

## **Neither justified nor warranted:**

### **The 1935 Cleland Inquiry<sup>1</sup>**

By Justin O'Brien

#### **Introduction**

The 1930s were seminal years in the development of an articulated Australian Commonwealth policy towards the Northern Territory's Indigenous population. The engine room for change to a cornerstone of that policy – the extent to which police should be involved in Aboriginal affairs and in what capacity – was not a likely locale. Instead of the corridors of Canberra this policy change sprang from the sands of Central Australia, where the final conquest of the continent was literally being fought out. In 1935 a Commonwealth Board of Enquiry<sup>2</sup> was conducted into, firstly, the shooting the previous year of an Aboriginal man named Yokununna at Uluru and, secondly, allegations of ill-treatment of Aboriginal people by Constable William McKinnon, his trackers and a civilian at the Hermannsburg mission. All concerned were eventually cleared by authorities – and McKinnon went on to enjoy a successful Police career<sup>3</sup> – the inquiry was the catalyst for the Commonwealth to change its Aboriginal protection policy.

It is fitting that a place so singularly representative of the Indigenous Australian 'domain' as Uluru was directly associated with a substantive reform in Indigenous affairs. Uluru's isolation, harsh environment and grandly esoteric qualities have the effect of imbuing events that happen there with a particular significance. This was the case in 1934/35.<sup>4</sup>

The sequence of events that led to the so-called Cleland Inquiry (after the presiding commissioner) highlighted to the Commonwealth both the inappropriateness of much police practice and the overall inadequacy of its Aboriginal 'protection' policy. The inquiry has been widely acknowledged

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<sup>1</sup> The Cleland Inquiry officially found, inter alia, that the shooting of an Aboriginal man in 1934, Yokununna, 'though legally justified, was not warranted'.

<sup>2</sup> This was the contemporary official bureaucratic spelling.

<sup>3</sup> McKinnon retired in 1962 as Senior Inspector in Charge of the Southern Region after 29 years service with the Territory Police. Carment & James 1992: 127.

<sup>4</sup> Perhaps is not surprising, then, that the community at the base of Uluru, Mutitjulu, has been the focus of much of the recent reform in Indigenous affairs.

as the precursor to the adoption of patrol officers and changes in the handling of 'tribal offences', yet scant academic attention has been paid to the inquiry in its own right. Policing practice, the relationship between Aboriginal customary law and European law and consequent Aboriginal alienation from European justice administration, as well as ongoing abuses in the pastoral industry, were all considered by the inquiry. Much evidence was presented that tells of a time before policy-makers in Aboriginal affairs 'thought outside the square' and reconsidered the use solely of police as Protectors and whether arrests should be obligatory in cases where tribal laws (and no non-Indigenous Australians) were involved. A more detailed appreciation of this change in attitude may be gained by examining the Cleland Inquiry and its subject matter in its own right, rather than apportioning it a cursory reference in the broader context of Aboriginal affairs and justice administration. The purpose of this essay, then, is to examine the immediate events that led to the Cleland Inquiry, the Inquiry itself and, in turn, the consequential employment of the first patrol officer. Broader Aboriginal policy considerations, such as assimilation, reserves, missions and judicial reform, are not examined.<sup>5</sup>

The picture that emerges of Central Australia at this time is one of a mostly lawless land policed by rough justice meted out by hardy and uncompromising 'semi-cowboys'.<sup>6</sup> Police work itself, it should be noted, was largely a thankless and difficult task. Isolation, climate, camel-bound patrols sometimes lasting several months and long spells of boredom at lonely stations all took their toll. Bill McKinnon was, for example, 'one of the few Northern Territory policemen ever to have served until retirement age'<sup>7</sup> – a sure sign of the pressures of the work. Yet that work also had its own rewards, especially for the free-spirited.

Exploring the detail of the lead-up to the Cleland Inquiry reveals a conflicted system of Aboriginal 'protection', unruly and often arbitrary

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<sup>5</sup> See Austin (1997) for an unrivalled history of these matters during the period in question.

<sup>6</sup> Downer 1963: 14. Downer is quoting 'an Adelaide newspaper' description of Northern Territory Mounted Police.

<sup>7</sup> Carment & James 1992: 127.

policing and, above all, a confused Commonwealth Government policy framework badly in need of revision.

### **Political and legal context**

The Coniston killings of 1928<sup>8</sup> and the subsequent Board of Enquiry in 1929 and media attention it attracted were still foremost in the minds of Commonwealth policy-makers in the Thirties. An unwelcome reminder came in 1933 with the publication by the Sydney *Sunday Sun and Guardian* of an Ernestine Hill article championing the central figure of Coniston, Constable William George Murray, as a ‘man whose gun keeps white men safe in the wilds’.<sup>9</sup> Northern Territory Police Superintendent A.V. Stretton castigated Murray for participating in the preparation of the article. The Secretary of the Commonwealth Department of the Interior, H.C. Brown, had written to the Northern Territory Administrator Robert Hunter Weddell complaining that Murray had ‘been extremely indiscreet in furnishing information on which the article in question is based’ and noted that ‘the Minister and this Department will be seriously embarrassed’ by the article. Brown called for an explanation from Murray and suggested that he be charged with a breach of Public Service Regulation 17.<sup>10</sup> The unwavering secretary of the Association for the Protection of the Native Races of Australia and Polynesia (APNR), Reverend William Morley, protested to the Minister Responsible for the Interior, J.A. Perkins. Morley claimed the article was ‘an indictment to the shooting and massacre of aborigines of which there have been so many examples in the past’.<sup>11</sup> However, there were other, more recent, events that played on the minds of the policy-makers.

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<sup>8</sup> In August and September 1928 in the Lander and Hanson rivers district northwest of Alice Springs a minimum of 31 Aboriginal people (the official figure) were killed by police and civilians following the murder of a dingo trapper and the later attack on a pastoralist. A subsequent court case and Board of Enquiry (widely regarded as a whitewash) prompted much interest and outrage in Australia and overseas and concerted criticism of police and government. Estimates of those killed range as high as over 200. See Wilson & O’Brien 2003.

<sup>9</sup> Ernestine Hill, ‘Murray, Scourge of the Myalls’, *Sunday Sun and Guardian*, 5 February 1933.

<sup>10</sup> Brown to Weddell, 8 February 1933, NTAS NTRS F596 Staff files, “P” – 1924-1959. Regulation 17 related to the unauthorised disclosure of information to the Press.

<sup>11</sup> Morley to Perkins, 20 February 1933, NTAS NTRS F596 Staff files, “P” – 1924-1959. Morley was a vocal opponent of the Commonwealth’s use of police in Indigenous affairs generally.

Following the killing of five Japanese pearlers and trepang harvesters at Caledon Bay in September 1932, the suspected murder of Frank Traynor and William Fagan at Woodah Island in June 1933 and the death of Constable Albert Stewart McColl also at Woodah Island in August 1933, Administrator Weddell suggested that a punitive expedition be sent to Arnhem Land. He outlined his forbidding suggestion to Canberra via coded telegram.

... Consider it essential strong party of twelve whites twelve aboriginals and one cook be despatched end of September ... about whites, will be civilians experienced bushmen sworn in as special constables ... strong demonstrative force imperative as natives numerous, hostile and cunning, many murders by them during the last sixteen years remaining unpunished ... in view of past experiences consider casualties amongst these aboriginals inevitable ...<sup>12</sup>

Five years earlier the Coniston killings of Central Australia had alarmed and mobilised church and humanitarian organisations, prominent Australians and the international community to rally in defence of Aboriginal people. The suggestion in 1933 that deliberate force would be used against Aboriginal people in Arnhem Land was quickly decried in correspondence to the Government and in the Australian and English press. Some 57 church and missionary groups, women's organisations, unemployed workers' groups, ALP branches, peace groups and the like registered protest with the Government.<sup>13</sup> The Catholic Archbishop of Melbourne, Daniel Mannix, spoke for the opposition to the expedition in a telegram to Prime Minister Joseph Lyons.

With I hope the majority of Australians I would regard the punitive expedition with grave misgivings and the possible result with horror ...<sup>14</sup>

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<sup>12</sup> Weddell to Department of Interior, 27 August 1933, Department of Interior file 47/1434, in Egan 1996: 40. Weddell proposed the party be armed with no less than 20 rifles and 2000 rounds of ammunition, 12 revolvers and 1000 rounds of ammunition, four shot guns and 300 cartridges.

<sup>13</sup> Austin 1997: 223.

<sup>14</sup> Mannix to Lyons, 5 September 1933, Department of Interior file 33/7632, in Egan 1996: 41.

In the end the Commonwealth decided against a show of force and chose instead a ‘peace mission’ of civilians and missionaries which brought a group of some 19 Yolngu<sup>15</sup>, including Dhakiyara Wirrpanda (Tuckiar), to Darwin in April 1934 to face the courts. Judge Thomas Alexander Wells of the Northern Territory Supreme Court sentenced Mau, Natjelma and Narkaya to 20 years imprisonment with hard labour for the murder of the Japanese while Tuckiar and Mirera were acquitted for the murder of an unknown person (Traynor or Fagan). Tuckiar was later found guilty for the murder of Constable McColl and sentenced to death by Wells. However, following a successful appeal to the High Court – the first reported decision of the High Court in which an Aboriginal person was a party to the proceedings<sup>16</sup> – Tuckiar was ultimately acquitted. The High Court’s Tuckiar decision cast yet another shadow over the Commonwealth’s Aboriginal policy.<sup>17</sup> It also marked the beginning of the Court’s long-running interest in the rights of Aboriginal people and the particular difficulties of Aboriginal policy in the Northern Territory.

**Comment:** C.f. The Age editorial on need for policy review. Footnote should better explain precedent value. Also touch on Tuckiar’s ultimate fate.

