

POLICING IN THE KIMBERLEY 1882-1905

On 5 August 2015, **Dr Chris Owen** spoke to the Kimberley Society about the research done for his doctoral thesis, which is to be published as a book by UWA Publishing with assistance from the Western Australian History Foundation. While Chris worked on his thesis, one of his published papers was titled ‘The police appear to be a useless lot up there’: law and order in the East Kimberley 1884–1905’. His thesis covered a slightly different period but, because the Press wanted the book to span the years 1882 to 1905, his presentation to the Society covered that period. Chris’s précis of his talk follows. Our website version, unhampered by space constraints, is illustrated with historical images.

My PhD thesis *‘Weather Hot, flies troublesome’*: Police in the Kimberley District of Western Australia 1882-1901 will be published as *‘Every mother’s son is guilty...’* It focuses on policing of the Kimberley Aboriginal populations during 1882-1905. The Kimberley was one of Australia’s last frontiers colonised for the industries of pearling, mining and pastoralism. Unknown at the time of colonisation was that the district was home to an estimated 27 different Aboriginal language groups—a population of between 10,000 and 30,000. Many Aboriginal people ‘sat down’ or willingly came and worked on pastoral stations whilst staying on their country. Others resisted.

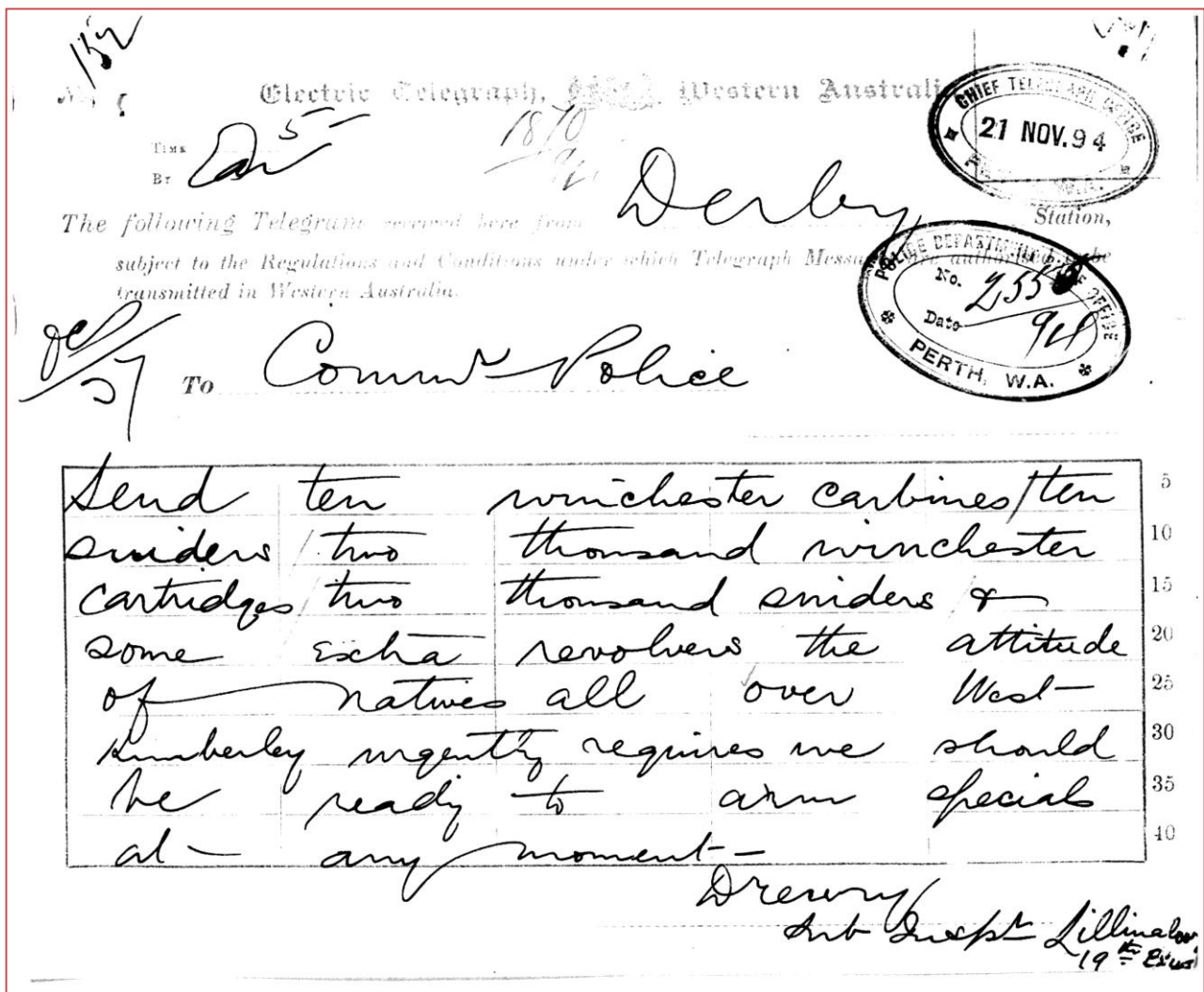
Histories of Kimberley police tend to view the East and West Kimberley districts as discrete entities. West Kimberley histories are usually associated with stories of Aboriginal outlawry or resistance to colonisation, as in the mid-1890s story of Jandamarra (‘Pigeon’) and groups of Aboriginal men and women from the Bunuba people. East Kimberley histories, far fewer in number, tend to suggest that conflict was the random and sporadic result of overly aggressive policing on an uncontrolled frontier. Other histories tend to regard police actions as unconnected from political context and as autonomous and unauthorized, often implying that any killings of Aboriginal people that occurred were independent of the colonial administration.

