

‘The police appear to be a useless lot up there’: law and order in the East Kimberley 1884–1905

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This blunt assessment of the performance of the Western Australian police in the Kimberley district was expressed by Ord River pastoral station owner William H Osmand in May 1895.¹ Their perceived inefficiency in protecting his cattle from attack by local Aboriginal groups prompted him to write to his parliamentary representative Francis Connor, Member of the Legislative Assembly (MLA) for the East Kimberley. Connor in turn forwarded this letter to Attorney General Septimus Burt, suggesting the necessity for ‘some stringent measures to be taken’.² Why did Osmand consider the police so very ‘useless’?

This paper explores aspects of policing during the development of the East Kimberley pastoral industry between 1884 and 1905 and suggests important changes to our current understanding of the nature of Kimberley police. The tendency, first articulated by Andrew Gill in 1977 and later by Cathie Clement and Neville Green, has been to depict police as autonomous agents of the emerging colonial state, and any killings of Aboriginal people which occurred were seen as being independent of the colonial administration.³ Evidence is presented here showing that police practices in the East Kimberley were not initially locally authorised or self-directed acts. Police were directed by their administrator, the Commissioner of Police, who was himself acting under the informal advice and influence of those with vested interests.

This paper outlines the response of the numerous and militant East Kimberley Aboriginal groups to the new arrivals. What is revealed is that, along with the better-documented history of police in repressing Aboriginal resistance in the West Kimberley during the mid-1890s, similar, less publicised, events were occurring in the East Kimberley.⁴ This paper addresses the complex tensions particular to the period in question: police actions took place within a local culture and often against a background of a poor

1. Letter from W H Osmand to F Connor, 4 May 1895, State Records Office of Western Australia (SROWA) Colonial Secretary’s Office (CSO) Acc 527, File 1868/1895. All records property of SROWA unless stated.

2. Letter from W H Osmand to F Connor, 4 May 1895, CSO, Acc 527, File 1868/1895.

3. Gill 1977; Clement 1989a; Green 1995.

4. See Pederson 1995; McGregor 1993.

relationship with the East Kimberley pastoralists. The Commissioner of Police who was stationed in Perth, required police to act within the law, yet ordered 'dispersals', repressive acts involving killings. The remoteness of the Kimberley district meant there very little in the way of an effective authority supervising police actions. Concurrently, the WA government promoted economic development, sought independence from British control and wished to be seen to be treating the Aboriginal population justly. Pastoralists and settlers preceded the arrival of police in the East Kimberley, and at times took the law into their own hands. Police who sought to uphold the rule of law were working within a frontier culture hostile to laws which many colonists perceived worked against their interests.

The archival records utilised for the majority of this paper are a combination of official records produced by the Western Australian Police Department, and government correspondence primarily from the Colonial Secretary's Office (CSO). The police records include individual reports from officers in the district in the form of 'bush patrol' reports which were sent to the Commissioner of Police and records of day-to-day activities from the East Kimberley police stations. Complimenting these official records are the often frank memoirs of settlers and recently discovered uncatalogued police files which are housed at the WA Police Service.

The pastoral background

In the 1880s the Western Australian government promoted pastoral expansion in the Kimberley district and most leases in the East Kimberley were taken up by pastoralists from the eastern colonies. By contrast, leases in the West Kimberley were operated primarily by Perth-based interests. The East Kimberley district extended from the port town of Wyndham at the north of WA, south along the corridor of the fertile Ord River valley and its many tributaries, to around Halls Creek. The East Kimberley joined the West Kimberley district around the Durack Ranges and its eastern boundary was in and around what was then the South Australian border.

Cattle were introduced into the East Kimberley by Nathaniel 'Nat' Buchanan, who, in 1884, overlanded 4000 cattle from Queensland for JA Panton and WH Osmand and formed Ord River Station.⁵ In late 1884, Michael Durack and Tom Kilfoyle formed Lissadell Station and Patrick Durack formed Argyle Station, each with 2000 cattle. Two years later Tom Hayes and JJ Durack established Rosewood Station and Francis Connor with Denis Doherty established Newry Station in SA. The company Connor and Doherty, storekeepers and packers, was established in 1893 and facilitated trade by acting as a shipping agent in the Kimberley.⁶

The development of these pastoral companies was slow as the environment was harsh and infrastructure almost non-existent. When the 1886 Halls Creek gold rush ended in 1889, only a small local market remained and prices for stock were depressed.⁷ Droughts across the Kimberley from 1890 to 1892 further stalled pastoral expansion.⁸ In any case, East Kimberley pastoralists found it difficult if not impossible

5. Bolton 1953: 30.

6. Bolton 1953: 75.

7. For a general report on the East Kimberley, see CSO, Acc 527 File 1757/1890.

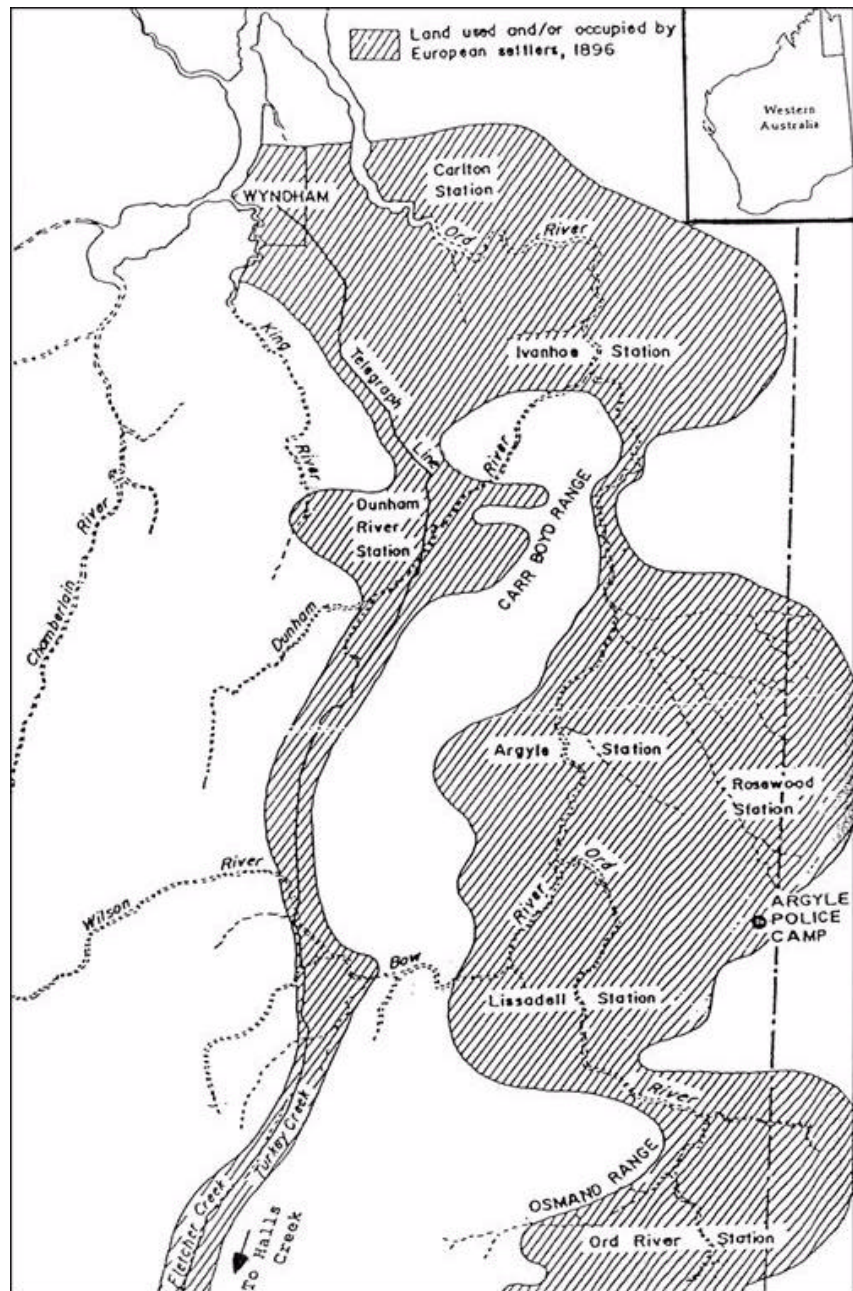


Figure 1: The East Kimberley District 1896. Cathie Clement and RWAHS.

to dispose of their stock because cattle had to be driven overland to the port at Derby, 300 miles away.⁹

Several factors contributed to a resurgence in prospects. The boom of the Kalgoorlie goldfields in 1893 brought enormous population increases to WA from the eastern colonies, and with them a market for beef.¹⁰ The improvement of Wyndham port, first used in April 1894 for live cattle export, made exporting more economical and pastoral expansion more attractive.¹¹ Post-drought conditions made beef production a viable concern.

Most of the pastoral expansion occurred along the lower Ord and Dunham Rivers and a number of smaller stations were established in more remote country on the Bow, Panton and Margaret Rivers. Carlton Station (stocked by Hart Bros) built up stock between 1893 and 1898 and the Durack brothers stocked numerous other leases on the Dunham River. They, along with WH Osmand consolidated their holdings on the Ord River.¹² Jack Kelly, an ex-stockman from the Ord River Station formed Texas Downs in late 1897.¹³

In 1897 Connor and Doherty amalgamated with the Durack Bros to form Connor, Doherty and Durack, the major pastoral company and beef producer in the East Kimberley district. Their pastoral empire covered 'roughly ten thousand square miles'.¹⁴ This, along with the company of Alexander Forrest and Isadore Emanuel in the West Kimberley, became the beef producing empire of WA.¹⁵

Geographically, the enormous East Kimberley pastoral leases from Wyndham along the Ord River valley formed a pattern of boundaries over long-established Aboriginal land and language groups: the lands of the Miriuwung, Doolboong, Gajirrawoong, Kija, right down to the Jaru.¹⁶ Stockman Jack Banggaiyerri Sullivan talks of the time when 'they [pastoralists] got a bit of ground, quietened the blackfellers, tamed them down and worked them'¹⁷ and those who 'would not come in' — meaning settle down on stations — the pastoralists 'put a bullet in them'.¹⁸ These people, who continued to live a traditional life and did not, or would not, work or 'sit down' and camp on the stations, were called 'bush blacks' by the colonists.

