of the proposals was enacted, Wisdom's support had been unequivocal.

Griffiths was "strongly opposed" to the extension of the power to order corporal punishment to the District Courts, although he did favour granting greater latitude to the Supreme Court. He joined with his fellow administrators at

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236 NGAC Minutes, Meeting of 5 July 1929 in above. Wisdom also approved provisions to introduce whippings as a punishment available to the Supreme Court in cases of being in a dwelling house with intent to commit a crime, for whippings to be administered in two installments and for the removal of the two year limit on sentences of imprisonment beyond which whippings could not be ordered.

237 Pencilled notes made on copies of the Advisory Council Minutes held in Australian Archives show that a separate file was maintained on the question of corporal punishment. This file could not be located. It might have provided some reason for Wisdom's proposals never being incorporated within the law. The likely answer appears to be that the Scullin Labour cabinet, which later blocked all efforts by Papua and New Guinea to continue with the execution of black men, rejected whipping amendments.

238 Administrator to Department, 14 September 1933 in item AT 840/1/3, above.

239 Griffiths wished the Supreme Court to be able to pass sentences of whipping on those convicted of indecent assaults upon males, house breaking and entering a dwelling with intent to commit a crime. The Commonwealth Attorney-General commented that the introduction of whipping for indecent assault might be considered but that the penalty was not appropriate for crimes against property, however serious. See the Memorandum "Whipping of natives", 7 March 1934 in above.
the Conference of Territorial Administrators in Canberra in 1934 in describing the appearance of the item "Whipping of natives" on the agenda as "a disgrace to Australia". The item had been placed on the agenda by the Minister, Marr, who was particularly insistent about the efficacy of corporal punishment. Marr appalled the administrators during the conference with a story about how, when he was in India, he had ordered his servant be whipped. The man had returned after punishment and "embraced the Minister's legs and called him his father and his mother".

The question was raised three years later during the controversy over offences against European women. The motion before the Executive Council was one of general principle, "whether it is desirable for the Lower Courts to award sentences of corporal punishment to any adult male". After discussion the motion was put to the vote. Mullaly was supported by Murray (Agriculture), Holmes (Lands), Hosking (acting-Principle Medical Officer) and Field (Public Works) in voting in favour of the motion. They were opposed by Page, Townsend, Chinnery and Hogan. It was only the vote of the Administrator which tied the result at five votes all that prevented the passage of the measure. McNicoll stated that


241 Hubert Murray to Patrick Murray, 3 May 1934 in F. West, Selected letters..., above, p. 167.

242 Above, p. 168.
while recognising the value of many of the arguments advanced in support of this amendment, he was of the opinion that the proposal...was a retrograde step and would operate generally to the detriment of the Territory as a whole and that inquiries should be made to seek some other solution before a system involving the extension of corporal punishment should be introduced. 243

Even McNicoll was not prepared to totally reject the use of the penalty for minor offences as Murray had done so resolutely in Papau for thirty years. The degree of approval the motions won from senior officials in 1929 and 1937 is indicative of the general support for corporal punishment throughout the Territory. The reception by the Councils of the proposals eight years apart demonstrates how little European attitudes to New Guineans changed during the period of the Mandate. In the absence of an educated or articulate New Guinean elite, they could ignore the pace of events in British, French or Dutch colonies in Africa and Asia or of American policy in the Philippines, concentrating

243 NGEC Minutes, Meeting of 20 August 1937 in AA, CRS A518, item R 800/1/3 part 3.
The debate on the availability of sentences of whippings to Magistrates was not confined to New Guinea. It was an equally controversial subject in East Africa: "There are... cases in which a whipping is a more wholesome and a more merciful penalty than imprisonment. The native, more often than not, is unable to pay a fine. The only alternative to whipping is, therefore, imprisonment, which not only often involves a long journey to the nearest prison but also brings the natives into contact with hardened criminals". (Governor, Tanganyika, to Secretary of State, 23 April 1923 quoted in H.F. Morris and J.S. Read, Indirect rule and the search for justice, Oxford, 1972, p. 95.) The definitive pronouncement on the issue was made with the publication of the Report of a commission into the administration of justice in East Africa. Under the chairmanship of H.G. Bushe, Legal Adviser to the Colonial Office, the Commission concluded that it was "unable to subscribe to the view that caning and flogging should be made legal as a punishment for adults, whether generally or for natives only, for any but the most serious crimes. Such a form of punishment must be damaging to self-respect, particularly to those Africans who have advanced to a certain stage of civilization, and may even tend to brutalize its victims. Any extension of the use of corporal punishment we consider a retrograde step which we must oppose". (Report of the Commission of Inquiry into the Administration of Justice in Kenya, Uganda and Tanganyika Territory in Criminal Matters, (1934), para. 178 quoted in Morris and Read, above, p. 96. McNicoll himself quoted the Bushe Report in his reply to the suggestion of the Citizens' Committee in 1937 that corporal punishment should be extended to the lower courts, see "Citizens' Committee", Rabaul Times, 8 January 1937.)
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Figures in round brackets were the total number of convictions for the year for all races. Most would represent New Guinean accused.
Figures in square brackets for indecent assault are totals for such offences on both sexes; the Annual Reports made no distinction in these years.
Figures for 1921-22 and 1922-23 relate to numbers charged, not convicted.

Table 4.1: convictions of New Guineans in the Supreme Court, 1921-22 to 1939-40, from the Annual Reports.
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<th>OFFENCE</th>
<th>Total charged</th>
<th>Acquitted</th>
<th>3 months or less</th>
<th>6 months</th>
<th>9 months</th>
<th>12 months</th>
<th>18 months</th>
<th>2 years</th>
<th>3 years</th>
<th>4 years</th>
<th>5 years</th>
<th>Death</th>
<th>&quot;a whipping&quot; of less than 20 strokes or 24 strokes in addition</th>
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<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Break &amp; enter, intent to steal</td>
<td>9</td>
<td>2</td>
<td>2</td>
<td>2</td>
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<td>1</td>
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<tr>
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<td>1</td>
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<td>Receiving</td>
<td>11</td>
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<td>5</td>
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<td>2</td>
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<tr>
<td>Conspiracy</td>
<td>49^d</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>7</td>
<td>12</td>
<td>22</td>
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<tr>
<td>Break, enter &amp; steal</td>
<td>33</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>8</td>
<td>10</td>
<td>1</td>
<td>5</td>
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<tr>
<td>Perjury</td>
<td>3</td>
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<td>1</td>
<td>1</td>
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</tr>
<tr>
<td>Assault</td>
<td>7^e</td>
<td>2</td>
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<td>1</td>
<td>1</td>
<td>7</td>
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<td></td>
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<tr>
<td>Assault (on a European)</td>
<td>18</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>4</td>
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<td>Assault (on a female)</td>
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<td>3</td>
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<tr>
<td>Assault causing bodily harm</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Forging &amp;/or uttering</td>
<td>13</td>
<td>1</td>
<td>8</td>
<td>3</td>
<td>1</td>
<td></td>
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<td></td>
<td></td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>CCAO (intent indecently offend or insult)</td>
<td>57</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>1</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>On premises, intent commit crime</td>
<td>7</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
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<td></td>
<td></td>
<td>2</td>
<td>3</td>
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</table>

a. Nineteen of these cases relate to a single incident at Aitape where indentured labourers raped a New Guinean woman at a mission station. Two men received 12 years imprisonment, another ten years, fifteen years and the last, six months. All received 24 strokes in addition: "Local and General", Rabaul Times, 12 February 1937.
b. There was also a report of "several" cases which were punished with imprisonment for twelve months and whippings of fifteen strokes.
c. Three whippings of "from 5 to 8 strokes".
d. Thirty cases arising from the Rabaul strike.
e. One sentence of two years nine months.
f. One sentence of six years and one of seven years arising from a case fabricated by three New Guineans against a Chinese in January 1937.
g. Two of the accused were sentenced to be held in custody until the rising of the Court.

Table 4.2: Sentences passed upon New Guineans by the Supreme Court (from the Rabaul Times 1925-1939)
Table 4.3: Comparison of sentences awarded New Guinean convicted of sexual crimes against European and New Guinean women (from the Rabaul Times, 1925-40).

<table>
<thead>
<tr>
<th>Type of Crime</th>
<th>White Girls</th>
<th>New Guinean Woman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total convicted</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>Not guilty</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Guilty</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>2-5 years</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1-2 years</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Strokes</td>
<td>24 strokes</td>
<td>12 strokes</td>
</tr>
<tr>
<td>Convicted</td>
<td>whipping</td>
<td>15 strokes</td>
</tr>
<tr>
<td>Guilty</td>
<td>20 strokes</td>
<td>3 years</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>18 months</td>
<td>9 months</td>
</tr>
<tr>
<td>2-5 years</td>
<td>6 months</td>
<td>3 mos. impris. or less</td>
</tr>
<tr>
<td>1-2 years</td>
<td>2 years</td>
<td>12 months</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>3 years</td>
<td>18 months</td>
</tr>
<tr>
<td>Strokes</td>
<td>More than 24 strokes</td>
<td>Total convicted</td>
</tr>
<tr>
<td>Convicted</td>
<td>whipping</td>
<td>12 strokes</td>
</tr>
<tr>
<td>Guilty</td>
<td>20 strokes</td>
<td>3 years</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>2 years</td>
<td>18 months</td>
</tr>
<tr>
<td>2-5 years</td>
<td>1 year</td>
<td>9 months</td>
</tr>
<tr>
<td>1-2 years</td>
<td>3 months</td>
<td>6 months</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>2 months</td>
<td>3 mos. impris. or less</td>
</tr>
<tr>
<td>Strokes</td>
<td>24 strokes</td>
<td>Total convicted</td>
</tr>
</tbody>
</table>

Note: Table data reflects the comparison of sentences awarded to white girls and New Guinean women as convicted of sexual crimes against Europeans and New Guineans, respectively, based on records from the Rabaul Times, 1925-40.
Table 4.4: Convictions of New Guineans in the District Courts, 1927-28 to 1939-40 (from the Annual Reports).

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arms, liquor &amp; opium prohibition Ordinance</td>
<td>28</td>
<td>20</td>
<td>9</td>
<td>15</td>
<td>13</td>
<td>10</td>
<td>6</td>
<td>2</td>
<td>22</td>
<td>18</td>
<td>3</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Explosives Ord'ce &amp; regs.</td>
<td>9</td>
<td>11</td>
<td>19</td>
<td>21</td>
<td>8</td>
<td>5</td>
<td>9</td>
<td>7</td>
<td>11</td>
<td>22</td>
<td>23</td>
<td>15</td>
<td></td>
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<tr>
<td>NLO</td>
<td>627</td>
<td>572</td>
<td>558</td>
<td>714</td>
<td>722</td>
<td>671</td>
<td>678</td>
<td>611</td>
<td>618</td>
<td>837</td>
<td>1002</td>
<td>1077</td>
<td>1072</td>
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<tr>
<td>Native taxes Ord'ce.</td>
<td>60</td>
<td>6</td>
<td>46</td>
<td>6</td>
<td>28</td>
<td>20</td>
<td>5</td>
<td>41</td>
<td>6</td>
<td>28</td>
<td>6</td>
<td>17</td>
<td>2</td>
</tr>
<tr>
<td>Police Force Ord'ce &amp; Regs.</td>
<td>34</td>
<td>195</td>
<td>11</td>
<td>3</td>
<td>6</td>
<td>2</td>
<td>10</td>
<td>6</td>
<td>3</td>
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<tr>
<td>Police Offences Ord'ce</td>
<td>98</td>
<td>105</td>
<td>140</td>
<td>145</td>
<td>197</td>
<td>245</td>
<td>152</td>
<td>229</td>
<td>148</td>
<td>196</td>
<td>171</td>
<td>162</td>
<td>196</td>
</tr>
<tr>
<td>Prisons Ord'ce &amp; Regs.</td>
<td>35</td>
<td>37</td>
<td>17</td>
<td>27</td>
<td>32</td>
<td>38</td>
<td>25</td>
<td>17</td>
<td>20</td>
<td>5</td>
<td>19</td>
<td>15</td>
<td>14</td>
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<tr>
<td>Pub. Health Regs.</td>
<td>8</td>
<td>19</td>
<td>4</td>
<td>18</td>
<td>19</td>
<td>18</td>
<td>18</td>
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<td>18</td>
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<tr>
<td>Quarantine Ord'ce.</td>
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<td>9</td>
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<td>1</td>
<td>1</td>
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<td>1</td>
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<td>Criminal Code</td>
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<td>273</td>
<td>265</td>
<td>345</td>
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<td>256</td>
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<td>259</td>
<td>276</td>
<td>243</td>
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<td>265</td>
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<tr>
<td>Committal to Supreme Court</td>
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<td>140</td>
<td>70</td>
<td>85</td>
<td>136</td>
<td>153</td>
<td>111</td>
<td>103</td>
<td>72</td>
<td>117</td>
<td>89</td>
<td>Not given</td>
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<tr>
<td>Roads maintenance Ord'ce</td>
<td>95</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>10</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Miscellaneous</td>
<td>42</td>
<td>9</td>
<td>26</td>
<td>20</td>
<td>42</td>
<td>22</td>
<td>19</td>
<td>29</td>
<td>39</td>
<td>5</td>
<td>12</td>
<td>110</td>
<td>7</td>
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<tr>
<td>Total Convictions</td>
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<td>1333</td>
<td>1094</td>
<td>1354</td>
<td>1461</td>
<td>1348</td>
<td>1257</td>
<td>1211</td>
<td>1169</td>
<td>1432</td>
<td>1524</td>
<td>1732</td>
<td>1626</td>
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</tbody>
</table>

Notes:

a. Most of these convictions were recorded against Native Constabulary who took part in the Rabaul strike.

b. Includes convictions recorded under the Criminal Code in the District Courts but does not include successful committal proceedings, for which figures given in brackets beneath.

c. Includes 67 convictions under the Plantation Disease and Pests Ordinance.

d. Includes 68 convictions resulting from the removal of survey pegs by the villagers of Ratavul in July 1938, see below, f/n 49.

279
<table>
<thead>
<tr>
<th></th>
<th></th>
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<td>Desertion</td>
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<td>393</td>
<td>355</td>
<td>432</td>
<td>395</td>
<td>224</td>
<td>383</td>
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<td>235</td>
<td>275</td>
<td>340</td>
<td>388</td>
<td>410</td>
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<td>Neglecting duty</td>
<td>228</td>
<td>168</td>
<td>171</td>
<td>268</td>
<td>293</td>
<td>460</td>
<td>271</td>
<td>389</td>
<td>374</td>
<td></td>
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<tr>
<td>Absent without leave</td>
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<td></td>
<td>228</td>
<td>265</td>
<td>313</td>
<td>247</td>
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<tr>
<td>Failure to show reason-able diligence</td>
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<td>132</td>
<td>174</td>
<td>153</td>
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<td>Failure to perform work</td>
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<td>72</td>
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<td>Disobey reasonable order</td>
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<td>93</td>
<td>68</td>
<td>115</td>
<td>92</td>
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<tr>
<td>Behave in a riotous or threatening manner</td>
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<td></td>
<td>48</td>
<td>100</td>
<td>42</td>
<td>51</td>
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<tr>
<td>Others</td>
<td>31</td>
<td>11</td>
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<td>44</td>
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<td>22</td>
<td>31</td>
<td>53</td>
<td>47</td>
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</table>

Table 4.5: convictions of New Guineans under the Native Labour Ordinance, 1927-28 to 1939-40 (from the Annual Reports).
<table>
<thead>
<tr>
<th>Crime</th>
<th>Charged</th>
<th>Less than 7 days</th>
<th>7 or 8 days</th>
<th>10 days</th>
<th>14 days</th>
<th>21 days</th>
<th>1 month</th>
<th>2 months</th>
<th>3 months</th>
<th>4 months</th>
<th>6 months</th>
<th>less than 5/-</th>
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</thead>
<tbody>
<tr>
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<td>12</td>
<td>3</td>
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<td>7</td>
<td>5</td>
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<td>Neglecting duty</td>
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<td>b</td>
<td>9</td>
<td>70</td>
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<td>5</td>
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<td>Absent without leave</td>
<td>263</td>
<td>c</td>
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<td>8</td>
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<td>76</td>
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<tr>
<td>&quot;Disobedience&quot;</td>
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<td></td>
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<td>1</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Failure to do contracted work</td>
<td>4</td>
<td></td>
<td>4</td>
<td></td>
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<td>Barter rations</td>
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<td>2</td>
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</tr>
</tbody>
</table>

a. Includes one sentence of 8 months.
b. One accused was acquitted.
c. This category includes offences described by the Rabaul Times as "absent without leave", "absent from duty", "breaking bello" and "out after curfew".
d. Both accused were convicted, cautioned and discharged.
e. Making a new contract while already indentured.
f. One accused was also sentenced to five strokes.

Table 4.6: sentences passed on New Guinean offenders against the Native Labour Ordinance by the Rabaul District Court, compiled from the Rabaul Times, 1925-40.
Table 4.7: Convictions of New Criminals under the Criminal Code and the Police Offences Act.

<table>
<thead>
<tr>
<th>Year</th>
<th>Convictions</th>
<th>Doping</th>
<th>Possession, Drinking</th>
<th>Driving</th>
<th>Total</th>
<th>Of Office</th>
<th>Total, Criminal Code</th>
<th>Total, Police Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930-31</td>
<td>100</td>
<td></td>
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<td>10</td>
<td>110</td>
<td>10</td>
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<td>1931-32</td>
<td>95</td>
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<td>12</td>
<td>107</td>
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<td>1932-33</td>
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<td>93</td>
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Note: Convictions of New Criminals under the Criminal Code are not given in the table.
Table 4.8: Sentences passed by the Rabaul District Court on New Guinean Offenders against provisions of the Criminal Code, the Police Offences Ordinance and the Arms, Liquor and Opium Prohibition Ordinance, completed from the Rabaul Times, 1925-1940

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<th>7 or 8 days</th>
<th>10 days</th>
<th>16 days</th>
<th>21 days</th>
<th>14 days</th>
<th>7 or 8 days</th>
<th>Less than 7 days</th>
<th>Not guilty</th>
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P 2. Both sentences of more than six months.
A 4. One sentence of more than six months.
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Table 4.9: convictions of New Guineans by the Courts for Native Affairs, 1927-28 to 1939-40 (from the Annual Reports).
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<th>7 or 8 days</th>
<th>10 days</th>
<th>14 days</th>
<th>21 days</th>
<th>1 month</th>
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Table 4.10: Sentences imposed by the Rabaul Court for Native Affairs (from the Rabaul Times, 1931-40).
CHAPTER 5

An eye for an eye - I. Capital punishment of New Guineans

The adoption of the Queensland Criminal Code by the Administration of the Mandated Territory of New Guinea introduced the death penalty for the crimes of murder and wilful murder. Under section 13A of the Judiciary Ordinance, all sentences of death passed by the Supreme Court for these offences had to be laid before the Administrator for review and confirmation before they could be carried out. The practice followed in the Territory of Papua was exactly the same, with the Lieutenant-Governor fulfilling the executive function exercised by the Administrator of the Mandated Territory.

Here, the similarity ended. In the twenty years of Australian civil administration in New Guinea, some sixty-five New Guineans and one European were executed for crimes of murder or wilful murder (See Table 5.1): in the comparative period in Papua, only two New Guineans were hanged. The discrepancy is almost as surprising as the fact that it completely escaped the attentions of the many contemporary observers of the character of the two administrations. It points to the existence of emphatic differences in the administrative philosophies of the Papuan and New Guinea Administrations.

1 With the passage of the Criminal Code Amendment Ordinance, No. 29 of 1937, it became possible for the Supreme Court to pass sentence of death on men convicted of rape. No death sentence was ever passed under the provision.

2 The only contemporary reference to the disparity found was made by Lord Moyne, Walkabout, London, 1936, pp. 58-59.
The differences in policy can not be measured only in the comparison of the numbers of New Guineans executed.\(^3\) Before the establishment of an Australian Civil Administration in New Guinea, two colonial administrators had developed their own policies on capital punishment in Papua; William MacGregor and Hubert Murray. At the root of MacGregor's policy was the practice of reserving execution for Papuans convicted of the murder of Europeans. He only approved the hanging of one man for killing a fellow Papuan, the victim in that case being a constable.\(^4\) Murray followed the precedent set by MacGregor and by 1914 only three Papuans had been hanged for the murder of other Papuans.\(^5\) Although there were seven executions for such murders between 1914 and 1916, three of whom had participated in the killing of four members of the armed Constabulary, there were none in the years 1916 to 1921.\(^6\) Murray had written in 1912 that Papuan murderers of Europeans were usually hanged,\(^7\) and, in 1926, by the White Women's Protection Ordinance, he added that Papuans who raped, or attempted to rape, European women would receive similar treatment. He summarised the

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4 Above, p. 3.

5 Above, p. 7.

6 List of natives executed in Papua during the 20 year period 1910 to 1930 in Lieutenant-Governor to Department, 7 August 1930 in F 840/1/5, above.

position in August 1930:

In Papua the position of the Europeans is that of a small garrison, upholding the cause of civilisation among a more or less hostile or indifferent population of primitives; and obviously the lives of this small garrison and the honour of the women must be protected. And we believe that the only adequate protection is death. A failure to afford an adequate protection would jeopardise the cause of civilisation, and might bring about the horrors of a racial war.

In New Guinea, between 1921 and 1941, twenty Europeans were killed by New Guineans. Yet only two of these homicides were punished by New Guineans being taken to the scaffold and only three men were hanged for participating in these two crimes.

