Reflections on Oombulgurri

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In 1927 a Western Australian royal commission found that a year previously at least eleven East Kimberley Aborigines met their deaths at the hands of a party of police and civilians.¹ Two young policemen who were members of the party were charged with the murder of one of the Aborigines, but at the committal hearing the magistrate dismissed the charges. Historians have since disagreed strongly about this incident. Most, including myself when younger, Peter Biskup, Brian Fitzgerald, Neville Green, Christine Halse, and Kate Auty have agreed with the general conclusions of the royal commission, though without committing themselves to a specific number of victims.² Rod Moran argues that there was no massacre; the story originated in the over-vivid imagination of a neighbouring missionary, Ernest Gribble.³ Others, among them Colin Tatz and the late Greg Dening, believe that the royal commission greatly underestimated the carnage, and that more than a hundred Aborigines met their deaths at the hands of the punitive party.⁴ Certainty on such a hotly debated episode seems unlikely, but this essay can at least offer some reflections on the issues arising from it.

³ R. Moran, Massacre Myth, Bassendean, 1999; Sex, Maiming and Murder, Bassendean, 2002; ‘Grasping at the straws of evidence’, Quadrant, November 2003, pp. 20-4. References are to the former publication unless otherwise indicated.
The political background (1)

After the 1914-18 war the government of the day, headed from May 1919 to April 1924 by Sir James Mitchell, pursued an energetic but often slapdash policy of rural development. Among its objectives was the development of the North-West and the Kimberley districts, and in 1921 the government appointed a commissioner for the North-West, resident at Broome. The beef cattle country of East Kimberley had been occupied between 1885 and 1905, mostly by overlanders from Queensland and New South Wales. Spirited Aboriginal resistance resulted in considerable bloodshed during the 1890s, but some stability was achieved with the establishment of Moola Bulla (1910) and Violet Valley (1912) as stations that served as Aboriginal sanctuaries, and the employment of locally based Aboriginal workforces on many cattle stations. By 1919 a number of large leaseholders dominated the East Kimberley cattle industry, among them the British firms Vesteys and Bovril Australian Estates and the locally based Connor, Doherty & Durack. Vesteys and Bovril were thought to neglect their Australian holdings in favour of more lucrative investments in South America, and both the Mitchell government and the Labor Opposition favoured the encouragement of resident smallholders who could market their cattle through the government-owned meatworks at Wyndham opened in 1919. Legislation to limit pastoral leases to a million acres (about 405,000 hectares) was evaded, but the hope remained of establishing ‘small’ resident pastoralists.5

To provide pastoral leases for ex-servicemen the State government in 1921 decided to excise land from the reserve attached to the Anglican Church’s Forrest River mission on the west side of Cambridge Gulf. In September of that year 200,000 acres were resumed, a small area by the standards of Kimberley cattle stations, but in February 1922 the area was increased to 880,000 acres (a little less than 360,000 hectares), though with a proviso that no individual would be granted more than 250,000 acres.6 Evidently it was planned to establish a colony of three or four owner-manager pastoralists on the excised land. Research through the surviving files of the Lands Department would be required to determine how it was that the land was eventually allocated in a single grant of 790,000 acres to two ex-servicemen, Frederick William Hay and Leopold Overheu. Hay had a pastoral lease at Mount Laptz in central Kimberley, but the Forrest River prospect must have struck him as more attractive, as in December 1921 he allowed his original lease to lapse.

The Forrest River district had never been successfully occupied by pastoralists. Two attempts in the late 1880s and a foray by Anglican missionaries in 1897 were all repelled by Aboriginal hostility.7 A second Anglican mission established in 1913 survived only tenuously under the management of the dedicated but cranky Ernest Gribble. Despite this discouraging past the State government seems to

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7 Bolton, MA thesis, pp. 33-4; Green, pp. 91-94.
have taken its decision without consulting either the Anglican authorities or the Aboriginal communities who would be affected. The pastoralists would be taking up land that included tracks regularly travelled by hunting parties.8 Thus the Mitchell government was crassly replicating the conditions of conflict that had led to the ‘killing times’ of the 1890s.

