

## INTRODUCTION

The cover photograph, titled 'Aboriginal bathing gang in Wyndham', was published on 18 February 1905 in the weekly Western Australian newspaper, *Western Mail*.<sup>1</sup> It shows nearly one hundred Aboriginal prisoners chained at the neck in the port town of Wyndham, from where cattle were exported, in the East Kimberley district in the far north of Western Australia.<sup>2</sup> The photograph was published after the release of Dr Walter Edmund Roth's *The Report of the Royal Commission on the Condition of the Natives* (Roth Report).<sup>3</sup> This investigation was instigated after nearly two decades of allegations of abuse of Aboriginal people in the Kimberley and North West districts. The photograph was intended to be a response to these claims and show that treatment of Aboriginal people in the Kimberley was not harsh, but orderly and humane.

The Roth Report was the first independent inquiry into the workings of the Western Australian police force since the foundation of the Swan River Colony, later the city of Perth, as a British colony seventy-five years earlier in 1829. Roth took testimony from forty-two witnesses and provided valuable insights into a unique policing culture and the associated judicial process that led to Aboriginal imprisonment.<sup>4</sup> These practices were not widely known outside the North West and Kimberley districts and were largely unknown in the major cities and overseas.

In January 1905 the Roth Report was tabled in the Western Australian parliament. The entire report was serialised and reported on, not only in Perth newspapers, but also all over the nation and overseas to significant national and international controversy.<sup>5</sup> The Perth *Daily News* declared 'Council of Churches, Horror-Stricken and Sorrowful'. *The W.A. Record* announced 'A Shocking State of Affairs'. *The Sydney Morning Herald* proclaimed 'Blacks Brutally Treated', 'Western Australian Sensation', 'Horrible Cases of Cruelty'. The Perth *Sunday Times* was damning, declaring 'Congo Cruelties Paralleled' referring to the millions of Africans who died as a result of exploitation and disease in the African Belgium Congo under King Leopold between 1885 and 1905.<sup>6</sup> London newspapers were more restrained, although headlines there included 'Australian Scandal' and 'Australian Race Problem'.<sup>7</sup>

One of the police witnesses interviewed was Wyndham Police Constable (PC) John Inglis who, along with PC Jack Wilson, was stationed at Halls Creek Police Station, 322 kilometres south of Wyndham. On 11 November 1904 Inglis responded to Roth's questions regarding the arrests of Aboriginal people suspected of killing cattle on various Kimberley pastoral stations.<sup>8</sup> Inglis responded with brevity that belied the true scope of police activities that went like this.

On a journey that would take anywhere from weeks to several months, armed police on horseback, with the aid of armed Aboriginal men called native assistants, tracked and located the Aboriginal groups believed responsible. Sometimes these patrols would take place after a complaint had been received from a pastoralist alleging that Aboriginal people were killing his cattle and a warrant for arrest had been issued.<sup>9</sup> Usually, though, they occurred without a formal warrant and without any instruction or

information from the pastoralist concerned.<sup>10</sup> Evidence of human footprints was sufficient to identify suspects. In a morning raid, where there may or may not have been shooting of people allegedly resisting arrest, known as a 'dispersal', men and, at times, children as young as ten would be detained, arrested and charged with the criminal offence of cattle killing.

At times the groups contained up to thirty-three Aboriginal men. After arrest the accused would be neck chained and chained together at a distance of just 61 centimetres apart.<sup>11</sup> Neck chaining was considered the most effective and humane way of restraining prisoners as it left their hands free, though it was rarely used on non-Aboriginal prisoners. Police regulations issued in 1898 regarding chaining Aboriginal people stipulated that only those from the 'bush' or 'desperate characters' were to be neck chained and the practice should not be used if it could be avoided.<sup>12</sup> That stated, all Aboriginal prisoners in the Kimberley, regardless of their crime, were neck chained.<sup>13</sup> By contrast Aboriginal people from the 'southern areas' of Western Australia were generally not 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 brought 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 24 kilometres a day, sometimes as far as 400 kilometres. At night, with the addition of ankle chains, they would be chained together around a tree and watched over by native assistants.

The prisoners would finally arrive at Broome, Halls Creek or Wyndham where, in groups of five or ten, they would be charged

with the same offence and face court. A magistrate or justice of the peace (at times the JP who owned the property) would charge them. At Halls Creek the police officer in charge of the police station would charge the prisoners.<sup>14</sup> As PC Inglis testified the men, who he recognised speared cattle because their traditional food sources had been displaced by stock, would invariably plead guilty and could be found summarily guilty. They were then gaoled for up to three years with or without a whipping.

Kimberley gaols were crude and harsh. Wyndham gaol, for example, was a galvanised iron shed, and, as the Kimberley experienced subtropical conditions and oppressive heat at times in the mid-40s degrees Celsius (110 F), conditions were stifling. At night prisoners were chained at the ankle to ring bolts in the floor but the neck chains were not removed.<sup>15</sup> While police regulations allowed ankle chains there were no such regulations regarding neck chains. And they would remain on the prisoners for the period of their gaol sentence despite there being no legal authority allowing the practice. This was, one senior government witness said, an informally accepted practice of the last thirty years.<sup>16</sup> The neck chains were usually fastened with 'single cuff' locks, though prior to 1905 prisoners from Wyndham had their neck chains fastened with 'iron split links' that were extremely difficult to remove.<sup>17</sup> The links were not police issue but purchased privately from an ironmonger in Perth.<sup>18</sup> They could only be opened with 'a hammer and a chisel with the prisoners head on a blacksmiths anvil',<sup>19</sup> a process that would take up to ten minutes. In addition the neck chains used at Wyndham weighed 2.4 kilograms, which was over twice the weight of the chains used in other Kimberley locations. This added 'security' was to cater for what was considered a more aggressive and fearsome type of Aboriginal prisoner in the East Kimberley.<sup>20</sup>

There were critics of these practices that included the new magistrates to the district. In 1904 the new resident magistrate and district medical officer in Wyndham, Dr Dodwell Brown, fiercely criticised the judicial system and the practices of police, arguing Aboriginal people were gaoled on insufficient evidence.<sup>21</sup> Other witnesses declared that the prisoners did not understand what they were being charged with or why they were being punished. The gaoler at Broome stated that 'not one' Aboriginal prisoner knew why they were in gaol.<sup>22</sup> The gaoler at Wyndham admitted 'grave blunders' had been made in identifying people and as a consequence the wrong Aboriginal people were gaoled for periods of up to two years.<sup>23</sup> In a practice Roth called 'carelessness almost amounting to criminality' prisoner's names would be mixed up and one prisoner would be charged with another's crime and receive the incorrect sentence.<sup>24</sup> One witness described the whole criminal justice system as a 'perfect farce'.<sup>25</sup>

