

DARK TALES FROM THE LONG RIVER

Aboriginal and Torres Strait Islander readers are respectfully advised that this book contains the names of people who have died.

Some of the historical quotes reproduced in this book contain language now considered offensive.

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DARK TALES

FROM THE LONG RIVER

A BLOODY HISTORY OF
AUSTRALIA'S NORTH-WEST
FRONTIER

DAVID PRICE



FREMANTLE PRESS

In memory of
Greg Nicolay
(1957–2012)

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THE FRONTIER ON THE LONG RIVER

In the beginning there was no frontier. There was only a place by the sea where a long, sandy river flung its tail eastwards towards the centre of a silent continent. In the west, the river's tongue split in two, licking the salty lip of an indifferent ocean that sometimes slapped, sometimes caressed the mangrove-littered shores and the empty beaches of the shimmering land.

Each day, the ocean tide slid slowly, quietly in and out of the river's moist throat. Sawfish, stingrays and flathead basked in the warm, shallow water left behind. On hot summer afternoons seagulls and pelicans hung in the eddy of salty sou'westers that blustered in across the waves. The wind brought with it cooler air that bent the gum trees on the riverbanks.

Sometimes cyclones tore into the north-western reaches of the continent. When they had spent their fury, they moved dark and sullen towards the inland where they dropped rain on the river's eastern tributaries. Then a great stream of water would race brown, blind and mute towards the land's end, spewing into the ocean, staining its waves and littering the beaches with logs and branches and dead animals.

A dark people lived there. Those people were owned by that land. It was their place, their birthright. They left no scar on that country's skin, raised no fences, moved silently through its silence. They called the place by the ocean Kuwinywardu, the neck of the river, and along its length they knew every secret, every sacred place and the names of everything in it.

Once, thousands of years before there was a northern frontier, there was only a river, a sea, a sky, and a place that owned a people.

I now turned off west by south, quitting the bed of the river, which I named the Gascoyne in compliment to my friend, Captain Gascoyne, and found that we were in a very fertile district, being one of those splendid exceptions to the general sterility of Australia which are only occasionally met with: it apparently was one immense delta of alluvial soil covered with gently sloping grassy rises, for they could scarcely be called hills; and in the valleys between these lay many freshwater lagoons which rested upon a red clay soil that tinged the water of its own colour and gave it an earthy taste.

—*Journal of Lieutenant George Grey, 1839*

Sir, I am directed by the Governor to inform you that you have been appointed to direct the exploring expedition about to proceed northwards [from Perth] ... The party under your direction, it is intended, should proceed northward as high as the Gascoyne River ... You will examine that river as far as it may be practicable to do, with the view of tracing its course; of ascertaining, if possible, the nature of the bar at the mouth of it, and the question of its being practicable for boats, to what distance from the bar, and the nature of the soil in the vicinity of either bank.

—*Letter from Colonial Secretary's Office to R.T. Gregory, 1848*

The Gascoyne here divides into several broad sandy channels, sometimes as much as a mile apart. Towards evening we came upon a native encampment; few of the men appeared to have returned from their day's hunting, but we observed upwards of thirty women and children, who ran into the bed of the river to hide, some of the women immersing their children completely under water occasionally to prevent their cry of alarm attracting our attention.

—*Journal of R.T. Gregory, 1848*

A town-site named Carnarvon has been laid out at the mouth of the Gascoyne River. The boundaries and the upset prices of the lots in the new town-site are specified in the last Government Gazette.

—*The Herald (Fremantle, WA), Saturday 27 January 1883*

Nothing in the shape of a townsite could be more unprepossessing to a stranger than Carnarvon: low shores, treeless, houseless, giving one at first that he was in squatting country; background made up of ridges and raw sand bearing stunted scrubs; the same thing being alive with natives in a state of nature; a number of houses, include two hotels and three stores.

—*Reverend John Brown Gribble, Dark Deeds in a Sunny Land, 1886*

... they found no serious difficulties in handling the natives and keeping on friendly terms with them during the early days when only those experienced in pioneer work and new countries had to do with them, but on the advent of strangers and new settlers from other parts, and the natives being spoilt and their heads turned by a policy of over-indulgence at one time and inexperienced methods of treatment and correction at another, with much ignorance of their ways, customs, habits, language, dispositions etc., the natives began thence to acquire a familiar kind of contempt for their white employers and ceased to look on them with the proper respect and reasonable fear that the superior race should have inspired, and soon showed a disposition and intention to measure strength and a determination to throw them out of their country, and then there was no end of trouble from them for some years ...

—Alexander Robert Richardson, *Early Memories of the Great Nor-West*, 1909

The appointment of Mr. Charles Denroche Vaughan Foss, to the lately-created post of itinerant magistrate for the Gascoyne district, will, doubtless, be hailed with much satisfaction by all the settlers of that locality, many of whom have, since their arrival there, been sufferers, to a greater or less degree, from the thievish propensities of the aboriginals. The selection of Mr. Foss to fulfil the important duties pertaining to such a post, is a most happy one, as he is eminently qualified therefore, in every way, being still in the vigour of life, a shrewd observer, a fearless and experienced bushman, and one well acquainted with the peculiarities and customs of the nomadic race, in dealing with which, his principal work will lie.

—The Victorian Express (Geraldton, WA), Wednesday 27 September 1882

PROLOGUE PLAYER OF THE GAME

We, the undersigned, on behalf of the residents of the town of Carnarvon and the Gascoyne District, on the eve of your retirement from the position of Resident Magistrate of the said District after 33 years of continuous service in that capacity, desire to convey to you our feelings of respect and goodwill, and our regret that the Regulations of the Public Service make your retirement imperative.

—*The Northern Times* (Carnarvon, WA), Saturday 25 September 1915

‘IT IS A STRANGE THING’

One mild Monday morning in September 1915, in the seventy-fourth year of his life, Magistrate Charles Denroche Vaughan Foss sat and gazed around at the group of dignitaries who had gathered to pay their respects to him. A relic of a bygone age, he was a man who had, for more than three decades, willed law and order into a wilderness where he saw only lawlessness and strife. The figure of the magistrate had long towered over the pioneer town struggling to gain a foothold among the mangroves, salt plains and arid bushland that marked a bleak, windswept line of defence between the western edge of a great continent and the relentless waves of a great ocean.