Pastoral expansion produced an enormous increase in cattle numbers. On Ord River Station for example, cattle numbers increased from 4000 in 1885 to an estimated 30,000 in 1896.¹⁹ Cattle invaded new country and Aboriginal people took advantage of

8. For report of drought and Aboriginal depredations, see Trooper Brophy's 'Report on the Kimberley Goldfields District', 14 Nov 1892, Acc 430, File 2293/1892.

9. Macdonald Holmes 1963: 170; also see Bolton 1953: 76. Connor and Doherty had first used Derby as a port shipping cattle for the Duracks; Denis Doherty was the Fremantle link and Francis Connor was in Wyndham.

10. Bolton 1953: 69.

11. Durack 1983: 4. Mary Durack attributes this to Francis Connor's influence.

12. Macdonald Holmes 1963: 171.

13. 'Doug Moore's Memoirs' nd, MS, Battye Library, Acc 3829A, MN 1237: 1.

14. Durack 1959: 363.

15. Bolton 1953: 70.

16. Shaw 1981: 35.

17. Shaw 1983: 65.

18. Shaw 1983: 65.

19. Bolton 1953: 77.

the lumbering cattle as a food source. As one police officer explained, they were ‘simply living on beef’.²⁰

The Kimberley Police Force

The responsibility for protection of pastoralists and property fell on the government, which used the colonial police force for this purpose. One sergeant, two constables and two native assistants – young Aboriginal men assigned to police, who tracked offenders – were introduced into the West Kimberley at Derby in 1883.²¹ In the East Kimberley, police were stationed at Wyndham and the mining locale of Elvire Creek (later moving to Halls Creek) in 1886. ‘Midway’ camps or outstations (essentially two men, their native assistants, horses and a tent) were positioned at Fletchers Creek in 1890 and Denham (Dunham) River in 1891. Their function was to protect the telegraph line from Wyndham to Halls Creek from damage by Aboriginal people who used the porcelain insulators as material for spearheads.

Police were expected to prosecute those who interfered with property or stock in what became known as ‘depredations’. The pastoral districts were policed by ‘bush patrols’. Following complaints from pastoralists, police travelled often for hundreds of miles over several weeks to arrest offenders, who were then chained by the neck and marched back to either Halls Creek or Wyndham gaol. Part of the official police role was to protect Aboriginal people from exploitative colonisation. This conflicting role as both prosecutor and protector created a great deal of social tension between the various interest groups in the Kimberley. Police were often beholden to the pastoralists, who they depended on for support for rations and shelter, so policing them was fraught with difficulty.²² Pastoralists certainly had an expectation that the police were there to serve their interests. This, coupled with the fact that the pastoralists often considered police their subordinates, created strained social relationships.

The Kimberley police force, like all the colonial police forces in Australia except Tasmania, was administered from the capital of the colony, in this case Perth. Financial constraints of the early WA colony meant that very few police were recruited relative to the size of country. Complaints from locals regarding police effectiveness were sent to Perth and replies relayed back through slow and laborious communication channels: by ship, then horse and cart and the telegraph wire if it was functional. Kimberley police received instructions from this centralised, bureaucratic organisation some 1200 miles away. But there were also demands imposed by the inordinately harsh conditions of an isolated, environmentally hostile and often violent district.

The difficulty police faced was that they were required to not only enforce British law but also compel both Europeans and Aboriginal people to act within the constraints of the law. Aboriginal people were British subjects, and, in theory, entitled to the same protections as any subject of the Crown. Kimberley police, always a civil never a military force, had to be seen to be acting within the law. Violent acts against Aboriginal people by police were often sanctioned under the rubric of ‘giving them a lesson’.

20. ‘Report from Overend Drewry to Commissioner of Police’, 14 Dec 1893, CSO, Acc 527, File 90/1894.

21. ‘Letter from Superintendent of Police MS Smith to LC Troy.’ 31 Oct 1882. AN 5/6, Acc 129.

22. Clement 1989a: 88.

Those undertaking this violent work, which aimed to pacify and control Aboriginal people, were seasoned police called 'bushmen'.

The Aboriginal responses

Europeans had been speared and killed in the East Kimberley at periodic intervals since the first arrivals. Fred Marriot in June 1886 at Halls Creek,²³ John Durack in November 1886 east of Ord River Station,²⁴ Trooper Buckley and EB Lockett at the 25 Mile Cattle Camp near Halls Creek in September 1888,²⁵ and George Barnett was speared while travelling between Fletcher Creek and Halls Creek in July 1888.²⁶ Written records reveal palpable fear on the part of the isolated settlers in all areas of the East Kimberley, especially in the early 1890s with further pastoral expansion encroaching on Aboriginal land.

In mid-1891 at Denham River Camp, PC Guilfoyle pleaded for more men and reported being terrorised nightly to the point where he reported that 'the camp is not safe at present time'.²⁷ The Fletcher Creek Police Station was burnt down in 1893 and the police horses were speared.²⁸ Mr Booty, manager of Ord River Station, reported to police in October 1893 that the 'Osmand blacks' had got so daring that it is 'not safe to send the stockman on that part of the run unless the party is a large one'.²⁹ Sergeant Thomas Wheatley wrote of the 'King River natives' south of Wyndham as 'without doubt in my opinion the fiercest and most daring natives I have met since I have been in the Kimberley district'.³⁰ One resident of the district later wrote of a state of conflict existing, with houses fortified against attack: 'stone building walls 2'6" thick, no windows, verandah, only doors. Built for safety when blacks bad'.³¹ He also told of how 'the majority of stockmen carried revolvers on their belts, but when boundary riding and doing slow work where blacks were bad, always carried their 32 rifles under the saddle'.³²

Responses in the WA Parliament

Subsequent changes in the composition of the WA legislature following the granting of responsible government in 1890 brought more oppressive regulations to bear on the Aboriginal population. John Forrest's government was hostile to the Aboriginal Protection Board. This body remained under British control as the British government was not convinced that the Aboriginal populations were being treated in a humane manner and was wary that the WA government was unduly influenced by pressure groups.³³ For-

23. 'Report by Sergt Troy regarding death of Fred Marriot', Derby Police Station. 3 July 1886, AN 5, Acc 738/3.

24. Wyndham Police Station, 11 Jan 1887, Acc 430 File 298/1887.

25. Goldfields Police Camp, 2 Sept 1888. Acc 430 File 1585/1888.

26. Wyndham Occurrence Book, 21 Aug 1888, AN 5, Acc 741/1.

27. Denham Police Station, 11 July 1891, AN 5, Acc 739.

28. 'Wingbing' was charged with this offence. Fletcher Creek Occurrence Book, 17 June 1893, AN 5, Acc 740.

29. 'Journal of a trip by Sergt Brophy and party in pursuit of natives who are killing cattle on the Ord, Osmand and other rivers', 1 Oct 1893 - 24 Nov 1893, CSO, Acc 527, File 90/1894.

30. 'Journal of Sergeant Wheatley on Patrol from Wyndham Station', 14 Oct 1895, Acc 430, File 2951/1895.

31. Doug Moore's Memoirs: 2.

32. Doug Moore's Memoirs: 16.

33. Marchant 1981: 20.

rest's government was sensitive to interference in the treatment of Aboriginal people in WA and resented outside criticisms.³⁴

The criminal offence of cattle spearing was created in 1892.³⁵ In the same year an amendment to the *Aboriginal Offenders Act* saw whipping, which had been abolished in 1883, reintroduced as punishment.³⁶ Although under a clause in pastoral leases Aboriginal people could hunt by 'burning the land', in reality the practices interfered with the newly arrived stock. This clause was extinguished by 1897.³⁷ Gaol terms were increased and pastoralists, as Justices of the Peace, could prosecute Aboriginal people caught eating beef. Those charged with cattle killing were dealt with summarily either by a magistrate or a Justice of the Peace. In 1893 an amendment removed the restriction on JPs from adjudicating on their own cases.³⁸

The WA parliament was dominated by those with agricultural and pastoral interests and was sympathetic to the problems of the settlers. One such member was the inaugural MLA for the East Kimberley, Francis Connor. His interest was as an active partner in the Connor and Doherty company and as a representative of the pastoral industry. He declared in October 1893:

No doubt there will be a lot of sentiment spoken about putting these blacks off their own country, and no doubt exception will be taken to the idea of dispersing them. But I hold that it is simply a question of whether the natives are to have this country or the whites?³⁹

Connor's speech, seconded by Alexander Forrest, was in reaction to the rising dissent in his constituency over conditions in the Kimberley and the latest spearing of a police officer, John Collins, in July 1893. Connor and Forrest advocated the establishment of a 'native police force', and hence a more aggressive police role to control attacks on settlers and stock. Alexander Forrest's concerns were the 'hill tribes' who killed stock and threatened West Kimberley settlement. He asked whether 'the life of one European is not worth a thousand natives, as far as settlement of this country is concerned'.⁴⁰ The motion was withdrawn after pressure from Premier John Forrest, who did not wish to sanction the 'indiscriminate slaughter of blackfellows'.⁴¹ The actions of police on bush patrol revealed the variance between government rhetoric and the reality which existed 1200 miles away on the East Kimberley frontier.

³⁴. Marchant 1981: 15–30. Allegations were aired in 1886 by Reverend JB Gribble about cruelty and abuse by settlers in the earlier settled Gascoyne districts: see Gribble 1905.

³⁵. Marchant 1981: 9.

