

**SILLITOE'S TARTAN IN NORTHERN
AUSTRALIA:**

**A VIEW OF BLACK AND WHITE POLICING IN THE
NORTHERN TERRITORY 1884 TO 1935**

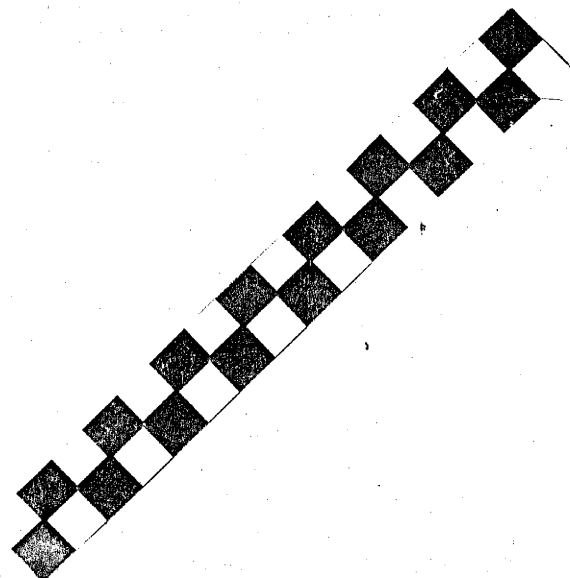
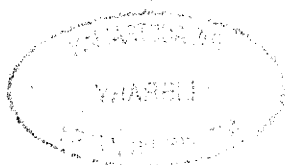
by

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Darwin, October 1996

ABSTRACT

Today, most senior police officers are aware of the insidious effects racism can have within police forces. Today too, Aboriginal people are encouraged to join police forces and impartially and fairly enforce the law. It was not always so.

During the early years of European settlement in the Northern Territory violence often occurred. A Native Police Force operated within the Northern Territory with ruthless efficiency. Its operations were almost always violent.

White police were not immune to using violence and some junior police officers have previously been castigated for their brutality towards Aboriginal people.

Often, however, white society demanded police act violently towards Aboriginal people. The demeanour and attitudes of senior police officers and bureaucrats towards Aboriginal people also affected the way police in the field behaved. Most of these influential Europeans have previously escaped rebuke for their actions.

This thesis examines the racial conflict between police and Aborigines during the period 1884 to 1935. It also examines the attitudes of senior police

and other government officials together with the views of the broader white community on racial conflict. The two elements are examined concurrently.

The thesis argues that the influence of the white community in the Northern Territory, and the influence of senior police and administrators, were significant factors in incidents of police brutality. The thesis also demonstrates how effective the Native Police were in the suppression of other Aboriginal people in the Northern Territory between 1884 and 1900.

TABLE OF CONTENTS

ACKNOWLEDGMENTS	i
ABSTRACT	iii
LIST OF FIGURES	vi
CHRONOLOGY	vii
ABBREVIATIONS	viii
INTRODUCTION	2
CHAPTER 1 - THE FORCES GATHER	19
CHAPTER 2 - CATTLE KILLERS AND THEIR BUTCHERS	47
CHAPTER 3 - MAJOR BATTLE - MINOR SKIRMISH	79
CONCLUSION	111
BIBLIOGRAPHY	118
INDEX	135

LIST OF FIGURES

FIGURE 1. MAP OF THE NORTHERN TERRITORY.	1
FIGURE 2. INSPECTOR PAUL FOELSCHKE, THE FIRST POLICE OFFICER AT PORT DARWIN, AND FOUNDER OF THE NORTHERN TERRITORY POLICE. PHOTOGRAPH TAKEN CIRCA 1870.	21
FIGURE 3. HEAVITREE GAP POLICE STATION, ALICE SPRINGS. BUILT CIRCA 1888 WHEN POLICE RELOCATED FROM THE TELEGRAPH STATION, USED UNTIL 1916.	38
FIGURE 4. GROUP OF SOUTH AUSTRALIAN MOUNTED POLICE AND NATIVE POLICE TROOPER IN UNIFORM. CIRCA 1900.	41
FIGURE 5. MAP SHOWING LOCATIONS OF MAJOR POLICE STATIONS AND PASTORAL STATIONS IN CENTRAL AUSTRALIA.	56
FIGURE 6. MOUNTED POLICE WITH ABORIGINAL PRISONERS IN CHAINS. PHOTOGRAPH TAKEN AT PINE CREEK, CIRCA 1900.	60
FIGURE 7. AUSTRALIA'S VIEW OF THE ABORIGINE AS PORTRAYED BY <i>THE BULLETIN</i> , DECEMBER 1898.	73
FIGURE 8. TRACKER IN 'UNIFORM' WHICH WAS OFTEN WORN BETWEEN 1900 AND 1960. PHOTOGRAPH CIRCA 1938.	81
FIGURE 9. THREE MOUNTED POLICEMEN. MOUNTED CONSTABLE JOHNS NUMBER 61, MOUNTED CONSTABLE MILLER NUMBER 128, MOUNTED CONSTABLE NOBLET NUMBER 83.	85
FIGURE 10. BILL MCKINNON AS AN INSPECTOR OF POLICE, ASTRIDE A CAMEL IN THE CELEBRATIONS FOR THE FIRST BANGTAIL MUSTER IN ALICE SPRINGS. AN ABORIGINAL AIDE HOLDING THE BRIDLE. PHOTOGRAPH TAKEN 1951.	103

CHRONOLOGY

21 January 1870	Sub-Inspector Foelsche arrives at Palmerston
22 February 1874	Barrow Creek Telegraph Station massacre
15 July 1875	Foelsche writes his 'picnic with the natives' letter
3 September 1884	Daly River Mine Massacre followed by punitive Expedition
13 November 1884	MC Wurmbrand locates suspects of attack on Glen Helen station
14 November 1884	Native Police Force formed
9 December 1884	Incident at Powell Creek involving MC Willshire and Native Police
17 January 1886	Report of Board of Inquiry into Daly River Massacre released
21 July 1890	Inquiry into MC Willshire's behaviour at Hermannsburg
22 February 1891	MC Willshire involved in killing of 'Donkey' and 'Roger'
27 April 1891	Willshire suspended from duty
23 July 1891	Willshire's trial for murder held in Port Augusta
1894-1895	Willshire stationed at Gordon Creek Police Station
August 1905 (Day not recorded)	MC Pflaum "flogs" Aboriginal prisoners
22 December 1905	MC Pflaum resigns from the Police Force
1 January 1911	Commonwealth assumes control of the Northern Territory
1 March 1927	The Northern Territory divided into two territories
7 August 1928	Fred Brooks killed. This leads to the Coniston Massacre
13 December 1928	Board of Inquiry to investigate the Coniston Massacre announced
13 October 1934	Constable McKinnon kills Yokunmunna at Ayers Rock
8 May 1935	Board of Inquiry to investigate Yokuununna's death announced

ABBREVIATIONS

AA	Australian Archives
ACT	Australian Capital Territory
CRS	Commonwealth Record Series
FNDJ	Far Northern Division Journal
GRG	Government Record Group
MC	Mounted Constable
MLSA	The Mortlock Library of South Australia
NT	Northern Territory
NTAS	Northern Territory Archives Service
NTPHS	Northern Territory Police Historical Society
NTRS	Northern Territory Record Series
PRG	Private Record Group
SAPP	South Australian Parliamentary Papers
SRSA	State Records of South Australia
VPRS	Victorian Public Record Series
VSA	Victoria State Archives
WWW	World Wide Web

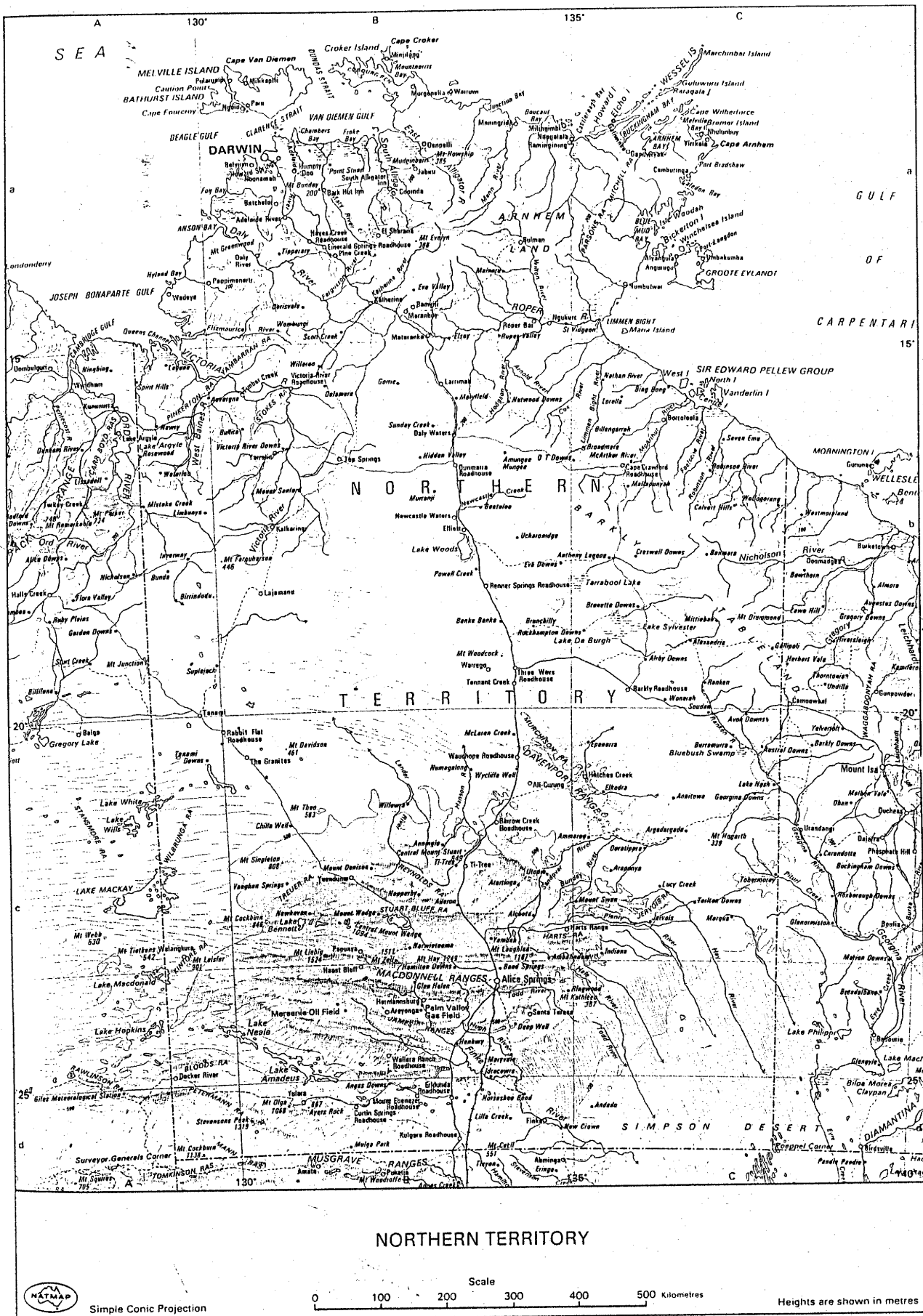


Figure 1. Map of the Northern Territory. Map supplied by the Northern Territory Library.

INTRODUCTION

'Humanity runs to pattern, and is not made moral by act of Parliament, even by the sages of the dreaming.'¹

The early history of the Northern Territory Police resounds with the noise of clashes between police and Aborigines. For example, Mounted Constable Gason, led the resistance to the attack on Barrow Creek Telegraph Station. Having repulsed the attack, he then led the punitive expedition which followed;² the first of many 'punitive expeditions' mounted against Aborigines in the Northern Territory. In another case, the first member to be feloniously killed on duty, Mounted Constable Albert McColl, died at the hands of an Aboriginal warrior, Tuckiar, on Woodah Island in 1933.³ In this instance however, the police did not engage in a 'punitive expedition'.

This was not usual for, during the early European settlement of the Northern Territory, police or European civilians acting under police directions killed many Aborigines. The 'punitive expeditions' after the Daly River copper mine massacre, those

1. Ernestine Hill, *The Territory* (Sydney, NSW: Harper/Collins, 1993), p. 369.

2. Trooper Gason to the Police Commissioner, 23 February 1874. This correspondence is held by the NTPHS having been handed the documents by the Strehlow Research Centre. The letter is marked 'originals found in Tom Roberts trunks (died 1986), not known where he got them from.' See also Alan Powell, *Far Country: A Short History of the Northern Territory* (Carlton, Vic: Melbourne University Press, 1988), p.132.

3. Superintendent Stretton to the Administrator, 28 November 1933, AA ACT, CRS A1, Item 34/1141.

connected with Mounted Constable Willshire's activities in Central Australia and after the Coniston Massacre are some of the better known incidents of this type.

Not only did white police kill and injure Aboriginal people; violent confrontations and killings sometimes resulted in Native Police⁴ or trackers killing other Aboriginal people whilst white police were present. There are also many documented incidents of Aboriginal people, employed by police, killing other Aboriginal people without whites being present.

During the early years of settlement, the movement of the 'frontier' outwards from the settled areas of the Northern Territory often spawned violence. Certainly there was brutality and violence on both sides of the frontier but it was guns against spears, bullets versus woomeras. Police were not immune to using violence and over the years some junior police officers were, rightly, castigated for their brutality towards Aboriginal people. This, it now seems, is only part of the story. Certainly some of the police involved were individually responsible for the violence. However, in several instances, white society appears to have demanded police act violently towards Aboriginal people.⁵ Public calls for the violent repression of Aborigines, and subsequent press support

⁴ Native Police were uniformed and armed Aborigines employed specifically to police other Aborigines. This often involved tracking and then killing Aboriginal suspects. Under the control of a white Constable, the Native Police operated in both Central and Northern Australia between 1884 and approximately 1900. Native Police duties encompassed more than those of the Trackers, who undertook tracking and fatigues. Greater details of the Native Police appear later in this thesis. See also Wilson, W.R. 'The Establishment Of, And Operations By The Northern Territory Native Police Between 1884 And 1891', *Journal Of Northern Territory History*. Issue 7, 1996, pp. 65-73. Extracts from that work appear throughout this thesis.

⁵ See, for example, *Northern Territory Times*, 4 October 1884, which suggests that every European's hand should be raised against Aborigines who, in the editor's opinion, were unfit to live.

for the police actions, clearly encouraged the police to be ruthless in their pursuit of Aboriginal people.

During the early days of settlement newspapers often described Aboriginal attacks on whites as 'massacres' and 'outrages', usually referring to the Aboriginal people in disparaging terms. White Territorians also encouraged a harsh police response to Aboriginal violence. All too often, newspaper editors suggested police kill any Aborigine found near the scene of an 'outrage', guilty or not, simply because of the difficulties involved in determining the identity of the actual offenders. White Territorians tended to ignore or dismiss any arguments against such policies appearing in the southern press.

Over time, however, largely due to the influence of both the southern media and religious organisations, the attitude of the Northern Territory press started to change. Gradually, correspondents to newspapers displayed less overt support for police killings, even though letters to the editor still defended the indefensible.

The demeanour of senior police officers and administrators towards Aboriginal people also undoubtedly affected the way police in the field behaved. Some individual police officers were extremely brutal towards Aborigines, as has been well documented in the past.⁶ Those managing the police, however, have

⁶ Mervyn C. Hartwig, *The Coniston Killings*, B.A. Hons thesis, University of Adelaide, 1960, and Gordon Reid, *A Picnic With The Natives: Aboriginal-European Relations In The Northern Territory To 1910* (Carlton, Vic: Melbourne University Press, 1990) provide examples.

escaped rebuke for the instructions they gave which contributed to the actions taken by the men under their command.

Over time, as senior police and bureaucrats became aware of the changing public perceptions towards police violence, they became more cautious in their instructions. Despite the changing climate, Boards of Inquiry held as recently as 1935 were loath to find police guilty of misconduct. Even when finding police actions unwarranted, therefore at best a breach of discipline, or at worst unlawful, Boards still did not find police guilty of misconduct.

This thesis examines racial conflict between police and Aborigines during the period 1884 to 1935. It concentrates on two aspects of the conflict. First, it considers 'the frontier war', brutality and punitive measures practised by Police during a 51 year period. Second, the thesis explores the attitudes of senior police and other government officials together with the views of the broader white community on racial conflict. The two elements are explored concurrently.

In every case examined, Native Police, trackers or Aboriginal station workers assisted police kill, maim or injure other Aborigines. An examination of the establishment of the Native Police together with some of their operations is essential because brutality, racism and violence converged with the creation and use of this force and its successors, the trackers. Many of the most infamous racial conflicts involved police officers using Native Police or

trackers to assist them in violence against Aborigines. Because of the juxtaposition of violence and Aborigines working with police, the incidents which follow all involve Aborigines working on the European side of the racial divide.

European racial attitudes in the Northern Territory have been subjected to examination previously.⁷ These examinations, however, have usually been conducted over a wider field and for a more limited time. The various incidents discussed in this thesis have never, however, all been reviewed together to examine both the attitudes of the white population, in particular senior bureaucrats, together with the actions of police. Two of the incidents discussed at some length - Willshire's killings and the Coniston Massacre - have especially been considered in some depth. Despite the previous works, the effect of white racism on police operations and the involvement of senior administrators in these events have not previously been fully explored.

Before undertaking this research, I spent almost 27 years as a member of the Northern Territory Police, serving in many areas of the Northern Territory. The thesis is the first written by an author with a detailed knowledge of Northern Territory policing, thus providing an 'insiders view' of the police practices discussed. Many of the records, for example, when read with an 'insider's' knowledge, suggest police used euphemisms to describe killings. In

⁷ See for example, Mervyn C. Hartwig, *The Coniston Killings*, and Tony Austin, *Simply the Survival of the Fittest: Aboriginal Administration in South Australia's Northern Territory 1863 - 1910* (Darwin, NT: Historical Society of the Northern Territory, 1992).

particular, police officers often reported Aborigines were 'killed whilst escaping'. Police also usually reported the deaths of Aborigines at the hands of police as self defence on the part of police. No doubt in some cases this was true, but a pattern emerges which suggests the use of an almost pro forma report to explain why killings had been necessary.

In recent years there has been much research conducted into the post contact period of Australian history. In undertaking this research, reference to a range of works on post contact Australia provided a great deal of information.

Rowley in *The Destruction of Aboriginal Society* demonstrates the systematic brutality the Aborigines endured after the arrival of Europeans in Australia.⁸ Reynolds in *With The White People*⁹ discusses the troopers of the Queensland Native Police. In *Dispossession - Black Australians and White Invaders*¹⁰ Reynolds explores how and why the Aboriginal people resisted the white invasion of their lands. Reynolds's work, *The Other Side of the Frontier*,¹¹ was also useful in understanding the reasons why Aborigines resisted European settlement. In all three works Reynolds analyses white attitudes towards Aboriginal people. Two other books by Reynolds, *Frontier*¹² and *Fate*

⁸. C.D. Rowley, *The Destruction of Aboriginal Society* (Melbourne, Vic: Penguin, 1972).

⁹. Henry Reynolds, *With The White People: The Crucial Role Of Aborigines In The Exploration And Development Of Australia* (Ringwood, Vic: Penguin, 1990).

¹⁰. Henry Reynolds, *Dispossession: Black Australians And White Invaders* (North Sydney, NSW: Allen and Unwin 1989).

¹¹. Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance To The European Invasion Of Australia* (Ringwood, Vic: Penguin, 1995).

¹². Henry Reynolds, *Frontier: Aborigines, Settlers And Land* (Sydney, NSW: Allen and Unwin, 1987).

of a Free People¹³ were useful when preparing this thesis. The former to discern European attitudes towards Aborigines in Queensland and Western Australia, the latter to comprehend the 'frontier war' in Tasmania.

Whilst Reynolds undertook seminal studies in explaining the Aboriginal perspective of 'frontier' Australia, most of his work dealing with police relates to Queensland. This thesis, whilst covering some of the same ground, places the issues in a different context, that of the Northern Territory

Hartwig in his unpublished thesis, *The Coniston Killings*,¹⁴ deals at great depth with some of the matters covered in my thesis. He and I agree over many of the matters related to the Coniston Massacre. Hartwig, however, considers only the one event and an overall picture of the early years does not emerge from his work.

Cribbin's publication, *The Killing Times* also describes the Coniston Massacre,¹⁵ appearing to cover much the same ground as Hartwig.¹⁶ Cribbin was, however, useful because of his references to the testimony given at a 1982 land claim hearing held at Ali Curung.¹⁷ Cribbin alludes to white racism but does

¹³ Henry Reynolds, *Fate of a Free People: A Radical Re-Examination Of The Tasmanian Wars* (Ringwood, Vic: Penguin, 1995).

¹⁴ Mervyn C. Hartwig, *The Coniston Killings*.

¹⁵ John Cribbin, *The Killing Times* (Sydney, NSW: Fontana/Collins, 1984).

¹⁶ Hartwig, *The Coniston Killings*.

¹⁷ Cribbin, *The Killing Times*, p. 7.

not provide firm evidence of it.¹⁸ Many conversations in Cribbin's book appear in the first person. In reality however, they are re-creations from statements made by the principals involved and are thus in the second person. Journalistic licence is apparent throughout the book.¹⁹ Cribbin's work was consulted sparingly because of the repetition of Hartwig's work and the apparent re-creation of some conversations. Nevertheless his book proved valuable in checking other sources I used.

Reid's work, *A Picnic With The Natives*,²⁰ examines wider aspects of the treatment of Aborigines during South Australia's period of control of the Northern Territory. Whilst examining a much wider field, Reid also discusses many of the points covered by me. In particular, he addresses the issue of Foelsche's attitude towards Aboriginal people, also concluding that he was not as sympathetic towards them as has often been portrayed.²¹ Reid uses newspapers to define the views of the white population to the various issues. His work, concluding before 1928, does not cover the Coniston Massacre or the 1935 incident at Ayers Rock, now Uluru.

Like Reid, Austin, in his work *Simply the Survival of the Fittest*,²² covers in some detail the racism present within the early Northern Territory

¹⁸. *Ibid*, p. 157, where Magistrate O'Kelly's appointment to the Board of Inquiry appears, is a good example.

¹⁹. *Ibid*, p. 36, provides a graphic illustration of such a conversation.

²⁰. Reid, *A Picnic With The Natives*.

²¹. *Ibid*, p. 70.

²². Austin, *Simply the Survival of the Fittest*.

white community and the brutality being condoned by northern authorities. Because Austin deals only with the period of South Australian administration of the Northern Territory, he too ceases his account of conflict between police and Aboriginal people in 1911.