Preparations for his farewell had been underway since April, when Mayor Frank Whitlock had convened a planning committee at the office of the Vermin Board to make sure suitable testimonials and presentations would crown the old man’s departure after thirty-three years of service. There had been a good turnout and no problem raising

money for the send-off. When that first meeting adjourned there was already one hundred pounds in the kitty; by September there was double that amount.¹

Now the long-anticipated day had arrived. In front of the old man sat a cross-section of Carnarvon's establishment. Foss knew all the faces well. There was the mayor, Frank Whitlock, who had started out humbly enough on the staff of Dalgety and Company in the mid-1880s, when the Aboriginal troubles were at their height. The affable Whitlock now ran his own prosperous business supplying merchandise to the local sheep stations—so successfully that word on the street was that Dalgety's was considering buying him out and making him manager of a new store.

Above the general murmur, Foss could hear the Lancashire tones of solicitor Ed Holden, rumoured to be on the run from a messy divorce down south and already talking about shooting through to join the war effort. Not far away sat Fitzroy Francis Marmion, Holden's opposing solicitor in many a case brought before the local court.

Also present was the council secretary, Bill Newman, who plied his trade as a storekeeper among the Afghan, Chinese and Aboriginal residents of Yankeetown, the settlement's unkempt eastern backblocks. If Newman still held a grudge against Foss for rejecting his application for a liquor licence back in 1906,² he kept it well hidden these days.

As the old man took to his feet to speak, a silence descended on the group. C.D.V. Foss cleared his throat and began:

It is a strange thing that it was on the same day, the 20th [of] September, in 1882, in the Governor's office in Perth, that I was told they had appointed me as Magistrate at Carnarvon. They said they were quite sure I would be a success in that position, and wished me good luck. Now, on the anniversary of that appointment, you have come and said the same thing; that I have been a success, that I have your goodwill, respect, and esteem, and that I have played the game since I have been in the district.³

A murmur of approbation passed through the gathered assembly, even though few had been there when the game had begun.

'THE NECESSARY LEGAL AMMUNITION'

Charles Foss had just turned forty when he took up his appointment as itinerant stipendiary magistrate to the new settlement at Carnarvon. Born in County Cork, Ireland, he had arrived with his family in the fledgling

British colony of Western Australia in 1849, aged just seven. By the time he was fourteen he was working on farms in the Irwin and Greenough districts, eventually rising to become a stock inspector before managing pastoral leases in the Murchison, including Irwin House for more than ten years.

By the time of his posting to the northern reaches in 1882, he had served a useful apprenticeship as a pastoralist and was a respected figure in farming circles in the Midwest of the colony. When the opportunity arose to become the chief lawman in the new port town of Carnarvon, Foss sold his share of the cattle station he part-owned at Gooroonoo on the banks of the Irwin River to his business partner, Charles Fane.⁴

Thus disencumbered of his old life, Foss could now turn his gaze towards the new challenges that lay to his north. As itinerant magistrate he would be responsible for applying Her Majesty's law along the length of the Gascoyne River, an 865 kilometre line in the dust beyond which lay the farthest reaches of the nation's largest colony.

Foss's reputation preceded him. But while Carnarvon's pastoralists celebrated the elevation of one of their own to this most powerful of positions, a Geraldton newspaper keenly spelled out the exact nature of the game that the new magistrate was expected to play in that wild country:

Mr. Foss, the newly appointed itinerant magistrate for the Gascoyne Districts, is now en route for the sphere of his future duties. We have, before, in noting the selection by the Government, of Mr. Foss, taken the opportunity of congratulating the authorities upon their choice, as we know that Mr. Foss will be the right man, in the right place ... His constabulary, armed with the necessary legal ammunition, in the shape of warrants, will be despatched in pursuit of offenders, who, upon capture, will be summarily arraigned, and, if necessary, punished by sentence of imprisonment—five hundred miles away [on Rottneest Island]. All this is very well, and satisfactory proof that the Government is alive to the necessity for taking vigorous steps to put a stop to the ever recurring audacity of aboriginal depredators, and to deal with peculiar circumstances in a manner which, while certainly unusual, is partially calculated to have the desired effect.⁵

The newspaper's allusions would not have been lost on Charles Foss. He would have been keenly aware himself of the hothouse he was entering. Since the early 1870s it had seemed almost inevitable that the slow but

steady arrival of pastoralists and the establishment of a small settlement at the mouth of the colony's longest river would soon bring conflict between the new claimants of the land and the peoples they dispossessed.

The settlers of the distant Gascoyne frontier into which Foss and his small band of police constables would ride that year felt themselves outnumbered and frustrated at every turn by an Indigenous people who would not melt quietly into the countryside of which they had been divested. Rather, refusing to pliantly cede their land to the white newcomers, they expressed resistance in myriad ways that disrupted and exasperated the fledgling settler society. It wasn't long before stories of theft, murder and 'frontier justice' began to abound across the district.

Adding to this already volatile atmosphere, increasing numbers of Chinese, Malays and Afghans were taking up work as cooks, gardeners, cameleers and launderers in the small port community and on outlying sheep stations. While no-one doubted that these workers were a critical source of labour without which the settlers' survival would have been impossible, many white pioneers also viewed them with suspicion and disdain. Most saw them as a necessary but temporary evil, who must never be allowed to gain more than a transitory foothold in the Australian community.

Of even more concern to many was the possibility that friendly relations between Asians and Aborigines would lead to a new and ultimately dominant 'mixed' population that would marginalise the white population and exploit the economic opportunities offered by colonisation.

The settlers in the small white outpost of Carnarvon and in the station homesteads dotted sparsely across the vast plains, scrub and grasslands of the surrounding bush grew increasingly restless. As their fears, anger and ambition began to assert themselves in the form of increasing violence against Aboriginal people and ongoing strife with Asian workers, the colonial government, fearing a loss of the rule of law, intervened.

So it was that the new itinerant magistrate was dispatched with his party of five constables—comprising two white men and three Aboriginal assistants—to pacify the troubled district.⁶ This mobile team would be complemented by the four policemen who had arrived at Port Gascoyne six months earlier and four more at Mount Wittenoom,⁷ half of each contingent being made up of Aboriginal assistants.

In Foss the Gascoyne settlers had a man who, from personal experience, understood the existential nature of the fears that confronted them and

who could use the ‘ammunition’ of the law to protect their interests, justify their causes and legitimise their material ambitions.