³⁶. *Aboriginal Offender Act Amendment 1883, Statutes of Western Australia*. No. 18 1892. Point 3: 'The number of strokes not exceeding twenty five, or in the case of a male offender under the age of sixteen not exceeding twelve.' Point 4: 'No whipping shall be inflicted except in the presence of a Justice of the Peace, Protector of Aborigines or officer of the police not under the rank of Sergeant.'

³⁷. Marchant 1981: 9.

³⁸. Gaol penalties ranged from three years for a first offence to five years for any subsequent offence. *Aboriginal Offender Act Amendment 1893*. 56 Vic, No.15.

³⁹. Speech by F Connor, 4 Oct 1893, WAPD 5: 1050.

⁴⁰. Speech by A Forrest, 4 Oct 1893, WAPD 5: 1052.

⁴¹. Speech by Hon Sir J Forrest, 5 Oct 1893, WAPD 5: 1065.

The spearing of Trooper Collins

The patrol on which Trooper John Collins was speared took place along the Behn River near Rosewood Station. According to newspaper reports of this affray, 23 Aboriginal people were shot.⁴² After Collins' death a large police party consisting of 'bushmen' went out with the purpose of 'arresting or dispersing natives who had killed PC Collins and who are continually killing cattle on the Ord, Osmand and other rivers'.⁴³ The punitive party was ostensibly one which would 'teach them a lesson' and consisted of Sergeant Brophy, PC Rhatigan, PC McCarthy, PC Lucanus, and Native Assistants Rocket, Willie, Mickey, and Dickey. The police certainly had a clear understanding of their role: they travelled 678 miles over two months and shot 30 Aboriginal people in this time.⁴⁴ Sergeant Brophy noted, 'In all my experience with natives I have never known them to make such plucky and determined fight as those blacks'.⁴⁵ He went on to state that:

The natives we had to deal with are no doubt the worst in Western Australia and had the party not been a good strong one all with a good knowledge of the bush and natives the result of the expedition may not have ended up so successful the punishment given to these natives will I am certain have a good effect as to arrest them in the high ranges is simply impossible for they show 'fight' on the approach of any white man.⁴⁶

Sub Inspector Drewry, in charge of the Kimberley district, justified the deaths to Commissioner Phillips by stating, 'it is almost impossible for the police to arrest these natives so long as the natives are unwounded and have their spears they will stand off the police or anyone else every time'.⁴⁷

The importance of these 'strong' bush police parties must be viewed in the context of the development of Kimberley policing. The WA government, while not openly endorsing oppressive practices towards Aboriginal people, tolerated certain activities if they perceived them to be necessary in maintaining control in the Kimberley.

Unlike other colonial frontiers, control of the Aboriginal population on the Kimberley frontier was undertaken by a civil police force which had strict rules and regulations regarding firearms. Several attempts were made to establish a native police force following the Queensland model: in early 1887, citizens of Wyndham, including Francis Connor, petitioned the Governor of WA, Sir Frederick Napier Broome, to establish a body capable of dealing with Aboriginal people in the region.⁴⁸ The Government Resident of Wyndham endorsed this idea because of the 'brave and warlike behaviour'

⁴². *The Western Australian Record*, 5 Oct 1893: 7.

⁴³. Report by Sergt Brophy to Commissioner of Police, 30 Nov 1893, CSO, Acc 527, File 90/1894.

⁴⁴. 'Journal of a trip by Sergt Brophy and party in pursuit of natives who are killing cattle on the Ord, Osmand and other rivers', 1 Oct 1893 – 24 Nov 1893, CSO, Acc 527, File 90/1894.

⁴⁵. 'Journal of a trip by Sergt Brophy and party in pursuit of natives who are killing cattle on the Ord, Osmand and other rivers', 25 Oct 1893, CSO, Acc 527, File 90/1894.

⁴⁶. 'Report by Sergt Brophy to Commissioner of Police', 30 Nov 1893, CSO, Acc 527, File 90/1894.

⁴⁷. 'Report from Overend Drewry to Commissioner of Police', 14 Dec 1893, CSO, Acc 527, File 90/1894.

⁴⁸. 'Letter from Buchanan, A Lucanus, HF Keep, CJ Hepperton, Smallpage Bro & Co, F Connor, PJ Durack, AGD Beresford, Wyndham to His Excellency, Sir Frederick Napier Broome, Governor of Western Australia, Perth', 11 Jan 1887, CSO, Acc 527, File 677/1887.

of the East Kimberley Aboriginal people and because he found ‘that Europeans are not the slightest use in this country’.⁴⁹ This idea was dismissed as Commissioner MS Smith did not wish to use a ‘Queensland style’ policing method.

In April 1887, after the death of MS Smith, George Braithwaite Phillips took over as Police Commissioner. Phillips, who had never been a policeman nor been to the Kimberley, was socially well-connected in the Perth colonial elite. He was a member of the Weld Club – an exclusive club of legislators, business people and a close friend of Alexander Forrest.⁵⁰ In early 1888, the Colonial Secretary, Malcolm Fraser, ordered a reduction in the police force to reduce expenditure.⁵¹ Phillips requested more police, however financial limitations precluded this.⁵² He did however change the rules and regulations regarding the use of firearms by the police, an issue first discussed in October 1888. These rules were questioned by FN Broome, then by Attorney General A Warton, particularly Phillips’ original pronouncement ‘that a person committing a felony’ may ‘be lawfully killed providing he cannot be otherwise apprehended’.⁵³ Broome asked if ‘the word “kill” [is] not used with undue prominence and emphasis’.⁵⁴ The wording of this regulation was changed, to ‘be lawfully “fired upon” providing he cannot be otherwise apprehended’.⁵⁵ Under official police rules, firearms were to be used if no other means of preventing the escape of the person pursued was available. In reality the line for bush police between legal use and indiscriminate shooting was often indistinguishable. In any case, the most valuable police in the Kimberley – the ‘bushmen’ who were experienced with firearms, horses, and ‘bush work’ – were lauded for their skills.

Who were the bushmen?

Most police recruits were ‘unskilled workers’, ‘labourers’, or from police forces in other parts of Australia. Some came from a military background, some joined and left several times depending on their fortunes elsewhere. Joining the police force was a last resort for many men, but it had the prospect of progressive promotion, regular pay, and a way out of poverty. Accordingly, the standard of applicants was often not high, to such an extent that they could often be more of an encumbrance to other officers than any assistance.⁵⁶ Police were often reluctant to serve in the northern districts due to the harsh conditions: police in the midway camps lived in tents and subsisted on a diet of salted meat, tea and damper, with some dying from illnesses such as typhoid, malaria, and scurvy. Their horses, too, would frequently be ‘knocked up’ or get the ‘mad staggers’ from being ridden for long periods in harsh conditions. A special allowance had to be created to entice men to serve in the north.⁵⁷ Under Section 7 of the 1892 *Police Act*,

49. ‘Letter to Colonial Secretary Perth from Government Resident Wyndham’, 4 Jan 1887, CSO, Acc 527, File 677/1887.

50. Bentley 1993: 140.

51. See *Police Gazette*, 25 Jan 1888, CO 6/840 Phillips Volume 4 1888: 15.

52. Bentley 1993: 141.

53. Draft rules for the use of firearms, G Phillips point 3, CSO, Acc 527, File 2833/1889.

54. Correspondence from FN Broome to Commissioner of Police, 3 Oct 1888, CSO, Acc 527, File 2833/1888.

55. Draft rules for the use of firearms, G Phillips point 3, CSO, Acc 527, File 2833/1889.

56. Wyndham Letterbook, PC Troy’s description of PC Archdeacon, nd (circa April 1890), AN 5, Acc 741/11.

57. *Western Australian Government Gazette* 17 Oct 1888.

the Commissioner could promote police simply for serving in the Kimberley district. He also had the power to hire non-commissioned officers at his discretion.⁵⁸

For all the 'good bushmen' there were equally police considered 'useless', as they were ill-suited to the environment and the work required of them. Social pressures influenced the actions of police, especially around the centre of Wyndham where police drinking was a problem and personal relationships were not harmonious. The extent of this was evident when, in May 1890, Sergeant Richard Troy reported to Commissioner Phillips that PCs Tuke and Archdeacon were drinking so much that they 'are not to be trusted as they cannot resist drink whenever its obtainable if they are out of sight of an officer'.⁵⁹ At the same station, PC Pollard had reported PC Tuke to Sergeant Troy for swearing at him, drunkenness, and neglect of duty. In June 1890, PC Pollard shot Sergeant Troy in the back while raiding an Aboriginal camp 135 miles from Wyndham; Troy died three days later.⁶⁰ PC Tuke pleaded with the Commissioner of Police to transfer him south as he feared the climate was permanently injuring his health.⁶¹ PC Archdeacon left after becoming dangerously ill with fever and dysentery. Sergeant Houlihan had reported PC Gee for being so drunk on duty that he was falling off his horse.⁶² A new officer, Constable Oakes, arrived in Wyndham but the assessment by a superior officer was less than flattering: 'no horseman, no knowledge of horses, unacquainted with firearms, no experience of bush life and has not the least inclination to do anything about it ... he is simply useless at cleaning saddles even'. Oakes also feigned illness to avoid bush patrol.⁶³

Such was the number of police leaving the district that the Commissioner ruled that if an officer was stationed more than two miles from Perth he had to give three months notice rather than one month.⁶⁴ Relationships between local communities and their police were to be kept as distant as possible through the constant transfer of staff. However, as there was such difficulty getting appropriate staff, this principle was ignored, leaving relationships to develop which were often improper. The outcome of these events was that 'bush police' evolved as both a police force which was efficient in the district and as individual characters. These police not only tolerated but embraced living in harsh conditions with an increasingly hostile Aboriginal response to their presence. In the mid-1890s these men and their native assistants were sought out by police authorities and sent to the East Kimberley because they had considerable experience with the 'native question'. Mick Rhatigan, Michael Brophy, Thomas Wheatley, Arthur Freeman and August Lucanus were such men. Rhatigan and Brophy, for example, stayed in the East Kimberley for over 15 and 16 years respectively.⁶⁵ PC Rhatigan in particular had a reputation as a 'good bushman'. Turkey Creek stockman Doug Moore

58. *The Police Act 1892*, 55th Vic, No. 27. Section 7.