Thirteen New Guineans convicted of wilful murder by the Supreme Court were hanged without controversy in the first six years of the Mandate. In late 1927, however, a new element entered into the definition of the Territorial policy on capital punishment when the Commonwealth Government intervened on behalf of four men from the Central Nakanai region of New Britain. The five had been convicted of the murder of four European prospectors near the village of Silanga (see map 6). The killings had excited the European population of the Territory and aroused interest in the Australian press.

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8 Lieutenent-Governor to Department, 7 August 1930 in F 840/1/5, above.

9 See following chapter, pp. 362-87, below, for a detailed account of the murders and the police expedition against the murderers.
**Table 5.1: Executions carried out in the Mandated Territory of New Guinea, 1921-1940.**

*Compiled from records of officers in the Territories Branch of the Prime Minister’s Department in AA, CRS A518, item FO 112/1, and the New Guinea Gazette.*

In November 1927 Administrator Wisdom cabled to Canberra the details of the cases of four of the convicts sentenced to death for the Nakanai murders. Despite a strong recommendation to mercy made by Wanliss, who had heard the case, and representations for clemency made by William Cox, the Chairman of the Methodist Mission, and Bishop Vesters of the Sacred Heart Mission, Wisdom pressed for the executions. He was supported by his Advisory Council with the exception of H.C. Cardew, the Commissioner for Native Affairs. The Administrator stated his attitude with confident clarity on 15 November "I am strongly of opinion that sentence should be carried out as only deterrent" although he hedged at the foot,

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10 Administrator to Department, 15 November 1927 in AA, CRS A518, item FO 112/1. For details of the discussion in the Advisory Council, see this chapter, pp.312-19, below.
perhaps with an eye to the Southern press, that he would "delay execution until eighteenth in case you know of sufficiently strong political reasons for commutation".\footnote{Administrator to Department, 15 November 1927, above. What Wisdom meant by "political reasons" was explained in a personal letter to McLaren on the conduct of the police expedition sent to Nakani: "I of course appreciate fully the political aspect but assure you that my policy and actions can be easily defended before the League and Public Opinion in Australia". Wisdom to McLaren, 22 November 1926 in AA, CP 290/13, item 7.}

Marr responded two days later that he could not recognize "any political reasons in such a matter" and that the Judiciary Ordinance clearly vested the last word in the matter with the Administrator. He concluded that, while reluctant to offer advice with the meagre amount of information available in Canberra on the matter, he felt "grave consideration" should be paid to the recommendation of the Chief Judge and to the stance of Cardew, as Commissioner for Native Affairs, on the Council.\footnote{Department to Administrator, 17 November 1927 in FO 112/1, above. A subsequent memorandum recorded that it had been the personal decision of the Prime Minister, Bruce, to advise against the executions of the Nakanai prisoners because of the attitude of Cardew in the Advisory Council. Memorandum of 8 November 1939 in FO/112/1, above.}

Ministerial presumption or no, the sentences were commuted; the men from Nakanai each received fifteen years imprisonment.\footnote{"Nakanai case - sentences commuted", Rabaul Times, 25 November 1927.}

There was no further Commonwealth direction on the subject of capital punishment in the Mandated Territory until 1930 and convicted murderers continued to be executed. In the meantime, events in neighbouring Papua were prompting a
reckoning in Canberra where the newly elected Scullin Government, pledged to abolish the death penalty, was finding its commitment to the principle under challenge from Lieutenant-Governor Hubert Murray and the white residents of Port Moresby.

The subject of the controversy was Semesi, a Papuan convicted of the attempted rape of a white woman and sentenced to death under the White Women's Protection Ordinance. The case and the tumult has been vividly described by Amirah Inglis in the context of contemporary racial and sexual anxieties present among the white community of Port Moresby. Murray had only advised Canberra of the proposed execution because there were two dissentients on his Executive Council when the sentence of death had been referred to it for endorsement. He was taken aback when informed in a cabled reply of Prime Minister Scullin's "strongest possible representations" that the execution not proceed.

Murray did not give up without a struggle. He conducted a vigorous campaign for Commonwealth sanction of the hanging, pleading for an understanding of the lot of a white garrison posted on the perimeter of the civilized world. He hinted that he might resign should Canberra not defer to his superior local knowledge. The Prime Minister remained

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14 A. Inglis, Not a white woman safe, Canberra, 1974, pp. 89-118.
15 The two dissenting members were the Government Secretary and the Commissioner for Native Affairs; Lieutenant-Governor to Department, 6 January 1930 in AA, CRS A518, item F 840/1/5.
16 Department to Lieutenant-Governor, 11 January 1930 in F 840/1/5, above.
17 Lieutenant-Governor to Department, 14 April, 8 May, 13 and 28 June and 7 August 1930, all in F 840/1/5, above.
unmoved. Scullin also refused to be swayed by the remonstrances of Port Moresby residents vented in the correspondence columns of the *Papuan Courier* or a petition from the white women of Papua begging to be released from the "fearful apprehension" of everyday life in the Territory to which they believed "one exemplary punishment would put an end".

Scullin felt that the power to confirm capital sentences should rest with the Commonwealth Executive Council rather than the head of a Territorial Executive. He turned his attention to New Guinea soon afterwards when the upheaval in Papua was followed by a perfunctory notice in the *New Guinea Gazette* of the hanging of one Kolat at the Rabaul prison, an event of which Canberra had no advance notification. Wisdom was asked for a report on the subject of capital punishment and directed that no further executions were to be carried out unless particulars of each case had been despatched to Canberra and the Minister had notified his consent. The injunction arrived in the Territory too late to postpone the execution of two men in Salamaua in May and a third at Kieta in June.

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18 In a letter to his brother Gilbert of 1 May 1931, Murray speculated that Scullin might have been trying to force his retirement over this, and other, matters. "He has been very queer... about capital punishment; it is really my responsibility, not his, whether a death sentence is carried out, but he makes me refer all the cases with the evidence to him, for his decision. In fact he treats me as if I were a departmental officer - but I think that it is due to ignorance on his part, not to any desire to belittle me". F. West (ed.), *Selected letters of Hubert Murray*, Melbourne, 1970, p. 131.

19 Petition enclosed in Lieutenant-Governor to Department, 8 May 1930 in F 840/1/5, above.

20 *NGG*, 15 April 1930, p. 2038.

21 Department to Administrator, 27 May 1930 in FO 112/1, above.

The report returned by Wisdom was a defence of established Territorial practice. He argued, in a similar vein to Murray, that however valid the case for the abolition of the death penalty in civilised societies, "there is no doubt in my mind that in a country such as this Territory capital punishment is necessary". There were five objects of any punishment, proceeded Wisdom, citing principles recently enumerated by a British judge: the deterrent effect of the penalty upon the criminal and others like-minded; the reform of the criminal; the protection of the public and the satisfaction of popular demands for punitive justice. Wisdom believed these objects to be universal although their application was weighted according to the particular situation of the criminal and his society. This qualification served to introduce the major point he subsequently made; that he and his Administration were best placed to apply the guiding principles to an individual case.

After briefly mentioning the "tremendous variations of development reached by the indigene" he went on to distinguish four categories of the crime of murder when committed by New Guineans. There were killings which sprang from tribal fights amongst bushmen not yet under Administration influence; those in which peoples not under influence killed others who were partially controlled and who looked to the Administration for protection; those committed by people under influence who knew the penalty for murder but still retained "a strong tendency

23 Administrator to Department, 1 July 1930 in FO 112/1, above.
to revert to savagery", and finally, those killings perpetrated by people who knew and understood the European law and its consequences for a murderer. Some cases of murder in the first and second categories were never brought to court, others were tried and a nominal sentence of death recorded before commutation to a term of imprisonment. Wisdom noted that of the forty-two sentences of death passed in the period quoted in the terms of reference for his report, only eleven had been confirmed. He stated that whenever reviewing a capital sentence he always asked himself whether it was "just and proper that the man be executed, having in view only the good government of the Territory and the welfare of the inhabitants". He added the assurance that he had "never confirmed a sentence of death unless the circumstances, both of the crime and the Territory fully demanded that the example be made". What Wisdom failed to explain satisfactorily was how he related his concern for good government and general welfare to the situation of the murderer under one of the four categories he had described. Could governmental and welfare demands be so pressing as to persuade him to approve the executions of peoples who have never known European influence?

The Administrator backed his contention that the established policy be maintained with the details of three cases in which death sentences had been passed and, in two of them, carried out. The first and most detailed of the Administrator's case studies concerned seven men of the Sepik executed at three localities along the river in 1928. Five of these condemned men, of Kumindimbit (or Komindimbit) village,
were hanged in front of a large crowd on gallows erected at the patrol post of Ambunti. In justifying the executions, Wisdom explained that it was the Administration as much as the murderers who were on trial in the case. The convicts were villagers from an area under constant patrol since 1924 who had flouted the authority of the Administration by organizing and participating in a head hunting raid in which twenty-four people had been killed. The whole middle river area awaited the Administration's response to the challenge.

Wisdom considered the hanging of five of the twenty-one convicted raiders to be the only possible course. Not only would the punishment be readily comprehensible to the peoples of the region as a simple application of the *lex talionis*, 24 it would prove a notable exercise in public relations for the Administration. Justice would seen to have been done and, though it would not have been swift, at least it would have proved conclusive. Furthermore, amongst the witnesses at the gallows would be those people most touched by the crime, the relatives of the victims and the raiders. The Administrator continued that the executions would effect a saving in lives as this expenditure of a small number of human beings who had, after all, been quite properly convicted and sentenced for

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24 The argument that capital punishment was peculiarly fitted to the New Guinean societies which were being brought under influence was one which was put on a number of occasions. Examples could be given where New Guineans themselves pressed for the death penalty; see, for example, P. Hasluck, *A time for building*, Melbourne, 1976, p. 179. The same argument had been put by officials in East Africa who favoured the general use of corporal punishment; see Governor, Tanganyika, to Secretary of State, Dispatch 252 of 23 April 1923 quoted in H.F. Morris and J.S. Read, *Indirect rule and the search for justice*, Oxford, 1972, p. 96.
murder, prevented "an outbreak of further headhunting or likely expedition, either of which would have resulted in the death of some natives...." In summary, he declared the executions "not only justifiable, but incumbent on us as a Government".

Wisdom did not doubt that the Sepik executions resulted in the immediate return of order to the river. He claimed that a mood of defiance which had prevailed after the raid had evaporated with the deaths of the ring leaders, the tribes had become "docile". A sentence of imprisonment would not have sufficiently penalised the criminals as it would have brought scarcely more disruption to the life of the individual or his community than a normal contract of indenture. The Administrator lamely attributed the impact of the hangings to the peoples' "fear of death (being) very great".

Wisdom, like Murray, felt that any interference by the Commonwealth Government in the administration of the death penalty would reflect upon the competence of the local officials.

No Minister or official in Australia can possibly have the knowledge necessary to decide the question of the death sentence with justice to the people of the Territory. I sincerely hope I have made myself sufficiently clear to convince you that you must either trust the man on the spot or change him.  

The Administrator learned three weeks later that the Commonwealth Government was prepared to do neither. He recommended the execution of three men convicted of murders arising from feuding between Sepik and Markham labourers, adding a request

25 Administrator to Department, 1 July 1930 in FO 112/1, above.
that he be told if changes in the law regarding the confirmation of capital sentences were contemplated as reference to Canberra brought undesirable delays. Scullin's personal reply bluntly stated the Commonwealth's new policy:

"Government strongly opposed to capital punishment. Urge sentences be commuted". Wisdom followed the direction, the men each received ten years imprisonment with hard labour.

Wisdom recommended the execution of two more New Guineans in December 1930 and reiterated his sense of affront that decisions of internal significance to the Territory were being made in Canberra. The Commonwealth Government rejected his recommendations and dismissed his protests with a curt request that he furnish the Minister with monthly returns of all cases in which capital sentences had been passed. He was to include a precis of the evidence, the judgment and his own decision. Scullin and his cabinet proceeded to veto all applications by the Administrator to carry out executions during their term of office. A total of five men had their sentences commuted to imprisonment after the Commonwealth refused to

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26 Administrator to Department, 21 July 1930 in FO/112/1, above.
27 Scullin to Administrator, 22 July 1930 in FO 112/1, above.
28 Administrator to Department, 7 August 1930 in FO 112/1, above.
29 Administrator to Department, 29 December 1930 in FO 112/1 above. Wisdom wrote that, but for the instructions he had received from Scullin in May, he would have confirmed the sentences and the men would be dead.
30 Department to Administrator, 11 June 1931 in FO 112/1, above.
accede to Wisdom's requests in each case that they be hanged.\textsuperscript{31}

The general election of December 1931 removed the Scullin Government and the resolve of the Commonwealth that capital sentences recorded in Territorial courts should be reviewed in Canberra began to weaken. The return of a United Australia Party Government restored Marr as Minister. Murray wasted no time in attempting to have the subject of final authority in the matter resolved in his favour. His minute of 14 January 1932 putting again the arguments rejected by the Scullin Government was accepted as the basis for a discussion of the question by Federal Cabinet in February.\textsuperscript{32} The upshot of the discussion was a memorandum from the Departmental Secretary McLaren to Port Moresby and Rabaul advising that the directives to defer executions and submit regular reports to Canberra were now to be considered withdrawn.\textsuperscript{33}

The matter was finally aired on the floor of the House of Representatives in November 1932 during debate on the New Guinea Bill. Minister Marr, trading purposefully on the ambiguities which still remained after the discussions of February did not attempt an accurate description of the situation. He ventured the opinion that he did not think "that either Lieutenant-Governor or the Administrator would order an accused person to be hanged without referring the matter to the

\textsuperscript{31} See the monthly returns of all capital sentences passed by the Supreme Court, in FO 112/1, above.

\textsuperscript{32} See the Cabinet Agenda Paper for 15 February 1932 in FO 112/1 above.

\textsuperscript{33} Department to Administrator, 7 March 1932 in FO 112/1, above.
Cabinet".\(^3^4\) He stated that Scullin, when Prime Minister, had written a minute that the Administrator should not exercise the final decision on the subject and concluded by undertaking to refer the matter to Cabinet once again. Scullin spoke briefly, to recall his amazement at his initial discovery as Prime Minister that final authority in the exercise of mercy in capital cases rested with the head of the Territorial Executive and not with the Commonwealth Executive Council. He went on to remark that, as the law stood, the administrators could quite properly proceed with an execution irrespective of, or despite, Commonwealth views.\(^3^5\)

Convictions obtained in two murder trials heard in Rabaul soon after the exchange in the House on the New Guinea Bill seemed to acting-Administrator Griffiths to warrant the attention of the hangman.\(^3^6\) The latter case, arising from the murder of labour recruiter T.F. Exton in the Sepik District, had resulted in seven men being sentenced to death. Griffiths, prepared to proceed with the execution of two of the convicted men, had been instructed to wait until Cabinet had met.\(^3^7\) With

\(^3^4\) In making this statement, Marr probably knew that the Department of Home and Territories had only found out about the hangings of 1928 when they read about them in the Sydney Sun ("Four and twenty heads - proudly displayed in court", 6 June 1928). An exchange of telegrams took place culminating in a terse cable from the Minister, Sir Neville Howse, to Wisdom: "I wish in future to be promptly notified of similar happenings which may form subject of questions by Parliament or press. Inability to reply to questions of this nature is embarrassing to me and is not in your interest". Minister to Administrator, 12 June 1928 in AA, CRS A518, item K 840/1/3. See also the case of Kolat, above, p. 292.

\(^3^5\) CPD, Volume 136, pp. 1801-02, 2 November 1932.

\(^3^6\) Administrator to Department 19 January 1933 in FO 112/1, above.

\(^3^7\) Cabinet Agenda Paper, "Capital Punishment", 20 January 1933 in F 840/1/5, above.
the cases of New Guinea before them the Cabinet decided to reject the transfer of authority to Canberra and notified the Administrator of its decision on 27 January 1933.\textsuperscript{38} The murderers of Exton were subsequently executed and the next issue of the Gazette noted the execution of Isoria at Madang and of three men, Paiok, Amio and Inisimi in two villages in the Gasmata sub-district of New Britain.\textsuperscript{39}

Aware of the background of disagreement which had clouded the issue in 1930 and 1932, Griffiths took pains on the resumption of capital punishment in New Guinea in February 1933 to despatch a testimonial to the merits of the practice. With the notification in the Gazette of 31 March 1933 of the execution of the three men, the acting-Administrator forwarded to Canberra a two page report written by ADO George Ellis describing the execution of three men in the Gasmata sub-district of New Britain. Ellis' account echoed the arguments put in the report compiled by Wisdom in 1930 and had Griffiths implicit endorsement.

Two of the condemned men, Amio and Paiok, were executed on 13 March at Wasum village at the approximate site of their crime. A crowd of 750 was assembled and lectured by the District Service officers present on the laws of the government and the consequences of disregarding them. A similar routine was followed three days later at the village of Kavilli, some four hours walk from the coast, where a fresh crowd

\textsuperscript{38} Department to Administrator, 27 January 1933 in FO 112/1, above.

\textsuperscript{39} NGG, 31 March 1933, p. 2643.
estimated at about 1,000 was gathered and watched as Inismiu was taken to the scaffold. The people of the region had a history of resentful and reluctant reception of police patrols but Ellis ventured that the executions had "done much to make these natives fall in with the wishes of the Government".

The immediate effect of the lifting of the constraints on capital punishment applied by the Scullin Government was the execution of fifteen men in 1933, following the years of 1931 and 1932 when no hangings had taken place. The procedure regarding capital sentences was back on its former footing and Administrator Griffiths and McNicoll carried on as Wisdom had done up until mid-1930. The opinion given to the House by Marr in 1932 that the Administrator referred all decisions of such moment to Canberra as a matter of course was proved ill-founded in December 1934 when Canberra had to call for details of a hanging which was held near Wangiban village on the Sepik River some eight months previously. McNicoll replied a month later, supplementing his quotation of the observations of Chief Judge Wanliss on the case with an account by Townsend of the actual business of the punishment.

No further accounting was called for from Rabaul until 1939 when the administrations of all Australian Territories were sounded out by the Commonwealth on the subject of capital punishment after a flurry of representations had been received

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40 ADO Ellis to DDSNA, 24 March 1933 enclosed in acting-Administrator to Department, 30 March 1933 in FO 112/1, above.
41 Department to Administrator, 17 December 1934 in FO 112/1, above.
42 Administrator to Department, 14 January 1935 in FO 112/1, above.
by Menzies from J.B. Steel of the Howard League for Prison Reform.\(^{43}\) F.R. Chalmers, the Administrator of Nauru asked that capital punishment be removed;\(^{44}\) Major-General Rosenthal replied from Norfolk that he had no objections to its abolition\(^{45}\) but Murray and McNicoll both argued that abolition could not be contemplated. Murray cited his memo of August 1930\(^{46}\) while McNicoll attached a copy of Wisdom's report of the same year.\(^{47}\)

Murray noted that there had been two executions since the Semesi furore and McNicoll set out in tabular form the thirty-one sentences of death recorded from 1936 to June 1939 which disclosed that there had been eight executions in the period. In the particular case of the sentences of death recently passed upon two men convicted of the murder of Patrol Officer Elliot, the subject of representations by Steel,\(^{49}\) Administrator McNicoll advised Canberra that he had already commuted them to imprisonment with hard labour for seven years.\(^{49}\)

The common conviction of the Administrators that capital punishment was both useful and necessary was not always

\(^{43}\) J.B. Steel to R.G. Menzies, 22 May 1939 in FO 112/1, above.

\(^{44}\) Administrator (Nauru) to Department, 11 July 1939 in FO 112/1, above.

\(^{45}\) Administrator (Norfolk Island) to Department, 27 June 1939 in FO 112/1, above.

\(^{46}\) Lieutenant-Governor to Department, 4 July 1939 in FO 112/1, above.

\(^{47}\) Administrator to Department, 14 July 1939 in FO 112/1, above.

\(^{48}\) Steel to Menzies, 27 September 1939 in FO 112/1, above.

\(^{49}\) Administrator to Department, 21 October 1939 in FO 112/1, above.
shared by the field officers of the Administration. Opinions on the subject amongst the district staff were as numerous as there were men qualified to hold them. As some of these men carried out the actual business of hanging convicts and were able to assess the impact of the punishment in their subsequent patrols, there were few Europeans better placed to comment on the effectiveness of capital punishment.

A number of field officers have discussed the Sepik hangings of 1928. Four years after the establishment of an administrative station at Ambunti, some 250 miles up the Sepik River, twenty-eight men from three villages in the surrounding region were despatched to Rabaul to face charges of wilful murder in the Supreme Court. Twenty-one of the prisoners were men of Kumindimbit (or Komindimbit) village who had taken part in a 'pay-back' raid on an isolated sac-sac camp peopled by a party from Pungumbli village. The raiders had descended on the camp early in a morning in early November 1927, killing fifteen men, eight women and one child and taking their heads. Patrol Officer Louis Perichon sent Lance-Corporal Bellewei and three constables to investigate rumours of the attack and four days later Bellewei and one constable returned to Ambunti with twenty-four prisoners and twenty-two of the heads which had been taken in the raid. Perichon dismissed charges against three of the prisoners but committed the remainder to stand trial in Rabaul. The Kumindimbit raiders and seven other men

50 See following chapter, pp.351-61, below, for an account of the Sepik police expedition which led to the establishment of Ambunti post.
accused of involvement in four other murders stood trial in Rabaul some six months later. All were convicted of wilful murder and sentences of death passed upon them. The death sentence was confirmed on five of the raiders and two other men while their more fortunate comrades received terms of imprisonment ranging from five to ten years.\textsuperscript{51}

The seven condemned men were placed aboard the Montoro in chains for their return to the Sepik. They were transferred to the administration schooner Aloha by ADO F.H. Maitland for the final 250 mile leg of the journey to Ambunti. The Aloha proved unequal to the task and, after a short hike through the bush, the prisoners' escort commandeered the Faye Dawn, a pinnace belonging to a group of prospectors, to complete the trip. Shortly before arriving at Ambunti the party passed the village of Komindimbit, the only point during their return where "any of the prisoners showed any signs of emotions regarding their fate. Two of them from this place were mere boys, and they broke down and cried".\textsuperscript{52}

As Maitland and the ADO for the Sepik District, H.E. Woodman, constructed the scaffold over a steep bend in the river, the condemned men dined on yams and enjoyed free issues of tobacco. PO Perichon departed in the pinnace to summon village

\textsuperscript{51} Summarised from an account of the murders in Administrator to Department, 19 June 1928 in AA, CRS A518, item K 840/1/3.