The case was the Court’s first encounter with issues of Aboriginal rights. By unanimously quashing a conviction for murder and sentence of death, and expressing grave disquiet at the whole Northern Territory system of justice, the Court established a pattern of broad sympathy for the rights of Aboriginal peoples, to which it has increasingly returned.<sup>18</sup>

The significant scrutiny from the media, church and humanitarian societies that resulted from the events of 1928 to 1934 meant race relations in Australia were topical both domestically and abroad. Despite this intense scrutiny a cornerstone of the Commonwealth’s policy toward Aboriginal people in the Territory remained intact to the Thirties. Police constables continued to serve as Protectors of Aboriginal people and investigated all matters relating to them, ostensibly operating under protectionist legislation and the command of the Chief Protector of Aborigines. The then Sydney

<sup>15</sup> A generic term for Aboriginal people from northeast Arnhem Land.

<sup>16</sup> Anon. 2005: 3.

<sup>17</sup> Tuckiar v. The King, 52 CLR 1934: 335-355.

<sup>18</sup> Jack Waterford, “Tuckiar v The King”, entry in *The Oxford companion to the High Court of Australia*, at 687, in Anon. 2005: 3.

anthropology student Olive Pink identified the inappropriate role of Police in native affairs to the Prime Minister in registering her protest at the proposed Arnhem Land expedition (for the 'sake or ordinary humanity – even nominal Christianity and name of Australia'), asking 'what is [the] Chief Protector for?'<sup>19</sup>

Egan (1996) for one is certain that events in the Top End provided the final stimulus for an improved Commonwealth policy towards Aboriginal people in the Territory.

The events in the north between 1932 and 1934 were bad news for a Government about to face a Federal election in an economically depressed time. Perkins [the Minister for the Interior] must have prayed for the earth to open and swallow all the people involved, the Aboriginals, the officials in the north and in Canberra, the missionaries, the anthropologists, the do-gooders, even the Colonial Office in London... The whole chain of events showed that the Government of the day had no idea what sort of policy, if any, it should have about Aboriginals.<sup>20</sup>

The detailed analysis by Austin (1997) shows that the period was indeed decisive in shaping Commonwealth policy, not the least because of external pressure brought to bear on the Government.

The year 1929 saw the start of a prolonged campaign for justice in the courts, and an end to the kind of unrestrained police action taken on and near Coniston Station. Newspapers picked up anything suggesting mistreatment of Aborigines ... With welfare groups now much too powerful to be ignored the Caledon Bay and Woodah Island incidents of 1933 and 1934 determined that the climate for reform evident from the late 1920s was followed by official action.<sup>21</sup>

The final stimulus for change came in early 1935 when, despite the censure the Government had received during and after the events at Coniston and in Arnhem Land, the Northern Territory Police were once more associated

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<sup>19</sup> Pink to Lyons, 4 September 1933, Department of Interior file 33/7632, in Egan 1996: 41.

<sup>20</sup> Egan 1996: 198.

<sup>21</sup> Austin 1997: 219. Austin cites NAA A1 33/5968 and NAA A1 37/3013 for 'details and newspaper clippings'.

with the killing and alleged mistreatment of Aboriginal people, this time in Central Australia. Prior to examining the immediate causes of the Cleland Inquiry, however, it is important to reflect on the broader social setting in which Aboriginal and European Australians found themselves in the 1930s in Central Australia.

### **Pastoralism, dogging and Aboriginal people**

**Comment:** Paragraph on pastoral industry of the region, see and cite Warden.

The single most important step in the development of the Central Australian pastoral industry was the completion in August 1929 of the Alice Springs to Oodnadatta railway line. In the first 10 weeks of the line's opening some 6,718 fat cattle were railed to Adelaide and sold at four times the price attainable for 'stores'.<sup>22</sup> Between 1930 and 1950 there was a six-fold increase in the number of livestock in Central Australia.<sup>23</sup> In the years following 1930 the cattle industry pushed westward into the Uluru region. In 1933 Ernabella, the first pastoral station on Yankuntjatjara country, was established, prompting the westward expansion of pastoralism to Erldunda and beyond to Mount Conner (Attila).<sup>24</sup> In the early 1930s W.L. ('Snowy') Pearce took up a pastoral lease and established Lynda Vale station in the country east of Mount Conner.<sup>25</sup>

In her biography of Hermannsburg missionary F.W. Albrecht, Henson (1994) details the impact of colonisation, particularly the cattle industry, on Central Australia's Indigenous population.

People in the bush covered enormous distances in their search for food, even though the bushtucker in unstocked areas was much more plentiful, and included many grass seeds and berries which in settled areas were eaten or trampled by the cattle. But Aborigines whose tribal lands had been taken for cattle raising had been pushed into small areas adjacent to station homesteads. With such restricted areas, it was evident why they could no longer support themselves on bush food and tended to drift in to

<sup>22</sup> *Fourth Annual Report of the North Australia Commission*, p.29, in Powell 2000: 164.

<sup>23</sup> Rose, F.G.G. *The Wind of Change in Central Australia*, Akademie Verlag, Berlin, 1965, p.24, in Layton 1989: 62.

<sup>24</sup> Layton 1989: 62.

<sup>25</sup> Layton 1989: 66.

the mission or Alice Springs. Some of the station owners were reasonably generous with food and clothes for Aboriginal workers and their families, but there was no way they could support large groups in real need.<sup>26</sup>

**Comment:** Paragraph on context to Bleakley Report, including Forrest River, pressure for policy shift in Aboriginal affairs. See and cite Austin 1997: 121. Conclude with paragraph 'No major new policy...' (130)

In 1928 the Chief Protector of Aboriginals in Queensland, J.W. Bleakley, was asked to report on Aboriginal conditions in Central and North Australia, then separate jurisdictions under Commonwealth control.<sup>27</sup> Bleakley identified the conflict between Aboriginal and European Australians over land use and waters as a key concern and drew attention to the fact that pastoralists were disregarding the 'full and free right of ingress, egress, and regress' provided for Aboriginal people in pastoral leases under the Land Ordinances of 1927.<sup>28</sup> He also identified cattle spearing as endemic in some areas and noted that there existed no circuit-breaker for the inevitable clash of cultures.

As long as the blacks have reason to labour under a sense of deprivation or injustice, the trouble with cattle killing will continue, especially while the machinery for controlling them is inadequate. The stock-owners argue that the Government that granted them tenure of the country and collects the rental is in duty bound to afford them and their property the necessary protection. There is no doubt the impossibility, under present conditions, of effectively patrolling the vast areas assigned to the few official Protectors emboldens the offenders.<sup>29</sup>

Bleakley saw the solution in the reservation of suitable areas 'to provide a sanctuary for the natives' and the appointment of:

extra police, and establishment at accessible points, to ensure regular patrol and prompt action for protection, not only of the

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<sup>26</sup> Henson 1994: 68.

<sup>27</sup> From 1 March 1927 to 11 June 1931, the Northern Territory was divided into the Territory of North Australia and the Territory of Central Australia, under the provisions of Part IV of the *Northern Australia Act* 1926.

<sup>28</sup> Bleakley 1928: 32.

<sup>29</sup> Bleakley 1928: 32.



stock-owners' cattle, but of the natives when suffering distress.<sup>30</sup>

Noting that 'a good deal of criticism was levelled at the practice of utilizing police officers as Protectors of Aboriginals' and that 'his duties as a police officer could not help but clash with the responsibilities of his position as a Protector', Bleakley recognised that 'it has to be admitted that many police officers are imbued with a genuine desire to help the natives'. While he acknowledged that maintaining a 'staff of resident official protectors, instead of the police, would in many ways be more satisfactory', Bleakley recognised the additional expenditure this would require and instead suggested that 'travelling official Protectors as inspectors' should be appointed.<sup>31</sup>

Austin (1997) has rightly noted that 'no major new policy advance was evident in the [Bleakley] report', with the report advocating, as with the greater role of missions recommended, a 'shift in emphasis only'. Importantly, however, 'gone... was any suggestion that Aborigines were doomed to extinction. The problem was not going to fade away.'<sup>32</sup>

With sheep proving unsuitable due to dingo attacks and climate, the cattle industry in its infancy and the Depression biting into farm profits, for many Central Australian Aboriginal people a common contact with non-Indigenous Australians in the 1930s was with dingo trappers. Otherwise known as dingo scalpers or doggers, these 'tough and wiry types' took up many pastoral leases in the Ernabella area during the Thirties.<sup>33</sup> Many of these men arrived during the Depression with limited capital and relied on selling dingo scalps to get by. Quickly adapting to the new economy and possessed of a traditional proclivity to trade, Aboriginal people invariably performed the labour of hunting dingos and exchanged the scalps for rations with the doggers.<sup>34</sup> J.R.B. Love visited the North West Reserve in the Ernabella region in 1937 to choose a site for a Presbyterian mission and noted the widespread impact of the dingo trade on Aboriginal people.

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<sup>30</sup> Bleakley 1928: 32. These reserves included the whole of Arnhem Land, with the reserve originally proposed by Bleakley beginning from the South Alligator River.

<sup>31</sup> Bleakley 1928: 37.

<sup>32</sup> Austin 1997: 30.

<sup>33</sup> Harney 1963: 40.

<sup>34</sup> Layton 1989: 69.

There are well-defined tracks, of camels and motor cars, left by 'doggers' and prospectors right through the Reserves. Some of the intruders have permits; most have not. The 'Dogging' business is a well organised trade. 'Doggers' ... have their recognised rounds, meeting the natives at the camps and purchasing the scalps off them in the Reserves. The goods used in the trade include flour, tea, sugar, tobacco, matches, shirts and trousers and dresses.<sup>35</sup>

Police officers were the other principal contact for Aboriginal people at the time. Stock killing and isolated conflict between Black and White on the fringes of pastoral expansion, along with 'tribal offences' among Aboriginal people, formed much work for police over their vast patrols. The South-West police patrol itself comprised approximately 24,150 square kilometres, with a resident White population of less than 30 people.<sup>36</sup>

In the late 1920s and early 1930s police at Alice Springs, Alice Well, Barrow Creek, Arltunga and Lake Nash also served as Protectors of Aborigines.<sup>37</sup> The irony of this dual responsibility was not lost on police at the time. McKinnon later recalled that it was at times a conflicted role.