59. Wyndham Letterbook, 10 May 1890, AN 5, Acc 741/11.

60. Wyndham Occurrence Book, 11 Jun 1890, AN 5, Acc 741/2.

61. Tuke resigned when the Commissioner ignored his request. Wyndham Letterbook, 4 Nov 1891, AN 5, Acc 741/11.

62. Wyndham Letterbook, 5 Mar 1891, AN 5, Acc 741/11.

63. Wyndham Letterbook, 22 Feb 1891, AN 5, Acc 741/11.

64. *Police Gazette*, 23 March 1892, CO 6/966(12) 1892: 47.

65. Battye 1912: 528.

referred to him as ‘one of the best shots in the country and he missed very few blacks if after them, especially on the Osmond River where they were pretty well cleaned up’.⁶⁶

In the West Kimberley, bush police such as Arthur Buckland, Reginald Nash Spong, and Richard Henry Pilmer were employed to deal with the ongoing conflict, specifically the ‘native outlaw, Pigeon’ or Jandamarra.⁶⁷ In late 1894, Commissioner Phillips decentralised administrative control of the Kimberley district. Police in the West Kimberley came under Overend Drewry’s command.⁶⁸ The Governor of Western Australia, under advice from GB Phillips, appointed Frederick John Orme to be Sub Inspector of Police in the East Kimberley.⁶⁹

Claims and counterclaims on the new pastoral frontiers

Phillips instructed Orme, who was stationed in Wyndham, to establish the extent of stock depredations in the Argyle area and surrounds. This was in response to a letter from Nathaniel Buchanan, the new manager of WH Osmand’s Ord River Station: on 19 February 1895 he had written an agitated letter declaring that ‘Blacks have been very troublesome and were killing in all directions ... they seem to be getting more daring every day’. Buchanan demanded police protection, stating that the nearest police were either 210 miles north in Wyndham or 130 miles south in Halls Creek, and claiming that he had lost 7000 cattle to depredations since his station was first stocked.⁷⁰

Orme’s response to Phillips in March 1895 expressed incredulity at Buchanan’s allegations. He reported that Buchanan was exaggerating losses and, since he had been managing the station only since November 1894, had little idea of how many cattle were on his run. Orme went on to express concern that the ‘strain of Mr Buchanan’s letter means the extermination of the Aborigines, which I am not in favour of, as I am sure they can be made quiet if the station owners will only work with the police’.⁷¹ A month later Orme wrote again, this time putting far more emphasis on the reasons for Buchanan’s accusations. He stated ‘with confidence’ that the claims made by Buchanan were false.⁷² He said the ‘natives on Ord River Station were not troublesome’ and that mismanagement and incompetence of the new owner, Mr Osmand, were to blame. This man, Orme said, had hired stockmen of whom he said: ‘it is a fact that not one of them yet know on what part of the run the majority of cattle are on’. He added that they were scared of the ‘Ord River natives’, had only four men to look after 20,000 cattle over 150 square miles, and ‘the stockmen cannot go out without being lost and it is always neces-

⁶⁶. ‘Doug Moore’s Memoirs’ nd: 2. Mick Rhatigan is implicated in a massacre at Mistake Creek (near Turkey Creek) in 1915. See Clement 1989b: 16–17.

⁶⁷. See Pederson 1995 for an account of the Pigeon story in the West Kimberley.

⁶⁸. Drewry was replaced by Sub Inspector Craven Harry Ord in August 1895.

⁶⁹. *Police Gazette*, 5 Dec 1894, CO 6/1092 Phillips 49 (CSO 1987/1894) 1894: 221.

⁷⁰. ‘Letter to Minister for Lands from Nathaniel Buchanan’, Ord River Station, Wyndham, February 1895, CSO, Acc 527, File 823/1895.

⁷¹. ‘Letter from O/C Sub Inspector Orme to Commissioner of Police’, 3 March 1895, Halls Creek Station, CSO, Acc 527, File 823/1895.

⁷². ‘Correspondence from Sub Inspector Fred Orme to Commissioner of Police’, 6 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

sary to send a blackboy with them'. Orme concluded, 'I think that Buchanan wrote the letter in order to save himself, as they have no idea how the mustering will turn out'.⁷³

Much of what Orme wrote can be substantiated by author Mary Durack. She states that after Osmand had bought out his partner, JA Panton, in 1894, he had directed 'a succession of discouraged managers' from Melbourne via 'enigmatic telegrams and autocratic letters'. Osmand was using the business as an investment and had planned to sell when he had built up enough stock. He 'clearly had no interest in improving the property' or responding to requests from workers for improved amenities.⁷⁴ Osmand's letters to the government certainly stated his position quite clearly:

The losses in cattle speared by the blacks is about £28,000 and now after eleven years of this sort of thing a daily brutal killing of cows calving and heavy in calf still goes on. I think the government must admit that this is not the sort of treatment English settlers expect (after having risked their capital) from the government of a British Colony.⁷⁵

Osmand went on to express an urgent need for protection, as his station workers could not protect themselves. He stated that:

The premier was interviewed some time about November last by Mssrs Durack who was then in Perth, and Mr. Frank Connor MLA Parliamentary Representative for West Kimberley representing complaints then made by Kimberley settlers of the wholesale cattle slaughtering that was going on at that time. Promises were made that the police should put a stop to it and there it ended. Things are now worse than ever.⁷⁶

It appears that such letters and telegrams were effective, as a telegram was sent to Osmand in Victoria from the Office of the Premier advising him that police would 'visit the stations regularly'.⁷⁷

Demands also came from pastoral stations further north, particularly those owned by the Durack family. However, as with Osmand's Ord River Station, Orme disputed these allegations on similar grounds. He stated that Mantinea Station was leased by PJ Durack, who was actually managing Lissadell Station (which was over 100 miles away), and so the cattle had no overseer. 'No wonder they are disturbed,' he said, 'yet the police have to bear the abuse and the complaints which are made. They will not look after their own cattle, and yet expect the police to stop the cattle killing'. And, at Lissadell Station, the manager complained of stock losses but Orme was forthright in stating to Phillips that 'Lissadell report natives very troublesome but I am not prepared to believe this. This station is continually making reports of cattle killing, but they are too frightened to go out and see for themselves'.⁷⁸ This was substantiated when Sergeant Wheatley visited Lissadell Station in May 1895 and was informed by a stockman

73. 'Correspondence from Sub Inspector Fred Orme to Commissioner of Police', 6 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

74. Durack 1983: 46.

75. 'Letter from WH Osmand. Stawell. Vic to Minister of Lands', 15 April 1895, CSO, Acc 527, File 823/1895.

76. 'Letter from WH Osmand. Stawell. Vic to Minister of Lands', 15 April 1895, CSO, Acc 527, File 823/1895.

77. 'Telegram from Office of the Premier and Under Secretary to Osmund [sic] Stawell, Vic', 23 July 1895, CSO, Acc 527, File 823/1895.

that 'no one had been around the run or amongst the cattle for over eight months and they know of no cattle being killed'.⁷⁹

Orme reported to the Commissioner of Police that stations in the East Kimberley would 'kill beasts at regular intervals for the natives, all Durack stations being exceptions'. He said the Duracks 'wanted to know who would pay for this'. Orme went on to state that 'All stations, bar Duracks, wish me to bring in the natives in to the homestead when, with the help of the police, they will civilise them'.⁸⁰ Sergeant Wheatley had, however, observed P Durack killing stock for the 'bush blacks' on 9 May 1895.⁸¹ Disputed and often exaggerated claims abounded at this time and personal animosity often dominated reporting of events. There was however, an expectation from some Duracks that the police would be their personal boundary patrol. Sergeant Wheatley told P Durack at Ivanhoe Station that 'he must not expect police to be stockmen for him'.⁸²

The relationship between police and pastoralists was documented by George Marsden, the travelling Inspector of the unpopular Kimberley body, the Aboriginal Protection Board.⁸³ In 1896 he reported of Michael and Ambrose Durack that:

Mr Durack was the first settler in the Kimberley and he says at first he was never troubled by the natives at all as they seemed to fear the 'white man', but as soon as the police came to Kimberley and blacks got into trouble and were arrested and then escaped or returned after their time then the trouble with the cattle began. Mr Durack spoke very warmly as to the utter ruin and eventual disaster which will arise from the blacks escaping apparently whenever they like from Wyndham gaol. As most of these natives who have escaped belong to the Denham, Lizardell [sic] and Argyle countries, all of which join one another, they have returned with utter contempt for the 'white man', except that when he is around and awake. They prowl around at night now ... a thing which in former years has never happened, and if they find the camp asleep they throw spears into it. This shows pretty plainly that they are becoming bolder and this can only arise from the fact that they know the white men at Wyndham cannot hold them ... Mr Durack spoke rather significantly as to his present treatment of bush natives. He says: – 'In former years I used to treat them kindly, I killed bullocks and fed them: they returned my kindness by driving my bullocks over the ranges, and scattering them on the runs and now I have turned "dog" on them now'.⁸⁴

⁷⁸. 'Correspondence from Sub Inspector Fred Orme to Commissioner of Police', 6 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

⁷⁹. 'Journal of report of Sergeant Wheatley and PC Rhatigan. 22 April 1895 – 4 June 1895', 9 May 1895, Wyndham Station, CSO, Acc 527, 823/1895.