Hay and Overheu, the two ex-servicemen allocated the country excised from the Forrest River reserve, took up their holding, which they called Nulla Nulla, on 18 November 1922.9 They were soon regarded as the model of hard-working battlers rendering a wilderness productive. In 1924 they found a champion in the newly elected Labor MLA for Kimberley, A.A.M. (Bob) Coverley. At the 1924 State elections the outgoing Mitchell government won 23 seats in the Legislative Assembly and Labor under Philip Collier took 25, but Labor’s victory was not quite certain until the returns came in from the two seats of Pilbara and Kimberley, where because of seasonal conditions polling took place later than the rest of Western Australia. Labor won both seats, Kimberley for the first time. The 29-year-old Coverley, a former postal worker and barman, had been in the district only since 1919 and polled only a minority of first preferences; but on the retirement of the previous member, M.P. Durack, the National party fielded an outsider who was opposed by three independent Nationals, and a massive leakage of preferences led to Coverley’s unexpected win.10 Coverley believed that the Kimberley Aborigines should be drafted to reserves and the pastoral industry worked by ‘white’ labour.11 It was an unrealistic goal, but it appealed to many who resented the hold of the big pastoral companies. For Coverley and those who thought as he did, Hay and Overheu were proof of what might be achieved by the resident ‘small’ pastoralist. ‘No two men could have been a greater acquisition to the Kimberley district’, he was to assert.12

The background to Hay’s killing

Although 1924 was one of the poorest seasons within memory and 1925 not much better, Hay and Overheu seemed to justify Coverley’s praise. They erected a homestead, two yards, and 35 miles (56 kilometres) of fencing, and by the end of 1925 had produced 12 tons of cotton as well as tropical fruits and castor oil beans.13 For part of the time they were assisted by another white man, Dunnett, but when he left at the end of 1924 they depended

8 In his evidence before the Royal Commission Leopold Overheu described in detail a route that passed through Nulla Nulla to both sides of the Cambridge Gulf (RC 1927 Qn 1854).
9 RC 1927, Qn 1866.
11 Western Australia Parliamentary Debates (hereafter WAPD), new series, vol. 74, pp. 399-404.
12 ibid., vol. 76, p. 452. In 1953 in the files of the Department of the North-West I located several letters from Overheu to A.O. Neville describing progress at Nulla Nulla. Memory suggests that in one letter he wrote: ‘A man would want the heart of a lion to tackle this country, in fact two lions.’
13 WAPD, vol. 76, p. 452.
on the local Aborigines for casual labour. This brought them into dispute with their authoritarian missionary neighbour, Ernest Gribble, who did not like it when members of his flock left the mission to work for Hay and Overheu. He disapproved also of Hay’s cohabitation with Aboriginal women. Sexual relations between white men and Aboriginal women, both coerced and consensual, were common in the Kimberley at that time. In the frontier conditions of Nulla Nulla, Hay’s use of Aboriginal women carried a risk of resentment and reprisal by their menfolk.

Because of the frontier conditions Hay and Overheu were also at much greater risk than most Kimberley pastoralists of having their cattle speared, especially in two such poor seasons as 1924 and 1925 when hunting was unrewarding. In a parliamentary speech Coverley claimed that a tribe of fifteen to twenty Aborigines might ‘camp in close proximity to a station, for five of the tribe to submit themselves for work, and while the station owner or manager was busy supervising them, for the rest of the tribe to kill as many bullocks as possible before the owner woke up to the fact’. This does not sound like an accurate picture of conditions in most of the Kimberley district, but it was a plausible scenario at Nulla Nulla. It might be thought that by killing more cattle than they needed to eat the Aborigines were attempting to drive Hay and Overheu off their property. The partners came to believe that Gribble at the Forrest River mission was condoning, if not protecting, the cattle-killers. Relations between the neighbours, never good, soured further.

The year 1926 began with a splendid wet season. As the rains eased in April, Hay and Overheu prepared for mustering for the Wyndham meatworks. At the same time about 250 Aborigines converged at Durragee Hill on Nulla Nulla for a corroboree, probably including the conduct of customary business postponed because of the drought of the previous two years. To the partners such a concentration of numbers threatened an increase in cattle killing. Overheu claimed that the men at the corroboree were killing one or two cattle daily. They had already secured an injunction from the Wyndham police sergeant, Arthur Buckland, forbidding Aborigines to trespass on their property without permission, and now Overheu requested a police patrol to disperse the gathering at Durragee Hill. Buckland was a veteran of the ‘killing times’ who in the 1890s had taken part in the hunt for the best known leader of the prolonged Bunuba resistance to pastoral settlement, Jandamarra (alias Pigeon). Nearing 60 years of age and in indifferent health he was not eager to go out on patrol himself. Instead he sent the 26-year-old Constable