Austin in dealing with the police/Aboriginal conflict, appears to make some small mistakes in matters related to the Police. Referring, as he does, to Central Australian Police being under command of the South Australian Force,²³ Austin overlooks the fact that until 1911 all Police serving in the Northern Territory were members of the South Australian Police. Austin also argues that Foelsche never established a Native Police Force in the 'Top End', instead 'experimenting with a small Native Force'.²⁴ Contrary to Austin's assertion, Foelsche did seek Native Police for use in the 'Top End', subsequently employing them in that region.²⁵

Macknight's review of Austin's work in *Aboriginal History*,²⁶ provided useful insights into writing on aspects of Aboriginal history.

It is important for the future of reconciliation that the past be explored and the issues surrounding racism in law and order be examined. It is important to record the events, the underlying views and omissions of senior police, administrators and the

²³ *Ibid.*, p. 14.

²⁴ *Ibid.*, p. 21.

²⁵ Foelsche to Baker, 14 October 1884, SRSA, GRG 790, 872/84.

²⁶ C.C. Macknight, 'Book Review', *Aboriginal History*, Volume 17, (1993), p. 180.

wider white community. It is only by focusing attention on both the events themselves and on the views of white society and senior administrators to the events that the full picture emerges. Aboriginal involvement on the European side of the racial divide is also worthy of exploration because police and administrators often used Aborigines as the instruments of oppression against other Aboriginal people.

My thesis explores those wider issues surrounding four major, and several lesser, events at different times during the evolution of the Northern Territory. Once the full picture of policing and race relations emerges, the present day police administration can confront the future better equipped to avoid the pitfalls of the past.

No work has yet been undertaken to explain why Aboriginal people joined the Native Police in the Northern Territory. The reasons why Aborigines would kill their own people when the majority of the white population was clearly racist remain a mystery. Reynolds, in *With The White People*,²⁷ argues that we have no real understanding of how the troopers viewed their role and that they were only making the best of a bad situation following European conquest. He also suggests in Queensland they did so to obtain benefits from the whites. Mulvaney, instead, argues that Aborigines joined the Native Police for rewards of firearms, horses and colourful uniforms.²⁸ Contemporary

²⁷. Henry Reynolds, *With The White People*, p. 83.

²⁸. D. J. Mulvaney, *Encounters in Place: Outsiders and Aboriginal Australians 1606 - 1985* (St. Lucia, Qld: University of Queensland Press, 1989), p.127.

writers suggested that Aboriginal people joined the Native Police to practise violence against their own people²⁹ and to capture women for their sexual gratification.³⁰ Rosser, in *Up Rode The Troopers*, agrees with this argument and suggests that promises of food fell flat because troopers often had to feed their officers.³¹ Whilst some of these issues probably contributed to Aborigines' rendering assistance to the whites, they appear understated, almost superficial.

Regardless of the reasons why Aborigines joined the Native Police, writers such as Rowley have noted how the troopers were detribalised and brutalised to become an effective fighting force.³² After their brutal induction the Native Police became '...A "Foreign Legion" at the disposal of the whites.'³³

I have not attempted to explain the reasons Aboriginal people sought employment with the Northern Territory Police. Whilst briefly mentioned in this thesis, the topic requires detailed exploration and treatment by sociologists. I assume throughout that Aboriginal people enlisted for a variety of reasons including material rewards and the opportunity to perpetrate 'sanctioned' violence on other Aboriginal people.

²⁹. C. & T. Black, *The Way We Civilise, Black and White, The Native Police: A series of Articles and Letters Reprinted from 'The Queenslander'* (Brisbane, Qld: C. & T. Black, 1800) p. 35.

³⁰. *Ibid.*, p. 17.

³¹. Bill Rosser, *Up Rode The Troopers: The Black Police in Queensland*, (St. Lucia, Qld: Queensland University Press, 1990), p.4.

³². Rowley, *The Destruction of Aboriginal Society*, p. 152.

³³. *Ibid.*

The main primary sources used throughout the work were files held in government archives in Adelaide, Canberra, Melbourne and Darwin. Contemporary newspapers and the *Bulletin* magazine highlighted the attitudes of white society. Reference to Mrs Dominic Daly's work *Digging, Squatting And Pioneering Life In The Northern Territory Of Australia*,³⁴ also provided assistance in understanding prevailing European attitudes.

Apart from the Coniston Massacre and an incident at Ayers Rock in 1934 it proved necessary to use white sources to ascertain Aboriginal viewpoints. In the case of the Coniston Massacre, Hartwig interviewed some survivors in the preparation of his thesis. *Long Time, Olden Time*,³⁵ the work of Peter and Jay Read provided additional oral history about the Coniston Massacre. *Ngurra Walytja: Country Of My Spirit*³⁶ by Jim Downing was utilised to obtain Aboriginal views of the Ayers Rock killing in 1934.

The material from these works provides some Aboriginal balance to what is largely a one-sided view of the various issues.

The three works written by Mounted Constable William Henry Willshire³⁷ demonstrate his views of

³⁴. Dominic, D. (Mrs.) Daly, *Digging, Squatting And Pioneering Life In The Northern Territory Of South Australia* (London, UK: Sampson Low, Marston, Seale and Rivington, 1887).

³⁵. Peter and Jay Read, *Long Time, Olden Time:: Aboriginal Accounts Of Northern Territory History* (Alice Springs, NT: Institute for Aboriginal Development, 1991).

³⁶. Jim Downing, *Ngurra Walytja: Country Of My Spirit* (Darwin, NT: NARU, 1988).

³⁷. William H. Willshire, *Land of the Dawning: Being Facts Gleaned From Cannibals In The Australian Stone Age*, (Adelaide, SA: W.K. Thomas and Co., 1886), William H. Willshire, *A Thrilling Tale Of Real Life in the Wilds Of Australia*, Adelaide, SA: Freason & Brother, 1895), and William H. Willshire, *The Aborigines of Central Australia* :

Aboriginal women and violence towards Aboriginal people. Comments in his books destroy the credibility of his claims that he liked Aboriginal people.

The majority of the secondary works used in the thesis have already been described. The works of Reynolds, Austin and Reid, in particular, led to my interest in race relations and the effect of racism on police policies. That deep interest resulted in research and finally the motivation for me to undertake my research. Robert Clyne's Book *Colonial Blue*³⁸ proved useful in understanding the early history of the South Australian Police. Austin Stapleton's account of the life and times of Willshire,³⁹ whilst idiosyncratic and only portraying one perspective, proved valuable in understanding Willshire. Deborah Rose Bird's account of life in the Victoria River Region⁴⁰ illuminated Willshire's activities at Gordon Creek. The other secondary work used at some length, Jim Downing's *Country Of My Spirit*,⁴¹ provided a useful insight into racism and violence in Central Australia over much of the period which is the subject of my examination.

Several secondary works have included the myths and legends of early life in the Northern

With Vocabularies Of The Dialects Spoken By The Natives Of Lake Amadeus And Of The Western Territory Of Central Australia, (Adelaide, SA: C.E. Bristow, Government Printer, 1891).

³⁸. Robert Clyne, *Colonial Blue, A History of the South Australian Police Force 1836 - 1916*, (Adelaide, SA: Wakefield Press, 1987).

³⁹. Austin Stapleton, *Willshire, Mounted Constable 1st Class, of Alice Springs* (Carlisle: WA, Hesperian Press, 1992).

⁴⁰. Deborah Rose Bird, *Hidden Histories: Black Stories From Victoria River Downs, Humbert River And Wave Hill Stations* (Canberra, ACT: Aboriginal Studies Press, 1991).

⁴¹. Downing, *Country Of My Spirit*.

Territory Police. Books such as *Patrol Indefinite*⁴² deal with the 'noble' tracker but ignore the reality of a tracker's life. These works reinforced the myth surrounding the work of the Northern Territory Police trackers but failed to address the issue of racial violence on 'the frontier'.

Confirmation of matters raised in major sources and checks upon points of detail, required confirmation in another small group of secondary sources. These required only brief use.⁴³

This thesis comprises three chapters and an introduction and conclusion.

Chapter 1, 'The Forces Gather', deals with the attitudes of settlers during the early years of settlement in the Northern Territory. It also examines the role of Native Police and trackers in the Northern Territory together with the white attitudes towards their activities. The part newspaper columnists played in the establishment of the Native Police becomes clear. Also highlighted are the attitudes of senior police, such as Inspector Paul Foelsche, towards Aborigines, including the measures they took to punish Aboriginal offenders. Highlighted throughout the chapter are the views of white society in Australia

⁴². Sidney Downer, *Patrol Indefinite: The Northern Territory Police Force* (Adelaide, SA: Rigby 1963), Victor C. Hall, *Dreamtime Justice* (Adelaide, SA: Rigby, 1962), and Victor C. Hall, *Outback Policeman* (Adelaide, SA: Rigby, 1970), are three such works.

⁴³. Bryan Bowman, *A History of Central Australia 1930 -1980, Volume II, The Coniston Story And Tales Of The North West Sector* (Alice Springs, NT: Bowman, 1989 - 1991), Ernest Favenc, *The History of Australian Exploration From 1788 to 1888* (Amsterdam, Holland: Meridian Publishers, 1967), Robert Haldane, *The People's Force: A History of the Victoria Police* (Carlton, Victoria: Melbourne University Press, 1991), Mulvaney, *Encounters in Place*, and Powell, *Far Country*.

generally, and South Australia and the Northern Territory in particular, regarding racism, the place of Aborigines and settlement of Northern Australia.

Chapter 2, 'Cattle Killers and Their Butchers', considers the activities of the Native Police during the period 1884 to 1896. The murder of Aborigines 'Donkey' and 'Roger' by Mounted Constable Willshire and two of his Native Police is the major event reviewed. Letters to the editors of various newspapers provide an insight into the views of the general population. Both Willshire's and other settlers' views of violence being inflicted on Aboriginal people become clear. Another matter reviewed is Mounted Constable Pflaum's brutality towards eight Aborigines and the lax attitude of the South Australian Cabinet to the Constable's brutality.

Chapter 3 'Major Battle - Minor Skirmish' deals with the period 1911 to 1935. The major issue discussed is the Coniston Massacre and its aftermath. The latent racism displayed by some of the members of the Board of Inquiry into the Massacre becomes apparent. Newspaper articles demonstrate, finally, that there was some concern for Aboriginal people emerging in the white community.

The chapter concludes with consideration of the events of 1934 and 1935 in Central Australia when Constable Bill McKinnon and Tracker Carbine followed an escaped prisoner to Ayers Rock where McKinnon shot and killed the escapee. The Inquiry which followed showed times were changing with recommendations being made for

better Police/Aboriginal relations in the future. Despite this, some of the whites involved in the Ayers Rock incident openly demonstrated racism. Again, reports, newspapers and magazines all reflected the racism which was so apparent at the time.

The Conclusion draws together the earlier chapters, summarises the work and argues that institutionalised violence was a feature of Police/Aboriginal relations for more than 65 years. Whilst junior, relatively inexperienced, police officers were directly responsible for the violence on behalf of the European settlers, others, less obvious, were implicated in the violent application of the 'law'. Articles in newspapers urged violent reprisals to attacks on settlers and miners whilst senior police and even government officials encouraged or condoned these brutal, violent responses. Aboriginal people, however, participated in the violence on both sides of the racial divide, often displaying great brutality towards their own people, being used by white police to provide the harsh responses demanded by white society.

Before concluding the introduction, one further issue remains. Some readers might wonder at the use of the title 'Sillitoe's Tartan' given to the thesis. 'Sillitoe's Tartan' is the name of the chequered band worn by police on their headdress. Named after Sir Percy Sillitoe, Chief Constable of Glasgow, who designed the tartan, it is now in use in many countries of the western world. Originally dark blue or black and white the name lends itself to the topic of the thesis, black, white and police. Sillitoe's Tartan was not only black and white in the

early period of the Northern Territory. As in other parts of Australia, the tartan became stained red with the blood of the blacks and whites killed in confrontations on the frontier.

CHAPTER 1

'I believe it would be impossible to devise a more efficient system than that of black troopers with white officers.'¹

THE FORCES GATHER

I

By 1884 a regular police force had been stationed in the Northern Territory for a mere 14 years. The first group, under the command of Sub-Inspector Paul Foelsche, arrived at Port Darwin in January 1870.² Foelsche, however, only commanded police activities as far south as Powell Creek Overland Telegraph Station, near the present day Lake Woods. Southwards, to near the present day South Australian/Northern Territory border, a handful of police, posted from South Australia, protected the three telegraph stations at Charlotte Waters, Alice Springs and Barrow Creek.³

Foelsche, as Officer in Charge of the Northern Territory Division, reported to the Government Resident. Formalisation of the arrangement occurred in 1873 with the enactment of appropriate legislation.⁴

¹ Letter from 'North Gregory', *The Queenslander*, 17 July 1880.

² 'Genesis of the Police Force in the Northern Territory', SRSA, Research note 456. See also the official record of members serving in the Northern Territory, SRSA, GRG 5/2, 250/74.

³ William J. McLaren and Frank Alcorta, unpublished manuscript on the history of the Northern Territory Police, no page numbers, 1995.

⁴ Research note 456, Genesis of the NT Police, p.2.

Foelsche has often been portrayed, in later years, as the 'Father of the Northern Territory Police', a kindly man, patient, tolerant and understanding of Aborigines.⁵ Photographs of Foelsche tend to reinforce his image as a fatherly, kindly man. Foelsche indeed took an interest in Aborigines, researching a paper on them for a Royal Society Meeting in Adelaide on 2 August 1881.⁶ Foelsche's paper, whilst displaying a great deal of knowledge about Aboriginal people, was written, as might be expected then, from a Eurocentric perspective. Foelsche, for example, whilst recognising food was plentiful in the wild wrote that Aborigines 'rarely provide for tomorrow...they start on a journey without a thought as to where the next meal is to come from'.⁷

Foelsche was not always a kindly, fatherly person. He was, in particular, not patient towards Aboriginal people who resisted the European invasion of their land. Ernestine Hill records how Foelsche and his troopers 'put the fear of God into them'.⁸ Should this be seen as poetic licence by Hill, Foelsche, in 1875, wrote to John Lewis, the pastoralist and friend of Foelsche, regarding the murder of an overland telegraph official, Charles Johnson, at Rocky Bar (present day Roper Bar). Complaining that the South

⁵. Downer, *Patrol Indefinite*, p. 44. Foelsche's reputation in the Northern Territory Police remains that of the kindly, efficient 'Father of the Force'.

⁶. Foelsche, Paul. 'Notes on Aborigines of North Australia', *Transactions and Proceedings Report of the Royal Society of South Australia* (Vol. V 'for 1881 - 1882'), Adelaide, 1882, pp 1-18.

⁷. *Ibid*, p. 12.

⁸. Hill, *The Territory*, p. 98.



Figure 2. Inspector Paul Foelsche, the first police officer at Port Darwin, and founder of the Northern Territory Police. Photograph taken circa 1870. Photograph courtesy of the Northern Territory Library.

Australian authorities were meddling in Northern Territory affairs, Foelsche told Lewis he had despatched Corporal Montagu to Rocky Bar to bury Johnson's body and 'have a picnic with the Natives'.⁹ Foelsche, revealing his true feelings, continued by hoping that the party would not find any 'Niggers' [sic] because he wanted a trip to the Roper country, not accompanying the party on this occasion because 'there are too many tale tellers in the party'.¹⁰

Foelsche in another letter to Lewis, dated 1878, wrote:

Of course you have seen all about our Nigger Hunt in the papers...I left it to Stretton, and I could not have done better than he did.¹¹

In that same letter, Foelsche noted that while Parson, the Government Resident, issued instructions that 'no firearms are to be used except in extreme cases'¹² the police would be able 'to regulate all that'.¹³ The latter statement, by the phraseology and use of the word 'regulate', suggests Foelsche's intention was to ignore the instruction. Ignoring the instruction meant that Foelsche and his men were able to claim the 'extremity' of the situation required the use of firearms whenever they had used weapons.

Foelsche was also duplicitous regarding the use of Native Police in the 'Top End', an issue

⁹ Foelsche to Lewis, 15 July 1875, The Lewis letters, Mortlock Library of South Australia (MLSA), PRG 247/2.

¹⁰ *Ibid.*

¹¹ Foelsche to Lewis quoted in Reid, *Picnic With The Natives*, p. 70.

¹² *Ibid.*

¹³ *Ibid.*

discussed later. As Reid argues so persuasively, Foelsche was not a kind-hearted policeman interested in Aboriginal welfare. He imposed justice without mercy upon Aboriginal people to make his area of operations safe for whites.¹⁴

In the southern part of the Northern Territory the police reported to the Commissioner of Police through Inspector Brian Besley,¹⁵ the Officer in Charge of the Far Northern Division, with headquarters at Port Augusta. Hamilton, the South Australian Police Commissioner, in 1880, explained Besley should deal with Aborigines by encouraging settlers to defend themselves. When Besley despatched police to protect a group of settlers who feared an attack on them by Aborigines, Hamilton told Besley such settlers 'must do something for themselves and not be taught to rely only upon the Police.'¹⁶

Hamilton never worried about legal niceties regarding Aborigines. After the raid on the Barrow Creek Telegraph Station in February 1874, when seeking to have a warrant issued for the apprehension of the alleged Aboriginal ringleaders of the attack, he wrote in his report to the Chief Secretary:

The circumstances are exceptional and I would respectfully suggest that too close adherence to the legal forms should not be insisted on.¹⁷

¹⁴ *Ibid.*

¹⁵ *Transcontinental*, 21 September 1964.

¹⁶ Hamilton to Besley, 16 July 1880, SRSA, GRG 5/2, 720/80.

¹⁷ Hamilton to the Chief Secretary, 24 February 1874, SRSA, GRG 5/2, 260/74.

The Chief Secretary, on returning the file to the Commissioner, merely noted Cabinet had discussed the matter and a warrant would issue. He did not reprimand his Commissioner for the intemperate language used in his report.¹⁸ The leaders of police in Central Australia clearly conditioned their men to treat Aborigines in the same harsh manner advocated by Foelsche.

II

In the Northern Territory, Aborigines had first been employed by the Police as trackers in 1870.¹⁹ Later, writing in 1878, Foelsche rejected the notion of establishing a Native Police Force. He advised Price, the Government Resident, 'black savages' could not be relied upon and might become dangerous when excited.²⁰ Foelsche advised that, instead of Native Police, three good trackers would be sufficient for the needs of the police in Port Darwin. Foelsche specified the trackers should be capable of tracking offenders, especially Aboriginal people, and, whilst no other attributes were essential, it was desirable that they be intelligent.²¹ However, Foelsche was obliged to accept the inevitable as three Aborigines, from Blinman in South Australia, were already en route to Palmerston by steamer to take up duty as trackers there before he provided these

¹⁸. Chief Secretary to Hamilton, 25 February 1874, SRSA, GRG 5/2, 260/74.

¹⁹. Reid, *Picnic With The Natives*, p. 114.

²⁰. Foelsche to Price, 20 May 1878, SRSA, GRG 790, 31/78.

²¹. *Ibid*

specifications.²² The treatment of these three Aborigines in Adelaide en route to Darwin is revealing. The Minister for Education, with responsibility for the Northern Territory, had requested the Commissioner, Hamilton, to accommodate the three at the Mounted Police Barracks. The Commissioner replied that whilst no accommodation was available in the barracks the Aborigines might sleep under carts located there.²³

The fate of two of the trackers remains unknown as only one returned to Blinman in 1881, ill and unfit for any further work.²⁴

There were many situations in which the trackers proved of significant use to police. In several instances police recorded their appreciation of the services provided by trackers.

A police officer who considered trackers to be of value was Mounted Constable Willshire. In May 1884 he wrote to Inspector Besley seeking to bring to the Inspector's notice the good service rendered by his tracker 'Larry' who had accompanied him on a long patrol. Willshire reported that 'Larry' took good care of the horses whilst on patrol and was still working for police.²⁵ Willshire sought to have 'Larry' paid 13 pounds, 17 shillings and 6 pence in recognition of his good work. The Minister consented to such an

²². Secretary of Education to the Police Commissioner, 26 March 1878, SRSA, GRG 790, 779/78.

²³. Police Commissioner to Minister for Education, 28 March 1878, SRSA, GRG 790, 779/78.

²⁴. Claim on the Government submitted by the Northern Stage Company, April 1881, SRSA, GRG 790, 779/78.

²⁵. Willshire to Besley, May 16, 1884, SRSA, GRG 790, 996/84.

arrangement providing he, Larry, spent the money 'judiciously'.²⁶

Despite their reluctance to employ Aborigines, European police officers could not have operated without them. The punitive expedition launched after the attack on the Barrow Creek Telegraph Station, for example, had a tracker named 'Sergeant' accompany it. He was essential to the work of the patrol in following the tracks of those believed responsible for the raid. Like other trackers his local knowledge of the whereabouts of water holes and sources of local food was essential to the survival of the patrol. Interestingly, near Charlotte Waters, at the end of the journey, another Aborigine attacked 'Sergeant'. In retaliation 'Sergeant', shot his attacker, causing serious injury to the assailant.²⁷

Another Mounted Constable, Shirley, was later to lose his life in searching for a group of Aborigines suspected of murdering a missing European. Shirley's party of eight had two Aboriginal trackers accompany it. Shirley and three others perished on the journey, one lived and the whereabouts of the other three, including the two trackers, remained a mystery.²⁸ Later, the 'murdered' man, the subject of the search, was found alive and well. In this instance the trackers had not succeeded in saving the lives of the patrol.

²⁶. Secretary of the Minister for Education to Besley, 16 July 1884, SRSA, GRG 790, 996/84.

²⁷. Letter from Trooper Gason, dated 23 February 1874, NTPHS.

²⁸. Clyne, *Colonial Blue*, p. 181 and map of the route of the Police search party under P.C. Shirley November 1883, NTPHS.

Yet another example of trackers assisting police occurred in late 1884. On 13 November 1884, the day before the formation of the Native Police Force, Mounted Constable Erwin Wurmbbrand²⁹ of Alice Springs led a patrol of five Europeans and four trackers to Hermannsburg. The patrol was searching for Aborigines accused of recently attacking Glen Helen Station. After three weeks searching for the suspects, Wurmbbrand and his party located their camp early one morning and arrested three Aboriginal people. Whilst escorting the prisoners to Glen Helen Station one of the prisoners allegedly slipped the split link on his chain and ran away. The other two Aborigines followed and all three were shot dead. The trackers having assisted with the apprehensions observed the killings.

Wurmbbrand in his report³⁰ of the incident made a cursory comment that the prisoners were all now dead. Wurmbbrand and his men then searched for other Aborigines implicated in the attack on Glen Helen. They located the suspects who, on sighting the police party entering their camp, attacked them. In resisting the attack the police party killed four Aborigines before destroying the camp. The party then returned to Alice Springs where Wurmbbrand, making much of the shortage of rations that caused him to abandon the patrol wrote:

...if the blacks knew that black Troopers were pursuing them they would soon be pacified. At present they are well aware that a white man is no match for them in their rocky haunts.³¹

²⁹. Wurmbbrand to Besley, 26 December 1884, South Australian Police Historical Society SAPHS, FNDJ.