The new lawman set to work immediately, and within two months the colony’s major newspaper would report with satisfaction that:

Mr. C.D.V. Foss, the itinerant magistrate for the ‘disturbed’ districts, has been doing sound work in bringing to justice more native offenders. On Tuesday morning last, P.C. Smith arrived in town with a batch of twenty, sentenced to various terms of imprisonment on charges of sheep and ration stealing. They proceed to their temporary island home [Rottnest Island Prison] by the Otway, leaving here this evening.⁸

Not all of the settlers were happy, however. For some, the diligence of the new magistrate was too little, too late. As one correspondent to a Geraldton newspaper wrote at the end of Foss’s first year:

In spite of the presence in our district of an itinerant law-wielder and his posse, in spite of the deportation of scores of their fellow robbers, and in direct contradiction of the assertions of Perth wiseacres, who say the outcry against the natives is without foundation of excuse, the aboriginal pests are still at their old game.⁹

Despite—or perhaps because of—such occasional criticism, Foss became increasingly tenacious, simultaneously rounding up Aboriginal ‘pests’ and dealing with growing unrest about Asian immigrants. The colony-wide newspaper reported happily on his progress towards the latter goal:

Chinese labourers in the Gascoyne and Sharks Bay [*sic*] districts are causing a great deal of trouble, both to their employers and the police. More than a dozen cases of absconding have come before the Resident Magistrate, and one of assault, and also a case of suicide. It seems that the Chinese in this district prefer a month’s imprisonment to going to the employ of their masters. It is a difficult thing to conjecture why they abscond. I do not think it is because their food is insufficient, because they are well looked after in that respect.¹⁰

The game was afoot, and there is little doubt that C.D.V. Foss was aware of the high stakes at play. He was to be instrumental in defining, by use of law, the nature of the Gascoyne–Murchison: who would win, who would

lose, who would stay, who would go, and where people would fit in the hierarchy of a new social order. If the responsibility worried him, it didn't show. Foss was a man with the confidence, the energy and the backbone to see the game through to its conclusion. He would do so unrelentingly for the next thirty years.

CHAPTER 1

DEATH AND THE ‘DUSKY VENUS’

... nor did it appear as if the police would have more difficulty in bringing offenders to justice on the yet thinly settled wilds of the Gascoyne than in the most thickly peopled portions of the colony. The recent trial therefore goes to prove two things: first that to keep down crime among the natives of new districts there must be sufficient police force to impress them with the belief that, if they destroy life and property, they will be pursued and punished, and secondly, that the State is quite able by taking reasonable precautions to protect both the life and property of its subjects even in places distant from the seat of Government and among tribes comparatively new to the white man's rule; and enable the settlers to pursue their avocations in peace and keep on terms of amity with the native inhabitants.

—*The Herald* (Fremantle, WA), Saturday 28 April 1883

WHITE LAWS AND WIRE FENCES

From as early as 1876, settlers had begun journeying northwards by land and sea to the mouth of the Gascoyne River in search of new land and fresh fortune. In 1881 a Geraldton newspaper would report on the:

departure by the Ocean Queen of Mr Charles Crowther, jun., and Mr George Baston, jun., who are about to commence business at the Gascoyne mouth, as merchants and shipping agents, under the style of Crowther and Baston. They bear with them every material and requisite for the necessary buildings, including labourers. These young gentlemen will thus be the first settled inhabitants of the new townsite shortly to be surveyed at the

mouth of the river, and the establishment of their store will mark the birth of another town to Western Australia.¹

This store was to prove a much-needed stimulus to the small port community. Crowther and Baston were both from well-known pioneering families in the Geraldton region and they quickly established themselves in Port Gascoyne. By 1883 they had commissioned the building of a twenty-four ton schooner named *Pioneer* to bring goods ashore from Fremantle and Geraldton for their expanding businesses.² The two men were also instrumental in lobbying the government to build a jetty for the coastal settlement, where lack of a suitable facility meant that 'every pound landed or shipped [had] to be carried ashore through shallow water'.³ The pair dissolved their partnership in 1885 and set up separate businesses; Baston would go on to become the town's first mayor.⁴

By the end of the following year—1882—the settlement at Port Gascoyne was developing quickly to meet the needs of the increasing numbers of settlers, drovers and squatters passing through the region. Three stores were already plying their trade, although, as one resident complained, there was no still hotel, 'a want which is very much felt, both by strangers landing in the district and by people coming in from the country'.⁵ This lack was soon remedied when Thomas Bird built the Port Inn, which by early 1883 had become a thriving part of the community.⁶ A year later a telegraph line was completed linking the tiny port to Perth, some nine hundred kilometres south. A fledgling sandalwood trade had also sprung up, and there was hope for a prosperous pastoral industry that would grow as colonists laid claim to thousands of acres of surrounding bushland.

One traveller described in early 1883 how the port town, now known as Carnarvon, was beginning to take shape:

I set out for Carnarvon, which I succeeded in reaching just in time for lunch. This new port cannot be said to present a picturesque appearance. The townsite is situated on the bank of a salt creek, while the town itself consists of the Police Station, a store which is kept by Messrs. Crowther and Baston, and a public-house which is 'run' by Mr. Bird. There are also to be seen about a dozen other buildings of a nondescript kind, and, voila! there is the flourishing port of Carnarvon before you. As all the wood and water required for domestic use have to be carted to the town from a distance of about two miles, the inhabitants can hardly be said to live exactly at their

ease; and yet a great deal of business is done there, and the town promises to soon rise to some degree of importance.⁷

Despite such appearances, however, the optimism and enterprise of the first settlers was tempered by their increasing frustration with the local Aboriginal people. Those tribes whose homelands spread the length of the long river showed little respect for the white laws and wire fences that had begun to spring up on their ancient lands, and stories of stock loss, petty theft and the occasional murder of a shepherd or drover had begun to circulate widely as early as 1879.