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14 Green, pp. 122-6; Halse, pp. 115-16.
16 Bolton, p. 223; Overheu’s evidence, RC 1927, Qns 1827 and 1860. Gribble denied the allegation (Qn 1974).
17 RC 1927, Qn 1826.
18 Green (p. 131) points out that the injunction could not have been read by illiterate Aborigines, but it gave the police a pretext for removing Aborigines from Nulla Nulla.
19 Moran says that Buckland was suffering from boils. Peter Conole, a recent historian of the Western Australian police force, describes him as an officer somewhat rough for city duty but
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James St Jack, who had been at Wyndham for little more than a year, together with two trackers. Joined by Overheu and an Aboriginal couple, St Jack and the troopers camped on the night of 22 May not far from the Aboriginal gathering near Durragee Hill. Contrary to regulations, the trackers were provided with firearms. At daybreak the party rushed the Aboriginal camp firing a fusillade of shots, and the Aborigines immediately scattered. Subsequently St Jack shot dead a number of the Aborigines’ dogs. He reported that two Aborigines were captured but later escaped. A few Aborigines were hurt in the melee. Eye-witnesses arriving at the Forrest River mission five days later asserted that one was killed. Moran does not accept that anyone was killed, but he considers that the fracas near Durragee Hill may have been exaggerated by rumours later to explain the origin of the stories of a Forrest River massacre. Green believes it was merely the prelude to more serious bloodshed, conjecturing that Overheu, St Jack, the trackers and Overheu’s employee Tommy, may have killed more Aborigines during the following ten days.20 In either case St Jack should not have armed his trackers as it would have been difficult to keep control of them during the melee.

On the evening of 24 May Overheu, St Jack, and their party returned to the Nulla Nulla homestead. Hay was not there, and the place looked as if it had been unvisited for three or four days. A search on the following day revealed first Hay’s horse with bloodstained saddle-cloth, and then the naked and decomposing body of Hay, killed by a spear thrust. Overheu’s employee, Tommy, said he could identify the tracks of two women and a man not far from the body, and it was later to emerge that these were the tracks of Hay’s killer, Lumbia, and two women, his wife Anulgoo and another woman Goolool. But Tommy added that a big mob of Aborigines had also been camped in the vicinity, and this was confirmed by another Aboriginal man.21 Instead of concluding that Hay was killed by a single individual in a chance encounter, as in fact was the case, St Jack and Overheu now had reason to believe that his death was an act of organized hostility against interlopers on their country by some of the Aborigines gathered near Durragee Hill. It was surmised that Hay was speared after surprising an Aboriginal party in the act of killing a cow.22 From spearing cattle they had gone on to spearing Hay; Overheu might have wondered if he would be next.

There are two stories about Hay’s death. The royal commission, following the evidence given at the trial and conviction of Lumbia, found that Hay encountered the slaughtered carcase of yet another of the Nulla Nulla cattle. Nearby were Lumbia and two women. Infuriated, Hay lashed out at Lumbia with his stockwhip. He failed to notice that Lumbia had a spear accessible, and as he turned his horse away Lumbia thrust a shovel-nosed spear into his side,

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20 Green, p. 148. Overheu’s employee was known as Tommy Doort or Tommy Toora.
21 Green, p. 143.
22 Nor’West Echo, 29 May 1926.
death following in a matter of minutes. This story is based on the eye-witness accounts of the women present, and was confirmed in its essentials many years later by two of Green’s informants.  

Green favours another story, based on Ernest Gribble’s accounts of reports brought to him by Aboriginal informants. In this version Hay dismounted from his horse, removed not only his trousers but all his clothes, and raped Anulgoo. During this episode, for at least part of which Hay must have presented a vulnerable target, Lumbia and Goolool apparently stood by passively. It was only when Hay, still naked and regardless of discomfort, remounted his horse that Lumbia was galvanised into putting a spear into Hay. I have difficulty in preferring this account to the other narrative of a sudden fracas brought on by a slaughtered cow, since it depends on hearsay reported by Gribble, and does not seem to have been mentioned by either Anulgoo or Goolool or Lumbia himself. Of course it is not at all unlikely that Hay had used Anulgoo as a sexual partner in the past, and that Lumbia resented it. Historians have tended to disparage Hay, with Green calling him a child rapist and Halse a fat slob. Yet his killing caused outrage, not only among his Wyndham mates, but also to an outsider such as the visiting veterinary surgeon Daniel Murnane. To the Kimberley district’s only newspaper, the *Nor’-West Echo* (Broome), Hay was a ‘young and valuable pioneer.’ And as Auty has pointed out, Hay was an Anzac veteran and a member of the fraternity of returned soldiers.

The patrol

When news of Hay’s death reached Wyndham, Sergeant Buckland dispatched Constable Denis Regan, the officer in charge of the Turkey Creek station who was then in Wyndham, with a party of reinforcements to join with St Jack in searching for Hay’s killers. One of the special constables was Patrick Bernard O’Leary who had been out on a similar patrol four years previously pursuing the killer of Harry Annear, during which some Aborigines had almost certainly been shot. It was a large force, but at the time it was not known how many Aborigines were involved in Hay’s death. Green asserts that Gribble, who was in Wyndham and in his capacity as a justice of peace swore in the special constables, already knew the identity of Hay’s killer and wonders why he did not pass on this information to the police. I think Green is mistaken, and that