My research showed that the period was far more complex than had been realized, with significant political and social forces shaping police actions. There were clear distinctions between the earlier protective role of the police and the later punitive role. One statutory role of the police was to protect Aboriginal people, as British subjects, from labour exploitation and from the worst excesses of colonisation. Police were also to protect them from ‘summary justice’ dispensed by some colonists who punished and even killed (at times burning to hide the evidence) Aboriginal people.

Some writers have suggested that ‘violence was endemic from the very beginning’ of European colonisation. This was not the case. Indeed, the most significant conflict occurred more than a decade after Europeans first arrived. In the early years of colonisation, police such as Patrick Troy thoroughly and conscientiously investigated allegations of abuse of Aboriginal people by colonists. For instance in 1884 Troy investigated the killing of Aboriginal boy Julemar, alias Dan, by a Derby colonist. In late 1886 he investigated a particularly repellent case where John Eatch, an ex-policeman, kicked to death a young Aboriginal station servant named Charcoal. In this early period police seemed prepared to prosecute the law equally.

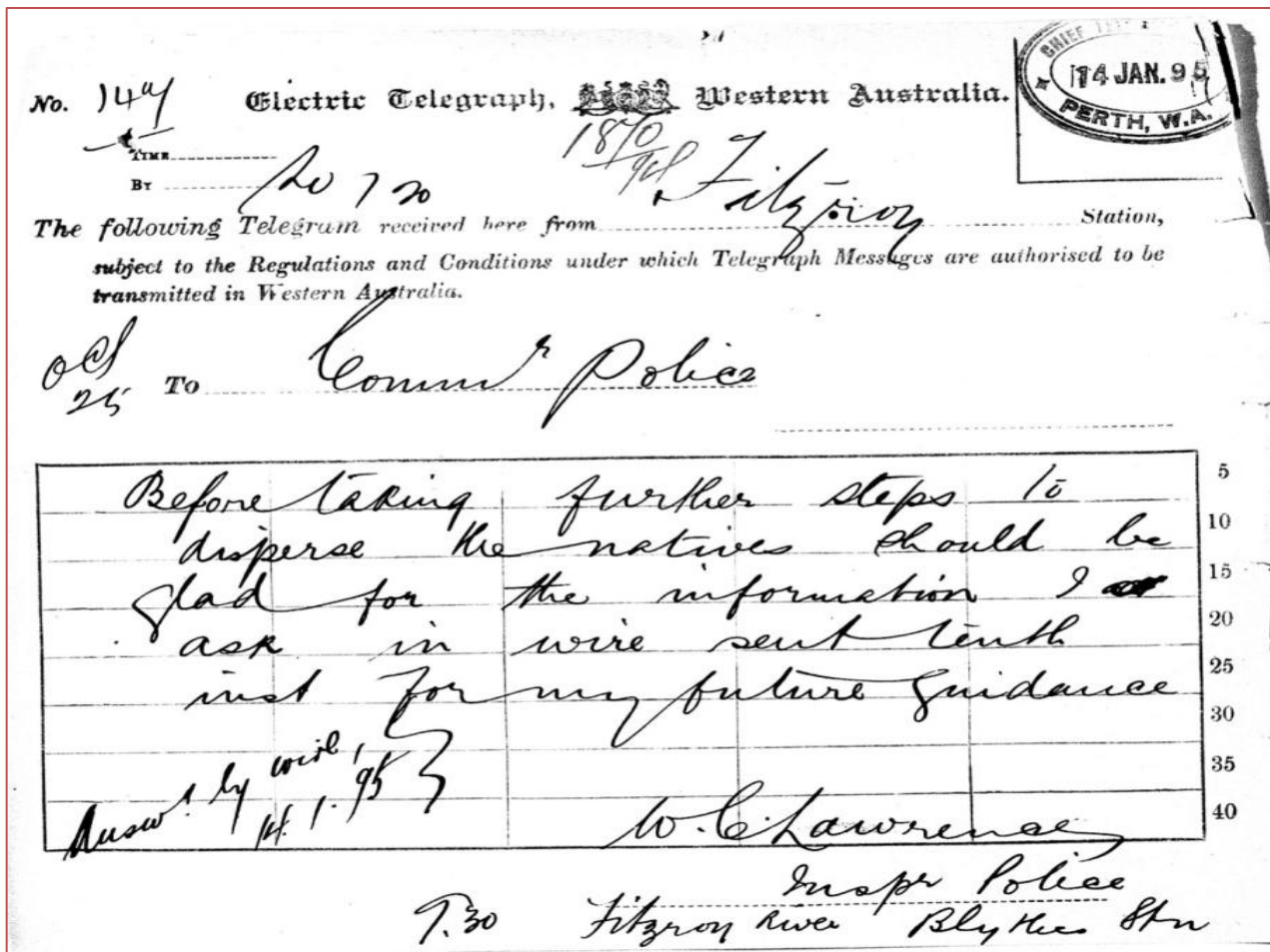
During the mid-1890s, when WA had just attained responsible government with John Forrest as premier, the police, under instruction from the highest levels of the government, were used to contain and control Aboriginal people through arrest and killing so that the Kimberley pastoral industry could thrive free from Aboriginal interference. It is very clear that Aboriginal people, both by their presence as well as their resistance, were seen as threats to both colonists and commercial development. There were concerns at the highest level of government that Europeans might be driven out of the Kimberley; not just West Kimberley. Those concerns grew as years passed. In 1893, local Aboriginal people were said by one newspaper to be ‘threatening Wyndham with absolute annihilation’. Police killed large numbers of Aboriginal people, not through directives or orders to ‘kill’, but rather through legal euphemisms. ‘Dispersals’ were ordered by way of telegrams from the