\textsuperscript{52} "With head hunters in New Guinea - bringing Sepik River murderers to the scaffold" by F.H. Maitland in The(Adelaide) Advertiser, 18 November 1933, p. 9. Maitland had been recruited to the District Service as an ADO in February 1927 and his employment was "terminated" two years later. Department to J. Chapman, 29 December 1933 in K 840/1/3, above.
officials from along the River to Ambunti to view the proceed-
ings. A number of spectators arrived by midday on 17 July, followed soon afterwards by Perichon in the pinnace with several canoe-loads of Luluais in tow. Woodman recorded in the station diary that a crowd of 300 awaited the moment of execution the following morning. The condemned men approached the scaffold steadily and were prepared by Storeman-gaoler Beckett. At 8.10 a.m., a sharp tug on the wires pulled open the traps and the seven men fell simultaneously. Woodman admitted with annoyance in his diary that, "by an unfortunate occurrence ... the ropes on three of the prisoners broke with the result that 2 of them were not killed and had to be given a second drop". The bodies were later cut down, wrapped in blankets and handed over to relatives in accordance with the prisoners' earlier requests. The scaffold was immediately dismantled.  

J.K. McCarthy learned of the executions when he was posted to Ambunti later in 1928. A European eye-witness, the hangman Beckett, described the events of the hanging to him. Recalling his experiences in the area after the executions, McCarthy felt that they had not speeded the decline of head-hunting on the Sepik. His reasoning ran directly counter to the 

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point Wisdom argued in his report of 1930;

the hanging of the guilty men was looked upon by the still primitive people as just another killing. Sudden death was not much of a deterrent, for primitive man did not fear death when it was upon him. The change to death was no mystery: it was a natural phenomenon to which all living things were subject.54

A third administrative officer, Bertram Calcutt, who rose to the rank of ADO before his retirement in 1933, remembered the Sepik executions in much the same way as McCarthy. His impression, unlike that of McCarthy, was not written from the safety of the 1960s, but in 1935. He had accompanied the condemned men on their journey from Rabaul to the mouth of the Sepik. Calcutt believed that the lengthy legal proceedings at Ambunti and Rabaul, which had so mystified the prisoners, had been as constructive an influence upon them and their relatives as any impending execution could be. He felt that "temporary exile was sufficient punishment, the principal factor in abolishing the custom being the extension of government influence".55

54 J.K. McCarthy, Patrol into yesterday, Port Moresby, 1972, p. 52. McCarthy's views on the New Guinean attitude towards death were shared by the former gaoler at the Rabaul Native Gaol, although for different reasons. G.J.H. Garratt was interviewed in Sydney in 1922 and questioned about capital punishment. "I do not think that it is really a deterrent", he explained, "for the natives do not value human life. It is part of their beliefs. They kill another native in expiation of some offence he has committed, and nothing will make them believe they have done wrong. We have five murderers in the "calaboose" at present, and when I told a couple of them that they were to be hanged they just laughed. They have not the slightest respect for their own or any other native's life, and this is one of the hardest things to understand or overcome". Sydney Morning Herald, 22 July 1922 in Press Cuttings 2.

Despite the misgivings of some field officers that a questionable morality was at work in particular cases there was general agreement on the benefits of capital punishment for the Administration. It was quick and inexpensive, compared with a lengthy prison sentence, and it was conclusive - there were none of the prickly problems of repatriation and resettlement upon the release of the criminal from prison. It demonstrated to the peoples of the Territory that the new laws and those who brought them were both strong. It promoted a healthy fear of government. It swiftly secured the cooperation of large numbers of New Guineans where the more prosaic method of patrolling, apart from being painfully slow, consumed considerable amounts of money and trained manpower which were both

56 Other officials had no doubts that executions were well warranted in particular cases. In 1933 ADO Jack Read committed for trial in the Supreme Court five men of a village some thirty-five miles north of his sub-District station of Bogia. The men were convicted of wilful murder by the Supreme Court ("Chief Judge has busy time", Rabaul Times, 22 September 1933) and sentenced to death. They were returned to Bogia where four of the men were hanged. Forty years later Read recalled the executions with approval. He explained his position simply; the murder had been a particularly atrocious one, involving sorcery, the victim being killed by having wires and metal spokes driven through his body. The punishment was fitting; it was accepted by the surrounding peoples as appropriate to the crime. The hangings were also administratively sound. The aggrieved parties saw that justice had been done and there was no subsequent trouble from the village of the executed men. Interview with J. Read, Kavieng, 28 October 1975.

57 For example, the claims by some white residents of Bougainville that the return of Siken, sentenced to five years imprisonment in 1925 for the murder of John Scott in 1925, had led to an assault on overseer Cowley at Raua Plantation in 1931. See "Buka notes", Rabaul Times, 21 August 1931 and "Murderer returns home", P.I.M., 25 September 1931, (letter from 'Mandateite'). Wanliss sent a report on the alleged link to Canberra in December 1931 which belittled the claims of those who saw Siken's return as the cause of the attack on Cowley. Acting-Administrator (Wanliss) to Department, 11 December 1931 in AA, CRS A518, item L 836/4.
in perenially short supply. Furthermore the practice was readily defensible before the Commonwealth Government and the League of Nations; firstly in that it appeared to produce a civilized regard for law and order and, secondly, because it was easily argued to be acceptable to the New Guineans themselves in terms of what Europeans conceived to be the retributive basis of their own justice.

The official correspondence of the Administrators and the recollections of former field officers betray a common preoccupation with the generalities of administrative policy, to the exclusion of the situation of the criminal and the character of the crime for which he was executed. The Administrators no doubt felt it was the province of the Court to determine whether particular criminals deserved execution but the final decision to proceed always rested with them. They were prepared to overrule the recommendation of a trial judge and it was in this absolute power to confirm or commute that Scullin, for one, had foreseen dangers.

Scullin apprehended the possible subversion of justice by a local authority too intent on promoting its own ideas of what constituted sound colonial rule to weigh its responsibilities under the Mandate to New Guineans, even though they were convicted murderers. His anxiety may have stemmed from Wisdom's reference in his report of 1930 to executions where men "were hanged for murder in two separate localities of the Sepik River...in which a reversion to savagery appeared to be imminent". 58 Here was clear indication

58 Administrator to Department, 1 July 1930 in FO 112/1, above.
of a likely conflict. The gravity of a particular crime might not so much influence an Administrator's decision to confirm a capital sentence as the dictates of administrative expediency. What might make sound sense to a hard-pressed local field officer or the head of a colonial regime could easily amount to others, the Permanent Mandates Commission for example, as a rather callous disregard for an individual human life.

The manner in which some executions were carried out, as reported by the Administrators to Canberra, would not have allayed Scullin's anxiety. Many of the executions in the 1920s were carried out in the yard of the Rabaul Native Gaol but, increasingly, condemned men were shipped out of Rabaul "in accordance with the general policy to put the death sentence into effect in the District in which the offence was committed". Hangings were mounted in spectacular fashion, with the condemned man the focus for official displeasure. Once the Supreme Court had passed a capital sentence and the Administrator had confirmed it, the identity of the convict became irrelevant. There was to be a show and local officers were to see that it went on with a vengeance.

The first requirement was to draw a crowd and here was no great problem as the natural drama of the event guaranteed interest. Ellis estimated attendances of 750 and 1,000 at the

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59 See, for example, "Local and General", Rabaul Times, 25 February 1927 and "Small commotion at native gaol", Rabaul Times, 13 December 1929.

60 Administrator to Department, 1 July 1930 in FO 112/1, above.
two executions he supervised in Gasmata in 1933. While Townsend gathered 460 delegates from 46 villages representing 16,000 people to view the hangings of five men in the Sepik District in 1934. Some of the audience was mustered by police runners, some, at the Gasmata executions, from villages 10 hours walk away fetched "only...by native runner". For others, no invitation was necessary. Mrs Dorothy Pederick recalled that her houseboy used to come and ask permission to go down and watch whenever a hanging was scheduled for Rabaul Native Gaol. The peoples of New Guinea may well have had a fear of death, as argued by Wisdom in 1930, but it was certainly no mystery to them.

Before the condemned men were executed the senior officer present stepped forward and lectured the crowd on the laws of the government and the consequences of disregarding them. As this officer signalled the end of his speech, the prisoners were dropped from the top of the scaffold. Townsend reported that most of the crowd "averted their heads as the prisoners came along" and that a "slight sigh" escaped the hushed assembly as the six men were released from the hoists by the hangman, gaoler Warrant Officer Allen. Mr Medical Assistant Squires inspected the limp bodies in front of

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61 ADO Ellis to DDSNA, 24 March 1933 in FO 112/1, above.

62 Administrator to Department, 14 January 1935 in FO 112/1, above.

63 Ellis to DDSNA, 24 March 1933, above.

64 Interview with Mrs Pederick, Melbourne, 14 June 1976.
hundreds of silent tribesmen. The corpses were later delivered to the relatives. Acting District Officer Ellis noted that at Gasmata many friends and relatives took advantage of the government's invitation to shake hands and speak with the prisoners before they were hanged. He thought this a remarkable display from "such a lot of these rather timid bush people...." Death was instantaneous "and there was nothing to form a bad impression, on the minds of the natives to be seen". The bodies were buried under the supervision of Medical Assistant Morris near the place of execution. The crowd had been orderly and had shown no signs of hostility.

Both officers added touches of their own to heighten the impact of the proceedings. Ellis paraded his police in dress uniform and paid full respects to the flag before the hangings. Not to be outdone by the smartness of the Native Constabulary, Ellis assured the Director of District Services that the Europeans present "were all correctly dressed in white clothes and collars and ties". Townsend's dramatic flourish was to cut the hoisting ropes into twelve inch lengths for exhibition in Houses Tamboran throughout the region. The gallows, he ordered, were to "remain standing until time

65 Administrator to Department, 14 January 1935, above.
66 Ellis to DDSNA, 24 March 1933, above.
67 Above.
destroys them". 68

The most comprehensive record of the thinking of senior officials of the Administration on capital punishment lies in the minutes of the debate of the New Guinea Advisory Council on whether the capital sentences passed on the Nakanai murderers should be carried out. The five condemned men had been convicted by the Supreme Court of the wilful murder of four European prospectors in October 1926. The killings had given rise to a police expedition against the villages whose fighting men were alleged to have participated in the attack. The story of the expedition is told in detail in the following chapter, but by the time police activities in connection with the murders had ceased in the region, over twenty villagers had been shot dead. Sixteen men were eventually brought to Rabaul to stand trial for the murder of the prospectors. The trial commenced in June 1927. Three weeks later it was interrupted by the escape of fourteen of the accused from Kokopo gaol. Five of the men had been recaptured by August and the hearing proceeded. Judgment in the case of these five men was delivered by Wanliss on 29 August: all were sentenced to death for wilful murder. Wanliss had, however, accepted the evidence presented during the trial that

68 G.W.L. Townsend, District officer, above, p. 165. Townsend repeated his action with the rope used to hang Sipei, a Native Constable sentenced to death for the murder of ADO Colin McDonald in 1935. When Australian author Frank Clune accompanied McNicoll on an inspection trip up the Sepik in 1940 they were shown a piece of the rope used in the execution of Sipei by the Luluai of Malu village. F. Clune, Somewhere in New Guinea, Sydney, 1951, p. 282.
members of the attacking party had killed the Europeans because they had been inflamed by the criminal actions of a Native Constable who had accompanied an official patrol through the area just before the prospecting party arrived. When the Chief Judge referred the death sentences to the Administrator, he added his own recommendation for clemency.  

The Advisory Council, consisting of Page (Government Secretary), Townsend (Treasurer), Cilento (Director of Public Health) and Cardew (Commissioner for Native Affairs), met on four occasions to consider the advice they would offer to the Administrator on the prospect of the hangings. It was clear from the start that a majority of the Council favoured the hangings and it was left to Cardew to argue the case for commutation. The meeting of 31 October opened with Page and Townsend combining to dismiss Cardew's suggestion that the Crown Law Officer be called to assist the Council. They agreed that legal questions did not arise, it was a matter of administrative policy;

The strong recommendation to mercy stood – and the Council should advise that the recommendation should be adopted unless it appeared that failure to carry out the death penalty would prejudice the maintenance of social order in the Territory....

The summary of events is taken from the Rabaul Times and the correspondence in AA, CRS A518, items FO 112/1 and L 840/1/3. The counsel for the defence of the five accused, E.V. Hayes, urged that sentence of death be recorded but not pronounced. Wanliss said that he could not record sentence of death in the case but would recommend that mercy be shown the prisoners in the report he would present to the Administrator who would review the sentences in accordance with the Judiciary Ordinance. Rabaul Times, 2 September 1927, cutting on file at AA, CRS A518, item AC 840/1/3.
Assistance on the issue of 'native administration' was offered in the shape of a written submission by District Inspector Walstab. Walstab distinguished the Nakanai murders from other cases with which he had dealt because they involved the murder of white men.

At first glance I was inclined to think that the shooting of a score of natives was sufficient to "pay back" the murder of the Europeans... In this Nakanai case if natives had been killed in tribal war and we had shot some, the District Officer could say to the surviving offenders - "You have killed people and we have shot some of you. If you kill people again we will shoot or hang some more of you. It is finished".

The difficulty was, explained Walstab, that while the shootings by the police expedition might have seemed sufficient retribution to the minds of the peoples of Nakanai, what would happen when New Guineans in other parts of the Territory heard that the convicted murders had been merely imprisoned for their crimes? The District Inspector was in no doubt that word both of the killings and the trial of the murderers would have quickly spread throughout the Territory. Walstab concluded his submission with an admission and a piece of speculation:

Personally I am indeed more than sorry for the unfortunate natives, sentenced. When it is all boiled down they were only defending their homes and their country according to their rights.

I fear however that there might by a danger of what might be considered by the natives weakness on the part of the Government growing elsewhere in a germ of thought leading to another murder of another European under some circumstances, or other. (my underlining)

Walstab's argument, in essence, was that he believed the attackers to have acted reasonably according to their conception
of justice, but that they should pay for their actions with their lives because they had threatened the position of the European in the Territory. His support for the hangings was not based on evidence, he could not even set out a possible situation in which administrative leniency in this case could lead to trouble in the future.

Cardew exposed the poverty of Walstab's argument in his speech to the Council. He stated that it was his experience that men who appeared on serious charges usually had little to do with the commission of the crimes, being put up by influential figures to divert attention from their roles. He noted in support of this view that one of the accused was only fourteen years of age. Then he turned his attention to the contention that commutation might encourage other New Guineans to threaten or kill Europeans. He cited three cases in evidence, the murder of the overseer Scott, at Inus Plantation in 1925 and the murder of a Chinese at Koromira (both in Kieta District), and the murder of Patrol Officer Kirby in Papua in 1915. In all three cases the death penalty had been commuted to sentences of imprisonment and in no case did the commutation lead to outbreaks of violence by black against white. Furthermore, the peoples involved in the killing had been visited only once by an official patrol before the prospecting party arrived, and that patrol had retired from the region leaving a legacy of resentment.

With these arguments before me I state that I am absolutely opposed to the death sentence being inflicted in this particular case. If they had been a people more in touch with civilization and there had been no element of aggravation I would not have had the slightest desire to have the sentence of death varied and the executions not carried out.
Cardew then moved that the Council advise the Administrator to commute the sentences. His motion lapsed for want of a seconder. After further discussion, Page moved that the Council recommend the hangings and the motion was passed with Cardew voting against it.\footnote{NGAC Minutes, 31 October 1927 in AA, CRS A518, item M 800/1/3 part 1.}

The Council met again on 17 November, to consider appeals against the executions by the Methodist and Catholic Missions.\footnote{The youngest of the condemned men, aged about 14, had his sentence commuted to seven years imprisonment in early November. Sydney Morning Herald, 4 November 1927, cutting on file AC 840/1/3, above.} Cardew attempted to strengthen his own position by having Wanliss called before the Council. The meeting was adjourned until the afternoon to enable Page to ask the opinion of the Crown Law Officer on whether the Council should adopt the practice followed in Australia of having the trial judge present at deliberations of the Executive Council on capital sentences. After consultations with Hogan, Page declared that he would oppose the Chief Judge's being present and Cardew dropped his request. Instead he moved that representatives of the Missions be called, together with the District Officer of New Britain, for their opinions on the sentences.\footnote{NGAC Minutes, meetings of 17 November 1927 in M 800/1/3 part 1, above.} By this time the Administrator had acted on the approval given by the Council in October and informed Canberra that the executions

\footnote{NGAC Minutes, 31 October 1927 in AA, CRS A518, item M 800/1/3 part 1.}

\footnote{The youngest of the condemned men, aged about 14, had his sentence commuted to seven years imprisonment in early November. Sydney Morning Herald, 4 November 1927, cutting on file AC 840/1/3, above.}

\footnote{NGAC Minutes, meetings of 17 November 1927 in M 800/1/3 part 1, above.}
would proceed on the 18th November. A scaffold had been erected at the Rabaul Native gaol earlier in November in anticipation of the event. He had been checked by the receipt of a cable from the Minister on the 17th November urging that he reconsider his decision in light of Cardew's opposition. The Council apparently had no knowledge of the attitude of the Minister when it debated the executions for the final time on 19 November.

Written reports had been received from both the Missions for discussion at this meeting and Edward Taylor, District Officer of New Britain attended in person to offer his opinion. The letters from the Missions covered ground already discussed by the Council and were given little consideration. Taylor's position was similar to that of Walstab. He had no doubts that the hangings should proceed, not so much for the benefit of the peoples of Nakanai, "but from the Territorial point of view". Taylor, too, was concerned at the spreading of news of the murder of the four Europeans throughout the Territory. Cardew put the same question to Taylor as he had put to Walstab; what precedent he had for saying that the hanging of the accused was necessary for the proper maintenance of social order throughout the Territory. The District Officer - "I had no precedent...my opinion is from a Territorial point of view".

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73 Administrator to Department, 15 November 1927 in FO 112/1, above.


75 Department to Administrator, 17 November 1927 in FO 112/1, above.
Taylor also claimed that the numbers of villagers shot by the police expedition was not sufficient punishment of the peoples. Cardew summarised his case at the conclusion of the meeting;

I think the punishment already meted out is quite sufficient. I have given instances where sentences have been commuted and no further murders have occurred, and the District Officer gives no precedents to support his arguments.

There was time for the acting Director of Public Health to observe that Cardew's case studies did not prove that murders committed in other parts of the Territory were not linked with the commutation of sentences passed on murderers from a particular area. Cardew again moved for commutation, again his motion lapsed. A second motion approving the executions was then carried. 76

The preoccupation in the Nakanai case with what Taylor had called the "Territorial point of view" was at the root of the policy of the Administration on capital punishment. In the absence of any attempt made to uncover evidence of the deterrent effect of hangings in the long term official reasoning was mostly guesswork founded on assumptions about the 'native mentality'. 77 The belief which surfaces repeatedly is that New Guineans were unable to respect European authority without

76 NGAC Minutes, 19 November 1927 in M 800/1/3 part 1, above.
77 The opinions of the various District Services personnel detailed earlier were also very much subjective impressions; see pp. 303-06, above.
frequent displays of strength and naked force. It meant that the discussion in the Advisory Council of the likelihood of further attacks on Europeans if the Nakanai killers were reprieved was, when applied to other cases, almost irrelevant.

The motive for proceeding with the execution of many murderers was the recognition by the Administration that the peoples amongst whom the crime had taken place were either resisting or rejecting the influence which it was trying to win over them by patrolling. Administrative progress was symbolised by the maps of the Territory which were produced in different colours, each colour indicating the varying degrees of 'control' won in that area. Such a map was hung on the wall of the Administrator's office in Rabaul and they appeared every year as enclosures in the Annual Reports. If the price of regular extensions to the shaded regions was the resort to capital punishment, it should be paid.

The response to murders in the Gasmata sub-District in 1932 and 1933 typified the approach. The murders of the Luluai Manus, of Wasum village, and his wife Bila together with details of two other murders at Aporlo were reported by the Administrator in October 1932. There had also been a raid on the village of Lamogai. Edward Taylor had gone to the aid

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78 Administrator to Department, 7 October 1932 in AA, CRS A518, item K 840/1/3.

79 A response to the Lamogai raid was urgently needed. "The natives are now somewhat averse to the Administration, as it was due to the visit of previous officers that they had come to live together and so laid themselves open to an attack". Acting-P.O. Niall to D.O. New Britain, 14 September 1932 (Y 48/1/1) in K 840/1/3, above.
of ADO Sherman at Gasmata and a draft of Native Police under Patrol Officer Farlow arrived later. Taylor's despatch to the Director of District Services and Native Affairs on the situation had also included reports from acting Patrol Officer Niall from the sub-District of Talasea which showed that a large area of west New Britain was disturbed. Alliances were being forged to avenge the deaths at Aporlo and a combined expedition was planned against Alangra, the murderers' village.