³⁰. *Ibid.*

³¹. *Ibid.*

Many of these incidents contributed towards the formation of a Native Police force in the Northern Territory. Another significant incident which was to lead to calls for the establishment of a Native Police Force was the murder of three miners at Daly River Copper Mine.

III

On 7 September 1884 police received news of an attack on three miners and a cook at the Mount Hayward Copper Mine, Daly River. The killings and subsequent events, which were to become a *cause celebre* in the Northern Territory and South Australia, caused great fear and outrage in the Northern Territory and led to demands for the immediate establishment of a force of Native Police. The murders had been committed on 3 September 1884 when Aborigines from the Woolwonga tribe attacked the Europeans at the mine site. One of the miners, Henry Roberts, wounded and left for dead, waited until the attack was over before attempting to locate his colleagues. He found the cook, Scholler, dead in the kitchen and two other miners, Noltenius and Landers also badly wounded nearby. All three left to seek help, but, due to the injuries to Noltenius and Landers, only Roberts was able to continue.³² A third European, Houschildt, who had left the Daly River mine the day before the attack, was lying dead in the bush nearby, apparently of a spear wound.

Accompanied by a tracker, Corporal Montagu of Yam Creek, on being advised of the incident, and,

³² Corporal Montagu to Foelsche, 17 October 1884, SAPP, Volume , No. 170, 1885.

according to his report, acting on instructions from Foelsche,³³ left for the Daly River in company with Mounted Constable Smith and Doctor Wood.

Corporal Montagu, accompanied by a tracker, led his party from the Daly River in pursuit of the suspected offenders. The party located a large group of Aborigines near a lagoon on the McKinlay River. Montagu's subsequent report paints a picture of a bloody massacre.³⁴ In advising Foelsche of the killing of between twenty and thirty Aborigines Montagu concluded his report:

One result of the expedition has been to convince me of the superiority of the Martini Henry rifle, both for accuracy of aim and quickness of action.³⁵

Montagu's carelessly worded report caused a public outcry when it became known a year after the event. This resulted in a Board of Inquiry being established to inquire into the affair. In the meantime the *Northern Territory Times* suggested dispensing with legal technicalities in the case of those who had murdered the white miners. Instead, the paper urged the Aborigines be taught a lesson whilst their hands were still stained with the blood of the dead Europeans.³⁶

³³. *Ibid.*

³⁴. *Ibid.*

³⁵. Montagu to Foelsche, 17 October 1884, SRSA, GRG 790, 1060/84.

³⁶. 'Report on Pursuit of Daly River Murders', *LAPP*, 17 November 1885. See also 'Outrages by the Blacks', *Northern Territory Times and Gazette*, 4 October 1884.

One of the few people to be concerned by the escalating conflict between blacks and whites was the South Australian Protector of Aborigines, Hamilton, who warned the Government they were about to engage in a costly and inglorious "struggle with Aborigines. Hamilton suggested that more forbearance and justice would result in blacks and whites living more amicably together.³⁷ Hamilton's advice went unheeded.

When the Board of Inquiry sat in Darwin in December 1885 the evidence presented to it raised passions in both Adelaide and Palmerston. An article in a December 1885 issue of the *Northern Territory Times* rounded on the *South Australian Register* for daring to suggest that the members of the punitive expedition were a disgrace to the community. To the contrary, declared the *Northern Territory Times*, '...the thanks of the community are due to Corporal Montagu and his party'.³⁸ The second Darwin newspaper, *The North Australian*, was even more extreme in its views. Not content with merely exonerating the police, an article suggested it was quite reasonable to assume the whole tribe had participated in the murders, thus the members of the punitive party should not be stigmatised for their actions.³⁹

The *Register* continued to take the side of the Aboriginal people, again being chastised by the *Northern Territory Times* for the partisan stand it chose to adopt. The *Register* questioned the composition

³⁷. Hamilton to the Commissioner of Crown Lands, 30 December 1884, FNDJ.

³⁸. 'The Daly River Murders', *Northern Territory Times and Gazette*, 26 December 1885.

³⁹. 'Corporal Montagu's Report', *North Australian*, 8 January 1886.

of the Board of Inquiry, alleging potential bias on one member's part, H.W. Stevens, Foelsche's son in law. The *Northern Territory Times* editorialised that it was childish to suggest any member of the Board would be biased.⁴⁰ Conflict of interest did not rate a mention in the *Northern Territory Times* article.

The author and journalist, Mrs Dominic Daly, whilst not in the Northern Territory at the time, corresponded with people who were. She also researched newspapers and official reports, recording the views of Territory European society at the time.⁴¹ Daly was scathing of both the criticism of the police and the Inquiry which she felt diverted the police '...from executing summary justice on the offenders'.⁴² Daly painted a picture of a white society which firmly believed all Aborigines to be guilty.

The Board of Inquiry, after hearing the evidence, handed down a decision which absolved the police and civilian members of the party from any wrongdoing, finding Montagu's report was incorrect and misleading.⁴³ Police throughout the Northern Territory now knew that their local community would support the most violent actions being taken to suppress Aborigines who resisted whites.

⁴⁰ 'The Secret Enquiry at Palmerston', *Northern Territory Times and Gazette*, 23 January 1886.

⁴¹ Daly, *Digging, Squatting And Pioneering Life*, p. 208.

⁴² *Ibid*, p. 262.

⁴³ Reid, *Picnic With The Natives*, p. 112.

IV

In the meantime, in the immediate aftermath of the murders on the Daly River, a deputation of men with interests in the Northern Territory had met with the Minister for Justice and Education. The deputation lobbied for the introduction of a Native Police Force in the Northern Territory. The deputation noted such a course of action had previously been urged on the Government '...four or five times after the committal of outrages'.⁴⁴ The Minister, Baker, indicated the Government would have to give careful consideration to such a proposal because:

The actions of a similar force in Queensland had given rise to a great deal of unfavourable comment, and if the Government did establish such a body it would be the duty of the officers who had supervision of it to see that similar occurrences did not take place here.⁴⁵

The Minister also raised the possibility of seizing hostages from the tribe believed responsible for committing outrages until the surrender of the guilty persons. Baker made much of the previous, successful, use of such practices at Encounter Bay. He closed by saying, in his opinion, a combination of seizing hostages and establishing a Native Police Force might be the best course to pursue.⁴⁶ A deputation also met with the Government Resident in Palmerston to

⁴⁴. 'Deputation: The Outrages in the Northern Territory' *South Australian Register*, 10 September 1884. See also *Daily Mirror*, 14 October 1887, p. 50. This letter paper suggests that the Daly River incident had a lasting influence on Foelsche as he was almost dismissed due to the over zealous actions of the punitive party.

⁴⁵. *Ibid.*

⁴⁶. *Ibid.*

support the Adelaide deputation. The Palmerston deputation carried with it a motion from a public meeting held in the town demanding increased police protection for the Northern Territory.⁴⁷

Native Police had been previously been used elsewhere in Australia with varied success. The South Australian Police had previous experience with a Native Police Force, having used such a force in the Port Lincoln area in 1852. In Victoria the use of Native Police between the years 1837 and 1839, proved unsuccessful.⁴⁸ A second attempt to form a Native Police Force in Victoria, under the command of Captain H.E. Pultney-Dana, occurred in 1842. The Corps met with some success until disbanded in 1852.⁴⁹ The Victorian community then was particularly brutal towards Aboriginal people. During a six month period in 1840, for example, the records note that in one Victorian district alone, whites killed 103 Aboriginal people with many other references in contemporary records to 'several' natives being shot.⁵⁰

Whilst successful in their operations, the conduct of the members of the Victorian Native Police Force was not beyond reproach. The troopers, it seems, whilst often able, were not always reliable, with drunkenness and insubordination featuring prominently on charge sheets.⁵¹ Undoubtedly, the Native Police would

⁴⁷. *Northern Territory Times*, 13 September 1884. *

⁴⁸. Haldane, *The People's Force*, p. 12.

⁴⁹. *Ibid*.

⁵⁰. Report by Robinson, December, 1840, VSA, VPRS 4667, Series 10, 1840/909.

⁵¹. Letter from Subaltern Dana re charges against Native Police, 27 May 1849, VSA, VPRS 4667, Series 10.

have been more successful had their self discipline been better developed.

The most extensive use of Native Police occurred in Queensland. First established in 1848, under the command of Captain Frederick Walker, the Queensland Native Police recruited Aborigines from southern tribes to work in northern areas.⁵² The Native Police Force was regarded as separate from the 'ordinary police'⁵³ and was 'maintained solely for the purpose of dealing with offences committed by the natives'.⁵⁴ Officers were appointed specifically to the Native Police because the Native Police did not perform at their best when under the command of members of the 'ordinary' Police Force.⁵⁵

The Force operated in detachments of not less than five troopers, each detachment being placed under the command of a European Officer.⁵⁶ The harassment of the Aboriginal people along the 'frontier' by the Native Police divided public opinion regarding their activities.⁵⁷ In November 1856 settlers became very discontented with the behaviour of the Native Police. Their displeasure forced Parliament to appoint a Select Committee to inquire into the organisation and

⁵². Queensland Police Publication 'The History of the Native Police', reprinted in *Generation*, (September 1987), p. 7.

⁵³. Seymour (Qld Police Commissioner) to The Queensland Colonial Secretary, 4 December 1884, SRSA, GRG 790 329/78.

⁵⁴. *Ibid.*

⁵⁵. *Ibid.*

⁵⁶. Letter from Seymour, 4 December, 1884. Full details of the size of the various detachments can be found in *Report from the Select Committee on the Native Police*, Sydney, NSW: New South Wales Legislative Assembly, Sydney, 1857.

⁵⁷. Reynolds, *Dispossession: Black Australians And White Invaders*, p. 48. It is reported in that work that 25% of the population supported the force, 25% opposed and 50% were indifferent to the Native Police.

management of the Native Police. The Select Committee report concluded:

...there does not appear to be the least ground to question, or even to indicate a doubt of the capabilities and adaptation of the Native Police Force for the duties for which the body was originally raised...such a Force is admirably adapted to protect life and property, and materially assist the progress of the settler in the unsettled frontier districts.⁵⁸

Following the release of the 1856 Select Committee Report however, the Force operated only in the 'frontier' areas of North Queensland.

The Native Police became so brutal in their pursuit of Aboriginal people in the North that a contemporary wrote:

The savage enjoyment which a native displays in killing one of a different tribe often impels the police to extreme measures..An outrage committed to a black generally led to a wholesale slaughtering of the offender's tribe.⁵⁹

The Queensland Parliament appointed a second Select Committee to investigate the Native Police in 1861. The second Select Committee heard evidence of cruelty, indiscriminate shootings and, like the Victorian experience, drunken officers.⁶⁰ The Committee

⁵⁸ *Report of the Select Committee on the Native Police, 1857*, p. 6.

⁵⁹ Arthur L. Haydon, *The Trooper Police Of Australia: A Record Of Mounted Police Work In The Commonwealth From The Earliest Days To The Present Time*, (London, UK: Melrose, 1911), p. 370. Descriptions are also provided in this work of floggings and comment that, in general, the treatment of Aborigines must remain 'a dark blot on Queensland's page of history'.

⁶⁰ *Report from the Select Committee on the Native Police Force And The Conditions Of The Aborigines Generally*, Brisbane, Queensland Legislative Assembly, 1861. Private citizens, members of government and officers of the Police Force gave evidence to this Committee which did not make any recommendations regarding the conduct of the

largely exonerated the Force but recommended the quality of the European officers be vastly improved. Following release of the report, one Officer received a reprimand and another was dismissed from the Force after findings of improper behaviour.⁶¹

Many settlers supported the Queensland Native Police despite its brutality.⁶² Contemporary writers considered its role to be solely to ensure 'the supremacy of white settlement'.⁶³ The use of the Native Police Force in Queensland raised passions both for and against its use. During 1880 the *Queenslander* received many letters to the editor on the subject. Debate on the topic became so lively that the newspaper compiled a book from the letters received by its editor.⁶⁴

V

Those hoping for speedy action to establish a Northern Territory Native Police Force immediately after Baker's comments in September 1884 became disillusioned as no force was established. This was contrary to all expectations as the newspapers of the

members of the Force as a whole. M.D. Prentis, 'John Mortimer of Manumbar and the 1861 Native Police Inquiry in Queensland', *Journal of the Royal Historical Society of Queensland*, (V. 14, No. 11, May, 1992), pp 466 - 480, notes that the 1861 Inquiry was comprised of mainly squatter members of the Legislative Assembly and that the result was therefore to be expected.

⁶¹. *Ibid.*, pp. 3 - 4.

⁶². Whilst the term Queensland Native Police is used in this paper for ease of reference it should be noted that the Force was part of the New South Wales administration until 10 December 1859, on which date the colony of Queensland came into being.

⁶³. Raymond Evans, et. al., *A History Of Exclusion, Exploitation and Extermination: Race Relations in Colonial Queensland* (St. Lucia, Qld: University of Queensland Press, 1975), p. 55.

⁶⁴. *The Way We Civilise*.

day indicated previously that a 'force of black trackers will be established in the Territory'.⁶⁵

However it was to be events in Central Australia which finally influenced the Minister to establish a Native Police Force.

Mounted Constable Willshire received a complaint from the Manager of Undoolya Station on 22 September 1884 to the effect that 'natives were killing cattle indiscriminately'.⁶⁶ Willshire set out to locate and apprehend the suspects. He finally caught up with them, killing three and wounding four. The ringleader, 'Billy Claud', managed to avoid being apprehended. Incensed by 'Billy Claud's escape, Willshire wrote 'I reckon to get this fellow dead or alive before 3 months go over'.⁶⁷ Willshire also noted in his report that he was able to supply all necessary information in regard to establishment of a Native Police Force. Willshire used the opportunity to press his case to lead such a force.⁶⁸ Willshire escaped censure for the suggestion he would 'get' an offender 'dead or alive'. Presumably his superior officers condoned his aggressive approach to law enforcement.

The Commissioner of Police, William John von Peterswald, found Willshire's correspondence to be self serving. He minuted the correspondence 'this would have been a more interesting narrative if the writer

⁶⁵. *Northern Territory Times*, 20 September 1894.

⁶⁶. Willshire to Besley, 29 September 1884, SAPHS, FNDJ.

⁶⁷. *Ibid*.

⁶⁸. *Ibid*.



Figure 3. Heavitree Gap Police Station, Alice Springs. Built circa 1888 when police relocated from the Telegraph Station, used until 1916. Photograph courtesy of the Northern Territory Library

had not put himself so prominently forward'.⁶⁹ Willshire, however, had an ally in his quest to command the Native Police. His father, writing to von Peterswald in October 1884, noted his son had earned the Commissioner's approbation. Willshire senior asked von Peterswald to consider Mounted Constable Willshire for the position of Officer in Charge of the Native Police should such a position be established.

Von Peterswald, despite his comments regarding Willshire's activities at Undoolya Station was by now persuaded of the necessity for a Native Police Force in Central Australia. On the same day he wrote so disparagingly on Willshire's report he directed Besley to raise a Native Police Force:

You can engage six Blacks at 1/- per diem and rations, and call them Native Police. They must be properly equipped. Willshire will have charge when he returns.⁷⁰

The Commissioner determined Alice Springs would be the Native Police base with an additional Constable being sent there to relieve Willshire. Significantly, the Force was almost exactly as Willshire had proposed and was intended to operate in the Queensland Native Police manner as a single unit. Von Peterswald notified the Minister he had created the Force on the same day he forwarded the instruction to Besley.⁷¹

⁶⁹. Besley to Peterswald (noted on), 25 October 1884, SAPHS, FNDJ.

⁷⁰. Peterswald to Besley, 14 November 1884, SAPHS, FNDJ.

⁷¹. Peterswald to Baker 14 November 1884, SRSA, GRG 790, 920/84.

The Commissioner later approved a uniform for the Native Police. The uniform was that of the South Australia Mounted Police distinguished by a white band on the hat and a little piping on the jacket.⁷² Contemporary photographs,⁷³ and later letters, suggest the Aboriginal troopers, despite being issued with an approved uniform often discarded it in favour of more comfortable clothes.

Six Aboriginals were recruited in November 1884. Aged between 17 and 26 years of age, they came from Alice Springs, Charlotte Waters, Undoolya and Macumba.⁷⁴ After being issued with a horse and equipment, the troopers then travelled to Alice Springs. There Willshire handed over command of the station to Wurmbrand.

Shortly after his arrival in Alice Springs, Willshire was directed to travel north to Powell Creek to arrest four Aborigines, 'Bewarabin', 'Charlie', 'Melingu', and 'Pultarry' for killing a steer and carrying away the meat.⁷⁵ Parsons, the Government Resident in Palmerston, instructed

⁷². Besley to Peterswald, undated telegram, SAPHS, un-numbered archive.

⁷³. Stapleton, Willshire *of Alice Springs*, pp. 18-29.

⁷⁴. Willshire, November 1884, *FNDJ*. No exact date is recorded for the enlistment of these recruits. Headed 'Native Police' it records that these men were taken to the Northern Territory by MC Willshire. This note itself is interesting as many of the six were already residents of the Northern Territory. This indicates that they were either all recruited from South Australia where they were living or the heading on the notation is not accurate when viewed with knowledge of the present day Northern Territory/South Australian border.

⁷⁵. Besley to Commissioner of Police 10 December 1884, *JRLA*, GRG 790, 1006/84. The names of the alleged offenders are indistinct in the surviving records and may not be entirely correct.

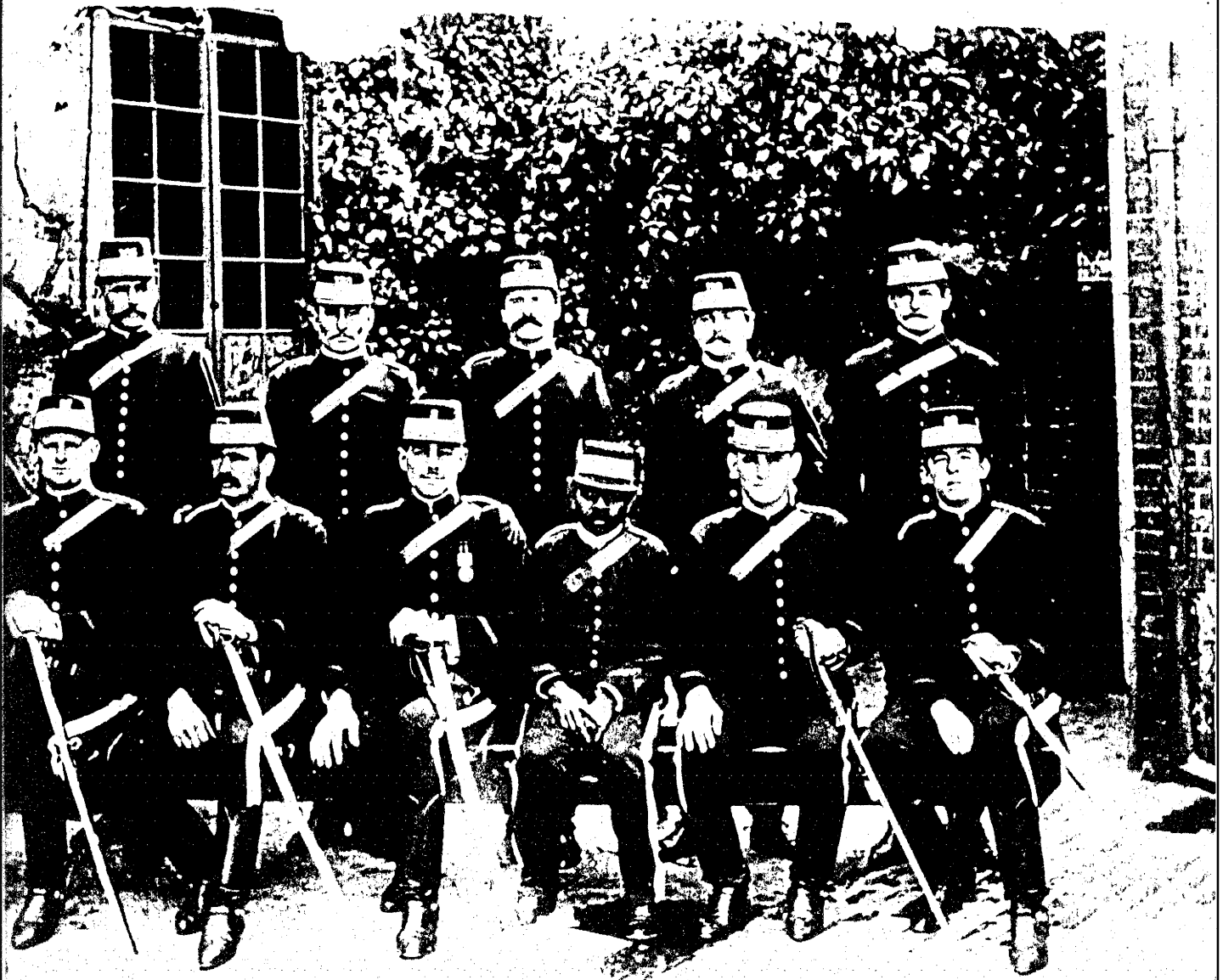


Figure 4. Group of South Australian Mounted Police and Native Police Trooper in uniform, circa 1900. Photograph courtesy of the Northern Territory Library.

Willshire to 'act as the law provided'.⁷⁶ In a subsequent telegram to Besley, Willshire advised soon after arriving at Powell Creek he set out to locate the offenders. Willshire, Mounted Constable Curtis and four 'trackers'[sic] came upon a large camp of Aborigines including two of the wanted men. Willshire went on to record having given the Native Police instructions to arrest the suspects but not to fire upon them. According to Willshire, he soon saw three Aborigines fighting desperately with his trackers. Using stones, spears and boomerangs they almost succeeded in escaping. Willshire wrote, as a result he 'was compelled to use the last resource and fire upon them'.⁷⁷ The use of firearms resulted in 'Charlie', 'Bewarabin' and one unnamed Aborigine being killed, despite, said Willshire, every effort being made to capture them.⁷⁸ Willshire went on to describe how his 'trackers' had dismounted to apprehend the offenders but the 'greasy powerful natives slipped past them'.⁷⁹ Only then were the escaping Aborigines shot and killed. Willshire and Curtis pursued the other Aborigines on horseback, ascertained that the other wanted men were not in the group and then released them.⁸⁰

The incident at Powell Creek is important for several reasons. First, the format of the telegram suggests Willshire was evasive in his explanation. Willshire recorded his instruction to the 'trackers'

⁷⁶. *Ibid.*

⁷⁷. Besley to Commissioner of Police 10 December 1884, SRSA, GRG 790, 1006/84.