You'd be their protector and yet you'd go into court and prosecute them... Well it was awkward. They police were not happy about that circumstance because they were not anti-Aborigine, and well, as far as I'm personally concerned I just used to tell their story, get in court and tell their story, as they would tell to me.<sup>38</sup>

Things were not, however, always as straightforward, particularly where the law under which Aboriginal people had lived since time immemorial clashed with European law.

### **From tribal murder to inquest**

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<sup>35</sup> Love, J.R.B. & Balfour, L. *Ernabella Mission Report*, Board of Missions of Presbyterian Church of Australia, Adelaide, 1937, p.10, in Layton, R. *Uluru*, p.69.

<sup>36</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636, p.6.

<sup>37</sup> Bleakley, J.W. *The Aborigines and Half-Castes of Central Australia and North Australia*, p.36.

<sup>38</sup> McKinnon interviewed by Francis Good, September 1991, NTAS NTRS 226 TS789, Side A, Tape 1, p.2.

Records of the inquest and trial regarding the death in August 1934 of an Aboriginal man named Kai-Umen and those of a police investigation into the October 1934 shooting of Yokununna on 13 October 1934 provide the clearest documentary evidence on the lead-up to the Cleland Inquiry. Constable Hamilton collected statements regarding Yokununna's shooting on 11 January 1935. Six says later at Alice Springs the inquest into Kai-Umen's evidently tribal killing was conducted before V.G. Carrington, the Deputy Administrator of the Territory and, among many other titles, District Coroner.<sup>39</sup> Much of the evidence tendered at the inquest was resubmitted to the subsequent murder trial of Numberlin and Nangee, which suggests a dearth of admissible evidence available to the prosecution.

In August 1934, Bob Hughes (who normally worked for 'Snowy' Pearce at Lynda Vale station), was dingo trapping some three kilometres west of Anerie (Anari) soak, located southwest of Mount Conner (Attila). With him was Numberlin, an Aboriginal man from Attila who was also employed by Pearce at Lynda Vale. A group of Aboriginal people, which included Nangee (also known as Pompey) from the Petermann Range, Kai-Umen (referred to by Hughes as Arse-over-head) and his wife Uribianna (a.k.a. Judy) from Kata Tjuta, had come to sell dingo scalps to Hughes and were camped nearby. On 11 August, Hughes noticed a lot of kangaroo tracks around the camp and as the party had not eaten meat for several days he lent Numberlin his .22 calibre rifle and three cartridges to shoot a kangaroo. Numberlin left with Nangee and Kai-Umen, whose age Hughes guessed at about 25 years.<sup>40</sup>

At about 3.30 p.m. that day Numberlin and Pompey returned to Hughes' camp, with neither Kai-Umen nor any kangaroo. Numberlin handed Hughes his rifle and just one cartridge. Hughes asked Numberlin if he knew Kai-Umen's whereabouts and was told 'I don't know, think him track im puppy'. The next day Hughes went on to Eraka soak some 28 kilometres west of Mount Conner where he asked Uribianna to track Kai-Umen. She

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<sup>39</sup> Carrington had, in 1929, also acted as secretary to the Board of Enquiry into the Coniston killings.

<sup>40</sup> Hughes evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

returned in the evening to tell him through Numberlin (who spoke English) that Kai-Umen's tracks led towards Eraka. The following day Hughes left for Anerie where he met another dingo trapper, Jack Anderson, and asked him if he had seen Kai-Umen – 'he said that blacks had told him that Numberlin had killed him'.<sup>41</sup> As there were some 80 or 90 Aboriginal people camped at Anerie at the time, Hughes 'got the wind up' being alone there and consequently went on with Anderson to Ernabella.

'Snowy' Pearce notified Alice Springs police of the murder on 25 August, via telegram from Horseshoe Bend. That day Sergeant J.C. Lovegrove duly informed Constable Kennett at Charlotte Waters and instructed him to 'patrol and investigate'.<sup>42</sup> The task was delegated to Bill McKinnon who was already on patrol. McKinnon told the Kai-Umen inquest that on 1 September, as a result of something he was told, he arrived at Lynda Vale station and asked Numberlin who had killed Kai-Umen. Numberlin confessed that he had murdered Kai-Umen and McKinnon arrested him. On 8 September McKinnon was at Koketara Well where he and trackers Paddy and Carbine encountered Yunginna (Ooleroo Paddy), Yokununna, Mamiringa and Unganinga. Numberlin had implicated these men and they were cautioned, questioned and as a result all confessed to participating in the murder and were duly arrested. According to McKinnon's account, each admitted to inflicting either stone or stick (or both) wounds to Kai-Umen.<sup>43</sup> McKinnon had known Kai-Umen for 'nearly three years' and told the inquest he regarded him as 'quite civilized'. Kai-Umen had been working for W.H. Liddle (at Angas Downs) for 'several years' and was known as a 'good native and did not go about much with other natives'.<sup>44</sup>

On 30 September McKinnon took the party to Ilanula, a rocky ridge north of Mount Conner referred to by him as Elangilla Hill. Here he saw Kai-Umen's decomposed body covered with grass, mulga branches and stones.

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<sup>41</sup> Hughes evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>42</sup> Pearce to Lovegrove, 25 August 1934 and Lovegrove to Kennett, 25 August 1934, NTAS F84.

<sup>43</sup> McKinnon evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444. McKinnon's photograph of 'some of the murderers of Kai-Umen' was no doubt taken between 7 September (their capture) and 7 October (their escape).

<sup>44</sup> McKinnon evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

Each of the accused made more detailed confessions in each other's presence.<sup>45</sup>

On 7 October at Middleton Ponds, Bob Buck's station, McKinnon was examining the head of Kai-Umen that he had dismembered<sup>46</sup> when he 'heard something rattle inside, a bullet fell out'.<sup>47</sup> He then asked all the accused which one had shot Kai-Umen and each replied 'Pompey' (Nangee), who was not then in custody. That night all the accused escaped, perhaps because they (correctly) suspected that the full force of White man's law would now be levelled at them because a firearm had been involved in the killing. They may have also been motivated by the rough treatment later alleged to have been meted out to them by McKinnon, his trackers and a station worker P.W. ('Bert') Branson. Years later McKinnon said he had 'always suspected one of the local blacks probably helped them' to escape<sup>48</sup> – suggestive of the sympathy other Aboriginal people naturally felt for their kinfolk ensnared in the European justice system.

On the morning of 8 October McKinnon formed a party to pursue the escapees, comprising himself, Bob Buck, 'Bert' Branson, trackers Paddy and Carbine, a 'station native' from Middleton Ponds named Alec and a prisoner named Barney.<sup>49</sup> On the second day of the pursuit Tracker Paddy was sent 'into the hills to pick up tracks with instructions to stick religiously to them'.<sup>50</sup> Three days later Buck, Branson and Alec reluctantly agreed to return to Middleton Ponds, there being insufficient food and water to cater for the entire party.<sup>51</sup>

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<sup>45</sup> In evidence to the trial of Numberlin Nangee, McKinnon described the murder scene as four miles north of Mount Conner. CRS E72/2 Item DL807, *The King vs. Numberlin and Nangee*.

<sup>46</sup> This was the customary practice of police at the time. McKinnon interviewed by Francis Good, September 1991, NTAS NTRS 226 TS789, Side A, Tape 2, p.2. Photographs taken by McKinnon of the exhumation of Kai-umen are extant.

<sup>47</sup> McKinnon evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>48</sup> McKinnon oral history interview, March 1981, NTAS NTRS 226, TS88, p.53. In his statement to Webb and Kirkland (see below) Numberlin claimed Ooleroo Paddy had a wire in his hair which he used to unlock the handcuffs.

<sup>49</sup> McLaren 1982: 880-881. Barney had earlier been arrested by McKinnon for theft.

<sup>50</sup> McKinnon, W. *Story of escape of six prisoners*, NAA A1 1935/1613, p.2. McKinnon prepared this at his own initiative and posted it to the Minister accompanied by a letter, McKinnon to Minister for the Interior, 14 May 1935. NAA A1 1935/1613.

<sup>51</sup> McKinnon, W. *Story of escape of six prisoners*, NAA A1 1935/1613, p.3.

Numberlin was re-arrested by Tracker Paddy on 11 October and afterwards questioned by McKinnon as to who had shot Kai-Umen. In a very brief statement he confirmed that he had shot Kai-Umen, in the left side of the head.<sup>52</sup> Paddy informed McKinnon that he had also encountered Yokununna and had shot and wounded him with his .44 calibre rifle.<sup>53</sup>

On 15 October, on the evidence of others, McKinnon's party arrested Cowarie and on 1 November arrested Nangee, who had some of Kai-Umen's possessions on him. Prior to this, on 13 October at noon, Yokununna had his fateful encounter at Uluru with McKinnon and Tracker Carbine. They had arrived at the Rock ahead of the remainder of the party on 12 October. Typical of the times, McKinnon was somewhat cursory at Kai-Umen's inquest in describing the killing of Yokununna.

On thirteenth October 1934, I attempted to re-arrest Yokununna, he died as a result of a bullet that was fired.<sup>54</sup>

That morning McKinnon and Carbine had tracked Yokununna to Uluru, until a brief rain shower erased his tracks; they then separated in a bid to encircle him. At around noon on the thirteenth McKinnon heard a shot to the south near Maggie Spring (Mutitjulu Waterhole). Carbine had seen Yokununna and said that he was hiding somewhere amongst a mass of rocks. Passing the entrance to a cave McKinnon 'smelt a decidedly Aboriginal odour'<sup>55</sup> and peered inside. A stone thrown from within narrowly missed his head and McKinnon glimpsed Yokununna crawling on his side into a tunnel and when he could only see his legs, having called on him (in English) to stop, fired his .32 calibre pistol. McKinnon then entered deeper inside the cave and was hit on the hand by a stone.