⁸⁰. 'Correspondence from Sub Inspector Fred Orme to Commissioner of Police' 6 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

⁸¹. 'Journal of report of Sergeant Wheatley and PC Rhatigan. East Kimberley district 22 April 1895 – 4 June 1895', 9 May 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

⁸². 'Journal of report of Sergeant Wheatley and PC Rhatigan. 22 April 1895 – 4 June 1895', 27 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

⁸³. See G Marsden's 'General Report of the Kimberley District', 12 Mar 1897. Marsden wrote, 'The Aboriginal Protection Board is not popular amongst the settlers in the Kimberley.' AN 1/1, Acc 495, Item 12.

⁸⁴. Aboriginal Protection Board Correspondence, 'Report for the Secretary of the Aboriginal Protection Board of Western Australia from Mr. George Marsden', 3 Sept 1896, Emphasis in original. AN 1/1, Acc 495, Item 49.

The animosity between police and pastoralists was based on the belief that the other party had created the situation. Pastoralists, police stated, were undermanned and too afraid to patrol their runs and look after their stock because Aboriginal resistance was so fierce. Police, pastoralists claimed, were incompetent, too far away, or too slow to arrest any 'ringleaders', and were to blame for the entire state of affairs.⁸⁵ MP Durack claimed 'Ye're all useless anyway without the blacks to help you with the dirty work'.⁸⁶ WH Osmand asserted that an unnamed Durack had told him that escapes from Wyndham gaol were 'understood and arranged' by the police so they could re-arrest the same offenders and thus be seen to be acting. He suggested that a new Commissioner was in order: 'a more active and smarter man of more modern ideas is required for the position'.⁸⁷

Pastoralists wanted decisive and effective police action. They wanted Aboriginal people off the land, claiming their presence startled the cattle, making them unmanageable and prone to losing condition. By engaging police, pastoralists envisaged that they could legally be rid of the Aboriginal people whose country they had colonised and who were showing resistance to their presence. They saw this as their right as they paid their taxes to the government for the land and for their protection; by exaggerating stock losses and creating a sense of urgency they would bring more police to the district. Furthermore, blaming Aboriginal people for all losses would defuse issues relating to mismanagement (with owners often based in the eastern colonies) and the loss of cattle by drought, wild dogs, disease, and cattle theft or 'duffing'.⁸⁸ One stockman asserted that 'in fact no less than 6 stations were made around the Ord River by shaking Ord River cattle'. This included Texas Downs Station stocked by 'a confirmed cattle thief' Jack Kelly.⁸⁹

The bush patrol from Wyndham

The police patrol, responding to the pastoralists' allegations, left Wyndham on 22 April 1895.⁹⁰ Sergeant Thomas Wheatley, PC Mick Rhatigan and native assistant Dicky visited Hart Bros' Carlton Station, where 'Mr Hart kindly lent me his native boy Pompy and a horse saddle' and Ivanhoe Stud Station where they registered stock numbers but reported no problems. On 4 May they arrived at Argyle Downs Station, where P Durack reported 'no natives had killed cattle of late'. On 5 May, however, they went to Prospect Creek where, Sergeant Wheatley stated, they 'saw cattle running and natives chasing them'. PC Rhatigan fired on them, 'killing four men'.⁹¹ Orme reported to Phil-

⁸⁵. Mary Durack refers to the antagonism in Durack 1959: 354.

⁸⁶. Durack 1983: 326.

⁸⁷. 'Cattle Killing in the East Kimberley', Letter from WH Osmand to F Connor, 4 May 1895, CSO, Acc 527, File 1868/1895.

⁸⁸. Fencing on these enormous pastoral leases, for obvious reasons, was out of the question. In any case, pastoralists practised the 'open range' method of grazing peculiar to Queensland whereby cattle roamed freely.

⁸⁹. 'Doug Moore's Memoirs': 1. 'Shaking' means stealing.

⁹⁰. 'Journal of report of Sergeant Wheatley and PC Rhatigan 22 April - 4 June 1895', 22 April, 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

⁹¹. 'Journal of report of Sergeant Wheatley and PC Rhatigan 22 April - 4 June 1895', 5 May 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

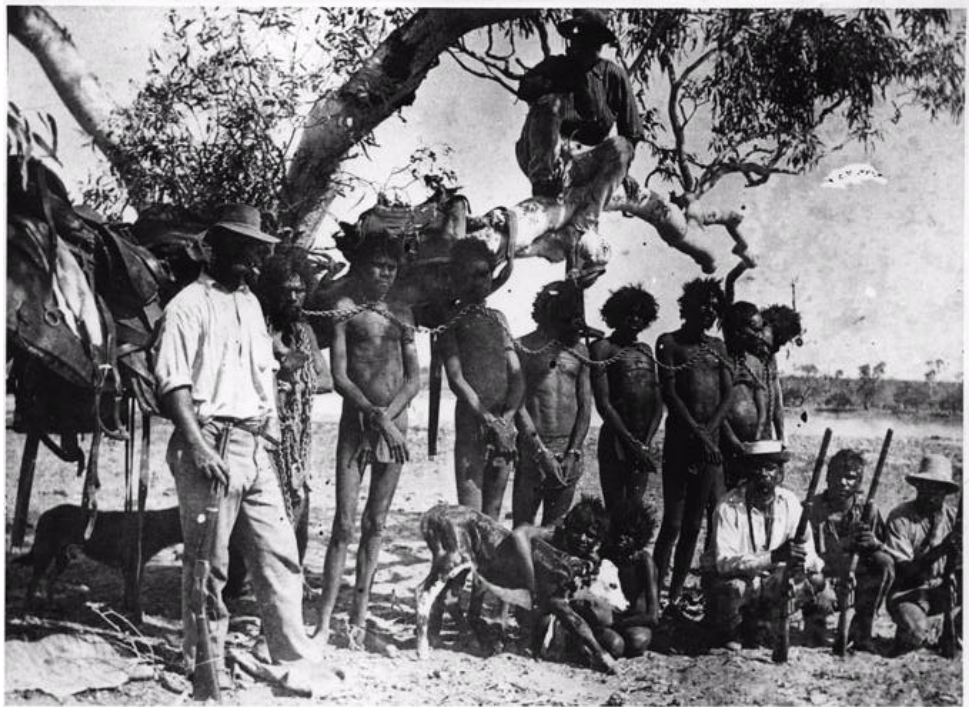


Figure 2: 'Police, Native Assistants and Prisoners' ca1890. Batty Library 7816B.

lips that the shooting on 5 May 'gave some natives whom they found in the act a lesson that they will remember'.⁹²

In other districts, allegations of cattle killing continued. Denis Doherty sent a letter from Fremantle to the Commissioner quoting Francis Connor:

Wyndham 16th November 1895

Blacks are worse now than ever they were known to be. Michael (M P) can tell you what he saw at Newry reports this morning a wholesale slaughter of imported stock and horses at stud station we see by papers reports to Commissioner are at variance let commissioner know this. Mr. M P Durack will be here tomorrow he anxious have a chat with you. Kindly let me know when it would be convenient for you to see him. I have taken the duty of writing to you as F. Connor is in the Eastern Colonies.⁹³

In response to this correspondence, GB Phillips wrote to Connor and Doherty outlining police procedure in the Argyle pastoral region:

⁹². 'Report by Sub Inspector Fred Orme on Sergeant Wheatley's April May Trip', 14 June 1895, CSO, Acc 527, 823/1895.

⁹³. Personal Correspondence, 'Letter to Commissioner of Police GB Phillips from D Doherty', 18 Nov 1895, CSO, Acc 527, File 823/1895; M Durack had left the Ivanhoe station on board the boat 'Pagliaferro' to report to GB Phillips. See Telegram from Orme to Commissioner of Police, 16 Nov 1895, CSO, Acc 527, File 823/1895.

Acknowledge Mr Doherty letter and say that I shall be glad to see Mr. Durack at any time that he can make it convenient to call, if he will kindly let me know the day and hour ... I may state that the police left Wyndham on the 6th instant to patrol the various stations and that they have been instructed to remain out until they have thoroughly dispersed the natives.⁹⁴

Personal visits by MP Durack and Connor and Doherty's correspondence put pressure on the Commissioner of Police, who then wired Orme stating his reports were 'contradictory and misleading' and that he was 'at one time saying no cattle were being killed' and at other times saying that 'natives were very bad'. And ultimately, that the 'settlers deny correctness of police reports and state natives are continually killing cattle'. Commissioner Phillips ordered Sergeant Wheatley and his party 'to remain on stations and disperse all natives. Establish regular communication with him [Orme] and keep me informed of what is being done'.⁹⁵ Police became actively engaged in the protection of cattle on specific pastoral stations at the expense of local Aboriginal communities.

The 'dispersal' in action

Police regulations required a written record of daily events in the form of Occurrence Books for stations, Letterbooks for correspondence to Perth and Journals for bush patrols. The Occurrence Book for Wyndham Station states that in November 1895 a police party had been ordered to undertake a bush patrol and for several days previous to the patrol PC Mick Rhatigan had been busy shoeing a large number of horses for the long trip.⁹⁶ The unusually large police party consisted of Rhatigan, Sergeant Wheatley, four Native Assistants — Mickey, Willy, Joe, and Bubby — and 13 horses.⁹⁷ Sergeant Wheatley's private notebook, the only surviving record of this event, describes how the police party left Wyndham on 6 November 1895, arrived at Ivanhoe Stud Station on 9 November, and, after tracking until 11 November, found the group deemed responsible for cattle killing. Sergeant Wheatley describes the scene:

Left camp at 6.30am and followed the tracks and came upon the natives in a large lagoon, the assistants told them to come out of the water and reeds, two of them came which we arrested the rest of them tried to escape but in doing so we fired on them killing twenty men the women and children making good their escape. The two we arrested shewed us where they killed the cattle and told us they had killed plenty the following are the names of the two we arrested Ginnare, Cunbiliger.⁹⁸

This shooting is the single largest incident recorded by police in the Kimberley district. For the next two weeks the police party travelled along the Ord River and around Ivanhoe Stud Station looking for Aboriginal people. On 22 November the police found the Aboriginal camp where there were 25 women and 30 children, and twelve

94. Telegram GB Phillips to Connor and Doherty, 'Cattle killing on Stud station East Kimberley', Marked 2967/1895 and 2945/1895, 18 Nov 1895, CSO, Acc 527, File 823/1895.