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23 Green, p. 15 (Colin Jones) and p. 155 (Ronald Morgan).
24 Green, p. 157.
25 ibid., p. 158; also in *Far From Home* (*Biographical Dictionary of Western Australians*, vol. 8) pp. 212-3 [but Green does not repeat the child component of the rapist claim there]. Halse, p. 115: ‘His flabby behind sat on thick, beefy thighs and his shirt strained across a beer belly that hung over his trouser tops and wobbled when he walked. The local people called him ‘Fatty’ Bill Hay and he sweated profusely in the Kimberley heat.’
26 *Nor’-West Echo*, 29 May 1926. Hay was 49 years old.
27 Auty, pp. 144-7.
28 Green, p. 75; Auty, p. 143.
his own evidence suggests that another three weeks elapsed before Gribble was told that Lumbia was responsible.29

Regan and his companions made their rendezvous with St Jack and Overheu’s party on 4 June. Between that date and 21 June, sometimes in one party and sometimes in two, they patrolled the vicinity of Nulla Nulla. During that time they reported only one significant encounter with Aborigines, a dawn raid on a large gathering on 15 June which resulted in no arrests. Many of the Aborigines were found to be suffering from an influenza epidemic which was at that time rife in the district. It is during this patrol that the party is alleged to have shot and cremated at least two groups of Aborigines, one at Gotegotemerrie lagoon and another at Mowerie.30

The credibility of these allegations rests on several factors: (1) the reports that reached Gribble at Forrest River mission from Aboriginal informants; (2) forensic evidence gathered at three investigations later in the year, one by a party led by James Noble, Gribble’s Aboriginal deacon, one by Ernest Mitchell, the regional Protector of Aborigines, and one by Inspector William Douglas and Detective-Sergeant Manning; and (3) the compatibility of the allegations with what was known of the conduct of similar police-led patrols in recent years. To refute these arguments it is necessary to accept: (1) the unreliability of hearsay evidence from Aborigines; (2) the inconclusive nature of the forensic evidence, which Moran and Green have debated in great detail; and (3) the likelihood that by 1926 the mindset of the Kimberley police and public had changed since the hunt for Harry Annear’s killer at the end of 1921.

It is here sufficient to note that St Jack and Regan’s reports on the patrol showed inconsistencies and were not written up until some time after the events they described. When all allowances are made for the difficulties of keeping a record during a bush patrol, it must be observed that a surveyor like John Forrest fifty years previously was capable of keeping a detailed diary account of his activities while exploring, and police regulations expected a similar accuracy. Moreover although Aboriginal members of the patrol could have provided valuable testimony about its activities very little care was taken to ensure their presence at subsequent inquiries. Instead their absence was ensured. In particular, orders to take Tommy into custody were ignored, and he disappeared somewhat mysteriously.31

What was being covered up? It may have been, as the royal commission found, the killing and cremation of four Aborigines at Gotegotemerrie and three at Mowerie. These are numbers that could feasibly have been disposed of by a large posse. It may be that Regan and St Jack did not participate in the killing, but did not restrain the ex-servicemen in the party – Overheu and O’Leary in

29 Green, p. 144: ‘At the mission he had not only heard rumours that Hay was dead but he had also been given the name of his alleged killer;’ but Green gives no evidence for this statement, and it is incompatible with Gribble’s behaviour. Gribble told the Royal Commission (RC 1927, question 147) that he was informed about Lumbia on 22 June. (Green, p. 151).
30 Moran, p. 9 gives the correct date for the dawn raid; Green, p. 150 is a day out.
31 Green, pp. 174-8.
particular – from taking vengeance.\textsuperscript{32} It may be that the two policemen had nothing to hide beyond the fact that, contrary to regulations, they had given firearms to their trackers and kept insufficient control of them.

What I find impossible to accept is that the posse killed and cremated more than a hundred men, women and children. This would require us to believe that not one Aboriginal escaped the holocaust. The labour of finding and accumulating enough fuel and cremating the bodies thoroughly would also seem immense, even for a party of thirteen able-bodied men and a woman. Here I find Moran’s scepticism justified.

Regan and some of the party arrived at the Forrest River mission on 21 June, followed two days later by St Jack and the remainder. Here by arrangement they met Sergeant Buckland, who informed them that Inspector William Douglas, the senior officer for the Kimberley district, had ordered the discharge of the special constables. Perhaps he thought the lack of results did not justify further expense; perhaps he shared the view expressed by St Jack in later life that the special constables were ‘worse than useless’.\textsuperscript{33} However while at the mission the police learned that Aborigines had informed Gribble that Hay was killed by one man, Lumbia, who was to be found somewhere to the north, probably in the vicinity of the Lyne River.\textsuperscript{34}