Near the end of Roth's examination of PC Inglis he asked him a question: Was this informal, possibly unlawful yet widely accepted, arrest and gaoling system, where regulations regarding arrest and rules of evidence were so lax, a 'rather one-sided justice' for Aboriginal people? Inglis admitted as much remarking, 'It's a queer country where I am. Every mother's son is guilty.'<sup>26</sup>

This is the untold history of policing the Kimberley district of Western Australia from 1882 until 1905. The opening date indicates the establishment of police in the Kimberley while the closing date marks the release of the Roth Report.<sup>27</sup> The Kimberley was the first part of the Australian continent to be occupied by Aboriginal people, and was possibly the last frontier of the continent to be colonised by Europeans.<sup>28</sup> At the time of colonisation, the Kimberley district, with its unique environmental and geographic conditions, was home to an estimated

twenty-seven different Aboriginal language groups, with a population somewhere between 10,000 and 30,000 people.<sup>29</sup> This represented possibly a quarter of the total number of Aboriginal people in Western Australia, but this pre-contact Aboriginal population significantly decreased after the arrival of Europeans. Figures from an early 1900s police annual report quoted the Aboriginal population of the Kimberley as 'approximately' 5000.<sup>30</sup>

In contrast with other Australian colonies, the state of Western Australia, due to its sheer size, experienced an extended period of colonialism. European expansion began in Albany (King George Sound) on the far south coast in 1826 and continued into the North West in the 1860s and 1870s, and the Kimberley district in the 1880s and the 1890s. The Kimberley police jurisdiction was part of the largest jurisdiction in the world and, coupled with an extremely small number of police, would be extremely difficult to police. The commissioner of police and the Western Australian government administered the Kimberley police force from Perth, 3218 kilometres to the south, so far away that it was in another climatic zone. The isolation and lack of authority was in many ways responsible for the unique culture of not only the police but also of the colonists.

Initially colonisation in the Kimberley occurred in the late 1870s for guano mining in and around the North West and northern coastal islands. What would bring Aboriginal people into contact and conflict with colonists was the establishment in the early 1880s of pearling on the coast and gold mining inland. The most pervasive and enduring enterprise, however, was pastoralism, in particular cattle farming on the enormous expanses of open-range cattle country. Pastoral enterprises were established in 1881 and expanded all over the Kimberley. By 1905 pastoral

expansion was complete and spanned the length and breadth of the district on what was traditional Aboriginal *country*.<sup>31</sup>

The first European colonists viewed Western Australia through the prism of the doctrine of *terra nullius*, as ‘unoccupied’, despite the obvious presence of Aboriginal people.<sup>32</sup> In the early period of colonisation of Western Australia in 1836, a treaty with the local Aboriginal people regarding the use and purchase of their land was discussed by the government of the day, though it was ultimately rejected and no provisions were made to regulate dealings between them and the colonists.<sup>33</sup> The decision to classify the colonies of Australia as settled, rather than conquered or relinquished, meant that the colonists brought with them the general body of English law, including criminal law.

For most of the nineteenth century there was deep uncertainty within the government, judiciary and the colonist populations about how criminal law should be applied to Aboriginal people. Although by the time the Kimberley was colonised most of these problems had been resolved, there was considerable confusion about how criminal law should be policed. And policing was complicated. The statutory role of police was a dual one: to enforce criminal law equally among colonists and Aboriginal people and to protect the latter as British subjects from the worst excesses of European colonisation. There is extensive evidence that at first police did attempt to protect Kimberley Aboriginal people under the law, but this changed considerably as European expansion progressed over the *country* of very large (and to the Europeans, largely unknown) Aboriginal language groups. Using an extensive range of police and government records this book reveals the evolution of the Kimberley police force from a relatively benign one in 1882 to a semi-militarised and profoundly

violent one in the later 1890s and then something different again after 1900.

The findings of the Roth Report, which will be discussed in chapter 12, were based on very limited information due to both the time Roth was given to complete the investigation and the difficulties in examining witnesses over such a vast and inhospitable area. Roth stated as much in the opening paragraph, that his commission only dealt with 'occurrences taking place' from 1901 to 1904, thus effectively excluding any investigation of the Kimberley during the previous eighteen years.<sup>34</sup> If he had examined reports from the earlier period he might have discovered a considerable body of evidence describing dubious policing and legal practices, extensive violence towards Aboriginal people and a colonial culture that not only tolerated this violence but one that often encouraged it. In Western Australia reports of Kimberley violence were sporadically reported (to government or newspapers) but were not often acted upon as violence towards Aboriginal people was usually justified and accepted as part of the colonising process. Aboriginal people, however, refer to this time as the 'killing times'.<sup>35</sup>

### Reconsidering the Kimberley

In what follows we shall reconsider the history of the Kimberley police. Studies of policing tend to view West and East Kimberley districts as discrete entities with particular histories. Histories of the West Kimberley are usually associated with stories of Aboriginal criminality or resistance to colonisation, typified by the well-known mid-1890s story of Jandamarra (or 'Pigeon' as he was earlier known) and the Bunuba (earlier spelt as Punuba) people (for more on Jandamarra see chapter 1).<sup>36</sup> Histories of the East Kimberley tend to suggest that conflict between police and

Aboriginal people was the random and sporadic result of overly aggressive policing on an uncontrolled frontier.<sup>37</sup> However, as we will see, East and West had much in common. Recent histories of the Kimberley tend to view the police as axiomatically punitive, in permanent and oppressive opposition to Aboriginal people, often acting without authorisation and having considerable independence due to their isolation from the centre of police administration in Perth. Other writers have suggested that ‘violence was endemic from the very beginning’ of European colonisation.<sup>38</sup> Certainly the preceding evidence from the Roth Report tends to support this view; however, the history is far more complex. We will see that for all the police who became notorious for being aggressive towards Aboriginal people there were others who would seek to protect them and investigate wrong-doing.

Violence against Aboriginal people was not endemic from the very beginning, indeed the most significant conflict occurred over a decade after Europeans first arrived. Evidence from police and government records from the early period of European colonisation shows that in the 1880s European violence against Aboriginal people was the exception rather than the norm. Additionally the style of police and policing was profoundly different from that instituted later. Police Sergeant Patrick Troy, an Irish migrant, was one of the first police officers sent to the Kimberley frontier. In October 1883, in his first police reports from the district near Derby, Troy described his new, vast jurisdiction in considerable descriptive and evocative detail. Initially he was bewildered by the environment, the heat and flies – ‘weather was hot and flies were troublesome’ as he put it. He also recounted moments of first contact with the local Aboriginal people, remarking that they showed no fear of him and that through mutual exchange of goods, trust was established.<sup>39</sup> A certain naïveté is revealed in his early reports;

being sent to such a harsh, oppressive and isolated environment must have been a shock and he must have soon realised that his job would be to impose British law on Aboriginal people who neither understood nor recognised it. His naïveté stands in stark contrast to the brutal cynicism displayed by police in later police records.