I had a quick look and saw him facing me, in the act of picking up another stone. Raising my head out of danger I fired my pistol into the tunnel without taking any aim whatever. I did so both in an effort to prevent his further escape, and in defending

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<sup>52</sup> Numberlin statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>53</sup> McKinnon, W. *Story of escape of six prisoners*, NAA A1 1935/1613, p.4.

<sup>54</sup> McKinnon evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444. Elsewhere, of course, McKinnon provided detailed information on the shooting.

<sup>55</sup> McKinnon, W. *Story of escape of six prisoners*, NAA A1 1935/1613, p.9.

myself while doing so. I called out again, but heard nothing further.<sup>56</sup>

Upon reaching the cave, Carbine spoke with Yokununna, who told him to leave him be and (later) that he wanted some water. Carbine dragged Yokununna from the cave and with McKinnon carried him to the base of Uluru in the shade, where he was regularly given water but died around three o'clock in the afternoon while the party was at the nearby waterhole.<sup>57</sup> In his subsequent statement McKinnon said Yokununna had suffered a flesh wound to the left breast ('apparently caused by a .44 calibre bullet fired by Tracker Paddy Alice two days previous'), a bullet wound in the right buttock ('apparently the one fired by Carbine') and a 'small punctured wound just in front of the right collar-bone, and one slightly larger and torn, right against the spine in the fleshy part just below the right shoulder blade'. McKinnon thought that this last wound was, 'apparently the second bullet fired by me'.<sup>58</sup>

The other statements given to Hamilton, by Tracker Paddy and prisoners Nangee, Numberlin and Wong-We<sup>59</sup>, largely confirmed McKinnon's assessment of the wounds Yokununna had received. Nangee and Wong-We each stated that Yokununna was 'cheeky' toward non-Indigenous people.

Yokununna was a cheeky bugger along white man. Him all the time wanted to fight white fellow, him all the time reckon he can beat white man.<sup>60</sup>

McKinnon returned to Alice Springs with the three prisoners Numberlin, Nangee and Cowarie on 25 November.<sup>61</sup>

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<sup>56</sup> McKinnon statement, Alleged shooting of Yo-kununna at Ayers Rock, 11 January 1935, NTAS F84.

<sup>57</sup> Carbine statement, Alleged shooting of Yo-kununna at Ayers Rock, 11 January 1935, NTAS F84 and Numberlin statement, Alleged shooting of Yo-kununna at Ayers Rock, 14 January 1935, NTAS F84.

<sup>58</sup> McKinnon statement, Alleged shooting of Yo-kununna at Ayers Rock, 11 January 1935, NTAS F84.

<sup>59</sup> Wong-We had been arrested by McKinnon on 3 October 1934 for using 'threatening language' towards Bob Hughes, NTAS NTRS 1447. He was rearrested with Numberlin by Tracker Paddy.

<sup>60</sup> Wong-We statement, Alleged shooting of Yo-kununna at Ayers Rock, 11 January 1935, NTAS F84.

<sup>61</sup> McKinnon to Lovegrove, 8 March 1935, NAA CRS F1/0 Item 1938/636 and McKinnon, W. *Story of escape of six prisoners*, NAA A1 1935/1613, p.11.

Harney (1969) recounts a story told to him at Angas Downs by, he claims, one of Yokununna's fellow escapees. While the accounts of McKinnon and Carbine have it that Yokununna was alone in the cave at Uluru, Harney's informant claimed there were three others hidden deeper inside. Given that Ooleroo Paddy, Mamiringa and Unganinga were not recaptured, this version cannot be entirely discounted. Nor, of course, can it be verified.

The aborigine who told the talk to me at Angas Downs went on to describe how the four men hiding in the crevice could hear the talking [of the police party]. They faintly heard footsteps creeping in, and in desperation, one of the escapees on the outside who was too stout to creep further into the narrow cleft of the mountain, leapt out with a stone in his hand in an effort to create surprise and thus get away.

Now spoke the rifle of the white-man's law and the doomed man toppled on to the floor of the crevice. Then a strange thing happened. The dying man, with a superhuman effort, crawled out of the cave and neither threats nor promises could make him reveal where the others were hidden... what a strange scene, the cowering men within the crevice listening to their dying comrade asking for water before he died and the last vision he had on this earth was the policeman's black-tracker pouring water into his parched throat. Thus died a brave man.<sup>62</sup>

On 7 January McKinnon and at least one of his trackers accompanied Carrington and the deputy Chief Protector of Aborigines and acting Chief Medical Officer, Dr William Bruce Kirkland, in an inspection of Kai-Umen's grave.<sup>63</sup>

Statements by Numberlin, Yunginna (Ooleroo Paddy), Nangee and Cowarie were tendered at the inquest into Kai-Umen's death on 17 January 1935, as was a telling statement by Tracker Paddy. Paddy's frank evidence when cross-examined on the subject of Numberlin's confession revealed the

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<sup>62</sup> Harney 1963: 40-41. It is unclear when Harney was told this story, although it would appear to be in the early 1950s. 'Poetic licence' is evident in this telling, given that other accounts have Yokununna asking for water at the base of Uluru and dying alone (while the party was at the waterhole).

<sup>63</sup> McKinnon's camera recorded the journey to this site inspection.



prisoner under circumstances that today would clearly be regarded as duress.

Mr McKinnon said “Who killed Kai-Umen?” Numberlin said “I kill’im”. He said “I no more bin kill’im”. Mr McKinnon caught him by the shoulder. He just sat down. Just press him down. He gave him a slap along face. He gave Numberlin just a little kick with his foot, not very hard. I know him bin put im self down. Numberlin been a lot frightened; he been say true then.<sup>64</sup>

The statement of Uribianna tendered at the inquest revealed a curious inconsistency with the various accounts of those suspected of her husband’s murder. Each of the four suspects had testified that all of them (and others) were present during the killing and that they had left in various directions afterwards. Uribianna, however, twice stated that she and the two companions who accompanied her in tracking Kai-Umen had only seen the tracks of Numberlin and Nangee both leading to and at the scene of the murder.<sup>65</sup> There is, no doubt, a considerable difference between the tracks of at least six men and those of just two men. It is difficult to understand why Uribianna would seek to mislead authorities on this point and yet equally difficult to imagine the accused lying about there being more involved in the killing – unless to spread the guilt in a bid to lessen individual punishment.

Dr Kirkland told the inquest that Kai-Umen’s skull showed two entry wounds – one on the left-hand side and the other on the right-hand side of the head – and one exit wound and that the holes in the skull could have been made by a bullet, particularly the .22 calibre bullet presented as an exhibit. Kirkland declared that the cause of death was murder as ‘according to the direction of the bullets they [the wounds] could not have been self-inflicted’.<sup>66</sup>

Following the inquest Carrington committed Numberlin and Nangee to trial on the charge that they:

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<sup>64</sup> Paddy statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>65</sup> Judy statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>66</sup> Kirkland evidence, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

‘feloniously, wilfully, and of their malice aforethought did kill and murder the said Kai-Umen against the peace of Our Sovereign Lord the King, His Crown and dignity’.<sup>67</sup>

Importantly, Cowarie, the other Aboriginal person in custody associated with Kai-Umen’s death, was not committed to trial. This was because the Crown had determined – perhaps as early as 31 December<sup>68</sup> – that Cowarie would be a key witness at the upcoming trial against those whom it was alleged used Hughes’ gun to murder Kai-Umen. Perhaps it was the use of the firearm more than the murder itself that offended the ‘dignity’ of King George V. To the White authorities this took the matter outside the sphere of Aboriginal customary law and into the jurisdiction of European law. Precisely how the authorities should treat (and in particular sentence) Aboriginal people involved in ‘tribal offences’ was, at that time, yet to be determined.

There was no doubt that the murder of Kai-Umen was prompted by a sense of cultural obligation on the part of his killers, or ‘executioners’. Yunginna (Ooleroo Paddy) said Kai-Umen was killed because he ‘bin carry’im yarn all the time ‘long white fellow’.<sup>69</sup> Nangee said he was killed because he had showed his wife scars associated with secret men’s business – ‘all about been see’im show Judy something out along arm belong corroboree’.<sup>70</sup> In agreement with Nangee, Cowarie said Kai-Umen was put to death for revealing men’s business to Judy.

We killed him along that one – showed scars on forearm – that one belong corroboree, lubra can’t see ‘im. Him been show’im along Judy.<sup>71</sup>

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<sup>67</sup> Form of Inquisition, *The King vs. Numberlin and Nangee*, NAA E72 Item DL807.

<sup>68</sup> Warden 2002: 6. This is based on the fact that on this day individual warrants were issued for Cowarie, whereas Numberlin and Nangee were named on the same warrant, from *Police v Numberlin, Cowarie and Nangee*, NTAS F68 C6.

<sup>69</sup> Yunginna statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

<sup>70</sup> Nangee statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444. Ernestine Hill (1940: 328), who attended the trial of Nangee and Numberlin, has it that: ‘Kai-umen had shown his lubra the secret corroboree mark on his arm that a woman must never see, the little snick in the artery from which blood is poured over the newly initiated in the sacred ceremonies.’

<sup>71</sup> Cowarie statement, Inquest into the death of Kai-Umen, 17 January 1935, NAA E72 Item DL444.

The memoirs of Central Australian trucker Kurt Johannsen (2001) are testimony to the gulf between Central Australian Aboriginal men and women in ceremonial matters and the gravity with which such matters were regarded. Johannsen described events that followed a corroboree near Deep Well (80 kilometres south of Alice Springs) he had observed as a boy in 1921.