Regan, St Jack and four trackers, guided by two mission Aborigines, set out in search of Lumbia. He was to be found in a large Aboriginal camp. Here on 1 July, according to the official record, the police party made a dawn raid and arrested Lumbia and another man who was wearing Hay’s hat. They brought them back to the Forrest River mission, where Gribble insisted that Regan should take Lumbia and three witnesses to Wyndham on the mission launch. Probably Gribble suspected that if, as originally intended, Lumbia had been taken overland to Wyndham with the police he might have been ‘shot while attempting to escape’. Lumbia was duly held at Wyndham and tried for murder in October 1926. As usual when a Labor government was in office the death sentence was commuted to imprisonment on Rottnest. After some years Lumbia was discharged and returned to the North.\textsuperscript{35}

Meanwhile with increasing urgency Gribble was demanding investigation of the continuing rumours of Aborigines murdered by the police party. Moran believes that Gribble himself was spreading the rumours.\textsuperscript{36} Interviewed in 2004, a woman who in 1926 was a 15-year-old girl in Wyndham could remember hearing no such rumours, and said that the town Aborigines would have been talking about it if a massacre had taken place.\textsuperscript{37} This is not conclusive. It is undeniable that the evidence offered by Gribble’s deacon, James Noble, was enough to prompt the Protector of Aborigines, Ernest Mitchell to investigate,

\textsuperscript{32} Auty; Green, p. 197.
\textsuperscript{33} Moran, p. 219.
\textsuperscript{34} Green, pp. 151-2; Moran, p. 10.
\textsuperscript{35} Green, \textit{Far From Home}, pp. 212-13.
\textsuperscript{36} Moran, pp. 40-2.
\textsuperscript{37} Mrs Maggie Lilly interviewed at my request by Wendy Carter, Kununurra, November 2004.
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and that Mitchell’s findings were enough to bring two experienced senior police, Inspector Douglas and Detective-Sergeant Manning, to the scene. Their investigations continued until the end of October.

While these investigations were in progress one version of events was already coming to public notice. On 29 July Gribble came to Wyndham and informed Ernest Mitchell, the Inspector of Aborigines, that trackers had been shooting bush natives. Mitchell immediately telegraphed this story to A.O. Neville, the Chief Protector of Aborigines, following it the next day by forwarding a letter in which Gribble elaborated the details. An expanded version of this report seems to have formed the basis for the first newspaper references to the alleged killing. These stories, citing the Department of the North-West as their authority, claimed that the trackers were responsible and, anticipating the royal commission’s later findings, gave the number of victims as seven.

The reports explicitly claimed that the constables had nothing to do with the shooting or the burning of the bodies. However they also stated that the shooting had taken place at the time of Lumbia’s arrest. In this version Regan and St Jack judged that it would be easier for the trackers than for themselves to persuade Lumbia to surrender, and sent them into the Aboriginal camp near Dala while they remained at a distance. The trackers encountered resistance, drew their guns, and killed several Aborigines. It is not clear why the Department of the North-West circulated the story as a media release, but it would have seemed feasible enough at the time.

Gribble by now had another story. The mission Aborigines who went with Regan and St Jack to effect Lumbia’s arrest now claimed that the trackers alone had captured Lumbia. St Jack and Regan, they said, had remained at a place called Dala for four days, and while there had detained four elderly Aborigines before killing them and cremating the remains. Such a story requires us to believe that St Jack and Regan once again breached regulations by leaving the trackers unsupervised for four days, though trusting them sufficiently to expect that they would return when ordered. It may be noted that this story surfaced only several weeks after the newspaper reports claiming that the trackers shot seven Aborigines during Lumbia’s arrest and that Regan and St Jack were not implicated. This may possibly have prompted the Aborigines’ rejoinder implicating them deeply.

If it was true it would have been the most gratuitous murder of them all; as Green puts it, ‘The cowardly and brutal murder of four harmless, elderly and sick people.’ The police were no longer confronting what they believed to be a hostile Aboriginal community, but were after only one man. There was no motive – except psychopathic sadism – for Regan and St Jack to kill the four Aborigines and then go to the trouble of accumulating the firewood and reducing the bodies to unidentifiable remains with the expectation that

38 RC 1927, Qn 355; Moran, p. 25.
39 Daily News, 2 September 1926; West Australian, 3 September 1926; Nor’-West Echo, 4 September 1926; Green, p. 184.
40 Green, p. 183.
they would never be found out. It was too late for Douglas and Manning to investigate the matter personally, as they were due back in Broome to report their findings to the Commissioner of Police in Perth. Instead Gribble and his son made an investigation in November 1926, and in a surprisingly leisurely follow-up Buckland and another policeman went to Dala in January 1927, together with Gribble junior and one of Gribble’s informants. What they found there would later be a subject of dispute among members of the party.\textsuperscript{41} It is probably fair to conclude that the evidence found at Dala was not as strong as that suggesting bloodshed at Gotegotomerrie and Mowerie.