Taylor wrote again to the DDSNA in early January 1933 with details of the arrest of most of the murderers. He had instructed Sherman that it was "very evident that the sternest measures are necessary and should be taken in arresting the offenders and establishing firm control". The result of the operations of the field staff on the cases; Taylor, Sherman, Farlow, Niall and acting-ADO Mack, was summarised by Taylor in a report of 19 January. A number of the murderers were already in Rabaul awaiting trial by the Supreme Court while twenty more were being held at Gasmata. Taylor felt that a base camp should be established and roads built in the region linking the north and south coasts of New Britain. He estimated the task would take an experienced officer about twelve months to complete. He concluded that

> Despite the frequent patrolling of this area during the past four years the natives have persistently displayed an attitude of indifference to the Administration and acts of

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80 D.O. New Britain to DDSNA, 9 November 1932 in K 840/1/3, above.

81 Acting-P.O. Niall to D.O. New Britain, 14 September 1932 (Y 49/1/1) in K 840/1/3, above.

82 D.O. New Britain to DDSNA, 3 January 1933 in K 840/1/3, above.
lawlessness involving the deaths of many natives have continued throughout and though no difficulty has been experienced on this occasion in restoring order and arresting the offenders it is still necessary to impress upon the natives of this area the authority of the Administration and this purpose might be served by hanging the natives convicted of the Wasum, Aporlo and Kavilli murders as near as possible to the scene of the murders.  

Sentence of death was passed upon ten of the prisoners in the Supreme Court in Rabaul in February. The Administrator confirmed the death sentences upon three of the men and they were hanged at Wasum and Kavilli in March. A sing-sing sponsored by the Administration was held two weeks later at the site which Taylor had suggested as a police post. Of the 800 people who attended, most had witnessed the hangings and acting ADO Daymond took the opportunity to reiterate that "such was the penalty of the Administration for such offences". Daymond considered that the area could be described as under "partial Government control".

The executions in Gasmata secured the troubled region with an ease which would have been difficult to achieve by patrolling. In this way it was similar to the position in the Sepik in 1928. The geography and climate in both districts were daunting; the swamps and heavy undergrowth in the Sepik

83 D.O. New Britain to DDSNA, 19 January 1933 in K 840/1/3, above.

84 Rabaul Times, 10 February 1933.

85 Ellis to DDSNA, 24 March 1933 in FO 112/1, above.

86 ADO Daymond to D.O. New Britain, 15 April 1933 in AA, CP 708, item 13/26, bundle 2 number 26.
was matched by the mountainous terrain and torrential rains of Gasmata. It was generally recognised that the effectiveness of patrolling depended on regular visits to all parts of the district, but there was not sufficient staff in either the Sepik or Gasmata to practice the principle. When McCarthy arrived at Ambunti in 1928 he found only two other officers on the River to carry out administrative patrols. Taylor had to introduce two additional officers into Gasmata to investigate the killings there and had even proposed the enrolment of special constables to assist in the work if sufficient Native Police could not be obtained from other stations. McNicoll wrote a lengthy report on the shortage of staff to the Prime Minister's Department in 1935 in which he estimated that a minimum of twenty-nine additional appointments would have to be made before he could consider the District Service to be adequately staffed. In such a context, it was not surprising that the Administration was prepared to resort to hangings when the opportunity arose in districts which threatened, or had a history of, disruption.

Although the Administration was anxious to avoid the publicity which followed many murders, and suggested that it was falling down on its job, it was not motivated entirely by the desire to win approval. The preservation of order was

87 J.K. McCarthy, Patrol into yesterday, above, p. 44.
88 D.O. New Britain to DDSNA, 9 November 1932 in K 840/1/3, above.
89 Administrator to Department, 1 February 1935 in AA, CRS A518, item G 852/1/5.
essential for the continued economic prosperity of the Territory. The hangings on the Sepik in 1928 which "developed a wholesome respect for the Administration" took place in a region rich in the Territory's most important natural resource - labour. A month before the executions the Rabaul Times carried an article by 'Criticus' which bemoaned both the dearth and aptitude of New Guinean labourers. In December 1928 an editorial was published reporting that a mining concern in Salamaua was offering to pay £15 per head for up to 2,000 recruits. Planters would not be able to compete with the mining companies at such prices and their viability was threatened. The news marked "the beginning of serious labour difficulties in the Territory" and the editorial suggested that the Administration consider the importation of Asian labour.

The Administration was also under pressure to extend the area over which it exercised control from Europeans in the Territory and from Canberra. Miners were anxious to see parts of the Madang, Morobe and Sepik Districts which were declared 'uncontrolled areas' opened to them in the 1930s. Some of the more determined amongst them ventured into the

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90 Administrator to Department, 1 July 1930 in FO 112/1, above.
91 "Rabaul topics" by 'Criticus', Rabaul Times, 8 June 1928.
92 "Editorial", Rabaul Times, 21 December 1928.
93 See Administrator to Department, 1 February 1935 in G 852/1/5, above.
closed regions without official permission with fatal results. The Missions were also interested in working amongst the newly contacted peoples and there were instances where missionaries were attacked and killed. The Minister, Pearce, added his voice in 1937 on behalf of petroleum explorers interested in territory near the Dutch border in the Sepik Districts.

Further differences in approach between the administrations of Papua and New Guinea emerge with a comparative description of the Papuan practice. The two instances of execution in Papua during the period of the 1930s are well known. The first case, in which a sergeant of police was hanged in 1934 for the rape of a five years old white girl, has been discussed at length by Amirah Inglis. Although Murray himself was not

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94 As was the case with the prospectors Clarious and Naylor, murdered in the Morobe District in 1932; see J.K. McCarthy, _Patrol into yesterday_, above, p. 111. See also AA, CRS A518, item S 836/2, a file entitled "Reports on police posts, mining areas" which contains a total of ten patrol reports, monthly reports from posts and summaries by the District Officer, Morobe. Most of the material centres on measures taken in the aftermath of the murder of Clarious and Naylor.

95 As, for example, the fatal attacks on Fr Morschheuser and Br Eugene in the Chimbu Valley in 1934 and 1935. See AA, CRS A518, item P 841/1. McNicoll observed that the official exploratory patrols into the Highlands since 1933 had added a large amount of territory and population to be administered and "it is becoming increasingly apparent that we must increase our field staff to hold the areas already penetrated. It is most essential that the Administration should make first contact with these natives for, as may be seen in the recent tragedy in the Chimbu River area, it is not desirable for even mission activities to precede the advent of Administration officers". Administrator to Department, 25 January 1935 in AA, CRS A518, item A 251/3/1 part 2. See also "Some observations on mission activities" by J.L. Taylor, 27 April 1935, enclosed in Administrator to Department, 5 June 1935 in P 841/1, above.

96 Pearce to McNicoll, 27 August 1937 in AA, CRS A518, item BB 840/1/3 part 1.

97 A. Inglis, _Not a white woman safe_, above, pp. 119-35.
in Papua at the time there can be little doubt that he would have approved the measure. Four years later a second Papuan was hanged following his conviction by Judge Gore as an accessory to murder. The Lieutenant-Governor related the circumstances of the killing, "the worst murder I have known", to his son Patrick in a letter in June 1938. He added that the criminal was "a little blighter whom I sentenced to death 7 years ago, and who would have been hanged had not the Commonwealth Govt interceded for him". 98

There were, however, two other occasions on which Murray decided to inflict the death penalty only to be denied by the Scullin Government. In 1930 he sought the execution of Semesi, convicted under the White Women's Protection Ordinance, and twelve months later determined to proceed in the case of the murderers of three mountain men of Kuni killed while on a trading expedition to Mekeo. The circumstances of this latter case paralleled many of the New Guinean murders which drew capital sentences.

The three men of Kuni, Doboi, Boki and Avio, had walked down to the village of Bailala in the Mekeo District. They carried their food and a bag containing items of trade including bird of paradise plumes fashioned into armlets and

98 Hubert Murray to Patrick Murray, 18 June 1938 in F. West (ed.) Selected letters of Hubert Murray, above, p. 215. The man in question, Karo, had two previous convictions; for manslaughter and for stealing the government safe from Rigo station. There is no record of Murray requesting his execution on the relevant Departmental file; he may have confused Karo with the Bailala murderers (see below).
other ornaments. Doboi fell into dispute with Koaba of Bailala who assaulted him. The traders then gathered up their belongings and left the village saying that they would go on to report the assault to the Assistant Resident Magistrate at Kairuku. The party was followed by four men from the village who attacked and killed them a few hundred yards from Bailala at a place called Kaluka.

Murray himself tried the case and concluded that the murderers were Urebu, Philippo, Koaba and Bakai. The two first named were not of Bailala; Urebu was a former police lance-corporal from the Mambare River, married to the sister of Bakai, and Philippo was a young visitor to Bailala from the village of Rarai. Bakai and Koaba were both of the village, the former a young man and the latter, older and previously employed by the government as a clerk and interpreter. Both Philippo and Koaba were quite fluent in English and of the four only Bakai had not attended a mission school. All were sentenced to death in the Supreme Court on 17 April 1931 and the sentences upon Urebu and Koaba were confirmed at a meeting of the Papuan Executive Council four days later. Philippo and Bakai were reprieved: they received 10 years imprisonment in consideration of their youth.99

On the same day that Murray informed Canberra of the sentences he sent a second despatch warning that the clansmen of the murdered traders had set out in force for Bailala to exact their own revenge. Bloodshed had only been

99 Lieutenant-Governor to Department, 23 April 1931 (No. 116/3/5) in F 840/1/5, above.
averted by the timely intercession of the ARM Kairuku, who had confronted the angry mob at the foot of the mountains and persuaded them to turn back.\textsuperscript{100}

The next day Murray again wrote to Canberra quoting at length from an account he had received from an officer in the Kuni area who had visited the village of the murdered men. Middleton, in charge of a police camp at nearby Mondo, reported that Village Constable Iuguluma of Deva Deva stated that only the execution of the convicted men would prevent their raiding Bailala. Should the murderers be reprieved the men of Iuguluma would prefer to defy the Government and face the bullets of its police than let the murders pass unpaid. The whole district was in upheaval over the incident, continued Middleton, and local missionaries had informed him that alliances were being negotiated in preparation for an attack on the coast. While he thought such grand designs were empty threats he felt it was likely that the mountain men would eventually kill some unfortunate coastal Papuan passing through their district if they were not satisfied by the decision of the court. The missionaries agreed that nothing less than the execution of at least two of the murderers would satisfy their desire for revenge. Closing his despatch, Murray declared that although his Government would never be swayed by the dictation of threats and demands, the vociferous and excited reaction in the Kuni region underlined the "peculiar treachery and atrocity" of the crime.\textsuperscript{101}

\textsuperscript{100} Lieutenant-Governor to Department, 23 April 1931 (No.116/3/6) in F 840/1/5, above.

\textsuperscript{101} Lieutenant-Governor to Department, 24 April 1931 in F 840/1/5, above.
Murray's arguments were presented to the Prime Minister in an urgent memorandum a month later together with his assertion that proceeding with the executions would defuse the explosive situation in the region. Chifley wrote a brief response the following day requesting the Department to repeat Scullin's previous instructions and urge the commutation of the sentences in hand. A radio was sent to Port Moresby immediately, with the result that the capital sentences on Urebu and Koaba were commuted to terms of imprisonment for life.

The dire predictions of Middleton, the missionaries and the Lieutenant-Governor were not fulfilled. In early November Murray's despatch to the Department included an account of the reconciliation of the Kuni people with the villagers of Bailala written by the ARM* Kairuku, W.H. Halford Thompson. At a meeting organised by Thompson an exchange of tokens of peace and the payment of compensation appeared to resolve the dispute to the mutual satisfaction of the parties. A few days later Murray, though unwilling to concede that the Papuan

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102 Memorandum of 18 May 1931 in F 840/1/5, above.

103 Chifley to Starling (Territories Branch, Prime Minister's Department), 19 May 1931 in F 840/1/5, above.

104 Department to Lieutenant-Governor, 19 May 1931 in F 840/1/5, above. See Cabinet Submission "Capital punishment - Papua", 15 February 1932 in F 840/1/5, above.

105 Lieutenant-Governor to Department, 4 November 1931 in F 840/1/5, above.


* Assistant Resident Magistrate.
Administration had been mistaken in pressing for the executions, emphasised the achievement. He was responding to an article which had been published in the *Bulletin*\(^{107}\) claiming that there had been an increase in crime in Papua following the reprieves granted Semesi and Urebu and Koaba. Murray commented; "I still think that these men should have been hanged, but, so far, no offence has been reported that can be remotely connected with their reprieve".\(^{108}\) Such intelligence could only reinforce the view of the Prime Minister on the death penalty and Murray must have known it.

Murray placed emphasis on the nature of the crime and the backgrounds of the criminals in his support for the executions.\(^{109}\) His own sense of outrage at the murders was reflected in the ferocity of the adjectives he employed to convey their singular treachery. Compounding the offence were the backgrounds of the murderers; two were ex-government employees, three were mission trained. Murray dealt with this aspect in a brief paragraph.

> It is bitterly disappointing to find men committing such a crime who have been so long under European influence; and I can offer no explanation. It is, I suppose, one of the rebuffs that we must expect in trying to raise a stone age race to a higher level.\(^{110}\)


\(^{108}\) Lieutenant-Governor to Department, 9 November 1931 in F 840/1/5, above.

\(^{109}\) As he put it in 1915; "The sentences passed in native murder cases vary...according to the degree of civilization which has been reached by the prisoner - that is to say he gets a heavier sentence according as he ought to have known better". *Offences by natives - memorandum by the Lieutenant Governor*, CPP, 1914-1917, Volume 2, p. 6.

\(^{110}\) Lieutenant-Governor to Department, 23 April 1931 (No. 116/3/6) in F 840/1/5, above.
Although the ramifications of the crime on the local area were considered in terms of satisfying the aggrieved people by punishing the criminals, Murray stressed that this was incidental to the ultimate decision of whether the executions were carried out. The accounts of the confrontation of the hillmen with the ARM and the regional police authority were included, he claimed, to demonstrate the exceptional nature of the crime. Perhaps here he was being less than candid as the thrust of the reports appears calculated to strengthen his case for the executions rather than purely to distinguish the crime. Even if this can be admitted as an underlying motive, it is noteworthy that the chief object of Murray's concern was the wronged party, that their faith in the government might be restored, not with teaching the killers' community the lesson of white 'strength'. It could be argued that such a lesson was implicit in any such execution but it is a measure of the difference in outlook between the administrations of Papua and New Guinea that the primary official justification for inflicting the death penalty in Rabaul, the value of hangings to consolidate or re-establish governmental influence, was not mentioned by Port Moresby. One senses that Murray, who was by profession a lawyer rather than a soldier like his counterparts in New Guinea, was more scrupulous about maintaining a distinction between the judicial and executive functions of his administration.

A review of the backgrounds of the five Papuans whom Murray or his senior officers endeavoured to execute reveals that three had served in the Native Constabulary, one was a
former government interpreter and the other, a servant of a Port Moresby resident. All five had experienced close and prolonged contact with Europeans and were assumed to have an adequate knowledge of European law through this association. Apart from his report on the Territory's policy on capital punishment in 1930, Wisdom makes scant mention of the degree of acquaintance the condemned men had had with European law in New Guinea. Where Administrators did consider the question, it is evident that they set far lower standards than did the Papuan government. In the case of six men executed on the Sepik in 1934, McNicoll noted that they "were in close enough touch with Ambunti to know perfectly the enormity of their conduct; and one of them Gimi, is the tultul of Sengau". McNicoll makes no mention of whether any of the prisoners had any closer contact with Europeans than being visited by the irregular patrols from Ambunti. When Cardew had argued in the Advisory Council in 1927 that the Nakanai murderers' knowledge of the ways of the Europeans was limited to one inauspicious contact with an official patrol, his observation was dismissed in the interests of the "Territorial point of view". Neither did the fact that one of the accused was only aged fourteen, and would obviously have been acting at the instance of older, more influential men, sway the majority of the Council.

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111 Wisdom explained in connection with the fighting men of Kumindimbit executed in 1928 that some of them had served contracts of indenture. Administrator to Department, 19 June 1928 in K 840/1/3, above.

112 Administrator to Department, 14 January 1935 in FO 112/1, above.

113 NGAC Minutes, 31 October 1927 in M 800/1/3 part 1, above.
The Administration of New Guinea seemed unable to treat murders by New Guineans within the context of the murderers' societies. The crimes were always seen in terms of their defiance of the rules which the European authorities were attempting to impose on the peoples of the Territory. It was this orientation which resulted in the hangings themselves being staged in the manner of morality plays, for savages reluctant to renounce their savagery.

The ethics of capital punishment were never debated by the non-official white residents of New Guinea. The representations of the Missions in the Nakanai case were exceptional, all Europeans agreed that situations arose where the death penalty had to be enforced. For many white residents, capital punishment was a method by which the Administration could underline the paramountcy of white authority which it had failed to do in the application of its laws at the lower level.

The Rabaul Times acknowledged the general acceptance of the place of capital punishment within the colonial order with a clipped and condescending account of the execution of Soineo of Aitape for the murder of a New Guinean woman in 1927.

The sentence was carried out on the morning of Saturday last at the Rabaul prison compound, in the presence of several hundred natives, who appeared to thoroughly appreciate the serious nature of the proceedings. Death was instantaneous.114

Eighteen months later a brief report appeared noting a mass execution which had taken place on the Sepik River some weeks

114 "Local and General", Rabaul Times, 25 February 1927.
before;

We are informed that several of the Sepik head-hunters, about seven in number, who were recently convicted at Rabaul for murder which occurred during a tribal war in the Ambunti district several months ago, and who were sent to Ambunti on the last Montoro to be executed, have been hanged there. 115

That the Rabaul Times should consider the latter report, in its studied casualness, sufficiently informative for its readers suggests rather less a belief in the validity of capital punishment as a judicial sanction for specific crimes than an endorsement of the penalty as a device for impressing upon the native inhabitants of a black country the authority of white government.

The number of New Guineans hanged in the Mandated Territory and the degree of official support for an extension of corporal punishment compared with Papua's two executions and official distaste for whippings to punish petty crime and enforce labour discipline bears out the correlation noted by Nelson between the two punishments. 116 The comparison, however, only serves to heighten the paradox that only three of the approximately sixty-five New Guineans executed during the period had been convicted of capital offences against Europeans. The execution of black men who took white lives was a principle at the heart of Murray's thinking on the subject, as it had been for MacGregor.

115 "Local and general - head hunters hanged", Rabaul Times, 27 July 1928.

On the assumption that Jean Wilson, the Wau nurse, was attacked by a New Guinean, there were twenty Europeans killed by New Guineans during the period (see Table 5.2). In two cases the convicted murderers were executed. The *Rabaul Times* briefly reported the proceedings against seven men charged with the wilful murder of T.F. Exton in country behind Wewak in 1932. There was no evidence given that Exton provoked the fatal attack and, after a two day hearing, Phillips found the accused guilty and passed sentence of death.\textsuperscript{117} Two of the men were executed. The second murder took place at Ambunti in February 1935 when ADO E.C. McDonald was shot dead by Native Constable Sipei.\textsuperscript{118} The policeman appeared before Wanliss in April, defended by ADO F.W. Mantle, alleging that McDonald had provoked him by insults and physical assault. Wanliss ruled that the assault, if it had taken place, was of a minor nature and sentenced Sipei to death. He was hanged at Ambunti.\textsuperscript{119}

In two cases of the murder of plantation overseers the Chief Judge opposed the hanging of the culprits. In the case of John Scott of Inus Plantation on Bougainville, Wanliss found that the

\begin{quote}
 evidence showed that the deceased ill-treated the natives, struck them and caned them (some were small, young or not robust natives) and subjected them to the "box" punishment - (several hours at "Attention" in the sun on a box).
\end{quote}

\textsuperscript{117} "Central Court", Rabaul Times, 23 December 1932.

\textsuperscript{118} "ADO E.C. McDonald killed", Rabaul Times, 1 March 1935. See also the accounts in F. Clune, Somewhere in New Guinea, Sydney, 1951, pp. 282-84 and J.K. McCarthy, Patrol into yesterday, above, pp. 132-35.

\textsuperscript{119} Rabaul Times, 12, 18 and 26 April 1935 reported the trial of Sipei.
Some thirty of the labourers complained to the DDO about their treatment but had no knowledge that the officer was proceeding with action against Scott when he subjected Siken to a brutal assault. Siken struck back at Scott with a knife when the overseer began to throttle him and inflicted fatal wounds.¹²⁰ Wanliss convicted Siken of manslaughter and sentenced him to five years hard labour.¹²¹ Five years later the overseer of Kolai Plantation for the Melanesia Company was murdered by his 'cook-boy'.¹²² Wanliss heard the case against Poina in November. He accepted the evidence of Poina and other New Guinean witnesses that Edmonds "habitually brutally illtreated the natives" and did not doubt the stories of the overseer's "interference with native women (who, in some instances, appear to have been raped)...." The Chief Judge regarded the extent of the provocation as insufficient to reduce the charge to one of manslaughter, found Poina guilty of wilful murder "with regret" and recorded sentence of death with a recommendation for mercy.¹²³

¹²⁰ Notes. The King v. Siken. Extracts from His Honour the Chief Judge's summing up. (From memory) in AA, CRS A518, item L 836/4.

¹²¹ Siken later served as a carrier on the Nakanai Expedition in 1926 and was a prisoner at Malutu post in Central Nakanai when he saved the office records from a fire; see acting-Administrator (Wanliss) to Department, 11 December 1931 in L 836/4, above and also f/n 57, above.

¹²² "Trouble with natives", Rabaul Times, 3 October 1930.