⁷⁸. This incident at Powell Creek is probably that described by Willshire in *The Aborigines of Central Australia*, p. 19.

⁷⁹. Besley to Commissioner of Police 10 December 1884, SRSA, GRG 790, 1006/84.

⁸⁰. *Ibid.*

not to fire upon the wanted men before he mentions any resistance towards his patrol. To a 'police eye' the structure of the report and the content suggests that Willshire was attempting to shift any blame for the deaths onto the Aborigines he was chasing. Willshire also notes it was he who killed the wanted men, not his Native Police, although he and Curtis were mounted and could have given chase on horseback. Willshire makes no attempt to justify his killing of the third person, who appears to have only been running away from the attack on his clan.

Secondly, on the initial patrol of the Native Police, killings occurred as alleged offenders wanted, on warrant, for cattle killing, attempted to evade arrest. Events surrounding the initial patrol of the Native Police are significant because of the uncanny resemblance to earlier killings in which Willshire had played a leading role. One example is the expedition to apprehend Aborigines who attacked Anna's Reservoir Station, burning it to the ground and injuring two Europeans, Figg and Coombes. Willshire held warrants when he attempted to apprehend the offenders for these offences. *The Register* of 17 September 1884 carried a report which showed the similarity to the Powell Creek incident. Quoting Inspector Besley, the paper's correspondent reported that Willshire had:

...worked on the attack so that the natives would be surrounded. When they observed us they took spears and all other sorts of weapons near. I might here state that in the presence of all my party I ordered the trackers to call on them to surrender, in their own language, but the wild natives took no notice [and] tried to escape.⁸¹

Instead of any inquiry the same issue of *The Register*, whilst urging the police to take care in such matters, noted that 'It is impossible to say that the arresting party could have acted otherwise'.⁸² It would appear such support emboldened police to engage in harsh punitive actions against Aborigines

Willshire, whilst advising Besley of the event, also forwarded a copy of the telegram to Foelsche, in whose Division the incident occurred. Besley was aware that Foelsche had been apprised of the situation as he noted the fact in his letter to the Commissioner of Police.⁸³ Despite this knowledge, it was Besley who reported it to Hamilton, the Protector of Aborigines. In noting he was aware that this incident occurred a long way beyond the boundary of his district, Besley considered it impossible for 'you to obtain the information from any other source for sometime to come'.⁸⁴ Reporting something that has occurred in another officer's division is a highly unusual police practice and suggests some conflict between the two Inspectors or an attempt by Besley to

⁸¹. *South Australian Register*, 17 September 1884, p. 5.

⁸². *Ibid*, p. 2.

⁸³. Besley to Commissioner of Police 10 December 1884, SRSA, GRG 790, 1006/84.

⁸⁴. Besley to Hamilton, Far Northern Division Journal, 22 December, 1884.

protect himself from any blame which might result from the deaths.

The killing of Aborigines was, at the time supported by many European Australians. Aboriginal people remained, in white eyes, an uncivilised, inferior race; *The Bulletin* of 9 June 1883 advised its readers 'The Aboriginal question is nearly played out... they are compelled to make room for the superior race... The nigger has to go'.⁸⁵ Ironically, the same magazine, without apparently seeing any double standards, contained an article in December 1884, printed at about the time Willshire had killed the three Aboriginal offenders at Powell Creek, arguing that punishment in New South Wales was too brutal. *The Bulletin* asked its readers 'Why should Australian citizens be flogged for small offences'?⁸⁶

Extreme force was the European answer to any Aboriginal resistance. Senior police officers brooked no resistance by Aborigines and despatched punitive parties without requiring them to follow the letter of the law. Newspapers encouraged police to be ruthless in avenging any attacks on whites and praised those expeditions which reported having successfully located and killed Aboriginal offenders.

The Government and senior police must have anticipated that any Native Police Force raised would be just as violent in their repression of their own people as they had been in Queensland and Victoria.

⁸⁵. *Bulletin*, 9 June 1883, p. 6.

⁸⁶. *Bulletin*, 27 December 1884, p. 4.

Despite that, the Government raised a Native Police Force, placing it under the control of a Constable who had threatened to apprehend an alleged offender dead or alive.

Racial confrontation had already occurred. With the formation of the Native Police it was about to worsen.

CHAPTER 3

'The blacks here are exceedingly troublesome; they are very fond of beef.'¹

CATTLE KILLERS AND THEIR BUTCHERS

I

Shortly after the incident at Powell Creek, Willshire and the Native Police arrived at Palmerston. Mounted Constable Cornelius Power assumed temporary control of the Native Police when they arrived in Palmerston. His appointment as Officer in Charge of Native Police at Palmerston, confirmed by the Minister in December 1884, brought with it a bonus of 25 pounds per annum.² This increase was in recognition of the special characteristics required by the additional responsibilities.³ Willshire, having completed his duty at Powell Creek and having relocated the Native Police to Palmerston, returned to Alice Springs.

In Palmerston meanwhile, Alfred Giles of Springvale Station, on hearing the Government intended to establish a Native Police Corps, protested to Foelsche. Giles argued vehemently against using Native Police based on the Queensland model because, in his view, they killed indiscriminately, whilst in South

1. Willshire, *The Aborigines of Central Australia*, p. 10.

2. Baker to Peterswald, 16 December 1884, SRSA, GRG 790, 1092/84.

3. *Ibid.*

Australia, Aboriginal offenders were treated justly.
Giles continued:

I quite think that the introduction of a few good blackboys to act with the police for the purpose of tracking up the blacks is a necessity in this country. But I do object to arming these boys or allowing them in any way to take part in an encounter...to make then white man's scapegoat is as unjust to the boys as it is cowardly to the white man.⁴

In forwarding the correspondence to the Minister, Parsons, the Government Resident in Palmerston, enclosed with it a letter from the Queensland Police Commissioner. The letter outlined the method of operation of the Native Police in that colony and included a copy of the rules issued for the guidance of their European officers.⁵ Parsons also advised the Minister he had spoken with Ernest Favenc whose advice was that in Queensland the Native Police 'simply shot some blacks when cattle are speared' [Sic].⁶ Favenc was a Queensland author who explored areas of the Northern Territory in 1878-1879 and 1882-1883.⁷ Favenc well understood the activities of the Native Police in Queensland.⁸ He would, therefore, have been a useful source with whom Parsons could confirm the allegations made by Giles. Parsons argued that the Native Police Unit already brought to Palmerston by

⁴ Giles to Foelsche, 9 January 1885, SRSA, GRG 790, 133/85.

⁵ Seymour (Qld Police Commissioner) to The Queensland Colonial Secretary, 4 December, 1884, SRSA, GRG 790 329/78.

⁶ Parsons to Baker, 23 January 1885, SRSA, GRG 5/2, 133/85.

⁷ Ernest Favenc, *The History of Australian Exploration From 1788 to 1888*, (Amsterdam, Holland, Meridian Publishers, 1967).

⁸ Hill, *The Territory*, p. 169, deals with Favenc's connection with *The Queenslander*.

Willshire should no longer remain as a single force, with the Aborigines instead being used as trackers at Adelaide River, Yam Creek and Elsey Police Stations.⁹ Despite the overwhelming evidence of the ill treatment of Aborigines by the Native Police in Queensland, Parsons received no reply to his letter, with its very real concerns.

Parsons also provided, for the Minister's information, a copy of regulations issued by Foelsche for the guidance of Mounted Constable Power. As the Officer in Charge of the Native Police, Power was to advise the Inspector, if practicable, of any outrages committed by natives. The instructions also required Power to use his best endeavours to capture rather than kill the offenders. Foelsche was most particular in his instructions regarding the use of firearms. Whilst the use of firearms to secure the arrest of offenders or in self defence was permitted, the system known as "dispersing the natives", which simply means shooting them, is not to be practised.¹⁰

Considering Foelsche's personal views of instructions given to him restricting the use of firearms against Aborigines (described on page 48 we can only wonder if he expected Power to 'regulate' the instructions he had been given.

Parsons was adamant that, whatever the Minister decided, the Native Police would not operate

⁹. *Ibid.*

¹⁰. Foelsche, instructions to Power 28 January 1885, SRSA, GRG 790, 133/85.

as a 'separate and avenging force'.¹¹ In the meantime, without waiting for the Ministers decision, the Native Police, under command of Mounted Constable Power, were ordered to Pine Creek for the remainder of the 1885 wet season. At Pine Creek they assisted police, mainly collecting fees for the issue of miners' rights.¹² They then operated in the Daly and Roper River areas until 1886.¹³

Parsons's reluctance to use Native Police is consistent with his, and his predecessor, Price's, views.¹⁴ In 1882 for example, the then Government Resident, Price, in his *Annual Report*, wrote that Aboriginal police and trackers would be of no use in the Northern Territory as their use in Queensland had 'not been a success if one is to believe the telegrams from there'.¹⁵ Instead of Native Police, Price sought the introduction of 'exceptional legislation', which he believed might deter Aborigines from crimes of violence.¹⁶ In October 1884 Parsons had written to the Minister acknowledging trackers from Central Australia might be useful but '...we do not want a black police force'.¹⁷

¹¹ Parsons to Baker, 23 January 1885, SRSA, GRG 790, 133/85.

¹² Francesca Merlan, 'Making People Quiet In The Pastoral North: Reminiscences Of Elsey Station', (*Aboriginal History*, 1978, 2:1), p83.

¹³ Parsons to Baker, 23 January 1885, SRSA, GRG 790, 133/85 and Reid, *Picnic With The Natives*, p. 115. See also Willshire, *The Aborigines of Central Australia*, p. 7.

¹⁴ Parsons to Baker, 14 October 1884, SRSA, GRG 790, 926/84.

¹⁵ Government Resident, *Quarterly Report On Northern Territory*, (No. 147, 5 September 1882), p. 2.

¹⁶ *Ibid.*

¹⁷ Parsons to Baker, 14 October 1884, SRSA, GRG 790, 926/84.

Foelsche's position regarding the use of Native Police, however, was not as consistent. In 1878 he originally rejected their use.¹⁸ In September 1884, Foelsche recorded his strong opposition to the introduction of a Native Police Force.¹⁹ Later, in October of the same year however, in writing to the Minister a month before the creation of the Native Police Force, Foelsche discussed the use of Native Police in the Elsey area with the Minister. He advised the Minister of having communicated with police at Alice Springs about a party of Aborigines being sent to operate within his Division.²⁰ In this instance, note, Foelsche wrote direct to the Minister and not through his superior, the Government Resident. Foelsche, in the same correspondence explained how arrangements had been made for Mounted Constable Willshire to accompany the Native Police north from Alice Springs until their subsequent deployment to the Elsey.²¹ The correspondence explains why Willshire travelled north so soon after he had formed the Native Police in Alice Springs. It also raises doubts as to Foelsche's real views regarding Aboriginal assistance to police.

Little documentation on the activities of the Native Police in the 'Top End' during the period between 1885 and 1887 survives. Initially, the Native Police spent the 1885 wet season at Pine Creek.²² Another report notes the despatch of the Native Police to the Roper River area in May 1885 to locate and

¹⁸. Foelsche to Price, 20 May 1878, SRSA, GRG 790, 31/78.

¹⁹. Parsons to Baker, Telegram 11 September 1884, SRSA, GRG 790, 1884/842.

²⁰. Foelsche to Baker, 14 October 1884, SRSA, GRG 790, 872/84.

²¹. *Ibid.*

²². *Northern Territory Times And Gazette*, January 10 1885.

capture 'Charlie real murderer of Campbell' (my emphasis).²³ Foelsche, in reporting to the Government Resident on the disposition of the Native Police in December 1885, recorded the stationing of two European Constables and six Native Police at Mount McMinn in the Roper River area. Their duties were to patrol the district keeping the local Aboriginal population in check. Foelsche recorded how, on one occasion, whilst only one Constable and a lone Native Police trooper were at the base camp, the local population surrounded the camp 'no doubt with a view to plunder'.²⁴ Whilst no evidence supported the contention the locals intended to steal from the camp, it seems likely such was the case. The local Aborigines were merely seeking to take advantage of the guard being at minimal strength.

A second record of Native Police activities in those early days still exists. Geoffrey Warland of Roper River wrote a letter of complaint to Commissioner von Peterswald regarding their activities at Elsey. Warland suggested the Northern Territory Native Police should be provided with a uniform,²⁵ undergo drill and be closely supervised. Warland wrote that should these steps be taken the Native Police might become 'a

²³ Parsons to Baker, 28 May 1885, SRSA, GRG 790, 626/85. That 'Charlie' was now considered the real murderer of a drover, Campbell, is significant in itself. Previously a Queensland Aboriginal 'Paddy' had been arrested and allegedly confessed to Campbell's murder in 1882. This is reported in a telegram of Price to the Minister SRSA, GRG 790, 1882/571. What changed the position is not clear.

²⁴ Foelsche to Parsons, recorded in the Government Residents *Half Yearly Report on the Northern Territory*, 21 December 1885.

²⁵ A uniform had already been approved by the Commissioner in 1884.

powerful aid to the Standing Force'.²⁶ Power escaped criticism for failing to have his troopers wear the approved uniform. It appears likely therefore, it was common practice for the Native Police not to do so, despite the officer in charge of the detachments receiving an annual allowance with which to equip them with uniform.

Native Police were not to remain operating as a force in the 'Top End' for a lengthy period. In May 1886, Parsons despatched a telegram to the Minister in which he recommended stationing 'the trackers' at Borroloola and Katherine, and at Elsey if the Telegraph Station opened there.²⁷ By August 1887 only three Aboriginal trackers, one time Native Police troopers, remained under Foelsche's control, one each at Palmerston, Katherine and MacArthur.²⁸

II

Willshire in the meantime had returned to Alice Springs where he raised a further unit of Native Police. The composition and role of the Force, as noted in the *South Australian Government Gazette* of 17 September 1885, was:

²⁶ Warland to Peterswald, 20 April 1886, SRSA, GRG 790, 356/86.

²⁷ Parsons to the Minister for Education and Justice, 20 May 1886, SRSA, GRG 790, 438/86.

²⁸ Parsons to Minister (Cockburn), Telegram 12 August 1887, SRSA, GRG 790, 637/87.

Six Native Police have been enrolled under charge of Mounted Constable Willshire. Their head quarters [sic] are at Alice Springs, and their duties are to patrol the country from the Peake to Barrow's Creek [sic] in order to protect the settlers from the outrages of the Natives.²⁹

In Central Australia, Willshire with his Native Police, patrolled the established pastoral stations to apprehend Aboriginal people who had been killing and wounding cattle. The close relationship between the Police and pastoralists is not suprising as the pastoralists saw the depredations on their cattle largely in economic terms. Whilst the pastoralists no doubt saw their living being destroyed, the administrators considered it was uneconomic to station additional police throughout the Northern Territory because of the low rents paid by the pastoral companies.³⁰ Nevertheless, the pastoralists used the economic argument to make a case for a greater police presence.³¹ Newspapers of the period also argued, albeit obliquely, for the employment of additional police to protect the large amount of capital invested in cattle in the Northern Territory.³²

The pastoralists strongly supported the Native Police, in particular their use against alleged cattle killers. In August 1888 another deputation to the South Australian Chief Secretary, J.G. Ramsay, had sought:

²⁹. *South Australian Government Gazette*, 17 September 1885, p. 831.

³⁰. Merlan, *Aboriginal History*, p.83.

³¹. See, for example, H. Gordon to the Police Commissioner, 13 October 1884, SRSA, GRG 790, 828/84 and A. Tennant and others to the Chief Secretary, July 1884, SRSA, GRG 790, 1480/84.

A proper black police force to be always patrolling the black runs, not to have any main camp...was not intended for reprisal, but simply to let the natives know that they would be punished if they continued to damage the properties.³³

The Government, in its turn, used the state of the economy to justify not expending more on police protection. In 1890, for example the Minister for Education, who also had responsibility for the Northern Territory, advised a delegation from the Tempe Downs Pastoral Company that Willshire's Native Police were costing the Government £500 a year which was 'a similar amount [to that] being received as rent from the company'.³⁴ Police on the ground, however, were aware of the financial and political implications the cattle killings were having on the stations. Indeed, Willshire, seeking to prevent an adverse effect on the company, tried to suppress information about the scale of cattle killing on Tempe Downs.³⁵ He was later to write that Tempe Downs Station would have soon been profitable if the Aborigines had killed fewer cattle.³⁶ Willshire also sought to use the financial losses being incurred by Tempe Downs Station to increase the numbers of Native Police attached to his patrol.³⁷ Willshire, it seems, was one of the early practitioners of the police practice of using the risk of criminal activity to seek an increase in the numbers of police, a practice still

³² *Adelaide Observer*, Saturday 25 July 1891, p. 33.

³³ 'Deputations: Police Protection For Northern Runs', *South Australian Register*, 31 August, 1888.

³⁴ 'Deputations', *South Australian Register*, 20 February 1890.

³⁵ Willshire to Besley, 8 January 1890, SRSA, GRG 790, 119/90.

³⁶ Willshire, *The Aborigines of Central Australia*, p. 36.

³⁷ Willshire to Besley, 8 January 1890, SRSA, GRG 790, 119/90.

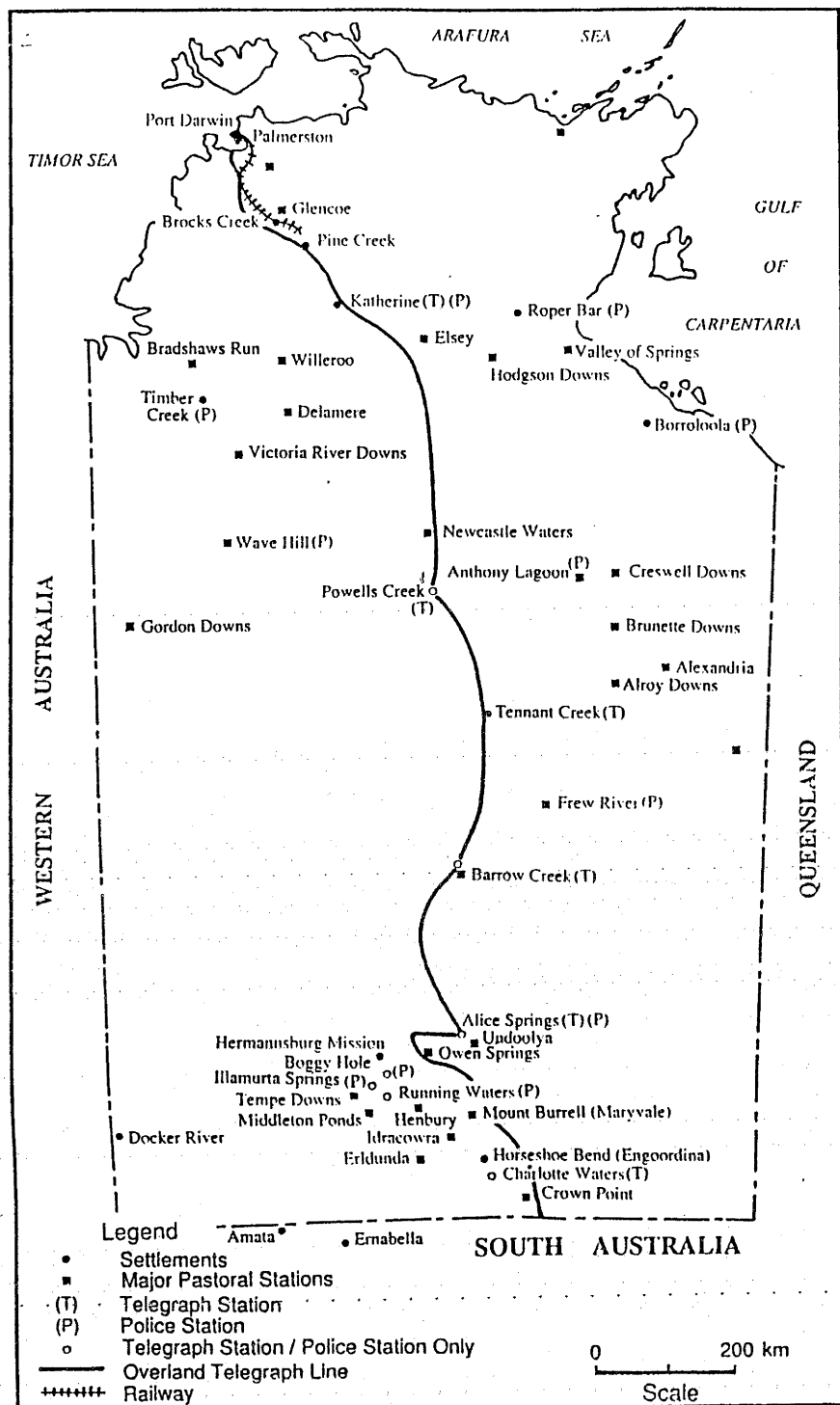


Figure 5. Map showing locations of major police stations and pastoral stations in Central Australia. Map taken from S.L. Davis and J.R. V. Prescott, *Aboriginal Frontiers and Boundaries in Australia*, p. 88.

followed in 1996. In this instance Willshire was unsuccessful, and Central Australia received no additional police officers.

Reynolds has noted how the advance of the pastoral frontier was a major determinant of black-white relations in many parts of Australia.³⁸ He also argues cattle competed with Aborigines for the available water whilst damaging local environments and thus some Aboriginal food.³⁹ This was certainly the case in Central Australia where the settlement of pastoral properties brought the Aborigines into conflict with Europeans over land and water. Willshire had a slightly different view of the cause of the conflict when he wrote that station managers did not mind losing the occasional beast to Aborigines, presumably as food, but what they did object to 'was the fear they instil into herds'.⁴⁰ The competition for water and disturbance caused to cattle no doubt accounts for the practice, noted by Austin, of pastoralists taking the law into their own hands to protect their herds.⁴¹ The advance of the pastoral frontier in Central Australia thus brought Europeans into conflict with the local Aborigines, setting the scene for racial conflict on a large scale.

Patrols by the Native Police continued throughout the period 1885 to 1891. During the same period, the numbers of cattle killed increased because

³⁸ Reynolds, *The Other Side of the Frontier*, p. 158.

³⁹ *Ibid.*, p. 158.

⁴⁰ Willshire, *The Aborigines of Central Australia*, p. 26.

⁴¹ Austin, *Simply the Survival of the Fittest*, p. 23.

of the drought conditions in Central Australia.⁴² The dry weather forced many Aborigines to share the only permanent waters with the station residents and their herds. Whilst at the water holes, it seems Aborigines killed cattle for food. Whilst some of the alleged cattle killers were arrested, reports often noted suspected cattle killers had been 'killed whilst escaping'.⁴³ The correspondence and reports refer to depredations by Aborigines and attacks by and against the Native Police.⁴⁴

Increasingly too, Willshire was suggesting the missionaries at Hermannsburg were providing refuge to cattle killers - 'it is the refuge for all outlaws in the whole district'⁴⁵ he advised his Inspector.