Police had reported to parliament that year that skirmishes between Aboriginal people and settlers were becoming commonplace in the Gascoyne region, mainly due to the former's theft of supplies from settler huts and killing of livestock. The situation was difficult to police, given the vast distances involved and the isolation of the settlers. The colony's chief of police advocated establishing a permanent constabulary in the area and, in the meantime, granting the settlers authority to deploy 'castigation' in the form of corporal punishment against Aboriginal people where deemed necessary. The police chief acknowledged that such authority would merely add legal sanction to existing practice. As he admitted to parliament, 'This course [corporal punishment] I have reason to believe has been adopted more than once, without sanction certainly, but with a very beneficial effect.'⁸

There is little doubt that some settlers took this advice to heart and began openly taking the law into their own hands. Even a decade after the chief of police's observations, the Sydney *Bulletin* reported on the punishment in Carnarvon of:

two natives, convicted of sheep-stealing and sentenced by two Justices of the Peace to imprisonment and 25 lashes apiece. The two niggers [*sic*] were triced up to the corner-post of a stockyard, their hands made fast to the top rail, and their legs bound with stirrup-leathers to the bottom rail. The flagellators were two brawny bullock-drivers, who used 14 wattle-sticks, each 6ft. long and two inches round the thickest end, striking blow for blow. The highly-respectable J's P. superintended the castigations.⁹

This incident prompted the attorney-general to issue tighter guidelines to magistrates overseeing such floggings:

Under no circumstances whatever should any other instrument than the Cat o' nine-tails be used, unless it be some description of whip (other than a stock whip), or a birch rod; a rope, or a stick of any kind or sort must not on any account be used ...¹⁰

One of the J.P.s involved in the Carnarvon punishment was reportedly so offended by this implied criticism that he resigned from the role.¹¹

In 1882, even corporal punishment appeared to be having a limited effect on the reactions of Aboriginal people to the arrival of the new settlers. The southern newspapers reported rumours that two shepherds on the Minilya River had been murdered, resulting in eight Aboriginal people being shot dead and a number wounded in reprisal.¹²

That same year, the violent death of a Swan River Settlement Aboriginal man in charge of his master's shearing shed was reported in the district. The disappearance of a local Chinese man was also rumoured to be the sinister work of northern tribes, with one correspondent to the colony-wide newspaper declaring: 'probably the natives have eaten him. And yet there are no police to investigate these matters!'¹³

The rumours of Aboriginal cannibalism fed into the prevailing fears of the isolated settlers and heightened their sense of vulnerability. Eminent pastoralists such as Robert Edwin (Bob) Bush¹⁴ had no doubt about the veracity of these rumours, even claiming personal experience:

Whoever says the Australian Aboriginal is no cannibal knows not of what he is talking about. I have seen the skulls of people that have been eaten.¹⁵

Hearsay, ignorance and isolation were fuelling an air of hysteria that gave licence to increasingly extreme reactions. When Crowther and Baston's Carnarvon store was broken into, 'Mr. Baston is said to have been obliged to fire upon them, wounding two.'¹⁶

Meanwhile, the general atmosphere of disquiet continued. One angry citizen of the port wrote:

The natives continue to be troublesome, and are in fact more daring than ever, killing sheep in daylight and defying the settlers. Some severe check must be put upon their malpractices or there will be wholesale slaughter. It is a wonder the settlers, when they find their property attacked and stolen from them, do not take steps to arrest the depredators; if a white man were to break into my house I should have no hesitation in dealing with him, why not the same with the black fellow?¹⁷

Despite there being no evidence of a coordinated Aboriginal resistance to the vastly outnumbered population of the settlement and its pastoral outposts, the situation was becoming a tinderbox. Simmering anger among the white population was coalescing into organised agitation for something to be done by the authorities in Perth.

Finally, in 1882, demands for action were met in the form of the indomitable Magistrate C.D.V. Foss and his small entourage of mounted police. Soon hundreds of Aboriginal people from one end of the Gascoyne River to the other would find themselves in neck chains, walking towards ships that would carry them south to the prison on Rottneest Island, offshore from the mainland port of Fremantle. In 1884, for example, 'prisoners from the Murchison and Gascoyne regions accounted for more than half of the Rottneest prisoners, with the most convictions for stock killing'.¹⁸

In the meantime, violence and retribution continued to mar the early interactions between blacks and whites on the northern frontier. It seemed inevitable that the tension would eventually explode into murder.

'A VERY SAVAGE CANNIBAL'

The year 1882 had not begun well for the pastoralists who eked out a living east of Carnarvon. Despite plentiful rains further north there had been few falls along the Gascoyne River, stockfeed was scarce and apprehension was growing that it would be a poor lambing season.¹⁹

Into this mix, rumours began circulating about the murder of a teamster called Charlie Redfern who had been making his way westwards from the junction of the Gascoyne and Lyons rivers.²⁰ The alleged murderer was purported to be 'the chief of the tribe ... a very savage cannibal named Wangabiddy, who is known to have a particular penchant for plump young women, and fat children'.²¹ This crime, and the subsequent calls for the punishment of its perpetrator, became a rallying point of the settlers for more police and harsher penalties. Maitland Brown, the irascible parliamentary member for the Gascoyne at the time, addressed the legislative council that same year, expressing no doubt about the identity of the guilty party:

When I was at the Gascoyne last year this very man, Wangabiddy, had openly threatened that the first white fellow he came across, he would murder him; in fact, he was the terror of the district ... Wangabiddy had always declared that the white man should not occupy that part of the country in peace, at any rate, so long as he lived ...²²

Sartorially elegant and incisively eloquent,²³ Brown was no stranger to the frontier or to the fractious relationship that existed between the settlers and local Indigenous peoples. He had been a member of one of the first European exploratory expeditions of the southern Pilbara, led by Francis (Frank) Gregory back in 1861. Later he had led his own deadly punitive action against a group of Aboriginal people near La Grange Bay for the murder of three explorers some months earlier, leaving at least six dead and twelve wounded in retribution.²⁴ In 1882, his sympathies were firmly with the white settlers around the port on the Gascoyne River.

'THE NATIVE QUESTION'

In an effort to stave off the increasing agitation of the settlers, the colonial secretary finally decided in early 1882 to appoint respected resident magistrate Robert Fairbairn as a commissioner to travel to the region and 'inquire into the native question.'²⁵

Fairbairn was well credentialled for the job. Born in Bunbury, he had been educated privately and had joined the civil service after a short career as a school teacher. His talent and fairness had lifted him through the ranks until, in 1873, he was appointed resident magistrate at Greenough, a role he later also served at Toodyay.²⁶

Fairbairn's new task as commissioner was spelled out clearly by His Excellency the Colonial Secretary, who hoped that:

you will be able to report, from a disinterested side of the question, the true state of the relations that exist between the settlers and the aboriginals, whether the former have acted in any way harshly towards the latter and thereby forced them to the hostile attitude that it is reported they have assumed towards the settlers, or whether the natives have, without receiving provocation, taken upon themselves the position which they are said to occupy, from a belief that they will not be punished, and from a mistaken notion of our inability to cope with them successfully.²⁷

From the beginning, though, Fairbairn's mission was viewed sceptically by pastoralists, who thought the commissioner's brief was framed to find fault with them rather than the Indigenous people they complained about.