¹²³ "The Kolai tragedy", Rabaul Times, 21 November 1930.
There was a strong presumption amongst Europeans that in the event of the murder of a white man in areas remote from the Territory's townships, capital punishment would not always be left to the Supreme Court. The Administration studiously avoided the term 'punitive expedition' but deaths of New Guineans usually resulted from the operation of patrols which walked to the site of the crime as soon as possible after the killing (see Table 5.2). The conduct and consequences of such patrols are the subjects of the following chapter.

It appears, from the response of the Rabaul Times to such measures, that the European population regarded the deaths which followed police patrols as an adequate punishment for the original offence. Despite the views of the majority of the Advisory Council, Walstab and Taylor, the Rabaul Times welcomed the reprieve of the Nakanai murderers:

We leave our readers to form their own conclusions, with the remark that, in our opinion, a grave injustice, amount(ing) almost to a disaster, has been narrowly averted. 124

Official reports on the killing of white men in uncontrolled areas often showed that the murdered men had provoked their attackers in some way. A companion of the murdered missionary Morschheuser had enraged villagers of Womkama in the Chimbu Valley by shooting two of their pigs in retaliation for their burning of a mission hut, an action described variously as "extremely unwise" 125 and "very


125 a/ADO McCarthy to D.O. Madang, 28 December 1934 in AA, CRS A518, item P 841/1.
foolish". Bernard McGrath, according to statements taken shortly after his death by District Officer E. Taylor, had taken the headman of Finintugu village hostage and shot another villager in response to the theft of some of his stores. The recruiter 'Charlie' Gough, who met his death at the village of Leihinga in the Sepik District in 1937, had always been pugnacious in his dealings with New Guineans. He was speared when he attempted to carry off a young recruit without the permission of his father, a man of influence in the village. The investigating party led by Townsend, McCarthy and Cadet Kyngdon committed three villagers for trial in Rabaul. Wanliss accepted the evidence of Walamini, Ulabuli and Kumbul of the illegal behaviour of Gough, convicted them of manslaughter and sentenced each of them to five years imprisonment.

126 Some observations on mission activities, in report by ADO J.L. Taylor, 27 April 1935 in P 841/1, above.

127 "The McGrath tragedy - details from the official reports", Rabaul Times, 13 April 1934.

128 "I might note that while Gough obtained a few recruits from these villages, which will later be of great help, he has rather a brusque manner with natives, suitable no doubt for controlled villages, but liable to antagonise in new places". Patrol Report to the hinterland of Sissano, No. A8 of 1932-33, Sepik District by P.O. K. Thomas in AA, CP 708, item 13/26, bundle 2 number 16.

129 J.K. McCarthy, Patrol into yesterday, above, pp. 165-71.

130 "The Gough murder", Rabaul Times, 13 November 1936. In his observation of 1914 on murders of Europeans committed by Papuans, Murray noted that "of the three men murdered, two had been guilty of contributory negligence of the most glaring kind, and the third had, apparently, given considerable provocation". Offences by natives - memorandum by Lieutenant Governor, above, p. 6.
Strangely, the Rabaul Times accepted that many of the Europeans were responsible for their own deaths and did not indulge in campaigns to have the actual killers hanged. In the case of McGrath an editorial suggested that unsatisfactory relations between his indentured labourers and the local villagers may have promoted hostility. In an article on the deaths of Morschheuser and Eugene the paper commented that only officials should be allowed into uncontrolled areas until they were secured. Inexperienced Europeans could bring trouble upon themselves through unwittingly offending against local customs. The Rabaul Times' attitude appears to be founded on a belief that the unspoiled villager was more worthy of respect than the popular stereotype of the mission-educated, ungrateful, thieving kanaka who worked in, or lived alongside, European townships. Consistent with the generalisation is the fact that the only case of the murder of a European which generated a general demand for the hanging of the attacker occurred in the town of Wau in 1914. The extremity of public reaction to the killing of Jean Wilson, documented by the declarations of the branches of the Morobe Citizens' Association in the pages of the Morobe News, has been discussed in the previous chapter.

131 "Direct action", Rabaul Times, 9 March 1934.
133 See pp. 243-45, above.
The history of the application of capital punishment in the Mandated Territory reveals a number of features of the Administration. It demonstrates that Commonwealth Governments were, on occasion, prepared to overrule the Administrators on matters of principle and that the Administration had little option but to fall in with their wishes. It shows that all three Administrators used the power given them by Section 13A of the Judiciary Ordinance to suit particular administrative ends. The theatrical impact of a hanging could readily bring a truculent people under control with a minimum expense of money and manpower, thus averting the unfavourable publicity which the Australian press gave to New Guinean murders and opening areas to missionaries, miners and labour recruiters.

Morris and Read conclude their examination of the administration of justice under British colonial rule in East Africa with the statement that, despite the prostitution of the law by men driven by personal and economic ambition,

It appears to have been commonly understood by administrative officers, colonial officials in London, and the lawyers and judges with whom they were often to disagree concerning politics, not merely that they all had a common aim in the devising of a sound and appropriate system for the administration of justice, but that success in attaining that object was likely to be a crowning achievement of British colonial rule.134

The same could not be said for the Australian Administrations on New Guinea, at least with regard to capital punishment,

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where the guiding principle was administrative expediency. Despite Wisdom’s memorandum of 1930 that punishment should be related to the degree of contact the criminal had experienced with the European order, notes on that subject were rarely included in the reports sent by the Administrators to Canberra on hangings. In many cases, the Administrators did not seem to care that men heavily implicated in the crimes escaped punishment entirely as long as there were representatives from the party who had committed the crime available to receive punishment.

Debate on the efficacy of capital punishment took place without any attempt to assess whether it stood as a powerful deterrent. The assumption that it was effective, which fitted neatly with the belief of many Europeans that New Guineans only understood the "strong deterrent, the harsh lesson" was based on guesswork and the subjective impressions

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135 Administrator to Department, 1 July 1930 in FO 112/1, above.

136 See, for example, in the aftermath of the trial of the Nakanai murderers, some members of the original sixteen men charged with the crime were still being recaptured. One of the escapees was captured at Kokopo on 10 February 1928. In his case, because of the difficulty of assembling witnesses for a new trial, the Crown Law Officer entered a nolle prosequi on the murder charge and the fortunate prisoner was only prosecuted for breaking out of gaol in the Kokopo district Court. Deputy Administrator to Department, 29 February 1928 in L 840/1/3 part 1, above.

of field officers who were so rapidly shuffled round from district to district that they could not assess long-term reactions. There was never one instance during the period where a European, official or non-official, could point to an occasion where the reprieve of a murderer acted as an incitement to crime, or where an execution had produced a state of order which could not have been achieved by imposing a sentence of imprisonment on the condemned man.\textsuperscript{138}

\textsuperscript{138} Nelson, above, notes that the number of hangings approved by both MacGregor and Murray declined as the number of years they had been in office increased, because they had perhaps realised that capital punishment was not such an effective deterrent. The same realisation may also have come to McNicoll in the later years of his term of office, although there is no evidence in official documents or those of his letters which survive to confirm this suspicion.
| Name                  | Date | District in which killed | Occupation | Punishments imposed upon convicted men
|-----------------------|------|--------------------------|------------|----------------------------------------
| O'Dowd                | 1924 | Sepik                    | Recruiter  | Punitive expedition, casualties unknown |
| Scott                 | 1925 | Kieta                    | Planter    | Convicted of manslaughter, 5 years imprisonment |
| Collins, Page,        | 1926 | New Britain              | Miners     | 4 men 15 years imprisonment, 1 man 7 years, and c. 25 killed by police |
| Harley & Fischer      |      |                          |            | 7 years imprisonment |
| Edmonds               | 1930 | Madang                   | Planter    | Short terms of imprisonment for some, others killed by patrols |
| Baum                  | 1931 | Morobe                   | Miner      | 2 hanged, 5 sentenced to imprisonment, others killed by patrols |
| Exton                 | 1932 | Sepik                    | Recruiter  | Short terms of imprisonment for some, others killed by patrols |
| Clarius and Naylor    | 1932 | Morobe                   | Miners     | 12 killed by Mack, no prosecutions |
| Mack                  | 1933 | Morobe                   | Official   | 21 killed, 17 wounded by patrols, no prosecutions |
| McGrath               | 1934 | Morobe                   | Miner      | Short terms of imprisonment for some, others killed by patrols |
| Morschheuser & Eugene | 1935 | Morobe                   | Missionary | Hanged |
| McDonald              | 1935 | Sepik                    | Official   | One sentenced 5 years for manslaughter, 2 killed by Hough |
| Gough                 | 1937 | Sepik                    | Recruiter  | 3 convicted manslaughter, each 5 years imprisonment |
| Elliott               | 1939 | Sepik                    | Official   | 2 sentenced to 7 years imprisonment |
| Wilson (?)            | 1940 | Morobe                   | Nurse      | No prosecution |

a. All convictions for murder unless otherwise stated.
b. See pp. 362-87, below.
d. Sentences of at least ten years as one of the murderers was in gaol at Talasea in 1942: J.K. McCarthy, Patrol into yesterday, above, p. 191.
e. But see f/n 140, p. 397, below.
f. See pp. 393-96, below.
g. Presumed by white residents to have been killed by a New Guinean.

Table 5.2: Europeans killed by New Guineans in the Territory, 1921 - 42.
An eye for an eye - II. Punitive expeditions and police actions against New Guineans

The Administration of the Mandated Territory of New Guinea resolved from its foundation that it would follow the policy developed in Papua by Murray in investigating and punishing murders committed by New Guineas in remote areas.¹ The convenience of indiscriminate collective punishment by punitive expedition was renounced in favour of the principle of searching out the individual murderers and bringing them to trial. In doing so, the New Guinea Administration rejected a device which had been utilised by former Lieutenant-Governors of British New Guinea,² Governors of German New Guinea³ and Australia's Military Administrators in New Guinea during the

¹ Murray's position was well known through his book Papua or British New Guinea, London, 1912, pp. 366-372. The Lt.-Governor's policy was not mere words; in 1930 he criticised a patrol in the Goilala area, concluding that the "reports are to me suggestive of the antiquated methods of the 'punitive expedition', which were never adopted in Papua, and I believe are now discredited everywhere". Lieutenant-Governor to Government Secretary, 8 October 1930 in AA, CRS A518, item H 840/1/5. See also Annual Report 1921-22, p. 56.

² See, for example, D. Langmore, "Goabari, 1904", Journal of the Papua and New Guinea Society, Volume 6 Number 2, 1972, pp. 53-78 which tells the story of the two punitive expeditions led against Goabari by Lieutenant-Governor George Le Hunte in 1901 and by acting Administrator C.S. Robinson in 1904.

³ See J.A. Moses, "The German Empire in Melanesia 1884-1914 : a German self-analysis" in The History of Melanesia, Canberra, 1971, pp. 45-76 at p. 54. Moses found that 40 punitive expeditions in the Protectorate during the period 1898 to 1912 had been notified in the Deutsches Kolonialblatt.
seven years of occupation. Unfortunately, the good intentions of the Mandated Territory's Administrators were constantly called into question by their own actions and those of police and district services personnel and the complexion which was placed upon these actions by European residents of the Territory, the Australian press and Commonwealth Governments.

The Civil Administration had not been established twelve months before Wisdom was forced to define his policy on the issue. After a patrol from Talasea had been threatened by a party of armed villagers, the District Officer, Colonel Wilder Neligan, had been informed by men from the affected areas that their coastal village had recently been attacked by a raiding party from villages further inland with the loss of some twenty-five lives, including that of its Luluai. A 'special patrol' was immediately despatched by the Administrator from Rabaul under the command of Inspecting District Officer A.W.W. Winstone to investigate the reported raid. Winstone's patrol had encountered and fired upon an armed body of men whom he suspected were laying an ambush for his own party. The brief fusilade broke up the would-be attackers, wounding three of them. One of the wounded was near death and Winstone,

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4 See H.N. Nelson, "The swinging index: capital punishment and British and Australian administrations in Papua and New Guinea, 1888-1945", unpublished seminar paper, Department of Pacific and Southeast Asian History A.N.U., September 1976, pp. 10-11. See also C.D. Rowley, The Australians in German New Guinea 1914-21, Melbourne, 1958, pp. 193-205. The Military Administration despatched the vessel Siar up the Sepik River in 1919 equipped with a two pound gun which was used to lob a couple of rounds into the village of Avatip. The rest of the trip was spent passing out small union jacks along the River, one of which still fluttered from a tree-top when Townsend sailed past during the Sepik Expedition in 1924. G.W.L. Townsend, District Officer, Sydney, 1968, p. 100.
considering it impossible to carry the man to medical treat-
ment over the rugged terrain which lay between the site of the
skirmish and the coast, decided to "despatch the...native from
feelings of humanity by shooting the...native through the brain
with his...revolver".  

Winstone returned to Rabaul after the patrol to
be informed that he was being posted temporarily to Talasea
to relieve Neligan. He was there only one day when recalled
to Rabaul and informed that the conduct of his patrol was the
subject of an inquiry by a Public Service Board. As a result
of the deliberations of the Board, Winstone was summoned to
appear before the Supreme Court on 1 March 1922 to answer a
charge of manslaughter.  

Wanliss heard the case, returned a
verdict of guilty and sentenced Winstone to twelve months hard
labour. The Chief Judge subsequently noted that the facts of
the case could reasonably have supported a charge of wilful
murder and explained that it was Winstone's refusal to even
contemplate the removal of the wounded man that had led to the
conviction.  

Winstone was 'confined' in Rabaul for five months

5 Wisdom to Deane (Secretary, Prime Minister's Department),
6 March 1922 in AA, CRS A518, item N 840/1/3. The quotation
is from a petition to the Administrator on Winstone's behalf
by citizens of Rabaul and the Territory. Wisdom deals only
with that part of the patrol from which the charge of man-
slaughter sprang; Winstone himself wrote a full account of the
patrol in his own defence. His report discloses that the
patrol was a disaster. At least twelve other New Guineans
were shot dead and Winstone launched a raid on the village he
thought was responsible for the earlier killings only to find
he had attacked the wrong place due to faulty directions.
At one stage Winstone was deserted by his companions, Patrol
Officer Money and Medical Assistant Beach, whom he later found
"curio-hunting". See Punative (sic) Expedition to Nakanai
Bainings - Talasea District, Aug. 1922, A.W.W. Winstone, New
Britain, in AA, CP 708, item 13/26, bundle 2 number 22.

6 See Punative (sic) Expedition to the Nakanai Bainings, above.

7 Chief Judge to Administrator, 20 March 1922 in N 840/1/3, above.
before he was allowed to leave the Territory and return to Australia. Upon his arrival in Queensland in September 1922 he embarked on a protracted correspondence with members of the Federal Parliament seeking monetary compensation for his treatment and, later, for permission to re-enter New Guinea.

Wisdom was called in to advise on Winstone's claims. The Administrator regarded Winstone himself as impudent, incompetent and no loss to the Service. Wisdom was in Melbourne on leave when the initial representations were made and hinted darkly that he had sufficient information on Winstone's activities to do him far more damage than he could ever hope to do the Administration. Nevertheless Winstone's report of his experiences as circulated to various Commonwealth

8 Some European "prisoners" were allegedly set free during the daytime to perform clerical work for the Administration, see the Daily News (Perth), 4 November 1923 in Press Cuttings 5.

9 Wisdom had written to the Department suggesting that the remainder of Winstone's sentence be remitted as he could not be removed to an Australian gaol to complete his term. The imprisonment of Winstone in the European gaol in Rabaul "greatly embarrassed" the Administration as British prestige was damaged by having a senior officer in gaol in view of New Guineans. The Department acceded to the Administrator's request. See Memorandum drawn up in the Prime Minister's Department of 8 June 1922 in N 840/1/3, above.

10 Administrator to Department, 30 December 1922 in N 840/1/3, above. The Administrator had in mind other charges against Winstone which had not been brought up at the trial. They included claims that he had 'pulled' village women, an example followed by his police, and that he had panicked and opened fire on innocuous hillmen in the affray in which three men were wounded, one of whom he later shot. He had escaped prosecution on these other charges because of his conviction for the major offence, the difficulty of assembling witnesses and "out of consideration for his family".
politicians stimulated considerable debate on the Mandated Territory's immigration controls, prison system, court procedures and administration of justice to New Guineans.\footnote{Winstone submitted two long letters of grievances to the Senators and Representatives of the Commonwealth Parliament, the first in September 1922, the second in February 1923, both in N 840/1/3, above.}

One of Winstone's defences of his conduct was that he had been appointed to lead a 'punitive' expedition. He claimed that when the news of the killing of the villagers had become known he had been ordered by the Administrator to command such an expedition and that he had taken out a party consisting of one Patrol Officer, a medical orderly and thirty-five Native Police. Rifles were issued all round and 5000 rounds of ammunition were distributed. Winstone alleged that the local District Officer had suggested he should burn down the houses of the people suspected of the killings and deport them to an island where they might be more easily managed. Winstone put the plan to the Administrator "and he instructed me to use my own discretion on arrival upon the scene of action after consulting with the District Officer".\footnote{Winstone to Senators and Representatives, September 1922 in N 840/1/3, above.}

The claim was put to Wisdom in March 1923 after Winstone had repeated it in a second letter to the Parliament.

The Administrator responded carefully;
Considered of a "punitive" nature, but are on the contrary to be undertaken with a view to conciliating the natives.

Winstone, no doubt for purposes of his own, uses the term "punitive" very loosely. It should certainly not be interpreted strictly as the expression was never used by myself or staff in connection with the Nakanai incident. 13

Although Wisdom may have regarded the punitive expedition as an instrument beyond the pale of an enlightened colonial government, the European population of Rabaul evidently did not. A petition was drawn up on Winstone's behalf requesting a pardon for the offence. The petition was obviously prepared in a meticulous manner, with great thought given to construction and presentation, and one of the reasons it advanced for a pardon was that Winstone had been conducting a punitive expedition. 14 It concluded with the statement that Winstone had never previously commanded an expedition of such a nature, his administrative experience before that date being purely clerical - an interesting comment on the nature of the Administration in the early years of the Mandate. Clearly, the white population did not doubt that punishment by expedition was a valid response to New Guinean crime. The use of the term in the petition was noticed by Wanliss who recorded his objection. 15

13 Wisdom to Department, 28 March 1923 in N 840/1/3, above.
14 Petition to Administrator..., in N 840/1/3, above.
15 Chief Judge to Administrator, 20 March 1922 in N 840/1/3, above.
Winstone was prevented from returning to New Guinea and denied the compensation he sought as the Prime Minister's Department stood firmly behind the Administrator in the dispute. The affair died in late 1923 when Winstone realised the Australian authorities would not entertain his suit.

The respite of the Administration from controversy over its methods of dealing with New Guinean crimes was short lived. In February 1924 a European named O'Dowd was murdered in wild country in the Sepik District after a dispute with local villagers over runaway recruits. He had been operating from Potsdamhafen, some fifty miles south-east of the mouth of the Sepik River. Six New Guineans appeared in the Supreme Court the following September to answer charges of murder. Two of the men were natives of the village of Yakoba, where the fatal attack had occurred, and the other four were 'gun-boys' of O'Dowd accused of complicity in the crime. The prisoners described the ambush in which O'Dowd had been speared but went on to claim that a party of Native Police and other New Guineans had sacked their village immediately after the incident. The raiders had shot and killed a number of men, women and children. The Crown Prosecutor in the case questioned the relevance of the claims to the matters at hand but he was silenced by Wanliss who declared

16 Deane to Winstone, 20 January 1923 in N 840/1/3, above.
17 Brisbane Mail, 11 and 12 September 1924; (Sydney) Sun, 10 September 1924 and (Melbourne) Age, 19 September 1924 in AA, CRS A518, item K 840/1/3.
If this ferocious punishment has been meted out to these people, it has an important bearing on the relations of the natives to the Administration. This evidence has come as a great surprise to me, I think we had better hear it. 18

The case against the six concluded with the conviction of the two villagers and the acquittal of the gun-boys. Wanliss recorded sentence of death for the guilty prisoners but recommended clemency in view of the circumstances. 19 His action suggested that he placed some credence in the allegations made during the trial. An inquiry was to be held into the claims 20 but its findings, if in fact it did eventuate, were never publicised.

The Administration was sufficiently ruffled by the reporting of the death of O'Dowd in the southern press to despatch a large patrol up the Sepik River to establish a station at Ambunti, 250 miles upstream. The Australian papers had also discovered some lively copy in the colourful and wildly exaggerated travellers yarns of a Mrs. O'Brien, the wife of a planter in the Madang District. She reported seeing headless human trunks afloat in the Sepik, sixty-eight corpses in two villages pinned to the ground with spears and another thirty-seven survivors of the bloody raid "horribly mutilated". 21

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18 Brisbane Mail, 11 September 1924 in K 840/1/3, above.
19 Sydney Worker, 17 September 1924 in Press Cuttings 5.
20 Wisdom to McLaren, 29 September 1924 in AA, CP 290/13, item 7.
21 (Sydney) Sunday News, 9 March 1924 and (Melbourne) Age, 10 March 1924 in K 840/1/3, above.
MAP 5

The Sepik District, 1939. (From G.W.L. Townsend, District Officer, Sydney, 1968, p. 130.)
Although the Administration discounted the tales as sensationalism, the widespread publicity, all of it bad, and the inevitability of increased European pressure on the region, as a source of indentured labour, \(^{22}\) prompted the assembling of the patrol. Col. John Walstáb was appointed to command the party of three other European officers and thirty Native Constables. They left by the Mataram for Potsdamhafen in mid-March. \(^{23}\)

When the stories of mayhem and murder were raised in the Senate later that month the Minister, Senator Pearce, was able to allay any fears the other Honourable Senators might harbour about the capacity of the Administration. A new station would be established to monitor the area, the alleged killings would be investigated and the patrol would, "if possible...arrest the culprits and bring them to trial. The expedition is in no sense punitive". \(^{24}\)

The 'Sepik Expeditionary Force' entered the River at the end of March and set up camp at Ambunti, which Walstáb decided would be the site of the permanent Administration station, on 1 April 1924. With him were his native police, later reinforced by a draft from Aitape, ADO Townsend, P.O. Feldt, Medical Assistant Christian and Father Loerks. The

\(^{22}\)"It was my intention to establish...a station well up the river about a year ago...but circumstances prevented me from finding the personnel and the scheme had to be postponed. I am now taking advantage of the present expedition to establish the station...." Wisdom to McLaren, 10 April 1924 in AA, CP 290/13, item 7.