Willshire, in suggesting Hermannsburg was the refuge for outlaws, was either seeking to have the missionaries' activities curtailed or was laying the groundwork for action by him against Aborigines who lived at the Mission.

Unfortunately Willshire's journal entries throughout the period under discussion were unreliable. Contrary to well established police practice and standing instructions, Willshire failed to retain any daily records for at least the first six months of 1889. Inspector Besley telegraphed Willshire in December 1889 requesting copies of the day journals for

⁴² Reid, *Picnic With The Natives*, p. 122.

⁴³ *Ibid.*

⁴⁴ See for example reports of Besley to Commissioner, 15 January 1890, SRSA, GRG 5/271/90.

⁴⁵ Willshire to Besley, 9 January 1890, SRSA GRG 790, 40/90

that period.⁴⁶ In reply, Willshire advised having kept no records from January 1889 until he established the camp at Boggy Waters on 3 August 1889.⁴⁷ Thus, apart from correspondence, any description of events provided by Willshire up to that time was from memory only. Willshire later attempted to reconstruct his journal from 1 January 1889 to July 31 July 1889.⁴⁸ His correspondence also indicates that as late as April 1890 Willshire was reconstructing journals after he returned from patrols, weeks after events occurred.⁴⁹

Given the likely inaccuracies of Willshire's records for more than twelve months, it is now impossible to rely upon any of his journal entries. Given the pre-eminent position Willshire occupies in the history of race relations during his tours of duty in the Northern Territory it is particularly unfortunate his journal entries are so unreliable.

Relations between Willshire and the missionaries at Hermannsburg were never good and worsened throughout early 1890. In February of that year, responding to complaints made by the Reverend Schwarz, Willshire advised Besley the missionaries were

⁴⁶. Besley to Willshire, 5 December 1889, SRSA, GRG 5/2, 359/90.

⁴⁷. Willshire to Besley, 17 December 1889, SRSA, GRG 5/2, 359/90, Willshire to Besley, 23 February 1890, SRSA, GRG 5/2, 359/90 and Willshire to Besley, 7 April 1890, SRSA, GRG 5/2, 359/90.

⁴⁸. Willshire to Besley, 7 April 1890, SRSA, GRG 5/2, 359/90.

⁴⁹. *Ibid.*



Figure 6. Mounted Police with Aboriginal prisoners in chains. Photograph taken at Pine Creek, circa 1900. Photograph courtesy of the Northern Territory Library.

only repeating lies told to them by Aborigines.⁵⁰ Willshire asserted that the missionaries' dislike of European men cohabiting with Aboriginal females, a practice Willshire saw as unbecoming but understandable, was the motivation for many of the missionaries' complaints.⁵¹ In June 1890, following continuing allegations of unjustified killings and brutality made by the missionaries of Hermannsburg, a Commission of Inquiry into the activities of the Native Police began.

The Commissioners, South Australian Magistrate H.C. Swan and Missionary C.E. Taplin, accompanied by Inspector Besley, took evidence from 21 witnesses over a wide area of Central Australia, eventually finding the allegations of brutality unsubstantiated.⁵² In particular, the Commission found Europeans did not practise violence when '...Natives are ordered off their hunting grounds'.⁵³ The Commission also cleared Willshire of allegations of unlawfully killing Aborigines and engaging in immoral acts with Aboriginal women.⁵⁴ The Commissioners determined, however, whilst Willshire was the right man for the command of Native Police, he should relocate his camp away from Hermannsburg to avoid friction with the missionaries.⁵⁵

⁵⁰. Willshire to Besley, 21 February 1890, SRSA, GRG 5/2, 260/90. See also Willshire, *The Aborigines of Central Australia*, p. 35.

⁵¹. *Ibid.*

⁵². *Report of Messrs, Swan and Taplin on their visit to Finke, &c., Mission Stations*, SAPP, No. 148, 30 September 1890. See also 'Blacks and Whites in Central Australia' *Adelaide Observer*, 27 September 1890, p. 25. See also H.J. Schmicheen, *The Hermannsburg Missionary Society in Australia 1866 - 1895: Changing Missionary Attitudes and Their Effects on the Aboriginal Inhabitants*, Honours Thesis, Adelaide, 1971, p. 532.

⁵³. *Report of Messrs, Swan and Taplin on their visit to Finke, &c., Mission Stations*, SAPP, No. 148, 30 September 1890, p. 1.

⁵⁴. *Ibid.*, p.2.

⁵⁵. *Ibid.*

The missionaries, the Commission found, had made their complaints without testing the veracity of their Aboriginal informants.⁵⁶ The Commissioners also advocated the establishment of reserves for Aboriginal people. Accepting it would be expensive to establish such reserves, the Commissioners argued that, because the Aborigines had not resisted Europeans in the same manner as the Maoris or South African natives it was, in reality, cheap. Because an Army had not been required to put down Aboriginal resistance it seems the Commissioners wanted the Aborigines to be given land, almost as a reward. In conclusion, the Commissioners argued land reserves would smooth the path to 'the inevitable extinction which seems to await the Australian aboriginal[sic]'.⁵⁷

The *Adelaide Observer*, commenting on the Commission's findings, recognised the Board had found the original allegations to be unsubstantiated. The paper found the failure to find any of the allegations proven was reassuring because:

The record of atrocities inflicted upon the natives in some parts of Australia is black enough without the addition of any such stories as those which it devolved upon Messrs. Swan and Taplin to examine into.⁵⁸

The article continued by rejecting the recommendation that Aborigines be permitted to communicate only in English. Learning their own language would ensure

⁵⁶. *Ibid*.

⁵⁷. *Ibid*, p. 3.

⁵⁸. 'Blacks and Whites in Central Australia' *Adelaide Observer*, 27 September 1890, p. 25.

'whilst the process of extermination is going on'⁵⁹ each succeeding generation would be able to converse with preceding generations in their own tongue. The paper castigated the missionaries for making allegations based only upon the 'romantic tendencies'⁶⁰ of Aborigines. The correspondent advocated, contrary to the Commission findings, the government reducing its grants to the Mission unless there was a rotation of mission staff. The *Adelaide Observer* gave strong support to the establishment of reserves for Aborigines because there had been 'no organised resistance to the usurpation of their country by the white man'.⁶¹

However in February 1891 an incident occurred which was to result in the even closer examination of the activities of the Native Police. According to a report by Willshire, on 22 February 1891, after tracking a party of Aborigines, including two suspected cattle killers to Tempe Downs Station he and the Native Police surrounded the Aborigines camp.⁶² At dawn, wrote Willshire, he ordered the Native Police to advise the wanted men to surrender. The Native Police were told to dismount, take their handcuffs and endeavour to capture the wanted men. The Native Police, according to a report submitted by Willshire, were advised not to use firearms except in self defence. Willshire continued his report by explaining just as he concluded his instructions to his troopers, Native Constable 'Joe' shot and killed 'Roger' who was attempting to escape

⁵⁹. *Ibid*

⁶⁰. *Ibid*

⁶¹. *Ibid*

⁶². Willshire to Besley, 26 February 1891, SRSA, GRG 790, 254/91.

after throwing spears at the police party.⁶³ Willshire went on to describe the shooting and killing of the second offender, 'Donkey', also killed whilst attempting to escape.⁶⁴ Willshire advised 'Donkey' and 'Roger', besides being wanted for cattle killing, were murderers who had killed the fathers of two of his Native Police, 'Joe' and 'Larry'.⁶⁵ It was later to transpire these were the two Native Constables who shot and killed 'Donkey' and 'Roger'.⁶⁶ In forwarding Willshire's report to the Commissioner, Inspector Besley endorsed on it 'M.C. Willshire & trackers appear to have only done their duty'.⁶⁷ The Inspector was either unaware of the relationship between the deceased and their killers or was unconcerned about such a relationship, because he did not comment on it.

Reid suggests the Native Police involved were named Jacky and Thomas,⁶⁸ however, Besley's letter to the Protector of Aborigines is unambiguous:

The fatal shots causing their death, were fired by Native Constables Larry and Joe respectively. This they do not deny but state they acted under the orders of M.C. Willshire.⁶⁹

Further confusion arises because newspaper accounts of the trial describe the two Native Police involved as

⁶³. *Ibid.*, p. 2.

⁶⁴. *Ibid.*

⁶⁵. *Ibid.*

⁶⁶. Inspector Besley to the Protector of Aborigines, 14 July 1891, SRSA, GRG 790, 211/1891.

⁶⁷. Inspector Besley to Commissioner of Police, 23 March 1891, SRSA, GRG 790, 254/91.

⁶⁸. Reid, *Picnic With The Natives*, p. 122.

⁶⁹. Inspector Besley to the Protector of Aborigines, 14 July 1891, SRSA, GRG 790, 211/1891.

Larry and Thomas.⁷⁰ I have accepted the report submitted by Besley as being the most accurate record of the names.

In this instance the murders did not go unnoticed. The *South Australian Register* called for an Inquiry to establish sufficient grounds existed for the police killing 'Donkey' and 'Roger'.⁷¹ Eventually F.W. Gillen, Telegraph Stationmaster and Justice of the Peace at Alice Springs, received instructions from the Government to investigate the matter and report to the Attorney-General. Gillen found Willshire responsible for ordering the killing of 'Donkey' and 'Roger'. Willshire was then alleged to have eaten a hearty breakfast at the station before burning the bodies.⁷² At the conclusion of Gillen's investigation, Willshire was suspended, arrested and charged with murder. The *Northern Territory Times* reported the arrest in a brief paragraph⁷³ and only a slightly longer paragraph appeared in the *South Australian Register*.⁷⁴

Mounted Constable South who arrested Willshire clearly believed the allegations against his colleague. He wrote to Besley:

⁷⁰ *Adelaide Observer*, 25 July 1891.

⁷¹ *South Australian Register*, 11 April 1891.

⁷² *South Australian Register*, 24 April 1891. See also Stapleton, *Willshire of Alice Springs* p. 34. Reid, *Picnic With The Natives* p. 122, and Willshire *A Thrilling Tale*, p. 54. And T.G.H. Strehlow, *Journey To Horseshoe Bend*, (Sydney, NSW: Angus and Robertson, 1969), p. 47. This book relies for evidence of the killings on accounts given to Carl Strehlow shortly after the event. That his son's book was not published until 1969 makes it not a contemporary work. Nevertheless, the detail contained in the book is related to Aboriginal oral history and is thus an important Aboriginal source of detail for this event.

⁷³ *Northern Territory Times and Gazette*, 1 May 1891.

⁷⁴ *South Australian Register*, 29 April 1891.

I have doubts of M.C. Willshire's sanity...as surely no sane man would go into Natives Camps within 200 yards of a head station and shoot them; 4 men and other Natives being there at the time, afterwards go and have breakfast at the Station, then take the bodies and burn them within 1/4 of a mile of the Station.⁷⁵

The venue for Willshire's trial on a charge of murder was Port Augusta, where he was taken, much of the way in chains. Whilst waiting for trial Willshire chose the noted criminal lawyer Sir John Downer as his defence counsel. Downer was successful, for, following a controversial trial, the jury acquitted Willshire.⁷⁶ Debate on the fairness of the trial followed in the press. The *Adelaide Observer* in reporting the trial, noted that the majority of witnesses were Aborigines whose evidence was 'gibberish' and required a Police Inspector to interpret it.⁷⁷ One point which has subsequently merited only scant attention from writers is that during the trial a Native Police Officer alleged Willshire had ordered the killings only because the deceased had stolen his Aboriginal mistress.⁷⁸ No follow-up questions concerning the allegation of a sexual motive for the killings appear in the reports of the trial. Reid, one of the few writers to pursue the point, suggests that the girl, Chillberta, mentioned in Willshire's book *Thrilling Tales of Real Life in the*

⁷⁵. South to Besley, 1 May 1891, SRSA, GRG 790, 418/91.

⁷⁶. Besley to Peterswald, Telegrams in re the murder of 'Donkēy' and 'Roger' by Native Police, GRG 790, 418/91. Comment is also made in Stapleton, *Willshire of Alice Springs*, pp. 34 - 37. The latter casting Willshire in a favourable light whilst most other writers suggest the trial was flawed by the way evidence was taken from Aboriginal witnesses.

⁷⁷. *Adelaide Observer*, 25 July 1891.

⁷⁸. *Adelaide Observer*, 15 August 1891.

Wilds of Australia, was possibly Willshire's mistress and the woman concerned.⁷⁹

Subsequent 'Letters to the Editor' in the *Adelaide Observer* were largely supportive of Willshire and the verdict. One correspondent brave enough to speak out against the verdict, 'Justitia', said that he had never seen such a 'one-sided affair'.⁸⁰ One of the majority who supported Willshire, Tom Fowler, however, wrote:

The Government employ M.C. Willshire for a certain duty, they supply him with revolvers, rifles, and ammunition in abundance and immediately the time arrives for these weapons to be used for the benefit of the country the officer in charge becomes a felon.⁸¹

He continued, 'Thank God there are men in the land who will do justice to a white man'⁸². Another correspondent, 'A Colonist of 1844', suggested Aboriginal people were 'notorious liars and whose evidence...would never have convicted any man of the charge'.⁸³

Following Willshire's arrest, South became the Officer in Charge of the Native Police. He received explicit instructions from Besley as to the conduct expected of him and his Native Constables. In future, warrants were to be in the possession of police before

⁷⁹. Reid, *A Picnic With The Natives* p. 123.

⁸⁰. Letters to the Editor, *Adelaide Observer*, 15 August 1891.

⁸¹. *Ibid.*

⁸². *Ibid.*

⁸³. *Ibid.*

they made an arrest if this were possible. Firearms were only to be used in self defence and the bodies of any Aboriginal people killed were not to be burned. Additionally, there was to be an improvement in the standard of discipline within the Native Police.⁸⁴

The trial had another result - it affected Willshire's behaviour. Before his arrest Willshire had been charged departmentally only once, for appearing in court under the influence of drink. During the two years following the trial his personnel record shows guilty findings in respect of four departmental offences committed by him. These ranged from insolence to defacing a police van and insubordination.⁸⁵

Whilst resistance by Aborigines against the Europeans continued in Central Australia, Willshire was transferred to Innamincka. Later, he was posted to Port Pirie and Adelaide before returning to Port Darwin in 1893.⁸⁶

IV

Thus, despite the facts which emerged during his trial and the Swan Inquiry into his alleged misconduct Willshire again commanded a Native Police

⁸⁴. Besley to South, 12 August 1891, SRSA, GRG 790, 764/91. In a letter to Mounted Constable Daer on the same day, Besley directed that an additional six Native Police be employed and despatched to Barrow Creek under command of Daer. The equipment for Daer's patrol was to come from Willshire's camp. Daer was provided with similar instructions to South regarding the conduct of his Unit.

⁸⁵. *Ibid.*

⁸⁶. Copy of the service record of W.H. Willshire, SAPHS.

unit in the Northern Territory. In 1892 the Goldsbrough Mort Company requested a party of 'trackers', under police control, be stationed at Victoria River to protect their stockmen and cattle.⁸⁷ Foelsche was so short of funds for the Police that he agreed to station Native Police in that locality only if the company financed one additional Constable and two 'trackers'.⁸⁸

The Constable selected for appointment to the Victoria River district was Willshire. He arrived at Gordon Creek where he built a police station in May 1894.⁸⁹ The Station day journal of the period records several contacts with Aboriginal people, including cattle killers, but Willshire must have again fallen behind in writing up his journals because he received a letter from Foelsche directing him to keep his journal entries up to date.⁹⁰ Because of Willshire's laxity in writing up his journals, their accuracy for this period is again in question. Whilst the journal entries are unremarkable, several passages in his book *The Land of the Dawning*⁹¹ are not. Written whilst Willshire was stationed at Gordon Creek, many passages in *The Land of the Dawning*⁹² record Willshire's thoughts and activities during this period. In view of his past problems it is difficult today to understand what drove him include passages such as:

⁸⁷. Goldsbrough Mort & Company Ltd to The Treasurer, 4 January 1892, SRSA, GRG 790/26/92.

⁸⁸. Foelsche to Dashwood, Government Resident, 11 March 1892, SRSA, GRG 790/26/92.

⁸⁹. Gordon Creek Police Station Day Journal, 20 May 1894, copy held by NTPHS. See also the service record of W.H. Willshire, SAPHS.

⁹⁰. Gordon Creek Police Station Day Journal entry regarding letter received, 19 September 1894, NTPHS. See also Gordon Creek/Timber Creek Police Station Day Journal 1894 - 1910, NTAS, NTRS F302.

⁹¹. Willshire, *Land of the Dawning*.

⁹². *Ibid*.

It's no use mincing matters - the Martini Henry Carbines at this critical moment were talking English in the silent majesty of those great eternal rocks.⁹³

The event described above was probably a chase Willshire engaged in on 17 April 1885 when Aborigines he was chasing escaped, according to the journal entry, into sandstone clefts.⁹⁴ In the same book he continued to rail against the missionaries whilst again referring to the use of firearms, writing:

Religion won't aid you then; nothing but a good Winchester or Martini carbine, in conjunction with a Colt's[sic] revolver. They are your best friends, and you must use them too.⁹⁵

The most contentious issue during his period at Gordon Creek was the attack on two teamsters, Mulligan and Ligar, who held off their Aboriginal attackers for three days before escaping.⁹⁶ Willshire describes how during a patrol he came upon the site of the attack whilst some of the offenders remained in the area. According to Willshire's records,⁹⁷ he did not kill any of the offenders on this occasion. Aboriginal oral history, however, tells of the revenge killing of a number of the local Pilinara people involved in the

⁹³. *Ibid*, p. 41.

⁹⁴. Entry of 17 April 1885, Gordon Creek/Timber Creek Police Station Day Journal 1894 - 1910, NTAS, NTRS F302.

⁹⁵. Willshire, *Land of the Dawning*, p. 50.

⁹⁶. 'Outrage by Blacks', *Northern Territory Times and Gazette*, 14 June 1895, See also Willshire, *Land of the Dawning*, Chapter XI, pp 74 - 81.

⁹⁷. Gordon Creek Police Station Day Journal 23 May 1895, NTAS, NTRS F302.

attack on Mulligan and Ligar.⁹⁸ According to the source, Mounted Constable O'Keefe, Willshire's successor, was responsible for the killing of the Pilinara people, but, again, no record exists in the day journal of such a killing by that police officer.⁹⁹

Deborah Bird Rose suggests Willshire was cautious in what he wrote because of his prior experiences in Central Australia.¹⁰⁰ The lack of journal entries related to the killing of Aboriginal people and Willshire's care in the phrases used in his book are perhaps understandable if one accepts, as I do, this explanation.

Willshire's activities in the Northern Territory were by now close to an end. Having seen an article in the *Adelaide Advertiser*, which mentioned Willshire pursuing Aboriginal offenders, the Minister controlling the Northern Territory demanded Willshire be recalled to Adelaide. In the Ministers mind Willshire was 'the last man in the world who should be entrusted with duties which bring him into contact with the aborigines [sic]'.¹⁰¹ The Minister must have regarded previous evidence of Willshire's murderous activities in Central Australia persuasive enough to have made such a remark.

The Commissioner of Police, von Peterswald, took an opposite view. He was reluctant to move

⁹⁸. Peter Read and Jay Read, eds. *Long Time, Olden Time*, pp. 57-58.

⁹⁹. *Ibid*.

¹⁰⁰. Rose, *Hidden Histories*, p.30.

¹⁰¹. Treasurer to Premier, 8 May 1895, SRSA, GRG 790, 121/95.

Willshire, because he considered him unsuited to duties in settled areas.¹⁰² The Commissioner was hoping, no doubt, to keep Willshire as far from Adelaide as possible so that his policing methods did not come to the notice of the press or urban South Australians. Despite the Commissioner's reservations, Willshire's next appointment was to Adelaide.

In 1898, following the Minister's concern over the killing of another Aboriginal cattle killer,¹⁰³ the Commissioner directed that the Native Police would in future be armed solely with revolvers for self defence.¹⁰⁴ Finally, there was a reduction in the ability of the Native Police to kill other Aboriginal people.

Despite the numbers of Aboriginal people 'dispersed' from pastoral properties the police were considered in many quarters to have been ineffective. Cattle killings and the occasional murder continued, much to the chagrin of writers in the *Northern Territory Times*. In 1898, quoting visitors to Victoria River, the paper noted the Aborigines continued to be a problem. The editor wrote that one Constable and two trackers was not 'a very fearful dispersal party'.¹⁰⁵ The article went on to propose withdrawing police from the area:

¹⁰². Commissioner to the Chief Secretary, 7 May 1895, SRSA, GRG 790, 121/95. (NB note date is day before date on memo from the Treasurer to Premier, see footnote 101.)

¹⁰³. Gillen, Sub Protector of Aborigines, to Minister controlling the Northern Territory, 21 February 1898, SRSA, GRG 790, 143/98.

¹⁰⁴. Treasurer to Chief Secretary, 16 September 1898, SRSA, GRG 790, 143/98.

¹⁰⁵. 'Notes of the Week', *Northern Territory Times and Gazette*, 10 June 1898.



Figure 7. Australia's view of the Aborigine as portrayed by *The Bulletin*, December 1898.

The district would be better without him[sic], because station managers could act with a free hand when their cattle were being ruthlessly killed... The squatters [should] be given carte blanche to disperse the enemy in the old fashioned, pioneering, survival of the fittest way.¹⁰⁶

The article from the *Northern Territory Times*, quoted above, not only highlights the pressures on police to be ruthless in stamping out cattle killing, it also demonstrates that the resistance to the pastoral invasion was a war and that Europeans were violent in response to attacks on settlers or their cattle.

The South Australian period in control of the Northern Territory was by now drawing to a close. There was to be one last incident which reflected poorly on the government attitude towards brutality directed against Aboriginal people. In August 1905 Mounted Constable Pflaum obtained the services of local Aborigines from the Hermannsburg Mission to assist him track and locate a band of alleged cattle killers. Having located signs of the band, Pflaum gave one of the trackers, Toby, a police issue rifle and directed Toby and three other trackers to pursue the offenders. Arming a Native Police trooper with a rifle was clearly contrary to the instruction issued in 1896 restricting Native Police to being armed with revolvers only.¹⁰⁷ According to correspondence, Pflaum was specific in his instructions to Toby and the other trackers that they

¹⁰⁶. *Ibid*

¹⁰⁷. Treasurer to Chief Secretary, 16 September 1898, SRSA, GRG 790, 143/98.

could shoot any of the offenders who tried to escape but only after giving at least three warnings.¹⁰⁸ The trackers returned three days later with eight prisoners, Toby advising Pflaum he had also shot and wounded one Aboriginal who had attempted to escape.¹⁰⁹

Next morning Pflaum tied the eight prisoners to trees and 'gave them a flogging with a doubled stock whip on the bare skin'.¹¹⁰ Only then did Pflaum search for and locate the wounded offender taking him to the police camp. Pflaum did not record these events in his journal nor report the matter to his officer in charge, Mounted Constable French.