Indeed, Fairbairn soon found evidence that at least some settlers were meting out their own extrajudicial form of justice. In one of his reports to the colonial secretary, he related:

I received a report of the murder of Charles Brackle [*sic*; the victim's surname was Brackell] on the 8th instant, and as soon as the horses had a day's rest, of which they were in much need after their long journey from the Murchison, I dispatched two police and a native to the Minilia [*sic*], with instructions not to return till the murderers were arrested. Three days after the police had started, a man arrived with a letter from Messrs. Gooch and Wheelock, reporting that they had shot the native [Nanacaroo] in attempting to arrest him; also five or six others.²⁸

Fairbairn's findings won him few friends in the north. He reported that many of the pastoralists' claims about theft were exaggerated, that misuse of Aboriginal women by shepherds and teamsters was rife and that the killing of stock was related to the loss of traditional food sources due to sheep grazing.

While the new commissioner proved tenaciously conscientious in carrying out his mission, his investigations and subsequent reports received a constant stream of indignant criticism from the region's settlers, much of it appearing in the colony's newspapers. After one such criticism, Fairbairn fired off an uncharacteristically angry riposte to *The West Australian* newspaper, in which he not only asserted the veracity of his previous claims but also recounted a conversation in which a white man had allegedly suggested that the government allow settlers to give the 'natives a good dressing', as had been done at the De Grey River to the south and at Champion Bay to the north where they were 'shot right and left for sheep and cattle stealing'.²⁹

Whatever the full truth of the matter, Fairbairn's reports did little to settle the tensions and violence that continued to smoulder on either side of the long river. And while the government ostensibly supported his findings, it came under more and more pressure to act decisively in the interests of keeping the peace in the far-flung northern regions.

A FATEFUL MEETING ON THE TRACK

Meanwhile, the Redfern affair continued to fester. As part of his northern expedition, Fairbairn had looked into the death of the teamster, exhuming the body and carrying out an inquest in which the jury had little trouble establishing that the dead man had been murdered.³⁰ It is possible that this finding of the much-maligned Fairbairn provided the beleaguered colonial government with just the excuse it needed to temporarily appease the angry settlers and bring some form of order to the troubled bush.

As the crime's sole suspect, Wangabiddy—a powerfully built but ageing Aboriginal man³¹ described by the press as an 'extraordinary and most repulsive looking object'³²—was duly arrested and charged with wilful murder in early 1883, and transported to Perth for trial.

The Crown's case was brought by no lesser personage than the colony's acting attorney-general, George Leake QC. In turn, Wangabiddy's defence lawyer was the formidable Frank Mends Stone. Stone was a blue blood of the colony's legal establishment, his father having served as attorney-general on two different occasions and his older brother as the colony's chief justice. Stone himself would become a politician the following year, representing the newly delineated North Province from 1894 to 1906.

Acting as interpreter was Henry Pass, who translated for the defendant and the Aboriginal witnesses.

Gazing around the alien courtroom, the man in the dock, if the proceedings meant much to him at all, might at least have assumed that he was to be ably prosecuted and defended. Mr Pass reported that the prisoner pleaded not guilty.

During the course of that autumn day in Perth, the story emerged of what had allegedly taken place in the shadow of the distant Kennedy Ranges in May of 1882. That month, the Crown asserted, the teamster Charlie Redfern had set off from James Drummond Mackintosh's station a few kilometres from the junction of the Gascoyne and Lyons rivers. Redfern, who had been working on the station for about a year, was bound for the Gascoyne port some ten days' travel to the west, most likely transporting goods for shipping south.

Travelling in the cart with Redfern was an Aboriginal woman named Kaluman, who had also been working on the property. Mackintosh thought nothing of sending her off with his teamster, there having been no boy available to lend for the job.³³ Redfern was, according to his employer, 'a very good-tempered man, and usually got on very well with the natives'.³⁴

Redfern and Kaluman carried enough rations for the journey—mainly flour, meat, tea and sugar—as well as practical equipment, spare clothing and a few personal items. For protection, the teamster also carried a rifle, powder and shot, and a revolver with about forty cartridges.

The small party had been travelling westwards for three days when they camped on sunset for dinner at a site called Willy Willy.³⁵ It was just as the horses were being turned out for the evening that the figure of Wangabiddy emerged silently from the bush. He whispered to Kaluman

that she was wrong to desert her Aboriginal husband, Dickie, for the white teamster. 'Go and join Dickie,' Wangabiddy told her. 'I'll stay with Redfern.'

Kaluman stayed where she was until, after their meal, Redfern told her to go and bring in the horses. She walked away into the scrub, leaving Redfern and Wangabiddy alone together.

The Aboriginal woman was moving cautiously through the darkening bush when Dickie, who had been watching from the shadows, suddenly appeared silently before her. She had only just enough time to see him raise his arm before she felt a sharp pain in her leg where a spear had pierced her flesh. The wounded Kaluman fled into the night, too afraid to return to the camp.

A BLOODY DISCOVERY

As dawn approached the next day, first light revealed Wangabiddy's wife, Woodegar, and her friend, Wurry, approaching the camp where Redfern, covered with a blanket, lay still sleeping on the dirt track. The camp was silent, the horses grazing quietly nearby, the embers of the camp fire fading in the sunrise.

As the two women drew closer, however, it was clear that something was wrong. Woodegar moved cautiously nearer to the motionless teamster, who hadn't been roused by their voices. The reason was soon evident. In the half-light of dawn, she could see that Redfern's head was almost severed from his body.

Tracks in the dust around the corpse led the two women to a gully, where they came across a bloodied axe, a blanket, a revolver and some damper. From here, Woodegar and Wurry had no trouble following the footprints until, later in the day, they came upon Wangabiddy asleep in the sandhills. Nearby lay some damper, meat, tea, sugar, another blanket, a handkerchief and some beads.

According to the women, the Aboriginal man made no bones about his role in Redfern's death. While Kaluman was away, he said, the two men had argued over Wangabiddy's refusal to find a grassier place for the horses to feed that night. In the heat of the moment, Redfern had tossed off the fatal insult: 'You're a bloody fool.' Shortly afterwards the two men had prepared to sleep, Redfern pulling out his swag and laying a revolver close by. Wangabiddy, still simmering with anger over the affront and already disapproving of the white man's relationship with Kaluman, lay in the darkness plotting his revenge. Some time in the night he crept

quietly over to Redfern and, with one blow, buried Redfern's own axe in the sleeping man's neck.