\(^{23}\) Administrator to Department, 18 March 1924 in K 840/1/3, above.

\(^{24}\) CPD, Volume 106, pp. 80-81, 28 March 1924.
priest was skippering the Mission boat, the Gabriel, which had been chartered by the force. R.A. Woodward, an officer of the Papuan service on loan to the Administration, joined them a month later. Walstab remained on the River until the end of July when he handed over authority to Woodward. During his three months in command, Walstab found time to compile three lengthy reports on his activities for the information of the Central Administration in Rabaul and the Minister and the Department in Melbourne. He addressed himself to many of the problems of the imposition of European law upon peoples to whom the principles were entirely exotic. And with a pardonable degree of self-congratulation.

His first report, of 24 April, detailed his opening moves against the warring villages. Walstab took his command seriously. He threw up a barbed wire entanglement about his tent camp at Ambunti, posted sentries during the night despite the tortures of the mosquitoes, and planned his offensive sallies with great precision. While he had been deputed to perform a police action, in the words of the Government Secretary which he quoted in his first report, "to arrest the wrong-doers and bring them to justice", there was a distinctly military flavour to his procedure.

Despite Pearce's statements to the Senate, Walstab quickly began to talk of the circumstances in which punitive

25 Walstab's three reports were dated 24 April 1924, 12 June 1924 and 9 August 1924; henceforth First, Second and Third Reports, all in K 840/1/3, above.

measures could be launched. His investigation of the killing of three men of Angerman in an ambush set by an alliance of four other villages led him to believe that a display of the power of the Administration was necessary. He decided that the village of Changriman should be the target. It had been a forceful partner in the coalition that had laid the ambush and had also threatened two European recruiters, Ireland and Glasson, expelling them from their village with the taunt that they did not believe their firearms were as powerful as the recruiters had claimed.

Walstab "reluctantly came to the conclusion that the only solution was a punitive raid on CHANGRIMAN" and gave four reasons for the measures. They would demonstrate to the controlled village of Angerman that the Administration would protect them from raiders and, more broadly, teach the lesson of the real strength of the European authority to all surrounding peoples. The power of rifles would no longer be a matter for debate and the local officer would be able to use the confidence of the villagers of Angerman in the Administration to bring under control outlying peoples, with whom they had friendly relations, with a minimum of effort. Walstab felt that the death of three men of Changriman, the number of Angerman villagers they had killed in ambush, would be an appropriate penalty.

27 First Report, pp. 4-5.
28 First Report, p. 5.
29 First Report, p. 6.
He approached the village in the schooner *Aloha*, pushing along a narrow channel which ran off the river. After nine miles a large lagoon was entered and the party's Angerman informants pointed out the location of Changriman village. The schooner stood off the site, the shore screened by reeds and swamp grass. A number of warriors massed under some trees and Walstab observed them to be in fighting dress and carrying spears.

The ANGERMAN natives pleaded to be permitted to make peaceful overtures to endeavour to decoy them to close range, but naturally I would not permit this. I ordered the Patrol Officer and five (5) picked native constables to open fire at once. The target was a bad one and the only chance was a beaten zone of rapid fire. About 50 rounds from the magazine rifle of the Patrol Officer and the single loaders of the police were poured in, and the cease fire was ordered within two minutes from the time of opening fire.

The ANGERMAN natives were certain they saw four fall and were jubilant; the native police were sure of at least two.\(^{30}\) Walstab discovered from "fairly reliable" information that the casualties had been five dead and five wounded. He later amended this figure on the advice of two local Luluais who reported only one death.\(^{31}\)

The attack on Changriman was followed by several abortive raids on the village of Jambon. The pressure of the successive sorties forced the abandonment of the village and

\(^{30}\) First Report, pp. 6-7.

\(^{31}\) Third Report, p. 20.
the people of Jambon were hunted through the swampy hinterland by Walstab's police party. The pursuit was eventually given up with the capture of only one of the villagers. A final punitive raid against the village of Kurarau resulted in the deaths of four villagers before Walstab withdrew from the River leaving Woodward to consolidate the degree of influence the Expeditionary force had won. Walstab had selected Kurarau as the target for his final action because the villagers, like those of Changriman, had defied European visitors. Kurarau had been responsible for a recent murder despite the action taken against it two years previously by District Officer Thompson when he took away two villagers and imprisoned them for murder.

In early June Walstab retired to Aitape as the allotted time for his investigation had almost expired. Deciding that the situation on the River warranted his staying for another six weeks, he radioed the Government Secretary to seek permission. The reply from Rabaul rather pricked his sense of achievement as it gently questioned his use of forceful methods:

As you are aware policy Administration avoid purely punitive measures as far as possible to limit action to arrest and bring ring-leaders to trial afraid aftermath of more warlike attitude which may take years

32 Second Report, pp. 5-10.
33 Third Report, pp. 6-17.
34 Second Report, p. 11.
Walstab protested his innocence of using undue force in a radioed reply. In his second report on the Expedition, which included the full text of the three radios, he stated that he was prepared to be judged on the basis of his despatches.\textsuperscript{36}

He stressed that he had already written of the uselessness of punitive patrols which had been mounted in the region under the Military Administration and pointed out that on two occasions he had refrained from taking punitive action against groups of individuals who were undoubtedly murderers under Territorial law.\textsuperscript{37} Walstab was sure, however, that there was a place for the punitive expedition in administrative policy; an expedition against Jambon would have averted much suffering. The pursuit of these villagers had had the result that women and children have been hunted from pillar to post, rendered hungry, tormented by mosquitoes and it will perhaps take far longer to eventually establish friendly relations than if I had adopted a severe but careful and just policy of reprisals.\textsuperscript{38}

He blamed the Australian Government for placing constraints

\textsuperscript{35} Second Report, p. 11.
\textsuperscript{36} Second Report, p. 11.
\textsuperscript{37} Second Report, p. 12.
\textsuperscript{38} Second Report, p. 13.
on Territorial officers in this matter and subsequently wrote that the anxiety to rid New Guinea of the taint of former instances of gunboat diplomacy had "swung the pendulum to the other extreme". This 'other extreme' was personified by the Papuan Administration.  

The broader problems of the application of European concepts of law and order to societies for whom they were totally alien did not escape Walstab. He noted in his first report that the whole region was in a "constant state of preparedness for war", watchtowers were manned and sentries posted as the natural order of the day. In villages which had not been visited by Administration officers it was fatuous to talk of preferring charges of murder against men who were simply engaged in the prosecution of age-old feuds of inter-village politics. Walstab saw that there was a need to draw up a scale of reference to enable the punishment of murder to be related to the degree of contact that criminals had known with European authority.

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41 First Report, p. 9.

42 First Report, p. 9. Walstab noted subsequently that "There is a school of thought which holds that British law, as applied to civilized communities, must be applied in its entirety here, and that any departure from it is fatal to the interests of justice. This I deny and hold that in some instance(s) injustices is caused by a rigid application of it". Third Report, p. 28.
In his concluding remarks in the final report Walstab set out four classes of murder, a categorisation which was later lifted with only minor changes by Wisdom when he wrote his defence of capital punishment in New Guinea in 1930. The first and second classes were murders committed by peoples under Administration influence, distinguished by the degree of resistance offered to the authorities who investigated the crimes. A third class was constituted by murders committed by peoples not under influence upon peoples who looked to the Administration for protection and, finally, were those murders committed in regions beyond all influence. Walstab believed murders in the first category should be investigated in the routine manner, with official energies being directed towards the apprehension of the individual murderers. Where resistance was offered the investigators he suggested the invocation of a species of martial law, as was the practice in some African dependencies, to cease when the culprits were unearthed.

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43 He excluded from his categorisation only those crimes committed by New Guineans under complete Administration control and those in which the victim was a European. For his remarks on the classification of tribal fighting and murders, see Third Report, pp. 26-29.

44 Administrator to Department, 1 July 1930 in AA, CRS A518, item FO 112/1.

45 Walstab suggested that a viable Territorial alternative to martial law was the suspension of the provisions of Section 300 of the Criminal Code (the definition of unlawful killing) for a specified period for certain officers operating against specified peoples or villages. He claimed in addition that such regulation would lessen the likelihood of the indiscriminate shooting of New Guineans by European officials as "no police officer would dare to fire on natives, except in pure self defence, unless authorised by a Regulation, as he would then lay himself open to a charge of murder". (Third Report, p. 27)
In the third class of murder the Administration should try to conciliate the uncontrolled people with a view to later extracting 'blood money' as compensation for their crime. The payment could be made to the relatives of the victim in the shell money that was a common medium of exchange on the River. Such a practice was followed in parts of Africa and if practicable would obviate the obligation to pay back.

Murders committed between peoples beyond the reach of the Administration could not properly be considered murders at all. Walstab was adamant that they corresponded to deaths suffered in war when transposed to European terms. Blood money might be ordered in some such cases, he stated, but the principle of erasure would be the best course to adopt. As new areas were added to patrolled territory the peoples coming within Administration influence should not have to account for their past mischiefs; a line, or perhaps a veil, should be drawn across their history. 46

Walstab's suggestions and actions were favourably received, in general, by the Administrator and by Melbourne. 47

46 See Walstab's reported remarks to Col. Ainsworth on the question and Ainsworth's agreement with him, Ainsworth Report, p. 9.

47 The Administrator agreed with Walstab's suggestion that a separate Sepik District be created, that conditions within the Native Constabulary be improved and that there was a need for flexibility in the application of European law to recently contacted New Guineans. He differed over the subject of 'blood money' (although he was later to change his mind) and on the suggestion that indentured labourers from the Sepik be repatriated to their villages at the end of a contract of labour even though they be willing to re-sign with the same employer. Administrator to Department, 15 December 1924 in K 840/1/3, above.
His remarks on the value of indenture to the development of the region and to the individuals enlisted were no doubt heartening to those bent on the rapid development of European enterprise in the Territory. The extension of the Pax Britannica to the River would increase the opportunities for recruiters by freeing many of the strongest village men from their obligation to be constantly on hand to repel attackers. Some recruits had already been obtained from these villages but usually only youths had been permitted to leave as their absence did not greatly undermine security. The presence of the recruiter from the Expropriation Board at the mouth of the River would also serve to encourage recruiting as the process of repatriation could be more efficiently carried out.

The Sepik Expedition established the dimensions of the problem of bringing order to the River. But Walstab's task had been an easy one compared with the work of untangling alliances, smoothing over deeply-rooted suspicions and maintaining even-handedness which faced the men who made up the permanent European staff in the new Sepik District. His reports, however, reveal that much of the progress he felt he had made was founded on the dramatic displays of force used against the villages of Changriman and Kurarau. Walstab did not question

48 First Report, p. 9.
50 Both the Minister, Pearce, and the Secretary of Home and Territories, McLaren, noted their approval in comments written on the reports dated 21 July 1924.
the right of the Administration to inflict such punishments although he did have reservations about their effectiveness in some cases. Properly staged and directed they were a convenient and constructive Administrative device. There was no attempt to argue that the measures were not punitive, in the sense that the police party was merely acting in self-defence; the raids and shootings were premeditated to the extent of calculating how many lives it would be appropriate to take.

Walstab's reports were read by the Government Secretary and the Administrator in Rabaul, the Minister and departmental officers in Melbourne. All expressed their approval of Walstab's activities, the only hint of reservation being the Government Secretary's radio message to Aitape in June 1924. When J.A. Carrodus, of the Department of Home and Territories, in reviewing the reports, denied the claim that Territorial policy on punitive measures was dictated from Australia, he added the comment that "The Admr. has advised this Dept. that it is not his policy to send out punitive expeditions". No one pointed to the obvious inconsistency which lay between the Administrator's policy and the actions of his chief lieutenant.

The conduct of the Sepik Expedition remained largely the private property of the Territorial Administration and the Commonwealth bureaucracy. The Australian press was pre-occupied with a series of sensational disclosures by a former Territorial Medical Assistant and the repercussions it was apprehended they might have on Australia's status as a Mandatory power.  

51 Covering note to Walstab's reports by Carrodus, 16 July 1924.  
52 See the revelations of James Begley in the Labour Daily (Sydney), published in some forty installments in May, June and July 1924. A complete set of cuttings of the articles is held in AA, CRS A518, item C 800/1/3 part 2.
Unfortunately for all concerned with the government of New Guinea, the next large scale police action captured the headlines of most Australian papers and aroused intense public interest. This was chiefly because the action was taken in response to the murder, promptly dubbed a massacre, of four European prospectors in the hilly Cental Nakanai region of New Britain.\textsuperscript{53}

The principal figure in the episode was Patrol Officer H.M. Nickols who had led a party of some eight Native Constables through the Nakanai region six months before the murders. He was the first European to conduct an extensive patrol in the area and had appointed many of the New Guinean officials in the villages. His patrol was a stormy one with a number of his constables engaging in the intimidation of the local population, abducting and raping women and extorting pigs from villagers by threatening to shoot them. So unruly did his party become that he decided to administer floggings to those he considered guilty of offences. He flogged Native Constables Bai, Sagirum and Waringa after accusations from villagers of Elobe, substantiated by a Rabaul-trained New Guinean mission teacher, that they had raped a woman in the village.\textsuperscript{54} Soon afterwards Bai and Sagirum were involved in

\textsuperscript{53} A collection of cuttings from Australian papers on events in Nakanai is held in AA, CRS A518, item AC 840/1/3.

\textsuperscript{54} Doubts about the validity of these charges against Bai were raised when he was acquitted of the charge of rape and one Kenbu was charged with conspiring to cause the charges to be laid. Kenbu was also acquitted. "Criminal Sessions", Rabaul Times, 16 December 1927. Bai, Sagirum (Sakerum) and Waringa (Walinga) were dismissed from the police force. Administrator to Department, 17 February 1928 in AA, CRS A518, item L 840/1/3 part 1.
the theft of a pig in the village of Umu and Nickols flogged them again, this time with a length of flag rope.\textsuperscript{55} Twelve months later, in sentencing the men convicted of the killings, Chief Judge Wanliss pointed to this original patrol as the root cause of all the subsequent drama.\textsuperscript{56}

Although the patrol was later recognised as an administrative disaster, the extensive tour of the area had at least afforded Nickols the opportunity of assessing the prospects of the Nakanai hills for mining. He arrived in Rabaul at the end of September confident that workable deposits of copper lay in the region and resigned from the Administration to return and claim them. Landing at Tarobi on 10 October 1926 with his partner, Tom Bayliss, Nickols pushed inland to the village of Silanga (or Sinanga), later Gei-Geki, where the men decided to join forces with two other amateur prospectors in the area, Jack Thurston and Dyson Hore-Lacy. Thurston was left in charge of the stores when the party reached the village of Umu and the others set out to study the country. They were already on the alert for trouble after having found Umu deserted and became alarmed for the safety of Thurston when a runner failed to return from an errand. Upon returning to the village they found Thurston hobbling from Umu on makeshift crutches.

\textsuperscript{55} Evidence of H.M. Nickols and Tomasila, his servant, in the case of R.V. Mosi and others, Transcript of proceedings before the Supreme Court, p. 3 and pp. 23-24, 2 June 1927 in L 840/1/3 part 1, above.

\textsuperscript{56} Judgment in the cases of five native prisoners charged with the Nakanai murders delivered by His Honour the Chief Judge at the Central (Supreme) Court Rabaul on the 29 August 1927, p. 5, in L 840/1/3 part 1, above.
He had been speared twice in the legs in an attack on the hut in which he had been sheltering. The party retired to the coast, carrying the delirious Thurston on a bush stretcher, then proceeded to Rabaul with news of the attack. They planned to wait in the town until the area had been secured.

The Administration responded to the report by despatching a force of police under the command of District Officer E. Taylor. Before Taylor's force could commence their investigations however, the irrepressible Nickols had returned to Nakanai and had made camp at the village of Silanga. This second European party consisted of Britten, Collins, Fischer, Marley and Page. At noon on 26 October the six men sat around a table in a bush hut to take lunch. Nickols and Britten had spent the morning shooting pigeons, arriving back at the camp just before Fischer and Marley returned from the coast with additional stores. The guns used in the morning hunt were turned over to the servants to clean while Fischer and Marley reloaded their side-arms at the table. At about one o'clock the six men jumped up from their seats in alarm as a group of shouting, spear-waving fighting men dashed into their camp. In the confusion which followed, Nickols and Britten managed to dash into the bush but Collins, Fischer, Marley and Page were speared to death. The attackers lost three men killed and two wounded from the shots the Europeans were able to fire before they fell. Both the escapees managed to get

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57 Evidence of Nickols, above, pp. 24-25. See also Rabaul Times, 22 October 1926.
58 Administrator to Department, 2 November 1926 in L 840/1/3, part 1, above.
clear and walked down to the coast where they found a
government schooner, Taylor and twenty Native Police.

Word of the killings soon reached Rabaul where
European indignation verged on hysteria. Most of the whites
did not view the attack in isolation; for them it was
symptomatic of a Territory-wide conflict of will, white against
native, which could not be let pass with anything but the
fiercest response. Delegations from the public waited upon
the Administrator, the first at ten p.m. on the night that the
news reached the town. Its members pressed the Administrator
for details of the action that he planned, urging that he
despacht the most powerful force he could. They offered sixty
volunteers to accompany the expedition. Wisdom felt that he
was being threatened with the prospect of an unofficial
expedition by the delegation and quickly warned that unofficial
action of any kind would not be tolerated. The spokesmen
eventually moderated their tone and accepted the Administrator's
promise that he would call for volunteers if they were needed. 60
An announcement of that kind was made in the editorial of the
next issue of the Rabaul Times. 61

The Administrator was also approached by the
acting President of the Rabaul branch of the Returned Soldiers
Association who hotly challenged the appointment of Walstab
to lead the force being raised to procede to Nakanai. Walstab
was apparently thought by many to be too lenient in his

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60 Administrator to Department, 22 February 1927 in L 840/1/3
part 1, above.

61 "Tragedy at Nakanai", Rabaul Times, 5 November 1926.
handling of New Guineans, too much the cautious bureaucrat rather than the man of dash and action needed to teach the Nakanai villagers a lesson. His critics later almost caused a brawl outside his bungalow when he was selecting volunteers for the expedition, hurling abuse in his direction until quietened by steadier heads.

Great excitement prevailed at the town wharf when Walstabl, the six special European constables he had selected and about forty Native Police embarked for Tarobi. As the Namatanai pulled away from the wharf the cheers of the crowd rolled across the water, led by the acting-President of the Returned Soldiers.

62 See Wisdom to McLaren, 22 November 1926 in CP 708, item 7, above.
63 Administrator to Department, 22 February 1927 in L 840/1/3 part 1, above.
64 "Mainly as a sop and incidentally as an experiment I swore in seven Special Constables and let them go". Wisdom to McLaren, 22 November 1926 in CP 708, item 7, above.
65 Administrator to Department, 22 February 1927 in L 840/1/3 part 1, above.
66 Interview with Harry Hugo, Rabaul, 18 October 1975.
The Australian papers fastened onto the story with relish. Biographies of the dead men were published and the Melbourne Herald commissioned a Patrol Officer on leave in Victoria to write an article on the Nakanai region. The Administration had notified Melbourne of the attacks and the despatch of Taylor's force but the Minister had only learned of the raising of the volunteer constables from the local press. The Minister, Sir William Glasgow, had been surprised

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67 The Age and The Argus (Melbourne), 4 November 1926, cuttings in L 840/1/3 part 1, above. N.T. Collins had served in South Africa and the Northern Territory before joining the Military Administration of New Guinea in 1920. He had retired from the Service in 1926 with the rank of Deputy District Officer (Kieta). He was in his late forties and well known in the Territory. L.A. Fischer, a carpenter when he enlisted in the 6th Battalion, joined the Expropriation Board after the War and spent five years in plantation management before leaving to take up private employment. He was in his late thirties. David Page had served as a Sergeant with the 19th Battalion in the War and had been employed in the Territory by W.R. Carpenter for twelve months before resigning to undertake the ill-fated prospecting trip. 35 years of age. Bruce Marley was about 30 years of age and worked for the Expropriation Board for seven years. He had worked as a recruiter of indentured labour immediately before the Nakanai trip. E.H. Britten had been in New Guinea for 8 months before the murders having been transferred to Rabaul to act as a Customs and Shipping Clerk for W.R. Carpenter. He remained in the Territory after the attack and subsequently joined the Administration as supervisor of all its indentured labourers in Rabaul.

68 Patrol Officer Noel Judd, Melbourne Herald, 3 November 1926.

69 Administrator to Department, 2 November 1926 in L840/1/3 part 1, above.

70 The Argus (Melbourne), 4 November 1926 in L 840/1/3 part 1, above.
at the reported size of both the expeditionary force and the number of villagers estimated to have 'risen' and was disturbed by the claim that a machine gun was being carried down to Nakanai to use on the people of the area. That the reports he had read were fairly accurate was confirmed in a radio message from the Administrator on 6 November. The message stated that the machine gun was intended for aggressive use only against stockades.