The Commissioner must have received some inkling of these matters because an Inspector was sent to Alice Springs to investigate the manner of policing in the district.¹¹¹ Following the investigation, Commissioner Madley recommended to the Chief Secretary that Pflaum be dismissed from the Police Force and prosecuted for assault. The Commissioner in his report to the Chief Secretary noted:

¹⁰⁸. Pflaum to Commissioner of Police, 24 November 1905, SRSA, GRG 5/2, 534/05.

¹⁰⁹. *Ibid*.

¹¹⁰. *Ibid*.

¹¹¹. Commissioner to the Chief Secretary, 20 November 1905, SRSA, GRG 5/2, 532/05.

It is impossible to state what the effect of the whipping and shooting will produce among the Natives, possibly they will retaliate on the Whites...For years it has been the policy of the Department to establish the kindest and friendliest feelings between the Police and the Native population and I am afraid it will take years to re-establish this feeling in the Far Northern District.¹¹²

Whilst the Commissioner had a view of police-Aboriginal relations which was clearly inaccurate, he had at least recognised the damage the whippings and shooting might cause to relations between police and Aborigines. The Commissioner had also sought to take strong action against one of his members.

No record exists to suggest why, but it appears from subsequent correspondence, the Chief Secretary requested the Commissioner to offer Cabinet an alternative course of action. On 20 December, having established that the wounded Aboriginal was recovering and 'regaining the use of his legs',¹¹³ Commissioner Madley advised the Chief Secretary he no longer recommended Pflaum be prosecuted.¹¹⁴ Whilst the paper had gone to Cabinet on 1 December, it was on 21 December when Cabinet considered the issue. Cabinet determined that Mounted Constable Pflaum be required to resign from the Police Force.¹¹⁵ He did so the following day.¹¹⁶ In this instance, whilst the Police

¹¹² Commissioner to the Chief Secretary, 27 November 1905, SRSA, GRG 5/2, 532/05.

¹¹³ Telegram, Bradshaw to Madley, undated, SRSA GRG 5/2, 534/05

¹¹⁴ Memorandum, Commissioner Madley to Chief Secretary, 20 December 1905, SRSA, GRG 5/2, 532/05.

¹¹⁵ Chief Secretary to Commissioner of Police, 22 December 1905, SRSA, GRG 5/2, 532/05.

¹¹⁶ Service record, Mounted Constable Frederick Conrad Pflaum, SAPHS.

Commissioner had recommended, appropriately, the dismissal and prosecution of Pflaum, Cabinet, instead, permitted him to resign without a stain on his record.

The period 1884 to 1898 had been one of institutionalised violence by the Police, including the Native Police, towards Aborigines. Senior police and government officials were well aware that at least some of the police activities during this period were outside the law. Despite this knowledge, the Native Police, particularly in Central Australia, were permitted to operate with only minimal controls over their activities. Police records were brief and sometimes written up from memory. The political influence of the pastoralists who were suffering financial damage as a result of the cattle killings undoubtedly contributed to the government position. D.J. Mulvaney put the position most succinctly; 'it was human lives for bullocks'.¹¹⁷

Many white people in South Australia and the Northern Territory appear to have supported the activities of the Native Police. This demonstrated very little concern for the welfare of Aboriginal people.

The one group which had attempted to control the activities of the Native Police and their European commanders, the missionaries, had so far been ineffectual. After they had reported their suspicions of misconduct by police the missionaries were painted as being naive, whilst the police escaped any condemnation.

The Aborigines of the Northern Territory, as in other parts of Australia, resisted the pastoral invasion of their land. The Native Police were some of the troops used by the Europeans to fight the war. They proved to be savage, effective fighters. Equally effective and ruthless were some of the European police who commanded the Native Police, but it must be remembered that they received the tacit support and encouragement of their superiors and the public at large.

Despite the transfer of Willshire and the removal of some firearms from the Native Police the cruelty and killings were to continue.

¹¹⁷. Mulvaney. *Encounters in Place*, p. 128.

CHAPTER 3

'And they bin turnem round and shootem
all. All people, all, like
bullock.'¹

MAJOR BATTLE - MINOR SKIRMISH

I

When the Commonwealth assumed control of the Northern Territory in 1911 the police establishment included 24 Native Constables.² Interestingly, the number of Native Constables was identical with that of the total number of European police. Both Aboriginal and European policemen were stationed at 15 stations throughout the Northern Territory. The term Native Constable is confusing as, by 1911, it only appears in some more formal documents.³ The title 'tracker' had again become commonly used, having originally been banned in 1884 on the creation of the Native Police.

The published establishment of Native Constables, or trackers as they will now be referred to, is also misleading. Whilst an establishment existed, common practice was that Mounted Constables

¹ Jimmy Jungari a Walpiri of Yuendumu, speaking of the Coniston Massacre, quoted in Read, *Long Time, Olden Time*, p. 54.

² Report of the Acting Administrator, 1911, pp. 28.

³ Letter from Mounted Constable Brooks to Inspector Port Augusta, dated 21 February 1910, AA ACT, CRS A1, Item Number 11/11307.

engaged trackers as they saw fit. These trackers were not considered regular members of the Northern Territory Police but were, instead, 'engaged personally by the constable whom they serve[d].'⁴ The actual numbers of trackers serving at any one time therefore exceeded the official establishment. The loyalty of these trackers lay with the member who had engaged them and not the Police Department.

II

One event which was to become notorious in the annals of race relations in the Northern Territory was the Coniston Massacre. The story of the massacre is well known but it is necessary to recount it briefly to place the roles of senior police, bureaucrats and the public in the context of this thesis. It is equally important to understand the political situation in the Northern Territory at the time of the massacre.

In 1927 the Northern Territory was divided into two - the Territories of Central Australia and North Australia.⁵ In Central Australia, at the time of the Coniston Massacre, John Charles Cawood was the Government Resident, reporting to the Minister for Home and Territories. The senior police officer and Chief Protector of Aborigines was Sergeant Charles Noblet,

⁴ Report of the Board of Enquiry Appointed by His Excellency, The Governor General, Dated 8th May 1935, The Circumstances Attaching To The Shooting By Constable McKinnon Of An Aboriginal At Ayers Rock, Northern Territory, And Whether The Shooting Was Justified, Dated 27 July 1935. AA ACT, CRS A1, Item Number 35/1613.

⁵ Report of the Government Resident for Central Australia for the period 1 March 1927 to 30 June 1927, NTAS. The North Australia Act which divided the Northern territory into two became effective on 1 March 1927.



Figure 8. Tracker in 'uniform' which was often worn between 1900 and 1960. Photograph circa 1938. Photograph courtesy of the Northern Territory Police Historical Society.

who had assumed that position with the resignation of Commissioner Robert Stott in 1928.⁶ The position of senior police officer had been downgraded from Commissioner to Sergeant as a result of a Commonwealth Public Service Inspector's report which recommended upon Stott's retirement the senior operational police position become a Sergeant reporting to the Government Resident, who would be the Commissioner.⁷

Central Australia, which was still being settled by Europeans, was policed by one Sergeant and five Constables operating from five police stations.⁸ The Gazette listing the numbers of police did not refer to the numbers of trackers on strength but reference to police journals of the day⁹ suggests that at least one tracker was also located at each station. The police in Central Australia, under-populated though it was, were clearly under-resourced.

Due to economies imposed during the First World War, police throughout both Territories also held the appointment of Protectors of Aborigines.¹⁰ Officers in Charge of Police Stations received payment of an additional £25 a year for undertaking the additional responsibilities as Protectors of Aborigines.¹¹ No

⁶. *Commonwealth of Australia Gazette*, 73 of 26 July 1928, p. 2220.

⁷. Public Service Inspector's report AA ACT, A1 29/2777. Cited also in McLaren and Alcorta, unpublished manuscript.

⁸. Report of the Administrator of Central Australia for the year ended 30 June 1929, p. 6. The stations were Alice Springs, Lake Nash, Barrow Creek, Arltunga and Alice Well.

⁹. See for example police station day journals of Alice Springs, NTAS, NTRS F255(1).

¹⁰. Peter C. Donovan, *At The Other End Of Australia* (St. Lucia, Queensland: University of Queensland Press, 1984), p. 78.

¹¹. Report of the Acting Administrator, 1911, p. 28.

one, it seems, saw the irony of having the Aborigines 'protected' by the very arm of Government which was responsible for enforcing the law and thus apprehending, chaining and prosecuting them. Peter Donovan's assertion that '...the police saw their role as protecting the 'rights' of Europeans, rather than those of the Aborigines'¹² appears to reflect the true situation which existed in 1928.

The rest of Australia was by now taking an interest in the plight of the Aborigines of Central Australia and articles decrying the inactivity of bureaucrats were appearing in southern newspapers.¹³ The majority of white Australians however, were still largely inclined to view Aborigines with suspicion.

Just before the Coniston Massacre occurred, *The Bulletin* printed two stories, which, whilst fiction, appear to reflect contemporary views. The articles appeared on prominent pages in the magazine. The first, by Ion Idriess, described how an Aborigine found problem solving difficult because 'to think out of its accustomed paths was hard labour for his stone-age brain'.¹⁴ The second, described how the hero (a White) considered an Aborigine 'has intelligence...but I have never fully trusted a nigger yet, and I pray I never shall'.¹⁵ A newspaper description portrayed Darwin during this period as a town of 'beauty, poverty and

¹². *Ibid*

¹³. 'In Black Australia: The Alice Springs Bungalow: A Place of Squalid Horror', *Advertiser*, 9 October 1924, p. 10.

¹⁴. Ion L. Idriess, 'The Little Debil Click-Click', *Bulletin*, 1 August 1928, p. 58.

¹⁵. Seymour Costello, 'Anstruthers Spear', *Bulletin*, 15 August 1928, p. 51.

Chinamen',¹⁶ which had lost the pioneers who had 'put the fear of the Lord into the Asiatic and the native'.¹⁷

Central Australia, where a few Europeans clung to their hard won land, competing with Aboriginal people for the limited water available was the setting for this tragic event.

On 7 August 1928, one of the European settlers, Frederick Brooks, a dingo trapper was killed at a water hole west of Coniston Station, later known as Brooks' Soak.¹⁸ Several reasons have been advanced for the killings - most frequently the stealing of rations by Aborigines or interference with 'lubras' by Brooks.¹⁹ The sexual reason seems to carry most credence as Aboriginal sources argue Brooks was found engaging in sexual intercourse with Marungarli Naburula, the wife of one of his killers, Kamanyarrpa Djabanangga.²⁰ Djabanangga and Paddirrki Djabaldjari,²¹ enraged at finding Brooks so engaged, killed Brooks with an axe and boomerang. The two killers and other Walbiri people then buried the body in an enlarged rabbit burrow.²² Hartwig provides a similar account,

¹⁶ 'Our Northern Capital- Pictures in Darwin: Beauty, Poverty And Chinamen', *Advertiser*, 31 October 1924, p. 15.

¹⁷ *Ibid*.

¹⁸ Hartwig, *The Coniston Killings*, p. 20.

¹⁹ *Ibid*, p. 61

²⁰ Unnamed, *Coniston Massacre*, Bachelor of Arts Thesis, Yuendumu Community Council, undated, Copy held Northern Territory Library, p. 3.

²¹ *Ibid*.

²² *Ibid*.

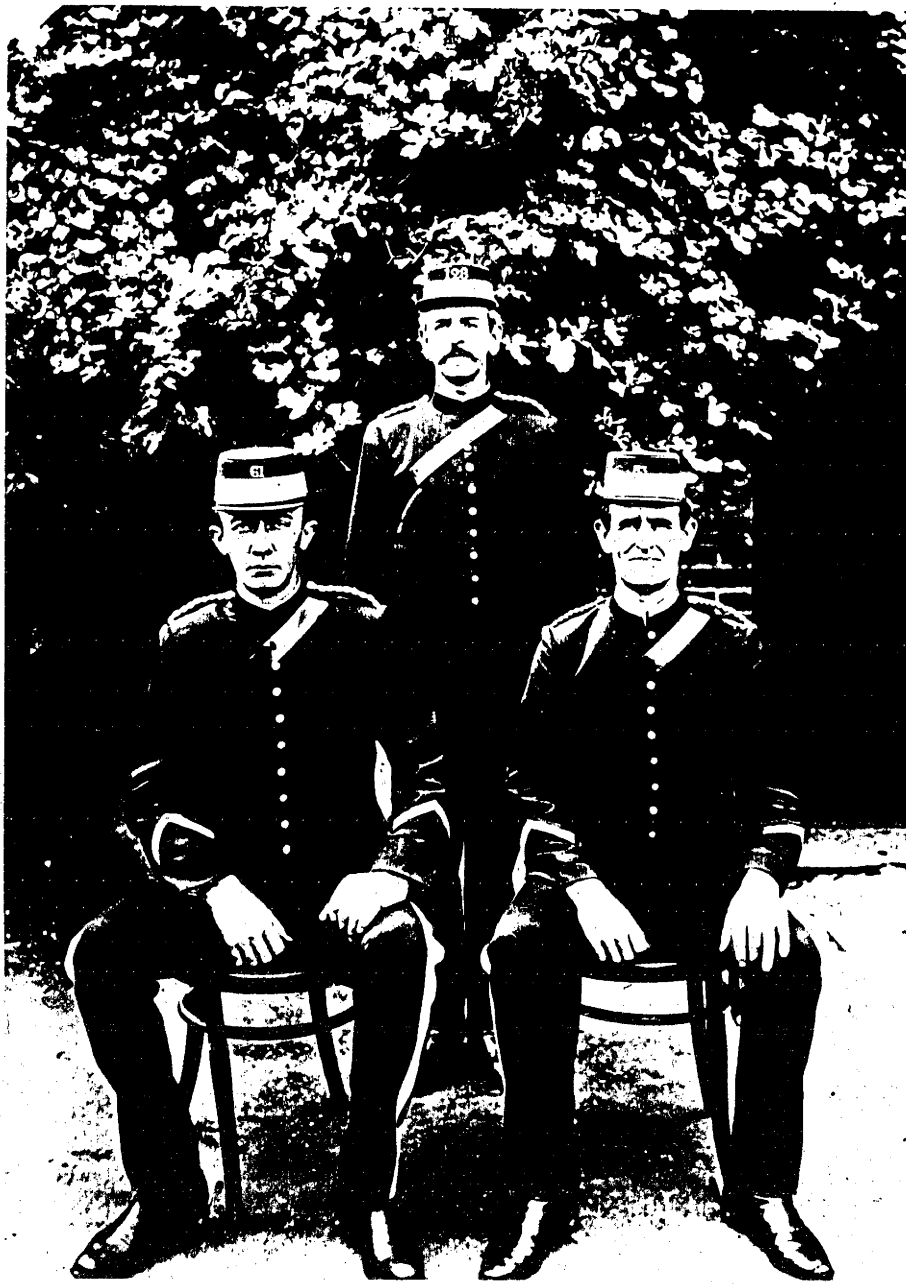


Figure 9. Three mounted policemen. Mounted Constable Johns number 61, Mounted Constable Miller number 128, Mounted Constable Noblet number 83. Photograph courtesy of the Northern Territory Library.

except in his version, he argues 'a number of blacks' killed Brooks.²³

News of the murder finally reached the police in Alice Springs. Cawood, the Government Resident, contacted Mounted Constable William George Murray of Barrow Creek, who, accompanied by Tracker Major and 'Native' Paddy (an Aranda),²⁴ was already en route to the area to investigate cattle killings.²⁵ Murray arrived at Coniston Station on 12 August. He organised a party of eight, including himself, his trackers and a part Aboriginal, Alick Wilson, to locate and apprehend the suspected murderers.²⁶ On 15 August, before the party left Coniston, two Aborigines, Williyarrpa Djabaldjari (Padygar) and Walyguri Djagamar (Woolingar),²⁷ arrived at Coniston from the West. The trackers apprehended these two as suspects in Brooks killing. The trackers then attempted to place neck chains on their prisoners who apparently resisted arrest. Murray was later to say that he saw the trackers in need of assistance and ran to help them. At the same time:

²³. Hartwig, *The Coniston Killings*, p. 20.

²⁴. Unnamed, *Coniston Massacre*, p. 4.

²⁵. Evidence given to the Inquiry into these events by William George Murray, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2) see also Hartwig, *The Coniston Killings*, p. 20.

²⁶. Evidence by William George Murray, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

²⁷. Aboriginal names taken from Unnamed, *Coniston Massacre*, Bachelor of Arts Thesis, p. 6.

...The second prisoner [Walyguri Djagamar] was free from the tracker and had turned his attention to me. Realising the position was dangerous I drew my revolver and fired at the one native. The bullet struck him over the left eye and he fell to the ground.²⁸

Both prisoners remained chained to a tree for the night. The next day they accompanied the 'posse', after having 'volunteered' to do so.²⁹ Murray and his party ranged across the region looking for the 20 adult Aboriginal males he believed to be implicated in the murder.³⁰ Murray later officially reported his party killed 17 Aboriginals, including Walyguri Djagamar, who died of his wounds whilst on the expedition.³¹ Murray with two prisoners, returned to Alice Springs on 1 September. Here he made a cursory report of the incident, acknowledging the deaths of 17 Aborigines at the hands of his party.³² Murray failed to record the names of the deceased

In the meantime, another European, William 'Nugget' Morton, had been attacked by Aborigines near Boomerang Waterhole on the Lander River.³³ Morton alleged he was breakfasting when approached by three male Aborigines who demanded food from him. After he

²⁸. Evidence by William George Murray, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

²⁹. Evidence by William George Murray, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

³⁰. Summary of events J.A. Carrodus to the Minister for Home Affairs and Territories, 19 November 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1).

³¹. *Ibid*.

³². Mounted Constable W.G. Murray to Cawood, 2 September 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1).

³³. Hartwig, *The Coniston Killings*, p. 27.

handed one of the Aborigines a piece of beef a large 'mob' attacked him. In the version of events given by Morton, he fought for his life, only escaping after shooting one of his attackers.³⁴ According to Aboriginal oral evidence, cited by Peter and Jay Read³⁵ and Cribbin,³⁶ the attack on Morton occurred because of his violence towards Aborigines and his defilement of their women.³⁷ Similar evidence appears in Hartwig's work, which cites oral evidence from whites to whom Morton had boasted of his exploits.³⁸ An unprovoked attack on an armed European accompanied by two vicious dogs appears unlikely and the arguments that the attack on Morton resulted from his treatment of Aboriginal people are the more persuasive.³⁹

Murray who had been on a second expedition in the area between 4 and 13 September, was despatched to investigate the attack on Morton.⁴⁰ Murray, on this occasion, was not accompanied by trackers or other police but instead by Alick Wilson.

Murray travelled to Broadmeadows, from where accompanied by Morton, Alick Wilson and an Aboriginal boy, he set out to locate Morton's assailants. In all, 14 Aborigines were shot and killed by members of the

³⁴. Evidence of William John Morton to the Commission of Inquiry, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

³⁵. Read, *Long Time, Olden Time*, p. 40.

³⁶. Cribbin. *The Killing Times*, p. 76.

³⁷. *Ibid*, p. 77.

³⁸. Hartwig, *The Coniston Killings*, p. 62.

³⁹. For a different view of the Coniston Massacre see Cataldi, L. 'The End Of The Dreaming?', *Overland*, Number 144, Spring, 1996, pp. 44-47.

⁴⁰. Alice Springs Police Station Day Journal 23 -6-27 to 13-4-33, entries of 4 September, also 13 September and 19 September, NTAS, NTRS F255(1)

punitive expedition.⁴¹ Murray returned to Alice Springs on 18 October, and made no entry in the Alice Springs Day Journal regarding his expedition or the number of people killed.⁴² Despite the violent nature of the incidents, Murray did not prepare a report concerning his second patrol until 19 October. In that document he concealed the actual numbers of Aborigines killed, instead referring to 'a number of male natives being shot [and] unfortunately a number of natives were killed'.⁴³ Considering 14 people had been killed by a party under the command of police, the brevity of official documentation appears to be illustrative of white views of the worth of Aboriginal life.

As the events at and near Coniston became public knowledge the press generally supported the police actions. The initial report in the *South Australian Register* of 8 September advised:

...The blacks have taken charge and it will be an impossibility to develop the country until there is more police protection.⁴⁴

The same article, quoting a visitor from Central Australia, noted the:

⁴¹. Evidence by William George Murray, 16 January 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

⁴². Alice Springs Police Station Day Journal 23 -6-27 to 13-4-33, entries of 1 September 1928, NTAS, NTRS F255(1).

⁴³. Report by Mounted Constable Murray to Sergeant Noblet, 19 October 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1).

⁴⁴. 'Black Menace', *South Australian Register*, 8 September 1928.

Myall blacks caused no trouble, but it was the semi-educated natives from the mission stations who were becoming a menace, as they were cunning, treacherous and thoroughly bad.⁴⁵

Another report, whilst noting the killing of 17 Aborigines, declared that the missions had given Aborigines the wrong ideas. Causing even more alarm, the report continued by asserting 1,000 Aborigines at Oodnadatta were ready to go out west with spearheads and axes,⁴⁶ presumably to attack whites. Many newspapers then, and later, described how Central Australia was in the grip of a drought at the time of these events.⁴⁷

Cawood, taking an opposite line to the settler reported in the *South Australian Register*, blamed 'myalls' for the attacks which he said were '...only a repetition of history as regards the colonisation and development of lands formerly held by the coloured races'.⁴⁸ He continued he 'fully expected the result of the recent action would have the right effect upon the natives'.⁴⁹ Cawood concluded his report by asserting that he believed the reports submitted by Murray were truthful. Cawood also said he 'was certain the trouble

⁴⁵. *Ibid*.

⁴⁶. 'Bellicose Blacks', *South Australian Register*, 11 September 1928.

⁴⁷. 'Bellicose Blacks', *South Australian Register*, 11 September 1928, 'Black and White', *South Australian Register*, 12 September 1928 and 'The Blacks - Case for Enquiry', 20 December 1928.

⁴⁸. Cawood to Secretary Department of Home and Territories, 25 October AA ACT, CRS A 431, item Number 50/2768 (Part 1).

⁴⁹. *Ibid*.

had been caused by the teachings of the mission stations'.⁵⁰

Cawood used the incident to remind the Secretary of the Home and Territories Department of the inadequacy of police numbers in Central Australia with the result that investigations were unduly delayed.⁵¹ Cawood asserted the Aborigines viewed the delay in undertaking investigations as weakness on the part of the whites:

Consequently the natives have adopted a cheeky attitude towards the whites and have openly boasted of their depredations, and have made threats to wipe out the white settlers in isolated portions of the Territory.⁵²

The use of the attack as the basis for requests for more police to be stationed in Central Australia, with blame being placed on the missionaries and the alleged cunning and untrustworthiness of Aboriginal people, all bore a marked similarity to the events of 1890 and 1891.