Certainly police faced great difficulties and many could not cope. Of the first deployment of police to the district, PC Lemon was transferred back to Fremantle in late 1884.<sup>40</sup> PC Buckley was speared in an attack at Halls Creek in 1888.<sup>41</sup> In the same year Lance Corporal Payne, who had returned to the district and was promoted to sergeant, was implicated in a case regarding the murder of Aboriginal people. PC Sherry stayed on and was promoted to sergeant, but in 1891 at Wyndham was demoted and reprimanded for constantly being in 'a maudlin state of drunkenness'.<sup>42</sup> PC Lee resigned from the police force shortly after arriving and completing his first bush patrol because the 'climate does not agree with my health'.<sup>43</sup>

In the early years of colonisation, police such as 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 colonist in Derby.<sup>44</sup> In late 1886 he investigated a particularly repellent case where an ex-policeman by the name of John Eatch had murdered a young Aboriginal station servant named Charcoal by kicking him to death.<sup>45</sup> In this early period police seemed prepared to prosecute the law equally.<sup>46</sup> It is clear, however, that by the time of the Roth Report investigation in 1904 this earlier protective role had transformed into something altogether different.

Aboriginal responses to the colonists had changed too. In the late 1880s and into the next decade there were concerns at

the highest level of government that Europeans might be driven out of the Kimberley, and these concerns grew as years passed. In 1893 local Aboriginal people were said by one newspaper to be ‘threatening Wyndham with absolute annihilation’.<sup>47</sup> In late 1894 Premier John Forrest considered the Aboriginal groups around Wyndham in the East Kimberley to be more aggressive than any others, claiming that: ‘A sort of warfare was going on there between the whites and the blacks.’<sup>48</sup> Another report from the East Kimberley in March 1895, at the time when Jandamarra was declared an outlaw, stated: ‘The natives here are more ferocious than those giving such immense trouble in West Kimberley at present.’<sup>49</sup> Overall police killed far more Aboriginal people in the East than in the West, as they tried to stem stock losses allegedly caused by Aboriginal people (stock losses dominated reports from the period, where arrests for cattle killing accounted for 90% of Aboriginal crime), remove Aboriginal people from pastoral lands and drive those who remained into subservience.<sup>50</sup>

To track this change in the history of Kimberley policing we require an examination of complex political, social and environmental issues unique to Western Australia. The first factor shaping the history of Kimberley policing was the political and constitutional changes in Western Australia. The colony and, later, the state went through three distinct political phases that would profoundly influence the policing of Aboriginal people. The first was as a British colony from 1829 to 1890. During this time the *Aborigines Protection Act 1886*, designed to provide protection for the Aboriginal people of Western Australia, was legislated. The second was the period of responsible government from 1890 to 1901 and the third was the period after 1901 when the colony of Western Australia became a state and entered the Commonwealth of Australia.<sup>51</sup>

Western Australia was the last colony in Australia granted responsible government by the imperial government in London in 1890, because of its enormous area and relatively low and dispersed population. Most other colonies achieved responsible government in the 1850s. There was also deep concern in the British government about the treatment of Aboriginal people. After Western Australia gained responsible government, the legislature introduced many oppressive laws and regulations aimed at controlling Aboriginal people. Under direction from the Western Australian government police actions changed, with the period of greatest conflict coinciding with the concerted Aboriginal resistance to colonisation and the decentralisation of Western Australian police in late 1894. This period can reasonably be called a war such was the level of conflict across both the East and West Kimberley districts between Aboriginal groups, police and colonists, and considering the large numbers of Aboriginal people killed. After Western Australia entered Federation the treatment of Aboriginal people became a national concern.

The second factor was the diversity of the Aboriginal groups of the Kimberley. 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 enormous semicircle of ranges and hills along the Napier Range (or the Barrier Range as colonists called it) from Derby in the West Kimberley (including the Napier and King Leopold ranges) to Wyndham in the East Kimberley (including the Durack Ranges). From Derby, groups that included the Warwa, Nyikina and Unggumi peoples tracked along the Robinson River at Oobagooma and along the Fitzroy and Lennard River districts. The Worla, Kija and other language groups of the East

Kimberley saw conflict around the Durack and Ord rivers. Indeed, Aboriginal people killed more Europeans in acts of resistance on Warwa, Nyikina, Unggarangi and Worowa *country* in the West Kimberley and on Kadjerong and Yitji *country* in the East Kimberley than in the area in and around Bunuba *country* where Jandamarra was fighting.<sup>52</sup> This conflict emerged as a result of a specific set of factors, primarily the unregulated expansion of the pastoral industry and the associated loss and destruction of Aboriginal food sources.

With the arrival of the Europeans life for Aboriginal people was irreversibly altered. Many, although not all, worked on pastoral stations, some by choice, some under duress, others out of sheer necessity. Others stayed on *country*, following their own traditions where possible, living on traditional food sources but also, as their sources of food dried up, spearing and taking the introduced food source: cattle. At first there was an uneasy accommodation between some groups and the colonisers appropriating their *country* but later, as colonisation intensified, conflict became much more widespread and police were instrumental in subordinating Aboriginal people to pastoral stations. By the end of our period of study, resistance fell away as Aboriginal people seemed to recognise their newly subordinate position.

The colonists described Aboriginal people through a conceptual scheme which classified them depending on their place in or outside the pastoral workforce: those who worked on pastoral stations they called 'station blacks' or station workers, while those untouched by European contact they called 'wild', 'bush blacks' or 'hill natives'. In the East Kimberley, 'bush blacks' were referred to as 'myalls'.<sup>53</sup> Underpinning these labels was another conceptual scheme that described Aboriginal people in terms of their adoption of European civilisation, thus some were

referred to as 'civilised', others as 'half-civilised' and others as 'uncivilised'. Many observers tend to see policing in the Kimberley as a conflict between 'uncivilised bush blacks' and police; however, such conflict was not axiomatic. For example, the first recorded killing of a European in the district was not by a 'bush black' but rather by an Aboriginal pastoral worker. Many Aboriginal people worked with or for Europeans and became acculturated to aspects of the European lifestyle. Jandamarra himself was such an individual, having first worked as a station hand then as a police assistant before turning against the Europeans. Colonisers soon recognised the conflict between themselves, police and those station Aborigines they called 'half-civilised'. The idea of the 'treacherous native' who had betrayed attempts to civilise him arose out of these conflicts.