**The political background (2)**

On receiving the report from Douglas and Manning, the Commissioner of Police, Robert Connell, decided that an official inquiry was required. This was not just a short-term response to the growing publicity given to the alleged killings in several Eastern States and overseas newspapers. It also followed several years of bickering between Connell and A.O. Neville, the Chief Protector of Aborigines, about the conduct of outback police patrols. In more than ten years at his post Neville, though moving with characteristic caution, had shown increasing concern about reports of the killing of Aborigines by police in quest of an offender. On several occasions he raised the matter with Connell, considering that such incidents created ill will and made the good governance of Aborigines more difficult. Neville also saw a risk that police trackers might use their position to settle scores with old enemies.\textsuperscript{42} Connell wanted the issue brought to a head.

The Collier government was under several pressures. Humanitarian agitation about Aboriginal issues came at an inconvenient moment. The Commonwealth government under the clear-headed businessman Stanley Bruce was actively interested in reforming the untidy tangle of federal-State relations. This included the future of northern Australia. The Commonwealth was interested in taking over the Kimberley district and possibly the whole of Western Australia north of the 26\textsuperscript{th} parallel. The Collier government had just abolished the commissionership of the North-West and re-integrated the northern districts into the mainstream public service, and had no wish at all to lose the North to the federal authorities.\textsuperscript{43} Yet if the disquieting rumours about Forrest River were ignored Western Australia would be seen in the eyes of the world as careless in its respect for human rights and its oversight of law and order. On the other hand it was essential that Coverley should retain the Kimberley seat at the State elections of 1927, which were expected to be closely fought, and this meant appeasing Coverley’s constituents who approved of keeping Aborigines

\textsuperscript{41} RC 1927: Buckland’s evidence, p. 21, pp. 48-50; John Gribble’s evidence, pp. 44-6.
\textsuperscript{42} RC 1927, pp. 71-6.
\textsuperscript{43} Commonwealth of Australia, *Parliamentary Debates*, vol. 112, p. 826 for prime minister Bruce’s hint that the Commonwealth might take over the North-West; WAPD, vol. 74, pp. 48-9, 118-19 for adverse reactions from Mitchell and Collier.
under control and supporting battlers like Hay and Overheu. Time could be bought by appointing a royal commission. This was announced on Australia Day, 26 January 1927.

It was an adroit move. By appointing a royal commission the Collier government silenced the critics within and outside Western Australia who complained of inaction over Gribble’s charges; but whatever the commission’s findings, they would not be known until after the State elections and could not injure Coverley’s prospects. The royal commissioner, George Tuthill Wood, was not a bad choice. He was chief stipendiary magistrate at Perth, and at 63 years of age could claim a long experience of the Kimberley region accumulated as resident magistrate at Broome from 1908 to 1922. He was patient and careful to the extent that Paul Hasluck, who was to cover the trial of Regan and St Jack for The West Australian, described him as ‘painfully slow, both in understanding what was said to him and in making his notes … with a constant concern lest he might not have properly understood an argument or accurately grasped a fact’.44 He was expected as royal commissioner to be an impartial judge of events, but he was also obliged to act as inquisitor, as he had to carry out his duties without counsel to assist him. This inevitably put him at odds with W.M. Nairn, the barrister for whose engagement the citizens of East Kimberley had sent round the hat to protect the interests of the members of the police patrol. In later life Hasluck was to express amazement at the government’s casual handling of the episode.45 Another view would be that the setting up of a less than high-powered royal commission was a carefully measured device to contain the political fallout.

During March and April 1927, although it was the tail end of the wet season and he was no longer young, Wood travelled to Darwin, Wyndham and Derby, as well as visiting the Forrest River mission. Here he was taken to what he was told was the site of Dala, which Douglas and Manning had been unable to visit.46 During the hearings of the commission Wood was frustrated by the disappearance of several important Aboriginal witnesses and had to rely on hearsay.47 He clashed frequently with the aggressive Nairn, culminating in an exchange at Derby when the lawyer, contrary to Wood’s express instructions, coached the veterinarian Murnane before he gave evidence.48 Despite, or perhaps because of these frustrations, Wood found in his report dated 21 May 1927 that four Aborigines had met their deaths at Gotegotemerrie and three at Mowerie at the hands of the police party, though it was impossible to specify any individual. He found also that four Aborigines had died at Dala when only Regan and St Jack could have been responsible.