Not long after the corroboree there was a related tribal killing among the aborigines. Apparently one of the aboriginal women had been found watching a part of the corroboree which was taboo for women. Her punishment was death. The elders secretly chose someone to 'point the bone', the identity of whom was only supposed to be known by one or two of the elders.<sup>72</sup>

Whether non-Indigenous authorities should be involved at all in tribal matters between Aboriginal people was a hotly contested issue at the time of Kai-Umen's death. While there was resistance from Northern Territory Supreme Court Judge Thomas Alexander Wells and many 'northerners', Commonwealth bureaucrats were increasingly interested in disassociating White justice administration from the labyrinthine world of traditional Aboriginal law. As early as 1928 Bleakley had argued there was a need to separately try Aboriginal people for 'tribal crimes'.

It is plainly unjust that an aboriginal, for a tribal murder, for instance, should be tried by the white man's laws and before a Court which cannot appreciate the peculiar tribal code influencing his actions. It has been suggested that so-called aboriginal criminals should only be tried by a special tribunal of experts on aboriginal customs and laws... The most practicable method would be to try aboriginals, like children, in a special Court, on which experienced missionaries or trained anthropologists could assist the magistrate or judge.<sup>73</sup>

Bleakley recommended that 'special courts for trial of primitive natives for tribal crimes be constituted'. In real terms little was done to implement this recommendation, although it subsequently received the support of the long-

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<sup>72</sup> Johannsen 2001: 15-16.

<sup>73</sup> Bleakley 1928: 39.

time Chief Clerk of the Department of the Interior, J.A. Carrodus, who opposed criminal proceedings against Aboriginal people involved in ‘tribal’ offences and ‘became eventually an advocate of ‘native courts’ for dealing with offences between Aborigines’.<sup>74</sup>

Police found themselves somewhat at a loss regarding tribal matters in which only Aboriginal people were involved. Writing to his Superintendent in August 1932, Sergeant Lovegrove of Alice Springs raised the matter in relation to the tribal killing of two men near Mount Leibig and asked ‘that a definite [sic] ruling be given as regards this matter, and also future murders that might occur amongst the uncivilized Aboriginal Native, where they are the sole parties concerned’.<sup>75</sup>

Judge Wells, who was appointed to the Northern Territory Supreme Court in 1933, was vehemently opposed to the idea of native courts and instead recommended that Aboriginal custom simply be considered during sentencing. In May 1934, in the lead-up to the trials of Dhakiyara and others associated with the Caledon Bay and Woodah Island killings (and amid the related media brouhaha), the Minister for the Interior, John Perkins, introduced an Ordinance that provided for ‘native law’ to be considered.

For the purpose of determining the nature and extent of the penalty to be imposed where an aboriginal native is convicted of murder, the Court shall receive and consider any evidence which may be tendered as to any relevant native law or custom and its application to the facts of the case and any evidence which may be tendered in mitigation of penalty.<sup>76</sup>

Wells of course had in his own hands the ultimate fate of those being sentenced in any court over which he presided and in the end the ordinance counted for little in either the Caledon Bay cases or that of Numberlin and Nangee.

### **The trial of Numberlin and Nangee**

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<sup>74</sup> Austin 1997: 153.

<sup>75</sup> Lovegrove to Stretton, 10 August 1932, NTAS F84.

<sup>76</sup> Ordinance 10 of 1934, *Commonwealth Gazette*, 3 May 1934, in Austin 1997: 221.

Sentencing was, of course, ultimately determined by the trial judge. In the Caledon Bay cases, Wells met the requirement of the Ordinance simply by listening to Chief Protector Cook’s arguments prior to sentencing the guilty to 20 imprisonment with hard labour.

In Alice Springs on 11 February 1935 Numberlin and Nangee were brought before Judge Wells, presiding over the first hearing of the Northern Territory Supreme Court outside Darwin.<sup>77</sup> Witnessing the proceedings was journalist and author Ernestine Hill, who has left a characteristically colourful account:

From a 1,000-mile radius and 300,000 square miles of blankness they drew near, black men and white, gathered in at last by the long arm of the law, and not certain that they liked it. For seventy-five years in a country where a goat or a pack-saddle or a nugget of gold would settle a debt, and white men, outnumbered by the blacks at ten to one, too far apart to quarrel, they had got along well without it...

Kai-umen's skull beamed at us all from the Bench. It was a merry skull, or rather a mummified head. One front tooth was missing, the tooth of the first initiation, and it looked exactly like one of those bizarre cigarette-boxes with an automatic spring and a space for the cigarette. I would have like to adopt it as a souvenir, but I think the Clerk of Courts did. As it was, it was elicited in evidence that a dog had got hold of it one day in the court-house, and was about to bury it for later attention when it was salvaged, just in time to be Exhibit A.<sup>78</sup>

Through their Counsel, Beecher Webb, both Numberlin and Nangee entered pleas of not guilty to the charge of murdering Kai-Umen. The prosecution was represented by Crown Law Officer E.T. Asche, who had secured a pardon for Cowarie from the Governor-General on the grounds he give evidence which 'as such shall lead to the conviction of the principal offender or of any one of such offenders'.<sup>79</sup> The other witnesses were McKinnon, Bob Hughes, Dr Kirkland, Tracker Paddy and Uribianna (Judy). Initially the case did not go well for the prosecution, with allegations of brutality by the police party distracting proceedings.

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<sup>77</sup> Warden 2002: 7.

<sup>78</sup> Hill 1940: 323-329.

<sup>79</sup> Telegram, Department of Interior to Carrington, 9 February 1935, NAA E72 Item DL807.

The three-day trial was widely reported in the Australian print media, with stories in the *Melbourne Herald*, the *Sydney Sun*, the *Canberra Times*, *Sydney Morning Herald* and the *Northern Standard*. A number of other newspapers gave briefer, syndicated accounts. Warden (2002) has compiled a sequence of events from the separate newspaper accounts of the trial.

A plea of Not Guilty was entered on behalf of the accused by Webb. So the Crown Prosecutor and the Police Constable were required to make a case against the accused. Asche told the jury how Hughes had lent the rifle with three cartridges to Numberlin who had returned with one cartridge and no kangaroos. McKinnon read to the court the several statements that he said were made to him by natives showing how they had confessed to the killing. He also told the court how on October 7 the natives had escaped custody and in his attempt to rearrest Yokununna he was shot and died.

Beecher Webb cross-examined McKinnon in a combative manner that alarmed the officials in Canberra at the Department of the Interior. He asked McKinnon: "Is it a fact that Numberlin first denied knowledge of killing Kai-Umen?" McKinnon said "No." Webb asked: "Is it a fact that before he made the statement you flogged him?" McKinnon replied: "No." Webb asked the question several times until the Judge interjected "I hope you have solid grounds for these questions?" Webb said he had.<sup>80</sup>

In giving his evidence on 11 February through interpreter Sydney Walker, Cowarie (a witness for the prosecution) gave credence to the allegations against McKinnon. Cowarie's defence was that he had lied in his earlier confession to have participated in the killing of Kai-Umen. He began by asserting that he had been 'only telling lies' and that Numberlin had told him to 'talk this way along paper'. Unfortunately for McKinnon, Cowarie spoke of other pressures brought to bear on him.

I told Mr McKinnon that I killed that man to get out of getting a hiding. I had to own up because he was giving me too much

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<sup>80</sup> Warden 2002: 7-8.

hiding with a bullock hide.<sup>81</sup>

Despite any allegations against McKinnon or his party, it was, as Judge Wells reminded the jury, Numberlin and Nangee that were on trial. The jury found both guilty and made a plea for mercy in sentencing. In accordance with the Ordinance requiring him to consider native laws upon sentencing, Wells decided to delay his decision to allow the defence to gather information about the tribal laws relevant to the case.<sup>82</sup>

On 16 February the young linguist and ethnologist T.G.H. Strehlow had arrived in Alice Springs from Adelaide, having recently completed his university studies. He was preparing to continue linguistic fieldwork commenced in 1932 under an Australian Research Council grant. A meticulous diarist, Strehlow's diary entry for 20 February notes that he was to aid the Supreme Court on 'tribal law determining the death of men who have violated secrecy towards women on ceremonial matters'.<sup>83</sup> Wells heard expert evidence from Strehlow and the following day sentenced Numberlin and Nangee to 10 years imprisonment – stating his belief that he was satisfied the murder of Kai-Umen had not been done in accordance with tribal custom.

The *Canberra Times* reported Wells as saying that if 'undue leniency was accorded them the effect on other aborigines was likely to be bad'.<sup>84</sup>

### **The Cleland Inquiry**

Prior to the sentencing of Numberlin and Nangee the Department of the Interior in Canberra had sought further information on the allegations against McKinnon. Writing to Carrington in February 1935, J.A. Carrodus noted that press reports of the trial stated Webb had 'repeatedly charged Mounted Constable McKinnon with the flogging of natives'. He stressed that any information Webb possessed on the matter should be forwarded to

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<sup>81</sup> Notes on Cowarie evidence, *The King vs. Numberlin and Nangee*, NAA E72 Item DL807.

<sup>82</sup> *Northern Standard*, 15 February 1935. Wells considered this 'an occasion where some of these anthropologists may be of use... They always seem to be where they are not wanted and are never where they are wanted'.

<sup>83</sup> T.G.H. Strehlow diary entry 20 February 1935, in *Warden* 2002: 10.

<sup>84</sup> 'Tribal Murder', *Canberra Times*, 22 February 1935.