95. 'Telegram from Commissioner of Police G B Phillips to Sub Inspector Fred Orme', 19 Nov 1895, CSO, Acc 527, File 823/1895.

96. Wyndham Occurrence Book, 2-6 Nov 1895, AN 5, Acc 741/3.

97. Wyndham Occurrence Book, 6 Nov 1895, AN 5, Acc 741/3.

98. 'Private diary of Sergeant Thomas Wheatley during police patrols from Wyndham from 6 Nov to 23 Dec 1895', 11 Nov 1895, Battye Library, Acc 1266A Manuscript.

men whom they arrested.⁹⁹ The police party, with their prisoners chained by the neck, then went to Lissadell, where they picked up rations and supplies from the homestead, and Michael Durack reported that had seen 'the remains of 18 head of cattle killed by natives'. They proceeded to Rosewood Station where Tom Kilfoyle said that 'the natives had not interfered with his cattle since last wet season', and then to Connor and Doherty's Newry Station, where the manager said 'the natives had killed cattle two months ago on the Keep River'. They then returned to Ivanhoe Stud Station, where Wheatley observed that 'natives had not interfered with the stock since we dispersed them on our way up'.¹⁰⁰ Wheatley and party stopped for a day on 16 December, as three of the prisoners could not keep walking due to exhaustion. According to the records of the Wyndham Police Station Occurrence Book, the patrol returned over six weeks later on 23 December with 14 prisoners 'on the chain' and two witnesses.¹⁰¹ Since the prisoners' arrest they had walked, chained together and chained to trees at night, over 260 miles (400km).¹⁰² In Wyndham court, on 23 December, before F Pearse and JW Durack JP, 13 prisoners were charged with 'being in the unlawful possession of beef' and sentenced to two years with hard labour and 15 lashes of the cat-o'-nine tails. One Aboriginal boy was remanded for eight days, pending the arrival of M Durack to charge him.¹⁰³ After this police activity, a telegram from Orme directly to the Commissioner of Police revealed a little more than the usual police reports:

Returned today met police party about eighty miles from here they have had most successful trip tribe recently killing at Durack Bros Ivanhoe Stud Station thoroughly dispersed not one escaping. Durack Bros reports no killing on Argyle Downs station Sergt Wheatley met Halls Creek police party at Lissadell station where both parties dispersed several tribes.¹⁰⁴

By 7 February 1896, Sub Inspector Orme declared to the Commissioner: 'Re: Native depredations on stations settlers throughout district express great pleasure at actions of police latterly and also express opinion that there is little doubt but that cattle killing will cease for a while'.¹⁰⁵

The consolidation of police forces and the opening of Argyle Police Camp

Under Phillips' instructions, a new camp at Argyle Downs was established as a more cost-effective way to police the new pastoral districts. Police, rather than travelling

⁹⁹. The prisoners' names were Didgebrinng, Giniring, Cullingagin, Wallabaring, Bulanine, Gorge, Coolwaring, Gangauire, Caarabang, Gillbangie. Wheatley Manuscript, 22 Nov 1895.

¹⁰⁰. 'Private diary of Sergeant Thomas Wheatley during police patrols from Wyndham from 6 Nov to 23 Dec 1895', 18 Dec 1895, Battye Library, Acc 1266A, Manuscript.

¹⁰¹. Wyndham Occurrence books records 14 prisoners, Wheatley records 12 but only gives the names of 10.

¹⁰². 'Private diary of Sergeant Thomas Wheatley during police patrols from Wyndham from 6 Nov to 23 Dec 1895', Battye Library, Acc 1266A, Manuscript.

¹⁰³. Wyndham Occurrence Book, 23 Dec 1895, AN 5, Acc 741/3.

¹⁰⁴. 'Telegram from Sub Inspector Orme to Commissioner of Police GB Phillips', Wyndham Station, 15 Dec 1895, CSO, Acc 527, File 823/1895. See also Telegram dated 27 Dec 1895 Const. Inglis and party 'dispersed several tribes on Lissadell and Ord River Stations', CSO, Acc 527, File 823/1895. There is no surviving record of these Halls Creek police patrols in the State Archives.

¹⁰⁵. 'Telegram from Sub Inspector Orme to Commissioner of Police GB Phillips', 7 Feb 1896, CSO, Acc 527, File 823/1895. See Figure 3.

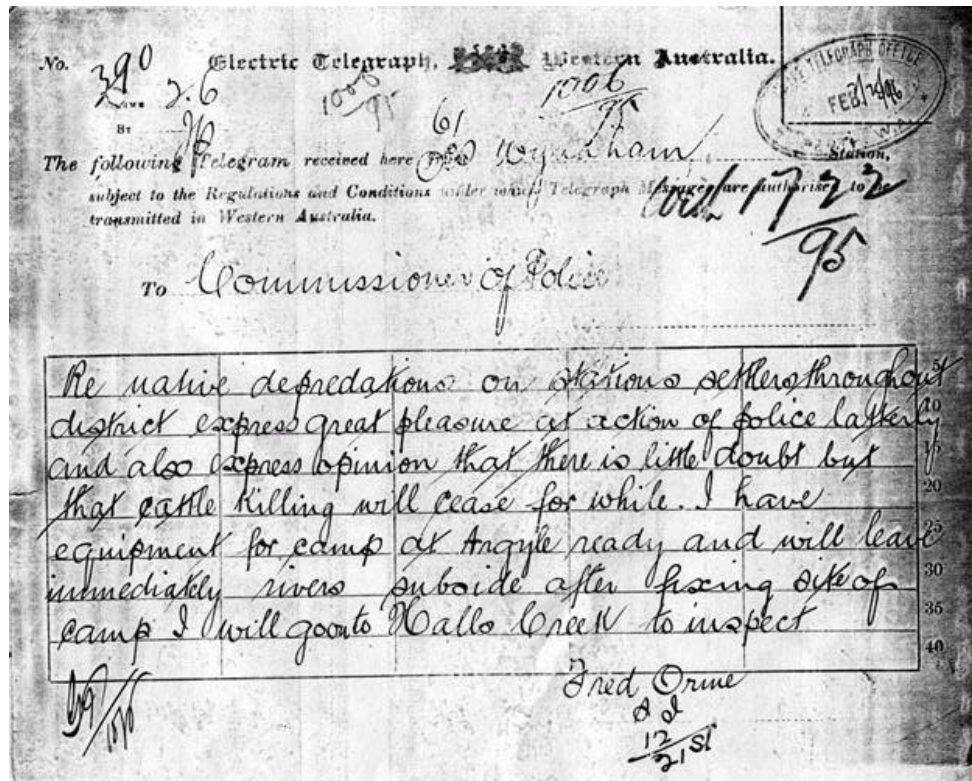


Figure 3: Sub Inspector Orme's Telegram to Commissioner Phillips. 7 Feb 1896. State Records Office of Western Australia.

from Wyndham or Halls Creek (often extremely difficult in the wet season), would be more central to the areas requiring police attention. The Argyle camp was actually situated at Wild Dog Springs (hence the general name), a spot situated on the mail route from Wyndham down to the Goldfields and Halls Creek.¹⁰⁶ The main role of the new camp was to patrol Lissadell, Argyle, Ivanhoe Stud, Carlton, Mantinea, and Ord River Stations.¹⁰⁷ Complementing this force were the Constables from Fletcher Creek and Denham River camps, who had been withdrawn in December 1895 when it was thought the telegraph line no longer needed protection, due to 'extensive killing and imprisonment'.¹⁰⁸

Officially established on 23 April 1896, 'Wild Dog' originally consisted of three seasoned bush constables, four native assistants and 16 horses, under command of Fred Orme.¹⁰⁹ The available records from this camp are testimony to the actions of bush police engaged in a process of pacification through ambush, arrest, and shootings. Any

¹⁰⁶. The camp was 38 miles from Argyle Station, 56 miles from Ord River Station, 28 miles from Rosewood and 50 miles from Newry — it was placed in order to be most central to all stations in the district.

¹⁰⁷. 'Correspondence from Sub Inspector Fred Orme to Commissioner of Police', 6 April 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

¹⁰⁸. Clement 1989a: 86.

deaths were justified in the police records under the guise of ‘resisting arrest’ or ‘escaping’.¹¹⁰ Police use of firearms was unchecked, there was no attempt to arrest ‘ringleaders’, and numerous Aboriginal people were shot not only for ‘being in possession of beef’ – a criminal offence – but, as the following examples of police actions show, simply because they were there.