Events came to a head in November 1928 at the trial in Darwin of two of Brooks alleged murderers Padygar and Akirkra. Murray, in giving evidence said 'We shot to kill; what use is a wounded blackfellow hundreds of miles away from civilisation'.⁵³ At another point, with Murray explaining how a single bullet

⁵⁰. 'Trouble in the Centre', *Advertiser*, 11 September 1928, p. 9.

⁵¹. Cawood to Secretary Department of Home and Territories, 2 November 1928, ACT, CRS A 431, item Number 50/2768 (Part 1).

⁵². *Ibid.*

⁵³. 'Supreme Court - Alleged Murder', *Northern Territory Times and Gazette*, 9 November 1928.

killed two Aborigines, the Judge, Mr Justice Mallam, exclaimed '...mowed them down wholesale'.⁵⁴

Following the trial, the press carried articles critical of police actions at Coniston, calling for an inquiry into the matter.⁵⁵ The churches and societies formed for the protection of Aboriginal rights, including The Association for the Protection of Native Races, led the calls for an inquiry. On 11 November 1928 a sermon delivered in the Darwin Methodist Church⁵⁶ strongly condemned the police actions.

Senior officers within the Department of Home and Territories remained unconvinced by Cawoods's views. By 13 November, the Minister was advised that the Government Resident's reports were inadequate and an inquiry into the incident might be necessary.⁵⁷ Demands for an investigation continued⁵⁸ and the Government, soon to face an election, succumbed. On 30 November the government announced the establishment of a Board of Inquiry to investigate the issue. The terms of reference were very narrow.⁵⁹

⁵⁴. 'The Tragedy of the Centre', *Northern Territory Times and Gazette*, 13 November 1928, See also 'Killing of Aborigines', *Argus*, 14 November 1928.

⁵⁵. 'The Tragedy of the Centre', *Northern Territory Times and Gazette*, 9 November 1928. See also 'Inquiry Demanded', *Argus*, 10 November 1928, p.8.

⁵⁶. 'Natives Shot', *Advertiser*, 12 November 1928, p. 4.

⁵⁷. Unidentified memorandum addressed to the Minister for Home and Territories, 12 November 1929, AA ACT, CRS A 431, item Number 50/2768 (Part 2).

⁵⁸. See for example 'The Blacks - A Case For Enquiry', *Advertiser*, 20 December 1928, p.12.

⁵⁹. Hartwig, *The Coniston Killings*, p. 38.

Concern about the pending inquiry obviously prompted the Central Australian administrators to ensure that their house was in order. On 8 December, Noblet, as Protector of Aborigines, wrote to Cawood to exculpate Murray for his actions following Brooks death. Noblet, ignoring the informed opinion which had been appearing in the press, decried any suggestion that the Aborigines were starving because:

the natives in the North West and right down to the Western side of Alice Springs are always fat and native foods of all descriptions are plentiful.⁶⁰

The availability of food was to become an issue at the Inquiry established to investigate events at Coniston. Noblet supported Cawood's concerns regarding the inadequate numbers of police and the attitude this situation engendered in the local Aboriginal population. Noblet also suggested Aborigines and stock did not 'thrive together'.⁶¹ He argued strongly that gaol was not sufficient deterrent and suggested the use of the cat-o-nine-tails in the early days of settlement had been more effective.⁶²

The composition of the Board, announced in December 1928, drew a storm of protest.⁶³ Those appointed were A.H.O'Kelly, a Police Magistrate from Cairns (Chairman), Inspector P. Giles of the South

⁶⁰ Noblet to Cawood, 8 December 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1).

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Executive Council Minute paper establishing the Board of Inquiry, 13 December 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1), See also Hartwig, *The Coniston Killings*, p. 42.

Australian Police, and Cawood. Whilst O'Kelly's appointment was impartial, Giles was less so. Many, even within the Public Service expressed concern Giles's appointment might give the appearance of 'white washing' the Police actions.⁶⁴ According to Hartwig, Giles's appointment relied upon his experience in dealing with Aborigines.⁶⁵ Giles, however, had previously been the Police Inspector responsible for the Central Australian area of the Northern Territory before the Commonwealth assumed control.⁶⁶ Whilst considered unbiased by his referees,⁶⁷ Giles, in hindsight, can be seen as compromised. Most controversial of all was Cawood's appointment to the Board. Here, the Commissioner of Police who had given the orders establishing the patrols and who had expressed opinions about the origins of the incident was about to sit in judgement on a member of his own administration. Moreover, because he was a member of the Board, Cawood would not be examined on either his instructions to Murray or his knowledge of the events.

The concerns expressed over the appointments to the Board appear justified. The Board members spent only 18 days hearing evidence from 30 witnesses and one in preparing its findings.⁶⁸ The findings of the Inquiry raised controversy at the time and must still be considered flawed.

⁶⁴. Hartwig, *The Coniston Killings*, p. 41.

⁶⁵. *Ibid*.

⁶⁶. Statement E, Commonwealth Public Service Inspector commenting upon Giles's suitability for appointment, AA NT, copy of CRS A 431, item Number 50/2768 (Part 1), marked 'File of Papers'.

⁶⁷. *Ibid*.

⁶⁸. See dates of transcripts of evidence in File: Attacks on white men by Natives - Killing of Natives, Central Australia, AA ACT CRS A 431, Item Number 50/2768 (Part 1 and 2), Hartwig, *The Coniston Killings*, p. 43. and Cribbin, *The Killing Times*, pp. 117 -155.

The witnesses called to give evidence undoubtedly biased the findings of the Inquiry. Of the 30 witnesses who gave evidence 17 represented pastoral interests. Only one Aboriginal, 'Tracker' Paddy, gave evidence. The other tracker present on the first patrol had 'gone bush' and he did not appear before the Board. Alick Wilson, the part-Aboriginal, was in Darwin Hospital and his evidence remained unheard.⁶⁹ None of the relatives or friends of the deceased Aborigines gave evidence.⁷⁰

The Board found that the deaths of 17 Aborigines whilst Brooks' murderers were being pursued were all justified. It also found similarly regarding the shooting of 14 Aborigines following the attack on Morton.

Much of the evidence appears flawed and no witness was asked any penetrating questions regarding the inconsistencies. Hartwig, whilst noting that no real attempt to evaluate the evidence has yet been undertaken by a disinterested party, lists many criticisms of the Board's findings.⁷¹ His analysis is penetrating and it is clear after only a brief study of the evidence available that the Board was indeed a 'white wash'.⁷² Bruce Elder provides another view of the Board's findings:

⁶⁹. Cribbin *Killing Times*, p.127.

⁷⁰. Hartwig, *The Coniston Killings*, p.44.

⁷¹. 'Which Way Boss' in Hartwig, *The Coniston Killings*, pp.46 - 68.

⁷². *Ibid.*, p.68.

it was an extraordinary judgement which once again showed the rule of law was tissue of hypocrisy and dishonesty as far as the Aborigines were concerned.⁷³

It is difficult to disagree.

Three examples, gleaned from evidence to the Board, will indicate how superficial their examination was. One of the most obvious issues was the status of members of the party other than Murray. None of the party appears to have been sworn in as a special constable but no questioning occurred on this issue. The status of Paddy was not explored despite the fact he admitted killing one male Aboriginal. Paddy, according to records, was not a tracker when he accompanied Murray on the first expedition. The references to him in the Alice Springs Journal are all to 'native' Paddy.⁷⁴ The term 'native' denoted an Aboriginal assistant with no status within the Force. The police, it seems, saw a potential problem with Paddy's status because, on 20 September Paddy became a 'Temporary Tracker' and later references record him as Tracker Paddy.⁷⁵ The number of trackers on strength at Alice Springs increased by one with Paddy's elevation. Paddy also gave evidence of shooting and killing an Aboriginal in the back whilst he was running away from him.⁷⁶ The Board did not ask why. Murray had reported the involvement of only one 'lubra' in the Brooks'

⁷³ Bruce Elder, *Blood On The Wattle: Massacres And Maltreatment Of Australian Aborigines Since 1788* (Frenchs Forest, NSW: National Book Distributors and Publishers, 1994), p. 153.

⁷⁴ Alice Springs Police Station Day Journal 23 -6-27 to 13-4-33, entries of 8, 9 and 10 September 1928, NTAS, NTRSF255(1).

⁷⁵ Alice Springs Police Station Day Journal 23 -6-27 to 13-4-33, entry of 20 September 1928. NTAS, NTRS F255(1). -

⁷⁶ Evidence given by Tracker Paddy, 9 January 1929, AA ACT CRS A 431, Item Number 50/2768 (Part 2).

killing.⁷⁷ Evidence given to the Board however revealed the deaths of two females.⁷⁸ The inconsistency between Murray's report and the evidence was not pursued.

The question of the number killed remains in contention even to the present. The Board reported a total of 31 deaths. Hartwig suggests the evidence suggests a more correct figure was 70 or 105, many allegedly killed by Tracker Paddy, who reputedly clubbed children to death.⁷⁹ Peter and Jay Read also provide oral evidence which strongly suggests the killing of 'big mobs' of Aborigines during Murray's expeditions.⁸⁰ On all the available evidence it is highly probable that the actual number killed exceeds 31. The exact number remains a mystery.

Equally contentious was the Board finding no evidence of starvation 'of blacks in Central Australia. On the contrary, there is ample native food and water'.⁸¹ Finding no evidence of starvation was contrary to the informed comment in the press before the Board sat⁸². It also ignores rainfall statistics for the area which were available to the Board. These statistics record that in 1928 a mere 3.29 inches of rain fell at Barrow Creek the lowest amount since records began in

⁷⁷. Report Murray to Noblet, 2 September 1928, AA ACT, CRS A 431, item Number 50/2768 (Part 1).

⁷⁸. See evidence given by Murray 16 January 1929 and Stafford 13 January 1929 AA ACT, CRS A 431, item Number 50/2768 (Part 2).

⁷⁹. Hartwig, *The Coniston Killings*, p.55.

⁸⁰. Read, *Long Time, Olden Time*, pp. 53 - 54.

⁸¹. Finding of the Board of Enquiry Concerning the Killing Of Natives in Central Australia, 1929, MS 744, Australian National Library, Canberra.

⁸². See, for examples, 'Bellicose Blacks', *South Australian Register*, 11 September 1928, 'Black and White', *South Australian Register*, 12 September 1928 and 'The Blacks - Case for Enquiry', 20 December 1928.

1899.⁸³ Between February and August of that year a mere .37 inches of rainfall was recorded at Barrow Creek.⁸⁴ In Alice Springs for the same year the rainfall was 4.54 inches, far below the annual average of 11.13 inches.⁸⁵

Cawood was well aware of the drought conditions as his introductory comments in the 1927 Annual Report made much of the lack of rainfall:

When I arrived in Central Australia I found the whole country, with the exception of that portion north of Woodroffe, suffering from severe drought.⁸⁶

In 1928 Cawood was also sufficiently concerned to write of the 'continual drought conditions'.⁸⁷ Despite his knowledge of local conditions, Cawood did not offer dissenting comment from the Board's findings that there was plenty of native food available.

The press at first showed little interest in the findings of the Board when they became public in January 1929. Some newspapers continued to support the findings when public criticism did start to grow. The *Telegraph* considered that Australia had been slandered due to criticisms of the Board and Aboriginal affairs generally.⁸⁸ Other newspapers gradually, however,

⁸³. Barrow Creek Rainfall Statistics 1899 to 1948, facsimile from the Bureau of Meteorology, Darwin, 22 March 1996.

⁸⁴. *Ibid*.

⁸⁵. *Report of the Government Resident for Central Australia for 1928*, p.5.

⁸⁶. *Report of the Government Resident for Central Australia for the period 1 March 1927 to 30 June 1927*, p.5.

⁸⁷. *Report of the Government Resident for Central Australia for 1928*, p. 1.

⁸⁸. 'Australia Slandered', *Telegraph*, Brisbane, 30 March 1929, p. 4.

started to criticise the findings or carry articles strongly condemning the Board.⁸⁹ The best summation occurred in a headline in *Smith's Weekly* - 'Must Our Aborigines Be Slaughtered? - Recent Killings Criticised'.⁹⁰

There were to be two footnotes to the Coniston Massacre. Firstly, after the federal government Cabinet had considered a confidential report related to the Coniston Massacre,⁹¹ it approved the appointment of two additional constables to Central Australia.⁹² Secondly, the dislike of Paddy amongst the Aboriginal population was to culminate in an attempt to murder him in August 1929. Whilst on patrol with Mounted Constable McColl southwest of Alice Springs, three Aborigines armed with spears confronted Paddy. Fearing for his life, Paddy shot and killed one of the assailants and the other two ran away.⁹³ McColl in his report of the incident to Noblet, suggested many Aborigines disliked Paddy because he had captured and wounded an Aboriginal from the same area some months before.⁹⁴ McColl may well have been right but it is likely Paddy was also universally disliked by Aborigines and had 'a price on his head' because of the events at Coniston.

⁸⁹. See for examples, *Age*, 19 March 1929, p. 5., and 22 March 1929, p.4. and the *Brisbane Courier*, 30 March 1929.

⁹⁰. *Smith's Weekly*, Sydney, 23 March 1929.

⁹¹. Minutes and Submissions to Cabinet 1928 -29, Agenda Item 377, Meeting of 12 February 1928, HA 29/81, AA ACT, CRS 2718, Volume V.

⁹². Minutes and Submissions to Cabinet 1928 -29, Cabinet Decision, Item 377, dated 12 February 192, AA ACT, CRS 2718, Volume V.

⁹³. Deposition of Paddy at Inquest into the death of Junbuna, 19 September 1929, AA ACT, A1/1, Item Number 29/8858.

⁹⁴. McColl to Noblet, 12 September 1929, AA ACT, A1/1, Item Number 29/8858.

III

Public attitudes towards Aborigines had not changed significantly by 1934. In European eyes the Aborigines remained an uncivilised race. The *Advertiser*, for example, in discussing the Duke of Gloucester's visit to South Australia described how '350 aborigines, many of them uncivilised'⁹⁵ would greet the Duke on his arrival at Ooldea.

In October 1934 Constable William (Bill) McKinnon shot and killed an escaped Aboriginal prisoner in Central Australia. According to McKinnon's explanation, he had arrested three Aborigines, Yokunnunna, Numberlin and Nangee, for murder. Later these three, accompanied by two other prisoners, escaped from McKinnon's camp during the night.⁹⁶ McKinnon, two trackers, Paddy⁹⁷ and Carbine, and a camel boy pursued the escapees. Yokunnunna was tracked to Ayers Rock where Carbine sighted him. Carbine then shot and wounded Yokunnunna who escaped again. Finally, trapped in a cave, Yokunnunna threw a stone at McKinnon who retaliated by shooting him. Assisted by Carbine and Paddy, McKinnon lowered Yokunnunna to the ground where he died shortly afterwards.⁹⁸

⁹⁵. 'Wild Natives to Greet Duke', *Advertiser*, 8 October 1934, p. 8.

⁹⁶. Report of the Board of Enquiry Appointed by His Excellency, The Governor General, Dated 8th May 1935, into The Circumstances Attaching To The Shooting By Constable McKinnon Of An Aboriginal At Ayers Rock, Northern Territory, And Whether The Shooting Was Justified, Dated 27 July 1935, AA ACT, CRS A1/1, Item Number 35/1613, p. 2.

⁹⁷. This Tracker Paddy appears to be the same one involved with the Coniston Massacre, however the records are insufficient to claim this with certainty.

⁹⁸. McKinnon to Professor Cleland, 8 July 1935, AA ACT, CRS A1/1, Item Number 35/1613.

Aboriginal oral evidence is that the murder for which the three men had originally been arrested was the execution of a young man who had seriously transgressed against tribal law.⁹⁹ Aboriginal oral history suggests that, before the original escape, one of the trackers taunted the prisoners that they would all be dead by morning.¹⁰⁰ Aboriginal evidence regarding the killing also differs from McKinnon's version of the events. Downing records how several of the escapees were in a cave but Yokunnunna was unable to hide deep inside the cave because of wounds sustained by Carbine's initial attack. A white man was heard to say 'wait'll I finish this bastard. Then shots were fired'.¹⁰¹ A second version of the Aboriginal view is, again, that several of the escapees were in the cave but Yokunnunna was too stout to hide deep in the cave. McKinnon was walking past the cave but a tracker, presumably Carbine, claimed he could smell unwashed bodies inside. McKinnon entered the cave confronting Yokunnunna who, stone in hand, attempted to escape. McKinnon shot and wounded him but despite all attempts could not get him to reveal the whereabouts of the other escapees.¹⁰²

Whichever version of the events is correct, it is clear McKinnon shot and killed Yokunnunna at Ayers Rock whilst he probably had a stone in his hand. Grave doubt exists about McKinnon being in fear of his life when he fired the fatal shot. Doubt also surrounds Carbine's precise role in events at the cave but

⁹⁹. Downing, *Country Of My Spirit*, p. 9.

¹⁰⁰. *Ibid*

¹⁰¹. *Ibid*

¹⁰². W.E. Harney, *To Ayers Rock And Beyond*, (London, Robert Hale, 1963), p. 41.

insufficient evidence exists to suggest he was present when McKinnon fired the fatal shot.

McKinnon did not reach Alice Springs, with his party of 20 including prisoners and witnesses, until 24 November.¹⁰³ McKinnon's arrival in Alice Springs came just two days before national attention was again focused on the relationship between Northern Territory Police and Aborigines, with Tuckiar's successful appeal against a murder conviction to the High Court being handed down and his subsequent disappearance from Darwin.¹⁰⁴ The administration escaped public scrutiny at what would have been a difficult time for them because no mention of the McKinnon killing appeared in the press until three months later.

When Numberlin and Nangee, two Aboriginal prisoners originally arrested with Yokunnunna, appeared on murder charges before the first ever sittings of the Supreme Court in Alice Springs¹⁰⁵ their counsel alleged McKinnon had beaten Numberlin.¹⁰⁶ McKinnon denied the allegation saying under oath 'I have never shown physical violence to natives'.¹⁰⁷ Evidence of the tribal nature of the killing adduced by defence counsel clearly influenced the jury because they added a rider of 'a strong recommendation to mercy'¹⁰⁸ to the guilty

¹⁰³. McKinnon to Minister of the Interior, 14 May 1935, AA ACT, CRS A1/1, Item Number 35/1613.

¹⁰⁴. 'High Court of Australia', *Northern Standard*, 27 November 1934, p. 6 and 'Disappearance of Tuckiar', *Ibid.*, p. 9.

¹⁰⁵. 'Supreme Court in Alice Springs', *Advertiser*, 4 February 1935, p. 15.

¹⁰⁶. 'Two Natives on Murder Charge', *Advertiser*, 12 February 1935, p. 11.

¹⁰⁷. *Ibid.*

¹⁰⁸. 'Charges - Judge Outspoken', *Northern Standard*, 15 February 1935, p. 9.

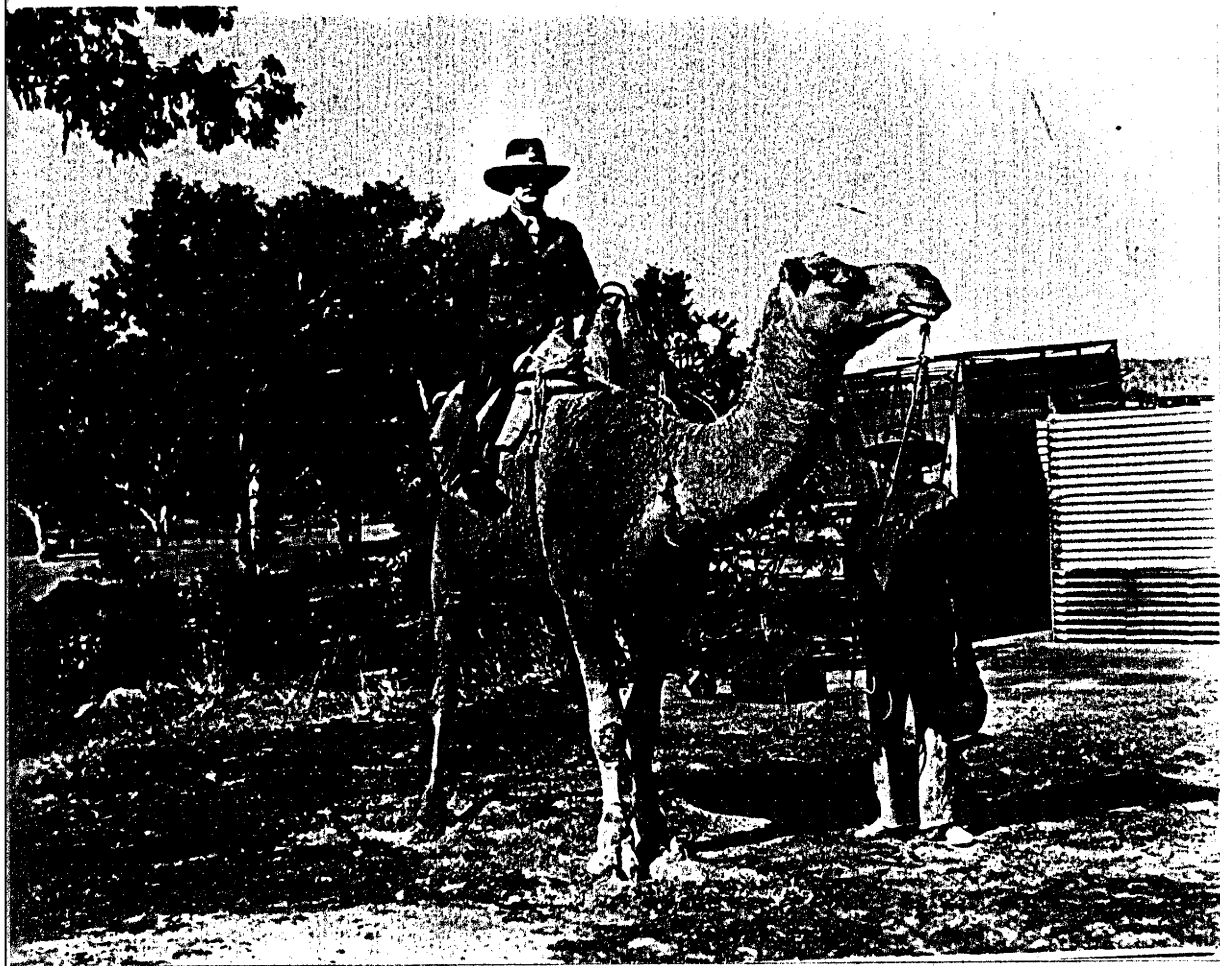


Figure 10. Bill McKinnon as an Inspector of Police, astride a camel in the celebrations for the first bangtail muster in Alice Springs. An Aboriginal aide holding the bridle. Photograph taken 1951. Photograph courtesy of the Northern Territory Library.

verdict. Judge Wells adjourned sentencing the prisoners so he could obtain details of the implications of tribal law on the prisoners' actions. Despite the evidence already provided during the trial, the judge said:

here is an occasion where some of these anthropologists may be of use, they always seem to be where they are not wanted and never where they are wanted.¹⁰⁹

Judge Wells, after due consideration, sentenced the two men to 10 years' imprisonment. In answer to the counsel for the defence who argued that the Aboriginal people possessed nothing, Europeans having taken their heritage, Judge Wells replied:

That is all very well for the subject of an address to a society for the protection of native races but I have no powers to enable me to take notice of it.¹¹⁰

Strangely, other than the trial report, no comment appeared in the press about the allegations against McKinnon. Despite this, the Commonwealth Government speedily investigated the claims of brutality made against McKinnon. On 8 May 1935 the Governor General appointed Professor Cleland of the University of Adelaide, the Reverend Henry Sexton, Secretary of the Aboriginal Friends Association and Vincent White, Assistant Chief Protector of Aborigines

¹⁰⁹. *Ibid.*

¹¹⁰. 'Two Aborigines Sent to Gaol', *Advertiser*, 22 February 1935, p. 22.