The third set of factors shaping the nature of policing was environmental, geographic and demographic. Coupled with isolation were the unusually harsh environment and the subtropical weather patterns, the monsoonal 'wet and dry'; torrential rain flooded the major rivers, such as the Fitzroy and the Lennard, juxtaposed with the 'dry' of scorching heat. For police, the country in the 'wet' was extraordinarily difficult to traverse. They also had to journey through some of the most challenging landscapes in Western Australia, for example the long and high Napier Range and King Leopold Ranges separating the East and West Kimberley. The police often could not access the rugged and high limestone areas where Aboriginal people would find safe haven. The most well-known refuge for Aboriginal people was the Windjana Gorge, or Devil's Pass as it was known. Sites such as these have stories attached to them and have profound religious and ceremonial significance to Aboriginal groups.

The fourth factor was the social context in which colonists and police operated. While both the East and West Kimberley were colonised primarily for pastoral-based industries, the nature and background of the colonists in the East and West were quite different, which produced a different social context in which the police operated. Perth-based pastoral interests that initially invested in sheep farming, and later cattle, took up land mainly in the West Kimberley. By contrast the East Kimberley was colonised generally by those called 't'othersiders': cattle farmers from the eastern colonies who drove their cattle overland to the Kimberley, the most prominent of those being members of the Durack family from New South Wales and Queensland. These colonists came from colonies where pastoralists had openly killed Aboriginal people on their 'runs'. The Queensland government used the notorious native police to quell Aboriginal resistance and this background profoundly influenced the attitude of colonists to Kimberley Aboriginal groups.<sup>54</sup>

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 on the patterns of policing. Colonial authority was so distant both physically and psychologically that it held little sway with Europeans. The remoteness and lack of government and legal authority encouraged pastoralists and others to do what they liked with Aboriginal people, exploiting and using violence against them, taking the law into their own hands by punishing and killing them in what they euphemistically called 'summary justice'.

Pastoralists believed that police should act in their interests, protecting their stock, punishing people they called cattle killers and returning runaway Aboriginal workers to their stations. They

certainly did not believe that police should act in the interests of Aboriginal people and they became extremely angry when they seemed to do so. And, of course, pastoralists held great political power in the Western Australian parliament, using their positions to call for more vigorous policing. Some of the most oppressive pieces of legislation to control and punish Aboriginal people in the history of the colony were passed through the parliament at the behest of these groups.

The fifth factor shaping Kimberley policing is a largely unstated aspect of Western Australian policing: the model of policing utilised. The Western Australian police force acted under the authority of the *Police Ordinance Act of 1849*, which was amended in 1861 and which granted police only civil, not military, powers. The *Police Act 1892* reinforced this civil status.<sup>55</sup> While Western Australian frontiers followed a similar but not identical pattern to those of New South Wales, Victoria, Queensland, South Australia and the Northern Territory, Western Australia differed in not instituting a paramilitary native police force of the kind that had proved so devastatingly effective in subduing Aboriginal resistance in other colonies. Indeed, Western Australian government authorities refused to implement one. Western Australian authorities had, therefore, to come up with a different model of policing. This model included innovations such as the use of native assistants or armed Aboriginal trackers and, at times, the swearing in of special constables.

A recurrent theme in the history of policing in Western Australia is that the government always considered policing extremely expensive. For example, in the early 1900s expenditure on policing in Western Australia was the highest of all of the states and more than twice that of the most populous state, New South Wales. This was largely due to the enormous distances

involved and the large numbers of small settlements. Tasmania, by contrast, expended the least on policing.<sup>56</sup> Policing was measured in 'cost per head' of white population. The proportion of police to the population they policed in Western Australia was extraordinarily low. In 1898 it was one to 41,149 people, and the cost per head was 12s 3d. As a consequence few police were sent to the Kimberley, where there were so few European colonists;<sup>57</sup> in mid-1887 there were a total of just twenty-three police constables with four supervising officers (and seventy-one horses) for the entire Kimberley district.<sup>58</sup>

### Historical Records Utilised: The Police Records

The collection of written records of the Western Australian Police Department (WAPD) held in the State Records Office of Western Australia (SROWA) is the main source of evidence. In contrast to many other Australian frontiers, police and government records relating to the Kimberley during the period under study are vast, detailed (albeit often difficult to decipher) and frank, particularly on the levels and circumstances of violence. Police were required to write and process daily written reports detailing their actions and they were accountable to superior officers, superior officers' superiors and then to the governor. The police records, depending on the year and location, contain great narrative detail about police actions, often with up to twenty and sometimes fifty pages of detailed description about the preparation, travel, action in engaging any sought-after Aboriginal group and eventual return.

Prior to the advent of the telegraph these police records, including journals and diaries, from the Kimberley district were the only way in which the senior police in Perth could obtain information about what was going on. These records are some

of the only means we now have of finding out about interaction between European and Aboriginal people on this frontier. Police, at the vanguard of contact, came to know a great deal about Aboriginal custom. Police records are replete with descriptions of land usage or *country* and of Aboriginal boundaries. Police records also documented the transition of Aboriginal people into colonial life as station workers. Thus one finds that the WAPD records contain some of the most detailed and, at times, vivid depictions of the first European interaction with Kimberley Aboriginal people.<sup>59</sup> Archival police records show in frank detail what the frontier of the Kimberley was like: harsh, unforgiving and exceptionally violent. Aboriginal society was not excluded from this situation as groups did engage in internecine conflict. Injury and death through violence, such as from spearing to resolve disputes, revenge or matters of honour, were common.

The official records police left illustrate a range of attitudes to their role and the people they policed: some police sought to learn Aboriginal languages;<sup>60</sup> generally they became knowledgeable about the more observable aspects of Aboriginal culture, such as hunting and gathering for food, weaponry and body scarification; and they knew broadly of different 'tribal' areas. They characterised Aboriginal groups generally by the location that they inhabited, or by their *country*. There were, for example, 'Fitzroy River', 'Barrier Range' and 'Ord River Natives'. Police categorised different language groups according to temperament. Troy regarded the 'hill natives' (those whose country was on the ranges and hills) and the 'coastal natives' as being far more 'hostile and treacherous' than 'the plains and pindan natives' whom he regarded as 'the most tractable and of a better disposition altogether'.<sup>61</sup>

Surveying the police records the reader is struck by the matter-of-fact narrative describing how Aboriginal people were dispatched by firearm. Most records relating to the Kimberley are scattered and research involves the painstaking reconstruction of events from disparate records. However, in the case of Jandamarra research is relatively easy. Most of the hundreds of records around the Jandamarra episode were collated under order of the commissioner of police in the 1930s to help Ion Idriess write his book *Outlaw of the Leopolds*.<sup>62</sup> Helpfully for researchers they are all in the one archival location,<sup>63</sup> which is one reason why this aspect of policing in the West Kimberley gets more attention than in the East Kimberley.