44 P. Hasluck, Mucking About – an autobiography, Carlton, 1977, p. 112.
45 ibid., p. 205.
46 Moran (p. 11, pp. 136-47) considers that the site investigated by Wood was not the authentic Dala.
47 RC 1927, question 870; M.P. Durack (Diaries, 1 March 1927) attended some of the Wyndham hearings and described them as ‘hearsay’; see also the comments of Sir Francis Burt (Moran, p. x).
48 RC 1927, p. 58.
This may not have been the outcome that the State government and the Commissioner of Police expected, but by this time the political pressures on the Collier government had eased. They won the 1927 elections by the same margin as in 1924.49 Coverley beat his two opponents easily by 431 votes against 246; at Wyndham he secured more than three-quarters of the votes cast.50 He was entrenched in Kimberley until his death in 1953. The Commonwealth government’s attention was sufficiently occupied with the experiment of dividing the Northern Territory into two provinces, one based on Darwin and one on Alice Springs.

Wood’s findings were awkward and could not be ignored. On the precedent of the Myall Creek massacre of 1838 it would have been possible to charge all the members of the police patrol with the killings at Gotegotemerrie and Mowerie, but the trial would have been complex, expensive, and embarrassing, with little chance of establishing the guilt of any individual. It was simpler to charge Regan and St Jack with the murder of one of the Aborigines at the alleged incident at Dala in which only they were involved, even though (or possibly because) this was the least well attested of the cases covered in Wood’s report.

**Outcomes**

At the beginning of June 1927 Regan and St Jack were arrested. A meeting at Wyndham demanded that they should be tried there rather than in Perth. The *Nor’-West Echo* commented in an editorial that their petition was ‘not very judiciously worded’, adding: ‘the majority of Kimberleyites firmly believe that, owing to the mission-ridden Perth papers publishing so many fables on “the down-trodden natives” a Perth jury will be prejudiced before entering the panel’.51 The request was ignored. In July 1927 the charges came before a magistrate’s court in Perth where it would be determined if there was a strong enough case to warrant a Supreme Court trial. Paul Hasluck thought the two young constables in the dock looked unlikely murderers.52 Although the same age as Commissioner Wood, the magistrate, A.B. Kidson, was much less experienced, having been appointed in an acting capacity less than four years previously after an inconspicuous career whose highlight had been seven years in the Legislative Council at the turn of the century. Hasluck says he was easily flustered and inclined to stray from the point, and was known as ‘Necessity’ Kidson, from the old adage: ‘Necessity knows no law’. However there was to be no lack of clarity in his findings on this occasion.53

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49 Black and Prescott, p. 49.
50 *Nor’-West Echo*, 16 April 1927.
51 *Nor’-West Echo*, 18 June 1927.
52 Hasluck, p. 205.
53 Hasluck, p. 113. The Kidsons were friends and neighbours of M.P. Durack and his family in Adelaide Terrace. There is no evidence whatever that Kidson was influenced in any way by Durack, but the friendship possibly shaped Kidson’s preconceptions about Kimberley conditions.
Reflections on Oombulgurri

Nairn once again represented the defendants. The prosecutor was the young Albert Wolff, who vies with Ronald Wilson in legal memory as the most relentless of Crown Prosecutors, and whose first big case this was; but he was making bricks without straw. The deceased Aboriginal’s body had never been found, and the evidence was entirely circumstantial. Point by point the magistrate Kidson dismissed the prosecution’s evidence as unsubstantiated. In the view of so eminent a jurist as Sir Francis Burt he could have come to no other decision. To the applause of the Court the two constables were freed. The acquittal, wrote the \textit{Nor'-West Echo}, was good news but not unexpected. Many historians, among them Peter Biskup, Susan Tod Woenne, and Colin Tatz have asserted that after the trial the two constables were rewarded by promotion. This is quite untrue. St Jack went through the customary stages of promotion after years of service to reach the rank of sergeant. Regan was never promoted at all.

The origins of this story lie in my Master of Arts thesis on the Kimberley pastoral industry submitted in 1953. My father was then serving on the Anglican Church’s Forrest River committee, and I asked if there was any material about the 1926 massacre in their records, but he said there was not. (He disliked contention, and may have chosen not to inquire too assiduously). In Wyndham in 1952 I was told there was nobody left who would have been around in 1926. The local patriarch and amateur historian, Charles Edward Flinders, had died three years previously. I was told that St Jack and Regan had remained in the police force and were promoted. This was true about St Jack, but not about Regan. However I wrote in my thesis that ‘further agitation was averted by their acquittal by a Perth magistrate and their subsequent promotion and honourable service in the Force.’ I should not have relied on hearsay. Biskup and those who followed him misunderstood ‘subsequent’ to mean ‘immediate’. That is not what I intended. I should have expressed myself more clearly, and I solemnly warn future historians against claiming that Regan and St Jack were rewarded for their exploits at Forrest River. Eastern States papers, please copy.