The trio sitting in the sandhills fell silent, each contemplating their next moves. By now the sun was high in the sky and something would have to be done. Wangabiddy and the two women returned to the gully, where they buried the axe, a blanket, a handkerchief and some foodstuffs. Back at the scene of the crime they took the other blanket and some more beads from the cart, and walked slowly away into the quiet landscape, hiding Redfern's possessions as they went. They made no attempt to hide Redfern's body or the manner of his death.

It would be eight days before another local settler, John Edgar Sewell, stumbled on the gruesome scene. Sewell gazed with horror at Redfern's swollen body, broken jawbone and bloodstained skull. He saw that his neck had been severed with what seemed to be a sharp instrument. Sewell left the grim tableau as he found it and rode off to alert Redfern's erstwhile employer, Mackintosh.

By the time Sewell raised the alarm at the station it had been thirteen days since Redfern's departure. On hearing of his fate Mackintosh set off immediately in search of his employee's remains, and within a few days came across the now badly decomposed body of Charlie Redfern, still lying on his mattress with his head on a folded jacket, as if he had simply gone to sleep.

The station-owner buried the body near where it lay and tended to the horses, which were still hobbled in the bush nearby. The cart was empty but for a blanket and a bag with a few beads in it. Redfern's rifle, axe and stores were gone but his revolver was found lying beneath the blanket that he had pulled over himself some time before he died. Before leaving the scene Mackintosh took mental notes of the barefoot prints in the dust, then set off to share the news with Carnarvon police.

It was Constable Richard Troy who, led by Woodegar, arrived at Willy Willy to investigate. He soon found the axe where it had been buried with other possessions belonging to Redfern, including a pair of spectacles, a mirror, a box of cartridges and a pair of scissors. Not far away Troy found the gully where a towel, an old felt hat and a white handkerchief lay. Woodegar then led him a few kilometres further where, hidden in the crevice of a rock, the policeman located the last of Redfern's goods: a blanket containing two coloured handkerchiefs, two neck comforters, a velvet smoking cap and some bead necklaces.³⁶ With the witness accounts of Woodegar and Wurry and the locations of Redfern's secreted

belongings, he now had all the evidence he needed to place Wangabiddy squarely in the frame.

That August, some three months after the alleged murder, Police Sergeant Patrick Troy arrived with Commissioner Fairbairn and Mackintosh to exhume the body.

‘THE POOR WRETCH CONDEMNED’

The Crown, having established its case against Wangabiddy in close detail and supported by testimony from a number of witnesses, handed the courtroom to the accused’s defender, Frank Stone. In contrast to the prosecution’s case, the remainder of the trial would be brief.

Notwithstanding Stone’s formidable reputation and pedigree, his defence was short, almost perfunctory. There was evidence, he stated, that the two men had quarrelled, probably about the feeding of the horses and, therefore, this served as provocation for the attack. Stone argued that such provocation should lead the court towards a finding of manslaughter rather than of murder. The judge disagreed, the jury quickly returned a verdict of guilty as charged of wilful murder and Wangabiddy was sentenced to death by hanging at Rottnest Island Prison.

News of the sentence was received with satisfaction at the ports of Carnarvon and Geraldton, and soon spread inland.

There was a general feeling at the time that the executions of Aboriginal people convicted of murder would only act as deterrents if they were carried out publicly at the places where the crimes had been committed.³⁷ This sentiment had existed since the first two executions took place in the nascent Western Australian colony in 1840. Both were of Aboriginal men—Doodjeeb and Barrabong—who had been found jointly guilty of spearing a white woman to death and burning her baby alive when they set fire to a homestead south of York. The two condemned men had been transported from their trial in Perth back to York to be hanged from a tree by the blackened remains of the farmhouse. Their bodies, casually desecrated by settlers over the coming weeks,³⁸ were left there as a grim warning to other Aboriginal people. Western Australia’s third execution took place the following year when another Aboriginal man, Mendik, was hanged at the location near the Canning River where he had killed a twelve-year-old settler boy.³⁹

For most people on the northern frontier, however, there was a broad feeling that the hanging of Wangabiddy at Rottnest, while not perfect, would still serve as a deterrent. As *The West Australian* newspaper pointed out:

although the effect of the punishment of the poor wretch condemned to death might have been more dramatically telling, and, therefore, more useful, had that punishment taken place at the scene of the murder, where hundreds of blacks could have been collected to witness it, still there happens to be a very large number of Gascoyne natives—supposed to be [the] worst characters in the district—gathered together at Rottnest, who will witness the execution, and who, when eventually released, will report the occurrence to their friends. The compromise, therefore, though it does not show much strength, is open to defence, and is probably as much as can be expected ...⁴⁰

'DEATH IN ACCORDANCE WITH THE LAW'

A month went by and the day of Wangabiddy's scheduled execution arrived, but for a week the wind and rain of winter made crossing the sea from the mainland to Rottnest Island out of the question. The condemned man was held at Fremantle until the third week of June when the storm finally subsided. That Saturday afternoon the colony's sheriff and inspector of prisons J.B. Roe, some local constables and the colony's hangman started out for the island prison some twenty kilometres offshore. With them on the cutter *Will Watch* were Wangabiddy and another Aboriginal prisoner, Guerhilla, who had been sentenced to death for a murder on the Fitzroy River.

On the morning of Monday 18 June 1883, the jury arrived on the steam lighter *Amy*. By two o'clock that day the scaffold was ready and the 175 Aboriginal inmates of Rottnest Island Prison were ranged around the yard with their backs to the walls. Pensioner guards and constables manned the scaffold while the prison's wardens, armed with pistols, stationed themselves around the perimeter.

The small group of officials made their way to Wangabiddy's cell, where they found the prisoner finishing his midday meal, seemingly unaware of his imminent fate. The hangman pinioned him quickly and walked him briskly towards the centre of the yard. It was only when he began fastening the rope around Wangabiddy's neck that the prisoner gave the first sign of understanding what was about to happen. He struggled desperately above the watching eyes of the other prisoners and the guards. But there were none there that could save him.