Glasgow reacted firmly; a reply was sent by radio in which he directed that the machine gun was only to be used if a situation arose in which the lives of members of the expedition were threatened. It could not be used "for purposes of aggression". Glasgow continued with a reminder that the operation should remain a detective one rather than assume the proportions of a military campaign.

Minister further directs the objects of expedition must be confined to arrest of murderers and natives implicated in murders and to establishment of administrative post if necessary for maintenance of order and must not extend to reprisals.

The Minister, who had commanded the First Australian Division in the Middle East and France in the Great War, perhaps feared the consequences should the returned men in the force, particularly the three "ex-AIF machine gunners", get carried away by the exercise.

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71 Department to Administrator, 4 November 1926 in L840/1/3 part 1, above.
72 Administrator to Department, 6 November 1926 in L 840/1/3 part 1, above.
73 Department to Administrator, 8 November 1926 in L 840/1/3 part 1, above.
That General Wisdom had summoned up his fighting blood over the episode was evident from his next communication on the affair. There had been frequent exchanges of radio messages until the Ministerial direction on the conduct and purpose of the expedition which Wisdom apparently chewed over for a week before responding pugnaciously. The Administrator had a soldier's contempt for what he styled 'political' considerations and he detected something of that order in Glasgow's instructions. He justified the use of the machine gun on "tactical grounds" and also partly to appease the clamour of Rabaul's Europeans for revenge. For Wisdom, too, the murders had assumed a wider significance,

These natives have never attacked far less beaten armed whites before stop Our well known policy is described in Minister's direction but this is a case of native uprising not of ordinary murder and impossible to arrest all those guilty stop Unless morale of the natives broken trouble will go on and extend A post in the country was part of my plans but a mere post could not be of use nor possible unless organised rising put down and submission to ascendency of Administration established... A weak policy now will only result in greater loss of life in the future and constant danger to whites and other natives in that district ....

The Administrator concluded the communique with the remark that he would not be responsible for any "untoward results" of the application of the Ministerial instructions which had been conveyed to the force in the field. He saw the instructions as opening for debate the issue of how far the distant officers of the Commonwealth could reasonably be allowed to dictate

74 See previous chapter, f/n 11.
policy to the local officers, the "men on the spot". Wisdom was due to take leave in Australia in the new year and he requested that the Minister be prepared to discuss the question of authority with him in Melbourne then.\textsuperscript{75}

Glasgow was not willing to wait. He told McLaren to convey the exception he took to the tone of Wisdom's response to his instructions. He reiterated his direction that the expedition was to confine itself to the arrest of the individual murderers.\textsuperscript{76}

Wisdom despatched a 450 word radio message clarifying his position, using Walstab's first progress report on the expedition to underline his comments. The essence of Wisdom's dissatisfaction with the Ministerial instructions was that he could not read into them the licence he felt was necessary to enable him to approve such aggressive measures the force might have to take to secure the culprits and impress the villagers with the power of the Administration. As he interpreted the instructions, they would

\begin{quote}
prevent us breaking down passive resistance, which will be fatal to our prestige. Stop. Unless we can break through and disperse any hostile force opposed to us, but not actually attacking us, and deal with all natives in arms our action is futile.
\end{quote}

Wisdom himself had given such authority to Walstab before he had left Rabaul and had also permitted him to fire upon

\textsuperscript{75} Administrator to Department, 15 November 1926 in L 840/1/3 part 1, above.

\textsuperscript{76} Department to Administrator, 18 November 1926 in L 840/1/3 part 1, above.
fugitives if necessary. The Administrator had received word from Walstab in the field that he agreed that the Ministerial restrictions would hamper the progress of the investigations and frustrate justice. Wisdom informed the Minister that he would proceed according to the aphorism that "a kill in time saves nine" and pursue his own policy unless definitely instructed to the contrary.77

Just as it looked as though the Administrator and the Minister were deadlocked, a compromise was achieved. The Minister informed Rabaul that he considered his original instructions did allow for the "use of necessary and legitimate measures for attaining object of expedition and protecting lives of members of party" although he was still not prepared to countenance amendment of his prohibition of reprisals.78 He specifically rejected the application of the Administrator's proposal to fire upon fugitives. One further exchange of radio messages secured the agreement.79

77 Administrator to Department, 21 November 1926 in L 840/1/3 part 1, above.

78 Department to Administrator, 23 November 1926 in L 840/1/3 part 1, above.

79 Administrator to Department, 30 November 1926 in which Wisdom put forward new interpretation of the Minister's instructions; Department to Administrator, 1 December 1926 - "Minister agrees your interpretation his direction as authorizing use of such force as may be necessary to break down opposition and frustrate ambushing in order to attain object of expedition and arrest murderers" and Administrator to Department, 3 December 1926 - "Thank Minister making position clear. Situation now workable". All messages in L 840/1/3 part 1, above.
While Wisdom pursued his vigorous correspondence with Melbourne, Walstab and Taylor struck inland with their caravan of 200 police, volunteers, carriers and attendants (see map 6). The expedition left Tarobi on the morning of 7 November, proceeding at first in unwieldy Indian file at the rate of one mile an hour. Walstab then decided to split the force in two and despatched Taylor's more mobile party ahead to clear a route for his own body which included the carriers. As he had done on the Sepik two years before, Walstab organised the expedition on a thoroughly military basis dividing the force into three platoons of Native Police and medical, machine gun, headquarters and carrying sections. He held frequent briefing sessions with Taylor, Cilento and Woodman to co-ordinate the progress of the force.

The following day the two parties advanced toward Umu and established a camp within an hour's march of the village. That afternoon Taylor had conducted a reconnaissance of the approaches to Umu and the first shots of the expedition had been fired by some of his police at a couple of men who ventured too close to the position of the scouting party. A conference was held in the evening at which it was agreed that an attack would be launched on Umu the next morning. The leaders of the expedition were shaping their plans to a considerable extent on information supplied them on the responsibility for the murder of the prospectors by surrounding villages:

80 A former colonel in the AIF, experienced in the use of machine-guns, and the Special Constable in charge of the volunteers.

81 Walstab to Administrator, 17 November 1926 in L 840/1/3 part 1, above.
MAP 6

Route of the Nakanai Expedition, 1926.
(From a sketch map by Colonel Walstab enclosed in a report to the Administrator of 17 November 1926 in AA, CRS A518, item L 840/1/3 part I.)
Route of expedition

Villages burned

Anchorage

Rainbow

Locality Plan

NEW BRITAIN

Localities:
- Tarob
- Passusa
- Pakasa
- Sinanga
- 1st BASE
- 2nd BASE
- Umu
- Sibula
- Bagella
- Gotto
- Bibes
- Eloa
- OLaige
- Gaiwa
- Imiaka
- Gasama
- Talasea
- RABAUL

Miles:
0 1 2 3 4 5 6
from all accounts the men of Umu were heavily implicated.\textsuperscript{82} Taylor's two platoons of Native Police and the European machine gun section pressed home their attack on Umu from the edge of open ground which the villagers had cleared to give them an unobstructed view of approaching enemies. The government force was confronted by a throng of shouting, spear-waving men skirting their village about 1,000 yards away when it reached the margin of the clearing. The path to Umu was blocked by a wooden stockade through which only one man at a time could pass. As members of the force called upon the spear-men to surrender the villagers yelled threats and insults at them and began "a wild repulsive dance".\textsuperscript{83} The machine gun was brought to bear on the hill-top village with some 300 rounds being expended before the warriors started to break ranks.\textsuperscript{84} Cilento accompanied the assault party which advanced under the machine gun barrage and he saw two men fall as the third burst of fire lashed the houses of the village.\textsuperscript{85} Bloodstains were found about the area and it was thought that the spear-men must have suffered casualties even though no bodies were visible.\textsuperscript{86}

\textsuperscript{82} Above.

\textsuperscript{83} "Wild and woolly", Rabaul Times, 17 February 1928.

\textsuperscript{84} Estimates of Cilento and Nickols in their evidence in R.V. Mosi and others, Transcript of proceedings, above, p. 11 and p. 26 in L 840/1/3 part 1, above.

\textsuperscript{85} Evidence of Cilento, Transcript, above, p. 11.

\textsuperscript{86} Walstab to Administrator, 17 November 1926 in L 840/1/3 part 1, above.
On the 10 November Walstab moved up to join Taylor with the rest of the force. They had planned to proceed on independent circuits in the region, destroying villages and putting down resistance where necessary in accordance with the instructions Walstab had received from the Administrator in Rabaul. Before the raiding parties could leave Umu however, their camp was rushed in heavy rain by a combined group of about 120 warriors\(^\text{87}\) from Iapago and refugees from Umu. The police opened a brisk fire to repel the attackers. No casualties were sustained by the expedition and three bodies were recovered from the scrub when the spear-men were driven off. The police had fired about forty rounds in the affray. It was the only attempt at a concerted attack on the expedition.\(^\text{88}\)

Over the next three days Walstab and Taylor visited all the villages which local information had indicated were connected with the murders. Walstab's force covered Iapago and Bagella, then marched through Baulek, Gotto and Sibulu in the track of Taylor. All the villages entered were found deserted in the wake of the reverses their allies had suffered at Umu. Houses were burned and, in most cases, garden fences pulled down and crops destroyed. The Nakanai Expeditionary Force re-assembled at its base camp near Umu on 14 November where a conference of Walstab, Taylor, Cilento, Woodman and Ellis (the ADO, Talasea) decided that its work was at an end.

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\(^{87}\) Cilento counted 122 attackers; evidence in R.V. Mosi and others, Transcript, above, p. 11.

\(^{88}\) The machine-gun fired about five rounds in this attack before jamming.
Taylor and Ellis declared that the European special constables were no longer required, for the task which remained was one for District Services' staff. A permanent patrol post would be established in the region from which the hostile villages might be conciliated and the actual murderers plucked from them.\(^89\)

The European volunteer constables withdrew the following day to Tarobi where they were taken aboard the *Nusa* on 16 November for their return passage to Rabaul. Walstab remained in the area until 11 December when Taylor assumed control of the investigation, still with a large body of police and officials under his command.\(^90\)

It was on his return to the coast with the departing volunteers that Walstab received a copy of the Ministerial instructions which had so nettled the Administrator. After the observation that he could not send the machine gun back to Rabaul because he had left it with Taylor's party in the care of former machine-gunner P.O. McKay, Walstab commented on the general tenor of the instructions. He advocated, as he had done on the Sepik, that the region be subject to a kind of martial law. Pure detective work was not possible;

> To one who has seen the country the idea of arresting murderers under existing conditions is, to be quite honest, foolish. Under the uncontrolled areas Ordinance Taylor should be given power for say 2 or 3 months to shoot all armed warriors at sight.\(^91\)

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\(^{89}\) Walstab to Administrator, 17 November 1926 in L 840/1/3 part 1, above.

\(^{90}\) Taylor to Government Secretary, 1 January 1927 in L 840/1/3 part 1, above.

\(^{91}\) Walstab to Administrator, 17 November 1926 in L 840/1/3 part 1, above.
He also defended the inclusion and use of the machine gun in the course of the expedition. It was apparent that Walstab, like Wisdom, resented the implication of the Minister's instructions that he lacked the experience or capacity to manage his own job. Frustration and bitterness underlie the concluding paragraph of his report: frustration that the Commonwealth authorities could not see the significance of the murder of the four Europeans in the context of the race question which was always of paramount importance in the internal affairs of the Territory; and bitterness that career officers of the Administration were not given credit for any impartiality in the handling of such a crisis. Would the Minister have questioned the presumption upon which the gun had been included in the first place?

That the lives of tried and valued Europeans Officers and loyal and honest native police are of more value than the lives of savages who have murdered Europeans (who did them no injury) in cold blood.

The debate between Wisdom and Glasgow over authority in the conduct of the expedition re-opened in early 1927 with the publication in Australia of the personal account of the action by one of the European volunteer constables. Charles

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92 "Walstab, who is anything but an alarmist or a 'wild and wooley (sic)' plunger and who has a very thorough knowledge of natives, is very decided on that point and between you and I, offered his resignation in the last paragraph of his report, if, as he put it, the Minister could not agree that the action he took was correct, action which he states he could not have taken if he had followed the Minister's directions. Needless to say I made him cut out that bit". Wisdom to McLaren, 22 November 1926 in CP 290, item 7, above.

93 Walstab to Administrator, 17 November 1926 in L 840/1/3 part 1, above.
Lexius-Burlington had been one of the six non-official Europeans in the force and had been attached to the machine gun section for the campaign. In an interview with the Melbourne Herald he claimed to have made a number of bombs which he took into the troubled area for use against hostile villagers; he had thrown one of these grenades during a skirmish. The claim was noted by Carrodus who telephoned Wisdom, then in Melbourne, for his comment on the article. The Administrator had no personal knowledge of the use of such weapons and pointed out that Walstab did not refer to them in his report on the expedition. He offered to take the matter up with Rabaul and was directed to do so the next day by Carrodus on behalf of the Minister.

The reply from the Government Secretary in Rabaul confirmed Burlington's story on the authority of Cilento, the only senior officer who had accompanied the expedition and was available for comment in Rabaul. Bombs had been manufactured on the voyage to Tarobi by some of the European volunteers although Walstab had later forbidden their use. Cilento described Burlington as a coward and attributed his throwing

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94 The Herald, 8 February 1927, cutting in L 840/1/3 part 1, above. See also "The price of Empire: pioneering in New Guinea by Charles Lexius-Burlington, machine gun volunteer of the punitive expedition" in The Sydney Mail, 9 March 1927, p. 12.

95 Wisdom to Carrodus, 9 February 1927 in L 840/1/3 part 1, above.

96 Carrodus to Wisdom, 10 February 1927 in L 840/1/3 part 1, above.
the bomb, which caused no injury, to "absolute funk". The man later had to be physically hauled away from the machine gun which he had been about to fire when alarmed by what he thought to be an ambush. Cilento and Woodman had both suggested to Walstab after this episode that Burlington be sent back to the coast for "disobedience in the face of hostile natives".  

Glasgow immediately sought the reaction of Walstab to the report of Cilento. Walstab was also on leave in Melbourne at the time and he had a meeting with the Minister on 15 February. He completed a written explanation of the incidents the next day which was lodged with the Department a week later, enclosed in a statement that the Administrator submitted.

Walstab's report was frank, tinged with the aggression of one who felt he was being condemned by authorities who were in ignorance of the physical and social conditions of the region of conflict and of the broader administrative pressures bound up with the government of the Territory. Not only did he know about the bombs, he had endorsed their manufacture.

97 Text of the radio message sent by the Government Secretary in a memorandum by Walstab for the Administrator dated 16 February 1927 in L 840/1/3 part 1, above.

98 Glasgow to McLaren, 15 February 1927 in L 840/1/3 part 1, above.

99 Carrodus to McLaren, 15 February 1927 in L 840/1/3 part 1, above.

100 Walstab's memorandum for the Administrator, 16 February 1927 enclosed in Administrator to the Minister for Home and Territories, 22 February 1927 in L 840/1/3 part 1, above.
and would have made use of them himself in the situation in which Burlington employed them. He had laid up a store of dynamite and iron piping for this purpose before the volunteer contingent left Rabaul. Walstab portrayed the Nakanai Expeditionary Force as an embattled party in a hostile region, with the added burden of having to avoid the semblance of defeat as the personification of white authority and white prestige. In such a context, although he knew the grenade had been thrown in the repulse of the attack on the camp at Umu on 10 November, he "did not particularly enquire afterwards...as I regarded it as much an ordinary measure of defence as the firing of a rifle by a native constable". He concluded his explanation with a lengthy allusion to the success of similar measures in putting down head hunting and inter-tribal fighting on the Sepik two years before. He might have added that the theoretical basis of that venture was never questioned by the Commonwealth authorities despite the detailed reports he had submitted during the action.

Wisdom leapt to emphasise the argument he had put the previous November. The rising at Nakanai needed a forceful response. In a passage that would have done

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101 Walstab explained that "the only general orders issued regarding an attack on us during the march inland were to the effect that on no account was any sub-commander to fall back and that sub-commanders were to hold their ground at all costs". Walstab's memorandum, 16 February 1927, see f/n, above.

102 Above.
credit to the correspondence column of the *Rabaul Times*,

the Administrator declared that

> All native races and most others regard conciliation, if unaccompanied or unpreceded by demonstrations of force, as weakness, and our natives are no exception to this rule; weakness means contempt and insubordination and increased trouble. Once the native gets the idea that he can defy us and argue, there will be no security for whites anywhere in the Territory.\(^{103}\)

Wisdom endorsed Walstabe's handling of the expedition, including his attitude to the use of the machine gun and the bombs. The action had restored law and order swiftly to the troubled area, satisfied the white community, safeguarded the lives of the Europeans and New Guineans in the region and enhanced the prestige of the Administration amongst all New Guineans.

McLaren felt that Wisdom was quibbling over the wording of the Ministerial instructions which had, if read carefully, allowed the expedition sufficient latitude to carry out their investigation of the murder and still have been in a position to indulge in forceful measures where the situation warranted it. McLaren seemed to suspect that Wisdom was arguing the toss in an attempt to force a decision in favour of the Territorial authority that might later be used to excuse ill-prepared police actions on the grounds that they were made necessary by the urgency of some local crisis. Either that, or, realising he had been impetuous in his direction of the expedition, he was continuing to labour the point

\(^{103}\) Wisdom to the Minister for Home and Territories, 22 February 1927 in L 840/1/3 part 1, above.
out of sheer stubborness. There was no recognition within the Department of how vexed a question the principle of authority in such matters was in Rabaul: not only amongst the officials but also within the European society in general.  

In the correspondence of both Wisdom and Walstаб on the subject, the importance of the relationship between the Administration and the non-official Europeans is constantly stressed. The apprehension of senior officials that an unofficial expedition might have ventured into the area to exact a private revenge was sincere. Walstаб even admitted in his explanation of the bomb affair that he had ordered a secret patrol on the waters of Blanche Bay to intercept any vessel which could have been bound for Tarobi. It was the Territorial Administration, not the Commonwealth authorities in Melbourne, who had to deal with the reaction of the Territory's Europeans when it implemented a policy with which they disagreed. The indignation of the Rabaul Times over the directions given by the Minister in the case of the Nakanai expedition was a sample of the vehemence of the white public when it thought race prestige was not being defended

104 Memorandum by McLaren for the Minister, 4 March 1927 in L 840/1/3 part 1, above.

105 Wisdom's radio messages of November 1926 referred to European feelings as "running high" and he amplified his story in his letter to the Minister for Home and Territories, 22 February 1927. See also Wisdom to McLaren, 22 November 1926 in CP 708, item 7, above.

106 Walstаб's memorandum for the Administrator, 16 February 1927 in L 840/1/3 part 1, above.
with sufficient vigour. Popular feeling may have been too diffuse in Australia to greatly concern the servants of the Government but in New Guinea it was concentrated and uncomfortably close.

McLaren paid no mind to the European populace in New Guinea however and recommended that the Minister retain the instructions in force without alteration. A note was despatched ten days later to Rabaul, signed by the Minister, stressing the earlier instructions and directing that

In future, it should be a rule that parties organized to deal with native disturbances, or crimes by natives, should consist only of officers and native employees of the Administration, and that the armament of such parties should be limited to rifles and less powerful weapons.

The Administration was provided with the option to use more devastating weapons only after the permission of the Minister had been sought and obtained.

107 "...the Minister for Home and Territories had telegraphed to the Administrator of New Guinea advising him how the machine gun, taken on the Nakanai expedition, was to be used and under what conditions. It was 'not to be used unless some really grave emergency arose', and it was not to be used for purposes of aggression, and finally, 'the expedition must confine itself to the arrest of the murderers'. Outside influence and interference! Shades of Anzacs! What are we coming to? To what extent are we to be penalised for being a mandated Territory? Is Germany's entry into the League's Council going to have such far-reaching effects as to allow a massacre like the Nakanai affair to go unpunished?" "Outside interference", Rabaul Times, 17 December 1926.

108 The Minister for Home and Territories to the Administrator, 24 March 1927 in L 840/1/3 part 1, above.
The investigation of the Nakanai murders had resulted in the loss of at least eighteen New Guinean lives by the time the murderers were brought to trial. The expedition had established publicly that the Administration did undertake punitive expeditions as an instrument of policy despite the frequent assertions in the early 1920s that the practice had been abandoned. Walstab and Wisdom avoid the use of the term studiously but others are more frank. Cilento admitted in evidence given at the trial of the Nakanai murderers in August 1927,

I call it a punitive expedition - because the expression is used in general sense. By common consent it was referred to as a punitive expedition. I used the word because it has commonly been called that here and South. I should call it an expedition to enquire into the murders.

Even Wisdom noted, with an air of resignation, that the term was used "over and over again" in the press. The prospects of arguing the semantics of the word 'punitive' was pointless in light of the relative casualties, the burning of the villages and the destruction of crops.

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109 Taylor reported that he had identified 15 villagers, mostly from Umu, who had been killed in the exchanges of 9 and 10 November 1926. He added that three others had been shot later when they had fled from police patrols. Taylor to Government Secretary, 1 January 1927 in L 840/1/3 part 1, above. Three of the original attacking party were reportedly shot by the prospectors before they were killed.