All letters and reports from any district destined for transmission to the superintendent or commissioner of police were to be forwarded through the officer in charge of the district, except in cases of 'exceptionally grave outrages', which had to be sent to the commissioner with 'urgency'. Written reports were to be kept in occurrence books and a copy was to be made each week on the occurrence sheets that were then transmitted through the district officer to the commissioner. *The Police Gazette*, the official publication of the police force, was issued weekly with new regulations and circular orders included which were 'to be promptly filed'.<sup>64</sup> Copies were inserted into the occurrence books alerting police to new rules and regulations.

Senior police or sub inspectors furnished reports on the day-to-day running of stations. With the establishment of different districts, reports were forwarded to the relevant inspectors. The police records, which were considered 'confidential and the proceedings of the police were not to be generally known' were of the following main types: general orders, circular orders, codes of

behaviour, and duties and responsibilities.<sup>65</sup> These were constantly revised or added to by the commissioner of police.

The police in the field responded with letterbooks containing correspondence between police stationed in the Kimberley and Perth regarding directives on locations to patrol and instructions, including changes to police numbers and police regulations and circular orders. The letters were transcribed into these books down the left-hand column while any response was written on the right-hand side. Letterbooks were generally written by senior police or inspectors and contained information about junior police and activities in the district, and also reported on complaints from pastoralists about the extent of stock depredations and the general condition of the 'natives'. As we will see, pastoralists did not always appreciate the findings of these reports.

Occurrence books were a day-to-day journal of police activities. A nominated police officer recorded the activities of all police, assistants and horses. For example, it might describe one sergeant in charge, one constable on horse and stable duty, one constable on town duty and one out on patrol. Occurrence books, according to police regulations, were required to record details of individuals: 'the arrivals and departures of persons, the movements of the criminal classes', which referred to a social class regarded as 'habitual' or 'professional criminals', but also a wide range of other matters:

reports of articles lost or found, inquests, accidents, affrays, meetings and their object, public entertainments, openings of new inns or stores or manufactories and by whom; in country places, states of roads, complaints by settlers and others, manner in which public houses are kept...no idle gossip is to be entered – nothing but what is authentic.<sup>66</sup>

These records were the bane of the head office in Perth. Officers in Perth were constantly critical of the content, or lack thereof, in occurrence books. Occurrence books were mandatory but were often poorly written with little of the specified material required. They were to be copied onto 'occurrence sheets' and forwarded to Perth each week. Police were expected not only to record matters of police business but also to be the eyes and ears of the force, for 'their object is to keep the Head of the Police thoroughly posted up in what is taking place all over the colony'.<sup>67</sup>

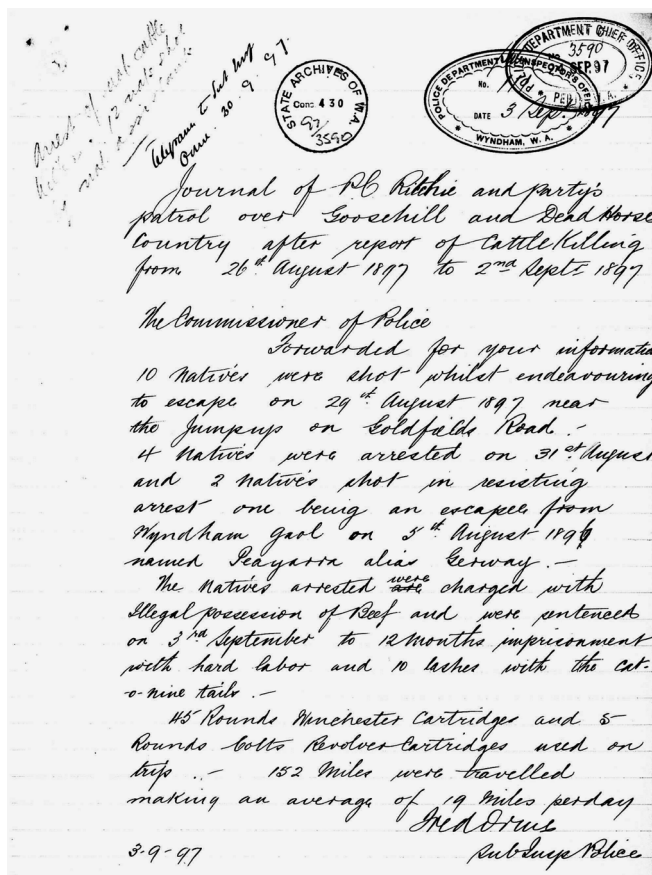


Figure 0.1. Example of a report of a bush patrol. WAPD, 'East Kimberley District. Wyndham Station. Journal of PC Ritchie and Party. August 26 to September 2, 1897', SROWA, Cons. 430, AN 5/1, File 3590/1897.

The most contentious of all these reports were the police journals or diaries of patrols from stations, in which police were required to keep a daily record of their activities. Police went on bush patrol for many reasons, for example, for the collection of census material or agricultural statistics or to deliver letters, but primarily they went in pursuit of Aboriginal people accused of stealing or disturbing stock. Varying in length, detail and content, the reports of these patrols became one of the most contested sources of information for the head office, senior police and the highest echelons of the Perth establishment. At times they might record the fact that police tediously travelled for weeks over several hundred kilometres without apparently seeing a soul, while at other times they recorded violent arrests and 'dispersals'.

The men who undertook these journeys were generally experienced 'bushmen' and their reports were usually written on return from patrol from notes taken during the trip. The only things recorded with any regularity on patrol were the names of police, native assistants, horses and a declaration of how far they travelled each day. However, as this book will show, the written record was often 'silent'; much was left unsaid and much unwritten. The veracity of these reports depended solely on the honesty and integrity of the officers who wrote them. The reports were, when forwarded to the Perth office, signed off and approved by a senior officer.

Early police records, mostly from the early 1880s and stored under the unrevealing title of 'Early Police Dept Files', contain some of the most vivid and revealing descriptions of both the new country and European colonisation of the Kimberley, particularly the nature of first contact between Aboriginal people and the police. These records were far from the glib, terse and violence-filled police records that came later. At the request of

the police commissioner who asked that police report in detail, they are written in a descriptive narrative form that tended to drop off in the police records after 1883. Mention must be made of the telegram as a valuable historical record. We shall see how the telegraph was used to devastating effect in the mid-1890s. Orders and correspondence, usually of a very frank nature, were transmitted via telegram and this provided a far superior and faster mode of communication for police authorities.