Canberra as, 'It will be realised that such statements constitute a serious reflection on the Northern Territory Police, which must be investigated'.<sup>85</sup>

Carrington replied within a fortnight and enclosed statements (collected by Webb and Dr Kirkland) from Barney, Wong-We, Punna, Saltpeter, Nangee and Numberlin.<sup>86</sup> The statements were damning. Cowarie claimed to have been knocked unconscious by Branson and his allegation was supported by the statements of Barney and Wong-We. Barney claimed McKinnon had punched him and Numberlin, had belted Ooleroo Paddy, Numberlin and Yokununna (all in handcuffs) with a camel iron, belted Saltpeter with a greenhide rope until he bled and at Hermannsburg belted Tiger and Tommie with greenhide rope. Saltpeter accused Tracker Carbine of belting him with a chain and sleeping with his wife. Nangee said that Carbine had fired at him from behind, beaten him with a yam stick and 'married' his sister (Saltpeter's wife). Wong-We stated that Numberlin, Ooleroo Paddy and himself were punched and hit with a camel iron by McKinnon, that McKinnon had also hit Yokununna with the iron and belted him (Wong-We), Saltpeter and Nangee with a greenhide rope. Punna (who like Wong-We was not associated in any way with Kai-Umen's death) alleged that while he was looking for rabbits Tracker Paddy had belted him, broken his arm, dragged him along the ground, urinated and defecated on him and slept with his wife.<sup>87</sup>

Promptly recognising the potentially ruinous nature of the statements, Carrodus wrote a memorandum to Brown suggesting that if they were reliable it justified the appointment of a board of inquiry. He had taken into account his understanding of the value of evidence given by Aboriginal people.

Making allowance for the well-known fact that aboriginals exaggerate considerably, there still seems to be reasonable ground for believing that McKinnon ill-treated some of the prisoners.<sup>88</sup>

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<sup>85</sup> Carrodus to Carrington, 20 February 1935, NAA A1 1935/1613.

<sup>86</sup> Carrington to Brown, 3 March 1935, NAA A1 1935/1613.

<sup>87</sup> Statements of Barney, Wong-We, Punna, Saltpeter, Nangee and Numberlin, NAA A1 1935/1613.

<sup>88</sup> Minute, Carrodus to Brown, 12 March 1935, NAA A1 1935/1613.



Brown forwarded the memo to Minister Paterson, recommending that a Board be appointed and that it be chaired by the eminent Anglican clergyman and anthropologist Professor Adolphus Peter Elkin of the University of Sydney.<sup>89</sup>

Elkin declined to participate in the inquiry on the grounds that he was simply too busy but privately he stated his belief that the Board was ‘engaged in a purely negative task, that of bringing a case against a Constable. I should like to be on a Board endowed with power to work out and put a positive policy into operation’.<sup>90</sup>

Carrodus next recommended to the Minister that the South Australian Government should be approached to appoint a police magistrate (preferably with experience in the Territory) to chair the board. He also suggested the names of other possible board members – the Assistant Chief Protector of Aborigines in the Territory, Vincent John White, and the Reverend John Henry Sexton, Secretary of the Aborigines Friends’ Association. That day Paterson approved the recommendations.<sup>91</sup> The make-up of the Board shows the legacy of Coniston, the Commonwealth’s handling of which was widely condemned as a whitewash.<sup>92</sup> The invitation to Elkin, the inclusion of the Aborigines’ Friends’ Association and a senior bureaucrat tasked with ‘protecting’ Aboriginal people signalled that Canberra had learned a valuable lesson following the Coniston Board of Enquiry.

Writing to Weddell in April, Brown explained why the Department had requested information directly from Deputy Administrator Carrington and not via Weddell. The correspondence underscored the urgency with which the Commonwealth treated the matter.

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<sup>89</sup> Minute, Carrodus to Brown, 12 March 1935, NAA A1 1935/1613.

<sup>90</sup> Elkin to Morley, 2 April 1935, NAA A1 1935/1613.

<sup>91</sup> Memorandum, Carrodus to Paterson, 8 April 1935, NAA A1 1935/1613. Paterson wrote ‘approved’ on the memo.

<sup>92</sup> The Coniston Board of Enquiry comprised Queensland Police Magistrate A.H. O’Kelly (chairman), South Australian Police Inspector P.A. Giles (who had served in Central Australia) and J.C. Cawood (Central Australian Government Resident and Commissioner of Police and, as such, Constable Murray’s superior, who rightly should have been a witness).

When the case against Numberlin and Nangee was being heard at Alice Springs, the Press reported Mr Webb, Counsel for the Defence, as having made serious charges against Constable McKinnon in respect of the ill-treatment of the aboriginal prisoners... You should appreciate the fact that such statements made publicly in the Press were most embarrassing to the Minister and the Government, and that it was essential that urgent advice should be received to enable the Minister to reply to the allegations.<sup>93</sup>

On 8 May the Governor-General Sir Isaac Isaacs formally established a board of inquiry into the allegations of mistreatment of Aboriginal people by McKinnon, Branson and trackers Paddy and Carbine, and the circumstances surrounding McKinnon's shooting of Yokununna – in particular whether the shooting was justified. The members of the board were Professor John Cleland of the University of Adelaide (as chairperson), Sexton and White.<sup>94</sup> The following day the Department notified Weddell that the Government had appointed the board and announced its membership.<sup>95</sup>

Cleland wrote to Brown the day the Governor-General announced the inquiry, suggesting that Strehlow be appointed as an interpreter to the Board; he also sought permission to communicate this appointment to Strehlow. He recommended Strehlow be paid at a rate of £500 per annum as well as reasonable expenses.<sup>96</sup> The Department agreed to the proposal, presumably due to Strehlow's reputation at the University of Adelaide and his recent work with the Supreme Court. Cleland also confirmed his approval of the anthropologist Charles P. Mountford as acting secretary to the Board.

**Comment:** Media coverage, Parliament?

The inquiry was opened in Alice Springs on 27 May, with evidence being taken on oath or affirmation. Branson was 'allowed the assistance of his

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<sup>93</sup> Brown to Weddell, 11 April 1935, NAA F1/0 1938/636.

<sup>94</sup> Appointment of Board of Enquiry by His Excellency, the Governor-General of the Commonwealth of Australia, 8 May 1935, NAA F1/0 1938/636.

<sup>95</sup> Carrodus to Weddell, 9 May 1935, NAA F1/0 1938/636.

<sup>96</sup> Cleland to Brown, 8 May 1935, NAA A1 1935/1613.

agent, Mr Rice', the two trackers were advised by Constable Hamilton and Sergeant Lovegrove while McKinnon 'did not desire representation'. Leaving Alice Springs on 30 May, the Board visited and took evidence at Owen Springs, Doctor's Stones, Henbury, Erldunda, Lynda Vale, Middleton Ponds (where Sexton remained summarising evidence taken and obtaining further evidence) and Angas Downs. From Angas Downs the party 'proceeded by camel to Ayers Rock, a journey of 100 miles, and taking most of five days'.<sup>97</sup>

**Comment:** When did McKinnon give evidence? Was it consistent with that given to the inquest?

Strehlow, then 27, recorded his astonishment at the events at Uluru in his diary.

The body of Jokanana [Yokununna] was exhumed by McKinnon, White and the Professor this morning and will be taken back by the Professor... Saw the scene of the final tragedy today. I was greatly shocked by the way in which poor Jokanana met his death – a poor, hunted creature, shot callously at least twice in the cave, without being able to defend his life or escape. And now he is being taken back – his bones and head wrapped up in calico parcel; his vitals, lungs, blood, entrails, liquefying flesh in a large billy can. And that is permitted by our white man's civilisation.<sup>98</sup>

Further evidence was taken on the return to Middleton Ponds, after which the party return to Alice Springs via Henbury, Owen Springs and Hermannsburg. On 21 June the party returned to Alice Springs where further evidence was taken over three days. The Board left Alice Springs on 25 June, arriving in Adelaide on 27 June. The following day 'important evidence was taken from Mr Mattner'<sup>99</sup>, the Hermannsburg Mission worker who had ordered and witnessed McKinnon's beating of Tiger and Tommie. Along the way interviews were conducted with station owners, their White and Aboriginal workers. Those interviewed in Alice Springs included Numberlin, Nangee, Punna and Saltpeter. This was indeed a far cry from the Coniston inquiry six years earlier (when just one Aboriginal person, Tracker Paddy, had given evidence to the Board) and no doubt added a less

<sup>97</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636.

<sup>98</sup> T.G.H. Strehlow diary entry 12 June 1935, in Hill 2002: 233.

<sup>99</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636.

predictable dimension to the hearings. Strehlow told his diary of ‘one great dramatic moment’ during the second Alice Springs hearings.

... Numberlin alleged that McKinnon had come to his cell before the arrival of the Board, and persuaded him to give false evidence – to tell the Board that McKinnon had never hit him, and had always been kind to him etc.<sup>100</sup>

Strehlow took both a photographic and a motion picture camera along with him during the inquiry. His motion picture footage of Uluru was perhaps the first ever filmic record of the rock, while his other films show the obvious camaraderie that existed between McKinnon and the pastoralists and, indeed, the members of the Board. Testimony to this camaraderie was McKinnon’s gift to Strehlow on his birthday of boiled sweets and the birthday party arranged for McKinnon on the return journey, at which the last of the plum pudding and radishes were consumed.<sup>101</sup>

**Comment:** Over a period of ? the Board travelled some ? miles and heard the evidence of ? witnesses.

### **Findings and Recommendations**

More disquieting than such amity among Whites, however, was the manner in which the inquiry was concluded and its report prepared. Mountford noted in his diary that after the exhumation of Yokununna’s body:

**Comment:** Check this exhumation. Any other details?

Cleland did not wish to take more evidence. I wonder why he accepted this position. He is more interested in the disappearance of the mulga than that of the native.<sup>102</sup>

Mountford was ‘savage at J. Cleland’s attempt [during hearings at Uluru] to shield McKinnon, when White had him cornered’ and disheartened when Cleland called him over to his camp where he dictated ‘the whole report relating to the shooting (without consulting either of the members of the board)’.<sup>103</sup>

The two findings of the Board leave little room for speculation as to why Cleland had prepared them unilaterally. The Board found:

<sup>100</sup> T.G.H. Strehlow diary entry 12 June 1935, in Hill 2002: 234.

<sup>101</sup> Hill 2002: 233.