According to one observer:

[Wangabiddy] looked about him as if seeking some means of escape, and there was a malignity in his furtive glances at those around him that

bespoke his fierce hatred of the white men, whom he had threatened, when in his district, to drive into the sea.⁴¹

At 2.30 pm the lever was pulled and Wangabiddy fell to his death. Guerhilla followed soon after, and two of the other prisoners laid the bodies in rough coffins while a brief inquest returned two verdicts of 'Death in accordance with the law'.⁴²

A Perth newspaper hoped that:

the aborigines living in the far-distant parts of the Colony may learn that the shedding of man's blood will be surely followed by the equally violent death of the murderer.⁴³

As subsequent events would prove, it was not a lesson well learned. Within less than a year another Gascoyne settler was dead, and the long arm of the law would stretch once again to the far reaches of the north-west and drag three more alleged murderers to its southern courtrooms.

ANOTHER MURDER

In March of that same year, an ex-convict by the name of Robert Grundy had been making his way eastwards from Carnarvon to look for work as a shepherd on the various sheep stations that had begun to spring up on either side of the Gascoyne River.

Grundy had arrived on a penal transport ship in 1851, having been sentenced to seven years in the far-flung Swan River Colony for larceny. After receiving a conditional pardon in 1854, the former mariner—who was literate but apparently incorrigible—was convicted of forgery and sentenced to another seven years imprisonment.⁴⁴

Now once again a free man, in his early sixties and sporting grey stubble, the balding Grundy was dressed in his usual white moleskin trousers, cotton shirt, boots and braces.⁴⁵ As always, trotting alongside him was his black-and-tan sheepdog.

Not far out of the township he joined a small group of men heading in the same direction, and for six days the little band made its way by cart along the dirt track that skirted the southern bank of the Gascoyne River. They had travelled more than one hundred kilometres when they reached Millie Millie Pool on Captain Alfred Russell's station, near the junction of the Gascoyne and Lyons rivers. It was here that Grundy shouldered his

swag once more and, with his dog by his side, set off towards the Kennedy Ranges. No white man would see him alive again.

Five days later, the old man's already badly decomposed body was discovered on the side of the track by Percy Gibbons, manager of the Gascoyne and Lyons Squatting Company, and Beewar, a young Aboriginal man who had been working for Gibbons for about a year. The two men noticed blood on Grundy's face, stomach and chest. By the old man's side, as close in death as in life, lay the body of his dog.

Beewar had known old Grundy for a long time, and had also lived among the people of this land. He peered at Grundy's body. He guessed from the wounds that the old man had died from spear thrusts to the chest and stomach and a *kylie* (boomerang) wound to the head. Someone had also speared the dog.

Beewar's eyes then scanned the broader scene. He looked closely at the telltale footprints that were scattered around the dusty bush track, and recognised at least some of them: three men called Nowaraba,⁴⁶ Gnalbee and Geeler and two women, Warrabee and Yorilba.

He and Gibbons followed the footprints until, about forty metres away, they came across another pool of blood. Beewar guessed that the old man had been felled in two places before he finally expired. The two men left the body where it was and headed off to inform police in Carnarvon.

It would be May before Magistrate Foss arrived on the scene to conduct a formal inquest into Grundy's death. The lawman's verdict was unambiguous:

... the deceased, Robert Grundy, was murdered near Millie Millie on or about the 10th March, 1884, by the Aboriginal natives Nowaraba, alias 'Big-headed Harry', and Gnalbee.⁴⁷

All that remained now was for the alleged murderers to be rounded up and for colonial law to take its course. Lance Corporals Keen and Wall, who made up Foss's escort, took care of that by arresting Nowaraba and Gnalbee on their return journey westwards. The two Aboriginal men put up 'considerable resistance'⁴⁸ and attempted to escape, but they were no match for the armed policemen. A third man, Geeler, was arrested later.

In December 1884, the three Aboriginal men from the country around the Kennedy Ranges were arraigned before a court in Geraldton, five hundred kilometres to the south.

'A DUSKY VENUS'

In the end it was Beewar's evidence that sealed the fates of the three defendants. Describing himself as Mr Gibbons' servant, Beewar told the court that he believed the men in the dock were the owners of the footprints scattered around the crime scene. Ignoring the protests of Nowaraba, Gnalbee and Geeler, the chief witness continued:

I don't know where the prisoners lived but I had seen their tracks before; I saw plenty of blackfellows' tracks but I recognised the prisoners.⁴⁹

The question now turned to motive. Why had Grundy been killed?

Warrabee and Yorilba, the two Aboriginal women whose tracks Beewar had also identified at the crime scene, now filled in the missing details about Grundy's final moments. Their tales were convoluted, sometimes contradictory, and involved an intricate web of relationships that sometimes confounded the court. What gradually became clear to the judge and jury, however, was that at some point Warrabee had made the fateful decision to join Grundy along the track. This had provoked several of the men of her tribe to anger, particularly Nowaraba.

One morning the shepherd, accompanied by Warrabee, had found himself surrounded by a group of men, led by Nowaraba, who had appeared silently out of the bush armed with spears and kylie. Grundy must have sensed the danger. According to Warrabee, she had cautioned the old man to be careful as there was resentment brewing among her people. Even so, standing there vulnerable on the open track, Grundy didn't reach for his loaded revolver—perhaps he hadn't understood the Aboriginal woman's warning, or maybe events had just moved too quickly. Whatever his reasons, Grundy now had no choice but to face the small group of armed men. He turned to Nowaraba. 'Why do you look so angry?' he asked.

Warrabee told the court what happened next. Nowaraba stared at the defenceless man before him. 'Did you take my woman?' Grundy replied simply: 'Yes, me take her.' Those were his final words. Without further warning Nowaraba speared him, with Gnalbee and Geeler quickly joining in the assault. The wounded man, bleeding from the face, neck, back and stomach, staggered away before collapsing in the dust. Then Geeler speared his dog. It was over. Within minutes the killers were once more swallowed up by the silent bush that was their home.

In the hushed Geraldton courtroom, defence counsel James Barratt made no attempt to argue the fact of murder, but said he was not convinced that the murderers were in the dock. Surely, he argued, the chief witness alone could not be believed without corroboration—particularly given her own questionable character and possible ulterior motives:

It appears to me that Warrabee was a dusky Venus, and a bone of contention amongst the natives, and possibly she was interested in getting Harry [Nowaraba] out of the way, whose woman she was.⁵⁰

In Barratt's mind there could be no certainty that the court had heard the whole truth of the matter just because a single witness had had her day in court. The prisoners themselves claimed innocence, and Barratt reminded the jury that:

[just] because a murder was committed by a native it does not follow that we are to catch hold of the first native we came across and hang him. They are subject to our laws and cannot be treated as a hostile race. But although they are subject to our laws they do not know how to defend themselves when brought before a Court of Justice and, therefore, as far as possible these laws should be allowed to operate in favour of them.⁵¹

The judge was unmoved by this argument. He explained to the jury that, while Warrabee's evidence could not be corroborated, neither could it be dismissed. Her eyewitness account combined with the identification of the accused by Beewar made a telling case for the prosecution.