Research using police records is made difficult by the fact that many records are neither comprehensive nor complete, while others are not always housed in chronological order. This is a frustration for researchers as the historical record is fragmented with many of the thousands of entries from original indices (police and colonial secretary's office) either destroyed or lost.<sup>68</sup> Gaps exist in almost all police station or camp records, assumed lost, removed, damaged or destroyed. Environmental factors can be blamed for the loss of many records, particularly given that those men delivering mail had at times to swim over flooded rivers, resulting in the mail being soaked.<sup>69</sup>

The absence of certain archival records appears more than random or coincidental, however. There is a very curious correlation between the absences of records and an area known to have had a large number of police involved in 'dispersals'. Thus Fletcher Creek Outstation records do not appear to have survived. The occurrence books for Halls Creek Station are missing from 1893 to 1900 and only a few bush patrol records are available.<sup>70</sup> There are no station records from Fitzroy Crossing Police Station, from where notorious officer Sergeant Richard Henry Pilmer operated (see chapter 11). Wyndham police records are missing for pivotal periods of East Kimberley policing in 1894 and 1895, although some significant events involving large-scale killings of

fifty Aboriginal people at a time near Wyndham are recorded in newspapers.<sup>71</sup> Fortunately the private notebook of Sergeant Wheatley, found in the Battye Library, fills in for the missing evidence (described in chapter 10) at a time of another of the biggest single dispersals of Aboriginal people by police on patrol in Western Australian history.<sup>72</sup> Files from the Colonial Secretary's Office (CSO; series 675, consignment 527) are missing from late 1894 (curiously when the Jandamarra episode started) through all of 1895, as are files from the Aboriginal Protection Board for the same period.

The police patrol journals of PCs Thomson and Hill working out of Argyle police camp – where in late 1901 there were detailed reports of shootings and burnings of Aboriginal people – were also initially thought to be missing from the SROWA. Again, fortunately, uncatalogued copies discovered at the Western Australian Police Service in early 2004, and now in possession of this author, reveal some alarming claims of corruption regarding the activities of certain colonists and pastoralists, which are detailed in chapter 10.<sup>73</sup> More baffling still, in early 2013 it was discovered that these particular files were indeed housed in the SROWA yet they had been omitted from the physical index, making discovery almost impossible.<sup>74</sup> Who could have altered indices cannot be known, although the correlation between contentious contents and archival absence is too great to be put down to coincidence.

The categories under which the police records are housed are as follows: all police station records are indexed by Archive Note 5 (AN 5) under various accession numbers, which contain all occurrence books, letterbooks, and bush patrol reports that have survived and made it to SROWA. Consignment 430 contains the individual reports (correspondence) that were *sent* to Perth.<sup>75</sup> They should, in theory, be a verbatim record of the

## Introduction

POLICE DEPARTMENT.

Carl Kimberley District Wyndham Station.  
16 November 1901

No 198  
DEC 1901  
DERBY, WA.

REPORT of J. L. Thomson, Constable, Reg. No. 586  
relative to The murder of two Aboriginal natives  
Jimmy and Friday.

I have to report for the information of the Commissioner of Police that at 1 a.m. on the 27 October 1901 at Argyle Police Station, I received a report from Aborigine women Mary, Dinah, Maggie to the effect that a white man shot two Aboriginal natives named Jimmy and Friday, on the other side of the Red Butte, I left at 6 a.m. to investigate, I took native women Mary, Dinah, Maggie with me, and picked up the following native witnesses, Charlie, Alex, Singula and proceeded to the vicinity thirty miles East Turkey Creek, and on the 28 October at 3 p.m. I found two human bodies burnt, one body was 25 chains away from the other, one body looks as if it was burnt two weeks since, and the other under the hill the fire was just burning down, I saw fresh tracks of a horse newly shot, but could not make out other tracks, as the ground is very hard and stony and on going to a creek about 40 chains away from the body under the hill into a creek I saw fresh tracks of a white man and a camp, by the looks of the camp he must have left that morning he had a native boy with him, I got two parts of burnt heads of two human bodies. I then left for Turkey Creek and wired for instructions received instructions from Acting Sub. Insp. Duncan to take native witnesses, and proceed in search of offender, and if witnesses identified culprit arrest, I then went down to Blackfellows Creek station, and asked

Figure 0.2. 'Alleged Murder of Two Natives by Thomas McLoughlin [sic]', WAPD, AN 5/2, Cons. 430, File 1382/1905. Courtesy SROWA.

police station records. The Perth reports are generally far superior in quality, writing style and presentation compared to the district police station records. However, not all these police records are catalogued.<sup>76</sup> Furthermore it is difficult to get a sustained and coherent reading from police records given the rapid turnaround

in personnel in the force. Some officers wrote much more detailed reports than others. After 1896 police records were forwarded to decentralised substations rather than to the Perth office.

There are many thousands of pages of the various police records of the period in SROWA. Some are water and mud stained, some written in a barely legible scrawl and some in clear, fluid and descriptive prose. This is both a reflection of the environment and the quality of policemen who went to the district. Kimberley records are the poorest of all records from the Western Australian police force for this period in terms of writing, style and content. Despite instruction from police authorities that 'no personal information is to be included', aspects of policemen's personalities are evident. What they put in, what they left out, the language used, their notion of justice and propriety, the writing style and how they wrote about the Aboriginal population all provide insights into informal social hierarchies and relationships in Kimberley colonial society. The records also reveal that police were at times terrified, hopelessly under-equipped and poorly trained. Police records are usually devoid of emotion towards Aboriginal people. The few signs of empathy or concern in police records are seen in the attitudes of police to their horses, which were possibly their closest companions and, of course, crucial to their survival.

The content of these records reveals a great deal about the men who wrote them, the times in which they lived and how they went about their work. Aboriginal names (if given) are often spelt in several different ways in the same report. There are few examples of police reporting on other police – not surprising given that it was an activity with potentially fatal consequences in such an environment. However, the records studied show that disputes between police were far more common than has been acknowledged in

previous writing. One thing is clear: police reports themselves indicate that, with noted exceptions, police operated under the assumption of the justice of British law or the rhetorical necessity at least of reporting as if the British law applied.<sup>77</sup>

### Other Sources Utilised

Other colonial records utilised include those produced by the Colonial Secretary's Office. These often contain a wealth of information, particularly on the interaction between the Perth administration and the Kimberley police. Importantly they also contain large volumes of correspondence from colonists. Like the police records, unfortunately, an enormous number of CSO files are missing. The original index displays thousands of entries relevant to the police, however, in many cases the original file is not archived. Files and annual reports of the Aborigines Department and the Aborigines Protection Board, particularly the reports of the travelling inspector for the Kimberley, George Marsden, which appear in 1896, are very valuable. Marsden was one of the few independent observers in the district.