In September 1896, PC Rhatigan was working directly from Argyle camp with native assistants Pluto and Peter, getting beef supplies from Rosewood Station.¹¹¹ On their way they tracked a mob of Aboriginal people who had allegedly killed and eaten a horse and had killed cattle. On 22 September, the party surrounded the Aboriginal camp at sunrise and, according to Rhatigan’s report, the Native Assistant called out to them to:

leave their spears and not run away. I succeeded in arresting four natives who stopped. There were a large number who made there [sic] escape there were several men shot in trying to make their escape. There was 50 rounds of Winchester ammunition expended. We found about three cwt of beef in this camp.¹¹²

The party then returned to Rosewood Station to pick up rations as they were out of beef. On the next patrol, on 27 October 1896, PC Arthur Freeman came across the path of a ‘large mob’ but, since he was on his own, decided to go to Argyle Station and get four native assistants – Pluto, Corriway, Paddy, and Wallily – and PC Rhatigan to assist him.¹¹³ By 29 October they had tracked the party to 10 miles from Argyle police camp, according to Pluto. They found the group, waited until sunrise, and, as PC Freeman wrote:

as day broke and natives began to awake ordered them to sit down and not to try and run away. Some complied and others ran for their spears several of which were thrown, ordered boys [the native assistants] to fire on those attempting to escape. Several were shot and more escaped. Arrested 14 men and two women. I should estimate there were at least 40 or fifty women in this camp not counting children – expended 40 rounds of Winchester ammunition.¹¹⁴

During this time police activity around Argyle involved collecting and transferring prisoners. PC Rhatigan took 22 from Argyle to Wyndham gaol on 5 October 1896.¹¹⁵ On December 25 1896, PC Freeman was on patrol again on the Ord River and Lissadell runs.¹¹⁶ After leaving Argyle camp he tracked a party of Aboriginal people until:

¹⁰⁹. ‘Telegram from Commissioner of Police GB Phillips to Sub Inspector Orme’, 2Dec 1895, Wyndham Station, CSO, Acc 527, File 823/1895.

¹¹⁰. See for example ‘PC Freeman’s Journal whilst on Patrol on Ord River and Lissadell Runs’, Acc 430, File 1344/1897.

¹¹¹. ‘Copy of PC Rhatigan’s Journal for Sept 1896’, 15 Sept 1896, Argyle Camp, Acc 430, File 3689/1896.

¹¹². ‘Copy of PC Rhatigan’s Journal for Sept 1896’, 22 Sept 1896, Argyle Camp, Acc 430, File 3689/1896.

¹¹³. ‘Copy of PC Freeman’s Journal from Wyndham to Argyle Police camp’, 24 Oct 1896, Acc 430, File 3688/1896.

¹¹⁴. ‘Copy of PC Freeman’s Journal from Wyndham to Argyle Police camp’, 29 Nov 1896, Acc 430, File 3688/1896.

¹¹⁵. ‘Copy of PC Rhatigan’s Journal whilst travelling from Argyle camp to Wyndham from the 5 Oct to the 22 Oct 1896’, 5 Oct 1896, Acc 430, File 3690/1896.

¹¹⁶. ‘PC Freeman’s Journal whilst on Patrol on Ord River and Lissadell Runs’, 25 Dec 1896, Acc 430, File 1344/1897.

about 11am saw eight or ten natives in advance of us about a mile off on the crest of a small hill, waited until natives had descended on the other side of the hill out of sight then made a dash to surround them, about midway saw a mob of Lubras we had not previously seen and who upon seeing us started running after the natives and shouting out to warn them. On reaching the top the hill could see natives about a quarter of a mile off running at full speed in the direction of the Ord River as they would not stop fired after them and the boys went in pursuit ... 20 rounds ammunition used.¹¹⁷

PC Freeman's party engaged this group once more on 6 January 1897, when:

one old man deliberately threw a spear at the boy [native assistant] who was then not 30 yards distant from them, boy dodged the spear and as the native was shipping another into his woomera native assistant Carriwing who was covering his mate shot him dead, upon this all the natives broke and taking what shelter they could find in the creek and long grass commenced throwing spears and stones a general fight ensued in which all the boys behaved very well.¹¹⁸

Freeman wrote that this party 'was the largest mob I had seen in the E. Kimberley. I should think there were at least 50 males in the camp'. He surmised that it was a meeting place for tribal groups from the north of SA and a mob from the Ord River. Freeman then 'visited the scene of the fight and found nine dead bodies, it is impossible to say how many may have been hit in the skirmish. Sixty rounds of ammunition expended'.¹¹⁹

In late January 1897 PC Rhatigan was patrolling the Lissadell, Argyle, and Ord River Runs and noted his surprise: 'as I never travelled over such a lot of country and saw the natives so scarce. All the cattle I saw were very quite [sic]'.¹²⁰ PC Rhatigan continued the bush patrol and travelled further down the Ord River following some Aboriginal tracks to Spring Creek. They put out their own fire so they 'would not be speared during the night' and waited until sunrise before raiding the camp.

I recognised 9 escapees in this camp but was unable to arrest any of them I was very nearly getting speared as they [sic] natives that were apprehended previously fought something terrible. I succeeded in arresting three natives and to my knollage [sic] none of them were in before. In this camp I gathered together 96 women.¹²¹

Later he gathered together those who could not escape and explained to them why he was taking them away: 'I told them they should not tuch [sic] cattle and the white men would not interfere with them'.¹²² A report by Orme to the Commissioner of Police on 27 March 1897 reports that PC Rhatigan arrested a total of seven people but expended

¹¹⁷. 'PC Freeman's Journal whilst on Patrol on Ord River and Lissadell Runs', 26 Dec 1896, Acc 430, File 1344/1897.

¹¹⁸. 'PC Freeman's Journal whilst on Patrol on Ord River and Lissadell Runs', 6 Jan 1897, Acc 430, File 1344/1897.

¹¹⁹. 'PC Freeman's Journal whilst on Patrol on Ord River and Lissadell Runs', 6 Jan 1897, Acc 430, File 1344/1897.

¹²⁰. 'PC Rhatigan's Journal whilst on patrol on Lissadell, Argyle and Ord River Runs', 15 Jan 1897, Argyle Police Camp, Acc 430, File 1345/1897.

¹²¹. 'PC Rhatigan's Journal whilst on patrol on Lissadell, Argyle and Ord River Runs', 16 Jan 1897, Argyle Police Camp, Acc 430, File 1345/1897.

¹²². 'PC Rhatigan's Journal whilst on patrol on Lissadell, Argyle and Ord River Runs', 16 Jan 1897, Argyle Police Camp, Acc 430, File 1345/1897.

60 rounds of ammunition in doing so.¹²³ The Osmond River was heavily patrolled by police parties, with PC Freeman recording that by January 1898 there was ‘only a comparatively small mob of blacks now living in the vicinity of Osmond’.¹²⁴ With pastoralist consent and indeed assistance, police were actively clearing pastoral runs of Aboriginal people by arrest and killing. The number of Aboriginal people shot is not possible to calculate from the written record, however the loss of cattle resulted in imprisonment at the rate of 10 or 12 men per animal.¹²⁵ Mary Durack reflected on Argyle police practices by writing, ‘The methods used would seem to have been effective, as the estimated number of cattle speared fell abruptly in the following year, to considerably less than half’.¹²⁶

The frontier culture of the East Kimberley: ‘blackballing’

Aboriginal oral history accounts, European historical accounts and biographical accounts confirm the fact that large numbers of Aboriginal people were killed by Europeans in the East Kimberley district during this period.¹²⁷ Punitive expeditions or revenge killings followed the spearing of settlers. After the deaths of Fred Marriot and John Durack, both in 1886, and George Barnett in 1888, police parties, including settlers signed up as ‘special constables’, combined to punish those deemed responsible. These expeditions caused the deaths of numerous Aboriginal people.¹²⁸

This can be understood in terms of notions of ‘bush justice’. Police were not introduced in the more remote areas until some years after the first European settlement. This had a profound effect on the attitudes of the colonists, who had found ways and means to justify violent acts against Aboriginal people.¹²⁹ Remoteness from authority, isolation, and fear influenced behaviour, and violence became an accepted way of achieving control over Aboriginal people. Gordon Buchanan, son of ‘Nat’ Buchanan, wrote of frontier justice after a killing: ‘They held their own inquest. In those days there were no police within three hundred miles. Every man was his own policeman: and the letter of the law was often ignored in favour of summary justice’.¹³⁰

A ‘conspiracy of silence’ characterised frontier relations, meaning no man would incriminate another for activities involving violence against Aboriginal people, and they certainly would not record the event. Another pioneer put the Kimberley ‘bushman’s code of honour’ regarding punitive expeditions in these terms: ‘Either stand in with the mob and keep your mouth shut or refuse to stand in and also keep your mouth shut. In either case you will be respected and no more will be required of you in the

¹²³. Report by Fred Orme on ‘Journal of PC Rhatigan patrolling Argyle, Lissadell and Ord River Stations. 17.1.1897 to 22.2.1897’, 27 March 1897; Forwarded to Police Department Chief Office 12 April 1897, Acc 430, File 1345/1897.

¹²⁴. ‘Copy of PC Freeman’s Journal on patrol searching for natives who killed cattle 10 Jan 1898 to 12 Feb 1898’, 16 Jan, 1898. Argyle Police Camp Acc 430, File 1930/1898.

¹²⁵. Clement 1989a: 93.

¹²⁶. Durack 1983: 48.

¹²⁷. See Clement 1989b. For Aboriginal oral history accounts of shootings see Ross 1989; Shaw 1981, 1983, 1992.

¹²⁸. See Owen and Choo 2003: 128–156; Durack 1959: 285–286; Green 1995: 58–59.

¹²⁹. See Buchanan 1997: 59; Clement and Bridge 1991: 104; Durack 1959: 286.

¹³⁰. Buchanan 1997: 59.

matter'.¹³¹ One police officer referred to a 'sort of Freemasonry' which existed among the colonists. He reported that 'it was impossible to get written statements from them', and that 'they might as well leave the district at once if they gave a white man away'.¹³²

Some police, however, sought to follow police regulations and prosecute settlers engaged in the killings of Aboriginal people who 'interfered with cattle'. In November 1897, PC Ritchie investigated reports that Jerry Durack incited his Aboriginal stockman Nipper to shoot two men named Jacky and Monday; Jacky was killed.¹³³ Nipper told PC Ritchie that 'Jerry came up give me revolver told me go shootem on hill I go shoot Jacky first Monday ran away'.¹³⁴ Charges were laid but dismissed after another officer reported to Commissioner Phillips that Durack was not implicated.¹³⁵ In December 1897, PC Ritchie received information from a prisoner that Charles Lincan, Mick Cassidy, 'Jack', and one of Jerry Durack's stockmen called Pompey shot three women and one man and burnt their bodies at a spot on McPhee's Creek 30 miles south of Denham Station. After the prisoner showed PC Ritchie the site he wrote: 'The camp was quite visable [sic]. Saw the place where the bodies were burnt. Saw one skull and lower jaw in the sand and ashes and some smaller bones much burnt'.¹³⁶ There is no evidence that this case was pursued.