<sup>102</sup> C.P. Mountford diary entry 13 June 1935, H.L. Sheard Collection, State Library of South Australia, in Hill 2002: 233.

<sup>103</sup> C.P. Mountford diary entry 14 June 1935, in Hill 2002: 233.

1. That the evidence ... does not show that those mentioned were guilty of any ill-treatment of aborigines, with the exception of the thrashing of natives at Hermannsburg by Constable McKinnon which was undertaken at the request of a responsible officer of the Mission (Mr Mattner).
2. That in view of the evidence obtained ... the shooting of Yokununna by Constable McKinnon at Ayers Rock, though legally justified was not warranted.<sup>104</sup>

While each of these findings was somewhat ambiguous in its own right, their net effect was to once again whitewash the actions of police. Sexton, who like White had not been consulted by Cleland, wrote a dissenting letter that was ignored in the final report. In it he argued that ‘the natives were too afraid to give true evidence on any matters affecting the police’ and accused McKinnon of an ‘utter lack of veracity’.

I am of the opinion that Constable McKinnon should be impeached for this crime but I am well aware that with the relations existing in the North between the white and the black race that no jury composed of white men would bring in a verdict against him. Under these circumstances I consider the authorities should mark their displeasure of his deed by dismissing him from the service of the Government.<sup>105</sup>

Strehlow was happy when the inquiry was over and regarded it as a farce. Mountford likewise considered that the entire exercise amounted to nothing more than a whitewash.<sup>106</sup>

The equivocal nature of the findings of the Board is made clear upon examination of its 14 recommendations, which sought to mitigate both the ill-treatment and the unnecessary shooting of Aboriginal people by police with a series of key reforms – a tacit admission that all was not well with Aboriginal justice administration.

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<sup>104</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636.

<sup>105</sup> Sexton to Cleland, 8 July 1935, H.L. Sheard Collection, State Library of South Australia, in Austin 1997: 234. Sexton’s view of the value of the Aboriginal evidence was (albeit ambiguously) supported by a report written by Strehlow for the Board entitled ‘Notes on Native Evidence and Its Value’, in which he argued that Aboriginal witnesses largely tell those questioning them what they want to hear.

<sup>106</sup> Hill 2002: 234 and Lamshed, M. *Monty: The Biography of C.P. Mountford*, Robert Hale and Co., London, 1973, p.40, in Warden 2002: 16.

The first recommendation was for the establishment of a Police contingent comprising Native Police who (unlike trackers) would be formally enrolled in the Police Force<sup>107</sup>, and a separate category of trackers. Only the former category would bear firearms and only under the strict supervision of a White Police officer or ‘patrol officer’. Significantly, the Board secondly recommended that a new position be established for the hands-on work associated with the protection of Aboriginal people. This constituted a complete break from the past use of police constables on the frontline of Aboriginal affairs.

Your board would recommend for consideration the substitution of such a patrol [the south-west patrol] by a police officer for a patrol by an officer belonging to the Department of the Protector of Aborigines, such officer to be specially selected for his knowledge of native languages and customs, and knowledge of bush-craft.<sup>108</sup>

**Comment:** Also: not charging for Aboriginal offences, where no White involved, etc.

It was also recommended to the Government, inter alia, that corporal punishment ‘would be the best punishment for natives for certain misdemeanours’ and that a special officer be ‘empowered to authorise a reasonable whipping’; that all police officers engaged in patrolling the south-west patrol receive training from a police officer experienced in ‘semi-civilised and nomadic uncivilised natives’; that no charge be lodged ‘against aborigines by the police where tribal laws are concerned and where no white man is involved unless after consultation with the Aboriginal Department or its representatives’; that ration depots be established at pastoral stations west of Alice Springs, that dingo scalping and the commercial relationship between Aboriginal people and doggers be regulated by an authorised agency and that all complaints and assaults on Aboriginal people by Whites be investigated by patrol officers, not police.<sup>109</sup>

While he was not formally reprimanded by the Board of Inquiry, Bill McKinnon did suffer the loss of an annual pay increment. Confirming that

<sup>107</sup> Trackers were then personally engaged by the constable with whom they served, not enrolled in the Police Force as such.

<sup>108</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636.

<sup>109</sup> Report of Board of Enquiry, 27 July 1935, NAA F1/0 1938/636.

the increment had been deferred for a period of 12 months, Weddell informed Brown the reason for the measure was that McKinnon had ‘thrashed natives at Hermannsburg’.<sup>110</sup> Like McKinnon, trackers Paddy and Carbine were never taken to task for their involvement in the brutality meted out during the Kai-Umen patrol. Without a hint of irony McKinnon recalled many years later that ‘for ability and reliability he found Carbine and Police Paddy outstanding’.<sup>111</sup>

The Board’s report, findings and recommendations were forwarded to the Acting Prime Minister by the Governor-General in July 1938. In September the report was forwarded to Weddell in Darwin. Aware of the report’s sensitivity, Brown emphasised the Government’s desire that it not be ‘circulated generally’ and asked that Chief Protector Cecil Cook ‘submit his views on the recommendations of the Board’.<sup>112</sup> In December Cook wrote to Weddell, stating that he was ‘for the most part fully in accord with the principle embodied in the recommendations of the Board’. Cook was especially interested to see ‘adequate training’ provided to police ‘before being despatched on long patrols’ but did not agree with the recommendation to create ration depots at pastoral stations. While he agreed that the position of patrol officer should be created, Cook thought ‘no good purpose would be served by appointing such an officer a special magistrate as he would be unable to constitute a Court in accordance with legal practice’. Importantly, Chief Protector Cook already had someone in mind for the job of patrol officer.

It would be sufficient if he were authorised by the Chief Protector, after consultation with the old men of the tribe, to order punishment for certain offences, which would be carried out by the tribe. Obviously it would be necessary for such an officer to be thoroughly conversant with native customs and not unfamiliar with native languages. Mr. White, who was a

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<sup>110</sup> Weddell to Brown, 5 October 1935, NAA F1/0 1938/636.

<sup>111</sup> Downer 1963: 53. In 1981 McKinnon told Harry Geise that ‘I had Police Paddy with me, my tracker, and Police Paddy was with Murray at the time of the big shoot up’. According to McKinnon, Paddy claimed to have personally killed 25 people during the Coniston affair. NTAS NTRS 226, TS88, p.20.

<sup>112</sup> Brown to Weddell, 27 September 1935, NAA F1/0 1938/636.

member of this Board, has suggested to me that Mr. T.G. Strehlow would be a suitable person for such an appointment.<sup>113</sup>

While for public purposes the Board had for the most part exonerated McKinnon's actions, the Government privately made its displeasure known and sought to use the findings to facilitate change. Writing to Weddell, Brown noted that while the Board had found McKinnon guilty of 'the thrashing of natives' and all but excused his actions, the Minister considered that McKinnon had overstepped his authority. Brown also considered that the shooting of Yokununna showed the need for restraint in the use of firearms by police and trackers.

The Minister directs that Constable McKinnon should be advised that he exceeded his duty in thrashing natives, even at the request of the Mission authorities. All officers should be informed that they have no authority to inflict corporal punishment and that any further breach will be severely dealt with.

While the Minister agrees with the Board that the shooting of the aboriginal Yokununna was legally justified, and appreciates the responsibilities of constables in regard to escaping prisoners, he directs that Constable McKinnon and all other members of the Police Force should be informed that shooting should be obviated as far as possible, and should be resorted to only when all other possible methods of recapture have been exhausted.<sup>114</sup>

In October 1935 Superintendent Stretton notified Sergeant Lovegrove of the Minister's directives and asked him to convey these to McKinnon. The same day Stretton notified all constables that 'shooting should be obviated as far as possible', that they had 'no authority to inflict corporal punishment' on Aboriginal people and that 'any breach will be severely dealt with'.<sup>115</sup>

The findings of the Cleland Inquiry were not well received by church and humanitarian lobby groups. The Association for the Protection of Native

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<sup>113</sup> Cook to Weddell, 7 December 1935, NAA F1/0 1938/636.

<sup>114</sup> Brown to Weddell, 27 September 1935, NAA F1/0 1938/636.

<sup>115</sup> Stretton to Lovegrove, 12 October 1935 and Circular, Stretton to Police Constables, 12 October 1935, NAA F1/0 1938/636.



Races wrote to Minister Paterson on 26 October, denouncing the Board's findings. The Aborigines' Friends' Association, Sexton's own organisation, wrote to Paterson asking that he reconsider the decision not to release the Board's report to the public.<sup>116</sup> As with the fallout of the Coniston Board of Enquiry, the Government simply weathered the political storm.

### **Patrol officer**

There was a demonstrable commitment, however, to implement some of the recommendations of the Board sooner rather than later. One recommendation given top priority by the Government was that it create the position of patrol officer. As the Commonwealth had already commended Strehlow on his work for the Inquiry, it was natural that he be considered for the position.<sup>117</sup> On 5 February 1936 the Department notified Weddell that the Minister was 'prepared to officer Strehlow appointment as Patrol Officer' and asked for the views of both the Administrator himself and Chief Protector Cook.<sup>118</sup> The following day Weddell notified Canberra that both he and Cook endorsed the appointment of Strehlow.<sup>119</sup>

The Minister formally responded to the recommendations of the Inquiry, via Carrodus, on 10 February 1936, approving the bulk of its recommendations and recognising the need for a new approach to Aboriginal protection policy.

Approval has been given for the appointment of an officer to patrol the back country from Alice Springs more particularly to the south-west. This appointee will be designated "Patrol Officer" and will be attached to the Aborigines Branch. It is proposed to offer the position to Mr. T.G. Strehlow...<sup>120</sup>

The patrol officer, however, was not to replace the work of police as such but to rather intervene and act as something of a circuit-breaker. The strong arm of the law would still be flexed where appropriate.

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<sup>116</sup> Bussell to Paterson, 12 November 1935, NAA A1 1935/1613.

<sup>117</sup> Carrodus to Strehlow, 24 July 1935, NAA A1 1935/1613.