(NT) as a Board of Inquiry.¹¹¹ The Board's terms of reference were to investigate both the alleged ill treatment of, and the interference with, Aborigines by Constable McKinnon. Secondly, the Board was to investigate the circumstances attached to the shooting of an Aboriginal at Ayers Rock.¹¹²

The Board considered not only incidents surrounding the death of Yokunnunna but also alleged brutality by McKinnon towards Aborigines. Other prisoners present at the time of Numberlin's arrest gave evidence of McKinnon and the trackers ill treating him. There was persuasive evidence given of McKinnon using a stirrup iron to strike both Numberlin and another prisoner, Barney, on the back several times.¹¹³

Another prisoner, Wong-We, gave evidence of being struck by both McKinnon and Tracker Paddy. He also alleged Paddy urinated and defecated over his head whilst he was tied to the ground. Wong-We and his Wife (not named) provided statements which implicated Paddy in the rape of Wong-We's Wife.¹¹⁴

Another allegation was that McKinnon, at Hermannsburg Mission, had beaten two Aborigines, Simeon

¹¹¹. Appointment of Governor General under the Board of Enquiry Ordinance, 8 May 1935, AA ACT, CRS A1/1, Item Number 35/1613. See also 'Aborigines - Board of Enquiry', *Sydney Morning Herald*, 11 May 1935.

¹¹². Report of the Board of Enquiry Appointed by His Excellency, The Governor General, Dated 8th May 1935, into The Circumstances Attaching To The Shooting By Constable McKinnon Of An Aboriginal At Ayers Rock, Northern Territory, And Whether The Shooting Was Justified, Dated 27 July 1935, AA ACT, CRS A1/1, Item Number 35/1613.

¹¹³. Evidence of Barney to the Enquiry, AA ACT, CRS A1/1, Item Number 35/1613.

¹¹⁴. Evidence of Wong-We to the Enquiry, AA ACT, CRS A1/1, Item Number 35/1613.

and Percy, at the request of Mr. Mattner, one of the Mission staff.¹¹⁵

The Inquiry concluded the shooting of Yokunnunna whilst legally justified, was not warranted. The Board also found the allegations regarding ill treatment were unsustainable except for the 'thrashing' of Aborigines at Hermannsburg which was found to have been undertaken at the request of a responsible officer of the mission.¹¹⁶

The report did not address McKinnon's perjury at the trial where he had specifically denied ever ill treating Aboriginal people. Equally inexplicable, the Board did not recommend any action being taken against McKinnon or Mattner for the floggings carried out at Hermannsburg. Carrodus, then Chief Clerk of the Territories Branch, Department of Home Affairs,¹¹⁷ advised the Minister regarding the assaults, the:

Reverend Mr. Albrecht ... agrees with the thrashing...Unofficially the thrashing would have done a considerable amount of good, but McKinnon was indiscreet...In view of all the circumstances, it is considered no disciplinary action is called for.¹¹⁸

The Minister, in accepting the recommendations of his Departmental Secretary, 'approved'.¹¹⁹

¹¹⁵. Memorandum Carrodus to the Minister for the Interior, 5 September 1935, AA ACT, CRS A1/1, Item Number 35/1613.

¹¹⁶. Report of the Board of Enquiry, AA ACT, CRS A1/1, Item Number 35/1613.

¹¹⁷. Australian Archives, File CP 42, www.aa.gov.au/AAIndexpage.html

¹¹⁸. Memorandum Carrodus to the Minister for the Interior, 5 September 1935, AA ACT, CRS A1/1, Item Number 35/1613.

¹¹⁹. *Ibid*

The Government did not release the full report of the Board's findings. Instead the Government issued a brief statement which merely provided a summary of the findings.¹²⁰ A second press statement noted McKinnon had been formally advised he had acted over zealously.¹²¹ McKinnon was later promoted through the ranks, retiring as an Inspector in 1961.

An impartial Board of Inquiry had been established to investigate McKinnon's conduct. Nevertheless, the Board, notwithstanding accepting some assaults had occurred, inexplicably failed to recommend action against a perjurer, who had assaulted two men, and another who was an accessory to the assaults.

Amongst the Board's recommendations was one which proposed the establishment of two distinct groups of Aborigines employed by the police:

a) Native police who are specially selected men who have received instruction in drill and have undergone a special course of training fitting them for duty amongst the aborigines, [Sic] and who should act only under the direct supervision of a white police or patrol officer...and b) trackers whose sole duty would be tracking and assisting in transport but who would not be supplied with fire-arms under ordinary circumstances.¹²²

Doctor Cecil Cook, the Protector of Aborigines, supported the recommendation concerning the

¹²⁰. 'The Shooting of Yokunnunna', *Northern Standard*, 13 September 1935.

¹²¹. 'Const. McKinnon's position', *Northern Standard*, 17 September 1935.

¹²². Report of the Board of Enquiry, AA ACT, CRS A1/1, Item Number 35/1613.

establishment of a Native Police Force. Cook considered the 'bedraggled, dirty and undisciplined tracker of the present regime'¹²³ to be a reproach to the Government.

Debate dragged on for four years with several drafts of a Native Police Ordinance finally being prepared after much discussion on the subject. The Ordinance finally passed through parliament. However inexplicably, the Ordinance never received assent and lay dormant for 25 years. Repeal of the Ordinance occurred only in 1965.¹²⁴

IV

The first quarter of a century of Commonwealth control of the Northern Territory saw very little change in the criminal justice system for Aborigines. Violence by the police, trackers and European 'punitive parties' continued to be a feature of Northern Territory life. Undoubtedly some of the more extreme police practices were outside the law. Police, however, were subject to only minimal controls over their activities. The influence of the pastoralists who were suffering financial damage as a result of the cattle killings continued to place pressure on police to harass Aborigines.

The major event of the period 1911 to 1935, the Coniston Massacre, again revealed how the whites

¹²³ Dr. C.E. Cook to the Administrator, dated 7 December 1935. CRS A1/1, Item 35/1613.

¹²⁴ Native Constabulary Ordinance 1940. The process repealing the Ordinance was confusing. The Ordinance repealing the original Ordinance was assented to on 14 July 1964, this was also later repealed in March 1965 before finally being assented to in July 1965.

were prepared to support the extreme violence of police and others against Aborigines who killed Europeans. It was only towards the latter period under review that Europeans felt secure enough to even appoint impartial members to a Board investigating police actions.

Public perceptions had changed little. Whilst some enlightened Europeans were campaigning on behalf of Aborigines, entrenched attitudes persisted. As one newspaper reported, the majority northern opinion remained 'You don't want to worry about the niggers; the sooner they are dead the better'.¹²⁵

Bryan Bowman has written that the Aboriginal people of the Coniston area regarded the killings as a payback and not an atrocity.¹²⁶ Bowman also argues the police did very little killing, blaming instead the trackers who 'seized the opportunity to pay off a few scores of their own.'¹²⁷ These arguments are not sustainable considering all the available evidence.

Hartwig rightly argues that during the early period of Commonwealth control nothing was done to improve conditions for the Aborigines who were starving.¹²⁸ It is beyond the scope of this thesis to examine Government policy, but again, as Hartwig argues, the fallacy of Aborigines having full legal

¹²⁵. 'Native Policy In The North', *Advertiser*, 5 September 1935, p. 15.

¹²⁶. Bowman, *A History of Central Australia*, p. 4.

¹²⁷. *Ibid.*

¹²⁸. Hartwig, *The Coniston Killings*, p. 79.

rights was exposed during the aftermath of the Coniston Massacre.¹²⁹

Even after Coniston, police and other Europeans continued to ill-treat Aborigines. When finally, in 1935, the Government found a means by which the justice system could be seen to protect Aboriginal people, inaction and procrastination ensured it was many years before the situation improved.

¹²⁹. *Ibid.*

'The reality of the frontier situation, however, can best be envisaged as a condition of severe and usually protracted struggle.'¹

CONCLUSION

This thesis has examined the effect of racism on the application of law and order in the Northern Territory during the period 1884 to 1935. A series of violent events during those formative years of the Northern Territory has been reviewed. The events themselves and the actions of police were subjected to examination. Also the views of white society and senior administrators to the events were reviewed

In 1884, most of the Northern Territory was part of the Australian 'frontier', with the pioneers expanding the boundaries of settlement outwards. Individual pioneers and a number of investment companies were stocking parts of the Territory with cattle and the Overland Telegraph stations were located along the Overland Telegraph line southwards from Darwin. Rugged individuals worked in a few mines and in the few isolated towns and other settlements the whites clung to their memories of civilisation. Outnumbered by Asians and Aboriginal people, the Europeans were afraid of attacks upon them fearing the annihilation of the whites in these towns.

¹. Evans Et. Al, *Race Relations In Colonial Queensland*, p. 29.

Colonial expansion in many parts of the world saw a clash of cultures and battles over land. Australia, including the Northern Territory, was no different. The colonialists employed the same methods found to have been successful elsewhere in the world in establishing the superiority of white culture. In verbal and written descriptions the whites reduced the Aboriginal people to 'savages' and described any attack perpetrated by Aborigines as an 'outrage' regardless of the cause. This enabled the Europeans to seek revenge for any 'outrage', and, because the Aborigine was a 'savage', the usual rules of conduct did not apply when inflicting retribution.

Later, those who sought to treat the Aboriginal people with some compassion, such as the missionaries, were considered naive fools.

The Aboriginal people of the Northern Territory were gradually removed from their lands, which included places of great spiritual significance or killed resisting their removal. Europeans often abducted Aboriginal women, or 'bought' their services from Aboriginal men, omitting to pay the asking price. Under such circumstances, the Aboriginal people sometimes killed Europeans, or killed the stock which the Europeans had introduced.

This is not to say all the right existed on the Aboriginal side of the racial divide. Undoubtedly, some of the killings perpetrated by the Aborigines were bloody affairs. Sometimes Aborigines killed innocent Europeans. Each killing, however, regardless of the

rights and wrongs brought cries for revenge from the Europeans.

The front line troops in this war were the handful of police responsible for law and order in the Northern Territory. The analogy of troops is not accidental, for the Editor of the *Northern Territory Times and Gazette*, as early as 1875, had encouraged the Europeans to engage the Aborigines in open warfare.² Writing soon after two 'outrages', the Editor declared:

We are invading their country, and they have a perfect right to - and it is but natural that they should - do their best to obstruct our passage through it. They look upon us as enemies and we must do the same. We must go into actual warfare with them and fight them on their own principles. Shoot those you cannot get at, and hang those you can from the nearest tree as an example to the rest; and do not let the authorities be too curious and ask too many questions of those who may be sent to perform the service.³

The police were thus encouraged from the very early days of Northern Territory settlement to shoot and kill Aborigines. To help them track down and kill the Aboriginal offenders they enlisted other Aboriginal people into a Native Police Corps, similar in organisation to the infamous Queensland Native Police.

Some individual police officers participated in the war with great brutality. This thesis has,

². Editorial, *Northern Territory Times and Gazette*, 23 October 1875, p. 1.

³. *Ibid*

however, shown how their officers, civilian administrators and politicians, overtly and covertly encouraged violent reprisals against Aborigines in the areas where 'outrages' had been committed.

The police leaders included Commissioners who believed too close adherence to the legal forms should not be insisted on⁴ and Inspectors who would not go on an expedition because they believed there were too many tale-tellers in the party.⁵ Small wonder police officers such as Willshire, Montagu and Wurmbrand considered they could act with impunity.

Those senior police officers were no doubt acting as many other colonialists had, both in Australia and elsewhere. They had one goal; to suppress the 'savages' in order that 'outrages' would cease and the Europeans could live peacefully. The senior police probably never considered their attitudes were racist. Certainly, there has never been a public acknowledgment such sentiments were wrong.

Had it only been the senior police it would have been bad enough but leading administrators also held racist views. Prominent amongst these bureaucrats were Carrodus and Cawood, both of whom had an opportunity to take a positive stand against police killings in the early twentieth century. Such leadership was never displayed.

⁴. Hamilton to the Chief Secretary, 24 February, 1874, SRSA, GRG 5/2, 260/74.

⁵. *Ibid*

Politicians too, condoned police violence when repressing Aboriginal people in Northern Australia. In some instances it seems the political power of the cattle station owners influenced politicians.

The final influence on police was public opinion, reflected for the most part in newspapers. During the early years of settlement, violence was encouraged in the newspapers which also publicly thanked the police for taking strong action. The newspapers reflected, too, the white notions of Aborigines being inferior and as late as 1934 were referring to Aborigines as 'uncivilised savages'. Small wonder any police officer with a violent sadistic nature felt he could embark upon 'punitive expeditions' with impunity.

Nor is it possible to ignore either the involvement of Aboriginal people in some of the more violent episodes on the Northern Territory frontier. As Reynolds so succinctly describes it 'they too had blood on their hands'.⁶ Violence, killings and racism all converged whenever the Native Police and later (some of) the trackers became involved in an incident. Having recruited Native Police to fight alongside them in the frontier war, police and their Aboriginal assistants came to depend upon each other.⁷ Each relied upon the other not to disclose any matters better kept

⁶. Reynolds, *With The White People*, p. 232.

⁷. *Ibid*, p. 78.

to themselves. Perhaps, an early version of the 'Stockholm syndrome' was manifest in such behaviour.⁸

Clearly, from the formation of the Native Police in 1884, and for the next half century, police were overtly or covertly required to be vigorous in their enforcement of the law where Aboriginal people were involved. On occasions there was some public resentment of these tactics, usually from outside the Territory. When this led to enquiries into the violence, the police were generally supported, albeit covertly, by their officers and other Europeans able to provide support.

Reynolds makes the point that frontier violence was political violence and cannot be ignored.⁹ Neither should we ignore the attitudes of senior police, bureaucrats and the white population of the Northern Territory. These attitudes undoubtedly influenced the rank and file police who were expected to guard the 'frontier'. Brutal though some were, the police, including Native Police, were, in many cases, only acting as they understood they were required to.

We should not forget, nor indeed forgive, these violent episodes in our past. Instead we should learn from them. It is incumbent upon today's and future politicians and Police Commissioners to ensure the Police Force is free of racism. They must ensure

⁸ The term for the syndrome in which hostages start to feel pity for their captors and side with them against authority.

⁹ Reynolds, *The Other Side of the Frontier*, p. 200.

there is no overt, or what is more important covert, support for police, including Aboriginal Community Police Officers, who engage in unnecessary violence towards Aboriginal people. Whilst being sensitive to public opinion, newspaper editors should not encourage police to act hastily or unduly harshly towards a minority group.

When reviewing the events which occurred as recently as sixty-two years ago, it is small wonder there is little trust between Aborigines and police in a few areas of the Northern Territory. The memories of Willshire and Coniston, for example, remain indelible in the minds of the Aboriginal population.

It is important for the reconciliation process that all Territorians look back, understand and move forward together in harmony, not in conflict.

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INDEX

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55, 57, 61, 64, 72, 96, 100, 104, 105, 107,
120
Adelaide, 4, 13, 14, 15, 20, 25, 30, 33, 49,
55, 61, 62, 66, 67, 68, 71, 72, 104, 124,
126, 128, 129, 130
Administrator, 2, 79, 82, 108
Ali Curung, 8
Alice Springs, 13, 14, 15, 19, 27, 39, 40, 47,
51, 53, 54, 65, 66, 75, 82, 83, 86, 87, 88,
89, 93, 96, 98, 99, 102, 118, 129, 131,
132
Austin, 6, 9, 10, 14, 40, 57, 129, 132
Ayers Rock, 80, 100, 101, 105

B

Baker, 39
Barney, 105
Barrow Creek, 2, 19, 23, 26, 68, 82, 86, 97,
98, 118, 127
Besley, 23, 25, 26, 27, 37, 39, 40, 42, 43, 44,
55, 58, 59, 61, 63, 64, 65, 66, 67, 68, 120,
121, 122, 123
Bewarabin, 40
Blinman, 24, 25
Bowman, 109
Brooks, 79, 84, 93, 97, 118

C

Carrodus, 87, 106
Cawood, 80, 86, 87, 90, 91, 93, 94, 98, 114
Charlotte Waters, 19, 40
Cleland, 100, 104, 118
Clyne, 14, 26, 130
Colonial, 14, 26, 34, 36, 48, 121, 130
Coniston, 3, 4, 6, 8, 9, 15, 16, 79, 80, 83, 84,
86, 87, 88, 89, 92, 94, 95, 97, 99, 108,
109, 110, 129
Cook, 107, 108
Cribbin, 8, 88, 94, 130
Curtis, 42, 43

D

Daly River, 2, 28, 29, 30, 32
Donkey, 16, 65, 66

E

Elsey, 49, 50, 51, 53, 134
Ernestine Hill, 2, 20, 48

F

Favenc, 15, 48, 130
Foelsche, 9, 10, 15, 19, 20, 22, 24, 28, 29,
32, 44, 47, 48, 49, 51, 52, 53, 69, 121,
122, 123, 126, 127, 128

G

Gason, 2, 26, 124
Giles, 47, 48, 93, 121
Gillen, 72
Glen Helen, 27
Gordon Creek, 14, 69, 70, 118, 124

H

Hamilton, 23, 24, 25, 30, 44, 114, 120, 123
Hartwig, 4, 6, 8, 13, 84, 86, 87, 88, 92, 94,
95, 97, 109, 129
Hermannsburg, 27
Houschildt, 28

I

Idriess, 83

J

Johnson, 20
Judge Wells, 104

K

Kamanyarrpa Djabanangga, 84

L

Lander River, 87
Landers, 28
Lewis, 20, 22, 128
Ligar, 70

M

Madley, 75, 76, 120, 121
Major, 16, 86
Marungarli Naburula, 84

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McColl, 99
McKinnon, 16, 80, 100, 101, 102, 104, 105,
106, 107, 118
Montagu, 22, 28, 29, 30
Morton, 87, 88, 95
Mulligan, 70
Murray, 86, 87, 88, 89, 90, 91, 93, 94, 96, 97

N

Native Police, 12, 22, 27, 33, 34, 35, 36, 40,
51, 66, 68, 78
New South Wales, 34, 36, 45
Noblet, 80, 89, 93, 97, 99
Noltenius, 28
Northern Territory, i, iii, 2, 3, 4, 5, 6, 8, 9,
10, 11, 13, 15, 16, 18, 19, 20, 22, 23, 24,
28, 29, 30, 31, 32, 33, 37, 40, 48, 50, 51,
52, 54, 55, 65, 69, 70, 71, 72, 74, 78, 79,
80, 91, 92, 100, 102, 105, 108, 111, 112,
113, 115, 116, 117, 118, 120, 123, 125,
127, 128, 129
Numberlin, 100, 102, 105

O

O'Keefe, 71
O'Kelly, 9, 93

P

Paddy, 52, 86, 95, 96, 97, 99, 100, 105
Padirriki Djabaldjari, 84
Palmerston, 24, 30, 31, 32, 40, 47, 48, 53
Parsons, 22, 40, 48, 49, 50, 51, 52, 53, 121,
122
Pflaum, 16, 74, 75, 76, 123
Pine Creek, 50, 51
Police, i, iii, 2, 3, 5, 6, 7, 10, 11, 12, 14, 15,
17, 19, 20, 22, 23, 24, 25, 27, 31, 32, 33,
34, 35, 36, 37, 39, 40, 42, 43, 44, 45, 46,
47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 61,
63, 64, 66, 67, 68, 69, 70, 71, 72, 74, 75,
76, 77, 78, 79, 80, 82, 88, 89, 93, 96, 102,
108, 113, 115, 116, 118, 120, 121, 122,
123, 124, 127, 128, 129, 130, 132, 134
Powell Creek, 19, 45
Power, 47, 49, 50, 121
Price, 24, 51

Q

Queensland, 7, 8, 11, 12, 19, 32, 34, 35, 36,
39, 45, 47, 48, 50, 52, 82, 113, 121, 126,
127, 128, 130, 131, 132, 134

R

Ramsay, 54
Reid, 4, 9, 14, 22, 23, 24, 31, 50, 58, 64, 65,
66, 67, 131
Reynolds, 7, 8, 11, 14, 34, 57, 115, 116, 132
Roberts, 2, 28, 131
Roger, 16, 63, 65, 66

S

Scholler, 28
Sexton, 104
Shirley, 26
South Australia, i, 9, 10, 14, 16, 24, 28, 30,
32, 33, 40, 53, 54, 61, 65, 72, 74, 89, 90,
94, 97, 100, 123, 126, 127, 128, 129, 130
Stapleton, 14, 40, 65, 132
Stott, 82
Swan, 61

T

Taplin, 61
Tempe Downs, 55, 63
The Bulletin, 45, 83
Tuckiar, 102

U

Uluru, 9, 16, 100, 101

V

von Peterswald, 37, 39, 40, 47, 52, 53, 66,
71, 121, 122

W

Warland, 52, 53, 122
White, 7, 11, 12, 34, 61, 62, 90, 97, 115
Williyarrpa Djabaldjari, 86
Willshire, 3, 6, 13, 14, 16, 25, 37, 39, 40, 42,
43, 44, 45, 47, 49, 50, 51, 53, 54, 55, 57,
58, 59, 61, 63, 65, 66, 67, 68, 69, 70, 71,
72, 78, 114, 120, 122, 123, 128, 132
Wong - We, 105
Wurmbrand, 27, 40, 114, 123

Y

Yokunnunna, 100, 101, 105, 106, 107

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