Commissioner of Police situated in an office over 1400 miles away in Perth. Aboriginal people refer to this time in the mid-1890s as the 'Killing times.'



Telegram from Sub Inspector Drewry to Commissioner of Police George Phillips, 21 Nov 1894. Courtesy of State Records Office of Western Australia.

The first factor shaping the history of Kimberley policing was the political and constitutional changes in WA. After gaining independence from British control in 1890, the legislature bought in oppressive laws and regulations aimed at controlling Aboriginal people. The second factor was the diversity of the Kimberley Aboriginal groups. While the Jandamarra episode is crucial to the history of policing in the Kimberley, it is best understood as a local conflict within the much broader West and East Kimberley conflict. Many other Aboriginal groups were involved in conflict, utilising the natural environment of the enormous semi-circle of ranges and hills. The third set of factors shaping the nature of policing was environmental, geographic and demographic. The Kimberley was situated in the most remote part of the largest Australian colony (later State) with unusually oppressive environmental conditions and the sub-tropical weather patterns, the monsoonal 'wet and dry'. The fourth factor was the social context in which colonists and police operated. While the West and East Kimberley were colonised primarily for pastoral based industries, the different nature and background of the colonists in the West and East produced differing social contexts in which the police operated. Perth based pastoral interests that initially invested in sheep farming took up land mainly in the West Kimberley. The East Kimberley was colonised generally by those called 'othersiders', cattlemen from New South Wales and Queensland who drove their stock overland to the Kimberley. These colonists came from areas where native police forces dealt with Aboriginal people forcefully and, without the pretence of the rule of law, through extreme violence.



Telegram from Inspector Lawrence to Commissioner of Police George Phillips. Courtesy of State Records Office of Western Australia.