110 Evidence of Cilento in R.V. Mosi and others, Transcript of proceedings, above, p. 11 in L 840/1/3 part 1, above.

111 Administrator to the Minister for Home and Territories, 22 February 1927 in L 840/1/3 part 1, above.
The Nakanai Expedition soon became a symbol amongst many of the Europeans in the Territory of the effectiveness of direct action (by which was meant the use of physical force or violence) in strengthening the prestige of the white race. Reports which came in from the area in the next few years were held up to justify the expedition. Some Europeans felt the action had been regretfully severe and found some consolation in the reports which at least showed the bloodshed had not been in vain. Others, however, took the reports as testimonials to the use of force and the need for the Administration to prove its strength at every available opportunity.\(^{112}\)

Stories which circulated in later years embellished details of the expedition to serve the point a raconteur was trying to convey.\(^{113}\) Dr Cilento, in an address to a Legacy

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\(^{112}\) See, for example, "Nakanai natives - friendliness evident - firm policy justified", Rabaul Times, 13 July 1928. The article was based on the first set of patrols from the post of Malutu established in the area after the operations. The reports by Patrol Officer J.K. McCarthy covered his patrols through the villages which had been burned by the force (see McCarthy, J.K. - Patrol reports and other papers, 1926-52, FMB 616). The writer of the article considered that, "Although the stern measures which the Administration then found it necessary to adopt to deal with the disturbed area were at the time subjected to severe criticism in certain quarters, it is claimed that the latest reports from Nakanai completely justify the action that was taken".

\(^{113}\) McCarthy's account of the expedition contains several minor errors and one major one. In his eagerness to convey the extremity of the European reaction to the news of the murders and the clamour for revenge, he asserts that 50 volunteer constables accompanied the force when in fact there were only seven. J.K. McCarthy, Patrol into yesterday, Port Moresby, 1972, pp. 20-26.
Club function in February 1928 presented a racey account, complete with references to smoke signals, the throb of native drums and the arrival of a half-dead messenger with dramatic news. In this account the use of the machine gun at Umu, which he had described as providing covering fire in his evidence at the trial of the Nakanai murderers, he now stated had "been turned upon" the defiant villagers. He concluded the story with the assertion that the hostile tribe had eventually turned over the murderers to the Administration because they "realised that it was the only thing to do".¹¹⁴

The Nakanai region was closed to non-official Europeans until 1932.¹¹⁵ In August 1935 two Europeans walked through many of the villages involved in the murders and later laid waste by the Expedition. They were recruiting labour for W.R. Carpenter's dessicated coconut factory at Pondo. One of the men kept a diary of the trip in which he several times referred to the Expedition.¹¹⁶ In the course of their travels the two met many villagers who had been involved in the "big fight" and further details were provided by one of their Native Police escorts who had served with Walstab's force.

¹¹⁴ "Wild and woolly", Rabaul Times, 17 February 1928.
¹¹⁵ NGG, 29 February 1932, p. 2424.
¹¹⁶ Diary of a recruiting trip into the Nakanai region by G.B. Mirfield August-September 1935, quoted with the permission of the author.
The diarist had come to New Guinea from New Zealand in 1929 and relied for his information on the character of the Expedition on the reports of older European residents. Although he got the date of the affair wrong (1929) and thought that three prospectors were murdered, he had grasped two of the most essential aspects of what had become legend. From Bagella they trekked to Gotto and then Umu where,

"It was most interesting..., the old Luluai is now quite a good old scout and showed me the machine gun bullet wound in his leg. The party that came in set a machine gun up down the track and cleaned up the village in great style."^{117}

Five days earlier the two men had been at the village of Iapugi where they had a conversation with the Luluai who had also been involved in the trouble of 1926. This man was "now friendly and understands that the white man is on top".^{118}

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^{117} Diary, above, p. 18.

^{118} Diary, above, p. 13. The patrol post at Malutu, occupied by McCarthy from 1928 was abandoned when he was transferred to the Sepik the following year. It was re-opened by P.O. Malcolm Wright in 1938. Five years later, Wright was back in the region as a coastwatcher and guerilla fighter, co-ordinating the activities of the Nakanai villagers against the Japanese. He found no resentment of the punitive expedition, even from an old man who had seen two brothers killed in the fighting. The old man, as Wright tells the story, was too grateful to the Europeans for the introduction of steel to harbour a grudge over the police action. He was proud that he had taken part in the fight and, one senses, felt that his people and the Administration were somehow the closer for the toughness each had displayed in the fighting. M. Wright, *If I die*, Melbourne, 1965, pp. 109-10.
As District Officer Taylor was pursuing the murderers of the prospectors in the wake of the Nakanai Expedition, the newly arrived Warden of the Goldfields, J.H. McLean, was proceeding against the villagers of Rabaul and Kaisinik. The residents of the two villages had caused "much inconvenience...to the miners on the field" by attacking the lines of New Guinean carriers who were supporting European mining operations by bringing in materials and supplies from the coast. For many of the miners, already seething over the allocation of leases, the interference with their lines of supply was the last straw. After the murder of three carriers returning to Edie Creek from the hospital at Wau on 10 January, McLean was forced to take the offensive. He had been "confidentially advised that the miners were going to organise a force and deal with the natives under Anzac rules" and, as Wisdom had done ten weeks before, accepted European volunteers to accompany him to the villages implicated. He selected four non-official Europeans for the expedition which made a total of eight white

119 McLean had been on the field less than three weeks when he led the force against Rabaul and Kaisinik. For a highly colourful account of the expedition, see I. Idriess, Gold dust and ashes, Sydney, 1938, pp. 180-91.


The Morobe goldfields. (From Official handbook of the Territory of New Guinea, Canberra, (1937), p. 216.)
The expedition set out on 12 January and entered Rabaul village early the following morning. The village was deserted and "so indescribably filthy and infested as to be a serious menace to the health of the natives"; McLean ordered it burnt. Later that afternoon a party of Native Police intervened to reverse an attack upon a group of carriers and two of the attackers were shot dead. Another man was shot at the expedition campsite that night. McLean and his force had been subjected to taunts and insults all day from armed men who had gathered on the surrounding hills and he resolved that a squad of police would attack Kaisinik the following morning. The assault was pressed home despite the resistance of the villagers and resulted in the shooting of five more men. McLean then withdrew from the area after burning Kaisinik and destroying its gardens.  

McLean defended his actions with the argument that the villagers who had been shot were all either murderers or accessories to murder. He had twice called on them to surrender through a police interpreter only to have insults hurled back in his face. In June 1927, in answer to the case put by

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122 Report of J.H. McLean, 21 January 1927 in 27/728, above. Of the four volunteers accepted, three men, Naess, Mason and Best, were all former Patrol Officers. The rest of the party consisted of McLean himself, Warrant Officers Bourke and Stuart and Medical Assistant Vigor.


124 Above.
a senior Lutheran missionary that the expedition had been unjust because violence had broken out initially after carriers had repeatedly robbed the gardens of the villagers,\textsuperscript{125} McLean returned to the justification of his methods in terms of feelings amongst Europeans on the field.

The point I wish to make is that it would have been a reflection on the Administration if the Miners were forced to take action when they had an Officer on the Field whose duty it was to preserve law and order and keep the line of communication with the Field open.\textsuperscript{126}

Although no Europeans had been killed by the villagers, the other elements of the Administration's response to the Nakanai murders were present. The murders had been perceived as a threat to European authority, the character of the expedition had been shaped to appease the European residents and it had not succeeded in taking any of the murderers into custody. The Goldfields Expedition had, in addition, set out to remove an obstacle to the prosperity of European industry.

It was apparent from Wisdom's approval of the measures adopted by Walstab on the Sepik and in Nakanai and the actions of McLean on the goldfields that, despite his frequent declarations to the contrary, the principle of punitive justice was administratively very much alive. In June 1929 he made a determined attempt to convert the status of the device from \textit{de facto} to \textit{de jure}. His memorandum on the subject covered a patrol report by A.A. Roberts in which the Patrol

\textsuperscript{125} "The tragedy of the Piolo people as told by the natives", written by Joh. Flierl, 10 May 1927 for the Commissioner of Native Affairs in 27/728, above.

\textsuperscript{126} Report by J.H. McLean, 13 June 1927 enclosed in Administrator to Department, 2 August 1927 in 27/728, above.
Officer described how he had burnt the houses in a village which had been responsible for a murderous raid upon a neighbouring settlement. Wisdom denied that he was supporting the use of punitive expeditions but put the point which Walstab had made in 1924 that attempts to arrest the ringleaders of group attacks in uncontrolled areas often resulted in their people scattering throughout the bush and no punishment for the offences being administered. The only way to deal with such situations, according to Wisdom, was to capture individuals from the guilty village for interrogation.

Some punishment is necessary and in the event of failure to capture the ringleaders, the only punishment possible is to keep them out of their homes as long as possible and destroy the houses. This policy is quite likely, if sustained long enough, to induce the bulk of the people to sacrifice the leaders, as the price of peace, and some may bring the principal culprits to justice, especially as being away from their gardens, they will increasingly feel the pinch of hunger. 127

What Wisdom wanted was the capacity to absolve his field officers from answerability under civil and criminal law and authority to levy fines on peoples he considered were breaching the peace. Unless amendments were introduced which authorised such actions we will be hide bound in our dealings with savages of this type by a legal procedure intended for a civilised people (and in analagous circumstances not even applied to them) which will result, not only in giving effect to the law, but also an inability to dispense common justice or maintain order.

127 Administrator to Department, 10 June 1929 in AA, CRS A518, item BB 840/1/3 part 1.
Wisdom asked that his memorandum be referred to the Commonwealth Attorney-General for his opinion on whether the proposals could be given legislative effect. 128

R.R. Garran responded that, while appreciating the Administrator's problem, nothing could compromise the fundamental principle of British law that all men stood equal before it. Punitive expeditions were contrary to law because they did not distinguish between the guilty and the innocent. 129

The memorandum summarised the previous efforts of the Administrator to have similar provisions incorporated in the Territorial legislation in 1924 and 1926. It included quotations from Wisdom's correspondence on the Nakanai Expedition. When the Attorney-General's Department had considered the proposals in 1926 it had advised that, although the decision to grant the Administrator's requests lay with the Department of Home and Territories, the Permanent Mandates Council might well jib at the notion of legislation which empowered "a District Officer to do, without any fear of legal consequences, practically what he liked in order to restore order...." Glasgow had acted on the advice when he discussed the question with Wisdom in April 1927; he rejected the proposal. Halligan saw no reason to alter Departmental policy on the issue and recommended a further rejection. The

128 Above.
129 Secretary, Attorney-General's Department to Department, 10 July 1929 in BB 840/1/3 part 1, above.
130 Memorandum "Uncontrolled areas - Territory of New Guinea", 3 September 1929 in BB 840/1/3 part 1, above.
Minister, J.A. Beasley, agreed and Wisdom was informed.\textsuperscript{131} The conclusive rejection of the Administrator's suggestion for the fourth time killed the issue. It was not raised by Wisdom in his defence of capital punishment of 1930. The vocabulary of collective punishment also disappeared. McLean's party which overran Rabaul and Kaisinik villages in January 1927 was the last to be described as an "Expedition".

Nonetheless, police actions which bore all the earmarks of punitive expeditions continued to occur. They were described by those who took part in them as patrols to arrest New Guinean murderers. In February 1934 the prospector Bernard McGrath was attacked and killed near his camp on the Karmontina River by villagers with whom he had previously enjoyed friendly relations. Cadet T.G. Aitcheson was the first official officer on the scene of the crime after he had received information from Dan Leahy at the Ramu base camp. Aitchison, Leahy and eleven police reached the Karmontina Valley late on the night of 17 January where they met Dan's brother Mick. Two other European miners, J.L. Peadon and R. Dugan, were already encamped with Mick Leahy and the party was joined later in the afternoon by E. Ubanks who had arrived with eighteen armed labourers to offer assistance.\textsuperscript{132}

The following morning Aitchison decided to proceed against the hostile villagers. He had a force of forty armed

\textsuperscript{131} Department to Administrator, 16 November 1929 in BB 840/1/3 part 1, above.

\textsuperscript{132} "The McGrath tragedy - details from the official reports", Rabaul Times, 13 April 1934, report of Aitchison.
labourers at his disposal, as well as the eleven police and five Europeans. He split the force into three parties, his own, which would directly approach the villagers who were gathered in a nearby valley, and two others, one under the Leahy's, one under Peadon and Ubanks, who would skirt the ridges on either side of the valley to prevent an escape. The villagers were in such a strong tactical position that the Europeans were forced to withdraw, Aitchison having shot two sniping bowmen during the fighting which took place. They bivouacked at the site of McGrath's camp to await the arrival of District Officer E. Taylor, Cadet J.R. Black and additional police, who had been the subject of a message dropped from a plane to Aitchison as he had set out for the attack on the valley.133

Taylor and Black arrived on 20 February with ten police. After making further investigations into the murder and satisfying himself that the villagers of Finintugu and Ikanofe were responsible, Taylor set out on 22 February to "attempt their apprehension". The Leahy brothers, Peadon and Ubanks had retired with the arrival of Taylor and the District Officer set out to apprehend the villagers with Dugan, Black and the police. The murderers were trapped in the valley in a pincers movement and, after many had been killed, they surrendered to the Administration force. The survivors were let depart freely on condition that they reported daily to the patrol camp. Taylor summarised the fighting:

133 Above.
The natives suffered heavily, though it was difficult to obtain other than the total casualties for all operations, and up to the time of my leaving the area these showed nineteen killed and seventeen wounded, but it is quite likely that further enquiries will disclose more. On our side, three natives and myself received arrow wounds, but not of a serious nature.

Taylor left the area at peace, "the resumption of ordinary village life having followed, also the renewal of friendships with natives, who had long been their enemies". 134

The Rabaul Times commended Taylor in an editorial entitled "Direct action";

Taylor's experience has taught him when and how to strike and when to show compassion to the defeated....He whipped them - after a strenuous six hours' fight - then, with his knowledge of native psychology, he gave them an order, which they obeyed, to foregather at his camp where an investigation was held; that finalised, he ordered them back to their villages to whence they returned and settled down peacefully. 135

This extract conveys the attitude of many of the Europeans, official and non-official alike, to the application of punitive justice. There is the 'strength' of the white man displayed for all to see; there is a demonstration of his finer, civilised instincts, he shows "compassion" to a defeated enemy; there is the confidently paternal instructions issued to the villagers, which they follow without demurrer, readily accepting that the white man knows best, and, finally, that the


135 "Direct action", Rabaul Times, 9 March 1934. See also "Six hours' fighting - D.O. Taylor does good work", Rabaul Times, 9 March 1934.
measures were comprehensible to them, they appreciated the principle of an eye for an eye. They settled down in peace, admonished but not resentful. It was also, to the Rabaul Times an eloquent example of how good results could be achieved with New Guineans by experienced local officers without executive interference from either Rabaul or Canberra.

Patrols which were despatched to "attempt the apprehension" of New Guineans involved in murdering or attacking other Europeans often reported similar exchanges and inflicted similar casualties. A patrol led by ADO Penglase to investigate the miner Helmuth Baum in 1931 shot dead eight New Guineans who had been amongst a party which had attacked it, close to the Papuan border.¹³⁶ Five men of the Chimbu Valley were killed in the investigation of the deaths of the missionaries Father Morschheuser and Brother Eugene in December 1934—January 1935.¹³⁷ Following the murder of Clarius and Naylor in 1932, a patrol led by Townsend and Penglase and a later one by McCarthy resulted in the deaths of at least ten Kukukuku fighting men.¹³⁸ In other cases, Europeans who were killed had managed to shoot numbers of their

¹³⁶ Draft letter from Department to the High Commissioner for the Western Pacific, 22 January 1931 in AA, CRS A518, item K 840/1/3.

¹³⁷ Report of ADO J.L. Taylor, 27 April 1935 enclosed in Administrator to Department, 5 June 1935 in K 840/1/3, above. Taylor also took 89 prisoners, 70 of whom were taken to Salamaua for short terms of imprisonment.

¹³⁸ Patrol Report of Isimb, Vailala, Langimar, Tauri and Surprise Creek headwaters by J.K. McCarthy in AA, CP 708, item13/26, bundle 2 number 34.
attakers before they were struck down. Patrol Officer Thomas Hough shot two men before he was fatally wounded by arrow fire near Kiaipit in December 1936 and ADI Ian Mack reportedly killed twelve of the thirteen men who attacked him in a house in the village of Aimontina, four miles from the Upper Ramu (Kainantu) aerodrome in 1933.

The European population assumed that the Administration carried out punitive patrols in the 1930s. The manager of the Salamua branch of the Bank of New South Wales, J.H.W. Johns, wrote to his parents in May 1931 with news of the murder of Baum. The German miner was known amongst Europeans for his considerate treatment of New Guineans and Johns wrote savagely that the District Officer with 16 police boys had gone out with the hopes and blessings of every white man that every native in that part will cease to exist.

\[139\] "The circuit court", Rabaul Times, 13 November 1936.

\[140\] "Wiped out his attackers", Rabaul Times, 30 June 1933. An estimate of twenty dead was given by the Administration interpreter Nomi. He was present when D.O. Taylor flew in to Kainantu with two plane loads of police after the incident. Taylor appointed a Luluai from amongst the hostile people and explained to them that he regarded the matter as closed. One Kiap was dead, twenty kanakas were dead, it was finished. Interview with Nomi, Kainantu, 14 November 1975.


When the *Rabaul Times* received the news that Mack was reputed to have killed most of the men who launched the fatal attack against him, it praised his action in administering "the summary justice which was due to his attackers, thus eliminating the necessity of organising punitive expeditions and the longer and more tedious task of court-house trials".  

McCarthy encountered the assumption put into action in 1933 when he received word at his police post at Bulwa of the murder of a miner named de Hesselle on the Watut River. As he set off with four police for Hesselle's camp he was met on the Bulwa road by a party headed by the manager of the Bulolo Gold Dredging Company's operations at Bulwa.

The report of De Hesselle's death had circulated to the Company's camp and as a result about twenty European employees had offered their services to assist the police party. The men were somewhat excited and those that were not armed begged me to give them rifles from the Bulwa store. I thanked them for their offer but pointed out that my police were sufficient for the preliminary enquiry.

The non-official European population of the Territory obviously expected that the Administration would proceed in force to deal with New Guineans in areas not under effective control. It would also appear that senior officials, while not countenancing the policy of 'punitive expeditions', realised that there was little difference between the operations of the

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143 "Wiped out his attackers", *Rabaul Times*, 30 June 1933.

police party in Nakanai in 1926 and the measures taken against the murderers of McGrath in 1934. Despatching a strong patrol into the area where a European had been killed would inevitably lead to a confrontation as the murderers were sought. The peoples responsible for the murder would then suffer collective punishment in no way different from what would have been meted out under the Military Administration or by the punitive troop of police maintained by the former German regime. As District Officer Edward Taylor noted on the report of a patrol conducted by McCarthy in search of the killers of Clarius and Naylor in 1932, a patrol in which McCarthy was wounded by arrow fire, the Patrol Officer had

acted in accordance with our policy of securing the actual offenders - even in uncontrolled and unknown country, but the futility of giving effect to this is well known to experienced officers. 145

It would be grossly unjust to dismiss the field officers who carried out such patrols as insensitive bullies who enjoyed the fighting. Many of the officers express their respect for the peoples whom they were endeavouring to bring

145 Taylor to DDSNA, 27 July 1933 in AA, CRS A518, item A 251/3/1 part 1. For the report of McCarthy’s patrol, see AA, CP 708, item 13/26, bundle 2 number 34.
'under control' and were severely critical of the foolhardy and deceitful Europeans who were often the targets of attack. They performed their duty to the best of their abilities and some displayed great forbearance in situations in which they would not have been censured had they opened fire. Despite its short history, the field service had established a reputation and its members were proud of it.

146 See, for example, the remarks of ADO Nurton on the people of Long Island, Madang District. He described the people as intelligent and confident, tall and of good bearing with real dignity. He thought they would make excellent recruits for the police force. "With close understanding, from selected tribes such as Long Island, we could build up a native service that would develop tradition: a keeness & honour for duty, such as certain native tribes feel & display in the service of India...." Long Island and S. East portion of sub-division 7 - Rai Coast Aug.-Sept. 1932, Madang District, A. Nurton in AA, CP 708, item 13/26, bundle 2 number 28.

147 See previous chapter, pp. 336-37, above.

148 See, for example; Fracas between Tapu natives, Efuntera natives and Patrol Officer Bates and four native police at 11.45 a.m. 7 March 1933. District Officer Taylor commented on Bates' report that "Mr. Bates evidently kept in mind his first duty - the protection of the miners and their labourers and his own party, and he was perfectly justified in shooting the native; in fact he apparently showed too much restraint in not taking more drastic action when his party was first exposed to the flying arrows of the opposing natives" Taylor to DDSNA, 8 April 1933. Both in K 840/1/3, above.

149 See, for example, the complimentary assessment by the critical and observant S.W. Reed, The making of modern New Guinea, Philadelphia, 1943, p. 163 and p. 183.
This qualification aside, the adoption by the Territorial Administration of the principle of punitive justice was a fact, even after Wisdom had been told repeatedly that the Commonwealth Government refused to recognise it at law. Villages were burned, gardens destroyed and villagers were shot to safeguard an area for European exploitation or to teach the lesson of white strength. As in so many of the dealings of European authority with New Guineans, individual white men were ever anxious to grasp any opportunity to make a declaration of supremacy. Murders of white men were crimes against all white men, acts of lawlessness were acts of defiance against the Administration, whether they were directed against Europeans or not. Many Europeans would have agreed with the remarks of Cilento, passed during the debate in the Advisory Council on the death sentences awarded the Nakanai murderers:

The Director of Public Health said in his opinion the Administration did not follow the wisest policy in regard to the Nakanai murders. He considered that this was a case of war between the Nakanai natives and the European community. Regarding the affair in this light the Administration should have taken adequate reprisals against the natives of Nakanai as a whole and no arrests of murderers should have been made.  

150 NGAC Minutes, 31 October 1927 in AA, CRS A518, item M 800/1/3 part 1.