One case that was pursued suggests that prosecuting Europeans was a perilous affair. In late October 1901, PC James Campbell Thomson from Argyle Police Camp was investigating allegations of the murder of two Aboriginal men on Texas Downs Station and the burning of their bodies. In the course of his investigations Thomson visited the site where the bodies were burnt and found the remains of both were visible.¹³⁷ He gathered five independent Aboriginal witnesses who could corroborate the fact that Texas Downs stockman Thomas McLaughlin shot and killed two Aboriginal men and burnt their bodies at a spot 30 miles east of Turkey Creek Telegraph Station.¹³⁸ Thomson's record of attempting to arrest McLaughlin under warrant reveals a great deal about the culture of the Kimberley frontier:

When I got within about twenty feet of the house I saw McLaughlin sitting down on the verandah. I got off the horse in doing so I asked native witness Charly if that was the man individual McLaughlin that shot the natives and he said yes. I walked towards McLaughlin and he said good day but only got within 15 foot of him when he said what's your game Thomson I said I arrest you under the Kings name with that he jumped up and took a Mauser Rifle from behind his back and covered me he then said take me now I said it was not safe he said that twenty bastards would not take him and that I was trumping up a charge against them he said you have not

¹³¹. D Swan in Clement and Bridge 1991: 104.

¹³². 'Witness Statement from Corporal W. Goodridge (No. 112.) regarding allegations he made in Roth Commission report', 24 May 1905, Wyndham, East Kimberley, Acc 430. File 540/1905.

¹³³. Aborigines Department Correspondence, AN 1/2, Acc 255, File 118/1898.

¹³⁴. Aborigines Department Correspondence, 'Statement by Osborne Ritchie', AN 1/2, Acc 255, File 118/1898.

¹³⁵. See Green 1995: 67-68.

¹³⁶. 'Journal of PC Ritchie' 14 Dec 1897, Wyndham Station, Acc 430, File 298/1898.

¹³⁷. 'Journal of PC Thomson while investigating shooting and burning of Natives', 29 Oct 1901, East Kimberley District, Argyle Police Station, AN 5, Acc 241/9; Clement 1989a: 93-94.

¹³⁸. 'Journal of PC Thomson while investigating shooting and burning of Natives', 31 Oct 1901, East Kimberley District, Argyle Police Station, AN 5, Acc 241/9.

told me what charge you have against me I said for shooting two natives he said I thought so then he said that I better get onto the plain if I meant business with him I said it was not safe as he had the drop on me he then laughed he said he would let me off this time but if he saw me again I can say good bye he then said get off the station and leave me that nigger, I will fix him up I said no he was my prisoner then he said get off and look out with that I went to my horse and told native witness Charley to walk in front of me my rifle was in the off side of the saddle he said that he was watching me I led my horse away to where I left natives it was getting dark. Mr. Durack stopped behind as McLaughlin sang out get off your horse. Durack came after me to get his horse I asked him what was McLaughlin up to he said you'd better be careful as he means to do you in.¹³⁹

Thomson could not leave his witnesses in this area, as he was fearful that 'some of the other white men might shoot them' so he returned to Argyle Camp with them.¹⁴⁰ McLaughlin left for South Australia and the charges were never brought to court. After this episode Thompson was shunned and 'blackballed' by the settler community and was told by PB Durack that it 'served him right'.¹⁴¹ Durack asserted 'that it was an understood thing that the Commissioner had not to take notice of such cases'.¹⁴²

This claim that Commissioner of Police George Phillips, undertook a 'gentlemen's agreement' that Europeans would not be investigated or prosecuted for murdering Aboriginal people is substantiated by another officer. PC Hill met on patrol PB Durack, who informed him that PC Thomson 'had done a dirty trick for trying to hang his fellow man for shooting savages at the Texas Downs station', saying that 'the late Commissioner did not want it done'.¹⁴³ PC Hill had earlier recorded:

Mr P Durack informs me that people seem to have a down on Const. Thomson now for doing what he has putting away McLaughlin shooting blacks. Mr Durack also remarked that he thought Constable Ritchie bad enough in trying to hang his uncle [J Durack]. He said that any of the police who put away a man for doing in the blacks always got the chuck out of the police.¹⁴⁴

In 1905 Thomson was required to give evidence to Dr Walter Roth in his *Royal Commission on the Condition of the Natives*, an investigation into allegations of cruelty and

¹³⁹. 'Journal of PC Thomson while investigating shooting and burning of Natives', 5 Nov 1901, Argyle Police Station, AN 5, Acc 241/9. East Kimberley District.

¹⁴⁰. 'Journal of PC Thomson while investigating shooting and burning of Natives', 5 Nov 1901, Argyle Police Station, AN 5, Acc 241/9. East Kimberley District.

¹⁴¹. 'Journal of PC Thomson whilst on shooting case of two Aborigines named Friday and Jimmy from 15 Nov – 23 Dec 1901', 16 Dec 1901, Uncatalogued police file, Argyle Police Station Letterbook, WA Police Service (WAPS). Later Thompson recorded in his journal that a manager named Mr Booty refused to sell rations to him and his police assistants because of this investigation. 'Journal of PC Thomson and na Barney, Bow and Joe from 12 Jan 1902 to 10 Feb 1902', 30 Jan 1902. Un-catalogued police file, Argyle Police Station, WAPS.

¹⁴². 'Journal of PC Thomson whilst on Shooting case of Two Aborigines named Friday and Jimmy from 15 Nov 1901 to 23 Dec 1901', 16 Dec 1901, Uncatalogued police file, Argyle Police Station, WAPS.

¹⁴³. 'Journal of PC Hill from 4 Dec 1901 to the 21 Dec 1901 whilst distributing statistics', 16 Dec 1901, Uncatalogued police file, Argyle Police Station Letterbook, WAPS. GB Phillips died on 26 March 1898 and was replaced by Fred Hare in May 1900.

¹⁴⁴. 'Journal of PC Hill and Police Assistant Barney from 23 Nov 1901 to 6 Dec 1901', 27 Nov 1901, Uncatalogued police file, Argyle Police Station, WAPS.

abuse in the north of the state. The report was damning of the behaviour of police and the use of armed Native Assistants to do police work.¹⁴⁵ Thomson explained how he was disliked by settlers who 'tried to make things very unpleasant for me'. He stood for the rule of law: 'The settlers could not have a free hand with the bush natives when I was about'. He went on to write:

I also may state that a week before I received a telegram two stockmen came up from Wyndham and said they heard that I was transferred to Perth and that F. Connor or S. Copley¹⁴⁶ got me shifted. I was very unpopular with all the Duracks and Copley's manager named Atkinson, and Kelly that's the reason I did not apply for a transfer from East Kimberley when I had done three years, as I did not like them to think that influence got me transfer.¹⁴⁷

These allegations suggest that police seeking to uphold the rule of law could be moved or dismissed for acting against the interests of the pastoral industry. Perhaps most revealing was the suggestion that pastoralists and stockmen would not be investigated for the killing of Aboriginal people. Certainly, within this culture there was very little incentive for police to enforce the law regarding killings.

In the period 1884 to 1905 we have seen evidence of the interrelationship between police, pastoralists, the WA government and Aboriginal people. The government was directly petitioned by colonists regarding the actions of Aboriginal people on East Kimberley pastoral stations. Consequently, under colonial instruction, the police, as a civil force, became active agents of forceful colonisation. The killing of Aboriginal people by police was given the sanction of the legal system and legitimised as 'policing'. Aboriginal welfare was not a consideration, making a mockery of claims of protection under the law.

As Cathie Clement noted, many pastoral stations in the East Kimberley from 1896 owed their survival largely to the actions of police.¹⁴⁸ These actions involved some of the most widespread 'dispersals' of Aboriginal people in Western Australian history with little public comment from police authorities. The 1897 Police Annual Report, tabled in parliament, made reference to the continued hostility towards settlers by 'West Kimberley Natives' and Pigeon, but made no mention of the East Kimberley other than reporting that 'in other districts the natives have been fairly quiet'.¹⁴⁹ In the 1898 report however, it states that the East Kimberley 'police have been fully occupied in looking after the natives',¹⁵⁰ and by 1899, 'The natives generally have been kept well under control during the year'.¹⁵¹

The distinction between police as agents of law and order and as agents of conquest was irreconcilable, not least because of the apparent acceptance of illegal practices at the senior level of policing. Violence towards Aboriginal people of the East Kimberley was not just a local matter of Aboriginal people being caught between set-

¹⁴⁵. Report of the Royal Commission on the Condition of the Natives (Roth Report) 1905.

¹⁴⁶. Sam Copley, part of Copley Bros, bought the Ord River Station from Osmand's estate in 1902. Durack 1983: 114.

¹⁴⁷. 'Report of Constable Thomson Reg No. 586', 13 Feb 1905, Acc 430, File 540/1905.

¹⁴⁸. Clement 1989a: 92.

¹⁴⁹. Report of the Commissioner of Police for the Year ending 30 June 1897. WAPPVP. Paper 19: 4.

¹⁵⁰. Report of the Commissioner of Police for the Year ending 30 June 1898. WAPPVP Paper 17: 7.

¹⁵¹. Report of the Commissioner of Police for the Year ending 30 June 1899. WAPPVP. Paper 31: 7.

tlers and police. In this regard, the evidence subverts assumptions that frontier violence contravened the wishes of administrators in Perth. Killings ('dispersal' and its synonyms) were not only countenanced but appear to have been implicitly sanctioned by the Commissioner of Police, in deference to vested commercial interests.

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