*The Police Gazette* contains detailed names of Aboriginal prisoners and provides dates of entry and departure of police officers, as well as all promotions, demotions and dismissals. Fortunately the reasons for these are sometimes to be found in another kind of source: Western Australian newspapers, such as the conservative *The West Australian* and the more radical *The Sunday Times*. These were typically scathing when it came to stories about police movements, usually attributing them to whether or not the officer in question had links to the Perth colonial elite. Northern Western Australian newspapers utilised are *Nor-West Times and Northern Advocate*, *Northern Public Opinion and Mining and Pastoral News* and *Eastern Districts Chronicle*. These papers, as their names might

suggest, do not contain disinterested editorials. Australian and overseas newspapers are also utilised (see the Bibliography for a full list of newspapers and periodicals referenced).

The books, records and memoirs of colonists are valuable as they describe the working life of their stations, express anxiety about Aboriginal attacks and sometimes show how they were caught between wanting to tell their story and needing to keep it quiet. Such was the fear of 'northern' Aboriginal people on the frontiers of Western Australia that books such as H.G.B. Mason's *Darkest Western Australia: A Treatise Bearing on the Habits and Customs of the Aborigines and the Solution of 'The Native Question'* found a ready audience. This *Guide to Out-Back Travellers*, published in 1909, reads as a textbook for prospectors on how to survive amongst Aboriginal people in the 'interior'.<sup>78</sup> For example, on encampments: 'Camps should be selected in open country on rising ground...';<sup>79</sup> on camping alone: 'Always keep moving, if possible, never sleep twice in the same place...';<sup>80</sup> and on protection: 'Do not use a muzzle loading gun – if none other, [n]ever fire both barrels in succession unless otherwise armed.'<sup>81</sup> Mason's account also provides insights into the virulent attitude and social values of many colonists on Aboriginal *country*: 'Treatment of Natives: In no instance is the adage about "familiarity breeding contempt" better exemplified than the nigger. The more you give him the more he wants.'<sup>82</sup> Mason's solution to the 'native question', as indicated in the title of the book, was emasculation and/or castration followed by forced indenture to colonists.<sup>83</sup>

The memoirs of G.H. Broughton reveal late-nineteenth and early-twentieth-century attitudes to Aboriginal people in the Kimberley.<sup>84</sup> Lurid details of how matter-of-factly colonists killed Aboriginal people can be found in Keith Willey's account of cattleman Matt Savage's experiences in the Kimberley in *Boss*

*Drover*.<sup>85</sup> Memoirs of explorers in the Kimberley, such as Alexander Forrest, Frank Hann, David Carnegie and Aeneas Gunn, and early 'overlanders', like Gordon Buchanan and Gerard Lamond, provide insights into racial attitudes to Aboriginal people. Hann and Gunn outline conflicts and shootings at 'bush blacks' and of European 'nigger hunting' parties.<sup>86</sup> Buchanan and Carnegie describe the practice of capturing and chaining Aboriginal people whilst feeding them salt to dehydrate them until they would reveal water sources.<sup>87</sup> Carnegie took a particular interest in and had genuine respect for Aboriginal weapons, noting that Kimberley spears were so sharp they could pass straight through cattle.<sup>88</sup>

Personal memoirs and pioneer diaries held in archives are the most revealing sources of information on Kimberley social life. They reveal what the colonists viewed as the 'realities of settlement' and the frontier culture of the Kimberley. These records, many written with an assumption that colonial authorities would not see them, contain very frank accounts of life in the Kimberley. It is abundantly clear that many colonists saw themselves in a state of war with the Aboriginal inhabitants. The writings of Doug Moore, Richard Allen and Thomas Wheatley are utilised in this study. Memoirs from police who served in the Kimberley are scarce. In fact police, like colonists, rarely wrote down exploits they regarded as 'outside the law' lest they incriminate themselves.

Cathie Clement and Peter Bridge have presented an annotated and edited version of the colourful memoirs of Richard Henry Pilmer, one of the more infamous West Kimberley policemen. Pilmer saw his police role as a positive nationalist white 'civilising force', 'dispensing justice' towards Aboriginal people by punitive means with his duty 'to teach the wild Australian Blackfellow the rights of property in the great unfenced'. Pilmer freely admitted to 'doing away', or shooting, 'desperate characters'.<sup>89</sup> He was so

notorious for shooting Aboriginal people that in Aboriginal oral history accounts of the Kimberley his name, sometimes seen as 'Bilimur', became synonymous with 'police' and the two are often used interchangeably, particularly in relation to massacres of the period, even though Pilmer did not serve in the East Kimberley.<sup>90</sup> Clement and Bridge's editorial work also includes *Kimberley Scenes*, a collection of very frank memoirs, stories and letters from the Kimberley frontier.<sup>91</sup>

### The Problem of Historical Silences

The East and West Kimberley have been popularised in literature that has shaped many later historical accounts. Ion Idriess' 1952 historical novel *Outlaw of the Leopolds* deals with the West Kimberley and retells the story of Jandamarra. In the East Kimberley Mary Durack's popular 1959 family history, *Kings in Grass Castles*, and the sequel, *Sons in the Saddle*, told the story of the establishment of the Durack pastoral dynasty.<sup>92</sup> These narratives celebrated European exploration, pioneering, colonisation and conquest. Aboriginal people were part and parcel of the environment: an element to be overcome by force if necessary, along with drought, wild animals, hunger and thirst. Unspoken in these accounts is the detail of the extreme violence between colonists, police and Aboriginal people, what J.S. Battye in his *History of the Northwest of Australia* euphemistically called the 'difficult aspects' of colonisation.<sup>93</sup> Durack makes many references to violent interactions involving the killing of Aboriginal people in her published works, though events are spoken of in euphemisms (the term 'dispersal' being the most obvious) or clouded under a veil of allusion.

Mary's father, Michael Patrick (M.P. 'Miguel') Durack, one of the first colonists of the East Kimberley in 1882, was less

circumspect and wrote in 1932: 'It should be added that the black-fellow on the whole was never given a chance, and the coming of the whites meant the going of the blacks.'<sup>94</sup> How 'the going of the blacks' occurred is not explained, although Durack does directly admit that, following the spearing of 'Big' John Durack in November 1886, punitive expeditions occurred and 'a lot of the blacks were shot'.<sup>95</sup> Mary Durack also wrote of the spearing and refers to the punitive expedition (discussed in detail in chapter 6) but downplays it in these quixotic terms:

After the death of Big Johnny Durack a chain of fires blazed defiance from range to range. Lucanus [friend and ex-native police trooper from South Australia] marshalled his forces and rode the countryside and slowly the fires went out.<sup>96</sup>

What is lacking, of course, is detail. These events are clearly sensitive issues for a writer who would be implicating people, including family members, in murder. Curiously the most recent biography of Mary and Elizabeth Durack, by Brenda Niall and published in 2012, appears to acknowledge this fact and, perhaps reflecting changing sentiments since Mary Durack's 1959 telling, airbrushes the account from history by claiming the punitive expedition 'failed to find them' [Aboriginal people].<sup>97</sup> This topic and the issue of 'pioneer silences' are explored in more detail in chapter 3.