Police in the Kimberley had to work in the context of social expectations that interfered with norms and conventions of policing. Local social ‘understandings’ exercised considerable influence. Colonial authority was so distant both physically and psychologically that it held little sway. The remoteness and lack of government and legal authority encouraged some pastoralists and others to take the law into their own hands and an extensive and pervasive ‘conspiracy of silence’ existed. The fifth factor shaping Kimberley policing is a largely unstated aspect of WA policing, the model of policing utilised. Financial constraints claimed by the government severely limited police numbers. This was critical as WA is the largest police jurisdiction in the world. Frontiers of settlement expanded northward following a similar pattern to those of New South Wales, Victoria, Queensland, South Australia and the Northern Territory. Western Australia differed however in not instituting a para-military native police force of the kind that had proved so devastatingly effective in subduing Aboriginal resistance in other colonies. Indeed, WA government authorities refused to implement one and had, therefore, to come up with a different model of policing. This model included innovations such as the use of armed native assistants or armed Aboriginal trackers (who curiously were not members of the police force) and, at times, the swearing in of special constables. While authorities insisted that Kimberley police were a civil force without military powers, the police during this period also killed very large numbers of Aboriginal people. Octavius Burt, the undersecretary to Premier John Forrest, was sympathetic to the rights of Aboriginal people and wrote to Forrest plaintively stating: ‘There can be no doubt that from these frequent reports that a war of extermination is being waged on these unfortunate blacks in the Kimberley district.’ There is no indication that either John Forrest or the commissioner of police took any action on this letter and evidence suggests they knew exactly what was going on.

In the Kimberley, 'bush patrols' or 'bush work' became the most contentious aspect of policing although it would be the model of patrolling that would endure well into the 1930s and 1940s. 'Good bushmen' (as opposed to 'new chums') were police who could camp out in the Kimberley landscape for weeks or sometimes months on end – known in the local parlance as a 'long pull.' They were familiar with horse work, useful with guns and, most importantly, were experienced in dealing with Aboriginal people, especially those they called 'bush blacks'. In the early 1880s bush patrols were long though relatively benign affairs. By the late 1880s and into the 1890s they became extremely dangerous and evidence suggests that many new and inexperienced police did not like them, for good reason. They were very dangerous and police risked being speared as they arrested large groups.

In a morning raid, where there may or may not have been shooting, known as 'dispersal' of those resisting arrest, the men, and at times children as young as eleven, would be detained and arrested, and charged with the criminal offence of cattle killing. At times the groups were up to thirty-three Aboriginal men at a time. After arrest, the accused would then be neck chained and chained together at times at a distance of just 24 inches (60cm) apart. Neck chaining was considered the most effective and humane way of restraining prisoners as it left their hands free though it was never used on non-Aboriginal prisoners. Police regulations issued in 1898 regarding chaining Aboriginal people stipulated that only Aboriginal people from the 'bush' or those of 'desperate character' were to be neck chained and the practice should not be used if it could be avoided. That stated all Aboriginal prisoners in the Kimberley were neck chained. Following a directive from senior police, Aboriginal women, although part of the same group, were never arrested. Instead, women, wives and relatives would be bought in as witnesses. Not for the defence of the accused but as witnesses for the prosecution. Despite having no charge against them and with no legal authority they too were ankle or neck chained. The group would then be forced to walk up to 15 miles a day (up to 200 miles). At night they would be chained together around an available tree. Police regulations stipulated that prisoners should be chained by the leg at night though this was ignored.



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Aboriginal prisoners in chains, posed with a policeman and Aboriginal trackers. East Kimberley. c1890. Courtesy of State Library of Western Australia, 7816B.

They would finally arrive at Derby, Halls Creek or Wyndham where all would be charged with the same offence and face court. The men, who speared cattle because their traditional food sources had been displaced by stock, would invariably plead guilty and could be found summarily guilty by a magistrate or justice of the peace (at times the JP who owned the property) and gaoled for up to three years with or without a whipping.

In the period after 1900 as Western Australia joined the commonwealth of Australia much of the larger police 'dispersals' had stopped but the problem of controlling Aboriginal people on country still existed. This period was characterised by widespread arrest and gaoling. During the period under study periodic reports of abuse in the Northwest and Kimberley would lead to calls for a royal commission to enquire into the treatment of Aboriginal people and labour conditions for workers on pastoral stations. This would be the impetus for Dr. Walter Edmund Roth's *The Report of the Royal Commission on the Condition of the Natives* ('Roth Report'). In January 1905 the Roth Report was tabled in the Western Australian parliament to significant Australia-wide and international controversy. The testimony was serialised and reported on in not only Perth newspapers but also all over the nation and overseas. The Perth *Daily News* declared '[Council of Churches. Horror-Stricken and Sorrowful.](#)' The widely read *Sydney Morning Herald* proclaimed '[Blacks Brutally Treated,](#)' '[Western Australian Sensation,](#)' '[Horrible Cases of Cruelty.](#)' '*Every mother's son is guilty...*' documents the history of Kimberley policing up to this point.