Regan left the police force after an unsuccessful marriage, and in 1952 was working as a labourer in the Kimberley district. The electoral roll gives his address at that time as the Continental Hotel in Broome. I may even have set eyes on him when I stayed there, though I do not remember meeting him. He died in 1966, when death notices were inserted in \textit{The West Australian} from his sweetheart, Millie, who described him as the dear friend of everyone, and from his mates at the Continental Wine Saloon, a somewhat down-at-heel establishment in Beaufort Street. St Jack lived to be over ninety, deaf and

54 Personal comment, undated; Moran, p. x.
55 \textit{Nor'-West Echo}, 13 August 1927.
with both legs amputated, a reserved and ambiguous figure. He gave Green an interview in 1989, but would not be drawn about the events of 1926.59

In researching my thesis I had also hoped to make contact with Overheu, but he had died in 1949. A few weeks after appearing before the Wood royal commission he was admitted to Wyndham hospital with a life-threatening illness.60 He recovered, but left the Kimberley district permanently, having abandoned Nulla Nulla. Whatever the cost, the Forrest River Aborigines had once again succeeded in repelling an interloper on their country, just as they had in the 1880s and 1890s.

On the evidence available a reasonable person could come to the same conclusion as any of Green, Moran or Auty. Personally I consider it likely that Aborigines were shot at Gotegotemerrie and Mowerie, though not at Dala, but this is a historian’s judgment and not one that could be sustained in a court of law. It darkens counsel to argue, as Dening and Tatz have done, that more than a hundred Aborigines fell victim to the police party. Such a figure was apparently first put forward by Dr Karl Reim of the Karl Marx University, Leipzig in 1968, on the basis of genealogies collected from elderly residents of Oombulgurri, but he does not seem to have taken into account the influenza epidemic that was raging in 1926.61 Dening in 1998, reviewing a book by Henry Reynolds (who followed most authorities in putting the death toll as no more than twenty) called it a national disgrace that a hundred and thirty men, women and children had been massacred.62 Unfortunately Dening died after I had accepted the invitation to write this article but before I could question him about his reasons for opting for the higher figure. Although a writer of strong social conscience, his scholarship was usually admirably careful. However in his article he cited the Oombulgurri incident as an example of what he called ‘living history’. ‘It is about truth, not accuracy’, he wrote.63 I could not follow him there. Truth cannot be grounded in inaccuracy, and historians, though they can never attain full accuracy, have a duty to avoid inaccuracy.

It is the case that some Aboriginal oral histories claim that great numbers were killed, and Overheu’s brother in 1968 gave Neville Green an estimate of three hundred.64 In both cases we are not working within Western canons of objective scholarship. The ‘crying in the night’ that so inspired the imagination of the novelist Randolph Stow belongs to the same category of narrative as the Captain Cook stories of the Victoria River district or the Rottnest guillotine: powerful markers of Aboriginal feelings about their past, but not necessarily accurate accounts of events. Aboriginal memory is not unique in this tendency to fashion history into myth. The Fenian patriot, John Boyle O’Reilly, having

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59 Green, p. 18. In 1978 I suggested to one of my students, Su-Jane Hunt, that she might undertake research on the Forrest River incident. She sought an interview with St Jack, but his family informed her that his health was not good enough to allow one.

60 M.P. Durack, Diaries, 15 April 1927.

61 Green, p. 206.

62 Dening, p. 4; H. Reynolds, This Whispering in our Hearts, Sydney, 1998.

63 Dening, p. 5.

64 Green, pp. 197, 206.
escaped from imprisonment and exile in Western Australia, published a novel, \textit{Moondyne}, in which he portrayed the colony as a realm of Gothic horror.\textsuperscript{65} It is of no great use as a source for the history of Western Australia during the convict period, but it tells us a good deal about one convict’s view of his world.

It is however odd that respected historians, working within the conventions of Western scholarship, should have been so ready to embrace a death toll at Oombulgurri of one hundred or more. It is all too easy for the modern urban scholar who feels a decent moral indignation about the wrongs of the past to place the blame for bloody episodes on the outback rednecks and police. My reading of the Oombulgurri episode would suggest a good deal of responsibility on the part of the Perth politicians of the time, who may be presumed to have reflected fairly accurately the values and priorities of those whom they represented.

It was bad enough that seven Aborigines, or eleven Aborigines, may have been killed by members of a police party in 1926. It is not necessary to inflate the numbers so as to inflate our revulsion to the deed. But perhaps these matters may be put to the proof. Recently publicity was given to the discovery by archaeologists of the bodies of several hundred Australian and New Zealand servicemen killed in action at Fromelles on the Western Front in 1917. It was urged that they should be given honourable reburial. If the necessary permissions could be obtained from the relevant Aboriginal groups, it would be worth funding an expedition to go over the sites where the Forrest River killings are stated to have taken place. Aided by technologies unavailable in 1926, the forensic anthropologists and the archaeologists may or may not find evidence of massacre. Either outcome would show the willingness of the scholarly community to try and arrive at a nearer approximation to the truth of the matter, and bring the episode nearer to closure.