<sup>118</sup> Interior to Weddell, 5 February 1936, NAA F1/0 1938/636.

<sup>119</sup> Weddell to Interior, 6 February 1936, NAA F1/0 1938/636.

<sup>120</sup> Carrodus to Weddell, 10 February 1936, NAA F1/0 1938/636.

It is not intended that this officer shall replace the present police patrol to the south-west. When the Patrol Officer takes up duty the Police Officer should, however, only be used in cases where it is necessary to make arrests, and where it is deemed desirable to impress on the natives of the district that they are still liable to receive a visit at any time by a Constable.<sup>121</sup>

In March Carrodus confirmed that the Minister had ‘approved of the creation of an office of Patrol Officer with a salary range of £450-£522, in the Medical Service, Health and Aboriginals Branch, Department of the Administrator’.<sup>122</sup> The Melbourne *Herald* reported the appointment of Strehlow in April 1936 under the headline ‘Playmate of Blacks Becomes Protector’. Mountford applauded the Government’s decision in a telegram to Strehlow: ‘heartiest congratulations the aborigine of Central Australia is indeed lucky’.<sup>123</sup>

Neither Central Australian Police nor indeed Strehlow, however, felt very lucky within a few years of his appointment. By 1937 Strehlow was patrolling (sometimes in the company of Darwin police) right across Central Australia and increasingly frustrated at both his lack of power to effect real change and the manner in which his reports were treated by authorities. He was especially frustrated at the powerlessness of his position.

The mail arrived today, and included a communication informing me that in view of a decision arrived at during the recent Protector’s Conference no action was to be taken to pass legislation authorizing corporal punishment. So I am left as a “Patrol Officer” without powers in my own district: I am not even a police officer, and could only appear in the capacity of a press-reporter advertising crimes perpetrated in his own district by native offenders.<sup>124</sup>

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<sup>121</sup> Carrodus to Weddell, 10 February 1936, NAA F1/0 1938/636.

<sup>122</sup> Carrodus to Weddell, 10 March 1936, NAA F1/0 1938/636.

<sup>123</sup> Hill 2002: 238. While Hill does not date the telegram it presumably dates from April 1936.

<sup>124</sup> T.G.H. Strehlow, Patrol Officer diary entry 31 May 1937.

Four months later Strehlow offered a frank (and bleak) analysis of the bureaucratic response to his efforts, expressing a frustration that any ardent advocate will appreciate to this day:

I don't want to waste any more months of my life: two years have been wasted now; and all that happens to my reports is that they get filed away and skulk into obscure corners whence they never emerge.<sup>125</sup>

For their part the police of Central Australia were largely uncomfortable with Strehlow's role. While it was presumed he would alleviate their workload, the reality was that his patrolling created more work for police, following up unauthorised employment of Aboriginal people, investigating alleged ill-treatment and the like. Central Australian police also felt somewhat excluded from the jurisdiction of 'Aboriginal protection'. Local antipathy to the patrol officer's work was made very apparent when Sergeant Koop was sent from Darwin in 1937 to assist Strehlow in an investigation of which Central Australian Police knew nothing. Strehlow noted in his diary that:

[Sergeant] Muldoon told [Dr.] Reilly that from now on the police would wash their hands of aboriginal business – they would have nothing to do with this "secret society".<sup>126</sup>

Despite his consternation at bureaucratic refusal to take pastoralists to task for ill-treatment of Aboriginal people and local hostility from police and pastoralists, Strehlow persisted as a patrol officer until he was drafted into the Army in 1941. After him Vic Hall, a 47 year-old former Northern Territory Police officer, took on the job for little over a year. He too would fall foul of the formidable alliance of the pastoralists, the Police and the Department – each in their own way keen to prevent the strong measures often recommended by patrol officers.<sup>127</sup>

## **Conclusion**

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<sup>125</sup> T.G.H. Strehlow, Patrol Officer diary entry 29 September 1937.

<sup>126</sup> T.G.H. Strehlow, Patrol Officer diary entry 18 May 1937.

<sup>127</sup> Hill, B. *Broken Song*, pp.364-367. Strehlow and Hall often recommended sanctions against White employers of Aboriginal people, including the removal of their licence to employ them.

The Cleland Inquiry was inevitable given the political climate of Aboriginal affairs from the late 1920s to 1934. It was also inevitable that the Board, while it served to once again largely whitewash police of personal responsibility for ill-treatment of Aboriginal people, would act as a catalyst for the Commonwealth to institute positive change. These changes were sometimes immediate while others were delayed but nonetheless a result of the Cleland Inquiry. The adoption of patrol officers is the clearest immediate result of the Inquiry. Police practice, however, was substantially altered over the years following the Inquiry. The use by police of trackers, firearms and arrests in 'tribal matters' were all revised because of its recommendations. Other, related but later, changes in police practice included the introduction of light-weight neck chains in October 1935 and more accountable policing of the pastoral frontier.

There has been a tendency in the writing of Australian frontier contact history to focus on what are perceived as major 'break points' in race relations, such as large-scale killings of Aboriginal people by Police and settlers. This focus, which is evidently shifting to a more regionalised approach, has been to the exclusion of a proper assessment of how small, isolated and sporadic violence has driven the shared (Indigenous and non-Indigenous) history of the continent. Yet, as this study has hopefully demonstrated, there is much return to be gained from an analysis of how Indigenous people and non-Indigenous authorities related in matters regarding the death of, in some cases, just two people – such as Kai-Umen and Yokununna.



## Appendix A: Dramatis Personae

Anderson, Jack	Dingo trapper camped at Koketera Well.
Asche, Eric T.	Crown Prosecutor for the Northern Territory.
Barney	Aboriginal man and prisoner of M.C. McKinnon in 1934, arrested for theft during Kai-Umen patrol.
Branson, P.W. ('Bert')	Labourer at Lynda Vale station, accused of mistreating Aboriginal prisoners of McKinnon.
Brown, H.C.	Secretary of the Department of the Interior until December 1935.
Buck, Bob	Pastoralist at Middleton Ponds station.
Butler, Alf	Pastoralist at Henbury station.
Carrington, V.G.	Deputy Administrator of the Northern Territory, otherwise titled Central Australia District Officer.
Carrodus, John Aloysius	Chief Clerk of the Department of the Interior and Secretary of the Department from December 1935.
Cleland, Prof. John Burton	Professor of Pathology, University of Adelaide and chairperson of 1935 Board of Inquiry.
Cook, Cecil Eyelyn Aufrere	Northern Territory Chief Medical Officer and Chief Protector of Aboriginals from 1927 to 1939.
Cowarie (a.k.a. Tommie)	Aboriginal man of Uluru and member of Kai-Umen execution party. Also known as Hairy-Arse-Tom. Pardoned by the Governor-General and testified against Numberlin and Nangee.
Hughes, Robert Rothwell ('Bob')	Dingo trapper, employee on Lynda Vale Station.
Kai-Umen	Aboriginal man of Kata Tjuta, killed under Aboriginal tradition on 11 August 1934.
Kirkland, William Bruce	Deputy Chief Protector of Aborigines in the Northern Territory in 1935, also Acting Chief Medical Officer (later Chief Medical Officer).
Liddle, Bill	Pastoralist at Angas Downs station.
Lovegrove, John Creed	Police Sergeant, Alice Springs.

Mamiringa (a.k.a. Mamira)	Member of Kai-Umen execution party.
Mattner, Mr	Lutheran missionary at Hermannsburg.
McKinnon, M.C. William	Northern Territory Police Constable.
Morley, Reverend William	Secretary of the Association for the Protection of the Native Races of Australia and Polynesia (APNR).
Mountford, Charles P.	South Australian anthropologist and secretary to 1935 Board of Inquiry.
Nangee (a.k.a. Pompey)	Aboriginal man of Petermann Range, tried for murder of Kai-Umen and found guilty.
Numberlin	Aboriginal man of Mount Conner, tried for murder of Kai-Umen and found guilty.
Paterson, Thomas	Commonwealth Minister of the Interior from 9 November 1934 to 29 November 1937.
Pearce, W.L. ('Snowy')	Pastoralist at Lynda Vale station.
Perkins, John	Commonwealth Minister of the Interior from 13 October 1932 to 12 October 1934.
Saltpeter (a.k.a. Mino)	Aboriginal man alleged to have been assaulted by McKinnon's party.
Sexton, Reverend John Henry	Secretary of Aborigines' Friends' Association and member of 1935 Board of Inquiry.
Strehlow, T.G.H.	Linguist, assistant to 1935 Board of Inquiry and first Patrol Officer.
Stretton, A.V.	Northern Territory Police Superintendent.
Tiger	Aboriginal man who allegedly received beating from M.C. McKinnon at Hermannsburg.
Tommie	Aboriginal man who allegedly received beating from M.C. McKinnon at Hermannsburg.
Tracker Carbine	Aboriginal police tracker.
Tracker Paddy	Aboriginal police tracker.
Unganinga	Member of Kai-Umen execution party.
Uribianna (a.k.a. Judy)	Wife of Kai-Umen.
Webb, Beecher	Defence counsel for Numberlin and Nangee.

Weddell, Robert Hunter	Government Resident for North Australia, 1927 to 1930 and Administrator of the Northern Territory from 1930-1937.
Wells, Thomas Alexander	Judge of the Supreme Court of the Northern Territory from 1933 to 1952.
White, Vincent John	Assistant Chief Protector of Aborigines in the NT and member of 1935 Board of Inquiry.
Wong-We	Aboriginal man arrested by McKinnon near Mount Conner and charged with using threatening language against Bob Hughes.
Yokununna	Pitjantjatjara man and member of Kai-Umen's execution party, died of gun shot wounds inflicted by McKinnon and Tracker Carbine at Uluru on 13 October 1934.
Yunginna (a.k.a. Ooleroo Paddy)	Aboriginal man from Uluru and member of Kai-Umen execution party.

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