While historians have focused their attention on the West Kimberley, overall there is a more diverse historical record and far more significant and varied Aboriginal oral history accounts of the colonisation of the East Kimberley. In them unrecorded killings is a common theme. These accounts, much like other

traditional stories, are passed through generations of families from Elders. Unpublished oral histories from the East Kimberley area are found in the work of Helen Ross and Eileen Bray, who interviewed East Kimberley Elders and recorded their stories of the 'killing times', the *kartiya* as they were known, when Europeans were colonising the district.<sup>98</sup> Some accounts detail the practice of killing and burning Aboriginal people (including women and children) by piling the bodies up (after, it appears, the condemned had gathered the wood for the fire) and incinerating them with kerosene.<sup>99</sup> Police records corroborate accounts of this nature. Cathie Clement has provided a detailed historical summary to complement these oral histories.<sup>100</sup> Published works include the biography of 'black tracker' Jack Bohemia,<sup>101</sup> and a range of works by Bruce Shaw and Mary Anne Jebb.<sup>102</sup> Jebb's nuanced history of Aboriginal integration into the pastoral industry in *Blood, Sweat and Welfare* covers much of the time after the period covered in this book.<sup>103</sup>

Bruce Shaw has edited the extraordinarily detailed life story of Gadjerong man and stockman on Durack pastoral stations Jack Sullivan, who recounts his integration into the pastoral economy. This is possibly one of the few published challenges to European written history presented by writers such as Mary Durack. Veronica Ryan edited a collection of stories titled *From Digging Sticks to Writing Sticks: stories of Kija women*, which contains valuable oral accounts of many of the Bedford Downs massacre stories.<sup>104</sup> Other oral histories that record Aboriginal people's experiences in integrating into station life are found in the works of Ambrose Chalarimeri, Joyce Hudson and Pat Lowe.<sup>105</sup>

Other oral histories from the West Kimberley describe other accounts of Aboriginal countrymen being burnt after being killed.<sup>106</sup> Steve Hawke and Michael Gallagher in *Noonkanbah*:

*whose land, whose law* recorded Aboriginal oral histories that detail these events. Here Noonkanbah Elder Ginger Nganawilla talks about the conflict in the 1890s directly referencing Jandamarra and PC Pilmer.<sup>107</sup> Nganawilla also provides accounts of the notorious 1926 Forrest River massacres, discussed later in this book in the Postscript, which corroborate allegations of Aboriginal shootings and subsequent burning of bodies.<sup>108</sup>

Deborah Bird Rose's account of the Aboriginal people of the Victoria River district, just across the border in the Northern Territory, is chilling in its detail and reveals stark similarities to the Kimberley.<sup>109</sup> Rose argues that the arrival of Europeans involved 'mass killing, introduced diseases, huge displacement of people, increased ecological and social pressures within available refuge areas and increased competition for women'.<sup>110</sup> Additionally, policing illegal behaviour by colonists, such as those engaged in 'cattle duffing' and those who took the law into their own hands and killed Aboriginal people, was difficult as they 'resented bitterly any police interference' in such practices.<sup>111</sup> Travelling further east across northern Australia, Tom Roberts has documented similar accounts of punitive expeditions and frontier policing using a native police force over the newly established pastoral industry in the 'Gulf Country' of the Northern Territory from 1881 to 1900, which, dispossessed the Aboriginal inhabitants and caused the deaths of at least 600 people.<sup>112</sup>

The history of policing the Kimberley is a challenging one to research and write. On one hand there is an extraordinarily rich and detailed historical record; on the other hand we have to question some of the details contained in these records, including the numbers of Aboriginal people killed, particularly during pivotal periods in the mid-1890s. Police records must be read with the understanding that they were not disinterested

reports or confessionals. They were, in effect, testimonials to the competence of the officer involved. Police were sometimes held to account over their reports. As will be shown in subsequent chapters, police could (and some did) face internal investigations or criminal charges based on the information contained in their reports. Generally, however, bush reports were written in a way that justified police actions. Police officers learnt, indeed were instructed, to write them in such a way so as to avoid investigation of their actions. For instance, violence in the historical record is written about in two ways: violence when used by Aboriginal people was 'savagery and treachery', but when used by colonists and police was an 'instrument of justice'. Reading the evidence for the gaps, silences and rhetorical tropes is very necessary indeed.

During the period under study Aboriginal people had little to no opportunity to speak for themselves. Whilst attempts have been made to incorporate Aboriginal evidence in the form of oral history, this presents extremely difficult methodological challenges. The few pieces of written evidence from Aboriginal people were often witness statements or evidence given in court under duress and as a consequence the material utilised is limited. That stated, it is usually quoted in full in this book, such is the power of this rarely seen non-European perspective. The spelling of Aboriginal names is based on police records and newspaper reports and invariably will differ between different sources.

Throughout the text references to 'the Kimberley' (also known as 'Kimberleys') mean the East and West Kimberley districts unless specified. Indigenous people of the Kimberley are referred to as Aboriginal people throughout.<sup>113</sup> The 'Aborigines Protection Board' was also referred to as the 'Aboriginal Protection Board' and the terms were used interchangeably. Non-Aboriginal

people of the Kimberley are referred to as colonists and owners of pastoral stations are referred to as 'pastoralists', although they may have been known as 'settlers' or 'squatters' in the historical record. The lowest ranks of mounted police constables, particularly in the East Kimberley, were colloquially referred to as 'troopers' in the historical record. These terms remain when used in a historical source that is quoted.

For terminology regarding Aboriginal people, '*country*' describes land and sea areas belonging to different language groups. The complexity of Aboriginal society across the Kimberley was unknown to colonists at the time and it included up to seven different types of social organisation concerning kinship systems, marriage divisions, and *classificatory* 'Sections' also known as 'skin names'.<sup>114</sup> The prevailing assumption was that Aboriginal people lived and moved in defined areas and possessed a 'tribal structure' that shared a common language and culture. This perception was reflected in later anthropology and the term 'tribes' was used extensively up until the 1950s to describe what are now generally known as language or dialect groups that consisted of smaller 'bands', 'hordes' or clans. Aboriginal people could also often speak a variety of dialects of the same language and their identity was not fixed. For example a person may be from 'coastal' Warwa *country* but have affiliations with another location. The term 'tribe' is used if quoted in a historical source. Similarly 'mob' was extensively utilised to describe anything from 'tribes' to family groups.

This book contains historical extracts with often derogatory and offensive terms for Aboriginal people that were common to the time. To ignore or delete these would be to airbrush the past, to present a censored view of Kimberley history and do a disservice to the historical record. It also includes the names of

deceased Aboriginal people from various historical records. The author apologises and states that no offence is intended by the inclusion of this material.