The jury duly retired to consider their verdict. That consideration proved brief: in just forty-five minutes the fate of the three prisoners was sealed when the jury returned with a finding of guilty.

Nowaraba, Gnalbee and Geeler listened silently as three sentences of death were passed down. It was only when their sentences were explained to them by interpreter Henry Pass that all three vigorously protested their innocence. But by then, as every white man in the room knew, it was far too late.

'STORIES OF A REVOLTING NATURE'

When the sentences of death were passed down on the killers of Robert Grundy, one newspaper made the prescient observation that, 'in the

majority of the murders which have been committed at the Nor-West, native women have been at the bottom of them.⁵² This was certainly true of the deaths of both Redfern and Grundy.

Commissioner Fairbairn, on his earlier fact-finding mission to the Gascoyne, had himself noted allegations of sexual mistreatment of Aboriginal girls and women, and a general atmosphere of lawlessness on the part of the settlers. During his visit to the region, he'd said, 'stories were told to me of a revolting nature, by some of the principal settlers, touching on the treatment of girls of tender age by [white] men on the stations.'⁵³

Back in Perth, the Gascoyne's parliamentary member Maitland Brown had used parliament to scoff at Fairbairn's findings. It seemed to him, he said:

that the settlers on the Gascoyne and the Upper Murchison are no exception, as regards their moral relations with the native women, to other people who resided in the very centres of civilisation, not only within our own Colony, but in every part of the world where the two races are brought in contact with each other.⁵⁴

The government, he proclaimed, could not condone the 'outrages committed by these natives' by virtue of 'the simple allegation that some of the white shepherds and some of the white settlers had voluntary intercourse with the native women.'⁵⁵

Brown's point was clear: white men of the northern frontier could not be subjected to real or threatened violence just because black men didn't like their women entering into sexual relationships with white station hands, drovers and teamsters.

According to the Honourable Mr Brown, the interests of both the settlers and the Aboriginal people would be served by the establishment of a permanent police force in the region. That police force had soon arrived, and at its head was the town's first resident magistrate, Charles Foss. But if the arrival of the law was intended to bring about the end of 'voluntary intercourse' between white men and Aboriginal women, the evidence suggests that it affected matters differently.

In and around the Gascoyne, the situation of Aboriginal women now became even more precarious. With the arrival of Magistrate Foss, their men were being arrested wholesale and they found themselves and their children vulnerable in the face of this strident application of the law that

sided overwhelmingly with the growing numbers of white landowners and itinerant workers. The impact on Aboriginal social and family life was stark; in 1900 a government inspector wrote with dismay of the sight that met him on the eastern outskirts of Carnarvon:

The women, in almost every case, are less fitted for work than the men, and I hardly think make much, if anything, by prostitution ... There are a great many children about the natives' camps of all ages, amongst them being three or four half-castes. It is a great pity to see these children, black and half-caste, growing up amongst such surroundings. I fear they will become utterly useless and a curse to the country unless something is done to remove them and teach them to earn their own living.⁵⁶

A decade after the inspector's report, and twenty years after the deaths of Redfern and Grundy, the relations that occurred between some white men and Aboriginal women were, while not approved of, still widely accepted, even in more genteel quarters. Such common knowledge were they that the average Carnarvon reader was expected to easily understand what was implied in this verse by a wag from Yanyeareddy Station, printed in Carnarvon's local newspaper in 1910:

It's grand to be a publican
 In bright Carnarvon town
 When there's lots of 'lambs' to slaughter
 And a lot of thirst to drown
 It's grand to camp at Yankee Town
 And act the heavy swell
 And then go 'bardie'⁵⁷ hunting
 With a dusky little nell.⁵⁸

But it wasn't a joking matter to everyone. Seasoned police sergeant Thomas Houlihan, who had been on the job in Carnarvon for nearly five years, dismally described to the Roth royal commission on 'the condition of the natives' in 1905 his frustration in trying to protect Aboriginal women:

Another instance I know of is that of a man taking a native woman away by force. About twelve months ago a woman was taken away, and, on her man following and demanding her, the white man produced a revolver and

threatened to shoot the native. Information was laid and the white man was arrested and charged with pointing firearms. If the white man had not pointed the firearms we could not have arrested him or prevented his action in any way. Cases have come to my knowledge for years and years past where men have taken women around the country with them, and I have not power to prevent it, even when I have been complained to on the subject.⁵⁹

Houlihan's evidence was in stark contrast to that of his own resident magistrate at the same hearing. When asked whether he knew of any cases of cruelty or ill-treatment of Aboriginal people in the Gascoyne, Charles Foss merely replied: 'I consider the natives in this district are well treated, and I speak from twenty-two years' experience.'⁶⁰

A VEXED RELATIONSHIP

In January of 1885, a Geraldton newspaper reported, with palpable disappointment, that:

The three natives condemned to death for the murder of Grundy at the Gascoyne were sent to Rottneest by the last steamer. We have received no definite intelligence, but we understand that their sentences have been commuted to penal servitude for life.⁶¹

It was true enough. The fate of Nowaraba, Gnalbee and Geeler mirrored that of most of their countrymen convicted of capital crimes since the beginning of white settlement in Western Australia—Wangabiddy and Guerhilla being among the exceptions. Until the abolition of the death penalty in 1984, Aboriginal people made up around sixty percent of those sentenced to death, but four out of five subsequently had their sentences commuted to life imprisonment.⁶²

So there would be no noose for the killers of Robert Grundy. Instead, the three men would disappear from history's view into the hellhole of Rottneest Island Prison, where dysentery, influenza, measles, hard labour and floggings awaited. They made up just one more consignment to the notorious island prison that would, over time, eventually house some 3,670 Aboriginal men. Three hundred and sixty-five of them would never leave.⁶³

Along the length of the Gascoyne River, the investigations of Commissioner Fairbairn and the cases of Redfern and Grundy had

shone a light on the vexed relationship between white settlers and the Aboriginal people who were forced to watch as their ancient connection to country slipped away. As the next thirty years would show, the arrival of Magistrate Foss, under the guise of protecting both the landowners and the Indigenous people, would only hasten the ascendancy of one race and the destruction of another.